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FIRST SESSION

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Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 104^{th} CONGRESS, FIRST SESSION

SENATE—*Wednesday, January 4, 1995*

The fourth day of January being the day prescribed by House Concurrent Resolution 315 for the meeting of the 1st session of the 104th Congress, the Senate assembled in its Chamber at the Capitol, at 12 noon.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember David Marcos, assistant executive clerk in the Secretary's office, who lost his wife, Ann, last Thursday.

For there is no power but of God: The powers that be are ordained of God.—Romans 13:1.

Eternal God, sovereign Lord of history, Governor of the nations, Your word is very clear. Authority comes from God, and authority is accountable to God. As the Senate opens the 104th Congress, engrave in the hearts and minds of Your servants this transcendent truth. Help them to live their lives and do their work profoundly aware of their God-ordained responsibility.

Gracious God, grant to the Senators who are sworn in today a special sense of this profound fact, that they are here not simply because they sought the office or because the people elected them but that behind the whole process was the sovereign appointment of the Lord.

Grant them grace to fulfill the purpose for which Thou hast placed them here. Be with their families as they make the adjustments to the tough schedules and the endless hours demanded of Senators. Grant to all who serve in the Senate the gifts of love and loyalty and patience.

We pray in His name who is truth and love incarnate. Amen.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fill an unexpired term and the credentials of 33 Senators elected for 6-year terms beginning on January 3, 1995.

All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there be no objection, the reading of the above-mentioned letters and the certificates will be waived, and they will be printed in full in the RECORD.

The majority leader.

Mr. DOLE. There is no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

The documents ordered to be printed in the RECORD are as follows:

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Fred Thompson was duly chosen by the qualified electors of the State of Tennessee a Senator for the unexpired term ending at noon on the 3rd day of January, 1997 to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Al Gore, Jr.

Witness: His excellency our Governor, Ned McWherter, and our seal hereto affixed at Nashville this 2nd day of December, in the year of our Lord 1994.

By the Governor:

NED MCWHERTER,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, E. Spencer Abraham of 841 Chaseway Blvd., Auburn Hills, Michigan, 48326, was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent the State of Michigan in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, John Engler, and our seal hereto affixed at ten-thirty a.m. this seventh day of December, in the year of our Lord nineteen hundred and ninety-four.

JOHN ENGLER,
Governor.

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Daniel K. Akaka was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor, John Waihee, and our seal hereto affixed at Honolulu this 28th day of November, in the year of our Lord 1994.

By the Governor:

JOHN WAIHEE,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR UNITED STATES SENATOR FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, John Ashcroft was duly chosen by the qualified electors of the State of Missouri a Senator from said state to represent said state in the United States Senate for a term of six years, beginning on the 3rd day of January, 1995.

In testimony whereof, I hereunto set my hand and cause to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 7th day of December, 1994.

MEL CARNAHAN,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jeff Bingaman was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, Bruce King, and our seal hereto affixed on this 30th day of November, in the year of our Lord 1994.

Given under my hand and the Great Seal of the State of New Mexico in the City of Santa Fe, the Capitol, on this 30th day of November, A.D. 1994.

BRUCE KING,
Governor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

STATE OF NEVADA

To the President of the Senate of the United States:

This is to certify that at a general election held in the State of Nevada on Tuesday, the eighth day of November, nineteen hundred and ninety four, Richard H. Bryan was duly chosen by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-five.

Witness: His excellency our Governor Bob Miller, and our seal hereto affixed at Carson City this eighth day of December, in the year of our Lord nineteen hundred and ninety-four.

By the Governor:

BOB MILLER,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, A.D. 1994, Conrad Burns was duly chosen by the qualified electors of the State of Montana a Senator from said State to represent said State in the United States Senate for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof, I have hereunto subscribed my name and affixed the Great Seal of the State of Montana, at Helena, the Capital, this 6th day of December, 1994.

MARC RACICOT,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Robert C. Byrd was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor Gaston Caperton, and our seal hereto affixed at Charleston this 20th day of December, in the year of our Lord 1994.

By the Governor:

GASTON CAPERTON,
Governor.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, John H. Chafee was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His Excellency our Governor Sundlun, and our seal affixed on this 10th day of December, in the year of our Lord 1994.

BRUCE SUNDLUN,
Governor.

STATE OF NORTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Kent Conrad was duly chosen by the qualified electors of the State of North Dakota as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Edward T. Schafer, and our seal hereto affixed at Bismarck this 8th day of December, in the year of our Lord 1994.

By the Governor:

EDWARD T. SCHAFER,
Governor.

STATE OF OHIO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Mike DeWine was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor George V. Voinovich, and our seal hereto affixed at Columbus, Ohio, this 20th day of December, in the year of our Lord 1994.

GEORGE V. VOINOVICH,
Governor.

STATE OF CALIFORNIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Dianne Feinstein was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of December 1994.

PETE WILSON,
Governor of California.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Bill Frist was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, Ned McWherter, and our seal hereto affixed at Nashville this 2nd day of December, in the year of our Lord 1994.

By the Governor:

NED MCWHERTER,
Governor.

STATE OF WASHINGTON

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Slade Gorton was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In witness thereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed this 8th day of December, A.D. 1994, at Olympia, the State Capital.

MIKE LOWRY,
Governor.

STATE OF MINNESOTA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Rod Grams was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Arne H. Carlson, and our seal hereto affixed at St. Paul, Minnesota this 22nd day of November, in the year of our Lord 1994.

ARNE H. CARLSON,
Governor.

STATE OF UTAH

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Orrin Hatch was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Michael O. Leavitt, and our seal hereto affixed at the State capitol this 28th day of November, in the year of our Lord 1994.

By the Governor:

MICHAEL O. LEAVITT,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Kay Bailey Hutchison was duly chosen by the qualified electors of the State of Texas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: Her excellency our Governor, and our seal hereto affixed at Austin this 8th of December, in the year of our Lord 1994.

By the Governor:

ANN W. RICHARDS,
Governor.

STATE OF VERMONT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jim Jeffords was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Howard Dean, M.D., and our seal hereto affixed at Montpelier this 30th day of November, 1994.

HOWARD DEAN,
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred and ninety-four, Edward M. Kennedy was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-five.

Witness: His Excellency our Governor, William F. Weld, and our seal hereto affixed at Boston, this thirtieth day of November in the year of our Lord nineteen hundred and ninety-four.

By His Excellency the Governor:

WILLIAM F. WELD.

STATE OF NEBRASKA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Bob Kerrey was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth Day of December in the year of our Lord, one thousand nine hundred and ninety-four.

BEN NELSON,
Governor.

STATE OF WISCONSIN

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Herb Kohl was duly chosen by the qualified electors of the State of Wisconsin as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor Tommy G. Thompson, and our seal hereto affixed at Madison this 12th day of December, 1994.

By the Governor:

TOMMY G. THOMPSON,
Governor.

STATE OF ARIZONA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jon Kyl was duly chosen by the qualified electors of the State of Arizona as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency the Governor of Arizona, and the great seal of Arizona hereto affixed at Phoenix, the capital, this 28th day of November, in the year of our Lord, 1994.

By the Governor:

FIFE SYMINGTON,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Frank R. Lautenberg was duly chosen by the qualified electors of the State of New Jersey a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: Her excellency our Governor Christine Todd Whitman, and our seal hereto affixed at Trenton, this sixth day of December, in the year of our Lord, 1994.

By the Governor:

CHRISTINE TODD WHITMAN,
Governor.

STATE OF CONNECTICUT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred and ninety-four, Joe Lieberman was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January nineteen hundred and ninety-five.

Witness: His excellency our Governor Lowell P. Weicker, Jr., and our seal hereto affixed at Hartford, this thirtieth day of November, in the year of our Lord, 1994.

By the Governor:

LOWELL P. WEICKER, JR.,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Trent Lott was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

Done at the Capitol in the City of Jackson, this the 10th day of November, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America, the two hundred and nineteenth.

By the Governor:

KIRK FORDICE,
Governor.

STATE OF INDIANA

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred ninety-four, Richard G. Lugar was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred ninety-five.

Witness: His excellency our Governor, Evan Bayh, and our seal hereto affixed at Indianapolis, Indiana, this fifteenth day of December in the year of our Lord nineteen hundred ninety-four.

By the Governor:

EVAN BAYH,
Governor.

STATE OF FLORIDA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, A.D., 1994, Connie Mack was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1995.

Witness: His excellency our Governor, Lawton Chiles, and our seal hereto affixed at Tallahassee, this Sixteenth day of November, in the year of our Lord 1994.

By the Governor:

LAWTON CHILES,
Governor.

STATE OF NEW YORK

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Daniel Patrick Moynihan was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 1995.

Witness: His excellency our Governor, Mario M. Cuomo, and our seal hereto affixed at Albany this fourteenth day of December, in the year one thousand nine hundred ninety-four.

By the Governor:

MARIO M. CUOMO.

COMMONWEALTH OF VIRGINIA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Charles S. Robb was duly chosen by the qualified electors of the Commonwealth of Virginia a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor, George Allen, and our lesser seal hereto affixed at Richmond, this 29th day of November, in the year of our Lord 1994.

By the Governor:

GEORGE ALLEN,
Governor.

STATE OF DELAWARE

To the President of the Senate of the United States:

Be it known, an election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and ninety-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas, the official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of the said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found William V. Roth, Jr., to be the person highest in votes, and therefore duly elected Senator of and for the said State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

I, Thomas R. Carper, Governor, do therefore, according to the form of the Act of the

General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said William V. Roth, Jr., the person highest in votes at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the 15th day of December in the year of our Lord one thousand nine hundred and ninety-four and in the year of the Independence of the United States of America the two hundred and nineteenth.

By the Governor:

THOMAS R. CARPER,
Governor.

COMMONWEALTH OF PENNSYLVANIA

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Rick Santorum was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor Robert P. Casey, and our seal hereto affixed at Harrisburg this twenty-second day of December, in the year of our Lord, 1994.

By the Governor:

ROBERT CASEY,
Governor.

STATE OF MARYLAND

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Paul S. Sarbanes was duly chosen by the qualified voters of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, William Donald Schaefer, and our seal hereto affixed at the City of Annapolis, this 7th day of December, in the Year of Our Lord, One Thousand, Nine Hundred and Ninety-four.

WILLIAM DONALD SCHAEFER,
Governor.

STATE OF MAINE

Greeting: Know Ye, That Olympia J. Snowe of Auburn in the County of Androscoggin on the eighth day of November, in the year One Thousand Nine Hundred and Ninety-Four, was chosen by the electors of this State, a United States Senator in the One Hundred Fourth Congress of the United States of America to represent the State of Maine in the United States Senate, for the term of six years, beginning on the third day of January, in the year nineteen hundred and ninety-five.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this first day of December in the year One Thousand Nine Hundred and Ninety-Four.

JOHN R. MCKERNAN, JR.,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Craig Thomas was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor Mike Sullivan, and our seal hereto affixed at Cheyenne this 7th day of December, in the year of our Lord 1994.

MIKE SULLIVAN,
Governor.

CALIFORNIA ELECTION CONTEST

Mr. DOLE. Mr. President, prior to the Chair asking that the Senators-elect present themselves to take their oath of office, I would like to address the Senate briefly on a petition submitted on behalf of Michael Huffington, who was a candidate for U.S. Senator from California. The petition contests the election of the Senator-elect from California [Mrs. FEINSTEIN], asserting that there were irregularities and fraud in that election. The petition asks that if Senator FEINSTEIN is seated, as will occur, the seating be without prejudice to the ultimate determination of the election contest.

Election petitions are submitted to the Senate pursuant to the Senate's power, under article I, section 5, clause 1 of the Constitution, to "be the judge of the elections, returns, and qualifications of its own members." Under rule 25 of the Standing Rules of the Senate, petitions concerning contested elections shall be referred to the Committee on Rules and Administration, and that shall be done with Mr. Huffington's petition. It shall be the responsibility of the Rules Committee to determine what procedures should be followed in considering the merits of Mr. Huffington's election contest, and whether a recommendation should be made to the Senate about its disposition.

With respect to the swearing in that will follow, the petition asks that we consider at this time the narrower question whether the oath should be administered to Senator FEINSTEIN without prejudice to the election petition. At the convening of the 103d Congress, Senator Mitchell and I addressed the Senate on how that question has been viewed in previous election contests. In the course of our remarks, we particularly relied on the analysis of a predecessor of ours as majority leader, Senator Robert Taft of Ohio. Our full remarks, and a reprinting of remarks delivered by Senator Taft in 1953, are set forth in the RECORD for January 5, 1993. I shall not repeat all that has been said previously, but the essential point is as follows.

The oath that will be administered to Senator FEINSTEIN, just as the oath that will be administered to all other Senators-elect, will be without prejudice to the Senate's constitutional power to be the judge of the election of its members. In the words of Senator Taft in 1953,

> If a Senator takes the oath, I do not believe that the fact changes the basis of the vote, or the percentage of the vote required, which is determined by the character of the case, rather than by anything done at the time the oath is administered.

As I stated to the Senate 2 years ago, "In effect we are all sworn in 'without prejudice.'"

Just as the Senate retains its full power to judge the election in California and all other Senate elections, the pendency of an election contest does not diminish the effect of the oath that will now be administered. As I also expressed to the Senate at the opening of the last Congress, "All Senators sworn in today are Senators in every sense of the word."

Nevertheless, as Senator Mitchell told the Senate 2 years ago, the making of this statement prior to the swearing in of a challenged Senator-elect serves the purpose of acknowledging formally that the Senate has received an election petition and that it will review the petition in accordance with its customary procedures.

SWEARING IN OF SENATORS

Mr. DASCHLE. Mr. President, I would like to state my concurrence with the basic proposition stated today that the administration of the oath to Senator-elect FEINSTEIN will not prejudice in any way the Senate's constitutional power to judge the California election. Neither will the pendency of Mr. Huffington's petition diminish in any way the effect of the oath that will now be administered to Senator FEINSTEIN. I join in the observation by Senator DOLE and shared by previous Senate leaders that all Senators sworn in today are Senators in every sense of the word.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, and Mr. BINGAMAN.

These Senators, escorted by former Senator Griffin and Mr. LEVIN, Mr. INOUYE, Mr. BOND, and Mr. DOMENICI, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. BRYAN, Mr. BURNS, Mr. BYRD, and Mr. CHAFEE.

These Senators, escorted by Mr. REID, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. PELL, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. CONRAD, Mr. DEWINE, Mrs. FEINSTEIN, and Mr. FRIST.

These Senators, escorted by Mr. DORGAN, Mr. GLENN, Mrs. BOXER, and former Senator Baker, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. GORTON, Mr. GRAMS, Mr. HATCH, and Mrs. HUTCHISON.

These Senators, escorted by Mrs. MURRAY, Mr. DURENBERGER, Mr. BENNETT, and Mr. GRAMM, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. JEFFORDS, Mr. KENNEDY, Mr. KERREY, and Mr. KOHL.

These Senators, escorted by Mr. LEAHY, Mr. KERRY, Mr. EXON, and Mr. FEINGOLD, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. KYL, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LOTT.

These Senators, escorted by Mr. MCCAIN, Mr. BRADLEY, Mr. DODD, and Mr. COCHRAN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. LUGAR, Mr. MACK, Mr. MOYNIHAN, and Mr. ROBB.

These Senators, escorted by Mr. COATS, Mr. GRAHAM, Mr. D'AMATO, and Mr. WARNER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, and Ms. SNOWE.

These Senators, escorted by Mr. BIDEN, Mr. SPECTER, Ms. MIKULSKI, and Mr. COHEN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. THOMAS and Mr. THOMPSON.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. SIMPSON and Mr. Baker, respectively, advanced to the desk of the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

Alabama.—HOWELL HEFLIN and RICHARD SHELBY. Alaska.—TED STEVENS and FRANK H. MURKOWSKI. Arizona.—JOHN MCCAIN and JOHN KYL. Arkansas.—DALE BUMPERS and DAVID H. PRYOR. California.—DIANNE FEINSTEIN and BARBARA BOXER. Colorado.—HANK BROWN and BEN NIGHTHORSE CAMPBELL. Connecticut.—CHRISTOPHER J. DODD and JOSEPH I. LIEBERMAN. Delaware.—JOSEPH R. BIDEN, Jr. and WILLIAM V. ROTH, Jr. Florida.—BOB GRAHAM and CONNIE MACK. Georgia.—SAM NUNN and PAUL COVERDELL. Hawaii.—DANIEL K. INOUYE and DANIEL K. AKAKA. Idaho.—LARRY E. CRAIG and DIRK KEMPTHORNE. Illinois.—PAUL SIMON and CAROL MOSELEY-BRAUN. Indiana.—RICHARD G. LUGAR and DAN COATS. Iowa.—CHARLES E. GRASSLEY and TOM HARKIN. Kansas.—BOB DOLE and NANCY LANDON KASSEBAUM. Kentucky.—WENDELL H. FORD and MITCH MCCONNELL. Louisiana.—J. BENNETT JOHNSTON and JOHN B. BREAUX. Maine.—WILLIAM S. COHEN and OLYMPIA J. SNOWE. Maryland.—PAUL S. SARBANES and BARBARA MIKULSKI. Massachusetts.—EDWARD M. KENNEDY and JOHN F. KERRY. Michigan.—CARL LEVIN and SPENCER ABRAHAM. Minnesota.—PAUL D. WELLSTONE and ROD GRAMS. Mississippi.—THAD COCHRAN and TRENT LOTT. Missouri.—CHRISTOPHER S. BOND and JOHN ASHCROFT. Montana.—MAX BAUCUS and CONRAD R. BURNS. Nebraska.—J. JAMES EXON and J. ROBERT KERREY. Nevada.—HARRY REID and RICHARD BRYAN. New Hampshire.—BOB SMITH and JUDD GREGG. New Jersey.—BILL BRADLEY and FRANK LAUTENBERG. New Mexico.—PETE V. DOMENICI and JEFF BINGAMAN. New York.—DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO. North Carolina.—JESSE HELMS and LAUCH FAIRCLOTH. North Dakota.—KENT CONRAD and BYRON L. DORGAN. Ohio.—JOHN GLENN and MIKE DEWINE. Oklahoma.—DON NICKLES and JAMES M. INHOFE. Oregon.—MARK O. HATFIELD and BOB PACKWOOD. Pennsylvania.—ARLEN SPECTER and RICK SANTORUM. Rhode Island.—CLAIBORNE PELL and JOHN H. CHAFEE. South Carolina.—STROM THURMOND and ERNEST F. HOLLINGS. South Dakota.—LARRY PRESSLER and THOMAS A. DASCHLE. Tennessee.—FRED THOMPSON and WILLIAM H. FRIST. Texas.—PHIL GRAMM and KAY BAILEY HUTCHISON. Utah.—ORRIN G. HATCH and ROBERT F. BENNETT. Vermont.—PATRICK J. LEAHY and JAMES JEFFORDS. Virginia.—JOHN W. WARNER and CHARLES S. ROBB. Washington.—SLADE GORTON and PATTY MURRAY. West Virginia.—ROBERT C. BYRD and JOHN D. ROCKEFELLER IV. Wisconsin.—HERB KOHL and RUSSELL D. FEINGOLD. Wyoming.—ALAN K. SIMPSON and CRAIG THOMAS.

The VICE PRESIDENT. The majority leader is recognized.

The Senate will be in order.

Mr. DOLE. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Members having conversations are asked to cease their conversations or retire to the Cloakroom.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Pursuant to Senate Resolution 1, the Chair appoints the Senator from Kansas [Mr. DOLE], and the Senator from South Dakota [Mr. DASCHLE] as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The Democratic leader.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

The VICE PRESIDENT. Without objection, the motion to reconsider is laid upon the table. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 2) reads as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from Mississippi.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. COCHRAN. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 3) reads as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

ELECTION OF THE HONORABLE STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 4) to elect the Honorable STROM THURMOND, of the State of South Carolina, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 4) reads as follows:

Resolved, That the Honorable Strom Thurmond, a Senator from the State of South Carolina, be and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senator BYRD be added a cosponsor of the resolution just adopted.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. COCHRAN. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) notifying the President of the United States of the election of a President pro tempore.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 5) reads as follows:

Resolved, That the President of the United States be notified of the election of the Honorable STROM THURMOND, a Senator from the State of South Carolina, as President pro tempore.

ELECTING SHEILA BURKE AS THE SECRETARY OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 6) electing Sheila Burke as Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) reads as follows:

Resolved, That Sheila P. Burke, of California, be and she is hereby elected Secretary of the Senate, beginning January 4, 1995.

ELECTING HOWARD O. GREENE, JR., AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 7) electing Howard O. Greene, Jr., as Sergeant at Arms and Doorkeeper of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) reads as follows:

Resolved, That Howard O. Greene, Jr., of Delaware, be and he is hereby elected Sergeant at Arms and Doorkeeper of the Senate beginning January 4, 1995.

ELECTING ELIZABETH B. GREENE AS THE SECRETARY OF THE MAJORITY OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 8) electing Elizabeth B. Greene as secretary of the majority of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 8) reads as follows:

Resolved, That Elizabeth B. Greene, of Virginia, be and she is hereby elected Secretary for the Majority, beginning January 4, 1995.

NOTIFICATION TO THE PRESIDENT

Mr. DOLE. Mr. President, I send to the desk a resolution and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the President of the United States of the election of a Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 9) reads as follows:

Resolved, That the President of the United States be notified of the election of the Honorable Sheila P. Burke, of California, as Secretary of the Senate.

ADMINISTRATION OF OATH TO SENATOR STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 104TH CONGRESS

The VICE PRESIDENT. The President pro tempore will be escorted to the desk for the oath of office by the President pro tempore, the Senator from West Virginia [Mr. BYRD].

The President pro tempore, escorted by Senator BYRD, advanced to the desk of the Vice President; the oath was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

ADMINISTRATION OF OATH TO THE SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The Secretary of the Senate will be escorted to the desk for the oath of office.

The Honorable Sheila Burke, escorted by the Honorable Martha Pope, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to her by the President pro tempore.

[Applause, Senators rising.]

ELECTING C. ABBOTT SAFFOLD AS THE SECRETARY FOR THE MINORITY

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:.

A resolution (S. Res. 10) electing C. Abbott Saffold as the Secretary for the Minority of the Senate.

Mr. DASCHLE. Mr. President, with great pleasure I announce the selection of Ms. Abby Saffold as Secretary for the Minority.

There could not be a better or more qualified person for this position. It is a position that demands patience, wisdom, and instinct, as well as dedication and an incredibly high degree of competence. It demands the ability to work and to look after the interests of 47 of the most demanding people in the country. And it demands a deep and broad knowledge of the workings of the U.S. Congress.

Ms. Saffold meets these requirements and more. As former Senate Majority Leader George Mitchell stated, "to know Abby is a pleasure. To work with her is a delight."

Ms. Saffold is a congressional veteran. On the House side, she worked for Representatives William Scott and Lloyd Meeds. On the Senate side, she has worked for Senate giants, including Gaylord Nelson, Birch Bayh, ROBERT C. BYRD, and George Mitchell. She has served on important Senate committees, including the Senate Judiciary and Appropriations Committees. And she was outstanding as manager of the floor staff for the Senate Democratic Policy Committee.

In April, 1987, Ms. Saffold became the first woman of either party to serve as secretary for the majority.

In this position, she demonstrated that she is highly skilled as a legislative strategist, highly adept in running the Cloakroom, and highly talented in helping Senators do their best in a system that sometimes is troubling and too often frustrating. Ms. Saffold is all that a party leader could ask for in this demanding position—and more.

I have read of the time when Senate Majority Leader Howard Baker held up a Senate debate while Ms. Saffold completed negotiating the legislative timetable with his staff. The Republican majority leader, for the RECORD, explained: "We're just here waiting for Abby."

Mr. President, I have no doubt that, as the Democratic leader, I will be even more dependent on Ms. Saffold. I am delighted to have her serving as secretary to the minority.

I thank my colleagues for electing Ms. Saffold to the position, and I thank Ms. Saffold for accepting it.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 10) reads as follows:

Resolved, That C. Abbott Saffold be and she is hereby elected Secretary for the Minority of the Senate, beginning January 4, 1995.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

Mr. FORD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 11) notifying the House of Representatives of the election of a President pro tempore of the U.S. Senate.

The PRESIDENT pro tempore. Without objection the resolution is agreed to.

The resolution (S. Res. 11) reads as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore of the Senate.

Mr. FORD. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF SHEILA BURKE AS SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 12) notifying the House of Representatives of the election of Sheila Burke as Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 12) reads as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Sheila P. Burke, of California, as Secretary of the Senate.

The PRESIDENT pro tempore. The majority leader is recognized.

AMENDING RULE XXV

Mr. DOLE. Mr. President, I send a resolution to the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 13) amending rule XXV.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 13) reads as follows:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Finance, and the Committee on the Judiciary, may, during the One Hundred Fourth Congress, also serve as member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A RESOLUTION AMENDING PARAGRAPH 2 OF RULE XXV

Mr. DOLE. Mr. President, I send a resolution to the desk and ask that it be read by title.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of Rule XXV.

The PRESIDENT pro tempore. Is there objection to consideration of the resolution?

Mr. HARKIN. Mr. President, reserving the right to object, I ask unanimous consent that when the resolution is considered today that I be permitted to offer an amendment to it today. My amendment makes changes in rule 22 and the majority leader is aware of this.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDENT pro tempore. Is there objection? Hearing none, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The distinguished majority leader.

Mr. DOLE. Mr. President, I share the view expressed by the Senator from Iowa, and I ask unanimous consent now that the resolution be laid aside until the conclusion of routine morning business later today, and then we can proceed.

The PRESIDENT pro tempore. Without objection, so ordered.

Mr. DOLE. Mr. President, let me further state that the purpose of the resolution is to set the size of committees, and it is this resolution that the Senator from Iowa has chosen to amend. That will be debated later on this afternoon.

A RESOLUTION MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 15) making majority party appointments to certain Senate committees for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 15) reads as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne, Mrs. Hutchison, Mr. Inhofe, and Mr. Santorum.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Shelby, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, and Mr. Frist.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Mr. Packwood, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison, Ms. Snowe, and Mr. Ashcroft.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. Simpson, Mr. Pressler, Mr. D'Amato, Mr. Murkowski, and Mr. Nickles.

Committee on the Judiciary: Mr. Hatch, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Brown, Mr. Thompson, Mr. Kyl, Mr. DeWine, and Mr. Abraham.

Committee on Labor and Human Resources: Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Ashcroft, Mr. Abraham, and Mr. Gorton.

TO MAKE MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES UNDER PARAGRAPH 2 OF RULE XXV FOR THE ONE HUNDRED AND FOURTH CONGRESS

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) to make minority party appointments to Senate committees under paragraph 2 of rule XXV for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 16) reads as follows:

Resolved, That the following shall constitute the minority party's membership on the standing committees for the One Hundred and Fourth Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy, Mr. Pryor, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (NE).

Committee on Appropriations: Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Leahy, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kerrey (NE), Mr. Kohl, and Mrs. Murray.

Committee on Armed Services: Mr. Nunn, Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Byrd, Mr. Robb, Mr. Lieberman, and Mr. Bryan.

Committee on Banking, Housing, and Urban Affairs: Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mrs. Boxer, Mr. Campbell, Ms. Moseley-Braun, and Mrs. Murray.

Committee on Commerce, Science, and Transportation: Mr. Hollings, Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Rockefeller, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Dorgan.

Committee on Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, and Mr. Campbell.

Committee on Environment and Public Works: Mr. Baucus, Mr. Moynihan, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, and Mrs. Boxer.

Committee on Finance: Mr. Moynihan, Mr. Baucus, Mr. Bradley, Mr. Pryor, Mr. Rockefeller, Mr. Breaux, Mr. Conrad, Mr. Graham (FL), and Ms. Moseley-Braun.

Committee on Foreign Relations: Mr. Pell, Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mr. Robb, Mr. Feingold, and Mrs. Feinstein.

Committee on Governmental Affairs: Mr. Glenn, Mr. Nunn, Mr. Levin, Mr. Pryor, Mr. Lieberman, Mr. Akaka, and Mr. Dorgan.

Committee on the Judiciary: Mr. Biden, Mr. Kennedy, Mr. Leahy, Mr. Heflin, Mr. Simon, Mr. Kohl, Mrs. Feinstein, and Mr. Feingold.

Committee on Labor and Human Resources: Mr. Kennedy, Mr. Pell, Mr. Dodd, Mr. Simon, Mr. Harkin, Ms. Mikulski, and Mr. Wellstone.

TO AMEND PARAGRAPH 4 OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. DASCHLE. Mr. President, I send a second resolution to the desk and ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

To amend paragraph 4 of rule XXV of the Standing Rules of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 17) reads as follows;

Resolved, That paragraph 4 of the Rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees list in paragraph 2.

"(4) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(7) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Armed Services and the Committee on Environment and Public Works may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

UNANIMOUS-CONSENT REQUESTS

Mr. LOTT. Mr. President, the following unanimous-consent requests are those of the standing orders, the setting of the leader's time each day which are obtained at the beginning of each Congress, governing the day-to-day activity. As in the past these consents have been cleared with the minority leader.

Therefore, I send to the desk 11 unanimous-consent requests and ask for their immediate consideration en bloc and that the motions to reconsider be laid upon the table.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 104th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposes amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The unanimous-consent agreements were agreed to en bloc as follows:

UNANIMOUS-CONSENT AGREEMENTS

Select Committee on Ethics: Senate agreed that, for the duration of the 104th Congress, the Select Committee on Ethics be authorized to meet during the session of the Senate.

Time for Rollcall Votes: Senate agreed that, for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Authority to Receive Reports: Senate agreed that, during the 104th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Recognition of Leadership: Senate agreed that the majority and minority leaders may daily have up to 10 minutes on each calendar day following the prayer and disposition of the reading, or the approval of, the Journal.

House Parliamentarian Floor Privileges: Senate agreed that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress.

Printing of Conference Reports: Senate agreed that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Authority for Appropriations Committee: Senate agreed that the Committee on Appropriations be authorized during the 104th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend Rule XVI, pursuant to Rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendment shall be printed.

Authority for Corrections in Engrossment: Senate agreed that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Authority to Receive Messages and Sign Enrolled Measures: Senate agreed that, for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States and, with the exception of House bills, joint resolutions, and concurrent resolutions-messages from the House of Representatives, that they be appropriately, and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Privileges of the Floor: Senate agreed that, for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Referral of Treaties and Nominations: Senate agreed that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

APPOINTMENT OF MICHAEL DAVIDSON AS SENATE LEGAL COUNSEL

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 18) relating to the reappointment of Michael Davidson as Senate legal counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 18) reads as follows:

Resolved, That the reappointment of Michael Davidson to be Senate Legal Counsel made by the President pro tempore of the Senate this day is effective as of January 3, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

COMMITTEE FUNDING

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) sense of the Senate relative to committee funding.

Mr. BYRD. Mr. President, I object to the consideration of this resolution at this time.

The PRESIDENT pro tempore. Under the rules, the resolution will go over.

MAJORITY PARTY APPOINTMENTS FOR CERTAIN SENATE COMMITTEES

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 20) making majority party appointments for certain Senate committees for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 20) reads as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, and Mr. Warner.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Gramm, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, Mr. Burns, Mr. Shelby, Mr. Jeffords, Mr. Gregg, and Mr. Bennett.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ACTION ON SENATE RESOLUTION 19 VITIATED

Mr. LOTT. Mr. President, I ask unanimous consent that action on Senate Resolution 19 be vitiated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate do stand in recess until 2:15; and that at that time, following the leaders' time, there be a period for morning business not to exceed 1½ hours under the control of the majority, to be followed by 1 hour under the control of the minority, 20 minutes specifically for the Senator from West Virginia [Mr. BYRD], with Senators permitted to speak therein for not more than 10 minutes each, with the exception of Senator BYRD who will have the 20 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 1:07 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KEMPTHORNE).

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the previous unanimous-consent request with regard to allocation of time this afternoon be changed to reflect 1 hour and 20 minutes on the majority side and 1 hour and 20 minutes on the minority side, with 20 minutes of the minority side specifically allocated to the Senator from West Virginia [Mr. BYRD].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with the first hour and 20 minutes under the control of the majority leader with Senators permitted to speak therein for up to 10 minutes each.

Mr. DOLE. Leaders' time was reserved, is that correct?

The PRESIDING OFFICER. The majority leader retains his leader time as well.

SALUTE TO STROM THURMOND

Mr. DOLE. Mr. President, the Framers of the Constitution in 1787 set down only a handful of rules to govern the procedures of Congress. Among them was a provision stating that the Senate could choose its own officers, including a President pro tempore, who would preside in the absence of the Vice President.

And as we begin a new session of Congress, we also begin another chapter in the remarkable life of the colleague who returns today to the position of President pro tempore of the U.S. Senate, Senator STROM THURMOND.

Senator THURMOND's public service career is well known. While some have suggested that he actually attended the Constitutional Convention in 1787, Senator THURMOND's political career actually began 62 short years ago, when he was elected to the South Carolina State senate.

Six years in the State senate, 4 years as a judge, 4 years in the military, where he piloted a glider behind enemy lines on D-day, 4 years as Governor of South Carolina, and 40 years in the U.S. Senate, add up to nearly 60 years of service.

The hallmark of Senator THURMOND'S career is much more than just longevity. It is also effectiveness. As the Almanac of American Politics" states, Senator THURMOND decides where he wants to go, figures out how to get there, and then does it.

As chairman or ranking member of the Judiciary Committee for a dozen years, Senator THURMOND saw the need for a war against crime and drugs long before other politicians jumped on board.

And as the new chairman of the Armed Services Committee, Senator THURMOND will continue his lifelong commitment to keeping America strong.

On behalf of all Republican Senators, I want to express to Senator THURMOND our admiration and respect, and tell him how delighted we are to have him once again serving as President pro tempore.

SALUTE TO SHIRLEY FELIX

Mr. DOLE. Mr. President, as Members of this Chamber know, the Senate lost a devoted employee and many of us lost a cherished friend when Shirley Felix passed away on December 13, 1994.

As banquet manager for the U.S. Senate for the last 20 years, Shirley worked closely with the leadership offices, and with the offices of almost every Senator.

Once you began working with Shirley, it did not take you long to realize that she was a true professional. She knew how to get the job done right, and she did it with a friendly and caring attitude.

Shirley's hours were often long, and the pressures of organizing important events were often great, but Shirley somehow never seemed to lose her good humor.

Just as Shirley was loved on Capitol Hill, she was also loved by her family. I know I speak for all Members of the Senate in extending our sympathies to her husband, James; her mother, Mrs. Rebecca Plummer; her 6 sons, her 12 grandchildren, and her many other family members and friends.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

TO AMEND SENATE RESOLUTION 338

Mr. HELMS. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 21) to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

ORDER OF PROCEDURE

Mr. HELMS. I now ask unanimous consent that it be in order for me to send seven bills to the desk and that they be deemed to have been read the first time, and that my request for the second reading be deemed to have been objected to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I send the documents to the desk as stated.

One final thing, Mr. President. I send to the desk statements to accompany all eight pieces of legislation and ask that they appear in the RECORD in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HELMS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS. I thank the Chair. I thank the distinguished majority leader. I am happy to call him that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Will the Senator withhold?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATIONS TO SPEAKER OF THE HOUSE GINGRICH AND OTHERS

Mr. DOLE. Mr. President, let me say first of all that having served in the House for 8 years, in the other body for 8 years, a long time ago, I have just come from the House floor where I have had the privilege of seeing something that I did not think might ever happen, where we have a Republican Speaker of the House of Representatives.

I say to my Democratic friends as well that I think after 40 years, everybody would be fairly happy. We waited a long, long time. So I wish to congratulate Speaker GINGRICH and Minority Leader GEPHARDT and the others on the House side who have tremendous responsibilities as we begin the 104th Congress.

But I must say that as I sat there and thought about the days I was there in the sixties, in 1961 through 1968, and thought about all that has happened since and all that happened during those 8 years, even the fact that, in the Senate, it probably does not create the excitement—even within this Senator—that we feel for the House after all of those years.

So I salute my colleagues in the House and I wish them every success.

CONGRATULATIONS TO SENATOR DASCHLE

Mr. DOLE. Mr. President, I also wish to congratulate Senator DASCHLE, the Democratic leader. I have said many times if we are going to make this place work, as the American people expect us to make this place work, knowing that sometimes there will be differences, sometimes politics will creep in—politics is highly competitive and should be—but it should be based on ideas and what may be best for the country.

But for the Senate to operate, leaders have to work together. I look forward to working with Senator DASCHLE. We have known each other for a long time. We are from the same part of the country, I from Kansas and he from South Dakota. And we have many things in common. Our relationship has to be based on trust. There cannot be any surprises. The majority leader has the advantage because he has priority of recognition. I will not permit any surprises, and Senator DASCHLE has indicated the same.

I had such relationships with Senator MITCHELL and Senator BYRD. In fact, I talked to Senator MITCHELL this morning about 11:10 a.m. I said: "George, you have 50 minutes left. Is there anything you want me to do?" We were good friends and we worked well together, as I did with Senator BYRD.

I learned a lot from Senator BYRD. I decided a long time ago never to argue about the rules with Senator BYRD, because you will lose. He wrote most of them, and he defined others; he has modified others. In fact, I asked him a question this morning. I said, "Robert, it is not necessary when you send an amendment to the desk to ask for its immediate consideration, is it?" He said, "No, you just send an amendment to the desk." I thought I knew that. But I wanted to make certain that I understood it. Again, Senator BYRD provided that information. I am certain Senator DASCHLE will continue that tradition.

CONGRATULATIONS TO THE NEW REPUBLICAN SENATORS

Mr. DOLE. Mr. President, I also want to congratulate the 11 new Republican Senators who were elected in November. I thank them and all my Republican colleagues for their support in electing me as Senate majority leader.

But even more importantly, on behalf of all of us elected to serve, I thank the American people for their trust and their calling us to task. America has reconnected us with the hopes for a nation made more free by demanding a Government that is more limited. Reining in our Government will be my mandate, and I hope it will be the purpose and principal accomplishment of the 104th Congress.

It was nearly 206 years ago when the First Congress met in New York City. Much of their work was devoted to writing the Bill of Rights—the first 10 amendments to our Constitution.

The 10th of those amendments reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

I might say I think we need to focus on the 10th amendment. So I intend to place it in the RECORD at least once a week with a brief statement so that anybody who reads the RECORD, anybody watching C-SPAN, or my colleagues, may understand the importance of the 10th amendment and how far we have strayed from it.

Federalism is an idea that power should be kept close to the people. It is the idea on which our Nation was founded. But there are some in Washington—perhaps fewer this year than last—who believe that neither our States nor our people can be trusted with power. Federalism has given way to paternalism—with disastrous results.

If I have one goal for the 104th Congress, it is this: That we will dust off the 10th amendment and restore it to its rightful place in the Constitution.

Senate bill No. 1 will be step number 1: Legislation to end unasked for and unfunded Federal mandates on States and cities and communities across America. And I am honored the Presiding Officer at this moment is Senator KEMPTHORNE from Idaho and former mayor of Boise, ID, who has been leading the effort since day one, since his first day on the Senate floor, working with Governors, our colleagues on both sides of the aisle, our colleagues in the House, mayors, and county commissioners all across America, because we know what Federal mandates—and he knows better than most, coming here as a mayor—have cost our cities and how they have bankrupted our cities and States.

So, along with many other Senators, Senator KEMPTHORNE has done yeoman's work in preparing this legislation.

We are going to have hearings tomorrow. We are serious about this. We promised the American people if they gave us the majority we will do certain things, and we are about to do certain things that we think are right—not necessarily partisan, but right. We hope to bring these things to the floor very soon.

I spoke this morning with the Senator from Idaho, and he will be prepared, I hope, early next week.

We wish to demonstrate quickly, whatever the message may have been on November 8, 1994—and there were a lot of messages—I think one message was to take a look at the 10th amendment. Maybe people did not think about it when they voted. But give America back to the people, give it back to the States, give it back to the local communities. What is wrong with that?

We do not have all of the answers in Washington, DC. Why should we tell Idaho, or the State of Kansas, or the State of South Dakota, or the State of Oregon, or any other State, that we are going to pass this Federal law and we are going to require that you do certain things, but we are not going to send you any money. So you raise the taxes in the local communities or in the States. You tax the people, and when they complain about it, say, well, we cannot help it because the Federal Government passed this mandate. So we are going to continue our drive to return power to our States and our people throughout the 104th Congress.

We will roll back Federal programs, laws, and regulations from A to Z, from Amtrak to zoological studies, working our way through the alphabet soup of Government. What will be our guide? Our guide is going to be simply this: Is this program a basic function of a limited Government? Or is it another example of how Government has lost faith in the judgments of our people and the potential of our markets? That is the test.

I believe that more often than not the answer will justify less Federal involvement, fewer Federal rules and regulations, a reduction in Federal spending, and more freedom and opportunity for our States and our citizens—again getting back to the 10th amendment.

Part of what has allowed Government to become so cavalier with power has been its ability to exclude itself from the dictates we impose on the American people—we, the Congress. So what are we going to do? This is going to be bill No. 2. This will end with the passage of Senate bill No. 2, an effort led by Senator GRASSLEY, a Republican, and Senator LIEBERMAN, a Democrat. We have a counterpart led by Republicans and Democrats in the House, particularly Congressman SHAYS from Connecticut. I can think of no better protection for the private citizens and private enterprise than the constant prospect for Members of Congress that we will have to live under the rules we inflict on everyone else. So if a law is going to apply to some small businessman in Idaho, Oregon, Kansas, North Carolina, wherever, it is also going to apply to Congress. Maybe when it applies to Congress, we will understand why so many people write and complain to us about this law or that law. Do not misunderstand me, some laws we pass are certainly beneficial. The Government does a lot of good things, so do not misunderstand me. But why should we not live under the same laws you live under? That is bill No. 2.

In the same spirit, we are also going to propose and pass legislation to protect the rights of private property owners, and to cut the tangle of red tape forced upon our small businessmen and women. Property rights. Again, it was initiated by the Senator from Idaho, Senator Symms, who served here with distinction for years; it was his idea. When Steve Symms left the Senate voluntarily, he passed it on to me, and I have worked with my colleagues, Senator GRAMM and others, on this side of the aisle and, again, the Presiding Officer, the Senator from Idaho, and a number of others, and we believe in it. It is important in urban and rural areas all across America.

Incidentally, it was said by someone who should know better last year that America's small businessmen and women were getting a free ride from American society. That statement was not made by a politician, so do not read anything into it. It was somebody that should have known better. Let me set the record straight. The engine of American society is America's small business. Small business provides the jobs, the competition, and the spark for progress that is the very essence of democratic capitalism. It is small business that carries America—not the other way around.

Mr. President, Republicans also believe that our country's increasingly desperate fight against crime is an area where more freedom is needed at the State level.

Today we will introduce, under Senator HATCH's leadership, Senate bill 3, a crime bill that will free States and cities to decide for themselves how to spend much of the $8 billion in law enforcement funds appropriated last year. It will eliminate the wasteful social spending programs included in last year's so-called crime bill.

Perhaps most important, the crime bill we introduce today will begin our effort to restore the freedom from fear we knew in the America of our youth. In my hometown of Russell, KS, when I was growing up, we did not lock our doors at night. Nobody did. You left your keys in your car. Even in towns the size of mine in this day and age you do not do that anymore. So somehow that has been lost to the children growing up in America today. We will, without apology, remove from society those who are tearing it apart with casual violence and a new chilling disregard for human life. Our crime bill will impose mandatory minimum sentences on those who use guns in the commission of a crime and make certain there are jails there to lock them up.

And in the next session we will cut taxes. Under Senator PACKWOOD's leadership, the Finance Committee will produce, as a top priority, a tax cut that will let families keep more of their own money to invest in their own children and in their own future, instead of siphoning it up, giving it to Washington, and sending it back in some program that may or may not work.

There seems to be a growing bipartisan consensus that taxes must be cut, which Republicans welcome, and which encourages me to believe the Senate can act quickly. The President's recent comments indicate he is ready to sign such a bill. But I strongly object to the President's insistence on labeling America by "class." I do not think we ought to divide Americans into economic groups competing one against the other for the favors of the Government. Rather, we must lead by instilling hope and restoring freedom and opportunity for all of our people. No more of the class warfare. It does not work.

By cutting people's taxes we will reduce the Government's take of their wages—worthy unto itself. But if tax cuts are to have the effect of limiting Government and providing for long-term prosperity, then they also must be matched by real cuts, real cuts in Government spending.

This, Republicans are committed to do.

No one in this Chamber has spoken more eloquently about the need to deal more forthrightly with our national deficit than Senator DOMENICI, who today assumes the chair of the Budget Committee.

Let me be clear. Something like a family that examines its budget after a Christmas that was too rich, we will make hard decisions and endure sacrifices to make ends meet. With the one exception of Social Security, every bureaucracy and bureaucrat, every Government program and Federal expense is ripe for reduction and/or elimination.

At the top of that list is a price tag for Congress itself. We have to set an example before we have somebody else make the sacrifice. We must be the example, not the problem. We hope to pass a resolution today calling upon the Rules Committee to reduce committee budgets by approximately $34 million. That is a lot of money. That was objected to, but we will get to it in another way. The House is also taking cost-cutting action today. We will work together throughout the next 2 years to save more money across Government.

We will also work together to pass the line-item veto legislation which we introduce today as Senate bill 4, and to send a balanced budget amendment to the States for ratification. These measures which have had the overwhelming support of the American people for some time have been ignored in Washington for far too long.

These measures go to the heart of the question with which we began: Should Government elites rule society? Should they be able to spend the people's money without check, cloaked by impenetrable rules and omnibus appropriations bills too massive for anybody to read? Or should we trust the people?

Paternalism or Federalism? That is the choice. The 104th Congress must answer that question by bowing to the will of the people and putting its trust in them.

Finally, let me make it clear that Republicans are acutely aware that the United States has only one Commander in Chief. Our Commander in Chief is President Clinton. We will support him on foreign policy whenever possible, as we did with NAFTA and GATT legislation, and in revising outdated provisions of law on South Africa, Russia, and the Middle East.

During the last few years, however, there have been some important areas of disagreement between Congress and the President in the area of foreign policy. One of these has been the President's apparent willingness to place the agenda of the United Nations before the interests of the United States.

Therefore, we will introduce today the Peace Powers Act of 1995, which is designated as Senate bill No. 5. This legislation repeals the War Powers Resolution of 1973 and places some restrictions on U.S. participation in U.N. peacekeeping activities. The effect of the bill would be this: We would untie the President's hands in using American forces to defend American interests, but we would restrict the use of American forces and funds in U.N. peacekeeping.

We do not want American soldiers under U.N. command, and the costs to America of U.N. peacekeeping must be known before—not after, but before—it will be approved by Congress.

In a manner consistent with our constitutional role to appropriate funds and to advise and consent on matters of foreign policy, the Senate will also take a close look at a number of other foreign policy issues in this session; including the costs of the Haiti operation, and the legality and wisdom of aiding North Korea.

Mr. President, it has been said that we have become a nation of competing factions, held together less by our hopes than by our wants. The implication is that we are no longer a great people, but merely a continent of categories, and special interests. Well, I do not believe this. I have been here for some time, but I do not believe this.

It has been said that Government is uncontrollable because of the uncontrollable appetites of our people. Last November was proof that this is not true. If the recent election proved anything—and some would question, some have doubts, and some have different views—it proved these ideas to be the self-justification of a Government grown too cynical, too fat, and too far removed from the people it is supposed to serve.

Mr. President, Americans have been voting in congressional elections for more than 200 years. Some of these elections—most of these elections—made very little difference. But others have been turning points in history. The last one was a turning point.

The elections in November provided clear instruction from the American people. The ideas on which we will conduct the business of Government were laid out in unprecedented detail during the last election campaign. This was derided as a strategy by political pundits and attacked as heresy by the established powers. But the ideas prevailed. And therefore, I believe the ideas will prevail in this body and in the House and across the sprawling expanse of Government.

Mr. President, Republicans welcome the support of like-thinking Democrats as we work to put a leash on our Government by restoring the 10th amendment, cutting taxes, balancing the budget, enacting term limits, and taking whatever other measures are necessary to make the Government accountable to the voters.

Together, we hope to establish once again America's trust in her people and faith in the unmatched power of freedom to build a world of hope and opportunity for all.

Mr. President, I ask unanimous consent that Senate bills 1 through 5 be printed in the RECORD, along with written statements which further detail these bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the bills and statements are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE, Mr. LIEBERMAN, and Mr. FEINGOLD, pertaining to the introduction of S. 21 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. HATCH). The minority leader.

COMMENDING THE MAJORITY LEADER

Mr. DASCHLE. Mr. President, let me commend the majority leader on his statement and on many of the points that he raised in the last few minutes.

Let me also personally thank him for his cooperation and the manner with which he has worked with the Members in our caucus over the last several weeks.

Needless to say, this transition has not been easy, but, to the extent possible, the majority leader has made it so. I thank him for his cordiality, for his friendship, and for the manner in which he has conducted his office in the last several weeks. It means a good deal to me. I look forward to working with him in the many months and years ahead.

PRESIDENT PRO TEMPORE IN THE 104TH CONGRESS

THE CHANGING OF THE GUARD

Mr. DASCHLE. Mr. President, with the opening of the 104th Congress, we again witness a historic transfer of power as the Republican Party takes control of the Senate and Senator STROM THURMOND earlier today replaced Senator ROBERT C. BYRD as President pro tempore of the Senate. In this transition, we are witnessing one Senate institution replacing another.

Together, these two outstanding legislators total three quarters of a century service in the Senate. Each not only has witnessed, but participated in, so much history and in the enactment of so much legislation, that Senators of my generation often are left in awe. As we prepare our legislative agendas and prepare for the upcoming debates and battles, this historic transition should not be lost upon us.

Senator BYRD, for the past 6 years, has presided over the deliberations of the Senate.

A look at the record reveals that he is indeed an institution within this institution. The senior Senator from West Virginia has served in the Senate for nearly 40 years. He has served as chairman of Senate Appropriations Committee, as the Senate Democratic whip, 6 years as Senate minority leader, 6 years as Senate majority leader, and, since 1987, President pro tempore of the Senate.

His unparalleled knowledge of the Senate's intricate rules and procedures, his overwhelming knowledge of the history of this legislative body that he loves so deeply, and, his presence in this Chamber combined to make him a most effective and impressive President pro tempore.

What an honor it has been for me personally to watch him preside. We will miss him and his presence in the chair. While there is not a stronger, more ardent fighter for the causes in which he believes and supports, no one could have been more fair or more impartial in presiding over the Senate.

Although he leaves the chair of President pro tempore, I can assure you he is not about to fade away. As the new Democratic leader of the Senate, I will need, I will seek, and I will certainly appreciate his wisdom, experience, his insight, and his foresight. I know that Senators from both sides of the aisle will continue to value the benefit of his unique perspective and the importance of this institution as well as his unique ability to resolve problems within it.

Mr. President, at the closing of the 99th Congress, the Senate approved a resolution recognizing the outstanding service Senator STROM THURMOND had performed as President pro tempore of the Senate. The resolution expressed the Senate's appreciation for the courteous, dignified, and impartial manner in which the senior Senator from South Carolina had presided over the deliberations of the Senate.

In the 104th Congress, Senator THURMOND again will occupy this important and prestigious position. Like Senator BYRD, he, too, is an institution within this institution. While a Member of the Senate, he has been a member of both political parties and a candidate for President of another. While serving in the U.S. Senate, Senator THURMOND has had highways, courthouses, Federal buildings, and schools named in his honor—honors usually reserved for those who are no longer with us. In the Senate, he has been an active participant—sometimes controversial—but a participant in the legislative struggles of our times. I have not always agreed with his positions, past or present, in those contests, but I have never seen or encountered a more worthy, a more dignified opponent or one for whom I have greater respect.

As everyone who has had the pleasure of serving in this Chamber with him knows, Senator THURMOND has been a consistent champion of the South and of conservative causes, but we also know he has been able to blend and bend when democracy took a different course. He has remained a southern gentleman of the highest order.

As the Democratic leader, I want to extend my congratulations to Senator THURMOND for his reelection as President pro tempore and welcome him back to this position. I look forward to working with him as well. I am confident that in the 104th Congress, Senator THURMOND will perform the duties of President pro tempore of the Senate in the same courteous, dignified, and impartial manner in which he presided over the deliberations of the Senate in the 99th Congress.

THE 104TH CONGRESS

Mr. DASCHLE. Mr. President, today we begin a new session of Congress. I know all my colleagues are eager to move ahead with the Nation's business.

In some ways, we face circumstances that earlier generations of Americans faced as well. At the beginning of our Nation's existence, after the Declaration of Independence was signed, the former colonies busied themselves establishing legislatures and drafting constitutions.

It must have been a heady time. Men, for they were all men at that time, who had been colonial appointees began to see themselves for the first time as legislators, potential leaders, people who could steer their States' destinies.

In the State of Pennsylvania, the legislature spent several months thrashing over the outlines of a new constitution but found itself, months later, without a finished product.

Meanwhile, the life of the State continued. Citizens woke each morning, attended to their affairs, transacted their business, and seemed not to notice that they were without a constitution.

Ben Franklin pointed out the evident danger: "Gentleman," he said, "You see that we have been living under anarchy, yet the business of living has gone on as usual. Be careful; if our debates go on much longer, people may come to see that they can get along very well without us."

It is somewhat in this spirit that I approach the beginning of the 104th Congress. We, too, will be judged less by our rhetoric than by our accomplishments.

Today, I offer the first five bills that my Democratic colleagues and I will seek to move in this Congress. They are bills that speak to three critical areas I believe should be the focus of our efforts in the 104th Congress—economic opportunities for working American families, the values in our social fabric that bind us together as a society, and a determination that we end business as usual in all aspects of Government.

The first bill, S. 6, is designed to be for American workers today what the GI bill was for American soldiers after the Second World War. The Working Americans Opportunity Act takes the funds now used for 20 major job training programs and turns them into vouchers so Americans can buy the training and education they need themselves. In this way, we can streamline and consolidate nine job training laws to focus more services and to redirect the funds to the people who need the training in the first place.

Our limited job-training resources should be directed to those who will benefit from training, not siphoned off to support the administrative costs of overlapping, fragmented, and outdated programs.

The GI bill is rightly credited with lifting American productivity, economic growth, and living standards. It did that by giving all returning GI's—millions of men and women in the aggregate—the ability to go back to school and make up for the years they sacrificed to their Nation's service in war.

It was not only well-deserved reward for veterans. It was one of the best investments the Government ever made. The GI bill more than repaid its costs many times over in worker income, in productivity, in economic growth, in State and Federal taxes, in virtually every other way.

At the end of the cold war years, we're not facing an army of returning veterans. We are facing a society that is emerging from a preoccupation with military spending and the military sciences, and turning to cope with a new world of technological advance that holds enormous promise for those who can learn to participate in it.

Our bill, therefore, will consolidate old job training programs and put money directly into the hands of those who need training, not to bureaucratic overhead. Americans need the tools to enter fully into the new technological workplace. That is what our first bill will do. It will be a workers' GI bill to give those in older industries, in plants that are relocating abroad, or in regions where people's job skills do not match employers' needs the chance to learn new skills, make themselves employable, enter new industries, and move forward with our growing economy.

S. 7 is the Family Health Insurance Protection Act. It includes the measures that even the anti-health-care-reform crowd last year said they wanted. Let us find out if they are being straight or are just pulling another one over on the American people.

Democrats think it is way past time to act. Not only are health care costs for ordinary people going through the roof, they are also going to bust the Federal budget, and we all know who's going to pay for that when it happens.

It is consistent with the goals outlined in bills introduced by both Republicans and Democrats and with the vision the President outlined in a letter to the congressional leadership last week.

Our health reform bill is straightforward and sensible.

It prevents insurance companies from raising rates because you get sick. Why? Because health insurance is supposed to be a pooled risk. The insurer, as well as the insured, takes a risk.

Our bill also prohibits refusal of insurance because of preexisting conditions. The condition of being human makes us all susceptible to illness, accidents, and bad luck. That is what insurance is supposed to compensate for, not to profit from.

Jean and Greg Puls of Sioux Falls, SD, know this all too well. Their 10-year-old son, Matthew, has diabetes. When Jean's employer switched health policies, the new insurer refused to cover Matthew. Jean and Greg faced a frantic search for an insurer who would.

They were turned down by dozens of companies and were finally forced to purchase an out-of-State policy that still won't cover Matthews's diabetes for a whole year.

Jean Puls says that for all the money they have paid into the health care system, they have been unable to get the simple peace of mind they seek. And she is right. A system which produces this result is not right

Our bill requires all insurers to offer Americans one plan of insurance coverage as good as that which covers any Member of Congress—Democrat or Republican.

If we deserve it, then certainly so do the people whose tax dollars pay our wages.

Our bill lets people who are self-employed deduct their insurance premium costs just like big corporations can. That is the minimally fair thing we can do for American farmers and self-employed store owners, accountants, mechanics, and lawn-service operators, all the millions of people who have taken the real risk of earning their own income by their own hard work and enterprise. Let them deduct their health insurance costs, too.

Our health reform bill prohibits insurance companies from hiding important information in the fine print. We need truth in labeling. People who market beef have to tell consumers how many grams of fat their product contains. It is about time the insurance companies told us what their fat content is. Why should not Americans get the same accountability from health insurers as we expect from food producers and toy manufacturers?

Our health reform bill calls for standard forms. An inflamed appendix taken out in Seattle doesn't demand anything different than an inflamed appendix removed in Boston.

And it will not be done better or worse because of the shape of a payment form. Meanwhile, we are talking about millions of wasted hours by doctors, nurses, administrative staff, and, not least, the American taxpayer just to get reimbursed for the health care our premiums are supposed to cover.

Our health care reform bill just asks the private insurance market to do what Government is trying to do. Let it get rid of the bloated bureaucrats. Let it cut the overhead. Let it streamline and serve its customers, not itself.

Is there any reason that Americans have to fill out more forms, provide duplicative information more times, fight for longer on the phone with self-appointed bureaucrats in the health insurance industry than the people of any other industrialized nation? Is there any reason that an American hospital has twice as many clerical workers as a Canadian one? Does pushing paper make sick people get better? Let health care professionals practice medicine, not administer bookkeepers.

This bill represents, frankly, a downpayment on the goal of ensuring all Americans have access to affordable quality health care coverage.

Before we achieve that goal, however, other more difficult issues will have to be resolved, especially long-term care and the Federal barriers to State-level reform efforts. The bill we offer is simply a first step, but I do hope that Democrats and Republicans can again reflect the consensus these provisions have reflected in the last Congress and work together to develop compromises on the more difficult matters.

I cannot—I will not—support the passage of any reform measure, however, that increases the deficit.

When the majority leader and my colleagues on the Finance Committee are ready to move forward on the health reforms we present today, we will have to agree on appropriate offsetting savings to ensure that every reform provision is paid for over a 10-year period of time. Health care reform cannot be undertaken at the cost of more unpaid bills passed along to our children and to their children.

Our third bill, S. 8, is legislation to deal with teen pregnancy and parents who abandon their children. Our bill does not finance orphanages. One of our Democratic colleagues, Senator CAMPBELL of Colorado, has the distinction of actually having been placed in an orphanage as a child, so he speaks from experience, not dealing in Hollywood movies. His story is one which could benefit us all. If you have not had the opportunity to read his biography, I would encourage you, Mr. President, and others to do so. It is a telling story of a man who has come a long way, given the very difficult beginning that he had experienced as a child.

He learned, as many of us now know, that orphanages are not a home. All too often, they are not even a decent substitute for a home. Even the best orphanage should never be used to undermine an intact family relationship.

The Teen Pregnancy Prevention and Parental Responsibility Act, instead, requires underaged teen mothers to live with their families or at least find themselves in a supervised home setting if they want to qualify for AFDC. Children having children is tragic, and the cycle can only be ended by making sure that parents of these children grow up and become adults themselves. There may be no sure-fire way to achieve this but clearly encouraging 16-year-olds to set up homes by themselves has not proved to be the answer and can never be the answer. They should stay with their families or in supervised group homes where their lives have some discipline, some guidance, some routine, some sense of grounding that will let them escape the cycle of dependency and become self-supporting adults.

In addition, teen parents should stay in school or go back to school and graduate. Our bill lets States use bonuses or benefit reductions to give teen parents an incentive to finish school. Completing high school is the first step toward self-sufficiency.

I recognize that this does not sound very flashy, but the parental shortcomings that can blight a child's life—and do blight too many children's lives today—require serious attention. The real needs of children demand sound policies, not sound bites.

Our bill also asks States to intensify their efforts to identify noncustodial parents and require them to contribute to the upbringing of their own children. States should ensure that their welfare offices can access other State records such as professional licensing, vehicle registration, and personal property records. Paternity establishment laws should also be streamlined.

I am always surprised to hear so much anger vented against young women as though they have achieved pregnancy unaided. What about the young men? Where is the heated political rhetoric aimed at them?

What about middle-class men who divorce and abandon their families? Where is the political rhetoric telling them to be ashamed of themselves? People—be they men or women—whose actions result in parenthood must accept responsibility for their children.

So our bill on teenage pregnancy is short on rhetoric and symbols. I have long been an ardent admirer of Spencer Tracy, but anyone who thinks a 1938 movie about Boys Town has any bearing on real life children, real orphanages, or real families in 1995 is well out of touch with reality.

The bill that will be designated S. 9, the Fiscal Responsibility Act, will direct Congress to enact legislation this year that will result in a balanced budget by the year 2003. If a goal is important enough to justify amending the Constitution, certainly it ought to be important enough to inspire the real work of deficit reduction starting this year.

I have supported and voted for balanced budget amendments in the past, but a balanced budget amendment that sets forth an airy hope in the place of real promise to balance the budget is not good enough.

To suggest that a balanced budget amendment in and of itself solves the problem is a copout. It is all show and no delivery. It is like a young man who gets his first job and his first credit card. He charges up to the limit, and then he promises, as soon as he has paid it down, he will straighten up and pay his balance every month. But in real life we know that does not happen. He pays down just enough to go on another spending spree, or get another credit card with a new spending limit.

Balancing the Federal budget has been a Republican campaign promise for so long it is hard to remember which budget they are talking about. They said they intended to balance the budget in 1980, when they elected Ronald Reagan. Then they said they were going to balance it after 1984, conveniently not in the year he was actually running for reelection. Then they said George Bush was going to balance the budget. But what does the record show? Unfortunately, it shows the opposite.

In 1980, when President Ronald Reagan took office, he was poised to present to the Congress a plan to reduce the deficit as he promised. At that time, when the Republicans had the majority in the Senate, the national debt was just over $1 trillion.

It was a debt that took 200 years to accumulate, 200 years of expanding the Nation to its westernmost limits, with all the roads, rails, bridges needed, 200 years encompassing a Civil War, two world wars, Korea, Vietnam, 200 years of creating the American dream. Almost $1 trillion is a lot of money. And we have a lot of country to show for it. But it took President Reagan a mere 8 years to more than double that 200 years' worth of debt.

What do we have to show for it? It then took President Bush just another 4 years to add yet another trillion. So today, Mr. President, the heirs of that budgetary tradition say they are going to increase defense spending; they are going to cut taxes for the wealthy; and—guess what?—they are going to balance the Federal budget. It sounds like deja vu all over again, to paraphrase somebody we all know—Yogi Berra.

I support, as I said a moment ago, a balanced budget. So do a majority of Democratic Senators. The difference between our position and that of many of our Republican colleagues is that we have already taken some very tough votes to do it. The last Congress, the 103d, passed the President's first budget which cut $500 billion in real defined and detailed spending over 5 years.

We are reaping the benefit of our work now in reduced deficits, and a healthy, growing economy. The President deserves credit for offering that budget in 1993 and for fighting for it.

We knew in 1993 that our deficit-cutting work that year would be only the beginning. Now it is 1995, and we know another installment of spending cuts is due. We say that we should do what we did in 1993—lay out the honest, detailed, and real cuts that will bring the deficit onto a downward path.

The balanced budget amendment, standing alone, simply provides a process by which something should be done over the next 7 years. Our bill says, let us start doing it now.

We have to pay attention to the numbers. When you balance your household budget, you do not do it on the assumption that you are going to win the Publishers' Clearinghouse Sweepstakes on January 31 so the mortgage payments will be taken care of. You balance a household budget by looking at what you earn, what you spend, and where the numbers do not add up. So let us do some looking.

If we are going to balance the budget by 2003, as the Republicans tell us they will, it is going to mean we start right now, this year, and start for real.

There is a very real and expensive price in delay. If anyone wants to put off any heavy lifting for a year or maybe 2 years, before putting us on a path to balance the budget by 2003, they're going to cost us another $160 billion in debt. That is debt on top of the $3-trillion debt that the Republicans have already given us. It is debt that could be avoided by reducing the deficit now instead of delaying.

There is another reason for acting now. It is called interest on the debt. It is a price every American taxpayer pays, whether he knows it or not, and whether he likes it or not.

If we do nothing about balancing the budget for 2 years, to get past the next election before taking the tough actions needed to balance the budget by 2003, all of us will be chipping in an extra $91 billion in interest to pay for these election-year promises. It is nice to have people make promises in election years. But nice feelings cannot justify $91 billion in additional interest on the debt. The price is too high.

If we wait until 1997 to start balancing the budget, we will pay another $303 billion—on top of the $3-trillion debt—that could be avoided simply by acting now rather than later.

The bill I am introducing draws on our past experience with balanced budget rhetoric and requires that we actually start now, this year, to do what we are willing to do to make our effort a meaningful part of the U.S. Constitution.

Last, but in some ways, most important of all, is the bill we call S. 10.

That is the Comprehensive Congressional Reform Act. It is a bill with three titles. It builds on the compromise legislation that was developed last year, but blocked at the end of the session.

The first title will finally, and without equivocation, extend to the Congress the laws that cover all other employers in this country. It will require the Congress to abide by the Fair Labor Standards Act, which governs time and salary issues, by the Federal Labor-Management Relations Act, which provides Federal workers the right to bargain collectively, the workplace safety law, the Occupational Health and Safety Act, the Plant Closing and Notification Act, the Employee Polygraph Testing Act, and the Veterans Preference and Retention Act.

In addition, the Democratic congressional coverage legislation includes the civil rights laws, under which the Senate has been operating since 1991, and the Family and Medical Leave Act, which has applied to Congress since it was signed into law in 1993.

This provision is in all essential aspects the same bipartisan bill that was worked out by Senators GLENN, LIEBERMAN, and GRASSLEY last session, but which was prevented from reaching the Senate floor by the objection of a Republican Senator.

I hope and expect our Republican colleagues will join, rather than obstruct, the effort to enact these needed reforms as soon as possible this year.

The second title of S. 10 will address the problem of undue influence from special interests.

Americans learned last year that something like $50 million was spent to defeat health care reform legislation—not just to defeat the President's bill, but to defeat any reform bill.

The special interest money groups spent more on stopping this legislation than on any other single issue, both in terms of direct lobbying and in campaign contributions.

In the closing days of the 103d Congress, the ramifications of the crusade to defeat health care reform spilled over into another important debate: The debate over whether or not to rein in the ever-present grip of lobbyists on our legislative process.

In May 1993, the Senate passed lobby reform by a vote of 95 to 2. Yet, when push came to shove, with Congress facing an adjournment deadline, our Republican colleagues invented pretexts and encouraged their talk-radio friends to help beat the lobby reform bill. As one of our colleagues noted, Republican Senators were cheered by lobbyists lining the hallway off this Chamber after Republicans killed the lobbying bill last fall.

So let us be clear on what happened. There was no grassroots opposition to this bill. It was not ordinary citizens who wanted to kill this bill. Far from it.

It was the special interest lobbyists who could not stand it.

I am hoping that common decency will prevail in this Congress this year. The language I am offering in S. 10 is the language adopted overwhelmingly last summer by most of the Members still here in this body.

It includes the provisions the new Speaker of the House, NEWT GINGRICH, demanded be incorporated last summer. They are the same provisions that were negotiated with Catholic charities, Baptist charities, Jewish groups, and every other religious organization of any standing in this country, and which were acceptable to all of them, because they did not threaten any of their legitimate activities.

Title II of S. 10 does not affect grassroots lobbying for congressional action to resolve legitimate problems. No real grassroots group wants to kill lobbying reform. The reason for that is simple.

It is because the narrow special interest groups who would be affected by the bill can buy access, can buy attention, can buy sympathy, and can buy action with money that real grassroots groups could never hope to match. True grassroots lobby efforts offer only the populist power of their ideas.

There is not a genuine grassroots group out there that is not out-spent, out-gifted, out-junketed, and out-maneuvered by the Washington lobbying crowd. It is time to redress that imbalance.

Why is so much made of those who feel so passionately about an issue that they want to allocate private resources to influence national policy? I suggest that when a foreign-owned communications cartel can offer the new Speaker of the House $4.5 million for a book, we should be wary of the real agenda behind that offer. I am pleased the new Speaker has now realized what an appearance that presents.

Title II of the Democratic congressional reform bill is the legislation that Speaker GINGRICH said he wanted, asked for, demanded. Then, when it looked as though it could actually prevail, it is the legislation that Speaker GINGRICH asked his supporters in the talk-show field to fight.

Title II of this Democratic reform bill also puts in the legislation our commitment to return control of Government to the American people by outlawing the practice of lobbyists providing gifts, no matter how seemingly insignificant, to Senators and staff.

The lobby and gift reform provisions are simple. No gifts from registered lobbyists. No meals, no travel, no taxi cab rides, no sports tickets, no nothing. They will not need complicated regulations to be understood. They are that straightforward.

Who is a lobbyist? Anyone who gets $2,500 in 6 months to work the Congress or the Government. They are required to disclose publicly who they are, what they earn, who pays them, and who they are talking to.

That is not because we in Congress do not know who they are. We know well enough. It is to tell the American public who these people are and what they are doing.

Congressional so-called reform that does not cover goodies from lobbyists is not reform. It is a smokescreen. It is telling American voters, it is back to business as usual. You voted for us because we promised reform, but we know you are going to tune out now. It is taking the American public for a ride. If we are to ignore those reforms, the American people are not prepared for a ride of that kind.

As for the seriousness of this effort, the proof of the pudding will be self-evident. If anyone is sincere about congressional reform, this is the very least they will need to vote for.

If anyone says they are serious about reform and blocks this bill, there will be little doubt that they are not serious at all.

I hope that will not happen for many reasons, but most of all, I hope it won't happen, because our democracy depends upon a higher level of trust. I hope Republican Senators will not block the gift and lobbying reform provisions, as they did last year.

Title III of the Democratic congressional reform bill is designed to reform the way congressional political campaigns operate.

Again, this proposal does not break new ground. It is the bill passed by the Senate in 1993, but which was filibustered to prevent its going to conference last year. The bill is designed to do what everyone knows needs to be done, and that is to cut the money chase out of elected public life.

Our bill would ban PAC contributions. It would outlaw for 1 year lobbying of an elected official to whom the lobbyist gave money. It would ban for 1 year contributions from a lobbyist to a Member who that lobbyist had contacted on business. It would expand disclosure of so-called independent expenditures.

It would create a flexible spending ceiling, based on a State's voting age population. It would reward candidates who agreed to comply with that spending ceiling with broadcast discounts. Its costs could easily be paid without asking for a penny from middle-class taxpayers, for instance by fees on lobbying.

In short, the campaign finance reform proposal would do what everyone is willing to say should be the law, but which too many are unwilling to actually see become law. It is time to put that sham behind us, too.

If we are serious about congressional reform, campaign finance reform is imperative. If we are not serious, the American people will know what conclusions to draw.

I believe these five pieces of legislation reflect the priorities Americans expect us to set and respond to the real needs people face.

The extremes have had their say. They have the luxury of certainty.

We who try to work in the center are forced to rely on what we can learn, what we can know, and to move forward with our best efforts, not ironclad guarantees, because there are no guarantees in human life.

Each of the bills we introduce today stands for a core principle in which we believe. None is startling, but I believe each is a step in the right direction. Together, they are a foundation on which to build.

We live in a tumultuous time fraught with uncertainty for many Americans. As lawmakers, our responsibility is to start restoring a sense of economic and personal security for working Americans.

Job training and education as a priority reflects the fact that we are a society made up of working people, and they must come first. If we invest in our own knowledge, our own skills, our own abilities and talents, there is not anything we cannot achieve. Give Americans the tools, and they will do the job. Our bill is the tool.

Health care reforms reflect the fact that viruses and cancers and accidents happen to people without reference to their wealth or their personal insurance status or their job status. Every American's economic and personal security is at stake. They deserve action, not excuses.

Our effort on teen pregnancy reflects the commonsense fact that work, effort, and personal discipline are part of the lives of most Americans. Indeed, they help shape most of what is worthwhile in our lives. Government programs ought to reflect that common understanding in the way they operate, too.

A Federal budget is more than a lifeless symbol of fiscal responsibility. It is the road map of our society and a reflection of our values. What are we willing to spend taxes for? Children? Schools? Jail cells? Special benefits for one or another special interest? Balancing the budget is not about gutting the government.

It is about doing what government should do: Those things for all of us as a society that none of us can do individually for ourselves. Safe drinking water and highways, clean air and a safe food supply, things that government can do if done efficiently and effectively.

Balancing the budget tells us that we're prepared to pay for the kind of society we want to be. The budget's shape matters as much as its size. It is been too big, too bloated, too long. And we want to start on the road to balancing it now.

And, of course, congressional reform is an important symbol of self-restraint at the government level. If the people elected to government cannot impose restraints upon themselves and treat themselves like they treat others, what confidence can Americans have that government will act in their best interests?

I believe, based on many statements by my Republican colleagues, that there is much common ground on which we can work, provided that we have the will to do so.

I want to offer my assurances today that Democratic Senators will work with Republicans. We always have, and we are prepared to do so again this year. We want to go to work. We want to do so in a bipartisan fashion. We believe the American people expect and deserve as much. I look forward, Mr. President, to a productive year.

I thank my colleagues for their patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to make a parliamentary inquiry. What is the parliamentary situation as relates to time?

The PRESIDING OFFICER. There is 1 hour and 40 minutes under the control of the majority leader. Senators may speak for up to 10 minutes within that.

Mr. REID. Mr. President, what is the parliamentary procedure, 1 hour and 20 minutes used by the majority leader?

The PRESIDING OFFICER. There will be 1 hour and 20 minutes under the control of the majority leader, and 10 minutes. The Senator from West Virginia may speak for up to 20 minutes within that time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 17 and S. 18 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

REVERSING HISTORICAL IRONY

Mr. BYRD. Mr. President, the English word "irony" comes to us from an Ancient Greek word meaning "a dissembler in speech."

The English word "irony" is defined as the contrast between something that somebody thinks to be true, as revealed in speech, action, or common wisdom, and that which an audience or a reader knows to be true.

Mr. President, permit me to give an example.

If anyone in the hearing of my voice will take out a U.S. one-dollar bill and turn that one-dollar bill over onto its obverse side, he or she will read in clear script, "In God We Trust."

Permit me to introduce another example.

Every day of each new meeting of the Senate and House of Representatives, an official Chaplain of each of those two Chambers of Congress—or a designated substitute—will stride to the dais and address a sometimes elegant prayer to the Deity.

Again, every day in courtrooms across this country, hundreds of witnesses will take their place at the front of the court chamber, put their hands on incalculable numbers of Bibles, and swear to tell the truth, "* * * so help me God."

Only today, I and several other Senators swore an oath, standing there near the Presiding Officer where he sits now, swore an oath that we would support and defend the Constitution of the United States against all enemies, foreign and domestic, that we would bear true allegiance to the same, that we took this obligation, freely without mental reservation or purpose of evasion, and that we would well and faithfully discharge the duties of the office on which we were about to enter "so help me God."

Additionally, daily, thousands of men and women in a variety of groups, and millions upon millions of boys and girls in our schools will pledge allegiance to our flag, uttering among others the words "* * * one nation, under God, * * *"

I was a Member of the Congress when Congress inserted those words into the Pledge of Allegiance.

And here is the irony: in spite of that chain of rituals that I have just related, in situation after situation, anecdotal and documented both, public school authorities, ostensibly following rulings of the Supreme Court dating from at least the 1960's, have prohibited the utterance of prayers at school functions, in classrooms, at school commencement exercises, even when the students themselves wanted to have a voluntary prayer which they themselves would compose, or even in groups or privately on public school property.

Mr. President, as I read my U.S. Constitution, such a prohibition of prayer in school flies in the face of the First Amendment, which declares, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *."

Therefore, our Government is supposed to be absolutely neutral in this matter, and the Constitution provides that neutrality when it says Congress shall make no law respecting the establishment of religion, on the one hand, or prohibiting the free exercise thereof, on the other. That is absolute—absolute—neutrality.

So please note those words again: "* * * or prohibiting the free exercise thereof * * *"

That passage was explicitly written into our Bill of Rights at the insistence of none other than James Madison—commonly remembered as the father of the Constitution—based on direct appeals to Madison by Baptist ministers in Virginia who had been forced to support the official state church during the Colonial Era, and whose practice of their own religious choice had been officially denied, proscribed, or penalized by Colonial officials.

How ironic that from that understandable Constitutional safeguard in support of the free exercise of religious faith, opponents of any religion have turned that passage of the First Amendment on its head to prohibit—I said, to prohibit—the free exercise of religion in our public life and, particularly, to drive religious faith out of our public schools.

It is equally ironic that, as religion is making a public resurgence in the long atheistic former Soviet Union, our Nation, whose protofoundations stand on the sacrifices of hundreds of thousands of early colonists whose primary inspiration in coming to America in the first place—Congregationalists, Calvinists, Baptists, Jews, Catholics, Orthodox, and others—whose primary purpose in coming to America in the first place, I repeat, was a yearning for religious liberty against those who would deny them the right of religious liberty—that our Nation should be embarked on a course which, in effect, denies religious liberty to many of its citizens.

Mr. President, I have heard increasing concerns about the lack of moral orientation among so many younger Americans—about a rising drug epidemic among our children, about rampant sexual promiscuity, about children murdering children, about gangs of teenage thugs terrorizing their neighborhoods, and about a pervading moral malaise among youth in both our inner cities and our suburbs.

Is there any wonder that so many young Americans should be drifting with seemingly no ethical moorings in the face of an apparent effort to strip every shred of recognizable ethics, of teachings about values, and spirituality from the setting in which those young Americans spend most of their waking hours—our public schools?

Mr. President, in an effort to restore something of a spiritual balance to our public schools and to extracurricular activities in our public schools, I am today introducing a joint resolution to propose an Amendment to the Constitution clarifying the intent of the Constitution with regard to public school prayer.

My amendment is an effort to make clear that neither the Constitution, or the amendments thereto, require, nor do they prohibit, voluntary prayer in the public schools or in the extracurricular activities of the public schools. Anyone who fears that the language of my amendment would allow public schools to mandate the recitation of daily prayer, or that school administrators will become the authors of such prayers, need not worry. This amendment does not supplant the clear proscription contained in the "establishment" clause of the First Amendment. My amendment is an effort to make clear that the words that the Constitution uses with regard to religious freedom do not mean that voluntary prayer is prohibited from our public schools or public school activities.

In short, I hope to end a three-decades-long tyranny of the minority in denying to the majority of Americans the least vestige of the exercise of a liberty otherwise guaranteed by the Constitution—the right of American children in our public school system to pray in accordance with their own consciences and in the privacy of their voluntary associations within our public schools.

That right I sincerely believe the Constitution already grants, but I want to spell out in that same Constitution, by way of an amendment thereto, that permission to pray voluntarily in our public schools does not constitute "an establishment of religion."

Mr. President, on this, the first day of the 104th Congress, a Congress in which the controlling mantra seems to have become "change" and "reform," I would suggest that Members listen to the American people.

Every Senator who stands here proposes to speak in accordance with the wishes of the American people. Each Senator arrogates to himself the right to speak on behalf of the American people. I would suggest that Members listen to the American people. Indeed, Mr. President, I would call my colleagues' attention to a recent poll reprinted in the December 17 issue of National Journal in which passage of a constitutional amendment allowing school prayer was the number one legislative priority the public wanted us to consider. Not the balanced budget amendment. Not the line-item veto. Not amending the filibuster rule so as to permit the invoking of cloture by a mere majority of the Senate. Who cares about that, out there beyond the Beltway?

Rather, the American people clearly understand the need for us to begin to restore the moral underpinnings of this Nation.

With introduction, and I hope eventual passage of my amendment, we can finally begin the 7-year-long process to answer the people's concerns. We can begin to restore the spiritual compass that has been lost in the lives of so many of our citizens. And most importantly, we can begin to return to our children the moral orientation that they so desperately need and desire.

I urge those who want to deliver on the wishes of the American people to join me in this effort.

Mr. President, I shall introduce this for referral to a committee. I have notified the minority, the now majority—it is going to be a little difficult for me to stop thinking in those terms. I am going to have to, for a while at least. I have also notified the majority that I intend to try to put this resolution on the calendar under rule 14. If nobody objects to further proceedings at that point, I will, but I believe Mr. KEMPTHORNE is aware of what I am about to do and he will be prepared to object at the right time.

So, Mr. President, first I will attempt to get this resolution on the calendar under the provisions of rule 14, and then I will introduce it as a resolution to be referred.

Mr. President, I send to the desk a resolution. Let me read it so that everybody will understand clearly what it says:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools, or to prohibit or require voluntary prayer at public school extracurricular activities.".

Mr. President, I send this joint resolution to the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will read the joint resolution for the first time.

The assistant legislative clerk read as follows:

A resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

Mr. BYRD. Mr. President, I ask that the resolution be read a second time.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, I object.

Mr. BYRD. Will the Senator withhold his objection until it is read the second time, and then he can object and it will go on the calendar.

Mr. President, I yield the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I withdraw my request for a second reading of the resolution today.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BYRD. It will automatically come up for a second reading on the next legislative day; am I correct?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the distinguished Senator. I ask unanimous consent that the Senator from North Carolina [Mr. HELMS] have his name added as a cosponsor of the resolution.

The PRESIDING OFFICER. The Chair thanks the Senator and it will be so ordered.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

(The remarks of Mr. KEMPTHORNE pertaining to the introduction of S. 1 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if you could explain the rules today, may I have my 10 minutes now from the time of the Democratic leader?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank the Chair very much.

Mr. President, I come to the floor today to congratulate those Senators—both Democratic and Republican—who took the oath of office today, and I come to the floor of the Senate to look ahead to the future.

Those of us who serve here are truly blessed with an opportunity quite rate—to represent our States in the greatest deliberative body in the world—one with a rich legacy of dedicated men and women whose service is always judged by history.

Like 1992, 1994 has been a year of political change. In 1992, 105 million Americans went to the polls and voted for a Democratic President, dislodging a Republican President. In 1994, 70 million Americans went to the polls and voted for a Republican Congress, dislodging a Democratic Congress.

The American people voted for change in 1992 but change didn't happen fast enough, so they sent another message in 1994.

Change was on the lips of the American people in 1992 and change is still on the Nation's lips of the American people in 1994.

Each of us is asked what change means.

First, I believe people want the American Dream restored; they want economic security. American people feel they no longer can be sure of having a job, of having health care coverage, of raising their standard of living, no longer sure of our children having good paying jobs, owning a home, having Social Security or personal safety. As Robert Reich said, these changes have turned the middle class into the anxiety class.

Second, I believe people want to feel safe in their neighborhoods. They know that ideological fights will not get them safer neighborhoods. The people recognize that we need a commonsense mix of tougher punishment and effective prevention. To serve the people, we must have the guts to keep all cop-killer bullets off the streets.

Third, I believe people want the deficit reduced by smart spending cuts, leaving smart spending priorities. People want the Government to stop wasting their money, but they want their Government to have a strategy so we can be part of the solution.

Fourth, I believe people want to have a Government that doesn't interfere in their lives, but defends their individual freedoms.

Fifth, I believe people want a Congress that acts in the best interests of the people of the United States of America so that our families have an unbought voice, our children have an unbought voice, our environment has an unbought voice, and our country can rely on a Congress whose Members don't cash in on their power. Let's keep out the special interests and let's live by the same laws as all Americans do.

Now I want to say that I came to the Senate representing 31 million people on that very platform in 1992, and nothing about the 1994 election tells me that that platform of hope, economic opportunity, individual rights, and congressional reform has lost its significance.

Certainly, I stand ready to fulfill those goals in new and better ways. None of us has all the answers, but together we can find them. We should choose from all the best ideas from each political party, and from new Senators as well as old. I stand ready to do that, and I have already reached out to my Republican friends.

But let me tell you what I do not stand ready to do.

I do not stand ready to allow those who talk about reform to destroy protections and rights guaranteed to all Americans.

I believe the Republican Contract With America calls for just that, and since their goal is to pass it in 3 months, I feel I must speak out.

The contract talks about bringing back the gag rule to health care clinics. Here is the contract that professes less government on the one hand, but uses the Republican hand to gag doctors and nurses in clinics from telling their patients that abortion is legal option in this country. When that fight comes, I will be right here. And speaking of health care clinics, I trust my colleagues will support law and order in a tragic escalation of violence waged against lawabiding Americans.

Law and order plays a big part in the contract which is fine. But, sadly, it resurrects the old fight between punishment and prevention. We should listen to law enforcement authorities who tell us we need both. Let us not undo the crime bill that police worked so hard for. If there is a move to rescind the crime bill in the name of fighting crime I will be right here to fight it.

Middle-class tax relief? I am here. It was the President who promised it during his campaign, and he has defined a very fair middle-class bill of rights that helps families with children and eases the burden of college tuition costs. I support this.

The Republican contract talks about the middle class, and I am with them all the way. But if what they really mean is tax breaks for those worth millions, I will be right here to point out the farce.

Tax relief should not help Members of Congress. We make enough. It should help the middle class. There are still those with multiple millions of dollars sneaking through tax loopholes. We do not need more of that, we need less.

The contract talks about orphanages and poor children being denied nutrition assistance. I will not stand by and allow children to starve or be torn away from parents or grandparents in the name of reform. I do not care if "Boys Town" is a good film. We better learn from the past, not go back to it when it did not work.

I am ready to talk about work requirements and tough standards for welfare.

That's absolutely essential. We must not reward laziness or excuses. I am here to talk about smart incentives like workable group homes for kids and those responsible for them; I am here to talk about real punishment for those who neglect their kids. But if you push policies that in the name of reform hurt these kids and make them hungry or homeless or abused, I will be there to take them on.

The contract calls for securities litigation reform to end what the contract calls "frivolous laws suits." This sounds great, but when you read the fine print you see a plan that would let greedy and irresponsible parties completely off the hook after they dump risky investments on the public.

The Republican contract would heighten the economic insecurity of millions of Americans who save for the future; have a 401K savings plan, a corporate pension plan, an IRA, or a mutual fund.

The contract would make it almost impossible for small investors to successfully sue well-heeled investment bankers for fraud. It would require small investors to prove their case—to know what went on in the mind of anyone who defrauded them—before they file suit. It requires small investors to be mind readers.

How would this Republican contract have affected Ramonna Jacobs of Los Angeles. Mrs. Jacobs, unwittingly, invested money earmarked for her disabled daughter in Charles Keating's junk bonds.

Mrs. Jacobs could not have successfully sued Charles Keating if the Republican contract was in effect. There was no way Mrs. Jacobs could have known, at the get-go, how Charles Keating schemed to defraud her, what Charles Keating knew and when he knew it.

Deception is the essence of securities fraud. The Republican contract ignores that. In doing so it will increase the insecurity—economic and otherwise—of millions of Americans.

I will fight that kind of destructive legislation disguised as reform.

I will not stand by and allow our people to be hurt by gutting air and water quality standards in the name of deregulation as the contract says.

If you want to talk about streamlining regulations that bureaucrats are bungling I'll be right there. There is no need to have people hung out to dry while we figure out how to apply environmental laws. I agree with that.

But if by "streamlining" you really mean destroying or ripping away sensible environmental protection laws, I'll be right here to call it the way I see it.

I ran as a fighter for the people of California and as I figure it, if you cannot breathe you cannot work or live. Today a baby born in Los Angeles has a 15 percent lower lung capacity then a baby born in a clear air area. That's wrong.

And let us cut spending where it makes sense to do so. We have opportunities all over the Federal budget. I look forward to working constructively to do that on the Budget Committee and on the Senate floor. But the Republican contract calls for fencing off one part of the budget so savings cannot be used for anything else. Why should one part of the budget be treated differently? The contract puts the military budget in a separate area behind the fence and it throws away the key. They do not do that for Social Security. They do not do that for Medicare—they don't do that for education or for law enforcement. They only do that for the military budget.

Now I am all for a strong military and against wasteful military spending. In the eighties we found out we were buying $7,500 coffee pots and $600 toilet seats and $350 "No Smoking" signs and spending millions on weapons that blew up fans in portable toilets instead of helicopters and billions on star wars when tests were rigged to make it look good.

And I have news for you even today: with all the reforms we've enacted, we still have generals taking $200,000 military flights. An Air Force general recently had a VIP C-141B Starlifter fly from New Jersey to pick him up—along with his cat and an aide—in Naples, Italy, and fly him to Colorado. The flight cost between $120,000 and $200,000. A commercial ticket would have cost less than $1,500.

And believe it or not, we are paying convicted felons in the military millions of dollars a year while they sit in jail. No one could get away with that in the private sector.

In the meantime, we continue to spend two to three times more on the military than all other enemies combined.

So let us not have any sacred cows. It makes us weaker as a nation, not stronger. Let's determine what it takes to meet the threats we face—debate the appropriate level of funding, always be ready to procure the funding for emergencies but let's not fence off one part of the responsibility.

Let me read from the preamble of the U.S. Constitution:

> We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish, this Constitution for the United States of America.

It doesn't say provide for the common defense only.

It does not say, "provide for the common defense and, if you feel like, promote the general welfare."

It does not say that providing for the common defense takes precedence over establishing justice.

It says to do all those things.

I believe in our Constitution. Some of the things I hear lead me to believe that the preamble of the Constitution has become meaningless to some Members of Congress—I fervently hope not.

I have great confidence in the institutions of our Government. They have prevailed through many political and economic times more trying than these.

But they are always tested.

I intend to make sure our institutions pass this test.

That the Government of, by, and for the people will prevail and not be destroyed in the name of slogans and rhetoric.

I look forward to a legitimate debate on how we can make this the most prosperous country, the fairest country, and the healthiest country in the world. I hold out my hand in the search for constructive solutions, but I hold up my hand to destructive political posturing.

The American people want us to work together. They want the filibuster abuse to end—they want us to take the best ideas—whoever has them—and turn them into policies.

They want us to work with the executive branch for progress.

Let us do that.

But I also believe the people from my State of California expect me to fight for them above all, and if that means standing on the floor of the Senate all by myself to do that, I will—any day, any hour. That's the promise I made to them.

The PRESIDING OFFICER. The Senator from Alaska is recognized, Mr. Stevens.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. Stevens and Mr. Kerry pertaining to the introduction of legislation are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. Stevens pertaining to the introduction of S. 49 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. Glenn pertaining to the introduction of legislation are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. Thompson). The Senator from Massachusetts.

Mr. KERRY. I thank the Chair.

SUSTAINABLE FISHERIES ACT

Mr. KERRY. Mr. President, the Senator from Alaska introduced the Sustainable Fisheries Act previously and placed my comments in the Record as if read in full.

I will simply address those comments except to say that we have a crisis in Massachusetts and New England, now a crisis that will grow across this country and all coastal States. We desperately need a better regimen for managing the fisheries of this country. It is my hope that colleagues, while we wrestle with the symbols and the quick hot buttons of the American political process, will focus on a program of enormous importance to people whose livelihoods depends on fishing.

BROOKLINE ABORTION CLINIC MURDERS

Mr. KERRY. Mr. President, this is the second time in 6 months that I have risen to discuss the terrifying implications of abortion clinic murders, but now I am deeply saddened that my State has joined others that have seen the horror and felt the pain of this senseless violence.

Last Friday morning at 10 a.m. Shannon Lowney, a 25-year-old activist working as a receptionist at a clinic in Brookline, MA, looked up and smiled at a man who had just walked into her office. It was John Salvi.

In response to her smile and welcome, he pulled a collapsible Ruger rifle from his bag—aimed it at Shannon and fired at point-blank range. He killed Shannon and wounded three others.

In mourning her death, many people in Massachusetts and in the country are wondering about why this occurred and they are also wondering about who was Shannon Lowney and what does her life now show us.

Her friends called her "Shanny" and she was a very caring, committed young woman who represents the best of her generation. She cared about people. She tutored Spanish-speaking children in Cambridge, helped poor villagers in Ecuador, worked with abused children in Maine, and last week she finished her application to Boston University for a masters in social work.

She was one of those rare people in a generation that has been often called Generation X or the uninvolved generation, yet Shannon confronted injustice and acted on her deep and abiding belief that we are all in this together; that we are community and each of us must accept our personal responsibility within that community, no matter what our beliefs.

The irony and the tragedy is that to John Salvi, Shannon's life meant nothing except an opportunity to make a statement. The good and the decent life of someone who truly cared about others was taken in the name of life.

Mr. President, no matter what our views on abortion might be, I am confident that every decent American mourns the senseless murder of Shannon Lowney and is touched by the loss of someone so young and so committed to working with other people.

Contrast Shannon's life and her motives and the motives of a man like John Salvi—a man who killed one person and wounded five others and then left Planned Parenthood and walked a few blocks to the Preterm Health Services Clinic where he asked Lee Ann Nicols, a 38-year-old receptionist engaged to be married this year, whether this was, indeed, the Preterm Clinic. She said yes, and he shot her from less than 1 yard away killing her on the spot.

He then said, "In the name of the mother of God," aimed at Richard Seron, a lawyer working as a security guard, and shot him once in each arm. He shot one other person, 29-year-old June Sauer once in the pelvis, once in the back, and then he left.

So five people injured, two people killed. He then drove 600 miles south to the Hillcrest Clinic in Norfolk, VA, where he went on another shooting spree, but nobody was hurt. And now we must ask ourselves what does this mean, who is John Salvi, and what does his life show us?

On Christmas Eve, Salvi delivered a sermon about the Catholic Church and its failure to see the true meaning of Christ. But what was his motivation beyond whatever warped perceptions he had as a diviner of the scriptures?

Paul Hill, the minister currently on Florida's death row, gives us some insight into John Salvi's motivations. Hill gave us a chilling reason for killing a doctor and his assistant in Pensacola. He said:

> The Bible teaches us to do unto others as you would have them do unto you. Therefore, according to his reasoning killing a man who is about to kill an unborn child constitutes self-defense.

To Paul Hill, the murder was a justifiable homicide.

Mr. President, this syllogism lies at the heart of one of the most corrosive dangers that we face in an ever increasingly violent world and a violent America.

There are religious teachings that offer justifiable excuses for killing, but the mainstream religions, all of them, have always promoted tolerance over intolerance. The only people who use religion to justify cold-blooded murder are religious fanatics, and they must be recognized as such.

But what happened in Brookline and what happened to Shannon Lowney and Lee Ann Nicols and the tragedy of their deaths tells us that we can no longer dismiss these fringe elements of our society, we can no longer let good people fall victim to intolerance and fanaticism.

Yes, John Salvi read from the same Bible that Shannon and Lee Ann did. The teachings and the words were the same, but their lives could not have been more different.

It is our task to remember that commitment and dedication can be manifest in kindness and concern, or they can take the hideous form of fanaticism and hatred that motivated John Salvi to play God.

Mr. President, it is incumbent on all of us, and particularly as we begin this term in the Senate, to understand the increasing danger that can be wrought by those who interpret religious teachings as a crusade against others and as a justification for cold-blooded murder or for violent acts.

It is our task to understand that we live in dangerous times and that the easy availability of weapons in society makes it even more dangerous. People like John Salvi and Paul Hill have increased the danger and increased the threat to those who choose to show their commitment and their faith by helping others build a better life for themselves and their families.

So I believe, Mr. President, it is time for both sides on the abortion issue to exert leadership and to show that we can find a way to express our views without increasing the rhetorical violence or the physical violence.

It is our task to sit down and to talk to each other, and I commend my friend and constituent and his eminence, Cardinal Bernard Law of the Archdiocese of Boston, for his personal efforts to bring both sides together. He has shown courage in this regard. Even though he is strongly pro-life, he has called for an end, temporarily at least, to antiabortion protests in Boston. He is trying to bring everyone together in an unprecedented sense of negotiation.

Cardinal Law has shown leadership and tolerance, and his deep faith serves as an example to all of us who want to bring an end to the senseless violence. What we achieve together can send a loud and clear message to those who would use their beliefs as justification for murder that, though we may not agree, we are still one people bound together not only by our faith and our commitments to our beliefs but by the expression of our common interest through tolerance for our differences and a mutual respect and understanding for each other.

Mr. President, Shannon Lowney, obviously, did not deserve her fate. She was a good and decent woman, though some might disagree with what she chose to do. They certainly could not wish on her the death she found. She was the personification of the principles of freedom, freedom of choice and equality and the justice that unites us as a people, and she was working to help others because she cared about other human beings.

Make no mistake, the wrong response to these shootings would be to turn clinics into armed fortresses on the fringes of our medical delivery system, further from those who have a constitutional right to seek the procedure.

We must learn from this and, indeed, in tribute to those who died, make certain that this constitutional right is protected at the Federal, State, and local level by providing the resources necessary to maintain peace in our country.

When those shots rang out in Brookline last Friday, Mr. President, John Salvi did not just take life, he took something very precious from all of us. He took our freedom to believe and to express our beliefs as we choose and he took our freedom to act on our beliefs without fear of violence. We cannot permit that to happen in this country.

For many days, there will be many who will continue to mourn the deaths of Shannon Lowney and Lee Ann Nicols. The people of my State will remain shocked and outraged at this senseless act of violence that took them from us. And I know I speak for every Member of the Senate in extending our deepest condolences to their families and friends and to all the victims of this tragedy.

The lesson, Mr. President, is tolerance, and it is a lesson we would do well to learn and to think about as we witness other divisions in the United States of America, particularly the division of race. If we do not learn it, then we will dishonor the memory of these two young women from Massachusetts who lost their lives through intolerance in the name of God.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

PROPER AND LEGITIMATE ROLE OF GOVERNMENT

Mr. BREAUX. Mr. President, I say to my colleagues, we have all just undergone an election process, a great debate that has occurred in this country, culminating in the elections on November 8, which saw those of us who are Democrats lose the majority both in this body as well as in the other body.

I think a great part of that debate was over the proper and legitimate role of Government as it affects the individual lives of the citizens of this country.

Many traditional Democrats—not all, but many—have taken the view that the proper role of Government is to try to solve everybody's problem all of the time, and that necessarily meant that many of those suggestions were coming from Washington as to what those solutions should be. Many, not all, Republicans took the view that the role of Government was to get out of the way and that Government really had no role in helping people solve their problems, but that it was more of a survival of the fittest type of attitude that should be the predominant one by which we govern ourselves.

I think both of those roles are not what the American people were talking about when they went to the polls on November 8. Many self-styled new Democrats take the view that the legitimate and proper role of Government is to help equip people to solve their own problems. Government's role is not to solve their problems, nor is Government's role to get out of the way and let the survival of the fittest be the rule of the day. But, rather, the proper role of Government is to try to help and equip people to be able to solve their own problems. That is a viewpoint that I think is proper and one that I share.

In keeping with that perspective of what Government's role is, I have joined with Democratic leader DASCHLE and Senator KENNEDY, of Massachusetts, in introducing legislation, which is S. 6, which is entitled the Working Americans Opportunity Act.

I think it is legislation which all Members should carefully consider because it takes as its premise that the role of Government is to help people solve their own problems, to help them equip themselves to meet the needs and the problems they are facing.

We all know that in today's society the average American worker has to change jobs several times in a lifetime. We all know that a great deal of the insecurity that Americans have in their daily lives is because they do not know whether the job they are in today will be there tomorrow. They do not know whether they will have the training and the skills to go out and seek a new job, perhaps in a new area, perhaps in a new profession, because they have not been properly trained.

S. 6, the Working Americans Opportunity Act, provides the types of training, the types of opportunities that American workers need in order to equip themselves to meet the challenges of the future. President Clinton has in his proposal for a middle-class bill of rights a similar proposal. The President has said many times that what you earn is tied to what you learn in this country, and that is a very true statement.

Our legislation will try to help Americans learn more so that in their lives they can earn more. What we do with this legislation is to build on the old GI bill with which so many Americans are familiar, where returning servicemen after World War II were given an opportunity to select a college, an institution they would like to attend, and the Government helped them equip themselves by giving them the money which allowed them to select where they wanted to go to college, and also to select what courses they would take.

The Government did not make that decision. The Government in Washington, after World War II, did not tell young Americans where they had to go to college. It did not tell them, when they got there, what courses they had to take. It did not tell them in what they had to major. The Government at that time had faith in the individual American citizen to make that decision on their own because Government at that time felt the individual would make the right decision; they would take the courses they felt they were best able to do well in; they would go to the college they felt best suited their particular need.

There was no bureaucracy or no Government in Washington that made that decision. That is one of the reasons why the GI bill was such a good piece of legislation and why thousands and thousands of Americans today have lived a better life, because someone had the intelligence back in the 1940's to offer legislation which made that type of career education possible for hundreds of millions of Americans.

What we have offered today is building on that concept. It will give to Americans who have been dislocated because of a plant closing or because they have been fired, they have been laid off, vouchers to allow individuals to select the type of training they want, at the place they want, the type of program they want, they feel best suited they can handle, and then enroll and better themselves so they can earn more in later life.

Mr. President and my colleagues, we have hundreds of programs in the Federal bureaucracy. We have agencies all over the place that have job training programs where bureaucrats in Washington are deciding for an individual in my State of Louisiana what is the best course they can take or where they should go to school. This legislation says the individual should have the ability to make that decision; that our role in Government is to give that person a voucher and let them decide where they want to go and what courses they want to take. I think this concept is one of which the President is supportive, one of which I think many of our Republican colleagues will be supportive because it eliminates the bureaucratic, governmental decision maker in Washington and allows the decision to be made back at the local level by the person who is going to benefit from that decision in the first place—the individual who is going to benefit from these vouchers.

I would point out that this concept of putting the workers in charge of their own fate rather than having their fate decided in Washington is going to accomplish a couple of things. No. 1, it would really I think for the first time allow the workers to take charge of their career, let them decide what they want to do instead of having that decision made in Washington.

Second, I think allowing that individual to decide where they want to go and what school they would like to attend for the training they are seeking is going to provide competition among private and public institutions for that individual's interest, to compete for that individual's business. I think that competition will provide better services. Right now there is not a great deal of competition among training institutions because the Government makes the decision where these individuals have to go. There is no competition. This legislation would create competition among these schools to compete for those individuals coming to their institutions, and I think they would provide a better product.

Third, competition would provide accountability for performance. Dissatisfied customers could vote with their feet, taking their business to more effective providers.

And fourth, bureaucracies that run the current program would certainly be reduced. I am told by I think the General Accounting Office that we have literally hundreds of departments and agencies in Washington that run job training programs. We already spend literally billions of dollars in Washington on job training programs right now. Our legislation says we should not be spending any more money. It is a question of spending it more wisely.

Our legislation takes money from existing bureaucratic programs in Washington and uses the dollars to create vouchers to give to individuals to let them make the decision as to where they can best get their best education and the best retraining to compete in today's modern world. The global economy that we are now talking about creates a lot of opportunities for Americans, but it also has created a lot of problems for Americans because many jobs people are involved in today are not going to be here tomorrow because of the changing global competition and environment.

This Congress just in the last year passed a North American Free Trade Agreement. We passed a GATT agreement. That is going to make global competition more and more and create more opportunities for American workers and for American businesses. But we cannot do it if our workers are not trained. We cannot do it if our workers are still educated to work in jobs that are not the jobs of the future, that are not the jobs in a global environment with global competition.

I think this legislation for the first time will say that we are going to recognize that individuals, citizens back home have the ability to make the decisions for themselves. But Government does have a role. It is not survival of the fittest. It is not just throwing everybody out there and saying some will survive and some will perish, but it is saying Government's role will be to help people make the best decisions for their lives.

So I would suggest the legislation we have introduced today, the Working Americans Opportunity Act, is in keeping with that theory, that there is a legitimate role for Government to help equip our citizens to make their own decisions and to help them solve their problems.

That is the role of Government I think most Americans share. I think it was one of the clear messages of the last election. I think all of us have to take heed of those results, Republicans and Democrats alike. This legislation is a major step in that direction, and I urge my colleagues to consider joining with us in supporting this legislation as it has been introduced.

Mr. President, I now yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise today to lend enthusiastic support to S. 9, which I think is probably one of the most important, if not far-reaching, measures that have been introduced today, along with very many other important measures.

S. 9 addresses the matter of the constitutional amendment to balance the budget. I have long been a supporter of that, and my name has been mentioned by my colleagues on both sides of the aisle. I was very pleased to join as a cosponsor of the bill of the Democratic leader to focus attention on this matter.

I also happen to be the ranking Democrat on the Budget Committee, and the Budget Committee, with all of its other very important responsibilities, is going to play a very key, a very decisive role in the constitutional amendment to balance the budget.

I rise today though to say while I voted for it before and I am going to vote for it again, I am going to be plowing a straight furrow down the road on this whole matter to explain to the Senate and to the House and to the people at large that passing a constitutional amendment to balance the budget is the easy part.

There has been no legislation introduced today, and I daresay there will be no legislation introduced in this Congress, that has such far-reaching implications. This is where the rubber meets the road. Passing a constitutional amendment—which I believe will be passed—is the easy part. In doing so, we have to have a thorough understanding by every Member of the Senate, every Member of the House of Representatives, every Governor, every legislator in every State and the people at large, as to the awesome task that we take upon ourselves when we pass this measure. It is not going to be easy. It is probably one of the most difficult tasks that the Congress of the United States all during our history has ever saddled itself with. But saddle it we must if we are going to stop runaway deficits, skyrocketing national debts.

I think the first thing we have to have a full understanding with the people on, if they do not understand it now, is that there is a difference between the annual deficit and the national debt. I am afraid the people hear about the $150 to $350 billion annual deficit and then they hear about the skyrocketing national debt that was addressed earlier in the day by Senator DASCHLE, under $1 trillion in 1980 and now it is $4.7 trillion. They hear often that the fastest growing part of our budget is interest on the national debt.

I simply say that if we are going to balance the Federal budget by the year 2002, as is outlined in most of the measures that have been introduced thus far, we are going to have to cut $1 trillion or more, depending on how much money we expend for tax decreases—worthy or unworthy, justified or unjustified. The political climate, it seems to me, is to make everybody happy we have to have a tax cut. Add that tax cut, if you will, to the $1 trillion that I have already outlined and you see the monumental problem that we have on our hands.

Meanwhile back at the ranch we have all kinds of people, well-intentioned people, who are saying, "This has to be off limits. Of course that has to be off limits. We cannot touch this, we cannot touch that." I hope those of us who vote for a constitutional amendment to balance the budget recognize, as we must, that not all of us, maybe not a majority of us, will be here serving in the U.S. Senate and the House of Representatives in the year 2002. Yet we are mandating what people will do then. We, therefore, in my view, have the responsibility to plow a straight furrow, to tell the people exactly what the situation is, to put the pain and suffering that is going to take place in making these cuts so they are clearly understood—to recognize that, of all things, we may even have to raise taxes sometime before 2002 to accomplish the ends we are about to vote for. When you mention the tax word around here, though, that is a no-no.

I simply say in tackling this proposition this Senator, and I expect two-thirds of the Senate, are strongly in support of and will pass a constitutional amendment to balance the budget. We have the responsibility, not only to vote but we have the responsibility to fully understand what we are tackling and what we are taking on. Therefore, I want to make the point that this S. 9 is a far-reaching measure. It has to be passed, I believe, to bring some sanity to the Federal Government, to begin to balance income with out-go. Therefore it is a necessity. It is a very, very painful one and the people of the United States who send us here to do their bidding should understand when we do what they want us to do—the vast majority want a constitutional amendment to balance the budget. I say to the people of the United States of America, it is not going to be easy. I am afraid too many believe if we just eliminate the $1,200 toilet seats and the $500 hammer, and if we cut the salaries of the Members of the House and Senate and their staffs in half, we could do those things and everything would take care of itself. It would be balanced.

I heard a big debate on television last night about $300 million for public radio and public television. That is what television shows are made of. The $300 million that we spend on public broadcasting maybe should be cut. But it is a drop in the bucket. And we continue to focus on the little things, making believe if we do that, the problem is solved. It is a monumental problem of major proportions that all should understand, as we proceed down this dangerous course that in my view we must proceed on if we are ever going to bring outlays in line with expenditures.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I make inquiry to the Chair on a matter, a parliamentary inquiry as to what the proceedings are before the Senate now?

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

SENATOR DASCHLE'S IMPORTANT MESSAGES TO THE AMERICAN PUBLIC

Mr. REID. Mr. President, at the beginning of every session of Congress the Senate, both the minority and the majority, introduce five bills. These are deemed to be the most important bills of the two parties during a Congress. I would like to congratulate and applaud the minority leader, Senator DASCHLE of South Dakota, for the choice he made in the bills that are part of the legislation that will be addressed by this Congress. The bills he has introduced are important messages to the American public.

I first want to talk about S. 6. This is a bill dealing with the American working class. It is called the Working Americans Opportunity Act. We have made great strides, these past couple of years, in creating new jobs. Over 5 million new jobs have been created. We have the lowest inflation rate since John Kennedy was President. Three years in a row we have had a deficit reduction. We will have a reduction in our annual deficit this year, the third year in a row. This is the first time in 50 years this has happened.

Industrial production is the highest since the days of President Lyndon Baines Johnson. Real business investment is the highest since World War II.

Mr. President, we have 100,000 fewer Federal employees than we had years ago. Corporate profits soared 45 percent in the last quarter. Productivity as I indicated is skyrocketing.

What then is the problem? The problem is that the American public generally is not benefiting from the gains that are being made.

Let me read from a speech that was given by the Secretary of Labor very recently. He said among other things, and I quote:

> The old middle class has become an anxious class—worried not only about sustaining their incomes but also about keeping their jobs and their health insurance. Our large corporations continue to improve productivity by investing in technology and cutting payrolls. In a recent survey three out of four employers say their own employees fear losing their jobs. Meanwhile, 1994 is on track to become history's second-biggest year for mergers and acquisitions. But who wins in this $300 billicn deal? Certainly not the average American worker. When two industry giants merge, the advantages of the deal often come from layoffs. Across America, I hear the same refrain: "I've given this company the best years of my life, and now they dispose of me like a piece of rusted machinery." What has happened to the men and women who have lost their jobs? Some have navigated their way to new and better opportunities. But nearly one out of five who lost a full-time job since 1991 is still without work. And among those Americans who have landed new jobs, almost half—47 percent—are now earning less than they did before.
>
> In sum, tens of millions of middle-class Americans continue to experience what they began to face in the late 1970's—downward mobility. They know that recoveries are cyclical, but fear that the underlying trend is permanent. They voted for change in '94 just as they voted for change in '92, and they will do it again and again until they feel that downward slide is reversing. But what so many Americans find shocking about today's economy is the seeming randomness of their fates.
>
> On a recent poll, 55 percent of American adults said they no longer believe that you can build a better life for yourself and your family by working hard and playing by the rules. Of those without college degrees, 68 percent no longer believe it. Because they have been working hard and they are still falling behind.

Mr. President, sure things are happening. Corporate profits are up 45 percent, and I am happy. That is the way it should be. We have added new jobs. But the problem is, I repeat, the middle class is not benefiting from what is taking place. That is why we had the vote in 1992 that was a minirevolution, and a vote in 1994 that was an outright revolution. People of the middle class that make up the vast majority of the people of this country are dissatisfied with what is going on.

Last year alone the top 20 percent of American households took home a record 48 percent of this Nation's total income. This same group, the top 20 percent of American households, pocketed 72 percent of the growth in incomes that took place. The top 5 percent of people who work in America took home 20 percent of the Nation's total income and more than 40 percent of all the growth that took place in income in this country. We know about rising interest rates that are also hitting the middle class with higher car payments, mortgages, and credit card payments.

Mr. President, men who lack a college degree—nearly three out of four working men—have suffered a decline in average real income since 1979 and women have just barely stayed even.

So as to the bill, the Working Americans Opportunity Act, I will not repeat what my colleague from Louisiana, Senator BREAUX, said, but I believe, as Senator BREAUX believes, that it is one of the most important pieces of legislation introduced in these Chambers in decades. Why? Because it is directly related to the American middle class. The bill will take bold steps, Mr. President, to complete the responsibility for economic viability for all American citizens. The bill will replace nine Federal job training programs. I mentioned nine job training programs. Each of these job training programs have a series of subcategories under them, dozens, as Senator BREAUX said. Many of them are not relevant to the people that are coming to them seeking help. We want to replace these nine Federal job training programs with a new training account system for working Americans.

Mr. President, the vast majority of the people in America do not go to college. There is nothing wrong with that. I am not going to get into a debate about how our high schools only generally push college courses. I think that we should be more in tune with what people want and need in this country. But suffice it to say, the vast majority of people in this country do not go to college. We need people that do not go to college to be able to compete in the modern-day American workplace, and many people are not. They are being lost in the cracks. They go to find help from an agency that is supposed to help them and retrain them. They have lost jobs. They do not have a job. They are lost. The job agencies simply do not give them the help they need.

These workers will be given a voucher. It is not welfare. We will save money in this program. Instead of giving this money to a Government bureaucrat we will give the money to an individual. That individual can look around and find a program that is in keeping with what they should do, what they want to do.

Mr. President, this is the way that we used to do things. We should now again take up what worked before.

They will receive training vouchers for job training and employment-related services. This legislation will offer workers who seek assistance a list of State-certified places to obtain job training and employment services. The places they will go will have been certified, and they will have a report card, so to speak, to indicate their success and failures.

It will establish through Federal grant programs to States a one-stop information center that provides easy access to a full range of job training and placement services. It will establish in the labor market an information system providing current data on available jobs and training to help working Americans keep pace with the changing workplace.

This legislation should receive bipartisan support. I am hopeful and I am confident that it will. There is no reason that we cannot join together in this. It does a number of things. It reduces the bureaucracy, returns programs to the State level, and gives individuals choice in how they are going to be able to complete the rest of their lives. There will not be meaningless programs that they are sent to for retraining.

So I do hope very much, Mr. President, that we can receive bipartisan support for this legislation that has been introduced by Senator DASCHLE.

Also part of Senator DASCHLE's legislation is the Family Health Insurance Protection Act. We all know that the work that was done in the hours and days and weeks and months spent on this floor and in the other body on health care reform bore no fruit. We can pass a lot of blame as to why.

Mr. President, I ask unanimous consent that I be allowed to speak for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if we had to pick winners and losers in the health care debate, the winner clearly is the health insurance industry. They set out to confuse and frighten the American public, and they did that. I have to tell them that I think they did a good job. But that does not take away from the fact that we still now have problems with health care in this country.

Senator DASCHLE has recognized this in his legislation which continues a commitment to provide Americans with accessible and affordable health care by addressing those pressing concerns of working families. This legislation will clamp down on insurance practices that often cause families and small businesses to lose their coverage.

I learned in this health care debate that we did not spend enough time trying to look out for small businesses. This legislation does that.

The elements in this bill are those areas upon which there is I believe, and Senator DASCHLE believes, broad bipartisan consensus to do some health care reform.

This bill will ensure portability, eliminate preexisting conditions exclusions, and prohibit companies from charging consumers higher rates than others with the same policy or raising rates after consumers get sick. This bill will also require all insurers to offer at least one plan that will give benefits similar to what Members of Congress have.

Also, I think very important—and I believe this is the most important part of Senator DASCHLE's bill—if we pass no other part, we should pass the part that says: This bill will return buying power to consumers by requiring health care providers, health plans, to make cost and quality information available to consumers so they can compare plans and make informed choices about the coverage.

We would require that the health care providers, in effect, have a report card so consumers can make an intelligent choice. We want to also reduce paperwork and have administrative simplification and reform of malpractice. I believe this is another piece of legislation on which we can join with our neighbors across the aisle and reform health care in America today.

Another piece of legislation is the Teen Pregnancy Prevention and Parent Responsibility Act. I am concerned about this issue. I am not proud of the fact, but the State of Nevada, in 1990, ranked No. 2 in the Nation in teenage pregnancy rates. There is only one other State in the Union that has a higher teenage pregnancy rate than the State of Nevada.

We have to address welfare reform generally. This legislation does this, with emphasis on the problems we have with teen pregnancy and establishes parent responsibility. We must have the parents of these children responsible for their well-being.

It is important to note, Mr. President, that 70 percent of births to teenage mothers were fathered by men who were 21 years of age and older. They should pay and be responsible. We know what is going on in our country today. It is devastating and it is hurting the moral fabric of this country. This legislation addresses that.

Because of the lack of time, I am not going to go into detail, but I say to my friends on the other side of the aisle that this is the third piece of legislation I have talked about today where we should have bipartisan support. Senator EXON talked about joining the Republican-colleagues on the balanced budget amendment. We need to do that.

The last part of the legislation that the minority leader introduced as part of the Democratic legislation is congressional coverage reform. It is important that we deal with Senate coverage. We are going to do that. That is going to be a bipartisan effort. I worked as chairman of a task force last year to report to the majority leader, and then the minority leader Senator DOLE, and I think much that we did on the bipartisan task force is going to be part of the legislation. Lobbying reform, gift ban and campaign finance reform are a part of Senator DASCHLE's legislation. I recommend it to my colleagues on this side and the other side of the aisle and say to the American public I think this is the year we are going to accomplish something through teamwork.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I have been pleased to listen to the statement of the distinguished Senator from Nevada, and I am very encouraged to hear his comments. I am satisfied that there are going to be many issues we will work together on, and I believe there are going to be many opportunities for cooperation in a bipartisan way this year.

I want to commend our new Republican majority leader for scheduling as the first piece of legislation we will take up the Congressional Accountability Act. We will have bipartisan support for that effort, and I think it is appropriate that we begin this year by saying we are going to have all the Federal laws that apply to the American people—in the States of Nevada, Tennessee, Mississippi, all across the country, apply to us also. So we will begin that debate on the first full legislative day of this year, and hopefully we will be able to reach an early agreement and pass that legislation quickly—perhaps in the next 2 days, or certainly by early next week. I look forward to working with the Senator from Nevada and others. I yield to the Senator from Nevada.

Mr. REID. I say to the Senator, my friend from Mississippi, through the Chair, that I congratulate him on his recent leadership position. I am glad to see that my former colleague from the House is doing well. He had good training there. I served in the House when the Senator from Mississippi was minority whip. He did a fine job there, as I am sure he will do here. I wish him the very best in this Congress.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for 5 minutes.

Mr. LOTT. Reserving the right to object, Mr. President.

Just for clarification, under a previous unanimous-consent agreement, there was a time agreement, I believe, for an hour and 20 minutes on each side. What is the present status of that time? All time has expired on the minority side. How much time is remaining on the majority side?

The PRESIDING OFFICER. The majority has 28 minutes and 16 seconds, and the minority is out of time.

Mr. LOTT. And when all time is used or yielded back, is the next order of business a statement by the Senator from Iowa [Mr. HARKIN], on his amendment?

The PRESIDING OFFICER. The next order of business would be to resume consideration of Senate Resolution 14.

Mr. LOTT. I thank you, Mr. President.

I withdraw my reservation.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TAX CUT—WRONG THING TO DO

Mr. FEINGOLD. Mr. President, as the bipartisan stampede for tax cuts begins here in the 104th Congress, I would like to raise a dissenting voice. Like every other elected official, I would really like to be able to support a tax cut for middle-class Americans. In fact, it would be great to be able to support a tax cut for all Americans. That is usually a very pleasant opportunity for an elected official to vote for that kind of tax cut.

I think it is the wrong thing to do right now, when we have just begun to make headway on reducing the Federal deficit. This new tax cut fever is just the most recent example of how far we seem to be straying in the path toward economic stability. We started moving in the right direction with deficit reduction in 1993, but I think in 1994, we started to stray from the path a little. Now, there are just far too many signs that not only are we straying from the path, but that we are about to make a complete U-turn and head back toward soaring deficits, a mounting national debt, and putting off until tomorrow the fiscal housecleaning that is so desperately needed today. Let me just tick off very quickly some of the bad signs that we are about to move in the wrong direction.

One is that the Republican Contract With America, frankly, lays out what I think is an irresponsible plan that proposes a balanced Federal budget and, at the same time, says we are going to have major tax cuts and a significant increase in military spending. This is a proposal that Nixon's economic adviser, Herbert Stein, labeled hypocritical. So that is one sign—the Republican contract.

The second sign is that some folks are also saying we should use something called dynamic scoring techniques. I think this dynamic scoring technique is a bit of fiscal hocus-pocus. Business Week described it this way:

> * * * as the most dangerous thing to hit Washington since politicians discovered how to print money.

Dynamic scoring would abandon the tough pay-as-you-go budget rules that we have used in the past several years to bring down the Federal deficit. So I think that is a bad idea. In fact, we have seen voodoo economics in the past. I see this as voodoo mathematics.

Just so it is clear this is not just a partisan statement by any means, there is a third sign that we are moving in the wrong direction, and that is that President Clinton himself has proposed a $25 billion increase in spending for a military budget that, in my view, is already bloated with obsolete, cold-war-era weapons systems.

Another sign: Members of both parties in this Senate just voted to waive the budget rules for the GATT implementing legislation. There are many other merits to it, but the fact is the measure does not offset the cost of the loss of tariffs of some $40 billion over the next 10 years. So much of the progress we made on reducing the deficit could be lost because of the failure to pay for the GATT agreement.

The same goes, finally, for the proposal, the reaction to the Kerrey-Danforth Commission. People essentially ignore the important message that all things have to be on the table. Both discretionary spending and entitlements have to be on the table. You cannot have it only defense spending, only discretionary spending, or only entitlements if we are going to attack the deficit.

But perhaps the greatest risk to our efforts on the Federal deficit is the latest effort to try to come up with these tax cuts. That frenzy of tax cuts, particularly creating the tax breaks for special interests, gave us the biggest deficit in our history, a deficit that we have just begun to cut, with considerable pain and sacrifice for Americans. I do not think our economy can sustain another round of this political self-indulgence.

Mr. President, if the Federal Reserve reacts as anticipated and pushes interest rates up again, the economy could very well go through the windshield, and right now the President's proposed tax credit for families with incomes up to $75,000 will cost $90 billion over 10 years, and if you throw in the tax cuts he has proposed, the bill reaches $174 billion. The Republican proposal to give tax credits for families earning up to $200,000 will cost, Mr. President, $244 billion over 10 years, and altogether the Republican contract, I am told, would cost a whopping $712 billion over the next 10 years.

So, Mr. President, I think the conventional wisdom about tax cuts is something that has to be challenged. I realize not many people are doing it at this time. What I am noticing is that my constituents can smell a rat when someone suggests that a tax cut is just what the Nation needs right now.

It was not that long ago that I had a chance, as a candidate for U.S. Senate, to oppose a middle-class tax cut in a campaign. My opponents in the general election spent a lot of time and money making sure everybody in the State knew I was against the middle-class tax cut. But the voters realized that what they would get back in lower taxes, a meaningful amount to many people, was simply not worth it because of the devastation it would cause to our Federal budget.

Let me bring it right up to today. In my office, since the President made his speech, phone calls and letters have been running about 10 to 1 in favor of reducing the deficit rather than using spending cuts to cut taxes.

For example, a gentleman from Birnamwood, WI, wrote to me and said:

> By all means, cut Government spending but use that savings to eliminate the deficit and pay down the debt that threatens to overwhelm us.

He said that is the only responsible thing to do.

A woman from Cornucopia, WI, the most northern point in Wisconsin, wrote:

> I can't figure out why this is happening, this race to cut taxes, when the majority of people, according to all I have seen, heard, and read, don't care.

She says:

> We wanted the deficit cut and we wanted our money spent more wisely.

A gentleman from Waupaca, a very Republican town in Wisconsin, wrote this to me. He said recently:

> I want you to know that I strongly support your position against the proposed tax cuts. With an income of $50,000, I guess I would benefit from most of the tax cut plans, but I feel the benefit would be short lived and would be clearly detrimental to the country. I hope that you will continue to oppose these tax-cut plans that are clearly nothing more than attempts to buy votes.

My office, Mr. President, has received hundreds of calls and letters that are similar to these. And I think that view is shared not just in Wisconsin. A USA Today-CNN poll published on December 20, 1994, found that 70 percent of those polled said if Congress is able to cut spending, then reducing the deficit—reducing the deficit—is a higher priority than just giving out tax cuts.

So, Mr. President, to conclude, it is a little frustrating to hear constituents who could certainly use the money urge Congress to make deficit reduction a higher priority than tax cuts and then see this institution rush to see who can give the bigger tax cut. I hope the media and the political commentators will look closely at the campaign rhetoric of those who just recently pledged to fight to reduce the Federal deficit and compare that rhetoric to today's eagerness to join the bandwagon on tax cuts.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF A PROCOMPETITIVE, DEREGULATORY TELECOMMUNICATIONS BILL, THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995

Mr. PRESSLER. Mr. President, I think one of the major duties of the new Congress will be to pass a major telecommunications reform bill—a new procompetitive, deregulatory bill. I know there are many views in this body on national telecommunications policy. The Republican-controlled 104th Congress has a truly historic opportunity to pass comprehensive telecommunications reform legislation.

Last year, the Congress almost passed a bill. The House of Representatives passed a bill by an overwhelming vote. The Senate Commerce Committee passed out a bill 18 to 2 that became entangled here on the Senate floor.

Why should we pass a telecommunications bill in 1995? The reason is that the country needs a roadmap for the next century in telecommunications as we continue to move forward in the Information Age. We need to have more competition and more deregulation. Past efforts to craft telecommunications legislation have been bogged down by overly regulatory approaches. A fresh look at the issues, grounded in procompetitive, deregulatory principles, is the best way to meet our common policy objectives.

We need to have all telecommunications markets open to competition. We need to have the cable companies competing in the telephone business and telephone companies providing cable television service. We need to have the long-distance companies competing in local telephone markets, and vice versa. We no longer should have this regulatory apartheid scheme of having little patches or enclaves of competition for only one group of people or companies.

Telecommunications policy in America, under the 1934 Communications Act, has long been based on the now faulty premise that information transmitted over wires could easily be distinguished from information transmitted over the air. Different regulatory regimes were erected around different information media. That is what I refer to as the regulatory apartheid scheme.

This is an extremely complex and difficult area. It is easier said than done. The telecommunications field is a unique area of regulation in that one frequently has to use someone else's coaxial cable to get to a home or someone else's fiber optic cable or someone else's copper cable or copper wire to get one's product delivered. Nonetheless, I am quite confident we can work out many of those problems through the development of opening requirements in terms of unbundling, in terms of interconnection, in terms of number portability, in terms of resale and so forth.

It is my strongest personal conviction that one of the great accomplishments, on a bipartisan basis, of this 104th Congress will be the passage of a new major telecommunications reform bill.

I have been meeting and speaking with numerous CEO's from around the country in the telecommunications and information technology industries. I am meeting with consumers. I am talking with my fellow Republican and Democratic colleagues, both in the House and the Senate. I have spoken on a number of occasions with Vice President GORE about this most important topic. We must work together on a bipartisan basis to achieve this laudable goal.

Much of the recent discussion around the country has been about the Contract With America and some of the partisanship that might surround that debate. I think the contract is a very healthy thing and I will vote for it. But we will also have a substantial piece of substantive legislation in the Commerce Committee this year—a new procompetitive, deregulatory telecommunications bill—the Telecommunications Competition and Deregulation Act of 1995. As the incoming chairman of the Senate Commerce Committee this year I have announced that this will be the Commerce Committee's top priority. I ask my colleagues to look at some of the materials we will send to your offices on this bill. It is very important that we reach consensus on this critically important issue and pass a new telecommunications bill.

My new telecommunications bill will rapidly accelerate private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition. It will markedly improve international competitiveness, spur economic growth, job creation and productivity gains, delivery better quality of life through more efficient delivery of educational, health care and other social services, and enhance individual empowerment. All without spending taxpayer money.

Mr. President, I thank the Chair and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CIVIL JUSTICE SYSTEM

Mr. HATCH. Mr. President, I intend to introduce legislation very early in this Congress that will address some of the most serious deficiencies in our civil justice system. Litigation today is an extraordinarily expensive mechanism for compensating an injured party. The seriously injured victim in Utah and in all of our States is often not compensated fairly, and frequently there is an unconscionable delay in one's recovery.

In other instances, trial lawyers sue too easily, and often with no consequence for their unmeritorious position, knowing that the high cost of defending against even an unworthy claim will often induce at least a nuisance settlement.

The uncertainty of an excessive punitive damage award by a runaway jury cripples our business community and diverts resources that could be better used for research and employment. Moreover, the current joint liability laws make each defendant with any culpability liable for the entire amount of damages regardless of the degree of their culpability. Thus, for example, a defendant who is only 10 percent responsible for a wrong can wind up paying 100 percent of the damages.

Many defendants are unfairly held responsible for damages because those primarily responsible are uninsured or outside of the jurisdiction of the courts. Junk science has made a mockery out of our system of justice, leading juries to make unfair decisions in some cases.

In sum, we now have a civil justice system wherein true victims face unreasonable delay in receiving compensation for wrongs done to them, compensation which is often less than full, in any event. At the same time, the civil justice system imposes an enormous cost on society as a whole. The great expense of litigating against meritless claims, the unfair allocation of liability, the threat of unfair, excessive damage awards, collectively drive up the cost of doing business. This cost is ultimately passed on to the consumer, and deters the development of new and worthwhile products and services.

I support a number of legal reforms that will improve our civil justice system, make the system fairer to all parties, allow for a quicker recovery for those injured, and make those most responsible for an injury liable for their fair share. I welcome the input of those concerned about these issues.

I am also committed to joining Senators GORTON and ROCKEFELLER in passing product liability reform legislation in the 104th Congress. I look forward to their continued leadership in the Commerce Committee in that important effort. I hope that my efforts to enact civil justice reform legislation will complement the products liability legislation.

TRIBUTE TO C.G. NUCKOLS

Mr. HATFIELD. Mr. President, I rise to pay tribute to one of the original staff members of the Congressional Budget Office, C.G. Nuckols. Mr. Nuckols has served the Congress at CBO for almost 20 years, most recently as Assistant Director for Budget Analysis. He is retiring today to begin a new career in the private sector.

C.G. Nuckols began his Federal service in 1963 as an operations research analyst for the Department of the Navy. From there he moved to the Office of the Secretary of Defense, where he became Director of the Program Cost Analysis Division. In recognition of his efforts, he was awarded the Defense Meritorious Civilian Service Medal. Soon after CBO started operations in 1975, Alice Rivlin and James Blum persuaded Mr. Nuckols to leave the Defense Department to help establish CBO's Budget Analysis Division.

Every Member and every committee of the Congress relies on the work of the Budget Analysis Division. We on the Appropriations Committee expect our appropriation bills to be scored overnight—or sooner. The Budget Committee depends on the division for help in preparing the functional totals and committee spending allocations for the budget resolution. And the authorizing committees routinely receive timely CBO cost estimates for virtually all reported bills.

Although the Congress now takes all of these things for granted, it was not always so. In 1975, CBO was a blank slate. Together with James Blum, C.G. Nuckols established the rules, formats, and procedures for preparing budget projections and bill cost estimates. He made sure that work was completed on time, that analyses were carefully justified, and that precedents were scrupulously followed—whether the estimate was for a freshman or a powerful chairman.

Yet if there is one item above all for which we have C.G. Nuckols to thank, it is for the quality of the budget analysis staff at CBO. From 1975 to today, Mr. Nuckols has personally interviewed almost everyone hired by the Budget Analysis Division. Only those who meet his high standards of integrity, intellect, and training pass muster. Then, having hired the best, he has worked to ensure that they had the resources and support necessary to perform at their best.

Mr. President, the appreciation we feel for the work of the Congressional Budget Office is due in no small part to the efforts of C.G. Nuckols. During his 20 years at CBO, Mr. Nuckols has served the Congress with quiet, tireless, nonpartisan professionalism. I wish him well in his new venture, knowing that he leaves behind at CBO a staff that will continue the tradition he did so much to establish.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through December 1, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241 billion.

This is my first report for the first session of the 104th Congress.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 4, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through December 1, 1994. The estimates of budget authority, outlays and revenues are consistent with the technical economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

This is my first report for the first session of the 104th Congress.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS DECEMBER 1, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
On-budget:			
Budget authority	$1,238.7	$1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–1999[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,686.1	−279.0
Off-budget:			
Social Security outlays:			
1995	287.6	287.5	−0.1
1995–1999	1,562.6	1,562.6	*0.
Social Security revenues:			
1995	360.5	360.3	−0.2
1995–1999	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit—Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

* Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS DECEMBER 1, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			$977,700
Permanents and other spending legislation	$747,106	$705,958	
Appropriation legislation		242,066	
Offsetting receipts	(203,681)	(203,681)	
Total previously enacted	543,425	744,344	977,700
Enacted 103d Congress, 2d session			
Appropriation bills:			
Emergency Supplemental, FY 1994 (P.L. 103–211)	18	(832)	
1994 FHA Supplemental (P.L. 103–275)	(2)	*	
Agriculture (P.L. 103–330)	67,515	43,218	
Commerce, Justice, State (P.L. 103–317)	26,832	19,052	
Offsetting receipts	(158)	(158)	
Defense (P.L. 103–335)	243,628	164,182	
District of Columbia (P.L. 103–334)	712	712	
Energy and Water (P.L. 103–316)	20,493	12,083	
Foreign Assistance (P.L. 103–306)	13,679	5,614	
Offsetting receipts	(45)	(45)	
Interior and Related Agencies (P.L. 103–332)	13,198	8,873	
Labor, HHS, Education (P.L. 103–333)	213,377	176,469	
Offsetting receipts	(38,233)	(38,233)	
Legislative Branch (P.L. 103–283)	2,367	2,174	
Military Construction (P.L. 103–307)	8,836	2,181	
Transportation (P.L. 103–331)	14,266	12,449	
Treasury, Postal Service (P.L. 103–329)	23,221	20,900	
Offsetting receipts	(7,340)	(7,340)	
Veterans, HUD and Independent Agencies (P.L. 103–327)	89,751	48,437	
Authorization bills:			
Federal Workforce Restructuring Act (P.L. 103–226)	443	443	
Offsetting receipts	(269)	(269)	
Extend Loan Ineligibility Exemption (P.L. 103–235)	5	5	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	
Independent Counsel Reauthorization Act (P.L. 103–270)	2	2	
Disregard Certain Payments to Nazi Victims for Benefit Eligibility (P.L. 103–286)	1	1	
Independent Agency Act (P.L. 103–296)	(12)	(12)	(2)
Aviation Infrastructure Investment Act (P.L. 103–305)	2,161		

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS DECEMBER 1, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Crime Control Act of 1994 (P.L. 103–322)		(20)	1
Community Development Act of 1994 (P.L. 103–325)	(25)	(25)	
National Defense Authorization Act, FY 1995 (P.L. 103–337)	42	34	
Continuation of certain SEC fees (P.L. 103–352)	19	19	
Uniformed Services Employment and Reemployment Rights Act (P.L. 103–353)	(1)	(1)	
Federal Crop Insurance Reform Act (P.L. 103–354)	500	(154)	
Arizona Wilderness Land Title Resolution (P.L. 103–365)	4	4	
North American Wetlands Conservation Act Amendments (P.L. 103–375)	(1)	(1)	(1)
Social Security Domestic Employment Reform Act of 1994 (P.L. 103–387)			(81)
Bankruptcy Reform Act (P.L. 103–394)	(61)	(61)	6
State Department Authorization Technical Corrections (P.L. 103–415)	9	8	
California Desert Protection Act (P.L. 103–433)	1	1	
Yavapai-Prescott Indian Tribe Water Rights Claims Settlement Act (P.L. 103–434)	(12)	(12)	
International Antitrust Enforcement Assistance Act of 1994 (P.L. 103–438)[1]			
Veterans' Benefits Improvement Act of 1994 (P.L. 103–446)	(3)	(3)	
Healthy Meals for Healthy Americans Act (P.L. 103–448)	11	10	
Uruguay Round Agreements Act (P.L. 103–465)	111	30	843
Offsetting receipts	(86)	(86)	
For the relief of James B. Stanley (Pvt. L. 103–8)	*	*	
Total enacted this session	694,951	469,648	766
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	
Total Current Level[2]	1,236,489	1,217,181	978,466
Total Budget Resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under Budget Resolution	2,255	424	
Over Budget Resolution			766

[1] The effects of this Act begin in fiscal year 1996.

[2] In accordance with the Budget Enforcement Act, the total does not include $1,200 million in budget authority and $6,356 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $1,027 million in budget authority and $1,041 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

* Less than $500 thousand.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, I doubt that there have been many, if any, candidates for the Senate who have not pledged to do something about the enormous Federal debt run up by the Congress during the past half-century or more. But the Congress, both House and Senate, have never even toned down, let alone put an end to, the deficit spending that has sent the Federal debt into the stratosphere and beyond.

Mr. President, we must pray that this year will be different, that Federal spending will indeed be reduced drastically. Indeed, if we care about America's future, there must be some changes.

You see, Mr. President, as of the close of business yesterday, January 3, the Federal debt stood—down to the penny—at exactly $4,798,116,945,333.39. This means that on a per capita basis, every man, woman, and child in America owes $18,213.73 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt about 2 years ago, January 5, 1993, when the debt stood at exactly $4,167,872,986,853.67—or averaged out, $15,986.56 for every American. During the past 2 years—that is during the 103d Congress—the Federal debt increased by a total of $630,243,958,749.72.

This illustrates, Mr. President, the point that so many politicians talk a good game—at home—about bringing the Federal debt under control, but vote in support of bloated spending bills when they get back to Washington. If the Republicans do not do a better job of getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

IN HONOR OF RAMON RIVERA, RETIRING EXECUTIVE DIRECTOR OF LA CASA DE DON PEDRO

Mr. BRADLEY. Mr. President, on November 9, 1994, a very special man, Ramon Rivera, retired as executive director of the community based organization, La Casa de Don Pedro. After 25 years of public service, he was honored for his lifetime commitment to improving the lives of individuals and families in some of New Jersey's poorest neighborhoods.

La Casa de Don Pedro was founded by Ramon Rivera as Familias Unidas in 1971. It functioned as a resource for Hispanic families to find adequate child care and employment opportunities in Newark. Through the 1970's, 1980's, and 1990's La Casa blossomed into one of the largest community based organizations in New Jersey. Its services include child care, assistance for senior citizens, and job retraining. La Casa's most notable achievements include building low-income two-family housing units and townhouses for the residents of Newark. La Casa also developed a credit union that has loaned $2.2 million to residents. If it were not for the credit union, many of the community residents would have no place to deposit money, secure small loans, or take advantage of services we often take for granted.

Ramon Rivera, born in Puerto Rico, came to this country at the age of 12. He began his long career in community service as an organizer for the National Welfare Rights Organization, assisting Latina and non-Latina women seek food and clothing. He was then founder and director of OYE, Inc., a nonprofit educational and cultural program for Hispanic youth. Before he founded La Casa, he was the northern regional representative for the Puerto Rican Congress of New Jersey. A graduate of the school of social work at Rutgers University, Ramon Rivera has devoted more than 30 years of his career to helping low-income families help themselves.

Ramon Rivera created an island of hope in a community that lacked access to opportunities and equity. He developed a vibrant social service organization that has served almost two generations of New Jersey residents. While his retirement will be a great loss for those who have worked with him and for those he has served, he has left an exemplary legacy of philanthropic effort and commitment.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe, after consultation with both sides of the aisle, we are prepared now to yield back the remainder of our time of the 1 hour and 20 minutes we had.

The PRESIDING OFFICER. The Senator has that right and morning business is concluded.

AMENDING PARAGRAPH 2 OF RULE XXV

The PRESIDING OFFICER. The clerk will now report the pending business.

The legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of Rule XXV.

The Senate continued with the consideration of the resolution.

AMENDMENT NO. 1

(Purpose: To amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for himself, Mr. LIEBERMAN, Mr. PELL, and Mr. ROBB, proposes an amendment numbered 1.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENATE CLOTURE PROVISION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

"(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

"(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

Mr. HARKIN. Mr. President, for the benefit of the Senators who are here and watching on the monitors, we now have before us an amendment by myself, Senator LIEBERMAN, Senator PELL, and Senator ROBB that would amend rule XXII, the so-called filibuster rule of the U.S. Senate. This is an amendment that was agreed upon—at least the procedure was agreed upon for this amendment—between Senator DOLE and myself earlier today under a unanimous-consent agreement.

This amendment would change the way this Senate operates more fundamentally than anything that has been proposed thus far this year. It would fundamentally change the way we do business by changing the filibuster rule as it currently stands.

Mr. President, the last Congress showed us the destructive impact filibusters can have on the legislative process, provoking gridlock after gridlock, frustration, anger, and despondency among the American people, wondering whether we can get anything done at all here in Washington. The pattern of filibusters and delays that we saw in the last Congress is part of the rising tide of filibusters that have overwhelmed our legislative process.

While some may gloat and glory in the frustration and anger that the American people felt toward our institution which resulted in the tidal wave of dissatisfaction that struck the majority in Congress, I believe in the long run that it will harm the Senate and our Nation for this pattern to continue. As this chart shows, Mr. President, there has indeed been a rising tide in the use of the filibuster. In the last two Congresses, in 1987 to 1990, and 1991 to 1994, there have been twice as many filibusters per year as there were the last time the Republicans controlled the Senate, from 1981 to 1986, and 10 times as many as occurred between 1917 and 1960. Between 1917 and 1960, there were an average of 1.3 per session. However, in the last Congress, there were 10 times that many. This is not healthy for our legislative process and it is not healthy for our country.

The second chart I have here compares filibusters in the entire 19th century and in the last Congress. We had twice as many filibusters in the 103d Congress as we had in the entire 100 years of the 19th century.

Clearly, this is a process that is out of control. We need to change the rules. We need to change the rules, however, without harming the longstanding Senate tradition of extended debate and deliberation, and slowing things down.

The third chart I have here shows the issues that were subject to filibusters in the last Congress. Some of these were merely delayed by filibusters. Others were killed outright, despite having the majority of both bodies and the President in favor of them. That is right. Some of these measures had a majority of support in the Senate and in the House, and by the President. Yet, they never saw the light of day. Others simply were perfunctory housekeeping types of issues.

For example, one might understand why someone would filibuster the Brady Handgun Act. There were people that felt very strongly opposed to that. I can understand that being slowed down, and having extended debate on it. Can you say that about the J. Larry Lawrence nomination? I happen to be a personal friend of Mr. Lawrence. He is now our Ambassador to Switzerland, an important post. He was nominated to be Ambassador there, and he came through the committee fine. Yet, his nomination was the subject of a filibuster. Or there was the Edward P. Berry, Jr., nomination. There was the Claude Bolton nomination. You get my point.

We had nominations that were filibustered. This was almost unheard of in our past. We filibustered the nomination of a person that actually came through the committee process and was approved by the committee, and it was filibustered here on the Senate floor.

Actually, Senators use these nominations as a lever for power. If one Senator has an issue where he or she wants something done, it is very easy. All a Senator needs to do is filibuster a nomination. Then the majority leader or the minority leader has to come to the Senator and say, "Would you release your hold on that, give up your filibuster on that?"

"OK," the Senator will reply. "What do you want in return?"

Then the deals are struck.

It is used, Mr. President, as blackmail for one Senator to get his or her way on something that they could not rightfully win through the normal processes. I am not accusing any one party of this. It happens on both sides of the aisle.

Mr. President, I believe each Senator needs to give up a little of our pride, a little of our prerogatives, and a little of our power for the good of this Senate and for the good of this country. Let me repeat that: Each Senator, I believe, has to give up a little of our pride, a little of our prerogatives, and a little of our power for the better functioning of this body and for the good of our country.

I think the voters of this country were turned off by the constant bickering, the arguing back and forth that goes on in this Senate Chamber, the gridlock that ensued here, and the pointing of fingers of blame.

Sometimes, in the fog of debate, like the fog of war, it is hard to determine who is responsible for slowing something down. It is like the shifting sand. People hide behind the filibuster. I think it is time to let the voters know that we heard their message in the last election. They did not send us here to bicker and to argue, to point fingers. They want us to get things done to address the concerns facing this country. They want us to reform this place. They want this place to operate a little better, a little more openly, and a little more decisively.

Mr. President, I believe this Senate should embrace the vision of this body that our Founding Fathers had. There is a story—I am not certain whether it is true or not, but it is a nice story—that Thomas Jefferson returned from France, where he had learned that the Constitutional Convention had set up a separate body called the U.S. Senate, with its Members appointed by the legislatures and not subject to a popular vote. Jefferson was quite upset about this. He asked George Washington why this was done. Evidently, they were sitting at a breakfast table. Washington said to him, "Well, why did you pour your coffee in the saucer?" And Jefferson replied, "Why, to cool it, of course." Washington replied, "Just so: We created the Senate to cool down the legislation that may come from the House."

I think General Washington was very wise. I think our Founding Fathers were very wise to create this body.

They had seen what had happened in Europe—violent changes, rapid changes, mob rule—so they wanted the process to slow things down, to deliberate a little more, and that is why the Senate was set up.

But George Washington did not compare the Senate to throwing the coffee pot out the window. It is just to cool it down, and slow it down.

I think that is what the Founding Fathers envisioned, and I think that is what the American people expect. That is what we ought to and should provide. The Senate should carefully consider legislation, whether it originates here, or whether it streams in like water from a fire hose from the House of Representatives, we must provide ample time for Members to speak on issues. We should not move to the limited debate that characterizes the House of Representatives. I am not suggesting that we do that. But in the end, the people of our country are entitled to know where we stand and how we vote on the merits of a bill or an amendment.

Some argue that any supermajority requirement is unconstitutional, other than those specified in the Constitution itself. I find much in this theory to agree with—and I think we should treat all the rules that would limit the ability of a majority to rule with skepticism. I think that this theory is one that we ought to examine more fully, and that is the idea that the Constitution of the United States sets up certain specified instances in which a supermajority is needed to pass the bill, and in all other cases it is silent. In fact, the Constitution provides that the President of the Senate, the Vice President of the United States, can only vote to break a tie vote—by implication, meaning that the Senate should pass legislation by a majority vote, except in those instances in which the Constitution specifically says that we need a supermajority.

The distinguished constitutional expert, Lloyd Cutler, a distinguished lawyer, has been a leading proponent of this view. I have not made up my mind on this theory, but I do believe it is something we ought to further examine. I find a lot that I agree with in that theory.

But what we are getting at here is a different procedure and process, whereby we can have the Senate as the Founding Fathers envisioned—a place to cool down, slow down, deliberate and discuss, but not as a place where a handful—yes, maybe even one Senator—can totally stop legislation or a nomination.

Over the last couple of years, I have spent a great deal of time reading the history of this cloture process. Two years ago, about this time, I first proposed this to my fellow Democratic colleagues at a retreat we had in Williamsburg, VA. In May of that year, I proposed this to the Joint Committee on Congressional Reform. Some people said to me at that time: Senator HARKIN, of course you are proposing it, you are in the majority, you want to get rid of the filibuster. Well, now I am in the minority and I am still proposing it because I think it is the right thing to do.

Let me take some time to discuss the history of cloture and the limitations on debate in the Senate. Prior to 1917 there was no mechanism to shut off debate in the Senate. There was an early version in 1789 of what was called the "previous question." It was used more like a tabling motion than as a method to close debate.

In the 19th century, Mr. President, elections were held in November and Congress met in December. This Congress was always a lame duck session, which ended in March of the next year. The newly elected members did not take office until the following December, almost 13 months later. During the entire 19th century, there were filibusters. But most of these were aimed at delaying congressional action at the end of the short session that ended March 4. A filibuster during the 19th century was used at the end of a session when the majority would try to ram something through at the end, over the objections of the minority. Extended debate was used to extend debate to March 4, when under the law at that time, it automatically died.

If the majority tried to ram something through in the closing hours, the minority would discuss it and hold it up until March 4, and that was the end of it. That process was changed. Rather than going into an automatic lame-duck session in December, we now convene a new Congress in January with the new Members. I think this is illustrative that the filibuster used in the 19th century was entirely different in concept and in form than what we now experience here in the U.S. Senate.

So those who argue that the filibuster in the U.S. Senate today is a time-honored tradition of the U.S. Senate going clear back to 1789 are mistaken, because the use of the filibuster in the 19th century was entirely different than what it is being used for today, and it was used in a different set of laws and circumstances under which Congress met.

So that brings us up to the 20th century. In 1917, the first cloture rule was introduced in response to a filibuster, again, at the end of a session that triggered a special session. This cloture rule provided for two-thirds of Members present and voting to cut off debate. It was the first time since the first Congress met that the Senate adopted a cloture rule in 1917. However, this cloture rule was found to be ineffective and was rarely used. Why? Because rulings of the chair said that the cloture rule did not apply to procedural matters. So, if someone wanted to engage in a filibuster, they could simply bring up a procedural matter and filibuster that, and the two-thirds vote did not even apply to that. For a number of years, from 1917 until 1949, we had that situation.

In 1949 an attempt was made to make the cloture motion more effective. The 1949 rule applied the cloture rule to procedural matters. It closed that loophole but did not apply to rules changes. It also raised the needed vote from two-thirds present and voting to two-thirds of the whole Senate, which at that time meant 64 votes. That rule existed for 10 years.

In 1959, Lyndon Johnson pushed through a rules change to change the needed vote back to two-thirds of those present and voting, and which also applied cloture to rules changes.

There were many attempts after that to change the filibuster. In 1975, after several years of debate here in the Senate, the current rule was adopted, as a compromise proposed by Senator BYRD of West Virginia. The present cloture rule allows cloture to be invoked by three-fifths of Senators chosen and sworn, or 60 votes, except in the case of rules changes, which still require two-thirds of those present and voting.

This change in the rule reducing the proportion of votes needed for cloture for the first time since 1917, and was the culmination of many years of efforts by reformers' numerous proposals between 1959 and 1975.

Two of the proposals that were made in those intervening years I found particularly interesting. One was by Senator Hubert Humphrey in 1963, which provided for majority cloture in two stages. The other proposal I found interesting was one by Senator DOLE in 1971 that moved from the then current two-thirds present and voting down to three-fifths present and voting, reducing the number of votes by one with each successive cloture vote.

We drew upon Senator DOLE's proposal in developing our own proposal. Our proposal would reduce the number of votes needed to invoke cloture gradually, allowing time for debate, allowing us to slow things down, but ultimately allowing the Senate to get to the merits of a vote.

Under our proposal, the amendment now before the Senate, Senators still have to get 16 signatures to offer a cloture motion. The motion would still have to lay over 2 days. The first vote to invoke cloture would require 60 votes. If that vote did not succeed, they could file another cloture motion needing 16 signatures. They would have to wait at least 2 further days. On the next vote, they would need 57 votes to invoke cloture. If you did not get that, well, you would have to get 16 signatures, file another cloture motion, wait another couple days, and then you would have to have 54 votes. Finally, the same procedure could be repeated, and move to a cloture vote of 51. Finally, a simple majority vote could close debate, to get to the merits of the issue.

By allowing this slow ratchet down, the minority would have the opportunity to debate, focus public attention on a bill, and communicate their case to the public. In the end, though, the majority could bring the measure to a final vote, as it generally should in a democracy.

Mr. President, in the 19th century, as I mentioned before, filibusters were used to delay action on a measure until the automatic expiration of the session.

Senators would then leave to go back to their States, or Congressmen back to their districts, and tell people about the legislation the majority was trying to ram through. They could get the public aroused about it, to put pressure on Senators not to support that measure or legislation.

Keep in mind that in those days, there was no television, there was no radio, and scant few newspapers. Many people could not read or write and the best means of communication was when a Senator went out and spoke directly with his constituents. So it was necessary to have several months where a Senator could alert the public as to what the majority was trying to do, to protect the rights and interests of the minority.

That is not the case today. Every word we say here is instantaneously beamed out on C-SPAN, watched all over the United States, and picked up on news broadcasts. We have the print media sitting up in the gallery. So the public is well aware and well informed of what is happening here in the Senate on a daily basis. We do have a need to slow the process down, but we do not need the several months that was needed in the 19th century.

So as a Member of the new minority here in the Senate, I come to this issue as a clear matter of good public policy. I am pleased to say that it is a change that enjoys overwhelming support among the American people.

A recent poll conducted by Action Not Gridlock—and I will have more to say about them in a second—found that 80 percent of Independents, 84 percent of Democrats, and 79 percent of Republicans believe that once all Senators have been able to express their views, the Senate should be permitted to vote for or against a bill.

As I mentioned, Mr. President, this poll was commissioned by a group called Action Not Gridlock, a broad array of distinguished Democratic and Republican leaders around the country formed to change the filibuster rule. These leaders include former Republican Senators Mac Mathias, Barry Goldwater, and Bob Stafford, as well as former Iowa Governor Bob Ray and former Secretary of HHS Arthur Flemming, all Republicans, as well as Democrats former Senator Bill Proxmire, former Senator Terry Sanford, and Ray Marshall. Action Not Gridlock has also formed a number of chapters around the country working to end the gridlock in Washington.

In my own State of Iowa, there is a truly impressive bipartisan group working on this issue. It includes Michael Reagan, president of the Des Moines Chamber of Commerce; Republican majority leader of the Iowa House, Brent Siegrest; Abbi Swanson, president of the League of Women Voters of Iowa; and former Democratic Congressman Berkeley Bedell.

So, again, as you see, Mr. President, Action Not Gridlock has a broad array of Republicans, Democrats, and Independents.

Well, slaying the filibuster dinosaur—and that is what I call it, a dinosaur, a relic of the ancient past—slaying the filibuster dinosaur has also been endorsed by papers around the country, including the New York Times, which just editorialized on this last Sunday; the USA Today; the Washington Post; the Fort Worth Star-Telegram; in my own State, the Des Moines Register, the Cedar Gazette, the Quad-City Times, and the Council Bluffs Non-Pareil.

Mr. President, I ask unanimous consent that those editorials that I just mentioned be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOWN WITH THE FILIBUSTER

One of the mandates voters gave to Republicans on Nov. 8 was to reform the way Congress operates. There's no better place to begin than with the Senate filibuster.

The filibuster allows a minority to block passage of any bill unless a supermajority of 60 votes in the 100-member Senate can be mustered to overcome it. Republicans used the filibuster liberally in the last few years to tie the majority Democrats in knots.

Next year, with Republicans in the majority, Democrats will be in a position to return the favor. Nevertheless, Iowa Democratic Senator Tom Harkin is right in saying that the Democrats should resist the temptation to "do unto the Republicans what they did unto us."

Instead, Harkin is urging that the filibuster be tempered. Reform-minded members of both parties should join Harkin's effort. There may have been some justification for the filibuster in its quaint original form, but the modern version of the filibuster has become nothing more than a cost-free device that lets a willful minority thwart the will of the majority, or hold legislation hostage to extort concessions.

The filibuster evolved from the Senate's tradition of unlimited debate. To carry out a filibuster, opponents of a bill had to try, literally, to talk it to death. Those engaged in a filibuster had to be prepared to keep talking around the clock. It required determination and stamina, and the filibustering senators risked arousing the public's anger at their obstructionism. As a result, filibusters were rare.

In recent years, the Senate adopted rules intended to curb filibusters. They ended up having precisely the opposite effect. Filibusters became an everyday tactic. By one count, there were twice as many filibusters in the last two years of Congress than during the entire 19th century.

The new rules established a "two-track" procedure that allows the Senate to continue with other business while a filibuster is under way. All action does not grind to a halt, as it did previously.

The two-track rule made filibusters much easier to use. Stamina is no longer required. Now, all the minority need do is declare its intention to filibuster, and the Senate switches to other businesses. In most cases, the mere threat of a filibuster does the trick. The bill is sidetracked until the majority finds 60 votes.

The modern filibuster gives the minority an absolute veto. It is, quite simply, undemocratic.

Defenders of the filibuster have argued that it is useful in preventing precipitous action. Harkin's proposal addresses that argument by allowing filibusters to delay action, but not stop it completely. Under his plan, the number of votes required to end a filibuster would gradually decline over a period of weeks until, eventually, only 51 votes would be needed.

A truer reform would be to abolish the undemocratic anachronism outright. Harkin's proposal is quite modest. There should be no reasonable objection to it.

[From the Fort Worth Star-Telegram, June 30, 1994]

If you started out to formulate the rules for a legislative body in a new democracy, the last example you would follow would be that of the U.S. Senate.

Things have gotten so bad in the Senate that there is a growing movement to change the rules about unlimited debate—the filibusters that prevent action on legislation.

If extended debate were really used to examine issues and change senators' minds by force of powerful reason, there would be a case for keeping the present rules. But in truth, the Senate's rules are being used to thwart the principle of majority rule and to further individual or partisan political interests to the detriment of the legislative process.

To be sure, changing the cloture rule (which requires 60 votes to end debate and means that a 41-senator minority can effectively shut down the Senate) would not be a cure-all. Republicans this year have perfected the tactic of offering endless amendments to unrelated bills as a means of delaying legislative progress. But tempering the effect of the filibuster would help.

The fate of the western grazing lands fee change was an example of the filibuster at work. In the Congress as a whole, 373 votes out of 535 (70 percent) were in favor, but the majority lost because 44 senators prevented cloture.

This week, a 13-year effort to change product liability laws failed because of a filibuster, just as it had in 1986 and 1992. The 41 senators voting against cloture included archconservatives (Alan Simpson, R-Wyo., Thad Cochran, R-Miss., and Strom Thurmond, R-S.C.) and archliberals (Paul Wellstone, D-Minn., Harris Wofford, D-Pa., and Ben Nighthorse Campbell, D-Colo.) and some in between (such as Bill Bradley, D-N.J., and John Breaux, D-La.). It was a good bill, one that would mean more jobs without sacrificing legitimate consumer interests. Much of the opposition came from trial lawyers. In the end, 57 senators voted for it. Forty-one opponents were enough to kill it. Is that democracy?

The Senate has reached the point where the mere threat of a filibuster can bring the body's work to a screeching halt.

Sen. Tom Harkin, D-Iowa, has suggested a four-vote process that would break this impasses. On the first cloture vote, 60 votes would be needed to end debate, as now. On the next vote, 57 would be required; on the third, 54, and on the fourth, only a 51-vote majority. This would preserve Senate tradition and give the minority plenty of time to plead its case, without allowing a majority to be forever thwarted. Sounds good to us.

Now into the fray comes Action, Not Gridlock!, an anti-filibuster group dedicated to changing the Senate rules. It is led by a bipartisan group of former senators, representatives and other government officials. What they share is believe in majority rule. We wish them godspeed.

[From USA Today, Nov. 25, 1994]

REIN IN THE POWER TO SHUT DOWN THE SENATE

In 1908, Sen. Robert M. La Follette Sr. of Wisconsin was in the middle of a filibuster when he discovered the eggnog he was drinking for energy had been poisoned. La Follette survived. So did the filibuster.

Indeed, the filibuster today is more poisonous than La Follette ever could have imagined. Instead of providing a dramatic final forum for individuals against a stampeding majority, it has become a pedestrian tool of partisans and gridlock-meisters.

Since 1990, the Senate has averaged at least 15 filibusters a year, more than in all the 140 years before. In 1994 alone, filibusters were used to weaken or kill legislation ranging from lobbying and campaign finance reform to clean water.

You need not be a bow-tied parliamentarian to see the problem. The filibuster allows single lawmakers to derail the Senate's majority—easily, arbitrarily. If the Senate is to honor its deliberative tradition, it must restrain the filibuster.

The modern filibuster vexes Congress two ways. First, opponents must find 60 votes to break it. That's called cloture, and it's almost impossible to achieve. In 1987, only one of 15 votes succeeded—on a proposal for a $12,000 congressional pay raise.

Second, the mere threat of a filibuster is enough to sidetrack a bill. Instead of requiring filibusters to take the floor, Senate leaders just move on to the next issue.

The 60-vote requirement means, in effect, that all legislation must have a supermajority to pass. Yet the Constitution requires supermajorities in only five areas: treaty ratification, presidential veto overrides, impeachment votes, constitutional amendments, and to expel a member of Congress. The framers, who never foresaw the filibuster's abuse, considered supermajorities for other matters and rejected them.

They protected against tyrannical majorities in other ways: by dividing government power among three branches, by splitting Congress into two parts, by guaranteeing basic rights in the Constitution.

Those are ample safeguards. The filibuster, on the other hand, lets a lone lawmaker impose his will, not just amplify his voice.

Solutions? Several.

First, make a filibusterer put his body where his mouth is. Sen. Strom Thurmond prepared for his record-setting 24-hour, 18-minute speech against the 1957 Civil Rights Act by visiting a steam room, hoping to diminish the call of nature once on the floor. Sen. Estes Kefauver strapped on a motorman's friend for his 1950 filibuster. The device was misaligned, though, and only a timely quorum call prevented him from making the wrong kind of splash.

The point is that old-time filibusterers had to have the courage of their convictions. The rigors of floor debate were not undertaken lightly.

Such was the case even when filibusterers formed talking tag teams. In 1960, 18 Southern lawmakers formed two-man partnerships to hold the floor against civil rights legislation. After 157 hours—the Senate's longest continuous session—they prevailed. That was not a proud moment in national lawmaking, but at least the racists were accountable, something today's fiddle-footed rules make unnecessary.

More recently, the government this year had to sell billions of dollars' worth of American gold to a Canadian firm for just $10,000 because filibusterers prevented reform of an 1872 mining law.

Sen. Tom Harkin this week has revived another idea: Gradually lower the number of votes needed for cloture. The first vote would still require 60 "ayes." But subsequent votes would require 57, then 54, then 51. This could preserve both the dramatic effect of a filibuster and majority rule.

The filibuster is a supervirus in the Senate. It causes massive hemorrhaging of majority rule and the orderly process of legislating. If Senate leaders don't cure themselves soon, they might as well ask La Follett's ghost to, please, pass the eggnog.

[From the New York Times, Jan. 1, 1995]

TIME TO RETIRE THE FILIBUSTER

The U.S. Senate likes to call itself the world's greatest deliberative body. The greatest obstructive body is more like it. In the last season of Congress, the Republican minority invoked an endless string of filibusters to frustrate the will of the majority. This relentless abuse of a time-honored Senate tradition so disgusted Senator Tom Harkin, a Democrat from Iowa, that he is now willing to forgo easy retribution and drastically limit the filibuster. Hooray for him.

For years Senate filibusters—when they weren't conjuring up romantic images of Jimmy Stewart as Mr. Smith, passing out from exhaustion on the Senate floor—consisted mainly of negative feats of endurance. Senator Sam Ervin once spoke for 22 hours straight. Outrage over these tactics and their ability to bring Senate business to a halt led to the current so-called two-track system, whereby a senator can hold up one piece of legislation while other business goes on as usual.

The two-track system has been nearly as obstructive as the old rules. Under those rules, if the Senate could not muster the 60 votes necessary to end debate and bring a bill to a vote, someone had to be willing to continue the debate, in person, on the floor. That is no longer required. Even if the 60 votes are not achieved, debate stops and the Senate proceeds with other business. The measure is simply put on hold until the next cloture vote. In this way a bill can be stymied at any number of points along its legislative journey.

One unpleasant and unforeseen consequence has been to make the filibuster easy to invoke and painless to pursue. Once a rarely used tactic reserved for issues on which senators held passionate convictions, the filibuster has become the tool of the sore loser, dooming any measure that cannot command the 60 required votes.

Mr. Harkin, along with Senator Joseph Lieberman, a Connecticut Democrat, now proposes to make such obstruction harder. Mr. Harkin says reasonably that there must come a point in the process where the majority rules. This may not sit well with some of his Democratic colleagues. They are now perfectly positioned to exact revenge by frustrating the Republican agenda as efficiently as Republicans frustrated Democrats in 1994.

Admirably, Mr. Harkin says he does not want to do that. He proposes to change the rules so that if a vote for cloture fails to attract the necessary 60 votes, the number of votes needed to close off debate would be reduced by three in each subsequent vote. By the time the measure came to a fourth vote—with votes occurring no more frequently than every second day—cloture could be invoked with only a simple majority. Under the Harkin plan, minority members who feel passionately about a given measure could still hold it up, but not indefinitely.

Another set of reforms, more incremental but also useful, is proposed by George Mitchell, who is retiring as the Democratic majority leader. He wants to eat away at some of the more annoying kinds of brakes that can be applied to a measure along its legislative journey.

One example is the procedure for sending a measure to a conference committee with the House. Under current rules, unless the Senate consents unanimously to send a measure to conference, three separate motions can be required to move it along. This gives one senator the power to hold up a measure almost indefinitely. Mr. Mitchell would like to reduce the number of motions to one.

He would also like to limit the debate on a motion to two hours and count the time consumed by quorum calls against the debate time of a senator, thus encouraging senators to save their time for debating the substance of a measure rather than in obstruction. All of his suggestions seem reasonable, but his reforms would leave the filibuster essentially intact.

The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with like-minded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose.

[From the Washington Post, Nov. 23, 1994]

THE GORED OXEN

One of the most comical aspects of politics concerns how high principles about procedural fairness can evaporate when circumstances change. There could be much such comedy in the new Congress as Democrats and Republicans change roles.

In the House, Newt Gingrich's Republicans have assembled a series of reform measures that grew from their experience as frustrated members of what seemed a permanent opposition. They rightly criticized Democratic House leaders for closing off Republican amendments to important bills. Now Mr. Gingrich pledges to change that, even though doing so would let the now-minority Democrats challenge the most unpopular of the Republican majority's proposals. Republicans have also long been in favor of the line-item veto, which would let the president excise particular parts of spending bills he found offensive. Republicans liked this when the Democrats in Congress were responsible for writing the spending bills, since they presumed that Republican presidents would cut out what Republicans saw as "pork." Now the line-item veto would empower a Democratic president facing a Republican Congress.

In the Senate, the problem is different. Senate rules permit essentially unlimited debate. It takes 60 votes to shut the talking down. That means 41 senators can block a bill and frustrate the will of even an overwhelming majority. In the last Congress, the Democrats were critical of Republican abuse of the filibuster. But now the procedural shoe is on the other foot. It's the Democratic minority that is likely to want to block many Republican measures. Will Democrats keep saying the filibuster is a bad thing? To his credit, one Democrat, Sen. Tom Harkin of Iowa, has done so. He proposes that the two parties agree to new rules. Mr. Harkin would still let the minority slow down consideration of controversial measures, but he doesn't think the minority should ultimately frustrate the majority's will.

It is not even necessary to get to the question of whether the filibuster rule itself should be eliminated to believe that there has been too much abuse of the filibuster in the Senate. The same can be said of the closed rule in the House. We hope Mr. Gingrich sticks to his promise of opening up the House, even if that might sometimes inconvenience his party. Similarly in the Senate, we hope both parties can find a more reasonable accommodation between minority rights and majority rule. Going to the brink every time, on every issue, is not the way a democracy is supposed to work.

HARKIN EARNS BOUQUET, BRICKBAT

We have a bouquet and a brickbat for Iowa's Democratic Sen. Tom Harkin.

The bouquet is for advocating limits on the filibuster, a technique used by the minority party in the U.S. Senate to thwart the will of the majority.

The brickbat is for his lukewarm support for the General Agreement on Tariffs and Trade.

Harkin is calling for revision of the filibuster rules that would provide a means for the minority to slow down legislation and allow fuller debate, but at the same time it places limits on the delaying tactic.

Under Harkin's plan, 60 votes would be necessary in the first attempt to halt a filibuster debate.

The second attempt would require only 57 votes. The number would continue to drop on each successive vote until only a simple majority was needed.

Currently, a single senator can tie up legislation endlessly, which Harkin says adds to the deadlock.

Harkin's plan would limit the delay to a maximum of about three weeks.

As American politics becomes more contentious, the filibuster is being used increasingly. But Harkin says there is less need for it.

In the last century when communication was slower, senators felt the need to stall for long periods to allow their objections to reach constituents.

In these days of almost instant communication, voters and others can be alerted to problems in a matter of hours.

We believe the senator is on track and should pursue his efforts. Continuing the current processes is simply obstructionism, whether by Republicans or Democrats.

We are less enthusiastic about the senator's doubts concerning GATT.

Unfortunately, these seem to be based on some vague concerns about ill-defined political horse trading that may be under way by supporters to ensure passage of the measure through the Senate.

Passage in the House seems a surer bet with the strong support voiced by Speaker-designate Newt Gingrich. Gingrich seems to understand the obvious advantages for the U.S. economy and the need for a workable free trade mechanism.

We get the feeling that Harkin may not be sure which direction the political winds are blowing in Iowa, and wants more time to determine the level of support for GATT.

He admits that he will likely face stiff competition for his Senate seat in two years. Given the Republican landslide in Iowa, political caution may become increasingly important for Harkin.

However, we do not believe this is a Republican vs. Democrat issue. Passage of GATT is needed to make sure the United States is a major player in the world.

The death of GATT, which a delay very seriously threatens, could throw orderly world trade into chaos and possibly lead to the emergence of regional trading blocks with barriers against U.S. products.

The impact on the future of the U.S. economy could be disastrous and possibly irreversible.

The argument that senators have not had time to study the GATT document is not compelling. The agreement has been hammered out by representatives of 123 nations over the past eight years.

For a document of such magnitude and importance for open world trade, we wonder why more attention has not been paid by Harkin and others until the last weeks before the vote.

There may be flaws. No document requiring the assent of 123 countries can be perfect. Every nation had to give up some special interest.

But those flaws do not appear sufficient to warrant opposition to congressional passage.

[From Quad-City Times, Nov. 22, 1994]

HARKIN KEEPS HIS PROMISE

Two months ago, Sen. Tom Harkin of Iowa expressed dismay at the way Republicans had repeatedly blocked legislation that was supported by a majority of the Senate.

"I've been in Congress 20 years," he said, "and this has been the worst year I've seen. The constant use of the filibuster, the gridlock . . . And there's a meanness, a mean spiritedness, I have never seen before." Harkin said he intended to introduce a bill next year that would greatly curtail the filibustering powers of the minority party.

But in the two months since making those comments, Harkin and other Democrats have become the minority party. With the Republicans now in control of the Senate, Democrats will need every weapon in the arsenal to fight the GOP agenda. So does he still see a need to revise the filibuster rule?

Yes—and his position now carries more weight because of his new status as a member of the Senate's minority party.

Today, Harkin is expected to formally announce his plans to introduce a bill that would allow the filibuster to slow, but not kill, legislation. The bill mirrors legislation once proposed by Bob Dole, and it deserves passage.

And Tom Harkin deserves credit for continuing to advocate this long-overdue change.

Harkin's Good Idea: Deflating Filibuster

Iowa Sen. Tom Harkin is putting his money where his mouth is.

He is no fan of the filibuster, a device used almost exclusively by minority senators to impede distasteful legislation. So he has offered legislation to create an alternative parliamentary tool.

As it stands, if 41 senators (out of the 100-member chamber) are able to stand firm, they can prevent action on an issue by applying Senate rules allowing them to filibuster. Halting the filibuster requires 60 votes. Tough to get.

Harkin and Sen. Joe Lieberman, a Connecticut Democrat, have co-sponsored a measure that still enables a minority to have its voice, but not in perpetuity.

It is a noteworthy position for minority lawmakers who potentially could lose their only real tool against a dominating majority. (It wouldn't be surprising if both are confident that their upcoming minorityhood is merely an aberration that voters will correct in 1996.) Their plan would give the minority the 60-vote cushion on the first call for cloture, dropping to 57 votes on a second call, 54 on a third and, finally, to a simple majority of 51 on a fourth cloture vote.

Our sense of the filibuster has been that it can be the only way a congressional minority might have a voice in formation of public policy. Majority parties don't have a patent on perfection, but frequently choose to ignore even reasonable suggestions from minority lawmakers. There's often not even a hint of the compromise we should expect in government.

Conceding that the process can be abused, however, perhaps the Harkin-Lieberman approach deserves a thorough hearing. Filibustering is not a constitutional right. It exists only at the pleasure of Congress. Any substitute would have a similarly tenuous existence.

Gridlock has become a buzzword characterizing Congress. Any mechanism to prevent that condition and restore the job description originally given members of Congress would be most welcome.

The anti-gridlock, anti-filibuster concept shouldn't be scrapped without closer scrutiny.

(Mr. FRIST assumed the chair.)

Mr. HARKIN. Let me just quote from a couple of these editorials, because I think it really puts things in the proper perspective.

First, let me quote from the Des Moines Register's sterling editorial of the 23d of November.

> The modern filibuster gives the minority an absolute veto. It is, quite simply, undemocratic.
>
> Defenders of the filibuster have argued that it is useful in preventing precipitous action. Harkin's proposal addresses that argument by allowing filibusters to delay action, but not stop it completely. Under his plan, the number of votes required to end a filibuster would gradually decline over a period of weeks until, eventually, only 51 votes would be needed.
>
> A truer reform would be to abolish the undemocratic anachronism outright. Harkin's proposal is quite modest. There should be no reasonable objection to it.

And this from the Fort Worth Star Telegram, Fort Worth, TX.

> If you started out to formulate the rules for a legislative body in a new democracy, the last example you would follow would be that of the U.S. Senate.
>
> Things have gotten so bad in the Senate that there is a growing movement to change the rules about unlimited debate—the filibusters that prevent action on legislation.
>
> If extended debate were really used to examine issues and change senators' minds by force of powerful reason, there would be a case for keeping the present rules. But in truth, the Senate's rules are being used to thwart the principle of majority rule and to further individual or partisan political interests to the detriment of the legislative process.

In truth, the Senate rules are being used to thwart the principles of majority rule and to further individual or partisan political interests to the detriment of the legislative process. And this from the USA Today. The 60-vote requirement means, in effect, all legislation must have a supermajority to pass. Yet, the Constitution requires supermajorities in only five areas: treaty ratification, Presidential veto overrides, impeachment votes, constitutional amendments, and expelling a Member of Congress.

The Framers, who never foresaw the filibuster's abuse, considered the supermajority for other matters and rejected it. They protected against tyrannical majorities in other ways by dividing Government power among three branches, by splitting Congress into two parts, and by guaranteeing basic rights in the Constitution.

The USA Today editorial ends by saying, "The filibuster is a super virus in the Senate. It causes massive hemorrhaging of majority rule and the orderly process of legislation. If Senate leaders do not curb themselves soon, they might as well ask LaFollette's ghost to, please, pass the eggnog." I did not read the first part of this editorial which says that "In 1908, Senator Robert M. LaFollette, Sr., of Wisconsin, was in the middle of a filibuster, when he discovered the eggnog he was drinking for energy had been poisoned. La Follette survived, and so did the filibuster."

From the New York Times: "The United States Senate likes to call itself the world's greatest deliberative body. Greatest obstructive body is more like it."

Later they write: "The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the Nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with like-minded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose."

Those are just some of the quotes from some of the editorials that I had asked be inserted in the RECORD. Mr. President, I think you get the idea that changing this filibuster rule has great support around the country, both from what one might call liberal newspapers to those of a more conservative bent.

Mr. President, the Members of the Senate that were sworn in today are sending us a message that we need to change. The present occupant of the chair was one of those just sworn in today. The filibuster rule is one area where change is most desperately needed, a dinosaur that has somehow survived from a previous age.

I would like to read a couple of other quotes. In 1893, then Senator Henry Cabot Lodge, Sr., from Massachusetts, was opposing a filibuster. He made this quote:

> To vote without debate is perilous, but to debate and never vote is imbecile.

Here is another quote that I found in the CONGRESSIONAL RECORD of February 10, 1971:

> It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasoning minority to paralyze the Senate, and America's legislative process along with it.

Senator BOB DOLE, February 10, 1971.

So I consider myself to be in reasonably good company when I say that it is time to change the filibuster rule so that we can get on with the Nation's business. I know there are those who believe very strongly we must maintain it, but as I said earlier, Mr. President, I think it is time for each of us to give up a little bit of our pride, a little bit of our privilege, a little bit of our prerogative, and a little bit of our power for the smoother functioning of the U.S. Senate and for the good of this country.

By passing this amendment, we can take a giant step forward toward restoring the faith of the American people in their Government. We can tell the American people that we got their message that they want action and not gridlock. We can say that the time for change is now. And we can greatly improve the workings and productivity of the Senate.

There will be many packages introduced to reform Congress. I think the House is even now debating reforms in their body. There will be reforms suggested here—gift-ban laws, lobbying disclosure laws—making Congress live by the same laws and regulations by which businesses live. These are good laws and good reforms.

But Mr. President, there is no reform more important to this country and to this body than slaying the dinosaur called the filibuster. We need to change it so that we can really get back to what our Founding Fathers envisioned—a process whereby the minority can slow things down, debate them, but not kill things outright. Give the minority that protection.

As the USA Today editorial pointed out, there are other ways the Framers protected against majoritarian absolutism—separate branches and powers, and the basic rights guaranteed by the Constitution.

So, Mr. President, I submit that many of the reforms that will be offered here in the Senate in these opening days are very good. I intend to support many if not all of them. But if we do not change the way the filibuster operates here in the Senate, then I do not think that we heard the message that the American people sent to us.

With that, I see my colleague, Senator LIEBERMAN, a cosponsor of the amendment, on the floor. Mr. President, I yield the floor at this time.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, thank you.

I am very proud to join with my colleague from Iowa in cosponsoring and supporting this amendment. A new day has dawned here on Capitol Hill today. A new majority has come to power; but, hopefully, more than a new majority—a new sense of responsiveness to the public, a new understanding of what it means to do the public's business here in Congress, and a new openness to looking at some parts of the operation in Congress which we have previously either not questioned or felt it was inappropriate to question.

I must say that over the last couple of years, as I watched the filibuster being used and, I think, in my respectful opinion, ultimately misused and overused, it seems to me that what had originally appeared to be a reasonable idea was being put to very unreasonable use.

Therefore, I promised myself that if I was fortunate enough to be reelected by the people of Connecticut to return for the 104th Congress, I would do what I could to try to change this filibuster rule, which I am afraid has come to be a means of frustrating the will of a majority to do the public's business and respond to the public's needs. And so when I heard that Senator HARKIN had put this program and plan together, I called him and I said, "My distinguished colleague and friend, I admire you for what you are doing." There are those who undoubtedly will think this is a quixotic effort, that it is a kind of romantic but unfeasible effort.

It is important now to make this effort to show that we have heard the message and that we are prepared to not only shake up the Federal Government but shake up the Congress. And not just for the sake of shaking it up, but because of a fundamental principle that is basic to our democracy, that is deep into the deliberations of the Framers of our Constitution and appears throughout the Federalist Papers, which is rule of the majority in the legislative body. It is this majority rule has been frustrated by the existing filibuster rule. So I am privileged to join as a cosponsor with my colleague from Iowa in this effort.

Mr. President, whenever I explain to my constituents at home in Connecticut that a minority of Senators can by a mere threat of a filibuster—not even by the continuous debate, but by a mere threat of a filibuster—kill a bill on the Senate floor, they are incredulous. When I tell them that now as a matter of course a Senator needs to obtain 60 votes in order to pass a bill to which there is opposition, frankly, the folks back home are suspicious.

When I explain how often the threat of a filibuster has been used to tie the Senate in knots and kill legislation that is actually favored by a majority of Senators—and the filibuster was used more times last year than in the first 108 years of the Senate combined—well, the folks back home honestly think I am exaggerating. Unfortunately, I am not. Those are the facts.

Mr. President, when I entered the Senate 6 years ago, I asked to be briefed by a staff person at the Congressional Research Service on the Senate rules. I wanted to figure out how the place worked.

I must say, after that briefing, I, like my constituents, was incredulous. I had been the majority leader of the Connecticut State Senate, so I had some familiarity with parliamentary procedures, but I must say I did not understand how the Senate's debate and amendment rules were being used to keep the Senate, presumably the greatest deliberative body in the world, from getting things done.

Like many Americans of my generation, I remembered the dramatic filibuster battles of the 1950's and 1960's and assumed that filibusters were relatively uncommon and were employed only in the great issues of the time which divided a country. I assumed—like most Americans, I would guess, drawing from probably the broadest experience America has had with filibusters, which is mainly "Mr. Smith Goes to Washington," when James Stewart stood in that magnificent portrayal and carried out a principled filibuster —that filibusters were to be reserved for only the most significant of legislative battles.

While I quickly learned that while real filibusters are uncommon, current Senate rules allow the mere threat of a filibuster to rule the way we do or do not do business.

The gentleman from the Congressional Research Service used a powerful analogy here. He said to me, "Senator, you have to think of the Senate as if it were composed of 100 nations, each Senator representing a nation, and each nation has an atomic bomb and can blow up the place any time it wants. And that bomb is a filibuster."

That may make us feel good about our power and our authority, but it is not the way to run the greatest deliberative body in the world. In fact, I state this with some humility because I do not remember the exact quote, I asked the gentleman from the Congressional Research Service, "Is there any precedent for this kind of procedure in the history of legislative bodies?"

He said he thought the closest modern precedent was a Senate that sat in Poland in the 18th century which, because of unique historical circumstances that are not to the point, with approximately 700 members, the rule was that nothing could be done without unanimous consent. That, I hope, is not the model that we aspire to copy here.

What was once an extraordinary remedy, used only in the rarest of instances, has unfortunately become a commonplace tactic to thwart the will of the majority. Just as insidiously, allowing legislation to be killed on procedural votes, as we so often have here in the Senate, protects us from having to confront the hard choices that we were sent here to make and, in that sense, makes us a less accountable body.

Mr. President, this has to end and it will not end unless an effort begins to end it as we are attempting to do here today. As I believe Senator HARKIN has indicated, the Senate filibuster rule has actually been changed five times in this century. In most cases, particularly when the changes were substantial, they did not occur the first time the proponents charged the fortress. Perhaps they will not occur on this occasion. But I know Senator HARKIN and I are prepared to keep fighting until this change occurs because of what is on the line, which is the credibility and the productivity of the U.S. Senate.

The change that we are proposing, as Senator HARKIN has indicated, will make it more difficult for a minority of Senators to absolutely stop, to block, to kill Senate action on legislation favored by a majority of the Senate, but it will still protect the ability of that minority to be heard before up or down majority votes on legislation are taken. It will give the minority opposed to what the majority wants to do the opportunity to educate and arouse the public as to what may be happening here to give the public the opportunity perhaps to change the inclination of the majority.

The procedure of succeeding votes with 2-day intervals, 60 being required, first 57, 54 and finally a simple majority of Senators being able to work its will—our intent here is to give the minority a chance to make their case and to persuade others but not to continue to grant them an effective veto power which they now enjoy.

We recognize that the opposition to this proposal is bipartisan, just as the use of the filibuster rule has been bipartisan. We also understand that as

Members of the new minority, Senator HARKIN and I perhaps are not the likeliest people to be proposing to limit the powers of the new Democratic minority, but we both firmly believe that regardless of how our resolution may limit our personal options as Members of the minority party in the Senate in the short-term, it is essential that this reform be undertaken now when the problem of filibuster-created gridlock is so fresh in all of our minds.

For too long, we have accepted the premise that the filibuster rule is immune. Yet, Mr. President, there is no constitutional basis for it. We impose it on ourselves. And if I may say so respectfully, it is, in its way, inconsistent with the Constitution, one might almost say an amendment of the Constitution by rule of the U.S. Senate.

The Framers of the Constitution, this great fundamental, organic American document considered on which kinds of votes, on which issues the will of the majority would not be enough, that a vote of more than a majority would be required, and the Constitution has spelled those instances out quite clearly. Only five areas: Ratification of a treaty requires more than a majority of the Senate; override by the Senate of a Presidential veto requires more than a majority; a vote of impeachment requires more than a majority; passage of a constitutional amendment requires more than a majority; and the expulsion of a Member of Congress requires more than a majority.

The Framers actually considered the wisdom of requiring supermajorities for other matters and rejected them.

So it seems to me to be inconsistent with the Constitution that this body, by its rules, has essentially amended the Constitution to require 60 votes to pass any issue on which Members choose to filibuster or threaten to filibuster.

The Framers, I think, understood—more than understood—expressed through the Constitution and their deliberations and their writings, that the Congress was to be a body in which the majority would rule.

I know that some of our colleagues will oppose the alteration, the amendment, that Senator HARKIN and I are proposing on the grounds the filibuster is a very special prerogative that is necessary to protect the rights of a minority. But in doing so, and I say this respectfully, I believe they are not being true to the intention of the Framers of the Constitution, which is that the Congress was the institution in which the majority was to rule, not to be effectively tyrannized by a minority. And the Framers, Madison and the others, who thought so deeply and created this extraordinary instrument that has guided our country for more than 200 years now, developed the system in which the rights of the minority were to be protected by the republican form of government, by the checks and balances inherent in our Government and ultimately by the courts applying the great principles of the Constitution, particularly the Bill of Rights, to protect the rights of a minority that might be infringed by a wayward majority.

So this procedure that has grown up over the years has turned the intention of the Framers, in my opinion, on its head, and in doing so has not only created gridlock but has given power to a minority as against the will of the majority. The majority in the Senate, as reflecting the majority of the people of the United States, has allowed that minority to frustrate the will of the majority improperly.

So I think this is at the heart of the change for which the people have cried out. It is right, and it is fair. It is our belief in that most fundamental of democratic principles, majority rule, that motivates our introduction of this amendment. I am confident that if we ever put this issue, or could put this issue, before the American people for a vote, they would direct us to end the current filibuster practice. Majority rule is not and should not be a controversial proposition. Minority rights are protected by the checks and balances in our system.

Mr. President, it is my pleasure as a Senator from Connecticut to welcome the occupant of the chair as a new Member of the Senate. Perhaps you have observed from your viewing of the Senate before you arrived here that our problem seems not to have been that things move through this institution too quickly, that we hastily trample upon the rights of the minority. The problem, if anything—and it is not a bad problem and it does carry out the intention and will of the Framers—is that there are a lot of checks and balances here, and it is often hard to do the people's business and respond to the people's needs, and the filibuster has made it even harder to do so.

So I thank the Chair and the Senate for their indulgence. I congratulate again my colleague from Iowa for initiating this forthright and, in its way, courageous attempt to change the status quo, and I urge my colleagues to support the amendment.

Mr. HARKIN. Before the Senator yields the floor, will the Senator yield?

Mr. LIEBERMAN. I would certainly yield the floor to my friend from Iowa.

Mr. HARKIN. I thank my colleague and good friend from Connecticut for his support, his involvement, and his help in the drafting of this amendment and putting it together. The Senator from Connecticut is one of those who stood in the well today and took his oath of office for the second time. The Senator from Connecticut, I think I can say without any fear of being in error, in his entire first term in the Senate was recognized for his constant effort to provide for reform, for change in the way this place operates to make it more open, to make us more accountable, and to ensure that the people of Connecticut, indeed the people of the United States, have the right to insist that Senators vote on the merits of legislation. So the Senator is not a newcomer to congressional reform and to making this body operate more effectively and efficiently. I congratulate the people of Connecticut for their wisdom in returning him to this body.

I thank the Senator very much for his support of this measure. As the Senator so wisely said, any time that the rules have been changed on the filibuster in the past, it has sometimes taken a great deal of time and effort. We will persevere in this effort because we believe it is the right course for the American people. But I believe by the changes that were made in November, the big changes that were made, the American people were sending us a very powerful message, and I believe, if we do not do something about this dinosaur, we are going to be involved in another couple of years of frustration.

So I just wanted to thank the Senator for his support, for his involvement, for his help in the drafting of this amendment, and I thank him for his 6 years of efforts to make the Senate a more responsive and responsible body.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Iowa for his kind words. I would just say to him that it is really an honor to begin this session by being his partner in this effort that I think is really at the heart of making the Senate a more responsive body.

I thank the Chair, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, before the distinguished Senator from Connecticut leaves the floor—and I know he must depart soon; he has someone waiting on him—my concern is that in an effort to kill this so-called dinosaur we are really taking a sledge hammer to kill a beetle, small beetle.

I agree with the Senators that the rule has been abused. Would the Senators agree with me that, in the abuse of this rule, it has been most abused in preventing, or attempting to prevent, the taking up of a measure or matter or nomination? Would the Senators agree with me on that?

The able Senator from Iowa cited the number of times that the "filibuster" was resorted to last year, or in the last session of Congress or in the last Congress, the 103d Congress, and I have a feeling that most of those instances to which he alluded were instances in which the effort was being made to proceed to take up a measure or matter or nomination and there was the threat of a filibuster at least which perhaps had some impact on the taking up of the measure.

Would the Senators agree that it is there, in the taking up of a measure, that the real problem lies, or at least that that has been our experience in recent months and years, not so much after the Senate is on a matter or measure or nomination but proceeding to the matter? Would the Senators agree?

Mr. HARKIN. I do not know if the question is directed to both of us, but if I might respond——

Mr. BYRD. I ask unanimous consent that I may ask this question and retain my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I respond to the Senator by saying that that has been a problem. But I would also note that last year there were three or four instances—I am a little unclear—of when the filibuster was used on disagreeing with amendments of the House, appointing conferees, and insisting on Senate amendments. That can also be filibustered.

Mr. BYRD. But wouldn't——

Mr. HARKIN. Even after the whole measure has been passed.

Mr. BYRD. Would not the Senator agree that filibusters used in such instances as he has just related here are not the filibusters which have caused the Senate the problems of abuse which most Senators and I perceive as being problems? Do the Senators not agree if real problems have arisen—if there have been real problems, and assuming that there have been, assuming that what we call filibusters were really filibusters on motions to proceed—would the Senators not agree that on motions to proceed most of these filibusters, so-called filibusters, have occurred?

Mr. LIEBERMAN. Mr. President, if I may respond to the distinguished Senator from West Virginia, it is true—and I do not have the statistics in front of me, but my recollection tells me that a good number of the filibusters that have occurred have occurred on the motion to proceed. But it is my opinion that the fact that many filibusters occurred on the motion to proceed does not encourage or lead to the conclusion that the problem is the motion to proceed. The filibusters have occurred on the motion to proceed because that has generally been the first opportunity that opponents of a measure have had to filibuster. The fact that a measure can be blocked by conducting a filibuster of the motion to proceed, of course, makes it even more frustrating. The very attempt to proceed to a matter of legislation or a nomination can be filibustered before the Senate even gets to the substance of it, but breaking the filibuster of the motion to proceed does not eliminate the threat of a filibuster of the bill itself.

This Senator can remember at least one example which makes the point that I am trying to make. On product liability reform, my recollection is that in the 102d Congress the filibuster occurred on the motion to proceed and cloture could not be obtained. In the 103d Congress, because of changes of attitude, because of changes of the membership of the Senate, because a number of Members of the Chamber had committed to at least let the Chamber get to the substance, it was apparent that the filibuster of the motion to proceed would be broken, that cloture would be granted. But then a filibuster did begin on the bill itself, after the motion to proceed was granted, and that filibuster was again successful in blocking the will of the majority.

So I would most respectfully say to the Senator from West Virginia that it does seem to me that, though the filibuster has been more frequently a problem on the motion to proceed, the problem is the filibuster. And if once the opponents of a measure, a minority, are not successful and let the motion to proceed be agreed to, then this minority has the right to frustrate the will of the majority on the substance of the matter once it comes before the Chamber.

Mr. BYRD. Well, Mr. President, I want to protect the right of the minority on a matter of substance in particular. But do the Senators not agree that most of the cloture motions that have been laid down by the majority leader in the past few years have been laid down on motions to proceed? Would the Senators not agree to that?

Mr. HARKIN. I would agree to that. I would agree, I think—and I have a table here on that—and the Senator is right.

Mr. BYRD. All right.

Mr. HARKIN. Most of them have been on motions to proceed.

Mr. BYRD. I thank the Senator.

Now, before the Senator leaves the floor, why do we want to use this cloture—why do we want to use this sledgehammer to eliminate the potential filibuster on a motion to proceed? That is where the problem has arisen. Our friends—now in the majority, then in the minority—objected to the taking up of measures. Consequently the majority leader put in a cloture motion; 2 days later the vote occurred.

Now if, as the Senator from Iowa has stated, it is true that most of the so-called filibusters, I say so-called because—I will explain that further in a moment—so-called filibusters have occurred on motions to proceed, and the Senator from Iowa says that is the case, if that is true, then we do not need this. We do not need this. We do not need to kill the opportunity for unlimited debate in order to get at that. Have the Senators read rule VIII, paragraph 2, of the Standing Rules of the Senate? Here is what it says. "All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter"—any matter except a motion to change the rules, any matter—"shall be determined without debate."

Let me read that again for the edification of all Senators and all who are listening. Here in the Senate rules, paragraph 2, rule VIII.

> All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

Now here it is in plain, unmistakable language in the Senate rules, rule VIII, that a motion to proceed to take up a matter other than a rules change during the first 2 hours of a new legislative day shall be determined without debate. There you are. Why does not a majority leader use rule VIII? It is here. It has been here all the time.

Mr. President, I was majority leader and I was the Secretary of the Democratic Conference, beginning in 1967, for 4 years. I sat on this floor and did Mr. Mansfield's floor work for him as Secretary of the Democratic Conference. And beginning in 1971 I sat on this floor as Democratic whip and did Mr. Mansfield's floor work for him. He was the majority leader.

And in 1977 I was elected majority leader. I was elected majority leader for 2 years and then reelected in 1979 for 2 years. Then the Republicans took over the control of the Senate after the 1980 election. I was minority leader for 6 years. Then I became majority leader again for 2 years, the 100th Congress. That rule was there all the time that I was leader. I never had any big problems.

I will tell you, rules VII and VIII, I believe, have, if it is researched, if it is researched by the Journal clerk—I have a feeling that rules VII and VIII have not been used since I was majority leader. Rules VII and VIII have not been used since I was majority leader. I think that is correct, unless it happened one day when I was in a committee meeting and was not aware of what was going on on the floor. I will say this as a former majority leader and as a former minority leader. I will say that it is sometimes difficult. But the rule is there which allows for a motion to proceed, a nondebatable motion to proceed. And I have used it. I have used it. I have used it when our Republican friends did not want to take up something. I used that rule.

Mr. HARKIN. Will the Senator yield?

Mr. BYRD. Let me just complete my thought and then I will be glad to yield.

A majority leader has enormous power when it comes to the schedule of the Senate, the scheduling of bills and resolutions, and the programming of the Senate schedule. The majority leader has first recognition power and that is a big arrow in his arsenal.

He has the power of first recognition. Nobody can get recognition before the majority leader. If he has the power of first recognition, then he can make a motion that is nondebatable. He can sit down if he wants to. If someone wants to put in a quorum call, that is OK. Let the quorums chew up the rest of the 2 hours. That motion is in there. That nondebatable motion is still pending before the Senate after that 2 hours. At least that is the way I recall it. But there is a nondebatable motion. Why has not rule VII or VIII been used?

So we have had all of these motions to proceed. The Republicans objected. Then we slapped in cloture motions. That has been called a filibuster. There is no filibuster. That is a threat to filibuster. But again, the majority leader has the power to go to something else. Once that cloture motion is in, he does not have to waste 2 days. He has the power to go to something else, take up something else. And then 2 days later the cloture motion ripens and you vote on that cloture motion. It does not mean that we have been losing time. We just moved on to another measure in the meantime.

So I say to my friends before we get all steamed up and start referring to something around here as a leviathan, dragon, or a big lizard, whatever, let us read the rules and see what we all have here. And let us use them. I will be glad to yield.

Mr. HARKIN. I thank the Senator for yielding.

I asked my staff. It was either last year or the year before when I first started getting involved in this that I then came to the majority leader, Mr. Mitchell, with that same proposal because I am trying to remember the bill we were trying to get up that was being filibustered. I had checked on this legislative day. The response that I got was what difference does it make? If we are going to filibuster, we might as well do it on a motion to proceed as anything else. It does not make any difference.

In other words, there are six hurdles. There is the motion to proceed. There is the bill, disagreement with the House, insist on amendments, appoint conferees—there are six when we get over there. The Senator from West Virginia says we take down the first rule. It still leaves five rules. Every one of those can be filibustered and we are right back in the same stew again. I believe that is why rule VIII is not used more often because it does not really make much difference.

Mr. BYRD. Mr. President, it makes a lot of difference. We so programmed ourselves around here that we get unanimous consent. And I started a lot of it. So I cannot wash my hands and walk away. I did a lot of this programming myself; program the next day; morning business. I daresay that half of the Senators do not know what morning business is. They do not know the difference between the morning hour and morning business.

I do not mean to cast aspersions on them. But I hear a lot of Senators talking about how we should change the rules. They do not know the rules. They do not know the rules. They think morning business is a period when there is a period for speeches. Morning business is not a period for speeches. Under rules VII and VIII, speeches are not to be made in morning business. Morning business is a period for the offering of petitions and memorials and bills and resolutions and so forth, but no speeches. A lot of Senators think, well, morning business. I would imagine if they went out to a high school or a college and answered some questions on the Senate rules, they would talk about morning business, that is the time you make speeches. Morning business is not a time for speeches.

So we get consent, not that there be a limitation on speeches in morning business because there are not supposed to be any speeches, but that Senators be permitted to speak in morning business for not to exceed.

I say all of that to say this, Mr. President. The rule is here. I daresay that if Mr. DOLE gets a notion to call up a measure he will probably resort to paragraph 2, rule VIII and he may go back to using rules VII and VIII. I hope we will. I do not want to see these rules atrophy from misuse. The Senate is being programmed too much. As I say, I guess I started some of it. But it has gone too far.

Here are the rules. The majority leader has all of his power of first recognition. Any majority leader can find a way to make a motion during the first 2 hours of a new legislative day. A lot of Senators do not know what that means—new legislative day. They probably do not know the difference between a legislative day and a calendar day. I do not want to be unfair to my colleagues. But they have other things to do, things that there are headlines in, votes to be made back home. Who wants to fool with these old Senate rules? It is not interesting reading. It will not compare with Milton, Dante, Roman history or the history of England. This is dry reading. Who wants to fool around and spend their hours reading these old dry rules? No headlines are made.

So I hope that we will start using rules VII and VIII. I think Senators would get over here then and use the 5-minute rule and speak on matters more often.

Mr. LIEBERMAN. Will the Senator yield?

Mr. BYRD. Yes. I ask that I retain my right to the floor, not that I think anyone is going to try to take it away from me.

Mr. LIEBERMAN. I thank the distinguished Senator from West Virginia. There is no better not only student but teacher of the rules who understands the rules better than the Senator from West Virginia. I respect him greatly for that.

I would make this point and I do think the Senator has made an important point in saying that the problem of the filibuster, to use the term we have been using and perhaps in some measure agreeing on it, the misuse of the filibuster has arisen most frequently on the motion to proceed. I must say that if there was a way that the Chamber could limit or eliminate the opportunity to filibuster on the motion to proceed I would certainly consider that to be a step forward—to put it in a more clear way, if I may, a step toward diminishing the misuse of the power of the filibuster. But it does seem to me that the problem here has arisen most frequently on the motion to proceed but the problem remains the filibuster which is the ability in this Senator's opinion of a minority to frustrate the will of 51 Members of this Senate to represent their constituents and get something done. It has arisen most frequently on the motion to proceed because that is the first time it could arise.

My friend and colleague from Iowa has talked about the six occasions in which in the consideration of a typical matter here in the Senate a filibuster could occur. In fact, if one considered amendments and the opportunity to filibuster amendments, there are even more than six. But let us talk about the six. It is as if there were six hurdles or six obstacles on the passage of a measure. And it is true that the first hurdle is the motion to proceed. So the filibuster has arisen most often on that because it is the first hurdle. If we eliminated that hurdle, I would say that would be a step toward eliminating or diminishing the misuse. But the fact other hurdles would remain and would be there is an opportunity to frustrate the will of the majority and to bring gridlock.

I say that with great respect for my distinguished colleague from West Virginia. I thank him for yielding the floor.

Mr. BYRD. Mr. President, I have great respect for both Senators. I have great admiration for them. Mr. HARKIN serves on my Appropriations Committee. He has his heart in this matter. But as one who has been a leader of the majority and the leader of the party when in the minority, I can say to my friends that the majority leader, whose job it is and responsibility it is to bring up matters—that is not the responsibility of the minority leader—the majority leader, with his power of first recognition, with his majority votes to back him up on most measures, certainly on taking up measures, he can get measures up. There might come an occasion now and then in the effort to proceed to take up something when he would have to use cloture. That is all right. I used it a few times, too. But that has been the problem, as I have observed it here in recent years, the "filibuster," because it really was not a filibuster. It was the failure to give consent to take up a matter. Consent is needed to take up a matter, except on a motion. So if we can ask unanimous consent to take up a matter, to proceed to a matter, any one Senator can object, and that may appear to be a filibuster. That may appear to be a threat of a filibuster.

Well, a majority leader can call that threat. He does not have to roll over and play dead. Time and time again—do not worry about these holds, do not worry about them. I have heard that argument. Senators have holds on things. We ought to stop that. Well, when I was leader, I recognized a hold only for a time, and many Senators have placed a hold on a piece of legislation just so they can be notified when that piece of legislation is about to come up. They want to be notified. They do not want it to be taken up without their being consulted.

I never tolerated a hold; I never allowed any hold to keep me from attempting to take up a measure. If someone had a hold on a nomination, I would go to the Republican leader and I would say: You better tell Senator So and So that I am going to move to take up that nomination. I hope he will give me consent, but if he does not and I see he has had a hold 2 weeks, 3 weeks, or a month, or whatever it is, then I am going to move, and the hold would break. If it did not, we just moved to take it up.

So, Mr. President, to those, especially inside the Senate, who do not understand, I cannot blame the people on the outside for not understanding. I can understand how editors of the newspapers around the country might not understand when Senators themselves do not understand. We have a rule here that allows taking up a measure without debate.

Let me say that I hope the Republican leader will resort to rule VIII once in a while, if for nothing else but to recall to all of us that it is in the rule book.

(Mr. GORTON assumed the chair.)

Mr. HARKIN. Will the Senator yield?

Mr. BYRD. Yes, I will yield for a question.

Mr. HARKIN. This is very instructive to me, also. As the Senator from Connecticut said, there is no one who knows his rules better and more in depth than the Senator from West Virginia. I like this debate because I am learning from him.

I have to have something cleared up for me, if the Senator would be so kind. Let us assume that the majority leader does use rule VIII to bring up a motion to proceed, which then would not be debatable; let us say that I was opposed to the measure, and say I had two or three other people opposed to the measure that indicated we were going to filibuster the motion to proceed. So the majority leader says: We will get around HARKIN; we will bring it up under rule VIII. There is nothing I can do about it. It is nondebatable. But what is to prevent me from saying when the bill comes up we will filibuster it now?

Mr. BYRD. Sure, that is all right. A minority ought to have a right somewhere to debate and to resort to unlimited debate. There are two things that make the Senate, two things in particular, aside from the Senate's judicial powers, its executive powers, and its investigative powers; there are two things that make it the premier upper body in the world. One is the right to amend. The Constitution gives it that right to amend, even on revenue bills which originate in the House. The other factor is the right of unlimited debate.

I sought to get the campaign financing reform measure up in the 100th Congress, in 1987, and our Republican friends would not give me a unanimous consent to take it up. So one day—I am getting to the point the Senator raised—I said to the Republican leader, when I had the floor: I wonder if the leader would give me consent to proceed to the consideration of whatever the bill number was, the campaign financing reform bill. He said: I do not think so; I think we want to talk a while about that. I said: Well, I wish the Senator would let me take this up. He said: Well, Senator MCCONNELL might want to talk about it. I said: Right there he is; ask him. The Republican leader asked Senator MCCONNELL, and he said Senator MCCONNELL wanted to talk.

Well, Mr. President, I was in a position right then to move to take that bill up, and it is a nondebatable motion. You see, it was a new legislative day, and it was during that 2 hours. I am now in a position to move. I said: So, Mr. Leader, if you give me unanimous consent, we will save 15 minutes, or if you will not give me unanimous consent, we will just vote right now, and we will vote up or down. He said: Well, give me a few minutes to talk with my colleagues. I said: Sure, how much time you want? He said: Oh, 20, 30 minutes. I said: Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes and that I be recognized at the reconvening of the Senate, and at that point no time be charged against the recess, and that I retain my rights at that point as of the status quo. We recessed for 30 minutes and went out and Mr. DOLE came back and said: OK, we will give you consent. Then they filibustered the measure.

I offered a cloture motion eight times—more than any majority leader has ever offered on any measure. Unlike Robert Bruce, who succeeded on the seventh time after he had seen that spider spin his web, I failed eight times. Do you think I was frustrated? Of course I was. But they had a right. They were exercising their rights. They were in the minority, but a minority can be right. A minority can be right. So I have always defended the rights of the minority, whether I was in the majority or minority, because I also remember that we can be in the minority—and we are now. I remember, too, that this is not a democracy.

With 260 million people, would anybody stand up and claim that this could be a democracy? This is a Republic. It is a representative democracy. The people speak through their elected representatives. So a minority may be over there or may be over here on a given measure, or a minority may be a combined minority. But that minority may represent a majority of the people. That is the purpose. That is why unlimited debate is something we should never, never give away—unlimited debate; right of unlimited debate.

I have been in the House of Representatives. I have been in the House of Representatives before I came here. I do not want to make the Senate a second House of Representatives. There is a place for both in the constitutional scheme. Each has its role to play in its own proper sphere. The Senate ought not change its role.

I may want to filibuster, to use the word. I may want to use it someday to protect poor little West Virginia and her rights. This is the forum of the States. We are here to represent States. And the State of West Virginia, the State of Iowa, the State of Kentucky, the State of Mississippi, each of these States is equal to the great State of California with its 30-odd million—equal. We speak for the States, and it is the only forum in the Government in which the States are equally represented—equally represented.

Now, if we do not have the right for unlimited debate, these poor little old States like West Virginia, they will be trampled underfoot. We have three votes in the House. Now in the House, we had six votes. Now we have half that many in the House, three votes.

Mr. President, we had better stop, look, and listen before we give away this right of unlimited debate. What is wrong with using the rules? My friends did not like it. I did not like it when Mr. DOLE used the rules on me when he was in the majority. I did not like it, but I said he has a right to do it; he is playing by the rules.

Mr. President, I came prepared to speak not long, but let me say a few words in accordance with what I had planned.

The filibuster has become a target for rebuke in this efficiency-obsessed age in which we live. We have instant coffee, instant potatoes to mix, instant this and instant that. So everything must be done in an instant; must be done in a hurry.

I lived in an earlier age. I remember when Lindbergh flew across the ocean in a plane that carried a 5,500-pound load. He had five sandwiches. He ate one and one-half of them on his way. He flew 3,600 miles in 33½ hours, sometimes 10 feet above water, sometimes 10,000 feet. Crowds gathered to see him off; crowds gathered in Paris to see him land.

He flew over Cape Breton, Nova Scotia, at the great speed of 100 miles an hour. That is what the New York Times said. That is the paper that prints everything there is fit to print. I wish other newspapers would follow that same rule. Great speed. Flew over at great speed, it said—100 miles an hour.

JOHN GLENN went around the Earth, I would assume, at a speed of something like, I would imagine, as I recall he traveled around the Earth in about 80 minutes, something like that. That would be what? Eighteen thousand miles an hour.

Anyhow, everything has to be done in a hurry. We have to bring efficiency to this Senate. That was not what the Framers had in mind.

Recently, much of the talk of abolishing filibusters was coming from the other body, but apparently the criticism has begun to seep in the Senate Chamber, as well.

The filibuster is one of the easier targets in this town. It does not take much imagination to decry long-winded speeches and to deplore delay by a small number of determined zealots as getting in the way of the greater good.

It does, however, take more than a little thought to understand the true purpose of the tactic known as filibustering and to appreciate its historic importance in protecting the viewpoint of the minority.

In many ways, the filibuster is the single most important device ever employed to ensure that the Senate remains truly the unique protector of the rights of the people that it has been throughout our history.

I believe that it is always worthwhile to try to educate the public and hopefully any new Members who have not yet fully grasped the noble purpose fulfilled by this much maligned exercise known as the Senate filibuster.

Mr. President, let it be clearly understood that I favor a change in the filibuster rule. I will eliminate filibusters on the motion to proceed to take up a measure or matter other than a matter affecting a rules change. I would favor changing the rules to provide that there be a motion to proceed limited to 2 hours of debate or 1 hour of debate. I have no problem with that. Because that to me appears to have been, the last few years, where the real abuse has lain, real abuse of the rule. If we eliminate that, Senators should retain full rights to debate at any length the measure or matter, once the Senate has proceeded to take it up.

So let us have that change in the rules. That will get rid of most of the so-called filibusters.

A lot of these are not really filibusters. What is involved is a motion to proceed. Because unanimous consent could not be gotten to take up the matter, one Senator or two Senators were objecting, so the motion to proceed was made and then immediately a cloture motion was laid down.

Now, that cloture rule came as a result of real filibusters, and what was perceived at that time as an abuse of unlimited debate. That is why the cloture rule was created in 1917.

As the Senator has appropriately pointed out—and I have listened to him carefully and he has revealed to me that he has read a great deal of history concerning these rules—may I say to the Senator that I have likewise read a great deal of it. I have likewise written a great deal on it, and I have likewise experienced the use of it and experienced dealing with it as majority leader, as minority leader, as whip, and as secretary of the Democratic conference.

Mr. HARKIN. Senator, much of the history I have read.

Mr. BYRD. I could tell that just by listening. And I compliment the Senator.

By the way, all of this section here, "The Filibuster 1789–1917," I read the old CONGRESSIONAL RECORDS. I went through the old CONGRESSIONAL RECORD. I read those debates by Benjamin Tillman. I read them. I did the footnoting in this book. I did not have a staffer do that footnoting. I did it. I read those CONGRESSIONAL RECORDS.

And so I have read the history. And I have helped to make a lot of the history. And I have helped to write a lot. And I feel very deeply that as long as we have a Senate in which there is unlimited debate, the liberties of the American people will always be protected. I think that we change that rule at our peril, and at the peril of the liberties of the American people.

One of the filibuster, so-called filibuster, is of ancient origin. Cato ordered a filibuster. Cato the Younger. His sister married Brutus. Marcus Junius Brutus. Cato the Younger. He committed suicide in the year 46, 46 B.C., after he had heard that Caesar has won the battle of Thapsus. He committed suicide. Cato. Marcus Porcius Cato Uticensis committed suicide. He admonished all of his men, the officers in his military, to leave Utica because Caesar was approaching. He admonished his son to give himself over to Caesar. Cato himself did none of these things. He elected to read Plato's book on the soul. Phaedo. And after he had read that book, his friends had taken his sword from beneath his pillow, fearful he might use it against himself. And he asked them to send it back. And a little boy came carrying the sword back into the room. Cato felt of its point, felt of its edge, said, "Now, I am master of myself." And a little later he plunged it into his abdomen. Cato. We need more Catos in the Senate.

The Cato in the year 60 B.C. resorted to a filibuster. Caesar wanted to stand as a candidate for counsel. He had to be in the city to do that. He also wanted to be rewarded a triumph for his victories in Spain. For that he had to be on the outside of the city and come in a triumph. He had to give up one or the other, but his friends in the Senate sought to introduce legislation that would allow him to stand as the candidate while on the outside of the city, but Cato, and I say it in here better, "Cato spun out the hours by speaking until the Sun went down." In the Roman Senate, Sun went down, that was the end of the session. So he spun out the day talking until the Senate adjourned. And so we see a successful filibuster occurs in the Roman Senate 2055 years ago. Not bad. 2055 years ago. So, it is a matter of ancient origin.

Did the Senator want me to yield?

Mr. HARKIN. Mr. President, I was just fascinated by listening to the history lesson is all.

Mr. BYRD. I ask unanimous consent that I may yield for a statement, if the Senator wishes to make it, without losing my right to the floor.

The PRESIDING OFFICER. Without objection.

Mr. HARKIN. Mr. President, I thank the Senator. It is always instructive to engage in the debates with the Senator from West Virginia who is a great student of Roman history. I have always enjoyed listening to him tell about the different Roman battles. Always very instructive. I am not a student of Roman history at all and do not pretend to be. I find it fascinating.

I tend to think that we in our great American experiment embarked upon something quite different perhaps than what the Roman Senate was. I think our roots, again, go back to the Magna Carta, the great charter of King John, and to the parliamentary procedures of Great Britain, of England.

In 1604 the Parliament of Great Britain adopted what was then known as a motion for the previous question to bring to finality debate and to move to the merits of the proposition. That was in 1604. When our Constitution, and I pose this in a manner of a question to the Senator from West Virginia because this is another branch of the argument on the filibuster, sort of the branch that I had been arguing on is the basis that a filibuster ought to be used to slow down, temper legislation, alert the public, change minds, but should not be used as a measure whereby a small minority can totally keep the majority from voting on the merits of a bill. That is one branch.

The other branch is the constitutional branch. The Senator from West Virginia said that we, at our peril, I believe, give up this right of unlimited debate. From whence does this right spring? It is not mentioned in the Constitution. At least I cannot find it in the Constitution.

In fact, the Constitution, article I, section 3, outlines what the Senate shall be. Two Senators from each State chosen by the legislature, which was changed by the 18th amendment and made Senators popularly elected, goes on to tell what Senators do. They each get a vote. The Vice President will be President of the Senate but will have no vote unless they be equally divided. Then it goes on to tell all of the different cases wherein there has to be more than a majority vote. Five cases.

I postulate a question to the Senator from West Virginia. Let us suppose that an election were held and 90 Members of the Senate were elected from one party; let us say that those 90 Members then decided that they were going to change the rules of the Senate. And they did change the rules of the Senate.

And then they put in the Senate a rule that said that no changes in the rules could be done unless 90 percent agreed. Not two-thirds, but 90 would have to agree to change the rules, and that 90 Senators would have to reach that agreement. It probably would never happen again, 90 Members of the same party, but then that rule would go on in perpetuity. So then does that not lead to a possibility of a Senate setting up a supermajority that completely does away with the will of the majority to enact legislation? It sort of is an extension, and it is the extreme of what we have here, I think, with a filibuster.

So I ask the Senator, from whence does this right spring of this unlimited debate? I find it not in the Constitution.

Mr. BYRD. The right of freedom of speech was publicly accorded to both Commons and the House of Lords by Henry V in 1407. He reigned from 1399 to 1413. He publicly declared that the Commons, members of both Houses of Parliament, had the right to speak and speak without any fear of being challenged in any other place. That right was written into the English Bill of Rights, article 9—the English Bill of Rights, which was enacted in December 1689.

William III and Mary were offered the joint sovereignty by Commoners, the House of Commons, when James II, just before he left England and went to the court of France, never to return to England, they offered to William and Mary the joint sovereignty. And in early 1689, William and Mary were crowned joint sovereigns. But first of all they had to agree to a Bill of Rights. And in that Bill of Rights, in the nineteth article, there is a provision that members of Parliament should not be questioned in any place but Parliament. And in our own Constitution, article I, section 6, we find virtually the same language, no Member of either House may be questioned in any other place, or anything said in debate, so on and so on.

So there was the right of freedom of speech. Our English forebears recognized that important right, and they wrote it into the Bill of Rights, the English Bill of Rights. And our Constitution forebears, who knew much about the English struggle, who knew much about Roman history, who knew much about Montesquieu and Hobbs and Moore and all of the other great philosophers, they wrote it into our Constitution.

We have freedom of speech. The Roman Senate, under the Republic, which lasted from 509 B.C. up to the Battle of Actium in 31 B.C., the Roman Republic had freedom of speech in the Senate, and there was a check on freedom of speech on the length of speeches first instituted by Augustus—Gaius Julius Caesar Octavianus, given the title of Augustus by an innervated Roman Senate that had lost its nerve, lost its vision and lost its way. Augustus finally put an end to this business of freedom of speech in the Senate. He reigned from 27 B.C. to 14 A.D.

So it has its roots in antiquity. It is a property, yeah; it is far more than a property, it is a right that is cherished by free men: The right of freedom of debate.

Take away that right and you take away my liberties. You take away my right of freedom of debate as an elected representative of the people, and you take away their liberties. It is a right that Englishmen have known for centuries for which they struggled against monarchs.

The Senate, as the Senator pointed out early today, first started out with the previous question in the Senate. That was discarded. Aaron Burr, when he made that great speech after he had murdered Alexander Hamilton in Weehawken, NJ, and had presided over the Senate trial of Samuel Chase, I believe it was, made a speech to the Senate, his last speech before he went out the door for the last time, and he recommended that the Senate do away with the previous question.

So we have had unlimited debate in the Senate now for 200 years, and surely with 200 years of trial and testing, we should know by now it is something to be prized beyond measure.

And so it is not a matter of pride and prerogative and privilege and power with this Senator. It is a matter not only of protecting this institution, it is a matter of protecting the liberties of free men under our Constitution. And as long as I can stand on this floor and speak, I can protect the liberties of my people. If I abuse the power by threatening to filibuster on motions to proceed, take away that power of mine to abuse. Let us change the rule and allow a motion to proceed under a debate limitation of 2 hours, 1 hour, or whatever, except on motions to proceed to a rules change. I am for that.

And so by doing that, the Senator will have performed a great service. He will have eliminated—he will have eliminated—the source of the irritations and aggravations that have permeated through this body over the last few years of most of those so-called filibusters.

They were not filibusters. They were simply motions to take up a matter that were objected to and immediately a cloture motion being thrown down. That cloture motion was created to shut off debates on filibusters. And yet the cloture motion was used to get a vote on a motion to proceed.

So I think it has been blown out of proportion a great deal, but I agree that that rule has been abused to that extent. I have said that continued abuse of that rule will result in taking away the right of Senators to have unlimited debate. I see that danger. And I am trying to protect against that danger. So I would agree that we make that kind of rules change.

As far as I am concerned, we could go back to the two-thirds rule rather than the three-fifths—two-thirds of those present and voting. That would ensure that Senators come to the floor and vote. Where we have 60 votes, 39 or 40 can leave town. The other side has to produce 60 votes.

So if the Senate wanted to change it back to two-thirds of those present and voting, fine. As he pointed out directly, the present rule was reached through compromise, those who thought the two-thirds too difficult and those who thought that a majority was not enough, so we arrived at the present rule. But I am not unalterably against change if it is change for what I see would be for the better. I think that would be for the better. But I am against change, I am against emasculating the filibuster rule.

In the "Lady of the Lake," I guess it was Fitz-James who said;

> Come one, come all. This rock shall fly
> From its firm base as soon as I.

That is the way I feel about the filibuster:

> Come one, come all. This rock shall fly
> From its firm base as soon as I.

So it is not a matter of power and privilege and prerogative, as the Senator has said, and pride. It is a matter of pride in this institution with me. That is where the pride is, pride in this institution and pride in the Constitution.

I wish Senators would develop an institutional memory. Stop coming over here from the House of Representatives and immediately trying to make this a second House of Representatives. The Senate was created for a purpose in the minds of those great framers. And the test of time has proved that they were right and that they were wise.

I had intended to read several chapters from my book, volume two, but I have enjoyed the exchange with my friends to the extent that I feel no need of proceeding as I had earlier intended.

Let me just call attention to my book—and I get no royalties on this book—"The Senate, 1789–1989, Addresses on the History of the Senate." This is volume two. Volume two is the Senator's copy. Volume one was a chronological history of the U.S. Senate. A history of the United States Senate is American history. But volume two I intended for Senators to read.

What is in it? Well, there are chapters on treaties, and on impeachment trials, and on other matters that are fairly unique to the Senate. I hope Senators will read my chapter on impeachment trials. Some Senators who claim to be lawyers cannot, really cannot, get away from the idea that they are still in a courtroom and that an impeachment trial is a trial in the sense of a civil or criminal trial that is being tried in a court of law.

I hope that Senators who listen tonight and those who read will take me up on that and go back and read my chapter on impeachment trials because there will be some more impeachment trials as time comes on. And I have chapters on committees, on the various officers of the Senate.

But in this respect which we are now discussing, I would suggest they begin on page 93, chapter 5, titled "Extended Debate, Filibusters, 1789 to 1917." There they will find written down the instance to which I earlier referred when Plutarch reported that Cato opposed Caesar's request and "attempted to prevent his success by gaining time; with which views he spun out the debate till it was too late to conclude upon any thing that day."

So that was that successful filibuster 2,055 years ago.

Then this gives the history of filibusters when filibusters were real filibusters, as Mr. HARKIN stated earlier. Back in the 19th century, they had real filibusters, and in the early part of this century. And there have been some real ones since I have been in the Senate, real in the sense that it took days and days and days to reach a decision. And the debate was germane, at least during the filibusters that I experienced in the Senate.

I mentioned three in particular. The civil rights debate, 1964. I was not a leader at that time, but I participated in that debate. I spoke 14 hours and 13 minutes during that debate. That was a bill that was before the Senate for a total of 77 days including Saturdays, Sundays, and holidays. It was actually debated 57 days, 6 of which were Saturdays. We have had some real filibusters. Still the bill was not passed until 9 days after cloture was voted. Hence, 103 days had passed between March 9 when the motion was made to take up the bill and final passage on June 19.

Now, this was the civil rights filibuster. Then there was a filibuster on the natural gas bill, in 1977 I believe it was. And then I speak of the filibuster that occurred on the campaign financing reform bill, 1987 and 1988. That spread across a period of 2 years.

So I have seen filibusters. I have helped to break them. There are few Senators in this body who were here when I broke the filibuster on the natural gas bill. Two Senators, Senator Metzenbaum and former Senator Abourezk, tied up the Senate for 13 days and 1 night—I believe it was 13 days and 1 night—and in that time we had disposed of a half-dozen amendments. So I asked Mr. Mondale, the Vice President, to go please sit in the chair; I wanted to make some points of order and create some new precedents that would break these filibusters.

So he got in the chair, and Howard Baker and I, working together, propounded some points of order, and we broke that filibuster. And I disposed of more than 30 amendments within the course of a few minutes. And the filibuster was broken—back, neck, legs, arms. It went away in 12 hours.

So I know something about filibusters. I helped to set a great many of the precedents that are in the books here. Dizzy Dean said you can say these things, you can brag, if you have done it. So I do not know whether one wants to call that bragging or not, but that is fact—I think it is facts I am stating. And I am simply stating them to let other Senators know that I understand what frustrations are. I have been over this road, up and down the hill. And I think we give away something, something we can never retrieve, if we give away the right of unlimited debate. We ought to forget about streamlining, streamlining—the Senate was not meant to be streamlined. The process here was not meant to be streamlined.

And again I say I understand that the rule has been abused. I understand that Senators do not really very often stand up and debate anymore. But let us not try to blame it on the rules. Blame it on Senators. Rules should not be blamed for it. The rule is there. I have already read that rule whereby a motion can be made, that is nondebatable, to proceed. Let us not throw out the baby with the bath water. The minority can be right and the minority has been right and I will always take my stand in support of this institution, the Constitution, and the rights of the minority.

And I close by reading merely 2 pages, whereas I had intended to read 70 pages when I began. Page 162:

> Arguments against filibusters have largely centered around the principle that the majority should rule in a democratic society. The very existence of the Senate, however, embodies an equally valid tenet in American democracy: the principle that minorities have rights.

Of course, a minority abuses the rights, but the majority abuses the rights also—there are times.

> Furthermore, a majority of Senators, at a given time and on a particular issue, may not truly represent majority sentiment in the country. Senators from a few of the more populous States may, in fact, represent a majority in the Nation while numbering a minority of votes in the Senate, where all the States are equal.

Take California, Texas, Florida, Michigan, Ohio, Illinois, New York—there is a minority of States. I have not counted the votes recently, but I would daresay there is about—almost a majority of the population, if not a majority. There is a minority of States. They can be right. We ought to think long and long and long and long and hard before we tinker with something that has been tried and tested for 200 years because there is a problem with it. Let us see if we cannot heal that problem in other ways. Let us have resort to Rule VIII. Of course, we are not the majority again. Right now we cannot resort to it. But the majority can resort to it.

Well, back on my reading. Let me repeat:

> Senators from a few of the more populous States may, in fact, represent a majority in the nation while numbering a minority of votes in the Senate, where all the States are equal. Additionally, a minority opinion in the country may become the majority view, once the people are more fully informed about an issue through lengthy debate and scrutiny. A minority today may become the majority tomorrow.

Why should not a majority have a right to stop a piece of legislation? My friend says, well, let us retain the right to slow down, the right to slow down, but let us take away this power to stop something.

I understand how Napoleon felt when he was banished to Elba. I have a room down here in the corner. Here I was majority leader and had this six vast rooms, and along came the election and I was banished to almost Outer Mongolia. I know how Napoleon felt because I have seen him in his picture with his hands folded behind him, looking out upon the sad and solemn sea. But that is the way it is in politics. You are up one day, you are down the next. So I am in the minority right now.

> Moreover, the framers of the Constitution thought of the Senate as the safeguard against hasty and unwise action by the House in response to temporary whims and storms of passion that may sweep over the land. Delay, deliberation, and debate—though time consuming—may avoid mistakes that would be regretted in the long run. The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed.
>
> The most important argument supporting extended debate in the Senate, and even the right to filibuster, is the system of checks and balances. The Senate operates as the balance wheel in that system, because it provides the greatest check against an all-powerful executive through the privilege that Senators have to discuss without hindrance what they please for as long as they please. A minority can often use publicity to focus popular opinion upon matters that can embarrass the majority and the executive. Without the potential for filibusters, that power to check a Senate majority or an imperial presidency * * *

We are not talking about pride and prerogative and privilege and power here. Here is what is involved. "Without the potential for filibusters, that power to check a Senate majority or an imperial presidency"—and we have seen an imperial presidency in this land—would be destroyed."

> It is a power too sacred to be trifled with. As Lyndon Baines Johnson said on March 9, 1949:
>
> * * * if I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. * * * I would send to those nations the right of unlimited debate in their legislative chambers.

Peter the Great did not have a Senate with unlimited debate, with power over the purse, when he enslaved hundreds of thousands of men in the building of Saint Petersburg.

> * * * If we now, in the haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities.
>
> As one who has served both as majority leader and as minority leader, as a senator who has engaged both in filibustering and in breaking filibusters during my thirty-one years in this body, I believe that Rule XXII today strikes a fair and proper balance between the need to protect the minority against hasty and arbitrary action by a majority and the need for the Senate to be able to act on matters vital to the public interest. More drastic cloture than the rules now provide is neither necessary nor desirable.
>
> We must not forget that the right of extended, and even unlimited, debate is the main cornerstone of the Senate's uniqueness. It is also a primary reason that the United States Senate is the most powerful upper chamber in the world today. The occasional abuse of this right has been, at times, a painful side effect, but it never has been and never will be fatal to the overall public good in the long run. Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad, even though they may have been exasperating, contentious, and perceived as iniquitous. Filibusters are necessary evil, which must be tolerated lest the Senate lose its special strength and become a mare appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be "that remarkable body" about which William Ewart Gladstone spoke—"the most remarkable of all the inventions of modern politics."

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR TO S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that S. 2, the congressional coverage bill introduced earlier today, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that at 10:15 on Thursday, January 5, 1995, the Senate resume consideration of Senate Resolution 14, and at that time the debate on the Harkin amendment prior to a motion to table be divided in the following manner: 30 minutes under the control of Senator BYRD and 45 minutes under the control of Senator HARKIN. I further ask unanimous consent that at 11:30 a.m., the majority leader or his designee be recognized to make the motion to table amendment No. 1. I ask unanimous consent further that, if the amendment is not tabled, it be subject to further debate and amendment. I further ask unanimous consent that if the amendment is tabled, the Senate proceed immediately to adoption of the resolution without any intervening action or debate. Finally, I ask unanimous consent that immediately following the adoption of the resolution the Senate proceed to S. 2, the congressional coverage bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

"DISPLACED STAFF MEMBER"

Mr. LOTT. Mr. President, I send an enclosed resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 25

Resolved, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress (agreed to October 4, 1984), the term "displaced staff member" includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directly as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

The PRESIDING OFFICER. If there is no debate on the resolution, the question is on agreeing to the resolution.

The resolution (S. Res. 25) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution is as follows:

Resolved, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress (agreed to October 4, 1984), the term "displaced staff member" includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directed as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

AWARDS FOR ATTORNEY'S FEES

Mr. LOTT. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill to amend section 526 of Title 28, United States Code, to authorize awards for attorneys' fees.

Mr. LOTT. Mr. President, I ask for a second reading.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

MODIFICATION OF SENATE RESOLUTION 16

Mr. FORD. Mr. President, I ask unanimous consent to modify S. Res. 16 adopted earlier today with language which I now send to the desk. This modification has been cleared by the majority leader and it does not change the ratio agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF SENATE RESOLUTION 17

Mr. FORD. Mr. President, I ask unanimous consent that S. Res. 17 adopted earlier today be modified by the following language, which I send to the desk. This request has been cleared by the majority leader and does not alter our agreements with the committee ratios.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE GIFT RULE

Mr. FORD. Mr. President, I understand that S. 71 regarding the Senate gift rule introduced earlier today by Senators WELLSTONE and FEINGOLD is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 71) regarding the Senate gift rule.

Mr. FORD. Mr. President, I ask for its second reading.

Mr. LOTT. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

MEASURE INDEFINITELY POSTPONED—S. RES. 19

Mr. LOTT. Mr. President, I ask unanimous consent that S. Res. 19, a resolution regarding committee funding, submitted earlier today be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 10 a.m., Thursday, January 5, and that when the Senate reconvenes the Journal of proceedings be deemed to have been approved to date, that the call of the calendar be waived, that no motions or resolutions come over under the rule, that the morning hour be deemed to have expired, and that the time until 10:15 a.m. be reserved for the two leaders. I further ask unanimous consent that at 10:15 the Senate resume consideration of Senate Resolution 14 under the terms of the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if there are no further Senators seeking recognition, I ask unanimous consent that the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the following two appointments made by the Democratic leader, the Senator from Maine [Mr. MITCHELL], during the sine die adjournment:

Pursuant to provisions of Public Law 103–236, the appointment of Senator MOYNIHAN and Samuel P. Huntington, of New York, as members of the Commission on Protecting and Reducing Government Secrecy.

Pursuant to provisions of Public Law 100–458, Sec. 114(b)(1)(2), the reappointment of William Winter to a 6-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development, effective Oct. 11, 1994.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces the following appointment made by the Republican leader, the Senator from Kansas [Mr. DOLE], during the sine die adjournment:

Pursuant to provisions of Public Law 103–359, the appointment of Senator JOHN WARNER of Virginia, and David H. Dewhurst of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair announces the following appointment made by the President pro tempore, Senator BYRD of West Virginia, during the sine die adjournment:

Pursuant to provisions of Public Law 103–394, and upon the recommendation of the Republican leader, the appointment of James I. Shepard, of California, as a member of the National Bankruptcy Review Commission.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolutions:

H. Res. 2. Resolution informing the Senate that a quorum of the House of Representatives has assembled.

H. Res. 3. Resolution notifying the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on deployment of a U.S. Army peacekeeping contingent as part of the United Nations Protection Force in the Former Yugoslav Republic of Macedonia (received on December 22, 1994); to the Committee on Foreign Relations.

EC–2. A communication from the President of the United States, transmitting, consistent with the Use of Military Force Against Iraq Resolution, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council (received on January 3, 1995); to the Committee on Foreign Relations.

EC–3. A communication from the President of the United States, transmitting, pursuant to law, the third monthly report on the situation in Haiti (received on January 3, 1995); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A petition from a citizen of the State of California; to the Committee on Rules and Administration.

PETITION FOR ELECTION CONTEST

INTRODUCTION

Now comes Petitioner and contestant Michael Huffington before the Senate of the United States. Petitioner prays that the Senate deny Dianne Feinstein a seat in the 104th Congress of the United States on the grounds that she has not been "duly elected" by a majority of legal ballots cast in the State of California in the election held on November 8, 1994. In the alternative, Petitioner asks that if the Senate seats Feinstein, it do so without prejudice because the misconduct, irregularities and fraud in the California election system were so widespread that the true results of the election cannot be known. Furthermore, Petitioner is informed and believes that additional investigation by the Senate before her seating becomes final will make clear that the serious systemic problems in California's and the nation's voter registration and verification system are so pervasive as to render the results of the 1994 California Senate election invalid.

In support thereof, the petitioner alleges the following:

JURISDICTION

1. The Senate of the United States, pursuant to Article 1, Section 5, clause 1 of the Constitution of the United States, is "the Judge of the Elections, Returns, and Qualifications of its own Members" and has final jurisdiction over election contests concerning its Members.

PARTIES

2. The Petitioner and contestant, Republican Party candidate for the Office of United States Senator from the State of California in the November 8, 1994 general election, is an elector and citizen of the State of California and the United States and a legal voter in the State of California in the November 8, 1994 general election. He is qualified to bring this petition, and brings this action as a contestant and on behalf of the almost 4,000,000 voters of the State who cast legal ballots on his behalf.

3. Dianne Feinstein, the Democrat candidate for the office of United States Senator from the State of California in the November 8, 1994 general election, was certified as the winner of the election by approximately 160,000 votes by the California Secretary of State on December 16, 1994, prior to numerous of the facts alleged herein being known.

FACTUAL ALLEGATIONS

4. Article I, Section 4, clause 2 of the Constitution of the United States grants the states the power to prescribe the time, places, and manner of holding elections for United States Senators and Representatives, subject to the congressional power to preempt state law on this subject.

5. The State of California has adopted a comprehensive California State Elections Code which proscribes the time, place and manner of holding elections for the Office of United States Senator which was not preempted by federal law in this election. (CAL. ELEC. CODE §§1-35150)

6. Article II, Section 2 of the Constitution of the State of California proscribes the following qualifications for electors in the State of California: "A United States citizen 18 years of age and resident in this state may vote."

7. The California Elections Code provides that persons who no longer reside 28 days before a general election in the precinct for which they are registered may not vote in a general election unless they change their registration address 28 days or more before that general election. (CAL. ELEC. CODE §§305 and 311.6)

8. The California Elections Code provides that felons, deceased persons, minors, noncitizens, non-residents and others not qualified to vote may neither register nor vote in elections in the State. (CAL. ELEC. CODE §§100, 300.5, 701 and 14216)

9. The California Elections Code requires that precinct officials conducting the elections account for all the ballots and the signatures of voters who are given ballots at the precinct polling places on election day, and that these numbers be reconciled as part of the official count. (CAL. ELEC. CODE §§14005.5, 14006 and 14305)

10. The California Elections Code requires that precinct officials conducting the elections require all voters to identify themselves when voting and to sign the register of voters with their name and registration address. (CAL. ELEC. CODE §14211)

I. FIRST GROUNDS OF CONTEST: A GENERAL PATTERN OF IRREGULARITIES, FRAUD, AND OTHER VIOLATIONS OF THE CALIFORNIA ELECTIONS CODE HAS RENDERED THE RESULT OF THE 1994 UNITED STATES SENATE ELECTION UNRELIABLE

11. The allegations contained in Paragraphs 1-10 are incorporated herein.

12. A study of 84 representative sample precincts in California reveals a general pattern of voting irregularities, illegal voting, and other violations of the California Elections Code in the conduct of the November 8, 1994 general election so widespread as to render the result of the United States Senate Election unreliable.

13. Based upon this study, on information and belief, Petitioner alleges that the violations, irregularity and fraud are so pervasive in the State of California that the certification of the United States Senate election is rendered unreliable. This study shows that:

a. California election workers made sufficient errors in counting and reconciling ballots in the sample precincts to render the result of the United States Senate election certified by the California Secretary of State unreliable. Comparing the number of ballots voted with the number of signatures on the voting rosters in the sample precincts reveals that election officials accepted an average discrepancy of one (1) vote per precinct in certifying the returns. This one (1) vote per precinct discrepancy results both from more ballots than signatures and more signatures than ballots. Projecting such discrepancies on a statewide basis would produce an error in the certification of approximately 20,000 to 25,000 votes.

b. The number of extra ballots certified by California election officials in the sample precincts plus the number of ballots not certified compared to the ballots reportedly sent to the Registrar of Elections from the sample precincts produces a discrepancy of 1.38 ballots per precinct. If extrapolated statewide, these tabulation errors would amount to approximately 35,000 votes in the certification of the results. Such errors were more likely to occur in the heavily Democratic precincts of the precincts sampled.

c. Precinct workers permitted persons who did not meet the statutory qualifications for voting in that precinct to cast ballots and allowed persons who did not live in the precinct for which they were registered to cast illegal ballots in substantial numbers. Comparing the voting roster to registration books used on election day shows that the number of voters who failed to sign the registration book with any residential address is approximately 3.5 votes per precinct. Extrapolated statewide, this could reveal as many as 85,000 improperly cast ballots, which are probably illegal.

d. Comparing the voting rosters with the registration books used on election day shows that the number of voters who signed the roster with an address different from their registration address and who resided outside of the precinct in which they voted or who did not sign any address at all was approximately .93 votes per precinct. Extrapolated statewide, this could result in as many as 23,000 improperly cast ballots, which are probably illegal. These ballots are in addition to the 85,000 ballots reported above. Moreover, persons registered as Democrats in the precincts sampled were twice as likely as persons registered as Republicans to sign an address different than where they were living.

e. Approximately seven (7) voters per precinct voted from an address they had listed as their former address on a National Change of Address ("NCOA") request from the voter had filed. Extrapolated statewide, this would result in as many as 175,000 ballots being improperly cast. If only one-half of these voters had actually changed their residence but were allowed to vote, it would produce approximately 88,000 improperly cast ballots.

f. Of those who cast absentee ballots, approximately 1.7 voters per precinct sampled had filed a NCOA request with the post office for the address from which they voted in the November 8, 1994 election. Extrapolated statewide, this would result in as many as 43,000 improperly cast ballots. If only one-quarter of these voters cast their ballot improperly it would produce 10,700 such ballots.

14. In sum, it is alleged on information and belief that extrapolating the results of this study to the entire State of California will present a prima facie case that over 170,000 votes were illegally cast in the November 8, 1994 general election, more than Feinstein's certified margin of victory and large enough to cast doubt upon the certification of the United States Senate election.

15. The study in the sample precincts also suggests that if the percentage figures were projected for the entire state of California, more Democrat voters than Republican voters cast illegal ballots.

16. In addition to the more than 170,000 projected illegal votes indicated by the study of sample precincts in the State of California, an ongoing investigation of voter fraud in California reveals that numerous persons not qualified to vote in the 1994 general election in California, including dead persons who were recorded as having voted in November, remained on the registration rolls and did vote in that election, thereby rendering the results of the 1994 United States Senate election unreliable.

17. On November 8, 1994, precinct officials allowed persons who were not residing in the precinct from which they voted 28 days before the election, and therefore were not eligible to vote, to cast ballots in such numbers that the results of the 1994 California United States Senate election cannot be reliably known.

18. On November 8, 1994, precinct officials and election officials allowed persons not qualified to vote, including, it is alleged on information and belief, non-citizens who were motivated by defeating a ballot initiative measure entitled "Proposition 187", to cast illegal votes in such numbers that the results of the 1994 California United States Senate election cannot be reliably known.

19. On and before the November 8, 1994 election, election officials allowed persons to cast absentee ballots in a manner not authorized by law in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

20. The irregularities, mistakes and fraud described in the above paragraphs are not isolated and are so pervasive as to constitute a general pattern in the conduct of the November 8, 1994 general election that renders the certification of the California United States Senate election unreliable.

II. SECOND GROUNDS OF CONTEST: STATE, COUNTY AND PRECINCT ELECTION OFFICIALS INADEQUATELY ADMINISTERED THE 1994 GENERAL ELECTION AND FAILED TO ENSURE THE SANCTITY OF THE ELECTORAL PROCESS IN CALIFORNIA SO THAT THE RESULTS OF THE 1994 UNITED STATES SENATE ELECTION ARE IN DOUBT

21. The allegations contained in Paragraphs 1–20 are incorporated herein.

22. The public officials charged with conducting the elections in the State of California did not enforce or satisfy the requirements of the California Elections Code in the conduct of the 1994 United States Senate Election so that the result of the California United States Senate election cannot be reliably known without further investigation.

23. The Registrars of Election allowed numerous persons to register to vote in the 1994 general election in California who were not qualified under the State's Constitution or laws to be registered voters in the State in that election.

24. The Registrars of Election allowed numerous persons to register to vote more than once in the November 8, 1994 general election in California, a violation of the California Elections Code.

25. On November 8, 1994, precinct officials allowed to be deposited into the ballot boxes more ballots than there were voters who presented themselves for the purpose of voting in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

26. On November 8, 1994, precinct officials failed to deposit into the ballot boxes all the ballots that were given to voters who presented themselves for the purpose of voting and these precinct officials failed to account for the reason that these ballots were not deposited in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

27. These irregularities in process were known or should have been known to the Secretary of State of California prior to the election and prior to his issuance of the certificate of election in the United States Senate election, yet he refused to investigate these problems or to take corrective action both prior to the election and during the canvass to insure that the certificate of election was reliable.

28. The failures of the election officials which are complained of herein relate to duties which are mandatory in nature and not directory in nature.

29. These irregularities in process were known or should have been known by the county Registrars since they appear on the original election documents containing the totals certified to the Secretary of State during the canvass period. Notwithstanding this fact, the Registrars failed to resolve the discrepancies that appeared on the documents sent to them by the precinct officials.

30. Because of these irregularities and discrepancies, the Secretary of State's certificate of election is unreliable and the margin between the two major party candidates is less than the number of unaccounted for ballots and illegal ballots cast in the November 8, 1994 election.

31. The total number of illegal ballots cast or ballots unaccounted for and the insufficiency of ballots in some precincts and excess of ballots in other precincts is sufficiently large throughout the State of California to cast doubt on the election certificate issued by the Secretary of State and to cast doubt on which of the two major party candidates won the election for the United States Senate.

32. These failures of the election officials cannot be remedied by a recount of the votes or the remedies available in the California Elections Code for an election contest.

33. Because California lacks any reliable verification system in its registration process to determine the identity and eligibility of voters, the failure of election officials to enforce the statutory requirements makes unreliable the certificate of election in close contests, such as the contest at issue here.

34. The general pattern of irregularities in the election process and illegal ballots cast is so pervasive that the results of the 1994 United States Senate election are in doubt and, upon information and belief, it is alleged that if the illegal ballots cast could be removed from the certificate so issued, the result of the election would be changed.

III. THIRD GROUNDS OF CONTEST: THE IRREGULARITIES AND ERRORS COMPLAINED OF CONSTITUTE A VIOLATION OF THE 14TH AMENDMENT

35. The allegations contained in paragraphs 1–34 are incorporated herein.

36. The failure of California to provide a reliable election system whereby only legal voters are allowed to cast ballots and illegal ballots are not counted and to administer the 1994 Senate election according to its own Constitution and Elections Code constitutes a denial of 14th Amendment protections to the legal voters of California in that such failure structurally dilutes the valid votes cast for both candidates for United States Senator in 1994.

IV. PRAYER FOR RELIEF

That based upon the foregoing, the Petitioner and Contestant prays:

1. That on the day of covering, the Secretary of the Senate be instructed to not accept the certification from the State of California for the 1994 United States Senate election.

2. That, in the alternative, Dianne Feinstein be seated without prejudice to the rights of the Senate to revoke her seating by majority vote after full investigation of the conduct of the election.

3. That the matter be referred to the Rules and Administration Committee with instructions to investigate immediately the allegations set forth above in order to advise the Senate on the action to take in this matter.

4. That upon finding the facts to be substantially as set forth in the petition or upon receipt of additional evidence, to declare the Senate seat in question be vacant and request that the State of California conduct a new election, or in the alternative, to declare the person who received the highest number of legal votes duly elected if such numbers of legal votes can be determined.

5. That the Senate grant such additional relief that the Senate deems warranted by the facts.

REPORT OF COMMITTEE SUBMITTED DURING SINE DIE ADJOURNMENT

Pursuant to the order of the Senate of December 1, 1994, the following report was submitted on January 3, 1995, during the sine die adjournment of the Senate:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "Madison Guaranty S&L and the Whitewater Development Corporation Washington, DC Phase: Inquiry Into the U.S. Park Police Investigation of the Death of White House Deputy Counsel Vincent W. Foster, Jr." (Rept. No. 103–433).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KEMPTHORNE (for himself, Mr. DOLE, Mr. GLENN, Mr. ROTH, Mr. DOMENICI, Mr. EXON, Mr. COVERDELL, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DEWINE, Mrs. FEINSTEIN, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KYL, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROBB, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. WARNER):

S. 1. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. DOLE, Mr. NICKLES, Mr. ROTH, Mr. GLENN, Mr. SMITH, Mr. SPECTER, Mr. BROWN, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. ABRAHAM, Mr. SANTORUM, Mr. THOMAS, Mr. COHEN, Mr. CRAIG, Mrs. BOXER, Mr. ROBB, Mr. KOHL, Mr. WARNER, Mr. BAUCUS, Mr. HELMS, Mr. GREGG, Mr. DEWINE, Mr. CAMPBELL, Mr. BENNETT, Mr. MACK, Mr. KERREY, Mrs. KASSEBAUM, and Mr. LOTT):

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government; read twice.

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRAMM, Mr. SANTORUM, Mr. ABRAHAM, Mr. DEWINE, and Mr. KYL):

S. 3. A bill to control crime, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. COATS, Mr. KYL, Mr. HELMS, Mr. MURKOWSKI, Mr. ASHCROFT, Mr. BOND, Mr. GRAMS, Mr. GRAMM, Mr. BROWN, Mr. BURNS, Mr. CHAFEE, Mr. COVERDELL, Mr. CRAIG, Mr. GREGG, Mr. INHOFE, Mrs. KASSEBAUM, Mr.

KEMPTHORNE, Mr. MCCONNELL, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, and Mr. WARNER):

S. 4. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DOLE (for himself, Mr. HELMS, Mr. THURMOND, Mr. COHEN, Mr. WARNER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. LOTT, Mr. NICKLES, and Mr. MACK):

S. 5. A bill to clarify the war powers of Congress and the President in the post-Cold War period; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. DODD, Mr. KERRY, Mr. DORGAN, and Ms. MOSELEY-BRAUN):

S. 6. A bill to replace certain Federal job training programs by developing a training account system to provide individuals the opportunity to choose the type of training and employment-related services that most closely meet the needs of such individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. DODD, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. PELL, Mrs. MURRAY, and Mr. INOUYE):

S. 7. A bill to provide for health care reform through health insurance market reform and assistance for small business and families, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERRY, Mrs. MURRAY, Mr. DORGAN, Ms. MOSELEY-BRAUN, and Mr. ROBB):

S. 8. A bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other puropses; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. EXON, Ms. MIKULSKI, Mr. BREAUX, Mr. ROBB, Mr. KERRY, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 9. A bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. BREAUX, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 10. A bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress; to the Committee on Governmental Affairs.

By Mr. KYL:

S. 11. A bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BREAUX, Mr. PRYOR, and Mr. MURKOWSKI):

S. 12. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

By Ms. MOSELEY-BRAUN:

S. 13. A bill to require a Congressional Budget Office analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of of August 4 1977, that if one Committee reports, the other Committee have 30 days to report or be discharged.

By Mr. DOMENICI (for himself, Mr. EXON, Mr. CRAIG, Mr. BRADLEY, Mr. COHEN, and Mr. DOLE):

S. 14. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MOYNIHAN:

S. 15. A bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws; to the Committee on the Judiciary.

By Mr. DOLE:

S. 16. A bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Ms. MOSELEY-BRAUN):

S. 17. A bill to promote a new urban agenda, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 18. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, lower health care costs through the use of appropriate providers, improve the quality of health care, improve access to long-term care, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. HELMS, Mr. SMITH, and Mr. GRASSLEY):

S. 19. A bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 20. A bill to amend title 18, United States Code, with respect to the licensing of ammunition manufacturers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. THURMOND, Mr. MCCONNELL, Mr. LOTT, Mr. FEINGOLD, Mr. D'AMATO, Mr. MCCAIN, Mr. BIDEN, Mr. MACK, Mr. KYL, Mr. GORTON, Mr. HATCH, Mr. SPECTER, Mr. PACKWOOD, and Mr. CRAIG):

S. 21. A bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. HEFLIN, Mr. BROWN, Mr. BURNS, Mr. HATCH, Mr. NICKLES, Mr. CRAIG, and Mrs. KASSEBAUM):

S. 22. A bill to require Federal agencies to prepare private property taking impact analyses; to the Committee on Governmental Affairs.

By Mr. HELMS:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government; read the first time.

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes; read the first time.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle; read the first time.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes; read the first time.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools; read the first time.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes; read the first time.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; read the first time.

By Mr. MCCAIN:

S. 30. A bill to amend the Social Security Act to increase the earnings limit, to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits and to provide incentives for the purchase of long-term care insurance, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. BRYAN, Mr. COATS, Mr. GORTON, Mr. HEFLIN, Mr. HELMS, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. REID, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. WARNER, and Mr. GRAMS):

S. 31. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 32. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells; to the Committee on Finance.

S. 33. A bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities; to the Committee on Environment and Public Works.

S. 34. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Finance.

S. 35. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Finance.

By Mr. KOHL:

S. 36. A bill to replace the Aid to Families with Dependent Children under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare to work programs, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 37. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. DOLE, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. KYL, Mr. ABRAHAM, Mr. NICKLES, Mr. GRAMM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 38. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. KERRY, and Mr. MURKOWSKI):

S. 39. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 40. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, Wisconsin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 41. A bill for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 42. A bill to terminate the Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

S. 43. A bill to phase out Federal funding of the Tennessee Valley Authority; to the Committee on Environment and Public Works.

By Mr. REID (for himself and Mr. BRYAN):

S. 44. A bill to amend title 4 of the United States Code to limit State taxation of certain pension income; to the Committee on Finance.

By Mr. FEINGOLD:

S. 45. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Energy and Natural Resources.

S. 46. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. SARBANES:

S. 47. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCAIN:

S. 48. A bill to amend title II of the Social Security Act to impose the social security earnings test on the retirement annuities of Members of Congress; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 49. To amend the Federal Water Pollution Control Act to modify the wetlands regulatory program corresponding to the low wetlands loss rate in Alaska and the significant wetlands conservation in Alaska, to protect Alaskan property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities, and villages; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself, Mr. KYL, Mr. MACK, Mr. SHELBY, and Mr. WARNER):

S. 50. A bill to repeal the increase in tax on social security benefits; to the Committee on Finance.

By Mr. THURMOND:

S. 51. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

S. 52. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

S. 53. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

S. 54. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 55. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

S. 56. A bill for the relief of Susan Rebola Cardenas; to the Committee on the Judiciary.

S. 57. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

S. 58. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 59. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Labor and Human Resources.

S. 60. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Labor and Human Resources.

S. 61. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs, and for other purposes; to the Committee on Finance.

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician, and for other purposes; to the Committee on Finance.

S. 63. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program, and for other purposes; to the Committee on Finance.

S. 64. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various health professions loan programs, and for other purposes; to the Committee on Labor and Human Resources.

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

S. 66. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under the Health Careers Opportunity Program, the Minority Centers of Excellence Program, and programs of grants for training projects in geriatrics, to establish a social work training program, and for other purposes; to the Committee on Labor and Human Resources.

S. 67. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

S. 68. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

S. 69. A bill to amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and for other purposes; to the Committee on Armed Services.

By Mr. DOLE (for Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. STEVENS, and Mr. HEFLIN)):

S. 70. A bill to permit exports of certain domestically produced crude oil, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE (for himself, Mr. FEINGOLD, and Mr. LAUTENBERG):

S. 71. A bill regarding the Senate Gift Rule; read the first time.

By Mr. INOUYE:

S. 72. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

S. 73. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

S. 74. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the

Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

S. 75. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

S. 76. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

S. 77. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

S. 78. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer; to the Committee on Labor and Human Resources.

S. 79. A bill to require the Secretary of Agriculture to extend a nutrition assistance program to American Samoa, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 80. A bill to amend the Perishable Agricultural Commodities Act, 1930, to include marketing of fresh cut flowers and fresh cut foliage in the coverage of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 81. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

S. 82. A bill to amend title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

S. 83. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

S. 84. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel BAGGER, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. SIMON):

S. 85. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 86. A bill to modify the estate recovery provisions of the medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 87. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

By Mr. HATFIELD:

S. 88. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 89. A bill to amend the Science and Engineering Equal Opportunities Act; to the Committee on Labor and Human Resource

By Mr. HATFIELD:

S. 90. A bill to amend the Job Training Partnership Act to improve the employment and training assistance programs for dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COVERDELL:

S. 91. A bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act; to the Committee on Rules and Administration.

By Mr. HATFIELD (for himself and Mrs. MURRAY):

S. 92. A bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 93. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. SMITH, Mr. LOTT, Mr. KEMPTHORNE, Mr. MCCAIN, and Mr. WARNER):

S. 94. A bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. COVERDELL:

S. 95. A bill to ensure that no person is required, other than on a voluntary basis, to complete certain quarterly financial reports of the Bureau of the Census; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 96. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 97. A bill to amend the Job Training Partnership Act to provide authority for the construction of vocational education and job training centers for Native Hawaiians and Native American Samoans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself, Mr. DASCHLE, and Mr. KERRY):

S. 98. A bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mrs. FEINSTEIN:

S. 99. A bill to provide for the conveyance of lands to certain individuals in Butte County, California; to the Committee on Energy and Natural Resources.

By Mr. GLENN:

S. 100. A bill to reduce Federal agency regulatory burdens on the public, improve the quality of agency regulations, increase agency accountability for regulatory actions, provide for the review of agency regulations, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. LAUTENBERG):

S. 101. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN:

S. 102. A bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of United States nuclear export controls, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 103. A bill entitled the "Lost Creek Land Exchange Act of 1995"; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. 104. A bill to establish the position of Coordinator for Counter- Terrorism within the office of the Secretary of State; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mrs. KASSEBAUM, and Mr. BAUCUS):

S. 105. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

By Mr. DASCHLE:

S. 106. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

S. 107. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JEFFORDS):

S. 108. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. PRESSLER, Mr. GRASSLEY, Mr. BAUCUS, Mr. BURNS, and Mr. HARKIN):

S. 109. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. BREAUX, Mr. BAUCUS, Mr. PRESSLER, Mr. CONRAD, Mr. BURNS, and Mr. DORGAN):

S. 110. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. BREAUX, Mr. CAMPBELL, Mr. GLENN, Mr. HARKIN, Mr. JOHNSTON, and Mr. PRYOR):

S. 111. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. CONRAD, and Mr. DORGAN):

S. 112. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

By Mr. DASCHLE:

S. 113. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

By Mrs. BOXER:

S. 114. A bill to authorize the Securities and Exchange Commission to require greater disclosure by municipalities that issue securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. ROBB):

S. 115. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 116. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to prohibit participation in Federal elections by multicandidate political committees, to establish a $100 limit on individual contributions to candidates, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WELLSTONE (for himself and Mr. FEINGOLD):

S. 117. A bill to amend rule XXXV of the Standing Rules of the Senate; to the Committee on Rules and Administration.

By Mr. MOYNIHAN:

S. 118. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber and 9 millimeter ammunition; to the Committee on the Judiciary.

S. 119. A bill to tax 9 millimeter, .25 caliber, and .32 caliber bullets; to the Committee on Finance.

S. 120. A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to increase taxes on certain bullets; to the Committee on Finance.

By Mr. GRAMM:

S. 121. A bill to guarantee individuals and families continued choice and control over their doctors and hospitals, to ensure that health coverage is permanent and portable, to provide equal tax treatment for all health insurance consumers, to control medical cost inflation through medical savings accounts, to reform medical liability litigation, to reduce paperwork, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 122. A bill to prohibit the use of certain ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. LIEBERMAN):

S. 123. A bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 124. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

S. 125. A bill to authorize the minting of coins to commemorate the 50th anniversary of the founding of the United Nations in New York City, New York; to the Committee on Banking, Housing, and Urban Affairs.

S. 126. A bill to unify the formulation and execution of United States diplomacy; to the Select Committee on Intelligence.

S. 127. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

S. 128. A bill to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself and Mr. FEINGOLD):

S. 129. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, and Mr. LAUTENBERG):

S. 130. A bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty produced or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN:

S. 131. A bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself and Mr. INOUYE):

S. 132. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 133. A bill to establish the Lower East Side Tenement Museum National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

S. 134. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 135. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 136. A bill to amend title 1 of the United States Code to clarify the effect and application of legislation; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. CAMPBELL, Mr. COATS, and Mr. ROBB):

S. 137. A bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 138. A bill to amend the Act commonly referred to as the "Johnson Act" to limit the authority of States to regulate gambling devices on vessels; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 139. A bill to provide that no State or local government shall be obligated to take any action required by Federal law enacted after the date of the enactment of this Act unless the expenses of such government in taking such action are funded by the United States; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM (for herself, Mr. BENNETT, and Mr. BROWN):

S. 140. A bill to shift financial responsibility for providing welfare assistance to the States and shift financial responsibility for providing medical assistance under title XIX of the Social Security Act to the Federal Government, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. CHAFEE, Mr. COATS, Mr. GREGG, Mr. BROWN, Mr. CRAIG, Mr. NICKLES, Mr. COCHRAN, Mr. DOMENICI, Mr. GRASSLEY, Mr. SIMPSON, Mr. WARNER, Mr. PRESSLER, and Mr. GRAMS):

S. 141. A bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM:

S. 142. A bill to stengthen the capacity of State and local public health agencies to carry out core functions of public health, by eliminating administrative barriers and enhancing State flexibility, and for other purposes; to the Committee on Labor and Human Resources.

S. 143. A bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT (for Mr. HATCH):

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees; read the first time.

By Mr. GRAMM (for himself, Mr. LOTT, Mr. BURNS, Mrs. HUTCHISON, Mr. THOMAS, and Mr. INHOFE):

S. 145. A bill to provide appropriate protection for the Constitutional guarantee of private property rights, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAMM:

S. 146. A bill to authorize negotiation of free trade agreements with the countries of the Americas, and for other purposes; to the Committee on Finance.

S. 147. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependents to $5,000, and for other purposes; to the Committee on Finance.

S. 148. A bill to promote the integrity of investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

S. 149. A bill to require a balanced Federal budget by fiscal year 2002 and each year therafter, to protect Social Security, to provide for zero- based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1996 through 2002, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DOLE (for himself, Mr. HATCH, Mr. SIMON, Mr. THURMOND, Mr. HEFLIN, Mr. CRAIG, Ms. MOSELEY-BRAUN, Mr. BROWN, Mr. KOHL, Mr. SIMPSON, Mr. GRASSLEY, Mr. SPECTER, Mr. KYL, Mrs. FEINSTEIN, Mr. NICKLES, Mr. MURKOWSKI, Mr. BRYAN, Mrs. HUTCHISON, Mr. EXON, Mr. SHELBY, Mr. CAMPBELL, Mr. SMITH, Mr. COHEN, Mr. PRESSLER, Mr. GREGG, Mr. GORTON, Mr. ASHCROFT, Mr. BURNS, Mr. MCCONNELL, Mr. INHOFE, Mr. GRAMM, Mr. LOTT, Mr. DEWINE, Ms. SNOWE, Mr. THOMPSON, Mr. ROTH, Mr. LUGAR, Mr. BOND, Mr. THOMAS, Mr. COVERDELL, Mr. SANTORUM, Mr. GRAMS, and Mr. MACK):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DOLE, and Mr. SIMPSON):

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

By Mr. KYL:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centrum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. FAIRCLOTH, Mr. LOTT, and Mr. SHELBY):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. BYRD (for himself and Mr. HELMS):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer; read the first time.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. SMITH, Mr. LOTT, Mr. KEMPTHORNE, Mr. CRAIG, Mr. SHELBY, Mr. MCCAIN, Mr. WARNER, and Mr. ROTH):

S.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BROWN, Mr. ABRAHAM, Mr. LOTT, Mr. KEMPTHORNE, Mr. SHELBY, Mr. SMITH, and Mr. THOMAS):

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S.J. Res. 10. A joint resolution to designate the visitors center at the Channel Islands National Park, California, as the "Robert J. Lagomarsino Visitors Center"; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. GRAMM:

S.J. Res. 12. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. DASCHLE:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. COCHRAN:

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 4. A resolution to elect the Honorable Strom Thurmond of the State of South Carolina, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. COCHRAN:

S. Res. 5. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. DOLE:

S. Res. 6. A resolution electing Sheila Burke as the Secretary of the Senate; considered and agreed to.

S. Res. 7. A resolution electing Howard O. Greene, Jr., as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

S. Res. 8. A resolution electing Elizabeth B. Greene, as Secretary of the Majority of the Senate; considered and agreed to.

S. Res. 9. A resolution notifying the President of the United States of the elections of the Secretary of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 10. A resolution electing C. Abbott Saffold as the Secretary for the Minority of the Senate; considered and agreed to.

By Mr. FORD:

S. Res. 11. A resolution notifying the House of Representatives of the election of a President pro tempore of the United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 12. A resolution notifying the House of Representatives of the election of the Honorable Sheila Burke as Secretary of the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 13. A resolution amending Rule XXV; considered and agreed to.

S. Res. 14. A resolution amending paragraph 2 of Rule XXV.

By Mr. LOTT (for Mr. DOLE):

S. Res. 15. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

By Mr. DASCHLE:

S. Res. 16. A resolution to make minority party appointments to Senate Committees under paragraph 2 of Rule XXV for the One Hundred and Fourth Congress; considered and agreed to.

S. Res. 17. A resolution to amend paragraph 4 of rule XXV of the Standing Rules of the Senate; considered and agreed to.

By Mr. LOTT (for Mr. DOLE):

S. Res. 18. A resolution relating to the reappointment of Michael Davidson; considered and agreed to.

By Mr. LOTT (for Mr. DOLE, for himself, Mr. DASCHLE, Mr. DOMENICI, Mr. MACK, and Mr. NICKLES):

S. Res. 19. A resolution to express the sense of the Senate relating to committee funding; which was indefinitely postponed.

S. Res. 20. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

By Mr. HELMS:

S. Res. 21. A resolution to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens. A resolution to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens; which was placed on the calendar.

By Mr. INOUYE:

S. Res. 22. A resolution to express the sense of the Senate reaffirming the cargo preference policy of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. Res. 23. A resolution to express the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 24. A resolution providing for the broadcasting of press briefings on the Floor prior to the Senate's daily convening; to the Committee on Rules and Administration.

By Mr. LOTT:

S. Res. 25. A resolution relating to section 6 of Senate Resolution 458 of the 98th Congress; considered and passed.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Con. Res. 1. A concurrent resolution providing for television coverage of open conference committee meetings; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KEMPTHORNE (for himself, Mr. DOLE, Mr. GLENN, Mr.

ROTH, Mr. DOMENICI, Mr. EXON, Mr. COVERDELL, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, and Mr. COATS):

S. 1. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committees have 30 days to report or be discharged.

UNFUNDED MANDATES REFORM ACT

Mr. KEMPTHORNE. Mr. President, I would like to make a few comments concerning Senate bill 1. I appreciate greatly what the majority leader, Senator DOLE, stated about Senate bill 1 and the fact he has designated that, in fact, Senate bill 1.

All across America, literally thousands of mayors and county commissioners, school board members, and Governors are absolutely delighted with the fact that this reform measure has been selected by the majority leader, Senator DOLE, in a bipartisan fashion to deal with this dilemma of unfunded Federal mandates.

For State and local officials, Senate bill 1 represents the reform that they have wanted for years concerning unfunded Federal mandates. Senate bill 1 also represents, Mr. President, hope, hope that finally Congress is going to craft that sort of Federal partnership that we talk about in acknowledging that local and State governments are Federal partners with this Government.

Senate bill 1 also offers to business men and women relief from mandates and regulations imposed by Congress and the Federal agencies without knowing the costs. The issue of who best governs and decides local issues is at the heart of the unfunded mandate debate, and right now, Congress does not know the costs nor does it pay for these Federal mandates.

Because Congress passes legislation without ever knowing the costs or consequences to State and local governments, the number and costs of these unfunded mandates continue to escalate. As mayors and Governors struggle to find the money to pay for Washington dictates, they have been sending a strong message to Washington, DC. Their message was simple but it was continuous. Their message has been that unfunded Federal mandates are wrong. They have been saying that they keep us from putting policemen on our streets; they reduce classroom instruction in our schools; they prevent us from balancing our budgets.

I found so interesting the comment by the Democrat Governor of Nebraska, Ben Nelson, who is a friend of mine, when he said, "I was elected Governor, not the administrator of Federal programs for Nebraska."

I think that sums up what has been happening. We have overstepped our bounds in our regulations to our State and local governments.

Congress is getting the message, and where once you in Washington did not know what a funded mandate was, fighting unfunded mandates is S. 1, front and center. We are going to deal with it.

I am proud to join with Senator DOLE and with Senator GLENN and Senator ROTH and Senator DOMENICI and Senator EXON, and a number of other Senators, in cosponsoring this legislation so that we now have a majority of Senators who are cosponsors of S. 1 the first day of this 104th Congress.

This legislation forces Congress to know mandate policy. It requires Congress to fund mandates imposed on State and local governments. If we do not, they can be ruled out of order and a rollcall vote will decide whether the Senate should consider unfunded mandate legislation. To quote Victor Ashe, mayor of Knoxville, "S. 1 is a serious and tough mandate in its form and will begin to restore the partnership which the founders of this Nation intended to exist between the Federal Government and State and local governments."

S. 1 uses the same principles guiding last year's legislation unanimously approved by the Senate Governmental Affairs Committee and cosponsored by 67 Senators. Specifically, this new bill creates a point of order that requires any legislation imposing a mandate greater than $50 million on State and local governments must have a Congressional Budget Office estimate of the total cost of the mandate. It further requires that the legislation must include the funding to pay for the costs of the mandate through direct funding, new taxes, or appropriations. If the mandate is to be paid for by the appropriations bill, then the money to pay all direct costs in compliance with the mandate must be appropriated. Or, if it is not fully funded, then one of two things must happen: Either the mandate does not take effect or the mandate must be scaled back to a level commensurate with the reduced level of the appropriation. If those elements are not in the bill, the imposed mandate-making legislation is out of order.

S. 1 also requires that our partners in local and State government be consulted by the Congressional Budget Office. Additionally, legislation imposing mandates greater than $200 million on the private sector must have a CBO mandate cost estimate or be ruled out of order. These provisions also apply to amendments in conference reports where the price tag of the legislation is often increased.

Mr. President, I wish to emphasize that this legislation is not intended to stop compliance with mandates and regulations already in place. The goal is to stop the imposition of future unfunded Federal mandates, to stop Congress from passing laws and then requiring local and State governments to pay for them. It is not right for Federal programs to be paid for by local property taxes.

Mr. President, to gauge the impact that these new laws are having, one only needs to look at the fallout in the National Voter Registration Act of 1993, which passed the Congress last session. Today, 13 States have refused to obey this motor-voter bill, and one State, California, is suing the Federal Government because of the cost of the tab they have to pay. Governor Pete Wilson says that this motor-voter provision violates the 10th amendment, which Senator DOLE referenced so eloquently in his comments.

I think there is something ironic and symbolic, Mr. President, in the fact that the number of States currently objecting to this Federal mandate is 13, the same number of those original 13 States that, through their vision, combined to create the United States of America, those visionaries who were bound to protect the intrusive behavior of the Federal Government. This legislation is a great step forward in carrying out what the Founding Fathers intended.

We have worked closely, too, with our colleagues in the House. A companion bill has been developed in the House. I am confident that once the Senate passes this legislation, it will pass in the House of Representatives.

Mr. President, on November 8, when we had the election, there were a series of messages that were sent. The people said they did not want business as usual from Congress, and they also said, I think, that they do not want us to get entrenched in partisan politics because we do not get things done that really need to get done. They said they want us to work for what is right for this country, and that is why we must endeavor to find opportunities for bipartisan support.

This legislation has that bipartisan support. I wish to thank Senator GLENN and Senator ROTH for their leadership and partnership in this important piece of legislation.

I wish to note that last session, when we were not in the majority, Senator GLENN was the chairman of the Governmental Affairs Committee. When unfunded Federal mandates was not a top-of-the-mind response, he worked with us and forged some progressive opportunities for us to come forward with what ultimately now is S. 1. He and his staff, Sebastian O'Kelly, Larry Novey, and Len Weiss, have been very helpful in all of this; Senator ROTH, who throughout this recess has been working with us, and his staff, Frank Polk and John Mercer. That is the sort of bipartisan effort I think we want. Additionally, Senator DOMENICI, the chairman of the Budget Committee, and Senator EXON, the ranking member, have been invaluable resources in getting us to this point with S. 1.

I also want to acknowledge Senator Byron DORGAN for his effort in authorizing the private-sector point of order that is included in this bill, and Senators DOMENICI and NICKLES for their efforts to include in this bill provisions directing Federal agencies to analyze and report the effects that imposed regulations will have on the Nation's economy and productivity and international competitiveness.

Mr. President, this legislation already has the strong endorsement of the U.S. Conference of Mayors, National Association of Counties, National League of Cities, the National Governors Association, the Council of State Governments, the National Conference of State Legislatures, the National School Boards Association, and, I am proud to say, the U.S. Chamber of Commerce, the National Federation of Independent Business, and the National Retail Federation—not only bipartisan, but it is public and private sectors working together in true partnership fashion.

Mr. GLENN. Mr. President, I know the time is short. The Senator was giving a litany of those who worked hard on this, including myself, but he left himself out. No one has stuck to this any more than he has.

I know last year, when I was chairman of the Governmental Affairs Committee, if we went more than a week without having something on the schedule over there on this subject, he was on my back about it, and properly so. He has stuck with this. He has traveled the whole country meeting with this group of seven. He has been a real sparkplug on this, and deserves a tremendous amount of credit himself. And while I may make some comments in a little bit, while I was in the Chamber I wanted to make sure he got some recognition on this, too.

I appreciate his earlier comments very much. I thank the Chair.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

I ask unanimous consent that the letters of endorsement be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act—

(1) the terms defined under paragraphs (11) through (21) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as added by subsection (b) of this section) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

(b) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new paragraphs:

"(11) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon States, local governments, or tribal governments, except—

"(I) a condition of Federal assistance or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

"(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

"(12) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(13) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (11) and (12).

"(14) The terms 'Federal mandate direct costs' and 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (11)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced.

"(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall not include—

"(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the States, local governments, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

"(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

"(15) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

"(16) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

"(17) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(18) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"(19) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(20) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code."

"(21) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

"(22) The term 'regulation' or 'rule' has the meaning of "rule" as defined in section 601(2) of title 5, United States Code.".

SEC. 4. EXCLUSIONS.

The provisions of this Act and the amendments made by this Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs would affect the competitive balance between State, local, or tribal governments and privately owned businesses.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b)(1), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR.—

"(1) STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(A) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(i) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(ii) The estimate required under clause (i) shall include estimates (and brief explanations of the basis of the estimates) of—

"(I) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

"(II) the amount, if any, of increase in authorization of appropriations under existing

Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(B) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(i) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(ii) Estimates required under this subparagraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(I) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

"(II) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(iii) If the Director determines that it is not feasible to make a reasonable estimate that would be required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(C) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (A) and (B), the Director shall so state and shall briefly explain the basis of the estimate.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

"(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (3) for each fiscal year;

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

"(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

"(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

"(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

"(4) DETERMINATION OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, on questions regarding the applicability of this Act to a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Governmental Affairs of the Senate, or the Committee on Government Reform and Oversight of the House of Representatives, as applicable, shall have the authority to make the final determination.

"(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For the purposes of this subsection, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the Senate or the House of Representatives, as the case may be.

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform.".

SEC. 102. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

"(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 408(c) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.".

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of Rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation introduced on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) In General.—The Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on local, State, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for States, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of States, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by States, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by States, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

(3) Identification of relevant unfunded Federal mandates.—Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) Criteria.—

(1) In general.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) Issuance of proposed criteria.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) Final criteria.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) Preliminary Report.—

(1) In general.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this subtitle, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) Public hearings.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) Final Report.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. MEMBERSHIP.

(a) Number and Appointment.—

(1) In general.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of States, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(A) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(B) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(C) 3 members appointed by the President.

(2) Limitation.—An individual who is a Member or employee of the Congress may not be appointed or serve as a member of the Commission.

(b) Waiver of Limitation on Executive Schedule Positions.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) Terms.—

(1) In general.—Each member of the Commission shall be appointed for the life of the Commission.

(2) Vacancies.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) Basic Pay.—

(1) Rates of pay.—Members of the Commission shall serve without pay.

(2) Prohibition of compensation of Federal employees.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) Travel Expenses.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) Chairperson.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) Meetings.—

(1) In general.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) First meeting.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) Quorum.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 304. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) Director.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) Staff.—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) Applicability of Certain Civil Service Laws.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) Experts and Consultants.—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) Staff of Federal Agencies.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 305. POWERS OF COMMISSION.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) CONTRACT AUTHORITY.—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 306. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 302(d).

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 to carry out this title.

SEC. 308. DEFINITION.

As used in this title, the term "unfunded Federal mandate" means—

(1) any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program;

(2) relates to a Federal program under which Federal financial assistance is provided to States, local governments, or tribal governments under entitlement authority; or

(3) that imposes any other unfunded obligation on States, local governments, or tribal governments.

SEC. 309. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing on behalf of the elected officials of the nation's cities and towns to commend you for sponsoring the Unfunded Mandate Reform Act of 1995. Of all the measures introduced to date, this legislation is undoubtedly the strongest, best crafted, and most comprehensive approach to provide relief for state and local governments from the burden of unfunded federal mandates.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we represent. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for too long. We will not have such an important relief measure thwarted in the final hour by special interests.

We commend you for continuing to foster the bipartisan support which your original mandate relief bill so successfully garnered in the last Congress. We will work hard to gain bipartisan support for mandates relief in the 104th Congress, because, as you are well aware, this bill will benefit all states, all counties, all municipalities, and all taxpayers, regardless of their political allegiance.

Again, please accept our sincere gratitude for your efforts.

Sincerely,

CAROLYN LONG BANKS,
President,
Councilwoman-at-Large.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, December 29, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the National Association of Counties, I am writing to express our strong support for S. 1, the Unfunded Mandate Reform Act of 1995. We sincerely appreciate the leadership you have provided in crafting this new, strong bipartisan bill to relieve states and local governments from the growing burdens of unfunded federal mandates. Our NACo staff has reviewed the latest draft and they are convinced it is much stronger than S. 993, the bill approved in committee last summer.

While this legislation retained many of the basic principles from the previous bill, there were many improvements. Most significant among them is the provision that requires any new mandate to be funded by new entitlement spending or new taxes or new appropriations. If not, the mandate will not take effect unless the majority of members in both houses vote to impose the cost on state and local governments. Although the new bill will not prevent Congress from imposing the cost of new mandates on state and local taxpayers, by holding members accountable we believe it will discourage and curtail the number of mandates imposed on them.

Again, thank you for your leadership on this important legislation. County officials across our great nation stand ready to assist you in anyway we can to ensure the swift passage of S. 1. If you have any questions, please contact Larry Naake or Larry Jones of the NACo staff.

Sincerely,

RANDALL FRANKE,
Commissioner, NACo President.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National School Boards Association (NSBA), on behalf on the more than 95,000 locally elected school board members nationwide, would like to offer its strong support for the "Unfunded Mandate Reform Act of 1995" (S. 1). This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year to comply with unfunded federal mandates. We commend you for your unending leadership on this critical issue.

Today, school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that local school boards are directed to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our nation's public school children must not be made to pay the price for unfunded federal mandates.

S. 1 would prohibit a law from being implemented without necessary federal government funding. S. 1 would allow school districts to execute the future programs which are required by the federal government without placing an unfair financial burden on the schools.

Again, we applaud your leadership in negotiating and sponsoring this bill which would allow schools to provide a quality education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

If you have questions regarding this issue, please contact Laurie A. Westley, Chief Legislative Counsel at (703) 838-6703.

Yours very truly,

BOYD W. BOEHLJE,
President.
THOMAS A. SHANNON,
Executive Director.

U.S. CONFERENCE OF MAYORS,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the United States Conference of Mayors, I want to thank you for your continued leadership in our fight against unfunded federal mandates and to express strong support for the new bill, S. 1.

S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle-down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to restore the partnership which the founders of this nation intended to exist between the federal government, and state and local governments.

S. 1, which was developed in bipartisan cooperation with the state and local organizations, including the Conference of Mayors, is even stronger than what was before the Senate last year in that it requires Congress to either fund a mandate at the time of passage or provide that the mandate cannot be enforced by the federal government if not fully funded. However, the bill is still based upon the carefully crafted package which was agreed to in S. 993 and which garnered 67 Senate cosponsors in the 103rd Congress. The bill would not in any way repeal, weaken or affect any existing statute, be it an existing unfunded mandate or not. This legislation only seeks to address new unfunded mandate legislation. In addition, S. 1 would not infringe upon or limit the ability of the Congress or the federal judicial system to enforce any new or existing constitutional protection or civil rights statute.

The mayors are extremely pleased that our legislation, which was blocked from final passage in the 103rd Congress, has been designated as S. 1 by incoming Majority Leader Bob Dole. We also understand and appreciate the significance of the Governmental Affairs and Budget Committees holding a joint hearing on our bill on the second day of the 104th Congress at which our organization will be represented.

I remember the early days in our campaign when many questioned our resolve. How could a freshman Republican Senator from the State of Idaho move the Washington establishment to reform its beloved practice of imposing federal mandates without funding? We responded to these doubters by focusing the national grass-roots resentment of unfunded mandates into a well orchestrated political machine, and by joining with our state and local partners in taking our message to Washington.

The United States Conference of Mayors will continue in its efforts to enact S. 1 until we are successful. We will not let up on the political and public pressure. And we will actively oppose efforts to weaken our bill.

The time to pass our bill is now. Those who would seek to delay action will be held accountable, and those who stand with state and local government will know that they have our support and appreciation.

Thank you again for all of your hard work and commitment, and rest assured that we will continue to stand with you.

Sincerely yours,
VICTOR ASHE,
President.

Mr. DOLE. Mr. President, for years, Members of Congress have tried to hide the full cost of efforts to expand the reach of the Federal Government. They do this by passing Federal laws giving, State and local governments new responsibilities, but little, if any, of the money needed to fulfill their new federally-mandated obligations. State and local officials call these new obligations unfunded mandates.

State and local government costs don't show up in the Federal budget. Congressional advocates of a particular piece of legislation who are concerned that their proposal might not pass if the full costs of implementation are known, shift a large portion of the costs off-budget. The problem is that Federal cost estimates don't tell the whole story. Just because a new piece of legislation doesn't have a Federal cost does not mean that it has no cost or that it does not affect taxpayers.

For the past several years, a steady stream of unfunded mandates has been flowing out of Washington, wreaking havoc on State and local budgets, and forcing Governors, Mayors, State legislators and city council members across the country to make tough choices.

Because most States and localities are required to balance their budgets each year, unfunded mandates force State and local officials to choose between cutting other services and raising taxes to balance their budgets and fulfill their new federally-mandated responsibilities.

The costs are staggering. Ohio Governor George Voinovich reviewed the impact of unfunded Federal mandates on the State of Ohio. His August 1993 study found—and I quote—"Unfunded Federal mandates identified in this survey will impose costs of over $1.74 billion on the State of Ohio from 1992 through 1995." Officials at the National Conference of State Legislatures have estimated that unfunded mandates cost States more than $10 billion a year. The actual figure may be even higher. Gov. Pete Wilson has estimated that unfunded Federal mandates cost the State of California $7.7 billion in 1994.

That's a lot of money, even in Washington. Money that could have been used to bolster law enforcement or education budgets, money that could have been used to finance innovative new State or local initiatives.

Mr. President, the time has come for a little legislative truth-in-advertising. Before Members of Congress vote for a piece of legislation, they need to know how it could impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for it.

The Unfunded Mandate Reform Act of 1995 enjoys broad bipartisan support. It is a change that we can adopt this month and have an immediate impact on the way that Congress evaluates new legislation.

This legislation recognizes that governments are not the only ones affected by mandates. This bill recognizes that potential private sector costs should be a part of the equation whenever Congress evaluates the potential costs of new legislation. That is why the bill would require that CBO evaluate the potential costs of new mandates on businesses and individuals.

Mr. President, this is not a partisan issue. It's a good government issue whose time has come, thanks, in large part, to the hard work and skilled leadership of the distinguished Senator from Idaho, Senator KEMPTHORNE.

As the former Mayor of Boise, Senator KEMPTHORNE knows firsthand the difficult choices that unfunded mandates force upon those who have to balance their budgets every year. He has worked tirelessly over the past several months with State and local officials from across the country on both sides of the aisle, with Governmental Affairs Committee, Chairman, ROTH, Budget Committee Chairman DOMENICI, key Democrats on both of those key committees, the administration and key Republicans in the House. The result of all this effort is a bill that is tougher than the bill we debated last year.

I am confident that this new, improved version—the Unfunded Mandates Reform Act of 1995—will be the blueprint for a bill that can be approved in both Houses of Congress and signed into law by President Clinton early this year.

Governors, State legislators, mayors, county executives, and other State, local, and tribal executives—Democrats, Republicans and Independents—are urging us to act quickly to provide them with the protection they seek. They want to forge a new partnership between Congress and State and local governments. Adoption of this important legislation will send them a clear signal that the 104th Congress intends to make that new partnership a reality.

Chairman ROTH and Chairman DOMENICI have announced that the Governmental Affairs and Budget Committees will hold a joint hearing on S. 1 tomorrow. The Governmental Affairs, Committee will markup the bill Friday, and the Budget Committee will mark up the bill on Monday of next week. Our hope is that by working on a bipartisan basis we can get this important piece of legislation to the floor and begin the debate next week.

Mr. GLENN. Mr. President, I rise to announce my support for S. 1—the Kempthorne-Glenn bill on Federal mandate reform and relief. This is legislation that had strong bipartisan and administration support last year. In fact we had 67 cosponsors, and my hope is that we will be able to pass the bill quickly through the House and Senate in this Congress. But before I go into a description of the bill, I'd like to provide some background to the whole unfunded Federal mandates debate.

On October 27, 1993, State and local elected officials from all over the Nation came to Washington and declared that day—"National Unfunded Mandates Day." These officials conveyed a powerful message to Congress and the Clinton administration on the need for Federal mandate reform and relief. They raised four major objections to unfunded Federal mandates.

First, unfunded Federal mandates impose unreasonable fiscal burdens on their budgets;

Second, they limit State and local government flexibility to address more pressing local problems like crime and education;

Third, Federal mandates too often come in a "one size fits all" box that stifles the development of more innovative local efforts—efforts that ultimately may be more effective in solving the problem the Federal mandate is meant to address; and,

Fourth, they allow Congress to get credit for passing some worthy mandate or program, while leaving State and local governments with the difficult tasks of cutting services or raising taxes in order to pay for it.

In our two hearings, we heard testimony from elected State and local officials from both parties, representing all sizes of government. It was clear from the testimony that unfunded mandates hit small counties and townships as hard as they do big cities and larger States.

I think it's worth stepping back and taking a look at the evolution of the Federal-State-local relationship over the last decade and a half so we can put this debate into some historical context. I believe the seeds from which sprang the mandate reform movement can be traced back to the so-called policy of "New Federalism," a policy which resulted in a gradual but steady shift in governing responsibilities from the Federal Government to State and local governments over the last 10 to 15 years. During that time period, Federal aid to State and local governments was severely cut, or even eliminated, in a number of key domestic program areas. At the same time, enactment and subsequent implementation of various Federal statutes passed on new costs to State and local governments. In simple terms, State and local governments ended up receiving less of the Federal carrot and more of the Federal stick.

A. THE COST OF FEDERAL MANDATES

Let's examine the cost issue first. While there has been substantial debate on the actual cost of Federal mandates, suffice it to say that almost all participants in the debate agree that there isn't complete data on the aggregate costs of Federal mandates to State and local governments. In fact, one of the major objectives of S. 993 is to develop better information and data on the cost of mandates. Likewise, there is even less information available on estimates of what potential benefits might be derived from select Federal mandates—a point made by representatives from the disability, environmental, and labor community in the committee's second hearing. Nonetheless, there have been efforts made in the past to measure the cost impacts of Federal mandates on State and local governments. And those efforts do show that costs appear to be rising. Since 1981, the Congressional Budget Office [CBO] has been preparing cost estimates on major legislation reported by committee with an expected annual cost to State and local governments in excess of $200 million. According to CBO, 89 bills with an estimated annual cost in excess of $200 million each were reported out of committee between 1983 and 1988. I would point out one major caveat with CBO's analysis—it does not indicate whether these bills funded the costs or not, nor how many of the bills were eventually enacted. Still, even with a rough calculation, the chart shows that committees reported out bills with an average estimated new cost of at least $17.8 billion per year to State and local governments. In total, 382 bills were reported from committees over the 6-year period with some new costs to State and local governments. So if anything, the $17.8 billion figure is a conservative estimate for reported bills.

Federal environmental mandates head the list of areas that State and local officials claim to be the most burdensome. A closer look at two of the studies done on the cost of State and local governments of compliance with environmental statutes does indicate that these costs appear to be rising. A 1990 EPA study, Environmental Investments: The Cost of a Clean Environment, estimates that total annual costs of environmental mandates—from all levels of government—to State and local governments will rise from $22.2 billion in 1987 to $37.1 billion by the 2000—an increase in real terms of 67 percent. EPA estimates that the cost of environmental mandates to State governments will rise from $3 billion in 1987 to $4.5 billion by 2000—a 48-percent increase. Over the same timeframe, the annual costs of environmental mandates to local governments is estimated to increase from $19.2 billion to $32.6 billion—a 70-percent gain. According to the Vice President's National Performance Review, the total annual cost of environmental mandates to State and local governments, when adjusted for inflation, will reach close to $44 billion by the end of this century.

The city of Columbus in my home State of Ohio also noted a trend in rising costs for city compliance with Federal environmental mandates. In its study, the city concluded that its cost of compliance environmental statutes would rise from $62.1 million in 1991 to $107.4 million in 1995—in 1991 constant dollars—a 73-percent increase. The city estimates that its share of the total city budget going to pay for these mandates will increase from 10.6 percent to 18.3 percent over that timeframe.

In addition to environmental requirements, State and local officials in our committee hearings cited other Federal requirements as burdensome and costly. They highlighted compliance with the Americans with Disabilities Act and the Motor Voter Registration Act; complying with the administrative requirements that go with implementing many Federal programs; and, meeting Federal criminal justice and educational program requirements. Now I would note that while each of these individual programs or requirements clearly carry with them costs to State and local governments, costs which we have too often ignored in the past, I believe that on a case-by-case basis each of these mandates has substantial benefits to our society and our nation as a whole, otherwise I along with many of my colleagues in the Senate wouldn't have voted to enact them. State and local officials readily concede that individual mandates on a case-by-case basis may indeed be worthy. However, when you look at all mandates spanning across the entire gamut of Federal laws and regulation, you begin to understand that it is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief. The Advisory Commission on Intergovernmental Relations testified in our April hearing that the number of major Federal statutes with explicit mandates on State and local governments went from zero during the period of 1941 to 1964, to 9 during the rest of the 1960s, to 25 in the 70s, and 27 in the 80s.

However, to truly reach a better understanding of the Federal mandates debate, we must also look at the Federal funding picture vis a vis State and local governments.

B. FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

The record shows that Federal discretionary aid to State and local governments to both implement Federal policies and directives as well as comply with them saw a sharp drop in the 1980s.

An examination of Census Bureau data on sources of State and local government revenue shows a decreasing Federal role in the funding of State and local governments. In 1979, the Federal government's contribution to State and local government revenues reached 18.6 percent. By 1989, the Federal contribution of the State and local revenue pie had steadily shrunk to 13.2 percent before edging up to 14.3 percent in 1991—the latest year that data is available.

What contributed to declining trend in the Federal financing of State and local governments? A closer look at patterns in Federal discretionary aid programs to State and local governments during the 1980s provides the answer. According to the Federal Funds Information Service, between 1981 and 1990 Federal discretionary program funding to State and local governments rose slightly from $47.5 billion to $51.6 billion. However, this figure when adjusted for inflation tells a much different story; Federal aid dropped 28 percent in real terms over the decade.

A number of vital Federal aid programs to State and local governments experienced sharp cuts and, in some cases, outright elimination during the decade. In 1986, the administration and Congress agreed to terminate the general revenue sharing program—a program that provided approximately $4.5 billion annually to local governments and allowed them broad discretion on how to spend the funds. Since its inception in 1972, general revenue sharing had provided approximately $83 billion to State and local governments. Unfortunately, the Reagan administration succeeded in terminating the program and the Congress followed its lead. There were other important Federal-State-local programs that were substantially cut back between 1981 and 1990. They include: Economic Development Assistance, Community Development Block Grants, Mass Transit, Refugee Assistance, and Low-Income Home Energy Assistance.

Luckily, under both the Bush and Clinton administration, we've managed to restore some needed funding to many of these programs. Still, in real dollars, funds for discretionary aid programs to State and local governments remain 18 percent below their 1981 levels.

THE COMMITTEE'S LEGISLATIVE EFFORTS

In the last Congress, eight bills were referred to the Governmental Affairs Committee that touched on at least some aspect of the unfunded Federal mandates problem. After two hearings, we marked up a compromise bill that borrowed the best of the various provisions and requirements from the different bills. We worked closely in a deliberative, bipartisan fashion with the de facto leader on this issue, Senator KEMPTHORNE, along with other Members and with the administration. The Kempthorne-Glenn Compromise had the endorsement and strong support of the 7 groups representing State and local governments: the National Governors Association; the National Conference of State Legislators; the Council on State Governments; the National League of Cities; the U.S. Conference of Mayors; the National Association of Counties; and the International City Management Association. It had the backing of the Clinton administration and was endorsed by the editorial boards of the New York Times, Cleveland Plain Dealer, and other newspapers across the country, both large and small. The bill we are introducing today as S. 1 largely embodies what we had last year in S. 993.

Let me explain what the Kempthorne-Glenn bill does:

It requires the Congressional Budget Office to conduct State, local and tribal cost estimates on legislation that imposes new Federal mandates in excess of $50 million annually onto the budgets of State, local, and tribal governments. The current laws requires these estimates at a $200 million threshold. I believe that that high a figure allows a lot of Federal mandates to slip through without being scored. $200 million spread across equally among all States may not be much, but if it falls particularly hard on any one region—which does happen with legislation around here—it is substantial. Let me make clear, however, that what CBO will score here are new Federal mandates, not what State, local, and tribal governments are spending to comply with existing mandates, nor what they are spending to comply with their own laws and mandates.

Second, and I think most importantly, is that the bill holds Congress accountable for imposing additional unfunded Federal mandates. We do this by requiring a majority point of order vote on any legislation that imposes new unfunded Federal mandates in excess of $50 million annual cost to State, local or tribal governments.

To avoid the point of order, the sponsor of the bill would have to authorize funding to cover the cost to State and local governments of the Federal mandate, or otherwise find ways to pay for the mandate. This could come from the expansion of an existing grant or subsidized loan program, or the creation of an new one, or perhaps the raising of new revenues or user fees.

S. 1 also includes provisions for the analysis of legislation that imposes mandates on the private sector. CBO would have to complete a private sector cost estimate on bills reported by Committee with a $200 million or more annual cost threshold.

We do exempt certain Federal laws from this bill. Civil rights and Constitutional rights are excluded. National security, emergency legislation, and ratification of international treaties are also exempt.

I want to also point out that the bill does not prohibit Congress from passing unfunded Federal mandates. There may be times when it is appropriate to ask State and local governments to pick up the tab for Federal mandates. But let that debate take place on the Senate floor and let there be a vote on the specific mandate in the legislation.

The Kempthorne-Glenn Compromise also addresses regulatory mandates. We all know how the Federal bureaucracy can impose burdensome and inflexible regulations on State and local governments as well as on others who end up trapped in the bureaucracy's regulatory net. In the Committee's November hearing, we heard testimony from Susan Ritter, county auditor for Renville County, ND. Ms. Ritter noted that the town of Sherwood, in her State, with a population of 286, will have to spend $2,000—one half of its annual budget—on testing its water supply in order to comply with EPA regulations. Clearly, there is no way that the town is going to be able to meet this requirement.

So, consistent with the President's Executive Orders, we have required that Federal agencies conduct cost-benefit analyses on major regulations that impact State, local and tribal governments. Further, agencies must develop a timely and effective means of allowing State and local input into the regulatory process. Given that State and local governments are responsible for implementing many of our Federal laws, it is not only fair that they be considered partners in the Federal regulatory process, but it is also good public policy as well. Such a process must also be consistent with the Administrative Procedure Act to ensure an open and fair process. The bill also requires Federal agencies to make a special effort in performing outreach to the smallest governments. Then maybe we'll be able to minimize the occurrence of situations like the one that took place in the town of Sherwood.

Finally, we've asked the Advisory Commission on Intergovernmental Relations to work with CBO to develop a better cost estimating process and to monitor implementation of the legislation.

CLOSING REMARKS.

In closing, I'd like to put this issue into some larger perspective. As we all know, the Federal, State, and local relationship is complicated. It is a blurry line between where one level of government's responsibility ends and another's begins. All three levels of government need to work together in a constructive fashion to provide the best possible delivery of services to the American people in the most cost-effective fashion. After all, as Federal, State, and local officials, we all serve the same constituents. Further, we serve the American people at a time when their confidence in all three levels of government is probably at an all-time low. There are numerous explanations for this lack of confidence in government and I won't go into them here. Vice President Gore's National Performance Review attributes "an increasingly hidebound and paralyzed intergovernmental process" as at least part of the reason for why many Americans feel that government is wasteful, inefficient, and ineffective. We need to restore balance to the intergovernmental partnership as well as strengthen it so that government at all levels can operate in a more cost-effective manner.

Both the administration and a number of my colleagues have made proposals to shift a number of Federal programs and responsibilities to State and local governments. Clearly, as this mandates debate has shown us, we ought to at least experiment to see if State and local governments can carry out some of these programs in a more effective fashion than we have been doing at a Federal level. I know from my years as chairman of the Governmental Affairs Committee that Americans do want more efficient and less costly government and maybe one way to accomplish that objective is too grant more flexibility to State and local governments and let them run some of these programs. However, I think we should proceed with some degree of caution. Growing up in the Depression, I learned that State and local governments don't have the wherewithal and resources to meet all human needs. That's why President Roosevelt came through with the New Deal. So there has been and will continue to be, the need for a Federal presence in many domestic policy areas. But that shouldn't preclude us from maybe loosening the reigns on State and local governments some, or even dropping them entirely. But we should be careful, and look at it on a case-by-case basis.

I believe that the Kempthorne-Glenn bill would help to restore that partnership and bring needed perspective to future Federal decisionmaking. I am glad that it will be the first bill introduced in the Senate and look forward to working toward its very early passage.

I want to give special thanks to my colleague from Idaho for his rule in developing this legislation. He has been over diligent and, as a former mayor, very passionate about this issue. But he has also been willing to engage in the give and take that goes on in developing legislation where there are a lot of pressures from all sides to go one way or the other. This has truly been a bipartisan effort and he deserves special credit for that.

Mr. ROTH. Mr. President, I am very pleased to join with my colleague, Senator KEMPTHORNE, in cosponsoring today the first bill introduced in the Senate in the 104th Congress. The "Unfunded Mandates Reform Act of 1995" represents an important shift in the basic attitude of the Congress toward our State and local governments. It will help bring a better balance to our system of federalism.

In recognition of the fundamental importance of this legislation, it has been assigned the bill number S. 1. As chairman of the Governmental Affairs Committee, where the legislation has been referred, I intend to act on it immediately. A joint hearing with the Budget Committee on S. 1 has been scheduled for tomorrow morning. The next day the Governmental Affairs Committee is scheduled to consider the bill, and vote on reporting it to the Senate. It is my intention to bring the "Unfunded Mandates Reform Act" to the floor sometime next week.

This important legislation is just the first step in a long-overdue effort to reform the Federal regulatory process. I intend to move quickly in addressing the need for regulatory reform in the broader sense, particular as it applies to the regulation of business. I expect to hold the first hearing on this subject in early February.

Again, I want to express my pleasure in joining with the Senator from Idaho in this important effort, embodied in the legislation he is introducing today. I urge my colleagues to help move it quickly to enactment.

Mr. NICKLES. Mr. President, I would first like to commend Senator KEMPTHORNE and Senator GLENN for once again introducing the Unfunded Mandates Reform Act and I am pleased to be an original cosponsor. Senator KEMPTHORNE has been especially stalwart in pushing unfunded mandate legislation to the forefront and keeping the Senate's focus on this important issue. Particularly, I am pleased the legislation includes my language to require executive branch agencies to do a cost estimate of regulatory actions, which was a key component of my legislation, the Economic and Employment Impact Act.

On October 27, 1993, Governors, State legislators, county officials and mayors from across the Nation came to Washington and declared "National Unfunded Mandates Day". They sent a very loud and clear signal to Congress and the Clinton administration that State and local governments and the taxpayers can no longer afford the exploding costs of unfunded Federal mandates. The simple fact is when the Federal Government passes an unfunded mandate on the States and local governments, they must then raise taxes, reduce other spending or borrow. Mandates on the private sector also add great costs to the economy. The ultimate loser in this cycle is the U.S. taxpayer.

According to a U.S. Conference of Mayors' survey of 314 cities, the cost of unfunded Federal mandates to cities alone for 1993 was $6.5 billion. The Federal Clean Water Act—$3.6 billion, Federal Solid Waste Disposal—$1 billion, and the Federal Safe Drinking Water Act—$0.6 billion were the most costly unfunded mandates. On the private sector side, the Chamber of Commerce has recently reported the result of a survey of its membership which identified the issue of unfunded mandates and their costs on the private sector and State and local governments as the No. 1 issue.

Several States and local governments did their own studies of the costs of unfunded Federal mandates. The city of Columbus, OH found that compliance with Federal environmental regulations alone will cost the city up to $1.6 billion over the next 10 years, which equals $850 annually per household.

The Unfunded Mandate Reform Act forces Congress to know how much Federal mandates on States and local governments and the private sector cost. In addition, it will require that the Federal Government pays the costs incurred by complying with mandates on State and local governments. This legislation will ensure that the economic impact of major legislative and regulatory proposals on State and local governments and the private sector are given full consideration in Congress and the executive branch before they become policy.

One of the primary reasons for the explosive growth in Federal mandates is Washington's ignorance of exactly how much they costs States, local governments and private citizens, regardless of how well-intended they may be. This legislation seeks a solution to that problem by requiring the Congressional Budget Office [CBO] to estimate the impact of Federal mandates to State, local, and tribal governments as well as the private sector.

In order to ensure the cooperation of CBO and the committees in providing this valuable economic impact information to the full Senate, the legislation before us requires a majority point of order to lie against any Federal mandate legislation which does not have a CBO cost estimate of the impact of that legislation on State and local governments or the private sector.

Mandates costing greater than $50 million affecting State and local governments will not only have an estimate of the costs but also include the money or taxes to pay for the mandate. If it does not pass both tests a majority point of order will lie against the legislation.

The economic impact analysis requirement for legislation which affects the private sector is vitally important. The private sector provision command CBO to provide an impact statement of the costs and the effect on the economy of legislation with mandates which exceed $200 million in any of the next 5 years. This requirement is similar to legislation, the Economic and Employment Impact Act, Senator REID and myself offered as an amendment to the National Competitiveness Act, and was approved by voice vote by the full Senate.

Another important element of this legislation that is also a key component of the Economic and Employment Impact Act, is the requirement for economic impact analysis of regulatory actions exceeding $100 million by executive branch agencies. The author of this act should be commended for requiring a cost analysis for regulations affecting State and local governments and the private sector.

The cost of Federal mandates has unleashed havoc upon State and local governments and the private sector. Congress and the administration must stop passing the costs of their good ideas without knowing the costs of those ideas and assuming responsibility for the undue economic burdens on the local governments, the private sector and the U.S. taxpayer.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. DOLE, Mr. NICKLES, Mr. ROTH, Mr. GLENN, Mr. SMITH, Mr. SPECTER, Mr. BROWN, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. ABRAHAM, Mr. SANTORUM, Mr. CRAIG THOMAS, Mr. COHEN, Mr. CRAIG, Mrs. BOXER, Mr. ROBB, Mr. KOHL, Mr. WARNER, Mr. BAUCUS, Mr. HELMS, Mr. GREGG, Mr. DEWINE, Mr. CAMPBELL, Mr. BENNETT, Mr. MACK, Mr. KERREY, Mrs. KASSEBAUM, and Mr. LOTT):

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government; read twice.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. DOLE. Mr. President, for far too long, Congress has imposed new rules and regulations on the private sector, while seeking to exempt itself from those same rules.

Not surprisingly, many of our citizens have begun to view the Senate and the House of Representatives not as the people's body, but as the "imperial congress,'' as an institution that considers itself above the law and without accountability.

This past election day, the American people finally said ''enough is enough.'' Not only do the American people want less government, less regulation, and lower taxes, they also want Congress to clean up its own act by living under the very laws we seek to impose on everyone else. After all, what's good for the goose is certainly good for the gander.

S. 2, the Congressional Accountability Act, is a key element of our effort to put the institution of Congress back in the good graces of the American people. Later today, the House will pass its own version of congressional-coverage legislation, and perhaps as early as tomorrow, S. 2 will be passed here in the Senate.

In a nutshell, S. 2 forces Congress to comply with the following laws that regulate private employment and the private-sector workplace: (1) The Fair Labor Standards Act, (2) The Federal Labor Management Relations Act, (3) Title VII of the Civil Rights Act of 1964, (4) The Americans with Disabilities Act, (5) The Rehabilitation Act of 1973, (6) The Age Discrimination in Employment Act, (7) The Family and Medical Leave Act, (8) The Occupational Safety and Health Act, (9) The Employee Polygraph Protection Act, (10) The Worker Adjustment and Retraining Notification Act, and (11) The Veterans Reemployment Act.

All these laws now apply to the private sector, and with the passage of S. 2, they will soon apply to Congress as well.

To enforce the application of the laws to Congress, S. 2 establishes an office of compliance with a 5-member board of directors. The directors on the board will be jointly appointed by the Senate majority leader, the Senate minority leader, the Speaker of the House of Representatives, and the House minority leader. The office will also have a general counsel, an executive director, and two deputy executive directors, one for the Senate and one for the House. Each of the deputy executive directors will be responsible for promulgating the implementing regulations for his or her respective house.

In addition, S. 2 requires that any future legislation that affects the terms and conditions of private employment must be accompanied by a report describing the manner in which the legislation will apply to Congress. If any provision of the proposed law does not apply to Congress, the report must include a statement explaining why this is so. This reporting requirement will help ensure that Congress resists the temptation of exempting itself from future regulations and rules.

Of course, S. 2 may herald a new era of regulatory caution, where Congress thinks twice before imposing a new government-crafted requirement on the private sector. It's one thing for Congress to create a new regulatory burden; it's something quite different when Congress has to bear the burden too.

Finally, Mr. President, I want to congratulate my distinguished colleague, Senator CHUCK GRASSLEY, for spearheading the congressional-coverage effort here in the Senate. Without his hard work and commitment, S. 2 would not be the priority that it is today. I also want to take a moment to recognize my colleague from Oklahoma, Senator DON NICKLES, for his important contribution as well.

Mr. President, I ask unanimous consent that the full text of S. 2 be reprinted in the RECORD immediately after my remarks.

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Congressional Accountability Act of 1995.''

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.
Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

Sec. 201. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990.
Sec. 202. Rights and protections under the Family and Medical Leave Act of 1993.
Sec. 203. Rights and protections under the Fair Labor Standards Act of 1938.
Sec. 204. Rights and protections under the Employee Polygraph Protection Act of 1988.
Sec. 205. Rights and protections under the Worker Adjustment and Retraining Notification Act.
Sec. 206. Rights and protections relating to veterans' employment and reemployment.
Sec. 207. Prohibition of intimidation or reprisal.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

Sec. 210. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Sec. 215. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.

PART D—LABOR-MANAGEMENT RELATIONS

Sec. 220. Application of chapter 71 of title 5, United States code, relating to Federal service labor-management relations; procedures for remedy of violations.

PART E—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART F—STUDY

Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

TITLE III—OFFICE OF COMPLIANCE

Sec. 301. Establishment of Office of Compliance.
Sec. 302. Officers, staff, and other personnel.
Sec. 303. Procedural rules.
Sec. 304. Substantive regulations.
Sec. 305. Expenses.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

Sec. 401. Procedure for consideration of alleged violations.
Sec. 402. Counseling.
Sec. 403. Mediation.
Sec. 404. Election of proceeding.
Sec. 405. Complaint and hearing.
Sec. 406. Appeal to the Board.
Sec. 407. Judicial review of Board decisions and enforcement.
Sec. 408. Civil action.
Sec. 409. Judicial review of regulations.
Sec. 410. Other judicial review prohibited.
Sec. 411. Effect of failure to issue regulations.
Sec. 412. Expedited review of certain appeals.
Sec. 413. Privileges and immunities.
Sec. 414. Settlement of complaints.
Sec. 415. Payments.
Sec. 416. Confidentiality.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Exercise of rulemaking powers.
Sec. 502. Political affiliation and place of residence.
Sec. 503. Nondiscrimination rules of the House and Senate.
Sec. 504. Technical and conforming amendments.
Sec. 505. Judicial branch coverage study.
Sec. 506. Savings provisions.
Sec. 507. Severability.

TITLE I—GENERAL

SEC. 101. DEFINITIONS.

Except as otherwise specifically provided in this Act, as used in this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Office of Compliance.

(2) CHAIR.—The term ''Chair'' means the Chair of the Board of Directors of the Office of Compliance.

(3) COVERED EMPLOYEE.—The term ''covered employee'' means any employee of—

(A) the House of Representatives;
(B) the Senate;
(C) the Capitol Guide Service;
(D) the Capitol Police;
(E) the Congressional Budget Office;
(F) the Office of the Architect of the Capitol;
(G) the Office of the Attending Physician;

(H) the Office of Compliance; or

(I) the Office of Technology Assessment.

(4) EMPLOYEE.—The term "employee" includes an applicant for employment and a former employee.

(5) EMPLOYEE OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL.—The term "employee of the Office of the Architect of the Capitol" includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

(6) EMPLOYEE OF THE CAPITOL POLICE.—The term "employee of the Capitol Police" includes any member or officer of the Capitol Police.

(7) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term "employee of the House of Representatives' includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(8) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(9) EMPLOYING OFFICE.—The term "employing office" means—

(A) the personnel office of a Member of the House of Representatives or of a Senator;

(B) a committee of the House of Representatives or the Senate or a joint committee;

(C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(10) EXECUTIVE DIRECTOR.—The term "Executive Director" means the Executive Director of the Office of Compliance.

(11) GENERAL COUNSEL.—The term "General Counsel" means the General Counsel of the Office of Compliance.

(12) OFFICE.—The term "Office" means the Office of Compliance.

SEC. 102. APPLICATION OF LAWS.

(a) LAWS MADE APPLICABLE.—The following laws shall apply, as prescribed by this Act, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(5) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(7) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(10) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(11) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—

(1) IN GENERAL.—The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations.

(2) BOARD REPORT.—Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(3) REPORTS OF CONGRESSIONAL COMMITTEES.—Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

SEC. 201. RIGHTS AND PROTECTIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, THE REHABILITATION ACT OF 1973, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990.

(a) DISCRIMINATORY PRACTICES PROHIBITED.—All personnel actions affecting covered employees shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(b) REMEDY.—

(1) CIVIL RIGHTS.—The remedy for a violation of subsection (a)(1) shall be—

(A) such remedy as would be appropriate if awarded under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)); and

(B) such compensatory damages as would be appropriate if awarded under section 1977 of the Revised Statutes (42 U.S.C. 1981), or as would be appropriate if awarded under sections 1977A(a)(1), 1977A(b)(2), and irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(1), 1981a(b)(2), and 1981a(b)(3)(D)).

(2) AGE DISCRIMINATION.—The remedy for a violation of subsection (a)(2) shall be—

(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

(B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act (29 U.S.C. 626(b)).

In addition, the waiver provisions of section 7(f) of such Act (29 U.S.C. 626(f)) shall apply to covered employees.

(3) DISABILITIES DISCRIMINATION.—The remedy for a violation of subsection (a)(3) shall be—

(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and 1981a(b)(3)(D)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—

(1) SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(2) SECTION 15 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(3) SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(A) by striking subsections (a) and (b) of section 509;

(B) in subsection (c), by striking "(c) INSTRUMENTALITIES OF CONGRESS.—" and inserting "The General Accounting Office, the Government Printing Office, and the Library of Congress shall be covered as follows:";

(C) by striking the second sentence of paragraph (2);

(D) in paragraph (4), by striking "the instrumentalities of the Congress include" and inserting "the term 'instrumentality of the Congress' means", by striking "the Architect of the Capitol, the Congressional Budget

Office", by inserting "and" before "the Library", and by striking "the Office of Technology Assessment, and the United States Botanic Garden";

(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraph:

"(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress."; and

(F) by amending the title of the section to read "INSTRUMENTALITIES OF THE CONGRESS".

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 202. RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees.

(2) DEFINITION.—For purposes of the application described in paragraph (1)—

(A) the term "employer" as used in the Family and Medical Leave Act of 1993 means any employing office, and

(B) the term "eligible employee" as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—

(A) COVERAGE.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by adding after clause (iii) the following:

"(iv) includes the General Accounting Office and the Library of Congress.".

(B) ENFORCEMENT.—Section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C 2617) is amended by adding at the end the following:

"(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—In the case of the General Accounting Office and the Library of Congress, the authority of the Secretary of Labor under this title shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.".

(2) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 6381(1)(A) of title 5, United States Code, is amended by striking "and" after "District of Columbia" and inserting before the semicolon the following: ", and any employee of the General Accounting Office or the Library of Congress".

(d) REGULATIONS.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—Subsection (c) shall be effective 1 year after transmission to the Congress of the study under section 230.

SEC. 203. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

(a) FAIR LABOR STANDARDS.—

(1) IN GENERAL.—The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) shall apply to covered employees.

(2) INTERNS.—For the purposes of this section, the term "covered employee" does not include an intern as defined in regulations under subsection (c).

(3) COMPENSATORY TIME.—Except as provided in regulations under subsection (c)(3), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) IRREGULAR WORK SCHEDULES.—The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.

(d) APPLICATION TO THE GOVERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

(1) in clause (iii), by striking "legislative or",

(2) by striking "or" at the end of clause (iv),

(3) by striking the semicolon at the end of clause (v) and inserting ", or" and by adding after clause (v) the following:

"(vi) the Government Printing Office;".

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

SEC. 204. RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.

(a) POLYGRAPH PRACTICES PROHIBITED.—

(1) IN GENERAL.—No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002 (1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

(2) DEFINITIONS.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress and the term "employing office" shall include the General Accounting Office and the Library of Congress.

(3) CAPITOL POLICE.—Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c).

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS.—

(1) IN GENERAL.—No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) DEFINITIONS.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress and the term "employing office" shall include the

General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a)(1), (2), and (4)).

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETERANS' EMPLOYMENT AND REEMPLOYMENT.

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code.

(2) DEFINITIONS.—For purposes of this section—

(A) the term "eligible employee" means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code,

(B) the term "covered employee" includes employees of the General Accounting Office and the Library of Congress, and

(C) the term "employing office" includes the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.

(a) IN GENERAL.—It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this Act, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this Act.

(b) REMEDY.—The remedy available for a violation of subsection (a) shall be such legal or equitable remedy as would be appropriate.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—The requirements of this section shall apply to—

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Compliance; and

(10) the Office of Technology Assessment.

(b) DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a).

(2) DEFINITIONS.—For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term "public entity" means any entity listed in subsection (a) that provides public services, programs, or activities.

(c) REMEDY.—The remedy for a violation of subsection (b) shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of this title.

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) by an entity listed in subsection (a), may file a charge against any entity responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under section 403 between the charging individual and any entity responsible for correcting the alleged violation.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to section 405 and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 406.

(4) JUDICIAL REVIEW.—A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 407.

(e) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(f) PERIODIC INSPECTIONS; REPORT TO CONGRESS; INITIAL STUDY.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Architect of the Capitol, and to the entity responsible, as determined under regulations issued by the Board under section 304 of this Act, for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the 104th Congress.

(4) DETAILED PERSONNEL.—The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(g) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY OF CONGRESS.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209)), as amended by section 201(c) of this Act, is amended by adding the following new paragraph:

"(6) ENFORCEMENT OF RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230 or section 302 or 303 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.".

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (b), (c), and (d) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—Subsection (g) shall be effective 1 year after transmission to the Congress of the study under section 230.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SEC. 215. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—

(1) IN GENERAL.—Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(2) DEFINITIONS.—For purposes of the application under this section of the Occupational Safety and Health Act of 1970—

(A) the term "employer" as used in such Act means an employing office;

(B) the term "employee" as used in such Act means a covered employee;

(C) the term "employing office" includes the General Accounting Office and the Library of Congress; and

(D) the term "employee" includes employees of the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 662(a)).

(c) PROCEDURES.—

(1) REQUESTS FOR INSPECTIONS.—Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a) and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(a) and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

(2) CITATIONS, NOTICES, AND NOTIFICATIONS.—For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a), as determined appropriate by the General Counsel pursuant to regulations issued by the Board pursuant to section 304; or

(B) a notification to any employing office that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(3) HEARINGS AND REVIEW.—If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to section 405, subject to review by the Board pursuant to section 406.

(4) VARIANCE PROCEDURES.—An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in section 6(b)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to section 405, subject to review by the Board pursuant to section 406.

(5) JUDICIAL REVIEW.—The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(6) COMPLIANCE DATE.—If a citation of a violation under this section is received and new appropriated funds are necessary to abate the violation, abatement shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

(d) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) PERIODIC INSPECTIONS; REPORT TO CONGRESS.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment to report on compliance with subsection (a).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible, as determined under regulations issued by the Board under section 304 of this Act, for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

(3) ACTION AFTER REPORT.—If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A).

(4) DETAILED PERSONNEL.—The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(f) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) and shall submit the report under subsection (e)(2) for the 104th Congress.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

PART D—LABOR-MANAGEMENT RELATIONS

SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) LABOR-MANAGEMENT RIGHTS.—

(1) IN GENERAL.—Subject to subsection (d), the rights, protections, and responsibilities

established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5, United States Code, shall apply to employing offices and to covered employees and representatives of those employees.

(2) DEFINITION.—For purposes of the application under this section of the sections referred to in paragraph (1), the term "agency" shall be deemed to include an employing office.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including a remedy under section 7118(a)(7) of title 5, United States Code, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a).

(c) AUTHORITIES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.—

(1) GENERAL AUTHORITIES OF THE BOARD; PETITIONS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5, United States Code, and of the President under section 7103(b) of title 5, United States Code. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to section 405, subject to review by the Board pursuant to section 406. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

(2) GENERAL AUTHORITIES OF THE GENERAL COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5, United States Code. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to section 405, subject to review by the Board pursuant to section 406.

(3) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraphs (1) and (2) of this subsection may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(4) EXERCISE OF IMPASSES PANEL AUTHORITY; REQUESTS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5, United States Code. For purposes of this section, any request that, under chapter 71 of title 5, United States Code, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5, United States Code.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in subsection (d), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.

(d) SPECIFIC REGULATIONS REGARDING APPLICATION TO CERTAIN OFFICES OF CONGRESS.—

(1) REGULATIONS REQUIRED.—The Board shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code and of this Act, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter, except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) that the Board shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress's constitutional responsibilities.

(2) OFFICES REFERRED TO.—The offices referred to in paragraph (1) include—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on October 1, 1996.

(2) CERTAIN OFFICES.—With respect to the offices listed in subsection (d)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of regulations under subsection (d).

PART E—GENERAL

SEC. 225. GENERALLY APPLICABLE REMEDIES AND LIMITATIONS.

(a) ATTORNEY'S FEES.—If a covered employee, with respect to any claim under this Act, or a qualified person with a disability, with respect to any claim under section 210, is a prevailing party in any proceeding under section 405, 406, 407, or 408, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert witness fees, and any other costs as would be appropriate if awarded under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

(b) INTEREST.—In any proceeding under section 405, 406, 407, or 408, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(d)).

(c) CIVIL PENALTIES AND PUNITIVE DAMAGES.—No civil penalty or punitive damages may be awarded with respect to any claim under this Act.

(d) EXCLUSIVE PROCEDURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this Act except as provided in this Act.

(2) VETERANS.—A covered employee under section 206 may also utilize any provisions of chapter 43 of title 38, United States Code, that are applicable to that employee.

(e) Scope of Remedy.—Only a covered employee who has undertaken and completed the procedures described in sections 402 and 403 may be granted a remedy under part A of this title.

(f) Construction.—

(1) Definitions and exemptions.—Except where inconsistent with definitions and exemptions provided in this Act, the definitions and exemptions in the laws made applicable by this Act shall apply under this Act.

(2) Size limitations.—Notwithstanding paragraph (1), provisions in the laws made applicable under this Act (other than the Worker Adjustment and Retraining Notification Act) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this Act.

(3) Executive branch enforcement.—This Act shall not be construed to authorize enforcement by the executive branch of this Act.

PART F—STUDY

SEC. 230. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) In General.—The Administrative Conference of the United States shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office; and

(C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) Applicable Statutes.—The study under this section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and related provisions of section 2302 of title 5, United States Code.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5, United States Code.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5, United States Code.

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5, United States Code.

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5, United States Code.

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5, United States Code.

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(8) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(9) The General Accounting Office Personnel Act of 1980 (31 U.S.C. 731 et seq.).

(10) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(c) Contents of Study and Recommendations.—The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

(d) Deadline and Delivery of Study.—Not later than 2 years after the date of the enactment of this Act—

(1) the Administrative Conference of the United States shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the Board; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

TITLE III—OFFICE OF COMPLIANCE

SEC. 301. ESTABLISHMENT OF OFFICE OF COMPLIANCE.

(a) Establishment.—There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

(b) Board of directors.—The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after the date of the enactment of this Act.

(c) Chair.—The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

(d) Board of Directors Qualifications.—

(1) Specific qualifications.—Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 102.

(2) Disqualifications for appointments.—

(A) Lobbying.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be eligible for appointment to, or service on, the Board.

(B) Incompatible office.—No member of the Board appointed under subsection (b) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch, or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board, an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Fair Employment Practices of the Senate) within 4 years of the date of appointment.

(3) Vacancies.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(e) Term of Office.—

(1) In general.—Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board who is appointed to a term of office of more than 3 years shall only be eligible for appointment for a single term of office.

(2) First appointments.—Of the members first appointed to the Board—

(A) 1 shall have a term of office of 3 years,

(B) 2 shall have a term of office of 4 years, and

(C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair,

as designated at the time of appointment by the persons specified in subsection (b).

(f) Removal.—

(1) Authority.—Any member of the Board may be removed from office by a majority decision of the appointing authorities described in subsection (b), but only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, including a felony or conduct involving moral turpitude, or

(E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2).

(2) Statement of reasons for removal.—In removing a member of the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member of the Board being removed the specific reasons for the removal.

(g) Compensation.—

(1) Per diem.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.

(2) Travel expenses.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) Duties.—The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government;

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under title IV, and any other information appropriate for distribution, distribute such information to employing offices in a manner suitable for posting, provide such information to new employees of employing offices, distribute such information to the residences of covered employees, and conduct seminars and other activities designed to

educate employing offices and covered employees; and

(3) compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this Act and the result of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.

(i) CONGRESSIONAL OVERSIGHT.—The Board and the Office shall be subject to oversight (except with respect to the disposition of individual cases) by the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Oversight of the House of Representatives.

(j) OPENING OF OFFICE.—The Office shall be open for business, including receipt of requests for counseling under section 402, not later than 1 year after the date of the enactment of this Act.

(k) FINANCIAL DISCLOSURE REPORTS.—Members of the Board and officers and employees of the Office shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 with the Clerk of the House of Representatives.

SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT AND REMOVAL.—

(A) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

(B) QUALIFICATIONS.— The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 102(a).

(C) DISQUALIFICATIONS.—The disqualifications in section 301(d)(2) shall apply to the appointment of the Executive Director.

(2) COMPENSATION.—The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) TERM.—The term of office of the Executive Director shall be a single term of 5 years, except that the first Executive Director shall have a single term of 7 years.

(4) DUTIES.—The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this Act, the Executive Director shall carry out all of the responsibilities of the Office under this Act.

(b) DEPUTY EXECUTIVE DIRECTORS.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in section 301(d)(2) shall apply to the appointment of a Deputy Executive Director.

(2) TERM.—The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) COMPENSATION.—The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DUTIES.—The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 304(a)(2)(B)(i), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 304(a)(2)(B)(ii), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

(c) GENERAL COUNSEL.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 301(d)(2) shall apply to the appointment of a General Counsel.

(2) COMPENSATION.—The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this Act; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this Act.

(4) ATTORNEYS IN THE OFFICE OF THE GENERAL COUNSEL.—The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

(5) TERM.—The term of office of the General Counsel shall be a single term of 5 years.

(6) REMOVAL.—

(A) AUTHORITY.—The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,

(ii) incompetence,

(iii) neglect of duty,

(iv) malfeasance, including a felony or conduct involving moral turpitude, or

(v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under paragraph (1).

(B) STATEMENT OF REASONS FOR REMOVAL.—In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) OTHER STAFF.—The Executive Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) DETAILED PERSONNEL.—The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) CONSULTANTS.—In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 303. PROCEDURAL RULES.

(a) IN GENERAL.—The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) PROCEDURE.—The Executive Director shall adopt rules referred to in subsection (a) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Executive Director shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Before issuing rules, the Executive Director shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.

SEC. 304. SUBSTANTIVE REGULATIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—The procedures applicable to the regulations of the Board issued for the implementation of this Act, which shall include regulations the Board is required to issue under title II (including regulations on the appropriate application of exemptions under the laws made applicable in title II) are as prescribed in this section.

(2) RULEMAKING PROCEDURE.—Such regulations of the Board—

(A) shall be adopted, approved, and issued in accordance with subsection (b);

(B) shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—

(i) the Senate and employees of the Senate;

(ii) the House of Representatives and employees of the House of Representatives; and

(iii) all other covered employees and employing offices.

(b) ADOPTION BY THE BOARD.—The Board shall adopt the regulations referred to in subsection (a)(1) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code, and as provided in the following provisions of this subsection:

(1) PROPOSAL.—The Board shall publish a general notice of proposed rulemaking under

section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Such notice shall set forth the recommendations of the Deputy Director for the Senate in regard to regulations under subsection (a)(2)(B)(i), the recommendations of the Deputy Director for the House of Representatives in regard to regulations under subsection (a)(2)(B)(ii), and the recommendations of the Executive Director for regulations under subsection (a)(2)(B)(iii).

(2) COMMENT.—Before adopting regulations, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking.

(3) ADOPTION.—After considering comments, the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(4) RECOMMENDATION AS TO METHOD OF APPROVAL.—The Board shall include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

(c) APPROVAL OF REGULATIONS.—

(1) IN GENERAL.—Regulations referred to in paragraph (2)(B)(i) of subsection (a) may be approved by the Senate by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) may be approved by the House of Representatives by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution.

(2) REFERRAL.—Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution or by joint resolution.

(3) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a resolution of the House of Representatives or the Senate or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ____ are hereby approved:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(5) JOINT RESOLUTION.—In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ____ are hereby approved and shall have the force and effect of law:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(d) ISSUANCE AND EFFECTIVE DATE.—

(1) PUBLICATION.—After approval of regulations under subsection (c), the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(2) DATE OF ISSUANCE.—The date of issuance of regulations shall be the date on which they are published in the Congressional Record.

(3) EFFECTIVE DATE.—Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulation.

(e) AMENDMENT OF REGULATIONS.—Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5, United States Code.

(f) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the Board for the issuance, amendment, or repeal of a regulation.

(g) CONSULTATION.—The Executive Director, the Deputy Directors, and the Board—

(1) shall consult, with regard to the development of regulations, with—

(A) the Chair of the Administrative Conference of the United States;

(B) the Secretary of Labor;

(C) the Federal Labor Relations Authority; and

(D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board, the Executive Director, or Deputy Directors, may be helpful.

SEC. 305. EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the date of the enactment of this Act—

(1) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the House of Representatives, and

(2) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the Senate,

upon vouchers approved by the Executive Director.

(b) WITNESS FEES AND ALLOWANCES.—Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under this Act other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records in any proceeding under this Act shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5, United States Code.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

Except as otherwise provided, the procedure for consideration of alleged violations of part A of title II consists of—

(1) counseling as provided in section 402;

(2) mediation as provided in section 403; and

(3) election, as provided in section 404, of either—

(A) a formal complaint and hearing as provided in section 405, subject to Board review as provided in section 406, and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407, or

(B) a civil action in a district court of the United States as provided in section 408.

In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Executive Director, after receiving a request for counseling under section 402, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation.

SEC. 402. COUNSELING.

(a) IN GENERAL.—To commence a proceeding, a covered employee alleging a violation of a law made applicable under part A of title II shall request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the date of the alleged violation.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) NOTIFICATION OF END OF COUNSELING PERIOD.—The Office shall notify the employee in writing when the counseling period has ended.

SEC. 403. MEDIATION.

(a) INITIATION.—Not later than 15 days after the end of the counseling period under section 402, but prior to and as a condition of making an election under section 404, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) PROCESS.—Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) INDEPENDENCE OF MEDIATION PROCESS.—No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

SEC. 404. ELECTION OF PROCEEDING.

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either—

(1) file a complaint with the Office in accordance with section 405, or

(2) file a civil action in accordance with section 408 in the United States district court for the district in which the employee is employed or for the District of Columbia.

SEC. 405. COMPLAINT AND HEARING.

(a) IN GENERAL.—A covered employee may, upon the completion of mediation under section 403, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or

(2) in which the violation is alleged to have occurred,

and about which mediation was conducted.

(b) DISMISSAL.—A hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(c) HEARING OFFICER.—

(1) APPOINTMENT.—Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer. The Executive Director shall select hearing officers on a rotational or random basis from the lists developed under paragraph (2). Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(2) LISTS.—The Executive Director shall develop master lists, composed of—

(A) members of the bar of a State or the District of Columbia and retired judges of the United States courts who are experienced in adjudicating or arbitrating the kinds of personnel and other matters for which hearings may be held under this Act, and

(B) individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health.

In developing lists, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

(d) HEARING.—Unless a complaint is dismissed before a hearing, a hearing shall be—

(1) conducted in closed session on the record by the hearing officer;

(2) commenced no later than 60 days after filing of the complaint under subsection (b), except that the Office may, for good cause, extend up to an additional 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) SUBPOENAS.—

(1) IN GENERAL.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) OBJECTIONS.—If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) ENFORCEMENT.—

(A) IN GENERAL.—If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

(B) SERVICE OF PROCESS.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) DECISION.—The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 90 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to title II. The decision shall be entered in the records of the Office. If a decision is not appealed under section 406 to the Board, the decision shall be considered the final decision of the Office.

(h) PRECEDENTS.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the laws made applicable by section 102 and by Board decisions under this Act.

SEC. 406. APPEAL TO THE BOARD.

(a) IN GENERAL.—Any party aggrieved by the decision of a hearing officer under section 405(g) may file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office.

(b) PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.—The parties to the hearing upon which the decision of the hearing officer was made shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) STANDARD OF REVIEW.—The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) DECISION.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND ENFORCEMENT.

(a) JURISDICTION.—

(1) JUDICIAL REVIEW.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of—

(A) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II,

(B) a charging individual or a respondent before the Board who files a petition under section 210(d)(4),

(C) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5), or

(D) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3).

The court of appeals shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) ENFORCEMENT.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II.

(b) PROCEDURES.—

(1) RESPONDENTS.—(A) In any proceeding commenced by a petition filed under subsection (a)(1) (A) or (B), or filed by a party other than the General Counsel under subsection (a)(1) (C) or (D), the Office shall be named respondent and any party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(B) In any proceeding commenced by a petition filed by the General Counsel under subsection (a)(1) (C) or (D), the prevailing party in the final decision entered under section 406(e) shall be named respondent, and any other party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(C) In any proceeding commenced by a petition filed under subsection (a)(2), the party under section 405 or 406 that the General Counsel determines has failed to comply with a final decision under section 405(g) or 406(e) shall be named respondent.

(2) Intervention.—Any party that participated in the proceedings before the Board under section 406 and that was not made respondent under paragraph (1) may intervene as of right.

(c) Law Applicable.—Chapter 158 of title 28, United States Code, shall apply to judicial review under paragraph (1) of subsection (a), except that—

(1) with respect to section 2344 of title 28, United States Code, service of a petition in any proceeding in which the Office is a respondent shall be on the General Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 406(e); and

(4) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(d) Standard of Review.—To the extent necessary for decision in a proceeding commenced under subsection (a)(1) and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(e) Record.—In making determinations under subsection (d), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

SEC. 408. CIVIL ACTION.

(a) Jurisdiction.—The district courts of the United States shall have jurisdiction over any civil action commenced under this section by a covered employee who has completed counseling under section 402 and mediation under section 403. A civil action may be commenced by a covered employee only to seek redress for a violation for which the employee has completed counseling and mediation.

(b) Parties.—The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

(c) Jury Trial.—Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant law made applicable by this Act. In any case in which a violation of section 201 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 201(b)(1) or 201(b)(3).

SEC. 409. JUDICIAL REVIEW OF REGULATIONS.

In any proceeding brought under section 407 or 408 in which the application of a regulation issued under this Act is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, United States Code, except that with respect to regulations approved by a joint resolution under section 304(c), only the provisions of section 706(2)(B) of title 5, United States Code, shall apply. If the court determines that the regulation is invalid, the court may apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this Act is not subject to judicial review.

SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.

Except as expressly authorized by sections 407, 408, and 409, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.

In any proceeding under section 405, 406, 407, or 408, except a proceeding to enforce section 220 with respect to offices listed under section 220(d)(2), if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, may apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) In General.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) Jurisdiction.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in paragraph (1), advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

SEC. 413. PRIVILEGES AND IMMUNITIES.

The authorization to bring judicial proceedings under sections 407 and 408 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, including under article I, section 5, clause 3, or under the rules of either House relating to records and information within its jurisdiction.

SEC. 414. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties to a process described in section 210, 215, 220, or 401 shall be in writing and not become effective unless it is approved by the Executive Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

SEC. 415. PAYMENTS.

(a) Awards and Settlements.—Except as provided in subsection (c), only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this Act. There are authorized to be appropriated for such account such sums as may be necessary to pay such awards and settlements. Funds in the account are not available for awards and settlements involving the General Accounting Office, the Government Printing Office, or the Library of Congress.

(b) Compliance.—Except as provided in subsection (c), there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this Act.

(c) OSHA, Accommodation, and Access Requirements.—Funds to correct violations of section 201(a)(3), 210, or 215 of this Act may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

SEC. 416. CONFIDENTIALITY.

(a) Counseling.—All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) Mediation.—All mediation shall be strictly confidential.

(c) Hearings and Deliberations.—Except as provided in subsections (d) and (e), the hearings and deliberations of hearing officers and of the Board and of its officers and employees on complaints, charges, proposed citations, and other pleadings under this Act shall be confidential.

(d) Release of Records for Judicial Action.—The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 407.

(e) Access by Committees of Congress.—At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 405(g) or 406(e).

(f) Final Decisions.—A final decision entered under section 405(g) or 406(e) shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 210, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 102(b)(2) and 304(c) are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 502. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) In General.—It shall not be a violation of any provision of section 201 to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) with respect to employment decisions.

(b) Definition.—For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) an employee on the staff of a committee or subcommittee of—

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 503. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

"SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

"(a) SHORT TITLE.—This title may be cited as the 'Government Employee Rights Act of 1991'.

"(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

"(c) DEFINITION.—For purposes of this title, the term 'violation' means a practice that violates section 302(a) of this title.

"SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

"(a) PRACTICES.—All personnel actions affecting the Presidential appointees described in section 303 or the State employees described in section 304 shall be made free from any discrimination based on—

"(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

"(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

"(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

"(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

"(1) may include, in the case of a determination that a violation of subsection (a)(1) or (a)(3) has occurred, such remedies as would be appropriate if awarded under sections 706(g), 706(k), and 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g), 2000e–5(k), 2000e–16(d)), and such compensatory damages as would be appropriate if awarded under section 1977 or sections 1977A(a) and 1977A(b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981a(a) and (b)(2));

"(2) may include, in the case of a determination that a violation of subsection (a)(2) has occurred, such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

"(3) may not include punitive damages.".

(2) Sections 303 through 319, and sections 322, 324, and 325 of the Government Employee Rights Act of 1991 (2 U.S.C. 1203–1218, 1221, 1223, and 1224) are repealed, except as provided in section 506 of this Act.

(3) Sections 320 and 321 of the Government Employee Rights Act of 1991 (2 U.S.C. 1219 and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Government Employee Rights Act of 1991, as so redesignated, are each amended by striking "and 307(h) of this title".

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed, except as provided in section 506 of this Act.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Title V of the Family and Medical Leave Act of 1993 (2 U.S.C. 60m et seq.) is repealed, except as provided in section 506 of this Act.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103–283; 108 Stat. 1444) is repealed, except as provided in section 506 of this Act.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 505. JUDICIAL BRANCH COVERAGE STUDY.

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of the Federal Government of—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(2) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(3) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(4) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(5) the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.);

(6) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(7) chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code;

(8) the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.);

(9) the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.);

(10) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(11) chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial relief, that are comparable to those available to employees of the legislative branch under titles I through IV of this Act.

SEC. 506. SAVINGS PROVISIONS.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Senate or the House of Representatives has or could have requested counseling under section 305 of the Government Employees Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under title V of the Family and Medical Leave Act of 1993, the employee may complete, or initiate and complete, all procedures under the Government Employees Rights Act of 1991 and Rule LI, and the provisions of that Act and Rule shall remain in effect with respect to, and provide the exclusive procedures for, those claims until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Senate or House of Representatives arises under section 201 or 202 after the effective date of such sections, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the provisions of the Government Employees Rights Act of 1991 (2 U.S.C. 1201 et seq.) and Rule LI of the House of Representatives relating to counseling and mediation shall remain in effect, and the employee may complete under that Act or Rule the requirements for counseling and mediation under sections 402 and 403. If, after counseling and mediation is completed, the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a complaint under section 307 of the Government Employees Rights Act of 1991 (2 U.S.C. 1207) or Rule LI of the House of Representatives, and thereafter proceed exclusively under that Act or Rule, the provisions of which shall remain in effect until the completion of all proceedings in relation to the complaint, or

(B) to commence a civil action under section 408.

(3) SECTION 1205 OF THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1993.—With respect to payments of awards and settlements relating to Senate employees under paragraph (1) of this subsection, section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) remains in effect.

(b) TRANSITION PROVISIONS FOR EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Architect of the Capitol has or could have filed a charge or complaint regarding an alleged violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act (Public Law 103–283), the employee may complete, or initiate and complete, all procedures under section 312(e) of that Act, the provisions of which shall remain in effect with respect to, and provide the exclusive procedures for, that claim until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Architect of the Capitol arises under section 201 or 202 after the effective date of those provisions, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the employee may satisfy the requirements for counseling and mediation by exhausting the requirements prescribed by

the Architect of the Capitol in accordance with section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103-283). If, after exhaustion of those requirements the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a charge with the General Accounting Office Personnel Appeals Board pursuant to section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103-283), and thereafter proceed exclusively under section 312(e) of that Act, the provisions of which shall remain in effect until the completion of all proceedings in relation to the charge, or

(B) to commence a civil action under section 408.

(c) TRANSITION PROVISION RELATING TO MATTERS OTHER THAN EMPLOYMENT UNDER SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT.—With respect to matters other than employment under section 509 of the Americans with Disabilities Act (42 U.S.C. 12209), the rights, protections, remedies, and procedures of section 509 of such Act shall remain in effect until section 210 of this Act takes effect with respect to each of the entities covered by section 509 of such Act.

SEC. 507. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be invalid, the remainder of this Act and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRAMM, Mr. SANTORUM, Mr. ABRAHAM, Mr. DEWINE, and Mr. KYL):

S. 3. A bill to control crime, and for other purposes; to the Committee on the Judiciary.

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT IMPROVEMENT ACT OF 1995

Mr. DOLE. Mr. President, one of the most heated debates last Congress centered around the so-called crime bill. While our colleagues on the other side of the aisle ultimately succeeded in passing the bill, Republicans argued then—and continue to maintain—that the bill spent far too much on social programs of unproven worth, while failing to adopt some of the tough measures proposed to combat violent crime.

To a large degree, S. 3 attempts to correct some of the obvious flaws and excesses of last year's crime bill. It also stakes out some critical new ground, particularly in the area of criminal procedure. More importantly, S. 3 is premised on the principle that criminals are not the victims of society, as some may claim, but rather that society itself is the victim of criminals and the violence they perpetuate. In addition, S. 3 recognizes that the States and localities, not the Federal Government, are on the front lines in the war against crime and are best equipped to devise effective anticrime strategies. When it comes to fighting crime, the role of the Federal Government should be to assist the States and localities in their own crime-fighting efforts, rather than impose unnecessary regulations and "one-size-fits-all" requirements that often do more harm than good.

REVISITING LAST YEAR'S CRIME BILL

For starters, S. 3 incorporates the 10 amendments that Senate Republicans unsuccessfully sought to offer during last year's crime-bill debate. These amendments include: (1) Mandatory minimum penalties for those who use a gun in the commission of a crime, sell illegal drugs to minors, or employ minors to sell drugs; (2) repeal of more than $5 billion in wasteful social spending that was included in last year's crime bill, including spending on the Local Partnership Act, the model cities intensive grants, and the so-called drug courts; and (3) a provision requiring restitution for the victims of Federal crimes. S. 3 also increases funding for new prison construction and operation by nearly $1 billion over the funding levels contained in last year's crime bill.

MORE POLICE AND MORE FLEXIBILITY

One of the most over-hyped proposals in the crime bill was the $8.8 billion community-policing program. Although the Clinton administration claimed that the proposal would result in 100,000 new police hires over the next 6 years, most criminal-justice experts predict that the proposal will fully fund only a portion of that figure, perhaps as few as 20,000 new cops.

Recognizing that the Federal Government does not have all the crime-fighting answers, S. 3 repackages the community-policing proposal into a single block grant program. Under the block grant program, States and localities will have the option of using the funds for a variety of purposes, including the hiring of new police officers, training existing officers, paying overtime, upgrading equipment, or investing in new crime-fighting technologies. Unlike the community-policing program in last year's crime bill, S. 3 imposes no matching requirement or per-officer spending cap. This should give States and localities some much-needed flexibility in determining how best to utilize these important crime-fighting resources.

At the same time, S. 3 beefs up funding for some of our Federal law enforcement agencies, including the FBI and the Drug Enforcement Administration. This will help ensure that these agencies will be able to carry out their important missions.

PROCEDURAL REFORMS

S. 3 also enacts some long overdue reforms to the criminal justice system. First, it reforms habeas corpus procedures in a way that safeguards the legitimate rights of the accused while ensuring that lawfully-imposed capital sentences are not endlessly delayed by frivolous appeals. Most importantly, S. 3 requires Federal courts to give deference to State court decisions on Federal constitutional claims, so long as the claims were "fully and fairly" litigated at the State level. Application of this principle will go a long way towards streamlining the criminal appeals process, thereby making punishment swifter and more certain and enhancing the confidence of the American people in our system of criminal justice.

California Attorney General Dan Lungren, as well as the National Association of State Attorneys General, played a prominent role in the drafting of the habeas corpus reform provisions of S. 3. Their input was invaluable.

Second, S. 3 abolishes the exclusionary rule as it pertains to the fourth amendment and establishes a tort remedy for those whose fourth amendment rights have been violated by an unreasonable search and seizure. Under the tort remedy, the United States will be liable for damages resulting from an unlawful search and seizure conducted by a law enforcement officer who was acting within the scope of his employment.

The bottom line is that probative evidence, particularly in a criminal trial, should not be excluded because a police officer made a mistake. We should discipline the police officer and his supervising authority, not punish the crime victim by excluding probative evidence.

And finally, S. 3 creates an obstruction of justice offense for attorneys who knowingly file false statements in criminal proceedings.

CONCLUSION

Mr. President, when it comes to solving the crime epidemic in this country, Republicans don't have all the answers—not by a long shot. But, in our view, S. 3 provides the framework for the type of tough anticrime legislation the American people deserve.

Finally, I want to thank my distinguished colleague from Utah, Senator HATCH, for his leadership in crafting this important legislation. During his tenure in the Senate, Senator HATCH has always been a relentless advocate for a no-nonsense approach to solving the violent crime problem. I look forward to his service as chairman of the Senate Judiciary Committee.

Mr. President, I ask unanimous consent that the text of the bill and additional materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Violent Crime Control and Law Enforcement Improvement Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—INCARCERATION OF VIOLENT CRIMINALS
Sec. 101. Prison grants.
Sec. 102. Repeal.
Sec. 103. Civil rights of institutionalized persons.
Sec. 104. Report on prison work progress.
Sec. 105. Drug treatment for prisoners.
TITLE II—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
Sec. 201. Block grant program.
TITLE III—FEDERAL EMERGENCY LAW ENFORCEMENT ASSISTANCE ACT
Sec. 301. Federal judiciary and Federal law enforcement.
Sec. 302. Drug Enforcement Administration.
TITLE IV—CRIMINAL PENALTIES
Sec. 401. Serious juvenile drug offenses as armed career criminal act predicates.
Sec. 402. Prosecution of juveniles as adults.
Sec. 403. Availability of fines and supervised release for juvenile offenders.
Sec. 404. Amendments concerning juvenile records.
Sec. 405. Mandatory minimum prison sentences for persons who use minors in drug trafficking activities or sell drugs to minors.
Sec. 406. Mandatory minimum sentencing reform.
Sec. 407. Increased mandatory minimum sentences for criminals using firearms.
Sec. 408. Penalties for arson.
Sec. 409. Interstate travel or use of mails or a facility in interstate commerce to further kidnapping.
TITLE V—FEDERAL CRIMINAL PROCEDURE REFORM
Sec. 501. Obstruction of justice.
Sec. 502. Conduct of Federal prosecutors.
Sec. 503. Fairness in jury selection.
Sec. 504. Balance in the composition of rules committees.
Sec. 505. Reimbursement of reasonable attorneys' fees.
Sec. 506. Mandatory restitution to victims of violent crimes.
Sec. 507. Admissibility of certain evidence.
Sec. 508. General habeas corpus reform.
Sec. 509. Technical amendment.
Sec. 510. Death penalty litigation procedures.
TITLE VI—PREVENTION OF TERRORISM
Sec. 601. Willful violation of Federal Aviation Administration regulations.
Sec. 602. Assaults, murders, and threats against former Federal officials in performance of official duties.
Sec. 603. Wiretap authority for alien smuggling and related offenses and inclusion of alien smuggling as a RICO predicate.
Sec. 604. Authorization for interceptions of communications in certain terrorism-related offenses.
Sec. 605. Participation of foreign and State government personnel in interceptions of communications.
Sec. 606. Disclosure of intercepted communications to foreign law enforcement agencies.
Sec. 607. Alien terrorist removal.
Sec. 608. Territorial sea.
Sec. 609. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 610. Federal Aviation Administration reporting responsibility.
Sec. 611. Information transfer.
Sec. 612. Extradition.
Sec. 613. Federal Bureau of Investigation report.
Sec. 614. Increased penalties for terrorism crimes.
Sec. 615. Criminal offenses committed outside the United States by persons accompanying the armed forces.
TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS
Subtitle A—Elimination of Certain Programs
Sec. 701. Elimination of certain programs.
Subtitle B—Amendments Relating to Violent Crime Control
Sec. 711. Violent crime and drug emergency areas repeal.
Sec. 712. Expansion of 18 U.S.C. 1959 to cover commission of all violent crimes in aid of racketeering activity and increased penalties.
Sec. 713. Authority to investigate serial killings.
Sec. 714. Firearms and explosives conspiracy acquire arms.
Sec. 715. Increased penalties for violence in the course of riot offenses.
Sec. 716. Pretrial detention for possession of firearms or explosives by convicted felons.
Sec. 717. Elimination of unjustified scienter element for carjacking.
Sec. 718. Theft of vessels.
Sec. 719. Clarification of agreement requirement for RICO conspiracy.
Sec. 720. Addition of attempt coverage for interstate domestic violence offense.
Sec. 721. Addition of foreign murder as a money laundering predicate.
Sec. 722. Assaults or other crimes of violence for hire.
Sec. 723. Threatening to use a weapon of mass destruction.
Sec. 724. Technical amendments.
Subtitle C—Amendments Relating to Courts and Sentencing
Sec. 731. Allowing a reduction of sentence for providing useful investigative information although not regarding a particular individual.
Sec. 732. Appeals from certain dismissals.
Sec. 733. Elimination of outmoded certification requirement from the government appeal statute.
Sec. 734. Clarification of meaning of official detention for purposes of credit for prior custody.
Sec. 735. Limitation on reduction of sentence for substantial assistance of defendant.
Sec. 736. Improvement of hate crimes sentencing procedure.
Sec. 737. Clarification of length of supervised release terms in controlled substance cases.
Sec. 738. Authority of court to impose a sentence of probation or supervised release when reducing a sentence of imprisonment in certain cases.
Sec. 739. Extension of parole commission to deal with "old law" prisoners.
Sec. 740. Conforming amendments relating to supervised release.
Sec. 741. Repeal of outmoded provisions barring Federal prosecution of certain offenses.
Subtitle D—Miscellaneous Amendments
Sec. 751. Conforming addition to obstruction of civil investigative demand statute.
Sec. 752. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage.
Sec. 753. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization.
Sec. 754. Larceny involving post office boxes and postal stamp vending machines.
Sec. 755. Conforming amendment to law punishing obstruction of justice by notification of existence of a subpoena for records in certain types of investigations.
Sec. 756. Closing loophole in offense of altering or removing motor vehicle identification numbers.
Sec. 757. Application of various offenses to possessions and territories.
Sec. 758. Adjusting and making uniform the dollar amounts used in title 18 to distinguish between grades of offenses.
Sec. 759. Conforming amendment concerning marijuana plants.
Sec. 760. Access to certain records.
Sec. 761. Clarification of inapplicability of 18 U.S.C. 2515 to certain disclosures.
Sec. 762. Clarifying or conforming amendments arising from the enactment of Public Law 103-322.
Sec. 763. Technical amendments
Sec. 764. Severability.

TITLE I—INCARCERATION OF VIOLENT CRIMINALS

SEC. 101. PRISON GRANTS.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made thereby are amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional correctional facilities, including prisons and jails, for the confinement of violent offenders, to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

"(1)(A) except as provided in subparagraph (B), assurances that the State or States, have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

"(B) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Improvement Act of 1995 practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of time served for such offenses in all of the States;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on the units of local government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement not later than 18 months after the date of enactment of the Violent Crime Control and Law Enforcement Improvement Act of 1995, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled; and

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for truth in sentencing incentive grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws that require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed;

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time that will be served in prison by convicted violent offenders sentenced to prison; and

"(C) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed if—

"(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

"(ii) each violent crime or serious drug offense was committed after the defendant's conviction of the preceding violent crime or serious drug offense; or

"(3) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Improvement Act of 1995 practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of time served for such offenses in all of the States.

"(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for violent offender incarceration grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—Funds made available to carry out this section shall be allocated as follows:

"(1) 0.6 percent shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(2) The amount remaining after application of paragraph (1) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

"SEC. 20104. RULES AND REGULATIONS.

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Violent Crime Control and Law Enforcement Improvement Act of 1995, the Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle.

"(b) BEST AVAILABLE DATA.—If data regarding part 1 violent crimes in any State for the previous year is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

"SEC. 20105. DEFINITIONS.

"In this subtitle—

"(1) the term 'part 1 violent crimes' means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports;

"(2) the term 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

"(3) the term 'indeterminate sentencing' means a system by which the court has discretion in imposing the actual length of the sentence, up to the statutory maximum, and an administrative agency, or the court, controls release between court-ordered minimum and maximum sentence.

"SEC. 20106. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $1,000,000,000 for fiscal year 1996;

"(2) $1,150,000,000 for fiscal year 1997;

"(3) $2,100,000,000 for fiscal year 1998;

"(4) $2,200,000,000 for fiscal year 1999; and

"(5) $2,270,000,000 for fiscal year 2000.".

SEC. 102. REPEAL.

Subtitle B of title II of the Violent Crime and Law Enforcement Act of 1994 is repealed.

SEC. 103. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS.

(a) REPEAL.—Section 20416 of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that section, are repealed.

(b) EXHAUSTION REQUIREMENT.—Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in paragraph (1)—

(A) by striking "in any action brought" and inserting "no action shall be brought";

(B) by striking "the court shall" and all that follows through "require exhaustion of" and insert "until"; and

(C) by inserting "and exhausted" after "available"; and

(2) in paragraph (2) by inserting "or are otherwise fair and effective" before the period at the end.

(c) FRIVOLOUS ACTIONS.—Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)) is amended by adding at the end the following:

"(3) The court shall on its own motion or on motion of a party dismiss any action brought pursuant to section 1979 of the Revised Statutes of the United States by an adult convicted of a crime and confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(d) MODIFICATION OF REQUIRED MINIMUM STANDARDS.—Section 7(b)(2) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(e) REVIEW AND CERTIFICATION PROCEDURE CHANGES.—Section 7(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(c)) is amended—

(1) in paragraph (1), by inserting "or are otherwise fair and effective" before the period at the end; and

(2) in paragraph (2), by inserting "or is no longer fair and effective" before the period at the end.

(f) PROCEEDINGS IN FORMA PAUPERIS.—

(1) DISMISSAL.—Section 1915(d) of title 28, United States Code, is amended—

(A) by inserting "at any time" after "counsel and may";

(B) by striking "and may" and inserting "and shall";

(C) by inserting "fails to state a claim upon which relief may be granted or" after "that the action"; and

(D) by inserting ", even if partial filing fees have been imposed by the court" before the period.

(2) PRISONER'S STATEMENT OF ASSETS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following:

"(f) If a prisoner in a correctional institution files an affidavit in accordance with subsection (a), such prisoner shall include in the affidavit a statement of all assets the prisoner possesses. The court shall make inquiry of the correctional institution in which the prisoner is incarcerated for information available to such institution relating to the extent of the prisoner's assets. The court shall require full or partial payment of filing fees according to the prisoner's ability to pay.".

SEC. 104. REPORT ON PRISON WORK PROGRESS.

(a) FINDINGS.—The Senate finds that—

(1) Federal Prison Industries was created by Congress in 1934 as a wholly owned, nonprofit government corporation directed to train and employ Federal prisoners;

(2) traditionally, one-half of the Federal prison inmates had meaningful prison jobs; now, with the increasing prison population, less than one-quarter are employed in prison industry positions;

(3) expansion of the product lines and services of Federal Prison Industries beyond its traditional lines of business will enable more Federal prison inmates to work, and such expansion must occur so as to minimize any adverse impact on the private sector and labor; and

(4) all able-bodied Federal prison inmates should work.

(b) REPORT.—

(1) IN GENERAL.—In an effort to achieve the goal of full Federal prison inmate employment, the Attorney General, in consultation with the Director of the Bureau of Prisons, the Secretary of Labor, the Secretary of Defense, the Administrator of the General Services Administration, and the private sector and labor, shall submit a report to Congress not later than September 1, 1996, that describes a strategy for employing more Federal prison inmates;

(2) CONTENTS.—The report shall—

(A) contain a review of existing lines of business of Federal Prison Industries;

(B) consider the findings and recommendations of the final report of the Summit on Federal Prison Industries (June 1992–July 1993);

(C) make recommendations for legislation and changes in existing law that may be necessary for the Federal Prison Industries to employ more Federal prison inmates; and

(D) focus on—

(i) the creation of new job opportunities for Federal prison inmates;

(ii) the degree to which any expansion of lines of business of Federal Prison Industries may adversely affect the private sector or displace domestic labor; and

(iii) the degree to which opportunities for partnership between Federal Prison Industries and small business can be fostered.

SEC. 105. DRUG TREATMENT FOR PRISONERS.

Section 3621(e) of title 18, United States Code (as added by section 32001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively; and

(3) in paragraph (2), as redesignated by paragraph (2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) a full examination and evaluation of the effectiveness of the treatment in reducing drug use among prisoners.".

TITLE II—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

SEC. 201. BLOCK GRANT PROGRAM.

Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"TITLE I—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

"SEC. 10001. BLOCK GRANTS TO STATES.

"(a) IN GENERAL.—The Attorney General shall make grants under this title to States for use by State and local governments to—

"(1) hire, train, and employ on a continuing basis, new law enforcement officers and necessary support personnel;

"(2) pay overtime to currently employed law enforcement officers and necessary support personnel;

"(3) procure equipment, technology, and other material that is directly related to basic law enforcement functions, such as the detection or investigation of crime, or the prosecution of criminals; and

"(4) establish and operate cooperative programs between community residents and law enforcement agencies for the control, detection, or investigation of crime, or the prosecution of criminals.

"(b) LAW ENFORCEMENT TRUST FUNDS.—Funds received by a State or unit of local government under this title may be reserved in a trust fund established by the State or unit of local government to fund the future needs of programs authorized under subsection (a).

"(c) ALLOCATION AND DISTRIBUTION OF FUNDS.—

"(1) ALLOCATION.—The amount made available pursuant to section 10003 shall be allocated as follows:

"(A) 0.6 percent shall be allocated to each of the participating States.

"(B) After the allocation under subparagraph (A), the remainder shall be allocated on the basis of the population of each State as determined by the 1990 decennial census as adjusted annually, by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this subparagraph as the population of the State bears to the population of all States.

"(2) DISTRIBUTION TO LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—A State receiving a grant under this title shall ensure that not less than 85 percent of the funds received are distributed to units of local government.

"(B) LIMITATION.—Not more than 2.5 percent of funds received by a State in any grant year shall be used for costs associated with the administration and distribution of grant money.

"(d) DISBURSEMENT.—

"(1) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State may receive assistance under this title.

"(2) GENERAL REQUIREMENTS FOR QUALIFICATION.—A State qualifies for a payment under this title for a payment period only if the State establishes that—

"(A) the State will establish a segregated account in which the government will deposit all payments received under this title;

"(B) the State will expend the payments in accordance with the laws and procedures that are applicable to the expenditure of revenues of the State;

"(C) the State will use accounting, audit, and fiscal procedures that conform to guidelines that shall be prescribed by the Attorney General after consultation with the Comptroller General of the United States and, as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

"(D) after reasonable notice to a State, the State will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records that the Attorney General or Comptroller General of the United States reasonably requires to review compliance with this title;

"(E) the State will make such reports as the Attorney General reasonably requires, in addition to the annual reports required under this title; and

"(F) the State will expend the funds only for the purposes set forth in subsection (a).

"(3) SANCTIONS FOR NONCOMPLIANCE.—

"(A) IN GENERAL.—If the Attorney General finds that a State has not complied substantially with paragraph (2) or regulations prescribed under such paragraph, the Attorney General shall notify the State. The notice shall provide that if the State does not initiate corrective action within 30 days after the date on which the State receives the notice, the Attorney General will withhold additional payments to the State for the current payment period and later payment periods. Payments shall be withheld until such time as the Attorney General determines that the State—

"(i) has taken the appropriate corrective action; and

"(ii) will comply with paragraph (2) and the regulations prescribed under such paragraph.

"(B) NOTICE.—Before giving notice under subparagraph (A), the Attorney General shall give the chief executive officer of the State reasonable notice and an opportunity for comment.

"(C) PAYMENT CONDITIONS.—The Attorney General shall make a payment to a State under subparagraph (A) only if the Attorney General determines that the State—

"(i) has taken the appropriate corrective action; and

"(ii) will comply with paragraph (2) and regulations prescribed under such paragraph.

"SEC. 10002. APPLICATIONS.

"(a) The Attorney General shall make grants under this title only if a State has submitted an application to the Attorney General in such form, and containing such information, as is the Attorney General may reasonably require.

"SEC. 10003. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) $2,050,000,000 for fiscal year 1996;

"(2) $2,150,000,000 for fiscal year 1997;

"(3) $1,900,000,000 for fiscal year 1998;

"(4) $1,900,000,000 for fiscal year 1999; and

"(5) $468,000,000 for fiscal year 2000.

"SEC. 10004. LIMITATION ON USE OF FUNDS.

"Funds made available to States under this title shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this title, be made available from State or local sources.".

TITLE III—FEDERAL EMERGENCY LAW ENFORCEMENT ASSISTANCE ACT

SEC. 301. FEDERAL JUDICIARY AND FEDERAL LAW ENFORCEMENT.

Title XIX of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"SEC. 190001. FEDERAL JUDICIARY AND FEDERAL LAW ENFORCEMENT.

"(a) Authorization of Additional Appropriations for the Federal Judiciary.—There are authorized to be appropriated for the activities of the Federal Judiciary to help meet the increased demands for judicial activities, including supervised release, and pretrial and probation services, that will result from this Act—

"(1) $30,000,000 for fiscal year 1996;

"(2) $35,000,000 for fiscal year 1997;

"(3) $40,000,000 for fiscal year 1998;

"(4) $40,000,000 for fiscal year 1999; and

"(5) $55,000,000 for fiscal year 2000.

"(b) Authorization of Additional Appropriations for the Department of Justice.—There are authorized to be appropriated for the activities and agencies of the Department of Justice, in addition to sums authorized elsewhere in this section, to help meet the increased demands for Department of Justice activities that will result from this Act—

"(1) $40,000,000 for fiscal year 1996;

"(2) $40,000,000 for fiscal year 1997;

"(3) $40,000,000 for fiscal year 1998;

"(4) $40,000,000 for fiscal year 1999; and

"(5) $39,000,000 for fiscal year 2000.

"(c) Authorization of Additional Appropriations for the Federal Bureau of Investigation.—There are authorized to be appropriated for the activities of the Federal Bureau of Investigation, to help meet the increased demands for Federal Bureau of Investigation activities that will result from this Act—

"(1) $203,150,000 for fiscal year 1996;

"(2) $184,500,000 for fiscal year 1997;

"(3) $284,000,000 for fiscal year 1998;

"(4) $147,500,000 for fiscal year 1999; and

"(5) $125,850,000 for fiscal year 2000.

"(d) Authorization of Additional Appropriations for United States Attorneys.—There are authorized to be appropriated for the account Department of Justice, Legal Activities, Salaries and Expenses, United States Attorneys, to help meet the increased demands for litigation and related activities that will result from this Act—

"(1) $15,000,000 for fiscal year 1996;

"(2) $23,000,000 for fiscal year 1997;

"(3) $30,000,000 for fiscal year 1998;

"(4) $37,000,000 for fiscal year 1999; and

"(5) $45,000,000 for fiscal year 2000.

"(e) Authorization of Additional Appropriations for the Department of the Treasury.—There are authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco, and Firearms, the United States Custom Service, the Financial Crimes Enforcement Network, the Federal Law Enforcement Training Center, the Criminal Investigation Division of the Internal Revenue Service, and the United States Secret Service to help meet the increased demands for Department of the Treasury activities that will result from this Act—

"(1) $30,000,000 for fiscal year 1995;

"(2) $70,000,000 for fiscal year 1996;

"(3) $90,000,000 for fiscal year 1997;

"(4) $110,000,000 for fiscal year 1998;

"(5) $125,000,000 for fiscal year 1999; and

"(6) $125,000,000 for fiscal year 2000.".

SEC. 302. DRUG ENFORCEMENT ADMINISTRATION.

Section 180104 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"SEC. 180104. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

"There are authorized to be appropriated for the activities of the Drug Enforcement Administration, to help meet the increased demands for Drug Enforcement Administration activities that will result from this Act—

"(1) $42,000,000 for fiscal year 1996;

"(2) $55,000,000 for fiscal year 1997;

"(3) $70,000,000 for fiscal year 1998;

"(4) $85,000,000 for fiscal year 1999; and

"(5) $98,000,000 for fiscal year 2000.".

TITLE IV—CRIMINAL PENALTIES.

SEC. 401. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) in clause (ii), by striking the semicolon and inserting "or which, if it had been prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) at the time of the offense, and because of the type and quantity of the controlled substance involved, would have been punishable by a maximum term of imprisonment of ten years or more; or"; and

(3) by adding at the end the following new clause:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph;".

SEC. 402. PROSECUTION OF JUVENILES AS ADULTS.

(a) Serious Juvenile Offenders.—

(1) Repeal.—Section 150002 of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that section, are repealed.

(2) Adult prosecution of serious juvenile offenders.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b) (1), (2), (3))," and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1003, 1005, 1009, 1010(b) (1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b) (1), (2), or (3), or 963),"; and

(ii) by striking "922(p)" and inserting "924 (b), (g), or (h)";

(B) in the fourth undesignated paragraph—

(i) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959)" and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1005, 1009, 1010(b) (1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959, 960(b) (1), (2), or (3), or 963), or section 924 (b), (g), or (h) of this title,"; and

(ii) by striking "subsection (b)(1) (A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b) (1), (2), (3))" and inserting "or an offense (or conspiracy or attempt to commit an offense) described in section 401(b)(1) (A), (B), or (C), (d), or (e), or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841(b)(1) (A), (B), or (C), (d), or (e), 844, or 846) or section 1002(a), 1003, 1009, 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b) (1), (2), or (3), or 963)"; and

(C) in the fifth undesignated paragraph by adding at the end the following: "In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer.".

(b) Crimes of Violence.—

(1) Repeal.—Section 140001 of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that section, are repealed.

(2) Prosecution as adults of violent juvenile offenders.—Section 5032 of title 18, United States Code, is amended by adding at the end the following new paragraphs:

"Notwithstanding any other provision of this section or any other law, a juvenile who was 13 years of age or older on the date of the commission of an offense under section 113 (a), (b), or (c), 1111, 1113, 2111, 2113, or 2241 (a) or (c), shall be prosecuted as an adult in Federal court. No juvenile prosecuted as an adult under this paragraph shall be incarcerated in an adult prison.

"If a juvenile prosecuted under this paragraph is convicted, the juvenile shall be entitled to file a petition for resentencing pursuant to applicable sentencing guidelines when the juvenile reaches the age of 16.

"The United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, if necessary, to carry out this section. For resentencing determinations pursuant to the preceding paragraph, the Commission may promulgate guidelines, if necessary to permit sentencing adjustments that may include adjustments that provide for supervised release for defendants who have clearly demonstrated—

"(A) an exceptional degree of responsibility for the offense; and

"(B) a willingness and ability to refrain from further criminal conduct.".

SEC. 403. AVAILABILITY OF FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in the second sentence, by striking "place him on probation, or commit him to official detention" and inserting "place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), or impose any fine that would be authorized if the juvenile had been convicted as an adult";

(2) by redesignating subsection (d) as subsection (e); and

(3) by adding after subsection (c) the following new subsection:

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than 18 years old, beyond the earlier of—

"(A) five years after the date on which the juvenile becomes 21 years old; or

"(B) the maximum supervised release term that would be authorized by section 3583(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between 18 and 21 years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond 5 years after the juvenile's release from official detention; or

"(B) in any other case beyond the lesser of—

"(i) 3 years; or

"(ii) the maximum term of supervised release that would be authorized if the juvenile had been tried and convicted as an adult.".

SEC. 404. AMENDMENTS CONCERNING JUVENILE RECORDS.

(a) Section 5038 of title 18, United States Code, is amended—

(1) by striking subsections (d) and (f);

(2) by redesignating subsection (e) as subsection (d); and

(3) by adding at the end the following new subsection (e):

"(e) Whenever a juvenile has been found guilty of committing an act which if committed by an adult would be an offense described in clause (3) of the first paragraph of section 5032, the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division. The court shall also transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult, shall be made available in the manner applicable to adult defendants.".

SEC. 405. MANDATORY MINIMUM PRISON SENTENCES FOR PERSONS WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES OR SELL DRUGS TO MINORS.

(a) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

(b) MANDATORY MINIMUM PRISON SENTENCES FOR PERSONS CONVICTED OF DISTRIBUTION OF DRUGS TO MINORS.—

(1) IN GENERAL.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(A) in subsection (a)—

(i) by striking "twenty-one" and inserting "eighteen";

(ii) by striking "eighteen" and inserting "twenty-one";

(iii) by striking "not less than one year" and inserting "not less than ten years"; and

(iv) by striking the last sentence;

(B) in subsection (b)—

(i) by striking "twenty-one" and inserting "eighteen";

(ii) by striking "eighteen" and inserting "twenty-one";

(iii) by striking "not less than one year" and inserting "a mandatory term of life imprisonment";

(iv) by striking the last sentence; and

(C) by adding at the end the following new subsection:

"(c) OFFENSES INVOLVING SMALL QUANTITIES OF MARIJUANA.—The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana."; and

(D) in the section heading by striking "twenty-one" and inserting "eighteen".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 13 of title 21, United States Code, is amended in the item relating to section 859, by striking "twenty-one" and inserting "eighteen".

(c) PENALTIES FOR DRUG OFFENSES IN DRUG-FREE ZONES.—

(1) REPEAL.—Section 90102 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) INCREASED PENALTIES.—Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(A) in subsection (a)—

(i) by striking "not less than one year" and inserting "not less than five years"; and

(ii) by striking the last sentence;

(B) in subsection (b), by striking "not less than three years" and inserting "not less than ten years";

(C) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(D) by inserting after subsection (b) the following new subsection:

"(c) OFFENSES INVOLVING SMALL QUANTITIES OF MARIJUANA.—The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana.".

SEC. 406. MANDATORY MINIMUM SENTENCING REFORM.

(a) REPEAL.—Title VIII of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that title, is repealed.

(b) FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.—

(1) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) any criminal history points under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against a person or a drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against a person or a drug trafficking offense);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person to carry a firearm and the defendant had no knowledge of any other conspirator involved in the offense possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.".

(2) HARMONIZATION.—

(A) IN GENERAL.—The United States Sentencing Commission—

(i) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by paragraph (1), and promulgate policy statements to assist the courts in interpreting that provision; and

(ii) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies, a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable, unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(B) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (101 Stat. 1271), as though the authority under that section had not expired.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to paragraph (2) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act.

SEC. 407. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.".

SEC. 408. PENALTIES FOR ARSON.

(a) REPEAL.—Section 320106 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(b) INCREASED PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) by striking "not more than ten years, or fined not more than $10,000" and inserting "not less than five years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "not more than twenty years, or fined not more than $10,000" and inserting "not less than five years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed";

(2) in subsection (h)—

(A) in the first sentence by striking "five years" and inserting "10 years"; and

(B) in the second sentence by striking "ten years" and inserting "20 years"; and

(3) in subsection (i)—

(A) by striking "not more than ten years or fined not more than $10,000" and inserting "not less than five years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "not more than twenty years or fined not more than $10,000" and inserting "not less than five years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed".

(c) STATUTE OF LIMITATIONS FOR ARSON.—Section 320917(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking "7" and inserting "10".

SEC. 409. INTERSTATE TRAVEL OR USE OF MAILS OR A FACILITY IN INTERSTATE COMMERCE TO FURTHER KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking "or" at the end of the paragraph;

(2) in paragraph (5) by striking "duties," and inserting "duties; or"; and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) an individual travels in interstate or foreign commerce in furtherance of the offense; or

"(7) the mails or a facility in interstate or foreign commerce is used in furtherance of the offense,".

TITLE V—FEDERAL CRIMINAL PROCEDURE REFORM

SEC. 501. OBSTRUCTION OF JUSTICE.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1518. False pleadings

"In a criminal proceeding, any attorney who files in a court of the United States a brief, motion, answer, pleading, or other signed document that the attorney knows to contain a false statement of material fact or a false statement of law, shall be found guilty of obstruction of justice.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 73 of title 18, United States Code, is amended by adding the following new item:

"1518. False pleadings.".

SEC. 502. CONDUCT OF FEDERAL PROSECUTORS.

Notwithstanding the ethical rules or the rules of the court of any State, Federal rules of conduct adopted by the Attorney General shall govern the conduct of prosecutions in the courts of the United States.

SEC. 503. FAIRNESS IN JURY SELECTION.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is also entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "the Government is also entitled to 6 peremptory challenges. A defendant tried alone is entitled to 6 peremptory challenges, but defendants tried jointly are entitled to 10 peremptory challenges".

SEC. 504. BALANCE IN THE COMPOSITION OF RULES COMMITTEES.

Section 2073 of title 28, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following: "On each such committee that makes recommendations concerning rules that affect criminal cases, including the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, the Rules Governing Section 2254 Cases, and the Rules Governing Section 2255 Cases, the number of members who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases."; and

(2) in subsection (b), by adding at the end the following: "The number of members of the standing committees who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases.".

SEC. 505. REIMBURSEMENT OF REASONABLE ATTORNEYS' FEES.

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1)(A) A current or former Department of Justice attorney, agent, or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in prosecuting or investigating a criminal matter, who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorneys' fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(B) A current or former attorney, agent, or employee who supervises an agent employed as or by a Federal public defender who is the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in defending or investigating a criminal matter in connection with the public defender program, who is not provided representation by a Federal public defender or the Administrative Office of the United States Courts, is entitled to reimbursement of reasonable attorneys' fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(2) For purposes of paragraph (1), an investigation shall be considered not to result in adverse action against an attorney, agent, or employee if—

"(A) in the case of a criminal investigation, the investigation does not result in indictment of, the filing of a criminal complaint against, or the entry of a plea of guilty by the attorney, agent, or supervising employee; and

"(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrongdoing.

"(3) The Attorney General shall provide notice in writing of the conclusion and result of an investigation described in paragraph (1).

"(4) An attorney, agent, or supervising employee who was the subject of an investigation described in paragraph (1) may waive his or her entitlement to reimbursement of attorneys' fees under paragraph (1) as part of a resolution of a criminal or disciplinary investigation.

"(5) An application for attorney fee reimbursement under this subsection shall be made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

"(6) Upon receipt of a proper application under this subsection for reimbursement of attorneys' fees, the Attorney General and the Director of the Administrative Office of the United States Courts shall award reimbursement for the amount of attorneys' fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

"(7) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for equal services in the community in which the investigation took place.

"(8)(A) Reimbursements of attorneys' fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

"(B) Reimbursements of attorneys' fees ordered under this section by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

"(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate.".

SEC. 506. MANDATORY RESTITUTION TO VICTIMS OF VIOLENT CRIMES.

(a) Order of Restitution.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically or pecuniarily by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (g), and (h); and

(6) by adding at the end the following new subsections:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) Procedure for Issuing Order of Restitution.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

SEC. 507. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) Confessions.—Section 3501 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after the first sentence the following new sentence: "The defendant shall have the burden of proving by a preponderance of the evidence that a confession was not voluntary."; and

(2) in subsection (c) by striking "and if such confession" and all that follows through the end of the subsection.

(b) Reasonable Search or Seizure.—

(1) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by inserting after section 3502 the following new section:

"§ 3502A. Admissibility of evidence obtained by search or seizure

"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence obtained as a result of a search or seizure that is otherwise admissible in a Federal criminal proceeding shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution.

"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule, or a rule of court procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to chapter 131 of title 28.

"(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 223 of title 18, United States Code, is amended by inserting after the item for section 3502 the following new item:

"3502A. Admissibility of evidence obtained by search or seizure.".

(c) ILLEGAL SEARCH AND SEIZURE.—

(1) IN GENERAL.—Title 28, United States Code, is amended by inserting after chapter 171, the following new chapter:

"CHAPTER 172—ILLEGAL SEARCH AND SEIZURE

"Sec.
"2691. Definitions.
"2692. Tort claims; illegal search and seizure.
"2693. Sanctions against investigative or law enforcement officers.
"2694. Judgment as bar.
"2695. Attorneys' fees and costs.
"2696. Applicability of other tort claims procedures.

"§ 2691. Definitions

"In this chapter—

"(1) the term 'Federal agency' includes an executive department, military department, independent establishment of the United States, and a corporation acting primarily as an instrumentality or agency of the United States, but does not include a contractor with the United States; and

"(2) the term 'investigative or law enforcement officer' means—

"(A) an officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for any violation of Federal law;

"(B) a person acting under or at the request of such an officer; or

"(C) a State or local law enforcement officer, if the case is prosecuted in a court of the United States.

"§ 2692. Tort claims; illegal search and seizure

"(a) IN GENERAL.—The United States shall be liable for damages resulting from a search or seizure conducted by an investigative or law enforcement officer, acting within the scope of the officer's office or employment, in violation of the fourth amendment to the Constitution.

"(b) ACTUAL AND PUNITIVE DAMAGES.—A person who is aggrieved by a violation described in subsection (a) may recover actual damages and such punitive damages as the court may award under subsection (c).

"(c) AWARD OF PUNITIVE DAMAGES.—Punitive damages may be awarded by the court in an amount not exceeding $10,000, upon consideration of all of the circumstances of the case, including—

"(1) the extent of the investigative or law enforcement officer's deviation from permissible conduct;

"(2) the extent to which the violation was willful, reckless, or grossly negligent;

"(3) the extent to which the aggrieved person's privacy was invaded;

"(4) the extent of the aggrieved person's physical, mental, and emotional injury;

"(5) the extent of any property damage; and

"(6) the effect that making an award of punitive damages would have in preventing future violations of the fourth amendment to the Constitution.

"(d) LIMITATION ON AWARD TO OFFENDER.—An award of nonpunitive damages under this section to a person who is convicted of an offense for which evidence of the offense was seized in violation of the fourth amendment to the Constitution shall be limited to damages for actual physical personal injury and actual property damage sustained as a result of the unconstitutional search and seizure.

"(e) AMOUNT OF AWARD.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in an action brought pursuant to this section, a judgment, award, compromise, or settlement shall be in an amount that is not more than $30,000, including actual and punitive damages.

"(2) EXCEPTION.—The limitation provided in paragraph (1) shall not apply to a judgment, award, compromise, or settlement if the actual damages are in an amount that is greater than $30,000.

"(3) PREJUDGMENT INTEREST.—The United States shall not be liable for interest prior to judgment.

"(f) PERIOD OF LIMITATION.—An action under this section shall be brought within the period of limitation provided in section 2401(b).

"§ 2693. Sanctions against investigative or law enforcement officers

"An investigative or law enforcement officer who conducts a search or seizure in violation of the fourth amendment to the Constitution shall be subject to appropriate discipline in the discretion of the Federal agency employing the officer, if that agency determines, after notice and hearing, that the officer conducted the search or seizure lacking a good faith belief that the search or seizure was constitutional.

"§ 2694. Judgment as bar

"The remedy against the United States provided under this chapter shall be the exclusive civil remedy for a violation of the fourth amendment to the Constitution by any investigative or law enforcement officer acting within the scope of the officer's office or employment.

"§ 2695. Attorneys' fees and costs

"In an action brought under this chapter, the court may award any claimant who prevails in the action, other than the United States, reasonable attorney's fees and other litigation costs reasonably incurred in prosecuting the claim.

"§ 2696. Applicability of other tort claims procedures

"(a) IN GENERAL.—The procedures provided in sections 2672, 2675, 2677, 2678, 2679, and 2680 apply to an action brought under this chapter.

"(b) TREATMENT AS EMPLOYEE OF THE UNITED STATES.—For the purposes of the sections referred to in subsection (a), an investigative or law enforcement officer who conducts a search or seizure in violation of the fourth amendment to the Constitution shall be treated as if the officer were an 'employee of the United States'.

"(c) TREATMENT OF STATE OR LOCAL OFFICERS.—A State or local officer who violates the fourth amendment to the Constitution in a case that is later prosecuted in a court of the United States shall, for purposes of this section, be an employee of the United States.".

(2) TECHNICAL AMENDMENT.—The part analysis for part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 171 the following new item:

"172. Illegal search and seizure .... 2691".

(d) JURISDICTION.—Section 1346 of title 28, United States Code, is amended by inserting after subsection (f) the following new subsection:

"(g) The district courts, together with the United States District for the Territory of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, shall have exclusive original jurisdiction of any civil action on a claim against the United States, for money damages, brought under chapter 172.".

(e) TECHNICAL AMENDMENT.—Section 1402(b) of title 28, United States Code, is amended by inserting "or subsection (g)" after "subsection (b)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply only to claims arising on or after the date of enactment of this Act.

SEC. 508. GENERAL HABEAS CORPUS REFORM.

(a) PERIOD OF LIMITATION.—Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(1) the date on which State remedies are exhausted;

"(2) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the date on which the Federal constitutional right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is made retroactively applicable; or

"(4) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.".

(b) APPEAL.—Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) IN GENERAL.—In a habeas corpus proceeding or a proceeding under section 2255 before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is held.

"(b) VALIDITY OF WARRANT OR DETENTION.—There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of the detention of such person pending removal proceedings.

"(c) Requirement for Certificate of Probable Cause.—

"(1) Requirement.—Unless a circuit justice or judge issues a certificate of probable cause, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) Substantial Showing.—A certificate of probable cause may issue under paragraph (1) only if the petitioner has made a substantial showing of the denial of a Federal constitutional right.

"(3) Specification of Issues.—The certificate of probable cause under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

(c) Amendment of Federal Rules of Appellate Procedure.—Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"*(a) Application for an Original Writ of Habeas Corpus.*—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The petitioner may, pursuant to section 2253, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"*(b) Necessity of Certificate of Probable Cause for Appeal.*—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant may not proceed unless the Court of Appeals issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a panel of the Court of Appeals. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause is not required.".

(d) Section 2254 Amendment.—Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

"(A) the applicant has exhausted the remedies available in the courts of the State; or

"(B)(i) there is an absence of available State corrective process; or

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

"(2) An application may be denied if the court is satisfied that the application is frivolous or malicious, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

"(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made in the case by a State court after any procedure sufficient to develop an adequate record shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence.

"(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the Federal court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

"(A) the claim relies on (i) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or (ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

"(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the petitioner guilty of the underlying offense or eligible for the death penalty under State law."; and

(5) by adding at the end the following new subsection:

"(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

(e) Section 2255 Amendments.—Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and the fifth paragraphs; and

(2) by adding at the end the following new paragraphs:

"A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Court and is made retroactively applicable; or

"(4) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

(f) Second or Successive Petitions.—

(1) Certification.—A second or successive motion must be certified by a panel of the appropriate Federal Court of Appeals to contain—

(A) newly discovered evidence sufficient to undermine the court's confidence in the factfinder's determination of the prisoner's guilt of the offense or offenses for which the sentence was imposed; or

(B) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable.

(2) Conforming Amendment to Section 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting "except as provided in section 2255.".

(3) Limitations on Second or Successive Petitions.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus petition that was not presented in a prior petition shall be dismissed unless—

"(A) the petitioner shows that—

"(i) the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

"(ii) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to undermine the court's confidence in the factfinder's determination of the applicant's guilt of the offense or offenses for which the sentence was imposed.

"(2)(A) Before a second or successive petition is filed in the district court, the petitioner must move in the appropriate court of appeals for an order authorizing the district court to consider the petition.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a successive petition shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a successive petition only if it determines that the petitioner has made a prima facie showing that the petition satisfies the requirements of this section.

"(D) The grant or denial of an authorization by the court of appeals to file a second or successive petition shall not be appealable.

"(3) A district court shall dismiss any claim presented in a second or successive petition that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 509. TECHNICAL AMENDMENT.

Section 848(q) of title 21, United States Code, is amended by striking all references to section 2254.

SEC. 510. DEATH PENALTY LITIGATION PROCEDURES.

(a) Addition of Chapter.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.
"2261. Application to state unitary review procedures.
"2262. Limitation periods for determining petitions.
"2263. Rule of construction.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) APPLICATION OF CHAPTER.—This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) ESTABLISHMENT OF APPOINTMENT MECHANISM.—This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) OFFER OF COUNSEL.—Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing 1 or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) PREVIOUS REPRESENTATION.—No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) NO GROUND FOR RELIEF.—The ineffectiveness or incompetence of counsel during Federal or State collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) STAY.—Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) EXPIRATION OF STAY.—A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(c) LIMITATION ON FURTHER STAY.—If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal postconviction review;

"(3) the facts underlying the claim if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the petitioner guilty of the underlying offense or eligible for the death penalty under State law;

"(4) the court of appeals approves the filing of a second or successive petition that—

"(A) is the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(B) is based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal postconviction review; and

"(5) the facts underlying the claim if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the petitioner guilty of the underlying offense or eligible for the death penalty under State law.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"(a) FILING.—A petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c).

"(b) TOLLING.—The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) REVIEW OF RECORD; HEARING.—Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall, within the time limits required by section 2267—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) ADJUDICATION.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings.

"§ 2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

"§ 2261. Application to State unitary review procedure

"(a) IN GENERAL.—

"(1) DEFINITION.—For purposes of this section, the term 'unitary review procedure' means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack.

"(2) APPLICATION OF CHAPTER.—This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings.

"(3) STANDARDS OF COMPETENCY.—A rule of court or statute described in paragraph (2) must provide standards of competency for the appointment of counsel.

"(b) OFFER OF COUNSEL.—

"(1) IN GENERAL.—To qualify under this section, a unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose.

"(2) NO PREVIOUS REPRESENTATION.—No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) APPLICATION OF OTHER SECTIONS.—

"(1) IN GENERAL.—Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section.

"(2) REFERENCES.—References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or the prisoner's counsel.

"§ 2262. Limitation periods for determining petitions

"(a) IN GENERAL.—The adjudication of any petition under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b) TIME LIMITATIONS FOR CONSIDERATION BY THE DISTRICT COURTS OF HABEAS CORPUS PETITIONS IN CAPITAL CASES.—

"(1) IN GENERAL.—

"(A) FINAL DETERMINATION WITHIN 180 DAYS.—Except to the extent that a longer period of time is required in order that each of the parties will have been accorded at least as many days as provided in the rules in which to complete all actions, including preparation of briefs and, if necessary, a hearing prior to the submission of the case for decision, a district court shall render a final determination of any petition for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the petition is filed.

"(B) DELAY.—(i) A district court may delay for not more than one additional 180-day period beyond the period specified in subparagraph (A), the rendering of a determination of a petition for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the petitioner in a speedy disposition of the petition.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of a petition is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limit established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that taken as a whole, is not so unusual or so complex as described in clause (ii), would deny the petitioner reasonable time to obtain counsel, would unreasonably deny the petitioner or the government continuity of counsel, or would deny counsel for the petitioner or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) APPLICATION.—The time limitations under paragraph (1) shall apply to—

"(A) an initial petition for a writ of habeas corpus;

"(B) any second or successive petition for a writ of habeas corpus; and

"(C) any redetermination of a petition for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) RULE OF CONSTRUCTION.—The time limitations under this section shall not be construed to entitle a petitioner to a stay of execution, to which the petitioner would otherwise not be entitled, for the purpose of litigating any petition or appeal.

"(4) FAILURE TO RENDER TIMELY DETERMINATION.—

"(A) NO GROUND FOR RELIEF.—The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) ENFORCEMENT.—The government may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The Court of Appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5) REPORT.—

"(A) IN GENERAL.—The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) CONTENTS.—The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c) TIME LIMITATIONS FOR CONSIDERATION OF DISTRICT COURT DETERMINATIONS OF HABEAS CORPUS PETITIONS IN CAPITAL CASES.—

"(1) IN GENERAL.—

"(A) FINAL DETERMINATION WITHIN 120 DAYS.—A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, a petition brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B) HEARING EN BANC.—(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) APPLICATION.—The time limitations under paragraph (1) shall apply to—

"(A) an initial petition for a writ of habeas corpus;

"(B) any second or successive petition for a writ of habeas corpus; and

"(C) any redetermination of a petition for a writ of habeas corpus or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) RULE OF CONSTRUCTION.—The time limitations under this section shall not be construed to entitle a petitioner to a stay of execution, to which the petitioner would otherwise not be entitled, for the purpose of litigating any petition or appeal.

"(4) FAILURE TO RENDER TIMELY DETERMINATION.—

"(A) NO GROUND FOR RELIEF.—The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) ENFORCEMENT.—The government may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) REPORT.—The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts and courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States

Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2261.".

TITLE VI—PREVENTION OF TERRORISM

SEC. 601. WILLFUL VIOLATION OF FEDERAL AVIATION ADMINISTRATION REGULATIONS.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, as amended by section 60021(a) of the Violent Crime Control and Safe Streets Act of 1968, is amended by adding at the end the following new section:

"§ 38. Violations of Federal aviation security regulations

"A person who willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 44901 or 44903 of title 49, United States Code, or a successor part, shall be fined under this title, imprisoned not more than 1 year, or both.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, as amended by section 719(b), is amended by adding at the end the following new item:

"38. Violations of Federal aviation security regulations.".

SEC. 602. ASSAULTS, MURDERS, AND THREATS AGAINST FORMER FEDERAL OFFICIALS IN PERFORMANCE OF OFFICIAL DUTIES.

Section 115(a)(2) of title 18, United States Code, is amended by inserting ", or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or" after "assaults, kidnaps, or murders, or attempts to kidnap or murder".

SEC. 603. WIRETAP AUTHORITY FOR ALIEN SMUGGLING AND RELATED OFFENSES AND INCLUSION OF ALIEN SMUGGLING AS A RICO PREDICATE.

(a) IN GENERAL.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c) by inserting after "section 175 (relating to biological weapons)," the following: "or a felony violation under section 1028 (relating to production of false identification documentation), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents),";

(2) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(3) by inserting after paragraph (l) the following new paragraph:

"(m) a violation of (i) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to alien smuggling), (ii) section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) (relating to the smuggling of aliens convicted of aggravated felonies or of aliens subject to exclusion on grounds of national security), or (iii) section 278 of the Immigration and Nationality Act (8 U.S.C. 1328) (relating to smuggling of aliens for the purpose of prostitution);".

(b) DEFINITION OF RACKETEERING.—Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" before "(E) any Act"; and

(2) by inserting after "Currency and Foreign Transactions Reporting Act" the following: ", or (F) any act (or conspiracy to commit any act) which is indictable under section 274(a) (1) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)) (dealing with prohibitions on bringing in and harboring certain aliens)".

SEC. 604. AUTHORIZATION FOR INTERCEPTIONS OF COMMUNICATIONS IN CERTAIN TERRORISM-RELATED OFFENSES.

Section 2516(1)(c) of title 18, United States Code, as amended by section 703, is further amended—

(1) in subsection (c), by inserting before "or section 1992 (relating to wrecking trains)" the following: "section 2332 (relating to terrorist acts abroad), section 2332a (relating to weapons of mass destruction), section 2339A (relating to providing material support to terrorists), section 37 (relating to violence at airports),"; and

(2) by redesignating subparagraph (p) as subparagraph (q) and adding the following new subparagraph (p):

"(p) any violation of section 956 or section 960 of title 18, United States Code (relating to certain actions against foreign nations);".

SEC. 605. PARTICIPATION OF FOREIGN AND STATE GOVERNMENT PERSONNEL IN INTERCEPTIONS OF COMMUNICATIONS.

Section 2518(5) of title 18, United States Code, is amended by inserting "(including personnel of a foreign government or of a State or subdivision of a State)" after "Government personnel".

SEC. 606. DISCLOSURE OF INTERCEPTED COMMUNICATIONS TO FOREIGN LAW ENFORCEMENT AGENCIES.

Section 2510(7) of title 18, United States Code, is amended by inserting before the semicolon the following: "and, for purposes of section 2517(1)-(2), any person authorized to perform investigative, law enforcement, or prosecutorial functions by a foreign government".

SEC. 607. ALIEN TERRORIST REMOVAL.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

"REMOVAL OF ALIEN TERRORISTS

"SEC. 242C. (a) DEFINITIONS.—As used in this section—

"(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

"(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(4) the term 'special court' means the court described in subsection (c) of this section; and

"(5) the 'special removal hearing' means the hearing described in subsection (e) of this section.

"(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

"(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

"(2) an alien terrorist is physically present in the United States; and

"(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

"(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 1803(a) of title 50, United States Code.

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified;

"(B) a deportation proceeding described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

"(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

"(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person,

then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) Appeals.—(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte.".

SEC. 608. TERRITORIAL SEA.

(a) Territorial Sea Extending to Twelve Miles Included in Special Maritime and Territorial Jurisdiction.—The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

(b) Assimilated Crimes in Extended Territorial Sea.—Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended—

(1) in subsection (a), by inserting after "title" the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District"; and

(2) by adding at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 609. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) Section 46502(b) of title 49, United States Code is amended—

(1) in paragraph (b)(1), by striking ", and later found in the United States";

(2) by amending paragraph (b)(2) to read as follows:

"(2) The courts of the United States shall have jurisdiction over the offense in paragraph (1) if—

"(A) a national of the United States was aboard the aircraft at the time of the offense;

"(B) an offender is a national of the United States; or

"(C) an offender is later found in the United States."; and

(3) by adding at the end the following new paragraph:

"(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) Section 32(b) of title 18, United States Code, is amended—

(1) by striking ", if the offender is later found in the United States,"; and

(2) by adding at the end the following new paragraphs:

"(5) The courts of the United States shall have jurisdiction over an offense in this subsection if—

"(A) a national of the United States was on board, or would have been on board, the aircraft at the time of the offense;

"(B) an offender is a national of the United States; or

"(C) an offender is afterwards found in the United States.

"(6) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (22)).".

(c) Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(7) 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))."; and

(2) in subsection (c), by striking the first sentence and inserting the following:

"If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(d) Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting ", 'national of the United States,'" before "and"; and

(2) in subsection (e), by striking the first sentence and inserting the following:

"If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(e) Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting ", 'national of the United States,'" before "and"; and

(2) in subsection (d), by striking the first sentence and inserting the following:

"If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(f) Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following:

"If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States."; and

(2) by adding at the end the following:

"For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a) (22) of the Immigration and 'Nationality Act (8 U.S.C. 1101(a) (22)).".

(g) Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting "(A)" before "the offender is later found in the States"; and

(2) by inserting "or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(22))" after "the offender is later found in the United States".

(h) Section 831(c)(2) of title 18, United States Code, is amended by striking "the defendant is a national of the United States, as defined" and inserting "an offender or a victim is a national of the United States, as defined".

(i) Section 175(a) of title 18, United States Code, is amended by inserting "(as defined in section 101(a)(22) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(22))" after "national of the United States".

SEC. 610. FEDERAL AVIATION ADMINISTRATION REPORTING RESPONSIBILITY.

(a) In General.—Chapter 449 of title 49, United States Code, is amended by inserting after section 44901 the following new section:

"§ 44901A. Discoveries of controlled substances or cash in excess of $10,000

"Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

(b) Technical Amendment.—The analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44901 the following new item:

"44901A. Discoveries of controlled substances or cash in excess of $10,000.".

SEC. 611. INFORMATION TRANSFER.

Section 245A(c)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)(C)) is amended by striking "except that the Attorney General" and all that follows through "section 8 of title 13, United States Code." and inserting "except that the Attorney General—

"(i) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien (as a result of an investigation of the alien by an investigative officer or law enforcement officer) that is necessary to locate and identify the alien if—

"(I) such disclosure may result in the discovery of information leading the location and identity of the alien; and

"(II) such disclosure (and the information discovered as a result of such disclosure) will be used only for criminal law enforcement purposes as against the alien whose file is being accessed;

"(ii) may furnish information under this section with respect to an alien to an official coroner (upon the written request of the coroner) for the purposes of permitting the coroner to identify a deceased individual; and

"(iii) may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed to the Secretary of Commerce under section 8 of title 13, United States Code.".

SEC. 612. EXTRADITION.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "The provisions of this chapter"; and

(2) by adding at the end the following new subsections:

"(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

"(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

"(2) the offenses charged are not of a political nature.

"(c) As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b),";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b),"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b),".

SEC. 613. FEDERAL BUREAU OF INVESTIGATION REPORT.

Not later than January 31, 1997, the Director of the Director of the Federal Bureau of Investigations shall report to Congress on the effectiveness of section 2339A of title 18, United States Code (as added by section 120005(a) of the Violent Crime Control and Law Enforcement Act of 1994). The report shall include any recommendations of the Director for changes in existing law that are needed to improve the effectiveness of such section.

SEC. 614. INCREASED PENALTIES FOR TERRORISM CRIMES.

(a) Title 18, United States Code, is amended—

(1) in section 114, by striking "maim or disfigure" and inserting "torture, maim, or disfigure"; and

(2) in section 371, by striking "$10,000 or imprisoned not more than five years" and inserting "$10,000 in excess of the monetary gain from the conspiracy, or imprisoned not more than twenty years";

(3) in section 755—

(A) by striking "$2,000" and inserting "$5,000";

(B) by striking "two years" and inserting "five years"; and

(C) by striking "$500" and inserting "$1,000";

(4) in section 756, by striking "$1,000 or imprisoned not more than one year" and inserting "$5,000 or imprisoned not more than five years";

(5) in section 878(a), by striking "by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person";

(6) in section 1113, by striking "three years or fined" and inserting "seven years";

(7) in section 1114, by inserting "any member of the United States Armed Forces who is engaged in noncombat related official activities," after "such marshal or deputy marshal";

(8) in section 1116(a), by inserting "or to death," after "imprisonment for life,"; and

(9) in section 2332(c), by striking "five" and inserting "ten".

(b) Section 1472(l)(1) of title 49 App., United States Code is amended by striking "one" and inserting "ten".

SEC. 615. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) Title 18, United States Code, is amended by inserting after chapter 211 the following:

"CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

"§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

"(a) Whoever, while serving with, employed by, or accompanying the Armed Forces outside the United States, engages in conduct which would constitute an offense punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

"(b) Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect of offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

"(c) No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval may not be delegated.

"(d)(1) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest outside the United States any person described in subsection (a) of this section who there is probable cause to believe engaged in conduct which constitutes a criminal offense under such section.

"(2) A person arrested under paragraph (1) of this section shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

"(A) such person is delivered to authorities of a foreign country under section 3262 of this title; or

"(B) such person has had charges preferred against him under chapter 47 of title 10 for such conduct.

"§ 3262. Delivery to authorities of foreign countries

"(a) Any person designated and authorized under section 3261(d) of this title may deliver a person described in section 3261(a) of this title to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in such subsection (a) of this section if—

"(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) The Secretary of Defense shall determine what officials of a foreign country constitute appropriate authorities for the purpose of this section.

"§ 3263. Regulations

"The Secretary of Defense shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

"§ 3264. Definitions for chapter

"As used in this chapter—

"(1) a person is 'employed by the armed forces outside the United States' if he or she is employed as a civilian employee of a military department, as a Department of Defense contractor, or as an employee of a Department of Defense contractor, is present or residing outside the United States in connection with such employment, and is not a national of the host nation.

"(2) a person is 'accompanying the armed forces outside the United States' if he or she is a dependent of a member of the armed forces and is residing with the member outside the United States.".

(b) The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

"212. Criminal Offenses Committed Outside the United States .... 3261".

TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—Elimination of Certain Programs

SEC. 701. ELIMINATION OF INEFFECTIVE PROGRAMS.

Subtitles A through S and subtitles U and X of title III, title V, and title XXVII of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made thereby, are repealed.

Subtitle B—Amendments Relating to Violent Crime Control

SEC. 711. VIOLENT CRIME AND DRUG EMERGENCY AREAS REPEAL.

Section 90107 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

SEC. 712. EXPANSION OF 18 U.S.C. 1959 TO COVER COMMISSION OF ALL VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY AND INCREASED PENALTIES.

Section 1959(a) of title 18, United States Code, is amended—

(1) by inserting "or commits any other crime of violence" before "or threatens to commit a crime of violence against";

(2) in paragraph (4) by inserting "committing any other crime of violence or for" before "threatening to commit a crime of violence", and by striking "five" and inserting "ten";

(3) in paragraph (5) by striking "ten" and inserting "twenty";

(4) in paragraph (6) by striking "or" before "assault resulting in serious bodily injury,", by inserting "or any other crime of violence" after those same words, and by striking "three" and inserting "ten"; and

(5) by inserting "(as defined in section 1365 of this title)" after "serious bodily injury" the first place it appears.

SEC. 713. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) Chapter 33 of title 28, United States Code, is amended by adding after section 537 the following new section:

"§ 538. Investigation of serial killings

"The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutive jurisdiction over the offense. For purposes of this section—

"(1) the term 'serial killings' means a series of three or more killings, at least one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors;

"(2) 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed;

"(3) and section 540, 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) The table of contents for chapter 33 of title 28, United States Code, is amended by inserting after the item for section 537 the following:

"538. Investigation of serial killings.".

SEC. 714. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) Section 924 of title 18, United States Codes, is amended by adding at the end the following new subsection:

"(o) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 715. INCREASED PENALTIES FOR VIOLENCE IN THE COURSE OF RIOT OFFENSES.

Section 2101(a) of title 18, United States Code, is amended by striking "Shall be fined under this title, or imprisoned not more than five years, or both" and inserting "Shall be fined under this title or (i) if death results from such act, be imprisoned for any term of years or for life, or both; (ii) if serious bodily injury (as defined in section 1365 of this title) results from such act, be imprisoned for not more than twenty years, or both; or (iii) in any other case, be imprisoned for not more than five years, or both".

SEC. 716. PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding after subparagraph (C) the following new subparagraph:

"(D) an offense that is a violation of section 842(i) or 922(g) of this title (relating to possession of explosives or firearms by convicted felons).".

SEC. 717. ELIMINATION OF UNJUSTIFIED SCIENTER ELEMENT FOR CARJACKING.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

SEC. 718. THEFT OF VESSELS.

(a) Section 2311 of title 18, United States Code, is amended by adding at the end the following:

" 'Vessel' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.";

(b) Sections 2312 and 2313 of title 18, United States Code, are each amended by striking "motor vehicle or aircraft" and inserting "motor vehicle, vessel, or aircraft".

SEC. 719. CLARIFICATION OF AGREEMENT REQUIREMENT FOR RICO CONSPIRACY.

Section 1962(d) of title 18, United States Code, is amended by adding at the end "For purposes of this subsection, it is not necessary to establish that the defendant agreed personally to commit any acts of racketeering activity."

SEC. 720. ADDITION OF ATTEMPT COVERAGE FOR INTERSTATE DOMESTIC VIOLENCE OFFENSE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in subsection (a)(1) by inserting "or attempts to do so," after "thereby causes bodily injury to such spouse or intimate partner,"; and

(2) in subsection (a)(2) by inserting "or attempts to do so," after "thereby causes bodily injury to the person's spouse or intimate partner,".

SEC. 721. ADDITION OF FOREIGN MURDER AS A MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by inserting "murder," before "kidnapping".

SEC. 722. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or other felony crime of violence against the person" after "murder".

SEC. 723. THREATENING TO USE A WEAPON OF MASS DESTRUCTION.

Section 2332a(a) of title 18, United States Code, is amended by inserting "or threatens" before "or attempts or conspires to use, a weapon of mass destruction".

SEC. 724. TECHNICAL AMENDMENTS.

Section 60002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) by striking the words "pursuant to this chapter" in section 3596 of title 18; and

(2) by striking section 3597(a) of title 18 and replacing it with:

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death shall use appropriate Federal facilities for the purpose.".

Subtitle C—Amendments Relating to Courts and Sentencing

SEC. 731. ALLOWING A REDUCTION OF SENTENCE FOR PROVIDING USEFUL INVESTIGATIVE INFORMATION ALTHOUGH NOT REGARDING A PARTICULAR INDIVIDUAL.

Section 3553(e) of title 18, United States Code, section 994(n) of title 28, United States Code, and Rule 35(b) of the Federal Rules of Criminal Procedure are each amended by striking "substantial assistance in the investigation or prosecution of another person who has committed an offense" and inserting "substantial assistance in an investigation of any offense or the prosecution of another person who has committed an offense".

SEC. 732. APPEALS FROM CERTAIN DISMISSALS.

Section 3731 of title 18, United States Code, is amended by inserting "or any part thereof" after "as to any one or more counts".

SEC. 733. ELIMINATION OF OUTMODED CERTIFICATION REQUIREMENT FROM THE GOVERNMENT APPEAL STATUTE.

Section 3731 of title 18, United States Code, is amended in the second paragraph by striking ", if the United States attorney certifies to the district court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding".

SEC. 734. CLARIFICATION OF MEANING OF OFFICIAL DETENTION FOR PURPOSES OF CREDIT FOR PRIOR CUSTODY.

Section 3585(b) of title 18, United States Code, is amended by adding at the end: "For purposes of this subsection, 'official detention' does not include detention at a community-based treatment or correctional facility.".

SEC. 735. LIMITATION ON REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE OF DEFENDANT.

(a) Section 994(n) of title 18, United States Code, is amended by adding the following at the end thereof: "The power to reduce a sentence under this section authorizes a court to impose a sentence that is below a level established by statute as a minimum sentence only on motion of the government specifically seeking reduction below such level.".

(b) Rule 35(b) of the Federal Rules of Criminal Procedure is amended by adding "only if the motion of the government specifically seeks reduction below such level" after "minimum sentence".

SEC. 736. IMPROVEMENT OF HATE CRIMES SENTENCING PROCEDURE.

Section 280003(b) of Public Law 103–322 is amended by striking "the finder of fact at trial" and inserting "the court at sentencing".

SEC. 737. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Sections 401(b)(1) (A), (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (A), (B), (C), and (D)) are each amended by striking "Any sentence" and inserting "Notwithstanding section 3583 of title 18, any sentence".

SEC. 738. AUTHORITY OF COURT TO IMPOSE A SENTENCE OF PROBATION OR SUPERVISED RELEASE WHEN REDUCING A SENTENCE OF IMPRISONMENT IN CERTAIN CASES.

Section 3582(c)(1)(A) of title 18, United States Code, is amended by inserting "(and may impose a sentence of probation or supervised release with or without conditions)" after "may reduce the term of imprisonment".

SEC. 739. EXTENSION OF PAROLE COMMISSION TO DEAL WITH "OLD LAW" PRISONERS.

For the purposes of section 235(b) of Public Law 98-473 as it relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "ten years" or a "ten-year period" shall be deemed a reference to "fifteen years" or a "fifteen-year period", respectively. Notwithstanding the provisions of section 4203 of title 18, United States Code, the United States Parole Commission is authorized to perform its functions with any quorum of Commissioners, or Commissioner, currently holding office, as the Commission may prescribe by regulation.

SEC. 740. CONFORMING AMENDMENTS RELATING TO SUPERVISED RELEASE.

(a) Sections 1512(a)(1)(C), 1512(b)(3), 1512(c)(2), 1513 (a)(1)(B), and 1513 (b)(2) are each amended by striking "violation of conditions of probation, parole or release pending judicial proceedings" and inserting "violation of conditions of probation, supervised release, parole, or release pending judicial proceedings".

(b) Section 3142 of title 18, United States Code, is amended—

(1) in subsection (d)(1), by inserting ", supervised release," after "probation"; and

(2) in subsection (g)(3), by inserting "or supervised release" after "probation".

SEC. 741. REPEAL OF OUTMODED PROVISIONS BARRING FEDERAL PROSECUTION OF CERTAIN OFFENSES.

(a) Sections 659 and 2117 of title 18, United States Code, are each amended by striking the first sentence of the last undesignated paragraph;

(b) Sections 660 and 1992 of title 18, United States Code, are each amended by striking the last undesignated paragraph;

(c) Section 2101 of title 18, United States Code, is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(d) Section 80a-36 of title 15, United States Code, is amended by striking the last sentence;

(e) Section 1282 of title 15, United States Code, is repealed.

Subtitle D—Miscellaneous Amendments

SEC. 751. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title or" before "the Antitrust Civil Process Act".

SEC. 752. ADDITION OF ATTEMPTED THEFT AND COUNTERFEITING OFFENSES TO ELIMINATE GAPS AND INCONSISTENCIES IN COVERAGE.

(a)(1) Section 153 of title 18, United States Code, is amended by inserting ", or attempts so to appropriate, embezzle, spend or transfer," before "any property".

(2) Section 641 of title 18, United States Code, is amended by striking "or" at the end of the first paragraph and by inserting after such paragraph the following: "Whoever attempts to commit an offense described in the preceding paragraph; or".

(3) Section 655 of title 18, United States Code, is amended by inserting "or attempts to steal or so take," after "unlawfully takes,".

(4) Sections 656 and 657 of title 18, United States Code, are each amended—

(A) by inserting ", or attempts to embezzle, abstract, purloin, or willfully misapply," after "willfully misapplies"; and

(B) by inserting "or attempted to be embezzled, abstracted, purloined, or misapplied" after "misapplied".

(5) Section 658 of title 18, United States Code, is amended by inserting "or attempts so to remove, dispose of, or convert," before "any property".

(6) Section 659 of title 18, United States Code, is amended—

(A) in the first and third paragraphs by inserting "or attempts to embezzle, steal, or so take or carry away," after "carries away,"; and

(B) in the fourth paragraph by inserting "or attempts to embezzle, steal, or so take," before "from any railroad car".

(7) Section 661 of title 18, United States Code, is amended—

(A) by inserting "or attempts so to take and carry away," before "any personal property"; and

(B) by inserting "or attempted to be taken" after "taken" each place it appears;

(8) Section 664 of title 18, United States Code, is amended by inserting "or attempts to embezzle, steal, or so abstract or convert," before "any of the moneys".

(9) Section 665(a) of title 18, United States Code, is amended—

(A) by inserting ", or attempts to embezzle, so misapply, steal, or obtain by fraud," before "any of the moneys"; and

(B) by inserting "or attempted to be embezzled, misapplied, stolen, or obtained by fraud" after "obtained by fraud".

(10) Section 666(a)(1)(A) of title 18, United States Code, is amended by inserting "or attempts to embezzle, steal, obtain by fraud, or so convert or misapply," before "property".

(11) Section 1025 of title 18, United States Code, is amended—

(A) by inserting "or attempts to obtain" after "obtains"; and

(B) by inserting "or attempted to be obtained" after "obtained".

(12) Section 1163 of title 18, United States Code, is amended by inserting "attempts so to embezzle, steal, convert, or misapply," after "willfully misapplies,".

(13) Sections 1167 (a) and (b) of title 18, United States Code, are each amended by inserting "or attempts so to abstract, purloin, misapply, or take and carry away," before "any money".

(14) Sections 1168 (a) and (b) of title 18, United States Code, are each amended by inserting "or attempts so to embezzle, abstract, purloin, misapply, or take and carry away," before "any moneys,".

(15) Section 1707 of title 18, United States Code, is amended by inserting ", or attempts to steal, purloin, or embezzle," before "any property" and by inserting "or attempts to appropriate" after "appropriates".

(16) Section 1708 of title 18, United States Code, is amended in the second paragraph by inserting "or attempts to steal, take, or abstract," after "abstracts," and by inserting ", or attempts so to obtain," after "obtains".

(17) Section 1709 of title 18, United States Code is amended—

(A) by inserting "or attempts to embezzle" after "embezzles"; and

(B) by inserting ", or attempts to steal, abstract, or remove," after "removes".

(18) Section 2113(b) of title 18, United States Code, is amended by inserting "or attempts so to take and carry away," before "any property" each place it appears.

(b)(1) Section 477 of title 18, United States Code, is amended by inserting ", or attempts so to sell, give, or deliver," before "any such imprint".

(2) Section 479 of title 18, United States Code, is amended by inserting "or attempts to utter or pass," after "passes,".

(3) Section 490 of title 18, United States Code, is amended by inserting "attempts to pass, utter, or sell," before "or possesses".

(4) Section 513(a) of title 18, United States Code, is amended by inserting "or attempts to utter," after "utters".

SEC. 753. CLARIFICATION OF SCIENTER REQUIREMENT FOR RECEIVING PROPERTY STOLEN FROM AN INDIAN TRIBAL ORGANIZATION.

Section 1163 of title 18, United States Code, is amended in the second paragraph by striking "so".

SEC. 754. LARCENY INVOLVING POST OFFICE BOXES AND POSTAL STAMP VENDING MACHINES.

Section 2115 of title 18, United States Code, is amended—

(1) by striking "or" before "any building";

(2) by inserting "or any post office box or postal stamp vending machine within such a building," after "used in whole or in part as a post office,"; and

(3) by inserting "or in such box or machine," after "so used".

SEC. 755. CONFORMING AMENDMENT TO LAW PUNISHING OBSTRUCTION OF JUSTICE BY NOTIFICATION OF EXISTENCE OF A SUBPOENA FOR RECORDS IN CERTAIN TYPES OF INVESTIGATIONS.

Section 1510(b)(3)(B) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (i);

(2) by striking the period and inserting "; or" at the end of subparagraph (ii); and

(3) by adding the following new subparagraph:

"(iii) the Controlled Substances Act, the Controlled Substances Import and Export Act, or section 60501 of the Internal Revenue Code of 1986.".

SEC. 756. CLOSING LOOPHOLE IN OFFENSE OF ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

Section 511(c)(1) of title 18, United States Code, is amended —

(1) by inserting "(i)" after "for purposes of identification"; and

(2) by inserting before the semicolon "or

"(ii) which can be correlated to a particular motor vehicle or part".

SEC. 757. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.

(a) Sections 241 and 242 of title 18, United States Code, are each amended by striking "any State, Territory, or District" and inserting "any State, Territory, Commonwealth, Possession, or District".

(b) Sections 793(h)(1) and 794(d)(1) of title 18, United States Code, are each amended by adding at the end the following: "For the purposes of this subsection, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(c) Section 925(a)(5) of title 18, United States Code, is amended by striking "For the purpose of paragraphs (3) and (4)" and inserting "For the purpose of paragraph (3)".

(d) Sections 1014 and 2113(g) of title 18, United States Code, are each amended by adding at the end the following: "The term 'State-chartered credit union' includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.".

(e) Section 1073 of title 18, United States Code, is amended by adding at the end of the first paragraph the following: "For the purposes of clause (3) of this paragraph, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(f) Section 1715 of title 18, United States Code, is amended by striking "State, Territory, or District" each place those words appear and inserting "State, Territory, Commonwealth, Possession, or District".

(g) Section 1716 of title 18, United States Code, is amended—

(1) in subsection (g)(2) by striking "State, Territory, or the District of Columbia" and inserting "State";

(2) in subsection (g)(3) by striking "the municipal government of the District of Columbia or of the government of any State or territory, or any county, city or other political subdivision of a State" and inserting "any State, or any political subdivision of a State"; and

(3) by inserting a new subsection (j), as follows:

"(j) For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(h) Section 1761 of title 18, United States Code, is amended by adding at the end a new subsection, as follows:

"(d) For the purposes of this section, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.".

(i) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and" at the end of paragraph (4); and

(3) by adding a new paragraph (5), as follows:

"(5) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(j) Section 102(26) of the Controlled Substances Act (21 U.S.C. 802(26)) is amended to read as follows:

"(26) the term 'State' means a State of the United States, the District of Columbia and any commonwealth, territory, or possession of the United States.".

(k) Section 1121 of title 18, United States Code, is amended by inserting at the end a new subsection (c) as follows:

"(c) For the purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(l) Section 228(d)(2) of title 18, United States Code, is amended by inserting "commonwealth," before "possession or territory of the United States".

SEC. 758. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are each amended by striking "$100" each place it appears and inserting "$1,000".

(b) Section 510 of title 18, United States Code , is amended by striking "$500" and inserting "$1,000".

(c) Section 1864 of title 18, United States Code, is amended by striking "$10,000" and inserting "$1,000".

SEC. 759. CONFORMING AMENDMENT CONCERNING MARIJUANA PLANTS.

Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "except in the case of 100 or more marihuana plants" and inserting "except in the case of 50 or more marihuana plants".

SEC. 760. ACCESS TO CERTAIN RECORDS.

Section 551 of title 47, United States Code, is amended by adding at the end the following new subsection:

"(i) LIMITED EXCEPTION FOR FEDERAL GRAND JURY PROCEEDING.—Nothing in this section shall apply to any subpoena or court order issued to a cable operator for basic subscriber information in connection with proceedings before a Federal grand jury. A court shall have authority to order a cable operator not to notify the subscriber of the existence of a subpoena or court order to which this subsection is applicable. For purposes of this subsection, the term 'basic subscriber information' means information stating whether or not a person is or was a subscriber and the name and address (past or present) of a subscriber."

SEC. 761. CLARIFICATION OF INAPPLICABILITY OF 18 U.S.C. 2515 TO CERTAIN DISCLOSURES.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: "This section shall not apply to the disclosure by the United States, a State, or political subdivision in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, the interception of which was in violation of section 2511(2)(d) (relating to certain interceptions not under color of law).".

SEC. 762. CLARIFYING OR CONFORMING AMENDMENTS ARISING FROM THE ENACTMENT OF PUBLIC LAW 103–322.

(a) Section 3286 of title 18, United States Code, is amended by striking "any offense" and inserting "any non-capital offense".

(b) Section 5032 of title 18, United States Code, is amended by striking "1111, 1113" and inserting "1111, 1112, 1113".

(c) Section 81 of title 18, United States Code, is amended by striking "fined under this title or imprisoned not more than five years" and inserting "imprisoned not more than twenty years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed".

(d)(1)(A) Chapter 213 of title 18, United States Code, is amended by adding at the end a new section, as follows:

"§3294. Arson offenses

"No person shall be prosecuted, tried, or punished for any noncapital offense under sections 81, 844 (f), (h), or (i) of this title unless the indictment is found or the information is instituted within 10 years after the date on which the offense was committed."

(B) The chapter index for chapter 213 of title 18, United States Code, is amended by inserting at the end the following:

"3294. Arson offenses.".

(2) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

(e) Section 704(b)(2) of title 18, United States Code, is amended by striking "with respect to a Congressional Medal of Honor".

(f) Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by striking subsections (g)–(p), (g)(1)–(3), and (r); and

(2) by redesignating subsections (g)(4)–(10) as (f)(1)–(7).

(g) Sections 2261(b)(3) and 2262(b)(3) of title 18, United States Code, are each amended by inserting "(as defined in section 1365 of this title)" after "serious bodily injury".

(h)(1) Section 2261 of title 18, United States Code, is amended—

(A) in paragraph (a)(1) by striking "with the intent to injure, harass, or intimidate" and inserting "with the intent to kill, injure, harass, or intimidate"; and

(B) in paragraphs (a)(1) and (a)(2) by inserting "or death" after "and thereby causes bodily injury".

(2) Section 2262 of title 18, United States Code, is amended—

(A) in paragraph (a)(1) by inserting "or death" after "bodily injury"; and

(B) in paragraph (a)(2) by striking "commits an act that injures" and inserting "commits an act that causes bodily injury or death to".

SEC. 763. TECHNICAL AMENDMENTS.

(a) Section 112 of title 18, United States Code, is amended by striking "fined not more than $10,000" and inserting "fined under this title".

(b) Sections 152, 153, and 154 of title 18, United States Code, are each amended by striking "fined not more than $5,000" and inserting "fined under this title".

(c) Section 970 of title 18, United States Code, is amended by striking "fined not more than $500" and inserting "fined under this title".

(d) Sections 922 (a)(2) and (a)(3) of title 18, United States Code, are each amended by striking "subsection (B)(3)" and inserting "subsection (b)(3)".

(e) Section 844(h) of title 18, United States Code, is amended—

(1) by striking "be sentenced to imprisonment for 5 years but not more than 15 years" and inserting "be sentenced to imprisonment for a minimum of 5 and a maximum of 15 years"; and

(2) by striking "be sentenced to imprisonment for 10 years but not more than 25 years" and inserting "be sentenced to imprisonment for a minimum of 10 and a maximum of 25 years".

(f) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by inserting "or" after the semicolon.

(g) Section 2516(1)(l) of title 18, United States Code, is amended by striking "or" after the semicolon.

(h) Section 5032 of title 18, United States Code, is amended by inserting "or as authorized under section 3401(g) of this title" after "shall proceed by information".

(i) Section 1114 of title 18, United States Code, is amended by striking "1112.," and inserting "1112,".

(j) Section 3553(f) of title 18, United States Code, is amended by striking "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)" and inserting "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)".

(k) Section 1961(1)(D) of title 18, United States Code, is amended by striking "that title" and inserting "this title".

(l) Section 1510(b)(2)(B) of title 18, United States Code, is amended by striking "that subpoena" the first place it appears and inserting "that subpoena for records".

(m) Section 3286 of title 18, United States Code, is amended—

(1) by striking "2331" and inserting "2332;

(2) by striking "2339" and inserting "2332a"; and

(3) by striking "36" and inserting "37".

(n) Section 2339A of title 18, United States Code is amended—

(1) by striking "2331" and inserting "2332;

(2) by striking "2339" and inserting "2332a";

(3) by striking "36" and inserting "37"; and

(4) by striking "of an escape" and inserting "or an escape".

(o) Section 2340(1) of title 18, United States Code, is amended by striking "with custody" and inserting "within his or her custody".

(p) Section 504 of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "The" the first place it appears and inserting "the"; and

(2) in paragraph (3) by striking "importation, of motion-picture films" and inserting "importation of motion-picture films".

(q) Section 924(a) of title 18, United States Code, is amended by redesignating the second paragraph (5) (relating to violations of section 922(x)) as paragraph (6).

SEC. 764. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SUMMARY OF PROPOSED ANTI-CRIME BILL—JANUARY 4, 1995

This is a summary of the major provisions of S. 3, the proposed Senate crime bill. The bill eliminates the "pork" contained in the 1994 Crime Bill, and restores to States the responsibility for local crime prevention measures by ensuring that local law enforcement agencies, not Washington bureaucrats, direct the use of federal law enforcement grants. The bill sets mandatory sentences for certain violent crimes, and authorizes additional funds for building prisons and for hiring and training policy officers. The bill also makes significant revisions in federal criminal procedure, including: a reform of habeas corpus law so that convicted criminals cannot abuse the appeals process, an assurance that relevant evidence will not be withheld from juries, and a criminal penalty for knowingly filing a pleading in federal criminal cases that contains material misstatements of law or fact. A section by section summary of the bill's major provisions is set forth below.

Should you have questions about the bill not answered by this summary, please call Mike O'Neill or Mike Kennedy of the Judiciary Committee Staff.

TITLE I—INCARCERATION OF VIOLET CRIMINALS

This title increases prison construction funding and provides limits for prisoner litigation.

SEC. 101. Prison Construction And Truth In Sentencing Grants.

This section amends the Violent Offender Incarceration and Truth in Sentencing Incentive Grants provisions of the Violent Crime Control and Law Enforcement Act of 1994 (1994 Crime Bill) (Title II, Subtitle A) by increasing the amount authorized for prison grants to states and ensuring that these grants will be used for the construction and operation of brick-and-mortar prisons. The bill removes conditions requiring the states to adopt specified corrections plans in order to qualify for the federal funds. It also increases the amount each qualifying state is guaranteed to receive and ensures that the grants will be distributed on a formula basis.

Authorized funding for prison grants is increased by approximately $1 billion over the levels authorized in the 1994 Crime Bill.

SEC. 102. Repeal.

This section repeals Subtitle B of title II of the 1994 Crime Bill, which authorized $150 million in discretionary grants for alternate sanctions for criminal juveniles.

SEC. 103. Civil Rights Of Institutionalized Persons.

This section improves upon the meager modifications made in the 1994 Crime Bill to the Civil Rights of Institutionalized Persons Act by adopting provisions passed last year by our House colleagues. These provisions remove the limits on a court's ability to stay prisoner litigation while administrative remedies are being exhausted, allow the courts to dismiss frivolous suits sua sponte, remove the requirement in current law that inmates participate in the formulation of the grievance procedures, and require inmates with assets to pay filing fees.

SEC. 104. Report On Prison Work Progress.

This section directs the Department of Justice to make recommendations for changing existing law so that more federal prisoners may be employed without adversely affecting the private sector or labor.

SEC. 105. Drug Treatment For Prisoners

This section repeals the sentence reduction "incentive" for federal prisoners who participate in prison drug treatment programs under the Substance Abuse Treatment in Federal Prisons section of the 1994 Crime Bill.

TITLE II—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

This title provides block grants to the states to hire and train police officers and to develop new crime fighting technologies.

SEC. 201. Block Grant Program.

This section modifies the Public Safety Partnership and Community Policing Act of 1994 (Title I of the 1994 Crime Bill) and the policing grants provisions of the 1994 Crime Bill.

The 1994 provision is reformulated as the Law Enforcement Assistance Block Grants Act of 1995, which provides grants to state and local law enforcement agencies.

Grants under the program would be made to the states explicitly for the hiring and training of officers or the establishment and upgrading of technologies used to detect crime. States would be permitted to save the grant money disbursed in any given grant year in a trust fund for these purposes in years after the federal grant program ends.

Grants would be allocated to the states on a formula basis. For each grant year, each state would receive a base allocation of 0.6% of appropriated funds. The remaining appropriations will be allocated on the basis of state population as determined by the 1990 decennial census, as adjusted annually.

The total amount of the grants authorized would be increased approximately $1 billion over the levels authorized in the 1994 Crime Bill.

TITLE III—FEDERAL EMERGENCY LAW ENFORCEMENT ASSISTANCE ACT

SEC. 301. Federal Judiciary And Federal Law Enforcement.

This section amends title XIX of the 1994 Crime Bill by increasing appropriations for the Federal Bureau of Investigation and the United States Attorneys, while at the same time maintaining the funding levels established by the 1994 Crime Bill for the Federal Judiciary, the Department of Justice, and the Treasury Department.

SEC. 302. Drug Enforcement Administration.

This section amends section 180104 of the 1994 Crime Bill by increasing funding for the Drug Enforcement Administration.

TITLE IV—CRIMINAL PENALTIES

This title strengthens the penalties for several federal offenses. Most of these provisions passed the Senate as a part of its 1993 crime bill but were not included in the enacted 1994 Crime Bill.

SEC. 401. Serious Juvenile Crimes as Armed Career Criminal Act Predicates.

This section would make serious juvenile offenses predicate crimes under the Armed Career Criminal Act, permitting the court to subject juvenile repeat offenders to stricter sentences.

SEC. 402. Prosecution of Juveniles as Adults.

This section repeals the 1994 Crime Bill's weak provisions on trying serious juvenile criminals as adults and enacts similar provisions to those passed as a part of the Senate's 1993 Crime Bill. Under these provisions, the list of offenses for which juveniles may be prosecuted as adults is expanded to include drug conspiracies and importation, firearms transportation, firearms trafficking, and related conspiracies. The 1994 Crime Bill included only firearms offenses.

This section also enacts the Moseley-Braun provision from the Senate's 1993 bill, with a slight modification. Under this provision, any minor age 13 or older who is accused of certain serious offenses under federal law (murder, attempted murder, armed robbery, assault with intent to murder, aggravated sexual assault) must be tried as an adult in federal court. The juvenile could petition the court for resentencing upon attaining age 16. Unlike the 1993 provision, there is no requirement that the offender be armed with a firearm during certain offenses in order to qualify for mandatory adult prosecution.

SEC. 403. Availability Of Fines And Supervised Release For Juvenile Offenders.

This section makes a technical correction in the law, permitting courts to impose fines or conditions of supervised release on juveniles.

SEC. 404. Amendments Concerning Juvenile Records.

This section strengthens provisions permitting the FBI to create an identification record for juveniles who are convicted of committing a crime that, if committed by an adult, would be deemed a serious felony.

SEC. 405. Mandatory Minimum Prison Sentences For Persons Who Use Minors In Drug Trafficking Activities Or Sell Drugs To Minors.

This section establishes stiff mandatory minimum penalties of 10 years for a first offense and life imprisonment for a second offense for adults who employ minors in the distribution, sale, or manufacturing of drugs, or who sell drugs to minors.

SEC. 406. Mandatory Minimum Sentence Reform.

This section would prospectively replace the overly-broad "reform" of mandatory minimum sentences contained in the 1994 Crime Bill with the narrower approach needed to insure that such sentences are justly imposed. The provision is the same as that proposed by Republicans during the debate on the 1994 Crime Bill conference report.

In particular, defendants would not be excused from mandatory minimum sentencing requirements if they had one or more criminal history points, were involved in an offense that resulted in the death or serious injury of a victim, carried a firearm, owned the drugs, or financed any part of the drug deal.

SEC. 407. Increased Mandatory Minimum Sentences For Criminals Using Firearms.

This section increases the penalties for using or carrying a firearm during the commission of a crime by imprisonment for not less than 10 years, or, if the firearm is discharged, for not less than 20 years, or if the death of a person results, be punished by death or by incarceration for not less than life.

SEC. 408. Arson Penalties.

This section increases the maximum penalties and fines for arson and increases the statute of limitations from 7 to 10 years.

SEC. 409. Interstate Travel Or Use Of Mails Or A Facility In Interstate Commerce To Further Kidnapping.

This section enables federal prosecution of Kidnapping cases where the perpetrators do not transport the victim across state lines, but use interstate facilities during the commission of the crime.

TITLE V—FEDERAL CRIMINAL PROCEDURE REFORM

This title reforms certain aspects of criminal procedure. It establishes greater protection for witnesses and jurors; enacts meaningful habeas corpus reform; limits the exclusionary rule while at the same time providing better remedies for innocent citizens whose Fourth Amendment rights are violated; and permits the admission of voluntary confessions even when defense counsel is not present during the confession. This title further clarifies the obligations of attorneys practicing criminal law in federal court.

SEC. 501. Obstruction Of Justice.

This section makes it an obstruction of justice for an attorney to file in federal court any pleading in a criminal case that the filer knows to contain a false statement of material fact or law.

SEC. 502. Conduct of Federal Prosecutors.

This section establishes that the Attorney General has sole authority to promulgate the rules governing the conduct of federal prosecutors in federal court, notwithstanding the ethical rules or rules of the court adopted by any state.

SEC. 503. Fairness in Jury Selection.

This section amends Federal Rule of Criminal Procedure 24(b) by equalizing the number of peremptory challenges afforded the prosecution and defense (6 strikes per side). It preserves the 6 (prosecution) 10 (defense) split in trails involving two or more joined defendants.

SEC. 504. Balance In The Composition Of Rules Committees.

This section gives equal representation to prosecutors and the defense bar on the various rules committees of the Judicial Conference. Currently, prosecutors are underrepresented on these committees.

SEC. 505. Reimbursement of Reasonable Attorney's Fees.

This section permits the reimbursement of reasonable attorney's fees for current or former Department of Justice employees or federal public defenders who are subject to criminal investigation arising out of acts performed in the discharge of their duties.

SEC. 506. Mandatory Restitution To Victims Of Violent Crime.

Amends 18 U.S.C. 3663 by mandating federal judges to enter orders requiring defendants to provide restitution to the victims of their crimes.

SEC. 507. Admissibility of Certain Evidence.

This section clarifies and strengthens 18 U.S.C. 3501 by requiring a criminal defendant to prove, by a preponderance of the evidence, that a confession obtained by police officers was involuntary. If the defendant is unable to meet that burden, a voluntary confession will be admitted in court.

Section 507 also eliminates the exclusionary rule as it pertains to the Fourth Amendment and provides a tort remedy for those whose Fourth Amendment rights have been violated by an unreasonable search or seizure.

SEC. 508–510. General Habeas Corpus Reform.

This section incorporates reforms to curb the abuse of the statutory writ of habeas corpus, and to address the acute problems of unnecessary delay and abuse in capital cases. It sets a one year limitation on an application for a habeas writ and revises the procedures for consideration of a writ in federal court. It provides for the exhaustion of state remedies and bars habeas review of claims that have fully and fairly adjudicated in state court.

The revision in capital habeas practice also sets a time limit within which the district court must act on a writ, and provides the government with the right to seek a writ of mandamus if the district court refuses to act within the allotted time period. Successive petitions must be approved by a panel of the court of appeals and are limited to those petitions that contain newly discovered evidence that would seriously undermine the jury's verdict or that involve new constitutional rights that have been retroactively applied by the Supreme Court.

In capital cases, procedures are established for the appointment of counsel, conduct of evidentiary hearings, and the application of the procedures to state unitary review systems. Courts are directed to give habeas petitions in capital cases priority status and to decide those petitions within specified time periods.

TITLE VI—PREVENTION OF TERRORISM

This title strengthens the penalties for those engaged in terrorist acts.

Sec. 601. Willful Violation of Federal Aviation Administration Regulations

This section imposes criminal penalties for willful violations of FAA security regulations.

Sec. 602. Assaults, Murders, And Threats Against Former Federal Officials In Performance Of Official Duties

This section permits prosecution of assaults, murders, and threats made against former government officials arising from the discharge of their official duties while employed by the government.

Sec. 603. Wiretap Authority For Alien Smuggling And Related Offenses And Inclusion Of Alien Smuggling As A RICO Predicate

This section expands authority for issuing wiretaps to encompass alien smuggling offenses and includes alien smuggling as a RICO predicate crime.

Sec. 604. Authorization For Interceptions Of Communications In Certain Terrorism Related Offenses

This section authorizes the interception of communications in certain, limited, terrorism cases, including the wrecking of trains, providing material support to terrorists, and engaging in terrorist acts at airports.

Sec. 605. Participation Of Foreign And State Government Personnel In Interceptions Of Communications

This section permits the participation of state law enforcement officials and officials of foreign law enforcement agencies in intercepting communications.

Sec. 606. Disclosure Of Intercepted Communications To Foreign Law Enforcement Agencies

This section permits, under certain, limited circumstances, disclosure of intercepted communications to cooperating foreign law enforcement agencies.

Sec. 607. Alien Terrorist Removal

This section would ensure, through the use of a limited *ex parte* procedure, that the United States can expeditiously deport alien terrorists without disclosing national security secrets to them and their criminal partners.

Sec. 608. Territorial Sea

This section codifies the extension of United States territorial sea, as defined by a 1988 Presidential Proclamation. This area would then be included within the special maritime and territorial jurisdiction of the U.S. This section also adopts non-conflicting state law in the territorial sea.

Sec. 609. Clarification And Extension Of Criminal Jurisdiction Over Certain Terrorism Offenses Overseas

This section extends the United States' criminal jurisdiction over certain terrorism crimes committed overseas.

Sec. 610. Federal Aviation Reporting Responsibility

This section requires the Federal Aviation Administration to notify the Justice Department when it discovers large sums of cash and/or drugs during an inspection.

Sec. 611. Information Transfer

This section permits the Immigration and Naturalization Service to release certain confidential information on individual aliens for law enforcement purposes.

Sec. 612. Extradition

This section permits the Attorney General to extradite persons who are not U.S. citizens, nationals, or permanent residents to countries with which the United States does not have an extradition treaty.

Sec. 613. Federal Bureau Of Investigation Report

This section requires the FBI to investigate and report back to Congress on the effectiveness of a federal law prohibiting contributions to terrorist organizations or their "front" groups in the United States.

SEC. 614. Increased Penalties for Terrorism Crimes.

This section increases penalties for a series of federal crimes, including amending the law against maiming and disfiguring to include torture and punishing an attempt to violate this section by up to $10,000 and/or 10 years, and adds protection to armed services personnel.

SEC. 615. Criminal Offenses Committed Outside The United States By Persons Accompanying The Armed Forces.

This section permits the removal for prosecution in the United States of criminal cases involving non-military persons who are accompanying the Armed Forces when they commit crimes overseas which are not prosecuted in the host country's courts.

TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—*Elimination of Certain Programs.*

SEC. 701. Elimination Of Ineffective Programs.

This section repeals the most 1994 Crime Bill's wasteful social spending, including subtitles A through S and subtitles U and X of Title III of the 1994 Crime Bill, and Title V of the 1994 Crime Bill. The provisions of the 1994 Bill relating to Substance Abuse

Treatment in Federal Prisons, the Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions, and the Violence Against Women Act are unaffected by this section.

Subtitle B—*Amendment Relating to Violent Crime Control.*

SEC. 711. Violent Crime and Drug Emergency Areas Repeal.

This section repeals the Violent Crime and Drug Emergency Areas Act in the 1994 Crime Bill (Section 90107). The repealed provision permits the President to designate an area a violent crime or drug emergency area, and to detail federal law enforcement personnel to assist state and local officials.

SEC. 712. Expansion of 18 U.S.C. 1959 To Cover Commission Of All Violent Crimes in Aid of Racketeering Activity And Increased Penalties.

This section closes loopholes in 18 U.S.C. 1959, the law punishing violent crimes in aid of racketeering. The amendment also increases the maximum penalties for certain violations (e.g., kidnapping, conspiring to commit murder), and clarifies the definition of "serious bodily injury."

SEC. 713. Investigation Of Serial Killings.

This section authorizes the Federal Bureau of Investigation, at the request of state authorities, to participate in the identification and apprehension of serial killers.

SEC. 714. Firearms and Explosives Conspiracy.

This section amends the firearms and explosives chapter of Title 18 to provide generally that a conspiracy to commit a firearms or explosives offense in punishable by the same maximum term as that applicable to the substantive offense that was the object of the conspiracy.

SEC. 715. Increased Penalties For Violence In The Course Of Riot Offenses.

This section strengthens the federal anti-riot statute, 18 U.S.C. 2101, by increasing the penalties when death or serious bodily injury results from the defendant's actions in violation of the statute.

SEC. 716. Pretrial Detention For Possession Of Firearms or Explosives by Convicted Felons.

Clarifies law that permits pretrial detention for certain offenses to include those involving firearms or explosives.

SEC. 717. Elimination Of Unjustified Scienter Element For Carjacking.

Eliminates scienter requirement in 18 U.S.C. 2119, the so-called carjacking statute.

SEC. 718. Theft Of Vessels.

Defines "vessel" as watercraft for purposes of 18 U.S.C. 2311, 2312, 2323, and criminalizes the theft of such a "vessel."

SEC. 719. Clarification of Agreement Requirement For RICO Conspiracy.

Technical amendment that explains that government need not prove that RICO defendant personally agreed to commit any criminal racketeering acts.

SEC. 720. Addition Of Attempt Coverage For Interstate Domestic Violence Coverage.

Creates "attempts" crime in interstate domestic abuse cases.

SEC. 721. Addition Of Foreign Murder As A Money Laundering Precedent.

Adds murder as a money laundering predicate act.

SEC. 722. Assaults Or Other Crimes Of Violence For Hire.

Includes serious assaults in the "murder for hire" statute, 18 U.S.C. 2332.

SEC. 723. Threatening To Use A Weapon Of Mass Destruction.

Criminalizes a threat to use a weapon of mass destruction.

SEC. 724. Technical Amendments.

Amends section 60002 of the 1994 Crime Bill to eliminate State participation in carrying out a Federal sentence of death and directing that death sentences be carried out at appropriate Federal facilities.

Subtitle C—Amendments Relating To Courts And Sentencing.

SEC. 731. Allowing A Reduction Of Sentence For Providing Useful Information Although Not Regarding A Particular Individual

Permits a reduction in a sentence if the defendant provides substantial assistance in the investigation of "any offense," rather than only allowing reductions when the defendant provides information in the investigation of "another person."

SECS. 732–733. These sections permit the Government to appeal from certain dismissals and eliminate the outmoded requirement that the Government obtain a certificate to appeal.

SEC. 734. Clarifies meaning of "official detention" for purposes of crediting a defendant for prior custody. Excludes credit given for detention at "community-based treatment or correctional facilit[ies]."

SEC. 735. Limitation On Reduction Of Sentence For Substantial Assistance Of Defendant.

Requires that a court may order a reduction in the defendant's sentence for substantial assistance only when the Government requests such a reduction.

SEC. 736. Improvement Of Hate Crimes Sentencing Procedure.

Requires the sentencing judge, as opposed to the jury, to determine the facts relating to the "hate crimes" enhancement.

SEC. 737. Clarification Of Length Of Supervised Release Terms In Controlled Substance Cases.

Technical amendment that clarifies the length of supervised release terms in controlled substance cases. Resolves conflict among the courts of appeals to make clear that the limits of 18 U.S.C. 3583 do not control the longer supervised release terms provided in 18 U.S.C. 841.

SEC. 738. This section confers authority on courts to impose a sentence of supervised release on a prisoner who is released because of "extraordinary and compelling reasons" (e.g., suffering from a terminal illness) pursuant to 18 U.S.C. 3582(c)(1)(A).

SEC. 739. Temporarily extends Parole Commission beyond its presently scheduled expiration date of November 1, 1997, to deal with prisoners sentenced before the Sentencing Guidelines became effective.

SEC. 740. Conforming Amendments Relating To Supervised Release.

Technical amendments that conform certain statutes with the new supervised release scheme.

SEC. 741. Repeals outmoded provisions that bar Federal prosecution of certain offenses.

Subtitle D—Miscellaneous Amendments.

SEC. 751. Technical conforming amendment to obstruction of civil investigative demand statute.

SEC. 752. Addition Of Attempted Theft And Counterfeiting Offenses To Eliminate Gaps And Inconsistencies In Coverage.

Creates attempt crimes for embezzlement, uttering, and counterfeiting offenses.

SEC. 753. Technical amendment that clarifies scienter element for receiving property stolen from Indian tribal organizations.

SEC. 754. Larceny Involving Post Office Boxes And Postal Stamp Vending Machines.

Amends 18 U.S.C. 2115 to cover vandalism committed against postal vending machines and boxes not located on postal service property.

SEC. 755. Technical amendment that conforms law punishing obstruction of justice by notification of a subpoena for records in certain types of investigations.

SEC. 756. This section closes a loophole in the offense of altering or removing a motor vehicle identification number by protecting against the alteration of any number inscribed on a car that can be used to identify a particular vehicle or part.

SEC. 757. Application of Various Offenses To Possessions And Territories.

A number of federal statutes are ambiguous as to their coverage of crimes occurring in the territories, possessions, and commonwealths of the United States because they contain references to "state" law without any indication of whether they apply to territories or other non-state entities. This section merely clarifies the application of certain federal criminal statutes to territories, possessions, and commonwealths.

SEC. 758. This section adjusts and makes uniform the dollar amounts used in Title 18 to distinguish between grades of offenses. It also adjusts certain dollar amounts to account for inflation.

SEC. 759. This section corrects an inconsistency in the penalties relating to marijuana plants that exists between 21 U.S.C. 841(b) and 21 U.S.C. 960(b). The amendment follows the recommendation of the United States Sentencing Commission in that in cases involving 50 or more marijuana plants, each plant is treated as the equivalent of one kilogram of processed marijuana.

SEC. 760. Access to Certain Records.

This amendment to the cable television subscriber law brings that statute into conformity with all other federal customer privacy provisions, by recognizing an exception for information sought pursuant to a federal grant jury subpoena or a court order relating to a grand jury proceeding.

SEC. 761. Clarification Of Inapplicability of 18 U.S.C. 2515 To Certain Disclosures.

This section makes a carefully limited exception to 18 U.S.C. 2515, the statutory exclusionary rule for Title III of the Omnibus Crime Control and Safe Streets Act of 1968, so as to exempt situations in which private persons, not acting for any government authority, illegally recorded a communication, but the recording later lawfully comes into the possession of the government. This section permits the government to use such recordings at trial.

SEC. 762–763. These sections include conforming amendments related to the enactment of the 1994 Crime Bill and certain other technical amendments.

SEC. 764. A standard severability provision that applies to the entire act.

Mr. HATCH. Mr. President, I thank my friend from Kansas, the distinguished majority leader, for his kind words. I am pleased to join him in introducing S. 3, the Violent Crime Control and Law Enforcement Improvement Act of 1995. We have worked hard together to craft a bill that will give

the American people the tough anticrime legislation they deserve.

The people of Utah and across our Nation understand that the best crime prevention program is to ensure the swift apprehension of criminals and their certain and lengthy imprisonment. Congress can do better than the legislation it passed last year.

Our Nation's violent crime problem continues to be the top concern of the American people and rightly so. The crime clock is still ticking, and is ticking faster for violent crimes. In 1992, on average, a violent crime was committed every 22 seconds. According to the Uniform Crime Reports recently published by the FBI in 1993 a violent crime was committed every 16 seconds.

The latest data demonstrate that our violent crime crisis continues to worsen. According to the FBI, the murder rate in the United States increased 2.2 percent in 1993. And, for the first time, a murder victim was more likely to be killed by a stranger than by an acquaintance or a family member. (Crime in the United States 1993, Uniform Crime Reports.)

The FBI also reports that there were 104,806 rapes in the United States reported in 1993. And while that is a slight decrease from the previous year, this number is still a 5 percent increase since 1989. (Crime in the United States 1993, Uniform Crime Reports.)

Additionally, the National Crime Victimization Survey, which is published by the Bureau of Justice Statistics and includes crimes not reported to the police, found that crimes of violence increased 4.5 percent in 1993, including a staggering 10.2 percent rise in aggravated assault and a 12.2 percent jump in attempted assaults with a weapon. (National Crime Victimization Survey, Table of Selected Data, BJS, October 1994.)

Moreover, this is not a crisis that affects only our Nation's urban centers. Indeed, some of the most rapid increases in crime are occurring in the Intermountain West, which includes my State of Utah. Overall, the Intermountain West experienced a 7.5 percent increase in violent crimes, and a 4.7 percent increase in the number of violent crimes per 100,000 persons in 1993 according to the FBI. Figures for Utah are nearly as grim. Our violent crime rate in Utah jumped 6.3 percent in 1993, and the rate per 100,000 persons jumped 3.6 percent. (Crime in the United States 1993, Uniform Crime Reports.) So while our population is rising, violent crime is rising even faster.

Thus, the specter of violent crime haunts the lives of most Americans and dramatically affects the way in which we live. Concern for personal safety and fear of violent crime cuts across racial and socioeconomic lines. In fact, violent crime disproportionately affects minorities and the poor. African-Americans are far more likely to be victims of crime than are many other Americans; in 1992 African-Americans suffered violent crime victimizations at a rate of 110.8 per 1,000 population, compared to 88.7 per 1,000 whites. (Source: BJS Bulletin, Criminal Victimization 1992)

It is a national tragedy that homicide is now the leading cause of death for African-American males aged 15 to 34. And low-income households are victimized by crime at almost twice the rate of more affluent households.

A responsible approach to the crime problem that includes sentencing reforms, increased funds for police and prisons, and changes in Federal criminal procedure, will provide the greatest benefits to the greatest number in our society.

This body has spent countless hours on this issue. Yet the result of those efforts, the 1994 crime bill, fell far short of what the American people deserve. That bill wasted billions on duplicative social spending programs, devoted insufficient resources to the needed emergency build-up in prison space, created an unwieldy grant program which will fall far short of its stated goal of actually placing 100,000 additional State and local police officers on our streets, and failed to enact tough penalties for Federal violent and drug crimes.

Now the American people expect us to begin the task anew, and battle crime with a program that holds criminals responsible for their acts and that begins to help State and local governments repair the rips in our social fabric that have contributed to our crime crisis.

The bill we introduce today has four primary objectives:

Increasing prison and law enforcement grants to the States to assist their efforts to deter and apprehend violent criminals, and to ensure that, when a criminal defendant is convicted, appropriate sentences are imposed and served;

Removing the wasteful social spending included in the 1994 crime bill and redirecting the funds to prison construction and Federal, State and local law enforcement, thus enabling our States and local communities to implement crime control strategies free from the interference of Washington bureaucrats;

Enhancing Federal criminal penalties to appropriate levels for terrorism and other crimes where the Federal Government has a significant legitimate prosecutorial role; and

Reforming habeas corpus procedures, the exclusionary rule, and other Federal criminal procedures to restore fairness and balance to the Federal criminal justice process.

To accomplish these objectives, our bill first increases the amount authorized for prison grants to States and ensures that these grants will be used for the construction and operation of brick-and-mortar prisons. The bill removes conditions requiring the States to adopt specified corrections plans in order to qualify for the Federal funds.

It also improves upon the reforms already made to reduce the flood of frivolous lawsuits by prisoners by adopting provisions passed last year by our House colleagues. These provisions remove the limits on a court's ability to stay prisoner litigation while administrative remedies are being exhausted, allow the courts to dismiss frivolous suits sua sponte, remove the requirement in current law that inmates participate in the formulation of the grievance procedures, and require inmates with assets to pay filing fees.

Second, our legislation reforms the policing grants included in the 1994 bill to make the program more responsive to the needs of our State and local governments.

Most independent estimates of the probable effect of the Community Policing grant program established in the 1994 crime bill conclude that it will fall far short of actually placing on the street the 100,000 new State and local police officers claimed by the provision's supporters. Moreover, it is open to serious question whether those who will be hired under the grants will be additional officers, or whether they will merely make up for natural attrition in our Nation's local police forces.

For these reasons, I believe that the Community Policing grant program is flawed. Under our legislation the program would be improved to give the States more flexibility in spending the funds. States could use those funds for hiring and training police officers or establishing and upgrading crime laboratories or exploring new crime-fighting technologies.

Unlike the grant program presently in place, there would be no matching requirement or per-officer spending cap, providing States and communities with the needed flexibility to hire and train the number of officers required to meet local needs. State and local governments are in the best position to assess their crime fighting needs. The Federal Government should therefore get out of their way and provide them with the flexibility to spend funds effectively to combat crime.

Third, our bill enhances the resources of our Federal law enforcement agencies. While much of the Nation's war on crime is fought at the State and local level, the Federal Government has a significant role to play. It is critical that Federal law enforcement agencies be provided with the resources to fulfill their duty to the American people.

For this reason, our bill includes authorization for critically needed funding for Federal law enforcement above what was authorized in the 1994 crime bill. This will ensure the ability of Federal law enforcement agencies to carry out their mission.

Fourth, this bill eliminates the wasteful social programs passed in the 1994 crime bill. These programs would have wasted billions of dollars on duplicative, top-down spending programs without reducing violent crime. Having Washington bureaucrats impose untested programs on the States would do little to prevent crime.

A portion of the funding authorized by these programs is redirected to prison grants, law enforcement block grants, and Federal law enforcement.

Fifth, our bill also includes several tough Federal criminal penalties either omitted from or weakened in the 1994 crime bill. For instance, it includes the provisions requiring tough mandatory minimum sentences for Federal crimes committed with a firearm and for the sale of drugs to minors or the use of a minor in the commission of a drug crime.

Our bill also replaces the overly broad reform of mandatory minimum sentences with an approach that will ensure the just imposition of those sentences. Thus, while providing less leeway to judges to avoid imposing minimum mandatory sentences than the 1994 crime bill, it allows such discretion where it is merited. The truly first-time, nonviolent, low-level offender deserving of some measure of leniency will be treated more justly under our legislation, without providing a windfall to career drug dealers. I should note that our provision was overwhelmingly supported by the Senate in the last Congress.

Our legislation would also enact several other Federal criminal penalties which the Senate passed as a part of its 1993 crime bill but which were not included in the enacted 1994 crime bill. Among these provisions are the inclusion of serious juvenile drug offenses as predicate crimes under the Armed Career Criminal Act and the adult prosecution of serious juvenile offenders in appropriate Federal cases.

Sixth, our legislation would enact long-needed reforms to the Federal criminal justice system. Chief among these is a reform of habeas corpus procedures to ensure that lawful sentences of death are not perpetually delayed by endless, meritless appeals, while at the same time safeguarding the legitimate rights of defendants to ensure that the death penalty is not unjustly imposed.

Additionally, our bill would enact reforms to ensure the admissibility of certain evidence. Confessions voluntarily made will be admitted regardless of irrelevant surrounding circumstances. The present exclusionary rule will be eliminated and replaced with a tort remedy to protect the rights of law-abiding persons. Under this proposal, evidence discovered and seized by officers acting in good faith that their actions comported with the requirements of the fourth amendment will be admitted in court.

At the same time, our exclusionary rule reform will also provide new remedies for redress by innocent persons whose fourth amendment rights are violated. Those whose rights are violated by Federal law enforcement officers will have expanded rights to sue the offending agency for damages. Our reform will thus create the necessary disincentive contemplated by the fourth amendment for lawless searches without providing guilty defendants the windfall of the exclusion of relevant evidence. These reforms are critical if we are to prevent our cherished liberties from further devolving into merely a cynical shield for the guilty to avoid just punishment.

The legislation also includes provisions for obstruction of justice penalties for attorneys who knowingly file false statements in court in criminal proceedings, and to equalize, except in cases in which defendants are tried jointly, the number of peremptory challenges available to each side in a criminal case.

We also include in our bill provisions for restitution to victims of Federal crimes to insure that crime victims receive the restitution they are due from those who have preyed on them.

Seventh, our bill addresses the threat of terrorism against our people. Our bill incorporates most of the antiterrorism provisions of the 1993 Senate crime bill that were stricken during conference, including the Terrorist Alien Removal Act, and criminal penalties for the willful violation of regulations for the safety of civil aviation. Additionally, our bill updates and strengthens criminal penalties for engaging in certain violent terrorist acts.

Finally, our bill includes numerous miscellaneous and technical provisions to strengthen and clarify existing Federal law.

With this legislation, we have an opportunity to fulfill our commitment to the American people in a way which respects the competencies and powers of the State and Federal spheres of Government. Additionally, we are committed to ensuring that this legislation does not increase the Federal deficit. We believe that our bill provides the American people the crime control legislation they demand and deserve. I urge the support of my colleagues for this important legislation.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. COATS, Mr. KYL, Mr. HELMS, Mr. MURKOWSKI, Mr. ASHCROFT, Mr. BOND, Mr. GRAMS, AND MR. GRAMM):

S. 4. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be charged.

THE LEGISLATIVE LINE-ITEM VETO ACT OF 1995

Mr. DOLE. Mr. President, I rise today to introduce legislation designed to give President Clinton the same tool to control spending that 41 Governors now enjoy. I am talking about the line-item veto.

Republicans have supported giving the President the line-item veto for years. During the 1980's, opponents of the line-item veto used to say that Republicans supported it only because the President happened to be a Republican at that time.

By introducing this bill as Senate bill No. 4, and making adoption of a legislative line-item veto a top priority for the 104th Congress, we hope to dispel that myth once and for all. We believe that any President of the United States, as Chief Executive, should be given more power over Federal spending.

This legislation would give the President the authority to rescind any combination of line items in an appropriations bill. The President's rescission proposal would take effect until a two-thirds majority in both Houses of Congress votes to overturn the President's decision.

Mr. President, several of our colleagues have worked long and hard on this issue. The distinguished Senator from Indiana [Senator COATS] and the distinguished Senator from Arizona [Senator MCCAIN] have worked tirelessly in support of this legislation for years. Each time the Senate has voted on the line-item veto, we have been able to garner a few more votes.

This may well be the year that we finally get the job done. I am pleased to report that the distinguished Chairman of the Budget Committee, Senator DOMENICI, has agreed to schedule a committee hearing and a mark-up on line-item veto legislation later this month. My hope is that working with the members of that committee—Democrat and Republican—Chairman DOMENICI will be able to get legislation adopted in committee and to the Senator floor that can serve as the blueprint for line-item veto legislation that can be approved by the full Senate, adopted in both Houses of Congress, and signed into law by the President this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 1995."

SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.

The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"Part A—Legislative Line Item Veto Rescission Authority

"GRANT OF AUTHORITY AND CONDITIONS

"Sec. 1101. (a) In General.—Notwithstanding the provisions of part B of title X and subject to the provisions of part B of this title, the President may rescind all or part of any budget authority, if the President—

"(1) determines that—

"(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

"(B) such rescission will not impair any essential Government functions; and

"(C) such rescission will not harm the national interest; and

"(2)(A) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act or a joint resolution making continuing appropriations providing such budget authority; or

"(B) notifies the Congress of such rescission by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year.

The President shall submit a separate rescission message for each appropriations bill under paragraph (2)(A).

"(b) Rescission Effective Unless Disapproved.—(1)(A) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless during the period described in subparagraph (B), a rescission disapproved bill making available all of the amount rescinded is enacted into law.

"(B) The period referred to in subparagraph (A) is—

"(i) a Congressional review period of 20 calendar days of session under part B, during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

"(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

"(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (ii), an additional 5 calendar days of session after the date of the veto.

"(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

"DEFINITIONS

"Sec. 1102. For purposes of this title the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

"Part B—Congressional Consideration of Legislative Line Item Veto Rescissions

"PRESIDENTIAL SPECIAL MESSAGE

"Sec. 1111. Whenever the President rescinds any budget authority as provided in section 1101, the President shall transmit to both Houses of Congress a special message specifying—

"(1) the amount of budget authority rescinded;

"(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1);

"(4) to the maximum extend practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

"(5) all facts, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

"TRANSMISSION OF MESSAGES; PUBLICATION

"Sec. 1112. (a) Delivery to House and Senate.—Each special message transmitted under sections 1101 and 1111 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

"(b) Printing in Federal Register.—Any special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmittal.

"PROCEDURE IN SENATE

"Sec. 1113. (a) Referral.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

"(2) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this section.

"(b) Floor Consideration in the Senate.—

"(1) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(2) Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

"(c) Point of Order.—(1) it shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

"(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

"(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.".

Mr. McCAIN. Mr. President, I am pleased to join Majority Leader Dole, Senator Coats, and many others in introducing the Legislative Line-Item Veto of 1995.

Mr. President, this is the same bill that I have sponsored for the last 8 years. However, I would like to describe the bill again at this time. The bill would do:

(1) It gives the President the power to identify, up to 20 days after an appropriations bill is sent to the President for his signature, items of spending within that bill that are wasteful, and to notify Congress that the President is eliminating or reducing the funds for those items.

(2) The President may veto—or in other words freeze—part or all of the funds for programs deemed wasteful.

(3) Such items are called enhanced rescissions or more commonly referred to as line-item vetoes.

(4) The Congress is required to overturn these line-item vetoes with simply majority votes in the House and Senate within 20 days or they automatically become effective.

(5) If the Congress disagrees with the President, it may pass a rescission disapproval bill.

(6) The President then has the opportunity to veto the rescission disapproval bill. In that case, the veto may be overridden by a two-thirds vote of the House and Senate.

(7) This bill would also allow the President a second chance to eliminate wasteful pork-barrel spending by allowing him to submit such enhanced rescissions with the budget submission at the beginning of the year. This second shot at proposing rescission ensures that the President has the opportunity to strike at pork-barrel spending that may not be obvious during the first rescission period.

Mr. President, this bill would not: allow the President to rescind money for entitlement like Social Security, Medicaid, or food stamps.

The bill amends part B of title X of the Impoundment Control Act of 1974. It does not amend part A of title X of the Impoundment Control Act of 1974. The language from part A of title X is retained. It specifies that:

> Nothing contained in this Act, or in any amendment made by this Act, shall be construed as * * * superseding any provision of law which requires the obligation of budget appropriation or the making of outlays thereunder."

This language from part A of title X ensures that the President cannot rescind funds for entitlement.

THE GROWING PROBLEM OF PORK-BARREL POLITICS AND THE BUDGET

Mr. President, pork-barrel politics is nothing new. However, the Congress' addiction to pork has grown to obscene proportions. Something must be done and something must be done now.

For too long the Congress has addressed this issue by maintaining the status quo. In the meantime, our addiction was growing and growing.

And Mr. President, while we are "getting our pork fix" our children are being raised in a Nation that may soon have no choice but to go cold turkey. But Mr. President, it is not pork alone that is cause this problem. Pork is only one small part of the illness.

The disease that plagues us is our budget and spending habits.

If we continue funding carelessly and recklessly ignore budgetary constraints and economic realities—if we continue to ignore this problem—we risk our Nation's future.

Mr. President, let us review the facts regarding our Nation's fiscal health.

The Federal debt is approaching $4 trillion.

The cost of interest on that debt is now almost $200 billion a year. That is more money than the Federal Government will spend on education, science, law enforcement, transportation, food stamps, and welfare combined.

The Federal budget deficit set a record of $290 billion in 1992.

By 2003, the deficit is expected to leap to a staggering $653 billion and will have reached its largest fraction of gross domestic product in more than 50 years.

Mr. President, we must act to restore budgetary restraint in the Congress. An analysis of the past shows that after each of the last major budget deals, the deficit in fact increased, spending increased, and taxes increased. We must avoid this cycle.

If we are to avoid a repeat of the Carter and Bush years, we must work toward real budgetary reform that truly curbs spending. This is a considerable undertaking that will involve asking all, including many powerful coalitions, that they will have no choice but to do more with less. The control of the Nation's purse will become even more fierce if we instituted budgetary reform and limit spending.

One aspect of this is to give the President the line-item veto.

RECOGNIZING THE CONGRESS' DISEASE

Mr. President, if we are to take control of the budget process we must move bravely forward and be prepared to make many difficult choices.

Now is the time to rise above petty politics and turf wars. We must put institutional pride aside. And most importantly, we must put the local-specific needs of each of our constituents aside and look at the Nation as a whole. Now, Mr. President, is the time for statesmen.

We must reinstitute budgetary restraint and take firm action to control spending. This will involve implementing specific strategies and standing behind a commitment to decrease spending—no matter what the political climate. This will involve accepting one set of budgetary goals and not allowing them to float or be adjusted.

Mr. President, one glaring example of this lack of backbone is the now altered Gramm-Rudman-Hollings deficit targets. The Congress had sought when it passed the Gramm-Rudman-Hollings Act to impose mandatory spending caps on the Congress. During recent years, however, these fixed budget targets have become significantly relaxed.

Mr. President, when push came to shove, the Congress allowed these ceilings to be altered. Due to the pressure of Gramm-Rudman-Hollings on the Congress to curtail its spending, the Congress curtailed Gramm-Rudman-Hollings. As a result, the 1990 Budget Act was passed and new higher targets were established.

Now, 4 years into that agreement, deficits and spending are being allowed to spiral out of control without penalty. The outlook for the future looks even worse: massive cuts in defense, huge tax increases, and an increase in domestic spending. The problem of the deficit, although often mentioned in high political rhetoric, is not addressed and allowed to grow.

THE LINE-ITEM VETO AS PART OF THE SOLUTION: PROCESS REFORM

The only solution to our budgetary problems and our profligate spending habits is substantial process reform. One key aspect of that process reform must be the line-item veto. Mr. President for those who say there is no need for the line-item veto, I implore you to open your eyes to the facts. Like all addicts, we are afraid to admit our own problem.

But others have recognized our problems.

Ross Perot on "Good Morning America" stated:

> * * * There's every reason to believe that if you give the Congress more money, it's like giving a friend who's trying to stop drinking a liquor store. The point is they will spend it. They will not use it to pay down the debt. If you don't get a balanced budget amendment, if you don't get a line-item veto for the president, we might as well take this money out to the edge of town and burn it, because it'll be thrown away.

Governor Clinton on Larry King Live:

> We ought to have a line-item veto.

Candidate Bill Clinton in Putting People First:

> Line-Item Veto. To eliminate pork-barrel projects and cut government waste, I will ask Congress to give me the line-item veto.

President Bill Clinton in his Inaugural Address:

> Americans deserve better * * * so that power and privilege no longer shout down the voice of the people. Let us put aside personal advantage so that we can feel the pain and see the promise of America. Let us give this Capitol back to the people to whom it belongs.

According to the CATO Institute, December 9, 1992, Policy Analysis:

> Ninety-two percent of the governors believe that a line-item veto for the President would help restrain federal spending. Eighty-eight percent of the Democratic respondents believe the line-item veto would be useful.
>
> America's governors and former governors have a unique perspective on budget reform issues. Most of them have had practical experience with the line-item veto and balanced budget requirement in their states. The fact that most governors have found those budget tools useful in restraining deficits and unnecessary government spending suggests that they may be worth instituting on the federal level.

Additionally from the CATO Institute Study:

Keith Miller (R), former Governor, AK:

> The line-item veto is a useful tool that a governor can use on occasion to eliminate blatantly "pork barrel" expenditures that can strain a budget. At the same time he must answer to the voters if he or she uses the veto irresponsibly. It is a certain restraint on the legislative branch.

Michael Dukakis (D), former Governor, MA:

> The line item veto is helpful in stopping efforts to add riders and other extraneous amendments to the budget bill.

L. Douglas Wilder (D), Governor, VA:

> To the detriment of the federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development with its budget resolution, after which, the President may only approve or veto 13 appropriations bills. Without the line item veto the President has minimal flexibility to manage the federal budget after it is passed.

S. Ernest Vandiver (D), former Governor, GA:

> Tremendous tool for saving money.

Ronald Reagan (R), former Governor, CA, former President:

> When I was governor in California, the governor had the line-item veto, and so you could veto parts of a bill. The President can't do that. I think, frankly—of course, I'm prejudiced—government would be far better off if the President had the right of line-item veto.

The U.S. Chamber of Commerce:

> supports the McCain bill or similar legislation providing for line item veto/enhanced rescission authority, as a means of curbing excessive and wasteful government spending, to provide for better prioritization of scarce resources, and to encourage deficit reduction without tax increases.

THE GREATER THREAT OF INACTION

Mr. President, many have characterized this legislation as a dangerous ploy, not as a true budgetary reform. This is not accurate and does not take into account the greater picture of the dangers presented by our out of control budget process.

What is dangerous is what is happening to the effective administration of the American Government. Pork-barrel spending is threatening our national security and consuming resources that could better be spent on tax cuts, deficit reduction, or health care.

I do not make the charge that pork-barrel spending is threatening our national security without a great deal of consideration. After last year's defense appropriation bill, it is unfortunately clear how dangerous pork-barrel spending can be to our national security. It should now be clear how urgent the need for the line-item veto is.

At a time when thousands of men and women who volunteered to serve their country have to leave military service because of changing priorities and declining defense budgets, we nonetheless are able to find money for $6.3 billion of pork in the defense appropriation bill. At a time when we need to restructure our forces and manpower to meet our post-cold war military needs, we squandered $6.3 billion of pointless projects with no military value like engines that will never by used, military museums, studies of military stress on families, military physical fitness centers, and even supercomputers. This $6.3 billion of pork is impairing our national security and harming our society.

Mr. President, every Congressman or Senator wants to get projects for his or her district. It is an institutional problem. I am not a saint. There are no saints in the City of Satan, but I am trying. I am trying to change a system that has failed. I am trying to make a difference. I am not here to cast aspersions on other Senators who secured pork-barrel projects for their States. I am not here to start a partisan fight.

I am here trying to reform Congress. It is a Congress that has piled up $3.7 trillion in debt. It is a Congress that is responsible for a $400 billion deficit this year. It is a Congress that has miserably failed the American people. It is an institution that desperately needs reform.

Anyone who feels that the system does not need reform need only examine the trend in level of our public debt. As I have stated in my analysis of the most recent budget plans, the deficit has continued to grow and spending continues to increase. In 1960, the Federal debt held by the public was $236.8 billion. In 1970, it was $283.2 billion. In 1980, it was $709.3 billion. In 1990, it was $3.2 trillion, and it is expected to surpass $4 trillion this year.

My colleagues may ask: Why is the line-item veto so important?

Because a President with a line-item veto could held stop the waste. Because a President with a line-item veto could play an active role in ensuring that valuable taxpayer dollars are spent effectively to meet our national security needs, our infrastructure needs, and other social needs without pointless pork-barrel spending.

According to a recent General Accounting Office [GAO] study, $70 billion could have been saved between 1984 and 1989, if the President had a line-item veto.

It is important because it can help reduce the deficit. It can change the way Washington operates. Mr. President, we cannot turn a blind eye to unnecessary spending when we cannot meet the needs of our service men and women. We cannot tolerate this kind of waste when Americans all over this country are experiencing economic hardship and uncertainty.

We cannot ignore the line-item veto, when it is self-evident how effective it could be in reducing the deficit. We cannot ignore any method of saving the taxpayer's hard-earned money.

The $6.3 billion of pork in the defense appropriation bill is not an insignificant sum. $6.3 billion would pay for the personnel and operating costs of 19,000 enlisted personnel in the Air Force for 1 year. It would pay for the operating costs of up to 16 carrier battle groups for 1 year. It would pay for the operating costs of eight to nine fully armored army divisions. It would pay for the operating costs of 14 to 15 light infantry divisions for 1 year. It would pay for the total operation of the soon to be closed Williams Air Force Base in Arizona for 50 years.

The American public deserves better than business as usual. As their elected representatives we have an obligation to end the practice of pork-barrel spending.

RETURN TO THE VIEWS OF THE FOUNDING FATHER AND THE CONSTITUTION

Mr. President, let me remind my colleagues that a President empowered with a veto is the system designed by the Founding Fathers. It was not considered a threat to our republican form of government by the Framers of the Constitution.

This bill in no way alters or violates any of the principles of the Constitution. It preserves wholly the right of the Congress to control our Nation's purse strings—a trust the Congress has often violated. This legislation, however does further the concept of checks and balances which is the heart of our divided government.

The veto was designed by the Founding Fathers to ensure that the President had some authority to reign over an unruly legislature. As grade schools learn, the veto is an important aspect of the Constitution. At the same time, these school children learn that the Congress has the right to override the President. This bill does nothing more than embrace that Constitutional tenet.

On the subject of the veto, according to Alexander Hamilton in "Federalist No. 73" the views of the Founding Fathers on executive veto power are as follows:

> It [the veto] not only serves as a shield to the executive, but it furnishes an additional security against the inaction of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or any impulse unfriendly to the public good, which may happen to influence a majority of that body.

Given Congress' predilection for unfunded and/or pork barrel spending, omnibus spending bills, and continuing resolutions, it would seem only prudent and constitutional to provide the President with functional veto power.

The President must have more than the option of vetoing a spending bill and shutting down Government or simply submitting to congressional coercion.

Mr. President, let me emphasize that this bill is also known as enhanced rescission power. The Congress is not transferring power. We are proposing an end to business as usual. The taxpayer needs protection.

Furthermore, this strictly defined and limited line-item veto will not fundamentally upset the balance of power between the executive and legislative branches. And, it is consistent with the values expressed in our Federation Constitution.

Mr. President, criticism of the line-item veto has not stopped with the unfounded charge of upsetting the delicate balance of power between the President and Congress. Opponents claim that it would give the President the power to coerce the Congress. That is not true.

This measure in no way tips the checks and balance system so carefully crafted into the Constitution. The President is given very limited power by this bill. It is limited to appropriation bills and only for a limited time after their passage. Congress is guaranteed the opportunity to quickly overturn the President's rescissions. Opponents may hide behind the charge of coercion, but Congress would not submit to presidential extortion. They would expose the President's coercion, and overturn any offensive rescission.

Charges that the President would abuse this power are also misleading and unfounded.

Again, I will rely upon Alexander Hamilton, who posed this question to his contemporaries in "Federalist No. 73":

> If a magistrate so powerful and so well fortified as a British monarch would have scruples about the exercise of the power under consideration, how much greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the executive authority of government wholly and purely republican?"

To summarize, this legislation will merely require the Congress to recognize the President's rescissions, and help reduce wasteful spending. It is not a means for Presidential abuse, but a means to end congressional abuse. It will give the President limited power in controlling spending and reducing the deficit. It should be self-evident to all Senators that controlling spending is something that the Congress is completely unable to do. I bring to the Senate's attention the $3.7 trillion public debt as irrefutable proof of our inability to control spending.

PRESIDENTIAL POWER USED TO IMPLEMENT BUDGETARY REFORM

This inability to control spending was aggravated in 1974 by the Budget Control and Impoundment Act. If opponents of the line-item veto are in search of a dangerous transfer of political power, they can end their search with that power grab by Congress.

Specifically, the Budget Control and Impoundment Act of 1974 weakened executive power by allowing the Congress the legal option of ignoring the spending cuts recommended by the President through simple inaction.

Since 1974, the Congress' attitude toward Presidential rescission has become one of near total neglect.

For example, President Ford proposed 150 rescissions, and Congress ignored 97. President Carter proposed 132 rescission, and Congress ignored 38. President Reagan proposed 601 recissions, and Congress ignored 384. President Bush has proposed 47 rescissions, and Congress ignored 45.

If the Congress had accepted the 564 Presidential rescissions that it has ignored since 1974, $40.4 billion would have been saved. This is not a trivial sum to a taxpayer, even if it is to a hardened Washington veteran.

The practice of ignoring Presidential rescissions is in contrast to the practice prior to the power grab by Congress in 1974.

Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon all impounded funds that Congress had appropriated for line-item projects. In the most telling example of Presidential impoundment as a means of controlling spending, President Johnson impounded $5.3 billion for many of his Great Society programs during the Vietnam war to quell inflation.

These modern Presidents were not alone in their exercise of rescission power. In 1801, President Jefferson refused to spend $50,000 on gunboats as appropriated by Congress. He, of course, had good reason. When the gunboats were appropriated, a war with Spain was considered imminent. The war never materialized, and the threat posed by Spain ebbed. Circumstances changed, and Jefferson thought it was within his power to eliminate this unnecessary spending.

The money for gunboats was not spent, and money was not appropriated in 1802 for the gunboats.

Clearly, the Union did not fall because the President refused to waste taxpayers' money.

Until 1974, our Presidents had the power to decide whether appropriated moneys should be spent or not.

Thus, whether through rescission, impoundment, or deferral, the executive branch had a significant role in spending control prior to the Budget Control and Impoundment Act of 1974.

Again, Alexander Hamilton in "Federalist No. 73" sheds light on the role of executive veto power in our system of checks and balances:

> When men, engaged in unjustifiable pursuits, are aware that obstructions may come from a quarter which they cannot control, they will often be restrained by the apprehension of opposition from doing what they would with eagerness rush into if no such external impediments were to be feared. "Those opposed to this amendment should consider that pithy statement, and question whether they may be simply defending "unjustifiable pursuits" like bovine flatulence studies, Abraham Lincoln Research and Interpretative Centers, unauthorized spending, or projects that "demonstrate methods of eliminating traffic congestions.

Let me return to the broader picture of process reform. Many opponents claim that a President with line-item veto authority would not have any real ability to balance the budget or even significantly reduce the deficit. I will make no claims that this bill is the answer to all our budgetary problems.

As I earlier stated, the line-item veto is only one of many needed tools in our efforts to win the war. With roughly 1 trillion of entitlement spending in a budget of $1.5 trillion, it is clear that a line-item veto won't be the tool that solves all of our fiscal difficulties. Only a Congress with a political will not characteristic of recent Congress' will be able to balance the budget.

But, a President dedicated to restraining Federal spending could use line-item veto power as an effective toll to reduce Government spending and move closer to a balanced budget than we are today.

The GAO study makes my point. A President with line-item veto authority could have saved the American taxpayer $70 billion since 1974.

A determined President may not be able to balance the budget—only the voters can ultimately control Congress—but a determined President could make substantial progress toward real spending reduction.

A President with line-item veto authority could have played an active role in deficit reduction, and could have mitigated some of the fiscal dilemma our Nation now faces.

As we continue to face enormous budget deficits and annually search for ways to reduce spending, it seems self-evident that there is a place in our budget process for a President empowered with a line-item veto to provide the needed discipline to eliminate waste. With our public debt expected to approach $3.9 trillion this year and our Gross Domestic Product or roughly $5.7 trillion, it is obvious that our debt may soon surpass our output.

With that in mind, I hope the Senate would consider the following quote by a prescient figure in the Scottish Enlightenment, Alexander Tytler. He stated:

> A democracy cannot exist as a permanent form of government. It can exist only until a majority of voters discover that they can vote themselves largesse out of the public treasury. From that moment on, the majority always votes for the candidate who promises them the most benefit from the public treasury, with the result being that democracy always collapses over a loose fiscal policy.

If our debt surpasses our output, I fear that our democracy may just collapse over loose fiscal policy.

Mr. President, we must recognize our responsibility to change as the times dictate. We have sought to remedy what ails the budget process in the past. As I have sought to do here, it is time we re-examine that history. And Mr. President, I am convinced that a real examination of that history reveals that if we are to get our fiscal house in order we must change the process.

It is not an embarrassment to do so. And to do so should not be interpreted by anyone as a method to affix blame for our current deficit. As the President stated at his State of the Union Address, there is plenty of blame to go around. Now is the time to start anew. Now is the time to throw out games and gimmicks and embrace truth in budgeting. Now is the time to accept the facts as they are, and move forward. Now is the time to play straight with the process and fix it where we can fix it, embrace the positive aspects, and throw out those aspects of the process which are not serving us well.

This bill represents progress and change. The only threat it represents is to the power of the Appropriations Committee. On the other hand, inaction on budget process reform represents a threat to American democracy. I ask my colleagues to carefully weigh these threats before as they consider this their position.

Lastly, let me emphasize again that this legislation is not radical, extreme, or dangerous. For nearly 200 years our Nation's Presidents had some form of impoundment or line-item veto power. For nearly 20 years now this power has been out of balance.

I give credit to those who tried to change the system. I give credit to those who believe passionately on this issue spoke eloquently on the Senate floor on this subject. I believe their efforts were well intended, but all the arguments cannot hide the fatal flaw that the system as it now exists is not functioning properly. History now tells us it is time to change again and give the President the authority that 43 Governors possess. It is time to give the President the line-item veto.

This bill is only a small step, but one in the right direction. I urge my colleagues to support this measure.

By Mr. DOLE (for himself, Mr. HELMS, Mr. THURMOND, Mr. COHEN, Mr. WARNER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. LOTT, Mr. NICKLES, and Mr. MACK):

S. 5. A bill to clarify the war powers of Congress and the President in the post-cold war period; to the Committee on Foreign Relations.

THE PEACE POWERS ACT OF 1995

Mr. DOLE. Mr. President, today I am pleased to stand with Senators HELMS, THURMOND, HATCH, COHEN, WARNER, HUTCHISON, MCCAIN, LOTT, and NICKLES to introduce the Peace Powers Act of 1995.

Twenty-two years ago, I voted for S. 440, the War Powers Act of 1973. The act passed 72–18. Only 2 of those 18 Senators are serving in the 104th Congress: The chairman of the Foreign Relations Committee, Senator HELMS, and the chairman of the Armed Services Committee, Senator THURMOND. The conference report later passed, and President Nixon's veto was overridden. On each of those votes, I was in the majority while Senator HELMS and Senator THURMOND were in the minority. After two decades, I now admit they were right, and I was wrong.

Today, on the first day of the 104th Congress, I am introducing legislation to repeal the War Powers Resolution. War Powers was an admirable effort. It was enacted in the aftermath of a divisive war. It was an attempt to prevent more "Vietnams." But the War Powers Resolution did not end division between the executive and legislative branch—it provided a focus for such division and may have actually increased disputes between the branches. In my view, the focus was unhealthy: automatic termination of American troop deployments if Congress did not act. Congress spent hours debating "imminent hostilities" and other definitional matters—rather than the important policy issues relating to war and peace.

I have always believed that Congress has an important and central role in the decisions of war and peace. I believe any President should work to get Congress behind decisions to use force as early as possible. That's what President Bush did in 1991 before the war in the Persian Gulf.

S. 5 repeals the War Powers Act. S. 5 adds back into law the War Powers provisions on consultation and reporting, provisions which have worked reasonable well. When an American President acts in defense of American interests, the President should have all the flexibility provided in the Constitution—not be subject to an automatic withdrawal "trigger" or a 60-day time clock.

S. 5 also addresses another aspect of the U.S. involvement in the post-cold war world: U.N. peacekeeping. S. 5 imposes significant new limits on peacekeeping policies which have jeopardized American interests, squandered resources—and cost lives. S. 5 limits the placing of American troops under foreign command. S. 5 also requires U.N. assessments for peacekeeping be reduced by the amount spent by the Department of Defense in direct or indirect support of peacekeeping activities. This addresses the absurd situation where the United States spends billions on Somalia, for example, and then receives a bill from the United Nations for millions more—as an assessment for our share of peacekeeping.

S. 5 addresses the out of control deficit voting which has occurred in the United Nations. S. 5 requires the administration to tell Congress how it will pay for peacekeeping operations before they vote for such operations and incur any obligation. S. 5 also makes clear that no resources can be committed in New York which have not been appropriated by Congress. The Congress is a little tired of being told we owe arrearages which the administration has made no efforts to finance. S. 5 says if you cannot pay for it, don't vote for it. Finally, S. 5 reaffirms Congress' commitment to the reduction of the U.S. assessment for U.N. peacekeeping to 25 percent—even if the United Nations tries to charge U.S. interest or penalties.

S. 5 will be the subject of many hearings—in Foreign Relations, in Armed Services, and perhaps in other committees. Maybe certain provisions can be improved in the course of our review. I ask that a summary of the provisions of S. 5 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace Powers Act of 1995".

SEC. 2. REPEAL OF THE WAR POWERS RESOLUTION.

(a) WAR POWERS RESOLUTION.—The War Powers Resolution (Public Law 95–148; 50 U.S.C. 1541 et seq.) is repealed.

(b) CONFORMING REPEAL.—Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) is hereby repealed.

SEC. 3. CONSULTATION.

The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

SEC. 4. REPORTING.

(a) INITIAL REPORTS.—In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace, or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) ADDITIONAL INFORMATION.—The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) PERIODIC REPORTS.—Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every 6 months.

SEC. 5. LIMITATION ON PLACEMENT OF UNITED STATES ARMED FORCES UNDER FOREIGN COMMAND FOR A UNITED NATIONS PEACEKEEPING ACTIVITY.

Section 6 of the United Nations Participation Act (22 U.S.C. 287d) is amended to read as follows:

"SEC. 6. (a) Any special agreement or agreements negotiated by the President with the Security Council providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the United Nations Charter, shall be subject to the approval of the Congress by Act or joint resolution.

"(b) The President may not subordinate to the command or operational control of any foreign national any element of the United States Armed Forces participating in any United Nations peacekeeping activity unless—

"(1) the President satisfies the requirements of subsection (c); or

"(2) the Congress enacts an Act or joint resolution specifically authorizing such subordination.

"(c)(1) The requirements referred to in subsection (b)(1) are that the President submit to the designated congressional committees (at the time specified in paragraph (2) of this subsection) the following documents:

"(A) A determination by the President that—

"(i) the proposed subordination of United States Armed Forces to foreign command is in the national security interest of the United States;

"(ii) the unit commanders of the United States Armed Forces proposed for subordination to the command of foreign nationals will at all times retain the ability to report independently to higher United States military authorities;

"(iii) the United States will retain authority to withdraw the United States Armed Forces from the United Nations peacekeeping activity at any time and to take action it considers necessary to protect those forces if they are endangered; and

"(iv) the United States Armed Forces subordinated to the command of foreign nationals will at all times remain under United States administrative command for such purposes as discipline and evaluation.

"(B) The justification for the determination made pursuant to subparagraph (A)(i).

"(C) A memorandum of legal points and authorities explaining why the proposed foreign command arrangement does not violate the Constitution.

"(2) The documents described in paragraph (1) shall be submitted to the appropriate congressional committees not less than 15 days before any element of the United States Armed Forces is subordinated to the command and control of a foreign national, except that if the President determines that an emergency exists which prevents compliance with the requirement that notice be provided 15 days in advance, those documents shall be submitted in a timely manner but no later than 48 hours after such subordination.

"(d) For purposes of this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on National Security, the Committee on Appropriations, and the Committee on International Relations of the House of Representatives; and

"(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.".

SEC. 6. REDUCTION OF UNITED NATIONS ASSESSMENTS TO THE UNITED STATES FOR PEACEKEEPING OPERATIONS.

(a) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1995 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) LIMITATION.—In each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(c) DEFINITIONS.—As used in this section:

(1) The term "United Nations peacekeeping activities" means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(2) The term "appropriate committees of Congress" means—

(A) the Committee on National Security, the Committee on Appropriations, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 7. PRIOR CONGRESSIONAL NOTIFICATION OF SECURITY COUNCIL VOTES ON UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Except as provided in paragraph (2), at least 15 days before any vote in the Security Council to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

"(2)(A) If the President determines that an emergency exists which prevents submission of the 15-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.

"(B) Determinations made under subparagraph (A) may not be delegated.

"(f) ADVERSE PERSONNEL ACTIONS AND CRIMINAL PENALTIES.—Any officer or employee of the United States Government who knowingly and willfully obligates or expends United States funds to carry out any Security Council action described in subsection (e) without the requirements of that subsection having been met shall be subject to the same adverse personnel actions and criminal penalties as are described in sections 1349 and 1350, respectively, of title 31, United States Code (originally enacted in the Anti-Deficiency Act).".

SEC. 8. AVAILABILITY OF APPROPRIATIONS.

Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 2876), as amended by section 7, is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) AVAILABILITY OF APPROPRIATIONS.—(1) The authority to obligate United States funds to carry out any action pursuant to a United Nations Security Council resolution under chapter VI or VII of the United Nations Charter may be exercised only to the extent and in the amounts provided in appropriation Acts.

"(2) The President, acting through the United States Permanent Representative to the United Nations, should advise the Security Council of the requirement of this section on each occasion when the United States supports a Security Council resolution that may result in United States assessed contributions to the United Nations exceeding amounts currently available to be obligated for that purpose.".

SEC. 9. LIMITATION ON ASSESSMENT PERCENTAGE FOR PEACEKEEPING ACTIVITIES.

Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by adding at the end the following new sentence: "Any penalties, interest, or other charges imposed on the United States in connection with such contributions shall be credited as a part of the percentage limitation contained in the preceding sentence.".

S. 5, THE PEACE POWERS ACT OF 1995—JANUARY 4, 1995

Repeals War Powers Resolution of 1973 in its entirety (section 2).

Consultation provisions added back: in advance in "every possible instance" and "regularly" while deployment underway (section 3, old section 3 of War Powers)

Reporting provisions added back: reports "within 48 hours" of deployments (section 4, old section 4 of War Powers).

Withdrawal triggers, "time clocks" and expedited procedures are gone (old sections 5–8 of War Powers, and a post-Chadha reference)

Strict limitation on placement of U.S. troops under foreign command for U.N. peacekeeping operations (section 5). Provides for presidential determination to allow placing troops under foreign command (to address constitutional concerns).

Mandatory credit for Defense Department spending (section 6) requires U.N. assessments be reduced by the amount DoD spent in direct or indirect support of U.N. peacekeeping activities.

Mandatory identification of funding before votes to establish, extend or expand peacekeeping operations (section 7) improves on current law which requires only a cost assessment but allows "deficit voting." Section 8 also requires the President to make any determination to waive the advance notice, and adds penalties from the Anti Deficiency Act to votes not in accordance with this section.

Requires notice that U.S. resource commitments are subject to Congressional appropriations (section 8), places the U.N. on notice that the U.S. cannot commit funds which are not yet appropriated (parallel to legislation governing international financial institutions)

Reaffirms congressional mandate to reduce U.S. peacekeeping assessment to 25 percent (section 9), despite United Nations' plans to add late fees, penalties, etc.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. DODD, Mr. KERRY, Mr. DORGAN, and Ms. MOSELEY-BRAUN):

S. 6. A bill to replace certain Federal job training programs by developing a training account system to provide individuals the opportunity to choose the type of training and employment-related services that most closely meet the needs of such individuals, and for other purposes; to the Committee on Labor and Human Resources.

WORKING AMERICANS OPPORTUNITY ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Working Americans Opportunity Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—JOB TRAINING ACCOUNT SYSTEM

Sec. 101. Establishment.
Sec. 102. Individual choice.
Sec. 103. Eligibility.
Sec. 104. Obtaining a voucher.
Sec. 105. Oversight and accountability.
Sec. 106. Eligibility requirements for providers of job training.
Sec. 107. Eligibility requirements for providers of employment-related services.
Sec. 108. Evaluation of training account system and assistance centers.
Sec. 109. Apportionment of funds.

TITLE II—ELIMINATION OF FEDERAL JOB TRAINING PROGRAMS

Sec. 201. Elimination of programs.
Sec. 202. Authorization of appropriations.

TITLE III—INFORMATION FOR BETTER CHOICES

Sec. 301. Assistance centers.
Sec. 302. Access to labor market information.
Sec. 303. Direct loans to working Americans.

TITLE IV—REPORTS AND PLANS

Sec. 401. Consolidation and streamlining.
Sec. 402. Report relating to income support.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) increasing international competition, technological advances, and structural changes in the economy of the United States present new challenges to private firms and public policymakers in creating a skilled workforce with the ability to adapt to change and progress;

(2) a substantial number of Americans lose jobs due to the constantly changing world and national economies rather than cyclical downturns, with more than 2,000,000 full-time workers permanently displaced annually due to plant closures, production cutbacks, and layoffs;

(3) the current response of the Federal Government to dislocation and structural employment is a patchwork of categorical programs, with varying eligibility requirements and different sets of services and benefits;

(4) the lack of coherence among existing Federal programs creates administrative and regulatory obstacles that hamper the efforts of individuals who are seeking new jobs or reemployment;

(5) enacted in 1944, the Servicemen's Readjustment Act of 1944, popularly known as the GI Bill of Rights, helped millions of World War II veterans, and later, Korean and Vietnam War veterans, finance college educations and assisted in building the middle class of the United States;

(6) restructuring the current job training system, with respect to dislocated and disadvantaged workers, in a manner that is conceptually similar to the GI Bill will help millions of Americans to become more competitive in today's dynamic world economy in which most Americans—

(A) can expect to move to new jobs a number of times, voluntarily or by layoff; and

(B) must upgrade their skills continuously;

(7) success in this ever-changing environment depends, in part, on an individual's effective management of the individual's career based on personal choice and reliable information;

(8) there is insufficient market information and assistance regarding access to job training opportunities that lead to good employment opportunities;

(9) only a small fraction of individuals eligible for current Federal job training are now served, and by removing obstacles and layers of administrative costs, more funds will be made available to individuals to enable such individuals to receive the training of their choice; and

(10) while the Federal Government proceeds to create a new marketplace for job training, the Federal Government must also maintain its commitment to providing intensive services to assist those individuals who are economically disadvantaged.

(b) PURPOSES.—It is the purpose of this Act to—

(1) enhance the choices available to dislocated workers, and the economically disadvantaged, who want to upgrade their work skills and learn new skills to compete in a changing economy;

(2) enable individuals to make choices that are best for the careers of such individuals;

(3) replace a number of Federal job training programs and employment-related services with a simple and direct training account voucher system that relies on individual choice and provides high-quality job market information;

(4) allow an individual to tailor training and education to the personal needs of such individual so that such individual may remain in long-term employment yet have the means to be flexible when necessary; and

(5) create a system that provides timely and reliable information to individuals to use to assist such individuals in making the best choices with respect to the use of vouchers for job training and employment-related services.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) DISLOCATED WORKERS.—

(A) IN GENERAL.—The term "dislocated workers" means individuals who—

(i) have been terminated or laid off or who have received a notice of termination or layoff from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;

(ii) have been terminated or have received a notice of termination of employment, as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise;

(iii) are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including older individuals who may have substantial barriers to employment by reason of age; or

(iv) were self-employed (including farmers and ranchers and fishermen) and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters, subject to regulations prescribed by the Secretary.

(B) SPECIAL RULE.—The Secretary of Labor shall establish categories of self-employed individuals and of economic conditions and natural disasters to which subparagraph (A)(iv) applies.

(2) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" means private nonprofit organizations that—

(A) are representative of communities or significant segments of communities; and

(B) provide education, training, and related services.

(3) ECONOMICALLY DISADVANTAGED ADULT.—The term "economically disadvantaged adult" means an individual who is age 18 and older and who has, or is a member of a family that has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, was not in excess of the higher of—

(A) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 9902(2)) of title 42; or

(B) 70 percent of the lower living standard income level.

(4) GOVERNOR.—The term "Governor" means the chief executive of any State.

(5) PROVIDER.—The term "provider" means a public agency, private nonprofit organization, or private for-profit entity that delivers basic employment, educational, job training, employment-related, or supportive services.

(6) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

TITLE I—JOB TRAINING ACCOUNT SYSTEM

SEC. 101. ESTABLISHMENT.

Not later than January 1, 1996, the Secretary of Labor and the Secretary of Education shall jointly establish pursuant to the requirements of this Act a job training account system that provides vouchers to individuals for the purpose of the provision of job training and employment-related services.

SEC. 102. INDIVIDUAL CHOICE.

(a) IN GENERAL.—Upon notification of approval of an application under section 104, an individual may receive a voucher in the amount of $3,000 for 2-years beginning on the date on which an application is approved under section 104.

(b) USE OF TRAINING ACCOUNT VOUCHERS FOR JOB TRAINING AND EMPLOYMENT-RELATED SERVICES.—

(1) IN GENERAL.—An individual who is a recipient of a voucher under subsection (a) may use such voucher to purchase job training or employment-related services from providers that meet the requirements of section 106 or 107, whichever is applicable.

(2) AUTHORIZED JOB TRAINING AND EMPLOYMENT-RELATED SERVICES.—

(A) IN GENERAL.—The job training and employment-related services described in paragraph (1) may include—

(i) associate degree or nondegree programs at—

(I) two- and four-year colleges;

(II) vocational and technical education schools;

(III) private for-profit and not-for-profit training organizations;

(IV) public agencies and schools; and

(V) community-based organizations;

(ii) employer work-based training programs;

(iii) job search assistance;

(iv) in the case of individuals who are economically disadvantaged, preemployment training programs; or

(v) other appropriate employment-related services.

(B) SPECIAL RULE.—A recipient of a voucher under subsection (a) may not pay by voucher more than $750 for job search assistance services.

SEC. 103. ELIGIBILITY.

An individual shall be eligible to receive a voucher under this title if such individual is—

(1) a dislocated worker; or

(2) an economically disadvantaged adult.

SEC. 104. OBTAINING A VOUCHER.

(a) APPLICATION.—An individual who desires to participate in a training account program established under this title shall submit an application to a voucher application office described in subsection (b)(1) at such time, in such manner, and accompanied by such information as the Governor may reasonably require. The Governor shall, to the extent that appropriations are available, approve an application that meets the application requirements of regulations issued under section 105 and promptly notify such applicant of such approval.

(b) STATE-DESIGNATED VOUCHER APPLICATION OFFICES.—

(1) ESTABLISHMENT.—Each State shall designate or establish easily accessible voucher application offices within such State to assist in administering the training account system under this title. Such offices may be administered by private (for-profit or not-for-profit) or public entities.

(2) DUTIES.—Each voucher application office shall—

(A) provide applications for vouchers under this title to interested individuals, assist such individuals in completing such applications, and collect completed applications for determination of eligibility;

(B) provide performance-based information to applicants relating to service providers eligible to receive payment by voucher in accordance with section 106 or 107, whichever is applicable;

(C) carry out such other duties relating to the training account system as may be specified by the Governor or prescribed in regulations issued jointly by the Secretary of Labor and the Secretary of Education; and

(D) provide information on—

(i) the local economy and availability of employment;

(ii) profiles of local industries; and

(iii) details of local labor market demand.

(3) CONFLICT OF INTEREST STANDARDS.—The Secretary of Labor and the Secretary of Education shall jointly issue regulations establishing procedures to ensure that voucher application offices that are administered by an entity that is concurrently an eligible provider of services under the training account system provide information to voucher applicants relating to the other providers of services in the local area in an objective and equitable manner.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that as States become more experienced with administering vouchers to eligible individuals that the voucher applications offices described in subsection (b) should be converted to one stop assistance centers described in section 301.

SEC. 105. OVERSIGHT AND ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor and the Secretary of Education shall jointly issue regulations that—

(1) specify the—

(A) voucher application requirements;

(B) form of vouchers;

(C) use of such vouchers;

(D) method of redemption of such vouchers;

(E) most expeditious and effective process of distribution (consistent with the findings and purposes of this Act) of a voucher from the Federal Government to eligible individuals; and

(F) the arrangements necessary to phase in the training account system in each State in a timely manner;

(2) specify the duties and responsibilities of providers under a training account program established by a State under this title;

(3) include a role for a State in the oversight of such providers of such State;

(4) specify the Federal and State responsibilities in such oversight, including the enforcement responsibilities and the determination of administrative costs with respect to a State that establishes a training account program under this title;

(5) include provisions that encourage States to distribute in a regionally balanced manner, to the extent practicable, vouchers to individuals to purchase job training or employment-related services in such State; and

(6) specify the manner in which economically disadvantaged individuals will receive adequate counseling and support services necessary to take full advantage of the voucher assistance under this title.

(b) PUBLIC COMMENTS.—In promulgating regulations under subsection (a), the Secretary of Labor and the Secretary of Education shall provide the opportunity for comment from the public, including representatives of the business community, workers, and community-based organizations.

SEC. 106. ELIGIBILITY REQUIREMENTS FOR PROVIDERS OF JOB TRAINING.

(a) ELIGIBILITY REQUIREMENTS.—A provider of job training shall be eligible to receive payment by voucher under this title if such provider—

(1) is—

(A) eligible to participate in programs under title IV of the Higher Education Act of 1965; or

(B) determined to be eligible under the procedures described in subsection (b); and

(2) provides the performance-based information required pursuant to subsection (c).

(b) ALTERNATIVE ELIGIBILITY PROCEDURE.—

(1) IN GENERAL.—The Governor shall establish an alternative eligibility procedure for providers of job training desiring to receive payment by voucher under this title, but that are not eligible to participate in programs under title IV of the Higher Education Act of 1965.

(2) PROCEDURE REQUIREMENTS.—The procedure described in paragraph (1) shall establish minimum acceptable levels of performance for providers of job training based on factors and guidelines developed jointly by the Secretary of Labor and the Secretary of Education. Such factors shall be comparable in rigor and scope to those provisions of part H of title IV of the Higher Education Act of 1965 that are used to determine an institution of higher education's eligibility to participate in programs under such part as are appropriate to the type of provider seeking eligibility under this subsection and the nature of the education and training services to be provided.

(3) LIMITATION.—Notwithstanding paragraph (1), if the participation of an institution of higher education in any of the programs under title IV of the Higher Education Act of 1965 is terminated, such institution shall not be eligible to receive funds under this Act for a period of 2 years beginning on the date of such termination.

(c) PERFORMANCE-BASED INFORMATION.—

(1) CONTENTS.—The Secretary of Labor and the Secretary of Education shall identify performance-based information that is to be submitted by providers of job training desiring to be eligible under this section. Such information may include information relating to—

(A) the percentage of students completing the programs conducted by a provider of job training;

(B) the rates of licensure of graduates of the programs conducted by such provider;

(C) the percentage of graduates of the programs conducted by such provider that meet skill standards and certification requirements endorsed by the National Skill Standards Board established under section 503 of the National Skills Standards Act of 1994;

(D) the rates of placement and retention in employment, and earnings of the graduates of the programs conducted by such provider;

(E) the percentage of graduates of the program conducted by such provider who obtained employment in an occupation related to such program conducted by such provider; and

(F) the warranties or guarantees provided by such provider relating to the skill levels or employment to be attained by graduates of the program conducted by such provider.

(2) ADDITIONS.—The Governor may, pursuant to the approval of the Secretary of Labor and the Secretary of Education, prescribe additional performance-based information that shall be submitted by providers of job training pursuant to this subsection.

(d) ADMINISTRATION.—

(1) STATE AGENCY.—The Governor shall designate a State agency to collect, verify, and disseminate the performance-based information submitted pursuant to paragraph (1) of subsection (c).

(2) APPLICATION.—A provider of job training desiring to be eligible to receive funds under this title shall submit the information required under subsection (c) to the State agency designated under paragraph (1) at such time and in such form as such State agency may require.

(3) LIST OF ELIGIBLE PROVIDERS.—The State agency designated under paragraph (1) shall compile a list of eligible providers, accompanied by the performance-based information submitted, and disseminate such list and information to the voucher application offices described under section 105(b)(1), assistance centers under section 301, and other appropriate entities within the State.

(4) ACCURACY OF INFORMATION.—

(A) IN GENERAL.—If the State agency determines that a provider of training services submitted inaccurate performance-based information under this subsection, then such provider shall be disqualified from receiving funds under this title for a period of 2 years beginning on the date of such determination, unless such provider can demonstrate to the satisfaction of the Governor or a designee of the Governor, that the information was provided in good faith.

(B) APPEAL.—The Governor shall establish a procedure for a provider of job training to appeal a determination by a State agency that results in a disqualification under subparagraph (A). Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(5) ASSISTANCE IN DEVELOPING INFORMATION.—The State agency designated under paragraph (1) may provide technical assistance to a provider of job training in developing the performance-based information required under subsection (c). Such assistance may include facilitating the utilization of State administrative records, such as unemployment compensation wage records, and other appropriate coordination activities.

(6) CONSULTATION.—The Secretary of Labor shall consult with the Secretary of Education regarding the eligibility of institutions of higher education or other providers of job training to participate in programs under this Act or under title IV of the Higher Education Act of 1965.

SEC. 107. ELIGIBILITY REQUIREMENTS FOR PROVIDERS OF EMPLOYMENT-RELATED SERVICES.

(a) IN GENERAL.—A provider of employment-related services shall be eligible to receive payment by voucher under this title if such provider—

(1) is determined to be eligible under procedures described in subsection (b); and

(2) provides the performance-based information required pursuant to subsection (c).

(b) PROCEDURES.—The Governor, after consultation with local elected officials and other appropriate entities in the State, shall establish eligibility procedures for providers of employment-related services in such State desiring to receive payment by voucher under this title. Such procedures shall establish minimum acceptable levels of performance for such providers based on factors and guidelines developed by the Secretary of Labor.

(c) PERFORMANCE-BASED INFORMATION.—The Secretary of Labor and the Secretary of Education shall identify performance-based information that is to be submitted by providers of employment-related services desiring to be eligible under this section.

SEC. 108. EVALUATION OF TRAINING ACCOUNT SYSTEM AND ASSISTANCE CENTERS.

The Secretary of Labor and the Secretary of Education shall annually—

(1) monitor the effectiveness of the training account system and the assistance centers established under section 301;

(2) evaluate the benefit of such system and centers to voucher recipients under this title and the taxpayer; and

(3) submit to the appropriate committees of Congress information obtained from such evaluation.

SEC. 109. APPORTIONMENT OF FUNDS.

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Education shall, without in any way reducing the commitment of, or the level of effort by, the Federal Government to improve the education, employment, and earnings of all workers and jobseekers (particularly in hard-to-serve communities), jointly apportion funds appropriated under section 202 to each State for each fiscal year in accordance with subsection (b).

(b) CONSIDERATION OF FACTORS.—

(1) IN GENERAL.—An apportionment of funds under subsection (a) shall be based on the following factors:

(A) The relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States.

(B) The relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States.

(C) The relative number of individuals who have been unemployed for 15 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

(D) The relative number of economically disadvantaged adults who reside in each State.

(2) DEFINITION.—For purposes of this subsection, the term "excess number" means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(c) FUNDS FOR VOUCHERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not less than 75 percent of funds apportioned to a State under subsection (a) shall be made available in the form of vouchers to individuals in the State who are eligible under section 103.

(2) WAIVER.—The Secretary of Labor may waive the requirement under paragraph (1) for a State if—

(A) such State provides job training and employment-related services other than the job training and employment-related services provided through vouchers; and

(B) such services are considered by the Secretary of Labor to be more beneficial to individuals in such State to meet the self-determined training needs of such individuals.

(d) NONVOUCHER EMPLOYMENT-RELATED SERVICES.—

(1) IN GENERAL.—The remaining balance of the funds apportioned under subsection (a) shall be used for employment-related services that are provided through means other than voucher and that increase the probability that such individuals will benefit from training and reenter the workforce.

(2) AUTHORIZED SERVICES.—The employment-related services described in paragraph (1) may include—

(A) skill assessments;

(B) testing;

(C) counseling;

(D) job development;

(E) work experience evaluation;

(F) job readiness training;

(G) basic skills education;

(H) supportive and supplemental services; and

(I) rapid response.

(3) AVAILABILITY OF SERVICES.—The services described in paragraph (2) and any other related services may be made available through assistance centers established under title III.

(e) SPECIAL RULE.—The Secretary of Labor and the Secretary of Education shall jointly determine the equitable distribution of voucher assistance and nonvoucher assistance under subsections (c) and (d), respectively, between dislocated workers and economically disadvantaged adults.

TITLE II—ELIMINATION OF FEDERAL JOB TRAINING PROGRAMS

SEC. 201. ELIMINATION OF PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the elimination and streamlining of Federal job training programs should be accomplished without in any way reducing the commitment of, or the level of effort by, the Federal Government to improve the education, employment, and earnings of all workers and jobseekers particularly in hard-to-serve communities.

(b) REPEALS OF EMPLOYMENT TRAINING PROGRAMS.—

(1) IN GENERAL.—The following provisions are repealed:

(A) Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)).

(B) Section 106(b)(7) of the Job Training Partnership Act (29 U.S.C. 1516(b)(7)).

(C) Section 123 of such Act (29 U.S.C. 1533).

(D) Section 204(d) of such Act (29 U.S.C. 1604(d)).

(E) Part A of title II of such Act (29 U.S.C. 1601 et seq.).

(F) Section 302(c) of such Act (29 U.S.C. 1652(c)).

(G) Part A of title III of such Act (29 U.S.C. 1661 et seq.).

(H) Sections 321 through 324 of such Act (29 U.S.C. 1662 through 1662c).

(I) Section 325 of such Act (29 U.S.C. 1662d).

(J) Section 325A of such Act (29 U.S.C. 1662d-1).

(K) Section 326 of such Act (29 U.S.C. 1662e).

(L) Sections 301 through 303 of such Act (29 U.S.C. 1651 et seq.).

(M) Subtitle C of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11441 et seq.).

(N) The Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.).

(O) Section 43 of the Airline Deregulation Act of 1978 (49 U.S.C. App. 1552).

(P) Title II of Public Law 95-250 (92 Stat. 172).

(2) EFFECTIVE DATE.—The repeals made by paragraph (1) shall take effect on January 1, 1996.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act for fiscal years 1996, 1997, and 1998 the same level of funds that were appropriated for the programs described in section 201(b) for fiscal year 1995.

TITLE III—INFORMATION FOR BETTER CHOICES

SEC. 301. ASSISTANCE CENTERS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—A State may, with the funds made available under section 109(d), make arrangements with private or public entities to establish assistance centers to provide voucher recipients under title I, jobseekers, employers, and workers information and employment-related services to increase the probability that such individuals will benefit from job training and make better use of other Federal job training assistance. An assistance center may serve as the location where individuals may apply to become eligible for voucher assistance under title I.

(2) LOCATION.—An assistance center may be located within an existing unemployment office.

(3) PUBLIC CONSULTATION.—A State that desires to establish an assistance center is encouraged to consult the public, including the business community, and workers, regarding the choice of services to be made available and the location of such center.

(b) AVAILABLE INFORMATION.—The information made available to individuals described in subsection (a) shall include data on—

(1) the local economy and availability of employment;

(2) profiles of local industries;

(3) details of local labor market demand;

(4) local demographic and socioeconomic characteristics;

(5) the performance of training and education providers; and

(6) private support service providers.

(c) EMPLOYMENT-RELATED SERVICES.—The employment-related services available to individuals described in subsection (a) may include—

(1) counseling;

(2) skills and employability assessment;

(3) job referral; and

(4) child care.

(d) OTHER SERVICES.—The Governor shall make available through the assistance centers information on and provide referrals to other Federal and State job training and employment-related service programs.

SEC. 302. ACCESS TO LABOR MARKET INFORMATION.

(a) FINDINGS.—The Congress finds that accurate, timely, and relevant data regarding employment, training, job skills, and education opportunities are useful for individuals making choices about the careers of such individuals.

(b) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Labor and the Secretary of Education are authorized to make arrangements with public or private entities to develop and provide relevant labor market information to interested individuals, including voucher recipients under title I, jobseekers, employers, and workers.

(2) TYPE OF INFORMATION FOR COLLECTION.—The types of information to be developed and provided under paragraph (1) shall include the following:

(A) Regional labor market demand.

(B) Regional employment opportunities.

(C) Regional industries and employers.

(D) Demographic, socioeconomic, and economic characteristics of particular regions.

SEC. 303. DIRECT LOANS TO WORKING AMERICANS.

(a) FINDINGS.—The Congress finds that the Federal Direct Student Loan Program authorized by part D of title IV of the Higher Education Act of 1965, is a valuable financing tool for working Americans who desire to take advantage of training and education programs, consistent with the goals of such Americans, to learn new skills for careers that may bring higher salaries and improved quality of life.

(b) AWARENESS.—The Department of Education shall endeavor to make known the value and availability of direct loans through the Federal Direct Student Loan Program under part D of title IV of the Higher Education Act of 1965 through cooperative arrangements with training and educational training programs, assistance centers, State agencies, and other Federal agencies.

TITLE IV—REPORTS AND PLANS

SEC. 401. CONSOLIDATION AND STREAMLINING.

(a) REPORT ON CONSOLIDATING NONCOVERED FEDERAL JOB TRAINING PROGRAMS.—Not later than January 1, 1996, and each year thereafter, the Secretary of Labor and the Secretary of Education shall jointly prepare and submit to Congress a report on how additional Federal job training programs not covered by this Act can be consolidated into a more integrated and accountable workforce development system that better meets the needs of jobseekers, workers, and business.

(b) PLAN ON USE OF COMMON DEFINITIONS, MEASURES, STANDARDS, AND CYCLES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor and the Secretary of Education shall jointly develop a plan that, wherever practicable, requires all Federal job training programs not covered by this Act to use common definitions, common outcome measures, common eligibility standards, and common funding cycles in order to make such training programs more accessible.

SEC. 402. REPORT RELATING TO INCOME SUPPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) many dislocated workers and economically disadvantaged adults are unable to enroll in long-term job training because such workers and adults lack income support after unemployment compensation is exhausted;

(2) evidence suggests that long-term job training is among the most effective adjustment service in assisting dislocated workers and economically disadvantaged adults to obtain employment and enhance wages; and

(3) there is a need to identify options relating to how income support may be provided to enable dislocated workers and economically disadvantaged adults to participate in long-term job training.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall submit to the Congress a report that—

(1) examines the need for income support to enable dislocated workers and economically disadvantaged adults to participate in long-term job training;

(2) identifies options relating to how income support can be provided to such workers and adults; and

(3) contains such recommendations as the Secretary of Labor determines are appropriate.

Mr. KENNEDY. Mr. President, I join today with the distinguished Minority Leader, Senator DASCHLE, in cosponsoring legislation critical to the health and economy of this Nation and to working families across this country.

I applaud Senator DASCHLE for the Democratic priorities set forth in the legislation he has introduced on this, the first day of the 104th Congress. As I traveled across Massachusetts over these past few months, it was clear that the priorities of the people are jobs and the economy, health care and education. These are their priorities, they are my priorities and they are the priorities shared by the Democratic leadership in the Senate, House, and White House.

I look forward to working together with the new Republican leadership. The challenges facing our Nation are not Republican or Democrat, and they require a bipartisan response.

The health care crisis continues to be our greatest challenge and must be our highest priority. To carry on the work begun in the last Congress, I join in cosponsoring the Affordable Health Care for All Americans Bill.

The crisis in health care has not gone away. Last year the number of Americans without health insurance coverage increased by another million. The rise in the Nation's health spending was close to $100 billion. The escalating cost of Medicare and Medicaid continues to undermine our efforts to control the deficit. Worst of all, millions of families across the country have no confidence that the health insurance that protects them today will be there for them tomorrow if serious illness strikes.

It is not surprising that surveys find that Americans rank health care reform as a top priority for the new Congress. Every Member of the Senate has heard from hundreds, if not thousands, of Americans who have been devastated by uninsured illness. Every Member of the Senate has talked to hundreds of business owners, large and small, who say that uncontrolled health care costs are eating away at profits, decreasing competitiveness, and taking money away from needed wage increases. Every Member of the Senate knows that the tough choices we face to put our fiscal house in order would be immeasurably easier if health care costs were going up only as fast as the other parts of our economy. Every Member of the Senate knows that a major reason wages and living standards have stagnated for more than a decade is the continuing rise in health care costs. And every Member of the Senate knows that, once the political rhetoric and the disagreement over specifics is stripped away, the sickness in our health care system cannot be cured without decisive government action.

At its best, health care in the United States is superb. But the system we have created to pay for that care is a 19th century horse and buggy unsuited for America today. The dishonor roll of the gaps in our health care system is a long one.

Insurance companies selling health insurance to small businesses and individuals almost universally apply pre-existing condition exclusions to the coverage they sell. That means you are not covered for treatment of the very health condition most likely to make you sick. More than 80 million Americans have pre-existing conditions that could be subject to this kind of exclusion if they have to change insurance policies.

In our nonsystem of health insurance financing, there is no guarantee of coverage or renewability. If you have a pre-existing condition, there is no guarantee you can buy coverage at any price. If you have coverage and become sick, there is nothing to keep your insurer from raising your premium out of sight or canceling your coverage. To avoid high risks, insurance companies redline whole neighborhoods, occupations, and businesses, and deny the chance for any protection at all.

Those who seem to have good coverage often find themselves without the protection they need when they read the fine print. They face lifetime limits on coverage, or an exclusion of the very service that is most important. Insurance that provides good coverage when you become sick often does little to encourage the preventive care that can keep you well.

Often, even if good coverage is available, it is not affordable. With good family plans costing $5,000 or $6,000 or more, too many Americans are priced out of the coverage they need. Few families, no matter how hard they work, can afford adequate health insurance if their employer does not contribute to the cost. That is why more than 30 million of the uninsured are members of working families. The breadwinners in these families work hard—40 hours a week, 52 weeks a year—but all their hard work cannot buy the protection they need for themselves and their loved ones, because their employer will not share in the cost. Families that have coverage today are only one pink slip away from losing it, or one management decision away from its cancellation or reduction.

Senior citizens and younger people with disabilities face two huge gaps in the system of retirement security that Medicare and Social Security are supposed to guarantee. They lack affordable coverage for the cost of long-term care and prescription drugs.

The cost of health care in America is out of control. Per person, we pay more than any other industrialized country—40 percent more than the Canadians, twice as much as the Germans and Japanese. The rapid escalation in the cost of health care is robbing American families of the wage gains they need to fulfill the American dream. It is a cancer on our economic future.

Last year we came closer than ever before to finally making the right to health care a reality for all Americans. Theodore Roosevelt first proposed a national health plan more than 80 years ago. President Bill Clinton and First Lady Hillary Clinton put this issue on the national agenda at a level of intensity that has never before been achieved. Four committees of Congress reported out bills guaranteeing coverage to every American. For the first time in our Nation's history, comprehensive health reform was debated on the floor of the Senate. And up to the last days of the session, a bipartisan coalition in the Senate struggled to shape a compromise that could break the gridlock. As I have said many times, if it was easy, it would have been accomplished long ago. It took four separate votes in successive sessions of Congress before Medicare was finally approved.

Our challenge is to pass a program that will meet the test of real reform—guaranteed, affordable, comprehensive coverage for every family and control of health care costs. Senator DASCHLE's bill demonstrates the high priority that our party gives to such reform and provides a basis for constructive action. His bill includes important insurance reforms. It will bring affordable health insurance for children within reach of millions of American families, and provide special help for temporarily unemployed workers who lose their coverage when they lose their job. It also provides 100 percent deductibility for small businesses, and addresses other important problems. I look forward to working with Members on both sides of the aisles in passing this kind of down payment legislation this year.

As we look to the future, we must keep our eye on the ultimate objective: to assure that every family in America is guaranteed the basic right to health care. Every Member of Congress has that guarantee. Every Canadian has it. Every French citizen has it. Every German has it. Every Japanese has it. In fact, every citizen of every other industrialized country except South Africa has it. It is time for us to give every family in America the peace of mind of knowing that uninsured illness will never turn their American dream into a nightmare.

I am also proud to join the Minority Leader in cosponsoring the Working Americans' Opportunity Act, and I also commend Senator BREAUX for his effective work in shaping this legislation.

Given today's rapidly changing economy, one of the top priorities of this Congress must be to reform and streamline existing job training programs to ensure that they provide realistic opportunities for workers to upgrade skills and increase their earning power over the course of their careers.

As we modernize our job training system, we must not, in any way, retreat from the commitment that we have made to provide the basic skills and supports which make it possible for jobseekers and workers to actively participate in the labor market.

We need to respond to the new and powerful economic forces which are making labor markets more uncertain for the middle class. As a result of increased international competition, rapid technological change and reductions in defense, many men and women already in the labor force must be retrained to improve their skills and enable them to continue in productive careers. In the evolving modern economy, this kind of retraining may be needed more than once, and often several times over the course of people's careers.

A more flexible job training system is essential to respond to the ever-expanding number of two-income families and families with single heads of households who face the difficult challenge of balancing work and family responsibilities.

Over the past decade many private businesses have taken steps to re-engineer their operations to deal with the profound changes taking place in our economy. It is clearly time for the Federal Government to act as well, to improve the return we are receiving from the funds we invest in job training and to give workers a greater opportunity to succeed.

The Working American's Opportunity Act, S. 6, begins the important process of streamlining the existing complex job training system, in order to create more accessible, more effective, and more understandable assistance for workers.

Vouchers modeled on the GI bill that transformed this Nation after World War II will be available for workers to select training programs most suited to their needs. States will be encouraged to establish "one-stop-shopping" centers for career counseling, job search assistance and performance assessments of training programs. To insure that workers have the most up-to-date information on emerging jobs and the skills required, national labor market information will be available. Taken together, these changes are excellent steps toward creating the kind of modern job training system the Nation needs, a system that is genuinely driven by the real requirements of workers, jobseekers, and businesses.

In the last session of Congress, we laid the groundwork for bipartisan efforts on job training reform by enacting the School-to-Work Opportunities Act. This legislation will be a catalyst for States and local communities to create better career opportunities for noncollege bound youth. We need to apply that same bipartisan spirit to making job training programs more effective for adults.

In closing, I again commend Senator DASCHLE for his leadership in introducing these important bills. I look forward to working with him and with Senators on both sides of the aisle in the weeks and months ahead on these and other essential measures to make government more responsive to the people and to meet the many serious challenges we face.

Ms. MIKULSKI. Mr. President, I am proud to join as an original cosponsor in Senate bills 6–10 introduced today by the Democratic leader. They represent a solid effort to help working families, give help to those who first practice self help, get the Federal Government's fiscal house in order, and reform the Congress.

Since the November elections, some have been left with the impression that the Democratic Party has no vision for the future of our country, and that we have abandoned the concerns of the middle class. As a blue collar Senator who returns home each night to the city where I was born, I believe that these five legislative efforts dispel that myth.

These five items represent what we believe as Democrats are a downpayment on the concerns of middle America—job security and our standard of living, affordable health insurance, ending welfare as we know it, balancing the budget by cutting spending, and reforming the way Congress itself does business.

The first of these initiatives, S. 6, the Working Americans Opportunity Act, will enable working Americans to have available a lifetime opportunity of employment retraining. It will revamp job training programs by consolidating those programs that work and eliminating those that don't, providing job training opportunities and access to people who practice self help and need new skills for real work situations. Finally, it will not require new taxes or spending because it replaces, consolidates and eliminates nine existing programs and cuts government bureaucracy. Winning the war for America's future depends on whether Americans can have jobs today and jobs for the 21st century. We simply must have a skilled work force that is equipped and ready to compete for the high tech future. S. 6 will get us headed in that direction.

S. 7, the Family Health Insurance Protection Act, is a significant first step toward ensuring that all Americans have access to affordable, high-quality health insurance coverage. It will ensure that no one can be denied health insurance because of a pre-existing medical condition and protect workers who change jobs from losing their health coverage. It will also prohibit insurers from dropping customers or raising their rates once they become ill. It will reduce red tape and provide tax incentives to small businesses that provide health insurance. This legislation will let us begin to ensure health coverage for every American.

S. 8, the Teenage Pregnancy Prevention and Parental Responsibility Act, will make our welfare system a partner—with parents, teachers, and clergy—in keeping kids in school and off welfare. As the only social worker in the U.S. Senate, I have long fought to make our welfare programs reflect America's family values. This legislation will require unwed teenage mothers to live with an adult family member or in a supervised group home. It will also help communities to develop their own solutions to the problem of teen pregnancy.

And finally, by strengthening our child support laws, this legislation will crack down on deadbeats who ignore their responsibility to their children—and leave taxpayers will the bill. It is time for us to stop wringing our hands about teen pregnancy and do something about it. S. 8 will help us reduce teen pregnancy without resorting to orphanages.

S. 9, the Fiscal Responsibility Act, will ensure that we are honest with the American public about balancing the budget. It will require the Budget Committees to report a budget resolution that shows exactly how we are to get to a balanced budget by the year 2003—without smoke and mirrors. This act will force Congress to match its budget balancing rhetoric with real action. The American public deserves to know exactly what a balanced budget will mean. It will force Congress to debate the real issues and bring honesty and open debate to one of the most critical issues facing the Congress and the country. I welcome this debate.

S. 10, the Comprehensive Congressional Reform Act, is intended to help restore the confidence of the American people in their democratic institutions. It will make Congress live by the laws it imposes on everybody else, require strict disclosure of lobbyist activity, ban gifts from lobbyists and impose tough campaign finance reform. I am proud to have been among the first Members of Congress to win real congressional reform with the passage of my legislation last year to reform and modernize the appalling working conditions under which the more than 2,000 employees of the Architect of the Capitol labored. S. 10 will continue this progress toward real reform.

I commend our new Democratic Leader, the distinguished Senator from South Dakota, for developing this insightful and visionary package of measures. They symbolize his desire to tackle the tough issues which are foremost on the minds of Americans as we begin 1995.

While I do not necessarily support each provision within these measures, I believe that we should begin the debate on each of these subjects on the first day of this new Congress. I believe our party and this Congress needs to promote a shared national vision around jobs and those who practice selfhelp. I look forward to working with my colleagues to see that each of these matters is fully addressed by the 104th Congress.

Mr. ROCKEFELLER. Mr. President, giving American workers the opportunity to get the education and training they need to effectively compete in our modern workplace and highly competitive economy must be a priority. That is why I am joining Senator DASCHLE in introducing S. 6, the Working Americans Opportunity Act, and I commend him and my other colleagues involved in developing this important initiative.

While there are numerous Federal training programs in existence, there also are some valid questions about how effective these efforts are. It is time to deal with these questions and make the changes necessary to ensure that our programs work more efficiently and effectively, both for the participants and the American taxpayers who are footing the bills.

The Working Americans Opportunity Act is an important step in the right direction to improve our Federal training programs. This effort is designed to streamline existing Federal training programs and give participants more say over their job search process and training. The bill also proposes a critically needed investment in a "national labor market information system" so people can get their hands on current information that will tell them what fields offer real job opportunities. The bill promotes "one-stop career centers" to help Americans sort through training and career information in one place so they can make more organized decisions about their future.

In cosponsoring this bill, I want to emphasize my continued belief that America's—and West Virginia's—battle for the best jobs in world depends partly on our workers having the best skills and education. Competing in the global economy is a permanent fact of life. And both workers and the unemployed in West Virginia want to get the training they need to have good jobs.

But I also want to register a note of caution about the bill's use of "vouchers" as the way to link workers with training. I have some questions about this concept, because I do not want to see them turn into "coupons" for training that is not up to standard. Neither workers nor the American taxpayers will be well served if the new system does not assure high quality training in fields with real job opportunities. Achieving this goal will require a delicate balance and strong quality assurance within the new system. Throughout the legislative process, I will be working to further strengthen this legislation and promote education and training of the best quality for American workers.

Training and education are especially key issues for West Virginia and other regions still struggling with unemployment rates above the national average and facing major industrial restructuring. I know from experience that West Virginians are eager to work and willing to learn new skills in order to meet the challenges of our increasingly competitive work place. It is essential to ensure that Federal training programs meet such needs and provide real opportunities to workers who have been dislocated from their careers.

Our entire country benefits when an American worker gains new skills and becomes more productive so it is essential to invest in effective Federal training programs. The Working Americans Opportunity Act is a step in the right direction, and sends a strong signal about the need to move forward.

By Mr. DASCHLE (for himself,
Mr. KENNEDY, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr.
DODD, Mr. BREAUX, Ms.
MOSELEY-BRAUN, Mr. PELL,
Mrs. MURRAY, and Mr. INOUYE):

S. 7. A bill to provide for health care reform through health insurance market reform and assistance for small business and families, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY HEALTH INSURANCE PROTECTION ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Health Insurance Protection Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

Sec. 1001. Nondiscrimination based on health status.
Sec. 1002. Guaranteed issue and renewal
Sec. 1003. Rating limitations.
Sec. 1004. Delivery system quality standards.
Sec. 1005. Benchmark benefits package.
Sec. 1006. Risk adjustment.
Sec. 1007. Effective dates.

Subtitle B—Establishment and Application of Standards

Sec. 1011. General rules.
Sec. 1012. Encouragement of State reforms.
Sec. 1013. Grants to States for small group health insurance purchasing arrangements.
Sec. 1014. Enforcement of standards.

Subtitle C—Health Care Cost and Access Advisory Commission

Sec. 1021. Health Care Cost and Access Advisory Commission.
Sec. 1022. Duties of Commission.
Sec. 1023. Operation of Commission.

Subtitle D—Definitions

Sec. 1031. Definitions.

TITLE II—IMPROVING ACCESS TO HEALTH CARE COVERAGE

Subtitle A—Coverage Under Qualified Health Plans and Premium Assistance

PART 1—ACCESS TO QUALIFIED HEALTH PLANS

SUBPART A—GENERAL PROVISIONS

Sec. 2001. Establishment of State program.
Sec. 2002. Assistance with health plan premiums.

SUBPART B—PREMIUM ASSISTANCE TO ELIGIBLE INDIVIDUALS

Sec. 2011. Amount of premium assistance.
Sec. 2012. Assistance to children.
Sec. 2013. Assistance to temporarily unemployed individuals.

PART 2—AGGREGATE FEDERAL PAYMENTS

Sec. 2021. Aggregate Federal payments.

PART 3—DEFINITIONS AND DETERMINATIONS OF INCOME

Sec. 2031. Definitions and determinations of income.
Sec. 2032. References to individual.

Subtitle B—Self-Employed Health Insurance Deduction

Sec. 2101. Deduction for health insurance costs of self-employed individuals.

TITLE III—IMPROVING ACCESS IN RURAL AREAS

Subtitle A—Office of Rural Health Policy

Sec. 3001. Office of Rural Health Policy.

Subtitle B—Development of Telemedicine in Rural Underserved Areas

Sec. 3101. Grants for development of rural telemedicine.
Sec. 3102. Report and evaluation of telemedicine.
Sec. 3103. Regulations on reimbursement of telemedicine.
Sec. 3104. Authorization of appropriations.
Sec. 3105. Definitions.

Subtitle C—Rural Health Plan Demonstration Projects

Sec. 3201. Rural health plan demonstration projects.

Subtitle D—Antitrust Safe Harbors for Rural Health Providers

Sec. 3301. Antitrust safe harbors for rural health providers.

TITLE IV—QUALITY AND CONSUMER PROTECTION

Subtitle A—Administrative Simplification

PART 1—PURPOSE AND DEFINITIONS

Sec. 4001. Purpose.
Sec. 4002. Definitions.

PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS

Sec. 4011. General requirements on secretary.
Sec. 4012. Standards for health information transactions and data elements.

PART 3—REQUIREMENTS WITH RESPECT TO CERTAIN TRANSACTIONS AND INFORMATION

Sec. 4021. Requirements on health plans and health care providers.
Sec. 4022. Standards and certification for health information protection organizations.

PART 4—ACCESSING HEALTH INFORMATION

Sec. 4031. Access for authorized purposes.

PART 5—PENALTIES

Sec. 4041. General penalty for failure to comply with requirements and standards.

PART 6—MISCELLANEOUS PROVISIONS

Sec. 4051. Effect on State law.
Sec. 4052. Authorization of appropriations.

Subtitle B—Privacy of Health Information

PART 1—DEFINITIONS

Sec. 4101. Definitions.

PART 2—AUTHORIZED DISCLOSURES

SUBPART A—GENERAL PROVISIONS

Sec. 4106. General rules regarding disclosure.
Sec. 4107. Authorizations for disclosure of protected health information.
Sec. 4108. Health information protection organizations.

SUBPART B—SPECIFIC DISCLOSURES RELATING TO PATIENT

Sec. 4111. Disclosures for treatment and financial and administrative transactions.
Sec. 4112. Emergency circumstances.

SUBPART C—DISCLOSURE FOR OVERSIGHT, PUBLIC HEALTH, AND RESEARCH PURPOSES

Sec. 4116. Oversight.
Sec. 4117. Public health.
Sec. 4118. Health research.

SUBPART D—DISCLOSURE FOR JUDICIAL, ADMINISTRATIVE, AND LAW ENFORCEMENT PURPOSES

Sec. 4121. Judicial and administrative purposes.
Sec. 4122. Law enforcement.

SUBPART E—DISCLOSURE PURSUANT TO GOVERNMENT SUBPOENA OR WARRANT

Sec. 4126. Government subpoenas and warrants.
Sec. 4127. Access procedures for law enforcement subpoenas and warrants.
Sec. 4128. Challenge procedures for law enforcement warrants, subpoenas, and summons.

SUBPART F—DISCLOSURE PURSUANT TO PARTY SUBPOENA

Sec. 4131. Party subpoenas.
Sec. 4132. Access procedures for party subpoenas.
Sec. 4133. Challenge procedures for party subpoenas.

PART 3—PROCEDURES FOR ENSURING SECURITY OF PROTECTED HEALTH INFORMATION

SUBPART A—ESTABLISHMENT OF SAFEGUARDS

Sec. 4136. Establishment of safeguards.
Sec. 4137. Accounting for disclosures.

SUBPART B—REVIEW OF PROTECTED HEALTH INFORMATION BY SUBJECTS OF THE INFORMATION

Sec. 4141. Inspection of protected health information.
Sec. 4142. Amendment of protected health information.
Sec. 4143. Notice of information practices.

PART 4—SANCTIONS

SUBPART A—CIVIL SANCTIONS

Sec. 4151. Civil penalty.
Sec. 4152. Civil action.

SUBPART B—CRIMINAL SANCTIONS

Sec. 4161. Wrongful disclosure of protected health information.

PART 5—ADMINISTRATIVE PROVISIONS

Sec. 4166. Relationship to other laws.
Sec. 4167. Rights of incompetents.
Sec. 4168. Exercise of rights.

Subtitle C—Enhanced Penalties for Health Care Fraud

Sec. 4201. All-payer fraud and abuse control program.
Sec. 4202. Application of Federal health anti-fraud and abuse sanctions to all fraud and abuse against any health plan.
Sec. 4203. Establishment of the health care fraud and abuse data collection program.
Sec. 4204. Health care fraud.

Subtitle D—Health Care Malpractice Reform

Sec. 4301. Federal tort reform.
Sec. 4302. State-based alternative dispute resolution mechanisms.
Sec. 4303. Limitation on amount of attorney's contingency fees.
Sec. 4304. Periodic payment of awards.
Sec. 4305. Allocation of punitive damage awards for provider licensing and disciplinary activities.

TITLE V—BUDGET NEUTRALITY

Sec. 5001. Assurance of budget neutrality.

TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

SEC. 1001. NONDISCRIMINATION BASED ON HEALTH STATUS.

(a) IN GENERAL.—Except as provided in subsection (b) and section 1003(d), a health plan may not deny, limit, or condition the coverage under (or benefits of) the plan, or vary the premium, for an individual based on the health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for health care services, disability, or lack of evidence of insurability.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

(1) IN GENERAL.—A health plan may impose a limitation or exclusion of benefits relating to treatment of a condition based on the fact

that the condition preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan;

(B) the limitation or exclusion extends for a period not more than 6 months after the date of enrollment under the plan;

(C) the limitation or exclusion does not apply to an individual who, as of the date of birth, was covered under the plan; or

(D) the limitation or exclusion does not apply to pregnancy.

(2) CREDITING OF PREVIOUS COVERAGE.—A health plan shall provide that if an individual under such plan is in a period of continuous coverage as of the date of enrollment under such plan, any period of exclusion of coverage with respect to a preexisting condition shall be reduced by 1 month for each month in the period of continuous coverage.

(3) DEFINITIONS.—For purposes of this subsection:

(A) PERIOD OF CONTINUOUS COVERAGE.—

(i) IN GENERAL.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under a health plan or an equivalent health care program and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) EQUIVALENT HEALTH CARE PROGRAM.—The term "equivalent health care program" means—

(I) part A or part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

(II) the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.),

(III) the health care program for active military personnel under title 10, United States Code,

(IV) the veterans health care program under chapter 17 of title 38, United States Code,

(V) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code, and

(VI) the Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(B) PREEXISTING CONDITION.—The term 'preexisting condition' means, with respect to coverage under a health plan, a condition which was diagnosed, or which was treated, within the 3-month period ending on the day before the date of enrollment (without regard to any waiting period).

(c) LIMITATIONS PROHIBITED.—

(1) IN GENERAL.—A health plan may not impose a lifetime limitation on the provision of benefits under the plan.

(2) RULE OF CONSTRUCTION.—The prohibition contained in paragraph (1) shall not be construed as prohibiting limitations on the scope or duration of particular items or services covered by a health plan.

SEC. 1002. GUARANTEED ISSUE AND RENEWAL

(a) SMALL GROUP MARKET.—Each health plan offering coverage in the small group market shall guarantee each individual purchaser and small employer (and each eligible employee of such small employer) applying for coverage in such market the opportunity to enroll in the plan.

(b) LARGE EMPLOYER MARKET.—Each health plan offering coverage in the large employer market shall guarantee any individual eligible for coverage under the plan the opportunity to enroll in such plan.

(c) CAPACITY LIMITS.—Notwithstanding this section, a health plan may apply a capacity limit based on limited financial or provider capacity if the plan enrolls individuals in a manner that provides prospective enrollees with a fair chance of enrollment regardless of the method by which the individual seeks enrollment.

(d) RENEWAL OF POLICY.—

(1) SMALL GROUP MARKET.—A health plan issued to a small employer or an individual purchaser in the small group market shall be renewed at the option of the employer or individual, if such employer or individual purchaser remains eligible for coverage under the plan.

(2) LARGE EMPLOYER MARKET.—A health plan issued to an individual eligible for coverage under a large employer plan shall be renewed at the option of the individual, if such individual remains eligible for coverage under the plan.

(e) GROUNDS FOR REFUSAL TO RENEW.—A health plan may refuse to renew a policy only in the case of—

(1) the nonpayment of premiums;

(2) fraud on the part of the employer or individual relating to such plan; or

(3) the misrepresentation by the employer or individual of material facts relating to an application for coverage of a claim or benefit.

(f) NOTIFICATION OF AVAILABILITY.—Each health plan sponsor shall publicly disclose the availability of each health plan that such sponsor provides or offers in a small group market. Such disclosure shall be accompanied by information describing the method by which eligible employers and individuals may enroll in such plans.

SEC. 1003. RATING LIMITATIONS.

(a) IN GENERAL.—A health plan offering coverage in the small group market shall comply with the standards developed under this section.

(b) ROLE OF NAIC.—The Secretary shall request that the NAIC—

(1) develop specific standards in the form of a model Act and model regulations that provide for the implementation of the rating limitations described in subsection (d); and

(2) report to the Secretary concerning such standards within 6 months after the date of enactment of this Act.

(c) ROLE OF THE SECRETARY.—The Secretary, upon review of the report received under subsection (b)(2), shall not later than January 1, 1997, promulgate final standards implementing this section. Such standards shall be the applicable health plan standards under this section.

(d) RATING STANDARDS.—The standards described in this section shall provide for the following:

(1) A determination of factors that health plans may use to vary the premium rates of such plans. Such factors—

(A) shall be applied in a uniform fashion to all enrollees covered by a plan;

(B) shall include age (as specified in paragraph (3)), family type, and geography; and

(C) except as provided in paragraph (2)(A), shall not include gender, health status, or health expenditures.

(2)(A) Factors prohibited under paragraph (1)(C) shall be phased out over a period not to exceed 3 years after the effective date of this section.

(B) Other rating factors (other than age) may be phased out to the extent necessary to minimize market disruption and maximize coverage rates.

(3) Uniform age categories and age adjustment factors that reflect the relative actuarial costs of benefit packages among enrollees. By the end of the 3-year period beginning on the effective date of this section, for individuals who have attained age 18 but not age 65, the highest age adjustment factor may not exceed 3 times the lowest age adjustment factor.

(e) DISCOUNTS.—Standards developed under this section shall permit health plans to provide premium discounts based on workplace health promoting activities.

SEC. 1004. DELIVERY SYSTEM QUALITY STANDARDS.

(a) IN GENERAL.—Each health plan shall comply with the standards developed under this section.

(b) ROLE OF THE SECRETARY.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with the NAIC and other organizations with expertise in the areas of quality assurance (including the Joint Commission on Accreditation of Health Care Organizations, the National Committee for Quality Assurance, and peer review organizations), shall establish minimum guidelines specified in subsection (c) for the issuance by each State of delivery system quality standards. Such standards shall be the applicable health plan standards under this section.

(c) MINIMUM GUIDELINES.—The minimum guidelines specified in this subsection are as follows:

(1) Establishing and maintaining health plan quality assurance, including—

(A) quality management;

(B) credentialing;

(C) utilization management;

(D) health care provider selection and due process in selection; and

(E) practice guidelines and protocols.

(2) Providing consumer protection for health plan enrollees, including—

(A) comparative standardized consumer information with respect to health plan premiums and quality measures, including health care report cards;

(B) nondiscrimination in plan enrollment, disenrollment, and service provision;

(C) continuation of treatment with respect to health plans that become insolvent; and

(D) grievance procedures.

(3) Ensuring reasonable access to health care services, including access for vulnerable populations in underserved areas.

SEC. 1005. BENCHMARK BENEFITS PACKAGE.

(a) IN GENERAL.—With respect to an individual eligible for enrollment, a sponsor of a health plan—

(1) shall offer the benchmark benefits package described in subsection (b); and

(2) may offer any other health benefits package.

(b) BENCHMARK BENEFITS PACKAGE DESCRIBED.—

(1) IN GENERAL.—

(A) PACKAGE DESCRIBED.—The benchmark benefits package described in this subsection is a benefits package that covers all of the items and services under the categories of health care items and services specified by the Secretary under paragraph (2) when medically necessary or appropriate (as determined in accordance with paragraph (3)) and provides for a cost-sharing schedule specified by the Secretary under paragraph (4).

(B) ACTUARIAL VALUE.—The benchmark benefits package established by the Secretary under this subsection shall have an actuarial value that equals the actuarial value of the benefits package provided under the health benefits plan offered under chapter 89 of title 5, United States Code, with the highest enrollment during 1994, adjusted for a national population under 65 years of age (as determined by the Secretary).

(2) CATEGORIES OF HEALTH CARE ITEMS AND SERVICES.—

(A) IN GENERAL.—The categories of health care items and services specified by the Secretary under this paragraph shall include at least the categories described in section 1302(1) of the Public Health Service Act (42 U.S.C. 300e-1(a)) and section 8904(a) of title 5, United States Code. The Secretary may add or delete categories of health care items and services under this paragraph as medical practice changes.

(B) SPECIFYING ITEMS AND SERVICES.—

(i) IN GENERAL.—The Secretary shall specify the items and services under the categories specified under subparagraph (A).

(ii) PRIORITIES FOR THE SECRETARY.—In specifying items and services under this subparagraph the Secretary shall take into account the following:

(I) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—With respect to mental health and substance abuse services, the Secretary shall give priority to parity for such services with other medical services with respect to cost-sharing and duration of treatment.

(II) VULNERABLE POPULATIONS AND UNDERSERVED AREAS.—The Secretary shall give priority to the needs of children and vulnerable populations, including those populations in rural, frontier, and underserved areas.

(III) PREVENTION.—The Secretary shall give priority to improving the health of individuals through prevention.

(3) MEDICAL NECESSITY OR APPROPRIATENESS.—The Secretary shall establish general criteria for determining whether an item or service specified by the Secretary under paragraph (2)(B) is medically necessary or appropriate. Health plans shall make coverage decisions regarding procedures and technologies consistent with such general criteria.

(4) COST-SHARING.—The Secretary shall establish cost-sharing schedules to be provided by a benchmark benefits package. In establishing such cost-sharing schedules, the Secretary shall meet the following requirements:

(A) ANNUAL BASIS.—The Secretary shall review and update cost-sharing schedules as determined appropriate by the Secretary, but on at least an annual basis.

(B) PREVENTIVE SERVICES EXEMPTED.—The Secretary shall exempt from any cost-sharing schedules clinical preventive services and prenatal care services.

(C) DELIVERY SYSTEMS.—In establishing cost-sharing schedules for benchmark benefits packages, the Secretary shall ensure that the schedules permit a variety of delivery systems, including fee-for-service, preferred provider organizations, point of service, and health maintenance organizations.

SEC. 1006. RISK ADJUSTMENT.

Each health plan offering coverage in the small group market in a State shall participate in a risk adjustment program developed by such State under standards established by the Secretary.

SEC. 1007. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on January 1, 1996.

(b) RATING LIMITATIONS, BENCHMARK BENEFITS PACKAGES, AND RISK ADJUSTMENTS.—The standards promulgated under sections 1003, 1005, and 1006 shall apply to plans that are issued or renewed after December 31, 1996.

Subtitle B—Establishment and Application of Standards

SEC. 1011. GENERAL RULES.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed on a health plan under this Act shall be deemed to be a requirement or standard imposed on the insurer or sponsor of such plan.

(2) PREEMPTION OF STATE LAW.—

(A) IN GENERAL.—No requirement of this title shall be construed as preempting any State law unless such State law directly conflicts with such requirement. The provision of additional consumer protections under State law as described in subparagraph (B) shall not be considered to directly conflict with any such requirement.

(B) CONSUMER PROTECTION LAWS.—State laws referred to in subparagraph (A) that are not preempted by this title include—

(i) laws that limit the exclusions or limitations for preexisting medical conditions to periods that are less than those provided for under section 1001;

(ii) laws that limit variations in premium rates beyond the variations permitted under section 1003; and

(iii) laws that would expand the small group market in excess of that provided for under this title.

(b) REGULATIONS.—The Secretary, in consultation with NAIC, and the Secretary of Labor are each authorized to issue regulations as are necessary to implement this Act.

SEC. 1012. ENCOURAGEMENT OF STATE REFORMS.

Nothing in this Act shall be construed as prohibiting States from enacting health care reform measures that exceed the measures established under this Act, including reforms that expand access to health care services, control health care costs, and enhance quality of care.

SEC. 1013. GRANTS TO STATES FOR SMALL GROUP HEALTH INSURANCE PURCHASING ARRANGEMENTS.

(a) IN GENERAL.—The Secretary shall make grants to States that submit applications meeting the requirements of this section for the establishment and operation of small group health insurance purchasing arrangements.

(b) USE OF FUNDS.—Grant funds awarded under this section to a State may be used to finance administrative costs associated with developing and operating a small group health insurance purchasing arrangement, including the costs associated with—

(1) engaging in marketing and outreach efforts to inform individuals and small employers about the small group health insurance purchasing arrangement, which may include the payment of sales commissions;

(2) negotiating with insurers to provide health insurance through the small group health insurance purchasing arrangement; or

(3) providing administrative functions, such as eligibility screening, claims administration, and customer service.

(c) APPLICATION REQUIREMENTS.—An application submitted by a State to the Secretary shall describe—

(1) whether the program will be operated directly by the State or through 1 or more State-sponsored private organizations and the details of such operation;

(2) program goals for reducing the cost of health insurance for, and increasing insurance coverage in, the small group market;

(3) the approaches proposed for enlisting participation by insurers and small employers, including any plans to use State funds to subsidize the cost of insurance for participating individuals and employers; and

(4) the methods proposed for evaluating the effectiveness of the program in reducing the number of uninsured in the State and on lowering the cost of health insurance for the small group market in the State.

(d) GRANT CRITERIA.—In awarding grants, the Secretary shall consider the potential impact of the State's proposal on the cost of health insurance for the small group market and on the number of uninsured, and the need for regional variation in the awarding of grants. To the extent the Secretary deems appropriate, grants shall be awarded to fund programs employing a variety of approaches for establishing small group health insurance purchasing arrangements.

(e) PROHIBITION ON GRANTS.—No grant funds shall be paid to States that do not meet the requirements of this title with respect to small group health plans, or to States with group purchasing programs involving small group health plans that do not meet the requirements of this title.

(f) ANNUAL REPORT BY STATES.—States receiving grants under this section shall report to the Secretary annually on the numbers and rates of participation by eligible insurers and small employers, on the estimated impact of the program on reducing the number of uninsured, and on the cost of insurance available to the small group market in the State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal years 1996, 1997, and 1998.

(h) SECRETARIAL REPORT.—The Secretary shall report to Congress by not later than January 1, 1997, on the number and amount of grants awarded under this section, and include with such report an evaluation of the impact of the grant program on the number of uninsured and cost of health insurance to small group markets in participating States.

SEC. 1014. ENFORCEMENT OF STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), each State shall require that each health plan issued, sold, offered for sale, or operated in such State meets the insurance reform standards established under this title pursuant to an enforcement plan filed by the State with, and approved by, the Secretary. If the State does not file an acceptable plan, the Secretary shall enforce such standards until a plan is filed and approved.

(b) SECRETARY OF LABOR.—With respect to any health plan for which the application of State insurance laws are preempted under section 514 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144), the enforcement of the insurance reform standards established under this title shall be by the Secretary of Labor.

Subtitle C—Health Care Cost and Access Advisory Commission

SEC. 1021. HEALTH CARE COST AND ACCESS ADVISORY COMMISSION.

There is established a commission to be known as the Health Care Cost and Advisory Commission (in this subtitle referred to as the "Commission").

SEC. 1022. DUTIES OF COMMISSION.

(a) IN GENERAL.—The general duties of the Commission are to monitor and respond to trends in national health care spending and health insurance coverage. The Commission may be advised by individuals with expertise concerning the economic, demographic, and insurance market factors that affect the cost and availability of health insurance.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Commission shall report to Congress and the President annually on January 15 (beginning in 1999) on the status of health care spending and health insurance coverage in the nation.

(2) CONTENTS OF REPORT.—Each annual report shall include—

(A) findings regarding—

(i) the characteristics of the insured and uninsured, including demographic characteristics, working status, health status, and geographic distribution;

(ii) the effectiveness of insurance reforms on increasing access to health insurance and making health insurance more affordable; and

(iii) the effectiveness of cost containment strategies at the Federal and State levels and in the private sector; and

(B) recommendations for improving access to health insurance and reducing health care cost inflation.

SEC. 1023. OPERATION OF COMMISSION.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 11 members appointed by the President and confirmed by the Senate. Members shall be appointed not later than 90 days after the date of enactment of this Act.

(2) CHAIRPERSON.—The President shall designate 1 individual described in paragraph (1) who shall serve as Chairperson of the Commission.

(b) COMPOSITION.—The membership of the Commission shall include individuals with national recognition for their expertise in health care and health care markets. In appointing members of the Commission, the President shall ensure that no more than 6 members of the Commission are affiliated with the same political party.

(c) TERMS.—

(1) IN GENERAL.—The terms of members of the Commission shall be for 6 years, except that of the members first appointed, 4 shall be appointed for an initial term of 4 years and 4 shall be appointed for an initial term of 2 years.

(2) CONTINUATION IN OFFICE.—Upon the expiration of a term of office, a member shall continue to serve until a successor is appointed and qualified.

(d) VACANCIES.—

(1) IN GENERAL.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(2) NO IMPAIRMENT OF FUNCTION.—A vacancy in the membership of the Commission does not impair the authority of the remaining members to exercise all of the powers of the Commission.

(3) ACTING CHAIRPERSON.—The Commission may designate a member to act as Chairperson during any period in which there is no Chairperson designated by the President.

(e) MEETINGS; QUORUM.—

(1) MEETINGS.—The Chairperson shall preside at meetings of the Commission, and in the absence of the Chairperson, the Commission shall elect a member to act as Chairperson pro tempore.

(2) QUORUM.—Six members of the Commission shall constitute a quorum thereof.

(f) ADMINISTRATIVE PROVISIONS.—

(1) PAY AND TRAVEL EXPENSES.—

(A) PAY.—Each member shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(2) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint an Executive Director.

(B) PAY.—The Executive Director shall be paid at a rate equivalent to a rate for the Senior Executive Service.

(3) STAFF.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Executive Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(B) PAY.—The Executive Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the annual rate of basic pay payable for GS–15 of the General Schedule.

(C) DETAILED PERSONNEL.—Upon request of the Executive Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) OTHER AUTHORITY.—

(A) CONTRACT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(B) LEASES AND PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the operation of the Commission.

Subtitle D—Definitions

SEC. 1031. DEFINITIONS.

(a) HEALTH PLAN.—For purposes of this title, the term "health plan" means a plan that provides, or pays the cost of, health benefits. Such term does not include the following, or any combination thereof:

(1) Coverage only for accidental death, dismemberment, dental, or vision.

(2) Coverage providing wages or payments in lieu of wages for any period during which the employee is absent from work on account of sickness or injury.

(3) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

(4) Coverage issued as a supplement to liability insurance.

(5) Worker's compensation or similar insurance.

(6) Automobile medical-payment insurance.

(7) A long-term care insurance policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy provides sufficiently comprehensive coverage of a benefit so that it should be treated as a health plan).

(8) Any plan or arrangement not described in any preceding subparagraph which provides for benefit payments, on a periodic basis, for a specified disease or illness or period of hospitalization without regard to the costs incurred or services rendered during the period to which the payments relate.

(9) Such other plan or arrangement as the Secretary determines is not a health plan.

(b) TERMS AND RULES RELATING TO THE SMALL GROUP AND LARGE EMPLOYER MARKETS.—For purposes of this title:

(1) SMALL GROUP MARKET.—The term "small group market" means the market for health plans which is composed of small employers and individual purchasers.

(2) SMALL EMPLOYER.—The term "small employer" means, with respect to any calendar year, any employer if, on each of 20 days during the preceding calendar year (each day being in a different week), such employer (or any predecessor) employed less than 51 employees for some portion of the day.

(3) INDIVIDUAL PURCHASER.—The term "individual purchaser" means an individual who is not eligible to enroll in a health plan sponsored by a large or small employer.

(4) LARGE EMPLOYER MARKET.—The term "large employer market" means the market for health plans which is composed of large employers.

(5) LARGE EMPLOYER.—The term "large employer"—

(A) means an employer that is not a small employer; and

(B) includes a multiemployer plan as defined in section 3(37) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)) and a plan which is maintained by a rural electric cooperative or a rural telephone cooperative association (within the meaning of section 3(40) of such Act (29 U.S.C. 1002(40)).

(c) ADDITIONAL DEFINITIONS.—For purposes of this title:

(1) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—IMPROVING ACCESS TO HEALTH CARE COVERAGE

Subtitle A—Coverage Under Qualified Health Plans and Premium Assistance

PART 1—ACCESS TO QUALIFIED HEALTH PLANS

Subpart A—General Provisions

SEC. 2001. ESTABLISHMENT OF STATE PROGRAM.

In order to qualify for payments under part 2, each State shall establish a program under which the State—

(1) makes available at least 1 qualified health plan to each premium subsidy eligible individual residing in the State; and

(2) furnishes premium assistance to such individual in accordance with this part.

The program shall comply with requirements specified under regulations issued by the Secretary and may be in effect for calendar years beginning after 1996.

SEC. 2002. ASSISTANCE WITH HEALTH PLAN PREMIUMS.

(a) IN GENERAL.—An individual who has been determined by a State under subsection (b) to be a premium subsidy eligible individual (as defined in subpart B) shall be eligible for premium assistance in the amount determined under such subpart.

(b) DETERMINATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Secretary shall issue regulations specifying requirements for each State program under this part with respect to determining eligibility for premium assistance, including measures to prevent individuals from knowingly making material misrepresentations of information or providing false information in applications for assistance under the program.

(2) EMPLOYER MAINTENANCE OF EFFORT.—In order to promote employer-based coverage, the Secretary shall issue regulations that provide that an eligible individual may not be a premium subsidy eligible individual described in subsection (a) if a significant employer contribution toward the premium under a qualified health plan is available to the individual.

(3) STATE MAINTENANCE OF EFFORT.—In order to promote State maintenance of effort, the Secretary shall issue regulations that provide that an eligible individual may not be a premium subsidy eligible individual described in subsection (a) until such individual has been determined to be ineligible for assistance under any other public health insurance program provided by a State or instrumentality thereof.

(c) LIMITATION ON USE OF ASSISTANCE.—A premium subsidy eligible individual who receives premium assistance under this part shall use such assistance only for payments toward the premium under a qualified health plan made available by the State under the program established under section 2001.

Subpart B—Premium Assistance to Eligible Individuals

SEC. 2011. AMOUNT OF PREMIUM ASSISTANCE.

(a) IN GENERAL.—The amount of premium assistance for a month for a premium subsidy eligible individual in a State is an amount equal to the lesser of—

(1) the applicable subsidy percentage multiplied by 1/12th of the annual premium paid for coverage under a qualified health plan in which the individual is enrolled; or

(2) the applicable subsidy percentage multiplied by 1/12th of the maximum subsidy amount (as determined under subsection (b)).

(b) MAXIMUM SUBSIDY AMOUNT.—For purposes of this section, the maximum subsidy amount for a State shall be the Secretary's estimate of the annual premium of the health plan with the highest enrollment offered under chapter 89 of title 5, United States Code, adjusted to reflect—

(1) coverage of the items and services and cost sharing under the benchmark benefits package; and

(2) the difference in expected health care spending of the population enrolled in such plan offered under such chapter 89 and of the population of premium subsidy eligible individuals in such State.

SEC. 2012. ASSISTANCE TO CHILDREN.

(a) ELIGIBILITY.—A child shall be considered a premium eligible individual under this part if such child—

(1) is not eligible for medical assistance under a State plan under title XIX of the Social Security Act;

(2) has not been enrolled in a health plan offered by an employer (under rules established by the Secretary) during the 6-month period ending on the date the individual submits an application to the State for premium assistance under this part, unless such employer coverage was discontinued as a result of a loss of employment by the individual's parent or guardian; and

(3) has a family income determined under section 2031(3) which does not exceed (except as provided under section 2021(b)(3))—

(A) with respect to 1997, 133 percent of the applicable Federal poverty level;

(B) with respect to 1998, 150 percent of the applicable Federal poverty level;

(C) with respect to 1999, 185 percent of the applicable Federal poverty level;

(D) with respect to 2000, 200 percent of the applicable Federal poverty level;

(E) with respect to 2001 and years thereafter, 240 percent of the applicable Federal poverty level.

(b) APPLICABLE SUBSIDY PERCENTAGE.—For the purposes of this part, the term "applicable subsidy percentage" for an individual described in subsection (a) means 100 percent reduced (but not below zero) by 1.82 percentage points for every 1 percentage point (or portion thereof) by which the premium subsidy eligible individual's family income exceeds 185 percent of the applicable Federal poverty level.

SEC. 2013. ASSISTANCE TO TEMPORARILY UNEMPLOYED INDIVIDUALS.

(a) ELIGIBILITY.—An eligible individual shall be considered a premium subsidy eligible individual under this part if such individual—

(1) has been employed continuously for a 6-month period ending within a month preceding the date the individual submits an application to the State for premium assistance under this part;

(2) has been covered under a health plan during such period of employment;

(3) is not eligible for medical assistance under a State plan under title XIX of the Social Security Act;

(4) has not received a premium subsidy under a program established under this subtitle for more than a 6-month period beginning with the date described in paragraph (1); and

(5) has a family income determined under section 2031(3) which does not exceed (except as provided under section 2021(b)(3))—

(A) with respect to 1997, 100 percent of the applicable Federal poverty level;

(B) with respect to 1998, 125 percent of the applicable Federal poverty level;

(C) with respect to 1999, 150 percent of the applicable Federal poverty level;

(D) with respect to 2000, 200 percent of the applicable Federal poverty level;

(E) with respect to 2001 and years thereafter, 240 percent of the applicable Federal poverty level.

(b) APPLICABLE SUBSIDY PERCENTAGE.—For the purposes of this part, the term "applicable subsidy percentage" for an individual described in subsection (a) means 100 percent reduced (but not below zero) by 1 percentage point for each 1 percentage point (or portion thereof) by which the premium subsidy eligible individual's family income exceeds 100 percent of the applicable Federal poverty level.

PART 2—AGGREGATE FEDERAL PAYMENTS

SEC. 2021. AGGREGATE FEDERAL PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), with respect to any quarter beginning on or after January 1, 1997, a State shall receive payments from the Secretary in an amount equal to the sum of—

(1) the total premium assistance paid on behalf of individuals eligible for such assistance under part 1 for enrollment in qualified health plans; and

(2) 75 percent of the total amount estimated by the Secretary to be expended by the State during such quarter for proper and efficient operation and administration of the program established under this subtitle.

(b) LIMITATIONS.—

(1) BUDGETARY.—

(A) IN GENERAL.—The total amount of payments under subsection (a) to all States with programs established under this subtitle for any calender year shall not exceed the estimate by the Congressional Budget Office on January 1, 1997, of the total amount of payments under subsection (a) for 1997 (assuming participation levels under full implementation of this subtitle), adjusted for such year by population growth and the increase in health care costs reflected in the cost of providing the benefits package under chapter 89 of title 5, United States Code.

(B) ALLOWABLE ADJUSTMENTS.—If the total payment to States under subsection (a) for any calender year is estimated to be limited under subparagraph (A), corresponding adjustments shall be made to the family income limits under sections 2012(a)(3) and 2013(a)(5) for such year.

(2) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE ERRORS.—

(A) IN GENERAL.—In the case of administrative errors described in subparagraph (B), payments available to a State under subsection (a) shall be reduced by an amount determined appropriate by the Secretary.

(B) ADMINISTRATIVE ERRORS DESCRIBED.—The administrative errors described in this subparagraph include the following:

(i) An eligibility error rate for premium assistance to the extent the applicable error rate exceeds the maximum permissible error rate specified by the Secretary.

(ii) Misappropriations or other expenditures that the Secretary finds are attributable to malfeasance or misfeasance.

(c) REPORTS ON UNEMPLOYMENT.—If there are significant changes in the national unemployment level, the Director of the Office of Management and Budget (in consultation with the Secretary) shall issue a report to Congress on the implications for coverage under State programs established under this subtitle.

(d) AUDITS.—The Secretary shall conduct regular audits of the activities conducted under this subtitle.

(e) BUDGETARY TREATMENT.—This section constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide payments to the States in accordance with this section.

PART 3—DEFINITIONS AND DETERMINATIONS OF INCOME

SEC. 2031. DEFINITIONS AND DETERMINATIONS OF INCOME.

For purposes of this subtitle:

(1) QUALIFIED HEALTH PLAN.—The term "qualified health plan" means a health plan providing the benchmark benefits package as described in section 1005.

(2) CHILD.—The term "child" means an individual who is under 19 years of age.

(3) DETERMINATIONS OF INCOME.—

(A) FAMILY INCOME.—The term "family income" means, with respect to an individual who—

(i) is not a dependent (as defined in subparagraph (B)) of another individual, the sum of the modified adjusted gross incomes (as defined in subparagraph (D)) for the individual, the individual's spouse, and children who are dependents of the individual; or

(ii) is a dependent of another individual, the sum of the modified adjusted gross incomes for the other individual, the other individual's spouse, and children who are dependents of the other individual.

(B) DEPENDENT.—The term "dependent" has the meaning given such term in section 152 of the Internal Revenue Code of 1986.

(C) MODIFIED ADJUSTED GROSS INCOME.—The term "modified adjusted gross income" means adjusted gross income (as defined in section 62(a) of the Internal Revenue Code of 1986)—

(i) determined without regard to sections 135, 162(l), 911, 931, and 933 of such Code, and

(ii) increased by—

(I) the amount of interest received or accrued by the individual during the taxable year which is exempt from tax, and

(II) the amount of the social security benefits (as defined in section 86(d) of such Code) received during the taxable year to the extent not included in gross income under section 86 of such Code.

The determination under the preceding sentence shall be made without regard to any carryover or carryback.

(D) RULES RELATING TO DISREGARD OF CERTAIN INCOME.—The Secretary may promulgate rules under which spousal income may be disregarded in instances in which a spouse is not part of a family unit.

(4) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term "eligible individual" means an individual who is residing in the United States and who is—

(i) a citizen or national of the United States; or

(ii) a lawful alien.

(B) EXCLUSION.—The term "eligible individual" shall not include an individual who is an inmate of a public institution (except as a patient of a medical institution).

(C) LAWFUL ALIEN.—The term "lawful alien" means an individual who is—

(i) an alien lawfully admitted for permanent residence,

(ii) an asylee,

(iii) a refugee,

(iv) an alien whose deportation has been withheld under section 243(h) of the Immigration and Nationality Act, or

(v) a parolee who has been paroled for a period of 1 year or more.

(5) POVERTY LINE.—The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) that—

(A) in the case of a family of less than 5 individuals, is applicable to a family of the size involved; and

(B) in the case of a family of more than 4 individuals, is applicable to a family of 4 individuals.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 2032. REFERENCES TO INDIVIDUAL.

For purposes of this subtitle, any reference to an individual shall include a reference to the parent or guardian of such individual.

Subtitle B—Self-Employed Health Insurance Deduction

SEC. 2101. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PHASE-IN DEDUCTION.—Section 162(*l*) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended—

(1) by striking paragraph (6); and

(2) by striking paragraph (1) and inserting the following:

"(1) ALLOWANCE OF DEDUCTION.—

"(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

"If the taxable year begins in:	The applicable percentage is:
1994	25 percent
1997	50 percent
1998	75 percent
1999 or thereafter	100 percent.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE III—IMPROVING ACCESS IN RURAL AREAS

Subtitle A—Office of Rural Health Policy

SEC. 3001. OFFICE OF RURAL HEALTH POLICY.

(a) APPOINTMENT OF ASSISTANT SECRETARY.—

(1) IN GENERAL.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended—

(A) by striking "by a Director, who shall advise the Secretary" and inserting "by an Assistant Secretary for Rural Health (in this section referred to as the 'Assistant Secretary'), who shall report directly to the Secretary"; and

(B) by adding at the end the following new sentence: "The Office shall not be a component of any other office, service, or component of the Department.".

(2) CONFORMING AMENDMENTS.—(A) Section 711(b) of the Social Security Act (42 U.S.C. 912(b)) is amended by striking "the Director" and inserting "the Assistant Secretary".

(B) Section 338J(a) of the Public Health Service Act (42 U.S.C. 254r(a)) is amended by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(C) Section 464T(b) of the Public Health Service Act (42 U.S.C. 285p-2(b)) is amended in the matter preceding paragraph (1) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(D) Section 6213 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395x note) is amended in subsection (e)(1) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(E) Section 403 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. 300ff-11 note) is amended in the matter preceding paragraph (1) of subsection (a) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(3) AMENDMENT TO THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Health and Human Services (5)" and inserting "Assistant Secretaries of Health and Human Services (6)".

(b) EXPANSION OF DUTIES.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended by striking "and access to (and the quality of) health care in rural areas" and inserting "access to, and quality of, health care in rural areas, and reforms to the health care system and the implications of such reforms for rural areas".

(c) TRANSFER OF DUTIES.—Effective January 1, 1996, the functions, powers, duties, and authority that were carried out in accordance with Federal law by the Office of Rural Health Policy in the Department of Health and Human Services are transferred to the Office of the Assistant Secretary for Rural Health in the Department of Health and Human Services.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

Subtitle B—Development of Telemedicine in Rural Underserved Areas

SEC. 3101. GRANTS FOR DEVELOPMENT OF RURAL TELEMEDICINE.

(a) IN GENERAL.—

(1) GRANTS AWARDED.—The Secretary, acting through the Office of Rural Health Policy, shall award grants to eligible entities that have applications approved under subsection (b) for the purpose of expanding access to health care services for individuals in rural areas through the use of telemedicine. Grants shall be awarded under this section to encourage the initial development of rural telemedicine networks, expand existing networks, link existing networks together, or link such networks to existing fiber optic telecommunications systems.

(2) ELIGIBLE ENTITY.—For purposes of this section, the term "eligible entity" includes hospitals and other health care providers in a health care network of community-based providers that includes at least 3 of the following:

(A) Community or migrant health centers.

(B) Local health departments.

(C) Community mental health centers.

(D) Nonprofit hospitals.

(E) Private practice health professionals, including rural health clinics.

(F) Other publicly funded health or social services agencies.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall submit to the Secretary an application containing such information as the Secretary may require, including the anticipated need for the grant and the source and amount of non-Federal funds the entity would pledge for the project.

(c) PREFERENCE.—The Secretary shall, in awarding grants under this section, give preference to applicants that—

(1) are health care providers in rural health care networks or providers that propose to form such networks in medically underserved or health professional shortage areas;

(2) propose to use Federal funds to develop plans for, or to establish, telemedicine systems that will link rural hospitals and rural health care providers to other hospitals and health care providers; and

(3) demonstrate financial, institutional, and community support for the long range viability of the network.

(d) USE OF AMOUNTS.—Amounts received under a grant awarded under this section shall be utilized for the development of telemedicine networks. Such amounts may be used to cover the costs associated with the development of telemedicine networks and the acquisition of telemedicine equipment and modifications or improvements of telecommunications facilities as approved by the Secretary.

(e) PROHIBITED USES.—Amounts received under a grant awarded under this section may not be used for any of the following:

(1) Expenditures to purchase or lease equipment to the extent the expenditures would exceed more than 60 percent of the total grant funds.

(2) Expenditures for indirect costs (as determined by the Secretary) to the extent the expenditures would exceed more than 10 percent of the total grant funds.

SEC. 3102. REPORT AND EVALUATION OF TELEMEDICINE.

Not later than October 1, 1995, the White House Information Infrastructure Task Force shall prepare and submit to Congress a report that evaluates the cost effectiveness and utility of telemedicine and includes recommendations for a coordinated Federal strategy to increase access to health care through telemedicine.

SEC. 3103. REGULATIONS ON REIMBURSEMENT OF TELEMEDICINE.

Not later than July 1, 1996, the Secretary, in consultation with the Assistant Secretary for Rural Health and the Administrator of the Health Care Financing Administration, shall issue regulations concerning reimbursement for telemedicine services provided under title XVIII of the Social Security Act.

SEC. 3104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000, to carry out this subtitle.

SEC. 3105. DEFINITIONS.

For purposes of this subtitle:

(1) RURAL HEALTH CARE NETWORK.—The term "rural health care network" means a group of rural hospitals or other rural health care providers (including clinics, physicians and non-physicians primary care providers) that have entered into a relationship with each other or with nonrural hospitals and health care providers for the purpose of strengthening the delivery of health care services in rural areas or specifically to improve their patients' access to telemedicine services. At least 75 percent of hospitals and other health care providers participating in the network shall be located in rural areas.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

Subtitle C—Rural Health Plan Demonstration Projects

SEC. 3201. RURAL HEALTH PLAN DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall establish and implement not more than 3 demonstration projects for the designation of rural health plan areas. To be designated as a rural health plan area under this section, an area must be a rural area (as defined in section 1866(d)(2)(D) of the Social Security Act (42 U.S.C. 1395cc(d)(2)(D))) or an underserved nonurban area in accordance with other criteria specified by the Secretary of Health and Human Services.

(b) APPLICATION.—To be eligible to conduct a demonstration project under this section, an entity shall prepare and submit to the Secretary of Health and Human Services an application containing such information as the Secretary may require to ensure that project participants meet the goals described in subsection (d). An application submitted under this section shall—

(1) identify the area in which the demonstration project will be conducted; and

(2) provide assurances that the area described in paragraph (1) meets the requirements of subsection (a).

(c) REQUIREMENTS.—An entity offering a health plan (as defined in section 1031(a)) through a demonstration project under this section shall—

(1) have a recognized, long-standing relationship with the rural community in which the project is being conducted; and

(2) ensure that the plan meets the requirements for health plans under title I.

(d) GOALS.—The goals referred to in this subsection are as follows:

(1) To develop a reliable supply of health care providers and rural health service delivery infrastructures with a sound financial footing.

(2) To develop a mechanism to begin to provide the benefits of networking found in urban health systems to rural Americans living in rural health plan areas.

(e) REPORT.—Not later than 360 days after the date on which the first demonstration project is implemented under this section, and annually thereafter for each year in which a project is being conducted, the Secretary of Health and Human Services shall submit to Congress a report that evaluates the effectiveness of such projects. Such reports shall include any legislative recommendations determined appropriate by the Secretary.

Subtitle D—Antitrust Safe Harbors for Rural Health Providers

SEC. 3301. ANTITRUST SAFE HARBORS FOR RURAL HEALTH PROVIDERS.

(a) IN GENERAL.—The Attorney General of the United States, in consultation with the Commissioner of the Federal Trade Commission, shall establish policy guidelines to assist rural health care providers in complying with safe harbor requirements with respect to the conduct of activities relating to the provision of health care services in rural areas.

(b) DISSEMINATION OF INFORMATION.—The Attorney General, in consultation with the Commissioner of the Federal Trade Commission and the Assistant Secretary for Rural Health, shall develop methods for the dissemination of the guidelines established under subsection (a) to rural health care providers.

(c) PUBLICATION OF ADDITIONAL SAFE HARBORS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register the guidelines established under subsection (a) together with any proposed additional safe harbors for rural providers of health care services.

TITLE IV—QUALITY AND CONSUMER PROTECTION

Subtitle A—Administrative Simplification

PART 1—PURPOSE AND DEFINITIONS

SEC. 4001. PURPOSE.

(a) IN GENERAL.—It is the purpose of this subtitle to promote administrative simplification, enhance the usefulness of health information, and protect privacy through the establishment of a national framework for health information.

(b) GOALS OF FRAMEWORK.—By standardizing data elements, code sets, and electronic transactions, and by assuring a secure environment for the transmission and exchange of health information, it is the goal of the national framework to reduce the burden of administrative complexity, paper work, and cost on the health care system, including the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act. It is the further goal of the national framework to enable the information routinely collected in the health care and claims processes to be used for other health related purposes, including promoting access and quality of care, achieving public health objectives, improving the detection of fraud and abuse, and advancing medical research.

SEC. 4002. DEFINITIONS.

(a) DEFINITIONS FOR TITLE.—For purposes of this title:

(1) HEALTH CARE PROVIDER.—The term "health care provider" means any person furnishing health care services or supplies.

(2) HEALTH INFORMATION.—The term "health information" means any information, whether oral or recorded in any form or medium that—

(A) is created or received by a health care provider, health plan, health oversight agency (as defined in section 4101), health researcher, public health authority (as defined in section 4101), employer, life insurer, school or university, or certified health information network service; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(3) HEALTH INFORMATION PROTECTION ORGANIZATION.—The term "health information protection organization" means a private entity or an entity operated by a State, certified under section 4022, that accesses standard data elements of health information through the health information network and—

(A) stores such information; and

(B) processes such information into non-identifiable health information and discloses such information in accordance with subtitle B.

(4) HEALTH PLAN.—The term "health plan" has the meaning given such term in section 1031(a) except that such term shall include paragraphs (3), (4), (5), (6), (7), (8), and (9) of such section.

(5) NON-IDENTIFIABLE HEALTH INFORMATION.—The term "non-identifiable health information" means health information that is not protected health information as defined in section 4101.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) DEFINITIONS FOR SUBTITLE.—For purposes of this subtitle:

(1) CODE SET.—The term "code set" means any set of codes used for encoding data elements, such as tables of terms, medical concepts, medical diagnostic codes, or medical procedure codes.

(2) COORDINATION OF BENEFITS.—The term "coordination of benefits" means determining and coordinating the financial obligations of health plans when health care benefits are payable under 2 or more health plans.

(3) HEALTH INFORMATION NETWORK.—The term "health information network" means the health information system that is formed through the application of the requirements and standards established under this subtitle.

(4) STANDARD.—The term "standard", when referring to an information transaction or to data elements of health information, means the transaction or data elements meet any standard adopted by the Secretary under part 2 that applies to such information transaction or data elements.

PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS

SEC. 4011. GENERAL REQUIREMENTS ON SECRETARY.

The Secretary shall adopt standards and modifications to standards under this subtitle relying, if possible, on standards in use and generally accepted or developed or modified by the standards setting organizations accredited by the American National Standard Institute (ANSI).

SEC. 4012. STANDARDS FOR HEALTH INFORMATION TRANSACTIONS AND DATA ELEMENTS.

(a) IN GENERAL.—The Secretary shall adopt standards for transactions, data elements, and code sets, to make uniform and able to be exchanged electronically health information that is—

(1) appropriate for the following financial and administrative transactions: claims (including coordination of benefits) or equivalent encounter information in the case of health care providers that do not file claims, claims attachments, enrollment and disenrollment, eligibility, payment and remittance advice, premium payments, first

report of injury, claims status, and referral certification and authorization;

(2) related to other transactions determined appropriate by the Secretary consistent with the goals of improving the health care system and reducing administrative costs; and

(3) related to inquiries by a health information protection organization with respect to information standardized under paragraph (1) or (2).

(b) UNIQUE HEALTH IDENTIFIERS.—The Secretary shall adopt standards providing for a standard unique health identifier for each individual, employer, health plan, and health care provider for use in the health care system.

(c) CODE SETS.—

(1) IN GENERAL.—The Secretary shall, if possible, select code sets from among the code sets that have been developed, and shall establish efficient and low-cost procedures for distribution of code sets and modifications made to such code sets under section 4013(b).

(2) ADDITIONS AND MODIFICATIONS TO CODE SETS.—The Secretary shall ensure that procedures exist for the routine maintenance, testing, enhancement, and expansion of code sets to accommodate changes in biomedical science and health care delivery. Modified code sets shall be adopted not more frequently than once every 6 months.

(d) ELECTRONIC SIGNATURE.—The Secretary, in coordination with the Secretary of Commerce, shall promulgate regulations specifying procedures for the electronic transmission and authentication of signatures, compliance with which shall be deemed to satisfy Federal and State statutory requirements for written signatures with respect to information transactions required by this subtitle and written signatures on medical records and prescriptions.

(e) SPECIAL RULES FOR COORDINATION OF BENEFITS.—Any standards adopted under subsection (a) that relate to coordination of benefits shall provide that a claim for reimbursement for medical services furnished is tested by an algorithm specified by the Secretary against all records that are electronically available through the health information network relating to enrollment and eligibility for the individual who received such services to determine any primary and secondary obligers for payment.

PART 3—REQUIREMENTS WITH RESPECT TO CERTAIN TRANSACTIONS AND INFORMATION

SEC. 4021. REQUIREMENTS ON HEALTH PLANS AND HEALTH CARE PROVIDERS.

(a) IN GENERAL.—A health plan or health care provider shall conduct transactions described in section 4012(a) as standard transactions.

(b) COMPLIANCE.—Not later than 12 months after the date on which a standard is adopted under part 2, a health plan or health care provider shall comply with the requirement under subsection (a) with respect to such standard.

(c) RESPONSE TO ELECTRONIC INQUIRY.—If a health plan or health care provider conducts a transaction in compliance with subsection (a), such transaction and the standard data elements of such transaction shall be made available electronically, in accordance with section 4031, in response to an electronic inquiry from a health information protection organization.

SEC. 4022. STANDARDS AND CERTIFICATION FOR HEALTH INFORMATION PROTECTION ORGANIZATIONS.

(a) STANDARDS FOR OPERATION.—The Secretary shall establish standards with respect to the operation and certification of health information protection organizations, including standards ensuring that—

(1) such organizations have capabilities, policies, and procedures in place that are consistent with the privacy requirements under subtitle B; and

(2) such organizations, if part of a larger organization, have policies and procedures in place which isolate their information processing activities in a manner that prevents unauthorized access to such information by such larger organization.

(b) CERTIFICATION BY PRIVATE ENTITIES.—The Secretary may designate private entities to conduct the certification procedures established by the Secretary under this section.

PART 4—ACCESSING HEALTH INFORMATION

SEC. 4031. ACCESS FOR AUTHORIZED PURPOSES.

(a) IN GENERAL.—The Secretary shall adopt technical standards for appropriate persons to locate and access the health information that is available through the health information network. Such technical standards shall ensure that any request to locate or access information shall be authorized under subtitle B.

(b) GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Health information protection organizations shall make available to a Federal or State agency pursuant to a Federal Acquisition Regulation (or an equivalent State system), any non-identifiable health information that is requested by such agency.

(2) CERTAIN INFORMATION AVAILABLE AT LOW COST.—If a health information protection organization described in paragraph (1) needs information from a health plan, health care provider, or other health information protection organization in order to comply with a request of a Federal or State agency under this Act, such plan, provider, or other organization shall make such information available to such organization for a charge that does not exceed the reasonable cost of transmitting the information.

(c) MODIFICATIONS TO STANDARDS.—Rules similar to rules under section 4012(c)(2) shall apply to modifications to standards under this part.

PART 5—PENALTIES

SEC. 4041. GENERAL PENALTY FOR FAILURE TO COMPLY WITH REQUIREMENTS AND STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall impose on any person that violates a requirement or standard imposed under this subtitle a penalty of not more than $1,000 for each violation. The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to the imposition of a civil money penalty under this subsection in the same manner as such provisions apply to the imposition of a penalty under such section 1128A.

(b) LIMITATIONS.—

(1) NONCOMPLIANCE NOT DISCOVERED.—A penalty may not be imposed under subsection (a) if it is established to the satisfaction of the Secretary that the person liable for the penalty did not know, and by exercising reasonable diligence would not have known, that such person failed to comply with the requirement or standard described in subsection (a).

(2) FAILURES DUE TO REASONABLE CAUSE.—A penalty may not be imposed under subsection (a) if the failure to comply was due to reasonable cause and not to willful neglect, and the failure to comply is corrected during the time period established by the Secretary.

(3) REDUCTION.—In the case of a failure to comply which is due to reasonable cause and not to willful neglect, any penalty under subsection (a) that is not entirely waived under paragraph (2) may be waived to the extent that the payment of such penalty would be excessive relative to the compliance failure involved.

PART 6—MISCELLANEOUS PROVISIONS

SEC. 4051. EFFECT ON STATE LAW.

(a) IN GENERAL.—Except as provided in subsection (b), a provision, requirement, or standard under this subtitle shall supersede any contrary provision of State law, including—

(1) any law that requires medical or health plan records (including billing information) to be maintained or transmitted in writing, and

(2) a provision of State law which provides for requirements or standards that are more stringent than the requirements or standards under this subtitle;

except if the Secretary determines that the provision is necessary to prevent fraud and abuse, with respect to controlled substances, or for other purposes.

(b) PUBLIC HEALTH REPORTING.—Nothing in this subtitle shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury, child abuse, birth, or death, public health surveillance, or public health investigation or intervention.

SEC. 4052. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

Subtitle B—Privacy of Health Information

PART 1—DEFINITIONS

SEC. 4101. DEFINITIONS.

For purposes of this subtitle:

(1) PROTECTED HEALTH INFORMATION.—The term "protected health information" means any information, including demographic information collected from an individual, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, health oversight agency, health researcher, public health authority, employer, life insurer, school or university, or health information protection organization; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, and—

(i) identifies an individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(2) DISCLOSE.—The term "disclose", when used with respect to protected health information, means to provide access to the information, but only if such access is provided to a person other than the individual who is the subject of the information.

(3) HEALTH INFORMATION TRUSTEE.—The term "health information trustee" means—

(A) a health care provider, health plan, health oversight agency, health information protection organization, employer, life insurer, or school or university insofar as it creates, receives, maintains, uses, or transmits protected health information;

(B) any person who obtains protected health information under section 4108, 4111, 4116, 4117, 4118, 4121, 4122, 4126, or 4131; and

(C) any employee or agent of a person covered under subparagraphs (A) or (B).

(4) HEALTH OVERSIGHT AGENCY.—The term "health oversight agency" means a person who—

(A) performs or oversees the performance of an assessment, evaluation, determination, or investigation relating to the licensing, accreditation, or certification of health care providers; or

(B)(i) performs or oversees the performance of an assessment, evaluation, determination, investigation, or prosecution relating to the effectiveness of, compliance with, or applicability of legal, fiscal, medical, or scientific standards or aspects of performance related to the delivery of, or payment for health care or relating to health care fraud or fraudulent claims for payment regarding health care; and

(ii) is a public agency, acting on behalf of a public agency, acting pursuant to a requirement of a public agency, or carrying out activities under a Federal or State law governing the assessment, evaluation, determination, investigation, or prosecution described in clause (i).

(5) PUBLIC HEALTH AUTHORITY.—The term "public health authority" means an authority or instrumentality of the United States, a State, or a political subdivision of a State that is—

(A) responsible for public health matters; and

(B) engaged in such activities as injury reporting, public health surveillance, and public health investigation or intervention.

(6) INDIVIDUAL REPRESENTATIVE.—The term "individual representative" means any individual legally empowered to make decisions concerning the provision of health care to an individual (if the individual lacks the legal capacity under State law to make such decisions) or the administrator or executor of the estate of a deceased individual.

(7) PERSON.—The term "person" includes an authority of the United States, a State, or a political subdivision of a State.

PART 2—AUTHORIZED DISCLOSURES

Subpart A—General Provisions

SEC. 4106. GENERAL RULES REGARDING DISCLOSURE.

(a) GENERAL RULE.—A health information trustee may disclose protected health information only for a purpose that is authorized under this subtitle.

(b) DISCLOSURE WITHIN A TRUSTEE.—A health information trustee may disclose protected health information to an officer, employee, or agent of the trustee for a purpose that is compatible with and related to the purpose for which the information was collected or received by that trustee.

(c) SCOPE OF DISCLOSURE.—Every disclosure of protected health information by a health information trustee shall be limited to the minimum amount of information necessary to accomplish the purpose for which the information is disclosed.

(d) NO GENERAL REQUIREMENT TO DISCLOSE.—Nothing in this subtitle that permits a disclosure of health information shall be construed to require such disclosure.

(e) USE AND REDISCLOSURE OF INFORMATION.—Protected health information about an individual that is disclosed under this subtitle may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual unless the action or investigation arises out of or is directly related to the law enforcement inquiry for which the information was obtained.

(f) IDENTIFICATION OF DISCLOSED INFORMATION AS PROTECTED INFORMATION.—When engaging in a permitted disclosure, a health information trustee shall clearly identify protected health information as such and as protected by this subtitle, unless the disclosure is made under section 4112 or is a routine disclosure made under a written agreement which satisfies this subsection.

(g) DIRECTORY INFORMATION.—A health care provider and a person receiving protected health information under section 4112 may disclose protected health information to any person if the information consists only of 1 or more of the following items:

(1) The the name of the individual who is the subject of the information.

(2) If the individual who is the subject of the information is receiving health care from a health care provider on a premises controlled by the provider—

(A) the location of the individual on the premises; and

(B) the general health status of the individual, described as critical, poor, fair, stable, or satisfactory, or in terms denoting similar conditions.

(h) NEXT OF KIN.—A health care provider or person who receives protected health information under section 4112 may disclose protected health information to the next of kin, an individual representative of the individual who is the subject of the information, or an individual with whom that individual has a close personal relationship if—

(1) the individual who is the subject of the information—

(A) has been notified of the individual's right to object and has not objected to the disclosure;

(B) is not competent to be notified about the right to object; or

(C) is subject to exigent circumstances such that it would not be practicable to notify the individual of the right to object; and

(2) the information disclosed relates to health care currently being provided to that individual.

(i) INFORMATION IN WHICH PROVIDERS ARE IDENTIFIED.—The Secretary may issue regulations protecting information identifying providers in order to promote the availability of health care services.

SEC. 4107. AUTHORIZATIONS FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) WRITTEN AUTHORIZATIONS.—A health information trustee may disclose protected health information pursuant to an authorization executed by the individual who is the subject of the information under regulations issued by the Secretary.

(b) WRITTEN OBJECTIONS TO DISCLOSURE.—Except if required by law, nothing in this subtitle that permits a disclosure shall allow such disclosure if the subject of the protected health information has previously objected to disclosure in writing.

SEC. 4108. HEALTH INFORMATION PROTECTION ORGANIZATIONS.

A health information trustee may disclose protected health information to a health information protection organization for the purpose of creating non-identifiable health information.

Subpart B—Specific Disclosures Relating to Patient

SEC. 4111. DISCLOSURES FOR TREATMENT AND FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.

(a) HEALTH CARE TREATMENT.—A health care provider, health plan, employer, or person who receives protected health information under section 4112, may disclose protected health information to a health care provider for the purpose of providing health care to an individual.

(b) DISCLOSURE FOR FINANCIAL AND ADMINISTRATIVE PURPOSES.—A health care provider or employer may disclose protected health information to a health care provider or health plan for the purpose of providing for the payment for, or reviewing the payment of, health care furnished to an individual.

SEC. 4112. EMERGENCY CIRCUMSTANCES.

A health care provider, health plan, employer, or person who receives protected health information under this section may disclose protected health information in emergency circumstances when necessary to protect the health or safety of an individual from imminent harm.

Subpart C—Disclosure for Oversight, Public Health, and Research Purposes

SEC. 4116. OVERSIGHT.

A health information trustee may disclose protected health information to a health oversight agency for an oversight function authorized by law.

SEC. 4117. PUBLIC HEALTH.

A health care provider, health plan, public health authority, employer, or person who receives protected health information under section 4112 may disclose protected health information to a public health authority or other person authorized by law for use in a legally authorized—

(1) disease or injury reporting;

(2) public health surveillance; or

(3) public health investigation or intervention.

SEC. 4118. HEALTH RESEARCH.

(a) IN GENERAL.—A health information trustee may disclose protected health information to a health researcher if an institutional review board determines that the research project engaged in by the health researcher—

(1) requires use of the protected health information for the effectiveness of the project; and

(2) is of sufficient importance to outweigh the intrusion into the privacy of the individual who is the subject of the information that would result from the disclosure.

(b) RESEARCH REQUIRING DIRECT CONTACT.—A health care provider or health plan may disclose protected health information to a health researcher for a research project that includes direct contact with an individual who is the subject of protected health information if an institutional review board determines that direct contact is necessary and will be made in a manner that minimizes the risk of harm, embarrassment, or other adverse consequences to the individual.

(c) OBLIGATIONS OF RECIPIENT.—A person who receives protected health information under subsection (a) shall use such information solely for the purposes of the approved research project and shall remove or destroy, at the earliest opportunity consistent with the purposes of the project, information that would enable an individual to be identified.

Subpart D—Disclosure For Judicial, Administrative, and Law Enforcement Purposes

SEC. 4121. JUDICIAL AND ADMINISTRATIVE PURPOSES.

A health care provider, health plan, health oversight agency, or employer may disclose protected health information, subject to a court's rules of procedure—

(1) in connection with litigation or proceedings to which the individual who is the subject of the information is a party and in

which the individual has placed the individual's physical or mental condition at issue;

(2) if the protected health information is developed in response to a court-ordered physical or mental examination; or

(3) pursuant to a law requiring the reporting of specific medical information to law enforcement authorities.

SEC. 4122. LAW ENFORCEMENT.

(a) IN GENERAL.—A health care provider, health plan, health oversight agency, employer, or person who receives protected health information under section 4112 may disclose protected health information to a law enforcement agency (other than a health oversight agency governed by section 4116) if the information is requested for use—

(1) in an investigation or prosecution of a health information trustee;

(2) in the identification of a victim or witness in a law enforcement inquiry; or

(3) in connection with the investigation of criminal activity committed against the trustee or on premises controlled by the trustee.

(b) WRITTEN CERTIFICATION.—If a law enforcement agency (other than a health oversight agency) requests that a health information trustee disclose protected health information under this section, such agency shall provide the trustee with a written certification that—

(1) specifies the information requested;

(2) states that the information is needed for a lawful purpose under this section; and

(3) is signed by a supervisory official of a rank designated by the head of the agency.

Subpart E—Disclosure Pursuant to Government Subpoena or Warrant

SEC. 4126. GOVERNMENT SUBPOENAS AND WARRANTS.

A health care provider, health plan, health oversight agency, employer, or person who receives protected health information under section 4112 may disclose protected health information under this section if the disclosure is pursuant to—

(1) an administrative subpoena or summons, a judicial subpoena or warrant, or a grand jury subpoena, and the trustee is provided written certification that section 4127 has been complied with by the person seeking the subpoena or summons; or

(2) an administrative subpoena or summons, a judicial subpoena or warrant, or a grand jury subpoena, and the disclosure otherwise meets the conditions of section 4116, 4117, 4118, 4121, or 4122.

SEC. 4127. ACCESS PROCEDURES FOR LAW ENFORCEMENT SUBPOENAS AND WARRANTS.

(a) PROBABLE CAUSE REQUIREMENT.—A government authority may not obtain protected health information about an individual under paragraph (1) or (2) of section 4126 for use in a law enforcement inquiry unless there is probable cause to believe that the information is relevant to a legitimate law enforcement inquiry being conducted by the government authority.

(b) WARRANTS.—A government authority that obtains protected health information about an individual under circumstances described in subsection (a) and pursuant to a warrant shall, not later than 30 days after the date the warrant was executed, serve the individual with, or mail to the last known address of the individual, a notice that protected health information about the individual was so obtained, together with a notice of the individual's right to challenge the warrant.

(c) SUBPOENA OR SUMMONS.—Except as provided in subsection (d), a government authority may not obtain protected health information about an individual under circumstances described in subsection (a) and pursuant to a subpoena or summons unless a copy of the subpoena or summons has been served on the individual on or before the date of return of the subpoena or summons, together with notice of the individual's right to challenge the subpoena or summons. No disclosure may be made until after the 15th day after the individual has been served or after a court order allowing disclosure.

(d) APPLICATION FOR DELAY.—

(1) IN GENERAL.—A government authority may apply ex parte and under seal to an appropriate court to delay (or extend a delay) serving a notice or copy of a warrant, subpoena, or summons required under subsection (b) or (c). The initial period of delay may not exceed 90 days.

(2) EX PARTE ORDER.—The court shall enter an ex parte order delaying or extending the delay of notice, an order prohibiting the disclosure of the request for, or disclosure of, the protected health information, and an order requiring the disclosure of the protected health information if the court finds that—

(A) the inquiry being conducted is within the lawful jurisdiction of the government authority seeking the protected health information;

(B) there is probable cause to believe that the protected health information being sought is relevant to a legitimate law enforcement inquiry;

(C) the government authority's need for the information outweighs the privacy interest of the individual who is the subject of the information; and

(D) there is reasonable ground to believe that receipt of notice by the individual will result in—

(i) endangering the life or physical safety of any individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence or the information being sought;

(iv) intimidation of potential witnesses; or

(v) disclosure of the existence or nature of a confidential law enforcement investigation or grand jury investigation is likely to seriously jeopardize such investigation.

SEC. 4128. CHALLENGE PROCEDURES FOR LAW ENFORCEMENT WARRANTS, SUBPOENAS, AND SUMMONS.

(a) MOTION TO QUASH.—Within 15 days after the date of service of a notice of execution or a copy of a warrant, subpoena, or summons of a government authority seeking protected health information about an individual under paragraph (1) or (2) of section 4126, the individual may file a motion to quash.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the government demonstrates that there is probable cause to believe the protected health information is relevant to a legitimate law enforcement inquiry being conducted by the government authority and the government authority's need for the information outweighs the privacy interest of the individual.

Subpart F—Disclosure Pursuant to Party Subpoena

SEC. 4131. PARTY SUBPOENAS.

A health care provider, health plan, employer, or person who receives protected health information under section 4112 may disclose protected health information under this section if the disclosure is pursuant to a subpoena issued on behalf of a party who has complied with the access provisions of section 4132.

SEC. 4132. ACCESS PROCEDURES FOR PARTY SUBPOENAS.

A party may not obtain protected health information about an individual pursuant to a subpoena unless a copy of the subpoena together with a notice of the individual's right to challenge the subpoena in accordance with section 4133 has been served upon the individual on or before the date of return of the subpoena.

SEC. 4133. CHALLENGE PROCEDURES FOR PARTY SUBPOENAS.

(a) MOTION TO QUASH SUBPOENA.—After service of a copy of the subpoena seeking protected health information under section 4131, the individual who is the subject of the protected health information may file in any court of competent jurisdiction a motion to quash the subpoena.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the respondent demonstrates that—

(1) there is reasonable ground to believe the information is relevant to a lawsuit or other judicial or administrative proceeding; and

(2) the need of the respondent for the information outweighs the privacy interest of the individual.

PART 3—PROCEDURES FOR ENSURING SECURITY OF PROTECTED HEALTH INFORMATION

Subpart A—Establishment of Safeguards

SEC. 4136. ESTABLISHMENT OF SAFEGUARDS.

A health information trustee shall establish and maintain appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of protected health information created or received by the trustee.

SEC. 4137. ACCOUNTING FOR DISCLOSURES.

A health information trustee shall create and maintain, with respect to any protected health information disclosed in exceptional circumstances, a record of the disclosure in accordance with regulations issued by the Secretary.

Subpart B—Review of Protected Health Information By Subjects of the Information

SEC. 4141. INSPECTION OF PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), a health care provider or health plan shall permit an individual who is the subject of protected health information or the individual's designee to inspect any such information that the provider or plan maintains. A health care provider or health plan may require an individual to reimburse the provider or plan for the cost of such inspection.

(b) EXCEPTIONS.—A health care provider or health plan is not required by this section to permit inspection or copying of protected health information if any of the following conditions apply:

(1) MENTAL HEALTH TREATMENT NOTES.—The information consists of psychiatric, psychological, or mental health treatment notes, and the provider or plan determines, based on reasonable medical judgment, that inspection or copying of the notes would cause sufficient harm.

(2) ENDANGERMENT TO LIFE OR SAFETY.—The provider or plan determines that disclosure of the information could reasonably be expected to endanger the life or physical safety of any individual.

(3) CONFIDENTIAL SOURCE.—The information identifies or could reasonably lead to the identification of a person (other than a health care provider) who provided information under a promise of confidentiality to a

health care provider concerning the individual who is the subject of the information.

(4) ADMINISTRATIVE PURPOSES.—The information is used by the provider or plan solely for administrative purposes and not in the provision of health care to the individual who is the subject of the information.

SEC. 4142. AMENDMENT OF PROTECTED HEALTH INFORMATION.

A health care provider or health plan shall, within 45 days after receiving a written request to correct or amend protected health information from the individual who is the subject of the information—

(1) correct or amend such information; or

(2) provide the individual with a statement of the reasons for refusing to correct or amend such information and include a copy of such statement in the provider's or plan's records.

SEC. 4143. NOTICE OF INFORMATION PRACTICES.

A health care provider or health plan shall provide written notice of the provider's or plan's information practices, including notice of individual rights with respect to protected health information.

PART 4—SANCTIONS

Subpart A—Civil Sanctions

SEC. 4151. CIVIL PENALTY.

(a) VIOLATION.—Any health information trustee who the Secretary determines has substantially failed to comply with this subtitle shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $10,000 for each such violation.

(b) PROCEDURES FOR IMPOSITION OF PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7a), other than subsections (a) and (b) and the second sentence of subsection (f) of that section, shall apply to the imposition of a civil monetary penalty under this section in the same manner as such provisions apply with respect to the imposition of a penalty under such section 1128A.

SEC. 4152. CIVIL ACTION.

(a) IN GENERAL.—An individual who is aggrieved by negligent conduct in violation of this subtitle may bring a civil action to recover—

(1) the greater of actual damages or liquidated damages of $5,000;

(2) punitive damages;

(3) a reasonable attorney's fee and expenses of litigation;

(4) costs of litigation; and

(5) such preliminary and equitable relief as the court determines to be appropriate.

(b) LIMITATION.—No action may be commenced under this section more than 3 years after the date on which the violation was or should reasonably have been discovered.

Subpart B—Criminal Sanctions

SEC. 4161. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) OFFENSE.—A person who knowingly—

(1) obtains protected health information relating to an individual in violation of this subtitle; or

(2) discloses protected health information to another person in violation of this subtitle,

shall be punished as provided in subsection (b).

(b) PENALTIES.—A person described in subsection (a) shall—

(1) be fined not more than $50,000, imprisoned not more than 1 year, or both;

(2) if the offense is committed under false pretenses, be fined not more than $100,000, imprisoned not more than 5 years, or both; and

(3) if the offense is committed with intent to sell, transfer, or use protected health information for commercial advantage, personal gain, or malicious harm, fined not more than $250,000, imprisoned not more than 10 years, or both.

PART 5—ADMINISTRATIVE PROVISIONS

SEC. 4166. RELATIONSHIP TO OTHER LAWS.

(a) STATE LAW.—Except as provided in subsections (b), (c), and (d), this subtitle preempts State law.

(b) LAWS RELATING TO PUBLIC OR MENTAL HEALTH.—Nothing in this subtitle shall be construed to preempt or operate to the exclusion of any State law relating to public health or mental health that prevents or regulates disclosure of protected health information otherwise allowed under this subtitle.

(c) PRIVILEGES.—Nothing in this subtitle is intended to preempt or modify State common or statutory law to the extent such law concerns a privilege of a witness or person in a court of the State. This subtitle does not supersede or modify Federal common or statutory law to the extent such law concerns a privilege of a witness or person in a court of the United States. Authorizations pursuant to section 4107 shall not be construed as a waiver of any such privilege.

(d) CERTAIN DUTIES UNDER STATE OR FEDERAL LAW.—This subtitle shall not be construed to preempt, supersede, or modify the operation of—

(1) any law that provides for the reporting of vital statistics such as birth or death information;

(2) any law requiring the reporting of abuse or neglect information about any individual;

(3) subpart II of part E of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-81 et seq.) (relating to notifications of emergency response employees of possible exposure to infectious diseases); or

(4) any Federal law or regulation governing confidentiality of alcohol and drug patient records.

SEC. 4167. RIGHTS OF INCOMPETENTS.

Except as provided in section 4168, if an individual has been declared to be incompetent by a court of competent jurisdiction, the rights of the individual under this subtitle shall be exercised and discharged in the best interests of the individual through the individual's representative.

SEC. 4168. EXERCISE OF RIGHTS.

(a) INDIVIDUALS WHO ARE 18 OR LEGALLY CAPABLE.—In the case of an individual—

(1) who is 18 years of age or older, all rights of the individual shall be exercised by the individual; or

(2) who, acting alone, has the legal right, as determined by State law, to apply for and obtain a type of medical examination, care, or treatment and who has sought such examination, care, or treatment, the individual shall exercise all rights of an individual under this subtitle with respect to protected health information relating to such examination, care, or treatment.

(b) INDIVIDUALS UNDER 18.—Except as provided in subsection (a)(2), in the case of an individual who is—

(1) under 14 years of age, all the individual's rights under this subtitle shall be exercised through the parent or legal guardian of the individual; or

(2) 14, 15, 16, or 17 years of age, the rights of inspection and amendment, and the right to authorize disclosure of protected health information of the individual may be exercised either by the individual or by the parent or legal guardian of the individual.

Subtitle C—Enhanced Penalties for Health Care Fraud

SEC. 4201. ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 1996, the Secretary of Health and Human Services (in this subtitle referred to as the "Secretary"), acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B of the Social Security Act (42 U.S.C. 1320a-7, 1320a-7a, and 1320a-7b) and other statutes applicable to health care fraud and abuse, and

(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts.

(2) REGULATIONS.—The Secretary and the Attorney General shall by regulation establish standards to carry out the program under paragraph (1).

(b) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established an account to be known as the "Health Care Fraud and Abuse Control Account" (in this section referred to as the "Anti-Fraud Account").

(B) TRANSFER OF AMOUNTS.—The Secretary of the Treasury shall transfer to the Anti-Fraud Account an amount equal to the sum of the following:

(i) Criminal fines imposed in cases involving a Federal health care offense (as defined in subparagraph (C)).

(ii) Administrative penalties and assessments imposed under titles XI, XVIII, and XIX of the Social Security Act (except as otherwise provided by law).

(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

(iv) Penalties and damages imposed under the False Claims Act (31 U.S.C. 3729 et seq.) (except as otherwise provided by law), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator or for restitution).

(C) For purposes of this paragraph, the term "Federal health care offense" means a violation of, or a criminal conspiracy to violate—

(i) section 1347 of title 18, United States Code;

(ii) section 1128B of the Social Security Act (42 U.S.C. 1320a-7b);

(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of title 18, United States Code, if the violation or conspiracy relates to health care fraud; and

(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 and 1141), if the violation or conspiracy relates to health care fraud.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Anti-Fraud Account shall be available without appropriation and until expended as determined jointly by the Secretary and the Attorney General of the United States in carrying out the health care fraud and abuse control program established under subsection (a) (including the administration of the program), and may be used to cover costs incurred in operating the program, including costs (including equipment, salaries and benefits, and travel and training) of—

(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

(ii) investigations;

(iii) financial and performance audits of health care programs and operations;

(iv) inspections and other evaluations; and

(v) provider and consumer education regarding compliance with the provisions of this subtitle.

(4) USE OF FUNDS BY INSPECTOR GENERAL.—The Inspector General is authorized to receive and retain for current use reimbursement for the costs of conducting investigations, when such restitution is ordered by a court, voluntarily agreed to by the payer, or otherwise.

SEC. 4202. APPLICATION OF FEDERAL HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO ALL FRAUD AND ABUSE AGAINST ANY HEALTH PLAN.

(a) APPLICATION OF CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) is amended as follows:

(1) In subsection (a)(1), by inserting "or of any health plan (as defined in section 1128(i))," after "subsection (i)(1)),".

(2) In subsection (b)(1)(A), by inserting "or under a health plan" after "title XIX".

(3) In subsection (i)—

(A) in paragraph (2), by inserting "or under a health plan" before the period at the end, and

(B) in paragraph (5), by inserting "or under a health plan" after "or XX".

(b) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a-7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(c) HEALTH PLAN DEFINED.—Section 1128 of the Social Security Act (42 U.S.C. 1320a-7) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) HEALTH PLAN DEFINED.—For purposes of sections 1128A and 1128B, the term 'health plan' has the meaning given such term in section 1031(a) of the Family Health Insurance Protection Act.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

SEC. 4203. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1996, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by regulations issued by the Secretary.

(b) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act (42 U.S.C. 1396r-2(d)) is amended by inserting "and section 4203 of the Family Health Insurance Protection Act" after "section 422 of the Health Care Quality Improvement Act of 1986".

SEC. 4204. HEALTH CARE FRAUD.

(a) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1347. Health care fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for any term of years.

"(b) For purposes of this section, the term 'health plan' has the meaning given such term in section 1128(i) of the Social Security Act (42 U.S.C. 1320a-7(i)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

Subtitle D—Health Care Malpractice Reform

SEC. 4301. FEDERAL TORT REFORM.

(a) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in section 4302, this subtitle shall apply with respect to any medical malpractice liability action brought in any State or Federal court, except that this subtitle shall not apply to a claim or action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) applies to the claim or action.

(2) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this subtitle shall be construed to—

(A) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(B) waive or affect any defense of sovereign immunity asserted by the United States;

(C) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(D) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(E) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(3) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this subtitle shall be construed to establish any jurisdiction in the district courts of the United States over medical malpractice liability actions on the basis of section 1331 or 1337 of title 28, United States Code.

(b) DEFINITIONS.—For purposes of this subtitle:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term "alternative dispute resolution system" or "ADR" means a system that provides for the resolution of medical malpractice claims in a manner other than through medical malpractice liability actions.

(2) CLAIMANT.—The term "claimant" means any person who alleges a medical malpractice claim, and any person on whose behalf such a claim is alleged, including the decedent in the case of an action brought through or on behalf of an estate.

(3) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(4) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(5) HEALTH PLAN.—The term "health plan" has the meaning given such term in section 1031(a).

(6) INJURY.—The term "injury" means any illness, disease, or other harm that is the subject of a medical malpractice liability action or a medical malpractice claim.

(7) MEDICAL MALPRACTICE LIABILITY ACTION.—The term "medical malpractice liability action" means a cause of action brought in a State or Federal court against a health care provider or health care professional by which the plaintiff brings a medical malpractice claim.

(8) MEDICAL MALPRACTICE CLAIM.—The term "medical malpractice claim" means a claim brought against a health care provider or health care professional in which a claimant alleges that injury was caused by the provision of (or the failure to provide) health care services, except that such term does not include—

(A) any claim based on an allegation of an intentional tort;

(B) any claim based on an allegation that a product is defective that is brought against any individual or entity that is not a health care professional or health care provider; or

(C) any claim brought pursuant to a health plan benefit determination review procedure.

(9) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4302. STATE-BASED ALTERNATIVE DISPUTE RESOLUTION MECHANISMS.

(a) APPLICATION TO MALPRACTICE CLAIMS UNDER PLANS.—Prior to or immediately following the commencement of any medical malpractice action, the parties shall participate in the alternative dispute resolution system administered by the State under subsection (b). Such participation shall be in lieu of any other provision of Federal or State law or any contractual agreement made by or on behalf of the parties prior to the commencement of the medical malpractice action.

(b) ADOPTION OF MECHANISM BY STATE.—Each State shall—

(1) maintain or adopt at least 1 of the alternative dispute resolution methods satisfying the requirements specified under subsection (c) and (d) for the resolution of medical malpractice claims; and

(2) clearly disclose to enrollees (and potential enrollees) of health plans the availability and procedures for consumer grievances, including a description of the alternative dispute resolution method or methods adopted under this subsection.

(c) SPECIFICATION OF PERMISSIBLE ALTERNATIVE DISPUTE RESOLUTION METHODS.—

(1) IN GENERAL.—The Secretary shall, by regulation, develop alternative dispute resolution methods for the use by States in resolving medical malpractice claims under subsection (a). Such methods shall include at least the following:

(A) ARBITRATION.—The use of arbitration, a nonjury adversarial dispute resolution process which may, subject to subsection (d), result in a final decision as to facts, law, liability, or damages.

(B) CLAIMANT-REQUESTED BINDING ARBITRATION.—For claims involving a sum of money that falls below a threshold amount set by the Secretary, the use of arbitration not subject to subsection (d). Such binding arbitration shall be at the sole discretion of the claimant.

(C) MEDIATION.—The use of mediation, a settlement process coordinated by a neutral third party without the ultimate rendering of a formal opinion as to factual or legal findings.

(D) EARLY NEUTRAL EVALUATION.—The use of early neutral evaluation, in which the parties make a presentation to a neutral attorney or other neutral evaluator for an assessment of the merits, to encourage settlement. If the parties do not settle as a result of assessment and proceed to trial, the neutral evaluator's opinion shall be kept confidential.

(2) STANDARDS FOR ESTABLISHING METHODS.—In developing alternative dispute resolution methods under paragraph (1), the Secretary shall assure that the methods promote the resolution of medical malpractice claims in a manner that is affordable, timely, consistent and fair, and reasonably convenient.

(3) WAIVER AUTHORITY.—Upon application of a State, the Secretary may grant the State the authority to fulfill the requirement of subsection (b) by adopting a mechanism other than a mechanism established by the Secretary pursuant to this subsection, except that such mechanism must meet the standards set forth in paragraph (2).

(d) FURTHER REDRESS.—Except with respect to the claimant-requested binding arbitration method set forth in subsection (c)(1)(B), and notwithstanding any other provision of a law or contractual agreement, a plan enrollee dissatisfied with the determination reached as a result of an alternative dispute resolution method applied under this section may, after the final resolution of the enrollee's claim under the method, initiate or resume a cause of action to seek damages or other redress with respect to the claim to the extent otherwise permitted under State law. The results of any alternative dispute resolution procedure are inadmissible at any subsequent trial, as are all statements, offers, and other communications made during such procedures, unless otherwise admissible under State law.

SEC. 4303. LIMITATION ON AMOUNT OF ATTORNEY'S CONTINGENCY FEES.

(a) IN GENERAL.—An attorney who represents, on a contingency fee basis, a plaintiff in a medical malpractice liability action may not charge, demand, receive, or collect for services rendered in connection with such action (including the resolution of the claim that is the subject of the action under any alternative dispute resolution system) in excess of—

(1) 33⅓ percent of the first $150,000 of the total amount recovered by judgment or settlement in such action; plus

(2) 25 percent of any amount recovered above the amount described in paragraph (1); unless otherwise determined under State law. Such amount shall be computed after deductions are made for all the expenses associated with the claim other than those attributable to the normal operating expenses of the attorney.

(b) CALCULATION OF PERIODIC PAYMENTS.—In the event that a judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of computing the limitation on the contingency fee under subsection (a) may, in the discretion of the court, be based on the cost of the annuity or trust established to make the payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

(c) CONTINGENCY FEE DEFINED.—For purposes of this section, the term "contingency fee" means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of damages, whether through judgment or settlement.

SEC. 4304. PERIODIC PAYMENT OF AWARDS.

(a) IN GENERAL.—A party to a medical malpractice liability action may petition the court to instruct the trier of fact to award any future damages on an appropriate periodic basis. If the court, in its discretion, so instructs the trier of fact, and damages are awarded on a periodic basis, the court may require the defendant to purchase an annuity or other security instrument (typically based on future damages discounted to present value) adequate to assure payments of future damages.

(b) FAILURE OR INABILITY TO PAY.—With respect to an award of damages described in subsection (a), if a defendant fails to make payments in a timely fashion, or if the defendant becomes or is at risk of becoming insolvent, upon such a showing the claimant may petition the court for an order requiring that remaining balance be discounted to present value and paid to the claimant in a lump-sum.

(c) MODIFICATION OF PAYMENT SCHEDULE.—The court shall retain authority to modify the payment schedule based on changed circumstances.

(d) FUTURE DAMAGES DEFINED.—For purposes of this section, the term "future damages" means any economic or noneconomic loss other than that incurred or accrued as of the time of judgment.

SEC. 4305. ALLOCATION OF PUNITIVE DAMAGE AWARDS FOR PROVIDER LICENSING AND DISCIPLINARY ACTIVITIES.

(a) IN GENERAL.—With respect to the total amount of any punitive damages awarded in a medical malpractice liability action, 50 percent of such amount shall be paid to the State in which the action is brought (or, in a case brought in Federal court, in the State in which the health care services that caused the injury that is the subject of the action were provided) for the purposes of carrying out the activities described in subsection (b).

(b) ACTIVITIES DESCRIBED.—A State shall use amounts paid pursuant to subsection (a) to carry out activities to ensure the safety and quality of health care services provided in the State, including—

(1) licensing or certifying health care professionals and health care providers in the State;

(2) implementing health care quality assurance and quality improvement programs;

(3) carrying out programs to reduce malpractice-related costs for providers volunteering to provide services in medically underserved areas; and

(4) providing resources for additional investigation and disciplinary activities by the State licensing board.

(c) MAINTENANCE OF EFFORT.—A State shall use any amounts paid pursuant to subsection (a) to supplement and not to replace amounts spent by the State for the activities described in subsection (b).

TITLE V—BUDGET NEUTRALITY

SEC. 5001. ASSURANCE OF BUDGET NEUTRALITY.

Notwithstanding any other provision of this Act, no provision of, or amendment made by, this Act shall take effect until legislation is enacted which by its terms specifically provides for the Federal budget neutrality of this Act.

Mr. ROCKEFELLER. Mr. President, I am pleased to join the new Senate minority leader, TOM DASCHLE, along with Senator KENNEDY, REID, MIKULSKI, and DODD in sponsoring a health care bill that would begin to give millions of Americans improved health security.

While it should not come as a surprise to any of my colleagues that my preference would be to give all Americans guaranteed health care security, this bill includes important steps that will provide health security to some Americans through insurance reforms and, importantly, prioritizes health coverage for children and temporary assistance for workers in between jobs. S. 7 includes the essential building blocks for building a secure health care system.

Moving ahead on health care reform was identified by Senate Republicans as one of their top seven legislative priorities for the 104th Congress prior to last November's election. Each and every major provision in S. 7 was included in every serious health care reform proposal introduced by both Democrats and Republicans over the past 2 years. I believe this bill reflects the consensus that emerged last year on where and how to get started on reforming our health care system.

This past November voters did not tell Congress to put health care reform on the back burner. An election night survey found that health reform was identified by voters as a top priority issue for this Congress. According to the Kaiser/Harvard survey, "health care was number one for voters in deciding who to vote for in the Congressional election, ahead of crime, and taxes." Fifty-six percent of voters said that Congress should take the lead in developing a health care reform plan. Only 20 percent of Americans said Congress should not try to see that more people have health insurance. Seventy-four percent said that Congress should either guarantee coverage for all Americans or at least make a start by covering some groups who do not have health insurance. A majority of voters favored beginning with children first.

Mr. President, special interests and election year politics managed to greatly distort last year's debate on health care reform. As a result, many Americans are nervous about extremely ambitious reforms. But voters remain overwhelmingly in favor of moving ahead on health care. Only 25 percent of voters said Congress should leave our health care system alone.

If my colleagues on both sides of the aisle are truly interested in making a difference in the lives of middle-class Americans, if they are really interested in restoring peace of mind of millions of hard-working Americans, health reform is the way to do that.

Millions of middle-class working families would benefit from the insurance portability provisions in this bill that would allow them to change health insurance plans when they change jobs without having to qualify for a new pre-existing condition exclusion. For people with lapses in their insurance coverage, they would only be subject to a one-time 6 month pre-existing condition exclusion period as long as they had continuous health coverage. For workers in between jobs, unable to afford health coverage, temporary health coverage would be available up to a maximum of 6 months. This would give millions of working families some piece of mind that they will not be forced to delay getting necessary medical care or being financially wiped out by even a minor injury or illness as they search for a new job.

This bill would ban insurance companies from canceling policies or hiking premiums when someone gets sick or injured and incurs large medical bills. Under current insurance practices, young and healthy people often get deep premium discounts. Discounts that quickly disappear over time or when they or a family member gets sick. There are also large differences in premium rates based on a person's age, sex, occupation, even based on a person's zip code. This bill would begin to set limits on how much premiums can differ based on these factors.

To minimize large swings in premiums during implementation of insurance rating reforms, this bill carefully and slowly phases-in its reforms. The prohibition on medical underwriting—which means charging people different premiums solely based on their health status—is phased-in over 3 years. At the same time, age bands are phased-in that would significantly narrow what insurance companies could charge people solely based on their age.

All but a few states have already moved ahead on small group insurance reforms but national uniformity is important so that insurance is portable for consumers across state lines and also to ease compliance by insurance companies that do business in more than one State. Forty percent of States have even adopted some version of community rating or modified community rating laws. While there has been some serious concerns raised about some erosion of insurance coverage that occurred when the state of New York implemented community rating, it is very important to note that New York implemented its community rating law without any sort of phase-in period.

Mr. President, I would like to emphasize to my colleagues that while coverage in the small group market in New York was estimated to have declined by 1.2 percent when community rating was implemented, the exact same percentage of people—1.2 percent—lost their health coverage the year prior to implementation of New York's rating reforms. Other states, such as Maine, New Jersey, and Vermont are experiencing net increases in coverage and other positive benefits from private insurance reform, such as a greater choice of products for small businesses to choose from.

Last year, a study commissioned by the Catholic Health Association, estimated that about 1.1 million people could gain coverage through insurance reforms. This mostly includes people who currently are locked out of the insurance market because of their medical history.

The reforms outlined in S. 7 would also provide predictability and stability to health premiums by limiting premium variability based on age, sex, health status, claims experience, occupation, and zip code. Cancer, a heart condition, or diabetes will no longer price working American families out of the insurance market.

Mr. President, I am especially pleased that this legislation emphasizes and prioritizes children. Looking out for America's children is nothing new. This imperative has been recognized time and time again. A bipartisan majority of Pepper Commission members said 5 years ago that the first step to comprehensive reform should be to cover children and pregnant women. I also had the profound privilege of chairing the National Commission on Children that made a similar recommendation. I introduced a bill with Senator HATCH, 4 years ago, to suggest this very idea.

It is incredibly important that children get early and regular health care. There is nothing more heartbreaking and more wrong about our country's health care system than putting parents in the position of trying to figure out whether or not they can afford to take a sick child to see a doctor.

Mr. President, of the 204,000 West Virginians that do not have health insurance one third are children. About 64,000 West Virginia children—about 94 percent of the uninsured children in my home state—would qualify for health insurance under this legislation.

Mr. President, I would also like to take a second to remind my colleagues that job-based coverage for children has diminished significantly over the past decade and a half. Two thirds of children without insurance have at least one parent who works full-time while another 13 percent have a parent who works part-time. Having a job is just not an assurance of reliable health insurance coverage.

The overall percentage of children with job-based insurance has dropped from 64 percent in 1987 to 59 percent in 1992—a decrease of 5 percent in just 6 years. Had coverage stayed at 1987 rates—more than 3 million children would have job-based coverage today. If current trends continue, only about half of our children will be covered by employer-sponsored coverage by 2000. If not for legislation enacted in the 1980's that expanded Medicaid coverage for poor children the number of uninsured children would be much, much higher today.

Mr. President, just 15 years ago, 40 percent of employers paid for dependent coverage in full. Five years ago, only about one-third of employers did. A decline in employer contributions means that many hardworking families just end up doing without because they can't afford the extra dollars themselves. This bill will help those families get health coverage for their children.

Not having health insurance reduces the number of times a child goes to the doctor. And not surprisingly, the frequency of doctor visits is directly correlated with a family's income. It is the low-wage working family making between $10,000 and $20,000 a year, barely able to make ends meet, whose children go to see a doctor least often. These are families who are not poor enough to qualify for Medicaid but can't afford private health insurance. Even routine pediatric care can consume 10 percent of a low wage working family's annual income.

Last year, the Finance Committee, on a bipartisan vote of 12–8, approved an amendment that would have accelerated and expanded coverage for children. Frankly, reforming our welfare system won't work unless we can make sure families won't be forced to quit their jobs in order to qualify for health benefits through the Medicaid program.

I am pleased that my colleague from rural South Dakota also included important rural health provisions in this legislation. Most of the provisions included in the rural health section are identical to measures included in a rural health amendment I authored along with Senator DASCHLE last August. Our rural health amendment was nearly unanimously agreed to when offered to pending health care reform legislation on the Senate floor. Again, reflecting an overwhelming consensus in this area.

I am also extremely pleased that this legislation will provide long awaited tax equity for self-employed individuals. Prior to January 1, 1994, the self-employed were allowed to deduct 25 percent of the costs of insuring themselves and their families. Since expiration of this law last year, the self-employed are prohibited from deducting any of their insurance premiums. This bill would allow the self-employed to deduct 100 percent of their health insurance costs. Currently, incorporated businesses can deduct the entire cost of their health insurance policies. This was also a priority identified 5 years ago by the Pepper Commission and a measure that has always enjoyed broad bipartisan support.

Mr. President, this legislation includes other important measures that have enjoyed popular and broad, bipartisan support, such as administrative simplification, patient confidentiality, malpractice reforms, and demonstration funding for the development of purchasing groups and telemedicine grants. I also share the commitment earlier stated by Minority Leader DASCHLE that this legislation if enacted would not contribute to the Federal deficit. As a member of the Finance Committee, I am committed to working on building a consensus for financing the coverage expansions for children, the temporarily unemployed, and tax equity for the self-employed outlined in this legislation.

I sincerely hope that the 104th Congress will truly be historic and be remembered for enacting serious and long overdue health reforms.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERRY, Mrs. MURRAY, Mr. DORGAN, Ms. MOSELEY-BRAUN, and Mr. ROBB):

S. 8. A bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other purposes; to the Committee on Finance.

TEEN PREGNANCY PREVENTION AND PARENTAL RESPONSIBILITY ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Teen Pregnancy Prevention and Parental Responsibility Act".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.

TITLE I—ENDING THE CYCLE OF INTERGENERATIONAL DEPENDENCY

Sec. 101. Supervised living arrangements for minors.
Sec. 102. Reinforcing families.
Sec. 103. Required completion of high school or other training for teenage parents.
Sec. 104. Drug treatment and counseling as part of the JOBS program.

TITLE II—PARENTAL RESPONSIBILITY

Sec. 201. Performance-based incentives.
Sec. 202. State law authorizing suspension of licenses.
Sec. 203. State laws concerning paternity establishment.
Sec. 204. State laws providing expedited procedures.
Sec. 205. Outreach for voluntary paternity establishment.

TITLE III—COMBATING TEENAGE PREGNANCY

Sec. 301. Targeting youth at risk of teenage pregnancy.
Sec. 302. National Clearinghouse on Teenage Pregnancy.

TITLE IV—FINANCING

Sec. 401. Uniform alien eligibility criteria for public assistance programs.
Sec. 402. State retention of amounts recovered.

TITLE I—ENDING THE CYCLE OF INTERGENERATIONAL DEPENDENCY

SEC. 101. SUPERVISED LIVING ARRANGEMENTS FOR MINORS.

(a) STATE PLAN REQUIREMENT.—Section 402(a)(43) (42 U.S.C. 602(a)(43)) is amended—

(1) in the matter preceding subparagraph (A), by striking "at the option of the State,";

(2) in the matter preceding clause (i) of subparagraph (A), by striking "subject to subparagraph (B)" and inserting "except as provided in subparagraph (B)(i)"; and

(3) in subparagraph (A)(i), by striking ", or reside in a foster home, maternity home, or other adult-supervised supportive living arrangement".

(b) APPROPRIATE ADULT-SUPERVISED SUPPORTIVE LIVING ARRANGEMENTS.—Section 402(a)(43)(B) (42 U.S.C. 602(a)(43)(B)) is amended to read as follows:

"(B)(i) in the case of an individual described in clause (ii)—

"(I) the State agency shall assist such individual in locating an appropriate adult-supervised supportive living arrangement taking into consideration the needs and concerns of the individual, unless the State agency determines that the individual's current living arrangement is appropriate, and thereafter shall require that the individual (and child, if any) reside in such living arrangement as a condition of the continued receipt of aid under the plan (or in an alternative appropriate arrangement, should circumstances change and the current arrangement cease to be appropriate), or

"(II) if the State agency is unable, after making diligent efforts, to locate any such appropriate living arrangement, it shall provide for comprehensive case management, monitoring, and other social services consistent with the best interests of the individual (and child) while living independently; and

"(ii) for purposes of clause (i), an individual is described in this clause if—

"(I) such individual has no parent or legal guardian of his or her own who is living and whose whereabouts are known;

"(II) no living parent or legal guardian of such individual allows the individual to live in the home of such parent or guardian;

"(III) the State agency determines that the physical or emotional health of such individual or any dependent child of the individual would be jeopardized if such individual and such dependent child lived in the same residence with such individual's own parent or legal guardian; or

"(IV) the State agency otherwise determines (in accordance with regulations issued by the Secretary) that it is in the best interest of the dependent child to waive the requirement of subparagraph (A) with respect to such individual.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 102. REINFORCING FAMILIES.

(a) IN GENERAL.—Title XX (42 U.S.C. 1397–1397e) is amended by adding at the end the following new section:

"SEC. 2008. ADULT-SUPERVISED GROUP HOMES.

"(a) ENTITLEMENT.—

"(1) IN GENERAL.—In addition to any payment under sections 2002 and 2007, beginning with fiscal year 1996, each State shall be entitled to funds under this section for each fiscal year for the establishment, operation, and support of adult-supervised group homes for custodial parents under the age of 19 and their children.

"(2) PAYMENT TO STATES.—

"(A) IN GENERAL.—Each State shall be entitled to payment under this section for each fiscal year in an amount equal to its allotment (determined in accordance with subsection (b)) for such fiscal year, to be used by such State for the purposes set forth in paragraph (1).

"(B) TRANSFERS OF FUNDS.—The Secretary shall make payments in accordance with section 6503 of title 31, United States Code, to each State from its allotment for use under this title.

"(C) Use.—Payments to a State from its allotment for any fiscal year must be expended by the State in such fiscal year or in the succeeding fiscal year.

"(D) Technical assistance.—A State may use a portion of the amounts described in subparagraph (A) for the purpose of purchasing technical assistance from public or private entities if the State determines that such assistance is required in developing, implementing, or administering the program funded under this section.

"(3) Adult-supervised group home.—For purposes of this section, the term 'adult-supervised group home' means an entity that provides custodial parents under the age of 19 and their children with a supportive and supervised living arrangement in which such parents would be required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children. An adult-supervised group home may also serve as a network center for other supportive services that might be available in the community.

"(b) Allotment.—

"(1) Certain jurisdictions.—The allotment for any fiscal year to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall be an amount which bears the same ratio to the amount specified under paragraph (3) as the allotment that the jurisdiction receives under section 2003(a) for the fiscal year bears to the total amount specified for such fiscal year under section 2003(c).

"(2) Other states.—The allotment for any fiscal year for each State other than the jurisdictions of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall be an amount which bears the same ratio to—

"(A) the amount specified under paragraph (3), reduced by

"(B) the total amount allotted to those jurisdictions for that fiscal year under paragraph (1),

as the allotment that the State receives under section 2003(b) for the fiscal year bears to the total amount specified for such fiscal year under section 2003(c).

"(3) Amount specified.—The amount specified for purposes of paragraphs (1) and (2) shall be $95,000,000 for fiscal year 1996 and each subsequent fiscal year.

"(c) Local Involvement.—Each State shall seek local involvement from the community in any area in which an adult-supervised group home receiving funds pursuant to this section is to be established. In determining criteria for targeting funds received under this section, each State shall evaluate the community's commitment to the establishment and planning of the home.

"(d) Limitations on the Use of Funds.—

"(1) Construction.—Except as provided in paragraph (2), funds made available under this section may not be used by the State, or any other person with which the State makes arrangements to carry out the purposes of this section, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility.

"(2) Waiver.—The Secretary may waive the limitation contained in paragraph (1) upon the State's request for such a waiver if the Secretary finds that the request describes extraordinary circumstances to justify the waiver and that permitting the waiver will contribute to the State's ability to carry out the purposes of this section.

"(e) Treatment of Indian Tribes.—

"(1) In general.—An Indian tribe may apply to the Secretary to establish, operate, and support adult-supervised group homes for custodial parents under the age of 19 and their children in accordance with an application procedure to be determined by the Secretary. Except as otherwise provided in this subsection, the provisions of this section shall apply to Indian tribes receiving funds under this subsection in the same manner and to the same extent as the other provisions of this section apply to States.

"(2) Allotment.—If the Secretary approves an Indian tribe's application, the Secretary shall allot to such tribe for a fiscal year an amount which the Secretary determines is the Indian tribe's fair and equitable share of the amount specified under paragraph (3) for all Indian tribes with applications approved under this subsection (based on allotment factors to be determined by the Secretary). The Secretary shall determine a minimum allotment amount for all Indian tribes with applications approved under this subsection. Each Indian tribe with an application approved under this subsection shall be entitled to such minimum allotment.

"(3) Amount specified.—The amount specified under this paragraph for all Indian tribes with applications approved under this subsection is $5,000,000 for fiscal year 1996 and each subsequent fiscal year.

"(4) Indian tribe defined.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.".

(b) Receipt of Payments by Adult-Supervised Group Homes.—

(1) In general.—Section 402(a)(43)(A)(ii) (42 U.S.C. 602(a)(43)(A)(ii)) is amended by striking "or other adult relative" and inserting "other adult relative, or adult-supervised group home receiving funds under section 2008".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to calendar quarters beginning on or after October 1, 1995.

(c) Recommendations on Usage of Government Surplus Property.—Not later than 6 months after the date of the enactment of this Act, after consultation with the Secretary of Defense, the Secretary of Housing and Urban Development, and the Administrator of the General Services Administration, the Secretary of Health and Human Services shall submit recommendations to the Congress on the extent to which surplus properties of the United States Government may be used for the establishment of adult-supervised group homes receiving funds under section 2008 of the Social Security Act.

SEC. 103. REQUIRED COMPLETION OF HIGH SCHOOL OR OTHER TRAINING FOR TEENAGE PARENTS.

(a) In General.—Section 402(a)(19)(E) (42 U.S.C. 602(a)(19)(E)) is amended to read as follows:

"(E)(i) in the case of a custodial parent who has not attained 19 years of age, has not successfully completed a high-school education (or its equivalent), and is required to participate in the program (including an individual who would otherwise be exempt from participation in the program solely by reason of clauses (iii), (v), or (vii) of subparagraph (C)), the State agency shall—

"(I) require such parent to participate in—

"(aa) educational activities directed toward the attainment of a high school diploma or its equivalent on a full-time (as defined by the educational provider) basis; or

"(bb) an alternative educational or training program (that has been approved by the Secretary) on a full-time (as defined by the provider) basis; and

"(II) provide child care in accordance with section 402(g) with respect to the family;

"(ii)(I) to the extent that the program is available in the political subdivision involved and State resources otherwise permit, in the case of a custodial parent who is 19 years of age, has not successfully completed a high-school education (or its equivalent), and is required to participate in the program (including an individual who would otherwise be exempt from participation in the program solely by reason of subparagraph (C)(iii)), the State agency (subject to subclause (II)) shall require such parent to participate in an educational activity; and

"(II) the State agency may—

"(aa) require a parent described in subclause (I) (notwithstanding the part-time requirement in subparagraph (C)(iii)(II)) to participate in educational activities directed toward the attainment of a high school diploma or its equivalent on a full-time (as defined by the educational provider) basis; or

"(bb) require a parent described in subclause (I) to participate in training or work activities in lieu of the educational activities under such subclause if such parent fails to make good progress in successfully completing such educational activities or if it is determined (prior to any assignment of the individual to such educational activities) pursuant to an educational assessment that participation in such educational activities is inappropriate for such parent;".

(b) State Option to Provide Additional Incentives and Penalties to Encourage Teen Parents to Complete High School and Participate in Parenting Activities.—

(1) State plan.—Section 402(a)(19)(E) (42 U.S.C. 602(a)(19)(E)), as amended by subsection (a), is further amended—

(A) by striking "and" at the end of clause (i);

(B) by inserting "and" after the semicolon at the end of clause (ii); and

(C) by adding after clause (ii) the following new clause:

"(iii) at the option of the State, some or all custodial parents and pregnant women who have not attained 19 years of age (or at the State's option, 21 years of age) and who are receiving aid under this part shall be required to participate in a program of monetary incentives and penalties, consistent with subsection (j);".

(2) Elements of program.—Section 402 (42 U.S.C. 602) is amended by adding at the end the following new subsection:

"(j)(1) If a State opts to conduct a program of monetary incentives and penalties to encourage custodial parents and pregnant women who have not attained 19 years of age (or at the State's option, 21 years of age) to complete their high school (or equivalent) education and participate in parenting activities, the State shall amend its State plan—

"(A) to specify the one or more political subdivisions (or other clearly defined geographic area or areas) in which the State will conduct the program, and

"(B) to describe its program in detail.

"(2) A program under this subsection—

"(A) may, at the option of the State, require full-time participation by such custodial parents and pregnant women in secondary school or equivalent educational activities, or participation in a course or program leading to a skills certificate found appropriate by the State agency or parenting education activities (or any combination of such activities and secondary education);

"(B) shall require that the needs of such custodial parents and pregnant women shall be reviewed and the program will assure that, either in the initial development or revision of such individual's employability plan, there will be included a description of the services that will be provided to the individual and the way in which the program and service providers will coordinate with the educational or skills training activities in which the individual is participating;

"(C) shall provide monetary incentives for more than minimally acceptable performance of required educational activities; and

"(D) shall provide penalties (which may be those required by subsection (a)(19)(G) or, with the approval of the Secretary, other monetary penalties that the State finds will better achieve the objectives of the program) for less than minimally acceptable performance of required activities.

"(3) When a monetary incentive is payable because of the more than minimally acceptable performance of required educational activities by a custodial parent, the incentive shall be paid directly to such parent, regardless of whether the State agency makes payment of aid under the State plan directly to such parent.

"(4)(A) For purposes of this part, monetary incentives paid under this subsection shall be considered aid to families with dependent children.

"(B) For purposes of any other Federal or federally-assisted program based on need, no monetary incentive paid under this subsection shall be considered income in determining a family's eligibility for or amount of benefits under such program, and if aid is reduced by reason of a penalty under this subsection, such other program shall treat the family involved as if no such penalty has been applied.

"(5) The State agency shall from time to time provide such information with respect to the State operation of the program as the Secretary may request.".

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) Special rule.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 104. DRUG TREATMENT AND COUNSELING AS PART OF THE JOBS PROGRAM.

(a) In General.—Section 402(a)(19) (42 U.S.C. 602(a)(19)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by inserting "and" after the semicolon at the end of subparagraph (H);

(3) by adding after subparagraph (H), the following new subparagraph:

"(I) that, in the case of a custodial parent who has not attained 19 years of age (including an individual who would otherwise be exempt from participation in the program solely by reason of clauses (iii), (v), or (vii)) of subparagraph (C)), whose employability plan (described in section 482(b)) reflects the need for treatment for substance abuse, the State agency shall—

"(i) require such individual to participate in substance abuse treatment; and

"(ii) notwithstanding any other provision of law, after providing an individual required to participate in treatment under this subparagraph with proper notice, make the provisions of section 402(a)(19)(G) applicable to any individual who fails or refuses to accept such treatment;".

(b) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by subsection (a) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) Special rule.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

TITLE II—PARENTAL RESPONSIBILITY

SEC. 201. PERFORMANCE-BASED INCENTIVES.

(a) Incentive Adjustments to Federal Matching Rate.—

(1) In general.—Title IV (42 U.S.C. 601 et seq.) is amended by inserting after section 458 the following new section:

"INCENTIVE ADJUSTMENTS TO MATCHING RATE FOR STATEWIDE PATERNITY ESTABLISHMENT

"Sec. 458A. (a) Incentive Adjustment.—

"(1) In general.—In order to encourage and reward State paternity establishment efforts, the Federal matching rate for payments to a State under section 455(a)(1)(A), for each fiscal year beginning on or after October 1, 1997, shall be increased by a factor reflecting the incentive adjustment (if any) determined in accordance with paragraph (2) with respect to the Statewide paternity establishment percentage.

"(2) Standards.—The Secretary shall establish in regulations—

"(A) the levels of accomplishment, and rates of improvement as alternatives to such levels, with respect to the Statewide paternity establishment percentages which States must attain to qualify for an incentive adjustment under this section; and

"(B) the amounts of incentive adjustment that shall be awarded to States achieving specified accomplishment or improvement levels with respect to Statewide paternity establishment percentages, which amounts shall be graduated, ranging up to 5 percentage points, in connection with the State's Statewide paternity establishment percentage.

"(3) Determination of incentive adjustment.—The Secretary shall, pursuant to regulations, determine the amount (if any) of incentive adjustment due each State on the basis of the levels of accomplishment (and rates of improvement) with respect to performance indicators specified by the Secretary pursuant to this section.

"(4) Fiscal year subject to incentive adjustment.—The total percentage point increase determined pursuant to this section with respect to a State program in a fiscal year shall apply as an adjustment to the applicable percent under section 455(a)(2) for payments to such State for the succeeding fiscal year.

"(b) Statewide Paternity Establishment Percentage.—For purposes of this section, the term 'Statewide paternity establishment percentage' means, with respect to a fiscal year, the ratio (expressed as a percentage) of—

"(1) the total number of out-of-wedlock children in the State under one year of age for whom paternity is established or acknowledged during the fiscal year, to

"(2) the total number of children born out-of-wedlock in the State during such fiscal year.".

(2) Title IV–D payment adjustment.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended—

(A) by striking the period at the end of subparagraph (C) and inserting a comma; and

(B) by adding after subparagraph (C) the following:

"increased by the incentive adjustment factor (if any) determined by the Secretary pursuant to section 458A.".

(3) Conforming amendments.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(A) by inserting "or incentive adjustments under section 458A" after "section 458"; and

(B) by inserting "or any increases in Federal payments to the State resulting from such incentive adjustments" after "any such incentive payments".

(b) Federal Financial Participation for All Paternity Establishment Services.—

(1) In general.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by adding at the end the following: "In determining the total amounts expended by any State during a quarter, for purposes of this subsection, there shall be included any amounts expended for paternity determination services made available to any individual who did not file an application in accordance with section 454(6).".

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

SEC. 202. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

(a) In General.—Section 466(a) (42 U.S.C. 666(a)) is amended by adding at the end the following new paragraph:

"(12) Authority to withhold or suspend licenses.—Procedures under which the State has (and uses in appropriate cases) authority (subject to appropriate due process safeguards) to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.".

(b) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendment made by subsection (a) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 203. STATE LAWS CONCERNING PATERNITY ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section 466(a)(5) (42 U.S.C. 666(a)(5)) is amended—

(1) by striking "(5)" and inserting "(5) PROCEDURES CONCERNING PATERNITY ESTABLISHMENT.—";

(2) in subparagraph (A)—

(A) by striking "(A)" and inserting "(A) ESTABLISHMENT PROCESS AVAILABLE FROM BEFORE BIRTH UNTIL AGE 18.—";

(B) by moving clause (ii) 2 ems to the right; and

(C) by adding after clause (ii) the following new clause:

"(iii) Procedures which permit the initiation of proceedings to establish paternity before the birth of the child concerned.";

(3) in subparagraph (B)—

(A) by striking "(B)" and inserting "(B) PROCEDURES CONCERNING GENETIC TESTING.—(i)";

(B) in clause (i), as redesignated, by inserting ", where such request is supported by a sworn statement by such party setting forth facts establishing a reasonable possibility of the requisite sexual contact" before the period at the end;

(C) by inserting after clause (i), as so redesignated, the following new clause:

"(ii) Procedures which require the State agency, in any case in which such agency orders genetic testing—

"(I) to pay costs of such tests, subject to recoupment (where the State so elects) from the putative father if paternity is established; and

"(II) to obtain additional testing in any case where an original test result is disputed, upon request and advance payment by the disputing party.";

(4) by striking subparagraph (C) and inserting:

"(C) VOLUNTARY ACKNOWLEDGMENT PROCEDURE.—Procedures for a simple civil process for voluntarily acknowledging paternity under which—

"(i) the benefits, rights, and responsibilities of acknowledging paternity are explained to unwed parents;

"(ii) due process safeguards are afforded; and

"(iii) hospitals and other health care facilities providing inpatient or outpatient maternity and pediatric services are required, as a condition of participation in the State program under title XIX—

"(I) to explain to unwed parents the matters specified in clause (i);

"(II) to make available the voluntary acknowledgment procedure required under this subparagraph; and

"(III) in the case of hospitals providing maternity services—

"(aa) to have facilities for obtaining blood or other genetic samples from the mother, putative father, and child for genetic testing;

"(bb) to inform the mother and putative father of the availability of such testing (at their expense); and

"(cc) to obtain such samples upon request of both such individuals;";

(5) by striking subparagraphs (D) and (E) and inserting:

"(D) LEGAL STATUS OF ACKNOWLEDGMENT.—Procedures under which—

"(i) a voluntary acknowledgment of paternity creates, at State option, either—

"(I) a conclusive presumption of paternity, or

"(II) a rebuttable presumption which becomes a conclusive presumption within one year, unless rebutted or invalidated by an intervening determination which reaches a contrary conclusion;

"(ii) at the option of the State, notwithstanding clause (i), upon the request of a party, a determination of paternity based on an acknowledgment may be vacated on the basis of new evidence, the existence of fraud, or the best interests of the child; and

"(iii) a voluntary acknowledgment of paternity is admissible as evidence of paternity, and as a basis for seeking a support order, without requiring any further proceedings to establish paternity.

"(E) BAR ON ACKNOWLEDGMENT RATIFICATION PROCEEDINGS.—Procedures under which no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgment of paternity.";

(6) by striking subparagraph (F) and inserting:

"(F) ADMISSIBILITY OF GENETIC TESTING RESULTS.—Procedures—

"(i) requiring that the State admit into evidence, for purposes cf establishing paternity, results of any genetic test that is—

"(I) of a type generally acknowledged, by accreditation bodies designated by the Secretary, as reliable evidence of paternity; and

"(II) performed by a laboratory approved by such an accreditation body;

"(ii) providing that any objection to genetic testing results must be made in writing not later than a specified number of days before any hearing at which such results may be introduced into evidence (or, at the option of the State, not later than a specified number of days after receipt of such results); and

"(iii) providing that, if no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy."; and

(7) by adding after subparagraph (H) the following new subparagraphs:

"(I) TEMPORARY SUPPORT ORDER BASED ON PROBABLE PATERNITY IN CONTESTED CASES.—Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

"(J) PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.—Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and constitute prima facie evidence of amounts incurred for such services and testing on behalf of the child.

"(K) WAIVER OF STATE DEBTS FOR COOPERATION.—Procedures under which the tribunal establishing paternity and support has discretion to waive rights to all or part of amounts owed to the State (but not to the mother) for costs related to pregnancy, childbirth, and genetic testing and for public assistance paid to the family where the father cooperates or acknowledges paternity before or after genetic testing.

"(L) STANDING OF PUTATIVE FATHERS.—Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.".

(b) TECHNICAL AMENDMENT.—Section 468 (42 U.S.C. 668) is amended by striking "a simple civil process for voluntarily acknowledging paternity and".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after October 1, 1996.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 204. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

(a) STATE LAW REQUIREMENTS.—Section 466 (42 U.S.C. 666) is amended—

(1) in subsection (a)(2), by striking the first sentence and inserting: "Expedited administrative and judicial procedures (including the procedures specified in subsection (f)) for establishing paternity and for establishing, modifying, and enforcing support obligations."; and

(2) by adding after subsection (e) the following new subsection:

"(f) EXPEDITED PROCEDURES.—(1) ADMINISTRATIVE ACTION BY STATE AGENCY.—Procedures which give the State agency the authority (and recognize and enforce the authority of State agencies of other States), without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), to take the following actions relating to establishment or enforcement of orders:

"(A) ESTABLISH AND MODIFY SUPPORT AMOUNT.—To establish and modify the amount of support awards in all cases in which services are being provided under this part.

"(B) GENETIC TESTING.—To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

"(C) DEFAULT ORDERS.—To enter a default order, upon a showing of service of process and any additional showing required by State law—

"(i) establishing paternity, in the case of any putative father who refuses to submit to genetic testing; and

"(ii) establishing or modifying a support obligation, in the case of a parent (or other obligor or obligee) who fails to respond to notice to appear at a proceeding for such purpose.

"(D) SUBPOENAS.—To subpoena any financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to any such subpoena.

"(E) ACCESS TO PERSONAL AND FINANCIAL INFORMATION.—To obtain access, subject to safeguards on privacy and information security, to the following records (including automated access, in the case of records maintained in automated data bases):

"(i) Records of other State and local government agencies, including—

"(I) vital statistics (including records of marriage, birth, and divorce);

"(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

"(III) records concerning real and titled personal property;

"(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

"(V) employment security records;

"(VI) records of agencies administering public assistance programs;

"(VII) records of the motor vehicle department; and

"(VIII) corrections records.

"(ii) Certain records held by private entities, including—

"(I) customer records of public utilities and cable television companies; and

"(II) information (including information on assets and liabilities) on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought) held by financial institutions (subject to limitations on liability of such entities arising from affording such access).

"(F) INCOME WITHHOLDING.—To order income withholding in accordance with section 466(a)(1) and (b).

"(G) CHANGE IN PAYEE.—In cases where support is subject to an assignment under section 402(a)(26), 471(a)(17), or 1912.

"(H) SECURE ASSETS TO SATISFY ARREARAGES.—For the purpose of securing overdue support—

"(i) to intercept and seize any periodic or lump-sum payment to the obligor by or through a State or local government agency, including—

"(I) unemployment compensation, workers' compensation, and other benefits;

"(II) judgments and settlements in cases under the jurisdiction of the State or local government; and

"(III) lottery winnings;

"(ii) to attach and seize assets of the obligor held by financial institutions;

"(iii) to attach public and private retirement funds in appropriate cases, as determined by the Secretary; and

"(iv) to impose liens in accordance with subsection (a)(4) and, in appropriate cases, to force sale of property and distribution of proceeds.

"(I) INCREASE MONTHLY PAYMENTS.—For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or restrictions as the State may provide).

"(J) SUSPENSION OF DRIVERS' LICENSES.—To suspend drivers' licenses of individuals owing past-due support, in accordance with subsection (a)(12).

"(2) SUBSTANTIVE AND PROCEDURAL RULES.—The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

"(A) LOCATOR INFORMATION; PRESUMPTIONS CONCERNING NOTICE.—Procedures under which—

"(i) the parties to any paternity or child support proceedings are required (subject to privacy safeguards) to file with the tribunal before entry of an order, and to update as appropriate, information on location and identity (including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer); and

"(ii) in any subsequent child support enforcement action between the same parties, the tribunal shall be authorized, upon sufficient showing that a diligent effort has been made to ascertain such a party's current location, to deem due process requirements for notice and service of process to be met, with respect to such party, by delivery to the most recent residential or employer address so filed pursuant to clause (i).

"(B) STATEWIDE JURISDICTION.—Procedures under which—

"(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties, and orders issued in such cases have statewide effect; and

"(ii) in the case of a State in which orders in such cases are issued by local jurisdictions, a case may be transferred between jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.".

(c) EXEMPTIONS FROM STATE LAW REQUIREMENTS.—Section 466(d) (42 U.S.C. 666(d)) is amended—

(1) by striking "(d) If" and inserting "(d) EXEMPTIONS FROM REQUIREMENTS.—(1) IN GENERAL.—Subject to paragraph (2), if"; and

(2) by adding at the end the following new paragraph:

"(2) NONEXEMPT REQUIREMENTS.—The Secretary shall not grant an exemption from the requirements of—

"(A) subsection (a)(5) (concerning procedures for paternity establishment);

"(B) subsection (a)(10) (concerning modification of orders);

"(C) subsection (f) (concerning expedited procedures), other than paragraph (1)(A) thereof (concerning establishment or modification of support amount).".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a), (b), and (c) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 205. OUTREACH FOR VOLUNTARY PATERNITY ESTABLISHMENT.

(a) STATE PLAN REQUIREMENT.—

(1) IN GENERAL.—Section 454(23) (42 U.S.C. 654(23)) is amended—

(A) by inserting "(A)" after "(23)";

(B) by adding after subparagraph (A), as so redesignated, the following new subparagraph:

"(B) provide that the State will regularly and frequently publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

"(i) may include distribution of written materials at health care facilities (including hospitals and clinics), and other locations such as schools;

"(ii) may include prenatal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such prenatal programs, as an element of cooperation with efforts to establish paternity and child support);

"(iii) may include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow up efforts (including at least one contact of each parent whose whereabouts are known, except where there is reason to believe such follow up efforts would put mother or child at risk), providing—

"(I) in the case of a child for whom paternity has not been established, information on the benefits of and procedures for establishing paternity; and

"(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services; and".

(2) ENHANCED FEDERAL MATCHING.—Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended—

(A) by inserting "(i)" before "laboratory costs", and

(B) by inserting before the semicolon ", and (ii) costs of outreach programs designed to encourage voluntary acknowledgment of paternity".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraph (1) shall become effective October 1, 1996.

(B) ENHANCED MATCH.—The amendments made by paragraph (2) shall be effective with respect to calendar quarters beginning on and after October 1, 1995.

(b) STATE OUTREACH AS PART OF VOLUNTARY CONSENT PROCEDURES.—

(1) IN GENERAL.—Section 466(a)(5)(C) (42 U.S.C. 666(a)(5)(C)), as amended by section 303(a)(4), is further amended—

(A) by striking "and" at the end of clause (ii); and

(B) by inserting after clause (iii) the following new clause:

"(iv) in coordination with the Public Health Service, the State shall directly or under contract with hospitals, and other health care facilities providing inpatient or outpatient maternity and pediatric services (including prenatal clinics, well-baby clinics, in-home public health service visitations, family planning clinics, and centers participating in the program described in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786)) provide that the benefits, rights and responsibilities of acknowledging paternity are explained to unwed parents; and".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by paragraph (1) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(B) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

(c) JOINT OUTREACH PROGRAM.—

(1) IN GENERAL.—The Department of Health and Human Services, the Public Health Service, and the Department of Education shall cooperatively develop and implement a substantial outreach program and media campaign to—

(A) reinforce the importance of paternity establishment; and

(B) promote the message that parenting is a joint right and responsibility.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

TITLE III—COMBATING TEENAGE PREGNANCY

SEC. 301. TARGETING YOUTH AT RISK OF TEENAGE PREGNANCY.

(a) IN GENERAL.—Section 402 (42 U.S.C. 602), as amended by section 103(b)(2), is further amended by adding at the end the following new subsection:

"(k)(1) Each State agency may, to the extent it determines resources are available, provide for the operation of projects to reduce teenage pregnancy. Such projects shall be operated by eligible entities that have submitted applications described in paragraph (3) that have been approved in accordance with paragraph (4).

"(2) For purposes of this subsection, the term 'eligible entity' includes State agencies, local agencies, publicly supported organizations, private nonprofit organizations, and consortia of such entities.

"(3) An application described in this paragraph shall—

"(A) describe the project;

"(B) include an endorsement of the project by the chief elected official of the jurisdiction in which the project is to be located;

"(C) demonstrate strong local commitment and local involvement in the planning and implementation of the project; and

"(D) be submitted in such manner and containing such information as the Secretary may require.

"(4)(A) Subject to subparagraph (B), the Governor of a State may approve an application under this paragraph based on selection criteria (to be determined by the Governor).

"(B) Preference in approving a project shall be accorded to be projects that target—

"(i) both young men and women;

"(ii) areas with high teenage pregnancy rates; or

"(iii) areas with a high incidence of individuals receiving aid to families with dependent children.

"(5)(A) An Indian tribe may apply to the Secretary to provide for the operation of projects to reduce teenage pregnancy in accordance with an application procedure to be determined by the Secretary. Except as otherwise provided in this subsection, the provisions of this section shall apply to Indian tribes receiving funds under this subsection in the same manner and to the same extent as the other provisions of this section apply to States.

"(B) The Secretary shall limit the number of applications approved under this paragraph to ensure that payments under section 403(o) to Indian tribes with approved applications would not result in payments of less than a minimum payment amount (to be determined by the Secretary).

"(C) For purposes of this subsection, the term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.".

"(6) A project conducted under this subsection shall be conducted for not less than 3 years.

"(7)(A) The Secretary shall conduct a study in accordance with subparagraph (B) to determine the relative effectiveness of the different approaches for preventing teenage pregnancy utilized in the projects conducted under this subsection.

"(B) The study required under subparagraph (A) shall—

"(i) be based on data gathered from projects conducted in 5 States chosen by the Secretary from among the States in which projects under this subsection are operated;

"(ii) use specific outcome measures (determined by the Secretary) to test the effectiveness of the projects;

"(iii) use experimental and control groups (to the extent possible) that are composed of a random sample of participants in the projects; and

"(iv) be conducted in accordance with an experimental design determined by the Secretary to result in a comparable design among all projects.

"(C) Each eligible entity conducting a project under this subsection shall provide to the Secretary in such form and with such frequency as the Secretary requires interim data from the projects conducted under this subsection. The Secretary shall report to the Congress annually on the progress of such projects and shall, not later than January 1, 2003, submit to the Congress the study required under subparagraph (A).

"(D) There are authorized to be appropriated $500,000 for each of fiscal years 1996 through 2002 for the purpose of conducting the study required under subparagraph (A).".

(b) PAYMENT.—Section 403 (42 U.S.C. 603) is amended by adding at the end the following new subsection:

"(o)(1) In addition to any payment under subsection (a) or (*l*), each State shall be entitled to payment from the Secretary for each of fiscal years 1996 through 2002 of an amount equal to the lesser of—

"(A) 75 percent of the expenditures by the State in providing for the operation of the projects under section 402(k), and in administering the projects under such section; or

"(B) the limitation determined under paragraph (2) with respect to the State for the fiscal year.

"(2)(A) The limitation determined under this paragraph with respect to a State for any fiscal year is the amount that bears the same ratio to $71,250,000 as the population with an income below the poverty line (as such term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) in the State in the second preceding fiscal year bears to such population residing in the United States in the second preceding fiscal year.

"(B) If the limitation determined under subparagraph (A) with respect to a State for a fiscal year exceeds the amount paid to the State under this subsection for the fiscal year, the limitation determined under this paragraph with respect to the State for the immediately succeeding fiscal year shall be increased by the amount of such excess.

"(3)(A) Notwithstanding any other provision of this title, for purposes of this subsection, an Indian tribe with an application approved under section 402(k)(5) shall be entitled to payment from the Secretary for each of fiscal years 1996 through 2002 of an amount equal to the lesser of—

"(i) 75 percent of the expenditures by the Indian tribe in providing for the operation of the projects under section 402(k)(5), and in administering the projects under such section; or

"(ii) the limitation determined under subparagraph (B) with respect to the Indian tribe for the fiscal year.

"(B)(i) The limitation determined under this subparagraph with respect to an Indian tribe for any fiscal year is the amount that bears the same ratio to $3,750,000 as the population with an income below the poverty line (as such term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) in the Indian tribe in the second preceding fiscal year bears to such population of all Indian tribes with applications approved under section 402(k)(5) in the second preceding fiscal year.

"(ii) If the limitation determined under clause (i) with respect to an Indian tribe for a fiscal year exceeds the amount paid to the Indian tribe under this paragraph for the fiscal year, the limitation determined under this subparagraph with respect to the Indian tribe for the immediately succeeding fiscal year shall be increased by the amount of such excess."

"(4) Amounts appropriated for a fiscal year to carry out this part shall be made available for payments under this subsection for such fiscal year.".

SEC. 302. NATIONAL CLEARINGHOUSE ON TEENAGE PREGNANCY.

(a) ESTABLISHMENT.—The Secretary of Education, the Secretary of Health and Human Services, and the Chief Executive Officer of the Corporation for National and Community Service shall establish a national center for the collection and provision of information that relates to adolescent pregnancy prevention programs, to be known as the "National Clearinghouse on Teenage Pregnancy Prevention Programs".

(b) FUNCTIONS.—The national center established under subsection (a) shall serve as a national information and data clearinghouse, and as a material development source for adolescent pregnancy prevention programs. Such center shall—

(1) develop and maintain a system for disseminating information on all types of adolescent pregnancy prevention programs and on the state of adolescent pregnancy prevention program development, including information concerning the most effective model programs;

(2) identify model programs representing the various types of adolescent pregnancy prevention programs;

(3) develop networks of adolescent pregnancy prevention programs for the purpose of sharing and disseminating information;

(4) develop technical assistance materials to assist other entities in establishing and

improving adolescent pregnancy prevention programs;

(5) participate in activities designed to encourage and enhance public media campaigns on the issue of adolescent pregnancy; and

(6) conduct such other activities as the responsible Federal officials find will assist in developing and carrying out programs or activities to reduce adolescent pregnancy.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE IV—FINANCING

SEC. 401. UNIFORM ALIEN ELIGIBILITY CRITERIA FOR PUBLIC ASSISTANCE PROGRAMS.

(a) Federal and Federally-Assisted Programs.—

(1) Program eligibility criteria.—

(A) Aid to families with dependent children.—Section 402(a)(33) (42 U.S.C. 602(a)(33)) is amended—

(i) by striking "either" and inserting "either—"; and

(ii) by striking "(A) a citizen" and all that follows through the semicolon and inserting the following:

"(A) a citizen or national of the United States, or

"(B) a qualified alien (as defined in section 1101(a)(10)), if such alien is not disqualified from receiving aid under a State plan approved under this part by or pursuant to section 210(f) or 245A(h) of the Immigration and Nationality Act or any other provision of law;".

(B) Supplemental security income.—Section 1614(a)(1)(B)(i) (42 U.S.C. 1382c(a)(1)(B)(i)) is amended to read as follows:

"(B)(i) is a resident of the United States, and is either (I) a citizen or national of the United States, or (II) a qualified alien (as defined in section 1101(a)(10)), or".

(C) Medicaid—(i) Section 1903(v)(1) (42 U.S.C. 1396b(v)(1)) is amended to read as follows:

"(v)(1) Notwithstanding the preceding provisions of this section—

"(A) no payment may be made to a State under this section for medical assistance furnished to an individual who is disqualified from receiving such assistance by or pursuant to section 210(f) or 245A(h) of the Immigration and Nationality Act or any other provision of law, and

"(B) except as provided in paragraph (2), no such payment may be made for medical assistance furnished to an individual who is not—

"(i) a citizen or national of the United States, or

"(ii) a qualified alien (as defined in section 1101(a)(10)).".

(ii) Section 1903(v)(2) (42 U.S.C. 1396b(v)(2)) is amended—

(I) by striking "paragraph (1)" and inserting "paragraph (1)(B)"; and

(II) by striking "alien" each place it appears and inserting "individual".

(iii) Section 1902(a) (42 U.S.C. 1396a(a)) is amended in the last sentence by striking "alien" and all that follows through the period and inserting "individual who is not (A) a citizen or national of the United States, or (B) a qualified alien (as defined in section 1101(a)(10)) only in accordance with section 1903(v).".

(iv) Section 1902(b)(3) (42 U.S.C. 1396a(b)(3)) is amended by inserting "or national" after "citizen".

(2) Qualified alien defined.—Section 1101(a) (42 U.S.C. 1301(a)) is amended by adding at the end the following new paragraph:

"(10) The term 'qualified alien' means an alien—

"(A) who is lawfully admitted for permanent residence within the meaning of section 101(a)(20) of the Immigration and Nationality Act;

"(B) who is admitted as a refugee pursuant to section 207 of such Act;

"(C) who is granted asylum pursuant to section 208 of such Act;

"(D) whose deportation is withheld pursuant to section 243(h) of such Act;

"(E) whose deportation is suspended pursuant to section 244 of such Act;

"(F) who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980;

"(G) who is lawfully admitted for temporary residence pursuant to section 210 or 245A of such Act;

"(H) who is within a class of aliens lawfully present within the United States pursuant to any other provision of such Act, if—

"(i) the Attorney General determines that the continued presence of such class of aliens serves a humanitarian or other compelling public interest, and

"(ii) the Secretary of Health and Human Services determines that such interest would be further served by treating each alien within such class as a 'qualified alien' for purposes of this Act; or

"(I) who is the spouse or unmarried child under 21 years of age of a citizen of the United States, or the parent of such a citizen if the citizen is 21 years of age or older, and with respect to whom an application for adjustment to lawful permanent residence is pending;

such status not having changed.".

(3) Conforming amendment.—Section 244A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1254(a)(f)(1)) is amended by inserting "and shall not be considered to be a 'qualified alien' within the meaning of section 1101(a)(10) of the Social Security Act" before the semicolon at the end.

(b) State and Local Programs.—A State or political subdivision therein may provide that an alien is not eligible for any program of assistance based on need that is furnished by such State or political subdivision unless such alien is a "qualified alien" within the meaning of section 1101(a)(10) of the Social Security Act (as added by subsection (a)(2) of this section).

(c) Effective Date.—(1) The amendments made by subsection (a) are effective with respect to benefits payable on the basis of any application filed after the date of enactment of this Act.

(2) Subsection (b) is effective upon the date of enactment of this Act.

SEC. 402. STATE RETENTION OF AMOUNTS RECOVERED.

Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended in the proviso of the first sentence by striking "1995" each place such term appears and inserting "2004".

Mr. ROCKEFELLER. Mr. President, for years, as Governor of West Virginia and as a U.S. Senator, I have advocated changes to our welfare system so that it promotes work and responsibility. I am proud to continue these efforts by joining Senator Daschle and other colleagues in sponsoring S. 8, the Teen Pregnancy Prevention and Parent Responsibility Act.

This legislation is an essential step that builds on the Family Support Act of 1988 in reforming our welfare system. It emphasizes parental responsibility and makes real reforms designed to address the issues of teen pregnancy. As noted in the final report of the bipartisan National Commission on Children, unmarried teenage mothers often lack the maturity, economic means, and parenting skills to care for themselves and their children.

For West Virginia, this issue is of major importance. According to the 1993 West Virginia Kids Count, births to unmarried teens has increased by 60 percent between 1980 and 1991 in my State. The percentage of births to unwed teen parents is tragically a predictor of economic hardship for both mother and child. This trend must be reversed for the sake of teens, children, and our future.

This bill boldly confronts this concern by requiring unwed mothers under the age of 18 to live with an adult family member or in a supervised group home in order to receive Federal Aid to Families with Dependent Children [AFDC]. Unwed teen mothers would also be required to stay in school and complete their high school education in order to receive benefits. If substance abuse is a problem, unwed teen mothers would have to seek counseling. These are major changes designed to help both unwed teen mothers and their children. It is an effort to try and ensure that a caring adult is involved with both teen parent and infant. Also, it is one of the toughest initiatives yet to ensure that teenage mothers stay in school and get the education they will need to avoid a lifetime of dependency.

There is broad consensus about the need to change our welfare system from a program that can inadvertently trap families in a lifetime of dependency into a transitional assistance program that fosters work and responsibility. But there are major questions about how to achieve this goal.

As we debate a series of welfare reform proposals, I will judge each proposal by the fundamental question of how each change will affect both the poor parent and the child. Welfare reform should not punish vulnerable children or their parents. Reform should encourage self-sufficiency in firm but fair ways. Senator Daschle's legislation passes this test with flying colors. It will help both unwed teen parents and child by ensuring the involvement of an adult, and by keeping teens in school.

Obviously, more work must be done to reform our overall welfare system since the Department of Health and Human Services estimates that teen parents are less than 10 percent of all families on welfare. But this legislation is a sensible first step focusing on unwed teen parents and it will hopefully help break a cycle of dependency early.

In addition to the eligibility requirements for unwed teen parents to receive AFDC, the bill gives States and communities funding to invest in pregnancy prevention for at risk youth. The legislation is paid for in responsible ways including provision to strengthen child support enforcement, another key way to promote parental responsibility among absent fathers.

Teenage pregnancy is a complicated issue facing our society, and there are no simple solutions or quick answers. But I believe that the Teenage Pregnancy Prevention and Parent Responsibility Act lays out needed change in Federal policy. Current Federal policy enables teen parents on welfare to establish their own independent household by offering them Federal assistance, but this legislation dramatically changes the rules and incentives. It sends a fundamental message to unwed teen parents to stay in school and seek help from caring adults, preferably their families. While this bill is not a silver bullet, it is a serious, substantive effort to ensure that Federal policy reflects American values for families and children.

By Mr. DASCHLE (for himself, Mr. EXON, Ms. MIKULSKI, Mr. BREAUX, Mr. ROBB, Mr. KERRY, Mr. PELL, and Ms. MOSELEY-BRAUN):

S. 9. A bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1995 through 2003 that would balance the budget by fiscal year 2003; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have 30 days to report or be discharged.

BUDGET RESOLUTION FOR FISCAL YEARS 1995 THROUGH 2003

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 9

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUDGET RESOLUTION FOR FISCAL YEARS 1996 THROUGH 2003.

Not later than the end of the 1st session of the 104th Congress, the Senate and House of Representatives shall—

(1) adopt a concurrent resolution on the budget for fiscal years 1996 through 2003; and

(2) enact all the necessary authorizing and appropriations legislation,

that would balance the Federal budget by the beginning of fiscal year 2003.

By Mr. DASCHLE (for himself, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. BREAUX, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 10. A bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress; to the Committee on Governmental Affairs.

COMPREHENSIVE CONGRESSIONAL REFORM ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Congressional Reform Act of 1995".

DIVISION A—EXTENSION OF RIGHTS AND PROTECTIONS, AND ASSOCIATED PROCEDURES

SEC. 100. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) All employees of the House of Representatives, of the Senate, and of the congressional instrumentalities are entitled to fundamental rights and protections provided by law to private and other public employees.

(2) The Congress has made notable progress in ensuring that such rights and protections are afforded to these legislative branch employees, by—

(A) extending to employees of the House of Representatives the provisions of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Family and Medical Leave Act of 1993, and the Fair Labor Standards Act of 1938;

(B) extending to employees of the Senate the provisions of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act of 1993; and

(C) extending to employees of congressional instrumentalities numerous rights and protections under employment laws.

(3) The Congress should expand on this base of rights and protections by eliminating gaps in coverage and extending coverage so as to assure to legislative branch employees the rights and protections of laws on employment discrimination, family and medical leave, fair labor standards, labor-management relations, occupational safety and health, polygraph protection and worker retraining.

(4) The Congress should likewise establish prompt, fair, and independent processes to resolve disputes and to enforce employee rights and protections, building on and strengthening the dispute resolution and enforcement procedures already established by the Government Employees Rights Act of 1991 (2 U.S.C. 1201 et seq.), section 117 of the Civil Rights Act of 1991 (2 U.S.C. 601), and other relevant statutes and rules of Congress.

(5) The extension of employee rights and protections affecting employees of the Architect of the Capitol and the Capitol Police should be accomplished in a manner that ensures that they are treated in a consistent manner regardless of their place of assignment within the Congress.

(6) The extension of employee rights and protections should be accomplished in a manner that is consistent with the responsibilities and functions of the House of Representatives and the Senate under the Constitution.

(b) PURPOSES.—The purposes of this Act are to eliminate gaps in coverage, extend coverage, and establish prompt, fair, and independent dispute resolution and enforcement procedures, for rights and protections established by—

(1) title VII of the Civil Rights Act of 1964;

(2) the Fair Labor Standards Act of 1938;

(3) the Age Discrimination in Employment Act of 1967;

(4) the Americans with Disabilities Act of 1990;

(5) the Rehabilitation Act of 1973;

(6) the Family and Medical Leave Act of 1993;

(7) the Occupational Safety and Health Act of 1970; and

(8) chapter 71 of title 5, United States Code (commonly known as the "Federal Service Labor-Management Relations Statute").

(9) The Employee Polygraph Protection Act of 1988.

(10) The Worker Adjustment and Retraining Notification Act.

(11) Chapter 43 of title 38, United States Code (relating to veterans' employment and reemployment).

SEC. 100A. DEFINITIONS.

Except as otherwise specifically provided in this Act, as used in this Act:

(1) BOARD.—The term "Board" means the Board of Directors of the Office of Congressional Fair Employment Practices appointed under section 202.

(2) CALENDAR DAY OF CONTINUOUS SESSION.—The term "calendar day of continuous session" means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a date certain.

(3) CHAIR.—The term "Chair" means the Chair of the Board of Directors of the Office of Congressional Fair Employment Practices appointed under section 202(b).

(4) COVERED EMPLOYEE.—The term "covered employee" means any employee of—

(A) the House of Representatives;

(B) the Senate;

(C) the Architect of the Capitol;

(D) the Congressional Budget Office;

(E) the Office of Technology Assessment; or

(F) the Office of Congressional Fair Employment Practices.

(5) DIRECTOR.—The term "Director" means the Director of the Office of Congressional Fair Employment Practices appointed under section 203(a).

(6) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term "employee of the Architect of the Capitol", means—

(A) any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(7) EMPLOYEE OF CERTAIN CONGRESSIONAL INSTRUMENTALITIES.—The terms "employee

of the Congressional Budget Office", "employee of the Office of Technology Assessment", and "employee of the Office of Congressional Fair Employment Practices" mean, respectively—

(A) any employee of the Congressional Budget Office, the Office of Technology Assessment, or the Office of Congressional Fair Employment Practices;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(8) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term "employee or the House of Representatives" means—

(A) an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in a legislative service organization or other entity that is paid through funds derived from the clerk-hire allowance of the House of Representatives, including any such individual employed by the Capitol Police, the Capitol Guide Service, or the Office of the Attending Physician, but not including an individual employed by the Congressional Budget Office or the Architect of the Capitol;

(B) any applicant for a position described in subparagraph (A) whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(9) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate, including any such individual employed by the Capitol Police, the Capitol Guide Service, or the Office of the Attending Physician, but not including an individual employed by the Architect of the Capitol;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(10) EMPLOYING OFFICE.—The term "employing office" means the personal office of a Member of the House of Representatives or a Senator or any other office under the authority of a head of an employing office.

(11) GENERAL COUNSEL.—The term "General Counsel" means the General Counsel of the Office of Congressional Fair Employment Practices appointed under section 203(c).

(12) HEAD OF AN EMPLOYING OFFICE.—The term "head of an employing office" means—

(A) the Member of Congress or the officer or employee or board or other entity of the Congress that has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or an employee of the Senate; and

(B) the Architect of the Capitol, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Board of the Office of Congressional Fair Employment Practices. For purposes of the minority staff of a committee, the ranking minority member shall be the head of the employing office.

(13) OFFICE.—The term "Office" means the Office of Congressional Fair Employment Practices established under section 201.

TITLE I—EXTENSION OF RIGHTS AND PROTECTIONS, AND ASSOCIATED PROCEDURES

SEC. 101. RIGHTS AND PROTECTIONS UNDER LAWS AGAINST EMPLOYMENT DISCRIMINATION.

(a) DISCRIMINATORY PRACTICES PROHIBITED.—

(1) IN GENERAL.—All personnel actions affecting covered employees shall, in accordance with the terms of this section, be made free from any discrimination based on—

(A) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

(B) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(C) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(2) PROHIBITION OF INTIMIDATION OR REPRISAL.—Any intimidation of, or reprisal against, any covered employee because of the exercise of a right under section 107 or 109 with respect to rights and protections under this Act constitutes an unlawful employment practice, which may be remedied in the same manner as is a violation of paragraph (1).

(b) AVAILABLE RELIEF.—

(1) CIVIL RIGHTS.—The relief for a violation of subsection (a)(1)(A) shall be such relief as would be appropriate if awarded under sections 706(g) and 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g) and 2000e–5(k), and the same interest to compensate for delay in payment shall be available as in cases involving nonpublic parties; and including such compensatory damages (not exceeding, for each complaining party, and irrespective of the size of the employing office, the maximum amount available under section 1977A(b)(3)(D)) of the Revised Statutes (42 U.S.C. 1981a(b)(3)(D)) as would be appropriate if awarded under section 1977 and sections 1977(A)(a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981, 1981a (a), and (b)(2)).

(2) AGE DISCRIMINATION.—The relief for a violation of subsection (a)(1)(B) shall be such relief as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)).

(3) DISABILITIES DISCRIMINATION.—The relief for a violation of subsection (a)(1)(C) shall be such relief as would be appropriate if awarded under section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)).

(4) PUNITIVE DAMAGES.—Punitive damages shall not be available for a violation of subsection (a).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for practices prohibited under this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) CLARIFICATION OF APPLICATION TO GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—

(1) SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(2) SECTION 15 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(3) SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(A) by striking subsections (a) and (b) of section 509;

(B) in subsection (c), by striking "(c) INSTRUMENTALITIES OF CONGRESS.—" and inserting "The General Accounting Office, the Government Printing Office, and the Library of Congress shall be covered as follows:";

(C) by striking the second sentence of paragraph (2);

(D) in paragraph (4), by striking "instrumentalities of the Congress include" and inserting "the term instrumentality of the Congress' means", by striking "the Architect of the Capitol, the Congressional Budget Office", by inserting "and" before "the Library", and by striking "the Office of Technology Assessment, and the United States Botanic Garden";

(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraph:

"(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114) that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of each instrumentality of the Congress."; and

(F) by amending the title of the section to read "INSTRUMENTALITIES OF THE CONGRESS".

(e) EFFECTIVE DATE.—This section shall be effective 9 months after the date of enactment of this Act.

SEC. 102. RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established under sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611–2615) shall apply, in accordance with this section, with respect to covered employees.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1)—

(A) the term "eligible employee" means—

(i) any employee of the House of Representatives who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office of the House of Representatives; and

(ii) any employee of the Senate who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office of the Senate; and

(B) the term "employer" means any employing office.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under paragraph (1) or (3) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a) (1) or (3)).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(e) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 101(4)(A) of the Family and Medical Leave Act of 1933 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by adding after clause (iii) the following:

"(iv) includes the General Accounting Office and the Library of Congress.".

(2) CIVIL SERVICE EMPLOYEES.—Section 6381(1)(A) of title 5, United States Code, is amended by striking "and" after "District of Columbia" and inserting before the semicolon the following: ", and any employee of the General Accounting Office and the Library of Congress".

(3) ENFORCEMENT.—Section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C 2617) is amended by adding at the end the following:

"(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

"(1) PROCEDURES.—Procedures for the enforcement of section 105 for the General Accounting Office and the Library of Congress shall be limited to the procedures described in subsection (a).

"(2) SECRETARY OF LABOR.—In the case of the General Accounting Office and the Library of Congress, the authority of the Secretary of Labor under this title shall be exercised respectively by the head official of the General Accounting Office and the Library of Congress.".

(f) EFFECTIVE DATE.—Subsection (a) through (d) shall be effective on the effective date of the rules issued under subsection (d) or 1 year after the date of enactment of this Act, whichever is earlier.

SEC. 103. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT.

(a) FAIR LABOR STANDARDS.—

(1) IN GENERAL.—Subject to the limitations in section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), the rights and protections established under subsections (a)(1) and (d) of section 6, section 7, section 12(c), and section 15(a)(3) of such Act (29 U.S.C. 206 (a)(1) and (d), 207, 212(c), 215(a)(3)) shall apply, in accordance with this section, with respect to covered employees.

(2) VOLUNTEER SERVICES EXCEPTED.—For the purposes of this section, the term "employee" does not include any individual who volunteers to perform services under the same conditions as would exclude an individual who volunteers to perform services for a State, a political subdivision of a State, or an interstate governmental agency under section 3(e)(4)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(4)(A)).

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(3) IRREGULAR WORK SCHEDULES.—As part of the rules under this subsection, the Board shall study and, pursuant to section 204, issue rules establishing the manner and extent to which the requirements of this section shall apply to covered employees whose work schedule directly depends on the schedule of the House of Representatives or the Senate. Such rules shall include provisions comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to private and public employees who have irregular work schedules.

(e) CLARIFICATION OF APPLICATION TO THE GOVERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

(1) in clause (iii), by striking "legislative or",

(2) by striking "or" at the end of clause (iv),

(3) by striking the semicolon at the end of clause (v) and inserting ", or", and

(4) by adding after clause (v) the following: "(vi) the Government Printing Office;".

(f) EFFECTIVE DATES.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under subsection (d) or on July 1, 1996, whichever is earlier.

SEC. 104. RIGHTS AND PROTECTIONS UNDER EMPLOYEE POLYGRAPH PROTECTION ACT.

(a) POLYGRAPH PROTECTION RIGHTS.—

(1) IN GENERAL.—The rights and protections of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.) shall apply, in accordance with this section, with respect to covered employees.

(2) COVERAGE.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office, the Library of Congress, and the term "employing office" shall included the General Accounting Office and the Library of Congress.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 6(c)(1), (3) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 20005(c)(1), (3)).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in sections 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—Not later than January 3, 1997, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements, exemptions, and relief (except for penalties) of the Employee Polygraph Protection Act of 1988 should apply to covered employees and offices of the legislative branch. In issuing such regulations, the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of such Act and any regulations issued by the Secretary of Labor under such Act, and the purposes of this Act.

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c) or on July 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

SEC. 105. RIGHTS AND PROTECTIONS UNDER WORKER ADJUSTMENT AND RETRAINING ACT.

(a) WORKER ADJUSTMENT AND RETRAINING RIGHTS.—

(1) IN GENERAL.—The rights and protections of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) shall apply, in accordance with this section, with respect to covered employees.

(2) COVERAGE.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress, and the term "employing office" shall include the General Accounting Office and the Library of Congress.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 5 of the Worker Adjustment and Retraining Notification Act of 1988 (29 U.S.C. 2104(a)).

(c) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—Not later than January 3, 1997, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements, exemptions, and relief of the Worker Adjustment and Retraining Act should apply to covered employees and employing offices. In issuing such regulations, the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of such Act and any regulations issued by the Secretary of Labor under such Act, and the purposes of this Act.

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c) or on July 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

SEC. 106. RIGHTS AND PROTECTIONS UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of sections 4311(a) and 4311(b) of title 38, United States Code, against an eligible employee;

(B) deprive an eligible employee of reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or

(C) deprive an eligible employee of benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code.

(2) DEFINITION.—For purposes of this section, the term "eligible employee" means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code.

(3) COVERAGE.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress and the term "employing office" shall include the General Accounting Office and the Library of Congress.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 4323(c)(1) of title 38, United States Code.

(c) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for practices prohibited under this section except as provided in section 107 and section 4314(c) of title 38, United States Code. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a different regulation would better serve the purposes of such statutory provisions and of this Act.

(e) EFFECTIVE DATE.—This section shall be effective on the effective date of the regulations issued under subsection (d) or on July 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

SEC. 107. PROCEDURES FOR REMEDY OF EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, AND FAIR LABOR STANDARDS VIOLATIONS.

The exclusive procedures for remedy of violations of sections 101, 102, 103, 104, 105, and 106 shall be as follows:

(1) COUNSELING.—Any covered employee alleging a violation of section 101, 102, 103, 104, 105, or 106 may request counseling by the Office. Such counseling shall be conducted pursuant to the provisions of section 301 and shall be requested within the time specified in section 307.

(2) MEDIATION.—Not later than 15 days after the Office gives notification to an employee pursuant to section 301(d) of the end of the period of counseling under paragraph (1), the employee may file a request for mediation with the Office. On the filing of such a request, the Office shall conduct mediation in accordance with section 302.

(3) CHOICE OF ADJUDICATORY PROCEEDING.—Not later than 90 days after the Office gives notice pursuant to section 302(f) of the end of the period of mediation, but not sooner than 30 days after such notification, an employee may either—

(A) file a formal complaint with the Office in accordance with section 303; or

(B) file a civil action in the United States district court for the district in which the employee is employed or for the District of Columbia, subject to the provisions of section 306.

(4) APPEAL TO THE BOARD.—Any party aggrieved by a final decision of the hearing officer with respect to a formal complaint filed with the Office pursuant to paragraph (3)(A) may appeal to the Board pursuant to section 304 not later than 30 days after the entry of the final decision of a hearing officer under section 303(g).

(5) JUDICIAL REVIEW.—Any party aggrieved by a final decision of the Board under paragraph (4) may file a petition for review in the United States Court of Appeals for the Federal Circuit pursuant to section 305 not later than 90 days after the entry of the final decision of the Board under section 304(e).

SEC. 108. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—The requirements of this section shall apply to—

(1) each office of the Senate;

(2) each office of the House of Representatives;

(3) each joint committee of the Congress;

(4) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(5) the Capitol Guide Service;

(6) the Capitol Police;

(7) the Congressional Budget Office;

(8) the Office of Technology Assessment; and

(9) the Office of Congressional Fair Employment Practices.

(b) DISCRIMINATION IN PUBLIC SERVICES.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services established under sections 201 through 230, 302, 303, 309, 503(a), and 503(b) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12150, 12182-12183, 12189, 12203(a), 12203(b)) shall apply, pursuant to the terms of this section, to the entities listed in subsection (a).

(2) COVERAGE.—The rights and protections of paragraph (1) shall apply, pursuant to the terms of this section, to any qualified individual with a disability (as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), except that, with respect to any claims of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 101.

(3) DEFINITIONS.—For purposes of the application of the Americans with Disabilities Act of 1990 under this section, the term "public entity" means any entity listed in subsection (a). For purposes of this section, an office of the Senate or an office of the House of Representatives means, respectively, a unit of the Senate or the House of Representatives that provides public services, within the meaning of sections of the Americans with Disabilities Act of 1990 as applied by paragraph (1).

(c) AVAILABLE RELIEF.—The relief for a violation of subsection (b) shall be such relief as would be appropriate if awarded under section 203 or 503(c) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133 or 12203(c)).

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability who alleges a violation of subsection (b) by an entity listed in subsection (a) may file a charge with the General Counsel. The General Counsel shall investigate the charge.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request mediation under section 302 between the charging individual and the entity or entities responsible for causing or remedying the alleged violation.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) has occurred, the General Counsel may file with the Office a complaint against the entity or entities. The complaint shall be submitted to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304.

(4) JUDICIAL REVIEW.—The charging individual or the entity or entities respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 305.

(5) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for violation of the rights and protections afforded in this section except as provided in this subsection. Only a qualified individual with a disability who has filed a charge with the General Counsel under this subsection may be granted relief under this section.

(e) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsections (b) and (c) except to the extent that the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(f) EFFECTIVE DATES.—Subsections (b), (c), and (d) shall be effective on the effective date of the rules issued under subsection (e) or on July 1, 1996, whichever is earlier.

(g) INSPECTION; REPORT TO CONGRESS.—

(1) INSPECTION.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of Congress and of congressional instrumentalities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate containing the results of the inspection, describing any steps necessary to correct any violations of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) DETAILS.—The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Office, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(h) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY OF CONGRESS.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209), as amended by section 101(d), is amended by adding the following new paragraph:

"(6) ENFORCEMENT OF RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS.—The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230, 302, and 303 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182–83) that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.".

SEC. 109. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—

(1) IN GENERAL.—Each employing office and each covered employee (and representatives of such employee) shall comply with provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654). The duties, rights, and protections of sections 8, 9, and 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658 and 660(c)) shall apply with respect to each employing office and each covered employee (and representatives of such employee). For purposes of the application under this section of the Occupational Safety and Health Act of 1970, the term "employer" as used in such Act or in this section means any employing office and the term "employee" means any covered employee.

(2) COVERAGE.—For purposes of the application under this section of the Occupational Safety and Health Act of 1970, the term "employer" as used in such Act means an employing office and the term "employee" means a covered employee. For purposes of this section, the term "employing office" includes the General Accounting Office and the Library of Congress, and the term "employee" includes employees of the General Accounting Office and the Library of Congress.

(b) AVAILABLE REMEDIES.—The remedies for a violation of subsection (a) shall be such remedies, except penalties, as would be appropriate if awarded under sections 9(a), 10(c), and 11(c)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658(a), 659(c), and 660(c)(2)).

(c) AVAILABLE PROCEDURES.—

(1) INSPECTIONS, INVESTIGATIONS; AUTHORITIES OF THE GENERAL COUNSEL.—For purposes of this section and in the manner provided in this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a) and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (a) and (f)) to inspect and investigate places of employment under the jurisdiction of employers. Any employer, employee, or representative of employees may submit written requests to the General Counsel to conduct an inspection.

(2) CITATIONS, NOTICES, NOTIFICATIONS; AUTHORITIES OF THE GENERAL COUNSEL.—

(A) IN GENERAL.—For purposes of this section and in the manner provided in this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue, subject to the procedures in subparagraph (B)—

(i) a citation or notice to any employer that the General Counsel believes is in violation of subsection (a); or

(ii) a notification to any employer that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(B) APPROPRIATE EMPLOYER.—A citation or notification may not be issued to an employer that is neither responsible for having caused nor responsible for correcting a violation. Appropriation of insufficient funds shall not indicate a lack of responsibility for having caused or for correcting a violation. If correction of a violation requires action by the Architect of the Capitol, the General Counsel may name the Architect of the Capitol in the citation or notification as an additional respondent.

(3) HEARINGS, REVIEW; AUTHORITIES OF THE BOARD.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities granted to the Occupational Safety and Health Review Commission in section 10(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659(c)) and to the Secretary of Labor (with respect to affirming or modifying abatement requirements), to hear objections and requests with respect to citations and notifications. The Board may refer disputed matters under this paragraph to a hearing officer pursuant to section 303, subject to review by the Board pursuant to section 304.

(4) VARIANCE PROCEDURES.—For the purposes of this section and except as otherwise provided by this section, the Board shall exercise the authorities granted to the Secretary of Labor in section 6(b)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6)) to act on any request by an employer applying for a temporary order granting a variance from a standard. The Board may refer the matter to a hearing officer pursuant to section 303, subject to review by the Board pursuant to section 304.

(5) JUDICIAL REVIEW.—The General Counsel, or an employing office that is a respondent to a complaint and is aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 305.

(6) PROCEDURES REGARDING CLAIMS OF INTIMIDATION OR REPRISAL; AUTHORITIES OF GENERAL COUNSEL.—

(A) CHARGE FILED WITH GENERAL COUNSEL.—Any employee who believes that he or she has been discharged or otherwise discriminated against in violation of section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)) as made applicable by this section, may, within 30 days after such violation occurs, file a charge with the Office alleging such discrimination. The General Counsel shall investigate the charge.

(B) MEDIATION.—If, upon investigation under subparagraph (A), the General Counsel believes that a violation of section 11(c) of the Occupational Safety and Health Act may have occurred, the General Counsel may request mediation under section 302 between the charging employee and the employer that is alleged to have committed the violation.

(C) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under subparagraph (B) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of section 11(c) of the Occupational Safety and Health Act of 1970 has occurred, the General Counsel may file with the Office a complaint against the employer. The complaint shall be submitted to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304.

(D) PETITION FOR REVIEW.—The charging employee or any employing office respondent to the complaint, if aggrieved by a final decision of the Board under this paragraph, may file a petition for review with the United States Court of Appeals for the Federal Circuit, pursuant to section 305.

(E) RELIEF.—Only a covered employee who has filed a charge with the General Counsel under this paragraph may be granted relief under this section.

(7) EXCLUSIVE PROCEDURES.—No covered employee or representative of such employees may commence any administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in this subsection.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than July 1, 1996, the Board shall, pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as standards and other substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(e) EFFECTIVE DATES.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under subsection (d) or on January 3, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

(f) INSPECTION; REPORT TO CONGRESS; INITIAL STUDY.—

(1) INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the House of Representatives, the Senate, the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Fair Employment Practices to ensure compliance with subsection (a).

(2) REPORT.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate containing the results of the inspection, describing any steps necessary to correct any violations of this section, assessing any risks to employee health and safety associated with each violation, and the estimated cost and time needed for abatement.

(3) DETAILS.—The Secretary of Labor may, on request of the Office, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(4) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of enactment of this Act until January 3, 1997, shall be available to employing offices to identify any violations of subsection (a), to determine the costs of coming into compliance, and to take any necessary corrective action to cure any violations. The Office shall assist employing offices by arranging for inspections and other technical assistance at their request. By July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit a report under paragraph (2).

SEC. 110. APPLICATION OF FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE; PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.

(a) LABOR-MANAGEMENT RIGHTS.—Subject to subsection (d), the rights, protections, and responsibilities established under sections 7102, 7103, 7106, 7111 through 7117, and 7119 through 7122 of title 5, United States Code, shall apply, pursuant to this section, to employing offices and to covered employees and representatives of those employees. For purposes of the application under this section of the sections referred to in the preceding sentence, the term "agency" shall be deemed to include an employing office.

(b) AUTHORITIES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.—

(1) GENERAL AUTHORITIES OF THE BOARD; PETITIONS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111 through 7113, 7115, 7117, 7118, and 7122 of title 5, United States Code, and of the President under section 7103(b) of title 5, United States Code. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board may refer any matter under this paragraph to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

(2) GENERAL AUTHORITIES OF THE GENERAL COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5, United States Code. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice, the General Counsel shall investigate the charge and may issue a complaint. The complaint shall be submitted to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304.

(3) EXERCISE OF IMPASSES PANEL AUTHORITY; REQUESTS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5, United States Code. For purposes of this section, any request that, under chapter 71 of title 5, United States Code, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5, United States Code.

(4) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the charging individual or the entity or entities respondent to the complaint, if aggrieved by a final decision of the Board pursuant to this section may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 305.

(5) EXCLUSIVE PROCEDURES.—No covered employee or representative of such employees may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in this subsection.

(c) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, except with respect to the offices listed in subsection (d)(2), the Board shall pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except to the extent that as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(d) RULEMAKING REGARDING APPLICATION TO CERTAIN OFFICES AND INSTRUMENTALITIES OF CONGRESS.—

(1) RULES REQUIRED.—Not later than July 1, 1996, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements and exemptions of chapter 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). In issuing such regulations, the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code, and regulations issued by the Federal Labor Relations Authority under such chapter, and the purposes of this Act, and shall also consider—

(A) the possibility of any conflict of interest or appearance of a conflict of interest;

(B) national security; and

(C) Congress's constitutional responsibilities.

(2) OFFICES REFERRED TO.—The offices referred to in paragraph (1) are—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee within the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, and Official Reporter of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment.

(D) the office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives;

(F) the offices of any caucus or party organization; and

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Fair Employment Practices.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c), or on July 1, 1996, whichever is earlier.

(2) CERTAIN OFFICES.—With respect to the offices listed in subsection (d)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of rules issued under subsection (d) and approved under section 204(d)(2).

SEC. 111. APPLICATION OF OTHER LAWS TO CONGRESS.

(A) STUDY AND RECOMMENDATIONS OF BOARD.—On December 31, 1996, and updated every 2 years thereafter, the Board shall issue a report—

(1) reviewing whether, and to what degree, provisions of Federal law and regulations relating to—

(A) the terms and conditions of employment (including hiring, promotion and demotion, salary, wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees and family and medical leave) of employees, and

(B) discrimination in the provision of (including access to) public services and accommodations,

are applicable or inapplicable to officers and employees within the legislative branch and to users of public services and accommodations provided the legislative branch, and,

(2) stating recommendations of the Board as to whether such provisions should be made applicable to the legislative branch or should be otherwise modified.

Such recommendations shall be printed in the Congressional Record, and such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(b) REPORTS OF CONGRESSIONAL COMMITTEES.—Each report accompanying a bill or joint resolution of a public character reported by a committee of the House of Representatives or the Senate (except the Committee on Appropriations and the Committee on the Budget of either House) shall—

(1) describe the manner in which the provisions of the bill or joint resolution that apply to the Congress and to congressional instrumentalities; or

(2) in the case of a provision not applicable to the Congress and to congressional instrumentalities, include a statement of the reasons the provision does not apply.

SEC. 112. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) IN GENERAL.—The Board shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office;

(C) the Library of Congress; and

(D) any other entity in the legislative branch of the Government not covered by all of the sections of this title; and

(2) the regulations and procedures used by the instrumentalities and other entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) APPLICABLE STATUTES.—The study under this section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and related provisions of section 2302 of title 5, United States Code.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5, United States Code.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5, United States Code.

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5, United States Code.

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5, United States Code.

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5, United States Code.

(7) The Rehabilitation Act of 1973 (29 U.S.C. 501 et seq.).

(8) Chapter 71 of title 5, United States Code.

(9) The General Accounting Office Personnel Act of 1980 (31 U.S.C. subchapter III of chapter 7).

(10) The Employee Polygraph Protection Act of 1988 (29 U.S.C. et seq.).

(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(12) Chapter 43 of title 38, United States Code (relating to veterans' employment and reemployment).

(c) CONTENTS OF STUDY AND RECOMMENDATIONS.—The study under this section shall evaluate whether the rights, protections, and procedures applicable to the congressional instrumentalities and other entities referred to in subsection (a) and their employees are at least as comprehensive and effective as those required by this title and title III, and shall include recommendations for any improvements in such regulations and procedures and for any legislation.

(d) INSPECTION OF FACILITIES.—In preparation of the study under this section, the General Counsel shall inspect the facilities of the congressional instrumentalities and other entities referred to in subsection (a) to determine the extent of compliance with the requirements referred to in paragraphs (3), (6), and (7) of subsection (b). The study shall describe the results of the inspection, including any steps necessary to correct any violations of these requirements, and assessing any risks to employee health and safety or any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement. The Secretary of Labor, the Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Office, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(e) DEADLINE AND DELIVERY OF STUDY.—Not later than July 1, 1996, the Board shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the head of each instrumentality or other entity considered by the study, and to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

TITLE II—OFFICE OF CONGRESSIONAL FAIR EMPLOYMENT PRACTICES—ESTABLISHMENT AND OPERATIONS

SEC. 201. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL FAIR EMPLOYMENT PRACTICES.

There is hereby established, as an independent office within the legislative branch of the Government, the Office of Congressional Fair Employment Practices.

SEC. 202. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be a Board of Directors of the Office (the "Board"), to be composed of 5 members.

(b) APPOINTMENT.—

(1) TWO MEMBERS BY LEADERS OF HOUSE OF REPRESENTATIVES.—The Speaker of the House of Representatives shall appoint two members, of whom—

(A) one shall be appointed in accordance with the recommendation of the Majority Leader in consultation with the Minority Leader; and

(B) one shall be appointed in accordance with the recommendation of the Minority Leader in consultation with the Majority Leader.

(2) TWO MEMBERS BY LEADERS OF SENATE.—The President pro tempore of the Senate shall appoint two members, of whom—

(A) one shall be appointed in accordance with the recommendation of the Majority Leader in consultation with the Minority Leader; and

(B) one shall be appointed in accordance with the recommendation of the Minority Leader in consultation with the Majority Leader.

(3) CHAIR.—The Chair shall be appointed jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate from among candidates jointly recommended by the Majority Leaders and the Minority Leaders of the House of Representatives and the Senate.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—Selection and appointment of members shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office.

(2) SPECIFIC QUALIFICATIONS.—Members shall have training or experience in the application of the rights, protections, and remedies under one or more of the statutes made applicable by sections 101 through 107.

(3) DISQUALIFICATIONS.—No individual shall be eligible to serve on the Board who—

(A) is a current or former Member of the House of Representatives or a Senator;

(B) is, or has been within the 2 years prior to appointment—

(i) an elected or appointed officer of the House of Representatives or the Senate;

(ii) head of a congressional instrumentality referred to in subparagraphs (C) through (F) of section 3(1) or paragraph (1), (2), or (3) of section 110(a); or

(iii) a covered employee or otherwise an employee of an instrumentality or other entity of the legislative branch; or

(C) during the period of service engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate.

(d) TIME FOR ORIGINAL BOARD APPOINTMENTS.—All members shall be appointed to the Board pursuant to subsection (b) not later than 120 days after the date of enactment of this Act.

(e) APPOINTMENTS TO FILL VACANCIES ON THE BOARD.—Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment for the vacant position.

(f) TERMS OF OFFICE FOR BOARD MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term of appointment of each member of the Board shall be 6 years. No member shall be appointed to more than 2 consecutive 6-year terms of office.

(2) TERMS OF OFFICE FOR ORIGINAL BOARD APPOINTMENTS.—

(A) TWO MEMBERS THROUGH JANUARY 3, 1998.—The terms of the members originally appointed pursuant to subsection (b)(1) shall terminate at noon on January 3, 1998.

(B) TWO MEMBERS THROUGH JANUARY 3, 2000.—The terms of the members originally appointed pursuant to subsection (b)(2) shall terminate at noon on January 3, 2000.

(C) ONE MEMBER THROUGH JANUARY 3, 2002.—The term of the Chair originally appointed shall terminate at noon on January 3, 2002.

(3) Terms of office for mid-term appointments to the board.—An individual appointed to fill a vacancy occurring before the expiration of a term of office shall be appointed for the remainder of the term. However, if the unexpired part of a term is less than one year, the individual may be appointed for a 6-year term plus the unexpired part of the term.

(4) Service after expiration of term.—A member may continue to serve after the expiration of his or her term until his successor has taken office, except that he or she may not continue to serve for more than 1 year after the date on which his or her term expired.

(g) Removal of Board Members.—

(1) In general.—The Speaker of the House of Representatives and the President pro tempore of the Senate, acting in accordance with the recommendation of any 3 of the 4 Majority Leaders and Minority Leaders of the two Houses of Congress, may remove any member from the Board but only for—

(A) disability that substantially prevents the member from carrying out the duties of such a member;

(B) incompetence;

(C) neglect of duty;

(D) malfeasance in office;

(E) a felony or conduct involving moral turpitude; or

(F) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (c)(3).

(2) Statement of reasons for removal.—In removing any member from the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member being removed the specific reasons for the removal.

(h) Responsibilities of Chair; Acting Chair.—The Chair shall preside at all sessions of the Board and shall fulfill the responsibilities of the Chair as specifically provided in this Act. The Chair may designate any other member as Acting Chair. During any period when the position of the Chair is vacant, the other members shall, by majority vote, designate any member as Acting Chair. The Acting Chair may act in the place and stead of the Chair during his or her absence or when the position of the Chair is vacant.

(i) Meetings.—The Board shall meet at least once annually.

(j) Quorum; Action by Majority Vote.—A quorum for the transaction of business shall consist of at least 3 members present. Each member, including the Chair, shall have one vote. Actions of the Board shall be determined by a majority vote of the members present. Any vacancy shall not affect the power of the remaining members to fulfill the duties of the Board, provided that a quorum is present. Nothing in this subsection shall prohibit the Board from delegating the authority of the Board to make an interlocutory decision to one or more of the members of the Board.

(k) Compensation of Members.—Each member of the Board other than the Chair shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties. The Chair shall be compensated in the same manner at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(l) Travel Expenses.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(m) Congressional Oversight.—The Board and the Office shall be subject to oversight by the Committee on Rules and Administration and Committee on Governmental Affairs of the Senate and the Committee on House Administration of the House of Representatives. The Speaker of the House of Representatives and the President pro tempore of the Senate shall promptly refer to such committees copies of all general notices of proposed rulemaking and final rules submitted under section 204(d)(1) and any resolutions introduced with respect to approval of such rules.

SEC. 203. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) Director.—

(1) In general.—

(A) In general.—The Chair, subject to the approval of the Board, shall appoint and may remove a Director. Selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office.

(B) Disqualification.—No person described in section 202(c)(3), other than a member, officer, or employee of an office of fair employment practices or a personnel appeals board, may be appointed Director.

(2) Compensation.—The Chair may fix the compensation of the Director. The rate of pay for the Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Duties.—The Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this Act, the Director shall carry out all of the responsibilities of the Office under this Act.

(b) Deputy Directors.—

(1) In general.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Director for the Senate and a Deputy Director for the House of Representatives. Selection and appointment of a Deputy Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in subsection (a)(1)(B) shall apply to the appointment of a Deputy Director.

(2) Compensation.—The Chair may fix the compensation of a Deputy Director. The rate of pay for a Deputy Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Duties.—The Deputy Director for the Senate shall be responsible for the development of rules under section 204(b)(2)(B)(i), and shall assume such other responsibilities as may be delegated by the Director. The Deputy Director for the House of Representatives shall be responsible for the development of rules under section 204(b)(2)(B)(ii), and shall assume such other responsibilities as may be delegated by the Director.

(c) General Counsel.—

(1) In general.—The Chair, subject to the approval of the Board, shall appoint and may remove a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in subsection (a)(1)(B) shall apply to the appointment of a General Counsel.

(2) Compensation.—The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Duties.—The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this Act; and

(B) otherwise assist the Board and the Director in carrying out their duties and powers.

(4) Attorneys in the office of the general counsel.—The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform his or her duties.

(d) Other Staff.—The Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) Detailed Personnel.—The Director may, with the prior consent of the Government department or agency concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) Consultants.—In carrying out the functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 204. RULEMAKING BY THE OFFICE.

(a) Rules of the Office.—

(1) In general.—Not later than 180 days after the appointment of a quorum of the Board, the Board shall issue final rules of organization, procedures, and practice (within the meaning of section 553(b)(A) of title 5, United States Code), including rules on the procedures of the Board and rules of procedure and practice for proceedings before hearing officers and before the Board. Such rules may also specify authorities and duties of the Director, the General Counsel, and other personnel of the Office, consistent with the authorities and duties granted and imposed under this Act.

(2) Rulemaking procedure.—Rules under this subsection—

(A) shall be issued in accordance with subsection (c); and

(B) shall become effective immediately upon approval under paragraph (3), except for rules of procedure and practice for proceedings before hearing officers and before the Board, which shall become effective 60 days after such approval.

(3) Approval.—Rules under this subsection shall be subject to approval by Congress by concurrent resolution, pursuant to subsection (d).

(b) Rules Other Than Rules of the Office.—

(1) In general.—The Board shall adopt such rules other than rules of the Office issued under subsection (a) as the Board may determine are necessary.

(2) RULEMAKING PROCEDURE.—Rules under this subsection—

(A) shall be issued in accordance with subsection (c);

(B) shall consist of three separate bodies of rules, which shall apply, respectively, to—

(i) the Senate and employees of the Senate other than employees referred to in clause (iii);

(ii) the House of Representatives and employees of the House of Representatives other than employees referred to in clause (iii); and

(iii) the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, the Office, and employees of these congressional instrumentalities; the Capitol Police and members of the Capitol Police; and other work units and members of other work units (other than joint committees of the Congress) that include employees of the Senate and of the House of Representatives under the same management; and

(C) shall become effective not less than 60 days after the rules are approved under paragraph (3), except as may be otherwise provided by the Board for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the rule.

(3) APPROVAL.—Rules referred to in paragraph (2)(B)(i) may be approved by the Senate by resolution or by the Congress by joint resolution or statute. Rules referred to in paragraph (2)(B)(ii) may be approved by the House of Representatives by resolution or by the Congress by joint resolution or statute. Rules referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution or statute. Rules approved by joint resolutions or statute shall have the force and effect of law. Approval referred to in this paragraph shall be pursuant to subsection (d).

(c) PUBLICATION AND ISSUANCE.—

(1) RULEMAKING PROCEDURE.—The Board shall issue rules described in subsections (a) and (b) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Board shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Prior to issuing rules, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon issuing final rules, the Board shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Board as of the date on which they are published in the Congressional Record.

(2) RECOMMENDATION AS TO METHOD OF APPROVAL.—The Board shall include a recommendation in the general notice of proposed rulemaking and in the final rules as to whether the rules should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, by joint resolution, or by statute.

(d) APPROVAL OF RULES.—

(1) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a concurrent resolution referred to in subsection (a)(3), or a resolution of the House of Representatives, a resolution of the Senate, or a concurrent resolution referred to in subsection (b)(3), the matter after the resolving clause shall be the following: "The following rules issued by the Office of Congressional Fair Employment Practices on ___ are hereby approved:" (the blank spaces being appropriately filled in, and the text of the rules being set forth).

(2) JOINT RESOLUTION OR STATUTE.—In the case of a joint resolution referred to in subsection (b)(3), the matter after the resolving clause shall be the following, and, in the case of a statute referred to in subsection (b)(3), the matter after the enacting clause shall include the following: "The following rules issued by the Office of Congressional Fair Employment Practices on ___ are hereby approved and shall have the force and effect of law:" (the blank spaces being appropriately filled in, and the text of the rules being set forth).

(e) REFERRAL.—Upon receipt of a notice of issuance of final rules under subsection (c), the Speaker of the House of Representatives and the President pro tempore of the Senate shall refer such notice, together with a copy of such rules, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such rules should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution, by joint resolution, or by statute.

(f) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The President pro tempore of the Senate may refer the notice of issuance of final rules, or any resolution of approval of final rules, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(g) AMENDMENT OF RULES.—Rules may be amended in the same manner as is described in this section for the adoption of rules, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(3)(B) of title 5, United States Code.

(h) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the Board for the issuance, amendment, or repeal of a rule.

(i) APPLICATION OF EXECUTIVE AGENCY REGULATIONS BY REFERENCE.—The Board may, by specific reference in rules issued under this section, apply regulations issued by any Executive agency (within the meaning of section 105 of title 5, United States Code).

(j) CONSULTATION.—The Director and the Board—

(1) shall consult, with regard to the development and issuance of rules, with—

(A) the Chairman of the Administrative Conference of the United States;

(B) the Secretary of Labor;

(C) the Federal Labor Relations Authority; and

(D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board or the Director, may be helpful.

SEC. 205. INFORMATION PROGRAM.

The Board shall conduct an information program to inform Members of the House of Representatives, Senators, elected officers of either House, heads of employing offices, and covered employees about the provisions made applicable to them under this Act.

SEC. 206. DATA COLLECTION AND REPORT.

The Director shall compile and annually publish statistics with respect to contacts and complaints filed with the Office under this Act. Such statistics shall include the total numbers of contacts and complaints, and a breakdown regarding—

(1) the kinds of allegations made in contacts with the Office and complaints filed with the Office;

(2) the time required by the Office to conduct proceedings and resolve various types of matters;

(3) the number of complaints resolved by settlement, by decision under section 303, or by withdrawal of the complaint; and

(4) for each category of allegation, the amounts of monetary compensation granted in settlements and awards.

SEC. 207. EXPENSES OF THE OFFICE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the date of enactment of this Act, the expenses of the Office shall be paid from the contingent fund of the Senate, of which 50 percent shall be reimbursed from the contingent fund of the House, upon vouchers approved by the Director.

(b) WITNESS FEES AND ALLOWANCES.—Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under title I other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records before a mediator, hearing officer, or the Board in any proceeding under this Act shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5, United States Code.

TITLE III—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

SEC. 301. COUNSELING.

(a) INITIATION.—Any employee referred to in section 107(1) may, within the time specified in section 307, request counseling.

(b) PURPOSE.—The Office shall provide the employee with all relevant information with respect to the rights and remedies as provided under this Act and shall provide an opportunity for discussion, evaluation, and guidance to assist the employee in evaluating and resolving the matter.

(c) PERIOD OF COUNSELING.—The period for counseling shall begin on the date on which the request for counseling is received and shall be 30 days unless the employee and the Office agree to reduce the period.

(d) NOTIFICATION OF END OF COUNSELING PERIOD.—The Office shall notify the employee in writing when the counseling period has ended.

(e) EMPLOYEES OF THE ARCHITECT OF THE CAPITOL AND CAPITOL POLICE.—In the case of an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police, the Director may refer the employee to the Architect of the Capitol or the

Capitol Police Board for resolution of the employee's grievance through internal grievance procedures of the Architect of the Capitol or the Capitol Police Board for a specific period of time, which shall not count against the time available for counseling or mediation under this Act.

SEC. 302. MEDIATION.

(a) APPLICABILITY.—Except as otherwise expressly provided in this Act, the provisions of this section shall govern all mediation conducted by the Office pursuant to this Act.

(b) INITIATION.—Not later than 15 days after the Office notifies an employee of the end of the counseling period under section 301(d), the employee may file a request for mediation with the Office. Mediation may also be initiated pursuant to sections 108(d)(2) and 109(c)(5).

(c) MEDIATION PROCESS.—The Director shall specify one or more individuals to mediate any dispute. In identifying individuals to mediate, the Director shall consider individuals who are recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or other appropriate organizations.

(d) MEDIATION PERIOD.—

(1) IN GENERAL.—The mediation period shall be 30 days, beginning on the date the request for mediation is received by the Office.

(2) EXTENSION.—The mediation period may be extended for additional periods at the joint request of the employee and the employing office.

(e) NOTIFICATION OF END OF MEDIATION PERIOD.—The Office shall notify the employee and the head of the employing office in writing when the mediation period has ended.

(f) INDEPENDENCE OF MEDIATION PROCESS.—No individual appointed by the Director to mediate or to be a factfinder in aid of the mediator may conduct or aid in the hearing conducted under section 303 with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

SEC. 303. COMPLAINT AND HEARING.

(a) APPLICABILITY.—Except as otherwise expressly provided in this Act, the provisions of this section shall govern all hearings conducted by a hearing officer pursuant to this Act.

(b) COMPLAINT.—Any complaint shall be filed with the Office against the employing office. Any complaint required by this Act to be preceded by counseling and mediation may not be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 301 and 302.

(c) HEARING OFFICER.—Upon the filing of a complaint, the Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer under this Act. The Director shall develop master lists, composed of members of the bar of a State or the District of Columbia and retired judges of the United States courts, experienced in adjudicating and arbitrating the kinds of personnel and other matters for which hearings may be held under this Act, and individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health, after considering candidates recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating such matters. The Director shall select hearing officers on a rotational or random basis from these lists. Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office, or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(d) HEARING.—Unless a complaint is dismissed prior to hearing, a hearing shall be conducted—

(1) on the record by the hearing officer;

(2) as expeditiously as practical, commencing not later than 90 days after the filing of the complaint; and

(3) except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) SUBPOENAS.—

(1) IN GENERAL.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) OBJECTIONS.—If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) ENFORCEMENT.—

(A) IN GENERAL.—If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

(B) SERVICE OF PROCESS.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) DECISION.—The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 60 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to title I. The decision shall be entered in the records of the Office as a final decision of the hearing officer.

(h) PRECEDENTS.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the statutes made applicable by title I and by Board decisions under this Act.

SEC. 304. APPEAL TO THE BOARD.

(a) IN GENERAL.—In any case in which a final decision by a hearing officer is subject to review by the Board, the party seeking such review shall file a petition for review not later than 30 days after notice of the entry of the decision in the records of the Office under section 303(g).

(b) PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.—The parties shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) STANDARD OF REVIEW.—The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing officer and the decision of the hearing officer.

(e) DECISION.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 305. JUDICIAL REVIEW OF A FINAL DECISION AND ENFORCEMENT.

(a) JURISDICTION.—

(1) JUDICIAL REVIEW.—This section applies to petitions under section 107(5), 108(d)(4), 109(c)(5), 109(c)(6), or 110(b)(4) for judicial review of a final decision of the Board in the United States Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) ENFORCEMENT.—The Court of Appeals for The Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 303 or 304 with respect to a violation of sections 101 through 111.

(b) PROCEDURES.—

(1) PETITION.—The petition for review shall be filed, pursuant to Rule 15 of the Federal Rules of Appellate Procedure, not later than 90 days after the entry in the Office of a final decision under section 304(e). Such petition shall be subject to Rules 15 through 20 of the Federal Rules of Appellate Procedure, relating to review of administrative orders and the Office shall be the "agency" as that term is used in such rules. The petitioner shall attach to the petition as an exhibit a copy of the final decision of the Office entered under section 304(e).

(2) RESPONDENTS.—In any appeal under this section, any party before the Board may be named respondent by filing a notice of election with the Court within 30 days after the petition was served, and the Office shall also be named respondent.

(3) INTERVENTION.—In any action under this section with respect to an employing office or other office of the Senate or a joint committee of the Congress, the Senate shall be entitled to intervene as of right; and, in any action under this section with respect to an employing office or other office of the House of Representatives or a joint committee of the Congress, the House of Representatives shall be entitled to intervene as of right. Any party that participated in the proceedings before the Board and that was not made respondent may intervene as of right.

(c) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board under section 304 if it determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (d), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the Board and the decision of the Board.

SEC. 306. CIVIL ACTIONS.

(a) IN GENERAL.—This section governs all civil actions commenced pursuant to section 107(3)(B).

(b) PARTIES.—In any such action the defendant shall be the employing office alleged to have committed the violation.

(c) JURY TRIAL.—Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant statute made applicable by this Act. In any case in which a violation of section 101 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 101(b)(1).

(d) INTERVENTION OF RIGHT.—In any action under this section with respect to an employing office or other office of the Senate, the Senate shall be entitled to intervene as of right; and, in any action under this section with respect to an employing office or other office of the House of Representatives, the House of Representatives shall be entitled as of right.

SEC. 307. TIME LIMITATIONS.

(a) COUNSELING REQUESTS.—A request for counseling shall be made not later than—

(1) 180 days after the date of the alleged violation under provisions of sections 101, 103, 104, 105, or 106 for which the counseling is requested; or

(2) 2 years after the date of the alleged violation under section 102 for which the counseling is requested, or 3 years after an alleged willful violation under section 102.

(b) CHARGES FILED WITH THE GENERAL COUNSEL.—Any charge of a violation of section 108(d) or 109(c)(6) must be filed with the General Counsel in writing by no later than 180 days after the alleged violation.

SEC. 308. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties after a complaint is filed under section 303 or 305 shall be in writing and, in the case of a complaint filed under section 303, not become effective unless it is approved by the Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

SEC. 309. CONFIDENTIALITY.

(a) COUNSELING.—All counseling conducted under this Act shall be strictly confidential, except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation conducted under this Act shall be strictly confidential.

(c) HEARINGS.—Subject to the provisions of subsections (d), (e), and (f) the hearings, deliberations, and decisions of hearing officers and of the Board and of its officers and employees on complaints, charges, proposed citations, and other pleadings under this Act shall be strictly confidential.

(d) RELEASE OF RECORDS FOR JUDICIAL REVIEW AND ENFORCEMENT OF SUBPOENAS.—The complete record of the proceedings before the hearing officer and the Board, including their decisions, may be made public for the purpose of judicial review under section 305. As much of the record of the proceedings before the hearing officer and the Board as may be necessary for the purpose of enforcement of a subpoena under section 303(f) may be made public for such purpose.

(e) RELEASE OF RECORDS FOR FAIRNESS TO PARTIES.—Upon the application of any party, the Board may disclose the final decision of a hearing officer or of the Board upon a showing of good cause and fairness to all parties to the proceeding.

SEC. 310. DISCLOSURE TO COMMITTEES OF CONGRESS.

(a) The Board—

(1) may, at its discretion, provide to the Committee on Standards of Official Conduct of the House of Representatives or the Select Committee on Ethics of the Senate; and

(2) shall, at the request of either of such committees;

provide to such committee the record of a hearing and the decision of the hearing officer, and the record of consideration and the decision of the Board on appeal, after completion of procedures described in sections 303 and 304.

(b) All members and staff of the Committee on Standards of Official Conduct of the House of Representatives and of the Select Committee on Ethics of the Senate shall keep all records and decisions provided under subsection (a) strictly confidentially unless and until such records and decisions are final made public by the Board. Any violation of this subsection shall be a violation of the rules of the House of Representatives or of the Senate.

SEC. 311. REPRESENTATION.

(a) COMPLAINANT.—A covered employee or other complainant is entitled to be assisted by counsel or other representative at any stage of any proceeding administered by the Office, including the proceedings under sections 301, 302, 303, and 304.

(b) EMPLOYING OFFICES OF THE SENATE.—The Senate Chief Counsel for Employment may represent any employing office of the Senate, with the consent of the employing office, in any administrative and judicial proceeding under this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 204 (e) and (f), 311(b), 401, and 408 are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 402. SETTLEMENT AND AWARDS RESERVES; AUTHORIZATION OF APPROPRIATIONS.

(a) FOR THE HOUSE OF REPRESENTATIVES.—

(1) ESTABLISHMENT OF ACCOUNT.—There is established in the Contingent Fund of the House of Representatives a "Settlements and Awards Reserve" appropriation account—

(A) into which shall be deposited appropriated funds and amounts transferred by the Clerk of the House of Representatives from funds available to the Clerk for disbursement by the Clerk; and

(B) that shall be available as provided in paragraph (2).

(2) PAYMENTS.—The appropriation account established by paragraph (1) shall be available for the payment of awards under sections 303 through 306 and agreements under section 308.

(b) FOR THE SENATE.—

(1) ESTABLISHMENT OF ACCOUNT.—There is established in the Contingent Fund of the Senate a "Settlements and Awards Reserve" appropriation account—

(A) into which shall be deposited appropriated funds and amounts transferred by the Secretary of the Senate from funds available to the Secretary for disbursement by the Secretary; and

(B) that shall be available as provided in paragraph (2).

(2) PAYMENTS.—The appropriation account established by paragraph (1) shall be available for the payment of awards under sections 303 through 306 and agreements under section 308.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the purposes of subsections (a)(2) and (b)(2), and otherwise for the purposes of payment of awards under sections 303 through 306 and agreements under section 308. No amounts shall be paid for awards or agreements under this Act out of the Claims and Judgment Fund of the Treasury.

SEC. 403. OTHER JUDICIAL REVIEW PROHIBITED.

Except in proceedings expressly authorized by sections 305 and 306, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 404. PRIVILEGES AND IMMUNITIES.

(a) IN GENERAL.—The authorization to bring judicial actions under sections 305 and 306 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution or under the rules of such House relating to records and information within the jurisdiction of such House.

SEC. 405. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be invalid, the remainder of this Act and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 406. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation of any provision of section 101 to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) an employee on the staff of a committee or subcommittee of—

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 407. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 408. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) IN GENERAL.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in paragraph (1), advance the appeal on the docket and expedite the appeal to the greatest extent possible.

SEC. 409. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

"SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

"(a) SHORT TITLE.—This title may be cited as the 'Government Employee Rights Act of 1991'.

"(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

"(c) DEFINITION.—For purposes of this title, the term 'violation' means a practice that violates section 302(a) of this title.

"SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

"(a) PRACTICES.—All personnel actions affecting the appointees described in section 303(a)(1) or the individuals described in section 304(a) shall be made free from any discrimination based on—

"(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

"(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

"(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

"(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

"(1) may include, in the case of a determination that a violation of subsection (a)(1) has occurred, such remedies as would be appropriate if awarded under sections 706(g), 706(k), and 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g), 2000e–5(k), 2000e–16(d)), and such compensatory damages (not exceeding, for each complaining party, and irrespective of the size of the employing office or agency involved, the maximum amount available under section 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(b)(3)(D)) as would be appropriate if awarded under section 1977 and sections 1977(A) (a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981a (a) and (b)(2));

"(2) may include, in the case of a determination that a violation of subsection (a)(2) has occurred, such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c));

"(3) may include, in the case of a determination that a violation of subsection (a)(3) has occurred, such remedies as would be appropriate if awarded under section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

"(4) may not include punitive damages.".

(2) Sections 303 through 319, and sections 322, 324, and 325 of the Civil Rights Act of 1991 (2 U.S.C. 1203—1218, 1221, 1223, and 1224) are repealed effective October 1, 1995, except as provided in section 411.

(3) Sections 320 and 321 of the Civil Rights Act of 1991 (2 U.S.C. 1219 and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Civil Rights Act of 1991, as so redesignated, are each amended by striking "and 307(h) of this title".

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed effective October 1, 1995, except as provided in section 411.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 501 of the Family and Medical Leave Act of 1993 (2 U.S.C. 60m) is repealed effective October 1, 1995, except as provided in section 411.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103–283; 108 Stat. 1444) is repealed effective October 1, 1995, except as provided in section 411.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 410. SAVINGS PROVISION.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS NOT FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which sections 101 and 102 take effect, an employee could have initiated a request for counseling under section 305 of the Government Employees Rights Act (2 U.S.C. 1205) or rule LI of the House of Representatives, the employee may, on or after the date on which sections 101 and 102 take effect, request counseling pursuant to section 107(1), and seek relief pursuant to section 107. Such a request for counseling must be initiated on or before the last day on which a request for counseling could have been made, in the case of an employee of the Senate, under section 305 of the Government Employees Rights Act or section 501(d) of the Family and Medical Leave Act of 1993, or, in the case of an employee of the House of Representatives, under rule LI of the House of Representatives, had those provisions remained in effect. If the Office is not yet established to receive such a request for counseling, the time for initiating such a request shall be extended until 30 days after the Office begins accepting such requests. All procedures and remedies under this Act with respect to alleged violations under section 101, except for civil actions under section 107(3)(B), shall be available to the same extent as if such alleged violations had occurred on or after the date on which sections 101 and 102 take effect.

(2) CLAIMS FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which sections 101 and 102 take effect, an employee to whom those sections apply—

(A) has requested counseling pursuant to the Government Employees Rights Act of 1991 or rule LI of the House of Representatives—

(i) if the counseling period has not ended—

(I) the authority of such Act or rule shall continue with respect to that request for counseling, until the end of the counseling period; and

(II) if the employee completes the counseling, the employee shall be deemed to have complied with the requirements of section 301, and any further proceedings shall be under this Act, except that the right to bring a civil action under section 107(3)(B) shall not be available; and

(ii) if the counseling period has ended and the employee would otherwise have been eligible to request mediation pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives, the employee shall be deemed to have complied with the requirements of section 301, and any further proceedings shall be under this Act;

(B) has requested mediation pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives—

(i) if the mediation period has not ended—

(I) the authority of such Act shall continue with respect to the request for mediation, until the end of the mediation period; and

(II) if the employee completes the mediation, the employee shall be deemed to have complied with the requirements of section 302, and any further proceedings shall be under this Act, except that the right to bring a civil action under section 107(3)(B) shall not be available; and

(ii) if the mediation period has ended and the employee would otherwise have been eligible to file a complaint pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives, the employee shall be deemed to have complied with the requirements of section 302, and any further proceedings shall be under this Act; or

(C) has filed a complaint pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives, the authority of such Act or rule shall continue with respect to that complaint until the conclusion of all proceedings authorized under such Act or rule.

(c) ARCHITECT OF THE CAPITOL TRANSITION PROVISIONS.—

(1) CLAIMS NOT FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which section 101 takes effect, an employee of the Architect of the Capitol could have filed a complaint regarding an alleged violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act (P.L. 103-323) with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol, the employee may request counseling pursuant to section 107(1), and seek relief pursuant to section 107. Such a request for counseling must be initiated on or before the latest of—

(A) 60 days following the date on which section 101 takes effect;

(B) 30 days after the Office begins accepting such requests; or

(C) 180 days after the date of the alleged violation forming the basis of the request for counseling.

All procedures and remedies under this Act with respect to alleged violations under section 101, except for civil actions under section 107(3)(B), shall be available to the same extent as if such alleged violations had occurred on or after the date on which section 101 takes effect.

(2) COMPLAINTS FILED WITH THE ARCHITECT PRIOR TO EFFECTIVE DATE.—If, on the date on which section 101 takes effect, an employee of the Architect of the Capitol has filed a complaint with the Architect of the Capitol alleging a violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act, but the employee has not yet filed a charge with the General Accounting Office Personnel Appeals Board and the time for filing such a charge has not expired, the employee may, within the later of 30 days after the date on which section 101 takes effect or 30 days after the date on which the Office first begins accepting such requests, file a request for counseling request counseling pursuant to section 107(1), and seek relief pursuant to section 107. All procedures and remedies under this Act with respect to alleged violations under section 101, except for civil actions under section 107(3)(B), shall be available to the same extent as if such alleged violations had occurred on or after the date on which section 101 takes effect.

(3) COMPLAINTS FILED WITH THE GAO PERSONNEL APPEALS BOARD PRIOR TO EFFECTIVE DATE.—If, as of the date on which section 101 takes effect, an employee of the Architect of the Capitol has filed a charge with the General Accounting Office Personnel Appeals Board pursuant to section 312(e)(3)(A) of the Architect of the Capitol Human Resources Act (P.L. 103-283), then, notwithstanding any other provision of this Act, the authority of the Architect of the Capitol Human Resources Act, and of the General Accounting Office Personnel Act of 1980 as amended by the Architect of the Capitol Human Resources Act of 1994 shall continue with respect to that charge until the conclusion of all proceedings authorized under such Acts, including judicial review.

DIVISION B—LOBBYING AND GIFT REFORM

TITLE I—LOBBYING REFORM

SEC. 1101. SHORT TITLE.

This title may be cited as the "Lobbying Disclosure Act of 1995".

SEC. 1102. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 1103. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(7) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Lobbying activities also include efforts to stimulate grassroots lobbying, as described in section 4911(d)(1)(A) of the Internal Revenue Code of 1986, to the extent that such communications are made in support of a lobbying contact by a registered lobbyist. A communication in support of a lobbying contact is a lobbying activity even if the communication is excluded from the definition of "lobbying contact" under paragraph (9)(B).

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E); or

(II) who is a member of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code,

in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include 1 or more lobbying contacts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 1104. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $5,000,

(as estimated under section 1105) in the semiannual period described in section 1105(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this title; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $5,000 toward the lobbying activities of the registrant in a semiannual period described in section 1105(a); and

(B) participates significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 to the lobbying activities of

the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Director and terminate its registration.

SEC. 1105. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 1104, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) GENERAL RULE.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a lobbying firm), does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of a registrant whose employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed $5,000,

in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b) or paragraph (4) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted as provided in section 1104(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants, and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 1104(b)(4) in the specific issues listed under subparagraph (A).

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) $100,000 OR LESS.—Income or expenses of $100,000 or less shall be estimated in accordance with the following categories:

(A) $10,000 or less.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(2) MORE THAN $100,000 BUT NOT MORE THAN $500,000.—Income or expenses in excess of $100,000 but not more than $500,000 shall be estimated and rounded to the nearest $50,000.

(3) MORE THAN $500,000.—Income or expenses in excess of $500,000 shall be estimated and rounded to the nearest $100,000.

(4) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this title.

(d) CONTACTS.—

(1) CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered to be a contact with the committee.

(2) CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter that is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered to be a contact with the House of Congress of that Member.

(3) CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered to be a contact with the Federal agency that employs that official, except that a contact with a covered executive branch official who is detailed to another Federal agency or to the Congress shall be considered to be a contact with the Federal agency or with the committee of Congress or House of Congress to which the official is detailed.

(e) EXTENSION FOR FILING.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

SEC. 1106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBYING FIRMS, AND AGENTS OF FOREIGN PRINCIPALS.

(a) IN GENERAL.—

(1) PROHIBITION.—No lobbyist or lobbying firm registered under this title and no agent of a foreign principal registered under the Foreign Agents Registration Act may provide a gift, directly or indirectly, to any covered legislative branch official.

(2) DEFINITION.—For purposes of this section—

(A) the term "gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value and such term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and

(B) a gift to the spouse or dependent of a covered legislative branch official (or a gift to any other individual based on that individual's relationship with the covered legislative branch official) shall be considered a gift to the covered legislative branch official if it is given with the knowledge and acquiescence of the covered legislative branch official and is given because of the official position of the covered legislative branch official.

(b) GIFTS.—The prohibition in subsection (a) includes the following:

(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a covered legislative branch official.

(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a covered legislative branch official (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a covered legislative branch official or a covered executive branch official.

(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code

of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a covered legislative branch official.

(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of covered legislative branch officials.

(c) NOT GIFTS.—The following are not gifts subject to the prohibition in subsection (a):

(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(3) Food or refreshments of nominal value offered other than as part of a meal.

(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a covered legislative branch official, if such benefits are customarily provided to others in similar circumstances.

(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(6) Informational materials that are sent to the office of a covered legislative branch official in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—

(1) IN GENERAL.—A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the covered legislative branch official shall not be subject to the prohibition in subsection (a).

(2) NONBUSINESS PURPOSE.—A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

(3) FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

(B) Whether the gift was purchased by the individual who gave the item.

(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other covered legislative branch officials.

SEC. 1107. OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT AND DIRECTOR.—

(1) ESTABLISHMENT.—There is established an executive agency to be known as the Office of Lobbying Registration and Public Disclosure.

(2) DIRECTOR.—(A) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director shall be an individual who, by demonstrated ability, background, training, and experience, is qualified to carry out the functions of the position. The term of service of the Director shall be 5 years. The Director may be removed for cause.

(C) Section 5316 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Lobbying Registration and Public Disclosure".

(b) ADMINISTRATIVE POWERS.—The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code, define their duties and responsibilities, and direct and supervise their activities;

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services, but the contract authority under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duties with the Office such personnel within the agency head's administrative jurisdiction as the Office may need for carrying out its functions under this title, with or without reimbursement;

(4) request agency heads to provide information needed by the Office, which information shall be supplied to the extent permitted by law;

(5) utilize, with their consent, the services and facilities of Federal agencies with or without reimbursement;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible, for purposes of aiding or facilitating the work of the Office; and

(7) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.—In order to avoid unnecessary expense and duplication of function among Government agencies, the Office may make such arrangements or agreements for cooperation or mutual assistance in the performance of its functions under this title as is practicable and consistent with law. The head of the General Services Administration and each department, agency, or establishment of the United States shall cooperate with the Office and, to the extent permitted by law, provide such information, services, personnel, and facilities as the Office may request for its assistance in the performance of its functions under this title.

(d) DUTIES.—The Director shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, penalty guidelines, and forms as are necessary to carry out this title;

(2) provide guidance and assistance on the registration and reporting requirements of this title, including—

(A) providing information to all registrants at the time of registration about the obligations of registered lobbyists under this title, and

(B) issuing published decisions and advisory opinions;

(3) review the registrations and reports filed under this title and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this title, including—

(A) a publicly available list of all registered lobbyists and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this title;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this title to be accessed by the client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this title available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in written and electronic formats, as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this title for a period that ends not less than 3 years after the termination of the registration under section 1104(d); and

(B) reports filed under this title for a period that ends not less than 3 years after the date on which the report is received;

(8) maintain a computer record of—

(A) the information contained in registrations for a period that ends not less than 5 years after the termination of the registration under section 1104(d); and

(B) the information contained in reports filed under this title for a period that ends not less than 5 years after the date on which the reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 1104 and 1105 and all compilations, cross-indexes, and summaries of such registrations and reports, as

soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 1109 (after exhaustion of all appeals under section 1111) to have committed a major or minor violation of this title and submit such list to the Congress as part of the report provided for under paragraph (13);

(13) make available to the public upon request and transmit to the President, the Secretary of the Senate, the Clerk of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on the Judiciary of the House of Representatives a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this title, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate; and

(14) study the appropriateness of the definition of "public official" under section 1103(17) and make recommendations for any change in such definition in the first report filed pursuant to paragraph (13).

SEC. 1108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person or entity may be in violation of the requirements of this title, the Director shall notify the person or entity in writing of the nature of the alleged violation and provide an opportunity for the person or entity to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—

(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title if the person or entity provides adequate information or explanation to make such determination; or

(B) make a formal request for information under subsection (c) or a notification under section 1109(a), if the information or explanation provided is not adequate to make a determination under subparagraph (A).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision in accordance with section 1110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person or entity has violated this title, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may assemble and make available for inspection and copying or reproduction the material so requested.

SEC. 1109. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 1108 indicates that a person or entity may have violated this title, the Director shall—

(1) notify the person or entity in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person or entity with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person or entity within that 30-day period, afford the person or entity an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under section 1108 and this section (including evidence presented at any such hearing) and make a final determination whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a written decision in accordance with section 1110—

(A) directing the person or entity to correct the violation; and

(B) assessing a civil monetary penalty—

(i) in the case of a minor violation, which shall be no more than $10,000, depending on the extent and gravity of the violation;

(ii) in the case of a major violation, which shall be more than $10,000, but no more than $100,000, depending on the extent and gravity of the violation;

(iii) in the case of a late registration or filing, which shall be $200 for each week by which the registration or filing was late, unless the Director determines that the failure to timely register or file constitutes a major violation (as defined under subsection (e)(2)) in which case the amount shall be as prescribed by clause (ii); or

(iv) in the case of a failure to provide information requested by the Director pursuant to section 1108(c), which shall be no more than $10,000, depending on the extent and gravity of the violation, except that no penalty shall be assessed if the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written decision in accordance with section 1110.

(d) CIVIL INJUNCTIVE RELIEF.—If a person or entity fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person or entity to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation, whether the violation was voluntarily admitted and corrected, the extent to which the person or entity may have profited from the violation, the ability of the person or entity to pay, and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 1107 shall define major and minor violations. Major violations shall be defined to include a failure to register and any other violation that is extensive or repeated, if the person or entity who failed to register or committed such other violation—

(A) had actual knowledge that the conduct constituted a violation;

(B) acted in deliberate ignorance of the provisions of this title or regulations related to the conduct constituting a violation; or

(C) acted in reckless disregard of the provisions of this title or regulations related to the conduct constituting a violation.

(f) LIMITATION.—No proceeding shall be initiated under section 1108 or this section unless the Director notifies the person or entity who is to be the subject of the proceeding of the alleged violation within 3 years after the date on which the alleged violation occurred.

SEC. 1110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—Information provided to the Director pursuant to sections 1108 and 1109 shall not be made available to the public without the consent of the person or entity providing the information, except to the extent that such information may be included in—

(1) a new or amended report or registration filed under this title; or

(2) a written decision issued by the Director under this section.

(b) WRITTEN DECISIONS.—All written decisions issued by the Director under sections 1108 and 1109 shall be made available to the public. The Director may provide for the publication of a written decision if the Director determines that publication would provide useful guidance. Before making a written decision public, the Director—

(1) shall delete information that would identify a person or entity who was alleged to have violated this title if—

(A) there was insufficient evidence to determine that the person or entity violated this title or the Director found that person or entity did not violate this title, and

(B) the person or entity so requests; and

(2) shall delete information that would identify any other person or entity (other than a person or entity who was found to have violated this title), if the Director determines that such person or entity could reasonably be expected to be injured by the disclosure of such information.

SEC. 1111. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 1109 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person or entity adversely affected by a written decision issued by the Director under section 1109 may appeal such decision, except as provided under section 1109(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this title may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

SEC. 1112. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this title shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this title shall be construed to grant general audit or investigative authority to the Director.

SEC. 1113. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting "any activity that the person engaging in believes will, or that the person intends to, in any way influence";

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking "established agency proceedings, whether formal or informal." and inserting "judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.";

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking "political propaganda" and inserting "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking "and all statements concerning the distribution of political propaganda";

(B) in subsection (b) by striking ", and one copy of every item of political propaganda"; and

(C) in subsection (c) by striking "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking ", including the nature, sources, and content of political propaganda disseminated or distributed".

SEC. 1114. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3) by striking all that follows "loan shall contain" and inserting "the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 1116. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 1103 of the Lobbying Disclosure Act of 1994)" after "an agent for a foreign principal".

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 1103(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938"; and

(2) by striking out ", as amended,".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 1103(7) of the Lobbying Disclosure Act of 1994)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEC. 1117. SEVERABILITY.

If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 1118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out this title.

SEC. 1119. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 1104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 1104; and

(2) identify any other foreign entity identified pursuant to section 1104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 1120. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this title.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 1107(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 1107(b)(11) on the effective date of this title, or as soon thereafter as reasonably practicable.

SEC. 1121. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) ENTITIES COVERED BY SECTION 6033(b) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 1104(a)(3), 1105(a)(2), and 1105(b)(4); and

(2) in lieu of using the definition of "lobbying activities" in section 1103(8) of this title, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) ENTITIES COVERED BY SECTION 162(e) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 1104(a)(3), 1105(a)(2), and 1105(b)(4); and

(2) in lieu of using the definition of "lobbying activities" in section 1103(8) of this title, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this title under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Director that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of "lobbying activities" in section 1103(8) and the definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this title pursuant to this subsection; and

(3) any changes to this title or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

SEC. 1122. EFFECTIVE DATES AND INTERIM RULES.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect January 1, 1996.

(b) EFFECTIVE DATE OF GIFT PROHIBITION.—Section 1106 shall take effect on January 3, 1995. Beginning on that date, and for the remainder of calendar year 1995, such section shall apply to any gift provided by a lobbyist or an agent of a foreign principal registered under the Federal Regulation of Lobbying Act or the Foreign Agents Registration Act, including any person registered under such Acts as of July 1, 1994, or thereafter.

(c) ESTABLISHMENT OF OFFICE.—Sections 1107 and 1118 shall take effect on the date of enactment of this Act.

(d) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 1113, 1114, 1115, and 1116 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(e) REGULATIONS.—Proposed regulations required to implement this title shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this title shall be published.

(f) PHASE-IN PERIOD.—No penalty shall be assessed by the Director under section 1109(e) for a violation of this title, other than for a violation of section 1106, which occurs during the first semiannual reporting period under section 1105 after the effective date prescribed by subsection (a).

(g) INTERIM DIRECTOR.—Within 30 days after the date of the enactment of this Act, the President shall designate an interim Director of the Office of Lobbying Registration and Public Disclosure, who shall serve at the pleasure of the President until a Director of such Office has been nominated by the President and confirmed by the Senate. The interim Director may not promulgate final regulations pursuant to section 1107(d) or initiate procedures for alleged violations pursuant to section 1108.

TITLE II—CONGRESSIONAL GIFT REFORM

SEC. 1201. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 1106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this Rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.".

SEC. 1202. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

"(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 1106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.".

SEC. 1203. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section.".

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) FOOD, REFRESHMENTS, AND ENTERTAINMENT.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this title.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

SEC. 1204. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 1201, 1202, 1203(c), and 1203(d) of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 1205. EFFECTIVE DATE.

This title and the amendments made by this subtitle shall take effect on May 31, 1995.

DIVISION C—CAMPAIGN FINANCE REFORM

TITLE I—CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM

SEC. 10000. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1995".

(b) AMENDMENT OF FECA.—When used in this title, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

DIVISION C—CAMPAIGN FINANCE REFORM

TITLE X—CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM

Sec. 10000. Short title; amendment of Campaign Act; table of contents.

Subtitle A—Control of Congressional Campaign Spending

PART I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

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PART II—GENERAL PROVISIONS

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Sec. 10031. Personal contributions and loans.
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Sec. 10036. Restrictions on fundraising by candidates and officeholders.
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Subtitle D—Contributions

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Sec. 10043. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 10044. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 10045. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

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Sec. 10051. Prohibition of leadership committees.
Sec. 10052. Telephone voting by persons with disabilities.
Sec. 10053. Certain tax-exempt organizations not subject to corporate limits.
Sec. 10054. Aiding and abetting violations of FECA.
Sec. 10055. Campaign advertising that refers to an opponent.
Sec. 10056. Limit on congressional use of the franking privilege.

Subtitle F—Effective Dates; Authorizations

Sec. 10061. Effective date.
Sec. 10062. Budget neutrality.
Sec. 10063. Severability.
Sec. 10064. Expedited review of constitutional issues.
Sec. 10065. Regulations.

Subtitle A—Control of Congressional Campaign Spending

PART I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

SEC. 10001. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) Threshold Contribution Requirements.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 5 percent of the general election expenditure limit under section 502(b).

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) Indexing.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) Limitation on Use of Personal Funds.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed $25,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) General Election Expenditure Limit.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $1,200,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) Legal and Accounting Compliance Fund.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) Payment of Taxes on Earnings.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) Certain Expenses.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) Expenditures.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) In General.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(2) payments in an amount equal to—

"(A) the excess expenditure amount determined under subsection (b); and

"(B) the independent expenditure amount determined under subsection (c).

"(b) Excess Expenditure Amount.—(1) For purposes of subsection (a)(2)(A), except as provided in section 510(b), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) Independent Expenditure Amount.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(d) Waiver of Expenditure and Contribution Limits.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(2) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) Use of Payments.—Payments received by a candidate under subsection (a)(2) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) In General.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATIONS AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) Examinations and Audits.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 5 percent of the eligible Senate and House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. The Commission shall conduct an examination and audit of the accounts of all candidates for election to an office where any eligible candidate for the office is selected for examination and audit.

"(2) After each special election involving an eligible candidate, the Commission shall conduct an examination and audit of the campaign accounts of all candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this Act.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible Senate or House of Representatives candidate in a general election if the Commission determines that there exists reason to believe whether such candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) Excess Expenditures.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) Civil Penalties.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) Low amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) Medium amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) Large amount of excess expenditures.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) Unexpended Funds.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) PAYMENTS RETURNED TO SOURCE.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate; and

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 510. LIMITATIONS ON PAYMENTS.

"(a) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (b), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate.

"(b) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that there are not, or may not be, sufficient funds to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1996, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1996, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1996, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF TITLE.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this title shall be treated as invalid.

SEC. 10002. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN SENATE ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 10044, is amended by adding at the end thereof the following new section:

"BAN ON SENATE ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election, or nomination for election, to the office of United States Senator.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party for use in an election, or nomination for election, to the office of United States Senator; or

"(B) to any candidate for nomination for election, or election, to office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder. Nothing in this paragraph shall be construed to permit the establishment, financing, maintenance, or control of any committee which is prohibited by paragraph (3) or (6) of section 302(e).".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(c) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the office of United States Senator (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the office of United States Senator (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the aggregate Federal election spending limits applicable to the candidate for the election cycle.

The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(d) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by subsections (a) and (b) of this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(e) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking "$5,000" and inserting "$1,000".

(f) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1996; or

(B) contributions made to, or received by, a candidate on or after January 1, 1996, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1996, over

(ii) such contributions received by the candidate before January 1, 1996.

SEC. 10003. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

"(d) CERTIFICATIONS.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

"(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 10004. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 10013, is amended by adding at the end thereof the following:

"(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 10005. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Amounts"; and

(2) by adding at the end the following new subsection:

"(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the general fund of the Treasury.

"(2) Paragraph (1) shall not apply to any amounts—

"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.".

PART II—GENERAL PROVISIONS

SEC. 10011. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser".

SEC. 10012. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

"(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

"(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 10013. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 10014. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is certified under section 504 as eligible to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 10015. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(2) by inserting "or reelection" immediately before the period.

Subtitle B—Independent Expenditures

SEC. 10021. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this title) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) Contribution Definition Amendment.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 10022. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

"(iii) provide the licensee a copy of the statement described in section 304(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid using funds derived from a payment made under section 503(a)(3)(B) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

Subtitle C—Expenditures

PART I—PERSONAL LOANS; CREDIT

SEC. 10031. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) Limitations on Payments to Candidates.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 10032. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 10021(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. 10033. DEFINITIONS.

(a) Contribution and Expenditure Exceptions.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) Generic Activities; State Party Grassroots Fund.—Section 301 of FECA (2 U.S.C. 431), as amended by section ____15, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 10034. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) Individual Contributions to State Party.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) Multicandidate Committee Contributions to State Party.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) $20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause "(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,".

SEC. 10035. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(2) Any generic campaign activity.

"(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(A) a State or local candidate is also identified or promoted; or

"(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(4) Voter registration.

"(5) Development and maintenance of voter files during an even-numbered calendar year.

"(6) Any other activity that—

"(A) significantly affects a Federal election, or

"(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking "and" at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

"(xv) any amount contributed to a candidate for other than Federal office;

"(xvi) any amount received or expended to pay the costs of a State or local political convention;

"(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xix) any payment for research pertaining solely to State and local candidates and issues;

"(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amount contributed to a candidate for other than Federal office;

"(xii) any amount received or expended to pay the costs of a State or local political convention;

"(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xv) any payment for research pertaining solely to State and local candidates and issues;

"(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

SEC. 10036. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 10031, is amended by adding at the end the following new subsection:

"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) TAX-EXEMPT ORGANIZATIONS.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 10037. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434), as amended by section 10012(a), is amended by adding at the end thereof the following new subsection:

"(e) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the

end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

Subtitle D—Contributions

SEC. 10041. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) Contributions Through Intermediaries and Conduits.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate. If a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee which is not described in subparagraph (E), a political party, or an officer, employee, or agent of either;

"(II) an individual whose activities are required to be reported under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to report its activities;

"(III) a person which is prohibited from making contributions under section 316 or which is a partnership; or

"(IV) an officer, employee, or agent of a person described in subclause (II) or (III) acting on behalf of such person.

"(C)(i) The term 'contributions arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent by the person who arranged for the making of the contribution; and

"(II) contributions to a particular candidate or the candidate's authorized committee or agent that are made or arranged to be made so as to identify to the candidate or authorized committee or agent the person who arranged for the making of the contribution.

"(ii) The term 'acting on behalf of such person' includes the following activities by an officer, employee, or agent of a person described in subparagraph (B)(ii) (II) or (III):

"(I) Soliciting the making of a contribution to a particular candidate in the name of such a person.

"(II) Soliciting the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by directing a substantial portion of the solicitations to other officers, employees, or agents of such a person.

"(iii) Except for purposes of subclauses (I) and (II) of clause (ii), an individual shall not be treated as an officer, employee, or agent of a person if—

"(I) in the case of a membership organization, the individual is a member of the organization, or

"(II) the individual serves on the board of the person and the individual does not receive any compensation from that person (or any subsidiary or affiliated person) by reason of serving in that capacity.

"(D) Nothing in this paragraph shall apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by 2 or more candidates acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate or Federal officeholder; or

"(iii) the solicitation by an individual, using the individual's own resources and acting in the individual's own name, of contributions from other persons in a manner that does not identify the solicitor with the making of the contribution.

"(E)(i) For purposes of subparagraph (B)(ii)(I), a political committee described in this subparagraph is one which—

"(I) does not have a connected organization;

"(II) has not contracted for the services of, and does not employ on a full or part-time basis, any individual described in subparagraph (B)(ii)(II) during the same election cycle; and

"(III) is not affiliated with any person or organization that has contracted for the services of, or has employed on a full or part-time basis, any individual described in subparagraph (B)(ii)(II) during the same election cycle.

"(ii) For purposes of clause (i)(III), organizations are affiliated if they are established, financed, maintained, or controlled by the same person or group of persons. Evidence of such affiliation includes, but is not limited to—

"(I) common membership, employees, officers, or facilities;

"(II) the donation, contribution, or transfer of funds between the organizations;

"(III) the exchange, sharing, or disclosure of any membership, mailing, contributor, or other list of names; or

"(IV) the authority or ability to direct, or to participate in, the governance or decision-making of an organization."

(b) Reporting of Earmarked Contributions.—Section 304, as amended by section 10037, is further amended by adding the following new subsection:

"(f) Reporting of Earmarked Contributions.—(1) An intermediary or conduit shall report the original source and the intended recipient of each contribution forwarded to a candidate in accordance with section 315(a)(8), and the identification of each contributor as required by subsection (b)(3). The intermediary or conduit shall also report the total amount of contributions made through the intermediary or conduit for each candidate to whom contributions were directed in the reporting period, the dates on which the contributions were received for that candidate, and the dates on which they were forwarded to the candidate.

"(2) An authorized committee which receives contributions through an intermediary or conduit shall report the total amount received through each intermediary or conduit in the reporting period, the dates the contributions were received, and the identification of each contributor as required by subsection (b)(3).".

(c) Prohibition of Certain Contributions by Lobbyists.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 10036(b), is amended by adding at the end the following new subsection:

"(m)(1) A lobbyist, or a political committee controlled by a lobbyist, shall not make a contribution to—

"(A) a Federal officeholder or candidate for Federal office if, during the preceding 12 months, the lobbyist has made a lobbying contact with such officeholder or candidate; or

"(B) any authorized committee of the President or Vice President of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with a covered executive branch official.

"(2) A lobbyist who, or a lobbyist whose political committee, has made any contribution to any member of Congress or candidate for Congress (or any authorized committee of the President) shall not, during the 12 months following such contribution, make a lobbying contact with such member or candidate who becomes a member of Congress or with a covered executive branch official.

"(3) For purposes of this subsection—

"(A) the term 'covered executive branch official' means the President, Vice President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist' means—

"(i) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.".

"(5) For purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(A) the member of Congress;

"(B) any person employed in the office of the member of Congress; or

"(C) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.".

SEC. 10042. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 10041(c), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 10043. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 10044. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 10054, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 10045. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

Subtitle E—Miscellaneous

SEC. 10051. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 10052. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 10053. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 10054. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 10035, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 10055. CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT.

Title III of FECA, as amended by section 10002, is amended by adding at the end the following new section:

"CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT

"SEC. 328. (a) CANDIDATES.—A candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that directly or indirectly refers to an opponent or the opponents of the candidate in an election, with or without identifying any opponent in particular, shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.

"(b) PERSONS OTHER THAN CANDIDATES.—A person other than a candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that—

"(1) advocates the election of a particular candidate in an election; and

"(2) directly or indirectly refers to an opponent or the opponents of the candidate in the election, with or without identifying any opponent in particular,

shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.".

SEC. 10056. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress may not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that seat or for election to any other Federal office.".

Subtitle F—Effective Dates; Authorizations

SEC. 10061. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by, and the provisions of, this title shall take effect on the date of the enactment of this title.

SEC. 10062. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this title (other than this section) shall not be effective until the Director of the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this title.

(b) FUNDING.—Legislation effectuating this title shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

SEC. 10063. SEVERABILITY.

Except as provided in section 10001(c), if any provision of this title (including any amendment made by this title), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this title, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 10064. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this title or amendment made by this title.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 10065. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this title within 9 months after the effective date of this title.

Mr. GLENN. Mr. President, Senator Sam Ervin, a great constitutional scholar, once said that Congress is "like a doctor prescribing medicine for a patient that he himself would not take." I agree.

By enacting laws for others, and then exempting ourselves, we have done great damage to the public perception of Congress. When I travel in Ohio and other parts of the country, I find that people are especially irritated that we do not have to follow the rules like everybody else. Businessmen, especially, tell me that we in Congress cannot understand the real impact of our laws, because we do not have to follow them back here on Capitol Hill.

But there is an even more important principle at stake—to continue to deprive our employees of the full protection of the law is wrong. Let me be clear: I am not just talking about our legislative and administrative personnel—whom many people think of in terms of Capitol Hill staffers. There are also the cleaning crews, and the police, and the restaurant workers, and the parking lot attendants, and the plumbers, and the window washers—all of the workers who do not enjoy the same rights as every other American not employed by the Congress.

I am very pleased that, in these opening days of the 104th Congress, we can finally do what is right for these people, and eliminate this congressional double standard under which we have enacted laws that apply to everyone but ourselves.

This reform is long overdue. Our efforts to apply the law on Capitol Hill go back many years. In 1978—only a few years after I came to the Senate—I proposed a resolution to assure that all Senate employees would be protected against employment discrimination. In explaining why we needed this resolution, I said that Congress was The Last Plantation. Some of my colleagues were not happy with me for this. But the employees knew that what I said was true.

There resolution in 1978 did not pass, and it is only in the last few years that we have finally enacted substantial legal protection for Senate employees. Our Senate employees are now covered under the civil rights laws and certain other employment laws, and they can take their cases to the U.S. Court of Appeals. Despite this progress, however, we still have an unacceptable patchwork quilt of coverage and exemption here on Capitol Hill.

It has not been easy to solve this problem. My guiding principle has been that we in Congress should be subject to the same laws as apply to a business back in our home State. But many Members also believe that the Constitution requires us to preserve substantial independence of the Senate and of the House of Representatives.

This is not simply a matter of personal prerogative or ego. For the private sector, these laws are normally implemented by the executive branch and the judicial branch. But many Senators—both Democrats and Republicans—have expressed genuine concern about politically motivated prosecutions that might result if we ignore the principle of separation of powers as we apply these laws to Congress.

Last year, the majority leader, Senator MITCHELL, asked me—as chairman of the Governmental Affairs Committee—to try to find a bipartisan solution. I started with the excellent bill introduced last year by Senators LIEBERMAN and GRASSLEY. Then, together with Senator LIEBERMAN, Senator GRASSLEY, and other Senators from both sides of the aisle, we worked hard to reach a solution—and we succeeded. We included even stronger application of the laws to Congress, and we also included stronger protection of the constitutional independence of the Senate and the House. Our legislation won broad bipartisan support, but it was unfortunately blocked on the Senate floor in the closing days of the 103d Congress.

I am very gratified that our solution to congressional coverage now stands an excellent chance of being enacted by the new Congress. The new Democratic leader, Senator DASCHLE, is introducing our congressional accountability legislation, as part of a comprehensive congressional reform proposal.

This proposal includes a number of reforms of the way Congress does business, including measures on lobbying disclosure and gifts to Members. These essential measures, which I support, were also blocked—along with congressional coverage—at the end of the last Congress.

The first part of the Democratic leader's bill, which deals with congressional coverage, is entitled the Congressional Accountability Act of 1995. This legislation can be briefly summarized in five key elements.

First, all of the rights and protections under the civil rights laws, other employment statutes, and the public-access requirements of the Americans with Disabilities Act would apply to the legislative branch. This includes the Senate, the House of Representatives, and our support agencies.

Second, a new compliance office would be established within the legislative branch to handle claims and to issue rules. The compliance office would be headed by an independent five-person board of directors removable only for cause.

It is unfortunate that we have to create a new enforcement bureaucracy, at a time when we are more concerned about streamlining the government. But many Members believe that it would violate the constitutional separation of powers to have the executive branch enforce these laws against Congress.

Third, any employee who believes there has been a violation could receive counseling and mediation services from the new office. If the employee's claim is not resolved by counseling or mediation, the employee may file a complaint with the compliance office and receive a hearing and decision from a hearing officer. This decision may be appealed to the board and to the U.S. Court of Appeals.

Fourth, instead of filing a complaint with the compliance office after counseling and mediation, the employee may elect to sue in U.S. District Court. A jury trial may be requested under applicable law.

Fifth, the board will appoint a general counsel, who will enforce OSHA, collective bargaining requirements, and other laws.

A similar bill is being introduced as part of Senator DOLE's top-priority legislation. With this strong bipartisan support, I am very optimistic that congressional coverage legislation can now be promptly enacted.

So I am very pleased that there now appears to be bipartisan support for the Congressional Accountability Act. And I will be as pleased as anyone when it is finally adopted.

But make no mistake about it: There is nothing new about this measure. Congressional coverage legislation was adopted by the democratically controlled House of Representatives last year. Congressional coverage legislation was sent to the Senate floor by my democratically controlled Governmental Affairs Committee last year.

And, unfortunately, it died in the final days of the democratically controlled Congress in that scorched Earth atmosphere—the worst I have ever seen in my 20 years in the Senate—that saw Members opposing for the sake of opposing—and even killing good legislation that they themselves supported—in order to deny credit to the majority party.

Well, I will tell you something. I was not proud of what went on in those final days, and I do not think the American people were either. For they know that America did not rise to become the greatest nation in the world by trying to out-delay, out-complain, and out-divide our political opposition.

And—although it is easier said than done—it is high time that Members started to put the national interest first. To calculate their actions based not on the narrow political calculations of today—but on what is best for the country tomorrow.

If Republicans and Democrats alike can just remember that, I believe that we can have a very productive session.

The Congressional Accountability Act is a good place to start. And I am very pleased that it is being introduced as part of Senator DASCHLE's comprehensive congressional reform proposal.

KEY ELEMENTS OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

1. Rights and Protections under Civil Rights and other employment statutes and Americans with Disabilities Act would apply fully to the House, the Senate, and all instrumentalities.

2. A new compliance office would be established within the Legislative Branch to handle claims and issue rules.

The compliance office would be headed by an independent 5-percent Board of Directors removable only for cause.

3. An employee who believes there has been a violation could receive counseling and mediation services from the new office.

4. If the employee's claim is not resolved by counseling or mediation, the employee may file a complaint with the compliance office and receive a hearing and decision from a hearing officer.

This decision may be appealed to the Board and to the United States Court of Appeals.

5. Instead of filing a complaint with the compliance office after counseling and medication, the employee may elect to sue in United States District Court. A jury trial may be requested under applicable law.

6. The General Counsel, to be appointed by the Board, will enforce OSHA, collective bargaining requirements, and other laws.

SUMMARY OF COSTS AND OTHER IMPACTS OF CONGRESSIONAL ACCOUNTABILITY ACT

The CBO letter, at pages 44–49 of the GAC Report (and the CBO letter for the House bill) describes the following costs:

1. New compliance office:
$1 million/year for 2 years, during start-up.
$2–3 million/year thereafter, including enforcement procedures and OSHA inspections.
2. Settlements and awards to employees:
$0.5–1 million/year.
3. Federal labor-management relations
$1 million/year for lawyers and personnel officers.
4. OSHA
Existing standards—will require change in practices rather than significant additional space or cost.
Possible future standards (e.g., ergonomic equipment; air quality)—without specific standards, cost cannot be predicted.
5. Fair Labor Standards
Capitol police—$0.8 million/year.
Other employees—CBO could not estimate. [CBO assumed the compliance office would have wide discretion in establishing rules and in allowing compensatory time instead of overtime. This is incorrect: bill requires private-sector rules.]
6. Anti-discrimination laws—no additional cost, because these requirements already apply under statutes or rules.
7. Polygraph protection—no effect; polygraphs are not used.
8. Plant closing—no effect; no mass layoffs are anticipated.
9. Veterans rehiring—not scored by CBO; added to the legislation this year.
TOTAL ESTIMATE: $1 million/year for the 2 years, $4–5 million/year thereafter.

SUMMARY OF LAWS AND PROCEDURES

1. APPLICABLE LAWS

a. Laws against employment discrimination:

Title VII of Civil Rights Act of 1964. (Race, religion, national origin)

Age Discrimination in Employment Act of 1967.

Title I of the Americans with Disabilities Act of 1990.

Rehabilitation Act of 1973. (Discrimination against disabled employees)

These laws already apply; the bill would strengthen enforcement.

b. Family and Medical Leave Act of 1993. (Employees may take up to 3 months off per year, for personal or family medical needs, including birth)

Already applies; the bill would strengthen enforcement.

c. Fair Labor Standards Act of 1938. (Minimum wage; overtime; sex discrimination in pay)

Use of volunteers would be allowed under the same standards as apply to state and local governments.

For employees whose work schedule depends on the schedule of house or Senate, special rules will be developed for overtime, comparable to statutory provisions for industries with irregular work schedule.

d. Americans with Disabilities Act of 1990 (access to public services and public accommodations.

Already applies; the bill would allow enforcement.

e. Occupational Safety and Health Act of 1970 ("OSHA").

f. Federal Service Labor-Management Relations Statute.

Application to personal, committee, or other political offices would be deferred until rules are issued by the new Office and approved by Congress.

g. Employee Polygraph Protection Act. (Prohibits use of polygraphs for employees and job applicants, with exceptions like national security and policy)

h. Worker Adjustment and Retraining Act. (Requires 2 months advance written notice of plant closing or mass layoff, with exceptions like necessity.)

i. Law on veterans' employment and reemployment. (Veterans can get job back after up to 5 years' military service. They also get the right to RAMSPEK into the Executive Branch.)

2. PROCEDURES FOR REMEDY

a. For employee claims (discrimination, family/medical leave standards, fair labor standards, polygraph, plant closing, veterans rehiring) there would be a 5-step procedure:

counseling.

Mediation.

Trial before a hearing officer.

Appeal to the new Office's Board

Appeal to the U.S. Court of Appeals.or

Employees could elect to take case to Federal District Court after the mediation step, instead of the hearing officer.

b. For Americans with Disabilities Act:

A member of the public may submit a charge to the General Counsel of the Office.

Only the General Counsel may call for mediation, or file a complaint.

Appeal to the Board.

Appeal to the U.S. Court of Appeals.

c. For OSHA, the following procedural steps will be available:

The General Counsel will inspect all facilities, using OSHA detailees, and issue citations.

Disputes regarding citations will be referred to a hearing officer.

Appeal to the Board.

Appeal to the Court of Appeals.

The Board may also approve requests for temporary variances.

d. For collective bargaining law, the following procedural steps will be available:

Petitions (e.g., requesting recognition of an exclusive representative) will be considered by the Board, and could be referred by the Board to a hearing officer.

Unfair labor practice charges—would be submitted to the General Counsel, who will investigate and may file a complaint. The complaint would be referred to a hearing officer for decision, subject to appeal to the Board.

Negotiation impasses would be submitted to mediators.

court of Appeals review of Board decisions.

Mr. LEAHY. Mr. President, I am pleased to cosponsor S. 10. This bill could be called the Golden Rule bill because its premise boils down to Congress doing unto ourselves as we do unto others. I would be tempted to say that this is a reform whose time has come, if it were not already so painfully overdue.

When I first arrived in Washington as a newly elected Senator from Vermont, I was struck by the double standard of rights. Congress passed laws that applied to employers in this country—except Congress. It was alien to anything I had ever experienced.

Contrary to advice from older and far more senior Members of the Senate, in 1978 I introduced a bill that would extend coverage of several important civil rights and labor laws to Congress. It was a simple bill, founded on a simple premise: Congress, like everyone else in the country, must be governed by the law.

Congress was not the last plantation, where everyone except the master was subject to the master's rules. The Senate represented the very seat of our democracy—and it was imperative that it act like one.

I introduced the bill, explaining on the Senate floor why Congress must set an example to the public. The reaction of other Senators was not entirely friendly. As I was leaving the Senate floor, a senior Senator stopped to ask where I was rushing off to. I explained that I had a plane to catch back to Vermont. The Senator remarked, "Good, I hope you stay there."

My efforts to apply laws to Congress did not get much support in 1978. But I believed in it, and have continued to introduce it in the years since then. Now, almost 17 years after I first introduced congressional coverage legislation, we seem finally ready to act.

We have passed landmark legislation like the Civil Rights Act of 1964, the Fair Labor Standards Act, the Occupational Safety and Health Act and the Rehabilitation Act of 1973, to protect the civil, social, physical, and economic working rights for American workers. What we failed to do each time we passed legislation was make sure that Congress was covered. By exempting itself from important civil rights and labor laws, Congress denied to the men and women who serve us every day the rights and protections afforded to other American workers, simply because of the place of their employment.

The result has come home to roost. The American people question whether Congress understands their problems in part because Congress does not have to live under the same rules as other Americans. This bill is a step toward regaining the confidence of the American people.

Congress cannot be above the laws it passes. It must provide to all its employees the same protections it requires other employers to give. The American people want this body to play by the same rules and observe the same laws that we impose on everyone else.

Unlike the Republican version of the congressional coverage bill, the Democratic alternative (S. 10), which I am glad to cosponsor, contains provisions for lobbying reform, and limits on gifts to Members and congressional staff. The Republican version is called the Congressional Accountability Act, even though it fails to address matters that are necessary for it to amount to true accountability to the American people. In fact, that bill is limited to extending only a few employment laws to Congress but not other critical measures that we were stopped from approving last year by our Republican colleagues. That bill does not address the key issues needed for accountability that we have been trying to act on for some time.

In particular, I refer to lobbying reform, the gift ban and campaign finance reform legislation that was bottled up again last year. We should be moving on these important fronts if we are serious about accountability. The Republican bill merely lends some institutional responsibility to our remaining employees. Accountability should include responsibility to the rest of the American people, as well. That means reforming the way money can affect the legislative process. I am supporting S. 10 because it goes further than the Republican alternative and takes affirmative steps to provide that accountability.

I must observe, however, that this effort is deficient in one key regard for its failure to increase sunshine and public information about Congress. I have previously pressed to have principles of the Freedom of Information Act and Privacy Act apply to Congress. We need to have more open processes if we hope to restore Americans' belief in our representative legislative bodies. While it is true that simply applying FOIA questions, this bill does nothing to begin answering those questions and makes no effort toward increasing sunshine in our institutions of government.

I have no doubt that giving people greater access to information on how decisions are made in Congress would go a long way to reducing the cynicism that the American people have about what we do here. We must work to find ways to increase our openness and accessibility to the public.

By Mr. KYL:

S. 11. A bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes; to the Committee on the Judiciary.

MEDICAL CARE INJURY COMPENSATION ACT

Mr. KYL. Mr. President, I rise as the sponsor of S. 11, the "Medical Care Injury Compensation Act of 1995." As the 104th Congress begins to consider targeted, market based health care reform options, we should remember that medical malpractice costs are an integral component of the high cost of medical care and health insurance. The current medical malpractice system encourages litigation and exorbitant out-of-court settlements. According to a Lewin-VHI study, direct liability costs have been growing at four times the rate of inflation. Defensive medicine is projected to add as much as $76 billion annually to national health care costs by the year 2000. Doctors' fear is reasonable when viewed in light of a study done by the Institute of Medicine which found that 40% of all doctors and 70% of all obstetrician-gynecologists will be sued during their careers.

Mr. President, medical liability costs do not result in the productive use of our national health care dollars. According to a study by the Hudson Institute, of the billions spent annually on medical liability costs, 57 cents out of each dollar goes to lawyers rather than injured patients. This study concluded that medical liability costs added $450 in direct and indirect costs to each hospital admission. Nationally, this represents more than 5% of the average hospital's operating expenses.

In an effort to address this problem through sensible targeted reform, I have introduced S. 11. This legislation caps non-economic damages such as pain and suffering at $250,000; imposes a limit on attorneys' fees of 25% of the first $150,000 recovered and 15% of any amount in excess of $150,000; provides for periodic payments where damages for future economic loss exceed $100,000; provides for mandatory offsets for damages paid by a "collateral source;" and reforms "joint and several" liability.

S. 11 also directs the Secretary of Health and Human Services to make grants to the states for the implementation and evaluation of alternative dispute resolution (ADR) systems.

Mr. President, I believe S. 11 offers an important legislative mechanism for controlling national health care expenditures. I hope may colleagues will join me in support S. 11.

By Mr. ROTH (for himself, Mr. BREAUX, Mr. PRYOR, and Mr. MURKOWSKI):

S. 12. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

THE RESTORATION OF THE IRA ACT OF 1995

Mr. ROTH. Mr. President, today we re-introduce the Super IRA, a savings plan that is well-known as the Bentsen-Roth IRA, and now the Roth-Breaux IRA. The former Chairman of the Finance Committee, and Secretary of the Treasury, Lloyd Bentsen, joined with me to offer his leadership on this almost four years ago—and now I believe we are on the verge of completing our work of seeing this bill adopted.

Today I'm proud to be joined by Senator JOHN BREAUX, in introducing this bill. I believe that this bill is extremely well conceived and promotes the two most important issues facing us today: the family and the failure of our economy.

It is clear, after passing the Bentsen-Roth IRA twice in 1992, that Congress not only understands the need to strengthen family and the economy, but that Congress is willing to work in bipartisan cooperation to pass this legislation. We have done it before; we can do it again.

This Super IRA will do much not only to serve our families and help our nation's savings rate, but it will also restore equity to spouses who want to participate in the program. The lack of savings in this country, as we all know, has reached crisis proportions. Chairman Alan Greenspan, at the Federal Reserve, has said that the single most important long-term economic issue for this country is savings—savings that are essential for jobs, opportunity, and growth. This bill will help bring new savers into the act.

Savings is not only important to our nation's economy, it is also important to create security and self-reliance in our families. This Super IRA will help Americans. It is flexible, allowing withdrawals to be made penalty-free to purchase first homes, to pay for unusually large medical bills, college educations, and to help families during extended periods of unemployment.

One of the primary benefits of this Super IRA is that parents and grandparents are able to draw down their IRAs without penalty to pay their children's college education, or contribute toward their children's first home. Children and grandchildren can use their IRAs to help their parents and grandparents. This is what real "opportunity" is all about—"opportunity" for the family—"opportunity" because once again Americans can focus on self-reliance and prepare with greater certainty for their futures.

Let me stress, this Super IRA eliminates the unequal treatment of spouses that now exists under current law. This bill will allow spouses [husbands or wives] who work at home to make equal IRA contributions, up to $2,000, in their own accounts.

This promotes personal responsibility. The individual is enabled to provide for his or her family, and does not have to rely on the limited hand of government for their support.

Mr. President, it's clear to see why this is a bill whose time has come. We have passed it before—in both Houses of Congress—now we must pass it again. It serves the individual. It serves the family. It serves the Nation. It is equitable, restoring spousal contributions to where they should be. It is flexible, offering penalty-free withdrawals for life's necessities. It promises the vital capital formation America needs to invest in its future. And it builds upon the very important concept of self-reliance. Mr. President, this bill must be passed, again.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 12

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Savings and Investment Incentive Act of 1995".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—RETIREMENT SAVINGS INCENTIVES

Subtitle A—Restoration of IRA Deduction

SEC. 101. RESTORATION OF IRA DEDUCTION.

(a) PHASE-UP OF INCOME LIMITS.—

(1) IN GENERAL.—Subparagraph (B) of section 219(g)(3) (relating to applicable dollar amount) is amended to read as follows:

"(B) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means the following:

"(i) In the case of a taxpayer filing a joint return:

"For taxable years beginning in:	The applicable dollar amount is:
1995	$65,000
1996	$90,000
1997	$115,000
1998	$140,000.

"(ii) In the case of any other taxpayer (other than a married individual filing a separate return):

"For taxable years beginning in:	The applicable dollar amount is:
1995	$50,000

"For taxable years beginning in:	The applicable dollar amount is:
1996	$75,000
1997	$100,000
1998	$125,000.

"(iii) In the case of a married individual filing a separate return, zero.".

(2) UNLINKING OF SPOUSAL RULE.—Paragraph (1) of section 219(g) (relating to limitation on deduction for active participants in certain pension plans) is amended by striking "or the individual's spouse".

(b) TERMINATION OF INCOME LIMITS.—

(1) IN GENERAL.—Section 219 (relating to deduction for retirement savings), as amended by section 102, is amended by striking subsection (g) and by redesignating subsections (h) and (i) as subsection (g) and (h), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 219 is amended by striking paragraph (7).

(B) Paragraph (5) of section 408(d) is amended by striking the last sentence.

(C) Section 408(o) is amended by adding at the end the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to any designated nondeductible contribution for any taxable year beginning after December 31, 1998.".

(D) Section 408A(c)(2)(A), as added by section 111, is amended by striking "(computed without regard to subsections (b)(4) and (g) of such section)" and inserting "(computed without regard to section 219(b)(4))".

(E) Subsection (b) of section 4973 is amended by striking the last sentence.

(c) EFFECTIVE DATES.—

(1) PHASE-UP.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

(2) TERMINATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1998.

SEC. 102. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 101(a), is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) COST-OF-LIVING ADJUSTMENTS.—

"(1) DEDUCTION AMOUNT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, the $2,000 amount under subsection (b)(1)(A) shall be increased by an amount equal to the product of $2,000 and the cost-of-living adjustment for the calendar year.

"(B) ROUNDING TO NEXT LOWEST $500.—If the amount to which $2,000 would be increased under subparagraph (A) is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500.

"(2) RELATED AMOUNTS.—Each of the dollar amounts contained in subsection (c)(2) shall be increased at the same time, and by the same amount, as the increase under paragraph (1).

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection:

"(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(i) the CPI for such calendar year, exceeds

"(ii) the CPI for 1994.

"(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 1(f)(4).".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(j) is amended by striking "$2,000".

SEC. 103. HOMEMAKERS ELIGIBLE FOR FULL IRA DEDUCTION.

(a) SPOUSAL IRA COMPUTED ON BASIS OF COMPENSATION OF BOTH SPOUSES.—Subsection (c) of section 219 (relating to special rules for certain married individuals) is amended to read as follows:

"(c) SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS.—

"(1) IN GENERAL.—In the case of an individual to whom this paragraph applies for the taxable year, the limitation of paragraph (1) of subsection (b) shall be equal to the lesser of—

"(A) $2,000, or

"(B) the sum of—

"(i) the compensation includible in such individual's gross income for the taxable year, plus

"(ii) the compensation includible in the gross income of such individual's spouse for the taxable year reduced by the amount allowable as a deduction under subsection (a) to such spouse for such taxable year.

"(2) INDIVIDUALS TO WHOM PARAGRAPH (1) APPLIES.—Paragraph (1) shall apply to any individual if—

"(A) such individual files a joint return for the taxable year, and

"(B) the amount of compensation (if any) includible in such individual's gross income for the taxable year is less than the compensation includible in the gross income of such individual's spouse for the taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 219(f) (relating to other definitions and special rules) is amended by striking "subsections (b) and (c)" and inserting "subsection (b)".

(2) Paragraph (2) of section 219(h), as added by section 102, is amended by striking "Each of the dollar amounts" and inserting "The dollar amount".

(3) Section 408(d)(5) is amended by striking "$2,250" and inserting "$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 104. CERTAIN COINS AND BULLION NOT TREATED AS COLLECTIBLES.

(a) IN GENERAL.—Paragraph (3) of section 408(m) (relating to exception for certain coin) is amended to read as follows:

"(3) EXCEPTION FOR CERTAIN COINS AND BULLION.—For purposes of this subsection, the term 'collectible' shall not include—

"(A) any coin certified by a recognized grading service and traded on a nationally recognized electronic network, or listed by a recognized wholesale reporting service, and—

"(i) which is or was at any time legal tender in the country of issuance, or

"(ii) issued under the laws of any State, and

"(B) any gold, silver, platinum, or palladium bullion (whether fabricated in the form of a coin or otherwise) of a fineness equal to or exceeding the minimum fineness required for metals which may be delivered in satisfaction of a regulated futures contract subject to regulation by the Commodity Futures Trading Commission under the Commodity Exchange Act,

if such coin or bullion is in the physical possession of a trustee described under subsection (a) of this section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 105. COORDINATION OF IRA DEDUCTION LIMIT WITH ELECTIVE DEFERRAL LIMIT.

(a) IN GENERAL.—Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end the following new paragraph:

"(4) COORDINATION WITH ELECTIVE DEFERRAL LIMIT.—The amount determined under paragraph (1) or subsection (c)(1) with respect to any individual for any taxable year shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals of the individual which are excludable from gross income for the taxable year under section 402(g)(1), over

"(B) the amount so excluded.".

(b) CONFORMING AMENDMENT.—Section 219(c), as amended by section 104, is amended by adding at the end the following new paragraph:

"(3) CROSS REFERENCE.—

"For reduction in paragraph (1) amount, see subsection (b)(4).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

Subtitle B—Nondeductible Tax-Free IRAs

SEC. 111. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. IRA PLUS ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, an IRA Plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) IRA PLUS ACCOUNT.—For purposes of this title, the term 'IRA Plus account' means an individual retirement plan which is designated at the time of establishment of the plan as an IRA Plus account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to an IRA Plus account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all IRA Plus accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year (computed without regard to subsections (b)(4) and (g) of such section), over

"(B) the amount so allowed.

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—No rollover contribution may be made to an IRA Plus account unless it is a qualified transfer.

"(B) COORDINATION WITH LIMIT.—A rollover contribution shall not be taken into account for purposes of paragraph (2).

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of an IRA Plus account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of an IRA Plus account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(C) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from an IRA Plus account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Except as provided in regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(3) ROLLOVERS.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred in a qualified transfer to another IRA Plus account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the IRA Plus account to which any contributions are transferred from another IRA Plus account shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the account from which transferred.

"(4) SPECIAL RULES RELATING TO CERTAIN TRANSFERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of a qualified transfer to an IRA Plus account from an individual retirement plan which is not an IRS Plus account—

"(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

"(ii) section 72(t) shall not apply to such amount.

"(B) TIME FOR INCLUSION.—In the case of any qualified transfer which occurs before January 1, 1997, any amount includible in gross income under subparagraph (A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning in the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) QUALIFIED TRANSFER.—For purposes of this section, the term 'qualified transfer' means a transfer to an IRA Plus account from another such account or from an individual retirement plan but only if such transfer meets the requirements of section 408(d)(3).".

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t), as amended by section 201(c), is amended by adding at the end the following new paragraph:

"(8) RULES RELATING TO IRA PLUS ACCOUNTS.—In the case of an IRA Plus account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A).".

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A."

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. IRA Plus accounts.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1994.

(2) QUALIFIED TRANSFERS IN 1994.—The amendments made by this section shall apply to any qualified transfer during any taxable year beginning in 1994.

TITLE II—PENALTY-FREE DISTRIBUTIONS

SEC. 201. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES OR TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii)—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (6)), or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year.".

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking "(B),".

(2) CERTAIN LINEAL DESCENDANTS AND ANCESTORS TREATED AS DEPENDENTS.—Subparagraph (B) of section 72(t)(2) is amended by striking "medical care" and all that follows and inserting "medical care determined—

"(i) without regard to whether the employee itemizes deductions for such taxable year, and

"(ii) by treating such employee's dependents as including—

"(I) all children and grandchildren of the employee or such employee's spouse, and

"(II) all ancestors of the employee or such employee's spouse."

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 72(t)(2) is amended by striking "or (C)" and inserting ", (C) or (D)".

(c) DEFINITIONS.—Section 72(t) is amended by adding at the end the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i):

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual, the spouse of such individual, or any child, grandchild, or ancestor of such individual or the individual's spouse.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph:

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

"(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

"(II) subsection (a)(6), (h), or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A)(ii).

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii):

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) any child (as defined in section 151(c)(3)), grandchild, or ancestor of the taxpayer or the taxpayer's spouse,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.".

(d) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) is amended by adding at the end the following new subparagraph:

"(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year.

To the extent provided in regulations, a self-employed individual shall be treated as meeting the requirements of clause (i) if, under Federal or State law, the individual would have received unemployment compensation but for the fact the individual was self-employed.".

(e) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or distributions for qualified higher education expenses (as defined in section 72(t)(7)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or for the payment of qualified higher education expenses (as defined in section 72(t)(7)).".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

TITLE III—AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 301. DISREGARD OF INCOME AND RESOURCES DESIGNATED FOR EDUCATION, TRAINING, AND EMPLOYABILITY.

(a) DISREGARD AS RESOURCE.—Section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B)) is amended—

(1) by striking "or" before "(iv)", and

(2) by inserting ", or (v) at the option of the State, in the case of a family receiving aid under the State plan (and a family not receiving such aid but which received such aid in at least 1 of the preceding 4 months or became ineligible for such aid during the preceding 12 months because of excessive earnings), any amount not to exceed $8,000 in a qualified asset account (as defined in section 406(i)) of such family" before "; and".

(b) DISREGARD AS INCOME.—

(1) IN GENERAL.—Section 402(a)(8)(A) of such Act (42 U.S.C. 602(a)(8)(A)) is amended—

(A) by striking "and" at the end of clause (vii), and

(B) by inserting after clause (viii) the following new clause:

"(ix) shall disregard any interest or income earned on a qualified asset account (as defined in section 406(i)); and".

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) of such Act (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: "; and that this paragraph shall not apply to earned or unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified asset account (as defined in section 406(i)) the total amount in which, after such placement, does not exceed $8,000;".

(3) TREATMENT AS INCOME.—Section 402(a)(7) of such Act (42 U.S.C. 602(a)(7)) is amended—

(A) by striking "and" at the end of subparagraph (B),

(B) by striking the semicolon at the end of subparagraph (C) and inserting "; and", and

(C) by adding at the end the following new subparagraph:

"(D) shall treat as income any distributions from a qualified asset account (as defined in section 406(i)(1)) which do not meet the definition of a qualified distribution under section 406(i)(2);".

(c) QUALIFIED ASSET ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distributions' means distributions for expenses directly related to one or more of the following purposes:

"(A) The attendance of a member of the family at any education or training program.

"(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

"(C) The purchase of a home for the family.

"(D) A change of the family residence.".

(d) STUDY OF USE OF QUALIFIED ASSET ACCOUNTS; REPORT.—The Secretary of Health and Human Services shall conduct a study of the use of qualified asset accounts established pursuant to the amendments made by this section, and shall report on such study and any recommendations for modifications of such amendments to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than January 1, 1998.

(e) REPORT ON AFDC ASSET LIMIT ON AUTOMOBILES.—Within 3 months after the date of the enactment of this section, the Secretary of Health and Human Services shall submit to the Congress a report on—

(1) the need to revise the limitation, established in regulations pursuant to section 402(a)(7)(B)(i) of the Social Security Act, on the value of a family automobile required to be disregarded by a State in determining the eligibility of the family for aid to families with dependent children under the State plan approved under part A of title IV of such Act, and

(2) the extent to which such a revision would increase the employability of recipients of such aid.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995, with respect to accounts approved on or after such date and before October 1, 1998.

THE CASE FOR INDIVIDUAL RETIREMENT ACCOUNTS:

THE NEED FOR SAVINGS

There is a growing consensus in Congress that demonstrates Members agree Americans must save their money and become self-reliant. The lack of savings in this country has reached crisis proportions—THERE IS A SAVINGS CRISIS! The personal saving rate in America has decreased steadily over the past 25 years, falling from 8 percent in the 1960's and 70's, to less than 4 percent today. According to the Congressional Budget Office, the national saving rate was only 1.7 percent in 1993, down from 3 percent from 1981 to 1993. The Chairman of the Federal Reserve, Alan Greenspan, has said that the single most important long-term economic issue for this country is that of national savings. There is a growing consensus that it is the responsibility of Congress to help Americans save, to empower our families toward self-reliance. And I strongly believe that removing the savings penalties in the tax code is the best way to increase this nation's savings rate and self-reliance.

We all know the statistics: the British and Germans save twice as much, while the Japanese and French save at a rate more than three times that of Americans, largely—I believe—because of their tax incentives. Consequently, Japan has the highest personal saving rate among advanced nations, and ample funds needed to finance capital investment in the best and most productive equipment. Thus Japanese business and workers have the most advanced tools available in the global marketplace. Meanwhile, the U.S. government levies a heavy tax burden on saving and capital. Though the American economy has many strengths, our tax policy hampers our ability to compete with the advantages offered by Japan. Our punitive antisavings and anti-investment tax code is crippling our competitiveness at a turning point in economic history. We must remember that we cannot tax ourselves into prosperity. By suppressing saving and capital investment now, we are crippling our economy for the challenges of the further.

Increased savings will produce more high paying jobs, increase productivity, stimulate economic growth and help enable us to compete with our competitors abroad.

ENCOURAGING SAVINGS

One of the most important questions is how to encourage Americans to save more. That is why we have crafted this bill to bring new savers into the act. We must recognize that there are other important reasons for Americans to save long-term, besides the pressing economic needs of our country and the need for retirement. For example, our young people today have an almost impossible time scraping together a down-payment for their first home. Our families find it more and more difficult to save for their children's college education. And, our older Americans worry about their security as retirement approaches.

Consequently, the best answer to meet our savings needs is to allow Americans to save for what they need most. And that is the approach that we have taken in drafting this legislation. This legislation allows savers the chance to use the IRA to help them pay for a college education, buy their first home, pay for financially devastating health costs or cover family costs during an extraordinary period of unemployment. By allowing Americans the ability to withdrew IRA savings—savings once reserved for retirement only—for these four additional purposes, without a penalty for early withdrawal, we have greatly enhanced the flexibility of the IRA and strongly encouraged Americans to put more savings away. One of the primary benefits of this new withdrawal feature is that parents and grandparents would be allowed to draw down their IRA without penalty to pay their children's college education, or contribute toward their children's first home. Increased savings is essential in order to allow Americans to take greater control of their own economic future.

This is what "personal responsibility" is all about. The individual should provide for his or her family, and should not rely on the limited hand of government for their support. This government can not continue the course it is on by creating more and more programs to pay for every need, but it can afford to encourage individuals to provide for themselves.

As 76 million baby boomers move toward middle-age, it is essential that they purchase their own homes, be prepared to pay for their children's college costs, as well as provide for their own retirement. A recent study has shown that baby boomers are saving only one-third the amount that they need for retirement. Another study has shown that American families headed by individuals age 45 to 54 have median financial assets of only $2,600. This is a course for declining living standards, as well as economic insecurity. The time to act is now!

INCREASING U.S. COMPETITIVENESS

I mentioned earlier that this new IRA offers a renewed opportunity to increase America's competitiveness in the emerging global economy. It's an opportunity born by the fact that savings equal investment, investment equals jobs, and jobs equal a strong, vibrant economy. It has been estimated that after the first year this legislation is enacted, IRA deposits will increase by as much as $40 billion. This represents long-awaited capital that the U.S. needs for investment, manufacturing, education, infrastructure and other important goals. With a Japanese savings rate of about three times the U.S. rate, and a cost of capital of about one-fourth that of the U.S., it is no wonder that we are lagging behind in the international race to compete in the world.

Added savings of $40 billion and more from increasing annual IRA deposits is likely to be the best solution. And don't forget the benefit to the already weakened financial infrastructure in this country. The estimated additional deposits in U.S. banks in the first year alone from this legislation would be about $16 billion—money needed to provide productive loans and investment in this country for years to come. I believe the IRA will go a long way toward helping our financial institutions provide the loans to business that they must.

Perhaps with the added savings from IRAs we can further our own investment in the U.S. rather than U.S. investments by others. In fact, in recent years, over half of net domestic investment has been financed by capital from abroad. While this foreign saving has contributed to U.S. economic growth over the years, we are beginning to see why continued reliance on these inflows is not a viable policy. Over long periods, for advanced countries, the rate of domestic investment tracks closely the supply of domestic saving. Ultimately, the U.S. must move from a position of current account deficit to surplus and capital outflow, as foreigners receive the returns on their investment in the U.S. If that is to happen without a relative reduction in U.S. living standards, U.S. productive capacity must be increased and so must U.S. savings.

THE MOST IMPORTANT REASON TO SAVE

It's clear to see why this is a bill whose time has come, however . . . the most important reason to pass it is to meet the needs of the most basic unit of our society. It's time we get back to the family. Only by allowing American families the opportunity—and even the right—to strengthen themselves can we expect society to be strengthened as a whole. We've tried to work around this elementary truth for years now—some thinking that government programs can replace the basic family unit. Well, we've come full circle—back to the understanding that it was family and community values that built a strong America. The aging of our citizens brings an ever-increasing urgency to the need to encourage national savings. As the baby-boom bulge grows older and reaches retirement, the family cost of long-term care and other health costs as well as leisure activities during retirement will grow dramatically. At the same time the size of the working population will be declining. Our children cannot continue to pay the cost of our retirement—the answer is to begin planning now. Recent statistics show that the average American family is ill-prepared for retirement. A new analysis on the financial wealth of American families finds that half of American families currently have below $1,000 in net financial assets. In fact, the study found that families headed by individuals under the age of 45 have median net financial assets of just $700. Even those on the verge of retirement, aged 55 to 64, have median financial assets of only $6,880. Overall, the median level of net financial assets for all U.S. families amounts to only about $1,000.

A detailed study by two Princeton Economists, and released by Merrill Lynch, shows that members of the Baby Boom generation are saving at just one-third the rate needed to provide them with a secure retirement at age 65. The Baby Boom Index was determined to be 35.9 percent. This index measures the rate at which the oldest Baby Boomers, those born between 1946 and 1956, are accumulating the savings they will need to retire at age 65, and maintain a standard of living consistent with pre-retirement years. This study makes it absolutely clear that unless the 76 million Baby Boomers begin to save and invest at a far higher rate in the next few years, they will face an insecure retirement, that could last as long as the time they spent in the work force. This generation of Baby boomers will begin to retire in just 18 short years! President Clinton, a Baby Boomer himself, should be acutely aware of this problem, and I am pleased that he has adopted our legislation as part of his budget proposal this year.

The fact is, this study understates the severity of the Baby Boom savings shortfall! First, it assumes that all of a household's financial assets will be available to help pay for retirement, but in reality, these funds will be used for other things, like a child's education or a parent's health care. Secondly, Baby Boomers are expected to live longer in retirement than earlier generations and, therefore, will need more savings at the outset.

SUMMARY

So there are really two primary reasons to increase our country's national savings rate. First, it will allow the American Family to provide for themselves through their own resources, and second, it will allow our children and our children's children to become more productive because of badly needed new capital. The national crisis we face because of a decade of low savings rates will only grow worse if we fail to act—particularly as foreign investors begin to withdraw their funds for their own country's needs and as our ever-increasing aging population continues. We must agree that increasing our saving rate will lower interest rates, cut the cost of capital, reduce our reliance on foreign investment and improve our standard of living. Most importantly, now is the time to act, before it is too late.

Description of Provisions

MAKE DEDUCTIBLE IRAS AVAILABLE TO ALL AMERICANS

Under the bill, all Americans would be eligible for fully deductible IRAs. Current law only allows those taxpayers who are not covered by any other pension arrangement, and those whose income does not exceed $40,000 ($25,000 singles) to be eligible for a fully deductible IRA. These income limits would be gradually lifted over time.

The $2,000 contribution limit will be indexed for inflation in $500 increments in the year in which the indexed amount exceeds the next $500 increase.

No longer will a spouse be "deemed" to have a pension plan because their husband or wife has one. If the individual does not have a pension plan at work, regardless of their income level, they will qualify for an IRA to the extent of their "earned income."

The bill would allow all spouses who work at home—husbands or wives—to have an equal stake by having their own IRA on an equivalent basis. Thus, work at home spouses would be allowed to contribute up to $2,000 to their own IRA, thus increasing the current $250 limit to the same level as other workers.

NEW KIND OF IRA OPTION

Taxpayers will be offered a new choice of IRA. Under this new "IRA Plus" Account, contributions will not be deductible, but if the assets remain in the account for at least 5 years, all income will be tax free when it is withdrawn. A 10 percent penalty will apply to early withdrawals, unless they meet one of the four exceptions below.

Taxpayers can contribute up to $2,000 to either a traditional IRA, or the new IRA. They can also allocate any portion of the $2,000 limit to the different accounts (e.g. $1,000 to a traditional IRA and $1,000 to the new IRA).

PENALTY-FREE IRA WITHDRAWALS FOR IMPORTANT PURPOSES

The 10 percent penalty on early withdrawals (those before age 59½ or 5 years for the new IRA) will be waived if the funds are used to buy a first home, to pay educational expenses, to cover catastrophic health care costs or during periods of unemployment after collecting 12 weeks or more of unemployment compensation. Taxpayers will still be liable for the income tax due on the withdrawal, but no penalty will apply.

Parents and grandparents can make penalty-free withdrawals for college or home expenses of a child or grandchild. Children and grandchildren can make penalty-free withdrawals for health costs in excess of 7½ percent of the income of their parents and grandparents. An individual wanting to go back to school after being in the workforce could use the IRA to save for anticipated education or retraining expenses. The withdrawal rules apply across generations and between spouses.

PENALTY-FREE 401(K) AND 403(B) WITHDRAWALS

Similar penalty-free withdrawal rules will apply to 401(k) and 403(b) employer sponsored plans for purposes of buying a first home, education or unemployment costs. Penalty-free withdrawals are already allowed for medical expenses for these plans.

Section 401(k) and 403(b) plans are employer-provided retirement plans allowing employees to make pre-tax contributions out of their paychecks. Currently, once an employee makes a contribution to a 401(k) or

403(b) plan, withdrawals are generally subject to a 10 percent penalty tax like that applied to early withdrawals from IRAs.

CONVERSION OF IRAS INTO IRA PLUS ACCOUNTS

Taxpayers will be allowed to "convert" their old IRA savings into IRA Plus Accounts without penalty. They must, however, pay the ordinary income tax due on previously deducted contributions, as well as any earnings transferred. If the conversion is made before 1997, the taxpayer can spread the tax payments out over a 4-year period.

By Ms. MOSELEY-BRAUN:

S. 13. A bill to require a Congressional Budget Office analysis of each bill or joint resolution reported in the Senate or House of Represenatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one committee reports, the other committee has 30 days to report or be discharged.

MANDATES COST DISCLOSURE LEGISLATION

• Ms. MOSELEY-BRAUN. Mr. President, 2 years ago, when I came to the Senate, I started asking Federal agencies for information about the cost of Federal mandates on State and local governments. The costs of Federal mandates was a significant issue when I served in State and local government in Illinois. State and local officials believe their budgets are unduly pressured because the Federal Government has pushed additional requirements on State and local governments, without the funding necessary to cover the additional costs.

To my surprise, most of the Federal establishment appeared to be totally unaware of the impact that Federal mandates have on State and local governments. There was almost a total absence of information on the mandates issues, and much of the government did not even known what a mandate was.

The first bill I introduced in the Senate in 1993 was designed to help ensure that this important issue was addressed. I am reintroducing this legislation today.

My bill was the first piece of legislation introduced in the 103d Congress to address the issue of unfunded mandates. It tried to ensure that Federal officials would be informed of the cost impact, in addition to the benefit, of any mandates they vote to enact. I am also cosponsoring S. 1 because it incorporates this component of my bill, and I will work for its passage.

Mr. President, this legislation does not prohibit the Federal Government for issuing new mandates, nor does it repeal any existing Federal mandates. Instead, it simply requires that the Senate have information on any mandates in proposed legislation before it when the legislation is considered by the full Senate.

The legislation adds a section to committee reports on proposed bills. This new section, which would be prepared by the Congressional Budget Office, would include information on: No. 1, the cost to State and local governments of complying with any Federal mandates in the reported bill, and No. 2, the extent to which Federal funds, either contained in the bill or otherwise, cover the costs of complying with the mandates.

In addition, the legislation requires the Congressional Budget Office to issue an annual report on the cumulative costs of complying with Federal mandates in all enacted bills, together with an analysis of the extent to which Federal funds cover the costs of complying with the mandates.

For purposes of the CBO analysis, a Federal mandate is a provision in a reported or enacted bill that: requires the creation or expansion of a State and/or local service or activity; requires standards different from existing State and/or local law or practice in delivering a service or in conducting an activity; creates additional personnel or other administrative costs for State and/or local governments; or requires contracting procedures different from or in addition to those required under existing State and/or local law or practice.

Senate reports already require a CBO analysis of the proposed reported bill's impact on the Federal budget. In addition, committee reports are required to contain information on the regulatory impact of proposed reported bills on businesses and individuals. This legislation fills in the remaining major gap—the impact of the legislation on State and local governments.

I am well aware, Mr. President, of the budget pressures that have encouraged the Federal Government to add mandates on State and local governments, and I am not suggesting that every mandate is inappropriate. I do believe, however, that the Senate should know what it is doing, that it should know the impact a proposed bill has on State and local governments, so that Senators can cast informed votes.

I think my colleagues will agree that the Senate should have information on the impact Federal mandates have on State and local governments, and that the time to have that information is before the Senate votes on bills on the floor. I urge the Senate to promptly enact this simple but necessary piece of legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 13

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974.

Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"(i) FEDERAL MANDATES.—

"(1) The Director shall analyze each bill or joint resolution reported in the Senate or the House of Representatives to determine—

"(A) the cost to State and local governments of complying with any Federal mandates in the reported bill or joint resolution; and

"(B) the extent to which Federal funds, either in the bill or joint resolution, or otherwise, cover the costs of complying with the mandates.

"(2) The Director shall annually determine the cumulative costs of complying with Federal mandates in all bills or joint resolutions enacted in the preceding year and the extent to which Federal funds cover the costs of complying with such mandates.

"(3) For purposes of this subsection, the term 'Federal mandate' means a provision that—

"(A) requires creation or expansion of a State or local service or activity;

"(B) requires standards different from State or local law or practice in delivering a service or in conducting an activity;

"(C) creates additional personnel or other administrative costs for State and local governments; or

"(D) requires contracting procedures different from or in addition to those required under State or local law or practice.".

SEC. 2. REPORT REQUIRED FOR SENATE CONSIDERATION.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c) by striking "(a) and (b)" and inserting "(a), (b), and (c)";

(2) by redesignating subparagraph (c) as subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

"(c) Each such report shall also contain an evaluation by the Congressional Budget Office of any Federal mandates in the bill or joint resolution as required by section 202(i) of the Congressional Budget Act of 1974.".•

By Mr. DOMENICI (for himself, Mr. EXON, Mr. CRAIG, Mr. BRADLEY, Mr. COHEN, and Mr. DOLE):

S. 14. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committees have 30 days to report or be discharged.

LEGISLATIVE LINE ITEM VETO ACT

• Mr. DOMENICI. Mr. President, I introduce legislation to give the President a legislative line-item veto. I am particularly pleased to be joined by the distinguished ranking minority member of the Senate Budget Committee, Senator EXON, and Senators CRAIG, BRADLEY, and DOLE in introducing this legislation. We have a bipartisan bill that I think will enjoy strong support in the Senate and has the best chance of becoming law.

The American people are demanding greater accountability for the decisions that Congress makes. If Congress includes provisions in legislation that provide new spending that cannot stand on its merits, then there should be a procedure to extract this funding. The legislation we introduce today provides such a procedure.

Mr. President, there is a great deal of support for an item veto. All but two Presidents in the 20th century have expressed their support for an item veto authority. President Clinton campaigned on a promise that he could cut spending by $10 billion from the enactment of a line-item veto. Forty-three of our 50 State Governors have some form of item veto authority. Finally, the House, even under Democratic control, has sent the Senate two separate rescission bills during the 103d Congress.

There are two statutory line-item approaches that the Congress will consider. The first, Senator MCCAIN's enhanced rescission bill would provide the President with unilateral authority to delete any item funded in an appropriations bill. In order to overturn the President's action, each House of the Congress would have to pass a bill of disapproval, send it to the President, and then override the President's veto of this bill of disapproval. This provides an extraordinary shift of power from the legislative branch to the executive branch.

The second approach, embodied in the legislation that I introduce today, is frequently referred to as expedited rescission authority. Under this approach, the President proposes a rescission and is guaranteed a vote up or down by Congress on these proposed rescissions.

Our legislation is stronger than the enhanced rescission bill in many respects, but I will just mention two provisions. Our bill provides a "lock box" to guarantee that any savings go to deficit reduction. It also extends this rescission authority to direct spending, the real culprit behind the growth in Federal spending, and targeted tax benefits.

There is no question that discretionary spending can contribute to deficit reduction, but discretionary spending is a shrinking as a portion of the budget. Direct spending, spending outside the control of the appropriations process, will grow from 54 percent to 62 percent of the budget over the next 10 years.

Mr. President, the Constitution grants the President the power of the sword and the Congress the power of purse. The President has a great deal of power as Commander-in-Chief as we have most recently seen in Haiti. I am not ready today to turn as much of Congress' power over the purse over to the President as provided for in Senator MCCAIN's enhanced rescission proposal. But I do think there is a need to recalibrate the scales, balance them, and guarantee the President a vote on his or her rescission proposals.

Finally, Mr. President, I would like to take a moment to commend the senior Senator from Idaho, Senator CRAIG, for his leadership on this legislation. The legislation I introduce today, in many respects, represents the work product of the distinguished Senator from Idaho. In addition, the legislation borrows heavily from previous legislation written by the senior Senator from Maine, Senator COHEN, and the efforts of the senior Senator from New Jersey to fight tax breaks in our laws.

Mr. President, I ask unanimous consent that a brief description and the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND REPEALS OF TAX EXPENDITURES AND DIRECT SPENDING.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND REPEALS OF TAX EXPENDITURES AND DIRECT SPENDING

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1)(A) Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items and include with that special message a draft bill that, if enacted, would only cancel those budget items as provided in this section. The bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates. The bill shall specify the amount, if any, of each budget item that the President designates for deficit reduction as provided in paragraph (4).

"(B) A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget.

"(2) In the case of an Act that includes budget items within the jurisdiction of more than one committee of a House, the President in proposing to cancel such budget item under this section shall send a separate special message and accompanying draft bill for each such committee.

"(3) Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4)(A) Not later than 5 days after the date of enactment of a bill containing an amount designated by the President for deficit reduction under paragraph (1), the President shall—

"(i) with respect to a rescission bill, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each outyear to reflect such amount; and

"(ii) with respect to a repeal of a tax expenditure or direct spending, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) Not later than 5 days after the date of enactment of a bill containing an amount designated by the President for deficit reduction under paragraph (1), the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the Senate or the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2)(A) During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(B) A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(B) It shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(D) Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(E) A motion in the Senate to further limit debate on a bill under this subsection is not debatable. A motion to recommit a bill under this subsection is not in order.

"(F) If the Senate proceeds to consider a bill introduced in the House of Representatives under paragraph (1)(A), then any Senator may offer as an amendment the text of the companion bill introduced in the Senate under paragraph (1)(A) as amended if amended (under subparagraph (A)). Debate in the Senate on such bill introduced in the House of Representatives, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), and any amendment offered under this subparagraph, shall not exceed 10 hours minus such times (if any) as Senators consumed or yielded back during consideration of the companion bill introduced in the Senate under paragraph (1)(A).

"(4) Debate in the House of Representatives or the Senate on the conference report on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any budget item proposed to be canceled in a special message transmitted to Congress under subsection (b) shall not be made available for obligation or take effect until the day after the date on which either House rejects the bill transmitted with that special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'direct spending' shall have the same meaning given such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985;

"(3) the term 'budget item' means—

"(A) an amount, in whole or in part, of budget authority provided in an appropriation Act;

"(B) an amount of direct spending; or

"(C) a targeted tax benefit;

"(4) the term 'cancellation of a budget item' means—

"(A) the rescission of any budget authority provided in an appropriation Act;

"(B) the repeal of any amount of direct spending; or

"(C) the repeal of any targeted tax benefit; and

"(5) the term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012A, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012A and 1017".

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

"Sec. 1012A. Expedited consideration of certain proposed rescissions and repeals of tax expenditures and direct spending.".

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.•

Mr. CRAIG. Mr. President, I also wish to speak on S. 14 that has just been introduced by Budget Committee chairman Senator DOMENICI and also Senator EXON and myself. That is a new bill that will create a legislative line-item veto. We believe that is another important issue that the American people have been continually asking for for well over a decade now with calls the Congress refused to hear or to respond to. Now we think this new Congress will respond.

While I remain a strong cosponsor of S. 4—S. 4 is the pure line-item veto that Senator MCCAIN and Senator COATS have brought before this Senate year after year—I am also, in S. 14, offering an additional alternative.

Make no confusion by my remarks. I will support the pure line-item veto S. 4. I think it is important that we give it a clean opportunity. But if that cannot be accomplished, I think it is important that the Budget Committee recognize, as they have with the introduction of S. 14 by Senator PETE DOMENICI, an alternative piece of legislation of this type similar to that I introduced last year which also clearly allows the President to exercise a line-item veto and the Congress, through a procedure both timely and responsive, to address those items singled out by the President.

These are important issues. It is important to the American people who are watching today the most historic event in 40 years to see a House sworn in, to see a Republican Speaker by the name of NEWT GINGRICH take his seat, or to see 11 new Members, Republican Members, come to the U.S. Senate and see a historic change once again in the leadership of the Senate; for those who observe us to know that we will address the Contract With America, we will address mandates, we will vote on a line-item veto, we will vote on a balanced budget amendment.

That is what the American people have asked for. I believe that is what the 104th Congress will produce for them. That is historic. I think it is clearly important that we now respond to the mandate the American people sent us to this new Congress to address.

In September of last year, I, along with a dozen of our Senate colleagues, introduced a legislative line-item veto as a part of S. 2458, the Common Cents Budget Reform Act of 1994. This year, S. 14 incorporates all the essentials of title III of that legislation and makes improvements in the fine tuning.

This bill is also similar to H.R. 4600 in the 103d Congress, as it passed the House last June 14, by a vote of 342 to 69, after a weaker version was rejected.

I want to acknowledge and commend the thoughtfulness and cooperation of the other original sponsors of S. 14. These also include the Senators from Maine [Mr. COHEN] and New Jersey [Mr. BRADLEY], both of whom have had their own legislation in this area, and the distinguished majority leader. They, along with the chairman and ranking member [Mr. EXON] of the Budget Committee have worked hard to achieve a meeting of the minds.

As I have noted, I am also an original cosponsor of S. 4.

In brief, S. 4 is an enhanced rescission bill, which would allow a Presidential rescission of spending to stand unless a disapproval of that rescission was enacted into law, presumably over the President's veto, which would require a two-thirds vote.

Under S. 14 which contains an expedited rescission process, a Presidential proposal to cancel budget items—whether appropriations, narrowly targeted tax benefits, or new direct spending—would be given mandatory consideration in Congress, with approval or disapproval by majority vote concluded on an expedited basis.

I prefer the pure approach taken in S. 4. But both versions are second, effective reforms. Both would increase accountability, promote fiscal responsibility, and improve public confidence in the budget process. This Senator is committed, and I call on my colleagues to commit, to passing the strongest legislative line item veto possible. The most effective line item veto is the one that becomes law.

There are three principal reasons for Congress to pass this kind of budget reform:

First, it would promote fiscal responsibility.

According to GAO, since 1974, Presidents have requested 1,019 individual rescissions of appropriations. Congress has approved 354—34.5 percent—of these, amounting to 30 percent of the dollar volume of proposed rescissions.

Excluding 1981, Congress has approved less than 20 percent of the dollar volume of rescissions proposed by Presidents.

Congress has simply ignored $48 billion in rescissions proposed under title X of the 1974 Budget Act, refusing to take a vote on the merits.

Alone, a line-item veto is not going to be enough to balance the budget. However, it's routinely estimated that an additional $10 billion a year in discretionary spending could be saved this way. To quote the late Senator Everett Dirksen, and adjust him for inflation: "$10 billion here, $10 billion there, pretty soon we're talking about real money."

On the tax side, public cynicism regarding Congress has grown with increased attention to provisions, hidden away in large tax bills, which benefit narrow interests and special constituencies.

For example, in H.R. 11, passed late in 1992—but vetoed, there were 50 special tax provisions that cost more than the enterprise zones that were supposed to be the centerpiece of the bill.

We've all heard the horror stories about tax breaks that benefit one sports stadium, one wealthy family, one large corporation. Our constituents have heard those stories, too. They're demanding that things change.

Second, it would improve legislative accountability and produce a more thoughtful legislative process.

A line-item veto would cast an additional dose of sunlight on the legislative process.

All too often, large bills include individual items that would never stand up to public scrutiny.

We're all familiar with the rush to get the legislative trains out on time. That means bills and reports spanning hundreds of pages that virtually no one is able to read—much less digest—in the day or two that they are voted on.

Moreover, any more, virtually every appropriations bill—even the 13 regular bills—and certainly every tax bill, is a huge bill.

Knowing that any individual provision may have to return to Congress one more time to stand on its own merits will promote more responsible legislation in the first place.

Third, it would improve executive accountability.

There is always some concern that any form of line-item veto or expedited rescission process would transfer too much power from the Congress to the President.

But there's another side to that coin. Many of us on both sides of the aisle have suggested, at different times, that Presidents aren't always serious about the rescission messages they send to Congress, or that the volume of rescissions they propose don't live up to their tough talk about what they would do if they had a line-item veto.

I think it's time to call the President's bluff—and I mean every President, because this is a bipartisan issue.

Already we are seeing groups like Citizens Against Government Waste and others come up with billions of dollars in long lists of pork items. Once we give the President expedited rescission authority, he or she will have to answer to the people if the use of that authority doesn't match the Presidential rhetoric.

In particular, in S. 14, we give the President the chance to designate how much of his or her rescissions savings would be applied to the deficit through the use of a lockbox, or deficit reduction account.

Under this expedited rescission procedure, Congress would not lose the power of the purse, but the power of the spotlight would be restored to the President.

In conclusion:

I commend to the attention of my colleagues both S. 4 and S. 14, and urge prompt consideration. This year, I believe, we will enact a line item veto law, and I look forward to this long overdue reform.

By Mr. MOYNIHAN:

S. 15. A bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws; to the Committee on the Judiciary.

NATIONAL PASTIME PRESERVATION ACT

• Mr. MOYNIHAN. Mr. President, in his book, "God's Country and Mine," the author Jacques Barzun, a former history professor at Columbia University, wrote "Whoever wants to know the heart and mind of America had better learn baseball. * * *"

Baseball is America's national pastime. It was invented, at least according to the view espoused by New Yorkers, by General Abner Doubleday in Cooperstown, NY, in 1839. Today it is deeply embedded in our culture.

Yet in recent years the game has become troubled. Baseball has had eight work stoppages over the last two decades, more than in all other professional sports combined. The existing strike has been with us since August, and no end is in sight. The 1995 season is in grave jeopardy. Indeed, many observers believe the future of baseball itself is in peril.

The current difficulties may be traced back to 1922, when Justice Oliver Wendell Holmes delivered the opinion of the U.S. Supreme Court in *Federal Baseball* v. *National League*, 259 U.S. 200. It was therein decided that the Sherman Act did not apply to exhibitions of baseball because baseball was not interstate commerce.

The Supreme Court has considered this matter on two subsequent occasions: In 1953 in *Toolson* v. *New York Yankees*, 346 U.S. 356, and in 1972 in *Flood* v. *Kuhn*, 407 U.S. 258. In Flood, the most recent pronouncement, the Court concluded that the antitrust exemption was an "anomaly" and an "aberration confined to baseball" and that "professional baseball is a business and it is engaged in interstate commerce." Even so, the Court refused to reverse its 1922 decision in Federal Baseball. Justice Blackman, delivering the opinion of the Court in Flood, wrote:

> If there is any inconsistency or illogic in all this, it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by this Court.

This decision clearly laid responsibility for baseball's antitrust exemption on Congress. It also explicitly recognized baseball's evolution into a major industry. George F. Will aptly described this transformation in his best-selling book "Men at Work":

> It has been said that baseball in the pre-Civil War era taught a puritanical America the virtues of play. But industrialists of the Gilded Age would approve of the way baseball has become a big business. Fifty years ago baseball was a comparatively mom-and-pop operation. Sunday play was not permitted in Pittsburgh and Philadelphia until 1934. In 1922 the U.S. Supreme Court held, for purposes of antitrust regulations, that baseball is not a business. Today sports columnist Jim Murray says, "If it isn't, General Motors is a sport."

As a result of this anomaly in American law, Mr. President, the World Series was cancelled in 1994 for the first time since 1904. With none of the legal restraints that prevent other businesses from engaging in anticompetitive behavior, the baseball team owners are free to act as a cartel. To end this monopoly, Congress must remove baseball's antitrust exemption and subject the game to the same rules of law that apply to all other major league sports.

This is why I am introducing today the National Pastime Preservation Act, a bill to repeal the antitrust exemption for major league baseball. It may not solve all of baseball's troubles, but it is a necessary step and one that is decades overdue. Many Members of Congress have begun to examine this issue more closely in view of the seeming intractability of the strike. My friend Senator ORRIN HATCH, the new chairman of the Judiciary Committee, has indicated that he supports repealing the exemption and is prepared to move a bill quickly through his committee. I look forward to working with him and other Members of Congress who share our concern about the future of major league baseball in America.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Pastime Preservation Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the business of organized professional baseball is in, or affects, interstate commerce; and

(2) the antitrust laws should be amended to reverse the result of the decisions of the Supreme Court of the United States in Federal Baseball Club of Baltimore, Inc. v. National League of Professional Baseball Clubs, 259 U.S. 200 (1922), Toolson v. New York Yankees, Inc., 346 U.S. 356 (1953), and Flood v. Kuhn, 407 U.S. 258 (1972), which exempted baseball from coverage under the antitrust laws.

SEC. 3. APPLICATION OF ANTITRUST LAWS TO PROFESSIONAL BASEBALL.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end the following new section:

"SEC. 27. (a) IN GENERAL.—Except as provided in Public Law 87-331 (15 U.S.C. 291 et seq.) (commonly known as the 'Sports Broadcasting Act of 1961'), the antitrust laws shall apply to the business of organized professional baseball.

"(b) APPLICATION OF SECTION.—This section—

(1) shall apply to any agreement that is in effect on or after the date of enactment of this section and to conduct engaged in after that date in furtherance of that agreement or in furtherance of any other object; but

(2) shall not apply to conduct engaged in before that date.".●

By Mr. DOLE:

S. 16. A bill to establish a Commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Finance.

WTO DISPUTE SETTLEMENT REVIEW COMMISSION

Mr. DOLE. Mr. President, just over 1 month ago, in consecutive special sessions, both Houses of Congress passed a landmark bill implementing the new GATT Agreement. The Agreement establishes a new international body, the World Trade Organization, to oversee with unprecedented authority the growth and development of international trade into the 21st century.

I heard from Americans across the country in the days and weeks leading up to the vote. They wanted to know what effect the WTO would have on U.S. sovereignty. People from all over Kansas and just about everywhere else were deeply concerned that this entirely new international organization would rob us of our freedom. I set out to identify those things in this new organization that had the greatest potential to go awry, that might end up harming instead of helping U.S. interests in global trade. I believe the legislation I am introducing today goes a long way toward ensuring that America retains full control of her destiny, that no international organization staffed by unelected bureaucrats will dictate what we do here at home.

I hope my colleagues understand, and I want the American people to understand, that the World Trade Organization is an experiment. It is an experiment that Congress has endorsed. But we have not done so unconditionally. Far from it. We have not signed away American sovereignty. To the contrary, Mr. President, we intend to scrutinize this institution—the WTO—to ensure that its every act is consistent with the interests of the United States.

The WTO is an organization which is on trial. I know it is just starting out, just beginning the process of establishing itself. The outcome of that trial will depend on these early actions, on the strict observance by the WTO of its mandate, and in particular on the results of the dispute settlement mechanism.

An effective dispute settlement mechanism was one of the major negotiating objectives for the United States. In the GATT talks, the United States sought to have binding and automatic dispute settlement. Trade disputes would be put to international panels, and the defendant would be deprived of any means of blocking the result. The United States supported this idea out of frustration largely with our European friends who maintained agricultural policies that adversely affected every other agricultural exporting nation.

All other nations agreed with our proposal, obviously from a variety of motivations, not always identical with our own. They largely objected to our use of what they called our "unilateral measures," actions which we have taken to defend our national commerical interests against their dumped and subsidized goods, or occasionally using our leverage of access to the world's largest, most open market to pry open the markets of others.

Despite different motivations, for the first time in any international forum, there will be binding dispute settlement. This means that no nation will be able to prevent the result from being accepted by the body of nations in the WTO. The defendant will incur costs of various kinds if it ignores the findings of a dispute settlement panel—costs in terms of international condemnation, in terms of weakening international respect for the trading rules, and in terms of possible internationally sanctioned retaliation against its goods.

This places a heavy burden on the new dispute settlement system, and all who manage it and participate in it.

Make no mistake, the future of the World Trading System depends on this new dispute settlement process being used prudently and administered wisely. Those of us who voted for the GATT Agreement knew these risks when we accepted the overall package. There was no option for us, or for any other country, to pick and choose among the parts of the Agreement or to make any modifications.

Therefore, we must do what we can with the Agreement that was negotiated, and make a good faith effort to make it work well, to further international trade and American national commercial interests.

President Clinton assured me in this connection last month as we approached the vote on the GATT Agreement that he and his administration would fully support my effort to ensure that U.S. interests will be protected. Working with Ambassador Kantor, I developed a proposal, which I am introducing today, that will give the fullest possible protection against abuses by the WTO, and yet allow us to enjoy all of the benefits of the GATT Agreement.

My proposal establishes the WTO Dispute Settlement Review Commission. It will be composed of five Federal appellate judges, appointed by the President in consultation with Congress. The Commission will be empowered to review every adverse decision produced by the WTO dispute settlement process. In cases where the dispute settlement panels adhered to the proper standard of review, and where they did not exceed or abuse their authority, no further action will be taken. But if a panel decision reaches an inappropriate result that amounts to abuse of its mandate, the Review Commission would transmit that determination to Congress. Any Members would then be permitted to introduce a privileged resolution requiring renegotiation of the WTO dispute settlement rules. After three determinations of inappropriate decisions by dispute settlement panels, any Member could introduce a resolution to withdraw from the WTO. I call this process "Three strikes and we're out."

The United States is only one country, but we are the one most capable of exercising international leadership. My proposal today is a way to exercise that needed leadership.

I want to avoid the worst of all possible results—a kind of nightmare scenario in which panelists who may come from countries whose firms engage in widespread dumping, whose governments heavily subsidize industry, agriculture, and services, and whose governments fail to live up to a reasonable standard of antitrust enforcement, advised by a WTO secretariat of international bureaucrats with an agenda of their own to modify existing international trade amendments, abuse their role, and reach inappropriate results.

I am not making a prediction that such a scenario will occur. I am saying that the knowledge of the existence of a highly competent, impartial Commission of judges in the United States overseeing in detail the operation of these panels will serve as a protection against that outcome. If the dispute settlement process proves tyrannical and abusive rather than fair and impartial, the United States will be well on the road to withdrawal from the WTO.

Mr. President, I ask unanimous consent that the bill and a letter to me from Ambassador Mickey Kantor dated today be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 16

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "WTO Dispute Settlement Review Commission Act".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The United States joined the World Trade Organization as a founding member with the goal of creating an improved global trading system.

(2) The American people must receive assurances that United States sovereignty will be protected, and United States interests will be advanced, within the global trading system which the WTO will oversee.

(3) The survival of the new WTO requires the continuation of both trade liberalization and the ability to respond effectively to unfair or otherwise harmful trade practices.

(4) United States support for the WTO depends upon obtaining mutual trade benefits through the openness of foreign markets and the maintenance of effective United States and WTO remedies against unfair or otherwise harmful trade practices.

(5) Congress passed the Uruguay Round Agreements Act based upon its understanding that effective trade remedies would not be eroded. These remedies are essential to continue the process of opening foreign markets to imports of goods and services and to prevent harm to American industry and agriculture particularly through foreign dumping and subsidization.

(6) The continued support of the Congress for the WTO is dependent upon a WTO dispute settlement system that—

(A) operates in a fair and impartial manner;

(B) does not add to the obligations of or diminish the rights of the United States under the Uruguay Round agreements; and

(C) does not exceed its authority, scope, or established standard of review.

(b) PURPOSE.—It is the purpose of this Act to provide for the establishment of the WTO Dispute Settlement Review Commission to achieve the goals described in subsection (a)(6).

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the WTO Dispute Settlement Review Commission (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 5 members all of whom shall be judges of the Federal judicial circuits and shall be appointed by the President, after consultation with the Majority Leader and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the chairman and ranking member of the Committee on Ways and Means of the House of Representatives, and the chairman and ranking member of the Committee on Finance of the Senate.

(2) DATE.—The appointments of the members of the Commission shall be made no later than 60 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members of the Commission first appointed shall each be appointed for a term of 5 years. After the initial 5-year term, 3 members of the Commission shall be appointed for terms of 3 years and the remaining 2 members shall be appointed for terms of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(B) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) REVIEW OF WTO DISPUTE SETTLEMENT REPORTS.—

(1) IN GENERAL.—The Commission shall review—

(A) all reports of dispute settlement panels or the Appellate Body of the World Trade Organization in proceedings initiated by other parties to the WTO which are adverse to the United States and which are adopted by the Dispute Settlement Body, and

(B) upon request of the United States Trade Representative, any other report of a dispute settlement panel or the Appellate Body which is adopted by the Dispute Settlement Body.

(2) SCOPE OF REVIEW.—In the case of reports described in paragraph (1), the Commission shall conduct a complete review and determine whether—

(A) the panel or the Appellate Body, as the case may be, exceeded its authority or its terms of reference;

(B) the panel or the Appellate Body, as the case may be, added to the obligations of or diminished the rights of the United States under the Uruguay Round agreement which is the subject of report;

(C) the panel or the Appellate Body, as the case may be, acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and Appellate Bodies in the applicable Uruguay Round Agreement; and

(D) the report of the panel or the Appellate Body, as the case may be, deviated from the applicable standard of review, including in antidumping, countervailing duty, and other unfair trade remedy cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) AFFIRMATIVE DETERMINATION.—If the Commission makes an affirmative determination with respect to the action of a panel or an Appellate Body under subparagraph (A), (B), (C), or (D) of paragraph (2), the Commission shall determine whether the action of the panel or Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(b) DETERMINATION; REPORT.—

(1) DETERMINATION.—No later than 120 days after the date of a report of a panel or Appellate Body described in subsection (a)(1) is adopted by the Dispute Settlement Body, the Commission shall make a written determination with respect to matters described in subsections (a)(2) and (a)(3).

(2) REPORTS.—The Commission shall report the determinations described in paragraph (1) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE OF PANEL OR APPELLATE BODY REPORT.—The United States Trade Representative shall advise the Commission no later than 5 days after the date the Dispute Settlement Body adopts the report of a panel or Appellate Body that is adverse to the United States and shall immediately publish notice of such advice in the Federal Register, along with notice of an opportunity for interested parties to submit comments to the Commission.

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—Any interested party may submit comments to the Commission regarding the panel or Appellate Body report. The Commission may also secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—The United States Trade Representative shall make available to the Commission all submissions and relevant documents relating to the panel or Appellate Body report, including any information contained in such submissions identified by the provider of the information as proprietary information or information treated as confidential by a foreign government.

SEC. 6. REVIEW OF DISPUTE SETTLEMENT PROCEDURES AND PARTICIPATION IN THE WTO.

(a) AFFIRMATIVE REPORT BY COMMISSION.—

(1) IN GENERAL.—If a joint resolution described in subsection (b)(1) is enacted into law pursuant to the provisions of subsection (c), the President shall undertake negotiations to amend or modify the rules and procedures of the Understanding on Rules and Procedures Governing the Settlement of Disputes to which such joint resolution relates.

(2) 3 AFFIRMATIVE REPORTS BY COMMISSION.—If a joint resolution described in subsection (b)(2) is enacted into law pursuant to the provisions of subsection (c), the approval of the Congress, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement shall cease to be effective in accordance with the provisions of the joint resolution and the United States shall cease to be a member of the WTO.

(b) JOINT RESOLUTIONS DESCRIBED.—

(1) IN GENERAL.—For purposes of subsection (a)(1), a joint resolution is described in this paragraph, if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That the Congress authorizes and directs the President to undertake negotiations to amend or modify the rules and procedures of the Understanding on Rules and Procedures Governing the Settlement of Disputes relating to ____ with respect to the affirmative determination submitted to the Congress by the WTO Dispute Settlement Review Commission on ____", the first blank space being filled with the specific rules and procedures with respect to which the President is to undertake negotiations and the second blank space being filled with the date of the affirmative determination submitted to the Congress by the Commission pursuant to section 4(b) which has given rise to the joint resolution.

(2) WITHDRAWAL RESOLUTION.—For purposes of subsection (a)(2), a joint resolution is described in this paragraph, if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That the Congress authorizes and directs the President to undertake negotiations to amend or modify the rules and procedures of the Understanding on Rules and Procedures Governing the Settlement of Disputes relating to ____ with respect to the affirmative report submitted to the Congress by the WTO Dispute Settlement Review Commission on ____ and if such negotiations do not result in a satisfactory solution by ____, the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act", the first blank space being filled with the specific rules and procedures with respect to which the President is to undertake negotiations, the second blank space being filled with the date of the affirmative determination submitted to the Congress by the Commission pursuant to section 4(b) which has given rise to the joint resolution, and the third blank space being filled with the date the Congress withdraws its approval of the WTO Agreement.

(c) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if the joint resolution is enacted in accordance with this subsection, and—

(A) in the case of a joint resolution described in subsection (b)(1) the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives an affirmative determination from the Commission described in section 4(b), or

(B) in the case of a joint resolution described in subsection (b)(2), the Commission has made 3 affirmative determinations described in section 4(b) during a 5-year period, and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives the third such affirmative determination.

(2) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this subsection are met, if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (A) or (B), whichever is applicable, or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(3) INTRODUCTION.—

(A) TIME.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the Commission transmits to the Congress an affirmative determination described in section 4(b), and before the end of the 90-day period referred to in subparagraph (A) or (B), as the case may be.

(B) ANY MEMBER MAY INTRODUCE.—A joint resolution described in subsection (b) may be introduced in either House of the Congress by any Member of such House.

(4) EXPEDITED PROCEDURES.—

(A) GENERAL RULE.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to joint resolutions described in subsection (b) to the same extent as such provisions apply to resolutions under such section.

(B) REPORT OR DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(C) FINANCE AND WAYS AND MEANS COMMITTEES.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(D) SPECIAL RULE FOR HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(5) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section relating to the same matter.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 7. PARTICIPATION IN WTO PANEL PROCEEDINGS.

(a) IN GENERAL.—If the United States Trade Representative, in proceedings before a dispute settlement panel or the Appellate Body of the WTO, seeks—

(1) to enforce United States rights under a multilateral trade agreement, or

(2) to defend a challenged action or determination of the United States Government,

a private United States person that is supportive of the United States Government's position before the panel or Appellate Body and that has a direct economic interest in the panel's or Appellate Body's resolution of the matters in dispute shall be permitted to participate in consultations and panel proceedings. The Trade Representative shall issue regulations, consistent with subsections (b) and (c), ensuring full and effective participation by any such private person.

(b) ACCESS TO INFORMATION.—The United States Trade Representative shall make available to persons described in subsection (a) all information presented to or otherwise obtained by the Trade Representative in connection with a WTO dispute settlement proceeding. The United States Trade Representative shall promulgate regulations implementing a protective order system to protect information designated by the submitting member as confidential.

(c) PARTICIPATION IN PANEL PROCESS.—Upon request from a person described in subsection (a), the United States Trade Representative shall—

(1) consult in advance with such person regarding the content of written submissions from the United States to the WTO panel concerned or to the other member countries involved;

(2) include, where appropriate, such person or its appropriate representative as an advisory member of the delegation in sessions of the dispute settlement panel;

(3) allow such special delegation member, where such member would bring special knowledge to the proceeding, to appear before the panel, directly or through counsel, under the supervision of responsible United States Government officials; and

(4) in proceedings involving confidential information, allow appearance of such person only through counsel as a member of the special delegation.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) APPELLATE BODY.—The term "Appellate Body" means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(2) ADVERSE TO THE UNITED STATES.—The term "adverse to the United States" includes any report which holds any law, regulation, or application thereof by a government agency to be inconsistent with international obligations under the Uruguay Round Agreement (or a nullification or impairment thereof), whether or not there are other elements of the decision which favor arguments made by the United States.

(3) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(4) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body administering the rules and procedures set forth in the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act.

(6) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means one or more of the agreements described in section 101(d) of the Uruguay Round Agreements Act.

(7) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(8) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, January 4, 1995.

Hon. ROBERT DOLE,
Senate Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: Thank you for providing me with a draft earlier today of your bill to establish a commission to review adverse dispute settlement reports of the World Trade Organization (WTO) and to provide for expedited Congressional action in the event that the commission makes affirmative determinations under the criteria set out in the bill.

Your bill reflects the basic agreement we reached on those subjects in November. It also adds a new provision regarding participation by private persons in WTO dispute settlement proceedings, which I look forward to reviewing with you.

I hope to have the chance to discuss with you shortly the details of your bill.

Sincerely,

MICHAEL KANTOR.

By Mr. SPECTER (for himself and Ms. MOSELEY-BRAUN):

S. 17. A bill to promote a new urban agenda, and for other purposes; to the Committee on Finance.

NEW URBAN AGENDA FOR AMERICA'S CITIES

Mr. SPECTER. Mr. President, as we begin the 104th Congress, we have an historic opportunity to make fundamental changes in the Federal government. We have an opportunity to reduce the size of Government, to have less spending, to reduce taxes, to attack crime control, and to speak with a strong voice on foreign policy. I think it is very important, as we approach the issue of reducing expenses, that we be very careful and handle the issue with a scalpel as opposed to a meat axe. As we look forward to cutting taxes, we should examine the capital gains tax which should have been cut long ago, and which will probably produce more revenue because of more transactions. It is something we should have accomplished a long time ago. But where we have tax cuts we should not add to the deficit, unless we first have spending cuts so that we know precisely what we are doing.

I agree with key points in the Contract With America. I have long urged the adoption of a constitutional amendment for a balanced budget when it came to the floor of the Senate more than a decade ago. And I have urged the President to exercise the line-item veto on the fundamental proposition that the President currently has authority under the Constitution to do so because the Federal provision is identical with the provision of the Massachusetts State constitution, followed by other States, where the Governors, the chief executive officers, have exercised the line-item veto. I tried to persuade President Bush to exercise the line-item veto under existing authority, and he said, "Arlen, my lawyer tells me I cannot do that." I made perhaps the tempered suggestion that he change lawyers. I quickly added that he should not tell the Bar Association about that. I have urged President Clinton to do the same and sent him a detailed memorandum of law. These are items within the Contract With America, and others, which we can implement to have very sensible change in the Federal Government.

I hope, Mr. President, that the Congress does not move to the activist social agenda. There is nothing in the Contract With America on school prayer. Although I very fervently believe in the power of prayer, I think that it belongs in the churches and synagogues and homes, and not in the schools. I recall my own experience as a child of six or seven in Wichita, KS, when there was school prayer. I recall how uncomfortable I felt—perhaps not quite intimidated—but I hope that issue does not come before the Congress. If it reaches the floor of the U.S. Senate, it is a matter which will take weeks or perhaps months before it is concluded.

Also, I hope that we do not occupy the time of the U.S. Senate on the abortion issue. Here again, I personally am very much opposed to abortion, but I believe it is a matter for the individual, again and for families or ministers, priests and rabbis. And I hope that we will spend our time tackling the tough, substantive issues which I think last November's mandate calls upon the Congress to do.

It is my hope, Mr. President, that we will not become embroiled in the gridlock and partisanship which occupied so much of the 103d Congress. I think it would be a mistake for those on this side of the aisle, Republicans, to think that the mandate of last November's election is a blanket endorsement for whatever views we have. In many quarters—and I think with some cause—it is viewed that last November's election was a repudiation of the Congress controlled by the Democrats for what the administration had done. So it is my hope that we will tackle these core issues and that we will deal with them in a way which does not get us bogged down in partisanship but looks to the national interests.

When we talk about the agenda, I hope, Mr. President, that we will tackle health care reform early on. I think that there are a number of divergent positions regarding health care reform, but a centrist position is one I will urge the Congress to adopt. I will be introducing today a bill designated as Senate bill 18, by prearrangement, which is the same number my health care reform bill had last year. Senate bill 18 preserves the free enterprise entrepreneurial system, which provides the best health care in the world to approximately 85 percent of the American people, and then targets the specific problems to extend coverage to people when they change jobs, to cover preexisting conditions, where we find in the courts that lawyers spend more time arguing about what is a preexisting condition than it would take the doctors to treat the condition.

We will also deal with the issue of spiraling health care costs, with more managed care in Medicare, for example, where the costs are astronomical and have to be brought under control.

And managed care has to be very carefully calibrated so that the care is adequate and with a view to more than a profit motive. A significant provision of my legislation is dealing with low-birthweight babies. They are a human tragedy, weighing no more than a pound, a human about as big as the size of my hand, carrying scars for a lifetime and enormous health care costs of more than $150,000 per child. Provisions in S. 18 are one way of how we can curtail health care costs.

Mr. President, I intend to introduce today Senate bill 17, a number arranged by a designation which will deal with an urban agenda for America's cities, which I will introduce on behalf of Senator CAROL MOSELEY-BRAUN and myself. I think it may well be the case that the Federal Government, Washington, DC, has given up on America's cities, and I think that is a tragedy. We have long seen the unsuccessfulness and difficulties of throwing money at the problems of cities.

My legislation embodied in the urban agenda for American cities is patterned after proposals suggested by the distinguished mayor of Philadelphia, Edward Rendell, and has the backing of many mayors in America and the National League of Cities. What it intends to do is to provide assistance to the cities, without additional Federal expenditures, by means such as a requirement that Federal procurement be located in the distressed areas of America's cities; that 15 percent of foreign aid be expended in distressed areas of American cities; that items like the historical tax credit, scaled back in 1986, be restored. It has been a revenue loser for the Federal Government to strike that form of a deduction, which had been tremendously developmental for American cities and had produced a net effect of more money. These items which are encompassed within the legislative proposal by Mayor Rendell and embodied in this bill will do much for America's cities.

I live in one of America's great cities, the city of Philadelphia. My experience goes beyond the big city to my birthplace of Wichita, KS, which is a moderate-size city in America, and to the town where I moved when I was 12, Russell, KS, a city of 5,000. The problems of the cities, Mr. President, are not left for the cities alone, but they travel across America. Today, you may find the gangs of Los Angeles, the Bloods and the Crips, in Des Moines, IA, or in Lancaster, PA. So that in moving to assist the cities, we are moving to assist all of America.

Mr. President, I know my time is short with the period set aside for each Senator being limited to 10 minutes. I thank my colleagues, and the distinguished Senator from West Virginia, for awaiting my presentation.

Mr. President, We convene in legislative session 8 weeks after the most extraordinary congressional election in American history. With a voice that was consistent throughout the Nation, the American people repudiated the policies of the current administration and its congressional majorities, and for the first time in four decades gave control of both houses of Congress to Republicans.

The very extraordinariness of the election that has brought us here guarantees that the 104th Congress that we begin today will be historically memorable. We have it in our power now, and as we work together over the next 2 years, to determine whether this Congress will be remembered as the moment when a new majority and new legislative leadership spawned a new American Renaissance of growth, prosperity and accomplishment—or as the moment when Republicans showed that they were no more capable or governing than Democrats.

THE FAILURES OF THE 103D CONGRESS

The 103d Congress just concluded will find its own way into the history books, and I do not believe the references will be complimentary. The legislative accomplishment of the last 2 years were meager, as we failed to do anything to expand access to health care; as we failed to enact meaningful congressional reform or curb the influence of lobbyists; as we failed in our efforts at campaign finance reform; and as we consigned our children to more years of deficit and more mountains of debt by failing to adopt a balanced budget amendment to the Constitution.

Only in the area of international trade, with most Republicans joining some Democrats to support the NAFTA and GATT agreements—agreements worked out under both Republican and Democratic administrations—was there real legislative cooperation to promote the best interests of the Nation.

We also passed a crime bill that, while not perfect, should help to make America safer by providing more police, building more prisons, expanding the Federal death penalty, and reducing violence against women—but we did so in such a spirit of legislative acrimony that the meanness of the debate nearly overswept the bill's value as an anticrime measure.

In fact, it may be that the spirit more than the substance of the 103d Congress is what endures. If so, it will not be a pleasant recollection. In my 14 years in this body, I do not recall a session when party and partisanship, rather than honest debate on the merits of the issues, played so large a role in determining what legislation would be considered, or when, or how it would be voted upon.

Take the issue of health care. Faced only with the alternatives of the massive bureaucracy and government regulation proposed by the Clinton administration, on the one hand, and the determination of some in my own caucus to do nothing, on the other, we accomplished nothing. That failure was almost entirely a failure of process—begun by the administration, which excluded congressional Republicans from the formulation of its health care proposals; and compounded by some in the Republican caucus who decided that it was more important to deny the President whatever credit there might be in a good health care bill than to address the problems of those Americans who lacked coverage, or were not getting care. The enormous miscalculation of the Democratic congressional leadership in refusing even to bring up health care until late August, when they thought the coercive power of a summer recess would let them force a bad bill through, was the final nail in the coffin.

Had we gone about our work differently, we could have had a good health care bill in the last Congress—a bill that solved the problems of portability, of pre-existing conditions and other impediments to health insurance access, while at the same time maintaining the private market and patient-physician choice system that has given the best health care in the world to 86% of Americans. What we needed, but did not have, was an open process of bipartisan consideration and debate, where the needs of working Americans were considered ahead of tactical maneuverings for the next election.

For my part, I have been pushing for wise health care reform since my first term in the Senate, when I sponsored the "Health Care Cost Containment Act" of 1983. In the 102d and 103d congressional sessions, I made repeated attempts to bring the health care issue to the floor in a setting where the issue could receive full and fair consideration. My attempts were, unfortunately, blocked by the Democratic leadership. What we got, instead, were partisan efforts to pass the so-called Clinton and Mitchell health care bills—bills drafted without Republican participation, and bills which relied on massive federal bureaucracy rather than free market forces to produce health care reform.

Regrettably, the very process of health care reform turned the issue into a matter of partisanship. The Administration's health care task force met in secret, illegally as it turns out, and made no effort to reach out to Republican Senators with a demonstrated commitment to health care reform to create a broad base of Congressional support that crossed party lines. Similarly, the Democratic leadership in both houses made no effort to build bipartisan support, believing instead that they could pass a bill by legislative hardball.

The result, not surprisingly, was a bad bill—a bill based on more Big Government and social engineering; a bill that undercut the longstanding determination we've had that health care choices should be made by patients and their physicians and not faceless bureaucrats; a bill that in the name of reform threatened to raise premiums and reduce choice for working Americans; a bill that, once it was understood, had no chance of passage.

The result of this partisan hubris, unfortunately, was also to preclude those Republicans and Democrats who were interested in forging a compromise on health care from having the opportunity to do so. The American people would have welcomed a health care reform package that relied on market mechanisms to expand coverage and control costs, but the social engineers of the Democratic left demanded a bill that put America's whole health care system under the thumb of more than 150 federal agencies, while the naysayers of the Republican right were only too happy to use the Democrats' excess as an excuse to do nothing.

The 103d Congress is likely to be remembered more than anything else as the Congress of gridlock—and not just for its failure to enact health care reform. Senators of both parties were more willing than ever to invoke pointless procedural rules, like requiring bills to be read in full, to keep the Senate in session nearly all night and to delay adjournments. The results were short tempers and frayed nerves—and an erosion of some of the sense of collegiality that ought to have allowed us to cross boundaries of partisanship and ideology in search of compromise and in service of the people's best interests.

Obstructionism found its practitioners on both sides of the aisle; it was the delaying tactics of a Democratic chairman that forced us to return for a special post-election session to take up the GATT issue. The inability of Democrats in the Senate to reach agreement with their own colleagues in the House prevented campaign finance reform from coming to the Senate floor until the final days of session, when it had no chance for passage.

The record of the 103d Congress is one we would do well not to replicate.

THE 104TH CONGRESS: A NEW SPIRIT OF BIPARTISANSHIP?

Fiorello La Guardia, a great Republican Mayor of New York, once observed that "There is no Democratic or Republican way of cleaning the streets." La Guardia did not mean that there were not differences, longstanding and important, between the two major American parties, but rather that sometimes those differences need to be overcome in doing the work of governing. I agree, and I share Woodrow Wilson's wish, expressed while he was a candidate for President, that "party battles could be fought with less personal passion and more passion for the common good." I urge in the strongest terms that the spirit of putting the common good ahead of party advantage be the spirit of the 104th Congress.

In a spirit of accommodation, I urge my colleagues across the aisle to recognize in the results of the last election the people's rejection of high taxes, big government and bureaucracy—and the people's rejection of an entrenched and tired Congressional leadership. But in that same spirit, I urge my colleagues on this side of the aisle not to misread the results of the last election as a mandate for uncaring or do nothing government, or a government that turns its back on people's problems—because if we do, our majorities will be short lived.

I urge all my colleagues in this body, and those in the House, to hear in the election just past the voice of the American people calling on us to leave behind partisanship, to end gridlock, to stop wrangling for tactical advantage, and instead to forge a new spirit of compromise and cooperation that will enable the 104th to be remembered as a Congress of accomplishment.

Sometimes, as one of the giants of this body, Scoop Jackson, observed, "[t]he best politics is no politics."

A spirit of bipartisanship that in critical moments puts the national interest above party has always been part of the American grain. In his Farewell Address, Washington warned that "[t]he alternate domination of one faction over another, sharpened by the spirit of revenge natural of party dissension * * * is itself a frightful despotism." At the close of his life, Jefferson wrote that a democratic government, like ours, demands

> much compromise of opinion; that things even salutary should not be crammed down the throats of dissenting brethren * * * and that a great deal of indulgence is necessary to strengthen habits of harmony and fraternity.

In more recent years, a great American who was to be elected President as a Democrat, John F. Kennedy, spoke out while a Senator to remind us "not [to] seek the Republican answer or the Democratic answer, but the right answer." Another great American who was to be elected President as a Republican, Dwight Eisenhower, said that "[t]o define democracy in one word, we must use the word 'cooperation.'"

Even in the bitter 103d Congress, we did have moments where we could lay partisanship aside and cooperate in seeking "right answers" for the American people. I have already mentioned NAFTA and GATT. President Clinton had the full backing of Congressional Republicans for his prompt response to last fall's provocative Iraqi troop movements, just as many Democrats had supported President Bush's liberation of Kuwait. So we know that today legislative bipartisanship is not an impossibility.

I respectfully suggest to my colleagues that bipartisanship and cooperation are now not only possibilities, they are imperatives. In the last Congress, we too often did our legislative business with our eyes fixed on the electoral calendar, more concerned with polls and "spin" and "fallout"—with getting credit and placing blame—than with meeting the needs of the nation. The voters responded by repudiating the Congressional majority with unprecedented unanimity. So if the 104th Congress does no better, we should not be surprised if the people render the same verdict on its new Congressional majority.

As World War I ended, and controversy swirled over whether America would continue to play a role in maintaining a peaceful world, President Wilson asked Americans "What difference does party make when mankind is involved?" Today, when our schools do not educate; when violent crime spreads from city to suburb to rural America; when a sixth of our population cannot get health insurance; when teen pregnancy rates soar and our welfare system works more as a trap of dependency than a door to opportunity; when our cities decay as jobs flee and their tax bases erode; when our prosperity at home and our competitiveness abroad are held back by a government that overspends, overtaxes and overregulates—Today, we ought to ask what difference does party make when the future of the Nation is at stake?

America's needs are real enough. Let us spend these 2 years addressing them without rancor or bitterness, looking on both sides of the aisles for honest answers and constructive solutions. Let us not waste time worrying about who will get the "credit" for our successes, because in that divisive struggle lies the certainty that we will all be held accountable for our failures.

A FRAMEWORK FOR MEETING THE NEEDS OF THE NATION

I believe that the congressional session we begin today has the potential for historic greatness. The work that the Republican leaders in both houses have already done, to reduce the size of congressional staffs and budgets and to open up the legislative process, represents an excellent beginning. The fact that even before our session has begun, the President and congressional leaders are engaged in a dialog over how best to cut spending and provide tax relief to middle class Americans is a welcome sign.

The prospects are excellent in the coming Congress for real health care reform targeted at problems and not at supplanting the system; for welfare reform to end dependency and reduce irresponsible teen pregnancy; for measures to lower the deficit and cut federal spending, including a balanced budget amendment to the Constitution; for tax reforms that provide relief to working Americans while promoting growth and prosperity; and for a key step in the fight against violent crime by ending the absurd federal court delays in carrying out death sentences.

The prospects for these accomplishments, and more, are there. But to attain them, we must avoid the pitfalls of the last Congress. We must, as I have said, legislate responsibility and without concern for political advantage. We must resist intransigence, recognizing as another future Republican President, Gerald Ford, told Congress in his vice-presidential confirmation hearings, that "[c]ompromise is the oil that makes governments go."

We must also be careful not to misread the electoral mandate. For my part, I am convinced that the last election was a message for smaller government, but not uncaring government; for lower taxes, but not an end to government's efforts to help the disadvantaged, improve access to health care, reform our educational system and fight crime. I believe that we will respond best to what the people want if we look to find ways to meet the needs of the nation not with government programs and bureaucracies, but by engaging the most basic engine of our prosperity and growth, the free enterprise system, in bettering the lives of all Americans.

For my part, I am also convinced that the last election was most emphatically not a mandate for Congress to enmesh itself in legislating a divisive social agenda. We should not let issues like school prayer or choice on abortion, on which Americans of both parties are divided, divert us from what we can accomplish.

In the last Congress, I supported legislative initiatives to make federal education monies available for experiments in the private management of public schools; to provide assistance to distressed urban areas without new taxes, new spending or new government programs under a New Urban Agenda; and to improve health care, increase access and contain costs through market reforms and narrowly targeted solutions to specific problems. These legislative proposals shared a common framework as federal responses to critical national needs in which the free market, rather than more big government, is the central instrument of help.

This framework, I believe, can be the basis for a bipartisan effort in the new Congress as many Democrats, now free to shed the outmoded ideas of big-government liberalism, join with constructive Republicans who recognize that even as we lower taxes, cut spending and reduce government, there remains a vital role for a Federal Government that meets its citizens needs.

It is my intention in the coming weeks to offer my own legislative program consistent with these principles:

I will offer a revised comprehensive health care bill to solve targeted problems by an incremental process of trial and modification, which respects the free enterprise system and preserves patient-physician choice.

I will offer a revised Urban Agenda bill, aimed at directing existing federal spending into cities, reviving the historic tax credit, and otherwise promoting urban revitalization and job creation without new federal outlays, programs or taxes.

I will offer legislation to further charter schools and the private management concept, in an effort to use market competition, and not bureaucrats, to spearhead a drive for educational excellence—while at the same time preserving and strengthening our public school systems.

I will offer legislation to make our tax code more growth oriented, including capital gains tax relief to encourage investment, expanded IRA deductions to provide for educational and medical expenses, and reinitiation of selected tax credits, such as those for research and development, to promote business expansion and job creation.

In combatting the nation's number one domestic issue I will offer legislation to end the absurd federal court delays in carrying out the death sentences handed down in State courts, which will help reinvigorate the deterrent aspect of our criminal law.

I will press my Judiciary Committee Resolution to urge Presidential use of the line-item veto under existing constitutional law.

And in my role as Chairman of the Senate Intelligence Committee, I will offer legislation to restructure our intelligence agencies and make the CIA more open to public scrutiny and more responsive to our national needs in the post-cold war world.

For my part, I look forward to constructive work with all my colleagues in this Chamber and this Congress. The extraordinary election that has brought us here has focused extraordinary attention upon us. I believe that if we are big enough to lay partisanship aside, to identify the issues honestly and work constructively to seek solutions that are neither Republican nor Democratic but right, this can be a Congress of extraordinary accomplishment.

Mr. President, I have sought recognition to introduce legislation that will deal with the plight of our Nation's cities and Washington's increasing neglect of them. We have an opportunity to correct that and this legislation, which I introduced in the 103d Congress along with my distinguished colleague, Senator CAROL MOSELEY-BRAUN, is an effort to give our cities some much needed attention and to do so without massive infusions of cash.

If we are to really address the very serious issues that we face—jobs, teenage pregnancy, welfare reform, and other pressing issues—we cannot give up on our cities. There must be new strategies for dealing with the problems of urban America.

The days of "Great Society" federal-aid type programs are clearly past, but that is no excuse for the national government to turn a blind eye to the problem of the cities. The recent November elections reaffirm the basic principle of limited government. Limited government, however, does not mean an uncaring or do-nothing government.

Urban areas remain integral to America's greatness, as centers of commerce, industry, education, health care, and culture. Yet urban areas, particularly the inner cities which tend to have a disproportionate share of our Nation's neediest and most disadvantaged, also have special needs which must be recognized. We must develop ways of aiding our cities that do not require either new taxes or more government bureaucracy.

I commend the Mayor of Philadelphia, Edward Rendell, for his efforts to revitalize America's cities. Collaborating with the Conference of Mayors and the National League of Cities, he proposed last year a "New Urban Agenda." Much of that proposal is the basis of this legislation.

As a Philadelphia resident, I have firsthand knowledge of the growing problems that plague our cities. I have long supported a variety of programs to assist our cities such as funding for community development block grants and legislation to establish enterprise and empowerment zones. To encourage similar efforts, in April 1994 I took the opportunity to host my Senate Republican colleagues on a visit to explore urban problems in my hometown. We talked with people who want to obtain work, but have found few opportunities. We saw a crumbling infrastructure and its impact on residents and businesses. We were reminded of the devastating effect that the loss of inner city businesses and jobs has had on our neighborhoods in America's cities.

What my Republican colleagues saw then in Philadelphia was the rule across our country and not the exception. There are many who do not know of city life, who are far removed from the cities and would not be expected to have any kept interest in what goes on in the big cities of America.

I cite my own boyhood experience illustratively: Born in Wichita, KS, raised in Russell, a small town of 5,000 people on the plains of Kansas, where there is not much knowledge of what goes on in Philadelphia, PA, my home, or other big cities like Los Angeles, San Francisco, New York, Miami, Pittsburgh, Dallas, Detroit, or Chicago.

Those big cities are alien to people in much of America. But there is a growing understanding that the small towns are very much affected by the problems of the big cities.

What are the problems? Crime for one. Take the Bloods and the Crips gangs from Los Angeles, CA, and similar gangs; they are all over America. They are in Lancaster, PA, in Des Moines, IA, Portland, OR, Jackson, MS, Racine, WI, and Martinsburg, WV. They are literally everywhere, big city and small city alike.

In addition, according to the National League of Cities 1992 report, "State of America's Cities," 397 randomly selected municipal leaders said that after overall economic conditions, crime, and drugs were the second and third items that had caused their cities to deteriorate the most in the prior 5 years. In Atlanta, the number of crimes per 100,000 people was 18,953, making it number one in 1991. We have all heard of that unenviable moniker for our Nation's Capital—the "murder capital." And from an employer's perspective, Mr. Scott Zelov, president of VIZ Manufacturing located in the Germantown section of Philadelphia, told my staff that his workers can't even walk to work in safety anymore.

Joblessness and a less skilled work force is another problem. At the end of the 103d Congress, I asked my staff to meet with various urban leaders and business people during the recess in order to help us understand and develop ideas to meet the needs of urban America. One of the most important issues that business people—minority and nonminority alike—told my staff about was the need for greater incentives to help people work and find jobs to meet their skills.

I have introduced legislation in the last two Congresses to provide targeted tax incentives for investing in small minority- or women-owned businesses. Small businesses provide the bulk of the jobs in this country. Many minority entrepreneurs, for instance, have told me and my staff that they are dedicated to staying in the cities to employ people there, but continue to confront capital access issues. My "Minority and Women Capital Formation Act" would help remove the capital access barriers thereby facilitating the ability of these entrepreneurs to grow their businesses and employee base.

Municipal leaders are stressing many of the same concerns that business people are voicing. In a July 1994 National League of Cities report dealing with poverty and economic development, municipal leaders ranked inadequate skills and education of workers as one of the top three reasons, in addition to shortage of jobs and below-poverty wages, for poverty and joblessness in their cities. They said, according to the survey, that more jobs must be created through local economic development initiatives.

This "skills deficit" is highlighted in an urban revitalization plan prepared in 1991 by the National Urban League called Playing to Win: A Marshall Plan for America's Cities. The report cites a statistic by the Commission on Achieving Necessary Skills which showed that 60 percent of all 21- to 25-year-olds lack the basic reading and writing skills needed for the modern workplace, and only 10 percent of those in that age group have enough mathematical competence for today's jobs.

The economic problems our cities are facing are not easy to deal with or answer. In a report by the National League of Cities entitled "City Fiscal Conditions in 1994," municipal officials from 551 cities answered questions on the economic state of their cities. For instance, 17.4 percent reported that they expect their 1994 expenditures to exceed 1994 revenues. Seventy percent had to raise taxes or user fees during the past 12 months. Just over half of these cities, 54.4 percent, said they were better able to meet their cities' financial needs in 1994 as compared to 1993.

These numbers are of concern to me and I believe they highlight the need for Federal legislation to enhance the ability of cities to achieve competitive economic status. An added concern is that city managers are forced to balance cuts in services or enact higher taxes. Neither choice is easy and it often counteracts municipal efforts to retain residents or businesses.

One issue, in particular, that is hurting many cities is the erosion of their respective tax base, evidenced particularly by middle-class flight to the suburbs. Mr. Ronald Walters, professor of political science at Howard University, in testimony before the Senate Banking Committee in April 1993, stated that in 1950, 23 percent of the American population lived outside central cities; by 1988, that number was up to 46 percent.

In an October 9, 1994, article in the Washington Post magazine, David Finkel profiled ward 7 of Washington, DC, and wrote that ward 7 lost 13,000 residents between 1980 and 1990 alone. He noted further that the population decline in Washington, DC, has averaged 10,000 people a year since 1990. These losses are devastating, not only to the financial stability of the city, but to the social fabric as well.

On the financial side, statistics show that these people were earning an average of $30,000 to $75,000 a year. On the social side, roughly half of these are African-American middle-class families. By losing this critical demographic group, the city loses much of what makes it strong.

Eroding tax bases are also evidenced by job flight and job loss. Professor Walters testified that Chicago lost 47 percent of its manufacturing jobs between 1972 and 1982. Los Angeles lost 327,000 jobs, half of which were in the manufacturing sector. More recently, according to census data, New York City had only 11.4 percent of its population employed in manufacturing. According to Stephen Moore and Dean Stansel in a March 1994 USA Today magazine article, since the 1970's more than 50 Fortune 500 company headquarters have fled New York City, representing a loss of over 500,000 jobs.

Pittsburgh, according to the same data, had only 8.5 percent of its population in manufacturing jobs. I received a letter dated October 31, 1994, from Pittsburgh City Councilman Bob O'Connor in response to a letter I sent him on October 5 regarding legislative issues in the 104th Congress. In his response, Councilman O'Connor simply says: "we need jobs, jobs, jobs!" I ask unanimous consent that a copy of Councilman O'Connor's letter be printed in the RECORD at the end of my statement.

It is clear that the social fabric of our cities is also deteriorating. The issues of infant mortality and single-parent families are tragic problems that plague American urban areas. According to 1990 census data, Washington, DC, ranked first out of 77 cities for infant death rates per 1,000 live births in 1988. Detroit led the same number of cities in the percentage of one-parent households in 1990 at 53 percent.

When I traveled to Pittsburgh in 1984, I saw 1-pound babies for the first time and I learned that Pittsburgh had the highest infant mortality rate of African-American babies of any city in the United States. It is a human tragedy for a child to be born weighing 16 ounces with attendant problems that last a lifetime. I wondered, how could that be true of Pittsburgh, which has such enormous medical resources. It was an amazing thing for me to see a 1-pound baby, about as big as my hand. Indeed, our cities are desperate, and the issues are heavy.

Historically, cities have been the center of commerce and culture. Surrounding communities have relied on a thriving, growing economy in our metropolitan areas to provide jobs and opportunities. As I have noted though, over the past several decades, America's cities have struggled with the loss or exodus of residents, businesses and industry and other problems. The resulting tax base shrinkage causes enormous budget problems for city governments. Across the country, cities such as New York, Los Angeles, and the District of Columbia have experienced the flight of major industries to the suburbs.

As a result, city residents who remain are faced with problems ranging from increased tax burdens and lesser services therefor to dwindling economic opportunities leading to welfare dependence and unemployment assistance. In the face of all this, what do we do?

The Federal Government has attempted to revitalize our ailing urban infrastructure by providing Federal funding for transit and sewer systems, roads and bridges. I have supported this. For example, I have been a strong supporter of public transit which provides critically needed transportation services in urban areas. Transit helps cities meet clean air standards, reduce traffic congestion, and allows disadvantaged persons access to jobs. Federal assistance for urban areas, however, has become increasingly scarce as we grapple with the Nation's deficit and debt. Therefore, we must find alternatives to reinvigorate our Nation's cities so they can once again be economically productive areas providing promising opportunities for residents and neighboring areas.

I believe there are ways Congress can assist the cities. Mayor Rendell has come up with this legislative package which contains many good ideas.

First, recognizing that the Federal Government is the Nation's largest purchaser of goods and services, this legislation would require that no less than 15 percent of Federal Government purchases be made from businesses and industries within designated urban empowerment zones and enterprise communities. Similarly, it would require that not less than 15 percent of foreign aid funds be redeemed through purchases of products manufactured in urban empowerment zones and enterprise communities. I presented this idea to then-Treasury Secretary Bentsen at a March 22, 1994, hearing of the Appropriations Subcommittee on Foreign Operations. The Secretary responded favorably.

I have also written to several mayors across the country regarding this concept. By letter dated July 28, 1994, Miami Mayor Stephen P. Clark responded: "Miami's selection as a procurement center for foreign aid would be a natural complement to our status as the Business Capital of the Americas." Miami has a wide range of businesses, such as high-technology firms and medical equipment manufacturers that would benefit from this provision.

And by letter dated April 6, 1994, Harrisburg, Pennsylvania Mayor Stephen R. Reed wrote:

> Many of our existing businesses would no doubt seize upon the opportunity to broaden their market by engaging in export activity triggered by foreign aid vouchers * * *. Therefore, in brief, we believe the voucher proposal has considerable merit and that this city would benefit from the same.

I ask unanimous consent that a copy of my letter and the letters from Mayor Clark and Mayor Reed be included in the RECORD at the end of my statement.

To further enhance job opportunities within our urban centers, this legislation contains Mayor Rendell's recommendation that the manufacturing extension centers be located in the urban zones. These proposals do not require new expenditures of Federal funds. Instead, these proposals would require that a minimum amount of existing government procurement and foreign aid moneys be used to spur economic activity within urban areas.

The second major provision of this bill would commit the Federal Government to play an active role in restoring the economic health of our cities by encouraging the location, or relocation, of Federal facilities in urban areas. To accomplish this, all Federal agencies would be required to prepare and submit to the President an urban impact statement detailing the impact that relocation or downsizing decisions would have on the affected city. Presidential approval would be required to place a Federal facility outside an urban area, or to downsize a city-based agency.

The third critical component of this bill would revive and expand Federal tax incentives that were eliminated or restricted in the Tax Reform Act of 1986. These provisions offer meaningful incentives to business to invest in our cities. I am calling for the restoration of the Historic Rehabilitation Tax Credit which supports inner city revitalization projects.

According to information provided by Mayor Rendell, there were 8,640 construction jobs involved in 356 projects in Philadelphia from 1978 to 1985 stimulated by the historic rehabilitation tax credit. In Chicago, 302 projects prior to 1985 generated $524 million in investment and created 20,695 jobs. In St. Louis, 849 projects generated $653 million in investment and created 27,735 jobs.

Nationally, according to National Park Service estimates for the 16 years before the 1986 Act, the historic rehabilitation tax credit stimulated $16 billion in private investment for the rehabilitation of 24,656 buildings and the creation of 125,306 homes which included 23,377 low- and moderate-income housing units. The 1986 Tax Act dramatically reduced the pool of private investment capital available for rehabilitation projects. In Philadelphia, projects dropped from 356 to 11 by 1988 from 1985 levels. During the same period, investments dropped 46 percent in Illinois and 92 percent in St. Louis.

Another tool is to expand the authorization of commercial industrial development bonds. Under the Tax Reform Act of 1986, authorization for commercial industrial bonds was permitted to expire. Consequently, private investment in cities declined. For instance, according to Mayor Rendell, from 1986 (the last year commercial development bonds were permitted) to 1987, the total number of city-supported projects in Philadelphia was reduced by more than half.

Industrial development or private activity bonds encourage private investment by allowing, under certain circumstances, tax-exempt status for projects where more than 10 percent of the bond proceeds are used for private business purposes. The availability of tax-exempt commercial industrial development bonds will encourage private investment in cities, particularly the construction of sports, convention, and trade show facilities; free standing parking facilities owned and operated by the private sector, and industrial parks.

The bill I am introducing would allow this. It would also increase the small issue exemption—which means a way to help finance private activity in the building of manufacturing facilities—from $10 million to $50 million to allow increased private investment in our cities.

A minor change in the Federal Tax Code related to arbitrage rebates on municipal bond interest earnings could also free additional capital for infrastructure and economic development by cities. Currently, municipalities are required to rebate to the Federal Government any arbitrage—a fancy financial term meaning interest earned in excess of interest paid on the debt—earned from the issuance of tax-free municipal bonds. I am informed that compliance, or the cost for consultants to perform the complicated rebate calculations, is actually costing municipalities more than the actual rebate owed to the government. This bill would allow cities to keep the arbitrage earned so that they can use it to fund city projects and for other necessary purposes.

A fourth provision of this legislation provides needed reforms to regulations concerning affordable housing. This legislation provides language to study streamlining Federal housing program assistance to urban areas into "block grant" form so that municipal agencies can better serve local residents. The bill would improve the circumstances of public housing tenants by encouraging the location of newly built units on the lots of demolished older housing and allowing the original residents to move into the new units. This provision will contribute to community stability and promote urban renewal.

Last, the development of urban areas can be accelerated by easing certain environmental restrictions on urban land known as "brown fields." My legislation provides a "governmental exception" which will encourage the redevelopment of contaminated industrial sites by cities without assuming liability as "potentially responsible parties" under Superfund laws. While the cities would not be added as liable parties, liability would remain with others responsible under existing law. Increasingly, certain parcels of urban land that pose a very low environmental threat are left unused. If proper remediation occurs, they would be reused. This measure also contains a provision for a pilot powerplant designed to burn solid waste and create inexpensive energy for energy intensive industries. Such a plant will create jobs and help provide a solution for cities to deal with their treatment of waste.

In the previous Congress, the New Urban Agenda Act, S. 2535, contained a section that would eliminate unfunded Federal mandates. I was a cosponsor of legislation in the 103d Congress, S. 993, introduced by my distinguished colleague from Idaho, Senator KEMPTHORNE, that would eliminate unfunded Federal mandates. The language of S. 993 was written into this legislation when I introduced it in the 103d Congress. I have chosen to omit that provision from this bill because we will soon vote on free-standing unfunded Federal mandates legislation in this Congress.

However, I want to mention some facts regarding how cities are adversely affected by unfunded mandates and how important it is that we enact such legislation promptly. In Senator KEMPTHORNE's home State of Idaho, the city of Boise had to cover over $3 million for eight mandates in fiscal year 1993, according to a report done by the accounting firm of Price Waterhouse for the U.S. Conference of Mayors. I am informed that six Pennsylvania cities—Allentown, Altoona, Philadelphia, Pittsburgh, Wilkes-Barre, and York—faced 10 unfunded Federal mandates that cost them a collective total of $17 million for fiscal year 1993.

All over the country the story is the same. In California, 54 cities had to cover a grand total $948.3 million in unfunded Federal mandates, with Los Angeles paying almost $582 million, according to the report done for the Conference of Mayors. In Texas, 27 cities had to cover $316 million in unfunded mandates, with Houston covering $154 million. New York had nine cities working to find $517 million and New York City was $475 million of that total. Illinois, in fiscal year 1993, had 22 cities facing a total of $88 million, with Chicago comprising $70 million of that number.

Cities are facing incredible financial burdens from unfunded Federal mandates and must reallocate resources accordingly. Atlanta had to pay for nine unfunded Federal mandates—totaling almost $50 million—taking much needed funds from infrastructure projects, an overburdened criminal justice system, and housing programs. Phoenix has had to raise consumer's sewage and water rates to cover $36 million in unfunded Federal mandates, along with curtailing almost all of the city's service departments. The release from Federal mandates would allow Houston to allocate $154 million more for the maintenance of city property and public safety. The U.S. Conference of Mayors report presents similar facts on 314 cities. In addition, the National League of Cities report on city fiscal conditions in 1994 claims that unfunded Federal mandates was the second most important factor as a negative impact on city budgets. It is critical that as legislators we financially back the laws we write, or otherwise provide the appropriate assistance so that municipalities can comply.

Mr. President, it may well be that America has given up on its cities. That is a stark statement, but it is one which I believe may be true—that America has given up on its cities. But this Senator has not done so. And I believe there are others in this body on both sides of the aisle who have not done so.

As one of a handful of U.S. Senators who lives in a big city, I have seen firsthand both the problems and the promise of urban America. This legislation for our cities is good public policy. The plight of our cities must be of extreme concern to America. We can ill-afford for them to wither and die. I am committed to a new urban agenda that relies on market forces, and not welfare-statism, for urban revitalization. I invite the input and assistance of my colleagues in order to fashion a strong approach assisting the cities with their pressing problems.

I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 17

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New Urban Agenda Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—FEDERAL COMMITMENT TO URBAN ECONOMIC DEVELOPMENT

Sec. 101. Federal purchases from businesses in empowerment zones, enterprise communities, and enterprise zones.
Sec. 102. Minimum allocation of foreign assistance for purchase of certain United States goods.
Sec. 103. Preference for location of manufacturing outreach centers in urban areas.
Sec. 104. Preference for construction and improvement of Federal facilities in distressed urban areas.
Sec. 105. Definitions.

TITLE II—TAX INCENTIVES TO STIMULATE URBAN ECONOMIC DEVELOPMENT.

Sec. 201. Treatment of rehabilitation credit under passive activity limitations.
Sec. 202. Rehabilitation credit allowed to offset portion of alternative minimum tax.
Sec. 203. Commercial industrial development bonds.
Sec. 204. Increase in amount of qualified small issue bonds permitted for facilities to be used by related principal users.
Sec. 205. Simplification of arbitrage interest rebate waiver.

TITLE III—COMMUNITY-BASED HOUSING DEVELOPMENT

Sec. 301. Block grant study.
Sec. 302. Demolition and disposition of public housing.

TITLE IV—RESPONSE TO URBAN ENVIRONMENTAL CHALLENGES

Subtitle A—Environmental Cleanup

Sec. 401. Exemption from liability for local governments that are owners or operators of facilities in distressed urban areas.
Sec. 402. Standards for remediation in distressed urban areas.

Subtitle B—Environmental-Economic Recovery

Sec. 411. Findings.
Sec. 412. Definitions.
Sec. 413. Loan authority.
Sec. 414. Facility.
Sec. 415. Reinvestment of savings.
Sec. 416. Report to Congress.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) cities in the United States have been facing an economic downhill trend in the past several years; and

(2) a new approach to help such cities prosper is necessary.

(b) PURPOSES.—It is the purpose of this Act to—

(1) provide various incentives for the economic growth of cities in the United States;

(2) provide an economic agenda designed to reverse current urban economic trends; and

(3) revitalize the jobs and tax base of such cities without significant new Federal outlays.

TITLE I—FEDERAL COMMITMENT TO URBAN ECONOMIC DEVELOPMENT

SEC. 101. FEDERAL PURCHASES FROM BUSINESSES IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND ENTERPRISE ZONES.

(a) REQUIREMENTS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"PURCHASES FROM BUSINESSES IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND ENTERPRISE ZONES

"SEC. 29. (a) MINIMUM PURCHASE REQUIREMENT.—Not less than 15 percent of the total amount expended by executive agencies for the purchase of goods in a fiscal year shall be expended for the purchase of goods from businesses located in empowerment zones, enterprise communities, or enterprise zones.

"(b) RECYCLED PRODUCTS.—To the maximum extent practicable consistent with applicable law, the head of an executive agency shall purchase recycled products that meet the needs of the executive agency from businesses located in empowerment zones, enterprise communities, or enterprise zones.

"(c) REGULATIONS.—The Federal Acquisition Regulations shall include provisions that ensure the attainment of the minimum purchase requirement set out in subsection (a).

"(d) DEFINITIONS.—In this section:

"(1) The term 'empowerment zone' means a zone designated as an empowerment zone pursuant to subchapter U of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 1391 et seq.).

"(2) The term 'enterprise community' means a community designated as an enterprise community pursuant to subchapter U of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 1391 et seq.).

"(3) The term 'enterprise zone' has the meaning given such term in section 701(a)(1) of the Housing and Community Development Act of 1987 (42 U.S.C. 11501(a)(1)).".

(b) Effective Date.—Section 29 of the Office of Federal Procurement Policy Act, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 1995.

SEC. 102. MINIMUM ALLOCATION OF FOREIGN ASSISTANCE FOR PURCHASE OF CERTAIN UNITED STATES GOODS.

(a) Allocation of Assistance.—Notwithstanding any other provision of law, effective beginning with fiscal year 1996, not less than 15 percent of United States assistance provided in a fiscal year shall be provided in the form of credits which may only be used for the purchase of United States goods produced, manufactured, or assembled in empowerment zones, enterprise communities, or enterprise zones within the United States.

(b) United States Assistance.—As used in this section, the term "United States assistance" means—

(1) any assistance under the Foreign Assistance Act of 1961;

(2) sales, or financing of sales under the Arms Export Control Act; and

(3) assistance and other activities under the Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179, as amended).

SEC. 103. PREFERENCE FOR LOCATION OF MANUFACTURING OUTREACH CENTERS IN URBAN AREAS.

(a) Designation.—In designating an organization as a manufacturing outreach center under paragraph (1) of section 304(c) of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary of Commerce shall, to the maximum extent practicable, designate organizations that are located in empowerment zones, enterprise communities, or enterprise zones.

(b) Financial Assistance.—In utilizing a competitive, merit-based review process to determine the manufacturing outreach centers to which to provide financial assistance under paragraph (3) of such section, the Secretary shall give such additional preference to centers located in empowerment zones, enterprise communities, and enterprise zones as the Secretary determines appropriate in order to ensure the continuing existence of such centers in such zones.

SEC. 104. PREFERENCE FOR CONSTRUCTION AND IMPROVEMENT OF FEDERAL FACILITIES IN DISTRESSED URBAN AREAS.

(a) Preference.—Notwithstanding any other provision of law, in determining the location for the construction of a new facility of a department or agency of the Federal Government, in determining to improve an existing facility (including an improvement in lieu of such construction), or in determining the location to which to relocate functions of a department or agency, the head of the department or agency making the determination shall take affirmative action to construct or improve the facility, or to relocate the functions, in a distressed urban area.

(b) Urban Impact Statement.—A determination to construct a new facility of a department or agency of the Federal Government, to improve an existing facility, or to relocate the functions of a department or agency may not be made until the head of the department or agency making the determination prepares and submits to the President a report that—

(1) in the case of a facility to be constructed—

(A) identifies at least one distressed urban area that is an appropriate location for the facility;

(B) describes the costs and benefits arising from the construction and utilization of the facility in the area, including the effects of such construction and utilization on the rate of unemployment in the area; and

(C) describes the effect on the economy of the area of the closure or consolidation, if any, of Federal facilities located in the area during the 10-year period ending on the date of the report, including the total number of Federal and non-Federal employment positions terminated in the area as a result of such closure or consolidation;

(2) in the case of a facility to be improved that is not located in a distressed urban area—

(A) identifies at least one facility located in a distressed urban area that would serve as an appropriate alternative location for the facility;

(B) describes the costs and benefits arising from the improvement and utilization of the facility located in such area as an alternative location for the facility to be improved, including the effect of the improvement and utilization of the facility so located on the rate of unemployment in such area; and

(C) describes the effect on the economy of such area of the closure or consolidation, if any, of Federal facilities located in such area during the 10-year period ending on the date of the report, including the total number of Federal and non-Federal employment positions terminated in such area as a result of such closure or consolidation;

(3) in the case of a facility to be improved that is located in a distressed urban area—

(A) describes the costs and benefits arising from the improvement and continuing utilization of the facility in the area, including the effect of such improvement and continuing utilization on the rate of unemployment in the area; and

(B) describes the effect on the economy of the area of the closure or consolidation, if any, of Federal facilities located in the area during the 10-year period ending on the date of the report, including the total number of Federal and non-Federal employment positions terminated in the area as a result of such closure or consolidation; or

(4) in the case of a relocation of functions—

(A) identifies at least one distressed urban area that would serve as an appropriate location for the carrying out of the functions;

(B) describes the costs and benefits arising from carrying out the functions in the area, including the effect of carrying out the functions on the rate of unemployment in the area; and

(C) describes the effect on the economy of the area of the closure or consolidation, if any, of Federal facilities located in the area during the 10-year period ending on the date of the report, including the total number of Federal and non-Federal employment positions terminated in the area as a result of such closure or consolidation.

(c) Applicability to Department of Defense Facilities.—The requirements set forth in subsections (a) and (b) shall apply to a determination to construct or improve any facility of the Department of Defense, or to relocate any functions of the Department, unless the President determines that the waiver of the application of such requirements to the facility, or to such relocation, is in the national interest.

(d) Definition.—In this section, the term "distressed urban area" means any city having a population of more than 100,000 that meets (as determined by the Secretary of Housing and Urban Development) the qualifications for a distressed community that are otherwise established for large cities and urban counties under section 570.452(c) of title 24, Code of Federal Regulations.

SEC. 105. DEFINITIONS.

As used in this title:

(1) The term "empowerment zone" means a zone designated as an empowerment zone pursuant to subchapter U of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 1391 et seq.).

(2) The term "enterprise community" means a community designated as an enterprise community pursuant to subchapter U of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 1391 et seq.).

(3) The term "enterprise zone" has the meaning given such term in section 701(a)(1) of the Housing and Community Development Act of 1987 (42 U.S.C. 11501(a)(1)).

TITLE II—TAX INCENTIVES TO STIMULATE URBAN ECONOMIC DEVELOPMENT.

SEC. 201. TREATMENT OF REHABILITATION CREDIT UNDER PASSIVE ACTIVITY LIMITATIONS.

(a) General Rule.—Paragraphs (2) and (3) of section 469(i) of the Internal Revenue Code of 1986 (relating to $25,000 offset for rental real estate activities) are amended to read as follows:

"(2) Dollar limitations.—

"(A) In general.—Except as otherwise provided in this paragraph, the aggregate amount to which paragraph (1) applies for any taxable year shall not exceed $25,000 reduced (but not below zero) by 50 percent of the amount (if any) by which the adjusted gross income of the taxpayer for the taxable year exceeds $100,000.

"(B) Phaseout not applicable to low-income housing credit.—In the case of the portion of the passive activity credit for any taxable year which is attributable to any credit determined under section 42—

"(i) subparagraph (A) shall not apply, and

"(ii) paragraph (1) shall not apply to the extent that the deduction equivalent of such portion exceeds—

"(I) $25,000, reduced by

"(II) the aggregate amount of the passive activity loss (and the deduction equivalent of any passive activity credit which is not so attributable and is not attributable to the rehabilitation credit determined under section 47) to which paragraph (1) applies after the application of subparagraph (A).

"(C) $55,500 limit for rehabilitation credits.—In the case of the portion of the passive activity credit for any taxable year which is attributable to the rehabilitation credit determined under section 47—

"(i) subparagraph (A) shall not apply, and

"(ii) paragraph (1) shall not apply to the extent that the deduction equivalent of such portion exceeds—

"(I) $55,500, reduced by

"(II) the aggregate amount of the passive activity loss (and the deduction equivalent of any passive activity credit which is not so attributable) to which paragraph (1) applies for the taxable year after the application of subparagraphs (A) and (B).

"(3) Adjusted gross income.—For purposes of paragraph (2)(A), adjusted gross income shall be determined without regard to—

"(A) any amount includable in gross income under section 86,

"(B) any amount excludable from gross income under section 135, "(C) any amount allowable as a deduction under section 219, and

"(D) any passive activity loss.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 469(i)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) REDUCTION FOR SURVIVING SPOUSE'S EXEMPTION.—For purposes of subparagraph (A), the $25,000 amounts under paragraph (2)(A) and (2)(B)(ii) and the $55,500 amount under paragraph (2)(C)(ii) shall each be reduced by the amount of the exemption under paragraph (1) (determined without regard to the reduction contained in paragraph (2)(A)) which is allowable to the surviving spouse of the decedent for the taxable year ending with or within the taxable year of the estate.".

(2) Subparagraph (A) of section 469(i)(5) of such Code is amended by striking clauses (i), (ii), and (iii) and inserting the following:

"(i) '$12,500' for '$25,000' in subparagraphs (A) and (B)(ii) of paragraph (2),

"(ii) '$50,000' for '$100,000' in paragraph (2)(A)", and

"(iii) '$27,750' for '$55,500' in paragraph (2)(C)(ii).".

(3) The subsection heading for subsection (i) of section 469 of such Code is amended by striking "$25,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act, in taxable years ending on or after such date.

SEC. 202. REHABILITATION CREDIT ALLOWED TO OFFSET PORTION OF ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) REHABILITATION INVESTMENT CREDIT MAY OFFSET PORTION OF MINIMUM TAX.—

"(A) IN GENERAL.—In the case of the rehabilitation investment tax credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) the tentative minimum tax under subparagraph (A) thereof shall be reduced by the minimum tax offset amount determined under subparagraph (B) of this paragraph, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the rehabilitation investment tax credit).

"(B) MINIMUM TAX OFFSET AMOUNT.—For purposes of subparagraph (A)(ii)(I), the minimum tax offset amount is an amount equal to—

"(i) in the case of a taxpayer not described in clause (ii), the lesser of—

"(I) 25 percent of the tentative minimum tax for the taxable year, or

"(II) $20,000, or

"(ii) in the case of a C corporation other than a closely held C corporation (as defined in section 469(j)(1)), 5 percent of the tentative minimum tax for the taxable year.

"(C) REHABILITATION INVESTMENT TAX CREDIT.—For purposes of this paragraph, the term 'regular investment tax credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 47.".

(b) CONFORMING AMENDMENT.—Section 38(d) of the Internal Revenue Code of 1986 (relating to components of investment credit) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR REHABILITATION CREDIT.—Notwithstanding paragraphs (1) and (2), the rehabilitation investment tax credit (as defined in subsection (c)(2)(C)) shall be treated as used last.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 203. COMMERCIAL INDUSTRIAL DEVELOPMENT BONDS.

(a) FACILITY BONDS.—

(1) IN GENERAL.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting a comma, and by adding at the end the following new paragraphs:

"(13) sports facilities,

"(14) convention or trade show facilities,

"(15) freestanding parking facilities,

"(16) air or water pollution control facilities, or

"(17) industrial parks.".

(2) INDUSTRIAL PARKS DEFINED.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(k) INDUSTRIAL PARKS.—A facility shall be treated as described in subsection (a)(17) only if all of the property to be financed by the net proceeds of the issue—

"(1) is—

"(A) land, and

"(B) water, sewage, drainage, or similar facilities, or transportation, power, or communication facilities incidental to the use of such land as an industrial park, and

"(2) is not structures or buildings (other than with respect to facilities described in paragraph (1)(B)).".

(3) CONFORMING AMENDMENTS.—

(A) Section 147(c) of the Internal Revenue Code of 1986 (relating to limitation on use for land acquisition) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR INDUSTRIAL PARKS.—In the case of a bond described in section 142(a)(17), paragraph (1)(A) shall be applied by substituting '50 percent' for '25 percent'.".

(B) Section 147(e) of such Code (relating to no portion of bonds may be issued for skyboxes, airplanes, gambling establishments, etc.) is amended by striking "A private activity bond" and inserting "Except in the case of a bond described in section 142(a)(13), a private activity bond".

(b) SMALL ISSUE BONDS.—Section 144(a)(12) of the Internal Revenue Code of 1986 (relating to termination of qualified small issue bonds) is amended—

(1) by striking "any bond" in subparagraph (A)(i) and inserting "any bond described in subparagraph (B)",

(2) by striking "a bond" in subparagraph (A)(ii) and inserting "a bond described in subparagraph (B)", and

(3) by striking subparagraph (B) and inserting the following:

"(B) BONDS FOR FARMING PURPOSES.—A bond is described in this subparagraph if it is issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any land or property not in accordance with section 147(c)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 1995.

SEC. 204. INCREASE IN AMOUNT OF QUALIFIED SMALL ISSUE BONDS PERMITTED FOR FACILITIES TO BE USED BY RELATED PRINCIPAL USERS.

(a) IN GENERAL.—Clause (i) of section 144(a)(4)(A) of the Internal Revenue Code of 1986 (relating to $10,000,000 limit in certain cases) is amended by striking "$10,000,000" and inserting "$50,000,000".

(b) CLERICAL AMENDMENT.—The heading of paragraph (4) of section 144(a) of the Internal Revenue Code of 1986 is amended by striking "$10,000,000" and inserting "$50,000,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) obligations issued after the date of the enactment of this Act, and

(2) capital expenditures made after such date with respect to obligations issued on or before such date.

SEC. 205. SIMPLIFICATION OF ARBITRAGE INTEREST REBATE WAIVER.

(a) IN GENERAL.—Clause (ii) of section 148(f)(4)(C) of the Internal Revenue Code of 1986 (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) is amended to read as follows:

"(ii) SPENDING REQUIREMENT.—The spending requirement of this clause is met if 100 percent of the available construction proceeds of the construction issue are spent for the governmental purposes of the issue within the 3-year period beginning on the date the bonds are issued.".

(b) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 148(f)(4)(C) of the Internal Revenue Code of 1986 (relating to exception for reasonable retainage) is repealed.

(2) Subclause (II) of section 148(f)(4)(C)(vi) of such Code (relating to available construction proceeds) is amended by striking "2-year period" and inserting "3-year period".

(3) Subclause (I) of section 148(f)(4)(C)(vii) of such Code (relating to election to pay penalty in lieu of rebate) is amended by striking ", with respect to each 6-month period after the date the bonds were issued," and ", as of the close of such 6-month period,".

(4) Clause (viii) of section 148(f)(4)(C) of such Code (relating to election to terminate 1½ percent penalty) is amended by striking "to any 6-month period" in the matter preceding subclause (I).

(5) Clause (ii) of section 148(c)(2)(D) of such Code (relating to bonds used to provide construction financing) is amended by striking "2 years" and inserting "3 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

TITLE III—COMMUNITY-BASED HOUSING DEVELOPMENT

SEC. 301. BLOCK GRANT STUDY.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study regarding—

(1) the feasibility of consolidating existing public and low-income housing programs under the United States Housing Act of 1937 into a comprehensive block grant system of Federal aid that—

(A) provides assistance on an annual basis;

(B) maximizes funding certainty and flexibility; and

(C) minimizes paperwork and delay; and

(2) the possibility of administering future public and low-income housing programs under the United States Housing Act of 1937 in accordance with such a block grant system.

(b) REPORT TO COMPTROLLER GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Comptroller General of the United States a report that includes—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations for legislation.

(c) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report that includes—

(1) an analysis of the report submitted under subsection (b); and

(2) any recommendations for legislation.

SEC. 302. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

Section 18(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437p(b)(3)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by adding "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(I) provides, subject to the approval of both the unit of general local government in which the property on which the units to be demolished or disposed of are located and the local public housing agency, for—

"(i) the eventual reconstruction of units on the same property on which the units to be demolished or disposed of are located; and

"(ii) the ultimate relocation of displaced tenants to that property;".

TITLE IV—RESPONSE TO URBAN ENVIRONMENTAL CHALLENGES

Subtitle A—Environmental Cleanup

SEC. 401. EXEMPTION FROM LIABILITY FOR LOCAL GOVERNMENTS THAT ARE OWNERS OR OPERATORS OF FACILITIES IN DISTRESSED URBAN AREAS.

Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended—

(1) in paragraph (20), by adding at the end the following:

"(E) EXCLUSION OF DISTRESSED URBAN AREAS.—The term 'owner or operator' does not include a unit of local government for a distressed urban area that—

"(i) purchased real property, in the distressed urban area, on or in which a facility is located;

"(ii) purchased the property to further the redevelopment of the property for industrial activities;

"(iii) did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substance at the facility; and

"(iv) did not contribute to the release or threat of release of a hazardous substance at the facility through any action or omission."; and

(2) by adding at the end the following new paragraphs:

"(39) DISTRESSED URBAN AREA.—The term 'distressed urban area' has the meaning given the term in section 104(d) of the New Urban Agenda Act of 1995.

"(40) INDUSTRIAL ACTIVITY.—The term 'industrial activity' means commercial, manufacturing, or any other activity carried out to further the development, manufacturing, or distribution of goods and services, including administration, research and development, warehousing, shipping, transport, remanufacturing, and repair and maintenance of commercial machinery and equipment.".

SEC. 402. STANDARDS FOR REMEDIATION IN DISTRESSED URBAN AREAS.

Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621) is amended by adding at the end the following:

"(g) FACILITIES IN DISTRESSED URBAN AREAS.—

"(1) IDENTIFICATION.—The President shall identify the facilities on the National Priorities List that are located in distressed urban areas.

"(2) STUDY AND REPORT.—The President shall conduct, directly or by grant or contract, a study of appropriate response actions for facilities located in distressed urban areas. In conducting the study, the President shall examine the appropriate degree of cleanup of hazardous substances, pollutants, and contaminants released into the environment at such a facility, and the appropriate considerations for the selection of a response action at such a facility.

"(3) STANDARDS.—Notwithstanding any other provision of this Act, the President shall by regulation establish standards for the degree of cleanup described in paragraph (2), and the considerations described in paragraph (2), for such a facility. In establishing the standards, the President shall take into consideration the results of the study described in paragraph (2).".

Subtitle B—Environmental-Economic Recovery

SEC. 411. FINDINGS.

Congress finds that—

(1) plants such as the SEMASS plant in Rochester, Massachusetts, and the Wheelabrator plant in Baltimore, Maryland, provide an effective and efficient means of disposing of solid waste and obtaining inexpensive electrical power and steam; and

(2) the availability of such plants in a community will attract energy intensive industry to the community, increasing the tax base and strengthening the economy of the community.

SEC. 412. DEFINITIONS.

As used in this subtitle:

(1) DISTRESSED URBAN AREA.—The term "distressed urban area" has the meaning given the term in section 104(d).

(2) ENERGY INTENSIVE INDUSTRY.—The term "energy intensive industry" means an industry that consumes more than 25,000 BTUs per dollar of value added, as determined by the Secretary.

(3) FULLY OPERATIONAL.—The term "fully operational" means at least 90 percent operational, determined by averaging the percentage of solid waste intake capacity achieved and the percentage of electric output capacity achieved.

(4) MARKET RATE.—The term "market rate" means the applicable rate for retail bulk power sales made by the electric utility within the service territory concerned.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) SOLID WASTE.—The term "solid waste" has the meaning given the term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

SEC. 413. LOAN AUTHORITY.

(a) LOANS.—

(1) IN GENERAL.—The Secretary shall make not more than 3 loans to units of local government for distressed urban areas for the establishment of facilities described in section 414.

(2) PRIORITY.—In making one of the loans, the Secretary shall give priority to a unit of local government that demonstrates that the unit of local government will establish the facility through a contract or agreement with an organization that has demonstrated an ability to oversee and manage the creation of a comprehensive, national, strategic, energy intensive, environmental industry initiative.

(b) AUTHORITY TO BORROW.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), and notwithstanding any other provision of law, the Secretary may borrow from the Treasury such funds as the Secretary determines to be necessary to make loans under this section.

(2) AMOUNTS.—The Secretary may borrow funds under paragraph (1) if amounts sufficient to pay for the cost, as defined in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), of the loan involved are provided in advance in appropriation Acts.

(3) TERMS.—Subject to paragraph (4), the Secretary may borrow the funds on such terms as may be established by the Secretary and the Secretary of the Treasury.

(4) INTEREST.—The rate of interest to be charged in connection with a loan made under paragraph (1) shall be not less than a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

SEC. 414. FACILITY.

Each facility referred to in section 413—

(1) shall produce electric power, or steam, from solid waste;

(2) shall have 2 boilers and be capable of expansion;

(3) shall be located in a distressed urban area in the United States;

(4) shall provide electricity or steam to energy intensive industry customers at no more than 40 percent of the market rate for electricity;

(5) may provide electricity to public entities or light industry, but not to residential consumers; and

(6) shall obtain a continuing supply of feedstock sufficient to sustain maximum operational capability through long-term contracts with municipal and other governmental sources.

SEC. 415. REINVESTMENT OF SAVINGS.

(a) IN GENERAL.—Any energy intensive industry customer obtaining electricity or steam from the facility described in section 414 shall—

(1) invest in equipment, physical plant, or increased employment at least 7 percent of the saving gained by such customer; and

(2) from the saving gained by such customer, make payments to the Secretary, in an amount determined by the Secretary to be appropriate, to assist in repaying the funds borrowed by the Secretary under section 413 and the costs associated with borrowing the funds.

(b) DEFINITION.—As used in this section, the term "saving", used with respect to a customer obtaining electricity or steam from a facility described in section 414, means an amount equal to—

(1) the cost of obtaining an amount of such electricity or steam from other sources during a period of time; minus

(2) the cost of obtaining the same amount of such electricity or steam from the facility during such period.

SEC. 416. REPORT TO CONGRESS.

(a) REPORT.—Not later than 1 year after the facilities described in section 414 become fully operational, the Secretary shall prepare and submit to Congress a report containing a recommendation concerning whether the Federal Government should make additional loans similar to the loans authorized by this subtitle.

(b) ANALYSIS.—Such recommendation shall be based on analysis of the Secretary concerning whether the loans made under this subtitle have resulted in—

(1) the creation of jobs in the communities in which the facilities are located due to the relocation of energy intensive industry;

(2) the effective disposal of solid waste; and

(3) easier and less expensive production of electricity and steam.

BOB O'CONNOR,
COUNCILMAN, CITY OF PITTSBURGH,
Pittsburgh, PA, October, 31, 1994.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC

DEAR SENATOR SPECTER: Thank you for your letter of October 5th, soliciting my input on your legislative agenda in the U.S. Senate. I appreciate your interest.

As you know, the City of Pittsburgh and Southwestern Pennsylvania have been decimated economically beginning in the 1970's and especially in the early 1980's. We have seen our principal manufacturing base literally disappear, our population decline, and lost corporate leadership due to buyouts and consolidations.

Your questions all can be answered with one response—we need jobs, jobs, jobs! And, these jobs have to fill the full spectrum of employment opportunities from high tech to low tech.

We have planted seeds for growth here in Pittsburgh which will hopefully fuel our local economy. Those "seeds" include robotics, high speed rail, motion pictures, tourism, exporting and computer software.

The federal government can foster the development of these and other industries in the region by directing contracts and research to this area which will enhance employment opportunities.

If we don't meet the challenge of job creation in this region then we have no choice but to increase spending on social welfare programs.

I wish you well in your efforts to bring employment opportunities to Pittsburgh. Your efforts on our behalf are greatly appreciated.

Sincerely,

BOB O'CONNOR,
Councilman.

U.S. SENATE,
Washington, DC, March 31, 1994.

Hon. STEVE CLARK,
Mayor, City of Miami,
Miami, FL.

DEAR MAYOR CLARK: I was interested to read in the *Washington Post* on March 20, 1994, of Philadelphia Mayor Rendell's interest in requiring some amount of foreign aid to be issued in vouchers "redeemable only in distressed cities." I raised this idea with Secretary of Treasury Bentsen at a hearing before the Foreign Operations Subcommittee on Appropriations on Tuesday, March 22, 1994. I agree that we must look for innovative ways to make cities attractive investment opportunities for the businesses of the future. Foreign aid vouchers could play an effective role in accomplishing this objective.

In order to flesh out this foreign aid proposal in more detail, I am interested in your views on whether this would be an effective tool in attracting investment capital to cities. If you could have someone on your staff help us identify which business activities and services in Miami could be useful in extending foreign assistance, I would be very appreciative. This information will help me in pursuing this idea in my capacity as a member of the Foreign Operations Subcommittee.

I look forward to working with you on this important matter. Please have you staff contact Morrie Ruffin (202 224-9016) of my staff with any information that could be useful in this endeavor.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, March 29, 1994.

Hon. STEPHEN R. REED,
Mayor, City of Harrisburg,
Harrisburg, PA.

DEAR STEPHEN: I was interested to read in the *Washington Post* on March 20, 1994, of Philadelphia Mayor Rendell's interest in requiring some amount of foreign aid to be issued in vouchers "redeemable only in distressed cities." I raised this idea with Secretary of Treasury Bentsen at a hearing before the Foreign Operations Subcommittee on Appropriations on Tuesday, March 22, 1994. I agree that we must look for innovative ways to make cities attractive investment opportunities for the businesses of the future. Foreign aid vouchers could play an effective role in accomplishing this objective.

In order to flesh out this foreign aid proposal in more detail, I am interested in your views on whether this would be an effective tool in attracting investment capital to cities. If you could have someone on your staff help us identify which business activities and services in Harrisburg could be useful in extending foreign assistance, I would be very appreciative. This information will help me in pursuing this idea in my capacity as a member of the Foreign Operations Subcommittee.

I look forward to working with you on this important matter. Please have your staff contact Morrie Ruffin (202 224-9016) of my staff with any information that could be useful in this endeavor.

My best.

Sincerely,

ARLEN SPECTER.

CITY OF MIAMI, FL,
Miami, FL, July 28, 1994.

Hon. ARLEN SPECTER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: On behalf of the City of Miami, thank you for including our community in your and Mayor Rendell's proposal to require some amount of foreign aid to be issued in vouchers, which can be redeemed in distressed cities throughout the country. The initiative set forth in Mayor Rendell's New Urban Agenda, will benefit Greater Miami/Dade County, should our application for Empowerment Zone or Enterprise Community status be successful. Miami's selection as a procurement center for foreign aid would be a natural complement to our status as the Business Capital of the Americas.

My staff and The Beacon Council, Greater Miami/Dade County's economic development organization, have been working for the past several months with Doug Troutman of your staff to determine which business activities and services in Miami could be useful in extending foreign assistance: Toward this end, Mr. Troutman has been extremely helpful in providing further background information to assist our efforts. We look forward to working with you and your staff further on this important issue.

On behalf of our community, thank you for involving Miami in this significant project.

Sincerely,

STEPHEN P. CLARK,
Mayor.

OFFICE OF THE MAYOR,
THE CITY OF HARRISBURG,
Harrisburg, PA, April 6, 1994.

Hon. ARLEN SPECTER,
U.S. Senate,
Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: This is to acknowledge and thank you for your correspondence, which I was pleased to receive on April 4, 1994, regarding the suggestion by the Mayor of Philadelphia that a portion of foreign aid be issued in the form of vouchers that would be redeemable only in distressed cities.

The concept has considerable merit and we would support such. The key to such a voucher provision having a measurable and nearly immediate impact in urban communities would be for a proper and clearly stated definition of the words "distressed cities." At a minimum, such a definition should stipulate that eligible cities would be those with 15% or more of its households living at or below the Federal poverty income level.

I suspect that most cities would be able to benefit by such a voucher program. It would redirect investment, development and growth forces into such cities since foreign aid vouchers would represent a far less speculative venture and, in some cases, a literally guaranteed opportunity.

In the case of the City of Harrisburg, there are few areas of products and services which could not be provided. Many of our existing businesses would no doubt seize upon the opportunity to broaden their market by engaging in export activity triggered by foreign aid vouchers. Our infrastructure is sufficient to also accommodate additional growth of existing and new businesses and industries.

Therefore, in brief, we believe the voucher proposal has considerable merit and that this City would benefit from the same.

I appreciate your affording us this opportunity to express an opinion on the subject.

WIth warmest personal regards, I am

Yours sincerely,

STEPHEN R. REED,
Mayor.

By Mr. SPECTER:

S. 18. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, low health care costs through the use of appropriate providers, improve the quality of health care, improve access to long-term care, and for other purposes; to the Committee on Finance.

HEALTH CARE ASSURANCE ACT

Mr. SPECTER. Mr. President, there are some who believe health care reform is dead and declared as much last fall when Congress failed to enact reform legislation. But they are wrong. President Clinton was grossly in error when he proposed health care by Government mandate and massive bureaucracy. But anyone who reads the repudiation of the Clinton bill as an excuse to do nothing is equally in error. There is as much need now as there was then to correct the problems in our health care system for the 14.6 percent

or 39.7 million Americans, for whom the system does not work—a group which, according to the Census Bureau, contained 1.1 million more uninsured individuals in 1993 than the previous year. As I have said many times, we can do so without big Government and turning the best health care system in the world, serving 85.4 percent of all Americans, on its head. The legislation I am introducing today, the Health Care Assurance Act of 1995, will do just that.

While Congressional jaw-boning in the 103d Congress may have caused market competition to dampen cost increases a bit and encouraged more managed care, in my judgment no amount of congressional talk will fix many of the problems that still exist—for instance, the pre-existing condition problem, where people are denied health care insurance because of a pre-existing health problem; or the portability problem, where people lose their job or are otherwise between jobs and lose their health coverage; or the self-employed problem, where self-employed individuals are denied the right to deduct as a business expense their health care costs unlike other employers who may deduct 100 percent of that business expense; or the problem of employees in small businesses not having health coverage because their employer simply cannot afford to provide it.

The recent November elections reaffirmed the basic principle of limited government. Limited government, however, does not mean an uncaring or do-nothing government. Consistent with this principle, Congress should enact health care reform legislation that focuses on these and other problems in the current system while leaving intact what already works for 220 million Americans.

To be sure, health care reform remains a very complex issue for Congress to address. But it is not so complex that we cannot act now in a bipartisan way. As many of my colleagues will recall, in 1990 the Congress passed Clean Air Act amendments that many said were not doable. That issue was brought to the Senate floor, and task forces were formed which took up the complex question of sulfuric acid in the air. We targeted the removal of 10 million tons in a year. We made significant changes in industrial pollution and in tailpipe emissions. We produced a balanced bill which protected the environment and retained jobs. This can be done with health care reform. If we forces on the areas both Democrats and Republicans agree upon—insurance market reforms, full-deductibility for the self-employed, administrative simplification, to name a few—we will accomplish a lot in addressing problems with our current health care system.

I have been advocating reform in one form or another throughout my now 15 years in the Senate. My strong interest in health care dates back to my first term when I sponsored the Health Care Cost Containment Act of 1983, S. 2051, which would have granted a limited anti-trust exemption to health insurers permitting them to engage in certain joint activities such as acquiring or processing information, and collecting and distributing insurance claims for health care services aimed at curtailing then escalating health care costs. Later, in 1985, I introduced the Community Based Disease Prevention and Health Promotion Projects Act of 1985, S. 1873, directed at reducing the human tragedy of low birthweight babies and infant mortality. Since 1983, I have introduced and cosponsored numerous other bills concerning health care in our country. A complete list of the 20 health care bills that I have sponsored since 1983 are included for the Record.

During the 102d Congress, I pressed to have the Senate take action on this issue. On July 29, 1992, I offered an amendment on health care to legislation then pending on the Senate Floor. This amendment included provisions from legislation introduced by Senator CHAFEE, which I cosponsored and which was previously proposed by Senators Bentsen and Durenberger. The amendment included a change from 25 percent to 100 percent deductibility for health care insurance purchased by self-employed persons and small business insurance market reform to make health coverage more affordable for small businesses. When then-Majority Leader George Mitchell argued that the health care amendment I was proposing did not belong on that bill, I offered to withdraw the amendment if he would set a date certain to take up health care, just as product liability legislation had been placed on the calendar for September 8, 1992. The Majority Leader rejected that suggestion and the Senate did not consider comprehensive health care legislation during the balance of the 102d Congress. The amendment was defeated on a procedural motion by a vote of 35 to 60 along party lines.

The substance of that amendment, however, was adopted later by the Senate as part of broader tax legislation on September 23, 1992 when it was included in an amendment to H.R. 11 introduced by Senators Bentsen and Durenberger and which I cosponsored. This latter amendment, which included substantially the same self-employed deductibility and small group reforms that I had proposed on July 29, passed the Senate by voice vote. Unfortunately, these provisions were later dropped from H.R. 11 in the House-Senate conference. On January 23, 1994, when Senator Mitchell was asked on the television program "Face The Nation" about Senator Bentsen's bill from 1992, he stated that President Bush vetoed that provision as part of a broader bill. In fact, the legislation sent to President Bush never included that provision.

On August 12, 1992, I introduced legislation entitled the "Health Care Affordability and Quality Improvement Act of 1992," S. 3176, that would have enhanced informed individual choice regarding health care services by providing certain information to health care recipients, lowered the cost of health care through use of the most appropriate provider, and improves the quality of health care.

On January 21, 1993, the first day of the 103d Congress, I introduced comprehensive health care legislation, entitled the "Comprehensive Health Care Act of 1993," S. 18. This legislation was comprised of reform initiatives that our health care system could adopt immediately. They were reforms which both improved access and affordability of insurance coverage and implemented systemic changes to bring down the escalating cost of care in this country. S. 18, which is the principal basis of the legislation I am introducing today, melded the two health care reform bills I introduced and the one bill that I cosponsored in the 102d Congress and built upon with significant additions.

On March 23, 1993, I introduced the Comprehensive Access and Affordability Health Care Act of 1993, S. 631, which was a composite of health care legislation introduced by Senators COHEN, KASSEBAUM, BOND, and MCCAIN, as well as my bill, S. 18. I introduced this legislation in an attempt to move ahead on the consideration of health care legislation and provide a critical mass as a starting point. On April 28, 1993, I proposed this bill as an amendment to then pending S. 171, the Department of Environment Act in an attempt to urge the Senate to act on health care reform.

In total, I have taken to this floor on 13 occasions over the past 3 years to urge the Senate to address health care reform. On two occasions I introduced health care related amendments.

As early as June 26, 1984, I stated that the issue of health care is one of the most important matters facing the Nation today. That statement continues to ring true today, 10 years later. As reported in the New York Times on December 29, 1993, the Commerce Department estimated that health spending would total $942.5 billion in 1994 and would rise 12.5 percent in 1995. Moreover, there are an estimated 40 million, or 15 percent of the American population without health insurance.

Not long ago, Mr. President, in June 1993, I had my own health problem when a magnetic resonance imaging machine discovered an intercranial lesion in my head. I was the beneficiary of the greatest health care delivery system in the world. That experience made me ever more aware, knowledgeable of and sensitive to the subject than I had been in the past.

I share the American people's frustration with government and their desire to have the problems addressed. This past November they made it abundantly clear that they want the problems fixed—be it health care, welfare, tax or spending reform. But I want to make clear, Mr. President, since it has been said from time to time that Republicans support only the status quo, that many of my Republican colleagues have shared my sentiment to pass health care legislation, and we continue to be committed to action. In the 102d Congress, for instance, Senate Republicans were instrumental in the passage of reforms that would have helped small businesses and self-employed individuals to afford coverage more easily. In the 103d Congress, Senate Republicans introduced numerous health care bills that did not go to the floor. And now I am introducing legislation that targets many of the problems and will result in affordable coverage for millions of the uninsured.

From last year's debate, I believe we learned a great deal about our health care system and what the American people are willing to accept from the Federal Government. The message we heard loudest was that Congress was acting too hastily, and that Americans did not want a massive overhaul of the health care system. Instead, our constituents want Congress to proceed more slowly and to target what isn't working in the health care system while leaving in place what is working.

As I have said both publicly and privately, I was willing to cooperate with President Clinton in solving the problems facing the country. However, there were many important areas where I differed with the President's approach and I did so because I believed that they were proposals that would have been deleterious to my fellow Pennsylvanians, to the American people, and to our health care system. Most importantly, I did not support creating a large new government bureaucracy because I believe that savings should go to health care services and not bureaucracies.

On this latter issue, I first became concerned about the bureaucracy back in September 1993 after reading the President's 239-page preliminary health care reform proposal. I was surprised by the number of new boards, agencies, and commissions, so I asked my legislative assistant to make me a list of all of them. Instead, she decided to make a chart. The initial chart depicted 77 new entities and 54 existing entities with new or additional responsibilities. When the President's 1,342-page Health Security Act was transmitted to Congress on October 27, 1993, my staff reviewed it and found an increase to 105 new agencies, boards, and commissions and 47 existing departments, programs and agencies with new or expanded jobs. This chart received national attention after being used by Senator BOB DOLE in his response to the President's State of the Union address on January 24, 1994. The response to the chart was tremendous, with more than 12,000 people from across the country contacting my office for a copy. Numerous groups and associations—such as United We Stand America, the American Small Business Association, the National Federation of Republican Women, and the Christian Coalition—reprinted the chart in their publications amounting to hundreds of thousands more in distribution. I might add, Mr. President, that proposals offered during last year's debate by Democratic leaders like Senator KENNEDY, then-Chairman of the Labor Committee, and then-Majority Leader, Senator MITCHELL, also suffered from the same big government affliction, as the Kennedy plan proposed 107 new entities and the Mitchell plan proposed 167 new entities.

In addressing our health care problems, let me be clear: In creating solutions it is imperative that we do so without adversely affecting the many positive aspects of our health care system which works for 85 percent of all Americans. I believe our approach should be to focus on affordable coverage for the approximately 15 percent of the population without insurance, covering people who change jobs, providing adequate coverage to the underinsured, holding down spiraling costs and generally addressing the specific problems with the current system rather than a massive change.

If such reforms do not solve the problems of coverage and costs then we will need to revisit them. Different proposals introduced in the last Congress had a phase-in period under any reform plan. I believe that a prudent approach is to implement targeted reforms and then act to improve upon what we have done. I call this trial and modification. We must be careful not to damage the positive aspects of our health care system upon which more than 220 million Americans justifiably rely.

Legislation which I am introducing today has four objectives: (1) to provide affordable health insurance for the 40 million Americans now not covered; (2) to reduce the health care costs for all Americans; (3) to increase the security of coverage and the portability of health insurance between jobs; and (4) to improve coverage for underinsured individuals and families. This legislation is comprised of initiatives that our health care system can readily adopt in order to meet these objectives, and it does not create an enormous new bureaucracy to meet them.

This bill builds and improves upon provisions put forth in my legislation from the 103d Congress, S. 18, which included: full deductibility of health care costs for the self-employed; purchasing groups and insurance market reforms for small employers to have access to affordable health insurance; increased availability to prenatal care and outreach for the prevention of low-birthweight births; improved implementation of patients' rights regarding medical care at the end of life; improved health education; greater emphasis on and expanded access to primary and preventive health services; and improved utilization of non-physician providers, consumer information, and outcomes research.

To this I have added: insurance market reforms to provide greater coverage security and portability between jobs; COBRA reform to extend the time period for employees who leave their jobs to continue their health benefits until alternative coverage becomes available and provide such individuals with additional affordable options; an obligation on employers to offer—but not to pay for—health care insurance; and a 1-year extension of the Medicare Select Program, which gives beneficiaries the option to select a managed care plan and provides Medicare recipients more choice in choosing supplemental insurance plans. Taken together, I believe these reforms will both improve the quality of health care delivery and will cut the escalating cost of health care in this country. They represent a blueprint which can be modified, improved and expanded. In total, I believe this bill can significantly reduce the number of uninsured Americans, improve the affordability of care, ensure the portability and security of coverage between jobs; and yield cost savings of billions of dollars to the Federal Government which can be used to insure the remaining uninsured and underinsured Americans.

INCREASING COVERAGE AND SAVING COSTS

The 6 titles of the bill seek to reduce the health care costs and the concerns regarding security for the 220 million, or 85 percent of Americans now covered, and to increase coverage for the other 39.7 million, or 15 percent, of Americans who are not.

COVERAGE

The 220 million Americans now covered derive their health insurance coverage as follows: approximately 57 percent from employer plans; 24.9 percent from Medicare and Medicaid; 3.7 percent from the military; and 13 percent from individual private insurance.

Title I would implement health insurance reforms which include: extending full deductibility of health insurance premiums to the self-employed; establishing small employer and individual health insurance purchasing groups; obligating employers to offer, but not pay for, at least two health insurance plans that protect individual freedom of choice and that meets a standard minimum benefit package; improving health insurance market practices to guarantee coverage of preexisting conditions; and extending

COBRA benefits and coverage options to provide portability and security of affordable coverage between jobs.

While it is not possible to predict with certainty how many additional Americans will be covered as a result of the reforms in Title I, a reasonable expectation would be that the reforms included in this legislation will cover approximately 21 million Americans. This estimate encompasses the provisions included in Title I which I discuss in further detail below.

Title I seeks to make insurance affordable by enhancing portability of insurance and choice to cover persons who are uninsured for brief periods between jobs. The reason that we often hear varying statistics cited regarding the number of uninsured persons is because a number of the uninsured are without insurance for limited periods of time between jobs. To address this portion of the uninsured, Title I includes reforms to increase the portability of coverage. These reforms also address the 220 million with insurance and their concerns with security and portability. These reforms include: (1) insurance market reform to cover pre-existing conditions, including hereditary conditions and pregnancy; (2) extending COBRA health benefits option from 18 to 24 months and enhancing coverage options under COBRA to make insurance more affordable; and (3) providing individuals access to affordable insurance through purchasing groups.

Coverage of pre-existing conditions is a concern of many people with insurance who face the potential threat of losing their coverage if they or a family member becomes ill. I believe that these practices are resulting in too much litigation and too much money being spent on lawyers rather than providing coverage for such persons. According to the Employee Benefit Research Institute, of the 5.9 million workers American who are denied coverage through their employers' health plan, 100,000 workers are ineligible for insurance because of pre-existing health conditions. Under my bill, no one will be denied reasonably priced coverage or continued coverage due to a pre-existing condition.

Title I also extends the COBRA benefit option from 18 months to 24 months. COBRA refers to a measure which was enacted in 1985 as part of the Omnibus Budget Reconciliation Act [OBRA '85] to allow employees who leave their job, either through a lay-off or choice, to continue receiving their health care benefits by paying the full cost of such coverage. By extending this option, such unemployed persons will have enhanced coverage options.

In addition, options under COBRA are expanded to include plans with lower premiums and higher deductible of either $1,000 or $3,000. This provision is incorporated from legislation introduced in the 103rd Congress by Senator Phil GRAMM and will provide an extra cushion of coverage options for people in transition. According to Senator GRAMM, with these options, the typical monthly premium paid for a family of four would drop by as much as 20 percent when switching to a $1,000 deductible and as much as 52 percent when switching to a $3,000 deductible.

With respect to the uninsured and underinsured, my bill would permit individuals and families to purchase guaranteed, comprehensive health coverage through purchasing groups. Health insurance plans offered through the purchasing groups would be required to meet basic, comprehensive standards with respect to benefits. Such benefits must include a variation of benefits permitted among actuarially equivalent plans to be developed by the National Association of Insurance Commissioners. The standard plan would consist of the following services when medically necessary or appropriate: (1) medical and surgical devices; (2) medical equipment; (3) preventive services; and (4) emergency transportation in frontier areas. It is estimated that for businesses with fewer than 50 employees, voluntary purchasing cooperatives such as those included in my legislation could cover up to 17 million people who are currently uninsured.

My bill would also create individual health insurance purchasing groups for individuals wishing to purchase health insurance on their own. In today's market, such individuals often face a market where coverage options are not affordable. These purchasing groups will change that by allowing small businesses and individuals to buy coverage by pooling together within purchasing groups, and choose from among insurance plans that provide comprehensive benefits, with guaranteed enrollment and renewability, and equal pricing through community rating adjusted by age and family size. Community rating will assure that no one small business or individual will be singly priced out of being able to buy comprehensive health coverage because of health status. With community rating, a small group of individuals and businesses can join together, spread the risk, and have the same purchasing power that larger companies have today.

For example, Pennsylvania has the fourth lowest rate of uninsured in the nation with over 90 percent of all Pennsylvanians enrolled in some form of heath coverage. Lewin and Associates found that one of the factors enabling Pennsylvania to achieve this low rate of uninsured persons is the practice by Pennsylvania's Blue Cross/Blue Shield plans which provide guaranteed enrollment and renewability, an open enrollment period, community rating, and coverage for persons with pre-existing conditions. My legislation seeks to enact reforms to provide for more of these types of practices.

The purchasing groups as developed and administered on a local level, in addition to the insurance market reforms related to pre-existing conditions for all insurance policies, will provide small businesses and all individuals with affordable health coverage options.

For individuals who are self-employed, this bill seeks to extend the same tax advantage for the purchase of health insurance to these individuals as is afforded to all other employers. Under current law, businesses are permitted to deduct 100 percent of what they pay for the health insurance of their employees, but self-employed individuals may not deduct any of their cost. The provision permitting self-employed individuals to deduct 25 percent of their health insurance costs expired on December 31, 1993. It is hard to find a provision in the Internal Revenue Code that is more discriminatory than this one.

According to the Congressional Research Service, 12 percent or 3.9 million of uninsured workers are self-employed. Providing full deductibility of health insurance premiums, beginning with reinstatement of the 25 percent deduction for 1994 and reaching 100 percent by 1999, for self-employed individuals is a simple matter of fairness. It also should make health insurance coverage more affordable for the estimated 3.9 million self-employed individuals and their families who are now uninsured.

The Joint Committee on Taxation has estimated the cost of this provision at $1.0 billion in the first year and $5.2 billion over the next 5 years.

Unique barriers to coverage exist in both rural and urban medically underserved areas. Within my home State of Pennsylvania, there are examples of such barriers due to a lack of health care providers in rural areas and other problems associated with the lack of coverage for indigent populations living in inner cities. This bill improves access to health care services for these populations by increasing Public Health Service programs and also through training more primary care providers to serve in such areas; increasing the utilization of non-physician providers including nurse practitioners, clinical nurse specialists and physician assistants through direct reimbursements under the Medicare and Medicaid programs; and increasing support for education and outreach.

While I reiterate the difficulty in making definitive conclusions regarding the reforms put forth under this legislation and accomplishing universal health coverage for all Americans, I believe that it is a promising starting point. Admittedly, the figures are inexact, but by my rough calculations potentially 21 million of the 40 million uninsured will be able to obtain affordable health care coverage under my bill. I arrive at this figure by including the 17 million that will be able to purchase insurance as a result of allowing individuals and small employers to purchase insurance through voluntary purchasing cooperatives, the 3.9 self-employed individuals who are uninsured that will now have full-deductibility for the cost of their health insurance, and the 100,000 who now will not be denied coverage due to pre-existing conditions. Certainly increasing the 220 million Americans with coverage to 241 million is a significant improvement. But we must not lose sight of those who for whatever reason may not achieve coverage under this plan. In this regard, I welcome any and all suggestions that make sense within our current constraints to increase coverage. I am committed to enacting reforms this year and committing to a time certain when the Congress must revisit the issue and act to modify these reforms and correct problems related to coverage where they still exist.

COST SAVINGS

It is anticipated that the increased costs of coverage to employers choosing to cover employees under Title I would be offset by administrative savings from the development of the small employer purchasing groups. Such savings have been estimated as high as $9 billion annually. In addition, if we address some of the areas within the health care system that are exacerbating costs, we can achieve significant savings to be redirected toward direct health care services.

Title I includes a provision to extend the Medicare Select program, which already has demonstrated success in passing along savings to the consumer. The Medicine Select program is a demonstration project initiated in the Omnibus Reconciliation Act of 1990 that allows Medicare recipients to select managed care plans, specifically through preferred provider organizations, for their Medicare supplemental insurance. Fifteen States have demonstration sites and over 400,000 Medicare beneficiaries are enrolled in the program. Medicare Select plans are 10 to 30 percent less expensive than traditional plans that offer the same benefits and quality is not sacrificed. The August 1994 Consumer Reports rated Medicare Select plans as some of the best Medigap products nationwide. Of the top 15 Medigap rated policies, 8 were Medicare Select plans.

While savings from such reforms are difficult to predict, I believe that savings of $214 billion over 5 years can be achieved through the reforms set forth in this legislation.

While examining the issues that contribute to our health care crisis, I was struck by the fact that so much attention is being focused on treating the symptoms and so little on some of its root causes. Granted, our existing health care system suffers from very serious structural problems. But there also are some common sense steps we can take to head off problems before they reach crisis proportions. Title II of my bill includes three initiatives which enhance primary and preventive care services aimed at preventing disease and ill-health.

Each year about 7 percent, or 287,000, of the 4,100,000 American babies born in the U.S. are born of low birth weight, multiplying their risk of death and disability. Nearly 37,000 of those born die before their first birthday. Approximately 1,000 of those deaths are preventable. Although the infant mortality rate in the United States fell to an all-time low in 1989, an increasing percentage of babies still are born of low birth weight. The Executive Director of the National Commission To Prevent Infant Mortality, put it this way, "More babies are being born at risk and all we are doing is saving them with expensive technology."

It is a human tragedy for a child to be born weighing 16 ounces with attendant problems which last a lifetime. I first saw 1-pound babies in 1984 when I was astounded to learn that Pittsburgh, PA, had the highest infant mortality rate of African-American babies of any city in the United States. I wondered, how could that be true of Pittsburgh, which has such enormous medical resources. It was an amazing thing for me to see a 1-pound baby, about as big as my hand.

Beyond the human tragedy of low birth weight there are the financial consequences. Low birth weight children, those who weigh less than 5.5 pounds, account for 16 percent of all costs for initial hospitalization, re-hospitalization and special services up to age 35. The short and long-term costs of saving and caring for infants of low birth weight is staggering. A study issued by the Office of Technology Assessment in 1988, concluded that $8 billion was expended in 1987 for the care of 262,000 low birth weight infants in excess of that which would have been spent on an equivalent number of babies born of normal weight birth averted by earlier or more frequent prenatal care, the U.S. health care system saves between $14,000 and $30,000 in the first year in addition to the projected savings in lifetime care.

The Department of Health and Human Services estimated that by reducing the number of children born of low birth weight by 82,000 births, we could save between $1.1 billion and $2.5 billion per year.

We know that in most instances prenatal care is effective in preventing low birth weight babies. Numerous studies have demonstrated that low birth weight, that does not have a genetic link, is associated with inadequate prenatal care or lack of prenatal care.

To improve pregnancy outcomes for women at risk of low birth weight, Title II authorizes the Secretary of Health and Human Services to award grants to States for projects to reduce infant mortality and low birth weight births and to improve the health and well-being of mothers and their families, pregnant women and infants. The funds would be awarded to community-based consortia, made up of State and local governments, the private sector, religious groups, community and migrant health centers, and hospitals and medical schools, whose goal would be to develop and coordinate effective health care and social support services for women and their babies.

The second initiative under Title II involves the provision of comprehensive health education for our nation's children. The Carnegie Foundation for the Advancement of Teaching recently conducted a survey of teachers. More than half of the respondents said that poor nourishment among students is a serious problem at their schools; 60 percent cited poor health as a serious problem. Another study issued in 1992 by the Children's Defense Fund reported that children deprived of basic health care and nutrition are ill-prepared to learn. Both studies indicated that poor health and social habits are carried into adulthood and often passed on to the next generation.

To interrupt this tragic cycle, this nation must invest in proven preventive health education programs. My legislation includes comprehensive health education and prevention initiatives through increased support to local educational agencies to develop and strengthen comprehensive health education programs and to Head Start resource centers to support health education training programs for teachers and other day care workers.

Title II further expands the authorization for a variety of public health programs, such as breast and cervical cancer prevention, childhood immunizations, family planning and community health centers. These existing programs are designed to improve the public health and prevent disease through primary and secondary prevention initiatives. It is essential that we invest more resources now in these programs if we are to make any substantial progress in reducing the costs of acute care in this country.

The proposed expansions in preventive health services included in Title II are conservatively projected to save approximately $2.5 billion per year or $12.5 billion over 5 years. I believe the savings will be higher. Again, it is impossible to be certain of such savings; only experience will tell. For example, how do you quantify today the savings that will surely be achieved tomorrow from future generations of children that are truly educated in a range of health-related subjects including hygiene, nutrition, physical and emotional health, drug and alcohol abuse, accident prevention and safety, et cetera? I suggest these projections, subject to future modification, only to give some generalized perspective on the impact of this bill.

Title III would establish a federal standard and create uniform national forms concerning the patient's right to decline medical treatment. Nothing in my bill mandates the use of uniform forms, rather, the purpose of this provision is to make it easier for individuals to make their own choices and determination regarding their treatment during this vulnerable and highly personal time. Studies have also found that improved access to living wills and advanced directives will lead to substantial dollar savings. According to a 1978 study by the Health Care Financing Administration, about 30 percent of expenditures for people who died were spent in the last 30 days of life and constituted 8 percent of total Medicare expenditures that year. Approximately 27 percent of Medicare expenditures are made in the final days of life, and conservatively estimating that approximately 10 percent of such expenditures are unwanted, we could save nearly $4 billion per year. I believe that such savings could be greater. A recent study by researchers at Thomas Jefferson University Medical College in Philadelphia also concluded the notion that greater use of advanced directives have potential for enormous cost savings. This study also cited research which found that about 90 percent of the American population expresses interest in participating in advance directives discussion although only 8 to 15 percent of adults have prepared a living will. Provisions in my bill would provide information on individuals' rights regarding living wills and advanced directives and would make it clearer for people to have their rights known and honored.

Title IV provides incentives to improve the supply of generalist physicians and would increase the utilization of non-physician providers like nurse practitioners, clinical nurse specialists and physician assistants through direct reimbursement under the Medicare and Medicaid programs. These provisions I believe will also yield substantial savings. A study of the Canadian health system utilizing nurse practitioners projected a 10 to 15 percent savings for all medical costs—or $300 million to $450 million. While our system is dramatically different from Canada's, it may not be unreasonable to project a 5 percent—or $41.5 billion—savings from the increase in the number of primary care providers in our system. Again, experience will raise or lower this projection. Assuming this savings, though, it seems reasonable, based on an average expenditure for health care of $3,299 per person in 1993, that we could cover over 10 million more uninsured persons.

Outcomes research is another area where we can achieve considerable health care savings in the long run and improve the quality of care. According to the former editor-in-chief of the New England Journal of Medicine, Dr. Marcia Angell, 20 to 30 percent of health care procedures are either inappropriate, ineffective or unnecessary. If the implementation of medical practice guidelines eliminates 10 to 20 percent of these costs, savings between $8 and $16 billion can be realized annually. To achieve this we must, as Dr. C. Everett Koop, former Surgeon General of the United States says, have a well funded program for outcomes research. Title V would accomplish this by imposing a one-tenth of 1 cent surcharge on all health insurance premiums. Based on the Congressional Budget Office's estimate that in 1993 private health insurance premiums totalled $315 billion, this surcharge would result in a $315 million outcomes research fund—compared to the approximately $81 million appropriated for fiscal year 1995.

Title V also includes provisions to reduce the administrative costs incurred by our health care system. Estimates for administrative costs range as high a 25 cents per dollar spent on health care, or over $225 billion annually. A reasonable expectation is that we can reduce administrative costs by 25 percent through such reforms. This would yield savings of $55 billion over the next 5 years. While the development of a national electronic claims system to handle the billions of dollars in claims is complex and will take time to implement fully, I believe it is essential for operating a more efficient health care system and achieving the savings necessary to provide insurance for the remaining uninsured Americans.

Title V also includes a provision to improve consumer access to health care information. True cost containment and competition cannot occur it purchasers of health care do not have the information available to them to compare cost and quality.

Title V authorizes the Secretary of Health and Human Services to award grants to States to establish or improve a health care data information system. Currently, there are 39 States that have a mandate to establish such a system, and 20 States are in various stages of implementation. In my own State, the Pennsylvania Health Care Cost Containment Council has received national recognition for the work it has done in providing important information regarding health care costs and quality. Consumers, businesses, labor, insurance companies, health maintenance organizations, and hospitals have utilized this information. For example, hospitals have used information provided by the Pennsylvania's Cost Containment Council to become more competitive in the marketplace; businesses and labor have used this data to lower their health care expenditures; health plans have used this information when contracting with providers; and consumers have used this information to compare costs and outcomes of health care providers and procedures.

States have not yet produced any figures on statewide savings as a result of implementing health information systems, however, there are many examples of savings from users of these systems all across the country. In Pennsylvania, for example, Accutrex, a midsize company that is part of an alliance of businesses in southwest Pennsylvania, reported a savings of $1 million over a 6-month period by using information produced by the Pennsylvania Cost Containment Council.

There are many other examples of savings such as this, and I believe that if such systems where in place in every State, the savings could be substantial.

Title VI addresses the issue of home nursing care. The costs of such care to those requiring it are exorbitant. Title VI proposes, among other things, a tax credit for premiums paid to purchase private long-term care insurance and tax deductions to offset long-term care expenses and proposes home and community-based care benefits as less costly alternatives to institutional care. The Joint Tax Committee estimates that the cost to the Treasury of this proposal is approximately $20 billion. Other tax incentives and reforms to make long term care insurance more affordable are: (1) allowing employees to select long-term care insurance as part of a cafeteria plan and allowing employers to deduct this expense; (2) excluding life insurance savings used to pay for long term care from income tax; and (3) setting standards for long term care insurance that reduce the bias that favors institutional care over community and home-based alternatives.

While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately $174.9 million. I arrive at this sum by totaling the projected savings of $214 billion over 5 years—$45 billion in small employer market reforms coupled with employer purchasing groups; $12.5 billion for preventive health services; $20 billion for reducing unwanted care; $41.5 billion from increasing primary care providers; $40 billion through outcomes research; and $55 billion through reducing administrative costs—and netting against that the projected cost of $39.1 billion—$5.2 billion for extending full deductibility of health insurance cost to the self employed; $20 billion for long term care; and approximately $13.9 billion in funding for primary and preventive health care programs and the initiatives that I am proposing.

Since there are no precise estimates in each one of these areas, experience will require modification of these projections, but at least it is a beginning. I am prepared to work with other Senators in the development of implementing legislation, to press this important area of health care reform.

CONCLUSION

The provisions which I have outlined today contain the framework for providing affordable health care for all Americans. I am opposed to rationing health care. I do not want rationing for myself, for my family, or for America. The question is whether we have essential resources—doctors and other health care providers, hospitals, pharmaceutical products, et cetera—to provide medical care for all Americans. I am confident that we do.

In my judgment, we should not scrap, but build on our current health delivery system. We do not need the overwhelming bureaucracy that President Clinton and other Democratic leaders proposed last year to accomplish this. I believe we can provide care for the almost 40 million Americans who are now not covered and reduce health care costs for those who are covered within the currently growing $884.2 billion in health spending.

With the savings projected in this bill, I believe it is possible to provide access to comprehensive affordable health care for all Americans. This bill is a significant first-step in obtaining that objective. It is obvious that the total answer to the health care issue will not be achieved immediately or easily but the time has come for concerted action on this subject.

I understand that there are several controversial issues presented in this bill and I am open to suggestions on possible modifications. I urge the Congressional leadership, including the appropriate committee chairmen, to move this legislation and other health care bills forward promptly.

I ask unanimous consent that a summary and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 18

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Assurance Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE INSURANCE COVERAGE

Subtitle A—Definitions

Sec. 100. Definitions.

Subtitle B—Increased Availability and Continuity of Health Coverage

PART 1—REFORM OF HEALTH INSURANCE MARKETPLACE FOR SMALL EMPLOYERS

SUBPART A—INSURANCE MARKET REFORM

Sec. 111. Requirement for insurers to offer qualified health insurance plans.
Sec. 112. Actuarial equivalence in benefits permitted.
Sec. 113. Establishment of health insurance plan standards.

SUBPART B—ADDITIONAL STANDARDS FOR HEALTH INSURANCE PLANS OFFERED TO SMALL EMPLOYERS

Sec. 121. General issuance requirements.
Sec. 122. Rating limitations for community-rated market.
Sec. 123. Rating practices and payment of premiums.

SUBPART C—SMALL EMPLOYER PURCHASING GROUPS

Sec. 131. Qualified small employer purchasing groups.
Sec. 132. Agreements with small employers.
Sec. 133. Enrolling eligible employees, eligible individuals, and certain uninsured individuals in qualified health insurance plans.
Sec. 134. Receipt of premiums.
Sec. 135. Marketing activities.
Sec. 136. Grants to States and qualified small employer purchasing groups.
Sec. 137. Qualified small employer purchasing groups established by a State.

PART 2—STANDARDS APPLICABLE TO ALL HEALTH INSURANCE PLANS

Sec. 141. Coverage requirements.

PART 3—ENFORCEMENT OF STANDARDS FOR HEALTH INSURANCE PLANS

Sec. 151. Enforcement by excise tax on insurers.

PART 4—EFFECTIVE DATES

Sec. 161. Effective dates.

Subtitle C—Required Coverage Options for Eligible Employees and Dependents of Small Employers

Sec. 171. Requiring small employers to offer coverage for eligible individuals.
Sec. 172. Compliance with applicable requirements through multiple employer health arrangements.
Sec. 173. Enforcement by excise tax on small employers.

Subtitle D—Required Coverage Options for Individuals Insured Through Association Plans

PART 1—QUALIFIED ASSOCIATION PLANS

Sec. 181. Treatment of qualified association plans.
Sec. 182. Qualified association plan defined.
Sec. 183. Definitions and special rules.

PART 2—SPECIAL RULE FOR CHURCH, MULTIEMPLOYER, AND COOPERATIVE PLANS

Sec. 191. Special rule for church, multiemployer, and cooperative plans.

PART 3—ENFORCEMENT

Sec. 1001. Enforcement by excise tax on qualified associations.

Subtitle E—1-Year Extension of Medicare Select

Sec. 1011. 1-year extension of period for issuance of medicare select policies.

Subtitle F—Tax Provisions

Sec. 1021. Deduction for health insurance costs of self-employed individuals.
Sec. 1022. Amendments to COBRA.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

Sec. 201. Grants to States for healthy start initiatives.
Sec. 202. Reauthorization of certain programs providing primary and preventive care.
Sec. 203. Comprehensive school health education program.
Sec. 204. Comprehensive early childhood health education program.

TITLE III—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

Sec. 301. Patient's right to decline medical treatment.

TITLE IV—PRIMARY AND PREVENTIVE CARE PROVIDERS

Sec. 401. Expanded coverage of certain nonphysician providers under the medicare program.
Sec. 402. Requiring coverage of certain nonphysician providers under the medicaid program.
Sec. 403. Medical student tutorial program grants.
Sec. 404. General medical practice grants.

TITLE V—COST CONTAINMENT

Sec. 501. New drug clinical trials program.
Sec. 502. Medical treatment effectiveness.
Sec. 503. National health insurance data and claims system.
Sec. 504. Health care cost containment and quality information program.

TITLE VI—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies and Services

Sec. 601. Amendment of 1986 Code.
Sec. 602. Qualified long-term care services treated as medical care.
Sec. 603. Definition of qualified long-term care insurance policy.
Sec. 604. Treatment of qualified long-term care insurance as accident and health insurance for purposes of taxation of insurance companies.
Sec. 605. Treatment of accelerated death benefits under life insurance contracts.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

Sec. 611. Credit for qualified long-term care premiums.
Sec. 612. Exclusion from gross income of benefits received under qualified long-term care insurance policies.
Sec. 613. Employer deduction for contributions made for long-term care insurance.
Sec. 614. Inclusion of qualified long-term care insurance in cafeteria plans.
Sec. 615. Exclusion from gross income for amounts received on cancellation of life insurance policies and used for qualified long-term care insurance policies.
Sec. 616. Use of gain from sale of principal residence for purchase of qualified long-term health care insurance.

TITLE I—HEALTH CARE INSURANCE COVERAGE

Subtitle A—Definitions

SEC. 100. DEFINITIONS.

For purposes of this title:

(1) DEPENDENT.—The term "dependent" means, with respect to any individual, any person who is—

(A) the spouse or surviving spouse of the individual; or

(B) under regulations of the Secretary, a child (including an adopted child) of such individual and—

(i) under 19 years of age; or

(ii) under 25 years of age and a full-time student.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

(3) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to an eligible employee, such employee, and any dependent of such employee.

(4) EMPLOYER.—The term "employer" shall have the meaning given such term in section 3(5) of the Employee Retirement Income Security Act of 1974.

(5) GROUP HEALTH PLAN.—The term "group health plan" means an employee welfare benefit plan providing medical care (as defined in section 213(d) of the Internal Revenue Code of 1986) to participants or beneficiaries directly or through insurance, reimbursement, or otherwise, but does not include any type of coverage excluded from the definition of a health insurance plan under paragraph (6)(B).

(6) HEALTH INSURANCE PLAN.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "health insurance plan" means any hospital or medical service policy or certificate, hospital, or medical service plan contract, or health maintenance organization group contract offered by an insurer.

(B) EXCEPTION.—Such term does not include any of the following:

(i) Coverage only for accident, dental, vision, disability income, or long-term care insurance, or any combination thereof.

(ii) Medicare supplemental health insurance.

(iii) Coverage issued as a supplement to liability insurance.

(iv) Worker's compensation or similar insurance.

(v) Automobile medical-payment insurance.

(vi) Any combination of the insurance described in clauses (i) through (v).

(7) HEALTH MAINTENANCE ORGANIZATION.—The term "health maintenance organization" includes an organization recognized under State law as a health maintenance organization or managed care organization or a similar organization regulated under State law for solvency that offers to provide health services on a prepaid, at-risk basis primarily through a defined set of providers.

(8) INSURER.—The term "insurer" means any person that offers a health insurance plan including—

(A) a licensed insurance company;

(B) a prepaid hospital or medical service plan;

(C) a health maintenance organization;

(D) a self-insurer carrier;

(E) a reinsurance carrier; and

(F) a multiple small employer welfare arrangement (a combination of small employers associated for the purpose of providing health insurance plan coverage for their employees).

(9) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(10) QUALIFIED HEALTH INSURANCE PLAN.—The term "qualified health insurance plan" shall have the meaning given such term in section 111(b).

(11) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(12) SMALL EMPLOYER.—The term "small employer" means, with respect to a calendar year, an employer that normally employs more than 1 but not more than 50 eligible employees on a typical business day. For the purposes of this paragraph, the term "employee" includes a self-employed individual. For purposes of determining if an employer is a small employer, rules similar to the rules of subsection (b) and (c) of section 414 of the Internal Revenue Code of 1986 shall apply.

(13) STATE.—The term "State" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Subtitle B—Increased Availability and Continuity of Health Coverage

PART 1—REFORM OF HEALTH INSURANCE MARKETPLACE FOR SMALL EMPLOYERS

Subpart A—Insurance Market Reform

SEC. 111. REQUIREMENT FOR INSURERS TO OFFER QUALIFIED HEALTH INSURANCE PLANS.

(a) REQUIREMENT TO OFFER.—Each insurer that makes available a health insurance plan to a small employer in a State shall make available to each small employer in the State a qualified health insurance plan (as defined in subsection (b)).

(b) QUALIFIED HEALTH INSURANCE PLAN.—The term "qualified health insurance plan" means a health insurance plan (whether a managed-care plan, indemnity plan, or other plan) that is designed to provide standard coverage (consistent with section 112(b)).

(c) MARKETING REQUIREMENTS.—The requirements of subsection (a) are not met unless the plan described in subsection (a) is made available to small employers using at least the marketing methods and other sales practices which are used in selling other health insurance plans within the same class of business made available by the insurer.

SEC. 112. ACTUARIAL EQUIVALENCE IN BENEFITS PERMITTED.

(a) SET OF RULES OF ACTUARIAL EQUIVALENCE.—

(1) INITIAL DETERMINATION.—The NAIC is requested to submit to the Secretary, within 6 months after the date of the enactment of this Act, a set of rules which the NAIC determines is sufficient for determining, in the case of any health insurance plan and for purposes of this section, the actuarial value of the coverage offered by the plan.

(2) CERTIFICATION.—If the Secretary determines that the NAIC has submitted a set of rules that comply with the requirements of paragraph (1), the Secretary shall certify such set of rules for use under this subtitle. If the Secretary determines that such a set of rules has not been submitted or does not comply with such requirements, the Secretary shall promptly establish a set of rules that meets such requirements.

(b) STANDARD COVERAGE.—

(1) IN GENERAL.—A health insurance plan is considered to provide standard coverage consistent with this subsection if the benefits are determined, in accordance with the set of actuarial equivalence rules certified under subsection (a), to have a value that is within 5 percentage points of the target actuarial value for standard coverage established under paragraph (2).

(2) INITIAL DETERMINATION OF TARGET ACTUARIAL VALUE FOR STANDARD COVERAGE.—

(A) INITIAL DETERMINATION.—

(i) IN GENERAL.—The NAIC is requested to submit to the Secretary, within 6 months after the date of the enactment of this Act, a target actuarial value for standard coverage equal to the average actuarial value of the coverage described in clause (ii). No specific procedure or treatment, or classes thereof, is required to be considered in such determination by this Act or through regulations. The determination of such value shall be based on a representative distribution of the population of eligible employees offered such coverage and a single set of standardized utilization and cost factors.

(ii) COVERAGE DESCRIBED.—The coverage described in this clause is coverage for medically necessary and appropriate services consisting of medical and surgical services, medical equipment, preventive services, and emergency transportation in frontier areas. No specific procedure or treatment, or classes thereof, is required to be covered in such a plan, by this Act or through regulations.

(B) CERTIFICATION.—If the Secretary determines that the NAIC has submitted a target actuarial value for standard coverage that complies with the requirements of subparagraph (A), the Secretary shall certify such value for use under this subtitle. If the Secretary determines that a target actuarial value has not been submitted or does not comply with the requirements of subparagraph (A), the Secretary shall promptly determine a target actuarial value that meets such requirements.

(c) SUBSEQUENT REVISIONS.—

(1) NAIC.—The NAIC may submit from time to time to the Secretary revisions of the set of rules of actuarial equivalence and target actuarial values previously established or determined under this section if the NAIC determines that revisions are necessary to take into account changes in the relevant types of health benefits provisions or in demographic conditions which form the basis for the set of rules of actuarial equivalence or the target actuarial values. The provisions of subsection (a)(2) shall apply to such a revision in the same manner as they apply to the initial determination of the set of rules.

(2) SECRETARY.—The Secretary may by regulation revise the set of rules of actuarial equivalence and target actuarial values from time to time if the Secretary determines such revisions are necessary to take into account changes described in paragraph (1).

SEC. 113. ESTABLISHMENT OF HEALTH INSURANCE PLAN STANDARDS.

(a) ESTABLISHMENT OF GENERAL STANDARDS.—

(1) ROLE OF NAIC.—The NAIC is requested to submit to the Secretary, within 9 months after the date of the enactment of this Act, model regulations that specify standards with respect to the requirement, under section 111(a), that insurers make available qualified health insurance plans. If the NAIC develops recommended regulations specifying such standards within such period, the Secretary shall review the standards. Such review shall be completed within 60 days after the date the regulations are developed. Unless the Secretary determines within such period that the standards do not meet the requirement under section 111(a), such standards shall serve as the standards under this section, with such amendments as the Secretary deems necessary.

(2) CONTINGENCY.—If the NAIC does not develop such model regulations within the period described in paragraph (1), or the Secretary determines that such regulations do not specify standards that meet the requirement under section 111(a), the Secretary shall specify, within 15 months after the date

of the enactment of this Act, standards to carry out such requirement.

(3) EFFECTIVE DATE.—The standards specified in the model regulations shall apply to health insurance plans in a State on or after the respective date the standards are implemented in the State under subsection (b).

(4) NO PREEMPTION OF STATE LAW.—A State may implement standards for health insurance plans made available to small employers that are more stringent than the requirements under this section, except that a State may not implement standards that prevent the offering by an insurer of at least one health insurance plan that provides standard coverage (as described in section 112(b)).

(b) APPLICATION OF STANDARDS THROUGH STATES.—

(1) IN GENERAL.—Each State shall submit to the Secretary, by the deadline specified in paragraph (2), a report on the steps the State is taking to implement and enforce the standards with respect to insurers, and qualified health insurance plans offered, not later than such deadline.

(2) DEADLINE FOR REPORT.—

(A) 1 YEAR AFTER STANDARDS ESTABLISHED.—Subject to subparagraph (B), the deadline under this paragraph is 1 year after the date the standards are established under subsection (a).

(B) EXCEPTION FOR LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

(i) requiring State legislation (other than legislation appropriating funds) in order for insurers and qualified health insurance plans offered to meet the standards established under subsection (a), but

(ii) having a legislature which is not scheduled to meet in 1997 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1998. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(3) FEDERAL ROLE.—If the Secretary determines that a State has failed to submit a report by the deadline specified under paragraph (1) or finds that the State has not implemented and provided adequate enforcement of the standards under such paragraph, the Secretary shall notify the State and provide the State a period of 60 days in which to submit the report or to implement and enforce the standards. If, after that 60-day period, the Secretary finds that the failure has not been corrected, the Secretary shall provide for the implementation and enforcement of the standards in the State in such a way as the Secretary determines to be appropriate. Such implementation and enforcement shall take effect with respect to insurers and qualified health insurance plans offered or renewed on or after 3 months after the date of the Secretary's finding under the previous sentence and until the date the Secretary finds that such a failure has been corrected.

Subpart B—Additional Standards for Health Insurance Plans Offered to Small Employers

SEC. 121. GENERAL ISSUANCE REQUIREMENTS.

(a) GENERAL RULE.—Any insurer offering a health insurance plan to a small employer shall meet the following requirements:

(1) The guaranteed issue requirements of subsection (b).

(2) The mandatory registration and disclosure requirements of subsection (c).

(b) GUARANTEED ISSUE.—

(1) IN GENERAL.—The requirements of this subsection are met if the insurer offering a health insurance plan to small employers in the State—

(A) accepts every small employer in the State that applies for coverage under the plan; and

(B) accepts for enrollment under the plan every eligible individual who applies for enrollment on a timely basis (consistent with paragraph (3)).

(2) SPECIAL RULES FOR HEALTH MAINTENANCE ORGANIZATIONS.—In the case of a plan offered by a health maintenance organization, the plan may—

(A) limit the employers that may apply for coverage to those with eligible individuals residing in the service area of the plan;

(B) limit the individuals who may be enrolled under the plan to those who reside in the service area of the plan; and

(C) within the service area of the plan, deny coverage to such employers if the plan demonstrates that—

(i) it will not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations to existing group contract holders and enrollees; and

(ii) it is applying this subparagraph uniformly to all employers without regard to the health status, claims experience, or duration of coverage of those employers and their employees.

(3) CLARIFICATION OF TIMELY ENROLLMENT.—

(A) GENERAL INITIAL ENROLLMENT REQUIREMENT.—Except as provided in this paragraph, a health insurance plan may consider enrollment of an eligible individual not to be timely if the eligible employee or dependent fails to enroll in the plan during an initial enrollment period, if such period is at least 30 days long.

(B) ENROLLMENT DUE TO LOSS OF PREVIOUS EMPLOYER COVERAGE.—Enrollment in a health insurance plan is considered to be timely in the case of an eligible individual who—

(i) was covered under another health insurance plan or group health plan at the time of the individual's initial enrollment period;

(ii) stated at the time of the initial enrollment period that coverage under a health insurance plan or a group health plan was the reason for declining enrollment;

(iii) lost coverage under another health insurance plan or group health plan (as a result of the termination of the other plan's coverage, termination or reduction of employment, or other reason); and

(iv) requests enrollment within 30 days after termination of such coverage.

(C) REQUIREMENT APPLIES DURING OPEN ENROLLMENT PERIODS.—Each health insurance plan shall provide for at least one period (of not less than 30 days) each year during which enrollment under the plan shall be considered to be timely.

(D) EXCEPTION FOR COURT ORDERS.—Enrollment of a spouse or minor child of an employee shall be considered to be timely if—

(i) a court has ordered that coverage be provided for the spouse or child under a covered employee's group health plan; and

(ii) a request for enrollment is made within 30 days after the date the court issues the order.

(E) ENROLLMENT OF SPOUSES AND DEPENDENTS.—

(i) IN GENERAL.—Enrollment of the spouse (including a child of the spouse) and any dependent child of an eligible employee shall be considered to be timely if a request for enrollment is made either—

(I) within 30 days of the date of the marriage or of the date of the birth or adoption of a child, if family coverage is available as of such date; or

(II) within 30 days of the date family coverage is first made available.

(ii) COVERAGE.—If a plan makes family coverage available and enrollment is made under the plan on a timely basis under clause (i)(I), the coverage shall become effective not later than the first day of the first month beginning after the date of the marriage or the date of birth or adoption of the child (as the case may be).

(4) FINANCIAL CAPACITY EXCEPTION.—Paragraph (1) shall not require any insurer to issue a health insurance plan to the extent that the issuance of such plan would result in such insurer violating the financial solvency standards (if any) established by the State in which such plan is to be issued.

(5) DELIVERY CAPACITY EXCEPTION.—

(A) IN GENERAL.—Paragraph (1) shall not prohibit an insurer from ceasing enrollment under a health insurance plan if—

(i) the insurer ceases to enroll any new small employers under the plan; and

(ii) the insurer can demonstrate to the Secretary that its provider capacity to serve previously covered groups or individuals (and additional individuals who will be expected to enroll because of affiliation with such previously covered groups or individuals) will be impaired if it is required to enroll other small employers.

(B) FIRST-COME-FIRST-SERVED.—An insurer is only eligible to exercise the exceptions provided for in subparagraph (A) if such insurer provides for enrollment on a first-come-first-served basis (except in the case of additional individuals described in subparagraph (A)(ii)).

(6) ADDITIONAL EXCEPTIONS.—Paragraph (1) shall not apply to a failure to issue a health insurance plan to a small employer if—

(A) such employer is unable to pay the premium for such contract; or

(B) in the case of a small employer with fewer than 15 employees, such employer fails to enroll a minimum percentage of the employer's employees for coverage under such plan, so long as such percentage is enforced uniformly for all small employers of comparable size.

(7) EXCEPTION FOR ALTERNATIVE STATE PROGRAMS.—

(A) IN GENERAL.—Paragraph (1) shall not apply if the State in which the health insurance plan is issued—

(i) has a program which—

(I) assures the availability of health insurance plans to small employers through the equitable distribution of high risk groups among all insurers offering such contracts to such small employers; and

(II) is consistent with a model program developed by the NAIC;

(ii) has a qualified State-run reinsurance program; or

(iii) has a program which the Secretary has determined assures all small employers in the State an opportunity to purchase a health insurance plan without regard to any risk characteristic.

(B) REINSURANCE PROGRAM.—

(i) PROGRAM REQUIREMENTS.—For purposes of subparagraph (A)(ii), a State-run reinsurance program is qualified if such program is one of the NAIC reinsurance program models developed under clause (ii) or is a variation of one of such models, as approved by the Secretary.

(ii) MODELS.—Not later than 120 days after the date of the enactment of this Act, the NAIC shall develop several models for a reinsurance program, including options for program funding.

(c) MANDATORY REGISTRATION REQUIREMENTS.—The requirements of this subsection are met if the insurer offering health insurance plans to small employers in any State registers with the State commissioner or superintendent of insurance or other State authority responsible for regulation of health insurance.

SEC. 122. RATING LIMITATIONS FOR COMMUNITY-RATED MARKET.

(a) STANDARD PREMIUMS WITH RESPECT TO COMMUNITY-RATED ELIGIBLE EMPLOYEES AND ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Each health insurance plan offered to a small employer shall establish within each community rating area in which the plan is to be offered, a standard premium for enrollment of eligible employees and eligible individuals for the standard coverage (as defined under section 112(b)).

(2) ESTABLISHMENT OF COMMUNITY RATING AREA.—

(A) IN GENERAL.—Not later than January 1, 1996, each State shall, in accordance with subparagraph (B), provide for the division of the State into 1 or more community rating areas. The State may revise the boundaries of such areas from time to time consistent with this paragraph.

(B) GEOGRAPHIC AREA VARIATIONS.—For purposes of subparagraph (A), a State—

(i) may not identify an area that divides a 3-digit zip code, a county, or all portions of a metropolitan statistical area;

(ii) shall not permit premium rates for coverage offered in a portion of an interstate metropolitan statistical area to vary based on the State in which the coverage is offered; and

(iii) may, upon agreement with one or more adjacent States, identify multi-State geographic areas consistent with clauses (i) and (ii).

(3) ELIGIBLE INDIVIDUALS.—For purposes of this section, the term "eligible individuals" includes certain uninsured individuals (as described in section 133).

(b) UNIFORM PREMIUMS WITHIN COMMUNITY RATING AREAS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the standard premium for each health insurance plan shall be the same, but shall not include the costs of premium processing and enrollment that may vary depending on whether the method of enrollment is through a qualified small employer purchasing group (established under subpart C), through a small employer, or through a broker.

(2) APPLICATION TO ENROLLEES.—

(A) IN GENERAL.—The premium charged for coverage in a health insurance plan which covers eligible employees and eligible individuals shall be the product of—

(i) the standard premium (established under paragraph (1));

(ii) in the case of enrollment other than individual enrollment, the family adjustment factor specified under subparagraph (B); and

(iii) the age adjustment factor (specified under subparagraph (C)).

(B) FAMILY ADJUSTMENT FACTOR.—

(i) IN GENERAL.—The standards established under section 113 shall specify family adjustment factors that reflect the relative actuarial costs of benefit packages based on family classes of enrollment (as compared with such costs for individual enrollment).

(ii) CLASSES OF ENROLLMENT.—For purposes of this Act, there are 4 classes of enrollment:

(I) Coverage only of an individual (referred to in this Act as the "individual" enrollment or class of enrollment).

(II) Coverage of a married couple without children (referred to in this Act as the "couple-only" enrollment or class of enrollment).

(III) Coverage of an individual and one or more children (referred to in this Act as the "single parent" enrollment or class of enrollment).

(IV) Coverage of a married couple and one or more children (referred to in this Act as the "dual parent" enrollment or class of enrollment).

(iii) REFERENCES TO FAMILY AND COUPLE CLASSES OF ENROLLMENT.—In this subtitle:

(I) FAMILY.—The terms "family enrollment" and "family class of enrollment" refer to enrollment in a class of enrollment described in any subclause of clause (ii) (other than subclause (I)).

(II) COUPLE.—The term "couple class of enrollment" refers to enrollment in a class of enrollment described in subclause (II) or (IV) of clause (ii).

(iv) SPOUSE; MARRIED; COUPLE.—

(I) IN GENERAL.—In this subtitle, the terms "spouse" and "married" mean, with respect to an individual, another individual who is the spouse of, or is married to, the individual, as determined under applicable State law.

(II) COUPLE.—The term "couple" means an individual and the individual's spouse.

(C) AGE ADJUSTMENT FACTOR.—The Secretary, in consultation with the NAIC, shall specify uniform age categories and maximum rating increments for age adjustment factors that reflect the relative actuarial costs of benefit packages among enrollees. For individuals who have attained age 18 but not age 65, the highest age adjustment factor may not exceed 3 times the lowest age adjustment factor.

(3) ADMINISTRATIVE CHARGES.—

(A) IN GENERAL.—In accordance with the standards established under section 113, a health insurance plan which covers eligible employees and eligible individuals may add a separately-stated administrative charge which is based on identifiable differences in legitimate administrative costs and which is applied uniformly for individuals enrolling through the same method of enrollment. Nothing in this subparagraph may be construed as preventing a qualified small employer purchasing group from negotiating a unique administrative charge with an insurer for a health insurance plan.

(B) ENROLLMENT THROUGH A QUALIFIED SMALL EMPLOYER PURCHASING GROUP.—In the case of an administrative charge under subparagraph (A) for enrollment through a qualified small employer purchasing group, such charge may not exceed the lowest charge of such plan for enrollment other than through a qualified small employer purchasing group in such area.

(c) TREATMENT OF NEGOTIATED RATE AS COMMUNITY RATE.—Notwithstanding any other provision of this section, an insurer which negotiates a premium rate (exclusive of any administrative charge described in subsection (b)(3)) with a qualified small employer purchasing group in a community rating area shall charge the same premium rate to all eligible employees and eligible individuals.

SEC. 123. RATING PRACTICES AND PAYMENT OF PREMIUMS.

(a) FULL DISCLOSURE OF RATING PRACTICES.—

(1) IN GENERAL.—An insurer shall fully disclose rating practices for such plan to the appropriate certifying authority (as determined under section 121(c)).

(2) NOTICE ON EXPIRATION.—An insurer shall provide for notice of the terms for renewal of a health insurance plan at the time of the offering of the plan and at least 90 days before the date of expiration of the plan.

(3) ACTUARIAL CERTIFICATION.—Each insurer shall file annually with the appropriate certifying authority a written statement by a member of the American Academy of Actuaries (or other individual acceptable to such authority) who is not an employee of the insurer certifying that, based upon an examination by the individual which includes a review of the appropriate records and of the actuarial assumptions of such insurer and methods used by the insurer in establishing premium rates and administrative charges for health insurance plans—

(A) such insurer is in compliance with the applicable provisions of this subtitle; and

(B) the rating methods are actuarially sound.

Each insurer shall retain a copy of such statement at its principal place of business for examination by any individual.

(b) PAYMENT OF PREMIUMS.—

(1) IN GENERAL.—With respect to a new enrollee in a health insurance plan, the plan may require advanced payment of an amount equal to the monthly applicable premium for the plan at the time such individual is enrolled.

(2) NOTIFICATION OF FAILURE TO RECEIVE PREMIUM.—If a health insurance plan fails to receive payment on a premium due with respect to an eligible employee or eligible individual covered under the plan, the plan shall provide notice of such failure to the employee or individual within the 20-day period after the date on which such premium payment was due. A plan may not terminate the enrollment of an eligible employee or eligible individual unless such employee or individual has been notified of any overdue premiums and has been provided a reasonable opportunity to respond to such notice.

Subpart C—Small Employer Purchasing Groups

SEC. 131. QUALIFIED SMALL EMPLOYER PURCHASING GROUPS.

(a) QUALIFIED SMALL EMPLOYER PURCHASING GROUPS DESCRIBED.—

(1) IN GENERAL.—A qualified small employer purchasing group is an entity that—

(A) is a nonprofit entity certified under State law;

(B) has a membership consisting solely of small employers;

(C) is administered solely under the authority and control of its member employers;

(D) with respect to each State in which its members are located, consists of not fewer than the number of small employers established by the State as appropriate for such a group;

(E) offers a program under which qualified health insurance plans are offered to eligible employees and eligible individuals through its member employers and to certain uninsured individuals in accordance with section 122; and

(F) an insurer, agent, broker, or any other individual or entity engaged in the sale of insurance—

(i) does not form or underwrite; and

(ii) does not hold or control any right to vote with respect to.

(2) STATE CERTIFICATION.—A qualified small employer purchasing group formed under this section shall submit an application to the State for certification. The State shall determine whether to issue a certification

and otherwise ensure compliance with the requirements of this Act.

(3) SPECIAL RULE.—Notwithstanding paragraph (1)(B), an employer member of a small employer purchasing group that has been certified by the State as meeting the requirements of paragraph (1) may retain its membership in the group if the number of employees of the employer increases such that the employer is no longer a small employer.

(b) BOARD OF DIRECTORS.—Each qualified small employer purchasing group established under this section shall be governed by a board of directors or have active input from an advisory board consisting of individuals and businesses participating in the group.

(c) DOMICILIARY STATE.—For purposes of this section, a qualified small employer purchasing group operating in more than one State shall be certified by the State in which the group is domiciled.

(d) MEMBERSHIP.—

(1) IN GENERAL.—A qualified small employer purchasing group shall accept all small employers and certain uninsured individuals residing within the area served by the group as members if such employers or individuals request such membership.

(2) VOTING.—Members of a qualified small employer purchasing group shall have voting rights consistent with the rules established by the State.

(e) DUTIES OF QUALIFIED SMALL EMPLOYER PURCHASING GROUPS.—Each qualified small employer purchasing group shall—

(1) enter into agreements with insurers offering qualified health insurance plans;

(2) enter into agreements with small employers under section 132;

(3) enroll only eligible employees, eligible individuals, and certain uninsured individuals in qualified health insurance plans, in accordance with section 133;

(4) provide enrollee information to the State;

(5) meet the marketing requirements under section 135; and

(6) carry out other functions provided for under this Act.

(f) LIMITATION ON ACTIVITIES.—A qualified small employer purchasing group shall not—

(1) perform any activity involving approval or enforcement of payment rates for providers;

(2) perform any activity (other than the reporting of noncompliance) relating to compliance of qualified health insurance plans with the requirements of this Act;

(3) assume financial risk in relation to any such health plan; or

(4) perform other activities identified by the State as being inconsistent with the performance of its duties under this Act.

(g) RULES OF CONSTRUCTION.—

(1) ESTABLISHMENT NOT REQUIRED.—Nothing in this section shall be construed as requiring—

(A) that a State organize, operate or otherwise establish a qualified small employer purchasing group, or otherwise require the establishment of purchasing groups; and

(B) that there be only one qualified small employer purchasing group established with respect to a community rating area.

(2) SINGLE ORGANIZATION SERVING MULTIPLE AREAS AND STATES.—Nothing in this section shall be construed as preventing a single entity from being a qualified small employer purchasing group in more than one community rating area or in more than one State.

(3) VOLUNTARY PARTICIPATION.—Nothing in this section shall be construed as requiring any individual or small employer to purchase a qualified health insurance plan exclusively through a qualified small employer purchasing group.

SEC. 132. AGREEMENTS WITH SMALL EMPLOYERS.

(a) IN GENERAL.—A qualified small employer purchasing group shall offer to enter into an agreement under this section with each small employer that employs eligible employees in the area served by the group.

(b) PAYROLL DEDUCTION.—

(1) IN GENERAL.—Under an agreement under this section between a small employer and a qualified small employer purchasing group, the small employer shall deduct premiums from an eligible employee's wages.

(2) ADDITIONAL PREMIUMS.—If the amount withheld under paragraph (1) is not sufficient to cover the entire cost of the premiums, the eligible employee shall be responsible for paying directly to the qualified small employer purchasing group the difference between the amount of such premiums and the amount withheld.

SEC. 133. ENROLLING ELIGIBLE EMPLOYEES, ELIGIBLE INDIVIDUALS, AND CERTAIN UNINSURED INDIVIDUALS IN QUALIFIED HEALTH INSURANCE PLANS.

(a) IN GENERAL.—Each qualified small employer purchasing group shall offer—

(1) eligible employees,

(2) eligible individuals, and

(3) certain uninsured individuals,

the opportunity to enroll in any qualified health insurance plan which has an agreement with the qualified small employer purchasing group for the community rating area in which such employees and individuals reside.

(b) UNINSURED INDIVIDUALS.—For purposes of this section, an individual is described in subsection (a)(3) if such individual is an uninsured individual who is not an eligible employee of a small employer that is a member of a qualified small employer purchasing group or a dependent of such individual.

SEC. 134. RECEIPT OF PREMIUMS.

(a) ENROLLMENT CHARGE.—The amount charged by a qualified small employer purchasing group for coverage under a qualified health insurance plan shall be equal to the sum of—

(1) the premium rate offered by such health plan;

(2) the administrative charge for such health plan; and

(3) the purchasing group administrative charge for enrollment of eligible employees, eligible individuals and certain uninsured individuals through the group.

(b) DISCLOSURE OF PREMIUM RATES AND ADMINISTRATIVE CHARGES.—Each qualified small employer purchasing group shall, prior to the time of enrollment, disclose to enrollees and other interested parties the premium rate for a qualified health insurance plan, the administrative charge for such plan, and the administrative charge of the group, separately.

SEC. 135. MARKETING ACTIVITIES.

Each qualified small employer purchasing group shall market qualified health insurance plans to members through the entire community rating area served by the purchasing group.

SEC. 136. GRANTS TO STATES AND QUALIFIED SMALL EMPLOYER PURCHASING GROUPS.

(a) IN GENERAL.—The Secretary shall award grants to States and small employer purchasing groups to assist such States and groups in planning, developing, and operating qualified small employer purchasing groups.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, a State or small employer purchasing group shall prepare and submit to the Secretary an application in such form, at such time, and containing such information, certifications, and assurances as the Secretary shall reasonably require.

(c) USE OF FUNDS.—Amounts awarded under this section may be used to finance the costs associated with planning, developing, and operating a qualified small employer purchasing group. Such costs may include the costs associated with—

(1) engaging in education and outreach efforts to inform small employers, insurers, and the public about the small employer purchasing group;

(2) soliciting bids and negotiating with insurers to make available health care benefit plans;

(3) preparing the documentation required to receive certification by the Secretary as a qualified small employer purchasing group; and

(4) such other activities determined appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for awarding grants under this subsection such sums as may be necessary.

SEC. 137. QUALIFIED SMALL EMPLOYER PURCHASING GROUPS ESTABLISHED BY A STATE.

A State may establish a system in all or part of the State under which qualified small employer purchasing groups are the sole mechanism through which health care coverage for the eligible employees of small employers shall be purchased or provided.

PART 2—STANDARDS APPLICABLE TO ALL HEALTH INSURANCE PLANS

SEC. 141. COVERAGE REQUIREMENTS.

(a) GENERAL RULE.—Any insurer offering a health insurance plan shall meet the coverage requirements of subsection (b).

(b) COVERAGE REQUIREMENTS.—

(1) IN GENERAL.—The requirements of this subsection are met with respect to any health insurance plan if, under the terms and operation of the plan, the following requirements are met:

(A) GUARANTEED ELIGIBILITY.—No individual (and any dependent of the individual eligible for coverage) may be denied, limited, conditioned, or excluded from coverage under (or benefits of) the plan for any reason, including health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for health care expenses, disability, or lack of evidence of insurability, of the individual.

(B) LIMITATIONS ON COVERAGE OF PREEXISTING CONDITIONS.—Any limitation under the plan on any preexisting condition—

(i) may not extend beyond the 6-month period beginning with the date an insured is first covered by the plan;

(ii) may only apply to preexisting conditions which manifested themselves, or for which medical care or advice was sought or recommended, during the 3-month period preceding the date an insured is first covered by the plan;

(iii) may not extend to an individual who, as of the date of birth, was covered under the plan; and

(iv) may not relate to pregnancy.

(C) GUARANTEED RENEWABILITY.—

(i) IN GENERAL.—The plan must be renewed at the election of the insured unless the plan is terminated for cause.

(ii) CAUSE.—For purposes of this subparagraph, the term "cause" means—

(I) nonpayment of the required premiums;

(II) fraud or misrepresentation of the insured or their representatives;

(III) noncompliance with the plan's minimum participation requirements;

(IV) noncompliance with the plan's employer contribution requirements; or

(V) repeated misuse of a provider network provision in the plan.

(2) WAITING PERIODS.—Paragraph (1)(A) shall not apply to any period an employee is excluded from coverage under the plan solely by reason of a requirement applicable to all employees that a minimum period of service with the employer is required before the employee is eligible for such coverage.

(3) DETERMINATION OF PERIODS FOR RULES RELATING TO PREEXISTING CONDITIONS.—For purposes of paragraph (1)(B), the date on which an insured is first covered by a plan shall be the earlier of—

(A) the date on which coverage under such plan begins; or

(B) the first day of any continuous period—

(i) during which the insured was covered under one or more other health insurance arrangements; and

(ii) in the case of an employee, which does not end more than 120 days before the date employment with the employer begins.

(4) CESSATION OF BUSINESS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, an insurer shall not be treated as failing to meet the requirements of paragraph (1)(C) if such insurer terminates the class of business which includes the health insurance plan.

(B) NOTICE REQUIREMENT.—Subparagraph (A) shall apply only if the insurer gives notice of the decision to terminate at least 90 days before the expiration of the plan.

(C) 5-YEAR MORATORIUM.—If, within 5 years of the year in which an insurer terminates a class of business under subparagraph (A), such insurer establishes a new class of business, the issuance of plans in that year shall be treated as a failure to which this section applies.

(D) TRANSFERS.—If, upon a failure to renew a plan to which subparagraph (A) applies, an insurer offers to transfer such plan to another class of business, such transfer must be made without regard to risk characteristics.

(5) CLASS OF BUSINESS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "class of business" means, with respect to health care insurance provided to persons, all health care insurance provided to such persons.

(B) ESTABLISHMENT OF GROUPINGS.—

(i) IN GENERAL.—An issuer may establish separate classes of business with respect to health care insurance provided to all persons but only if such classes are based on one or more of the following:

(I) Business marketed and sold through insurers not participating in the marketing and sale of such insurance to other persons.

(II) Business acquired from other insurers as a distinct grouping.

(III) Business provided through an association of not less than 20 small employers which was established for purposes other than obtaining insurance.

(IV) Business related to managed care plans.

(V) Any other business which the Secretary determines needs to be separately grouped to prevent a substantial threat to the solvency of the insurer.

(ii) EXCEPTION ALLOWED.—Except as provided in subparagraph (C), an insurer may not establish more than one distinct group of persons for each category specified in clause (i).

(C) SPECIAL RULE.—An insurer may establish up to 2 groups under each category in subparagraph (A) or (B) to account for differences in characteristics (other than differences in plan benefits) of health insurance plans that are expected to produce substantial variation in health care costs.

PART 3—ENFORCEMENT OF STANDARDS FOR HEALTH INSURANCE PLANS

SEC. 151. ENFORCEMENT BY EXCISE TAX ON INSURERS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980C. FAILURE OF INSURER TO COMPLY WITH CERTAIN STANDARDS FOR HEALTH INSURANCE PLANS.

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—There is hereby imposed a tax on the failure of an insurer to comply with the requirements applicable to such insurer under parts 1 and 2 of subtitle B of title I of the Health Care Assurance Act of 1995.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a failure by an insurer in a State if the Secretary of Health and Human Services determines that the State has in effect a regulatory enforcement mechanism that provides adequate sanctions with respect to such a failure by such an insurer.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—Subject to paragraph (2), the amount of the tax imposed by subsection (a) shall be $100 for each day during which such failure persists for each person to which such failure relates. A rule similar to the rule of section 4980B(b)(3) shall apply for purposes of this section.

"(2) LIMITATION.—The amount of the tax imposed by subsection (a) for an insurer with respect to a health insurance plan shall not exceed 25 percent of the amounts received under the plan for coverage during the period such failure persists.

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the insurer.

"(d) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period (or such period as the Secretary may determine appropriate) beginning on the first date the insurer knows, or exercising reasonable diligence could have known, that such failure existed.

"(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(e) DEFINITIONS.—For purposes of this section, the terms 'health insurance plan' and 'insurer' have the meanings given such terms in section 100 of the Health Care Assurance Act of 1995.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 43 is amended by adding at the end the following new item:

"Sec. 4980C. Failure of insurer to comply with certain standards for health insurance plans.".

PART 4—EFFECTIVE DATES

SEC. 161. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this subtitle, the provisions of this subtitle are effective on the date of the enactment of this Act.

(b) EXCEPTION.—The provisions of section 121(b) shall apply to contracts which are issued, or renewed, after the date which is 18 months after the date of the enactment of this Act.

Subtitle C—Required Coverage Options for Eligible Employees and Dependents of Small Employers

SEC. 171. REQUIRING SMALL EMPLOYERS TO OFFER COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) REQUIREMENT TO OFFER.—Each small employer shall make available with respect to each eligible employee a group health plan under which—

(1) coverage of each eligible individual with respect to such an eligible employee may be elected on an annual basis for each plan year;

(2) coverage is provided for at least the standard coverage specified in section 112(b); and

(3) each eligible employee electing such coverage may elect to have any premiums owed by the employee collected through payroll deduction.

(b) NO EMPLOYER CONTRIBUTION REQUIRED.—An employer is not required under subsection (a) to make any contribution to the cost of coverage under a group health plan described in such subsection.

(c) SPECIAL RULES.—

(1) EXCLUSION OF NEW EMPLOYERS AND CERTAIN VERY SMALL EMPLOYERS.—Subsection (a) shall not apply to any small employer for any plan year if, as of the beginning of such plan year—

(A) such employer (including any predecessor thereof) has been an employer for less than 2 years;

(B) such employer has no more than 2 eligible employees; or

(C) no more than 2 eligible employees are not covered under any group health plan.

(2) EXCLUSION OF FAMILY MEMBERS.—Under such procedures as the Secretary may prescribe, any relative of a small employer may be, at the election of the employer, excluded from consideration as an eligible employee for purposes of applying the requirements of subsection (a). In the case of a small employer that is not an individual, an employee who is a relative of a key employee (as defined in section 416(i)(1) of the Internal Revenue Code of 1986) of the employer may, at the election of the key employee, be considered a relative excludable under this paragraph.

(3) OPTIONAL APPLICATION OF WAITING PERIOD.—A group health plan shall not be treated as failing to meet the requirements of subsection (a) solely because a period of service by an eligible employee of not more than 60 days is required under the plan for coverage under the plan of eligible individuals with respect to such employee.

(d) CONSTRUCTION.—Nothing in this section shall be construed as limiting the group health plans, or types of coverage under such a plan, that an employer may offer to an employee.

SEC. 172. COMPLIANCE WITH APPLICABLE REQUIREMENTS THROUGH MULTIPLE EMPLOYER HEALTH ARRANGEMENTS.

(a) IN GENERAL.—In any case in which an eligible employee is, for any plan year, a participant in a group health plan which is a multiemployer plan, the requirements of section 171(a) shall be deemed to be met with respect to such employee for such plan year if the employer requirements of subsection (b) are met with respect to the eligible employee, irrespective of whether, or to what extent, the employer makes employer contributions on behalf of the eligible employee.

(b) EMPLOYER REQUIREMENTS.—The employer requirements of this subsection are met under a plan with respect to an eligible employee if—

(1) the employee is eligible under the plan to elect coverage on an annual basis and is provided a reasonable opportunity to make the election in such form and manner and at such times as are provided by the plan;

(2) coverage is provided for at least the standard coverage specified in section 112(b);

(3) the employer facilitates collection of any employee contributions under the plan and permits the employee to elect to have employee contributions under the plan collected through payroll deduction; and

(4) in the case of a plan to which part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 does not otherwise apply, the employer provides to the employee a summary plan description described in section 102(a)(1) of such Act in the form and manner and at such times as are required under such part 1 with respect to employee welfare benefit plans.

SEC. 173. ENFORCEMENT BY EXCISE TAX ON SMALL EMPLOYERS.

(a) IN GENERAL.—Chapter 47 of the Internal Revenue Code of 1986 (relating to excise taxes on certain group health plans) is amended by inserting after section 5000 the following new section:

"SEC. 5000A. SMALL EMPLOYER REQUIREMENTS.

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of any small employer to comply with the requirements of subtitle C of title I of the Health Care Assurance Act of 1995.

"(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be equal to $100 for each day for each individual for which such a failure occurs.

"(c) LIMITATION ON TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period (or such period as the Secretary may determine appropriate) beginning on the 1st date any of the individuals on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 47 is amended by adding at the end the following new item:

"Sec. 5000A. Small employer requirements.".

Subtitle D—Required Coverage Options for Individuals Insured Through Association Plans

PART 1—QUALIFIED ASSOCIATION PLANS

SEC. 181. TREATMENT OF QUALIFIED ASSOCIATION PLANS.

(a) GENERAL RULE.—For purposes of this subtitle, in the case of a qualified association plan—

(1) except as otherwise provided in this part, the plan shall meet all applicable requirements of subpart A of part 1 and part 2 of subtitle B and subtitle C for group health plans offered to and by small employers;

(2) if such plan is certified as meeting such requirements and the requirements of this part, such plan shall be treated as a plan established and maintained by a small employer, and individuals enrolled in such plan shall be treated as eligible employees; and

(3) any individual who is a member of the association not enrolling in the plan shall not be treated as an eligible employee solely by reason of membership in such association.

(b) ELECTION TO BE TREATED AS PURCHASING COOPERATIVE.—Subsection (a) shall not apply to a qualified association plan if—

(1) the health plan sponsor makes an irrevocable election to be treated as a qualified small employer purchasing group for purposes of subpart C of subtitle B; and

(2) such sponsor meets all requirements of this title applicable to a purchasing cooperative.

SEC. 182. QUALIFIED ASSOCIATION PLAN DEFINED.

(a) GENERAL RULE.—For purposes of this part, a plan is a qualified association plan if the plan is a multiple employer welfare arrangement or similar arrangement—

(1) which is maintained by a qualified association;

(2) which has at least 500 participants in the United States;

(3) under which the benefits provided consist solely of medical care (as defined in section 213(d) of the Internal Revenue Code of 1986);

(4) which may not condition participation in the plan, or terminate coverage under the plan, on the basis of the health status or health claims experience of any employee or member or dependent of either;

(5) which provides for bonding, in accordance with regulations providing rules similar to the rules under section 412 of the Employee Retirement Income Security Act of 1974, of all persons operating or administering the plan or involved in the financial affairs of the plan; and

(6) which notifies each participant or provider that it is certified as meeting the requirements of this subtitle applicable to it.

(b) SELF-INSURED PLANS.—In the case of a plan which is not fully insured (within the meaning of section 514(b)(6)(D) of the Employee Retirement Income Security Act of 1974), the plan shall be treated as a qualified association plan only if—

(1) the plan meets minimum financial solvency and cash reserve requirements for claims which are established by the Secretary of Labor and which shall be in lieu of any other such requirements under this subtitle;

(2) the plan provides an annual funding report (certified by an independent actuary) and annual financial statements to the Secretary of Labor and other interested parties; and

(3) the plan appoints a plan sponsor who is responsible for operating the plan and ensuring compliance with applicable Federal and State laws.

(c) CERTIFICATION.—

(1) IN GENERAL.—A plan shall not be treated as a qualified association plan for any period unless there is in effect a certification by the Secretary of Labor that the plan meets the requirements of this part. For purposes of this subtitle, the Secretary of Labor shall be the appropriate certifying authority with respect to the plan.

(2) FEE.—The Secretary of Labor shall require a $5,000 fee for the original certification under paragraph (1) and may charge a reasonable annual fee to cover the costs of processing and reviewing the annual statements of the plan.

(3) EXPEDITED PROCEDURES.—The Secretary of Labor may by regulation provide for expedited registration, certification, and comment procedures.

(4) AGREEMENTS.—The Secretary of Labor may enter into agreements with the States to carry out the Secretary's responsibilities under this part.

(d) AVAILABILITY.—Notwithstanding any other provision of this subtitle, a qualified association plan may limit coverage to individuals who are members of the qualified association establishing or maintaining the plan, an employee of such member, or a dependent of either.

(e) SPECIAL RULES FOR EXISTING PLANS.—In the case of a plan in existence on January 1, 1995—

(1) the requirements of subsection (a) (other than paragraphs (4), (5), and (6) thereof) shall not apply;

(2) no original certification shall be required under this part; and

(3) no annual report or funding statement shall be required before January 1, 1997, but the plan shall file with the Secretary of Labor a description of the plan and the name of the plan sponsor.

SEC. 183. DEFINITIONS AND SPECIAL RULES.

(a) QUALIFIED ASSOCIATION.—For purposes of this part, the term "qualified association" means any organization which—

(1) is organized and maintained in good faith by a trade association, an industry association, a professional association, a chamber of commerce, a religious organization, a public entity association, or other business association serving a common or similar industry;

(2) is organized and maintained for substantial purposes other than to provide a health plan;

(3) has a constitution, bylaws, or other similar governing document which states its purpose; and

(4) receives a substantial portion of its financial support from its active, affiliated, or federation members.

(b) MULTIPLE EMPLOYER WELFARE ARRANGEMENT.—For purposes of this subchapter, the term "multiple employer welfare arrangement" has the meaning given such term by section 3(40) of the Employee Retirement Income Security Act of 1974.

(c) COORDINATION WITH PART 2.—The term "qualified association plan" shall not include a plan to which part 2 applies.

PART 2—SPECIAL RULE FOR CHURCH, MULTIEMPLOYER, AND COOPERATIVE PLANS

SEC. 191. SPECIAL RULE FOR CHURCH, MULTIEMPLOYER, AND COOPERATIVE PLANS.

(a) GENERAL RULE.—For purposes of this subtitle, in the case of a group health plan to which this section applies—

(1) except as otherwise provided in this part, the plan shall be required to meet all applicable requirements of subpart A of part 1 and part 2 of subtitle B and subtitle C for group health plans offered to and by small employers;

(2) if such plan is certified as meeting such requirements, such plan shall be treated as a plan established and maintained by a small employer and individuals enrolled in such plan shall be treated as eligible employees; and

(3) any individual eligible to enroll in the plan who does not enroll in the plan shall not be treated as an eligible employee solely by reason of being eligible to enroll in the plan.

(b) MODIFIED STANDARDS.—

(1) CERTIFYING AUTHORITY.—For purposes of this subtitle, the Secretary of Labor shall be

the appropriate certifying authority with respect to a plan to which this section applies.

(2) AVAILABILITY.—Rules similar to the rules of subsection (e) of section 182 shall apply to a plan to which this section applies.

(3) ACCESS.—An employer which, pursuant to a collective bargaining agreement, offers an employee the opportunity to enroll in a plan described in subsection (c)(2) shall not be required to make any other plan available to the employee.

(4) TREATMENT UNDER STATE LAWS.—A church plan described in subsection (c)(1) which is certified as meeting the requirements of this section shall not be deemed to be a multiple employer welfare arrangement or an insurance company or other insurer, or to be engaged in the business of insurance, for purposes of any State law purporting to regulate insurance companies or insurance contracts.

(c) PLANS TO WHICH SECTION APPLIES.—This section shall apply to a health plan which—

(1) is a church plan (as defined in section 414(e) of the Internal Revenue Code of 1986) which has at least 100 participants in the United States;

(2) is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974) which is maintained by a health plan sponsor described in section 3(16)(B)(iii) of such Act and which has at least 500 participants in the United States; or

(3) is a plan which is maintained by a rural electric cooperative or a rural telephone cooperative association (within the meaning of section 3(40) of such Act) and which has at least 500 participants in the United States.

PART 3—ENFORCEMENT

SEC. 1001. ENFORCEMENT BY EXCISE TAX ON QUALIFIED ASSOCIATIONS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans), as amended by section 151, is amended by adding at the end the following new section:

"SEC. 4980D. FAILURE OF QUALIFIED ASSOCIATIONS, ETC., TO COMPLY WITH CERTAIN STANDARDS FOR HEALTH INSURANCE PLANS.

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—There is hereby imposed a tax on the failure of a qualified association (as defined in section 183 of the Health Care Assurance Act of 1995), church plan (as defined in section 414(e) of the Internal Revenue Code of 1986), multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), or plan maintained by a rural electric cooperative or a rural telephone cooperative association (within the meaning of section 3(40) of such Act) to comply with the requirements applicable to such association or plans under parts 1 and 2 of subtitle D of title I of the Health Care Assurance Act of 1995.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a failure by a qualified association, church plan, multiemployer plan, or plan maintained by a rural electric cooperative or a rural telephone cooperative association in a State if the Secretary of Health and Human Services determines that the State has in effect a regulatory enforcement mechanism that provides adequate sanctions with respect to such a failure by such a qualified association or plan.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be $100 for each day during which such failure persists for each person to which such failure relates. A rule similar to the rule of section 4980B(b)(3) shall apply for purposes of this section.

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the qualified association or plan.

"(d) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period (or such period as the Secretary may determine appropriate) beginning on the first date the qualified association, church plan, multiemployer plan, or plan maintained by a rural electric cooperative or a rural telephone cooperative association knows, or exercising reasonable diligence could have known, that such failure existed.

"(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 43, as amended by section 151, is amended by adding at the end the following new item:

"Sec. 4980D. Failure of qualified associations, etc., to comply with certain standards for health insurance plans.".

Subtitle E—1-Year Extension of Medicare Select

SEC. 1011. 1-YEAR EXTENSION OF PERIOD FOR ISSUANCE OF MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 4358(c) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1320c–3 note) is amended by striking "3½-year" and inserting "4½-year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Omnibus Budget Reconciliation Act of 1990.

Subtitle F—Tax Provisions

SEC. 1021. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PHASE-IN DEDUCTION.—Section 162(*l*) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended—

(1) by striking paragraph (6); and

(2) by striking paragraph (1) and inserting the following:

"(1) ALLOWANCE OF DEDUCTION.—

"(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

"If the taxable year begins in:	The applicable percentage is:
1994 or 1995	25 percent
1996 or 1997	50 percent
1998 or 1999	75 percent
2000 or thereafter	100 percent.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 1022. AMENDMENTS TO COBRA.

(a) LOWER COST COVERAGE OPTIONS.—Subparagraph (A) of section 4980B(f)(2) of the Internal Revenue Code of 1986 (relating to continuation coverage requirements of group health plans) is amended to read as follows:

"(A) TYPE OF BENEFIT COVERAGE.—The coverage must consist of coverage which, as of the time the coverage is being provided—

"(i) is identical to the coverage provided under the plan to similarly situated beneficiaries under the plan with respect to whom a qualifying event has not occurred,

"(ii) is so identical, except such coverage is offered with an annual $1,000 deductible, and

"(iii) is so identical, except such coverage is offered with an annual $3,000 deductible.

If coverage under the plan is modified for any group of similarly situated beneficiaries, the coverage shall also be modified in the same manner for all individuals who are qualified beneficiaries under the plan pursuant to this subsection in connection with such group.".

(b) TERMINATION OF COBRA COVERAGE AFTER ELIGIBLE FOR EMPLOYER-BASED COVERAGE FOR 90 DAYS.—Clause (iv) of section 4980B(f)(2)(B) of such Code (relating to period of coverage) is amended—

(1) by striking "or" at the end of subclause (I),

(2) by redesignating subclause (II) as subclause (III), and

(3) by inserting after subclause (I) the following new subclause:

"(II) eligible for such employer-based coverage for more than 90 days, or".

(c) REDUCTION OF PERIOD OF COVERAGE.—Clause (i) of section 4980B(f)(2)(B) of such Code (relating to period of coverage) is amended by striking "18 months" each place it appears and inserting "24 months".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to qualifying events occurring after the date of the enactment of this Act.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

SEC. 201. GRANTS TO STATES FOR HEALTHY START INITIATIVES.

(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under this section in order to significantly reduce infant mortality and low birth weight births and improve the health and well-being of pregnant women, mothers, infants, and their families over a 5-year period through accelerated implementation of innovative strategies.

(b) PROJECTS DESCRIBED.—

(1) IN GENERAL.—In order to achieve the purposes described in subsection (a), grant funds under this section shall be used to conduct projects in eligible project areas (as defined in paragraph (3)). A project under this section shall be conducted by a community-based consortium (as defined in paragraph (4)) located in such eligible project area.

(2) CERTAIN ACTIVITIES.—A community-based consortium conducting a project under this section shall—

(A) have the ability to maximize and coordinate existing Federal, State, and local resources and acquire additional resources;

(B) ensure substantial involvement in State and local maternal and child health agencies and other agencies;

(C) have a demonstrated ability to effectively manage the project's fiscal resources;

(D) have the leadership capability to achieve the project goals and objectives; and

(E) target communities in which problems are most severe, resources can be concentrated, implementation is manageable, and progress can be measured.

(3) ELIGIBLE PROJECT AREA.—The term "eligible project area" means an area which is

composed of one or more contiguous or noncontiguous geographic areas which have—

(A) an average annual infant mortality rate of 150 percent of the State's average annual infant mortality rate based upon an average of the most recently available official vital statistics data for the previous 5-year period; and

(B) at least 50 infant deaths per year, but not more than 200 infant deaths per year.

(4) COMMUNITY-BASED CONSORTIUM.—The term "community-based consortium" means a group of project area providers and consumers, including public health departments, community and migrant health centers, hospitals, local professional associations, medical schools, grant-making foundations, civic groups, schools, churches, social and fraternal organizations, and residents of areas to be served.

(5) DURATION.—A project receiving funds under this section shall operate for no more than 5 years.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary for approval an application at such time, in such manner, and containing such information, as the Secretary may require, including a description of the use to which the State will apply any amounts received under the grant and the information required under paragraph (3). A State may submit only one application under this subsection.

(2) APPLICATIONS ON BEHALF OF CONSORTIA.—Applications for grant funds shall be submitted under paragraph (1) on behalf of a community-based consortium located in an eligible project area. Such applications shall be approved by the highest elected official of the city or county in which the consortium is based.

(3) INFORMATION REQUIRED.—The information required is a detailed description of the following:

(A) The extent to which the State has justified and documented the need for the project to be funded by the grant and developed measurable goals and objectives for meeting the need.

(B) The level of community commitment and involvement with the project.

(C) The extent to which the community-based consortium operating in the project area has demonstrated plans for coordinating and maximizing existing and proposed Federal, State, and local and private resources.

(D) The extent of the involvement of State and local providers of primary care and public health services in the project.

(E) The State's approach to planning for a public education campaign to address the maintenance of early and continuous prenatal care and of preventive health practices during pregnancy and infancy.

(F) Other factors which the Secretary determines will increase the potential of projects to reduce by 50 percent the rate of infant mortality.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1996, $250,000,000 for fiscal year 1997, and $300,000,000 for fiscal years 1998 through 2001.

(2) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—For a fiscal year, each State shall be allocated an amount equal to the applicable percentage determined under subparagraph (B) of the total amount available under this section for all States.

(B) APPLICABLE PERCENTAGE.—The applicable percentage for a State for a fiscal year is the amount (expressed as a percentage) equal to—

(i) the amount available to the State in the preceding fiscal year under title V of the Social Security Act; divided by

(ii) the total amount available to all States in the preceding fiscal year under such title.

SEC. 202. REAUTHORIZATION OF CERTAIN PROGRAMS PROVIDING PRIMARY AND PREVENTIVE CARE.

(a) IMMUNIZATION PROGRAMS.—Section 317(j)(1)(A) of the Public Health Service Act (42 U.S.C. 247b(j)(1)(A)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 through 1995, $600,000,000 for fiscal years 1996 and 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2000".

(b) TUBERCULOSIS PREVENTION GRANTS.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 through 1995, $150,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999".

(c) SEXUALLY TRANSMITTED DISEASES.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the first period the following: "$125,000,000 for fiscal years 1996 and 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2000".

(d) MIGRANT HEALTH CENTERS.—Section 329(h)(1)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1995, $80,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999".

(e) COMMUNITY HEALTH CENTERS.—Section 330(g)(1)(A) of the Public Health Service Act (42 U.S.C. 254c(g)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1995, $700,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999".

(f) HEALTH CARE SERVICES FOR THE HOMELESS.—Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended—

(1) by striking "and such" and inserting "such"; and

(2) by striking "and 1994." and inserting "through 1995, $90,000,000 for fiscal years 1996 and 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2000.".

(g) FAMILY PLANNING PROJECT GRANTS.—Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended—

(1) by striking "and $158,400,000" and inserting "$158,400,000"; and

(2) by inserting before the period the following: "; $200,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999".

(h) BREAST AND CERVICAL CANCER PREVENTION.—Section 1509(a) of the Public Health Service Act (42 U.S.C. 300n-5(a)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "for each of the fiscal years 1992 and 1993" and inserting "for each of the fiscal years 1992 through 1995, $100,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999".

(i) PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "$205,000,000" and inserting "$235,000,000".

(j) HIV EARLY INTERVENTION.—Section 2655 of the Public Health Service Act (42 U.S.C. 300ff-55) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the period ", $650,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999".

(k) MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.—Section 501(a) of the Social Security Act (42 U.S.C. 701(a)) is amended by striking "$705,000,000 for fiscal year 1994 and each fiscal year thereafter" and inserting "$705,000,000 for fiscal years 1994 and 1995, $800,000,000 for fiscal year 1996, and such sums as may be necessary in each of the fiscal years 1997 through 1999".

SEC. 203. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.

(a) PURPOSE.—It is the purpose of this section to establish a comprehensive school health education and prevention program for elementary and secondary school students.

(b) PROGRAM AUTHORIZED.—The Secretary of Education (referred to in this section as the "Secretary"), through the Office of Comprehensive School Health Education established in subsection (e), shall award grants to States from allotments under subsection (c) to enable such States to—

(1) award grants to local or intermediate educational agencies, and consortia thereof, to enable such agencies or consortia to establish, operate, and improve local programs of comprehensive health education and prevention, early health intervention, and health education, in elementary and secondary schools (including preschool, kindergarten, intermediate, and junior high schools); and

(2) develop training, technical assistance, and coordination activities for the programs assisted pursuant to paragraph (1).

(c) RESERVATIONS AND STATE ALLOTMENTS.—

(1) RESERVATIONS.—From the sums appropriated pursuant to the authority of subsection (f) for any fiscal year, the Secretary shall reserve—

(A) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and the Republic of Palau, to be allotted in accordance with their respective needs; and

(B) 1 percent for payments to the Bureau of Indian Affairs.

(2) STATE ALLOTMENTS.—From the remainder of the sums not reserved under paragraph (1), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a

State to the extent that the Secretary determines that the State will not be able to obligate such amount within 2 years of allotment. Any such reallotment shall be made on the same basis as an allotment under paragraph (2).

(d) Use of Funds.—Grant funds provided to local or intermediate educational agencies, or consortia thereof, under this section may be used to improve elementary and secondary education in the areas of—

(1) personal health and fitness;

(2) prevention of chronic diseases;

(3) prevention and control of communicable diseases;

(4) nutrition;

(5) substance use and abuse;

(6) accident prevention and safety;

(7) community and environmental health;

(8) mental and emotional health;

(9) parenting and the challenges of raising children; and

(10) the effective use of the health services delivery system.

(e) Office of Comprehensive School Health Education.—The Secretary shall establish within the Office of the Secretary an Office of Comprehensive School Health Education which shall have the following responsibilities:

(1) To recommend mechanisms for the coordination of school health education programs conducted by the various departments and agencies of the Federal Government.

(2) To advise the Secretary on formulation of school health education policy within the Department of Education.

(3) To disseminate information on the benefits to health education of utilizing a comprehensive health curriculum in schools.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $50,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 and 1998 to carry out this section.

(2) Availability.—Funds appropriated pursuant to the authority of paragraph (1) in any fiscal year shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

SEC. 204. COMPREHENSIVE EARLY CHILDHOOD HEALTH EDUCATION PROGRAM.

(a) Purpose.—It is the purpose of this section to establish a comprehensive early childhood health education program.

(b) Program.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall conduct a program of awarding grants to agencies conducting Head Start training to enable such agencies to provide training and technical assistance to Head Start teachers and other child care providers. Such program shall—

(1) establish a training system through the Head Start agencies and organizations conducting Head Start training for the purpose of enhancing teacher skills and providing comprehensive early childhood health education curriculum;

(2) enable such agencies and organizations to provide training to day care providers in order to strengthen the skills of the early childhood workforce in providing health education;

(3) provide technical support for health education programs and curricula; and

(4) provide cooperation with other early childhood providers to ensure coordination of such programs and the transition of students into the public school environment.

(c) Use of Funds.—Grant funds under this section may be used to provide training and technical assistance in the areas of—

(1) personal health and fitness;

(2) prevention of chronic diseases;

(3) prevention and control of communicable diseases;

(4) dental health;

(5) nutrition;

(6) substance use and abuse;

(7) accident prevention and safety;

(8) community and environmental health;

(9) mental and emotional health; and

(10) strengthening the role of parent involvement.

(d) Reservation for Innovative Programs.—The Secretary shall reserve 5 percent of the funds appropriated pursuant to the authority of subsection (e) in each fiscal year for the development of innovative model health education programs or curricula.

(e) Authorization of Appropriations.—There are authorized to be appropriated $40,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 and 1998 to carry out this section.

TITLE III—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

SEC. 301. PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT.

(a) Right To Decline Medical Treatment.—

(1) Rights of competent adults.—

(A) In general.—Except as provided in subparagraph (B), a State may not restrict the right of a competent adult to consent to, or to decline, medical treatment.

(B) Limitations.—

(i) Affect on third parties.—A State may impose limitations on the right of a competent adult to decline treatment if such limitations protect third parties (including minor children) from harm.

(ii) Treatment which is not medically indicated.—Nothing in this subsection shall be construed to require that any individual be offered, or to state that any individual may demand, medical treatment which the health care provider does not have available, or which is, under prevailing medical standards, either futile or otherwise not medically indicated.

(2) Rights of incapacitated adults.—

(A) In general.—Except as provided in subparagraph (B)(i) of paragraph (1), States may not restrict the right of an incapacitated adult to consent to, or to decline, medical treatment as exercised through the documents specified in this paragraph, or through similar documents or other written methods of directive which evidence the adult's treatment choices.

(B) Advance directives and powers of attorney.—

(i) In general.—In order to facilitate the communication, despite incapacity, of an adult's treatment choices, the Secretary, in consultation with the Attorney General, shall develop a national advance directive form that—

(I) shall not limit or otherwise restrict, except as provided in subparagraph (B)(i) of paragraph (1), an adult's right to consent to, or to decline, medical treatment; and

(II) shall, at minimum—

(aa) provide the means for an adult to declare such adult's own treatment choices in the event of a terminal condition;

(bb) provide the means for an adult to declare, at such adult's option, treatment choices in the event of other conditions which are medically incurable, and from which such adult likely will not recover; and

(cc) provide the means by which an adult may, at such adult's option, declare such adult's wishes with respect to all forms of medical treatment, including forms of medical treatment such as the provision of nutrition and hydration by artificial means which may be, in some circumstances, relatively nonburdensome.

(ii) National durable power of attorney form.—The Secretary, in consultation with the Attorney General, shall develop a national durable power of attorney form for health care decisionmaking. The form shall provide a means for any adult to designate another adult or adults to exercise the same decisionmaking powers which would otherwise be exercised by the patient if the patient were competent.

(iii) Honored by all health care providers.—The national advance directive and durable power of attorney forms developed by the Secretary shall be honored by all health care providers.

(iv) Limitations.—No individual shall be required to execute an advance directive. This section makes no presumption concerning the intention of an individual who has not executed an advance directive. An advance directive shall be sufficient, but not necessary, proof of an adult's treatment choices with respect to the circumstances addressed in the advance directive.

(C) Definition.—For purposes of this paragraph, the term "incapacity" means the inability to understand or to communicate concerning the nature and consequences of a health care decision (including the intended benefits and foreseeable risks of, and alternatives to, proposed treatment options), and to reach an informed decision concerning health care.

(3) Health care providers.—

(A) In general.—No health care provider may provide treatment to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in paragraph (2)(B), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices. A health provider who acts in good faith pursuant to the preceding sentence shall be immune from criminal or civil liability or discipline for professional misconduct.

(B) Health care providers under the medicare and medicaid programs.—Any health care provider who knowingly provides services to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in paragraph (2)(B), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices, shall be denied payment for such services under titles XVIII and XIX of the Social Security Act.

(C) Transfers.—Health care providers who object to the provision of medical care in accordance with an adult's wishes shall transfer the adult to the care of another health care provider.

(4) Definition.—For purposes of this subsection, the term "adult" means—

(A) an individual who is 18 years of age or older; or

(B) an emancipated minor.

(b) Federal Right Enforceable in Federal Courts.—The rights recognized in this section may be enforced by filing a civil action in an appropriate district court of the United States.

(c) Suicide and Homicide.—Nothing in this section shall be construed to permit, condone, authorize, or approve suicide or mercy killing, or any affirmative act to end a human life.

(d) RIGHTS GRANTED BY STATES.—Nothing in this section shall impair or supersede rights granted by State law which exceed the rights recognized by this section.

(e) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Except as specified in paragraph (2), written policies and written information adopted by health care providers pursuant to sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), shall be modified within 6 months after the enactment of this section to conform to the provisions of this section.

(2) DELAY PERIOD FOR UNIFORM FORMS.—Health care providers shall modify any written forms distributed as written information under sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) not later than 6 months after promulgation of the forms referred to in clauses (i) and (ii) of subsection (a)(2)(B) by the Secretary.

(f) INFORMATION PROVIDED TO CERTAIN INDIVIDUALS.—The Secretary shall provide on a periodic basis written information regarding an individual's right to consent to, or to decline, medical treatment as provided in this section to individuals who are beneficiaries under titles II, XVI, XVIII, and XIX of the Social Security Act.

(g) RECOMMENDATIONS TO CONGRESS ON ISSUES RELATING TO A PATIENT'S RIGHT OF SELF-DETERMINATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of 3 years, the Secretary shall provide recommendations to Congress concerning the medical, legal, ethical, social, and educational issues related to in this section. In developing recommendations under this subsection the Secretary shall address the following issues:

(1) The contents of the forms referred to in clauses (i) and (ii) of subsection (a)(2)(B).

(2) Issues pertaining to the education and training of health care professionals concerning patients' self-determination rights.

(3) Issues pertaining to health care professionals' duties with respect to patients' rights, and health care professionals' roles in identifying, assessing, and presenting for patient consideration medically indicated treatment options.

(4) Issues pertaining to the education of patients concerning their rights to consent to, and decline, treatment, including how individuals might best be informed of such rights prior to hospitalization and how uninsured individuals, and individuals not under the regular care of a physician or another provider, might best be informed of their rights.

(5) Issues relating to appropriate standards to be adopted concerning decisionmaking by incapacitated adult patients whose treatment choices are not known.

(6) Such other issues as the Secretary may identify.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect on the date that is 6 months after the date of enactment of this Act.

(2) SUBSECTION (g) .—The provisions of subsection (g) shall take effect on the date of enactment of this Act.

TITLE IV—PRIMARY AND PREVENTIVE CARE PROVIDERS

SEC. 401. EXPANDED COVERAGE OF CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) in subparagraph (K), by striking "80 percent" and all that follows through "physician)" and inserting "85 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician"; and

(2) by amending subparagraph (O) to read as follows: "(O) with respect to services described in section 1861(s)(2)(K) (relating to services provided by a nurse practitioner, clinical nurse specialist, or physician assistant) the amounts paid shall be 85 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician, and".

(b) NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.—Section 1842(b)(12) of the Social Security Act (42 U.S.C. 1395u(b)(12)) is amended to read as follows:

"(12) With respect to services described in clause (i), (ii), or (iv) of section 1861(s)(2)(K) (relating to physician assistants and nurse practitioners)—

"(A) payment under this part may only be made on an assignment-related basis; and

"(B) the prevailing charges determined under paragraph (3) shall not exceed—

"(i) in the case of services performed as an assistant at surgery, 85 percent of the amount that would otherwise be recognized if performed by a physician who is serving as an assistant at surgery, or

"(ii) in other cases, 85 percent of the fee schedule amount specified in section 1848 for such services performed by physicians who are not specialists.".

(c) DIRECT PAYMENT FOR ALL NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS.—(1) Section 1832(a)(2)(B)(iv) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1886(d)(2)(D))".

(2) Subparagraph (C) of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended by striking "shall" and inserting "may".

(d) REMOVAL OF RESTRICTIONS ON SETTINGS.—Section 1861(s)(2)(K) of the Social Security Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(1) in clause (i), by striking "(I) in a hospital" and all that follows through "professional shortage area,";

(2) in clause (ii), by striking "in a skilled" and all that follows through "1919(a)"; and

(3) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D))".

SEC. 402. REQUIRING COVERAGE OF CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "and" at the end of paragraph (24),

(2) by redesignating paragraph (25) as paragraph (26), and

(3) by inserting after paragraph (24) the following new paragraph:

"(25) services furnished by a physician assistant, nurse practitioner, clinical nurse specialist (as defined in section 1861(aa)(5)), and certified registered nurse anesthetist (as defined in section 1861(bb)(2)); and".

SEC. 403. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

Part C of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 753. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants to eligible schools of medicine or osteopathic medicine to enable such schools to provide medical students for tutorial programs or as participants in clinics designed to interest high school or college students in careers in general medical practice.

"(b) APPLICATION.—To be eligible to receive a grant under this section, a school of medicine or osteopathic medicine shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the school will use amounts received under the grant in accordance with subsection (c).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts received under a grant awarded under this section shall be used to—

"(A) fund programs under which students of the grantee are provided as tutors for high school and college students in the areas of mathematics, science, health promotion and prevention, first aide, nutrition and prenatal care;

"(B) fund programs under which students of the grantee are provided as participants in clinics and seminars in the areas described in paragraph (1); and

"(C) conduct summer institutes for high school and college students to promote careers in medicine.

"(2) DESIGN OF PROGRAMS.—The programs, institutes, and other activities conducted by grantees under paragraph (1) shall be designed to—

"(A) give medical students desiring to practice general medicine access to the local community;

"(B) provide information to high school and college students concerning medical school and the general practice of medicine; and

"(C) promote careers in general medicine.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1996, and such sums as may be necessary for fiscal year 1997.".

SEC. 404. GENERAL MEDICAL PRACTICE GRANTS.

Part C of title VII of the Public Health Service Act (as amended by section 403) is further amended by adding at the end thereof the following new section:

"SEC. 754. GENERAL MEDICAL PRACTICE GRANTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to award grants to eligible public or private nonprofit schools of medicine or osteopathic medicine, hospitals, residency programs in family medicine or pediatrics, or to a consortium of such entities, to enable such entities to develop effective strategies for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(b) APPLICATION.—To be eligible to receive a grant under this section, an entity of the type described in subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the entity will use amounts received under the grant in accordance with subsection (c).

"(c) USE OF FUNDS.—Amounts received under a grant awarded under this section shall be used to fund programs under which effective strategies are developed and implemented for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1996 through 2000, and such sums as may be necessary for fiscal years thereafter.".

TITLE V—COST CONTAINMENT

SEC. 501. NEW DRUG CLINICAL TRIALS PROGRAM.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 409B. NEW DRUG CLINICAL TRIALS PROGRAM.

"(a) IN GENERAL.—The Director of the National Institutes of Health (referred to in this section as the 'Director') is authorized to establish and implement a program for the conduct of clinical trials with respect to new drugs and disease treatments determined to be promising by the Director. In determining the drugs and disease treatments that are to be the subject of such clinical trials, the Director shall give priority to those drugs and disease treatments targeted toward the diseases determined—

"(1) to be the most costly to treat;

"(2) to have the highest mortality; or

"(3) to affect the greatest number of individuals.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $120,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.".

SEC. 502. MEDICAL TREATMENT EFFECTIVENESS.

(a) RESEARCH ON COST-EFFECTIVE METHODS OF HEALTH CARE.—Section 926 of the Public Health Service Act (42 U.S.C. 299c-5) is amended—

(1) in subsection (a), by striking "and" and inserting "and such sums as may be necessary for each of the fiscal years 1996 through 1998"; and

(2) by adding at the end the following new subsection:

"(f) USE OF ADDITIONAL APPROPRIATIONS.—Within amounts appropriated under subsection (a) for each of the fiscal years 1995 through 1997 that are in excess of the amounts appropriated under such subsection for fiscal year 1993, the Secretary shall give priority to expanding research conducted to determine the most cost-effective methods of health care and for developing and disseminating new practice guidelines related to such methods. In utilizing such amounts, the Secretary shall give priority to diseases and disorders that the Secretary determines are the most costly to the United States and evidence a wide variation in current medical practice.".

(b) RESEARCH ON MEDICAL TREATMENT OUTCOMES.—

(1) IMPOSITION OF TAX ON HEALTH INSURANCE POLICIES.—

(A) IN GENERAL.—Chapter 36 of the Internal Revenue Code of 1986 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter G—Tax on Health Insurance Policies

"Sec. 4501. Imposition of tax.

"Sec. 4502. Liability for tax.

"SEC. 4501. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax equal to .001 cent on each dollar, or fractional part thereof, of the premium paid on a policy of health insurance.

"(b) DEFINITION.—For purposes of subsection (a), the term 'policy of health insurance' means any policy or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed with respect to the health of an individual or group of individuals.

"SEC. 4502. LIABILITY FOR TAX.

"The tax imposed by this subchapter shall be paid, on the basis of a return, by any person who makes, signs, issues, or sells any of the documents and instruments subject to the tax, or for whose use or benefit the same are made, signed, issued, or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax.".

(B) CONFORMING AMENDMENT.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"SUBCHAPTER G. Tax on health insurance policies.".

(2) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of such Code (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. TRUST FUND FOR MEDICAL TREATMENT OUTCOMES RESEARCH.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund for Medical Treatment Outcomes Research' (referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the taxes received in the Treasury under section 4501 (relating to tax on health insurance policies).

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—On an annual basis the Secretary shall distribute the amounts in the Trust Fund to the Secretary of Health and Human Services. Such amounts shall be available to the Secretary of Health and Human Services to pay for research activities related to medical treatment outcomes.".

(B) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9512. Trust Fund for Medical Treatment Outcomes Research.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to policies issued after December 31, 1995.

SEC. 503. NATIONAL HEALTH INSURANCE DATA AND CLAIMS SYSTEM.

(a) IN GENERAL.—Using advanced technologies to the maximum extent practicable, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish and maintain a national health insurance data and claims system, which shall be comprised of—

(1) a centralized national data base for health insurance and health outcomes information;

(2) a standardized, universal mechanism for electronically processing health insurance and health outcomes data; and

(3) a standardized system for uniform claims and uniform transmission of claims.

(b) NATIONAL DATA BASE FOR HEALTH INSURANCE INFORMATION.—The national data base for health insurance and health outcomes information shall—

(1) be centrally located;

(2) rely on advanced technologies to the maximum extent practicable; and

(3) be readily accessible for data input and retrieval.

(c) STANDARDIZED SYSTEM FOR UNIFORM CLAIMS AND TRANSMISSION OF CLAIMS.—

(1) CONSULTATION WITH THE NAIC.—The Secretary shall consult with the National Association of Insurance Commissioners in connection with the establishment of the system under subsection (a)(3).

(2) USE OF RECOGNIZED STANDARDS.—The Secretary shall, to the maximum extent practicable, establish standards for the system under subsection (a)(3) that are consistent with standards that are widely recognized and adopted.

(3) TIMING FOR ESTABLISHMENT OF SYSTEM.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall establish standards for the system under subsection (a)(3).

(B) REVIEW.—Not later than 24 months after standards have been established under subparagraph (A), the Secretary shall review such standards and make any modifications determined appropriate by the Secretary.

(d) CONFIDENTIALITY.—The Secretary shall ensure that all patient information collected under this section is managed so that confidentiality is protected.

(e) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 504. HEALTH CARE COST CONTAINMENT AND QUALITY INFORMATION PROGRAM.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall make grants to States that establish or operate health care cost containment and quality information systems (as defined in subsection (f)(1)). In order to be eligible for a grant under this section, a State must establish or operate a system which, at a minimum, meets the Federal standards established under subsection (c).

(2) USE OF FUNDS.—States may use grant funds received under this section only to establish a health care cost containment and quality information system or to improve an existing system operated by the State.

(b) SUBMISSION OF APPLICATIONS.—To be eligible for a grant under this section, a State must submit an application to the Secretary within 2 years after the date of the enactment of this section. Such application shall be submitted in a manner determined appropriate by the Secretary and shall include the designation of a State agency that will operate the health care cost containment and quality information system for the State. The Secretary shall approve or disapprove a State application within 6 months after its submission.

(c) MINIMUM FEDERAL STANDARDS.—Not later than 6 months after the date of the enactment of this section, the Secretary, after consultation with the Agency for Health Care Policy and Research, other Federal agencies, the Joint Commission on Accreditation of Hospitals, States, health care providers, consumers, insurers, health maintenance organizations, businesses, academic health centers, and labor organizations that purchase health care, shall establish Federal standards for the operation of health care cost containment and quality information systems by States receiving grants under this section.

(d) COLLECTION AND PUBLIC DISSEMINATION OF INFORMATION BY STATES.—

(1) IN GENERAL.—A State receiving a grant under this section shall require that a health care cost containment and quality information system will collect at least the information described in paragraph (2) and publicly disseminate such information in a useful format to appropriate persons such as businesses, consumers of health care services,

labor organizations, health plans, hospitals, and other States.

(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following:

(A) Information on hospital charges.

(B) Clinical data.

(C) Demographic data.

(D) Information regarding treatment of individuals by particular health care providers.

(3) ELECTRONIC TRANSMISSION OF INFORMATION.—The State program under this section shall provide that any information described in paragraph (2) with respect to which the Secretary has established standards for data elements and information transactions under section 503 shall be transmitted to the State health care cost containment and quality information system in accordance with such standards.

(4) PRIVACY AND CONFIDENTIALITY.—The State cost containment and quality information system shall ensure that patient privacy and confidentiality is protected at all times.

(e) COMPLIANCE.—If the Secretary determines that a State receiving grant funds under this section has failed to operate a system in accordance with the terms of its approved application, the Secretary may withhold payment of such funds until the State remedies such noncompliance.

(f) DEFINITIONS.—For purposes of this section—

(1) the term "health care cost containment and quality information system" means a system which is established or operated by a State in order to collect and disseminate the information described in subsection (d)(2) in accordance with subsection (d)(1) for the purpose of providing information on health care costs and outcomes in the State; and

(2) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and includes the Commonwealth of the Northern Mariana Islands.

(g) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated for the purpose of carrying out this section not more than $150,000,000 for fiscal years 1996 through 1998, and such sums as may be necessary thereafter, to remain available until expended.

(2) ALLOCATION TO STATES.—The Secretary shall allocate the amounts available for grants under this section in any fiscal year in accordance with a formula developed by the Secretary which takes into account—

(A) the number of hospitals in a State relative to the total number of hospitals in all States;

(B) the population of the State relative to the total population of all States; and

(C) the type of system operated or intended to be operated by the State, including whether the State establishes an independent State agency to operate the system.

TITLE VI—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies and Services

SEC. 601. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 602. QUALIFIED LONG-TERM CARE SERVICES TREATED AS MEDICAL CARE.

(a) GENERAL RULE.—Paragraph (1) of section 213(d) (defining medical care) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified long-term care services (as defined in subsection (g)), or".

(b) QUALIFIED LONG-TERM CARE SERVICES DEFINED.—Section 213 (relating to the deduction for medical, dental, etc., expenses) is amended by adding at the end the following new subsections:

"(g) QUALIFIED LONG-TERM CARE SERVICES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified long-term care services' means necessary diagnostic, curing, mitigating, treating, preventive, therapeutic, and rehabilitative services, and maintenance and personal care services (whether performed in a residential or nonresidential setting) which—

"(A) are required by an individual during any period the individual is an incapacitated individual (as defined in paragraph (2)),

"(B) have as their primary purpose—

"(i) the provision of needed assistance with 1 or more activities of daily living (as defined in paragraph (3)), or

"(ii) protection from threats to health and safety due to severe cognitive impairment, and

"(C) are provided pursuant to a continuing plan of care prescribed by a licensed professional (as defined in paragraph (4)).

"(2) INCAPACITATED INDIVIDUAL.—The term 'incapacitated individual' means any individual who—

"(A) is unable to perform, without substantial assistance from another individual (including assistance involving cueing or substantial supervision), at least 2 activities of daily living as defined in paragraph (3), or

"(B) has severe cognitive impairment as defined by the Secretary in consultation with the Secretary of Health and Human Services.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless a licensed professional within the preceding 12-month period has certified that such individual meets such requirements.

"(3) ACTIVITIES OF DAILY LIVING.—Each of the following is an activity of daily living:

"(A) Eating.

"(B) Toileting.

"(C) Transferring.

"(D) Bathing.

"(E) Dressing.

"(4) LICENSED PROFESSIONAL.—The term 'licensed professional' means—

"(A) a physician or registered professional nurse, or

"(B) any other individual who meets such requirements as may be prescribed by the Secretary after consultation with the Secretary of Health and Human Services.

"(5) CERTAIN SERVICES NOT INCLUDED.—The term 'qualified long-term care services' shall not include any services provided to an individual—

"(A) by a relative (directly or through a partnership, corporation, or other entity) unless the relative is a licensed professional with respect to such services, or

"(B) by a corporation or partnership which is related (within the meaning of section 267(b) or 707(b)) to the individual.

For purposes of this paragraph, the term 'relative' means an individual bearing a relationship to the individual which is described in paragraphs (1) through (8) of section 152(a).

"(h) SPECIAL RULE FOR CERTAIN LONG-TERM CARE EXPENSES.—For purposes of subsection (a), the term 'dependent' shall include any parent or grandparent of the taxpayer for whom the taxpayer has expenses for qualified long-term care services described in subsection (g), but only to the extent of such expenses.".

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (D) of section 213(d)(1) (as redesignated by subsection (a)) is amended to read as follows:

"(D) for insurance (including amounts paid as premiums under part B of title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged) covering medical care referred to in—

"(i) subparagraphs (A) and (B), or

"(ii) subparagraph (C), but only if such insurance is provided under a qualified long-term care insurance policy (as defined in section 7705(a)) and the amount paid for such insurance is not disallowed under section 7705(b)."

(2) Paragraph (6) of section 213(d) is amended—

(A) by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A), (B), and (C)", and

(B) by striking "paragraph (1)(C)" in subparagraph (A) and inserting "paragraph (1)(D)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 603. DEFINITION OF QUALIFIED LONG-TERM CARE INSURANCE POLICY.

(a) IN GENERAL.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. QUALIFIED LONG-TERM CARE INSURANCE POLICY.

"(a) QUALIFIED LONG-TERM CARE INSURANCE POLICY.—For purposes of this title—

"(1) IN GENERAL.—The term 'qualified long-term care insurance policy' means any long-term care policy that—

"(A) limits benefits under such policy to individuals who are certified by a licensed professional (as defined in section 213(g)(4)) within the preceding 12-month period—

"(i) as being unable to perform, without substantial assistance from another individual (including assistance involving cueing or substantial supervision), 2 or more activities of daily living (as defined in section 213(g)(3)), or

"(ii) having a severe cognitive impairment (as defined in section 213(g)(2)(B)), and

"(B) satisfies the requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) PREMIUM REQUIREMENTS.—The requirements of this paragraph are met with respect to a policy if such policy provides that premium payments may not be made earlier than the date such payments would have been made if the contract provided for level annual payments over the life expectancy of the insured or 20 years, whichever is shorter. A policy shall not be treated as failing to meet the requirements of the preceding sentence solely by reason of a provision in the policy providing for a waiver of premiums if the insured becomes an individual certified in accordance with paragraph (1)(A).

"(3) PROHIBITION OF CASH VALUE.—The requirements of this paragraph are met if the policy does not provide for a cash value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed, other than as provided in paragraph (4).

"(4) REFUNDS OF PREMIUMS AND DIVIDENDS.—The requirements of this paragraph are met with respect to a policy if such policy provides that—

"(A) policyholder dividends are required to be applied as a reduction in future premiums or, to the extent permitted under paragraph (6), to increase benefits described in subsection (a)(2),

"(B) refunds of premiums upon a partial surrender or a partial cancellation are required to be applied as a reduction in future premiums, and

"(C) any refund on the death of the insured, or on a complete surrender or cancellation of the policy, cannot exceed the aggregate premiums paid under the contract.

Any refund on a complete surrender or cancellation of the policy shall be includible in gross income to the extent that any deduction or exclusion was allowable with respect to the premiums.

"(5) COORDINATION WITH OTHER ENTITLEMENTS.—The requirements of this paragraph are met with respect to a policy if such policy does not pay, or provide reimbursement for, expenses incurred to the extent that such expenses are also paid or reimbursed under title XVIII of the Social Security Act or are paid or reimbursed under a qualified health insurance plan (as defined in section 100(10) of the Health Care Assurance Act of 1995).

"(6) MAXIMUM BENEFIT.—

"(A) IN GENERAL.—The requirements of this paragraph are met if the benefits payable under the policy for any period (whether on a periodic basis or otherwise) may not exceed the dollar amount in effect for such period.

"(B) NONREIMBURSEMENT PAYMENTS PERMITTED.—Benefits shall include all payments described in subsection (a)(2) to or on behalf of an insured individual without regard to the expenses incurred during the period to which the payments relate. For purposes of section 213(a), such payments shall be treated as compensation for expenses paid for medical care.

"(C) DOLLAR AMOUNT.—The dollar amount in effect under this paragraph shall be $150 per day (or the equivalent amount within the calendar year in the case of payments on other than a per diem basis).

"(D) ADJUSTMENTS FOR INCREASED COSTS.—

"(i) IN GENERAL.—In the case of any calendar year after 1996, the dollar amount in effect under subparagraph (C) for any period or portion thereof occurring during such calendar year shall be equal to the sum of—

"(I) the amount in effect under subparagraph (C) for the preceding calendar year (after application of this subparagraph), plus

"(II) the product of the amount referred to in subclause (I) multiplied by the cost-of-living adjustment for the calendar year.

"(ii) COST-OF-LIVING ADJUSTMENT.—For purposes of clause (i), the cost-of-living adjustment for any calendar year is the percentage (if any) by which the cost index under clause (iii) for the preceding calendar year exceeds such index for the second preceding calendar year.

"(iii) COST INDEX.—The Secretary, in consultation with the Secretary of Health and Human Services, shall before January 1, 1997, establish a cost index to measure increases in costs of nursing home and similar facilities. The Secretary may from time to time revise such index to the extent necessary to accurately measure increases or decreases in such costs.

"(iv) SPECIAL RULE FOR CALENDAR YEAR 1997.—Notwithstanding clause (ii), for purposes of clause (i), the cost-of-living adjustment for calendar year 1997 is the sum of 1.5 percent plus the percentage by which the CPI for calendar year 1996 (as defined in section 1(f)(4)) exceeds the CPI for calendar year 1995 (as so defined).

"(E) PERIOD.—For purposes of this paragraph, a period begins on the date that an individual has a condition which would qualify for certification under subsection (b)(1)(A) and ends on the earlier of the date upon which—

"(i) such individual has not been so certified within the preceding 12-months, or

"(ii) the individual's condition ceases to be such as to qualify for certification under subsection (b)(1)(A).

"(F) AGGREGATION RULE.—For purposes of this paragraph, all policies issued with respect to the same insured shall be treated as one policy.

"(b) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE CONTRACT.—No deduction shall be allowed under section 213(a) for charges against a life insurance contract's cash surrender value (within the meaning of section 7702(f)(2)(A)), unless such charges are includible in income as a result of the application of section 72(e)(10) and the coverage provided by the rider is a qualified long-term care insurance policy under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Qualified long-term care insurance.".

SEC. 604. TREATMENT OF QUALIFIED LONG-TERM CARE INSURANCE AS ACCIDENT AND HEALTH INSURANCE FOR PURPOSES OF TAXATION OF INSURANCE COMPANIES.

(a) IN GENERAL.—Section 818 (relating to other definitions and special rules) is amended by adding at the end the following new subsection:

"(g) QUALIFIED LONG-TERM CARE INSURANCE TREATED AS ACCIDENT OR HEALTH INSURANCE.—For purposes of this subchapter, any reference to noncancellable accident or health insurance contracts shall be treated as including a reference to qualified long-term care insurance.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 605. TREATMENT OF ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE CONTRACTS.

(a) EXCLUSION OF AMOUNTS RECEIVED.—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(g) TREATMENT OF CERTAIN ACCELERATED DEATH BENEFITS.—

"(1) IN GENERAL.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual, who has a dread disease, or who has been permanently confined to a nursing home shall be treated as an amount paid by reason of the death of such insured.

"(2) TERMINALLY ILL INDIVIDUAL.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less.

"(3) DREAD DISEASE.—For purposes of this subsection, the term 'dread disease' means a medical condition which has been certified by a physician as having required or requiring extraordinary medical intervention without which the insured would die, or a medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span.

"(4) PERMANENTLY CONFINED TO A NURSING HOME.—For purposes of this subsection, an individual has been permanently confined to a nursing home if the individual is presently confined to a nursing home and has been certified by a physician, licensed under State law, as having an illness or cognitive impairment or loss of functional capacity which can reasonably be expected to result in the individual remaining in a nursing home for the rest of the individual's life.".

(b) TREATMENT OF QUALIFIED ACCELERATED DEATH BENEFIT RIDERS AS LIFE INSURANCE.—

(1) IN GENERAL.—Section 818 (relating to other definitions and special rules), as amended by section 603, is amended by adding at the end the following new subsection:

"(h) QUALIFIED ACCELERATED DEATH BENEFIT RIDERS TREATED AS LIFE INSURANCE.—For purposes of this part—

"(1) IN GENERAL.—Any reference to a life insurance contract shall be treated as including a reference to a qualified accelerated death benefit rider on such contract.

"(2) QUALIFIED ACCELERATED DEATH BENEFIT RIDER.—For purposes of this subsection, the term 'qualified accelerated death benefit rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to an individual on the life of an insured upon such insured becoming a terminally ill individual (as defined in section 101(g)(2)), incurring a dread disease (as defined in section 101(g)(3)), or being permanently confined to a nursing home (as defined in section 101(g)(4)).".

(2) DEFINITIONS OF LIFE INSURANCE AND MODIFIED ENDOWMENT CONTRACTS.—

(A) RIDER TREATED AS QUALIFIED ADDITIONAL BENEFIT.—Subparagraph (A) of section 7702(f)(5) (relating to definition of life insurance contract) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified accelerated death benefit rider (as defined in section 818(h)(2)), or any qualified long-term care insurance which reduces the death benefit, or".

(B) TRANSITIONAL RULE.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or determining whether either such section applies to such contract), the issuance of a rider or addendum on, or other provision of, a life insurance contract permitting the acceleration of death benefits (as described in section 101(g)) or for qualified long-term care insurance shall not be treated as a modification or material change of such contract.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

SEC. 611. CREDIT FOR QUALIFIED LONG-TERM CARE PREMIUMS.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. LONG-TERM CARE INSURANCE CREDIT.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the premiums for a qualified long-term care insurance policy (as defined in section 7705(a)) paid during such taxable year for such individual or the spouse of such individual.

"(b) APPLICABLE PERCENTAGE.—

"(1) IN GENERAL.—For purposes of this section, the term 'applicable percentage' means 28 percent reduced (but not below zero) by 1 percentage point for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the base amount.

"(2) BASE AMOUNT.—For purposes of paragraph (1) the term 'base amount' means—

"(A) except as otherwise provided in this paragraph, $25,000,

"(B) $40,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married at the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such taxable year, and

"(ii) does not live apart from his or her spouse at all times during the taxable year.

"(c) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—Any amount allowed as a credit under this section shall not be taken into account under section 213.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Long-term care insurance credit.

"Sec. 36. Overpayments of tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 612. EXCLUSION FROM GROSS INCOME OF BENEFITS RECEIVED UNDER QUALIFIED LONG-TERM CARE INSURANCE POLICIES.

(a) IN GENERAL.—Section 105 (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(j) SPECIAL RULES RELATING TO QUALIFIED LONG-TERM CARE INSURANCE POLICY.—For purposes of section 104, this section, and section 106—

"(1) BENEFITS TREATED AS PAYABLE FOR SICKNESS, ETC.—Any benefit received through a qualified long-term care insurance policy shall be treated as amounts received through accident or health insurance for personal injuries or sickness.

"(2) EXPENSES FOR WHICH REIMBURSEMENT PROVIDED UNDER QUALIFIED LONG-TERM CARE INSURANCE POLICY TREATED AS INCURRED FOR MEDICAL CARE OR FUNCTIONAL LOSS.—

"(A) EXPENSES.—Expenses incurred by the taxpayer or spouse, or by the dependent, parent, or grandparent of either, to the extent of benefits paid under a qualified long-term care insurance policy shall be treated for purposes of subsection (b) as incurred for medical care (as defined in section 213(d)).

"(B) BENEFITS.—Benefits received under a qualified long-term care insurance policy shall be treated for purposes of subsection (c) as payment for the permanent loss or loss of use of a member or function of the body or the permanent disfigurement of the taxpayer or spouse, or the dependent, parent, or grandparent of either.

"(3) REFERENCES TO ACCIDENT AND HEALTH PLANS.—Any reference to an accident or health plan shall be treated as including a reference to a plan providing qualified long-term care services (as defined in section 213(a)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 613. EMPLOYER DEDUCTION FOR CONTRIBUTIONS MADE FOR LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subparagraph (B) of section 404(b)(2) (relating to plans providing certain deferred benefits) is amended to read as follows:

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) any benefit provided through a welfare benefit fund (as defined in section 419(e)), or

"(ii) any benefit provided under a qualified long-term care insurance policy through the payment (in whole or in part) of premiums for such policy by an employer pursuant to a plan for its active or retired employees, but only if any refund or premium is applied to reduce the future costs of the plan or increase benefits under the plan.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 614. INCLUSION OF QUALIFIED LONG-TERM CARE INSURANCE IN CAFETERIA PLANS.

(a) IN GENERAL.—Paragraph (2) of section 125(d) (relating to the exclusion of deferred compensation) is amended by adding at the end the following new subparagraph:

"(D) EXCEPTION FOR QUALIFIED LONG-TERM CARE INSURANCE POLICIES.—For purposes of subparagraph (A), amounts paid or incurred for any qualified long-term care insurance policy shall not be treated as deferred compensation to the extent section 404(b)(2)(A) does not apply to such amounts by reason of section 404(b)(2)(B)(ii).".

(b) CONFORMING AMENDMENT.—Subsection (f) of section 125 (relating to qualified benefits) is amended by striking "and such term includes" and inserting the following: ", qualified long-term care insurance policies, and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 615. EXCLUSION FROM GROSS INCOME FOR AMOUNTS RECEIVED ON CANCELLATION OF LIFE INSURANCE POLICIES AND USED FOR QUALIFIED LONG-TERM CARE INSURANCE POLICIES.

(a) IN GENERAL.—

(1) EXCLUSION FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. AMOUNTS RECEIVED ON CANCELLATION, ETC. OF LIFE INSURANCE CONTRACTS AND USED TO PAY PREMIUMS FOR QUALIFIED LONG-TERM CARE INSURANCE.

"No amount (which but for this section would be includible in the gross income of an individual) shall be included in gross income on the whole or partial surrender, cancellation, or exchange of any life insurance contract during the taxable year if—

"(1) such individual has attained age 59½ on or before the date of the transaction, and

"(2) the amount otherwise includible in gross income is used during such year to pay for any qualified long-term care insurance policy which—

"(A) is for the benefit of such individual or the spouse of such individual if such spouse has attained age 59½ on or before the date of the transaction, and

"(B) may not be surrendered for cash.".

(B) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the last item and inserting the following new items:

"Sec. 136. Amounts received on cancellation, etc. of life insurance contracts and used to pay premiums for qualified long-term care insurance.

"Sec. 137. Cross references to other Acts.".

(2) CERTAIN EXCHANGES NOT TAXABLE.—Subsection (a) of section 1035 (relating to certain exchanges of insurance contracts) is amended by striking the period at the end of paragraph (3) and inserting "; or", and by adding at the end the following new paragraph:

"(4) in the case of an individual who has attained age 59½, a contract of life insurance or an endowment or annuity contract for a qualified long-term care insurance policy, if such policy may not be surrendered for cash.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 616. USE OF GAIN FROM SALE OF PRINCIPAL RESIDENCE FOR PURCHASE OF QUALIFIED LONG-TERM HEALTH CARE INSURANCE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to 1-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end the following new paragraph:

"(10) ELIGIBILITY OF HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION FOR EXCLUSION.—

"(A) IN GENERAL.—For purposes of this section, the term 'sale or exchange' includes a home equity conversion sale-leaseback transaction.

"(B) HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION.—For purposes of subparagraph (A), the term 'home equity conversion sale-leaseback' means a transaction in which—

"(i) the seller-lessee—

"(I) has attained the age of 55 before the date of the transaction,

"(II) sells property which during the 5-year period ending on the date of the transaction has been owned and used as a principal residence by such seller-lessee for periods aggregating 3 years or more,

"(III) uses a portion of the proceeds from such sale to purchase a qualified long-term care insurance policy, which policy may not be surrendered for cash,

"(IV) obtains occupancy rights in such property pursuant to a written lease requiring a fair rental, and

"(V) receives no option to repurchase the property at a price less than the fair market price of the property unencumbered by any leaseback at the time such option is exercised, and

"(ii) the purchaser-lessor—

"(I) is a person,

"(II) is contractually responsible for the risks and burdens of ownership and receives the benefits of ownership (other than the seller-lessee's occupancy rights) after the date of such transaction, and

"(III) pays a purchase price for the property that is not less than the fair market price of such property encumbered by a leaseback, and taking into account the terms of the lease.

"(C) ADDITIONAL DEFINITIONS.—For purposes of subparagraph (B)—

"(i) OCCUPANCY RIGHTS.—The term 'occupancy rights' means the right to occupy the property for any period of time, including a period of time measured by the life of the seller-lessee on the date of the sale-leaseback transaction (or the life of the surviving seller-lessee, in the case of jointly held occupancy rights), or a periodic term subject to a continuing right of renewal by the seller-lessee (or by the surviving seller-lessee, in the case of jointly held occupancy rights).

"(ii) FAIR RENTAL.—The term 'fair rental' means a rental for any subsequent year which equals or exceeds the rental for the first year of a sale-leaseback transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 1995, in taxable years beginning after such date.

HEALTH CARE ASSURANCE ACT OF 1995

SENATOR SPECTER

SUMMARY OF THE BILL

Title I: Health Insurance Market Reforms: Market reforms include:

Insurance Standards: Title I establishes standards for health insurers which would include guaranteed issue and renewability requirements of coverage to all individuals regardless of the existence of pre-existing conditions.

Tax Equity for the Self-Employed: Title I provides self-employed individuals and their families 100 percent tax deductibility for the cost of health insurance coverage. Under current law, no deduction exists for the self-employed since the law which provided only a 25 percent deduction for such costs expired on December 31, 1993. However, all other employers may deduct 100 percent of such costs. Title I corrects this inequity for the self-employed, 3.9 million of which are currently uninsured.

Small Employer and Individual Purchasing Groups: Title I establishes voluntary small employer and individual purchasing groups designed to provide affordable, comprehensive health coverage options for such employers, their employees, and other uninsured and underinsured individuals and families. Health plans offering coverage through such groups will: (1) provide a standard health benefits package; (2) guarantee issue and renewability of coverage including persons with pre-existing health conditions; (3) adjusted community rated premiums by age and family size in order to spread risk and provide price equity to all; and (4) meet certain other guidelines involving marketing practices.

Empoyer Mandate to Offer: Title I provides that each small employer shall offer at least 2 health care plans, one of which is a fee-for-service plan or a plan with a point-of-service option. There is no requirement that employers pay for coverage in this bill. This provision is to increase consumers availability of choice in their health care coverage.

Standard Benefits Package: The standard package of benefits would include a variation of benefits permitted among actuarially equivalent plans developed through the National Association of Insurance Commissioners (NAIC). The standard plan will consist of the following services when medically necessary or appropriate: (1) medical and surgical services; (2) medical equipment; (3) preventive services; and (4) emergency transportation in frontier areas.

Portability: For those persons who are uninsured between jobs, and for insured persons who fear losing coverage should they lose their jobs, Title I reforms existing COBRA law by: (1) extending to 24 months the minimum time period in which COBRA covers former employees through their former employers' plans; and (2) expanding coverage options to include plans with a lower premium and a $1,000 deductible—saving a typical family of four 20 percent in monthly premiums—and plans with a lower premium and a $3,000 deductible—saving a family of four 52 percent in monthly premiums.

Medicare Select Program: Title I extends the Medicare Select Program, which expires on June 30, 1995, for one year. This program authorizes States to conduct demonstration projects to give Medicare recipients the option of enrolling in a Preferred Provider Organization for their supplemental Medicare insurance. Currently, there are demonstration projects in 15 States.

Title II: Primary and Preventive Care Services: Title II authorizes the Secretary of Health and Human services to provide grants to States for projects (healthy start initiatives) to reduce infant mortality and low birth weight births and to improve the health and well-being of mothers and their families, pregnant women and infants. Title II also would provide assistance through a grant program to local education agencies and pre-school programs to provide comprehensive health education. In addition, Title II increases authorization of several existing preventive health programs, such as, breast and cervical cancer prevention, childhood immunizations, and community health centers.

Title III: Patient's Right to Decline Medical Treatment: Improve the effectiveness and portability of advance directives by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination.

Title IV: Primary and Preventive Care Providers: Utilizing non-physician providers, such as nurse practitioners, physician assistants, and clinical nurse specialists, by providing direct reimbursement without regard to the setting where services are provided through the Medicare and Medicaid programs. Title IV also seeks to encourage students early on in their medical training to pursue a career in primary care, and it provides assistance to medical training programs to recruit such students.

Title V: Cost Containment: Cost containment provisions include:

Outcomes Research: Expands funding for outcomes research necessary for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary and overpriced care.

New Drug Clinical Trials Program: Title V authorize a program at the National Institutes of Health to expand support for clinical trials on promising new drugs and disease treatments with priority given to the most costly diseases impacting the greatest number of people.

National Health Insurance Data and Claims System: Title V authorizes the development of a National Health Insurance Data System to curtail the escalating costs associated with paper work and bureaucracy. The Secretary of Health and Human Services is directed to create a system to centralize health insurance and health outcomes information incorporating effective privacy protections. Standardizing such information will reduce the time and expense involved in processing paperwork, increase efficiency, and reduce costs.

Health Care Cost Containment and Quality Information Project: Title V authorizes the Secretary of Health and Human Services to award grants to States to establish a health care cost and quality information system or to improve an existing system. Currently 39 States have State mandates to establish an information system, and of those 39, approximately 20 States have information systems in operation. Information, such as hospital charge data and patient procedure outcomes data, which the State agency or council collects is used by businesses, labor, health maintenance organizations, hospitals, researchers, consumers, States, etc. Such data has enabled hospitals to become more competitive, businesses to save health care dollars, and consumers to make informed choices regarding their care.

Title VI: Long-Term Care: Title VI increases access to long-term care by: (1) establishing a tax credit and deduction for amounts paid towards long-term care services of family members; (2) excluding life insurance savings used to pay for long-term care from income tax; (3) allowing employees to select long-term care insurance as part of a cafeteria plan and allowing employers to deduct this expense; (4) setting standards that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

FOOTNOTES

[1] Bureau of the Census Statistical Brief, "Health Insurance Coverage: 1993," October 1994.

[2] 98th Congress 1/3/83 until 1/2/85—(1) S. 811: The Health Care for Displaced Workers Act of 1983 (3/15/83); (2) S. 2051: The Health Care Cost Containment Act of 1983 (11/4/83); 99th Congress 1/3/85 until 1/2/87—(3) S. 379: The Health Care Cost Containment Act of 1985 (2/5/85); (4) S. 1873: The Community Based Disease Prevention and Health Promotion Projects Act of 1985 (11/21/85); 100th Congress 1/3/87 until 1/2/89—(5) S. 281: The Aid to Families and Employment Transition Act (1/6/87); (6) S. 1871: The Pediatric Acquired Immunodeficiency Syndrome (AIDS) Resource Centers Act (11/17/87); (7) S. 1872: The Minority Acquired Immunodeficiency Syndrome (AIDS) Awareness and Prevention Projects Act (11/17/87); 101st Congress 1/3/89 until 1/2/91—(8) S. 896: The Pediatric AIDS Resource Centers Act (5/2/89); (9) S. 1607: Authorization of the Office of Minority Health (9/12/89); 102nd Congress 1/3/91 until 1/5/93—(10) S. 1122: The Long-Term Care Incentives Act of 1991 (5/22/91); (11) S. 1214: The Change in Designation of Lancaster County, PA, for Purposes of Medicare Services (6/4/91); (12) S. 1864: The Children's Hospital of Philadelphia Medical Research Facility Act (10/23/91); (13) S. 1995: The Health Care Access and Affordability Act of 1991 (11/20/91); (14) S. 2028: The Women Veteran's Health Equity Act of 1991 (11/22/91); (15) S. 2029: Self-Funding of Veteran's Administration Health Care Act (11/22/91); (16) S. 2188: Rural Veterans Health Care Facilities Act (2/5/92); (17) S. 3176: The Health Care Affordability and Quality Improvement Act of 1992 (8/12/92); (18) S. 3353: The Deferred Acquisition Cost Act (10/6/92); 103rd Congress 1/5/93 until 2/3/94—(19) S. 18: The Comprehensive Health Care Act of 1993 (1/21/93); (20) S. 631: The Comprehensive Access and Affordability Health Care Act of 1993 (3/23/93).

[3] "We did pass that bill twice, and President Bush vetoed it twice as part of a broader bill." Senator George Mitchell; CBS "Face The Nation"; Sunday, January 23, 1994.

[4] August 5, 1992; March 11, 1993; April 1, 1993; May 6, 1993; May 13, 1993; September 24, 1993; October 7, 1993; October 27, 1993; January 27, 1994; August 5, 1994; August 10, 1994; August 11, 1994; September 26, 1994.

5. July 29, 1992 and April 27, 1993. A third amendment was filed on March 26, 1993.

6. Bureau of the Census Statistical Brief, "Health Insurance Coverage: 1993," October 1994.

7. Employee Benefit Research Institute, Analysis of March 1993 Current Population Survey, January 1994.

8. Employee Benefit Research Institute, Analysis of March 1993 Current Population Survey, January 1994.

9. Congressional Budget Office Testimony before the Committee on Ways and Means, U.S. House of Representatives, March 4, 1992.

10. J. Lubitz and R. Prihoda, "The Use and Costs of Medicare Services in the Last Two Years of Life," Health Care Financing Review, Spring, 1984.

11. Based on 1993 Medicare expenditures from the Health Care Financing Administration of $143 billion and 1994 projected expenditures of $158 billion.

12. HHS News, U.S. Department of Health and Human Services, "National Health Expenditures for 1993," November 22, 1994.

13. Dr. Marcia Angell, former Editor of the New England Journal of Medicine, "Cost Containment

and the Physician." The Journal of the American Medical Association, September 6, 1985.

14. The Reporter, Lansdale, PA, March 30, 1993.

15. HHS News, U.S. Department of Health and Human Services, "National Health Expenditures for 1993," November 22, 1994.

By Mr. NICKLES (for himself, Mr. HELMS, Mr. SMITH, and Mr. GRASSLEY):

S. 19. A bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients; to the Committee on Finance.

LEARNFARE LEGISLATION

• Mr. NICKLES. Mr. President, today I along with Senators HELMS, SMITH, and GRASSLEY introduce legislation that will give States greater flexibility in enacting laws that link school attendance to welfare benefits. These innovative State initiatives are known as Learnfare.

We are all aware that this Congress will face the larger issue of comprehensive which emphasizes individual choice and responsibility as the key to leaving welfare and getting out of poverty, not a bloated bureaucracy. A very significant part of that reform which will break the welfare cycle is education and innovative Learnfare programs.

State governments all over the Nation are looking for new ways to reduce the prevalence of welfare dependency and lower high school dropout rates. Learnfare calls on adults to be held accountable for their actions, and holds parents on public assistance accountable for the education of their children. This is just plain common sense.

Most policymakers agree that education is the best way to break the cycle of generational poverty that plagues our Nation's poor. Children who drop out of high school are more likely to be unemployed, more likely to turn to a life of crime, and more likely to end up on welfare than their peers who remain in school. We must take every measure possible to insure that every child in the country benefits from our Nation's educational systems.

Pioneered in Wisconsin, Learnfare is the linkage of AFDC dollars to school attendance. Interest in these programs has been voiced from Massachusetts to California and from Washington to Florida as well as the State of Oklahoma. Currently, States are able to enact these measures by obtaining a waiver from the Department of Health and Human Services to expand their mandated Job Opportunities and Basic Skills [JOBS] programs to include school-age dependents of AFDC recipients. Unfortunately, States seeking to gain this waiver have met with Federal, bureaucratic stonewalling. I want to stress that this is not a mandate on the States but simply gives them the option by removing barriers which currently exist if they chose to implement a Learnfare program.

My legislation will remove this Federal stumbling block by amending the State programs section of the social Security code's AFDC regulations to allow States the option of implementing Learnfare programs. Doing away with the necessity for a Federal waiver will encourage States to implement innovative ways of keeping at-risk youths in school. It is important to note that this legislation places no mandates on the States—it simply gives them the option to establish a program if they chose. Knowing the importance of educational opportunities, the Nation's Governors adopted a 90-percent graduation rate as one of the national education goals. Learnfare will help attain this goal.

I truly hope this will be the first step toward reestablishing the once commonplace notion that individuals are answerable for their actions. Requiring responsible actions of welfare recipients will create a two-way obligation between the States and those on welfare. States are obliged to assist recipients in getting off the welfare rolls and recipients, in turn, are encouraged to use their benefits to better their situation.

We must challenge all Americans to take a stake in our Nation's education systems. As the debate on welfare reform unfolds, I challenge my colleagues to support this legislation and ensure that it is a key part of any welfare reform package. It will give the States the opportunity to enact programs the ensure every school-age child in America the educational opportunity they deserve.•

By Mr. MOYNIHAN:

S. 20. A bill to amend title 18, United States Code, with respect to the licensing of ammunition manufacturers, and for other purposes; to the Committee on the Judiciary.

HANDGUN AMMUNITION CONTROL ACT

• Mr. MOYNIHAN. Mr. President, I introduce a measure to improve our information about the regulation and criminal use of ammunition and to prevent the irresponsible production of ammunition. This bill has three components. First, it would require importers and manufacturers of ammunition to keep records and submit an annual report to the Bureau of Alcohol, Tobacco and Firearms (BATF) on the disposition of ammunition, including the amount, caliber and type of ammunition imported or manufactured. Second, it would require the Secretary of the Treasury, in consultation with the National Academy of Sciences, to conduct a study of ammunition use and make recommendations on the efficacy of reducing crime by restricting access to ammunition. Finally, it would amend title 18 of the United States Code to raise the application fee for a license to manufacture certain calibers of ammunition.

While there are enough handguns in circulation to last well into the 22nd century, there is perhaps only a 4-year supply of ammunition. But how much of what kind of ammunition? Where does it come from? Where does it go? There are currently no reporting requirements for manufacturers or importers of ammunition; earlier reporting requirements were repealed in 1986. The Federal Bureau of Investigation's annual Uniform Crime Reports, based on information provided by local law enforcement agencies, does not record the caliber, type, or quantity of ammunition used in crime. In short, our data base is woefully inadequate.

I supported the Brady law, which requires a waiting period before the purchase of a handgun, and the recent ban on semiautomatic weapons. But while the debate over gun control continues, I offer another alternative: Ammunition control. After all, as I have said before, guns do not kill people; bullets do.

Ammunition control is not a new idea. In 1982 Phil Caruso of the New York City Patrolmen's Benevolent Association asked me to do something about armor-piercing bullets. Jacketed in tungsten or other materials, these rounds could penetrate four police flak jackets and five Los Angeles County telephone books. They are of no sporting value. I introduced legislation, the Law Enforcement Officers Protection Act, to ban the "cop-killer" bullets in the 97th, 98th and 99th Congresses. It enjoyed the overwhelming support of law enforcement groups and, ultimately, tacit support from the National Rifle Association. It was finally signed into law by President Reagan on August 28, 1986.

The Crime Bill enacted in 1994 contained my amendment to broaden the 1986 ban to cover new thick steel-jacketed armor-piercing rounds.

Our cities are becoming more aware of the benefits to be gained from ammunition control. The District of Columbia and some other cities prohibit a person from possessing ammunition without a valid license for a firearm of the same caliber or gauge as the ammunition. Beginning in 1990, the City of Los Angeles banned the sale of all ammunition 1 week prior to Independence Day and New Year's Day in an effort to reduce injuries and deaths caused by the firing of guns into the air. And most recently, in September of 1994, the City of Chicago became the first in America to ban the sale of all handgun ammunition.

Such efforts are laudable. But they are isolated attempts to cure what is in truth a national disease. We need to do more, but to do so, we need information to guide policy-making. This bill would fulfill that need by requiring annual reports to BATF by manufacturers and importers and by directing a study by the National Academy of

Sciences. We also need to encourage manufacturers of ammunition to be more responsible. By substantially increasing application fees for licenses to manufacture .25 caliber, .32 caliber, and 9 mm ammunition, this bill would discourage the reckless production of unsafe ammunition or ammunition which causes excessive damage.

I urge my colleagues to support this measure, and ask unanimous consent that its full text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 20

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Handgun Ammunition Control Act of 1995".

SECTION 1. RECORDS OF DISPOSITION OF AMMUNITION.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 923(g) of title 18, United States Code, is amended—

(1) in paragraph (1)(A) by inserting after the second sentence "Each licensed importer and manufacturer of ammunition shall maintain such records of importation, production, shipment, sale or other disposition of ammunition at the place of business of such importer or manufacturer for such period and in such form as the Secretary may by regulations prescribe. Such records shall include the amount, caliber, and type of ammunition."; and

(2) by adding at the end the following new paragraph:

"(8) Each licensed importer or manufacturer of ammunition shall annually prepare a summary report of imports, production, shipments, sales, and other dispositions during the preceding year. The report shall be prepared on a form specified by the Secretary, shall include the amounts, calibers, and types of ammunition that were disposed of, and shall be forwarded to the office specified thereon not later than the close of business on the date specified by the Secretary.".

(b) STUDY OF CRIMINAL USE AND REGULATION OF AMMUNITION.—The Secretary of the Treasury shall request the National Academy of Sciences to—

(1) prepare, in consultation with the Secretary, a study of the criminal use and regulation of ammunition; and

(2) to submit to Congress, not later than July 31, 1997, a report with recommendations on the potential for preventing crime by regulating or restricting the availability of ammunition.

SEC. 2. INCREASE IN LICENSING FEES FOR MANUFACTURERS OF AMMUNITION.

Section 923(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A), (B), (C), and (D) as subparagraphs (B), (C), (D), and (E) respectively;

(2) by inserting after paragraph (1), the following new paragraph:

"(A) of .25 caliber, .32 caliber, or 9 mm ammunition, a fee of $10,000 per year;"•

By Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. THURMOND, Mr. MCCONNELL, Mr. LOTT, Mr. FEINGOLD, Mr. D'AMATO, MR. MCCAIN, Mr. BIDEN, Mr. MACK, Mr. KYL, Mr. GORTON, Mr. HATCH, Mr. SPECTER, Mr. PACKWOOD AND MR. CRAIG):

S. 21. A bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; to the Committee on Foreign Relations.

BOSNIA-HERZEGOVINA SELF-DEFENSE ACT

Mr. DOLE. Mr. President, I will also introduce another bill, which will have the number S. 21, together with the distinguished Senator from Connecticut, Senator LIEBERMAN. The bill is known as the Bosnia-Herzegovina Self-Defense Act of 1995, which would terminate the United States arms embargo on Bosnia. We are pleased to be joined by a number of bipartisan sponsors, and we have had a lot of bipartisan votes. In fact, the last time we had a vote we had 58 votes.

Mr. President, I was hoping that we would not have to offer this legislation again this year. I was hoping that after more than a thousand days of Sarajevo's Siege, after more than a thousand excuses from the leaders of the international community, that finally some action would be taken. Tragically, despite countless promises of tough action against brutal Serb aggression, the international community has chosen to confront this egregious violation of international law and the affront to principles of humanity, with what amounts to appeasement. Ironically, the only promise this administration, the Europeans, and the United Nations have kept is their promise to continue to deny the Bosnian people the right to defend themselves against genocidal aggression.

What is so disappointing about this situation, is that the last time the Senate debated this matter, the Clinton administration made the following predictions and commitments: First, the contact group countries were serious about living up to the commitments they made in the July 30 communique, which included stricter enforcement and expansion of the exclusion zones in Bosnia; Second, the Clinton administration would seek a multilateral lifting of the arms embargo in the U.N. Security Council; and Third, no further concessions would be made to the Bosnian Serbs, the contact group plan being a "Peaceful Ultimatum."

Nearly 6 months later, what do we see? In Bihac we saw that there is no will to fulfill current NATO and U.N. commitment to protect the safe havens in Bosnia, let alone take on greater responsibilities;

A U.S.-sponsored resolution to lift the embargo lies dormant in the U.N. Security Council for more than 2 months now; and

Representatives from contact group countries are rushing to Belgrade and to Pale to further sweeten the pot for the Bosnian Serbs and their mentor, Slobodan Milosevic. The have tacitly agreed to a confederation between Serb-controlled areas of Bosnia and Serbia, and are moving toward extending sanctions relief for Serbia even though Milosevic's announced embargo of the Bosnian Serbs has proven to be a sham.

We still every day hope peace is around the corner. We are told, let us pass some more resolutions, let somebody in the United Nations make a statement, let us listen to the British, let us listen to the French, let us do all these things and we have been doing it and doing it and nothing happens.

The United Nations has a dual key approach, which means NATO cannot do anything in Bosnia, if they want to do anything, and even that is questionable.

Another ceasefire has been reached—and maybe it will hold—but by their own admission, the Bosnian Serbs have only agreed to the contact group plan as a "basis for further negotiations." Can we really call that progress?

And so, we are offering legislation to lift the arms embargo once more. This bill does allow for the possibility that the cease-fire may hold for 4 months; it would not lift the arms embargo until May 1 of this year unless there is a formal request from the Bosnian Government prior to that time.

There are those who will say that this bill undermines the ceasefire and the peace process. I strongly disagree. Since when does leverage undermine diplomacy? So far, the only leverage is on the Bosnian Serb side—because they control 70 percent of Bosnia, they hold U.N. troops hostage with impunity, they shut down the Sarajevo airlift by threatening NATO planes, because they do these things and all they have to fear is another visit by Yasushi Akashi. On the other side are the Bosnians, who are nominally protected in their safe havens, and can only see evidence of their rights as a sovereign nation on paper—in the U.N. Charter or some U.N. resolution.

The bottom line is that if this legislation is passed and no peace settlement is reached, Radovan Karadzic and his thugs will have to face greater consequences than another meeting of the contact group. That would be a great improvement on the empty threats of the last 33 months.

I would like to quote from the late Secretary General of NATO, Manfred Woerner, who gave a speech in the Fall of 1993 about NATO and foreign policy in the 21st century. He said, and I quote: "First, political solutions and diplomatic efforts will only work if backed by the necessary military power and the credible resolve to use it against an aggressor. Second, if you cannot or do not want to help the victim of aggression, enable him to help himself."

The United States and the members of the alliance would do well to consider the wise words of Manfred Woerner—one of the strongest secretaries general in NATO's history. The contact group's diplomacy is not backed by the necessary military power or credible resolve—and that is why its diplomatic efforts have failed, causing considerable damage to the credibility of the alliance. Furthermore, since after these long months it is apparent that the international community is unwilling to confront Serbian aggression, we should help the victim of this aggression, Bosnia.

Mr. President, I would also like to address some of the arguments made against "unilaterally" lifting the arms embargo. First, if the United States acts first, that does not mean we will not be joined by other countries. I believe that despite British and French objections, even some of our NATO allies would join us. Moreover, there are other countries, including the gulf states and moderate Islamic governments that would participate in financing and providing military assistance. As for the argument that leading the way would lead to the demise of other embargoes against aggressor states, such as Iraq, this argument assumes that our allies cannot tell the difference between a legal and illegal embargo.

Second, the provision of training and arms would not require the deployment of U.S. ground troops. The Bosnians have an advantage in manpower—what they need are weapons. Indeed, it is the administration's policy of committing the United States to assist in the enforcement of the contact group settlement that would lead to the potential deployment of tens of thousands of U.S. ground troops—and for a considerable length of time because the Bosnians would still be unable to protect their territory.

Third, contrary to those who point to reports of arms shipments from Iran to Bosnia, a decision to arm the Bosnians would reduce the potential influence and role of radical extremists states like Iran. The Muslins in Bosnia are secular Muslims, not fundamentalists, who have lived with Christians and Jews in peace for centuries. Ironically, our policy toward Bosnia has fueled anti-Western extremism in the Middle East.

Some say it is too late, the Bosnians have lost and it would take too long for them to achieve the capability to defend themselves against the powerful Serb forces. In my view, that judgment should be left to the Bosnians—it is their country and their future. Furthermore, the fact is that Serb forces have not paid a price for their aggression and we do not know what the impact of leveling the military playing field will have on the effectiveness of Serb forces. Let us recall that some in our Government greatly overestimated the cohesiveness and morale of the Iraqi forces, and underestimated the military and political impact that stingers had on the mighty Soviet Red Army in Afghanistan. Serb forces are not the Red army, they are not the Iraqi army.

As for the extent of military assistance required, the Bosnians do not need to duplicate the inventory of Serb forces, only acquire the means to counter them. Earlier Pentagon estimates that $5 billion in military assistance is required to assist the Bosnians amount to a scare tactic. The Bosnians need Soviet-style weapons—which are readily available and less expensive than top of the line U.S. systems—in addition to training in strategy and tactics.

Finally, I would like to address the argument I heard in London, that the withdrawal of U.N. protection forces would result in the serious deterioration of the humanitarian situation in Bosnia. This would likely be true in the short term, particularly in the eastern enclaves. However, we must recognize that the circumstances have worsened in recent months despite the presence of U.N. protection forces. Should the Bosnian Serbs choose to target their forces on the eastern enclaves, as they did in Bihac, U.N. protection would probably amount to very little. The bottom line is that over the long term, the Bosnians are better off putting their future into their own hands, than in the hands of international bureaucrats—even if in the short term, the situation worsens.

Mr. President, we are rapidly approaching the third anniversary of this tragic war. We have an opportunity to take real action, to take meaningful action, by terminating this illegal and unjust arms embargo on Bosnia-Herzegovina. I urge my colleagues to sign up as cosponsors and take a firm stand in support of democracy, international law and humanity.

Mr. President, I ask unanimous consent that my entire statement be made a part of the RECORD, and also a statement by Senator LIEBERMAN and Senator FEINGOLD. And I would indicate to my colleagues the other cosponsors. Of course, our resolution is open to additional cosponsors. The cosponsors are Senators DOLE and LIEBERMAN, HELMS, THURMOND, MCCONNELL, LOTT, FEINGOLD, D'AMATO, MCCAIN, BIDEN, MACK, KYL, GORTON, HATCH, SPECTER, PACKWOOD and GREGG.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United National Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina through a vote on a United Nations Security Council resolution since the enactment of section 1404 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

(3) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

SEC. 3. STATEMENT OF SUPPORT.

The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

SEC. 4. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina on—

(1) the date of receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter, or

(2) May 1, 1995,

whichever comes first.

(b) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Mr. LIEBERMAN. Mr. President, the people of Bosnia-Herzegovina are in the midst of their third terrible winter of war. For most Bosnians, uncertain food supplies, running water, heat and fuel compound the misery of loss—of family members, and friends, personal security and their former multicultural identity. Bosnia, a United Nations member state, has been the victim of aggression from neighboring Serbia, has suffered genocide in the guise of "ethnic cleansing," and has been effectively forced by the so-called "Great Powers" to trade sovereignty over more than half of its territory in exchange for unfulfilled promises of peace.

Why did these terrible things happen to Bosnia? Has it blown up civilian aircraft? Assassinated policemen? Kidnapped diplomats? Built or exported nuclear weapons? No. Bosnia had the temerity to be one of four states to leave the former Yugoslavia pursuant to a vote by its citizens.

When the remnants of the former Yugoslavia retaliated by invading Bosnia, how did the United Nations respond? It has not supported member state Bosnia's right of self-defense. It has not effectively defended the safe areas it persuaded Bosnia to agree to. It has assisted the Serbs with ethnic cleansing by moving populations out of contested areas and providing a share of fuel and humanitarian supplies to Serb forces—even while they shelled civilians and U.N. peacekeepers.

The intention behind these misguided policies was to stop the fighting in Bosnia. It was thought that an evenhanded policy taking sides against the aggressor was the best way to restore peace. But the practical effect of this policy has been anything but evenhanded.

The divisions rending the former Yugoslavia are not new since the end of the cold war. The emotions propelling the violence in that region festered invisibly for years but did not disappear under authoritarian communism. Similarly, they will not disappear under an unjust peace imposed under the United Nations. This is the post-cold war era, when democracy and human rights are supposed to be free to flower. It is inconsistent both with the opportunities presented by the end of the cold war and with the United States' commitment to human rights and democracy to participate in a policy which does not side with the victims against the aggressor and reward democratic leaders instead of authoritarian dictators.

The United Nations asserts that lifting the arms embargo against Bosnia will lead to further violence in Bosnia, expansion of the conflict to neighboring Balkan States, the withdrawal of UNPROFOR and Serbian conquest of even more of Bosnia. Rather than risk these consequences, some argue the United States should continue to acquiesce in a peace process that has resulted in more and more concessions from the Bosnian side in exchange for more and more broken promises by the Serbs and the United Nations. But as the continued shelling of Sarajevo and strangling of supplies to the eastern areas shows, this process has not produced peace. The attack launched from Croatia into Bihac in November demonstrated that it has not prevented spillover to other Balkan States. And as President Izethegovic stated at the CSCE Summit in Budapest, and unjust peace will not prevent the outgunned Bosnians from continuing their fight for freedom.

Evenhandedness between a victim and an aggressor is not only immoral; it is dangerous. If Serbian aggression and intransigence is successful in Bosnia, we can expect more of it, not only in the Balkans but elsewhere as well. No peace based on injustice will endure long in a democracy. In international relations as in medicine, an intervener should be sure first to do no harm. These should be the starting points of United States' and United Nations' policy in Bosnia. We should not presume a U.N. role first and then allow a preoccupation with the practicalities of it to obscure our purpose.

I have heard warnings that if the United States unilaterally lifts the arms embargo on Bosnia, not only Bosnia but also the institutions of the United Nations and even NATO will be harmed. It do not see the consequences of the United States' correcting its policy in Bosnia in such stark terms. But I am prepared to live with the consequences that follow. To some, Bosnian sovereignty seems a small price to pay in order to preserve NATO and the U.N. But if NATO, which stood for a strong defense against potential aggression during the cold war, stands for timidity in the face of aggression in the New World, then it needs to be rethought. Similarly, if the United Nations, created as a forum to fairly resolve post-World War II disputes is not preoccupied with preserving the status quo at enormous cost and without regard to justice, then it too is in need of change.

Of this much I am certain: the United States should turn away from acquiescence in a policy which immorally equates victim and aggressor, makes promises to the victims which it does not honor and establishes as a tenet of the new world order that determined aggression pays. During the current cessation of hostilities in Bosnia, the Bosnian Serbs have one more change to reach a peaceful settlement with the Bosnian Government. If they do not take advantage of this opportunity or violate the cessation of hostilities, the United States should lift the arms embargo, preferably with but if necessary without the concurrence of the United Nations.

Mr. FEINGOLD. Mr. President, I rise today as an original co-sponsor of the Dole-Lieberman bill to terminate the U.S. arms embargo against the Republic of Bosnia and Herzegovina. By introducing this bill on the first day of the 104th Congress, we are signalling that we will do all we can to pursue a just and moral policy toward Bosnia, and are designating it a top foreign policy priority. Of course, the partition of a member state of the United Nations should be of utmost concern to every member of the international community, but I also believe that this debate is about how our post-World War II structures and cold war principles respond in practice to post-cold war crises.

This feels a bit like deja vu. When I came to the Senate 2 years ago, the war in Bosnia was already raging. The Bosnian Serbs, egged on by Serbia, were fighting to create a greater Serbia at the expense of a sovereign nation, and at any cost to humanity and international law. We were horrified by evidence of ethnic cleansing of non-Serbs by Serbian forces; of systematic rape of Bosnian women by Serb military; and of naked aggression against a member state of the United Nations. Informed by resolutions after the Holocaust in 1945 that "never again" would we "bear witness" to such atrocities, we debated whether to lift the U.N. arms embargo against Bosnia, and permit the Bosnian Government to exercise its guaranteed right of self-defense. In March 1993 I introduced the first resolution urging the United States to work with the United Nations to lift the embargo, and then I joined Senators DOLE, LIEBERMAN, and others in offering several floor amendments to lift the U.S. embargo unilaterally.

In the Senate Foreign Relations Committee, on the floor of the Senate, and in conference on major foreign policy bills during the 103d Congress we voted repeatedly on the question of whether to lift the arms embargo against Bosnia, either multilaterally or unilaterally. I and others argued that as a sovereign nation, Bosnia was entitled to exercise its right of self-defense, and that since the negotiating strength of each party is dependent to some degree on equity in access to arms, no peace plan would meet success unless Bosnia had an opportunity to counter Serbian aggression on its own.

There was overwhelming majority support to lift the embargo, though the Senate was closely divided on any given day about whether the United States should proceed unilaterally or only in concert with the United Nations. Finally, in response to congressional direction, President Clinton announced on November 12 that the United States would no longer enforce the embargo. This is a welcome step, but falls short of the imperative to terminate the embargo altogether.

I maintain that the United States is authorized to lift the embargo unilaterally because it contravenes Article 51 of the United Nations Charter, and is therefore non-binding. Article 51 protects the inherent right of individuals and states to self-defense "until the Security Council has taken measures necessary to maintain international peace and security." Clearly, the United Nations has yet to take measures which do that.

As a substitute, the United Nations has passed resolutions to restrain the Serb advances; deployed an international peacekeeping force to deliver humanitarian aid to starving Bosnians; and sponsored a series of failed and misguided peace plans. NATO has also threatened air attacks, obliquely coordinated with the United Nations in certain cases. The promises to be a surrogate protector were all supposed to compensate Bosnia for the denial of its self-defense by the international community.

But, while some of these measures may have saved lives, there is no substitute for self-defense, Mr. President. In fact, these policies have subverted the rules of international law and order, and have made the United Nations and NATO, through inaction, false fatalism, and now appeasement, party to the aggression they were created after World War II to combat.

Mr. President, after taking responsibility for Bosnia's security, the member nations of the U.N. Security Council through the Contact Group are selling out Bosnia and presiding over the dismemberment of a sovereign state of the United Nations. The administration, perhaps tired of a difficult situation, has apparently decided to appease the Bosnian Serbs by concessions instead of sanctions, implying that the war is over and that the Serbs have won because they have demonstrated the most force, fought the most viciously, and in the end occupy the most land.

This is hardly a formula for peace. As we learned in World War II, and even during the Persian Gulf crisis, appeasement does not work; rewarding aggression does not work. Through the latest Contact Group plan, and the apparent shift in United States policy, Serbian belligerence and nationalism have only been emboldened. U.N. Security Council resolutions, along with NATO threats of force, have not been enforced and have been proven hollow: in fact, the United Nations has so little leverage in the region, Bosnian Serbs are even kidnapping U.N. peacekeepers with impunity. Each act of appeasement has only whetted their appetite for more, and threatens exactly the wider war the administration and NATO say they want to contain. Given this situation, I am skeptical that the 4-month ceasefire signed this weekend—and, at Serbian insistence, explicitly without any linkage to peace talks—will hold: after all, with everything to gain for violating it, what incentive do the Serbs have to honor it?

There may be little the world can do to stop further carnage in Bosnia. However, we have an option to pursue justice in Bosnia, an option far better than appeasement, an option that would create a level playing field: lift the arms embargo against Bosnia, either with or without our NATO allies or U.N. approval. The embargo has not contained violence in the former Yugoslavia, but rather has helped to victimize further Bosnia; it has, as President Izetbegovic said at the United Nations in September, "turned justice into injustice."

If the Contact Group wishes to succeed, then any settlement it negotiates will have to include a lifting of the embargo—not just because it will restore dignity to the people of Bosnia, but also because it is the only type of pressure which may ensure that the Serbs abide by the agreement and do not seek additional concessions as time goes on. Lifting the embargo may mean the departure of U.N. peacekeepers in Bosnia. If it is done in connection with a peace agreement, this may be warranted, and perhaps even U.N. weapons in the region can be transferred to the Bosnian army. If the U.N. presence continues to be the only reason not to lift the embargo, then I would submit that the United Nations is standing in the way of a just settlement, and its purpose in the region should be re-thought.

Though I firmly believe legally the United States can send weapons to the Bosnians, I think the administration would be well-served politically if it continued to work to lift the arms embargo multilaterally. In October the U.S. presented a resolution to the Security Council to lift the embargo, but has never moved it. At a minimum, the United States should call for a vote on the resolution, and then work to round up multinational support for it similar to what the administration did for its invasion into Haiti. We might lose, but at least we would have tried to cooperate with our allies. At least we would not be relegating Bosnia to the lowest level of importance in our international relationships, or behaving as if we cannot influence what the United Nations does.

I would also urge the administration to continue its efforts to negotiate a comprehensive solution to the Balkan war. The Contact Group plan addresses only Bosnia, yet Bosnia is just one component of Serbian aggression. The Serbs have grabbed about one-third of Croatian territory, and the United Nations has not implemented its resolutions to cut off those areas. The Croatian-Muslim federation has been one of the most positive developments this year, and every step should be taken to strengthen this union: indeed, both countries depend on each other for survival. Therefore, provided that Croatia continues to contribute to an overall peaceful resolution in the Balkans, I would be inclined to lift the embargo against Croatia as well. We must remember that if there is an agreement between Bosnia and the Serbs, the region will quickly erupt again if Croatia's grievances are not addressed as well.

The Balkan war is complex, ugly, and terrifying. The risks and potential for further violence are mind-boggling. But, it is also a test for the international community to define its interests, philosophies, and methods in the post-cold war world. So far, it has failed deplorably in principle and practice, and it won't get it right until the arms embargo is lifted.

By Mr. DOLE (for himself, Mr. HEFLIN, Mr. BROWN, Mr. BURNS, Mr. HATCH, Mr. NICKLES, Mr. CRAIG and Mrs. KASSEBAUM):

S. 22. A bill to require Federal agencies to prepare private property taking impact analyses; to the Committee on Governmental Affairs.

THE PRIVATE PROPERTY RIGHTS ACT OF 1995

Mr. DOLE. Mr. President, time and again I have heard from the people all across America that Congress must do more to stop the infringement on private property rights. I believe we have all heard this message. Today, I along with Senators HEFLIN, BROWN, CRAIG, KASSEBAUM, BURNS, HATCH and NICKLES are introducing the private property Rights Act of 1995. This legislation will serve as a small step toward ensuring that government mandates and government bureaucrats do not continue to run over individual citizens and individual rights.

Now, a lot has been said on this floor regarding private property rights. I think many of us agree on the need to protect private property. The question is—How do we best proceed to get the government out of the peoples' backyards?

Last year I introduced the private property rights Act of 1994. Some Members in this Chamber may recall a modified version of that legislation was later attached to the Safe Drinking Water Act. Today, I am introducing the Private Property Rights Act of 1995. This bill has incorporated some of the changes proposed during the debate of the 1994 Safe Drinking Water Act, although there are still differences.

This bill takes a "look before you leap" approach to the regulatory process. The legislation requires Federal agencies to conduct a takings impact assessment when promulgating any agency policy, regulation, guideline or before recommending legislative proposals to Congress. This bill does not stop legitimate regulatory processes and it only applies to any action which could result in an actual taking.

The assessment must consider the effect of the agency action, the cost of the action to the Federal Government, the reduction in the value to the owners property, and require the agency to consider alternatives to taking private property.

It is important to note that taking can occur even though title to the property remains with the original owner and the government has only placed restrictions on its use. Fortunately, courts have recognized these partial takings are subject to just compensation. Unfortunately, the only check on the enforcement of the Constitution has been through the court system, wherein citizens can, at the expense of vast amounts of money and time, ensure the government complies with the Constitution.

The rights of property owners are supposed to be protected from the Federal Government under the fifth amendment and from State governments by the fourteenth amendment. Unfortunately, those who have sworn to uphold our Constitution are not always as vigilant as they need to be. Let's face it, there are billions of dollars in claims filed against the Federal Government by landowners who believe their private property has been taken.

This bill is the first step toward putting the people back in charge of their land. This is a good government bill. It brings government into the sunshine. If you support the Freedom of Information Act, if you support the National Environmental Policy Act, if you support the Administrative Procedures Act, then you should support the Private Property Rights Act of 1995.

Mr. President, I ask my colleagues to ask small business owners, farmers and ranchers, and those who believe in the private property rights contained in our Constitution, what they think about this bill? When they do, I am certain they will agree we should adopt this legislation in 1995.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 22

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE PROPERTY RIGHTS.

(a) SHORT TITLE.—This Act may be cited as the "Private Property Rights Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the United States Constitution by the fifth amendment and made applicable to the States by the fourteenth amendment; and

(2) Federal agencies should take into consideration the impact of governmental actions on the use and ownership of private property.

(c) PURPOSE.—The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well-being of the Nation, declares that the Federal Government should protect the health, safety, and welfare of the public and, in doing so, to the extent practicable, avoid takings of private property.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the fifth amendment to the United States Constitution.

(e) PRIVATE PROPERTY TAKING IMPACT ANALYSIS.—

(1) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this title; and

(B) subject to paragraph (2), all agencies of the Federal Government shall complete a private property taking impact analysis before issuing or promulgating any policy, regulation, proposed legislation, or related agency action which is likely to result in a taking of private property.

(2) NONAPPLICATION.—The provisions of paragraph (1)(B) shall not apply to—

(A) an action in which the power of eminent domain is formally exercised;

(B) an action taken—

(i) with respect to property held in trust by the United States; or

(ii) in preparation for, or in connection with, treaty negotiations with foreign nations;

(C) a law enforcement action, including seizure, for a violation of law, of property for forfeiture or as evidence in a criminal proceeding;

(D) a communication between an agency and a State or local land-use planning agency concerning a planned or proposed State or local activity that regulates private property, regardless of whether the communication is initiated by an agency or is undertaken in response to an invitation by the State or local authority;

(E) the placement of a military facility or a military activity involving the use of solely Federal property;

(F) any military or foreign affairs function (including a procurement function under a military or foreign affairs function), but not including the civil works program of the Army Corps of Engineers; and

(G) any case in which there is an immediate threat to health or safety that constitutes an emergency requiring immediate response or the issuance of a regulation under section 553(b)(B) of title 5, United States Code, if the taking impact analysis is completed after the emergency action is carried out or the regulation is published.

(3) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of the likelihood that a taking of private property will occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur; and

(E) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner.

(4) SUBMISSION TO OMB.—Each agency shall provide the analysis required by this section as part of any submission otherwise required to be made to the Office of Management and Budget in conjunction with the proposed regulation.

(5) PUBLIC AVAILABILITY OF ANALYSIS.—An agency shall—

(A) make each private property taking impact analysis available to the public; and

(B) to the greatest extent practicable, transmit a copy of such analysis to the owner or any other person with a property right or interest in the affected property.

(f) GUIDANCE AND REPORTING REQUIREMENTS.—

(1) GUIDANCE.—The Attorney General shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this section.

(2) REPORTING.—Not later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall provide a report to the Director of the Office of Management and Budget and the Attorney General identifying each agency action that has resulted in the preparation of a taking impact analysis, the filing of a taking claim, or an award of compensation pursuant to the Just Compensation Clause of the Fifth Amendment to the Constitution. The Director of the Office of Management and Budget and the Attorney General shall publish in the Federal Register, on an annual basis, a compilation of the reports of all agencies made pursuant to this paragraph.

(g) PRESUMPTIONS IN PROCEEDINGS.—For the purpose of any agency action or administrative or judicial proceeding, there shall be a rebuttable presumption that the costs, values, and estimates in any private property takings impact analysis shall be outdated and inaccurate, if—

(1) such analysis was completed 5 years or more before the date of such action or proceeding; and

(2) such costs, values, or estimates have not been modified within the 5-year period preceding the date of such action or proceeding.

(h) RULES OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(1) limit any right or remedy, constitute a condition precedent or a requirement to exhaust administrative remedies, or bar any claim of any person relating to such person's property under any other law, including claims made under this Act, section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(2) constitute a conclusive determination of—

(A) the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages; or

(B) any other material issue.

(i) EFFECTIVE DATE.—The provisions of this Act shall take effect 120 days after the date of the enactment of this Act.

Mr. HEFLIN. Mr. President, I rise today to support the Private Property Rights Act of 1995—a bill similar to the private property rights legislation Senator DOLE and I introduced during the 103d Congress. This bill recognizes the important role the use and ownership of property plays in American society and declares the policy of the Federal Government to be one that will minimize takings of private property.

The fifth amendment to the Constitution clearly provides that private property cannot be taken for public use without just compensation. As such, the Dole-Heflin bill creates a method whereby the impact on private property rights is duly considered in Federal regulatory activities. Specifically, the bill will require Federal agencies to certify to the Attorney General that a taking impact assessment has been completed prior to promulgating any agency policy. The takings impact assessment must consider the effect of the agency action, the cost of the action to the Federal Government, the reduction in value to private property owners, and requires the agency to consider alternatives to taking private property. In effect, compliance with this act will not only help avoid inadvertent takings of constitutionally guaranteed rights but will also reduce the Federal Government's financial liability for such compensable takings.

In closing, I believe that private property rights are the foundation of the individual liberties we all enjoy as Americans. Therefore, I urge my colleagues to join me in supporting this important legislation.

By Mr. HELMS:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government; read the first time.

PROTECTING THE CONSTITUTIONAL RIGHTS OF FEDERAL GOVERNMENT EMPLOYEES

Mr. HELMS. Mr. President, it became an embarrassment to the decency of the American people last year that in many high places within Government, free speech was to be permitted only when organized homosexuals agreed to it.

There was an episode on July 20, 1994, when 58 Senators voted in defense of a faithful and longtime employee of the Department of Agriculture—Dr. Karl Mertz, whose First Amendment rights were callously violated after he dared to stand up against sodomy. Dr. Mertz did so on his own time, when he opposed his Government's giving special rights to homosexuals. As a result of that Senate vote and inordinate delay by the USDA, Dr. Mertz was restored to his job.

When I offered my amendment on July 20, 1994, I made clear that all employees throughout the Federal Government must be assured that they, too, must be able to exercise, without fear of reprisal, their right to question the special rights for homosexuals that had been arrogantly proposed by numerous Other federal agencies.

That, Mr. President, is the intent of the legislation I offer today. For Senators who may not have been in the Chamber when the text of the bill was read by the clerk, let me read it again for the RECORD:

> Nothwithstanding any other provision of law, no employee of the Federal Government shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to the Federal Government's policies, or proposed policies, regarding homosexuals, and any such individual so removed prior to date of this Act shall be reinstated to his or her previous position.

Mr. President, I wish this legislation were not necessary. But, as long as homosexuals insist upon demanding that their Government penalize its employees for speaking out against sodomy, it is essential that Congress defend the fundamental Constitutional right of freedom of speech including but not limited to opposing the homosexual agenda that some Administration officials want to impose on their agencies or Departments. There must be no repetition of the kind of reprisals undertaken last year against Dr. Mertz.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Notwithstanding any other provision of law, no employee of the Federal Government shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to the Federal Government's policies, or proposed policies regarding homosexuals, and any such individual so removed prior to date of enactment of this Act shall be reinstated to his or her previous position.

By Mr. HELMS:

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes; read the first time.

CIVIL RIGHTS OF INFANTS ACT

Mr. HELMS. Mr. President, all who value the rights of the unborn are indebted to our distinguished former colleague from New Hampshire, Mr. Humphrey. From the day he arrived in the Senate, until the day he left, he championed the cause of the most innocent, most helpless, victims of the permissive society that plagues America.

It was Senator Humphrey who in 1989 brought to the attention of the Senate a new and particularly brutal form of discrimination in America—abortions performed solely because the prospective mother prefers a child of a gender other than that of the fetus in her womb.

Senator Humphrey brought to Senators' attention a New York Times article published on Christmas morning of 1988, headed "Fetal Sex Test used as Step to Abortion."

I remember well my own consternation when I read the article, which began:

> In a major change in medical attitudes and practices, many doctors are providing prenatal diagnoses to pregnant women who want to abort a fetus on the basis of the gender of the unborn child.
>
> Geneticists say that the reasons for this change in attitude are an increased availability of diagnostic technologies, a growing disinclination of doctors to be paternalistic, deciding for patients what is best, and an increasing tendency for patients to ask for the tests. Many geneticists and ethicists say they are disturbed by the trend.

Professor George Annas of the Boston University School of Medicine was quoted as saying:

> I think the [medical] profession should set limits and I think most people would be outraged and properly so at the notion that you would have an abortion because you don't want a boy or you don't want a girl. If you are worried about a woman's right to an abortion, the easiest way to lose it is not set any limits on this technology.

Mr. President, I recall my disbelief after having read the article that any mother in a civilized society would be willing to destroy her unborn female child simply when she preferred a male—or vice-versa. But believe it. It has happened and continues to happen with the acquiescence of the U.S. Government.

That is why I am today again offering legislation to limit this cruel and inhumane practice. The 103d Congress declined to act on my legislation in this regard. I pray that the 104th Congress will take action to end this callous cruelty.

Specifically, the legislation I've sent to the desk proposes to amend title 42 of the United States Code—the statute governing civil rights—so as to provide that abortionists who administer an abortion—because the mother doesn't like the gender of the infant in her womb—will be subject to the same laws which protect other citizens who are victims of other forms of discrimination.

Then, Mr. President, there was a USA Today article published February 2, 1989, which reported:

> In a break with past medical attitudes more geneticists are open to identifying gender for parents early—so they can decide whether to abort.
>
> The change has ethicists debating where a parent's right to information ends and the rights of the unborn begin.
>
> A recent national survey of 212 medical geneticists found 20 percent approved of performing prenatal testing for sex selection; in a 1973 survey, only 1 percent approved.
>
> "Probably 99 percent of nonmedical requests for prenatal diagnosis are made because people want a boy," says Dr. Mark Evans, an obstetrician and geneticist at Wayne State University, Detroit. Some experts are concerned about the social impact.
>
> Evans turns down nonmedical sex selection requests. "Being female," he says, "is not a disease."

Mr. President, how can various feminist groups such as the National Organization of Women remain silent while

America hurtles down the path taken in India 5 years ago when a survey in Bombay 5 years ago revealed that of 8,000 abortions, 7,999 were female?

Mr. President, I have never been able to countenance the senseless slaughter of unborn babies. I have sought in vain for someone to explain the logic—aside from the moral and spiritual aspects—of deliberately destroying literally millions of little baby boys and girls when hundreds of thousands of Americans are standing in line to adopt babies.

A Boston Globe poll reported that 93 percent of the American people reject the taking of life as a means of gender selection. So, Mr. President, when NOW, NARAL, and the other antifamily groups invade Capitol Hill from time to time, Molly Yard, Patricia Ireland, and many others chant the mantra that when it comes to abortion-on-demand "it's time for Congress to understand we are the majority," they may want to redo their calculations, based on the November 8 elections.

Hopefully, this 104th Congress can take some early action to fulfill the desires of the 93 percent of the American people who rightfully believe it is immoral to destroy unborn babies because the mother happens to prefer a boy instead of a girl, or a girl instead of a boy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 24

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights of Infants Act".

SEC. 2. DEPRIVING PERSONS OF THE EQUAL PROTECTION OF LAWS BEFORE BIRTH.

Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) by inserting "(a)" before "Every person"; and

(2) by adding at the end thereof the following new subsection:

"(b) For purposes of subsection (a), and for purposes of other provisions of law, it shall be a deprivation of a 'right' secured by the laws of the United States for an individual to perform an abortion with the knowledge that the pregnant woman is seeking the abortion solely because of the gender of the fetus. No pregnant woman who seeks to obtain an abortion solely on the basis of the gender of the fetus shall be liable in any manner under this section.".

By Mr. HELMS:

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle; read the first time.

ENDING TAXPAYER SUPPORT FOR HOMOSEXUAL AGENDAS IN THE FEDERAL WORKPLACE

Mr. HELMS. Mr. President, the American people declared on November 8, that there's more government running their lives than is either wanted or needed—and certainly more wasteful government than the American people should be forced to pay for.

And Congress, for a half century, has been wasting billions of dollars, running up a Federal debt of $4.8 trillion. As a matter of fact, the exact Federal debt as of the close of business on December 30 was $4,800,149,946,143.

I know of no American who favors adding to this horrendous Federal debt—some, of course, don't care as long as the Federal Government continues to conduct seminars, fund programs—or hire staff for the purpose of persuading, indeed, intimidating—Federal employees to accept homosexuality as a legitimate and normal lifestyle.

But that is precisely how so much of the taxpayer's money is being used at numerous Federal agencies, including the Department of Agriculture, the Department of Housing and Urban Development, the Department of Transportation, and the Department of Defense.

Here are just a few examples of how the taxpayer's money is being spent:

On March 25, 1994, the USDA officially sanctioned GLOBE—The Gay, Lesbian, and Bisexual Employee Organization, thus allowing USDA time, money, and resources to be used to promote GLOBE's agenda. I might add, GLOBE chapters exist in many Federal agencies. The Department of Agriculture went further when they created a Gay, Lesbian, and Bisexual Program Manager position within the Foreign Agriculture Service.

The Family Research Council reports that on September 8, 1994, the Clinton administration, under the auspices of the U.S. Navy, hosted pro-gay and antireligious diversity training for civilian and military Federal employees. The costs of Diversity Day '94, as it was named, included: the pay for hundreds of Federal employees, speakers fees, use of leased space, transportation, live diversity entertainment, Diversity Day '94 trinkets, video and equipment rental costs, and reproduction of printed material.

For Senators who may not have been in the Chamber when the text of the bill was read by the clerk, let me read it again for the RECORD:

No funds appropriated out of the Treasury of the United States may be used by any entity to fund, promote, or carry out any seminar or program for employees of the Government, or to fund any position in the Government, the purpose of which is to compel, instruct, encourage, urge, or persuade employees or officials to—

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Government; or

(2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

This legislation is similar to an amendment offered by this Senator to the 1995 Agriculture Appropriations bill. Although the amendment was adopted by the Senate by a vote of 92 to 8, it was subsequently dropped in conference. That amendment applied to only the Department of Agriculture. The legislation I introduce today applies to USDA and to all other agencies of the Federal Government. That, Mr. President, is the only difference.

I wish this legislation was not necessary. But it is and it is a sad day for America because of it. You see, the Clinton administration has conducted a concerted effort to give homosexual rights, privileges, and protections throughout the Federal agencies—to extend the homosexuals' special rights in the Federal workplace, rights not accorded to most other groups and individuals. No other group in America is given special rights based on their sexual preferences.

So, I urge Senators, members to consider this bill in light of the mandate given by the American people regarding wasteful government spending. But I also ask them to consider it in light of whether it is proper for the Federal Government to use tax dollars to promote, ratify, and protect a lifestyle that most Americans, and most religions, consider a sexual and moral perversion.

Mr. President, I ask unanimous consent that the bill and the Family Research Council article titled "Federal Government Promotes Homosexuality Using 'Diversity' Cover" be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON USE OF APPROPRIATED FUNDS.

No funds appropriated out of the Treasury of the United States may be used by any entity to fund, promote, or carry out any seminar or program for employees of the Government, or to fund any position in the Government, the purpose of which is to compel, instruct, encourage, urge, or persuade employees or officials to—

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Government; or

(2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

FEDERAL GOVERNMENT PROMOTES HOMOSEXUALITY USING "DIVERSITY" COVER

(By Robert L. Maginnis)

The federal government is using taxpayer money to promote homosexuality as the moral equivalent to heterosexuality. This is happening under the guise of diversity and it links virtually every aspect of government to the homosexual agenda.

FEDERAL GOVERNMENT GRANTS HOMOSEXUALS OFFICIAL STATUS

During the first two years of the Clinton Administration, most federal agencies have amended their equal employment opportunity and civil rights policies to include the term "sexual orientation." These changes are not justified by law.

For example, Carol Browner, Administrator of the Environmental Protection Agency, sent a memo to all EPA employees on October 14, 1994 stating, "Today, the EPA joins the growing list of public and private sector employers which have added 'sexual orientation' to our equal employment opportunity policy."[1]

Housing and Urban Development Secretary Henry Cisneros did the same in August, 1994 with a memo that states, "Sexual harassment and discrimination based on sexual orientation are unacceptable in the workplace and will not be condoned at HUD."[2]

Department of Transportation Secretary Federico Pena published his statement in 1993 which declares, "[N]o one be denied opportunities because of his or her race, color, religion, sex. . .or sexual orientation."[3]

The Federal Bureau of Investigation joined the chorus when director Louis Freeh stressed that "homosexual conduct is not per se misconduct" and adopted a new policy to admit homosexuals to the ranks of the Bureau.[4] Several homosexuals are now being trained to become FBI agents.

Freeh's boss, Attorney General Janet Reno, declared that the Department of Justice will not discriminate on the basis of sexual orientation when conducting security clearances.[5] Although homosexuality has long been a marker for homosexual misconduct, Reno removed any reference to sexual orientation from application forms. Congressman Barney Frank (D–MA), an openly homosexual man, stated, "The clear implication is that, outside the uniformed military services, being gay will not be a relevant factor."[6]

Moreover, Reno ruled that a foreigner who claimed that he was persecuted by his government for being homosexual may be eligible to immigrate to the U.S.[7] In 1994 the Attorney General waived immigration laws so that avowed HIV-infected homosexuals could participate in New York's "Gay-Olympics."[8]

This official recognition of homosexuals is taking place without legislative action. Indeed, there are no laws requiring these changes, and little chance that such laws could be passed. Homosexuals are being awarded a special class status solely based on behavior, not on a benign characteristic like race or gender.

The Administration's official recognition goes further. Office of Personnel Management Director James King sent a memo to all OPM employees in January, 1994 announcing the formal recognition of the Gay, Lesbian and Bisexual Employees (GLOBE) as a professional association. This recognition bestows on GLOBE the same privileges extended to other associations. For example, GLOBE can now use government facilities communication systems, bulletin boards, and have official representation at personnel meetings.[9]

GLOBE's stated purpose is to "promote understanding of issues affecting gay, lesbian and bisexual employees; provide outreach to the gay, lesbian and bisexual community; serve as a resource group to the Secretary on issues of concern to gay, lesbian and bisexual employees; work for the creation of diverse work force that assures respect and civil rights for gay, lesbian and bisexual employees; and create a forum for the concerns of the gay, lesbian and bisexual community."[10] There are more than 40 chapters throughout the federal government.[11]

The Department of Transportation GLOBE chapter earned some notoriety when posters depicting famous people alleged to be homosexual were displayed on bulletin boards. The posters were made at government expense and identified Eleanor Roosevelt, Virginia Woolf, Errol Flynn, and Walt Whitman as homosexuals.[12]

Federal Aviation Administration employee Anthony Venchieri complained when he received a DOT voice mail message inviting him to "celebrate with us the diversity of the gay and lesbian community." The message was broadcast to all 4,100 DOT voicemail users. He was removed from the system after complaining but was later reinstated. FAA's Office of Civil Rights spokesman stated, "The Department of Transportation has officially recognized the organization [GLOBE]. . . . The FAA complies with this recognition of an employee association which contributes to employee welfare and morale and assists in fostering a climate of diversity and inclusion."[13]

GLOBE also uses government facilities to promote homosexuality. During June 1994, many federal agencies permit GLOBE chapter to use space to host homosexual programs. For example, DOT hosted six events in the Washington headquarters. Those included: a panel of DOT officials discussing diversity; a presentation by Parent, Friends and Families of Lesbians and Gays; and a program on the gay and lesbian Asian Pacific American community.[14]

THE DIVERSITY AGENDA

"Diversity" is a vogue concept that is being used to advance the homosexual agenda.[15]

The U.S. Fish and Wildlife Service has embraced diversity. In a July 1994 memo entitled, "Stepping Stones to Diversity: An Action Plan," the service proclaims that "Managing diversity needs to be a top service priority. . . . The service must also recognize that the differences among people are important."[16]

DOT's Secretary Pena left no doubt about what he means by diversity. In a policy statement he defines it as "inclusion—hiring developing promoting and retaining employees of all races ethnic groups, sexual orientations, and cultural backgrounds. . ."[17]

The Department of Agriculture joined the diversity movement in March 1994 by establishing a GLOBE chapter.[18] A report in The Sacramento Valley Mirror shows just what the Department of Agriculture and, more specifically, a subordinate organization, the Forest Service, means by diversity.[19] According to that article, diversity means a redefinition of family promoting gay pride month, and encouraging the use of federal resource to promote homosexual causes.

A letter from Region 5 Forester Ronald E. Stewart to his employees outlines Forest Service recommendations concerning homosexuals. Stewart's memo to "All Region 5 Employees" says, "We can not allow our personal *beliefs* to be transformed into *behaviors* that would discriminate against another employee."[20] The recommended policy:

Prohibits discrimination based on sexual orientation.

Empowers homosexuals to serve as mentors and network coordinators.

Incorporates sexual orientation awareness training.

Establishes a computerized network for isolated homosexual employees.

Awards pro-gay work settings.

Encourages local "multicultural awareness celebrations" like gay pride month.

Directs supervisors to consider an employee's domestic partner when assigning schedules.

Prohibits private permitters and concessionaires from discriminating against domestic partners.

Mandates unions to become proactive in the "sexual diversity" movement.

Requires that contracts include domestic partner services.

Guarantees government child care for children of an employee's domestic partner.

Considers gay and lesbian owned businesses when arranging local purchase agreements.

The proposals encourage Forest Service employees to lobby for the following.

Amend federal travel regulations to incorporate the needs of domestic partners.

Adopt this definition of a family. "A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical and emotional development and well being of each of its members."

Advocate to the Small Business Administration the inclusion of gay and lesbian owned businesses eligible for minority set-aside contracts.

Advocate that retirement benefits include domestic partners.

Add non-discrimination provisions to all private sector contracts prohibiting discrimination based on sexual orientation except for bona fide religions and youth groups.

DIVERSITY TRAINING MANDATORY

Bureau of Labor Statistics Commissioner Katherine Abraham, whose performance agreement with Secretary of Labor Robert Reich includes diversity training, hosted three-hour diversity training sessions for BLS employees. The paid guest speaker began each session by stating, "Diversity means our national survival."[21] He closed the session by reading a letter from homosexual BLS employees complaining about discrimination. The guest concluded, "What's necessary in the workplace is for everybody to have the attitude that people are not good, not bad, just different."[22]

The U.S. Postal Service is also promoting diversity. During a November 1, 1994 diversity seminar a guest psychologist suggested "aggressive recruitment is needed; develop, attract and retain members from under-represented groups." His speech followed legal counsel's presentation on the new non-discrimination policy for gays, lesbians, and bisexuals.[23]

The Forest Service has a training booklet entitled, "Valuing Diversity." Inside the booklet are statements such as: "Fact: Psychological and social influences alone cannot cause homosexuality. . . . Fact: A biological (genetic, hormonal, neurological, other) predisposition toward homosexual, bisexual, or heterosexual orientation is present at birth in all boys and girls." No source for these "facts" is provided, nor could there be.[24] So-called genetic studies on homosexuality are flawed and conducted by homosexual activists.

The U.S. Health and Human Services sponsored a "Multi-Culture Day" in Dallas, Texas in April, 1994. An HHS employee gained official permission to man an exhibit, "Highlighting Our Gay and Lesbian Culture."[25]

Four federal agencies hosted a "Global Diversity Day" on May 25, 1994 at San Francisco's U.S. Customs House. The activities were attended by 300 federal employees and included displays by gay, lesbian, and bisexual representatives. On display were a rainbow flag that was flown at the 1993 March on Washington, posters displaying famous homosexuals, and cultural items such as books and GLOBE applications.[26]

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[1] Footnotes at end of article.

Possibly the largest diversity event was hosted by the U.S. Navy on September 8, 1994 near the Pentagon. Diversity Day '94 included an opening ceremony with a welcome by a three-star admiral who stated, "The federal and private sector must make diversity part of business."[27] He also said that the work environment "is not a matter for moral issues."[28]

The government's guest speaker was diversity expert and professor at Northeastern Illinois University Dr. Samuel Betances. He equated racism, sexism, and homophobia and then stated, "We can start all over if need be."[29] He explained that former Alabama Governor George Wallace, a one-time racist, started over by recanting his racist beliefs.

Betances encouraged homosexuals to organize "to get respect" much like women, blacks, and Latinos organized.[30] He emphasized that all of us "must be prepared to unlearn" old ways. He observed that homosexuals are "part of the diversity equation whether we like it or not" and they "need a climate of respect."[31]

The activities included a seminar entitled "Another Color of the Rainbow: Sexual Minorities in the Workplace" taught by an acknowledged lesbian, and a videotape, "On Being Gay," which promotes homosexuality as the moral equivalent to heterosexuality.

The U.S. Air Force Academy already has a diversity day scheduled for April 1995. The symposium is entitled, "Strength Through Diversity Leadership Symposium." Conference director Colonel David Wagie says that his program will not include "sexual orientation" issues. He explained. "We are interested only in using the term as officially defined and used by DOD."[32]

The Navy, however, is cruising toward sexual diversity. Secretary of the Navy John Dalton wrote the following in his diversity policy statement on May 23, 1994: "Our continued success requires that each civilian employee and applicant be afforded the opportunity to excel without regard to his or her race, color, gender, sexual orientation. . . ."[33]

AIDS AWARENESS OR MORE DIVERSITY TRAINING?

President Clinton announced on September 30, 1993 to all heads of executive departments his HIV/AIDS policy. The policy requires each secretary to designate a senior staff member to implement HIV/AIDS education and prevention programs and to develop workplace policies for employees with HIV/AIDS.

The training has received a mixed review. Federal employees have called the Family Research Council to complain that they found the training offensive.

Two supervisors and 41 employees in the Federal Communication Commission's audio services division chose not to attend mandatory "AIDS Awareness Training." An FCC employee stated, "The classes are basically an adult versions of high school sex ed, with the modern-day sensitivity training thrown in."[34]

The training includes a brief history of HIV, symptoms and prevention and risk reduction. There is a discussion of needle sharing and sexual contact. Federal employees are told to reduce their HIV contraction risk by practicing "safer sex" by using barriers like condoms, dental dams, plastic wrap, and latex gloves. The manual states, "A dental dam (a small, square piece of latex) or plastic wrap may be used for any oral-vaginal or oral-anal contact. All types of barriers (condoms, dental dams, and plastic wrap) are effective against HIV transmission only if they are used correctly and consistently from start to finish."[36]

The training materials are based on government "evidence" and the materials espouse confidence in latex which is not supported by research. For example, the U.S. Centers for Disease Control and Prevention misrepresent a wealth of conflicting scientific evidence. The CDC does a disservice to the American public when it promotes condoms as a responsible prevention strategy. CDC places its hopes on the correct and consistent use of condoms, an unreached and unreachable goal."[37]

The Energy Department makes a disclaimer: "HIV is transmitted without regard to gender, age, race, ethnicity, sexual orientation, religion, or identification with any group. For this reason, we avoid referring to 'high risk groups.'" Not identifying "high risk groups, is irresponsible. The HIV/AIDS Surveillance Report shows that at least 87 percent of HIV victims either contracted the virus from homosexual encounters or by sharing needles.

Probably the most outrageous example of government sponsored AIDS training was done for the Forest Service. It took place in the Forest Service's Tahoe Region on May 6, 1994 and was conducted by a local health official with degrees in sexology, a self-described homosexual phlebotomist [individual who draws blood], and an HIV-positive woman from the community.[39]

Most of the "infectious disease training" addressed HIV/AIDS. The phlebotomist was an exconvict who tried to debunk "homophobic" misconceptions. He speculated that many husbands were involved in homosexual affairs. He showed a variety of condoms and how to apply them to a life size replica of erect male genitalia. He even explained a technique for using one's mouth to apply the condom. He also explained the proper cleaning techniques when sharing hypodermic needles.[40]

One of the workers in the audience later complained, "There seems to be no logic or equity in penalizing one employee for repeatedly bringing up 'Christmas' at work, during December because he or she believes in God, while instructing other employees how to use intravenous drugs or engage in anal sex."[41]

FEDERAL MONEY FUNDS "GAY SCIENCE"

In Fiscal Year 1993, in addition to more than $2 billion for AIDS, the U.S. Department of Health and Human Services awarded 84 grants worth over $20 million to research topics that primarily involve homosexuals.[42] These grants include:

"Phone counseling in reducing barriers to AIDS prevention," which studies homosexual men who are purportedly unable to avoid unsafe sexual behavior.[43]

A project that examines how "stress generated by societal reactions leads adolescents who are coming-out to be at higher risk of problems" than their heterosexual peers.[44]

A project entitled "Drinking, drug use and unsafe sex among gay and bisexual couples" which explores the relationship "between drinking, drug use and unprotected sex . . . among gay and bisexual couples."[45]

A study designed to analyze behavioral data about HIV transmission among bisexual men in Mexico.[46]

A study by Dr. Dean Hamer provides a good example of how federal funds are being used to help advance gay political activism.

Dr. Hamer, chief of the Gene Structure and Regulation Section, Laboratory of Biochemistry of the National Cancer Institute, National Institutes of Health, Department of Health and Human Services, published the results of his two year "gay-gene" research project, "A Linkage Between DNA Markers on the X Chromosome and Male Sexual Orientation," in the July, 1993 edition of *Science*.[47]

The Family Research Council published an investigative report on Dr. Hamer's study. The report shows problems with the study, Hamer's promotion of homosexuality in the media, and questions whether federal funds were properly used.[48]

While published NCI budgets do not identify money earmarked for Dr. Hamer's research, funding for Hamer's research (which totaled $420,000) apparently came from money designated for research into Kaposi's sarcoma (KS).[49] NCI's press office indicated that Hamer's study looked at KS, which is an AIDS-related cancer prevalent among gay men.[50] And Hamer promoted his research as a multifactorial study investigating host genetic factors for Kaposi's sarcoma and lymphoma.[51]

Yet, curiously, Hamer "ran no tests to determine whether his clients had KS."[52] And Hamer stated in a court deposition that he has never published anything on Kaposi's sarcoma."[53]

More taxpayer-funded gay research is in the works. Hamer wrote a letter to Health and Human Services Secretary Donna Shalala arguing for the creation of an NIH Office of Gay and Lesbian Health Concerns. The *American Medical News* reports that the HHS will seriously consider Hamer's proposal. Hamer envisions the office going beyond research into the origins of sexual orientation to include HIV and other sexually transmitted diseases, breast and gynecologic cancers, substance abuse and adolescent suicide.[54]

In addition, Angela Pattatucci, one of Hamer's research assistants, has an ongoing project that deals with genetics and lesbianism. According to Victoria L. Magnuson of Hamer's NIH office, Pattatucci's "lesbian study has a cancer component." Yet the advertising fliers developed for this study call it a study of the "genetic nature of sexual orientation . . . a gay gene study." They state that "per diem and travel expenses" would be covered by "NIH," and that subjects would be interviewed by "gay-positive" persons.[55]

(Pattatucci's track record raises serious questions about her objectivity as a researcher. She recently told *Network*, a homosexual magazine based in New Jersey, "I believe the most important thing a gay person can do is to be public about his or her homosexuality." That article included a picture of Dr. Pattatucci holding her jacket open to reveal a T-shirt with the work "DYKE" written in large, bold type.[56])

FEDERAL EMPLOYEES ON THE GAY AGENDA FRONT

U.S. Patent and Trademark Commissioner Bruce Lehman is a self-described homosexual who promotes Commerce Secretary Ron Brown's "Diversity Policy." For those who object, Lehman states, "As far as I'm concerned, it's got to be forced down their throats. If they want to be bigots, they can go work for someone else's department." The agency's director of human resources created a "diversity recruitment support team" to spend up to 15 days of diversity recruiting in 1995.[57]

The nation's former Surgeon General Joycelyn Elders told homosexual magazine *The Advocate*, "Americans need to know that sex is wonderful and a normal . . . and healthy part of our being, whether it is homosexual or heterosexual." She endorses adoption of children by homosexuals and called the Boy Scouts' ban on homosexual Scouts and Scout leaders "unfair."[58]

Roberta Achtenberg is HUD's assistant secretary for Fair Housing and Equal Opportunity. She appeared in San Francisco's 1992 gay pride parade riding in the back seat of a convertible next to her "partner" (Mary Morgan, a San Francisco municipal court judge) and "their" child. The sign on the car said: "Celebrating Family Values."[59]

While a member of the San Francisco board of supervisors and a member of a United Way chapter in that area, Achtenberg helped to defund the Boy Scouts for their moral standards. She has continued her activism in the federal government.[60]

In February 1994 Achtenberg signed a diversity policy that requires managers to "participate as active members of minority, feminist or other cultural organization's" to qualify for an "outstanding" rating.[61]

Some federal agencies have appointed homosexual watchdogs to ensure employee compliance with pro-gay diversity policies. For example, the Foreign Agriculture Service has a gay, lesbian and bisexual program manager. This is a collateral duty to take no more than 20 percent of the manager's time. Her task is to promote gay, lesbian and bisexual employment program and develop and disseminate information on employment matters throughout the agency.[62]

DISCOURAGING DISSENT

Federal employees who object to the diversity push beware! U.S. Merit Systems Protection Board Chairman Ben Erdreich has embraced diversity. The MSPB is the agency that rules on federal employee appeals of personnel actions. Erdriech told his employees on November 19, 1994: "I have a strong commitment to diversity and equitable treatment in the workplace. . . . Managers will be graded on . . . respect for diversity in the workplace and performs responsibilities without regard to the differences of race, color . . . sexual orientation. . . ."[63]

Department of Agriculture and senior EEO manager Karl Mertz ran into the diversity wall. On March 4, 1994 Mertz told a reporter when asked about Secretary Espy's gay-rights agenda, the AG Department should be headed "toward Camelot, not Sodom and Gomorrah."[64]

Mertz was later told that his interview disagrees with Department civil rights policy "which could seriously undermine your ability to perform your responsibilities." He was transferred to a non-management job.[65]

CONCLUSION

The Clinton Administration is methodically unleashing an avalanche of pro-homosexual policies and advocacy. It is costing the federal taxpayer millions of dollars and discriminates against workers who object on religious grounds. The 104th Congress should investigate this abuse and reverse the federal government's promotion of homosexuality under the label of diversity.

ENDNOTES

[1] Environmental Protection Agency memo to all EPA employees, October 14, 1994, signed Carol Browner.

[2] U.S. Department of Housing and Urban Development, memo for "All HUD Employees," Subject: Policy Statement—Equal Employment Opportunity, Affirmative Employment, Prevention of Sexual Harassment, Discrimination Based on Sexual Orientation, August 30, 1994, signed by Henry G. Cisneros.

[3] "Equal Opportunity Policy Statement, U.S. Department of Transportation memo "To All DOT Employees," May 27, 1993, signed Federico Pena.

[4] "FBI Guidelines Stress Ethical, Sexual Behavior," *The Washington Post*, March 8, 1994, p. A-3 and David Johnston, "Gay Stand Costs Prospect a Justice Post, *New York Times*, October 20, 1994, p. A-20.

[5] Joan Biskupic, "Reno Prohibits Bias Against Gays in Security Clearances," *The Washington Times*, December 3, 1993, p. A-4.

[6] Ibid.

[7] Memorandum for Mary Maguire Dunne, Acting Chair Board of Immigration Appeals, from The Attorney General (signed by Janet Reno); Subject: Attorney General Order Designating Board of Immigration Appeals Case as Precedent, undated.

[8] Paula Span, "A Week About Gay Pride, And Prejudice," *The Washington Post*, June 16, 1994, p. A-1.

[9] "GLOBE Gains Official Recognition in OPM," Federal EEO Update, Vol. 5, No. 01, January 1994, p. 1.

[10] USDA GLOBE Bylaws, U.S. Department of Agriculture, March 25, 1994.

[11] GLOBE/GSA (Gay, Lesbian or Bisexual Employees/GSA) flier with statement of purpose and lists a GSA Diversity Coordinator at 202-501-2127.

[12] "Rest in Peace?," *The Washington Times*, July 12, 1993, p. A-6.

[13] Ruth Larson, "FAA Employee Objects to Gay-Pride Voice Mail," *The Washington Times*, June 28, 1994.

[14] "Community Closeness: DOT GLOBE Celebrates Gay Pride Month," *Intercom*, May 31, 1994, p. 6.

[15] *The American Heritage Dictionary* (Houghton Mifflin Co: Boston, 1991), p. 412.

[16] Alston Chase, "Does Ranger Rick Love Murphy Brown?," *The Washington Times*, August 30, 1994.

[17] "Diversity Policy Statement," Secretary of Transportation memorandum "To All DOT Employees," May 27, 1993, signed by Federico Pena.

[18] "Establishment of USDA GLOBE," Department of Agriculture memo to Pat Browne, Spokesperson, USDA GLOBE, signed Wardell C. Townsend, Jr., March 25, 1994.

[19] Tim Crews, "U.S.F.S. Now 'Proactive' For Gays, Lesbians, Bisexuals," *The Sacramento Valley Mirror*, March 15, 1993.

[20] "RMT Decisions on Sexual Orientation Report Recommendations," U.S. Department of Agriculture, Forest Service, February 24, 1993, signed by Ronald E. Stewart, Regional Forester.

[21] Kishore Jayabalan, "Typecasting 'Diversity,'" *The Washington Post*, December 4, 1994, p. C-5.

[22] Ibid.

[23] "Inspection Service Diversity Network Meeting Memo," United States Postal Service, Cincinnati, Ohio, October 31 to November 1, 1994.

[24] "Valuing Diversity," U.S. Forest Service, Northern Region Phase II, not dated.

[25] *The Washington Times*, April 18, 1994.

[26] "Pacific Southwest News Log," U.S. Department of Agriculture, Forest Service, Pacific Southwest Region, June, 1994, pp. 12-13.

[27] Robert L. Maginnis attended the Diversity Day '94 welcoming ceremony. This comment reflects notes taken by Maginnis at that ceremony on September 8, 1994 in the Crystal City Forum.

[28] Ibid.

[29] Ibid.

[30] Ibid.

[31] Ibid.

[32] "Strength Through Diversity Symposium," Center for Character Development, Commandant of Cadets, United States Air Force Academy, October 12, 1994.

[33] "Equal Employment Opportunity/Diversity Policy Statement," Department of the Navy, Office of the Secretary, May 23, 1994, signed by John H. Dalton.

[34] "Big Brother Is Watching," Inside the Beltway, *The Washington Times*, August 8, 1994, p. A-8.

[35] "Information about the Federal Workplace AIDS Education Initiative and Class Schedule Announcement," Department of Energy, from Donald Donaldson, Federal Workplace HIV/AIDS Education Coordinator, October 9, 1994.

[36] "Walkin' the Talk," HIV Education Materials for Managers, Supervisors and Team Leaders, The Department of Energy, Office of Economic Impact and Diversity, in conjunction with the Federal Workplace HIV Education Initiative, not dated, p. 8.

[37] Robert L. Maginnis, "New CDC Report Encourages False Confidence In Condoms," Insight by the Family Research Council, IS93K1CI, p. 7.

[38] "HIV/AIDS Surveillance Report," U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Vol. 5, No. 4, December 1993, p. 8.

[39] "Infectious Disease Training," Forest Service memo to Hope Pineda, Personnel Officer, Tahoe NF, June 7, 1994.

[40] Ibid.

[41] Ibid.

[42] Robert L. Maginnis, "Taxpayer Funded 'Gay-Science' or Legitimate Cancer Research?," Family Research Council Insight IS94B2HS, p. 1.

[43] Project number MH46792-03. The investigator is Roger A. Roffman with the University of Washington, Seattle, Washington.

[44] Project number MH43520-06, Title: HIV Center—Clinical and Behavioral Studies. The investigator is Mary Jane Rotheram-Borus of New York, NY.

[45] Project number AA09320-02. The investigator is George R. Seage of Boston, MA.

[46] NIH project number HD28305-04, Title: Influencing Risk Behaviors of Bisexual Males in Mexico. Kathryn Tolbert is the investigator.

[47] Dean H. Hamer, Stella Hu, Victoria L. Magnuson, Nan Hu, Angela M. L. Pattatucci, "A Linkage Between DNA markers on the X Chromosome and Male Sexual Orientation," *Science*, Vol. 261, July 16, 1993, pp. 321-327.

[48] Robert L. Maginnis, op cit.

[49] NCI Fact Book, National Cancer Institute, 1992, "Acquired Immunodeficiency Syndrome (AIDS) Funding Activity Fiscal Year 1992," Division of Cancer Biology, Diagnosis and Centers $13,620,000. This is cited from page 68. The 1991 version of NCI's Fact book (page 63) awards Dr. Hamer's division $13,457,000. These funds are not broken down to the individual sections or laboratories. This researcher visited the office of Dr. Alan Rabson, Chief for the Division of Cancer Biology, Diagnosis and Centers on December 8, 1993 (room 3A11, building 31, NIH) and asked for copies of the Division's budgets for FY1991-94. No one was available to discuss the budgets nor did anyone return telephone calls. Linda Anderson, Office of Cancer Communications, Building 31, Bethesda, Maryland stated that Dr. Hamer's study cost $420,000. She indicated that this figure includes salaries. This information comes from a telephone conversation between Ms. Anderson and FRC researcher Craig Gottlieb on December 1, 1993. Ms. Anderson followed their conversation with a fax transmission on December 2d which states, "The budget figured I gave you for Dr. Hamer's study is total including staff salaries." Dr. Magnuson indicated that the salaries for research salaries are not part of Hamer's research budget.

[50] Conversation between Linda Anderson, NCI's press office and Craig Gottlieb on December 1 1993.

[51] NCI Press Release entitled "New Study Finds Genetic Link to Homosexuality," July 15, 1993. This information is taken from Dr. Hamer's answer to question 9: "Why was the research supported by the National Cancer Institute?

[52] "National Cancer Institute Scandal: Gay Rights Instead of Cancer Research," *Family Research Report*, September-October, 1993, p. 6.

[53] Telephone Deposition of Dean Hamer, taken October 11, 1993 in case of *Richard G. Evans, et al., v. Roy Romer, et al.*, District Court, City and County of Denver, State of Colorado, Case No. 92-CV-7223, Courtroom 19, p. 70. A search of NIH Library's files on Dr. Hamer reveals 71 postings for published studies. The "gay-gene" study was the first of its kind for Dr. Hamer.

[54] Brian McCormick, "Researchers, Doctors Press for Gay Office at NIH," *American Medical News*, September 13, 1993, p. 10.

[55] Interview of Victoria L. Magnuson, NCI's Biochemistry Laboratory, Building 37, NIH, December 8, 1993. The interview was conducted by FRC research assistant Craig Gottlieb, a Cornell University student.

[56] "Media Spike 'Gay Gene' Researcher's Homosexuality," *Lambda Report*, October 1993, p. 12.

[57] *The Washington Times*, September 8, 1994, p. A-6.

[58] Joyce Price, "Elders Calls Gay Sex 'Wonderful,' 'Healthy,'" *The Washington Times*, March 19, 1994.

[59] Joyce Price, "Lesbian Nominee's Foes Light Up Senate Phones," *The Washington Times*, May 21, 1993, p. A-3.

[60] Ibid.

[61] "Certification of the Mandatory Equal Employment Opportunity/Affirmative Employment (EEO/AE), Cultural Diversity Critical Element and Performance Standards for Managers and Supervisors,"

U.S. Department of Housing and Urban Development, January 13, 1994, signed by Roberta Achtenberg, Assistant Secretary for Fair Housing and Equal Opportunity and Marilynn A. Davis, Assistant Secretary for Administration.

[62] "Announcement Soliciting Applications: Gay, Lesbian and Bi-Sexual Program Manager (Collateral Duty Assignment), Foreign Agriculture Service, not dated.

[63] Ruth Larson, "Employees To Be Graded On Support For Diversity," *The Washington Times*, December 2, 1993, p. A–7.

[64] Max Boot, "A Different Kind of Whistle-Blower," *The Wall Street Journal*, April 27, 1994.

[65] Ibid.

By Mr. HELMS:

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes; read the first time.

CIVIL RIGHTS RESTORATION ACT

Mr. HELMS. Mr. President, 3½ years ago, on June 25, 1991, I offered an amendment to the Omnibus Crime Bill to do away with quotas in the workplace by amending Title VII of the Civil Rights Act of 1964. I recall an article in the August 12 of the New Republic magazine which reported that my amendment had caused a great deal of agitation in the Senate because it required Senators who claimed back home that they were opposed to quotas to take a stand on outlawing the practice of racial preferences.

The New Republic went on to say that in order to force "a showdown on preferences in hiring and promotion." I should accept a modification of the original amendment offered by the distinguished Republican Leader, (Mr. DOLE). Senators may recall that Senator DOLE did propose during the June 1991 debate, that the Helms amendment contain language which would permit special recruitment of minorities and women for the employer's applicant pool—i.e, a broadly acceptable form of affirmative action.

At the time I agreed that Senator DOLE's modification would be an important addition to my amendment. However, Democrats objected to such a modification, and it never happened.

Mr. President, the legislation I'm introducing today—the Civil Rights Restoration Act of 1995—offers Senators the opportunity to pick up the gauntlet laid down by Senator DOLE and me. This legislation is quite simple: It prevents Federal agencies, and the Federal courts, from interpreting Title VII of the Civil Rights Act of 1964 to permit an employer to grant preferential treatment in employment to any group or individual on account of race.

The Helms proposal prohibits the use of racial quotas in employment once and for all. During the past 2 years, almost every member of the Senate—and the President of the United States—have proclaimed that they are opposed to quotas. This bill will give Senators an opportunity to reinforce their statements by voting in a roll call vote against quotas.

I am not here merely on behalf of businesses, large, medium, or small. I am here on behalf of working people of all races, ethnic groups and gender all over this Nation. The working people don't have 500 organizations trying to "protect" their civil rights. They are not organized into Washington pressure groups. They simply want to work for a living free of discrimination.

Unfortunately, Government-imposed and Government-encouraged quotas are a fact of life. According to the June 3, 1991, edition of Newsweek magazine, a substantial number of Fortune 500 companies have very clear minority hiring "goals" which is a euphemism for quotas. In a survey of CEOs of Fortune 500 companies, 72 percent acknowledged that they use some form of—now get this—quota hiring system. Only 14 percent of the CEOs claimed that they hire solely on merit.

I note with interest that the Business Roundtable favored the socalled Civil Rights Act passed in the last Congress. Mr. President, for whom does the Business Roundtable speak? Surely not for the little man. As the Newsweek article suggests, these are big businesses that regularly engage in reverse discrimination. They are interested in public relations, not the civil rights of their individual workers.

Mr. President, all the Helms legislation says is, that from here on out, employers must hire on a race neutral basis. They can reach out into the community to the disadvantaged—something all Senators support—and they can even have businesses with 80 percent, 90 percent, minority workforces as long as the motivating factor in employment is not race.

The Helms legislation clarifies section 703 (j) of Title VII of the Civil Rights Act of 1964 to make it consistent with the intent of its authors, Hubert Humphrey and Everett Dirksen. Let me state it for the Record:

> It shall be an unlawful employment practice for any employer, employment agency, labor organization, or joint labor committee that is subject to this title to grant preferential treatment, with respect to selection, compensation, terms, condition, or privileges of employment or union membership, to any individual or to any group of individuals on account of the race, color, religion, sex, or national origin of such individual or group for any purpose, except as provided in subsection (e) of this section.
>
> It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.

Mr. President, this legislation is necessary because in the 29 years since the passage of the Civil Rights Act, the Federal Government and the courts have combined to corrupt the spirit of the Act as enumerated by both Hubert Humphrey and Everett Dirksen who made clear that they were unalterably opposed to racial quotas.

Specifically, this bill proposes to make part (j) of Section 703 of the 1964 Civil Rights Act consistent with subsections (a) and (d) of that section. It contains the identical language used in those sections to make preferential treatment on the basis of race—that is, quotas—an unlawful employment practice.

This legislation will forbid the Federal Government from ever again terrorizing the small businesses of this country with threats and fines for not meeting some bureaucrat's vision of a proportionalized and racially "correct" society.

Perhaps Senators are familiar with the Daniel Lamp Company, a small Chicago lamp factory recently visited by the investigators of the Equal Employment Opportunity Commission [EEOC]. On March 24, 1991 the CBS News program, 50 Minutes, blew the cover off of the EEOC's attempt to impose its quota mentality on one defenseless businessman.

As Morley Safer put it, the Daniel Lamp Company "is guilty of not playing the numbers game." You see, the EEOC found the owner of the Daniel Lamp Company to be a practitioner of racial discrimination and leveled a fine of $148,000 against him. What was interesting about the charges was the fact that of the company's 28 employees the only two who were neither black nor Hispanic were the owner and his father—who, by the way, is a survivor of Auschwitz. There were 18 Hispanics and 8 blacks on the payroll when 60 Minutes began its investigation.

The trouble began when a disgruntled job applicant filed an EEOC racial discrimination complaint against the Daniel Lamp Company. The EEOC demanded the records of the company. The owner, who hired only minorities, was proud of his work force and happy to allow the Federal Government to inspect the ledger. He thought he might be commended for providing jobs for minorities. How wrong he was.

In its investigation CBS found that the only information the EEOC was using against the Daniel Lamp Company was the agency's computerized quota numbers. The EEOC's computer told the agency that based on the employment statistics of Chicago businesses with over 100 employees—a fascinating comparison since the Lamp Company never had more than thirty workers—the Daniel Lamp Company had to employ exactly 8.45 blacks. That sounds like a quota to me, and it even sounded like a quota to Morley Safer who was puzzled as to why the agency was disobeying the law which as Mr. Safer put it "says the EEOC can't set quotas."

Despite the denials by the EEOC, Mr. Safer concluded that, "it —the EEOC—did set numbers by telling Mike—the owner of the company—that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks." When the Daniel Lamp Company stood up to the intimidation of the EEOC, the agency tightened the noose. Not only did the company have to meet the quota and pay a huge fine, it also had to spend $10,000 to advertise in newspapers to tell other job applicants that they might have been discriminated against and to please contact the Daniel Lamp Company for a potential financial windfall.

Mr. President, do you see what is going on here? The Daniel Lamp Company wasn't one of those Fortune 500 companies that can afford a gaggle bunch of lawyers and can placate the various special interest groups by hiring according to quotas. The Daniel Lamp Company was a small, struggling enterprise which can afford to pay its few employees a scant $4.00 an hour. This company hired only minorities. But that wasn't good enough for the quota bureaucrats in Washington. They said the company didn't hire enough of the "right" minorities.

This bill will put an end to this disgraceful power play by the quota crowd in the Federal bureaucracy.

Mr. President, do we want a nation where privilege and employment are handed out on the basis of group identity rather than merit? Already police and firemen in our major cities are clashing over who can be classified as black or Hispanic to ensure they receive job preference because of their minority status. Check the newspapers in San Francisco, Chicago, and Boston to see if I'm correct.

The Helms legislation protects the Daniel Lamp Company and the firemen and the policemen, of whatever race, who are out there working hard at their jobs in the belief that they will be rewarded for their hard work—not judged on the color of their skin.

This proposal also includes an important safeguard which will protect those businesses and institutions whose special needs require personnel qualified for the job on the basis of religion, sex, or national origin. Like the other sections of title VII, this amendment protects the religious school or institution which grants preferences in hiring or admission to those of its own religion. It protects those ethnic-based enterprises which require special language skills and familiarity with particular customs.

Mr. President, some may defensively claim that the Helms legislation destroys affirmative action and outreach programs. That flimsy strawman comes tumbling down with even a casual examination of the legislation.

If one equates affirmative action with "goals" otherwise known as hiring by the numbers, it is clear that this bill does indeed forbid that practice.

But Senators who support race conscious programs, and who support race norming tests, will be rebuffed by this legislation and that's why they oppose it.

Those Senators who equate affirmative action with outreach programs have had nothing to worry about. Under the language supplied in 1991 by the distinguished Republican Leader, a company can recruit and hire in the inner city, prefer people who are disadvantaged, create literacy programs, recruit in the schools, establish day care programs, and expand its labor pool in the poorest sections of the community. In other words expansion of the employee pool—Senator DOLE calls it good affirmative action—is specifically provided for under this act.

Mr. President, America was founded on the philosophy of individual rights with no group entitlement. With that understanding, the former Mayor of the City of New York, Ed Koch addressed the issue of numbers oriented affirmative action. In a letter to me, Mr. Koch made the following observation:

> As to the already existing social problems caused by preferential affirmative action programs, several scholars, including the noted professor and sociologist Thomas Sowell, have observed that racial quotas and discriminatory affirmative action programs have not helped the intended beneficiaries. Those who are often preferred are the very ones who could have competed with the best * * * if we are to uphold our commitment to civil rights—as we should—we must set in motion programs to ensure that all deprived persons—without regard to race, color, religion, sex or national origin—have the opportunity to achieve their full potential.
>
> We should focus our attention on assisting minorities who have suffered from unequal opportunity * * * never excluding from programs others equally poor or deprived simply because they are white. The solution is not to place unqualified minority workers, or others of different national origin, in jobs for which they are not adequately trained as a band-aid to end discrimination. If anything that is the way to destroy the self-esteem of many workers, heightening anger and discrimination among fellow employees when some members of the workforce are unable to carry their fair share of the load * * * such practices unfairly reflect upon many minority members who were hired because they were qualified and are better than other applicants. They unfairly become judged, not individuals, but as members of a protected class, not able to compete with others.

Mayor Koch's comments cut to the heart of the matter.

It makes absolutely no sense to that Congress should support programs that discriminate against the poor Asians from San Francisco, or the poor whites from any where in America simply because they don't fall into the class of protected minorities.

Mr. President, a few days ago I came across a scholarly paper titled, "Equality and the American Creed: Understanding the Affirmative Action Debate," by Seymour Lipset. By the way, this paper was sponsored by the Democratic Leadership Council. The central thesis of this paper was summed up in this fashion:

> Affirmative action policies—hiring or promoting people by the numbers or group identify—challenge the basic American tenet that rights to equal treatment should be guaranteed to individuals, and that remedial preferences should not be given to groups. And given the strength of individualism in American tradition, it is not surprising that most Americans, including a considerable majority of women and a plurality of blacks, have continued to reject applying emphasis on protected rights to groups.
>
> It is crucial that civil rights leaders, liberals, and Democrats rethink the politics of special preference. The American Left from Jefferson to Humphrey stood for making equality of opportunity a reality.

Mr. President, those sentiments are right on the mark. I applaud the DLC for its foresight and hope its members join the fight to eliminate the use of quotas in our society.

The Helms proposition puts America back on the course that Thomas Jefferson, Hubert Humphrey, and Sam Ervin envisioned. It offers Senators an opportunity to back up their speeches and press statements against quotas. It gives Senators an opportunity to vote against quotas, and this they should do.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 26

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Restoration Act of 1995'.

SEC. 2. PREFERENTIAL TREATMENT.

(a) UNLAWFUL EMPLOYMENT PRACTICE.—Section 703(j) of the Civil Rights Act of 1964 (42 U. (j)) is amended to read as follows:

"(j)(1) It shall be an unlawful employment practice for any entity that is an employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or group with respect to selection for, discharge from, compensation for, or the terms, conditions or privilege of, employment or union membership, on the basis of the race, color, religion, sex, or national origin of such individual or group, for any purpose, except as provided in subsection (e) or paragraph (2).

"(2) It shall not be an unlawful employment practice for an entity described in paragraph (1) to undertake affirmative action designed to recruit individuals of an underrepresented race, color, religion, sex, or national origin, to expand the applicant pool of the individuals seeking employment or union membership with the entity.".

(b) CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed to affect the authority of courts to remedy intentional discrimination under section 706(g) of the Civil Rights Act of 1964 (42 U.(g)).

By Mr. HELMS:

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools; read the first time.

VOLUNTARY SCHOOL PRAYER PROTECTION ACT

Mr. HELMS. Mr. President, like so many others, I often contemplate the obvious fact that America is in the midst of an historic struggle between those who, on the one hand, yearn for a restoration of the heritage of traditional values envisioned by our Founding Fathers and those who, on the other hand, contend that anything goes no matter how destructive—especially when the Federal Government finances it. Seldom mentioned is the fact that the Federal Government has no money except that which it forcibly extracts from the pockets of the American taxpayers back home in our States.

So, what we have is a struggle for the soul of America. How it is finally resolved will determine whether America will move forward—or end up on history's ash heap, as have so many nations before us.

The American people are more aware than ever before about what is at stake. They are sick and tired of crime, pornography, mediocre schools, and politicians who cater to every fringe group and perverse lifestyle. The voters resoundingly and unmistakably demonstrated their anger at the polls this past November.

Mr. President, Reader's Digest presaged this public outcry when it published an article a few years ago titled "Let Us Pray", in which the magazine reported the results of a Wirthlin poll. That poll found that 80 percent of the American people resent the Supreme Court's ruling that it is unconstitutional for prayers to be offered at high school graduations. The poll showed that 75 percent of Americans favor prayer in public schools. But a profound impression was found in the subtitle which read "Why can't the voice of the people be heard on prayer in schools?"

As Reader's Digest pointed out, those pro-prayer opinions "were expressed by Democrats, Republicans, blacks and whites, rich and poor, high-school dropouts and college graduates—reflecting a profound disparity between the citizenry and the Court." Yet, despite this massive outcry, the liberals in Congress and in the media prate that the Constitution somehow forbids governmental establishment of religion and ipso facto prayer in school cannot be permitted.

Well, the voice of the people was unmistakable this past November 8. The question before us now is whether we in the Congress are going to really listen to them for a change—that's the real change the people voted for.

For instance, seldom is it heard on the issue of school prayer that the Constitution also forbids governmental restrictions on the free exercise of religion, or that the Constitution protects students' free speech—whether religious or not—and that student-initiated, voluntary prayer expressed at an appropriate time, place and manner has never been outlawed by the Supreme Court.

But back to the Reader's Digest question: "Why can't the voice of the people be heard on prayer in schools?" The simple answer is that many of the Nation's politicians have misled—and continue to mislead—the voters about where they really stand on the issue of school prayer. They go home at election time—some even run campaign commericals—proclaiming their staunch support for school prayer and traditional family values. Back in Washington they vote otherwise.

Yet while these same people are in Washington, they knowingly and willingly allow the liberal Democratic leadership in the Congress to beat back school prayer time after time. That's so these so-called moderate family values politicians can vote with a wink and a nod for school prayer on the floor of the House and Senate and then go home again and lie to their constituents again about how strongly they support school prayer when they are in Washington.

Mr. President, last year was a perfect example of the continuing deceit politicians have perpetrated against the voters. The liberal Democrats in Congress—and specifically the senior Senator from Massachusetts—killed school prayer not once, but twice last year, despite overwhelming 3 to 1 votes for school prayer in both the House and Senate. However, with the help of the press and the other news media, they tried once again to keep the voters in the dark about who the true voices are in support of school prayer when they walked into the voting booths this past November.

But no matter how the media tries to explain it away, for once the people—the voters—were not fooled in November. They know who has been responsible for wrecking the American dream over the past four decades—a dream which was built on individual responsibility and an acknowledgement of God's governance in the affairs of men.

Mr. President, my friend Bill Bennett told me recently that America has become the kind of country that civilized countries once dispatched missionaries to centuries ago. If we care about cleaning up the streets and the classrooms, if we care about the long term survival of our Nation—how could there be anything more important for Congress to protect than the right of America's children to participate in voluntary, constitutionally-protected prayer in their schools?

We already spend more money per pupil than any other industrialized country and what has it bought? We have the lowest math scores, the lowest language scores, and the highest crime rate of any of our major trading partners. We can spend all the money we can tax out of people and it will not improve our children's achievement, happiness, or well-being one whit unless and until we take traditional morality out of government-imposed exile and restore it to the prominence and respect it once enjoyed.

As Michael Novak of the American Enterprise Institute has pointed out:

> There is no issue in American life in which the public will is so clear and the political establishment is so heedless. The cultural and political elites have simply ignored the overwhelming support of the American people for voluntary school prayer—indeed for the role of religion and faith in the nation's life.

Mr. President, since the sea change wrought by the November elections, there has been a great deal of discussion concerning a constitutional amendment regarding school prayer. I must admit that I was a bit shocked by the number of so-called friends of school prayer who have changed their tune now that it appears Congress might actually be able to enact such an amendment—or at least see it brought up for discussion on the House and Senate floors. Some groups now question either the wisdom of, or the need for, a Constitutional amendment while other groups are wrangling over the proper wording for such an amendment.

However, before we get mired in myriad debates about a Constitutional amendment, Congress can do something immediately to protect school prayer. Congress can enact into the law the school prayer amendment that last year overwhelming passed the Senate once, 75–22, and the House twice, 367–55 and 345–64. Senators will recall that this was the amendment which was dropped in the closing 60 seconds of a conference with no debate, no discussion, no vote, just a wink and a nod between the Senator from Massachusetts and his counterpart on the House side.

That amendment, offered by Senator Lott and this Senator would have prevented public schools from prohibiting constitutionally-protected, voluntary student-initiated school prayer. The amendment did not, as was falsely asserted, mandate school prayer. It did not require schools to write any particular prayer, nor did it compel any student to participate in prayer. It did not stop school districts from establishing appropriate time, place, and manner restrictions on voluntary prayer—the same kind of restrictions that are placed on other forms of free speech in the schools.

Again, what the amendment would have done is prevent school districts from establishing official policies or procedures with the intent of prohibiting students from exercising their constitutionally-protected right to lead, or participate in, voluntary prayer in school.

And that is why the amendment met with such vehement opposition and subterfuge. It exploded the myth popular among school administrators and bureaucrats—a myth perpetuated by liberal groups such as the American Civil Liberties Union—that the United States Constitution somehow prohibits every last vestige of religion from the public schools. However, even the ACLU when it gets to court acknowledges that voluntary, student-initiated school prayer may be protected under the Constitution on the same basis that students' other non-religious free speech is protected—i.e. as long as the speech in question is uttered in an appropriate time, place, and manner, such that the speech does not materially disrupt the school day.

Once the Helms-Lott amendment exploded the old school prayer myths, those opposed to school prayer at all costs switched to the argument that it was unfair to put school administrators in the position of having to be Constitutional scholars in order to determine what religious activities must be allowed to prevent their federal funding from being put at risk. They missed the whole point—which was that school administrators for almost 3 decades have already been acting as Constitutional scholars—and bad ones at that—by uniformly prohibiting all students from praying or exercising their religion at school in any way at any time.

Why is it that under the liberals' double standard they are so concerned that a school district's funding might be adversely affected by a school official's Constitutional ignorance, but they don't give one whit that an individual child's Constitutional rights might be trampled on by such Constitutional ignorance on the part of school officials? So much for the liberals always casting themselves as the eternal defenders of the individual against the powers of the state.

The answer is that contrary to the neutrality they profess about religious issues, liberals are in fact virulently anti-religious and have taken sides in the cultural war against America's—and the Founding Fathers'—Judeo-Christian traditions.

Mr. President, that is why I am introducing the Helms-Lott amendment as a bill in the 104th Congress to be known as the "Voluntary School Prayer Protection Act."

I reiterate that the intent of the bill is to counteract the unbalanced pressure currently being exerted on school boards by the ACLU and their legal allies, groups which are in the legal driver's seat as far as this issue is concerned. They swoop down on any offending school district and threaten its official with a law suit if any kind of voluntary student-initiated prayer or religious activity is even rumored.

Under the proposed legislation, school districts could not continue—in Constitutional ignorance—enforcing blanket denials of students' rights to voluntary prayer and religious activity in the schools. Schools for the first time would be faced with some real consequences for making uninformed and unconstitutional decisions prohibiting all voluntary prayer. The bill thus creates a complete system of checks and balances to ensure that school districts do not shortchange their students one way or the other.

Mr. President, the bill would ensure that student-initiated prayer is treated the same as all other student-initiated free speech—which the United States Supreme Court has upheld as constitutionally-protected as long as it is done in an appropriate time, place, and manner such that it "does not materially disrupt the school day." [*Tinker* v. *Des Moines School District*, 393 U.S. 503.]

George Washington's final counsel—and warning—to the Nation is significant and just as relevant today as 200 years ago. Washington counseled the new nation,

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voluntary School Prayer Protection Act".

SEC. 2. FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONALLY-PROTECTED SCHOOL PRAYER.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State or local educational agency that has a policy of denying, or that effectively prevents participation in, constitutionally-protected prayer in public schools by individuals on a voluntary basis.

(b) LIMITATION.—No person shall be required to participate in prayer or influence the form or content of any constitutionally-protected prayer in public schools.

By Mr. HELMS:

S. 28. A bill to protect the lives of unborn human beings, and for other purposes; read the first time.

UNBORN CHILDREN'S CIVIL RIGHTS ACT

Mr. HELMS. Mr. President, 2 years ago and on occasions prior to that, I have offered the Unborn Children's Civil Rights Act, which proposes to take that important first step in reversing the infamous Roe v. Wade decision. Today, as the 104th Congress is beginning its work, I hope that all Senators will give thought to the need to put an end to the legalized slaughter of innocent, helpless babies.

The Unborn Children's Civil Rights Act proposes four things:

First, to put Congress clearly on record in declaring that (1) every abortion destroys deliberately, the life of an unborn child, (2) that the U.S. Constitution sanctions no right to abortion, and (3) that Roe versus Wade was improperly decided.

Second, this legislation will prohibit Federal funding to pay for, or to promote, abortion. Further, this legislation proposes to defund abortion permanently, thereby relieving Congress of annual legislative battles about abortion restrictions in appropriation bills.

Third, the Unborn Children's Civil Rights Act proposes to end indirect Federal funding for abortions by (1) prohibiting discrimination, at all federally-funded institutions, against citizens who as a matter of conscience object to abortion and (2) curtailing attorney's fees in abortion-related cases.

Fourth, this legislation proposes that appeals to the Supreme Court be provided as a right if and when any lower Federal court declares restrictions on abortion unconstitutional, thus effectively assuring Supreme Court reconsideration of the abortion issue.

Mr. President, if even the warning was applicable that those who cannot remember the past are condemned to repeat it—this is it. Fifty years ago, millions of European Jews and others died at the hands of Hitler's Nazis. Today many forget that horror—and the lesson that all human life is sacred.

We are today reliving another kind of holocaust, by another name. It is called abortion, but it is the same horrible fate—except that now, in our time, it is being met by millions of unborn children in America. Killing unborn babies has become a sort of tool-of-convenience in today's permissive society. At latest count, more than 32 million unborn children have been deliberately, intentionally, destroyed.

Mr. President, Roe versus Wade has no foundation whatsoever in the text or history of the constitution. It was a callous invention. Mr. Justice White said it best in his dissent: "Roe was an exercise in raw judicial power," he declared.

Why has this Supreme Court exercise in raw judicial power been allowed to stand? Why have we stood idly by for 22 years while 4,000 unborn babies are deliberately, intentionally destroyed every day as a result of legalized abortion?

The answer is simple, Mr. President. Even though Roe versus Wade was and is an unconstitutional decision, Congress has been unwilling to exercise its powers to check and balance a Supreme Court that deliberately destroyed the lives of the most defenseless, most innocent humanity imaginable.

So, Mr. President, Roe versus Wade still stands and the holocaust continues. It is not a failure of the Constitution. It is a failure of the supreme

Court—but, more importantly, it is the failure of Congress for 22 years to do its duty, to overturn Roe versus Wade. Untold millions of innocent, helpless little ones have been slaughtered.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Children's Civil Rights Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) scientific evidence demonstrates that abortion takes the life of an unborn child who is a living human being;

(2) a right to abortion is not secured by the Constitution; and

(3) in the cases of Roe v. Wade, 410 U.S. 113 (1973) and Doe v. Bolton, 410 U.S. 179 (1973) the Supreme Court erred in not recognizing the humanity of the unborn child and the compelling interest of the States in protecting the life of each person before birth.

SEC. 3. PROHIBITION ON USE OF FUNDS FOR ABORTION.

No funds appropriated by Congress shall be used to take the life of an unborn child, except that such funds may be used only for those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 4. PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR PROMOTE ABORTION.

No funds appropriated by Congress shall be used to promote, encourage, counsel for, refer for, pay for (including travel expenses), or do research on, any procedure to take the life of an unborn child, except that such funds may be used in connection with only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 5. PROHIBITION ON ENTERING INTO CERTAIN INSURANCE CONTRACTS.

Neither the United States, nor any agency or department thereof shall enter into any contract for insurance that provides for payment or reimbursement for any procedure to take the life of an unborn child, except that the United States, or an agency or department thereof may enter into contracts for payment or reimbursement for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 6. LIMITATIONS ON RECIPIENTS OF FEDERAL FUNDS.

No institution, organization, or other entity receiving Federal financial assistance shall—

(1) discriminate against any employee, applicant for employment, student, or applicant for admission as a student on the basis of such person's opposition to procedures to take the life of an unborn child or to counseling for or assisting in such procedures;

(2) require any employee or student to participate, directly or indirectly, in a health insurance program which includes procedures to take the life of an unborn child or which provides counseling or referral for such procedures; or

(3) require any employee or student to participate, directly or indirectly, in procedures to take the life of an unborn child or in counseling, referral, or any other administrative arrangements for such procedures.

SEC. 7. LIMITATION ON CERTAIN ATTORNEYS' FEES.

Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action in Federal court involving, directly or indirectly, a law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child.

SEC. 8. APPEALS OF CERTAIN CASES.

Between the first and second paragraphs of section 1252 of title 28, United States Code, insert the following new paragraph:

"Notwithstanding the absence of the United States as a party, if any State or any subdivision of any State enforces or enacts a law, ordinance, regulation, or rule prohibiting procedures to take the life of an unborn child, and such law, ordinance, regulation, or rule is declared unconstitutional in an interlocutory or final judgment, decree, or order of any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law."

By Mr. HELMS:

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; read the first time.

FEDERAL ADOPTION SERVICES ACT OF 1995

Mr. HELMS. Mr. President, a significant question about the use of the American taxpayers' money is: should family planning clinics, funded under Title X of the Public Health Services Act, be forbidden to offer adoption services to pregnant women?

My own answer is: Absolutely not. To the contrary such clinics should regard the advocacy of adopting babies, instead of deliberately destroying them, their number one responsibility. And there are numerous polls indicating that the vast majority of Americans agree.

With this in mind, I offer today the Federal Adoption Services Act of 1995, a bill that proposes to amend Title X of the Public Health Services Act to permit federally-funded family planning services to provide adoption services based on two factors: (1) the needs of the community in which the clinic is located, and (2) the ability of an individual clinic to provide such services.

Mr. President, those familiar with the many Senate debates of the past regarding Title X will recall the excessive emphasis placed on preventing and/or spacing of pregnancies, and limiting the size of the American family.

I hope that this year, we can refocus this debate, to shift the emphasis to the need to affirm life rather than preventing or terminating it.

Sure, the radical feminists and other pro-abortionists will voice their usual hysterical outcries. So before they raise their voices, let's make clear what this legislation will not do. For example:

No woman will be threatened or cajoled into giving up her child for adoption. Family planning clinics will not be required to provide adoption services. Rather, this legislation will make it clear that federal policy will allow, even encourage adoption as a means of family planning to help assure women who use Title X services—one-third of whom are teenagers—will be in a better position to make informed, compassionate judgments about the as yet unborn children they are carrying.

Mr. President, adoption has rightly been called "the loving adoption". It brought joy to my own family as well as to countless others. In a world where hundreds of children are destroyed every day—some because their mothers prefer another gender—is it not time to stop and ponder the question: Why not give life a chance?

Is it not the responsibility of civilized society to protect the most innocent, most helpless among us?

Mr. President, I ask unanimous consent that the text of the Federal Adoption Services Act of 1995 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Adoption Services Act of 1995".

SEC. 2. ADOPTION SERVICES.

Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting after the first sentence the following new sentences: "Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin.".

By Mr. MCCAIN (for himself, Mr. BRYAN, Mr. COATS, Mr. GORTON, Mr. HEFLIN, Mr. HELMS, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. REID, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. WARNER, and Mr. GRAMM):

S. 31. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

OLDER AMERICANS FREEDOM TO WORK ACT

• Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleagues, Senators BRYAN, COATS, GORTON, HEFLIN, KYL, LOTT, MACK, REID, SHELBY, SMITH, STEVENS, and WARNER in introducing this bill, the Older Americans Freedom to Work Act, to fully repeal the Social Security Earnings Test for older Americans between the ages of 65 and 69. This legislation would provide freedom, opportunity and fairness for our Nation's senior citizens.

Most people are amazed to find that older Americans are actually penalized for their productivity. For every $3 earned by a retiree over the $11,160 limit, they lose $1 in Social Security benefits. Due to this cap on earnings, our senior citizens, many of whom exist on low incomes, are effectively burdened with a 33.3 percent tax. Combined with Federal, State and other Social Security taxes, it will amount to a shocking 55–65 percent tax bite, and sometimes even more: Federal tax—15 percent, FICA—7.65 percent, earnings test penalty—33.3 percent, State and local tax—5 percent. Obviously, this earnings cap is a tremendous disincentive to work. No one who is struggling along at $11,000 a year wants to face an effective marginal tax rate which exceeds 55 percent.

Mr. President, this is unquestionably an issue of fairness. No American should be discouraged from working. Unfortunately, as a result of the earnings test, Americans over the age of 65 are being punished for attempting to be productive. The earnings test does not take into account an individual's desire or ability to contribute to society. It arbitrarily mandates that a person retire at age 65 or face losing benefits. It is plainly age discrimination; it is plainly wrong.

There are more than 40 million Americans age 60 or older who have over 1 billion years of cumulative work experience—all going to waste. Three out of five of these people do not have any disability that would preclude them against working. Furthermore, almost half a million elderly individuals who do work earn annual incomes within 10 percent of the earnings limit. They are struggling to get ahead without hitting the limit. If not for the earnings test, many more seniors would work, but the system is coercing them into retirement and idleness.

Perhaps most importantly, the earnings cap is a serious threat to the welfare of low-income senior citizens. Once the earnings cap has been met, a person with a job providing just $5 an hour would find the after tax value of that wage dropping to only $2.20. A person with no private pension or liquid investments—which, by the way, are not counted as "earnings"—from his or her working years may need to work in order to meet the most basic expenses, such as shelter and food. Health care costs, rising at an astronomical rate, are another expense many elderly Americans have trouble meeting. There is also a myth that repeal of the earnings test would only benefit the rich. Nothing could be further from the truth. The highest effective marginal rates are imposed on the middle income elderly who must work to supplement their income.

Finally, it is simply outrageous to pursue a policy that keeps people out of the work force who are experienced and want to work. We have been warned to expect a labor shortage. Why should we discourage our senior citizens from meeting that challenge? As the U.S. Chamber of Commerce, which strongly supports this legislation, has pointed out, "retraining older workers already is a priority in labor intensive industries, and will become even more critical as we approach the year 2000."

We have a massive Federal deficit. Studies have found that repealing the earnings test could net $140 million in extra Federal revenue. Furthermore, the earnings test is costing us $15 billion a year in reduced production. Taxes on that lost production would go a long way toward reducing the budget deficit. Nor, as it continues to become tougher to compete globally, can America afford to pursue any policy that adversely affects production or effectively prevents our citizens from working.

Repeal would also save the taxpayer over $200 million a year in reduced compliance costs. According to the Social Security Administration, the earnings test is the largest administrative burden. Sixty percent of all overpayment and 45 percent of benefit underpayment are attributable to the earnings test.

Several of our Nation's largest seniors organizations strongly support this particular bill: National Committee to Preserve Social Security and Medicare, Seniors Coalition, National Alliance of Senior Citizens, Retired Officers Association, and the National Association of Retired Federal Employees.

I can say, in closing, that America cannot afford to continue to pursue a policy that adversely effects production or effectively prevents our citizens from working. Our Nation would be better served if we eliminate the burdensome earnings test and allow our Nation's senior citizens to return to the work force.•

Mr. BRYAN. Mr. President, today I am pleased to join as an original cosponsor of Senator JOHN MCCAIN'S "Older Americans' Freedom to Work Act" to repeal the Social Security earnings limitation test.

I understand the frustration of seniors who want to work without being penalized by a reduction in their Social Security earnings limitation test, and since coming to the Senate in 1988, I have supported efforts to repeal this test. During the last Congress, Senator MCCAIN tried to add this same bill as an amendment to the Unemployment Compensation Act. Unfortunately, only 45 Senators joined me in voting in favor of the amendment.

As seniors live healthier and longer lives, we have a tremendous human resource that wants to continue to play a positive role in our workforce. These seniors represent incredible knowledge and work experience, skills our Nation very much needs to remain competitive both at home and abroad. But for those seniors, ages 65 through 69, who want to contribute by continuing to work, their decision to remain in the workplace means they face reduced Social Security benefits because of the Social Security earnings limitation test. We should not place such financial penalties in their way. The Social Security earnings limitation test must go.

The Social Security earnings limitation test reduces the Social Security benefits of senior beneficiaries, if their earned income from work is above a certain sum. After Social Security beneficiaries reach age 70, they are no longer subject to the test. In 1995, the maximum amount of money that beneficiaries, between the ages 65 and 69, can earn without reducing the amount of their Social Security benefits is $11,280. For every $3 a person earns over this limit, $1 is withheld from his or her benefit. The exempt amounts are currently adjusted each year to rise in proportion to average wages in the economy.

I am optimistic this Congress will pass and enact this important legislation to repeal this earnings limitation test. I encourage my colleagues to join with me in this effort to free seniors to continue to work, without penalty, for as long as they choose.

Mr. BREAUX (for himself and Mr. JOHNSON):

S. 32. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells; to the Committee on Finance.

S. 33. A bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities.

S. 34. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Finance.

S. 35. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Finance.

HIGH TECH JOB GROWTH AND DOMESTIC ENERGY PRODUCTION LEGISLATION

Mr. BREAUX. Mr. President, I rise today to introduce four separate bills that will help create jobs in the U.S. domestic energy industry and will help achieve domestic energy security. These four bills are: deepwater production tax incentives, clarification of the tax treatment of geological and geophysical costs, marginal well production tax incentives, and clarification of the financial responsibility requirements under the Oil Pollution Act of 1990.

Mr. President, oil imports are still too high. We continue to import over 50 percent of our oil needs. The warning signals are here. We can change politics as usual—the politics of crisis management—and we can work now to avert an energy crisis in the future.

The domestic energy industry continues to decline. Thousands of oil industry workers have been laid off and it looks like many more may become unemployed in the near future. Over 400,000 jobs have been lost in the oil and gas industry in the last 10 years; by some estimates, 40,000 to 50,000 may have been lost in 1992 alone.

Our national security depends on access to dependable domestic energy reserves. Unfortunately, our domestic oil and gas industry cannot turn on a dime. There is no magic spigot that can be turned on when the need for secure domestic oil reserves become acute. The expertise needed to develop oil and gas is highly skilled and trained, particularly now that the remaining domestic reserves are increasingly more difficult to recover.

Unless we take steps today to help preserve a viable domestic industry, the next energy crisis may be chronic and very damaging to our economy. Unless we act to preserve a core of talent and capital in the United States, the domestic industry may not be able to deploy the necessary capital investment and trained labor necessary to quickly add large increments to our overall domestic supply of oil and petroleum products.

The jobs in the oil industry today are very different than those of yesterday. The reserves that are fast and easy to recover through simple hard labor are no more. Increasingly extraction of oil and gas requires very sophisticated technology that requires skilled and highly educated work force. The energy industry of today creates the kinds of jobs we want for tomorrow—high technology, high paying jobs.

This country would never allow us to import over 50 percent of our food supply. Why is our energy supply any less important? Let's not forget the oil shocks of the 70's and let's not forget that several years ago we sent our young Americans to the Persian Gulf to protect our strategic interest in the oil there.

These four bills are simple and easy steps that can be accomplished now that can help maintain a viable domestic energy industry. This is not just an oil and gas state issue. This is a national interest concern. Energy fuels our cars, heats our homes, runs our factories in every part of the country. Also, let's not forget the thousands of jobs that are created in other non-energy related sectors to service the energy industry: computers, metals, transportation, financial and other service industries. When domestic oil and gas producing increases so do the jobs created in all of these sectors.

My bills address four major areas. First, to encourage production in the frontier areas of production, I am introducing legislation to provide a tax credit for deepwater Outer Continental Shelf [OCS] production, especially in the Gulf of Mexico. Second, to help all producers afford sophisticated exploration technology, I am introducing legislation to allow for the immediate expending of geophysical and geological costs. Third, to prevent the needless plugging of marginal and stripper wells and to encourage new stripper and marginal well production, I am introducing legislation to provide tax incentives for existing and new marginal well production. Finally, to prevent the shutting down of onshore and offshore oil and gas producers because they cannot meet onerous Federal financial responsibility standards, I am introducing legislation to clarify the financial responsibility requirements of the Oil Pollution Act of 1990. More detail on each of these bills will follow.

DEEPWATER PRODUCTION INCENTIVES

The first bill I am introducing today would provide a $5-per barrel tax credit for oil and gas produced from deep water production—defined as 400 meters or more. This legislation is vitally needed to reduce our reliance on foreign oil, reduce the trade deficit, maintain a vital infrastructure, create jobs, and minimize the risk of oil spills.

An important part of our strategy to assure the availability of domestic supply is the development of the Outer Continental Shelf [OCS], in particular areas in the deep water, well over 1,200 feet. The OCS contains almost one quarter of all estimated remaining domestic oil and gas reserves; much of the reserves are in deep water. According to estimates from the Department of the Interior, there are 11 billion barrels of oil equivalent in the Gulf of Mexico in waters of a depth of 200 meters or more. The costs of finding and producing oil and gas in deep water areas is astronomical; for example, a state-of-the-art rig in deep water, over 3,000 feet, can cost more than $1 billion, as opposed to $300 million for a conventional fixed leg platform in 800 feet of water.

Based on similar large-scale projects, the development of the deep water of the Gulf of Mexico would create tens of thousands of jobs in the oil industry and a multiple of that in the general economy. The investment required to find, develop, and produce 5 to 10 billion barrels of oil could range from 50 to 100 billion dollars. Since various studies have estimated that every billion dollars worth of investment could create 20,000 jobs; a large scale effort could ultimately create up to one million jobs.

Under current economic conditions, most oil and gas potential in the deep water Gulf of Mexico will not attract investment, due to the high cost of finding and producing hydrocarbons in a hostile deep water environment. Therefore, I am introducing legislation to provide a $5-per-barrel credit for production of qualified fuels, defined as domestic crude and natural gas produced from a property located under at least 400 meters of water. Unlike the general business credit, the deep water credit cannot be carried back 3 years. Unused credits can be carried forward 15 years. The credit could be used to offset the corporate alternative minimum tax since many companies in the oil production and services industries are subject to the minimum tax.

Mr. President, I must emphasize that I have designed the credit to minimize revenue loss to the Government. Since there is typically 5 to 8 years between discovery and production of oil and gas in commercial quantities, there should not be a negative near-term impact on tax revenues. In fact, in the first years, the deep water credit could raise revenue. During this interim time period, significant investments will be made to assure that the oil and gas be brought to market. Suppliers, contractors, and employers will pay taxes on the additional income generated by these development activities. Their increased spending will increase the earnings and stimulate employment in many industries throughout the United States.

Also, contrary to popular belief, oil and gas production on the Outer Continental Shelf is environmentally sound. The most recent data obtained from the Minerals Management Survey shows that only 2 percent of the world's oil spills are the result of Outer Continental Shelf [OCS] development. In contrast, 45 percent of the world's oil spills come from transportation related, or tanker spills. The more we import, the higher risk there is of large oil spills.

GEOLOGICAL AND GEOPHYSICAL EXPENSES

One very important fact about the domestic oil and gas industry that is too often overlooked, is that it is an extremely high-technology industry. Particularly now that reserves are harder to recover, exploring and producing these remaining reserves requires very sophisticated technology. Some of the most sophisticated technology used in any industry, even more sophisticated than that used in the air and space industry, is the use of 3-D seismic technology by the oil and gas industry. The basic purpose of these tools are to survey and interpret subsurface geology.

Obviously, this very sophisticated technology is extremely costly. Currently, this kind of technology is the most economically viable for the major oil and gas producers. Independent oil and gas producers, who produce 31 percent of domestic crude oil and about 60 percent of domestic natural gas production, need greater financial access to this type of equipment.

Therefore, this legislation that I am introducing today would allow oil and gas producers that incur geological and geophysical [G&G] costs to expense those costs rather than capitalize them regardless of whether a will is producing or dry. I understand the administration is also considering supporting a similar initiative on which I hope to work with them.

MARGINAL WELL PRODUCTION

Last spring, a bipartisan group of House and Senate Members met with President Clinton to outline our concerns about the domestic energy industry. The president was given a list of proposals that was developed in consultation with the energy industry. That list included the deepwater credit, the G&G proposal and also a new idea for a marginal well production credit for new and existing wells.

The third bill I am introducing today would create a new set of tax incentives for marginal production. Mr. President of the nation's 600,000 oil wells, more than 450,000 produce less than 3 barrels per day. These small wells are extremely sensitive to oil prices. Between October 1993 and March 1994, oil prices plunged more than 40 percent placing in jeopardy these wells. Energy policy is needed that protects this vital source of production during periods of low prices.

There are two main elements of this proposal. First, for existing wells, the bill would provide a maximum $3 per barrel tax credit for the first 3 barrels of daily production from an existing marginal well—a well that produces less than 15 barrels per day or produces heavy oil. For natural gas, the bill would provide a maximum $0.50 per thousand cubic feet [MCF] tax credit for the first 18 MCF of natural gas produced per day from a marginal gas well—a well that produces less than 90 MCF per day. In addition, the definition of marginal wells would be expanded to include high water cut property.

The second major element of this bill is the creation of a new credit for newly drilled marginal wells. For those wells drilled after December 31, 1994 the following new credits would apply. Oil production would receive a maximum $3 per barrel for the first 15 barrels of daily oil production. Natural gas production would receive a maximum credit of $.50 per MCF for the first 90 MCF of daily natural gas production.

To make sure that the tax incentives are truly targeted to when the price of oil and gas are the most threatening to domestic production, the benefit of these credits would phase out for oil when the price of oil is between $14 and $20 per barrel and for natural gas when gas prices reach between $2.49 and $3.55.

FINANCIAL RESPONSIBILITY REQUIREMENTS OF THE OIL POLLUTION ACT OF 1990

The Oil Pollution Act of 1990 was passed in response to the Exxon *Valdez* oil spill and was designed to prevent oil spills and if oil spills do occur to make sure sufficient financial resources are available to clean up those spills. The statute establishes liability limits and requirements of financial responsibility to meet those limits. However, recent interpretation of the statute by the Department of the Interior indicates that legislative changes are needed to meet congressional intent in the area of financial responsibility for onshore facilities and to correct the overly burdensome financial responsibility requirements for offshore facilities that threaten the viability of many offshore producers.

When the Congress adopted the Oil Pollution Act, it clearly intended that onshore facilities would not have to demonstrate evidence of financial responsibility. However, a recent Interior Department Solicitor's opinion indicates that due to the interrelationship of several definitions in the act, that they interpret the statute to require financial responsibility be demonstrated by onshore facilities. Mr. President, clearly, Congress did not and does not want to require small marina operators or other onshore facilities to demonstrate $150 million of financial responsibility. Therefore, the bill I am introducing today clarifies the congressional intent on the law with respect to financial responsibility for onshore facilities.

Also, I have proposed to give the Minerals Management Service the authority to require evidence of financial responsibility between $35 million and $150 million based on the amount of environmental risk posed by the facility. Current law is inflexible on this point, all offshore facilities must provide evidence of $150 million regardless of the amount of oil they handle, their history of oil spills, or other factors that would determine the true risk of oil spill. In addition, my bill would provide that any producer that handles less than 1,000 barrels of oil at any one time would be exempt from the financial responsibility requirement. Both the $35 million financial responsibility level and the 1,000 barrels were included in prior law—the Outer Continental Shelf Lands Act. Unless, this flexibility is provided for offshore facilities, the Oil Pollution Act requirements will freeze out small and independent companies that drill the majority of wells offshore. These onerous requirements, unless fixed, will lead to a loss of jobs in the oil and gas industry.

This bill is a starting point. I expect the Domestic Petroleum Council to develop specific recommendations on the issue raised by the Oil Pollution Act in the near future. I look forward to seeing those and to working to further revise this legislation. There are other issues that we may have to address such as self-insurance, guarantor liability on which I hope we can get specific recommendations by the council.

Mr. President, I hope my colleagues will have an opportunity to support this legislation so that we can act on these proposals during this Congress.

By Mr. KOHL:

S. 36. A bill to replace the Aid to Families with Dependent Children under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare to work programs, and for other purposes; to the Committee on Finance.

WELFARE TO WORK ACT

• Mr. KOHL. Mr. President, today I am reintroducing a welfare reform proposal that I introduced in the 103d Congress. My legislation is based on one fundamental conviction: that the current welfare system is so bad—so removed from the American values of work, family, and responsibility—that it must be completely abolished. My bill will take the Federal Government out of the business of welfare and put the States into the business of empowering their residents to find and keep jobs.

Before I describe our bill, let me talk a moment about the current system. It discourages work, discourages marriage, and discourages responsible choices about parenthood. We have set up a cash grant program that tells young women—don't work, don't marry, have children, and you will get support. Work, marry, plan your family for when you can afford to support it, and we will leave you out in the cold—in fact, we will take your tax money to support those who have decided not to work. The current welfare system pays people to reject the values of work and family that have made this country strong, and the time has come to reject that approach.

Right now, State and local governments that want to reject this system and implement something that helps those down on their luck get jobs don't have the freedom to do so—they have to beg Washington for waivers from myriad Federal rules, and often as not, they get turned down or have to wait years and years for an answer. Meanwhile, another generation grows up in our broken welfare system.

I think there is a better way. A simple, common sense approach, that is consistent with American values. This legislation truly ends welfare as we know it by abolishing AFDC and most of food stamps. The money now used for welfare payments and Federal administrative costs is turned over to the States in the form of a block grant. They will use the grant to establish welfare-to-work systems designed to meet the needs of their local communities.

My legislation ensures that the elderly and disabled continue to get food stamp assistance and that needy children get food through an expansion of

WIC. Beyond that, States are allowed to use the money we now spend on welfare to connect people to work in any way they determine will be successful—through job placement assistance, job training, children care, transportation assistance, earnings supplements, public service jobs, etc.

To have its block grant renewed each year, all a State would have to do is show that it is moving people into work. If it meets this test, then it is doing better than we have ever done at the Federal level, and its block grant will be continued.

My welfare-to-work legislation will spend not one penny more on welfare than we currently spend. There are many who would argue that we have to add more money to the current system to get it to work. But, as most people operating in the private sector know, it doesn't matter how much you spend to dress up a product nobody wants, in the end, all you have is an expensive product nobody wants. It is time to stop pouring money into a welfare system that doesn't help anyone, because in the end all we will get is an expensive welfare system that still doesn't help anyone. We can use the money currently spent on welfare—including $3 billion in administrative expenses—to let the States design systems that work for them and their citizens. By turning over to the States most of the money we currently spend on Federal administrative costs, and getting States to re-orient their systems away from check-writing and toward helping people find jobs, we can make big strides in getting people to work.

Another reason I have proposed keeping the block grant at current welfare spending levels is the fact that placing people in jobs will generate savings for State welfare-to-work programs, since such individuals won't need as much assistance as they were getting before, allowing those savings to be used to help harder-to-place people get the job training/child care/and other assistance they need to get and keep jobs. Another part of the answer lies in encouraging States to better utilize other Federal resources they already get. Right now, we give States over $7 billion to help people attain, and maintain self-sufficiency through child care, social services, and job training grants. These grants could be better targeted, and if connected to State welfare-to-work systems, could provide additional support to help welfare-to-work programs be even more successful.

Economic circumstances and people in Kenosha, WI, are different from those in Ottumwa, IA. Portland, ME, is not San Diego, CA. A one-size-fits-all welfare plan designed in Washington cannot work for all these communities. By introducing this bill, we are saying that it is time to face the fact that the answer to something as hard as helping people get work is not going to be developed in Washington—the many answers we need are going to come from communities throughout this country. State and local governments have been pleading for flexibility to design programs that work—it is time to get out of their way!

Some may think that I'm bashing the Federal Government when I say that I don't think it can solve this problem. I'm not. I'm simply saying that there are some things Washington is good at, such as the relatively straight-forward tasks of collecting payments for Social Security and sending out the checks our elderly so depend on. And there are some things our Federal Government is not good at, such as trying to help individuals get back on their feet. This is because so much of the answer to getting welfare beneficiaries into jobs depends on an individual's circumstances and the local situation—both of which are impossible to take completely into account when developing a comprehensive, national solution.

The crucial difference between my bill and others you may hear about is this: instead of adding yet another layer to the overly complex welfare system we have today, we admit that it needs to be abolished and completely replaced, and propose to do so with a simple program, run by States, that moves people to work.

Many of us are concerned that welfare reform plans need to show compassion for children. I think this proposal meets that test: it ensures needy children will get nutrition assistance through WIC and that their parents will receive assistance getting connected to a job. Frankly, I think the most compassionate thing we can do for these children is to help their parents get a job, which is more than the current system can say. My bill says that government has the responsibility to provide a helping hand to assist individuals, but also that individuals have the responsibility to use the assistance to help themselves.

As a final note, let me point out that this plan would remove the requirement that families break up before they can get assistance. With this block grant, States can help families who need help before they break up. This is one more reason why we think this bill is more consistent with American values—the values of compassion, work, family, and responsibility—than our current welfare system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 36

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Welfare to Work Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definition of State.
Sec. 5. Applications by States.
Sec. 6. State welfare to work program described.
Sec. 7. State grants.
Sec. 8. State maintenance of effort.
Sec. 9. Termination of certain Federal welfare programs.
Sec. 10. Eligibility for WIC program.
Sec. 11. Secretarial submission of legislative proposal for amendments to medicaid eligibility provisions and technical and conforming amendments.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The current welfare system is broken and requires replacement.

(2) Work is what works best for American families.

(3) Since State and local governments know the best methods of connecting welfare recipients to work and since each community faces different circumstances, Federal assistance to the States should be flexible.

(4) Government has the responsibility to provide a helping hand to assist individuals but individuals have the responsibility to use the assistance to help themselves.

SEC. 3. PURPOSE.

The purpose of this Act is to create a block grant program to replace the aid to families with dependent children program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 and give the States the flexibility to create innovative welfare to work programs.

SEC. 4. DEFINITION OF STATE.

For purposes of this Act, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

SEC. 5. APPLICATIONS BY STATES.

(a) IN GENERAL.—Each State desiring to receive a grant to operate a State welfare to work program described in section 6 shall annually submit an application to the Secretary of Health and Human Services (hereafter in this Act referred to as the "Secretary") containing the matter described in subsection (b) in such manner as the Secretary may require.

(b) CONTENTS.—

(1) FISCAL YEAR 1996.—An application for a grant to operate a State welfare to work program during fiscal year 1996 shall contain a description of the program in accordance with section 6.

(2) SUBSEQUENT FISCAL YEARS.—

(A) IN GENERAL.—

(i) CONTENTS.—Except as provided in clause (ii), an application for a grant to operate a State welfare to work program during fiscal year 1997 and each subsequent fiscal year shall contain—

(I) a description of the program in accordance with section 6;

(II) the State work percentage (as determined under subparagraph (B)) for each of the 2 preceding fiscal years;

(III) a statement of the number of participants who became ineligible for participation in the program due to increased income for each of the 2 preceding fiscal years; and

(IV) a statement of the amount of non-Federal resources that the State invested in the program in the preceding fiscal year.

(ii) SPECIAL RULE FOR APPLICATIONS SUBMITTED FOR FISCAL YEAR 1997.—An application for a grant to operate a State welfare to work program during fiscal year 1997 shall contain the information described in subclauses (II) and (III) of clause (i) only for the preceding fiscal year in lieu of such information for each of the 2 preceding fiscal years.

(B) STATE WORK PERCENTAGE.—For purposes of subparagraph (A)(ii), the State work percentage (prior to any adjustment under subparagraph (C)) for a fiscal year is equal to—

(i) the number of participants in the State welfare to work program in the fiscal year who were employed in private sector or public sector jobs for at least 20 hours per week for 26 weeks out of the year, divided by

(ii) the total number of participants in the State welfare to work program in the fiscal year.

(C) ADJUSTMENT.—

(i) IN GENERAL.—The State work percentage determined under subparagraph (B) for a fiscal year shall be adjusted by subtracting 1 percentage point from such State work percentage for each 5 percentage points by which the percentage of individuals described in subparagraph (B)(i) who are also described in clause (ii) participating in the program in such fiscal year falls below 75 percent of the number of individuals described in subparagraph (B)(i) in such fiscal year.

(ii) INDIVIDUAL DESCRIBED.—An individual described in this clause is a custodial parent or other individual who is primarily responsible for the care of a child under the age of 18.

(D) MONITORING OF DATA.—The Secretary shall ensure the validity of the data provided by a State under this paragraph.

(c) APPROVAL.—

(1) FISCAL YEARS 1996 AND 1997.—The Secretary shall approve each application for a grant to operate a State welfare to work program—

(A) during fiscal year 1996, if the application contains the information described in subsection (b)(1); and

(B) during fiscal year 1997, if the application contains the information described in subsection (b)(2).

(2) AUTOMATIC APPROVAL IN SUBSEQUENT FISCAL YEARS.—The Secretary shall approve any application for a grant to operate a State welfare to work program during fiscal year 1998 and each succeeding fiscal year if the State's application reports that—

(A) the State work percentage for the preceding fiscal year is greater than the State work percentage for the second preceding fiscal year; or

(B) more participants became ineligible for participation in the State welfare to work program during the preceding fiscal year due to increased income than became ineligible for participation in the program in the second preceding fiscal year as a result of increased income.

(3) SECRETARIAL REVIEW.—

(A) IN GENERAL.—If a State application for a grant under this Act is not automatically approved under paragraph (2), the Secretary shall approve the application upon a finding that the application—

(i) provides an adequate explanation of why the State work percentage or the number of participants who became ineligible for participation in the State welfare to work program due to increased income during the preceding fiscal year did not exceed such State work percentage or the number of participants who became ineligible for participation in the program in the second preceding fiscal year; and

(ii) provides a plan of remedial action which is satisfactory to the Secretary.

(B) ADEQUATE EXPLANATIONS.—An adequate explanation under subparagraph (A) may include an explanation of economic conditions in the State, failed program innovations, or other relevant circumstances.

(4) RESUBMISSION.—A State may resubmit an application for a grant under this Act until the Secretary finds that the application meets the requirements of paragraph (3)(A).

SEC. 6. STATE WELFARE TO WORK PROGRAM DESCRIBED.

(a) IN GENERAL.—A State welfare to work program described in this section shall provide that—

(1) during fiscal year 1996, the State shall designate individuals who are eligible for participation in the program and such individuals shall include at least those individuals who received benefits under the State plan approved under part A of title IV of the Social Security Act during fiscal year 1996;

(2) during fiscal year 1997 and each subsequent fiscal year, the State shall designate individuals who are eligible for participation in the program (as determined by the State), with priority given to those individuals most in need of such services; and

(3) the program shall be designed to move individuals from welfare to self-sufficiency and may include—

(A) job placement and training;

(B) supplementation of earned income;

(C) nutrition assistance and education;

(D) education;

(E) vouchers to be used for rental of privately owned housing;

(F) child care;

(G) State tax credits;

(H) health care;

(I) supportive services;

(J) community service employment; or

(K) any other assistance designed to move such individuals from welfare to self-sufficiency.

(b) NO ENTITLEMENT.—Notwithstanding any criteria a State may establish for participation in a State welfare to work program, no individual shall be considered to be entitled to participate in the program.

SEC. 7. STATE GRANTS.

(a) IN GENERAL.—The Secretary shall annually award to each State with an application approved under section 5(c) an amount equal to—

(1) in fiscal year 1996, 100 percent of the State's base amount;

(2) in fiscal year 1997, the sum of 80 percent of the State's base amount, 20 percent of the State's share of the national grant amount, and any applicable bonus payment;

(3) in fiscal year 1998, the sum of 60 percent of the State's base amount, 40 percent of the State's share of the national grant amount, and any applicable bonus payment;

(4) in fiscal year 1999, the sum of 40 percent of the State's base amount, 60 percent of the State's share of the national grant amount, and any applicable bonus payment;

(5) in fiscal year 2000, the sum of 20 percent of the State's base amount, 80 percent of the State's share of the national grant amount, and any applicable bonus payment; and

(6) in fiscal year 2001 and each subsequent fiscal year, the sum of 100 percent of the State's share of the national grant amount and any applicable bonus payment.

(b) STATE BASE AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), a State's base amount is equal to—

(A) for fiscal year 1996, 100 percent of the amount determined under paragraph (2); and

(B) for fiscal year 1997 and succeeding fiscal years, 99.6 percent of the amount determined under paragraph (2).

(2) AMOUNT DETERMINED.—The amount determined under this paragraph for a State is an amount equal to the sum of—

(A) the amount of Federal financial participation received by the State under section 403 of the Social Security Act during fiscal year 1995; and

(B) an amount equal to the sum of—

(i) the benefits under the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including benefits provided under section 19 of such Act (7 U.S.C. 2028), during fiscal year 1995 other than benefits provided to elderly or disabled individuals in the State (as determined under section 3(r)) of such Act (7 U.S.C. 2012); and

(ii) the amount paid to the State under section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) during fiscal year 1995 for administrative expenses for providing benefits to non elderly and non disabled individuals.

(c) STATE SHARE OF THE NATIONAL GRANT AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), the State's share of the national grant amount for a fiscal year is equal to the sum of the amounts determined under paragraph (2) (relating to economic need) and paragraph (3) (relating to State effort) for the State.

(2) ECONOMIC NEED.—The amount determined under this paragraph is equal to the sum of the amounts determined under subparagraphs (A) and (B) for the State.

(A) STATE PER CAPITA INCOME MEASURE.—The amount determined under this subparagraph is an amount which bears the same ratio to one-quarter of the national grant amount as the product of—

(i) the population of the State; and

(ii) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(B) STATE UNEMPLOYMENT MEASURE.—The amount determined under this subparagraph is an amount which bears the same ratio to one-quarter of the national grant amount as the number of individuals in the State who are estimated as being unemployed according to the Department of Labor's annual estimates bears to the number of individuals who are estimated as being unemployed according to the Department of Labor's annual estimates in all States.

(3) STATE EFFORT.—The amount determined under this paragraph is the amount which bears the same ratio to one-half of the national grant amount as the product of—

(A) the dollar amount the State invested in the State welfare to work program in the previous fiscal year, as reported in section 5(b)(2)(A)(iv); and

(B) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the allotment percentage for any State shall be 100 percent, less the State percentage.

(B) STATE PERCENTAGE.—The State percentage shall be the percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of all States.

(C) EXCEPTION.—The allotment percentage shall be 70 percent in the case of Puerto

Rico, the Virgin Islands, Guam, and American Samoa.

(5) DETERMINATION OF GRANT AMOUNTS.—Each State's share of the national grant amount shall be determined under this subsection on the basis of the average per capita income of each State and all States for the most recent fiscal year for which satisfactory data are available from the Department of Commerce and the Department of Labor.

(6) NATIONAL GRANT AMOUNT.—The term "national grant amount" means an amount equal to 99.6 percent of sum of the amounts determined under subsection (b)(2) for all States.

(d) BONUS PAYMENT.—Beginning with fiscal year 1997, the Secretary may use 0.4 percent of the sum of the amounts determined under subsection (b)(2) for all States to award additional bonus payments under this section to those States which have the highest or most improved State work percentage as determined under section 5(b)(2)(B). The Secretary shall designate one State as the leading job placement State and such State shall receive the highest bonus payment under the preceding sentence and the President is authorized and requested to acknowledge such State with a special Presidential award.

(e) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State shall not use more than 10 percent of the amount it receives under this section for the administration of the State welfare to work program.

(f) CAPPED ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide the payments described in subsection (a) (in an amount not to exceed the sum of the amounts determined under subsection (b)(2) for all States).

SEC. 8. STATE MAINTENANCE OF EFFORT.

Any funds available for the activities covered by a State welfare to work program conducted under this Act shall supplement, and shall not supplant, funds that are expended for similar purposes under any State, regional, or local program.

SEC. 9. TERMINATION OF CERTAIN FEDERAL WELFARE PROGRAMS.

(a) TERMINATION OF AFDC AND JOBS PROGRAMS.—

(1) AFDC.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 418. The authority provided by this part shall terminate on October 1, 1995.".

(2) JOBS.—Part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 488. The authority provided by this part shall terminate on October 1, 1995.".

(b) FOOD STAMP PROGRAM TO SERVE ONLY ELDERLY AND DISABLED INDIVIDUALS.—

(1) DEFINITIONS.—Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended—

(A) in subsection (g)—

(i) in paragraph (4), by striking "(and their spouses)";

(ii) in paragraph (5)—

(I) by striking "in the case of" and inserting "in the case of elderly or disabled"; and

(II) by inserting "disabled" before "children"; and

(iii) in paragraph (8), by inserting "elderly or disabled" before "women and children temporarily";

(B) in subsection (i)—

(i) in the first sentence—

(I) in paragraph (1), by inserting "elderly or disabled" before "individual"; and

(II) in paragraph (2), by inserting ", each of whom is elderly or disabled," after "individuals";

(ii) in the second sentence, by inserting before the period at the end the following: ", if each of the individuals is elderly or disabled";

(iii) in the third sentence—

(I) by striking ", together" and all that follows through "of such individual,"; and

(II) by striking ", excluding the spouse,"; and

(iv) in the fifth sentence—

(I) by striking "coupons, and" and inserting "coupons, and elderly or disabled"; and

(II) by inserting "disabled" after "together with their"; and

(C) in subsection (r), by striking "Elderly" and all that follows through "who" and inserting the following: "'Elderly or disabled', with respect to a member of a household or other individual, means a member or other individual who".

(2) CONFORMING AMENDMENTS.—

(A) ELIGIBILITY.—Section 5 of such Act (7 U.S.C. 2014) is amended—

(i) in the first sentence of subsection (c)—

(I) by striking "program if—" and all that follows through "household's income" and inserting "program if the income of the household";

(II) by striking "respectively; and" and inserting "respectively."; and

(III) by striking paragraph (2); and

(ii) in subsection (e)—

(I) in the first sentence, by striking "containing an elderly or disabled member and determining benefit levels only for all other households";

(II) in the fifteenth sentence—

(aa) by striking "containing an elderly or disabled member"; and

(bb) in subparagraph (A), by striking "elderly or disabled members" and inserting "the members";

(III) in the seventeenth sentence, by striking "elderly and disabled"; and

(IV) by striking the fourth through fourteenth sentences.

(B) PERIODIC REPORTING.—Section 6(c)(1)(A)(iv) of such Act (7 U.S.C. 2015(c)(1)(A)(iv)) is amended by striking "and in which all adult members are elderly or disabled".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on and after October 1, 1995.

(c) REFERENCES IN OTHER LAWS.—

(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to any provision that has been terminated by reason of the amendments made in subsection (a) shall, unless the context otherwise requires, be considered to be a reference to such provision, as in effect immediately before the date of the enactment of this Act.

(2) STATE PLANS.—Any reference in any law, regulation, document, paper, or other record of the United States to a State plan that has been terminated by reason of the amendments made in subsection (a), shall, unless the context otherwise requires, be considered to be a reference to such plan as in effect immediately before the date of the enactment of this Act.

SEC. 10. ELIGIBILITY FOR WIC PROGRAM.

(a) IN GENERAL.—Section 17(d)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(1)) is amended by adding at the end the following new sentence: "For purposes of participation in the program under this section, a child shall be considered to be at nutritional risk if such child is in the care of a custodial parent or other individual primarily responsible for the care of such child who is a participant in a State welfare to work program which receives Federal funds under the Welfare to Work Act of 1995.".

(b) CONFORMING AMENDMENTS.—Section 17(d)(2)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(A)(ii)) is amended—

(1) by striking "(ii)(I)" and inserting "(ii)"; and

(2) by striking subclause (II).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on and after October 1, 1995.

SEC. 11. SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL FOR AMENDMENTS TO MEDICAID ELIGIBILITY CRITERIA AND TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary shall, within 90 days after the date of enactment of this Act, submit to the appropriate committees of Congress, a legislative proposal providing eligibility criteria for medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in lieu of the eligibility criteria under section 1902(a)(10)(A)(i) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)) relating to the receipt of aid to families with dependent children under a State plan under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and such technical and conforming amendments in the law as are required by the provisions of this Act.•

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 37. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM TERMINATION AND DEFICIT REDUCTION ACT

• Mr. FEINGOLD. Mr. President, today I am reintroducing legislation for myself and Senator KOHL which we offered during the 103d Congress to terminate the Extremely Low Frequency Communications System, located in Clam Lake, WI., and Republic, MI. This project has been opposed by residents of Wisconsin since its inception, but for years, we were told that the national security considerations of the cold war outweighed our concerns about this installation in our State. This year, as the Department of Defense is scrambling to meet a tighter budget, and with the Base Closure Commission making its final recommendations, Project ELF should be closed down. If enacted, my bill would save $9 to $20 million a year.

Project ELF was developed in the late 1970's as an added protection against the Soviet naval nuclear deployment. It is an electromagnetic messenger system—otherwise known as a bell ringer—which only tells a deeply submerged *Trident* submarine that it needs to come to shallow water to retrieve a message. Because it communicates through very primitive pulses, called phonetic-letter-spelled-out [PLSO] messages, ELF's radiowaves cannot transmit any messages themselves. Thus, in the case of a nuclear attack, ELF is not useful because during a nuclear attack a *Trident* would not surface at all. And, in the absence of a Soviet naval nuclear threat from which to hide, its usefulness is even more difficult to justify.

Since its major justification has apparently disappeared, Project ELF itself becomes hard to justify. *Trident* submarines no longer need to take that extra precaution against Soviet nuclear forces. They can now surface on a regular basis with less danger of detection or attack. They can also receive more complicated messages through very low frequency [VLF] radiowaves, or lengthier messages through satellite systems, if it can be done more cheaply.

Not only do many Wisconsinites think the mission of Project ELF is unnecessary and anachronistic, but they are also concerned about possible environmental and public health hazards associated with it. While I have heard some ELF supporters say there is no apparent environmental impact of Project ELF, we can only conclude that we do not know that: in fact, we do not know much about its affects at all.

The Navy itself has yet to conclude definitively that operating Project ELF is safe for the residents living near the site. If you are a resident in Clam Lake, that is unsettling news. In 1982, the Illinois Institute of Technology Research Institute undertook a study of ELF's health effects. The results have thus far proven inconclusive, and are still being reviewed and analyzed by the National Academy of Sciences. After the NAS reviews the data, it will, at my request, be forwarded to the Office of Management and Budget and the Office of Technology Assessment.

We also know that other studies give Wisconsinites reason to be concerned. In 1992, a Swedish study found that children exposed to relatively weak magnetic fields from powerlines develop leukemia at almost four times the expected rate. We also know that in 1984, a U.S. district court ruling on State of Wisconsin versus Weinberger ordered Project ELF to be shut down because the Navy paid inadequate attention to the system's possible health effects, and violated the National Environmental Policy Act. That decision was overturned on appeal, however, in a ruling that claimed national security interests at the time prevailed over environmental concerns. I would hope that in post-cold-war 1995 that conclusion would be reconsidered.

Last session, I worked with the Senator from Georgia [Senator NUNN] to include an amendment in the National Defense Authorization Act for fiscal year 1994 requiring a report by the Secretary of Defense on the benefits and costs of continued operation of Project ELF. The report issued by DOD was particularly disappointing because it basically argued that because Project ELF may have had a purpose during the cold war, it should continue to operate after the cold war as part of the complete complement of command and control links configured for the cold war. I am hoping that OTA will also issue an independent assessment of the strategic capabilities of Project ELF, as described in the Senate-passed amendment in 1993.

I have also proposed that the Base Closure Commission [BRAC] look at Project ELF this year. I understand that in addition to military value, the BRAC will consider recommendations according to four other criteria: return on investment; the economic impact on the community; the ability of both the existing and potential receiving communities' infrastructure to support forces, missions and personnel; and environmental impact. On all these grounds, ELF qualifies as a candidate for closure.

Did Project ELF play a role in helping to minimize the Soviet threat? Perhaps. Did it do so at risk to the community? Perhaps. Does it continue to play a vital security role to the Nation? No.

Most of us in Wisconsin don't want it anymore. Many of my constituents have opposed Project ELF since its inception, and my constituent mail today runs 8–1 against it. Congressman DAVID OBEY has consistently sought to terminate Project ELF, and in fact, we have him to thank in part for getting ELF scaled down from the large-scale project first conceived by the Carter administration. I look forward to continue working with him on this issue when he introduces a similar measure in the House this year.

As the Department of Defense and the Armed Services Committee consider what they say are very tight defense budgets for fiscal year 1996, I hope they will zero out the ELF transmitter system, as I propose in this bill, and save the taxpayer $9 to $20 million a year. Given both its apparently diminished strategic value and the potential environmental and public health hazards, Project ELF is a perfect target for termination. I can only echo the words of an October 2 editorial in the Wausau Daily Herald: "ELF isn't needed. It isn't wanted. It's an unwarranted expense."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Extremely Low Frequency Communication System Termination and Deficit Reduction Act of 1995".

SEC. 2. PROHIBITION OF FURTHER FUNDING OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) PROHIBITION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated on or after the date of the enactment of this Act to or for the use of the Department of Defense may not be obligated or expended for the Extremely Low Frequency Communication System of the Navy.

(b) LIMITED EXCEPTION FOR TERMINATION COSTS.—Subsection (a) does not apply to expenditures solely for termination of the Extremely Low Frequency Communication System.●

By Mr. HATCH (for himself, Mr. DOLE, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. KYL, Mr. ABRAHAM, Mr. NICKLES, Mr. GRAMM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 38. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes; to the Committee on the Judiciary.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT AMENDMENTS ACT

Mr. HATCH. Mr. President, I rise today to introduce the Violent Crime Control and Law Enforcement Amendments Act of 1995. This legislation corrects the most glaring flaws in the 1994 Crime bill, and is intended as only a first step in enacting the comprehensive anti-crime laws the American people are demanding. Each of the provisions of this bill is also included in our comprehensive Crime bill, S. 3, introduced earlier today. As with S. 3, I am pleased to be joined in this effort by the distinguished majority leader. I am also pleased that Senators THURMOND, SIMPSON, GRASSLEY, KYL, ABRAHAM, NICKLES, GRAMM, SANTORUM, and ASHCROFT have joined me as cosponsors of this bill as well.

The people of Utah and across our Nation understand that the best crime prevention program is to ensure the swift apprehension of criminals and their certain and lengthy imprisonment. My earlier statement today set forth the details of our crime problem. Congress can do better than the legislation it passed last year. That bill wasted billions on duplicative social spending programs, devoted insufficient resources to the needed emergency build-up in prison space, failed to enact tough penalties for Federal violent and drug crimes, weakened mandatory minimum sentences for drug trafficking, and failed to ensure that violent criminals are ordered to pay restitution to their victims.

Now the American people expect us to fix these flaws, and this bill begins that task with several straight-forward provisions first proposed during the last Congress. A number of these overwhelmingly passed this body, only to be scrapped during the conference on last year's Crime bill.

First, it eliminates the wasteful social programs passed in the 1994 Crime bill, including the Local Partnership Act, the National Community Economic Partnership Act and the Family Unity Demonstration Project, among many others. These programs would have wasted billions of dollars on duplicative, top-down spending programs without reducing violent crime. Having Washington bureaucrats impose untested programs on the States would do little to prevent crime.

Of the over $4.5 billion saved by eliminating these programs, approximately $1 billion is redirected to prison construction and operation grants.

Second, in addition to increasing the amount authorized for state prison grants, our bill also ensures that these grants will be used for the construction and operation of brick-and-mortar prisons. The bill removes conditions requiring the states to adopt specified corrections plans in order to qualify for the Federal funds. Our bill also eliminates wasteful grants for "alternative sanctions" for young offenders, saving the taxpayers another $150 million.

Third, our bill also includes several tough Federal criminal penalties either omitted from or weakened in the 1994 Crime bill. For instance, it includes the provisions requiring tough mandatory minimum sentences for Federal crimes committed with a firearm, for the sale of drugs to minors or the use of a minor in the commission of a drug crime, and for violations of drug-free zones.

Our bill also replaces the overly broad reform of mandatory minimum sentences with an approach that will insure the just imposition of those sentences. Thus, while providing less leeway to judges to avoid imposing minimum mandatory sentences than the 1994 Crime bill, it allows such discretion where it is merited. The truly first-time, non-violent, low-level offender deserving some measure of leniency will be treated more justly under our legislation, without providing a windfall to career drug dealers. I should note that our provision was overwhelmingly supported by the Senate in the last Congress.

Lastly, we also include in our bill provisions for restitution to victims of federal crimes to ensure that crime victims receive the restitution they are due from those who have preyed on them.

With this legislation, we have an opportunity to begin to fulfill our commitment to the American people. It is only a start, but it is a measure that I believe this body could pass quickly. We must at the same time continue our efforts to pass a more comprehensive crime bill that addresses the American people's concern over rampant violent crime in a way that empowers them and that respects the competencies and powers of the State and Federal spheres of government. Additionally, we must remain committed to ensuring that our legislation does not increase the Federal deficit.

I believe that the bills we have introduced today will give the American people the crime control legislation they demand and deserve. I urge the support of my colleagues for this important legislation.

Mr. President, I ask unanimous consent that a section-by-section summary of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT AMENDMENTS ACT

This legislation is based on Republican proposals championed during the debate on the Conference Report on the 1994 Crime Bill. The bill eliminates much of the "pork" contained in the 1994 Crime Bill and strengthens prison and sentencing provisions.

Should you have questions about the bill not answered by this summary, please call Mike O'Neill or Mike Kennedy of the Judiciary Committee staff on extension 4-5225.

SECTION-BY-SECTION ANALYSIS

SEC. 1. Short Title.

The short title of the bill is the Violent Crime Control and Law Enforcement Amendments Act of 1995.

SEC. 2. Elimination of Ineffective Programs.

Section 2 eliminates the wasteful social programs passed in the 1994 Crime Bill, including the Local Partnership Act, the National Community Economic Partnership Act and the Family Unity Demonstration Project, among many others. These programs would have wasted billions of dollars on duplicative, top-down spending programs without reducing violent crime.

Of the over $4.5 billion dollars saved by eliminating these programs, approximately $1 billion is redirected to prison construction and operation grants.

SEC. 3. Amendment of Violent Offender Incarceration And Truth In Sentencing Incentive Grant Program.

Section 3 amends the prisons grants included in the 1994 Crime Bill to insure that the funds are spent on the actual construction and operation of prisons for violent offenders and would also remove provisions tying the funds to federal mandates on state corrections systems. Specifically, the proposal would make the following changes:

The Act currently allows prison funds to be spent on alternative correctional facilities in order "to free conventional prison space." This section requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

The proposal removes from the Act a provision which would have conditioned state receipt of the prison grants on adoption of a comprehensive correctional plan that would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used exclusively to build and operate prisons.

The proposal amends the prisons grant allocation provisions of the Act by increasing the minimum per-state allocation and removing the Attorney General's discretionary grant authority.

SEC. 4. Punishment For Young Offenders.

Section 4 repeals Subtitle B of title II of the 1994 Crime Bill, which authorized $150 million in discretionary grants for alternate sanctions for criminal juveniles.

SEC. 5. Increased Mandatory Minimum Sentences For Criminals Using Firearms.

Section 5 establishes a mandatory minimum penalty of 10 years' imprisonment for anyone who uses or carries a firearm during a federal crime of violence or federal drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum penalty of 20 years' imprisonment. If death results, the penalty is death or life imprisonment.

SEC. 6. Mandatory Minimum Prison Sentences For Those Who Use Minors in Drug Trafficking Activities.

Section 6 establishes a mandatory minimum sentence of 10 years' imprisonment for anyone who employs a minor in drug trafficking activities. The section also establishes a sentence of mandatory life imprisonment for a second offense.

SEC. 7. Mandatory Minimum Sentences For Persons Convicted Of Distribution Of Drugs To Minors.

Section 7 establishes a mandatory minimum sentence of 10 years' imprisonment for anyone 21 years of age or older who sells drugs to a minor. The section also establishes a sentence of mandatory life imprisonment for a second offense.

SEC. 8. Penalties For Drug Offenses In Drug-Free Zones.

Section 8 establishes new mandatory minimum sentences for drug offenses in drug-free zones which were omitted from the 1994 Crime Bill.

SEC. 9. Flexibility In Application of Mandatory Minimum Sentence Provisions In Certain Circumstances.

Section 9 includes a narrowly circumscribed mandatory minimum reform measure that returns a small degree of discretion to the federal courts in the sentencing of truly first-time, non-violent low-level drug offenders. To deviate from the mandatory minimum, the court would have to find that the defendant did not finance the drug sale, did not sell the drugs, and did not act as a leader or organizer.

SEC. 10. Mandatory Restitution To Victims Of Violent Crime.

Section 10 amends 18 U.S.C. 3663 by mandating Federal judges to enter orders requiring defendants to provide restitution to the victims of their crimes.

By Mr. STEVENS (for himself, Mr. KERRY, and Mr. MURKOWSKI):

S. 39. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SUSTAINABLE FISHERIES ACT

Mr. STEVENS. Mr. President, I am pleased on this first day of the 104th Congress to introduce with my colleagues from Massachusetts and Alaska a bill to significantly strengthen and improve the Magnuson Fishery Conservation and Management Act.

The bill we introduce today is a continuation of the effort Senator KERRY and I began in the 103rd Congress to reauthorize the Magnuson Act—one of the most important federal laws in our home states.

Our bill includes a number of important new protections for our fishery resources and for the fishermen who depend upon them. These include: (1) significant new across-the-board mandates to reduce waste in U.S. fisheries; (2) a new section specifically mandating the reduction of fishery waste in the fisheries off Alaska—with a specific time frame that the North Pacific Council must follow; (3) new conflict-of-interest and recusal requirements for fishery management council members, as well as other reforms to the Council process; (4) guidelines for individual transferable quotas, or ITQs, to help define and ensure the fairness in the use of this relatively new management tool; and (5) a new National Standard to ensure that conservation and management measures take into account the importance of the harvest of fish to fishery dependent communities, such as the many communities along our Alaska coasts.

These are just a few of the improvements we are proposing that will help ensure the sustainability of our fishery resources for generations to come.

As chairman of the new Oceans Subcommittee, I intend to hold oversight hearings on this legislation early in the session, and look forward to working with my colleagues to complete the reauthorization process before the end of the summer.

I would like to ask that the remainder of my statement describing the bill be printed in the RECORD as if read, along with the text of the bill.

WASTE REDUCTION

The bill incorporates virtually all of the operative provisions of S. 2022, the bill I introduced last year to address the problems of fishery waste in the North Pacific.

The bill would add specific definitions for "bycatch," "economic discards" and "regulatory discards" (which we in the North Pacific call prohibited species) to the Magnuson Act in order to clearly delineate between specific types of waste which may require different solutions.

The bill requires each Council to assess bycatch and to minimize the mortality caused by economic and regulatory discards in each fishery which is managed by that Council.

For the North Pacific, the bill also requires the Council to incorporate provisions in its fishery management plans to reduce bycatch, economic and regulatory discards, as well as to reduce "processing waste" and to achieve full retention and full utilization by specific dates. These are the same mandates for the North Pacific and the same basic definitions as those that I included in S. 2022 last year.

The bill directs the Council to take additional steps to ensure that the valuable fishery resources off Alaska are available for future generations.

In addition to provisions from S. 2022, we've also added a definition of "overfishing" to the Magnuson Act. The bill requires each Council to include in each fishery management plan specific criteria for determining when a fishery under that Council's jurisdiction is overfished or is approaching such a condition.

The intent is to get the Councils to establish a mechanism to provide sufficient warning so that preventive measures can be put in place before any additional fisheries become overfished.

The Secretary of Commerce (Secretary) will use the criteria to report to Congress (and back to the Councils) on the fisheries within each Council's geographical area that are overfished or approaching a condition of being overfished. Each Council will have one year to submit appropriate fishery management plans, amendments or regulations to prevent the overfishing of fisheries approaching that condition, and to stop overfishing and begin to rebuild fisheries that are already overfished.

If the Council fails to take action to begin this process within one year, the Secretary will be required to prepare an appropriate fishery management plan or plan amendment.

We know from current National Marine Fisheries Service data that our fisheries in Alaska are not overfished. These new provisions in the Magnuson Act will make sure Alaska's fisheries remain healthy for generations to come.

COUNCIL REFORM

The bill includes measures to reform the Council process, perhaps the most difficult issue we've dealt with in our review of the Magnuson Act.

Our bill would prevent Council members from voting on certain matters that benefit them financially, but it does not require such widespread recusal by Council members that the Councils would be rendered ineffective.

I still believe in the basic goal Senator MAGNUSON and I had for the original Act—that the councils should be made up of the people directly affected by fishery management decisions.

Senator KERRY and I have incorporated valuable portions of other proposals, including the Administration's proposal (which was based on the existing Alaska Board of Fisheries recusal process) and Senator BREAUX's proposal, in the recusal section of our bill.

The bill requires Council members to recuse themselves from voting on Council decisions that would have a "significant and predictable effect" on their financial interests. A Council decision would be considered to have a "significant and predictable effect" if there is "a close causal link between the Council decision and an expected disproportionate benefit, shared only by a minority of persons within the same industry sector or gear group, to the financial interest" of the Council member.

This language will prevent Council members from voting on decisions that give a disproportionate benefit only to themselves or a minority in their gear group, but will not prevent them from expressing views or from voting on most matters on which they have expertise.

The Secretary, with the concurrence of a majority of the voting members of the Council, will select a "designated official" with Federal conflict-of-interest experience to attend Council meetings and make determinations regarding the financial interests of members. These determinations will occur at the request of the affected Council member or at the initiative of the designated official.

Any Council member can ask for a review by the Secretary of a determination, but this review will not be treated as cause for the invalidation or reconsideration by the Secretary of a Council decision. At its own discretion, the Council could decide to postpone voting on a matter until receiving the result from the Secretary's review of a determination, or could decide to reconsider a vote that had occurred if the Secretary's review was different than the designation official's determination had been.

This bill also increases Council reporting requirements, and includes a provision to require a roll call vote for the record at the request of any Council member.

ITQS

This bill establishes a definition and sets out general requirements for any individual transferable quota (ITQ) system. The bill prohibits the Secretary from approving any more ITQ plans until ITQ guidelines are completed based on these requirements. The Secretary would convene an advisory panel to provide recommendations for the ITQ guidelines.

The bill requires the guidelines to, among other things: (1) provide for the fair and equitable allocation of fishing privileges; (2) provide for the collection of fees of up to four percent annually of the value of the fish harvested or processed under an ITQ, and an additional one percent of the value of fish harvested or processed by a person receiving an initial quota or transferring a quota; (3) address methods for providing for new entrants, including, in fisheries where appropriate, mechanisms to provide a portion of the annual harvest for entry-level fishermen or small vessel owners who do not hold an ITQ; and (4) provide requirements for the effective monitoring and enforcement of ITQ systems, and provide for penalties, including the revocation of fishing privileges under ITQ systems.

The bill clearly states that an ITQ does not constitute a property right, and that no provision of law shall be construed to limit the ability of the Secretary to terminate or limit an ITQ at any time and without compensation.

The bill also specifies that holders of an ITQ may include fishing vessel owners, fishermen, crew members or other citizens of the United States, as well as United States fish processors.

Upon reviewing the October 7, 1994 version of our bill (S. 2538), a number of Alaskans expressed concerns to me about the effect of these ITQ provisions on the halibut and sablefish individual fishing quota (IFQ) plan off Alaska.

The primary concerns were related to the mistaken impression that the ITQ provisions of the bill would require a reallocation of halibut/sablefish quota shares (i.e. to crew members, skippers, etc.) after the initial allocation (which is taking place now), and that the bill would require the halibut/sablefish plan to include processor quotas.

Neither S. 2538, nor the bill we are introducing today, requires these things.

While the bill defines ITQs to allow the Councils to include processor shares (in addition to harvesting shares), it does not require ITQ plans to include processor shares.

Processor quotas were added because the North Pacific Council is exploring their use for the Bering Sea pollock fishery, and because doubt has been expressed by the National Oceanic and Atmospheric Administration about the Council's current authority to create processor quotas. Our bill simply clarifies that the Councils have this tool to use at their discretion—it does not require their use.

The concern that the bill would require a reallocation of halibut and sablefish quota to skippers and crew members is also without basis.

The bill specifies that holders of ITQs may include crewmen (as well as skippers), but does not require that crewmen (or skippers) receive an initial allocation.

While I share the concern of skippers and other crewmen—as well as future generations of Alaskans—who were left out of the initial halibut/sablefish allocation, it would not be feasible or appropriate to require the North Pacific council to adopt a wholesale reallocation, particularly when shares will already have been purchased and sold before any reallocation could take place.

As I have mentioned, the bill we are introducing today does require the Secretary of Commerce to complete ITQ guidelines to: (1) ensure the fair and equitable allocation of fishing privileges, and (2) to provide methods for allowing new entrants into ITQ fisheries.

It also requires existing ITQ plans to comply with these guidelines within 3 years.

The halibut/sablefish plan in Alaska already includes provisions to meet most of these requirements.

The plan includes provisions to restrict the transfer of quota shares between vessel size categories, and to prevent the consolidation of initial quota blocks—two mechanisms which help provide for new entrants.

The "fair and equitable allocation" requirement for ITQs in our bill is already a general requirement in the National Standards section of the existing Magnuson Act. Because the Secretary has already approved the qualifying criteria for the halibut/sablefish plan under this National Standard, it would also be approved under the specific "fair and equitable" requirement we have added for ITQs.

The bill we are introducing today provides for increased fees to be assessed on any ITQ in order to, among other things, allow the Secretary to recoup the increased enforcement costs of ITQ systems, and to extract from ITQ holders an increased rent commensurate with the increased privilege received form ITQs.

FISHERY DEPENDENT COMMUNITIES

The bill defines the term, "fishery dependent community" for purposes of its use in the Magnuson Act as part of a new national standard and for purposes of defining who is eligible for programs included in new sections 315 and 316 of the Magnuson Act.

A new National Standard is added to the Magnuson Act which requires all Councils "to take into account the importance of the harvest of fishery resources to fishery dependent communities" in recommending conservation and management measures under each fishery management plan.

This new standard has been included in the bill as a means of ensuring that all of the Councils consider measures like the closure of the Gulf of Alaska pollock fishery to certain vessels, community development quotas (CDQs), and the allocation of Pacific whiting to shore plants that have already been included in fishery management plans by the North Pacific Council and the Pacific Council in order to address the needs of certain fishery dependent communities.

Another provision requires consideration be given to fishery dependent communities in developing any limiting access systems, including ITQ systems.

By including these new provisions we intend to increase the Councils' consideration of the needs of coastal communities dependent on fishery resources.

I agree with Judge Singleton's recent ruling in *Alliance Against IFQs* v. *Ronald H. Brown* that National Standard Four of the Magnuson Act (which prohibits conservation and management measures form discriminating between residents of different states) does not apply to the CDQ program, and with his affirmation of the North Pacific Council's and Secretary's existing authority to create CDQs.

CDQs are one of the appropriate tools the North Pacific Council and Secretary have already used to help address the needs of fishery dependent communities.

VESSEL AND PERMIT BUYOUT PROGRAMS/ EMERGENCY RELIEF

The bill contains important new sections authorizing vessel and permit buy-back programs, and creating a relief program for commercial fishery failures which occur beyond the control of the fishery management councils, or for unknown reasons.

Section 315 of the bill authorizes the Secretary, with the concurrence of a majority of the appropriate Council, to develop and implement a program to buy out fishing vessels or permits.

The bill would require that any buyout program ensure that vessels or permits cannot reenter the fishery.

This buyout section authorizes Councils to implement a fee system to pay for the buyout, but also authorizes the Federal Government to pay for up to 50 percent of a buyout.

Section 316 of the bill authorizes the Secretary, at his or her own discretion or at the request of a Governor or affected fishery dependent community, to declare a commercial fishery failure, and to then make money available to restore the fishery and to assist fishery dependent communities affected by the failure.

The Federal Government could pay for up to 75 percent of this type of relief.

Recently, the Secretary of Commerce used existing authority to provide relief to New England and Pacific Northwest fishermen.

These new Magnuson Act provisions, in addition to providing needed guidance for such relief, would help to ensure that affected States and fishermen also contribute to relief efforts and buyout programs.

I am aware of the concerns of some of my colleagues about these particular provisions, and look forward to working with them to address their concerns before the Commerce Committee marks up this bill.

OTHER PROVISIONS

I will briefly mention some of the other improvements to the Magnuson Act included in our bill.

The bill simplifies the review process by the Secretary of fishery management plans and amendments by eliminating a preliminary evaluation required under current law.

The bill also would provide a framework for Secretarial review of proposed regulations, giving the Councils greater certainty that proposed regulations and regulatory amendments will be implemented in a timely manner.

The bill also includes provisions providing for the increased protection of fishery habitat essential to the life cycles of fish stocks.

I look forward to working with Senator KERRY, our new Commerce Committee Chairman and Ranking Member, and with our other colleagues to complete this reauthorization process.

I ask that the complete text of the sustainable Fisheries Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sustainable Fisheries Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Amendment of the Magnuson Fishery Conservation and Management Act.
Sec. 102. Findings; purposes; policy.
Sec. 103. Definitions.
Sec. 104. Authorization of appropriations.
Sec. 105. Highly migratory species.
Sec. 106. Foreign fishing.
Sec. 107. Permits for foreign fishing.
Sec. 108. Large-scale driftnet fishing.
Sec. 109. National standards.
Sec. 110. Regional fishery management councils.
Sec. 111. Fishery management plans.
Sec. 112. Plan review and implementation.
Sec. 113. Ecosystem management.
Sec. 114. State jurisdiction.
Sec. 115. Prohibited acts.
Sec. 116. Civil penalties and permit sanctions.
Sec. 117. Enforcement.
Sec. 118. North Pacific fisheries conservation.
Sec. 119. Transition to sustainable fisheries.

TITLE II—FISHERY MONITORING AND RESEARCH

Sec. 201. Change of title.
Sec. 202. Registration and data management.
Sec. 203. Data collection.
Sec. 204. Observers.
Sec. 205. Fisheries research.
Sec. 206. Incidental harvest research.
Sec. 207. Repeal.
Sec. 208. Clerical amendments.

TITLE III—FISHERIES STOCK RECOVERY FINANCING

Sec. 301. Short title.
Sec. 302. Fisheries stock recovery refinancing.
Sec. 303. Federal financing bank relating to fishing vessels and fishery facilities.
Sec. 304. Fees for guaranteeing obligations.
Sec. 305. Sale of acquired collateral.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. AMENDMENT OF MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 102. FINDINGS; PURPOSES; POLICY.

Section 2 (16 U.S.C. 1801) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.";

(2) by inserting "to facilitate long-term protection of essential fish habitats," in subsection (a)(6) after "conservation,";

(3) by adding at the end of subsection (a) the following:

"(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats on a national level. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.";

(4) by inserting "in a non-wasteful manner" in subsection (b)(6) after "development"; and

(5) by adding at the end of subsection (b) the following:

"(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.".

SEC. 103. DEFINITIONS.

Section 3 (16 U.S.C. 1802) is amended—

(1) by redesignating paragraphs (2) through (32) as paragraphs (3) through (33) respectively, and inserting after paragraph (1) the following:

"(2) The term 'bycatch' means fish which are harvested by a fishing vessel, but which are not sold or kept for personal use, including, but not limited to, economic and regulatory discards.";

(2) by redesignating paragraphs (7) through (33) (as redesignated) as paragraphs (9) through (35), respectively, and inserting after paragraph (6) (as redesignated) the following:

"(7) The term 'economic discards' means fish which are the target of a fishery, but which are not retained by the fishing vessel which harvested them because they are of an undesirable size, sex or quality, or for other economic reasons.

"(8) The term 'essential fish habitat' means any area essential to the life cycle of a stock of fish, or to the production of maximum sustainable yield of one or more fisheries managed under this Act.";

(3) by redesignating paragraphs (12) through (35) (as redesignated) as paragraphs (13) through (36), respectively, and inserting after paragraph (11) (as redesignated) the following:

"(12) The term 'fishery dependent community' means a community which is substantially dependent on the harvest of fishery resources to meet social and economic needs.";

(4) by redesignating paragraphs (19) through (36) (as redesignated) as paragraphs (20) through (37), respectively, and inserting after paragraph (18) (as redesignated) the following:

"(19) The term 'individual transferable quota' means a revocable Federal authorization to harvest or process a quantity of fish under a unit or quota share that represents a percentage of the total allowable catch of a stock of fish, that may be received or held by a specific person or persons for their exclusive use, and that may be transferred in whole or in part by the holder to another person or persons for their exclusive use.";

(5) by redesignating paragraphs (22) through (37) (as redesignated) as paragraphs (23) through (38), respectively, and inserting after paragraph (21) (as redesignated) the following:

"(22) The term 'limited access system' means any system for controlling fishing effort which includes such measures as license limitations, individual transferable quotas, and non-transferable quotas.";

(6) by striking "Pacific Marine Fisheries Commission" in paragraph (23), as redesignated, and inserting "Pacific States Marine Fisheries Commission";

(7) by striking paragraph (27), as redesignated, and inserting the following:

"(27) The term 'optimum', with respect to the yield from a fishery, means the amount of fish which—

"(A) will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

"(B) is prescribed on the basis of the maximum sustainable yield from a fishery, as modified by any relevant social, economic, or ecological factor; and

"(C) provides for the rebuilding of an overfished fishery to a level consistent with producing the maximum sustainable yield.";

(8) by redesignating paragraphs (28) through (38) (as redesignated) as paragraphs (29) through (39), respectively, and inserting after paragraph (27) (as redesignated) the following:

"(28) The terms 'overfishing' and 'overfished' mean a level or rate of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.";

(9) by redesignating paragraphs (30) through (39) (as redesignated) as paragraphs (31) through (40), respectively, and inserting after paragraph (29) (as redesignated) the following:

"(30) The term 'regulatory discards' means fish caught in a fishery which fishermen are required by regulation to discard whenever caught, or are required by regulation to retain but not sell.";

(10) by striking "for which a fishery management plan prepared under title III or a preliminary fishery management plan prepared under section 201(h) has been implemented" in paragraph (38), as redesignated, and inserting "regulated under this Act"; and

(11) by redesignating paragraph (40), as redesignated, as (41), and inserting after paragraph (39) the following:

"(40) The term 'vessel subject to the jurisdiction of the United States' has the same meaning as in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)).".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

The Act is amended by inserting after section 3 the following:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act, not to exceed the following sums (of which 15 percent in each fiscal year shall be used for enforcement activities):

"(1) $102,000,000 for fiscal year 1993;
"(2) $106,000,000 for fiscal year 1994;
"(3) $143,000,000 for fiscal year 1995;
"(4) $147,000,000 for fiscal year 1996;
"(5) $151,000,000 for fiscal year 1997;
"(6) $155,000,000 for fiscal year 1998; and
"(7) $159,000,000 for fiscal year 1999.".

SEC. 105. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended by striking "promoting the objective of optimum utilization" and inserting "shall promote the achievement of optimum yield".

SEC. 106. FOREIGN FISHING.

Section 201 (16 U.S.C. 1821) is amended—

(1) by inserting a comma and "or is approved under section 204(b)(6)(A)(ii)" before the semicolon in subsection (a)(1);

(2) by striking "(g)" in subsection (a)(2) and inserting "(f)";

(3) by striking "(i)" in subsection (c)(2)(D) and inserting "(h)";

(4) by striking ", including any regulations promulgated to implement any applicable fishery management plan or any preliminary fishery management plan" in subsection (c); and

(5) by striking subsection (f) and redesignating subsections (g), (h), (i), and (j) as (f), (g), (h), and (i), respectively.

SEC. 107. PERMITS FOR FOREIGN FISHING.

(a) So much of section 204(b) (16 U.S.C. 1824(b)) as precedes paragraph (2) is amended to read as follows:

"(b) APPLICATIONS AND PERMITS.—

"(1) ELIGIBILITY.—

"(A) Each foreign nation with which the United States has entered into a governing international fishery agreement shall submit an application to the Secretary of State each year for a permit for each of its fishing vessels that wishes to engage in fishing described in subsection (a).

"(B) An owner of a vessel, other than a vessel of the United States, who wishes to engage in the transshipment at sea of fish products in the exclusive economic zone or within the boundary of any State, may submit an application to the Secretary each year for a permit for a vessel belonging to that owner, whether or not such vessel is subject to an international fishery agreement described in section 201(b) or (c).

"(C) No permit issued under this section may be valid for longer than a year. Section 558(c) of title 5, United States Code, does not apply to the renewal of any such permit.".

(b) Section 204(b)(4) (16 U.S.C. 1824(b)(4)) is amended—

(1) by inserting "(A)" after the caption;

(2) by inserting "submitted under paragraph (1)(A)" after "any application";

(3) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(4) by inserting at the end thereof the following:

"(B) Upon receipt of any application submitted under paragraph (1)(B) which complies with the requirements of paragraph (3), the Secretary shall promptly transmit copies of the application or summary as indicated under subparagraphs (A)(ii) and (iii), and shall also promptly transmit such application or summary to States bordering the exclusive economic zone where such transshipment is proposed to occur.".

(c) Section 204(b)(5) (16 U.S.C. 1824(b)(5)) is amended by striking "under paragraph (4)(C)" and inserting "submitted under paragraph (1)".

(d) Section 204(b)(6) (16 U.S.C. 1824(b)(6)) is amended—

(1) by striking "transmitted under paragraph (4)(A)" in subparagraph (A) and inserting "submitted under paragraph (1)(A)";

(2) by inserting "(i)" before "After" in subparagraph (A); and

(3) by inserting before subparagraph (B) the following:

"(ii) In the case of any application submitted under paragraph (1)(B), the Secretary, after taking into consideration any comments submitted by the Council under paragraph (5) or any affected State, may approve the application upon determining that the activity described in the application will be in the interest of the United States and will meet the applicable requirements of this Act, and that the owners or operators have agreed to comply with requirements set forth in section 201(c)(2) and have established any bonds or financial assurances that may be required by the Secretary; or the Secretary may disapprove all or any portion of the application.".

(e) Section 204(b)(8) (16 U.S.C. 1824(b)(8)) is amended—

(1) by inserting a comma and "or the agent for the foreign vessel owner for any application submitted under paragraph (1)(B)" before the semicolon at the end of subparagraph (A); and

(2) by inserting "and any affected State" before the period at the end of subparagraph (C).

(f) Section 204(b)(9) (16 U.S.C. 1824(b)(9)) is amended—

(1) by inserting "paragraph (1)(A) of" after "by a foreign nation under";

(2) by inserting "(A)" after the heading in paragraph (9); and

(3) by adding at the end thereof the following:

"(B) If the Secretary does not approve any application submitted by a foreign vessel owner under paragraph (1)(B) of this subsection, the Secretary shall promptly inform the vessel owner of the disapproval and the reasons therefore. The owner, after taking into consideration the reasons for disapproval, may submit a revised application under this subsection.".

(g) Section 204(b)(11) (16 U.S.C. 1824(b)(11)) is amended—

(1) by inserting "(A)" after the paragraph heading,

(2) by inserting "submitting an application under paragraph (1)(A)" after "If a foreign nation"; and

(3) adding at the end thereof the following:

"(B) If the vessel owner submitting an application under paragraph (1)(B) notifies the Secretary of acceptance of the conditions and restrictions established by the Secretary under paragraph (7), and upon payment of the applicable fees established pursuant to paragraph (10) and confirmation of any bonds or financial assurances that may be required for such transshipment of fish, the Secretary shall thereupon issue a permit for the vessel.".

(h) Section 204 (16 U.S.C. 1824) is amended by adding at the end thereof the following:

"(d) PROHIBITION ON PERMIT ISSUANCE.—Notwithstanding any other provision of this Act, the Secretary is prohibited from issuing, before December 1, 1999, any permit to authorize the catching, taking, or harvesting of Atlantic mackerel or Atlantic herring by foreign fishing vessels within the exclusive economic zone. This subsection shall not apply to permits to authorize foreign fish processing vessels to process Atlantic mackerel or Atlantic herring harvested by fishing vessels of the United States.".

SEC. 108. LARGE-SCALE DRIFTNET FISHING.

(a) Section 206(e) (16 U.S.C. 1826(e)) is amended by striking paragraphs (3) and (4), and redesignating paragraphs (5) and (6) as (3) and (4), respectively.

(b) Section 206(f) (16 U.S.C. 1826(f)) is amended by striking "(6)" and inserting "(4)".

SEC. 109. NATIONAL STANDARDS.

(a) Paragraph (1) of section 301(a) (16 U.S.C. 1851(a)) is amended to read as follows:

"(1) Conservation and management measures shall prevent overfishing and rebuild overfished fishery resources while achieving, on a continuing basis, the optimum yield from each fishery.".

(b) Section 301(a)(5) (16 U.S.C. 1851(a)(5)) is amended by striking "promote" and inserting "consider".

(c) Section 301(a) (16 U.S.C. 1851(a)) is amended by adding at the end thereof the following:

"(8) Conservation and management measures shall take into account the importance of the harvest of fishery resources to fishery dependent communities.".

SEC. 110. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Section 302(a) (16 U.S.C. 1852(a)) is amended—

(1) by inserting "(1)" after the subsection heading;

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (H);

(3) by striking "section 304(f)(3)" wherever it appears and inserting in lieu thereof "paragraph (3)";

(4) by striking paragraph (1)(F), as redesignated, and inserting the following:

"(F) PACIFIC COUNCIL.—The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 13 voting members, including 7 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State), and including one appointed from an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5).";

(5) by indenting the sentence at the end thereof and inserting "(2)" in front of "Each Council", and by inserting "The Secretary shall establish the boundaries between the geographical areas of authority of adjacent Councils." after "authority."; and

(6) by adding at the end the following:

"(3) The Secretary shall have authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council.".

(b) Section 302(b) (16 U.S.C. 1852(b)) is amended—

(1) by striking subparagraph (C) of subsection (b)(1) and inserting the following:

"(C) The members required to be appointed by the Secretary in accordance with subsections (b)(2) and (5).";

(2) by redesignating paragraph (5) as paragraph (6), and inserting after paragraph (4) the following:

"(5)(A) The Secretary shall appoint to the Pacific Fishery Management Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho, from a list of not less than 3 individuals submitted by the tribal governments. The representative shall serve for a term of 3 years and may not serve more than 3 consecutive terms. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting lists under this subparagraph.

"(B) Representation shall be rotated among the tribes taking into consideration—

"(i) the qualifications of the individuals on the list referred to in subparagraph (A), "(ii) the various treaty rights of the Indian tribes involved and judicial cases that set forth how those rights are to be exercised, and

"(iii) the geographic area in which the tribe of the representative is located.

"(C) A vacancy occurring prior to the expiration of any term shall be filled in the same manner set out in subparagraphs (A) and (B), except that the Secretary may use the list from which the vacating representative was chosen."; and,

(3) by striking "subsection (b)(2)" in paragraph (6), as redesignated, and inserting "subsections (b)(2) and (5)".

(c) Section 302(e) (16 U.S.C. 1852(e)) is amended by adding at the end the following:

"(5) At the request of any voting member of a Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote.".

(d) Section 302(g) (16 U.S.C. 1852(g)) is amended by redesignating paragraph (4) as (5), and by inserting after paragraph (3) the following:

"(4) The Secretary shall establish advisory panels to assist in—

"(A) the collection and evaluation of information relevant to the development of or amendment to any fishery management plan under section 303(e)(2); and

"(B) carrying out the purposes of section 303(f).".

(e) Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking "section 304(f)(3)" in paragraphs (1) and (5) and inserting "subsection (a)(3)"; and

(2) by striking "204(b)(4)(C)" in paragraph (2) and inserting "204(b)(4)(A)(iii)".

(f) Section 302(i) (16 U.S.C. 1852(i)) is amended to read as follows:

"(i) NEGOTIATED CONSERVATION AND MANAGEMENT MEASURES.—

"(1) A Council may, in consultation with the Secretary, establish a negotiation panel to assist in the development of specific conservation and management measures for a fishery under authority of such Council. In making the decision to establish such panel, the Council shall consider whether—

"(A) there are a finite number of identifiable interests that will be significantly affected by the development of such measures;

"(B) there is a reasonable likelihood that a negotiation panel can be convened with a balanced representation of persons who—

"(i) can adequately represent the interests identified under subparagraph (A); and

"(ii) are willing to act in good faith to reach a consensus on the development of such measures;

"(C) there is reasonable likelihood that a negotiation panel will contribute to the development of such measures within a fixed period of time; and

"(D) the process under this subsection will not unreasonably delay the development of any conservation and management measure or its submission to the Secretary.

"(2) If the Council decides to establish a negotiation panel it shall notify all identifiable interests of its intention to convene such panel at least 30 calendar days prior to the appointment of members. Such notification shall be published in accordance with subsection (j)(2)(C) of this section and shall include—

"(A) a description of the subject and scope of the measures to be developed and the issues to be considered;

"(B) a list of interests likely to be significantly affected by the measures to be developed;

"(C) a list of the persons proposed to represent such interests, the person or persons proposed to represent the Council, and the person or persons proposed to be nominated as facilitator;

"(D) an explanation of how a person may apply or nominate another person for membership on the negotiation panel; and

"(E) a proposed agenda and schedule for completing the work of the negotiation panel.

"(3) No more than 45 calendar days after providing this notification the Council shall make appointments to the negotiation panel in such a manner as to achieve balanced representation of all significant interests to the conservation and management measures. Such interests shall include, where appropriate, representatives from the fishing industry, consumer groups, the scientific community, tribal organizations, conservation organizations and other public interest organizations, and Federal and State fishery managers.

"(4) Each negotiation panel established under this section shall attempt to reach a consensus concerning specific conservation and management measures and any other issue such panel determines is relevant to such measures. The Council, to the maximum extent possible consistent with its legal obligations and the best scientific information available, will use the consensus of the negotiation panel, with respect to such measures, as the basis for the development of the conservation and management measures to be adopted by the Council for submission by the Council to the Secretary in accordance with this Act.

"(5) The person or persons representing the Council on a negotiation panel shall participate in the deliberations and activities of such panel with the same rights and responsibilities as other panel members.

"(6) Any facilitator nominated by the Council to a negotiation panel must be approved by the panel by consensus. If the panel does not approve a facilitator nominated by the Council the panel shall select by consensus another person to serve as facilitator. No person appointed by the Council to the negotiation panel to represent any interest on the Council may serve as facilitator or otherwise chair such panel.

"(7) A facilitator approved or selected by a negotiation panel shall—

"(A) chair the meetings of such panel in an impartial manner;

"(B) impartially assist the panel members in conducting discussions and negotiations; and

"(C) manage the keeping of any minutes or records, (except that any personal notes and materials of the facilitator or the panel members shall not be subject to disclosure, except upon order of a court).

"(8) A negotiation panel may adopt any additional procedures for the operation of the negotiation panel not in conflict with those specified in this section.

"(9) At the conclusion of the negotiation process, if the negotiation panel reaches a consensus on proposed conservation and management measures, such panel shall transmit to the Council, and present to the Council at the next scheduled meeting of the Council, a report containing the proposed conservation and management measures. If the negotiation panel does not reach consensus on proposed conservation and management measures, such panel shall transmit to the Council, and present to the Council at the next scheduled meeting of the Council, a report specifying its recommendations and describing the areas in which the negotiation panel reached consensus and the areas in which consensus was not achieved. The negotiation panel may include in a report any other information or materials that such panel considers appropriate. Any panel member may include, as an addendum to the report, additional information or materials.

"(10) A negotiation panel shall terminate upon transmittal and presentation to the Council of the report required under paragraph (9) unless the Council in consultation with the panel specifies an alternative termination date.

"(11) For the purposes of this subsection—

"(A) The term 'negotiation panel' means an advisory panel established by a Council under section (g)(2) to assist in the development of specific conservation and management measures through the process established under this subsection.

"(B) The term 'consensus' means general but not unanimous concurrence among the interests represented unless such panel—

"(i) agrees by consensus to define such term to mean a unanimous concurrence; or

"(ii) agrees by consensus upon another specified definition.

"(C) The term 'facilitator' means a person experienced or trained in group mediation and negotiation who impartially aids in the discussions and negotiations among the members of a negotiation panel.

"(D) The term 'interest' means, with respect to this subsection, multiple persons or parties who have a similar point of view or which are likely to be affected in a similar manner.".

(g) Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by striking "of the Councils" in paragraph (1) and inserting "established under subsection (g)"; and

(2) by striking "of a Council:" in paragraph (2) and inserting "established under subsection (g):".

(3) by adding the following at the end of paragraph (2)(C): "Interested persons may propose to modify the published agenda of a meeting by submitting to a Council, panel or committee within 14 calendar days of the published date of the meeting a notice containing a written description of the proposed modification signed by not less than two Council members.";

(4) by adding the following at the end of paragraph (2)(D): "All written data submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the qualifications and interests of the person in the subject of the oral or written statement.";

(5) by amending paragraph (2)(E) to read as follows:

"(E) Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed, issued, or approved by the Council. The Chairman shall certify the accuracy of the minutes of each meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction."; and

(6) by striking "303(d)" in paragraph (2)(F) and inserting "402(b)".

(g) Section 302(k) (16 U.S.C. 1852(k)) is amended—

(1) by inserting "and recusal" in the subsection heading;

(2) by striking paragraph (1) and inserting the following:

"(1) For the purposes of this subsection—

"(A) the term 'affected individual' means an individual who—

"(i) is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with subsection (b)(2); or

"(ii) is a voting member of a Council appointed under subsection (b)(2); and

"(B) the term 'designated official' means a person with expertise in Federal conflict-of-interest requirements who is designated by the Secretary, with the concurrence of a majority of the voting members of the Council, to attend Council meetings and make determinations under paragraph (7)(B).";

(3) by striking "(1)(A)" in paragraph (3)(A) and inserting "(1)(A)(i)";

(4) by striking "(1)(B) or (C)" in paragraph (3)(B) and inserting "(1)(A)(ii)";

(5) by striking "(1)(B) or (C)" in paragraph (4) and inserting "(1)(A)(ii)";

(6)(A) by striking "and" at the end of paragraph (5)(A);

(B) by striking the period at the end of paragraph (5)(B) and inserting a semicolon and the word "and"; and

(C) by adding at the end of paragraph (5) the following:

"(C) be kept on file by the Secretary for use in reviewing determinations under paragraph (7)(B) and made available for public inspection at reasonable hours.";

(7) by striking "(1)(B) or (C)" in paragraph (6) and inserting "(1)(A)(ii)";

(8) by redesignating paragraph (7) as (8) and inserting after paragraph (6) the following:

"(7)(A) An affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and disproportionate benefit, shared only by a minority of persons within the same industry sector or gear group, to the financial interest. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

"(B) At the request of an affected individual, or at the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

"(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

"(D) Any affected individual who does not participate in a Council decision in accordance with this subsection shall state for the record how he or she would have voted on such decision if he or she had voted.

"(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

"(F) No later than December 1, 1995, the Secretary, in consultation with the Councils, shall issue guidelines with respect to voting recusals under subparagraph (A) and the making of determinations under subparagraph (B)."; and

(9) by striking "(1)(B) or (C)" in paragraph (8), as redesignated, and inserting "(1)(A)(ii)".

SEC. 111. FISHERY MANAGEMENT PLANS.

(a) Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) by striking paragraph (6) and inserting the following:

"(6) consider and provide for, after consultation with the Coast Guard and persons participating in the fishery and to the extent practicable without adversely affecting conservation efforts in other fisheries or discriminating among participants in the affected fishery—

"(A) safety of life and property at sea;

"(B) temporary adjustments regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; and

"(C) effective enforcement measures (including an estimate of the resources necessary for such measures).";

(2) by striking paragraph (7) and inserting the following:

"(7) facilitate the protection of essential fish habitat by—

"(A) summarizing available information on the significance of such habitat to the fishery and the effects of changes to such habitat on the fishery; and

"(B) identifying Federal actions that should be considered to promote the long-term protection of essential fish habitats.";

(3) by striking "and" at the end of paragraph (8);

(4) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(5) by adding at the end the following:

"(10) specify objective and measurable criteria for classifying when the fishery to which the plan applies would be or is overfished, with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery;

"(11) assess the level of bycatch occurring in the fishery, and to the extent practicable, assess and specify the effect of the fishery on stocks of fish to which the plan does not apply, but which are associated with the ecosystem of the fishery; and

"(12) to the extent practicable, minimize mortality caused by economic and regulatory discards in the fishery.".

(b) Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by striking paragraph (6) and inserting the following:

"(6) establish a limited access system for the fishery in order to achieve optimum yield if—

"(A) in developing such system, the Council and the Secretary take into account present participation in the fishery, historical fishing practices in and dependence on the fishery, the economics of the fishery, the capability of fishing vessels used in the fishery to engage in other fisheries, the cultural and social framework relevant to the fishery and fishery dependent communities, and any other relevant considerations; and

"(B) in the case of any system that provides for individual transferable quotas, such system also complies with the guidelines and fee requirements established under section 303(f);"; and

(2) by striking "and" at the end of paragraph (9);

(3) by striking the period at the end of paragraph (10) and inserting a semicolon and "and"; and

(4) by adding at the end the following:

"(11) include, consistent with the other provisions of this Act, conservation and management measures that provide a harvest preference or other incentives for fishing vessels within each gear group that employ fishing practices resulting in lower levels of bycatch.".

(c) Section 303 (16 U.S.C. 1853) is amended by striking subsection (c) and all thereafter and inserting the following:

"(c) Regulations to Implement a Fishery Management Plan.—Proposed regulations which the Council deems necessary or appropriate for the purposes of implementing a fishery management plan or amendment to a plan may be submitted to the Secretary for action under section 304—

"(1) simultaneously with submission of the plan or amendment to the Secretary for action under section 304; or

"(2) at any time after the plan or amendment is approved.

"(d) Fisheries Under Authority of More Than One Council.—

"(1) Except as provided in section 302(a)(3), if any fishery extends beyond the geographical area of authority of any one Council, the Secretary may—

"(A) designate which Council shall prepare the fishery management plan for such fishery and any amendment to such plan, as well as any proposed regulations for such fishery; or

"(B) require that the plan, amendment, and proposed regulations be prepared jointly by the Councils concerned.

"(2) No jointly prepared fishery management plan, amendment, or proposed regulations may be submitted to the Secretary unless approved by a majority of the voting members, present and voting, of each Council concerned.

"(e) Preparation by the Secretary.—

"(1) The Secretary shall prepare a fishery management plan with respect to any fishery (other than a fishery to which section 302(a)(3) applies), or any amendment to any such plan, in accordance with the national standards, the other provisions of this Act, and any other applicable law, if—

"(A) the appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time, a fishery management plan for such fishery, or any necessary amendment to such plan, if such fishery requires conservation and management and the Secretary provides written notice to the Council of the need for such conservation and management;

"(B) the Secretary disapproves or partially disapproves any such plan or amendment, or disapproves a revised plan or amendment, and the Council involved fails, after a reasonable period of time, to take final action on a revised or further revised plan or amendment, as the case may be; or

"(C) the Secretary determines that the appropriate Council has failed to take sufficient action on a fishery management plan, a plan amendment or proposed regulations to rebuild an overfished fishery pursuant to section 305(b) within 1 year after determining that such fishery is overfished.

"(2) The Secretary shall prepare a fishery management plan with respect to any highly migratory species fishery to which section

302(a)(3) applies that requires conservation and management, or any amendment to any such plan, in accordance with the national standards, the other provisions of this Act, and any other applicable law. In preparing and implementing any such plan or amendment, the Secretary shall—

"(A) conduct public hearings, at appropriate times and in appropriate locations in the geographical areas concerned, so as to allow interested persons an opportunity to be heard in the preparation and amendment of the plan and any regulations implementing the plan;

"(B) consult with and consider the comments and views of affected Councils, as well as commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species;

"(C) establish an advisory panel under section 302(g) for each fishery management plan to be prepared under this paragraph, which shall consist of a balanced number of representatives (but not less than 7) who are knowledgeable and experienced with respect to the fishery concerned selected from among members of advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species and other interested parties;

"(D) evaluate the likely effects, if any, of conservation and management measures on participants in the affected fisheries and minimize, to the extent practicable, any disadvantage to United States fishermen in relation to foreign competitors;

"(E) with respect to a highly migratory species for which the United States is authorized to harvest an allocation or quota or fishing mortality level under a relevant international fishery agreement, provide fishing vessels of the United States with a reasonable opportunity to harvest such allocation, quota, or fishing mortality level;

"(F) review, on a continuing basis (and promptly whenever a recommendation pertaining to fishing for highly migratory species has been made under a relevant international fishery agreement), and revise as appropriate, the conservation and management measures included in the plan;

"(G) diligently pursue, through international entities (such as the International Commission for the Conservation of Atlantic Tunas), comparable international fishery management measures with respect to fishing for highly migratory species; and

"(H) ensure that conservation and management measures adopted under this paragraph—

"(i) promote international conservation of the affected fishery;

"(ii) take into consideration traditional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries; and

"(iii) are fair and equitable in allocating fishing privileges among United States fishermen and not have economic allocation as the sole purpose.

"(3) In preparing any plan or amendment under this subsection, the Secretary shall consult with the Secretary of State with respect to foreign fishing and with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.

"(4) The Secretary may not include in any fishery management plan, or any amendment to any such plan, prepared by the Secretary under paragraph (1), a provision establishing a limited access system, unless such system is first approved by a majority of the voting members of each appropriate Council.

"(f) INDIVIDUAL TRANSFERABLE QUOTAS.—

"(1) The Secretary may not approve a fishery management plan that includes individual transferable quotas until the Secretary has promulgated guidelines under paragraph (2). Thereafter, the Secretary may approve a fishery management plan or amendment that includes individual transferable quotas only if the plan or amendment is consistent with the guidelines promulgated under paragraph (2).

"(2) The Secretary shall promulgate, after consultation with the Councils and public notice and comment, mandatory guidelines for the establishment of any individual transferable quota system. The guidelines shall—

"(A) ensure that any individual transferable quota system—

"(i) is consistent with the requirements for limited access systems under section 303(b)(6),

"(ii) promotes conservation,

"(iii) requires collection of fees from holders of individual transferable quotas under section 304(f)(2),

"(iv) provides for the fair and equitable allocation of fishing privileges, and minimizes negative social and economic impacts on fishery dependent communities;

"(v) establishes a national lien registry system for the identification, perfection, determination of lien priorities, and nonjudicial foreclosure of encumbrances or individual transferable quotas; and

"(vi) facilitates a reduction in excessive fishing capacity in the fishery;

"(B) address the characteristics of fisheries that are relevant to the design of suitable individual transferable quota systems, the nature and extent of the privilege established under an individual transferable quota system, factors in making initial allocations and determining eligibility for ownership of individual transferable quotas, limitations on the consolidation of individual transferable quotas, and methods of providing for new entrants, including, in fisheries where appropriate, mechanisms to provide a portion of the annual harvest for entry-level fishermen or small vessel owners who do not hold individual transferable quotas;

"(C) provide for effective monitoring and enforcement of individual transferable quota systems, including providing for the inspection of fish harvested under such systems before the fish is transported beyond the geographic area under a Council's jurisdiction or the jurisdiction of the United States;

"(D) provide for appropriate penalties for violations of individual transferable quota systems, including the revocation of individual transferable quotas for such violations; and

"(E) include recommendations for potential management options related to individual transferable quotas, including the authorization of individual units or quotas that may not be transferred by the holder, and the use of leases or auctions by the Federal government in the establishment or allocation of individual transferable or non-transferable units or quotas.

"(3) Any fishery management plan which includes individual transferable quotas that the Secretary approved on or before the date of enactment of the Sustainable Fisheries Act shall be amended within 3 years after that date to be consistent with this subsection and any other applicable provisions of this Act.

"(4) No later than 60 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an advisory panel on individual transferable quotas under section 302(g)(3) which shall be comprised of fishery scientists and representatives of the Councils, representatives of affected States and fishery dependent communities, fishery participants and conservation organizations. Such advisory panel shall provide recommendations on the guidelines required under paragraph (2), a list of all United States fisheries that may be suited for the development of limited access systems that include individual transferable quotas, and other information as the Secretary or the advisory panel deem appropriate.

"(5) An individual transferable quota does not constitute a property right. Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary to terminate or limit such individual transferable quota at any time and without compensation to the holder of such quota. The term 'holder of an individual transferable quota' includes (A) fishing vessel owners, fishermen, crew members or other citizens of the United States, and (B) United States fish processors.".

SEC. 112. PLAN REVIEW AND IMPLEMENTATION.

Section 304 (16 U.S.C. 1854) is amended to read as follows:

"SEC. 304. PLAN REVIEW AND IMPLEMENTATION.

"(a) ACTION BY THE SECRETARY AFTER RECEIPT OF PLAN.—

"(1) Upon transmittal by the Council to the Secretary of a fishery management plan, or amendment to such plan, the Secretary shall—

"(A) immediately commence a review of the management plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

"(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the document or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(2) In undertaking the review required under paragraph (1), the Secretary shall—

"(A) take into account the data, views, and comments received from interested persons;

"(B) consult with the Secretary of State with respect to foreign fishing; and

"(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

"(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

"(A) the applicable law with which the plan or amendment is inconsistent;

"(B) the nature of such inconsistencies; and

"(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

"(4) If the Secretary disapproves or partially approves a plan or amendment, the Council may submit a revised plan or amendment to the Secretary for review under this subsection.

"(b) ACTION ON REGULATIONS.—

"(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, this Act and other applicable law. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

"(A) if that determination is affirmative, the Secretary shall publish such regulations, with such technical changes as may be necessary for clarity and an explanation of those changes, in the Federal Register for a public comment period of 15 to 60 days; or

"(B) if that determination is negative, the Secretary shall notify the Council in writing of the inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, this Act, and other applicable law.

"(2) Upon receiving a notification under paragraph (1)(B), the Council may revise the proposed regulations and submit them to the Secretary for reevaluation under paragraph (1).

"(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (1)(A). The Secretary shall consult with the Council before making any revisions to the proposed regulations, and must publish in the Federal Register an explanation of any differences between the proposed and final regulations.

"(c) DEFINITION.— For purposes of subsections (a) and (b), the term 'immediately' means on or before the 5th day after the day on which a Council transmits to the Secretary a plan, amendment, or proposed regulation that the Council characterizes as final.

"(d) SECRETARIAL PLAN REVIEW.—

"(1)(A) Whenever, under section 303(e), the Secretary prepares a fishery management plan or amendment, the Secretary shall immediately—

"(i) for a plan or amendment prepared under section 303(e)(1), submit such plan or amendment to the appropriate Council for consideration and comment; and

"(ii) publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(B) Whenever a plan or amendment is submitted under subsection (1)(A)(i), the appropriate Council must submit its comments and recommendations, if any, regarding the plan or amendment to the Secretary before the close of the 60-day period referred to in subparagraph (A)(ii). After the close of such 60-day period, the Secretary, after taking into account any such comments and recommendations, as well as any views, data, or comments submitted under subparagraph (A)(ii), may adopt such plan or amendment.

"(2) The Secretary may propose regulations in the Federal Register to implement any plan or amendment prepared by the Secretary. The comment period on proposed regulations shall be 60 days, except that the Secretary may shorten the comment period on minor revisions to existing regulations.

"(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (3). The Secretary must publish in the Federal Register an explanation of any substantive differences between the proposed and final rules. All final regulations must be consistent with the plan, with the national standards and other provisions of this Act, and with any other applicable law.

"(e) JUDICIAL REVIEW.—

"(1) Regulations promulgated by the Secretary under this Act and actions described in paragraph (2) shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a complaint for such review is filed within 30 days after the date on which the regulations are promulgated or the action is published in the Federal Register, as applicable; except that—

"(A) section 705 of such title is not applicable, and

"(B) the appropriate court shall only set aside any such regulation or action on a ground specified in section 706(2)(A), (B), (C), or (D) of such title.

"(2) The actions referred to in paragraph (1) are actions that are taken by the Secretary under regulations which implement a fishery management plan, including but not limited to actions that establish the date of closure of a fishery to commercial or recreational fishing.

"(3) (A) Notwithstanding any other provision of law, the Secretary shall file a response to any complaint filed in accordance with paragraph (1) not later than 45 days after the date the Secretary is served with that complaint, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

"(B) A response of the Secretary under this paragraph shall include a copy of the administrative record for the regulations that are the subject of the petition.

"(4) Upon a motion by the person who files a complaint under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date and shall expedite the matter in every possible way.

"(f) ESTABLISHMENT OF FEES.—

"(1) The Secretary shall by regulation establish the level of any fees that are authorized to be charged pursuant to section 303(b)(1). The Secretary may enter into a cooperative agreement with the States concerned under which the States administer the permit system and the agreement may provide that all or part of the fees collected under the system shall accrue to the States. The level of fees charged under this paragraph shall not exceed the administrative costs incurred in issuing the permits.

"(2)(A) Notwithstanding paragraph (1), the Secretary shall collect a fee from each person holding an individual transferable quota pursuant to a limited access system established under section 303(b)(6). Fees assessed under this paragraph shall be sufficient to recover the cost of managing the fishery to which the quota applies, including reasonable costs for salaries, training, data analysis and other costs directly related to fishery management and enforcement, up to—

"(i) four percent annually of the value of fish harvested or processed in that year under the individual transferable quota; and

"(ii) an additional 1 percent of the value of fish authorized to be harvested or processed for that year under the individual transferable quota to be assessed on a person receiving an initial quota or transferring a quota.

"(B) The Secretary, in consultation with the Councils, shall promulgate regulations, prescribing the method of determining the value of fish authorized to be taken, the amount of each fee, and the method of collecting fees. Fees collected under this paragraph shall meet the requirements of section 9701(b) of title 31, United States Code. Fees collected under this paragraph shall be an offsetting collection and shall be available only to the Secretary for the purposes of administering and implementing this Act in the region in which the fees were collected.

"(C) Persons holding individual transferable quota pursuant to limited access systems established in the surf clam and ocean quahog fishery or in the wreckfish fishery are exempt from the collection of fees under this paragraph for a period ending 5 years after the date of enactment of the Sustainable Fisheries Act.

"(g) EFFECT OF CERTAIN LAWS ON CERTAIN TIME REQUIREMENTS.—The Secretary shall comply with any applicable provisions of chapter 35 of title 44, United States Code, chapter 6 of title 5, United States Code, and Executive Order Numbered 12866, dated September 30, 1993, within the time limitations specified in subsections (a) and (b).

"(h) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall have general responsibility to carry out the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility.".

SEC. 113. ECOSYSTEM MANAGEMENT.

Section 305 (16 U.S.C. 1855) is amended to read as follows:

"SEC. 305. ECOSYSTEM MANAGEMENT.

"(a) REPORT ON STATUS OF FISHERIES.—The Secretary shall report annually to the Congress and the Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are approaching a condition of being overfished or are overfished. For those fisheries managed under a fishery management plan, the status shall be assessed using the criteria for overfishing specified by the appropriate Council under section 303(a)(10). A fishery shall be classified as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become overfished within 2 years. Any fishery determined to be a commercial fishery failure under section 316, shall be deemed to be overfished for the purposes of subsections (a) and (b).

"(b) FISHERY RECOVERY EFFORT.—

"(1) The Council shall take immediate action to prepare a fishery management plan, a plan amendment, or proposed regulations for fisheries under such Council's authority—

"(A) to prevent overfishing of a fishery from occurring whenever such fishery is classified under subsection (a) as approaching an overfished condition, or

"(B) to stop overfishing of a fishery whenever such fishery is classified under subsection (a) as overfished, and to rebuild affected stocks of fish.

"(2) The Council shall submit a fishery management plan, amendment or proposed regulations required under paragraph (1) to the Secretary within 1 year from the date of transmittal of the report on the status of stocks under subsection (a). For a fishery that is overfished, such fishery management plan, amendment or proposed regulations shall specify a time period for stopping overfishing and rebuilding the fishery. The time period shall be as short as possible, taking into account the status and biology of the overfished stock of fish, the needs of fishery-dependent communities, and the interaction of the overfished stock of fish within the marine ecosystem. The time period may not be more than 10 years, except under extraordinary circumstances.

"(3) During the development of a fishery management plan, a plan amendment, or proposed regulations under this subsection, the Council may request that the Secretary promulgate emergency regulations under subsection (e)(2) to reduce overfishing. Any request by the Council under this paragraph shall be deemed an emergency.

"(c) FISH HABITAT.—

"(1) The Secretary, in cooperation with the Councils and the Secretary of the Interior, after notice and public comment, shall identify the essential fish habitat for each fishery for which a fishery management plan is in effect. The identification shall be based on the description of essential fish habitat contained in the plan.

"(2) Each Council—

"(A) may comment on and make recommendations concerning any activity undertaken, or proposed to be undertaken, by any Federal or State agency that, in the view of the Council, may have an adverse effect on essential fish habitat of a fishery under its authority; and

"(B) shall comment on and make recommendations to any Federal or State department or agency concerning any such activity that, in the view of the Council is likely to substantially affect the habitat of an anadromous fishery resource under its jurisdiction.

"(3) If the Secretary receives information from a Council or determines from other sources that an action authorized, funded, carried out, or proposed to be carried out by any Federal agency may result in the destruction or adverse modification of any essential fish habitat identified under paragraph (1), the Secretary shall comment on and make recommendations to the Federal agency concerning that action.

"(4) Within 45 days after receiving a comment or recommendation under paragraphs (2) or (3) from a Council or the Secretary, a Federal agency shall provide a detailed response, in writing, to the commenting Council and the Secretary regarding the matter. The response shall include a description of measures being considered by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with a recommendation from any Council or the Secretary, the Federal agency shall explain its reasons for not following the recommendations.

"(d) GEAR EVALUATION AND NOTIFICATION OF ENTRY.—

"(1) Each Council shall submit to the Secretary by June 1, 1996, information describing (A) all fishing technologies employed under such Council's authority; and (B) all fisheries under the authority of such Council. The Secretary shall compile such information, along with information to comply with both (A) and (B) for fisheries to which section 302(a)(3) applies.

"(2) By July 15, 1996, the Secretary shall publish a proposed list of all technologies and fisheries, for each Council and for fisheries to which section 302(a)(3) applies, in the Federal Register for a public comment period of not less than 60 days. The Secretary shall include with such list specific guidelines for determining when a technology or fishery is sufficiently different from those listed as to require notification under paragraph (3). Within 30 days after the close of the public comment period the Secretary shall publish in the Federal Register a final list (including the guidelines), after taking into account any public comment received.

"(3) Beginning on the date that is 180 days after the date of the publication of the final list required under paragraph (2), no person or vessel shall employ a fishing technology or engage in a fishery that is not included on the final list for the appropriate Council or for fisheries to which section 302(a)(3) applies without first giving 90 days advance written notice of the intent to employ such unlisted technology or engage in such unlisted fishery to the appropriate Council, or the Secretary with respect to a fishery to which section 302(a)(3) applies. Such notice shall be by first class mail, return receipt requested, and shall include information on the use of the unlisted technology in other fisheries, if any, and a detailed description, including drawings, maps or diagrams if appropriate, of the unlisted technology or unlisted fishery which such person or vessel seeks to employ or engage in.

"(4) A Council may submit to the Secretary amendments to the final list published under paragraph (2) to reflect any substantial changes in the fishing technologies employed or fisheries engaged in under the authority of such Council. The Secretary may submit any amendments for fisheries to which section 302(a)(3) applies. The Secretary shall publish any such amendments in the Federal Register as proposed amendments (along with any proposed revisions to the guidelines) to the final list for a public comment period of not less than 60 days. Within 45 days of the close of the comment period, the Secretary shall publish a revised final list incorporating such proposed amendments, after taking into account any public comments received.

"(5) A Council may request the Secretary to promulgate emergency regulations under subsection (e) prohibiting any persons or vessels from employing an unlisted technology or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that use of such technology or entry into such fishery would compromise the effectiveness of conservation and management efforts under this Act.

"(6) If, after providing the notice required under paragraph (3), no emergency regulations are implemented under paragraph (5), the person or vessel submitting notice under paragraph (3) may, after the required 90 day period has lapsed, employ the unlisted technology or enter the unlisted fishery to which such notice applies. The signed return receipt shall constitute adequate evidence of the submittal of such notice and the date upon which the 90-day period begins.

"(7) A violation of this subsection shall be considered a violation of section 307, punishable under section 308.

"(e) EMERGENCY ACTIONS.—

"(1) If the Secretary finds that an emergency exists involving any fishery, he may promulgate emergency regulations necessary to address the emergency, without regard to whether a fishery management plan exists for such fishery.

"(2) If a Council finds that an emergency exists involving any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery—

"(A) the Secretary shall promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by unanimous vote of the voting members of the Council, requests the taking of such action; and

"(B) the Secretary may promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by less than a unanimous vote, requests the taking of such action.

"(3) Any emergency regulation which changes an existing fishery management plan shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation promulgated under this subsection—

"(A) shall be published in the Federal Register together with the reasons therefor;

"(B) shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for an additional period of not more than 180 days, provided the public has had an opportunity to comment on the emergency regulation, and, in the case of a Council recommendation for emergency regulations, the Council is actively preparing a fishery management plan, amendment, or proposed regulations to address the emergency on a permanent basis;

"(C) that responds to a public health emergency may remain in effect until the circumstances that created the emergency no longer exist, provided that the Secretary of Health and Human Services concurs with the Secretary's action and the public has an opportunity to comment after the regulation is published;

"(D) that reduces overfishing may be approved without regard to the requirements of section 301(a)(1); and

"(E) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.

"(4) The Secretary may, pursuant to guidelines established by a Council in a fishery management plan, close or restrict a particular fishery covered by such fishery management plan in order to prevent overfishing or reduce bycatch. Any such guidelines shall specify appropriate means for providing timely notice to fishermen of any closure or restriction. In exercising the authority granted under this paragraph, the Secretary shall not be required to provide an opportunity for notice and comment if such closure or restriction is done in accordance with the fishery management plan guidelines and does not extend beyond the end of the current fishing period established for that fishery by the fishery management plan.".

SEC. 114. STATE JURISDICTION.

(a) Section 306(b) (16 U.S.C. 1856(b)) is amended by adding at the end the following:

"(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).".

(b) Section 306(c)(1) (16 U.S.C. 1856(c)(1)) is amended—

(1) by striking "and" in subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon and the word "and"; and

(3) by inserting after subparagraph (B) the following:

"(C) the owner or operator of the vessel submits reports on the tonnage of fish received from U.S. vessels and the locations from which such fish were harvested, in accordance with such procedures as the Secretary by regulation shall prescribe.".

SEC. 115. PROHIBITED ACTS.

(a) Section 307(1)(J)(i) (16 U.S.C. 1857(1)(J)(i)) is amended by striking "American Lobster Fishery Management Plan, as implemented by" and ", or any successor to that plan, implemented under this title".

(b) Section 307(1)(L) (16 U.S.C. 1857(1)(L)) is amended to read as follows:

"(L) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, or interfere with any observer on a vessel under this Act, or any data collector employed by or under contract to the National Marine Fisheries Service;".

(c) Section 307(1)(M) (16 U.S.C. 1857(1)(M)) is amended to read as follows:

"(M) to engage in large-scale driftnet fishing on a vessel of the United States or a vessel subject to the jurisdiction of the United States upon the high seas beyond the exclusive economic zone of any nation or within the exclusive economic zone of the United States, (and any vessel that is shoreward of the outer boundary of the exclusive economic zone of the United States or beyond the exclusive economic zone of any nation, and that has onboard gear that is capable of use for large-scale driftnet fishing, shall be presumed to be engaged in such fishing, but that presumption may be rebutted); or".

(d) Section 307(2)(A) (16 U.S.C. 1857(2)(A)) is amended to read as follows:

"(A) in fishing within the boundaries of any State, except—

"(i) recreational fishing permitted under section 201(i),

"(ii) fish processing permitted under section 306(c), or

"(iii) transshipment at sea of fish products within the boundaries of any State in accordance with a permit approved under section 204(b)(6)(A)(ii);".

(e) Section 307(2)(B) (16 U.S.C. 1857(2)(B)) is amended by striking "201(j)" and inserting "201(i)".

(f) Section 307(3) (16 U.S.C. 1857(3)) is amended to read as follows:

"(3) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to transfer at sea directly or indirectly, or attempt to so transfer at sea, any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the exclusive economic zone or within the boundaries of any State except to the extent that the foreign fishing vessel has been permitted under section 204(b)(6)(B) or section 306(c) to receive such fish;".

(g) Section 307(4) (16 U.S.C. 1857(4)) is amended by inserting "or within the boundaries of any State" after "zone".

SEC. 116. CIVIL PENALTIES AND PERMIT SANCTIONS.

(a) The first sentence of section 308(b) (16 U.S.C. 1858(b)) is amended to read as follows: "Any person against whom a civil penalty is assessed under subsection (a), or against whom a permit sanction is imposed under subsection (g) (other than a permit suspension for nonpayment of penalty or fine), may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such order.".

(b) Section 308(g)(1)(C) (16 U.S.C. 1858(g)(1)(C)) is amended by striking the matter from "(C) any" through "overdue," and inserting the following: "(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary, has not been paid and is overdue,".

(c) Section 308(16 U.S.C. 1858) is amended by inserting at the end thereof the following:

"(h) After deduction for any administrative or enforcement costs incurred or other expenditures authorized under this Act, all funds collected under this section shall be deposited in a separate account of the Ocean Conservation Trust Fund established under section 315.".

SEC. 117. ENFORCEMENT.

(a) Section 311(e)(1) (16 U.S.C. 1861(e)(1)) is amended—

(1) by striking "fishery" each place it appears and inserting "marine";

(2) by inserting "of not less than 20 percent of the penalty collected" after "reward" in subparagraph (B), and

(3) by striking subparagraph (E) and inserting the following:

"(E) claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)), as made applicable by section 310(c) of this Act or by any other marine resource law enforced by the Secretary, to seizures made by the Secretary, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and".

(b) Section 311(e)(2) (16 U.S.C. 1861(e)(2)) is amended to read as follows:

"(2) Any person found in an administrative or judicial proceeding to have violated this Act or any other marine resource law enforced by the Secretary shall be liable for the cost incurred in the sale, storage, care, and maintenance of any fish or other property lawfully seized in connection with the violation.".

(c) Section 311 (16 U.S.C. 1861) is amended by redesignating subsection (f) as subsection (h), and by inserting the following after subsection (e):

"(f) ANNUAL REPORT ON ENFORCEMENT.—Each year at the time the President's budget is submitted to the Congress, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall, after consultation with the Councils, submit a report on the effectiveness of the enforcement of fishery management plans and regulations to implement such plans under the jurisdiction of each Council, including—

"(1) an analysis of the adequacy of federal personnel and funding resources related to the enforcement of fishery management plans and regulations to implement such plans; and

"(2) recommendations to improve enforcement that should be considered in developing amendments to plans or to regulations implementing such plans.

"(g) FISHERMEN'S INFORMATION NETWORKS.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, shall conduct a program to encourage the formation of volunteer networks, to be designated as Fishermen's Information Networks, to advise on and assist in the monitoring, reporting, and prevention of violations of this Act.".

SEC. 118. NORTH PACIFIC FISHERIES CONSERVATION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking "research plan" in the section heading and inserting "conservation"; and

(b) by adding at the end the following:

"(f) REDUCTION OF WASTE.—

"(1) No later than June 1, 1996, the North Pacific Fishery Management Council shall include in each fishery management plan under its jurisdiction conservation and management measures, including fees or other incentives, to reduce bycatch in each fishery. Notwithstanding section 304(d), in implementing this subsection the Council may recommend, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, a system of fees to provide an incentive to reduce bycatch, and, in particular, economic and regulatory discards. Any such system of fees or incentives shall be fair and equitable to all fishermen and United States fish processors, and shall not have economic allocation as its sole purpose.

"(2) Not later than January 1, 1997, the North Pacific Fishery Management Council shall recommend, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, conservation and management measures to ensure total catch measurement in each fishery under the Council's jurisdiction. Such conservation and management measures shall ensure the accurate enumeration of target species, economic discards, and regulatory discards.

"(3) Beginning on January 1, 1998, such conservation and management measures shall include a harvest preference or other incentives to fishing and processing practices within each gear group that result in the lowest levels of economic discards, processing waste, regulatory discards, and other bycatch. In determining which practices shall be given priority, the reduction of economic discards shall be given the greatest weight, followed by processing waste (where applicable), regulatory discards and other bycatch, in that order.

"(4) In determining the level of target species catch, economic discards, regulatory discards, other bycatch, and processing waste, the Council and Secretary shall base such determinations on observer data or the best available information.

"(5) In the case of fisheries occurring under an individual transferable quota system under the jurisdiction of the North Pacific Fishery Management Council after January 1, 1998—

"(A) the Council shall designate non-target species, bycatch species, and regulatory discards for each such fishery;

"(B) the Council may not recommend, and the Secretary may not approve, any assignment or allocation of individual transferable quotas for regulatory discards, or non-target species for those fisheries, other than for each individual fishing season on an annual basis pursuant to subparagraph (C) of this paragraph; and

"(C) any harvest preference required under paragraph (3) shall be implemented by giving priority in the allocation of quotas for regulatory discards and non-target species and to fishing practices that result in the lowest levels of economic discards, regulatory discards, processing waste, and other bycatch.

"(6) Nothing in this section shall be construed to preclude the North Pacific Fishery Management Council from allocating a portion of any quota for a directed fishery for use as bycatch in another fishery or fisheries, if the Council determines such allocation is necessary to prosecute a fishery, after taking into account the requirements of this section regarding reduction of bycatch and processing waste.

"(g) FULL RETENTION AND FULL UTILIZATION.—

"(1) The North Pacific Fishery Management Council shall, consistent with the other provisions of this Act, submit to the Secretary by January 1, 1997, a plan to phase-in by January 1, 2000, to the maximum extent practicable, fishery management plan amendments to require full retention by fishing vessels and full utilization by United States fish processors of all fishery resources, except regulatory discards, caught under the jurisdiction of such Council if such fishery resources cannot be quickly returned alive to the sea with the expectation of extended survival.

"(2) The plan shall include conservation and management measures to minimize processing waste and ensure the optimum utilization of target species, including standards setting minimum percentages of target species harvest which must be processed for human consumption.

"(3) In determining the maximum extent practicable, the North Pacific Fishery Management Council shall consider—

"(A) the state of available technology;

"(B) the extent to which species brought on board can be safely returned alive, with the expectation of extended survival, to the sea;

"(C) the extent to which each species is fully utilized as a target species by United States fishermen;

"(D) the impact of different processing practices on the price paid to fishermen and processors;

"(E) the nature and economic costs of each specific fishery; and

"(F) the effect of a full retention or full utilization requirement in a given fishery on other fisheries when compared with the beneficial effect of reducing economic discards and processing waste.

"(4) Notwithstanding section 304(f), the North Pacific Fishery Management Council may propose, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, a system of fines or other incentives to implement this section. Any such fines or incentive system shall be fair and equitable to all fishing vessels and United States fish processors, and shall not have economic allocation as its sole purpose.

"(h) REGULATORY DISCARDS.—

"(1) Regulatory discards shall not be considered an economic discard for purposes of this section, however, the North Pacific Fishery Management Council shall seek to reduce the incidental catch of regulatory discards to the maximum extent practicable while allowing for the prosecution of fisheries under its jurisdiction.

"(2) Not later than June 1, 1996, the North Pacific Fishery Management Council shall propose, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, for each groundfish fishery under the Council's jurisdiction, conservation and management measures to reduce the incidental harvest of regulatory discards to the minimum level necessary to prosecute directed fisheries for designated target species, and to otherwise meet the requirements of this section. Notwithstanding section 304(f), such conservation and management measures may include a system of fines, caps, or other incentives to reduce the incidental harvest of regulatory discards. Any system of fines or incentives under this section shall be fair and equitable to all fishing vessels and United States fish processors, and shall not have economic allocation as its sole purpose.

"(3) The North Pacific Fishery Management Council shall establish for each fishery which incidentally harvests regulatory discards under the Council's jurisdiction a cap which prevents such regulatory discards from being overfished or from being placed in risk of being overfished. Upon reaching such cap, the commercial fishery in which such regulatory discards are incidentally caught shall be closed for that season.

"(i) OBSERVER PROGRAM.—

"(1) Beginning June 1, 1996, the North Pacific Fishery Management Council shall require under the authority granted to it by subsection (a)—

"(A) 100 percent observer coverage on all fishing vessels which can safely accommodate an observer or observers, and at all United States fish processors to the extent that funding for such coverage is available, and

"(B) for vessels which cannot safely accommodate an observer, statistically reliable sampling of a fishing vessel's effort in each fishery in which that fishing vessel participates,

when such vessel or processor is fishing in a fishery under the North Pacific Fishery Management Council's jurisdiction. In implementing subparagraph (A) the North Pacific Fishery Management Council shall require that more than one observer be stationed on a fishing vessel or at a United States fish processor whenever the Council determines that more than one such observer is necessary to accurately monitor that vessel or processor's operation.

"(2) Observers stationed on fishing vessels or at United States fish processors under the authority of this section shall be paid by the Secretary using funds deposited in the North Pacific Fishery Observer Fund. Such payment shall not make an observer an employee of the Federal Government, unless such observer is otherwise employed by an agency of the United States.

"(3) Failure to pay the fee established by the North Pacific Fishery Management Council under subsection (a) shall be a considered a violation of section 307, punishable under section 308. Any fines collected pursuant to the authority granted by this subsection shall be deposited in the North Pacific Fishery Observer Fund account in the United States Treasury, and shall remain available until expended under the terms of that fund.

"(4) Notwithstanding sections 304(f) and subsection (b), the Secretary is authorized to recover from vessels participating in a fishery under an individual fishing quota regime or other limited access program established by the North Pacific Fishery Management Council, the full cost of any observers stationed on such vessel (including all costs for salaries, expenses, equipment, food and lodging, transportation, insurance, and analysis of observer data, plus reasonable costs for training and administrative overhead). Each participant in an individual fishing quota regime shall only be required to contribute the same proportion of the costs as that participant's quota shares represent to the total number of quota shares in such regime. To the extent that the costs recovered under this paragraph exceed the fee established by the Council under subsection (b), the Secretary shall deduct any payment by a vessel under subsection (b) from the amount owed by such vessel under this paragraph. The Secretary shall deposit any fees collected under this paragraph in the North Pacific Fishery Observer Fund account in the United States Treasury.

"(j) INDUSTRY ASSISTANCE.—

"(1) The Secretary shall submit a plan by January 1, 1996, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives to develop jointly with industry accurate methods of weighing the fish harvested by U.S. fishing vessels in fisheries under the jurisdiction of the North Pacific Fishery Management Council. Such plan shall include methods for assessing contributions from industry to fund such development, as well as recommendations from the Secretary concerning the level of funds needed to successfully implement the plan in fiscal year 1997.

"(2) The Secretary shall submit by January 1, 1996, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a plan to develop markets and harvesting and processing techniques for arrowtooth flounder. The Secretary shall include in such plan recommendations concerning the level of funds needed to successfully implement the plan in fiscal year 1997.

"(3) For fiscal years 1996, 1997, 1998, and 1999, $50,000 is authorized to be appropriated for the purposes of implementing paragraph (1), and $250,000 is authorized to be appropriated for programs to implement paragraph (2).

"(k) DEFINITION.—For the purposes of this section, 'processing waste' means that portion of a fish which is processed and which could be used for human consumption or other commercial use, but which is not so used.".

SEC. 119. TRANSITION TO SUSTAINABLE FISHERIES.

(a) The Act is amended by adding at the end of title III the following:

"SEC. 315. TRANSITION TO SUSTAINABLE FISHERIES.

"(a) SUSTAINABLE DEVELOPMENT STRATEGY.—

"(1) At the discretion of the Secretary or at the request of the Governor of an affected State or a fishery dependent community, the Secretary, in consultation with the Councils and Federal agencies, as appropriate, may work with regional authorities, affected States, fishery dependent communities, the fishing industry, conservation organizations, and other interested parties, to develop a sustainable development strategy for any fishery classified as overfished under section 305(a) or determined to be a commercial fishery failure under section 316.

"(2) Such sustainable development strategy shall—

"(A) take into consideration the economic, social, and ecological factors affecting the fishery and provide recommendations for addressing such factors in the development of a fishery recovery effort under section 305(b);

"(B) identify Federal and State programs which can be used to provide assistance to fishery dependent communities during development and implementation of a fishery recovery effort;

"(C) develop a balanced and comprehensive long-term plan to guide the transition to a sustainable fishery, identifying alternative economic opportunities and establishing long-term objectives for the fishery including vessel types and sizes, harvesting and processing capacity, and optimal fleet size;

"(D) establish procedures to implement such a plan and facilitate consensus and coordination in regional decision-making; and

"(E) include any program established under subsection (b) to reduce the number of vessels or level of capital investment in the fishery.

"(2) REPORT.—The Secretary shall complete and submit to the Congress a report on any sustainable development strategy developed under this section within 6 months and annually thereafter.

"(b) Buy-out Program.—

"(1) The Secretary, in consultation with the appropriate Council, may develop and implement a buy-out program for fishing vessels or permits in a fishery for the purpose of reducing the number of fishing vessels and fishing effort in such fishery, if the Secretary, with the concurrence of the majority of the voting members of such Council, determines that a buy-out program is necessary for the development and implementation of a fishery recovery effort under section 305(b).

"(2) Any buy-out program developed or implemented in a fishery shall—

"(A) require a fishery management plan to be in place for such fishery that is adequate to limit access to the fishery and prevent the replacement of fishing effort removed by the buy-out program;

"(B) require fishing vessels or permits acquired under such program to be disposed of in a manner ensuring that such vessels or permits do not re-enter the fishery or contribute to excess fishing effort in other fisheries;

"(C) establish criteria for determining types and numbers of vessels which are eligible for participation in such program consistent with—

"(i) any strategy developed under subsection (a);

"(ii) the requirements of applicable fishery management plans; and

"(iii) the need to minimize program costs;

"(D) establish procedures (such as submission of owner bid under an auction system or fair market-value assessment) to be used in determining the level of payment for fishing vessels or permits acquired under the program; and

"(E) identify Federal and non-Federal mechanisms for funding the buy-out program, consistent with paragraphs (3) and (4).

"(3) The Federal share of the cost of a buy-out program implemented under this section shall not exceed 50 percent of the cost of that program. Such Federal share may be provided from monies deposited in the Ocean Conservation Trust under section 308(h) or monies made available under section 316(b) of this Act or under section 2(b) of the Act of August 11, 1939 (15 U.S.C. 713c-3(b)).

"(4) Notwithstanding section 305(f)(1), the Secretary, with the concurrence of a majority of the voting members of the affected Council, may establish a fee system to collect those funds required for the non-Federal share of such program that are not available from other non-Federal sources. Under such fee system, the Secretary may assess an annual fee on holders of fishing permits in the fishery for which the buy-out program is established which may not exceed 5 percent annually of the value of the fish harvested under the fishing permit. Assessments may not be used to pay any costs of administrative overhead or other costs not directly incurred in carrying out the specific buy-out program under which they are collected. Assessments shall be deposited in the Ocean Conservation Trust fund established under subsection (d) and shall be considered part of the non-Federal share of the cost of a buyout program.

"(5)(A) Upon completion of a proposal for a buy-out program (including any fee system to be established under this subsection), the Secretary shall immediately—

"(i) submit the proposed program and regulations necessary for its implementation to the appropriate Council for consideration and comment; and

"(ii) publish in the Federal Register a notice stating that the proposed program and regulations are available and that written data, views, or comments of interested persons on the proposed program and regulations may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(B) During the 60-day public comment period—

"(i) the Secretary shall conduct a public hearing in each State affected by the proposed buy-out program; and

"(ii) the appropriate Council shall submit its comments and recommendations, if any, regarding the proposed program and regulations.

"(C) Within 45 days after the close of the public comment period, the Secretary, in consultation with the affected Council, shall analyze the public comment received and publish a final buy-out program and regulations for its implementation. The Secretary shall include an explanation of any substantive differences between the proposed and final program and regulations.

"(c) Task Force.—The Secretary shall establish a task force to assist in the development of a sustainable development strategy or a buy-out program under this section. Such task force shall, at a minimum, consist of members of the affected communities and individuals with expertise in fishery management and conservation, economics, and sociology. Members of the task force are authorized to receive per diem and travel expenses consistent with section 302 of this Act.

"(d) Ocean Conservation Trust Fund.—There is established in the Treasury an Ocean Conservation Trust Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purpose of carrying out the provisions of this section subject to the restrictions of this Act. This fund shall consist of all monies deposited into it in accordance with this section and section 308(h). Sums in the Fund that are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"SEC. 316. FISHERIES DISASTER RELIEF.

"(a) Determination of Failure.—At the discretion of the Secretary or at the request of the Governor of an affected State or a fishery dependent community, the Secretary shall determine whether there is a commercial fishery failure due to a fishery resource disaster as a result of—

"(1) natural causes;

"(2) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures; or

"(3) undetermined causes.

"(b) Economic Assistance.—

"(1) Upon the determination under subsection (a) that there is a commercial fishery failure, the Secretary is authorized to make sums available to be used by the affected State, fishery dependent community, or by the Secretary in cooperation with the affected State or fishery dependent community for—

"(A) assessing the economic and social effects of the commercial fishery failure; and

"(B) any activity that the Secretary determines is appropriate to restore the fishery or prevent a similar failure in the future and to assist a fishery dependent community affected by such failure.

"(2) Before making funds available for an activity authorized under this section, the Secretary shall make a determination that such activity will not expand the size or scope of the commercial fishery failure into other fisheries or other geographic regions.

"(c) Federal Cost-sharing.—The Federal share of the cost of any activity carried out under the authority of this section shall not exceed 75 percent of the cost of that activity.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of the fiscal years 1995, 1996, 1997, 1998 and 1999, provided that such sums are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(b)Section 2(b)(1)(A) of the Act of August 11, 1939 (15 U.S.C. 713c-3(b)(1)(A)) is amended—

(1) by striking "and" at the end of clause (ii); and

(2) by adding at the end the following new clause:

"(iii) to fund the Federal share of a buy-out program established under section 315(b) of the Magnuson Fishery Conservation and Management Act.".

TITLE II—FISHERY MONITORING AND RESEARCH

SEC. 201. CHANGE OF TITLE.

The heading of title IV (16 U.S.C. 1881 et seq.) is amended to read as follows:

"TITLE IV—FISHERY MONITORING AND RESEARCH".

SEC. 202. REGISTRATION AND DATA MANAGEMENT.

Title IV (16 U.S.C. 1881 et seq.) is amended by inserting after the title heading the following:

"SEC. 401. REGISTRATION AND DATA MANAGEMENT.

"(a) Standardized Fishing Vessel Registration and Data Management System.—The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and data management system on a regional basis. The proposed system shall be developed after consultation with interested governmental and nongovernmental parties and shall—

"(1) be designed to standardize the requirements of vessel registration and data collection systems required by this Act, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary;

"(2) integrate programs under existing fishery management plans into a nonduplicative data collection and management system;

"(3) avoid duplication of existing state, tribal, or federal systems (other than a federal system under paragraph (1)) and utilize, to the maximum extent practicable, information collected from existing systems;

"(4) provide for implementation through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions;

"(5) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

"(6) minimize the paperwork required for vessels registered under the system;

"(7) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels, except for private recreational fishing vessels used exclusively for pleasure; and

"(8) prescribe procedures necessary to ensure the confidentiality of information collected under this section.

“(b) Fishing Vessel Information.—The registration and data management system should, at a minimum, obtain the following information for each fishing vessel—

“(1) the name and official number or other identification, together with the name and address of the owner or operator or both;

“(2) vessel capacity, type and quantity of fishing gear, mode of operation (catcher, catcher processor or other), and such other pertinent information with respect to vessel characteristics as the Secretary may require;

“(3) identification of the fisheries in which the fishing vessel participates;

“(4) estimated amounts of fish caught, and processed (if applicable) in each fishery; and

“(5) the geographic area of operations and the season or period during which the fishing vessel operates.

“(c) Fishery Information.—The registration and data management system should, at a minimum, provide basic fisheries performance data for each fishery, including—

“(1) the number of vessels participating in the fishery;

“(2) the time period in which the fishery occurs;

“(3) the approximate geographic location, or official reporting area where the fishery occurs;

“(4) a description of fishery gear used in the fishery, including the amount of such gear and the appropriate unit of fishery effort;

“(5) catch and ex-vessel value of the catch for each stock of fish in the fishery; and

“(6) the amount and types of economic and regulatory discards, and an estimate of any other bycatch.

“(d) Public Comment.—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register for a 60-day public comment period, a proposal that would provide for implementation of a standardized fishing vessel registration and data collection system that meets the requirements of subsections (a) through (c). The proposal shall include—

“(1) a description of the arrangements for consultation and cooperation with the department in which the Coast Guard is operating, the States, the Councils, Marine Fisheries Commissions, the fishing industry and other interested parties; and

“(2) proposed regulations and legislation necessary to implement the proposal.

“(e) Congressional Transmittal.—Within 60 days after the end of the comment period and after consideration of comments received under subsection (d), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a proposal for implementation of a national fishing vessel registration system that includes—

“(1) any modifications made after comment and consultation;

“(2) a proposed implementation schedule; and

“(3) recommendations for any such additional legislation as the Secretary considers necessary or desirable to implement the proposed system.

“(f) Report to Congress.—Within 15 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall report to Congress on the need to include private recreational fishing vessels used exclusively for pleasure into a national fishing vessel registration and data collection system. In preparing its report, the Secretary shall cooperate with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, and consult with governmental and nongovernmental parties.”.

SEC. 203. DATA COLLECTION.

Section 402 is amended to read as follows:

“SEC. 402. DATA COLLECTION.

“(a) Council Requests.—If a Council determines that additional information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement a data collection program for the fishery which would provide the types of information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) specified by the Council. The Secretary shall approve such a data collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for a data collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this subsection regarding a Council request shall be made within a reasonable period of time after receipt of that request.

“(b) Confidentiality of Information.—Any information submitted to the Secretary by any person in compliance with any requirement under this Act shall be confidential and shall not be disclosed if disclosure would significantly impair the commercial interests of the person from whom the information was obtained, except—

“(1) to Federal employees and Council employees who are responsible for fishery management plan development and monitoring;

“(2) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

“(3) when required by court order;

“(4) when such information is used to verify catch under an individual transferable quota system; or

“(5) unless the Secretary has obtained written authorization from the person submitting such information to release such information and such release does not violate other requirements of this subsection.

The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with regulations promulgated under this Act.

“(c) Restriction on Use of Certain Data.—

“(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), or the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

“(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a Federal fishing permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.”.

SEC. 204. OBSERVERS.

Title IV of the Act (16 U.S.C. 1882) is amended by adding the following new section 403:

“SEC. 403. OBSERVERS.

“(a) Guidelines for Carrying Observers.—Within one year of the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and public comment, for fishing vessels that are required to carry observers. The regulations shall include guidelines for determining—

“(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

“(2) actions which vessel owners or operators may reasonably be asked to take to render such facilities adequate and safe.

“(b) Training.—The Secretary, in cooperation with State programs and the National Sea Grant College Program, shall—

“(1) establish programs to ensure that each observer receives adequate training in collecting and analyzing data necessary for the conservation and management purposes of the fishery to which such observer is assigned; and

“(2) require that an observer demonstrate competence in fisheries science and statistical analysis at a level sufficient to enable such person to fulfill the responsibilities of the position.

“(c) Wages as Maritime Liens.—Claims for observers' wages shall be considered maritime liens against the vessel and be accorded the same priority as seamen's liens under admiralty and general maritime law.”.

SEC. 205. FISHERIES RESEARCH.

Section 404 is amended to read as follows:

“SEC. 404. FISHERIES RESEARCH.

“(a) In General.—The Secretary shall initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such program shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management and on the economics of the fisheries.

“(b) Strategic Plan.—Within one year after the date of enactment of the Sustainable Fisheries Act, and at least every 3 years thereafter, the Secretary shall develop and publish in the Federal Register a strategic plan for fisheries research for the five years immediately following such publication. The plan shall—

"(1) identify and describe a comprehensive program with a limited number of priority objectives for research in each of the areas specified in subsection (c);

"(2) indicate the goals and timetables for the program described in paragraph (1); and

"(3) provide a role for commercial fishermen in such research, including involvement in field testing.

"(c) AREAS OF RESEARCH.—The areas of research referred to in subsection (a) are as follows:

"(1) Research to support fishery conservation and management, including but not limited to, research on the economics of fisheries and biological research concerning the abundance and life history parameters of stocks of fish, the interdependence of fisheries or stocks of fish, the identification of essential fish habitat, the impact of pollution on fish populations, the impact of wetland and estuarine degradation, and other matters bearing upon the abundance and availability of fish.

"(2) Conservation engineering research, including the study of fish behavior and the development and testing of new gear technology and fishing techniques to minimize bycatch and any adverse effects on essential fish habitat and promote efficient harvest of target species.

"(3) Information management research, including the development of a fishery information base and an information management system that will permit the full use of data in the support of effective fishery conservation and management.

"(d) PUBLIC NOTICE.—In developing the plan required under subsection (a), the Secretary shall consult with relevant Federal, State, and international agencies, scientific and technical experts, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan. The Secretary shall ensure that affected commercial fishermen are actively involved in the development of the portion of the plan pertaining to conservation engineering research. Upon final publication in the Federal Register, the plan shall be submitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.".

SEC. 206. INCIDENTAL HARVEST RESEARCH.

Section 405 is amended to read as follows:

"SEC. 405. INCIDENTAL HARVEST RESEARCH.

"(a) COLLECTION OF DATA.—Within 9 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall, after consultation with the Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council, conclude the collection of data in the program to assess the impact on fishery resources of incidental harvest by the shrimp trawl fishery within the authority of such Councils. Within the same time period, the Secretary shall make available to the public aggregated summaries of data collected prior to June 30, 1994 under such program.

"(b) IDENTIFICATION OF STOCK.—The program concluded pursuant to subsection (a) shall provide for the identification of stocks of fish which are subject to significant incidental harvest in the course of normal shrimp trawl fishing activity.

"(c) COLLECTION AND ASSESSMENT OF SPECIFIC STOCK DATA.—For stocks of fish identified pursuant to subsection (b), with priority given to stocks which (based upon the best available scientific information) are considered to be overfished, the Secretary shall conduct—

"(1) a program to collect and evaluate data on the nature and extent (including the spatial and temporal distribution) of incidental mortality of such stocks as a direct result of shrimp trawl fishing activities;

"(2) an assessment of the status and condition of such stocks, including collection of information which would allow the estimation of life history parameters with sufficient accuracy and precision to support sound scientific evaluation of the effects of various management alternatives on the status of such stocks; and

"(3) a program of data collection and evaluation for such stocks on the magnitude and distribution of fishing mortality and fishing effort by sources of fishing mortality other than shrimp trawl fishing activity.

"(d) INCIDENTAL MORTALITY REDUCTION PROGRAM.—The Secretary shall, in cooperation with affected interests, commence a program to design and evaluate the efficacy of technological devices and other changes in fishing technology for the reduction of incidental mortality of nontarget fishery resources in the course of shrimp trawl fishing activity which are designed to be inexpensive to operate and which cause insignificant loss of shrimp. Such program shall take into account local conditions and include evaluation of any reduction in incidental mortality, as well as any reduction or increase in the retention of shrimp in the course of normal fishing activity.

"(e) REPORT TO THE CONGRESS.—The Secretary shall, within one year of completing the programs required by this subsection, submit a detailed report on the results of such programs to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.

"(f) IMPLEMENTATION CRITERIA.—Any measure implemented under this Act to reduce the incidental mortality of nontarget fishery resources in the course of shrimp trawl fishing shall, to the extent practicable,—

"(1) apply to such fishing throughout the range of the nontarget fishery resource concerned; and

"(2) be implemented first in those areas and at those times where the greatest reduction of such incidental mortality can be achieved.".

SEC. 207. REPEAL.

Section 406 (16 U.S.C. 1882) is repealed.

SEC. 208. CLERICAL AMENDMENTS.

The table of contents is amended by striking the matter relating to title IV and inserting the following:

"Sec. 315. Transition to sustainable fisheries.
"Sec. 316. Fisheries disaster relief.

"TITLE IV—FISHERY MONITORING AND RESEARCH

"Sec. 401. Registration.
"Sec. 402. Data collection.
"Sec. 403. Observers.
"Sec. 404. Fisheries research.
"Sec. 405. Incidental harvest research.".

TITLE III—FISHERIES STOCK RECOVERY FINANCING

SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Stock Recovery Financing Act".

SEC. 302. FISHERIES STOCK RECOVERY REFINANCING.

Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271 et seq.), is amended by adding at the end the following new section:

"Sec. 1111. (a) Pursuant to the authority granted under section 1103(a) of this title, the Secretary shall, under such terms and conditions as the Secretary shall prescribe by regulation, guarantee and make commitments to guarantee the principal of, and interest on, obligations which aid in refinancing, in a manner consistent with the reduced cash flows available to obligors because of reduced harvesting allocations during implementation of a fishery recovery effort, existing obligations relating to fishing vessels or fishery facilities. Guarantees under this section shall be subject to all other provisions of this title not inconsistent with the provisions of this section. The provisions of this section shall, notwithstanding any other provisions of this title, apply to guarantees under this section.

"(b) Obligations eligible to be refinanced under this section shall include all obligations which financed or refinanced any expenditures associated with the ownership or operation of fishing vessels or fishery facilities, including but not limited to expenditures for reconstructing, reconditioning, purchasing, equipping, maintaining, repairing, supplying, or any other aspect whatsoever of operating fishing vessels or fishery facilities, excluding only such obligations—

"(1) which were not in existence prior to the time the Secretary approved a fishery recovery effort eligible for guarantees under this section and whose purpose, in whole or in part, involved expenditures which resulted in increased vessel harvesting capacity; and

"(2) as may be owed by an obligor either to any stockholder, partner, guarantor, or other principal of such obligor or to any unrelated party if the purpose of such obligation had been to pay an obligor's preexisting obligation to such stockholder, partner, guarantor, or other principal of such obligor.

"(c) The Secretary shall refinance up to 100 percent of the principal of, and interest on, such obligations, but, in no event, shall the Secretary refinance an amount exceeding 75 percent of the unencumbered (after deducting the amount to be refinanced by guaranteed obligations under this section) market value, as determined by an independent marine surveyor, of the fishing vessel or fishery facility to which such obligations relate plus 75 percent of the unencumbered (including but not limited to homestead exemptions) market value, as determined by an independent marine surveyor, of all other supplementary collateral. The Secretary shall do so regardless of—

"(1) any fishing vessel or fishery facility's actual cost or depreciated actual cost; and

"(2) any limitations elsewhere in this title on the amount of obligations to be guaranteed or such amount's relationship to actual cost or depreciated actual cost.

"(d) Obligations guaranteed under this section shall have such maturity dates and other provisions as are consistent with the intent and purpose of this section (including but not limited to provisions for obligors to pay only the interest accruing on the principal of such obligations during the period in which fisheries stocks are recovering, with the principal and interest accruing thereon being fully amortized between the date stock recovery is projected to be completed and the maturity date of such obligations).

"(e) No provision of section 1104A(d) of this title shall apply to obligations guaranteed under this section.

"(f) The Secretary shall neither make commitments to guarantee nor guarantee obligations under this section unless—

"(1) the Secretary has first approved the fishery recovery effort, for the fishery in which vessels eligible for the guarantee of obligations under this section are participants; and

"(2) the Secretary has considered such factors as—

"(A) the projected degree and duration of reduced fisheries allocations;

"(B) the projected reduction in fishing vessel and fishery facility cash flows;

"(C) the projected severity of the impact on fishing vessels and fishery facilities;

"(D) the projected effect of the fishery recovery effort;

"(E) the provisions of any related fishery management plan under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

"(F) the need for and advisability of guarantees under this section;

"(3) the Secretary finds that the obligation to be guaranteed will, considering the projected effect of the fishery recovery effort involved and all other aspects of the obligor, project, property, collateral, and any other aspects whatsoever of the obligation involved, constitute, in the Secretary's opinion, a reasonable prospect of full repayment; and

"(4) the obligors agree to provide such security and meet such other terms and conditions as the Secretary may, pursuant to regulations prescribed under this section, require to protect the interest of the United States and carry out the purpose of this section.

"(g) All obligations guaranteed under this section shall be accounted for separately, in a subaccount of the Federal Ship Financing Fund to be known as the Fishery Recovery Refinancing Account, from all other obligations guaranteed under the other provisions of this title and the assets and liabilities of the Federal Ship Financing Fund and the Fishery Recovery Refinancing Account shall be segregated accordingly.

"(h) For the purposes of this section, the term 'fishery recovery effort' means a fishery management plan, amendment, or regulations required under section 305(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854(b)) to rebuild a fishery which the Secretary has determined to be a commercial fishery failure under section 316 of such Act.".

SEC. 303. FEDERAL FINANCING BANK RELATING TO FISHING VESSELS AND FISHERY FACILITIES.

Section 1104A(b)(2) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(b)(2)), is amended by striking "*Provided, further*, That in the case of a fishing vessel or fishery facility, the obligation shall be in an aggregate principal amount equal to 80 percent of the actual cost or depreciated actual cost of the fishing vessel or fishery facility, except that no debt may be placed under this proviso through the Federal Financing Bank:" and inserting the following: "*Provided, further*, That in the case of a fishing vessel or fishery facility, the obligation shall be in an aggregate principal amount not to exceed 80 percent of the actual cost or depreciated actual cost of the fishing vessel or fishery facility, and obligations related to fishing vessels and fishery facilities under this title shall be placed through the Federal Financing Bank unless placement through the Federal Financing Bank is not reasonably available or placement elsewhere is available at a lower annual effective yield than placement through the Federal Financing Bank:".

SEC. 304. FEES FOR GUARANTEEING OBLIGATIONS.

Section 1104A(e) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(e)), is amended to read as follows:

"(e)(1) The Secretary is authorized to fix a fee for the guarantee of obligations under this title. Obligors shall pay all such fees to the Secretary when moneys are first advanced under guaranteed obligations and at least 60 days prior to each anniversary date thereafter. All such fees shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe.

"(2) For fishing vessels and fishery facilities, such fee shall—

"(A) if the obligation will not be purchased by the Federal Financing Bank, be in an amount equal to 1 percent per year of the average principal amount of the obligation outstanding (unless such obligation is issued under section 1111 of this title, in which case such fee shall be 1 and one-half percent per year of such average principal amount; and

"(B) if the obligation will be purchased by the Federal Financing Bank, be in an amount equal to 2 percent per year of the average principal amount of the obligation outstanding (unless such obligation is issued under section 1111 of this title, in which case such fee shall be 2 and one-half percent per year of such average principal amount), less any fee the Federal Financing Bank customarily charges for its services with respect to federally guaranteed obligations purchased by it and less the amount, if any, by which the interest rate on such obligation (which shall be fixed at the time the Federal Financing Bank commits to purchase such obligation) exceeds the current new issue rate on outstanding marketable obligations of the United States of comparable maturity.

"(3) For everything other than fishing vessels and fishery facilities, such fee shall—

"(A) if the security for the guarantee of an obligation under this title relates to a delivered vessel, not be less than one-half of 1 percent per year nor more than 1 percent per year of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this title; and

"(B) if the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, not be less than one-quarter of 1 percent per year nor more than one-half of 1 percent per year of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this title. For the purposes of this subsection, if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary. The regulations to be prescribed by the Secretary under this subsection shall provide a formula for determining the creditworthiness of obligors under which the most creditworthy obligors pay a fee computed on the lowest allowable percentage and the least creditworthy obligors pay a fee which may be computed on the highest allowable percentage (the range of creditworthiness to be based on obligors which have actually issued guaranteed obligations).".

SEC. 305. SALE OF ACQUIRED COLLATERAL.

Section 1104A(a)(3) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(a)(3)), is amended by inserting after "financing" the following: "(without requiring subsidy cost ceiling or other authorization under the Federal Credit Reform Act of 1990)".

Mr. KERRY. Mr. President, on March 1, 1977, the Fishery Conservation and Management Act was signed into law in response to an urgent threat to the valuable living marine resources of our coastal waters. At that time, the threat to our domestic fisheries came in the form of an efficient and aggressive state-of-the-art foreign fishing fleet that was operating within sight of our shores and displacing our domestic fishermen and processors. In response, Congress, led by Senator Warren Magnuson, passed the Fishery Conservation and Management Act establishing a 200-mile fishery conservation zone and asserting United States management authority over fish within the conservation zone, as well as over anadromous species such as salmon throughout their migratory range. In honor of Senator Magnuson's leadership, in 1980, the act was officially retitled the Magnuson Fishery Conservation and Management Act.

The Magnuson Act succeeded—it limited the operation of foreign fishing vessels and processors and encouraged the development of the U.S. domestic fishing fleet and processing industry. In 1993, U.S. commercial fishermen landed over 10 billion pounds of fish, producing $3.4 billion in dockside revenues. By weight of catch, the United States is now the world's sixth largest fishing nation. The United States is also the top seafood exporter, with exports valued at $3.1 billion in 1993.

However, we have succeeded too well in some ways, and today there is another threat to our coastal fisheries. The threat is not from abroad but from ourselves. Since the implementation of the Magnuson Act, the number of commercial groundfish vessels in New England has increased by 70 percent, and the number of fishermen has risen by 130 percent. Although fish and shellfish are renewable resources, they are not unlimited. In several U.S. fisheries, a pattern has been repeated: Fishermen, lured by the promise of large and lucrative harvests, enter a fishery when fish populations are abundant. As the fishery develops, larger boats often replace smaller boats, the number of boats increases, and new technologies are continually introduced to improve each vessel's fishing power and efficiency. In several U.S. fisheries, these trends have been bolstered by government policies, including tax incentives and Federal loan guarantees, designed to stimulate development of the domestic fishing industry. The result is that the harvesting capacity in many fisheries has outpaced the capacity of the fisheries to renew themselves. U.S. fisheries also have suffered from destruction of essential habitat, destructive fishing practices, and water pollution.

The key to the success of the Magnuson Act is the ability of the eight regional fisheries management councils established under the act to work with the National Marine Fisheries Service to manage the fisheries on a regional level while meeting the national standards set forth in the act. The councils have made a substantial effort to manage the Nation's fisheries—as of September 1, 1993, 33 fishery management plans are in effect with several others in development. However, their success in managing the nation's fisheries has been mixed. Critics charge that since the enactment of the Magnuson Act, the councils have sometimes reacted to developments in fisheries rather than anticipating problems—even when looming problems are apparent. In addition, the complexity of the process has impeded the council response, often exacerbating the problem. In many instances, minor management actions could have been taken sooner to avoid the need for more dramatic measures later. In some regions, including parts of the Northwest, the council members are no longer perceived as stewards of the public resource, providing fair and balanced representation, but are seen as protectors of special economic interests. The Magnuson Act requires that council members be knowledgeable or experienced with regard to the conservation and management, or the recreational or commercial harvest, of the fishery resources within their respective geographic areas of responsibility. However, this requirement has created situations in which a council member may have personal or financial interests in a fishery he or she is responsible for managing.

In fact, despite the work of the councils, problems continue to exist in varying degrees in many regions. These include: continued overfishing; lack of coordination between councils and the Federal Government; lack of accountability; inconsistency in State and Federal management measures; and adoption of unenforceable management measures.

Perhaps the most visible example of the problems in fisheries management is one with which I unfortunately am too familiar—the collapse of the traditional New England groundfish stocks of cod, haddock, and yellowtail flounder. In 1990, the commercial fishing industry in Massachusetts was a $300 million industry. By 1993, revenues had dropped to almost $232 million, and this year revenues are certain to be much lower.

In 1993, the decline of these valuable fish stocks necessitated a substantial amendment to the fisheries management plan for these stocks in an effort to eliminate overfishing by cutting in half fishing mortality over the next 5 to 7 years. The initiation of regulations necessary to rebuild the fishery has already had significant economic impact on the coastal communities throughout New England. However, even before those programs could be fully implemented, scientific information from the National Marine Fisheries Service indicated that the situation was worse than predicted, and as a result the New England Fisheries Management Council voted to recommend that the Secretary of Commerce take emergency action to address the crisis in New England while it develops a plan amendment under normal procedures. In December, the Secretary took emergency action to close portions of U.S. waters of the Georges Bank and southern New England to commercial fishing in an effort to save the traditional groundfish stocks from commercial extinction. These emergency measures are the latest blows to the New England fishing industry that is already staggering from the dire situation which they face. Further fishing restrictions are likely to have disastrous economic and social impacts on the historic fishing communities of the Northeast. These problems must be addressed and reversed for the sake of the fishermen and the fish in New England and throughout the Nation.

Over the last 2 years, the Commerce Committee has conducted a series of hearings here in Washington and in fishing communities around the U.S. coast. We have reviewed comments from members of the fishing industry, the administration, conservation groups and other public interest groups. This has been a bipartisan effort. I have worked closely with the senior Senator from Alaska. We and our colleagues share the desire to ensure plentiful yields of fish for years to come. The bill that I am introducing today is an effort to address the existing problems of the fisheries management process.

I recognize that this bill is ambitious in scope. However, the fisheries of the United States are at a crossroads and significant action is required to remedy our fisheries management problems and preserve the way of life of our fishing communities. Fish on the dinner table is something that many Americans may have taken for granted in the past; but unless we take steps to ensure that these vital resources are conserved, they will not be there for future generations. I hope my colleagues will join me in committing themselves to passing legislation as soon as possible to ensure that the fisheries of the United States once again will be bountiful and sustainable. I look forward to working with the new chairman of the Commerce Committee, Senator PRESSLER, and his staff and of course, the former chairman and now ranking Democratic member, Senator HOLLINGS and his staff, toward this end. I want to thank Senator HOLLINGS, Senator STEVENS and his staff, and the staff of the majority and the minority, for their assistance in preparing this bipartisan bill for introduction today.

I ask unanimous consent that a summary of the bill's principal provisions, and the bill itself, appear in the RECORD following my remarks.

SUMMARY OF MAJOR PROVISIONS—SUSTAINABLE FISHERIES ACT OF 1995

The Sustainable Fisheries Act amends the Magnuson Fishery Conservation and Management Act to extend the authorization of appropriations through 1999, strengthen conservation efforts and rebuild depleted fisheries. Major provisions include the following:

FISHERIES CONSERVATION

Preventing overfishing and rebuilding depleted fisheries. The bill would require the Councils to define overfishing in each fishery management plan. It also calls for an annual report by the Secretary of Commerce (Secretary) on the status of fisheries under each Council and identification of fisheries that are overfished or approaching an overfished condition. A Council would have one year to come up with a plan to stop overfishing and rebuild the fishery, and the Secretary would be required to step in if the Council fails to act. While a plan is under development, interim measures to reduce overfishing could be implemented as emergency measures. To deal with the socioeconomic issues associated with rebuilding the fishery, the Secretary would work with the states and local communities to develop a sustainable development strategy.

Habitat protection. The Secretary would be required to identify essential habitat for all fisheries under management, based on information provided by the Councils. The bill also would expand the existing authority of the Councils and the Secretary to comment and make recommendations to Federal agencies concerning actions that would affect essential fish habitat. In addition, the Secretary and the Councils would develop and publish a list of fisheries and approved gear for each fishery. Ninety days prior to using a new gear type or expanding into a new fishery, a fisherman would be required to provide a Council with notice and the opportunity to take emergency action to restrict such gear or fishery.

Bycatch and waste reduction. The bill defines categories of bycatch and requires any fishery management plan developed by a Council or the Secretary to (1) assess the level of bycatch concurring in each fishery, including the effect of a fishery on other stocks of fish in the ecosystem; and (2) minimize, to the extent practicable, mortality caused by waste and discards of unusable fish. In addition, the bill would encourage plans to provide incentives for fishing vessels within each gear group to reduce bycatch. Finally, provisions are included to establish specific timetables for reducing waste and promoting full utilization in the North Pacific fisheries.

MANAGEMENT PROCESS

Streamlining the approval process for plans and regulations. The bill simplifies and tightens the approval process for fishery management plans and regulations.

Council procedures and conflicts of interest. The bill proposes a number of changes to increase Council accountability, requiring that (1) a Council member be recused from voting on a Council decision "which would have a significant and predictable effect" on any financial interest; (2) each Council keep detailed minutes of each Council meeting, including a complete and accurate description of discussions and conclusions; (3) each Council record all roll call votes; and (4) with advance notice and member concurrence, each Council consider additional agenda items at meetings. The bill also establishes procedures for appointing a treaty tribe representative to the Pacific Council.

Individual transferable quotas (ITQ). The bill prohibits the Secretary from approving ITQ programs until guidelines are established to deal with ITQ-related issues such as initial allocation, eligibility for participation, consolidation, and access by entry-level fishermen. To cover management costs of an ITQ program, the Secretary would be authorized to establish an annual fee of up to four percent of the value of the fish harvested or processed, and an additional one percent transfer fee. A 5-year fee exemption is provided in the existing programs for the surf clam and ocean quahog fishery and the wreckfish fishery. The bill also clarifies that ITQs do not convey a property right and are subject to termination at any time.

Scientific basis for management. The bill includes several provisions to improve monitoring and data collection for fisheries management: (1) development (in cooperation with the states and the Councils) of a federal plan for a standardized vessel registration and data management system to ensure the availability of basic fisheries data: (2) establishment of an observer training and education program and regulations for vessels that carry observers, including protection from sexual harassment; and (3) an expanded research program to provide better biological information and to study the effects of fishing on the marine ecosystem.

Enforcement. The bill would (1) establish voluntary fishermen's networks to promote compliance with fishery regulations; (2) require an annual report analyzing the adequacy and effectiveness of enforcement efforts; (3) encourage a reward of not less than 20 percent of any penalty assessed for information leading to an enforcement action; (4) require that fishery management plans identify needed enforcement.

TRANSITION TO SUSTAINABLE FISHERIES

Fisheries disaster relief. At the discretion of the Secretary or at the request of an affected state or community, the Secretary would (1) determine whether there is a commercial fishery failure; and (2) make relief funds available to the affected State or community, with the Federal cost-share not to exceed 75 percent.

Vessel or permit buy-out. As part of a sustainable development strategy and to limit effort in an overfished fishery, the Secretary would be authorized to develop and implement a vessel or permit buy-out program requiring that (1) a fishery management plan is in place that limits access to the fishery and prevents replacement of fishing effort that is bought out; (2) vessels or permits acquired under the buy-out program cannot reenter the fishery or contribute to excess fishing effort in other fisheries; and (3) criteria are established to determine types and numbers of vessels which are eligible for participation. The bill specifies that the Federal share of a buy-out program may not exceed 50 percent of the program costs. Working with the Council, the Secretary would be authorized to establish a fee system to collect the non-Federal share of funds for the program. Annual fees could not exceed 5 percent of the value of fish harvested in the fishery and would be deposited into a newly established Ocean Conservation Trust fund.

Vessel refinancing. The bill would amend Title XI of the Merchant Marine Act of 1936 to provide for a fisheries stock recovery refinancing program under the Fishing Vessel Obligation Guarantee Program. For those fisheries in which a fishery recovery effort is under way, the Secretary would be authorized to refinance vessel mortgages, providing for an extended repayment schedule (including interest-only payments) that reflects reduced vessel income due to stock rebuilding restrictions.

• Mr. MURKOWSKI. Mr. President. I am very pleased to join with my friends and colleagues Senator STEVENS and Senator KERRY in the introduction of S. 39, a bill to reauthorize and revitalize the Fishery Conservation and Management Act, also known as the Magnuson Act.

This bill is similar in almost all respects with the bill we introduced in the final days of the last Congress. As promised, that bill and this one both mark our intention that Magnuson Act discussions in this new Congress should focus on outstanding differences, rather than starting from scratch and covering old ground.

A tremendous amount of work already has been done on this matter by fishing industry groups, the environmental community and others in Congress, so that this year's hearings will start with a solid, carefully laid platform.

I have a great interest in seeing this bill move expeditiously through the legislative process to the President's desk. The Magnuson Act is the basis for all marine fisheries regulation in this country, and as such it is vital that it be reauthorized. As the regional fishery management councils created by this act struggle with new and evolving problems, we must take steps to allow the law to evolve.

My own primary efforts are focused on an issue and I believe is about to explode into prominence throughout the world—the need to identify and reduce the levels of fishery bycatch and discard in America's fisheries. That's why I introduced the first bill to address bycatch back in November of last year. Today's bill follows the lead I established in October 1993, by requiring regional fishery management councils to adopt specific measures for bycatch reduction and assessment. This would become a mandatory part of every fishery management plan in the country, and would put us on the road to stopping the shameful waste that is currently occurring in many fisheries.

Following up on this principle, Senator STEVENS has authored a separate section of the bill for Alaska only, in which more specific targets are set for the North Pacific Fishery Management Council. Because the North Pacific Council is farther advanced in addressing this issue than many, I think it only appropriate that this reauthorization reflect that reality.

Another amendment adopted from my 1993 bill is a change of only one word of one of the national standards established by Magnuson. However, that change, from 'promote' to 'consider,' is very important to ensuring a fair deal for Alaska's fishermen and shore-based processors. The national standards currently say that conservation and management plans should 'promote' efficiency. This became a clear problem for Alaskan interests during the consideration of regulations to protect onshore interests from being preempted by offshore factory-trawlers, because it was seen as requiring the most economically efficient methods—rather than those that contributed to the overall welfare of fishing communities. The change will eliminate that threat, and allow all relevant issues to be fully considered.

Among other provisions, this bill will improve fisheries conservation and utilization, on which so many individuals in our coastal communities depend. It will for the first time address the problem of overfishing by requiring corrective action to be taken when a fishery is or is in danger of becoming overfished. It will also strengthen the fisheries management process by improving the way that regional fishery councils function, improve the way fisheries research is conducted and make many other changes of great importance and urgent need.

There are still many issues that need to be addressed and answers that need to be clarified. However, we will have an ample opportunity to address these areas and to hear from all those concerned during the deliberative process. I am assured that Senator STEVENS and Senator KERRY wish to renew this effort as soon as possible this year, and I look forward to working with them both and with the interested members of the fisheries community.•

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 40. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Environment and Public Works.

LA FARGE DAM LEGISLATION

• Mr. FEINGOLD. Mr. President, I am pleased to join with my colleague from Wisconsin, Senator KOHL, in again introducing a bill to complete some unfinished business the Federal Government began in our State in 1962, a public works project on the Kickapoo River that left a community expecting Federal flood control relief in a state of economic devastation. Identical legislation is being introduced today in the other Chamber by our colleagues from Wisconsin, Representatives GUNDERSON and PETRI.

Senator KOHL and I brought this measure before the Senate in the 103d Congress, and although it was passed by the other Chamber in the omnibus Water Resources Development Act [WRDA] we were not able to complete action on that measure in the Senate in the closing days of the 103d Congress. It is tenacity and enduring spirit of the people in this area, and their desire to turn away from the past, that brings us again to the floor on their behalf. It is also our responsibility, not only as members of the Wisconsin delegation, but also as Senators to seek to correct Federal actions when they adversely affect local areas. This legislation presents this body with such an opportunity.

Mr. President, the story of the LaFarge Dam remains the same. More than 30 years ago, the U.S. Army Crops of Engineers planned to build a dam across the Kickapoo River, near the village of LaFarge, WI, which is located in southwest portion of my State. The dam was supposed to provide flood control in an often flooded valley. In addition, local residents were told of the economic benefits in tourism dollars that the planned lake and other improvements would bring to the area.

Federal legislation authorizing the LaFarge Dam passed in 1962, and construction began in 1971. Despite the best of intentions, the project was never completed. Construction ended in 1975, leaving the proposed dam only 61 present complete, while 80 percent of the land needed to build the dam had been acquired by the Federal Government, including the private homes and farms of 140 families who were evicted in order to begin the project.

The area, already struggling economically prior to the dam's development, was devastated. By 1990, it was estimated that annual losses resulting from the cessation of family farm operations and the unrealized tourism benefits that had been promised with the dam totaled more 300 jobs and $8 million for the local economy per year. In fact, the only remaining legacy of the project is a fragmented landscape. It is dotted with scattered remains of former farm homes, and a 103-foot tall, concrete shell of the dam that stands like an eerie sentinel, with the Kickapoo River flowing unimpeded through a 1000 foot gap. The most important benefit of the dam, its flood control protection, as never realized. The area continues to experience frequent floods today.

The legislation we are introducing will being this chapter of the history of LaFarge to a close, but not by completing construction of the dam. Local residents who were once convinced that completion of the dam was the only ways out of their plight have now reached consensus the project should not continue.

Instead, Mr. President, for the past 4 years, members of the local community, the Army Corps of Engineers, University of Wisconsin—Extension, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin State Historic Society, the Governor's office, State legislators, Wisconsin environmental groups, and the members of the congressional delegation who join in introducing this legislation, have collaborated together to develop a plan to reclaim the dam area and manage it under a combination of State and local control.

This legislation is the embodiment of that consensus. It contains several simple components.

First, it deauthorizes the dam and accompanying 8,569 acres of federally-owned land and turns the land over to the State of Wisconsin. The Wisconsin State Legislature passed legislation last year to take over management of the Kickapoo Valley lands in preparation for Federal action. It provides that the deauthorized land will be managed as a reserve under the auspices of the newly created Kickapoo Valley Governing Board. The board is required, by Wisconsin State law, to preserve and enhance the unique environmental, scenic, and cultural features of the Kickapoo Valley, to provide facilities for the use and enjoyment of visitors to the area and to promote the area as a destination for vacationing and recreation.

Strong environmental protection provisions are included in the State law including limits on development and an outright ban on any mining activities. In addition the board is required to consult with the State historical society and Wisconsin Indian tribes in managing the historical and cultural content of the lands.

The Kickapoo Valley is truly a beautiful area of the State, filled with unique natural features such as sandstone cliffs, hearty forest lands, and scenic valleys. It is home to many rare plants and several State threatened and endangered animals, as well as more than 400 archeological sites.

It is these very attributes which contributed to the demise of dam plans, and which were long regarded to be standing in the way of progress. Now, the local community has embraced protection of these natural treasures as a means to revitalize the region.

Second, Mr. President, the legislation that I am introducing maintains and slightly modifies authorization for improvement projects which were included in the original designs. These improvements include renovation of three roads, and construction of an education and interpretation complex that includes buildings, parking areas, recreational trails, and canoe facilities. The legislation also provides for environmental cleanup and site restoration of abandoned wells and farm sites in the area.

These projects provide hope for the area and fulfillment of Federal promises made long ago. When the 140 families were forced to leave their homes in the 1960's, many of them left the region entirely. As I mentioned, many of those who stayed in the area lost income and the land they once owned was removed from the local tax base. Local businesses which once relied on these customers, suffered, and the school system lost property tax funding along with approximately one-third of its students. Today, the median income is only slightly above half of the State average. And the heartfelt bitterness toward what is widely considered an irresponsible Federal boondoggle has been tempered only recently with plans for Federal deauthorization.

Mr. President, that is why I am convinced the legislation we offer today is the best option. It is based on consensus, allows for responsible local and State control, and fulfills the Federal Government's responsibility to this area. It is not often that we are able to consider truly beneficial proposals that local communities want and need.

As many in this Chamber know, I am concerned about the fiscal implications of all legislation that I bring before this body. The Army Corps of Engineers estimates that if the LaFarge Dam were to be completed today, the total cost would be $102 million of which only $18.6 million has already been expended. The legislation we offer completes the promised improvements to the area at a cost of $17 million—a substantial savings of $66.4 million over costs for dam completion.

In closing, Mr. President, I would like to extend my thanks to my colleagues who join me in introducing this legislation today. I also want to acknowledge the support and hard work of the people of the Kickapoo Valley in bringing this legislation to fruition.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.•

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 40

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KICKAPOO RIVER, WISCONSIN.

(a) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in paragraph (2), including all works,

structures, and other improvements on the lands.

(2) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraph (1) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TERMS AND CONDITIONS.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer.

(4) DEADLINES.—Not later than July 1, 1995, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this subsection. The offer shall provide for the transfer to be made in the period beginning on November 1, 1995, and ending on December 31, 1995.

(5) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(6) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in subsection (a) until the date of the transfer under this subsection.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State Highway Route 131 and County Highway Routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970, except that the relocation shall generally follow the road right-of-way through the Kickapoo Valley in existence on the date of enactment of this Act.

(B) Construction of a visitor and education complex to include buildings, parking areas, recreational trails, and canoe facilities substantially in accordance with plans contained in Design Memorandum No. 3, Preliminary Master Plan for Resource Management, Kickapoo River, Wisconsin, dated May 1967, and Design Memorandum No. 7, Master Recreation Plan for Resource Management, LaFarge Lake Kickapoo River, Wisconsin, dated July 1974.

(C) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(D) Cultural resource activities to meet the requirements of Federal law.

(2) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features identified in paragraph (1), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(d) COSTS.—The cost of the project referred to in subsection (a) is modified to authorize the Secretary to carry out the project at a total cost of $17,000,000, with a first Federal cost of $17,000,000.

SEC. 2. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

Mr. KOHL. Mr. President, we in the Senate spend a great deal of time arguing about the appropriate role of the Federal Government. Certainly this past election has shown us that the American people are changing their opinions about the role that the Federal Government ought to play in our lives. That debate will continue long into the future.

But one thing that we can probably all agree on is that one appropriate role of the Federal Government is to rectify its past mistakes, whenever possible. I know that my colleagues of all ideological stripes can list specific instances in which Federal intervention has caused undue pain and suffering to individuals or communities. Today I join with my colleague from Wisconsin, Senator FEINGOLD in introducing a bill to address one of those mistakes that occurred some 30 years ago in the Kickapoo River Valley of Wisconsin. And I'm proud to say that the "fix" to this problem also saves the taxpayers millions of dollars.

In the mid 1960s, Congress authorized the Corps of Engineers to build a flood control dam on the Kickapoo River at LaFarge in Vernon County, WI. In order to proceed with the project, the Corp of Engineers condemned 140 farms covering an area of about 8,500 acres. To LaFarge, a community of only 840 people, the loss of these farms dealt a significant blow to the local economy.

With the loss of economic activity, the community eagerly awaited the completion of the dam, and the creation of a lake that promised to provide some economic benefits in the form of recreational and tourism activities. But because of budgetary and environmental concerns, the project never happened. And the people of LaFarge were left holding the bag.

But I am proud to say that the reintroduction of this bill today represents a milestone in the cooperative effort of the citizens of the Kickapoo River Valley, the state of Wisconsin, and local environmental leaders to turn this bad situation into an outstanding success for the community, the State, and the Federal taxpayers.

The LaFarge Dam legislation would modify the original LaFarge Dam authorization, returning the federally condemned property to the state of Wisconsin. Anticipating this action, the State Legislature and Governor Thompson acted last year to authorize the use of this 8,500 acre property as a state recreational and environmental management area.

The highway repairs envisioned by the original dam authorization would remain. Because the original authorization required an area to be flooded, the highway was targeted for relocation. The project has been in limbo all these years, the relocation never took place, nor have any improvements or needed maintenance been done on the highway. Now, over 30 years later, the road has fallen into extreme disrepair, and this bill would authorize the necessary road improvements.

The bill also reauthorizes the construction of a recreational facility to help interpret the surrounding environment for the visitors.

While the original dam and flood control project, in today's dollars, would have cost the Federal Government $102 million, the modified project as authorized by the bill introduced today would only cost $17 million.

Late last year, both the House and Senate attempted to pass a Water Resources bill. A provision addressing the LaFarge dam project was included in the bill passed by the House, as well as the bill proposed for consideration in the Senate. Unfortunately, time grew short, and the bill was bogged down in the Senate Environment and Public Works Committee.

Mr. President, it is my hope that the House and Senate will be able to work together early in the 104th Congress to pass a Water Resources bill, and that this legislation will be included in that bill.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 41. A bill for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

WADE BOMAR RELIEF ACT

• Mr. BAUCUS. Mr. President, today, along with Senator BURNS, I am introducing a bill for the private relief of Wade Bomar. This bill would provide Mr. Bomar with relief in the amount he would qualify for under the Public Safety Officers' Benefit Act.

Almost 5½ years ago, Wade volunteered to help the Bureau of Indian Affairs extinguish the Pryor Gap Fire, which was threatening the Crow Indian Reservation. While fighting the fire, a burning 50 foot pine crashed down on Wade. The accident left him paralyzed and unable to work again.

As the fire raged in the Pryor Gap, the Senate was debating the Public Safety Officers' Benefit Act [PSOBA]. The bill passed and went into effect a few months later. Had Wade been injured a little while later he would have qualified for a payment of around $100,000 under this Act.

Wade, the father of three young children, has dealt with his injury courageously. But beyond the physical and emotional pain, the accident left him and his family without medical insurance provided by his former job as a laborer to help pay for the huge medical bills. Because of these medical bills, he can't afford health or dental insurance for his children.

Wade is a strong and courageous fighter, and I know he can make it on his own. But unable to work, the injury has left him with a hospital debt that he simply will not be able to pay. With the money provided by this bill, Wade will be able to bring himself out of debt once and for all. He will be able to give his family some security.

This very bill passed the Senate unanimously last October. Unfortunately, time was short, and the House of Representatives failed to act. My hope is that Congress will act soon to give Wade the relief he has earned.

I extend my appreciation to my colleagues in the Senate who supported this effort in the 103d Congress. And I ask for their support again to do what is right for a good man who was injured while helping others.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF WADE BOMAR.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $100,000 to Mr. Wade Bomar in full settlement of a claim for injuries sustained by Mr. Bomar in the line of duty on August 6, 1989, while fighting the Pryor Gap fire, permanently depriving him of the use of his limbs.•

By Mr. FEINGOLD:

S. 42. A bill to terminate the Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

TERMINATING THE UNIVERSITY OF HEALTH SCIENCES

• Mr. FEINGOLD. Mr. President, I am today reintroducing legislation terminating the Uniformed Services University of the Health Sciences [USUHS]. This is a measure I introduced in the 103d Congress and is part of my 82-point plan to reduce the Federal deficit which I proposed when I ran for the U.S. Senate in 1992.

USUHS is a medical school run by the Department of Defense [DOD]. Along with the Armed Forces Health Professionals Scholarship Program [AFHPSP] and other sources, including volunteers, it provides physicians for the military.

Created in 1972, USUHS was intended to supply the bulk of the military's physician requirements. Today, USUHS only accounts for a fraction of the Department's needs—less than 9 percent in 1991 according to the Congressional Budget Office [CBO].

The other body has voted to terminate this program on several occasions, and last year, the Vice President's national performance review joined others, ranging from the Grace Commission to the CBO, in raising the question of whether this medical school, which graduated its first class in 1980, should be closed in light of the high cost of providing military physicians under this program in contrast to other, less costly sources.

Last session, in assessing the 5-year budget impact of a plan to phase-down the school, the Office of Management and Budget [OMB] estimated $286.5 million in savings, including offsetting increases in the AFHPSP—a less costly mechanism for obtaining military physicians. After USUHS is fully closed, the annual savings would be in excess of $80 million.

Mr. President, according to the Pentagon, USUHS is the single most expensive source of military physicians. It costs the Government more than four times as much to acquire a doctor from USUHS as it does to acquire one through the scholarship program.

Even taking into account the longer service obligation of USUHS graduates, the CBO reports that accession costs are still three times those of AFHPSP physicians.

As a practical matter, though, the military does not rely primarily on USUHS for its doctors. USUHS provides only about 1 of every 10 of the physicians for our military, while nearly three-fourths come from the scholarship program.

Nor, evidently, has relying primarily on these other sources compromised the ability of military physicians to meet the needs of the Pentagon. According to OMB, of the approximately 2,000 physicians serving in Desert Storm, only 103, about 5 percent, were USUHS trained.

Mr. President, though I am persuaded that there is sufficient reason to begin phasing out USUHS, there are a variety of questions that have arisen about the school that should be explored. Last session I authored an amendment to the fiscal year 1995 Defense authorization bill directing the General Accounting Office [GAO] to examine some of those issues. That amendment resulted from negotiations between myself and other Senators concerned with the future of USUHS, the senior Senator from Hawaii [Mr. INOUYE] and the senior Senator from Maryland [Mr. SARBANES], and was aimed at having GAO examine some critical issues relating to USUHS.

Among those matters are whether USUHS is fulfilling its statutory mandate. A 1990 report of the DOD's inspector general noted that although there have been three studies on the cost effectiveness of USUHS, there had been no evaluation of how well USUHS meets DOD objectives, nor had there been an evaluation of the quality of the medical education.

Mr. President, this lack of evaluation is particularly troubling as the inspector general's report noted that questions have been raised as to whether the style of education provided at USUHS—". . . may be in danger of inhibiting the students from developing those critical abilities considered essential for innovation and/or ready adaptation to expected changes in biomedical technology anticipated during the military/civilian careers of the students."

Mr. President, another area of concern is how USUHS is meeting the needs of today's military structure. The proponents of USUHS frequently cite the higher retention rates of USUHS graduates over physicians obtained from other sources as a justification for continuation of this program. And there may be evidence that a greater percentage of USUHS trained physicians may remain in the military longer than those from other sources.

But there does not appear to be a good understanding of what factors might contribute to longer retention rates. The body of students entering USUHS, for example, is disproportionately made up of members of the military, an aspect of USUHS grads that may have a large impact on their retention rates, and a feature that could be built into the military's alternative physician sources if needed.

Nor is there any systematic analysis of how retention rates compare to the needs of the services for military physicians during a period of downsizing. This issue may be of particular relevance given the downsizing of our force levels.

Testimony by the Department of Defense before the Subcommittee on Force Requirements and Personnel suggested that, based upon a 1989 study, it needed to maintain a 10 percent of retention rate of physicians beyond 12 years, and that alternative sources like the AFHPSP may already be meeting the retention needs of the services.

That prompted the chairman of the Armed Service Committee, the senior Senator from Georgia [Mr. NUNN], to question, during hearings held in the 103d Congress, whether these figures meant that we are retaining a more senior force than we need, a crucial consideration in determining the role of USUHS. This is a question GAO is addressing in its review.

Mr. President, another question that can be raised is what other options are available to provide the unique contribution of USUHS. Suggestions have been made that civilian medical schools could provide the basic medical education with USUHS taking over a greater role in graduate and specialized military medical education.

Since 90 percent of the military physicians come from sources other than USUHS, it is fair to ask whether all military physicians should receive some specialized training along the lines offered at this facility, rather than limiting it to a tiny percentage of military physicians. Perhaps the mission of USUHS should be refocused in this direction.

Mr. President, these are all important matters that certainly merit examination, and I look forward to reviewing the work that the GAO will be doing in its study.

I expect GAO to have much of its work done in time for consideration of the future of USUHS, and the legislation I am introducing today, during the 1995 deliberations on the Department of Defense authorization and appropriations bills.

Mr. President, in conclusion, let me say that I fully recognize that USUHS has some dedicated supporters in the U.S. Senate, and I realize that there are legitimate arguments that those supporters have made in defense of this institution. The problem, however, is that the Federal Government can no longer afford to continue every program that provides some useful function.

In the face of our staggering national debt and annual deficits, we must prioritize and eliminate programs that can no longer be sustained with limited Federal dollars, or where a more cost-effective means of fulfilling those functions can be substituted. The future of USUHS continues to be debated precisely because in these times of budget restraint it does not appear to pass the higher threshold tests which must be applied to all Federal spending programs.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 42

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services University of the Health Sciences Termination and Deficit Reduction Act of 1995".

SEC. 2. TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(1) TERMINATION.—(1) The Uniformed Services University of the Health Sciences is terminated.

(2)(A) Chapter 104 of title 10, United States Code, is repealed.

(B) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part III of such subtitle, are each amended by striking out the item relating to chapter 104.

(b) EFFECTIVE DATE.—The termination referred to in subsection (a), and the amendments made by such subsection, shall take effect on the date of the graduation from the Uniformed Services University of the Health Sciences of the last class of students that enrolled in such university on or before the date of the enactment of this Act.•

By Mr. FEINGOLD:

S. 43. A bill to phase out Federal funding of the Tennessee Valley Authority; to the Committee on Environment and Public Works.

TENNESSEE VALLEY AUTHORITY LEGISLATION

• Mr. FEINGOLD. Mr. President, I am pleased to introduce S. 43, legislation that phases out funding for the Tennessee Valley Authority, and reduces the deficit by about $600 million over 5 years.

The Tennessee Valley Authority [TVA], a federally owned and chartered corporation created in 1933, is one of the largest electric utilities in the country, supplying power to an 80,000 square mile, 125 county, 7 State region.

In addition to providing power, however, the TVA operates several other programs. Federal appropriations to the TVA support programs concerning nonpoint-source water pollution; economic development; a stewardship program that maintains a system of dams, reservoirs, and manages 300,000 acres of public land; recreational programs including the Land Between the Lakes region in the western part of Tennessee and Kentucky; a fertilizer research center, recently renamed the Environmental Research Center; and other programs.

Mr. President, this legislation phases out Federal funding for TVA over 2 years. Funding for the fertilizer research center is eliminated beginning in fiscal year 1996 and funding for other activities is phased out by fiscal year 1997.

The legislation directs the Office of Management and Budget to submit a plan to Congress by no later than January 1, 1996, outlining which programs the TVA will continue and how they will be funded, and which programs will be turned over to other entities.

Mr. President, Federal law requires the TVA's electric power program to be financially self-supporting, and the Congressional Budget Office [CBO] has noted, in its March 1994, report "Reducing the Deficit: Spending and Revenue Options," that "because many of TVA's stewardship activities are necessary to maintain its power system, their costs would more appropriately be borne by users of the power," rather than the Federal taxpayer.

In its 1992 study of energy subsidies, the Department of Energy reported that the TVA power operation benefits from a significant subsidy already, the ability to borrow capital at much lower interest rates than paid by investor-owned utilities, an advantage the Department said was worth $231 million in fiscal year 1990. Federal taxpayers should not be expected to pay the additional subsidy of supporting power-related stewardship activities.

The CBO report also stated that other activities could be discontinued, or their costs could be recovered from State and local governments and others who more directly benefit from those activities, or through TVA's power rates.

Mr. President, this makes sense, especially at a time of on-going Federal budget deficits when we have asked farmers, veterans, retirees, and small businesses to sacrifice in order to address those deficits.

Similarly, the National Environmental Research Center, which costs Federal taxpayers $35 million annually, could be more appropriately funded by the private sector beneficiaries of its work, or by competing for research grants as other research institutions already do.

In assessing the savings generated by their similar proposal, the CBO estimated that eliminating many of the activities supported by appropriations and increasing the funding from non-Federal sources could save $610 million over 5 years.

Mr. President, in the middle of the Great Depression there may have been good reasons to create a Federal agency charged with broad powers over a diverse set of missions for a specific region. Today, with a national and regional economy in much better shape than it was 60 years ago, and with other Federal, State, and local agencies overseeing these same missions, the special reasons that may have justified creation of the TVA no longer exist.

Indeed, some have criticized the structure of TVA, not because it duplicates many services that could be provided by other public and private entities, but because it is not accountable to local residents.

Mr. President, for some, at least, the price of Federal funding has been the lack of local control.

Beyond the savings that this measure can produce for deficit reduction, it can also restore local control for some of the activities now overseen by a Board of Directors that is appointed by the President.

Let me add that this is certainly not a criticism of the dedicated individuals who have served in the TVA now or in past years. But a structure that relies on a distanced appointment process can not be as truly responsive to the needs and preferences of local residents as one which is more directly beholden to those residents.

At the same time, given the singular nature of TVA and its special history, many residents and State and local governments may feel it is appropriate for TVA to continue some activities. And to the extent that Federal taxpayers are not asked to subsidize them, this legislation would not restrict the ability of TVA to continue operating those programs, consistent with the plan that the Office of Management and Budget will submit to Congress.

Mr. President, the Tennessee Valley Authority was born in the New Deal and at that time it may well have been the appropriate model to address the many problems facing the region it serves.

But we need to reassess that model, redistribute the burden of some activities to those who benefit from them, allocate other activities to private or public entities where appropriate, and help reduce the Federal deficit.

Mr. President, I ask unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 43

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TENNESSEE VALLEY AUTHORITY.

(a) DISCONTINUANCE OF APPROPRIATIONS.—Section 27 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831z) is amended—

(1) by inserting "for fiscal years ending with (and including) fiscal year 1996" before the period; and

(2) by adding at the end the following: "No appropriations may be made available for the National Fertilizer and Environmental Research Center for fiscal year 1996.".

(b) REPORT.—Not later than January 1, 1996, the Director of the Office of Management and Budget shall submit a plan to Congress that—

(1) describes the programs that should continue to be operated by the Tennessee Valley Authority after fiscal year 1996 and describes how those programs should be funded;

(2) describes the programs that the Tennessee Valley Authority should discontinue or should transfer to other entities after fiscal year 1996; and

(3) recommends any legislation that may be necessary or appropriate to carry out the purposes of this Act.●

By Mr. REID (for himself and Mr. BRYAN):

S. 44. A bill to amend title 4 of the United States Code of limit State taxation of certain pension income; to the Committee on Finance.

SOURCE TAX LEGISLATION

Mr. REID. Mr. President, today I rise to reintroduce legislation that passed the House and Senate in the 103d Congress and passed this body twice in the 102d. It is legislation in which all Members of Congress have a stake.

The bill which I introduce will eliminate a State's ability to tax a nonresidents pension income. As the situation exists today, retirees in every State may be forced to pay taxes to States where they do not reside. The retirees pay taxes on pensions drawn in the States where they spent their working years, despite the fact that they are no longer present to participate in medical assistance programs or senior centers, nor do they use the roads or public parks that these taxes are helping to fund. Most important of all, they don't even get to vote in their former State of residence—yet they still pay taxes to these States. It has been said many times, and I would agree, this is a clear case of taxation without representation.

I would like to relate to my colleagues an example illustrating the inequity of the practice of source taxing pension incomes on nonresidents. The story I tell is what happened to a Nevada citizen, but it could be happening in any State.

An older woman who lives in Fallon, NV has an annual income of between $12,000 and $13,000 a year. She is not rich, but she is surviving. One day the mail carrier delivers a notice from California that says she owes taxes on her pension income from California, plus the penalties and interest on those taxes. She cannot believe it but, being an honest person, she tells California that she has never paid these taxes in the past and asks why she is being assessed at this time. Mr. President, to make a long story short, the California Franchise Tax Board went back to 1978 and calculated her tax debt to be about $6,000. Mr. President, this woman's income is only $12,000 a year.

Most citizens pay their taxes honestly and without too much complaining, but when they are taxed by a State where they do not reside, they begin to get upset with the system. I would like to pass on another case that illustrates the problem.

In 1971 a Washington State resident went to work at a Federal penitentiary on McNeil Island, WA. In the late 1970's the Bureau of Prisons began closing the facility and reducing the staff. This man was left with two choices. He could resign and give up 9 years toward retirement or he could transfer to a Federal center in San Diego. He close the latter and went to work for the Bureau of Prisons.

When this gentleman retires he plans on returning to the State of Washington where he still owns a home. He wants to be near his children and grandchildren, as they still reside in Washington.

Although the State of Washington has no State income tax, this man learned that he will be subject to California's source tax on his pension income when he returns to Washington. This man was prodded by the system to move to California because the Federal Government closed down the prison where he worked. In order to maintain his income and continue building his pension he moved. Nevertheless he always intended to move back to Washington. Needless to say, he is justifiably angry. Let me read to you an excerpt from his letter to me. I quote:

> The so called source tax appears to be grossly illegal and contrary to the rights guaranteed by our Constitution. That being the case, I am amazed that our Congress does not take immediate action to abolish such totally illegal state levies. I am sure you understand that people employed by the federal government could serve in numerous states throughout their careers before retiring to their home states. It is absolutely ridiculous, insidious and downright illegal for those states to levy an income tax against a nonresident. It is mind-boggling that a federal retiree, or any other retiree living in a state that has no income tax could be paying income tax to as many as 13 states.

He continues his letter,

> Couple this tax with the ridiculously high cost of medical care, hospitalization and other fast rising consumer costs, and it should be quite evident that people will not be able to survive on retirement incomes.

Mr. President, this issue was brought to my attention several years ago by a Nevadan named Bill Hoffman. He told me about the cases I have related to you and many others. Bill informed me that retirees were being harassed by their former States because of this tax, commonly called a source tax. In fact, he had heard so many complaints that eventually he and his wife, Joanne, began organizing the people that were affected. Eventually they formed a group known as Retirees to Eliminate State Income Source Tax [RESIST].

RESIST was founded in July of 1988 in Carson City, NV. In the less than 4 years since its beginning, RESIST membership has grown to tens of thousands of members. It includes members of every State of the Union. It is truly a nonprofit, grass roots organization. It operates entirely on the work of volunteers. No members are salaried.

The credibility of this group has convinced other long-established organizations, such as the National Association of Retired Federal Employees [NARFE], the National Association for Uniformed Services, with 60,000 members, and the Fund for Assuring an Independent Retirement [FAIR] to make a commitment to the prohibition of the source tax on pension income.

In the beginning, this issue affected mostly retired Government employees because of easy access to their records. However, as economic times become tougher, and State budgets are straining for additional revenues, the source tax is becoming an ever more popular revenue source. As an example, I have copies of letters from Ford and Rockwell that were sent to their retired employees telling them that they must report tax liabilities in those states that collect the source tax. Other companies have followed suit. As a result, the American Payroll Association has joined the coalition that wants to prohibit this tax.

We are all aware of the increased mobility that Americans have come to know. Many people today plan to retire in places other than the area they work. The recent growth of Nevada is ample evidence of this. There are many reasons for it. People might want to live in a warmer climate. Or, possibly their families have moved and they want to join them. Whatever the reason, they spend their working years saving enough to be able to move to their chosen area. You can imagine the shock and then dismay when they receive a notification that back taxes, along with penalties and interest are owed to their old State of residence.

The shock is from a tax for which they receive no services and no representation. The dismay comes from the often inability to pay a sometimes enormous tax debt when one lives on a fixed income.

To prohibit this unethical practice, I am reintroducing this legislation which prohibits States from taxing pensions or retirement income of nonresidents, taking into consideration the way the State defines a resident.

State budgets are experiencing economic hard times. It won't take long for States to realize that taxing someone from another State is an easy way to increase revenues without paying the political price. In other words, unless this legislation is passed, you can be sure that more and more States will begin to impose this unfair tax for which no one is accountable.

In conclusion, there is no cost to the Federal Government to prohibit the practice of source taxing the pension income of nonresidents, and I urge my colleagues to cosponsor this bill.

By Mr. FEINGOLD:

S. 45. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Energy and Natural Resources.

TERMINATION OF THE FEDERAL HELIUM PROGRAM

• Mr. FEINGOLD. Mr. President, I am pleased to introduce S. 45, the Helium Reform and Deficit Reduction Act of 1995, legislation to phase out the Federal Helium Program. The measure is based on the excellent legislation introduced in the other body during the 103d Congress by Representatives COX and FRANK, and a similar bill introduced by Representatives LEHMAN, VUCANOVICH, and MILLER.

The legislation will produce real savings both in the near term, as operations are phased out, and over the long run, as the stockpile of helium is sold off.

Analysis by the Congressional Budget Office [CBO] of similar legislation last year estimated that, under that bill, income to the Federal Treasury from the helium program would eventually double to $16 million annually over the estimated CBO baseline of $8 million. These savings do not include revenues that will go to the Treasury from the sale of facilities and equipment of the helium program, nor do they include the value to the Treasury of the bulk of the helium stockpile that will remain well after the 5-year budget window—valued at a reported $1.6 billion at today's helium prices.

Mr. President, the Helium Act of 1925 was initiated in large part because of the potential military importance of blimps. It authorized the Bureau of Mines to build and operate a helium extraction and purification plant, which went into operation in Amarillo, TX in 1929.

According to the General Accounting Office, a nominal private helium industry existed in the United States before 1937, but between 1937 and 1960, the Bureau of Mines was the only domestic helium producer, selling most of what it produced to other Federal agencies, but also supplying some to private firms.

With the advent of space exploration and the growth of defense programs, the Federal Government's demand for helium was expected to grow dramatically, and in 1960, Congress amended the Helium Act to provide incentives for stripping natural gas of its helium, for purchase of the separated helium by the Government, and for its long-term storage in the Cliffside Reservoir near Amarillo.

Today, helium is used in large quantities in space, defense, an advanced energy systems. Its major uses include cryogenics in medical and superconductivity applications, cover gas in welding, and for pressurizing and purging fuel tanks and vessels in the space program. It is also used in breathing gas mixtures for deep sea diving, controlled atmospheres for growing crystals for transistors, heat transfer mediums for nuclear power generators, leak detection, chromatography, and as a lifting gas for blimps.

As a result of the 1960 Act, four private natural gas producing companies built five helium extraction facilities and entered into 22-year contracts with the Bureau of Mines.

However, instead of appropriating funds for the helium program, the 1960 act authorized the Secretary of the Interior to borrow from the Treasury up to $47.5 million per year, at compound interest, to purchase helium.

The act stipulated that the Bureau of Mines set prices that would cover all of the program's costs, including debt and interest, and provided a period of 25 years to pay back the debt, subsequently extended to 1995. In addition, Federal agencies and contractors were required to buy helium from the Bureau of Mines.

Mr. President, to a certain extent, the 1960 changes to program have succeeded, in so far as they helped create private helium operations. Prior to the 1960 act, the Federal Government owned the only helium extraction plants in the world. Today, 90 percent of the helium produced in this country comes from private operations.

Unfortunately, the 1960 act also led to a growing Government-run operation. The borrowing done to pay for helium purchases has not been paid back, with the program now having accumulated a debt of approximately $1.4 billion to the treasury, and a stockpile of helium that some have suggested could supply the Government's needs for the next 80 to 100 years.

Mr. President, the measure I have introduced directs the Secretary of the Interior to cease producing, refining, and marketing refined helium 1 year after the effective date. It also directs the Secretary to dispose of all facilities and equipment used for the purpose of producing, refining, and marketing refined helium, consistent with Federal laws governing the disposal of surplus properties.

The measure directs the Secretary to begin selling off the helium reserves owned by the Government. The sale of the helium reserves would be done over time to ensure that taxpayers will receive a fair price for the helium they have financed, and to minimize disruption of the private helium market.

This legislation freezes the current debt owned by the helium program to the treasury, and dedicates the revenues from the sale of the facilities, equipment, and helium reserves to the repayment of that debt.

Finally, the measure that annual financial statements be prepared describing the financial position of the helium operations, including a statement of what the interest payments on the outstanding repayable amounts would have been under the arrangements initiated in the 1960 act.

Mr. President, as I noted earlier, the CBO analyzed similar legislation last year, and estimated that under that measure income to the Federal treasury from the helium program would roughly double as the changes are phased in, with income exceeding expenses by about $16 million annually in fiscal year 1999 under the legislation, compared with $8 million annually estimated for CBO baseline calculations.

Though these are very real savings, there will be additional savings for the treasury as well under this legislation, including additional revenues that would accrue to the treasury from the sale of facilities and equipment, and the value to the treasury of the bulk of the helium stockpile that will remain well after the 5-year budget window.

Though the helium stockpile is valued at $373 million in the Helium Fund Budget, the Congressional Research Service reports that the value of the crude helium in the Government's Cliffside Reservoir could be worth about $1 billion if it were sold at rates ranging from $25 to $35 per thousand cubic feet, and a reported $1.6 billion if it were sold at today's prices.

Mr. President, supporters of the helium program argue that the roughly $1.4 billion in debt it has accumulated should be disregarded. They maintain that since the debt is owed by one agency of the Government to another, it is only a bookkeeping dispute.

That is not an acceptable description of the matter. First, though it is true that, in a sense, the Government owes the money to itself, those who would defend the helium program cannot selectively pick and choose those program costs to be included and those that are not to be included in assessing the program's efficiency. The growing debt was created because of borrowing by the program from the Federal treasury, borrowing that was used to fund the significant assets of the program, including the massive helium stockpile. It is deceptive to suggest that the overall productivity of the program should be measured without taking into account the borrowed capital which produced the giant stockpile of helium on which the program is drawing.

Second, and just as important, the funding provided for this enterprise came at the cost of other governmental activities and an increased Federal deficit. The funds borrowed over the years could have been used for education, health care programs, national defense, small business programs, lower income taxes, or a lower Federal budget deficit. The debt that has been accumulating is a measure of the opportunity cost of that decision, and will be a measure of the opportunity cost to continue the helium operation should this legislation not pass.

Mr. President, supporters of this program also argue that the program is as efficient as private sector helium producers and that the program produces helium at competitive rates. They maintain that their revenues exceed their cost of operation, if one excludes the debt payments they owe the Federal treasury.

But, Mr. President, the facts do not bear this out. In part due to outdated plant and equipment, the Federal Helium Program is much less efficient than private sector helium refineries, producing one-third as much with more than four times the number of employees.

Further, the Helium Advisory Council suggests that the Federal program understates the true costs of its helium production, in part because they do not include the cost of the crude helium purchased with the very funds borrowed from the taxpayers.

The Council also notes that royalty payments to the Bureau of Mines for helium extracted by private companies from Federal land are used to subsidize the costs of the refining operation.

Mr. President, though I dispute the contention that the Federal Helium Program is an efficient and competitive producer of helium, I want to stress that even if the Government was doing a competent job of producing helium, that is not a sufficient argument for the continuation of a program that is no longer needed.

Though at one time there may have been an appropriate role for a Government-run helium program, there is now a sufficiently mature private helium industry to which the Government can turn for its helium needs.

Mr. President, the time has come for the Federal Government to get out of the helium business. The Federal Helium Program is no longer needed, and we should begin to dismantle this operation as soon as possible in the most cost effective manner.

This legislation does precisely that.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helium Reform and Deficit Reduction Act of 1995".

SEC. 2. AMENDMENT OF HELIUM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Helium Act (50 U.S.C. 167 to 167n).

SEC. 3. AUTHORITY OF SECRETARY.

Sections 3, 4, and 5 are amended to read as follows:

"SEC. 3. AUTHORITY OF SECRETARY.

"(a) EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.—

"(1) IN GENERAL.—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as he deems fair, reasonable and necessary.

"(2) LEASEHOLD RIGHTS.—The Secretary may grant leasehold rights to any such helium.

"(3) LIMITATION.—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

"(4) REGULATIONS.—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

"(5) EXISTING RIGHTS.—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

"(6) TERMS AND CONDITIONS.—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

"(7) PRIOR AGREEMENTS.—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Act of 1995 except to the extent that such agreements are renewed or extended after that date.

"(b) STORAGE, TRANSPORTATION AND SALE.—The Secretary may store, transport, and sell helium only in accordance with this Act.

"(c) MONITORING AND REPORTING.—The Secretary may monitor helium production and helium reserves in the United States and periodically prepare reports regarding the amounts of helium produced and the quantity of crude helium in storage in the United States.

"SEC. 4. STORAGE AND TRANSPORTATION OF CRUDE HELIUM.

"(a) STORAGE AND TRANSPORTATION.—The Secretary may store and transport crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Act of 1995 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

"(b) CESSATION OF PRODUCTION, REFINING, AND MARKETING.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Helium Act of 1995, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Act of 1995, except those activities described in subsection (a).

"(2) AMOUNT OWNED BY THE UNITED STATES.—The amount of helium reserves owned by the United States and stored in the Bureau of Mines Cliffside Field at the date of cessation of activities, less 600,000,000 cubic feet, shall be the helium reserves owned by the United States required to be sold pursuant to section 8(b).

"(c) DISPOSAL OF FACILITIES.—

"(1) IN GENERAL.—Subject to paragraph (5), not later than 1 year after the date of enactment of the Helium Act of 1995, the Secretary shall dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

"(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with the provisions of law governing the disposal of excess or surplus properties of the United States.

"(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(f).

"(4) COSTS.—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(f).

"(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage and transportation of crude helium or any equipment needed to maintain the purity, quality control, and quality assurance of helium in the reserve.

"(d) EXISTING CONTRACTS.—

"(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on the date of the enactment of the Helium Act of 1995 shall remain in force and effect until the date on which the facilities described in subsection (c) are disposed of.

"(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(f).

"SEC. 5. FEES FOR STORAGE, TRANSPORTATION AND WITHDRAWAL.

"(a) IN GENERAL.—Whenever the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

"(b) Treatment.—All fees received by the Secretary under subsection (a) shall be treated as moneys received under this Act for purposes of section 6(f).".

SEC. 4. SALE OF CRUDE HELIUM.

Section 6 is amended—

(1) in subsection (a) by striking "from the Secretary" and inserting "from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary";

(2) in subsection (b)—

(A) by inserting "crude" before "helium"; and

(B) by adding the following at the end: "Except as may be required by reason of subsection (a), the Secretary shall not make sales of crude helium under this section in such amounts as will disrupt the market price of crude helium.";

(3) in subsection (c)—

(A) by inserting "crude" after "Sales of"; and

(B) by striking "together with interest as provided in this subsection" and all that follows through the end of such subsection and inserting "all funds required to be repaid to the United States as of October 1, 1994 under this section (hereinafter referred to as 'repayable amounts'). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary as follows:

"(1) Divide the outstanding amount of such repayable amounts by the volume (in mcf) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned.

"(2) Adjust the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1994.";

(4) by striking subsection (d) and inserting the following:

"(d) Extraction of Helium From Deposits on Federal Lands.—All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c).";

(5) by striking subsection (e); and

(6) in subsection (f)—

(A) by inserting "(1)" after "(f)"; and

(B) by adding the following at the end:

"(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 4(c), all amounts in such fund in excess of $2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this Act during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

"(B) Upon repayment of all amounts referred to in subsection (c), the fund established under this section shall be terminated and all moneys received under this Act shall be deposited in the Treasury as General Revenues.".

SEC. 5. ELIMINATION OF STOCKPILE.

Section 8 is amended to read as follows:

"SEC. 8. ELIMINATION OF STOCKPILE.

"(a) Review of Reserves.—The Secretary shall review annually the known helium reserves in the United States and make a determination as to the expected life of the domestic helium reserves (other than federally owned helium stored at the Cliffside Reservoir) at that time.

"(b) Stockpile Sales.—

"(1) Commencement.—Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such minimum annual amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between that date and January 1, 2015.

"(2) Minimum price.—The minimum price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 6(c).

"(3) Deferment.—The minimum annual sales requirement may be deferred only to the extent that the Secretary is unable to arrange sales at the minimum price.

"(4) Times of sale.—The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, are necessary to carry out this subsection with minimum market disruption.

"(c) Discovery of Additional Reserves.—The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (b).".

SEC. 6. REPEAL OF AUTHORITY TO BORROW.

Sections 12 and 15 are repealed.

SEC. 7. REPORTS.

Section 16 is amended—

(1) by inserting "(a) By the Secretary.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) By the Inspector General.—

"(1) Financial statements.—The Inspector General of the Department of the Interior shall cause to be prepared, not later than March 31 following each fiscal year commencing with the date of enactment of the Helium Act of 1995, annual financial statements for the helium operations of the Bureau of Mines.

"(2) Cooperation.—The Director of the Bureau of Mines shall cooperate with the Inspector General in carrying out paragraph (1), and shall provide the Inspector General with such personnel and accounting assistance as may be necessary for that purpose.

"(3) Contents.—

"(A) In general.—The financial statements shall be comprised of—

"(i) a balance sheet reflecting the overall financial position of the helium operations, including assets and liabilities thereof;

"(ii) a statement of operations reflecting the fiscal period results of the helium operations;

"(iii) a statement of cash flows or changes in financial position of the helium operations; and

"(iv) a reconciliation of budget reports of the helium operations.

"(B) Statement of operations.—A statement of operations shall include the revenues from, and costs of, sales of crude helium, the storage and transportation of crude helium, the production, refining and marketing of refined helium, and the maintenance and operation of helium storage facilities at the Bureau of Mines Cliffside Field.

"(C) Balance sheet.—

"(i) In general.—The balance sheet shall include—

"(I) on the asset side, the present discounted market value of crude helium reserves; and

"(II) on the liability side, the accrued liability for principal and interest on debt to the United States.

"(ii) For reporting purposes.—For financial reporting purposes but not in connection with the determination of sales prices in section 6(c), the balance sheet shall include accrued but unpaid interest on outstanding repayable amounts (as described in section 6(c)) through the date of the report, calculated at the same rates as such interest was calculated prior to the date of enactment of the Helium Act of 1995.

"(D) Definitions.—In this paragraph:

"(i) Revenues.—The term 'revenues' does not include—

"(I) royalties paid to the United States for production of helium or other extraction of resources, except to the extent that the helium operations incur direct costs in connection therewith; or

"(II) proceeds from sales of assets other than inventory.

"(ii) Expenses.—The term 'expenses' includes—

"(I) all labor costs of the Bureau of Mines helium operations, and of the Department of the Interior in connection therewith; and

"(II) for financial reporting purposes but not in connection with the determination of sales prices under section 6(c), all current-period interest on outstanding repayable amounts (as described in section 6(c)) calculated at the same rates as such interest was calculated prior to the date of enactment of the Helium Act of 1995.

"(4) Audits.—

"(A) In general.—The financial statements shall be audited annually by the Comptroller General of the United States, who shall submit a report on such audits to the Secretary of the Interior and Congress not later than June 30 following the end of the fiscal year for which they are prepared.

"(B) Standards.—Each audit under subparagraph (A) shall be prepared in accordance with generally accepted government auditing standards.".•

By Mr. FEINGOLD:

S. 46. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

CAMPAIGN FINANCING AND SPENDING REFORM ACT

Mr. FEINGOLD. Mr. President, I rise today on this first day of the 104th Congress to introduce legislation designed to fundamentally change the way we finance elections for the United States Senate. Over the last several years, there have been a host of campaign finance reform bills introduced in the Senate, different in scope, complexity and vision. Although most legislators agree that there is a dire need of campaign finance reform, we have been unable to reach agreement on the avenue that will best produce fair and competitive elections. This is regrettable. I fear that this lack of progress is in part due to the fact that many Members of Congress have lulled themselves into the belief that the public doesn't care about this issue. In fact, it seems possible that efforts to enact comprehensive campaign finance reform will be less of a priority in the 104th Congress, than it was in the 103d Congress.

Many Americans, however, are appalled and outraged at the big money or bought and sold images of our campaign financing system, whether it be a $44 million U.S. Senate campaign in California or the ugly spectacle of excessive contributions timed to coincide with key votes on major issues.

Given the new political landscape in the U.S. Congress and the continuing failure to reform the system, this bill is a new attempt to forge a bipartisan consensus on the issue, in the hopes that real reform will be one of the great achievements of the 104th Congress. Failure to act in a bipartisan manner on this issue will surely deepen the disillusionment of the American people at the flaws in our current system, where big money plays such a dominant role in too many elections.

Mr. President, perhaps the finest feature of our political system is that our form of government allows individuals from all walks of life to run for public office and represent their communities. Admittedly, it took our Nation some time to recognize the importance of expanding the ability of all individuals to participate fully in our democratic form of government. But over the years, a multitude of barriers including race and gender have been lifted and the result has been a system that can be fairly characterized as a representative democracy. I suspect few, if any, would argue that encouraging participation has been anything but tremendously beneficial to our political system.

Unfortunately, at least one very ominous barrier remains, a barrier that has prevented too many qualified and competent individuals from seeking elected office and that barrier is the power of money. This is often true when a political challenger is discouraged by the financial advantage of an incumbent. Holding elected office has become an inherent financial advantage to incumbents for several reasons. It facilitates the ability to raise large amounts of money, be it from large contributors or political action committees, or from other such sources. Members of Congress also have other advantages, such as the ability to use the franking privilege to send free mass mailings to their constituents in the midst of a reelection campaign.

Yet, this same type of advantage arises when an individual with large personal wealth enters a race for an open seat or a primary election. It is the ability to pour large sums of money into an election, whether it is the power of big money derived from the benefits of incumbency or the financial advantages of a wealthy candidate running for an open seat, that distorts our current electoral process. The unfortunate result is that we have a system that discourages individuals without access to large sums of money from running for elected office. I know this all too well because as I prepared to run for the United States Senate, I was constantly told that I was well qualified to be a candidate, but that I shouldn't run because I didn't have the financial resources to win such a race. Too few people have the ability to do what the current system requires of them to run an effective, competitive campaign—raise and spend millions of dollars. If you are a powerful member of the Senate Appropriations Committee as was my opponent in my 1992 election, and you have the ability to raise the nearly $6 million that he accumulated for that campaign, then the current system accommodates you. If you are independently wealthy and decide you would like to use your wealth to run for elected office, as the current trend seems to be, then the current system accommodates you. But if you are a schoolteacher, and serve part-time on your city council, or a State legislator and a bricklayer by trade, and decide that you would like to run for the United States Senate, then the current system tells you that based on your income level, employment status and other such factors, you are automatically a longshot to beat the incumbent Senator. Your positions on the issues? Not a factor. Your experience as a teacher or a bricklayer and your record on the city council or the State legislature? Irrelevant. Why? Because your inability to raise large amounts of money will in all likelihood inhibit you from getting your message to a state-wide electorate. This, Mr. President, must change.

But there is more to this problem than simply the need to stop discouraging worthy candidates from running for Federal office. At times, I have believed that assisting challengers was the most compelling reason for reforming the campaign finance system. I assumed that incumbents were fairly content with the current system as it enabled incumbents to raise large amounts of money. But I have come to learn that there is another trait of our current campaign finance system that is antithetical to our political system, and that is the amount of time Members of Congress, that is, incumbents themselves, must spend raising funds for their reelection campaigns. If I have been struck by any single factor since becoming a Member of the Senate, it is the time and study that must go into work here, whether it is meeting with constituents, questioning witnesses or hearing testimony in our committees, or simply reviewing and examining the many proposals and bills that are considered in this chamber. And yet on top of all this work, Members of Congress are told by their advisers that they must raise money at a feverish pace for their reelection efforts, beginning the day after they are elected to a new 6-year term.

It has been estimated that the average cost to run for reelection to the United States Senate is some 4 million dollars. That means that during a 6 year Senate term, one would have to raise, on average, over 13,000 dollars a week or nearly 1,800 dollars a day to finance a reelection effort. The problem with this is, how can Members of Congress be expected to fulfill their legislative duties when so much time is required to raise this kind of money? We should be Senators first, and we should not have a system that forces a Member of Congress to forego certain legislative duties in favor of political fundraising. I have heard stories of Members missing late Friday night votes because of prior commitments to attend fundraisers. I do not believe that these votes would have been missed had our current system not placed such a heavy emphasis on the importance of raising money for reelection campaigns.

There is another issue here that we should address. Many incumbent Members of Congress focus their fundraising efforts on large individual contributors or Political Action Committees, or PAC's, often from outside of their home states. This is, after all, where the big money is, and these sources are eager to contribute to Members who may protect or advance their interests. But we should ask ourselves if it is good for our political system to have legislators devoting so much of their time raising funds from large contributors and special interest groups from other States, rather than maintaining contact with their own constituents? Most of our constituents cannot afford to give $500 or $1,000 to a candidate, and few have the clout and influence possessed by those that control a PAC. By primarily focusing fundraising efforts on large contributors and special interests, Members of Congress are sending a message—hopefully a false message—to the American people that these groups have special access to and influence with an elected representative. Such perceptions are the offspring of this dependence on special interest money and have fueled the public's growing disenchantment with our political system. It is little wonder under our current campaign financing system that the American people increasingly view Congress as an institution that is dominated and controlled by special interests.

Another aspect that permeates the current system is the presumption that a campaign contribution entitles the giver to some form of repayment by the recipient. I remember one individual who gave a contribution, then hinted if I won the election and hired his nephew, there might be more contributions. Since my election, some individuals have called my office and indicated they could no longer support me financially if I could not get them tickets for a tour of the White House. One restaurant-owner questioned contributing to my campaign again because he claimed I did not patronize his restaurant enough, saying that "I don't make a profit on you." We must recognize that it is our current campaign finance system that has fostered this you scratch my back mentality.

The most comprehensive reform of our campaign system that will solve these problems is full public financing of campaigns, giving challengers a legitimate opportunity to run a competitive campaign and allowing incumbents to focus on their legislative obligations rather than criss-crossing the country to raise money. This kind of reform would help extinguish public perceptions that the legislative branch of Government is run by special interests.

Mr. President, I recognize there has been much criticism directed at public financing in the past. Critics contend that it is an incumbent-protection program and that the taxpayers would never stand for such a system. Yet, the only current public financing system we have for federal elections, the presidential system, has been a good model for reform. In the nearly 20 years of this system's existence, I have not heard it criticized for being unfair to challengers, unfair to either party, or dominated by special interests. In fact, there are Members of Congress, some who have heavily criticized the concept of public financing for congressional elections, who have accepted public funds in their campaigns for the presidency. Had it not been for the availability of those funds, I suspect many of these members would not have been able to attempt such an election bid. And that is exactly the dilemma faced by many qualified individuals who are interested in elected office. Public financing has been a success for presidential elections and there is no reason why it would not be equally successful for congressional elections.

The task of mending our current campaign finance system is immense, but the bill I am introducing today will make significant progress towards addressing the flaws of our current system that I have just discussed. This bill will establish voluntary spending limits based on each state's individual voting age population. With the cooperation of the candidates, this will finally curtail the skyrocketing spending that has plagued political campaigns in recent years. Just as important, these spending limits will allow members of Congress to focus on their duties and responsibilities as elected officials rather than spending substantial amounts of time raising money. For those candidates that do abide by the spending limits, there will be matching funds in the primary election for contributions under $250, once a candidate has raised 10 percent of that State's spending limit in contributions of $250 or less, half of which must come from within the candidate's State. There will be a 100 percent match for contributions under $100, and a 50 percent match for contributions between $101 and $250. These provisions, along with only providing matching funds for in-state contributions, will encourage candidates to focus on smaller contributions from their home states. I believe this focus upon raising money within our home States is critical—so critical that I have already pledged to do so for my own fundraising. The bill will also provide 90 percent public funding for general elections, again, once a threshold has been met. This funding will be in the form of direct payments, as well as discounted postage and discounted broadcast media rates.

This bill will also ban contributions from political action committees, with a backup provision that will severely limit their influence if the Supreme Court rules such a ban unconstitutional. The bill will require greater disclosure of so-called "soft money", that is, the unregulated money that finds its way into campaigns which affect Federal elections. The bill will include several other provisions as well. It will prohibit an incumbent from sending out a franked mass mailing during the year of that Senator's election. It addresses lobbyists by prohibiting them from contributing to Senators that they lobby and from lobbying those they contribute to in the 12 months before an election. The bill will codify a recent ruling by the Federal Election Commission that bars candidates from using campaign funds for personal purposes, such as mortgage payments, country club memberships and vacations.

Mr. President, there are certainly other reforms that have been proposed by various individuals in recent years and I welcome additional suggestions and ideas. The elements addressed in this measure, however, are designed to focus upon the major problems that should be addressed in Senate campaigns. The bill does not include provisions relating primarily to House elections or changes in the presidential campaign system but certainly additional proposals in these areas would not be inconsistent with the measures emphasized in this legislation.

Mr. President, obviously there are various ways to approach campaign finance reform, but I want to highlight the fact that my bill has a special focus on two essential elements of campaign finance reform—voluntary spending limits and an emphasis upon raising a majority of funds within your home State rather than from special interests in Washington, D.C. I believe that these two reforms can provide the central core of a meaningful campaign finance reform bill that can be enacted in this Congress. In the past, many Democrats have pushed hard for spending limits while many Republicans have been at the forefront of efforts to restrict out-of-state contributions. I hope that a bipartisan consensus can emerge for legislation that contains these two core elements of reform because they focus on what are central problems that need to be addressed—the obscene amount of money being spent on political campaigns and the fact that so much of the money being raised to run these expensive campaigns comes not from the people who will be represented by the winner of the contest, but from wealthy individuals and special interests outside the State where the election is being conducted. During my 1992 campaign for the United States Senate, I pledged to raise a majority of my campaign funds from within the State of Wisconsin because I found it to be fundamentally wrong for candidates for public office to be focusing most of their campaign efforts on contributors from outside the districts they were seeking to represent. Some will argue that candidates should be allowed to raise funds from family, friends and supporters outside of their home States. My bill does not prevent this—it merely restricts access to public assistance only to those candidates who agree to raise the majority of funds from within their home State.

As I have indicated, limiting out-of-state contributions is a broadly supported concept that has transcended party lines in the past. Such limits were not only included in campaign finance bills introduced in the last Congress by Democrats, but also in reform bills offered by Republicans. Senators DOMENICI and PACKWOOD included out-of-state contribution limits in their respective bills, as did Senators DOLE and McCONNELL in their bill which was cosponsored by 24 Republican Senators. Similar restrictions have been included in reforms proposed by the Republican leader in the House of Representatives in the 103d Congress, Bob Michel. The out-of-state fundraising limits included in this bill would be an important step toward making candidates for elected office more accountable to the voters in their home States.

To fund the public benefits included in this bill, the legislation would create a new checkoff box on all income tax forms that will allow individuals to contribute an additional $5 on their tax bill, which will go to a Senate Election Campaign Fund that will be the source of public benefits. It may be argued that this funding mechanism is inadequate, that the American people will never voluntarily pay an additional $5 in taxes for a welfare program for Senators. But I disagree. I firmly believe that if we provide true leadership on this issue and inform the public of what that checkoff box would really mean, that we will have more than adequate funds to publicly finance Senate elections. That box would represent a contract with the American people. We are saying that if you want a campaign system that is fair to both parties, would allow elected officials to focus on their legislative responsibilities, and would free our political system from the grip that special interests have had for so many years, then it is worth it to you to give 5 dollars a year to this system. If such a system does not appeal to you, simply do not check the box. But I have faith in the American people, Mr. President, and I am convinced that if we offer them the true reforms that they have been demanding for so many years, they will support a system that merits such a modest donation.

Mr. President, we have a system that is virtually out of control. During the 1994 elections, congressional candidates spent close to $600 million—an 18 percent increase from the 1992 spending level and a 50 percent increase from the 1990 level. Every campaign season, millions and millions of dollars are spent on political campaigns and the result has been an election system that is tailored almost exclusively for candidates that are well-financed or well-connected. The public benefits included in my bill will provide candidates who agree to limit their expenditures more than enough financing to adequately get their message out to the electorate. They will be able to purchase television, radio and print advertising. They will be able to send out mass mailings. We do not dictate to these candidates what they can say or how they say it—we only provide them with the means to inform voters of their ideas, their positions and their vision.

But most importantly, this bill will return our campaign system to the people we represent. If individuals want to participate financially, they do not have to write a check for $100, $500 or $1,000. They can give 5 dollars when they pay their taxes and know that they are supporting a fair and equitable election process. If they want to run for office, they will have the financial opportunity if they can meet a threshold, thus proving that their ideas and viewpoints represent a broad base of support and deserve recognition. And if we reverse the perceptions of a Congress dominated by special interests and convince the American people that their voice means something, perhaps we can change the very troubling voter turnout figures that we have seen in recent elections.

We should not have a campaign finance system that favors either challengers or incumbents, wealthy individuals or those from limited means, candidates who are rank and file workers or those from the side of management. We should have a system that provides all qualified candidates an equal and fair opportunity to run for public office. The bill I have introduced today represents the comprehensive reform that the American people have asked for. I am hopeful that the Members of this body understand how important this problem is to our constituents, and how fundamental it is to our political system. We need to enact campaign finance reform legislation this year, and I look forward to working with my colleagues in passing a bill that truly addresses the flaws and inadequacies of the current system. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Campaign Financing and Spending Reform Act".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.
Sec. 2. Findings and declarations of the Senate.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by nonelligible candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.
Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.
Sec. 133. Reporting requirements for certain independent expenditures.
Sec. 134. Campaign advertising amendments.
Sec. 135. Definitions.
Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 404. Limited exclusion of advances by campaign workers from the definition of the term "contribution".

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Reduction in threshold for reporting of certain information by persons other than political committees.
Sec. 504. Computerized indices of contributions.

TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates' names.
Sec. 602. Reporting requirements.
Sec. 603. Provisions relating to the general counsel of the Commission.
Sec. 604. Enforcement.
Sec. 605. Penalties.
Sec. 606. Random audits.
Sec. 607. Prohibition of false representation to solicit contributions.
Sec. 608. Regulations relating to use of non-Federal money.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.
Sec. 703. Sense of the Senate that Congress should consider adoption of a joint resolution proposing an amendment to the Constitution that would empower Congress and the States to set reasonable limits on campaign expenditures.
Sec. 704. Personal use of campaign funds.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Severability.
Sec. 803. Expedited review of constitutional issues.

SEC. 2. FINDINGS AND DECLARATIONS OF THE SENATE.

(a) NECESSITY FOR SPENDING LIMITS.—The Senate finds and declares that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) permitting candidates for Federal office to raise and spend unlimited amounts of money constitutes a fundamental flaw in the current system of campaign finance, and has undermined public respect for the Senate as an institution;

(3) the failure to limit campaign expenditures has caused individuals elected to the Senate to spend an increasing proportion of their time in office as elected officials raising funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(4) the failure to limit campaign expenditures has damaged the Senate as an institution, due to the time lost to raising funds for campaigns; and

(5) to prevent the appearance of undue influence and to restore public trust in the Senate as an institution, it is necessary to limit campaign expenditures, through a system which provides public benefits to candidates who agree to limit campaign expenditures.

(b) NECESSITY FOR BAN ON POLITICAL ACTION COMMITTEES.—The Senate finds and declares that—

(1) contributions by political action committees to individual candidates have created the perception that candidates are beholden to special interests, and leave candidates open to charges of undue influence;

(2) contributions by political action committees to individual candidates have undermined public confidence in the Senate as an institution; and

(3) to restore public trust in the Senate as an institution, responsive to individuals residing within the respective States, it is necessary to encourage candidates to raise most of their campaign funds from individuals residing within those States.

(c) NECESSITY FOR ATTRIBUTING COOPERATIVE EXPENDITURES TO CANDIDATES.—The Senate finds and declares that—

(1) public confidence and trust in the system of campaign finance would be undermined should any candidate be able to circumvent a system of caps on expenditures through cooperative expenditures with outside individuals, groups, or organizations;

(2) cooperative expenditures by candidates with outside individuals, groups, or organizations would severely undermine the effectiveness of caps on campaign expenditures, unless they are included within such caps; and

(3) to maintain the integrity of the system of campaign finance, expenditures by any individual, group, or organization that have been made in cooperation with any candidate, authorized committee, or agent of any candidate must be attributed to that candidate's cap on campaign expenditures.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) AMENDMENT OF FECA.—

(1) IN GENERAL.—FECA is amended by adding at the end the following new title:

“TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

“SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

“(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

“(1) meets the primary and general election filing requirements of subsections (b) and (c);

“(2) meets the primary and runoff election expenditure limits of subsection (d); and

“(3) meets the threshold contribution requirements of subsection (e).

“(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

“(A) the candidate and the candidate's authorized committees—

“(i)(I) will meet the primary and runoff election expenditure limits of subsection (d); and

“(II) will only accept contributions for the primary and runoff elections which do not exceed such limits;

“(ii)(I) will meet the primary and runoff election multicandidate political committee contribution limits of subsection (f); and

“(II) will only accept contributions for the primary and runoff elections from multicandidate political committees which do not exceed such limits; and

“(iii) will limit acceptance of contributions during an election cycle from individuals residing outside the candidate's State and multicandidate political committees, combined, to less than 50 percent of the aggregate amount of contributions accepted from all contributors;

“(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b); and

“(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a).

“(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

“(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

“(A) the candidate and the candidate's authorized committees—

“(i)(I) met the primary and runoff election expenditure limits under subsection (d); and

“(II) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle; and

“(ii)(I) met the multicandidate political committee contribution limits under subsection (f);

“(II) did not accept contributions for the primary or runoff election in excess of the multicandidate political committee contribution limits under subsection (f); and

(iii) will limit acceptance of contributions during an election cycle from individuals residing outside the candidate's state and multicandidate political committees, combined, to less than 50 percent of the aggregate amount of contributions accepted from all contributors;

“(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

“(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

“(D) such candidate and the authorized committees of such candidate—

“(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

“(ii) will not accept any contributions in violation of section 315;

“(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amount described in section 502(c), reduced by any amounts transferred to the current election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

“(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

“(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

“(vi) will cooperate in the case of any audit and examination by the Commission under section 506; and

“(E) the candidate intends to make use of the benefits provided under section 503.

“(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

“(A) the date the candidate qualifies for the general election ballot under State law; or

“(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

“(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

“(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

“(i) 67 percent of the general election expenditure limit under section 502(b); or

“(ii) $2,750,000.

“(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

“(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate with respect to such period under section 304(c).

“(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

“(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

“(i) would result in the violation of any limitation under section 315; or

“(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

“(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

“(A) 10 percent of the general election expenditure limit under section 502(b); or

“(B) $250,000.

“(2) For purposes of this section and section 503(b)—

“(A) The term ‘allowable contributions’ means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

“(B) The term ‘allowable contributions’ shall not include—

“(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

“(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

“(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and section 503(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 503(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) Multicandidate Political Committee Contribution Limits.—The requirements of this subsection are met if the candidate and the candidate's authorized committees have accepted from multicandidate political committees contributions that do not exceed—

"(1) during any period in which the limitation under section 323 is in effect, zero dollars; and

"(2) during any other period—

"(A) during the primary election period, an amount equal to 20 percent of the primary election spending limit under subsection (d)(1)(A); and

"(B) during the runoff election period, an amount equal to 20 percent of the runoff election spending limit under subsection (d)(1)(B).

"(g) Indexing.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year beginning with calendar year 1998, based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1), the base period shall be calendar year 1992.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) Limitation on Use of Personal Funds.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed $25,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) General Election Expenditure Limit.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) Payment of Taxes.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local taxes with respect to a candidate's authorized committees.

"(d) Expenditures.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) In General.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code; and

"(3) payments in the amounts determined under subsection (b).

"(b) Amount of Payments.—(1) For purposes of subsection (a)(3), the amounts determined under this subsection are—

"(A) the public financing amount;

"(B) the independent expenditure amount; and

"(C) in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the public financing amount is—

"(A) in the case of an eligible candidate who is a major party candidate and who has met the threshold requirement of section 501(e)—

"(i) during the primary election period, an amount equal to 100 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $100 or less plus an amount equal to 50 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of more than $100 but less than $251, up to 50 percent of the primary election spending limit under section 501(d)(1)(A), reduced by the threshold requirement under section 501(e);

"(ii) during the runoff election period, an amount equal to 100 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $100 or less plus an amount equal to 50 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of more than $100 but less than $251, up to 10 percent of the general election spending limit under section 501(d)(1)(B); and

"(iii) during the general election period, an amount equal to the general election expenditure limit applicable to the candidate under section 502(b) (without regard to paragraph (4) thereof); and

"(B) in the case of an eligible candidate who is not a major party candidate and who has met the threshold requirement of section 501(e)—

"(i) during the primary election period, an amount equal to 100 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $100 or less plus an amount equal to 50 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of more than $100 but less than $251, up to 50 percent of the primary election spending limit under section 501(d)(1)(A), reduced by the threshold requirement under section 501(e);

"(ii) during the runoff election period, an amount equal to 100 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $100 or less plus an amount equal to 50 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of more than $100 but less than $251, up to 10 percent of the general election spending limit under section 501(d)(1)(B); and

"(iii) during the general election period, an amount equal to 100 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of $100 or less plus an amount equal to 50 percent of the amount of contributions received during that period from individuals residing in the candidate's State in the aggregate amount of more than $100 but less than $251, up to 50 percent of the general election spending limit under section 502(b)

"(3) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(4) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(C) is not greater than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) Waiver of Expenditure and Contribution Limits.—(1) An eligible Senate candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (3) and (4) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(d) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(k), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 501, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a candidate, the Commission shall examine and audit the campaign accounts of all other candidates in the general election for the office the selected candidate is seeking.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) CIVIL PENALTIES FOR EXCESS EXPENDITURES AND CONTRIBUTIONS.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(f) UNEXPENDED FUNDS.—Any amount received by an eligible Senate candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) DEPOSITS.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) Injunctive Relief.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) Appeals.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) Reports.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained by the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Rules and Regulations.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Statement to Senate.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. PAYMENTS RELATING TO ELIGIBLE CANDIDATES.

"(a) Establishment of Campaign Fund.—(1) There is established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2)(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

"(i) any contributions by persons which are specifically designated as being made to the Fund;

"(ii) amounts collected under section 505(h); and

"(iii) any other amounts that may be appropriated to or deposited into the Fund under this title.

"(B) The Secretary of the Treasury shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

"(C) Amounts in the Fund shall remain available without fiscal year limitation.

"(3) Amounts in the Fund shall be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(4) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) Payments Upon Certification.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (d), the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"(c) Reductions in Payments if Funds Insufficient.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts withheld under subparagraph (A) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of payments which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(2) Effective dates.—(A) Except as provided in this paragraph, the amendment made by paragraph (1) shall apply to elections occurring after December 31, 1995.

(B) For purposes of any expenditure or contribution limit imposed by the amendment made by paragraph (1)—

(i) no expenditure made before January 1, 1996, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(ii) all cash, cash items, and Government securities on hand as of January 1, 1996, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1996, to pay for expenditures which were incurred (but unpaid) before such date.

(3) Effect of invalidity on other provisions of act.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

(b) Provisions To Facilitate Voluntary Contributions to Senate Election Campaign Fund.—

(1) General rule.—Part VIII of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following:

"Subpart B—Designation of Additional Amounts to Senate Election Campaign Fund

"Sec. 6097. Designation of additional amounts.

"SEC. 6097. DESIGNATION OF ADDITIONAL AMOUNTS.

"(a) General Rule.—Every individual (other than a nonresident alien) who files an income tax return for any taxable year may designate an additional amount equal to $5 ($10 in the case of a joint return) to be paid over to the Senate Election Campaign Fund.

"(b) Manner and Time of Designation.—A designation under subsection (a) may be made for any taxable year only at the time of filing the income tax return for the taxable year. Such designation shall be made on the page bearing the taxpayer's signature.

"(c) Treatment of Additional Amounts.—Any additional amount designated under subsection (a) for any taxable year shall, for all purposes of law, be treated as an additional income tax imposed by chapter 1 for such taxable year.

"(d) Income Tax Return.—For purposes of this section, the term 'income tax return' means the return of the tax imposed by chapter 1.".

(2) Conforming amendments.—(A) Part VIII of subchapter A of chapter 61 of such Code is amended by striking the heading and inserting:

"PART VIII—DESIGNATION OF AMOUNTS TO ELECTION CAMPAIGN FUNDS

"Subpart A. Presidential Election Campaign Fund.

"Subpart B. Designation of additional amounts to Senate Election Campaign Fund.

"Subpart A—Presidential Election Campaign Fund".

(B) The table of parts for subchapter A of chapter 61 of such Code is amended by striking the item relating to part VIII and inserting:

"Part VIII. Designation of amounts to election campaign funds."

(3) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) In General.—Title III of FECA (2 U.S.C. 431 et seq.), is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 323. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for nomination for election, or election, to Federal office or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year;

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; or

"(D) any committee described in section 315(a)(8)(D)(i)(III).".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder. Nothing in this paragraph shall be construed to permit the establishment, financing, maintenance, or control of any committee which is prohibited by paragraph (3) or (6) of section 302(e).".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 323 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to Federal office (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to Federal office (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the aggregate Federal election spending limits applicable to the candidate for the election cycle.

The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by subsections (a), (b), and (c) of this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(C) and (2)(C) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)) are each amended by striking "$5,000" and inserting "$1,000".

(g) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1996.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1996; or

(B) contributions made to, or received by, a candidate on or after January 1, 1996, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1996, over

(ii) such contributions received by the candidate before January 1, 1996.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by inserting after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(d) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(e) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or of title V (whenever a 24-hour response is required of the Commission) as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(f) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 133, is amended by adding at the end thereof the following:

"(e) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking "forty-five" and inserting "30";

(B) by striking "sixty" and inserting "45"; and

(C) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges during the general election period (as defined in section 301(21) of such Act) shall not exceed 50 percent of the lowest charge described in paragraph (1).".

(b) PREEMPTION; ACCESS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.

"(d) In the case of a legally qualified candidate for the United States Senate, a licensee shall provide broadcast time without regard to the rates charged for the time.".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible House of Representatives or Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) The terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the congressional district or State, whichever is applicable.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of FECA (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made.

"(B) Any independent expenditure aggregating $10,000 or more made at any time up to and including the 20th day before any election shall be reported within 48 hours after such independent expenditure is made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(C) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any action taken to incur an obligation for payment.

"(4)(A) If any person intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as a candidate is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 504(a) or section 604(b).

"(7) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5)."

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(2) in the matter before paragraph (1) of subsection (a), by striking "direct";

(3) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(4) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the statement required by paragraph (1) shall—

"(A) appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

'   is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is eligible under section 502 to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.

"(30) The terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 509.

"(31) The term 'lobbyist' means—

"(A) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); and

"(B) a person who receives compensation in return for having contact with Congress on any legislative matter.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

(a) MASS MAILINGS OF SENATORS.—Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A), by striking "It is the intent of Congress that a Member of, or a Member-elect to, Congress" and inserting "A Member of, or Member-elect to, the House"; and

(2) in subparagraph (C)—

(A) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(B) by inserting "or reelection" immediately before the period.

(b) MASS MAILINGS OF HOUSE MEMBERS.—Section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7) by striking ", except that—" and all that follows through the end of subparagraph (B) and inserting a period; and

(2) in subsection (d)(1) by striking "delivery—" and all that follows through the end of subparagraph (B) and inserting "delivery within that area constituting the congressional district or State from which the Member was elected.".

(c) PROHIBITION ON USE OF OFFICIAL FUNDS.—The Committee on House Administration of the House of Representatives may not approve any payment, nor may a Member of the House of Representatives make any expenditure from, any allowance of the House of Representatives or any other official funds if any portion of the payment or expenditure is for any cost related to a mass mailing by a Member of the House of Representatives outside the congressional district of the Member.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(18) The term 'express advocacy' means, when a communication is taken as a whole, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of the mailing in the case of advertising by a mailing.".

Subtitle B—Provisions Relating to Soft Money of Political Parties

SEC. 311. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

"(e) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) Any political committee to which paragraph (1) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(3) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as under subsection (b) (3)(A), (5), or (6).

"(4) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end the following new subsection:

"(j)(1) A lobbyist, or a political committee controlled by a lobbyist, shall not make contributions to, or solicit contributions for or on behalf of—

"(A) any member of Congress with whom the lobbyist has, during the preceding 12 months, made a lobbying contact; or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with a covered executive branch official.

"(2) A lobbyist who, or a lobbyist whose political committee, has made any contribution to, or solicited contributions for or on behalf of, any member of Congress or candidate for Congress (or any authorized committee of the President) shall not, during the 12 months following such contribution or solicitation, make a lobbying contact with such member or candidate who becomes a member of Congress (or a covered executive branch official).

"(3) If a lobbyist advises or otherwise suggests to a client of the lobbyist (including a client that is the lobbyist's regular employer), or to a political committee that is funded or administered by such a client, that the client or political committee should make a contribution to or solicit a contribution for or on behalf of—

"(A) a member of Congress or candidate for Congress, the making or soliciting of such a contribution is prohibited if the lobbyist has made a lobbying contact with the member of Congress within the preceding 12 months; or

"(B) an authorized committee of the President, the making or soliciting of such a contribution shall be unlawful if the lobbyist has made a lobbying contact with a covered executive branch official within the preceding 12 months.

"(4) For purposes of this subsection—

"(A) the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist' means—

"(i) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.".

"(5) For purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the member of Congress;

"(ii) any person employed in the office of the member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(k) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides, shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION".

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking "and" after the semicolon at the end;

(2) in clause (xiv), by striking the period at the end and inserting: "; and"; and

(3) by adding at the end the following new clause:

"(xv) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed $500 with respect to an election.".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)) are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

SEC. 503. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of FECA (2 U.S.C. 434(b)(3)(A)) is amended by striking "$200" and inserting "$50".

SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $50 or more.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name or use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation.

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986.''.

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking ''a civil penalty'' and all that follows and inserting ''a civil penalty which is—

''(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

''(ii) not greater than 250 percent of all contributions and expenditures involved in the violation.''.

SEC. 606. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following new paragraph:

''(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of an eligible Senate candidate subject to audit under section 505(a) or an authorized committee of an eligible House of Representatives candidate subject to audit under section 605(a).''.

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after ''SEC. 322.'' the following: ''(a)''; and

(2) by adding at the end the following:

''(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.''.

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

''(g) The Commission shall promulgate rules to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.''.

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

''(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

''(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.''; and

(2) by adding at the end the following new paragraph:

''(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, maintain, or control any political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office.

''(B) For one year after the effective date of this paragraph, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the Treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.''.

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 314(b), is amended by inserting at the end the following new subparagraph:

''(D) A contribution of polling data to a candidate shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.''.

SEC. 703. SENSE OF THE SENATE THAT CONGRESS SHOULD CONSIDER ADOPTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION THAT WOULD EMPOWER CONGRESS AND THE STATES TO SET REASONABLE LIMITS ON CAMPAIGN EXPENDITURES.

It is the sense of the Senate that Congress should consider adoption of a joint resolution proposing an amendment to the Constitution that would—

(1) empower Congress to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary, general, or other election for Federal office; and

(2) empower the States to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary, general, or other election for State or local office.

SEC. 704. PERSONAL USE OF CAMPAIGN FUNDS.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting ''(a)'' before ''Amounts''; and

(2) by adding at the end the following new subsection:

''(b) For the purposes of this section, the term 'personal use' means the use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation, or expense of any person that would exist irrespective of the candidate's campaign or duties as a holder of Federal office.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1996.

SEC. 802. SEVERABILITY.

Except as provided in sections 101(c) and 121(b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 803. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) Direct Appeal to Supreme Court.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) Acceptance and Expedition.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

By Mr. SARBANES:

S. 47. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

FIREFIGHTERS PAY FAIRNESS ACT

• Mr. SARBANES. Mr. President, as we begin the 104th Congress, I am reintroducing legislation to improve the pay system used for Federal firefighters.

This important bill has three broad purposes: First, to improve pay equality with municipal and other public section firefighters; second, to enhance recruitment and retention of firefighters in order to maintain the highest quality Federal fire service; and third, to encourage Federal firefighters to pursue career advancement and training opportunities.

Fire protection is clearly a major concern at Federal facilities and on Federal lands throughout the Nation. From fighting wildland fires in our National parks and forests to protecting military families from fires in their base housing, Federal firefighters play a vital role in preserving life and property. One only needs to recall the terrible tragedies in Colorado last summer to understand the incredible commitment of our Federal firefighters.

The Department of Agriculture, the Coast Guard, the Department of Commerce, the Department of Defense, the General Services Administration, the Department of the Interior, and the Department of Veterans Affairs are among the Federal agencies that rely on Federal employees to protect their vast holdings of land and structures. Just like their municipal counterparts, these Federal firefighters are the first line of defense against threats to life and property.

Mr. President, the current system used to pay our Federal firefighters is at best confusing and at worst unfair.

These men and women work longer hours than other public sector firefighters yet are paid substantially less. The current pay system, which consists of three tiers, is overly complex and, more importantly, is hurting Federal efforts to attract and retain top-quality employees.

Currently, most Federal firefighters work an average 72-hour week under exceptionally demanding conditions. The typical workweek consists of a one-day-on/one-day-off schedule which results in three 24-hour shifts per 72-hour week. Despite this unusual schedule, firefighters are paid under a modified version of the same General Schedule pay system used for full-time, 40-hour-per-week Federal workers.

The result of the pay modification is that Federal firefighters make less per hour than any other Federal employees at the same grade level. For example: a firefighter who is a GS–5, Step 5 makes $7.21 per hour while other employees at the same grade and step earn $10.34 per hour. Some have tried to justify this by noting that part of a firefighter's day is downtime. However, I must note that all firefighters have substantial duties beyond those at the site of a fire. Adding to this discrepancy is the fact that the average municipal firefighter makes $12.87 per hour.

Mr. President, this has caused the Federal fire service to become a training ground for young men and women who then leave for higher pay elsewhere in the public sector. Continually training new employees is, as my colleagues know, very expensive for any employer.

The Office of Personnel Management is well aware of these problems. In fact, section 102 of the Federal Employees Pay Comparability Act of 1990 [FEPCA], title V of Public Law 101–509, authorizes the establishment of special pay systems for certain Federal occupations. The origin of this provision was a recognition that the current pay classification system did not account for the unique and distinctive employment conditions of Federal protective occupations including the Federal fire service.

In May of 1991, I wrote to OPM urging the establishment of a separate pay scale for firefighters under the authority provided for in FEPCA. Subsequently, OPM established an Advisory Committee on Law Enforcement and Protective Occupations consisting of agency personnel and representatives from Federal fire and law enforcement organizations. Beginning in August of 1991, representatives from the Federal fire community began working with OPM and other administration officials to identify and address the problems of paying Federal firefighters under the General Schedule. The committee completed its work in June of 1992 and in December of that year issued a staff report setting forth recommendations to correct the most serious problems with the current pay system.

Mr. President, I regret that since the release of the OPM recommendations, there has been no effort to implement any of the proposals of the advisory task force. In fact, OPM has communicated quite clearly that it has no plans to pursue any solution to the serious pay deficiencies that have been so widely identified and acknowledged.

It would not be necessary to introduce this legislation today had OPM taken the corrective action that, in my view, is so clearly warranted. However, I have determined that legislation appears to be the only vehicle to achieve the necessary changes in the pay system for Federal firefighters.

Mr. President, the Firefighter Pay Fairness Act would improve Federal firefighter pay in several important and straightforward ways. Perhaps most importantly, the bill draws from existing provisions in title V to calculate a true hourly rate for firefighters. This would alleviate the current problem of firefighters being paid considerably less than other General Schedule employees at the same GS level. It would also account for the varying length in the tour of duty for Federal firefighters stationed at different locations.

In addition, the bill would use this hourly rate to ensure that firefighters receive true time and one-half overtime for hours worked over 106 in a biweekly pay period. This is designed to correct the problem, under the current system, where the overtime rate is calculated based on an hourly rate considerably less than base pay.

The Firefighter pay Fairness Act would also extend these pay provisions to so-called wildland firefighters when they are engaged in firefighting duties. Currently, wildland firefighters are often not compensated for all the time spent responding to a fire event. Our bill would ensure that these protectors of our parks and forests would be paid fairly for ensuring the safety of these invaluable national resources.

The bill also ensures that firefighters promoted to supervisory positions would be paid at a rate of pay at least equal to what they received before the promotion. This would address the situation, under the current pay system, which discourages employees from accepting promotions because of the significant loss of pay which often accompanies a move to a supervisory position.

Similarly, the bill would encourage employees to get the necessary training in hazardous materials, emergency medicine, and other critical areas by ensuring they do not receive a pay cut while engaged in these training activities.

Mr. President, this legislation is based upon a bill I authored in the 103d Congress. A bipartisan group of more than 50 Members cosponsored the measure in the Senate and the House last year. The legislation I am introducing today reflects several modifications that were suggested to the bill following substantial discussions with various Members. However, it is identical to the so-called compromise measure that was discussed with the authorizing as well as the appropriating committees last summer and received widespread support.

To reduce initial costs and allow oversight of the effectiveness of the legislation, the bill I am introducing today would implement the new pay system and other provisions beginning October 1, 1995. However, the new rate of pay would be phased in over a four year period ending October 1, 1999.

Mr. President, I consulted many of the affected groups in developing my legislation. I am very pleased that this bill has been endorsed by the American Federation of Government Employees, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Association of Government Employees, and the National Federation of Federal Employees.

As I have said before, Mr. President, fairness is the key word. There is no reason why Federal firefighters should be paid dramatically less than their municipal counterparts. As a co-chairman of the Congressional Fire Services Caucus, I want to urge all members of the caucus and, indeed, all Members of the Senate to join in cosponsoring this important piece of legislation.●

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 49. To amend the Federal Water Pollution Control Act to modify the wetlands regulatory program corresponding to the low wetlands loss rate in Alaska and the significant wetlands conservation in Alaska, to protect Alaskan property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities and villages; to the Committee on Environment and Public Works.

THE ALASKA WETLANDS REGULATORY REFORM ACT OF 1995

Mr. STEVENS. Mr. President, I send to the desk a bill to set a bold standard for the conservation of wetlands based upon the Alaska model. I am pleased that my colleague from Alaska, the chairman of the Energy Committee, has worked so closely with me on this bill. It is a combined effort and I thank him and his staff for their advice and assistance.

This bill, S. 49, comes after years and years of working for regulatory and administrative solutions to the wetlands permitting problems experienced too frequently by Alaskans. I worked with the Small Business Committee for wetlands reform when I was a member of that committee and I testified before the Environment and Public Works Committee when it considered reform of the wetlands program. Senator MURKOWSWKI and I, with our staffs, spent hours with the Environment Committee members on Alaskan wetlands reform during the 103d Congress. We sought improvements to the wetlands program, improvements that take into account the wetlands conditions in Alaska. However, the Clean Water Act was not reauthorized during the 103d Congress. The current administration even failed to propose meaningful reforms after again studying the Alaska wetlands problem to death.

Today, Mr. President, we lay down our marker for Alaska wetlands regulatory program reform. We have exhausted other avenues. Our bill proposes the needed changes in the law and it is our reference point. Concepts in our bill will work because they change the regulatory program where they are inconsistent with Alaska's wetlands circumstances. Alaskans who encounter the wetlands program have helped us draft these proposals.

Within Alaska are approximately 170 million acres of wetlands. We have many types of wetlands. Some, such as permafrost wetlands, are found in no other State. During the past 200 years virtually none of these wetlands have been lost. Estimates of Alaska wetlands loss over the past 200 years range from 80,000 to 200,000 acres. So in 200 years, Alaska lost less than one-tenth of 1 percent of its wetlands. The total Alaska wetlands impacted in over 200 years are less than loss rates for the south 48 annually.

What's more, Mr. President, Alaska has vast acreage of wetlands that are conserved in national and State parks, wilderness systems, and refuges. Even our local governments designate expansive wetlands areas for conservation. The whole coastline along the city of Anchorage composes the Anchorage Coastal Wildlife Refuge; it is a wetlands conservation area established by Alaskans for Alaska.

The point, Mr. President, is that within Alaska are vast wetlands. The bulk of the best wetlands are already conserved, most permanently protected.

In contrast, the south 48 has lost over one-half of its wetlands during the past 200 years. South 48 loss occurred for a variety of reasons. Land was drained for agriculture. Swamps were filled for community growth and development. Much of the wetlands loss in the south 48 occurred well before the wetlands regulatory program began.

Then, in the mid-1980's, came the idea of no net loss, a concept first proposed by President Bush. The President declared the goal of no net loss to reverse the trend of wetlands loss in the south 48. When he first mentioned the goal, President Bush referred to wetlands loss rates exceeding 50 percent, and he was clearly not talking about Alaska. If Alaska is factored in, the national loss rate would only be around 30 percent.

After the President announced the new goal, the wetlands program was modified to implement no net loss. When the goal of no net loss was embraced by EPA and the Corps, it imprisoned Alaska.

Therein lies the crux of the difficulties for Alaskans: the changes in the wetlands program designed to address the south 48 wetlands loss problem were imposed on a State containing the most wetlands, but without the loss problem of the south 48.

Knowing this and considering the administrative and regulatory changes that the Alaska delegation has advocated for more than 5 years, Senator MURKOWSKI and I are left with no choice but to introduce this bill. Make no mistake, this bill addresses squarely the problem of mitigation, the concept in the wetlands doctrine that penalizes Alaskans.

In brief, our bill does the following:

It introduces a balancing concept as a purpose of the Clean Water Act and requires wetlands conservation to be balanced with economic impacts on local and private economic interests.

It establishes a new conservation standard. For States with substantial areas of conservation of wetlands, 15 acres in Federal, State, and local conservation designations for each acre filled, a modified permit standard applies. This approach will allow Alaskan permit applicants to receive permits without needless mitigation and without establishing that the project cannot be placed somewhere else. All projects must still minimize impact to wetlands.

It establishes the concept of economic base lands for Native and State land grants by the Congress, lands that receive the same permit review as outlined for States with substantial conserved wetlands areas.

Lastly, our bill provides for permit exemptions for certain activities such as water treatment facilities for mines, log transfer facilities, and airports.

Alaskans have waited long enough for this reform, Mr. President. The time has come for meaningful reform that helps Alaskans. At current rates of development, it would take 250 years for Alaskans to impact just one percent of its wetlands. But Alaska has conserved its wetlands credit for this conservation must be given when it comes to utilizing our small private land base and our State and Native land grants. The time has come for wetlands reform, reform that is meaningful and effective for those who contribute to the economic well being of my State.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Alaska Wetlands Conservation Credit Procedures Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) according to the U.S. Fish and Wildlife Service, approximately 170,200,000 acres of wetlands existed in Alaska in the 1780's and approximately 170,000,000 acres of wetlands exist now, representing a loss rate of less than one-tenth of 1 percent through human and natural processes;

(2) according to the U.S. Fish and Wildlife more than 221 million acres of wetlands existed at the time of Colonial America in the area that is now the contiguous United States and 117 million of those acres, roughly 53 percent, have been filled, drained, or otherwise removed from wetland status;

(3) Alaska contains more wetlands than any other State, and more wetlands than all other States combined;

(4) eighty-eight percent of Alaska's wetlands are publicly owned, whereas only 26 percent of the wetlands in the contiguous 48 States are in public ownership;

(5) approximately 98 percent of all Alaskan communities, including 200 of 209 remote villages in Alaska, are located in or adjacent to wetlands;

(6) approximately 62 percent of all federally designated wilderness lands, 70 percent of all Federal park lands, and 90 percent of all Federal refuge lands are located in Alaska, thus providing protection to approximately 60 million acres of wetlands;

(7) more than 60 million acres of wetland are conserved in some form by land designations that restrict utilization or degradation of wetlands;

(8) 104 million acres of land were granted to the State of Alaska at statehood for purposes of economic development;

(9) approximately 43 million acres of land were granted to Native Alaskans through regional and village corporations and native allotments for their use and between 45 percent and 100 percent of each Native corporations' land is categorized as wetlands;

(10) development of basic community infrastructure in Alaska, where approximately 75 percent of the nonmountainous areas are wetlands, is often delayed sometimes prevented by the wetlands regulatory program for minimal identifiable environmental benefit;

(11) the 1899 Rivers and Harbors Act formerly regulated disposition of dredge spoils in navigable waters, which did not include wetlands, to keep navigable waters free of impairments;

(12) the 1972 Clean Water Act formed the basis for a broad expansion of Federal jurisdiction over wetlands by modifying the definition of "navigable waters' to include all "waters in the United States";

(13) in 1975, a U.S. District Court ordered the Corps to publish revised regulations concerning the scope of the section 404 program, regulations that expanded the scope of the program to include the discharge of dredged and fill material into wetlands;

(14) the wetlands regulatory program was expanded yet again by regulatory action to include isolated wetlands, those that are not

adjacent to navigable waters, and such an expansion formed the basis for burdensome intrusions on the property rights of Alaskans, Alaskan Native Corporations, the State of Alaska, and property owners in Alaska;

(15) expansion of the wetlands regulatory program in this manner is beyond what the Congress intended when it passed the Clean Water Act and the expansion has placed increasing and unnecessary economic and administrative burdens on private property owners, small businesses, city governments, State governments, farmers, ranchers, and other for negligible environmental benefit associated with wetland permits;

(16) for Alaska, a State with substantial conserved wetlands and less than 1 percent private, noncorporate land ownership, the burdens of the current wetlands regulatory program unnecessarily inhibit reasonable community growth and environmentally benign, sensitive resource development;

(17) Alaska villages, municipalities, boroughs, city governments, and Native organizations are experiencing increasing frustration with the constraints of the wetlands regulatory program because it interferes with the location of community centers, airports, sanitation systems, roads, schools, industrial areas, and other critical community infrastructure;

(18) policies that purport to achieve "no net loss" of wetlands reflect a Federal response to the 53 percent loss of the wetlands base in the South 48, a calculation that excludes Alaska wetlands;

(19) total wetlands loss in Alaska is less than one-tenth of 1 percent of the total wetlands acreage in Alaska;

(20) individual landowners in Alaska have experienced devaluations of up to 97 percent of their property value due to wetlands regulations and the tax base of many communities has diminished by those regulations.

SEC. 3 AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(a) in section 101(a) (33 U.S.C. 1251(a)) by—

(1) striking "and" at the end of paragraph (6);

(2) striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) adding the following new paragraphs:

"(8) it is the national policy to—(A) achieve a balance between wetlands conservation and adverse economic impacts on local, regional, and private economic interests and (B) to eliminate the regulatory taking of private property by the regulatory program authorized under section 404;

"(9) it is the national policy to encourage localized wetlands planning, without mandating it and by providing funds to encourage it, and such planning shall allow local political subdivisions and local governments to apply differential standards for the issuance of wetlands permits based on factors that include the relative amount of conserved wetlands habitat and the wetlands loss rate in the State in which such political subdivision or local government is located; and

"(10) it is the national policy that compensatory mitigation on wetlands or potential wetlands located outside the boundaries of a State shall not be required, requested, or otherwise utilized to offset impacts to wetlands inside that State.".

(b) in section 404(b) (33 U.S.C. 1344(b)) by inserting immediately after "anchorage" the following: "; provided however, that the guidelines adopted pursuant to clause (1) for a State with substantial conserved wetlands areas—

"(A) shall not include requirements or standards for mitigation to compensate for wetlands loss and adverse impacts to wetlands;

"(B) may include requirements or standards for minimization of adverse impacts to wetlands; and

"(C) may include standards or requirements for avoidance of impacts only if the permit applicant is not required to establish that upland alternative sites do not exists.".

(c) in section 404(e) (33 U.S.C. 1344(e)) by inserting at the end the following new paragraph—

"(3) Notwithstanding the requirements of paragraphs (1) and (2), at the request of a State with substantial conserved wetlands areas, the Secretary shall issue general permits for such States and the requirements under which such general permits are issued shall contain a regulatory standard for discharge of dredged or fill material into navigable waters in such State, including wetlands, that is no greater than the standard under subsection (b).".

(d) in section 404(f)(1) (33 U.S.C. 1344(f)(1)) by—

(1) striking the comma at the end of subparagraph (F) and inserting in lieu thereof a semicolon; and

(2) adding the following new subparagraphs—

"(G) associated with airport safety (ground and air) in a State with substantial conserved wetlands areas, and in any case associated with airport safety (gound and air) when the Secretary of Transportation determines that it is advisable for public safety reasons and deems it necessary;

"(H) for construction and maintenance of log transfer facilities associated with log transportation activities;

"(I) for construction of tailings impoundments utilized for treatment facilities (as determined by the development document) for the mining subcategory for which the tailings impoundment is constructed;

"(J) for construction of ice pads and ice roads and for purposes of snow storage and removal,".

(e) by adding at the end of section 404 (33 U.S.C. 1344) the following new subsections—

"(s) DEFINITIONS.—For purposes of this section the term—

"(1) 'conserved wetlands' means wetlands that are located in the National Park System, National Wildlife Refuge System, National Wilderness System, the Wild and Scenic River System, and other similar Federal conservation systems, combined with wetlands located in comparable types of conservation systems established under State and local authority within State and local land use systems.

"(2) 'economic base lands' means lands conveyed to, selected by, or owned by Alaska Native entities pursuant to the Alaska Native Claims Settlement Act, Public Law 92–203, as amended, or the Alaska Native Allotment of 1906 (34 stat. 197), and lands conveyed to, selected by, or owned by the State of Alaska pursuant to the Alaska Statehood Act, Public Law 85–508, as amended.

"(3) 'State with substantial conserved wetlands areas' means any State which—

"(A) contains at least 15 acres of wetlands for each acre of wetlands filled, drained, or otherwise converted within such State (based upon wetlands loss statistics reported in the 1990 U.S. Fish and Wildlife Service Wetlands Trends Report to Congress entitled 'Wetlands Losses In the United States 1780's to 1980's'); or

"(B) the Secretary of the Army determines has sufficient conserved wetlands areas to provide adequate wetlands conservation in such State, based on the policies set forth in this Act.

"(t) ALASKA NATIVE AND STATE OF ALASKA LANDS.—

"(1) IN GENERAL.—The Secretary shall issue individual and general permits pursuant to the standards and requirements of subsections (a) and (b) for a State with substantial conserved wetlands areas.

"(2) PERMIT CONSIDERATIONS.—For permits issued pursuant to this section for economic base lands, in addition to the requirements in subsections (a) and (b), the Secretary shall—

"(A) balance the standards and policies of this Act against the obligations of the United States to allow economic base lands to be beneficially used to create and sustain economic activity;

"(B) with respect to Alaska Native lands, give substantial weight to the social and economic needs of Alaska Natives; and

"(C) account for regional differences in the abundance and value of wetlands.

"(3) GENERAL PERMITS.—For permits issued under this section on lands owned by Alaska villages, the Secretary shall issue general permits for disposition of dredged and fill material for critical infrastructure including water and sewer systems, airports, roads, communication sites, fuel storage sites, landfills, housing, hospitals, medical clinics, schools, and other community infrastructure in rural Alaska villages without a determination that activities authorized by such a general permit cause only minimal adverse environmental effects when performed separately and will have only minimal cumulative adverse effects on the environment.

"(4) OTHER CONSIDERATIONS.—The Secretary shall consult with and provide assistance to Alaska Natives (including Alaska Native Corporations) and the State of Alaska regarding promulgation and administration of policies and regulations under this section."

Mr. MURKOWSKI. Mr. President, I join Senator STEVENS today in introducing legislation, aptly numbered S. 49 for Alaska, the 49th State, to free our State to properly and sensitively develop land that is currently off-limits because a muscle-bound bureaucracy has refined the dispensing of redtape to an art form.

Anyone who looks at the facts, and who is not already biased against any and all development in Alaska, cannot help but be persuaded that the very tough rules that apply to the development of wetlands in the lower 48 where 53 percent of the original wetlands have already been filed, drained or otherwise removed from wetland status do not make sense for Alaska where less than one tenth of 1 percent of original wetlands have been developed.

Good public policy rewards behavior and penalizes bad behavior. Alaska has diligently protected its wetlands. One hundred fifty four million acres of wetlands, over 60 million acres are already out of reach of any sort of development, having been placed in Federal conservation units. By contrast in the lower 48 only 31 million acres are publicly owned. Alaska has developed at most only about 200,000 acres of wetlands less than one tenth of 1 percent, compared to 117,000,000 acres developed in the lower 48—53 percent. In other words, Alaska's wetlands are already better protected than any other State. We will never, never become another New Jersey. It is simply good public policy to tailor regulatory oversight of wetlands development in Alaska to Alaska, not to some other State that has badly managed its wetlands. That is what our bill attempts to do.

Alaska is a young, strong State. The Federal Government has gone to great effort to provide for the orderly economic development of Alaska, first through the Statehood Act, in which 104 million acres were set aside for the State for purposes of economic development. Similarly, when the Congress passed the Alaska Natives Claim Settlement Act, approximately 43 million acres were granted to Native Alaskans through regional and village corporations for the purposes of economic development.

The irony is that, because so much of Alaska is wetland, 98 percent of all Alaskan communities and 200 out of 209 remote villages are located in or next to wetlands. So, while the Federal Government on one hand provided the resources for planned, sensitive development by means of the Statehood Act and ANCSA, on the other hand the Federal bureaucrats have tied those same lands in a sticky ball of redtape that may make sense on the east coast, but makes no sense in Alaska. Can you imagine requiring compensatory mitigation, that is, creating new wetlands to replace any wetland used in a state in which 3 out of 4 acres of non-mountainous land is already a wetland? Can you imagine requiring a wetlands permit to pile plowed snow on undeveloped land for the winter? Our bill is designed to address such absurdities.

This legislation does not do away with regulatory oversight of wetlands in Alaska. But, in Alaska, wetlands regulation should no longer completely ignore the economic and social effect of the permitting process. Compensatory mitigation would be done away with in many circumstances such as when critical infrastructure for minimal rural water and sewer delivery are installed. In addition, Alaska would get credit for the wetlands we already protect. Other protections, such as avoidance and minimization, would remain.

This will not satisfy those who are pleased with the status quo. They will not be comfortable with protecting Alaska for Alaskans. To them, preventing an Alaskan from building a garage, or a business on land designated wetland, even after avoidance and minimization requirements are met, is a small price to pay to preserve Alaska in its pristine primitiveness. In fact, in most cases it there is no price for them to pay because many of them live in New York, or Washington, DC or Los Angeles. For Alaskans, these regulations stop us dead in our tracks from pursuing the full promise of statehood.

This legislation just deals with Alaska. It is our hope to work with other Senators and Members of Congress from other States in which the regulators are running amuck. It's a starting point and a signal that we are serious about bringing sense back to a process that seems to have been lobotomized. I look forward to beginning that process.

By Mr. LOTT (for himself, Mr. KYL, Mr. MACK, Mr. SHELBY, and Mr. WARNER):

S. 50. A bill to repeal the increase in tax on Social Security benefits; to the Committee on Finance.

SENIOR CITIZENS TAX FAIRNESS ACT

Mr. LOTT. Mr. President, I am here today to reintroduce the Senior Citizens Tax Fairness Act. I am introducing it today along with my distinguished new colleague from the State of Arizona, Senator JON KYL. Senator KYL led the effort against the tax increase that this legislation would repeal when he was in the House of Representatives last year. So I am delighted now to have the opportunity to work with him on this legislation and on other issues here in the Senate.

The Omnibus Budget Reconciliation Act of 1993 raised taxes on millions of Americans. For that reason, I opposed that legislation last year. In my opinion, the most unfair of all the new taxes included in OBRA 1993 was the increased tax on Social Security recipients. We raised taxes on the senior citizens, the group of Americans who have worked all their lives paying into the Social Security Trust Fund. They planned their retirements based on a certain level of income and return from their contributions, and then Congress, last year, in its infinite wisdom—I think mistakenly—changed the rules of the game on them. We broke our word to the elderly people of America. I think that was unconscionable, and it needs to be changed.

As a member of the Budget Committee, I fought this tax last year from its inception. I offered amendments to knock it out in the Committee. I offered amendments on the floor of the Senate that were defeated by close votes, and that tax went on to become law. So I now do not intend to give up that fight, and I want to work this year to make sure that this new tax is repealed.

The Senior Citizens Tax Fairness Act would do just that: It would completely repeal the tax increase imposed on the senior citizens of this country last year. Our bill would return the percentage of taxable benefits from the current 85 percent to the former 50 percent. For that reason, we have requested the bill number to be S. 50. This should make it easy for everyone to understand the purpose of the legislation.

The tax increase should be repealed for many reasons. First, it directly hits those prudent and frugal Americans who have worked, sacrificed, and invested in America. This tax penalizes people who have saved for their retirements. It also penalizes those who are still working. This tax increase, combined with the perverse interplay of taxes on working seniors, will create marginal tax rates of more than 100 percent for some beneficiaries. In addition to the taxes other Americans pay on their incomes, Social Security beneficiaries under 70 who work forfeit $1 of Social Security benefits for every $3 they earn. This will cause some working seniors in the 28 percent bracket $1.04 for every additional dollar they earn.

This is fundamentally unfair. This retirement earnings test reduction, combined with other state and federal taxes, and the increased tax on benefits, creates a powerful work disincentive for older Americans, many of whom would like to continue to work and are needed in many instances. Why should we punish those who work with a tax rate higher than that of millionaires? Is that the American dream? I do not think so.

As a study for the National Center for Policy Analysis points out, taxpayers are not taxed on their income unless they put away additional savings for their retirement or are working. Penalizing savings—and working—is harmful to our economy as a whole.

What is even worse about this is that the revenues from the tax increase will not go to reduce the deficit. They will not go into the Social Security Trust Fund. The revenues will do nothing to help assure the fiscal integrity of the Social Security System. No, this tax increase and the revenue it produces, will go to fund other new government spending. To my knowledge, I believe I am correct in saying, this is the first time this has happened. I think that is the fact that most alarmed the seniors when they realized what was happening.

The tax has repeatedly been referred to as a tax on the wealthy. But I remember when it was first proposed, it could apply to senior citizens with incomes as low as $19,000. Now the threshold has been raised somewhat, but surely, by most standards, somebody earning $34,000 is not wealthy.

The Heritage Foundation analyzed distribution tables published by the House Ways and Means Committee and Census Bureau data. Based on that information, it is estimated that 57 percent of this tax will be paid by seniors earning less than $75,000. In my own State of Mississippi, it is estimated that the tax increase will cost senior citizens more than $20 million in 1994 alone.

Additionally, the thresholds above which the additional tax must be paid are not indexed. Thus, because of inflation, more and more people will be subject to the tax each year.

The question here is simple. Should Social Security recipients, retirees making as little as $34,000 a year, pay a higher marginal rate than any other American taxpayer just so the Federal Government can have more money to fund spending programs?

I do not believe so. It is not fair to reduce the incomes of those who cannot change past work and savings decisions which were based on current law. Social Security represents a contract we made with the American people years ago. They have done their part by working hard and paying into the system all their lives. Congress must now uphold its end of the bargain, so I believe we need to repeal this inequitable tax this year. I will be looking for an opportunity to offer this bill on the floor, or to have it included in legislation that will be coming out of the Finance Committee, and perhaps even the Budget Committee. I believe that we are going to have a lot of support for it. I invite my colleagues to join Senator KYL of Arizona and me as cosponsors.

• Mr. KYL. Mr. President, I rise as an original cosponsor of S. 50, the Senior Citizens Tax Fairness Act of 1995. As Senator LOTT has explained, passage of S. 50 would repeal the Clinton Social Security Tax Increase contained in the Omnibus Budget Reconciliation Act of 1993 (OBRA '93). I believe S. 50 represents an important first step in reestablishing the fundamental American principles of limited government, tax fairness, and self-reliance. I believe repeal of the Clinton Social Security tax increase is a simple matter of justice.

During the 1992 Presidential campaign, President Clinton promised to protect citizens who work hard and play by the rules. Surely, America's senior citizens are included in this category. Seniors have contributed to the Social Security System throughout their working lives. Many are dependent upon the Government to discharge its obligations under the Social Security contract.

Also during the campaign, the President said, "we don't need to tamper with Social Security. It's solid. It's secure. It's sound. And I'm going to keep it that way * * * You can take that one to the bank." But, the President broke his promise. Included in the President's 1993 tax legislation was a big penalty for many seniors.

Under the Clinton Social Security tax increase, senior citizens with incomes over $34,000 and couples with incomes over $44,000 are now taxed on 85 percent of their Social Security benefits. This represents a 70 percent increase in the marginal tax rate over prior law. For some beneficiaries, this has meant an annual tax hike of $2,700. When the Social Security Tax Increase is combined with the "Social Security Earnings Limitation," a senior's marginal tax rate can reach 88 percent—twice the rate paid by millionaires. This is not taxation. This is confiscation.

The CBO estimates that, in 1994, 9.5 million beneficiaries were hit by the Clinton Social Security tax increase. This figure will rise to roughly 13.5 million by 1998 and will go higher each year thereafter because this tax is not indexed for inflation, thereby allowing bracket creep.

To remedy the injustice imposed by the Clinton Social Security Tax Increase, Senator TRENT LOTT and I have introduced S. 50, the Senior Citizens Tax Fairness Act of 1995. S. 50 would repeal the punitive rate of taxation imposed upon millions of middle class senior citizens by the Clinton Social Security tax increase. S. 50 is identical to H.R. 2959, which I introduced as a member of the House of Representatives on August 6, 1993, the day this tax increase was passed by the Congress.

According to a Heritage Foundation analysis of figures provided by the Congressional Budget Office [CBO] and the U.S. Treasury Department, the Clinton Social Security tax increase will remove $380,675,441 from the pockets of Arizona's senior citizens between 1994 and 1998. Throughout America, $24.6 billion will be confiscated from seniors during the same period.

The President and some Members of Congress apparently forgot that Social Security is not an insurance policy intended to offset some unforeseen future occurrence. Rather it is a supplemental pension plan with a certain amount paid on a regular basis to retirees who made contributions to the fund on a regular basis throughout their working lives. Social Security is a planned savings program designed to provide income during an individual's retirement years.

Mr. President, since the imposition of the Clinton Social Security tax increase, I have heard from thousands of senior citizens. Their message is clear and persuasive: While they are willing to do their fair share to reduce the size of the budget deficit, they do not understand why they must pay a new tax on their Social Security benefits in order to finance increased federal spending. America's seniors believe the Government should cut spending first. And they are absolutely right. The history of Federal taxation—including the Clinton Social Security tax increase—demonstrates compellingly that tax increases inevitably provide for increased Federal spending rather than deficit reduction, as these measures are frequently advertised to provide.

For instance, a study by the Joint Economic Committee found that, since 1947, every dollar of increased taxation resulted in $1.59 in increased Federal spending. This confirms a study by the Office of Management and Budget which concluded that, in the 1970's, tax revenues grew by $324.3 billion while spending rose by $395.3 billion. Thus, during this time period, for every dollar in higher taxes, spending rose by $1.22. In the 1980's, tax revenues increased by $514.6 billion. However, instead of using these additional revenues for deficit reduction, the Congress increased spending by $661.7 billion, a spending increase of $1.29 for each dollar of revenue raised through new taxes. This trend has dramatically worsened since 1990. In fiscal years 1990–93, Federal spending has increased by $1.91 for each dollar of new revenue raised through taxation.

The Congress imposed major tax increases in 1982, 1984, 1987, and 1990. In each case lawmakers promised that the revenues raised would be used to reduce the deficit. However, in each instance, new tax revenues were used to fund new Federal spending. In fact, under OBRA '93, Federal spending is projected by the CBO to increase from $1.467 trillion in 1994 to $1.758 trillion in 1998—an increase of $291 billion. The same is true about revenues raised by the Clinton Social Security tax increase. These revenues have not been used to reduce the deficit. These revenues have been used to provide for additional Federal spending.

The Clinton Social Security tax increase hinders economic growth by reducing incentives to save, work, and invest. For instance, a Social Security recipient in the middle tax bracket receiving $8,000 in annual benefits paid almost $800 in additional taxes this year. However, this individual pays the tax only because participation in the work force generates taxable income above the marginal rate. The incentive not to work is clear: The payment of additional taxes on benefits is required as a result of earnings received from productive economic activity. Taxation discourages this activity.

It is also important to remember that Social Security is not the cause of the deficit. As we all know, the Social Security System now has an annual surplus of between $50 and $60 billion dollars. And, although CBO projects Social Security spending to rise by an average of 4.96 percent annually over the next 5 years, it is not growing at an astronomical rate. We must remember that the driving force behind the growth in Federal spending is not Social Security; it is Medicare and Medicaid. Medicare is projected to rise by an average of 11.9 percent annually between 1993 and 1998. Medicaid is projected to grow at an annual average rate of 12.8 percent over the next 5 years. Mr. President, because Social Security is not the cause of the budget deficit, and because the revenues generated by the Clinton Social Security

Tax Increase are not used to reduce that deficit. I believe justice requires that this tax be repealed.

I believe America's primary problem is not that our citizens are taxed too little but that government spends too much. With regrettable consistency, the Clinton Social Security tax increase of 1993 continued the failed policies of past Congresses that seemed actually addicted to raising taxes and adverse cutting spending. Passage of S. 50 will represent an important reversal of this "tax and spend" tendency.

The American people have given the 104th Congress an historic opportunity to reaffirm the fundamental principles of limited government, tax fairness, and self reliance. The Congress must not continue to impose higher taxes on Social Security to provide for additional Federal spending. Further, the Government simply must stop borrowing from the Social Security trust fund, and must begin the process of insuring the solvency of the system for all current and future retirees. But we cannot and should not begin this process until there is a significant national consensus and until all retires are adequately protected.

I hope you will join Senator LOTT and me in supporting passage of S. 50, which will repeal the unjust Clinton Social Security tax increase. Thank you, Mr. President.●

By Mr. THURMOND:

S. 51. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

JUDICIAL TAXATION PROHIBITION ACT

Mr. THURMOND. Mr. President, I rise today to introduce legislation to prohibit Federal Judges from ordering new taxes or ordering increases in existing tax rates as a judicial remedy.

In 1990, the Supreme Court decided in Missouri! versus Jenkins to allow Federal judges to order new taxes or tax increases as a judicial remedy. It is my firm belief that this narrow 5-4 decision permits Federal judges to exceed their proper boundaries of jurisdiction and authority under the Constitution.

Mr. President, this ruling and Congressional response raises two constitutional issues which warrant discussion. One is whether Federal courts have authority under the Constitution to inject themselves into the legislative of taxation. The second constitutional issue arises in light of the Judicial Taxation Prohibition Act which I am now introducing to restrict the remedial jurisdiction of the Federal courts. This narrowly drafted legislation would prohibit Federal judges from ordering new taxes or ordering increases in existing tax rates. I believe it is clear under article III that the Congress has the authority to restrict the remedial jurisdiction of the Federal courts in this fashion.

First, I want to speak on the issue of judicial taxation. Not since Great Britiain's ministry of George Grenville in 1765, have the American people faced the assault of taxation without representation as now authorized in the Jenkins decision.

As part of his imperial reforms to tighten British control in the colonies, Grenville pushed the Stamp Act through the Parliament in 1765. This act required excise duties to be paid by the colonists in the form of revenue stamps affixed to a variety of legal documents. This action came at a time when the colonies were in an uproar over the Sugar Act of 1764 which levied duties on certain imports such as sugar, indigo, coffee, linens, and other items.

The ensuing firestorm of debate in America centered on the power of Britain to tax the colonies. James Otis, a young Boston attorney, echoed the opinion of most colonists stating that the Parliament did not have power to tax the colonies because Americans had no representation in that body. Mr. Otis had been attributed in 1761 with the statement that "taxation without representation is tyranny."

In October, 1765, delegates from nine States were sent to New York as part of the Stamp Act Congress to protest the new law. It was during this time that John Adams wrote in opposition to the Stamp Act:

> We have always understood it to be a grand and fundamental principle * * * that no freeman shall be subject to any tax to which he has not given his own consent, in person or by proxy.

A number of resolutions were adopted by the Stamp Act Congress protesting the acts of Parliament. One resolution stated:

> It is inseparably essential to the freedom of a people * * * that no taxes be imposed on them, but with their own consent, given personally or by their representatives.

The resolutions concluded that the Stamp Act had a "manifest tendency to subvert the rights and liberties of the colonists."

Opposition to the Stamp Act was vehemently continued through the colonies in pamphlet form. These pamphlets asserted that the basic premise of a free government included taxation of the people by themselves or through their representatives.

Other Americans reacted to the Stamp Act by rioting, intimidating collectors, and boycotts directed against England. While Grenville's successor was determined to repeal the law, the social, economic and political climate in the colonies brought on the American Revolution. The principles expressed during the earlier crisis against taxation without representation became firmly imbedded in our Federal Constitution or 1787.

Yet, the Supreme Court has overlooked this fundamental lesson in American history. The Jenkins decision extends the power of the judiciary into an area which has traditionally been reserved as a legislative function within the Federal, State, and local governments. In the "Federalist No. 48," James Madison explained that in our democratic system, "the legislative branch alone has access to the pockets of the people."

This idea has remained steadfast in America for over 200 years. Elected officials with authority to tax are directly accountable to the people who give their consent to taxation through the ballot box. The shield of accountability against unwarranted taxes has been removed now that the Supreme Court has sanctioned judicially imposed taxes. The American citizenry lacks adequate protection when they are subject to taxation by unelected, life tenured Federal judges.

There are many programs and projects competing for a finite number of tax dollars. The public debate surrounding taxation is always intense. Sensitive discussions are held by elected officials and their constituents concerning increases and expenditures of scarce tax dollars. To allow Federal judges to impose taxes is to discount valuable public debate concerning priorities for expenditures of a limited public resource.

Mr. President, the dispositive issue presented by the Jenkins decision is whether the American people want, as a matter of national policy, to be exposed to taxation without their consent by an independent and insulated judiciary. I most assuredly believe they do not.

This brings us to the second constitutional issue which we must address in light of the Jenkins decision. That issue is congressional authority under the Constitution to limit the remedial jurisdiction of lower Federal courts established by the Congress. Article III, section 1, of the Constitution provides jurisdiction to the lower Federal courts as the "Congress may from time to time ordain and establish." There is no mandate in the Constitution to confer equity jurisdiction to the inferior Federal courts. Congress has the flexibility under article III to "ordain and establish" the lower Federal courts as it deems appropriate. This basic premise has been upheld by the Supreme Court in a number of cases including Lockerty v. Phillips, Lauf v. E.G. Skinner and Co., Kline v. Burke Construction Co., and Sheldon v. Sill.

This legislation would preclude the lower Federal courts from issuing any order or decree requiring imposition of "any new tax or to increase any existing tax or tax rate." I firmly believe that this language is wholly consistent with congressional authority under article III, section 1 of the Constitution.

There is nothing in this legislation which would restrict the power of the

Federal courts from hearing constitutional claims. It accords due respect to all provisions of the Constitution and merely limits the availability of a particular judicial remedy which has traditionally been a legislative function. The objective of this legislation is straightforward, to prohibit Federal courts from increasing taxes. The language in this bill applies to the lower Federal courts and does not deny claimants judicial access to seek redress of any Federal constitutional right.

Mr. President, how long will it be before a Federal judge orders tax increases to build new highways or prisons? I do not believe the Founding Fathers had this type of activism in mind when they established the judicial branch of Government. The role of the judiciary is to interpret the law. The power to tax is an exclusive legislative right belonging to the Congress and governments at the State level. We are accountable to the citizens and must justify any new taxes. The American people deserve a timely response to the *Jenkins* decision and we must provide protection against the imposition of taxes by an independent judiciary.

Mr. President, I ask unanimous consent that this proposal be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 51

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Taxation Prohibition Act".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) a variety of effective and appropriate judicial remedies are available for the full redress of legal and constitutional violations under existing law, and that the imposition or increase of taxes by courts is neither necessary nor appropriate for the full and effective exercise of Federal court jurisdiction;

(2) the imposition or increase of taxes by judicial order constitutes an unauthorized and inappropriate exercise of the judicial power under the Constitution of the United States and is incompatible with traditional principles of American law and government and the basic American principle that taxation without representation is tyranny;

(3) Federal courts exceed the proper boundaries of their limited jurisdiction and authority under the Constitution of the United States, and impermissibly intrude on the legislative function in a democratic system of government, when they issue orders requiring the imposition of new taxes or the increase of existing taxes; and

(4) the Congress retains the authority under article III, sections 1 and 2 of the Constitution of the United States to limit and regulate the jurisdiction of the inferior Federal courts which it has seen fit to establish, and such authority includes the power to limit the remedial authority of inferior Federal courts.

SEC. 3. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding between sections 1341 and 1342, the following new section:

"§ 1341A. Prohibition of judicial imposition or increase of taxes

"(a) Notwithstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any remedy, order, injunction, writ, judgment, or other judicial decree requiring the Federal Government or any State or local government to impose any new tax or to increase any existing tax or tax rate.

"(b) Nothing in this section shall prohibit inferior Federal courts from ordering duly authorized remedies, otherwise within their jurisdiction, which may require expenditures by Federal, State, or local government where such expenditures are necessary to effectuate such remedies.

"(c) For purposes of this section, the term 'tax' includes—

"(1) personal income taxes;

"(2) real and personal property taxes;

"(3) sales and transfer taxes;

"(4) estate and gift taxes;

"(5) excise taxes;

"(6) user taxes;

"(7) corporate and business income taxes; and

"(8) licensing fees or taxes.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 85 is amended by inserting between the item relating to section 1341 and the item relating to section 1342, the following new item:

"1341A. Prohibition of judicial imposition or increase of taxes.".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment.

By Mr. THURMOND:

S. 52. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

LEGISLATION TO SUSPEND THE PAY OF JUSTICES OR JUDGES CONVICTED OF A FELONY

Mr. THURMOND. Mr. President, today I am introducing legislation which provides that a justice or judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings.

I believe that the citizens of the United States will agree that those who have been convicted of felonies should not be allowed to continue to occupy positions of trust and responsibility in our Government. Nevertheless, under current constitutional law it is possible for judges to continue to receive a salary and to still sit on the bench and hear cases even after being convicted of a felony. If they are unwilling to resign, the only method which may be used to remove them from the Federal payroll is impeachment.

Currently, the Congress has the power to impeach officers of the Government who have committed treason, bribery, or other high crimes and misdemeanors. Even when a court has already found an official guilty of a serious crime, Congress must then essentially retry the official before he or she can be removed from the Federal payroll. The impeachment process is typically very time consuming and can occupy a great deal of the resources of Congress.

Mr. President, one way to solve this problem would be to amend the Constitution. Today, I am also introducing a Senate resolution proposing a constitutional amendment providing for forfeiture of office by Government officials and judges convicted of felonies. While I believe that a constitutional amendment may be the best solution to the problem, I am also introducing this statutory remedy to address the current situation.

This legislation will provide that a judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings. The Framers of the Constitution could not have intended convicted felons to continue to serve on the bench and to receive compensation once they have violated the law and the trust of the people.

Mr. President, I urge my colleagues to carefully consider this legislation and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of title 28, United States Code, is amended by—

(1) inserting "(a)" before "Whenever the";

(2) adding at the end thereof the following:

"(b) Justices of the Supreme Court shall hold office during good behavior.

"(c) For purposes of the tenure or appointment of a justice, the term 'good behavior' shall not include any offense committed by a justice if the conviction of such offense is punishable by death or imprisonment for a term exceeding one year. Any justice convicted of such an offense shall be suspended from office without pay pending the disposition of impeachment proceedings.".

SEC. 2. Sections 44(b) and 134(a) of title 28, United States Code, are each amended by adding at the end thereof the following: "For purposes of the tenure or appointment of a judge, the term 'good behavior' shall not include any offense committed by a judge if the conviction of such offense is punishable by death or imprisonment for a term exceeding one year. Any judge convicted of such an offense shall be suspended from office without pay pending the disposition of impeachment proceedings."

By Mr. THURMOND:

S. 53. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

LEGISLATION BANNING CONTINGENCY FEES FOR LOBBYING ACTIVITIES

Mr. THURMOND. Mr. President, today, I am introducing a bill which would prohibit any person who is being compensated for lobbying the Federal

Government from being paid on a contingency fee basis. This bill is virtually identical to a bill I introduced in the 103d Congress. This legislation takes an important step towards ensuring integrity in the administration of the Federal Government.

Congress has a great responsibility to ensure integrity in the administration of the Federal Government in all its departments. This has become even more important now that we have entered the era of the $1 trillion Federal budget. Vast sums of money are appropriated by Congress for various projects and studies. Contracts worth millions of dollars are regularly entered into by Federal agencies. The competition for these funds and contracts is intense.

It is not realistic to assume that Congress can legislate integrity. However, we can, through legislation, make efforts to remove certain incentives to use undue influence to enter into contracts which are contrary to the fiscal and ethical interests of our Nation. Accordingly, I introduce this legislation which will prohibit payment for lobbying on a contingency fee basis.

Mr. President, I have heard reports of certain lobbying activities which greatly disturb me. Specifically, I was informed that one lobbyist approached an institution and inquired as to how much Federal money was needed to fund a particular project. When the response was $12 million, the lobbyist responded that he would ask Congress for $14 million. If successful, he would be paid $2 million. If he was unsuccessful, only a base fee would be charged. When our Nation is bridled with such a huge debt, we certainly cannot afford to borrow more money to provide such suspect incentive payments which work to further increase the deficit.

Many lobbying firms do not operate on a contingency fee basis. Yet, other firms follow this practice. Hearings on these issues would be very helpful as this legislation moves through Congress. However, even if it is determined that such arrangements are rare—I take the view that even one is too much. Such arrangements are clearly wrong, and should not be tolerated.

I firmly believe that lobbying on a contingency fee basis is wrong and should not be allowed. Congress should follow the lead of most States by enacting this legislation which would prohibit such arrangements.

Mr. President, the question of the propriety of contingency fees in lobbying activities is not a new one. Common law has held such contracts unenforceable for decades. in fact, in 1916, the Supreme Court ruled on the character of such financial arrangements in the case of Crocker versus United States. The Court, quoting from a prior case, stated:

> All contracts . . . should be made with those . . . who will execute them most faithfully, and at the least expense to the Government. [Contingency fee arrangements] . . . tend to introduce personal solicitation, and personal influence, as elements in the procurement of contracts; and thus directly lead to inefficiency in the public service, and to unnecessary expenditures of the public funds.

Mr. President, recognizing the improper incentives contingency fees for lobbyists have injected into Government, 35 States have laws on the books which prohibit payment for lobbying on a contingent fee basis. My home State of South Carolina has prohibited this type of lobbying since 1935.

At the Federal level, contingency fee arrangements are addressed to some extent in the executive branch. Two laws covering contracts awarded by the Executive Departments—41 U.S.C. 254 (a) and 10 U.S.C. 2306 (b)—restrict the use of "commission, percentage, brokerage or contingent fee" arrangements to secure these contracts. However, the scope of these statutes is deficient in two respects. First, the violation of these provisions carries little penalty, the Government can only annul the contract secured by a contingency fee arrangement, or deduct from the contract the full amount of the contingency fee. They carry no criminal penalties. Second, these statutes only apply to the executive branch and not to activities involving Congress.

Mr. President, the legislation I am introducing would make contingency fee arrangements to influence Government action a crime under Federal law. Any person who violates the provisions of this section shall be fined up to $100,000, or imprisoned not more than 5 years, or both.

Moreover, the Attorney General is empowered to bring a civil action to recover twice the proceeds obtained by that person due to such conduct. This act is prospective in nature and would only apply to contracts entered into after enactment.

Lobbyists often provide expertise and helpful information not otherwise available. I want to be clear on this point. This is an important role for lobbyists, but I am opposed to contractual arrangements which impugn the integrity and efficiency of our system. Clearly, a person should be entitled to reasonable fees for legitimate services in presenting officials of the Government with information as may apprise them of the character and value of the project or service offered, and thus enable those officers to act for the best interest of the Nation. However, the law has long recognized that contingency fees are not appropriate in some areas while appropriate in others. For instance, contingency fees in tort actions provide the poor with access to the courts and are viewed favorably. In other areas, such as criminal and domestic law, such fees are inappropriate because they introduce improper incentives into the system. Similar principles should apply to contingency fees for lobbying.

Mr. President, I urge my colleagues to support this legislation and I look forward to hearings on this important issue. The public deserves action on the part of Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 53

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying

"(a)(1) It shall be unlawful for any person to make, with intent to influence, any oral or written communication on behalf of any other person other than the United States to any department, agency, court, House of Congress, or commission of the United States, for compensation if such compensation has knowingly been made dependent—

"(A) upon any action of Congress, including but not limited to actions of either the house of Representatives or the Senate, or any committee or member thereof, or the passage or defeat of any proposed legislation;

"(B) upon the securing of an award, or upon the denial of an award, of a contract or grant by establishment of the Federal Government; or

"(C) upon the securing, or upon the denial, of any Federal financial assistance or any other Federal contract or grant.

"(2) The provisions of paragraph (1) shall not apply in any case involving the collection of any amount owed on a debt or on a contract claim owed to a person by the Federal Government.

"(b) Any person who violates the provisions of this section shall be fined not more than $50,000 or imprisoned not more than two years, or both.

"(c) The Attorney General may bring a civil action in any United States district court, on behalf of the United States, against any person who engages in conduct prohibited by this section in lieu of or in addition to an action taken pursuant to subsection (b), and upon proof of such conduct by a preponderance of the evidence, may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within six years after the later of (1) the date on which the prohibited conduct occurred, or (2) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred."; and

(2) amending the table of sections by striking out the item between the item relating to section 219 and the item relating to section 224 and inserting in lieu thereof the following:

"220. Contingency fees in lobbying.".

SEC. 2. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply to any contract entered into on or after such date of enactment.

By Mr. THURMOND:

S. 54. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

EXCLUSIONARY RULE LIMITATION ACT

Mr. THURMOND. Mr. President, today, I rise to introduce a bill which would codify the good faith exception to the exclusionary rule that has been recognized by the Supreme Court.

The legislation that I am offering today is similar to measures I have introduced in the last five Congresses and to a proposal which passed the Senate by the vote of 63–24 in 1984. Although the House of Representatives passed similar legislation during the last three out of four Congresses, the Senate failed to pass this proposal.

The exclusionary rule is a judicially creased remedy for violations by law enforcement officers of the fourth amendment prohibition against illegal searches and seizures. More simply, if evidence is obtained by a law enforcement officer in violation of the fourth amendment then that evidence will be excluded in a criminal trail. The exclusionary rule is an important principle since it helps to ensure that law enforcement officers not be allowed to randomly enter our homes or private places and search without just cause.

However, since the creation of the exclusionary rule remedy in 1914, in Weeks versus California, the Supreme Court has recognized exceptions when the exclusionary rule should not apply. This measure addresses one of those exceptions. This legislation codifies the Court's holding in United States versus Leon to provide that evidence obtained pursuant to a warrant which is later found to be defective will not be excluded the law enforcement officer acted in objective good faith. Objective good faith would be established if the circumstances surrounding the search justify an objectively reasonable belief that it was in conformity with the fourth amendment. This bill also extends this exception to warrantless searches which has been recognized in two Federal circuits.

Mr. President, the bill that I am introducing today neither authorizes nor encourages law enforcement officers to disregard the fourth amendment and randomly search a person's home. What it does is address the legal loophole that often allows a criminal to go free, irrespective of guilt or innocence, when evidence crucial to a criminal proceeding is suppressed. The goal of the exclusionary rule is to deter law enforcement conduct that violates the fourth amendment. Therefore, if a law enforcement officer's conduct in executing a search is in conformity with the fourth amendment, applying the exclusionary rule does not serve as a deterrent. It should be noted that the determination as to whether the officer conducted the search in objective good faith would be made by a court based on the circumstances surrounding the search. Of course, if the officer's conduct did not exhibit objective good faith, the evidence would not be allowed. This amendment is a reasonable extension of the exception currently recognized by the Supreme Court.

We are well aware of the fact that the exclusion of evidence most often resulted in the release of the accused. This is a high price to pay for acts which do not violate the Constitution. Therefore, I think it wise to preclude the use of the exclusionary rule in these situations unless Congress so provides. This legislation will aid in the apprehension and prosecution of criminals without sacrificing the principles of the fourth amendment.

In an effort to work towards a bi-partisan comprehensive crime bill last Congress, I agreed to not pursue passage of this measure. However, it is my belief that the Congress failed to produce a true, tough crime bill worthy of the American people. This Congress, I plan to strongly pursue this, and other, vital criminal law reform measures which will ensure that criminals are appropriately punished. I strongly urge my colleagues to support this vital measure and hope that we will act without delay.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 54

That this Act may be cited as the "Exclusionary Rule Limitation Act of 1995".

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by adding the following two sections:

"§3508. Limitation of the fourth amendment exclusionary rule

"Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was undertaken in an objectively reasonable belief that it was in conformity with the fourth amendment. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable belief, unless that warrant was obtained through intentional and material misrepresentation.

"§3509. General limitation of the exclusionary rule

"Except as specifically provided by statute or rule of procedure evidence which is otherwise admissible shall not be excluded in a proceeding in a court of the United States on the ground that the evidence was obtained in violation of a statute or rule of procedure, or of a regulation issued pursuant thereto.".

(b) The table of sections of chapter 223 of title 18, United States Code, is amended by adding at the end thereof:

"3508. Limitation of the fourth amendment exclusionary rule.
"3509. General limitation of the exclusionary rule."

By Mr. INOUYE:

S. 55. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

FILIPINO VETERANS EQUITY ACT

• Mr. INOUYE. Mr. President, today, I rise to introduce legislation which amends title 38, United States Code, to restore full veterans' benefits, by reason of service, to certain organized military forces of the Philippine Commonwealth Army and the Philippine Scouts.

On July 26, 1941, President Roosevelt issued a military order that called members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East. Under the Command of General Douglas MacArthur, our Filipino allies joined alongside American soldiers in fighting some of the most fierce battles of World War II.

From the onset of the war through February 18, 1946, Filipinos who were called into service under President Roosevelt's order were entitled to full veterans' benefits by reason of their active service in our armed forces. Unfortunately, on February 18, 1946, the Congress enacted the Rescission Act of 1946 (now codified as Section 107, Title 38, United States Code), which states that service performed by these Filipino veterans is not deemed as active service for purposes of any law of the United States conferring rights, privileges, or benefits. On May 27, 1946, the Congress extended the limitation on benefits to the new Filipino Scout units.

Interestingly enough, Section 107 denied Filipino veterans access to health care, particularly for nonservice connected disability, and denied them other benefits such as pensions and home loan guarantees. Additionally, Section 107 limited the benefits received for service-connected disabilities and death compensation to 50 percent of what was received by their American counterparts.

As a result, Filipino veterans sued to obtain relief from this discriminatory treatment. The U.S. District Court for the District of Columbia, on May 12, 1989, in *Quiban* v. *U.S. Veterans Administration*, declared Section 107 unconstitutional. However, the U.S. Court of Appeals for the District of Columbia reversed that ruling and the veterans did not file a petition for certiorari to the U.S. Supreme Court. Thus, the Congress is responsible for rectifying this injustice.

For many years, Filipino veterans of World War II have sought to correct this injustice by seeking equal treatment for their valiant military service in our Armed Forces. We must not ignore the recognition they duly deserve as U.S. veterans. Accordingly, I urge my colleagues to support this measure which would restore full veterans' benefits, by reason of service, to our Filipino allies of World War II.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 1995".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "not" after "Army of the United States, shall"; and

(B) by striking out ", except benefits under—" and all that follows and inserting in lieu thereof a period; and

(2) in subsection (b)—

(A) by striking out "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking out "except—" and all that follows and inserting in lieu thereof a period.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on __________.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.●

By Mr. INOUYE:

S. 57. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

AMERASIAN IMMIGRATION ACT AMENDMENTS

● Mr. INOUYE. Mr. President, today, I rise to introduce legislation which amends Public Law 97-359, the Amerasian Immigration Act, to include Amerasian children from the Philippines and Japan as eligible applicants. This legislation also expands the eligibility period for the Philippines until the completion of the last United States military base closure and until the date of enactment of the proposed legislation for Japan.

Under the current Amerasian immigration law, only children born in Korea, Laos, Kampuchea, Thailand, and Vietnam after December 31, 1950, and before October 22, 1982, who were fathered by United States citizens, are allowed to immigrate to the United States. When this legislation was first introduced in the 97th Congress, it included Amerasian children born in the Philippines and Japan with no time limits concerning their births. The final version of this bill, however, included only areas where the United States had engaged in active military combat from the Korean War onward, and hence, excluded both the Philippines and Japan.

Although the Philippines and Japan were not considered a war zone from 1950 to 1982, the extent and nature of United States military involvement in both countries were quite similar to the involvement of the United States military in other Asian countries during the Korean and Vietnam wars. As a result, interracial marriages in both countries were common, thereby leading to a significant number of Amerasian children fathered by U.S. citizens. There are now over 50,000 Amerasian children in the Philippines and 6,000 Amerasian children in Japan born between 1987 and 1992.

These children face similar problems to the Amerasian children provided for under Public Law 97-359. Due to the illegitimate or mixed ethnic make-up, they are often ostracized within their home countries. This stigmatization, in turn, leaves many without viable opportunities of employment, education, or family life. As a result, Amerasian children are subjected to conditions of severe poverty and prejudice, with very little hope of escaping their plight.

Public Law 97-359 was passed in hopes of redressing the situation of Amerasian children in Korea, Laos, Kampuchea, Thailand, and Vietnam. Now is the time for the Senate to recognize our responsibilities to Amerasian children in the Philippines and Japan, and pass legislation that would lessen the severity of their impoverished lives.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(f)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(f)(2)(A)) is amended—

(1) by inserting "(I)" after "born"; and

(2) by inserting after "subsection," the following: "(II) in the Philippines after 1950 and before November 24, 1992, or (III) in Japan after 1950 and before the date of enactment of this subclause,".●

By Mr. INOUYE:

S. 58. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LEGISLATION RELATING TO THE MERCHANT MARINE ACT OF 1936

● Mr. INOUYE. Mr. President, the legislation I am introducing today would centralize authority in the Secretary of Transportation for administering our cargo preference laws. The background of these laws, the need for them, and the problems which, in my view, necessitate the legislation are succinctly stated in a Journal of Commerce article dated November 18, 1988. While the first printing of this article was several years ago, the background it provides and the light it sheds on our present needs are still pertinent. I ask unanimous consent that the text of the bill and the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSPORTATION IN AMERICAN VESSELS OF GOVERNMENT PERSONNEL AND CERTAIN CARGOES.

Section 901(b)(2) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)(2)), is amended to read as follows:

"(2)(A) The Secretary of Transportation shall have the sole responsibility for determining and designating the programs that are subject to the requirements of this subsection. Each department or agency that has responsibility for a program that is designated by the Secretary of Transportation pursuant to the preceding sentence shall, for the purposes of this subsection, administer such program pursuant to regulations promulgated by such Secretary.

"(B) The Secretary of Transportation shall—

"(i) review the administration of the programs referred to in subparagraph (A); and

"(ii) on an annual basis, submit a report to Congress concerning the administration of such programs.".

CARGO PREFERENCE

[From Journal of Commerce, Nov. 18, 1988]

What it is: A series of statutes, going back to 1904, intended to assure U.S.-flag ships a minimum share of cargoes produced by U.S. government programs. It is the oldest U.S. maritime promotional program and while subsidies and financing aids have shrunk over the years, preference has survived.

Background: The preference laws began by tracking this country's extension of its military and naval power, starting with the Spanish-American War. More recently, they have come to reflect the expansion of government programs extending U.S. economic power and interest abroad.

The Military Transportation Act of 1904 was the first of the preference statutes and its requirement for U.S.-flag vessel use, 100 percent, is the highest.

In 1934 Congress adopted Public Resolution 17 to require that half of the exports financed by the Reconstruction Finance Corp.

were to move in U.S.-flag vessels. Later that resolution was made to apply to financing of the Export-Import Bank, established originally to facilitate trade with the Soviet Union.

In the early postwar period, Congress acted each year to apply the resolution's 50 percent U.S.-flag share to foreign aid shipments. It permanently inserted the requirement into the 1954 Agricultural Trade Development and Assistance Act, better known as Food for Peace and PL-480.

Public Law 664 in 1961 made clear that preference should benefit and protect all U.S.-flag vessels, not just liners, and that all U.S. programs, including those where nonmilitary agencies procured equipment, materials or commodities for themselves or foreign governments, had to use U.S. flags to the extent of 50 percent.

Importance to Carriers: In the last year for which statistics are available, calendar 1986, U.S.-flag carriers hauled more than 33 million metric tons of preference cargo, somewhat more than the 28.5 million tons of commercial shipments carried that year. As an industry, the revenue amounted to about $502 million.

Necessity for Preference: Preference statutes are formally predicated on the need for assured cargoes to encourage the existence of a U.S.-flag merchant fleet to act as a military auxiliary in times of national emergencies.

Past efforts to apply preference to commercial cargoes have failed, reflecting U.S. governmental sensitivity to objections by this country's trading partners as well as stern opposition from U.S. exporters, importers and agricultural interests. The availability of preference cargoes has unquestionably kept some U.S. carriers in business but critics argue that preference has encouraged keeping obsolete vessels in operation long after they should have been scrapped.

Extent of Program: The Defense Department, the Agriculture Department and the Agency for International Development are the agencies most heavily involved in utilizing shipping and observing cargo preference. But there are at least 10 others with the same cargo preference responsibilities although smaller volumes. The Export-Import Bank in 1987 reported an unusually high, 91 percent rate of U.S.-flag vessel use. It brought participating carriers some $14.5 million in revenue.

Problems: The Maritime Administration is responsible for monitoring other government agencies to try to make sure they live up to preference requirements. In fiscal year 1987, those agencies met the cargo share minimums for the most part. Among the exceptions were cases in which the cargo origins and destinations were such that U.S.-flag vessels were simply not available.

Despite Reagan administration pledges to honor cargo preference requirements, the Navy and the Agriculture Department have had a number of preference fights with the maritime industry.

One produced an agreement by which the carriers agreed to forgo preference claims on new Agriculture Department-supported export programs with commercial-like terms in return for increasing to 75 percent their share of giveaway relief food shipments.

In another such dispute, the Navy and the U.S. State Department were forced to negotiate a cargo-sharing agreement with Iceland for military shipments there. Iceland threatened the future of U.S. bases in that country if the United States didn't agree to a departure from 100 percent U.S.-flag carriage of defense shipments.

There have been other, largely budget-driven attempts to bypass preference, but carriers and their supporters in Congress generally have managed to forestall them.

Comment: Budgetary austerity and the Defense Department's strict insistence of competitive procurement have combined to make for increasing carrier dissatisfaction, especially with the Navy's Military Sealift Command.

Efforts already are under way to change the competitive procurement system the command uses. Carriers hope generally, to end the pressures they believe force rates downward to depressed levels.

The presidentially appointed commission on Merchant Marine and Defense has recommended that all U.S.-flag preference requirements programs be raised to 100 percent but the tight budget and such interests as farmers and traders will work against such a step. Agricultural interests have tried unsuccessfully to have existing preference removed from government programs in the belief that they inhibit U.S. farm exports.•

By Mr. INOUYE:

S. 59. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on

HEALTH CARE TRAINING ACT

• Mr. INOUYE. Mr. President, I introduce the Rural Preventive Health Care Training Act of 1995, a bill that responds to the dire situation our rural communities face in obtaining quality health care and disease prevention programs.

Recently, the Institute of Medicine [IOM] released a report from their 2-year study entitled, "Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research." This study, mandated by the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, of which I am a member and the distinguished Senator from Pennsylvania is Chair, highlights the benefits of preventive care for all health problems.

Almost one fourth of Americans live in rural areas and thus frequently lack access to adequate physical and mental health care. For example, approximately 1,700 rural communities in virtually every State of the union suffer critical shortages of health care providers. As many as 21 million of the 34 million people living in underserved rural areas are without access to a primary care provider. In areas where providers exist, there are numerous limits to access, such as geography and distance, lack of transportation, and lack of knowledge about available resources. Additionally, due to the diversity of rural populations, ranging from native Americans to migrant farm workers, language and cultural obstacles are often a factor.

Compound these problems with slim financial resources and many of America's rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected and often develop into full blown disorders.

Rural health care providers face a lack of training opportunities. Training in prevention is crucial in order to meet the demand for care in underserved areas. The Institute of Medicine Committee recommended that Congress and Federal agencies should immediately take steps to develop and support the training of additional researchers who can develop new preventive intervention research trials as well as evaluate the effectiveness of current service projects.

Beyond the scope of simple prevention training, interdisciplinary preventive training in rural health is important because of a growing array of evidence that links mental disorders to physical ailments. For example, it has been estimated that from 50 to 70 percent of visits to physicians for medical symptoms are due in part or whole to psychosocial problems. By encouraging interdisciplinary training, rural communities can integrate the behavioral, biological, and psychological sciences to form the most effective preventive care possible.

The problems with quality, access, and understanding of health care in rural areas all suggest that promoting interdisciplinary training of psychologists, nurses, and social workers is essential. The need becomes clearer when considering that many of the behavior-related problems afflicting rural communities are amenable to proven risk reduction strategies that are best provided by trained mental health care professionals.

Interdisciplinary team prevention training will facilitate both health and mental health clinics sharing single service sites and routine consultation between groups. Social workers, psychologists, clinical psychiatric nurse specialists, and paraprofessionals play an important role in extending rural mental health services to those in need. Linkage of these services can provide better utilization of existing mental health care personnel, increase awareness and understanding of mental health services, and contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act of 1995, targeted specifically toward rural communities, would implement the risk-reduction model described in the IOM study. This model is based on the identification of risk factors for a certain disorder and the implementation of specific preventive strategies to target groups with those risk factors. The IOM Committee aptly demonstrates that methods of risk reduction have proven highly successful in many health-related areas, such as cardiovascular disease, smoking reduction, and the numerous childhood diseases and conditions that are preventable by early prenatal care for pregnant women.

The cost of human suffering caused by poor health is immeasurable, but the huge financial burden placed on communities, families, and individuals is evident. By implementing preventive measures, the potential for savings in psychological and financial realms is enormous. This savings is the goal of the Rural Preventive Health Care Training Act of 1995.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Preventive Health Care Training Act of 1995".

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Section 778 of the Public Health Service Act (42 U.S.C. 294p) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d), the following new subsection:

"(e) PREVENTIVE HEALTH CARE TRAINING.—

"(1) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, any eligible applicant to enable such applicant to provide preventive health care training to health care practitioners practicing in rural areas in accordance with paragraph (3). Such training should include health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this paragraph, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

"(2) LIMITATION.—To be eligible to receive training using assistance provided under paragraph (1), a health care practitioner must be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

"(3) USE OF ASSISTANCE.—Amounts received under a grant or contract under this subsection shall be used—

"(A) to provide student stipends to individuals attending rural community colleges or other institutions which service predominantly rural communities for the purpose of receiving preventive health care training;

"(B) to increase staff support at rural community colleges or other institutions which service predominantly rural communities to facilitate the provision of preventive health care training;

"(C) to provide training in appropriate research and program evaluation skills in rural communities;

"(D) to create and implement innovative programs and curricula with a specific prevention component; and

"(E) for other purposes as the Secretary determines appropriate.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $5,000,000 for each of the fiscal years 1996 through 1998."; and

(3) in subsection (g) (as so redesignated), by inserting ", except subsection (e)," after "section,".•

By Mr. INOUYE:

S. 60. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Labor and Human Resources.

PHYSICAL AND OCCUPATIONAL THERAPY EDUCATION ASSISTANCE ACT

• Mr. INOUYE. Mr. President, today I am introducing the "Physical and Occupational Therapy Education Assistance Act of 1995". This legislation will assist in educating greater numbers of physical and occupational therapy practitioners to meet the current and future demand for the valuable services they provide our communities.

In its most recent report, the Department of Labor's Bureau of Labor Statistics projected that the demand for services provided by physical and occupational therapy practitioners will increase dramatically over the next decade. According to the Bureau, between 1992 and 2005 the increase in demand will create a need for 79,400 additional physical therapists, an 88 percent increase over 1992 figures. Demand for physical therapist assistants is expected to grow at an even faster rate, experiencing a 93 percent increase over the same period. High demand is also expected for occupational therapists and occupational therapist assistants at 60 percent and 78 percent, respectively, by the year 2005.

Current shortages exacerbate the problem and call for quick response. In a survey released in May 1994 regarding hospital employment (1992 Survey of Human Resources), the American Hospital Association confirmed that physical therapy and occupational therapy maintain the highest average vacancy rates at 16.3 percent and 14 percent, respectively, of 26 health occupations. The legislation I introduce today would provide necessary assistance to physical therapy and occupational therapy programs throughout the country to address this current problem and assist in providing an adequate work force for the future. In awarding grants, preference would be given to those applicants that train practitioners in either rural or urban medically underserved communities.

In addition, a shortage of physical and occupational therapy faculty threatens the ability of education programs to train an adequate supply of practitioners. The critical shortage of doctorally prepared physical and occupational therapists has resulted in an almost nonexistent pool of potential faculty. For the 1993 academic year, 65 faculty shortages were reported from the 131 accredited, professional-level physical therapy programs in the United States. Similarly, 50 faculty shortages were reported from the 85 accredited, professional-level occupational therapy programs. The legislation I introduce today would assist in the development of a pool of qualified faculty by giving preference to those grant applicants seeking to develop and expand post-professional programs for the advanced training of physical and occupational therapists.

Passage of the "Physical and Occupational Therapy Education Assistance Act of 1995", as part of this year's reauthorization of Title VII of the Public Health Service Act, is essential to ensure adequate numbers of providers to meet the health needs of our nation. I look forward to working with my colleagues in the Congress and the Administration to enact this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Physical and Occupational Therapy Education Assistance Act of 1995".

SEC. 2. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

Subpart II of part D of title VII of the Public Health Service Act (42 U.S.C. 294d et seq.) is amended by adding at the end thereof the following new section:

"SEC. 768. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, programs of physical therapy and occupational therapy for the purpose of planning and implementing projects for the recruitment, training and retention of physical and occupational therapy practitioners in approved programs that provide financial assistance in the form of traineeships to students who participate in such projects.

"(b) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that provide training in either physical or occupational therapy programs in rural or urban medically underserved communities, or that expand post-baccalaureate programs for the advanced training of physical or occupational therapy practitioners.

"(c) PEER REVIEW.—Each peer review group established under section 798(a) that reviews proposals for grants or contracts under subsection (a) shall include no fewer than 2, and no more than 3, physical or occupational therapists.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall prepare a report that—

"(A) summarizes the applications submitted to the Secretary for grants or contracts under subsection (a);

"(B) specifies the identity of entities receiving the grants or contracts; and

"(C) evaluates the effectiveness of the program based upon the objectives established by the entities receiving the grants or contracts.

"(2) DATE CERTAIN FOR SUBMISSION.—Not later than February 1, 1999, the Secretary shall complete the report required in paragraph (1) and submit the report to the Committee on Commerce of the House of Representatives, the Committee of Appropriations of the House of Representatives, the Committee of Labor and Human Resources of the Senate, and the Committee of Appropriations of the Senate.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for each of the fiscal years 1996 through 1998.".•

By Mr. INOUYE:

S. 61. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs, and for other purposes; to the Committee on Finance.

THE NURSING SCHOOL CLINICS ACT OF 1995

Mr. INOUYE. Mr. President, I rise today to introduce the Nursing School Clinics Act of 1995, a bill that has two main purposes. First, it builds on our concerted efforts to provide access to quality health care for all Americans by furnishing grants and incentives for nursing schools to establish primary care clinics in areas where additional medical services are most needed. Second, it provides the opportunity for nursing schools to enhance the scope of their students' training and education by giving them firsthand clinical experience in primary care facilities.

Any good manager knows that when major problems are at hand and resources are tight, the most important act is the one that makes full use of all available resources. The American health care system is particularly deficient in this regard. We all know only too well that many individuals in the Nation have no or inadequate access to health care services, especially if they live in many of our rural towns and villages or inhabit our Indian communities. Many good people are trying to deliver services that are so vitally needed, but we need to do more. We must make full use of all health care practitioners, especially those who have been long waiting to give the Nation the full measure of their professional abilities.

Nursing is one of the noblest professions, with an enduring history of offering effective and sensitive care to those in need. Yet it is only in the last few years that we have begun to recognize the role that nurses can play as independent providers of care. Only recently, in 1990, Medicare was changed to authorize direct reimbursements to nurse practitioners. Medicaid is gradually being reformed to incorporate their services more effectively. The Nursing School Clinics Act continues the progress toward fully incorporating nurses in the delivery of health care services. Under the act, nursing schools will be able to establish clinics, supervised and staffed by nurse practitioners and nurse practitioner students, that provide primary care targeted to medically underserved rural and Native American populations.

In the process of giving direct ambulatory care to their patients, these clinics will also furnish the forums in which both public and private schools of nursing can design and implement clinical training programs for their students. Simultaneous school-based education and clinical training have been a traditional part of physician development, but nurses have enjoyed fewer opportunities to combine classroom instruction with the practical experience of treating patients. This bill reinforces the principle for nurses of joining schooling with the actual practice of health care.

To accomplish these objectives, title XIX of the Social Security Act is amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the incentives and operational resources to start the clinics and to keep them going.

To meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we are going to have to think about and debate a variety of proposals, both large and small. Most important, however, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act of 1995 recognizes the central role they can perform as care givers to the medically underserved.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) by redesignating paragraph (25) as paragraph (26); and

(3) by inserting after paragraph (24), the following new paragraph:

"(25) nursing school clinic services (as defined in subsection (t)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and".

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(t) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.".

(c) CONFORMING AMENDMENTS.—Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(C)(iv), by striking "through (24)" and inserting "through (25)"; and

(2) in subsection (j), by striking "through (25)" and inserting "through (26)".

(d) EFFECTIVE DATE.—The amendments made by this Act shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters commencing with the first calendar quarter beginning after the date of the enactment of this Act.

By Mr. INOUYE:

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician, and for other purposes; to the Committee on Finance.

AUTONOMOUS FUNCTIONING OF CLINICAL PSYCHOLOGISTS AND SOCIAL WORKERS UNDER MEDICARE

• Mr. INOUYE. Mr. President, today I am introducing legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is truly unfortunate that programs such as this currently require clinical supervision of the services provided by certain health professionals and do not allow each of the various health professions to truly function to the extent of their State practice acts. In my judgment, it is especially appropriate that those who need the services of outpatient rehabilitation facilities have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services through the Federal Employees Health Benefits Program, the Civilian Health and Medical Program of the Uniformed Services, the Medicare (Part B) Program, and numerous private insurance plans.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 62

Be it enacted by the Senate and House of Representatives of the Untied States of America in Congress assembled,

SECTION 1. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by inserting before the semicolon "(except with respect to services provided by a clinical psychologist or a clinical social worker)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to services provided on or after January 1, 1996.●

By Mr. INOUYE:

S. 63. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program, and for other purposes; to the Committee on Finance.

THE CLINICAL SOCIAL WORKER SERVICES ACT OF 1995

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers covered through Medicare, Part B. The three proposed changes that are contained in this legislation are necessary to clarify the current payment process for clinical social workers and to establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation would set payment for clinical social worker services according to a fee schedule established by the Secretary. Currently, the methodology for reimbursing clinical social workers' services is set at a percentage of the fee for another non-physician provider group, creating a greater differential in charges than that which exists in the marketplace. I am aware of no other provision in the Medicare statute where one non-physician's reimbursement rate is tied to that of another non-physician provider. This is a precedent that clinical social workers understandably wish to change. I also wish to see that clinical social workers' services are valued on their own merit.

Second, this legislation makes it clear that services and supplies furnished incident to a clinical social worker's services are a covered Medicare expense, just as these services are currently covered for other mental health professionals in Medicare. Third, the bill would allow a clinical social worker to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider team. They are legally regulated in every State of our Nation and are recognized as independent providers of mental health care throughout the health care system. Clinical social worker services were made available to Medicare beneficiaries through the Omnibus Budget Reconciliation Act of 1989. I believe that it is time now to correct the reimbursement problems that this profession has experienced through Medicare.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: "(ii) the amount determined by a fee schedule established by the Secretary,".

(b) DEFINITION OF CLINICAL SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of such Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "services performed by a clinical social worker (as defined in paragraph (1))" and inserting "such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))".

(c) CLINICAL SOCIAL WORKER SERVICES NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) of such Act (42 U.S.C. 1395x(b)(4)) is amended by striking "and services" and inserting "clinical social worker services, and services".

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) of such Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended by striking "and services" and inserting "clinical social worker services, and services".

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments made for clinical social worker services furnished on or after January 1, 1996.

By Mr. INOUYE:

S. 64. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various professions loan programs, and for other purposes; to the Committee on Labor and Human Resources.

THE U.S. PUBLIC HEALTH SERVICE ACT AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, I am introducing legislation today to modify title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our public health efforts. There is a growing recognition of the valuable contribution that is being made by our Nation's psychologists toward solving some of our Nation's most distressing problems such as domestic violence, addictions, occupational stress, child abuse, and depression.

The participation of students of all kinds is vital to the success of health care training. The title VII programs play a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists, for example, have an advantage in the provision of critical services to minority populations because they are more likely to understand or, perhaps, share the cultural background of their clients and are often able to communicate to them in their own language. Also significant is the fact that, when compared with nonminority graduates, ethnic minority graduates are less likely to work in private practice and more likely to work in community or nonprofit settings, where ethnic minority and economically disadvantaged individuals are more likely to seek care.

It is important that a continued emphasis be placed on the needy populations of our Nation and that continued support be provided for the training of individuals who are most likely to provide services in underserved areas.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292q) is amended—

(1) in subsection (a), by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "veterinary medicine";

(2) in subsection (b)(4), by striking "or doctor of veterinary medicine or an equivalent degree" and inserting "doctor of veterinary medicine or an equivalent degree, or a graduate degree in clinical psychology"; and

(3) in subsection (c)(1), by inserting ", or schools that offer graduate programs in clinical psychology" after "veterinary medicine".

(b) LOAN PROVISIONS.—Section 722 of such Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by striking "or doctor of veterinary medicine or an equivalent degree" and inserting "doctor of veterinary medicine or an equivalent degree, or a graduate degree in clinical psychology"; and

(2) in subsection (k)—

(A) by striking "or podiatry" and inserting "podiatry, or clinical psychology" in the matter preceding paragraph (1); and

(B) by striking "or podiatric medicine" in paragraph (4), and inserting "podiatric medicine, or clinical psychology".

By Mr. INOUYE:

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

THE PUBLIC HEALTH SERVICE ACT AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, I am introducing legislation today to amend title VII of the Public Health Service Act to establish a psychology post-doctoral program.

Psychologists have made a unique contribution in serving the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing many of our most distressing concerns such as violence, addiction, mental illness, children's behavior disorders, and family disruption. Establishment of a psychology post-doctoral program could be most effective in finding solutions to these pressing societal issues.

Similar programs supporting additional, specialized training in traditionally underserved settings or with specific underserved populations have been demonstrated to be successful in providing services to those same underserved populations during the years following the training experience. That is, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their payback obligations, but have continued to work in the public sector or with the underserved populations with whom they have been trained to work.

While the doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, the specialized post-doctoral fellowship programs provide particular diagnostic and treatment skills required to effectively respond to these underserved populations. For example, what looks like severe depression in an elderly person might be a withdrawal related to hearing loss, or what looks like poor academic motivation in a child recently relocated from Southeast Asia might be reflective of a cultural value of reserve rather than a disinterest in academic learning. Each of these situations requires very different interventions, of course, and specialized assessment skills.

Domestic violence is not just a problem for the criminal justice system, it is a significant public health problem. A single aspect of the issue, domestic violence against women results in almost 100,000 days of hospitalization, 30,000 emergency room visits, and 40,000 visits to physicians each year. Rates of child and spouse abuse in rural areas are particularly high as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of rural populations could be of special benefit in addressing these problems.

Given the changing demographics of the Nation—the increasing life span and numbers of the elderly, the rising percentage of minority populations within the country, as well as an increased recognition of the long-term sequelae of violence and abuse—and given the demonstrated success and effectiveness of these kinds of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowship programs that respond to the needs of the Nation's underserved.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part E of the Public Health Service Act is amended by inserting after section 778 (42 U.S.C. 294p) the following new section:

"SEC. 779. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

"(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

"(b) ELIGIBLE ENTITIES.—

"(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

"(A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

"(B) will provide services in a medically underserved population during the period of such grant;

"(C) will comply with the provisions of subsection (c); and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

"(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

"(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (2);

"(C) will not use in excess of 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

"(D) will provide any other information or assurance as the Secretary determines appropriate.

"(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for at least 1 year after the term of the grant or fellowship has expired.

"(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' or medically unserved populations'.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1996 through 1998.".

By Mr. INOUYE:

S. 66. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under the Health Careers Opportunity Program, the Minority Centers of Excellence Program, and programs of grants for training projects in geriatrics, to establish a social work training program, and for other purposes; to the Committee on Labor and Human Resources.

SUPPORT FOR SOCIAL WORK SCHOOLS AND STUDENTS

Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, I am introducing legislation to amend the Public Health Service Act. This legislation will first, establish a new social work training program; second, ensure that social work students are eligible for support under the Health Careers Opportunity Program and that social work schools are eligible for support under the Minority Centers for Excellence programs; third, permit schools offering degrees in social work to obtain grants for training projects in geriatrics; and fourth, ensure that social work is recognized as a profession under the Public Health Maintenance Organization [HMO] Act.

Despite the impressive range of services social workers provide to the people of this Nation, particularly our elderly, disadvantaged, and minority populations, few Federal programs exist to provide opportunities for social work training in health and mental health care. This legislation builds on the health professions education legislation enacted by the 102d Congress enabling schools of social work to apply for AIDS training funding and resources to establish collaborative relationships with rural health care providers and schools of medicine or osteopathic medicine. My bill provides funding for traineeships and fellowships for individuals who plan to specialize in, practice, or teach social work, or for operating approved social work training programs; it assists disadvantaged students to earn graduate degrees in social work with concentrations in health or mental health; it provides new resources and opportunities in social work training for minorities; and it encourages schools of social work to expand programs in geriatrics. Finally, the recognition of social work as a profession merely codifies current social work practice and reflects the modifications made by the Medicare HMO legislation.

I believe it is important to ensure that the special expertise and skills social workers possess continue to be available to the citizens of this Nation. This legislation, by providing financial assistance to schools of social work and social work students, recognizes the long history and critical importance of the services provided by social work professionals. In addition, since social workers have provided quality mental health services to our citizens for a long time and continue to be at the forefront of establishing innovative programs to serve our disadvantaged populations, I believe that it is time to provide them with the proper recognition of their profession that they have clearly earned and deserve.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOCIAL WORK STUDENTS.

(a) SCHOLARSHIPS, GENERALLY.—Section 737(a)(3) of the Public Health Service Act (42 U.S.C. 293a(a)(3)) is amended by striking "offering graduate programs in clinical psychology" and inserting "offering graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work".

(b) FACULTY POSITIONS.—Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by striking "offering graduate programs in clinical psychology" and inserting "offering graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work".

(c) HEALTH PROFESSIONS SCHOOL.—Section 739(h)(1)(A) of the Public Health Service Act (42 U.S.C. 293c(h)(1)(A)) is amended by striking "or a school of pharmacy" and inserting "a school of pharmacy, or a school offering graduate programs in clinical social work, or programs in social work".

(d) HEALTH CAREERS OPPORTUNITIES PROGRAM.—Section 740(a)(1) of the Public Health Service Act (42 U.S.C. 293d(a)(1)) striking "offer graduate programs in clinical psychology" and inserting "offering graduate programs in clinical psychology or programs in social work".

SEC. 2. GERIATRICS TRAINING PROJECTS.

Section 777(b)(1) of the Public Health Service Act (42 U.S.C. 294o(b)(1)) is amended by inserting "schools offering degrees in social work," after "teaching hospitals,".

SEC. 3. SOCIAL WORK TRAINING PROGRAM.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end thereof the following new section:

"SEC. 779. SOCIAL WORK TRAINING PROGRAM.

"(a) TRAINING GENERALLY.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, school offering programs in social work, or to or with a public or private nonprofit entity (which the Secretary has determined is capable of carrying out such grant or contract)—

"(1) to plan, develop, and operate, or participate in, an approved social work training program (including an approved residency or internship program) for students, interns, residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to students, interns, residents, practicing physicians, or other individuals, who are in need thereof, who are participants in any such program, and who plan to specialize or work in the practice of social work;

"(3) to plan, develop, and operate a program for the training of individuals who plan to teach in social work training programs; and

"(4) to provide financial assistance (in the form of traineeships and fellowships) to individuals who are participants in any such program and who plan to teach in a social work training program.

"(b) ACADEMIC ADMINISTRATIVE UNITS.—

"(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with schools offering programs in social work to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in social work.

"(2) PREFERENCE IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

"(A) establishing an academic administrative unit for programs in social work; or

"(B) substantially expanding the programs of such a unit.

"(c) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 1998.

"(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b).".

SEC. 4. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e–1) is amended—

(1) in paragraphs (1) and (2), by inserting "clinical social worker," after "psychologist," each place it appears;

(2) in paragraph (4)(A), by striking "and psychologists" and inserting "psychologists, and clinical social workers"; and

(3) in paragraph (5), by inserting "clinical social work," after "psychology,".

By Mr. INOUYE:

S. 67. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

THE PATRIOTIC AMERICANS ACT OF 1995

Mr. INOUYE. Mr. President, today, I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel on space-available basis on non-scheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for 100 percent, service-connected disabled veterans.

Surely, we owe these heroic men and women, who have given so much to our country, a debt of gratitude. Of course, we can never repay them for the sacrifice they have made on behalf of all of us but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 of title 10, United States Code, is amended by inserting after section 1031 the following new section:

§ 1032. Travel privileges on military aircraft for certain former members of the armed forces

"A former member of the armed forces who is entitled to compensation from the Veterans' Administration for a service-connected disability rated total in degree by the Veteran's Administration is entitled, in the same manner and to the same extent as retired members of the armed forces are entitled to travel on a space-available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command.".

SEC. 2. The table of sections, at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1031 the following new item:

"§1032. Travel privileges on military aircraft for certain former members of the armed forces.".

By Mr. INOUYE:

S. 68. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

THE SURGEON GENERALS ACT OF 1995

Mr. INOUYE. Mr. President, I am introducing legislation today that would authorize the appointment of various health care professionals to policy-making positions in the Department of Defense. My legislation would allow the most qualified individuals from the full range of health professions, including but not limited to dentistry, medicine, nursing, osteopathy and psychology to fill the Army, Navy, and Air Force Surgeon General positions.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURGEON GENERAL OF THE ARMY.

Section 3036 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end of the third sentence the following, "and shall be appointed as prescribed in subsection (f)"; and

(2) by adding at the end of the following new subsection (f):

"(f) The President shall appoint the Surgeon General from among commissioned officers in any corps of the Army Medical Department who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists.".

SEC. 2. SURGEON GENERAL OF THE NAVY.

Section 5137 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking out "in the Medical Corps" and inserting in lieu thereof "who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists"; and

(2) in subsection (b), by striking out "in the Medical Corps" and inserting in lieu thereof "who is qualified to be the Chief of the Bureau of Medicine and Surgery".

SEC. 3. SURGEON GENERAL OF THE AIR FORCE.

The first sentence of section 8036 of title 10, United States Code, is amended by striking out "designated as medical officers under section 8067(a) of this title" and inserting in lieu thereof "educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists".

By Mr. INOUYE:

S. 69. A bill to amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and for other purposes; to the Committee on Armed Services.

THE CHAMPUS AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, I feel that it is very important that our Nation continue its firm commitment to those individuals and their families who have served in the Armed Forces and made us the great Nation that we are today. As this population becomes older, they are unfortunately finding that they need a wider range of health services, some of which are simply not available under Medicare. These individuals made a commitment to their Nation, trusting that when they needed help the Nation would honor that commitment. The bill that I am recommending today would ensure the highest possible quality of care for these dedicated citizens and their families, who gave so much for us.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 69

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF MEDICARE EXCEPTION TO THE PROHIBITION OF CHAMPUS COVERAGE FOR CARE COVERED BY ANOTHER HEALTH CARE PLAN.

(a) AMENDMENT AND REORGANIZATION OF EXCEPTIONS.—Subsection (d) of section 1086 of title 10, United States Code, is amended to read as follows:

"(d)(1) Section 1079(j) of this title shall apply to a plan contracted for under this section except as follows:

"(A) Subject to paragraph (2), a benefit may be paid under such plan in the case of a person referred to in subsection (c) for items and services for which payment is made under title XVIII of the Social Security Act.

"(B) No person eligible for health benefits under this section may be denied benefits under this section with respect to care or treatment for any service-connected disability which is compensable under chapter 11 of title 38 solely on the basis that such person is entitled to care or treatment for such disability in facilities of the Department of Veterans Affairs.

"(2) If a person described in paragraph (1)(A) receives medical or dental care for which payment may be made under both title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and a plan contracted for under subsection (a), the amount payable for that care under the plan may not exceed the difference between—

"(A) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under that title; and

"(B) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under the plan.

"(3) A plan contracted for under this section shall not be considered a group health plan for the purposes of paragraph (2) or (3) of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)).

"(4) A person who, by reason of the application of paragraph (1), receives a benefit for items or services under a plan contracted for under this section shall provide the Secretary of Defense with any information relating to amounts charged and paid for the items and services that, after consulting with the other administering Secretaries, the Secretary requires. A certification of such person regarding such amounts may be accepted for the purposes of determining the benefit payable under this section.".

(b) REPEAL OF SUPERSEDED PROVISION.—Such section is amended—

(1) by striking out subsection (g); and

(2) redesignating subsection (h) as subsection (g).

SEC. 2. CONFORMING AMENDMENT.

Section 1713(d) of title 38, United States Code, is amended by striking out "section 1086(d)(1) of title 10 or".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to health care items or services provided on and after the date of enactment of this Act.

By Mr. DOLE (for Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. STEVENS, and Mr. HEFLIN)):

S. 70. A bill to permit exports of certain domestically produced crude oil, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs

ALASKA OIL LEGISLATION

• Mr. MURKOWSKI. Mr. President, I rise to introduce legislation (S. 70) on behalf of myself and Senators STEVENS, BREAUX and HEFLIN that is critical to the economy of Alaska and the energy security of the United States. This legislation would lift the 22-year old prohibition on the export of Alaskan North Slope (ANS) crude oil, thereby allowing the State's most important and vital industry to sell its products in the global marketplace.

Mr. President, the export ban is contrary to the free trade, non-discrimination, and open market principles that have guided this Administration in the successful NAFTA and GATT negotiations. It represents the worst type of protectionism that costs workers jobs in Alaska and California, damages our Nation's energy security, and contributes to our international trade deficit.

The export ban is an unjustifiable and unprecedented discrimination against the State of Alaska and the citizens of my State. It costs the State hundreds of millions dollars a year in lost royalties and hinders the ability of the State to provide social services and infrastructure that would enable the State to diversify its economy. This artificial constraint on the development of Alaska's economy is fundamentally unfair, and in this Senator's view, impinges on the sovereignty of the State in a way that no other State has to endure.

In 1973, when the ban was imposed, many people believed that our Nation's energy security would be enhanced if ANS crude was committed solely for domestic consumption. Twenty-two years later, it is clear to nearly every economist who has studied this issue, that the export ban, rather than enhancing energy security, will ultimately make America more dependent on foreign oil.

Today, most of the 1.8 million barrels of oil that is shipped from Alaska is delivered by tanker to the closest domestic markets on the West Coast, primarily California. The remainder is generally shipped to Panama, off-loaded into a pipeline and then re-loaded onto a tanker and transported to the Gulf Coast.

The 1.3 million barrels of oil shipped into California each day glut the California market and drive the price of oil there far below the world price. These glut-induced prices have devastated the California oil and gas industry and exacerbated the prolonged California recession. Wells have been permanently shut in. Exploration and development activities have crawled to a near halt, and employment has been devastated.

Mr. President, the single most effective way of reversing this trend and encouraging the renewed exploration and development of oil production in California is to lift the ban on the export of Alaska crude oil. The Department of Energy (DOE) reached this precise conclusion last year when it issued a report which concluded that California oil producers could be producing an additional 100 to 110 thousand barrels a day if the ban is lifted. Moreover, the higher returns resulting from exports would stimulate exploration and development activities in major North Slope fields such as Point McIntyre or Endicott. As a result of this activity, DOE estimates that Alaskan oil reserves could increase by 200 to 400 million barrels.

Moreover, the DOE study found that "exporting ANS crude oil would result in a substantial net increase in U.S. employment." According to DOE, if the ban is lifted this year, an additional 11,000, and possibly as many as 16,000 new jobs would be created over the next 12 months. And by the end of the decade, as many as 25,000 new jobs would be generated from ANS exports. Nearly all of those jobs would be created in two States that have yet to recover from the recession—California and Alaska.

Another benefit that would result if the ban is lifted is that royalty revenue for the Federal government would increase, and tax and royalty revenues for Alaska and California would rise. DOE estimates that Federal receipts would increase from $99 million to $180 million, while Alaska royalties and severance income would increase from $700 million to $1.6 billion. For California's state government, returns from royalties and state and local taxes would add $180 million to $230 to the state's coffers. And three-fourths of these financial benefits could accrue in the next two years.

Mr. President, I am fully aware of concerns in the domestic maritime community that if the ban is lifted, the American-flag merchant marine will suffer severe employment declines because all of the oil currently shipped from Alaska to the lower 48 is shipped on American flag tankers. We are sympathetic to this concern and recognize the importance of maintaining a strong American-flag merchant marine. It is for that reason that our legislation requires exported Alaskan oil to be transported on American flag tankers. It is my expectation that these U.S. flag tankers will also be constructed in the United States, but I have not included a U.S.-build requirement in the legislation because of concerns expressed by the President.

Mr. President, the Department of Energy has long supported lifting the export ban. The President has expressed his support for the concept of allowing ANS exports. It is my hope that this year, the President will work with members on both sides of the aisle to finally end this economically irrational export ban.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Act entitled "An Act to promote the mining of coal phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 185), is amended—

(1) by striking subsection (s) and inserting the following:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) and (3), notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over a right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) may be exported.

"(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a county pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, the oil shall be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil."; and

(2) by striking subsection (u).

SECTION 2. EFFECTIVE DATE

This Act and the amendments made by it shall take effect on the date of enactment.

Mr. STEVENS. Mr. President, I am pleased to join my colleague from Alaska and Senator BREAUX and HEFLIN in introducing legislation to permit the export of Alaskan North Slope crude oil carried on U.S. flag vessels. This vital legislation will create jobs and increase oil production in Alaska and California. Moreover, it will ensure the continued survival of the independent tanker fleet manned by U.S. crews, and thus help enhance our national security while eliminating an injustice that for too long has discriminated exclusively against the citizens of Alaska. With the Administration's support, we intend to move this bill as quickly as possible to begin creating jobs, spurring energy production, and preserving our independent tanker fleet.

For Senators who are less familiar with this issue, I think it would be helpful to put the current export ban into perspective. The original ban was first enacted shortly after the commencement of the Arab-Israeli war and the first oil boycott in 1973. It was tightened in 1979 after the second oil shock. The original intent of the law was to enhance energy security, but today it actually discourages energy production and creates unnecessary hardships for the struggling domestic oil industry.

Most North Slope crude oil is delivered to the West Coast, especially California, on U.S. flag vessels. The export ban drastically reduces the market value of the oil, and creates an artificial surplus on the West Coast. This depresses the production and development of both the North Slope crude and the heavy crude produced by small independent operations in California.

In June of 1994, the Department of Energy released a comprehensive report which concluded that Alaskan oil exports would boost production in Alaska and California by at least 100,000 barrels per day by the end of the decade. That Department also concluded that permitting exports of this oil on U.S. flag ships would help create as many as 25,000 new jobs and hundreds of millions of dollars in new State and Federal revenues.

Our proposed legislation would require the use of U.S. flag ships to carry the exports, meaning in general that the same ships which carry this oil today will continue to do so in the future. The majority of the oil, in fact, would never be exported and would still be sent to refineries in Washington, California, and Hawaii, preserving the shipping and refining industry jobs that are currently suffering from the artificial glut of oil on the West Coast.

Further, although Administration concerns about certain international obligations led us to leave out provisions which would have required that these ships actually be built in the U.S., we expect that these ships will in fact continue to be built here and that the domestic shipping industry will benefit greatly from the increased activity which will result from lifting the ban.

Mr. President, I emphasize that this legislation will increase jobs for Americans. It will help small businesses by permitting the oil market to function normally. It will help preserve the independent tanker fleet. It will help slow the decline in North Slope crude oil production and it will encourage additional production in California. Finally, it will help eliminate an injustice which for too long has unfairly discriminated against the citizens of Alaska. We urge the administration to join with us to help move this bipartisan legislation as quickly as possible.

By Mr. INOUYE:

S. 72. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

THE MILITARY CLAIMS ACT OF 1995

Mr. INOUYE. Mr. President, I am introducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Mr. President, our Filipino veterans fought side by side and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans' benefits that, I believe, they are entitled to. As this population becomes older, it is important for our nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great nation today.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 72

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary shall issue a certificate of service to each person determined by the Secretary to have performed service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period prior to the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary shall issue regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE ADMINISTRATOR OF VETERANS' AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Veterans' Administration pursuant to regulations issued by the Administrator of Veterans' Affairs.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946; and

(2) the term "Secretary" means the Secretary of the Army.

By Mr. INOUYE:

S. 73. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

THE FORMER PRISONERS OF WAR ACT OF 1995

Mr. INOUYE. Mr. President, today I am introducing legislation to enable those former Prisoners of War who have been separated honorably from their respective services and who have been rated to have a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize that it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel that this gesture is both meaningful and important to those concerned. It also serves as a reminder that our Nation has not forgotten their sacrifices.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1051. Use of commissary stores and post and base exchanges by certain disabled former members of the armed forces

"(a) In this section—

"(1) 'former prisoner of war' has the same meaning as provided in section 101(32) of title 38; and

"(2) 'service-connected' has the same meaning as provided in section 101(16) of such title.

"(b)(1) Under regulations prescribed as provided in paragraph (2), a former prisoner of war who—

"(A) has been separated from active service in the Army, the Navy, the Air Force, or the Marine Corps under honorable conditions, and

"(B) has a service-connected disability rated by the Secretary concerned or the Administrator of Veterans' Affairs at 30 per centum or more,

shall be permitted to use commissary stores and post and base exchanges operating under the Department of Defense.

"(2)(A) The Secretary of Defense shall prescribe regulations to carry out paragraph (1) in the case of commissary stores.

"(B) The Secretary of the military department concerned shall prescribe regulations to carry out paragraph (1) in the case of post or base exchanges operating under the jurisdiction of such military department.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Use of commissary stores and post and base exchanges by certain disabled former members of the armed forces.".

By Mr. INOUYE:

S. 74. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

THE JURISDICTION, APPREHENSION, AND DETENTION ACT OF 1995

Mr. INOUYE. Mr. President, the purpose of this bill is to fill certain jurisdictional voids involving offenses committed by U.S. nationals abroad. The Supreme Court has held that, at least in peacetime, civilians may not be tried by courts martial for offenses against military law that they may have committed abroad when they were members of the U.S. Armed Forces and when they were serving with, employed by, or accompanying

the Armed Forces. Further, under existing statutes, acts committed by U.S. nationals abroad generally do not constitute offenses against any U.S. law even though they would constitute such offenses if they had been committed in this country. Thus, civilian nationals of the United States are generally not accountable to U.S. Courts for their conduct abroad.

This bill would remedy this situation for conduct abroad by civilians who, at the time of the acts in question, were members of the Armed Forces or were serving with, employed by, or accompanying the Armed Forces. The bill would generally provide that such conduct would be subject to the same civilian criminal proscriptions that apply in areas under Federal jurisdiction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

(a) IN GENERAL.—Subtitle A of title 10 of the United States Code is amended by inserting after chapter 49 the following new chapter:

"CHAPTER 50—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

"Sec.

"991. Definitions.

"992. Criminal offenses committed by a member of the armed forces or by any person serving with, employed by, or accompanying the armed forces outside of the United States.

"993. Delivery to authorities of foreign countries.

"§ 991. Definitions

"In this chapter:

"(1) The term 'United States' includes the special maritime and territorial jurisdiction of the United States.

"(2) The term 'special maritime and territorial jurisdiction of the United States' has the same meaning as is provided in section 7 of title 18.

"(3) The term 'criminal offense' means an offense classified in section 1 of title 18 as a felony or a misdemeanor (not including a petty offense).

"§ 992. Criminal offenses committed by a member of the armed forces or by any person serving with, employed by, or accompanying the armed forces outside of the United States

"(a) Except as otherwise provided in this section, any person who, while serving as a member of the armed forces outside the United States, or while serving with, employed by, or accompanying the armed forces outside of the United States, engages in conduct which would constitute a criminal offense if the conduct were engaged in within the special maritime and territorial jurisdiction of the United States shall be guilty of a like offense against the United States and shall be subject to the same punishment as is provided under the provisions of title 18 for such like offense.

"(b) A member of the armed forces may not be tried pursuant to an indictment or information charging an offense described under subsection (a) while such member is subject to trial by court-martial for the conduct charged in such indictment or information.

"(c) A person employed by the armed forces outside the United States is not punishable under subsection (a) of this section for conduct described in such subsection if such person is not a national of the United States and was appointed to his position of employment in the country in which such person engaged in such conduct.

"(d)(1) Except in the case of a prosecution approved as provided in paragraph (2), prosecution of a person may not be commenced under this section for an offense described in subsection (a) if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted such person for the conduct constituting such offense.

"(2) The Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, or an Assistant Attorney General of the United States may approve a prosecution which, except for this paragraph, is prohibited under paragraph (1). An approval of prosecution under this paragraph must be in writing. The authority to approve a prosecution under this paragraph may not be delegated below the level of Assistant Attorney General.

"(e)(1) The Secretary of Defense may designate and authorize any member of the armed forces serving in a law enforcement position in a criminal investigative agency of the Department of Defense to apprehend and detain, outside the United States, any person described in subsection (a) who is reasonably believed to have engaged in conduct which constitutes a criminal offense under such subsection.

"(2) A person apprehended and detained under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation in conduct referred to in such paragraph unless (A) such person is delivered to authorities of a foreign country under section 993 of this title, or (B) such person is pending court-martial under chapter 47 of this title for such conduct.

"§ 993. Delivery to authorities of foreign countries

"(a) Any member of the armed forces designated and authorized under subsection (e) of section 992 of this title may deliver any person described in subsection (a) of such section to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in such subsection (a) if—

"(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) The Secretary of Defense may confine or otherwise restrain a person whose delivery is requested under subsection (a) until the completion of the trial of such person by the foreign country making such request.

"(c) The Secretary of Defense shall determine what officials of a foreign country constitute appropriate authorities for the purposes of this section.".

(b) TECHNICAL AMENDMENT.—The tables of chapters at the beginning of such title and such subtitle are each amended by inserting after the item relating to chapter 49 the following:

"50. Criminal Offenses Outside the United States .... 991".

By Mr. INOUYE:

S. 75. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

THE PSYCHIATRIC AND PSYCHOLOGICAL EXAMINATIONS ACT OF 1995

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title 18 of the United States Code to allow our Nation's clinical social workers to provide their mental health expertise to the Federal judiciary.

I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXAMINATIONS BY CLINICAL SOCIAL WORKERS.

The first sentence of subsection (b) of section 4247 of title 18, United States Code, is amended by—

(1) striking out "or" after "certified psychiatrist" and inserting a comma; and

(2) inserting after "psychologist," the following: "or clinical social worker,".

By Mr. INOUYE:

S. 76. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

THE NATIONAL ACADEMIES OF PRACTICE RECOGNITION ACT OF 1995

Mr. INOUYE. Mr. President, today I am introducing legislation that would provide a federal charter for the National Academies of Practice. This organization represents outstanding practitioners who have made significant contributions to the practice of applied psychology, medicine, dentistry, nursing, optometry, podiatry, social work, and veterinary medicine. When fully established, each of the nine academies will possess 100 distinguished practitioners selected by their peers. This umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

As we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress have systematic access to the recommendations of an interdisciplinary body of health care practitioners.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

S. 76

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER.

The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a Federal charter.

SEC. 2. CORPORATE POWERS.

The National Academies of Practice (hereafter referred to in this Act as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 3. PURPOSES OF CORPORATION.

The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, and other health care professions, and to improve the practices in such professions by disseminating information about new techniques and procedures.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 6. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The composition and the responsibilities of the board of directors of the corporation shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 7. OFFICERS OF THE CORPORATION.

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or any director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—Nothing in this section shall be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating paragraph (72) as paragraph (71);

(2) by designating the paragraph relating to the Non Commissioned Officers Association of the United States of America, Incorporated, as paragraph (72);

(3) by redesignating paragraph (60), relating to the National Mining Hall of Fame and Museum, as paragraph (73); and

(4) by adding at the end thereof the following new paragraph:

"(75) National Academies of Practice.".

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit for such fiscal year required by section 3 of the Act referred to in section 11 of this Act. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

SEC. 14. DEFINITION.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 or any corresponding similar provision.

SEC. 16. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this Act the charter granted by this Act shall terminate.

By Mr. INOUYE:

S. 77. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

THE TRADITIONAL OBSERVANCE ACT OF 1995

Mr. INOUYE. Mr. President, in our effort to accommodate many Americans by making the last Monday in May, Memorial Day, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation making both Memorial Day and Veterans Day as days for prayers and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 77

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) effective one year following the date of enactment of this Act—

(1) section 6103(a) of title 5, United States Code, is amended by striking out:

"Memorial Day, the last Monday in May."

and inserting in lieu thereof:

"Memorial Day, May 30."; and

(2) section 2(d) of the joint resolution entitled "An Act to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 174(d)), is amended by striking out:

"Memorial Day (half-staff until noon), the last Monday in May;"

and inserting in lieu thereof:

"Memorial Day (half-staff until noon), May 30;".

(b) The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe Memorial Day and Veterans Day as days for prayer and ceremonies showing respect for American veterans of wars and other military conflicts.

By Mr. INOUYE:

S. 78. A bill to establish a temporary program under which parenteral diacetylmorphine will be make available through qualified pharmacies for the relief of intractable pain due to cancer; to the Committee on Labor and Human Resources.

THE COMPASSIONATE PAIN RELIEF ACT

Mr. INOUYE. Mr. President, today I am introducing legislation that is directed to relieving the suffering of a small but significant number of our citizens—patients who are terminally ill with cancer and whose pain has not been effectively mitigated with currently available medications.

For many years, the thought of cancer and its accompanying pain have sent chills of fear through all of us; likewise, the thought of heroin and its addictive qualities produces similar fears. In my judgment, we are in a position now where we can make a logical and thoughtful decision to legalize the therapeutic use of heroin for the terminally ill cancer patient suffering intractable pain while at the same time safeguarding against the diversion of the drug into illicit channels.

The legislation I am introducing today is supported by thousands of Americans. Furthermore, it reflects the evolution and attitude of our Nation's health care system as evidenced by an editorial in the January 14, 1982, issue of the prestigious New England Journal of Medicine, that urged more flexibility in the use of addictive drugs in the treatment of pain. This attitude is also present in an official statement made by the American Psychiatric Association that endorses the "principle that the effectiveness of relief of pain in terminal cancer patients should take priority over a concern about 'addiction' of the terminal cancer patient and should take priority over a concern about medication diversion to addicts". A later article in the August 23, 1984 issue of the New England Journal of Medicine by Dr. Allen Mondzac reviewed the unique characteristics of heroin and its valuable clinical role where it is available.

The need for this legislation is dramatic. Although over the past two decades, a great deal of progress has been made in treating cancer, each year an estimated 800,000 Americans are diagnosed as having cancer, and over 400,000 die from the disease. Most of these individuals will have received competent and compassionate medical care, and many will receive adequate relief of pain. Unfortunately, the reality is also that a certain number of cancer patients do not obtain relief of pain from the current available analgesic medication—even the strongest narcotics. A panel from the National Institutes of Health [NIH] convened in May 1986 and heard testimony that 50 to 60 percent of patients with cancer pain lived the last part of their lives with unrelieved pain. A recent, 1992, survey by the Eastern Cooperative Oncology Group has found that as a general rule, patients underreport pain and physicians undertreat it. As a minimal figure, it has elsewhere been estimated that about 20 percent of terminal cancer patients suffer significant pain. Of this 20 percent, it has been estimated that 10 percent do not obtain relief with presently prescribed medications. In human terms, these percentages mean that as many as 8,000 Americans will die in agony this year because of the intractable pain associated with terminal cancer. I have been assured by experts in the field that in many cases this pain can be alleviated with the therapeutic use of heroin, making the last months, weeks, or days of these patients more bearable. These dying patients are not now given the option of dying with dignity because of our Nation's continued and overriding fear of heroin. In my judgement, this fear alone has continued to prevent us, the lawmakers of our Nation, from making clear and rational decisions regarding the limited use of this long-proven and already available substance.

Heroin has been proven effective with a number of patients in relieving pain. Research completed at Georgetown University's Vincent T. Lombardi Cancer Research Center has found heroin to be an effective analgesic for the control of cancer-related pain. In particular, it has been reported to be more potent than morphine in relieving cancer pain. Less than half a dose of heroin produces the same pain relief as a dose of morphine. In the terminal phase of cancer, many patients cannot take medication by mouth, and might require injections. As the disease progresses, individuals might require higher doses at more frequent intervals to provide relief. This is when it would be desirable to have the option of using heroin in treating pain, since heroin is more potent and more soluble than morphine salts, and an effective dose can be administered in considerably smaller volumes. Thus, physicians have informed me that it is less painful to have such an injection—an important consideration in the emaciated, cachectic patient with little tissue mass remaining. In addition, its euphoric effects might be beneficial for people who know they are dying.

Further, the onset of action of heroin is more rapid than morphine because of its solubility, giving relief of pain and a sense of well-being sooner. It is most unfortunate that the use of heroin for these patients has not been allowed up to this date. This legislation will enable physicians to treat the dying cancer patient who suffers from intractable pain with a proven, effective medication.

The time has now come to address the issue of why heroin should not be readily available as a therapeutic medication for our Nation's physicians in very specific situations when we have dying cancer patients who are suffering extreme pain. William F. Buckley, Jr., Editor-at-Large of National Review, has described our irrational maintenance of the prohibition against such uses of heroin in very real terms. As he pointed out:

> The irony is that anybody in a major city can acquire the knowledge necessary to buy heroin from a dirty little drug pimp, but licensed doctors may not administer the identical drug to men and women—and children—literally dying from excruciating pain.

Our colleagues on the House Subcommittee on Health and the Environment held hearings on a similar bill as early as September 4, 1980. At the time, a number of practicing physicians and others asked that the Federal controls on heroin be eased to permit the prescription of heroin for patients for whom more conventional pain killers were inadequate. It was further pointed out that in Great Britain, heroin has been used for years for these patients and that it has been shown to be particularly effective for those 10 percent of terminal cancer patients who require injected medication. British physicians consider heroin to be an indispensable potent narcotic analgesic in the treatment of advanced cancer. Use of heroin in specific situations is also permitted in Belgium, New Zealand, China, and many other civilized nations.

Since this information was made public in the House hearings, the editorial writers of our country have taken up the issue, as reflected in supportive statements by, among a number of others, the New York Times, the Washington Post, the Washington Times, the Los Angles Times, the San Francisco Chronicle, the San Francisco Examiner, the Honolulu Star-Bulletin, the Honolulu Advertiser, the Chicago Sun-Times, the Cleveland Plain Dealer, the Rocky Mountain News, and the Richmond Times-Dispatch. Both the National Review and the New Republic have backed the proposal. The American Nurses' Association has strongly endorsed this merciful action. As a result of widespread support among physicians and the general public, heroin has become available in Canada for terminal cancer patients.

The bill I am introducing today will give a very high priority to relief from intractable pain for terminal cancer patients. It authorizes the Secretary of the Department of Health and Human Services to establish demonstration programs that will permit the use of heroin by terminally ill cancer patients only, when suffering from pain that is not effectively treated with currently available analgesic medications.

My bill has more than adequate safeguards to prevent the drug from being introduced to the general public. For example, a diagnosis must be made by the attending physician that his or her patient is ill with cancer and is suffering from pain that is not being effectively treated with other available analgesic medications. This diagnosis must be reviewed and approved by a medical review board of the hospital that will dispense the heroin. The heroin used in the program will be from that supply now confiscated under current laws. The Secretary of Health and Human Services is further authorized to establish additional regulations for the safe use and storage of heroin, to prevent its diversion into illicit channels. This program will be in force for

a 5-year period and periodic reporting is required of the Secretary on the activities under the bill.

I strongly believe that the proposal will provide substantial benefits to those who are in intractable pain from terminal cancer and I am hopeful that my colleagues on the Senate Labor and Human Resources Committee will give this measure their prompt and most serious consideration.

Mr. President, I request unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 78

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compassionate Pain Relief Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) cancer is a progressive, degenerative, and often painful disease that afflicts one out of every four persons in the United States and is the second leading cause of death;

(2) in the progression of terminal cancer, a significant number of patients experience levels of intense and intractable pain that cannot be effectively treated by presently available medication;

(3) the effect of such pain often leads to a severe deterioration in the quality of life of the patient and heartbreak for the family of the patient;

(4) the therapeutic use of parenteral diacetylmorphine is not permitted in the United States but extensive clinical research has demonstrated that the drug is a potent, highly soluble painkilling drug when properly formulated and administered under the supervision of a physician;

(5) it is in the public interest to make parenteral diacetylmorphine available to patients through controlled channels as a drug for the relief of intractable pain due to terminal cancer;

(6) diacetylmorphine is successfully used in Great Britain and other countries for relief of pain due to cancer;

(7) the availability of parenteral diacetylmorphine for the limited purposes of controlling intractable pain due to terminal cancer will not adversely affect the abuse of illicit drugs or increase the incidence of pharmacy thefts;

(8) the availability of parenteral diacetylmorphine will enhance the ability of physicians to effectively treat and control intractable pain due to terminal cancer; and

(9) it is appropriate for the Federal Government to establish a temporary program to permit the use of pharmaceutical dosage forms of parenteral diacetylmorphine for the control of intractable pain due to terminal cancer.

SEC. 3. PARENTERAL DIACETYLMORPHINE PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART O—COMPASSIONATE PAIN RELIEF

"SEC. 399G. PARENTERAL DIACETYLMORPHINE.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than three months after the date of the enactment of this part, the Secretary shall issue regulations establishing a program (referred to in this section as the 'program') under which parenteral diacetylmorphine may be dispensed from pharmacies for the relief of intractable pain due to terminal cancer.

"(2) TERMINAL CANCER.—For purposes of this section, an individual shall be considered to have terminal cancer if there is histologic evidence of a malignancy in the individual and the cancer of the individual is generally recognized as a cancer with a high and predictable mortality.

"(b) MANUFACTURING.—Regulations established under this section shall provide that manufacturers of parenteral diacetylmorphine for dispensing under the program shall use adequate methods of, and adequate facilities and controls for, the manufacturing, processing, and packing of such drug to preserve the identity, strength, quality, and purity of the drug.

"(c) AVAILABILITY TO PHARMACIES.—

"(1) REQUIREMENTS.—Regulations established under this section shall require that parenteral diacetylmorphine be made available only to pharmacies that—

"(A) are hospital pharmacies or such other pharmacies as the regulations specify;

"(B) are registered under section 302 of the Controlled Substances Act (21 U.S.C. 822);

"(C) meet such qualifications as the regulations specify; and

"(D) submit an application in accordance with paragraph (2).

"(2) APPLICATION.—An application for parenteral diacetylmorphine shall—

"(A) be in such form and submitted in such manner as the Secretary may prescribe; and

"(B) contain assurances satisfactory to the Secretary that—

"(i) the applicant will comply with such special requirements as the Secretary may prescribe respecting the storage and dispensing of parenteral diacetylmorphine; and

"(ii) parenteral diacetylmorphine provided under the application will be dispensed through the applicant upon the written prescription of a physician registered under section 302 of the Controlled Substances Act (21 U.S.C. 822) to dispense controlled substances in schedule II of such Act (21 U.S.C. 812(2)).

"(3) INTENT OF CONGRESS.—It is the intent of Congress that—

"(A) the Secretary shall primarily utilize hospital pharmacies for the dispensing of parenteral diacetylmorphine under the program; and

"(B) the Secretary may distribute parenteral diacetylmorphine through pharmacies other than hospital pharmacies in cases in which humanitarian concerns necessitate the provision of parenteral diacetylmorphine, a significant need is shown for such provision, and adequate protection is available against the diversion of parenteral diacetylmorphine.

"(d) ILLICIT DIVERSION.—Regulations established by the Secretary under this section shall be designed to protect against the diversion into illicit channels of parenteral diacetylmorphine distributed under the program.

"(e) PRESCRIPTION BY PHYSICIANS.—Regulations established under this section shall—

"(1) require that parenteral diacetylmorphine be dispensed only to an individual in accordance with the written prescription of a physician;

"(2) provide that a physician registered under section 302 of the Controlled Substances Act (21 U.S.C. 822) may prescribe parenteral diacetylmorphine for individuals for the relief of intractable pain due to terminal cancer;

"(3) provide that any such prescription shall be in writing; and

"(4) specify such other criteria for the prescription as the Secretary may determine to be appropriate.

"(f) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq. and 951 et seq.) shall not apply with respect to—

"(1) the importing of opium;

"(2) the manufacture of parenteral diacetylmorphine; and

"(3) the distribution and dispensing of parenteral diacetylmorphine,

in accordance with the program.

"(g) REPORTS.—

"(1) BY THE SECRETARY.—

"(A) IMPLEMENTATION AND ACTIVITIES.—

"(i) IMPLEMENTATION.—Not later than 2 months after the date of the enactment of this part and every third month thereafter until the program is established under subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing information on the activities undertaken to implement the program.

"(ii) ACTIVITIES.—Not later than 1 year after the date the program is established under subsection (a) and annually thereafter until the program is terminated under subsection (h), the Secretary shall prepare and submit to the committees described in clause (i) a report containing information on the activities under the program during the period for which the report is submitted.

"(B) PAIN MANAGEMENT.—Not later than 6 months after the date of the enactment of this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that—

"(i) describes the extent of research activities on the management of pain that have received funds through the National Institutes of Health;

"(ii) describes the ways in which the Federal Government supports the training of health personnel in pain management; and

"(iii) contains recommendations for expanding and improving the training of health personnel in pain management.

"(2) BY THE COMPTROLLER GENERAL.—Not later than 56 months after the date on which the program is established under subsection (a), the Comptroller General of the United States shall prepare and submit to the committees referred to in paragraph (1)(A)(i) a report containing information on the activities conducted under the program during such 56-month period.

"(h) TERMINATION AND MODIFICATION.—

"(1) IN GENERAL.—The Secretary may at any time later than 6 months after the date on which the program is established under subsection (a), modify the regulations required by subsection (a) or terminate the program if in the judgment of the Secretary the program is no longer needed or if modifications or termination are needed to prevent substantial diversion of the diacetylmorphine.

"(2) FINAL TERMINATION.—The program shall terminate 60 months after the date the program is established under subsection (a).".

By Mr. INOUYE:

S. 79. A bill to require the Secretary of Agriculture to extend a nutrition assistance program to American Samoa, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NUTRITION ASSISTANCE PROGRAM EXTENSION ACT OF 1995

Mr. INOUYE. Mr. President, I rise today to introduce a bill that will address an important need of the people of American Samoa.

The American Samoa Nutrition Assistance Program [ASNAP], which serves the low-income elderly, blind and disabled in American Samoa, operates as a modified Food Stamp program coordinated by the Food and Nutrition Service [FNS] of the U.S. Department of Agriculture [USDA]. The ASNAP is currently supported through annual appropriations out of discretionary funds in the FNS account. Because of the small population of American Samoa—approximately 53,000 people—and the limited scope of the beneficiaries of this program, the cost of ASNAP only amounts to approximately $5.5 million annually. Yet, this is an important program to those individuals who look to it for sustenance. Unfortunately, the discretionary funding mechanism for the ASNAP makes annual funding unsure and makes it difficult for administrators to plan ahead.

Similar programs for Puerto Rico and the Commonwealth of the Northern Mariana Islands are supported with mandatory funds through the Food Stamp Act of 1977. There is no reason that the ASNAP should be treated any differently. It should be funded through the identical mechanism. My bill will require the Secretary of Agriculture to extend the ASNAP to the low-income elderly, blind and disabled people of American Samoa under the Food Stamp Act. I urge my colleagues to join me in making this small, but worthwhile gesture for the benefit of those in need in American Samoa.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 79

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF NUTRITION ASSISTANCE PROGRAM OF AMERICAN SAMOA.

The First sentence of section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c)) is amended by inserting before the period at the end the following: ", and the Secretary of Agriculture shall extend a nutrition assistance program conducted under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to American Samoa".

By Mr. INOUYE:

S. 80. A bill to amend the Perishable Agricultural Commodities Act, 1930, to include marketing of fresh cut flowers and fresh cut foliage in the coverage of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS

Mr. INOUYE. Mr. President, I rise today to introduce a bill that will add a measure of fairness to the Perishable Agriculture Commodities Act of 1930 [PACA], which currently ignores an important segment of perishable agricultural items, namely, fresh cut flowers and fresh cut foliage.

The PACA currently protects the interests of consumers and producers of fresh fruits and vegetables by requiring that the Secretary of Agriculture provide a licensing mechanism for brokers and dealers of these products. In addition, the PACA defines unfair and unlawful practices by such brokers and dealers, requires that such brokers and dealers hold commodities and proceeds of sales in trust for the benefit of unpaid growers, and outlines administrative and judicial causes of action for anyone injured by any violations of the PACA.

The purpose of the PACA is to ensure that the public is assured of quality in the marketing of fresh products and that the producers' interests are protected when they entrust a shortlived commodity to a broker or dealer for transfer and sale.

Consumers and producers of fresh cut flowers and fresh cut foliage experience many of the same risks as consumers and producers of fruits and vegetables; risks which the PACA seeks to alleviate. For this reason, consumers and producers of fresh cut flowers and fresh cut foliage should be afforded the same quality control and protections provided by the PACA with respect to fruits and vegetables. I urge my colleagues to join me in supporting my bill which will amend the PACA to include fresh cut flowers and fresh cut foliage in its coverage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SECTION 1. INCLUSION OF FRESH CUT FLOWERS AND FRESH CUT FOLIAGE IN PACA COVERAGE.

Section 1(b)(4)(A) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)(4)(A)), is amended by striking "fruits and fresh vegetables" and inserting "fruits, fresh vegetables, fresh cut flowers, and fresh cut foliage".

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

By Mr. INOUYE:

S. 81. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

THE CHILD RESTRAINT SYSTEMS AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, today I am introducing legislation to provide for a Federal income tax credit for those families who purchase a child restraint system for their automobiles.

Accidents and injuries continue to cause almost half of the deaths of children between the ages of one and four, more than half of the deaths of children between five and fifteen, and continue to be the leading cause of death among children and young adults.

It is my understanding that although the Department of Transportation has made injury prevention among children a top priority, a significant number of parents either do not have adequate child restraint systems or do not have them properly installed.

It is imperative that we create this opportunity to provide America's parents with a financially accessible alternative to the insufficient level of child safety measures currently available for use in automobiles.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 81

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by adding at the end the following new section:

"SEC. 25A. PURCHASE OF CHILD RESTRAINT SYSTEM.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the costs incurred by the taxpayer during such taxable year in purchasing a qualified child restraint system for any child of the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD RESTRAINT SYSTEM.—The term 'qualified child restraint system' means any child restraint system which meets the requirements of section 571.213 of title 49 of the Code of Federal Regulations.

"(2) CHILD.—The term 'child' has the meaning given to such term by section 151(c)(3)."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Purchase of child restraint system."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

By Mr. INOUYE:

S. 82. A bill to amend title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

THE VETERANS' HEALTH ADMINISTRATION ACT OF 1995

Mr. INOUYE. Mr. President, I am introducing legislation today to amend Chapter 74 of Title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration [VHA].

The VHA has a long history of maintaining a staff of the very best health care professionals to provide care to those men and women who have served their country in the Armed Forces. It is certainly fitting that this should be done.

Recently a quite distressing situation regarding the care of our veterans has come to my attention. In particular, the recruitment and retention of psychologists in the VHA of the Department of Veterans Affairs has become a significant problem.

The Congress has recognized the important contribution of the behavioral sciences in the treatment of several conditions from which a significant portion of our veterans suffer. For example, programs related to homelessness, substance abuse, and post traumatic stress disorder [PTSD] have received funding from the Congress in recent years.

Certainly, psychologists, as behavioral science experts, are essential to the successful implementation of these programs. However, the high vacancy and turnover rates for psychologists in the VHA (over 11% and 18% respectively as reported in one recent survey) might seriously jeopardize these programs and will negatively impact overall patient care in the VHA.

Recruitment of psychologists by the VHA is hindered by a number of factors including a pay scale not commensurate with private sector rates of pay as well as by the low number of clinical and counseling psychologists appearing on the register of the Office of Personnel Management [OPM]. Most new hires have no post-doctoral experience and are hired immediately after a VA internship. Recruitment, when successful, takes up to 6 months or more.

Retention of psychologists in the VA system poses an even more significant problem. I have been informed that almost 40% of VHA psychologists had five years or less of post-doctoral experience. Without doubt, our veterans would benefit from a higher percentage of senior staff who are more experienced in working with veterans and their particular concerns. My bill provides incentives for psychologists to continue their work with the VHA and seek additional education and training.

Several factors are associated with the difficulties in retention of VHA psychologists including low salaries and lack of career advancement opportunities. It seems that psychologists are apt to leave the VA system after 5 years because they have almost reached peak levels for salary and professional development in the VHA. Furthermore, under the present system psychologists cannot be recognized nor appropriately compensated for excellence or for taking on additional responsibilities such as running treatment programs.

In effect, the current system for hiring psychologists in the VHA supports mediocrity, not excellence and mastery. Our veterans with behavioral disorders and mental health problems are deserving of better psychological care from more experienced professionals than they are currently receiving.

A hybrid Title 38 appointment authority for psychologists would help ameliorate the recruitment and retention problems in several ways. The length of time it takes to recruit psychologists could be abbreviated by eliminating the requirement for applicants to be rated by the Office of Personnel Management. This would also facilitate the recruitment of applicants who are not recent VA interns by reducing the amount of time between identifying a desirable applicant and being able to offer that applicant a position.

It is expected that problems in retention of behavioral science experts will be greatly alleviated with the implementation of a hybrid Title 38 system for VA psychologists, primarily through offering financial incentives for psychologists to pursue professional development with the VHA. Achievements that would merit salary increases under Title 38 should include such activities as assuming supervisory responsibilities for clinical programs, implementing innovative clinical treatments that improve the effectiveness and/or efficiency of patient care, making significant contributions to the science of psychology, earning the ABPP diplomat status, and becoming a Fellow of the American Psychological Association.

Currently, psychologists are the only doctoral level health care providers in the VHA who are not included in Title 38. This is, without question, a significant factor in the recruitment and retention difficulties that I have addressed. Ultimately, an across-the-board salary increase might be necessary. However, the conversion of psychologists to a hybrid Title 38, as proposed by this amendment, would provide relief for these difficulties and enhance the quality of care for our Nation's veterans and their families.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 82

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF AUTHORITY RELATING TO THE APPOINTMENT OF CLINICAL AND COUNSELING PSYCHOLOGISTS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7401(3) of title 38, United States Code, is amended by striking out "who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary".

(b) CERTAIN OTHER APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) in paragraph (1)(B), by striking out "Certified or" and inserting in lieu thereof "Clinical or counseling psychologists, certified or"; and

(2) in paragraph (2)(B), by striking out "Certified or" and inserting in lieu thereof "Clinical or counseling psychologists, certified or".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(d) APPOINTMENT REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall begin to make appointments of clinical and counseling psychologists in the Veterans Health Administration under section 7401(3) of title 38, United States Code (as amended by subsection (a)), not later than 1 year after the date of the enactment of this Act.

By Mr. INOUYE:

S. 83. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

THE PRISONER-OF-WAR MEDAL AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, all too often we find that our Nation's civilians who have been captured by a hostile government do not receive the recognition they deserve. My bill would correct this inequity and provide a prisoner-of-war medal for civilian employees of the Federal Government.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRISONER-OF-WAR MEDAL FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) AUTHORITY TO ISSUE PRISONER-OF-WAR MEDAL.—Subpart A of part III of title 5, United States Code, is amended by inserting after chapter 23 the following new chapter:

"CHAPTER 25—MISCELLANEOUS AWARDS

"2501. Prisoner-of-war medal: issue.

"§ 2501. Prisoner-of-war medal: issue

"(a) The President shall issue a prisoner-of-war medal to any person who, while serving in any capacity as an officer or employee of the Federal Government was forcibly detained or interned, not as a result of such person's own willful misconduct—

"(1) by an enemy government or its agents, or a hostile force, during a period of war; or

"(2) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the President finds to have been comparable to the circumstances under which members of the armed forces have generally been forcibly detained or interned by enemy governments during periods of war.

"(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

"(c) Not more than one prisoner-of-war medal may be issued to a person under this section or section 1128 of title 10. However, for each succeeding service that would otherwise justify the issuance of such a medal, the President (in the case of service referred to in subsection (a) of this section) or the Secretary concerned (in the case of service referred to in section 1128(a) of title 10) may issue a suitable device to be worn as determined by the President or such Secretary, as the case may be.

"(d) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

"(e) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the President.

"(f) Under regulations to be prescribed by the President, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(g) In this section, the term 'period of war' has the meaning given such term in section 101(11) of title 38.".

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 23 the following new item:

"25. Miscellaneous Awards .... 2501".

SEC. 2. EFFECTIVE DATE.

Section 2501 of title 5, United States Code, as added by section 1, applies with respect to any person who, after April 5, 1917, is forcibly detained or interned as described in subsection (a) of such section.

By Mr. INOUYE:

S. 84. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwide trade endorsement for the vessel *Bagger*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE VESSEL BAGGER ACT OF 1995

Mr. INOUYE. Mr. President, this private relief bill that I am introducing would authorize a certificate of documentation and coastwise trade endorsement for the vessel *Bagger*, a small boat to be used for charter fishing. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding sections 12106 through 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation and coastwise trade endorsement for the vessel *Bagger*, hull identification number 3121125, and State of Hawaii registration number HA1809E.

By Mr. FEINGOLD (for himself and Mr. SIMON):

S. 85. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

THE LONG-TERM CARE REFORM AND DEFICIT REDUCTION ACT OF 1995

Mr. FEINGOLD. Mr. President, I am pleased to introduce S. 85, the Long-Term Care Reform and Deficit Reduction Act of 1995, legislation to reform fundamentally the way we provide long-term care in this country.

Though Congress failed to pass comprehensive health care reform last year, we must not wait to renew our efforts. We should begin now, and universal coverage should again be our goal.

The legislation I am introducing today does not attempt to reform our health care system in any comprehensive way, but it does serve to resume the debate, and can be a first step in the effort to pursue universal coverage.

The bill establishes a system of consumer-oriented, consumer-directed home and community-based long-term care services for individuals with disabilities of any age.

It is based on Wisconsin's home and community-based long-term care program, the Community Options Program [COP], which has been a national model of reform. COP was the keystone of Wisconsin's long-term care reforms that have saved Wisconsin taxpayers hundreds of millions of dollars.

The legislation is also similar, in large part, to the excellent long-term care proposal included in President Clinton's health care reform bill last year, as well as to the provisions establishing home and community long-term care benefits in the versions of the President's bill that came out of the Senate Committee on Labor and Human Resources and the Senate Committee on Finance.

Unlike so many other aspects of health care reform, the long-term care provisions that came out of the two Senate Committees, that were included in the Mitchell compromise measure, and that were part of the proposals produced by the standing committees in the other body, received bipartisan support. It is somewhat remarkable that when there was so much controversy over so many issues relating to health care reform that there was so much agreement over the need to include long-term care reform.

Mr. President, the measure also provides for a hospital-long-term care link program, identical to legislation I introduced, S.52, on the first day for introduction of bills in the 103d Congress.

The hospital link program is based on our experiences in Wisconsin where such an initiative has helped direct individuals needing long-term care services out of hospitals, and back to their own homes and communities. The hospital discharge is a critical point of embarkation into the long-term care system for many, and this program helps ensure that those who leave a hospital in need of long-term care can receive needed services where they prefer them—in their own homes.

Mr. President, though I am convinced that long-term care reform can result in substantial savings to taxpayers—and this has been our experience in Wisconsin—this measure does not depend on hypothetical savings for funding. This measure includes funding provisions consisting of specific cuts within the health care system, scored by the Congressional Budget Office to reduce federal spending under Medicare.

Included in these proposed spending cuts is a provision that reduces the subsidy we give to the wealthiest Medicare beneficiaries through the Part B premium. The provision would peg the Part B premium to income, reducing the taxpayer subsidy for individuals with income over $100,000 and couples with income over $125,000. The subsidy would be completely phased-out for individuals with income over $125,000, and couples with income over $150,000.

Other savings are generated from a 10 percent home health copayment applied to individuals with incomes over 150 percent of poverty—still only half the copayment charged on other Medicare services; modifying the routine cost limits for home health services; correcting an anomaly in the formula for certain outpatient services; and, continuing the reduction in the inpatient hospital capital reimbursement formula.

Based on the estimates of the provisions in this legislation generated by the CBO for 5 fiscal years, the measure actually generates savings in each of those years, and produces a total of $6.1 billion in deficit reduction over that time.

This must be the approach we adopt, even for those proposals which experience shows will result in savings. By including funding provisions in this long-term care reform measure, we ensure that any additional savings produced by these reforms will only further reduce the budget deficit.

Mr. President, though long-term care reform may serve to move us toward truly comprehensive health care reform, it is very much needed in its own right.

While the population of those needing long-term care is growing much faster than those providing indirect support as taxpayers, informal care, which is largely provided by families, has been stretched to the limit by the economics of health care and the increasing age of the caregivers themselves.

The default system of formal long-term care, currently funded through the Medicaid Program, requires that individuals impoverish themselves before they can receive needed care, and it largely limits care to expensive institutional settings.

Failure to reform long-term care will inevitably lead to increased use of the Medicaid system—the most expensive long-term care alternative for taxpayers, and the least desirable for consumers.

Mr. President, there are few statistical forecasts as accurate as those dealing with our population, and estimates show that the population needing long-term care will explode during the next few decades. The elderly are the fastest growing segment of our population, with those over age 85—individuals most in need of long-term care—the fastest growing segment of the elderly. The over 85 population will triple in size between 1980 and 2030, and will be nearly seven times larger in 2050 than in 1980.

The growth in the population of elderly needing some assistance is expected to be equally dramatic. Activities of daily living, or ADL's, are a common measure of need for long-term care services. These activities include eating, transferring in and out of bed, toileting, dressing, and bathing. In 1988, approximately 6.9 million elderly could not perform all of these activities. By 2000, this population is expected to increase to 9 million, and by 2040 to 18 million.

Mr. President, that we have been able to stave off a long-term care crisis to date is due in large part to the direct caregiving provided by millions of families for their elderly and disabled family members. But here, also, we see that the demographic changes of the next several decades will result in increased strain on the current system.

While the number of people in need of care is increasing rapidly, the population supporting those individuals, either through direct caregiving, or indirectly through their taxes, is growing much more slowly, and thus is shrinking in comparison.

In 1900, there were about 7 elderly individuals for every 100 people of working age. As of 1990, the ratio was about 20 elderly for every 100, by 2020 the ratio will be 29 per 100, and after that it will rise to 38 per 100 by 2030.

These population differences will be further aggravated by the changing nature of the family and the work force. As the Alzheimer's Association has noted smaller families, delayed childbearing, more women in the work force, higher divorce rates, and increased mobility all mean there will be fewer primary caregivers available, and far less informal support for those who do continue to provide care to family members in need of long-term care services.

Mr. President, while some elderly are relatively well off, thanks in part to programs like Social Security and Medicare that have kept many out of poverty, it is also true that too many seniors still find themselves living near or below the poverty line. This is especially true for those needing long-term care, who, on average, are poorer than those who do not need long-term care. In 1990, about 27 percent of people needing help with some activity of daily living survived on incomes below the poverty level, compared with 17 percent of all older people. About half of impaired elderly have income under 150 percent of poverty, compared with 35 percent of all elderly, and, according to Families USA, while 20 percent of the population as a whole had annual family income under $15,685 in 1992, nearly half of the disabled population had incomes under that level.

Further aggravating the problem is that informal family member caregivers are getting older. These caregivers are already an average of 57, with 36 percent of caregivers 65 or older. As the population ages, so will the average age of caregivers, and as the population of caregivers increases, their ability to provide adequate informal care diminishes.

Mr. President, all in all our country faces a rapidly growing population needing long-term care services, a population which is disproportionately poor. At the same time, the group of family caregivers, that has kept most of the population needing long-term care out of government programs like Medicaid, is shrinking relative to those in need of services, and is becoming progressively older.

The inescapable result of these trends is substantial pressure on government provided long-term care services—services that are inadequate in several fundamental ways.

First, with some exceptions, the current system fails to build effectively on the informal care provided by families.

Mr. President, most people with disabilities, even with severe disabilities, rely on care in their home from family and friends. The Alzheimer's Association estimates that families provide between 80 and 90 percent of all care at home, willingly and without pay. The Association estimates that this informal off-budget care would cost $54 billion to replace.

This last figure can be only an estimate, not because it doesn't fairly represent the services currently being provided by family members, but because comparable services are largely unavailable from the long-term care system. The variety of home and community-based services provided by family members simply do not exist in many areas.

Mr. President, the prevalence of family-provided caregiving affirms that, in reforming our long-term care system, it is vital that we build on top of the existing informal care that is being provided, not try to substitute for that care by imposing a new system. The goal of long-term care reform is first to enable family caregivers to continue to provide the care they currently give and that their family members prefer.

Mr. President, another weakness of the current long-term care system is the lack of a home and community service capacity. This is due in part to the inadequacies of the Medicaid Program. Enacted in 1965, Medicaid was primarily a response to the acute care needs of the poor. Though Congress did not envision Medicaid as a long-term care program, it quickly became the primary source of Government funds for long-term care services.

For many years, those long-term services provided under Medicaid were almost exclusively institutionally based. Not until institutional services, such as nursing homes, had become well established were community and home-based services funded.

The result of the head start given institutional long-term care services has been a continuing bias toward institutions in our long-term care programs. The rate of nursing home use by the elderly since the advent of Medicare and Medicaid has doubled, while the community and home-based alternatives to institutional care are considered exceptions to institutional care. A State must get a waiver from the Federal Government in order to qualify for community and home-based nonmedical service alternatives under Medicaid, and in many cases, an individual must otherwise be headed to an institution in order to qualify for those Medicaid-funded community and home-based alternative programs.

More significantly, there remains an absolute entitlement to institutional care that does not exist for the home and community-based waiver alternatives.

Mr. President, many families have been able to provide long-term care services themselves to their elderly and disabled family members, but the lack of even partial support services makes it increasingly difficult for families to choose to keep their family members at home.

According to 1991 Alzheimer's Association study, the family caregiving alternative to Government-funded long-term care is likely to disappear not because of the increasing impairment of the long-term care consumer, but because of the physical, emotional, or financial exhaustion of the caregiver:

> Family caregivers suffer more stress-related illness, resulting from exhaustion, lowered immune functions, and injuries, than the general population . . . Depression among caregivers of the frail elderly is as high as 43 to 46 percent, nearly three times the norm. . . . The likelihood of health problems is heightened by the relatively high age of caregivers: the average is 57. Thirty-six percent of caregivers are 65 or older.

Mr. President, the impact on the economy of the family caregiver is also significant. Beyond the obvious strain on the personal economy of those families with members needing long-term care services, there is also a significant effect on employers.

One quarter of American workers over the age of 30 care for an elderly parent, and this percentage is expected to increase with 40 percent of workers expected to be caring for aging parents in the next 5 years.

There are impressive statistics when one considers that caregivers report missing a week and a half of work each year in order to provide care, and nearly one-third of working caregivers have either quit their job or reduced their work hours because of their caregiving responsibilities.

For those working 20 hours or fewer a week, over half have reduced their work hours because of caregiving responsibilities.

Mr. President, long-term care is very much a women's issue. Women live longer than men, and make up a greater portion of the population needing care. And women are much more likely to be the family member that is providing care to a loved one who needs long-term care. One in five women have a parent living in their home, and nearly half of adult daughters who are caregivers are unemployed. Over a quarter of these women said they either quit their jobs or retired early just to provide care for an older person.

In addition to the impact on caregivers as employees, workers, and family breadwinners, there is also a measurable impact on their personal health. As the Alzheimer's Association study noted, caregivers are more likely to be in poor health than the general population, and are three times more likely to suffer from depression, a condition that raises the risk of other ailments such as exhaustion, lowered immune function, stress-related illness, and injury related to their caregiving responsibilities.

Compounding both the work-related and health-related problems, the burden of this kind of caregiving can increase over time. The Alzheimer's Association study noted that unlike caring for a child, which diminishes over time as the child matures and becomes more independent, caregiving responsibilities for an aging parent often increase as they become more dependent and require more care.

Mr. President, failure to reform long-term care will also lead to cost-shifting and will undermine our efforts both to contain acute care costs and further reduce the deficit.

Thanks in large part to the lack of universal coverage and the attendant shared responsibility, the health care system has become expert at shifting costs. Federal and State policymakers, in attempting to control costs, have often only created bigger incentives to shift costs as they try to clamp down in one area only to see utilization jump in another. All too often, no real savings are achieved in the end.

This was seen, for example, when the Federal Government changed several aspects of Medicare reimbursements. Patients were discharged from hospitals quicker and sicker than they had been before with a resulting increase in utilization in other areas, including long-term care services such as skilled nursing facilities.

This example is particularly appropriate. As efforts are made to limit costs in the acute care system, it is precisely this kind of shifting, from the acute care side to the long-term care side, that will occur unless long-term care reforms are pursued.

A grandmother who is discharged from a hospital by an HMO seeking to lower its costs, may have little alternative but to enter a nursing home. Long-term care reform could provide her family with sufficient additional supports to be able to care for that grandmother in her own home, and at significantly lower cost to the family and the system as a whole.

But, Mr. President, as important as it is to gain control of our health care costs, long-term care reform is needed first and foremost as a matter of humanity.

In my own State of Wisconsin, long-term care has been the focus of significant reforms since the early 1980s.

One long-term care administrator, Chuck McGlaughlin of Black River Falls, WI, testified before a field hearing of the Senate Aging Committee in the 103d Congress that prior to those reforms, he saw an almost complete absence of community or home-based long-term care services for people in need of support.

This was especially visible for older disabled individuals. Except for those seniors with sufficient resources to create their own system of in-home supports, he saw many forced to enter nursing homes who would have liked to have remained in their own home or community.

McLaughlin noted that though some eventually adjusted to leaving their home and entering the nursing home, others never did.

> I saw people who simply willed their own death because they saw no reason to continue living. These were people who were literally torn from familiar places and familiar people. People who had lost the continuity of their lives and the history that so richly made them into who they were now. People who had nurtured and sustained their communities which in turn provided them with positive status in that community. These people were truly uprooted and adrift in an alien environment lacking familiar sights, sounds, and smells. Many of them simply chose not to live any longer. While the medical care they received was excellent, they were more than just their physical bodies. Modern medicine has no treatment for a broken spirit.

Mr. President, for many, the current long-term care system continues to be so inflexible as to be inhumane.

Mr. President, there are many reasons for pursing long-term care reform—certainly more than are addressed here. But the one which may be the most meaningful for those actually needing long-term care is the ability to make their own choice about what kinds of services they will receive. In particular, this will mean the chance to remain as independent as possible, living at home or in the community or, if they choose, in an institution.

Survey after survey reveal the overwhelming preference for home-based care, and these findings are consistent with the anecdotal evidence available from just about every family facing some kind of long-term care need.

Ann Hauser, a 74-year-old woman who retired after 30 years as a ward clerk in a Milwaukee hospital, offered testimony at a May 9, 1994 field hearing of the Senate Special Committee on Aging that is typical of what many have said over the years.

Now living at home with help from Wisconsin's home and community-based long-term care program, the Community Options Program [COP], Ms. Hauser related a number of problems she had experienced while in different nursing homes.

> While at this nursing home and the others, I was to continue on IV antibiotics and needed some, but not total assistance for chair transfers. Before much time had passed, I was assisted in moving around so seldom that I lost muscle tone. Within 5 months, I became bedridden. The Heuer lift became a cop-out, and I learned that I was better to refuse it so that I would keep the use of some of my muscles. The less active I became, the more depressed I became. I was going downhill fast.
>
> How could I be happy in places that allowed the aids to switch the TV station on my television to their favorite soap operas (when I don't even like shows like that)? Furthermore, when I would remind them that I was at their mercy to finish my bed bath as they stopped to watch "just one more minute," they would take away my remote control while I shivered and waited.

The particulars of Ms. Hauser's experience are less important than the overall loss of control and independence that she experienced, something that is common for many in nursing homes. As Ms. Hauser noted:

> How could I thrive in an environment that counted on my remaining inactive when I had been so active until now?

Dorothy Freund, a nursing home resident who also gave testimony at the May 9 field hearing. Ms. Freund, who received her BA from Ohio State University, majored in English, and later received an additional degree from Maclean College of Drama, Speech, and Voice in Chicago.

After a brief stay in a hospital for treatment to her ankle, she came to a nursing home for further treatment. She gave up her apartment, because it was not designed for maneuvering in a wheelchair, and she has been on the COP waiting list for a year and a half.

Ms. Freund testified that she enjoys helping people, and this was obvious to those at the hearing as she related her efforts to tutor a nursing assistant who had worked at the nursing home. The aid decided that she would like to become a nurse, to get her LPN, but needed to get her high school diploma. Ms. Freund helped her with English, geometry, government, and geography, and, thanks in large part to Ms. Freund's efforts, the nursing assistant did receive her high school diploma.

Ms. Freund spoke about her experience and her thoughts on living in a nursing home:

> Then why not stay at the nursing home and help others in the same way? It is not an atmosphere of peace and quiet for any length of time. I'm not deprecating the nursing home and its quality of care. They are always looking for ways to improve situations and to solve problems that arise. Nor am I downgrading those who are trying their best to give that care. But when the shouting, moaning, screaming, and babbling all go on at the same time it can be bedlam. It may erupt at any moment. The frustrations of being stuffed in a nursing home, the struggle to ride out the storms, and keep one's head above the turbulent waters, can seem overwhelming when there's not even a gleam at the end of the tunnel. But I just can't resign myself to a life of Bingo and Roll-a-ball. "Don't give up; there must be a way." I keep telling myself.

Ms. Freund's testimony, again, is typical of the experiences of many needing long-term care. And it bears emphasizing that the desire to live in one's own home, and to be able to function as independently as possible, exists despite the high quality of care that is provided in most nursing homes.

Mr. President, this should come as no surprise in a society that values independence so highly. We cannot expect an individual's value system to change the instant they require some long-term care, though this is precisely how our current long-term care system is structured.

If for no other reason, we need to reform our long-term care system to reflect the values we cherish as a Nation, to live, as we wish, independently, in our own homes and communities.

Mr. President, last year I issued a report reviewing the long-term care provisions in President Clinton's health care reform legislation and offering some modifications to those provisions based on our experience in Wisconsin. In that report, I noted that Chuck McLaughlin's eloquent comments on the importance of community were not only relevant, even central, to the discussion of long-term care, but that community must also be the focus of our efforts in many other areas of our lives as Americans and citizens of the world.

More often than not, the critical problems we face stem from a failure of community or a lack of adequate community-based supports—for example jobs and economic development, housing, crime, and education. These and other important issues are usually confronted by policymakers at a distance—from Washington, DC, or from state capitals—essentially from the top down.

Too often we have tried to solve these challenges, including the challenge of long-term care, by imposing a superior vision from above. This approach has led to inflexible systems that cannot react to individual needs, but rather end up trying to fit the problem to their own structure.

This fundamental weakness is often enough to undermine even the sometimes huge amounts of money that we send along to implement the problem solving. It also limits the kinds of creative approaches those who are on the ground may see as useful and necessary.

Mr. President, just as we have a need to reinvent Government to respond more efficiently to our country's needs and our national deficit, we need also to reinvent community to allow flexible approaches to problems, and to allow those in the community to exercise their judgment as to how best solve problems.

A great strength of the Wisconsin long-term care reforms, and especially the home and community-based benefit on which this legislation is based, is that it is focused on the needs of the individual. Eligibility is based on disability, not age, and services are centered around the particular needs of a individual rather than the perceived needs of a group.

The approach this legislation takes is not only appropriate, but integral to the nature of long-term care.

Mr. President, the population needing long-term care services is a diverse group with widely differing needs.

Of the many misconceptions about long-term care, and about programs providing long-term care services, the most common may be that long-term care is purely an elderly issue. Though it is true that the elderly make up the largest part of the population needing long-term care services, long-term care is an issue facing millions of younger Americans. Approximately 1 million children have severe disabilities that require long-term care services.

Beyond the wide difference in the ages of those needing long-term care services, there is a diversity of needs, including the needs of the caregiving family members who may need a variety of different long-term care services.

From individuals with cerebral palsy to families that have a loved one afflicted with Alzheimer's disease, however well intentioned, no one set of services will address the individual needs of long-term care consumers.

Rather than trying to fit all of those needing long-term care services into one set of services, this legislation lets case managers, working with long-term care consumers and their families, determine just what services are needed and preferred.

Mr. President, the failure to enact comprehensive reform will not interrupt my own efforts to advocate and push individual reforms that respond to the needs of people and that can help save our health care system money.

In home and community-based long-term care reform, we can achieve both.

For taxpayers in Wisconsin, COP has saved hundreds of millions of dollars that would otherwise have been spent on more expensive institutional care.

During the 1980's, while the rest of the country was experiencing a 24-percent increase in Medicaid nursing home bed use, in Wisconsin, thanks to COP and other long-term care reforms, Medicaid nursing home bed use actually dropped by 19 percent. In a recent talk, Gov. Tommy Thompson noted that COP saves Wisconsin taxpayers about $25 million every year.

At the same time, COP has provided an alternative that allows the consumer to participate in determining the plan of care and in the execution of that plan.

But, Mr. President, at the Federal level we are behind Wisconsin and other States in reforming long-term care. Despite the creation of community-based Medicaid waiver programs, consumers are, for the most part, faced with few alternatives.

In describing the situation facing many elderly disabled prior to the establishment of COP in Wisconsin, Chuck McLaughlin testified before our field hearing that he recalled thinking that when he went to a grocery store there was incredible choice. He noted that there was an entire aisle for various types of pet food.

> But when elderly people encountered frailty and the loss of independence, there were basically no choices for them. It seemed a sad reality that society was doing a much better job at providing meal diversity to cats and dogs than we were doing at offering choices to humans facing frailty.

Mr. President, that is the plight of many needing long-term care today. The disabled of all ages have few options. And those that they do have are expensive for them, for their families, and for taxpayers.

This proposal will begin to provide the flexibility that State and local government needs to provide consumer-oriented and consumer-directed services.

Mr. President, I ask unanimous consent that a summary of the measure, followed by the complete text of the legislation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 85

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Long-Term Care Reform and Deficit Reduction Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES

Sec. 101. State programs for home and community-based services for individuals with disabilities.
Sec. 102. State plans.
Sec. 103. Individuals with disabilities defined.
Sec. 104. Home and community-based services covered under State plan.
Sec. 105. Cost sharing.
Sec. 106. Quality assurance and safeguards.
Sec. 107. Advisory groups.
Sec. 108. Payments to States.
Sec. 109. Appropriations; allotments to States.
Sec. 110. Federal evaluations.
Sec. 111. Information and technical assistance grants relating to development of hospital linkage programs.

TITLE II—PROVISIONS RELATING TO MEDICARE

Sec. 201. Recapture of certain health care subsidies received by high-income individuals.
Sec. 202. Imposition of 10 percent copayment on home health services under medicare.
Sec. 203. Reduction in payments for capital-related costs for inpatient hospital services.
Sec. 204. Elimination of formula-driven overpayments for certain outpatient hospital services.
Sec. 205. Reduction in routine cost limits for home health services.

TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 101. STATE PROGRAMS FOR HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Each State that has a plan for home and community-based services for individuals with disabilities submitted to and approved by the Secretary under section 102(b) may receive payment in accordance with section 108.

(b) ENTITLEMENT TO SERVICES.—Nothing in this title shall be construed to create a right to services for individuals or a requirement that a State with an approved plan expend the entire amount of funds to which it is entitled under this title.

(c) DESIGNATION OF AGENCY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall designate an agency responsible for program administration under this title.

SEC. 102. STATE PLANS.

(a) PLAN REQUIREMENTS.—In order to be approved under subsection (b), a State plan for home and community-based services for individuals with disabilities must meet the following requirements:

(1) STATE MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—A State plan under this title shall provide that the State will, during any fiscal year that the State is furnishing services under this title, make expenditures of State funds in an amount equal to the State maintenance of effort amount for the year determined under subparagraph (B) for furnishing the services described in subparagraph (C) under the State plan under this title or the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(B) STATE MAINTENANCE OF EFFORT AMOUNT.—

(i) IN GENERAL.—The maintenance of effort amount for a State for a fiscal year is an amount equal to—

(I) for fiscal year 1997, the base amount for the State (as determined under clause (ii)) updated through the midpoint of fiscal year 1997 by the estimated percentage change in the index described in clause (iii) during the period beginning on October 1, 1995, and ending at that midpoint; and

(II) for succeeding fiscal years, an amount equal to the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by the estimated percentage change in the index described in clause (iii) during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous underestimations or overestimations under this clause in the projected percentage change in such index.

(ii) STATE BASE AMOUNT.—The base amount for a State is an amount equal to the total expenditures from State funds made under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) during fiscal year 1995 with respect to medical assistance consisting of the services described in subparagraph (C).

(iii) INDEX DESCRIBED.—For purposes of clause (i), the Secretary shall develop an index that reflects the projected increases in spending for services under subparagraph (C), adjusted for differences among the States.

(C) MEDICAID SERVICES DESCRIBED.—The services described in this subparagraph are the following:

(i) Personal care services (as described in section 1905(a)(24) of the Social Security Act (42 U.S.C. 1396d(a)(24))).

(ii) Home or community-based services furnished under a waiver granted under subsection (c), (d), or (e) of section 1915 of such Act (42 U.S.C. 1396n).

(iii) Home and community care furnished to functionally disabled elderly individuals under section 1929 of such Act (42 U.S.C. 1396t).

(iv) Community supported living arrangements services under section 1930 of such Act (42 U.S.C. 1396u).

(v) Services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—Within the amounts provided by the State and under section 108 for such plan, the plan shall provide that services under the plan will be available to individuals with disabilities (as defined in section 103(a)) in the State.

(B) INITIAL SCREENING.—The plan shall provide a process for the initial screening of an individual who appears to have some reasonable likelihood of being an individual with disabilities. Any such process shall require the provision of assistance to individuals who wish to apply but whose disability limits their ability to apply. The initial screening and the determination of disability (as defined under section 103(b)(1)) shall be conducted by a public agency.

(C) RESTRICTIONS.—

(i) IN GENERAL.—The plan may not limit the eligibility of individuals with disabilities based on—

(I) income;

(II) age;

(III) residential setting (other than with respect to an institutional setting, in accordance with clause (ii)); or

(IV) other grounds specified by the Secretary;

except that through fiscal year 2005, the Secretary may permit a State to limit eligibility based on level of disability or geography (if the State ensures a balance between urban and rural areas).

(ii) INSTITUTIONAL SETTING.—The plan may limit the eligibility of individuals with disabilities based on the definition of the term "institutional setting", as determined by the State.

(D) CONTINUATION OF SERVICES.—The plan must provide assurances that, in the case of an individual receiving medical assistance for home and community-based services under the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as of the date a State's plan is approved under this title, the State will continue to make available (either under this plan, under the State medicaid plan, or otherwise) to such individual an appropriate level of assistance for home and community-based services, taking into account the level of assistance provided as of such date and the individual's need for home and community-based services.

(3) SERVICES.—

(A) NEEDS ASSESSMENT.—Not later than the end of the second year of implementation, the plan or its amendments shall include the results of a statewide assessment of the needs of individuals with disabilities in a format required by the Secretary. The needs assessment shall include demographic data concerning the number of individuals within each category of disability described in this title, and the services available to meet the needs of such individuals.

(B) SPECIFICATION.—Consistent with section 104, the plan shall specify—

(i) the services made available under the plan;

(ii) the extent and manner in which such services are allocated and made available to individuals with disabilities; and

(iii) the manner in which services under the plan are coordinated with each other and with health and long-term care services available outside the plan for individuals with disabilities.

(C) TAKING INTO ACCOUNT INFORMAL CARE.—A State plan may take into account, in determining the amount and array of services made available to covered individuals with disabilities, the availability of informal care. Any individual plan of care developed under section 104(b)(1)(B) that includes informal care shall be required to verify the availability of such care.

(D) ALLOCATION.—The State plan—

(i) shall specify how services under the plan will be allocated among covered individuals with disabilities;

(ii) shall attempt to meet the needs of individuals with a variety of disabilities within the limits of available funding;

(iii) shall include services that assist all categories of individuals with disabilities, regardless of their age or the nature of their disabling conditions;

(iv) shall demonstrate that services are allocated equitably, in accordance with the needs assessment required under subparagraph (A); and

(v) shall ensure that—

(I) the proportion of the population of low-income individuals with disabilities in the State that represents individuals with disabilities who are provided home and community-based services either under the plan, under the State medicaid plan, or under both, is not less than

(II) the proportion of the population of the State that represents individuals who are low-income individuals.

(E) LIMITATION ON LICENSURE OR CERTIFICATION.—The State may not subject consumer-directed providers of personal assistance services to licensure, certification, or other requirements that the Secretary finds not to be necessary for the health and safety of individuals with disabilities.

(F) CONSUMER CHOICE.—To the extent feasible, the State shall follow the choice of an individual with disabilities (or that individual's designated representative who may be a family member) regarding which covered services to receive and the providers who will provide such services.

(4) COST SHARING.—The plan shall impose cost sharing with respect to covered services in accordance with section 105.

(5) TYPES OF PROVIDERS AND REQUIREMENTS FOR PARTICIPATION.—The plan shall specify—

(A) the types of service providers eligible to participate in the program under the plan, which shall include consumer-directed providers of personal assistance services, except that the plan—

(i) may not limit benefits to services provided by registered nurses or licensed practical nurses; and

(ii) may not limit benefits to services provided by agencies or providers certified under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(B) any requirements for participation applicable to each type of service provider.

(6) PROVIDER REIMBURSEMENT.—

(A) PAYMENT METHODS.—The plan shall specify the payment methods to be used to reimburse providers for services furnished under the plan. Such methods may include retrospective reimbursement on a fee-for-service basis, prepayment on a capitation basis, payment by cash or vouchers to individuals with disabilities, or any combination of these methods. In the case of payment to consumer-directed providers of personal assistance services, including payment through the use of cash or vouchers, the plan shall specify how the plan will assure compliance with applicable employment tax and health care coverage provisions.

(B) PAYMENT RATES.—The plan shall specify the methods and criteria to be used to set payment rates for—

(i) agency administered services furnished under the plan; and

(ii) consumer-directed personal assistance services furnished under the plan, including cash payments or vouchers to individuals with disabilities, except that such payments shall be adequate to cover amounts required under applicable employment tax and health care coverage provisions.

(C) PLAN PAYMENT AS PAYMENT IN FULL.—The plan shall restrict payment under the plan for covered services to those providers that agree to accept the payment under the plan (at the rates established pursuant to subparagraph (B)) and any cost sharing permitted or provided for under section 105 as payment in full for services furnished under the plan.

(7) QUALITY ASSURANCE AND SAFEGUARDS.—The State plan shall provide for quality assurance and safeguards for applicants and beneficiaries in accordance with section 106.

(8) ADVISORY GROUP.—The State plan shall—

(A) assure the establishment and maintenance of an advisory group under section 107(b); and

(B) include the documentation prepared by the group under section 107(b)(4).

(9) ADMINISTRATION AND ACCESS.—

(A) STATE AGENCY.—The plan shall designate a State agency or agencies to administer (or to supervise the administration of) the plan.

(B) COORDINATION.—The plan shall specify how it will—

(i) coordinate services provided under the plan, including eligibility prescreening, service coordination, and referrals for individuals with disabilities who are ineligible for services under this title with the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), titles V and XX of such Act (42 U.S.C. 701 et seq. and 1397 et seq.), programs under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), programs under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and any other Federal or State programs that provide services or assistance targeted to individuals with disabilities; and

(ii) coordinate with health plans.

(C) ADMINISTRATIVE EXPENDITURES.—Effective beginning with fiscal year 2005, the plan shall contain assurances that not more than 10 percent of expenditures under the plan for all quarters in any fiscal year shall be for administrative costs.

(D) INFORMATION AND ASSISTANCE.—The plan shall provide for a single point of access to apply for services under the State program for individuals with disabilities. Notwithstanding the preceding sentence, the plan may designate separate points of access to the State program for individuals under 22 years of age, for individuals 65 years of age or older, or for other appropriate classes of individuals.

(10) REPORTS AND INFORMATION TO SECRETARY; AUDITS.—The plan shall provide that the State will furnish to the Secretary—

(A) such reports, and will cooperate with such audits, as the Secretary determines are needed concerning the State's administration of its plan under this title, including the processing of claims under the plan; and

(B) such data and information as the Secretary may require in a uniform format as specified by the Secretary.

(11) USE OF STATE FUNDS FOR MATCHING.—The plan shall provide assurances that Federal funds will not be used to provide for the State share of expenditures under this title.

(12) HEALTH CARE WORKER REDEPLOYMENT.—The plan shall provide for the following:

(A) Before initiating the process of implementing the State program under such plan, negotiations will be commenced with labor unions representing the employees of the affected hospitals or other facilities.

(B) Negotiations under subparagraph (A) will address the following:

(i) The impact of the implementation of the program upon the workforce.

(ii) Methods to redeploy workers to positions in the proposed system, in the case of workers affected by the program.

(C) The plan will provide evidence that there has been compliance with subparagraphs (A) and (B), including a description of the results of the negotiations.

(13) TERMINOLOGY.—The plan shall adhere to uniform definitions of terms, as specified by the Secretary.

(b) APPROVAL OF PLANS.—The Secretary shall approve a plan submitted by a State if the Secretary determines that the plan—

(1) was developed by the State after a public comment period of not less than 30 days; and

(2) meets the requirements of subsection (a).

The approval of such a plan shall take effect as of the first day of the first fiscal year beginning after the date of such approval (except that any approval made before January 1, 1997, shall be effective as of January 1, 1997). In order to budget funds allotted under this title, the Secretary shall establish a deadline for the submission of such a plan before the beginning of a fiscal year as a condition of its approval effective with that fiscal year. Any significant changes to the State plan shall be submitted to the Secretary in the form of plan amendments and shall be subject to approval by the Secretary.

(c) MONITORING.—The Secretary shall annually monitor the compliance of State plans with the requirements of this title according to specified performance standards. In accordance with section 108(e), States that fail to comply with such requirements may be subject to a reduction in the Federal matching rates available to the State under section 108(a) or the withholding of Federal funds for services or administration until such time as compliance is achieved.

(d) TECHNICAL ASSISTANCE.—The Secretary shall ensure the availability of ongoing technical assistance to States under this section. Such assistance shall include serving as a clearinghouse for information regarding successful practices in providing long-term care services.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be appropriate to carry out this title on a timely basis.

SEC. 103. INDIVIDUALS WITH DISABILITIES DEFINED.

(a) IN GENERAL.—For purposes of this title, the term "individual with disabilities" means any individual within one or more of the following categories of individuals:

(1) INDIVIDUALS REQUIRING HELP WITH ACTIVITIES OF DAILY LIVING.—An individual of any age who—

(A) requires hands-on or standby assistance, supervision, or cueing (as defined in regulations) to perform three or more activities of daily living (as defined in subsection (d)); and

(B) is expected to require such assistance, supervision, or cueing over a period of at least 90 days.

(2) INDIVIDUALS WITH SEVERE COGNITIVE OR MENTAL IMPAIRMENT.—An individual of any age—

(A) whose score, on a standard mental status protocol (or protocols) appropriate for measuring the individual's particular condition specified by the Secretary, indicates either severe cognitive impairment or severe mental impairment, or both;

(B) who—

(i) requires hands-on or standby assistance, supervision, or cueing with one or more activities of daily living;

(ii) requires hands-on or standby assistance, supervision, or cueing with at least such instrumental activity (or activities) of daily living related to cognitive or mental impairment as the Secretary specifies; or

(iii) displays symptoms of one or more serious behavioral problems (that is on a list of such problems specified by the Secretary) that create a need for supervision to prevent harm to self or others; and

(C) who is expected to meet the requirements of subparagraphs (A) and (B) over a period of at least 90 days.

Not later than 2 years after the date of enactment of this Act, the Secretary shall make recommendations regarding the most appropriate duration of disability under this paragraph.

(3) Individuals with severe or profound mental retardation.—An individual of any age who has severe or profound mental retardation (as determined according to a protocol specified by the Secretary).

(4) Young children with severe disabilities.—An individual under 6 years of age who—

(A) has a severe disability or chronic medical condition that limits functioning in a manner that is comparable in severity to the standards established under paragraphs (1), (2), or (3); and

(B) is expected to have such a disability or condition and require such services over a period of at least 90 days.

(5) State option with respect to individuals with comparable disabilities.—Not more than 2 percent of a State's allotment for services under this title may be expended for the provision of services to individuals with severe disabilities that are comparable in severity to the criteria described in paragraphs (1) through (4), but who fail to meet the criteria in any single category under such paragraphs.

(b) Determination.—

(1) In general.—In formulating eligibility criteria under subsection (a), the Secretary shall establish criteria for assessing the functional level of disability among all categories of individuals with disabilities that are comparable in severity, regardless of the age or the nature of the disabling condition of the individual. The determination of whether an individual is an individual with disabilities shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title and by using a uniform protocol consisting of an initial screening and a determination of disability specified by the Secretary. A State may not impose cost sharing with respect to a determination of disability. A State may collect additional information, at the time of obtaining information to make such determination, in order to provide for the assessment and plan described in section 104(b) or for other purposes.

(2) Periodic reassessment.—The determination that an individual is an individual with disabilities shall be considered to be effective under the State plan for a period of not more than 6 months (or for such longer period in such cases as a significant change in an individual's condition that may affect such determination is unlikely). A reassessment shall be made if there is a significant change in an individual's condition that may affect such determination.

(c) Eligibility Criteria.—The Secretary shall reassess the validity of the eligibility criteria described in subsection (a) as new knowledge regarding the assessments of functional disabilities becomes available. The Secretary shall report to the Congress on its findings under the preceding sentence as determined appropriate by the Secretary.

(d) Activity of Daily Living Defined.—For purposes of this title, the term "activity of daily living" means any of the following: eating, toileting, dressing, bathing, and transferring.

SEC. 104. HOME AND COMMUNITY-BASED SERVICES COVERED UNDER STATE PLAN.

(a) Specification.—

(1) In general.—Subject to the succeeding provisions of this section, the State plan under this title shall specify—

(A) the home and community-based services available under the plan to individuals with disabilities (or to such categories of such individuals); and

(B) any limits with respect to such services.

(2) Flexibility in meeting individual needs.—Subject to subsection (e)(2), such services may be delivered in an individual's home, a range of community residential arrangements, or outside the home.

(b) Requirement for Needs Assessment and Plan of Care.—

(1) In general.—The State plan shall provide for home and community-based services to an individual with disabilities only if the following requirements are met:

(A) Comprehensive assessment.—

(i) In general.—A comprehensive assessment of an individual's need for home and community-based services (regardless of whether all needed services are available under the plan) shall be made in accordance with a uniform, comprehensive assessment tool that shall be used by a State under this paragraph with the approval of the Secretary. The comprehensive assessment shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title.

(ii) Exception.—The State may elect to waive the provisions of clause (i) if—

(I) with respect to any area of the State, the State has determined that there is an insufficient pool of entities willing to perform comprehensive assessments in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area; and

(II) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(B) Individualized plan of care.—

(i) In general.—An individualized plan of care based on the assessment made under subparagraph (A) shall be developed by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title, except that the State may elect to waive the provisions of this sentence if, with respect to any area of the State, the State has determined there is an insufficient pool of entities willing to develop individualized plans of care in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area, and the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(ii) Requirements with respect to plan of care.—A plan of care under this subparagraph shall—

(I) specify which services included under the individual plan will be provided under the State plan under this title;

(II) identify (to the extent possible) how the individual will be provided any services specified under the plan of care and not provided under the State plan;

(III) specify how the provision of services to the individual under the plan will be coordinated with the provision of other health care services to the individual; and

(IV) be reviewed and updated every 6 months (or more frequently if there is a change in the individual's condition).

The State shall make reasonable efforts to identify and arrange for services described in subclause (II). Nothing in this subsection shall be construed as requiring a State (under the State plan or otherwise) to provide all the services specified in such a plan.

(C) Involvement of individuals.—The individualized plan of care under subparagraph (B) for an individual with disabilities shall—

(i) be developed by qualified individuals (specified in subparagraph (B));

(ii) be developed and implemented in close consultation with the individual (or the individual's designated representative); and

(iii) be approved by the individual (or the individual's designated representative).

(c) Requirement for Care Management.—

(1) In general.—The State shall make available to each category of individuals with disabilities care management services that at a minimum include—

(A) arrangements for the provision of such services; and

(B) monitoring of the delivery of services.

(2) Care management services.—

(A) In general.—Except as provided in subparagraph (B), the care management services described in paragraph (1) shall be provided by a public or private entity that is not providing home and community-based services under this title.

(B) Exception.—A person who provides home and community-based services under this title may provide care management services if—

(i) the State determines that there is an insufficient pool of entities willing to provide such services in an area due to a low population of individuals eligible for home and community-based services under this title residing in such area; and

(ii) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(d) Mandatory Coverage of Personal Assistance Services.—The State plan shall include, in the array of services made available to each category of individuals with disabilities, both agency-administered and consumer-directed personal assistance services (as defined in subsection (h)).

(e) Additional Services.—

(1) Types of services.—Subject to subsection (f), services available under a State plan under this title may include any (or all) of the following:

(A) Homemaker and chore assistance.

(B) Home modifications.

(C) Respite services.

(D) Assistive technology devices, as defined in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)).

(E) Adult day services.

(F) Habilitation and rehabilitation.

(G) Supported employment.

(H) Home health services.

(I) Transportation.

(J) Any other care or assistive services specified by the State and approved by the

Secretary that will help individuals with disabilities to remain in their homes and communities.

(2) CRITERIA FOR SELECTION OF SERVICES.—The State electing services under paragraph (1) shall specify in the State plan—

(A) the methods and standards used to select the types, and the amount, duration, and scope, of services to be covered under the plan and to be available to each category of individuals with disabilities; and

(B) how the types, and the amount, duration, and scope, of services specified, within the limits of available funding, provide substantial assistance in living independently to individuals within each of the categories of individuals with disabilities.

(f) EXCLUSIONS AND LIMITATIONS.—A State plan may not provide for coverage of—

(1) room and board;

(2) services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary; or

(3) items and services to the extent coverage is provided for the individual under a health plan or the medicare program.

(g) PAYMENT FOR SERVICES.—In order to pay for covered services, a State plan may provide for the use of—

(1) vouchers;

(2) cash payments directly to individuals with disabilities;

(3) capitation payments to health plans; and

(4) payment to providers.

(h) PERSONAL ASSISTANCE SERVICES.—

(1) IN GENERAL.—For purposes of this title, the term "personal assistance services" means those services specified under the State plan as personal assistance services and shall include at least hands-on and standby assistance, supervision, cueing with activities of daily living, and such instrumental activities of daily living as deemed necessary or appropriate, whether agency-administered or consumer-directed (as defined in paragraph (2)). Such services shall include services that are determined to be necessary to help all categories of individuals with disabilities, regardless of the age of such individuals or the nature of the disabling conditions of such individuals.

(2) CONSUMER-DIRECTED.—For purposes of this title:

(A) IN GENERAL.—The term "consumer-directed" means, with reference to personal assistance services or the provider of such services, services that are provided by an individual who is selected and managed (and, at the option of the service recipient, trained) by the individual receiving the services.

(B) STATE RESPONSIBILITIES.—A State plan shall ensure that where services are provided in a consumer-directed manner, the State shall create or contract with an entity, other than the consumer or the individual provider, to—

(i) inform both recipients and providers of rights and responsibilities under all applicable Federal labor and tax law; and

(ii) assume responsibility for providing effective billing, payments for services, tax withholding, unemployment insurance, and workers' compensation coverage, and act as the employer of the home care provider.

(C) RIGHT OF CONSUMERS.—Notwithstanding the State responsibilities described in subparagraph (B), service recipients, and, where appropriate, their designated representative, shall retain the right to independently select, hire, terminate, and direct (including manage, train, schedule, and verify services provided) the work of a home care provider.

(3) AGENCY ADMINISTERED.—For purposes of this title, the term "agency-administered" means, with respect to such services, services that are not consumer-directed.

SEC. 105. COST SHARING.

(a) NO COST SHARING FOR POOREST.—

(1) IN GENERAL.—The State plan may not impose any cost sharing for individuals with income (as determined under subsection (d)) less than 150 percent of the official poverty level applicable to a family of the size involved (referred to in paragraph (2)).

(2) OFFICIAL POVERTY LEVEL.—For purposes of paragraph (1), the term "official poverty level applicable to a family of the size involved" means, for a family for a year, the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(b) SLIDING SCALE FOR REMAINDER.—

(1) REQUIRED COINSURANCE.—The State plan shall impose cost sharing in the form of coinsurance (based on the amount paid under the State plan for a service)—

(A) at a rate of 10 percent for individuals with disabilities with income not less than 150 percent, and less than 175 percent, of such official poverty line (as so applied);

(B) at a rate of 15 percent for such individuals with income not less than 175 percent, and less than 225 percent, of such official poverty line (as so applied);

(C) at a rate of 25 percent for such individuals with income not less than 225 percent, and less than 275 percent, of such official poverty line (as so applied);

(D) at a rate of 30 percent for such individuals with income not less than 275 percent, and less than 325 percent, of such official poverty line (as so applied);

(E) at a rate of 35 percent for such individuals with income not less than 325 percent, and less than 400 percent, of such official poverty line (as so applied); and

(F) at a rate of 40 percent for such individuals with income equal to at least 400 percent of such official poverty line (as so applied).

(2) REQUIRED ANNUAL DEDUCTIBLE.—The State plan shall impose cost sharing in the form of an annual deductible—

(A) of $100 for individuals with disabilities with income not less than 150 percent, and less than 175 percent, of such official poverty line (as so applied);

(B) of $200 for such individuals with income not less than 175 percent, and less than 225 percent, of such official poverty line (as so applied);

(C) of $300 for such individuals with income not less than 225 percent, and less than 275 percent, of such official poverty line (as so applied);

(D) of $400 for such individuals with income not less than 275 percent, and less than 325 percent, of such official poverty line (as so applied);

(E) of $500 for such individuals with income not less than 325 percent, and less than 400 percent, of such official poverty line (as so applied); and

(F) of $600 for such individuals with income equal to at least 400 percent of such official poverty line (as so applied).

(c) RECOMMENDATION OF THE SECRETARY.—The Secretary shall make recommendations to the States as to how to reduce cost-sharing for individuals with extraordinary out-of-pocket costs for whom the cost-sharing provisions of this section could jeopardize their ability to take advantage of the services offered under this title. The Secretary shall establish a methodology for reducing the cost-sharing burden for individuals with exceptionally high out-of-pocket costs under this title.

(d) DETERMINATION OF INCOME FOR PURPOSES OF COST SHARING.—The State plan shall specify the process to be used to determine the income of an individual with disabilities for purposes of this section. Such standards shall include a uniform Federal definition of income and any allowable deductions from income.

SEC. 106. QUALITY ASSURANCE AND SAFEGUARDS.

(a) QUALITY ASSURANCE.—

(1) IN GENERAL.—The State plan shall specify how the State will ensure and monitor the quality of services, including—

(A) safeguarding the health and safety of individuals with disabilities;

(B) setting the minimum standards for agency providers and how such standards will be enforced;

(C) setting the minimum competency requirements for agency provider employees who provide direct services under this title and how the competency of such employees will be enforced;

(D) obtaining meaningful consumer input, including consumer surveys that measure the extent to which participants receive the services described in the plan of care and participant satisfaction with such services;

(E) establishing a process to receive, investigate, and resolve allegations of neglect or abuse;

(F) establishing optional training programs for individuals with disabilities in the use and direction of consumer directed providers of personal assistance services;

(G) establishing an appeals procedure for eligibility denials and a grievance procedure for disagreements with the terms of an individualized plan of care;

(H) providing for participation in quality assurance activities; and

(I) specifying the role of the Long-Term Care Ombudsman (under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the protection and advocacy system (established under section 142 of the the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042)) in assuring quality of services and protecting the rights of individuals with disabilities.

(2) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations implementing the quality provisions of this subsection.

(b) FEDERAL STANDARDS.—The State plan shall adhere to Federal quality standards in the following areas:

(1) Case review of a specified sample of client records.

(2) The mandatory reporting of abuse, neglect, or exploitation.

(3) The development of a registry of provider agencies or home care workers and consumer directed providers of personal assistance services against whom any complaints have been sustained, which shall be available to the public.

(4) Sanctions to be imposed on States or providers, including disqualification from the program, if minimum standards are not met.

(5) Surveys of client satisfaction.

(6) State optional training programs for informal caregivers.

(c) CLIENT ADVOCACY.—

(1) IN GENERAL.—The State plan shall provide that the State will expend the amount

allocated under section 109(b)(2) for client advocacy activities. The State may use such funds to augment the budgets of the Long-Term Care Ombudsman (under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) and the protection and advocacy system (established under section 142 of the the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042)) or may establish a separate and independent client advocacy office in accordance with paragraph (2) to administer a new program designed to advocate for client rights.

(2) CLIENT ADVOCACY OFFICE.—

(A) IN GENERAL.—A client advocacy office established under this paragraph shall—

(i) identify, investigate, and resolve complaints that—

(I) are made by, or on behalf of, clients; and

(II) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the clients (including the welfare and rights of the clients with respect to the appointment and activities of guardians and representative payees), of—

(aa) providers, or representatives of providers, of long-term care services;

(bb) public agencies; or

(cc) health and social service agencies;

(ii) provide services to assist the clients in protecting the health, safety, welfare, and rights of the clients;

(iii) inform the clients about means of obtaining services provided by providers or agencies described in clause (i)(II) or services described in clause (ii);

(iv) ensure that the clients have regular and timely access to the services provided through the office and that the clients and complainants receive timely responses from representatives of the office to complaints; and

(v) represent the interests of the clients before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the clients with regard to the provisions of this title.

(B) CONTRACTS AND ARRANGEMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the State agency may establish and operate the office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

(ii) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in clause (i) with an agency or organization that is responsible for licensing, certifying, or providing long-term care services in the State.

(d) SAFEGUARDS.—

(1) CONFIDENTIALITY.—The State plan shall provide safeguards that restrict the use or disclosure of information concerning applicants and beneficiaries to purposes directly connected with the administration of the plan.

(2) SAFEGUARDS AGAINST ABUSE.—The State plans shall provide safeguards against physical, emotional, or financial abuse or exploitation (specifically including appropriate safeguards in cases where payment for program benefits is made by cash payments or vouchers given directly to individuals with disabilities). All providers of services shall be required to register with the State agency.

(3) REGULATIONS.—Not later than January 1, 1997, the Secretary shall promulgate regulations with respect to the requirements on States under this subsection.

(e) SPECIFIED RIGHTS.—The State plan shall provide that in furnishing home and community-based services under the plan the following individual rights are protected:

(1) The right to be fully informed in advance, orally and in writing, of the care to be provided, to be fully informed in advance of any changes in care to be provided, and (except with respect to an individual determined incompetent) to participate in planning care or changes in care.

(2) The right to—

(A) voice grievances with respect to services that are (or fail to be) furnished without discrimination or reprisal for voicing grievances;

(B) be told how to complain to State and local authorities; and

(C) prompt resolution of any grievances or complaints.

(3) The right to confidentiality of personal and clinical records and the right to have access to such records.

(4) The right to privacy and to have one's property treated with respect.

(5) The right to refuse all or part of any care and to be informed of the likely consequences of such refusal.

(6) The right to education or training for oneself and for members of one's family or household on the management of care.

(7) The right to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints imposed for purposes of discipline or convenience and not included in an individual's plan of care.

(8) The right to be fully informed orally and in writing of the individual's rights.

(9) The right to a free choice of providers.

(10) The right to direct provider activities when an individual is competent and willing to direct such activities.

SEC. 107. ADVISORY GROUPS.

(a) FEDERAL ADVISORY GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory group, to advise the Secretary and States on all aspects of the program under this title.

(2) COMPOSITION.—The group shall be composed of individuals with disabilities and their representatives, providers, Federal and State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives.

(b) STATE ADVISORY GROUPS.—

(1) IN GENERAL.—Each State plan shall provide for the establishment and maintenance of an advisory group to advise the State on all aspects of the State plan under this title.

(2) COMPOSITION.—Members of each advisory group shall be appointed by the Governor (or other chief executive officer of the State) and shall include individuals with disabilities and their representatives, providers, State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives. The members of the advisory group shall be selected from those nominated as described in paragraph (3).

(3) SELECTION OF MEMBERS.—Each State shall establish a process whereby all residents of the State, including individuals with disabilities and their representatives, shall be given the opportunity to nominate members to the advisory group.

(4) PARTICULAR CONCERNS.—Each advisory group shall—

(A) before the State plan is developed, advise the State on guiding principles and values, policy directions, and specific components of the plan;

(B) meet regularly with State officials involved in developing the plan, during the development phase, to review and comment on all aspects of the plan;

(C) participate in the public hearings to help assure that public comments are addressed to the extent practicable;

(D) report to the Governor and make available to the public any differences between the group's recommendations and the plan;

(E) report to the Governor and make available to the public specifically the degree to which the plan is consumer-directed; and

(F) meet regularly with officials of the designated State agency (or agencies) to provide advice on all aspects of implementation and evaluation of the plan.

SEC. 108. PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to section 102(a)(9)(C) (relating to limitation on payment for administrative costs), the Secretary, in accordance with the Cash Management Improvement Act, shall authorize payment to each State with a plan approved under this title, for each quarter (beginning on or after January 1, 1997), from its allotment under section 109(b), an amount equal to—

(1)(A) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that does not exceed 20 percent of the amount allotted to the State under section 109(b), 100 percent of such amount; and

(B) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that exceeds 20 percent of the amount allotted to the State under section 109(b), the Federal home and community-based services matching percentage (as defined in subsection (b)) of such amount; plus

(2) an amount equal to 90 percent of the amount demonstrated by the State to have been expended during the quarter for quality assurance activities under the plan; plus

(3) an amount equal to 90 percent of amount expended during the quarter under the plan for activities (including preliminary screening) relating to determination of eligibility and performance of needs assessment; plus

(4) an amount equal to 90 percent (or, beginning with quarters in fiscal year 2005, 75 percent) of the amount expended during the quarter for the design, development, and installation of mechanical claims processing systems and for information retrieval; plus

(5) an amount equal to 50 percent of the remainder of the amounts expended during the quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.

(b) FEDERAL HOME AND COMMUNITY-BASED SERVICES MATCHING PERCENTAGE.—In subsection (a), the term "Federal home and community-based services matching percentage" means, with respect to a State, the State's Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) increased by 15 percentage points, except that the Federal home and community-based services matching percentage shall in no case be more than 95 percent.

(c) PAYMENTS ON ESTIMATES WITH RETROSPECTIVE ADJUSTMENTS.—The method of computing and making payments under this section shall be as follows:

(1) The Secretary shall, prior to the beginning of each quarter, estimate the amount to be paid to the State under subsection (a) for

such quarter, based on a report filed by the State containing its estimate of the total sum to be expended in such quarter, and such other information as the Secretary may find necessary.

(2) From the allotment available therefore, the Secretary shall provide for payment of the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which the Secretary finds that the estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount that should have been paid.

(d) APPLICATION OF RULES REGARDING LIMITATIONS ON PROVIDER-RELATED DONATIONS AND HEALTH CARE RELATED TAXES.—The provisions of section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall apply to payments to States under this section in the same manner as they apply to payments to States under section 1903(a) of such Act (42 U.S.C. 1396b(a)).

(e) FAILURE TO COMPLY WITH STATE PLAN.—If a State furnishing home and community-based services under this title fails to comply with the State plan approved under this title, the Secretary may either reduce the Federal matching rates available to the State under subsection (a) or withhold an amount of funds determined appropriate by the Secretary from any payment to the State under this section.

SEC. 109. APPROPRIATIONS; ALLOTMENTS TO STATES.

(a) APPROPRIATIONS.—

(1) FISCAL YEARS 1997 THROUGH 2005.—Subject to paragraph (5)(C), for purposes of this title, the appropriation authorized under this title for each of fiscal years 1997 through 2005 is the following:

(A) For fiscal year 1997, $1,800,000,000.
(B) For fiscal year 1998, $3,500,000,000.
(C) For fiscal year 1999, $5,800,000,000.
(D) For fiscal year 2000, $7,300,000,000.
(E) For fiscal year 2001, $10,000,000,000.
(F) For fiscal year 2002, $15,700,000,000.
(G) For fiscal year 2003, $22,800,000,000.
(H) For fiscal year 2004, $30,700,000,000.
(I) For fiscal year 2005, $34,600,000,000.

(2) SUBSEQUENT FISCAL YEARS.—For purposes of this title, the appropriation authorized for State plans under this title for each fiscal year after fiscal year 2005 is the appropriation authorized under this subsection for the preceding fiscal year multiplied by—

(A) a factor (described in paragraph (3)) reflecting the change in the consumer price index for the fiscal year; and

(B) a factor (described in paragraph (4)) reflecting the change in the number of individuals with disabilities for the fiscal year.

(3) CPI INCREASE FACTOR.—For purposes of paragraph (2)(A), the factor described in this paragraph for a fiscal year is the ratio of—

(A) the annual average index of the consumer price index for the preceding fiscal year, to—

(B) such index, as so measured, for the second preceding fiscal year.

(4) DISABLED POPULATION FACTOR.—For purposes of paragraph (2)(B), the factor described in this paragraph for a fiscal year is 100 percent plus (or minus) the percentage increase (or decrease) change in the disabled population of the United States (as determined for purposes of the most recent update under subsection (b)(3)(D)).

(5) ADDITIONAL FUNDS DUE TO MEDICAID OFFSETS.—

(A) IN GENERAL.—Each participating State must provide the Secretary with information concerning offsets and reductions in the medicaid program resulting from home and community-based services provided disabled individuals under this title, that would have been paid for such individuals under the State medicaid plan. At the time a State first submits its plan under this title and before each subsequent fiscal year (through fiscal year 2005), the State also must provide the Secretary with such budgetary information (for each fiscal year through fiscal year 2005), as the Secretary determines to be necessary to carry out this paragraph.

(B) REPORTS.—Each State with a program under this title shall submit such reports to the Secretary as the Secretary may require in order to monitor compliance with subparagraph (A). The Secretary shall specify the format of such reports and establish uniform data reporting elements.

(C) ADJUSTMENTS TO APPROPRIATION.—

(i) IN GENERAL.—For each fiscal year (beginning with fiscal year 1997 and ending with fiscal year 2005) and based on a review of information submitted under subparagraph (A), the Secretary shall determine the amount by which the appropriation authorized under subsection (a) will increase. The amount of such increase for a fiscal year shall be limited to the reduction in Federal expenditures of medical assistance (as determined by Secretary) that would have been made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) but for the provision of home and community based services under the program under this title.

(ii) ANNUAL PUBLICATION.—The Secretary shall publish before the beginning of such fiscal year, the revised appropriation authorized under this subsection for such fiscal year.

(D) CONSTRUCTION.—Nothing in this subsection shall be construed as requiring States to determine eligibility for medical assistance under the State medicaid plan on behalf of individuals receiving assistance under this title.

(b) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—The Secretary shall allot the amounts available under the appropriation authorized for the fiscal year under paragraph (1) of subsection (a) (without regard to any adjustment to such amount under paragraph (5) of such subsection), to the States with plans approved under this title in accordance with an allocation formula developed by the Secretary that takes into account—

(A) the percentage of the total number of individuals with disabilities in all States that reside in a particular State;

(B) the per capita costs of furnishing home and community-based services to individuals with disabilities in the State; and

(C) the percentage of all individuals with incomes at or below 150 percent of the official poverty line (as described in section 105(a)(2)) in all States that reside in a particular State.

(2) ALLOCATION FOR CLIENT ADVOCACY ACTIVITIES.—Each State with a plan approved under this title shall allocate one-half of one percent of the State's total allotment under paragraph (1) for client advocacy activities as described in section 106(c).

(3) NO DUPLICATE PAYMENT.—No payment may be made to a State under this section for any services provided to an individual to the extent that the State received payment for such services under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)).

(4) REALLOCATIONS.—Any amounts allotted to States under this subsection for a year that are not expended in such year shall remain available for State programs under this title and may be reallocated to States as the Secretary determines appropriate.

(5) SAVINGS DUE TO MEDICAID OFFSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from the total amount of the increase in the amount available for a fiscal year under paragraph (1) of subsection (a) resulting from the application of paragraph (5) of such subsection, the Secretary shall allot to each State with a plan approved under this title, an amount equal to the Federal offsets and reductions in the State's medicaid plan for such fiscal year that was reported to the Secretary under subsection (a)(5), reduced or increased, as the case may be, by any amount by which the Secretary determines that any estimated Federal offsets and reductions in such State's medicaid plan reported to the Secretary under subsection (a)(5) for the previous fiscal year were greater or less than the actual Federal offsets and reductions in such State's medicaid plan.

(B) CAP ON STATE SAVINGS ALLOTMENT.—In no case shall the allotment made under this paragraph to any State for a fiscal year exceed the product of—

(i) the Federal medical assistance percentage for such State (as defined under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))); multiplied by

(ii)(I) for fiscal year 1997, the base medical assistance amount for the State (as determined under subparagraph (C)) updated through the midpoint of fiscal year 1997 by the estimated percentage change in the index described in section 102(a)(1)(B)(iii) during the period beginning on October 1, 1995, and ending at that midpoint; and

(II) for succeeding fiscal years, an amount equal to the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by the estimated percentage change in such index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous underestimations or overestimations under this clause in the projected percentage change in such index.

(C) BASE MEDICAL ASSISTANCE AMOUNT.—The base medical assistance amount for a State is an amount equal to the total expenditures from Federal and State funds made under the State plan under title XIX of the Social Security Act (42 U.S.C 1396 et seq.) during fiscal year 1995 with respect to medical assistance consisting of the services described in section 102(a)(1)(C).

(c) STATE ENTITLEMENT.—This title constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide for the payment to States of amounts described in subsection (a).

SEC. 110. FEDERAL EVALUATIONS.

(a) IN GENERAL.—Not later than December 31, 2002, December 31, 2005, and each December 31 thereafter, the Secretary shall provide to Congress analytical reports that evaluate—

(1) the extent to which individuals with low incomes and disabilities are equitably served;

(2) the adequacy and equity of service plans to individuals with similar levels of disability across States;

(3) the comparability of program participation across States, described by level and type of disability; and

(4) the ability of service providers to sufficiently meet the demand for services.

(b) GERIATRIC ASSESSMENTS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to

Congress concerning the feasibility of providing reimbursement under health plans and other payers of health services for full geriatric assessment, when recommended by a physician.

SEC. 111. INFORMATION AND TECHNICAL ASSISTANCE GRANTS RELATING TO DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

(a) Findings.—Congress finds that—

(1) demonstration programs and projects have been developed to offer care management to hospitalized individuals awaiting discharge who are in need of long-term health care services that meet individual needs and preferences in home and community-based settings as an alternative to long-term nursing home care or institutional placement; and

(2) there is a need to disseminate information and technical assistance to hospitals and State and local community organizations regarding such programs and projects and to provide incentive grants to State and local public and private agencies, including area agencies on aging, to establish and expand programs that offer care management to individuals awaiting discharge from acute care hospitals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term placement in nursing homes or other institutional settings.

(b) Dissemination of Information, Technical Assistance, and Incentive Grants to Assist in the Development of Hospital Linkage Programs.—Part C of title III of the Public Health Service Act (42 U.S.C. 248 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 327B. DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

"(a) Dissemination of Information.—The Secretary shall compile, evaluate, publish and disseminate to appropriate State and local officials and to private organizations and agencies that provide services to individuals in need of long-term health care services, such information and materials as may assist such entities in replicating successful programs that are aimed at offering care management to hospitalized individuals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term nursing home placement. The Secretary may provide technical assistance to entities seeking to replicate such programs.

"(b) Incentive Grants To Assist in the Development of Hospital Linkage Programs.—The Secretary shall establish a program under which incentive grants may be awarded to assist private and public agencies, including area agencies on aging, and organizations in developing and expanding programs and projects that facilitate the discharge of individuals in hospitals or other acute care facilities who are in need of long-term care services and placement of such individuals into home and community-based settings.

"(c) Administrative Provisions.—

"(1) Eligible entities.—To be eligible to receive a grant under subsection (b) an entity shall be—

"(A)(i) a State agency as defined in section 102(43) of the Older Americans Act of 1965 (42 U.S.C. 3002(43)); or

"(ii) a State agency responsible for administering home and community care programs under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

"(B) if no State agency described in subparagraph (A) applies with respect to a particular State, a public or nonprofit private entity.

"(2) Applications.—To be eligible to receive an incentive grant under subsection (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including—

"(A) an assessment of the need within the community to be served for the establishment or expansion of a program to facilitate the discharge of individuals in need of long-term care who are in hospitals or other acute care facilities into home and community-care programs that provide individually planned, flexible services that reflect individual choice or preference rather than nursing home or institutional settings;

"(B) a plan for establishing or expanding a program for identifying individuals in hospital or acute care facilities who are in need of individualized long-term care provided in home and community-based settings rather than nursing homes or other institutional settings and undertaking the planning and management of individualized care plans to facilitate discharge into such settings;

"(C) assurances that nongovernmental case management agencies funded under grants awarded under this section are not direct providers of home and community-based services;

"(D) satisfactory assurances that adequate home and community-based long term care services are available, or will be made available, within the community to be served so that individuals being discharged from hospitals or acute care facilities under the proposed program can be served in such home and community-based settings, with flexible, individualized care that reflects individual choice and preference;

"(E) a description of the manner in which the program to be administered with amounts received under the grant will be continued after the termination of the grant for which such application is submitted; and

"(F) a description of any waivers or approvals necessary to expand the number of individuals served in federally funded home and community-based long term care programs in order to provide satisfactory assurances that adequate home and community-based long term care services are available in the community to be served.

"(3) Awarding of grants.—

"(A) Preferences.—In awarding grants under subsection (b), the Secretary shall give preference to entities submitting applications that—

"(i) demonstrate an ability to coordinate activities funded using amounts received under the grant with programs providing individualized home and community-based case management and services to individuals in need of long term care with hospital discharge planning programs; and

"(ii) demonstrate that adequate home and community-based long term care management and services are available, or will be made available to individuals being served under the program funded with amounts received under subsection (b).

"(B) Distribution.—In awarding grants under subsection (b), the Secretary shall ensure that such grants—

"(i) are equitably distributed on a geographic basis;

"(ii) include projects operating in urban areas and projects operating in rural areas; and

"(iii) are awarded for the expansion of existing hospital linkage programs as well as the establishment of new programs.

"(C) Expedited consideration.—The Secretary shall provide for the expedited consideration of any waiver application that is necessary under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to enable an applicant for a grant under subsection (b) to satisfy the assurance required under paragraph (1)(D).

"(4) Use of grants.—An entity that receives amounts under a grant under subsection (b) may use such amounts for planning, development and evaluation services and to provide reimbursements for the costs of one or more case mangers to be located in or assigned to selected hospitals who would—

"(A) identify patients in need of individualized care in home and community-based long-term care;

"(B) assess and develop care plans in cooperation with the hospital discharge planning staff; and

"(C) arrange for the provision of community care either immediately upon discharge from the hospital or after any short term nursing-home stay that is needed for recuperation or rehabilitation;

"(5) Direct services subject to reimbursements.—None of the amounts provided under a grant under this section may be used to provide direct services, other than case management, for which reimbursements are otherwise available under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.).

"(6) Limitations.—

"(A) Term.—Grants awarded under this section shall be for terms of less than 3 years.

"(B) Amount.—Grants awarded to an entity under this section shall not exceed $300,000 per year. The Secretary may waive the limitation under this subparagraph where an applicant demonstrates that the number of hospitals or individuals to be served under the grant justifies such increased amounts.

"(C) Supplanting of funds.—Amounts awarded under a grant under this section may not be used to supplant existing State funds that are provided to support hospital link programs.

"(d) Evaluation and Reports.—

"(1) By grantees.—An entity that receives a grant under this section shall evaluate the effectiveness of the services provided under the grant in facilitating the placement of individuals being discharged from hospitals or acute care facilities into home and community-based long term care settings rather than nursing homes. Such entity shall prepare and submit to the Secretary a report containing such information and data concerning the activities funded under the grant as the Secretary determines appropriate.

"(2) By secretary.—Not later than the end of the third fiscal year for which funds are appropriated under subsection (e), the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the evaluations and reports conducted and prepared under paragraph (1).

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1996 through 1998.".

TITLE II—PROVISIONS RELATING TO MEDICARE

SEC. 201. RECAPTURE OF CERTAIN HEALTH CARE SUBSIDIES RECEIVED BY HIGH-INCOME INDIVIDUALS.

(a) In General.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART VIII—CERTAIN HEALTH CARE SUBSIDIES RECEIVED BY HIGH-INCOME INDIVIDUALS

"Sec. 59B. Recapture of certain health care subsidies.

"SEC. 59B. RECAPTURE OF CERTAIN HEALTH CARE SUBSIDIES.

"(a) Imposition of Recapture Amount.—In the case of an individual, if the modified adjusted gross income of the taxpayer for the taxable year exceeds the threshold amount, such taxpayer shall pay (in addition to any other amount imposed by this subtitle) a recapture amount for such taxable year equal to the aggregate of the Medicare part B recapture amounts (if any) for months during such year that a premium is paid under part B of title XVIII of the Social Security Act for the coverage of the individual under such part.

"(b) Medicare Part B Premium Recapture Amount for Month.—For purposes of this section, the Medicare part B premium recapture amount for any month is the amount equal to the excess of—

"(1) 200 percent of the monthly actuarial rate for enrollees age 65 and over determined for that calendar year under section 1839(a)(1) of the Social Security Act, over

"(2) the total monthly premium under section 1839 of the Social Security Act (determined without regard to subsections (b) and (f) of section 1839 of such Act).

"(c) Phase-in of Recapture Amount.—

"(1) In general.—If the modified adjusted gross income of the taxpayer for any taxable year exceeds the threshold amount by less than $25,000, the recapture amount imposed by this section for such taxable year shall be an amount that bears the same ratio to the recapture amount that would (but for this subsection) be imposed by this section for such taxable year as such excess bears to $25,000.

"(2) Joint returns.—If a recapture amount is determined separately for each spouse filing a joint return, paragraph (1) shall be applied by substituting '$50,000' for '$25,000' each place it appears.

"(d) Other Definitions and Special Rules.—For purposes of this section:

"(1) Threshold amount.—The term 'threshold amount' means—

"(A) except as otherwise provided in this paragraph, $100,000;

"(B) $125,000 in the case of a joint return; and

"(C) zero in the case of a taxpayer who—

"(i) is married (as determined under section 7703) but does not file a joint return for such year; and

"(ii) does not live apart from his spouse at all times during the taxable year.

"(2) Modified adjusted gross income.—The term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to sections 135, 911, 931, and 933; and

"(B) increased by the amount of interest received or accrued by the taxpayer during the taxable year that is exempt from tax.

"(3) Joint returns.—In the case of a joint return—

"(A) the recapture amount under subsection (a) shall be the sum of the recapture amounts determined separately for each spouse; and

"(B) subsections (a) and (c) shall be applied by taking into account the combined modified adjusted gross income of the spouses.

"(4) Coordination with other provisions.—

"(A) Treated as tax for subtitle F.—For purposes of subtitle F, the recapture amount imposed by this section shall be treated as if it were a tax imposed by section 1.

"(B) Not treated as tax for certain purposes.—The recapture amount imposed by this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(i) the amount of any credit allowable under this chapter; or

"(ii) the amount of the minimum tax under section 55.

"(C) Treated as payment for medical insurance.—The recapture amount imposed by this section shall be treated as an amount paid for insurance covering medical care, within the meaning of section 213(d).".

(b) Transfers to Federal Supplementary Medical Insurance Trust Fund.—

(1) In general.—There are hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund amounts equivalent to the aggregate increase in liabilities under chapter 1 of the Internal Revenue Code of 1986 that is attributable to the application of section 59B(a) of such Code, as added by this section.

(2) Transfers.—The amounts appropriated by paragraph (1) to the Federal Supplementary Medical Insurance Trust Fund shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1). Any quarterly payment shall be made on the first day of such quarter and shall take into account the recapture amounts referred to in such section 59B(a) for such quarter. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) Reporting Requirements.—

(1) Paragraph (1) of section 6050F(a) of the Internal Revenue Code of 1986 (relating to returns relating to social security benefits) is amended by striking "and" at the end of subparagraph (B) and by inserting after subparagraph (C) the following new subparagraph:

"(D) the number of months during the calendar year for which a premium was paid under part B of title XVIII of the Social Security Act for the coverage of such individual under such part, and".

(2) Paragraph (2) of section 6050F(b) of such Code is amended to read as follows:

"(2) the information required to be shown on such return with respect to such individual.".

(3) Subparagraph (A) of section 6050F(c)(1) of such Code is amended by inserting before the comma "and in the case of the information specified in subsection (a)(1)(D)".

(4) The heading for section 6050F of such Code is amended by inserting "**AND MEDICARE PART B COVERAGE**" before the period.

(5) The item relating to section 6050F in the table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting "and Medicare part B coverage" before the period.

(d) Waiver of Certain Estimated Tax Penalties.—No addition to tax shall be imposed under section 6654 of the Internal Revenue Code of 1986 (relating to failure to pay estimated income tax) for any period before April 16, 1998, with respect to any underpayment to the extent that such underpayment resulted from section 59B(a) of the Internal Revenue Code of 1986, as added by this section.

(e) Clerical Amendment.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Part VIII. Certain health care subsidies received by high-income individuals.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 202. IMPOSITION OF 10 PERCENT COPAYMENT ON HOME HEALTH SERVICES UNDER MEDICARE.

(a) In General.—

(1) Part A.—Section 1813(a) of the Social Security Act (42 U.S.C. 1395e(a)) is amended by adding at the end the following new paragraph:

"(5)(A) The amount payable for a home health service furnished to an individual under this part shall be reduced by a copayment amount equal to 10 percent of the average nationwide per visit cost for such a service furnished under this title (as determined by the Secretary on a prospective basis for services furnished during a calendar year).

"(B) Subparagraph (A) shall not apply to individuals whose family income does not exceed 150 percent of the official poverty line (referred to in section 1905(p)(2)) for a family of the size involved.".

(2) Part B.—

(A) In general.—Section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended by adding at the end the following new sentence: "If the total amount of the expenses incurred by an individual as determined under the preceding provisions of this subsection include expenses for a home health service, such expenses shall be further reduced by a copayment amount equal to 10 percent of the average nationwide per visit cost for such a service furnished under this title (as determined by the Secretary on a prospective basis for services furnished during a calendar year). The preceding sentence shall not apply to individuals whose family income does not exceed 150 percent of the official poverty line (referred to in section 1905(p)(2)) for a family of the size involved.".

(B) Conforming amendment.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)), as amended by sections 147(f)(6)(C) and 156(a)(2)(B)(iii) of the Social Security Act Amendments of 1994 (Public Law 103-432; 108 Stat. 4432, 4440), is further amended—

(i) in subparagraph (A), by striking "to home health services (other than a covered osteoporosis drug (as defined in section 1861(kk))) and";

(ii) in subparagraph (E), by striking "and" at the end;

(iii) in subparagraph (F), by striking the semicolon at the end and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(G) with respect to any home health service (other than a covered osteoporosis drug (as defined in section 1861(kk)))—

"(i) the lesser of —

"(I) the reasonable cost of such service, as determined under section 1861(v); or

"(II) the customary charges with respect to such service;

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A); or

"(ii) if such service is furnished by a public provider of services, or by another provider that demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this clause), free of charge or at nominal charges to the public, the amount determined in accordance with section 1814(b)(2).".

(3) PROVIDER CHARGES.—Section 1866(a)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)(i)) is amended—

(A) by striking "deduction or coinsurance" and inserting "deduction, coinsurance, or copayment"; and

(B) by striking "or (a)(4)" and inserting "(a)(4), or (a)(5)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to home health services furnished on or after January 1, 1996.

SEC. 203. REDUCTION IN PAYMENTS FOR CAPITAL-RELATED COSTS FOR INPATIENT HOSPITAL SERVICES.

(a) PPS HOSPITALS.—

(1) REDUCTION IN BASE PAYMENT RATES FOR PPS HOSPITALS.—Section 1886(g)(1)(A) of the Social Security Act (42 U.S.C. 1395ww(g)(1)(A)) is amended by adding at the end the following new sentence: "In addition to the reduction described in the preceding sentence, for discharges occurring after September 30, 1995, the Secretary shall reduce by 7.31 percent the unadjusted standard Federal capital payment rate (as described in section 412.308(c) of title 42, Code of Federal Regulations, as in effect on the date of enactment of the Long-Term Care Reform and Deficit Reduction Act of 1995) and shall reduce by 10.41 percent the unadjusted hospital-specific rate (as described in section 412.328(e)(1) of title 42, Code of Federal Regulations, as in effect on the date of enactment of the Long-Term Care Reform and Deficit Reduction Act of 1995).".

(2) REDUCTION IN UPDATE.—Section 1886(g)(1) of the Social Security Act (42 U.S.C. 1395ww(g)(1)) is amended—

(A) in subparagraph (B)(i)—

(i) by striking "and (II)" and inserting "(II)"; and

(ii) by striking the semicolon at the end and inserting the following: ", and (III) an annual update factor established for the prospective payment rates applicable to discharges in a fiscal year that (subject to reduction under subparagraph (C)) will be based upon such factor as the Secretary determines appropriate to take into account amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality;";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C)(i) With respect to payments attributable to portions of cost reporting periods or discharges occurring during each of the fiscal years 1996 through 2003, the Secretary shall include a reduction in the annual update factor established under subparagraph (B)(i)(III) for discharges in the year equal to the applicable update reduction described in clause (ii) to adjust for excessive increases in capital costs per discharge for fiscal years prior to fiscal year 1992 (but in no event may such reduction result in an annual update factor less than zero).

"(ii) In clause (i), the term 'applicable update reduction' means, with respect to the update factor for a fiscal year—

"(I) 4.9 percentage points; or

"(II) if the annual update factor for the previous fiscal year was less than the applicable update reduction for the previous year, the sum of 4.9 percentage points and the difference between the annual update factor for the previous year and the applicable update reduction for the previous year.".

(b) PPS-EXEMPT HOSPITALS.—Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) is further amended by adding at the end the following new subparagraph:

"(T) Such regulations shall provide that, in determining the amount of the payments that may be made under this title with respect to the capital-related costs of inpatient hospital services furnished by a hospital that is not a subsection (d) hospital (as defined in section 1886(d)(1)(B)) or a subsection (d) Puerto Rico hospital (as defined in section 1886(d)(9)(A)), the Secretary shall reduce the amounts of such payments otherwise established under this title by 15 percent for payments attributable to portions of cost reporting periods occurring during each of the fiscal years 1996 through 2003.".

SEC. 204. ELIMINATION OF FORMULA-DRIVEN OVERPAYMENTS FOR CERTAIN OUTPATIENT HOSPITAL SERVICES.

(a) AMBULATORY SURGICAL CENTER PROCEDURES.—Section 1833(i)(3)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(i)(3)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(b) RADIOLOGY SERVICES AND DIAGNOSTIC PROCEDURES.—Section 1833(n)(1)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(n)(1)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished during portions of cost reporting periods occurring on or after July 1, 1995.

SEC. 205. REDUCTION IN ROUTINE COST LIMITS FOR HOME HEALTH SERVICES.

(a) REDUCTION IN UPDATE TO MAINTAIN FREEZE IN 1996.—

(1) IN GENERAL.—Section 1861(v)(1)(L)(i) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(i)) is amended—

(A) in subclause (II), by striking "or" at the end;

(B) in subclause (III), by striking "112 percent," and inserting "and before July 1, 1996, 112 percent, or"; and

(C) by inserting after subclause (III) the following new subclause:

"(IV) July 1, 1996, 100 percent (adjusted by such amount as the Secretary determines to be necessary to preserve the savings resulting from the enactment of section 13564(a)(1) of the Omnibus Budget Reconciliation Act of 1993),".

(2) ADJUSTMENT TO LIMITS.—Section 1861(v)(1)(L)(ii) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(ii)) is amended by adding at the end the following new sentence: "The effect of the amendments made by section 205(a)(1) of the Long-Term Care Reform and Deficit Reduction Act of 1995 shall not be considered by the Secretary in making adjustments pursuant to this clause.".

(b) BASING LIMITS IN SUBSEQUENT YEARS ON MEDIAN OF COSTS.—

(1) IN GENERAL.—Section 1861(v)(1)(L)(i) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(i)), as amended by subsection (a), is amended in the matter following subclause (IV) by striking "the mean" and inserting "the median".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cost reporting periods beginning on or after July 1, 1997.

SUMMARY OF LONG-TERM CARE REFORM LEGISLATION

OVERALL

The measures establishes a new home and community-based long-term care program to persons of all ages. The program would provide funds to States in the form of a block grant, matched by State funds, on a voluntary basis. Federal and State financial participation is capped, and the program would not constitute an entitlement to individuals. In particular, neither States nor the Federal government would be required to spend anymore than set forth by this measure.

ELIGIBILITY

Those meeting any of the following criteria would be eligible for the program:

(1) Individuals requiring assistance with three or more activities of daily living.

(2) Individuals with severe mental retardation.

(3) Individuals with severe cognitive or mental impairment.

(4) Children, under 6, with severe disabilities.

In addition, States could set aside up to 2% of their program funding for individuals who may not meet any one of the above criteria, but who have a disability of comparable level of severity.

SERVICES

States participating in the program would be required to provide assessment, plan of care, personal assistance, and case management services. In addition, states may also offer homemaker services, home modifications, respite, assistive devices, adult day care, habilitation/rehabilitation, supported employment home health care, and any other service at State discretion.

FEDERAL ALLOTMENT TO STATES

The total Federal allotment to States under this program would be:

(A) For fiscal year 1997, $1,800,000,000
(B) For fiscal year 1998, $3,500,000,000
(C) For fiscal year 1999, $5,800,000,000
(D) For fiscal year 2000, $7,300,000,000
(E) For fiscal year 2001, $10,000,000,000
(F) For fiscal year 2002, $15,700,000,000
(G) For fiscal year 2003, $22,800,000,000
(H) For fiscal year 2004, $30,700,000,000
(I) For fiscal year 2005, $34,600,000,000.

Thereafter, the total Federal allotment would be increased by factors relating to inflation, and the change in the number of disabled.

In addition, States would be allowed to capture any Medicaid savings generated by the new benefit, and apply that savings to their program.

COPAYMENTS AND DEDUCTIBLES

The program includes a sliding scale payment schedule for eligible individuals based on income. Individuals with incomes below 150% of poverty would have no copayment or deductible. Above 150% of poverty, copayments and deductibles would range from 10% and $100 respectively for those with incomes between 150% and 175% of poverty, up to 40% and $600 respectively for those with incomes above 400% of poverty.

HOSPITAL/HOME & COMMUNITY LINKAGE

The program includes a hospital/home and community-based long-term care linkage program, to establish and expand State run programs designed to help facilitate the placement of individuals in need of long-term health care services into home- and community-based settings rather than institutional settings. This provision authorizes up to $5 million per year for three years.

FUNDING PROVISIONS

The measure includes the following modifications to Medicare:

Applies an income test to Medicare Part B premiums for individuals with incomes over $100,000 and couples with incomes over $125,000, increasing to 100% of Medicare costs for individuals with incomes over $125,000 and couples with incomes over $150,000.

Applies a 10% copayment to home health services for individuals with incomes over 150% of poverty.

Modifies aggregate cost limits for home health agencies.

Eliminates formula-driven overpayments to hospitals for certain outpatient services.

Modifies reimbursement for inpatient-related capital costs.

By Mr. FEINGOLD:

S. 86. A bill to modify the estate recovery provisions of the medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

THE MEDICAID ESTATE RECOVERY ACT OF 1995

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today to eliminate the current mandate on States to place liens on the homes and estates of older medicaid beneficiaries receiving home and community-based long-term care services, and to provide more than adequate funding for that change by establishing a certificate of need process to regulate the growth of federally funded nursing home beds.

This legislation was made necessary by an interpretation being made by the Health Care Financing Administration [HCFA] of language included in the Omnibus Budget Reconciliation Act of 1993 [OBRA 93]. Specifically, language was included relating to States' recovering Medicaid payments from the estates of beneficiaries, for certain services to people over age 55. HCFA has interpreted OBRA 93 to mandate the recovery of, among other things, home and community-based long-term care services.

Unless changed, States will have to implement the mandate.

This legislation modifies the estate recovery provisions of OBRA 93 to clarify that States may pursue recovery of the cost of Medicaid home and community-based long-term care services from the estates of beneficiaries, but that States are not required to do so.

Mr. President, in the past, States have had the option of recovering payments for those services from the estates of beneficiaries, but in some cases, at least, have chosen not to do so.

In Wisconsin, estate recovery for home and community-based long-term care services was implemented briefly in 1991, but was terminated because of the significant problems experienced with the home and community-based Medicaid waiver programs.

Many cases were documented where individuals needing long-term care refused community-based care because of their fear of estate recovery or the placement of a lien on their homes.

One case in southwestern Wisconsin involved an older woman who was suffering from Congestive Heart Failure, phlebitis, severe arthritis, and who had difficulty just being able to move. She was being screened for the Medicaid version of Wisconsin's model home and community-based long-term care program, the Community Options Program, when the caseworker told her of the new law, and that a lien would be put on the estate of the program's clients. The caseworker reported that the older woman began to sob, and told the caseworker that she had worked hard all her life and paid taxes and could not understand why the things she had worked for so hard would be taken from her family after her death.

When asked if she would like to receive services, the client refused. As frail as this client was, the social worker noted that she preferred to chance being on her own rather than endanger her meager estate by using Medicaid funded services.

In northeastern Wisconsin, a 96 year old woman was being cared for by her 73 year old widowed daughter in their home. The family was receiving some Medicaid long-term care services, including respite services for the elderly caregiver daughter, but the family discontinued all services when they heard of the new law because the older daughter needed to count on the home for security in her own old age.

A 72 year old man, who had 4 by-pass surgeries and was paralyzed on one side, and his 66 year old wife, who had 3 by-pass surgeries and rheumatoid arthritis, both needed some assistance to be able to live together at home. But when Medicaid was suggested, they refused because of the new law.

Mr. President, these examples are not unusual.

Nor were many of the individuals and families who refused help protecting vast estates. For many, the estates being put at risk were modest at best.

A couple in the Green Bay area of Wisconsin who lived in a mobile home and had less than $20,000 in life savings told the local Benefit Specialist that they would refuse Medicaid funded services rather than risk not leaving their small estate to their family members.

Leaving even a small bequest to a loved-one is a fundamental and deeply felt need of many seniors. Even the most modest home can represent a lifetime's work, and many are willing to forego medical care they know they need to be able to leave a small legacy.

The prospect of estate recovery requirements is not a happy one for program administrators either. State, counties, and non-profit agencies, administrators of Medicaid services, are ill-equipped to be real estate agents.

Divestment concerns in the Medicaid program, already a problem, could continue to grow as pressure to utilize existing loopholes increases with estate recovery mandated in this way. Worse, as the Coalition of Wisconsin Aging Groups has pointed out, children who feel "entitled to inheritance" might force transfers, constituting elder abuse in some cases.

Too, Mr. President, there is a very real question of age discrimination with the estate recovery provisions of OBRA 93. Only individuals over age 55 are subject to estate recovery. Such age-based distinctions border on age discrimination and ought to be minimized.

Mr. President, I strongly believe we must be prudent in estimating the costs of legislative proposals, and to that end it is vital that we accept the cost estimates from the Congressional Budget Office [CBO] for purposes of assessing the budgetary impact of legislation and how those impacts are to be offset. For those reasons, I have included provisions in this measure that are scored by CBO to more than offset the officially estimated loss in savings from the estate recovery mandate.

But, Mr. President, I also believe that the expected savings from this mandate are questionable.

Prior to enacting estate recovery in Wisconsin, officials estimated $13.4 million a year could be recovered by the liens. Real collections fell far short. For fiscal year 1992, the State only realized a reported $1 million in collections. And for the period of January to July of 1993, even after officials lowered their estimates, only $2.2 million was realized of an expected $3.8 million in collections.

In addition to lower than expected collections, the refusal to accept home and community-based long-term care because of the prospect of a lien on the estate could lead to the earlier and more costly need for institutional care. Such a result would not only undercut the questionable savings from the program, but would be directly contrary to the Medicaid home and community-based waiver program, which is intended precisely to keep people out of institutions and in their own homes and communities.

The brief experience we had in Wisconsin led the State to limit estate recovery to nursing home care and related services, where, as a practical matter, the potential for estate recovery and liens on homes are much less of a barrier to services.

Indeed, just as we should provide financial incentives to individuals to use more cost-effective care, so too should we consider financial disincentives for more costly alternatives. A recent study in Wisconsin showed that two Medicaid waiver programs saved $17.6 million in 1992 by providing home and community-based alternatives to institutional care.

In that context, including the more expensive institutional care alternatives in the estate recovery mandate makes good sense, and my legislation would not change that portion of the law.

But it does not make sense to jeopardize a program that has produced many more times the savings in lowered institutional costs than even the overly optimistic estimates suggest could be recovered from the estates of those receiving home and community-based long-term care.

All in all, the estate recovery provisions of OBRA 93, as interpreted by HCFA, will generate little additional revenue, are likely to produce more expensive utilization of Medicaid services, may cause an administrative nightmare for State and local government, could aggravate the divestment problem, may result in increased elder abuse, and could well constitute age discrimination.

Though many long-term care experts maintain that mandating estate recovery for home and community-based long-term care services will only lead to increased utilization of more expensive institutional alternatives, and thus increased cost to Federal taxpayers, the CBO estimated a revenue loss of $20 million in the first year and $260 million over five years for this proposal.

As I noted above, it is important to act responsibly to fund that formal cost estimate with offsetting spending cuts. The additional savings I firmly believe will be generated beyond the scored amounts would then help reduce our Federal budget deficit.

This measure includes a provision that more than offsets the official scored revenue loss from eliminating the estate recovery mandate. That provision regulates the growth in the number of nursing home beds eligible for Federal funding through Medicaid, Medicare, or other Federal programs by requiring providers to obtain a certificate of need [CON] to operate additional beds.

For any specified area, States would issue a CON only if the ratio of the number of nursing home beds to the population that is likely to need them falls below guidelines set by the State and subject to Federal approval.

This approach allows new nursing home beds to operate where there is a demonstrated need, while limiting the potential burden on the taxpayer where no such need has been established.

Slowing the growth of nursing home beds is critical to reforming the current long-term care system. In Wisconsin, limiting nursing home bed growth has been part of the success of the long-term care reforms initiated in the early 1980s. While the rest of the country experienced a 24 percent increase in Medicaid nursing home bed use during the 1980s, Wisconsin saw Medicaid nursing home bed use decline by 19 percent.

The certificate of need provision is far more modest than the absolute cap on nursing home beds adopted in Wisconsin, and recognizes that there needs to be some flexibility to recognize the differences of long-term care services among States.

It is also consistent with the kind of long-term care reform I will be proposing as separate legislation, as well as the reforms included in several of the major health care reform proposals of last session.

Certainly, our ability to reform long-term care will depend not only on establishing a consumer-oriented, consumer-driven home and community-based benefit that is available to the severely disabled of all ages, but also on establishing a more balanced and cost-effective allocation of public support of long-term care services by eliminating the current bias toward institutional care.

As I noted above, an analysis by the CBO estimated the lost revenue from eliminating the State mandate on home and community-based services at $20 million in the first year, and $260 million over 5 years. However, in their spending and revenue options document for 1994, CBO estimates that the proposed regulation of nursing home bed growth would generate savings of $35 million in the first year, and $625 million over 5 years. The combined effect of this proposal, then, would be to generate about $15 million in savings in the first year, and $365 million over 5 years.

Mr. President, taken together, the change in the estate recovery provisions and the slowing of nursing home bed growth, these two provisions will help shift the current distorted Federal long-term care policy away from the institutional bias that currently exists and toward a more balanced approach that emphasizes home and community-based services.

This is the direction that we will need to take if we are to achieve significant long-term care reform.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 86

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID ESTATE RECOVERIES.

Section 1917(b)(1)(B) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)) is amended by striking "consisting of—" and all that follows and inserting the following: "consisting of—

"(i) nursing facility services and related hospital and prescription drug services; and

"(ii) at the option of the State, any additional items or services under the State plan."

SEC. 2. REQUIRING STATES TO REGULATE GROWTH IN THE NUMBER OF NURSING FACILITY BEDS.

(a) IN GENERAL.—A nursing facility shall not receive reimbursement under the medicare program under title XVIII of the Social Security Act, the medicaid program under title XIX of such Act, or any other Federal program for services furnished with respect to any beds first operated by such facility on or after the date of the enactment of this Act unless a certificate of need is issued by the State with respect to such beds.

(b) ISSUANCE OF CERTIFICATE.—A certificate of need may be issued by a State with respect to a geographic area only if the ratio of the number of nursing facility beds in such area to the total population in such area that is likely to need such beds is below the ratio included in guidelines that are established by the State and approved by the Secretary of Health and Human Services under subsection (c).

(c) APPROVAL OF GUIDELINES.—The Secretary of Health and Human Services shall promulgate regulations under which States may submit proposed guidelines for the issuance of certificates of need under subsection (b) for review and approval.

By Mr. INOUYE:

S. 87. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

THE FOREIGN TRADE ZONES ACT AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, today I am introducing a bill to allow for the deferral of duty on merchandise admitted into a U.S. foreign trade zone, or subzone, for use within such a zone as production equipment, or parts thereof, until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted. This bill does not relieve any manufacturer operating in a U.S. foreign trade zone or subzone of its obligation to pay all applicable duty on such equipment, but rather it would allow these firms to defer the payment of duty until the equipment begins commercial operations in the zone or subzone, or enters the customs territory of the United States. The duty chargeable shall be at the same rate as would have been imposed on such production machinery and related equipment, and parts thereof—taking into account the privileged foreign or nonprivileged foreign zone status of merchandise—had duty been imposed at the time of entry into the customs territory of the United States.

This legislation provides several practical advantages for U.S. manufacturers. Production equipment entering customs territory subject to duty often must be stored, assembled, tested, and/or reconfigured prior to beginning commercial operation for its intended purpose. Many times this equipment is found to be broken, flawed, lacking in components or materials and/or otherwise scrapped as useless. If duties have been filed, recovery of these funds through drawbacks can be burdensome and often full recovery of these financial resources is never realized. This can provide a tremendous financial strain on U.S. manufacturing firms by imposing an unnecessary economic burden.

Under current law, production and capital equipment can be produced or assembled in one foreign trade zone, entered into the customs territory with payment of duties, and then transferred to another zone where it will be used. However, for many firms this is not always a realistic solution. Often production and capital equipment used in a foreign trade zone, once assembled, cannot be moved.

Prior to 1988, the U.S. Customs Service allowed for the deferral of duty on foreign production equipment in U.S. foreign trade zones where it was to be used until such time as the equipment was placed in commercial operation. In 1988, however, Customs overturned its own ruling without any direction from the Congress.

My legislation is consistent with the intent of the Foreign Trade Zones Act of 1934—19 U.S.C. 81(c)—which provides for the deferral of duty on merchandise in a foreign trade zone.

Mr. President, I realize this bill will not eliminate the U.S. trade imbalance but it will remove an unnecessary economic burden on U.S. manufacturers and will further enhance our ability to compete in the global marketplace. Further, it will help preserve the American manufacturing base and preserve American jobs. For these reasons, I urge my colleagues to support the prompt passage of this important legislation.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFERRAL OF DUTY ON CERTAIN PRODUCTION EQUIPMENT.

(a) IN GENERAL.—Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c) is amended by adding at the end thereof the following new subsection:

"(e) PRODUCTION EQUIPMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, if all applicable customs laws are complied with (except as otherwise provided in this subsection), merchandise which is entered into a foreign trade zone for use within such zone as production equipment or as parts for such equipment, shall not be subject to duty until such merchandise is completely assembled, installed, tested, and used in the production for which it was entered. The duty imposed on such merchandise shall be at the same rate as would have been imposed (but for the provisions of this subsection) on such merchandise had duty been imposed on such merchandise at the time of entry into the customs territory of the United States.

"(2) FOREIGN TRADE ZONE.—For purposes of this subsection, the term 'foreign trade zone' includes a subzone as defined in section 146.1(b)(17) of chapter 19, Code of Federal Regulations.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to merchandise entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

By Mr. INOUYE:

S. 89. A bill to amend the Science and Engineering Equal Opportunities Act; to the Committee on Labor and Human Resources.

THE SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, I rise to introduce a bill that begins to address the need for culturally sensitive math and science education targeted toward native American, native Hawaiian and Pacific Islander students.

Native American, native Hawaiian and Pacific Island students perform significantly below the national average in these subjects at the elementary and secondary levels and are extremely underrepresented in math and science majors at the college level. My legislation would provide for the development and implementation of culturally sensitive math and science curricula emphasizing the scientific achievements of these native cultures.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT.

(a) OPPORTUNITIES FOR STUDENTS.—Section 32 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885) is amended by adding at the end the following new subsection:

"(c)(1) The Congress finds that Native Hawaiian students, students who are Pacific Islanders, and Native American students are underrepresented in science, computer science, and engineering. Such students face both cultural barriers to the study of science and geographical isolation.

"(2) The Director is authorized to make awards to institutions of higher education, including community colleges, and local educational agencies to work in partnership with community organizations to develop and implement science, computer science, technology, and mathematics curricula that—

"(A) are in accord with the traditional cultural values of the students described in paragraph (1);

"(B) emphasize the scientific achievements of the native cultures of such students; and

"(C) encourage enrollment of such students in higher education.".

By Mr. HATFIELD:

S. 88. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; to the Committee on Governmental Affairs.

S. 90. A bill to amend the Job Training Partnership Act to improve the employment and training assistance programs for dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself and Mrs. MURRAY):

S. 92. A bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD.

S. 93. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATIVE PRIORITIES

Mr. HATFIELD. Mr. President, this country has crossed many thresholds of change in the past 200 years. As we begin the 104th Congress today, we face another set of challenges. The opportunity to change direction in our national domestic policy is again offered to us, facilitated by the recent change in leadership.

The Republican call to return to the essence of democracy—federalism—is especially exciting. I intend to dedicate myself this Congress to redefining Federal programs to enhance the efforts already underway in the States. I am convinced, as are many of my colleagues, that the best policy making in this country is bubbling forth from laboratories commonly known as our United States.

To inaugurate the new year and the new Congress, I am introducing five of my key legislative priorities today. First, in what I intend to be a series of proposals, are three bills designed to decrease the burden of Federal compliance and oversight measures in key policy areas. In exchange for loosening the Federal regulatory straightjacket, we will transform accountability from paperwork requirements to performance-based results. I call this the "flexibility factor" in government and it entails finding a path through every Federal agency where innovation at the State and local level is nurtured and rewarded. We have already had some success in this area in the Department of Education—Secretary

Riley and his staff have worked with Congress to capitalize on being more responsive and flexible with States which are on the cutting edge of educational reform. This example will help guide us through the same land mines in other Federal agencies.

Second, I am introducing today two bills which focus on some of the major issues in the Northwest. The first deals with stabilizing the longterm outlook for the major provider of power supply in the Northwest, the Bonneville Power Administration, and the second considers the future of natural resource management.

Mr. President, this is not an exclusive list of my priorities for the 104th Congress. I will have other proposals—particularly in the areas of small business development, youth violence prevention, international arms transfers, and recycling, to enumerate just a few. Yet the initiatives I have put forth today define two of the major themes I have exercised throughout my political career and will continue to advance in the current Congress—enhancing the innovation in our State laboratories by removing Federal restraints to reform, and wise utilization and management of our Nation's natural resources.

The bills I submit for consideration by the Senate are the following:

I. The Local Empowerment and Flexibility Act of 1995 (Local-Flex)

Flexibility, accountability, and efficiency are qualities we, as consumers, expect from private industry. Americans expect and deserve to have those same qualities present in their government as well, whether at the Federal, State, or local level. As the Congress plans its Federal Government reforms, it should use these qualities as its measures of success.

We have already witnessed some substantive steps in addressing these goals. This reform-oriented approach is apparent in the unfunded mandate legislation and in the administration's proposal to restructure and consolidate Federal agencies and programs. While these proposals have merit, I believe that rash reform decisions can lead to the omission of a reservoir of great ideas.

This reservoir of ideas is located throughout the country in our State, local, and community governments. In order to tap into this stock of ideas and innovation, I am introducing the Local Empowerment and Flexibility Act of 1995. I introduced a similar bill in the 103d Congress which was passed in the Senate by a vote of 97-0 as an amendment to the National Competitiveness Act.

The Local Empowerment and Flexibility Act of 1995 is premised on two ideas. First, Federal regulation treats all communities alike despite their inherent differences. Local governments are eligible for hundreds of separate Federal categorical grants to provide services and implement Federal programs. To be effective those programs must recognize the differences among communities and permit variation in spending and enforcement based on local needs. Second, regulatory red tape has stifled the very resources designed to provide services and address problems. Many programs are too narrow, and this regulatory rigidity translates into funding spent wastefully in audits and recordkeeping rather than directed to meet community needs.

The Local Empowerment and Flexibility Act of 1995 would establish a framework for local governments to prepare local flexibility plans including a roadmap for integrating Federal funds at the local level to meet local needs. The local government would identify all Federal, State, local, and private resources they would use, and any Federal, State, and local regulations which would need to be waived. This would enable local governments and nonprofit organizations to adapt Federal funds and related programs to their local area by drawing on appropriations from more than one Federal program and integrating funds across existing Federal categories. By involving the community in developing these local flexibility plans, efficiency of Federal, State, and local resources would be greatly increased.

Mr. President, at a time when our Federal treasury is being squeezed from all sides for funding priorities, it is imperative that funds are allocated in the most efficient and effective manner possible. I know this legislation would assist the Federal, State, and local governments in the accomplishment of that goal.

I ask unanimous consent that the text of the bill, along with a section-by-section analysis be included in the RECORD, following my remarks.

II. The Worker Retraining Flexibility Act of 1995 (Labor Flex)

It is no secret, Mr. President, that dislocation of the labor force has been a significant issue in my State and in the entire Northwest—an area heavily impacted by the Endangered Species Act. The Northern Spotted Owl was just the tip of the iceberg in terms of transition to new employment for many of the natural resources workers in my State. In fact, we have lost over 15,000 jobs in the forest products industry in my State since the owls, listing in 1990.

Most of these jobs have been in rural areas built up around saw mills which are dependent on Federal timber supply. Our State, with its growing high-technology industry, has been able to cushion this blow in terms of total employment, but the rural areas dependent on Federal timber are continuing to be devastated. For example, just before Christmas in the eastern Oregon town of Burns, with a population of 2,880, Snow Mountain Pine announced that, due to the lack of Federal timber supply, it would be permanently closing its doors on 184 workers in early 1995. This work-force reduction and others are coming as a direct result of the forest protection policies of this administration and more are anticipated in the future. Retraining of our labor force, particularly those dislocated due to Federal policy, continues to be one of my highest priorities.

For the last 3 years I have introduced various forms of legislation in this area, specifically the Endangered Species Employment Transition Assistance Act and the Environmental Employment Transition Assistance Act. The premise of these bills has been that if workers lose their jobs due to Federal environmental laws or regulation, the Federal Government has a responsibility to see that their basic needs are met while they participate in worker-retaining programs. The objective of these bills was to create a new set aside under our national retraining programs that would have provided dislocated workers easier access to needs-based-related payments after their 26 weeks of unemployment insurance ended so that they could complete their long-term retraining programs. Congress has created similar set-asides over the years for workers dislocated due to Federal efforts to clean the air and promote or increase trade.

But the sands have shifted in the last year. In 1994, the Government Accounting Office reported to me that the Federal Government has an inventory of 154 Federal vocational educational and retraining programs which, collectively, create an enormous potential for duplication of effort, raising questions concerning administrative costs at all levels of government. For this, as well as other reasons, I believe that a review and consolidation of these programs is in order. Rather than adding further to this current administrative burden, I have redrafted my legislation to improve the existing Job Training Partnership Act without creating a new program.

The Worker Retraining Flexibility Act of 1995 which I am introducing today will make three important changes to the existing JTPA statute in order to provide a great deal more flexibility in addressing the long-term needs of dislocated workers. Specifically, the bill would: remove the limitation in the statute which prohibits States from using more than 25 percent of the funds on needs-related payments and supportive services while still maintaining the 15-percent ceiling on administrative costs; modify the State waiver which permits a Governor to reduce to 30 percent the requirement that not less than 50 percent of the funds be used for retraining services; and finally, permit needs-related payments to those who have enrolled in retraining programs after the 6th week of a discretionary grant award rather than after the 13th week of being laid-off. Finally, the bill will create a new section requiring the Secretary of Labor to expend the administration's commitment of $12 million from the discretionary reserve based on need, to provide retraining funding to dislocated workers in the Pacific Northwest.

These provisions will eliminate major impediments that dislocated workers face while participating in long-term retraining programs and will enable communities to provide both the training and income support these workers need to reenter the work force. It is an example of retooling a traditional Federal program, based on advice and counsel from a State which has been managing a great deal of JTPA funds over the past several years. I included most of these provisions in the fiscal year 1995 appropriations bill for the Department of Labor. However, these changes will only last for a single program year under the Job Training Partnership Act. I think we will soon see the need to make these changes permanent which is why I am offering this legislation. Until we streamline and consolidate our current retraining programs, I am committed to operating them in as flexible a manner as possible so States like Oregon can better assist our dislocated workers as they make the transition to new high skill family wage jobs.

I ask unanimous consent that the text of the bill, along with a letter of support from the Oregon Economic Development Department, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 88

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Empowerment and Flexibility Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) historically, Federal programs have addressed the Nation's problems by providing categorical financial assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of services;

(3) the Nation's local governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery of many kinds of services;

(4) the Nation's communities are diverse, and different needs are present in different communities;

(5) it is more important than ever to provide programs that—

(A) promote more effective and efficient local delivery of services to meet the full range of needs of individuals, families, and society;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede local governments' ability to effectively deliver services; and

(D) empower local governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals; and

(6) many communities have innovative planning and community involvement strategies for providing services, but Federal, State, and local regulations often hamper full implementation of local plans.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) enable more efficient use of Federal, State, and local resources;

(2) place less emphasis in Federal service programs on measuring resources and procedures and more emphasis on achieving Federal, State, and local policy goals;

(3) enable local governments and private, nonprofit organizations to adapt programs of Federal financial assistance to the particular needs of their communities, by—

(A) drawing upon appropriations available from more than one Federal program; and

(B) integrating programs and program funds across existing Federal financial assistance categories; and

(4) enable local governments and private, nonprofit organizations to work together and build stronger cooperative partnerships to address critical service problems.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "approved local flexibility plan" means a local flexibility plan that combines funds from Federal, State, local government or private sources to address the service needs of a community (or any part of such a plan) that is approved by the Flexibility Council under section 5;

(2) the term "community advisory committee" means such a committee established by a local government under section 9;

(3) the term "Flexibility Council" means the council composed of the—

(A) Assistant to the President for Domestic Policy;

(B) Assistant to the President for Economic Policy;

(C) Secretary of the Treasury;

(D) Attorney General;

(E) Secretary of the Interior;

(F) Secretary of Agriculture;

(G) Secretary of Commerce;

(H) Secretary of Labor;

(I) Secretary of Health and Human Services;

(J) Secretary of Housing and Urban Development;

(K) Secretary of Transportation;

(L) Secretary of Education;

(M) Secretary of Energy;

(N) Secretary of Veterans Affairs;

(O) Secretary of Defense;

(P) Director of Federal Emergency Management Agency;

(Q) Administrator of the Environmental Protection Agency;

(R) Director of National Drug Control Policy;

(S) Administrator of the Small Business Administration;

(T) Director of the Office of Management and Budget; and

(U) Chair of the Council of Economic Advisers.

(4) the term "covered Federal financial assistance program" means an eligible Federal financial assistance program that is included in a local flexibility plan of a local government;

(5) the term "eligible Federal financial assistance program"—

(A) means a Federal program under which financial assistance is available, directly or indirectly, to a local government or a qualified organization to carry out the specified program; and

(B) does not include a Federal program under which financial assistance is provided by the Federal Government directly to a beneficiary of that financial assistance or to a State as a direct payment to an individual;

(6) the term "eligible local government" means a local government that is eligible to receive financial assistance under 1 or more covered Federal programs;

(7) the term "local flexibility plan" means a comprehensive plan for the integration and administration by a local government of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs;

(8) the term "local government" means a subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(9) the term "priority funding" means giving higher priority (including by the assignment of extra points, if applicable) to applications for Federal financial assistance submitted by a local government having an approved local flexibility program, by—

(A) a person located in the jurisdiction of such a government; or

(B) a qualified organization eligible for assistance under a covered Federal financial assistance program included in such a plan;

(10) the term "qualified organization" means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(11) the term "State" means the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

SEC. 5. PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN ACCORDANCE WITH APPROVED LOCAL FLEXIBILITY PLAN.

(a) PAYMENTS TO LOCAL GOVERNMENTS.—Notwithstanding any other provision of law, amounts available to a local government or a qualified organization under a covered Federal financial assistance program included in an approved local flexibility plan shall be provided to and used by the local government or organization in accordance with the approved local flexibility plan.

(b) ELIGIBILITY FOR BENEFITS.—An individual or family that is eligible for benefits or services under a covered Federal financial assistance program included in an approved local flexibility plan may receive those benefits only in accordance with the approved local flexibility plan.

SEC. 6. APPLICATION FOR APPROVAL OF LOCAL FLEXIBILITY PLAN.

(a) IN GENERAL.—A local government may submit to the Flexibility Council in accordance with this section an application for approval of a local flexibility plan.

(b) CONTENTS OF APPLICATION.—An application submitted under this section shall include—

(1)(A) a proposed local flexibility plan that complies with subsection (c); or

(B) a strategic plan submitted in application for designation as an enterprise community or an empowerment zone under section 1391 of the Internal Revenue Code of 1986;

(2) certification by the chief executive of the local government, and such additional assurances as may be required by the Flexibility Council, that—

(A) the local government has the ability and authority to implement the proposed plan, directly or through contractual or other arrangements, throughout the geographic area in which the proposed plan is intended to apply; and

(B) amounts are available from non-Federal sources to pay the non-Federal share of all covered Federal financial assistance programs included in the proposed plan; and

(3) any comments on the proposed plan submitted under subsection (d) by the Governor of the State in which the local government is located;

(4) public comments on the plan including the transcript of at least 1 public hearing and comments of the appropriate community advisory committee established under section 9; and

(5) other relevant information the Flexibility Council may require to approve the proposed plan.

(c) CONTENTS OF PLAN.—A local flexibility plan submitted by a local government under this section shall include—

(1) the geographic area to which the plan applies and the rationale for defining the area;

(2) the particular groups of individuals, by service needs, economic circumstances, or other defining factors, who shall receive services and benefits under the plan;

(3)(A) specific goals and measurable performance criteria, a description of how the plan is expected to attain those goals and criteria;

(B) a description of how performance shall be measured; and

(C) a system for the comprehensive evaluation of the impact of the plan on participants, the community, and program costs;

(4) the eligible Federal financial assistance programs to be included in the plan as covered Federal financial assistance programs and the specific benefits that shall be provided under the plan under such programs, including—

(A) criteria for determining eligibility for benefits under the plan;

(B) the services available;

(C) the amounts and form (such as cash, in-kind contributions, or financial instruments) of nonservice benefits; and

(D) any other descriptive information the Flexibility Council considers necessary to approve the plan;

(5) except for the requirements under section 8(b)(3), any Federal statutory or regulatory requirement applicable under a covered Federal financial assistance program included in the plan, the waiver of which is necessary to implement the plan;

(6) fiscal control and related accountability procedures applicable under the plan;

(7) a description of the sources of all non-Federal funds that are required to carry out covered Federal financial assistance programs included in the plan;

(8) written consent from each qualified organization for which consent is required under section 6(b)(2); and

(9) other relevant information the Flexibility Council may require to approve the plan.

(d) PROCEDURE FOR APPLYING.—(1) To apply for approval of a local flexibility plan, a local government shall submit an application in accordance with this section to the Governor of the State in which the local government is located.

(2) A Governor who receives an application from a local government under paragraph (1) may, by no later than 30 days after the date of that receipt—

(A) prepare comments on the proposed local flexibility plan included in the application;

(B) describe any State laws which are necessary to waive for successful implementation of a local plan; and

(C) submit the application and comments to the Flexibility Council.

(3) If a Governor fails to act within 30 days after receiving an application under paragraph (2), the applicable local government may submit the application to the Flexibility Council.

SEC. 7. REVIEW AND APPROVAL OF LOCAL FLEXIBILITY PLANS.

(a) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a local flexibility plan under this Act, the Flexibility Council shall—

(1) approve or disapprove all or part of the plan within 45 days after receipt of the application;

(2) notify the applicant in writing of that approval or disapproval by not later than 15 days after the date of that approval or disapproval; and

(3) in the case of any disapproval of a plan, include a written justification of the reasons for disapproval in the notice of disapproval sent to the applicant.

(b) APPROVAL.—(1) The Flexibility Council may approve a local flexibility plan for which an application is submitted under this Act, or any part of such a plan, if a majority of members of the Council determines that—

(A) the plan or part shall improve the effectiveness and efficiency of providing benefits under covered Federal programs included in the plan by reducing administrative inflexibility, duplication, and unnecessary expenditures;

(B) the applicant local government has adequately considered, and the plan or part of the plan appropriately addresses, any effect that administration of each covered Federal program under the plan or part of the plan shall have on administration of the other covered Federal programs under that plan or part of the plan;

(C) the applicant local government has or is developing data bases, planning, and evaluation processes that are adequate for implementing the plan or part of the plan;

(D) the plan shall more effectively achieve Federal financial assistance goals at the local level and shall better meet the needs of local citizens;

(E) implementation of the plan or part of the plan shall adequately achieve the purposes of this Act and of each covered Federal financial assistance program under the plan or part of the plan;

(F) the plan and the application for approval of the plan comply with the requirements of this Act;

(G) the plan or part of the plan is adequate to ensure that individuals and families that receive benefits under covered Federal financial assistance programs included in the plan or part shall continue to receive benefits that meet the needs intended to be met under the program; and

(H) the local government has—

(i) waived the corresponding local laws necessary for implementation of the plan; and

(ii) sought any necessary waivers from the State.

(2) The Flexibility Council may not approve any part of a local flexibility plan if—

(A) implementation of that part would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under covered Federal financial assistance programs included in that part, over the amounts of such obligations and outlays that would occur under those programs without implementation of the part; or

(B) in the case of a plan or part that applies to assistance to a qualified organization under an eligible Federal financial assistance program, the qualified organization does not consent in writing to the receipt of that assistance in accordance with the plan.

(3) The Flexibility Council shall disapprove a part of a local flexibility plan if a majority of the Council disapproves that part of the plan based on a failure of the part to comply with paragraph (1).

(4) In approving any part of a local flexibility plan, the Flexibility Council shall specify the period during which the part is effective. An approved local flexibility plan shall not be effective after the date of the termination of effectiveness of this Act under section 13.

(5) Disapproval by the Flexibility Council of any part of a local flexibility plan submitted by a local government under this Act shall not affect the eligibility of a local government, a qualified organization, or any individual for benefits under any Federal program.

(c) MEMORANDA OF UNDERSTANDING.—(1) The Flexibility Council may not approve a part of a local flexibility plan unless each local government and each qualified organization that would receive financial assistance under the plan enters into a memorandum of understanding under this subsection with the Flexibility Council.

(2) A memorandum of understanding under this subsection shall specify all understandings that have been reached by the Flexibility Council, the local government, and each qualified organization that is subject to a local flexibility plan, regarding the approval and implementation of all parts of a local flexibility plan that are the subject of the memorandum, including understandings with respect to—

(A) all requirements under covered Federal financial assistance programs that are to be waived by the Flexibility Council under section 8(b);

(B)(i) the total amount of Federal funds that shall be provided as benefits under or used to administer covered Federal financial assistance programs included in those parts; or

(ii) a mechanism for determining that amount, including specification of the total amount of Federal funds that shall be provided or used under each covered Federal financial assistance program included in those parts;

(C) the sources of all non-Federal funds that shall be provided as benefits under or used to administer those parts;

(D) measurable performance criteria that shall be used during the term of those parts to determine the extent to which the goals and performance levels of the parts are achieved; and

(E) the data to be collected to make that determination.

(d) LIMITATION ON CONFIDENTIALITY REQUIREMENTS.—The Flexibility Council may not, as a condition of approval of any part of a local flexibility plan or with respect to the implementation of any part of an approved local flexibility plan, establish any confidentiality requirement that would—

(1) impede the exchange of information needed for the design or provision of benefits under the parts; or

(2) conflict with law.

SEC. 8. IMPLEMENTATION OF APPROVED LOCAL FLEXIBILITY PLANS; WAIVER OF REQUIREMENTS.

(a) PAYMENTS AND ADMINISTRATION IN ACCORDANCE WITH PLAN.—Notwithstanding any other law, any benefit that is provided under a covered Federal financial assistance program included in an approved local flexibility plan shall be paid and administered in the manner specified in the approved local flexibility plan.

(b) WAIVER OF REQUIREMENTS.—(1) Notwithstanding any other law and subject to paragraphs (2) and (3), the Flexibility Council may waive any requirement applicable under Federal law to the administration of, or provision of benefits under, any covered Federal assistance program included in an approved local flexibility plan, if that waiver is—

(A) reasonably necessary for the implementation of the plan; and

(B) approved by a majority of members of the Flexibility Council.

(2) The Flexibility Council may not waive a requirement under this subsection unless the Council finds that waiver of the requirement shall not result in a qualitative reduction in services or benefits for any individual or family that is eligible for benefits under a covered Federal financial assistance program.

(3) The Flexibility Council may not waive any requirement under this subsection—

(A) that enforces any constitutional or statutory right of an individual, including any right under—

(i) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(ii) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(iii) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(iv) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); or

(v) the Americans with Disabilities Act of 1990;

(B) for payment of a non-Federal share of funding of an activity under a covered Federal financial assistance program; or

(C) for grants received on a maintenance of effort basis.

(c) SPECIAL ASSISTANCE.—To the extent permitted by law, the head of each Federal agency shall seek to provide special assistance to a local government or qualified organization to support implementation of an approved local flexibility plan, including expedited processing, priority funding, and technical assistance.

(d) EVALUATION AND TERMINATION.—(1) A local government, in accordance with regulations issued by the Flexibility Council, shall—

(A) submit such reports on and cooperate in such audits of the implementation of its approved local flexibility plan; and

(B) periodically evaluate the effect implementation of the plan has had on—

(i) individuals who receive benefits under the plan;

(ii) communities in which those individuals live; and

(iii) costs of administering covered Federal financial assistance programs included in the plan.

(2) No later than 90 days after the end of the 1-year period beginning on the date of the approval by the Flexibility Council of an approved local flexibility plan of a local government, and annually thereafter, the local government shall submit to the Flexibility Council a report on the principal activities and achievements under the plan during the period covered by the report, comparing those achievements to the goals and performance criteria included in the plan under section 6(c)(3).

(3)(A) The Flexibility Council may terminate the effectiveness of an approved local flexibility plan, if the Flexibility Council, after consultation with the head of each Federal agency responsible for administering a covered Federal financial assistance program included in such, determines—

(i) that the goals and performance criteria included in the plan under section 6(c)(3) have not been met; and

(ii) after considering any experiences gained in implementation of the plan, that those goals and criteria are sound.

(B) In terminating the effectiveness of an approved local flexibility plan under this paragraph, the Flexibility Council shall allow a reasonable period of time for appropriate Federal, State, and local agencies and qualified organizations to resume administration of Federal programs that are covered Federal financial assistance programs included in the plan.

(e) FINAL REPORT; EXTENSION OF PLANS.—(1) No later than 45 days after the end of the effective period of an approved local flexibility plan of a local government, or at any time that the local government determines that the plan has demonstrated its worth, the local government shall submit to the Flexibility Council a final report on its implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under those programs.

(2) The Flexibility Council may extend the effective period of an approved local flexibility plan for such period as may be appropriate, based on the report of a local government under paragraph (1).

SEC. 9. COMMUNITY ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—A local government that applies for approval of a local flexibility plan under this Act shall establish a community advisory committee in accordance with this section.

(b) FUNCTIONS.—A community advisory committee shall advise a local government in the development and implementation of its local flexibility plan, including advice with respect to—

(1) conducting public hearings; and

(2) reviewing and commenting on all community policies, programs, and actions under the plan which affect low income individuals and families, with the purpose of ensuring maximum coordination and responsiveness of the plan in providing benefits under the plan to those individuals and families.

(c) MEMBERSHIP.—The membership of a community advisory committee shall—

(1) consist of—

(A) persons with leadership experience in the private and voluntary sectors;

(B) local elected officials;

(C) representatives of participating qualified organizations; and

(D) the general public; and

(2) include individuals and representatives of community organizations who shall help to enhance the leadership role of the local government in developing a local flexibility plan.

(d) OPPORTUNITY FOR REVIEW AND COMMENT BY COMMITTEE.—Before submitting an application for approval of a final proposed local flexibility plan, a local government shall submit the final proposed plan for review and comment by a community advisory committee established by the local government.

(e) COMMITTEE REVIEW OF REPORTS.—Before submitting annual or final reports on an approved Federal assistance plan, a local government or private nonprofit organization shall submit the report for review and comment to the community advisory committee.

SEC. 10. TECHNICAL AND OTHER ASSISTANCE.

(a) TECHNICAL ASSISTANCE.—(1) The Flexibility Council may provide, or direct that the head of a Federal agency provide, technical assistance to a local government or qualified organization in developing information necessary for the design or implementation of a local flexibility plan.

(2) Assistance may be provided under this subsection if a local government makes a request that includes, in accordance with requirements established by the Flexibility Council—

(A) a description of the local flexibility plan the local government proposes to develop;

(B) a description of the groups of individuals to whom benefits shall be provided under covered Federal assistance programs included in the plan; and

(C) such assurances as the Flexibility Council may require that—

(i) in the development of the application to be submitted under this title for approval of the plan, the local government shall provide adequate opportunities to participate to—

(I) individuals and families that shall receive benefits under covered Federal financial assistance programs included in the plan; and

(II) governmental agencies that administer those programs; and

(ii) the plan shall be developed after considering fully—

(I) needs expressed by those individuals and families;

(II) community priorities; and

(III) available governmental resources in the geographic area to which the plan shall apply.

(b) DETAILS TO COUNCIL.—At the request of the Flexibility Council and with the approval of an agency head who is a member of the Council, agency staff may be detailed to the Flexibility Council on a nonreimbursable basis.

SEC. 11. FLEXIBILITY COUNCIL.

(a) FUNCTIONS.—The Flexibility Council shall—

(1) receive, review, and approve or disapprove local flexibility plans for which approval is sought under this Act;

(2) upon request from an applicant for such approval, direct the head of an agency that administers a covered Federal financial assistance program under which substantial Federal financial assistance would be provided under the plan to provide technical assistance to the applicant;

(3) monitor the progress of development and implementation of local flexibility plans;

(4) perform such other functions as are assigned to the Flexibility Council by this Act; and

(5) issue regulations to implement this Act within 180 days after the date of its enactment.

(b) REPORTS.—No less than 18 months after the date of the enactment of this Act, and annually thereafter, the Flexibility Council shall submit a report on the 5 Federal regulations that are most frequently waived by the Flexibility Council for local governments with approved local flexibility plans to the President and the Congress. The President shall review the report and determine whether to amend or terminate such Federal regulations.

SEC. 12. REPORT.

No later than 54 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress, a report that—

(1) describes the extent to which local governments have established and implemented approved local flexibility plans;

(2) evaluates the effectiveness of covered Federal assistance programs included in approved local flexibility plans; and

(3) includes recommendations with respect to local flexibility.

SEC. 13. CONDITIONAL TERMINATION.

This Act is repealed on the date that is 5 years after the date of the enactment of this Act unless extended by the Congress through the enactment of the resolution described under section 14.

SEC. 14. JOINT RESOLUTION FOR THE CONTINUATION AND EXPANSION OF LOCAL FLEXIBILITY PROGRAMS.

(a) DESCRIPTION OF RESOLUTION.—A resolution referred to under section 13 is a joint resolution the matter after the resolving clause is as follows: "That Congress approves the application of local flexibility plans to all local governments in the United States in accordance with the Local Empowerment and Flexibility Act of 1995, and that—

"(1) if the provisions of such Act have not been repealed under section 13 of such Act, such provisions shall remain in effect; and

"(2) if the repeal under section 13 of such Act has taken effect, the provisions of such Act shall be effective as though such provisions had not been repealed.".

(b) INTRODUCTION.—No later than 30 days after the transmittal by the Comptroller General of the United States to the Congress of the report required in section 12, a resolution as described under subsection (a) shall be introduced in the Senate by the chairman of the Committee on Governmental Affairs, or by a Member or Members of the Senate designated by such chairman, and shall be introduced in the House of Representatives by the Chairman of the Committee on Government Operations, or by a Member or Members of the House of Representatives designated by such chairman.

(c) REFERRAL.—A resolution as described under subsection (a) shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. The committee shall make its recommendations to the Senate or House of Representatives within 30 calendar days of the date of such resolution's introduction.

(d) DISCHARGE FROM COMMITTEE.—If the committee to which a resolution is referred has not reported such resolution at the end of 30 calendar days after its introduction, that committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) VOTE ON FINAL PASSAGE.—When the committee has reported or has been deemed to be discharged from further consideration of a resolution described under subsection (a), it is at any time thereafter in order for any Member of the respective House to move to proceed to the consideration of the resolution.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

LOCAL EMPOWERMENT AND FLEXIBILITY ACT OF 1995

SECTION-BY-SECTION ANALYSIS

INTRODUCTION

To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

SECTION 1. SHORT TITLE

Section 1 sets the short title of this Act as the "Local Empowerment and Flexibility Act of 1995."

SECTION 2. FINDINGS

Section 2 states that Federal programs often contain detailed requirements relating to the use of categorical financial assistance which may inadvertently impede the effective delivery of services. Section 2 also states that in order to reduce the barriers that impede local government's ability to effectively deliver services, the federal government should empower local governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals.

SECTION 3. PURPOSES

Section 3 states that the purposes of this Act are to: (1) enable more efficient use of Federal, State, and local resources; (2) place less emphasis in Federal programs on measuring resources and procedures and more emphasis on achieving Federal, State, and local policy goals; (3) enable local governments and private, nonprofit organizations to adapt programs of Federal financial assistance to the particular needs of their communities; and (4) enable local governments and private, nonprofit organizations to work together and build stronger cooperative partnerships to address critical service problems.

SECTION 4. DEFINITIONS

Section 4 contains definitions that apply to this act including the "Flexibility Council" which is charged with approving local flexibility plans submitted by state and local governments. This section also defines "eligible Federal financial assistance program" as: (1) a Federal program under which financial assistance is available, directly or indirectly, to a local government or a qualified organization to carry out a specified program; and (2) does not include a Federal program under which financial assistance is provided by the Federal Government directly to a beneficiary of that financial assistance or to a State as a direct payment to an individual.

SECTION 5. PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN ACCORDANCE WITH APPROVED LOCAL FLEXIBILITY PLAN

Section 5 provides that upon approval of a local flexibility plan, Federal financial assistance which is included in the approved local flexibility plan shall be provided to an used by the local government or organization in accordance with the approved local flexibility plan. Section 5 also provides that upon approval of a local flexibility plan, individuals or families that are eligible for benefits or services under a covered Federal financial assistance program may receive those benefits only in accordance with the approved local flexibility plan.

SECTION 6. APPLICATION FOR APPROVAL OF LOCAL FLEXIBILITY PLAN

Section 6 establishes that a local flexibility plan shall be; (1) a strategic plan submitted during the application for designation as an enterprise community or empowerment zone; or (2) shall include the geographic area to which the plan applies, the particular groups of individuals who shall receive services and benefits under the plan, a description of how the plan is expected to attain specific goals and measurable performance criteria, the eligible Federal financial assistance programs to be included in the plan, any Federal statutory or regulatory requirement applicable under a covered Federal financial assistance program that needs to be waived to implement the plan, a description of the sources of all non-Federal funds that are required to carry out the plan, written consent from each qualified organization included in the plan, and any other relevant information the Flexibility Council may require to approve the plan.

In addition, Section 6 requires certification by the chief executive of the local government that the local government has the ability and authority to implement the proposed plan, and that amounts are available from non-Federal sources to pay the non-Federal share of all covered Federal financial assistance programs included in the proposed plan. Section 6 requires that the plan include any comments on the proposed plan submitted by the Governor of the State in which the local government is located, public comments on the plan including transcripts of a least one public hearing on the plan, and comments of the community advisory committee established to review the plan.

Section 6 also establishes the procedure for applying for approval of a local flexibility plan. Local flexibility plans must first be submitted to the Governor of the State in which the local government is located. The Governor then has 30 days after receipt to prepare comments on the plan, describe any State laws which are necessary to be waived for implementation of the plan, and submit the application and comments to the Flexibility Council. If the Governor fails to act within 30 days, the local government may submit the application directly to the Flexibility Council.

SECTION 7. REVIEW AND APPROVAL OF LOCAL FLEXIBILITY PLANS

Section 7 establishes the responsibilities of the Flexibility Council in reviewing applications for approval of local flexibility plans. Within 45 days of receipt of the application, the Flexibility Council shall approve or disapprove all or part of the local flexibility plan. The Council must also, within 15 days after the approval or disapproval, notify the applicant in writing of its decision and in the case of any disapproval, include a written justification of the reasons for the disapproval.

Section 7 also requires that approval of the plan be based on; (1) the plan or part of the plan shall improve the effectiveness and efficiency of providing benefits under covered Federal programs included in the plan; (2) the applicant has adequately considered any effect that administration of each covered

Federal program under the plan or part of the plan shall have on administration of other covered Federal programs under the plan; (3) the applicant has or is developing data bases, planning, and evaluation procedures that are adequate for implementing the plan; (4) implementation of the plan or part of the plan shall adequately achieve the purposes of this Act and each covered Federal financial assistance program under the plan; (5) the plan is adequate to ensure that individuals and families that receive benefits under covered Federal financial assistance programs included in the plan shall continue to receive benefits that meet the needs intended to be met under the program; and (6) the local government has waived the corresponding local laws and sought any waivers from State laws necessary for implementation of the plan.

Section 7 forbades the Flexibility Council from approving a plan which would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under Federal financial assistance programs included in the plan. The Council shall also specify the period during with the plan is effective, not to exceed beyond the termination of this Act which is five years after enactment. This section also states that disapproval for all, or any part of the plan, shall not affect the eligibility of an applicant for benefits under any Federal program.

SECTION 8. IMPLEMENTATION OF APPROVED LOCAL FLEXIBILITY PLANS; WAIVER OF REQUIREMENTS

Section 8 requires that any funds included in a local flexibility plan be paid and administered in the manner specified in the approved local flexibility plan. This section also states that the Flexibility Council may waive any requirement applicable under Federal law to the administration of, or provision of benefits under, any covered Federal assistance program included in an approved plan if that waiver is reasonably necessary for the implementation of the plan. The Flexibility Council may not waive any requirement that does result in a qualitative reduction in services or benefits for any individual or family that is eligible for benefits under a covered Federal financial assistance program.

Section 8 forbids the Flexibility Council from waiving any requirement under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, or the Americans with Disabilities Act of 1990.

Section 8 also calls for the head of each Federal agency to seek to provide special assistance to applicants to support implementation of an approved local flexibility plan, including expedited processing, priority funding, and technical assistance.

Section 8 states that no later than 90 days after the end of the one year period of the approval of a local flexibility plan, the local government shall submit to the Flexibility Council a report on the principal activities and achievements under the plan during the period covered by the report. The Flexibility Council may terminate a local flexibility plan if it determines that the goals and performance criteria included in the plan have not been met.

SECTION 9. COMMUNITY ADVISORY COMMITTEES

Section 9 establishes the composition and function of the Community Advisory Committees. The Community Advisory Committees shall advise the local government in developing local flexibility plans by conducting public hearings and reviewing and commenting on all actions under the plan. The composition of the committee shall consist of persons from the private and voluntary sectors, local elected officials, representatives of participating organizations, and the general public.

SECTION 10. TECHNICAL AND OTHER ASSISTANCE

Section 10 states that the Flexibility Council may provide or direct that the head of a Federal agency provide technical assistance to an applicant of a local flexibility plan.

SECTION 11. FLEXIBILITY COUNCIL

Section 11 describes the functions of the Flexibility Council. The Council shall receive, review, and approve or disapprove local flexibility plans. The Council shall also monitor the progress of development and implementation of local flexibility plans and issue regulations to implement this Act within 180 days after the date of its enactment. No later than 18 months after the date of the enactment of this Act, and annually thereafter, the Flexibility Council shall submit a report on the five Federal regulations that are most frequently waived by the Flexibility Council to the President and the Congress.

SECTION 12. REPORT

Section 12 states that no later than 54 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress, a report that; (1) describe the extent to which local governments have established and implemented approved local flexibility plans; (2) evaluates the effectiveness of covered Federal assistance programs included in approved local flexibility plans; and (3) includes recommendations with respect to local flexibility.

SECTION 13. CONDITIONAL TERMINATION

Section 13 repeals this Act five years after the date of enactment unless it is extended by Congress through the enactment of the resolution described in section 14.

SECTION 14. JOINT RESOLUTION FOR THE CONTINUATION AND EXPANSION OF LOCAL FLEXIBILITY PROGRAMS

Section 14 describes the resolution that shall be introduced 30 days after the Comptroller General's report is submitted which is 54 months after enactment of this Act. The resolution would continue this Act as if section 13 of this Act had been repealed.

THE OREGON OPTION

Mr. **HATFIELD.** Mr. President, recently the State of Oregon and several federal agencies signed a unique memorandum of understanding to create a new partnership designed to deliver government services in a better and more efficient manner. When this revolutionary partnership, called the Oregon Option, is fully implemented, Federal grants or transfers to State and local governments in Oregon will be based on results rather than compliance with regulatory procedures. Because I believe that this project has the potential to vastly improve the delivery of government services in my state and may well prove to be a national model for future partnerships between state and federal agencies, I am today introducing a sense of the Senate resolution highlighting the Federal Government's partnership in this effort.

As we all know, a great deal of time and energy is spent by our local and State agencies trying to comply with regulations set forth by all levels of government. Billions of dollars are spent on compliance rather than on providing better services to improve people's lives. The new partnership set forth in the Oregon Option will dramatically streamline and coordinate Federal, State and local regulations so that local and State governments can respond to specific problems flexibly. This flexibility will be exchanged for a transformed measurement of accountability—progress towards meeting performance goals.

In 1991, the Oregon legislature endorsed various performance goals which had been developed over several years and have become known as the Oregon Benchmarks. Benchmarks do not measure progress by such standards as the number of programs created, money expended or people served, rather, Oregon's benchmarks focus on the outcomes and goals in literally dozens of specific areas. For example, one benchmark is to increase the immunization rate for 2-year-olds in Oregon from 47 percent in 1992 to 100 percent by the year 2000. Our state agencies are judged on their ability to move towards this goal and their budget submissions reflect targeting towards this as one of the "key" benchmarks identified as a state priority.

Under the Oregon Option project, Federal departments will coordinate and streamline the administration of their programs, develop an expedited waiver process with a single point of application and response, support state and local efforts to measure outcomes, provide technical assistance and develop a data system necessary to assess progress toward benchmarks. The State's role will be to deliver Federal, State, and local services in a coordinated way, in tandem with local governments. Services will be delivered at the local level, and progress towards achieving the benchmarks will be measured locally.

The initial work of the Oregon Option will focus on three clusters of human investment benchmarks: family stability, early childhood development, and workforce preparation. Immediate focuses will be reducing childhood poverty, improving access to prenatal care and increasing employment and employability of Oregonians through a statewide community-based model.

The Oregon Option builds on the strengths of Federal, State, and local government. The Federal Government plays an important role in setting national goals and protecting our Nation's most needy people. However, States and local governments, I believe, are better at knowing how to develop programs to meet these goals that fit their local situation. By using policy goals and shifting success from compliance to results, the Oregon Option creates a good balance between protecting the intent and goals of Federal policy and allowing States the freedom and flexibility to find appropriate solutions to their own community problems.

My resolution is a simple endorsement of this project, for I believe it has the potential to redefine how the federal government interacts with the states. I urge my colleagues to become familiar with this model.

I ask unanimous consent that the text of the bill, as well as the memorandum of understanding and letters of support, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 90

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Worker Retraining Flexibility Act of 1995".

SEC. 2. RETRAINING SERVICES.

Section 315(a)(2) of the Job Training Partnership Act (29 U.S.C. 1661d(a)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)"; and

(2) by striking the last 2 sentences and inserting the following new subparagraph:

"(B)(i) The Governor may grant the waiver, in whole or in part, if the substate grantee demonstrates that the waiver—

"(I) is appropriate due to the availability of low-cost retraining services;

"(II) is necessary to facilitate the provision of needs-related payments to accompany long-term training; or

"(III) is necessary to facilitate the provision of appropriate basic readjustment services.

"(ii) The Governor shall prescribe criteria for the demonstration required by clause (i).".

SEC. 3. NEEDS-RELATED PAYMENTS AND OTHER SUPPORTIVE SERVICES.

Section 315 of the Job Training Partnership Act (29 U.S.C. 1661d) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d).

SEC. 4. NEEDS-RELATED PAYMENTS FOR FEDERAL DELIVERY OF DISLOCATED WORKER SERVICES.

Section 323 of the Job Training Partnership Act (29 U.S.C. 1662b) is amended by adding at the end the following new subsection:

"(e) NEEDS-RELATED PAYMENTS.—In making funds available from the amounts reserved for this part under section 302(a)(2) to carry out programs and activities, the Secretary may make funds available for needs-related payments described in section 314(e). The Secretary may make such a payment to a participant in such a program or activity who, in lieu of meeting the requirements relating to enrollment in training specified in the last sentence of section 314(e)(1), is enrolled in training by the end of the sixth week after the Secretary makes the funds available for the program or activity.".

SEC. 5. NORTHWEST ECONOMIC ADJUSTMENT INITIATIVE.

Section 323 of the Job Training Partnership Act (29 U.S.C. 1662b) (as amended by section 4) is further amended by adding at the end the following new subsection:

"(f) NORTHWEST ECONOMIC ADJUSTMENT INITIATIVE.—From the amount reserved for this part under section 302(a)(2) for each of fiscal years 1996 and 1997, the Secretary shall expend, on the basis of need as demonstrated by a State, not less than $12,000,000 to carry out the retraining of eligible dislocated workers, as described in the Interagency Memorandum of Understanding for Economic Adjustment and Community Assistance (relating to the Northwest Economic Adjustment Initiative).".

DECEMBER 30, 1994.

Senator MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

Subject: Proposed legislation: Worker Retraining Flexibility Act of 1995.

DEAR SENATOR HATFIELD: It is my great pleasure to endorse the "Worker Retraining Flexibility Act of 1995" which you will introduce on January 4, 1995. This legislation places the focus where it needs to be—on the dislocated worker. Too often the constraints in Federal laws and regulation hamper our ability to concentrate efforts on the person rather than on administrative requirements.

When the objective becomes the amount of funds expended for retaining as opposed to readjustment services rather than the type of service that is needed, then we must ask if we are pursuing the right purpose. These amendments to Title III of the Job Training Partnership Act will allow State and local programs to concentrate on providing the right mix of retraining and readjustment services that are indicated through individual assessment.

We have found that providing services to dislocated workers requires the ability to quickly respond to a variety of factors, e.g., timing of dislocation, the economic environment, etc., This bill goes a loan way toward building flexibility into the law and freeing up programs to provide the services necessary for the dislocated worker to succeed in reentering the workforce.

Thank you, Senator Hatfield, for your continuing interest and concern for the citizens of Oregon, in particular for those who have suffered the loss of their jobs through no fault of their own.

Sincerely,

BILL EASLY,
Program Manager, Job Training Partnership Act Administration—OEDD.

THE BONNEVILLE POWER ADMINISTRATION APPROPRIATIONS REFINANCING ACT OF 1995

Mr. HATFIELD. Mr. President, today I am introducing legislation which will end the decade-long battle to increase the electric power rates of the Bonneville Power Administration [BPA] in the Pacific Northwest. This legislation is a realistic, sensible, achievable, and scoreable deficit reduction alternative to the recently discussed absurdity of selling the Bonneville Power Administration. The legislation will resolve, once and for all, the perception by some that electric rates in the Pacific Northwest are subsidized by the Federal Government, and will discourage future proposals to raise electric rates to levels which would injure the region's economy.

The legislation is comprised of two primary elements: First, it provides for the refinancing of approximately $6.7 billion of Bonneville's low interest, appropriated debt, and replaces it with new debt that carries current market interest rates. Second, it provides an additional $100 million to the Federal Treasury, money that will be raised by BPA from its electrical customers.

In return for this arrangement, the Northwest's electrical ratepayers seek a permanent guarantee that the costs of repaying the Federal investment in the Columbia River hydroelectric system will not be altered further in the future. This is a proposal which is fair to both taxpayers and ratepayers and should be considered favorably by the Senate.

This legislation has its roots in a decade of proposals made by successive administrations to alter the repayment of the Federal investment in the nation's hydroelectric system. As budget deficits grew, a cash-starved Federal Government looked to all sources of revenue generation to produce more dollars. The power marketing administrations, which produce large sums of annual revenues, became easy targets for those who look only at the bottom line. Little or no consideration was given to the impacts on local economies or the overall impact on Federal revenues.

As each of these proposals was made, uncertainty over the future cost of electricity was created. In the Pacific Northwest, where over half the electric power consumed is marketed by the Bonneville Power Administration, these proposals cast a cloud of uncertainty over future electric power prices. Rate increases of the magnitude contemplated by the proposals would devastate the economy of the region by discouraging investment in infrastructure, including modernization of new plants and equipment, and close factories and businesses which operate on the margin, many of which were attracted to the availability of low cost hydroelectric power in the region.

I have vigorously opposed each and every one of these proposals over the years, and believe that they were, at best, misguided, if not hypocritical. Water projects throughout this country have been built with no expectation of payback by the users of the facilities. Unlike these other situations, however, in the case of hydroelectric generation, the users are paying back the investment, with interest, based on the terms agreed to at the time the investment was made. Accordingly, there is no subsidy associated with the federal power marketing program. This situation is often compared to a home mortgage. Attempting to alter unilaterally the terms of these financial arrangements years after the investment was made, based on current financial conditions, is predatory and unfair.

But, Mr./Madam President, this is politics and not business. The lure of short-term fixes to generate cash during periods of huge budget deficits will not vanish in the night. It is time, therefore, to resolve this matter and put it behind us.

A significant opportunity to ensure the stability of BPA occurred with the release of Vice-President Gore's "National Performance Review" [NPR]. To the Vice President's credit, the Department of Energy and others in the administration recognized that a new and realistic approach to repayment reform could be formulated. The NPR took the dramatic step of recommending the BPA debt refinancing proposal originally identified in the study developed by Bonneville and its customers. The NPR, however, also included a $100 million premium as an additional cost the BPA ratepayers would be required to pay—over and above the annual principal and interest payments on the appropriated debt.

While this premium is distasteful, it will, over the long-term, benefit the Pacific Northwest ratepayers, and is a price worth paying. In my opinion, however, the $100 million price tag is analogous to the costs a business might experience when settling litigation. But, this transfer of wealth from Pacific Northwest ratepayers to U.S. taxpayers is supportable only if it is accompanied by a long-term guarantee that there will be no future increases in the cost of repaying the federal investment in the Northwest hydroelectric system. The NPR initiative included such a guarantee.

Let me take a moment to describe the specifics of the proposal I am introducing today. The legislation will require that BPA's outstanding repayment obligations on appropriations be reconstituted by re-setting outstanding principal at the present value of the current principal and annual interest that BPA would owe to the Federal Treasury, plus $100 million. Enactment of the bill will represent agreement between Northwest ratepayers and the U.S. Government that the subsidy criticisms are resolved permanently. Interest rates on the new principal will be reassigned by using the Treasury Department's yield curve calculation. Interest rates on new investments financed by appropriations, which are now administratively set equivalent to long-term Treasury financing costs, will be required by law.

The legislation also proposes that certain credits be granted to BPA's cash transfers to the Treasury in connection with payments BPA will make under the recently enacted Confederated Tribes of the Colville Reservation Grand Coulee Settlement Act of 1994—Public Law 103-436. The United States and the Confederated Tribes of the Colville Reservation have settled the Tribes' claims that they are entitled to a share of the power production revenues of the Grand Coulee Dam. It is my understanding that it is the administration's view that these credits, taken together with the one-time Judgment Fund payment, represent an equitable allocation of the costs of litigation settlement between BPA ratepayers and federal taxpayers. Section 9 of the legislation Public Law 103-436. This new legislation contains repayment credit provisions that are different in timing than Public Law 103-436 but would achieve the same results in terms of the present value cost to ratepayers and taxpayers. This new timing was proposed by the administration at the end of the 103d Congress.

Mr. President, the administration was exceptionally helpful in developing this legislation, and I especially appreciate the assistance provided by the Office of Management and Budget and the Department of Energy.

I ask unanimous consent that a letter, dated September 15, 1994, through which Energy Secretary Hazel O'Leary officially communicated this legislation to the Senate after months of negotiations, be placed in the RECORD along with the text of the bill and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bonneville Power Administration Appropriations Refinancing Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) "Administrator" means the Administrator of the Bonneville Power Administration;

(2) "capital investment" means a capitalized cost funded by Federal appropriations that—

(A) is for a project, facility, or separable unit or feature of a project or facility;

(B) is a cost for which the Administrator is required by law to establish rates to repay to the United States Treasury through the sale of electric power, transmission, or other services;

(C) excludes a Federal irrigation investment; and

(D) excludes an investment financed by the current revenues of the Administrator or by bonds issued and sold, or authorized to be issued and sold, by the Administrator under section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838(k));

(3) "new capital investment" means a capital investment for a project, facility, or separable unit or feature of a project or facility, placed in service after September 30, 1995;

(4) "old capital investment" means a capital investment whose capitalized cost—

(A) was incurred, but not repaid, before October 1, 1995, and

(B) was for a project, facility, or separable unit or feature of a project or facility, placed in service before October 1, 1995;

(5) "repayment date" means the end of the period within which the Administrator's rates are to assure the repayment of the principal amount of a capital investment; and

(6) "Treasury rate" means—

(A) for an old capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding October 1, 1995, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between October 1, 1995, and the repayment date for the old capital investment; and

(B) for a new capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the new capital investment.

SEC. 3. NEW PRINCIPAL AMOUNTS.

(a) Effective October 1, 1995, an old capital investment has a new principal amount that is the sum of—

(1) the present value of the old payment amounts for the old capital investment, calculated using a discount rate equal to the Treasury rate for the old capital investment; and

(2) an amount equal to $100,000,000 multiplied by a fraction whose numerator is the principal amount of the old payment amounts for the old capital investment and whose denominator is the sum of the principal amounts of the old payment amounts for all old capital investments.

(b) With the approval of the Secretary of the Treasury based solely on consistency with this Act, the Administrator shall determine the new principal amounts under section 3 and the assignment of interest rates to the new principal amounts under section 4.

(c) For the purposes of this section, "old payment amounts" means, for an old capital investment, the annual interest and principal that the Administrator would have paid to the United States Treasury from October 1, 1995, if this Act were not enacted, assuming that—

(1) the principal were repaid—

(A) on the repayment date the Administrator assigned before October 1, 1993, to the old capital investment, or

(B) with respect to an old capital investment for which the Administrator has not assigned a repayment date before October 1, 1993, on a repayment date the Administrator shall assign to the old capital investment in accordance with paragraph 10(d)(1) of the version of Department of Energy Order RA 6120.2 in effect on October 1, 1993; and

(2) interest were paid—

(A) at the interest rate the Administrator assigned before October 1, 1993, to the old capital investment, or

(B) with respect to an old capital investment for which the Administrator has not assigned an interest rate before October 1, 1993, at a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the old capital investment.

SEC. 4. INTEREST RATE FOR NEW PRINCIPAL AMOUNTS.

As of October 1, 1995, the unpaid balance on the new principal amount established for an old capital investment under section 3 bears interest annually at the Treasury rate for the old capital investment until the earlier of the date that the new principal amount is repaid or the repayment date for the new principal amount.

SEC. 5. REPAYMENT DATES.

As of October 1, 1995, the repayment date for the new principal amount established for an old capital investment under section 3 is no earlier than the repayment date for the old capital investment assumed in section 3(c)(1).

SEC. 6. PREPAYMENT LIMITATIONS.

During the period October 1, 1995, through September 30, 2000, the total new principal amounts of old capital investments, as established under section 3, that the Administrator may pay before their respective repayment dates shall not exceed $100,000,000.

SEC. 7. INTEREST RATES FOR NEW CAPITAL INVESTMENTS DURING CONSTRUCTION.

(a) The principal amount of a new capital investment includes interest in each fiscal year of construction of the related project, facility, or separable unit or feature at a rate equal to the one-year rate for the fiscal year on the sum of—

(1) construction expenditures that were made from the date construction commenced through the end of the fiscal year, and

(2) accrued interest during construction.

(b) The Administrator is not required to pay, during construction of the project, facility, or separable unit or feature, the interest calculated, accrued, and capitalized under subsection (a).

(c) For the purposes of this section, "one-year rate" for a fiscal year means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year, on outstanding interest-bearing obligations of the United States with periods to maturity of approximately one year.

SEC. 8. INTEREST RATES FOR NEW CAPITAL INVESTMENTS.

The unpaid balance on the principal amount of a new capital investment bears interest at the Treasury rate for the new capital investment from the date the related project, facility, or separable unit or feature is placed in service until the earlier of the date the new capital investment is repaid or the repayment date for the new capital investment.

SEC. 9. APPROPRIATED AMOUNTS.

The Confederated Tribe of the Colville Reservation Grand Coulee Dam Settlement Act (Pub. L. No. 103-436) is amended by striking section 6 and its catchline and inserting the following:

"SEC. 6. APPROPRIATED AMOUNTS.

* * * * *

"(b) For the purposes of this section—

(1) "Settlement agreement" means that settlement agreement between the United States of America and the Confederated Tribes of the Colville Reservation signed by the Tribes on April 16, 1994, and by the United States of America on April 21, 1994, which settlement agreement resolves claims of the Tribes in Docket 181-D of the Indian Claims Commission, which docket has been transferred to the United States Court of Federal Claims; and

(2) "Tribes" means the Confederated Tribes of the Colville Reservation, a federally recognized Indian Tribe.

SEC. 10. CONTRACT PROVISIONS.

In each contract of the Administrator that provides for the Administrator to sell electric power, transmission, or related services, and that is in effect after September 30, 1995, the Administrator shall offer to include, or as the case may be, shall offer to amend to include, provisions specifying that after September 30, 1995—

(1) the Administrator shall establish rates and charges on the basis that—

(A) the principal amount of an old capital investment shall be no greater than the new principal amount established under section 3 of this Act;

(B) the interest rate applicable to the unpaid balance of the new principal amount of an old capital investment shall be no greater than the interest rate established under section 4 of this Act;

(C) any payment of principal of an old capital investment shall reduce the outstanding principal balance of the old capital investment in the amount of the payment at the time the payment is tendered; and

(D) any payment of interest on the unpaid balance of the new principal amount of an old capital investment shall be a credit against the appropriate interest account in the amount of the payment at the time the payment is tendered;

(2) apart from charges necessary to repay the new principal amount of an old capital investment as established under section 3 of this Act and to pay the interest on the principal amount under section 4 of this Act, no amount may be charged for return to the United States Treasury as repayment for or return on an old capital investment, whether by way of rate, rent, lease payment, assessment, user charge, or any other fee;

(3) amounts provided under section 1304 of title 31, United States Code, shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a breach of the contract provisions required by this Act; and

(4) the contract provisions specified in this Act do not—

(A) preclude the Administrator from recovering, through rates or other means, any tax that is generally imposed on electric utilities in the United States, or

(B) affect the Administrator's authority under applicable law, including section 7(g) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(g)), to—

(i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or

(ii) design rates.

SEC. 11. SAVINGS PROVISIONS.

(a) This Act does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to pay interest on the principal, only from the "Administrator's net proceeds," as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k(b)).

(b) Except as provided in section 6 of this Act, this Act does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

THE SECRETARY OF ENERGY,
Washington, DC, September 15, 1994.

Hon. AL GORE,
President of the Senate
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation entitled the "Bonneville Power Administration Appropriations Refinancing Act."

Since the early 1980's, criticism has been directed at the relatively low interest rates outstanding on many of the Federal Columbia River Power System investments funded by Federal appropriations and the flexible method used by the Bonneville Power Administration to schedule principal payments on its Federal obligations. This legislation addresses long-standing subsidy criticisms in a way that benefits the taxpayer while minimizing the impact on Bonneville's power and transmission rates.

Last fall, as part of the President's National Performance Review initiative, the Administration proposed legislation that called for Bonneville to buy out its outstanding, low interest repayment obligations on appropriations with debt that Bonneville would issue in the open market. Although the proposed legislation would have increased the present value of Bonneville's debt service payments to the U.S. Treasury, it was scored as adding to the Federal deficit because Bonneville would have incurred issuance costs and a higher rate of interest than if the buy-out were financed through the U.S. Treasury. That legislation also raised concerns that Bonneville open-market access could conflict with the Treasury's overall debt management plans.

Since last fall, Bonneville has collaborated with its customers and with other agencies in the Executive Branch to develop revised legislation that avoids the issues raised by Bonneville open-market access. The enclosed legislation calls for Bonneville's outstanding repayment on appropriations to be reconstituted by re-setting outstanding principal at the present value of the principal and annual interest that Bonneville would pay to the U.S. Treasury, plus $100 million. Interest rates on the new principal would be reassigned at current Treasury interest rates. The bill also restricts prepayments of reconstituted obligations to $100 million in the period from October 1, 1995 through September 30, 2000. Other repayment terms and conditions would remain unaffected.

Benefits to the Government of this legislation are that it provides a minimum $100 million increase in the present value of Bonneville's debt service payments to the U.S. Treasury. This increase represents agreement between ratepayers and the Government to resolve the subsidy criticisms for outstanding appropriation repayment obligations. It would reduce the Federal deficit by an estimated $45 million because Bonneville cash transfers to Treasury and rates will increase. Bonneville's customers recognize that recurring subsidy criticisms must be addressed once and for all because of the risk they pose to Bonneville's financial stability and rate competitiveness. The legislation includes assurances to ratepayers that the Government will not increase the repayment obligations in the future. The legislation will enhance the ability of Bonneville to maintain its customer base, improve its competitive position, and strengthen its ability to meet future payments to the U.S. Treasury on time and in full.

The legislation also proposes that certain appropriations be provided to Bonneville in connection with payments Bonneville would make under a proposed litigation settlement. The United States and the Confederated Tribes of the Colville Reservation propose to settle the Tribes' claims that they are entitled to a share of the power production revenues of Grand Coulee Dam. The settlement would have the Tribes dismiss the claims in return for a one-time cash payment of $53 million payable from the Judgment Fund (authorized in section 1304 of title 31, United States Code), and annual payments from Bonneville through the revenue-generating life of Grand Coulee Dam. The annual payments from Bonneville would begin at approximately $15 million in FY 1996, and escalate under provisions in the settlement. Bonneville would receive appropriations equal to 100 percent of the annual payments in each of fiscal years 1996 through 2000. In fiscal years thereafter, Bonneville would receive an appropriation equal to approximately $4 million per year. These appropriations, together with the one-time Judgment Fund payment, represent an equitable allocation of the costs of the settlement between Bonneville ratepayers and Federal taxpayers.

The Administration recently submitted Colville Settlement legislation that contains repayment credit provisions rather than the appropriation that is in the legislation being forwarded here. The appropriations in section 9 of the enclosed Bonneville Power Administration Appropriations Refinancing legislation supersede those in the Administration's Colville Settlement legislative proposal. The Administration is open to the concept of merging these two proposals in the legislative process. By the same token, because the same results associated with implementing the settlement agreement are achieved with respect to the Tribes, the Treasury, and the rate payers, we are comfortable with proceeding with the Colville debt repayment concept at this time and then enacting the Bonneville Power Administration Appropriations Refinancing Act subsequently.

The Omnibus Budget Reconciliation Act of 1990 requires that all revenue and direct spending legislation meet a pay-as-you-go requirement through fiscal year 1998. That is, no revenue and direct spending bill should result in an increase in the deficit, and if it does, it will trigger a sequester if it is not fully offset. The provisions of this legislation taken together would decrease net Federal outlays by approximately $45 million over fiscal year 1996 through fiscal year 1998.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

HAZEL R. O'LEARY.

Enclosure.

BONNEVILLE POWER ADMINISTRATION APPROPRIATIONS REFINANCING ACT SECTION-BY-SECTION ANALYSIS

INTRODUCTION

The Bonneville Power Administration (BPA) markets electric power produced by federal hydroelectric projects in the Pacific Northwest and provides electric power transmission services over certain federally-owned transmission facilities. Among other obligations, BPA establishes rates to repay to the U.S. Treasury the federal taxpayers' investments in these hydroelectric projects and transmission facilities made primarily through annual and no-year appropriations. Since the early 1980's, subsidy criticisms have been directed at the relatively low interest rates applicable to many of these Federal Columbia River Power System (FCRPS) investments. The purpose of this legislation is to resolve permanently the subsidy criticisms in a way that benefits the taxpayer while minimizing the impact of BPA's power and transmission rates.

The legislation accomplishes this purpose by resetting the principal of BPA's outstanding repayment obligations at an amount that is $100 million greater than the present value of the principal and interest BPA would have paid in the absence of this Act on the outstanding appropriated investments in the FCRPS. The interest rates applicable to the reset principal amounts are based on the U.S. Treasury's borrowing costs in effect at the time the principal is reset. The resetting of the repayment obligations is effective October 1, 1995, coincident with the beginning of BPA's next rate period.

While the Act increases BPA's repayment obligations, and consequently will increase the rates BPA charges its ratepayers, it also provides assurance to BPA ratepayers that the Government will not further increase these obligations in the future. By eliminating the exposure to such increases, the legislation substantially improves the ability of BPA to maintain its customer base, and to make future payments to the U.S. Treasury on time and in full. Since the Act will cause both BPA's rates and its cash transfers to the U.S. Treasury to increase, it will aid in reducing the Federal budget deficit by an estimated $45 million over the current budget window.

SECTION 1. SHORT TITLE

This section sets the short title of this Act as the "Bonneville Power Administration Appropriations Refinancing Act."

SECTION 2. DEFINITIONS

This section contains definitions that apply to this Act.

Paragraph (1) is self-explanatory.

Paragraph (2) clarifies the repayment obligations to be affected under this Act by defining "capital investment" to mean a capitalized cost funded by a Federal appropriation for a project, facility, or separable unit or feature of a project or facility, provided that the investment is one for which the Administrator of the Bonneville Power Administration (Administrator or BPA) is required by law to establish rates to repay to the U.S. Treasury. The definition excludes Federal irrigation investments required by law to be repaid by the Administrator through the sale of electric power, transmission or other services, and, investments financed either by BPA current revenues or by bonds issued and sold, or authorized to be issued and sold, under section 13 of the Federal Columbia River Transmission System Act.

Paragraph (3) defines new capital investments as those capital investments that are placed in service after September 30, 1995.

Paragraph (4) defines those capital investments whose principal amounts are reset by this Act. "Old capital investments" are capital investments whose capitalized costs were incurred but not repaid before October 1, 1995, provided that the related project, facility, or separable unit or feature was placed in service before October 1, 1995. Thus, the capital investments whose principal amounts are reset by this Act do not include capital investments placed in service after September 30, 1995. The term "capital investments" is defined in section 2(2).

Paragraph (5) defines "repayment date" as the end of the period that the Administrator is to establish rates to repay the principal amount of a capital investment.

Paragraph (6) defines the term "Treasury rate." The term Treasury rate is used to establish both the discount rates for determining the present value of the old capital investments (section 3(a)) and the interest rates that will apply to the new principal amounts of the old capital investments (section 4). The term Treasury rate is also used under section 8 in determining the interest rates that apply to new capital investments, as that term is defined.

In the case of each old capital investment, Treasury rate means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding October 1, 1995, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between October 1, 1995, and the repayment date for the old capital investment. Thus, the interest rates and discount rates for old capital investments reflect the Treasury yield curve proximate to October 1, 1995. Likewise, in the case of each new capital investment, the Treasury rate means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields during the month preceding the beginning of the fiscal year in which the related facilities are placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year in which the related facilities are placed in service and the repayment date for the new capital investment. Thus, the interest rates for new capital investments reflect the Treasury yield curve proximate to beginning of the fiscal year in which the facilities the new capital investment concerns are placed in service.

The term Treasury rate is not to be confused with other interest rates that this Act directs the Secretary of the Treasury to determine, specifically, the short-term (one-year) interest rates to be used in calculating interest during construction of new capital investments (section 7) and the interest rates for determining the interest that would have been paid in the absence of this Act on old capital investments that are placed in service after the date of this Act but prior to October 1, 1995 (section 3(b)(2)). These latter interest rates reflect rate methodologies very similar to those specified by the term Treasury rate, but apply to different features of this Act.

It is expected that the Secretary of the Treasury will use an interest rate formulation that the Secretary uses to determine rates for federal lending and borrowing programs generally.

SECTION 3. NEW PRINCIPAL AMOUNTS

Section 3 establishes new principal amounts of the old capital investments, which the Administrator is obligated by law to establish rates to repay. These investments were made by Federal taxpayers primarily through annual appropriations and include investments financed by appropriations to the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation, and to BPA prior to implementation of the Federal Columbia River Transmission System Act. In general, the new principal amount associated with each such investment is determined (regardless of whether the obligation is for the transmission or generation function of the FCRPS) by (a) calculating the present value of the stream of principal and interest payments on the investment that the Administrator would have paid to the U.S. Treasury absent this Act and (b) adding to the principal of each investment a pro rata portion of $100 million. The new principal amount is established on a one-time-only basis. Although the new principal amounts become effective on October 1, 1995, the actual calculation of the reset principal will not occur until after October 1, 1995, because the discount rate will not be determined, and BPA's final audited financial statements will not become available, until later in that fiscal year.

As prescribed by the term "old capital investments," the new principal amount is not set for appropriations-financed FCRPS investments the related facilities of which are placed in service in or after fiscal year 1996; for Federal irrigation investments required by law to be recovered by the Administrator for the sale of electric power, transmission or other services; or for investments financed by BPA current revenues or by bonds issued or sold, or authorized to be issued and sold, under section 13 of the Federal Columbia River Transmission System Act.

The discount rate used to determine the present value is the Treasury rate for the old capital investment and is identical to the interest rate that applies to the new principal amounts of the old capital investments. Thus, the Secretary of the Treasury is responsible for determining the interest rate and the discount rate assigned to each old capital investment.

The discount period for a principal amount begins on the date that the principal amount associated with an old capital investment is reset (October 1, 1995) and ends, for purposes of making the present value calculation, on the repayment dates provided in this section. The repayment dates for purposes for making the present value calculation are already assigned to almost all of the old capital investments. For old capital investments that will be placed in service after October 1, 1993, but before October 1, 1995, no such dates have been assigned. The Administrator will establish the dates for these latter investments in accordance with U.S. Department of Energy Order RA 6120.2—"Power Marketing Administration Financial Reporting," as in effect at the beginning of fiscal year 1994. These ideas are captured in the definition of the term "old payment amounts."

The interest portion of the old payment amounts is determined on the basis that the principal amount would bear interest annually until repaid at interest rates assigned by the Administrator. For almost all old capital investments, these interest rates were assigned to the capital investments prior to the effective date of this Act. (For old capital investments that are placed in service after September 30, 1993, the interest rates to be used in determining the old payment amounts will be a rate determined by the Secretary of the Treasury proximate to the beginning of the fiscal year in which the related project or facility, or the separable unit or feature of a project or facility, was placed in service. Section 3(c)(2)(B) provides the manner in which these interest rates are established.) Thus, for purposes of determining the present value of a given interest payment on a capital investment, the discount period for the payment is between October 1, 1995, and the date the interest payment would have been made.

The pro rata allocation of $100,000,000 is based on the ratio that the nominal principal amount of the old capital investment bears to the sum of the nominal principal amounts of all old capital investments. This added amount fulfills a key financial objective of the Act to provide the U.S. Treasury and Federal taxpayers with a $100,000,000 increase in the present value of BPA's principal and interest payments with respect to the old capital investments. Since the $100,000,000 is a nominal amount that bears interest at a rate equal to the discount rate, the present value of the stream of payments is necessarily increased by $100,000,000.

Paragraph (b) of section 3 provides that with the approval of the Secretary of the Treasury based solely on consistency with this Act, the Administrator shall determine the new principal amounts under section 3 and the assignment of interest rates to the new principal amounts under section 4. The Administrator will calculate the new principal amount of each old capital investment in accord with section 3 on the basis of (i) the outstanding principal amount, the interest rate and the repayment date of the related old capital investment, (ii) the discount rate provided by the Secretary of the Treasury, and (iii) for purposes of calculating the pro rata share of $100 million in each new principal amount under section 3(a)(2), the total principal amount of all old capital investments. The Administrator will provide this data to the Secretary of the Treasury so that the Secretary can approve that the calculation of each new principal amount is consistent with this section and that the assignment of the interest rate to each new principal amount is consistent with section 4.

The approval by the Secretary of the Treasury will be completed as soon as practicable after the data on the new principal amounts and the interest rates are provided by the Administrator. It is expected that the approval by the Secretary will not require substantial time.

SECTION 4. INTEREST RATES FOR NEW PRINCIPAL AMOUNTS

Section 4 provides that the unpaid balance of the new principal amount of each old capital investment shall bear interest at the Treasury rate for the old capital investment, as determined by the Secretary of the Treasury under section 2(6)(A). The unpaid balance of each new principal amount shall bear interest at that rate until the earlier of the date the principal is repaid or the repayment date for the investment.

SECTION 5. REPAYMENT DATES

Section 5, in conjunction with the term "repayment date" as that term is defined in section 2(5), provides that the end of the repayment period for each new principal amount for an old capital investment shall be no earlier than the repayment date in making the present value calculations in section 3. Under existing law, the Administrator is obligated to establish rates to repay capital investments within a reasonable number of years. Section 5 confirms that the Administrator retains this obligation notwithstanding the enactment of this Act.

SECTION 6. PREPAYMENT LIMITATIONS

Section 6 places a cap on the Administrator's authority to prepay the new principal amounts of old capital investments. During the period October 1, 1995 through September 30, 2000, the Administrator may pay the new principal amounts of old capital investments before their respective repayment dates provided that the total of the prepayments during the period does not exceed $100,000,000.

SECTION 7. INTEREST RATES FOR NEW CAPITAL INVESTMENTS DURING CONSTRUCTION

Section 7 establishes in statute a key element of the repayment practices relating to new capital investments. Section 7 provides the interest rates for determining the interest during construction of these facilities. For each fiscal year of construction, the Secretary of the Treasury determines a short-term interest rate upon which that fiscal year's interest during construction is based. The short-term interest rate for a given fiscal year applies to the sum of (a) the cumulative construction expenditures made from the start of construction through the end of the subject fiscal year, and (b) interest during construction that has accrued prior to the end of the subject fiscal year. The short-term rate for the subject fiscal year is set by the Secretary of the Treasury taking into consideration the prevailing market yields on outstanding obligations of the United States with periods to maturity of approximately one year. These ideas are included in the definition of the term "one-year rate."

This method of calculating interest during construction equates to common construction financing practice. In this practice, construction is funded by rolling, short-term debt which, upon completion of construction, is finally rolled over into long-term debt that spans the expected useful life of the facility constructed. Accordingly, section 7 provides that amounts for interest during construction shall be included in the principal amount of a new capital investment. Thus, the Administrator's obligation with respect to the payment of this interest arises when construction is complete, at which point the interest during construction is included in the principal amount of the capital investment.

SECTION 8. INTEREST RATES FOR NEW CAPITAL INVESTMENTS

Section 8 establishes in statute an important component of BPA's repayment practice, that is, the methodology for determining the interest rates for new capital investments. Heretofore, administrative policies and practice established the interest rates applicable to capital investments as a long-term Treasury interest rate in effect at the time construction commenced on the related facilities. By contrast, section 8 provides that the interest rate assigned to capital investments made in a project, facility, or separable unit or feature of a project or facility, provided it is placed in service after September 30, 1995, is a rate that more accurately reflects the repayment period for the capital investment and interest rates at the time the related facility is placed in service. The interest rate applicable to these capital investments is the Treasury rate, as defined in section 2(6)(B). Each of these investments would bear interest at the rate as assigned until the earlier of the date it is repaid or the end of its repayment period.

SECTION 9. APPROPRIATED AMOUNTS

Pursuant to the settlement agreement with the Tribes, the Administrator is obligated to pay amounts to the Tribes so long as Grand Coulee Dam produces electric power. Section 9 appropriates certain amounts to the Administrator. (The definitions of Tribes and Settlement Agreements are found in paragraph (b) of section 9). In effect, the appropriations partially offset the Bonneville rate impacts of the annual payments by the Administrator to the Tribes under the settlement agreement. Thus, the taxpayers, through the appropriated amounts under section 9 and amounts that are to be paid from the judgment fund to the Tribes under the settlement agreement, and Bonneville's ratepayers, through the Administrator's obligation to pay annual amounts under the settlement agreement, each bear an equitable share of the costs of the settlement.

Although the amounts appropriated to the Administrator in section 9 are made in connection with the settlement agreement, the Administrator may obligate against these amounts for any authorized purpose of the Administrator. In addition, these amounts are made available without fiscal year limitation, meaning that the amounts remain available to the Administrator until expended. In this manner the amounts appropriated under section 9 are the equivalent of other amounts available in the Bonneville fund and constitute an "appropriation by Congress for the fund" within the meaning of section 11(a)(3) of the Federal Columbia River Transmission System Act (16 U.S.C.S. 838i(a)(3)).

SECTION 10. CONTRACT PROVISIONS

Section 10 is intended to capture in contract the purpose of this legislation to permanently resolve issues relating to the repayment obligations of BPA's customers associated with an old capital investment. With regard to such investments, paragraph (1) of section 10 requires that the Administrator offer to include in power and transmission contracts terms that prevent the Administrator from recovering and returning to the U.S. Treasury any return of the capital investments other than the interest payments or principal repayments authorized by this Act. Paragraph (1) of section 10 also provides assurance to ratepayers that outstanding principal and interest associated with each old capital investment, the principal of which is reset in this legislation, shall be credited in the amount of any payment in satisfaction thereof at the time the payment is tendered. This provision assures that payments of principal and interest will in fact satisfy principal and interest payable on these capital investments.

Whereas paragraph (1) of section 10 limits the return to the U.S. Treasury of the Federal investments in the designated projects and facilities, together with interest thereon, paragraph (2) of section 10 requires the Administrator to offer to include in contracts terms that prevent the Administrator from recovering and returning to the U.S. Treasury any additional return on those old capital investments. Thus, the Administrator may not impose a charge, rent or other fee for such investments, either while they are being repaid or after they have been repaid. Paragraph (2) of section 10 also contractually fixes the interest obligation on the new principal obligation at the amount determined pursuant to section 4 of this Act.

Paragraph (3) of section 10 is intended to assure BPA ratepayers that the contract provisions described in paragraphs (1) and (2) of section 10 are not indirectly circumvented by requiring BPA ratepayers to bear through BPA rates the cost of a judgment or settlement for breach of the contract provisions. The subsection also confirms that the judgment fund shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a violation of the contract provisions required by section 10. Section 1304 of title 31, United States Code, is a continuing, indefinite appropriation to pay judgments rendered against the United States, provided that payment of the judgment is "not otherwise provided for." Paragraph 3 of section 10 of this Act assures both that the Bonneville fund, described in section 838 of title 16, United States Code, shall not be available to pay a judgment or settlement for breach by the United States of the contract provisions required by section 10 of this Act, and that no appropriation, other than the judgment fund, is available to pay such a judgment.

Paragraph (4)(A) of section 10 establishes that the contract protections required by section 10 of this Act do not extend to Bonneville's recovering a tax that is generally applicable to electric utilities, whether the recovery by Bonneville is made through its rates or by other means.

Paragraph (4)(B) of section 10 makes clear that the contract terms described above are in no way intended to alter the Administrator's current rate design discretion or ratemaking authority to recover other costs or allocate costs and benefits. This Act, including the contract provisions under section 10, does not preclude the Administrator from recovering any other costs such as general overhead, operations and maintenance, fish and wildlife, conservation, risk mitigation, modifications, additions, improvements, and replacements to facilities, and other costs properly allocable to a rate or resource.

SECTION 11. SAVINGS PROVISIONS

Subsection (a) of this section assures that the principal and interest payments by the Administrator as established in this Act shall be paid only from the Administrator's net proceeds.

Subsection (b) confirms that the Administrator may repay all or a portion of the principal associated with a capital investment before the end of its repayment period, except as limited by section 6 of this Act.

THE ECOSYSTEM MANAGEMENT ACT OF 1995

Mr. HATFIELD. Mr. President, the last proposal I will introduce today relates to the ecosystem management and watershed protection. These are the "buzz words" for a new generation of land management philosophies and techniques. A number of federal land management agencies are now working to implement ecosystem management on a landscape levels, including the Bureau of Land Management, the Forest Service and the Bureau of Reclamation.

In 1992 the BLM released its Resource Management Plans for Western Oregon which developed the first comprehensive strategy for management of forest ecosystems and watersheds in the nation. Since that time, the Forest Service and Interior Department joined in the act with the development of the Forest Ecosystem Management Assessment Team report, better known as Option 9, for the forest ecosystems of the Pacific Northwest. In addition, Interior is continually working on Ecosystem management plans for other areas of the nation, such as the Florida Everglades and the area inhabited by the Southern California gnatcatcher.

While this work is admirable and perhaps necessary in the evolution of land management policy, a great deal of apprehension and concern still surrounds this method of managing our water, air, land and fish and wildlife resources on a comprehensive scale. As keepers of the taxpayers' purse strings, Congress is required to provide the funding to allow the agencies to engage in this type of management.

Unfortunately, we as legislators and appropriators understand little about this new and innovative land management technique. Each federal government agency, state agency, interest group and Congress-person has his or her own idea of what ecosystem management means for the people and ecology of their particular state or region. As appropriators, we are required to fund these actions with little more than faith that the agencies' recommendations are based on sound science and a firm understanding of the needs of ecosystems and the people who live there.

Numerous additional questions surround not only the integrity but the functionality of the ecosystem management boat we have already launched. For example, what is ecosystem management, how should it be implemented and who should be implementing it? How does the ecosystem oriented work of the federal agencies, states, municipalities, counties, and interest groups mesh? And is the existing structure of our government agencies adequate to meet the requirements of managing land across which state and county lines have been drawn? Finally, with a decreasing resource production receipt base, how shall we pay for ecosystem management? Direct federal appropriations? Consolidation of federal, state, local and private funds? And if we determine how to pay for ecosystem management, who coordinates collection of these funds and how are they distributed?

I do not disagree with the theory that holistic, coordinated management of our natural resources is necessary. On the contrary, I and many of my Senate colleagues are prepared to move in that direction. It makes eminent sense to manage resources by the natural evolution of river basins and watersheds rather than according to the artificial boundaries established by counties, states and nations. Nevertheless, as our nation's funding resources become more scarce and our government agencies, states, localities and private interests seek to coordinate their ecosystem restoration efforts, Congress and the Executive Branch need to avail themselves of the best information in order to make educated, informed decisions about how ecosystem management will affect our nation's people environment and federal budget.

To help answer these questions, I am introducing legislation today to create an Ecosystem Management Study Commission. This bipartisan Commission will be composed of the Chairman and Ranking Minority members of following Senate committees: Energy and Natural Resources; Appropriations; Interior and Related Agencies Subcommittee of Appropriations; and the Public Lands, National Parks and Forests Subcommittee of Energy and Natural Resources. In addition, Chairman and Ranking Members from the following House committees will also serve: Committee on Resources; Appropriations; Interior Subcommittee of Appropriations; and the National Parks, Forests and Public Lands Subcommittee of the Committee on Resources.

The Commission will submit a report to Congress 1 year after enactment which: Defines ecosystem management; Identifies constraints and opportunities for coordinated ecosystem planning; examines existing laws and Federal agency budgets to determine whether any changes are necessary to facilitate ecosystem management; Identifies incentives, such as trust funds, to encourage parties to engage in the development of ecosystem management strategies; and identifies, through case studies representing different regions of the United States, opportunities for and constraints on ecosystem management.

To assist the Ecosystem Study Commission with its report, a 13-member Advisory Committee will be appointed by the Secretary of the Interior, and would include 2 tribal nominees, 3 nominees from the Western Governors Association, 2 members of conservation groups, 2 members from industry, 2 members from professional societies familiar with ecosystem management, and 2 members of the legal community.

I expect this Commission and its Advisory Committee to build the base of knowledge and data surrounding ecosystem management that we in Congress so desperately need in order to make intelligent, informed decisions on legislative and funding issues relating to ecosystem management. At the very least, this exercise will bring people and groups together who often find themselves in adversarial positions on natural resource management issues, much as the Northwest Salmon Summit did back in 1990 with environmental, State, and industry interests.

It is time to look beyond the polarized positions of "economic growth" and "environmental protection" which have crippled our system of land management planning and implementation in recent years. Instead we must work toward the creation of cooperative, regionally-based, incentive-driven planning for the management of our water, air, land and fish and wildlife resources in perpetuity.

The quest for ecosystem management becomes even more urgent as we realize that the world's population will double from 5.5 to 11 billion people over the next 40 years, and the resources to support those people will come under increasing demand, especially as they become more scarce. We have learned since childhood that food, water, shelter, and clothing are basic to human survival on this planet. Equally important is a clean environment, healthy ecosystems and an understanding of their interdependence and integrated nature. This knowledge is crucial for the de-polarization of our current land management framework and to the re-empowerment of our citizens with the task of preserving the health and welfare of the river basins and watersheds in which the future generations of their families will live and work.

I urge my colleagues to join me in paving the way for a greater understanding of ecosystems, their dependent parts and the tools necessary to implement true, on-the-ground ecosystem management for the good of both our human and our natural resources. I am not wedded to this particular approach of accomplishing a greater understanding of ecosystems. My purpose in introducing this legislation today is to underscore the importance of this issue and to foster much needed debate in relation to it. I look forward to working with my colleagues here in Congress, the Administration, and private groups on constructive proposals to enhance our understanding of ecosystem management.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 93

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ecosystem Management Act of 1995".

SEC. 2. ECOSYSTEM MANAGEMENT.

(a) DEFINITIONS.—Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702) is amended by adding at the end the following new subsections:

"(q) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village or Regional Corporation established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(r) The term 'systems approach', with respect to an ecosystem, means an interdisciplinary scientific method of analyzing the ecosystem as a whole that takes into account the interconnections of the ecosystem.

"(s) The term 'tribal organization' has the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).".

(b) ECOSYSTEM MANAGEMENT.—Title II of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 et seq.) is amended by adding at the end the following new sections:

"ECOSYSTEM MANAGEMENT

"SEC. 216. It is the policy of the Federal Government to carry out ecosystem management with respect to public lands in accordance with the following principles:

"(1) Human populations form an integral part of ecosystems.

"(2) It is important to address human needs in the context of other environmental attributes—

"(A) in recognition of the dependency of human economies on viable ecosystems; and

"(B) in order to ensure diverse, healthy, productive, and sustainable ecosystems.

"(3) A systems approach to ecosystem management furthers the goal of conserving biodiversity.

"(4) Ecosystem management provides for the following:

"(A) The promotion of the stewardship of natural resources.

"(B) The formation of partnerships of public and private interests to achieve shared goals for the stewardship of natural resources.

"(C) The promotion of public participation in decisions and activities related to the stewardship of natural resources.

"(D) The use of the best available scientific knowledge and technology to achieve the stewardship of natural resources.

"(E) The establishment of cooperative planning and management activities to protect and manage ecosystems that cross jurisdictional boundaries.

"(F) The implementation of cooperative, coordinated planning activities among Federal, tribal, State, local, and private landowners.

"ECOSYSTEM MANAGEMENT COMMISSION

"SEC. 217. (a) ESTABLISHMENT.—There is established an Ecosystem Management Commission (referred to in this section as the 'Commission').

"(b) PURPOSES OF THE COMMISSION.—The purposes of the Commission are as follows:

"(1) To advise the Secretary and Congress concerning policies relating to ecosystem management on public lands.

"(2) To examine opportunities for and constraints on achieving cooperative and coordinated ecosystem management strategies that provide for cooperation between the Federal Government and Indian tribes, States and political subdivisions of States, and private landowners to incorporate a multijurisdictional approach to ecosystem management.

"(c) MEMBERS.—The Commission shall consist of the following 16 individuals:

"(1) From the Committee on Energy and Natural Resources of the Senate:

"(A) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member).

"(B) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member) of the Subcommittee on Public Lands, National Parks and Forests.

"(2) From the Committee on Appropriations of the Senate:

"(A) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member).

"(B) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member) of the Subcommittee on Interior and Related Agencies.

"(3) From the Committee on Natural Resources of the House of Representatives:

"(A) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member).

"(B) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member) of the Subcommittee on National Parks, Forests, and Public Lands.

"(4) From the Committee on Appropriations of the House of Representatives:

"(A) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member).

"(B) The Chairman (or a designee of the Chairman) and the Ranking Minority Member (or a designee of the Member) of the Subcommittee on Interior.

"(d) CHAIRMAN.—The Commission shall elect a Chairman from among the members of the Commission.

"(e) DUTIES OF THE COMMISSION.—The duties of the Commission are as follows:

"(1) To conduct studies to accomplish the following:

"(A) To develop, in a manner consistent with section 216, a definition of the term 'ecosystem management'.

"(B) To identify appropriate geographic scales for coordinated ecosystem-based planning.

"(C) To identify, with respect to the Federal Government, the governments of Indian tribes, States and political subdivisions of States, and private landowners, constraints on, and opportunities for, ecosystem management in order to facilitate the coordination of planning activities for ecosystem management among the governments and private landowners.

"(D) To identify strategies for implementing ecosystem management that recognize the following:

"(i) The role of human populations in the operation of ecosystems.

"(ii) The dependency of human populations on sustainable ecosystems for the production of goods and the provision of services.

"(E) To examine this Act, and each other Federal law or policy that directly or indirectly affects the management of public lands, including Federal lands that have been withdrawn from the public domain, to determine whether any legislation or changes to administrative policies, practices, or procedures are necessary to facilitate ecosystem management by the Federal Government in accordance with section 216.

"(F) To examine the budget and operation of each Federal department or agency with responsibilities related to ecosystem management to determine whether changes are needed to facilitate ecosystem management.

"(G) To identify incentives, such as trust funds, to encourage Indian tribes, States and political subdivisions of States, and private landowners to assist the Federal Government in the development of ecosystem management strategies.

"(H) To identify disincentives that may be used to discourage the entities described in subparagraph (G) from refusing to assist the Federal Government in the development of ecosystem management strategies.

"(I) To determine the necessity for one or more governmental entities—

"(i) to establish a new river basin commission or other regional entity,

"(ii) to enter into a new interstate compact, or

"(iii) to take any other related action,

in order to facilitate the implementation of ecosystem management and to ensure the coordination of planning activities with other governmental entities in a manner consistent with section 216 and this section.

"(J) To identify, through the use of case studies that represent different regions of the United States (including the Columbia River Basin in the Western United States and the New York-New Jersey Highlands area in the Eastern United States), opportunities for and constraints on the coordination of planning activities of the Federal Government, Indian tribes, State governments, and the governments of political subdivisions of States, and private landowners to accomplish the following:

"(i) To implement ecosystem management.

"(ii) To serve as a framework for cooperative planning efforts across the United States.

"(2) To develop recommendations concerning the findings of the studies described in paragraph (1).

"(3) To submit to Congress and the Secretary, not later than 1 year after the date of enactment of this section, a report that contains the findings of the studies conducted pursuant paragraph (1) and the recommendations developed pursuant to paragraph (2).

"(f) MEETINGS.—

"(1) Not later than 180 days after the date of enactment of this section, the Commission shall hold its initial meeting.

"(2) Subsequent meetings shall be held at the call of the Chairman.

"(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(h) POWERS OF THE COMMISSION .—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate to carry out this section.

"(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission, specified in subsection (e). Upon request of the Chairman of the Commission, the head of such Federal department or agency shall furnish such information to the Commission.

"(3) The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments or agencies.

"(4) The Commission may accept, use, and dispose of gifts or donations of services or property.

"(i) PERSONNEL AND SERVICES.—The Secretary shall detail without reimbursement such personnel, and provide such services without reimbursement to the Commission as the Commission may require to carry out the duties specified in subsection (e). An employee of the Federal Government detailed to the Commission under this subsection shall serve without interruption or loss of civil service status or privilege.

"(j) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(k) ADVISORY COMMITTEE.—(1) Not later than 90 days after the date of enactment of this section, the Secretary shall establish an Ecosystem Management Advisory Committee (referred to in this section as the 'Advisory Committee') to assist the Commission in preparing and reviewing the report required by subsection (e)(3).

"(2) The Secretary shall appoint 13 members to the Advisory Committee by the date specified in paragraph (1) as follows:

"(A) Two members shall be selected from nominations submitted by tribal organizations located in States that have a significant amount of public lands (as determined by the Secretary).

"(B) Three members shall be officials of a government of a State or political subdivision of a State or a community organization (as determined by the Secretary) selected from nominations from the Governors of States described in subparagraph (A) or from the Western Governors Association.

"(C) Two members shall be representatives of conservation groups who have substantial experience and expertise in public land policies.

"(D) Two members shall be representatives of industrial concerns who have substantial experience and expertise in public land policies.

"(E) Two members shall be representatives of scientific or professional societies who are familiar with the concept of ecosystem management.

"(F) Two members shall be representatives from the legal community with recognized legal expertise in the areas of—

"(i) constitutional or land use law; and

"(ii) public land policy.

"(3) The Advisory Committee shall select a Chairman from among the members of the Advisory Committee.

"(4) The Advisory Committee shall hold an initial meeting not later than 30 days after the Commission holds its initial meeting pursuant to subsection (f)(1). Subsequent meetings shall be held at the call of the Chairman.

"(5) The Advisory Committee shall have same authorities granted to the Commission under paragraphs (1) through (4) of subsection (h).

"(6) The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Committee.

"(l) TERMINATION OF COMMISSION AND ADVISORY COMMITTEE.—The Commission and Advisory Committee shall terminate on the date that is 30 days after the Commission submits a report to the Secretary and to Congress under subsection (e)(3).

"(m) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission or to the Advisory Committee.

"(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior $3,000,000 to carry out this section.".

SEC. 3. CONFORMING AMENDMENTS.

(a) AMENDMENT TO TABLE OF CONTENTS.—The table of contents at the beginning of the Federal Land Policy and Management Act of 1976 is amended by adding at the end of the items relating to title II the following new items:

"Sec. 215. Authority with respect to certain withdrawals.
"Sec. 216. Ecosystem management.
"Sec. 217. Ecosystem Management Commission.".

(b) TECHNICAL AMENDMENT.—Before section 215 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1723) insert the following new heading:

"AUTHORITY WITH RESPECT TO CERTAIN WITHDRAWALS".

OUTLINE AND SECTION-BY-SECTION ANALYSIS

AMENDS TITLE II OF THE FEDERAL LANDS AND POLICY MANAGEMENT ACT OF 1976

I. PRINCIPLES: Set Ecosystem Management principles, including: A recognition of human needs; The need for partnerships and cooperation between public and private interests; The importance of resource stewardship; The importance of public participation; The need for the use of the best available science.

II. COMMISSION: Establish an Ecosystem Management Commission to:

A. Advise the Secretary and Congress concerning policies relating to ecosystem management on public lands;

B. Examine opportunities for and constraints on achieving cooperative and coordinated ecosystem management strategies between the Federal Government, Indian tribes, states, and private landowners.

III. MEMBERSHIP: Membership of the Commission includes the Chairman and Ranking Members from the following Congressional committees:

SENATE: Energy and Natural Resources Committee; Public Lands, National Parks and Forests Subcommittee of the Senate Energy Committee; Appropriations Committee; Interior and Related Agencies Subcommittee of the Appropriations Committee.

HOUSE: Natural Resources Committee; Subcommittee on National Parks, Forests and Public Lands of the Natural Resources Committee; Appropriations Committee; Interior Subcommittee of the Appropriations Committee.

IV. REPORT: The Commission shall submit a report to Congress with recommendations one year after enactment which:

1. Defines "ecosystem management;"
2. Identifies constraints on and opportunities for coordinated ecosystem planning;
3. Examines existing laws and federal agency budgets affecting public lands management to determine whether any changes are necessary to facilitate ecosystem management;
4. Identifies incentives, such as trust funds, to encourage parties to engage in the development of ecosystem management strategies;
5. Identifies, through case studies that represent different regions of the U.S., opportunities for and constraints on ecosystem management.

V. ADVISORY COMMITTEE: An Advisory Committee shall be appointed to assist the Commission not later than 90 days after enactment. Members of the Advisory Committee shall include 13 members appointed by the Secretary of the Interior:

Two tribal nominees;

Three nominees from the Western Governors Association;

Two members of conservation groups;

Two members from industry with public lands concerns;

Two members professional societies familiar with the concept of ecosystem management;

Two members of the legal community.

VI. APPROPRIATIONS: Authorized appropriations are $3 million.

HEALTH CARE

Mr. HATFIELD. Finally Mr. President, I would like to take this opportunity to remind my colleagues of where we ended the 103d Congress—on an issue near and dear to all of us,—health care. At the end of last session, when it became apparent that comprehensive health care reform would not pass, I joined my colleague Senator GRAHAM of Florida in introducing a health care reform proposal with a different approach—the Health Innovation Partnership Act. Rather than federalizing health care, this bill would encourage the States to innovate and help build the best approaches to addressing our health care problems—a return to federalism.

The purpose of this bill is to give States incentives to innovate in the area of health care by simplifying and expediting the waiver process and providing limited Federal funding to assist them in meeting three Federal goals. These goals are: expanding access, controlling costs, and maintaining quality health care.

I mention this today because I see the Health Innovation Partnership Act as the cornerstone of my flexibility agenda and I intend to join Senator GRAHAM in introducing this bill again by the end of the month. Also included within this bill is another of my major priorities which I will reintroduce—the national fund for health research. With the focus now on other issues, the problems of our health care system have fallen from attention. However, the problems have not gone away. Now more than ever, it is critical for us to lift the roadblocks to State reform and allow States to continue to build the database for appropriate national reform. I will continue to push for reform at every possible opportunity.

Mr. President, let me close my remarks with simple note—anything worth achieving is worth working for. Meaningful policy change is difficult and yet, once accomplished, well worth every ounce of effort. I hope this Congress will nurture a reasoned dialogue about the many policy challenges which face our country. I come from a State with a long tradition of involving its citizens in their Government—as long as I continue to stand as their representative, I will do all that I can to insure that this Congress is one of the most productive in history.

And that is building from the people up rather than trying to impose the will of Congress and the Federal Government down on the people.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 96. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

THE TRAUMATIC BRAIN INJURY ACT

Mr. HATCH. Mr. President, as we begin the 104th Congress I feel it is imperative that we complete the process of approving the Traumatic Brain Injury Act, S. 725 during the previous Congress. I regret that we were unable to pass this important legislation in the 103d Congress. I have the pleasure of reintroducing this legislation with Senator KENNEDY. Our colleague Representative GREENWOOD is introducing a companion measure on the House side today.

Sustaining a traumatic brain injury can be both catastrophic and devastating. The financial and emotional costs to the individual, family, and community are enormous. Traumatic brain injury is the leading cause of death and disability among Americans under the age of 35. In the State of Utah, for example, the mean affected age is 28, which often is the beginning of an individual's maximum productivity.

There are 8 million Americans who currently suffer form traumatic brain injuries with an annual incidence rate of over 2 million. Over 500,000 individuals require hospitalization for such injuries and resultant medical and surgical complications. The statistics are even more revealing when you consider that every 15 seconds someone receives a head injury in the U.S.; every 5 minutes, one of these people will die and another will become permanently disabled. Of those who survive, each year, approximately 70,000 to 90,000 will endure lifelong debilitating loss of function. An additional 2,000 will exist in a persistent vegetative state.

With the passage of the Traumatic Brian Injury Act will come the authorization for research, not only for the treatment of TBI, but also for prevention and awareness programs which will help decrease the occurrence of traumatic brain injury and improve the long-term outcome.

This measure will authorize the Centers for Disease Control and Prevention to conduct projects to reduce the incidence of traumatic brain injury.

It will provide matching grants to the states through the Health Resources and Services Administration for demonstration projects to improve access to health and other services regarding traumatic brain injury.

The bill will provide for an HHS study evaluating the number of factors relating to traumatic brain injury and for a national consensus conference on traumatic brain injury.

Additionally, the bill will address the causes, consequences, and costs of the sequelae for traumatic brain injury. A comprehensive uniformed reporting system will be developed for hospitals, State and local health-related agencies. Practice guidelines, prevention projects, and outcome studies are all integral parts of the TBI Act.

A survivor of a severe brain injury typically faces 5 to 10 years of intensive services and estimated lifetime costs can exceed $4 million. The economic costs for traumatic brain injury alone approach $25 billion per year.

Mr. President, this legislation can provide the mechanism for the prevention, treatment and the improvement of the quality of life for those Americans and their families who may sustain such a devastating disability. I ask my colleagues' support in speedily enacting the Traumatic Brain Injury Act.

Mr. KENNEDY. Mr. President. Each year 2 million persons suffer serious head injuries, and nearly one hundred thousand die. Such injuries are the leading cause of death and disability among young Americans in the 15–24 year age group. For survivors, the picture is often grim. Tens of thousands suffer irreversible, debilitating lifelong impairments.

Medical treatment, rehabilitative efforts and disability payments for such injuries are as high as $25 billion a year. The cost to society is heavy, and emotional and financial burden for families is often unbearable.

In 1988, Congress recommended that the Secretary of Health and Human Services establish an Interagency Head Injury Task Force to identify gaps in research, training, medical management, and rehabilitation. This legislation responds to the prevention, research, and service needs identified by the Task Force.

This bill will promote coordination in the delivery system and assure greater access to services for victims suffering from the disabling consequences of these injuries. By improving the quality of care, we can reduce severely the disabling effects and reduce the heavy toll from these injuries.

The best treatment, however, is still prevention. More effective strategies to avert these injuries are critical. The community education programs established under this bill, will broaden public awareness and encourage prevention.

Finally, other provisions in this legislation will authorize the Centers for Disease Control and Prevention to develop effective strategies for reducing the incidence of traumatic brain injury and to expand biomedical research activities at the National Institutes of Health.

This measure has great potential for saving lives, reducing disabilities and reducing health care costs and I urge my colleagues to support Traumatic Brain Injury Act.

I ask that the text of this bill be included in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

S. 96

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 317F the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317G. The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 2. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 3. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve access to health and other services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall advise and make recommendations to the State on ways to improve services coordination regarding traumatic brain injury. Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 4. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(1) In collaboration with appropriate State and local health-related agencies—

(A) determine the incidence and prevalence of traumatic brain injury; and

(B) develop a uniform reporting system under which States report incidents of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(2) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(A) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(3) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1995 through 1997.

THE TRAUMATIC BRAIN INJURY ACT OF 1994

GOALS OF THE BILL

1. To expand efforts to identify methods to prevent traumatic brain injury.
2. To expand biomedical research efforts to prevent or minimize the extent, severity and progression of dysfunction as a result of traumatic brain injury.
3. To develop initiatives to improve the quality of care.

SUMMARY OF TRAUMATIC BRAIN INJURY ACT

Prevention of Traumatic Brain Injury

Authorizes CDC to identify effective strategies for prevention of TBI; and to implement public information and education programs. The Secretary will ensure that the CDC will coordinate their TBI activities with other agencies of the Public Health Service.

Basic and Applied Research at NIH

Authorizes NIH to conduct basic and applied research on limiting primary and secondary mechanical, biochemical, and metabolic injury to the brain and minimize the severity of the injury.

Traumatic Brain Injury Services Coordination at HRSA

Authorizes HRSA to make grants to States for demonstration projects to improve access to health and other services for individuals with traumatic brain injury. Each project would have an advisory board, a patient advocacy and service coordination system, a traumatic brain injury registry and develop standards for the marketing of rehabilitation services to individuals with traumatic brain injury or their family members.

By Mr. INOUYE:

S. 97. A bill to amend the Job Training Partnership Act to provide authority for the construction of vocational education and job training centers for Native Hawaiians and Native American Samoans, and for other purposes; to the Committee on Labor and Human Resources.

THE JOB TRAINING PARTNERSHIP ACT AMENDMENT ACT OF 1995

Mr. INOUYE. Mr. President, I rise to introduce a bill to provide much needed centers of job training assistance for Native Hawaiians and Native American Samoans. These populations, facing unemployment rates far above the state and national averages, are in desperate need of accessible, effective, and culturally sensitive programs to gain the skills necessary to compete in today's workplace.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 97

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTRUCTION OF VOCATIONAL EDUCATION AND JOB TRAINING CENTERS FOR NATIVE HAWAIIANS AND NATIVE AMERICAN SAMOANS.

Title IV of the Job Training Partnership Act is amended by inserting after section 401 (29 U.S.C. 1671) the following new section:

"SEC. 401A. CONSTRUCTION OF VOCATIONAL EDUCATION AND JOB TRAINING CENTERS FOR NATIVE HAWAIIANS AND NATIVE AMERICAN SAMOANS.

"(a) DEFINITION.—As used in this section, the term 'Native American Samoan' means a person who is a citizen or national of the United States and who is a lineal descendant of an inhabitant of the Samoan Islands on April 18, 1900. For purposes of this section, Swains Island shall be considered part of the Samoan Islands.

"(b) CONTRACTS.—The Secretary shall enter into contracts with appropriate entities for the construction of education and training centers for Hawaiian Natives and Native American Samoans. Each such center shall provide comprehensive vocational education and employment and training services through programs authorized under other provisions of this Act and the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 3(c)(2)(A)(i) of the Job Training Partnership Act (29 U.S.C. 1502(c)(2)(A)(i)) is amended by striking "section 401" and inserting "sections 401 and 401A, from which the Secretary shall reserve not less than $5,000,000 for fiscal year 1996 to carry out section 401A".

By Mr. BRADLEY (for himself, Mr. DASCHLE, and Mr. KERRY):

S. 98. A bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

TAX EXPENDITURE AND LEGISLATIVE APPROPRIATIONS LINE ITEM VETO ACT

Mr. BRADLEY. Mr. President, the bill that I have sent to the desk makes a very simply point. We can spend money just as easily through the Tax Code as we can through the appropriations process or through the creation of mandatory spending programs.

I think we should be honest about the hundreds of billions of dollars that we spend each year through tax expenditures. Spending is spending, whether it comes in the form of a Government check or in the form of a special exception from the tax rates that apply to everyone else.

Tax expenditures or tax loopholes allow some taxpayers to lower their taxes and leave the rest of us paying higher taxes than we otherwise would pay. By requiring that Congress establish specific targets for tax expenditures as part of the budget reconciliation process, this bill simply places tax expenditures under the same budgetary scrutiny as all other spending programs.

Tax spending does not, as some would say, simply allow people to keep more of what they earned. Rather, it gives them a special exception from the rules that oblige everyone to share in the responsibility of the national defense and protecting the young, the aged, and the infirmed.

Mr. President, we all have been heartened by the recent drops in projected budget deficits. Recent CBO figures show the deficit dropping to $166 billion in 1996, largely due to the success we had in passing the largest deficit reduction package during the 103d Congress.

However, we cannot rest on that success. Although it was a good downpayment on deficit reduction, it is not enough. Even if we succeed in reducing the deficit further by cutting discretionary spending, we will not even begin to touch the national debt.

We cannot afford to be timid, Mr. President. Our children's way of life is dependent upon our acting on the Federal deficit today and tomorrow and every year thereafter until we restore fiscal sanity to our budget. We cannot wait until we grow our way out of the debt. And we should not and cannot wait until deficits start drifting up in the latter half of this decade before we do something.

The Congressional Budget Office tells us that the national debt held by the public will rise from approximately $3.5 trillion to roughly $6 trillion in 2004. At that time, the national debt will equal almost 55 percent of our gross domestic product. By 2004, interest payments on that debt will be approximately $334 billion, or over 3 percent of our gross domestic product. One recent report stated that these interest payments will cost each of today's children over $130,000 in extra taxes over the course of their lifetime. Our national debt is nothing less than a mortgage on our Nation's, and our children's future.

Mr. President, let us not kid ourselves. Addressing our burgeoning debt will not be easy. If it was, we would have done it years ago. Balancing the budget is going to require sacrifice from every American. It also means that we are going to have to take a hard look at what we spend the taxpayers' money on. And that means all of our spending programs, tax expenditures included.

Today, I am introducing legislation that requires Congress, in our budget resolution process, to simply establish targets for reducing tax expenditures, just as we do for other spending items. Those targets would be enforced through a separate line in our budget reconciliation instructions for reductions in tax expenditures. We already do this for other entitlement programs. There is no reason not to do so for tax expenditures. The Senate would pass a budget resolution asking the Finance Committee to reduce tax expenditures, for example, by $10 billion a year or $20 billion or whatever the Senate decides is prudent. It would be up to the Finance Committee to meet those targets through the reconciliation process.

This separate tax expenditure target would not replace our current revenue targets. Instead, it would simply ensure that the committee would take at least that specified amount from tax expenditures. Or, in other words, we would ensure that the committee would not raise the targeted amount from rate increases or excise tax increases.

I expect to hear from those who will say that I am trying to increase taxes. I strongly disagree. I am simply trying to draw the Senate's attention to the very targeted spending we do through the Tax Code, spending that is not subject to the annual appropriations process; spending that is not subject to the Executive order capping the growth of mandatory spending; spending that is rarely ever debated on the floor of the Senate once it becomes part of the Tax Code. The preferential deductions or credits or depreciation schedules or timing rules that we provide through the Tax Code are simply entitlement programs under another guise. Many of them make sense, Mr. President. And I would be the first to admit that. Many, however, probably could not stand the light of day if we had to vote on them as direct spending programs.

Given our critical need for deficit reduction, tax spending should not be treated any better or worse than other programs. It should not be protected any more than Social Security payments or crop price support payments or Medicare payments or welfare payments.

What am I really talking about? I am talking about letting wealthy taxpayers rent their homes for 2 weeks a year without having to report any income. That is already in the Tax Code. I am talking about providing production subsidies in excess of the dollars invested for the production of lead, uranium and asbestos—three poisons on which we spend millions of dollars each year just trying to clean up. That is already in the code. I am talking about tax credits for clean-fuel vehicles, cancelation of indebtedness income for farmers or real estate developers, special amortization periods for timber companies' reforestation efforts, industrial development bonds for airports or docks, special treatment of capital construction funds for shipping companies, et cetera.

Mr. President, before we see a long line of people coming down to defend these programs that I just mentioned, let me be clear that this bill does not pinpoint any specific expenditures. It simply requires that these programs be treated in a manner similar to other entitlement programs.

The Joint Tax Committee estimates the revenue lost from these tax expenditures each year. While interaction effects make it difficult to pinpoint exact costs—how one tax expenditure interacts with another—the Joint Tax Committee list will add up to over $425 billion in 1995. Unchecked, this list will grow by $60 billion to over $485 billion by 1999. Perhaps more interesting, however, are the administration's estimates of what the "outlay equivalents" for these tax expenditures are each year, in other words what they would cost us if they were transformed into direct spending programs, as opposed to hidden spending programs in the Tax Code. The administration's estimate for outlay equivalents in 1994 added up to $550 billion; by 1998, this amount is expected to grow to over $660 billion. At a time when we are properly talking about other spending cuts, I do not believe that tax expenditures should be out of bounds.

I am not suggesting that we eliminate all these programs. In fact, many of them I support. All I am suggesting is we put them under the same scrutiny that we put on other entitlement programs.

If we are serious about deficit reduction—and for our Nation's future I sincerely hope that we are—then every segment of spending will have to be examined. We will not do it through discretionary spending cuts alone. Indeed, what is an area of the budget that is shrinking in terms of gross national product. We will not be able to do it through entitlement cuts alone. In order to achieve equitable, lasting deficit reduction, we will meet to consider tax expenditures as well.

I urge all my colleagues to support this bill.

I list Mr. DASCHLE and Mr. KERRY as original sponsors.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 98

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Expenditure Control Act of 1995".

SEC. 2. TAX EXPENDITURES INCLUDED IN BUDGET RESOLUTION.

Section 301 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)(2) by inserting after "Federal revenues", both places it appears, the following: "and tax expenditures (including income tax expenditures or other equivalent base narrowing tax provisions applying to other Federal taxes)"; and

(2) in subsection (a)(4) by inserting after "budget outlays," the following: "tax expenditures (including income tax expenditures or other equivalent base narrowing tax provisions applying to other Federal taxes),".

SEC. 3. TAX EXPENDITURE ANALYSIS IN REPORT ACCOMPANYING BUDGET RESOLUTION.

Section 301(e)(1) of the Congressional Budget Act of 1974 is amended by inserting after "revenues" the following: "and tax expenditures".

SEC. 4. RECONCILIATION MAY INCLUDE TAX EXPENDITURE CHANGES.

Section 310(a)(2) of the Congressional Budget Act of 1974 is amended by inserting after "revenues" the following: "and tax expenditures".

SEC. 5. CONGRESSIONAL BUDGET OFFICE REPORT.

Section 202(f)(1) of the Congressional Budget Act of 1974 is amended in the matter following subparagraph (B) by striking "and budget outlays" and inserting ", budget outlays, and tax expenditures".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. DASCHLE. Mr. President, my distinguished colleague from New Jersey, Senator BRADLEY, and I are introducing today a bill that I believe should be an important item on our agenda for the 104th Congress.

For nearly a decade now, one of our primary tasks has been to leash the burgeoning budget deficit and keep it under control. One of our more recent efforts in this regard, the Ominbus Budget Reconciliation Act of 1993, went a long way toward that goal, setting in motion nearly $500 billion in spending cuts as well as tax increases on those who could afford it most. In crafting last year's budget, we took further steps to cut unnecessary spending.

But we are by no means out of the woods yet. Deficits are expected to begin rising again in the near future, spurred mainly by increases in health care costs.

The process of reducing the budget deficit is a painstaking one, during which every item of direct spending is scrutinized. Even entitlements have faced the budget ax in recent years, as we have tried to balance the costs and benefits of spending in one area or another.

As part of this process, programs are reviewed by the President in submitting his budget, and cuts are suggested in an array of programs across the board. Thereafter, the Budget Committee prepares it annual budget resolution in which every item of direct spending, including entitlements, is divided into budget function groups. Spending targets are set for each budget category, with instructions to the committees of jurisdiction to attempt to reach those targets.

The intense scrutiny, however, is reserved for direct spending items. Yet, one of our largest areas of spending in the Federal budget is tax expenditures—exclusions, exemptions, deductions, credits, preferential rates, and deferrals of tax liability. While, at the margin, we can debate exactly what constitutes a tax expenditure, these items drain about $400 billion from Federal revenues every year.

Make no mistake, I am not advocating that there be massive elimination of tax expenditures, just as I would not suggest cutting discretionary programs and entitlements in half without regard to merit.

What I am saying is that this very large and important part of Federal spending—for, clearly, that is what it is—deserves the same scrutiny as direct spending.

Currently tax expenditures receive only minimal attention on an annual basis. First, the President must submit a list of these expenditures in his annual budget submission to Congress. Second, levels of tax expenditures are included in an annual report released by the Congressional Budget Office. And third, the report accompanying the annual budget resolution must include estimated levels of tax expenditures by major functional category.

The scrutiny stops there.

Nowhere is this information incorporated in the budget process in a meaningful way—a way that spurs action to limit this form of spending. There are no targets for tax expenditures called for in the budget resolution, and there is nothing to force Members to view tax expenditures by budget function, comparing aggregate spending in any given area through both direct spending and tax expenditures.

Frankly, there is no reason to require the President, CBO, or the budget committees to list or estimate levels of tax expenditures if, thereafter, we may simply ignore them.

The bill that Senator BRADLEY and I am introducing today would incorporate consideration of tax expenditures in the budget process in a responsible and more effective way. Essentially, it would subject tax expenditures to the same annual scrutiny that entitlement spending currently receives. That should be the minimum.

The bill would require setting targets for tax expenditures in the annual budget resolution and would require that the total level of tax expenditures be broken down according to functional category in the budget resolution itself. With this information, Congress and the public could compare how much is being spend on a particular budget function both through direct spending and through tax expenditures. These and other changes contained in the legislation, which has been discussed in detail by my colleague from New Jersey, will help translate awareness into action.

As we tackle other important budget issues in this session of Congress, I urge my colleagues to review our legislation carefully and consider lending their support for its passage.

By Mrs. FEINSTEIN:

S. 99. A bill to provide for the conveyance of lands to certain individuals in Butte County, CA; to the Committee on Energy and Natural Resources.

THE BUTTE COUNTY ACT OF 1995

• Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to resolve a title problem on the Plumas National Forest in Butte County, CA. The bill would provide for the conveyance of approximately 30 acres of land to 13 individuals who have had a cloud on the title of their property as a result of a 1992 Bureau of Land Management survey.

The legislation is identical to S. 399 which I sponsored and H.R. 457 which Congressman WALLY HERGER sponsored in the 103d Congress. The House passed H.R. 457 and the Senate Energy and Natural Resources Committee approved the legislation, but Congress adjourned before we could complete action.

Mr. President, this legislation is essential to resolve a hardship to individuals that was caused by an error on the part of the Federal Government.

The problem stems from 1961 when the Forest Service accepted what now appears to be an incorrect survey of the Plumas National Forest boundary. The surveyor could not locate the original survey corner established in 1869 so he established a new corner. Since then, private landowners used the 1961 corner to establish boundaries and build improvements. In 1992 the Bureau of Land Management conducted a new survey which showed that land previously thought to be outside the boundaries of the Plumas National Forest is actually within the forest boundaries, and thus is Federal property. The property owners relied upon the earlier erroneous survey which they believed to be accurate and have occupied and improved their property in good faith.

I believe the property owners should be granted relief as this legislation provides. The bill authorizes and directs the Secretary of Agriculture to convey without consideration all right, title, and interest in the Federal lands, consisting of less than 30 acres, to the 13 claimants. The bill describes the property in question and the claimants who are entitled to relief. The bill also describes the process to be followed and assigns to the Federal Government the responsibility to provide for a survey to monument and mark the lands to be conveyed.

Mr. President, there is no Federal interest in this property and the Department of Agriculture has repeatedly testified favorably on this legislation. Thus, I hope the 104th Congress will more quickly to enact this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 99

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) certain landowners in Butte County, California who own property adjacent to the Plumas National Forest have been adversely affected by certain erroneous surveys;

(2) these landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that they believed were accurate; and

(3) the 1992 Bureau of Land Management dependent resurvey of the Plumas National Forest will correctly establish accurate boundaries between such forest and private lands.

(b) PURPOSE.—It is the purpose of this Act to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(1) the term "affected lands" means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 east, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident;

(2) the term "claimant" means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forests lands described in subsection (a), who claims to have been deprived by the United States of title to property as a result of previous erroneous surveys; and

(3) the term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF LANDS.

Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in and to affected lands as described in section 2(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in section 4.

SEC. 4. TERMS AND CONDITIONS OF CONVEYANCE.

(a) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, in writing of their claim to affected lands. Such claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(b) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this Act, the Secretary shall issue a quitclaim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(c) NOTIFICATION TO BLM.—The Secretary shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this Act no later than 30 days after the date such deed is issued.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the purposes of this Act.●

By Mr. GLENN:

S. 100. A bill to reduce Federal agency regulatory burdens on the public, improve the quality of agency regulations, increase agency accountability for regulatory actions, provide for the review of agency regulations, and for other purposes; to the Committee on Governmental Affairs.

REGULATORY ACCOUNTABILITY ACT

Mr. GLENN. Mr. President, I rise today to address the issue of regulations and the need to improve regulatory decision-making—to improve their quality and reduce their burdens.

In our system of government, we the lawmakers rely on administrative agencies to issue regulations to implement our laws. The rulemaking process is an open one compared to many countries—agencies must consider the views of the public, make their decisions on the basis of a rulemaking record, and be prepared to defend their decisions in court. These are the strengths of our administrative process. Unfortunately, there are also weaknesses. General rulemaking principles have not proven rigorous enough—agencies too often promulgate rules whose costs outweigh the benefits, where the regulated risks are insignificant compared to other societal risks, and where State and local governments or the private sector are unnecessarily burdened with overly detailed red-tape. The list can go on and on.

The problem is not that the Government is trying to fix something that "ain't broke." The Government has been responding to the call of the people to address public issues and concerns. In the area of environmental protection, for example, the American people continue to want Government to do more to protect our natural environment. The problem is more complicated. The problem is that the Government is not working well enough, it is not delivering on its promises to solve problems efficiently and effectively. The American public and Members of Congress know that we simply are not getting enough results for all the legislation, regulation, and expenditure of taxpayer dollars.

Programmatically, each agency and each congressional committee must examine their policies and programs to determine what works and eliminate what doesn't work. The administration has made impressive strides in this area through the continuing work of the National Performance Review. This effort also will be helped in the coming years as agencies begin performance reporting under the Government Performance and Results Act of 1993, which I co-sponsored with my friend and colleague on the Governmental Affairs Committee, Senator ROTH. This law blinds agencies to performance goals and reporting on results, which will help us answer basic questions about how well Government programs are working. In this new Congress, our committee will continue our bi-partisan oversight of the implementation of this important law.

On the process side of the equation, we can and should put into place analytic requirements to guide Federal rulemaking. It may sound simplistic, but most of the complaints about Federal regulation can be addressed just by ensuring that agencies stop and think before regulating. In this Congress, I know that several different approaches are already being considered. Most address single problem areas. I believe that it is our responsibility to design a comprehensive regulatory analysis and review process that is straightforward, understandable by agencies and the public, and can lead to better and fewer regulations. For this purpose, I am today introducing the Regulatory Accountability Act of 1995. I ask unanimous consent that a summary of this legislation be included with my remarks.

This legislation requires Federal agencies, as I have said, to stop and think before regulating. Agencies would have to involve affected members of the public, spell out the need for and desired outcome of a regulatory proposal, analyze its costs and benefits, assess the risks of the behavior or substance proposed for regulation, consider alternatives to the proposed rule, weigh the effects on other governmental action—including State and local governments—and analyze any issues that might affect private property rights under the fifth amendment to the Constitution. These analytic requirements would apply to all proposed regulations, with more in-depth analyses required for major rules.

In addition to the agency requirements, this legislation would place into law a Presidential regulatory review process to be run by the Office of Management and Budget [OMB]. While President Clinton's regulatory review Executive order has been generally well received, continuing calls for farther reaching controls strongly suggest that Congress put into place a workable regulatory review process to ensure integrity and accountability in rulemaking, and relief from overly burdensome and unnecessary regulations.

Under this act, OMB would oversee all agency regulatory analyses, review agency rules before they are issued, and supervise an annual regulatory planning process that would include the review of existing rules. To ensure accountability for this review process, there would be a 90-day time limit on review—with public notice of extensions, the resolution of disputes at Presidential direction, disclosure of the status of actions undergoing review, and after-the-fact disclosure of regulatory review communications.

Over the years, there has been much controversy about the propriety of Presidential regulatory review. I have always supported such review. But I have opposed its use as a secret backdoor channel for special interests. I believe that my legislation appropriately formalizes the President's responsibility to ensure effective and efficient regulatory decisionmaking and establishes sufficient protections to provide for the integrity of and accountability for those decisions.

These regulatory issues have been a major concern of the Governmental Affairs Committee during the four Congresses in which I was committee Chair. I know that my good friend, Senator ROTH, who is now chairing the committee, shares this commitment and will continue the committee's leadership in this area. I look forward to our committee's work on these issues and trust that we will soon report out legislation and bring the debate back to the floor of the Senate.

I ask unanimous consent that a summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE REGULATORY ACCOUNTABILITY ACT OF 1995

1. AGENCY REGULATORY ANALYSIS (SEC. 4)

For every regulatory action, Federal agencies must consider:

The need for and desired outcome of the rule;

Costs and benefits;

Regulated risks and their relation to other relevant risks;

Alternatives to the proposed action;

Effects on other governmental action (e.g., duplication of other rules, and impact on State and local governments);

Takings impacts on constitutional private property rights.

Major rules (e.g., $100 million annual economic effect) require more in-depth formal analysis and certification that:

Benefits justify costs;

Regulatory analysis supported by best available scientific and technical information;

Rule will substantially advance protections of public health and safety or the environment.

2. PRESIDENTIAL REGULATORY REVIEW (SEC. 5)

Regulatory review by OMB to:

Oversee agency regulatory analysis;

Review agency proposals before publication (including authority to return proposals for agency reconsideration);

Oversee annual regulatory planning process (including review of existing regulations).

Regulatory review time limit of 90 days, subject to extension for good cause and with public notice. Disagreements among agencies and OMB to be resolved by the President or by a designated reviewing entity (such reviewer would also be subject to the Act, e.g., time limits and public disclosure).

3. PUBLIC PARTICIPATION AND ACCOUNTABILITY (SEC. 6)

Agencies must improve public participation in rulemaking:

Seek involvement of those benefited and burdened by the regulatory action;

Publish summaries of regulatory analyses and regulatory review results in Federal Register notices;

Place regulatory review-related communications in the rulemaking record.

OMB must provide public and agency access to regulatory review information:

Disclose to the public information about the status of regulatory actions undergoing review;

Disclose to the public (no later than the date of publication of the rule) written communications between OMB and the regulatory agency or any person outside of the executive branch, and a record of oral communications between OMB and any person outside of the executive branch.

Disclose to the public (no later than the date of publication of the rule) a written explanation of the review decision;

Disclose to the agency on a timely basis written communications and a record of oral communications between OMB and any person outside of the executive branch, and a written explanation of any review decision.

4. RULES OF CONSTRUCTION (SEC. 7)

Nothing in the Act alters an agency's statutory rulemaking authority or any mandated criteria or deadline for rulemaking.

5. JUDICIAL REVIEW (SEC. 8)

There would be no judicial review of compliance with the Act. If judicial review of a rule is otherwise undertaken, any regulatory analysis and regulatory review information would constitute part of the record undergoing review.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. LAUTENBERG, and Mr. FEINGOLD):

S. 101. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

THE LOBBYING DISCLOSURE ACT OF 1995

• Mr. LEVIN. Mr. President, I introduce the Lobbying Disclosure Act of 1995. Our existing lobbying registration laws have been characterized by the Department of Justice as ineffective, inadequate, and unenforceable; they breed disrespect for the law because they are so widely ignored; they have been a sham and a shambles since they were first enacted almost 50 years ago. At a time when the American public is increasingly skeptical that their Government really belongs to them, our lobbying registration laws have become a joke, leaving more professional lobbyists unregistered than registered.

The Lobbying Disclosure Act of 1995 would change all of that and ensure that we finally know who is paying how much to whom, to lobby what Federal agencies and congressional committees on what issues. This bill would close the loopholes in existing lobbying registration laws. It would cover all professional lobbyists, whether they are lawyers or nonlawyers, in-house or independent, whether they lobby Congress or the executive branch, and whether their clients are for-profit or non-profit. It would streamline reporting requirements and eliminate unnecessary paperwork. And it would provide, for the first time, effective administration and enforcement of disclosure requirements by an independent office.

Mr. President, this bill would also enhance public confidence by fixing the congressional gift rules. These rules currently permit Members and staff to accept unlimited meals from lobbyists or anybody else. They permit the acceptance of football tickets, baseball tickets, opera tickets, and theater tickets. They permit Members and staff to travel to purely recreational events, such as charitable golf and tennis tournaments, at the expense of special interest groups. To a cynical public, these rules reinforce an image of a Congress more closely tied to the special interests than to the public interest. That isn't good for the Congress and it isn't good for the country.

The bill before us would tighten the gift rules, and it would tighten them dramatically. Under this bill, lobbyists would be prohibited from providing meals, entertainment, travel, or virtually anything else of value to Members of Congress and congressional staff. Acceptance of gifts from others would also be restricted significantly. To give just one example, this bill would prohibit private interests from paying for any recreational expenses, such as green fees, for Members of Congress, whether in Washington or in the course of travel outside Washington. In fact, private interests would be prohibited from paying for congressional travel to any event, the activities of which are substantially recreational in nature. If this bill passes, recreational activities paid for by interest groups will be a thing of the past.

Make no mistake about this: the enactment of this bill would fundamentally change the way business is conducted on Capitol Hill. The proposed rules are not perfect, because these issues are complicated and no rule can anticipate the proper outcome of every individual case. Much is left to the judgment of individual Members and to guidance to be provided by the congressional ethics Committees. However, the proposed rules are strong, they are clear, and I believe they will go a long way toward rebuilding public confidence in this institution.

Mr. President, we hear again and again that the American people have lost confidence in their elected officials. There is a widespread belief that Government today is too susceptible to the influence of well-connected and well-heeled lobbyists. In one recent poll more than 70 percent of Americans said they believe that our Government is controlled by special interests, rather than the public interest. Part of the gridlock so prevalent in Washington is attributed to special interests and their ability to block needed legislation.

The election of a new congressional majority cannot change that unless real reform measures are actually enacted, and we cannot pretend that we have enacted comprehensive congressional reform until we enact this bill. For 50 years, the lobbying laws have been a patchwork of loopholes and exceptions in need of reform. For 50 years, Congress has failed to overhaul those laws. This Congress can be different, but only if we act where other Congresses have failed to act.

Mr. President, the right to petition the Federal Government is a constitutionally protected right. Lobbying is as much a part of our Government process today as on-the-record rulemakings or public hearings. But we cannot expect the public to have confidence in our actions unless we conduct our business in the sunshine. The public has a right to know, and the public should know, who is being paid how much by whom to lobby on what issues. This bill is designed to meet that objective, while imposing minimal paperwork and the least possible burden on even those who are paid to lobby.

Mr. President, this bill is not intended to, and should not, create any significant new paperwork burdens on the private sector. Indeed, the bill would significantly streamline lobbying disclosure requirements by consolidating filing in a single form and a single location—one-stop shopping—instead of the multiple filings required by current law. It would replace quarterly reports with semiannual reports and it would authorize the development of computer-filing systems and simplified forms.

This bill would substantially reduce paperwork burdens associated with lobbying registration by requiring a single registration by each organization whose employees lobby, instead of separate registrations by each employee-lobbyist—as are required by current law. The names of the employee-lobbyists—and any high-ranking Government position in which they served in the previous 2 years—would simply be listed in the employer's registration forms.

In addition, this bill would simplify reporting of receipts and expenditures by substituting estimates of total, bottom-line lobbying income (by category of dollar value) for the current requirement to provide 29 separate lines of financial information with supporting data, most of it meaningless. To further ensure that the statute will not impose new burdens on the private sector, the bill includes specific provisions allowing entitles that are already required to account for lobbying expenditures under the Internal Revenue Code to use data collected for the IRS for disclosure purposes as well.

The bill also includes de minimis rules, exempting from registration any individual who spends less than 10 percent of his or her time on lobbying activities and any organization whose lobbying expenditures do not exceed $5,000 in a semi-annual period. Most small local organizations and entities located outside Washington are likely to be exempt from registration under these provisions, even if their employees make occasional lobbying contacts. Because the lobbying registration requirements in the bill apply separately to local chapters of national organizations if the local chapters are separate legal entities, many such local chapters may be exempt from registration as well.

In short, we have exempted small organizations from registration requirements, even if those organizations have paid employees who lobby, as long as those paid lobbying activities are minimal. We have scrupulously avoided imposing any burden at all on citizens who are not professional lobbyists, but merely contact the Federal Government to express their personal views.

Mr. President, while we want to avoid any unnecessary burdens on the private sector with this legislation, we must ensure that the public gets basic information about who is paying how much to whom to lobby on what issues. Effective public disclosure of lobbying activities can ensure that the public, Federal officials, and other interested parties are aware of the pressures that are brought to bear on public policy by paid lobbyists. Such public awareness should inform the public of the broad array of lobbying efforts on all sides of an issue. In some cases, it may alert other interested parties of the need to provide their own views to decision-makers. It also may encourage lobbyists and their clients to be sensitive to even the appearance of improper influence.

One of the reasons why the public is suspicious and distrustful of the relationship between lobbyists and government officials is the cloak of secrecy that currently covers too many lobbyists and their activities. Current law simply does not ensure even the most basic disclosure. For example, we have learned that:

Fewer than 4,000 of the 13,500 individuals and organizations listed in the book "Washington Representatives" were registered as lobbyists. Three-quarters of the unregistered representatives interviewed by the GAO said that they contact Members of Congress and their staffs, deal with Federal legislation, and seek to influence actions of either Congress or the executive branch.

Only 825 persons were registered as active foreign agents, i.e., persons employed to conduct political activities on behalf of a foreign principal under the Foreign Agents Registration Act. In one case examined by the subcommittee, we found that 42 of 48 lobbyists for foreign manufacturers and their domestic subsidiaries were not registered under FARA.

Lobbyists who do register disclose expenditures as trivial as $27 lunch bills, $45 phone bills, $6 cab fares, and $16 messenger fees. One lobbyist even disclosed quarterly lobbying payments of $1.31 to one of its employees. Because of the way these costs are calculated, however, it is impossible to reach any accurate conclusion as to total lobbying expenditures.

Under existing statutes, there is no disclosure requirement when White House and other executive branch officials are lobbied, and only sporadic disclosure of lobbying by lawyers.

If enacted, the Lobbying Disclosure Act would replace existing lobbying disclosure laws with a single, uniform statute, covering the paid lobbying of Congress and the executive branch on behalf of both domestic and foreign persons. The new statute would replace the Federal Regulation of Lobbying Act; the disclosure requirements of the so-called Byrd amendment; the provisions of the Foreign Agents Registration Act (FARA) which apply to private persons and companies; and the HUD disclosure statues. The provisions of the Byrd amendment prohibiting lobbying with appropriated funds would be left intact, as would the FARA provisions applicable to representatives of foreign governments and political parties.

The bill has three essential features: It would broaden the coverage of existing disclosure statutes to ensure that all professional lobbyists are registered; streamline disclosure requirements to make sure that only meaningful information is disclosed and needless burdens are avoided; and create a new, more effective and equitable system for administering and enforcing these requirements.

On the first point, the bill would require registration of all professional lobbyists, i.e., anyone who is paid to make lobbying contacts with either the legislative or the executive branch of the Federal Government. People who spend less than 10 percent of their time lobbying, and organizations that spend less than $5,000 on lobbying in a semi-annual period, would not be covered.

The bill would define lobbying contacts to include communications with Members of Congress and their staff, officers and employees in the Executive Office of the President, and ranking officials in other Federal agencies. Activities that don't constitute lobbying—such as communications by public officials and media organizations; requests for appointments or for the status of an action and other ministerial communications; communications with regard to ongoing judicial or law enforcement proceedings; testimony before congressional committees and public meetings; participation in agency adjudicatory proceedings; the filing of written comments in rulemaking proceedings; and routine negotiations of contracts, grants, loans, and other federal assistance would be exempt from coverage.

On the second point, the bill would significantly streamline lobbying disclosure requirements by consolidating filing in a single form and a single location; replacing quarterly reports with semi-annual reports; and authorizing the development of computer-filing systems and simplified forms. The bill would require a single registration by each organization whose employees lobby, instead of separate registrations by each employee-lobbyist. It would simplify reporting of receipts and expenditures by substituting estimates of total receipts or expenditures (by category of dollar value) for the current requirement to provide a detailed accounting of all receipts and expenditures. The bill would also replace the requirement of FARA and the Byrd Amendment to list each official contacted with a simpler requirement to identify the executive branch agencies, and the Houses and Committees of Congress, that were contacted.

At the same time, the bill would close a loophole in existing law by requiring the disclosure of the identity of coalition members who both pay for and supervise the lobbying activities. The bill would also enhance the effectiveness of public disclosure by requiring the disclosure of any foreign entity which supervises, directs, or controls the client, or which has a direct interest in the outcome of the lobbying activity. Any foreign entity with a 20 percent equitable ownership of a client would have to be disclosed.

Finally, the bill would improve the administration of the lobbying disclosure laws by creating a new Office of Lobbying Registration and Public Disclosure to administer the statute; requiring the issuance of new rules, forms, and procedural regulations after notice and an opportunity for public comment; making guidance and assistance (including published advisory opinions) available to the public for the first time; authorizing the creation of computer systems to enhance public access to filed materials; avoiding intrusive audits or inspections through an informal dispute resolution process; and substituting a system of administrative fines (subject to judicial review) for the existing criminal penalties for non-compliance.

Mr. President, in the last Congress, the Lobbying Disclosure Act was passed by the Senate on a 95–2 vote. The gift portion of the bill was passed on a 95–4 vote. A conference report was then passed by the House and sent to the Senate for final consideration. Unfortunately, objections by a number of Senators to certain provisions related to grass roots lobbying made it impossible to enact the bill at that time.

That failure, however, cannot change the fact that 95 Members of this body are in record as favoring the enactment of this measure. If we act quickly, we can still have new congressional gift rules in place by the May 31, 1995, deadline provided by the legislation considered by the Senate last year.

The so-called grass roots lobbying provisions in the conference report to S. 349, to which some objected in the last Congress, are no longer in this bill. We have instead returned to the original Senate provisions on these points. In particular, the bill has been revised to make the following changes:

The definition of grass roots communications has been deleted;

The requirement to disclose persons paid to conduct grass roots lobbying communications has been deleted;

The requirement to separately disclose grass roots lobbying expenses has been deleted;

The original Senate provision with regard to the treatment of lobbyists' efforts to stimulate grass roots lobbying in the definition of lobbying activities has been restored;

The requirement to disclose when somebody other than the client pays for the lobbying activities has been deleted;

All references to individual members of a coalition or association as clients have been deleted;

The descriptive language in the religious organizations exemption has been deleted;

The maximum penalty for violations has been reduced from $200,000 to $100,000 (as originally reported by the Senate Governmental affairs Committee); and

Provisions authorizing registrants who are covered by IRS lobbying provisions to use IRS numbers and definitions for the purpose of reporting under the Lobbying Disclosure Act (to avoid double-bookkeeper) have been clarified and strengthened.

Mr. President, I have been working on this legislation for more than 4 years now. The two major elements of the bill have already passed the Senate, in this Congress, on votes of 95–2 and 95–4. This bill has strong support of the President and it has the strong support of the public. The need for reform of our outdated and loophole-ridden lobbying registration and laws and gift rules could not be more clear. We should enact this bill this year.●

By Mr. GLENN:

S. 102. A bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of the United States nuclear export controls, and for other purposes; to the Committee on Governmental Affairs.

NUCLEAR EXPORT REORGANIZATION ACT

Mr. GLENN. In remarks at the White House on October 18, 1994, President Clinton stated the following:

> There is nothing more important to our security and to the world's stability than preventing the spread of nuclear weapons and ballistic missiles.

And I certainly agree with that. That statement echoes the national security goal that was established a half century ago, and yet much of our nuclear proliferation effort is so scattered and so uncoordinated that it too often is ineffective, as I view it. This bill would help correct a lot of that. It is the Nuclear Export Reorganization Act. It deals largely with those areas of dual-use items—those items that may have a regular civilian use but which may be also key to the development of nuclear weapons. We have not monitored these carefully enough, and this act would take care of that, I think, and make a better, more coordinate effort.

By all indications, our Government will in the years ahead have to accomplish a lot more with a lot fewer resources. As the budgetary belt tightens, it becomes all the more vital that we get our priorities straight and that we use these resources much more efficiently and effectively than they have been used in the past. Our civil servants and diplomats who administer our foreign and defense policies need unambiguous guidance as to what needs to be done to advance the national interest.

I am certain that this specific Presidential priority is strongly shared by an overwhelming bipartisan majority in the Congress. I am sure the Congress will be able to work with the President in pursuit of measures to address this dangerous threat to our Nation.

By all indications, there is a lot of work for us all to do. Now that the President has so clearly articulated the challenge that lies ahead, it is important for Congress to have an equally clear statement of what needs to be done to address that challenge. A key question facing the new Congress must be this: is our Government organized today to meet this challenge?

I believe the answer to this question is decidedly, no, especially with respect to the organization of our national system for processing export licenses for what are called nuclear dual-use goods—items that can be used for civilian purposes or for building nuclear weapons.

To illustrate the problem, I will refer to a major report prepared by the Offices of the Inspector General in the Departments of Commerce, Defense, Energy, and State, dated September 1993, and another study prepared at my request by the General Accounting Office and released by the Committee on Governmental Affairs in May 1994.

Mr. President, I ask unanimous consent to insert at the end of my remarks two detailed committee staff summaries of these reports.

Quoting from the report by the four Inspectors General, here is what they had to say about our system for administering nuclear dual-use export controls:

NO ACCOUNTABILITY

The Energy IG found that Energy's recordkeeping was not in compliance with the Export Administration Act and that Energy's degree of compliance with the Nuclear Non-Proliferation Act could not be determined. The IG report found licensing authorities using their own unwritten criteria to make decisions. They found documentation of the grounds of these decisions to be poor to nonexistent.

SEVERE INTERAGENCY COMMUNICATION PROBLEMS

Defense once had to get Customs to block a shipment of goods that had been licensed by Commerce. The Energy IG found that communications between the export control and intelligence shops at Energy were poor—at one point, an outside facilitator had to be brought in to patch up relations. Some key national security offices have no idea what the Commerce Department is approving for export.

LACK OF FOLLOWUP ON LICENSING DECISIONS

The State IG found that considerable disarray exists in the operation of pre-license and post-shipment checks; the system was haphazard and often ineffective; and the program suffered from insufficient historical records and program tracking. Commerce lacks a strategic plan to conduct such checks; its database is erroneous and misleading and contains numerous errors and misrepresentations. The report documents numerous other problems surrounding the lack of followup on licensing decisions.

SKELETON STAFFS

The reports noted that staffing was thin in the respective agencies, despite the high priority that was supposed to be given to nonproliferation issues.

GRIDLOCK ON THE INFORMATION HIGHWAY

When asked what intelligence database was used in Energy's export control office, a supervisor said, himself; he added that Energy had no structured intelligence data base for licensing use. There are inconsistencies—about 25 percent of licenses surveyed—in the data bases of Energy and Commerce, which the Energy IG said call into question the integrity of the export licensing process. Disorganized files at State made information on export trends almost impossible to ascertain.

[Source: The Federal Government's Export Licensing Processes for Munitions and Dual-Use Commodities, Final Report, Offices of the Inspector General at the U.S. Departments of Commerce, Defense, Energy, and State, September 1993, available from Office of the Inspector General, Department of Commerce, (202) 482-1243.]

As for the GAO, here is a summary of what they found about U.S. exports of nuclear dual-use goods:

The U.S. issued 336,000 export licenses between FY 1985-92 for nuclear-related dual-use items—valued at $264 billion; 54,862 licenses (worth over $29 billion) were approved for exports to 36 countries of proliferation concern; 24,048 of these licenses were approved for goods going to 8 countries that have sought or are now seeking nuclear weapons. Over 1,500 licenses covered items (worth over $350 million) going specifically to key players in these bomb programs. (FY 1988-92)

U.S. license approvals have covered goods with uses in nuclear weapons development, weapons testing, uranium enrichment, implosion systems development, and weapons detonation.

Commerce approved 87 percent of dual-use licenses going to controlled countries turning down only 1 in a hundred licenses. (FY 1988-92)

Licenses are being required for fewer and fewer goods: the number of licenses for nuclear dual-use goods dropped 81 percent from FY 1987 to 1992.

The most popular item is computer equipment, which made up 86 percent of all U.S. nuclear dual-use exports between FY 1985-92. Citing new liberalized controls, GAO predicts a substantial decline in license requirements for computers.

Commerce has unilaterally approved the export of dual-use items without referral to other agencies—of licenses sent to Energy, 80 percent are not forwarded for further interagency review. Only Energy and Commerce have full access to all nuclear dual-use license applications.

The U.S. often uses foreign nationals to conduct pre-license and post-export licensing activities. On-site inspections, which are rarely done, also tend to focus on less dangerous items. Inspectors typically lack technical expertise. Commerce has not given inspectors "specific guidance" for conducting inspections.

The U.S. does not systematically verify compliance with government-to-government assurances on the use of nuclear-related dual-use items—GAO.

[Source: "Export Licensing Procedures for Dual-Use Items Need to Be Strengthened," Report to Sen. John Glenn, Chairman of the Committee on Governmental Affairs, U.S. Senate, April 1994, GAO/NSIAD-94-119, available from GAO at (212) 512-6000.]

There is precious little in either of these reports to reassure members of Congress that our system for licensing nuclear dual-use items is up to par. At the very least, the system falls far short of reflecting the high priority that the President has determined should be accorded to halting the proliferation of nuclear weapons, a problem that is constantly aggravated by dangerous exports.

As author of the Nuclear Non-Proliferation Act of 1978, I have long been aware that our nuclear export control process was in need of reform. On May 27, 1993, I introduced S. 1055, a bill that contained many of the proposals I am introducing today in the Nuclear Export Reorganization Act of 1995. It is useful to note that the reports by the Inspectors General and the GAO were prepared well after I introduced my original bill in 1993—the reports nevertheless underscore the obvious need for major reforms in the nuclear dual-use export licensing process.

In summary, the bill I am introducing today—the Nuclear Export Reorganization Act of 1995—includes improvements in export controls and measures to face up to the challenge of the global plutonium economy.

First, as I have said before on several occasions, we must do more to take the profits out of proliferation. Specifically, I believe the President should have clear and unambiguous authority to impose sanctions against companies that engage in illicit sales of nuclear technology and to require new sanctions against countries that traffic specifically in bomb parts or critical bomb design information. The sanctions provisions—which include a ban on government contracting with firms that materially and knowingly assist other nations to acquire the bomb, and additional severe penalties against nations that traffic in bomb parts or critical bomb design information—were enacted last year as an amendment to the State Department authorization bill. My bill today will remove a sunset clause that was added to this sanctions authority in the last Congress.

Second, I am proposing some significant improvements in the export licensing process. My proposal is designed to be responsive both to the legitimate needs of the exporting community for an efficient and effective licensing process and to the compelling interest of all citizens in protecting our national security.

In particular, the export control reforms would accomplish the following:

1. It would vest authority to issue dual-use export licenses in the Commerce Department, while ensuring that key agencies with national security responsibilities have full rights to review license applications and to oppose approvals when they would be contrary to the country's nuclear nonproliferation interests.

2. It would establish the interagency Subgroup on Nuclear Export Coordination—which has existed in regulatory form for about a decade—as a formal statutory entity within the National Security Council and would endow it with a clear structure and mission.

3. It would ensure timely access by relevant agencies to export licensing data and expand information available to the public about dual-use nuclear exports.

4. It would clarify in law the terms for denying export licenses by adopting

a standard that is now applied by 26 major nuclear supplier nations, not just the United States. And consistent with this multilateral standard, there are no loopholes or special country exemptions in the legislation I am introducing today.

5. It would encourage the basic goal of developing in the United States a domestic industry capable of competing in international markets to sell energy technologies that do not contribute to nuclear weapons proliferation.

6. It would establish a mechanism by which private U.S. industry can assist the Government in identifying foreign competitors that are engaging in illicit nuclear sales, and by so doing, assist in the implementation of appropriate sanctions.

7. It would encourage private firms to adopt voluntary codes of conduct to regulate sales activities without active Government intervention.

8. It would upgrade the role of the Department of Defense in reviewing and approving proposed U.S. agreement for nuclear cooperation and proposed exports of U.S. nuclear technology.

9. It would defined in law for the first time in U.S. history a term that lies at the heart of all our nuclear nonproliferation efforts, namely, a "nuclear explosive device."

10. It would establish in law specific deadlines on the processing of licenses to export dual-use nuclear items.

11. It would establish an Export Control Bulletin to address the needs of exporters for more detailed information both about the evolution of U.S. nuclear regulations and the nature of the global threat of nuclear weapons proliferation.

12. It would provide a means by which potential exporters can obtain advisory opinions from the Subgroup with respect to activities that may subject exporters to possible sanctions under existing nuclear export control laws.

The bill also includes several findings and declarations by the Congress with respect to growing international commercial uses of plutonium, and a requirement for the President to review and modify, as appropriate, a 1981 policy that served to promote such uses. Ever since 1981, America has been turning a blind eye toward the global proliferation and environmental risks from large-scale commercial uses of weapons-usable plutonium in Europe, Russia, and Japan. It is time for that policy to be reviewed and brought into line with the high priority our country is supposed to be giving to the goal of reducing the risks of nuclear weapons proliferation.

CONCLUSION

Bernard Baruch once said over 45 years ago that "we are here to make a choice between the quick and the dead." Today, I can say that we have several new choices to make, each one potentially affecting the future of this planet. We must choose between leadership and acquiescence, between quick profits and the defense of our national security interests, and between the rule of law and the law of the jungle. The security threat we must collectively address—both politically here at home and in partnership with other nations—is nuclear war. We have an obligation to do all we can to prevent all forms of nuclear weapons proliferation, and—as in the recent cases of South Africa and Brazil—to work to roll back existing bomb programs wherever they may be.

Mr. President, I will have more to say about the proposed legislation in the months ahead and look forward to working with the new congressional majority and the Administration in ensuring its early enactment. These reforms are long overdue. I encourage my colleagues to join me in this effort to revitalize these key elements of our nonproliferation strategy.

I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF IG REPORT

The Federal Government's Export Licensing Processes for Munitions and Dual-Use Commodities, Final Report, Offices of the Inspector General at the U.S. Departments of Commerce, Defense, Energy, and State, September 1993, available from Office of the Inspector General, Department of Commerce, (202) 482-1243.

NO ACCOUNTABILITY

The Energy IG found that Energy's recordkeeping "was not in compliance" with the Export Administration Act and that Energy's "degree of compliance" with the Nuclear Non-Proliferation Act "could not be determined." Neither Energy nor Defense has written procedures for processing licenses or resolving internal disputes over licenses. There is "no reliable audit trail" at Energy on license decisions. Energy officials used unwritten criteria to review cases, such as the official's own views on foreign policy issues; one Energy analyst said "he conducted a mental examination and did not record the thought processes that he used" in making licensing decisions. Energy IG investigators were told that key documents would be "almost impossible" to find due to the "poor organization" of Energy's files. Such documents "could not be produced" when requested by these investigators. Some referral policies are worked out in an informal interagency group that "does not maintain formal records of its meetings or policies." Commerce computer records are "sometimes changed" with no "reliable record of who made these changes and when they were made."

COMMUNICATION PROBLEMS

Defense once had to get Customs to block a shipment of goods that had been licensed by Commerce. The Energy IG found that "communications" between the export control and intelligence shops at Energy "were poor"—at one point, an outside "facilitator" had to be brought in to patch up relations. Commerce's Census Bureau will not share export data with Commerce's export licensing office. Commerce will not show its licensing manual to other agencies. State IG found State's internal license review procedures "scattered" and "an awkward mechanism." Energy refers most of its licenses to the weapons labs with the least intelligence resources, and the fewest of licenses went to the lab (Livermore) with the most resources. Commerce still does not grant full access to its licensing database to other agencies handling nuclear dual-use exports. The Defense IG found that DoD licensing officers "need to communicate" more with relevant offices in Defense. State gets a total of 3,000 licenses annually from Commerce, while Energy gets about 6,700 referrals (dealing just with nuclear dual-use items).

LACK OF FOLLOW-UP

The State IG found that "considerable disarray exists" in the operation of pre-license and post-shipment checks; the system was "haphazard and often ineffective"; and the program suffered from "insufficient historical records and program tracking." Commerce lacks a "strategic plan" to conduct such checks; its database in "erroneous and misleading" and contains "numerous errors and misrepresentations." Foreign US posts complain about the lack of information to do the checks, which are sometimes performed by telephone because of a lack of funds. Checks are often done using foreign nationals—at times without even a U.S. escort. While Commerce officials complain of a "dwindling budget" and "budget constraints," some checks have been canceled due to "a lack of funds." Foreign US posts either have not seen or read Commerce's guide on "How To" perform such checks. Several posts kept "very disorganized files" and one kept "no files at all." Checks are typically performed by US officials sent abroad to promote US trade (the Foreign Commercial Service). The Commerce IG found a mere "four percent compliance rate" by exporters with conditions placed on licenses and, due to scarce resources, Commerce "was not taking action" to fix the problem.

THIN STAFFS

Respondents told the Energy IG that Energy's export control staff was "awfully thin"—the IG report said Energy's export control office had "only two individuals" experienced in processing cases . . . and one was leaving. The Defense IG found that Defense's nonproliferation office had just two persons working nuclear export issues. An Oak Ridge manager said his office was often staffed by only two persons due to heavy travel demands. For Energy, the IG estimated that the average time analysis had per license was "substantially less than 40 minutes."

GRIDLOCK ON THE INFORMATION HIGHWAY

When asked what intelligence database was used in Energy's export control office, a supervisor said, "himself"; he added that Energy "had no structured intelligence data base" for licensing use. Energy's information system has a field category for intelligence, but it is always marked "no information." Energy's database is cleared to store very limited classified data—Commerce's system is unclassified. There are "inconsistencies" (about 25% of licenses surveyed) in the databases of Energy and Commerce, which the Energy IG said "call into question the integrity of the export licensing process." One lab scientist called licensing information "a gold mine that's not being mined." Defense's database does not log final agency positions on licenses. Neither of the license databases of Energy and Commerce shows whether or not a good was ever shipped; the Energy database does not even show if licenses were finally approved. Disorganized files at State made information on export trends "almost impossible to ascertain."

FOUR U.S. INSPECTORS GENERAL IDENTIFY SERIOUS PROBLEMS IN U.S. DUAL-USE EXPORT CONTROLS

KEY FINDINGS OF

The Federal Government's Export Licensing Processes for Munitions and Dual-Use Commodities, Final Report, Offices of the Inspector General at the U.S. Departments of Commerce, Defense, Energy, and State, September 1993, available from Office of the Inspector General, Department of Commerce, (202) 482–1243.

[Note:—SNEC=Subgroup on Nuclear Export Coordination; ECOD=Energy's Export Control Operations Division; EIS=Energy's Export Information System; EAA=Export Administration Act; Energy's ECASS=Export Control Automated Support System; NNPA=Nuclear Non-Proliferation Act; EAR=Export Administration Regulations; LANL=Los Alamos National Laboratory; ORNL=Oak Ridge National Laboratory; FORDTIS=Foreign Disclosure and Technical Information System (the Pentagon's export license database); DTSA=Defense Technology Security Administration; DTC=State's Office of Defense Trade Controls.]

LICENSING PROCEDURE AND POLICY

The Energy IG report "found that the ECOD did not have current written procedures for processing export cases . . . [and] that the ECOD did not retain records documenting the bases for its advice, recommendations, or decisions regarding its reviews of export license cases or revisions to lists of controlled commodities and, therefore, was not in compliance with certain provisions of the Export Administration Act . . . and Energy records management directives." The report also "found that the degree of compliance by Energy with the export licensing review criteria contained in the Export Administration Regulations and the Nuclear Non-Proliferation Act of 1978 could not be determined because ECOD did not retain records documenting the bases for its advice and recommendations on export cases." [C–35]

The Defense IG found that "the DTSA License Directorate uses no formal, written criteria to resolve differences between Component positions . . . licensing officers consistently use . . . informal, unwritten criteria . . .". [B–13]

"This interagency review identified numerous areas in the export licensing processes that could be improved." [5]

"Energy's intelligence capability may not be fully utilized in support of export case reviews." [5]

"The number of dual-use license applications has decreased dramatically over the past five years, from 98,233 in 1988 to 24,068 in 1992." [1]

[On interagency license referrals] ". . . Export Administration officials were unable to provide a master file of the various delegations of authority, nor was there a central location that could be checked to confirm their existence." [15] "While the [internal Commerce] operating manual that is used for referral decisions is to incorporate these delegations and informal decisions, it is not reviewed by the other federal agencies, and the other agencies do not participate in its development . . . various officials of the other agencies had differing opinions in certain instances as to whether there was an agreed to referral policy." [15] ". . . it is clear that there is not full accord among the agencies on the referral criteria." [17] ". . . it is obvious that significant differences on referral procedures still exist between the various federal agencies." [17]

Based on statistics for the nine-month period ending September 30, 1992, the average time to process a non-referred application is nine calendar days. The average time to process referred applications is 50 calendar days. This six-week difference . . . puts pressure on the process to avoid referring cases unnecessarily." [15]

"Resolution of referral issues is important to avoid situations such as occurred in October 1992 when Defense found it necessary to request the U.S. Customs Service to stop shipment of a commodity for national security reasons even though the shipment had been licensed by Commerce." [16]

"Our [Energy IG] analysis indicted that Commerce may have improperly referred eight percent . . . of the cases to Energy." [C–13]

The State IG report found that "the State Department receives for review and comment approximately 3,000 export license applications annually from Commerce" [D–8]; in contrast, the Energy IG report found that "Commerce currently refers approximately 6,700 nuclear dual-use export cases annually to Energy for review." [C–6] In its description of the referral process for nuclear licenses, the State IG report said that "License applications involving nuclear technology and technical assistance requests are sent by Commerce to the Bureau [of Oceans and International Environmental and Scientific Affairs at State] as chair of the Subgroup on Nuclear Export Coordination." [D–9] Note: The contrast between the 6,700 nuclear dual-use licenses sent by Commerce to Energy vs. the grand total of 3,000 licenses (not just nuclear) referred to State is not explained in the IG reports.

The State IG "discovered that the scattered referral process [inside State] is an awkward mechanism for processing and tracking dual-use license applications. . . three bureaus maintain their own files, two of which are manual systems and, as a result, tracking referred license applications at State is difficult. Moreover, information on overall export trends is almost impossible to ascertain." [D–12]

"In two other cases, Commerce determined—without consulting other agencies—that an exporter did not need an individual validated license for the shipment of specified commodities to a proscribed destination. Upon learning of the decisions, Defense disputed the shipment of the goods, and the general license determinations were revoked." [16]

The Defense IG found that the Pentagon's Office of Non-Proliferation Policy". . . has two managers, one action officer for missile technology, two for nuclear issues, and two for chemical and biological issues." [B–7]

"In view of the number [about 6700] of nuclear dual-use export cases that were referred to ECOD annually and the relatively small staff assigned to review them, the average amount of time that would be available for an analyst to review a case is very limited. Not taking into account time off for annual leave, sick leave, training, travel, or other activities, we estimated that a maximum of 40 minutes per case would be available." [C–11] ". . . the ECOD export control analysts had, on the average, a maximum of 40 minutes to review each nuclear dual-use export case. The actual average time spent on a case is probably substantially less than 40 minutes." [C–20]

". . . according to ECOD and Energy national laboratory personnel, the ECOD is awfully thin' in terms of experienced export analysts who can process export cases in an effective and timely fashion. ECOD and laboratory personnel told us that the loss of two of the key export analysts in the ECOD would cause the Department 'severe problems'." [C–20]

The Energy IG report found that: "At the time of our review, only two individuals in ECOD, the Export Control Supervisor and an export control analyst, were experienced in processing export cases. We learned that the Supervisor was subsequently detailed from ECOD , leaving only one individual experienced in processing cases. We believe that the lack of experienced analysts in ECOD and the lack of current procedures on 'how to' process export cases could possibly lead to errors in the processing of export cases and a longer review cycle for cases referred to Energy." [C–36]

"The Export Control Supervisor [at Energy] also used considerations in his review that had not been formally established at ECOD as criteria for the review of export cases. For example, the Supervisor said that he included available intelligence in his review . . . [and] he also considered foreign policy and national security issues. According to the Supervisor, he had training and expertise in those two areas." [C–12]

"Regarding the Letters Delegating Authority, an ECOD export control analyst said that the ECOD did not have a central file of the letters in the office's administrative files. When asked to provide us copies of the letters from other files in the office, the export control analyst said that the task to retrieve the letters would be 'almost impossible' given the poor organization of the ECOD'S files." [C–17]

". . . an analyst at LANL explained that the Critical Technology Group (IT-3) had only one individual with time available to read all the intelligence information received . . . [an ORNL manager] explained that his office at times was staffed with only two individuals because personnel were required to travel frequently. He added that even when the office was fully staffed, the personnel were not able to process all the available intelligence information." [C–25] Analysts at both LANL and ORNL told Energy IG investigators that they "did not have the necessary resources to analyze all the intelligence information" they received from Energy. [C–25]

The Energy IG found that although "LLNL had the most intelligence resources," of the 500 cases that Energy referred to the labs, 200 went each to ORNL and LANL, and only 12 went to LLNL (with the rest going to other labs). "Although LLNL, we believe, has resources to conduct the most complete intelligence analysis, LLNL received the fewest number of export cases. In contrast, LANL and ORNL received the bulk of the cases referred to the laboratories, but had fewer resources to analyze proliferation intelligence." [C–25]

"An analyst in IN–10 [Energy intelligence office] discussed additional problems in providing intelligence support to AN–30 [license review office]. The analyst said that IN–10's limited resources at Energy Headquarters and broader mission of proliferation analysis prevented IN-10 from being involved specifically with export control analysis." [C-28]

The State IG report found that ". . . problems still exist regarding procedures for coordinating referred dual-use cases from the Commerce Department and the management of the Blue Lantern program for end-use checks . . . Although the Blue Lantern program for prelicense and postshipment end-use checks has improved steadily since its inception in September 1990, considerable disarray exists in its operations at most of the 11 posts visited during the review." [D-2]

INFORMATION/COMMUNICATION PROBLEMS

"When asked upon what intelligence 'data base' the ECOD depended, the ECOD Export Control Supervisor said 'himself'." The Energy IG investigators further reported that this supervisor "believed that talking with . . . three or four people whom he usually contacted for intelligence 'had no . . . substitute'. Additionally, he said that these contacts were the 'only people whom he trusted' to provide export-related intelligence." [C-27]

"The ECOD Export Control Supervisor . . . [told Energy IG investigators] that ECOD had no structured intelligence data base to use in support of export case reviews. He said that Energy's automated Export Information System (EIS) had a field for intelligence, but the field always reflected "no information" available. He explained that ECOD had no process in place or no dedicated employee to update the intelligence field in the EIS. He also said that the EIS was only authorized to process information classified SECRET and below. Furthermore, he said that most of the intelligence useful to the ECOD for export cases had a higher classification than SECRET, or was subject to limited distribution." [C-27]

"Currently, each agency now has on-line access [to the ECASS] to a limited degree. Each agency's access to the ECASS system varies as to which cases they can view, what information is available, and when they can view it. Consequently, it would seem desirable that in the long term, expanded access to and use of the ECASS system by all involved agencies could enhance the effectiveness of the licensing review process. In addition to providing greater assurance that the most current data is being reviewed, increased access by the agencies can enhance their ability to effectively review applications. For example, it would permit agencies to identify patterns and other trends of exporting which might have a significant bearing on their decisions." [20]

". . . the databases at Commerce and Energy showed inconsistencies in almost a quarter of the dual-use nuclear export cases in our sample (14 of 60)." [5]

The Defense IG found that "Even through the DTSA had the information available, it did not update the FORDTIS with the final U.S. Government decision on munition and dual-use applications . . . We did not find a final U.S. Government position in any of the FORDTIS files for our sample of 60 dual-use applications." [B-16]

The Defense IG found that "The DTSA licensing officers need to communicate to affected DoD Components the results of unilateral actions taken on applications." [B-18]

According to the Energy IG report, several analysts noted a "lack of cooperation" between the export control and intelligence offices at Energy; according to the report, "the analysts' general consensus was that communications between AN and IN were poor." [C-27]

"We found that, because most of the Energy national laboratories lack access to information available on all export cases reviewed by Energy, Energy may not be receiving the maximum benefit of the technical and analytical capabilities of the laboratories in the review of export cases." [C-21]

The Chief Scientist of the Livermore National Laboratory's Z Division told Commerce IG investigators that export licensing information was a ". . . a gold mine that's not being mined." [C-22]

"The EIS . . . currently does not include information on whether a commodity was approved/disapproved, and if approved, was purchased and shipped." [C-23-24]

The Energy IG report stated that "According to the Director, Office of Information Resources Management, Commerce, the ECASS did not contain information concerning the purchase and shipment of commodities approved for export. The Director said that the Bureau of Census, Commerce, received the 'Shippers Export Declaration' from the U.S. Customs Service, Department of Treasury, which contained purchasing and shipment information. He said that the Bureau of Census, Commerce, however, did not provide this information to the Bureau of Export Administration, Commerce, which managed the ECASS."[C-31]

The Energy IG investigators stated that they believe ". . . that the lack of information concerning the final disposition of export license applications may limit Energy's ability to provide assessments and analyses . . . the lack of information may limit Energy's ability to provide expert technical and analytical capability to other agencies within the intelligence community and to produce and disseminate foreign intelligence in support of the Department." [C-31]

We found inconsistencies in license application data for the same cases in the separate export licensing data bases maintained by Commerce and Energy. Specifically, we found differences in the data bases for 23 percent (14 of 60 export license cases) of the sample nuclear dual-use export cases that we reviewed." [C-32] The Energy IG report concluded that "we believe that inconsistencies in agency records . . . could be detrimental to the government's position in responding to an appeal of a license application decision or a court challenge of the government's decision. We also believe that differences in the records maintained by the agencies involved in a license application decision call into question the integrity of the export licensing process. We believe that changes in licensing data, which are not passed by Commerce to agencies reviewing license applications, could potentially result in improper referrals and erroneous licensing decisions, as well as lessen the value of any analyses and reports based upon the records." [C-34]

VERIFICATION AND ENFORCEMENT

"Energy does not have the information maintained by Commerce and State regarding the final disposition of export cases referred to Energy." [5]

"Pre-license checks are used to verify end-user information prior to the issuance of a license; post-shipment verifications are used to verify compliance with the terms of a license. Both programs at Commerce lack a strategic plan for carrying out the programs' objectives. We also identified problems with the way the checks are being conducted." [3] "Many of the overseas posts believe they need more information to effectively perform checks and verifications. Finally, the database information for both activities was often erroneous and misleading. As a result, there is no assurance that either the pre-license checks or the post-shipment verifications are as effective as they should be." [A-2] Commerce officials "expressed concern that they did not have the needed resources to fully accomplish" the report's recommendations on improving compliance with conditions on licenses; Commerce officials agreed to seek improvements "within their budget constraints" and "in light of their dwindling budget." [A-2]

"Export Administration's database tracks the progress and status of pre-license checks. Our review found numerous errors and misrepresentations with the pre-license check information contained in the database. This is due to a combination of initial mistakes by Enforcement Support staff and the inability to correct errors once they are identified . . . there is no assurance that statistics and information derived from the database are reliable." [A-16] "For three countries we visited, 64 pre-license checks were requested from January 1, 1992 to September 30, 1992. For 12 (19 percent), the status of the check (favorable, unfavorable, canceled, pending) was misidentified. Several checks that had been canceled and never performed were listed on the printout as 'favorable' . . . The relative high error rate calls into question the reliability of any statistics generated from this system and provides misleading information for licensing decisions." [A-16] The Commerce IG found that ". . . canceled checks are counted as completed checks." [A-16]

"Post-shipment verification information maintained in a separate database also contained errors . . . [the cases reviewed by the Commerce IG] represent an error rate of 21 percent." [A-16, 17]

"There is no strategic plan with stated objectives and priorities for conducting random testing within the checks and verification programs. Without such a plan, there is no assurance that the random checks and verifications are obtaining the maximum benefits for the programs. Without stated objectives, the effectiveness of the programs is difficult to measure. In fiscal year 1992, 132 requested pre-license checks were canceled for a variety of reasons, including a lack of funds. There is no assurance that these were low priority cases." [A-14]

"Enforcement Support [at Commerce] published the guide "How to Conduct Pre-License Checks and Post-Shipment Verifications" in August 1992. However, almost all the posts we visited had either not received it or not read it at the time of our visit . . .". [A-14]

" Six of the 11 posts used foreign . . . nationals (Commerce employees who are not U.S. citizens) to conduct pre-license checks even though Export Administration guidance strongly discourages it. Five of the posts used foreign . . . nationals for post-shipment verifications. The new Export Administration guidance prohibits foreign service nationals from performing these verifications except under extraordinary circumstances." [A-15]

"Five posts conducted pre-license checks by telephone because they lacked funds for on-site visits." [A-15]

"Three posts kept very disorganized files for pre-license checks and post-shipment verifications (all papers were filed in one folder), and one post kept no files at all." [A-15]

"The commercial officers also wanted to know how they could recognize potential or actual improper usage of the particular product they were to review. For example, one of the commercial officers indicated that performing post-shipment verifications on chemicals is very difficult; the barrels shown could be full of water, and the officers would never be able to tell the difference." [A–15]

"The lack of detailed information contained in the cables requesting pre-licensing checks and post-shipment verifications makes the program less effective and results in wasted time and money." [A–16]

"The team found that Commerce does not maintain sufficient documentation to provide a reliable audit trail of the actions taken on applications." [2] ". . . there is no reliable audit trail for the actions taken on the applications." [A–8] "[A–14]

"Checks and verifications are usually performed by Commerce's U.S. and Foreign Commercial Service." [A–13] [Note: This enforcement role contrasts with the export promotion role of the FCS as highlighted in the United States Government Manual of 1993/4; according to this manual, the Director General of the FCS ". . . supports overseas trade promotion events; manages a variety of export promotion services and products; promotes U.S. products and services throughout the world market; conducts conferences and seminars in the United States; assists State and private-sector organizations on export financing; and promotes the export of U.S. fish . . .".]

"Individual validated dual-use licenses are frequently issued with conditions that exporters must comply with for the license to be valid . . . Our review of documentation sent in by exporters disclosed only a four-percent compliance rate with that requirement. In addition, Commerce was not taking any action to contact exporters who failed to submit the required information. Consequently, Commerce officials cannot assure that exporters have complied with conditions placed on licenses." [3] "Furthermore, not all licenses that required follow-up action to monitor compliance with conditions were included in Export Administration's tracking system. As a result, Export Administration's management does not have reasonable assurance that exporters have complied with conditions placed on licenses." [A–2] [and A–10] ". . . Export Administration officials do not have reasonable assurance that exporters have complied with the conditions placed on licenses. Equally troubling is the likelihood that a substantial number of licenses requiring exporter follow up are not even in the tracking system." [A–12]

In response to Commerce IG concerns about the lack of follow-up on license conditions, Commerce licensing officials "expressed concern that they did not have the needed resources to follow up on all conditions as the report suggests inasmuch as 100 percent auditing is extremely difficult and not cost effective." [A–12]

"Although there are currently 36 standard conditions [applied to licenses], only 11 require the exporter to provide information to Export Administration. These 11 conditions are the only ones to appear in the follow-up system . . . [the rest] are not monitored [by Commerce]." [A–10, 11]

The NRC ". . . must be informed about applications for exporting certain nuclear-related commodities to specific countries. Our review [by the Commerce IG] identified two cases that were not processed in accordance with this policy." [A–19]

Of the 3,133 "outstanding licenses" in the "follow-up queue" of licenses requiring monitoring by Commerce, "only 123 (4 percent) of the cases had exporters provided documentation to confirm that they had complied with the license's conditions. In addition, exporters submitted information on 313 cases that were not on the list. This may imply that the follow-up queue should contain substantially more than the 3,133 cases in our printout." [A–11] The Commerce Operations Branch director "contended that the branch was never officially assigned the responsibility for following up on conditions" attached to licenses. [A–11]

"Export Administration officials agreed that our findings [i.e., Commerce IG's findings on pre-license and post-shipment activities] address an import issue in light of their dwindling budget." [A–17]

Concerning the State Department's Blue Lantern program [verifying the bona fides of customers of goods licensed by State, including nuclear-related items on the Munitions List], the State IG ". . . found that improvement are still needed in program management and implementation, especially in conducting end-use checks. DTC is unable to evaluate the effectiveness of Blue Lantern operations overseas or even to identify all the designated Blue Lantern officials because of insufficient historical records and program tracking. We found that the overseas operations are haphazard and often ineffective, largely because of uncertainty about the role of various post officials and inadequate record keeping . . . DTC was unable to provide us with a current and complete list of Blue Lantern officials in preparation for fieldwork overseas" [D–14, 15]

The State IG found that the State Department (like the Commerce Department) uses foreign nationals to conduct export verification activities. The IG's report found that "Blue Lantern checks at many of the posts we visited were being conducted inefficiently . . . [U.S. Customs] has generally been delegated the Blue Lantern responsibility. In response to a Blue Lantern request, Customs officials Most often relay the request to the foreign government customs officials who would then investigate the transaction and inform U.S. Customs of the result." [D–15]

ACCOUNTABILITY

"ECOD personnel *could not provide us documentation that they followed the written procedures* in the EAR, NNPA, and Energy guidelines regarding export licensing activities." [C–20]

"While we found no evidence of inappropriate or incorrect recommendations by Energy, the Export Control Operation Division *does not retain records* to show the basis for its advice, recommendations, or decisions or to justify its changes to the lists of controlled commodities. *The division is therefore not in compliance with certain provisions of the Export Administration Act of 1979 . . . and with records management directives from Energy.* As a result, *it was not possible to determine the extent to which Energy used the criteria in the Export Administration Regulations and the Nuclear Non-Proliferation Act of 1978 in making licensing recommendations.* In addition, the Export Control Operation Division *did not have current written procedures* for processing export cases." [5] [Also see C–14]

". . . Energy maintains its records of export cases processed by the ECOD in the Export Information System (EIS). We determined, however, that *the EIS does not contain information concerning the factual or analytical bases for Energy's advice, recommendations, or decisions regarding export cases.* We further found that the ECOD *did not have current written procedures* for processing export cases." [C–18]

The Commerce IG investigators ". . . believe that the records [in Energy's Export Information System (EIS)] lack certain required information. Specifically, the *EIS did not contain information concerning the 'factual and analytical basis' for Energy's 'advice, recommendations or decisions'* regarding the export cases." [C–15] "An ECOD [Energy] export control analyst said that *he destroyed paper copies of information that he received or wrote pertaining to export cases* . . . He also said that he lacked the time and space to file and retain documents regarding the cases. He said that *technical specifications* . . . were *examples of paper records that he destroyed.*" [C–16]

We could not conclusively determine if the ECOD export control analysts considered the Part 778.4 factors in their review of export cases. ECOD analysts said that they had no records to document that they applied the Part 778.4 factors to their analyses of export cases in determining the significance of the commodities for nuclear explosive purposes. One ECOD export control analyst said that, although he considered the Part 778.4 factors in processing export cases, *he conducted a mental examination and did not record the thought process that he used in making his determinations.*" [C–18, 19]

"We also *could not determine conclusively if the Energy national laboratories considered the Part 778.4 factors in reviewing export cases* . . . According to an ECOD export control analyst, the laboratories are not required to address the Part 778.4 factors for their technical reviews of export cases . . . Laboratory personnel . . . told us that they use the export factors in Part 778.4 of the EAR to review the cases . . . Personnel at two of the three Energy national laboratories that we visited said that they probably did not retain documentation regarding the bases of the advice and recommendations that they provided to the ECOD on export cases." [C–19]

"We could not conclusively determine if ECOD personnel considered the NNPA criteria in their decisions to refer export cases to the SNEC. Based on a limited review of records in the EIS, we determined that the EIS did not contain records regarding the factual or analytical bases for recommendations to refer export cases to the SNEC. The ECOD Export Control Supervisor said that he made a mental determination whether a case should be referred to the SNEC by applying the criteria cited above . . . He said that no record was generated by the EIS regarding the basis for his referral [to the SNEC] and that he made no paper copy of his analysis." [C–19]

The Commerce IG investigators found that Energy's record-keeping procedure which only requires retention of relevant export licensing records for two months "is not consistent with" the requirements of the Export Administration Act (EAA), which requires Energy to retain the "analytical basis" for its license recommendations. [C–16]

One ECOD [Energy] export control analyst, according to Commerce IG investigators, said that he obtained recommendations on licenses from the national laboratories but that "he did not enter the bases for the laboratories' recommendations" into the Energy license database; after entering the labs' recommendations, the analyst "destroyed any documentation that the laboratories provided" and the analyst "did not retain records" of telephonic responses by the labs. [C–16]

"During an interview with the Director, ECOD [Energy's Export Control Operations Division], we asked for a copy of the Division's Records Inventory and Disposition Schedule. The Director, ECOD, was not aware that ECOD had a Records Inventory and Disposition Schedule." [C–16]

"We asked ECOD personnel to provide specific documents [e.g., memos pertaining to letters delegating review authority, National Security Directive 53 on procedures for processing cases, and the latest revisions of commodity control lists] that, in our opinion, should have been retained in accordance with the provisions of the EAA . . . [several] "could not be produced by ECOD personnel from their records." [C-16]

"We could not determine the degree of compliance by Energy with the export licensing review criteria contained in the Export Administration Regulations (EAR) and the Nuclear Non-Proliferation Act of 1978 (NNPA) because the Export Control Operations Division (ECOD) did not retain records documenting the bases for its advice and recommendations on export cases."

"Agency officials also advised us that some of the referral policy [for interagency reviews of licenses] incorporated in the manual is based on the decisions of an informal interagency working group consisting of representatives of Commerce, Defense, Energy, State, the National Security Agency, and the Arms Control and Disarmament Agency. We were informed that this working group does not maintain formal records of its meetings or policies." [15]

"[Commerce IG found that] Commerce does not maintain sufficient documentation for the export license applications received and for subsequent licensing actions taken. As a result, audit trails for the actions taken on applications are often incomplete." [A-1]

"The team found that Commerce does not maintain sufficient documentation to provide a reliable audit trail of the actions taken on applications." [2] ". . . there is no reliable audit trail for the actions taken on the applications." [A-8]

"The computer record of the application is sometimes changed by Export Administration during the review process . . . While there may be valid reasons for these changes, the current documentation of the process does not provide a reliable record of who made these changes and when they were made. There is no permanent record of what was originally submitted by the applicant or of daily transactions by Export Administration officials." [A-8]

"The Blue Lantern process at a number of the posts we visited was haphazard and inadequately documented. Blue Lantern officials at three of the posts visited did not keep files or records of their Blue Lantern checks or other program activities. In addition, most of the posts did not have complete sets of the DTC Blue Lantern guidance readily available." [D-16]

WEAKNESSES IN THE LAWS AND REGULATIONS

"While the Export Administration Act gives decision-making authority for dual-use license applications to Commerce and seems to encourage that this be done with limited referral to other agencies, certain sections of the act impact on this authority. At best, the statute is somewhat ambiguous . . . we recommend that the respective roles of the various agencies involved in the dual-use export licensing process be clarified in reauthorizing the Export Administration Act." [6]

". . . there is still disagreement among most of the agencies regarding which applications should be referred for comments. Until this issue is resolved, the agencies will not have adequate assurance that the license review process is working as efficiently and effectively as it should . . . the underlying problem is the unclear and apparently conflicting guidance given to the process by legislative mandates and Presidential directives . . . there is no ongoing process to resolve the differing views on what to refer." [2]

[Commerce should] "Report to the Congress the cases referred to the Sub-Group on Nuclear Export Coordination when the cases are delayed more than 120 days." [A-7]

"Part 778.4 of the EAR does not specifically direct Energy to consider these factors." [C-10] [Note: This pertains to specific nonproliferation-related "factors" that licensing officials are supposed to consider when reviewing applications to export nuclear dual-use goods.] "Part 778.4 does not specifically identify what agency will use the factors in reviewing export cases." [C-18]

". . . we asked each individual in ECOD who we interviewed if ECOD had formal procedures for processing export cases. None of the ECOD personnel replied that ECOD had such procedures . . .". [C-20]

After reviewing deficiencies in Energy's use of intelligence information in reviewing licenses at Energy Headquarters, the Energy IG report concluded that "if AN [Energy's export license review office] is reducing its emphasis on intelligence in reviewing export cases, we believe that AN management should clearly state this policy." [C-29]

SUMMARY OF GAO REPORT

"Export Licensing Procedures for Dual-Use Items Need to Be Strengthened," Report to Sen. John Glenn, Chairman of the Committee on Governmental Affairs, U.S. Senate, April 1994, GAO/NSIAD-94-119, available from GAO at (212) 512-6000.

The U.S. issued 336,000 export licenses between FY 1985-92 for nuclear-related dual-use items—valued at $264 billion.

54,862 licenses (worth over $29 billion) were approved for exports to 36 "countries of proliferation concern."

24,048 of these licenses were approved for goods going to 8 countries that have sought or are now seeking nuclear weapons . . . over 1,500 licenses covered items (worth over $350 million) going specifically to "key players' in these bomb programs. (FY 1988-92)

U.S. license approvals have covered goods with uses in nuclear weapons development, weapons testing, uranium enrichment, implosion systems development, and weapons detonation.

Commerce approved 87% of dual-use licenses going to controlled countries . . . turning down only 1 in a hundred licenses. (FY 1988-92)

Licenses are being required for fewer and fewer goods: the number of licenses for nuclear dual-use goods dropped 81% from FY 1987 to 1992.

The most popular item is computer equipment, which made up 86% of all U.S. nuclear dual-use exports between FY 1985-92. Citing new liberalized controls, GAO predicts "a substantial decline" in license requirements for computers.

Commerce has "unilaterally approved" the export of dual-use items without referral to other agencies—of licenses sent to Energy, 80% are not forwarded for further interagency review. Only Energy and Commerce have full access to all nuclear dual-use license applications.

The U.S. often uses foreign nationals to conduct pre-license and post-export licensing activities. On-site inspections, which are rarely done, also tend to focus on less dangerous items. Inspectors "typically lack technical expertise." Commerce has not given inspectors "specific guidance" for conducting inspections.

The U.S. "does not systematically verify compliance with government-to-government assurances on the use of nuclear-related dual-use items"—GAO.

WEAKNESSES IN U.S. NUCLEAR EXPORT CONTROLS

KEY FINDINGS OF

"Export Licensing Procedures for Dual-Use Items Need to Be Strengthened," Report to Sen. John Glenn, Chairman of the Committee on Government Affairs, U.S. Senate, April 1994, GAO/NSIAD-94-119, available from GAO at (212) 512-6000.

SUMMARY: U.S. EXPORTS OF NUCLEAR DUAL-USE GOODS

Total Nuclear Dual-Use items approved in 336,000 licenses issued (in FY 1985-92): $264 billion.

Items going *to controlled countries* (FY 1985-1992): $29,046,890,812.

Items going *to sensitive facilities in 8 countries* (FY 1988-1992): $350,010,337.

In 1,508 licenses approved by the U.S. Government, for items going to: Argentina—$12.9 million; Brazil—$109 million; India—$19.7 million; Iran—$0.9 million; Iraq—$4.1 million; Israel—$193 million; Pakistan—$2.1 million; and South Africa—$6.7 million.

SPECIFIC EXAMPLES OF U.S. LICENSE APPROVALS

[Note.—SNEC=Subgroup on Nuclear Export Coordination, an interagency forum for reviewing nuclear dual-use goods; members are State, ACDA, Defense, Energy, Commerce, and the NRC; NRL=Nuclear Referral List, which identifies nuclear dual-use goods that require an export license; PLC="pre-license check" on bona fides of end users; PSV="post-shipment verification" of peaceful end use.]

"In late 1989, the U.S. government approved a license to a military end user in Pakistan for two four-axis grinding machines capable of manufacturing critical nuclear weapons components. According to the Department of Energy's Nuclear Proliferation Watch List, the end user is involved, among other things, in sensitive nuclear activities, such as the design, manufacture, or testing of nuclear weapons or production of special nuclear materials." [29] "The decision to approve the grinding machines, valued at $1.5 million, came after the SNEC had recommended denial of less valuable NRL licenses to the same end user . . . The SNEC had recommended denial of these licenses on grounds that there was an unacceptable risk of diversion to nuclear proliferation activities." [29] The license was approved "on the condition that the exporter provide the SNEC with periodic reports of the status of the item; however, according to Commerce officials, no such reports have ever been provided." [29]

"During fiscal years 1988 to 1992, the United States issued 238 licenses for computers to certain Israeli end users linked to the unsafeguarded Israeli nuclear program . . . [including some that] were also more powerful than those used to develop many of the weapons in the U.S. nuclear arsenal." [30] "For 62 of the 238 licenses, the United States received government-to-government assurances against nuclear use . . . although the U.S. government has not verified compliance." [30]

"The U.S. government approved 23 licenses during fiscal years 1988 and 1989 for computer equipment to end users later determined by the United Nations to be involved in Iraq's nuclear weapons program . . . [specifically including] Iraqi state establishments involved in uranium enrichment activities. According to a U.S. government assessment, Iraq may have made use of such computers to perform nuclear weapons design work, as well as to operate machine tools which may have been used in fabricating nuclear weapons, centrifuges, and electromagnetic uranium enrichment components . . . At the time these licenses were approved, only the Iraqi Atomic Energy Commission was identified as a sensitive end user; other Iraqi state establishments were not identified as potentially involved in nuclear weapons activities." [30–31]

"The United States approved 33 licenses to a nuclear research center in India that operates an unsafeguarded reactor and unsafeguarded isotopic separation facilities. . . .[according to the CIA director] the center is also involved in thermonuclear weapons design work . . . [The US] also approved six licenses involving NRL items such as computers and equipment for ammonia production for Indian fertilizer factories [that] make heavy water as a by-product. . .".[31]

Between fiscal years 1988 and 1991, GAO identified "two cases were Commerce approved licenses even though a majority of other SNEC agencies had voted that they be denied." [36–37] The cases involved a flash X-ray system going to an "end user suspected of engaging in proscribed nuclear activitives" and a computer "to an end user which at the time was a known diverter." [37]

SCOPE OF U.S. SALES

"During the past several years, the Department of Commerce approved a significant number of nuclear-related dual-use export licenses for countries that pose a proliferation concern—the 36 countries on the Special Country List." [17]

"From fiscal years 1985 to 1992, the United States issued about 336,000 nuclear-related dual-use licenses for exports valued at $264 billion. Of these, about 55,000 (16 percent) were for items valued at $29 billion exported to the 36 countries that the United States has identified as posing a potential proliferation concern." [3] "Computers accounted for 86 percent on nuclear-related dual-use licenses to these 36 countries." [3]

"During the 8-year period, Commerce approved 87 percent of such [nuclear-related dual-use] licenses to Special Country List destinations, denied 1.2 percent, and returned 11.8 percent without action (meaning that the exporter failed to provide sufficient information or withdrew the application, or Commerce determined that the item did not require a validated license)." [18] "This approval rate was only slightly lower than that for all countries—on average, Commerce approved 89.1 percent of nuclear-related dual-use licenses during this period, denied 1.5 percent, and returned 8.9 without action." [18]

"Of the 92 categories of items listed in the Export Administration Regulations since fiscal year 1985 as controlled for nuclear proliferation reasons, 59 were licensed to Special Country List destinations between fiscal years 1985 and 1992. Worldwide, 67 of the 92 NRL items were licensed during this period." [19]

". . . over 1,500 nuclear-related dual-use licenses were approved by the U.S. government to end users in these countries involved or suspected of being involved in nuclear proliferation acitivies. Some licenses involved technically significant items or facilities that have been denied licenses in other cases because of the risk of diversion to nuclear proliferation purposes. These approvals, although generally consistent with U.S. policy implementation guidelines, do present a relatively greater risk that U.S. exports could contribute to nuclear weapons proliferation." [24]

[U.S. nuclear-related dual-use goods were approved for export to]" . . . end users [that] have been or are suspected to be key players in their countries' nuclear weapons programs." [29] "Although most of the licensing decisions for the eight countries we reviewed were in accord with the goal of minimizing proliferation risk, we did identify a number of licenses that were approved for exports to end users engaged in, or suspected of being engaged in, nuclear weapons proliferation." [27]

". . . of the 24,048 licenses approved for these eight countries [Argentina, Brazil, India, Iran, Iraq, Israel, Pakistan, and South Africa], 1,508 (6 percent) were for end users involved in or suspected of being involved in nuclear weapons development or the manufacture of special nuclear materials . . . [including] sensitive end users that have played key roles in their countries' nuclear weapons development the manufacture of special nuclear materials programs and for which U.S. officials have denied a large number of dual-use licenses." [4] [Also see table on page 28.] "Generally, the end users for these 1,508 licenses were government agencies, research organizations, universities, and defense companies that, while participating in proscribed and/or unsafeguarded nuclear activities, are also engaged in other activities." [28]

"During this period [fiscal years 1988 to 1992], the United States reviewed 27,567 nuclear-related dual-use license applications for the eight countries [Argentina, Brazil, India, Iran, Iraq, Israel, Pakistan, and South Africa] and approved 24,048 or approximately 87 percent . . .". [25] [Note: according to data on page 25, only one percent—one license in a hundred—were officially denied.]

"The volume of licenses of NRL items has declined since fiscal year 1987 . . . License applications for computer exports should further decline in the future because of additional liberalization steps." [17] "The number of NRL licenses worldwide declined 81 percent from fiscal years 1987 to 1992, compared with a 65-percent drop in NRL licenses to Special Country List destinations . . .". [21]

". . . the liberalization in computer licensing requirements has had the greatest impact [on the drop in licensing requirements]: computers represented 92 percent of the decline in licenses for NRL items to Special Country List destinations and 86 percent of the decline for all countries." [23]

"On October 6, 1993, the Commerce Department published an interim rule further easing licensing requirements for computer exports . . . This new policy will almost certainly result in a substantial decline in the number of computer license applications. We estimate that if these policy changes had been in effect in fiscal year 1992, there would have been approximately 86 percent fewer license applications for computer exports to counties on the Special Country List." [23]

"Computers account for the largest share of nuclear-related dual-use licenses. Between fiscal years 1985 and 1992, 86 percent of such licenses approved to Special Country List destinations involved computers and computer-related equipment, compared with 77 percent for all countries." [18]

"The NRL items most commonly licensed have a variety of applications for nuclear weapons development, including weapons testing, uranium enrichment (isotopic separation), implosion systems development, and weapons detonation. According to Energy officials, these items are in greater demand than the rest of the NRL because they have wide civilian applications." [20] "In contrast, NRL items with relatively few nonnuclear uses were approved in small numbers or not at all, especially to Special County List destinations." [20]

LICENSING PROCEDURES AND POLICIES

"The Commerce Department did not always refer nuclear-related dual-use license applications to the Department of Energy as required by regulations. From fiscal years 1988 to 1992, *Commerce unilaterally approved the export of computers and other nuclear-related items to countries of proliferation concern,* even though these licenses should have been referred to Energy. Commerce also approved without Energy consultation numerous licenses for other items going to end users engaged in nuclear weapons activities, despite regulations requiring referral of such licenses." [4]

"[From fiscal years 1988 to 1992], *Energy did not forward to the Subgroup on Nuclear Export Coordination about 80 percent of the licenses it received from Commerce for end users of nuclear proliferation concern* . . . [including goods] intended for end users suspected of developing nuclear explosives or special nuclear materials." [4–5] "We found that the Commerce Department did not always send to Energy all those licenses requiring referral and that Energy recommended approval of a majority of licenses for end users engaged in nuclear weapons activities without subjecting them to interagency review." [33]

"From fiscal years 1988 to 1992, Commerce decided without Energy consultation about 50 percent of the 34,281 nuclear-related dual-use license applications to Special Country List destinations. Of the licenses Commerce referred, *Energy made recommendations to Commerce on about 93 percent without subjecting them to interagency review." [36]*

From October 1987 to May 1992, "Commerce approved about 130 licenses for NRL items going to Special Country List destinations without obtaining Energy review, even though no Energy delegations of authority applied." [37] "In addition to the NRL licenses, Commerce approved without Energy review nearly 1,500 licenses for non-NRL items going to end users on Energy's Watch List, even though regulations require Energy review of non-NRL licenses involving nuclear end users." [37] "*Of these licenses, about 500 were for sensitive end users.*" [37]

". . . Defense and Arms Control and Disarmament Agency representatives to the Subgroup identified a number of licenses that they believed warranted interagency review but were not placed on the Subgroup's agenda." [5] [See also p. 33.] "Defense and ACDA officials stated that not all nuclear-related dual-use licenses that could be of concern to various SNEC agencies are being referred to the SNEC. In addition, Defense and ACDA officials said they have only a limited ability to hold Energy accountable for its licensing recommendations because they lack access to licensing information." [40] "*They believe Energy has a policy perspective that could lead it to recommend approval of some licenses that Defense and ACDA want denied.*" [40]

Of the licenses between March 1991 and July 1992 that involved interagency disagreements, "Defense and ACDA voted at the SNEC for denial 63 and 50 percent of the time, respectively, while Energy voted for denial 47 percent of the time, Commerce 13 percent, and State 8 percent." [40] *Energy and Commerce ". . . are the only agencies with access to all nuclear-related dual-use license applications.*" [41] Other agencies are "limited in their ability to hold Commerce and Energy accountable for their licensing decisions because they rarely are given information on licenses decided without interagency review." [41]

Energy cites "*resource constraints*" as a reason why it does not regularly notify the SNEC about licenses the Department has approved—"*Energy has not provided the NSEC with information on licenses approved without SNEC review since October 1991.*" [41]

From fiscal years 1988 to 1992, "Energy referred to the SNEC only 26 percent of the license applications it received from Commerce for end users listed as sensitive on its Nuclear Proliferation Watch List. Of the licenses not referred by Energy, 79 percent were ultimately approved, less than 1 percent were denied, and the remainder were generally returned without action." [39]

". . . [SNEC agencies] are limited in their ability to influence which licenses Energy selects for interagency review and are unable to hold Commerce and Energy accountable for their review decisions because they lack consistent access to licensing information." [5]

In February 1992, Defense proposed in the SNEC that Energy should refer to the SNEC all licenses involving goods controlled under the Nuclear Suppliers Group guidelines going to certain countries not in the Group; the SNEC, however, did not accept this proposal, due to opposition from Commerce, State, and Energy. Defense also proposed that Energy share with the SNEC information on all approved licenses that were not reviewed by the SNEC—but SNEC rejected this proposal as well. [41]

Commerce opposes ACDA's proposal to refer to the SNEC all licenses that Commerce refers to Energy. [41]

". . . in certain circumstances licenses will be approved for Special Country List destinations even if the end user is involved in proscribed or unsafeguarded nuclear activities . . ." [25]

"In some instances, decisions to approve licenses for sensitive end users were also influenced by special country considerations—for example, the close bilateral relationship between the United States and Israel." [28]

VERIFICATION AND ENFORCEMENT ISSUES

"During fiscal years 1991 and 1992, Commerce selected a number of cases for inspection involving items of low technical significance . . . approximately 63 percent of nuclear-related prelicense checks in the eight countries of proliferation concern . . . were [for items] of lesser proliferation concern . . . about 39 percent of nuclear-related pre-license checks in the eight countries were conducted for end users that had already been identified by the Department of Energy as posing a nuclear proliferation concern." [5]

"GAO . . . found that (1) U.S. embassy officials who perform the pre-license checks and post-shipment verifications typically lack technical expertise in how nuclear-related dual-use items could be diverted; (2) Commerce's requests for inspections frequently omitted vital information, such as the reason for the inspection or licensing conditions; and (3) embassy officials frequently sent foreign . . . nationals to conduct inspections of their own countries' facilities." [5–6]

"The U.S. government does not systematically verify compliance with government-to-government assurances on the use of nuclear-related dual-use items . . . Thus, the U.S. government cannot be certain that exports licensed with government-to-government assurances are being used for their intended purposes." [6]

"Only a small proportion of the nuclear-related dual-use licenses referred to the Department of Energy have been subjected to PLCs and PSVs. During fiscal years 1991 and 1992, Commerce conducted PLCs for 221 (2.6 percent) of the 8,370 nuclear-related dual-use licenses referred to Energy." [44] "Over 60 percent of these inspections related to computers." [45]

"A total of 47 of these PLCs and PSVs involved end users on the Department of Energy's Watch List, and 35 of these had favorable results." [46]

Between fiscal years 1991 and 1992, seven licenses were approved despite unfavorable PLCs; of these two involved end users on the Watch List. [46–47]

A Commerce official told GAO that the department did not have specific criteria for conducting PLCs and PSVs involving nuclear dual-use goods. [47] Current guidelines apply more generally to all export controlled items. "Without this focus," GAO found, "Commerce cannot be certain that the licenses presenting the greatest nuclear proliferation risk are selected for inspection." [47] The selection criteria for conducting PLCs and PSVs do not highlight the most sensitive nuclear-related dual-use items "or even distinguish the relative importance of items having uses in nuclear, chemical, or biological weapons, or with military or missile technology applications." [48] GAO found that *Commerce "has developed specific guidance for conducting nuclear-related dual-use inspections." [49]*

GAO found that "about 39 percent of nuclear-related PLCs [designed to check the bona fides of end users] in the eight countries of proliferation concern were performed on Department of Energy Watch List end users." [49]

Problems in specific cases:

Pakistan:—In March 1988, "the U.S. embassy in Pakistan conducted a PLC for the proposed export of a computer to an end user located on the premises of a military facility in Pakistan. Although embassy officials did not visit the end user, citing time and budget constraints, the reply cable stated that the end user was a reliable recipient of U.S. technology. A subsequent PLC conducted during fiscal year 1991 reported the same finding for an oscilloscope export. The Energy Watch List, however, indicates that the military facility is involved in sensitive nuclear activities." [50]

Iraq:—May 1989, "the U.S. embassy in Iraq conducted a PLC for the proposed export of a machine tool to Bader General Establishment. Inspectors toured the facility and viewed the plant where the machine tool would be used. The *reply cable stated that Bader General Establishment was a reliable recipient of U.S. technology*. However, after the Persian Gulf War, U.N. inspectors revealed that the facility was a primary contributor to Iraq's nuclear weapons program." [50]

Israel:—In December, "the U.S. embassy in Israel conducted a PLC at a government commission for a proposed export to an end user involved in Israel's unsafeguarded nuclear program. *The inspecting official, an Israeli national, interviewed the commission's public relations official as well as a representative of the end user*. The U.S. embassy subsequently recommended approval of the application based on the results of the PLC." [50] GAO also found that "According to U.S. officials at the U.S. embassy in Israel, *a foreign service national who was a former employee of the Israeli Foreign Service has been primarily responsible for conducting inspections*. Officials said that until the beginning of 1992, this individual conducted the majority of inspections without an accompanying U.S. official." [52] "One laboratory official noted that 15 licenses were approved for exports of fibrous material to Israel in fiscal year 1991. However, no PLCs were conducted on license applications involving this item." [48]

India:—In another example, "26 licenses were approved for corrosion-resistant sensing elements to India in fiscal year 1992. However, only three PLCs were conducted on these license applications." [48]

GAO found that "at the U.S. consulate in Hong Kong, a foreign service national has been responsible for performing, without direct supervision, all nuclear-related dual-use inspections for the past 17 years." [52]

A recent Commerce Department guideline concerning the use of foreign nationals in the conduct of inspections "*leaves the decision on who should perform the inspections to the discretion of the posts." [52]*

GAO found that *inspecting officials "lack technical expertise in how nuclear-related dual-use items may be diverted*"; Commerce's requests for inspections "omit vital information"; foreign nationals "conduct many inspections"; "some inspection reports do not provide an assessment of the end user's reliability"; and "U.S. embassy and consulate officials may have difficulty gaining access to end-user facilities." GAO found that "without such expertise and training, it is difficult for them [inspectors] to effectively detect potential or actual attempts to divert these items to a nuclear weapons program." [51] GAO also found that "Embassy officials do not always report on the reliability of end users as required by Commerce." [52]

GAO found that "Embassy officials in some countries have difficulty obtaining immediate access to foreign facilities or cannot obtain access at all because the host government is sensitive about inspections infringing on its sovereignty." GAO cited India and Germany as two such countries.

According to GAO, "At several posts, including Hong Kong, India, Pakistan, Germany, and Israel, foreign service nationals were conducting nuclear-related dual-use inspections." [52] in some cases, these foreign nationals were not even accompanied by U.S. embassy officials, GAO found.

GAO found that "there are no formal criteria for determining when to seek an end-use assurance . . .". [54]

"According to State, Defense, and ACDA officials, the U.S. government does not systematically verify compliance with these [government-to-government] assurances because they are diplomatically negotiated agreements intended to carry the weight of an official commitment by a foreign government. Thus, it cannot be certain that the licensed exports are being used only for their intended purposes." [53]

According to U.S. officials, there is no evidence of cases where end-use assurances have been violated; however, officials also said there is no systematic effort to verify compliance with such assurances because they constitute an official commitment by a foreign government. According to State Department officials, most end-use assurances have no provisions for verifying compliance." [55]

GAO found that Israel and South Africa accounted for over 88 percent of all government-to-government assurances obtained during fiscal years 1988 to 1992 that prohibited specified nuclear end uses. [Table on page 54] "For Israel, the majority of nuclear assurances involved military end users. The United States obtains end-use assurances for certain exports to Israeli military end users in lieu of conducting inspections of these end users." [55]

By Mr. D'AMATO:

S. 104. A bill to establish the position of Coordinator for Counter-Terrorism within the office of the Secretary State; to the Committee on Foreign Relations.

THE COORDINATOR FOR COUNTER-TERRORISM POSITION ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce a bill to permanently establish by statute the position of the Coordinator of Counter-Terrorism within the office of the Secretary of State. If the State Department had its way it would downgrade the day-to-day responsibilities of the office, from an Assistant Secretary level, to one among several Deputy Assistant Secretaries under a new Assistant Secretary responsible for narcotics and international crime as well as terrorism. I am pleased that my colleague from New York, Representative BEN GILMAN will be introducing identical legislation in the House of Representatives.

Under my amendment, the Coordinator shall have the rank of "Ambassador-at-Large," a position that will require Senate confirmation, thereby giving the office an enhanced position in its relations with the other federal agencies that flight terrorism, and equal rank with similar officials of other nations.

Last year, the administration proposed to downgrade the position—a decision that was wrong then and is still wrong today, for a number of important reasons. Let me explain.

First, now is not the time to lower our guard against terrorism. Nearly 2 years ago, terrorism struck our shores when terrorists bombed the World Trade Center and planned additional bombings. Acts of terrorism have not lessened, but gotten more dangerous. We need look no farther then the heinous bombings in Buenos Aires, Panama, Tel Aviv, and the continuing Hamas campaign to disrupt the ongoing peace process, to see that the worldwide threat of terrorism is not receding but expanding.

Second, downgrading the position sends a message that we are not serious about fighting terrorism and that we don't consider it a priority. What will the terrorists think if we downgrade an office designed to thwart their attacks on American targets? I think they will become emboldened. This move cannot have a positive effect on our counter-terrorism efforts.

Third, downgrading the Counter-Terrorism office and placing it under a larger, more cumbersome portfolio that includes drugs and international crime, means that counter-terrorism will have a lower priority. The State Department contends that terrorism is explicitly tied to drug trafficking. This is a overly broad generalization and not a fact.

Finally, downgrading the position makes it harder for the Coordinator to organize a coherent counter-terrorism policy because he or she will not be able to deal effectively with the other members of the Federal bureaucracy in the fight against terrorism.

Mr. President, I would like to point out that according to the Congressional Research Service, between 1968 and 1993, including the attack on the World Trade Center, 769 Americans died in terrorist acts, worldwide. Moreover, in the World Trade Center bombing of February 26, 1993, in which six people died, over 1,000 others were injured. Losses incurred in that bombing surpassed $1 billion. As we all know, the terrorists planned more elaborate and dangerous operations. Fortunately, they were caught before more damage could be done.

Is now the time to put fight against terrorism on the backburner? Is now the time to tell the world that we don't consider terrorism important? I don't think so. Nor do I think that we, as a nation, can tell the families of these 769 people that the death of their loved ones are going to be forgotten. I don't think that anyone in this Chamber would want to tell them that we should relent in our fight against terrorism either. But, if we allow the administration plan to downgrade the Counter-Terrorism position to go forward, we will be doing just that.

The 1990 Report of the President's Commission on Aviation Security and Terrorism, following the bombing of Pan Am Flight 103, called for the creation of such a position. Interestingly, four former counter-terrorism and international narcotics control officials, in a letter to me begged, "Don't gut our counter-terrorism capability."

In another letter to me, Lisa and Ilsa Klinghoffer, daughters of Leon Kinghoffer who was murdered by terrorist on the *Achille Lauro* in October 1985, urged that a separate and independent office be kept at the State Department as "the most effective implementation of the administration's counter-terrorism policies and initiatives."

If we are going to be serious about the fight against terrorism, we must have the right resources. One of those resources is an Ambassador-at-large for Counter-Terrorism. This Ambassador will act as the sole voice and have direct access to the Secretary of State and will coordinate our nation's fight against this scourge that we must stand up to, and that we must defeat.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COORDINATOR FOR COUNTER-TERRORISM.

(a) ESTABLISHMENT.—There shall be within the office of the Secretary of State a Coordinator for Counter-Terrorism (hereafter in this section referred to as the "Coordinator") who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—(1) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

(2) The Coordinator shall have as his principal duty the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal advisor to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and report directly to the Secretary of State.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.

(d) DIPLOMATIC PROTOCOL.—For purposes of diplomatic protocol among officers of the Department of State, the Coordinator shall take precedence after the Secretary of State, the Deputy Secretary of State, and the Under Secretaries of State and shall take precedence among the Assistant Secretaries of State in the order prescribed by the Secretary of State.•

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mrs. KASSEBAUM, and Mr. BAUCUS):

S. 105. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

THE SPECIAL USE VALUATION FOR FAMILY FARMS ACT OF 1995

Mr. DASCHLE. Mr. President, since 1988, I have studied the effects on family farmers of a provision in the estate tax law—section 2032A. While section 2032A may seem a minor provision to some, it is critically important to family-run farms. A problem with respect to the Internal Revenue Service's interpretation of this provision has been festering for a number of years and threatens to force the sale of many family farms.

Section 2032A, which bases the estate tax applicable to a family farm on its use as a farm, rather than on its market value, reflects the intent of Congress to help families keep their farms. A family that has worked hard to maintain a farm should not have to sell it to a third party solely to pay stiff estate taxes resulting from increases in the value of the land. Under section 2032A, inheriting family members are required to continue farming the property for at least 15 years, in order to avoid having the IRS "recapture" the tax savings.

At the time section 2032A was enacted, it was common practice for one or more family members to cash lease the farm from the other members of the family. This practice made sense where one family member was more involved than the other family members in the day-to-day farming of the land. Typically, however, the other family members would continue to be at risk as to the value of the farm and to participate in decisions affecting the farm's operation. Cash leasing among family members remained a common practice after the enactment of section 2032A. An inheriting child would cash lease from his or her siblings, with no reason to suspect from the statute or otherwise that the cash leasing arrangement might jeopardize the farm's qualification for special use valuation.

Based at least in part on some language that I am told was included in a Joint Committee on Taxation publication in early 1982, the Internal Revenue Service has taken the position that cash leasing among family members will disqualify the farm for special use valuation. The matter has since been the subject of numerous audits and some litigation, though potentially hundreds of family farmers may yet be unaware of the change of events. Cases continue to arise under this provision.

In 1988, Congress provided partial clarification of this issue for surviving spouses who cash lease to their children. Due to revenue concerns, however, no clarification was made of the situation where surviving children cash lease among themselves.

My concern is that many families in which inheriting children or other family members have cash leased to each other may not even be aware of the IRS's position on this issue. At some time in the future, they are going to be audited and find themselves liable for enormous amounts in taxes, interest and penalties. For those who cash leased in the late 1970s, this could be devastating because the taxes they owe are based on the inflated land values that existed at that time.

A case that arose in my State of South Dakota illustrates the unfairness and devastating impact of the IRS interpretation of section 2032A. Janet Kretschmar, who lives with her husband, Craig, in Cresbard, SD, inherited her mother's farm along with her two sisters in 1980. Because the property would continue to be farmed by the family members, estate taxes were paid on it pursuant to section 2032A, saving over $50,000 in estate tax.

Janet and Craig continued to farm the land and have primary responsibility for its day-to-day operation. They set up a simple and straightforward arrangement with the other two sisters whereby Janet and Craig would lease the sisters' interests from them.

Seven years later, the IRS told the Kretschmars that the cash lease arrangement had disqualified the property for special use valuation and that they owed $54,000 to the IRS. According to the IRS, this amount represented estate tax that was being "recaptured" as a result of the disqualification. This came as an enormous surprise to the Kretschmars, as they had never been notified of the change in interpretation of the law and had no reason to believe that their arrangement would no longer be held valid by the IRS for purposes of qualifying for special use valuation. The fact is that, if they had known this, they would have organized their affairs in one of several other acceptable, though more complicated, ways.

For many years, I have sought inclusion in tax legislation of a provision that would clarify that cash leasing among family members will not disqualify the property for special use valuation. In 1992, such a provision was successfully included in H.R. 11, the Revenue Act of 1992 and passed by Congress. Unfortunately, H.R. 11 was subsequently vetoed.

Today, I am introducing a bill the language of which is identical to the section 2032A measure that was passed in the Revenue Act of 1992. I am joined in this effort by my two colleagues from North Dakota, Senators DORGAN and CONRAD, whose background and expertise on tax issues are well known, as well as by my distinguished colleagues Senators KASSEBAUM and BAUCUS.

I must emphasize that there may be many other cases in other agricultural states where families are cash leasing the family farm among each other unaware that the IRS could come knocking at their door at any minute. I urge my colleagues in the Senate who may have such cases in their State to work with us and support this important clarification of the law.

I intend to request the Joint Committee on Taxation to estimate the revenue impact of this proposal. At an appropriate time thereafter, I will recommend any necessary offsets over a 10-year period as required by the Budget Act.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN CASH RENTALS OF FARMLAND NOT TO CAUSE RECAPTURE OF SPECIAL ESTATE TAX VALUATION.

(a) IN GENERAL.—Subsection (c) of section 2032A of the Internal Revenue Code of 1986 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end the following new paragraph:

"(8) CERTAIN CASH RENTAL NOT TO CAUSE RECAPTURE.—For purposes of this subsection, a qualified heir shall not be treated as failing to use property in a qualified use solely because such heir rents such property on a net cash basis to a member of the decedent's family, but only if, during the period of the lease, such member of the decedent's family uses such property in a qualified use."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to rentals occurring after December 31, 1976.

By Mr. DASCHLE:

S. 106. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

THE DEDUCTION FOR CHARITABLE USE OF PASSENGER AUTOMOBILES ACT OF 1995

Mr. DASCHLE. Mr. President, today I am introducing legislation that addresses a small, but important, concern regarding the deduction of mileage expenses by individuals who volunteer their services to help carry out the activities of charitable organizations.

Many individuals who volunteer for charitable organizations incur out-of-pocket expenses that are not reimbursed by the charity. One such expense occurs where an individual uses his or her own car to carry out charitable purpose activities. Examples of this are when an individual provides transportation to a hospital for veterans, delivers meals to the homeless or elderly on behalf of a charity, or transports children to scouting and other youth activities.

In 1984, Congress set a standard mileage expense deduction rate of 12 cents per mile for individuals who use their vehicles to carry out the tax-exempt goals of charitable organizations. The express purpose of the deduction was to support the efforts of volunteers, who do not receive any charitable deduction for the value of their contributed services, and to take into account the additional out-of-pocket costs of operation of a vehicle in doing so.

At the time that Congress codified the standard charitable mileage deduction at 12 cents per mile, the standard deduction for mileage expenses incurred in connection with one's trade or business was 20.5 cents for the first 15,000 miles and 11 cents for each mile thereafter. Since that time, the U.S. Department of the Treasury, through the Internal Revenue Service, has increased the standard mileage rate for business travel expenses to 28 cents per mile for unlimited mileage.

Unfortunately, due to an anomaly in the tax code, the Secretary of the Treasury does not have the authority to make corresponding increases in the standard mileage rate for charitable use of one's vehicle. Thus, the standard charitable mileage rate remains today at 12 cents per mile.

The legislation I am introducing, which is identical to bills I have introduced in previous Congresses on this matter, would address this inconsistency in two ways. First, it would increase the standard charitable mileage expense deduction rate to 16 cents per mile. This would restore the ratio that existed in 1984 between the charitable mileage rate and the business mileage rate.

Second, the legislation would give the Secretary of the Treasury the authority to make subsequent increases in the charitable mileage rate without further permission from Congress, just as it currently does with the mileage rate for business use of a vehicle. The intent of this provision of the legislation is to ensure that, as increases are made in the future to the standard business mileage rate, the charitable mileage deduction will be increased, as well, so as to maintain the ratio that existed between these two mileage rates in 1984.

In 1993, the Joint Committee on Taxation estimated the cost of this proposal at $327 million over a five-year period. This amount is not insignificant despite the merits of this measure. Therefore, at an appropriate time, I intend to recommend offsets for the proposal over a ten-year period as required by the Budget Act.

Mr. President, many charitable organizations today are being forced to take on a greater burden than ever before, due to cut-backs, especially in the 1980s, in federal programs for veterans, the elderly and other groups in need. As a result, these organizations must increasingly rely on volunteer assistance to provide the services that are central to their tax-exempt purposes. If we can do no more, at the very least we in Congress should ensure that helpful measures remaining in the law are not allowed to erode.

On behalf of volunteers of every stripe, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN STANDARD MILEAGE RATE EXPENSE DEDUCTION FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

(a) In General. Subsection (i) of section 170 of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

"(i) Standard Mileage Rate For Use of Passenger Automobile.—

"(1) General Rule.—Except as provided in paragraph (2), for purposes of computing the deduction under this section for use of passenger automobile, the standard mileage rate shall be 16 cents per mile.

"(2) Taxable Years Beginning After 1993.— Not later than December 15 of 1995, and each subsequent calendar year, the Secretary may prescribe an increase in the standard mileage rate allowed under this section with respect to taxable years beginning in the succeeding calendar year."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

By Mr. DASCHLE:

S. 107. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Finance.

THE TRAVEL EXPENSE DEDUCTION FOR CERTAIN LOGGERS ACT OF 1995

Mr. DASCHLE. Mr. President, today I am introducing legislation in my continuing effort to address what I feel is an unfair ruling by the Internal Revenue Service that severely affects a certain segment of American workers. It is a situation where pure tax policy simply is not practical in its application to everyday life.

In my state of South Dakota, the Black Hills National Forest spreads over some 6,000 square miles. Many of my colleagues may be familiar with it.

In this forest, there is a thriving logging industry that employs many South Dakotans. The logging companies that have operations there would not be able to do their business without the assistance of those who cut the logs and haul or "skid" them to the trucks on which they are carried to the mill. These workers—known as "cutters" and "skidders," and the contractors who employ them, are collectively referred to as "loggers."

For a logger, traveling to work every day is very different from the experience of the average commuter. Loggers often travel as much as a couple of hours one way to the site where cutting is taking place. This may involve driving along miles of unpaved forest roads. It is impossible for them to live closer to their work site, not only because of its location, but also because that site may change from month to month. In addition, loggers must have vehicles that are capable of traversing rough forest terrain.

Despite the number of miles the loggers must travel to work each day and the rough terrain, the IRS has said that their expenses of traveling from home to the work site and back again are non-deductible commuting expenses. This is true regardless of the location of the work site within the forest or its distance form the individual logger's home. For, according to the IRS, the entire 6,000-square-mile forest is the loggers' "tax home" or "regular place of business" for purposes of deducting mileage expenses.

Despite the IRS's reasons for taking this position, the effect of the rule on loggers in the Black Hills is unfair. It imposes a hardship on them and fails to recognize the special circumstances of their jobs. True, other taxpayers are not permitted to deduct commuting mileage expenses. But other taxpayers generally are not forced to travel such long distances to and from work each day or to drive along dirt forest roads. Indeed, several loggers who challenged the IRS on this issue initially won their cases, only to be overturned on appeal.

To rectify this situation, I introduced legislation in the 102d and 103d Congresses that would have allowed loggers, in the Black Hills or elsewhere, to deduct their mileage expenses incurred while traveling between their homes and the cutting site, so long as the mileage is legitimately related to their business. Although that measure was not included in tax legislation last year primarily due to revenue concerns, in the 102d Congress a provision requiring the U.S. Department of the Treasury to study the issue was passed in H.R. 11, the Revenue Act of 1992, which ultimately was vetoed.

Today I am reintroducing the bill that I introduced previously allowing loggers to deduct their mileage expenses incurred while traveling between their homes and the cutting site. I urge my colleagues, particularly those who have loggers in their state, to take a close look at it. To some, this may seem a small matter in the scheme of what we do here in the Senate, but it would restore a measure of fairness to loggers who currently are subject to the IRS's whims.

Finally, I recognize that there will be some cost associated with this measure, and, at the appropriate time, I intend to recommend offsets to cover the cost of the measure over a 10-year period as required by the Budget Act.

Mr. President, I ask that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR TRAVEL EXPENSES OF CERTAIN LOGGERS.

(a) In General.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) Special Travel Expense Rules for Loggers.—

"(1) In general.—Notwithstanding subsection (a)(2) and section 262, in the case of an individual, there shall be allowed as a deduction under this section an amount equal to the travel expenses of such individual in connection with the trade or business of logging (including the miles to and from such individual's home).

"(2) Trade or business of logging.—For purpose of this section, the term 'trade or business of logging' means the trade or business of the cutting and skidding of timber."

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

By Mr. DASCHLE (for himself and Mr. Jeffords):

S. 108. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax; to the Committee on Finance.

THE PROMOTING SOLAR AND GEOTHERMAL TECHNOLOGIES ACT OF 1995

Mr. DASCHLE. Mr. President, a successful national energy policy requires that we shift our reliance away from finite fossil fuels toward the infinite supply of renewable alternative technologies.

To that end, in the 102d Congress I introduced legislation that would have extended for 5 years the business energy tax credits set forth in section 46 of the Internal Revenue Code for investments in solar and geothermal energy facilities. At the time, those credits were scheduled to expire at the end of 1992. In addition, I introduced a bill that would have allowed the credits to be taken against the alternative minimum tax or "AMT" for those businesses subject to its provisions.

After much hard work, a provision making the solar and geothermal energy tax credits permanent was incorporated into the Energy Policy Act enacted into law last year. The proposal to allow the credits against the AMT, however, was not included in that legislation. Therefore, today I am re-introducing the bill that would permit businesses subject to the AMT to take advantage of the credits for investment in solar and geothermal energy facilities. I am joined by my distinguished colleague from Vermont, Senator JEFFORDS.

These energy credits represent a small but important contribution to developing a broader, more sensible, and more reliable national energy strategy. To be sure, we must be careful of enacting provisions that threaten to erode the alternative minimum tax, but there are situations in which other policies should override this concern. In my view, the promotion of renewable energy sources is just such a situation.

The promotion of renewable energy sources is more important now than ever before. This was demonstrated in the recent past by the events in the Persian Gulf. We should have learned from those events that we cannot continue to ignore our increasing dependence on imported oil. The world's oil supply will run out. Nothing can change that. To the extent that we foster and encourage the development of solar, geothermal and other new technologies, we can reduce our reliance on imported oil.

The need to slow the detrimental effects on our environment of traditional sources of energy is as important as energy supply and security. Renewable energy sources are the answer to this need. I have often spoken on the merits of alcohol fuels in this regard. Solar and geothermal energy have similar potential for the environment. For example, in the solar mode of operation, solar technology has no combustion-related emissions at all. Even when using back-up fossil fuel to assure reliability, present generation solar technology produces far less carbon dioxide than natural gas, the cleanest fossil fuel alternative. Geothermal plants also emit substantially less carbon dioxide than gas, oil, or coal-fired plants for the same electrical output.

Recent investment in solar and geothermal technologies is just beginning to yield potential return in the form of energy security and an improved environment. These technologies are not yet at the point, however, where they are commercially viable. The tax credits provide the margin needed to keep renewable projects in operation. It would be counterproductive not to extend the credits to those businesses falling under the AMT, in view of our national investment to date and our desire to lessen our dependence on imported oil.

Finally, in the 103d Congress, the Joint Committee on Taxation estimated the cost of this measure at $212 million over 5 years. At the appropriate time, I intend to recommend offsets for the cost of the proposal over a 10-year period as required by the Budget Act.

Mr. President, I ask unanimous consent that the text of this bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGES RELATING TO ENERGY CREDIT.

(a) ENERGY CREDIT ALLOWABLE AGAINST ENTIRE REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—

(1) Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR ENERGY CREDIT.—

"(A) IN GENERAL.—In the case of a C corporation—

"(i) this section and section 39 shall be applied separately with respect to the energy credit, and

"(ii) in applying paragraph (1) to such credit—

"(I) subparagraph (A) of paragraph (1) shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy credit).

"(B) ENERGY CREDIT.—For purposes of this paragraph and paragraph (2), the term 'energy credit' means the credit allowable under subjection (a) by reason of section 48(a)."

(2) Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the energy credit" after "employment credit".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. PRESSLER, Mr. GRASSLEY, Mr. BAUCUS, Mr. BURNS, and Mr. HARKIN):

S. 109. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Finance.

THE TAX TREATMENT OF INCOME FROM INVOLUNTARY CONVERSION OF LIVESTOCK ACT OF 1995

Mr. DASCHLE. Mr. President, today I am introducing legislation to provide equitable treatment under the tax law for farmers and ranchers who are forced to sell their livestock prematurely due to extreme weather conditions. I am joined in this effort by Senators CONRAD, DORGAN, PRESSLER, GRASSLEY, BAUCUS, BURNS and HARKIN.

A couple summers ago, Midwestern States suffered severe floods, which devastated lives and property along these states rivers and shorelines. President Clinton responded quickly by providing disaster assistance, $2.5 billion, including $1 billion for agriculture, in emergency aid to flooded areas in the Midwest.

In addition to receiving disaster payments, many farmers were able to take advantage of provisions in the Internal Revenue Code designed primarily to spread out the impact of taxes on farmers in these situations. Ironically, however, while farmers who lose their crops due to floods are covered under these provisions, farmers who must involuntarily sell livestock due to flood conditions are not.

Normally, a taxpayer who uses the cash method of accounting, as most farmers do, must report income in the year in which he or she actually receives the income. The Tax Code, however, outlines certain exceptions to this rule where disaster conditions generate income to the farmer that otherwise would not have been received at that time. For example, one exception allows farmers who receive insurance proceeds or disaster payments when crops are destroyed or damaged due to drought, flood or any other natural disaster to include those proceeds in income in the year following the disaster, if that is when the income from the crops otherwise would have been received.

Two other provisions deal with involuntary conversion of livestock. The first provision enables livestock producers who are forced to sell herds due to drought conditions to defer tax on any gain from these sales by reinvesting the proceeds in similar property within a 2-year period. The second provision allows livestock producers who choose not to reinvest in similar property to elect to include proceeds from the sale of the livestock in taxable income in the year following the sale.

For no apparent reason, the two provisions dealing with livestock do not mention the situation where livestock is involuntarily sold due to flooding. Thus, floods and flood conditions do not trigger the benefits of those provisions. Yet, many livestock producers during the recent floods had no choice but to sell livestock because floods had destroyed crops needed to feed the livestock, fences for containing livestock were washed out, or other similar circumstances had occurred.

Our proposal would expand the availability of the existing livestock tax provisions to include involuntary conversions of livestock due to flooding and other weather-related conditions. This would conform the treatment of crops and livestock in this respect.

A provision similar to our bill was passed by Congress as part of the Revenue Act of 1992. Unfortunately, that legislation was subsequently vetoed.

Let me emphasize that the tax provisions we are dealing with here affect the timing of tax payments, not forgiveness of tax liability. Nonetheless, I intend to request the Joint Committee on Taxation to prepare an estimate of the cost of this measure. At the appropriate time after that estimate is completed, I will recommend offsets over a 10-year period as required by the Budget Act.

We should not shut out some farmers—livestock producers—from the disaster-related provisions of the Tax Code simply because the natural disaster involved was a flood, instead of a drought. That just doesn't make sense, and I urge my colleagues to give this bill favorable consideration.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF LIVESTOCK SOLD ON ACCOUNT OF WEATHER-RELATED CONDITIONS.

(a) DEFERRAL OF INCOME INCLUSION.—Subsection (e) of section 451 of the Internal Revenue Code of 1986 (relating to special rules for proceeds from livestock sold on account of drought) is amended—

(1) by striking "drought conditions, and that these drought conditions" in paragraph (1) and inserting "drought, flood, or other weather-related conditions, and that such conditions"; and

(2) by inserting ", FLOOD, OR OTHER WEATHER-RELATED CONDITIONS" after "DROUGHT" in the subsection heading.

(b) INVOLUNTARY CONVERSIONS.—Subsection (e) of section 1033 of such code (relating to livestock sold on account of drought) is amended—

(1) by inserting ", flood, or other weather-related conditions" before the period at the end thereof; and

(2) by inserting ", FLOOD, OR OTHER WEATHER-RELATED CONDITIONS" AFTER "DROUGHT" in the subsection heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after December 31, 1994.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. BREAUX, Mr. BAUCUS, Mr. PRESSLER, Mr. CONRAD, Mr. BURNS, and Mr. DORGAN):

S. 110. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year; to the Committee on Finance.

THE TAX TREATMENT OF CROP DISASTER ASSISTANCE ACT OF 1995

Mr. DASCHLE. Mr. President, I am introducing legislation today to address unnecessary inflexibility in a Tax Code provision that affects farmers who receive crop disaster assistance. I am joined by my distinguished colleagues Senators GRASSLEY, HARKIN, BREAUX, BAUCUS, PRESSLER, CONRAD, BURNS, and DORGAN.

Last year, a number of my colleagues in the Senate and I, as well as many members of the House of Representatives, introduced similar legislation to address a concern arising out of disaster payments received after the 1993 floods in the Midwest. While it may be too late to rectify this problem for some of the farmers who received those payments, this legislation would provide them the option to go back and amend their 1993 returns. Moreover, the measure is prospective, as it is nonetheless important to ensure fairness to farmers who suffer crop damage as result of future disasters.

The legislation would make a permanent change to the Tax Code and impact farmers who receive disaster payments as a result of losses sustained from natural disasters. Due to any number of factors, farmers may not receive disaster assistance payments until the year following the disaster. This may have serious tax consequences for them if they normally would have recognized the income from the crops that were destroyed in the year of the disaster. Receipt of the disaster payment in the following year may prevent them from reporting it as income on the previous year's return. This, in turn, will result in a "bunching" of income in the later year, possibly pushing them into a higher tax bracket than would otherwise be the case. It may also cause them to lose the benefit of personnel exemptions and certain nonbusiness itemized deductions.

Ironically, Internal Revenue Code section 451(d) permits a farmer who happened to receive his disaster payment in, for example, 1993 to defer recognition of that income for tax purposes until 1994, if that is the year in which he otherwise would have recognized the income from the crops that were destroyed. But it does not allow a farmer who did not actually receive the payment until 1994 to recognize the payment as income on his 1993 return if that is when he normally would have received the income.

The legislation we are introducing today would simply permit section 451(d) to operate in either direction, so long as the farmer recognizes the disaster payment in the year in which he would otherwise have recognized the income from the crops that were destroyed.

Let me emphasize again that the change made by this legislation would apply to future disasters and disaster payments, not just those arising out of the 1993 flooding. Last year, the Joint Committee on Taxation estimated the cost of this proposal at $9 million over a 6-year period. At the appropriate time, I intend to recommend offsets covering the cost over a 10-year period as required by the Budget Act.

Mr. President, there really is no reason why the Tax Code should allow flexibility for farmers who want to recognize disaster payments in the year following the disaster, but not for those who receive their payments in the latter year and want to recognize them as income in the year of the disaster. In either case, the farmer would be required to show that he would have received the income from the destroyed crops in the year he is choosing to report the disaster assistance income. Without this two way rule, we will be imposing significant financial burdens on the very people we seek to help in passing disaster assistance legislation.

I would also like to make clear that no one is pointing fingers here. The fact is that this situation can arise circumstantially, without fault on anyone's part. The timing of the disaster, the volume of applicants for disaster assistance, and many other factors could result in farmers receiving disaster assistance payments the year after the disaster. This situation was bound to arise sooner or later, and it makes sense to correct it as soon as possible for those who are affected.

It is my intention to pursue passage of this measure at the earliest opportunity this year. I hope my colleagues will join me by supporting it.

Mr. President, I ask that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RULE FOR CROP INSURANCE PROCEEDS AND DISASTER PAYMENTS.

(a) IN GENERAL.—Section 451(d) of the Internal Revenue Code of 1986 (relating to special rule for crop insurance proceeds and disaster payments) is amended to read as follows:

"(d) SPECIAL RULE FOR CROP INSURANCE PROCEEDS AND DISASTER PAYMENTS.—

"(1) GENERAL RULE.—In the case of any payment described in paragraph (2), a taxpayer reporting on the cash receipts and disbursements method of accounting—

"(A) may elect to treat any such payment received in the taxable year of destruction or damage of crops as having been received in the following taxable year if the taxpayer establishes that, under the taxpayer's practice, income from such crops involved would have been reported in a following taxable year, or

"(B) may elect to treat any such payment received in a taxable year following the taxable year of the destruction or damage of crops as having been received in the taxable year of destruction or damage, if the taxpayer establishes that, under the taxpayer's practice, income from such crops involved would have been reported in the taxable year of destruction or damage.

"(2) PAYMENTS DESCRIBED.—For purposes of this subsection, a payment is described in this paragraph if such payment—

"(A) is insurance proceeds received on account of destruction or damage to crops, or

"(B) is disaster assistance received under any Federal law as a result of—

"(i) destruction or damage to crops caused by drought, flood, or other natural disaster, or

"(ii) inability to plant crops because of such a disaster.".

(b) EFFECTIVE DATE.—The amendment made by this section applies to payments received after December 31, 1992, as a result of destruction or damage occurring after such date.

By Mr. DASCHLE (for himself, Mr. BREAUX, Mr. CAMPBELL, Mr. GLENN, Mr. HARKIN, Mr. JOHNSTON, and Mr. PRYOR):

S. 111. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs; to the Committee on Finance.

THE TAX TREATMENT OF SELF-EMPLOYED HEALTH INSURANCE COSTS ACT OF 1995

Mr. DASCHLE. Mr. President, I have long been aware of an inequity imposed on small businesses in our Federal Tax Code. Our tax system discriminates against small businesses by denying the self-employed a full deduction for the expenses they incur to obtain health insurance for themselves and their families.

Corporations may deduct 100 percent of the costs of providing health insurance for their employees, but the self-employed, whether they operate as sole proprietorships or as partnerships, have been permitted to deduct only 25 percent of the cost of health insurance for themselves and their families. Furthermore, the 25 percent deduction has been extended on a piecemeal basis only and last expired on December 31, 1993. Unless we reinstate the deduction, the self-employed, most of whom are hard-working middle-income taxpayers, will have to shoulder the full cost of their health insurance or forgo health insurance altogether.

The importance of the deduction has grown substantially in recent years due to tremendous increases in health care costs generally. The annual double-digit increases in health care costs have far outstripped the rate of inflation and led to similar increases in the cost of health insurance. Corporations, which frequently are in a better position to absorb cost increases, may fully deduct the higher insurance expenses, while the self-employed must pay these costs with after-tax dollars. In some cases, this may mean forfeiting health insurance altogether.

Last year, Congress attempted to pass comprehensive health care legislation which could have resolved this inequity on a permanent basis. Many of us deeply regretted the failure of health care reform efforts last year. The self-employed health insurance deduction was one of the many casualties of that failure.

I remain committed to passing a health reform bill and hope my colleagues in the majority will join me in this effort. But, regardless of the success of that effort, I think it is time we put the self-employed on an equal footing with corporations.

I am reintroducing today legislation I have offered in past Congresses that would establish a full 100 percent deduction for health insurance costs paid by the self-employed. In addition, this legislation, which is identical to the bills I introduced previously, would make the deduction permanent, as it is for corporations. If this bill is enacted, the self-employed no longer will have to worry each year that their deduction for health insurance costs may be completely eliminated.

My distinguished colleagues Senators BREAUX, CAMPBELL, GLENN, HARKIN, JOHNSTON, and PRYOR have joined me in introducing this legislation.

The cost of this measure is not insignificant, and I intend to work with my colleagues in the Senate who favor extension and expansion of the deduction to find an appropriate and adequate offset elsewhere in the budget to cover the cost of this measure over the 10-year period required under the Budget Act.

Of course, consideration of this measure should in no way diminish the importance of or divert our attention away from the ultimate goal of reforming our health care system. Only through such reforms can we hope to rein in skyrocketing health care costs and provide health security to families that currently cannot afford insurance or live in fear of losing their coverage.

I encourage my colleagues to cosponsor the legislation I am introducing today. In so doing, they not only will help restore fairness to the Tax Code with respect to small businesses, but they also will be supporting substantial tax relief for a large group of middle-income Americans.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

S. 111

SECTION 1. HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) DEDUCTION MADE PERMANENT.—

(1) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(b) INCREASE IN AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (1) of section 162(l) of such Code is amended by striking "25 percent of".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1994.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. CONRAD, and Mr. DORGAN):

S. 112. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

THE TAX TREATMENT OF TELEPHONE COOPERATIVES ACT OF 1995

Mr. DASCHLE. Mr. President, today I am introducing legislation that reaffirms the intent of the U.S. Congress, originally expressed in 1916, to grant tax-exempt status to telephone cooperatives. This exemption is now set forth in section 501(c)(12) of the Internal Revenue Code.

I am joined by my distinguished colleagues Senators GRASSLEY, HARKIN, CONRAD, and DORGAN.

This legislation is identical to a bill I introduced in the 103d Congress and to a measure that was included in the Revenue Act of 1992, which ultimately was vetoed.

Congress has always understood that tax exemption is necessary to ensure that reliable, universal telephone service is available in rural America at a cost that is affordable to the rural consumer. Telephone cooperative are non-profit entities that provide this service where it might otherwise not exist due to the high cost of reaching remote, sparsely populated areas.

The facilities of a telephone cooperative are used to provide both local and long distance communications services. Perhaps the most important of these for rural users is long distance. Without these services, both local and long distance, people in rural areas could not communicate with their own neighbors, much less with the world. While telephone cooperative comprise only a small fraction of the U.S. telephone industry—about 1 percent—their services are vitally important to those who must rely upon them.

Under Internal Revenue Code section 501(c)(12), a telephone cooperative qualifies for tax exemption only if at least 85 percent of its gross income consists of amounts collected from members for the sole purpose of meeting losses and expenses. Thus, the bulk of the revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. No more than 15 percent of the cooperative's gross income may come from non-member sources, such as property rentals or interest earned on funds on deposit in a bank. For purposes of the 85 percent test, certain categories of income are deemed neither member nor non-member income and are excluded from the calculation. The reason for the 85 percent test is to ensure that cooperatives do not abuse their tax-exempt status.

A Technical Advise Memorandum [TAM] released by the Internal Revenue Service a few years ago threatens to change the way telephone cooperatives characterize certain expenses for purposes of the 85 percent test. If the rationale set forth in the TAM is applied to all telephone cooperatives, the majority could lose their tax-exempt status.

Specifically, the IRS now appears to take the position that all fees received by telephone cooperatives from long-distance companies for use of the local lines must be excluded from the 85 percent test and that fees received for billing and collection services performed by cooperatives on behalf of long-distance companies constitute non-member income to the cooperative.

The legislation I am introducing today would clarify that access revenues paid by long distance companies to telephone cooperatives are to be counted as member revenues, so long as they are related to long distance calls paid for by members of the cooperative. In addition, the legislation would indicate that billing and collection fees are to be excluded entirely from the 85 percent test calculation.

Mr. President, it is not secret that mere distance is the single most important obstacle to rural development. In the telecommunications industry today, we have the ability to bridge distances more effectively than ever before. Technology in this area has advanced at an incredible pace. But, maintaining and upgrading the rural telecommunications infrastructure is an exceedingly expensive proposition, and we must do all we can to encourage this development.

Ensuring that telephone cooperatives may retain their legitimate tax-exempt status is one vital step we can take. I believe that providing access to customers for long distance calls and billing and collecting for those calls on behalf of the cooperative's members and the long distance companies are indisputably part of the exempt function of providing telephone service, especially to rural communities. The nature and function of telephone cooperatives have not materially changed since 1916, and neither should the formula upon which they rely to obtain tax-exempt status.

In the 103d Congress, the Joint Committee on Taxation estimated the cost of this legislation to be $59 million over a 5-year period. At the appropriate time, I will recommend appropriate offsets to cover the cost of this measure over the 10-year period required under the Budget Act.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY A COOPERATIVE TELEPHONE COMPANY.

(a) NONMEMBER INCOME.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end the following new subparagraph:

"(E) In the case of a mutual or cooperative telephone company (hereafter in this subparagraph referred to as the 'cooperative'), 50 percent of the income received or accrued directly or indirectly from a nonmember telephone company for the performance of communication services by the cooperative shall be treated for purposes of subparagraph (A) as collected from members of the cooperative for the sole purpose of meeting the losses and expenses of the cooperative."

(2) CERTAIN BILLING AND COLLECTION SERVICE FEES NOT TAKEN INTO ACCOUNT.—Subparagraph (B) of section 501(c)(12) of such Code is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) from billing and collection services performed for a nonmember telephone company."

(3) CONFORMING AMENDMENT.—Clause (i) of section 501(c)(12)(B) of such Code is amended by inserting before the comma at the end thereof ", other than income described in subparagraph (E)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1994.

(5) NO INFERENCE AS TO UNRELATED BUSINESS INCOME TREATMENT OF BILLING AND COLLECTION SERVICE FEES.—Nothing in the amendments made by this subsection shall be construed to indicate the proper treatment of billing and collection service fees under part III of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to taxation of business income of certain exempt organizations).

(b) TREATMENT OF CERTAIN INVESTMENT INCOME OF MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of such Code (relating to list of exempt organizations) is amended by adding at the end the following new subparagraph:

"(F) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account reserve income (as defined in section 512(d)(2)) if such income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, does not exceed 35 percent of the company's total income. For the purposes of the preceding sentence, income referred to in subparagraph (B) shall not be taken into account."

(2) PORTION OF INVESTMENT INCOME SUBJECT TO UNRELATED BUSINESS INCOME TAX.—Section 512 of such Code is amended by adding at the end the following new subsection:

"(d) INVESTMENT INCOME OF CERTAIN MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

"(1) IN GENERAL.—In determining the unrelated business taxable income of a mutual or cooperative telephone company described in section 501(c)(12)—

"(A) there shall be included, as an item of gross income derived from an unrelated trade or business, reserve income to the extent such reserve income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, exceeds 15 percent of the company's total income, and

"(B) there shall be allowed all deductions directly connected with the portion of the reserve income which is so included.

For purposes of the preceding sentence, income referred to in section 501(c)(12)(B) shall not be taken into account.

"(2) RESERVE INCOME.—For purposes of paragraph (1), the term 'reserve income' means income—

"(A) which would (but for this subsection) be excluded under subsection (b), and

"(B) which is derived from assets set aside for the repair or replacement of telephone system facilities of such company."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1994.

By Mr. DASCHLE:

S. 113. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

THE CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES

Mr. DASCHLE. Mr. President, I am introducing legislation that would expand the current inventory charitable donation rule to include Indian tribes. This proposal is short and simple.

Under current law, companies may obtain a special charitable donation tax deduction under Internal Revenue Code Section 170(e)(3) for contributing their excess inventory to "the ill, the needy, or infants." While not limited to any particular type of company or inventory, this deduction commonly is used by food processing companies whose excess food inventories otherwise would spoil. Indian tribes have had difficulty obtaining these donations, however, because of an ambiguity in the law as to whether or not donating companies may deduct donations to organizations on Indian reservations.

The current language in Section 170(e)(3) requires charitable donations of excess inventory to be made to organizations that are described in Section 501(c)(3) of the Code and exempt from taxation under Section 501(a). While Indian tribes are exempt from taxation, they are not among the organizations described in Section 501(c)(3). Accordingly, it is not clear that a direct donation of excess inventory to an Indian tribe would qualify for the charitable donation deduction under Section 170(e)(3).

Ironically, the Indian Tribal Government Tax Status Act found in Section 7871 provides that an Indian tribal government shall be treated as a state for purposes of determining tax deductibility of charitable contributions made pursuant to Section 170. Unfortunately, the Act does not expressly extend to donations made under Section 170(e)(3) because that provision technically does not include states as eligible donees, either.

Mr. President, it is well documented that Native Americans, like other citizens, may meet the qualifications for this special charitable donation. No one would argue that it is not within the intent of Section 170(e)(3) to allow contributions to Native American organizations to qualify for the special charitable donation deduction in that section of the code. The bill I am introducing today simply would allow those contributions to qualify for the deduction. By allowing companies to make qualified contributions to Indian tribes under Section 170(e)(3), the bill would clearly further the intended purpose of both Internal Revenue Code Section 170(e)(3) and the Indian Tribal Government Tax Status Act.

The appropriateness of the measure is exhibited by the fact that it was included in the Revenue Act of 1992 (H.R. 11,), which, unfortunately, was vetoed, Moreover, at the time it was passed, the measure was supported on policy grounds by the Joint Committee on Taxation and Finance Committee staffs. Finally, in 1994, the Joint Committee on Taxation estimated that the proposal would have only a negligible effect on Treasury Receipts.

I strongly encourage my colleagues to take a close look at this bill and consider supporting this worthy and reasonable measure.

Mr. President, I unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD as follows:

S. 113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to a special rule for certain contributions of inventory or other property) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR INDIAN TRIBES.—

"(i) IN GENERAL.—An Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

"(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government, such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

By Mrs. BOXER:

S. 114. A bill to authorize the Securities and Exchange Commission to require greater disclosure by municipalities that issue securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE MUNICIPAL SECURITIES DISCLOSURE ACT OF 1995

Mrs. BOXER. Mr. President, I am introducing today The Municipal Securities Disclosure Act of 1995. This bill would give the Securities and Exchange Commission [SEC] the authority to require registration and disclosure by municipalities that issue securities. This bill will ensure that municipal securities investors are provided with more complete and comprehensive information about municipal issuers and their interests and obligations. The recent events in Orange County underscore the importance of providing municipal bond purchasers with this complete and comprehensive information.

Municipal securities are currently exempt from the registration and disclosure requirements of the Securities Act of 1933 and the Exchange Act of 1934. Because of these regulatory exemptions, disclosure by issuers of municipal securities is voluntary. The quality and scope of information that is provided to municipal securities investors depends on the judgment of the issuing municipality. As a result, the information provided by municipalities varies enormously in extent and detail—from municipalities that provide comprehensive documents revealing information about the issuer, its revenue sources, the use of the funds raised, and the characteristics of the bonds being issued, to those that offer only limited and sketchy information.

Municipal issuers are also not subject to any continuing disclosure requirements. As circumstances change or situations arise, municipalities are under no obligation to disclose the information to the market. Again, this limits the ability of investors to acquire necessary information to allow them to make intelligent and informed investment decisions.

Complete and comprehensive disclosure is especially important for individual and smaller investors, who now represent a large and growing segment of municipal bond owners. Banks, insurance companies and other institutions once were the primary holders of municipal bonds. Today, households—both directly and through mutual funds—account for the largest ownership share of any investor group in the market. The growing importance of individuals in this market and their inevitable reliance on the recommendations of municipal dealers underscores the need for broad and detailed information so that these investors can make sound judgments about their municipal securities purchases.

Complete and comprehensive disclosure is also important as new and more complex forms of municipal securities become more common. Investors in these more complex instruments need continuing and complete information in order to monitor and manage their interests in these securities.

Corporations must register with the SEC and comply with a range of disclosure obligations. They must disclose detailed information about the company's business, management, debts and assets. A company must disclose information about its other securities and information about legal proceedings in which it may be involved. A company must also meet standards for accuracy in reporting of financial data. The company's books must be submitted to independent accountants and this information must be supplied in the formal registration filed with the SEC. This registration and disclosure regime serves investors by ensuring that the information on which they are relying to make their investment decision is accurate and comprehensive and complete.

To protect investors and ensure a sound municipal securities system, municipal issuers must be subject to a similar disclosure regime. Comprehensive and accurate disclosure by issuers on an initial and ongoing basis is critical to investors in assessing prices at the offering, in making decisions as to which bonds to buy, and in deciding when to get out.

The recent events on Orange County are an illustration of the kinds of disclosure problems that a municipal securities investor faces. It is unclear whether purchasers of bonds issued by Orange County or other governmental entities who had invested in the Orange County investment fund knew of the fact that the Orange County investment fund was experiencing serious losses. It is not clear whether they knew of the fund's investments in complex derivatives. It is not clear whether the risks of the funds's highly leveraged investment strategy were disclosed. What is clear is that the SEC was not given the opportunity to review offerings before sale to the public in order to raise appropriate questions or solicit more information.

The Municipal Securities Disclosure Act of 1995 would give the SEC the flexibility and authority to require registration by municipal issuers and disclosure of relevant information. This legislation does not dictate what municipalities must disclose, but rather, it grants the SEC the power to be employed with the proper and appropriate scope.

The goal is more information. More information about the issuers of municipal securities will allow investors to better evaluate the value of their securities and the possible risks. More information will mean that regulators can better ensure a safe and sound municipal securities market.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Securities Disclosure Act of 1995".

SEC. 2. MUNICIPAL SECURITIES TREATMENT UNDER SECURITIES EXCHANGE ACT OF 1934.

(a) EXEMPTION AUTHORITY.—Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*–4) is amended by striking subsection (d) and inserting the following:

"(d) The Commission may, by rule or regulation, and subject to such terms and conditions as may be prescribed in accordance with those rules and regulations, add municipal securities to the classes of securities exempted from the application of any provision of this title, if the Commission finds that the enforcement of such provision with respect to such securities is not necessary in the public interest and for the protection of investors.".

(b) AMENDMENT TO DEFINITION OF "EXEMPTED SECURITY".—Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) is amended—

(1) in subparagraph (A)—

(A) by striking clause (ii); and

(B) by redesignating clauses (iii) through (v) as clauses (ii) through (iv), respectively; and

(2) in subparagraph (B)—

(A) by striking "(i)"; and

(B) by striking clause (ii).

SEC. 3. MUNICIPAL SECURITIES TREATMENT UNDER SECURITIES ACT OF 1933.

(a) REPEAL OF EXEMPTION FOR MUNICIPAL SECURITIES.—Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended in the first sentence—

(1) by striking "or any Territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or Territory, or by any public instrumentality of one or more States or Territories"; and

(2) by striking "or any security which is an industrial" and all that follows through "does not apply to such security;".

(b) COMMISSION AUTHORITY TO EXEMPT.—Section 3 of the Securities Act of 1933 (15 U.S.C. 77c) is amended by adding at the end the following new subsection:

"(d) EXEMPTION AUTHORITY.—The Commission may, by rule or regulation, and subject to such terms and conditions as may be prescribed in accordance with those rules and regulations, add to the securities exempted as provided in this section, any class of securities issued by a State of the United States or by any political subdivision of a State or by any Territory of the United States or political subdivision of a Territory or by any public instrumentality of one or more States or Territories, if the Commission finds that the enforcement of this title with respect to such securities is not necessary in the public interest and for the protection of investors.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall become effective 6 months after the date of enactment of this Act.

SEC. 5. FUNDING.

There are authorized to be appropriated to the Securities and Exchange Commission such sums as may be necessary to carry out this Act and the amendments made by this Act.

By Mr. WARNER (for himself and Mr. ROBB):

S. 115. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE COLONIAL PARKWAY ACT OF 1995

Mr. WARNER. Mr. President, today I rise to reintroduce legislation which would authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of the Colonial National Historical Park. While this bill passed the Senate in the 102d Congress and passed the House in the 103d Congress, it was not considered by the Senate prior to the October adjournment.

This bill would authorize the Secretary of the Interior to convey land or interests in land and sewer lines, buildings, and equipment used for sewer system purposes to the County of York, VA, and to authorize the necessary funding to rehabilitate the Moore House sewer system to meet current Federal standards.

The necessity for this legislation is evident based on the growing needs of the county and the limitations of the National Park Service's ability to continue to provide sewer services to the local community.

In 1948 and 1956 Congress passed legislation which directed the National Park Service to design and construct sewer systems to serve Federal and non-Federal properties in the area of Yorktown, VA. In 1956, the National Park Service acquired easements from the Board of Supervisors of York County and the town trustees of the Town of York. At that time York County was a rural area with limited financing and population. Now York County has a fully functioning Department of Environmental Services which operates sewer systems throughout York County.

York County has the personnel, the expertise, and the equipment to better administer, maintain, and operate the sewer system than National Park Service staff. Negotiations to transfer the Yorktown and Moore House systems have been ongoing since the 1970's when York County took over operation of the Yorktown system through written agreement between York County and the National Park Service and a grant of approximately $73,500 to improve the Yorktown system.

The purpose of this legislation is to fulfill the commitments made between the Park Service and York County to provide for the full transfer of ownership to York County.

Mr. President, this legislation would also authorize the acquisition of a small parcel of land along the Colonial Parkway near Jamestown which is needed to protect the scenic integrity of the parkway. This area has the narrowest right-of-way of any portion of the parkway; the park boundary in this area is only 100 feet from the centerline of the parkway.

The proposed acquisition would include one row of lots adjoining the parkway in a rapidly developing residential subdivision known as Page Landing. Development of those lots would have a severe impact on the scenic qualities of the Colonial Parkway. In order to deter development of Page Landing, the Conservation Fund has acquired the 20-acre parcel along the Colonial National Parkway from the developer to prevent the imminent construction on these lots. The Park Service identified this property as a high priority and the Conservation Fund would like to transfer the land to the National Park Service.

The Colonial Parkway was authorized by Congress as part of Colonial National Historical Park in the 1930's to connect Jamestown, Williamsburg, and Yorktown with a scenic limited-access motor road. According to the 1938 Act of Congress, the parkway corridor is to be an average of 500 feet in width, and in most areas the roadway was built in the middle of this corridor. In the area between Mill Creek and Neck 'O Land Road, however, the parkway was built closer to the northern boundary to avoid wetlands, placing the roadway very close to the adjoining private property in that location.

This is the only area along the parkway where the National Park Service owns only 100 feet back from the centerline of the road. The National Park Service owns 250 feet or more from the centerline in all other areas of the 23-mile parkway in James City County and York County. The existing 100 feet is not sufficient to provide proper landscaping and screening from development on the adjacent property, especially during portions of the year when leaves are off the shrubs and trees.

Mr. President, to ensure that the Colonial Parkway meets the same high scenic standards of the rest of the parkway it is imperative that this land should be purchased.

By Mr. WELLSTONE:

S. 116. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to prohibit participation in Federal elections by multicandidate political committees, to establish a $100 limit on individual contributions to candidates, and for other purposes; to the Committee on Governmental Affairs.

SENATE FAIR ELECTIONS AND GRASSROOTS DEMOCRACY ACT

By Mr. WELLSTONE (for himself and Mr. FEINGOLD):

S.117. A bill to amend rule XXXV of the Standing Rules of the Senate; to the Committee on Rules and Administration.

Mr. WELLSTONE. Mr. President, as the 104th Congress begins today, I am reintroducing two key pieces of reform legislation that I had pushed hard to enact during the last Congress. The first is a bill which I believe should serve as a benchmark for profound and far-reaching reform of the way we finance our election campaigns here in Congress. According to the Federal Election Commission, House and Senate candidates spent a record $589.5 million on their 1994 campaigns through November 28. Final totals for the 1994 elections will be available next month, and are expected to be much higher. This out-of-control spending must be controlled, and thorough reform of our campaign laws is the only way to do it. The second initiative I am introducing is my bill to ban gifts, meals, lobbyist-sponsored vacation travel, and other perks to Members of Congress and staffers, which was killed at the end of last year by a Republican-led filibuster. I intend to work with Senator LEVIN and others to make sure that the lobbying and gift ban bill is enacted into law as a part of the Congressional Accountability Act to be considered by the Senate later this week.

This year's election returns sent a signal to Congress loud and clear: Americans want us to clean up the political system, and rid it of the influence of special interests. They know that these huge amounts of money and special interest perks have an effect on the decisionmaking process here in Washington, because they give special access and undue influence to those who are well-heeled and well-positioned to lobby Members of Congress directly. They continue to have grave and justifiable concerns about the rules under which we finance campaigns, and are demanding that we do something to radically reform this system. My campaign reform bill is an attempt to finally address that concern.

I have been frustrated that for so many years real campaign reform has been killed in this body by those who prefer the status quo. Last year, even the modest reform package that had been agreed to, which was less far-reaching than my bill, was killed by a Republican filibuster in the final days of the session. Tough, sweeping reforms are needed if we are to begin to restore the confidence of Americans in the legislative process. We ought to enact it this year.

In addition to real campaign reform, another means of special interest influence must be curbed, and that is the giving of gifts, lobbyist-sponsored vacation travel, and other perks to Members of Congress by lobbyists and others. That is why I am re-introducing today tough, comprehensive gift ban legislation similar to the bill I coauthored last year which was killed by Republican objections raised against S. 349, the underlying lobby disclosure bill to which it was attached. These objections were baseless; a frenzied campaign of lies, distortions, and misrepresentations about the impact of the bill on grassroots organizations who hire lobbyists to lobby Congress; some call these people astroturf lobbyists, to distinguish them from true grassroots political organizations. This campaign was generated by the House Republican leadership and rightwing radio talk show hosts, and was widely condemned by reporters and others who had followed closely the details of the debate.

This bill would help to significantly change the Washington culture of special interest perks, favors, meals, travel, and gifts being provided to Members of Congress. These bills combined, and other similar reform initiatives such as that offered by the minority leader to extend coverage of certain Federal laws to Congress, are the kind of tough, comprehensive congressional reform that Americans have been demanding for years.

I intend to work with my colleagues in the coming days to ensure that gift reform legislation is enacted as soon as possible. There is no doubt that these kinds of gifts and other favors from lobbyists have contributed to Americans' deepening distrust of government. They give the appearance of special access and influence, eroding public confidence in Congress as an institution and in each Member individually as a representative of his or her constituents. This bill imposes a sweeping ban on gifts, meals, entertainment, and lobbyist-sponsored vacation travel, and imposes tough new restrictions on nonlobbyists. Its provisions should be passed this week, if necessary over the objections of those would-be reformers who have talked so much about reform out of one side of their mouths, while opposing it out of the other.

It is not by chance that the so-called Contract with America contains not a word about real reforms like these that would clean up the way Washington works. I noticed to my surprise that the majority leader said this past Sunday on one of the talk shows that he would make an effort to kill any lobbying and gift reform amendments to the Congressional Accountability Act. I say I was surprised because it was only a couple of months ago that he and 36 or 37 of his Republican colleagues had introduced a virtually identifical gift ban bill, Senate Resolution 274, when they saw that the tough, comprehensive, Democratically sponsored bill that had come out of a bipartisan House-Senate conference included the gift ban provisions for which we had pushed so hard.

Whatever the ostensible Republican arguments were against the underlying lobby registration bill, one thing is clear—the gift provisions which I have long fought for should now have the support of virtually every Member of this body, since almost all of us have already voted for these same restrictions. In fact, as I said, Majority Leader DOLE, Senators MCCONNELL, STEVENS, and 35 others on the now majority side cosponsored virtually identical gift provisions during the last days of the 103d Congress, in an attempt to inoculate themselves politically from media criticism for opposing the lobby ban/gift reform bill. This year, I will be fighting to get these new rules enacted as soon as possible, including on the Congressional coverage bill. There is no reason for further delay or obstruction on gift and lobby reform. When Americans are clamoring for real change which reduces the influence of special interests, it would be bitterly ironic if we voted to exempt ourselves from conflict-of-interest gift rules under which the executive branch has lived for years—especially in a reform bill that extends coverage of many Federal laws to Congress. There is no way to justify that kind of exemption. That is why we must include the gift ban in the congressional coverage bill.

The same kind of Republican opposition to and obstruction of the reform agenda could also be seen on campaign finance reform. Last year, after long and hard-fought battles in both the House and Senate, our Republican colleagues killed a compromise proposal that had been made by the Democratic House-Senate leadership, refusing even to allow a formal House-Senate conference to meet and discuss the measure.

While I had hoped for even more far-reaching reforms than were contained in that compromise proposal, I was frustrated and angry that, again, those who had presented themselves to the American people as reformers of the political system were able to block real reform in the form of campaign finance reform legislation—and to get away with it. Let us make one thing crystal clear: more than any of the institutional changes being proposed—some cosmetic, some real—in congressional caucuses, committees, congressional staff, and the like, efforts to combat special interest influence in the form of real campaign finance and lobby reform are what would really change the way business is done here in Washington.

But these reforms are being resisted by the Republican congressional leadership; in fact they apparently will be opposed. They will refuse to accept these immediate steps to limit the influence of wealthy special interests in the legislative process. This year, while the new majority leader and others in the House Republican leadership have made it clear that campaign finance reform is not on their agenda for this Congress, I want to make it equally clear that it will be at the top of the Democratic agenda. They have said political reform is off the table. I am going to ensure it gets back on the table—and stays there.

That is why today I am re-introducing the Senate Fair Elections and Grassroots Democracy Act of 1995, legislation which I believe should serve as a benchmark for true campaign finance reform for U.S. Senate campaigns.

As I worked on this bill, I had one goal in mind: to develop legislation designed to address the central ethical issue of politics in our time—the way in which big money special interests have come to dominate governmental decisionmaking. Last year's election continued the trend of vast amounts of money being poured into congressional campaigns from special interests.

Perhaps nowhere can the connection between moneyed special interests and the legislative process be demonstrated more starkly than in the widely reported upon threats by the new House leadership to the corporate PAC's and other wealthy special interests here in Washington: pony up now before the elections with your huge contributions, or you will be iced out of the legislative process. For those PAC directors who refused to contribute to Republican coffers, there was a promise of two long, cold years. That, Mr. President, perhaps more than any other single recent event, reveals the breathtaking hypocrisy of these so-called reformers. That the incoming House leadership would publicly threaten PAC directors and others with retribution or retaliation through the lawmaking process is unprecedented, and signals how far down the road of special interest control we have come. And how desperately the system cries out for reform.

And what should be our measure of true reform? The essential standard of a truly representative democracy is this: every person should count as one, and no more than one. I believe my bill squarely meets that standard. For years, Americans have pressed for a complete overhaul of the way we finance and conduct Federal elections—not a set of modest, incremental changes. People feel ripped off by our political system, unrepresented, angry, and frustrated by gridlock. They are demanding change, we have promised change, and I intend to do whatever I can to ensure that the Senate delivers on that promise.

They know that without real campaign reform, attempts to restructure America's health care system, create jobs and rebuild our cities, reduce defense spending, and solve other pressing problems will remain frustrated by the pressures of special interest, big-money politics. And they know that too often, their families get outbid in the bidding wars over Federal tax breaks that we seem to be about to embark upon, with virtually all of the tax benefits going to wealthy individuals with large stock portfolios, and wealthy corporations.

The American people have demanded fundamental political reform, and they deserve nothing less. If we in the Congress are to earn back the trust of the American people, we must enact sweeping reform now.

The Senate Fair Elections and Grassroots Democracy Act provides for individual limits of $100 on contributions to Senate candidates, a total ban on Political Action Committee [PAC] contributions, lower spending limits than in last year's S. 3 based on State voting-age population, a 90 percent reduction in the amount wealthy candidates can contribute to their own campaigns, to eliminate the problem of candidates spending millions of their own money to buy seats in Congress, a prohibition on soft money, plus free broadcast time, reduced mail rates for eligible candidates, and prohibitions of contributions from certain lobbyists—all within a comprehensive system of voluntary public financing of primary and general Senate campaigns patterned after the Presidential system. I believe these elements are key to true reform.

This is the best time in two decades for fundamental reform, despite Republican attempts to sweep these much-needed changes under the rug. We must restore the basic democratic principle of one person, one vote by enacting true campaign reform, and ban outright the practice of Members of Congress being lavished with gifts and other perks and special favors from lobbyists. I urge my colleagues to support these bills. I ask unanimous consent that summaries of my comprehensive campaign finance reform bill, and of the lobbyist gift ban provisions from last year's conference report after which my bill is patterned, be printed in the RECORD at the end of my statement, and in addition, that a copy of a letter from Fred Werthiemer, executive director of Common Cause, to all Members of the Senate urging the prompt passage of these important reforms in both the House and the Senate be printed because I think it speaks to all of us about the need for strong campaign reform and lobbyist gift ban legislation. I ask further unanimous consent that a copy of my gift rule amendment, and the copy of my gift ban bill be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Fair Elections and Grassroots Democracy Act of 1995".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.
Sec. 2. Findings and declarations of the Senate.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Reporting requirements.
Sec. 104. Disclosure by noneligible candidates.
Sec. 105. Free broadcast time.

Subtitle B—General Provisions

Sec. 131. Extension of reduced third-class mailing rates to eligible Senate committees.
Sec. 132. Reporting requirements for certain independent expenditures.
Sec. 133. Campaign advertising amendments.
Sec. 134. Definitions.
Sec. 135. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.
Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Contributions to political party committees for grassroots Federal election campaign activities.
Sec. 312. Provisions relating to national, State, and local party committees.
Sec. 313. Restrictions on fundraising by candidates and officeholders.
Sec. 314. Reporting requirements.
Sec. 315. Limitations on combined political activities of political committees of political parties.

TITLE IV—CONTRIBUTIONS

Sec. 401. Reduction of contribution limits.
Sec. 402. Contributions through intermediaries and conduits; prohibition of certain contributions by lobbyists.

Sec. 403. Contributions by dependents not of voting age.
Sec. 404. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 405. Limited exclusion of advances by campaign workers from the definition of the term "contribution".

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Personal and consulting services.
Sec. 503. Reduction in threshold for reporting of certain information by persons other than political committees.
Sec. 504. Computerized indices of contributions.

TITLE VI—PRESIDENTIAL DEBATES

Sec. 601. Findings and purposes.
Sec. 602. Presidential and vice presidential candidate debates.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Polling data contributed to candidates.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Sense of the Senate regarding funding of Senate Election Campaign Fund.
Sec. 803. Severability.
Sec. 804. Expedited review of constitutional issues.

SEC. 2. FINDINGS AND DECLARATIONS OF THE SENATE.

(a) NECESSITY FOR SPENDING LIMITS.—The Senate finds and declares that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) permitting candidates for Federal office to raise and spend unlimited amounts of money constitutes a fundamental flaw in the current system of campaign finance; it has undermined public respect for the Congress as an institution and has given large private contributors undue influence with respect to public policymaking by the Congress;

(3) the failure to limit campaign expenditures has driven up the cost of election campaigns and made it difficult for qualified candidates without personal fortunes or access to large contributors to mount competitive congressional campaigns;

(4) the failure to limit campaign expenditures has caused individuals elected to the Senate to spend an increasing proportion of their time in office as elected officials raising funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(5) the failure to limit campaign expenditures has damaged the Senate as an institution, due to the time lost to raising funds for campaigns;

(6) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to limit campaign expenditures, through a system that provides substantial public benefits to candidates who agree to limit campaign expenditures; and

(7) serious and thoroughgoing reform of Federal election law that imposes strict new rules on spending and contributions would—

(A) help eliminate access to wealth as a determinant of a citizen's influence in the political process;

(B) help to restore meaning to the principle of "one person, one vote";

(C) produce more competitive Federal elections; and

(D) halt and reverse the escalating cost of Federal elections.

(b) NECESSITY FOR PROHIBITION OF POLITICAL ACTION COMMITTEES.—The Senate finds and declares that—

(1) contributions by political action committees to individual candidates have created the perception that candidates are beholden to special interests, and leave candidates open to charges of corruption;

(2) contributions by political action committees to individual candidates have undermined the Senate as an institution; and

(3) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to ban participation by political action committees in Federal elections.

(c) NECESSITY FOR ATTRIBUTING COOPERATIVE EXPENDITURES TO CANDIDATES.—The Senate finds and declares that—

(1) public confidence and trust in the system of campaign finance would be undermined should any candidate be able to circumvent a system of caps on expenditures through cooperative expenditures with outside individuals, groups, or organizations;

(2) cooperative expenditures by candidates with outside individuals, groups, or organizations would severely undermine the effectiveness of caps on campaign expenditures, unless they are included within such caps; and

(3) to maintain the integrity of the system of campaign finance, expenditures by any individual, group, or organization that have been made in cooperation with any candidate, authorized committee, or agent of any candidate must be attributed to that candidate's cap on campaign expenditures.

(d) NECESSITY FOR PROVIDING SUBSTANTIAL PUBLIC FINANCING FOR SENATE ELECTIONS.—The Senate finds and declares that the replacement of private campaign contributions with partial or complete public financing for Senate elections would enhance American democracy by eliminating real and potential conflicts of interest and increasing the accountability of Members of Congress, thereby helping to restore public confidence in the fairness of the electoral and policymaking processes.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end the following new title:

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Expenditure Limits and Benefits

SEC. 101. SENATE EXPENDITURE LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end the following new title:

"TITLE V—EXPENDITURE LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. ELIGIBILITY.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if—

"(1) the candidate and the candidate's authorized committees meet the threshold contribution and ballot access requirements of subsection (b);

"(2) the candidate and the candidate's authorized committees do not make expenditures from personal funds in an amount that exceeds the personal funds expenditure limit except as permitted under section 502(e);

"(3) the candidate and the candidate's authorized committees do not make expenditures in excess of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit except as permitted under section 502(e);

"(4) the candidate and the candidate's authorized committees—

"(A) do not accept contributions for the primary or runoff election in an amount that exceed the primary election expenditure limit or the runoff election expenditure limit except as permitted under section 503(e); and

"(B) do not accept contributions for the general election except as permitted under section 503(e); and

"(5) the candidate's authorized committees do not accept contributions from multicandidate political committees for the primary election or runoff election in an amount that exceeds the primary election multicandidate political committee contribution limit or the runoff election multicandidate political committee contribution limit that may be in effect in accordance with section 502(f);

"(6)(A) with respect to a primary election, at least one other candidate has qualified for the same primary election ballot under the law of the candidate's State;

"(B) with respect to a general election, at least one other candidate has qualified for the same general election ballot under the law of the candidate's State;

"(7) the candidate and the candidate's authorized committees do not accept any contribution in violation of section 315;

"(8) the candidate and the candidate's authorized committees deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(9) the candidate and the candidate's authorized committees furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(10) the candidate and the candidate's authorized committees cooperate in the case of any examination and audit by the Commission under section 505;

"(11) the candidate and the candidate's authorized committees comply with all of the requirements of this Act that apply to eligible candidates; and

"(12) the candidate, not later than 7 days after becoming a candidate, files with the Commission a declaration that the candidate and the candidate's authorized committees have complied with and will continue to comply with all of the requirements of this Act that apply to eligible Senate candidates and their authorized committees.

"(b) THRESHOLD CONTRIBUTION AND BALLOT ACCESS REQUIREMENTS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

"(A) the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 5 percent of the general election expenditure limit from contributors at least 60 percent of whom are residents of the candidate's State; and

“(B) the candidate has qualified for the ballot for a primary election, runoff election, or general election, respectively, under State law.

“(2) Definitions.—For purposes of this section—

“(A) the term ‘allowable contributions’—

“(i) means contributions that are made as gifts of money by an individual pursuant to a written instrument identifying the individual as the contributor; and

“(ii) does not include—

“(I) contributions made directly or indirectly through an intermediary or conduit that are treated as being made by the intermediary or conduit under section 315(a)(8)(B); or

“(II) contributions from any individual during the applicable period to the extent that such contributions exceed $100; and

“(B) the term ‘applicable period’ means—

“(i) with respect to a candidate who is or who is seeking to become a candidate in a general election, the period beginning on January 1 of the calendar year preceding the calendar year of the general election and ending on the date on which a candidate submits a first request to receive benefits under section 503; or

“(ii) with respect to a candidate who is or who is seeking to become a candidate in a special election, the period beginning on the date the vacancy occurs in the office for which the election is held and ending on the date of the general election.

“SEC. 502. EXPENDITURE AND CONTRIBUTION LIMITS.

“(a) Personal Funds Expenditure Limit.—

“(1) In general.—The personal funds expenditure limit applicable to an eligible Senate candidate is an aggregate amount of expenditures equal to $25,000 made during an election cycle by an eligible Senate candidate and the candidate's authorized committees from the sources described in paragraph (2).

“(2) Sources.—A source is described in this paragraph if it is—

“(A) personal funds of the candidate and members of the candidate's immediate family; or

“(B) personal debt incurred by the candidate and members of the candidate's immediate family.

“(b) Primary Election Expenditure Limit.—The primary election expenditure limit applicable to an eligible Senate candidate is an amount equal to the lesser of—

“(1) 67 percent of the general election expenditure limit; or

“(2) $2,500,000.

“(c) Runoff Election Expenditure Limit.—The expenditure limit applicable to an eligible Senate candidate is 20 percent of the general election expenditure limit.

“(d) General Election Expenditure Limit.—

“(1) In general.—The general election expenditure limit applicable to an eligible Senate candidate is an amount equal to the lesser of—

“(A) $4,500,000; or

“(B) the greater of—

“(i) $775,000; or

“(ii) $325,500, plus—

“(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

“(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

“(2) State with one television transmitter.—In the case of an eligible Senate candidate in a State that has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in the State, paragraph (1)(B)(ii) shall be applied by substituting—

“(A) ‘60 cents’ for ‘30 cents’ in subclause (I); and

“(B) ‘50 cents’ for ‘25 cents’ in subclause (II).

“(e) Exceptions.—

“(1) Legal and accounting compliance fund.—(A) An eligible Senate candidate and the candidate's authorized committees may accept contributions and make expenditures without regard to the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit for the purpose of maintaining a legal and accounting compliance fund meeting the requirements of subparagraph (B), out of which fund qualified legal and accounting expenditures may be made.

“(B) A legal and accounting compliance fund meets the requirements of this subparagraph if—

“(i) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

“(ii) the aggregate amounts transferred to, and expenditures made from, the fund do not exceed the sum of—

“(I) the lesser of—

“(aa) 10 percent of the general election expenditure limit for the general election for which the fund was established; or

“(bb) $300,000, plus—

“(II) the amount determined under subparagraph (D); and

“(iii) no funds received by the candidate pursuant to section 503(a)(3) are transferred to the fund.

“(C) For purposes of this paragraph, the term ‘qualified legal and accounting expenditure’ means the following:

“(i) An expenditure for costs of a legal or accounting service provided in connection with—

“(I) any administrative or court proceeding initiated pursuant to this Act during the election cycle for the primary election, runoff election, or general election; or

“(II) the preparation of any documents or reports required by this Act or the Commission.

“(ii) An expenditure for a legal or accounting service provided in connection with the primary election, runoff election, or general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for the primary election, runoff election, or general election.

“(D)(i) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under subparagraph (B)(ii)(I), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed that limitation. The Commission's determination shall be subject to judicial review under section 507.

“(ii) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

“(E)(i) A candidate shall terminate a legal and accounting compliance fund as of the earlier of—

“(I) the date of the first primary election for the office following the general election for the office for which the fund was established; or

“(II) the date specified by the candidate.

“(ii) Any amount remaining in a legal and accounting compliance fund as of the date determined under clause (i) shall be transferred—

“(I) to a legal and accounting compliance fund for the election cycle for the next primary election, runoff election, or general election; or

“(II) to the Senate Election Campaign Fund.

“(2) Payment of taxes.—An eligible Senate candidate and the candidate's authorized committees may accept contributions and make expenditures without regard to the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit for the purpose of funding and making expenditures for Federal, State, or local income taxes with respect to the candidate's authorized committees.

“(3) Independent expenditure amount and excess expenditure amount.—An eligible Senate candidate who receives payment of an independent expenditure amount under section 503(b)(1)(B) or an excess expenditure amount under section 503(b)(1)(C) may make expenditures from such payments to defray expenditures for the primary election, runoff election, or general election, respectively, without regard to the primary expenditure limit, runoff election expenditure limit, or general election expenditure limit.

“(4) Unmatched excess expenditures.—(A) An eligible Senate candidate and the candidate's authorized committees may accept contributions and make expenditures without regard to the personal funds expenditure limit, primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate raises aggregate contributions or makes or becomes obligated to make aggregate expenditures that exceed 200 percent of the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit, respectively, applicable to the eligible Senate candidate.

“(B) An eligible Senate candidate and the candidate's authorized committees may accept contributions without regard to the primary election expenditure limit, runoff expenditure limit, or general election expenditure limit in anticipation of their being needed for the purpose of making expenditures under subparagraph (A) if—

“(i) any opposing candidate in the primary election, runoff election, or general election who is not an eligible Senate candidate raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the primary election, runoff election, or general election that exceed 75 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit applicable to the candidate; or

“(ii) any opposing candidate in the general election who is the nominee of a major party is not an eligible Senate candidate.

“(C) The amount of the contributions that may be accepted and expenditures that may be made by reason of subparagraphs (A) and (B) shall not exceed 100 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit, respectively.

“(f) Multicandidate Political Committee Contribution Limits.—

"(1) MULTICANDIDATE POLITICAL COMMITTEE PRIMARY ELECTION CONTRIBUTION LIMIT.—The multicandidate political committee primary election contribution limit applicable to an eligible Senate candidate is an amount equal to 10 percent of the primary election spending limit.

"(2) MULTICANDIDATE POLITICAL COMMITTEE RUNOFF ELECTION CONTRIBUTION LIMIT.—The multicandidate political committee runoff election contribution limit applicable to an eligible Senate candidate is an amount equal to 10 percent of the runoff election spending limit.

"(3) PERIODS WHEN PROVISIONS ARE IN EFFECT.—This subsection and other provisions in this title relating to multicandidate political committees shall be of no effect except during any period in which the prohibition under section 324 is not in effect.

"(g) INDEXING.—The $2,500,000 amount under subsection (b)(2) and the amount otherwise determined under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of those provisions, the base period shall be calendar year 1995.

"(h) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning stated in section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"SEC. 503. BENEFITS.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) free broadcast time under title VI;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code; and

"(3) payments in the amounts determined under subsection (b).

"(b) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—For purposes of subsection (a)(3), the amounts determined under this subsection are—

"(A) the public financing amount;

"(B) the independent expenditure amount; and

"(C) the excess expenditure amount.

"(2) PUBLIC FINANCING AMOUNT.—For purposes of paragraph (1), the public financing amount is—

"(A) in the case of an eligible Senate candidate who is a major party candidate—

"(i) during the primary election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the primary election spending limit;

"(ii) during the runoff election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the runoff election spending limit, less the amount of any unexpended campaign funds from the primary election, which the candidate shall transfer to the runoff election; and

"(iii) during the general election period, an amount equal to the general election expenditure limit applicable to the candidate, less the amount of any unexpended campaign funds from the primary election or runoff election, which the candidate shall transfer to the general election; and

"(B) in the case of an eligible Senate candidate who is not a major party candidate—

"(i) during the primary election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the primary election expenditure limit;

"(ii) during the runoff election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the runoff election expenditure limit, less the amount of any unexpended campaign funds from the primary election, which the candidate shall transfer to the runoff election; and

"(iii) during the general election period, an amount equal to the amount of contributions received during that period from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the general election expenditure limit, less the amount of any unexpended campaign funds from the primary election or runoff election, which the candidate shall transfer to the general election.

"(3) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the primary election period, runoff election period, or general election period, respectively, by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate that are required to be reported by such persons under section 304(c) with respect to each such period, respectively, and are certified by the Commission under section 304(c).

"(4) EXCESS EXPENDITURE AMOUNT.—For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of an eligible Senate candidate of an eligible Senate candidate of major party who has an opponent in the primary election, runoff election, or general election, respectively, who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, an amount equal to the sum of—

"(i) if the excess is not greater than 133⅓ percent of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if the excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if the excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a candidate of a major party who has an opponent in the primary election, runoff election, or general election, respectively, who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, an amount equal to 50 percent of the amount of the excess of the contributions received or expenditures made or obligated to be made by an opponent over the primary election expenditure limit, the runoff election expenditure limit, or the general election expenditure limit, respectively, but not exceeding the amount of contributions received by the eligible Senate candidate during the primary election period, runoff election period, or general election period, respectively, from individuals residing in the candidate's State (other than the candidate and members of the candidate's immediate family) in the aggregate amount of $100 or less, up to 50 percent of the excess primary election expenditure limit, the runoff election expenditure limit, or the general excess expenditure limit, respectively.

"(c) USE OF PAYMENTS.—

"(1) PERMITTED USE.—Payments received by an eligible Senate candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election primary election period, runoff election period, and period for the candidate.

"(2) PROHIBITED USE.—Payments received by an eligible Senate candidate under subsection (a)(3) shall not be used—

"(A) except as provided in subparagraph (D), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of the candidate;

"(B) to make any expenditure other than expenditures to further the primary election, runoff election, or general election of the candidate;

"(C) to make any expenditures that constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(D) subject to section 315(i), to repay any loan to any person except to the extent the proceeds of such loan were used to further the primary election, runoff election, or general election of the candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—

"(1) IN GENERAL.—The Commission shall certify to any candidate that meets the eligibility requirements of section 501 that the candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such a certification if it determines that a candidate fails to continue to meet those requirements.

"(2) REQUESTS TO RECEIVE BENEFITS.—(A) A candidate to whom a certification has been issued may from time to time file with the Commission a request to receive benefits under section 503.

"(B) A request under subparagraph (A) shall—

"(i) contain such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(ii) contain a verification signed by the candidate and the treasurer of the principal campaign committee of the candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(C) Not later than 3 business days after a candidate files a request under subparagraph (A), the Commission shall certify to the Secretary of the Treasury the amount of benefits to which the candidate is entitled.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 507.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—

"(1) RANDOM AUDITS.—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a candidate, the Commission shall examine and audit the campaign accounts of all other candidates in the general election for the office the selected candidate is seeking.

"(2) REASON TO INVESTIGATE.—The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to investigate whether the candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—

"(1) EXCESS PAYMENTS.—If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) REVOCATION OF STATUS.—If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures (except as permitted under section 502(e)) that in the aggregate exceed—

"(1) the primary election expenditure limit;

"(2) the runoff election expenditure limit; or

"(3) the general election expenditure limit,

the Commission shall so notify the candidate and the candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) CIVIL PENALTIES FOR EXCESS EXPENDITURES AND CONTRIBUTIONS.—

"(1) IN GENERAL.—If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against the candidate in an amount not greater than 200 percent of the amount involved.

"(2) LOW AMOUNT OF EXCESS EXPENDITURES.—An eligible Senate candidate who makes expenditures that exceed the primary election expenditure limit, runoff election expenditure, or general election expenditure limit by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(3) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—An eligible Senate candidate who makes expenditures that exceed the primary election expenditure limit, runoff election expenditure, or general election expenditure limit by more than 2.5 percent and less than 5 percent shall pay an amount equal to 3 times the amount of the excess expenditures.

"(4) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed the primary election expenditure limit, runoff election expenditure, or general election expenditure limit by 5 percent or more shall pay an amount equal to 3 times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(f) UNEXPENDED FUNDS.— Any amount received by an eligible Senate candidate under this title may be retained for a period not exceeding 120 days after the date of the primary election, runoff election, or general election for the liquidation of all obligations to pay expenditures for the primary election, runoff election, or general election incurred during the primary election period, runoff election period, or general election period. At the end of such 120-day period, any unexpended funds received under this title, except those that are transferred as required by section 503(b)(2) (A) (ii) or (iii) or (B) (ii) or (iii), shall be promptly repaid.

"(g) LIMIT ON PERIOD FOR NOTIFICATION.— No notification shall be made by the Commission under this section with respect to an election more than 3 years after the date of such election.

"(h) DEPOSITS.—The Secretary of the Treasury shall deposit all payments received under this section into the Senate Election Campaign Fund.

"SEC. 506. CRIMINAL PENALTIES.

"(a) ACCEPTANCE OR USE OF BENEFITS EXPENDITURES IN EXCESS OF LIMITS.—

"(1) OFFENSE.—No person shall knowingly and willfully—

"(A) accept benefits under this title in excess of the aggregate benefits to which the candidate on whose behalf such benefits are accepted is entitled;

"(B) use such benefits for any purpose not provided for in this title; or

"(C) make expenditures in excess of—

"(i) the primary election expenditure limit;

"(ii) the runoff election expenditure limit; or

"(iii) the general election expenditure limit,

except as permitted under section 502(e).

"(2) PENALTY.—A person who violates paragraph (1) shall be fined not more than $25,000, imprisoned not more than 5 years, or both. An officer, employee, or agent of a political committee who knowingly consents to any expenditure in violation of paragraph (1) shall be fined not more than $25,000, imprisoned not more than 5 years, or both.

"(b) USE OF BENEFITS.—

"(1) OFFENSE.—It is unlawful for a person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or to authorize the use of, the benefit or such portion other than in the manner provided in this title.

"(2) PENALTY.—A person who violates paragraph (1) shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

"(c) FALSE INFORMATION.—

"(1) OFFENSE.—It is unlawful for a person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) PENALTY.—A person who violates paragraph (1) shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) OFFENSE.—It is unlawful for a person knowingly and willfully to give or to accept any kickback or any illegal payment in connection with any benefits received under this title by an eligible Senate candidate.

"(2) PENALTY.—(A) A person who violates paragraph (1) shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

"(B) In addition to the penalty provided by subparagraph (A), a person who accepts any kickback or illegal benefit in connection with any benefits received by an eligible Senate candidate pursuant to the provisions of this title, or received by the authorized committees of such a candidate, shall pay to the Secretary, for deposit into the Senate Election Campaign Fund, an amount equal to 125 percent of the kickback or benefit received.

"SEC. 507. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals to expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—Chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning stated in section 551(13) of title 5, United States Code.

"SEC. 508. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission may appear in and defend against any action instituted under this section and under section 507 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission may, through attorneys and counsel described in subsection (a), institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission may, through attorneys and counsel described in subsection (a), petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission may, on behalf of the United States, appeal from, and to petition the Supreme Court for certiorari to review, judgments, or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 509. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS.—The Commission may prescribe regulations, conduct such examinations and investigations, and require the keeping and submission of such books, records, and information, as it deems necessary to carry out its functions and duties under this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing a regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed regulation and containing a detailed explanation and justification of the regulation.

"SEC. 510. PAYMENTS RELATING TO ELIGIBLE CANDIDATES.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—

"(1) IN GENERAL.—There is established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2) APPROPRIATIONS.—(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

"(i) any contributions by persons which are specifically designated as being made to the Fund;

"(ii) amounts collected under section 505(h); and

"(iii) any other amounts that may be appropriated to or deposited into the Fund under this title.

"(B) The Secretary of the Treasury shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

"(C) Amounts in the Fund shall remain available without fiscal year limitation.

"(3) AVAILABILITY.—Amounts in the Fund shall be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(4) ACCOUNTS.—The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Commission such sums as are necessary for the purpose of carrying out its functions under this title.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1995.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such individuals certify that such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national or State committee of a political party; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.— Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the prohibition under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$250" for "$5,000"; and

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) the greater of—

(i) $375,000; or

(ii) 20 percent of the sum of the general election expenditure limit under section 502(b) of FECA plus the primary election spending limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is an eligible Senate candidate (as defined in section 301(19)) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 and $375,000 amounts in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year in which the first general election after the date of the enactment of paragraph (3) occurs. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1995.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 1 business day after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 1 business day after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 1 business day after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 1 business day after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(d) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(e) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or of title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(f) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 133, is amended by adding at the end the following:

"(e) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. FREE BROADCAST TIME.

(a) AMENDMENT OF COMMUNICATIONS ACT.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"FREE BROADCAST TIME FOR ELIGIBLE SENATE CANDIDATES

"SEC. 315A. (a) IN GENERAL.—In addition to broadcast time that a licensee makes available to a candidate under section 315(a), a licensee shall make available at no charge, to each eligible Senate candidate in each State within its broadcast area, 90 minutes of broadcast time during a prime time access period (as defined in section 601 of the Federal Election Campaign Act of 1971).

"(b) APPEARANCES ON NEWS OR PUBLIC SERVICE PROGRAMS.—An appearance by a candidate on a news or public service program at the invitation of a broadcasting station or other organization that presents such a program shall not be counted toward time made available pursuant to subsection (a).".

(b) AMENDMENT OF FECA.—FECA, as amended by section 101, is amended by adding at the end the following new title:

"TITLE VI—DISSEMINATION OF POLITICAL INFORMATION

"SEC. 601. DEFINITIONS.

"In this title—

"(1) The term 'free broadcast time' means time provided by a broadcasting station during a prime time access period pursuant to section 315A of the Communications Act of 1934.

"(2) The term 'minor party' means a political party other than a major party—

"(A) whose candidate for the Senate in a State received more than 5 percent of the popular vote in the most recent general election; or

"(B) which files with the Commission, not later than 90 days before the date of a general or special election in a State, the number of signatures of registered voters in the State that is equal to 5 percent of the popular vote for the office of Senator in the most recent general or special election in the State.

"(3) The term 'prime time access period' means the time between 6:00 p.m. and 8:00 p.m. of a weekday during the period beginning on the date that is 60 days before the date of a general election or special election for the Senate and ending on the day before the date of the election.

"SEC. 602. USE OF FREE BROADCAST TIME.

"An eligible Senate candidate shall ensure that—

"(1) free broadcast time is used in a manner that promotes a rational discussion and debate of issues with respect to the elections involved;

"(2) in programs in which free broadcast time is used, not more than 25 percent of the time of the broadcast consists of presentations other than a candidate's own remarks;

"(3) free broadcast time is used in segments of not less than 1 minute; and

"(4) not more than 15 minutes of free broadcast time is used by the candidate in a 24-hour period.

"SEC. 603. REPORTS.

"(a) Candidate Reports to the Commission.—An eligible Senate candidate that uses free broadcast time under section 602 shall include with the candidate's post-general election report under section 304(a)(2)(A)(ii) or, in the case of a special election, with the candidate's first report under section 304(a)(2) filed after the special election, a statement of the amount of free broadcast time that the candidate used during the general election period or special election period.

"(b) Commission Reports to Congress.—The Commission shall submit to Congress, not later than June 1 of each year that follows a year in which a general election for the Senate is held, a report setting forth the amount of free broadcast time used by eligible Senate candidates under section 602.

"SEC. 604. JUDICIAL PROCEEDINGS.

"(a) In General.—The Commission may appear in any action filed under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of that title.

"(b) Enforcement.—At its own instance or on the complaint of any person, and whether or not proceedings have been commenced or are pending under section 309, the Commission may petition a district court of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a).

"(c) Appeals.—The Commission may, on behalf of the United States, appeal from, and petition the Supreme Court of the United States for certiorari to review, a judgment or decree entered with respect to an action in which it appeared pursuant to this section.".

Subtitle B—General Provisions

SEC. 131. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) The terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

SEC. 132. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of FECA (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made.

"(B) Any independent expenditure aggregating $5,000 or more made at any time up to and including the 20th day before any election shall be reported within 48 hours after such independent expenditure is made. An additional statement shall be filed each time independent expenditures aggregating $5,000 are made with respect to the same election as the initial statement filed under this section.

"(C) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any action taken to incur an obligation for payment.

"(4)(A) If any person intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Such statement shall be filed with the Secretary of the Senate and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as a candidate is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(7) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

SEC. 133. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(2) in the matter before paragraph (1) of subsection (a), by striking "direct";

(3) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(4) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the statement required by paragraph (1) shall—

"(A) appear at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 134. DEFINITIONS.

(a) In General.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is eligible under section 502 to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.

"(30) The term 'personal funds expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(a).

"(31) The term 'primary election expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(b).

"(32) The term 'runoff election expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(c).

"(33) The term 'general election expenditure limit' means the limit applicable to an eligible Senate candidate under section 502(d).

"(34) The term 'multicandidate political committee primary election contribution limit' means the limit applicable to an eligible Senate candidate under section 502(e)(1).

"(35) The term 'multicandidate political committee runoff election contribution limit' means the limit applicable to an eligible Senate candidate under section 502(e)(2).

"(36) The terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 510.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 135. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A), by striking "It is the intent of Congress that a Member of, or a Member-elect to, Congress" and inserting "A Member of, or Member-elect to, the House"; and

(2) in subparagraph (C)—

(A) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(B) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(18) The term 'express advocacy' means, when a communication is taken as a whole, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $500; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of the mailing in the case of advertising by a mailing.".

Subtitle B—Provisions Relating to Soft Money of Political Parties

SEC. 311. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES FOR GRASSROOTS FEDERAL ELECTION CAMPAIGN ACTIVITIES.

(a) IN GENERAL.—Section 315(a)(1)(C) of FECA (2 U.S.C. 441a(a)(1)(C)) is amended by striking "$5,000." and inserting "5,000, plus an additional $5,000 that may be contributed to a political committee established and maintained by a State political party for the sole purpose of conducting grassroots Federal election campaign activities coordinated by the Congressional Campaign Committee and Senatorial Campaign Committee of the party.".

(b) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees which are taken into account for purposes of paragraph (1)(C).".

(c) DEFINITION.—Section 301(a) of FECA (2 U.S.C. 431(a)), as amended by section 134, is amended by adding at the end the following new paragraph:

"(37) The term 'grassroots Federal election campaign activity' means—

"(A) voter registration and get-out-the-vote activities;

"(B) campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified;

"(C) the preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified;

"(D) development and maintenance of voter files;

"(E) any other activity affecting (in whole or in part) an election for Federal office; and

"(F) activities conducted for the purpose of raising funds to pay for activities described in subparagraphs (A), (B), (C), (D), and (E), to the extent that any such activity is allocable to Federal elections under a regulation issued by the Commission.".

SEC. 312. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e). This paragraph shall not authorize a committee to make expenditures for audio broadcasts (including television broadcasts) in excess of the amount which could have been made without regard to this paragraph.".

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (xi), by striking "direct mail" and inserting "mail"; and

(B) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA, as amended by section 102(a), is amended by inserting after section 324 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 325. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a):

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) A grassroots Federal election campaign activity shall be treated as in connection with an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are conducted in a year that is not a Presidential election year.

"(E) Research pertaining solely to State and local candidates and issues.

"(F) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on January 1 of any even-numbered calendar year; and

"(B) ending on the date during such year on which regularly scheduled general elections for Federal office occur.

In the case of a special election, the Federal election period shall include at least the 60-day period ending on the date of the election.

"(c) SOLICITATION BY COMMITTEES.—A Congressional or Senatorial Campaign Committee of a political party may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) AMOUNTS RECEIVED FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) For purposes of subsection (a), any amount received by a national, State, district, or local committee of a political party (including any subordinate committee) from a State or local candidate committee shall be treated as meeting the requirements of subsection (a) and section 304(d) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount, and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met, and

"(ii) certifies to the other committee that such requirements were met.

"(2) Notwithstanding paragraph (1), any committee receiving any contribution described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act with respect to receipt of the contribution from such candidate committee.

"(3) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(5)(A) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 325(b)(2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)).

"(B) Expenditures authorized under this paragraph shall be in addition to other expenditures allowed under this subsection, except that this paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4).

"(C) No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990.

"(D) For purposes of this paragraph—

"(i) a local committee of a political party shall only include a committee that is a political committee (as defined in section 301(4)); and

"(ii) a State committee shall not be required to record or report under this Act the expenditures of any other committee which are made independently from the State committee.".

(3) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following new sentence:

"For purposes of subparagraph (C), any payments for get-out-the-vote activities on behalf of candidates for office other than Federal office shall be treated as payments exempted from the definition of expenditure under paragraph (9) of this section.".

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 311(c), is amended by adding at the end the following new paragraph:

"(38) The term 'generic campaign activity' means a campaign activity the purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate.".

SEC. 313. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end the following new subsection:

"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, and are not from sources prohibited by this Act with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, or any national, State, district, or local committee of a political party (including subordinate committees).

"(3) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(l) TAX-EXEMPT ORGANIZATIONS.—(1) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 314. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 325) and all payments for combined activities under 326;

"(3) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election or for combined activities.

"(4) If any receipt or disbursement to which this subsection applies exceeds $50, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(5) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end the following:

"(C) The exclusions provided in clauses (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $50 shall be reported.".

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)) is amended by inserting at the end the following:

"(C) The exclusions provided in clause (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $50 shall be reported.".

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

SEC. 315. LIMITATIONS ON COMBINED POLITICAL ACTIVITIES OF POLITICAL COMMITTEES OF POLITICAL PARTIES.

Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 312(c), is amended by adding at the end the following new section:

"LIMITATIONS ON COMBINED POLITICAL ACTIVITIES OF POLITICAL COMMITTEES OF POLITICAL PARTIES

"SEC. 326. (a)(1) Political party committees that make payments for combined political activity shall allocate a portion of such payments to Federal accounts containing contributions subject to the limitations and prohibitions of this Act, as provided for in this section.

"(2) National party committees shall allocate as follows:

"(A) At least 65 percent of the costs of voter registration drives, development and maintenance of voter files, get-out-the-vote activities, and administrative expenses shall be paid from a Federal account in Presidential election years. At least 60 percent of the costs of voter drives and administrative expenses shall be paid from a Federal account in all other years.

"(B) The costs of fundraising activities which shall be paid from a Federal account shall equal the ratio of funds received into the Federal account to the total receipts from each fundraising program or event.

"(C) The costs of activities subject to limitation under section 315(d) which involve both Federal and non-Federal candidates, shall be paid from a Federal account according to the time or space devoted to Federal candidates.

"(3) State and local party committees shall allocate as follows:

"(A) At least 50 percent of the costs of voter registration drives, development and maintenance of voter files, get-out-the-vote activities, and administrative expenses shall be paid from a Federal account in Presidential election years. In all other years, the costs of voter drives and administrative expenses which shall be paid from a Federal account shall be determined by the ballot composition for the election cycle, but, in no event, shall the amount paid from the Federal account be less than 33 percent.

"(B) The costs of fundraising activities which shall be paid from a Federal account shall equal the ratio of funds received into the Federal account to the total receipts from each fundraising program or event.

"(C) The costs of activities exempt from the definition of 'contribution' or 'expenditure' under section 301, when conducted in conjunction with both Federal and non-Federal elections, shall be paid from a Federal account according to the time or space devoted to Federal candidates or elections.

"(D) The costs of activities subject to limitation under section 315 (a) or (d) which involve both Federal and non-Federal candidates, shall be paid from a Federal account according to the time or space devoted to Federal candidates.

"(b) For purposes of this subsection—

"(1) the term 'combined political activity' means any activity that is both—

"(A) in connection with an election for Federal office; and

"(B) in connection with an election for any non-Federal office.

"(2) Any activity which is undertaken solely in connection with a Federal election is not combined political activity.

"(3) Except as provided in paragraph (4), combined political activity shall include—

"(A) State and local party activities exempt from the definitions of 'contribution' and 'expenditure' under section 301 and activities subject to limitation under section 315 which involve both Federal and non-Federal candidates, except that payments for activities subject to limitation under section 315 are not subject to the limitation of subsection (a)(1);

"(B) voter drives including voter registration, voter identification and get-out-the-vote drives or any other activities that urge the general public to register, vote for or support non-Federal candidates, candidates of a particular party, or candidates associated with a particular issue, without mentioning a specific Federal candidate;

"(C) fundraising activities where both Federal and non-Federal funds are collected through such activities; and

"(D) administrative expenses not directly attributable to a clearly identified Federal or non-Federal candidate, except that payments for administrative expenses are not subject to the limitation of subsection (a)(1).

"(4) The following payments are exempt from the definition of combined political activity:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any payments for legal or accounting services, if such services are for the purpose of ensuring compliance with this Act.

"(5) The term 'ballot composition' means the number of Federal offices on the ballot compared to the total number of offices on the ballot during the next election cycle for the State. In calculating the number of offices for purposes of this paragraph, the following offices shall be counted, if on the ballot during the next election cycle: President, United States Senator, United States Representative, Governor, State Senator, and State Representative. No more than three additional statewide partisan candidates shall be counted, if on the ballot during the next election cycle. No more than three additional local partisan candidates shall be counted, if such offices are on the ballot in the majority of the State's counties during the next election cycle.

"(6) The term 'time or space devoted to Federal candidates' means with respect to a particular communication, the portion of the communication devoted to Federal candidates compared to the entire communication, except that no less than one-third of any communication shall be considered devoted to a Federal candidate.".

TITLE IV—CONTRIBUTIONS

SEC. 401. REDUCTION OF CONTRIBUTION LIMITS.

Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$100".

SEC. 402. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) IN GENERAL.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a lobbyist; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate;

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

"(iii) bona fide fundraising efforts conducted by and solely on behalf of an individual for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, but only if all contributions are made directly to a candidate or a representative of a candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsection:

"(m)(1) A lobbyist shall not make a contribution to or solicit a contribution on behalf of a legislative branch official before whom the lobbyist has appeared or with whom the lobbyist has made a lobbying contact, in the lobbyist's representational capacity, during the 12-month period preceding the date on which the contribution is made or solicited.

"(2) A lobbyist who makes a contribution to or solicits a contribution on behalf of a legislative branch official shall not appear before or make a lobbying contact with that legislative branch official, in the lobbyist's representational capacity, during the 12-month period after the date on which the contribution is made or solicited.".

(c) DEFINITIONS.—Section 301(a) of FECA (2 U.S.C. 431(a)), as amended by section 312(d), is amended by adding at the end the following new paragraphs:

"(39) The term 'lobbyist' means—

"(A) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

"(B) a person required under any other law to register as a lobbyist (as the term 'lobbyist' may be defined in any such law); and

"(C) any other person that receives compensation in return for making a lobbying contact with Congress on any legislative matter, including a member, officer, or employee of any organization that receives such compensation.

"(40)(A) The term 'lobbying contact'—

"(i) means an oral or written communication with a legislative branch official made by a lobbyist on behalf of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license) but—

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a legislative branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a legislative branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.

"(39) The term 'legislative branch official' means—

"(A) a member of Congress;

"(B) an elected officer of Congress;

"(C) an employee of a member of the House of Representatives, of a committee of the House of Representatives, or on the leadership staff of the House of Representatives, other than a clerical or secretarial employee;

"(D) an employee of a Senator, of a Senate committee, or on the leadership staff of the Senate, other than a clerical or secretarial employee; and

"(E) an employee of a joint committee of the Congress, other than a clerical or secretarial employee.".

SEC. 403. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

(a) IN GENERAL.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 402(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 404. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

(a) IN GENERAL.—Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

(b) CONFORMING AMENDMENT.—Section 315(a)(5) of FECA (2 U.S.C. 441a(a)(5)) is amended—

(1) by adding "and" at the end of subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 405. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION".

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking "and" after the semicolon at the end;

(2) in clause (xiv), by striking the period at the end and inserting: "; and"; and

(3) by adding at the end the following new clause:

"(xv) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the aggregate value of advances on behalf of a committee does not exceed $500 with respect to an election.".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)) are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

SEC. 503. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of FECA (2 U.S.C. 434(b)(3)(A)) is amended by striking "$200" and inserting "$50".

SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $50 or more.".

TITLE VI—PRESIDENTIAL DEBATES

SEC. 601. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) American voters are increasingly frustrated with the lack of significant political debate in presidential elections in the United States, and voting participation in the United States is lower than in any other advanced industrialized country, due in part to such frustration;

(2) the right of eligible citizens to participate in the election process as informed voters, provided in and derived from the first and fourteenth amendments to the Constitution, has consistently been protected and promoted by the Federal Government;

(3) United States presidential debates sponsored by nonpartisan organizations offer important fora for free, open, and substantive exchanges of candidates' ideas, and should include all significant candidates, including non-major and independent candidates; and

(4) throughout United States history, significant minor party and independent candidates have often been a source for new ideas and new programs, offering American voters an opportunity to engage in a diverse and open political discourse on critical issues of the day.

(b) PURPOSES.—The purposes of this title are to make participation in presidential debates a requirement for receipt of Federal general election campaign funds and to allow all candidates who meet the criteria outlined in this Act to participate in such debates.

SEC. 602. PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATE DEBATES.

Section 9003 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(e) PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATE DEBATES.—

"(1) AGREEMENT TO DEBATE.—In addition to meeting the requirements of subsection (a), (b), or (c), in order to be eligible to receive any payments under section 9006, the candidates for the office of President and Vice President in a Presidential election shall agree in writing that—

"(A) the Presidential candidate, if eligible under paragraph (3), will participate in not less than 3 Presidential candidate debates, which shall be held in the September and October preceding a Presidential general election at least 2 weeks before the election; and

"(B) the Vice Presidential candidate, if eligible under paragraph (3), will participate in not less than 1 Vice Presidential candidate debate, which shall be held prior to the third Presidential candidate debate.

"(2) DEBATE REQUIREMENTS.—

"(A) IN GENERAL.—Each debate under paragraph (1) shall—

"(i) be sponsored by a nonpartisan organization that has no affiliation with any political party;

"(ii) include all candidates that meet the criteria stated in paragraph (3) (except any such candidate who elects not to receive payments under section 9006), who shall appear and participate in a regulated exchange of questions and answers on political, social, economic, and other issues; and

"(iii) be of at least 90 minutes' duration, of which not less than 30 minutes are devoted to questions and answers or discussion directly between the candidates, as determined by the sponsor of the debate.

"(B) ANNOUNCEMENT OF TIME, LOCATION, AND FORMAT.—The sponsor of debates shall announce the time, location, and format of the debate prior to the first Monday in September before the Presidential election.

"(3) CRITERIA FOR PARTICIPATION IN PRESIDENTIAL CANDIDATE DEBATES.—A candidate is eligible to participate in a debate under paragraph (1) if—

"(A) the candidate has qualified for the election ballot as the candidate of a political party or as an independent candidate to the office of President or Vice President in not less than 40 States;

"(B) the candidate met the requirements of section 9033(b) (3) and (4); or

"(C) the candidate raised not less than $500,000 on or after January 1 of the calendar year immediately preceding the calendar year of the Presidential election, as disclosed in a report filed pursuant to section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434).

"(4) ENFORCEMENT.—If the Commission, acting on its own or at the complaint of any person, determines that a Presidential or Vice Presidential candidate that has received payments under section 9006 failed to participate in a debate under paragraph (1) and was responsible at least in part for that failure, the candidate shall pay to the Secretary an amount equal to the amount of the payments made to the candidate under section 9006.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3)(A) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(i) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(ii) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

"(B) As used in this paragraph, the term 'support' does not include a contribution by any authorized committee in amounts of $1,000 or less to an authorized committee of any other candidate."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, maintain, or control any political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office.

"(B) For one year after the effective date of this paragraph, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $250 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 314(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1994.

SEC. 802. SENSE OF THE SENATE REGARDING FUNDING OF SENATE ELECTION CAMPAIGN FUND.

It is the sense of the Senate that—

(1) the current Presidential checkoff should be increased to $5.00, its designation changed to the "Federal Election Campaign Checkoff", and individuals should be permitted to contribute an additional $5.00 to the fund in additional taxes if they so desire;

(2) the Internal Revenue Service and the Federal Election Commission should be required to develop and implement a plan to publicize the fund and the checkoff to increase citizen participation; and

(3) funds to pay for the increase in the checkoff to $5.00 should come from the repeal of the tax deduction for business lobbying activity.

SEC. 803. SEVERABILITY.

Except as provided in sections 101(c) and 121(b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SUMMARY OF SENATE FAIR ELECTIONS AND GRASSROOTS DEMOCRACY ACT

CONTRIBUTION LIMITS

Political Action committees—prohibited from making contributions or expenditures to influence federal elections. If ban declared unconstitutional: (1) lowers PAC contribution limit to $250 per candidate, and (2) imposes aggregate PAC receipts limit on Senate candidates.

Individual contribution Limits—lowered to $100 for donations to Senate candidates, per election cycle.

VOLUNTARY CAMPAIGN EXPENDITURE LIMITS

General election period: Formula-based, from $775,000 (small states) to $4.5 million (large states).

Primary election period: 67% of general election limit ($2.5 million max.).

Runoff election: 20% of general election limit.

Candidate's personal funds limit: $25,000.

Limits increased if opponent raises or spend more than 200% of general election limit.

BENEFITS FOR CANDIDATES ABIDING BY VOLUNTARY EXPENDITURE LIMITS

Public funding—Primary (and Runoff): match for individual in-State donations of $100 or less, up to 50% of spending limit.

General: Major party candidates given subsidy equal to spending limit.

Minor party candidates: provided match for individual in-State donations of $100 or less, up to 50% of spending limit.

Contingent funding: payments to particapating candidates to compensate for and in amount of (1) opponents' expenditures in excess of spending limit, and (2) independent expenditures made against participant or for opponent.

Free Broadcast Time—broadcasters must provide 90 min. of prime access time to eligible candidates within broadcast area, in segments of at least 1 min., with no more than 15 min. within a 24-hr. period and no more than 25% of a broadcast consisting of other than candidate remarks.

Reduced Postal Rate—1 mailing per eligible voter during general election period, at lowest non-profit third-class rate.

Eligibility threshold for benefits—candidate must raise 5% of general election limit in amounts of $100 or less (at least 60% within-state).

Funding source—appropriated funds, financed by increase in dollar checkoff to $5 and elimination of tax deduction for lobbying.

SOFT MONEY

Prohibits all "soft" money in federal elections; requires that all federal election expenditures be from sources allowed by federal law.

Establishes Grassroots Federal Election Fund to be maintained by state political parties for grassroots political activities that benefit federal candidates exclusively. Contributions to these funds must be raised and disclosed under federal limits, and may not exceed $5,000.

BUNDLING

Prohibits bundling by all PACs; parties; unions, corporations, trade associations, and national banks; partnerships or sole proprietorships; and lobbyists.

Prohibits lobbyists from contributing funds to, or soliciting funds for Members of Congress if they have lobbied those Members or their staff within the last twelve months.

INDEPENDENT EXPENDITURES

Tightens definition to ensure proper distance from candidates; augments disclosure and disclaimer requirements.

CONFERENCE REPORT ON GIFTS PORTION OF LOBBYING DISCLOSURE BILL (AS COMPARED TO SENATE-PASSED BILL)

The conference report on gifts to Members, officers and employees of Congress is the same as the Senate-passed bill on gifts, S. 1935, with a few exceptions as shown in italic. As with the Senate-passed bill, gifts are prohibited except as described below:

FROM LOBBYISTS

Food/refreshments of nominal value not part of a meal.

Campaign contributions/*attendance at fund-raising events sponsored by political organizations.*

Informational materials like books, videotapes.

Gifts from close personal friends and family members.

Pension/other employment benefits earned while serving as an employee of lobbying firm.

FROM NONLOBBYISTS

Food/refreshments/entertainment in Member's home state. They remain subject to current rules until and unless changed by Rules Committee.

Food/refreshments of minimal value (less than $20).

Personal and family relationship. (Changed from personal friendship to personal relationship to cover situations where the gift is unrelated to Member's official position.)

Campaign contribution/attendance at fundraising events sponsored by political organizations.

Attendance/food/refreshments/entertainment at widely attended events where Member is either speaking or event is related to Member's official duties or representational function.

Anything for which Member pays market value or doesn't use and promptly returns.

Contributions to a legal expense fund (pursuant to limits already set by resolution).

Gifts from other Members or employees of Senate/House.

Anything of value resulting from outside business activities not connected to duties of Member.

Anything customarily given by a prospective employer.

Pension and other benefits.

Informational materials like books, videotapes.

Awards/prizes given to the public.

Honorary degrees (*including associated travel*) and other bona fide nonmonetary awards presented in recognition of public service.

Homestate products of minimal value for display or distribution.

Items of little intrinsic value, such as baseball caps, greeting cards.

Training, if the training is in the interest of the Senate.

Bequests, inheritances.

Any item authorized by Foreign Gifts Act.

Anything paid by state or local or federal government.

Personal hospitality.

Items available to all federal employees/comparable class of individuals.

Plaque/trophy of modest value.

Anything for which, in unusual case, a waiver is granted by Ethics Committee.

As with current rule, gifts based on personal relationship over $250 must be approved by Ethics Committee and must be disclosed on financial disclosure form.

TRAVEL

Travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member is permitted. Gifts of travel related to charity events or which is substantially recreational is prohibited. Disclosure of expenses for trips where reimbursement is permitted must be filed with Secretary of Senate within 30 days of travel.

SPOUSES

Current rules and Senate-passed bill apply to spouses and dependents as well as Members. Conference report doesn't restrict gifts to spouses and dependents unless the Member has reason to believe gift was given because of the Members's official position and where gift is given with the knowledge and acquiescence of the Member. Such gifts are then treated as gifts to the Member.

Also conference report explicitly allows a spouse or dependent to travel with a Member at the expense of the private party if other spouses/dependents are expected to do so or there is a representational purpose.

Spouses/dependents are also allowed to accompany Members to widely attended events.

COMMON CAUSE,
Washington, DC, January 4, 1995.

DEAR SENATOR: Enclosed for your information is a copy of a letter delivered today to House Speaker Newt Gingrich from Common Cause.

In a 1990 speech, Speaker Gingrich stated: "The first duty of our generation is to reestablish integrity and a bond of honesty in the political process" and called for the passage of "reform laws to clean up the election and lobbying system".

"We must insure that citizen politics defeats money politics." Speaker Gingrich said.

The Common Cause letter urges Speaker Gingrich to make good on his words and lead an effort to reform the corrupt influence money system in Congress.

Sincerely,

FRED WERTHEIMER,
President.

COMMON CAUSE,
Washington, DC, January 4, 1995.

House Speaker NEWT GINGRICH,
U.S. Capitol H—230,
Washington, DC.

DEAR SPEAKER GINGRICH: On August 22, 1990, in a speech to The Heritage Foundation, you said:

"The first duty of our generation is to reestablish integrity and a bond of honesty in the political process. We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems. We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity. Every action should be measured against that goal, and every American should be challenged to register and vote to achieve that goal."

We agree.

As you become Speaker of the House of Representatives today, you have a unique moment in history in which to make good on your words. You have a unique opportunity to lead an effort to reform the corrupt system in Congress which you have criticized throughout your House career.

As you also stated in your speech before The Heritage Foundation:

"Congress is a broken system. It is increasingly a system of corruption in which money politics is defeating and driving out citizen politics. * * * [H]onesty and integrity are at the heart of a free society. Corruption, special favors, dishonesty and deception corrode the very process of freedom and alienate citizens from their country."

I am enclosing other examples of statements you have made over the years about the importance of integrity in government and the need for political reform.

You and the newly elected Republicans in the House have told the country that you are committed to changing the way Washington works.

But citizens throughout this nation clearly understand that there is no way to change the way Washington works without fundamental reform of the corrupt influence money system. This requires effective campaign finance reform and a tough gift ban for Members of Congress.

In your words, "The first duty of our generation is to reestablish integrity and a bond of honesty in the political process."

In your words, "We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems."

In your words, "We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity."

In your new position of leadership, you now face a clear choice. You can make good on your words and lead the effort to clean up Congress. Or you can ignore your words and become the chief protector of the corrupt influence money system in Washington.

Common Cause strongly urges you to make good on your words by supporting and scheduling early action on effective and comprehensive campaign finance reform legislation, a strong gift ban and lobby reform legislation.

Sincerely,

FRED WERTHEIMER,
President.

S. 117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENATE GIFT RULE.

The text of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. No member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a lobbyist, a lobbying firm, or an agent of a foreign principal registered under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) in violation of this rule.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this rule, no member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a member, officer, or employee (or a gift to any other individual based on that individual's relationship with the member, officer, or employee) shall be considered a gift to the member, officer, or employee if it is given with the knowledge and acquiescence of the member, officer, or employee and the member, officer, or employee has reason to believe the gift was given because of the official position of the member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall apply to the following:

"(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

"(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a member, officer, or employee of the Senate.

"(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a member, officer, or employee of the Senate (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a member, officer, or employee of the Senate.

"(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a member, officer, or employee of the Senate.

"(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of members, officers, or employees of the Senate.

"(d) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the member, officer, or employee as an officeholder) of the member, officer, or employee, or the spouse of the member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(14) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a member, officer, or employee, if such training is in the interest of the Senate.

"(15) Bequests, inheritances, and other transfers at death.

"(16) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(17) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(18) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(19) Free attendance at a widely attended event permitted pursuant to subparagraph (e).

"(20) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(21) A plaque, trophy, or other memento of modest value.

"(22) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(e)(1) Except as prohibited by paragraph 1, a member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the member, officer, or employee.

"(2) A member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f)(1) No member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (d)(3) or the close personal friendship exception in clause (2) unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(2)(A) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the member, officer, or employee of the Senate shall not be subject to the prohibition in clause (1).

"(B) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

"(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

"(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(ii) Whether the gift was purchased by the individual who gave the item.

"(iii) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees of the Senate.

"(g)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the member or officer (in the case of travel by that Member or officer) or by the member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a member or officer, a determination that the travel was in connection with the duties of the member or officer as an officeholder and would not create the appearance that the member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the member, officer, or employee, subject to a determination signed by the member or officer (or in the case of an employee, the member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

"4. In this rule:

"(a) The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is—

"(1) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments; or

"(2) an individual member or members, when the lobbying activities are conducted on behalf of, and financed separately by, 1 or more individual members and not by the coalition's or association's dues and assessments.

"(b) The term 'lobbying firm'—

"(A) means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity; and

"(B) includes a self-employed individual who is a lobbyist.

"(c) The term 'lobbyist' means a person registered under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or required to be registered under any successor statute.

"(d) The term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 2. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements deemed accepted by the Senate pursuant to Rule XXXV of the Standing Rules of the Senate shall be reported as required by such rule and need not be reported under this section.".

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

(c) GENERAL SENATE PROVISIONS.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

SEC. 3. EXERCISE OF SENATE RULEMAKING POWERS.

Sections 1 and 2(c) are enacted by the Senate—

(1) as an exercise of the rulemaking power of the Senate and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time and in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on May 31, 1995.

Mr. FEINGOLD. Mr. President, today I am pleased to join my colleagues, Senators LAUTENBERG and WELLSTONE, in once again introducing legislation that will fundamentally reform the way Congress deals with the thousands and thousands of gifts and other perks that are offered to Members each year from individuals, lobbyists and associations that seek special access and influence on Capitol Hill.

Last year, this body approved a strong gift ban bill by a resounding vote of 95 to 4. The provisions of that bill, which would have strictly prohibited the acceptance of gifts from lobbyists and which provided only a few exceptions for nonlobbylists, were retained in a conference report that not only would have clamped down on this outrageous perk, but would have closed the gaping loopholes that riddle our current lobbying disclosure laws. That conference report failed to pass in the closing days of the 103d Congress, but we are introducing this bill today because we are unwilling to allow such an important and fundamental issue to be forgotten merely because we were unable to obtain final passage in the waning moments of the last Congress. This legislation is needed to help restore the lost faith of people in their Government, and to reverse the strong negative view of the American people harbor for this institution. We have to recognize that the American people want their representatives to fundamentally change the way they do business, and passing meaningful gift ban legislation would represent an important first step towards extinguishing the firestorm of cynicism and distrust that has swept across the political landscape. It would send a strong message to our constituents that we are prepared to take forceful steps to allay any perceived conflicts of interests between the acceptance of such gifts and our responsibilities as elected representatives.

Let me illustrate this point by referring to a TIME/CNN poll taken late last year. Like many polls before it, this poll showed that public approval of the performance of Congress as an institution is embarrassingly low. This poll also found that 84 percent, 84 percent of the American people believe that officials in Washington are heavily influenced by special interests and out of touch with the average person. The issue here, is not whether Members of Congress are indeed for sale or susceptible to pressure from special interests. We know that this is largely invalid. But it is the perception of impropriety that must be changed. We must identify what has fueled this perception, and pass reforms that will regain the lost trust and faith the American people have in their Government.

The number and types of gifts delivered to congressional offices each and every day is astonishing, and frankly, we should be thankful that most of our constituents are spared the imagery that has become a frequent sight on Capitol Hill of flatbed carts moving through the hallways of Congress, stacked with gifts. Though I have adopted a strict policy for myself and my staff that prohibits the acceptance of virtually anything of value, my office has received—and declined—close to 800 gifts since I joined the U.S. Senate 2 years ago. I have had some unusual gifts come into my office, including, for the second consecutive year, a Christmas tree. It may strike some of our constituents as odd that there is a lobbying firm out there that is committed to leveling a small forest every year to provide Christmas trees to Members of Congress. But it is not only the gifts themselves that anger the American people, it is also the source of these gifts that sparks the greatest resentment among our constituents, and this is reflected in the same TIME/CNN poll I referred to earlier.

In this poll, the following question was posed: "Which one of these groups do you think have too much influence in government?". A list of choices were provided, and which groups did respondents believe have too much influence in public policy decisions? The wealthy, large corporations, foreign governments and special interest groups. The gifts that we receive—and, again, that I personally decline—range from fruit baskets to artwork to fine wine—you name it. The sources of these gifts? The wealthy, large corporations, foreign governments and special interest groups. In other words, the exact same groups cited by a majority of poll respondents as having special influence and access with the Federal Government are the exact same groups that provide most of the free gifts and meals to Members of Congress. The connection is clear, and I am convinced that if we eliminate such unnecessary gifts we can convince the American people that we are not beholden to any special interests and we can begin to break down the walls of distrust between the American people and their Government.

The bill we are introducing today will strictly prohibit the lobbying community from providing free meals, travel and entertainment to Members of Congress and their staffs. Most of these stringent rules will apply to nonlobbyists as well. The legislation also includes exceptions to these tight restrictions that will allow legislators and staff to carry out the day to day official responsibilities of a Member of Congress. For example, these exceptions do allow Members to be reimbursed for certain expenses incurred in the attendance of programs, seminars and conferences related to official business. Those exceptions aside, the gift ban provisions contained in this legislation will take a hard line against those offered items that are completely unrelated to official business and serve only to fuel the negative perceptions of Congress that have permeated our society.

The current gift rules, which allow Members of Congress and their staff to accept gifts worth up to $250 from any one source during a year and does not include toward that limit any gifts under $100, are simply unacceptable. When the U.S. Senate first debated this issue last year, differing objections were raised to our effort to prohibit the acceptance of these gifts. Some argued that the gifts provided to Members and staff do not translate into special access for anyone, nor do they have any influence on the legislative process. Maybe, maybe not. But it is the mere appearance of impropriety that has so sharply turned the American people against this institution. For our constituents who may view a television news report of some special interest group picking up the tab for a lawmaker's trip to Florida, it appears to be a clear quid pro quo arrangement. But there was another interesting argument raised during last year's debate on this issue—the argument that strict gift rules were unworkable and would hinder the work of Members and their staffs. I would ask my colleagues who genuinely believe this to look at the experience of my home State, Wisconsin.

I served for 10 years in the Wisconsin State Legislature as a State senator. For over 20 years, the Wisconsin Legislature has lived under rules that prohibit the acceptance of anything of value, even a cup of coffee, from a lobbyist or a lobbying organization. These rules, which have had virtually no impact on that legislative body's ability to perform, have earned the State of Wisconsin a well-deserved reputation for clean government, a term that few people, unfortunately, would apply to the U.S. Congress. My experience in the Wisconsin Legislature led me 2 years ago to adopt a strict ethics policy for my U.S. Senate office that combines the most restrictive elements of the existing ethics policy for the U.S. Senate and the ethics rules of the Wisconsin State Legislature. Specifically, I and the individuals employed in my office cannot accept food, drink, lodging, transportation, or any item or service from a lobbyist or any item of more than a nominal value from any person offered because of public position.

Like the Wisconsin rules, there are exceptions provided that allow me and my staff to fulfill our legislative responsibilities. For example, these restrictions do not apply to the offering of educational or information materials; lodging, food, or beverage offered coincidentally with the presentation of a talk or participation in a meeting, program, or conference related to official business. The restrictions also do not apply to functions sponsored by, or items provided by, Federal agencies or Federal officials or diplomatic functions sponsored by foreign governments where attendance at such events is part of the individual's official responsibilities.

In short, the strict rules governing the acceptance of gifts that have been adopted by both my office and the Wisconsin Legislature have worked while allowing those abiding by them to fulfill their official obligations and responsibilities.

Acting on this legislation that will fundamentally reform the way Congress deals with the many gifts and other perks that are offered to Members each year would mark a significant change in the way Washington, DC, does business, as well as a strong first step toward restoring the voters' confidence in their elected representatives. But we need to do more than simply pass tough gift ban legislation. We need to strengthen our current lobbying disclosure laws that are riddled with gaping loopholes. We need to pass comprehensive campaign finance reform that will level the playing field between incumbents and challengers, and diminish the role of special interest money that has dominated our election system. It is my sincere hope that this body will begin this process of reform by acting on this measure at the earliest possibility. Once again, I thank my colleagues from Minnesota and New Jersey for their persistence on this issue, and I yield the floor.

By Mr. MOYNIHAN.

S. 118. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber and 9 millimeter ammunition; to the Committee on the Judiciary.

S. 119. A bill to tax 9 millimeter, .25 caliber, and .32 caliber bullets; to the Committee on Finance.

VIOLENT CRIME REDUCTION ACT AND REAL COST OF HANDGUN AMMUNITION ACT

• Mr. MOYNIHAN. Mr. President, I introduce two bills: the Violent Crime Reduction Act of 1995 and the Real Cost of Handgun Ammunition Act of 1995. Their purposes are to ban or heavily tax .25 caliber, .32 caliber, and 9 mm ammunition. These calibers of bullets are used disproportionately in crime. They are not sporting or hunting rounds, but instead are the bullets of choice for drug dealers and violent felons. Every year they contribute overwhelmingly to the pervasive loss of life caused by bullet wounds.

Today marks the third time in as many Congresses that I have introduced legislation to ban or tax these pernicious bullets. As the terrible gunshot death toll in the United States continues unabated, so too does the need for these bills, which, by keeping these bullets out of the hands of criminals, would save a significant number of lives.

The number of Americans killed or wounded each year by bullets demonstrates their true cost to American society. Just look at the data:

In 1993, 16,189 people were murdered by gunshot. An even greater number lost their lives to bullets by shooting themselves, either purposefully or accidentally. And although no national statistics are kept on bullet-related injuries, studies suggest they occur 2 to 5 times more frequently than do deaths. This adds up to 184,000 bullet-related injuries per year.

Homicide is the second leading cause of death in the 15 to 34-year-old age bracket. It is the leading cause of death for black males aged 15 to 34. The lifetime risk of death from homicide in U.S. males is 1 in 164, about the same as the risk of death in battle faced by U.S. servicemen in the Vietnam War. For black males, the lifetime risk of death from homicide is 1 in 28, twice the risk of death in battle faced by Marines in Vietnam.

As noted by Susan Baker and her colleagues in the book "Epidemiology and Health Policy," edited by Sol Levine and Abraham Lilienfeld:

> There is a correlation between rates of private ownership of guns and gun-related death rates; guns cause two-third of family homicides; and small easily concealed weapons comprise the majority of guns used for homicides, suicides and unintentional death.

Baker states that:

> . . . These facets of the epidemiology of firearm-related deaths and injuries have important implications. Combined with their lethality, the widespread availability of easily concealed handguns for impetuous use by people who are angry, drunk, or frightened appears to be a major determinant of the high firearm death rate in the United States. Each contributing factor has implications for prevention. Unfortunately, issues related to gun control have evoked such strong sentiments that epidemiologic data are rarely employed to good advantage.

Strongly held views on both sides of the gun control issue have made the subject difficult for epidemiologists. I would suggest that a good deal of energy is wasted in this never-ending debate, for gun control as we know it misses the point. We ought to focus on the bullets and not the guns.

I would remind the Senate of our experience in controlling epidemics. Although the science of epidemiology traces its roots to antiquity—Hippocrates stressed the importance of considering environmental influences on human diseases—the first modern epidemiological study was conducted by James Lind in 1747. His efforts led to the eventual control of scurvy. It wasn't until 1795 that the British Navy accepted his analysis and required limes in shipboard diets. Most solutions are not perfect. Disease is rarely eliminated. But might epidemiology be applied in the case of bullets to reduce suffering? I believe so.

In 1854 John Snow and William Farr collected data that clearly showed cholera was caused by contaminated drinking water. Snow removed the handle of the Broad Street pump in London to prevent people from drawing water from this contaminated water source and the disease stopped in that population. His observations led to a legislative mandate that all London water companies filter their water by 1857. Cholera epidemics subsided. Now treatment of sewage prevents cholera from entering our rivers and lakes, and the disinfection of drinking water makes water distribution systems uninhabitable for cholera vibrio, identified by Robert Kock as the causative agent 26 years after Snow's study.

In 1900, Walter Reed identified mosquitos as the carriers of yellow fever. Subsequent mosquito control efforts by another U.S. Army doctor, William Gorgas, enabled the United States to complete the Panama Canal. The French failed because their workers were too sick from yellow fever to work. Now that it is known that yellow fever is caused by a virus, vaccines are used to eliminate the spread of the disease.

These pioneering epidemiology success stories showed the world that epidemics require an interaction between three things: The host (the person who becomes sick or, in the case of bullets, the shooting victim); the agent (the cause of sickness, or the bullet); and the environment (the setting in which the sickness occurs or, in the case of bullets, violent behavior). Interrupt this epidemiological triad and you reduce or eliminate disease and injury.

How might this approach apply to the control of bullet-related injury and death? Again, we are contemplating something different from gun control. There is a precedent here. In the middle of this century it was recognized that epidemiology could be applied to automobile death and injury. From a governmental perspective, this hypothesis was first adopted in 1959, late in the administration of Gov. Averell Harriman of New York State. In the 1960 Presidential campaign, I drafted a statement on the subject which was released by Senator John F. Kennedy as part of a general response to enquiries from the American Automobile Association. Then Senator Kennedy stated:

> Traffic accidents constitute one of the greatest, perhaps the greatest of the nation's public health problems. They waste as much as 2 percent of our gross national product every year and bring endless suffering. The new highways will do much to control the rise of the traffic toll, but by themselves they will not reduce it. A great deal more investigation and research is needed. Some of this has already begun in connection with the highway program. It should be extended until highway safety research takes its place as an equal of the many similar programs of health research which the federal government supports.

Experience in the 1950's and early 1960's, prior to passage of the Motor Vehicle Safety Act, showed that traffic safety enforcement campaigns designed to change human behavior did not improve traffic safety. In fact, the death and injury toll mounted. I was Assistant Secretary of Labor in the mid-1960's when Congress was developing the Motor Vehicle Safety Act, and I was called to testify.

It was clear to me and others that motor vehicle injuries and deaths could not be limited by regulating driver behavior. Nonetheless, we had an epidemic on our hands and we needed to do something about it. My friend William Haddon, the first Adminstrator of the National Highway Traffic Safety Administration, recognized that automobile fatalities were caused not by the initial collision, when the automobile strikes some object, but by a second collision, in which energy from the first collision is transferred to the interior of the car, causing the driver and occupants to strike the steering wheel, dashboard, or other structures in the passenger compartment. The second collision is the agent of injury to the hosts—the car's occupants.

Efforts to make automobiles crashworthy follow examples used to control infectious disease epidemics. Reduce or eliminate the agent of injury. Seat belts, padded dashboards, and airbags are all specifically designed to reduce, if not eliminate, injury caused by the agent of automobile injuries, energy transfer to the human body during the second collision. In fact, we've done nothing revolutionary. All of the technology use to date to make cars crashworthy, including airbags, was developed prior to 1970.

Experience shows the approach worked. Of course it could have worked better, but it worked. Had we been able to totally eliminate the agent (the second collision) the cure would have been complete. Nonetheless, merely by focusing on simple, achievable remedies, we reduced the traffic death and injury epidemic by 30 percent. Motor vehicle deaths declined in absolute terms by 13 percent from 1980 to 1990, despite significant increases in the number of drivers, vehicles, and miles driven. Driver behavior is changing, too. National seatbelt usage is up dramatically, 60 percent now compared to 14 percent in 1984. These efforts have resulted in some 15,000 lives saved and 100,000 injuries avoided each year.

We can apply that experience to the epidemic of murder and injury from bullets. The environment in which these deaths and injuries occur is complex. Many factors likely contribute to the rise in bullet-related injury. Here is an important similarity with the situation we faced 25 years ago regarding automobile safety. We found we could not easily alter the behavior of millions of drivers, but we could easily change the behavior of three or four automobile manufacturers. Likewise, we simply cannot do much to change the environment—violet behavior—in which gun-realted injury occurs, nor do we know how. We can, however, do something about the agent causing the injury: bullets. Ban them! At least the round used disproportionately to cause death and injury. That is, the .25-caliber, .32-caliber, and 9-millimeter bullets. These three rounds account for the ammunition used in about 13 percent of licensed guns in New York City, yet they are involved in one-third of all homicides. They are not, as I have said, useful for sport or hunting. They are used for violence. If we fail to confront the fact that these rounds are used disproportionately in crimes, innocent people will continue to die.

I have called on Congress during the past several sessions to ban or heavily tax these bullets. This would not be the first time that Congress has banned a particular round of ammunition. In 1986, it passed legislation written by the Senator from New York banning the so-called cop-killer bullet. This round, jacketed with tungsten alloys, steel, brass, or any number of other metals, had been demonstrated to penetrate no fewer than four police flak jackets and an additional five Los Angeles County phone books at one time. In 1982, the New York Police Benevolent Association came to me and asked me to do something about the ready availability of these bullets. The result was the Law Enforcement Officers Protection Act, which we introduced in 1982, 1983, and for the last time during the 99th Congress. In the end, with the tacit support of of the National Rifle Association, the measure passed the Congress and was signed by the President as Public Law 99–408 on August 28, 1986. In the 1994 crime bill, we enacted my amendment to broaden the ban to include new thick steel-jacketed armor-piercing rounds.

There are some 200 million firearms in circulation in the United States today. They are, in essence, simple machines, and with minimal care, remain working for centuries. However, estimates suggest that we have only a 4-year supply of bullets. Some 2 billion cartridges are used each year. At any given time there are some 7.5 billion rounds in factory, commercial, or household inventory.

In all cases, with the exception of pistol whipping, gun-related injuries are caused not by the gun, but by the agents involved in the second collision: the bullets. Eliminating the most dangerous rounds would not end the problem of handgun killings. But it would reduce it. A 30-percent reduction in bullet-related deaths, for instance, would save over 10,000 lives each year and prevent up to 50,000 wounds.

Water treatment efforts to reduce typhoid fever in the United States took about 60 years. Slow sand filters were installed in certain cities in the 1880's, and water chlorination treatment began in the 1910's. The death rate from typhoid in Albany, NY, prior to 1889, when the municipal water supply was treated by sand filtration, was about 100 fatalities per 100,000 people each year. The rate dropped to about 25 typhoid deaths per year after 1889, and dropped again to about 10 typhoid deaths per year after 1915, when chlorination was introduced. By 1950, the death rate from typhoid fever had dropped to zero. It will take longer than 60 years to eliminate bullet-related death and injury, but we need to start with achievable measures to break the deadly interactions between people, bullets, and violent behavior.

The bills I introduce today would begin the process. They would begin to control the problem by banning or taxing those rounds used disproportionately in crime—the .25-caliber, .32-caliber, and 9-millimeter rounds. The bills recognize the epidemic nature of the problem, building on findings contained in the June 10, 1992, issue of the Journal of the American Medical Association which was devoted entirely to the subject of violence, principally violence associated with firearms.

Mr. President, it is time to confront the epidemic of bullet-related violence. I urge my colleagues to support these bills and ask unanimous consent that their texts be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Violent Crime Reduction Act of 1995".

SEC. 2. Section 922(a) of title 18, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (7);

(2) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) adding at the end thereof the following:

"(9) for any person to manufacture, transfer, or import .25 or .32 caliber or 9 millimeter ammunition, except that this paragraph shall not apply to—

"(A) the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof; and

"(B) any manufacture or importation for testing or for experimenting authorized by the Secretary; and

"(10) for any manufacturer or importer to sell or deliver .25 or .32 caliber or 9 millimeter ammunition, except that this paragraph shall not apply to—

"(A) the sale or delivery by a manufacturer or importer of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof; and

"(B) the sale or delivery by a manufacturer or importer of such ammunition for testing or for experimenting authorized by the Secretary.".

SEC. 3. Section 923(a)(1)(A) of title 18, United States Code, is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices, armor piercing ammunition, or .25 or .32 caliber or 9 millimeter ammunition, a fee of $1,000 per year;".

SEC. 4. Section 923(a)(1)(C) of title 18, United States Code, is amended to read as follows:

"(C) of ammunition for firearms other than destructive devices, or armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $10 per year.".

SEC. 5. Section 923(a)(2) of title 18, United States Code, is amended to read as follows:

"(2) If the applicant is an importer—

"(A) of destructive devices, ammunition for destructive devices, or armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $50 per year.”.

SEC. 6. Section 923 of title 18, United States Code, is amended by adding at the end thereof the following:

“(l) Licensed importers and licensed manufacturers shall mark all .25 and .32 caliber and 9 millimeter ammunition and packages containing such ammunition for distribution, in the manner prescribed by the Secretary by regulation.”.

SEC. 7. Section 929(a)(1) of title 18, United States Code, is amended by—

(1) inserting “, or with .25 or .32 caliber or 9 millimeter ammunition” after “possession of armor piercing ammunition”; and

(2) inserting “, or .25 or .32 caliber or 9 millimeter ammunition,” after “armor-piercing handgun ammunition”.

SEC. 8. This Act and the amendments made by this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Real Cost of Handgun Ammunition Act of 1995.”

SEC. 101. INCREASE IN TAX ON CERTAIN BULLETS.

(a) IN GENERAL.—Section 4181 of the Internal Revenue Code of 1986 (relating to the imposition of tax on firearms, etc.) is amended by adding at the end the following new flush sentence:

“In the case of 9 millimeter, .25 caliber, or .32 caliber ammunition, the rate of tax under this section shall be 1,000 percent.”.

(b) EXEMPTION FOR LAW ENFORCEMENT PURPOSES.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by adding at the end the following new subsection:

“(d) LAW ENFORCEMENT.—The last sentence of section 4181 shall not apply to any sale (not otherwise exempted) to, or for the use of, the United States (or any department, agency, or instrumentality thereof) or a State or political subdivision thereof (or any department, agency, or instrumentality thereof).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 1997.•

By Mr. MOYNIHAN:

S. 120. A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to increase taxes on certain bullets; to the Committee on Finance.

VIOLENT CRIME CONTROL ACT

• Mr. MOYNIHAN. Mr. President, I introduce a bill that comprehensively seeks to control the epidemic proportions of violence in America. This legislation, the Violent Crime Control Act of 1995, combines most of the provisions of two other crime-related bills I am introducing today as well.

By including two different crime-related provisions, my bill attacks the crime epidemic on more than just one front. If we are truly serious about confronting our Nation's crime problem, we must learn more about the nature of the epidemic of bullet-related violence and ways to control it. To do this, we must require records to be kept on the disposition of ammunition.

In October 1992, the Senate Finance Committee received testimony that public health and safety experts have, independently, concluded that there is an epidemic of bullet-related violence. The figures are staggering.

In 1992, 37,776 people lost their lives in the United States from bullets. Of these, 17,790 were murdered, 18,169 committed suicide, and 1,409 accidentally shot themselves. By focusing on bullets, and not guns, we recognize that much like nuclear waste, guns remain active for centuries. With minimum care, they do not deteriorate. However, bullets are consumed. Estimates suggest we have only a 4-year supply of them.

Not only am I proposing that we tax bullets used disproportionately in crimes, that is, 9 millimeter, .25 and .32 caliber bullets, I also believe we must set up a Bullet Death and Injury Control Program within the Centers for Disease Control's National Center for Injury Prevention and Control. This center will enhance our knowledge of the distribution and status of bullet-related death and injury and subsequently make recommendations about the extent and nature of bullet-related violence.

So that the center would have substantive information to study and analyze, this bill also requires importers and manufacturers of ammunition to keep records and submit an annual report to the Bureau of Alcohol, Tobacco and Firearms [BATF] on the disposition of ammunition. Currently, importers and manufacturers of ammunition are not required to do so.

Clearly, it will take intense effort on all of our parts to reduce violent crime in America. We must confront this epidemic from several different angles, recognizing that there is no simple solution.

I ask unanimous consent that the text of this bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Violent Crime Control Act of 1995”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) there is no reliable information on the amount of ammunition available;

(2) importers and manufacturers of ammunition are not required to keep records to report to the Federal Government on ammunition imported, produced, or shipped;

(3) the rate of bullet-related deaths in the United States is unacceptably high and growing;

(4) three calibers of bullets are used disproportionately in crime: 9 millimeter, .25 caliber, and .32 caliber bullets;

(5) injury and death are greatest in young males, and particularly young black males;

(6) epidemiology can be used to study bullet-related death and injury to evaluate control options;

(7) bullet-related death and injury has placed increased stress on the American family resulting in increased welfare expenditures under title IV of the Social Security Act;

(8) bullet-related death and injury have contributed to the increase in Medicaid expenditures under title XIX of the Social Security Act;

(9) bullet-related death and injury have contributed to increased supplemental security income benefits under title XVI of the Social Security Act;

(10) a tax on the sale of bullets will help control bullet-related death and injury;

(11) there is no central responsible agency for trauma, there is relatively little funding available for the study of bullet-related death and injury, and there are large gaps in research programs to reduce injury;

(12) current laws and programs relevant to the loss of life and productivity from bullet-related trauma are inadequate to protect the citizens of the United States; and

(13) increased research in bullet-related violence is needed to better understand the causes of such violence, to develop options for controlling such violence, and to identify and overcome barriers to implementing effective controls.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to increase the tax on the sale of 9 millimeter, .25 caliber, and .32 caliber bullets (except with respect to any sale to law enforcement agencies) as a means of reducing the epidemic of bullet-related death and injury;

(2) to undertake a nationally coordinated effort to survey, collect, inventory, synthesize, and disseminate adequate data and information for—

(A) understanding the full range of bullet-related death and injury, including impacts on the family structure and increased demands for benefit payments under provisions of the Social Security Act;

(B) assessing the rate and magnitude of change in bullet-related death and injury over time;

(C) educating the public about the extent of bullet-related death and injury; and

(D) expanding the epidemiologic approach to evaluate efforts to control bullet-related death and injury and other forms of violence;

(3) to develop options for controlling bullet-related death and injury;

(4) to build the capacity and encourage responsibility at the individual, group, community, State and Federal levels for control and elimination of bullet-related death and injury;

(5) to promote a better understanding of the utility of the epidemiologic approach for evaluating options to control or reduce death and injury from nonbullet-related violence.

TITLE I—BULLET DEATH AND INJURY CONTROL PROGRAM

SEC. 101. BULLET DEATH AND INJURY CONTROL PROGRAM.

(a) ESTABLISHMENT.—There is established within the Centers for Disease Control's National Center for Injury Prevention and Control (referred to as the “Center”) a Bullet

Death and Injury Control Program (referred to as the "Program").

(b) Purpose.—The Center shall conduct research into and provide leadership and coordination for—

(1) the understanding and promotion of knowledge about the epidemiologic basis for bullet-related death and injury within the United States;

(2) developing technically sound approaches for controlling, and eliminating, bullet-related deaths and injuries;

(3) building the capacity for implementing the options, and expanding the approaches to controlling death and disease from bullet-related trauma; and

(4) educating the public about the nature and extent of bullet-related violence.

(c) Functions.—The functions of the Program shall be—

(1) to summarize and to enhance the knowledge of the distribution, status, and characteristics of bullet-related death and injury;

(2) to conduct research and to prepare, with the assistance of State public health departments—

(A) statistics on bullet-related death and injury;

(B) studies of the epidemic nature of bullet-related death and injury; and

(C) status of the factors, including legal, socioeconomic, and other factors, that bear on the control of bullets and the eradication of the bullet-related epidemic;

(3) to publish information about bullet-related death and injury and guides for the practical use of epidemiological information, including publications that synthesize information relevant to national goals of understanding the bullet-related epidemic and methods for its control;

(4) to identify socioeconomic groups, communities, and geographic areas in need of study, develop a strategic plan for research necessary to comprehend the extent and nature of bullet-related death and injury, and determine what options exist to reduce or eradicate such death and injury;

(5) to provide for the conduct of epidemiologic research on bullet-related death and injury through grants, contracts, cooperative agreements, and other means, by Federal, State, and private agencies, institutions, organizations, and individuals;

(6) to make recommendations to Congress, the Bureau of Alcohol, Tobacco, and Firearms, and other Federal, State, and local agencies on the technical management of data collection, storage, and retrieval necessary to collect, evaluate, analyze, and disseminate information about the extent and nature of the bullet-related epidemic of death and injury as well as options for its control;

(7) to make recommendations to the Congress, the Bureau of Alcohol, Tobacco, and Firearms, and other Federal, State and local agencies, organizations, and individuals about options for actions to eradicate or reduce the epidemic of bullet-related death and injury;

(8) to provide training and technical assistance to the Bureau of Alcohol, Tobacco, and Firearms and other Federal, State, and local agencies regarding the collection and interpretation of bullet-related data; and

(9) to research and explore bullet-related death and injury and options for its control.

(d) Advisory Board.—

(1) In general.—The Center shall have an independent advisory board to assist in setting the policies for and directing the Program.

(2) Membership.—The advisory board shall consist of 13 members, including—

(A) 1 representative from the Centers for Disease Control;

(B) 1 representative from the Bureau of Alcohol, Tobacco and Firearms;

(C) 1 representative from the Department of Justice;

(D) 1 member from the Drug Enforcement Agency;

(E) 3 epidemiologists from universities or nonprofit organizations;

(F) 1 criminologist from a university or nonprofit organization;

(G) 1 behavioral scientist from a university or nonprofit organization;

(H) 1 physician from a university or nonprofit organization;

(I) 1 statistician from a university or nonprofit organization;

(J) 1 engineer from a university or nonprofit organization; and

(K) 1 public communications expert from a university or nonprofit organization.

(3) Terms.—Members of the advisory board shall serve for terms of 5 years, and may serve more than 1 term.

(4) Compensation of members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(5) Travel expenses.—A member of the advisory board that is not otherwise in the Federal Government service shall, to the extent provided for in advance in appropriations Acts, be paid actual travel expenses and per diem in lieu of subsistence expenses in accordance with section 5703 of title 5, United States Code, when the member is away from the member's usual place of residence.

(6) Chair.—The members of the advisory board shall select 1 member to serve as chair.

(e) Consultation.—The Center shall conduct the Program required under this section in consultation with the Bureau of Alcohol, Tobacco, and Firearms and the Department of Justice.

(f) Authorization of Appropriations.—There are authorized to be appropriated $1,000,000 for fiscal year 1996, $2,500,000 for fiscal year 1997, and $5,000,000 for each of fiscal years 1998, 1999, and 2000 for the purpose of carrying out this section.

(g) Report.—The Center shall prepare an annual report to Congress on the Program's findings, the status of coordination with other agencies, its progress, and problems encountered with options and recommendations for their solution. The report for December 31, 1996, shall contain options and recommendations for the Program's mission and funding levels for the years 1996–2000, and beyond.

TITLE II—INCREASE IN EXCISE TAX ON CERTAIN BULLETS

SEC. 201. INCREASE IN TAX ON CERTAIN BULLETS.

(a) In General.—Section 4181 of the Internal Revenue Code of 1986 (relating to the imposition of tax on firearms, etc.) is amended by adding at the end the following new flush sentence:

"In the case of 9 millimeter, .25 caliber, or .32 caliber ammunition, the rate of tax under this section shall be 1,000 percent.".

(b) Exemption for Law Enforcement Purposes.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by adding at the end the following new subsection:

"(d) Law Enforcement.—The last sentence of section 4181 shall not apply to any sale (not otherwise exempted) to, or for the use of, the United States (or any department, agency, or instrumentality thereof) or a State or political subdivision thereof (or any department, agency, or instrumentality thereof).".

(c) Effective Date.—The amendments made by this section shall apply to sales after December 31, 1995.

TITLE III—USE OF AMMUNITION

SEC. 301. RECORDS OF DISPOSITION OF AMMUNITION.

(a) Amendment of Title 18, United States Code.—Section 923(g) of title 18, United States Code, is amended—

(1) in paragraph (1)(A) by inserting after the second sentence "Each licensed importer and manufacturer of ammunition shall maintain such records of importation, production, shipment, sale, or other disposition of ammunition at the licensee's place of business for such period and in such form as the Secretary, in consultation with the Director of the National Center for Injury Prevention and Control of the Centers for Disease Control (for the purpose of ensuring that the information that is collected is useful for the Bullet Death and Injury Control Program), may by regulation prescribe. Such records shall include the amount, caliber, and type of ammunition."; and

(2) by adding at the end thereof the following new paragraph:

"(6) Each licensed importer or manufacturer of ammunition shall annually prepare a summary report of imports, production, shipments, sales, and other dispositions during the preceding year. The report shall be prepared on a form specified by the Secretary, in consultation with the Director of the National Center for Injury Prevention and Control of the Centers for Disease Control (for the purpose of ensuring that the information that is collected is useful for the Bullet Death and Injury Control Program), shall include the amounts, calibers, and types of ammunition that were disposed of, and shall be forwarded to the office specified thereon not later than the close of business on the date specified by the Secretary.".

(b) Study of Criminal Use and Regulation of Ammunition.—The Secretary of the Treasury shall request the Centers for Disease Control to—

(1) prepare, in consultation with the Secretary, a study of the criminal use and regulation of ammunition; and

(2) submit to Congress, not later than July 31, 1996, a report with recommendations on the potential for preventing crime by regulating or restricting the availability of ammunition.•

By Mr. GRAMM:

S. 121. A bill to guarantee individuals and families continued choice and control over their doctors and hospitals, to ensure that health coverage is permanent and portable, to provide equal tax treatment for all health insurance consumers, to control medical cost inflation through medical savings accounts, to reform medical liability litigation, to reduce paperwork, and for other purposes; to the Committee on Finance.

FAMILY HEALTH CARE PRESERVATION ACT

Mr. GRAMM. Mr. President, I ask unanimous consent that an outline of S. 121 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUTLINE OF THE FAMILY HEALTH CARE PRESERVATION ACT

I. ENHANCE SECURITY FOR THOSE PRESENTLY INSURED BY MAKING PRIVATE INSURANCE PORTABLE AND PERMANENT:

Portability:

To enhance the capacity of American workers to change jobs without losing their health insurance coverage, existing law under COBRA (which allows individuals temporarily to continue their health insurance coverage after leaving their place of employment by paying their premiums directly) would be modified to allow individuals two additional lower-cost options to keep their health insurance coverage during their transition between jobs. Workers could:

(A) Continue their current insurance coverage during the 18 months covered by COBRA by paying their insurance premiums directly;

(B) Continue their current insurance coverage during the 18 months covered by COBRA by paying their insurance premiums directly, but with a lower premium reflecting a $1,000 deductible; or

(C) Continue their current insurance coverage during the 18 months covered by COBRA by paying their insurance premiums directly, but with a lower premium reflecting a $3,000 deductible.

With these options, the typical monthly premium paid for a family of four would drop by as much as 20 percent when switching to a $1,000 deductible and as much as 52 percent when switching to a $3,000 deductible. Also, premium payments made by families would now be deducted from income in the manner described in title II of this bill.

In addition, individuals would be permitted to make penalty-free withdrawals from their Individual Retirement Accounts and 401(k)s to pay for health insurance coverage during the transition period. The transition period of coverage would end once a person is in a position to get coverage from another employer.

Permanence:

Health insurance would be made permanent (belonging to the family or individual by these three reforms:

Those with Individual Coverage:

(A) No existing health insurance policy can be canceled due to the state of health of any person covered by the policy. Insurance companies must offer each policy holder the option to purchase a new policy under the conditions of part B of this section with the terms to be negotiated between the buyer and seller of the policy.

(B) All individual health insurance policies written after the enactment of this legislation must be guaranteed renewable, and premiums cannot be increased based on the occurrence of illness.

Those with Group Coverage:

(A) Existing group policies must provide each member of the group the right to convert to an individual policy when leaving the group. This individual policy will be rated based on actuarial data, but cannot be canceled due to the state of health of those covered by the policy. In addition, any group policy holder (ie. employer obtaining coverage on employees' behalf) will have the right to purchase a new group policy under the conditions stated under part B of this section with the terms to be negotiated between the group's benefactor or representative and the seller of the group policy.

(B) All group policies issued after enactment of this legislation must be permanent, and premiums cannot be increased based on the health of the members covered under the group policy. In addition, similar to part A of this section, new group policies must provide each member of the group the right to convert to an individual policy when leaving the group. However, the premium charges of the individual leaving the new group plan cannot be based on the individual's state of health and cannot be canceled except for nonpayment of premiums.

Those with Employer-provided Self-funded Coverage:

(A) Companies currently operating self-funded plans must make arrangements with one or more private insurers to offer individuals leaving the self-funded plan individual coverage. The individual policy will be rated based on actuarial data, but cannot be canceled due to the state of health of those covered by the policy.

(B) All self-funded plans created after enactment of this legislation must (like part A of this section) make arrangements with one or more private insurers to offer individuals leaving the self-funded plan individual coverage. However, the premium charge of the individual leaving the self-funded plan cannot be based on the individual's state of health and cannot be canceled except for nonpayment of premiums.

II-A. PROVIDE EQUAL TAX TREATMENT FOR THE SELF-EMPLOYED AND UNINSURED;

Self-employed workers and individuals without employer-provided health insurance coverage will now be allowed to deduct from taxable income their medical insurance coverage costs. The 25% deduction will be retroactively restored and phased up to 100% over the next five years. The tax deduction will apply to the individual purchase of conventional health insurance, HMO coverage, Medical Savings Account contributions, or any other prepaid medical plan.

II-B. ESTABLISH MEDICAL SAVINGS ACCOUNTS TO PROMOTE COMPETITION AND CONTROL COSTS:

In combination with the purchase of a $3,000 deductible catastrophic insurance policy, contributions to the Medical Savings Account of up to $3,000 per year by either the employer or employee shall be tax deductible. The catastrophic policy will cover expenses such as physician services, hospital care, diagnostic tests, and other major medical expenses once the policy holder meets the $3,000 annual deductible. Tax-free withdrawals from the Medical Savings Account could be made to pay for qualifying out-of-pocket medical expenses which apply toward the insurance policy's deductible. If the funds in the Medical Savings Account are not spent so that as new deposits are made, the sum grows beyond the $3,000 deductible, the individual can invest excess tax-free in a long-term care package or withdraw the excess and treat it as income.

III. ENHANCE EFFICIENCY THROUGH PAPERWORK REDUCTION:

(A) Medicaid, Medicare, and all other Federal entities involved in the funding or delivery of health care shall standardize their health care forms and must reduce their total health care paperwork burden by 50 percent within two years of enactment of this legislation. The paperwork burden must be reduced by another 50 percent over the following three years, achieving a total paperwork reduction of 75 percent over a 5-year period.

(B) State agencies involved in the funding or delivery of health care, like federal entities, shall standardize their health care forms. Also like federal entities, within five years of enactment, states must reduce their total health care paperwork burden by 75 percent in order to remain eligible for federal health assistance.

IV. PROVIDE MEANINGFUL MEDICAL LIABILITY REFORM:

(A) Any claim of negligence not "substantially justified" or which has been improperly advanced will result in an automatic judgment against the plaintiff rendering the plaintiff liable for the legal fees incurred by the health care provider, as well as any losses as a result of being away from the practice.

(B) The liability of any malpractice defendant will be limited to the proportion of damages attributable to such defendant's conduct.

(C) A health care provider can negotiate limits on medical liability with the buyer of health care in return for lower fees.

(D) Non-economic damages cannot exceed $250,000 adjusted annually for inflation.

(E) Lawyer's contingency fees will be capped at 25 percent.

(F) Malpractice awards will be reduced for any collateral source payments to which the claimant is entitled, and the claimant will be required to accept periodic payment as opposed to lump sum on awards in excess of $100,000 adjusted annually for inflation.

(G) No malpractice action can be initiated more than two years from the date the alleged malpractice was discovered or should have been discovered, and no more than four years after the date of the occurrence.

(H) No punitive damages will be awarded against manufacturers of a drug or medical device if such drug or medical device has been approved by the Food and Drug Administration as safe and effective.

By Mr. MOYNIHAN:

S. 122. A bill to prohibit the use of certain ammunition, and for other purposes; to the Committee on the Judiciary.

S. 124. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

LEGISLATION TO CONTROL DESTRUCTIVE AMMUNITION

• Mr. MOYNIHAN. Mr. President, I introduced two measures to help fight the epidemic of bullet-related violence in America: the Real Cost of Destructive Ammunition Act and the Destructive Ammunition Prohibition Act of 1995. The purpose of these bills is to prevent from reaching the marketplace some of the most deadly rounds of ammunition ever produced.

Some of my colleagues may remember the Black Talon. It is a hollow-tipped bullet, singular among handgun ammunition in its capacity for destruction. Upon impact with human tissue, the bullet produces razor-sharp radial petals that produce a devastating wound. It is the vary same bullet that a crazed gunman fired at unsuspecting passengers on a Long Island Rail Road train last winter. That same month, it was also used in the shooting of Officer Jason E. White of the District of Columbia Metropolitan Police Department, just fifteen blocks from the Capitol.

I first learned of the Black Talon in a letter I received from Dr. E.J. Gallagher, Director of Emergency Medicine at Albert Einstein College of Medicine at the Municipal Hospital Trauma Center in the Bronx. Dr. Gallagher wrote that he has "never seen a more lethal projectile." On November 3, 1993, I introduced a bill to tax the Black Talon at 10,000 percent. Nineteen days later, Olin Corporation, the manufacturer of the Black Talon, announced that it would withdraw sale of the bullet to the general public. Unfortunately, the 103d Congress came to a close without the bill having won passage.

As a result, there is nothing in law to prevent the reintroduction of this pernicious bullet, nor is there any existing impediment to the sale of similar rounds that might be produced by another manufacturer. So today I reintroduce the bill to tax the Black Talon, and introduce for the first time a bill to prohibit the sale of the Black Talon to the public. Both bills would apply to any bullet with the same physical characteristics as the Black Talon. These bullets have no place in the armory of criminals.

It has been estimated that the cost of hospital services for treating bullet-related injuries is $1 billion per year, with the total cost to the economy of such injuries approximately $14 billion. We can ill afford further increases in this number, but this would surely be the result if bullets with the destructive capacity of the Black Talon are allowed onto the streets.

Mr. President, we are facing an unrivaled epidemic of violence in this country and it is disproportionately the result of deaths and injuries caused by bullet wounds. It is time we took meaningful steps to put an end to the massacres that occur daily as a result of gunshots. How better a beginning than to go after the most insidious culprits of this violence? I urge my colleagues to support these measures and to prevent these bullets from appearing on the market, and I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Destructive Ammunition Prohibition Act of 1995".

SECTION 1. DEFINITION.

Section 921(a)(17) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(D) The term 'destructive ammunition' means—

"(1) any jacketed, hollow point projectile that may be used in a handgun and the jacket of which is designed to produce, upon impact, sharp-tipped, barb-like projections that extend beyond the diameter of the unfired projectile.

SEC. 2. PROHIBITION.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting "or destructive" after "armor piercing"; and

(2) in paragraph (8), by inserting "or destructive" after "armor piercing".

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Cost of Destructive Ammunition Act".

SEC. 2. INCREASE IN TAX ON HANDGUN AMMUNITION.

(a) INCREASE IN MANUFACTURERS TAX.—

(1) IN GENERAL.—Section 4181 of the Internal Revenue Code of 1986 (relating to imposition of tax on firearms) is amended—

(A) by striking "Shells, and cartridges" and inserting "Shells and cartridges not taxable at 10,000 percent."

"ARTICLES TAXABLE AT 10,000 PERCENT.—

"Any jacketed, hollow point projectile which may be used in a handgun and the jacket of which is designed to produce, upon impact, evenly-spaced sharp or barb-like projections that extend beyond the diameter of the unfired projectile.

(2) ADDITIONAL TAXES ADDED TO THE GENERAL FUND.—Section 3(a) of the Act of September 2, 1937 (16 U.S.C. 669b(a)), commonly referred to as the "Pittman-Robertson Wildlife Restoration Act", is amended by adding at the end the following new sentence: "There shall not be covered into the fund the portion of the tax imposed by such section 4181 that is attributable to any increase in amounts received in the Treasury under such section by reason of the amendments made by section 2(a)(1) of the Real Cost of Handgun Ammunition Act, as estimated by the Secretary.".

SEC. 3. SPECIAL TAX FOR IMPORTERS, MANUFACTURERS, AND DEALERS OF HANDGUN AMMUNITION.

(a) IN GENERAL.—

(1) IMPOSITION OF TAX.—Section 5801 of the Internal Revenue Code of 1986 (relating to special occupational tax on importers, manufacturers, and dealers of machine guns, destructive devices, and certain other firearms) is amended by adding at the end the following new subsection:

"(c) SPECIAL RULE FOR HANDGUN AMMUNITION.—

"(1) IN GENERAL.—On first engaging in business and thereafter on or before July 1 of each year, every importer and manufacturer of handgun ammunition shall pay a special (occupational) tax for each place of business at the rate of $10,000 a year or fraction thereof.

"(2) HANDGUN AMMUNITION DEFINED.—For purposes of this part, the term 'handgun ammunition' shall mean any centerfire cartridge which has a cartridge case of less than 1.3 inches in length and any cartridge case which is less than 1.3 inches in length.".

(2) REGISTRATION OF IMPORTERS AND MANUFACTURERS OF HANDGUN AMMUNITION.—Section 5802 of the Internal Revenue Code of 1986 (relating to registration of importers, manufacturers, and dealers) is amended—

(A) in the first sentence, by inserting ", and each importer and manufacturer of handgun ammunition," after "dealer in firearms", and

(B) in the third sentence, by inserting ", and handgun ammunition operations of an importer or manufacturer," after "dealer".

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER HEADING.—Chapter 53 of the Internal Revenue Code of 1986 (relating to machine guns, destructive devices, and certain other firearms) is amended in the chapter heading by inserting "**HANDGUN AMMUNITION,**" after "**CHAPTER 53—**".

(2) TABLE OF CHAPTERS.—The heading for chapter 53 in the table of chapters for subtitle E of such Code is amended to read as follows:

"Chapter 53—Handgun ammunition, machine guns, destructive devices, and certain other firearms."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on July 1, 1995.

(2) ALL TAXPAYERS TREATED AS COMMENCING IN BUSINESS ON JULY 1, 1995.—Any person engaged on July 1, 1995, in any trade or business which is subject to an occupational tax by reason of the amendment made by subsection (a)(1) shall be treated for purposes of such tax as having first engaged in a trade of business on such date.●

By Mr. MOYNIHAN (for himself and Mr. LIEBERMAN):

S. 123. A bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL RISK EVALUATION ACT

● Mr. MOYNIHAN. Mr. President, Nearly 2 years ago today I addressed the Senate about the impending "revolution" over the Nation's approach to environmental protection. I noted that Federal environmental laws were being questioned and that State and local governments were signaling that their resources are finite and that compliance with additional environmental laws while still adequately maintaining roads and buildings and providing social services and education was fast becoming unaffordable. At least not without Federal support.

I suggested that we might better use the results of risk assessments to help set environmental priorities and make decisions, and I quoted an editorial in the January 8, 1992, issue of Science alerting us to the "growing questioning of the factual basis for Federal command and control actions" largely due to concerns over regulatory costs. I concluded that "The message is clear. State and local governments will hold the Congress and EPA more accountable in the future about obligating them to spend their resources on Federal requirements. They will want 'proof' that there is a problem and confidence that the legislated 'solutions' will solve it." And finally, I noted that "the Science editorial suggests that we are seeing the 'beginning of a revolt.'"

How quickly times change. Less than 2 years later, the revolt is fully underway. Yet just 4 months before the Science editorial appeared, my colleagues from both sides of the aisle expressed incredulity when in September 1992 I held my first hearing as chairman of the Environment and Public Works Committee on S. 2132, the "Environmental Risk Reduction Act," a bill I introduced earlier in the 102d Congress. One of the witnesses was Dr. Edward Hayes of the Ohio State University who testified for the city of Columbus, OH. He noted that the mayor of Columbus and other city leaders had set out to analyze with as much precision as possible the impact of Federal environmental laws during recent years. They wanted to know what effect those changes would have on the city's budget. The findings were reported in "Environmental Legislation: The Increasing Costs of Regulatory Compliance to the City of Columbus." It turned out that new environmental initiatives were estimated to cost the city of Columbus an additional $1.6 billion over the next decade—an extra $856 per year of increased local fees or taxes for every household in the city by the year 2000. A followup study, "Ohio Metropolitan Area Cost Report for Environmental Compliance," showed a similar impact in eight other Ohio cities. As we have heard over the past 2 years, this pattern is being repeated in other places. The social change has matured, Congress has changed, and the new Congress will experiment to find a more workable way of protecting the environment.

To help with this effort, I rise again, as I did in both the 102d and 103d Congresses, to introduce the "Environmental Risk Evaluation Act." The primary goal of this legislation is to place risk assessment in the proper perspective. Strange as it may seem, environmental legislation doesn't use science effectively precisely because it places too much emphasis on risk assessment. This perverse situation stems from the requirements in current environmental legislation, stated or implied, that the Environmental Protection Agency—EPA—must regulate environmental pollutants to "safe levels of exposure" and in so doing that EPA use science to determine what is "safe." The problem is simple: the premise is false, science cannot define "safety." Consider first the definition. Webster says "safety" is the feeling of absence of harm. Decisions about what is "safe" are based very much on personal or societal feelings, informed by science yes, but based on feelings. Next consider the nature of science. It is very much about uncertainty, because our knowledge is far from perfect and because new scientific findings often disprove that which we thought we knew.

Thus, to the extent they force agencies to use science to determine "safe" exposure levels, current environmental laws set EPA and other agencies up for failure. Risk managers have no incentive to take any action other than to err on the side of safety. This is not necessarily bad as a general policy, but in practice the belief is that it has led to layer upon layer of safety factors and excessive cost. This is because risk managers require the use of conservative assumptions in risk assessment models when the information needed to assess risk is missing or incomplete, as it invariably is, causing large costs to be incurred to meet the low exposure levels estimated to be "safe."

This weakens citizens' faith in Government. There is a growing perception that many decisions are not based on common sense and that regulations cost too much. Risk assessments, which use scientific information, have become the outward and visible sign of the regulatory process. Those who question the philosophy underlying the current legislative and regulatory approach attack the risk assessment process, especially the assumptions used in place of knowledge about what we are exposed to and what are the resulting effects.

Given the benefit of our experience with EPA and with environmental legislation over the past 24 years, it is clear that we are asking the wrong question. Marc Landy and his colleagues first noted this in their book EPA: Asking the Wrong Questions. A far better legislative question to ask EPA to address when setting environmental regulations is "How much are we willing to pay to reduce risk by what amount, given all the uncertainties about risks, costs and benefits of control" rather than "What is the Safe Level of Exposure." Far better because it reflects the strengths and limits of science to inform decision-making and to set technically sound regulations. Far better too because it can increase the capacity of Government to govern in the future by informing the citizenry. And far better if it reflects the will of the people as evidenced by continued support for Government policies over time.

The Republican "Contract With America" seems to have a good deal of support from the citizenry, at least for now. Its call for transparency in the way regulations are set, including the methods and assumptions used in assessing risks and costs are in keeping with what I had in mind when I introduced my "Environmental Risk Reduction Act" in the last two Congresses. Let me note that the American public views the contract as being full of fresh new ideas and approaches to governing, something they believe the Democrats have lost the ability to generate in the recent past. But let us not make improvements to the way we encourage and regulate environmental protection a partisan issue. Good Government policies cut across party lines and live beyond any given administration. And, as I have noted above, improving the use of risk assessment and cost benefit analyses for environmental decision-making is something I have been pursuing for several Congresses. Rather, let us take a bipartisan approach.

As a first step, let us freely acknowledge that environmental decisions can be informed by science, but that they cannot be made based on science alone. In fact, truth be known, such decisions are based more on policy, economic and social considerations than they are on science. This does not mean that science is not useful for environmental decisions or that we shouldn't vigorously pursue research to better understand what contaminants are released into the environment, what we are exposed to, what gets into our bodies, and what happens to it there. We spend upwards of $185 billion per year to comply with environmental regulations, and while this is not necessarily too much to spend on environmental protection, it is too much to spend unwisely. Better knowledge about whether effects actually occur at the very low levels encountered in the environment could help frame the debates on environmental protection more sharply.

Don't forget that social concerns, public preference, basic fairness, and yes, even outrage, must be considered too. But, let us make clear that health effects don't have to occur for us to be outraged. For instance, if it were shown that habitation near a Superfund site did not pose a major health risk, as a country we may still decide to clean up the site because we find the contamination to be offensive. We may decide to compensate homeowners at the site for the fair value of their land so they can move away, even if there have been no site-related health problems. Consider that we may be concerned that the economically disadvantaged people who tend to live near such sites would be further disadvantaged by loss of equity in home or land values. Such actions are not possible under the current Superfund law. As it now stands, those who favor compensation to land holders at Superfund sites must act indirectly and press for findings of health effects from the chemicals found at those sites. The responsible parties who must pay to clean up the sites must also act indirectly and respond to findings of likely health problems by attacking the assumptions needed to assess risk and contend that effects are exaggerated or that there are no effects. No one addresses the problem realistically because there is no direct way to address any consideration but risk.

Let us question whether the "Emperor Has Clothes," at least when it comes to how assessments of risk are used. Let's put risk in its proper place as one tool of many in the decision-making toolbox and let us face the issue honestly by broadening the range of issues and tools that can be used in making environmental decisions. Let's make the debate over environmental protection more realistic and relevant to our citizens. Let's not pass any law that requires or implies that EPA should determine the "safe" level when setting regulations. Rather, let us ask how much are we willing to pay to reduce risk by what amount given all the uncertainties in estimating costs and benefits and let us identify factors other than risk that make sense to consider when making decisions.

The bill I offer today addresses the risk assessment and cost/benefit assessment components of the decisionmaking process, focusing on its use for priority setting, something not addressed in the Republican "Contract With America." My bill recognizes that values, social concerns—who should bear the risk for whose benefit—and basic fairness must be considered in addition to risks and costs. It does not prescribe how to conduct risk and cost/benefit assessments because of the evolving nature of these fields of inquiry and because of my desire to avoid freezing technology.

I am introducing "The Environmental Risk Evaluation Act," to help us learn how best to practice the trades of environmental risk assessment and cost/benefit analyses. The bill will put into law the major findings of the 1990 "Reducing Risk" report by EPA's Science Advisory Board—SAB. I agree with former EPA Administrator William Reilly's belief that science can lend much needed coherence, order, and integrity to costly and controversial decisions.

America's environmental laws are a large and diverse lot. We have only two decades of experience on this subject, and we are still learning, feeling our way. The relative risk ranking and cost/benefit analyses called for in this bill provide some common ground for looking at our environmental laws. The bill also provides the public and Congress with access to the findings. The "Reducing Risk" report states that "relative risk data and risk assessment techniques should inform—the public—judgment as much as possible." Not dictate it, but inform it.

All this will take time, decades perhaps. But let us take heart. Questions that seem difficult now can with a certain amount of effort yield to the scientific method. I urge my colleagues to support this bill and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Risk Evaluation Act of 1995".

SEC. 2. FINDINGS AND POLICY.

(a) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVERSE EFFECT ON HUMAN HEALTH.—The term "adverse effect on human health" includes any increase in the rate of death or serious illness, including disease, cancer, birth defects, reproductive dysfunction, developmental effects (including effects on the endocrine and nervous systems), and other impairments in bodily functions.

(3) RISK.—The term "risk" means the likelihood of an occurrence of an adverse effect on human health, the environment, or public welfare.

(4) SOURCE OF POLLUTION.—The term "source of pollution" means a category or class of facilities or activities that alter the chemical, physical, or * * *.

(b) FINDINGS.—Congress finds that—

(1) cost-benefit analysis and risk assessment are useful but imperfect tools that serve to enhance the information available in developing environmental regulations and programs;

(2) cost-benefit analysis and risk assessment can also serve as useful tools in setting priorities and evaluating the success of environmental protection programs;

(3) cost and risk are not the only factors that need to be considered in evaluating environmental programs as other factors, including values and equity, must also be considered.

(4) current methods for valuing ecological resources and assessing intergenerational effects of sources of pollution need further development before integrated rankings of sources of pollution based on the factors referred to in paragraph (3) can be used with high levels of confidence;

(5) methods to assess and describe the risks of adverse human health effects, other than cancer, need further development before integrated rankings of sources of pollution based on the risk to human health can be used with high levels of confidence;

(6) periodic reports by the Administrator on the costs and benefits of regulations promulgated under Federal environmental laws, and other Federal actions with impacts on human health, the environment, or public welfare, will provide Congress and the general public with a better understanding of—

(A) national environmental priorities; and

(B) expenditures being made to achieve reductions in risk to human health, the environment, and public welfare; and

(7) periodic reports by the Administrator on the costs and benefits of environmental regulations will also—

(A) provide Congress and the general public with a better understanding of the strengths, weaknesses, and uncertainties of cost-benefit analysis and risk assessment and the research needed to reduce major uncertainties; and

(B) assist Congress and the general public in evaluating environmental protection regulations and programs, and other Federal actions with impacts on human health, the environment, or public welfare, to determine the extent to which the regulations, programs, and actions adequately and fairly protect affected segments of society.

(c) REPORT ON ENVIRONMENTAL PRIORITIES, COSTS, AND BENEFITS.—

(1) RANKING.—

(A) IN GENERAL.—The Administrator shall identify and, taking into account available data, to the extent practicable, rank sources of pollution with respect to the relative degree of risk of adverse effects on human health, the environment, and public welfare.

(B) METHOD OF RANKING.—In carrying out the rankings under subparagraph (A), the Administrator shall—

(i) rank the sources of pollution considering the extent and duration of the risk; and

(ii) take into account broad societal values, including the role of natural resources in sustaining economic activity into the future.

(2) EVALUATION OF REGULATORY AND OTHER COSTS.—In addition to carrying out the rankings under paragraph (1), the Administrator shall evaluate—

(A) the private and public costs associated with each source of pollution and the costs and benefits of complying with regulations designed to protect against risks associated with the sources of pollution; and

(B) the private and public costs and benefits associated with other Federal actions with impacts on human health, the environment, or public welfare, including direct development projects, grant and loan programs to support infrastructure construction and repair, and permits, licenses, and leases to use natural resources or to release pollution to the environment, and other similar actions.

(3) RISK REDUCTION OPPORTUNITIES.—In assessing risks, costs, and benefits as provided in paragraphs (1) and (2), the Administrator shall also identify reasonable opportunities to achieve significant risk reduction through modifications in environmental regulations and programs and other Federal actions with impacts on human health, the environment, or public welfare.

(4) UNCERTAINTIES.—In evaluating the risks referred to in paragraphs (1) and (2), the Administrator shall—

(A) identify the major uncertainties associated with the risks;

(B) explain the meaning of the uncertainties in terms of interpreting the ranking and evaluation; and

(C) determine—

(i) the type and nature of research that would likely reduce the uncertainties; and

(ii) the cost of conducting the research.

(5) CONSIDERATION OF BENEFITS.—In carrying out this section, the Administrator shall consider and, to the extent practicable, estimate the monetary value, and such other values as the Administrator determines to be appropriate, of the benefits associated with reducing risk to human health and the environment, including—

(A) avoiding premature mortality;

(B) avoiding cancer and noncancer diseases that reduce the quality of life;

(C) preserving biological diversity and the sustainability of ecological resources;

(D) maintaining an aesthetically pleasing environment;

(E) valuing services performed by ecosystems (such as flood mitigation, provision of food or material, or regulating the chemistry of the air or water) that, if lost or degraded, would have to be replaced by technology;

(F) avoiding other risks identified by the Administrator; and

(G) considering the benefits even if it is not possible to estimate the monetary value of the benefits in exact terms.

(6) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall report to Congress on the sources of pollution and other Federal actions that the Administrator will address, and the approaches and methodology the Administrator will use, in carrying out the rankings and evaluations under this section. The report shall also include an evaluation by the Administrator of the need for the development of methodologies to carry out the ranking.

(B) PERIODIC REPORT.—

(i) IN GENERAL.—On completion of the ranking and evaluations conducted by the Administrator under this section, but not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall report the findings of the rankings and evaluations to Congress and make the report available to the general public.

(ii) EVALUATION OF RISKS.—Each periodic report prepared pursuant to this subparagraph shall, to the extent practicable, evaluate risk management decisions under Federal environmental laws, including title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.), that present inherent and unavoidable choices between competing risks, including risks of controlling microbial versus disinfection contaminants in drinking water. Each periodic report shall address the policy of the Administrator concerning the most appropriate methods of weighing and analyzing the risks, and shall incorporate information concerning—

(I) the severity and certainty of any adverse effect on human health, the environment, or public welfare;

(II) whether the effect is immediate or delayed;

(III) whether the burden associated with the adverse effect is borne disproportionately by a segment of the general population or spread evenly across the general population; and

(IV) whether a threatened adverse effect can be eliminated or remedied by the use of an alternative technology or a protection mechanism.

(d) IMPLEMENTATION.—In carrying out this section, the Administrator shall—

(1) consult with the appropriate officials of other Federal agencies and State and local governments, members of the academic community, representatives of regulated businesses and industry, representatives of citizen groups, and other knowledgeable individuals to develop, evaluate, and interpret scientific and economic information;

(2) make available to the general public the information on which rankings and evaluations under this section are based; and

(3) establish methods for determining costs and benefits of environmental regulations and other Federal actions, including the valuation of natural resources and intergenerational costs and benefits, by rule after notice and opportunity for public comment.

(e) REVIEW BY THE SCIENCE ADVISORY BOARD.—Before the Administrator submits a report prepared under this section to Congress, the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), shall conduct a technical review of the report in a public session.●

By Mr. MOYNIHAN:

S. 125. A bill to authorize the minting of coins to commemorate the 50th anniversary of the founding of the United Nations in New York City, New York; to the Committee on Banking, Housing, and Urban Affairs.

THE UNITED NATIONS 50TH ANNIVERSARY COMMEMORATIVE COIN ACT OF 1995

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to authorize the minting of gold and silver coins commemorating the 50th anniversary of the United Nations. It was October 23, 1945, that the United Nations Charter went into effect, as a majority of the 50 nations that had met at the San Francisco Conference earlier that year finally ratified the charter. The 51-member General Assembly first met the following January 10 in London.

The ratification of the charter was a momentous occasion, a milestone in international relations. The charter begins, "We the Peoples of the United Nations." The reference is clearly to our Constitution and the still-revolutionary idea that a people is defined by belief, rather than blood. The charter provides authority to organize world trade, finance, and democratization. Under it the use of force assumes a collective aspect that seeks to deter aggression.

Measured against the lofty ambitions of its drafters, the charter has in reality fallen short too often, but measured against the bloody and lawless conduct of sovereigns over the millennia its accomplishments are clear. The charter is recognized today as the cornerstone of international law. If it cannot solve every problem, when there is substantial agreement among the Security Council it does provide a framework for the legal use of force against aggressors, as was the recent case with Iraq.

In observance of the 50th anniversary, I propose that Congress authorize the design and minting of gold and silver commemorative coins. No more than 100,000 gold coins would be minted, and no more than 500,000 $1 silver coins. This is a modest amount by current standards for commemorative coins, enough to satisfy numismatists and those around the world who support the United Nations and its ideals and would like to join in its commemoration. The number of coins is not so great as to overwhelm the market for them.

The surcharges on these coins will benefit the United Nations Association of the United States, whose educational programs such as the Model United Nations for both high school and college students are most successful. The U.N. Association is a worthy beneficiary.

Mr. President, the 50th anniversary of the United Nations deserves our observance. I ask my colleagues for their support, and I ask that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United Nations 50th Anniversary Commemorative Coin Act of 1995".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall—

(A) be emblematic of the United Nations and the ideals for which it stands; and

(B) include the 3 opening words of the United Nations Charter—"We the peoples".

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the United Nations Association of the United States of America and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY AND MINT FACILITY.—The coins authorized under this Act may be issued in uncirculated and proof qualities and shall be struck at the United States Bullion Depository at West Point.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on June 26, 1995, and ending on December 31, 2002.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) Bulk Sales.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) Prepaid Orders.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) Surcharges.—All sales shall include a surcharge of—

(1) $25 per coin for the $5 coin; and

(2) $5 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) In General.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) Equal Employment Opportunity.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) In General.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the United Nations Association of the United States of America for the purpose of assisting with educational activities, such as high school and college Model United Nations programs and other grassroots activities, that highlight the United Nations and the United States' role in that world body.

(b) Audits.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of United Nations Association of the United States of America as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

By Mr. MOYNIHAN:

S. 126. A bill to unify the formulation and execution of United States diplomacy; to the Select Committee on Intelligence.

THE CENTRAL INTELLIGENCE AGENCY ABOLITION ACT OF 1995

Mr. MOYNIHAN. Mr. President, it is no secret that a serious re-examination of our intelligence needs is in order. Since 1991, when I introduced the End of the Cold War Act, I have endeavored to bring the shortcomings of the intelligence community to public light. Not to denigrate our intelligence efforts, but to improve them. Despite resistance to change, much of the End of the Cold War Act has been implemented. We have eliminated "Lookout Lists," which excluded persons who merely expressed "unacceptable" opinions from entry into the United States. One aspect of the bill yet to be implemented brings me to the floor today: the transfer of the functions of the Central Intelligence Agency to the Department of State.

The scrutiny that has now visited the intelligence community in the aftermath of the exposure of Aldrich Ames, the man whose treason caused the deaths of at least 10 American agents, increases the likelihood that some long needed reassessments will be made. I do not relish these circumstances, for to a great extent the Ames case merely distracts from some of the most fundamental defects of the CIA. While the Ames affair brings attention to the Directorate of Operations, it takes scrutiny away from the Directorate of Intelligence.

What of operations? Speaking before the Boston Bar Association in 1993, John le Carré, the man who provided us with a window into the world of a spy, questioned the contributions of spies to the winning of the cold war. In his remarks he stated:

> You see, it wasn't the spies who won the cold war. I don't believe that in the end the spies mattered very much at all. Their capsuled isolation and their remote theorizing actually prevented them from seeing, as late as 1987 or 8, what anybody in the streets could have told them:
>
> "It's over. We've won. The Iron Curtain is crashing down! The monolith we fought is a bag of bones! Come out of your trenches and smile!"
>
> Even the victory, for them, was a cunning Bolshevik Trick.
>
> And anyway, what had they got to smile about? It was a victory achieved by openness, not secrecy. By frankness, not intrigue.
>
> The Soviet Empire did not fall apart because the spooks had bugged the men's room in the Kremlin or put broken glass in Mrs. Brezhnev's bath, but because running a huge closed repressive society in the 1980s had become—economically, socially and militarily, and technologically—impossible.

The collapse of the Soviet Union was therefore the very denial of secrecy. Mr. le Carré is not alone. Recently William Pfaff in an article in the International Herald Tribune posed the question, "what positive things do [spies] accomplish?" He reached much the same conclusion as le Carré and added that "the useful information today is that supplied by area specialists, historians and ethnologists, and through conventional diplomatic observation and journalism."

If covert operations failed to have an impact as suggested by le Carré and Pfaff, what of our intelligence analysis? How did that serve us in the cold war? I believe I have fully laid out to the Senate on previous occasions my assessment and those of numerous respected individuals on the performance of the CIA in this regard. The defining failure of the CIA was their inability to predict the collapse of the Soviet Union.

In 1975, along with my daughter Maura, I visited China as a guest of George Bush, who was then Chief of our U.S. Liaison Office of Peking. By this time, I was persuaded the Soviet Union would break up along ethnic lines. In a "Letter From Peking" dated January 26, 1975, which I wrote and submitted to The New Yorker, the closing passage reads:

> While it is agreed that few Marxist-Leninist predictions have come true in the twentieth century, it is perhaps not sufficiently noticed that certain predictions about Marxist-Leninist regimes have proved durable enough. Lincoln Steffens returned from Moscow in the early years, pronouncing that he had seen the future, and it worked. Well, it was one future, and it has worked for a half century, and may have considerable time left before ethnicity breaks it up. Red China works, too, and is likely to last even longer.

I believe this is the first time in my writing that I stated the belief then forming that the Soviet Union would not conquer the world, but rather, would one day break up along ethnic lines. A no longer brief acquaintance with Central Asia and its history had about convinced me. I thought then, at mid-decade, that this might require considerable time. By the end of the decade, I had decided it would be upon us sooner. In 1979, in an issue of Newsweek devoted to predictions of what would happen in the eighties, I submitted it was likely that the Soviet Union would break up.

Former Director of Central Intelligence, Adm. Stansfield Turner, writing in Foreign Affairs in 1991, confirms that such a possibility had not penetrated the intelligence community when he stated.

> Today we hear some revisionist rumblings that the CIA did in fact see the Soviet collapse emerging after all. If some individual CIA analyst were more prescient than the corporate view, their ideas were filtered out in the bureaucratic process; and it is the corporate view that counts because that is what reaches the president and his advisers. On this one, the corporate view missed by a mile.

And there were others. Several months ago, the Deputy Director for Intelligence [DDI] at the Central Intelligence Agency, Douglas MacEachin, released a report entitled "The Tradecraft of Analysis: Challenge and Change in the CIA." In this report he outlines what he regards as some of the major known failures of the intelligence community. He attributes these failures to analysis which rested on faulty assumptions—he called these assumptions "linchpins." In the report he states:

> A review of the record of famous wrong forecasts nearly always reveals at least one "linchpin" that did not hold up: the Soviets will not invade Czechoslovakia because they

will not want to pay the political costs, especially after having signed the Rejkavik Declaration the previous year; the Soviets will not invade Afghanistan because they do not want to sink SALT–II which at that moment is being debated by the U.S. Senate; Saddam Hussein needs about two years to refurbish his military forces after the debilitating war with Iran and, therefore, will not, despite evidence of motives for doing so, invade Kuwait in the foreseeable future.

He concludes, "In each case, the sin was less in the fact that the linchpins did not hold than in the failure of the intelligence products to highlight the extent to which they were assumptions." Surely intelligence products could benefit from highlighting assumptions. However, a more rigorous scrutiny provided by greater openness would give an opportunity for facts, assumptions, and conclusions to be challenged.

Scientists have long understood that secrecy keeps mistakes secret. In the early 1960's, Jack Ruina, an MIT professor who had been head of the Defense Advance Research Projects Agency at the Department of Defense during the Kennedy administration, told me after visiting the Soviet Union that it was plain it just wasn't working. In particular he noticed something which someone without scientific training might not have. The Soviets did not know who their best people were. Promising young scientists in Russia were locked in a room and had no knowledge about the activities of their colleagues around the country. As anyone who has visited the fine research hospitals of New York can tell you, the free flow of ideas is vital to advancement. Openness of information is essential for great science.

This is no secret. Indeed, in 1970 a Task Force organized by the Defense Science Board and headed by Dr. Frederick Seitz concluded that "more might be gained than lost if our nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information."

Yet the secrecy system is still in place. The information Security Oversight Office keeps a tally of the number of secrets classified each year. They reported that in 1993 the United States created 6,408,688 secrets. Absurd. While each agency has different procedures and criteria for classifying documents, all seem to operate under the assumption that classification is preferable to disclosure.

Secrecy is a disease. It causes hardening of the arteries of the mind. It hinders true scholarship and hides mistakes. William Pfaff has suggested that we ought not rely on spies, but rather on journalists, historians, ethnologists; those who do not operate under the cloak of secrecy but publish their work for all to read and comment upon.

After World War II, it was originally intended that intelligence would be coordinated by the Secretary of State. The maneuvering of some of the more powerful Assistant Secretaries in the State Department at the time prevented that from being implemented and the independent Central Intelligence Agency was soon formed. Dean Acheson, who was present at the creation, doubted the wisdom of such a move. "I had the gravest forebodings about this organization and warned the President that as set up neither he, the National Security Council, nor anyone else would be in a position to know what it was doing or to control it." The State Department must function as the primary agency in formulating and conducting foreign policy. Any other arrangement invites confusion.

In the last 4 years, this proposal has generated considerable debate—some positive, some negative. Reform of United States foreign policy institutions will continue to occupy the attentions of Congress, and if for nothing else, this proposal contributes to the debate. So I am today introducing the Abolition of the Central Intelligence Agency Act.

By Mr. MOYNIHAN:

S. 127. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL HISTORIC PARK ACT OF 1995

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that will add several important properties to the Women's Rights National Historic Park in Seneca Falls, NY. In 1980 I introduced legislation to commemorate an idea, that of equal rights for women. It is commemorated in Seneca Falls because that is where in 1848 the Declaration of Sentiments was signed, stating that "all men and women are created equal" and that women should have equal political rights with men. From this beginning sprang the 19th amendment and all that other advances for women this century and last.

With the historic park authorized in 1980, we began the planning, held a design competition for the visitors center, and paid for the construction. The park is now in operation and a tremendous success. Visitorship increased 50 percent in fiscal year 1993 to 30,000. However, the park is not complete. As can be expected when starting such a venture from zero, not all the important properties could be acquired at the outset. Several remain in private hands or under the control of the Trust for Public Land, and this bill authorizes their addition to the park.

These properties include the last remaining parcel of the original Elizabeth Cady Stanton property, necessary so that the Stanton House can be restored to its original condition, and the Young House in Waterloo, important for safety, resource preservation, and preserving the historic scene at the M'Clintock House. The other two are the Baldwin property, which would provide a visitor contact facility, restrooms, and boat docking facilities, and a maintenance facility now being rented by the Park Service.

These additions to Women's Rights National Historic Park will add tremendously to the enjoyment and value of a visit. The National Park Service supports them, and in fact I understand that this legislation is the top priority for the North Atlantic Region. We must pass it promptly, for time is not a luxury; the Nies property is in the early stages of foreclosure. I urge my colleagues to support this bill, and to come to the Women's Rights Park themselves. It is a trip well worth making.

I further ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPOSITION.

The second sentence of section 1601(c) of Public Law 96–607 (16 U.S.C. 410ll) is amended—

(1) by striking "initially";

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively;

(4) in paragraph (7) (as redesignated), by striking "and" at the end;

(5) in paragraph (8) (as redesignated), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

"(9) not to exceed 1 acre, plus improvements, as determined by the Secretary, in Seneca Falls for development of a maintenance facility;

"(10) dwelling, 1 Seneca Street, Seneca Falls;

"(11) dwelling, 10 Seneca Street, Seneca Falls;

"(12) parcels adjacent to Wesleyan Chapel Block, including Clinton Street, Fall Street, and Mynderse Street, Seneca Falls; and

"(13) dwelling, 12 East Williams Street, Waterloo.".

SEC. 2. MISCELLANEOUS AMENDMENTS.

Section 1601 of Public Law 96–607 (16 U.S.C. 410ll) is amended—

(1) in subsection (h)(5), by striking "ten years" and inserting "25 years"; and

(2) in subsection (i)—

(A) by inserting "(1)" after "(i)";

(B) by striking "$700,000" and inserting "$1,500,000";

(C) by striking "$500,000" and inserting "$15,000,000"; and

(D) by adding at the end the following:

"(2) In addition to the sums appropriated before the date of enactment of this paragraph for land acquisition and development to carry out this section, there are authorized to be appropriated for fiscal years beginning after September 30, 1994, $2,000,000.".

By Mr. MOYNIHAN:

S. 128. A bill to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

THE THOMAS COLE NATIONAL HISTORIC SITE ACT OF 1995

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill which would place the home and studio of Thomas Cole under the care of the National Park Service as a National Historic Site. Thomas Cole founded the American artistic tradition known as the Hudson River School. He painted landscapes of the American wilderness as it never had been depicted, untamed and majestic, the way Americans saw it in the 1830's and 1840's. His students and followers included Frederick Church, Alfred Bierstadt, Thomas Moran, and John Frederick Kennesett.

No description of Cole's works would do them justice, but let me say that their moody, dramatic style and subject matter were in sharp contrast to the pastoral European landscapes that Americans had previously admired. The new country was just settled enough that some people had time and resources to devote to collecting art. Cole's new style coincided with this growing interest, to the benefit of both.

Cole had begun his painting career in Manhattan, but one day took a steamboat up the Hudson for inspiration. It worked. The landscapes he saw set him on the artistic course that became his life's work. He eventually moved to a house up the river in Catskill, where he in turn boarded, owned, married, and raised his family. That house, known as Cedar Grove, remained in the Cole family until 1979, when it was put up for sale.

Three art collectors saved Cedar Grove from developers, and now the Thomas Cole Foundation is offering to donate the house to the Park Service. This would be only the second site in the Park Service dedicated to interpreting the life and work of an American painter.

Olana, Church's home, sits immediately across the Hudson, so we have the opportunity to provide visitors with two nearby destinations that show the inspiration for two of America's foremost nineteenth century painters. Visitors could walk, hike, or drive to the actual spots where masterpieces were painted and see the landscape much as it was then.

Mr. President, the home of Thomas Cole is being offered as a donation. I believe we owe it to him, and to the many people who admire the Hudson River School and explore its origins, to accept this offer and designate it a National Historic Site.

I regret that none of Thomas Cole's work hangs in the Capitol, although two works by Bierstadt can be found in the stairwell outside the Speaker's Lobby. Perhaps Cole's greatest work is the four-part Voyage of Life, an allegorical series that depicts man in the four stages of life. It can be found in the National Gallery, along with two other Cole paintings. Another work of Cole's that we would be advised to remember is The Course of Empire, which depicts the rise of a great civilization from the wilderness, and its return.

Last year the first major Cole exhibition in decades was held at the National Museum of American Art. The exhibition was all the evidence needed of Cole's importance and the merit of adding his home to the list of National Historic Sites. I should add that this must happen soon. The house needs work, and will not endure many more winters in its present state.

I ask that my colleagues support this legislation, and that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas Cole National Historic Site Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly in the Hudson River Valley region in the State of New York;

(2) Thomas Cole has been recognized as America's most prominent landscape and allegorical painter in the mid-19th century;

(3) the Thomas Cole House in Greene County, New York is listed on the National Register of Historic Places and has been designated as a National Historic Landmark;

(4) within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists survive intact;

(5) the State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region; and

(6) establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

(b) Purposes.—The purposes of this Act are—

(1) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Historic site.—The term "historic site" means the Thomas Cole National Historic Site established by section 4.

(2) Hudson River artists.—The term "Hudson River artists" means artists who belonged to the Hudson River school of landscape painting.

(3) Plan.—The term "plan" means the general management plan developed pursuant to section 6(d).

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.

(a) In General.—There is established, as a unit of the National Park System, the Thomas Cole National Historic Site, in the State of New York.

(b) Description.—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York, as generally depicted on the boundary map numbered TCH/80002, and dated March 1992.

SEC. 5. ACQUISITION OF PROPERTY.

(a) Real Property.—The Secretary is authorized to acquire lands, and interests in lands, within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchange.

(b) Personal Property.—The Secretary may also acquire by the same methods as provided in subsection (a), personal property associated with, and appropriate for, the interpretation of the historic site, *Provided, That the Secretary may acquire works of art associated with Thomas Cole and other Hudson River artists only by donation or purchase with donated funds.*

SEC. 6. ADMINISTRATION OF SITE.

(a) In General.—The Secretary shall administer the historic site in accordance with this Act and all laws generally applicable to units of the National Park System, including the Act entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) Cooperative Agreements.—

(1) In general.—To further the purposes of this Act, the Secretary may consult with and enter into cooperative agreements with the State of New York, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the development, presentation, and funding of art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(2) Library and research center.—The Secretary may enter into a cooperative agreement with the Greene County Historical Society to provide for the establishment of a library and research center at the historic site.

(c) Exhibits.—The Secretary may display, and accept for the purposes of display, works of art associated with Thomas Cole and other Hudson River artists, as may be necessary for the interpretation of the historic site.

(d) General Management Plan.—

(1) In general.—Not later than 2 complete fiscal years after the date of enactment of

this Act, the Secretary shall develop a general management plan for the historic site.

(2) SUBMISSION TO CONGRESS.—On the completion of the plan, the plan shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Public Lands and Resources of the House of Representatives.

(3) REGIONAL WAYSIDE EXHIBITS.—The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities.

(4) PREPARATION.—The plan shall be prepared in accordance with section 12(b) of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-1 through 1a-7).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. McCAIN (for himself and Mr. FEINGOLD):

S. 129. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

THE ETHICS IN GOVERNMENT REFORM ACT OF 1995

Mr. McCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethics in Government Reform Act of 1995".

SEC. 2. SPECIAL RULES FOR HIGHLY PAID EXECUTIVE APPOINTEES AND MEMBERS OF CONGRESS AND HIGHLY PAID CONGRESSIONAL EMPLOYEES.

(a) In General.—

(1) Appearances before agency.—(A) Section 207(d) of title 18, United States Code, is amended by adding at the end thereof the following:

"(3) Restrictions on political appointees.—(A) In addition to the restrictions set forth in subsections (a), (b), and (c) and paragraph (1) of this subsection, any person who—

"(i) serves in the position of Vice President of the United States; or

"(ii) is a full-time, noncareer Presidential, Vice Presidential, or agency head appointee in an executive agency whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer,

and who, after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of a department or agency in which such person served within 5 years before such termination, during a period beginning on the termination of service or employment as such officer or employee and ending 5 years after the termination of service in the department or agency, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

"(B) In addition to the restrictions set forth in subsections (a), (b), and (c) and paragraph (1) of this subsection, any person who is listed in Schedule I under section 5312 of title 5, United States Code, or is employed in a position in the Executive Office of the President and is a full-time, noncareer Presidential, Vice Presidential, or agency head appointee in an executive agency whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer, and who—

"(i) after the termination of his or her service or employment as such employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of a department or agency with respect to which the person participated personally and substantially within 5 years before such termination, during a period beginning on the termination of service or employment as such employee and ending 5 years after the termination of substantial personal responsibility with respect to the department or agency, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency; or

"(ii) within 2 years after the termination of his or her service or employment as such employee, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2)(B) on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by the person described in paragraph (2)(B),

shall be punished as provided in section 216 of this title.".

(B) The first sentence of section 207(h)(1) of title 18, United States Code, is amended by inserting after "subsection (c)" the following: "and subsection (d)(3)".

(2) Foreign agents.—Section 207(f) of title 18, United States Code, is amended by—

(A) redesignating paragraph (2) as paragraph (4);

(B) adding after paragraph (1) the following:

"(2) Special restrictions.—Any person who—

"(A)(i) serves in the position of Vice President of the United States;

"(ii) is a full-time, noncareer Presidential, Vice Presidential, or agency head appointee in an executive agency whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer;

"(iii) is employed in a position in the Executive Office of the President and is a full-time, noncareer Presidential, Vice Presidential, or agency head appointee in an executive agency whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer; or

"(iv) is a Member of Congress or employed in a position by the Congress at a rate of pay equal to or greater than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995); and

"(B) knowingly after such service or employment—

"(i) represents a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)) before any officer or employee of any department or agency of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties; or

"(ii) aids or advises a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971) with the intent to influence a decision of any officer or employee of any department or agency of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.".

"(3) GIFTS FROM A FOREIGN GOVERNMENT OR FOREIGN POLITICAL PARTY.—Any person who—

"(A)(i) serves in the position of President or Vice President of the United States;

"(ii) is a full-time, noncareer Presidential, Vice Presidential, or agency head appointee in an executive agency whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer;

"(iii) is employed in a full-time, noncareer position in the Executive Office of the President whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer;

"(iv) is a Member of Congress; or

"(v) is employed in a position by the Congress at a rate of pay equal to or greater than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995); and

"(B) after such service or employment terminates, receives a gift from a foreign government or foreign political party;

shall be punished as provided in section 216 of this title.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'foreign national' means—

"(i) a government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended or a foreign political party as defined in section 1(f) of that Act;

"(ii) a person outside of the United States, unless such person is an individual and a citizen of the United States, or unless such person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States;

"(iii) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; and "(iv) a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by an entity described in clause (i), (ii), or (iii); and

"(B) the term 'gift'—

"(i) includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value greater than $20; and

"(ii) does not include—

"(I) modest items of food and refreshments offered other than as part of a meal;

"(II) greeting cards and items of little intrinsic value which are intended solely for presentation;

"(III) loans from banks and other financial institutions on terms generally available to the public;

"(IV) opportunities and benefits, including favorable rates and commercial discounts, available to the public; or

"(V) travel, subsistence, and related expenses in connection with the person's rendering of advice or aid to a government of a foreign country or foreign political party, if the Secretary of State certifies in advance that such activity is in the best interests of the United States.".

(3) Trade negotiators.—Section 207(b)(1) of title 18, United States Code, is amended by—

(A) inserting "(A)" after "In general.—"; and

(B) adding at the end thereof the following:

"(B) For any person who—

"(i) is a full-time, noncareer Presidential, Vice Presidential, or agency head appointee in an executive agency whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer;

"(ii) is employed in a position in the Executive Office of the President, and is a full-time, noncareer Presidential, Vice Presidential, or agency head appointee in an executive agency whose rate of basic pay is not less than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995) and is not an appointee of the senior foreign service or solely an appointee as a uniformed service commissioned officer; or

"(iii) is a Member of Congress or employed in a position by the Congress at a rate of pay equal to or greater than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995).

the restricted period after service referred to in subparagraph (A) shall be permanent.".

(4) Congress.—Section 207(e) of title 18, United States Code, is amended—

(A) in paragraph (1)(A) by striking "within 1 year" and inserting "within 2 years";

(B) in paragraph (1) by adding at the end thereof the following:

"(D) Any person who is a Member of Congress and who, within 5 years after leaving the position, knowingly makes, with intent to influence, any communication to or appearance before any committee member or a staff member of any committee over which the Member had jurisdiction, on behalf of any other person (except the United States) in connection with any matter on which such former Member seeks action by the committee member or a staff member of the committee in his or her official capacity, shall be punished as provided in section 216 of this title.";

(C) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) Highly paid staffers.—For any person described in paragraph (2), (3), (4), or (5), employed in a position at a rate of pay equal to or greater than $80,000 (adjusted for any COLA after the date of enactment of the Ethics in Government Reform Act of 1995)—

"(A) the restriction provided in paragraph (1)(A) shall apply; and

"(B) the restricted period after termination in paragraph (2), (3), (4), or (5), applicable to such person shall be 5 years.".

(b) PENALTIES.—

(1) FUTURE ACTIVITIES.—Section 216 of title 18, United States Code, is amended by adding at the end thereof the following:

"(d) In addition to the penalties provided in subsections (a), (b), and (c), the punishment for violation of section 207 may include a prohibition on the person knowingly, with the intent to influence, communicating to or appearing before any employee of the executive or legislative branch, for a period of not to exceed 5 years.".

(2) USE OF PROFITS.—Section 216(b) of title 18, United States Code, is amended by inserting after the first sentence the following: "Any amount of compensation recovered pursuant to the preceding sentence for a violation of section 207 shall be deposited in the general fund of the Treasury to reduce the deficit."

(c) EXCEPTIONS.—Section 207(j) of title 18, United States Code, is amended by adding at the end thereof the following:

"(7) NON-INFLUENTIAL CONTRACTS.—Nothing in this section shall prevent an individual from making requests for appointments, requests for the status of Federal action, or other similar ministerial contacts, if there is no attempt to influence an officer or employee of the legislative or executive branch.

"(8) TESTIMONY TO THE CONGRESS.—Nothing in this section shall prevent an individual from testifying or submitting testimony to any committee or instrumentality of the Congress.

"(9) COMMENTS.—Nothing in this section shall prevent an individual from making communications in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications.

"(10) ADJUDICATION.—Nothing in this section shall prevent an individual from making communications or appearances in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code or substantially similar provisions.

"(11) COMMENTS FOR THE RECORD.—Nothing in this section shall prevent an individual from submitting written comments filed in a public docket and other communications that are made on the record.".

SEC. 3. EFFECTIVE DATE.

The restrictions contained in section 207 of title 18, United States Code, as added by section 2 of this Act—

(1) shall apply only to persons whose service as officers or employees of the Government, or as Members of Congress terminates on or after the date of the enactment of this Act; and

(2) in the case of officers, employees, and Members of Congress described in section 207(b)(1)(B) of title 18, United States Code (as added by section 2 of this Act), shall apply only with respect to participation in trade negotiations or treaty negotiations, and with respect to access to information, occurring on or after such date of enactment.

SEC. 4. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Mr. FEINGOLD. Mr. President, I am pleased to join with my colleague, Senator McCAIN, in introducing this legislation that will strengthen our current laws that restrict certain movements between public and private sector employment—the so-called revolving door. The Senator from Arizona has been a strong and consistent voice on efforts to reform our government and I know that his expertise on this issue in particular during the 103d Congress was critical to efforts to move forward in this area.

The proposal that we are offering today is yet another attempt to improve the standing of Congress and the federal government with our constituents. We know, as reflected by the last two election cycles, that voters are fed up with a political system that seems to encourage personal gain and profit rather than what is in the best interests of the American people. The time has come for a bit of self-examination, and for us as representatives of the people to identify why the public has grown so disenchanted with their government.

There was a time, Mr. President, when those in public service were looked upon with high admiration and esteem. Politics was once, as Robert Kennedy called it, an honorable profession. But the admiration and esteem has been replaced with perceptions of an institution that meets the concerns and demands of special interests to the exclusion of the interests of the American people. Mr. President, one can read many messages coming from the electorate during the 1992 and 1994 elections. Some might argue that those elections were calls for fiscal responsibility, or for ensuring that our communities are safer and our families healthier. We can have an endless discussion about those issues. But I do not think there could have been a clearer message from the last two elections than the message that the American people are not necessarily fed up with Republicans or Democrats, but that they are fed up with a system here in Washington that both parties are forced to operate within.

The revolving door between public and private employment has generated much of this anger and cynicism. But by putting a lock on this door for meaningful periods of time, we can send a message that those entering government employment should view public service as an honor and a privilege—not as another rung on the ladder to personal gain and profit. Some may suggest that we are seeking to alleviate meritless concerns of an overreacting public. But the facts show that on this issue the public is right on target. For example, since 1974 according to the Center for Public Integrity, 47 percent of all former senior U.S. trade officials have registered with the Justice Department as lobbyists for foreign agents. In other words, nearly half of our former high-ranking trade representatives, who played active roles in our trade negotiations and have direct knowledge of confidential information of U.S. trade and business interests, are now lobbying on behalf of foreign agents. In many cases, these individuals are representing these foreign interests at the negotiating table opposite of the United States. Whether you supported or opposed recent trade agreements such as the North American Free Trade Agreement and the General Agreement on Trade and Tariffs, one can only speculate as to how such revolving door practices influenced the outcome of those negotiations.

And that is just our trade officials. Such revolving door problems are just as prevalent in the legislative branch. Former members of Congress who once chaired or served on committees with jurisdiction over particular industries or special interests, are now lobbying their former colleagues on behalf of those industries or special interests. Former committee staff directors are using their contacts and knowledge of their former committees to secure lucrative positions in lobbying firms and associations with interests related to those committees. How can we blame our constituents for looking upon this institution with cynicism and disdain when they hear about a former member of the House Foreign Affairs Committee registering as a lobbyist on behalf of a foreign country? How can we ensure that the trade agreements we enter into are indeed fair when individuals who have recently represented the United States are now on the other side of the bargaining table? Or how about the former chairman of the House subcommittee with jurisdiction over the Rural Electrification Administration retiring last year to head the National Rural Electric Cooperative Association. Are our constituents to believe that this former chairman has no special access or influence with his former committee that may benefit his new employer?

It seems that since the election last November that the print media has been filled with announcements of government officials leaving the public sector to work for lobbying firms. One recent article announced that a staff assistant leaving her position on the House Subcommittee on Energy and Power will be working for the government relations, i.e. lobbying, department of the American Public Power Association. Another one announced that a recently retired former member of the House Ways and Means Subcommittee on Select Revenue Measures is joining a Washington lobbying firm. According to this announcement, he will specialize in tax policy. Mr. President, the problem of revolving door lobbying is quite clear, and in our review, so is the solution.

The bill we are introducing today will strengthen the post-employment restrictions that are already in place. There is currently a one year ban on former members of Congress lobbying the entire Congress as well as senior congressional staff lobbying their former employing entity. Members and senior staff are also prohibited from lobbying on behalf of a foreign entity for one year. Our bill will prohibit members of Congress and senior staff from lobbying the entire Congress for two years, and their former committees and employing entities for five years. The one year ban on lobbying on behalf of a foreign entity will become a lifetime ban. In early 1993, President Clinton issued a strong executive order which bars senior executive branch officials from lobbying their former agencies for five years, and prohibits employees of the Executive Office of the President from lobbying on a matter they had substantial involvement in for five years. It also includes a lifetime ban on lobbying on behalf of a foreign entity. Our bill codifies these regulations for the executive branch, and also imposes a two year ban on political appointees and senior executive branch staff from lobbying other executive branch officials. Finally, our bill will impose a lifetime ban on our senior trade officials either lobbying on behalf of a foreign entity, or advising for compensation a foreign entity on how best to lobby the U.S. government.

This bill is targeted in two ways: First, it only affects legislative and executive branch staff members who earn over 80,000 dollars a year—in other words, senior level employees who are most heavily recruited by Washington lobbying firms. Second, our bill has a longer ban on a former senior level official or staffer lobbying their former agency or employing entity. This five-year ban is necessary because as we all know, and exhibited by the examples I just cited, the Washington lobbying firms thrive on hiring former officials to lobby their former employer. That is exactly why a lobbying firm that specializes in taxes hires a former member of the Ways and Means Committee. And finally, the bill's toughest provisions focus on former U.S. trade officials who decide to switch sides and negotiate for our competitors, as well as on those who wish to lobby on behalf of foreign entities. These provisions, in my view, need no explanation.

Now some might argue that we are inhibiting these talented individuals from pursuing careers in policy matters that they have become extremely proficient. These critics ask why a former high-level staffer on the Senate Subcommittee on Communications cannot accept employment with a telecommunications company? After all, they argue, this person has accumulated years of knowledge of our communication laws and technology. Why should this individual be prevented from accepting private sector employment in the communications field? But that is not what our amendment prevents. They can take the job with the telecommunications company, but what they cannot do is lobby their former subcommittee for five years, and they cannot lobby the rest of Congress for two years. We are only limiting an individual's employment opportunity if they are seeking to use their past employment with the federal government to gain special access or influence with the government in return for personal gain.

Mr. President, we are not here to outlaw the profession of lobbying. Not only would that be unconstitutional, but I do not think it would be addressing the true flaws of our political system. Lobbying is merely an attempt to present the views and concerns of a particular group and there is nothing inherently wrong with that. In fact, lobbyists, whether they are representing Common Cause or Wall Street, can present important information to public representatives that may not otherwise be available. But there are important steps that we should take to ensure that lobbyists do not hold any special advantage or influence with the officials they are lobbying. We should improve our lobbying disclosure laws so that our constituents have accurate and available information as to who is lobbying us and who they represent. We should make sure that lobbyists are no longer able to buy Members of Congress expensive meals and all-expense paid vacation trips. We came close to passing strong gift ban legislation last year, and I hope that we can address that issue as soon as possible. But there is another very important step that this Congress needs to take if we are to recapture the trust of the American electorate and extinguish the firestorm of cynicism and skepticism with which the public views their government. We must clamp down on the widespread custom of entering public service and then trading knowledge and influence gained during that service for personal wealth and gain.

Mr. President, there are those who will argue that our proposal will make it more difficult for the federal government to recruit and attract quality employees. These critics ask, why should a well-educated and knowledgeable individual enter government service if that individual will have difficulty using that service to attain prosperous employment after they leave the federal government? And this question, Mr. President, brings us to the heart of this debate. I believe that this debate, more than anything else, is what we as individual Senators believe the meaning of public service should be.

Quite frankly, I find this sort of suggestion, that we almost need to "bribe" or "lure" people into public service, a telling example of why the American people have lost faith in us. It is also an insult to the thousands of government employees who are in public service for the right reasons. The principal reason why an individual would accept employment as a United States Senator, as an assistant secretary in the Commerce Department or as a negotiator in the Office of the U.S. Trade Representative, should not be to use that service as a stepping stone to personal wealth and gain. The principal reason should be a wish to represent the citizens of your state, or to improve our economic base or to pry open foreign markets for our domestic products. It is essential that we and those considering entering government service recognize that public service is a good within itself. Such service and participation is a cornerstone of our representative form of government, and the fact that our constituents so negatively perceive public service compels us to take forceful action to recapture the prestige that government service once carried.

I am reminded of our former majority leader, Senator Mitchell, who characterized the meaning of government service at a reception that was given in his honor last fall. Senator Mitchell said: "Public service gives work a value and a meaning greater than mere personal ambition and private goals. Public service must be, and is, its own reward. For it does not guarantee wealth, or popularity or respect. It's difficult and often frustrating. But when you do something that will change the lives of people for the better, then it is worth all of the difficulty and all of the frustration."

In conclusion, Mr. President, I would like to again commend Senator MCCAIN for his leadership on this issue. I strongly believe that there is no more noble endeavor than to serve in Government. But we need to take immediate action to restore the public's confidence in their Government, and to rebuild the lost trust between Members of Congress and the electorate. Passing this legislation and curbing the practice of revolving door lobbying is a forceful first step in this much-needed direction. We need to enact legislation that will finally reform the way we finance congressional campaigns and that will level the playing field between incumbents and challengers. We need to enact comprehensive lobbying reform legislation, so that our constituents know exactly whose interests are being represented. And long overdue, Mr. President, is the need to act on legislation that will reform the way Congress deals with the thousands and thousands of gifts and other perks that are offered to Members each year from individuals, lobbyists, and associations that seek special access and influence on Capitol Hill.

The notion of public service has been battered and tarnished in recent years. Serving in Government is an honorable profession and it deserves to be perceived as such by the people we represent.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, and Mr. LAUTENBERG):

S. 130. A bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty produced or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas; to the Committee on Governmental Affairs.

THE POVERTY DATA CORRECTION ACT OF 1995

Mr. LIEBERMAN. Mr. President. I rise to introduce a bill which will improve the quality of our information on persons and families in poverty, and which will make more equitable the distribution of Federal funds. The Poverty Data Correction Act of 1995 is cosponsored by Senators JEFFORDS, MOYNIHAN, and LAUTENBERG. This bill requires the Bureau of the Census to adjust for differences in the cost of living, on a State-by-State basis, when providing information on persons or families in poverty.

The current method for defining the poverty population is woefully antiquated. The definition was developed in the late 1960's based on data collected in the late 1950's and early 1960's. The assumptions used then about what proportion of a family's income is spent on food is no longer valid. The data used to calculate what it costs to provide for the minimum nutritional needs, not to mention what minimum nutritional needs are, no longer applies. Nearly everyone agrees that it is time for a new look at what constitutes poverty. And, I am pleased to be able to report that the National Academy of Science, through its Committee on National Statistics, is studying this issue.

But there is a more serious problem with out information on poverty than old data and outdated assumptions. In calculating the number of families in poverty, the Census Bureau has never taken into account the dramatic differences in the cost of living from State to State. Recent calculations from the academic community show that the difference can be as much as 50 percent.

Let me give you an example. Let's say that the poverty level is $15,000 for a family of four. That is, it takes $15,000 to provide the basic necessities for the family. In some States, where the cost of living is high, it really takes $18,750 to provide those basics. In other States, where the cost of living is low, it takes only $11,250 to provide those necessities. But when the Census Bureau counts the number of poor families, they don't take those differences into account.

But this is more than just an academic problem of definition. These Census numbers are used to distribute millions of Federal dollars. Chapter 1 of the Elementary and Secondary Education Act allocates Federal dollars to school districts based on the number of children in poverty. States like Connecticut, where the cost of living is high, get fewer Federal dollars than they deserve because cost differences are ignored. Other States, where the cost of living is low, get more funds than they deserve.

It is important that we act now to correct this inequity. This bill provides a mechanism for that correction. Thank you Mr. President, I ask unanimous consent that the full text of this bill be included in the record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poverty Data Correction Act of 1995".

SEC. 2. REQUIREMENT.

(a) IN GENERAL.—Chapter 5 of title 13, United States Code, is amended by adding after subchapter V the following:

"Subchapter VI—Poverty Data

"SEC. 197. CORRECTION OF SUBNATIONAL DATA RELATING TO POVERTY.

"(a) Any data relating to the incidence of poverty produced or published by or for the Secretary for subnational areas shall be corrected for differences in the cost of living, and data produced for State and sub-State areas shall be corrected for differences in the cost of living for at least all States of the United States.

"(b) Data under this section shall be published in 1995 and at least every second year thereafter.

"SEC. 198. DEVELOPMENT OF STATE COST-OF-LIVING INDEX AND STATE POVERTY THRESHOLDS.

"(a) To correct any data relating to the incidence of poverty for differences in the cost of living, the Secretary shall—

"(1) develop or cause to be developed a State cost-of-living index which ranks and assigns an index value to each State using data on wage, housing, and other costs relevant to the cost of living; and

"(2) multiply the Federal Government's statistical poverty thresholds by the index value for each State's cost of living to produce State poverty thresholds for each State.

"(b) The State cost-of-living index and resulting State poverty thresholds shall be published prior to September 30, 1996, for calendar year 1995 and shall be updated annually for each subsequent calendar year.".

(b) CONFORMING AMENDMENT.—The table of subchapters of chapter 5 of title 13, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—POVERTY DATA

"Sec. 197. Correction of subnational data relating to poverty.

"Sec. 198. Development of State cost-of-living index and State poverty thresholds.".

By Mr. LIEBERMAN:

S. 131. A bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

THE ELECTRONIC FUNDS TRANSFER ACT

Mr. LIEBERMAN. Mr. President, I rise to introduce the Electronic Benefits Regulatory Relief Act of 1994. This bill is also cosponsored by Senators BREAUX, DOMENICI, FEINSTEIN, PRESSLER, and HATFIELD. When passed, this bill will eliminate one of the major barriers to making the banking system more accessible to those receiving Government benefits like Aid to Families with Dependent Children or Food Stamps. If this bill is not passed, we will have missed an opportunity to reduce the cost of Government services, and an opportunity to make the delivery of Government services, more efficient and humane.

This legislation is necessary to reverse a regulation issued by the Federal Reserve Board. That ruling, issued last March, said that the Electronic Benefit Transfer [EBT] cards issued by States are subject to the same liability limits as ATM or credit cards. On the surface that seems reasonable—a card is a card and there seems little reason to differentiate between cards to withdraw Government benefits from a bank and cards to withdraw earnings or savings from a bank. But, as is often the case with regulations, what appears on the surface isn't necessarily the whole story.

With the simple extension of this regulation to EBT cards, the Federal Reserve has dramatically altered social benefits legislation, extended the Electronic Funds Transfer Act into a realm it was not intended to cover, and created for States a new liability of unpredictable size. This bill seeks to reestablish the legislative intent governing Food Stamps, the legislative intent of the Electronic Funds Transfer Act, and at the same time limit a State's exposure to liability if they choose EBT over checks and coupons.

Electronic Benefit Transfer Cards are simply an extension of current technology into the delivery of government benefits. Instead of receiving checks or coupons, recipients receive an EBT card. With that card they can access the cash benefits whenever and wherever they choose. They can withdraw as little as five dollars, or as much as the system will allow in a single transaction. Recipients can use their card at the supermarket instead of food stamps the way millions of Americans now use credit or debit cards to pay for food.

EBT cards offer recipients greater protection from theft than current methods of payment. Without the associated pin number, the EBT card is useless. Checks are easily stolen and forged. Food Stamp coupons, once stolen, can be used by anyone and can even be used to buy drugs on the black market.

EBT cards provide recipients access to a banking system that is frequently criticized for shunning them. It is often the case that the only way a recipient can get his or her check cashed is by paying an exorbitant fee to some nonbanking facility. Several Senators have introduced or supported bills requiring banks to cash government checks. Their goal was to provide these individuals access to the same services most Americans enjoy. Those bills will be unnecessary when EBT cards replace checks. EBT cards can be used at a number of locations at any hour of the day or night and no fee is charged to the recipient for transactions.

The action by the Federal Reserve will stop all of these benefits from happening. State and local governments have indicated that if Regulation E is enforced they will not go forward with EBT. John Michaelson, the director of social services in San Bernardino County, CA, points out that while San Bernardino County was selected as the pilot site for the California EBT development, that project will not go forward as long as Regulation E applies. Similarly, Governor Carlson of Minnesota recently wrote to me indicating that the plans to expand EBT statewide in Minnesota will be halted by the application of Regulation E. Letters of support for this legislation have come from Governor Pete Wilson of California, Governor David Walters of Oklahoma, Governor Mike Sullivan of Wyoming, Governor Edwin W. Edwards of Louisiana, Governor Arne H. Carlson of Minnesota, the National Association of State Auditors, Comptrollers and Treasurers, the American Public Welfare Association, the National Association of Counties the National Governors Association, and the Electronic Funds Transfer Association. I ask unanimous consent that these letters, along with the letter from Mr. Michaelson, be printed in the RECORD immediately following my statement.

The dilemma that faces States is that simply switching from checks and coupons to EBT cards, because of Regulation E, creates a new liability. Stolen benefit checks and coupons are not replaced except in extreme circumstances. Regulation E requires that all but $50 of any benefits stolen through an EBT card must be replaced. The effect of the Federal Reserve's action is that the simple act of changing the method of delivery imposes on the States a liability of unknown magnitude.

This action by the Federal Reserve is inconsistent with the legislative intent that created the benefit programs. The legislation for both Food Stamps and Aid to Families with Dependent Children—the two largest programs included in EBT—are quite clear in specifying that lost or stolen benefits will be replaced only in extreme circumstances. We should not allow that legislation to be changed through regulation.

This action is also inconsistent with the legislative intent of the Electronic Funds Transfer Act. The EFTA is about the relationship between an individual and his or her bank. It is designed to protect the individual in that relationship because of the dramatic disparity in power between the individual and the bank. In EBT, any relationship between the bank and the individual is mediated by the State. The State sets up a single account which all recipients draw upon. If there is a mistake, either in the bank's favor or the recipient's, the bank goes to the State, and it is the State's responsibility to contact the individual. It is difficult to accept that the same disparity in bargaining power exists between the State and the bank.

The differences between EBT and other electronic transfers were carefully documented in a letter from Dr. Alice Rivlin, deputy director of OMB, to the Board of Governors of the Federal Reserve. I ask unanimous consent that Dr. Rivlin's letter be included in the RECORD at this point.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 21, 1993.

Mr. WILLIAM W. WILES,
Secretary, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR MR. WILES: This letter responds to the proposal, published for comment on February 8, 1993, to revise Regulation E to cover electronic benefit transfer (EBT) programs. Please refer to Docket No. R-0796. This letter contains our endorsement of the EBT Steering Committee proposal for modifying Reg E, our views on the differences between program beneficiaries and the consumers with bank accounts, and our recommendations for your consideration.

EBT STEERING COMMITTEE VIEW

We strongly support the recommendations of the Electronic Benefit Steering Committee, which were submitted to the Board on May 11, 1992. The EBT Steering Committee recommended that EBT be treated differently from other electronic fund transfers, that specific minimum standards be established for EBT programs, and that agencies be allowed to implement Regulation E fully on a voluntary basis, if appropriate. A copy of the Steering Committee recommendation is enclosed.

In an analysis that is being prepared for the Steering Committee, preliminary data from a study for the Department of the Treasury indicate that the additional cost to government of compliance with Regulation E as proposed could be between $120 million to $826 million annually, with the most likely costs of $498 million. Such cost increases would preclude State and Federal expansion of current EBT programs an could cause termination of some, if not all, programs.

We oppose implementation of Regulation E as proposed by the Board on February 16, 1993 based on the recommendations of the EBT Steering Committee which is composed of senior Federal program policy officials who have given a great deal of deliberation to the issue and who are accountable for the management of federal programs. We believe that the preliminary data shows that States and the Federal government would be exposed to an expense that will seriously limit the potential for EBT in the future. In addition we believe there are significant differences between program beneficiaries and a regular bank customer. OMB urges the Board to exercise its authority under the Electronic Funds Transfer Act (EFTA) to prescribe regulations that consider the economic impact on beneficiaries, State and Federal governments, and other participants.

DIFFERENCES BETWEEN BENEFICIARIES AND BANKED CONSUMERS

The EFTA is intended to protect consumers when EFT services are made available to them. The plastic EBT card gives the beneficiary more choices on where and when to withdraw cash. However, they are not "shopping" for benefits as a customer would shop for a bank card. Benefits are only received from one payment source. Furthermore, regular banking EFT services are not necessarily being "made available" to them. In fact, these beneficiaries may be required to access benefits through EBT in the future. These differences make necessary protections that are different from, and in many ways, greater than, those afforded by Regulation E. The EFTA assumes a contractual relationship between the consumer and the bank, as evident in the provisions for disclosure of terms and conditions of electronic funds transfers (15 USC 1693c(a)). Under EBT, beneficiaries do not enter into contracts with either banks or agencies governing terms and conditions of transfers.

EBT offers great potential benefits to recipients—alleviating the stigma of welfare experienced in grocery checkout lines when presenting food coupons, eliminating check cashing fees, allowing beneficiaries to become proficient with a technology useful in the working world, and eliminating the hazard of carrying cash after cashing a check. Surveys of beneficiaries show overwhelming preference for EBT over checks. The desire to access benefits through this technology is so strong that in at least one locality individual beneficiaries and the private sector are working, without government assistance, to implement EBT.

Individual benefit programs also offer significant protections to beneficiaries that are far greater than any protections afforded by financial institutions to consumers:

Access to funds by eligible beneficiary is a right guaranteed by law and is not conditioned on any prior abuses. Eligibility is based on need.

Improper withdrawals can only be recouped in a way that protects economic interest of beneficiary. For example, reductions of future benefits are strictly limited to 10 percent per month in AFDC.

If beneficiary contests an adverse action, extensive administrative apparatus supports the appeal at no cost to the beneficiary.

OMB RECOMMENDATIONS

The Federal Reserve Board has requested comment on whether modifications to Regulation E for EBT beyond those proposed should be considered. OMB specific recommendations are enclosed.

We recommend that the Board create some exceptions in Regulation E for EBT programs. In summary, we believe the Board has authority under the EFTA to prescribe regulations that provide exceptions for any class of electronic funds transfer that would effectuate the purposes of the EFTA. We believe that the Steering Committee proposal, taken together with existing protections in individual program requirements, establish the rights, liabilities, and responsibilities of participants in EBT programs and are primarily directed to protecting and enhancing the rights of individual beneficiaries.

OMB joins with the Federal Reserve Board in its commitment to protect the rights of individuals in this emerging technology. We look forward to continued progress on this governmentwide initiative.

Sincerely,

Alice M. Rivlin,
Deputy Director.

Opponents of this action argue that by exempting EBT cards from the electronic Funds Transfer Act discriminates against the poor. This argument misses two important differences between EBT and ATM cards. First, ATM access is a service that banks give with discretion, and can withdraw. States cannot deny recipients access to benefits. If there is abuse of the system, the State's only alternative is to operate dual systems, thus decreasing the efficiency gains of EBT. Second, EBT extends to recipients greater protection of their benefits than checks or coupons. If stolen, the card can't be used without the pin number. And, recipients are less likely to have all their cash stolen. With checks they must receive all the cash at once, and usually pay a fee for cashing the check. With EBT cards they can withdraw only what they need, and transaction costs are covered by the contract between the State and the bank.

Others suggest that the concern with fraud if EBT is covered by Regulation E unfairly impugns the character of the recipients. That is not so. It only says that they are like everyone else—a small portion will participate in fraudulent activities to the expense of all the rest. One of the major criminal problems with ATM cards, according to the Secret Service, is fraud involving Regulation E protection. An individual can sell his or her ATM card, and as long as the price is greater than $50, everyone wins but the bank. The Secret Service knows this type of fraud occurs, but proving it is very difficult. States rightly fear that similar fraud will occur with EBT.

Earlier this month the Vice President issued the first report from the EBT task force and called for nationwide implementation. Without passage of this legislation, that goal will never be reached. When the Federal Reserve was considering this issue, 40 governors wrote in opposition. The National Association of State Auditors, Comptrollers, and Treasurers; The American Public Welfare Association, the National Association of Counties, the National Conference of State Legislatures, and the National Governors' Association wrote jointly to Vice President Gore and to Chairman Greenspan opposing the application of Regulation E to EBT.

The Federal Reserve has made a mistake. We in Congress now need to act to ensure that benefits cards can become a reality. I urge my colleagues to enact this bill promptly.

I ask unanimous consent that a copy of the bill and letters be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTRONIC BENEFIT TRANSFERS.

Section 904(d) of the Electronic Fund Transfer Act (15 U.S.C. 1693(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The disclosures, protections, responsibilities, and remedies created by this title or any rules, regulations, or orders issued by the Board in accordance with this title, do not apply to an electronic benefit transfer program established under State or local law, or administered by a State or local government, unless payment under such program is made directly into a consumer's account held by the recipient.

"(B) Subparagraph (A) does not apply to employment related payments, including salaries, pension, retirement, or unemployment benefits established by Federal, State, or local governments.

"(C) Nothing in subparagraph (A) alters the protections of benefits established by any Federal, State, or local law, or preempts the application of any State or local law.

"(D) For purposes of subparagraph (A), an electronic benefit transfer program is a program under which a Federal, State, or local government agency distributes needs-tested benefits by establishing accounts to be accessed by recipients electronically, such as through automated teller machines, or point-of-sale terminals. A program established for the purpose of enforcing the support obligations owed by absent parents to their children and the custodial parents with whom the children are living is not an electronic benefit transfer program.".

Governor Pete Wilson,
September 15, 1994.

Hon. Joseph I. Lieberman,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Dear Joe Lieberman: I am writing to give my support to your proposed legislation to exempt Electronic Benefit Transfer (EBT) programs from the Electronic Funds Transfer Act. Specifically from the Federal Reserve's Regulation E.

California cannot assume the unknown fiscal liability that accompanies subjecting EBT programs to Regulation E, which includes a requirement to replace lost or stolen benefits. The State has begun development of a pilot EBT project, but Regulation E greatly increases our potential liability, jeopardizing our ability to meet federal cost neutrality requirements and making EBT economically infeasible, thus, thwarting further development within our state.

I recognize EBT as a tool to help the states provide efficient and effective social welfare programs, and am committed to working with you to resolve the concerns raised by the application of Regulation E to EBT programs.

Sincerely,

PETE WILSON.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
June 10, 1994.

Hon. JOSEPH LIEBERMAN,
Chairman, Governmental Affairs Subcommittee on Regulation and Governmental Information, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing in support of your legislation to exempt electronic benefits transfer (EBT) from the Electronic Funds Transfer Act (EFTA). The prompt passage of this legislation is needed to ensure that EBT becomes a reality in Oklahoma.

Electronic benefits transfer is the future of government benefit distribution. The advantages for recipients and government entities have been studied and validated. The pending implementation of Regulation E in March 1997, will be an irresponsible act in light of the consequences anticipated in liability costs to the states. If Regulation E is implemented, the nationwide costs for replacing food stamps is estimated in excess of $800 million a year. Estimates are not available for the numerous money payments anticipated for EBT distribution. Current federal regulations provide ample protection to the consumer recipients, in addition to the known advantages of receiving benefits electronically.

Oklahoma is leading a multi-state southwest regional team in procuring an EBT system to distribute food stamps and money payments. This month, the Oklahoma Department of Human Services will publish a Request for Information to be distributed to potential bidders to inform them of our unique approach to procurement, and to provide the opportunity to comment on the proposed system design. We plan to publish a Request for Bids in September 1994 to hire a vendor to provide EBT services. Oklahoma has been working toward this goal for five years. Our investment in EBT is an investment in fiscal responsibility. Please feel free to call Dee Fones (405) 521-3533 if you have any questions or if we can be of further assistance in helping to pass this legislation.

Sincerely,

DAVID WALTERS.

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
June 21, 1994.

Hon. JOSEPH LIEBERMAN,
Chairman, Government Affairs Subcommittee on Regulation and Government Information, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: We are writing to you to express full support for your leadership in proceeding with legislation to exempt electronic benefits transfer (EBT) from the Electronic Funds Transfer Act (EFTA), including exception from the Regulation E (Reg E) provision.

Wyoming is developing an off-line smart card system solution to deliver state and federal benefits. Wyoming's first phase is to conduct a federally approved combined Food Stamp and WIC Supplemental Food Program Demonstration Pilot. As this approach uses off-line distributive technology in contrast to traditional on-line magnetic stripe banking technology, we propose that smart card technology should be exempt as benefits are in the hands of the client/user and not controlled by a mainframe bank processor.

The application of Reg E to EBT represents a major transfer of liability that states are not prepared to embrace. One estimate suggests that for Food Stamps alone, the liability losses could be $800 million each year.

Of greatest concern is the faulty premise of the Federal Reserve Board. The assumption in applying EFTA to EBT is that the bank/customer relationship in the private sector is analogous to the government/recipient relationship in the public sector. This assumption is false because public assistance recipients are entitled to benefit and must be served. Banks market their services for profits. They get to choose the customers they serve.

Second, customers of government benefit programs are given a card to access and manage their benefits, but they do not own the account and cannot deposit additional resources to the account. Further, banks charge fees to cover the costs of maintaining bank accounts, including complying with Regulation E.

Finally, Congress set up benefit programs like Food Stamps, AFDC and WIC to achieve a public safety net to assure health and welfare for all citizens. States will never be able to apply Regulation E to these programs like banks apply the Regulation because the goals of the relationship with the client/user are fundamentally different.

Once again, thank you for your leadership on this important issue.

Sincerely,

MIKE SULLIVAN,
Governor.
DAVE FERRARI,
State Auditor.

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
June 28, 1994.

Hon. JOSEPH LIEBERMAN,
Chairman, Governmental Affairs Subcommittee on Regulation and Government Information, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing in support of your legislation to exempt electronic benefits transfer (EBT) from the Electronic Funds Transfer Act (EFTA). This legislation is needed to ensure the future electronic delivery of governmental entitlement benefits in Louisiana.

Electronic benefits transfer as a method of distribution of government benefits has proven to be viable and secure. Although entitlement programs have been granted exemption from Regulation E until 1997, this regulation threatens the development and growth of EBT because of anticipated liability to the states. Estimated losses to the states could exceed $1.5 billion a year if Regulation E is implemented in March 1997.

Louisiana is participating in a joint venture with other states in the southwest region in procuring an EBT system to distribute AFDC and food stamp benefits. Proposals from bidders will be solicited in September 1994. Implementation of EBT is an investment that is responsible administratively in addition to being beneficial to recipients. Your efforts in securing the future of EBT are appreciated.

Sincerely,

EDWIN W. EDWARDS.

STATE OF MINNESOTA,
WASHINGTON OFFICE,
Washington, DC, June 29, 1994.

Hon. JOSEPH I. LIEBERMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing in support of legislation you plan to introduce which would exempt welfare benefit programs from provisions of the Electronic Funds Transfer Act. Without such an exemption, plans to expand Minnesota's statewide Electronic Benefits System (EBS) would be halted.

As you know, the Federal Reserve Board recently ruled that welfare programs using electronic benefit issuance are subject to the consumer protection provisions of Regulation E under the Electronic Funds Act. Welfare programs have been exempted from Regulation E since 1987. Under the new Federal Reserve Board ruling, as of March, 1997, the regulation will be applied.

Minnesota cannot accept the unknown liability inherent in applying Regulation E to benefit programs. The cost of replacing benefits should a card become lost or stolen would fall strictly on the state under this rule, even for the share of the benefit which is federally funded.

Your legislation, if enacted, would permit Minnesota and other states to move forward with developing electronic benefit transfer (EBT) systems which will help state and federal government improve service delivery of welfare benefits to the client.

Warmest regards,

ARNE H. CARLSON,
Governor.

NATIONAL ASSOCIATION OF STATE AUDITORS, COMPTROLLERS AND TREASURERS,
May 20, 1994.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Subcommittee on Regulation and Government Information, Committee on Governmental Affairs, U.S. Senate, Hart Senate Office Building, Washington DC.

DEAR SENATOR LIEBERMAN: I am writing in support of your legislation to exclude Electronic Benefit Transfer (EBT) programs from the Electronic Fund Transfer Act. The National Association of State Auditors, Comptrollers and Treasurers (NASACT) supports the establishment of EBT programs, but opposes the decisions of the Board of Governors of the Federal Reserve of March 1994 to apply the liability provisions of Regulation E, which implements the Electronic Fund Transfer Act, to these programs.

Regulation E governs the relationship between a financial institution and its customers. This is a decidedly different relationship from that which exists between a government and benefit recipients. Regulation E is a "show stopper" for EBT. By requiring governments to replace all but $50 of a benefit that a recipient claims has been lost or stolen, it would change the current policy for benefit replacement and make EBT too expensive to implement. While we support consumer protection and training programs for recipients participating in EBT programs, we believe that the protections provided under Regulation E are inappropriate in a government EBT environment.

Simply stated, governments are not banks. Banks market their services to specific customers whose business will generate increased profits. Banks can choose not to serve customers. Governments, on the other hand, must serve recipients that are entitled to benefits. While banks charge fees or surcharges to cover the cost of maintaining bank accounts—including the cost of Regulation E—governments do not charge recipients to participate in public assistance programs. In addition, unlike banking customers, government benefit recipients do not establish individual accounts, they do not own the accounts, they cannot deposit funds into the accounts and they cannot write checks against the accounts.

I want to commend you for introducing legislation addressing this important issue. Your legislation will help assure that governments can improve service delivery without experiencing undue liability. As the legislation progresses, you may want to consider a technical amendment to clarify the scope of the bill. For instance, it might be helpful to more fully explain the meaning of the term "general assistance." NASACT will, of course, be happy to assist you and your staff in any way possible.

Sincerely,

DOUGLAS R. NORTON,
President.

AMERICAN PUBLIC
WELFARE ASSOCIATION,
May 25, 1994.

Hon. JOSEPH LIEBERMAN,
Chairman, Governmental Affairs Subcommittee on Regulation and Government Information, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing to give full support to your legislation to exempt electronic benefits transfer (EBT) from the Electronic Funds Transfer Act (EFTA), including from its Regulation E (Reg E) provision.

Across the country, human service agencies are moving toward making EBT a reality for the people they serve. Unfortunately, as you know, the Federal Reserve Board decided on March 7, 1994 to apply Reg E to EBT starting in March, 1977, requiring the issuer of an electronic transfer card to replace all but $50 of any benefits that are lost or stolen. The Board's decision to apply banking law to EBT expands the liability of government and taxpayers regarding benefit replacement, creating a drastic change in current social policy. Furthermore, making card issuers responsible for benefit replacement shifts costs from the federal domain to the states, creating a new unfunded mandate. Financial estimates conclude that the costs to government and taxpayers for replacing food stamps alone under this ruling could run in excess of $800 million a year. This estimate does not include the potential costs associated with replacing other benefits that can be transferred electronically, such as AFDC, child support, General Assistance, WIC, and SSI.

Indeed, the Federal Reserve Board's decision effectively will impede state EBT activity due to the prohibitive costs associated with replacing lost or unauthorized transfers of government benefits. Currently, the regulations of the Food Stamp Program (a 100% federally-funded program) prohibit replacing food coupons, unless coupons were not received in the mail, were stolen from the mail, or were destroyed in a "household misfortune." Current AFDC regulations prohibit replacing the federal portion of the amount of an AFDC benefit check unless the initial check has been voided or, if cashed, the federal portion has been refunded (AFDC is jointly funded by federal and state governments). These policies have provided adequate client protection in the past, and when combined with the added safeguard of a properly-used EBT card with a PIN number, would continue offering adequate protections.

In an era when government is striving—both due to necessity and public demand—to deliver services that cut or contain costs rather than provide opportunities for increased costs, Regulation E not only dampens but may thwart state efforts to benefit from EBT. In fact, in a federal government attempt to have states or localities currently operating EBT programs test the costs associated with the regulation, no state has yet come forward to volunteer for the pilot test due to the financial and political risk.

As the national representative of the 50 cabinet-level state human service departments, hundreds of local public welfare agencies, and thousands of individuals concerned about achieving efficient and effective social welfare policy, APWA is quite concerned about finding a solution that will allow progress on EBT. Our members are the innovators and visionaries bringing EBT to clients at the state and local levels. They are the people who deliver the government benefits such as food stamps, AFDC, child support, and medicaid and are committed to working with you to find a solution to the barrier Reg E presents.

Sincere thanks to you for taking the critical steps needed to mitigate the impact of the Board's decision. We look forward to working with you to help pass this legislation quickly. Please feel free to call either me or Kelly Thompson at 202–682–0100.

Sincerely,

A. SIDNEY JOHNSON III,
Executive Director.

NATIONAL ASSOCIATION
OF COUNTIES,
Washington, DC, June 29, 1994.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: The National Association of Counties (NACo) strongly supports the draft legislation that you have recently released exempting electronic funds and benefits delivery system programs established by federal, state or local government agencies from the provisions of Regulation E of the Electronic Fund Transfer Act.

EBT/EFT offers numerous advantages to both the issuing agency and the recipient. Government agencies will save substantial administrative and production costs, as well as costs associated with fraud. Recipients will have the benefit of a secure delivery system, and a more dignified method of receiving public assistance. Also, retail establishments would save the time and money involved in manually processing Food Stamps and vouchers. In all, EBT/EFT benefits everyone, especially the taxpayers.

Presently, numerous counties in six states are operating EBT/EFT programs in various stages of development. Many other counties are considering EBT/EFT implementation, but are reserving initiating a system until the issue of liability under Regulation E of the EFTA is resolved. For many counties, the application of Regulation E would effectively make initiating an electronic delivery system economically unfeasible through the violation of the cost neutrality requirement.

It is also the position of NACo that the consumer rights of welfare and Food Stamp recipients, which appears to be the major concern of the Federal Reserve Board of Governor's and the driving force behind their push for Regulation E's application, are protected under extensive federal rules in the authorizing statutes and program regulations. Application of Regulation E would be duplicative in some cases, and costly in all cases.

For these reasons, NACo supports your draft bill excluding government EBT/EFT programs and looks forward to working with you as this bill moves through the legislative process. Please do not hesitate to contact Marilina Sanz, Associate Legislative Director for Human Services and Education at NACo on 202–942–4260 should you have any questions.

Sincerely,

LARRY E. NAAKE,
Executive Director.

NATIONAL GOVERNORS' ASSOCIATION,
October 4, 1994.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: We are writing in strong support of legislation that you are introducing to exempt certain electronic benefit transfer programs from the Electronic Funds Transfer Act.

As you know, Governors have been leaders in using technology to improve the delivery of services to the public through such initiatives as distance learning, telemedicine, and electronic benefit transfer (EBT). States and localities have been exploring for over a decade the potential of EBT for providing clients with more convenient and safer access to benefits and for improving the ability of states to manage programs and prevent fraud. More recently, Vice President Albert Gore has promoted nationwide EBT for some federal benefit programs in the near future as part of his Reinventing Government initiative.

Progress toward wider use of EBT has been slowed, however, by the Federal Reserve Board's decision last March to apply Regulation E of the Electronic Funds Transfer Act to EBT programs. This Federal Reserve decision essentially changed federal social policy by creating a new entitlement to replacement of lost or stolen welfare benefits for EBT clients—a new entitlement benefit that clients who receive those same welfare benefits in cash or coupons do not have. Estimates of the cost of this new benefit vary widely but range as high as $800 million annually.

While the Board's decision created this new entitlement benefit, it did not address how this benefit would be financed. To date the federal government has refused to commit to reimburse states for the EBT benefit replacement costs of even those welfare benefits that are entirely federally financed, such as food stamps. This is true despite the fact that most of the administrative savings from EBT accrue to the federal government, not to the states.

Governors are not opposed to consumer protections for EBT clients. If the consumer protections of Regulation E are applied to EBT programs, however, we believe that Congress must recognize that this is a new entitlement benefit and act accordingly to fund it. Otherwise it will become an unfunded mandate on the states, and Governors will have little choice but to halt their efforts toward creating EBT systems for welfare clients.

If Congress is not able to fund this new entitlement benefit, then we believe that the only alternative is to make it clear that clients who receive welfare benefits through EBT are entitled to the same protections as clients who receive benefits in cash or in coupons—no more, no less. That is exactly what your legislation would do. We believe your bill addresses the following problems created by the Federal Reserve Board decision:

Inequitable treatment of clients—The bill ensures that clients have the same rights and responsibilities regardless of whether their welfare benefits are delivered by check, by coupon or electronically.

Unfunded mandates on states and localities—The bill eliminates the unfunded mandate for states and localities to replace lost or stolen EBT benefits even when the original benefit was entirely federally funded.

Loss of EBT as a viable means of delivering welfare benefits—The bill will remove the Regulation E roadblock to nationwide EBT by making it financially possible for Governors to proceed with EBT to the benefit of clients and federal, state and local governments.

We recognize that there may be other ways to address these problems but all of these other means would necessarily involve some unknown new cost because they would create some level of new entitlement to benefit replacement. Until Governors have a commitment from the federal government to assume the costs of any new EBT entitlement benefits, your bill's exemption approach is the only solution that we can support.

Sincerely,

GOV. MEL CARNAHAN,
Chair, Human Resources Committee.
GOV. ARNE H. CARLSON,
Vice Chair, Human Resources Committee.

ELECTRONIC FUNDS
TRANSFER ASSOCIATION,
October 4, 1994.

Hon. JOSEPH LIEBERMAN,
Chairman, Governmental Affairs Subcommittee on Regulation and Government Information, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the Board of Directors of the Electronic Funds Transfer Association (EFTA), I wish to express support for your legislation to exempt electronic benefits transfer (EBT) from Regulation E (Reg E) of the Electronic Funds Transfer Act (EFT Act).

The Federal Reserve Board has declared its intention to apply Reg E to EBT starting in March 1997. Under the provisions of the regulation, the issuer of an EBT card will be required to replace all but $50 of any benefits that are lost or stolen. The replacement costs have delayed indefinitely the implementation of EBT programs in several states, including California. States cannot pass their fraud costs to benefits recipients; they must be borne by taxpayers, who are looking to EBT to cut delivery costs, not increase them. Financial estimates conclude that costs to government and taxpayers for replacing benefits may run as high as $800 million per year. Currently, the state of Maryland (and possibly others) is considering pursuing legal action against the Federal Reserve Board for regulating a matter that is not within its purview. EFTA agrees with this assessment and believes the three year delay in implementation provides the opportunity for Congress to resolve this matter.

On August 1, 1994, EFTA filed comments with the Federal Reserve Board of Governors in response to the proposed revisions of Reg E. We indicated that the imposition of Reg E's liability and error resolution rules will terminate EBT programs in may states and will substantially delay progress of many other important EBT initiatives. As a fiscal and political matter, states are unwilling to undertake responsibility for liabilities of an undetermined value. If EBT fails to develop, benefits recipients will be substantially disadvantaged. They will not obtain the advantages of convenience, security, speed and dignity that EBT can offer.

EFTA has become a strong advocate of EBT over the past several years, advising the Office of Technology Assessment (OTA) and the Federal EBT Task Force of the myriad benefits associated with EBT. Like Vice President Gore, EFTA's goal is to utilize the current ATM/POS infrastructure in order to facilitate the electronic delivery of federal and state benefits nationwide. However, as Dale Brown, Director of the Maryland statewide EBT project indicated, applying the regulation would be a "show stopper." Ms. Brown estimates that Maryland could inherit a potential liability of several million dollars. EFTA members include government agencies, EFT processors and networks, card issuers and manufacturers, as well as financial institutions. With a significant increase in costs due to benefit replacement, EBT would no longer be a viable venture for these stakeholders.

EFTA would be pleased to work with you to help pass this legislation. In addition, we offer our assistance in crafting language that would further protect recipients whose benefits have been lost or stolen, while minimizing the opportunities for fraud that currently threaten fledgling EBT programs across the country.

We thank you for your thoughtful analysis and interest in such a significant issue. If EFTA can be of any help in this matter please do not hesitate to call at 703–435–9800.

Sincerely,

H. KURT HELWIG,
Acting President & CEO,
Director, Government Relations.

DEPARTMENT OF PUBLIC
SOCIAL SERVICES,
April 15, 1994.

Mr. WILLIAM LUDWIG,
Administrator, Food and Nutrition Service, Alexandria, VA.

DEAR BILL: For more than 4 years San Bernardino County has attempted to bring Electronic Benefit Transfer (EBT), not only to our County, but to the entire State of California. Now, as we submit the attached Request for Proposal (RFP), after overcoming many hurdles and after finally being named as the EBT Pilot County for California, yet another mountain stands in our way. That mountain is the Federal Reserve Board's ruling that Regulation E does apply to EBT.

The San Bernardino County Board of Supervisors and I have made EBT a high priority. Besides being a cost-effective use of new technology, it is the best of all worlds (an occurrence not often seen in todays' world of government bureaucracy). EBT holds the promise of being more cost effective than our current Food Stamp distribution system, it is also less costly for grocers and is generally viewed favorably by recipients for a number of reasons, not the least of which is having to access their benefits only as they use them.

REGULATION E IMPACT

First, I am not aware of any written definitive statement of shares of cost of Regulation E by any federal agency, in particular FNS or ACF. I have heard verbal statements from FNS that our County Cost cap, which EBT can not exceed, may dictate that all Regulation E costs above that cap must be borne 100% by the state or local government—in our case San Bernardino County.

I cannot, in good conscience, recommend to my Board of Supervisors, a contract which includes an unknown liability for Regulation E. To do so is tantamount to asking them to sign a blank check.

Therefore, with the concurrence of the California Welfare Director's Association, the County of San Diego and the California Department of Social Service, I must put you on notice that our EBT RFP will not be released until we receive a written Federal commitment for relief from the unknown liability of Regulation E, such as assurance that we will not be responsible for any Regulation E costs above our cap.

As you are aware, San Bernardino, a number of other California counties and the State have been committed to bringing EBT to California and, therefore, the above statement was arrived at only after a great deal of debate and discussion with all affected parties. However, an immediate resolution to the Regulation E cost-sharing issue could resolve this and allow us to move forward.

As always, I and my staff will make ourselves available for any discussion that you think will be helpful in our pursuit of EBT for San Bernardino County and, therefore, California.

Sincerely

JOHN F. MICHAELSON,
Director.

By Mr. MOYNIHAN (for himself and Mr. INOUYE):

S. 132. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on Governmental Affairs.

THE DISCLOSURE OF THE AGGREGATE INTELLIGENCE BUDGET ACT OF 1995

Mr. MOYNIHAN. Mr. President, Congress has never met its obligation under the "Statement of Account Clause" of the Constitution (Article I, Section 9, Clause 7) which states:

> No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

I rise to point out that Congress has failed to provide the American public with any account of expenditures on intelligence activities. I stress that Congress has failed to satisfy this clause because, although the Executive may have an opinion as to the desirability of disclosing the aggregate amount spent on intelligence, the Supreme Court decided in *United States* v. *Richardson*, (418 U.S. 166, 178 n. 11) that "it is clear that Congress has plenary power to exact any reporting and accounting it considers appropriate in the public interest." Thus it falls to us to provide a proper accounting of the disbursements of Government funds spent on intelligence activities.

The Framers of the Constitution were no strangers to intelligence work and the importance of secrecy in carrying out certain functions of the State. During the Revolutionary War the Colonies formed Committees of Safety which were charged with security and counterintelligence, and separate Committees of Correspondence which were responsible for securing communication between the Colonies and our allies in Europe. At the end of the War, George Washington submitted a bill for reimbursement of $17,617 for intelligence expenses incurred during the war. No small sum at that time.

The first part of the Statement and Account Clause, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law;" was part of an early draft of the Constitution. The second part of the clause was proposed in the final week of the Constitutional Convention (September 14, 1787) by George Mason, who sought an annual account of expenditures. The debate focused on how often was practicable to require such an account, not whether full disclosure was desirable. James Madison argued that if the Constitution were to "Require too much * * * the difficulty will beget a habit of doing nothing." He then proposed to substitute "from time to time" for "annually" which was then adopted. Thus we have "and a regular Statement and Account of the Receipts and Expenditures of all Public Money shall be published from time to time."

Obviously such an ambiguous formulation of the clause gives Congress a good deal of flexibility. This was exercised from time to time to conceal military and intelligence activities when deemed necessary. Clearly it is vital that some discretion is in order. However, it is also clear that secrecy was not intended to be the norm. The clarity with which Madison understood this is expressed in a letter he wrote to Jefferson in 1793, "Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."

I do not think that Justice Douglas overstated the case in his dissenting opinion in *United States* v. *Richardson* where he stated "Secrecy was the evil at which Article I, Section 9, Clause 7 was aimed." Since World War II and throughout the cold war we have chosen not to publish the intelligence budget.

We have won the cold war. The Soviet Union no longer exists. One then might ask, whom are we keeping the aggregate intelligence figure from? In fact, we are not keeping it from anyone and this bill will only codify what in fact has been public knowledge for several years now.

Intelligence budget figures are regularly disclosed. Often the information is leaked to the press, or inferred by close scrutiny of budget figures, and in a few cases numbers will slip out accidentally. Tim Weiner, who reports such matters for the New York Times, called the intelligence budget figure the worst-kept secret in the capital. The latest episode occurred only 2 months ago when the House Appropriations Committee mistakenly published the President's fiscal year 95 intelligence budget request. Not just the aggregate amount, mind, but a detailed account of the requested budgets for the CIA, National Foreign Intelligence Program (NFIP), and Tactical Intelligence and Related Activities (TIARA). This event underscores the point that if only if a smaller amount of truly sensitive information were classified, the information could be held more securely. The aggregate intelligence budget clearly is not in that category, for we now see that the figure has been released and we are still waiting for the barbarians to storm the gates.

While we are waiting we might do well to consider how much like the barbarians we have become. James Q. Wilson, the eminent political scientist who has provided many insights into the study of bureaucracy and its various adversarial modes, holds that organizations come to resemble the organizations they are in conflict with. This is the Iron Law of Emulation. Not an encouraging situation considering our adversary was the Kremlin for so long. We now have an opportunity to reverse some of the emulation of the closed society that was the Soviet Union by shedding some light on our own vast secrecy system.

This is vitally important given that the 104th Congress which convenes today will carefully consider and debate our budget priorities. We cannot afford to fund all we might want to. In fact Mr. President, we are broke. And so publishing the aggregate amount of intelligence expenditures becomes necessary for a truly informed public debate. We then could weigh the importance of Head Start Programs in Topeka and consider the need for agents in Tabriz. Such a debate is already difficult enough given the indications of a recent joint Kaiser/Harvard study which asked voters their impressions of the largest Federal expenses today. Apparently there is the idea that foreign aid is the second largest expense and consumes over a quarter of our budget. In fact the Congressional Budget Office tells us that foreign aid amounts to only two percent of the budget. Clearly there is enough disinformation going around. It is time for us to set the record straight when it comes to the intelligence budget. The Constitution demands it.

By Mr. MOYNIHAN;

S. 133. A bill to establish the Lower East Side Tenement Museum National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOWER EAST SIDE TENEMENT MUSEUM NATIONAL HISTORIC SITE ACT OF 1995

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that will authorize a small but most significant addition to the National Park system. For 150 years New York City's Lower East Side has been the most vibrant, populous, and famous immigrant neighborhood in the Nation. From the first waves of Irish and German immigrants to Italians and Eastern European Jews to the Asian, Latin, and Caribbean immigrants arriving today, the Lower East Side has provided millions their first American home.

For many of them that home was a brick tenement; six or so stories, no elevator, maybe no plumbing, maybe no windows, a business on the ground floor, and millions of our forbearers upstairs. The Nation has with great pride preserved log cabins, farm houses, and other symbols of our agrarian roots. We have recently reopened Ellis Island to commemorate and display the first stop for 12 million immigrants who arrived in New York City. Until now we have not preserved a sample of urban, working class life as part of the immigrant experience. For many of those who disembarked on Ellis Island the next stop was a tenement on the Lower East Side, such as the one at 97 Orchard Street. It is here that the lower East Side Tenement Museum will show us what that next stop was like.

The tenement at 97 Orchard was built in the 1860s, during the first phase of tenement construction. It provided housing for 20 families on a plot of land planned for a single family residence. Each floor has four three—room apartments, each of which had two windows in one of the rooms and none in the others. The privies were out back, as was the spigot that provided water for everyone. The public bathhouse was down the street.

In 1900 this block was the most crowded per acre on earth. Conditions improved after the passage of the New York Tenement House Act of 1901, though the crowding remained. Two toilets were installed on each floor. A skylight was installed over the stairway and interior windows were cut in the walls to allow some light throughout each apartment. For the first time the ground floor became commercial space. In 1918 electricity was installed. Further improvements were mandated in 1935, but the owner chose to board the building up rather than follow the new regulations. It remained boarded up for 60 years until the idea of a museum took hold.

The Tenement Museum will keep at least one apartment in the dilapidated condition in which it was found when reopened, to show visitors the process of urban archaeology. Others will be restored to show how real families lived at different periods in the building's history. At a nearby site there will be interpretive programs to better explain the larger experience of gaining a foothold on America in the Lower East Side of New York.

There are also plans for programmatic ties with Ellis Island and its precursor, Castle Clinton. And the museum plans to play an active role in the immigrant community around it, further integrating the past and present immigrant experience on the Lower East Side.

This bill designates the Tenement Museum a national historic site. It authorizes the Secretary of the Interior to acquire the site or to enter into cooperative agreements with the museum. Such agreements could include technical or financial assistance to help restore, operate, maintain, or interpret the site. Agreements can also be made with the Statute of Liberty/Ellis Island and Castle Clinton to help with the interpretation of life as an immigrant. It will be a productive partnership.

Mr. President, I believe the Tenement Museum provides an outstanding opportunity to preserve and present an important stage of the immigrant experience and the move for social change in our cities at the turn of the century. I know of no better place than 97 Orchard Street to do so, and no other place in the National Park system doing so already. I look forward to the realization of this grand idea, and I ask my colleagues for their support.

I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower East Side Tenement Museum National Historic Site Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Lower East Side Tenement Museum at 97 Orchard Street is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(2) the Museum is well suited to represent a profound social movement involving great numbers of unexceptional but courageous people;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants;

(4) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life on the Lower East Side and its importance to United States history, within a neighborhood long associated with the immigrant experience in America; and

(5) the National Park Service found the Lower East Side Tenement Museum to be nationally significant, suitable, and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret in the site and in the surrounding neighborhood, the themes of early tenement life, the housing reform movement, and tenement architecture in the United States;

(2) to ensure the continuation of the Museum at this site, the preservation of which is necessary for the continued interpretation of the nationally significant immigrant phenomenon associated with the New York City's Lower East Side, and its role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton National Historic Monument and Ellis Island National Historic Monument through cooperation with the Museum.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORIC SITE.—The term "historic site" means the Lower East Side Tenement Museum designated as a national historic site by section 4.

(2) MUSEUM.—The term "Museum" means the Lower East Side Tenement Museum at 97 Orchard Street, New York City, in the State of New York, and related facilities owned or operated by the Museum.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF HISTORIC SITE.

To further the purposes of this Act and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement Museum at 97 Orchard Street, in the city of New York, State of New York, is designated as a national historic site.

SEC. 5. ACQUISITION OR COOPERATIVE AGREEMENT.

(a) IN GENERAL.—The Secretary may—

(1) acquire the historic site with donated or appropriated funds; or

(2) enter into a cooperative agreement with the Lower East Side Tenement Museum to carry out this Act.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The agreement may include provisions by which the Secretary will provide—

(1) technical assistance to mark, restore, interpret, operate, and maintain the historic site; and

(2) financial assistance to the Museum to acquire ownership of and to maintain the historic site, or to mark, interpret, and restore the historic site, including the making of preservation-related capital improvements and repairs.

(c) ADDITIONAL PROVISIONS.—The agreement may also contain provisions that—

(1) permit the Secretary, acting through the National Park Service, to have a right of access at all reasonable times to all public portions of the property covered by the agreement for the purpose of conducting visitors through the properties and interpreting the portions to the public; and

(2) prohibit changes or alterations in the properties except by mutual agreement between the Secretary and the other parties to the agreement.

SEC. 6. LAND ACQUISITION.

The Secretary may acquire properties owned, occupied, or used by the Museum, or assist the Museum in acquiring properties that the Museum occupies or uses, through the use of appropriated funds, donation, or purchase with donated funds.

SEC. 7. APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. MOYNIHAN:

S. 134. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; to the Committee on Energy and Natural Resources.

THE HYDE PARK ACT OF 1995

Mr. MOYNIHAN Mr. President, I rise to introduce a bill which would authorize the Secretary of the Interior to purchase land that belonged to President Roosevelt and his family members at the time of his death. His estate at Hyde Park was declared a National Historic Site in 1944. At the time it included some 1,200 acres. Since then some parcels have been sold, and currently the site has only 480 acres.

Hyde Park was the lifelong residence of President Roosevelt. It is inextricably linked with his place in history and his legacy. The list of prominent Americans and foreign leaders who visited there is enormous. That the National Park Service has been preserving and protecting Hyde Park for us is a great blessing. Now there is the opportunity to acquire 40 acres known as Roosevelt Cove, the land between the estate and the Hudson. It was the only view of the river and its bluffs from the estate, though years of inattention have allowed the view to be obscured, by trees.

This bill would allow the Park Service to purchase the tract, to restore the integrity of the view towards the river for visitors to Hyde Park. This would be a significant addition to the site, a great improvement over the current situation. The parcel is now threatened with development, which would spoil the setting irrevocably. We need this authorization while the opportunity exists. Dutchess County is growing, and the pressure on such a river location will only increase.

Mr. President, I ask that my fellow Senators support this bill in recognition of its importance to Hyde Park. Roosevelt Cove was an integral part of FDR's estate, and should be part of it once again. The Park Service is now authorized to acquire the land only through donation. This is not likely to happen. But the cost of the parcel is not great. Neither is our window of opportunity. I ask your support for the restoration of a crucial part of FDR's home for the thousands of visitors that come each year. We will have their thanks.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF ROOSEVELT FAMILY LANDS.

(a) IN GENERAL.—

(1) GENERAL AUTHORITY.—The Secretary of the Interior (referred to in this section as the "Secretary") may acquire, by purchase with donated or appropriated funds, donation, or otherwise, lands and interests in

land (including development rights and easements) in the properties located at Hyde Park, New York, that were owned by Franklin D. Roosevelt or his family at the time of his death, as depicted on the map entitled "Roosevelt Family Estate" and dated November 19, 1993.

(2) LIMITATIONS.—

(A) RESIDENTIAL PROPERTY.—The Secretary may only acquire those residential properties on the lands and interests in land depicted on the map referred to in subsection (a) that were owned or occupied by Franklin D. Roosevelt or his family, including his parents, siblings, wife, and children.

(B) STATE LANDS.—Lands and interests in land depicted on the map referred to in subsection (a) that are owned by the State of New York, or a political subdivision of the State, may only be acquired by donation.

(3) *Priority*.—In acquiring lands and interests in land pursuant to this section, the Secretary shall, to the extent practicable, give priority to acquiring the tract of lands commonly known as the "Open Park Hodhome Tract", as generally depicted on the map referred to in subsection (a).

(4) COSTS.—The Secretary may pay the costs, including the costs of title searches and surveys, associated with the acquisition of lands and interests in land pursuant to this section.

(b) ADMINISTRATION.—Lands and interests in land acquired by the Secretary pursuant to this section shall be added to, and administered as part of, the Franklin Delano Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. HATCH:

S. 135. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

THE PROPERTY RIGHTS LITIGATION RELIEF ACT OF 1995

Mr. HATCH. Mr. President, I am pleased today to introduce the "Property Rights Litigation Relief Act of 1995." This Act is designed to protect private property from Federal Government intrusion. The citizens of Utah understand that the right to own property is a precious fundamental right, one which is vulnerable to an overbearing Federal Government.

This bill encompasses property rights litigation reform and establishes a distinct Federal fifth amendment "takings" claim against Federal agencies by aggrieved property owners, thus clarifying the sometimes incoherent and contradictory constitutional property rights case law. It also resolves the jurisdictional dispute between the Federal district courts and the Court of Federal Claims over fifth amendment "takings" cases. The bill is a refinement of a proposal I placed in the CONGRESSIONAL RECORD on October 7, 1994.

IMPORTANCE OF PRIVATE PROPERTY

The private ownership of property is essential to a free society and is an integral part of our Judeo-Christian culture and the Western tradition of liberty and limited government. Private ownership of property and the sanctity of property rights reflects the distinction in our culture between a preexisting civil society and the State that is consequently established to promote order. Private property creates the social and economic organizations that counterbalance the power of the State by providing an alternative source of power and prestige to the State itself. It is therefore a necessary condition of liberty and prosperity.

While government is properly understood to be instituted to protect liberty within an orderly society and such liberty is commonly understood to include the right of free speech, assembly, religious exercise and other rights such as those enumerated in the Bill of Rights, it is all too often forgotten that the right of private ownership of property is also a critical component of liberty. To the 17th century English political philosopher, John Locke, who greatly influenced the Founders of our Republic, the very role of government is to protect property: "The great and chief end therefore, on Men uniting into Commonwealths, and putting themselves under Government, is the preservation of their property." [J. Locke, Second Treatise ch. 9, §124, in J. Locke, Two Treatises of Government (1698)]. the Framers of our Constitution likewise viewed the function of government as one of fostering individual liberties through the protection of property interests. James Madison, termed the "Father of the Constitution," unhesitantly endorsed this Lockean viewpoint when he wrote in The Federalist No. 54 that "[government] is instituted no less for the protection of property, than of the persons of individuals." Indeed, to Madison, the private possession of property was viewed as a natural and individual right both to be protected against government encroachment and to be protected by government against others.

To be sure, the private ownership of property was not considered absolute. Property owners could not exercise their rights as a nuisance that harmed their neighbors, and government could use, what was termed in the 18th century, its "despotic power" of eminent domain to seize property for public use. Justice, it became to be believed, required compensation for the property taken by government. The earliest example of a compensation requirement is found in chapter 28 of the Magna Carta of 1215, which reads, "No constable or other baliff of ours shall take corn or other provisions from anyone without immediately tendering money therefor unless he can have postponement thereof by permission of the seller." But the record of English and colonial compensation for taken property was spotty at best, although it has been argued by some historians and legal scholars that compensation for takings of property became recognized as customary practice during the American colonial period. [See W. Stoebuck, "A General Theory of Eminent Domain," 47 Wash. L. Rev. 53 (1972)].

Nevertheless, by American independence the compensation requirement was considered a necessary restraint on arbitrary governmental seizures of property. The Vermont Constitution of 1777, the Massachusetts Constitution of 1780, and the Northwest Ordinance of 1787, recognized that compensation must be paid whenever property was taken for general public use or for public exigencies. And although accounts of the 1791 congressional debate over the Bill of Rights provide no evidence over why a public use and just compensation requirement for takings of private property was eventually included in the fifth amendment, James Madison, the author of the fifth amendment, reflected the views of other supporters of the new Constitution who feared the example to the new Congress of uncompensated seizures of property for building of roads and forgiveness of debts by radical state legislatures. Consequently, the phrase "[n]or shall private property be taken for public use, without just compensation" was included within the fifth amendment to the Constitution.

THE MODERN THREAT TO PROPERTY RIGHTS

Despite this historical pedigree and the constitutional requirement for the protection of property rights, the America of the mid and late 20th century has witnessed an explosion of Federal regulation of society that has jeopardized the private ownership of property with the consequent loss of individual liberty. Indeed, the most recent estimate of the direct (that is, not counting indirect costs such as higher consumer prices) cost of Federal regulation was $857 billion for 1992. Today, the cost to the society probably is approaching $1 trillion. According to economist Paul Craig Roberts, the number of laws Americans are forced to endure has risen a staggering 3000 percent since the turn of the century. Every day the Federal Register grows by an incredible 200 pages, containing new rules and obligations imposed on the American people by supposedly their government.

Furthermore, even the very concept of private property is under attack. Indeed, certain environmental activists have termed private property an "outmoded concept" which presents an "impediment" to the Federal Government's resolution of society's problems. It is this type of thinking that has led regulators, in the rush of governmental social engineering, to ignore individual rights. Here are just a few of the hundreds—if not thousands—of examples that occur nationwide:

Ocie Mills, a Florida builder, and his son were sent to prison for 2 years for violating the Clean Water Act for placing sand on a quarter-acre lot he owned;

Under this same Act, a small Oregon school district faced a Federal lawsuit for dumping clean fill to build a baseball-soccer field for its students and had to spend thousands of dollars to remove the fill;

Ronald Angelocci was jailed for violating the Clean Water Act for dumping several truckloads of dirt in the backyard of his Michigan home to help a family member who had acute asthma and allergies aggravated by plants in the backyard; and

A retired couple in the Poconos, after obtaining the necessary permits to build their home was informed by the Army Corps of Engineers—4 years later—that they built their home on wetlands and faced penalties of $50,000 a day if they did not restore most of the land to its natural state.

[See B. Bovard, Lost Rights, 35 (1994); N. Marzulla, "The Government's War on Property Rights," Defenders of Property Rights (1994)].

CURRENT PROTECTION OF PROPERTY RIGHTS FALL SHORT

Judicial protection of property rights against the regulatory state has been both inconsistent and ineffective. Physical invasions and government seizures of property have been fairly easy for courts to analyze as a species of eminent domain, not so the effect of regulations which either diminish the value of the property or appropriate a property interest. This key problem to the regulatory takings dilemma was recognized by Justice Oliver Wendell Holmes in *Pennsylvania Coal Co.* v. *Mahon*, 260 U.S. 393 (1922). Just how do courts determine when regulation amounts to a taking? Holmes' answer, "if regulation goes too far it will be recognized as a taking," 260 U.S. at 415, is nothing more than an *ipse dixit*. In the 73 years since *Mahon*, the Court has eschewed any set formula for determining how far is too far, preferring to engage in ad hoc factual inquiries, such as the three-part test made famous by *Penn Central Transportation Co.* v. *City of New York*, 438 U.S. 104 (1978), which balances the economic impact of the regulation on property and the character of the regulation against specific restrictions on investment-backed expectations of the property owner.

Despite the valiant attempt by the Rehnquist Court to clarify regulatory takings analysis in *Nollan* v. *California Coastal Comm'n*, 483 U.S. 825 (1987), *Lucas* v. *South Carolina Coastal Council*, 112 S.Ct. 2886 (1992), and in its recent decision of *Dolan* v. *City of Tigard*, No. 93-518 (June 24, 1994), takings analysis is basically incoherent and confusing and applied by lower courts haphazardly. The incremental, fact-specific approach that courts now must employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment thus has been ineffective and costly. There is, accordingly, a need for Congress to clarify the law by providing "bright line" standards and an effective remedy. As Chief Judge Loren A. Smith of the Court of Federal Claims, the court responsible for administering takings claims against the United States, opined in *Bowles* v. *United States*, 31 Fed. Cl. 37 (1994), "[j]udicial decisions are far less sensitive to societal problems than the law and policy made by the political branches of our great constitutional system. At best courts sketch the outlines of individual rights, they cannot hope to fill in the portrait of wise and just social and economic policy."

This incoherence and confusion over the substance of takings claims is matched by the muddle over jurisdiction of property rights claims. The "Tucker Act," which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate the right to just compensation for a government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the Federal district and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court. This "Tucker Act shuffle" is aggravated by section 1500 of the Tucker Act, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and brought by the same plaintiff. Section 1500 is so poorly drafted and has brought so many hardships, that Justice Stevens, in *Keene Corporation* v. *United States*, 113 S.Ct. 2035, 2048 (1993), has called for its repeal or amendment.

The Property Rights Litigation Relief Act addresses these problems. In terms of classifying the substance of takings claims, it first clearly defines property interests that are subject to the Act's takings analysis. In this way a "floor" definition of property is established by which the Federal Government may not eviscerate. This Act also establishes the elements of a takings claim by codifying and clarifying the holdings of the *Nollan*, *Lucas*, and *Dolan* cases. For instance, *Dolan*'s "rough proportionality" test is interpreted to apply to all exaction situations whereby an owner's otherwise lawful right to use property is exacted as a condition for granting a Federal permit. And a distinction is drawn between a noncompensable mere diminution of value of property as a result of Federal regulation and a compensable "partial" taking, which is defined as any agency action that diminishes the fair market value of the affected property by the lesser of either 20 percent or more, or $10,000 or greater. The result of drawing these "bright lines" will not end fact specific litigation, which is endemic to all law suits, but it will ameliorate the ever increasing ad hoc and arbitrary nature of takings claims.

The Act also resolves the jurisdictional confusion over takings claims. Because property owners should be able fully to recover for a taking in one court, the Tucker Act is amended giving both the district courts and the Court of Federal Claims concurrent jurisdiction to hear all claims relating to property rights. Furthermore, to resolve any further jurisdictional ambiguity, section 1500 of the Tucker Act is repealed.

Finally, I want to respond to any suggestion that may arise that this Act will impede Government's ability to protect the environment or promote health and safety through regulation. This legislation does not emasculate the government's ability to prevent individuals or businesses from polluting. It is well established that the Constitution only protects a right to reasonable use of property. All property owners are subject to prior restraints on the use of their property, such as nuisance laws which prevents owners from using their property in a manner that interferes with others. The government has always been able to prevent harmful or noxious uses of property without being obligated to compensate the property owner, as long as the limitations on the use of property inhere in the title itself. In other words, the restrictions must be based on background principles of State property and nuisance law already extant. The Act codifies this principle in a nuisance exception to the requirement of the Government to pay compensation.

Nor does the Act hinder the Government's ability to protect public health and safety. The Act simply does not obstruct the Government from acting to prevent imminent harm to the public safety or health or diminish what would be considered a public nuisance. Again, this is made clear in the provisions of the Act that exempts nuisance from compensation. What the Act does is force the Federal Government to pay compensation to those who are singled out to pay for regulation that benefits the entire public. In other words, it does not prevent regulation, but fulfills the promise of the fifth amendment, which the Supreme Court in *Armstrong* v. *United States*, 364 U.S. 40, 49 (1960), opined is "to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole."

I invite all Senators to join me in sponsoring this legislation.

By Mr. THURMOND:

S. 136. A bill to amend title 1 of the United States Code to clarify the effect and application of legislation; to the Committee on the Judiciary.

THE EFFECT AND APPLICATION OF LEGISLATION ACT OF 1995

Mr. THURMOND. Mr. President, I introduce S. 136 today and ask unanimous consent to have it printed in the RECORD

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF THE EFFECT AND APPLICATION OF LEGISLATION.

(a) IN GENERAL.—Chapter 1 of title 1 of the United States Code is amended by adding at the end thereof the following;

"§ 7. Rules of application and effect of legislation

"Any Act of Congress enacted after the effective date of this section—

"(1) shall be prospective in application only;

"(2) shall not create a private claim or cause of action; and

"(3) shall not preempt the law of any State,

unless a provision of the Act specifies otherwise by express reference to the paragraph of this section intended to be negated.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 1, United States Code, is amended by adding at the end thereof the following:

"7. Rules for application and effect of legislation.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mr. President, I rise today to introduce an act to clarify the application and effect of legislation in order to reduce uncertainty and confusion which is often caused by congressional enactments. This act would provide that unless future legislation specified otherwise, new enactments would be applied prospectively, would not create private rights of action, and would not preempt existing State law. This would significantly reduce unnecessary litigation and court costs, and would benefit both the public and the judicial system.

The purpose of this legislation is quite simple. Many congressional enactments do not expressly state whether the legislation is to be applied retroactively, whether it creates private rights of action, or whether it preempts existing State law. The failure or inability of the Congress to address these issues in each piece of legislation results in unnecessary confusion and litigation and contributes to the high cost of litigation in this country.

In the absence of action by the Congress on these critical threshold questions of retroactivity, private rights of action and preemption, the outcome is left up to the courts. The courts are frequently required to resolve these matters without any guidance from the legislation itself. Although these issues are generally raised early in the litigation, a decision that the litigation can proceed generally cannot be appealed until the end of the case. If the appellate court eventually rules that one of these issues should have prevented the trial, the litigants have been put to substantial burden and unnecessary expense which could have been avoided.

Trial courts around the country often reach conflicting and inconsistent results on these issues, as do appellate courts when the issues are appealed. As a result, many of these cases are eventually resolved by the Supreme Court. This problem was dramatically illustrated after the passage of the Civil Rights Act of 1991. District courts and courts of appeal all over this Nation were required to resolve whether the 1991 Act should be applied retroactively, and the issue was ultimately considered by the United States Supreme Court. But by the time the Supreme Court resolved the issue in 1994, well over 100 lower courts had ruled on this question, and their decisions were split. Countless litigants across the country expended substantial resources debating this threshold procedural issue.

In the same way, the issues of whether new legislation creates a private right of action or preempts State law are frequently presented in courts around the country, yielding expensive litigation and conflicting results.

The bill I am introducing today would eliminate this problem by providing a presumption that, unless future legislation specifies otherwise, new legislation is not to be applied retroactively, does not create a private right of action, and does not preempt State law. Of course, my bill does not in any way restrict the Congress on these important issues. The Congress may override this presumption by simply referring to this act when it wishes legislation to be retroactive, create new private rights of action or preempt existing State law.

My act will eliminate uncertainty and provide rules which are applicable when the Congress fails to specify its position on these important issues in legislation it passes. Although it is difficult to obtain statistics on this issue, one United States District judge in my State informs me that he spends up to 10 to 15 percent of his time on these issues. Regardless of the precise figure, it is clear that this legislation would save litigants and our judicial system millions and millions of dollars by avoiding much uncertainty and litigation which currently exists over these issues.

Mr. President, if we are truly concerned about reducing the costs of litigation and relieving the backlog of cases in our courts, we should help our judicial system to spend its limited resources, time and effort on resolving the merits of disputes, rather than deciding these preliminary matters.

I sent the bill to the desk and ask unanimous consent that it be printed in the RECORD in its entirety immediately following my remarks.

By Mr. BRADLEY (for himself, Mr. CAMPBELL, Mr. COATS, and Mr. ROBB):

S. 137. A bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills; to the Committee on Rules and Administration.

THE TAX EXPENDITURE AND LEGISLATIVE APPROPRIATIONS LINE-ITEM VETO ACT OF 1995

Mr. BRADLEY. Mr. President, we begin this Congress with two obligations: first, to change the way we do business, and, second, to cut government spending. Reforms that have been bottled up for years in partisan fingerpointing need to be released and must become our first priorities. Both the Congress and White House must learn to say no: no to unnecessary programs, no to those Members who would build monuments to themselves, and a firm no to those lobbyists who would work every angle to slip special provisions into the tax code that benefit a wealthy few and cost every other American millions. For decades, Presidents of both parties have insisted that the deficit would be lower if they had the power to say no, in the form of the line item veto.

I rise to introduce the Tax Expenditure and Legislative Appropriations Line Item Veto Act of 1995, legislation that, if enacted, would grant the President the power to say no. In sponsoring this legislation, I urge our colleagues in both the Senate and House of Representatives to pass a line item veto that covers spending in both appropriations and tax bills. Any line item veto that fails to give the President the ability to prevent additional loopholes from entering the tax code only does half the job.

Although I did not support the line item veto when I initially joined the Senate, I watched for twelve years as the deficit quintupled, shameless porkbarrel projects persisted in appropriations and tax bills, and our Presidents again and again denied responsibility for the decisions that led to these devastating trends. Therefore, in 1992, I decided that it was time to change the rules.

Rather than simply joining one of the appropriations line item veto bills then in existence, I felt that we needed to be honest about the fact that for each example of unnecessary, special-interest pork-barrel spending through an appropriations bill, there are similar examples of such spending buried in tax bills. The tax code provides special exceptions from taxes that total over $400 billion a year, more than the entire federal deficit. For every $2.48 million, earmarked in an appropriations bill, to teach civilian marksmanship skills, there is a $300 million special provision allowing wealthy taxpayers to rent their homes for two weeks without having to report any income. For every $150,000 appropriated for acoustical pest control studies in Oxford, Mississippi, there is a $2.9 billion special tax exemption for ethanol fuel production. As a member of the Finance Committee, I have seen an almost endless stream of requests for preferential treatment through the tax code, including special depreciation schedules for rental tuxedos, an exemption from fuel excise taxes for cropdusters, and tax credits for clean-fuel vehicles.

In singling out these pork-barrel projects, I do not mean to pass judgment on their merits. However, because these provisions single out narrow subclasses for benefit, the rest of us must pay more in taxes. Therefore, I have developed an alternative that would authorize the President to veto wasteful spending not just in appropriations bills but also in the tax code.

If the President had the power to excise special interest spending, but only in appropriations we would simply find the special interest lobbyists who work appropriations turning themselves into tax lobbyists, pushing for the same spending in the tax code. Spending is spending whether it comes in the form of a government check, or in the form of a special exception from the tax rates that apply to everyone else. Tax spending does not, as some pretend, simply allow people to keep more of what they have earned. It gives them a special exception from the rules that oblige everyone to share in the responsibility of our national defense and protecting the young, the aged, and the infirm. The only way to let everyone keep more of what they have earned is to minimize these tax expenditures along with appropriated spending and the burden of the national debt so that we can bring down tax rates fairly, for everyone. Therefore, Mr. President, I urge all of our colleagues, particularly those in leadership positions in the Senate and House of Representatives, to pass a line item veto bill that includes both appropriations and tax provisions.

Although it is true that the line-item veto would give the President more power than our founders probably envisioned, there is also truth in the conclusion of the National Economic Commission in 1989 that the balance of power on budget issues has swung too far from the Executive toward the Legislative branch. There is no tool to precisely calibrate this balance of power, but if we have to swing a little too far in one direction or another, at this critical moment, we should lean toward giving the President the power that he, and other Presidents, have said they need to control wasteful spending. We have a right to expect that the President will use this power for the good of all.

I also agree with the more recent economic commission chaired by my colleagues, Senators DOMENICI and NUNN, that a line-item veto is not in itself deficit reduction. But if the President is willing to use it, it is the appropriate tool to cut a certain kind of wasteful spending—the pork-barrel projects that tend to crop up in appropriations and tax bills. Presidential leadership can eliminate these projects when Congress, for institutional reasons, usually cannot. Individual Senators and Representatives, who must represent their own local interests, find it difficult to challenge their colleagues on behalf of the general interest.

Pork-barrel spending on appropriations and taxes is only one of the types of spending that drive up the deficit, and is certainly not as large as the entitlements for broad categories of the population that we are starting to tackle. But until we control these expenditures for the few, we cannot ask for shared sacrifice from the many who benefit from entitlements, or the many who pay taxes.

The particular legislation that I am introducing today is identical to a bill I introduced in the 103d Congress and is modeled on a bill my colleague Senator HOLLINGS has introduced in several Congresses. I want to thank and commend Senator HOLLINGS for working so hard to develop a workable line item veto strategy, one that goes beyond political demagoguery to the real question of how to limit spending. This bill will require that each line item in any appropriations bill and any bill affecting revenues be enrolled as a separate bill after it is passed by Congress, so that the President can sign the full bill or single out individual items to sign and veto. It differs from other bills in that it avoids obvious constitutional obstacles and in that it applies to spending through the tax code as well as appropriated spending.

Although I acknowledge that separate enrollment, especially separate enrollment of appropriations provisions, may prove difficult at times, in the face of a debt rapidly approaching $5 trillion, I do not believe that we have the luxury of shying away from making difficult decisions. If, because of our appropriations process, we are unable to easily disaggregate appropriations into individual spending items for the President's consideration, then, rather than throw out this line item veto proposal, I believe that we should reconsider how we appropriate the funds that are entrusted to us.

The legislation that I am proposing would remain in effect for just 2 years. That period should constitute a real test of the idea. First, it will provide enough time for the Federal courts to address any questions about whether this approach is constitutionally sound, or if a constitutional amendment is necessary. Only courts can answer this question, which is in dispute among legal scholars. Second, we should have formal process to determine whether the line item veto works as intended: Did it contribute to significant deficit reduction? Did the President use it judiciously to cut special-interest spending, or, as some worry, did he use it to blackmail members of Congress into supporting his own special interest expenditures? Did it alter the balance of power over spending, either restoring the balance or shifting it too far in the other direction?

As the recent elections amply demonstrated, the American people have no more patience for finger-pointing or excuses. We can no longer tolerate a deficit that saps our economic strength while politicians in Washington insist that it's someone else who really has the power to spend or cut spending. This President or any other must have no excuses for failing to lead.

I list Mr. CAMPBELL, Mr. COATS, and Mr. ROBB as original sponsors of this legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 138. A bill to amend the Act commonly referred to as the "Johnson Act" to limit the authority of States to regulate gambling devices on vessels; to the Committee on Commerce, Science, and Transportation.

LEGISLATION AMENDING THE "JOHNSON ACT" RELATING TO CRUISE SHIPS

• Mrs. BOXER. Mr. President, today Senator FEINSTEIN and I are introducing legislation to make a technical amendment to the law passed by the 102d Congress to allow gambling on U.S.-flag cruise ships and to allow States to permit or prohibit gambling on ships involved in intrastate cruises only.

This bill is essential to restoring California's cruise ship industry which has lost more than $250 million in tourist revenue last year and hundreds of jobs. Many California cruise ship companies have bypassed second and third ports of call within California. Ships which used to call at Catalina and San Diego after departing Los Angeles en route to Mexico no longer make those interim stops. According to industry estimates, San Diego alone has lost more than 104 cruise ship port calls last year—66 percent of its cruise ship business. The State's share of the global cruise ship business has dropped from 10 percent to 7 percent at the same time growth in the cruise ship business overall has climbed 10 percent a year.

Historically, gambling has been prohibited aboard U.S.-flag cruise ships, putting them in a competitive disadvantage in the growing and lucrative cruise ship business where foreign-flagged vessels calling at U.S. ports have had no such restriction. In order to level the playing field, Congress in 1992 amended the Johnson Act, the 1951 law outlawing the transportation of gambling devices from State to State, to allow gambling on U.S.-flag cruise ships. At the same time, Congress provided that States could pass their own laws allowing or prohibiting gambling on intrastate cruises.

The California Legislature, in an effort to prohibit gambling-only type cruises, subsequently passed legislation prohibiting ships with gambling devices from making multiple ports of call within the State. The legislature also was concerned that without such action to expressly prohibit gambling on intrastate cruises, the State could be required to permit certain gambling enterprises by Indian tribes under the Indian Gaming Act. Some Indian tribes contended that if the State permitted casino gambling on the high seas between State ports of call, then it should also permit full-fledged casino gambling within the State. California's efforts to prohibit gambling "cruises to nowhere" have had the effect of prohibiting gambling on cruise ships traveling between California ports, even if part of an interstate or international journey. In effect, a cruise ship traveling from Los Angeles to San Diego could no longer open its casinos, even in international waters. But if the ship bypassed San Diego and sailed directly to a foreign port, it could open its casinos as soon as it was in international waters.

My legislation would resolve this problem by allowing a cruise ship with gambling devices to make multiple ports of call in one State and still be considered to be on an interstate or international voyage for purposes of the Johnson Act, if the ship reaches out-of-State or foreign port within 3 days. The legislation should alleviate California's concern regarding the Indian gaming law by removing such voyages from its jurisdiction and it should allow the California cruise ship industry to continue to make multiple ports of call in the State.

Gambling operations still would only be permitted in international waters. The effect would expand only the non-gambling aspects of cruise ship tourism by permitting more ports of call within the State. California is the only State affected by this bill because it is the only State which responded to the 1992 changes to the Johnson Act and enacted a State law to prohibit gambling.

Specifically, my legislation adds a new subparagraph to the Johnson Act, providing that a state prohibition does not apply on a voyage or segment of a voyage that: first, begins and ends in the same State; second, is part of a voyage to another State or country; and third, reaches the other State or country within 3 days after leaving the State in which it begins. The legislation does not affect a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii.

I urge my colleagues to support this legislation to overcome this serious impediment to California's tourism industry, the top industry of the State. I also urge prompt consideration of this bill in order to forestall further loss of jobs and revenue to California in the coming cruise ship season.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Subsection (b)(2) of section 5 of the Act of January 2, 1951 (commonly referred to as the "Johnson Act") (64 Stat. 1135, chapter 1194; 15 U.S.C. 1175), is amended by adding at the end the following new subparagraph:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if such voyage or segment includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which such segment begins.".●

● Mrs. FEINSTEIN. Mr. President, I am pleased to cosponsor Senator BOXER's legislation that is critical to the ports of California. Ports are a vital component of the infrastructure of those States located along the coasts of this country. Commercial cruises are an important contributor to the well-being of our ports, and are critical to the economies of a number of port cities in California.

In 1993, the Johnson Act was amended to allowing gaming on U.S.-flag cruise ships with the provision that States could regulate gambling on intrastate cruises. Since that time, California has passed a law prohibiting gambling on intrastate cruises for reasons that were in fact unrelated to the cruise industry. Because California's coast line is so long, cruise ships with onboard gaming are unable to make more than one port of call in the State without being subject to State regulation.

Consequently, cruise ships bypass cities where they would otherwise stop, with a detrimental impact resulting to those ports that are passed over. The San Diego Port of Port Commissioners estimate that San Diego alone has lost 77 cruise line calls, and $30 million in tourism benefit. Smaller port cities such as Eureka are struggling to attract cruise vessels to bolster its economy, but will likely be bypassed by cruise lines if the lines are limited to one stop within the State.

This legislation in no way promotes the proliferation of gaming cruises. It simply allows interstate cruises with onboard gaming, that would otherwise be allowed to make one stop within a State's borders, to make additional stops within that State as part of a longer voyage.

What this legislation will do is provide an important economic boost to port cities in California, and we urge its quick consideration and passage.●

By Ms. SNOWE:

S. 139. A bill to provide that no State or local government shall be obligated to take any action required by Federal law enacted after the date of the enactment of this Act unless the expenses of such government in taking such action are funded by the United States; to the Committee on Governmental Affairs.

UNFUNDED MANDATES LEGISLATION

● Ms. SNOWE. Mr. President, today marks a day of historic opportunity for all Americans. On November 8th, a message was delivered to Congress by the citizens of Bangor, ME and San Luis Obispo, CA—residents of International Falls, MN and Corpus Christi, TX. The message was simple: change the manner in which Congress does business and change the course our Nation has taken.

Ironically, many people thought this same message delivered in 1992—but most Americans believe it fell on deaf ears once it reached the Beltway. Congress continued to pursue legislative efforts that were either out of sync with the American people or ran in direct opposition to their demands. I heard the message from the citizens of Maine loud and clear and recognize that my election is revocable trust. If we fail to respond to the message of the electorate now, the trust which has been placed in our hands will be taken away from us and placed in the hands of others. I intend to treat that trust with humility and respect.

The legislation which I first introduced in 1991 and am introducing again today strikes at the heart of what it is Americans don't like about the way Congress does business and it is a necessary step toward regaining the trust of the American people. The people are tired of a Government that shows reckless disregard for responsibility and accountability—the people are tired of unfunded mandates.

In recent years, Congress has approved measures that require State and local governments to provide certain services and meet certain standards. At the same time it has approved this legislation, Congress has neglected to provide adequate federal funds for States and localities to meet these mandates. We must, as a fundamental matter of responsibility, ensure that the costs of mandates are reasonably capable of being met by other levels of government. Assuming that the State and local governments have the funds to foot the bill is not responsible policy.

The costs of existing mandates are staggering. In the State of Maine, the two most intrusive and expensive mandates are the Safe Drinking Water Act and Clean Water Act. It is estimated that the citizens of my State will be forced to pay $1.5 billion to comply with these two mandates alone. While the intentions of these laws are not malicious—the effects of these unfunded mandates are devastating to local communities.

The Combined Sewer Overflow [CSO] mandate contained in the Clean Water Act will cost the communities of Maine more that $960 million to correct. In the city of Lewiston, $35 million will buy a small improvement in water quality, while Auburn will spend $10 million for the same limited end. The CSO requirement in Augusta, Maine may cost as must as $100 million and would produce an average sewer bill of more than $1,500 annually for 30 years. Finally, the residents of Oakland, Maine will see their water rates increase by 174 percent in 1995—all as a result of the act.

My bill directly addresses the essence of the problem. It would prohibit the Government from imposing requirements on States and local governments that did not include funding to meet the costs. Quite simply, it would end unfunded mandates. This legislation represents a comprehensive and straight-forward effort on the part of the Federal Government to live up to its responsibility to provide resources for programs it requires States and municipalities to implement.

Mr. President, the impression exists among many State and local officials that the Federal Government, no longer satisfied with simply bankrupting itself, is determined to bankrupt their governments. We know that is not our goal, and we can take a simple step to make that clear: end unfunded mandates. We have it within our prerogative to do so. And I hope that Congress will see fit now to end these unfair requirements.

I urge my colleagues to join me in cosponsoring this vital legislation. The American people demand responsibility and accountability—now, we need to recommit ourselves to the task of accomplishing it.●

By Mrs. KASSEBAUM (for herself, Mr. BENNETT, and Mr. BROWN):

S. 140. A bill to shift financial responsibility for providing welfare assistance to the States and shift financial responsibility for providing medical assistance under title XIX of the Social Security Act to the Federal Government, and for other purposes; to the Committee on Finance.

THE WELFARE AND MEDICAID RESPONSIBILITY EXCHANGE ACT OF 1995

Mrs. KASSEBAUM. Mr. President, I rise today to introduce the Welfare and Medicaid Responsibility Exchange Act of 1995 with Senator BENNETT and Senator BROWN. When I introduced this legislation last year, debate about welfare reform was just beginning. That debate has moved to the top of the charts in both Congress and the media.

The history of our repeated attempts to reform welfare demonstrates that good intentions never guarantee success. If we want to succeed this time, and I believe we must, then we must go beyond patchwork, piecemeal change and fundamentally rethink our approach to helping families with children.

For me, the first basic question to be addressed is not how to reform welfare but who should do the reforming. I believe a critical flaw in the present system is not only a lack of personal responsibility—it is a lack of responsibility at every level of Government.

Our largest welfare programs today are hybrids of State and Federal funding and management. The States do most of the administration, within a basic framework of Federal regulation, while the Federal Government provides most of the money. The result is a hodgepodge of State and Federal rules and regulations, conflicting eligibility and benefit standards, and constant push-and-pull between State and Federal bureaucracies.

This may suit the needs of Government bureaucracy. It clearly is not meeting the needs of children in poverty.

The first step toward real welfare reform, I believe, is to make a clear-cut decision about who will run the plan, who will have the power to make key decisions, and who will be held responsible for the outcome.

The legislation we are introducing answers that question: It would give the States complete control and responsibility for Aid to Families with Dependent Children, the Food Stamp Program, and the Women, Infants and Children Nutrition Program. In order to free State funding to meet these needs, I would have the Federal Government assume a greater share of the Medicaid Program.

This idea is fundamentally different from the block grant proposals which have been put forward. A block grant would continue to utilize Federal money with corresponding rules and regulations with which the States must comply—albeit fewer rules and more flexibility than the present system provides. But in the end it will still be Federal funds with Federal strings.

With this legislation, the States will use their own money, and will carry the full responsibility for designing and operating a system which provides a safety net for low-income individuals and families. This draws a clear distinction between the role of the Federal Government and the States—a distinction which makes sense for two reasons:

> First, giving states both the power and the responsibility for welfare—with their own money at stake—would create powerful incentives for finding more effective ways to assist families in need. Nearly half the states already are experimenting with welfare reforms. This would give them broad freedom to test new ideas.
>
> Second, I do not think Washington can reform welfare in any meaningful, lasting way. The reality is that we cannot write a single welfare plan that makes sense for five million families in fifty different and very diverse states.

Washington does not have a magic answer to the welfare problem. The Governors and State legislators have no magic solutions either, but they have the potentially critical advantage of being closer to the people involved, closer to the problems, and closer to the day-to-day realities of making welfare work.

In this case, I believe proximity does matter, perhaps powerfully so. One of the most important factors in whether families succeed or fail is their connection to a community, to a network of support.

For some families, this is found in relatives or friends. For others, it might be a caring caseworker, a teacher or principal, a local church, a city or county official. These human connections are not something we can legislate, and they are not something that money can buy.

True welfare reform will require a renewal of local and state responsibilities for children and families in need. I believe that can only happen if the Federal Government steps aside and allows the States to get on with this work.

At the same time, the Medicaid Program is badly in need of reform. Like the largest welfare programs, responsibility for both financing and administration of Medicaid is split between the State and Federal Governments.

As a result, Medicaid is now a baffling maze of inconsistent standards and dramatic variations from State to State. The system sometimes leads to illogical, or even unfair, results. Some States will cover an infant up to 185 percent of poverty, while leaving his penniless father with no coverage at all. While most people believe that Medicaid provides a safety net for the poor, in reality it covers only half of those Americans living in poverty.

Medicaid's design has also encouraged the Federal Government to heap costly benefit and eligibility mandates on the States. These mandates have added fuel to Medicaid costs that were already burning out of control. Medicaid costs doubled between 1989 and 1992, and have become the fastest-growing component of State budgets. The share of State revenue devoted to Medicaid has jumped from 9 percent in 1980 to nearly 20 percent today, and is expected to double again by the end of the decade.

In addition, Medicaid is virtually the only source of long-term care protection in a society that is now aging faster than at any time in its history. While elderly and disabled Americans make up only 27 percent of Medicaid beneficiaries, they consume nearly 70 percent of all Medicaid costs. these 9 million Americans represent an irreducible—and rapidly growing—group of patients whose medical expenses are often too large, and of too long duration, for anyone other than the Government to pay the bill.

The legislation I am introducing today will immediately begin addressing these problems. Later this year, I plan to introduce legislation to simplify the crazy-quilt of Medicaid eligibility standards, streamline the scope of benefits offered, and bring costs under control by transforming Medicaid into a more market-based system.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare and Medicaid Responsibility Exchange Act of 1995".

SEC. 2. EXCHANGE OF FINANCIAL RESPONSIBILITIES FOR CERTAIN WELFARE PROGRAMS AND THE MEDICAID PROGRAM.

(a) IN GENERAL.—In exchange for the Federal funds received by a State under section 3 for fiscal years 1997, 1998, 1999, 2000, and 2001 such State shall provide cash and non-cash assistance to low income individuals in accordance with subsection (b).

(b) REQUIREMENT TO PROVIDE A CERTAIN LEVEL OF LOW INCOME ASSISTANCE.—

(1) IN GENERAL.—The amount of cash and non-cash assistance provided to low income individuals by a State for any quarter during fiscal years 1997, 1998, 1999, 2000, and 2001 shall not be less than the sum of—

(A) the amount determined under paragraph (2); and

(B) the amount determined under paragraph (3).

(2) MAINTENANCE OF EFFORT WITH RESPECT TO FEDERAL PROGRAMS TERMINATED.—

(A) QUARTER BEGINNING OCTOBER 1, 1996.—The amount determined under this paragraph for the quarter beginning October 1, 1996, is an amount equal to the sum of—

(i) one-quarter of the base expenditures determined under subparagraph (C) for the State,

(ii) the product of the amount determined under clause (i) and the estimated increase in the consumer price index (for all urban consumers, United States city average) for the preceding quarter, and

(iii) the amount that the Federal Government and the State would have expended in the State in the quarter under the programs terminated under section 4 solely by reason of the increase in recipients which the Secretary of Health and Human Services and the Secretary of Agriculture estimate would have occurred if such programs had not been terminated.

(B) SUCCEEDING QUARTERS.—The amount determined under this paragraph for any quarter beginning on or after January 1, 1997, is an amount equal to the sum of—

(i) the amount expended by the State under subsection (a) in the preceding quarter,

(ii) the product of the amount determined under clause (i) and the estimated increase in the consumer price index (for all urban consumers, United States city average) for the preceding quarter, and

(iii) the amount that the Federal Government and the State would have expended in the State in the quarter under the programs terminated under section 4 solely by reason of the increase in recipients which the Secretary of Health and Human Services and the Secretary of Agriculture estimate would have occurred if such programs had not been terminated.

(C) DETERMINATION OF BASE AMOUNT.—The Secretary of Health and Human Services, in cooperation with the Secretary of Agriculture, shall calculate for each State an amount equal to the total Federal and State expenditures for administering and providing—

(i) aid to families with dependent children under a State plan under title IV of the Social Security Act (42 U.S.C. 601 et seq.),

(ii) benefits under the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including benefits provided under section 19 of such Act (7 U.S.C. 2028), and

(iii) benefits under the special supplemental program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),

for the State during the 12-month period beginning on July 1, 1995.

(3) MAINTENANCE OF EFFORT WITH RESPECT TO STATE PROGRAMS.—The amount determined under this paragraph for a quarter is the amount of State expenditures for such quarter required to maintain State programs providing cash and non-cash assistance to low income individuals as such programs were in effect during the 12-month period beginning on July 1, 1995.

SEC. 3. PAYMENTS TO STATES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make quarterly payments to each State during fiscal years 1997, 1998, 1999, 2000, and 2001 in an amount equal to one-quarter of the amount determined under subsection (b) for the applicable fiscal year and such amount shall be used for the purposes described in subsection (c).

(b) PAYMENT EQUIVALENT TO FEDERAL WELFARE SAVINGS.—

(1) IN GENERAL.—The amount available to be paid to a State for a fiscal year shall be an amount equal to the amount calculated under paragraph (2) for the State.

(2) AMOUNTS AVAILABLE.—

(A) FISCAL YEAR 1997.—In fiscal year 1997, the amount available under this subsection for a State is equal to the sum of—

(i) the base amount determined under paragraph (3) for the State,

(ii) the product of the amount determined under clause (i) and the increase in the consumer price index (for all urban consumers, United States city average) for the 12-month period described in paragraph (3), and

(iii) the amount that the Federal Government and the State would have expended in the State in fiscal year 1997 under the programs terminated under section 4 solely by reason of the increase in recipients which the Secretary of Health and Human Services and the Secretary of Agriculture estimate would have occurred if such programs had not been terminated.

(B) SUCCEEDING FISCAL YEARS.—In any succeeding fiscal year, the amount available under this subsection for a State is equal to the sum of—

(i) the amount determined under this paragraph for the State in the previous fiscal year,

(ii) the product of the amount determined under clause (i) and the estimated increase in the consumer price index (for all urban consumers, United States city average) during the previous fiscal year, and

(iii) the amount that the Federal Government and the State would have expended in the State in the fiscal year under the programs terminated under section 4 solely by reason of the increase in recipients which the Secretary of Health and Human Services and the Secretary of Agriculture estimate would have occurred if such programs had not been terminated.

(3) DETERMINATION OF BASE AMOUNT.—The Secretary of Health and Human Services, in cooperation with the Secretary of Agriculture, shall calculate the amount that the Federal Government expended for administering and providing—

(A) aid to families with dependent children under a State plan under title IV of the Social Security Act (42 U.S.C. 601 et seq.),

(B) benefits under the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including benefits provided under section 19 of such Act (7 U.S.C. 2028), and

(C) benefits under the special supplemental program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),

in each State during the 12-month period beginning on July 1, 1995.

(c) PURPOSES FOR WHICH AMOUNTS MAY BE EXPENDED.—

(1) MEDICAID PROGRAM.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during fiscal years 1997, 1998, 1999, 2000, and 2001 a State shall—

(i) except as provided in subparagraph (B), provide medical assistance under title XIX of the Social Security Act in accordance with the terms of the State's plan in effect on January 1, 1995, and

(ii) use the funds it receives under this section toward the State's financial participation for expenditures made under the plan.

(B) CHANGES IN ELIGIBILITY.—A State may change State plan requirements relating to eligibility for medical assistance under title XIX of the Social Security Act if the aggregate expenditures under such State plan for the fiscal year do not exceed the amount that would have been spent if a State plan described in subparagraph (A)(i) had been in effect during such fiscal year.

(C) WAIVER OF REQUIREMENTS.—The Secretary of Health and Human Services may grant a waiver of the requirements under subparagraphs (A)(i) and (B) if a State makes an adequate showing of need in a waiver application submitted in such manner as the Secretary determines appropriate.

(2) EXCESS.—A State that receives funds under this section that are in excess of the State's financial participation for expenditures made under the State plan for medical assistance under title XIX of the Social Security Act shall use such excess funds to provide cash and non-cash assistance for low income families.

(d) DENIAL OF PAYMENTS FOR FAILURE TO MAINTAIN EFFORT.—No payment shall be made under subsection (a) for a quarter if a State fails to comply with the requirements of section 2(b) for the preceding quarter.

(e) ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide the payments described in subsection (a).

SEC. 4. TERMINATION OF CERTAIN FEDERAL WELFARE PROGRAMS.

(a) TERMINATION.—

(1) AFDC.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 418. The authority provided by this part shall terminate on October 1, 1996.".

(2) JOBS.—Part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 488. The authority provided by this part shall terminate on October 1, 1996.".

(3) SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC).—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q) The authority provided by this section shall terminate on October 1, 1996.".

(4) FOOD STAMP PROGRAM.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following new section:

"SEC. 24. TERMINATION OF AUTHORITY.

"The authority provided by this Act shall terminate on October 1, 1996.".

(b) REFERENCES IN OTHER LAWS.—

(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to any provision that has been terminated by reason of the amendments made in subsection (a) shall, unless the context otherwise requires, be considered to be a reference to such provision, as in effect immediately before the date of the enactment of this Act.

(2) STATE PLANS.—Any reference in any law, regulation, document, paper, or other record of the United States to a State plan that has been terminated by reason of the amendments made in subsection (a), shall, unless the context otherwise requires, be considered to be a reference to such plan as in effect immediately before the date of the enactment of this Act.

SEC. 5. FEDERALIZATION OF THE MEDICAID PROGRAM.

Beginning on October 1, 2001—

(1) each State with a State plan approved under title XIX of the Social Security Act shall be relieved of financial responsibility for the medicaid program under such title of such Act,

(2) the Secretary of Health and Human Services shall assume such responsibilities and continue to conduct such program in a State in any manner determined appropriate by the Secretary that is in accordance with the provisions of title XIX of the Social Security Act, and

(3) all expenditures for the program as conducted by the Secretary shall be paid by Federal funds.

SEC. 6. SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL FOR TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of Health and Human Services shall, within 90 days after the date of enactment of this Act, submit to the appropriate committees of Congress, a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this Act.

WELFARE AND MEDICAID RESPONSIBILITY EXCHANGE ACT

Mr. BROWN. Mr. President, today, the first day of the 104th Congress, Senators KASSEBAUM, BENNETT and I are introducing our bill to reform our welfare system. This bill adheres to two fundamental principles: First, welfare programs designed and administered by Washington, DC do not meet the needs of our citizens, and second, Federal mandates on our States cost money, create huge bureaucracies and grow without solving the problems. This bill returns to the States the responsibility to design and administer welfare programs, but it does so without Federal strings.

As Senator KASSEBAUM has described, our bill gives States complete control and responsibility for three of the largest welfare programs: Aid to Families with Dependent Children [AFDC], Food Stamps, and the Women, Infants and Children [WIC] Nutrition Program. Currently, States administer these programs under an impossibly complex, and often conflicting and contradictory, set of Federal and State rules.

To free up State funds to assume full responsibility for these programs, this proposal has the Federal Government assume more of the cost of the Medicaid Program. In the past several years, Federal mandates in the Medicaid Program have created substantial draws on State treasuries and have created a true patchwork of eligibility, benefits and administration. This bill would have the Federal Government take back more of the funding and administration of the Medicaid Program.

Under this bill, States can design their own programs to help low-income people out of poverty and off of welfare. States can develop programs to stem rising illegitimacy and encourage parental responsibility. They can set eligibility criteria to meet the needs of their State and its citizens. They can strengthen work or education requirements in their welfare programs without having to come to Washington, DC for a waiver of Federal requirements. States want this flexibility, 22 States have already gotten waivers and 26 more waivers have been requested.

My own State of Colorado has obtained one of the waivers, though it took a year for the bureaucracies here in Washington to grant it. Before Colorado came to Washington, a Republican State legislature and a Democrat Governor developed the welfare reform program. The bipartisan Colorado program: limits welfare benefits for able-bodied adults after 2 years unless they are employed or participating in the Colorado's JOBS program; provides incentives for welfare recipients to get a high school diploma; requires AFDC parents to have their toddlers immunized against childhood diseases; and eliminates earned income and asset restrictions which have hampered AFDC recipients to become self sufficient.

The Kassebaum/Brown welfare reform bill lets States do just what Colorado did—reform their welfare system, but without the seemingly endless delays by the Washington bureaucracy before the reforms can be implemented. Under the Kassebaum/Brown bill, States like mine would no longer have to come begging to Washington for a welfare program waiver. With this bill, we can allow states to continue what they've already started—actually reforming welfare.

This approach makes sense. States do not need Federal money with lots of strings attached, as is likely under a block grant approach. You've heard of the uncola—well, this is the unmandate. The Kassebaum/Brown bill takes seriously our commitment to end unfunded Federal mandates.

By Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. CHAFEE, Mr. COATS, Mr. GREGG, Mr. BROWN, Mr. CRAIG, Mr. NICKLES, Mr. COCHRAN, Mr. DOMENICI, Mr. GRASSLEY, Mr. SIMPSON, Mr. WARNER, Mr. PRESSLER, and Mr. GRAMS):

S. 141. A bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes; to the Committee on Labor and Human Resources.

THE DAVIS-BACON REPEAL ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing a bill, along with my colleagues, Senators JEFFORDS, CHAFEE, COATS, GREGG, BROWN, CRAIG, NICKLES, COCHRAN, DOMENICI, GRASSLEY, SIMPSON, WARNER, PRESSLER, and GRAMS, to repeal the Davis-Bacon Act of 1931, an outmoded law that requires contractors performing Federal public works projects to meet prevailing wage conditions and work rules. This legislation is long overdue.

Congress enacted the Davis-Bacon Act during the Depression amid concern that bidding for large Federal construction projects would lead to cutthroat competition from out-of-state contractors that would drive down local wage rates. That might have been a valid concern during the Depression, but it is no longer the case.

Due to the Department of Labor's method of computing the "prevailing" wage, Davis-Bacon often requires Federal contractors to pay their workers at a rate considerably higher than the market rate. In addition, Davis-Bacon requires contractors to follow work rules that prevail in the locality.

The public is ill-served by these wage rate and work rule restrictions. We lose the benefit of workplace innovations that improve quality and productivity, and we raise the cost of completing construction projects. Numerous studies have shown that Davis-Bacon wage inflation and work rule requirements raise Federal construction costs by 5 to 25 percent. As a result, the Davis-Bacon Act exacerbates our budget deficit by increasing Federal contracting costs by $3 billion over the 5-year budget cycle.

Mr. President, construction is one of the last sectors of our economy where low-skill individuals can be trained on the job for a few months and then earn a decent living. Young men and women in the inner city, many of whom are minorities, eagerly seek this work.

But Davis-Bacon's prevailing wage and work rule restrictions prevent contractors from hiring and training these young men and women, in direct contradiction to our national goal of expanding inner-city employment opportunities. This is one reason why the National League of Cities endorses Davis-Bacon repeal.

Mr. President, Davis-Bacon decreases competition, raises construction costs, and diminishes employment opportunities. I urge my colleagues to support Davis-Bacon repeal, and ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act maybe cited as the "Davis-Bacon Repeal Act".

SEC. 1. DAVIS-BACON ACT OF 1931 REPEALED.

The Act of March 3, 1931, (commonly known as the Davis Bacon Act) (40 U.S.C. 276a et seq.), is repealed.

SEC. 3. REPORTING REQUIREMENTS.

Section 2 of the Act of June 13, 1934 (42 U.S.C. 276c) (commonly known as the Copeland Act) is repealed.

SEC. 4. EFFECTIVE DATE.

The provisions of this Act shall take effect 30 days after the date of enactment of this Act but shall not affect any contract in existence on that date or made pursuant to invitations for bids outstanding on that date.

NSBA,
January 4, 1995.

Hon. NANCY LANDON KASSEBAUM,
United States Senate,
Washington, DC.

DEAR SENATOR KASSEBAUM: The National School Boards Association (NSBA) supports repeal of the Davis-Bacon Act. NSBA represents 95,000 locally elected school board members in nearly 16,000 school districts nationwide. The Davis-Bacon Act has resulted in enormous cost differentials from state to state in the new construction and renovation of school buildings. The Act has skewed local decision-making regarding the school district's ability to accept federal funds to meet their construction needs. NSBA understands between your own state of Kansas and the neighboring state of Missouri, school construction is 20 percent higher in Missouri because of the state Davis-Bacon Act.

The Davis-Bacon Act requires contractors of federally-funded construction projects to pay the "prevailing local wage," which is usually the union rate, often 10 to 25 percent higher wages than the non-union private sector pays. This depression-era statute was intended to prevent big construction companies from hiring low-wage, itinerant workers and underbidding local companies for coveted government contracts during the Depression. The Act has outlived its usefulness.

The National School Boards Association calls for the repeal of the Davis-Bacon Act. We appreciate your interest in this costly problem for many school districts.

Sincerely,

BOYD W. BOEHLJE,
President.
THOMAS A. SHANNON,
Executive Director.

Mr. CHAFEE. Mr. President, I am pleased to join the distinguished Chair of the Labor and Human Resources Committee, Senator NANCY KASSEBAUM, in introducing the Davis-Bacon Repeal Act. I wish to commend the Senator from Kansas for her leadership in advancing this important initiative, which the Congressional Budget Office estimates would save $3.3 billion over 5 years. The Davis-Bacon Act requires that minimum wage rates paid on all federally-financed construction projects valued at more than $2,000 be based upon "prevailing" rates established by the Department of Labor.

The time has come to do away with this antiquated Depression-era statute. The act significantly increases the cost of Federal construction, restricts competition, and discourages the hiring of women, minorities, dislocated workers, and job trainees.

Through my tenure on the Environment and Public Works Committee, I have become all too familiar with the negative toll this statute exacts on our Federal highway program. Of the $3 billion per year in added federal construction costs resulting from the Davis-Bacon Act, $300 to $500 million comes from the Federal highway program. So-called "little" Davis-Bacon laws, which exist in some 37 States and the District of Columbia, exact a further toll on Federal highway funds of approximately $60 million per year.

The inflationary impact of Davis-Bacon means the funds we have dedicated to modernizing our critical highway infrastructure are building fewer roads, replacing fewer deficient bridges and reducing overall productivity. The Federal Highway Administration estimates that the act inflates highway construction wages by 8–10 percent, with increased administrative burdens on contractors and contracting agencies amounting to over $100 million annually.

The motoring public, which pays into our Highway Trust Fund in the form of Federal fuel excise taxes, deserves competitive contracting to ensure the most prudent use of these critical resources. While there was a time when the David-Bacon Act helped to ensure fair wages, the sad truth today is that its primary purpose is to guarantee non-competitive wages to union contractors.

Though the act is intended to help smaller contractors, including minority-owned firms, the Federal paperwork requirements to comply with Davis-Bacon are so daunting most elect not to seek such business. Instead, large multistate union contractors remain the primary beneficiaries. Tragically, the restrictive requirements associated with the Davis-Bacon Act have had the effect of hurting women, minorities, trainees, and others who are most often hired by small and minority firms.

For these reasons, I will press for the expeditious consideration and enactment of the Davis-Bacon Repeal Act over the coming months. Thank you.

By Mrs. KASSEBAUM:

S. 142. A bill to strengthen the capacity of State and local public health agencies to carry out core functions of public health, by eliminating administrative barriers and enhancing State flexibility, and for other purposes; to the Committee on Labor and Human Resources.

THE PUBLIC HEALTH ENHANCEMENT ACT OF 1995

Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation aimed at consolidating the numerous grant programs of the Centers for Disease Control and Prevention—CDC. A second goal is to examine the Federal role in disease prevention and control.

The two central provisions of this proposal would strengthen our Nation's public health system by increasing Federal and State flexibility and reducing administrative costs. The primary provision would consolidate 12 different grant programs into a core functions of public health block grant. Core functions of public health are those activities which any public health department should undertake to protect and ensure the health of the public.

The other key provision would combine 28 demonstration project funding streams into one flexible authority. Under this authority, CDC would address public health needs of regional and national significance through technical assistance to States and time-limited research and development projects.

As many of my colleagues remember, the last legislative reorganization of the CDC grant programs occurred in 1981. At that time, the current preventive health and health services block grant was created through the combination of seven categorical grant programs. The CDC also retained its authority to conduct three categorical programs for immunizations, sexually transmitted diseases, and diabetes.

Since then, Congress has acted eight different times to create narrowly defined grant programs. The risk of such narrow funding authorities is that States respond to federally legislated public health priorities rather than the actual needs of their own citizens.

Fortunately, the CDC is considering how to simplify the grant making process and to consolidate many of its grant programs. Primarily, this is in response to State public health officers. They have voiced concerns about the administrative burdens and limited flexibility afforded by the 12 current funding streams. I am encouraged by the CDC's internal review of its own programs. However, I remain concerned that it will not go far enough in its attempt to consolidate these programs. As such, I offer this legislation today as one example of program consolidation which I would encourage the CDC to consider.

Mr. President, to examine the Federal role in disease prevention and control, this legislation contains a provision which would have the CDC report to Congress on the benefits of its activities. Such a report would foster a review of the CDC programs. Given the changes created by this legislation, I believe this is important. Additionally, I believe such a review of CDC activities is in order given the broad mandate CDC has for both disease control and disease prevention.

Historically, CDC has a role in disease prevention. This dates back to the administration of this agency by Dr. Foege. In the late 1970's he redirected CDC activities into disease prevention. This mission was again reconfirmed by the CDC under the leadership of Dr. Roper when it developed its vision statement in 1992: "The vision of the CDC is healthy people in healthy world: through prevention."

However, I am concerned as it carries out its vision that CDC risks losing sight of its historic charge to combat and prevent infectious diseases. This charge dates back to the establishment of the CDC originally as the Malaria Control in War Times Area Program during the World War II. My cause for concern lies in our problem of emerging infections. This is evidenced by the tuberculosis outbreak in many of our cities and the national HIV epidemic.

Concerns have been raised about my approach which I would like to address. First, some suggest that States will not use their core functions of public health block grant to address their most pressing public health problems. For instance, those involved with the current CDC community-based HIV prevention initiative question if States would continue to carry out HIV prevention programs.

My legislation ensures that States would address their most pressing public health problems including HIV prevention. Under it, each State would conduct a community-based needs assessment and develop a plan. Such an assessment and the plan would be tied to the goals of Healthy People 2000 and a set of core public health indicators. I believe such a process would assure both State flexibility and accountability.

Others have expressed concern that the intention of this proposal is to reduce public health funding. Although I cannot guarantee the outcome of the appropriations process, this is not my intention. In fact, the authorization of $1.1 billion for the core functions of public health block grant is consistent with the current appropriation for each of the consolidated categorical programs.

Mr. President, the introduction of this proposal today should serve as the starting point for a discussion on the issue of consolidating the CDC grant programs. I intend to develop this proposal further. This legislation represents one consolidation option, there are others. I welcome a vigorous debate about the merits and flaws of the Public Health Enhancement Act of 1995.

As discussion of these issues develops, I would welcome any suggestions my colleagues or others may have for improving this legislation. I ask unanimous consent that my statement, a summary of this bill, and the text of the legislation be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health Enhancement Act of 1995".

TITLE I—FORMULA GRANTS FOR STATE CORE FUNCTIONS OF PUBLIC HEALTH

SEC. 101. PURPOSE.

It is the purpose of this title to strengthen the capacity of State and local public health agencies to carry out core functions of public health, by eliminating administrative barriers, and enhancing State flexibility.

SEC. 102. FORMULA GRANTS TO STATES FOR CORE FUNCTIONS OF PUBLIC HEALTH.

Part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART A—FORMULA GRANTS TO STATES FOR CORE FUNCTIONS OF PUBLIC HEALTH";

(2) by repealing sections 1901 through 1907;

(3) by inserting after the part heading the following new sections:

"SEC. 1901. GRANTS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make grants to States in accordance with the formula described in subsection (d) for the purpose of carrying out the functions described in subsection (b).

"(b) CORE FUNCTIONS OF PUBLIC HEALTH PROGRAMS.—For purposes of subsection (a) and subject to the funding agreement described in subsection (c), the functions described in this subsection are as follows:

"(1) Data collection and activities related to population health measurement and outcomes monitoring (including gender differences, ethnic identifiers, and health differences between racial and ethnic groups), and analysis for planning and needs assessment.

"(2) Activities to protect the environment and to assure the safety of housing, workplaces, food and water, and the public health of communities (including support for poison control centers and preventive health services programs to reduce the prevalence of chronic diseases and to prevent intentional and unintentional injuries).

"(3) Investigation and control of adverse health conditions.

"(4) Public information and education programs to reduce risks to health.

"(5) Accountability and quality assurance activities, including quality of personal health services and any communities' overall access to health services.

"(6) Provision of public health laboratory services.

"(7) Training and education with special emphasis placed on the training of public health professions and occupational health professionals.

"(8) Leadership, policy development and administration activities.

"(c) RESTRICTIONS ON USE OF GRANT.—

"(1) IN GENERAL.—A funding agreement for a grant under subsection (a) for a State is that the grant will not be expended—

"(A) to provide inpatient services;

"(B) to make cash payments to intended recipients of health services;

"(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under subsection (a) is that the State involved will not expend more than 10 percent of the grant for administrative expenses with respect to the grant.

"(d) FORMULA.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and implement a formula to distribute funds, which would have otherwise been distributed under the provisions of law described in paragraph (2)(B) in effect on January 1, 1995, to each State under this title. Such formula shall incorporate measures of population, health status of the population, and financial resources of the various States. The Secretary shall submit the suggested formula and an accompanying report describing the estimated funding impact on States to the appropriate Congressional authorizing committees not later than January 1, 1996.

"(2) TRANSITION FORMULA.—

"(A) IN GENERAL.—With respect to each of the fiscal years 1997, 1998, and 1999, the Secretary shall ensure that a State under this title receives an allotment that is equal to not less than 90 percent of the amount of the allotments the State received in fiscal year 1996 under the provisions of law described in subparagraph (B). If the total allotment for all States under this subparagraph is less than the total allotment for all States for the previous year under such provisions, the Secretary shall establish a formula for the proportional reduction in each State's allotment.

"(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

"(i) Section 1902, preventive health and health services block grant.

"(ii) Section 318(e), prevention and control of sexually transmitted disease.

"(iii) Section 318A(q), infertility and sexually transmitted diseases.

"(iv) Section 317(j), immunization grant program.

"(v) Section 317E(g), prevention health services regarding tuberculosis.

"(vi) Section 399L(a), cancer registries.

"(vii) The authority for grants under section 317 for preventive health services programs for diabetes.

"(viii) The authority for grants under section 317 for preventive health services programs for tobacco use prevention.

"(ix) The authority for grants under section 317 for preventive health services programs for disabilities prevention.

"(x) Section 317A(1), lead poisoning prevention.

"(xi) Section 1510(a), breast and cervical cancer.

"(xii) The authority for grants under section 317 for preventive health services programs for human immunodeficiency virus prevention.

"(3) WITHHOLDING.—

"(A) IN GENERAL.—The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not use its allotment in accordance with the requirements of this section. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(B) PROCEEDINGS.—The Secretary may not institute proceedings to withhold funds under this paragraph unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this section. Investigations required under this subparagraph shall be conducted within the affected State by qualified investigators.

"(C) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this section.

"(D) LIMITATION.—The Secretary may not withhold funds under this paragraph from a State for a minor failure to comply with the requirements of this section.

"(4) INVESTIGATIONS.—

"(A) IN GENERAL.—The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this section in order to evaluate compliance with the requirements of this section.

"(B) COMPTROLLER GENERAL.—The Comptroller General of the United States may conduct investigations of the use of funds received under this section by a State in order to insure compliance with the requirements of this section.

"(5) AVAILABILITY OF BOOKS AND RECORDS.—Each State, and each entity which has received funds from an allotment made to a State under this section, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefore.

"(6) REQUEST FOR INFORMATION.—

"(A) IN GENERAL.—In conducting any investigation in a State under this subsection, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity which has received funds from an allotment made to the State under this section or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(B) LIMITATION.—Subparagraph (A) shall not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"(e) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—

"(1) IN GENERAL.—If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this title be provided directly by the Secretary to such tribe or organization; and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this section,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under the formula under subsection (d) for the fiscal year the amount determined under paragraph (2).

"(2) RESERVATION.—The Secretary shall reserve, for the purposes of paragraph (1), from amounts that would otherwise be allotted to such State under the formula under subsection (d), an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided or allotted for fiscal year 1996 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (d)(2)(B) bore to the total amount provided or allotted for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

"(3) GRANTS.—The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) PLAN.—In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year in accordance with section 1902.

"(5) DEFINITIONS.—As used in this subsection, the terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(6) ACCOUNTABILITY.—The provisions of subsection (d)(3) relating to accountability shall apply to this subsection.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of making grants under this section, there are authorized to be appropriated, $1,100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2000.

"(2) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 5 percent of the amounts appropriated in any fiscal year under paragraph (1) for expenses related to the administration of this part.

"(3) REDUCTION IN PAYMENTS.—The Secretary, at the request of a State or Indian Tribe, may reduce the amount of payments under subsection (a) by—

"(A) the fair market value of any supplies or equipment furnished the State; and

"(B) the amount of the pay, allowances, and travel expenses of any officer, fellow, or employee of the Federal Government when detailed to the State or Indian Tribe and the amount of any other costs incurred in connection with the detail of such officer, fellow, or employee;

when the furnishing of supplies or equipment or the detail of an officer, fellow, or employee is for the convenience of and at the request of the State or Indian Tribe and for the purpose of conducting activities described in this section. The amount by which any payment may be reduced under this paragraph shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State or Indian Tribe.

"(g) MAINTENANCE OF EFFORT.—

"(1) CURRENT CORE FUNCTIONS OF PUBLIC HEALTH EXPENDITURES.—A funding agreement for a grant under subsection (a) is that the State involved will maintain expenditures of non-Federal amounts for core health functions at a level that is not less than the level of such expenditures, adjusted for changes in the Consumer Price Index, maintained by the State for the fiscal year preceding the first fiscal year for which the State receives such a grant. The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop uniform criteria to help States identify their public health department expenditures that shall be used in calculating core public health function expenditures.

"(2) REDUCTIONS.—The Secretary may reduce the amount of any grant awarded to a State under this section by an amount that equals the amount by which the Secretary determines that the State has reduced State expenditures for core public health functions.

"SEC. 1902. APPLICATION.

"(a) DEVELOPMENT OF UNIFORM APPLICATION.—The Secretary, acting through the Director of the Centers for Disease Control and

Prevention, shall develop a uniform application that States shall use to apply for grants under this part. In developing such uniform application, the Secretary shall require the provision of information consistent with data on the interventions comprising and the outcomes attributable to, core public health functions as such data is included in the uniform reporting system in section 1903. Such a uniform application shall be developed to take into account the requirements in of subsection (b).

"(b) State Assurances.—An application submitted under this part shall include the following:

"(1) A description of the existing deficiencies and successes in the public health system of the State based upon indicators included in the uniform application data set.

"(2) A plan to improve such deficiencies and to continue successes. Such plan shall have been developed with the broadest possible input from State and local health departments and public and non-profit private entities performing core functions of public health in that State. In compiling such plan the State shall describe why funding for a successful intervention continues to be needed, including a description of the detriment that would occur if such funding were not to occur using the indicators found in the uniform application data set.

"(3) A description of the activities of the State for the previous year, including the problems addressed and changes made in the relevant health indicators included in the uniform application data set.

"(4) Information concerning the maintenance of effort requirements described in section 1901(h).

"SEC. 1903. UNIFORM CORE PUBLIC HEALTH FUNCTIONS REPORTING SYSTEM.

"(a) In General.—

"(1) Development.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and implement a Uniform Core Public Health Functions Reporting System to collect program and fiscal data concerning the interventions comprising, and the outcomes attributable to, core functions of public health.

"(2) Requirements.—The system developed under paragraph (1) shall—

"(A) use outcomes consistent with the goals of Healthy People 2000;

"(B) be designed so that information collected will be relevant to the requirements of this part; and

"(C) be designed and implemented not later than 2 years after the date of enactment of this section.

"(b) State Public Health Officers.—In developing the data set to be used under the Uniform Core Public Health Functions Reporting System the Secretary shall consult with State public health officers.";

(4) in section 1908(b) (42 U.S.C. 300w-7(b)), by striking "1902" and inserting "1901"; and

(5) in section 1910(a) (42 U.S.C. 300w-9(a)), by striking "1904(a)(1)(F)" and inserting "1901".

TITLE II—CENTERS FOR DISEASE CONTROL AND PREVENTION ACTIVITIES

SEC. 201. REPORT OF DIRECTOR OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) In General.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall prepare and submit to the President and to the appropriate committees of Congress a report that shall contain—

(1) a description of the activities carried out by and through the Centers for Disease Control and Prevention and the policies with respect to such programs and such recommendations concerning such policies and proposals for legislative changes in the Public Health Service Act as the Secretary considers appropriate; and

(2) a description of the activities undertaken to improve and streamline grants and contracting accountability within such Centers.

(b) Time for Reporting.—Not later than July 1, 1996, the Secretary shall submit the report required under subsection (a). Such report shall relate to fiscal year 1995, to the implementation of part A of title XIX of the Public Health Service Act (as amended by section 101), and to the implementation of a program of the type described in section 301(e) of such Act (as added by section 202).

SEC. 202. PRIORITY PUBLIC HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

Section 301 of the Public Health Service Act (42 U.S.C. 241) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall address priority public health needs of regional and national significance through the provision of—

"(A) training and technical assistance to States, political subdivisions of States, and public or private nonprofit entities through direct assistance or grants or contracts;

"(B) applied research into the prevention and control of diseases and conditions; or

"(C) demonstration projects for the prevention and control of diseases.

In carrying out subparagraphs (B) and (C), the Secretary may make grants to, or enter into cooperative agreements with, States, political subdivisions of States, and public or private nonprofit entities.

"(2) Priority public health needs of regional and national significance may include, emerging infectious diseases, environmental and occupational threats, chronic diseases, injuries, and other priority diseases and conditions as determined appropriate by the Secretary.

"(3)(A) Recipients of grants, cooperative agreements, and contracts under this subsection shall comply with information and application requirements determined appropriate by the Secretary.

"(B) With respect to a grant, cooperative agreement, or contract awarded under this subsection, the period during which payments under such award are made to the recipient may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary and the availability of appropriations for the fiscal year involved. This subparagraph may not be construed as limiting the number of awards under the program involved that may be made to an entity.

"(C) The Secretary may require that an entity that applies for a grant, contract, or cooperative agreement under this subsection provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds made be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(D) With respect to activities for which a grant, cooperative agreement, or contract is awarded under this subsection, the recipient shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for such fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

"(E)(i) An application for a grant, contract, or cooperative agreement under this subsection shall ensure that amounts received under such grant, contract, or agreement will not be expended—

"(I) to provide inpatient services;

"(II) to make cash payments to intended recipients of health services;

"(III) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(IV) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(ii) A funding agreement for a grant, contract, or cooperative agreement under this subsection is that the entity involved will not expend more than 10 percent of the grant, contract, or agreement for administrative expenses with respect to the grant, contract, or agreement.

"(4) The Secretary, at the request of a State or a political subdivision of a State, or a public or private nonprofit entity, may reduce the amount of payments under this subsection by—

"(A) the fair market value of any supplies or equipment furnished the State, political subdivision of the State, or a public of private nonprofit entity; and

"(B) the amount of the pay, allowances, and travel expenses of any officer, fellow, or employee of the Government when detailed to the State, a political subdivision of the State, or a public or private non-profit entity, and the amount of any other costs incurred in connection with the detail of such officer, fellow, or employee;

when the furnishing of such officer, fellow, or employee is for the convenience of and at the request of the State, political subdivision of the State, or public or private nonprofit entity and for the purpose of conducting activities described in this subsection. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to have been paid to the State, political subdivision of the State, or public or private non-profit entity.".

"(5)(A) The Director of the Centers for Disease Control and Prevention shall establish information and education programs to disseminate the findings of the research, demonstration, and training programs under this section to the general public and to health professionals.

"(B) The Director shall take such action as may be necessary to insure that all methods of dissemination and exchange of scientific knowledge and public health information are maintained between the Centers and the public, and the Centers and other scientific organizations, both nationally and internationally.

"(6) There are authorized to be appropriated to carry out this subsection, $327,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2000.".

TITLE III—REPEALS

SEC. 301. REPEALS.

(a) IN GENERAL.—The following provisions of the Public Health Service Act are repealed:

(1) Subparagraph (A) of section 317(j)(1) (42 U.S.C. 247b(j)(1)(A))

(2) Section 317A (42 U.S.C. 247b–1).

(3) Subsection (g) of section 317E (42 U.S.C. 247b–6(g)).

(4) Subsection (e) of section 318 (42 U.S.C. 247c(e)).

(5) Subsection (q) of section 318A (42 U.S.C. 247c–1(q)).

(6) Section 1510 (42 U.S.C. 300n–5).

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 317(j)(1) (42 U.S.C. 247b(j)(1)(A)) is amended by striking the subparagraph designation.

PUBLIC HEALTH ENHANCEMENT ACT OF 1995—SUMMARY

CORE FUNCTIONS OF PUBLIC HEALTH BLOCK GRANT

1. Each state or tribal organization would perform eight core functions of public health to address their unique public health problems in order to receive funding through the block grant. Each of these activities are recognized as functions any public health department should undertake to protect the health of the public. The eight core functions are:

Data collection and analysis for planning and needs assessment;

Activities to protect the environment and to assure the safety of housing, work-places, food and water, and the public health of communities;

Investigation and control of adverse health conditions;

Public information and education programs to reduce risks to health;

Accountability and quality assurance activities;

Provision of public health laboratory services;

Training and education of public health professionals; and

Leadership, policy development, and administration activities.

2. The Secretary would develop and implement a formula, which incorporates measures of population, health status of the population, and financial resources, to distribute funds to the states. Tribal organizations could also receive a portion of the state grant directly from the Centers for Disease Control and Prevention (CDC). Although the Secretary would implement the formula, Congressional authorizing committees could change it after receiving a required report on the impact to states of the formula. States would receive the block grant directly. In addition, tribal organizations would have the option to receive a proportionate amount of the state block grant directly from the CDC. This amount would be no less than a proportionate amount each currently receives from the CDC relative to all funds given to a state by the CDC.

3. Through its application, each state would show that it is using its funds to address public health problems unique to its population and would be held accountable by the Secretary. Under this provision, each state would apply to receive the block grant. In its application, it would show, using public health indicators, what its most pressing problems are. This needs assessment would be conducted with wide community-based input. The public health indicators would be based on Healthy People 2000 goals. If it is determined that the state is not making a good faith effort to address its leading public health problems, the Secretary could reduce the grant award.

4. The Core Functions of Public Health Block Grant program would be authorized at $1.1 billion in 1997. The funds for the block grant are those which otherwise would be appropriated for the current twelve CDC grant programs. These are:

Preventive health and health services block grant prevention and control of sexually transmitted disease;

Infertility and sexually transmitted diseases immunization grant program;

Preventive health services regarding tuberculosis cancer registries;

Preventive health service programs for diabetes;

Preventive health services programs for tobacco use prevention;

Preventive health services programs for disabilities prevention;

Lead poisoning prevention;

Breast and cervical cancer detection; and

Preventive health services programs for human immunodeficiency virus.

5. Each state would be required to maintain its current funding for core functions of public health. To avoid an unfunded mandate, states could reduce the amount they spend on core public health functions, but would face a dollar for dollar reduction in the amount they receive from the federal government.

CENTERS FOR DISEASE CONTROL AND PREVENTION ACTIVITIES

1. The CDC would report to the Congress on the benefits of its activities by July of 1996. Such a report would foster a review of the CDC programs given the changes created by this legislation. The report would also include legislative recommendations.

2. An initiative to address priority public health needs of regional and national significance is authorized at $327 million for fiscal year 1997. Through this authority, the CDC could provide technical assistance, conduct applied research, or conduct demonstration projects to address pressing public health needs of regional and national significance. All support for a specific problem would be time-limited to five years. Once successful solutions are developed, the CDC would work with states to incorporate these solutions through the use of the State's block grant. The authorized amount is transferred from a consolidation of the 28 different research and development funding streams at the CDC.

3. Authorize the Public Health Service to continue developing a uniform core public health functions reporting system which would measure outcomes attributable to the performance of core public health functions. this system would be used in the state application for the block grant. It would also be used to hold states accountable for their use of the block grant. The indicators would be tied to the goals of Healthy People 2000.

By Mrs. KASSEBAUM:

S. 143. A bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes; to the Committee on Labor and Human Resources.

THE JOB TRAINING CONSOLIDATION ACT OF 1995

Mrs. KASSEBAUM. Mr. President, today I am reintroducing legislation designed to revamp our current Federal job training programs. From the viewpoint of both the taxpayer and the trainee, there can be little doubt that a comprehensive overhaul is long overdue.

Many Americans spoke clearly in the recent elections and said that they do not believe that the Federal Government is spending their money wisely. One of the most glaring examples of wasteful Government spending are Federal job training programs. According to the General Accounting Office, the Federal Government currently oversees 154 separate job training programs, administered by 14 different agencies, at a total cost to the taxpayers of almost $25 billion a year. These programs are hamstrung by duplication, waste, and conflicting regulations that too often leave program trainees no better off than when they started.

We simply cannot keep pumping Federal dollars into this confusing maze of programs. People across the country are fed up with spending money on Government programs that make promises and then do not deliver. With a few notable exceptions, the evidence on job training failures far exceeds the successes.

Last year the GAO released a report indicating that fewer than half of the 62 job training programs selected for study even bothered to check to see if participants obtained jobs after training. During the past decade, only seven of those programs were evaluated to find out whether trainees would have achieved the same outcomes without Federal assistance.

There is general acknowledgement in Congress that we must act now to reform these programs. The administration has also spoken to this need, as have many of my colleagues.

Last year I introduced bipartisan legislation designed to overhaul completely job training programs by essentially wiping the slate clean and starting over. The bill I am reintroducing today incorporates one of the two basic pieces of that original bill. The Job Training Consolidation Act of 1995 would grant broad waivers immediately to allow States and localities maximum flexibility to coordinate the largest Federal job training programs at the local level.

This would have the immediate effect of allowing States and localities the opportunity to combine resources and tailor programs to meet current needs. For example, resources could be combined to address high priority needs of unemployed persons in a State or local community. In addition, where there is overlap, some programs could be eliminated to increase funding in other areas and improve efficiencies in the delivery of services.

What I am not proposing, which was the second piece of last year's bill, is to create a national commission to study and make recommendations to Congress on consolidating all existing programs. I no longer believe that it is necessary for Congress to wait another 2 years before taking decisive action to reform these programs.

Instead, the Senate Committee on Labor and Human Resources will hold hearings on January 10, 11, and 12 on the need to overhaul Federal job training programs. The hearings will outline the current state of the programs, provide state, local and private sector perspectives on job training, and elicit the opinions of a variety of experts on how to reform our scattershot array of training program into a system that will serve all individuals more effectively.

As a result, I believe we will have the information necessary to make sensible determinations about the elimination or consolidation of specific programs. I intend to build upon this legislation in the next few months by introducing a comprehensive proposal to replace existing programs with a new employment and training strategy.

However, I believe it is first necessary for the Committee to conduct a thorough review of existing programs, before a final proposal is made.

The goal is a single, coherent approach to employment and training—to assist all job-seekers in entering the workforce, gaining basic skills, or retraining for new jobs. We do not have that kind of a system today and our workers and our economy both pay the price. We need to start over, think boldly, and create a system that works for everyone.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Job Training Consolidation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—USE OF FEDERAL FUNDS FOR STATE EMPLOYMENT TRAINING ACTIVITIES

Sec. 101. Formula assistance.
Sec. 102. Discretionary assistance.
Sec. 103. Trade adjustment assistance services.
Sec. 104. Employment training activities.
Sec. 105. Reports.

TITLE II—CONSOLIDATION OF EMPLOYMENT TRAINING PROGRAMS

Sec. 201. Repeals of employment training programs.

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the General Accounting Office—

(A) there are currently 154 Federal employment training programs; and

(B) these programs cost nearly $25,000,000,000 annually and are administered by 14 different Federal agencies;

(2) these programs target individual populations such as economically disadvantaged persons, dislocated workers, youth, and persons with disabilities;

(3) many of these programs provide similar services, such as counseling, assessment, and literacy skills enhancement, resulting in overlapping services, wasted funds, and confusion on the part of local service providers and individuals seeking assistance;

(4) the Federal agencies administering these programs fail to collect enough performance data to know whether the programs are working effectively;

(5) the additional cost of administering overlapping employment training programs at the Federal, State, and local levels diverts scarce resources that could be better used to assist all persons in entering the work force, gaining basic skills, or retraining for new jobs;

(6) the conflicting eligibility requirements, and annual budgeting or operating cycles, of employment training programs create barriers to coordination of the programs that may restrict access to services and result in inefficient use of resources;

(7) despite more than 30 years of federally funded employment training programs, the Federal Government has no single, coherent policy guiding its employment training efforts;

(8) the Federal Government has failed to adequately maximize the effectiveness of the substantial public and private sector resources of the United States for training and work-related education; and

(9) the Federal Government lacks a national labor market information system, which is needed to provide current data on jobs and skills in demand in different regions of the country.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COVERED ACT.—The term "covered Act" means an Act described in paragraph (3).

(2) COVERED ACTIVITY.—The term "covered activity" means an activity authorized to be carried out under a covered provision.

(3) COVERED PROVISION.—The term "covered provision" means a provision of—

(A) the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(C) part B of title III of the Adult Education Act (20 U.S.C. 1203 et seq.);

(D) part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.);

(E) section 235 or 236, or paragraph (1) or (2) of section 250(d), of the Trade Act of 1974 (19 U.S.C. 2295, 2296, or 2331(d));

(F) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

(G) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(H) section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));

(I) the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note);

(J) section 204 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a note);

(K) title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.);

(L) title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.); and

(M) the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(4) LOCAL ENTITY.—The term "local entity" includes public and private entities.

TITLE I—USE OF FEDERAL FUNDS FOR STATE EMPLOYMENT TRAINING ACTIVITIES

SEC. 101. FORMULA ASSISTANCE.

(a) USE OF FUNDS.—Notwithstanding any other provision of Federal law, a State that receives State formula assistance for a covered activity for a fiscal year may use the assistance to carry out activities as described in section 104 for the fiscal year. Notwithstanding any other provision of Federal law, a local entity that receives local formula assistance for a covered activity for a fiscal year may use the assistance to carry out activities as described in section 104 for the fiscal year.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a State may use such State formula assistance, and a local entity may use such local formula assistance, to carry out activities as described in section 104, without regard to the requirements of any covered Act.

(2) REMAINING PROGRAM REQUIREMENTS.—

(A) ALLOCATION AND ENFORCEMENT.—Any head of a Federal agency that allocates State formula assistance, and any State that allocates local formula assistance, for a covered activity—

(i) shall allocate such assistance in accordance with allocation requirements that are specified in the covered Acts and that relate to the covered activity, including provisions relating to minimum or maximum allocations; and

(ii)(I) if the State or local entity uses such assistance to carry out the covered activity, shall exercise the enforcement and oversight authorities that are specified in the covered Acts and that relate to the covered activity; and

(II) if the State or local entity does not use such assistance to carry out the covered activity, shall exercise such authorities solely for the purpose of ensuring that the assistance is used to carry out activities as described in section 104, and in accordance with the applicable requirements of this title.

(B) ADMINISTRATIVE EXPENSE LIMITS.—Each State that receives State formula assistance, and each local entity that receives local formula assistance, for a covered activity—

(i) shall comply with any limits on administrative expenses that are specified in the covered Acts and that relate to the covered activity; and

(ii) for any fiscal year, may not use a greater percentage of the State formula assistance or local formula assistance to pay for the administrative expenses of activities carried out under section 104 than the State or entity used to pay for such administrative expenses relating to the covered activity for fiscal year 1995.

(C) CONDITIONAL BENEFITS.—Any State that receives State formula assistance to carry out a covered activity described in a covered provision specified in subparagraph (D) or (H) of section 3(3) and that uses the assistance to carry out activities as described in section 104 shall carry out an activity that is appropriate for persons who would otherwise be eligible to participate in the covered activity. Any person in the State who would otherwise be required to participate in the covered activity in order to obtain Federal assistance under a covered Act shall be eligible to receive the assistance by participating in such appropriate activity.

(D) AVAILABILITY OF APPROPRIATIONS.—Nothing in this section shall affect the period for which any appropriation under a covered Act remains available.

(c) DEFINITIONS.—As used in this section:

(1) LOCAL FORMULA ASSISTANCE.—The term "local formula assistance" means assistance made available by a State to a local entity under—

(A)(i) subsections (a)(2) and (b) of section 202 of the Job Training Partnership Act (29 U.S.C. 1602);

(ii) section 252(b) of such Act (29 U.S.C. 1631(b)) in accordance with subsections (a)(2) and (b) of section 262 of such Act (29 U.S.C. 1642);

(iii) subsections (a)(2) and (b) of section 262 of such Act (29 U.S.C. 1642); or

(iv) subsections (a)(1), (b), and (d) of section 302 of such Act (29 U.S.C. 1652); or

(B)(i) section 102(a)(1), and section 231(a) or 232 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2312(a)(1), and 2341(a) or 2341a); or

(ii) section 353(b) of such Act (20 U.S.C. 2395b(b)).

(2) STATE FORMULA ASSISTANCE.—The term "State formula assistance" means assistance made available by an agency of the Federal Government to a State under—

(A)(i) subsections (a)(2) and (c) of section 202 of the Job Training Partnership Act (29 U.S.C. 1602);

(ii) subsections (a)(2) and (c) of section 262 of such Act (29 U.S.C. 1642);

(iii) subsections (a)(1), (b), and (c)(1) of section 302 of such Act (29 U.S.C. 1652); or

(iv) sections 502(d) and 503 of such Act (29 U.S.C. 1791a(d));

(B)(i) section 101(a)(2) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2311(a)(2)) (other than assistance made available under section 231(a) or 232 of such Act (20 U.S.C. 2341(a) or 2341a) to local educational agencies or other local entities within the State);

(ii) section 112(f) of such Act (20 U.S.C. 2322(f)); or

(iii) section 343(b)(1) of such Act (20 U.S.C. 2394a(b)(1));

(C) section 313(b) of the Adult Education Act (20 U.S.C. 1201b(b)) (other than assistance reserved to carry out part D of title III of such Act (20 U.S.C. 1213 et seq.));

(D) subsection (k) or (l) of section 403 of the Social Security Act (42 U.S.C. 603);

(E) section 6(b)(1) of the Wagner-Peyser Act (29 U.S.C. 49e(b)(1));

(F)(i) subsection (a) or (b) of section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) (less any amount reserved under subsection (d) of such section);

(ii) section 112(e) of such Act (29 U.S.C. 732(e)); or

(iii) section 124 of such Act (29 U.S.C. 744);

(G) section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) (other than funds made available under subparagraph (B) of such section);

(H)(i) section 201(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note);

(ii) section 301(b) of such Act (8 U.S.C. 1522 note); or

(iii) section 401(b) of such Act (8 U.S.C. 1522 note);

(I) section 204(b) of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a note);

(J)(i) section 722(c) of the Stewart B. McKinney Homeless Assistance Act; or

(ii) section 752(a) of such Act (42 U.S.C. 11462(a)); or

(K) section 506(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3056d(a)(3)).

SEC. 102. DISCRETIONARY ASSISTANCE.

(a) IN GENERAL.—

(1) PRIOR ASSISTANCE.—Notwithstanding any other provision of Federal law, a State or local entity that received, prior to the date of enactment of this Act, discretionary assistance for a covered activity for a fiscal year may use the assistance to carry out activities as described in section 104 for the fiscal year.

(2) FUTURE ASSISTANCE.—Notwithstanding any other provision of Federal law, a State or local entity that is eligible to apply for discretionary assistance for a covered activity for a fiscal year may apply, as described in subsection (c), for the assistance to carry out activities as described in section 104 for the fiscal year.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a State or local entity that receives discretionary assistance prior to the date of enactment of this Act or on approval of an application submitted under subsection (c) may use the discretionary assistance to carry out activities as described in section 104, without regard to the requirements of any covered Act.

(2) REMAINING PROGRAM REQUIREMENTS.—A State or local entity that uses discretionary assistance to carry out such activities shall use the assistance in accordance with the requirements of subparagraphs (A), (B), and (D) of section 101(b)(2), which shall apply to such assistance in the same manner and to the same extent as the requirements apply to State formula assistance or local formula assistance, as appropriate, used under section 101.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A State or local entity seeking to use discretionary assistance as described in subsection (a)(2) shall include in the application (under the covered provision involved) of the State or local entity for the assistance (in lieu of any information otherwise required to be submitted)—

(1) a description of the funds the State or local entity proposes to use to carry out activities as described in section 104;

(2) a description of the activities to be carried out with such funds;

(3) a description of the specific outcomes expected of participants in the activities; and

(4) such other information as the head of the agency with responsibility for evaluating the application may require.

(d) EVALUATION OF APPLICATION.—In evaluating an application described in subsection (c), the agency with responsibility for evaluating the application shall evaluate the application by determining the likelihood that the State or local entity submitting the application will be able to carry out activities as described in section 104. In evaluating applications for discretionary assistance, the agency shall not give preference to applications proposing covered activities over applications proposing activities described in section 104.

(e) DEFINITION.—As used in this section, the term "discretionary assistance" means assistance that—

(1) is not State formula assistance or local formula assistance, as defined in section 101(c);

(2) is not Federal assistance available to provide services described in section 235 or 236, or paragraph (1) or (2) of section 250(d), of the Trade Act of 1974 (19 U.S.C. 2295, 2296, or 2331(d)); and

(3) is made available by an agency of the Federal Government, or by a State, to a State or local entity to enable the State or local entity to carry out an activity under a covered provision.

SEC. 103. TRADE ADJUSTMENT ASSISTANCE SERVICES.

(a) USE OF ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, if the Secretary of Labor initiates efforts under section 235 of the Trade Act of 1974 (19 U.S.C. 2295) to secure services described in such section 235 (including services that are provided under section 250(d)(1) of such Act (19 U.S.C. 2331(d)(1))) for a worker, or if the Secretary makes a determination under section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) that entitles a worker to payments described in such section for services (including services for which payment is provided under section 250(d)(2) of such Act), the Secretary shall notify the State in which the worker is located.

(2) ACTIVITIES.—A State that receives such notification may apply under subsection (c) for the Federal assistance that would otherwise have been expended to provide services described in paragraph (1) to the worker, to enable the State to carry out activities as described in section 104 for the fiscal year. If the State has received such assistance in advance, the State may apply under subsection (c) to use such assistance to enable the State to carry out activities as described in section 104 for the fiscal year.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a State that receives such Federal assistance and receives approval of an application submitted under subsection (c) may use the assistance to carry out activities as described in section 104, without regard to the requirements of any covered Act.

(2) REMAINING PROGRAM REQUIREMENTS.—A State that uses such Federal assistance to carry out such activities shall use the assistance in accordance with the requirements of subparagraphs (A)(ii), (B), and (D) of section 101(b)(2), which shall apply to such assistance in the same manner and to the same extent as the requirements apply to State formula assistance or local formula assistance, as appropriate, used under section 101.

(3) CONDITIONAL BENEFITS.—Any State that receives Federal assistance that would otherwise have been expended to provide services described in subsection (a)(1) to a worker, and that uses the assistance to carry out activities as described in section 104, shall carry out eligible alternative activities that are appropriate for the worker. If the worker would otherwise be required to receive such services in order to obtain Federal funds under another provision of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291 et seq.), the worker shall be eligible to receive the funds by participating in such eligible alternative activities.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A State seeking to use Federal assistance that would otherwise have been expended to provide services described in subsection (a)(1) to a worker shall submit an application to the Secretary of Labor, at such time and in such manner as the Secretary may require, that contains—

(1) a description of the Federal assistance the State proposes to use to carry out activities as described in section 104;

(2) a description of the activities to be carried out with such assistance;

(3) a description of the specific outcomes expected of participants in the activities; and

(4) such other information as the Secretary of Labor may require.

(d) EVALUATION OF APPLICATION.—In evaluating an application described in subsection (c), the Secretary of Labor shall evaluate the application by determining the likelihood that the State submitting the application will be able to carry out activities as described in section 104. In evaluating applications for such Federal assistance, the Secretary of Labor shall not give preference to applications proposing covered activities over applications proposing activities described in section 104.

SEC. 104. EMPLOYMENT TRAINING ACTIVITIES.

A State or local entity that receives State formula assistance or local formula assistance as described in section 101(a), receives discretionary assistance as described in section 102(b), or receives Federal assistance as described in section 103(b), may—

(1) use the assistance to carry out activities to develop a comprehensive statewide employment training system that—

(A) is primarily designed and implemented by communities to serve local labor markets in the State involved;

(B) requires the participation and involvement of private sector employers in all phases of the planning, development, and implementation of the system, including—

(i) determining the skills to be developed by each employment training program carried out through the system; and

(ii) designing the training to be provided by each such program;

(C) assures that State and local training efforts are linked to available employment opportunities;

(D) includes standards for determining the effectiveness of such programs; and

(E) is an integrated system that assures that individuals seeking employment in the State will receive information about all available employment training services provided in the State, regardless of where the individuals initially enter the system; or

(2) may use the assistance that would otherwise have been used to carry out 2 or more covered activities—

(A) to address the high priority needs of unemployed persons in the State or community involved for employment training services;

(B) to improve efficiencies in the delivery of the covered activities; or

(C) in the case of overlapping or duplicative activities—

(i) by combining the covered activities and funding the combined activities; or

(ii) by eliminating one of the covered activities and increasing the funding to the remaining covered activity.

SEC. 105. REPORTS.

(a) STATE REPORTS.—

(1) PREPARATION.—A State that receives State formula assistance as described in section 101(a), receives discretionary assistance as described in section 102(b), or receives Federal assistance as described in section 103(b), and that uses the assistance to carry out activities as described in section 104 shall annually prepare a report containing—

(A) information on the amount and origin of such assistance;

(B) information on the activities carried out with such assistance;

(C) information regarding the populations to be served with such assistance, such as economically disadvantaged persons, dislocated workers, youth, and individuals with disabilities;

(D) a summary of the reports received by the State under subsection (b); and

(E) such other information as the committees described in paragraph (2) may require.

(2) SUBMISSION.—The State shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, not later than 60 days after the end of each year.

(b) LOCAL ENTITY REPORTS.—

(1) PREPARATION.—A local entity that receives local formula assistance as described in section 101(a), or that receives discretionary assistance as described in section 102(b), and uses the assistance to carry out activities as described in section 104 shall annually prepare a report containing—

(A) information on the amount and origin of such assistance;

(B) information on the activities carried out with such assistance;

(C) information regarding the populations to be served with such assistance, such as economically disadvantaged persons, dislocated workers, youth, and individuals with disabilities; and

(D) such other information as the State that allocated the assistance may require.

(2) SUBMISSION.—The local entity shall submit the report described in paragraph (1) to the State not later than 30 days after the end of each year.

TITLE II—CONSOLIDATION OF EMPLOYMENT TRAINING PROGRAMS

SEC. 201. REPEALS OF EMPLOYMENT TRAINING PROGRAMS.

(a) IN GENERAL.—The following provisions are repealed:

(1) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(2) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(3) Part B of title III of the Adult Education Act (20 U.S.C. 1203 et seq.).

(4) Part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.).

(5) Sections 235 and 236 of the Trade Act of 1974 (19 U.S.C. 2295 and 2296), and paragraphs (1) and (2) of section 250(d) of such Act (19 U.S.C. 2331(d)).

(6) The Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(7) Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

(8) Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)).

(9) The Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note).

(10) Section 204 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a note).

(11) Title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.).

(12) Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(13) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 250(d) of the Trade Act of 1974 (as amended by subsection (a)(5)) is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(c) EFFECTIVE DATE.—The repeals made by subsection (a), and the amendments made by subsection (b), shall take effect 24 months after the date of enactment of this Act.

By Mr. LOTT (for Mr. HATCH):

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees; read the first time.

THE ATTORNEY'S FEES EQUITY ACT OF 1995

Mr. HATCH. Mr. President, I rise today to introduce what some might consider a minor bill, but one that is nonetheless the right and compelling thing to do for Department of Justice employees and Federal public defenders who serve their government diligently.

Most of my colleagues, I believe, are familiar with this legislation, which we have been working on for several years. The same, or a similar bill, has in recent years twice passed the Senate and once been added to a crime bill conference report. Nonetheless, for reasons unrelated to this bill, it has never been signed into law. I sincerely hope that by moving this bill separately this year we can get it done.

This legislation provides that current or former attorneys or agents employed by the Department of Justice or by a Federal public defender subjected to criminal or disciplinary investigations arising out of their employment duties shall be entitled to reasonable attorney's fees if such investigations do not result in adverse action.

In reality, this bill is simply a matter of fundamental fairness. The Independent Counsel Reauthorization Act has for some time provided for full reimbursement of counsel's fees incurred by high level Federal officials subject to investigation for possible violations of Federal criminal law.

Providing legal fees to high-ranking Government officials subject to investigation for violation of criminal law, but not to working level employees such as Assistant U.S. Attorneys is simply unfair. High ranking officials obviously receive larger Government salaries than their working level colleagues, and not infrequently have opportunities to earn lucrative salaries once they leave. Moreover, they are often less vulnerable to the chilling effect misconduct or criminal investigations can have on employees on the front line of prosecution.

The reimbursement provisions of the Independent Counsel Act demonstrate that the public interest in assisting Government officials with the staggering cost and devastating impact of investigations can outweigh any real or perceived conflict of interest, which I understand is the principal rationale for not providing such assistance to lower level employees.

The Independent Counsel Act, however, correctly provides reimbursement for attorney's fees only if the person under investigation is vindicated. By limiting Government assistance only to such circumstances—which my bill does as well—the public interest is clearly served. Any conflict attributable to the government arguing with the government is rendered void. By providing reimbursement only for a successful defense, any incentive to defending private counsel to go easy with the Government because it will reimburse his or her fees is removed. Also, by providing the means for an adequate defense for its employees, the U.S. Government ensures that frivolous or vindictive investigations are terminated quickly. At the same time, there is no incentive under such an arrangement for the Government to prosecute less zealously; indeed, a successful prosecution saves costs since there then would be no obligation to pay legal fees.

If no reimbursement is available, however, the possibility of serious conflicts is great. If an Assistant U.S. Attorney must retain private defense counsel, it is likely that the defense counsel would have to provide the U.S. Attorney with a fee discount or pro bono representation. This situation obviously might create at least the appearance of, if not a real conflict of interest in the future.

The limited legislation I am introducing, which provides for reimbursement of private attorneys fees to certain Department of Justice and Federal public defender employees under specified circumstances, can be fully justified. Covered employees, because of their duties, are far more often subject to allegations of misconduct, usually by defendants and less often by courts. In either event, the reality is that these employees—both lawyers and agents—are in a position of constant adversity. In order to prevent the need for self-defense from becoming a disincentive to government service or to force Assistant U.S. Attorneys to roam the defense bar looking for handouts in the form of free, legal service—a disagreeable situation to say the least—some legislative relief is appropriate. I believe that the legislation I am introducing today provides a limited and rational solution to this problem, and I hope the Senate will move swiftly to pass it.

By Mr. GRAMM (for himself, Mr. LOTT, Mr. BURNS, Mrs. HUTCHISON, Mr. CRAIG THOMAS, and Mr. INHOFE):

S. 145. A bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes; to the Committee on Governmental Affairs.

THE PRIVATE PROPERTY RIGHTS RESTORATION ACT

• Mr. GRAMM. Mr. President, we see no reason why the takings clause of the Fifth Amendment, as much a part of the Bill of Rights as the First Amendment or Fourth Amendment, should be relegated to the status of a poor relation. With these words in the recent landmark Supreme Court decision Dolan versus City of Tigard, Chief Justice Rehnquist correctly points out the evisceration of one of the most fundamental rights protected by our Constitution. Sadly, with all the talk about rights in America today, the fundamental freedom to acquire, use, and dispose of private property has become a poor relation. In fact, it has very nearly been drummed out of the family because of the Federal Government's relentless assault on private property.

The Founding Fathers were keenly aware of the need to protect private property rights, so much so that they provided in the Bill of Rights that private property—shall not—be taken for public use without just compensation. Indeed, the courts have been very clear that if the Government builds a highway across your property, then the 5th amendment's just compensation provision applies. However, one form of taking which has become more common than outright condemnation is the regulatory taking. This occurs when the Government imposes such stringent controls on the use of private property that its value is eroded or destroyed.

Currently, farmers, small businesses, and homeowners are in the path of an avalanche of Federal regulations and restrictions affecting their property. During President Clinton's first year in office, the Federal Register, which is the daily depository of all proposed and final Federal regulations, totalled 69,684 pages—the highest count since Jimmy Carter's record level. Moreover, the Unified Agenda of Federal Regulations reveals an enormous increase of regulatory activity, with a 22 percent growth since 1992 in the number of regulations under consideration or recently completed by the 60 Federal departments and agencies within the Clinton bureaucracy.

Two examples of Federal regulatory takings involve wetlands and endangered species. In Texas, the U.S. Fish and Wildlife Service [USFWS] has listed 65 species as threatened or endangered. Nationwide, 853 species are already listed as endangered, and approximately 3,900 are candidates for inclusion on the list. The mere presence, however fleeting, of a listed species on a parcel of land has profound ramifications for small, individual landowners whose property holdings are often their most significant source of income. In the Woods of East Texas, if a red-cockaded woodpecker landed in your tree, you could suddenly be threatened with a government taking that barred you from cutting your own timber. Without the income generated by such economic activity, how are those whose jobs are put at risk expected to provide for themselves and their families?

All over the country under wetlands provisions, entire counties or significant portions of coastal land in States such as Texas and Maryland have found that the ability of people to use their property has been restricted dramatically because a Government bureaucrat redefined what would qualify as a wetland. The destructive impact of these regulatory actions on jobs, the economy, family well-being, and individual freedom has been enormous.

To help revive this important freedom, I have reintroduced The Private Property Rights Restoration Act, which will restore the constitutional mandate that just compensation be paid when Government action reduces private property value. This bill will safeguard the rights of individuals whose land is taken by Government regulations or policies which reduce or destroy the value of the property. The legislation or policies which reduce or destroy the value of the property. The legislation requires compensation to be paid when such an action has reduced property value by at least 25 percent or $10,000. However, such protection will not be extended to uses of property which are deemed to be a public nuisance. The payment of compensation to, and legal fees for, property owners who successfully plead their case in court must be paid with funds from the budget of the agency issuing the regulation.

Mr. President, I will work toward passage of this legislation to help every American whose constitutionally guaranteed property rights are being ignored or threatened by the Federal Government. I hope we can work together to protect private property rights and to bring the Fifth Amendment back into the family of the Bill of Rights on behalf of the people who own property, till the soil, and produce the goods and services in our country.

I ask unanimous consent that a one page description of the legislation and the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Restoration Act".

SEC. 2. PRIVATE PROPERTY RIGHTS RESTORATION.

(a) CAUSE OF ACTION.—(1) The owner of any real property shall have a cause of action against the United States if—

(A) the application of a statute, regulation, rule, guideline, or policy of the United States restricts, limits, or otherwise takes a right to real property that would otherwise exist in the absence of such application; and

(B) such application described under subparagraph (A) would result in a discrete and nonnegligible reduction in the fair market value of the affected portion of real property.

(2) Notwithstanding paragraph (1)(B), a prima facie case against the United States shall be established if the Government action described under paragraph (1)(A) results in a temporary or permanent diminution of fair market value of the affected portion of real property of the lesser of—

(A) 25 percent or more; or

(B) $10,000 or more.

(b) JURISDICTION.—An action under this Act shall be filed in the United States Court of Federal Claims which shall have exclusive jurisdiction.

(c) RECOVERY.—In any action filed under this Act, the owner may elect to recover—

(1) a sum equal to the diminution in the fair market value of the portion of the property affected by the application of a statute, regulation, rule, guideline, or policy described under subsection (a)(1)(A) and retain title; or

(2) the fair market value of the affected portion of the regulated property prior to the Government action and relinquish title to the portion of property regulated.

(d) PUBLIC NUISANCE EXCEPTION.—(1) No compensation shall be required by virtue of this Act if the owner's use or proposed use of the property amounts to a public nuisance as commonly understood and defined by background principles of nuisance and property law, as understood under the law of the State within which the property is situated.

(2) To bar an award of damages under this Act, the United States shall have the burden of proof to establish that the use or proposed use of the property is a public nuisance as defined under paragraph (1) of this subsection.

SEC. 3. APPLICATION; STATUTE OF LIMITATIONS.

(a) APPLICATION.—This Act shall apply to the application of any statute, regulation, rule, guideline, or policy to real property, if such application occurred or occurs on or after January 1, 1994.

(b) STATUTE OF LIMITATIONS.—The statute of limitations for actions brought under this Act shall be six years from the application of any statute, regulation, rule, guideline, or policy of the United States to any affected parcel of property under this Act.

SEC. 4. AWARD OF COSTS; LITIGATION COSTS.

(a) IN GENERAL.—The court, in issuing any final order in any action brought under this Act, shall award costs of litigation (including reasonable attorney and expert witness) to any prevailing plaintiff.

(b) PAYMENT.—all awards or judgments for plaintiff, including recovery for damages and costs of litigation, shall be paid out of funds of the agency or agencies responsible for issuing the statute, regulation, rule, guideline or policy affecting the reduction in the fair market value of the affected portion of property. Payments shall not be made from a judgment fund.

SEC. 5. CONSTITUTIONAL OR STATUTORY RIGHTS NOT RESTRICTED.

Nothing in this Act shall restrict any remedy or any right which any person (or class of persons) may have under any provision of the United States Constitution or any other law.

PRIVATE PROPERTY RIGHTS RESTORATION ACT

SECTION 1. SHORT TITLE.—"PRIVATE PROPERTY RIGHTS RESTORATION ACT".

SEC. 2. PRIVATE PROPERTY RIGHTS RESTORATION.

(a) CAUSE OF ACTION.—

(1) The owner of any real property (land) may sue the U.S. government if

(A) any governmental action identified in the Act takes a persons right to their property; and (B) that taking significantly reduces the fair market value of the affected portion of property.

(2) A property owner may sue the U.S. government if the government action causes a temporary or permanent diminution of fair market value of the affected portion of real property of at least 25 percent or $10,000.

(b) JURISDICTION.—The U.S. Court of Federal Claims is established as the court of jurisdiction for claims brought forth under this Act.

(c) RECOVERY.—Property owners may choose among two options to seek reimbursement for government actions which result in takings:

(d) PUBLIC NUISANCE EXCEPTION.—ensures that no compensation is awarded if the use to which the property owner puts the property is judged to be a public nuisance.

SEC. 3. APPLICATION; STATUTE OF LIMITATIONS.

(a) APPLICATION.—The bill applies to real property affected by governmental actions which occur on or after January 1, 1994.

(b) STATUTE OF LIMITATIONS.—The statute of limitations for actions brought forth under this legislation is limited to 6 years after application of the regulatory action to the affected property.

SEC. 4. AWARD OF COSTS; LITIGATION COSTS

(a) Includes litigation costs in court award.

(b) Requires payment for court awards from agency budgets of the agency responsible for the government action, rather than a judgement fund.

SEC. 5. CONSTITUTIONALITY OR STATUTORY RIGHTS NOT RESTRICTED.

Ensures that the bill does not preclude any other remedy property owners may seek.●

By Mr. GRAMM:

S. 146. A bill to authorize negotiation of free trade agreements with the countries of the Americas, and for other purposes; to the Committee on Finance.

THE AMERICAS FREE TRADE ACT

Mr. GRAMM. Mr. President, on February 4, 1993, I introduced legislation to authorize the negotiation of free, agreements between the United States and the countries in North and South America. This was a step toward the realization of my hopes for a free trade area stretching from the Elizabeth Islands of Canada to Tierra del Fuego in South America. The subsequent approval of the North American Free Trade Agreement [NAFTA], is the most significant accomplishment to date on the road toward the achievement of free trade throughout our hemisphere.

On January 25, 1994, I introduced the American Free Trade Act. This legislation was similar to the bill that I introduced the preceding year, with the addition of special provisions regarding free trade with a post-Castro, post communist Cuba. Those provisions defined the standards by which we would be able to identify the return of freedom to Cuba and would give priority to the negotiation of a free trade agreement with a free Cuba.

The Index of Economic Freedom, recently published by the Heritage Foundation, listed Cuba, together with North Korea, as the most repressive nation on the earth with regard to economic rights and freedoms. Cuba and North Korea remain the last bastions of unrepentant Marxism. While such a repressive regime remains in power in Cuba, free trade would be meaningless and free trade negotiations would be a waste of time. On the other hand, in a post-Castro environment, free trade can play a crucial role in promoting and reestablishing economic and political freedoms.

The bill contains five standards for measuring the return of freedom in Cuba. These standards are:

1. The establishment of constitutionally-guaranteed democratic government with leaders freely and fairly elected;

2. The restoration, effective protection, and broad exercise of private property rights;

3. The achievement of a convertible currency;

4. The release of political prisoners; and

5. The effective guarantee of free speech and freedom of the press.

These, of course, are minimum conditions upon which free trade relations can be established and which free trade can strengthen. In fact, free trade will serve to expand the economic and political freedoms of the people of Cuba.

Mr. President, the bill sets forth an additional requirement that necessarily must be met for our Nation to enter into a broad free trade arrangement with Cuba, and that is that the claims of U.S. citizens for compensation for expropriated property are appropriately addressed.

This last December, the leaders of all of the nations of the Western Hemisphere, except for Fidel Castro, met in Miami and agreed to the goal of achieving free trade throughout the Americas early in the next century. I have long supported that goal. I hope that this bill that I am reintroducing today can be speedily enacted to give the President the authority to begin negotiations right away.

Mr. President, the time is not at all premature. Several countries have already expressed a desire to enter into a free trade arrangement with the United States. Among those are Chile, Panama, Argentina, and others. Several of these and other countries in the hemisphere have entered into, or are negotiating, free trade arrangements among themselves. While NAFTA is the largest free trade area in the hemisphere, Brazil, Argentina, Uruguay and Paraguay are scheduled this year to initiate the second largest free trade area, called Mercosul/sur, a free trade area with nearly $650 billion in combined gross domestic product.

Four other trade arrangements are or soon will be in place in the Americas and the Caribbean. These trade arrangements are the building blocks of an eventual free trade area embracing all of the Americas. The Americas Free Trade Act would encourage the President to conduct negotiations with such groups of nations, in order to build upon the progress that they are achieving in lowering the barriers to trade among themselves.

Mr. President, the last 15 years have witnessed victories for freedom in the governments and economies of the Americas. Their rejection of authoritarianism has accelerated, and the United States has been the model for this development. After almost two centuries of forsaking the example of freedom that made us the greatest, most prosperous nation on the planet, the nations of this hemisphere are more willing than ever to emulate our formula for success. Now is the time for us to encourage and embrace our neighbors as we lay the foundation for a new century of prosperity and opportunity for all of the people of the New World.

Mr. President, I ask that the summary and text of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Americas Free Trade Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The countries of the Western Hemisphere have enjoyed more success in the twentieth century in the peaceful conduct of their relations among themselves than have the countries in the rest of the world.

(2) The economic prosperity of the United States and its trading partners in the Western Hemisphere is increased by the reduction of trade barriers.

(3) Trade protection endangers economic prosperity in the United States and throughout the Western Hemisphere and undermines civil liberty and constitutionally limited government.

(4) The successful establishment of a North American Free Trade Area sets the pattern for the reduction of trade barriers throughout the Western Hemisphere, enhancing prosperity in place of the cycle of increasing trade barriers and deepening poverty that results from a resort to protectionism and trade retaliation.

(5) The reduction of government interference in the foreign and domestic sectors of a nation's economy and the concomitant promotion of economic opportunity and freedoms promote civil liberty and constitutionally limited government.

(6) Countries that observe a consistent policy of free trade, the promotion of free enterprise and other economic freedoms (including effective protection of private property rights), the removal of barriers to foreign direct investment, in the context of constitutionally limited government and minimal interference in the economy, will follow the surest and most effective prescription to alleviate poverty and provide for economic, social, and political development.

SEC. 3. FREE TRADE AREA FOR THE WESTERN HEMISPHERE.

(a) IN GENERAL.—The President shall take action to initiate negotiations to obtain trade agreements with the sovereign countries located in the Western Hemisphere, the terms of which provide for the reduction and ultimate elimination of tariffs and other nontariff barriers to trade, for the purpose of promoting the eventual establishment of a free trade area for the entire Western Hemisphere.

(b) RECIPROCAL BASIS.—An agreement entered into under subsection (a) shall be reciprocal and provide mutual reductions in trade barriers to promote trade, economic growth, and employment.

(c) BILATERAL OR MULTILATERAL BASIS.—Agreements may be entered into under subsection (a) on a bilateral basis with any foreign country described in that subsection or on a multilateral basis with all of such countries or any group of such countries.

SEC. 4. FREE TRADE WITH FREE CUBA.

(a) RESTRICTIONS PRIOR TO RESTORATION OF FREEDOM IN CUBA.—The provisions of this Act shall not apply to Cuba unless the President certifies (1) that freedom has been restored in Cuba, and (2) that the claims of United States citizens for compensation for expropriated property have been appropriately addressed.

(b) STANDARDS FOR THE RESTORATION OF FREEDOM IN CUBA.—The President shall not make the certification that freedom has been restored in Cuba, as described in subsection (a), unless he determines that—

(1) a constitutionally guaranteed democratic government has been established in Cuba, with leaders chosen through free and fair elections;

(2) the rights of individuals to private property have been restored and are effectively protected and broadly exercised in Cuba;

(3) Cuba has a currency that is fully convertible domestically and internationally;

(4) all political prisoners have been released in Cuba; and

(5) the rights of free speech and freedom of the press in Cuba are effectively guaranteed.

(c) PRIORITY FOR FREE TRADE WITH FREE CUBA.—Upon making the certification described in subsection (a) the President shall give priority to the negotiation of a free trade agreement with Cuba.

SEC. 5. PERMANENT APPLICATION OF FAST TRACK PROCEDURES.

The provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) apply to implementing bills submitted with respect to trade agreements entered into pursuant to the provisions of this Act.

THE AMERICAS FREE TRADE ACT—SUMMARY

I. The President is directed to undertake negotiations to establish free trade agreements between the United States and countries of the Western Hemisphere. Agreements may be bilateral or multilateral.

II. The President, before seeking a free trade agreement with Cuba under the Act, would have to certify (1) that freedom has been restored in Cuba, and (2) that the claims of U.S. citizens for compensation for expropriated property have been appropriately addressed. The President could make the certification that freedom has been restored to Cuba only if he determines that—

A. constitutionally guaranteed democratic government has been established in Cuba, with leaders freely and fairly elected;

B. private property rights have been restored and are effectively protected and broadly exercised;

C. Cuba has a convertible currency;

D. all political prisoners have been released; and

E. free speech and freedom of the press are effectively guaranteed.

If the President certifies that freedom has been restored to Cuba, priority will be given to the negotiation of a free trade agreement with Cuba.

III. Congressional fast track procedures for consideration of any such agreement (i.e., expedited consideration, no amendments) are extended permanently.

By Mr. GRAMM:

S. 147. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependents to $5,000, and for other purposes; to the Committee on Finance.

THE CUT GOVERNMENT BUDGET TO INCREASE FAMILY BUDGET ACT OF 1995

Mr. GRAMM. Mr. President, for the last 40 years, government has spent an increasing share of the income of American families and because government has spent the family's income less wisely than the family would have spent it, the well-being of American families and America has diminished. This proposal will cut government spending and allow families to spend their own money on their own children for their own future.

To give families their freedom and their money back, every family with children will get an immediate tax cut so that families can invest in the needs of their own children.

The current $2,500 exemption allowed per child will be doubled to $5,000. The total exemptions for a family of four now shield from Federal income taxes just $10,000 or about 20 percent of the average income of such a family. With this change, the amount of family income protected for its own use would rise to $15,000 or about 33 percent of average family income. While this is an important step toward allowing families to spend their own money again, the amount of average family income shielded from the tax collector will still be only about half of the level which existed in 1950.

Tax cut—$124 billion	Spending cut—$124 billion
Double the dependent exemption for all children from $2,500 to $5,000, thus allowing families to spend more of their own money on their own children.	Cut the discretionary budgets of the Departments of Education, Energy, Labor, Health and Human Services, Housing and Urban Development, and Transportation (non-trust fund) by 16% over 5 years.

Facts on the parent and child exemptions:

In 1950, exemptions alone shielded 65 percent of the income of an average family of four from any Federal income taxes.

By the end of the 1970's, the protection of family income provided by the exemption had dropped to just 16 percent of the income of an average family of four.

In the 1980's, Republicans stopped the erosion of the exemption by indexing it for inflation, and then restored part of that lost protection so that by 1992, 21 percent of the income of an average family of four was protected from Federal income taxes.

This increase in the dependent exemption would further protect the family budget from Federal taxation by increasing the exemption to 33 percent of the average income of a family of four.

It will reduce by $1,400 the Federal income tax on an average income family of four earning $45,000..

We will force the government to tighten its budget so families can loosen theirs, reversing a 40-year trend.

This transfer of spending power from government to families is a down payment on restoring the American Dream.

By Mr. GRAMM:

S. 148. A bill to promote the integrity of investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

THE INVESTMENT ADVISERS INTEGRITY ACT

Mr. GRAMM. Mr. President, today I am introducing legislation that will aid the Securities and Exchange Commission [SEC] in targeting resources to enforce the Investment Advisers Act of 1940. Increasingly, American families are investing in mutual funds, individual retirement accounts, municipal bonds, a variety of insurance products, and many other financial instruments.

Often, American families rely upon investment advisers to assist them in making investment decisions and in managing their assets. Millions of people have benefited from the services provided by these investment advisers.

For several years, the Securities and Exchange Commission has expressed in testimony before Congress the need to improve supervision of investment advisers. While not lacking for resources, given the dramatic increase in the SEC's budget over the last several years, the SEC has had difficulty targeting funding to this area of responsibility. The bill that I am introducing will take two important steps toward focusing the SEC's efforts.

First, the bill would highlight the importance of enforcing the Investment Advisers Act of 1940 by identifying specific amounts from the SEC's budget to be devoted to that purpose. The bill authorizes $10 million for fiscal year 1996, and $12 million in 1997, recognizing that organizing and training for this purpose is unlikely to be completed in the first year. The SEC could devote more of its budget to this enforcement effort if the Commission chose to do so, but these amounts will at least ensure increased priority.

Mr. President, I proposed to direct those efforts where the problems are likely to occur. Frankly, the fraud is going to be where the money is, and that is where we should direct the SEC's attention. For example, as few as 5 percent of registered investment advisers manage more than $500 million each of client assets, and yet this group has 70 percent of all assets under management. The SEC should not have its attention diverted from these advisers by inspection of advisers managing little or none of their clients' assets. In fact, Mr. President, about half of all investment advisers do not manage any client assets at all.

This bill would exempt from SEC registration all investment advisers managing less than $5 million in assets, with one important condition. That condition is that adviser is registered with his or her State securities regulator, who would then have responsibility for supervision. Should a State not wish to take on responsibility for supervision of such investment advisers, then that State need not register them, and the investment adviser would continue to require to register with the SEC and be subject to SEC supervision.

If the SEC determines, however, that there is a need, and that the SEC has sufficient resources, the Commission may limit this exemption to investment advisers managing no more than $1 million in assets. The SEC would in such event supervise investment advisers who manage 99 percent of all assets under management. This would target the SEC's efforts less sharply, but it would still reduce the SEC's inspection load by as much as two-thirds.

The legislation would preserve full authority for the SEC to investigate aggressively any investment adviser where allegations of fraud are raised. Moreover, the SEC could disqualify from registration as an investment adviser any individual who in the previous 10 years had been convicted of a felony.

This bill avoids the approach of earlier proposals, which would have imposed a new tax on all investment advisers, and thereby on all of their clients. In my view, such a tax is unconscionable, especially while existing SEC fees impose a tax on investment, raising enough revenues to fund the SEC two or three times over. Moreover, the most harmful stage of the economic cycle on which to levy a tax is investment. Every investment dollar lost to pay for government is not just a loss of one dollar, but it is the loss of the many more dollars that this investment would have generated in economic activity.

Mr. President, allow me to emphasize again, that the SEC has not been starved for resources. The budget of the SEC has tripled since 1986, up by 60 percent since 1990. The challenge to the SEC has not been obtaining resources, but rather assigning those resources to what the SEC has testified is a priority area of concern. This legislation will aid the SEC in that effort.

Mr. President, I ask that a summary and the text of the bill by included in the RECORD.

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment Advisers Integrity Act".

SEC. 2. ENHANCED ENFORCEMENT PRIORITY.

Of the amounts appropriated to the Securities and Exchange Commission, there are authorized to be appropriated—

(1) not to exceed $10,000,000 in fiscal year 1996; and

(2) not to exceed $12,000,000 for fiscal year 1997; for the enforcement of the provisions of the Investment advisers Act of 1940, particularly with respect to advisers managing more than $5,000,000 in assets.

SEC. 3. EXEMPTION FOR STATE REGISTRATION.

Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) by striking "or" at the end of clause (2);

(2) by striking the period at the end of clause (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) any investment adviser who, during the course of the preceding 12 months, had no more than $5,000,000 in assets under management, if the investment adviser is registered with the appropriate State securities regulator, except that the Commission may, by rule, also require registrations by investment advisers who, during the preceding 12 months, had more than $1,000,000 but less than $5,000,000 in assets under management if the Commission determines such action to be necessary to achieve the purposes of the Act. As used in this section, the term 'assets under management' means the client assets with respect to which an investment adviser provides continuous and regular supervisory or management services.".

SEC. 4. INVESTIGATION OF FRAUD.

Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9) is amended by adding at the end the following:

"(f) The Commission is authorized to conduct investigations of any investment adviser, notwithstanding any exception from registration under section 203(b)(4), in any case where the appropriate State securities regulator or one or more clients or former clients of the investment adviser have alleged fraud on the part of the investment adviser.".

SEC. 5. DISQUALIFICATION OF CONVICTED FELONS.

(a) AMENDMENT.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) has been convicted within 10 years preceding the filing of any application for registration or at any time thereafter of any crime that is punishable by imprisonment for one or more years and that is not described in paragraph (2) of this subsection or a substantially equivalent crime by a foreign court of competent jurisdiction.".

(b) CONFORMING AMENDMENTS.—Section 203 of such Act is further amended—

(1) in subsection (e)(6) (as redesignated by subsection (a) of this section), by striking "this paragraph (5)" and inserting "this paragraph (6)";

(2) in subsection (f)—

(A) by striking "paragraph (1), (4), (5), or (7)" and inserting "(1), (5), (6), or (8)"; and

(B) by striking "paragraph (3)" and inserting "paragraph (4)"; and

(3) in subsection (i)(1)(D), by striking "section 203(e)(5) of this title" and inserting "subsection (e)(6) of this section".

THE INVESTMENT ADVISERS INTEGRITY ACT—SUMMARY

I. For fiscal year 1996 $10 million are authorized, and for fiscal year 1997 $12 million are authorized, for enforcement of the Investment Advisers Act of 1940, with a particular focus on supervision of investment advisers managing more than $5 million in assets.

II. Investment advisers who, during the previous year, did not have more than $5 million in assets under management are exempt from registering with the SEC, provided that they have registered with their appropriate state securities regulator.

III. The SEC may, by rule, require registration with the SEC of investment advisers who, during the previous year, had more than $1 million but less than $5 million in assets under management, if the Commission determines such action to be necessary to achieve the purposes of the Investment Advisers Act of 1940.

IV. The SEC would retain authority to conduct investigations of any investment advisers, whether registered with the SEC or with state regulators, in the case of allegations of fraud raised either by clients or by state securities regulators.

V. An individual with a felony conviction during the previous ten years can be disqualified by the SEC from registration as an investment adviser.

By Mr. GRAMM:

S. 149. A bill to require a balanced Federal budget by fiscal year 2002 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1996 through 2002, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE BALANCED BUDGET IMPLEMENTATION ACT

• Mr. GRAMM. Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALANCED BUDGET IMPLEMENTATION ACT OUTLINE

A bill to require and implement a balanced budget by the year 2002.

TITLE 1. REQUIRE A JOINT BUDGET RESOLUTION TO FORCE JOINT ACTION BETWEEN CONGRESS AND THE PRESIDENT:

(A) Joint Resolution on the Budget: To remedy the lack of cooperation and coordination between the President and Congress resulting from the Congressional Budget and Impoundment Control Act of 1974 which created two budgets—one Executive and one Congressional—the Balanced Budget Implementation Act converts the present concurrent resolution on the budget into a joint resolution on the budget which must be signed by the President, ensuring joint Congressional and Executive branch consensus on and commitment to each annual budget.

TITLE 2. ZERO-BASED BUDGETING & DECENNIAL SUNSETTING:

(A) For FY 1996 and FY 1997, Congress must re-authorize all discretionary programs and all unearned entitlements: The Balanced Budget Implementation Act adopts President Carter's zero-based budgeting concept, mandating that before FY 1996 begins, the spending authority for all unearned entitlements, and the spending authority for the most expensive one-third of discretionary programs will expire. Entitlements earned by service or paid for in total or in part by assessments or contributions shall be deemed as earned, and their authorization shall not expire. Entitlements not sunsetted include Social Security, veterans benefits, retirement programs, Medicare and others. Before FY 1997, the spending authority of the remaining discretionary programs will expire.

Specifics: By the beginning of FY 1997, all unearned entitlements and discretionary programs will be subject to re-authorization. If a specific unearned entitlement or discretionary program is not re-authorized in a non-appropriations bill, it cannot be funded and will be terminated.

(B) Unauthorized programs cannot receive appropriations: The Balanced Budget Implementation Act creates a point of order in both Houses against any bill or provision thereof that appropriates funds to a program for which no authorization exists.

Specifics: Such point of order can be waived only by the affirmative vote of 3/5ths of the whole membership of each House. Appeals of the ruling of the chair on such points of order also require a 3/5ths affirmative vote of the whole membership of each House.

A 3/5ths point of order shall lie against any authorization that is contained in an appropriation bill.

(C) All discretionary programs and unearned entitlements must be reauthorized every ten years: In the first session of the congress which follows the decennial Census reapportionment, the spending authority for all unearned entitlements and the most expensive one-third of all discretionary programs will expire for the fiscal year that begins in that session. In the second session of that Congress, the spending authority for the remaining discretionary programs will expire for the fiscal year that begins in that session. This provision will be enforced by the points of order contained in Section (B) above.

TITLE 3. LIMIT THE GROWTH OF ENTITLEMENTS TO THE GROWTH RATE OF SOCIAL SECURITY:

(A) the Balanced Budget Implementation Act adopts President Bush's proposal to limit the aggregate growth of all entitlements other than Social Security to the growth rate formula of Social Security for the period FY 1996 to FY 2002: the aggregate growth of all entitlements other than Social Security is limited to the growth rate formula of Social Security, which is the consumer price index and the growth in eligible population.

(B) the Balanced Budget Implementation Act provides flexibility in the growth rate of entitlement programs: An individual entitlement program can grow faster than the overall entitlement cap as long as the aggregate growth in all entitlements (other than Social Security) does not exceed the entitlement cap.

(C) From FY 1996 to FY 2002, the aggregate spending growth cap on entitlements will be enforced by an entitlement sequester: The Balanced Budget Implementation Act provides that if aggregate spending growth in entitlements exceeds the total growth in consumer prices and eligible population, an across-the-board sequester to eliminate excess spending growth will occur on all entitlements other than Social Security. A 3/5ths vote point of order lies against any effort to exclude any entitlement from this sequester. This sequester would be in effect until Congress passes legislation which brings the entitlement program back within the cap, and the President signs the bill.

TITLE 4. ESTABLISH FIXED DEFICIT TARGETS, RESTORE AND STRENGTHEN GRAMM-RUDMAN, AND REQUIRE A BALANCED BUDGET BY 2002:

(A) Restores the fixed deficit targets of Gramm-Rudman (GR) enacted by President Reagan: The Balanced Budget Implementation Act modifies the existing GR maximum deficit amounts and extends the GR sequester mechanism to balance the budget by FY 2002 and annually thereafter.

The fixed deficit targets established for the next seven fiscal years will result in a balanced budget by the fiscal year 2002: FY 1996, $145 billion; FY 1997, $120 billion; FY 1998, $97 billion; FY 1999, $72 billion; FY 2000, $48 billion; FY 2001, $24 billion; FY 2002, $0 billion.

The new maximum deficit amounts will be enforced by the existing GR deficit sequester. After reaching a balanced budget, the GR sequester mechanism will become permanent to ensure the budget stays in balance.

(B) Strengthen the GR points of order: The Balanced Budget Implementation Act requires the strengthening of the existing GR budget points of order.

Specifics: A point of order will lie against all actions that (1) increase the deficit or (2) increase the limit on national debt held by the public beyond the deficit levels required in Section A & B (above). This point of order will lie in both Houses, and may be waived only by a 3/5ths vote of the whole membership of each House. An appeal of the point of order can only be waived by a 3/5ths vote. No rule in either House can permit waiver of such a point of order by less than 3/5ths affirmative vote of the whole membership of such House, nor can such point of order be waived for more than one bill per vote on such point of order.

Once the budget is balanced, all points of order will become permanent to ensure the budget stays in balance.

(C) Protect Social Security: Social Security will be protected fully by (1) preserving the existing points of order to protect the Social Security trust fund; and (2) providing expedited procedures in 2002 for consideration of additional legislation to balance the budget excluding the Social Security Trust Fund.

(D) Extend the Discretionary Spending Caps: President Clinton proposed extending the existing caps on total discretionary budget authority and outlays to cover the fiscal years 1999 and 2000. That cap will be extended to also apply to the fiscal years 2001 and 2002, at the same level of President Clinton's proposed extension.

Year, outlays; FY 1998, $542.4 billion; FY 1999, $542.4 billion; FY 2000, $542.4 billion; FY 2001, $542.4 billion; FY 2002, $542.4 billion.

(E) Look Back Sequester: In the last quarter of every fiscal year, a "look back" sequestration is required to eliminate any excess deficit for the current year. This look back sequester will guarantee that the actual deficit target set for that year is achieved.

Specifics: On July 1 of every fiscal year, the Office of Management and Budget (OMB) will order an initial look back sequester based on the most recent OMB deficit estimates. On July 15, the OMB Mid-Session Review will update and finalize the sequester order. The final order will stay in effect unless offset by appropriate legislation to bring the deficit into compliance with that year's target.•

By Mr. DOLE (for himself, Mr. HATCH, Mr. SIMON, Mr. THURMOND, Mr. HEFLIN, Mr. CRAIG, Ms. MOSELEY-BRAUN, Mr.

BROWN, Mr. KOHL, Mr. SIMPSON, Mr. GRASSLEY, Mr. SPECTER, Mr. KYL, Mrs. FEINSTEIN, Mr. NICKLES, Mr. MURKOWSKI, Mr. BRYAN, Mrs. HUTCHISON, Mr. EXON, Mr. SHELBY, Mr. CAMPBELL, Mr. SMITH, Mr. COHEN, Mr. PRESSLER, Mr. GREGG, Mr. GORTON, Mr. ASHCROFT, Mr. BURNS, Mr. MCCONNELL, Mr. INHOFE, Mr. GRAMM, Mr. LOTT, Mr. DEWINE, Ms. SNOWE, Mr. THOMPSON, Mr. ROTH, Mr. LUGAR, Mr. BOND, Mr. CRAIG THOMAS, Mr. COVERDELL, Mr. SANTORUM, Mr. GRAMS, and Mr. MACK):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. DOLE. Mr. President, 1969 was a year of firsts and lasts. It was the year that a man—American astronaut Neil Armstrong—first walked on the Moon. And, it was the last year that Congress balanced the budget. That was 35 years ago.

In 1969, we spent $16.6 billion or roughly 9 percent of the Federal budget to pay interest on the national debt—pocket change by today's standards. According to President Clinton's most recent budget, interest payments on the national debt will surpass the $300 billion mark for the first time this year. This year, roughly 20 percent of all Federal spending will go to pay interest on the national debt.

Beginning in 1974, Congress has tried to control Federal spending with a series of legislative remedies—Gramm-Rudman-Hollings, spending caps, pay-as-you-go—but, every time those remedies started to bite, the special interests began to squawk. The decisions got too tough, and Congress blinked.

Mr. President the deficit situation has improved since President Clinton took office, but only slightly. Even under the rosiest of scenarios which assume 10 straight years of steady growth with low inflation, the deficit is expected to fall for another year or two and then start moving right back up again.

Mr. President, on November 8, the American people sent a message to Washington. They want us to get Federal spending under control.

Nine more "messengers," fresh from the campaign trail, took the oath of office today. The American people and every one of the 11 new Senators who were elected last November, understand that the time has come for a fundamental change in the way we do business in Washington.

It is time to give constitutional protection to the generations of Americans whose dreams of a better future are being crushed under a mountain of debt passed on by a spendthrift Congress for the past 35 years. It is time to give constitutional protection to future generations of Americans—our children and grandchildren—who are not now eligible to vote and are inadequately represented in Congress today.

The American people want a smaller, less intrusive Government. Ronald Reagan tried to cut taxes, grow the economy, and force Congress to either cut spending or run up record deficits. He wagered that given that choice, Congress would do the right thing and cut spending. But, not even record deficits could curb Congress' spending addiction.

There will be some who argue that voting for the balanced budget amendment is taking the easy way out. They are wrong. Adoption of the balanced budget amendment is only the first step. Once it is approved, Congress must begin to take action now that will enable us to balance the budget by the time the proposed amendment could go into effect.

The American people want the 104th Congress to make some tough choices. They understand that we cannot magically balance the budget overnight, but, they also expect to see progress, real progress.

We intend to deliver. Senator DOMENICI and Congressman KASICH are hard at work with other House and Senate Republicans developing a budget blueprint that will put the Federal budget on a path toward balance by 2002—without touching Social Security and without raising taxes.

Mr. President, I want to commend the distinguished chairman of the Judiciary Committee, Senator HATCH, the distinguished senior Senator from Illinois, Senator SIMON, the distinguished senior Senator from Idaho, Senator CRAIG, and the distinguished President pro tempore, Senator THURMOND, for the work they have done to develop a balanced budget constitutional amendment that has strong bipartisan support.

I understand from Chairman HATCH that the Senate Judiciary Committee will hold a hearing on Senate Joint Resolution 1 tomorrow, and that he intends to work with the members of the committee to try to get this amendment to the Senate floor for a full debate later this month. I look forward to that debate, and I am confident that with the help and support of the American people, the 104th Congress will be able to break the gridlock for real change. Change that demonstrates that we got the message—loud and clear, change that can help restore confidence in our democratic system of Government, change that can help revive the American dream for future generations of Americans.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mr. HATCH. Mr. President, I am pleased to be joining the majority leader this morning in introducing, along with Senator SIMON, Senator THURMOND, Senator CRAIG, and others, a balanced budget amendment to the Constitution. This is the consensus amendment developed through decades of study, work, hearing, debates, and discussions.

It is appropriate that it hold a place of honor as Senate Joint Resolution 1 in this new Congress. Its debate and adoption will be a major step in the work of this Congress to reform itself and its relationship with the American people. The people's frustration with the Washington ways of a profligate Congress and an unresponsive and irresponsible Federal bureaucracy is not new, but it has been growing. That fact should be no surprise.

The national debt is fast approaching $4.8 trillion. This means every man, woman, and child in the state of Utah and all other States has a debt burden of $18,500.

The human implications of our mammoth debt are that our children are being shackled with an insurmountable burden as a result of our largess. Perhaps the most significant effect of today's unrestrained borrowing, however, will be a reduction in the political choices available to future governments of this Nation. Next year, some estimates suggest, interest will consume almost 24 percent of all Federal revenues—at $296 billion, that is more than total Federal revenues in 1975. Imagine that. What we now pay in interest was more than the Government took in in total just 20 years ago.

When the people of my home State think of leaving a legacy to their children and grandchildren, this is not what they think of. They don't expect to make their children and grandchildren pay their credit card bills, but this is the inheritance their government is creating for them. Together with that debt comes a weakened economy, a weakened trading posture, and—worst of all—a less sound, less responsive, and less responsible government. Most parents and grandparents want to leave a brighter, not a darker, future for their loved ones.

The promise of strong, responsible government the founding generation left embodied in the Constitution has not been kept by those who recently have stood in their place. The national Government has grown increasingly profligate over recent decades. We have a duty to do better.

The American people understand this. I regularly receive mail from Utahns asking why the Federal Government cannot balance its budget in the same way that families and businesses must.

There is concern about the way the Federal Government soaks up capital to make interest payments which could be used for private investment or Government health, housing, or education programs. They all echo the concern that an integral part of constitutional responsibility has been lost in recent decades, that of fiscal discipline, the simple notion that government should live within its means and not bind future generations to pay for current consumption without real return. That is why over 85 percent of Americans favor a balanced budget amendment.

Congress has proven itself wholly incapable of controlling its deficit addiction without the strong therapy of a clear constitutional mandate to make it get clean and sober. A balanced budget constitutional amendment is necessary to force Congress to keep faith with voters who expect them to end the fiscal folly. Only the constitutional discipline of a balanced budget amendment can return sanity to an out-of-control budgetary process.

The proposed amendment is wholly consistent with the Constitution in scope and purpose. It provides another of what Madison called "auxiliary precautions" to help ensure that a government of human beings would—to the greatest extent possible—be governed by the better angels of our human nature. In short, the amendment assures the blessings of limited government and liberty promised by the Framers of the Constitution.

The amendment, in restoring limited government, preserves a rule of fiscal responsibility that, for much of our history, literally went without saying. It addresses a serious spending bias in the present fiscal process arising from the fact that Members of Congress do not have to approve new taxes in order to pay for new spending programs. Rather than having to cast such politically disadvantageous votes, Congress has been able to resort to increased levels of deficit spending.

The balanced budget amendment proposes to overcome this spending bias by restoring the linkage between Federal spending and taxing decisions. It does not propose to read any specific level of spending or taxing forever into the Constitution, and it does not propose to intrude the Constitution into the day-to-day spending and taxing decisions of the representative branch of the Government. It merely proposes to create a fiscal environment in which the competition between the tax-spenders and the taxpayers is a more equal one—one in which spending decisions will once more be constrained by available revenues.

Nor will passage and ratification of the balanced budget amendment lead to intrusive Federal court interference in the budgeting process. The well-recognized doctrines of article III standing and justiciability, as well as the political question doctrine, act as a deterrent to unnecessary judicial activism. Furthermore, Congress' ability to define the jurisdiction of the Federal courts, pursuant to article III of the Constitution and section 6 of the balanced budget amendment, allows Congress to prevent judicial activism should it arise, through implementing legislation.

Statutory efforts to control spending are inadequate—pure and simple. They are short term. Any balanced budget statute can be repealed, in whole or in part, by the simple expedient of adopting a new statute. The spending bias in Congress, however, is a permanent problem. It demands a permanent constitutional solution. The virtue of a constitutional amendment is that it can invoke a stronger rule to overcome the spending bias.

This amendment is not a panacea for the economic problems of the Nation. The amendment is, however, a necessary step toward securing an environment more conducive to honest and accountable fiscal decisionmaking. It moves us toward the kind of debate about priorities and the role of the Federal Government that are the essence of responsible government—the kind of responsible government the founders left us and the kind the voters require of us in this Congress.

I am extremely pleased to stand side-by-side with my colleagues from both sides of the aisle as we unveil today an amendment that will establish constitutional limitations on federal spending and deficit practices. I want to pay special tribute to my colleague Senator SIMON, who has been a critical force in this effort over the years, and to Senator THURMOND, who has been a leader in this effort virtually every year that he has been in the U.S. Congress. We look forward to his continued participation.

I sincerely hope that this will be the year we approve this amendment and send it to the States for ratification to save future generations of Americans from this heavy and debilitating economic burden.

Mr. CRAIG. Mr. President, this afternoon, let me join with Senator GLENN in echoing his praise of Senator KEMPTHORNE of Idaho and the effort they both have pursued in bringing S. 1 to the floor for its early consideration. I know of no other piece of legislation, except my balanced budget amendment, that I think is more critical to bring up in the 104th Congress. I say that, confident in telling the Governors and the mayors and those who direct local and State government that as we work to pass a balanced budget amendment and then bring the budget into balance, we will not pass on to them Federal responsibilities of taxing or governing. And that is why S. 1, or the unfunded Federal mandates legislation, is so important and that it go before us, to convince the American people and those local and State units of government that we are going to be responsible in our work with them, in our recognition of their priority and their place in the Constitution, that we do not keep shoving through to them the types of legislation or Federal regulation or mandates that is merely a way for us to pass through or force upon them the obligation of funding Federal programs when we did not have the willingness to fund them ourselves.

Mr. President, what I come to the floor this afternoon to speak to is not S. 1, but I am a primary cosponsor of it and a strong supporter of it. I am here to speak about Senate Joint Resolution 1. That, of course, is the balanced budget amendment that Senator DOLE has introduced before the 104th Congress and this Senate just a few hours ago.

But in talking about that issue and my 12 years of championing that cause, both here in the Senate and the House, I would be remiss if I did not speak about the distinguished President pro tempore of the Senate, Senator STROM THURMOND, because you see it was Senator THURMOND more than 35 years ago who saw the wisdom of forcing this Government to balance its budget through a constitutional requirement, a constitutional amendment. So at my age and at my tenure here in the Senate, I am but a child in the support of this issue compared to those of seniority and especially those like Senator STROM THURMOND. So I honor him this afternoon for his allegiance and his farsightedness in dealing with this issue.

It is also important that I recognize Senator PAUL SIMON of Illinois. And I recognize him in the true bipartisan spirit in which we must deal with a constitutional amendment to require a balanced Federal budget. It is not a partisan issue. It takes two-thirds of the Senate present and voting or it takes 67 here in the Senate to pass a constitutional amendment and that means that both sides of the aisle, both Democrat and Republican, must agree, both in what we present in its image and in its wisdom to assure the passage of such a Senate joint resolution before it can go before the States for ratification.

So I recognize both Senator THURMOND and certainly Senator SIMON; also, now chairman of the Judiciary Committee, Senator ORRIN HATCH of the State of Utah; Senator HOWELL HEFLIN, Senator CAROL MOSELEY-BRAUN, and Senator HANK BROWN, the chairman of the Constitution Subcommittee, all of them very active in the Judiciary Committee. Those will be the Senators holding the hearing tomorrow before which I will testify on a version of that amendment of the kind that I have worked on now for over 12 years to assure that there would come a day—and I believe that day will occur within the month—when this Senate will pass a balanced budget amendment to our Constitution, as I believe the House will pass, then to send it forth to the States for their consideration and their ratification.

I also want to note our new Senate colleagues who have shown leadership and enthusiasm on this legislation when they were in the other body, including the Senators from Arizona [Mr. KYL], from Oklahoma [Mr. INHOFE], and from Maine [Ms. SNOWE].

Why is this amendment so important? Well, in brief, it becomes obvious when you look at the number of years that our Government and this Senate has operated in deficit—34 deficits in the last 35 years, and 57 deficits in the last 65 years.

Yes, this Government and this Congress is clearly out of the habit of even being able to deal with the concept of balancing the Federal budget on an annual basis and being fiscally responsible instead of mounting up the billions and billions of dollars of debt on which it now costs over $200 billion a year just to finance the net interest alone.

The longer we wait to mandate a balanced budget, the more difficult it becomes. We cannot postpone this amendment any longer.

That is why in the Contract With America with the new Members of Congress that were just put in place in the House, those who campaigned on it, the balanced budget amendment became the No. 1 issue. The American people understand. They understand the wisdom of balancing their own budgets, whether it is the budget of their family or the budget of their business. They know it is only good fiscal sense and now they demand it of their Government and I think this Congress can and will deliver.

And so it is a proud moment when I will be able to stand on the floor with these other Senators and debate it and offer up an amendment that we think will be ratified by the States in very short order. And we will begin the very important march, the very important process, of then crafting a budget and a procedure that will bring us to a balanced budget that will demonstrate the kind of fiscal responsibility that our people have asked for for so long.

Some folks tell us, "If Congress would just do its job, you wouldn't need a constitutional amendment." But that's the point—too many Members of Congress—and too many Presidents—have not thought balancing the budget was in their job description. That's why we need to add balancing the budget to that part of our job description that can't be repealed, delayed, suspended, or ignored at will—the Constitution.

When we pass this amendment, it will go to every State Capitol, and we will begin one of the great debates of our age. That's what this vote is really about, engaging the American people in the most sweeping public debate about the appropriate size, scope, and role of the Federal Government since the original Bill of Rights was sent to the States by the First Congress.

The question is clear: Do we trust the people with that debate? This Senator does. That's why we have this process of amending the Constitution, because the Constitution is the people's law, not the Government's law, and because the people have a right to take part in such a momentous debate.

A constitution is a document that enumerates and limits the powers of the Government to protect the basic rights of the people. Within that framework, it sets forth just enough procedures to safeguard its essential operations. It deals with the most fundamental responsibilities of the Government and the broadest principles of governance.

Our balanced budget amendment, Senate Joint Resolution 1, fits squarely within that constitutional tradition.

The case for the balanced budget amendment can be summed up as follows: The ability of the Federal Government to borrow money from future generations involves decisions of such magnitude that they should not be left to the judgments of transient majorities.

The right at stake is the right of the people—today and in future generations—to be protected from the burdens and harms created when a profligate government amasses an intolerable debt.

The Framers of the Constitution recognized that fundamental right. I return once more to the words of Thomas Jefferson, who explicitly elevated balanced budgets to this level of morality and fundamental rights when he said:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Actually, deficit spending is a form of taxation without representation. Americans are told that deficits are Uncle Sam's way of giving them a free lunch, providing $1.15 worth of Government for just $1 in taxes. In reality, interest on the gross debt adds another 20 cents in spending above and beyond every $1 the Government spends on benefits, goods, services, and overhead.

Deficits are really the cruellest tax of all, since they never stop taking the taxpayers' money. Americans are paying now, with a sluggish economy, for the Government's past addiction to debt. Unless things change, the next generation will pay even more dearly.

The President's own 1995 budget, in its "Analytical Perspectives" volume, projected that future generations will pay as much as 82 percent of their lifetime incomes in taxes, under the current policies of borrow-and-spend.

Federal budget deficits are the single biggest threat to our economic security. The Federal debt now totals $4.7 trillion, or about $18,000 for every man, woman, and child in America, and is growing.

As deficits grow, as the national debt mounts, so do the interest payments made to service that debt. Besides crowding out other fiscal priorities, these amount to a highly regressive transfer of wealth.

In fact, interest payments to wealthy foreigners make up the largest foreign aid program in history. According to the President's budget, in 1993, the U.S. Government sent $41 billion overseas in interest payments. That's almost exactly twice as much as all spending on actual international programs, including foreign aid and operating our embassies abroad, which totaled less than $21 billion.

Annual gross interest on the debt now runs about $300 billion, making it now the second largest item of Federal spending, and equal to about half of all personal income taxes.

There are many issues relating to this amendment, which will be aired fully and fairly when the Senate considers Senate Joint Resolution 1 later this month. At that time, we will again recall our almost 4,000 pages of legislative history over the last 15 years. Every question has been answered, every objection has been dealt with.

Senate Joint Resolution 1 has a history; it has a pedigree. It is the bipartisan, bicameral, consensus that has been looked at by constitutional scholars, economists, public interest groups, and members of both bodies. This amendment has been scrubbed and finetuned. It passes constitutional muster.

It's often said that Congress underestimates the wisdom of the people. Well, the people have spoken once again, and it's time for Senators to realize that, today, as is usually the case, good policy is good politics. The American people understand the balanced budget amendment, they want Congress to pass it, and they are right.

By Mr. THURMOND (for himself, Mr. DOLE, and Mr. SIMPSON):

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

LINE-ITEM VETO LEGISLATION

Mr. THURMOND. Mr. President, I rise today with the distinguished Majority Leader, Senator DOLE, to introduce a proposed constitutional amendment which would give authority to the President to disapprove specific items of appropriation on any Act or joint resolution submitted to him. This authority is commonly referred to as line item veto.

The Congress must address runaway spending if we are truly going to establish a sound fiscal policy for this Nation.

As of November 16, 1994, the Federal debt stood at $4.6 trillion and payment of interest on the debt is the second largest item in the budget. The budget deficit for fiscal year 1993 was over $250 billion.

Recently, Majority Leader DOLE and Speaker GINGRICH met with President Clinton concerning legislative priorities in the 104th Congress. I am pleased to note that granting Presidential authority for line item was favorably discussed. Also, the Chairman of the Senate Judiciary Committee, Senator HATCH, who once opposed a constitutional amendment on line item veto authority, now has come to appreciate the merit of this worthy proposal.

I believe the Judiciary Committee should quickly act on this important measure and send it to the Senate. In April, 1990, the Judiciary Committee favorably reported my proposed constitutional amendment on line item veto authority which was the same legislation that I am introducing today. Before that vote in 1990, the Judiciary Committee last approved a proposed constitutional amendment to grant the President line item veto authority in 1884.

The Congress regularly enacts appropriations measures, totaling billions and billions of dollars. Too often there are items tucked away in these bills that represent millions of dollars that would have very little chance of passing on their own merit. Yet, the President has no discretion to weed out these unnecessary expenditures and must approve or disapprove the bill in its entirety.

Presidential authority for line item veto is a badly needed fiscal tool which would provide valuable means to reduce and restrain excessive appropriations. It should be emphasized that my proposal grants the President power to approve or disapprove individual items of appropriation and does not grant power to simply reduce the dollar amount legislated by the Congress.

Forty-three governors currently have, in one form or another, the power to reduce or eliminate items or provisions in appropriation measures. Surely, the President should have a form of discretionary authority that 43 governors now have to check unbridled spending.

It is my hope that this Congress will swiftly approve line item veto and send a clear message to the American people that we are making a serious effort to get our Nation's fiscal house in order.

I urge my colleagues to support this proposal and our efforts to make it part of our Constitution.

Mr. President, I ask unanimous consent that this proposal be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

“ARTICLE —

“The President may disapprove any item of appropriation in any Act or joint resolution. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of article I for Acts disapproved by the President, reconsider any item of appropriation disapproved under this article.”

By Mr. KYL:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centum of the Nation's Gross National Product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judicairy.

BALANCED BUDGET SPENDING LIMITATION ACT

• Mr. KYL. Mr. President, I introduce the Balanced Budget/Spending Limitation Amendment [BBSLA], an initiative which is designed to end Congress' addiction to overspending and give the Nation a chance at a healthy economic future.

It is an initiative which has been endorsed in the past by such taxpayer groups as Citizens Against Government Waste, Citizens for Tax Reform, and the National Tax Limitation Committee, not to mention the Institute for Research on the Economics of Taxation among others.

Like other balanced budget amendments which will be considered, the BBSLA requires a balanced Federal budget. It is unique, however, in two other respects—both substantively and in its objectives.

Substantively, it includes a Federal spending limitation. It limits spending to 19 percent of Gross National Product, which is roughly the level of tax revenues the Federal Government has collected annually for the last generation.

With respect to objectives, the BBSLA is designed to promote both fiscal responsibility and economic growth.

Just before Congress considered balanced budget amendments in 1992, the General Accounting Office released a report predicting that, based on then-current trends, Federal spending could grow to 42.4 percent of GNP by the year 2020. That would be up from about 23 percent of GNP today. Slower economic growth would result, and combined with a growing debt burden, the next generation could expect no improvement in its standard of living.

A report released the year before by Stephen Moore of the Institute for Policy Innovation came to similar conclusions about the proportion of GNP that the Government would command if current trends continue. The report concluded that:

> Meaningful, constitutional limits on the growth of spending are needed to bring the size of government down to economically sustainable levels. One way to achieve this end would be to limit the percentage of GNP which the government can command from the private sector.

The idea of spending limits is not new. Nineteen States across the country have some form of spending limitations, in statute or in their constitutions. California, for example, adopted a constitutional limit in 1979, limiting yearly growth in appropriations to the percentage increase in population and inflation.

Tennessee adopted its constitutional limit in 1978, limiting the growth in appropriations to the growth in State personal income. Texas, also in 1978, adopted a constitutional limit, tying the growth in biennial appropriations to the rate of growth of personal State income.

The BBSLA is modeled after Arizona's spending limitation, which I helped draft in 1974 with then-State Senate Majority Leader Sandra Day O'Connor, now Associate Justice of the U.S. Supreme Court; State Senator Ray Rottas, who went on to become State Treasurer of Arizona; Clarence Duncan, a prominent Arizona attorney; and a handful of others. The spending limit, set at 7 percent of State personal income, was approved by an overwhelming 78 percent of the State's voters.

Combining a balanced budget requirement with a spending limitation achieves two things: first, it treats the cause of big deficits—excessive government spending—and not just the symptoms of that problem—high taxes and excessive borrowing. Our problem is not that Congress doesn't tax enough; it is that Congress spends too much.

Moreover, this approach recognizes that the only way Congress really can balance the budget is by limiting Federal spending to the level of revenues that the economy has been willing to bear.

Over the last 40 years—in good economic times and bad, despite tax increases and tax cuts, and under presidents of both political parties—revenues to the Treasury have remained relatively constant at about 19 percent of GNP.

That is because changes in the tax code change people's behavior. Low taxes stimulate the economy, resulting in more taxable income and transactions, and more revenue to the Treasury. Higher taxes discourage work, production, investment and savings, so revenues are always less than projected. Although tax cuts and tax rate increases may create temporary declines and surges in revenue, revenues always adjust at roughly the same percentage of GNP as people adjust their behavior to the new tax laws. So you cannot reduce the deficit and balance the budget by raising taxes.

The point is, if revenue as a share of GNP remains relatively steady no matter what Congress does, the only way to really raise revenues is to grow the economy first. In other words, 19 percent of a larger GNP represents more revenue to the Treasury than 19 percent of a smaller GNP.

The BBSLA thus attacks the cause of deficits head on—it limits spending. And, by linking spending to the size of the economy—as measured by GNP—it not only recognizes the reality that a growing economy produces more revenue, but also gives Congress an incentive to support policies that ensure that economy is indeed healthy and growing. Only a growing economy—as measured by GNP—would increase the dollar amount that Congress is allowed to spend. So, if Congress wants to spend more money, it would have to support policies that promote economic growth first.

Mr. President, it appears that a balanced budget amendment will pass this year. It is now time to ask which balanced budget amendment best meets the Nation's long-term needs; which amendment best addresses the root causes of the Nation's budget problems.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided in this article, outlays of the United States Government for any fiscal year may not exceed its receipts for that fiscal year.

"SECTION 2. Expect as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 per centum of the Nation's gross national product for that fiscal year.

"SECTION 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a roll call vote, for a specific excess of outlays over receipts or over 19 per centum of the Nation's gross national product.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 5. This article shall apply to the second fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 2001.".●

By Mr. THURMOND:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. THURMOND. Mr. President, I rise today to introduce legislation to amend the U.S. Constitution to require the Federal Government to achieve and maintain a balanced budget.

This legislation is essentially the same as Senate Joint Resolution 8 which I introduced in the 103d Congress and is similar to an earlier bill in March of 1986 which received 66 of 67 votes needed for Senate approval. Also, the Senate passed a balanced budget amendment in 1982 but was defeated in the House of Representatives. Simply stated, this legislation calls for a constitutional amendment requiring that outlays not exceed receipts during any fiscal year. Also, Congress would be allowed by three-fifths vote to adopt a specific level of deficit spending. Further, the Congress could waive the amendment during time of war. Finally, the amendment would also require that any bill to increase taxes be approved by a majority of the whole number of both Houses.

It is clear that the budget deficit is a top priority with the American people. Additionally, this legislation would be a key step to reduce and ultimately eliminate the Federal deficit. The interest and attention which this problem has attracted speaks volumes as to the need for solutions to our Nation's runaway fiscal policy.

Our Constitution has been amended only 27 times in over 200 years. Amendment to the supreme law of our land is a serious endeavor which should only be reserved to protect the fundamental rights of our citizens or to ensure the survival of our system of government.

Mr. President, I believe that the very survival of our system of government is presently being jeopardized by an irrational and irresponsible pattern of spending which has become firmly entrenched in Federal fiscal policy over the last half-century. As a result, this fiscal policy has gone a long way toward seriously threatening the liberties and opportunities of our present and future citizens.

As of November 16, 1994, the Federal debt is over $4.6 trillion. Per capita, the Federal debt is over $16,000. This means that it would cost every man, woman and child in America $16,000 each to pay off the public debt. The Federal deficit for fiscal year 1993 was $255 billion. In order to solve the deficit problem, congressional spending must be addressed.

I have believed for many years that the way to reverse the misguided direction of the fiscal government is by amending the Constitution to mandate, except in extraordinary circumstances, balanced Federal budgets. I know many other Members of Congress join me in wanting to establish balanced budgets as a fiscal norm, rather than a fiscal anomaly.

Those who oppose a balanced budget constitutional amendment and opt instead for self-imposed congressional restraint must face the fact that this restraint has not been forthcoming. Importantly, the Congress has only balanced the Federal budget one time in the last 32 years. Meanwhile, the level of annual budget deficits has grown enormously over this period of time. Continued deficit spending by the Federal Government will undoubtedly lead the Nation into more periods of economic stagnation and decline. The tax burdens which today's deficits will place on future generations of American workers is staggering. We must reverse the fiscal course of the Federal Government and a constitutional amendment is the only effective way to accomplish it. It is time for Congress to understand the simple fact that a government cannot survive by continuing to spend more money than it takes in.

Mr. President, the balanced budget amendment proposal has the support of many of our colleagues in the Congress, a Congress which holds diverse views on many issues. Supporters of a balanced budget amendment share an unyielding commitment to restoring sanity to a spending process which is out of control and hurling our Nation headlong toward economic disaster.

I urge my colleagues to support this proposal so we may submit this important constitutional amendment to the States for ratification.

By Mr. THURMOND:

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

FORFEIT OF OFFICE BY GOVERNMENT OFFICIALS AND JUDGES CONVICTED OF FELONIES

Mr. THURMOND. Mr. President, today I am introducing a proposed amendment to the Constitution which would require Federal judges and certain other officers of the United States to forfeit their offices upon conviction of a felony.

I believe that the citizens of the United States will agree that those who have been convicted of felonies should not be allowed to continue to occupy positions of trust and responsibility in our Government. Nevertheless, under current constitutional law it is possible for certain officers of the United States to continue to receive a salary even after being convicted of a felony. If they are unwilling to resign, the only method which may be used to remove them from the Federal payroll is impeachment, a process which can occupy a great deal of valuable time and resources of the Congress.

Currently, the Congress has the power to impeach officers of the Government who have committed treason, bribery, or other high crimes and misdemeanors. However, when a court has found an official guilty of a serious crime, it should not be necessary for Congress to then essentially re-try the official before he or she can be removed from the Federal payroll.

The constitutional amendment which I am introducing will provide that any officer of the United States who is appointed by the President and confirmed by the Senate, upon conviction of a felony and exhaustion of all direct appeals, shall be removed from office and shall lose all salary and benefits arising from service in such office.

Mr. President, I urge my colleagues to carefully consider this proposal and ask unanimous consent that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 5

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the State for ratification:

"ARTICLE—

"Any officer of the United States appointed by the President with the advice and consent of the Senate, upon conviction of a felony, shall forfeit office and all prerogatives, benefits, or compensation thereof.".

By Mr. THURMOND (for himself, Mr. FAIRCLOTH, Mr. LOTT, and Mr. SHELBY):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

VOLUNTARY SCHOOL PRAYER AMENDMENT

Mr. THURMOND. Mr. President, today, I am introducing, along with Senators FAIRCLOTH, LOTT and SHELBY, the voluntary school prayer constitutional amendment. This bill is identical to S.J. Res. 73 which I introduced in the 98th Congress at the request of the President and reintroduced in the 99th, 100th, 101st, 102d, and 103d Congress.

This proposal has received strong support from our colleagues on both sides of the aisle and is of vital importance to our Nation. It would restore the right to pray voluntarily in public schools—a right which was freely exercised under our Constitution until the 1960's, when the Supreme Court ruled to the contrary.

Also, in 1985, the Supreme Court ruled an Alabama statute unconstitutional which authorized teachers in public schools to provide a period of silence, for meditation or voluntary prayer at the beginning of each school day. As I stated when that opinion was issued and repeat again—the Supreme Court has too broadly interpreted the establishment clause of the first amendment and, in doing so, has incorrectly infringed on the rights of those children—and their parents—who wish to observe a moment of silence for religious or other purposes.

Until the Supreme Court ruled in the Engel and Abington School District decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular religious faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what has originally caused many colonial Americans to emigrate to this country—an official, State religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without government interference or restraint. In their wisdom, they recognized that true religious liberty precludes the Government from both forcing and preventing worship.

As Supreme Court Justice William Douglas once stated: "We are a religious people whose institutions presuppose a Supreme Being." Nearly every President since George Washington has proclaimed a day of public prayer. Moreover, we, as a Nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a Nation "under God." Our currency is inscribed with the motto, "In God We Trust". In this body, we open the Senate and begin our workday with the comfort and stimulus of voluntary group prayers—such a practice has been recently upheld as constitutional by the Supreme Court. It is unreasonable that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools. This situation simply does not comport with the intentions of the framers of the Constitution and is, in fact, antithetical to the rights of our youngest citizens to freely exercise their respective religions. It should be changed, without further delay.

The Congress should swiftly pass this resolution and send it to the States for ratification. This amendment to the Constitution would clarify that it does not prohibit vocal, voluntary prayer in the public school and other public institutions. It emphatically states that no person may be required to participate in any prayer. The Government would be precluded from drafting school prayers. This well-crafted amendment enjoys the support of an overwhelming number of Americans. During the 98th Congress, we were only 11 votes short of the 67 necessary for approval in the Senate.

I strongly urge my colleagues to support prompt consideration and approval of this joint resolution during this Congress and ask unanimous consent that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

By Mr. HATCH (for himself, Mr. BROWN, Mr. ABRAHAM, Mr. LOTT, Mr. KEMPTHORNE, Mr. SHELBY, Mr. SMITH, and Mr. CRAIG THOMAS):

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States; to the Committee on the Judiciary.

UNFUNDED FEDERAL MANDATES CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, I am today introducing in the Senate a joint resolution proposing a constitutional amendment that would grant States and localities relief from any further unfunded Federal mandates.

This amendment would restore the balance between Federal and State power that the Constitution was meant to preserve, but that decades of Federal heavyhandedness have upset. Under this amendment—which would apply to statutes enacted after its ratification—unfunded mandates would not be enforceable against States and localities unless Congress so specified through a separate supermajority vote.

This is not a conservative or a liberal issue. It is an issue of effective, efficient government. Freeing States and localities of the burden of unfunded mandates will enable our State and local representatives to carry out the agenda—whether liberal or conservative—that their people have elected them to carry out.

Let me emphasize that this joint resolution is not intended as an alternative to the unfunded mandates legislation that Senator KEMPTHORNE is offering as S. 1. I fully support Senator KEMPTHORNE'S bill, and I am pleased to have Senator KEMPTHORNE'S support for this joint resolution. Senator KEMPTHORNE'S bill will be a major first step in providing real relief from unfunded mandates. This amendment will provide the next big step.

No matter is more basic to our constitutional structure than the relation between the Federal and State governments. We should not tinker with the Constitution. But we should also not accept, much less acquiesce in, the fundamental damage that has been inflicted on our constitutional structure. It is time to restore this structure.

Attached is a section-by-section analysis of this unfunded mandates amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR HATCH'S CONSTITUTIONAL AMENDMENT ON UNFUNDED MANDATES SECTION-BY-SECTION ANALYSIS

This amendment would impose dramatic new limits on the federal government's power to subject States and localities to unfunded mandates. The amendment would bar direct unfunded mandates, except where Congress by a ⅔ vote has specified that States and localities should be subject to those mandates. It would also bar conditional mandates on the receipt of federal assistance by States and localities—e.g., in spending programs—unless the condition is directly and substantially related to the specific subject matter of the federal assistance (and again subject to a ⅔ override). The amendment would also codify the Supreme Court's 1992 ruling in *New York* v. *United States,* 112 S. Ct. 2408 (1992). The amendment would apply only prospectively—that is, only to statutes that become effective after it has been ratified.

Here is a section-by-section analysis:

Section 1. Section 1 has two parts. First, it provides that federal statutes cannot impose or authorize direct unfunded mandates on States and localities. Were this the only provision, Congress would then simply condition all of its mandates on assistance that States could not afford to reject. Accordingly, it is also necessary to limit Congress' power to impose conditional mandates (e.g., as part of a spending program). This is done through the second part of section 1. The requirement that a condition be "directly and substantially related to the specific subject matter of the assistance" is a significant improvement over existing constitutional case law, which requires only that conditions be "reasonably related" to the "purpose" of the assistance.

Section 2. Section 2 provides an exception to section 1: where Congress so specifies by a ⅔ vote, unfunded obligations or loosely related conditions may be imposed on States and localities. This provision ensures that in those cases in which mandates are truly warranted, they can be adopted.

Section 3. Section 3 codifies the Supreme Court's ruling in *New York* v. *U.S.,* 112 S. Ct. 2408, 2435 (1992), that under the Tenth Amendment the "Federal Government may not compel the States to enact or administer a federal regulatory program."

Section 4. Section 4 provides that the term "State" applies to State agencies and to cities and counties.

Section 5. Section 5 makes clear that the amendment would apply only prospectively.

Section 6. Section 6 is designed to make clear that courts could not order federal funding as a remedy for a violation of section 1. Instead, the consequence of a violation is that the obligation is not enforceable against the State or locality.

Section 7. Section 7 protects against the amendment somehow being misconstrued to expand federal power.

By Mrs. FEINSTEIN:

S.J. Res. 10. A joint resolution to designate the visitors center at the Channel Islands National Park, California, as the "Robert J. Lagomarsino Visitors Center"; to the Committee on Energy and Natural Resources.

THE ROBERT J. LAGOMARSINO VISITORS CENTER ACT OF 1995

Mrs. FEINSTEIN. Mr. President, today I am introducing a resolution to designate the visitors center at the Channel Islands National Park, California, as the "Robert J. Lagomarsino Visitors Center". I am pleased to say Congressman ELTON GALLEGLY is introducing the measure in the House of Representatives.

The legislation is identical to S.J. Res. 152 and H.J. Res. 67 which we sponsored in the 103d Congress. The House of Representatives passed the measure in 1993 as part of H.R. 3252, the West Virginia Conservation Act. The Senate Energy and Natural Resources Committee also approved the measure last year, but the full Senate was unable to act before the 103d Congress adjourned.

As some of my colleagues will remember, Robert Lagomarsino served in the House of Representatives for 18 years, from 1974 to 1992, representing the nineteenth district of California which then included Santa Barbara County and part of Ventura County. A member of the House Interior and Insular Affairs Committee and the Subcommittee on National Parks and Public Lands, Bob Lagomarsino was active on a wide range of natural resource issues, including the Alaska National Interest Lands Act, the Strip Mine Control Act, the California Wilderness Act, the Sespe Condor Rivers and Range Act, and hundreds of other bills.

But perhaps Bob Lagomarsino is most closely associated with protection of the Santa Barbara Channel and the establishment of the Channel Islands National Park. Even before his election to the House of Representatives, Bob Lagomarsino worked to protect the fragile Channel Islands and their remarkable scenery and wildlife. As a Member of the California State Senate, Bob Lagomarsino authored the bill creating a state sanctuary around the Channel Islands. As a Member of the House, Bob Lagomarsino sponsored the legislation which expanded the existing Channel Islands National Monument and redesignated the area as a National Park. He then worked hard to secure the funding necessary to complete the park. Additionally, as a Member of the House, he fought to protect the Channel Islands National Park from potential oil spills, successfully persuading oil companies not to ship Alaskan oil through the Santa Barbara Channel and opposing new federal oil leases in the area.

Given Bob Lagomarsino's long association with protection of the Channel Islands, I believe it is most fitting for us to designate the visitors center at the Channel Islands National Park as the "Robert J. Lagomarsino Visitors Center". I hope my colleagues in the 104th Congress will join me in recognizing the contributions of this distinguished Californian and enact this measure promptly.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The visitors center at the Channel Islands National Park, California, is designated as the "Robert J. Lagomarsino Visitors Center".

SEC. 2. LEGAL REFERENCE.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the visitors center referred to in section 1 is deemed to be a reference to the "Robert J. Lagomarsino Visitors Center."

SENATE CONCURRENT RESOLUTION 1—PROVIDING FOR TELEVISION COVERAGE OF OPEN CONFERENCE COMMITTEE MEETINGS

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That it is hereby authorized to provide coverage by television cameras of all open conference committee meetings.

Mr. DOLE. Mr. President, on June 2, 1986, the Senate opened its doors to the American people through television cameras, a giant leap in increasing the access of Americans to their Government. However, in some areas, the Senate needs to take further steps to enter the 20th century when it comes to opening our proceedings to the public.

The American people sent a lot of messages to Congress on November 8, but certainly one was that they expect us to deliver on our promises. We heard that message loud and clear, and we expect the people to hold us accountable. As our employers, the American people have every right to observe their Government in action, and we have a responsibility to ensure that public access.

Today, along with my friend from South Dakota, Senator DASCHLE, I am introducing two resolutions to increase public access to the proceedings of Congress. The first is a Senate resolution which would permit the electronic media to cover the majority leader's and minority leader's so-called dugout briefings. These briefings, which have traditionally been open only to reporters with notepads, have been held on the Senate floor for a few minutes prior to the day's session. Senate rules currently do not permit broadcasting of the Senate floor while the Senate is not in session, but this resolution would allow it for these sessions.

The second resolutions is a concurrent resolution which would permit coverage by television cameras of all open House-Senate conference committee meetings. These public meetings have been open to print reporters and journalists without television cameras. It is high time we permitted more of the American people to see with their own eyes this important part of the legislative process.

I ask that these resolutions be printed and referred to the appropriate committee.

News organizations have also asked that the cameras that cover the Senate floor, currently operated by Government employees, be operated by journalists. That is an idea which is in my view worthy of serious consideration. Clearly, while current coverage of the Senate has provided the public with a greater understanding of the legislative process, improvements can be made. I plan to consult with Senator DASCHLE on the formation of a bipartisan Senate working group to examine this issue, and all its implications. In the meantime, I will suggest to the Rules Committee that they consult with broadcast news journalists to consider appropriate changes to the procedures determining camera coverage of floor activity, with an eye towards making the coverage as complete as possible.

Mr. President, I ask unanimous consent that a letter from Brian Lamb, chief executive officer of C-SPAN, as well as my response to him, be included in the RECORD. I also note that I have had similar correspondence with Bill Headline, chairman of the executive committee of correspondents of the Senate radio-television gallery.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

C-SPAN,
Washington, DC, November 21, 1994.

Re further opening up the Senate to C-SPAN cameras.

Senator ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: As you and your colleagues prepare to take the leadership of the Senate, we've noted with interest an increasing national discussion about how to expand public access to the legislative process.

We at C-SPAN are among those who have long been interested in expanding the public's access to Congress. As such, we would like to offer this proposal which we hope can contribute to this goal: Consider opening the 104th Congress fully to television cameras. Allow C-SPAN cameras into places where they've historically been excluded—most importantly, into the chamber of the U.S. Senate.

Here, more specifically, is what we propose:

(1) Allow C-SPAN cameras to cover Senate floor debates. Senate cameras currently give C-SPAN and the rest of the news media a restricted view of the floor. Under Senate rules, cameras cannot pan the chamber or take reaction shots; they must focus only on Senators who are speaking. These procedures were agreed to by a Senate which has greatly changed since the vote on Senate television in 1986. Only half of the Senators who were present then are still in office. Not only has the Senate changed, society has too—consider how much our country's appetite for and access to information has grown in those eight years.

Allow C-SPAN—a private, not-for-profit company to install its own cameras in the Senate. Since C-SPAN brings Congress into American living rooms, most Americans (and according to our last survey, as many as half the Senators) think that C-SPAN operates the cameras in the Congress. They don't know that the cameras in the Senate chamber are controlled by government employees using procedures established by the Senate Rules Committee. Allowing C-SPAN cameras in the chamber will help end the confusion and create a more honest picture of Senate debates.

If you do allow our cameras into the chamber, we will commit to covering Senate floor debates in the same style we've established during 16 years and 25,000 hours of Congressional committee coverage. We'll present a complete, honest, and accurate picture of each day's events, and make our telecasts available to others in the news media, following accepted pooling practices. We hope you'll agree that allowing our cameras in the Senate chamber is simply a way to use technology to extend Congress' public galleries. It allows 35 million C-SPAN2 homes the same opportunity to see their Senators that 611 citizens can have by sitting in the Senate gallery.

(2) Open the Leader's "dugout chatter" to television. Established practice has kept cameras out of these on-the-record briefings between reporters and the Majority Leader. Let cameras in and allow the public to hear and see these sessions for themselves. We can commit to televising these briefings on C-SPAN2 each day; we would also extend a similar opportunity to the Minority Leader.

(3) Allow C-SPAN to install a permanent camera position just off the Floor. Our viewing public regularly tells us they need more context for the debates they watch. Create a permanent camera position near the floor so that we can interview Senators during quorum calls, votes, and before and/or after C-SPAN2's gavel-to-gavel coverage of Senate sessions.

(4) Open all House-Senate conference committees to cameras. Cameras are often excluded from this important, final step in the legislative process. Budget Conferences are one important example. We propose that the public be allowed to witness—via television—the debate and decision making that finally determines how their tax dollars are being spent.

As you can imagine, going forward with all of these proposals would require considerable additional resources from C-SPAN. You should know that the cable television industry, which is responsible for creating and funding C-SPAN and C-SPAN2, is committed to providing the additional resources necessary to expand our coverage of Congress.

It took many years for the Senate to agree to televise its sessions. Since then, other democracies have followed suit—several of them allowing more complete television pictures than American citizens now get. We hope you'll agree that after eight years, it's time for the Senate to take the next step—consider allowing C-SPAN cameras into the chamber and open up the other venues we've suggested. Expand what American citizens can see of their national legislature; make the television picture of Congress more complete, and therefore, more honest.

As you consider our proposals we are, of course, happy to provide any details or technical information you may need.

Sincerely,

BRIAN LAMB,
Chief Executive Officer.

P.S.—A similar letter is being sent today to leaders of the House; we will also be releasing copies to our colleagues in the news media.

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, December 27, 1994.

Mr. BRIAN LAMB,
Chief Executive Officer, C-SPAN, Washington, DC.

DEAR BRIAN: As you know, I have been a strong supporter of C-Span, broadcast coverage of the proceedings of the United States Senate, and media access in the United States Capitol. I am very interested in the ideas outlined in your letter of November 21st, and I appreciate the time you spent with my staff last week to discuss your suggestions for further opening up coverage of the Senate. While I do not have the personal authority to make many of the changes you propose, I want to do what I can to increase public access to Congress.

I am prepared to immediately open to televsion cameras the Majority Leader's so-called "dugout" briefings for reporters. Because allowing broadcast coverage from the Senate floor when the Senate is not in session would require a Senate resolution, I may hold these briefings at a location off the Senate floor at least until such a resolution is approved. I assume you will provide a similar opportunity for the Democrat Leader, and I will consult with Senator Daschle before introducing a resolution.

I also support opening all public meetings of Senate-House conference committees to television cameras. As you know, this would require a concurrent resolution passed by both houses of Congress, and I will consult with Senator Daschle and Speaker Gingrich on initiating such a resolution.

While I believe the current coverage of the Senate has provided the public with a greater understanding of the legislative process, improvements can clearly be made. Your suggestion that we permit cameras operated by new organizations to provide coverage of the Senate is worthy of serious consideration. I will consult with Senator Daschle on forming a bipartisan Senate working group to examine this issue and all its implications, including feasibility, cost effectiveness, and the interests of other broadcast news outlets. In the meantime, I will suggest to the Rules Committee that they consult with C-Span and your colleagues from the other network news divisions to consider appropriate changes to the procedures determining camera coverage of floor activity, with an eye towards making the coverage as complete as possible.

As Republicans prepare to assume majority status in the Senate, we look forward to working with you. Thanks again for your constructive suggestions.

Sincerely,

BOB DOLE,
Senate Republican Leader.

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. DOLE submitted the following resolution, which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. DASCHLE submitted the following resolution, which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—FIXING THE HOUR OF THE DAILY MEETING OF THE SENATE

Mr. COCHRAN submitted the following resolution, which was considered and agreed to:

S. RES. 3

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 4—ELECTING HON. STROM THURMOND TO BE PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution, which was considered and agreed to:

S. RES. 4

Resolved, That the Honorable Strom Thurmond, a Senator from the state of South Carolina, be and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

SENATE RESOLUTION 5—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution, which was considered and agreed to:

S. RES. 5

Resolved, That the President of the United States be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

SENATE RESOLUTION 6—ELECTING SHEILA BURKE AS THE SECRETARY OF THE SENATE

Mr. DOLE submitted the following resolution, which was considered and agreed to:

S. RES. 6

Resolved, That Sheila Burke, of Virginia, be and she is hereby elected Secretary of the Senate, beginning January 4, 1995.

SENATE RESOLUTION 7—RELATIVE TO THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. DOLE submitted the following resolution; which as considered and agreed to:

S. RES. 7

Resolved, That Howard O. Greene, Jr., of Delaware, be and he is hereby elected Sergeant at Arms and Doorkeeper of the Senate beginning January 4, 1995.

SENATE RESOLUTION 8—RELATIVE TO THE SECRETARY OF THE MAJORITY OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That Elizabeth B. Greene, of Virginia, be and she is hereby elected Secretary for the Majority, beginning January 4, 1995.

SENATE RESOLUTION 9—NOTIFYING THE PRESIDENT OF THE UNITED STATES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That the President of the United States be notified of the election of Sheila Burke, of Virginia, as Secretary of the Senate.

SENATE RESOLUTION 10—ELECTING THE SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That C. Abbott Saffold be and she is hereby elected Secretary for the Minority of the Senate, beginning January 4, 1995.

SENATE RESOLUTION 11—NOTIFYING THE HOUSE OF REPRESENTATIVES

Mr. FORD submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore of the Senate.

SENATE RESOLUTION 12—NOTIFYING THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 12

Resolved, That the House of Representatives be notified of the election of Sheila Burke as Secretary of the Senate.

SENATE RESOLUTION 13—AMENDING RULE XXV

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 13

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more that three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry, but in no event may such Senator serve, by reason of this subdivision, as a member of more that three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Finance, and the Committee on Judiciary, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Commerce, Science and Transportation, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Commerce, Science and Transportation, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 14—RELATIVE TO RULE XXV

Mr. DOLE submitted the following resolution; which was considered:

S. RES. 14

Resolved, That paragraph 2. of Rule XXV of the Standing Rules of the senate is amended for the 104th Congress as follows:

Strike "18" after "Agriculture, Nutrition and Forestry" and insert in lieu thereof "17".

Strike "29" after "Appropriations" and insert in lieu thereof "28".

Strike "20" after "Armed Services" and insert in lieu thereof "21".

Sftrike "21" after "Banking, Housing and Urban Affairs" and insert in lieu thereof "16".

Strike "20" after "Commerce, Science, and Transportation" and insert in lieu thereof "19".

Strike "20" after "Energy and Natural Resources" and insert in lieu thereof "18".

Strike "17" after "Environment and Public Works" and insert in lieu thereof "16".

Strike "19" after "Foreign Relations" and insert in lieu thereof "18".

Strike "13" after "Governmental Affairs" in insert in lieu thereof "15".

Strike "14" after "Judiciary" and insert in lieu thereof "18".

Strike "17" after "Labor and Human Resources" and insert in lieu thereof "16".

SENATE RESOLUTION 15—TO MAKE MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 15

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne; Mrs. Hutchison, Mr. Inhofe, and Mr. Santorum.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Shelby, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, and Mr. Frist.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Mr. Packwood, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison, Ms. Snowe, and Mr. Ashcroft.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. Simpson, Mr. Pressler, Mr. D'Amato, Mr. Murkowski, and Mr. Nickles.

Committee on the Judiciary: Mr. Hatch, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Brown, Mr. Thompson, Mr. Kyl, Mr. DeWine, and Mr. Abraham.

Committee on Labor and Human Resources: Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Ashcroft, Mr. Abraham, and Mr. Gorton.

SENATE RESOLUTION 16—TO MAKE MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 16

Resolved, That the following shall constitute the minority party's membership on the standing committees for the One Hundred Fourth Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy, Mr. Pryor, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (Neb).

Committee on Appropriations: Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Leahy, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kerrey (Neb), Mr. Kohl, and Mrs. Murray.

Committee on Armed Services: Mr. Nunn, Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Byrd, Mr. Robb, Mr. Lieberman, and Mr. Bryan.

Committee on Banking, Housing, and Urban Affairs: Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mrs. Boxer, Mr. Campbell, Ms. Moseley-Braun, and Mrs. Murray.

Committee on Commerce, Science, and Transportation: Mr. Hollings, Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Rockefeller, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Dorgan.

Committee on Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, and Mr. Campbell.

Committee on Environment and Public Works: Mr. Baucus, Mr. Moynihan, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, and Mrs. Boxer.

Committee on Finance: Mr. Moynihan, Mr. Baucus, Mr. Bradley, Mr. Pryor, Mr. Rockefeller, Mr. Breaux, Mr. Conrad, Mr. Graham (Fla.), and Ms. Moseley-Braun.

Committee on Foreign Relations: Mr. Pell, Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mr. Robb, Mr. Feingold, and Mrs. Feinstein.

Committee on Governmental Affairs: Mr. Glenn, Mr. Nunn, Mr. Levin, Mr. Pryor, Mr. Lieberman, Mr. Akaka, and Mr. Dorgan.

Commitee on the Judiciary: Mr. Biden, Mr. Kennedy, Mr. Leahy, Mr. Heflin, Mr. Simon, Mr. Kohl, Mrs. Feinstein, and Mr. Feingold.

Committee on Labor and Human Resources: Mr. Kennedy, Mr. Pell, Mr. Dodd, Mr. Simon, Mr. Harkin, Ms. Mikulski, and Mr. Wellstone.

SENATE RESOLUTION 17—RELATIVE TO THE STANDING RULES OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 17

Resolved, That paragraph 4 of Rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on

Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(7) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Armed Services and the Committee on Environment and Public Works may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(9) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Armed Services Committee and the Committee on Commerce, Science, and Transportation may during the One Hundred Fourth Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 18—RELATIVE TO THE REAPPOINTMENT OF MICHAEL DAVIDSON AS SENATE LEGAL COUNSEL

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 18

Resolved, That the reappointment of Michael Davidson to be Senate Legal Counsel made by the President pro tempore of the Senate this day is effective as of January 3, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

SENATE RESOLUTION 19—RELATIVE TO COMMITTEE FUNDING

Mr. LOTT (for Mr. DOLE, for himself, Mr. DASCHLE, Mr. DOMENICI, Mr. MACK, and Mr. NICKLES) submitted the following resolution; which was indefinitely postponed:

S. RES. 19

Resolved, It is the sense of the Senate that the Committee on Rules and Administration when it reports the committee funding resolution for 1995-96 it should reduce funding for committees by 15 percent from the level provided for 1993-94.

SENATE RESOLUTION 20—TO MAKE MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 20

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, and Mr. Warner.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Gramm, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, Mr. Burns, Mr. Shelby, Mr. Jeffords, Mr. Gregg, and Mr. Bennett.

SENATE RESOLUTION 21—TO AMEND SENATE RESOLUTION 338 RELATING TO THE MEMBERSHIP OF THE SELECT COMMITTEE ON ETHICS

Mr. HELMS submitted the following resolution; which was ordered to be placed on the Calendar:

S. RES. 21

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years. At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation buy shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

Mr. HELMS. Mr. President, during the last Congress neither the Senate nor the news media gave serious consideration toward making overdue changes in the Senate Ethics Committee.

However, it's a safe assumption that when the next heated allegation comes before the Ethics Committee, a great deal will be heard about how the committee's structure renders it incapable of conducting its business with the public's full confidence. That criticism will be justified—unless the Senate takes steps now to correct the situation.

Therefore, Mr. President, the purpose of the Senate resolution I am offering today is to avoid such criticism in the future by beginning now earnest consideration of plans to restructure the Ethics Committee.

Mr. President, there must never again be a repeat of the Keating Five scenario which dragged on for months on end and ultimately cost the Senate a great deal in terms of public confidence. Having been a member of the Ethics Committee during the ordeal, I certainly imply no criticism of anyone who participated in the Keating Five proceedings; the fault was in the system—not in those who were trying to make the system work.

The bottom line is that it took the Senate Ethics Committee almost 2 years to consider the Keating matter—it voted to commence its preliminary inquiry on December 21, 1989, and transmitted its report to the Senate on November 19, 1991. At that time, there was a chorus—from all across the political spectrum—demanding a reform of the Ethics Committee and its procedures.

The Senate resolution which I am offering today, is certainly no end-all be-all—it is merely a starting point for discussion. The resolution proposes that the work of the current Ethics Committee be done by a committee of six private citizens—not Senators. At least two members should be retired Federal judges; and another two should be former members of the Senate.

Three of the six members will be selected by the majority leader and three by the minority leader. Each member will serve 6 years—except when initial appointments are made, at which time the terms will be staggered. Members of the committee will serve without compensation—but will be entitled to reimbursement for travel and per diem expenses in accordance with the rules and regulations of the Senate.

I should emphasize again for the purpose of emphasis that this proposal is only a starting point. It is important, however, that we get started in reforming the Ethics Committee before the Senate is faced with another ethical dilemma on the front pages of the Nation's newspapers.

Mr. President, some discussion was given to reforming the Senate Ethics Committee in the last Congress by the Joint Committee on the Organization of Congress. A proposal similar to the one outlined in my resolution was discussed at hearings held by the Joint Committee—but was not included in committee's final proposal—even though it was endorsed by Senator BRYAN, the then-chairman of the Ethics Committee. The only changes the Joint Committee in fact approved regarding the Ethics Committee were new standards on disciplinary sanctions.

The Senate too often has been found lagging in proposals to reform itself—thus becoming targets for media accusations of indifference and institutional arrogance. We have an opportunity with the proposed resolution, on the other hand, to start a process by which a strong signal may be sent to the American people that we are in fact willing to change with regards to the manner in which this institution polices its own members.

Mr. President, the American people expect the power entrusted Senators to be used for the public good and never for our own benefit or the benefit of the few. Likewise, the American people have a right to expect that Senators who abuse their power and the public trust to be held accountable for their actions—swiftly and justly.

I fully expect, and welcome, suggestion for accomplishing this goal. There will be, and should be, other ideas for reforming the Ethics Committee, ideas that no doubt will enhance and improve the suggestions I am making in my resolution. I reiterate: The time to begin is now, not when the Senate finds itself—again—in the midst of another institutional crisis.

SENATE RESOLUTION 22—RELATING TO CARGO PREFERENCE POLICY

Mr. INOUYE submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 22

Whereas the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to carry a substantial portion of the international waterborne commerce of the United States;

Whereas the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to serve as a fourth arm of defense in time of war and national emergency;

Whereas the Federal Government has expressly recognized the vital role of the United States Merchant Marine during Operation Desert Shield and Operation Desert Storm;

Whereas cargo reservation programs of Federal agencies are intended to support the privately owned and operated United States-flag Merchant Marine by requiring a certain percentage of government-impelled cargo to be carried on United States-flag vessels;

Whereas when Congress enacted Federal cargo reservation laws Congress contemplated that Federal agencies would incur higher program costs to use the United States-flag vessels required under such laws;

Whereas section 2631 of title 10, United States Code, requires that all United States military cargo be carried on United States-flag vessels;

Whereas Federal law requires that cargo purchased with loan funds and guarantees from the Export-Import Bank of the United States established under section 635 of title 12, United States Code, be carried on United States-flag vessels;

Whereas section 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f) requires that 75 percent of the gross tonnage of certain agricultural exports that are the subject of an export activity of the Commodity Credit Corporation or the Secretary of Agriculture be carried on United States-flag vessels;

Whereas section 901(b) of such Act (46 U.S.C. App. 1241(b)) requires that at least 50 percent of the gross tonnage of other ocean borne cargo generated directly or indirectly by the Federal Government be carried on United States-flag vessels;

Whereas cargo reservation programs are very important for the shipowners of the United States who require compensation for maintaining a United States-flag fleet;

Whereas the United States-flag vessels that carry reserved cargo provide quality jobs for seafarers of the United States;

Whereas, according to the most recent statistics from the Maritime Administration, in 1990, cargo reservation programs generated $2,400,000,000 in revenue to the United States fleet and accounted for one-third of all revenue from United States-flag foreign trade cargo;

Whereas the Maritime Administration has indicated that the total volume of cargoes moving under the programs subject to Federal cargo reservation laws is declining and will continue to decline;

Whereas, in 1970, Congress found that the degree of compliance by Federal agencies with the requirements of the cargo reservation laws was chaotic, uneven, and varied from agency to agency;

Whereas, to ensure maximum compliance by all agencies with Federal cargo reservation laws, Congress enacted the Merchant Marine Act of 1970 (Public Law 91-469) to centralize monitoring and compliance authority for all cargo reservation programs in the Maritime Administration;

Whereas, notwithstanding section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)), and the purpose and policy of the Federal cargo reservation programs, compliance by Federal agencies with Federal cargo reservation laws continues to be uneven;

Whereas the Maritime Administrator cited the limited enforcement powers of the Maritime Administration with respect to Federal agencies that fail to comply with section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)) and other Federal cargo reservation laws; and

Whereas the Maritime Administrator recommended that Congress grant the Maritime Administration the authority to settle any cargo reservation disputes that may arise between a ship operator and a Federal agency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) each Federal agency should administer programs of the Federal agency that are subject to Federal cargo reservation laws (including regulations of the Maritime Administration) to ensure that such programs are, to the maximum extent practicable, in compliance with the intent and purpose of such cargo reservation laws; and

(2) the Maritime Administration should closely and strictly monitor any cargo that is subject to such cargo reservation laws.

Mr. INOUYE. Mr. President, the law of the land, specifically section 1 of the Merchant Marine Act of 1936, declares that the United States shall have a merchant marine sufficient, among other things, to:

> Carry a substantial portion of our international waterborne Commerce; and to serve as a fourth arm of defense in time of war and national emergency.

The importance of these requirements has been dramatically illustrated by the vital role of our merchant marine in World War II, Korea, Vietnam, during Operations Desert Shield and Desert Storm, and most recently in Haiti.

While the privately owned and operated U.S. flag merchant marine has performed so magnificently and effectively in times of crisis, it has also made extraordinary efforts to ensure that a substantial portion of commercial cargo bound to and from the United States moves on U.S. bottoms. Given the chronic overtonnaging in international shipping, cut-throat competition, and the competitive edge our trading partners give their national flags, this has not been easy. Nevertheless, if our commercial fleet is to continue to be an effective auxiliary in times of war or national emergency, it must first be commercially viable in times of peace. Otherwise, there will be no merchant fleet when the need arises.

I think we all would agree that there is a substantial national interest in promoting our merchant fleet. Indeed, several laws of our land recognize that national interest and spell out specifically how the U.S. Government is to go about promoting it. Federal laws require that all U.S. military cargo, cargo purchased with all loan funds and guarantees from the Eximbank, 75 percent of concessionary agricultural, and at least 50 percent of all other international ocean borne cargo generated directly or indirectly by the Federal Government, be carried on U.S. flag vessels. According to the latest statistics of the Maritime Administration [MarAd], in 1993 these cargo reservation programs generated $1.58 billion in revenue to the U.S. fleet and accounted for one-third of all revenue from the U.S. flag foreign trade cargo. The alarming news is that according to MarAd the total volume of cargo moving under these programs is declining and will continue to do so.

According to a soon to be published report by Nathan Associates Inc., the 1992 economic impacts of cargo preference for the United States were 40,000 direct, indirect and induced jobs, $2.2 billion in direct, indirect and induced household earnings, $354 million in direct, indirect and induced Federal personal and business income tax revenues—$1.20 for every dollar of government outlay on cargo preference, and $1.2 billion in foreign exchange.

It is, therefore, imperative that U.S. flag vessels carry every ton of cargo which these programs and the law intend them to carry. This brings me to the reason for the resolution I am introducing today. There are two substantial problems which threaten the viability of these programs and, therefore, the viability of our merchant fleet.

Several agencies administering cargo reservation programs continue to do their almighty best to evade the spirit and letter of the reservation laws, that is, find the law inapplicable to a particular program, or employ other loopholes.

Because of this problem of evasion and uneven confidence, the Congress amended the Merchant Marine Act of 1970 to centralize monitoring and compliance authority for all cargo reservation programs in MarAd. Nevertheless, the problem remains. Critics of MarAd maintain the agency is too timid, and does not discharge its obligation aggressively. MarAd, on the other hand, says it has limited enforcement powers over those Government agencies which are not in compliance.

As the Secretary of Transportation recently announced the administration's intent to consolidate the Department of Transportation's operating divisions, I believe it is more important than ever for the Congress to reiterate its support for our cargo reservation laws, so that their administration and enforcement will not suffer from any Departmental reorganization.

Mr. President, the resolution I am introducing today merely expresses the sense of the Senate that all of these Federal agencies do what they are supposed to be doing now, under existing law.

SENATE RESOLUTION 23—RELATIVE TO THE OREGON OPTION

Mr. HATFIELD submitted the following resolution; which was referred to the Committee on Governmental Affairs.

S. RES. 23

Whereas Federal, State and local governments are dealing with increasingly complex problems which require the delivery of many kinds of social services at all levels of government;

Whereas historically, Federal programs have addressed the Nation's problems by providing categorical assistance with detailed requirements relating to the use of funds which are often delivered by State and local governments;

Whereas although the current approach is one method of service delivery, a number of problems exist in the current intergovernmental structure that impede effective delivery of vital services by State and local governments;

Whereas it is more important than ever to provide programs that respond flexibly to the needs of the Nation's States and communities, reduce the barriers between programs that impede Federal, State and local governments' ability to effectively deliver services, encourage the Nation's Federal, State and local governments to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national goals, and improve the accountability of all levels of government by better measuring government performance and better meeting the needs of service recipients;

Whereas the State and local governments of Oregon have proposed a pilot project, called the Oregon Option, that would utilize strategic planning and performance-based management that may provide the new models for intergovernmental social service delivery;

Whereas the Oregon Option is a prototype of a new intergovernmental relations system, and it has the potential to completely transform the relationships among Federal, State and local governments by creating a system of intergovernmental service delivery and funding that is based on measurable performance, customer satisfaction, prevention, flexibility, and service integration; and

Whereas the Oregon Option has the potential to dramatically improve the quality of Federal, State and local services to Oregonians: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option.

Mr. HATFIELD. Mr. President, I ask unanimous consent that a memorandum of understanding and a letter regarding the Oregon Option be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF UNDERSTANDING REGARDING "THE OREGON OPTION"

I. PURPOSE

The purpose of this Memorandum Of Understanding is to encourage and facilitate cooperation among Federal, State and local entities to redesign and test an outcomes oriented approach to intergovernmental service delivery. This special partnership and long-range commitment will serve as demonstration of principles and practices which may serve as a model for improvements nationwide.

II. BACKGROUND

In July 1994, Oregon proposed a multi-year demonstration with the Federal Government to redesign intergovernmental service delivery, structured and operated to achieve measurable results that will improve the lives of Oregonians.

Oregon is uniquely suited for an experimental demonstration to develop an outcomes oriented approach to intergovernmental services. The State and many local governments have begun using an outcomes model for establishing longrange vision, setting public priorities, allocating resources, designing services, and measuring results. The Oregon Legislature has endorsed the Oregon "Benchmarks." Further, many nonprofit organizations, businesses, and civic groups in Oregon are aligned to a benchmark process with State, county and local jurisdictions.

III. PRINCIPLES TO GUIDE COOPERATION

The following principles should guide the parties cooperation in this undertaking:

A re-designed system would be:

Structured, managed, and evaluated on the basis of *results* (i.e., progress in achieving benchmarks).

Oriented to customer needs and satisfaction, especially through integration of services.

Biased toward prevention rather than remediation of problems.

Simplified and integrated as much as possible, delegating responsibilities for service, design, delivery, and results to front-line, local-level providers, whether they are local agencies or local offices of state agencies.

IV. RESPONSIBILITIES OF THE PARTIES

The parties to this memorandum will work together as partners to (1) identify benchmarks, strategies, and measures that provide a framework for improved intergovernmental service delivery and (2) undertake efforts to identify and eliminate barriers to achieving program results.

V. AUTHORITIES

The principles and responsibilities covered in this memorandum are intended to improve the coordinated delivery of intergovernmental programs. This memorandum does not commit any of the parties to a particular level of resources; nor is it intended to create any right or benefit or diminish any existing right or benefit, substantive or procedural, enforceable at law by a party against the United States, State of Oregon, any state or federal agency, any state or federal official, any party of this agreement, or any person. While significant changes to the intergovernmental service delivery system are anticipated as result of this effort, this is not a legally binding or enforceable agreement. Nothing in this memorandum alters the responsibilities or statutory authorities of the Federal agencies, or State or local governments.

OREGON PROGRESS BOARD,
Salem, OR, January 3, 1993.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for introducing a Senate Resolution in support of the Oregon Option.

For the past six years, the Oregon Progress Board has been developing and championing Oregon Benchmarks, measurable indicators of how our state is performing in education, health, environmental quality and economic development. The Benchmarks have been extensively reviewed through public meetings, and the measures are used widely to guide public, non-profit and private sectors activities.

Through the Oregon Option, we hope to apply the Oregon Benchmarks to federal programs. The typical federal approach to domestic programs carried out by state and local governments is to structure and manage service delivery from the top down. Officials in Washington define problems and solutions, prescribe service activities, impose complex but often conflicting and wasteful regulations and measure program success based on compliance rather than on true results.

Under the Oregon Option, federal, state and local partners work together to define results—in the form of benchmarks—that they want to achieve with federal dollars. State and local service providers then have the latitude to determine how best to achieve those results. The approach unburdens Oregon's state and local service providers from paperwork and frees their time and energy to deliver results.

We hope that the Oregon Option can become a model for a different way to deliver intergovernmental services, a model that empowers communities and front line workers to achieve the results citizens demand.

Endorsement by the Senate would give the Oregon Option an enormous boost. We greatly appreciate your support for this effort.

Sincerely,

DUNCAN WYSE,
Executive Director.

MARION COUNTY OREGON,
BOARD OF COMMISSIONERS,
December 30, 1994.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I am writing to offer my sincere thanks to you for introducing your Senate Resolution recognizing the importance of The Oregon Option and calling for its full implementation.

The Oregon Option offers us an historic opportunity to create a more responsive, efficient government which gives local communities greater responsibility for their own success. Ultimately, through this collaborative effort, I believe that we can restore credibility for our institutions and redefine governance for our citizens.

Much of the current debate over intergovernmental relations revolves around the level of government at which we place authority and responsibility for delivering services. Such a debate is empty if it does not take the time to ensure accountability for results, which The Oregon Option has as its central focus.

I hope that the Senate will enthusiastically adopt your resolution, and that the Federal Administration will work quickly to fully implement this important proposal which is already showing signs of success in Oregon.

Sincerely,

RANDALL FRANKE,
Marion County Commissioner, President,
National Association of Counties.

SENATE RESOLUTION 24—PROVIDING FOR THE BROADCASTING OF PRESS BRIEFINGS ON THE FLOOR

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 24

Resolved, That notwithstanding the provisions of S. Res. 28 (99th Congress, 2nd Session), live television coverage of those periods before the Senate comes into session in which the press is allowed on the Floor to ask questions of the Majority and Minority Leaders be permited.

SENATE RESOLUTION 25—RELATIVE TO SECTION 6 OF SENATE RESOLUTION 458 OF THE 98TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 25

Resolved, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress (agreed to October 4, 1984), the term "displaced staff member" includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directly as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

AMENDMENTS SUBMITTED

RESOLUTION TO AMEND THE RULES OF THE SENATE

HARKIN (AND OTHERS) AMENDMENT NO. 1

Mr. HARKIN (for himself, Mr. LIEBERMAN, Mr. PELL, and Mr. ROBB) proposed an amendment to the resolution (S. Res. 14) amending paragraph 2 of Rule XXV; as follows:

At the appropriate place, insert the following:

SEC. ___. SENATE CLOTURE PROVISION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

"(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

"(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

NOTICE OF HEARING

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, today I am pleased to announce that the Senate Committee on Governmental Affairs will hold a joint hearing with the House Committee on Government Reform and Oversight on Thursday, January 12, 1994, at 10 a.m. in the Rayburn House Office Building, room 2154. This joint House-Senate hearing will concern the legislative line-item veto issue. Expert witnesses will testify on the necessity for such legislation.

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. WELLSTONE. Mr. President, in accordance with rule 5, paragraph 1, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to offer the following amendment during the Senate's consideration of the Congressional Accountability Act of 1995, and the provisions of my amendment would amend rule XXXV of the Standing Rules of the Senate with respect to gifts:

At the appropriate place, insert the following:

SEC. ___. SENATE GIFT RULE.

(a) IN GENERAL.—The text of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. No member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a lobbyist, a lobbying firm, or an agent of a foreign principal registered under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) in violation of this rule.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this rule, no member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a member, officer, or employee (or a gift to any other individual based on that individual's relationship with the member, officer, or employee) shall be considered a gift to the member, officer, or employee if it is given with the knowledge and acquiescence of the member, officer, or employee and the member, officer, or employee has reason to believe the gift was given because of the official position of the member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall apply to the following:

"(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

"(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a member, officer, or employee of the Senate.

"(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a member, officer, or employee of the Senate (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a member, officer, or employee of the Senate.

"(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a member, officer, or employee of the Senate.

"(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of members, officers, or employees of the Senate.

"(d) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the member, officer, or employee as an officeholder) of the member, officer, or employee, or the spouse of the member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(14) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a member, officer, or employee, if such training is in the interest of the Senate.

"(15) Bequests, inheritances, and other transfers at death.

"(16) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(17) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(18) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(19) Free attendance at a widely attended event permitted pursuant to subparagraph (e).

"(20) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(21) A plaque, trophy, or other memento of modest value.

"(22) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(e)(1) Except as prohibited by paragraph 1, a member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the member, officer, or employee.

"(2) A member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f)(1) No member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (d)(3) or the close personal friendship exception in clause (2) unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(2)(A) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the member, officer, or employee of the Senate shall not be subject to the prohibition in clause (1).

"(B) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

"(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

"(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(ii) Whether the gift was purchased by the individual who gave the item.

"(iii) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees of the Senate.

"(g)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the member or officer (in the case of travel by that member or officer) or by the member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a member or officer, a determination that the travel was in connection with the duties of the member or officer as an officeholder and would not create the appearance that the member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the member, officer, or employee, subject to a determination signed by the member or officer (or in the case of an employee, the member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

"4. In this rule:

"(a) The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is—

"(1) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments; or

"(2) an individual member or members, when the lobbying activities are conducted on behalf of, and financed separately by, 1 or more individual members and not by the coalition's or association's dues and assessments.

"(b) The term 'lobbying firm'—

"(A) means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity; and

"(B) includes a self-employed individual who is a lobbyist.

"(c) The term 'lobbyist' means a person registered under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or required to be registered under any successor statute.

"(d) The term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements deemed accepted by the Senate pursuant to Rule XXXV of the Standing Rules of the Senate shall be reported as required by such rule and need not be reported under this section.".

(c) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

(d) GENERAL SENATE PROVISIONS.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(e) RULEMAKING.—Subsections (a) and (d) are enacted by the Senate—

(1) as an exercise of the rulemaking power of the Senate and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time and in the same manner and to the same extent as in the case of any other rule of the Senate.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on May 31, 1995.

ADDITIONAL STATEMENTS

THE ALBION COLLEGE FOOTBALL CHAMPIONS

• Mr. LEVIN. Mr. President, I want to recognize and congratulate the Albion College Britons football team the 1994 NCAA Division III national champions.

On a rainy Saturday afternoon in December, the Britons met the Washington & Jefferson Presidents in the 22d annual Amos Alonzo Stagg Bowl in Salem, VA. Coming into the game, the Presidents had the Nation's top-ranked defense in Division III. The Britons, winners of six consecutive Michigan Intercollegiate Athletic Association titles, rose to the occasion to win a 38–15 victory. The victory capped an impressive drive through four playoff games which included victories over three former national champions.

At one point, the Britons scored 31 unanswered points. The aggressive Albion defense and special teams forced three turnovers and returned an interception for a touchdown. Tailback Jeff Robinson rushed for 166 yards on the soggy field and scored three touchdowns.

The Albion players and coaches have faced many challenges this year as they went to an undefeated 13-0 record. They overcame them by pulling together as a team and playing their hearts out. I admire their spirit and applaud them for giving it their all in every game.

I want to extend my warmest congratulations to each of the players, coaches, parent, and supporters of this championship team as well as to President Melvin Vulgamore and the entire Albion College community.

The members of the 1994 national champion Albion College Britons include: Ralph Abbott, Chad Abbuhl, Frank Baiardi, Chris Barnett, Ben Bates, Eric Bernaiche, Jason Beglin, Scott Bigford, Eric Breitenbeck, Rob Britt, Brad Brown, Mike Cabana, Vince Callahan, Scott Casteele, Tom Cavanaugh, Gabe Cooper, David Cox, Kevin Curtis, Rob Dancer, Jim Davis, Bob Donaldson, Alec Egnatuk, Bill Ermiger, Jon Evans, Brian Fought, Jamie Glinski, Scott Goodwin, James Grimes, Tony Gross, Steve Guibord, Scott Harris, Scott Harrison, Eric Hayhurst, Jim Heaslip, Casey Heckathorn, Ray Henke, Matt Henne, Martin Heyboer, P.J. Holser, Ron James, Mike Johnson, Neil Johnson, Mike Jones, Fred Kahle, Heath Kent, Kyle Klein, Brian Lee, David Lefere, John Lloyd, Matt Lynn, Brian Mack, Ryan Maki, Eric Maust, Derek Mazur, Mark McDonald, Marvin McNeese, Jr., Trent McPheeters, Steve Merchant, Rusty Mitcham, Shawn Mitchelson, Dave Morelli, Todd Morris, Mike Mumper, Todd Murphy, Brian Murray, Jason Nagy, Mike Oursler, Jamie Palazeti, Todd Pautuk, Joe Pesci, Tom Phebus, Angelo Popofski, Tom Raven, Nate Reed, D.J. Rehberg, Darrell Robbins, Jeff Robinson, Mike Robinson, Scott Robinson, Dave Rockwell, Kevin Rod, Tim Schafer, Pete Schmidt, Jeff Schrameck, Wade Schwendenmann, Matthew Sculley, Durand Shepherd, Jeff Shooks, Casey Sivier, Mark Smith, Joshua Speller, Jared Spybrook, Jim Stealy, Jeremy Stepp, Brent Stine, Darrel Stine, Jim Swartz, Robert Taylor, Dan Teske, Paul Thompson, Robert Thompson, Tim Todd, Jeff Trenta, Brian VanNorman, Dennis Waclawski, Corey Wells, Brian Wroblewski, Jared Wood, Troy Wyman, Michael Zacha, and Paul Zimmerman.

Their head coach is Pete Schmidt, and his assistants are Dave Egnatuk, Ron Parker, Greg Pscodna, Doug Nelson, Scott Merchant, Richard Dunham, and Albert Prince. The athletic trainer is Dan Obey.

Mr. President, the people of Michigan are proud of the Albion College Britons. They have shown character and determination. They were winners long before the final score of the football game was known.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed at this point in the RECORD:)

TRIBUTE TO SENATOR DURENBERGER

• Mr. JOHNSTON. For 18 years Senator David Durenberger has advanced cutting-edge ideas reasonably, thoughtfully, and in a timely fashion. When he took up the cudgels for an issue, from clean air to civil rights to managed care, you could be sure that it was an idea whose time had come. You could also be sure that he would work tirelessly to hammer out differences among Senators and reach realistic and principled compromises.

Senator Durenberger has a reputation for taking a holistic rather than a partisan approach to legislation. He sees it from every angle, not just from opposing sides. As a member of the Committee on Environmental and Public Works, and as ranking Republican on its Subcommittee on Superfund, Recycling and Solid Waste, he has provided responsible input into major environmental bills including Superfund, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. His national organization, Americans for Generational Equity, seeks to ensure that the budget and tax choices made by this generation do not unfairly burden generations to come.

In his time in this body, Dave Durenberger worked and planned for the long run, not for the quick fix. His expertise, particularly in the field of health care, will be greatly missed.•

(The following was received during the adjournment of the Senate:)

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Dr. Robert McArthur, a member of the staff of Senator COCHRAN, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from December 3–12, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Dr. McArthur in this program.

The select committee received notification under rule 35 for Laura Hudson, a member of the staff of Senator JOHNSTON, to participate in a program in Japan, sponsored by the Japanese Government from December 3–12, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Hudson in this program.

The select committee received notification under rule 35 for Marie Blanco, a member of the staff of Senator INOUYE, to participate in a program in Japan, sponsored by the Japanese Government, from December 3–12, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Blanco in this program.

The select committee received notification under rule 35 for Thomas Moore, a member of the staff of Senator BREAUX, to participate in a program in China, sponsored by the Chinese Government from December 12–21, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Moore in this program.

The select committee received notification under rule 35 for Niles Godes, a member of the staff of Senator CONRAD, to participate in a program in China, sponsored by the Chinese Government from December 12–21, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Godes in this program.

The select committee received notification under rule 35 for Joel Bacon, a member of the staff of Senator KASSEBAUM, to participate in a program in China sponsored by the Chinese Government from December 12–21, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bacon in this program.

The select committee received notification under rule 35 for Alex Flint, a member of the staff of Senator DOMENICI, to participate in a program in Japan, sponsored by the Japanese Government from December 3–11, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Flint in this program.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed at this point in the RECORD:)

TRIBUTE TO SENATOR DANFORTH

• Mr. JOHNSTON. Mr. President, in this body there are many, many Senators who will fight to the end for legislation they believe in, as a matter of principle, and this is admirable. There are other Senators who, confronted with a disagreement on fundamental issues will attempt to find a principled middle ground, and who will negotiate until they drop to find a way to bring the Senate together. This is also admirable. For the last 18 years, there has been one Senator who did both, who fought for the people and issues he believed in but who was able to broker agreements on thorny issues between Senators who would not normally agree. He was able to do this, in part because his training in the law and the ministry gave him a double set of negotiating tools, and in part, because his genuine good nature and penetrating grasp of basic issues made him easy to deal with. But the real reason, I think, that Jack Danforth was able to shepherd legislation like the 1991 Civil Rights Bill into law was because no Senator has ever doubted his integrity or wondered where he was coming from. He could say, like Martin Luther, "Here I stand. I can do no other." The Senate will be, philosophically and ethically, the poorer for his leaving.•

CALL OF THE ROLL

Earlier in today's proceedings, the Vice President instructed the clerk to call the roll to ascertain the presence of Senators. The following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. LOTT. Mr. President, I renew my previous request.

There being no objection, the Senate, at 9:10 p.m., adjourned until Thursday, January 5, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 4, 1995:

DEPARTMENT OF THE TREASURY

ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY, VICE LLOYD BENTSEN, RESIGNED.

INTERNATIONAL BANKS

ROBERT E. RUBIN, OF NEW YORK, TO BE U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

RONNA LEE BECK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE BRUCE D. BEAUDIN, RESIGNED.

LINDA KAY DAVIS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE GLADYS KESSLER, ELEVATED.

ERIC T. WASHINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE RICARDO M. URBINA, ELEVATED.

HOUSE OF REPRESENTATIVES—*Wednesday, January 4, 1995*

This being the day fixed by the 20th amendment to the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the 104th Congress met in their Hall, and at 12 noon, were called to order by the Clerk of the House of Representatives, the Honorable Donnald K. Anderson.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise and with a sense of duty and honor, we express our thanksgivings, O gracious God, that we have the opportunity to serve at this time and place. When we contemplate the demands of justice and the high calling to public service, we pray that Your spirit will illumine our minds, strengthen our resolve and give us hearts of wisdom, tolerance, and compassion. May each person be faithful to the vocation of Government service, that we will be good stewards of the resources of the land, hold to the standards of integrity and loyalty and do all those good things that honor You and serve people everywhere. May Your benediction, O God, that is new every morning and is with us in all the moments of life, continue to bless us and keep us in Your grace, now and evermore. As the prophet Micah has said, "And what does the Lord require of you, but to do justice, to love mercy, and to walk humbly with your God." Amen.

PLEDGE OF ALLEGIANCE

The CLERK. Will the Members-elect and their guests please remain standing and join with us in the Pledge of Allegiance to the Flag.

The Clerk led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 103–395 for the meeting of the 104th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 428 seats in the 104th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House the following communication from the Secretary of the State of the State of Alabama.

STATE OF ALABAMA,
OFFICE OF THE SECRETARY OF STATE,
Montgomery, AL, December 19, 1994.

Hon. DONNALD K. ANDERSON,
Clerk,
U.S. House of Representatives,
Washington, DC.

DEAR MR. ANDERSON: According to the unofficial results of the election held on November 8, 1994, in the state of Alabama, the following individuals received a majority of the votes for a term of two years beginning on January 3, 1995, to the United States House of Representatives:

Sonny Callahan—1st District.
Terry Everett—2nd District.
Glen Browder—3rd District.
Tom Bevill—4th District.
Robert E. (Bud) Cramer, Jr—5th District.
Spencer Bachus—6th District.
Earl F. Hilliard—7th District.

The official results and certificates of election will be transmitted to you as soon as I am authorized to do so. Should the official results differ from this in any way, I will notify you immediately.

Sincerely,

JIM BENNETT,
Secretary of State.

The CLERK. Without objection, the Representatives-elect from the State of Alabama will be allowed to record their presence by electronic device and also to vote on the election of the Speaker.

There was no objection.

The CLERK. Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The CLERK. Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—432

ALABAMA

Bevill
Browder
Cramer
Hilliard
Bachus
Callahan
Everett

ALASKA

Young

ARIZONA

Pastor
Hayworth
Kolbe
Salmon
Shadegg
Stump

ARKANSAS

Dickey
Hutchinson
Lambert-Lincoln
Thornton

CALIFORNIA

Baker
Becerra
Beilenson
Berman
Bilbray
Bono
Brown
Calvert
Condit
Cox
Cunningham
Dellums
Dixon
Dooley
Doolittle
Dornan
Dreier
Eshoo
Farr
Fazio
Filner
Gallegly
Harman
Herger
Horn
Hunter
Kim
Lantos
Lewis
Lofgren
Martinez
Matsui
McKeon
Miller
Mineta
Moorhead
Packard
Pelosi
Pombo
Radanovich
Riggs
Rohrabacher
Roybal-Allard
Royce
Seastrand
Stark
Thomas
Torres
Tucker
Waters
Waxman
Woolsey

COLORADO

Allard
Hefley
McInnis
Schaefer
Schroeder
Skaggs

CONNECTICUT

DeLauro
Franks
Gejdenson
Johnson
Kennelly
Shays

DELAWARE

Castle

FLORIDA

Bilirakis
Brown
Canady
Deutsch
Diaz-Balart
Foley
Fowler
Gibbons
Goss
Hastings
Johnston
McCollum
Meek
Mica
Miller
Peterson
Ros-Lehtinen
Scarborough
Shaw
Stearns
Thurman
Weldon
Young

GEORGIA

Barr
Bishop
Chambliss
Collins
Deal
Gingrich
Kingston
Lewis
Linder
McKinney
Norwood

HAWAII

Abercrombie
Mink

IDAHO

Chenoweth
Crapo

ILLINOIS

Collins
Costello
Crane
Durbin
Evans
Ewing
Fawell
Flanagan
Gutierrez
Hastert
Hyde
LaHood
Lipinski
Manzullo
Porter
Poshard
Reynolds
Rush
Weller
Yates

INDIANA

Burton
Buyer
Hamilton
Hostettler
Jacobs
McIntosh
Myers
Roemer
Souder
Visclosky

IOWA

Ganske
Latham
Leach
Lightfoot
Nussle

KANSAS

Brownback
Meyers
Roberts
Tiahrt

KENTUCKY

Baesler
Bunning
Lewis
Rogers
Ward
Whitfield

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LOUISIANA

Baker
Fields
Hayes
Jefferson
Livingston
McCrery
Tauzin

MAINE

Baldacci
Longley

MARYLAND

Bartlett
Cardin
Ehrlich
Gilchrest
Hoyer
Mfume
Morella
Wynn

MASSACHUSETTS

Blute
Frank
Kennedy
Markey
Meehan
Moakley
Neal
Olver
Studds
Torkildsen

MICHIGAN

Barcia
Bonior
Camp
Chrysler
Conyers
Dingell
Ehlers
Hoekstra
Kildee
Knollenberg
Levin
Rivers
Stupak
Smith
Upton

MINNESOTA

Gutknecht
Luther
Minge
Oberstar
Peterson
Ramstad
Sabo
Vento

MISSISSIPPI

Montgomery
Parker
Taylor
Thompson
Wicker

MISSOURI

Clay
Danner
Emerson
Gephardt
Hancock
McCarthy
Skelton
Talent
Volkmer

MONTANA

Williams

NEBRASKA

Barrett
Bereuter
Christensen

NEVADA

Ensign
Vucanovich

NEW HAMPSHIRE

Bass
Zeliff

NEW JERSEY

Andrews
Franks
Frelinghuysen
LoBiondo
Martini
Menendez
Pallone
Payne
Roukema
Saxton
Smith
Torricelli
Zimmer

NEW MEXICO

Richardson
Schiff
Skeen

NEW YORK

Ackerman
Boehlert
Engel
Flake
Forbes
Frisa
Hinchey
Houghton
Kelly
King
LaFalce
Lazio
Lowey
Maloney
Manton
McHugh
McNulty
Molinari
Nadler
Owens
Paxon
Quinn
Rangel
Schumer
Serrano
Slaughter
Solomon
Towns
Velazquez
Walsh

NORTH CAROLINA

Ballenger
Burr
Clayton
Coble
Funderburk
Hefner
Heineman
Jones
Myrick
Rose
Taylor
Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner
Brown
Chabot
Cremeans
Gillmor
Hall
Hobson
Hoke
Kaptur
Kasich
LaTourette
Ney
Oxley
Portman
Pryce
Regula
Sawyer
Stokes
Traficant

OKLAHOMA

Brewster
Coburn
Istook
Largent
Lucas

OREGON

Bunn
Cooley
DeFazio
Furse
Wyden

PENNSYLVANIA

Borski
Clinger
Coyne
Doyle
English
Fattah
Foglietta
Fox
Gekas
Goodling
Greenwood
Holden
Kanjorski
Klink
Mascara
McDade
McHale
Murtha
Shuster
Walker
Weldon

RHODE ISLAND

Kennedy
Reed

SOUTH CAROLINA

Clyburn
Graham
Inglis
Sanford
Spence
Spratt

SOUTH DAKOTA

Johnson

TENNESSEE

Bryant
Clement
Duncan
Ford
Gordon
Hilleary
Quillen
Tanner
Wamp

TEXAS

Archer
Armey
Barton
Bentsen
Bonilla
Bryant
Chapman
Coleman
Combest
de la Garza
DeLay
Doggett
Edwards
Fields
Frost
Geren
Gonzalez
Green
Hall
Jackson-Lee
Johnson, E. B.
Johnson, Sam
Laughlin
Ortiz
Smith
Stenholm
Stockman
Tejeda
Thornberry
Wilson

UTAH

Hansen
Orton
Waldholtz

VERMONT

Sanders

VIRGINIA

Bateman
Bliley
Boucher
Davis
Goodlatte
Moran
Payne
Pickett
Scott
Sisisky
Wolf

WASHINGTON

Dicks
Dunn
Hastings
McDermott
Metcalf
Nethercutt
Smith
Tate
White

WEST VIRGINIA

Mollohan
Rahall
Wise

WISCONSIN

Barrett
Gunderson
Kleczka
Klug
Neumann
Obey
Petri
Roth
Sensenbrenner

WYOMING

Cubin

□ 1230

The CLERK. The quorum call discloses that 432 Representatives-elect have responded to their names. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable CARLOS ROMERO-BARCELÓ as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1993; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable VICTOR O. FRAZER as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of the Honorable ROBERT A. UNDERWOOD as Delegate from Guam.

FAREWELL REMARKS OF THE HONORABLE DONNALD K. ANDERSON

The CLERK. Ladies and gentlemen of the House, if you will indulge me for just one moment, I will shortly take leave of this Chamber after 35 years in your service, the last 8 in the high stewardship as your Clerk.

My heart is filled with the happy reflections of those years, a deep sense of fulfillment, and profound gratitude for your unfailing confidence and friendship. Indeed, I am grateful above all to the one Nation which affords opportunity for an ordinary citizen to achieve extraordinary responsibility. You will remain constantly in my thoughts and in my prayers that God will bless each of you in the work which you are about and may He forever prosper this House and the United States of America.

I bid you an affectionate farewell.

(Applause, the Members rising.)

TRIBUTE TO THE HONORABLE DONNALD K. ANDERSON

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Clerk, before we proceed with the nominations for Speaker of the House, on behalf of Republican Members of the House, we want to thank you for your 35 years of service to this institution, and your 35 years of service to the American people. You have done your job ably on behalf of all Members on both sides of the aisle.

And to the other officers of the House, who have served the House so ably and the American people so ably, we want to thank them as well for their service in this House.

Farewell, and best wishes from all of us.

Mr. FAZIO. Will the gentleman yield?

Mr. BOEHNER. I yield to my friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I appreciate my friend yielding.

I, too, would like to add a few words of tribute to our friend.

When the 103d Congress came to an official close on noon Tuesday, the House literally lived on for the next 24 hours in the person of the gentleman from Sacramento, CA, the Clerk of the House, Donnald K. Anderson. In serving as the first presiding officer for the purpose of organizing the 104th Congress, he fulfilled his last ministerial duty to this institution. After four successive terms as Clerk and a career with the House that began as a Page when Dwight Eisenhower was President and Sam Rayburn sat in the Speaker's chair, Donn Anderson now leaves a distinguished career of public service.

On a personal level for many of us in this Chamber, it was only natural for Donn Anderson to have been the thread of continuity from one Congress to the next. For over 30 years, Donn has embodied every good virtue of this House. He has been its memory, its defender, its champion and often its conscience. He understood perhaps better than anyone here the meaning of the word "bipartisanship" and he lived it daily in his work with the Members. In his 8 years as the second highest ranking officer of the House, he worked tirelessly to move the House into the information age and so greatly benefited our constituents, the American people.

As chairman of the Subcommittee on Legislative Appropriations, I looked forward to our annual ritual of hearings knowing that I could always count on the Clerk for the most splendid testimony. Although Donn himself admitted to his preference for Victorian manners, there was nothing old-fashioned about the direction of his office. He was thoroughly modern in his vision for the future of the House, and he fought hard to keep us current with the times. Just as Donn could explain the artistic nuances of paintings in the Rotunda, he could just as easily give you the technical lowdown of cameras in this Chamber and on this floor. As the House moves forward today with the institutional reforms and the reorganization, we do so with the solid foundation left behind by Donn Anderson.

Perhaps in parting we can borrow a phrase from our late and great Speaker Tip O'Neill. He simply said on so many occasions, "So long, old pal."

Thank you, Donn Anderson.

ELECTION OF SPEAKER

The CLERK. The next order of business is the election of the Speaker of the House of Representatives for the 104th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Clerk, as chairman of the Republican Conference, I am honored and privileged to welcome my colleagues and the American people to this historic day. We have been sent here—to the People's House—to write, together, a new chapter in our blessed Nation's history. There is great anticipation, excitement, and expectation in America about what this new chapter will say. To America I say, we shall write the chapter as you dictate it to us. This is your House and your will will be reflected in our actions.

As the first sentence of this new chapter, I am directed by the unanimous vote of the Republican Conference to present the name of the Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, for election to the Office of the Speaker of the House of Representatives for the 104th Congress.

The CLERK. The Clerk now recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 104th Congress the name of the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri. I am proud to so make that nomination.

□ 1240

The CLERK. The Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, and the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Chair appoints the gentleman from California [Mr. THOMAS], the gentleman from California [Mr. FAZIO], the gentlewoman from New Jersey [Mrs. ROUKEMA], and the gentlewoman from Colorado [Mrs. SCHROEDER].

The tellers will come forward and take their seats at the desk in the front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

GINGRICH—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

GEPHARDT—202

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lambert-Lincoln
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez

Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—4

Gephardt
Gingrich
Parker
Taylor (MS)

□ 1310

The CLERK. If there are any Representatives-elect who did not answer the rollcall, they may come to the well and vote at this time.

The tellers agree in their tallies that the total number of votes cast is 434, of which the Honorable NEWT GINGRICH of the State of Georgia has received 228 and the Honorable RICHARD A. GEPHARDT of the State of Missouri has received 202, with 4 voting "present."

Therefore, the Honorable NEWT GINGRICH of the State of Georgia is duly elected Speaker of the House of Representatives for the 104th Congress, having received a majority of the votes cast.

The Clerk would request visitors on the floor, most respectfully, including former members, to relinquish seats on the floor to Members-elect, prior to the presentation of the Speaker-elect.

□ 1320

The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Missouri [Mr. GEPHARDT], the gentleman from Texas [Mr. ARMEY], the gentleman from Texas [Mr. DELAY], the gentleman from Michigan [Mr. BONIOR], the gentleman from Ohio [Mr. BOEHNER], the gentleman from California [Mr. FAZIO], the gentleman from Georgia [Mr. COLLINS], the gentleman from Georgia [Mr. LEWIS], the gentleman from Georgia [Mr. BISHOP], the gentleman from Georgia [Mr. DEAL], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Georgia [Mr. LINDER], the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from Georgia [Mr. BARR], the gentleman from Georgia [Mr. CHAMBLISS], and the gentleman from Georgia [Mr. NORWOOD].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 104th Congress, who was escorted to the chair by the committee of escort.

Mr. GEPHARDT. Mr. Speaker, let me say to the ladies and gentlemen of the House that I first want to thank my Democratic colleagues for their support and their confidence. I noted we were a little short, but I appreciate your friendship and your support.

As you might imagine, this is not a moment that I had been waiting for. When you carry the mantle of progress, there is precious little glory in defeat. But sometimes we spend so much time lionizing the winners and labeling the losers, we lose sight of the victory we all share in this crown jewel of democracy.

You see, Mr. Speaker, this is a day to celebrate a power that belongs not to any political party, but to the people, no matter the margin, no matter the majority. All across the world, from Bosnia to Chechnya to South Africa, people lay down their lives for the kind of voice we take for granted. Too often the transfer of power is an act of pain and carnage, not one as we see today of peace and decency.

□ 1330

But here in the House of Representatives, for 219 years, longer than any democracy in the world, we heed the people's voice with peace and civility and respect. Each and every day, on this very floor, we echo the hopes and dreams of our people, their fears and their failures, their abiding belief in a better America.

We may not all agree with today's changing of the guard. We may not all like it, but we enact the people's will with dignity and honor and pride. In that endeavor, Mr. Speaker, there can be no losers, and there can be no defeat.

Of course, in the 104th Congress there will be conflict and compromise. Agreements will not always be easy; agreements sometimes not even possible. However, while we may not agree on matters of party and principle, we all abide with the will of the people. That is reason enough to place our good faith and our best hopes in your able hands.

I speak from the bottom of my heart when I say that I wish you the best in these coming 2 years, for when this gavel passes into your hands, so do the futures and fortunes of millions of Americans. To make real progress, to improve real people's lives, we both have to rise above partisanship. We have to work together where we can and where we must.

It is a profound responsibility, one which knows no bounds in party or politics. It is the responsibility not merely for those who voted for you, not merely for those who cast their fate on your side of the aisle, but also for those who did not.

These are the responsibilities I pass, along with the gavel I hold, will hold in my hand, but there are some burdens that the Democratic Party will never cease to bear. As Democrats, we came to Congress to fight for America's hard-working middle-income families, the families who are working, often for longer hours, for less pay, for fewer benefits in jobs they are not sure they can keep.

We, together, must redeem their faith that if they work hard and they play by the rules they can build a better life for their children. Mr. Speaker, I want this entire House to speak for those families. The Democratic Party will. That mantle we will never lay to rest.

So with partnership but with purpose, I pass this great gavel of our Government. With resignation, but with resolve, I hereby end 40 years of Democratic rule of this House; with faith and with friendship and the deepest respect. You are now my Speaker, and let the great debate begin.

I now have the high honor and distinct privilege to present to the House of Representatives our new Speaker, the gentleman from Georgia, NEWT GINGRICH.

Mr. GINGRICH. Let me say first of all that I am deeply grateful to my good friend, DICK GEPHARDT. When my side maybe overreacted to your statement about ending 40 years of Democratic rule, I could not help but look over at Bob Michel, who has often been up here and who knows that everything DICK said was true. This is difficult and painful to lose, and on my side of the aisle, we have for 20 elections been on the losing side. Yet there is something so wonderful about the process by which a free people decides things.

In my own case, I lost two elections, and with the good help of my friend VIC FAZIO came close to losing two others. I am sorry, guys, it just did not quite work out. Yet I can tell you that every time when the polls closed and I waited for the votes to come in, I felt good, because win or lose, we have been part of this process.

In a little while, I am going to ask the dean of the House, JOHN DINGELL, to swear me in, to insist on the bipartisan nature of the way in which we together work in this House. JOHN's father was one of the great stalwarts of the New Deal, a man who, as an FDR Democrat, created modern America. I think that JOHN and his father represent a tradition that we all have to recognize and respect, and recognize that the America we are now going to try to lead grew from that tradition and is part of that great heritage.

I also want to take just a moment to thank Speaker Foley, who was extraordinarily generous, both in his public utterances and in everything that he and Mrs. Foley did to help Marianne and me, and to help our staff make the transition. I think that he worked very hard to reestablish the dignity of the House. We can all be proud of the reputation that he takes and of the spirit with which he led the speakership. Our best wishes go to Speaker and Mrs. Foley.

I also want to thank the various house officers, who have been just extraordinary. I want to say for the public record that faced with a result none of them wanted, in a situation I suspect none of them expected, that within 48 hours every officer of this House reacted as a patriot, worked overtime, bent over backwards, and in every way helped us. I am very grateful, and this House I think owes a debt of gratitude to every officer that the Democrats elected 2 years ago.

This is a historic moment. I was asked over and over, how did it feel, and the only word that comes close to adequate is overwhelming. I feel overwhelmed in every way, overwhelmed by all the Georgians who came up, overwhelmed by my extended family that is here, overwhelmed by the historic moment. I walked out and stood on the balcony just outside of the Speaker's office, looking down the Mall this morning, very early. I was just overwhelmed by the view, with two men I will introduce and know very, very well. Just the sense of being part of America, being part of this great tradition, is truly overwhelming.

I have two gavels. Actually, DICK happened to use one. Maybe this was appropriate. This was a Georgia gavel I just got this morning, done by Dorsey Newman of Tallapoosa. He decided that the gavels he saw on TV weren't big enough or strong enough, so he cut down a walnut tree in his backyard, make a gavel, put a commemorative item on it, and sent it up here.

So this is a genuine Georgia gavel, and I am the first Georgia Speaker in over 100 years. The last one, by the way, had a weird accent, too. Speaker Crisp was born in Britain. His parents were actors and they came to the United States—a good word, by the way, for the value we get from immigration.

Second, this is the gavel that Speaker Martin used. I am not sure what it says about the inflation of Government, to put them side by side, but this was the gavel used by the last Republican Speaker.

I want to comment for a minute on two men who served as my leaders, from whom I learned so much and who are here today. When I arrived as a freshman, the Republican Party, deeply dispirited by Watergate and by the loss of the Presidency, banded together and worked with a leader who helped pave the way for our great party victory of 1980, a man who just did a marvelous job. I cannot speak too highly of what I learned about integrity and leadership and courage from serving with him in my freshman term. He is here with us again today. I hope all of you will recognize Congressman John Rhodes of Arizona.

□ 1340

I want to say also that at our request, the second person was not sure he should be here at all, then he thought he was going to hide in the back of the room. I insisted that he come on down front, someone whom I regard as a mentor. I think virtually every Democrat in the House would say he is a man who genuinely cares about, loves the House, and represents the best spirit of the House. He is a man who I studied under and, on whom I hope as Speaker I can always rely for advice. I hope frankly I can emulate his commitment to this institution and his willingness to try to reach beyond his personal interest and partisanship. I hope all of you will join me in thanking him for his years of service, Congressman Bob Michel of Illinois.

I am very fortunate today. My mom and my dad are here, they are right up there in the gallery. Bob and Kit Gingrich. I am so delighted that they were both able to be here. Sometimes when you get to my age, you cannot have everyone near you that you would like to have. I cannot say how much I learned from my dad and his years of serving in the U.S. Army and how much I learned from my mother, who is clearly my most enthusiastic cheerleader.

My daughters are here up in the gallery, too. They are Kathy Lovewith and her husband Paul, and Jackie and her husband Mark Zyler. Of course, the person who clearly is my closest friend and my best adviser and whom if I listened to about 20 percent more, I would get in less trouble, my wife Marianne, is in the gallery as well.

I have a very large extended family between Marianne and me. They are virtually all in town, and we have done our part for the Washington tourist season. But I could not help, when I first came on the floor earlier, I saw a number of the young people who are here. I met a number of the children who are on the floor and the young adults, who are close to 12 years of age. I could not help but think that sitting in the back rail near the center of the House is one of my nephews, Kevin McPherson, who is 5. My nieces Susan Brown, who is 6, and Emily Brown, who is 8, and Laura McPherson, who is 9, are all back there, too. That is probably more than I was allowed to bring on, but they are my nieces and my nephews. I have two other nephews a little older who are sitting in the gallery.

I could not help but think as a way I wanted to start the Speakership and to talk to every Member, that in a sense these young people around us are what this institution is really all about. Much more than the negative advertising and the interest groups and all the different things that make politics all too often cynical, nasty, and sometimes, frankly, just plain miserable; what makes politics worthwhile is the choice, as DICK GEPHARDT said, between what we see so tragically on the evening news and the way we try to work very hard to make this system of free, representative self-government work. The ultimate reason for doing that is these children, the country they will inherit, and the world they will live in.

We are starting the 104th Congress. I do not know if you have ever thought about this, but for 208 years, we bring together the most diverse country in the history of the world. We send all sorts of people here. Each of us could find at least one Member we thought was weird. I will tell you, if you went around the room the person chosen to be weird would be different for virtually every one of us. Because we do allow and insist upon the right of a free people to send an extraordinary diversity of people here.

Brian Lamb of C-SPAN read to me Friday a phrase from de Tocqueville that was so central to the House. I have been reading Remini's biography of Henry Clay and Clay, as the first strong Speaker, always preferred the House. He preferred the House to the Senate although he served in both. He said the House is more vital, more active, more dynamic, and more common.

This is what de Tocqueville wrote: "Often there is not a distinguished man in the whole number. Its members are almost all obscure individuals whose names bring no associations to mind. They are mostly village lawyers, men in trade, or even persons belonging to the lower classes of society."

If we include women, I do not know that we would change much. But the word "vulgar" in de Tocqueville's time had a very particular meaning. It is a meaning the world would do well to study in this room. You see, de Tocqueville was an aristocrat. He lived in a world of kings and princes. The folks who come here do so by the one single act that their citizens freely chose them. I do not care what your ethnic background is, or your ideology. I do not care if you are younger or older. I do not care if you are born in America of if you are a naturalized citizen. Everyone of the 435 people have equal standing because their citizens freely sent them. Their voice should be heard and they should have a right to participate. It is the most marvelous act of a complex giant country trying to argue and talk. And, as DICK GEPHARDT said, to have a great debate, to reach great decisions, not through a civil war, not by bombing one of our regional capitals, not by killing a half million people, and not by having snipers. Let me say unequivocally, I condemn all acts of violence against the law by all people for all reasons. This is a society of law and a society of civil behavior.

Here we are as commoners together, to some extent Democrats and Republicans, to some extent liberals and conservatives, but Americans all. STEVE GUNDERSON today gave me a copy of the "Portable Abraham Lincoln." He suggested there is much for me to learn about our party, but I would also say that it does not hurt to have a copy of the portable F.D.R.

This is a great country of great people. If there is any one factor or acts of my life that trikes me as I stand up here as the first Republican in 40 years to do so. When I first became whip in 1989, Russia was beginning to change, the Soviet Union as it was then. Into my whip's office one day came eight Russians and a Lithuanian, members of the Communist Party, newspaper editors. They asked me, "What does a whip do?"

They said, "In Russia we have never had a free parliament since 1917 and that was only for a few months, so what do you do?"

I tried to explain, as DAVE BONIOR or TOM DELAY might now. It is a little strange if you are from a dictatorship to explain you are called the whip but you do not really have a whip, you are elected by the people you are supposed to pressure—other members. If you pressure them too much they will not reelect you. On the other hand If you do not pressure them enough they will not reelect you. Democracy is hard. It if frustrating.

So our group came into the Chamber. The Lithuanian was a man in his late sixties, and I allowed him to come up here and sit and be Speaker, something many of us have done with constituents. Remember, this is the very beginning of perestroika and glasnost. When he came out of the chair, he was physically trembling. He was almost in tears. He said, "Ever since World War II, I have remembered what the Americans did and I have never believed the propaganda. But I have to tell you, I did not think in my life that I would be able to sit at the center of freedom."

It was one of the most overwhelming, compelling moments of my life. It struck me that something I could not help but think of when we were here with President Mandela. I went over and saw RON DELLUMS and thought of the great work RON had done to extend freedom across the planet. You get that sense of emotion when you see something so totally different than you had expected. Here was a man who reminded me first of all that while presidents are important, they are in effect an elected kingship, that this and the other body across the way are where freedom has to be fought out. That is the tradition I hope that we will take with us as we go to work.

Today we had a bipartisan prayer service. FRANK WOLF made some very important points. He said, "We have to recognize that many of our most painful problems as a country are moral problems, problems of dealing with ourselves and with life."

☐ 1350

He said character is the key to leadership and we have to deal with that. He preached a little bit. I do not think he thought he was preaching, but he was. It was about a spirit of reconciliation. He talked about caring about our spouses and our children and our families. If we are not prepared to model our own family life beyond just having them here for 1 day, if we are not prepared to care about our children and we are not prepared to care about our families, then by what arrogance do we think we will transcend our behavior to care about others? That is why with Congressman GEPHARDT's help we have established a bipartisan task force on the family. We have established the principle that we are going to set schedules we stick to so families can count on time to be together, built around school schedules so that families can get to know each other, and not just by seeing us on C-SPAN.

I will also say that means one of the strongest recommendations of the bipartisan committee, is that we have 17 minutes to vote. This is the bipartisan committee's recommendations, not just mine. They pointed out that if we take the time we spent in the last Congress where we waited for one more Member, and one more, and one more, that we literally can shorten the business and get people home if we will be strict and firm. At one point this year we had a 45-minute vote. I hope all of my colleagues are paying attention because we are in fact going to work very hard to have 17 minute votes and it is over. So, leave on the first bell, not the second bell. OK? This may seem particularly inappropriate to say on the first day because this will be the busiest day on opening day in congressional history.

I want to read just a part of the Contract With America. I don't mean this as a partisan act, but rather to remind all of us what we are about to go through and why. Those of us who ended up in the majority stood on these steps and signed a contract, and here is part of what it says:

> On the first day of the 104th Congress the new Republican majority will immediately pass the following reforms aimed at restoring the faith and trust of the American people in their government: First, require all laws that apply to the rest of the country also to apply equally to the Congress. Second, select a major, independent auditing firm to conduct a comprehensive audit of the Congress for waste, fraud or abuse. Third, cut the number of House committees and cut committee staffs by a third. Fourth, limit the terms of all committee chairs. Fifth, ban the casting of proxy votes in committees. Sixth, require committee meetings to be open to the public. Seven, require a three-fifths majority vote to pass a tax increase. Eight, guarantee an honest accounting of our federal budget by implementing zero baseline budgeting.

Now, I told DICK GEPHARDT last night that if I had to do it over again we would have pledged within 3 days that we will do these things, but that is not what we said. So we have ourselves in a little bit of a box here.

Then we go a step further. I carry the T.V. Guide version of the contract with me at all times.

We then say that within the first 100 days of the 104th Congress we shall bring to the House floor the following bills, each to be given full and open debate, each to be given a full and clear vote, and each to be immediately available for inspection. We made it available that day. We listed 10 items. A balanced budget amendment and line-item veto, a bill to stop violent criminals, emphasizing among other things an effective and enforceable death penalty. Third was welfare reform. Fourth, legislation protecting our kids. Fifth was to provide tax cuts for families. Sixth was a bill to strengthen our national defense. Seventh was a bill to raise the senior citizens' earning limit. Eighth was legislation rolling back Government regulations. Ninth was a commonsense legal reform bill, and tenth was congressional term limits legislation.

Our commitment on our side, and this is an absolute obligation, is first of all to work today until we are done. I know that is going to inconvenience people who have families and supporters. But we were hired to do a job, and we have to start today to prove we will do it. Second, I would say to our friends in the Democratic Party that we are going to work with you, and we are really laying out a schedule working with the minority leader to make sure that we can set dates certain to go home. That does mean that if 2 or 3 weeks out we are running short we will, frankly, have longer sessions on Tuesday, Wednesday, and Thursday. We will try to work this out on a bipartisan basis to, in a workmanlike way, get it done. It is going to mean the busiest early months since 1933.

Beyond the Contract I think there are two giant challenges. I know I am a partisan figure. But I really hope today that I can speak for a minute to my friends in the Democratic Party as well as my own colleagues, and speak to the country about these two challenges so that I hope we can have a real dialog. One challenge is to achieve a balanced budget by 2002. I think both Democratic and Republican Governors will say we can do that but it is hard. I do not think we can do it in a year or two. I do not think we ought to lie to the American people. This is a huge, complicated job.

The second challenge is to find a way to truly replace the current welfare state with an opportunity society.

Let me talk very briefly about both challenges. First, on the balanced budget I think we can get it done. I think the baby boomers are now old enough that we can have an honest dialog about priorities, about resources, about what works, and what does not work. Let me say I have already told Vice President GORE that we are going to invite him to address a Republican conference. We would have invited him in December but he had to go to Moscow. I believe there are grounds for us to talk together and to work together, to have hearings together, and to have task forces together. If we set priorities, if we apply the principles of Edwards Deming and of Peter Drucker we can build on the Vice President's reinventing government effort and we can focus on transforming, not just cutting. The choice becomes not just do you want more or do you want less, but are there ways to do it better? Can we learn from the private sector, can we learn from Ford, IBM, from Microsoft, from what General Motors has had to go through? I think on a bipartisan basis we owe it to our children and grandchildren to get this Government in order and to be able to actually pay our way. I think 2002 is a reasonable timeframe. I would hope that together we could open a dialog with the American people.

I have said that I think Social Security ought to be off limits, at least for the first 4 to 6 years of the process, because I think it will just destroy us if we try to bring it into the game. But let me say about everything else, whether it is Medicare, or it is agricultural subsidies, or it is defense or anything that I think the greatest Democratic President of the 20th century, and in my judgment the greatest President of the 20th century, said it right. On March 4, 1933, he stood in braces as a man who had polio at a time when nobody who had that kind of disability could be anything in public life. He was President of the United States, and he stood in front of this Capitol on a rainy March day and he said, "We have nothing to fear but fear itself." I want every one of us to reach out in that spirit and pledge to live up to that spirit, and I think frankly on a bipartisan basis. I would say to Members of the Black and Hispanic Caucuses that I would hope we could arrange by late spring to genuinely share districts. You could have a Republican who frankly may not know a thing about your district agree to come for a long weekend with you, and you will agree to go for a long weekend with them. We begin a dialog and an openness that is totally different than people are used to seeing in politics in America. I believe if we do that we can then create a dialog that can lead to a balanced budget.

But I think we have a greater challenge. I do want to pick up directly on what DICK GEPHARDT said, because he said it right. No Republican here should kid themselves about it. The greatest leaders in fighting for an integrated America in the 20th century were in the Democratic Party. The fact is, it was the liberal wing of the Democratic Party that ended segregation. The fact is that it was Franklin Delano Roosevelt who gave hope to a Nation that was in distress and could have slid into dictatorship. Every Republican has much to learn from studying what the Democrats did right.

But I would say to my friends in the Democratic Party that there is much to what Ronald Reagan was trying to get done. There is much to what is being done today by Republicans like Bill Weld, and John Engler, and Tommy Thompson, and George Allen, and Christy Whitman, and Pete Wilson. There is much we can share with each other.

We must replace the welfare state with an opportunity society. The balanced budget is the right thing to do. But it does not in my mind have the moral urgency of coming to grips with what is happening to the poorest Americans.

I commend to all Marvin Olasky's "The Tragedy of American Compassion." Olasky goes back for 300 years and looked at what has worked in America, how we have helped people rise beyond poverty, and how we have reached out to save people. He may not have the answers, but he has the right sense of where we have to go as Americans.

□ 1400

I do not believe that there is a single American who can see a news report of a 4-year-old thrown off of a public housing project in Chicago by other children and killed and not feel that a part of your heart went, too. I think of my nephew in the back, Kevin, and how all of us feel about our children. How can any American read about an 11-year-old buried with his teddy bear because he killed a 14-year-old, and then another 14-year-old killed him, and not have some sense of "My God, where has this country gone?" How can we not decide that this is a moral crisis equal to segregation, equal to slavery? How can we not insist that every day we take steps to do something?

I have seldom been more shaken than I was after the election when I had breakfast with two members of the Black Caucus. One of them said to me, "Can you imagine what it is like to visit a first-grade class and realize that every fourth or fifth young boy in that class may be dead or in jail within 15 years? And they are your constituents and you are helpless to change it?" For some reason, I do not know why, maybe because I visit a lot of schools, that got through. I mean, that personalized it. That made it real, not just statistics, but real people.

Then I tried to explain part of my thoughts by talking about the need for alternatives to the bureaucracy, and we got into what I think frankly has been a pretty distorted and cheap debate over orphanages.

Let me say, first of all, my father, who is here today, was a foster child. He was adopted as a teenager. I am adopted. We have relatives who were adopted. We are not talking out of some vague impersonal Dickens "Bleak House" middle-class intellectual model. We have lived the alternatives.

I believe when we are told that children are so lost in the city bureaucracies that there are children who end up in dumpsters, when we are told that there are children doomed to go to schools where 70 or 80 percent of them will not graduate, when we are told of public housing projects that are so dangerous that if any private sector ran them they would be put in jail, and the only solution we are given is, "Well, we will study it, we will get around to it," my only point is that this is unacceptable. We can find ways immediately to do things better, to reach out, break through the bureaucracy and give every young American child a better chance.

Let me suggest to you Morris Schectman's new book. I do not agree with all of it, but it is fascinating. It is entitled "Working Without a Net." It is an effort to argue that in the 21st century we have to create our own safety nets. He draws a distinction between caring and caretaking. It is worth every American reading.

He said caretaking is when you bother me a little bit, and I do enough, I feel better because I think I took care of you. That is not any good to you at all. You may be in fact an alcoholic and I just gave you the money to buy the bottle that kills you, but I feel better and go home. He said caring is actually stopping and dealing with the human being, trying to understand enough about them to genuinely make sure you improve their life, even if you have to start with a conversation like, "If you will quit drinking, I will help you get a job." This is a lot harder conversation than, "I feel better. I gave him a buck or 5 bucks."

I want to commend every Member on both sides to look carefully. I say to those Republicans who believe in total privatization, you cannot believe in the Good Samaritan and explain that as long as business is making money we can walk by a fellow American who is hurt and not do something. I would say to my friends on the left who believe there has never been a government program that was not worth keeping, you cannot look at some of the results we now have and not want to reach out to the humans and forget the bureaucracies.

If we could build that attitude on both sides of this aisle, we would be an amazingly different place, and the country would begin to be a different place.

We have to create a partnership. We have to reach out to the American people. We are going to do a lot of important things. Thanks to the House Information System and Congressman VERN EHLERS, as of today we are going to be on line for the whole country, every amendment, every conference report. We are working with C-SPAN and others, and Congressman GEPHARDT has agreed to help on a bipartisan basis to make the building more open to television, more accessible to the American people. We have talk radio hosts here today for the first time. I hope to have a bipartisan effort to make the place accessible for all talk radio hosts of all backgrounds, no matter their ideology. The House Historian's office is going to be more aggressively run on a bipartisan basis to reach out to Close Up, and to other groups to teach what the legislative struggle is about. I think over time we can and will this Spring rethink campaign reform and lobbying reform and review all ethics, including the gift rule.

But that isn't enough. Our challenge shouldn't be just to balance the budget or to pass the Contract. Our challenge should not be anything that is just legislative. We are supposed to, each one of us, be leaders. I think our challenge has to be to set as our goal, and maybe we are not going to get there in 2 years. This ought to be the goal that we go home and we tell people we believe in: that there will be a Monday morning when for the entire weekend not a single child was killed anywhere in America; that there will be a Monday morning when every child in the country went to a school that they and their parents thought prepared them as citizens and prepared them to compete in the world market; that there will be a Monday morning where it was easy to find a job or create a job, and your own Government did not punish you if you tried.

We should not be happy just with the language of politicians and the language of legislation. We should insist that our success for America is felt in the neighborhoods, in the communities, is felt by real people living real lives who can say, "Yes, we are safer, we are healthier, we are better educated, America succeeds."

This morning's closing hymn at the prayer service was the Battle Hymn of the Republic. It is hard to be in this building, look down past Grant to the Lincoln Memorial and not realize how painful and how difficult that battle hymn is. The key phrase is, "As he died to make men holy, let us live to make men free."

It is not just political freedom, although I agree with everything Congressman GEPHARDT said earlier. If you cannot afford to leave the public housing project, you are not free. If you do not know how to find a job and do not know how to create a job, you are not free. If you cannot find a place that will educate you, you are not free. If you are afraid to walk to the store because you could get killed, you are not free.

So as all of us over the coming months sing that song, "As he died to make men holy, let us live to make men free," I want us to dedicate ourselves to reach out in a genuinely nonpartisan way to be honest with each other. I promise each of you that without regard to party my door is going to be open. I will listen to each of you. I will try to work with each of you. I will put in long hours, and I will guarantee that I will listen to you first. I will let you get it all out before I give you my version, because you have been patient with me today, and you have given me a chance to set the stage.

But I want to close by reminding all of us of how much bigger this is than us. Because beyond talking with the American people, beyond working together, I think we can only be successful if we start with our limits. I was very struck this morning with something Bill Emerson used, a very famous quote of Benjamin Franklin, at the point where the Constitutional Convention was deadlocked. People were tired, and there was a real possibility that the Convention was going to break up. Franklin, who was quite old and had been relatively quiet for the entire Convention, suddenly stood up and was angry, and he said:

> I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth, that God governs in the affairs of men, and if a sparrow cannot fall to the ground without His notice, is it possible that an empire can rise without His aid?

At that point the Constitutional Convention stopped. They took a day off for fasting and prayer.

Then, having stopped and come together, they went back, and they solved the great question of large and small States. They wrote the Constitution, and the United States was created. All I can do is pledge to you that, if each of us will reach out prayerfully and try to genuinely understand each other, if we will recognize that in this building we symbolize America, and that we have an obligation to talk with each other, then I think a year from now we can look on the 104th Congress as a truly amazing institution without regard to party, without regard to ideology. We can say, "Here, America comes to work, and here we are preparing for those children a better future."

Thank you. Good luck and God bless you.

Let me now call on the gentleman from Michigan [Mr. DINGELL].

(Applause, the Members rising.)

□ 1410

I am now ready to take the oath of office. I ask the dean of the House of Representatives, the Honorable JOHN D. DINGELL of Michigan, to administer the oath of office.

Mr. DINGELL then administered the oath of office to Mr. GINGRICH of Georgia, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedent, the Chair will swear in all Members of the House at this time and, without objection, the Members from the State of Alabama will also be sworn in at this time, there being no contest as to their elections.

There was no objection.

The SPEAKER. If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

Congratulations, the gentlemen and gentlewomen are now Members of the 104th Congress.

MAJORITY LEADER

Mr. BOEHNER. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to officially notify the House that the gentleman from Texas, the Honorable RICHARD K. ARMEY, has been selected as the majority leader of the House.

MINORITY LEADER

Mr. FAZIO. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as minority leader the gentleman from Missouri, the Honorable RICHARD A. GEPHARDT.

MAJORITY WHIP

Mr. BOEHNER. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to notify the House officially that the Republican Members have selected as our majority whip the gentleman from Texas, the Honorable TOM DELAY.

MINORITY WHIP

Mr. BOEHNER. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic members have selected as minority whip the gentleman from Michigan, the Honorable DAVID E. BONIOR.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER, AND CHAPLAIN

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Robin H. Carle, of the Commonwealth of Virginia, be, and she is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Scott M. Faulkner, of the State of West Virginia, be, and he is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Reverend James David Ford, of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. FAZIO. Mr. Speaker, I have an amendment to the resolution, but I request there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

□ 1420

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The Clerk read as follows:

Amendment offered by Mr. FAZIO: That Thomas O'Donnell, of the State of Maryland, be, and he is hereby, chosen Clerk of the House of Representatives;

That George Kundanis, of the District of Columbia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Marti Thomas, of the District of Columbia, be, and she is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House. The officers will come forward, please.

The officers-elect presented themselves at the bar of the House and took the oath of office.

The SPEAKER. The gentlemen and gentlewomen are now Members of the 104th Congress. Congratulations.

NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that NEWT GINGRICH, a Representative from the State of Georgia, has been elected Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, has been elected Clerk of the House of Representatives of the One Hundred Fourth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas [Mr. ARMEY], and the gentleman from Missouri [Mr. GEPHARDT].

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected NEWT GINGRICH, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the One Hundred Fourth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER IMMEDIATE CONSIDERATION OF HOUSE RESOLUTION ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 104TH CONGRESS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be in order immediately to consider in the House a resolution adopting the rules of the House of Representatives for the 104th Congress; that the resolution be considered as read; that the resolution be debatable initially for 30 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees; that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question, except that the question of adopting the resolution shall be divided among nine parts, to wit: Each of the eight sections of title I, and then title II; each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees, and shall be disposed of in the order stated, but if the yeas and nays are ordered on the question of adopting any portion of the divided question, the Speaker may postpone further proceedings on that question until a later time during the consideration of the resolution; and, pending the question of adopting the ninth portion of the divided question, it shall be in order to move the previous question thereon, and if the previous question is ordered, to move that the House commit the resolution to a select committee, with or without instructions, and that the previous question be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, under my reservation I would like to ask the gentleman from Texas [Mr. ARMEY] several questions about his unanimous-consent request.

First of all, does the gentleman's request allow us to offer an amendment to ban gifts by lobbyists?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I say to the gentleman. You are entitled under the rules to offer a germane amendment in your motion to commit if it is ruled by the Parliamentarian that such an amendment is germane.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, I would propound to my distinguished friend from Texas another question:

Is your request an open amendment process which allows Members the opportunity to offer germane amendments? We have the opportunity to offer germane amendments?

Mr. ARMEY. If the gentleman would yield, I am advised by the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, that the rule is more open than any we have ever had in the past.

Mr. BONIOR. Is the gentleman saying that no amendments are in order under the request and this is a closed rule?

Mr. ARMEY. If the gentleman would yield, there are plenty of amendments in order.

Mr. BONIOR. Does this afford the minority a right to offer an amendment, I would ask the gentleman from Texas?

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, I am again advised by the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, that my colleague can include any amendment he wants in the motion to commit so long as it meets the test of germaneness.

Mr. BONIOR. Will we have time to debate the motion to commit?

Mr. ARMEY. I believe under the rules of the House it is a nondebatable motion.

Mr. BONIOR. So we can offer the motion and we cannot debate it?

Mr. ARMEY. If the gentleman would yield, there will be about 3½ hours of debate, and it is the judgment of this Member that there will be plenty of opportunity within that time since time will be allocated to the minority for debate purposes to make the points that the gentleman might want to make related to their motion to commit.

□ 1430

It is a common practice that we used many times when we were in the minority exercising our prerogative to make a motion to commit.

Mr. BONIOR. Mr. Speaker, it is my understanding we will not be able to offer amendments on the motion the gentleman has put forward, and that we will not be able, for instance, to offer the amendment that we wish to offer on the gift ban.

In fact, I would ask another question of my friend. Does this request envision a division of the open-amendment process for the Congressional Accountability Act to be considered at the end of the day?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Perhaps at this point I might address the Speaker and express my wonderment as to whether or not the gentleman is going to make an objection.

Mr. BONIOR. Mr. Speaker, reserving my right to object, let me just say that given that the gentleman has informed the House that he is requesting two completely closed rules, two gag rules, I might add, on the first day of the Congress, I object.

The SPEAKER. An objection has been heard.

The Chair now recognizes the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, by direction of the House Republican Conference, since there is no Committee on Rules yet, and the Committee on Rules has not met yet to organize and will not until tomorrow, by direction of the Republican Conference, I call up a privileged resolution and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress. The resolution shall be considered as read. The resolution shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among nine parts, to wit: each of the eight sections of title I; and title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the ninth portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER. The resolution is a matter of privilege. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished minority leader, or in this case the minority whip, or his designee, pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution before us is a special rule authorized by the Republican Conference providing for the consideration of a resolution adopting the rules of the House for the 104th Congress.

While such a special rule is not unprecedented, I think the last time it was done was back in 1893. So this is an unusual situation. We have never before had an objection to the rules being brought up by unanimous consent.

As returning Members are aware, ordinarily the resolution adopting House rules at the beginning of a Congress is considered as privileged in the House and subject to just 1 hour of debate, with no amendments, and on up-or-down vote following the vote on the previous question and any motion to commit the resolution.

This special rule allows for a different and more expansive consideration of the House rules resolution.

First, instead of just 1 hour of debate, which is customary in this House and traditional over the years, certainly all of the years I have been here, it provides for a total of 3½ hours of debate, equally divided and controlled by the majority and the minority party.

Second, instead of just one vote on adopting the resolution, the special rule allows for nine separate votes, not counting a vote on committing the resolution. I would again call this to the attention of the Members on that side of the aisle. It allows for nine separate votes, not counting a vote on committing the resolution, which I assume the minority would be offering.

This time will be divided as follows:

First, there will be 30 minutes of general debate on the resolution, equally divided between the majority and the minority.

Second, there will follow 20 minutes of debate each on the eight sections contained in title I of the resolution, and that is the Contract with America: The Bill of Accountability Act.

Mr. Speaker, each of these sections will be subject to a separate vote under an automatic division of the question.

Third, there will be additional 20 minutes of debate on title II of the resolution, containing an additional 23 sections, followed by a separate vote on title II. That is nine votes altogether.

It would be in order for the minority, prior to the final vote on adopting title II of this bill, to offer a motion to commit the resolution.

However, I want to point out that this special rule does not allow for a separate previous question vote on title II. So if the minority wishes to have a previous question vote to alter the terms of this procedure and make in order additional amendments, it must defeat the previous question on this special rule. They have that prerogative.

We are allowing the minority its traditional previous question vote through this rule, but we are not being so generous as to allow the minority two previous question votes. We are going to be here until 10:30, 11:30, possibly even 2 o'clock in the morning, and we want to expedite this as quickly as possible.

I would also point out in that same regard that the previous question is automatically ordered on the adoption of each of the eight sections in title I.

That means that there will be no separate previous question votes on those sections, nor will there be an opportunity to commit any of those sections, with or without instructions.

That does not mean, Mr. Speaker, that the minority will be precluded in its final motion to commit on title II from revisiting any matter that has been adopted in title I. They can still take that opportunity, if they wish. On the contrary, all of the rules of the House that have been adopted to that point are still subject to further amendment in any motion to commit, and any additional amendments to House rules will be in order as well.

In conclusion, Mr. Speaker, we have designed in this procedure the fairest and most open process on a House rules resolution in over a century in this House. We have allowed over three times as much debate as is usual on opening day, and nine times as many votes.

We will be giving Members on both sides of the aisle an opportunity to separately vote on each of the nine items contained in our Contract with America as embodied in title I. And the minority will retain its usual right to alter this procedure further if it defeats the previous question on this rule, and it will retain its usual right to commit the resolution with a final amendment at the conclusion of debate on title II.

I, therefore, Mr. Speaker, urge adoption of this special rule.

Mr. Speaker, I reserve the balance of my time, perhaps for a colloquy with the minority whip.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last November, the American people voted for change.

They sent a message to this House, a message of anger and frustration.

We, in our party, have heard that message, the message of working families whose incomes are squeezed, working families who are tired of business as usual, who feel that no one speaks for them.

In the days and weeks and months ahead, we, in the Democratic Party intend to be their voice.

When tax cuts are proposed, we intend to make sure that it is working families who benefit, not the wealthiest few.

In our efforts to balance the budget, we intend to make sure that our seniors are not robbed of their right to Social Security or Medicare, that our children are not deprived of their right to education and practical training for good jobs.

And we intend to make sure that when we talk about reforming this House, those reforms are real, concrete, and that they make a difference. We have seen the symbols of change today. In what is the greatest tribute to, this, the world's greatest democratic institution, the gavel has changed hands. Power has shifted.

The Republican Party has promised an agenda of reform. We, Democrats intend to make sure they keep their promises. Today, we deal with the rules of this House. These issues may seem arcane, removed from the lives of average Americans. But what we do today sends a powerful signal. For today, we define the rules and standards that we, as Members of Congress, are determined to live by.

Most Democrats will support most of the reforms that are being offered. Some of them were our own reforms, reforms that were blocked last year, in a cynical move for partisan advantage by the Republican Party. Some of them are of little consequence. Whether they pass or not makes little difference. But, none of these reforms go far enough. They stop short. They are just window dressing, hiding the real shift in power the Republicans intend to bring about.

The American people voted for change last November. They did not vote to create a Congress that is for sale to the highest bidder. They voted for change. But they did not vote for a Congress where leaders take care of their own private profits before they take care of the public business.

They voted for change. But they did not vote for a Congress that is beholden to multimillionaires. And they did not vote to allow Members of Congress to trade on the public trust, and become millionaires themselves. They did not vote for a Congress that is entangled with special interests or tied to the powerful concerns of foreign corporations.

The American people did not vote to open the doors of Congress to the Power Rangers or the powers that be, but to the power of the average American. With this paltry package of reforms, the Republican Party has shown that they just don't get the message.

We are about to witness the biggest takeover by special interests in the history of the U.S. Congress, and this so-called reform package does nothing to stop it. This rules package is nothing more than a string of broken promises.

After the years of whining and complaining on the Republican side about the damages to democracy of closed rules, what is the first thing they offer us? A closed rule. Not just one closed rule, but a closed rule within a closed rule.

Where is democracy, where is open debate, where is the free flow of ideas? Not one amendment will be able to be offered to anything the Republicans do today. Not one amendment.

This would not matter so much, if the Republicans had offered us real reform. But their package leaves out the single most important effort that could help stop the influence of special interests, a ban on gifts from lobbyists.

Last year, the Republicans ran from reform, and blocked passage of the gift ban bill in the Senate. This year, they are going even further. With this closed rule, with this gag rule, they have prevented a gift ban from being offered as a separate amendment.

We need to defeat the previous question on this gag rule, to provide an open rule that will allow us to get to the real issues of reform, including a ban on gifts from special interests.

This is essentially the same gift ban provision that was passed overwhelmingly last year. Republicans claimed to be for it then, now that they are in control, it is time to get real about reform, and pass this ban on gifts.

In recent weeks, it has become clear that there is a serious loophole in even this major reform. We have discovered that there are backdoors to getting gifts. And one of these back doors is through book deals, with lucrative advances and multimillion dollar royalty contracts.

I will be urging my colleagues to defeat the previous question so that we can offer an open rule which will allow an amendment to directly address this issue of whether a Member of Congress should be allowed to earn millions of dollars in book royalties while employed at the taxpayers expense.

We intend to try to offer an amendment that would cap royalties from any individual book to one-third of a Member's annual salary.

Let me make this very clear: by making this proposal today, we are not trying to discourage Members from writing books. Public officials all the way back to ancient Greece have written books, including many esteemed Members of this body.

But at the same time, no Member should be able to use the prestige of this office to cut a special deal.

No Member of Congress should be allowed to use this office—this public trust—for personal gain. No Member of Congress should make a book deal in one day that equals far more than the average American family earns in their entire lifetime.

A one-third cap on royalties is reasonable. It is more than generous. The public expects us to do no less.

We were not elected to this body to get rich; we're here to do the people's business and that is a full time job.

It is important today that we send the word out across America that we are serious about reform, that this Congress is not for sale, our offices are not open to the highest bidder.

A vote for the previous question and for this gag rule is a vote to shut out real reform. It is a vote to fling open the doors to special interests. It is a vote to continue the old order.

I urge my colleagues, especially those of you for whom this is your very first vote, those of you who ran on the promise of reform, do not side with the special interest. Let us open the door to real reform. Vote no on the previous question and let's come back with a rule that will allow us to ban gifts from lobbyists and to limit the royalties of Members of Congress.

This House of Representatives is not for sale. Say no to gifts. Say no to excessive book deals. Support an open rule.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, let me yield myself such time as I might consume just briefly.

Mr. Speaker, I would just like to point out to my good friend, the gentleman from Michigan [Mr. BONIOR], and he is a good friend and I have deep respect for him, but I believe, DAVID, that you were a member of the task force on the ethics bipartisan task force that allowed Members to take book royalties from legitimate book firms back, what year was that, back in 1981 or 1982, I believe. 1989, it was even more recent.

But let me just address this rule business, because when Speaker GINGRICH called me before him when we were going to talk about the formation of the new Committee on Rules, he instructed me, along with the other eight Republicans that will make up that committee to be as open and fair and accountable as we possibly can. As the gentleman knows, in recent years under the past two Speakers, we have gone to almost a totally structured rule process, where Members on both sides of the aisle have literally been gagged. The House was not allowed to work its will.

The gentleman knows that conservative Democrats on your side of the aisle complained bitterly about it, people like the gentleman from Minnesota, Tim Penny, and the gentleman from Louisiana, BILL TAUZIN, and others, because they were not allowed to offer amendments on this floor.

Speaker GINGRICH has asked me to be as open and fair as we possible can, and to reverse the fact that 70 percent of all of the rules that came to this floor last year were closed or structured or restricted rules. He has asked us to try to make an open rule process the norm, and not the exception. We are going to do that. I am going to follow his instructions. Now, at this point, let me yield to a Member who served on the Speaker's task force to reform this House. I had the privilege of serving with him. We developed these kinds of reforms that we are offering here today, 8 of them in the contract for America, 23 in title II, all of which are additional reforms to the existing 1993 Democrat rules package that is here.

Mr. Speaker, I yield such time as he may consume to a very distinguished member of the committee, the gentleman from California [Mr. DREIER].

□ 1450

Mr. DREIER. I thank my friend, the gentleman from Glens Falls, the soon to be chairman of the Committee on Rules, for yielding me this time, Mr. Speaker.

Let me just say that as I have listened to the words from my very dear friend, the gentleman from Mount Clemens, MI [Mr. BONIOR], who has described this as a closed rule, I have to say that it is absolutely preposterous to claim that what is clearly the most open rule on an opening day in recent congressional history is closed. Now, in the past we have regularly seen basically a single up-or-down vote, but as Speaker GINGRICH said in his remarks earlier, we are going to be today casting votes on eight different provisions, providing Members with the opportunity to look at virtually every aspect of the preamble of our contract with America.

As I listen to the arguments about a closed rule here, I cannot help but think about the fact that nearly every single week during the second session of the 103d Congress I stood right there at that desk and asked the majority leader, the gentleman from Missouri [Mr. GEPHARDT], or his representative, the gentleman from Michigan [Mr. BONIOR], or the gentleman from Maryland [Mr. HOYER], or another Member when we could expect the congressional reform package to get to the House floor.

Mr. Speaker, the response was regularly "Well, we are hoping that we will be able to get it up first in early spring of 1994." Then it was late spring, then early summer, then midsummer then before we adjourned for August, and then after August it was before we adjourned. As we all know very well, at the end of the 103d Congress, we got a little speck and nothing more than that when we passed this rule calling for congressional compliance.

It seems to me that as we look at this issue, this issue is a very important one which we have struggled to get our friends who were formerly in the majority to bring to the House floor, and because of their recalcitrance on the issue of congressional reform over the past 2 years, we are on the opening day bringing these reforms as expeditiously as we possibly can. Why? Because we have debated these throughout virtually every campaign. On every measure that dealt with the issue of congressional reform, I attempted to defeat the previous question, to make in order our congressional reform package, which again had been promised for consideration by the leadership in the past.

I believe very strongly that this rule is going to allow us to have free, fair, and open debate on this extraordinarily important issue, on this extraordinarily important day. I say we have got to get the job of congressional reform completed and completed today, so that we can do what the American people are anticipating from us in the next 100 days.

Mr. BONIOR. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, I would say to the gentleman from California, [Mr. DREIER], he also stood at that desk over there every single day and he condemned closed rules as being a violation of the democratic process, and he promised that if he were in charge we would never again see closed rules.

And where are we today? The first day of the first session of Congress, when you are finally in charge, and the very first rule you bring to the House is a closed rule. Now I would just have to say to the gentlemen from California and New York, Mr. DREIER and Mr. SOLOMON, it is a curious thing to see on the first day of the House these two gentlemen, who took up so much of our time talking about closed rules, to be the authors of a closed rule on the first day of this Congress.

It is indeed also curious that, after so much talk about reform, that they would bring to the House floor today a set of rules that excludes any reference to reform of the process we have today under which lobbyists are permitted to buy gifts, meals, and thinly disguised vacation trips for Members of Congress.

I must say it is especially curious inasmuch as in October the Speaker of the House, Mr. GINGRICH, was on "Meet the Press" saying, and I quote, "I am prepared to pass a bill that bans lobbyists from dealing with Members of Congress in terms of gifts."

Yet here we are on the first day, the first opportunity to do it, and not only is it not a part of the Republican package, we are prohibited from even offering an amendment to the Republican package to prohibit lobbyists from buying gifts, free meals, and thinly disguised vacations for Members of Congress.

They will not allow us to offer that amendment for a very simple reason, because they know that it would pass overwhelmingly.

The Speaker and his leadership allies fought tooth and nail last year to kill the ban on gifts from lobbyists. They tried to keep the bill from being considered in the House, and when that failed, they encouraged a Senate filibuster which succeeded in killing it, even though twice it passed the House of Representatives overwhelmingly and with a bipartisan majority. They said they were against it because somehow or another it interfered with the grassroots lobbying.

I have an amendment which we will bring up when this previous question is defeated, which says that gifts will no longer be permitted to be given to Members of Congress in the forms of meals, free trips, free costly golf vacations or anything else from members of the lobby, from the lobbyists.

I urge the new Republican Members, today you will decide whether you are in lock-step with this new Republican majority and the Speaker, or you are committed to the public. If you are committed to the public, vote against the previous question. Let us do the public's business today and prohibit lobbyists from giving gifts, free meals, free vacations, free golf trips, and all other manner of freebies to Members of the House of Representatives.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Texas mentioned lockstep. Yes, we Republicans are in lockstep. We are in lockstep with the message that was sent by the American people on November 8, and we are going to accomplish the things they asked us to do.

That means shrinking the size of this Congress by one-third, eliminating 600 jobs, and setting the example for what we will do when we take up the 100 days Contract With America in which we will shrink Government and we will grow the private sector. That is what we are laying the groundwork here today for.

Mr. Speaker, I yield 2½ minutes to the very distinguished member from Sanibel, FL [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the very distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for yielding me this time.

It is the 4th of January, but it seems like the 4th of July, to me. It is Independence Day. It is Independence Day in this House, as we begin to set ourselves free from the shackles of what America knows is the status quo, business as usual.

I hardly need to remind my colleagues about the Dark Ages, when committee chairmen zealously perpetuated their turfs; when Members missed committee meetings because votes were taken by proxy; when committee meetings could be held in the dead of the night behind closed doors, sometimes locked closed doors, locked to the minority; when Members could come to this floor and apparently wilfully disclose classified information without admonition; when large tax bills could pass on the slimmest of margins and huge spending packages could slide through on a voice vote.

The excesses of Congresses past are well documented. On November 8, Americans sent a message. Well, Mr. Speaker, message received. Limiting the terms of committee chairmen, banning proxy voting, establishing truth in budgeting, reducing staff, opening up and streamlining the committee process, mandating recorded votes on spending bills, these changes today will make this a more responsive and responsible House. By laying this groundwork for a new beginning, we take the first concrete steps toward earning back the trust of the people that we are here to serve.

I am pleased that this rules package includes a simple but important requirement that Members wishing access to classified material sign an oath of secrecy, a powerful change that should increase Members' awareness and accountability where national security is at stake.

At the same time, we are taking major steps to bring sunshine into the daily workings of this House's business and to ensure individual Members' accountability for all of their actions. All around, this is a balanced of package of substantive change.

It is not exclusive. There will be more, and I invite the distinguished gentleman from Texas [Mr. BRYANT] to join me in sponsoring my bill that bans lobbyist-paid travel, if he wants further reform. This is the beginning step.

I urge all of my colleagues to join me in support of these new rules today. It is not the final thing, but it is the most important thing we are going to do, because it is going to show America we are serious about making the changes. Of course, there will be more oncoming. Today it is a good agenda. It is an American agenda, and it is today's agenda, so let us pass it.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Texas [Ms. SHEILA JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I am a proud new Member of the 104th Congress, and I want to speak just for a moment to my fellow new Members, because we all campaigned for reform. I urge you, do not get cold feet.

I come armed with the Constitution of the United States of America that says "We, the people of the United States, in order to form a more perfect Union," among other things, "secure the blessings of liberty to ourselves and our posterity," not to Congress, not to individual congressional Members, but the people want for themselves the right to live and the right to know that their Congress is not owned and bought.

□ 1500

The American people want reform, not phony reform but real reform. They want to know that the ties of special interests are now really broken. They want to know that the days of free meals and free trips and special privileges are over. They are angry and we did hear their voices. We the Democratic Members heard their voices in November, and today we want to start fresh and anew talking about reform. But we need to go a lot further. If we want to send a real signal that we are really changing Washington, we need to ban gifts from lobbyists and special interests. As Members of Congress, we should not be using public office for private gain. We are here to make change, not to protect the old order. Let us begin by having an open debate. What is wrong with amendments allowing us to raise the voice of the American people? No more closed rules, no more status quo. Let the American people realize that we are not for sale.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I would just point out to the gentlewoman, I know she is a freshman Member, but in the last Congress, the 103d Congress, 70 percent of every rule that came to this floor under Speaker Foley was a restricted, closed, or modified rule. We are reversing that through your order, sir, and we will have open rules in this House. We will have openness, fairness, and accountability.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER], the very distinguished new member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding.

I would like to point out that it is clear what the theme of the day is from your side and, that is, gifts from lobbyists and that is going to appeal not to the people in this body but to the people watching this on C-SPAN.

It is worth noting that after 40 years of rule, including the last 2 when the Democrats had control of both the House and the Senate and also the White House, that this should have been able to have been passed. But this rule is not about gifts from lobbyists. That is a bill to come. This rule does not include amendments for campaign finance reform or parking at Washington National or indeed paid travel from lobbyists. This rule has to do with process, process of how Congress acts, the committees, the staffs, the way we budget. We will deal with those issues at a later date in separate bills. We have done that in the past. We have cooperated in trying to get campaign finance reform to the floor, in trying to get lobbying reform to this House, all in stand-alone, individual bills. Let us be honest about it.

We understand your point of view in the minority, trying to distract Americans' attention from the issue of the day, which is passing a rule by which we live for the next 2 years. This rule deals with process, how Congress conducts itself. Let us contain our comments to that point.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, like our Republican colleagues as a new Member of this Congress, I came seeking constructive change, and of that change I was most eager to join with our Republican colleagues the concept of opening this House.

Yet at this first opportunity for change, this Republican rules package fails. I do not know what they call a rule in California or New York where you get no amendment and no alternative, but in Texas we call that closed government.

You propose two completely closed rules, two rules that do not allow one new Member, one old Member, one Republican, one Democrat to offer any amendment to this package. More than that, you have done what is unprecedented perhaps in the history of this country, and that is to provide a closed rule within a bill that is brought up under a closed rule.

This is not open government. This is not reform. It is more closed government as usual. This is barring the door, slamming the door shut and actually then barring that door for people to participate in the process of democracy.

It was only a few months ago that the distinguished gentleman from California [Mr. DREIER] suggested that when a closed rule is foisted on this House, the Members are denied the opportunity to represent their constituents. That is no less true today.

You have said that this is a new chapter in the history of this House, but you have made it an edited, indeed a censored chapter. You have said you have changed the course of business in this House, but I would submit, to use the words of the distinguished gentleman from New York, that it is merely shortchange.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, just to say to Members on that side of the aisle how refreshing it is now to see Members from the Democratic Party standing up and fighting for those minority rights that we fought for for 40 years on this floor. We welcome you into this debate and we are going to open up this House today.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA], one of the senior Members of this House.

Mr. REGULA. Mr. Speaker, today is truly a momentous occasion. After serving in the minority for 11 terms, new and historic horizons are being opened as Republicans become the majority party in the House of Representatives for the first time in 40 years.

We are beginning the first day of the 104th Congress with a full schedule of much-needed internal reforms in the House of Representatives. We will vote on eight separate reforms including a reduction of committee staff by one-third, requiring that committee meetings be open to the public and requiring that members of committees be present for votes in their committees.

This new openness in the committee process is important because it is the first step in establishing the accountability that the American people are demanding of the Congress. The most important decisions on legislation are often made during committee deliberations. Members of committees become experts in the areas of the committee's jurisdiction and other Members rely on their judgment.

One of the most important reforms we are voting on today is the ban of proxy voting in committees. Proxy voting allows another Member to cast a vote on legislation for a Member who is absent. Of the 22 standing committees in the last Congress, only 4 banned absentee voting. I am a member of the Appropriations Committee which has never allowed the use of proxy voting. All Members should be present to vote on issues before the committee.

Accountability to the American public begins in the committee system by Members being present for meetings and votes, and those meetings being open to the public. We must assure all of our constituents of the seriousness with which we approach our work of deliberating the issues of importance to our country. Only then can the integrity of the Congress be reestablished.

Today's action can be defined in five words: "Accountability in the People's House."

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise to voice my opposition to the closed rule on the Republican rules package. This package contains many important reforms that I support, but it does not contain the most crucial reform, a ban on gifts from lobbyists. The gift ban is central to our ability to break the bond between the special interests and the Congress. That is what the public clamored for, separate special interests from the institution of the Congress.

The Democratic proposal would ban all gifts to Members of Congress. It bans meals, entertainment, and travel. It says no more business as usual.

On this first day of the 104th Congress when so many hopes are pinned on people reclaiming their Government, it is tie to end the special interests' influence over Congress. It is time to say no. No to dinners, no to golf junkets, no to the old style perks and privileges. The only privilege we need is the privilege to serve in this body.

The new Republican majority claims that they are leading a revolution to reform this institution. That is what they told the American public. But keeping closed rules, protecting perks and privileges is just more hypocrisy.

Support real change. Open the rule and support a gift ban.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, there is a reason why the Republicans oppose the Democratic rules change in this closed rule. Our rules change makes every rules change proposed by the Republicans today pale in comparison. Theirs are plastic and papier mache. Ours have the hard steel of real change because they address the key issue of the integrity of Congress.

Today as we speak on this floor with a few Members, so many others are enjoying this wonderful first day of service in Congress. They came here promising to represent their districts, not the special interests. Our rules change addresses that straightforwardly. It prohibits and limits any gifts from lobbyists and special interest groups so that new Members and old Members alike will not be ensnared in these special interest tangles. And equally important, Mr. Speaker, it closes or at least restricts a dangerous loophole.

By the rules of the House I cannot go out and give a speech and earn one dollar. But I can go out, and in the name of writing a book, supposedly earn legally millions of dollars. That kind of ridiculous loophole puts this House in jeopardy and every Member of it.

I would suggest that we stick with the Democratic changes and defeat the previous question.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to a very distinguished new Member, the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I came from South Carolina, a State that a few years ago sent about 18 people to jail because they took shirts, they took shoes, they took golf trips, and they sold their vote. If Members want to reform me, I challenge them to do so. But everything in its time. For 40 years Democrats have had control of this body to do that.

What the American people need to know, and what I want constituents to know at home is what we are talking about doing the first day is to change the way this institution operates. NEWT GINGRICH, the new Speaker of the House, has done something that no Speaker of the House has ever done in this body, Republican or Democrat. He has instituted a measure to limit his own term as Speaker. I congratulate him for doing that. Leadership and reform begins at the top, and that is what he has demonstrated, and on behalf of the freshman class we thank him for doing something other than talk.

Also in this rule is a provision that would limit committee chairmen to serve 6 years. If we want to change America, that is a great place to start, and that is what we are talking about today, changing this institution to breathe new life into it.

Mr. Speaker, ideas do matter, and they are going to have a new day.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, approximately 1 hour ago you addressed every Member of this body and the House, you addressed the entire United States of America and you said this is the 104th Congress. Think of it, 208 years. For 208 years, Mr. Speaker, we have existed under the rule of the majority.

Two hundred eight years ago, Mr. Speaker, as a student of history you know that the Constitutional Convention adopted the Constitution rejecting the Articles of Confederation that have a super majority requirement. By a rules change, with no committee hearings, with only 20 minutes of debate, you want to strike a blow at the most fundamental tenet of constitutional principle: rule of the majority, and revert to the Articles of Confederation.

Mr. Speaker, how can you do this on the first day of your tenure in office?

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Cleveland, OH [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is hard not to be somewhat amused by the shenanigans that are going on on the floor right now when we are being told that we are completely shackling the rights of the minority by not allowing them to have the central reform that should be in this rules package: that is, the gift and lobby reform.

It has to be pointed out that for 40 years Democrats have had the opportunity to pass this fundamental gift and lobby reform, and yet they have not been able to do it in a timely way that got through both the House and the Senate and was signed into law. For them now to claim that somehow, somehow this is preventing them from doing this when they know substantively we will get to this later, the question I have is why did they choose the gift and lobby reform as opposed to fundamental campaign finance reform, that is the elimination of special interest contributions. They know and I know that about $250,000 plus goes into every single incumbent's campaign on a cyclical basis. That is real influence that is being purchased by special interest groups, and yet there is only one group, one group in the entire Congress, not the House Republicans, not the Senate Democrats, not the Senate Republicans that do not want to limit that genuine purchasing of influence, and that group is the House Democrats.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me refresh my friend from Cleveland's memory. We did pass the gift rule ban last Congress and it was killed in the other body by the Republican Party.

I also would like to refresh my friend's memory and suggest to him that we did pass campaign finance reform and it was killed also by Republicans.

Mr. HOKE. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will not yield at this point. I would yield in a second to my friend using his time.

So we have complied with the wishes of the American people on two basic, fundamental reforms which is banning gifts and reducing the influence of outside interests in campaign reform. We passed them in this House not very long ago, a few months ago, sent them over to the Senate and they were killed by Republicans.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mr. DREIER. Mr. Speaker, I yield 5 seconds to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in support of congressional reform and in support of several parts of the proposed rules package. No Member in this Chamber has a premium on what's best for this Nation. We all have a contract with America.

The contract to which each Member is bound, is to work in the best interests of the American people.

On election day, we offered our services to this great country, and voters from Rocky Mount, NC, to the Silicone Valley of California, accepted our offer. We all have a contract with America.

That contract involves being open to the challenge of change. I will vote for several of the reforms offered in this rules package. However, I will vote against those proposals that are considered dangerous to the stability of the American people or undermine the Constitution of this country.

We must get beyond partisan politics and move to the high ground of principle—serving all Americans.

But, real reform must include an end to gag rules. There are important amendments that would be offered, amendments designed to improve and perfect this rules package, but Members are muzzled because the majority has insisted on a closed rule for this debate.

No Member can offer an amendment such as the gift ban. That is an issue that we debated and supported last Congress. As I am informed, the gift ban we passed would have included royalties from books. If we are to be leaders, we must also lead in following the rules under which we are governed. In this House, we have resolved that no Member should be enriched beyond what the people pay. That resolve should not end with the Speaker, it should begin with him.

I will support those thoughtful reforms that have been offered by the majority. But, I will continue to stand up as part of the loyal opposition when I believe pomposity, audacity and duplicity confront us.

No party or person has an exclusive on such things as family values and personal responsibility. Those are standards I absolutely hold dear. And no party or person should be able to take the right to speak and participate from any of us. Too many have sacrificed for that precious liberty. We all, 435 Representatives, have a contract with America. Let no one forget.

Mr. DREIER. Mr. Speaker, as we continue with this freest and most open debate in congressional history, I yield 2 minutes to my friend, the gentleman from Greensboro, NC [Mr. COBLE].

☐ 1520

Mr. COBLE. I thank the gentleman from Claremont, CA, for having yielded me this time.

Reform the House? We Republicans have previously engaged in this exercise of attempting to reduce the number of staff positions and the number of committees. So this is not a case of first impression.

But each time we proposed these reductions, they fell upon deaf ears, and the Democrat leadership rejected our attempts to streamline the Congress, and in so doing serve as better stewards for taxpayers.

During this session, pending passage of this proposal today, there will be 25 fewer subcommittees, 3 fewer standing committees. This will save taxpayers hundreds of thousands of dollars.

I am advised that we have eliminated 80 positions on one committee alone. I am not uncaring nor insensitive about this result, but these positions should never have been created in the first place. In applying retroactive psychology, Mr. Speaker, if our Democrat leadership friends had accepted our previous proposals which would have saved taxpayers millions of dollars, we Republicans may not be in the majority today.

But in this town, pride of authorship is jealously guarded, and many people are reluctant to permit any good change unless they can claim the credit therefor.

Today we Republicans again are offering proposals of change which we have previously attempted to no avail. On this day, Mr. Speaker, we will, indeed, prevail.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, the American people sent us a message in November. They want less government, less bureaucracy, more ethics, and more accountability. They did not vote for arrogant government, and they did not vote for coronations of any one party or individual.

This rule is a gag rule, no amendments to the Republican rules package. While the Speaker's first statement was gracious, the first act of this new Republican majority is not about reform. It is about congressional retreat. For all of their talk about reforming the old guard, Republicans today are doing something that probably no other Congress in history has ever done. They have proposed a closed rule within a bill brought up under a closed rule.

Mr. Speaker, let us have openness and accountability.

Mr. DREIER. Mr. Speaker, as we continue with the most open and free debate in the history of congressional history on any opening day, I yield 2 minutes to my very good friend, the gentleman from Glenwood Springs, CO [Mr. MCINNIS], a new member of the Committee on Rules.

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, you know, we are talking about today new management versus old management, and it is often tough for old management to get used to the new management ideas. So what you have to do on the old management side of the aisle, you have to take a look and say, "How are we going to debate these rascals over there that want new management, that want accountability to the American people? How can we explain the fact we have allowed ghost voting, that we have had poor management for 40 years, allowed misleading budget information, allowed mostly closed rules, 70 percent last year? How can we explain to the American people there is no sunshine law in Congress? How can we explain these things so those rascals under the new management do not disclose the problems the American people recognized this last November?" The way you do it is you bring in distraction. You do not talk about the positive elements of this rule, which are manyfold, elimination of committee staff, no more ghost voting, no more false budget numbers. You have got to bring in distraction.

So let us talk about gifts. I guess if it was your rule change maybe we ought to talk about inherited money and see if we have the same kind of merits.

Do not distract us. Work for improvement. Work for progress. Join the new management.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There are to be no demonstrations in the gallery. Those in the gallery are here as guests of the House.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this closed rule.

I agree with many of the reforms, but there are many, many opportunities for us to perfect this package. We are passing up an opportunity to close forever the huge ethical loophole in congressional activities, the potential for compromise by special interests. We can do so by banning gifts and by restricting the benefits from lobbyists and by restricting the benefits one can receive from our writings as we do now from our speeches.

The American people sent us a message in November. They said they wanted personal accountability. They certainly do not wish for us to enrich ourselves as we serve them.

Let us seize this opportunity to clean up this huge ethical loophole and truly reform congressional activities on this first open day of the debate of the 104th Congress.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, Members of the House, as a Member of this House on the Democratic side of the aisle who for 20 years never brought a bill to the floor under a closed rule, I am sure that I speak with credibility that this change is supposed to be about opening up this debate, and in fact that has not happened.

The test is not whether this is more open than what we did on opening day. The test is whether or not this rule is open or closed, and this rule is, in fact, closed.

What is your fear of having an open rule on congressional reform? That we would overreform the House of Representatives? Hard to conceived of that. What is your fear of having an open rule when you in fact have the votes to beat down any amendment that you do not like? What is your fear, that we would overreform? I do not think so.

Your fear is we would offer what is not in here. The point is this: It is what you do not put in these rules that disturbs us and disturbs the American public, and that is breaking the link between lawyers, lobbyists, money, and legislators, ending the gifts that can be given to legislators and recognizing when the freshman Members took the oath here today, they were given a voting card, not a right to receive gifts to NFL games, to lunches and to dinners.

Mr. DREIER. Mr. Speaker, as we continue with debate on the most open, open reform package that has come to this floor on an opening day, I yield 30 seconds to a very hard-working member of the Joint Committee on the Organization of Congress, my friend and classmate, the gentleman from Cape Girardeau, MO [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding me this time.

You know, I have been somewhat amused sitting here listening to our colleagues on the minority side talking about open rules. I hope members of the American public know that we are in the process of reforming the Rules of the House of Representatives here today, that are going to bring a higher level of reform to this body than it has experienced in generations.

I am amused by some of the rhetoric here and chagrined really at what I consider to be the nitpicking. It ill serves you, I think, to be so petty in your quibbling when we are bringing about major reform to this body.

Mr. BONIOR. Well, with all due respect to my friend—and he is my friend—the gentleman from Missouri, breaking the ban and the link between lobbyists and lawyers and the power in this town in this institution we do not consider as petty.

Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, if the debate is free, and truly free, then why cannot we offer significant amendments for reform?

Here is a list of what we can vote for; there is not a list of what we cannot vote for, because you will not permit us to offer certain amendments, and I offer this observation.

But today there is no longer an opportunity for Members to fully participate in offering amendments to reform the House as it should be reformed.

Students of history should note BOB WISE did not say this, the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON] said that on opening day of 1991.

Why is it that those who say they want change—and we all want change—will not permit us to bring to this floor a ban on gifts from lobbyists, a ban on dinners from lobbyists? Is this something radical? It has passed the House twice before. Why can we not bring to the floor the amendment to limit royalties and address another area of concern to the House? If you want change, then you have to vote for it. If you want change, then you have to work for it. If you want change, then you have to let true change flourish, and you have to let us offer these amendments.

This is not true change, this is not reform that you are doing. You said you wanted open rules; make them open.

Mr. DREIER. Mr. Speaker, as we continue debate under the most open process in congressional history, I yield 1½ minutes to my friend, the gentleman from Roanoke, VA [Mr. GOODLATTE].

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Speaker, this is a new day in the people's House, and a new day calls for new rules, and we are going to deliver those today.

Let me say to our friends on the other side of the aisle who are claiming our reforms today do not go far enough, for 40 years you ran this place behind closed doors, keeping every perk, privilege, and partisan advantage. Now, suddenly, you are trying to tell the American people you have now become reformers. Well, I realize everyone should have ambitious New Year's resolutions, but this one is just too hard to swallow. Today, despite the resistance from the minority party, we are going to bring more reform to the House in 12 hours than the other party brought in 40 years of iron-fisted rule.

We are wiping out three full standing committees and over 20 subcommittees; we are slashing bloated committee staffs, imposing term limits on the Speaker and committee chairmen and eliminating proxy voting.

Finally, we are going to start making Congress live by the laws that American businesses and families live by. I think I can speak for many Americans when I say it is about time.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gallery will not participate in the proceedings of the House. The gallery may watch as guests of the House.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sorry that the gentleman who just spoke could not join us today, as he was one who in fact did vote on the gift ban in the last Congress when the issue was before us. I am sorry he did not join us today, when this party in fact has real power but I guess that is not in the cards.

Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. MASCARA].

Mr. MASCARA. I thank the gentleman from Michigan for yielding to me.

Mr. Speaker, I too am proud to be a Member of the 104th Congress. Like many of my new colleagues, I campaigned on the issue of reform. I want to urge other Members to not get cold feet now.

Our task today is very simple: It is to prove to the American people that we care more about the public interest than we do about the special interests; it is to provide that Congress is not for sale.

Mr. Speaker, we are not royalty and, therefore, we do not need gifts. We do not need free trips or free meals or special privileges. We are stewards of the public trust. Our constituents elected us to work hard, to make tough decisions, and to stand up for what is right.

As Members of Congress, we represent the public interest, not private profits.

We are here to make change, not to protect the old order. Let us begin by having a open debate about the real needs of our constituents. No more closed rules, no more status quo.

Mr. DREIER. Mr. Speaker, as we proceed with the most open debate in congressional history, I would like to yield 1 minute to my friend, the gentleman from Ocala, FL [Mr. STEARNS].

Mr. STEARNS. I thank the gentleman.

Good afternoon, Mr. Speaker—it is a wonderful afternoon.

I thank my colleague from California.

My colleague from Florida on the other side of the aisle talked about seizing the opportunity. He agrees with a lot of the reforms that we are going to present here shortly, but he is complaining about the parliamentary procedure. So I say to him why did he not, he and his party, bring all of these forward during the last 40 years? Let us take this opportunity to look at one of these, the Congressional Accountability Act, that we are going to pass here on opening day.

What we are saying is that it will not be business as usual around here, and we intend to make Congress operate in a more fair and open manner.

Thomas Jefferson said, "When a man assumes public trust, he should consider himself as public property." By enacting this new set of rules for the House, we are stating unequivocally we believe in practicing what we preach.

We must continue providing the bold and decisive leadership that brought us to this moment here in history.

I urge my colleague from Florida who talked about seizing the opportunity: Let us move forward.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume, just to answer my friend the gentleman from Florida [Mr. STEARNS]. He raised the issue why did we not do this before? In fact, we did the very reform that the gentleman from Florida spoke about, and that was congressional accountability.

We authored the legislation, we passed it in this body. It was killed by the Republicans in the other body. We came back, incorporated it in a rule which was governable for the rest of the session.

So, to suggest to this Chamber and to the folks who are listening that we did not do that is just not the case.

Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker and Members, I do not think this is a debate about whether this is the most open of open rules or closed rules in the history of this Congress, because it is a completely closed rule.

If I had in my hand today an amendment to try to preserve for us the right to ban the gifts from lobbyists, I would not be able to do that right now. So let me quote to you some words that I think are most eloquently stated, back in May 25, 1993, "With closed rules, voices all across America are silenced. Republicans want the people to have choices, and that can only be done by having open rules." Those very eloquent words were uttered by our new Speaker, Mr. NEWT GINGRICH.

I would urge all of my colleagues in this House to recognize the words uttered by our new Speaker, that we should have open rules. This is a closed rule, it is not a good way to start this first year of this new Congress.

Mr. DREIER. Mr. Speaker, as we continue with the most open debate in congressional history on opening day, I yield 1½ minutes to the chairman emeritus of the Committee on Rules, my friend the gentleman from Kingsport, TN [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for yielding me this time. I have been a member of the House for 32 years and a member of the Rules Committee for 30 of those years, always in the minority until now. I have probably spoken out on the House floor against closed rules more times than any other Member of this body.

But even as a member of the minority, I have always believed that there were certain issues such as this that should be decided under a restricted or closed rule. To the best of my recollection, the resolutions establishing the rules of the House have been considered under a completely closed rule—with a straight up or down vote. This rule will allow Members the opportunity to vote on nine separate portions of the rules package. This is certainly a much more open process than any that I have seen in my 32 years.

I think the minority should appreciate that the Republican majority chose to open up consideration of this rules package instead of following the traditional closed process that the Democrats embraced and promoted when they controlled the House.

Mr. BONIOR. Mr. Speaker, I have one speaker remaining.

□ 1540

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Omaha, NE [Mr. CHRISTENSEN], a new Member who has joined us.

Mr. CHRISTENSEN. Mr. Speaker, as a new Member of the Republican majority, I look forward to working with my colleagues in the Democrat Party to make sure that these reforms come to place, but we have to remember that the American people sent us to do change. They sent us here to make sure that the opening day activities included in the Contract With America were enacted, and that is making Congress live under the same laws that the rest of the American people have to live under. That is cutting one out of every three congressional committee staffers, and that is looking at an audit and getting that started.

What I ask is: "Let's get to the business the American people sent us here to do, and that's the Contract With America."

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Miami, FL [Mr. DIAZ-BALART], a new member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I admit that there are great parliamentary debaters on the other side of the aisle. Accordingly, I submit that they must do much better than this, to divert the attention of the American people from what we are doing today. What we are doing today is requiring all laws that apply to the rest of the country to apply to Congress. We are cutting the number of committee staff by a third. We are limiting the terms of committee chairs and subcommittee chairmanships to 6 years. We are banning the scandalous practice, scandalous practice, called proxy voting where Members did not have to go to a committee, and then the chairman, even if they did not have anybody there, did not have any of the Democrats there, they would ultimately win because he had the proxies of all the Members here, truly scandalous, profoundly undemocratic, conduct. That is what we are banning today. That is what we are doing in these rules.

And what the Democrats now are saying is, "Ah." They are using the parliamentary tactic of there is the Christmas gift for all children in the world is missing from this rules package. It is not going to work. That is not going to divert the attention of the American people from what we are doing today, and they are going to know what we are doing, they deserve what we are doing, and we are going to do it today.

Mr. BONIOR. Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4¼ minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge every Member of the House to vote "no" on the previous question and "yes" on the motion to commit.

The Republican leadership would have us believe that they can pass eight or nine bills in a flurry of legislative accomplishment and debate.

In fact, there can be no debate; there can be no discussion; there can be no effort to amend, or strengthen, or truly consider any of their proposals.

This is what we call a closed rule. That means that unless you support every dot and comma in the Republican agenda, it is a closed discussion. And as far as serious public policy is concerned, it is a closed door.

That is a tragedy, because the American people deserve more than rubber-stamp Republicanism.

That is why we must reject this rule, and open the crucial issue of congressional reform to discussion and improvement.

The fact is, Democrats do not want to defeat this rules package. We want real reform. That is why many of the proposals being made today—such as making Congress abide by the laws it writes—have already been passed by the House. And that is why Democrats fought for even tougher reforms, such as a bill to curb the influence of lobbyists, which the Republicans defeated.

The Republican reforms are all well and good—but they simply do not go far enough. They are a handful of procedural and administrative changes here in the House. Many of them are positive. Many of them deserve wide, bipartisan support—and they will have it.

But they do not touch the real problem: the rampant hand of special interests here on Capitol Hill.

If the Republicans were serious about attacking special interests, why would they fight the Democratic proposal to ban gifts from lobbyists?

Do we want to go along and get along, by rubber-stamping this closed rule? Or do we want to rein in the special interests by defeating the rule, and having a real debate about reform?

I urge the latter course. But at the same time, we must all recognize a broader point.

All of this Republican talk of reform—as necessary as it may be, and as productive as it may be—is ultimately a distraction from the real job at hand. Improving the lives of the hard-working, middle-class families who have seen their incomes erode, and their standard of living slide, for 15 painful years.

No one should pretend that these narrow procedural changes will do anything to raise incomes, to restore economic security, to revive hope and faith in America's future.

And for that matter, no one should pretend that the Contract With America, with its huge tax cuts for the wealthy, and inevitable explosion of the Federal deficit—will improve people's lives, either.

Come back to my district in St. Louis. Meet some of the families where the husband works during the day, the wife works at night, and they barely ever see each other. Meet some of the families that have given up every minute of family time working two, three, even four jobs—and still cannot make ends meet.

Then ask yourself whether some new procedural change can make a difference in their lives.

My colleagues, I urge you to vote "no" on the previous question, and vote "yes" on the motion to commit, so we can have serious congressional reform. And then let us get down to the real business of the people.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from California [Mr. DREIER] is recognized for 1 minute.

Mr. DREIER. Mr. Speaker, let me say with all due respect to my colleagues that I have never heard such preposterous arguments in my entire 14 years as a Member of this House, and let me say that this clearly is the most open debate that we have ever experienced on opening day in the history of the U.S. Congress. It is exactly what Speaker GINGRICH has called for, and it is exactly what we are creating.

Now, over the past 2 years I had the privilege, mostly during calendar year 1993, to work with my friends, the gentleman from New York [Mr. SOLOMON], the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Missouri [Mr. EMERSON], the gentleman from Colorado [Mr. ALLARD], the gentlewoman from Washington [Ms. DUNN] as Republican members of the Joint Committee on the Organization of Congress. We were charged with dealing with major reform in this institution. Reform in this institution is going to help working Americans because we are, by nearly 25 percent, reducing the number of committees in this place so we do not have 109 committees and subcommittees with jurisdiction over the Pentagon, 52 subcommittees and full committees with jurisdiction over programs dealing with children and families, and 92 subcommittees and committees dealing with the Environmental Protection Agency. We are creating an institution that is more accountable.

Unfortunately, Mr. Speaker, the majority in years past has prevented us from having the opportunity to even consider those things. On this opening day we are doing it. We are doing it under the most open process in the history of this institution, and I thank my friends for joining with us.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BONIOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 5 of rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary rollcall vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. On occasion, the Chair has announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that those examples be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

□ 1550

The vote was taken by electronic device, and there were—yeas 232, nays 199, not voting 2, as follows:

[Roll No. 3]

YEAS—232

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—199

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lambert-Lincoln
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—2

Bishop
Jackson-Lee

□ 1605

Mr. STUMP and Mr. DICKEY changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JACKSON-LEE. Mr. Speaker, on rollcall 3 I am recorded as not voting because I was unavoidably detained. Had I been present, I would have voted "no."

MOTION TO COMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to commit.

The SPEAKER. The Clerk will report the motion to commit.

The Clerk read as follows:

H. RES. —

Mr. BONIOR moves to commit the resolution H.Res. to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

Strike all after the resolving clause and insert:

That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H.Res.) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress, [captioned Committee Print on H.Res. , bearing the date of January 4, 1995], as modified by the amendment printed in section 4 of this resolution. The resolution, as modified, shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution, as modified, to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

Sec. 2. The question of adopting the resolution, as modified, shall be divided among ten parts, to wit: each of the nine sections of title I; and then title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

Sec. 3. Pending the question of adopting the tenth portion of the divided question, it shall be in order to move that the House commit the resolution, as modified, to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

Sec. 4. At the end of Title I add the following new section:

Sec. (109). The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto as may otherwise have been adopted, are adopted as the Rules of the One Hundred Fourth Congress, with the following amendment:

BAN ON GIFTS FROM LOBBYISTS

(a) Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbying firm (a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity), or an agent of a Foreign principal (as defined in the foreign Agents Registration Act of 1938).

"(2) The prohibition in subparagraph (1) includes the following:

"(A) Anything provided by a lobbyist or a foreign agent which the Member, officer, or employee has reason to believe is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

"(B) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee.

"(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(D) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a Member, officer, or employee.

"(F) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"(3) The following are not gifts subject to the prohibition in subparagraph (1):

"(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

"(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(C) Food or refreshments of nominal value offered other than as part of a meal.

"(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

"(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(4)(A) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

"(B) A gift shall not be considered to be given for a nonbusiness purpose if the Member, officer, or employee has reason to believe the individual giving the gift will seek—

"(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

"(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(ii) Whether the Member, officer, or employee has reason to believe the gift was purchased by the individual who gave the item.

"(iii) Whether the Member, officer, or employee has reason to believe the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(b) In addition to the restriction on receiving gifts from paid lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to otners in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

“(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

“(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

“(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

“(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

“(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

“(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

“(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

“(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

“(16) Bequests, inheritances, and other transfers at death.

“(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

“(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

“(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

“(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

“(21) Opportunities and benefits which are—

“(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

“(B) offered to members of a group or class in which membership is unrelated to congressional employment;

“(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

“(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

“(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

“(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

“(22) A plaque, trophy, or other memento of modest value.

“(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

“(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

“(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

“(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

“(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

“(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

“(4) For purposes of this paragraph, the term ‘free attendance’ may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

“(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1995 unless the Committee on Standards of Official Conduct issues a written deterministion that one of such exceptions applies.

“(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

“(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

“(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

“(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

“(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

“(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

“(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

“(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

“(A) the name of the employee;

“(B) the name of the person who will make the reimbursement;

“(C) the time, place, and purpose of the travel; and

“(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

“(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

“(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

“(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

“(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

“(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

“(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

“(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

“(4) For the purposes of this paragraph, the term ‘necessary transportation, lodging, and related expenses’—

“(A) includes reasonable expenses that are necessary for travel—

“(i) for a period not exceeding 4 days including travel time within the unanimous consent or 7 days in addition to travel outside the United States; and

“(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

“(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.".

SEC. . LIMITATION ON ROYALTY INCOME.

(a) LIMITATION.—Clause 3 of rule XLVII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(g) In calendar year 1995 or thereafter, a Member, officer, or employee of the House may not—

"(1) receive any copyright royalties for any work—

"(A) unless the royalty is received from an established publisher pursuant to usual and customary contractual terms;

"(B) unless the total amount of such royalties for that work does not exceed one-third of that individual's annual pay as a Member, officer, or employee for the year in which the contract is entered into; and

"(C) without the prior notification and approval of the contract for that work by the Committee on Standards of Official Conduct; or

"(2) receive any advance payment for any such work.".

(b) CONFORMING AMENDMENT.—Clause 3(e)(5) of rule XLVII of the Rules of the House of Representatives is amended to read as follows:

"(5) copyright royalties.".

(c) EFFECTIVE DATE.—The amendments made by this resolution shall apply only to copyright royalties received by any Member, officer, or employee of the House after adoption of this resolution pursuant to any contract entered into while that individual is such a Member, officer, or employee.

☐ 1610

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. BONIOR. Mr. Speaker, reserving the right to object, and I will not object, the point I want to make is that this is a question on the gift ban and on the book royalty at this point.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would just say to the gentleman, we have just been handed a 20-page document here. This is the motion to recommit?

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, this is the motion to commit.

Mr. SOLOMON. To commit?

Mr. BONIOR. If the gentleman will yield further, yes. This is what we were talking about for the last hour, the ban on gifts from lobbyists and book royalties.

Mr. SOLOMON. I do not know how that, with no debate, Mr. Speaker, we are going to have time to even know the details of this.

I would urge a no vote.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will yield, the gentleman makes a good point about debate. Would the gentleman agree to unanimous consent for about 20 minutes to debate this? Then we can discuss it.

Mr. Speaker, I ask unanimous consent for an additional 20 minutes.

Mr. SOLOMON. Mr. Speaker, I would move regular order.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a unanimous-consent request. What happened to my unanimous-consent request?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object—

Mr. SPRATT. Mr. Speaker, there is a unanimous-consent request to dispense with the reading of the 20-page motion.

The SPEAKER. That is the pending request. There can only be one request pending at a time.

Mr. VOLKMER. Mr. Speaker, reserving the right to object, it is apparent to me that, as one who has been here for several years and has seen what has gone on in past first days of the Congress, I attempted and my staff attempted, beginning back in December, to get a copy of the proposed new House rules for this Congress. We have not been able to.

Mr. THOMAS of California. Regular order, Mr. Speaker.

Mr. VOLKMER. I am reserving the right to object.

The SPEAKER. The gentleman may not reserve the right to object if regular order is requested.

Is there objection to the request to dispense with the reading?

Does the gentleman still tender his request?

Mr. SPRATT. What I seek, Mr. Speaker, is that we dispense with the reading of the motion.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I object.

The SPEAKER. The Member was not on his feet, and it was not timely.

The question is on the motion to commit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BONIOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Members are reminded that this is a 15-minute vote, with a maximum of 2 additional minutes.

The vote was taken by electronic device, and there were—yeas 196, nays 235, not voting 2, as follows:

[Roll No. 4]

YEAS—196

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lambert-Lincoln
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—235

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Coble

Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Chrysler
Norwood

□ 1626

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 251, nays 181, not voting 1, as follows:

[Roll No. 5]

YEAS—251

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lambert-Lincoln
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—1

Gonzalez

□ 1643

Messrs. ORTIZ, FATTAH, and SKELTON changed their vote from "yea" to "nay."

So the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed Resolutions of the following titles, in which the concurrence of the House is requested:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 11

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore of the Senate.

S. RES. 12

Resolved, That the House of Representatives be notified of the election of the Honorable Sheila P. Burke, of California, as Secretary of the Senate.

RULES OF THE HOUSE

Mr. ARMEY. Mr. Speaker, pursuant to the resolution just agreed to, I call up House Resolution 6 and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 6 is as follows:

H. RES. 6

Resolved,

TITLE I. CONTRACT WITH AMERICA: A BILL OF ACCOUNTABILITY

SEC. 101. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Committee, Subcommittee, and Staff Reforms

(a) COMMITTEE STAFF REDUCTIONS.—In the One Hundred Fourth Congress, the total number of staff of House committees shall be at least one-third less than the corresponding total in the One Hundred Third Congress.

(b) SUBCOMMITTEE REDUCTIONS.—In clause 6 of rule X, amend paragraph (d) to read as follows:

"(d) No committee of the House shall have more than five subcommittees (except the Committee on Appropriations, which shall have no more than thirteen; the Committee on Government Reform and Oversight, which shall have no more than seven; and the Committee on Transportation and Infrastructure, which shall have no more than six).".

(c) CONSOLIDATED COMMITTEE STAFF AND BIENNIAL FUNDING.——

(1) In clause 5(a) of rule XI, amend the first sentence to read as follows: "Whenever any committee, commission, or other entity (except the Committee on Appropriations) is to be granted authorization for the payment of its expenses (including all staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Oversight.".

(2)(A) In clause 5(b) of rule XI, amend the first sentence to read as follows: "After the date of adoption by the House of any such primary expense resolution for any such committee, commission, or other entity for any Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Oversight, as necessary.".

(B) In clause 5(c)(1) of rule XI—

(i) strike "the contingent fund" and insert "committee salary and expense accounts";

(ii) strike "any year" and insert "any odd-numbered year"; and

(iii) strike "for that year" and insert "for that Congress".

(C) In clause 5(c)(2) of rule XI, strike "the contingent fund" and insert "committee salary and expense accounts".

(D) In clause 5(f)(1) of rule XI—

(i) strike "the contingent fund" and insert "committee salary and expense accounts"; and

(ii) strike "of each year" and insert "in each odd-numbered year".

(3)(A) INTERIM FUNDING RULE.—For the purposes of implementing this section, and notwithstanding the provisions of clause 5(f) of rule XI, at the beginning of the One Hundred Fourth Congress, the committees established by this resolution are authorized, pending the adoption of the primary expense resolution for the One Hundred Fourth Congress, to expend such sums as are necessary to pay compensation for staff services performed for, or to pay other expenses of, the committee consistent with its planned reductions in committee staff.

(B) Notwithstanding any provision of clause 5(f) of rule XI, payments thereunder during the One Hundred Fourth Congress may be made only on vouchers signed by a Member elected as chairman of the committee concerned in the One Hundred Fourth Congress and approved by the Committee on House Oversight, or, in the case of late expenses of any committee from the One Hundred Third Congress not reestablished by the Rules of the One Hundred Fourth Congress, on vouchers signed by the chairman of the Committee on House Oversight.

(4) In clause 5 of rule XI, amend paragraph (d) to read as follows:

"(d) From the funds made available for the appointment of committee staff pursuant to any primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee, and that the minority party is fairly treated in the appointment of such staff.".

(5)(A) In clause 6(a)(1) of rule XI, amend the first sentence to read as follows: "Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote of the committee, not more than thirty professional staff members from the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions.".

(B) In clause 6(a)(2) of rule XI, amend the first sentence by striking "six persons" and inserting "ten persons (or one-third of the total professional committee staff appointed under this clause, whichever is less)".

(C) In clause 6(a) of rule XI, strike subparagraphs (3) through (5);

(D) In clause 6 of rule XI, amend paragraph (b) to read as follows:

"(b)(1) The professional staff members of each standing committee—

"(A) may not engage in any work other than committee business during congressional working hours; and

"(B) may not be assigned any duties other than those pertaining to committee business.

"(2) This paragraph does not apply to any staff designated by a committee as 'associate' or 'shared' staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such employee is commensurate with the work performed for the committee, in accordance with the provisions of clause 8 of rule XLIII.

"(3) The use of any 'associate' or 'shared' staff by any committee shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Oversight in connection with the reporting of any primary or additional expense resolution.

"(4) The foregoing provisions of this clause do not apply to the Committee on Appropriations.".

(E) In clause 6(c) of rule XI strike ", clerical and investigating" and insert "and investigative".

(F) In clause 6(d) of rule XI, strike "and the Committee on Budget".

(G)(i) In clause 6(f) of rule XI, strike ", or a minority clerical staff member under paragraph (b)," and strike "or paragraph (b), as applicable".

(ii) In clause 6(f) of rule XI, strike "or the clerical staff, as the case may be,".

(H) In clause 6(g) of rule XI, strike "or (b)" in both places it appears.

(I) In clause 6 of rule XI, amend paragraph (h) to read as follows:

"(h) Paragraph (a) shall not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under such paragraph by the minority party members of that committee if ten or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.".

(J) In clause 6(i) of rule XI, strike "paragraphs (a)(2) and (b)(2)" and insert "paragraph (a)(2)".

SEC. 102. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Truth-in-Budgeting Baseline Reform

(a) In clause 2(l)(3)(B) of rule XI (relating to cost estimates in committee reports) insert before the semicolon the following: ", except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law".

(b) In clause 7(a) of rule XIII (relating to required cost estimates in committee reports)—

(1) strike "and" at the end of the subparagraph (1);

(2) strike the period at the end of the paragraph and insert "; and"; and

(3) add the following new subparagraph at the end:

"(3) when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law.".

SEC. 103. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Term Limits for Speaker, Committee and Subcommittee Chairmen

(a) In clause 7 of rule I, insert "(a)" after "7." and add the following new paragraph at the end:

"(b) No person may serve as Speaker for more than four consecutive Congresses, beginning with the One Hundred Fourth Congress (disregarding for this purpose any service for less than a full session in any Congress).".

(b) In clause 6(c) of rule X, insert after the first sentence the following: "No Member may serve as the chairman of the same standing committee, or as the chairman of the same subcommittee thereof, for more than three consecutive Congresses, beginning with the One Hundred Fourth Congress (disregarding for this purpose any service for less than a full session in any Congress).".

SEC. 104. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Proxy Voting Ban

(a) In clause 2 of rule XI, amend paragraph (f) to read as follows:

"Prohibition against proxy voting

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.".

(b) In clause 2(e)(1) of rule XI, strike "and whether by proxy or in person," in the third sentence.

SEC. 105. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Committee Sunshine Rules

(a) In rule clause 2(g)(1) of rule XI—

(1) insert ", including to radio, television, and still photography coverage, except as provided by clause 3(f)(2)," after "public" the first place it appears;

(2) insert "because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House" after "public" the second place it appears; and

(3) strike ", or to any meeting that relates solely to internal budget or personnel matters".

(b) In clause 2(g)(2) of rule XI—

(1) insert ", including to radio, television, and still photography coverage," after "public" the first place it appears; and

(2) insert ", would compromise sensitive law enforcement information," after "would endanger national security" in both places it appears.

(c) In clause 3(d) of rule XI strike "is a privilege made available by the House and".

(d) In clause 3 of rule XI, amend paragraph (e) to read as follows:

"(e) Whenever a hearing or meeting conducted by any committee or subcommittee of the House is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, except as provided in paragraph (f)(2). A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).".

SEC. 106. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Limitations on Tax Increases

(a) THREE-FIFTHS VOTE REQUIRED FOR TAX INCREASE MEASURES AND AMENDMENTS.—In clause 5 of rule XXI, add the following new paragraph at the end:

"(c) No bill or joint resolution, amendment, or conference report carrying a Federal income tax rate increase shall be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting.".

(b) PROHIBITION ON RETROACTIVE TAX INCREASES.—In clause 5 of rule XXI (as amended by (a) above), add the following new paragraph at the end:

"(d) It shall not be in order to consider any bill, joint resolution, amendment, or conference report carrying a retroactive Federal income tax rate increase. For purposes of this paragraph a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.".

SEC. 107. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendment:

Comprehensive House Audit

During the One Hundred Fourth Congress, the Inspector General, in consultation with the Speaker and the Committee on House Oversight, shall coordinate, and as needed contract with independent auditing firms to complete, a comprehensive audit of House financial records and administrative operations, and report the results in accordance with rule VI.

SEC. 108. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendment:

Consideration of the "Congressional Accountability Act"

It shall be in order at any time after the adoption of this resolution to consider in the House, any rule of the House to the contrary notwithstanding, the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The bill shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

TITLE II. GENERAL

Resolved, That the Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Administrative Reforms

SEC. 201. (a) ABOLITION OF THE OFFICE OF DOORKEEPER; ELECTION OF CHIEF ADMINISTRATIVE OFFICER.—In rule II, strike "Doorkeeper" each place it appears and insert "Chief Administrative Officer".

(b) ADDITIONAL DUTIES OF CLERK.—In rule III ("Duties of Clerk"), add the following new clauses at the end:

"7. In addition to any other reports required by the Speaker or the Committee on House Oversight, the Clerk shall report to the Committee on House Oversight not later than forty-five days following the close of each semiannual period ending on June 30 or on December 31 on the financial and operational status of each function under the jurisdiction of the Clerk. Each report shall include financial statements, a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

"8. The Clerk shall fully cooperate with the appropriate offices and persons in the performance of reviews and audits of financial records and administrative operations.".

(c) Amend rules IV, V, and VI to read as follows:

"RULE IV.

"DUTIES OF THE SERGEANT-AT-ARMS.

"1. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings, to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker.

"2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

"3. He shall enforce strictly the rules relating to the privileges of the Hall and be responsible to the House for the official conduct of his employees.

"4. He shall allow no person to enter the room over the Hall of the House during its sittings; and fifteen minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain, and kept so until ten minutes after adjournment.

"5. In addition to any other reports required by the Speaker or the Committee on House Oversight, the Sergeant-at-Arms shall report to the Committee on House Oversight not later than forty-five days following the close of each semiannual period ending June 30 or on December 31 on the financial and operational status of each function under the jurisdiction of the Sergeant-at-Arms. Each report shall include financial statements, a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

"6. The Sergeant-at-Arms shall fully cooperate with the appropriate offices and persons in the performance of reviews and audits of financial records and administrative operations.".

"RULE V.

"CHIEF ADMINISTRATIVE OFFICER.

"1. The Chief Administrative Officer of the House shall have operational and financial responsibility for functions as assigned by the Speaker and the Committee on House Oversight, and shall be subject to the policy direction and oversight of the Speaker and the Committee on House Oversight.

"2. In addition to any other reports required by the Speaker or the Committee on House Oversight, the Chief shall report to the Committee on House Oversight not later than forty-five days following the close of each semiannual period ending on June 30 or December 31 on the financial and operational status of each function under the jurisdiction of the Chief. Each report shall include financial statements, a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

"3. The Chief shall fully cooperate with the appropriate offices and persons in the performance of reviews and audits of financial records and administrative operations.

"RULE VI.

"OFFICE OF INSPECTOR GENERAL.

"1. There is established an Office of Inspector General.

"2. The Inspector General shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly.

"3. Subject to the policy direction and oversight of the Committee on House Oversight, the Inspector General shall be responsible only for—

"(a) conducting periodic audits of the financial and administrative functions of the House and joint entities;

"(b) informing the Officers or other officials who are the subject of an audit of the results of that audit and suggesting appropriate curative actions;

"(c) simultaneously notifying the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Oversight in the case of any financial irregularity discovered in the course of carrying out responsibilities under this rule;

"(d) simultaneously submitting to the Speaker, the majority leader, and the chairman and ranking minority party member of the Committee on House Oversight a report of each audit conducted under this rule; and

"(e) reporting to the Committee on Standards of Official Conduct information involving possible violations by any Member, officer, or employee of the House of any rule of the House or of any law applicable to the performance of official duties or the discharge of official responsibilities which may require referral to the appropriate Federal or State authorities pursuant to clause 4(e)(1)(C) of rule X.".

(d) In clause 3 of rule X, strike paragraph (j).

(e) In clause 4(d) of rule X—

(1) strike "Committee on House Administration" and insert "Committee on House Oversight";

(2) strike subparagraphs (2) and (3), insert "and" after "House;" in subparagraph (1), redesignate paragraph (4) as paragraph (2), and amend paragraph (2), as so redesignated, to read as follows:

"(2) providing policy direction for, and oversight of, the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Inspector General.".

(f) In clause 7 of rule XIV, strike "Sergeant-at-Arms and Doorkeeper are" and insert "Sergeant-at-Arms is".

Changes in Committee System

SEC. 202. (a) THE COMMITTEES AND THEIR JURISDICTION.—Clause 1 of rule X of the Rules of the House of Representatives is amended to read as follows:

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

"(a) **Committee on Agriculture.**

"(1) Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"(2) Agriculture generally.

"(3) Agricultural and industrial chemistry.

"(4) Agricultural colleges and experiment stations.

"(5) Agricultural economics and research.

"(6) Agricultural education extension services.

"(7) Agricultural production and marketing and stabilization of prices of agricultural products, and commodities (not including distribution outside of the United States).

"(8) Animal industry and diseases of animals.

"(9) Commodities exchanges.

"(10) Crop insurance and soil conservation.

"(11) Dairy industry.

"(12) Entomology and plant quarantine.

"(13) Extension of farm credit and farm security.

"(14) Inspection of livestock, and poultry, and meat products, and seafood and seafood products.

"(15) Forestry in general, and forest reserves other than those created from the public domain.

"(16) Human nutrition and home economics.

"(17) Plant industry, soils, and agricultural engineering.

"(18) Rural electrification.

"(19) Rural development.

"(20) Water conservation related to activities of the Department of Agriculture.

"(b) **Committee on Appropriations.**

"(1) Appropriation of the revenue for the support of the Government.

"(2) Rescissions of appropriations contained in appropriation Acts.

"(3) Transfers of unexpended balances.

"(4) The amount of new spending authority (as described in the Congressional Budget Act of 1974) which is to be effective for a fiscal year, including bills and resolutions (reported by other committees) which provide new spending authority and are referred to the committee under clause 4(a).

The committee shall include separate headings for 'Rescissions' and 'Transfers of Unexpended Balances' in any bill or resolution as reported from the committee under its jurisdiction specified in subparagraph (2) or (3), with all proposed rescissions and proposed transfers listed therein; and shall include a separate section with respect to such rescissions or transfers in the accompanying committee report. In addition to its jurisdiction under the preceding provisions of this paragraph, the committee shall have the fiscal oversight function provided for in clause 2(b)(3) and the budget hearing function provided for in clause 4(a).

"(c) **Committee on Banking and Financial Services.**

"(1) Banks and banking, including deposit insurance and Federal monetary policy.

"(2) Bank capital markets activities generally.

"(3) Depository institution securities activities generally, including the activities of any affiliates, except for functional regulation under applicable securities laws, not involving safety and soundness.

"(4) Economic stabilization, defense production, renegotiation, and control of the price of commodities, rents, and services.

"(5) Financial aid to commerce and industry (other than transportation).

"(6) International finance.

"(7) International financial and monetary organizations.

"(8) Money and credit, including currency and the issuance of notes and redemption thereof; gold and silver, including the coinage thereof; valuation and revaluation of the dollar.

"(9) Public and private housing.

"(10) Urban development.

"(d)(1) **Committee on the Budget,** consisting of the following Members:

"(A) Members who are members of other standing committees, including five Members who are members of the Committee on Appropriations, and five Members who are members of the Committee on Ways and Means;

"(B) one Member from the leadership of the majority party; and

"(C) one Member from the leadership of the minority party.

No Member other than a representative from the leadership of a party may serve as a member of the Committee on the Budget during more than four Congresses in any period of six successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that an incumbent chairman or ranking minority member having served on the committee for four Congresses and having served as chairman or ranking minority member of the committee for not more than one Congress shall be eligible for reelection to the committee as chairman or ranking minority member for one additional Congress.

"(2) All concurrent resolutions on the budget (as defined in section 3 of the Congressional Budget Act of 1974), other matters required to be referred to the committee under titles III and IV of that Act, and other measures setting forth appropriate levels of budget totals for the United States Government.

"(3) Measures relating to the congressional budget process, generally.

"(4) Measures relating to the establishment, extension, and enforcement of special controls over the Federal budget, including the budgetary treatment of off-budget Federal agencies and measures providing exemption from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(5) The committee shall have the duty—

"(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the House on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures; to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the House on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

"(e) **Committee on Commerce.**

"(1) Biomedical research and development.

"(2) Consumer affairs and consumer protection.

"(3) Health and health facilities, except health care supported by payroll deductions.

"(4) Interstate energy compacts.

"(5) Interstate and foreign commerce generally.

"(6) Measures relating to the exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources.

"(7) Measures relating to the conservation of energy resources.

"(8) Measures relating to energy information generally.

"(9) Measures relating to (A) the generation and marketing of power (except by federally chartered or Federal regional power marketing authorities), (B) the reliability and interstate transmission of, and ratemaking for, all power, and (C) the siting of generation facilities; except the installation of interconnections between Government waterpower projects.

"(10) Measures relating to general management of the Department of Energy, and the management and all functions of the Federal Energy Regulatory Commission.

"(11) National energy policy generally.

"(12) Public health and quarantine.

"(13) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research.

"(14) Regulation of interstate and foreign communications.

"(15) Securities and exchanges.

"(16) Travel and tourism.

The committee shall have the same jurisdiction with respect to regulation of nuclear facilities and of use of nuclear energy as it has with respect to regulation of nonnuclear facilities and of use of nonnuclear energy. In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight functions under clause 2(b)(1)), such committee shall have the special oversight functions provided for in clause (3)(h) with respect to all laws, programs, and Government activities affecting nuclear and other energy, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

"(f) **Committee on Economic and Educational Opportunities.**

"(1) Child labor.

"(2) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital.

"(3) Convict labor and the entry of goods made by convicts into interstate commerce.

"(4) Food programs for children in schools.

"(5) Labor standards and statistics.

"(6) Measures relating to education or labor generally.

"(7) Mediation and arbitration of labor disputes.

"(8) Regulation or prevention of importation of foreign laborers under contract.

"(9) United States Employees' Compensation Commission.

"(10) Vocational rehabilitation.

"(11) Wages and hours of labor.

"(12) Welfare of miners.

"(13) Work incentive programs.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(c) with respect to domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

"(g) **Committee on Government Reform and Oversight.**

"(1) The Federal Civil Service, including intergovernmental personnel; the status of officers and employees of the United States, including their compensation, classification, and retirement.

"(2) Measures relating to the municipal affairs of the District of Columbia in general, other than appropriations.

"(3) Federal paperwork reduction.

"(4) Budget and accounting measures, generally.

"(5) Holidays and celebrations.

"(6) The overall economy, efficiency and management of government operations and activities, including Federal procurement.

"(7) National archives.

"(8) Population and demography generally, including the Census.

"(9) Postal service generally, including the transportation of the mails.

"(10) Public information and records.

"(11) Relationship of the Federal Government to the States and municipalities generally.

"(12) Reorganizations in the executive branch of the Government.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its oversight functions under clause 2(b) (1) and (2)), the committee shall have the function of performing the duties and conducting the studies which are provided for in clause 4(c).

"(h) **Committee on House Oversight.**

"(1) Appropriations from accounts for committee salaries and expenses (except for the Committee on Appropriations), House Information Systems, and allowances and expenses of Members, House officers and administrative offices of the House.

"(2) Auditing and settling of all accounts described in subparagraph (1).

"(3) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

"(4) Except as provided in clause 1(q)(11), matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts.

"(5) Except as provided in clause 1(q)(11), matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(6) Expenditure of accounts described in subparagraph (1).

"(7) Franking Commission.

"(8) Matters relating to printing and correction of the Congressional Record.

"(9) Measures relating to accounts of the House generally.

"(10) Measures relating to assignment of office space for Members and committees.

"(11) Measures relating to the disposition of useless executive papers.

"(12) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(13) Measures relating to services to the House, including the House Restaurant, parking facilities and administration of the House office buildings and of the House wing of the Capitol.

"(14) Measures relating to the travel of Members of the House.

"(15) Measures relating to the raising, reporting and use of campaign contributions for candidates for office of Representative in the House of Representatives, of Delegate, and of Resident Commissioner to the United States from Puerto Rico.

"(16) Measures relating to the compensation, retirement and other benefits of the Members, officers, and employees of the Congress.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the function of performing the duties which are provided for in clause 4(d).

"(i) **Committee on International Relations.**

"(1) Relations of the United States with foreign nations generally.

"(2) Acquisition of land and buildings for embassies and legations in foreign countries.

"(3) Establishment of boundary lines between the United States and foreign nations.

"(4) Export controls, including nonproliferation of nuclear technology and nuclear hardware.

"(5) Foreign loans.

"(6) International commodity agreements (other than those involving sugar), including all agreements for cooperation in the export of nuclear technology and nuclear hardware.

"(7) International conferences and congresses.

"(8) International education.

"(9) Intervention abroad and declarations of war.

"(10) Measures relating to the diplomatic service.

"(11) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"(12) Measures relating to international economic policy.

"(13) Neutrality.

"(14) Protection of American citizens abroad and expatriation.

"(15) The American National Red Cross.

"(16) Trading with the enemy.

"(17) United Nations organizations.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight functions provided for in clause 3(d) with respect to customs administration, intelligence activities relating to foreign policy, international financial and monetary organizations, and international fishing agreements.

"(j) **Committee on the Judiciary.**

"(1) The judiciary and judicial proceedings, civil and criminal.

"(2) Administrative practice and procedure.

"(3) Apportionment of Representatives.

"(4) Bankruptcy, mutiny, espionage, and counterfeiting.

"(5) Civil liberties.

"(6) Constitutional amendments.

"(7) Federal courts and judges, and local courts in the Territories and possessions.

“(8) Immigration and naturalization.

“(9) Interstate compacts, generally.

“(10) Measures relating to claims against the United States.

“(11) Meetings of Congress, attendance of Members and their acceptance of incompatible offices.

“(12) National penitentiaries.

“(13) Patents, the Patent Office, copyrights, and trademarks.

“(14) Presidential succession.

“(15) Protection of trade and commerce against unlawful restraints and monopolies.

“(16) Revision and codification of the Statutes of the United States.

“(17) State and territorial boundaries.

“(18) Subversive activities affecting the internal security of the United States.

“(k) **Committee on National Security.**

“(1) Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.

“(2) Common defense generally.

“(3) Conservation, development, and use of naval petroleum and oil shale reserves.

“(4) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force generally.

“(5) Interoceanic canals generally, including measures relating to the maintenance, operation, and administration of interoceanic canals.

“(6) Merchant Marine Academy, and State Maritime Academies.

“(7) Military applications of nuclear energy.

“(8) Tactical intelligence and intelligence related activities of the Department of the Defense.

“(9) National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, the maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference and merchant marine officers and seamen as these matters relate to the national security.

“(10) Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

“(11) Scientific research and development in support of the armed services.

“(12) Selective service.

“(13) Size and composition of the Army, Navy, Marine Corps, and Air Force.

“(14) Soldiers' and sailors' homes.

“(15) Strategic and critical materials necessary for the common defense.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(a) with respect to international arms control and disarmament, and military dependents education.

“(l) **Committee on Resources.**

“(1) Fisheries and wildlife, including research, restoration, refuges, and conservation.

“(2) Forest reserves and national parks created from the public domain.

“(3) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

“(4) Geological Survey.

“(5) International fishing agreements.

“(6) Interstate compacts relating to apportionment of waters for irrigation purposes.

“(7) Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects.

“(8) Measures relating to the care and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

“(9) Measures relating generally to the insular possessions of the United States, except those affecting the revenue and appropriations.

“(10) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks within the District of Columbia, and the erection of monuments to the memory of individuals.

“(11) Mineral land laws and claims and entries thereunder.

“(12) Mineral resources of the public lands.

“(13) Mining interests generally.

“(14) Mining schools and experimental stations.

“(15) Marine affairs (including coastal zone management), except for measures relating to oil and other pollution of navigable waters.

“(16) Oceanography.

“(17) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

“(18) Preservation of prehistoric ruins and objects of interest on the public domain.

“(19) Public lands generally, including entry, easements, and grazing thereon.

“(20) Relations of the United States with the Indians and the Indian tribes.

“(21) Trans-Alaska Oil Pipeline.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight functions provided for in clause 3(e) with respect to all programs affecting Indians.

“(m) **Committee on Rules.**

“(1) The rules and joint rules (other than rules or joint rules relating to the Code of Official Conduct), and order of business of the House.

“(2) Recesses and final adjournments of Congress.

The Committee on Rules is authorized to sit and act whether or not the House is in session.

“(n) **Committee on Science.**

“(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

“(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

“(3) Civil aviation research and development.

“(4) Environmental research and development.

“(5) Marine research.

“(6) Measures relating to the commercial application of energy technology.

“(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

“(8) National Aeronautics and Space Administration.

“(9) National Space Council.

“(10) National Science Foundation.

“(11) National Weather Service.

“(12) Outer space, including exploration and control thereof.

“(13) Science Scholarships.

“(14) Scientific research, development, and demonstration, and projects therefor.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development.

“(o) **Committee on Small Business.**

“(1) Assistance to and protection of small business, including financial aid, regulatory flexibility and paperwork reduction.

“(2) Participation of small-business enterprises in Federal procurement and Government contracts.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph and (its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(g) with respect to the problems of small business.

“(p) **Committee on Standards of Official Conduct.**

“(1) Measures relating to the Code of Official Conduct.

In addition to its legislative jurisdiction under the preceding provision of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the functions with respect to recommendations, studies, investigations, and reports which are provided for in clause 4(e), and the functions designated in titles I and V of the Ethics in Government Act of 1978 and sections 7342, 7351, and 7353 of title 5, United States Code.

“(q) **Committee on Transportation and Infrastructure.**

“(1) Coast Guard, including lifesaving service, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy.

“(2) Federal management of emergencies and natural disasters.

“(3) Flood control and improvement of rivers and harbors.

“(4) Inland waterways.

“(5) Inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

“(6) Navigation and the laws relating thereto, including pilotage.

“(7) Registering and licensing of vessels and small boats.

“(8) Rules and international arrangements to prevent collisions at sea.

“(9) Measures relating to the Capitol Building and the Senate and House office buildings.

“(10) Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

“(11) Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

“(12) Measures relating to merchant marine, except for national security aspects of merchant marine.

“(13) Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

“(14) Oil and other pollution of navigable waters, including inland, coastal, and ocean waters.

“(15) Marine affairs (including coastal zone management) as they relate to oil and other pollution of navigable waters.

“(16) Public buildings and occupied or improved grounds of the United States generally.

"(17) Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

"(18) Related transportation regulatory agencies.

"(19) Roads and the safety thereof.

"(20) Transportation, including civil aviation, railroads, water transportation, transportation safety (except automobile safety), transportation infrastructure, transportation labor, and railroad retirement and unemployment (except revenue measures related thereto).

"(21) Water power.

"(r) **Committee on Veterans' Affairs.**

"(1) Veterans' measures generally.

"(2) Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior.

"(3) Compensation, vocational rehabilitation, and education of veterans.

"(4) Life insurance issued by the Government on account of service in the Armed Forces.

"(5) Pensions of all the wars of the United States, general and special.

"(6) Readjustment of servicemen to civil life.

"(7) Soldiers' and sailors' civil relief.

"(8) Veterans' hospitals, medical care, and treatment of veterans.

"(s) **Committee on Ways and Means.**

"(1) Customs, collection districts, and ports of entry and delivery.

"(2) Reciprocal trade agreements.

"(3) Revenue measures generally.

"(4) Revenue measures relating to the insular possessions.

"(5) The bonded debt of the United States (subject to the last sentence of clause 4(g) of this rule).

"(6) The deposit of public moneys.

"(7) Transportation of dutiable goods.

"(8) Tax exempt foundations and charitable trusts.

"(9) National social security, except (A) health care and facilities programs that are supported from general revenues as opposed to payroll deductions and (B) work incentive programs.".

(b) Any reference in the rules of the House at the end of the One Hundred Third Congress to the following standing committees of the House: the Committee on Armed Services; the Committee on the District of Columbia; the Committee on Education and Labor; the Committee on Energy and Commerce; the Committee on Foreign Affairs; the Committee on Government Operations; the Committee on House Administration; the Committee on Natural Resources; and the Committee on Science, Space and Technology; shall be amended to be a reference to the following standing committees of the House, respectively: the Committee on National Security; the Committee on Government Reform and Oversight; the Committee on Economic and Educational Opportunities; the Committee on Commerce; the Committee on International Relations; the Committee on Government Reform and Oversight; the Committee on House Oversight; the Committee on Resources; and the Committee on Science.

(c) The chairman of the Committee on the Budget, when elected, may revise (within the appropriate levels established in House Concurrent Resolution 218 of the One Hundred Third Congress) allocations of budget outlays, new budget authority, and entitlement authority among committees of the House in the One Hundred Fourth Congress to reflect changes in jurisdiction under clause 1 of rule X. He shall publish the revised allocations in the Congressional Record. Once published, the revised allocations shall be effective in the House as though made pursuant to sections 302(a) and 602(a) of the Congressional Budget Act of 1974.

(d) In clause 8 of rule XXIV, strike "the Committee on the District of Columbia" through the end of the sentence and insert: "the Committee on Government Reform and Oversight, be set apart for the consideration of such business relating to the District of Columbia as may be presented by said committee.".

Oversight Reform

SEC. 203. (a) In clause 2 of rule X, add the following new paragraphs at the end:

"(d)(1) Not later than February 15 of the first session of a Congress, each standing committee of the House shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight. In developing such plans each committee shall, to the maximum extent feasible—

"(A) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

"(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

"(C) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdictions are subject to review at least once every ten years.

"(2) It shall not be in order to consider any committee expense resolution (within the meaning of clause 5 of rule XI), or any amendment thereto, for any committee that has not submitted its oversight plans as required by this paragraph.

"(3) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the majority leader, and the minority leader, the Committee on Government Reform and Oversight shall report to the House the oversight plans submitted by each committee together with any recommendations that it, or the House leadership group referred to above, may make to ensure the most effective coordination of such plans and otherwise achieve the objectives of this clause.

"(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.".

(b) In clause 1 of rule XI, amend paragraph (d) to read as follows:

"(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and rule X during the Congress ending on January 3 of such year.

"(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

"(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(d) of rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.".

Member Assignment Limits

SEC. 204. In clause 6(b) of rule X, insert "(1)" after "(b)" and add the following new subparagraph at the end:

"(2)(A) No Member, Delegate, or Resident Commissioner may serve simultaneously as a member of more than two standing committees or four subcommittees of the standing committees of the House, except that ex officio service by a chairman and ranking minority member of a committee on each of its subcommittees by committee rule shall not be counted against the limitation on subcommittee service. Any other exception to these limitations must be approved by the House upon the recommendation of the respective party caucus or conference.

"(B) For the purposes of this subparagraph, the term 'subcommittee' includes any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a standing committee that is established for a cumulative period longer than six months in any Congress.".

Multiple Referral Reform

SEC. 205. In clause 5 of rule X, amend paragraph (c) to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall designate a committee of primary jurisdiction; but also may refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of primary jurisdiction; or may refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the consideration only of designated portions; or may refer the matter to a special ad hoc committee appointed by the Speaker with the approval of the House (with members from the committees having jurisdiction) for the specific purpose of considering that matter and reporting to the House thereon; or may make such other provisions as may be considered appropriate.".

Accuracy of Committee Transcripts

SEC. 206. In clause 2(e)(1) of rule XI, amend the first sentence to read as follows: "Each committee shall keep a complete record of all committee action which shall include—

"(A) in the case of any meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

"(B) a record of the votes on any question on which a rollcall vote is demanded.".

Elimination of "Rolling Quorums"

SEC. 207. In clause 2(l)(2)(A) of rule XI, strike "was actually present" and all that follows through the end of the subdivision and insert "was actually present.".

Limitation on Committees' Sittings

SEC. 208. In clause 2 of rule XI, amend paragraph (i) to read as follows:

"Limitation on committees' sittings

"(i)(1) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, the Committee on Standards of Official Conduct, and the Committee on Ways and Means) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. For purposes of this paragraph, special leave will be granted unless ten or more Members object; and shall be granted upon the adoption of a motion, which shall be highly privileged if offered by the majority leader, granting such leave to one or more committees.

"(2) No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.".

Accountability for Committee Votes

SEC. 209. In clause 2(l)(2) of rule XI amend subdivision (B) to read as follows:

"(B) With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.".

Affirming Minority's Right on Motions to Recommit

SEC. 210. In clause 4(b) of rule XI, insert before the period at the end the following: ", including a motion to recommit with instructions to report back an amendment otherwise in order (if offered by the minority leader or a designee), except with respect to a Senate bill or resolution for which the text of a House-passed measure has been substituted".

Waiver Policy for Special Rules

SEC. 211. In clause 4 of rule XI, add the following new paragraph at the end:

"(e) Whenever the Committee on Rules reports a resolution providing for the consideration of any measure, it shall, to the maximum extent possible, specify in the resolution the object of any waiver of a point of order against the measure or against its consideration.".

Prohibition on Delegate Voting in Committee of the Whole

SEC. 212. (a) In rule XII, strike clause 2 and the designation of the remaining clause.

(b) In clause 1 of rule XXIII, strike ", Resident Commissioner, or Delegate".

(c) In clause 2 of rule XXIII, strike paragraph (d).

Accuracy of the Congressional Record

SEC. 213. In rule XIV, add the following new clause at the end:

"9. (a) The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

"(b) Unparliamentary remarks may be deleted only by permission or order of the House.

"(c) This clause establishes a standard of conduct within the meaning of clause 4(e)(1)(B) of rule X.".

Automatic Rollcall Votes

SEC. 214. In rule XV, add the following new clause at the end:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the question on final passage or adoption of any bill, joint resolution, or conference report making general appropriations or increasing Federal income tax rates, or on final adoption of any concurrent resolution on the budget or conference report thereon.".

Appropriations Reforms

SEC. 215. (a) CONSIDERATION OF LIMITATION AMENDMENTS.—In clause 2(d) of rule XXI, strike "shall have precedence" and insert "shall, if offered by the majority leader or a designee, have precedence".

(b) PROHIBITION AGAINST NON-EMERGENCY ITEMS IN EMERGENCY SPENDING BILLS.—In clause 2 of rule XXI, add the following new paragraph at the end:

"(e) No provision shall be reported in any appropriation bill or joint resolution containing an emergency designation for purposes of section 251(b)(2)(D) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act, or shall be in order as an amendment thereto, if the provision or amendment is not designated as an emergency, unless the provision or amendment rescinds budget authority or reduces direct spending, or reduces an amount for a designated emergency.".

(c) PERMITTING OFFSETTING AMENDMENTS.—In clause 2 of rule XXI (as amended by (b) above), add the following new paragraph at the end:

"(f) During the reading of any appropriation bill for amendment in the Committee of the Whole, it shall be in order to consider en bloc amendments proposing only to transfer appropriations among objects in the bill without increasing the levels of budget authority or outlays in the bill. When considered en bloc pursuant to this paragraph, such amendments may amend portions of the bill not yet read for amendment (following the disposition of any points of order against such portions) and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.".

(d) LISTING OF UNAUTHORIZED APPROPRIATIONS IN REPORTS.—In clause 3 of rule XXI, insert before the period the following: ", and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities)".

(e) AUTOMATIC RESERVATION OF POINTS OF ORDER.—In rule XXI, add the following new clause at the end:

"8. At the time any appropriation bill is reported, all points of order shall be considered as reserved.".

Ban on Commemoratives

SEC. 216. (a) In rule XXII—

(1) amend clause 2 by inserting "(a)" after "2." and by adding the following new paragraph at the end:

"(b)(1) No bill or resolution, and no amendment to any bill or resolution, establishing or expressing any commemoration may be introduced or considered in the House.

"(2) For purposes of this paragraph, the term 'commemoration' means any remembrance, celebration, or recognition for any purpose through the designation of a specified period of time.".

(2) amend clause 3 by striking "or private bill" and inserting "or bill or resolution".

(b) The Committee on Government Reform and Oversight shall consider alternative means for establishing commemorations, including the creation of an independent or Executive branch commission for such purpose, and to report to the House any recommendations thereon.

Numerical Designation of Amendments

SEC. 217. In clause 6 of rule XXIII, add the following new sentence at the end: "All amendments to a specified measure submitted for printing in that portion of the Record shall be given numerical designations in the order printed.".

Pledge of Allegiance

SEC. 218. In clause 1 of rule XXIV—

(a) insert after the second order of business the following new order of business: "Third. The Pledge of Allegiance to the Flag."; and

(b) redesignate succeeding orders accordingly.

Discharge Petitions

SEC. 219. In clause 3 of rule XXVII, insert the following three new sentences after the fifth sentence: "The Clerk shall cause the names of the Members who have signed a discharge motion during any week to be published in a portion of the Congressional Record designated for that purpose on the last legislative day of that week. The Clerk shall make available each day for public inspection in an appropriate office of the House cumulative lists of such names. The Clerk shall devise a means by which to make such lists available to offices of the House and to the public in electronic form.".

Protection of Classified Materials

SEC. 220. In rule XLIII ("Code of Official Conduct") insert the following new clause before the two undesignated paragraphs at the end:

"13. Before any Member, officer, or employee of the House of Representatives may have access to classified information, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service with the House of Representatives, except as authorized by House of Representatives or in accordance with its Rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House.".

Select Committee on Intelligence

SEC. 221. (a) In clause 1(a) of rule XLVIII (relating to the Permanent Select Committee on Intelligence) strike "nineteen Members with representation to" and insert "sixteen Members, of whom not more than nine may be from the same party. The select committee shall".

(b)(1) In clause 1(b) of rule XLVIII, insert "(1)" after "(b)", strike "majority leader", and insert "Speaker".

(2) In clause 1(b) of rule XLVIII, add the following new subparagraph at the end:

"(2) The Speaker and minority leader each may designate a member of their leadership staff to assist them in their capacity as ex officio members, with the same access to committee meetings, hearings, briefings, and materials as if employees of the select committee, and subject to the same security clearance and confidentiality requirements as employees of the select committee under this rule.".

(3) In clause 7(c) of rule XLVIII, strike subparagraph (3).

(c) In clause 1 of rule XLVIII, amend paragraph (c) to read as follows:

"(c) No Member of the House other than the Speaker and the minority leader may serve on the select committee during more than four Congresses in any period of six successive Congresses (disregarding for this purpose any service for less than a full session in any Congress), except that the incumbent chairman or ranking minority member having served on the select committee for four Congresses and having served as chairman or ranking minority member for not more than one Congress shall be eligible for reappointment to the select committee as chairman or ranking minority member for one additional Congress.".

(d) In clause 2(a) of rule XLVIII—

(1) insert the following before the period in subparagraph (1): ", and the National Foreign Intelligence Program as defined in section 3(6) of the National Security Act of 1947";

(2) strike all after "but not limited to," in subparagraph (2) and insert the following: "the tactical intelligence and intelligence-related activities of the Department of Defense.".

(3) amend subparagraph (4) to read as follows:

"(4) Authorizations for appropriations, both direct and indirect, for the following:

"(A) The Central Intelligence Agency, Director of Central Intelligence, and the National Foreign Intelligence Program as defined in section 3(6) of the National Security Act of 1947.

"(B) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including, but not limited to, the tactical intelligence and intelligence-related activities of the Department of Defense.

"(C) Any department, agency, or subdivision, or program that is a successor to any agency or program named or referred to in subdivision (A) or (B).".

Abolition of Legislative Service Organizations

SEC. 222. The establishment or continuation of any legislative service organization (as defined and authorized in the One Hundred Third Congress) shall be prohibited in the One Hundred Fourth Congress. The Committee on House Oversight shall take such steps as are necessary to ensure an orderly termination and accounting for funds of any legislative service organization in existence on January 3, 1995.

Miscellaneous Provisions and Clerical Corrections

SEC. 223. (a) SPEAKER'S AUTHORITY TO POSTPONE VOTES.—In clause 5(b)(1) of rule I, amend the matter after "questions listed herein:" to read as follows:

"(A) the question of adopting a resolution;

"(B) the question of passing a bill;

"(C) the question of agreeing to a motion to instruct conferees as provided in clause 1(c) of rule XXVIII: *Provided, however*, That proceedings shall not resume on said question if the conferees have filed a report in the House;

"(D) the question of agreeing to a conference report;

"(E) the question of ordering the previous question on a question described in subdivision (A), (B), (C), or (D); and

"(F) the question of agreeing to a motion to suspend the rules.".

(b) OFFICE OF FLOOR ASSISTANTS.—There is established in the House of Representatives an office to be known as the Speaker's Office for Legislative Floor Activities. The Speaker shall appoint and set the annual rate of pay for employees of the Office. The Office shall have the responsibility of assisting the Speaker in the management of legislative floor activity.

(c) VICE CHAIRMAN OF COMMITTEE.—In clause 2(d) of rule XI—

(1) strike "The member" and insert "A member"; and

(2) strike "ranking immediately after the chairman" and insert "designated by the chairman of the full committee".

(d) PROHIBITION AGAINST MEMBERS' USE OF PERSONAL, ELECTRONIC OFFICE EQUIPMENT ON HOUSE FLOOR.—In clause 7 of rule XIV, insert "or to use any personal, electronic office equipment (including cellular phones and computers)" after "to smoke".

(e) SPEAKER'S AUTHORITY TO REDUCE TO FIVE-MINUTES A VOTE FOLLOWING A PREVIOUS QUESTION VOTE.—In clause 5(b) of rule XV, amend subparagraph (1) to read as follows:

"(1) after a rollcall vote has been ordered on a motion for the previous question, on any underlying question that follows without intervening business;".

(f) CLERICAL CORRECTIONS.—

(1) In clause 3 of rule III, insert "; and" before "certify".

(2) In clause 2(l)(1)(B) of rule XI, strike "does not apply to the reporting" and all that follows through "subdivision (C) and".

(g) SPECIAL RULE FOR BILL SPONSORSHIP ON OPENING DAY.—In the One Hundred Fourth Congress, each of the first 20 bills introduced in the House (H.R. 1 through H.R. 20), and each of the first two joint resolutions introduced in the House (H.J. Res. 1 and H.J. Res. 2), may have more than one Member reflected as a first sponsor.

The SPEAKER pro tempore (Mr. WALKER). Pursuant to House Resolution 5, the resolution is initially debatable for 30 minutes.

The gentleman from Texas [Mr. ARMEY] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this is a gratifying day for America, a day of hope and promise for our country. And so it is with a profound sense of honor that I offer, on behalf of the Republican Members of the House, this proposed set of rules for the 104th Congress.

I am very proud of this rules package. I believe it will dramatically alter—and I predict improve—the way in which the House conducts the American people's business.

The distinguished chairman of the Rules Committee, Mr. SOLOMON, and others will offer more detailed explanations of the provisions. Allow me at this point simply to sketch for you our three principal goals—responsibility, reform, and renewal.

Our first goal is greater responsibility with the people's money. We will reduce the size and cost of a Congress that has grown unchecked for too many years. We will slash the number of committees and subcommittees, and reduce committee staff by a third, saving taxpayers about $40 million a year.

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We will stop the funding of 28 special-interest caucuses that cost $5 million a year. And we have even managed to save $300,000 a year by ending so-called commemorative legislation like National Pizza and Pasta Day.

It's time for truth in budgeting. From now on, in the budget process, when we speak of a spending cut, we will mean an actual cut in spending, not just a smaller increase.

Over on the other side of the Capitol, our Senate colleagues actually have a rule requiring a super-majority to cut taxes. Well, is it not about time we put our thumb on the spending-cut side of the scale? House rules will now require a three-fifths majority to raise taxes.

Our second goal is reform. We want to make the House more accountable to the American people. We are throwing open the shutters and letting the sun shine in on committee meetings. We are banning proxy voting and so-called rolling quorums.

This way, Members of Congress will devote more energy to their all-important committee work, knowing that, from now on, they will have to be physically present to cast votes on behalf of their constituents, rather than delegating that high privilege.

And we are making the CONGRESSIONAL RECORD a true verbatim transcript of debate, instead of "revisionist history" Members can totally rewrite after the fact.

Our third goal, Mr. Speaker, is renewal. We hope to promote a renewal of respect for this historic institution. And that begins with a renewal of respect for the people who sent us here. It begins with a Congress that obeys the same laws it imposes on private citizens.

Renewal means more accountability on the part of those entrusted with power. And that's why we impose a healthy, 6-year term limit on committee chairmen.

We also feel—and I know you enthusiastically concur, Mr. Speaker—that there should be an 8-year term limit on the Speaker, the same number of years allowed the President.

Allow me to end on a personal note. I would love to see bipartisan support for these rules, because this is not a Republican House. This was not previously a Democratic House. This is the American people's House, and we must restore their faith in this historic and honorable institution.

The SPEAKER pro tempore (Mr. WALKER). The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is a violation of the rules of the House.

The gentleman from Texas may proceed.

Mr. ARMEY. I repeat, we must restore their faith in this historic and honorable institution.

I hope today will set a standard for a more cooperative, more idea-driven process in which our first and highest consideration is always the people's business.

I urge all of my colleagues to vote "yes" on these historic rules on this historic day.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT], a member of the leadership.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

The previous Member just described this as a day of promise, a day for raising standards of this institution, and this is a historic occasion. We will miss a historic, major opportunity to change the way this institution of the Congress is perceived if we do not add to this rules package before us the ban on gifts from lobbyists which this House passed just months ago by an overwhelming vote of 315 to 111.

There are many things in this package, this rules proposal, that I can and will gladly support. Let us be frank about it: Committee proxy voting, super majorities, baseline budgeting, this is Capitol Hill jargon. Some people out in the country get it; most do not, and most could care less. But everybody understands what gifts from lobbyists is all about. That is why we got 315 votes for it the last time it was before the House.

If we want to open up this institution, if we want to freshen its image, redeem its reputation among the American people, then we need to sever the ties, real and perceived, between those who work inside this institution and represent the people as a whole, and those who work Congress from the outside, the lobbyists, Gucci Gulf, the lobbyists who represent special interests and limited numbers of people.

Just a few months ago this ban on gifts from lobbyists was good enough for 315 Members. The provisions that some found problematic then that dealt with grassroots lobbying were purged from the Democratic proposal today. We did add one provision that is contentious. It would limit, not ban, limit the amount of royalties that a Member could earn while sitting as a Member of this House on publications written while he is sitting. But the limit is a third of your salary while serving here, which is a generous dispensation for full-time Members who are paid full-time salaries. With such enormous support, 315 yeas, why not vote on this package today and make it the rule of the House from day one?

Mr. ARMEY. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a new day is here.

Today we begin the first stage of a commitment that was made to the American people last November—indeed, a Contract With America that was signed by the new majority—to restore, renew, and reform the people's House.

The resolution before us today, adopting the Rules of the House for the 104th Congress, is the initial fulfillment of that Contract With America. It makes the most sweeping and comprehensive reform of this House in the last half century.

It brings back to the people's House the intangible words, "openness, fairness, and accountability."

But, even more importantly, by setting the example of substantially reducing the committees and staff of the Congress, we begin the process of shrinking the size and power of the Federal Government.

What we are proposing today in this resolution is unprecedented, both in form and in substance. Instead of the usual 1 hour of debate on this resolution, we have committed to 3½ hours of debate. Instead of the usual single vote on this resolution, we have committed to nine separate votes.

After this initial general debate period of 30 minutes, we will proceed to debate for 20 minutes each on the eight opening day reforms contained in our Contract With America, followed by a separate vote on each.

Those reforms include—

First, a comprehensive reform of our committee system, including a one-third cut in committee staff, a reduction of over 20 subcommittees, and a consolidation of committee staff funding into a publicly disclosed, 2-year funding resolution;

Second, a truth-in-budgeting baseline reform provision that measures next year's budget against this year's spending levels instead of inflated baseline spending levels;

Third, a four-term limit on the Speaker of the House, and three-term limit on committee and subcommittee chairmen;

Fourth, a ban on proxy or ghost voting in committees;

Fifth, a committee sunshine rule to ensure that all committee meetings and hearings are open to the public and the media;

Sixth, a required three-fifths vote on any bill increasing income tax rates, and a prohibition against retroactive tax increases;

Seventh, a comprehensive audit of all House books to ferret out past waste, fraud, and abuse in this House so that we can operate this House in the future in an open and fiscally sound manner; and

Eighth, the consideration of a bill that will make the Congress subject to the same laws that now apply to the private sector.

Mr. Speaker, following the debate and votes on those opening day contract items, we will proceed for an additional 20 minutes to debate and then vote on title II of this resolution which contains 23 additional reforms of this House which have been long overdue, including—comprehensive reform of the administrative structure of the House; a reduction in the number of committees and an overhaul of their jurisdictions; a requirement for more comprehensive oversight of the executive branch by our committees; a publication of all committee rollcall votes; a reform of our appropriations process; a requirement that our CONGRESSIONAL RECORD and committee transcripts be an accurate account of words actually spoken; a ban on so-called commemorative bills; and a ban on taxpayer-funded special interest caucuses.

Mr. Speaker, I could go on and discuss the many other reform items in this rules resolution, but, in the interest of allowing other Members to participate in this debate, I reserve the balance of my time.

A CONTRACT FOR A NEW HOUSE

(A section-by-section summary of H. Res. —, adopting the Rules of the House for the 104th Congress, to be offered by the Majority Leader, or a designee.)

The Rules of the House of the 103rd Congress would be adopted as the rules for the 104th Congress together with the following amendments:

TITLE I. CONTRACT WITH AMERICA: A BILL OF ACCOUNTABILITY

[Note: Each section below in Title I would be under a separate introductory paragraph adopting House Rules from the 103rd Congress as the Rules of the 104th Congress with the additional amendment(s) in the section, thereby permitting a division of the question and separate debate and vote on each of the 8 Contract items. The 23 items in Title II, on the other hand, would be subject to a single vote.]

Sec. 101. Committee, Subcommittee and Staff Reforms: Committee staff in the 104th Congress is reduced by at least one-third from comparable levels in the 103rd Congress. No committee could have more than 5 subcommittees (except Appropriations which could have no more than 13; Government Reform and Oversight, no more than 7; and Transportation and Infrastructure, no more than 6). Statutory and investigative staff salary authorization levels would be consolidated in a single, 2-year committee expense resolution (except for the Committee on Appropriations). The distinction between professional and clerical staff would be eliminated while retaining the overall core staff of 30 for each committee (20-majority, 10-minority, or a one-third guarantee to the minority if less than 30). Committee chairmen would be required to ensure that sufficient staff is made available to each subcommittee to exercise its responsibilities under committee rules, including fair treatment to the minority in subcommittee staffing. Interim funding authority for House committees, consistent with planned staff reductions, would be provided pending the adoption of the primary expense resolution for 1995–96.

Sec. 102. Truth-in-Budgeting Baseline Reform: Cost estimates in committee reports would include a comparison of total estimated funding for the program(s) to the appropriate levels under current law.

Sec. 103. Term Limits for Speaker, Committee and Subcommittee Chairmen: Beginning with the 104th Congress: (a) No person could serve as Speaker for more than four consecutive Congresses (disregarding any service for less than a session). (b) No Member could be the chairman of any committee, or of the same subcommittee of a committee, for more than three consecutive Congresses (excluding any service for less than a session in a Congress).

Sec. 104. Proxy Voting Ban: No vote could be cast by proxy on any committee or subcommittee thereof.

Sec. 105. Committee Sunshine Rules: Committee meetings, which can now be closed for any reason, could only be closed by majority rollcall vote if disclosure would endanger national security, compromise sensitive law enforcement information, or tend to defame, degrade or incriminate any person. Broadcast coverage of any committee or subcommittee meeting or hearing open to the public would be a right (not requiring a vote of approval as at present).

Sec. 106. Limitations on Tax Increases: (a) No bill, joint resolution, amendment or conference report carrying an income tax rate increase, could be considered as passed or agreed to unless so determined by a vote of at least three-fifths of the House. (b) No measure of amendment could be considered that contains a retroactive income tax rate increase.

Sec. 107. Comprehensive House Audit: The Inspector General would be authorized to contract with one or more independent auditing firms to conduct a comprehensive audit of House financial records, physical assets, and operational facilities.

Sec. 108. Consideration of "Congressional Accountability Act": The majority leader, or a designee, would be authorized to call up for consideration on Jan. 4, 1995, a bill (H.R. 1), the "Congressional Accountability Act of 1995," subject to one-hour of debate in the House, divided equally between the majority leader and minority leader, or their designees, and to one motion to recommit.

TITLE II. GENERAL

Sec. 201. House Administrative Reforms: The Office of Doorkeeper would be abolished and its functions transferred to the Sergeant-at-Arms. A Chief Administrative Officer, elected by the House, would replace the Director of Financial and Non-Legislative Services. The authority of the Inspector General would be broadened to audit all House functions and to refer possible violations of rules or law to the ethics committee for action or possible referral to the appropriate Federal or State authorities.

Sec. 202. Changes in Committee System: The Committees on Post Office and Civil Service, and the District of Columbia would be abolished and their jurisdiction transferred to the Committee on Government Reform and Oversight; the Committee on Merchant Marine and Fisheries would be abolished and its jurisdiction transferred to the committees on National Security, Resources, and Transportation and Infrastructure. The Committee on Budget would be given shared legislative jurisdiction over certain budgetary legislation. Term limits for members of the Budget Committee would be changed from three-terms in any five Congresses to four-terms in any six Congresses. Other committees would be renamed and jurisdictions transferred.

Sec. 203. Oversight Reform: Committees would be required to adopt oversight plans for the Congress and submit them to the Committee on House Oversight and Government Reform and Oversight by Feb. 15th of the first session. The Committee on House Oversight and Government Reform and Oversight would report the plans to the House by March 31st together with any recommendations of the committee or joint leadership to ensure maximum coordination. Committees would be required to include an oversight section in their final activity reports reporting on the implementation of their plans. The Speaker would be authorized to appoint ad hoc oversight committees, subject to House approval, for specific oversight projects from committees sharing jurisdiction.

Sec. 204. Member Assignment Limits: No Member could have more then two standing committee and four subcommittee assignments (except committee chairman and ranking minority members could serve as ex officio members of all subcommittees of their committees). Any exception to the assignment limits must be approved by the House upon the recommendation of the respective party caucus or conference.

Sec. 205. Multiple Bill Referral Reform: The joint referral of bills to two or more committees would be prohibited. The speaker would designate a committee of primary jurisdiction when a bill is introduced, may refer parts of bills to appropriate committees, and may sequentially refer bills, either upon introduction or after the primary committee has reported, subject to time limits for reporting.

Sec. 206. Accuracy of Committee Transcripts: Committee hearing and meeting transcripts shall be a substantially verbatim account of remarks made during proceedings, subject only to technical grammatical, and typographical corrections authorized by the person making the remarks involved.

Sec. 207. Elimination of "Rolling Quorums": The existing "rolling quorum" rule which allows drop-by voting to report measures and permits less than a quorum to report if no point of order is raised, would be repealed.

Sec. 208. Prohibition on Committee Meetings During House Consideration of Amendments: No Committee (except the Committees on Appropriations, Rules, Standards and Ways and Means) could sit while the House is reading a measure for amendment under the five-minute rule without special leave (which shall be granted unless 10 members object), or unless upon the adoption of a motion offered by the majority leader which shall be privileged. No committee could sit while the House and Senate are meeting in joint session or when a joint meeting of the House and Senate is in progress.

Sec. 209. Accountability for Committee Votes: Committee reports on any bill or other matter would include the names of those voting for and against on rollcall votes on any amendments or on the motion to report a measure.

Sec. 210. Affirming Minority's Rights on Motions to Recommit: The Rules Committee could not report a special rule denying the minority the right to offer amendatory instructions in a motion to recommit if offered by the minority leader or a designee.

Sec. 211. Waiver Policy for Special Rules: The Committee on Rules would be required, to the maximum extent possible, to specify in any special rule providing for the consideration of a measure any provisions of House rules being waived.

Sec. 212. Prohibition on Delegate Voting in Committee of Whole: The Resident Commissioner of Puerto Rico and the Delegates from Guam, Virgin Islands, American Samoa and the District of Columbia could not vote in or preside over the Committee of the Whole.

Sec. 213. Accuracy of Congressional Record: The Congressional Record would be a verbatim account of proceedings, subject only to technical, grammatical and typographical corrections by the Member speaking. Unparliamentary remarks may be deleted only by unanimous consent or order of the House.

Sec. 214. Automatic Roll Call Votes: Automatic roll call votes would be required on final passage of bills making appropriations, raising taxes, and conference reports thereon; and on final adoption of budget resolutions and their conference reports.

Sec. 215. Appropriations Reforms: Limitation amendments could be offered to appropriations bills at the end of the regular amendment process without having to first defeat the motion to rise and report. A motion to rise could only be offered by the majority leader (or a designee) if limitation amendments are still pending. Non-emergency items could not be reported or offered as amendments to emergency spending bills (except to rescind budget authority or reduce direct spending to pay for the emergency benefits). Off-setting, deficit neutral amendments could be offered en bloc to any appropriations measure. Reports on all appropriations bills would be required to include not only a listing of legislative provisions contained in the measures (as presently required), but of all unauthorized activities being funded by the measure (except for classified intelligence or national security programs). Points of order would automatically be reserved against an appropriations bill when filed.

Sec. 216. Ban on Commemoratives: No bill, resolution or amendment could be introduced or considered in the House that establishes or expresses any commemoration (defined as any remembrance, celebration or recognition for any purpose) for a specified time period (e.g., day, week, month). The Committee on Government Reform and Oversight would be directed to consider alternative means of establishing commemorations, such as an independent or Executive Branch Commission, and to report to the House any recommendations.

Sec. 217. Numerical Designation of Amendments Submitted for Record: Amendments submitted for the amendments section of the Congressional Record for any bill would be given numerical designations in the order printed for that bill to facilitate easy reference by Members and committees.

Sec. 218. Pledge of Allegiance: The Pledge of Allegiance would be required in the House as the third order of business each day.

Sec. 219. Discharge Petitions: The Clerk would be required to publish the names of new signers of discharge petitions in the last Congressional Record of each week and make available to the public through an appropriate office the current names of signers on a daily basis. The Clerk shall also devise a system for making the names of signers available to House offices and the public through electronic form.

Sec. 220. Protection of Classified Materials: The Code of Official Conduct would be amended to require that, prior to having access to any classified materials, Members, officers and employees take an oath not to disclose such materials except as authorized by the House or its Rules.

Sec. 221. Permanent Select Committee on Intelligence: The House Permanent Select Committee on Intelligence would be reduced in size from 19 to 16 members, with a 9–7 majority to minority ratio. Member terms would be increased from three to four and the chairman and ranking minority member could serve a fifth term if they held the those positions for only one Congress. The Speaker (currently the majority leader) and minority leader would serve as ex officio, non-voting members, and may designate a member of their leadership staff to assist them and have access to committee proceedings and materials, as if committee staff, subject to the same security clearance and confidentiality requirements as committee staff. Current jurisdictional arrangements would be clarified.

Sec. 222. Abolition of Legislative Service Organizations: The establishment or continuation of any Legislative Service Organization (as defined and authorized by regulation in the 103rd Congress) would be prohibited in the 104th Congress. The Committee on House Oversight would be directed to take necessary steps to ensure the orderly termination and accounting for funds of LSOs in existence on Jan. 4, 1995.

Sec. 223. Miscellaneous Provisions and Clerical Corrections: The Speaker's authority to postpone votes on certain matters would include postponing the previous question vote on those matters. The Speaker's authority to reduce time for voting to 5-minutes after a 15-minute vote on the previous question would extend to any previous question vote (currently applies only to previous question vote on special rules from the Rules Committee). There would be established a Speaker's Office for Legislative Floor Activities, with employees to be appointed by the Speaker to assist in the management of legislative floor activity. The Chairman of a committee could designate any member of the committee or a subcommittee as the vice chairman of the committee or subcommittee. Members would be prohibited from using any personal, electronic office equipment (including cellular phones, and laptop computers) on the House floor. Certain specified, priority measures introduced on Jan. 4, 1995, could have more than one prime sponsor.

SECTION-BY-SECTION ANALYSIS OF HOUSE RULES RESOLUTION

(H. Res. —, Adopting House Rules, 104th Congress, January 5, 1995)

TITLE I. CONTRACT WITH AMERICA: A BILL OF ACCOUNTABILITY

Title I of the resolution contains eight sections relating to the "Opening Day Checklist" of House reforms contained in the "Contract with America." Each section is preceded by an identical introductory paragraph adopting the rules of the previous Congress together with the amendment(s) in that section in order to permit a division of the question vote on each section.

Sec. 101. Committee, Subcommittee and Staff Reforms: (a) Committee staff reductions.—Subsection (a) requires that the number of House committee staff in the 104th Congress be at least one-third less than the corresponding total in the 103rd Congress. It is the intent of the resolution that this reduction be achieved at the outset of the new Congress. The Committee on House Oversight will be responsible for overseeing the reductions and enforcing them through the committee funding process.

(b) Subcommittee reductions.—Subsection (b) replaces clause 6(d) of House rule X which currently requires all committee having more than 20 members to establish at least four subcommittees. In its place, the new paragraph requires that committees establish no more than six subcommittees. The only exceptions are the committees on Appropriations (13), Government Reform and Oversight (7), and Transportation and Infrastructure (6).

This paragraph should be read in the context of sec. 204 of the resolution which limits Members to no more than four subcommittee assignments. In that section, subcommittee is defined as "any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a standing committee that is established for a cumulative period longer than six months in any Congress." The intent of these two limitations is to make both Member and committee work more deliberative, participatory, and manageable by reducing scheduling conflicts and jurisdictional overlap. This is especially important given the ban on proxy voting in committees.

(c) Consolidated committee staff and biennial funding.—Subsection (c) amends clause 5 of rule XI ("Committee Expenses") in two important respects. First, it requires that all committee staff salaries and expenses be authorized in an expense resolution reported by the Committee on House Oversight. At present, only investigative staff salaries and expenses are funded through expense resolutions while so-called statutory staff (see amendments to rule XI clause 6 below), are paid for directly from appropriations.

Second, the subsection provides for one primary expense resolution per Congress instead of one each session. This is the system currently in effect in the Senate. The purpose for the biennial resolution is to permit committee to plan for a full Congress and to free-up the time otherwise consumed by the House and its committees on processing two budgets per Congress.

The ability of committees to request additional or supplemental expense resolutions in a Congress is preserved. The only committee exempted from this consolidated funding process will be Appropriations which has been traditionally exempt to avoid undue pressures on its funding decisions. The Budget Committee, which has been exempt from the funding process since its formation in 1975, would be brought under the funding process by this rule change.

The resolution contains a free-standing, interim funding rule for committees until their expense resolutions are adopted. This permits committees to incur expenses consistent with their planned staff reductions.

Clause 5(d) of rule XI is amended to require that committee chairmen make available to each subcommittee sufficient staff to carry out its responsibilities under committee rules, and that the minority is treated fairly in the appointment of subcommittee staff. This replaces an existing provision which entitles each subcommittee chairman and ranking minority member to appoint one staff person at a rate of pay up to 75% of the maximum allowable for committee staff.

It is the intent of this provision to reestablish the primacy of committees over subcommittees while maintaining the ability of subcommittees to carry out their functions as arms of the parent committee. Nothing in this rule would prevent a committee chairman from allowing a subcommittee chairman to nominate a staff member for approval, either as a matter of policy or committee rule. But, it places ultimate authority over all committee staff in the full committee chairman and restores the line of responsibility of all such staff to the full committee.

Subsection (d) amends clause 6 of rule XI ("Committee Staffs") in several respects. First, it eliminates the distinction between professional and clerical staff so that all 30 of the core committee staff are termed "professional." Under existing rules, each committee may appoint 18 professional and 12 clerical staff, with the minority entitled to one-third of each category. The one-third guarantee to the minority is retained, but with the difference that it would apply even if the committee appoints fewer than 30 staff.

The existing conditions that committee staff engage only in committee business during congressional working hours and not be assigned duties other than committee business are retained. However, the rule is amended to recognize the existence of shared or associate staff who may be paid from both Member clerk hire as well as committee funds. In such cases, the chairman must certify that their committee work is commensurate with their pay. It is the intent of this rule to permit a chairman to require by committee rule or policy that a supervising Member first certify the same to the chairman if a staff member is not working directly under the chairman.

The new rule also makes clear that the employment of such shared or committee staff is subject to such terms, conditions, or limitations as may be established by the Committee on House Oversight.

Sec. 102. Truth-in-Budgeting Baseline Reform: Subsection (a) amends House rule XI, clause 2(l)(3), relating to the contents of committee reports, to require that cost estimates submitted for reports on measures providing new budget authority shall include, when practicable, a comparison of the total estimated funding for the program (or programs), to the appropriate levels under current law.

Subsection (b) inserts similar language in clause 7(a) of rule XIII, relating to cost estimates in committee reports (other than those of the Committees on Appropriations, Rules, House Oversight, and Standards of Official Conduct).

These provisions apply to individual pieces of legislation and not to the budget in its entirety. The changes as they relate to discretionary spending authorizations will require that the cost estimates show the entire amount being authorized by current law. In virtually all instances this will be the entire amount of the program because the authorization will be either extending an expired authorization (in which case the current law is zero) or expanding an existing authorization (in which case the current law for expansion will be zero). Therefore, the rule will require that cost estimates for all legislation providing discretionary spending authorization show the entire amount being authorized. Cost estimates for discretionary appropriations will likewise show the entire amount being appropriated.

The rule as applied to entitlement legislation will require that the cost estimate show the entire amount of spending estimated to occur due to the proposed legislation as well as the amount estimated under current law. This is a change from the previous method of scoring entitlement legislation which only showed the change from current law. Thus, if proposed entitlement legislation provides a lower rate of increase in spending than current law, the cost estimate will show that spending is increasing under the proposed legislation whereas previously the cost estimate would have shown only a reduction from current law.

Sec. 103. Term Limits for Speaker, Committee and Subcommittee Chairmen: Subsection (a) amends rule I ("Duties of the Speaker") by adding a new clause 8 at the end which prohibits any person from serving as House Speaker for more than four consecutive terms (excluding any service for less than a session of Congress), beginning with the 104th Congress. The eight year limit is consistent with the spirit of the current two-term limit on Presidents, with the exception of the term "consecutive."

While the rule cannot be made binding on future Congresses, since each has the constitutional authority to make its own rules, it does set a standard to go by which has been encouraged and agreed to by the new Speaker in the 104th Congress.

Subsection (b) amends clause 6(e) of rule X which currently provides that all vacancies on House standing committees shall be filled by election by the House from nominations submitted by the respective party caucus or conference. The new sentence provides that no Member may serve as the chairman of the same standing committee or subcommittee for more than three consecutive Congresses, beginning with the 104th Congress. The purpose of this new limitation is not merely to allow other Members to assume leadership responsibilities sooner, but more importantly to prevent stagnation or too close a relationship to develop between committee leaders and the interests they oversee at the expense of balanced oversight and legislation.

Sec. 104. Proxy Voting Ban: Subsection (a) amends House rule XI, clause 2, which currently permits proxy voting in committees, by prohibiting the use of proxies by any Member on any measure or matter before a committee. Subsection (b) simply makes a conforming change in clause 2(e)(1) of rule XI by striking a reference to proxy voting.

The main purpose for this change is to ensure greater participation in committee deliberations and decisions so that the legislative product will be more representative and developed than if produced by a few members present. The overall aim of many of the committee reforms is to restore committees as the legislative workshops of the House.

This rule does not apply to House-Senate conference committees which operate under joint rules agreed to by a particular conference. Conference committees, for instance, do not require an actual meeting to sign the report (though they must hold at least one meeting at some point)—only a majority of conferees from each House to sign the report.

Sec. 105. Committee Sunshine Rules: Subsection (a) amends clause 2(g)(1) of rule XI, relating to open meetings to require that meetings which are open to the public shall also be open to the broadcast and photographic media. It also requires that meetings may only be closed by majority vote, with a majority present, if it is determined that matters to be disclosed would endanger national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House. The subsection also strikes a provision allowing for a meeting to be closed to discuss internal budget or personnel matters.

Under present House rules, a committee must vote to approve coverage of a meeting by radio, television and still photography. And, a meeting may be closed for any purpose by majority vote.

Subsection (b) amends clause 2(g)(2) of rule XI, relating to open committee hearings, to require that any hearing open to the public is also open to the broadcast and photographic media and may only be closed by majority vote, a majority being present, for the same reasons stated in the open meeting rule above.

The present House rule requires a majority vote to open a hearing to the broadcast and photographic media. It also prohibits closing a meeting except for all of the specified reasons above except one: the new rule adds the condition relating to the disclosure of "sensitive law enforcement information."

Unchanged is the present rule provision permitting a majority of a committee hearing quorum (which could be as few as two members if a committee has adopted such a quorum requirement as permitted by House rules) to vote to close a hearing either to discuss whether testimony or evidence to be received would endanger national security or, in the case of an investigatory hearing, would tend to defame, degrade or incriminate any person (see clause 2(k)(5) of rule XI); or if a majority of the same hearing quorum makes a determination at an investigatory hearing that testimony or evidence to be disclosed would tend to defame, degrade or incriminate any person.

Subsection (c) amends clause 3(d) of rule XI, relating to the broadcasting of committee meetings or hearings, by striking the clause that makes coverage by the audio and visual media "a privilege made available by the House." This reflects the new requirement that public meetings and hearings are automatically open to these media and does not require an affirmative vote of the committee.

Subsection (d) amends paragraph (e) of clause 3, rule XI, by eliminating the requirement that a committee must vote to permit audio and visual media coverage except as provided in paragraph (f)(2). Paragraph (f)(2), which permits a subpoenaed witness to demand that audio and visual coverage of that witness' testimony be prohibited, remains unchanged under the new rule. The subsection also provides that a committee or subcommittee may not limit television or photographic coverage to less than two representatives of each medium except for legitimate space or safety considerations, in which case pool coverage shall be authorized.

Sec. 106. Limitations on Tax Increases: Subsection (a) amends clause 5 of rule XXI by adding a new paragraph (c) at the end requiring a three-fifths vote of the House to pass or agree to any bill, joint resolution, amendment or conference report carrying a Federal income tax rate increase. The three-fifths vote would be of those present and voting. This should be read in the context of section 214 of the resolution which requires an automatic rollcall vote in the House on the final passage of any bill, joint resolution or conference report carrying a Federal income tax rate increase.

Subsection (b) adds a new paragraph (d) to clause 5 or rule XXI prohibiting the consideration of any bill, joint resolution, amendment or conference report carrying a retroactive Federal income tax rate increase. For purposes of these rules the term "Federal income tax rate increase" is, for example, an increase in the individual income tax rates established in section 1, and the corporate income tax rates established in section 11, respectively, of the Internal Revenue Code of 1986.

Sec. 107. Comprehensive House Audit: This section is a free-standing requirement that the Inspector General of the House, during the 104th Congress, in consultation with the Speaker and the Committee on House Oversight, conduct a comprehensive audit of House financial records and administrative operations, be authorized to contract with independent auditing firms for such purposes, and report the results of the audit as provided in House rule VI ("Office of Inspector General"), which requires the submission of any audit reports simultaneously to the Speaker, majority leader, and the chairman and ranking minority members of the Committee on House Oversight.

Sec. 108. Consideration of the "Congressional Accountability Act": Sec. 108 is a free-standing, special rule, permitting the consideration in the House, at any time after the adoption of the House rules' resolution, of H.R. 1 (104th Congress), a bill to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The special rule provides for one hour of debate controlled equally by the majority and minority leaders, or their designees, and orders the previous question to final passage without intervening motion except one motion to recommit. The bill would not be subject to amendment unless offered as part of amendatory instructions in the motion to recommit.

TITLE II. GENERAL

Title II consists of 23 additional sections under a single introductory paragraph adopting the rules of the 103rd Congress together with the further amendments contained in those sections. As such, the 23 sections would not be subject to a division of the question and separate votes. These would be a single vote on Title II following debate on it (and on any vote on a motion to commit).

Sec. 201. Administrative Reforms: Subsection (a) strikes from rule II references to the Doorkeeper as an elected House Officer (the office is abolished) and add the office of Chief Administrative Officer as a newly elected Officer of the House.

Subsection (b) amends rule III ("Duties of the Clerk") by adding two new clauses, 7 and 8, requiring the Clerk to make semi-annual reports on finances and operations of the Office, to the Committee on House Oversight, and to cooperate with the appropriate offices and persons conducting performance reviews and audits of the Office's finances and operations.

Subsection (c) amends House rules IV, V, and VI as follows:

Rule IV ("Duties of the Sergeant-at-Arms"), is amended to reflect the assumption by the Sergeant-at-Arms of certain duties and responsibilities previously under the Doorkeeper; to require semi-annual reports be made to the Committee on House Oversight regarding the finances and operations of the Office; and to require cooperation with appropriate persons in the performance of reviews and audits.

Rule V, previously relating to the "Duties of the Doorkeeper," is replaced by a new rule relating to the "Chief Administrative Officer" who shall assume many of the duties and functions previously vested in the Director of Non-Legislative and Financial Services (rule VI, clause 1, 103rd Congress). Specifically, the Chief shall have operational and financial responsibility for functions assigned by the Speaker and Committee on House Oversight, subject to their policy direction and oversight. In addition, the Chief shall make semi-annual reports to the Committee on House Oversight on the finances and operations of the Office, and cooperate fully with appropriate offices and persons conducting performance reviews and audits.

Rule VI, previously relating to the Director of Non-Legislative and Financial Services and the Office of Inspector General, is replaced by a new rule establishing the Office of Inspector General. The Office of Director of Non-legislative and Financial Services would be abolished by the adoption of this new rule.

As with the previous rule VI, clause 2, the Inspector General is to be appointed by the Speaker, majority leader, and minority leader, acting jointly. The Inspector General would be subject to the policy direction and oversight of the Committee on House Oversight, and would be responsible for conducting periodic audits of the financial and administrative functions of the House and joint entities. The audit responsibilities of the previous Inspector General were confined to the financial functions under the Director of Non-legislative and Financial Services, the Clerk, the Sergeant-at-Arms and the Doorkeeper.

The new responsibilities are therefore broadened to include all financial and administrative functions of the House and joint entities. The existing reporting and consultation requirements regarding any audits would be retained. Specifically, the Inspector General would be required to report simultaneously to the Speaker, majority leader, and the chairman and ranking minority member of the Committee on House Oversight any financial irregularities discovered, as well as on the final results of any audit.

Moreover, the Inspector General is required to report to the Committee on Standards of Official Conduct any potential violations of House rules or laws applicable to the performance of official duties or the discharge of official responsibilities of any Member, officer or employee of the House. The Committee on Standards of Official Conduct would retain existing authority to refer any possible law violations to the appropriate Federal or State authorities, subject to House approval, under clause 4(e)(1)(C) of rule X.

Subsection (d) eliminates clause 3(j) of rule X which established a bipartisan Subcommittee on House Oversight of the former Committee on House Administration for the purpose of receiving audit reports and exercising oversight of the Clerk, Sergeant-at-Arms, Doorkeeper, Director of Non-legislative and Financial Services, and the Inspector General. These responsibilities will be assumed by the full Committee on House Oversight.

Subsection (e) amends clause 4(d) of rule X, regarding the additional functions of the Committee on House Oversight, by making conforming changes reflecting the committee's new name and changes made in the other Offices of the House.

Sec. 202. Changes in the Committee System: This section rewrites clause 1 of rule X ("The Committees and Their Jurisdiction"), to reflect the abolition of three committees—District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service—the transfer of their jurisdictions, and the renaming and jurisdictional changes in other standing committees of the House.

Specifically, from the Committee on Merchant Marine and Fisheries, the national security aspects of merchant marine jurisdiction is transferred to the Committee on National Security (formerly Armed Services); the Coast Guard jurisdiction is transferred to the Committee on Transportation and Infrastructure (formerly Public Works and Transportation); and the fisheries, marine, non-national security aspects of the merchant marine, oceanographic affairs, and endangered species jurisdictions are transferred to the Committee on Resources (formerly Natural Resources).

The Committee on Government Reform and Oversight (formerly Government Operations), would assume the jurisdictions of the committees on District of Columbia and Post Office and Civil Service, except for the Franking Commission which goes to House Oversight (formerly House Administration).

Approximately 20 percent of the jurisdiction of the former Committee on Energy and Commerce (renamed the Committee on Commerce by this resolution) would go to the following committees: primary jurisdiction over Glass-Steagall reform legislation to the Committee on Banking and Financial Services (formerly Banking, Finance and Urban Affairs); consolidation of food inspection jurisdiction to the Committee on Agriculture; railroad jurisdiction to the Committee on Transportation and Infrastructure; Trans-Alaska Pipeline to the Committee on Resources; inland waterways jurisdiction to Transportation and Infrastructure; and consolidation of energy research and development jurisdiction under the Committee on Science.

The Committee on the Budget would gain certain jurisdiction over budgetary legislation from the Committee on Government Reform and Oversight.

Other committee names changes include: Economic and Educational Opportunities (formerly Education and Labor); and International Relations (formerly Foreign Affairs).

Sec. 203. Oversight Reform: Subsection (a) adds two new subparagraphs (d) and (e) at the end of clause 2 of rule X ("General Oversight Responsibilities"). Paragraph (a) requires each standing committee of the House, no later than February 15 of the first session of a Congress, to adopt in open session, with a quorum present, its oversight plans for that Congress, and to submit them to the committees on House Oversight and Government Reform and Oversight.

Committees shall, to the maximum extent feasible, consult with other committees having related jurisdictions to ensure coordination and cooperation in formulating and implementing oversight plans; give priority consideration to including in its plans the review of those laws, programs or agencies operating under permanent authority; and ensure that all laws within their jurisdictions are subject to oversight review at least once every ten years.

No expense resolution could be considered for any committee which has not submitted its oversight plans to the Committee on House Oversight and the Committee on Government Reform and Oversight. Not later than March 31 of the first session of a Congress, after consulting with the Speaker and majority and minority leaders, the Committee on Government Reform and Oversight shall publish the oversight plans of the various committees, together with any recommendations made by the joint leadership group to ensure the most effective coordination of the plans.

Paragraph (e) of rule X, clause 2, authorizes the Speaker, with the approval of the House, to appoint special, ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more committees.

Subsection (b) of the resolution amends clause 1(d) of rule XI, which now requires committee to submit an activity report at the end of each Congress, to include in such reports separate sections on the committees' legislative and oversight activities, including a summary of the oversight plans submitted and actions taken and recommendations made with respect to each such plans, as well as any additional oversight activities undertaken by the committees.

It is the intent of this section to ensure that committees make a more concerted, coordinated and conscientious effort to develop meaningful oversight plans at the beginning of each Congress and to follow through on their implementation, with a view to examining the full range of the laws under their jurisdiction over a period of five Congresses.

Sec. 204. Member Assignment Limits: Clause 6(b) of rule X, relating to committee memberships, would be amended by adding a new subparagraph (b) that would limit Members to no more than two standing committee assignments and four subcommittee assignments. The limitation would not apply to committee chairman and ranking minority members who serve as ex officio members of all subcommittees of their committees. Any exceptions to these limits must be approved by the House upon the recommendation of the respective party caucus or conference.

The term subcommittee is defined for purposes of this subparagraph as any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a committee that is established for a cumulative period of longer than six months in a Congress.

It is the intent of this rule that any waivers by a party caucus or conference be specifically approved before it is presented to the House for consideration. If such party caucus or conference recommendations are specifically approved at the beginning of a Congress, the election of committees by the House will be considered as the requisite approval by the House of any exceptions to the committee limitation. However, any exceptions to the subcommittee limitation would have to be reported to the House from the respective party caucus or conference.

Sec. 205. Multiple Referral Reform: Clause 5(c) of rule X ("Referral of Bills, Resolutions, and Other Matters to Committees") is amended to require the Speaker to designate a committee of primary jurisdiction upon the initial referral of a measure to a committee. The Speaker would have the discretion to also refer the same measure to other committees in sequence (sequential referral), either upon its initial introduction or after the primary committee has reported, subject to time limits for reporting by the secondary committees; or to refer designated portions of the same measure to other committees (split referral); or to refer a measure to a special ad hoc committee consisting of committees with shared jurisdictions over the measure.

This rule change differs from the present referral rule in four significant respects. First, the designation of a committee of primary jurisdiction is designed to ensure greater accountability for legislation. Second, the rule eliminates so-called joint referrals which technically gave committees authority to consider the same portions of legislation as other committees (though referrals are always for consideration only of such provisions as fall within a committee's jurisdiction). Third, giving the Speaker discretion to make sequential or split referrals allows more flexibility than the current requirement that every committee having any jurisdiction over a measure, no matter how minor, must receive a referral. And fourth, the ability of the Speaker to designate a secondary committee for sequential referral purposes upon the initial introduction of a measure will allow that committee to proceed with its work on the measure immediately, if it wishes.

Nothing in this rule should be construed to prevent a secondary committee from reporting prior to the primary committee. However, it is the intent of the rule to the extent possible, to allow the primary committee to report before a measure is scheduled for floor consideration, unless it waives its right to report or the Speaker exercises discretion to impose a time limit on the primary committee for reporting and it fails to meet the deadline, in which case it will be considered to have been discharged of the measure.

Sec. 206. Accuracy of Committee Transcripts: Clause 2(e)(1) of rule XI ("Committee Records"), is amended to require that committee transcripts shall be a substantially verbatim account of remarks actually made during proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The current rule requires committees to keep a complete record of all committee action, including a record of the votes on any question on which a rollcall vote is demanded. It is the intent of the new rule to require that where stenographic transcripts are kept of committee meetings or hearings, they not be subject to substantive changes by either the persons making the remarks or by staff.

It is not the intent of this rule that all meeting and hearing transcripts be published. However, in those instances in which persons involved in a meeting or hearing are allowed to review and correct their remarks before publication of the transcripts, any corrections must be specifically authorized by that person and cannot alter the substantive content of the remarks. To the extent a person making remarks wishes to elaborate on any point, such substantive modifications should be treated the same as extensions of remarks on House floor speeches, i.e., they should be clearly delineated from remarks actually made by being printed in a typeface that is clearly distinguishable from verbatim remarks.

Sec. 207. Elimination of "Rolling Quorums": Clause 2(l)(2)(A) of rule XI is amended by striking the existing provision which establishes a presumption that a committee majority was actually present at the time a measure is reported if the records of the committee show that a majority of the committee responded on a rollcall vote on the question, and prohibits a point of order to lie in the House that a majority was not present unless the point of order was timely made in the House.

In so doing, the rule change restores the previous requirement that a "majority of the committee was actually present" at the time a measure was ordered reported. The fact that a committee orders a measure reported by voice vote without a quorum present, and no point of order is made at the time, does not prevent the point of order from being made in the House when the measure is called-up for consideration.

It should also be emphasized that the requirement that a majority be actually present at the time the measure is reported from a committee means that a majority must be contemporaneously assembled at the time the vote is taken. Unlike a House floor vote during which Members may come and go during the course of a vote, the committee quorum rule, absent the old "rolling quorum" latitude, means a committee can no longer simply leave a vote open until a sufficient number of Members have responded to their names. Prior to the "rolling quorum" rule, the Committee on Rules has decided against granting a rule when presented with evidence that a majority was not actually present when the measure was reported.

Sec. 208. Limitation on Committees' Sittings: Clause 2(i) of rule XI, which currently prohibits committees from sitting during a joint, House-Senate session or meeting, would be amended to prohibit any committees except the committees on Appropriations, Budget, Rules, Standards of Official Conduct, and Ways and Means, from sitting while the House is reading a measure for amendment under the five-minute rule. Special leave to sit could be granted unless ten or more members object to a unanimous consent request, or upon the adoption by the House of a motion offered by the majority leader. This restores the rule in existence prior to the 103d Congress, with the only exception being the addition of a privileged motion by the majority leader. It is anticipated that the Speaker will again promulgate guidelines as to when and under what circumstances special leave may be requested.

Sec. 209. Accountability for Committee Votes: Clause 2(l)(2)(B) of rule XI, which now requires that the results of any rollcall vote to report a measure be included in a committee report, would be amended to require that the names of those members voting for and against any amendment or motion to report a measure by rollcall vote be included in the committee report.

It is the intent of this rule to provide for greater accountability for record votes in committees and to make such votes easily available to the public in committee reports. At present, under clause 2(e)(1) of rule XI, the public can only inspect rollcall votes on matters in the offices of committees. It is anticipated that with the availability of committee reports to the public through electronic form the listing of votes in reports will be more bill-specific than earlier proposals to publish all votes in the Congressional Record twice a year.

Sec. 210. Affirming the Minority's Right on Motions to Recommit: Clause 4(b) of rule XI, which, among other things, prohibits the Committee on Rules from denying a motion to recommit as provided in clause 4 of rule XVI, would be amended to clarify and ensure that such right includes the right to offer amendatory instructions, otherwise in order under the rules, in a motion to recommit, if offered by the minority leader or a designee.

Exempted from this guarantee would be the motion to recommit a Senate bill or resolution for which the text of a House-passed measure has been substituted. This exemption recognizes that the minority would already have had the opportunity to offer a motion to recommit with instructions on the original House-passed measure being substituted for the Senate measure.

It is the intent of this rule to restore the original purpose of clause 4(b) when it was adopted in 1909 to give the minority a final opportunity to offer an amendment of its choosing in a motion to recommit prior to the final passage of a bill.

Sec. 211. Waiver Policy for Special Rules: Clause 4 of rule XI, relating to the Rules Committee, is amended by adding a new paragraph (e) at the end to require that whenever the Rules Committee reports a resolution providing for the consideration of a measure, it shall, to the maximum extent possible, specify in the resolution any House rules being waived against the measure or against its consideration.

It is the intent of this rule that Members be fully informed as to what potential violations of House Rules are involved in considering a bill. This in turn will require committee chairmen to determine in advance of their Rules Committee appearance what waivers they will seek, and to be prepared to explain and defend those waivers before the Rules Committee. It is the ultimate intent of the rule change that Committee will be more careful prior to reporting a measure to ensure against any rules violations in the bill or report.

While the failure of the Rules Committee to specify waivers in a rule would not give rise to a point of order against a special rule that waives all points of order, it is expected that the Rules Committee will, in all but the most time-sensitive situations, endeavor to determine what specific waivers are required and to detail them in the rule.

Sec. 212. Prohibition on Delegate Voting in Committee of the Whole: Subsection (a) amends rule XII ("Resident Commissioner and Delegates") by striking clause 2 which now entitles the Resident Commissioner from Puerto Rico and each Delegate to the House to the same powers and privileges in the Committee of the Whole on the state of the Union as other House Members.

Subsection (b) amends clause 1 of rule XXIII ("Of Committees of the Whole House") by striking "Resident Commissioner, or Delegate" as being eligible for appointment by the Speaker to chair the Committee of the Whole.

Subsection (c) amends clause 2 of rule XXIII by striking paragraph (d) which provided for an immediate re-vote in the House whenever the votes of the Resident Commissioner and Delegates were decisive to the outcome of a vote in the Committee of the Whole.

Sec. 213. Accuracy of the Congressional Record: Rule XIV ("Of Decorum and Debate") is amended by adding a new clause 9 requiring that the Congressional Record be a substantially verbatim account of remarks made during debate. Members could only authorize technical, grammatical and typographical corrections. Unparliamentary remarks could only be deleted by permission or order of the House. However, Members may still insert undelivered remarks so long as they are delineated by a different typeface. Breaches of the rule could be subject to investigation by the Committee on Standards of Official Conduct.

Sec. 214. Automatic Rollcall Votes: Rule XV ("On Calls of the Roll and House") is amended by adding a new clause 7 to require an automatic rollcall vote on the final passage or adoption of any bill, joint resolution, or conference report, making general appropriations, increasing Federal income tax rates, or on final adoption of a budget resolution or a conference report thereon.

Sec. 215. Appropriations Reforms: Subsection (a) amends clause 2(d) of rule XXI ("On Bills") by providing that motions to rise and report an appropriations bill after the bill has been read for amendment shall only have precedence if offered by the majority leader or a designee. Under current rules, so-called limitation amendments not specifically contained or authorized in existing law, may only be offered if the motion to rise is not offered or is rejected after other amendments to the bill have been disposed of. The intent of the new rule is to permit the offering of limitation amendments at the end of the reading, subject only to a motion to rise offered by the majority leader or a designee.

Subsection (b) adds a new paragraph (e) to clause 2 of rule XXI to prohibit reporting any non-emergency matter in an appropriations bill containing an emergency designation under the Budget Act. The only exceptions are for provisions which rescind budget authority, reduce direct spending authority, or reduce the amount for a designated emergency. While the Committee on Appropriations could evade this prohibition by giving an entire bill an emergency designation, it is the clear intent of this rule that no non-emergency items should be given such blanket coverage. Let exposed, as they should be, such non-emergency items would be subject to deletion if a point of order is made and sustained.

It is not the intent of this rule to make in order any amendments not otherwise in order under the rules. Thus, any amendments to rescind or reduce direct spending must be germane to the bill as reported or be given special protection by way of a special rule reported by the Rules Committee and adopted by the House.

Subsection (c) amends clause 2 of rule XXI by adding a new paragraph (f) to permit the offering of so-called offsetting amendments in appropriations bill. At present, appropriations measures are read for amendment by paragraph, meaning it is not possible to offer an amendment that is deficit neutral if it goes to paragraphs not yet pending. The new rule would allow the offering of such off-setting amendments en bloc and not subject to a division of the question in the House or the Committee of the Whole.

When such an en bloc amendment is offered, and prior to the debate on it, the chair will ask whether there are any points of order against any portion of the bill covered by the amendment. If such a point of order is sustained, and the provision in the bill stricken, the amendment would no longer be in order as a proper offset.

To qualify as an offsetting amendment for purposes of this paragraph, the proponent must be able to demonstrate that the net effect of the amendment would not increase overall budget authority or outlays in the bill. Since appropriations bills only contain the amount of budget authority being appropriated, it should be kept in mind that the off-setting numbers may not be the same since the ultimate test is whether the amendment does not increase the deficit—and deficits are determined by outlays in a fiscal year, not by the amount of budget authority appropriated for a particular matter. It will therefore be necessary for the author of an offsetting amendment to work closely with the Congressional Budget Office to ensure that the bottom line amendment makes equivalent increases and decreases in outlays resulting from the changes in budget authority.

Subsection (d) amends clause 3 of rule XXI to require that the Committee on Appropriations include in its report a list of all appropriations contained in a bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects or activities). Clause 3 already requires that committee reports include a listing of legislative provisions contained in the bill. Since the point of order under clause 2 of rule XXI lies against both unauthorized and legislative provisions, it is only reasonable that the report should contain information on both. It is the intent of this rule that the test of compliance will be whether the committee has made a good faith effort to include all unauthorized matters in its report that it is aware of. The inadvertent omission of an unauthorized matter in a committee report will not give rise to a point of order against the consideration of the bill, though a point of order would still lie against the provision in the bill.

Subsection (e) adds a new clause 8 to rule XXI to provide for the automatic reservation of points of order against provisions in an appropriations bill at the time the report on it is filed. Under current rules, the points of order under clause 2 of rule XXI are against the reporting of any unauthorized or legislative provision in an appropriations bill. This means that, for a point of order to be valid, it must be raised or reserved at the time the measure is actually reported, that is, at the time the report is filed in the House. This has required that a minority representative of the committee accompany the majority member filing the report in order to reserve points of order at the time the report is filed. Under the new rule, it will no longer be necessary to reserve points of order at the time an appropriations bill is filed. Members' rights to later raise such points of order will automatically be protected.

Sec. 216. Ban on Commemoratives: Subsection (a) amends clause 2 of rule XXII ("Of Memorial, Bills and Resolutions") by prohibiting the introduction or consideration of any bill, resolution, or amendment which establishes or expresses any commemoration. For purposes of the new rule, a commemoration is defined as "any remembrance, celebration, or recognition for any purpose through the designation of a specified period of time."

The existing clause 2, which would be retained as paragraph (a), includes a similar prohibition against the receipt or consideration by the House of private bills, resolutions or amendments authorizing or directing the payment of money for certain property damages or for personal injury or death for which suit may be instituted under the Tort Claims procedure; for the construction of a bridge across a navigable stream; or for the correction of a military or naval record.

The new ban on date-specific commemorative measures or amendments applies to both the introduction and consideration of any measure containing such a commemorative. This is intended to include measures in which such a commemorative may only be incidental to the overall purpose of the measure. Such measures will be returned to the sponsor if they are dropped in the legislative hopper. The prohibition against consideration also extends to any measures received from the Senate which contain date-specific commemorative. While it does not block their receipt from the other body, it is intended that such measures would not be referred to the appropriate committee of the House or be considered by the House. Instead, they would simply be held at the desk without further action. Should such a commemorative be included in a conference report or Senate amendment to a House bill, the entire conference report or Senate amendment would be subject to a point of order.

While the ban does not apply to commemorative which do not set aside a specified period of time, and instead simply call for some form of national recognition, it is not the intent of the rule that such alternative forms should become a new outlet for the consideration of such measures. Thus, while they could be referred to an appropriate committee, it is not expected that such committees should feel obligated or pressured to establish special rules for their release to the House floor. Nor should it be expected that the Rule Committee should become the new avenue for regular waivers of the rule against date specific commemorative. Such exceptions should be limited to those rare situations warranting special national recognition as determined by the Leadership.

Subsection (b) is a free-standing directive to the Committee on Government Reform and Oversight to consider alternative means for establishing commemorations, including the creation of an independent or Executive branch commission for such purpose, and to report to the House its recommendations thereon.

Sec. 217. Numerical Designation of Amendments: Clause 6 of rule XXIII ("Of Committees of the Whole") is amended to add a new sentence requiring that amendments submitted for printing in the amendments portion of the Congressional Record be given a numerical designation in the sequence submitted for a particular bill.

The clause already requires that amendments printed in the Record be allowed five minutes of debate for and against, even if the Committee of the Whole has voted to close debate on a particular section or paragraph, and that time has expired. It is the purpose of this further amendment to the rule to facilitate reference to such amendments for the convenience of Members and committee managers alike, and to encourage Members to utilize the pre-printing option for their amendments.

The new rule may also make it possible for the Committee on Rules to reference numerically designated amendments in special rules that structure the amendment process since the Congressional Record is often more readily available to Members and their staff than are Rules Committee reports.

Sec. 218. Pledge of Allegiance: Clause 1 of rule XXIV ("Order of Business") is amended to insert the Pledge of Allegiance as the third order of business each day in the House, following the approval of the Journal and preceding the correction of reference of public bills. This change codifies a practice in effect in the House since 1988.

Sec. 219. Discharge Petitions: Clause 3 of rule XXVII ("Change or Suspension of the Rules") is amended to require that the Clerk publish in the Congressional Record on the last day of House session each week the names of those Members who have signed a discharge motion during that week, and to make available on a daily basis, in an appropriate office, the cumulative lists of names of those Members who have signed pending discharge motions. Finally, the new rule directs the Clerk to devise a means for making such names on discharge petitions available to House offices and the public by electronic form.

In the 103d Congress, the House adopted a new rule making the names of Members signing discharge petitions immediately available for public inspection. However, the rule change did not specify how such publication was to be accomplished. This rule change codifies the current practice of daily availability of all motions and signatures in a House office, and the weekly publication of new signatures in the Congressional Record. The directive regarding making such lists available by computer is in line with other ongoing initiatives to make House documents generally available to the public through computer networks.

Sec. 220. Protection of Classified Materials: Rule XLIII ("Code of Official Conduct") would be amended by adding a new clause 13 requiring that any Member, officer or employee of the House take an oath or affirmation on non-disclosure of classified information prior to being given access to such materials. Copies of the executed oath would be retained by the Clerk of the House as part of the records of the House.

Sec. 221. Select Committee on Intelligence: Subsection (a) amends clause 1(a) of rule XLVIII ("Permanent Select Committee on

Intelligence") to change the composition of the committee from 19 to 16 members, of whom not more than nine may be of the same political party.

Subsection (b) amends clause 1(b) of rule XLVIII, to substitute the Speaker for the majority leader as a non-voting ex officio member of the committee, along with the minority leader. The subsection also allows both the Speaker and minority leader to designate one of their leadership staff to assist them in their roles as ex officio members of the committee, with all the same rights, privileges, and requirements as if members of the select committee staff. The purpose of this clause is to allow designated leadership staff the same access to committee documents and materials, briefings, hearings, and meetings, without having to become committee staff members for such access. A conforming changes is made by striking subparagraph (c)(3) of clause 7 which permits the Speaker to attend any select committee meeting and have access to any committee information.

Subsection (c) amends clause 1 of rule XLVIII to extend from three (in any five consecutive Congresses) to four (in any six consecutive Congresses) the number of consecutive Congresses any Member (other than the Speaker and minority leader) may serve on the select committee, and to permit a chairman or ranking minority member who attain those positions in their fourth terms on the committee to serve in those positions for an additional term.

Subsection (d) amends clause 2(a) of rule XLVIII to clarify the committee's jurisdiction to reflect current referral practices.

Sec. 222. Abolition of Legislative Service Organizations: This is a free-standing provision that prohibits in the 104th Congress the establishment or continuation of any legislative service organization (as the term is defined and authorized in the 103rd Congress). The Committee on House Oversight is authorized to take necessary steps to ensure the orderly termination and accounting for funds of any such LSO in existence on January 3, 1995. So-called LSO's are those organizations recognized through the House Administration Committee in the 103rd Congress which are allowed to utilize Member Clerk hire funds for the staffing of such special purpose organizations. It is the intent of this rule that the Committee on House Oversight will oversee the shut-down of such organizations in a manner to ensure the maximum accountability possible for any funds allocated for their operation. This is especially important in view of the comprehensive audit required by section 107 of the resolution.

Sec. 223. Miscellaneous Provisions and Clerical Corrections: Subsection (a) amends clause 5(b)(1) of rule I ("Duties of the Speaker") to expand the Speaker's current authority to postpone votes on certain matters for up to two legislative days to include the previous question votes on adopting a resolution, passing a bill, instructing conferees, or agreeing to a conference report. At present, the only previous question vote the Speaker may postpone is on a privileged resolution from the Rules Committee.

Subsection (b) establishes an Office for Legislative Floor Activities in the Office of the Speaker, and authorizes the Speaker to appoint and set the pay for floor assistants to assist him in managing legislative floor activity.

Subsection (c) amends clause 2(d) of rule XI by allowing the chairman of a committee to designate any member of the committee, or of any subcommittee thereof, as vice chairman, to preside in the chairman's absence. The present rule specifies that the ranking majority member shall serve as vice chairman.

Subsection (d) amends clause 7 of rule XIV ("Of Decorum and Debate") to include in those provisions of prohibited activities on the House floor the use of personal, electronic office equipment, including cellular phones and computers. It is the purpose of this new rule to avoid the disruptions and distractions that can be caused by the sounds emitted from such equipment. As with any disruption to the decorum of House floor debate, it is anticipated that the Speaker could instruct the Sergeant-at-Arms to take necessary steps to restore order.

Subsection (e) amends clause 5(b) of rule XV ("On Calls of the Roll and House") to permit the Speaker to reduce to five-minutes the vote that occurs following the vote on the previous question on any matter. The present rule confines this authority to the vote following the previous question vote only on a special rule from the Rules Committee.

Subsection (f) makes clerical corrections in clause 3 of rule III, "Duties of the Clerk" by inserting "and" prior to the last in a series of clauses; and in clause 2(l)(1)(B) of rule XI by striking a reference to subdivision (C) that had been previously repealed.

Subsection (g) is a free-standing provision that permits more than one prime sponsor on the first 20 bills and the first three joint resolutions introduced in the House in the 104th Congress. This is done to permit the Leadership to designate multiple-authors of certain priority legislation.

□ 1700

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I support many of the important rules changes being presented here today. But, Mr. Speaker, it seems strange to me that the first opportunity that the Republicans get, they start doing what they have complained about for years. They claim to be willing to open up this body's proceedings, but the first day's business is being conducted under closed rules. That means that any Democratic ideas, regardless of merit, will not even see the light of day. We will start this Congress with business as usual and a gag on the voice of Democrats. This is not the way to start the 104th Congress. The Republican resort to closed rules is as unbelievable as their last-minute defeat of lobby reform and the gift ban last year.

Mr. Speaker, I say to my colleagues, "Saying that this is open debate just don't make it so."

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I am one of the new Members of this body the voters elected to change the way Washington works. Many of us campaigned on the issue of reform. I want to say to other new Members, "Don't get cold feet now. We're considering a lot of reforms here today, and I support many of them, but let's be honest. These reforms don't go nearly far enough. They don't begin to address the real concerns of the American people."

Mr. Speaker, the American people are not angry at Washington because there are too many proxy votings in Congress. They are angry because there are too many lobbyists, too many lawyers and too many special interests with too much influence. They are angry because they see Members taking money and gifts from well-connected insiders and, in some cases, trying to use their offices to amass personal wealth.

This is supposed to be the day when we address the rules Members live by, yet in the entire Republican rules package we are considering today there is not a single amendment that addresses any of these issues. I would suggest to my colleagues on both sides of the aisle:

"If you really care about changing the way Washington works——"

The SPEAKER pro tempore (Mr. WALKER). The time of the gentlewoman from Missouri [Ms. MCCARTHY) has expired.

Mr. BONIOR. Mr. Speaker, I yield 15 additional seconds to the gentlewoman from Missouri.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Are we not supposed to yield time in no less than 30-second increments?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has control of the time.

Mr. BONIOR. Is that in the package that the gentleman is offering?

Mr. SOLOMON. No, but I will be glad to put it in.

The SPEAKER pro tempore. The gentlewoman from Missouri [Ms. MCCARTHY] may now proceed for 15 additional seconds.

Ms. MCCARTHY. Mr. Speaker, I say to my colleagues on both sides of the aisle:

> If you really care about changing the way Washington works, if you really want to show that the House of Representatives is not for sale, I urge you to say no to gifts, say no to personal gain in the people's House, and support the gift ban.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, we will soon be voting to change the way the House operates in several ways, but it is not enough. Later, we will also be considering a bill to bring the Congress into compliance with many private sector laws that apply to the rest of the country.

Last Congress, Mr. Speaker, many of my Republican colleagues pointed to the closed rules as an example of the tyranny of the majority. It is, therefore, disappointing that the Congressional Accountability Act, the first bill to be considered by this Congress, will be offered under a closed rule. Open rules allow the minority the opportunity to amend legislation and to allow all points of view to be heard. I was led to believe that the House will be operating under a more open system. Today, Mr. Speaker, it is not open.

Despite my disagreement with the rule on the bill, I intend to support the Congressional Accountability Act. This bill is no stranger to those of us who are Democrats because we offered it last year, and it passed last year before this 100-day blitzkrieg that we are going through. I believe extending employee protections is an important and meaningful step for Congress, and I hope my colleagues on both sides of the aisle will extend that to all workers in the future.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. Schroeder].

Mrs. SCHROEDER. Well, Mr. Speaker, I thank the gentleman from Michigan [Mr. Bonior] for yielding this time to me, and I want to say many times I have voted against my side and voted for open rules, and how disappointed I am today to find out that we not only have a gag rule, but we have a choke rule because this side has been totally choked off from offering any kind of amendment or any kind of addition to the reforms. As I look at this reform package, I got to say it is reform-light.

□ 1710

Now, you know, there are some things in there, sure, they are easy, reform them. But the real thing I find people are angry about is the fact that this body operates like a coin operated legislative machine. They are real tired of the guys who have the most coins to put in being the only one to get the legislation out. We dealt with that last year. We passed a bill by 311 votes. We are trying very hard to get that in here.

We also do not deal with many of the other abuses that have gone on in this place. We already last year put everybody under the laws we pass for everyone else. So let us not pat ourselves too hard on the back by doing that again, and let us move on to many other reforms we should be dealing with.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia [Ms. Norton].

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we have heard all day that this is an historic day. For me and for the four other delegates, it is historic as well. Two years ago, for the first time ever, our names were added to the official roster of this House. Today, the rules propose to erase those names.

The courts would not erase them. The courts said that the House could empower the Delegates. The courts said that Members could constitutionally democratize their own House. If the erasures occur, it will be by our own hand and by our own rules.

Oh, that is a bittersweet thing for the Delegates, especially for this Delegate, who represents 600,000 taxpaying citizens.

In 1993 I wrote a legal memorandum that erased for the first time in 200 years part of their plight—paying Federal taxes while having no representation on this floor. Today we are told, forget that. Go back to where you started.

Well, we cannot go back, Mr. Speaker. I ask my colleagues to take a leap of imagination with me and put yourself in my place. Suppose your constituents paid $1.6 billion annually to the Treasury of the United States. Suppose your constituents were third per capita in Federal taxes in the United States of America. Suppose your constituents paid more taxes than each of six states.

How would you feel when you watched other Members vote on your taxes, and I mean local taxes, my friends, vote on your laws, and I mean local laws, my friends, because our local business comes before this House.

The vote to be erased means nothing to this body, but it means everything to the taxpaying citizens I represent. After all, a re-vote will be taken if delegate votes are determinative. You claim that you will democratize this House, and in some measure you will, but not in this measure.

I suspect that the denial today is not an act of meanness, but an act rooted in the partisanship of the past, rather than in the events in which you take such pride today. For you, this was a plot of the Democratic leadership. Forget that, my friends. It was my plot, my memo, my taxpayers.

My Republican friends, I say to you today that there is no need to return to the partisanship of the past now. You have won. Leave it be. Let it rest. Be as gracious in victory as you have been tenacious in earning that victory. Restore the vote to those who live in the houses, in the neighborhoods, and in the city of the great House of Representatives.

Mr. Speaker, editorial opinion from one end of the political spectrum to the other has been unanimous in support of my right to vote. I submit these editorials for printing in the Record.

[From the Washington Times, Dec. 6, 1994]

Taxation, Representation and the District

Two years ago, Republicans picked up 10 seats in the House of Representatives, despite the Democratic victory at the top of the ticket. Not long thereafter, D.C. House Delegate Eleanor Holmes Norton, who had no voting rights in the House, floated a proposal whereby she would be able to participate in all House votes taken in committee, including the committee of the whole, in which most of the House's important work is done, short of final passage of legislation. Soon, however, the four non-voting territorial delegates to the House—one each from Puerto Rico, Guam, the U.S. Virgin Islands and American Samoa—got themselves included in the proposal as well. All five are Democrats, as it happens. And Republicans, with some justification, screamed bloody murder, accusing the Democrats of trying to regain the Democratic majority's rule-making powers half of what Democrats had lost at the polls.

The delegate-voting proposal was subsequently modified such that in votes by which legislation is sent to the floor of the House from the committee of the whole by less than a five-vote margin, another vote must be held without the participation of the five delegates. Republicans nevertheless sued, but federal courts ruled, correctly, that the House itself is constitutionally empowered to propagate such a rule for delegate voting.

Well, now there's a new congressional majority: Republican. So what to do about delegate voting? No doubt there will substantial GOP sentiment for simply undoing what many regard as a blatant partisan powergrab. The matter is worth second thoughts, however.

Republicans take note, for this is an argument that ought to be dear to GOP hearts: There is a major difference between the situation of the District and that of the four territories. It can be summed up in one figure: $1.6 billion. That is the total amount of federal income taxes paid each year by residents of the District of Columbia. It compares with $0 from the four territories. And it is near the very top compared with congressional districts nationwide.

District residents deserve some consideration in exchange. Mrs. Norton's retention of her limited voting powers—which, by the way, hardly constitute "representation" commensurate with taxation—are worthy of serious discussion. And let's also begin the discussion about whether justice wouldn't be better served by a District whose government receives no federal payment—but whose residents are not taxed by the federal government, either.

[From the Washington Post, Nov. 19, 1994]

The Threat to D.C.'s House Vote

Among the galaxy of rule changes expected in a Republican House of Representatives next January, one provision deserves to remain on the books. A House rule adopted early in the current Congress—unanimously opposed by House Republicans—allows D.C. Del. Eleanor Holmes Norton and representatives from four U.S. territories to vote in the House Committee of the Whole, where the bulk of the House's floor business is conducted. But now the House's new leadership says it will revoke the five delegates' limited voting rights. Mrs. Norton has vowed to fight the effort to take away her vote. She deserves to prevail.

The voting arrangement, which was Mrs. Norton's idea, was crafted to ensure the House stayed within constitutional bounds. Under the new rules and in accordance with the Constitution, the delegates do not enjoy full voting privileges. But consistent with the combination of limited powers they already have to introduce legislation, serve and vote on standing committees and debate on the House floor, the House agreed to allow Mrs. Norton and her four colleagues to participate in one more committee—the Committee of the Whole.

To ensure the prerogatives of the House were not weakened, the House adopted a fail-safe device: a member can require that any Committee of the Whole-passed measure must be voted on a second time in the full House, where Mrs. Norton and the other delegates can't vote. So the arrangement is beyond legal or constitutional attack. That isn't only the judgment of the House. A U.S. district judge for the D.C. circuit also accepted the merits of the argument, as did the U.S. Court of Appeals.

There are, however, other compelling reasons for the House to leave the District's voting privileges intact. There is the matter of fairness. Unlike the inhabitants of the U.S. territories, District residents pay Federal income taxes, and on a large scale. The District ranks third per capita in taxes paid to Uncle Sam. Yet when matters critical to the District (which means every piece of legislation passed by the mayor and council) are before the full House, Mrs. Norton must stand by voteless as members from around the Nation register their will.

The voting arrangement, while severely limited in scope, does give Mrs. Norton the chance to register the will of more than 600,000 taxpaying Americans in House debate as she now does in her committee assignments. For victorious House Republicans, in their first exercise of power in 40 years, to take away Mrs. Norton's voting privileges is wrong.

[From the Roll Call, Dec. 22, 1994]

SAVE NORTON'S VOTE

Our first plea to the new GOP majority is likely to fall on deaf ears, but we'll make it anyway: Save DC Del. Eleanor Holmes Norton's vote on the floor. Unlike the other four Delegates who represent US territories in the House, Norton represents federal taxpayers, who pay in $1.6 billion every year to the US treasury but now face the loss of even their symbolic vote in the House's Committee of the Whole.

Republicans have hated the Delegate voting rights since Democrats first granted them two years ago, and when the 104th opens on Jan. 4, they are fully prepared to take them away. But as Capitol Hill's only twice-weekly newspaper, we'd be crazy to agree. "No taxation without representation" still strikes a chord with us.

[From the New York Times, Dec. 31, 1994]

MORE COLONIALISM IN D.C.

Imagine your outrage if the state where you live were suddenly stripped of representation in Congress, even as that very same Congress dictated how local tax dollars were spent and ran local policy—right down to garbage collection.

The taxpayers of Washington D.C. don't need to imagine. Taxation without representation is an insult they live with every day. The incoming Republican Congress wants to add to this indignity by revoking the District's largely symbolic vote in the House of Representatives' Committee of the Whole. That is a colonist idea. Washingtonians and their Congressional Delegate, Eleanor Holmes Norton, are right to be fuming.

With a population of nearly 600,000, the District of Columbia has more people than Vermont, Wyoming or Alaska. But it does not have a voting representative in Congress. Although District taxpayers contribute $1.6 billion yearly to the Federal Treasury—more Federal taxes per capita than in all but two of the 50 states—Washingtonians must beg to use even their *local* taxes as they see fit. Congressmen from all over the country meddle in how locally raised taxes are spent.

Two years ago, House Democrats awarded symbolic floor votes to four previously nonvoting delegates—from the District of Columbia, Guam, the Virgin Islands and American Samoa—as well as to the resident commissioner from Puerto Rico. That arrangement allows delegates to vote when the House meets as a "committee of the whole," which is where it does most of its legislating. But in cases where the delegates' votes made the crucial difference in a close ballot, another vote would be taken without the delegates.

The incoming Speaker of the House, Newt Gingrich, would now strip the four delegates and the commissioner of any vote at all. The Republicans were right to resent the Democrats' transparent effort to add to their majorities, as well as the wasted time involved in having to repeat close votes. But surely Mr. Gingrich can see the difference between the District of Columbia and the territories. The District pays Federal taxes by the truckload; the territories contribute nothing.

The incoming Congress swept to victory by touting a new federalism, promising to make government work for Americans, not against them. Mr. Gingrich also promised to make the House more democratic. A truly democratic Congress can hardly justify denying the District one small voice in the body that controls its every move.

Mr. SOLOMON. Mr. Speaker, to respond to the gentlewoman from Colorado, I yield 2 minutes to no one better than the majority whip, the gentleman from Sugar Land, TX, Mr. DELAY.

Mr. DELAY. Mr. Speaker, I think this is a very interesting process we are going through. Just as we have had to learn to be the majority, I think the minority needs to learn to be the minority. The gentlewoman from Colorado is talking about we have gag rules and choke rules, and the gentlewoman from Missouri said we are not going far enough in reform. I need to remind the minority that they have had 40 years to do this, 40 years to do these kinds of reforms, and they chose not to do any of these.

I also should remind the minority when they were in the majority in just the last Congress, they did not put the gift ban nor lobbying reform in their rules of the House. They went through the normal legislative process, just as we want to go through the normal legislative process on a legislative package like the lobbying reform package. We do not want it in the rules.

But all that aside, when we were in the minority and you were in the majority, the first thing we would do would be to come to you with amendments to ask you to allow us to put the amendments in your packages. We received an 18-page amendment on your motion to commit about 2 minutes before we voted on it.

So if you will come to us and make your proposals to us, then maybe we will accept them. But to just come and bring proposals to the floor without even checking with the majority is not going to get you very far.

Over 60 years ago, this House embarked on a legislative journey that became known as the New Deal. Today this House is beginning another journey. We are in the majority, you are in the minority. I hope that we can work together. I hope you will bring us your ideas, and maybe we can include them in the package. But do not just come up here and throw something out on the floor and expect us to accept them out of hand.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my friend, the gentleman from Texas [Mr. DELAY], whom I like very much and respect, he complained about the amount of time that we did not provide for him and his colleagues on the motion to recommit. I might suggest to him that we will be offering the same ban on gifts to lobbyists as well as the book royalty issue on the next motion to recommit, which will be down the road in about 5 hours. It is about 20 pages, and it should be sufficient time for you to digest it, understand it, and maybe you will accept it. So we hope you will.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, it is unfortunate that while the American people were promised an opening day of sweeping reform and openness in Congress, they instead see the use of restrictive rules to prohibit Democrats from offering amendments to the new so-called reforms.

If today were truly the end of business as usual in Washington, we would be reading headlines about new progress in the fight to help Americans find and keep good jobs to provide for their families, not about $4 million book deals.

Americans voted to make sure that Congress was not for sale. They voted against arrogance, the arrogance of cashing in on public office, of using the majority to require supermajority votes on certain issues, and for open rules that create the open debate we heard promised today in such glowing terms.

We have been denied the chance to make real news here today. I voted for the Democratic motion, which will be offered again. I hope it will be accepted by the Republicans this time to revise the rules to include a ban on gifts from lobbyists and a limit on the income which Members may receive from the royalties on book sales. That was the opportunity for real change. Republicans blocked them.

The SPEAKER pro tempore. (Mr. WALKER). The gentleman from Michigan [Mr. BONIOR] has 4 minutes remaining, and the gentleman from New York

[Mr. SOLOMON] has 3 minutes remaining. The gentleman from New York [Mr. SOLOMON] has the right to close.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I want to talk about a reform we did make. Two-and-a-half years ago in the wake of the problems in the bank and the post office, I served as a member of a bipartisan task force which drafted House Resolution 423, an unprecedented effort to totally eliminate politics and patronage from the administration of the House support operations. I am saddened that on this day of reform, the new majority proposes a change to go back from professional management and businesslike personnel policies to the discredited patronage system.

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However, that is what they are proposing and they have already started to implement it.

Let me remind Members of what we have accomplished. We have created a Director of Non-Legislative and Financial Services, with a mandate to sweep the House clean of waste and fraud and inefficiency. We have provided that both the majority and minority parties must agree on the selection of the director, so that only skill mattered, not politics.

Today we turn back from that in very short time, and we have already started with a totally partisan person to administer the House.

We had an inspector general who was going to report to a bipartisan subcommittee. That is all gone, so there is no more oversight in a bipartisan way of the things that happen in this House.

Mr. Speaker, 2½ years ago in the wake of the Sergeant-at-Arms Bank and the Post Office affairs, I served as a member of the bipartisan task force which drafted House Resolution 423, an unprecedented effort to totally eliminate politics and patronage from the administration of House support operations.

I am shocked and saddened that on this day of reform, that the new majority would propose in this package of rules changes to move back from professional management and businesslike personnel policies to the discredited patronage system. Yet that's what they are proposing and have already begun to implement.

Mr. Speaker, let me remind you what we had accomplished.

We created a Director of Non-legislative and Financial Services with the mandate to sweep the House clean of waste, fraud, and inefficiency. We provided that both the majority and minority parties must agree on the selection of the Director to ensure that only relevant experience and skills would count, not the politics of those who applied.

Today the new majority proposes to turn the clock back to an era of one-party partisan control over everything in the House from the payroll clerks to the telephone operators.

And our reform did not stop there. We created an independent Office of Inspector General to be directed and report to a new bipartisan Subcommittee on Administrative Oversight with equal representation from each party.

Today the new majority kills that bipartisan subcommittee and returns to a partisan oversight committee.

Is this reform?

Why is the new majority rolling back the bold and totally bipartisan approach to managing House support services? One can only speculate that they were only giving lip service to bipartisan professionalism. Now that they are in power, they are abandoning professionalism and grabbing for the spoils of victory.

I believe history will judge harshly those who eat their words from the past so easily without any sense of their hypocritical vote to return to the discredited spoils system.

I urge my colleagues to defeat this rollback to the bad old days.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP], a distinguished member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we begin work today, we have a clear understanding of our purpose for the next 100 days. We have the unique opportunity in this body to set partisan politics aside. The people have told us they want things done differently in the Congress.

They have given a new set of leaders a chance to make things happen, but they have also issued a firm warning to deliver and they are watching closely.

The rules package before us is an important first step in fulfilling our commitment to make this body accountable to those who sent us here. For example, applying the laws everyone else has to live under to Congress; an audit of the House books and reducing the number of committees and staff.

Our goals have been set, our agenda is clear, and now it is up to us to meet those goals and complete our agenda. These first 100 days are going to be hectic but with unity and bipartisanship, they can be historic as well.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, if we believe in term limits on committee Chairs and limits on proxy voting, then we should vote for it. That is the majority way. That is the democratic way.

However, I draw the line when Members start to diminish the value of my vote by requiring a 60-percent rule on anything. That is not the majority way. That is not democracy. That is not any way to treat a minority.

I would submit that it is un-American, it is unconstitutional, and the 60-percent rule by majority vote is un-American and unconstitutional. I ask you to vote against this idiocy.

Mr. SOLOMON. Mr. Speaker, I would just caution the previous speaker about talking about things like un-American. The gentleman did vote for the Democrat rules package last year which required a two-thirds vote.

The SPEAKER pro tempore (Mr. WALKER). Has the gentleman yielded himself time?

Mr. SOLOMON. No.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. SOLOMON. I will stand out of order.

The SPEAKER pro tempore. Does the gentleman from New York wish to yield time?

Mr. SOLOMON. Yes. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I rise in support of the rules package before the House of Representatives, which is the fundamental first step toward restoring the accountability of this House to the American people.

To my colleagues who have recently participated in this debate on the other side, when the gentleman spoke of the diminishment, you begin to diminish your credible standing as a lady and gentleman in the House when you act as if you carry the mantle to an open process.

When I first came to this Congress 2 years ago, I was shocked to see the Congress being run as an undemocratic institution. The 103d Congress was a closed, mismanaged, undemocratic institution. The standing rules of the House were continually waived to avoid accountability.

Fortunately for the American people, that was yesterday. Today I am pleased that this House will adopt a provision that I have advocated requiring the committee chairmen to make every attempt to abide by the House rules and disclose provisions that do not meet those rules, therefore requiring a waiver by the Committee on Rules. By simply following the House rules, we will help bring much needed sunshine, accountability and fiscal responsibility to this body.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has 2 minutes remaining; the gentleman from New York [Mr. SOLOMON] has 1 minute and 15 seconds remaining.

The gentleman from New York [Mr. SOLOMON] has the right to close debate.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, this morning 440 voting cards were issued.

Five did not work. I got one of those right here, courtesy of the new majority, which claims to be democratizing this body.

I rise in strong opposition to the new majority's rules that rescind the privilege of the Delegates voting in the Committee of the Whole. This is not an infringement of States' rights. The Delegate vote is purely symbolic. This is about the inclusion of 4 million American citizens who reside in the territories.

What the Republican majority of the Congress is saying to these American citizens is something that America would never say to the world. Would America tell Haiti, Eastern Europe, and Russia that in order to build a democracy, you first start by separating citizens based on tax status?

This country has broken down barriers of gender, race, poll taxes, in order to perfect the American ideal, and it is wrong to turn the clock back now.

By turning its back on the U.S. citizens on Guam and the other territories, Congress is sending a message that American citizenship is less important than the size of our wallets.

Mr. BONIOR. Mr. Speaker, I yield my remaining minute to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, some of the reforms we are voting today are good, and some I have problems with. The one I want to briefly focus on is the requirement that it will take a 60-percent vote to raise personal and corporate income taxes.

Mr. Speaker, the fact of the matter is that the current tax system in America is highly regressive. Tens of millions of working Americans and middle-income Americans are paying a higher percentage of their income in taxes than are millionaires. Corporations today in many instances that are very profitable, that are taking their jobs to the Third World, are not contributing their fair share in taxes.

Mr. Speaker, it seems to me that if we want a fair tax system, an equitable tax system, majority vote should rule in allowing the House of Representatives to raise taxes on the wealthy and on those corporations that are not paying their fair share of taxes.

The SPEAKER pro tempore. All time has expired for the minority.

The gentleman from New York [Mr. SOLOMON] is recognized for 1 minute and 15 seconds.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we want to expedite this as fast as we can. Mr. Speaker, let me just point out that coming next will be 20 minutes of debate on eight separate sections of title I of this bill. These are the significant changes in the rules over the rules that we have been operating under in the previous Congress, which was the Democratic rules package.

Because these are significant changes, we have chosen to at least offer the opportunity to vote on each of the eight, and that is the debate that we will be starting on in just a few minutes.

I would just point out in closing that this is the most comprehensive, sweeping reform of this House that we have known in over 50 years. I would hope that the body would support the resolution, after we have finished debating the individual sections.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in full support of the Rules Package for the 104th Congress. Last November, the American people sent a strong message that it was time for a change in the U.S. Congress. This important package is the first step toward that change. Implementation of the "Contract With America" will help to restore the people's trust in government. The American people want a Congress that is accountable for its actions, not one that hides behind the laws it passes. This resolution will provide for the most open Congress ever.

I believe it is important to show America that Congress can put its own house in order before dealing with the rest of the Nation's problems. This package will curb many of the abuses that occurred during the minority party's lengthy control of the House. During the campaign, each Republican candidate made a promise with the American people to change this institution. The Contract With America is about putting the people back in charge and not entrenched politicians.

This reform package contains 23 measures that will produce a more efficient and accountable U.S. House of Representatives. Committee staffs will be reduced by one-third, and in some cases obsolete committees will be abolished or merged into other committees. Additionally, the bill referral process has been revamped so that only one committee will now have primary jurisdiction over each piece of legislation. Term limits for committee chairman and the Speaker will also be imposed.

This package represents the most significant overhaul of the rules process since 1974. Virtually all committee business will now be accessible to the public and the media. The horrendous practice of proxy voting will end as will rolling quorums. Additionally, Members will be limited in the number of committees they may serve on, and all committee votes will become public record.

In addition to House procedure, this resolution is taxpayer friendly. Under this package, any income tax increase must now be approved by a three-fifths majority of the House of Representatives. The provisions relating to baseline budgeting and limiting tax increases will help to enforce fiscal discipline in the Congress.

After four decades of one party control, the American people have finally had enough. The American people deserve an open legislative process. Most people would agree that the Federal Government is too big and spends too much. My colleagues on the other side of the aisle have long believed that big government is the answer. I do not. This rules package is the first step in an effort to make government more efficient and more accountable.

The Contract With America will put an end to the tax and spend Congress of the last 40 years. The contract offers the American people an opportunity to restore the American dream that was lost. Most importantly, this package will rekindle the trust between the people and their elected representatives. I urge my colleagues to support the rules package.

Mr. BORSKI. Mr. Speaker, I rise in strong opposition to the provision requiring a supermajority for certain tax increases. This provision is unconstitutional, sets a dangerous precedent and clearly demonstrates the Republican's intent to protect upper-income Americans at the expense of low- and middle-income families.

The "limitation on tax increases" provision would institute, for the first time in the history of Congress, a rule requiring a supermajority vote for the simple passage of legislation. Such a rule, however, runs contrary to the fundamental democratic principle of majority rule. The Constitution clearly specifies the exceptional cases in which a supermajority is required. Greater majorities can also be required for procedural motions, like curtailing debate or suspending the rules. Otherwise a simple majority is the requirement of the Constitution.

Although the Constitution does give the House the power to set its own rules, the courts have long made it clear that this does not mean the House has the authority to change the basic framework of the Constitution.

In addition, Mr. Speaker, requiring a supermajority vote on taxes sets a dangerous precedent that could be used to create similar requirements for other controversial issues. If Republicans can require a supermajority for tax increases, future rules changes would require a supermajority for such issues as increasing spending on defense.

Finally, Mr. Speaker, the "Contract With America" which outlined the 10 legislative initiatives that the Republican candidates promised to introduce if they gained a majority in the House, included a provision to require a three-fifths majority in the House for approval of any tax increase. Now that Republicans are in the majority they have reneged on their contract and changed this provision to apply only to increases in the most progressive of taxes, income and corporate taxes. Increases in more regressive taxes such as payroll taxes and excise taxes, which hurt low- and middle-income Americans the most, could still be approved by a simple majority.

You may recall, Mr. Speaker, that during the 1980s, the Republican administrations followed a similar legislative agenda to the current Republican Contract of cutting taxes for the wealthy, increasing defense spending and trying to balance the budget. However, the deficit exploded as a result of these policies. Trying to recover some of the lost revenues, the Republican administrations increased these kinds of regressive taxes which continue to hurt middle-income Americans today.

By making the most equitable and progressive taxes subject to a supermajority vote, while allowing more regressive taxes, such as excise taxes, to be approved through simple majority, the Republicans are creating rigid new fiscal policy and clearly indicating their intent to repeat the past of protecting wealthy Americans at the expense of working families.

Mr. Speaker, the principle of majority rule is the very essence of American democracy and must be protected by Members of Congress, not sacrificed for political purposes. Therefore, I urge all my colleagues to vote against the supermajority provision which violates this essential principle.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to voice my opposition to the elimination of legislative service organizations [LSO's] in the House of Representatives.

As a member of several invaluable legislative service organizations [LSO's], I know firsthand the important role they have played in analyzing and promoting legislation to assist Members working together on common interests and in pursuit of common goals. In the case of the Congressional Black Caucus [CBC] and the Congressional Caucus for Women's Issues, LSO's have enabled Americans who are significantly underrepresented in Congress to have a more united and more effective voice in the legislative process.

The impact of the Congressional Black Caucus has been dramatic as the CBC has sought to promote an agenda of equity and fairness for African-Americans across the country. The CBC was instrumental in passage of the Civil Rights Act, promoting sanctions against South Africa, leading the fight for disadvantaged business opportunities, expanding the earned income tax credit in the President's 1993 budget, pushing for more positive, preventative activities for youth in the crime bill, et cetera. Without the CBC, it is questionable whether such significant legislative strides could have been made so effectively.

The Congressional Caucus for Women's Issues has had equally remarkable successes as a result of working together to further legislative goals of importance to women and families across the country. Historic changes have occurred as a result of the work of this important bipartisan LSO. Medical research practices at the National Institutes of Health were changed to better assist women, Federal contracting opportunities for women-owned businesses were improved, funding for fighting crimes against women and domestic violence was approved, the Safe Access to Clinic Entrances Act was passed, et cetera.

Mr. Speaker, eliminating LSO's will hurt the many Americans who can't afford their own high-paid lobbyist to argue their cause. The Congressional Black Caucus, the Hispanic Caucus, and the Congressional Caucus for Women's Issues, to name a few, all represent groups of Americans who are vastly underrepresented in the U.S. Congress. In our democratic Nation, all Americans deserve a voice in Congress and with the elimination of these valuable LSO's I am concerned that their voices will no longer be heard. And this, Mr. Speaker, is a reform which we simply cannot afford.

Mr. YOUNG of Florida. Mr. Speaker, I rise today on this momentous occasion to speak to this House and the American people about the events that have unfolded since the historic November 8 election, and to celebrate the reforms we will enact today. What a difference a day makes.

As a Republican, my entire service as a Member of Congress has been in a House controlled by Democrats. In this time I have watched as House proceedings became more and more partisan, and decisions which could effect every American became more secretive and exclusive. I watched the number of committee staff nearly triple while the committees became dominated by special interests and unable to respond to public desires. Republican efforts to reform the system, open up the deliberation process, and clean up the sloppy internal management and corruption were met each time by Democratic arrogance and obstinacy.

On November 8, an overwhelming majority of Americans throughout our Nation rallied behind principles included in a Republican Contract with America, and demanded that reforms making Congress more accountable and effective be implemented. In the wake of that election day, the American people sent a new majority to Washington, a Republican majority, to answer that demand. I rise today to tell the American people we have heard your call. As we promised in our contract, today we begin to deliver.

While many of the provisions in today's reform package are changes Republicans have been promoting for decades, much of our proposal is the product of several weeks of hard work which began immediately after the election. In fact, the Republican Transition Team, on which I was proud to have served, began work almost immediately on changes to the structure and operations of the House. Under the Republican Open House proposal which we released in December, and is included in this package, major changes in the House's administrative operations will be adopted today. These include broadening the powers and staff of the House inspector general, and providing him authority to refer any possible violations to the House Ethics Committee, abolishing the Office of the Doorkeeper which is loaded with hundreds of patronage employees; and ensuring congressional compliance with Federal laws. A major accounting firm will also be hired to conduct a comprehensive audit of the House's finances which will be made public upon completion.

Requiring that Congress complies with the same Federal laws and regulations that apply to the private workplace has long been a goal of mine. In fact, last Congress I was an original cosponsor of legislation, the Congressional Accountability Act, identical to that included in today's resolution. The House passed a version of this act near the end of the 103d Congress, but the measure died because the other body failed to consider it.

Passage of this act underscores that no American should be immune from law or receive special treatment in its application. In addition, this act encourages all of us as legislators to continue to review the burdens that Federal laws place upon us as citizens. The laws which we apply to Congress today include the Civil Rights Act, the Americans With Disabilities Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, and the United States Code on fair labor management relations.

Reducing the amount of congressional staff is also a cornerstone of our reform efforts today. As the ranking Republican of the Legislative Branch Appropriations Subcommittee during the past Congress, I worked to substantially reduce the number of people in the Congress' employ. Unfortunately, Democratic intransigence prevented us from enacting anything more than a 4-percent reduction over 2 years. Today's resolution reduces the number of committee staff personnel alone by one-third, a total of 622, with a potential savings to the taxpayer of $70 million over the next 2 years. How's that for a change.

Another cost-cutting measure included in today's package eliminates legislative service organizations. These Member caucuses which represent special interests cost the taxpayer $5 million a year and take up a large amount of office space. In fact, elimination of the LSO's and their 97 staff positions along with the committee staff reductions may free up enough space so that we can sell off an entire House office building.

The Republican reform package we consider today also makes substantial changes to the present committee system by cutting three House committees and 25 subcommittees, limiting the terms of committee chairs and banning proxy, or ghost, voting. Not since 1947 has a standing committee of the House been eliminated. We'll take three, and if Members wish to vote on legislation in committee, they will have to be present. No longer will baron committee chairs wield the proxies of absent individuals who feel they have better things to do, defeating the efforts of committee members who do their work and care. Finally, committee meetings will be open to the public, ensuring fairness and accountability. We can all recall the day when Democrats in the House Ways and Means Committee voted for the controversial retroactive tax increases in the Clinton budget behind closed doors, barring the press and the public from their proceedings. Passage of this package will put an end to those shameful days. Under the Republican majority, the sun will shine in.

In the context of truth and accountability, Republicans have also included in their reform proposal a truth-in-budgeting requirement which will have an enormous impact on the public's understanding of Federal spending. Under past budget rules, an increase in spending was often called a budget cut if it wasn't more than inflation and other specified increases would cause. That's like saying we are reducing spending by not spending more than we already spend.

The new House rule stipulates that if you spend more money in one year than you spent the year before, it is an increase. Spending may rise because of an increase in inflation, but the fact is that it will be recognized as an increase. There will be no more Mickey Mouse budgeting. In this Congress, the truth will be told and the public will know.

The final provision of today's historic House reform package is one that will positively affect the lives of every American by making tax hikes more difficult. This Congress will require a three-fifths vote of the House to pass any income tax rate increase and will prohibit retroactive taxation of income. This supermajority requirement is quite similar to restrictions voters have imposed on numerous State legislators, and stands in stark contrast to past Democrat rules which require a supermajority to cut taxes. Another beneficial aspect of this new rule is that any future Congress seeking to get around it would have to change or waive the rule, providing a warning sign of impending tax boosts.

Mr. Speaker, with this past election we saw the results of an American public outraged with the business-as-usual attitude of a Congress controlled by Democrats for 40 years. The message from an electorate tired of false messages and empty promises was clear—no more. Today's actions are the first step in fulfilling the promises made in our Contract with America, and represent more congressional reform than the public has seen in decades. They are not an end, but a beginning of a Congress more open, more accountable, and more responsible than ever. A Congress which will listen to the people, speak frankly in response, and spend no more than it needs to serve the people it represents.

Mr. PORTER. Mr. Speaker, I strongly support the overall Republican House rules package. It makes many badly needed and long overdue reforms in the way this House operates. I believe those reforms will help Congress regain the confidence of the American people, something which has been lacking for far too long due to the complacency of previous Democratic congressional leaders. However, Mr. Speaker, I am concerned about the provision in the package which would require a three-fifths supermajority to pass income tax rate increases.

Mr. Speaker, the Constitution designates seven specific instances in which a supermajority is needed for Congress to take action. Those cases include override of a presidential veto and the Senate's approval of a treaty, among others. Other than those seven cases, however, the Constitution clearly establishes a Congress which operates on the basis of simple majority rule. I therefore have great reservations about whether such a provision should pass constitutional muster. This obviously, ultimately, would be a question for the judicial branch to be resolved in the course of litigation challenging the constitutionality of our rule. My vote for this change in our rules, then reluctance and while strongly supportive of the provision preventing retroactive tax increases, is made with great reservation regarding the constitutionality of the provision requiring a supermajority to pass income tax rate increases.

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 6 adopting the Rules of the House of Representatives for the 104th Congress. This bill adopts many changes in the Committee system, particularly in the provisions of Rule 10 that govern the respective jurisdictions of the Committee on Commerce and the Committee on Banking and Financial Services.

The language of proposed rule X governing the jurisdiction of the Banking and Financial Services Committee makes clear that the Banking Committee has primary authority to review legislation that governs bank securities activities. The Rule draws an exception to that jurisdiction, however, that reflects the operation of existing law. The activities of any bank, any separately identifiable department or division of a bank, any affiliates of a bank, or any persons associated with a bank or affiliate, for example broker/dealers, municipal securities dealers, or mutual funds just to name three, that are regulated under the Federal securities laws, will continue to be subject to the primary legislative jurisdiction of the Commerce Committee. This is what is referred to as functional regulation.

Furthermore, recognizing the particular nature of institutions whose deposits are insured by the Federal Government, there is an exception to this exception. The Banking Committee will share jurisdiction over these entities regulated under the securities laws with regards to legislative provisions that are intended to protect the safety and soundness of the depository institution.

I favor this approach to the jurisdiction of the respective Committees because it reflects an agreement reached by and between me and my two good friends, Speaker GINGRICH and Chairman LEACH. It is may hope that the wording of H. Res. 6 will result in an elimination of the bottlenecks that have prevented the House from passing comprehensive financial services reform legislation. It is of critical importance that the regulation of the financial services industry be reformed to allow banks to enter the securities business and brokers to enter the banking business on an equal footing. I look forward to cooperating with Chairman LEACH in enacting legislation to accomplish that goal during the 104th Congress.

Mr. BONILLA. Mr. Speaker, I rise in support of the Rules package under consideration today. I urge my colleagues to support this package because it represent real reform. Reform I have been calling for since my first election 2 years ago. Reform the American people have been calling for—for far too long.

This Rules package contains reforms promised in the Contract With America and its passage will represent a promise kept—a refreshing change for Congress. Let each and every one of us here in Congress today recommit ourselves to keeping the promise made in the Contract With America. The American people will judge us by our success in meeting this commitment. Let us not fail their trust.

The process which developed this Rules package was remarkably open with all Members of differing seniority and differing perceptions having the opportunity to help draft this remarkable reform document. I salute the new Chairman of the Rules Committee, the Honorable GERALD SOLOMON, for his openness and dedication which produced this product.

I personally experienced Chairman SOLOMON's commitment to openness when I proposed a ban on commemorative. This Rules package prohibits the introduction or consideration of any amendment, resolution or bill that expresses any commemoration of any specified time period. The days will finally end when the Congress spends the people's time considering such legislation as "Mule Appreciation Day." Chairman SOLOMON welcomed my suggestion to prohibit commemorative legislation and committed himself to working with me on it. I am proud to have drafted the language which served as the base for the legislative language included in the bill for consideration today.

I also want to express my thanks to my new freshman colleagues who have made the commemorative ban a reality. You freshman have provided us with the majority to pass this reform bill and you freshmen have made this proposal a priority by obtaining the Republican Conference's endorsement of a commemorative ban. Thank you all very much.

I am proud to have played a small role in developing this remarkable legislation. I urge my colleagues to join me in voting to keep our promises, to listen to the American people and to support genuine reform. My colleagues, please join me in voting "yes" for this vital legislation.

Mr. ARMEY. Mr. Speaker, this agreement addresses the intent of the Chairman of the Committee on the Budget and the Chairman of the Committee on Government Reform and Oversight concerning the jurisdiction of each committee over the congressional budget process. It is not intended to address jurisdictional issues involving the budget process between the Committee on the Budget and the Committee on Rules.

Paragraph (1)(d)(2) of rule X, relating to all concurrent resolutions on the budget and other measures setting forth budget totals for the United States, affords the Budget Committee legislative jurisdiction over the establishment and adoption of the congressional budget resolution, whether joint or concurrent. This extends to any statement setting forth a balanced budget as required by an amendment to the United States Constitution, or a capital budget or joint/capital operating budget, if mandated.

Paragraph (1)(d)(3) of rule X affirms the Budget Committee's primary jurisdiction over budget terminology and secondary jurisdiction over other elements of the congressional budget process, such as those currently provided for in the Congressional Budget Act. This includes: The budget resolution, timetable and accompanying report language; committee allocations; and the reconciliation process. This paragraph is not, however, intended to provide the Budget Committee with jurisdiction over the following: process changes in Federal rescission or impoundment authority; process changes in the submission of agency performance plans or reports, or agency regulatory plans, reports or reviews as part of the budget process; or process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, this paragraph is not intended to provide the Budget Committee with jurisdiction over special funds, accounts or spending set asides created to reduce the deficit.

Paragraph (1)(d)(4) of rule X is intended to provide the Budget Committee with jurisdiction over measures to control spending, the deficit, or the Federal budget. The Budget Committee's jurisdiction will include the establishment, extension and enforcement of mandatory and discretionary spending limits; Pay-As-You-Go requirements for legislation that increases the deficit; and special budgetary mechanisms to control spending, the deficit or the Federal budget. The Budget Committee will have jurisdiction over Federal sequestrations, including sequestration rules, special rules and exemptions. The Budget Committee is intended to have jurisdiction over the selection of programs subject to spending controls, the determination of the numerical level of those controls, and the enforcement of the controls.

Paragraph (1)(g)(4) of rule X is intended to retain the Committee on Government Reform and Oversight's legislative jurisdiction over: measures relating to process changes in Federal rescission or impoundment authority; measures relating to Executive agency budgeting, including the submission of agency performance reports or plans, or agency regulatory plans, reports or reviews as part of the Federal budget process; measures relating to Executive agency financial management; and process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, the Committee on Government Reform and Oversight retains jurisdiction over special funds, accounts and spending set asides created to reduce the deficit.

Mrs. CLAYTON. Mr. Speaker, as we begin our work this year, let us remember that our first responsibility is not to the parties to which we belong, but the people we represent. It is for that reason that I rise in support of congressional reform and in support of several parts of the proposed rules package. I believe the majority has structured some important changes to the way we function, and those changes should not be rejected by Democrats simply because they are offered by Republicans. At the same time, we must be forever mindful that no Member in the Chamber has a premium on what's best for this Nation. We all have a contract with America.

What makes us a great Nation is the compassion we show for those who live in the shadows of life. We are strong because historically we have been able to make a place for all who live here, including those least able to help themselves—the young, the poor, the disabled. In this time of increased scrutiny, we must examine each and every program, but we must also consider each and every person affected by our changes. We must ask the question: Who is helped and who is hurt? And, at the end of each day, we must be honest about whether our actions helped the many in need or the few in clover. President Kennedy said it best, 34 years ago, when he stated:

> A country that cannot help the many who are poor cannot help the few who are rich.

The contract to which each Member of this Chamber is bound, is to work in the best interests of the American people. On election day, we offered our services to this great country, and voters accepted our offer, from Rocky Mount, NC, to politically important New Hampshire, across the United States, past the vast stretch of Texas, to the Silicone Valley of California. We all have a contract with America.

That contract involves being open to the challenge of change. I support many of the reforms offered in this rules package, and I will vote for those reforms. We must get beyond partisan politics and move to the high ground of principle. This is a new day and a new time.

There are problems which we face that transcend party and politics. Teenage pregnancies stifle an entire community. Violence of any kind, whether driven by drugs or propelled by deep philosophical differences, cannot and must not be tolerated. Economic justice must ring true, this Congress. From the center-city youth, to the long-termed unemployed, to the small farmer who helps feed America, there are great expectations. No child should face hunger in this land of plenty. If welfare reform is to have any significance, we must combine with it a meaningful jobs program. With a meaningful jobs program, there would be less urgency for another crime bill. Instead of calls to "take back our streets", there should be calls to give our streets back to the average, hard-working, God-fearing citizen. Family reinforcement and restoration of the American dream must include all families, not just those with lots of money. If our citizens are secure, our Nation will be secure, more secure than Star Wars could ever make us. And, emphasis on our senior citizens is well-placed. From the sunrise of life to its sunset, Americans should feel safe and secure and well-served by Congress.

I too believe we can make our Government smaller, yet more efficient and more effective. That is why I applaud and will support several of the reforms offered by the majority.

But, real reform must include an end to gag rules. There are important amendments that would be offered, amendments designed to improve and perfect this rules package, but Members are muzzled because the majority has insisted on a closed-rule for this debate.

No Member can offer an amendment on the gift ban, for example. That is an issue that we debated and supported last Congress. If we are to be leaders, we must also lead in following the rules under which we are governed. In this House, we have resolved that no Member should be enriched beyond what the people pay. That resolve should not end with the Speaker, it should begin with him. One is left to wonder why, if they are truly interested in reform, the majority is determined to restrain the rest of us?

I will support term limits on the Speaker and committee chairs; the cost-saving provisions to eliminate certain committees and cut committee staff; the open government provision of a verbatim CONGRESSIONAL RECORD; the prohibition on committee assignments; the ban on proxy voting; and other streamlining measures. Those are thoughtful reforms that have been offered by the majority.

But, I will continue to stand up as part of the loyal opposition when I believe pomposity, audacity, and duplicity confront us. No party or person here has an exclusive on such things as family values and personal responsibility. Those are standards I absolutely hold dear. And no party or person should be able to take the right to speak and participate from any of us. Too many have sacrificed for that precious liberty. Let no one forget. We all have a contract with America.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to the rules change which would require a 60-percent majority to pass an income tax increase.

For over 200 years parliamentary rules of the House have conformed to the principles established under the Constitution of the United States which provide for rule by the majority.

Majority has always meant one more than 50 percent of the House.

The Constitution originally recognized only five instances wherein a two-thirds vote was required: To impeach, override a veto, pass constitutional amendments, ratify treaties, and expel Members of the House. In no case was it contemplated that a 60-percent vote be required to pass legislation. Ordinary law-making has always required only a simple majority vote.

The Senate rule with regard to getting 60 votes to stop a filibuster is purely procedural. It is not a requirement to pass a bill. It is a requirement only to take it up. The House allows bills to come up under suspension of the rules with a two-thirds vote, but provides that failing that it may come up in regular order with a rule.

The rules that govern the operation of the House cannot supercede the U.S. Constitution. The House cannot by a majority vote alter the force and effect of the U.S. Constitution and how it has been interpreted for the past 200 years. To change that requires a constitutional amendment.

The new majority of the House that has well pleaded its case of fairness, should follow its own advice.

Of course with the Republicans in charge of the agenda in the House, it is not likely that an income tax increase will come to the floor for a vote. That being the case there will not likely be a test of this supermajority rule under their tenure. And of course since this is only a Rule of the House of Representatives, when the Democrats return as the majority party this rule can be expunged.

It is highly irregular to allow a fundamental change in how a bill becomes law to be effected by a change in the rules of the House. This circumvents history, tradition, and parliamentary precedents, all of which form the basis of the provisions in the Constitution of the United States which set out when and only when a supermajority would be required. That is the only logical interpretation and explanation as to why the Constitution bothered to set down the instances when such super majorities would be in order. If it was intended that the Congress could alter these at will each time the Congress convened a new term then it would certainly not have taken the time to make this explicit in five cases.

Quite the contrary, the writers of the Constitution knew the mischief that supermajority votes, the so-called minority rights protections, could do to the governing of our country. To assuage the small States they deliberately created the Senate with the guarantee of two votes no matter the size or lack of population. But in the House majority rule concepts had to be safeguarded as fundamental to the true definition of the "peoples' House." To abrogate the rule of simple majority and create a super minority in the House as well would greatly alter the balance of power and dilute the voting power of each Member.

The Constitution is the fountain and spirit of our democracy. Its foundation should not be uprooted by procedural rules changes designed for political gamesmenship where it is clear that under no circumstances with this majority will there be any likelihood that an income tax increase bill will be reported to the floor.

I urge this House to uphold the Constitution and vote down this blatantly political maneuver intended to depict all who stood up for the Constitution to be those who would vote for an income tax increase.

It is tyranny when the majority sacrifices the principles of the Constitution to make a political point.

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Mr. SOLOMON. Mr. Speaker, at this time, I yield back the balance of my time, and expect to go on to title I of the bill.

The SPEAKER pro tempore. All time for initial debate has expired.

Pursuant to House Resolution 5 the question is divided among each of the eight sections of title I and title II, and the previous question is ordered on each portion of the divided question.

Section 101 is now debatable for 20 minutes. The gentleman from Michigan [Mr. CHRYSLER] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1994 I pledged to my constituents that we would restore accountability and responsibility to the U.S. House of Representatives. Today we embark on that journey. The American people were sincere in their demand for change for this country, and their Government in particular.

In response to this clarion call for a change, the 104th Congress will not just change its politics, but more importantly, we will restore the bonds of trust between the people and their elected representatives. If we are to change the Federal Government as the American people have asked us to do, then we must begin with ourselves. We can not and must not ask any department or branch of Government to do anything that we are not willing to do ourselves.

It will take a smaller Congress and committee structure that can act decisively to accomplish all of the things that will be necessary to fulfill our Contract With America in the next 99 days.

A streamlined Congress is integral to an efficient Congress. When this debate is over, this bill passed, committees eliminated, and committee staff reduced, I am confident that the House of Representatives will be a more effective and efficient institution.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, a vote for the three-fifths tax proposal is a vote to keep the gravy train running for fat cats and millionaires. It will make it more difficult to lift the burden off those who need tax relief most, working Americans.

Under this proposal, it will be much tougher to touch the $200 billion a year in corporate welfare that big business is handed through tax loopholes and tax exemptions, and tax fairness will be harder to achieve because this proposal will put a virtual lock on tax cuts that the super-rich received in the 1980's.

The new majority should be embarrassed that it is promoting a middle-class tax break while pushing changes that will make it more difficult to obtain tax fairness.

I urge a "no" vote for this misguided proposal.

The SPEAKER pro tempore. (Mr. WALKER). The gentleman from Michigan [Mr. CHRYSLER] is in control of the time. Does he wish to yield?

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

On November 8, 1994, the American people sent a loud, clear directive to Washington, DC.

The people have demanded a smaller Government that runs more efficiently and costs less money.

The American people know that wasteful, inefficient Government spending, leading to huge deficits and debts, is not an acceptable legacy to leave our children and our grandchildren.

This rule change does three significant things:

First and most important, it fulfills promises made by myself and many of my colleagues to the American people. This starts the long process of restoring the integrity of this institution that was envisioned by our Founding Fathers.

Second, this rule forces Members of Congress to set an example for the rest of Government. This institution can and will be run more efficiently.

Third, this rule will save the taxpayers of this Nation millions of dollars annually.

It is an honor and a privilege to serve our country as a part of this Congress. This privilege brings with it an awesome responsibility that I take very seriously.

If we in this Congress are to bring about the significant changes demanded by the American people, we must start with ourselves. That is why today I speak in support of this rule change designed to do what the people have demanded—make a smaller Government that runs more efficiently and costs less.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I would like to begin my remarks by applauding the majority for a host of the reforms that they have put forward for us to consider here today. Among them, the reductions in committee staff, banning proxy voting, and limiting the tenure of chairmen. I think many of these proposals are moving this Congress and this country in the right direction.

I am disappointed, however, in an area where there is a glaring omission and a gaping inconsistency and I would hope that we could dialog here on the floor even though it is a closed rule to see if you might be receptive to some type of cooperation on this in the future.

I have introduced legislation in the previous Congress, H.R. 1945, that was cosponsored by the gentleman from Michigan [Mr. UPTON] on your side, the gentleman from Georgia [Mr. KINGSTON], the gentleman from New York [Mr. SOLOMON] and many others that would have taken excess funds from our personal offices when we saved them and applied those directly to the U.S. Treasury so that we can reduce the deficit.

I have returned over $650,000 in the last 4 years. I think many other Members in this body have done better than I have done and should be applauded for those efforts. But I would hope that this contingency fund would be addressed in this proposal. I would hope that you would be receptive to addressing this in a fair and judicious manner here today or explain why it was not addressed in this rule change.

Here is something that is important to the American people. As small businesses are tightening their belts, farmers are trying to make decisions to invest now or cut back for investments later, families are sitting down at the end of every month to make decisions on their budgets, and many of us are cutting back on our personal staffs, why can there not be a provision in this bill to allow that money to go directly to the U.S. Treasury? That might encourage other Members to do so.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. THOMAS] has expired.

Mr. ROEMER. Do I get an answer, Mr. Speaker?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS. If the gentleman gets time on his side, I will be happy to respond, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from Michigan [Mr. CHRYSLER] is recognized to yield time.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, a key ingredient of the new Republican majority's rules package is the elimination of approximately 30 subcommittees in the House of Representatives. There were 101 House subcommittees in the 103d Congress. Today, under the new Republican majority in the 104th Congress, the House will function with 30 percent fewer subcommittees.

Fewer subcommittees will help to consolidate decision-making and impair the ability of special interests to dominate the agendas of committees. The end of proxy voting in subcommittees will mean that Members of Congress must show up to work and vote in person. Further, Members will be limited to serving on no more than four subcommittees and, when those subcommittees meet, the public will be invited.

Mr. Speaker, the subcommittee reforms that the House will vote on today will mean fewer staff, less taxpayer money expended on duplicative and unnecessary staff and office expenses, less bureaucracy, less gridlock, less special interest power, and more accountability to the voters. These reforms are long overdue, and they deserve our support.

Mr. BONIOR. Mr. Speaker, I yield myself 30 seconds, just to add to what the distinguished gentleman from Virginia has just stated and to make the point that the reduction in subcommittees and full committees was started in the last Congress by the Democratic Party. We eliminated 16 subcommittees in that Congress again and we also, as Members know, eliminated 4 committees in that Congress as well.

What is happening today is not new but in some instances is welcomed.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, let me say that in this package, there is really less than meets the eye. There is not very much wrong with it. The problem is not what is in the package but what is not in the package.

The problem is that after every one of these reforms is passed, the lives of the average American will not be made very much better. And so any claims that the millennium has arrived because we have passed something like this are grossly overstated. It is not that it is bad, it is just that the claims for it are exaggerated.

Let us go through them one by one.

Cutting committee staff by one-third. Fine. But what about the millions of Americans who either do not have jobs or the tens of millions with job insecurity?

Baseline budgeting. Great. But you have still got to cut. You cannot just change the baseline.

Term limits for committee chairmen. It does not matter how long they stay. It is how good they are. If they are good, they should stay a long time. If they are bad, three terms is too many.

Opening all meetings to the public. That is already done.

Three-fifths voting for tax increases. Well, does this mean that we are going to see taxes simply reduced on the rich? What about saying that we should not reduce taxes on people who make above $250,000 without three-fifths so it is harder to reduce taxes on the very rich and we can make sure the tax cuts go to the middle class who we are supposedly all talking about?

□ 1740

Audit of the House, no problem. Finally, the remainder of the rules package is all rather trivial.

So the bottom line, my colleagues, is very, very simple. This package is a small step forward, fine. I welcome it and I will vote for much of it. But anyone who goes away saying the millennium has arrived, that this is a revolution or that the average citizen in Peoria, IL, or in Yakima, WA, is going to be better tomorrow because this package has passed is sadly mistaken.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, to cut committees, whether it is a profit margin in a business or whether it is the burden of closing bases or the infrastructure this has taken away from the central source, or whether it is from the Education Committee, I would say to the distinguished Whip we only get about 23 cents out of every $1 down to education. I have a head of a committee that is in charge of about $30 billion, but if I have $1 billion for say child nutrition, and I divide that into 52 States, and every city in that State has services, then I have 40 programs for children's nutrition, and all of those have a bureaucracy which takes away the benefit.

What I am trying to do is get the money down to the children and into the classrooms and pay for the teachers. Let us eliminate the bureaucracy. If Head Start works, let us get it fully funded. If child nutrition works, let us fund it. But what we need to do is to eliminate the middleman, and in this case the Federal employees, the staff that is taking away and causing tax dollars and, yes, Federal pensions down the line, let us eliminate them and I think that will help.

Mr. BONIOR. Mr. Speaker, I yield myself 30 seconds just to say to my friend from Michigan [Mr. CHRYSLER], I have not had the chance to congratulate him. He is a new Member from our State, and I congratulate him on his election and for being with us today, and for the outstanding way he is handling this portion of the debate.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FATTAH], another new Member.

Mr. FATTAH. Mr. Speaker, I had not planned to speak today on the first day in the midst of what probably appears to most Americans as partisan gamesmanship. I do, however, think there is something sinister about one particular part of this reform package, and that is on this that has been called a historic day that there are Members of this Congress who are going to cast a vote to deny the U.S. citizens in the District of Columbia and in the territories their voice and their vote on the floor of this House.

Being a Congressman from Philadelphia where we see people talk about it being the birthplace of our democracy, I would not want to be silent at a moment like this. I think that it is wrong. I think as we think about the taxpayers here, and the young people in Guam and the other territories who have fought and died for the freedoms of this land, for any of us to feel comfortable with casting a vote to take away their voice on this floor, that is wrong.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Speaker, I became a Member of the 104th Congress to develop a sincere way of changing Congress as we have known it throughout these years. Part of that change includes shrinking the bureaucracy within Congress itself.

In 1950 this body functioned with 93 committees and subcommittees. Today there are 185 committees and subcommittees, twice as many as in 1950.

Between 1945 and 1993 the number of committee staff grew from 159 employees to 2,231, an increase of more than 1,300 percent.

The American people demand that Congress lead the way in reducing the size of Government. The people of the First Congressional District in Kentucky and all over this country want an efficient and responsive Government. But good government does not necessarily have to mean big government.

That is why I stand here today to support reform proposals to reduce committee staff by one-third, to eliminate three standing committees and 25 subcommittees. I urge Members' support.

Mr. CHRYSLER. Mr. Speaker, I would like to thank my colleague from Michigan, Mr. DAVID BONIOR, for his kind remarks.

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. BONIOR. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, it is interesting that as the new minority the Democrats, in terms of complaining about process, have failed to really address one of the more fundamental reforms which is clearly in front of them. Long before we wound up winning we said that this institution should give first, that one of the things we should do is cut back on the size of committees. We tried a number of initiatives when you folks were in the majority and we failed miserably.

We simply said we are going to cut staff by one-third. Is one-third a rational number? Is it going to cause real problems? We have discovered that it is not very difficult to cut by one-third. We are cutting staffing by one-third. We are probably going to do better than that, actually, as we assign the numbers to the various committees.

We also shrank the number of committees. Did we shrink enough committees? Did we eliminate enough committees? We do not know. What we said was at the outset we would cut them by one-third. That is our initial offer. I believe by the end of the 104th we are going to find that we can do better than that. Democrat Members are complaining because we do not do more. Why did they not do it when they had the chance?

The gentleman from Indiana mentioned the contingent fund. He needs to know his party eliminated the contingent fund as an appropriation item several Congresses ago. The rules changes also eliminate references to the so-called contingent fund in this section as well as in the section regarding the jurisdiction of the Committee on House Oversight. No change, however, is intended regarding the Committee on Oversight's jurisdiction over the accounts that comprised the contingent fund. Similarly regarding privileged reports, the Committee on Oversight will continue to have leave to report at any time on matters of expenditure of the accounts that comprised the contingent fund, such as the committee funding resolution.

The gentleman from Indiana wanted to know why if he saved money out of his account it could not be returned to the Treasury. I will tell the gentleman that I am sympathetic with that position, but it is much more difficult than that, because in the past the Appropriations Committee did not fund 100 percent of the expenditures available to Members. They funded about 90 percent of it, assuming Members would not spend the 100 percent amount. If the gentleman spent 85 percent, he was funding those who spent 95 percent, and therefore if every Member spent the maximum amount available to them, in fact, that fund would be overspent. So in reality the Member does not get a pile of money out of which they spend. There is a general amount available. The Members draw on that amount, and that amount is significantly less than the total amount available for all Members to spend.

I am more than willing to work with the gentleman in trying to resolve the problem of Members who husband their resources in a meaningful way, having it go to a worthwhile cause more so than someone else who is more profligate with the taxpayers' money. I am open to any suggestions and am more than willing to work with the gentleman from Indiana to carry out the goal and the thrust of his concern, and that is to make sure that Members who husband the taxpayers' resources somehow get rewarded instead of being fodder for those who overspend.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I am happy with the gentleman's cooperative spirit here, but would say he is willing to tackle the committee staff reductions, and I applaud that and will vote for that, but we should also tackle the personal staff issue. For Members like myself and many others who have returned $650,000 through the years, we do not want that money spent on other Members going over their mail accounts.

□ 1750

When you decipher what you have just said, we want to be able to have that money go to the U.S. Treasury, and a simple sentence in this provision, if it was not a closed rule, could say unspent personal office funds shall be directed to the U.S. Treasury out of our accounts.

Mr. THOMAS. I would tell the gentleman that, as the ranking member of the Committee on House Administration in the last Congress, I have worked over the years to make sure that the Members' accounts were not only more flexible but that there was not more spending than was necessary. As the chairman of the Committee on House Oversight, which is the continuation of the former Committee on House Administration, your concern about Members' accounts is going to be addressed by this new majority, and legislation is being drafted as we speak to get to a problem which we have both shared under the previous majority, we tried to get them to change over and over again and they would not.

We are going to.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in opposition to the proposed House rule to impose a supermajority—60 percent of Members voting—requirement for tax rate increases. I believe this proposed rule is inconsistent with the oath we took earlier today to support and defend the Constitution of the United States. The Constitution clearly states that decisions of the Congress are to be based on majority rule. This proposed House rule is in clear violation of the constitutional principle of majority rule which is at the core of our democracy.

Mr. Speaker, this Congress will consider fundamental issues about taxing and spending. Such decisions are the central responsibility of a democratically elected Congress.

This proposed rule is designed to stack the deck against tax increases for the wealthiest Americans while at the same time imposing no such requirement for increased user fees or excise taxes, which disproportionately affect low and middle income Americans. As a result, progressive taxation would require a supermajority while regressive taxation would not. The Republican Party has a long history of acting to protect the wealthiest Americans at the expense of average Americans. This proposal is Republican business as usual.

WILLIAMS COLLEGE,
Williamstown, MA, January 3, 1995.

Hon. NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. GINGRICH: As a fellow historian and political scientist, may I urge you not to go ahead with the proposal to amend rules to require a three-fifths vote to increase income tax rates.

As a matter of *principle*, majority rule lies at the heart of our democracy. It is the most representative process; and departure from it grants authority to a minority—the antithesis of democratic society.

As a matter of *practicality* it is the most representative process that also permits decisive action, under a two-party system.

As a matter of *propriety*, bypassing majority rule would set a precedent for any minority to hold the majority hostage—today on tax hikes, tomorrow on economy bills, etc. It is dangerous for one side to use an improper weapon against the other side, encouraging each side to use it in the future, to the detriment of the general welfare.

Sincerely,
JAMES MACGREGOR BURNS,
Woodrow Wilson Professor of Government, Emeritus.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this amendment.

Mr. Speaker, people all over this country now are contemplating going on a diet after feasting during the holiday season. I think it is only appropriate that this body consider doing the same thing.

Two years ago there were some 2,231 House committee staffers. That is more than five committee staff people for every Member of this body.

In the next few months we are going to be asking the American people to go on a diet as we seek to reduce Federal spending and cut back on Federal programs that affect them. Have you ever seen an advertisement for a weight loss program where the spokesperson was overweight? How can we, with any sense of responsibility, talk about a balanced budget and deficit reductions unless we first show some responsibility in reducing the size of House committee staffs and, in the process, save approximately $30 million per year in the process?

I rise in support of this proposal.

Mr. BONIOR. Mr. Speaker, I yield the remainder of my time, 1 minute, to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I applaud the House for undertaking these proposals, many of which I campaigned for and many of which I support and will support today.

But I have to agree with my colleague from Indiana that I think we should include his legislation to make some of these cuts real.

Unlike my colleagues in the majority, I have gone beyond supporting cuts in committee staff to making cuts in my personal staff, and that is hard to do as a new Member. I think it is important, and like my new colleague from Kentucky who spoke from the other side of the well said today, it is important we show the American people we are willing to lead on cutting the deficit. I have taken that; the gentleman from Indiana has offered legislation which would do that, and I think we should include it.

Mr. CHRYSLER. Mr. Speaker, I yield myself 30 seconds, the remainder of my time.

Today we will put an end to confusing, overlapping committee jurisdictions. Three full committees and 25 subcommittees will be eliminated; today we will cut staff 34 percent, saving the taxpayers almost $45 million.

I am pleased to be part of the beginning of this process.

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired.

The question is on section 101 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CHRYSLER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 12, not voting 5, as follows:

[Roll No. 6]

YEAS—416

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
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Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—12

Abercrombie
Clyburn
Collins (MI)
Dellums
Fattah
Hastings (FL)
Hilliard
Johnston
Meek
Owens
Williams
Wynn

NOT VOTING—5

Clinger
Cubin
Frelinghuysen
Roukema
Velazquez

☐ 1811

Mr. WYNN changed his vote from "yea" to "nay."

So section 101 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CUBIN. Mr. Speaker, with regard to rollcall vote number 6 on section 101 of House Resolution 6, I would like to clarify that I voted in support of the reforms to reduce the number of committees, subcommittees and number of staff. However, I was just informed that my vote was not officially recorded on the vote board. I wish to make clear that I voted "yea" on this vote.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, I regrettably missed rollcall vote No. 6, requiring committee staff reductions of 33 percent. If I had been present, I would have voted "yea."

I strongly support section 101 of the House Rules committee reducing committee staff by one-third. As chairman of the Government Reform and Oversight Committee, I feel this is a reasonable provision that allows Congress to set an example while saving tax dollars. Although the Government Reform and Oversight Committee absorbed the Government Operations, District of Columbia, and Post Office and Civil Service Committees, we have successfully managed to cut the committee's staff by nearly 50 percent without jeopardizing its capacity to carry out its legislative and oversight functions. I support this measure because it sends a strong signal to the American people that we are serious about making the Federal Government cost less and work better.

The SPEAKER pro tempore (Mr. DREIER). Section 102 is now debatable for 20 minutes.

The gentleman from South Carolina [Mr. SANFORD] will be recognized for 10 minutes, and the gentlewoman from Connecticut [Ms. DELAURO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my parents raised me to tell the truth. They taught me that hiding behind misleading words was the same as telling a lie, and as our Nation is threatened by the debt as it spirals out of control, and as I look at my two small boys, I realize that they, and maybe even their children, will have to pay for our refusing to meet our responsibilities.

The question before us, though, is what do we do about it? One of the things we can do today is pass this rules change.

As my colleagues know, for years we heard about budget cuts, yet spending keeps growing bigger. Why is that? Well, in the past, Mr. Speaker, the way Congress worked was that, if we had $150 billion of proposed new increases and made it $50, we called that a savings of $100. My colleagues and I know that's an addition of $50. That is the equivalent of my going down to the corner bait and tackle shop in Murrells Inlet, SC, looking at a rod on sale for $50 that is normally priced at $150, and saying, "OK, I'll buy it." I walk home, walk into the house and say, "Jenny, I just saved the family a hundred dollars."

She says, "What are you doing with a new fishing rod?"

I hold it up and say, "It was priced at $150, and I bought it for $50. I saved the family a hundred dollars."

She says, "Absolutely not. You just spent $50."

Mr. Speaker, passing this action is what the American public wants. It is essential if this House is going to be honest with the American people, and I strongly urge every Member of the House to support this small step toward common-sense budgeting.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, we all want to cut the budget, we all want to reduce the deficit, we all want our constituents to pay less taxes. But eliminating baseline budgeting is not the way to go. The budget baseline predicts future spending in Government programs, Federal programs. It is, of course, an account of inflation. But it also registers population changes, the business cycle, interest rates, to name just a few variables.

☐ 1820

It is not just the indexing of inflation. For example, the baseline for Medicare includes not only an inflation adjustment, but the estimate of how many people reach each year 65 years old. For example, we must know and have to plan for when the baby boomers meet 65 as an age and they go on Medicare. It is very significant that we understand these numbers.

The increase in defense spending, that has been proposed is before us. But couple this with an elimination of baseline budgeting, and it would result in unprecedented cuts in discretionary spending. The people that we represent have a right to know what this means.

Mr. Speaker, I urge my colleagues to reconsider this proposal and to instead continue to implement the realistic, practical ways, that we have preached in the past. Baseline budgeting works. We know where we are coming from, we know where we are going. I urge my colleagues not to eliminate baseline budgeting as we do the budget in this upcoming fiscal year.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today we vote on the first step necessary to end the Alice in Budgetland spending practices that have wasted the American people's tax dollars and threaten our children's future. Congressman SANFORD's leadership in introducing the Truth in Budgeting Baseline Reform will require Congress to live according to the same spending rules that govern the American people.

Before today, the budget process assumed that spending would increase from year to year, regardless of new laws. Under the old rules, the starting point, or baseline, for how much Congress spent on a program in 1996 would be how much was spent in 1995 plus inflation. It's no wonder that we ran up $4.5 trillion in debt.

Under this budget-speak, government officials claimed to propose spending cuts when they really increased spending. Because the baseline included inflation, spending cuts actually meant less of an increase in spending, but no real cuts. The American people have decoded Congress' budget-speak and demanded change.

The 104th Congress today has an opportunity to make history. I encourage my colleagues to pass the Truth-in-Budgeting Baseline Reform to force Congress to spend hardworking taxpayer's money under the same rules that guide the American people.

Mr. Speaker, I yield back the balance of my time.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I rise in support of the resolution and urge its passage.

This measure requires that Congressional Budget Office [CBO] cost estimates in committee reports compare total estimated funding for a program with current spending, so we known what the real increases are.

But let's be clear, this is only a change in the numbers that must be used in committee report language. It is not a change in the existing CBO baseline—nor alone will this change actually cut spending.

I hope in the coming weeks that the new congressional leadership will bring legislation to the Floor to require the use of an actual year spending baseline. Such a change—which was proposed in the last Congress and received my strong support—could significantly alter our budgeting process and reduce spending by tens-of-billions of dollars. In addition, I hope the new leadership will expedite consideration of other budget process reforms like the Deficit Reduction Lockbox, which can significantly reduce our budget deficit.

There may be a change in the partisan numbers in the Congress, but the budget deficit math has not changed. Working together in bipartisan fashion to sustain the recent significant downward reduction of the deficit will be major test of the credibility of this new Congress. That work begins today.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a very simple matter dealing with baseline budgeting versus the truth in budgeting which we are trying to get done here. I think the American public needs to understand with what we are dealing. In our baseline budgeting now we add inflation, we add demographic increases, we add differences in programs that may come along. But the bottom line is we do not look at the same dollars we had the year before.

It is tough to balance a budget in Washington, DC. We have authorizations, we have appropriations, we have authorizations, we have appropriations, we have the debt which we have to pay. We borrow from the Social Security trust fund. We have something called tax expenditures, which is really a way of saying that we are reducing the amount of money we are going to collect. And the time has come to get this to the point where we understand it.

If we go to truth in budgeting, we are going to be like every household in the United States of America, we are going to be like every business in the United States of America, we are going to be like virtually every other governmental budget in the United States of America. We are going to take the numbers from the year before and we going to build our budget to that. If we have to add to it, so be it, we will add to it. But we will not be misleading the American people. We will know that any reduction below the baseline or current severance level is a real cut or increase, and that is what we have to do.

Mr. Speaker, I hope we will all support this as the beginning of better budget practices in the United States of America.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, today begins dramatic change in how Government operates. For the first time in decades, we will start talking straight with the American people about the Federal budget.

Every American family who must meet a budget understands that an increase in spending means you spent more money than last year. Not so here in Washington. Back in 1974 the Congress decided to adopt baseline budgeting—an arcane concept that allowed Government to grow on autopilot for two decades. Here in Washington an increase in Federal spending is considered a cut in spending unless it exceeds the estimated increase in cost. That's like the perennially overweight man who figures he'll gain 30 pounds this year—and when it turns out he only gained 10 he announces he's lost 20 pounds.

But today, Mr. Speaker, all that deception stops. From now on, an increase in spending will be called an increase in spending. If we spend $1.4 trillion this year and plan to spend $1.5 trillion next year, we'll call that exactly what is—a $100-billion increase in spending. Sounds simple, but here in Washington it is revolutionary.

Mr. SANFORD. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I do not want to oversell what we are trying to do here today. What essentially we are talking about is presentation. And presentation is important, it is like language. If you do not communicate in terms that people can understand, they get very confused. And this is the first small step at being able to explain to the American people precisely what we are doing with spending.

Now, when you are talking about discretionary spending, that is not the confusing part of this whole budget process, because there is no assumption that we will spend more next year than the previous year as driven by law. But when you are talking about entitlements, if you assume you are going to spend $7 on a Medicaid program and the next year you are going to spend $10 instead of $13 on a Medicaid program, the presentation now shows that as a $3 cut. What we wanted to say is last year we spent $7 and this year we are going to spend $10. We do not want to list it in terms of the difference. We want to list it in terms of the total amount of dollars being spent. We think that is a far more accurate way of presenting things.

I do not think the minority, and that is the first time I have had a chance to say that this year, "the minority," I do not think they have any real objection to that.

I want to say to the gentlewoman from California [Ms. HARMAN], that I in fact do intend to come with a real proposal that would repeal baselines and get us to this concept of zero-based budgeting without an assumption that every year we have to spend more.

The bottom line is, this is the first step toward providing a more simple way for Americans to understand how their money is being spent, and it is a very important step that we need to make on this first day.

□ 1830

I would urge the House to approve this legislation. Let us make the first step toward communicating with the American people in terms that they can understand.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I am going to vote for this amendment, but it has nothing to do with truth in budgeting and all the other rhetoric I hear on how we put budgets or appropriation bills together. Every appropriation bill that comes to the floor shows last year's appropriation, this year's appropriation, and normally, the President's request, no baseline.

When we consider what has happened historically to budgets, we do look, and one measurement is what has happened to actual changes in dollars in programs from year to year. We also look at what has happened in appropriations and spending in relationship to inflation. We also at other times look at the relationship of expenditures to the gross national product. They are all legitimate analyses of what is happening to the Federal budget.

Somehow my Republican friends seem to think that we should never consider the impact of inflation on Federal spending. Any family that looks at their budget, if their salary is frozen for a number of years, and the cost of food goes up, the cost of clothing goes up, the cost of gasoline goes up, it is obvious that they have fewer dollars to purchase fewer goods and services.

The same is true of the Federal Government. We measure them in a variety of ways, and my friends on the other side like particularly to use inflated baseline when we talk about defense. The truth is that defense budget authority peaked in 1985. Adjusted for inflation, it has been cut by 35 percent. Unadjusted for inflation, it has been cut by 10 percent.

I tend to hear when we get that debate, my friends on the right use the baseline number, my friends on the left use the unadjusted baseline. The truth is both are active.

This is a harmless amendment, but it does not do anything significantly different. It is not a new truth in budgeting amendment.

Ms. DELAURO. Mr. Speaker, I reserve the balance of my time.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, today we are going to accomplish a great thing for the American people. We are going to stop using phony numbers in the Federal budget process. We are going to require that the Congressional Budget Office makes its financial projections the same way that American families and American businesses do.

If we propose to spend more taxpayer money on a program in 1995 than we spent in 1994, we will have to call it a spending increase. Politicians will be forced to use the English language with the same meanings that working Americans do. Ultimately, when politicians can no longer deceive voters with words that lie, when politicians can no longer claim as spending cuts what are in fact spending increases, when politicians can no longer pretend that a 20-percent increase in domestic spending over the next 5 years is deficit reduction, as the Clinton administration has for the past 2 years, then voters can make their own evaluations of programs, of budgets, and ultimately, of the politicians who create them, with the clarity and the confidence that they need to make independent, intelligent, and informed choices.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I rise in support of section 102 of the rules package which addresses baseline budgeting. As a member of the Budget Committee, I have strongly advocated the elimination of baseline budgeting and supported passage of the Full Budget Disclosure Act last August which accomplished that goal. This change in the House Rules reflects a provision contained in that bill, which passed the House although it failed to clear the Senate.

The use of a baseline in calculating the national budget is confusing at best, and downright fraudulent at worst. With this rule change we will simply rely on actual prior year spending levels, for comparison purposes, when calculating spending increases or decreases for the next fiscal year. This is logical, sensible, and a proposal worthy of strong bipartisan support. I urge a "yes" vote on this provision.

Mr. SANFORD. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, the previous chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO], has indicated correctly that this is a good start, and the gentleman from Ohio [Mr. KASICH] has indicated he is going to introduce the bill that is going to go all the way. This is not truth in budgeting, but at least it is truth in the way we report the budget to the American people, not pretending that there is a deficit reduction when actually there is a spending increase.

Ultimately, we are going to get our bill that this House passed through the Senate, and it is going to become law. That is the ultimate goal of this first step.

Ms. DELAURO. Mr. Speaker, I yield back the balance of my time.

Mr. SANFORD. Mr. Speaker, I yield the remainder of my time to the gentleman from California [Mr. COX].

The SPEAKER pro tempore. The gentleman from California [Mr. COX] is recognized for 2 minutes to close debate.

Mr. COX. Mr. Speaker, I am delighted to be here in support of abolishing the practice of baseline budgeting, which is the accounting gimmick by which for so many years Congress has called a spending increase a cut. This really has gone on just last year.

Just this past year Republicans proposed reforming the State Department, a regular target of reform. Under this reform proposal, actual spending on State Department functions would have increased by $25 million year to year, but the opponents of the reform cried "foul." They said, "You are spending less money, you are slashing the budget of the State Department by $77 million." One person's increase is another person's cut. There is no common denominator.

How does this work? Let me demystify it. We just finished New Year's Day and a lot of people spent time in front of their television sets eating take-out pizza.

Let us imagine last year on New Year's Day you ate five pieces of pizza. This year, it was so much fun last year, you decided to eat 10 pieces of pizza. Your friends told you that would be truly piggish, you ought to cut back, so you settle on seven.

Under baseline budgeting you can claim to have slashed your pizza consumption by 30 percent because you are only having 7 pieces instead of the 10 that you want.

What we are going to say in this reform is, you are increasing your pizza consumption 40 percent. Be honest with yourself. You are having seven this year instead of the five you had last year.

That is real budgeting, real figures, something the American people can understand.

Thomas Jefferson once noted "He who permits himself to tell a lie once finds it much easier to do so a second and a third time. The falsehood of the tongue leads to that of the heart, and in time, depraves all good dispositions."

Mr. Speaker, Jefferson was right. The baseline is a lie. It is one that has eaten away at the credibility of this Congress. It is time we repeal the practice forthwith. I am delighted to be here urging my colleagues to vote aye on this important reform.

The SPEAKER pro tempore. All time for debate on section 102 has expired. The question is on section 102 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SANFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 6, not voting 6, as follows.

[Roll No 7]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart

Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Collins (MI)
Dingell
Hilliard
Kennelly
Nadler
Waxman

NOT VOTING—6

Clay
Danner
DeLay
Funderburk
Salmon
Yates

□ 1854

Mr. MINETA and Mr. JOHNSTON of Florida changed their vote from "nay" to "yea."

So section 102 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FUNDERBURK. Mr. Speaker, I inadvertently missed Rollcall no. 7 regarding the reform of baseline budgeting. I was with the Republican Whip, TOM DELAY, and because my beeper malfunctioned I was not aware that a vote was taking place. Had I been on the floor, I would have voted "aye" on Rollcall no. 7.

The SPEAKER pro tempore (Mr. EMERSON). Section 103 of the resolution is now debatable for 20 minutes.

The gentleman from Washington [Mr. NETHERCUTT] will be recognized for 10 minutes, and the gentleman from West Virginia [Mr. WISE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a privilege to stand here today as a new Member of this House as we embark upon a momentous change programmed to reform the Congress and our Government. The people of the State of Washington have sent me here to participate in this historic Congress which begins its first day specifically fulfilling the pledge of the Contract With America by reforming our own workplace before we enact other reform measures.

□ 1900

As part of this great beginning, I rise today in strong support of section 103 of the contract for a new House, which will limit the Speaker to four consecutive terms and committee and subcommittee chairmen to three consecutive terms.

Today term limits are not thought of as radical or controversial and, indeed, many States have enacted some kind of term-limits legislation including my home State of Washington. What makes our actions today extraordinarily novel is our willingness to change practices of the past by decentralizing the House's power structure away from committee chairmen with virtually lifetime appointments in favor of individual Members. This reform is also at the heart of the strategy for conservative governance that we will pursue in the first 100 days of this new Congress as we seek the devolution of authority from Federal lawmakers and bureaucrats back to individual citizens, a reenergized civil society, if you will.

No more will the House of Representatives be charged with stifling public debate and restricting innovative ideas. In the watershed November elections, the citizens of our Nation conferred upon us the authority to seriously reduce the size and scope of Government.

Mr. Speaker, more than 200 years ago, after his great victories in the Revolutionary War, Gen. George Washington won the admiration of the world by resigning his commission and demonstrating his commitment to democracy. In this great tradition of selfless leadership, I urge my colleagues on both sides of the aisle to vote yes to adopt the resolution to limit the terms of the Speaker and committee chairmen and subcommittee chairmen to demonstrate to the American people our commitment to democracy.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, this evening we have the opportunity to implement a reform that is being demanded by America. Term limits of committee chairs and subcommittee chairs is something that has arrived in terms of American political thought. This is not directed towards any particular committee Chair or subcommittee Chair. However, it is a part of trying to constantly improve and renew the American political process.

Imposing term limits on those that serve in leadership capacity will broaden the base of experience and expertise of people that provide the all-important leadership in this institution. By rotating the leadership, we are turning it over. We are bringing in fresh blood new ideas, new ways of thinking. We can be more responsive to the needs of America. We can also avoid the parochial service that has occasionally occurred when a person is focused on his narrow area.

It also breaks down what might be characterized as cozy relationships that can build up over an extended period of time, and assures that we have the freshness, the openness, and the access that all Members need in order to fully participate in the process of this institution, and most effectively represent the interests of their congressional districts and the interests of America.

So, Mr. Speaker, I think that this is an important bipartisan effort, and I appreciate the opportunity that we now have this evening to cast a vote on this and hopefully implement this as a reform in our body.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I appreciate being given the time to speak on the important issue of term limits for committee chairmen. It is an issue in which I have been involved for over 2 years and am pleased that we now have the opportunity to consider and pass this fundamental and much-needed reform.

The current system of unlimited terms for committee chairmen created an unjust situation in Congress, for up until the recent elections, power had become far too concentrated and entrenched. A handful of Members were able to dictate the legislative agenda, frequently based on efforts to protect committee turf or consolidate power of chairmen. Consequently, the committee structure became mired in a stagnant existence completely out of touch with the American people.

Republicans have long recognized the problems with unlimited terms for committee chairmen. In December 1992 I introduced a rule to the Republican rules package to limit the ranking minority members to three terms as ranking member of a committee. The rule was adopted by the Republican Conference and was called by the New York Times and the Washington Post the Linder rule.

Now the Republicans have gained the majority in the House of Representatives. It is time for the whole House to adopt this rule and limit the terms of all committee chairmen to three consecutive terms.

Adopting this measure would help put an end to the cozy relationships with special interests, enhance free flow of new and innovative ideas and bring an end to an iron-fisted ruling in Congress by a very few people.

I am gratified that this limit on the tenures of committee chairmen is included in the rules package of the 104th Congress. I believe that it truly represents the fundamental change in the status quo that the American people voted for last November 8.

I urge its passage.

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a great deal of ambivalence about this particular provision.

If the majority party, the Republican Party, wants to limit the terms of its chairs and the Speaker, that is their business. I would just make a historical reference, which is that the Democratic Party has not had problems limiting terms when those Chairs have proven or fallen short of the performance standards that we felt we needed to set. For instance, I know that in my lifetime here I have seen the year when three full committee Chairs were removed from their positions by the action of the Democratic Caucus. I have seen in other Caucuses lesser numbers of Chairs removed because, for whatever reasons, the caucus felt that they were not performing the job as well as they could or perhaps there was someone else that needed to perform it.

Be that as it may, if the Republican Party feels that it needs to have some kind of hard, ironclad agreement because it will not take the steps that are really necessary for all of us to take because there are times you do need to suck it up and just go out and say to somebody, "The time is over; you are not doing the job that we expect of you."

But as I say, if the majority party wants to do that, that is its business.

I suppose I do have one concern. The concern is this: If this is true term limits, and it is term limits of three terms of committee Chairs, then I do not understand why the Speaker receives a fourth term. Because why is the Speaker treated differently than the committee Chairs? Because this is a closed rule, we are not able to offer the amendment that would say that everybody is in the same boat, everybody is limited in the same manner, and there is also something I do not understand. If later many Members decide to enact or try to enact a term limit on Members that would be 6 years, am I led to believe then the Speaker can serve longer than the Members serve?

At any rate, these are questions not answered in this and, because this is a relatively closed rule, we are not able to offer an amendment to square that and to bring it to some sort of logical nexus.

At any rate, as I say, we in the Democratic Party have removed Chairs when we felt it was necessary. Now it is felt that apparently there needs to be some kind of ironclad limitation.

Mr. Speaker, I reserve the balance of my time.

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, 2 years ago, at the opening of the 103d Congress, upon my initiative, Republicans proposed to limit the time a Member could chair a committee. Democrats rejected this initiative, which would have applied to their Chairs. Today, Republicans again offer term limits for Chairs—of committees *and* subcommittees—and it will now apply to *us*, the new majority party.

This initiative will do much of what *congressional* term-limiters want to accomplish: it will break up the long-term power fiefdoms of committee and subcommittee Chairs that often lead Members to be elected over and over again when otherwise they would have been retired. It will mean a Chair will have just 6 years to work his or her agenda, then move on.

But, it will leave to the people the final decision as to whether a Member should continue to represent them in Congress, where our founders believed that decision should be left under the Constitution.

It will mean a far more dynamic body, one less in thrall to special interests, one more attuned to the interests of the Nation as a whole.

I suspect the Democrats will strongly support this initiative now that it applies to Republican Chairs. It is only sad that they could not have supported it 2 years ago and been leaders in reforming this body rather than obstructors.

□ 1910

The SPEAKER pro tempore (Mr. EMERSON). Does the gentleman from West Virginia seek recognition?

Mr. WISE. At this time Mr. Speaker we have no additional speakers.

Mr. Speaker, I reserve the balance of my time.

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I rise today as an incoming subcommittee chairman to strongly support term limits for all committee and subcommittee Chairs. As with all reform measures before Congress, it is essential for us to lead by example.

Most Americans support term limits. My home State of Massachusetts recently passed a voter referendum for term limits. In the same spirit of government reform, I rise in strong support for limiting the terms of committee or subcommittee chairmen.

In the past, too much power resided in the hands of committee chairmen to shape and mold legislation to their personal liking.

Some Chairs had become entrenched in their positions of power for 10, 14, or more years, sometimes fulfilling their own parochial interests over the greater good of the Nation. By enacting term limits for these Chairs, we will insure that the legislative process will truly be open to new ideas because it will be open to new leadership. This House has already limited membership on two committees, the Budget Committee and the Intelligence Committee. This step will extend that to limiting how long Members may serve as a Chair of a committee. The results of the November election sent a loud and clear message for real change in Washington. We can answer that signal by voting for this proposal.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina, [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today with two observations for my colleagues. One is, what incredible progress on the term limit effort. Who would have thought 2 years ago, when I came to this body, that we would be voting today on a rule that would limit committee chairmen to three 2-year terms. What incredible progress for the term limit effort, and I have to say, too, it is very important as an indication of what is in this Contract for America and the exciting things we can do if we stick to the contract.

The second observation I have for any Members who are somewhat questioning whether we need to do this, a look at the statistics about the average stay of the Members of the leadership of the old Congress. According to the Term Limits Legal Institute, the average American keeps his or her job 6 years. The average Member of Congress keeps his or her job 10 years. But the average Member of the leadership in the old Congress kept his or her jobs for 28 years.

That is why we need to limit committee chairmen to three 2-year terms, and that is why we have got a historic opportunity right here, right now, to have real reform in this House.

Mr. WISE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker and Members, we are talking about term limits today, and the majority party, like the gentleman from West Virginia, who yielded to me, I have no problem with the majority party limiting the terms of their chairmen, but I think this goes to the heart of the issue: that we have an arbitrary term limit on any office.

Are we going to limit a chairman or chairwoman simply to three terms simply because they are doing their job correctly? This is an issue that this House will deal with whether we are talking about Members, chairmen of committees, Members of Congress, or anything else. But I would hope, as a Democrat, as the minority, we might be able to go even further and, in some cases, even limit the terms of the majority party chairmen to one term at this time.

Mr. NETHERCUTT. We have one speaker left, Mr. Speaker.

Mr. WISE. Mr. Speaker, the gentleman from Washington has the right to close, and I expect the Chair would like me to go ahead.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this amendment. Let me tell you why. It has been my privilege to serve on the House Appropriations Committee now for 10 years, and during that period of time I have tried my best to become well versed with the challenging information and the legislation that we are forced to consider each year as we pass the appropriations.

I have also had the honor of serving for 2 years as chairman of a subcommittee which the gentleman from Washington is going to serve on now, the Subcommittee on Agriculture Appropriations.

That subcommittee, one of the smaller appropriations subcommittees, appropriates $67 billion a year. We have three staff people. I can literally tell you that it takes years to get your arms around the Department of Agriculture, with 125,000 employees spread all over the world, and the Food and Drug Administration, with its massive responsibility.

I felt, after several years of service there, that I was prepared to take over the chairmanship. I think that with the then-ranking minority member, JOE SKEEN of New Mexico, we did a good job. We cut back on some wasteful spending, we saved some money for taxpayers, we were able to get beyond the bureaucratic background noise and yet down to the business of really appropriating in a responsible manner.

Now, of course, because of the verdict of the voters on November 8, our roles have changed. JOE SKEEN of New Mexico will be chairman of the subcommittee, and I will be ranking minority member. I will look forward to working with him.

The point I am trying to make is this: Experience on the subcommittee prepared me to do what the voters sent me to Washington to do, to take a look at a complex and large appropriation and to try to lead a bipartisan effort to deal with it. Should my colleagues in the House of Representatives on the Democratic side have reached a decision that I was unworthy of that job, they could have removed me in any Congress. That, I think, is the appropriate way to approach this.

To establish artificial limits for service as committee Chair or subcommittee chairman or service in the House of Representatives I think is grossly unfair.

Experience counts for every aspect of life; it counts in the Congress.

I think artificial limits are wrong, and I oppose this amendment.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. WISE] has 2½ minutes remaining.

Mr. WISE. Mr. Speaker, I yield myself such time as I have left.

Mr. Speaker, in the spirit of change, I am going to tell you, Mr. Speaker, that so many have started out by saying that, "I am not going to use my time," and then of course we know the inevitable story. Well, I am not going to use all my time except simply to ask, I am still waiting for an answer to my question, which is: Why is it that the Speaker has a 4-term limitation, committee Chairs have 3 terms? If there is an abuse or possible abuse of power with 3 terms for committee Chairs, certainly the Speaker, with the power that the Speaker's Chair has, whoever the Speaker might be of whatever party, we ought to limit that in the same nature as well.

Mr. Speaker, I yield back the balance of my time.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like first of all to address what the gentleman from West Virginia [Mr. WISE] said as to why the Speaker is given 8 years and the subcommittee chairmen 6. The reason why that was designed that way is simply because the Speaker is next in line after Vice President to the Presidency, and it conforms with the concept of two 4-year terms of the President of the United States. That is the rationale that went into that.

The reason for the 6-year term limit for committee chairmen is simply that that seemed to us to be the right number. It may be a little arbitrary, maybe it could have been 8, maybe it could have been 4. The point is we need to limit the length of time somebody serves as committee chairman. That is the single most important limit we are placing here, even more important than limiting the Speaker, in my judgment. It was perhaps one of the most important reasons why we have debated over the years that we need term limits. Most Americans realize, when you give power to a committee chairman or a subcommittee chairman for a long period of time, you are giving very serious power to one individual who can abuse that power. Many do not, but somebody can.

The control that a committee chairman has is vast. He controls, often, whether a bill ever leaves his committee to come to the floor of the House for a vote. He controls a lot of the substance that goes into the bill before that bill comes out of a committee or leaves the committee in the first place.

□ 1920

And in a conference between a bill that has passed the House and the Senate, between those two bodies, the committee chairman has a great deal to say with what is in the final product, an awful lot to say. In addition to that, a committee chairman is in charge of oversight functions. There are hearings that are held by the committees that he determines which ones are held to look into whether it is the FBI, or the Drug Enforcement Administration, and in the case of my Committee on the Judiciary it may be oversight hearings like Whitewater in

Banking or whatever. A committee chairman, the right committee chairman, can do a great job for a long period of time. The wrong committee chairman can abuse that power, and, yes, somebody can remove him, but it does not happen very often.

And the bottom line is:

For the health of this Nation it is much better to alternate who are the committee chairmen of various committees and subcommittees over a reasonable period of time, and 6 years, it seems to us, is very, very reasonable under these circumstances. There are a lot of very talented men and women among our 435, and I urge a "yes" vote. It is a very important resolution, probably the most important one tonight that we will vote on.

The SPEAKER pro tempore (Mr. EMERSON). All time for debate on section 103 of the resolution has expired.

The question is on section 103 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NETHERCUTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 74, answered "present" 1, not voting 3, as follows:

[Roll No. 8]

YEAS—355

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—74

Abercrombie
Ackerman
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Bryant (TX)
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Dingell
Dixon
Durbin
Evans
Fattah
Fazio
Fields (LA)
Foglietta
Gejdenson
Gephardt
Hamilton
Hastings (FL)
Hilliard
Hoyer
Jefferson
Johnson, E.B.
Kaptur
Kennedy (RI)
Kildee
Klink
Lewis (GA)
McNulty
Meek
Menendez
Mfume
Miller (CA)
Moakley
Mollohan
Montgomery
Murtha
Oberstar
Obey
Ortiz
Pallone
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Rivers
Roybal-Allard
Rush
Sanders
Sawyer
Serrano
Skaggs
Skelton
Stark
Stokes
Taylor (MS)
Thompson
Torres
Velazquez
Vento
Visclosky
Watt (NC)
Wise
Wynn

ANSWERED "PRESENT"—1

Dellums

NOT VOTING—3

Clay
Harman
Yates

□ 1936

Mr. PALLONE and Mr. JEFFERSON changed their vote from "yea" to "nay."

Mr. BALDACCI changed his vote from "nay" to "yea."

Mr. ORTIZ changed his vote from "present" to "nay."

So section 103 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, during rollcall vote No. 8 on H.R. 6, I was unavoidably detained. Had I been present I would have voted "aye."

□ 1940

The SPEAKER pro tempore (Mr. BILIRAKIS). Pursuant to the rule, section 104 of the resolution is now debatable for 20 minutes.

The gentlewoman from California [Mrs. SEASTRAND] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer yet another fundamental change to the way business is done in the House of Representatives.

Every one of us was elected by our constituents to do a job. Having a job means showing up for work every day—as most working Americans are required to do—and actively carrying out the duties to which we are assigned.

The process of voting by proxy violates this basic responsibility. By allowing for proxy voting in the first place, it was never intended that: Representatives should stop representing; that they should never go to committee hearings; that they should never hear the testimony provided for them to make informed decisions; that they should never hear the critical evidence that might help them form opinions; and finally proxy voting was never intended that committee chairs should hold enough proxies to determine the outcome of legislation—regardless of the testimony, the evidence, the views of other Members, or the fact that some Members may have never bothered to attend a single committee meeting.

Proxy voting, or ghost voting as it is sometimes referred to, allows a committee chair to do whatever he or she wants to do.

I would think this practice of proxy voting would be offensive to those Members who faithfully attend committee meetings and listen carefully to the testimony offered and the evidence presented so they can cast an informed vote. A vote, unfortunately, which is cast in vain because no matter what was said, the Chair holds enough proxies to do whatever he or she wants.

This is not a responsible way to legislate and the people who elected us have every right to expect more.

Mr. Speaker, if there is one reason today that we are introducing this historic package of fundamental reforms, including the elimination of proxy voting, it is to let the American people know that the 104th Congress will begin to legislate responsibly and with total accountability.

I submit to you that it is necessary to eliminate proxy voting.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this proposal, and I commend the gentlewoman for leading the effort on it this evening. As she pointed out, I think correctly, in the real world if you work in a factory or you work in an office, you have to show up for work. You cannot send a proxy. It should be no different for Members of Congress in their committee assignments.

However, while I support this provision, I do not think it, frankly, goes far enough. I would like to talk a little bit about the issue of committee ratios here.

For many years Republicans have argued, and very well, I might add, the makeup of the House committees should reflect the party ratios in the House; that is, if one party controls 60 percent of the House, then they should get 60 percent representation on the committees in this institution.

Republicans have repeatedly offered amendments to make this simple rule a principal rule of the House. The Republican rules package in the 103d Congress required that party ratios in each committee must reflect party ratios in the House.

In fact, the gentleman from Colorado [Mr. ALLARD] offered the same amendment to the congressional reform bill later in the year. The amendment was offered yet again by the gentleman from California [Mr. DRIER] when the Committee on Rules considered the congressional reform bill in October of last year, just 4 months ago.

In the Senate, the other body, the new Republican majority has adhered to this basic principle in allocations of committee slots for Democrats in the new Congress. In the House, however, Republicans have not only abandoned their previous amendments on fair ratios, but they have already violated the principle they championed as recently on this floor and in the Committee on Rules as 4 months ago. They began by stripping dozens of Democrats of their committee assignments, a tactic never employed when Democrats controlled the House. We always made room. We never asked a sitting Republican on a committee to leave. We always somehow accommodated them, expanding the committee by putting temporaries on it.

Not so, not so in this Congress. Then they announced the committee ratio plan, in which not a single House committee actually meets the clearly articulated test for fairness.

On the major committees, and they are all major, but on the committees that people look to on important fiscal matters, the Committee on Ways and Means and the Committee on Appropriations, I would say those two committees and the Committee on Rules, the ratios were way above the 53/47 split we presently have in the House of Representatives. In fact, on the Committee on Ways and Means and the Committee on Appropriations, they got 60 percent instead of 53.

They might say, "When you were in power you did the same thing." We may have gone a percent or 2 or 3 above. We never went 7 or 8 percent above, which means a lot of seats on those respective committees.

Mr. Speaker, I commend the gentlewoman and my colleagues for offering this amendment on proxy voting, but I must be honest and say that it does not really go far enough. If we really wanted to go far, we would adopt the language of the gentleman from Colorado [Mr. ALLARD], and we would adopt the proposals that were advocated by the gentleman from California [Mr. DREIER] and others on that side of the aisle to keep committee ratios balanced in relation to the rest of the House.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, proxy voting is as American as apple pie. We have millions and millions of votes cast by proxy all the time.

Private industry, which we are so fond of replicating, uses proxy voting all the time. Americans understand proxy voting. They understand that decision-makers who have numerous obligations sometimes use proxy voting as a convenience. They trust certain people and allow them to vote by proxies on very important matters that affect their lives.

I am not going to quarrel, however, with a Majority that wants to limit their own flexibility and their own ability to conduct some awesome business matters here that are the province of the Majority by insisting on eliminating proxy voting. If they want to do that, I am not going to really quarrel with them.

I am going to discuss, instead, something else that is as American as apple pie, and that is voting by simple majority vote.

Later on we are going to discuss a three-fifths requirement, a requirement that three-fifths of the Members must approve of any income tax increase. I want to say that is very un-American. That runs against the grain of the Constitution, and the general way Americans conduct business. What they are doing is empowering a minority of people to block any legislation.

The House has 435 voting Members. Some simple arithmetic. There are 435 voting Members. A simple majority is 218. Three-fifths of the House is 261, instead of 218. Two-fifths of the House is 174 votes.

By requiring that there must be a three-fifths vote to pass any legislation, we empower that two-fifths to block the legislation.

A simple majority requirement such as is being proposed dilutes the power of every Member's vote by allowing the House to be controlled by the two-fifths, 174 out of 435, two-fifths can choose to withhold their votes and they control the process. That is not democracy. Instead of control by 218 Members, we will yield control to 174. That means that if you set this precedent tonight on taxes, and I am not in favor of voting to increase the income taxes of Americans. We have plenty of ways to save money in the budget and not have to increase taxes. We should stop the freeloading farmers, end farm subsidies, end Farmers Home Loan mortgages, we should stop building *Seawolf* submarines which have closed down overseas bases in Japan and Germany. There are ways to save billions of dollars and not have to increase taxes, but this sets an unfortunate precedent. This empowers a minority.

Mr. Speaker, in addition to the arguments presented above, I would like to note the following: Requiring a supermajority vote for tax increases is unconstitutional because it delivers a fatal blow to majority rule. It gives a minority of Members the ability to stop a specific type of legislation. Indeed, today marks the first time in this country's history that a majority in the House has attempted to usurp so much power.

Article I, Section 2 of the Constitution states that the "House of Representatives shall be composed of Members chosen * * * by the People of the several States." In *Wesberry* v. *Sanders*, the Supreme Court interpreted that portion of the Constitution as meaning that "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." The rule before us would severely violate this one man, one vote principle by diluting the vote of every citizen. The more power that is funneled into the hands of the few, the less remains in the hands of the many.

Moreover, the Constitution clearly enumerates the instances in which a supermajority is required. If the Framers had intended that submajorities be used in other instances, they would have explicitly stated so.

While the Constitution does state that the House can write its own rules, the House and its leaders are not given carte balance. Therefore, in the past, Congress has required supermajority votes only for procedural motions, such as the two-thirds vote required in the House to consider a rule reported the same day. Similarly, motions in the House to suspend the rules and pass a bill are procedural in nature; if such motion is defeated, a bill may be reconsidered in the House under a normal rule and passed by a simple majority.

Requiring a supermajority vote for tax increases also would set a perilous precedent that could be used to create similar requirements for other controversial issues. Which type of legislation would be next on the chopping block? Will any bill that increases education funding require a three-fifths vote for passage? Will any bill that relates to a woman's right to choose an abortion be subject to a three-fifths vote?

Voltaire wrote, "One despot always has a few good moments, but an assembly of despots never does." This certainly is not a good moment for my Republican colleagues. Of all the accusations that have been made about the Democrats' exercise of power during our 40-year tenure in the majority, nothing even comes close to rising to this level of the abuse of power. It is tyranny of the majority, pure and simple. I urge my colleagues to defeat this rule.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, what we are talking about here is proxy voting or ghost voting. It is a bad habit that has grown to be a serious disorder in the process of this institution. I notice that apparently no one is willing to defend proxy voting, because I certainly have not heard any defense from the other side of the aisle, so I guess the time has come to get rid of proxy voting or ghost voting and we thank very much what I think I am hearing correctly, is the support from the other side of the aisle so I think we can expect a very large vote to do away with this procedure which has not done credit to this institution since it has been a bad idea and since it has been abused so badly. I think we all know it, I do not think there is any particular point in overstressing, finding nobody supporting it, so why do we not just agree with it and get rid of it?

Mr. Speaker, I thank the gentlewoman for yielding me this time, and I congratulate her for her effort.

Mrs. SEASTRAND. Mr. Speaker, might I inquire how much time is available on both sides?

The SPEAKER pro tempore [Mr. BILIRAKIS]. The gentlewoman from California [Mrs. SEASTRAND] has 3½ minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 3½ minutes remaining.

Mrs. SEASTRAND. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, in addition to authoring our Nation's Declaration of Independence, Thomas Jefferson wrote what are supposed to be the rules of this House. His Manual of Parliamentary Practice was written in 1797, and for nearly 200 years, has by law provided the basis for our House rules.

That is why I rise today in support of the Proxy Voting Ban in the House Republican Rules Package. If Jefferson knew that absent or tardy members of the House were routinely allowing other members to cast their votes for them in committee by proxy and that this ghost voting has been used to block legislation while ducking individual responsibility, he would object. He would wonder by what justification we could so stand the rules of this House which he wrote on their head.

Although House rules strictly prohibit one member of Congress from casting votes for another on the House floor, proxy voting was in fact the norm in many committees in the last Congress. In 1993, for example, proxy votes were cast on virtually every bill marked up in the House Committees on Energy and Commerce; the Judiciary; and Public Works and Transportation.

Ghost voting not only promotes absenteeism and sloppy bill-drafting, it allows party leaders and committee barons to control the fate of legislation by simply pulling votes out of thin air. It is like having 6 jurors sit through a trial, hear all the evidence and reach a verdict—only to have the jury foreman pull out 6 more votes from his pocket and cast them to overrule the others.

Last year, I introduced legislation to require the House to follow Jefferson's rules. One of Jefferson's overriding concerns was that each member of Congress would be held responsible for his or her own vote.

This rules change will end the abuse of our most important and valuable commodity, our vote. Simply put, under this change, if a member does not show up for work, he does not get to vote. I urge an "aye" vote for this important Republication reform.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, although every vote in the whole House is always important, votes in committee carry even greater proportionate weight. As such, committee votes should be cast by Members themselves, not by committee colleagues.

Yet Capitol Hill practice in the past has been to allow proxy votes in committees. This has meant one Member was voting not just for himself but for absentees.

Proxy holders, often the committee leadership, would vote for other Members who were elsewhere, possibly at another committee meeting voting the proxies of still more absent Members.

Enough already. Let the Member who votes in committee be in committee. The American way is one person, one vote. Votes in congressional committees no longer should be by proxy, they should be in person. That is what will happen as soon as tomorrow. All it takes is approval of this proposal to change our rules. Let the reform go on as we keep faith with our promise in the Contract with America to change the way Congress does business. The American people will be the winners.

Mrs. SEASTRAND. Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this amendment, Section 104, the ban on proxy voting. As the Speaker knows in the chair who serves on the Committee on Veterans Affairs, we have not had proxy voting for a number of years. It has worked very, very well. We have good attendance at our committee meetings, subcommittee meetings and when we have a vote, we almost have 100 percent voting on that amendment, on that bill.

We do not support proxy voting. We have not had it for 20 years in our Committee on Veterans Affairs, one of the most important committees in this Congress, and I certainly hope we would adopt this amendment.

I would hope that the people on this side, most of us over here on the other side are supporting this amendment, and you would not call for a vote and we could move along and get out of here a little earlier.

Mrs. SEASTRAND. Mr. Speaker, I thank the distinguished gentleman from Mississippi for his kind comments.

Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, we just heard the gentleman from California refer to Thomas Jefferson. Thomas Jefferson loved Monticello but he never hesitated to spend 4 days riding horseback to come to Washington to personally fulfill his responsibilities.

When we call on young men and young women to defend this Nation against foreign interests by placing our your men and women in harm's way, they do not have a choice. They must take themselves physically and personally to the call of their Nation. They cannot send a proxy.

What we ask of them we must ask of ourselves. Mr. Speaker, that is accountability.

The people of this great Nation expect us personally to represent them and their views and to be held accountable, to be in the line of fire and not behind the door with a proxy coming through the keyhole.

Mr. BONIOR. Mr. Speaker, I have one remaining speaker this evening on this particular issue. I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

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Mr. ROEMER. Mr. Speaker, I rise in strong support of this measure. I believe that as we all are issued our brand new cards today, and each one of us has a sparkling new card that we insert into the boxes in this Chamber, these cards have been personalized, individualized, and secured so that it is only the Member that it is issued to that can cast the precious vote, the privileged vote to represent their constituents in this body.

I talked to Members and I remember my freshman year in 1991 when I cast my first vote and continue to feel it a privilege casting votes in this body. It is against our rules and we have very strict measures when somebody else tries to cast this vote in this body. I think that it should be the same measures that we take in our committees, so that we do not have proxy voting in our committees.

Richard Fenno, a pundit and scholar on Congress, says that the business of Congress is done in its committees. That does not mean we legislate more, that means we do the job of oversight more to be accountable to our constituents. I think this card helps ensure that on the House floor, and I think this new rule helps ensure that in our committees.

This is a good measure to ban proxy voting and I commend Members to vote for this measure.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Speaker, I rise today to voice my support for eliminating the misguided, but long-held, congressional practice of allowing absentee proxy votes to take place in committee.

Putting an end to these absentee proxy votes is a crucial part of fulfilling our pledge to the American people to create a more open and truly representative Congress. It is an important early step along the path of momentous change and reform that will put the people's government back on the right track.

Like many of my colleagues, I am opposed to this practice which allows an individual to cast a vote in committee on behalf of another member. The people of this country have the right to expect and demand that those of us in Congress carry out the job we sent here to do—namely, make the tough choices and cast our votes in person.

Furthermore, I have an additional, and somewhat unique, reason for objecting to proxy voting. I am the lone representative in the U.S. House of Representatives from the State of Wyoming.

I do not want a California proxy vote cancelling my vote.

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time.

Mrs. SEASTRAND. Mr. Speaker, I welcome the comments of the gentlemen from Mississippi, but hope that he understands that we in the 104th Congress promised in the Contract With America to have a recorded vote on each provision today.

Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS].

The SPEAKER pro tempore (Mr. BILIRAKIS). The gentleman from Pennsylvania is recognized for as much as 2 minutes.

Mr. GEKAS. Mr. Speaker, I thank my colleague from California for yielding me the time.

Mr. Speaker, tonight we bring this House back to orthodoxy by eliminating the vote by proxy. In any language, everyone in America knows that the heart and soul of the legislative process is resting with the committee and the committees' work in the Congress of the United States. Subcommittee, full committee, task force, it is the guts of the legislative process that happens beyond the walls of this Chamber, and the final action taken on this floor is really tinsel, it is show time, all of the work, all of the deliberation, all the amendments, all of the drafting, all of the crafting already having been accomplished in the halls of the committee system itself.

The gentleman from Mississippi and others who have spoken so eloquently know that we as trustees of the card that allows us to vote on the floor of the House cannot transfer it to anyone else. As a matter of fact, it is a violation of the law, a criminal violation if any Member should transfer his or her card to someone else to vote that vote on the floor.

Is it not an irony that that is a crime, but we permitted for so many years someone to vote a dozen or two dozen votes in committee with ghost riders in the sky elsewhere in the Capitol while a bill is being crafted, amended, and finally passed in committee.

I recommend it not just because we have in the contract with the American people the banning of proxy voting, but because the American people recognize that this is a fraud on the legislative process. We tonight end it for all time.

The SPEAKER pro tempore. All time for debate on section 104 of the resolution has expired.

The question is on section 104 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. SEASTRAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 13, not voting 2, as follows:

[Roll No. 9]

YEAS—418

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty

Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—13

Collins (IL)
Collins (MI)
Conyers
Dellums
Dingell
Frank (MA)
Gejdenson
Kaptur
Lambert-Lincoln
Scott
Vento
Waters
Williams

NOT VOTING—2

Johnston
Yates

☐ 2020

So section 104 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). Section 105 of the resolution is now debatable for 20 minutes. The gentleman from Ohio [Mr. CREMEANS] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. CREMEANS].

Mr. CREMEANS. Madam Speaker, I yield myself such time as I may consume.

Today I offer an amendment numbered section 105 to the House rules mandating public access to committee proceedings. The American people have spoken. Less than 2 months ago I was chosen to represent over a half million Ohioans, and today I become their Representative to this body.

Those Ohioans have every right to know what I do here, and this amendment guarantees that right.

It is appropriate that today, with what is expected to be the largest viewing audience of a House proceeding ever, we allow the watchful eye of the public into our committees as well.

No longer will House business be allowed to take place behind locked and closed doors. From this point forward the public will have the right to view our activities.

Our democracy is built upon having choices. On November 8 we each were chosen by the people to be here today. This amendment simply provides those same men and women with the knowledge of what choices each of us made while we were here.

They deserve to know nothing less.

Madam Speaker, I reserve the balance of my time.

Mr. BONIOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the House of Representatives is supposed to be the people's House. This is where the business of the American people is conducted, and the more sunshine that we can shine on these Chambers and these committee rooms, the better off the American people will be.

The days of backroom deals are over. We make decisions in this building every day that affect every man, woman, and child in this country, and I think the American people have a right to see those decisions being made. But it is also time to shut out the influence of special interests.

I support this amendment, and I commend those who are offering it, but I do not think it is enough merely to open all meetings to the public. We should be held accountable for all aspects of public life, and that means all political contributions should be disclosed as well. We are required by law to disclose the names of the people who contribute to our political campaigns, and we do. But there are some organizations which have an influence on this body which refuse to disclose who they contribute to, where they get their money from, and I think it is time to change that as well.

Let me give you one example: There is an organization called GOPAC, which, by some accounts, has played a role in electing over 200 Members of this institution. Over the past 9 years, GOPAC has raised between $10 million and $20 million. Many of these contributions come from people who have a direct interest in Federal legislation. We do not know who these people are, where this money came from, because GOPAC has not disclosed the list of its past contributors.

With deals like this, is it any wonder that the American people think that this Congress is for sale? I think the public has a right to know who these people are, and we should open our meetings and GOPAC needs to open all of its meetings.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Madam Speaker, is this germane to section 105 of the bill that we are debating, this discussion?

Mr. BONIOR. Madam Speaker, if I could finish my remarks, I will address my colleague's comments because I think they are good comments. I think it is directly germane.

Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The remarks should pertain specifically to this portion of the resolution adopting the rules.

Mr. BONIOR. This portion of the bill deals with open meetings, and that deals with open Government. And if we are going to have open Government, we should make sure that the contributions of the people are reviewed, that we know where they come from, especially as they affect legislation. It seems to me if GOPAC has nothing to hide, then they should have nothing to be afraid of. If GOPAC will not come clean and will not open their books, I think the American people have a right to ask, "What are they trying to hide?"

Mr. THOMAS of California. Madam Speaker, the gentleman is not germane.

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POINT OF ORDER

Mr. THOMAS. Madam Speaker, I have a point of order.

The SPEAKER pro tempore. (Mrs. JOHNSON of Connecticut). The gentleman will state his point of order.

Mr. THOMAS. The gentleman is not germane.

The SPEAKER pro tempore. We will proceed. The gentleman from Ohio [Mr. CREMEANS] is recognized.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from Nebraska, the home State of the national champion Nebraska Cornhuskers [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Madam Speaker, I rise in support of item No. 5, the sunshine rule for committees, and I thank the gentleman from Ohio [Mr. CREMEANS] for the kind gesture about the Nebraska Cornhuskers and the national championship we just won.

My colleagues, on November 8 the American people sent a clear message to Congress: "No more business as usual, no more backroom deals, no more conducting the people's work in secrecy. Enough is enough."

This measure puts an end to business as usual and ushers in a new era of openness and accountability.

What it requires is simple—from now on all committee and subcommittee meetings will be open to the public and media, except in extraordinary circumstances involving national security or personnel matters.

As my colleague from the State of Washington has said, "The days of the smoke-filled room and closed doors are over." It's time to open the doors, throw open the windows, and let the glorious light of representative democracy shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I am all for this. I was not aware that there were many meetings that were not open. Most of the Members I know generally try to get the press to come to their meetings rather than keep them away, but I think it is important that we do this because we not only govern ourselves, we set an example, and I think it is important for us to pass this by a big vote and set an example of openness.

Now my friend referred to GOPAC, and he should not have, apparently under the rules, talked about the substance. But what is important is the example we will set. There are political organizations controlled by Members of this House that are not open. What better way to encourage them to do the right thing? What better way to tell the people of GOPAC that they should be open than for us to follow that same rule?

So, let us set the example, and let GOPAC profit by our example, and let those who are so worried that we would even discuss it on the floor of the House——

Mr. THOMAS. Madam Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Madam Speaker, the gentleman skates very nicely on thin ice.

Mr. FRANK of Massachusetts. I thank the gentleman very much for his acknowledgment of defeat on this issue. We can talk about openness. The point is——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. FRANK of Massachusetts. I would ask for an additional 30 seconds since I yielded to Tonya Harding over there.

Mr. BONIOR. Madam Speaker, I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, I will say I meant that in a purely metaphorical sense, but let me say I thank the gentleman for yielding.

I think the example of openness we set here is important. Let GOPAC and every other political organization controlled by Members of the House follow the example because certainly no Member of the House would want to be considered so inconsistent as to vote that we will open meetings that no one wants to come to and then at the same time conceal information that people want to know about. The principle of openness is important. Let us hope that it sets a good example.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from California [Mr. POMBO], who in his first term led the protest against closed-door meetings.

Mr. POMBO. Madam Speaker, I thank the gentleman from Ohio [Mr. CREMEANS] for yielding this time to me.

Madam Speaker, when I first got here I came from the State of California, and I represent the State of California where we do have open meeting laws, and we are required to conduct our business in the open, and, as the previous gentleman said, that he was not aware of very many meetings that we have that are closed to the public, but one of the first things that I ran into here as a new Member was a meeting that was closed to the public, and that was the Committee on Ways and Means markup of the tax increase of 1993 which was closed down to the public where not only the public and the press, but other Members, had to leave the room.

Madam Speaker, the argument that was given to me at the time was that Members who are on the panel, on the committee at the time, needed to feel free to speak their mind and to vote their conscience, and that if the public were in the room, they would not be allowed to do that. That is exactly why we need this rules change to pass, so that the public knows exactly what is going on.

Mr. BONIOR. Madam speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO], our caucus chairman.

Mr. FAZIO of California. Madam Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding this time to me.

Madam Speaker, I ask the gentleman from California [Mr. POMBO] to come back to the microphone because I would like to ask him about this. I have a copy of a letter which he signed along with the gentleman from Texas [Mr. ARMEY] and a number of other Members saying, "Let's close the gift loophole for foundations, LSO's and caucuses." This was October of 1993. One of the justifications for this request was to require all Member-affiliated foundations to disclose contributors. Public disclosure of contributions will ensure the integrity of Member-affiliated foundations and silence any criticism that special interest contributions are being made to influence Members of Congress.

I wonder if the gentleman can tell me what difference there is between this worthy instinct that caused him to sign this letter and the situation that applies with GOPAC.

Mr. POMBO. Madam Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. POMBO. Madam Speaker, I think that it is pretty simple. The LSOs were using taxpayer money, and what we were afraid of——

Mr. FAZIO of California. These are the foundations that get——

Mr. POMBO. If the gentleman will let me answer, I will tell him. It was combining. This was my concern, combining, commingling, official money with outside money, and that was my concern, and that is why I signed onto the letter.

Mr. FAZIO of California. The gentleman's request was to get the foundation grants.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. FAZIO] has expired.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER], who served as cochairman of the Republican freshman class reform task force in the last Congress.

Mrs. FOWLER. Madam Speaker, I rise in strong support of the sunshine rule. The Republican freshman class of 1992 made open meetings a top priority in our reform efforts when we took office 2 years ago. Those of us who came here from States with sunshine laws were shocked to learn that committee chairmen could lock out the American people for almost any reason. We were appalled when a meeting was closed to the public because tax increases were being discussed.

My home State of Florida, the Sunshine State, has some of the toughest open meeting laws in the country. Local and State government improved because of those laws.

It is time to shine a light under the done here at the U.S. Capitol. We can never forget that we work for the American people, and what we do here we do for them.

This rule will ensure the doors remain open, and I encourage my colleagues to support it.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the gentlewoman from Arkansas (Mrs. LAMBERT LINCOLN).

Mrs. LAMBERT LINCOLN. Madam Speaker, I thank the gentleman for yielding. As has been said earlier in this debate, the best place to dry laundry is still in the sunshine, and the sunshine is still the best place for Congress to air our discussions about legislation.

As we look to the committee structure to help us in deciding, forming, developing, and perfecting legislation, it is very critical for us to keep those meetings open and open to the public, the very people who pay our salaries and who are directly affected by the laws that we passed. They should certainly be welcome to see Congress in its action.

Congress in committee is certainly Congress in action, and that is where I feel like it is most important as we look to the committee structure as well as the conference reports, the conference committees, to make sure that they do remain open to the public. Debate over these decisions should be held in the public eye.

That is why I strongly support this proposal. This will not threaten our national security interests, because we found that classified information will still be protected, and that is why I support this legislation in opening up to the very people of the public that which we are here to do on their behalf.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER], who led the fight for similar legislation.

Mr. ZIMMER. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, in the 1970's, nearly every State in the Union enacted sweeping open public meetings laws. Inspired by Florida's sunshine law and spurred by citizens' organizations such as Common Cause, legislatures across America opened the meetings of virtually every State and local public body to the public.

Congress responded only partially to this demand for reform. It left a gaping loophole in its rules that allowed committee meetings to be closed by simple majority vote for any reason or for no reason.

It is high time for Congress to be subject to the same open meetings requirements that have applied for more than 20 years to the zoning boards and the boards of education in the smallest communities in New Jersey and across the Nation. Justice Louis Brandeis was right when he said sunlight is the best disinfectant. It is time for us to join the 50 States and the communities of this Nation and open our doors and open our windows and let the sun shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman for yielding, and I salute the gentleman from Michigan for his leadership to fight on this, because he is right. Government is not a fungus, it can thrive in sunshine. But the point I think the gentleman was trying to make, too, that is connected to this is that the voters are not stupid, and they also know that some of the issues they see that will now be discussed in sunshine and have been in many meetings already, but what they are going to see in the sunshine, they know those deals may have been cut somewhere else. And that is why you have to let the sunshine in a little brighter.

I think it goes back to the original concept I was talking about of the coin operated legislative machine. If you only get to see what is coming out of the machine, you are only seeing half of the machine. And that is why many of us are very disappointed tonight. We do not have an opportunity to amend this so that we can add sunshine as to what went into the machine, who was putting the coins into the machine, and is there a connection.

I think the gentleman from Michigan made an excellent point, and I only hope next time we get a chance to make an amendment so we see sunshine everywhere.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to a new Member from the Buckeye State, the gentleman from Ohio [Mr. NEY]

Mr. NEY. Madam Speaker, I appreciate my colleague from Ohio and neighboring Congressional District for yielding time to me.

Madam Speaker, I want to stay to the subject matter, because obviously from this side tonight it has strayed I believe from the original intent of what we are talking about, which is sunshine. And with our good parliamentarian BOB WALKER, I don't want to have him rule me out of order, so I am not going to talk about Ralph Nader and his hidden monies, and some of the labor unions and how they have monies, and I come from a labor area that may not necessarily have to be right out in the open sunshine.

I want to stick to the subject matter, which I think we have to do, and that is the fact of talking about the influence of the lobbyists. The lobbyists are there to present people's points of view that they represent back in our districts, but it should be done out in the open.

I was a participant in a closed conference committee when I chaired the Senate Finance Committee in Ohio. We finally came into the 21st century and our colleagues opened the process up in the State. All the States have, and it is time we come into the 21st century. I believe what we are trying to do here everybody does agree with, and urge support.

Mr. BONIOR. Madam Speaker, I yield one and a half minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentleman for yielding. I think we ought to be clear as to what we are talking about here. In my experience I have seen very few, in fact, no closed meetings.

There is a very important concept known as the elephant stick. The elephant stick is a stick that a man carries. It is not Tonya Harding's stick, it is the one that you carry around Dupont Circle, and people say, "What are you doing with that stick?" And the answer is, "Well, it is to keep away all the elephants." They say, "Well, there aren't any elephants at Dupont Circle." Then you say, "My stick works."

Now, my friends on the other side have got a lot of elephant sticks tonight. They are banishing nonexistent elephants at a fast and furious pace. If they want to take credit for it, that is fine. But I have to tell you that these closed meetings they talk about are widely a figment of their imagination.

But I am concerned about openness in this regard: I was told we were going to have a new way of operating. Is it the plan, and I will be glad to yield to any member of the leadership on the other side, is it the plan to finish this rule, and then take up another separate important bill, the compliance bill, at 2 or 3 o'clock in the morning, and then do nothing tomorrow?

Is that the new way of legislating, that we will take up the important question of compliance and its related issues at 2 or 3 o'clock in the morning, keeping people here on overtime, and then tomorrow have nothing to do at all?

If that is in fact the plan on the other side, I hope the leadership will tell us that, so some of us can suggest we ought to finish this bill, go home for the night, and come in tomorrow and then act on the compliance bill in the sunshine, not at 2 o'clock in the morning.

Mr. CREMEANS. Madam Speaker, I yield one minute to my fellow classmate from the Commonwealth of Virginia the gentleman from Virginia. [Mr. DAVIS].

Mr. DAVIS. Madam Speaker, I have been in local government for 15 years where we were subject to sunshine laws, and I believe that total access for the public and the media at committee meetings will end once and for all the controversial practice of shutting the doors to meeting rooms and barring the public to facilitate backroom deals with special interests.

This did happen, this is one elephant on May 6th, 1993, when the Democratic majority excluded the public while the Committee on Ways and Means considered a $270 billion tax increase.

Madam Speaker, meetings to prepare tax bills should be open to the public, as should other legislation that is being drafted, and these other committee meetings should be open as well. Open meetings will discourage backroom deals and increase congressional accountability. The committee sunshine reforms are long overdue. We apply these reforms to many parts of the Executive Branch. It is time we apply them to Congress as well.

Mr. CREMEANS. Madam Speaker. I yield 1 minute to my friend and neighbor from Ohio. the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Madam Speaker. I thank my Ohio neighbor for yielding.

Madam Speaker. when I came to Congress in a special election in 1993. the very first measure that I cosponsored was something called the Congressional Sunshine Act. As many in this Chamber will recall. that was to be part of the great reform movement of the 103d Congress. The reforms never happened.

I am very pleased we have the opportunity tonight to act on this measure. I am very pleased to see we have some new converts. who had the chance to cosponsor this bill last year and chose not to.

Madam Speaker. the Sunshine Act was the first bill I cosponsored because it seemed indefensible to me. that with the exceptions listed in this rule. there is a need to hold hearings behind closed doors. What are we afraid of? What scares us so much about public scrutiny?

In a free and open society. shouldn't Congress—the People's House—take the lead in providing access? In giving assurances to our constituents that they'll have a bird's eye view of what is going on in their government?

As we all know. many of the most critical public policy decisions are made at the committee level; we've got to ensure that the American people—the people who sent us here—are part of that process. No reform is more important to a more accountable Congress.

I'm pleased that this measure has finally been given the chance to see the light of day. Now. let's vote to shine that light—freedom's torch—on our own proceedings.

□ 2050

As we all know. the most critical public policy decisions around here are made at the committee level. They affect all Americans. We have to ensure that the American people. the people who sent us here. are part of that decisionmaking process. No reform is more important. I believe. Madam Speaker. to accountability than this measure.

I am pleased this measure has finally been given the chance to see the light of day. Now let us shine that light. freedom's torch. on all of our proceedings.

Mr. BONIOR. Madam Speaker. I yield myself such time as I may consume.

Madam Speaker. let me just conclude by suggesting that this is a good amendment that the gentleman from Ohio [Mr. CREMEANS] has suggested. I think it is time. I said earlier. that we let the sunshine in on all of our workings in this institution and our committees. but I again invite my colleagues on the other side of the aisle to let the sunshine in on those who have contributed through GoPAC to those campaigns.

I think with important legislation coming before us so quickly in this session. and there will be significant legislation that we will have before us in the next 90 days. it is important that the American people understand who contributed. how much. when they contributed. and in what States. We do not have that information now. Every other political campaign committee has to disclose. GoPAC should be no exception.

I would encourage and urge my colleagues in calling for revelations of their contributions. It seems to me that if GoPAC has nothing to hide. then it should have nothing to be afraid of. If GoPAC will not come clean and will not open their books. I think the American people have the right to ask what GoPAC is hiding.

Mr. CREMEANS. Madam Speaker. to close the debate on this vital rule change. I yield 1 minute to the gentlewoman from Washington [Ms. DUNN]. who led the charge on the issue in the last Congress. fighting for a Sunshine Act in the Joint Committee on the Organization of Congress.

Ms. DUNN. Madam Speaker. I want to thank all the people who have helped on the Sunshine Act. This is a wonderful moment for many of us. a real moment of true reform.

Almost 2 years ago. Representative RICH POMBO and the Republican freshmen and I spearheaded a freshman Republican class project to put an end to closed-door sessions where public business was done in private. Specifically. and I want to inform the gentleman from Massachusetts [Mr. FRANK]. we had been outraged when the then chairman. the gentleman from Illinois [Mr. ROSTENKOWSKI] escorted the public and the press out of a committee meeting and closed the meeting so no one would see Democrats voting to raise taxes retroactively. while every single Republican opposed them.

As the only freshman on the Joint Committee on the Organization of Congress. it was then my privilege to continue to push this item in the last Congress. but the majority in the last Congress was not friendly to reform. Madam Speaker. The Sunshine Act and other important reforms were bottled up in committee and stalled to seeming death.

However. those reforms did not die. Instead. they are being enacted today by a new majority. and this sunshine rule is the direct descendent of our effort 2 years ago. Now finally the rules will be changed. The public now has the right to see the public's business being conducted. After all. Madam Speaker. the public pays for the process. They should be able to view the process.

Now on this opening day. as reforms begin. let the public watch their public servants. Let the press report events based on eyewitness accounts. Let the television cameras be our eye on the process. when we cannot be here in Washington. DC.

Madam Speaker. let the sunshine in.

I thank the gentleman for yielding time to me.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). All time has expired. The question is on section 105 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CREMEANS. Madam Speaker. on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device. and there were—yeas 431. nays 0. not voting 2. as follows:

[Roll No. 10]

YEAS—431

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook

Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Gunderson
Yates

☐ 2107

So, section 105 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KOLBE). Section 106 of the resolution is now debatable for 20 minutes. The gentleman from Pennsylvania [Mr. FOX] will be recognized for 10 minutes, and the gentleman from Georgia [Mr. LEWIS] will be recognized for 10 minutes.

Ms. WATERS. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Chair does not recognize the gentlewoman at this time for an amendment. The gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Ms. WATERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Speaker, I have an amendment at the desk in this section. This is a section that increases the vote requirement for raising taxes from a simple majority to a three-fifths majority. I wish to protect Social Security from being cut by a simple majority. Why can I not add this amendment at this time?

The SPEAKER pro tempore. The gentlewoman should be advised that under the rule that amendment is not in order at this time.

The gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes.

Mr. FOX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year's budget debate proved how easy it is for Congress to impose higher taxes and increased spending on the American people. Today we take a significant step toward making tax increases infinitely more difficult.

The goal of this new rule is twofold. First, it will require three-fifths majority vote for tax increase measures and amendments. Additionally, it will place a prohibition on retroactive tax increases.

Had the three-fifths requirement been in effect during the 103d Congress, the Clinton tax increase would not have passed. Instead of it passing by only one vote and with the support of only one party, a clear bipartisan consensus would have been required.

The retroactive tax increases, which added insult to injury, would not have been possible had the new rule been in effect. Taxes would not have been raised for 8 retroactive months for millions of hard working Americans, small business owners and senior citizens.

If Members believe Americans are undertaxed, they will not favor these proposals. But if they believe, as I do, we must be cautious about tax increases and they were appalled by the spectacle of last-minute deals which accompanied the 1993 tax increase, they ought to support this reform.

The largest tax increase in American history was passed August 5, 1993, by just one vote and with no bipartisan support. That will not happen in this new Congress. A tax increase enacted could only happen in the future if it has the broad support of Democrats and Republicans working together when all other reasonable alternatives have been exhausted.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I commend the gentleman for bringing this amendment to our attention.

As you know, this amendment to the House Rules provides for a three-fifths or 60 percent vote as a necessity to pass any income tax increase. I first introduced this concept in the form of a rule change on Tax Freedom Day, May 8, 1991. I recognized then, as I do now, that our choices in methods used to balance the budget involve two very difficult types of decisions. First, do we raise taxes, or second, do we hold down spending to bring the budget into balance?

History shows quite clearly that when faced with those two difficult options, this House has historically opted to increase taxes. Why? Simply because it has always been the easier of the two.

For example, in 1990, in the name of deficit reduction, the House leadership went off to Andrews Air Force Base with President Bush and his staff and, in the name of deficit reduction, arrived at an agreement to increase taxes to once and for all put this deficit problem behind us. It didn't work.

So then, in 1993, once again in the name of deficit reduction, this time led by President Clinton and the Democrat leadership, Congress foisted the biggest tax increase in this country's history upon the American people to once and for all get the deficit reduction problem behind us. It didn't work either.

The fact of the matter is that, in 1990, the Andrews Air Force Base tax deal was put together because we had projected a horrendous $170 billion deficit by 1995. Today, after two tax increases and our failure to hold down spending, the deficit at this year's end is projected to be $180 billion, that's right, $10 billion more than had been projected previously in 1990.

Once again, I point out that this is after the two largest tax increases in our country's history. We're not fooling anyone. Congress has always taken the easy way out and we have never solved our deficit problem by raising taxes.

The problem, as one Joint Economic Committee study shows, is that for each dollar in tax increases we have historically increased spending by $1.59. Therefore, it is clear that the route of least resistance, increasing taxes, has not worked. This rule change will tend to put better balance in that process.

Some have indicated a concern regarding the constitutionality of this measure. Let me put those concerns to rest. I would like to quote from an article that appeared in the Washington

Times on December 20, 1994 by Bruce Fein.

Supermajority voting rules are constitutional and legislative commonplaces. * * *

The U.S. Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government in Gordon vs. Lance (1971). At issue were provisions of West Virginia laws that prevented political subdivisions from incurring bonded indebtedness or increasing tax rates beyond limits fixed in the West Virginia Constitution without the approval of 60 percent of the voters in a referendum election. Writing for the majority, Chief Justice Warren Burger stressed the political incentive for prodigality when the cost can be saddled on future generations without any political voice: "It must be remembered that in voting to issue bonds voters are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand."

The burden of federal income tax rate increases, unlike bonded indebtedness, must be fully borne by current votes. But they typically are targeted at a minority slice of the electorate, such as those increases championed by the Clinton administration and enacted by the 103d Congress. And the revenues generated by tax rate increases are characteristically dedicated to spending programs that benefit voters who escaped the tax increase—for example, food stamps, Medicaid, welfare, housing, job training, education, and farm subsidies. Mr. Solomon's 60 percent supermajority voting rule for tax rate increases is thus a healthy corrective to the natural inclination of simple majorities to fasten an unfair proportion of the costs of government on minorities. The same is true regarding Mr. Solomon's recommended ban on retroactive rate increases that invariably mulct a small percentage of the electorate.

Support this rule change. It is an essential element in restructuring our fiscal process.

Mr. Speaker, I include for the RECORD the article from the Washington Times of December 20, 1994 entitled "Solomon's Wise House Discipline" on this subject, as follows:

[From the Washington Times, Dec. 20, 1994]

SOLOMON'S WISE HOUSE DISIPLINE

(BY BRUCE FEIN)

House Rules Committee chairman-designate Gerald Solomon deserves laurels for proposed rule changes that would counteract the propensity of legislators to levy unfair or oppressive taxes to fund run-away spending. Mr. Solomon will recommend to the 104th Congress rules that would prohibit retroactive increases in federal income tax rates, and would require at least 60 percent House majorities to approve prospective rate jumps.

These types of procedural checks on majoritarian foolishness or over-reaching are neither unconstitutional nor novel; they represent praiseworthy efforts to overcome skewed political incentives that systematically divorce government taxes and spending from public sentiments or the nation's future welfare. Indeed, the House and Senate should require supermajorities to approve legislation that would increase tax levies of any sort (not just federal income tax rates), increase federal government spending, or impose substantial spending mandates on states, localities or private enterprise.

Supermajority voting rules are constitutional and legislative commonplaces. For instances, two-thirds majorities in both houses of Congress are required to override a presidential veto or to propose constitutional amendments, and a two-thirds Senate vote is required to ratify treaties or to convict of an impeachable offense. Many state constitutions prohibit or tightly circumscribe the power of the legislature to levy new taxes or to increase bonded indebtedness. And U.S. Senate rules require supermajorities to end filibusters or to waive balanced budget requisites for proposed legislation. Thus, the Uruguay Round GATT implementing bill necessitated a 60 percent majority to waive the Senate's balanced budget rule.

The U.S. Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government in Gordon vs. Lance (1971). At issue were provisions of West Virginia laws that prevented political subdivisions from incurring bonded indebtedness or increasing tax rates beyond limits fixed in the West Virginia Constitution without the approval of 60 percent of the voters. in a referendum election. Writing for the majority, Chief Justice Warren Burger stressed the political incentive for prodigality when the costs can be saddled on future generations without any political voice. "It must be remembered that in voting to issue bonds voters are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand."

The burden of federal income tax rate increases, unlike bonded indebtedness, must be fully borne by current votes. But they typically are targeted at a minority slice of the electorate, such as those increases championed by the Clinton administration and enacted by the 103rd Congress. And the revenues generated by tax rate increases are characteristically dedicated to spending programs that benefit voters who escaped the tax increase—for example, food stamps, Medicaid, welfare, housing, job training, education and farm subsidies. Mr. Solomon's 60 percent supermajority voting rule for tax rate increases is thus a healthy corrective to the natural inclination of simple majorities to fasten an unfair proportion of the costs of government on minorities. The same is true regarding Mr. Solomon's recommended ban on retroactive rate increases that invariably mulct a small percentage of the electorate.

Experience teaches that spending bills are characteristically spendthrift. The reasons are twofold: The benefits are ordinarily concentrated and stimulate strong lobbying efforts by the beneficiaries while the costs are ordinarily diffuse. The logarithmic rocketing of Social Security spending illustrates that political phenomenon. It speaks volumes that in 1988 when Congress enacted a catastrophic health insurance law for Medicare recipients fully funded by risk-based premiums, the elderly immediately screamed for and obtained its repeal because they believed the benefits were not worth the price if they were the payors. In other words, Medicare recipients would oppose the expansion of Medicare spending if they were required to bear the cost. Spiralling government spending also is politically attractive because a hefty portion of the cost through budget deficits can be fastened* * *

[From the Washington Times, Dec. 20, 1994]

TAX INCREASE LIMITATIONS

If the tax and spend profligacy of Congress seemed confined to some special, urgent, and transitory national need, then the justification for supermajority voting rules would be weak. But the profligacy seems endemic to contemporary politics; the federal budget has invariably been in deficit for a quarter of a century, and has become so habitual to lawmakers that deficits less than $200 billion are oxymoronically styled "austerity."

Federal mandates that require states, localities, or private enterprise to incur substantial costs to provide benefits to constituents or employees should also confront supermajority voting rules. They are more alluring to Congress than the most charming temptress; the mandates gain the federal lawmakers popularity with the beneficiaries while escaping the unpopularity of increased taxes to cover the costs of service.

The justifications for the presidential vote elaborated by Alexander Hamilton in Federalist 73 equally support the wisdom of Mr. Solomon's proposed rules of legislative self-restraint. Hamilton praised the veto as a "salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of an impulse unfriendly to the public good . . ." Acknowledging that the veto might prevent the enactment of good laws, he rejoined: "[T]his objection will have little weight with those who can properly estimated the mischief of that inconstancy and mutability in the laws, which form the greatest blemish in the character and genius of our governments. They will consider every institution calculated to restrain the excess of lawmaking . . . as much more likely to do good than harm. . . ."

Mr. Solomon's proposed supermajority voting rule for tax rate increases is a commendable self-imposed legislative complement to the constitutional veto power designed to block improvident laws. Indeed, the rule should be broadened to reach all bills that would raise taxes or spending. It should be remembered that the Constitution itself is a testament against simple majoritarian rule; it thus smacks of obtuseness to interpret that anti-majortiarian charter as militating against congressional self-restraint in lawmaking.

Mr. FOX. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 45 seconds to the gentlewoman from California, [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I ask unanimous consent to offer the amendment I have at the desk.

The SPEAKER pro tempore. Under the rule, the amendment is not in order, and the gentlewoman is not recognized for the purpose cf offering an amendment at this time. The gentlewoman has been recognized to speak on the section that is under debate.

Ms. WATERS. Mr. Speaker, I say to the American people I would like them to pay attention, watch closely. I have an amendment to offer now but I cannot.

Republicans ran saying they wanted to open up the congressional process. Now they are in charge, but look what has happened. Today we have no chance to offer our proposals to change House rules.

If Republicans believe it is fair to require a three-fifths majority to raise taxes, why can I not offer an amendment to require the same majority in order to protect Social Security? I am ready to offer it today, but I cannot. The Republicans will not allow this debate today.

If the American people voted for change, I am not sure that is what they are getting. This type of reform is not what the people had in mind last November, Mr. Speaker.

I would like to protect seniors, many of whom live in fear of losing their only income source. If Republicans want to use the rules to further their political ends, we Democrats would like to use that means to protect senior citizens.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I rise in opposition to the resolution. I urge my colleagues to re-read the U.S. Constitution, the history of the Constitutional Convention, and the Federalist Papers. Madison, Jefferson, Hamilton and Jay were correct. The right decision was made and incorporated into our Constitution. All bills are adopted by simple majority of both Houses except for overriding a Presidential veto impeachment, and amending the Constitution. This resolution would create the requirement of a supermajority to pass legislation not specified in the Constitution. Notwithstanding the fact that this is a bad idea, it is also unconstitutional.

I urge my colleagues to reject this resolution.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

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Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is ironic that on this first day of a Republican Speaker in 40 years, a Speaker who is a learned historical and a college professor of history, who spoke eloquently of Ben Franklin and the checks and balances and the Great Compromise that was necessary to allow us to build a Constitution that has lasted for 208 years, it is ironic our Speaker is willing to lead Members, including 73 new Members, over a constitutional cliff. He knows this greatest of constitutions clearly specifies five instances where a supermajority is necessary for a decision.

Except for the ultimate penalty of removing a Member of the branch who has been duly elected by the people in his or her district, all of those other four represent veto override, treaty ratification, impeachment, ratification or rejection of a personnel or action by a coequal branch.

It is ironic for all of the years that the Senate, the other body, has required a supermajority to close debate. They never dared to suggest that once debate was closed it took more than a simply majority, one-half plus one, to make the decision.

And the ultimate irony, Mr. Speaker, is that the Republican majority does not need to do this. They have the majority. They can simply vote "no" and accomplish what is there.

So one can only conclude, Mr. Speaker, that section 106 is a deliberate effort to attack the Constitution which is so strongly lauded here and which we all took an oath to uphold.

Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, what a long way we have come in dealing straight with the American people.

Less than 17 months ago, this body cast aside basic fairness and imposed unprecedented retroactive tax increases. American taxpayers were aghast to learn that the tax increases were made effective to a date before President Clinton had even assumed office!

Today, we are restoring credibility with the American people. If this proposed rule is adopted, it will be against the rules of the House to consider any legislation that contains a retroactive tax increase.

In the last Congress, I authored House Resolution 2147 to incorporate this "taxpayer-protection" provision in our House rules. All told, 165 of our colleagues either cosponsored that resolution or signed Discharge Petition No. 11.

Today, thanks in no small part to Chairman SOLOMON, we are finally getting our chance to adopt this rule change.

Mr. Speaker, last summer, while not speaking on the wisdom of retroactive taxes, the Supreme Court gave Congress a green light to raise taxes in this patently unfair manner, putting all tax-paying Americans at risk of having their own fiscal houses thrown in disorder.

It is not only appropriate—but absolutely necessary in light of the Court's ruling—that the House take this action to stop retroactive taxes.

I urge all of my colleagues, in a bipartisan way to vote for this important reform. The American taxpayers deserve nothing less.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, civilization depends upon civility, and civility rests upon an implicit trust that we each abide by a shared sense of bounds, of what is within the rules. Each of us must be able to expect of the others that we will play by the rules, and not play with the rules.

The proposed rule does violence to this essential aspect of a civil society. It is a proposal to go beyond the bounds, to play with the rules, instead of by them. And in a most uncivil way, it would abuse the discretion given this House by the Constitution to determine the rules of its proceedings, by using the rules of the House to subvert part of the Constitution: the principle of majority rule that is central to the operation of the legislative branch.

The Republicans say this proposed rules change makes the difference between them and the Democrats clear. True. But it is not the difference they assert.

Republicans say this rule change makes it clear that they are opposed to tax increases. But this rule has much more to do with the Constitution than with taxes.

What it really makes clear is that for the sake of political posturing the Republicans are willing to trample on the Constitution which has guided us for 206 years.

The Constitution is the most fundamental statement of American values, the very charter of our democracy. The oath of office we took this afternoon was to support and defend the Constitution and to bear true faith and allegiance to it. The first responsibility of our job in Congress is to honor that charter and remain true to its basic principles.

The gentleman from New York, the new chairman of the Rules Committee, has written that the Constitution says the House may write its own rules. Yes. And the gentleman has quoted an 1892 Supreme Court decision, United States versus Ballin, which says this rulemaking power "is absolute and beyond the challenge of any other body or tribunal" so long as it does "not ignore constitutional constraints or violate fundamental rights."

But there's the rub. The rulemaking power of the House does not give us a license to steal other substantive provisions of the Constitution, especially not one so central as the principle of majority rule.

The gentleman from New York conveniently failed to point out that a unanimous Supreme Court in that very same case determined that one constitutional constraint that limits the rulemaking power is the requirement that a simple majority is sufficient to pass regular legislation in Congress. To quote the Court:

> The general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations. * * * No such limitation is found in the Federal Constitution, and therefore the general law of such bodies obtains.

The Court expressed the same understanding as recently as 1983, when, in *Immigration and Naturalization Service* v. *Chadha*, it stated:

> * * * Art. II, sect. 2, requires that two-thirds of the Senators present concur in the Senate's consent to a treaty, rather than the simple majority required for passage of legislation.

This principle, while not written into the text of the Constitution, was explicitly adopted by the Constitutional Convention. It was explicitly defended in The Federalist, the major contemporary explanation of the Framer's intent. It was followed by the first Congress on its first day, and by every Congress for every day since then. And, as I've already indicated, this principle has been explicitly found by the Supreme Court to be part of our constitutional framework.

The Framers were very much aware of the difference between a supermajority and a simple majority. They met in Philadelphia against the historical backdrop of the Articles of Confederation, which required a supermajority in Congress for many actions, including the raising and spending of money. It was the paralysis of national government caused by the supermajority requirement, more than any other single cause, that led to the convening of the Constitutional Convention.

In that Philadelphia Convention, the delegates repeatedly considered, and rejected, proposals to require a supermajority for action by Congress, either on all subjects or on certain subjects. In only five instances did they specify something more than a majority vote. These are for overriding a veto, ratifying a treaty, removing officials from office, expelling a Representative or Senator, and proposing amendments to the Constitution. Amendments to the Constitution later added two others: restoring certain rights of former rebels, and determining the existence of a Presidential disability.

The records of the debates in Philadelphia make it clear that in all other instances the writers of the Constitution assumed that a simple majority would suffice for passage of legislation. The text of the Constitution itself also indicates as much. Why, otherwise, would it provide that the Vice President votes in the Senate only when "they be equally divided"? Because, as Hamilton explained in Federalist No. 68, it was necessary "to secure at all times the possibility of a definitive resolution of the body." Certainly the Framers didn't intend the Senate to operate by the principles of majority rule, but not the House.

Indeed, majority rule is such a fundamental part of a democratic legislature that the Founders saw no need to state it explicitly—just as they didn't bother to spell out that it is the top vote-getter, not the second-place finisher, who wins a race for Congress. But each is an inherent element of our constitutional framework.

The reason behind the principle of simple majority rule was stated clearly in The Federalist—one of the five books which the new Speaker has urged every Member to read. In Federalist No. 58, James Madison wrote:

> It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution, cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. *It would be no longer the majority that would rule; the power would be transferred to the minority.* Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences. (Emphasis added.)

And again, remember that it was a lack of effective national government, produced by the minority-rule effects of the supermajority provisions of the Articles of Confederation, that led to the convention that wrote the Constitution.

Some argue that a three-fifths requirement to raise taxes would be like a two-thirds vote requirement to suspend the rules and pass a bill, or the 60-vote requirement to end debate in the Senate. Wrong. Those rules address procedural steps. A bill not approved under suspension of the rules in the House can be reconsidered and passed by a simple majority. After debate is over in the Senate, only a simple majority is required to pass any bill.

So this proposed rule is not like any rule adopted in the 206 years in which we have operated under our Constitution. As 13 distinguished professors of constitutional law recently said in urging the House to reject this rule:

> This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitution's language and structure. It departs sharply from traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area best left to responsible congressional decision.

I ask unanimous consent to include after may remarks in the RECORD the law professors' full memorandum.

So, if this rule is so clearly unconstitutional, why propose it?

The answer is simple. This rule is a gimmick. It is an act of high posturing. And as much as the Republicans may wish to seem opposed to tax increases, it is unseemly to do so at the expense of the Constitution.

This rule itself would violate the Constitution, and voting for it would violate our oath to uphold the Constitution. Those are, obviously, serious matters.

Beyond that, if we start down this road of making it harder for Congress to carry out some of its responsibilities, who knows where it will end. Two weeks ago, Rep. Solomon sent out a "dear colleague" letter enclosing and endorsing a newspaper column saying that this supermajority requirement should be broadened to apply to all taxes and fees; to any spending increase; and to any bill imposing any costs on any type of private business—for example, the Clean Air Act.

So let's be clear that if we vote today for a supermajority for one type of legislation, in the future we'll be voting on extending that bad idea to other types of legislation, too. And with it, we slide measurably toward the empowerment of a minority against which Madison warned.

Of course, the supermajority idea might not stop at a three-fifths vote. If the idea here is to make it hard to raise taxes, do we really want it to be easier to go to war than to raise taxes? So perhaps we should have a rule requiring unanimous consent to declare war.

Is any of that nonsense really less preposterous—less an assault on the basic American values of democracy and majority rule—than the rule that is before us today?

The idea of a three-fifths majority to raise tax rates was first proposed in the Republican Contract with America as a part of a balanced-budget amendment to the Constitution, not as a rules change. For those of you who are serious about this idea, that is the appropriate and lawful way to do it—through an amendment to the Constitution.

This proposal raises profound constitutional issues. Yet, there have been no hearings. And debate here tonight on the floor is limited to all of twenty minutes. That is a shamelessly cavalier approach to a matter of such importance. It belies its advocates' claims to a thoughtful and open deliberative process in this House.

What is at stake here is the Constitution. Have respect for this foundation document of our democracy. Don't return us to the failed approach of the Articles of Confederation. Don't subvert the Constitution's basic principles. And don't ask us to break the oath of office we just took.

Mr. Speaker, I call on my colleagues to support and defend the Constitution of the United States.

To: The Honorable Newt Gingrich.

From: (Institutional affiliations are for purposes of identification only) Bruce Ackerman, Professor of Law and Political Science, Yale University; Akhil Amar, Professor of Law, Yale Law School; Philip Bobbitt, Professor of Law, University of Texas Law School; Richard Fallon, Professor of Law, Harvard Law School; Paul Kahn, Professor of Law, Yale Law School; Philip Kurland, Professor of Law, University of Chicago Law School; Douglas Laycock, Professor of Law, University of Texas Law School; Sanford Levinson, Professor of Law, University of Texas Law School; Frank Michelman, Professor of Law, Harvard Law School; Michael Perry, Professor of Law, Northwestern University School of Law; David Strauss, Professor of Law, University of Chicago Law School; Cass Sunstein, Professor of Law, University of Chicago Law School; Harry Wellington, Dean, New York Law School.

We urge you to reconsider your proposal to amend the House Rules to require a three-fifths vote to enact laws that increase income taxes.[1] This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitution's language and structure. It departs sharply from traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area best left to responsible congressional decision.

Unless the proposal is withdrawn now, it will serve as an unfortunate precedent for the proliferation of supermajority rules on a host of different subjects in the future. Over time, we will see the continuing erosion of our central constitutional commitments to majority rule and deliberative democracy.

1. ORIGINAL INTENTIONS

The present proposal is unprecedented, but it was anticipated by Madison in a remarkably prescient discussion in the Federalist Papers—a document that you rightly urge your colleagues to reread with care. Federalist No. 58 is explicitly directed to complaints about the constitutional design of the House. It concludes by confronting an objection "against the number made competent for legislative business." Madison's description perfectly fits the present proposal:

> It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision.[2]

Madison rejects this suggestion, but only after recognizing that it serves certain values—notably it might serve as a "shield to some particular interests, and another obstacle to hasty and partial measures."[3] Nonetheless, he finds these considerations "outweighed" by more fundamental ones:

> In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences.[4]

Madison's audience understood the backdrop of these remarks. The Articles of Confederation required Congressional supermajorities for specially important subjects, including the raising and spending of money.[5] But the Philadelphia Convention decisively rejected such a system, repeatedly voting down key proposals that imposed supermajorities in legislative fields of special sensitivity.[6] In Federalist No. 22, Alexander Hamilton explicitly defended this decision to break with the supermajority system of the Articles, insisting that ordinary legislation should not "give a minority a negative upon the majority."[7]

The Founders rejection of selective supermajority rule for specially sensitive legislation was neither casual nor peripheral to their larger design. Instead, it was based on practical experience and careful consideration of the arguments on both sides. Nothing in the past two centuries of our history authorizes a simple majority of the House to take unilateral action and restrike the constitutional balance.

2. CONSTITUTIONAL TEXT AND STRUCTURE

Of course, there are times when the Constitution weighs the balance differently. On seven different occasions, it stipulates a supermajority requirement.[8] But it never makes three-fifths, rather than two-thirds, a numerical hurdle of special significance. More fundamentally, it never places any special obstacles on the enactment of ordinary legislation signed by the President.[9] As the *Chadha* case teaches, this carefully considered lawmaking system can only be changed by constitutional amendment.[10]

If the present proposal were legitimate, it would set a precedent for endless proliferation of supermajority requirements: If income tax increases can be subject to a special rule, why not national defense or civil rights? Since a 60 percent rule has no special place in the constitutional text, why not 55 or 73 percent? Indeed, the present proposal already suggests how easily this logic may be extended. It not only contains a three-fifths rule for income tax increases, but imposes a kind of unanimity rule for the special category of "retroactive" taxes—already propelling us down the path to proliferation.

It is true that the constitution gives each house the right "to determine the rules of its proceedings." This sensible housekeeping provision, however, does not authorize the House to violate fundamental principles of constitutional democracy. It simply authorizes it to organize itself for informed and efficient debate and decision.

Indeed, we have no objection to supermajority rules so long as they fit comfortably within this rationale. Consider, for example, the House rule that requires a two-thirds vote to suspend the rules for the expeditious consideration of legislation. This supermajority requirement transparently serves the interest of the efficient organization of decisionmaking. If it were too easy to suspend House rules there would be undue disruption of the normal system of deliberation and decision; but if it were impossible, the House would be incapable of responding to emergencies. Hence, a two-thirds rule is a perfectly appropriate way to exercise the House's power "to determine the rules of its proceedings."

But the present proposal cannot be justified as a general procedure aiming to induce deliberative decisionmaking. It is simply based upon a substantive and selective judgment that income tax increases—and only these increases—are unwise and should not be encouraged. Such opinions are entirely defensible, but they do not fall within the limited constitutional authority granted each house over its "proceedings."

There is much more than language at stake. House rules are enacted on the first day of the session. Hence substantive judgments made in the rules cannot be the result of serious deliberation by the Members. House rules are made unilaterally without consultation with the Senate. Hence substantive judgments cannot be reached after the complex bicameral process contemplated by Article I. House rules are made by a bare majority. Hence the enactment of supermajority rules provides a mechanism to transform a narrow majority into a supermajority at a time when the process of substantive deliberation has not yet seriously begun. The introduction of substantive policies into procedural rules, then, undermines the system of deliberative democracy established at the Founding.

Defenders of the supermajority rule have minimized its threat to constitutional values by suggesting "that the same House majority that votes to impose a three-fifths rule could as easily vote to rescind that rule if it truly wanted to raise taxes."[11] But this claim is simply false. Once the sixty-percent provision is on the books, its operation would apply to tax legislation unless the House agreed to suspend its rules. But we have seen that this can only occur after a two-thirds vote. House traditions even given the Speaker unilateral authority to refuse to recognize a motion to suspend the rules even if two-thirds wished to allow the majority to have its say.[12]

Indeed, even if the House wished to reconsider its opening day decision to impose a three-fifths rule, it would have great difficulty doing so. Such an effort normally requires the prior approval of the House Rules Committee, whose composition does not mirror the House as a whole. The only remaining method for reconsideration will be the notoriously difficult procedure by which 218 members may finally force the Rules Committee to "discharge" a measure that it has bottled up.[13] While 218 is an absolute majority of the whole House, requiring such a large number is inconsistent with Madison's insistence that "a majority of a quorum" should suffice for ordinary legislation. By the time this mechanism could be employed, moreover, the chance to vote on pending tax measures may have long since passed.

There is no escape, then, from the conclusion that the proposed rule strikes at the heart of the system of deliberative democracy established by the Constitution.

3. CONGRESSIONAL PRACTICE

The sixty-percent proposal seems to be based on an analogy with the Senate's practice on cloture. Whatever the constitutional merits of the filibuster rule, it does not provide a sound precedent. By making it hard to stop filibusters, the cloture rule provides for a more fully informed discussion, and falls within the rationale of the Constitution's grant of rule-making power to both Houses. In contrast to this general and procedural norm, the House proposal is selective and substantive and is simply beyond the scope of its rule-making authority.

It is quite true that, since 1985, Congress has passed new rules requiring a three-fifths majority in the Senate as part of the budget reconciliation process.[14] While these provisions are vulnerable to our constitutional objection, they are such recent innovations that they can hardly count as a "tradition" which demands constitutional respect.

4. SUPREME COURT REVIEW

We believe that the constitutional violation is sufficiently plain and fundamental to

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Footnotes at end of article.

warrant action by the Supreme Court. As the Court cautioned in United States v. Ballin, House rules may not "ignore constitutional restraints or violate fundamental rights."[15] The Court went on to elaborate principles of constitutional interpretation of decisive significance in the present case:

[T]he general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations.[16]

We emphasize, however, that it would be far better to rethink the issue at this stage than invite litigation. Not only would litigation lead to a protracted period of uncertainty, but it would destroy a valuable House tradition of constitutional self-restraint in the exercise of its rulemaking powers which has served the country well for two centuries. It would be far better to redeem this tradition now without the need of an unnecessary confrontation with the Court.

Indeed, both the Senate and President would also find themselves drawn into the controversy. Both of these branches would be required to define their own constitutional responsibilities if a tax measure gained the support of a House majority that fell short of three-fifths. The resulting confusion would undermine fundamental commitments to the rule of law, and would predictably draw the Supreme Court into the affair.

Under applicable precedent, Representatives have standing to challenge basic lawmaking practices which dilute the voting power that the Constitution grants to them and their constituents.[17] Other cases establish that the Supreme Court will intervene on the merits to protect the integrity of the deliberative and democratic process established by the Constitution.[18]

But the better part of wisdom is to avoid confrontation and return to the foundations of deliberative democracy laid down by Madison in the Federalist Papers.

FOOTNOTES

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[1] Sec. 106. Limitation on Tax Increases: (a) No bill, joint resolution, amendment or conference report carrying an income tax rate increase could be considered as passed or agreed to unless so determined by a vote of at least three-fifths of the House. No measure or amendment could be considered that contains a retroactive income tax rate increase.

See p. 3 for our analysis of the second sentence of this proposal.

[2] Federalist No. 58, p. 396 (Ed. Jacob E. Cooke, Wesleyan University Press; 1961) (emphasis supplied).

[3] Id.

[4] Ibid., p. 397.

[5] Articles of Confederation, art. 9, para. 6 (1781).

[6] These proposals sought to impose a two-thirds rule on legislation dealing with commerce and navigation—fields which were understood to be sensitive precisely because they characteristically involved taxation. 5 Johnathan Elliot, Debates on the Adoption of the Federal Constitution 489-92, 552 (Philadelphia: 1941).

[7] Federalist No. 22, supra n. 2, at 140. Like Madison, Hamilton counseled that "much ill may be produced by the power of hindering that which is necessary from being done, and of keeping affairs in the same unfavorable posture in which they appended to stand at a particular period." Id. at 141.

[8] The original Constitution identifies five contexts for supermajority rule—when overriding Presidential vetoes, ratifying treaties, proposing constitutional amendments, convicting on impeachments, and expelling members from the House or Senate. Two more are added by the Fourteenth Amendment (two-thirds of both Houses required to remove disability of rebellious officeholders) and the Twenty-fifth Amendment (two-thirds of both Houses required to establish Presidential disability to discharge office). In addition, the Twelfth Amendment requires an absolute majority of the relevant chamber in cases where no candidate for President or Vice-President has won a majority in the Electoral College.

[9] The textual commitment to majority rule is also expressed by the grant of a vote to the Vice-President in those cases in which the Senators are "equally divided." U.S. Constitution, art. 1, sec. 3.

[10] I.N.S. v. Chadha, 462 U.S. 919 (1983).

[11] Letter of Roger Pilon to the Editor of the New York Times, December 16, 1994, p. 38, col. 8.

[12] See Charles Tiefer, Congressional Practice and Procedure: A Reference, Research and Legislative Guide 299 (Greenwood Press, 1989).

[13] Id. at 314–26.

[14] See Kate Stith, Rewriting the Fiscal Constitution: The Case of Gramm–Rudman-Hollings, 76 Calif. L. Rev. 593, 666 (1988). These rules were expanded in scope in P.L. 101-508, sec. 13208, 104 Stat 1388-619 (1990). As in previous cases, Congress made it clear that such statutory creation of supermajority rules involved "an exercise of the rule-making power of the Senate." See sec 13305, 104 Stat 1388–627 (1990). See also, P.L. 103-66, sec. 14004, 107 Stat. 685 (1993).

[15] United States v. Ballin, 144 U.S. 1, 5 (1891).

[16] Id. at 6.

[17] See Michel v. Anderson, 14 F3d 623 (D.C. Cir. 1994), affirming 817 F. Supp. 126 (D.D.C. 1993). See also, Kennedy v. Sampson, 511 F2d 430 (D.C. Cir. 1974); Barnes v. Kline, 759 F2d 21, 25-30 (D.C. Cir. 1985), vacated as moot sub nom Burke v. Barnes, 107 S. Ct. 734 (1987) (reaffirming Kennedy analysis of standing); Laurence Tribe, American Constitutional Law 152-54 (2d ed. 1988); Bator et al., Hart & Wechsler's Federal Courts and the Federal System 157 n. 7 (3d ed. 1988).

[18] See INS v. Chadha, 462 U.S. 919 (1983); Powell v. McCormack, 395 U.S. 486 (1969).

Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Speaker, mugging a senior citizen and stealing their money will land you in jail. Why then is it so easy for Congress to raise taxes and spend more money out of the pockets of hard-working American people?

Raising taxes, sending your money to Washington, DC, should not be simple.

The newly elected Congress was given a message by the American people that the days of tax and of spend are over.

I am in favor of the proposal of requiring a 60-percent majority in order to raise taxes so that the taxing ways of Congress are gone forever.

This will restore the fiscal discipline by which every American family must live, spend less, save more, and balance your budget.

The simple solutions of the past have cost Americans millions and cost the taxpayers thousands of jobs. People work hard for their money, and it should be hard for Congress to take that from them.

I urge my colleagues to require a 60-percent vote to approve all tax increases.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to this proposal.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I rise in opposition to this unconstitutional measure.

Mr. Speaker and colleagues, I rise in opposition to the requirement for a super-majority of three-fifths of the House of Representatives to increase income taxes.

This measure may sound good to our constituents. Many Americans are upset at all of their taxes: Federal income taxes, State income taxes, sales taxes, and property taxes. I share their sentiments it is imperative that we provide middle-class Americans with meaningful tax relief.

So why am I voting against this supposed reform? Quite simply because it threatens the very foundations of our democratic society and violates the American tradition of majority rule.

The Founding Fathers explicitly rejected the notion of supermajorities at the Philadelphia Constitutional Convention. As Alexander Hamilton said, we should not "give the minority a negative on the majority."

James Madison was even more specific. With a supermajority, he said, "the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power transferred to the minority."

Let us not try to solve one problem by creating worse ones. Let us all work together to provide middle-class taxpayers with real and meaningful tax cuts. But let us not attack the very foundation of our free society—the American Constitution. It has served us well for over 200 years—let's keep it.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this unconstitutional amendment.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I rise in opposition to this section. This rule would require a three-fifths majority to pass any legislation raising income tax rates. This rule flies in the face of the Constitution. It will only strengthen the ability of special interest lobbies to paralyze this Nation.

Let us be clear that this rule would only govern taxes on earned income. Income taxes are progressive taxes. Republicans do not propose a three-fifths requirement to change the tax rate for capital gains. Republicans do not propose a three-fifths majority to create tax shelters for tax avoiders. Republicans do not propose a three-fifths requirement to increase deficit spending or raise the national debt.

This is one more gimmick. It's a gimmick that will spawn more gimmicks. It's a gimmick that will undermine the constitutional provisions for majority rule in the House of Representatives.

I urge my colleagues to respect the pledge they made to uphold the Constitution. Don't give in to gimmicks.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I also rise in opposition to this measure.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I rise in opposition to this measure.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

□ 2130

Mr. HOYER. Mr. Speaker, today our new Speaker spoke of the majesty of this House. He spoke of 208 years of history. He spoke of the light of the world, this democracy, America.

It is our Constitution that gives this democracy its grace and its reverberation around the world.

Whether you agree or disagree, no one disagrees that this issue is of constitutional magnitude. My freshmen friends who want open meetings and the elimination of ghost voting do not come to this House and say to the American public that we will give 10 minutes per side of an issue of constitutional magnitude. If we retain the majority again and require a 3/5ths vote to repeal any action taken by the previous Congress, would any of you stand still for such an act? I think not.

Reject this provision.

Mr. FOX. Mr. Speaker, I yield 30 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. I thank the gentleman for yielding this time to me.

Mr. Speaker, requiring a 3/5ths vote makes tax increases a last resort.

In Washington State just a year ago the people of the State passed an initiative to do just this. And do you know what happened? Right now, instead of considering tax increase, they are actually looking at places to control the budget and looking at the base of the budget where we have never looked before.

If we are going to get to control spending and control the deficit, we absolutely have to control the ability to raise taxes first.

I urge my colleagues to vote "yes" on this proposal.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 15 seconds to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. I thank the gentleman for yielding this time to me.

Mr. Speaker, after everything is said that can be said, this proposal would make it more, would make it easier to run up the bills than to pay them, thus beckoning one of the weakest aspects of human nature.

Mr. FOX. Mr. Speaker, I yield 45 seconds to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, ladies and gentleman of the House, the reason we are here tonight on this amendment is because we forced through this House a retroactive tax increase last year. We would not probably be having this amendment today if you had not trampled on the rights of the taxpayers of America. This is a good bill, this is a good amendment. We need this to protect American taxpayers.

Support this amendment.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I rise in support of the amendment to require a majority to increase taxes.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this tax limitation provision.

The very clear message of the last election was that the American people want a smaller and less expensive government. There is no better way to start this process than by passing this provision.

The average American today pays almost half of his or her income in taxes, counting taxes of all types—Federal, State, and local. This is not only enough, it is too much.

If we really want to help the children and families of this country, the best way we can do that is to greatly downsize the government and decrease its cost. Only in this way can we allow the individuals and families of this Nation to spend more of their own money on the things that they need the most.

I believe very strongly that the American people can do a much better job of spending their money than the bureaucrats in Washington who currently spend it for them.

Mr. FOX. Mr. Speaker, I reserve the balance of my time in order to close.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is obvious that many of the proponents of this proposal have not even read it, for if they had, they would discover to their chagrin that it only limits the Congress in enacting income tax rate increases, not tax increases. You know what that will do: Merely transfer the tax increases over to other kind of taxes where the people that are worried about the income tax rates will be protected.

But this is unconstitutional. There is no way that a simple majority of this House can adopt a rule here tonight and bind the rest of the House to require a 60 percent vote on any other thing.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to this rules change to have three-fifths to change the tax rate for an increase or a decrease in income taxes, and I do this because there is no precedent in Congress requiring a super-majority for final action on any measure except those specifically cited in the Constitution, such as overriding a veto or impeachment.

We have seen what a super-majority has done in the Senate by requiring 60 votes to end debate. It results in gridlock. Nothing happens. Nothing gets done.

I cite James Madison as he discussed the rationale for not raising this threshold, and he said, "The fundamental principles of free government would be reversed. It would no longer be the majority that would control, power would be transferred to the minority."

The new majority should not override the wisdom of our forefathers. That is not a good rules change.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield only 5 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I thank the gentleman for yielding.

Mr. Speaker, I move that we adjourn, and I ask for a recorded vote.

Mr. LEWIS of Georgia. For purpose of debate only.

Mr. OWENS. I move we adjourn.

Mr. BARTON of Texas. Regular order. Reserving the right to object——

Mr. WALKER. Is the motion in writing?

Mr. VOLKMER. He recognized him.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is not yet recognized. Is the gentleman's motion in writing?

Mr. OWENS. A motion to adjourn does not have to be in writing.

I move that we adjourn and ask for a recorded vote.

The SPEAKER pro tempore. Since a Member has properly demanded that the notices be in writing, is the gentleman's motion in writing?

Mr. OWENS. In writing? It does not have to be in writing.

Mr. SOLOMON. Mr. Speaker, the gentleman's 5 seconds are up.

The SPEAKER pro tempore. Did the gentleman from Georgia yield to a Member for the purpose of debate only?

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I beseech you, think what you are doing today. It may be the most important vote of your congressional career.

208 years ago this same fundamental debate took place. You have the opportunity to side with James Madison, with Alexander Hamilton, and continue the principles of the Constitution, or you have the opportunity, by your vote

today, to side with those who wanted to retain the Articles of Confederation.

This amendment does violence to the principles established by our forefathers and by each and every one of our descendants in this House of Representatives. It is inherently unfair; it is inherently undemocratic; it is inherently unconstitutional.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. FOX] have only one remaining speaker?

Mr. FOX. That is correct, Mr. Speaker. We want to make sure we are last.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the balance of his time.

Mr. FOX. Yes, Mr. Speaker.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, paraphrasing from a newspaper editorial:

> Not content with their party's 15-vote majority in the House of Representatives, the Republicans want to improve their odds by changing the rules of the game.

The Republicans intend to offer a bill that would require a three-fifths majority in the House to approve any bill increasing some taxes.

So much for the careful deliberations of the Constitution's Framers. They required a supermajority only for the most momentous decisions—approving treaties, impeaching Presidents, and expelling Members of Congress. Republicans think they got it wrong. They would add their own policy preference to that select list.

If they succeed, the tactic will probably be used again. Republicans could force a three-fifths vote to cut defense spending. If Democrats regain control, they could require a three-fifths vote to cut poverty programs. So much for majority rule. So much for simple fairness.

The Republican's boldness has a darker side—their recklessness. With this proposal, they defy the intent of the Framers of the Constitution and upset a carefully-balanced system that has worked well for two centuries.

Mr. Speaker, the article in its entirety is as follows:

> RUNNING ROUGHSHOD OVER THE CONSTITUTION
>
> Not content with his party's 15-vote majority in the House of Representatives, Newt Gingrich wants to improve his odds by changing the rules of the game.
>
> The Speaker-to-be intends to offer a bill that would require a three-fifths majority in the House to approve any bill increasing taxes.
>
> So much for the careful deliberations of the Constitution's framers. They required a supermajority only for the most momentous decisions—approving treaties, impeaching presidents, and expelling members of Congress, for example, Mr. Gingrich apparently thinks they got it wrong. He would add his own policy preference to that select list.
>
> If he succeeds, the tactic will probably be used again. Republicans could force a three-fifths vote to cut defense spending, for example. If Democrats regain control, they could require a three-fifths vote to cut poverty programs. So much for majority rule. So much for simple fairness.
>
> Mr. Gingrich's boldness has a darker side—recklessness. With this proposal, he defies the intent of the framers of the Constitution, and upsets a carefully-balanced system that has worked well for two centuries.
>
> If Mr. Gingrich believes tax hikes deserve such exalted status, he should proceed in accord with the Constitution and offer a constitutional amendment. That would require approval by two-thirds of each house in Congress, and three-fourths of the states—unless tow-thirds of the states convene a constitutional convention. Apparently, Mr. Gingrich does not want to risk the scrutiny that the Founding Fathers prescribed for such momentous change.
>
> Other changes offered by Mr. Gingrich make sense. At his behest, the incoming Republican majority has voted to reduce the number of committees in the House, and cut staff. He would make each committee's jurisdiction more clear. The change is designed to prevent several committees from latching onto a single issue, as happened with health legislation earlier this year.
>
> Mr. Gingrich was right to end funding for the special caucuses, including the Black Congressional Caucus and the Caucus for Women's Issues. He has been accused of cutting these funds to undercut his political opposition, and that may be the case. Nevertheless, there is merit to his case.
>
> The caucuses are special-interest groups, and taxpayers shouldn't have to support them. The 28 caucuses that get taxpayer money have spent $35 million in the last decade, and critics say $7 million of that hasn't been accounted for. One caucus, the New York State congressional delegation, bought a Steuben glass eagle and 11 crystal apples as gifts for a retiring congressman and his staff.
>
> After losing this fight, the chairman of the black caucus, Kweisi Mfume, D-Md. pledged that his caucus will raise private money to continue its work. That's the idea.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, our forefathers had such a deep respect for major rule that they determined that majority rule was insufficient to send our troops to war. They knew how difficult it would be to resist politically popular pressures, but they were insistent that there not be minority rule determining those issues that took the most political courage.

Mr. Speaker, this pressure does not belong among these internal rules changes. It is constitutionally illegal, and it is fiscally irresponsible, and, if we are ever going to address a $4 trillion debt, we have to make it within the reach of this body and the American people to do so.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, let me say that I rise to say that I am not here to raise taxes. I am here to lower taxes. But what is the reason for a majority, a supermajority, when simply a majority can say to the American people, we don't want taxes. I think that we are going in an unconstitutional way if we start talking about making a superminority. It is important to be able to say we do not want to raise taxes and we vote in a simple majority to do so.

Mr. Speaker, there have been only three actions in the Constitution that need a two-thirds vote. Why are we not trying to change, and to argue that we want to create this superminority?

I say to my colleagues, vote for lower taxes. You don't need a supermajority. Support the Constitution.

Mr. Speaker, I do not want to vote for an increase in taxes, and if such an item were presented at this time, I would vote "no." There are only five situations where current rules require more than a simple majority of Members voting for the House to act. A two-thirds supermajority is required in two instances—passage of a bill under suspension of the rules, and consideration of a rule recommended by the Rules Committee on the same day it was reported. Additionally, the Constitution of the United States requires a two-thirds vote for House action in three situations—overriding the President's veto, submitting a constitutional amendment to the States for consideration, and expelling a Member from the House. All other action by the House is accomplished by a majority vote of Members present and voting.

This measure will simply tie the hands of the House and actually prevent its Members from doing the business of the American people. The Constitution does not demand a supermajority when dealing with tax issues. This legislation would serve only to help certain, singled out groups, while other groups would be subject to the tax burdens that could be randomly set by this House.

We can already vote "no" on tax increases with a simple majority vote. Why should we implement a restriction which the Constitution does not require, and, at the same time, strangle this institution so that its Members cannot properly serve the interests of the people who elected them?

A simple majority will get you what you want. I will vote "no" on this item.

Mr. FOX. Mr. Speaker, I yield the balance of our time to the gentleman from Texas [Mr. BARTON] for our final speech.

Mr. BARTON of Texas. Mr. Speaker, this country was founded on the principle of no taxation without representation. Today many Americans believe that principle has been violated and that their elected Representatives in Washington have taxed them so that they can spend money on the special big-spending interests in Washington, DC. To correct this sad situation the new Republican majority has now introduced section 106 of the rule change package. Section 106 would require a three-fifths vote to increase income taxes. It also contains an absolute prohibition against retroactive tax increases.

The opponents of this provision have been whining and wailing all evening about the constitutionality of this provision. The constitutional argument simply will not stand. In 1971, Mr. Speaker, in the Supreme Court case of Gordon versus Lance the Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government. I might also point out that numerous States have a supermajority requirement for tax increases in their State constitutions, including the State of Arkansas, the home State of our President, which requires a three-fourths vote. I might also point out that we plan, on January 19, to introduce a constitutional balanced-budget amendment that contains a 60 percent supermajority to increase taxes.

The real question that we should be asking this evening is whether supermajority votes to raise income taxes really work. To answer that question let us look to the States that require supermajorities for such tax increases. An analysis of State spending between 1980 and 1987 shows that in States with supermajority requirements for tax increases their tax burden has gone down an average of 2 percent while States that do not have a supermajority tax rate requirement, their tax burden has gone up an average of 2 percent. That is a difference of 4 percent. When we look at State spending, in States with the supermajority requirement State spending has gone up 2 percent, but in States that do not have the supermajority requirement for income increases, their spending has increased 8.5 percent, or a net difference of 6½ percent. I say to my colleagues, "If you take these differentials and apply them to the current Federal budget, you would see that, if we had a supermajority requirement for an income tax increase in effect today, our income taxes would be approximately $56 billion less, and our Federal spending would be approximately $105 billion less."

Put simply, supermajority requirements for income tax increases do work.

I have also asked my staff to go back and look at the major votes we have had in the last three decades on tax increases in the House of Representatives. There were 16 such votes. Seven of those were passed with a supermajority, seven were passed with less than a supermajority, and two were passed by voice vote. Interestingly enough, since the advent of C-SPAN television coverage in the early 1980's, only one tax increase has passed by more than the 60 percent supermajority. Amazingly, if we had had a three-fifths vote requirement for a tax increase in effect in the 1980's, we would have saved $666 billion in new taxes.

I submit for the RECORD the charts and data to support this conclusion, and I ask for a yes vote. Let us start listening as much to the taxpayers of America as we do to the special interests of America and pass this amendment.

HISTORY OF TAX INCREASES—MAJOR TAX INCREASES SINCE 1960

Since 1981:

1 Bill passed with 60 percent supermajority in each House. 4 Bills passed without 60 percent supermajority in each House.

Those 4 bills added $666 billion in taxes.

Tax Rate Extension Act of 1960—No.

House 223–174, No, (56%).

Senate 61–32, Yes, (66%).

Tax Rate Extension Act of 1961—Yes.

House 295–88, Yes, (77%).

Senate voice.

House Voice.

Tax Rate Extension Act of 1962—Yes.

House Voice.

Senate voice.

Tax Rate Extension Act of 1963—Yes.

House 283–91, Yes, (76%).

Senate voice.

Excise Tax Rate Extension Act of 1964—Yes.

House voice.

Senate voice.

Interest Equalization Tax Act of 1964—Yes.

House 238–142, Yes, (63%).

Senate 45–28, No, (62%).

Interest Equalization Tax Extension Act of 1965—Yes.

House 274–97, Yes, (74%).

Senate voice.

Tax Adjustment Act of 1966—Yes.

House 288–102, Yes, (74%).

Senate 72–5, Yes, (94%).

Interest Equalization Tax Extension Act of 1967—Yes.

House 224–83, Yes, (73%).

Senate voice.

Revenue and Expenditure Control Act of 1968—Yes.

House 268–150, Yes, (64%).

Senate 64–16, Yes, (80%).

Crude Oil Windfall Profits Tax Act of 1980—Yes.

House 302–107, Yes, (74%).

Senate 66–31, Yes, (68%).

Tax Equity and Fiscal Responsibility Act of 1982—No: $214 billion.

House 226–207, No, (52%).

Senate 52–47, No, (52%).

Omnibus Budget Reconciliation Act of 1987—No: $40 billion.

House 237–181, No, (57%).

Senate 61–28, Yes, (62%).

Omnibus Budget Reconciliation Act of 1989—Yes: $25 billion.

House 272–128, Yes, (68%).

Senate 87–7, Yes, (93%).

Omnibus Budget Reconciliation Act of 1990—No: $137 billion.

House 228–200, No, (53%).

Senate 54–45, No, (55%).

Omnibus Budget Reconciliation Act of 1993—No: $275 billion.

House 218–216, No, (50.2%).

Senate 51–49, No, (51%).

THE MOMENTUM FOR SUPERMAJORITY REQUIREMENTS FOR TAX INCREASES

9 states require supermajority votes for tax increases (Arizona, Arkansas, California, Delaware, Florida, Louisiana, Mississippi, Oklahoma, South Dakota).

1971—Florida requires ⅗ vote to changes in corporate income tax.

1978—California requires ⅔ vote for tax increases.

1978—South Dakota requires ⅔ vote for increasing tax rate or base.

1980—Delaware requires ⅗ vote for tax increases.

1992—Oklahoma requires ¾ vote or majority of voters to increase state revenue.

1992—Arizona requires ⅔ vote to increase state revenues.

WHY TAX-LIMITATION AND A SUPERMAJORITY FOR TAX INCREASES?

Taxes are already too high, slowing economic growth and robbing taxpayers. Spending is also too high. Every federal program has waste and overspending.

Making it politically difficult to raise taxes will deny free-spending legislators the "easy" approach to balancing budgets—raising taxes.

The three-fifths supermajority requirement will force Congress to look hard at spending and will force tax-raisers to find 261 Members willing to raise taxes rather than cut spending.

The SPEAKER pro tempore (Mr. KOLBE). All time for debate on section 106 has expired.

The question is on section 106 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 152, not voting 2, as follows:

[Roll No. 11]

YEAS—279

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lambert-Lincoln
Largent
Latham
LaTourette
Laughlin
Lazio

Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—152

Abercrombie
Ackerman
Baesler
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn

NOT VOTING—2

Bateman
Yates

□ 2204

Mr. PASTOR changed his vote from "nay" to "yea."

So Section 106 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GUNDERSON). Section 107 of the resolution is now debatable for 20 minutes.

The gentleman from Kansas [Mr. BROWNBACK] will be recognized for 10 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a new Member, I am amazed that the House of Representatives has been taking money from the taxpayers to run Congress without keeping track of where that money goes. A comprehensive audit of this institution is long overdue.

The days of treating the American taxpayer's money with an arrogant disregard for accountability must end now. Congress must understand that the money spent here is not ours—it is the peoples money—and they are entitled to know where every penny goes.

Throughout my campaign, people told me they are fed up with scandals in Congress—the House bank scandal—the House Post Office scandal—the House restaurant.

This reform, Mr. Speaker, instructs the House inspector general to use independent auditing firms to conduct a full scale audit of all the House's functions. This reform will restore openness and accountability to the way Congress does business. We must eliminate any "waste, fraud, and abuse" from this body as is called for in the contract with America.

We want this audit to be as expansive as possible—to account for every asset—every dollar spent by this institution.

My new colleagues and I were sent to Congress to reform the way the Federal Government works. But to do this, we must first clean up the Congress.

Mr. Speaker, this is an opportunity to help restore America's faith and trust in Congress. I urge my colleagues to join me in supporting this act of genuine congressional reform.

□ 2210

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this proposal, and I do so not because I feel there will be any great revelations that might satisfy those who would like to find problems here in the institution, but I think audits have been, should be, and will be in the future absolutely essential to restoring public trust in an institution that has come under I think consistent unfair criticism over a long period of time.

I am particularly concerned, though, that as we manage these audits, and I might say that the language in the document we are dealing with tonight is rather imprecise, we have to ask ourselves the question about how we will function in this new Republican majority.

For a number of years, Republicans have been adamant about bringing about bipartisanship in the manner in which we run this institution. The rules package Republicans offered in the last Congress called for a nonpartisan administration committee, equally numbered with Members of both parties, quite apart from whatever party was in the majority here. They even asked for that complete bipartisanship with equal representation on the Legislative Branch Subcommittee of the Committee on Appropriations.

We asked to have in place management of the House that was totally nonpartisan. Whether it was the Post Office, whether it was the Director of Non-Legislative Services, the entire thrust in a bipartisan sense was to bring about a change in the way we had functioned here, and Democrats and Republicans I think in mutual pride and satisfaction found a way to move in that direction.

But what we have encountered recently is a complete rejection of everything Republicans fought for to bring about change in the way this institution functioned, and, that is, to select individuals based on their partisan background to manage the institution only at the whim, the beck and call of one individual who has been elected Speaker.

My belief is when Republicans asked that we have a two-thirds vote of the House to select a financial officer of this institution, they were going on record for something that had legs, that would last through the years, that was a position that they took firmly and hoped to have govern the institution when and if they at some point in the future took control. I am disappointed to say the least that we focus now on audits and not on the management of how those audits would be functioning, exactly who would manage them, and whether or not they would truly be done in the bipartisan spirit which was the hallmark of the Republican arguments in recent years on occasions such as this when they brought their rules package to the floor.

Mr. Speaker, I am not opposed to audits. What I am opposed to is partisan management of an institution that had come a long way into a different era, one that was to be bipartisan in every sense. I regret that reversion.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, the gentleman from California deserves an answer and he will get one.

Under H. Res. 429 which was supported bipartisanly, we created the Oversight Subcommittee. We also created an Inspector General. The very first time the Oversight Subcommittee had to support the new chief executive officer, the Director of Non-Legislative and Financial Services, the Democrats refused. There was a 2-2 tie. It did not work. The Inspector General needed assistance. The Democrats would not provide him with any. The Democrats only allowed 3 total employees to the Inspector General. We are now honoring the Inspector General's request of 18 employees to carry out the audits.

In a letter dated December 21, 1994, the Office of Inspector General in responding to a letter about going forward with these audits said this:

"Therefore, the Office of Inspector General is very willing to accept this responsibility (i.e. the audits) and will perform the associated tasks in a totally professional and nonpartisan manner."

What we are asking for, and getting, is professional management of the House. What the American people are getting is transparency of that management. The old system would not open up. The new system will.

Mr. Speaker, I include for the RECORD the following letters:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1994.

Mr. JOHN LAINHART,
Inspector General,
House of Representatives,
Washington, DC.

DEAR MR. LAINHART: Republicans have called for the selection of a major, independent accounting firm to perform comprehensive audits of the Congress. We believe that such audits are needed both to ensure full accountability to the U.S. taxpayer and to provide the factual information necessary to build an efficient, cost-effective administrative structure.

We envision a series of audits, to begin as soon as possible, that will result in a final, consolidated picture of the financial and operational status of the Congress. We are contacting you at this time to request that your office assume this responsibility. The audits, and the process under which they are conducted, must be free from interference and partisan influence. The office of the Inspector General was created in 1992 for the specific purpose of nonpartisan review and evaluation of House operations, and is the logical office to carry out this charge.

By copy of this letter to Richard Gephardt, we are asking for his full cooperation in assisting you in this task, which we expect will include the need for additional staffing for your office and funding for the audit contract. It is our intention that the comprehensive audits conducted under this process will complement the audit plan which you have recommended to bipartisan leadership, in fact expediting the overall review of House operations which you have already presented.

Research has already been performed regarding the steps necessary to let a contract for these audits, and a preliminary review of the entities which we envision will be involved. The first task is an audit plan for House entities, shortly followed, based on agreement with the Senate, by audit plans for joint Senate-House entities. We would be glad to provide you with the background information we have collected; however, we offer this only as a suggestion to help speed the process. No such comprehensive review of House operations has been undertaken before, and we recognize that the challenges inherent in completing such a review now are enormous.

We have confidence in your professional ability to carry out this task, and hope that your office is willing to accept this responsibility. Please contact Stacy Carlson, at the Committee on House Oversight (Committee on House Administration), if you need additional information. We look forward to your response to this request.

Sincerely,

JIM NUSSLE.
BILL THOMAS.

OFFICE OF INSPECTOR GENERAL,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1994.

Hon. BILL THOMAS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN THOMAS: Thank you for your letter of December 12, 1994, cosigned by Congressman Jim Nussle, requesting the Office of Inspector General (OIG) to assume responsibility for managing the comprehensive audits of the Congress as discussed in your letter. As suggested in the letter, Bob Frey, Deputy Inspector General, and I met with Stacy Carlson on December 16, 1994, to further discuss these audits. As a result, I have a good idea as to what needs to be done to successfully accomplish these audits. Therefore, the OIG is very willing to accept this responsibility, and will perform the associated tasks in a totally professional and nonpartisan manner.

As indicated in your letter, these audits can best be performed by contracting with an independent accounting firm or firms for a series of audits that will result in a final consolidated report of the financial and operational status of the Congress. In order to establish accountability at the beginning of the 104th Congress, and make recommendations for control and operational improvements for building a more efficient, cost-effective administrative structure, I propose that the consolidated report address issues as of December 31, 1994. This audit effort would, as you indicated, complement the OIG audit plan and greatly expedite the initial review of House operations, in a significant number of areas. Continuing OIG audit effort would, of course, still be required in other areas beyond the scope of these audits and in additional areas as the incoming House Officers make changes in their operations.

To establish accountability at the beginning of the 104th Congress, the independent accounting firm(s) would be responsible for preparing audited financial statements reflecting the: (i) overall financial position, (ii) results of operations, (iii) cash flows or changes in financial position, and (iv) reconciliations to budget reports for all House activities. This effort would include audits of House Information Systems (HIS) financial activities, and all revolving funds, contingent funds, commercial functions, etc., as of December 31, 1994. It would also include a determination as to whether the internal control structure provides reasonable assurance of achieving generally accepted control objectives and all applicable laws and regulations have been complied with fully. The financial statements would be prepared in accordance with the American Institute of Certified Public Accountant's "Generally Accepted Accounting Principles" and audited in accordance with the General Accounting Office's "Government Auditing Standards." Furthermore, this effort would be in compliance with the applicable provisions of the Chief Financial Officers Act (P.L. 101-576), Government Performance and Results Act (P.L. 103-62) and Government Management Reform Act (P.L. 103-356). The OIG would review all work performed by the independent accounting firm(s) to ensure the completeness and quality of that work.

With respect to operational areas, I have identified two primary areas needing review—financial and HIS operations. The financial operations include audits in the OIG audit plan designed to evaluate economy, efficiency and effectiveness of program operations. These audits would address areas beyond pure funds accountability, in an effort to identify ways to eliminate waste, inefficiencies, fraud, abuse and mismanagement, and highlight areas for contracting out, privatizing, streamlining, downsizing and elimination. Additional details concerning the financial operations audit plan are included in Enclosure 1. The audit of HIS operations would include reviews of the general controls (including management, data center operations and data center protection) and system development, acquisition and modification controls (including user satisfaction, system development life cycle and project documentation), and confidentiality, integrity and availability testing. The audit program for performing this audit is included as Enclosure 2.

As indicated in your letter, audit coverage of joint Senate-House entities will need to be identified at a later date. Once agreement is reached with the Senate, I will develop a detailed proposal concerning audit coverage for these entities and submit my audit proposal to you for your review.

I will be contacting the Office of the General Counsel later today to request a legal opinion on the most expeditious method to contract for the independent accounting firm(s), while assuring competitive bidding to the maximum extent practical. Once I get this legal opinion, I will make a recommendation to you as to the best method for proceeding. In addition, as soon as I can estimate the contract costs, I will apprise you of the funding requirements so that reprogramming can be expeditiously accomplished.

With respect to the issue of additional staffing, I have included an organization chart (Enclosure 3) which depicts our current staffing (both Subcommittee on Administrative Oversight, Committee on House Administration approved permanent OIG staff and General Accounting Office detailees), and proposed additional staffing needed to make the OIG fully functional, considering the additional audit requirements to be assumed by the OIG in the 104th Congress. The total additional funding required for Fiscal Year 1995 is $494,000, consisting of $372,000 in personnel costs, and $122,000 in equipment, software, supplies and other similar costs. The justification for the additional staffing is also included as Enclosure 4. Since personnel hiring can take a considerable amount of time and additional staff members are critically needed to accomplish the tasks discussed above, I would hope that this issue can be addressed at the earliest possible time so that the appropriate staffing authorization and reprogramming can be expedited.

An identical letter has been sent to Congressman Nussle. If you should need additional information or want to discuss this matter further, please do not hesitate to call me on x61250.

Sincerely,

JOHN W. LAINHART IV,
Inspector General.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I rise in support of this important change in House rules. Like many of my Democratic colleagues, I favor many of the reforms being instituted today.

As a freshman member in 1992, I was honored to chair a task force on changes in House rules. One of my top priorities was to see that this institution was held more accountable to the American people. I believe that the proposed comprehensive audit of all our financial records and physical assets is a big step in ensuring our accountability to our constituents.

This is an opportunity for improvement—one every Member should welcome who is actively seeking to use taxpayer dollars more efficiently.

I know that a comprehensive audit, if properly executed, will be an important management tool here in this House. If a truly independent firm performs the audit, then we can take advantage of new technologies and management practices and identify the areas where we must improve our efficiency, accountability, and effectiveness.

However, I have specific concerns that are not addressed and that is that the Speaker and the House Oversight Committee must carefully monitor the money appropriated to the Inspector General to conduct the audit and promptly implement the recommended changes so we can get the most for the taxpayers' money and provide the best services for our constituencies.

Mr. BROWNBACK. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, Section 107 of the House rules package directs the House Inspector General to conduct a comprehensive House audit. This will be both a financial and performance audit of all House services and operations.

Mr. Speaker, 39 months ago in October 1991, I stood on this very spot and called for full disclosure of Members with House bank overdrafts. A key to restoring the credibility of Congress, I said then, was to hold ourselves accountable. And I and 6 of my colleagues, the so-called Gang of 7, pressed for an open House. Our calls for candor were met with intransigence, but the outrage of the American people was overwhelming. We did learn the details of the House bank overdrafts, and let me stress to my colleagues who are listening now that that one specific limited GAO audit of a House function, a House service, led to several criminal convictions.

□ 2220

My colleagues, we introduced a bill one year later in October 1992, House Resolution 595, to require an independent House audit. Today's House action is the culmination of that effort.

Results of these audits, which will be performed by the Inspector General in consultation with the GAO and a major independent accounting firm will be made public, and therefore the people will have more information than ever before regarding House operations past and present, and that will go a long way toward restoring the integrity and credibility of this proud institution.

I urge approval of the rule. Let the sunshine in and open the books of the people's House to scrutiny by the people.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I rise in support of this proposal as well to conduct an audit of the financial and administrative operations of the House. But it really does not go far enough. I suspect that the audit itself is likely to show that we have been conducting our business in a responsible, professional manner. One of the reasons that has been the case is that we have had professional, nonpartisan, individuals conducting these affairs, and we reached that agreement in a nonpartisan way, as Members will recall.

But, we have two problems with this. I am going to vote for it, as is the gentleman from California [Mr. FAZIO] and probably the other speakers, but the two deficiencies are one because it is a closed rule and we cannot insist that we continue to conduct the administrative and financial nonlegislative operations of this House in a nonpartisan professional manner which we could if we had an open rule, and secondly, the person who has been put in this position is not nonpartisan.

I will not repeat the arguments for why there ought to be an open rule because my good friend, the gentleman from New York [Mr. SOLOMON], knows them by heart. He is certainly the most persuasive, articulate proponent of an open rule. But I guess where you sit is where you stand now.

We are faced with a closed rule where we cannot improve this amendment. I do think we ought to raise that issue, though, because I am sure other Members of the House have read the articles about the individual that has been appointed to this position as I have. It raises very serious concern. I do not know Mr. Faulkner. I do know he was head of the Young Republicans, that he has been investigated and interviewed on any number of partisan political issues. At one point he was asked by investigators about leaking documents to the Reagan campaign and he said, yes, we have been obtaining leaked material from whistle blowers and passing them on.

This is not the nonpartisan professional individual we are looking for.

Mr. BROWNBACK. I would point out, Mr. Speaker, a bipartisan group appointed the current Inspector General.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, this comprehensive audit of House financial records and administrative operations will prevent in the future the kinds of problems we have seen with the House restaurant, the House Post Office and the House bank and will identify whether and to what extent other House units have been in compliance with law and House rules and have operated effectively and efficiently. It will provide necessary information to the public to determine the manner in which taxpayer funds have been used and will ensure accountability in the administration of this House.

This audit should examine, amongst other things, monies in the contingent fund, monies expended by legislative service organizations, House officers accounts, committee accounts and the Architect of the Capitol. It should also look into allegations concerning ghost employees and official payrolls. This audit will set an important precedent for openness and accountability and is a much desired reform.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1. But again, I must reiterate my disappointment about the procedure we are using today. I am deeply disappointed that this bill is coming before the House under a closed rule. Not very long ago, the new chairman of the Rules Committee, my friend from New York said that when he admonished members about the use of closed rules, that our Republican friends were "not simply engaging is some procedural or partisan tantrum. We are instead" he said, "trying to warn against what we perceive as the deliberate decline of democracy in this House." (April, 2, 1993). It is somewhat shocking, after all the speeches, that on the first day of the new Republican run House we are proceeding under a closed rule.

However, it is important today that we are moving forward on a bill, that has been blocked for too long. The House passed this bill, essentially, twice in the last Congress only to see our efforts thwarted by Republican led efforts in the Senate. The Democratic and the Republican Members of the House want this bill and want it to move forward. On this point, there is great bipartisan agreement.

We have gone a long way toward making sure that the Congress lives under the same laws as any other American. Most pieces of legislation we have passed apply to Congress. The Americans With Disabilities Act which I proudly cosponsored specifically applies to Congress as did the Civil Rights Act, the Minimum Wage Act, the Fair Labor Standards Act and the Family and Medical Leave Act. The House has also had in place, since 1988, prohibitions against employment discrimination.

H.R. 1 will ensure that all Members of the Congress—not just House Members—live under all of the laws we pass and do so permanently, not just as an internal House rule but as an ironclad law.

I cannot tell you how many times I have had businessmen and women complain that Congress passes laws and then simply exempts itself. They are frustrated. They want us to share the same challenges they have when they try to start a business, or try to create new jobs for their community. They need and deserve to know that we live up to the same standards that we expect from them, and afford our employees the same protections that any other American worker deserves.

Most of my constituents did not know that the Congressional Accountability Act passed the House last year by a vote of 427 to 4. They did not know because the Senate failed to act to make it law. In early September, I wrote to urge the Senate committee on Government affairs to have the Senate act promptly. I told them that the Congress could never engender trust among the American people until the Congress lives by the same rules as the rest of the Nation. When the Senate did not act, we made congressional accountability part of the House rules.

But the American people deserve something more than an internal House rule—they deserve an ironclad law passed by and applying to both Houses of Congress.

I want to go home and tell those constituents that we have answered their plea. I want to tell them that we meet the same requirements that they do—that we follow the same laws they follow from OSHA to fair labor standards. I want to tell them that our employees have the same protections theirs do, from anti-age discrimination to family and medical leave. Perhaps the shared experience will help us write better, more careful laws. Just as importantly, this is about common sense, trust and accountability. That is why we are all here, late into the evening, finishing the work which began in the last Congress. I hope all my colleagues will join me in moving forward on H.R. 1.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, let me tell you how fascinating it is for me to see you in your role tonight, and also see my good friend, the gentleman from California, FRANK RIGGS, back here after a 2-year absence because it was 4 years ago that FRANK and I and five other freshmen blew the whistle on the House bank and then 3 years ago we blew the whistle on the House post office. The interesting thing, Mr. Speaker, is that after 4 years and 3 years respectively we still have not seen a number of internal documents from either of those investigations, taxpayer funded investigations of taxpayer operations.

My colleague, the gentleman from Maryland [Mr. HOYER], says this is all behind us, but the honest answer is we do not know if it is behind us because for decades these books simply have not been audited, nor have we had the access to those very documents.

Former Congressman Dan Rostenkowski, now facing charges connected to the stationery store, has an intriguing defense. He says he was not the only Congressman who misused the stationery store and bought chairs and champagne buckets and other things, all with public money and all personal gifts. And you know his defense team might be right because we do not know, but after this audit is done, we will know, and when we know, you will know too.

□ 2230

Mr. BROWNBACK. I yield 1 minute to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Speaker, I am pleased to be here today—a new day in Congress—where Members will finally open the doors of the House to greater public input and disclosure.

The idea of the House audit was a brainchild of the Gang of Seven. I am delighted to join my fellow gang members here today and am pleased that the leadership included our idea in the rules package.

I am not even sure why we are debating this issue. If a company the size of the House of Representatives did not report the activities of its officers and directors to its shareholders, it would not survive—disclosure is a key component to gaining the public trust essential for survival in a market economy.

It is ridiculous not to support this proposal. The American people are the shareholders of our American Government and deserve to know the activities of their Representatives.

Members of the House have been embarrassed and distracted by scandals in its bank, post office, and other departments. An independent inspector general would conduct audits to expose fraud, waste, and abuse.

I wholeheartedly support a comprehensive House audit and urge my colleagues to do likewise. It is a proposal that will ensure that the House of Representatives remains The People's House.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my colleagues, on October 1, 1991, I stood here on this House floor and I said, "What are we trying to hide from the American people? What do we have to fear?"

Today we have a historic opportunity to vote to open up the books of the U.S. Congress in a very open and complete way. We know that sunshine is the best disinfectant, and never in the history of this Congress have we ever had an open and complete audit of the books of this Congress for the American people to view.

And echoing the comments of my colleagues who were involved with me, my six other colleagues, I fully encourage the Inspector General to not only do the fiscal 1995 audit, but I would encourage the Inspector General to look back, to look back several years at some areas of the Congress that have been called into question, LSO's the House restaurant system, the Speaker's contingent fund, the disposal of office equipment that has raised everyone's eyebrows, but we never have seen the details.

I am pleased tonight to be here to support this very important part of our House rules.

Mr. BROWNBACK. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I applaud the efforts offered today and believe this audit will go a long way to cut waste and save taxpayer money, streamline the process. But let us go a step further. Let us require the audit to include unused office allowance funds.

I am concerned. We still do not know what exactly happens to that money. Many of us agree funds left over from our office budgets should not be reprogrammed, but instead returned to the Federal Treasury for deficit reduction. Let us use this opportunity to find the means to that end.

This audit will ensure that House operations are efficient and effective, and this investigation will ensure this audit is complete.

Mr. BROWNBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in strong support of section 107 of this rules package authorizing a comprehensive House audit of House financial records, physical assets, and facilities.

All the rules changes we are considering today—cutting committees and committee staff, ending baseline budgeting, making the laws of the land apply to Congress—are critical. We are reforming this institution and restoring the faith of the American people.

However, while these reforms may grab the headlines, I believe the section authorizing an audit of House functions is perhaps the most important reform of all. For the first time the American people will have the opportunity to see how their tax dollars are being used and often wasted on Congress itself.

I am a small businessman who knows that keeping track of where the money goes is the only sound way to run a business. Slush funds, sloppy management, or outright fraud will land you either in bankruptcy or jail.

As the owner of a small business I must make sure that my financial statements and inventory are accurate and up-to-date. A bank considering issuing me a loan—or potential investors—would accept nothing less than a close examination of my balance sheet before making any decisions.

Why, then, the House of Representatives has escaped a similar analysis for its investors—the American taxpayers—is beyond me. It is time for a change.

We should pass this section authorizing an audit of House activities, and then the entire rules package, to let the sun shine in.

Mr. FAZIO of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we all understand this provision in the rule this evening was an opportunity for people to rehash the problems that beset this institution in the past that we are, thank God, well under way to resolving.

But what I think is not something that was intended to be brought up tonight—but which is central to the whole question of the audit, which will be broadly supported on a bipartisan basis—is who will do the audit, how will it be administered?

Now, the real issue here is who appoints the administrative authorities in this institution. There has been a change. When Republicans were in the minority, they wanted bipartisanship. They wanted equal access. They wanted professionalism. They wanted no taint of partisan activity.

But now the worm has turned. Now the Republicans find themselves in the majority.

What they have done is they have reversed the field. They have now called for a different structure, one that places in the hands of an administrator appointed by the Speaker the authority to manage this institution in a way that could become as partisan as we can imagine.

I think that is tragic. I think that is wrong. And I support the audit, but I am very concerned about the way it will be managed by a partisan leader.

Mr. BROWNBACK. Mr. Speaker, I would remind the speaker from the other side that he had 40 years to ask for this audit and did not do it.

Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I rise to make two points.

First of all, a good reason for doing the audit is that we do not know what we will find. When we did this in Michigan 2 years ago after a large number of years of Democratic rule, we discovered a major scandal in the House fiscal agency. As a result of that discovery, we currently have three former staff members serving prison time, four more on probation, three still in the courts. That is an example of the type of thing you may find, and it is not a result of the Members' misbehavior but of staff misbehavior.

My second point, all of the discussion has been about fiscal aspects, but the operational aspects of the audit are equally, if not more, important, in particular the computer activities which I hope to audit.

Just a few weeks ago a Member came to me that spent $22,000 for a file server last year. It is now useless.

I urge that we go ahead with both the fiscal and operational audit and do it well.

The SPEAKER pro tempore (Mr. GUNDERSON). All time has expired.

The question is on section 107 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWNBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 430, nays 1, not voting 2, as follows:

[Roll No. 12]

YEAS—430

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton

Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Fattah

NOT VOTING—2

Brown (FL)
Yates

□ 2251

So section 107 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER (Mr. TORKILDSEN). Section 108 is now debatable for 20 minutes.

The gentleman from Minnesota [Mr. GUTKNECHT] will be recognized for 10 minutes, and the gentlewoman from Connecticut [Mrs. KENNELLY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my grandma used to say that it is wrong to teach our kids to do as I say and not as I do. As parents of three teenagers, my wife and I believe that we need to set a good example for our children. It is my fervent belief that this philosophy should apply to the U.S. Congress as well. Unfortunately, Mr. Speaker, in recent years the actions of our Government have been, in essence, to do as I say and not as I do.

On behalf of the freshmen who promised their constituents consideration on the first day, Mr. Speaker, I would like to thank the leadership for this opportunity. The failure of the previous Congress to pass the legislation is unfortunate. We have, in effect, been saying to the American people, "You must comply with the rules and regulations we pass, but we don't."

Mr. Speaker, the Congressional Accountability Act will put an end to this hypocrisy and put our House in order. Today the new Congress is telling the American people that we have heard their demand for change and that on the first day we meant what we said in that we will begin to play by the same rules as those who we were elected to serve.

I understand that some Members are opposed to the closed rule, but the bottom line is that H.R. 1 is virtually identical to a bill, H.R. 4822, which passed this House on August 10, 1994, on a 427 to 4 vote. That bill has been thoroughly debated in committee, subcommittee and here on the House floor. To my 13 new Democratic freshman colleagues I say, I apologize to you for denying you the opportunity for review of this legislation in committee, but the time has come now to act responsibly. As you know, we have pledged to the American people to change the way we do business in this House.

The Republican freshman Members have demanded change from this leadership, and we have demanded that a vote occur today on congressional accountability. We feel this legislation is vitally important and should be passed today in order to reestablish this as the people's House. We must now take the initiative and pass this important measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. KENNELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been said so often today, this is truly a historical day. We are witnessing something on the floor today that we may never have observed before. For the first time the people on the other side are in charge, and we are seeing two completely closed rules, but probably for the first time ever they have proposed a closed rule within a bill brought up under a closed rule.

Mr. Speaker, I reserve the balance of my time.

□ 2300

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from West Palm Beach, FL [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I rise in support of the rule for accountability, the Congressional Accountability Act, to bring Congress in compliance with the 10 laws such as fair labor, civil rights, Americans with Disabilities Act and others.

As a freshman Member of the Congress, I was appalled to find out that this body had exempted itself from the very laws that they had passed on small business and the consumers of America. When I toured the offices of Congress in the Cannon and Longworth buildings, I found exits blocked, boxes packed. Staff members could not have exited in a fire. As a restaurateur, if that happened in my business, I would not only have been fined, but I would have been closed down that very day for failure to observe common safety practices in my business. I think this Congress can make a statement to America tonight, and to every small business, that we understand the burdens we have placed on them, and that we are willing to accept those very burdens on ourself. That is the least we can do. The Congressional Accountability Act should and must pass.

Mrs. KENNELLY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, this is a good bill. I am proud to be a cosponsor. It should pass. This is a bad rule and it should be voted down. As was indicated, this bill is virtually identical to the bill that passed last year. One major exception, the ban on frequent flier miles has been ripped out of this bill. Why has it been ripped out? It has been ripped out because the laws that have been passed that we want to have applied here don't affect you as individuals. They affect the U.S. Government, because that is where the liability is. But the frequent flier prohibition strikes right at the people in this room. The people in this room should not use frequent flier miles for personal use. It is hypocrisy of the highest order that is not being dealt with this bill when it was dealt with in the bill we passed last fall. There is only one explanation, and that is greed. The Members who want to use frequent flier miles for personal use are ripping off the taxpayers of this country, and it is wrong and it should be stopped today.

So if you believe in bipartisanship, vote this rule down and let us do this right.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from the land of Lincoln, the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I rise today in support of the rule for the Congressional Accountability Act. For years, Members of Congress have exempted themselves above many of the laws that we impose on the private sector. It is time we held ourselves accountable to the same standards that we expect of our constituents.

The House passed this bill last August by a vote of 427 to 4. At that time, the provisions of this bill were deliberated to the fullest extent possible. The rule today allows the House to expedite the process to bring Congress in line with the laws of the land under which every American citizen must live. When this measure is adopted, Congress will be subject to the Family and Medical Leave Act, the Americans With Disabilities Act, the Fair Labor Standards Act, and the Civil Rights Act of 1964 will apply to Congress.

We are here to make positive changes in the way Congress operates. Congress has delayed far too long on this initiative requiring us to live by the same rules as everyone else. Congressional accountability is a step in the right direction, and it is time to bring it to a vote.

Mrs. KENNELLY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, there has been a great deal of discussion of history tonight, so let us quote Karl Marx. "History repeats itself; the first time in history and the second time as farce." Farce is what we are getting tonight. It is from the 18th Brumaire of Louis Napoleon.

This is almost exactly what the House did before, but there are some differences. When the Democratic majority brought this bill to the floor last time, it allowed in the rule 14 amendments, 8 of which could be designated by Republicans.

You are bringing up a closed rule on a substantive bill for no good reason. You are going to debate it after midnight. You told us you would be family friendly. You forgot to tell us it would be the Addams Family that would be friendly, because we will be doing it at 3 o'clock in the morning. Why do something perfectly sensible, but block a chance to vote on frequent fliers, do it at 3 o'clock in the morning, don't allow amendments?

Let me tell you from experience. When you are in the majority, sometimes inevitably you got to defend some dumb things. But in 1 day you have been dumber than we were in 2 years. What are you doing it for? Why not wait until tomorrow. You said we could wait.

Do you want to hide the debate on frequent fliers? I do not know why the new Speaker is so attached to the frequent flier rule. But why not talk about it tomorrow? Why now allow some amendments?

History? We made this history last year. We made history once. You cannot make history twice, unless you flunked it the first time, and the way you guys are handling this, I think some of you must have, because you do not understand what is going on.

We are in favor of this. Most of us worked hard for it. We passed it last year. It was bipartisan. Why are you rushing this through on a totally closed rule?

Comparison: We had eight amendments in order from Republicans. We had the frequent flier thing in here. We let it be debated during the day. You are rushing it through, because the Republicans promised it would be done on the first day? It will be after midnight. Now you are even fooling with the clock. Be sensible. Do not get carried away. Do it tomorrow, and do not exempt yourself from the most important law of all, common sense.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Mesa, AZ [Mr. SALMON].

Mr. SALMON. Mr. Speaker, this has been an awesome day for me. I was able to sit here on the floor of this very hallowed place with my four children, and I can't tell you the experience this has been for me, to be able to sit among some of the most intelligent minds of our country, and to be able to have just heard the very eloquent speech of Mr. FRANK. I am impressed. You are even better in person than you are on C-SPAN.

Mr. FRANK of Massachusetts. If the gentleman will yield, it will be better tomorrow afternoon if you get a little sleep.

Mr. SALMON. Nice try. But I would like to say this: One thing I have learned over my political career is that I know I am an incredibly average person, and the incredibly average person that I talk to out there cannot understand why we cannot move this to a vote and why we cannot move it quickly.

I think some good points have been made, and we will get an opportunity I believe to visit some of these issues later. But I do not want to wait. I want to move, and I want to vote now. Let us vote this through. Let us make Congress live under the very same laws as any other American. It is the right thing.

Mrs. KENNELLY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I am a freshman who like many of you ran on the issue of reform. I campaigned for, supported, and have voted for many of the things we have dealt with today. So great was the call for reform in our freshman class and across this country that I really expected to come into a House today that would be liberated by the free flow of ideas.

It has been just the opposite. On our very first day, the most symbolic day, I have come into a House were 100 percent of our rules are closed, where we will not have the opportunity to advance our ideas and see them win or lose in the court of public opinion. That is not allowed in the new Congress.

There is no opportunity for amendments, no opportunity for fine tuning, and no opportunity to divide the question in a way that will allow us to represent our constituencies within many-itemed bills.

This is not the new way, the good way. This is what you all campaigned against. And I think we should learn from JERRY SOLOMON who said the people are sick and tired of political gamesmanship. They want back their House, they want it open and democratic. I think so.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Cincinnati, OH [Mr. CHABOT].

Mr. CHABOT. Mr. Speaker, our Nation was founded on the principle that no person is above the law. It is more than shameful—it is worse than outrageous—that Congress routinely has exempted itself from the laws that others must obey. From the labor laws enacted in 1938, to the Civil Rights Act of 1964, to OSHA—Congress has said: "These laws apply to others, but not to us. Not to us."

At long last, these exemptions are going to stop. Finally, we're going to recognize that if a law is good enough to apply to the American people, then by golly, it's good enough to apply to Congress. And if any law isn't good enough to apply to Congress, then certainly it's not good enough to apply to everyone else.

When Congress has to live by the laws it passes, then Congress will take care to pass better laws. I urge support for the rule.

□ 2310

Mrs. KENNELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I rise to express my grave reservations about the rule proposed for consideration of H.R. 1.

Although I strongly support the Congressional Accountability Act, and although I believe it was wise of the new leadership to bring up substantially the same bill that was overwhelmingly approved by the House of Representatives last August, I strongly disapprove of the manner in which the majority has proposed considering this legislation.

I understand the desire of the new Republican leadership to bring the Congressional Accountability Act to the floor today, to fulfill the promise made in the "Contract With America." But voting on a major piece of legislation on the very day it is introduced, without having an opportunity to amend it is simply the wrong way to legislate—and Members on the other side of the aisle know that.

In fact, our Republican colleagues have chastised Democratic members, more times than we would like to remember, for speeding bills to the floor before there had been adequate opportunity to review them, and for not allowing amendments to be offered to them. "Gag rule" was the term our Republican friends used to describe rules like the one before us now.

To those of us who had to bear the brunt of the Republicans' criticism of such rules, it seems utterly outrageous—and rather ironic—that in this new era which has been heralded by promises of openness and fairness in the legislative process, the very first piece of legislation brought to floor will be considered in this manner. This rule makes us question whether criticism of closed rules issued by the majority party during the last Congress was based on true belief in opening up the amending process, or whether it was simply a means of generating public anger toward Democrats.

In fact, this procedure is worse than anything I can recall under Democratic control of the House. In the 18 years I have served in the House, I cannot remember a time when a bill advanced by the Democratic leadership was handled in so rushed and closed a manner as this one. Under this rule, this bill is to be considered on the very day it is introduced; there will have been no hearings or markup of this legislation—in fact, not even any informal review by the committees of jurisdiction; there will have been no review by the Rules Committee for the purpose of granting a rule; and, of course, there will be no opportunity to amend the bill—other than through a motion to recommit—and no time to plan amendments even if there were such an opportunity.

For those of us who were part of the 103d Congress, the fact that this legislation is being considered in this way is less deplorable than it would otherwise be because the bill is substantially the same as last Congress' H.R. 4822. H.R. 4822 was a well-constructed, well-thought-out bill in large part because, unlike H.R. 1, it was developed through the regular legislative process. H.R. 4822 was considered by the committees of jurisdiction as well as the Rules Committee for purposes of granting a rule; there was sufficient time between the day the bill was introduced and the day it was sent to the floor for Members to familiarize themselves with it; and most of the amendments Members wanted to offer to it were allowed to be offered. In other words, we had ample opportunity to know what we would be voting on and to help shape and improve the bill.

But the 86 Members who are new to the 104th Congress will not have that opportunity. Their right to review and amend this legislation is being abrogated for the sale of political expediency. It is unfair—and wrong—to ask them to vote on a very important piece of legislation without giving them any chance to review the bill, let alone help shape it.

Mr. Speaker, I hope that it is only because of the political imperative dictated by the "Contract With America" that we are proceeding in this manner on a major piece of legislation. And I hope that we will have the assurance of the new leadership that the procedure being used to consider H.R. 1 is an aberration, and not a signal of how legislation will be handled during this Congress.

Mrs. KENNELLY. Mr. Speaker, for purposes of debate only, I yield one-half minute to the gentleman from Montana [Mr. WILLIAMS]

Mr. WILLIAMS. Mr. Speaker, I thank the gentlewoman from Connecticut.

Perhaps an uninterested observer listening to the debate today, Mr. Speaker, might be uninformed enough to have found a little hypocrisy on both sides, and maybe listening to the debate on this issue, an uninformed observer might not understand that as stronger reform bill than the piece now being offered came before this body written by Democrats just a few months ago, and was eventually blocked by Republicans. I would not say that the action today is hypocritical, but an uninformed observer might.

Mr. GUTKNECHT. Mr. Speaker, may I inquire as to how much time is left on both sides?

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman from Minnesota [Mr. GUTKNECHT] has 3½ minutes remaining, and the gentlewoman from Connecticut [Mrs. KENNELLY] has 5 minutes remaining.

Mr. GUTKNECHT. Mr. Speaker, I reserve the balance of my time.

Mrs. KENNELLY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, this section is a rule providing for consideration of the Congressional Accountability Act. This is the exact same bill that we Democrats passed in the House last year.

However, sadly, the Republicans derailed it in the Senate, so I do not want anybody out there thinking that we Democrats in the House opposed this. We proposed it, and it passed the House last year. I strongly supported this measure last year and I will support it again this year.

Let me add that I am delighted that the Republicans seem to be on board this time. Better late than never. However, Mr. Speaker, I must rise in opposition to the rule we are operating under. This is a closed rule, plain and simple.

My left ear has gone deaf from all the catcalls and the charges of gag rule from the minority in the last couple of years, but now they come to the floor and put two closed rules together, so I am really disappointed in the actions of the minority today. Over the years, the cries from the Republicans, maybe Mr. Solomon learned something from me or maybe I learned something from him.

Mr. SOLOMON. Mr. Speaker, If the gentleman would yield, believe me, I learned a lot from you, JOE.

Mr. MOAKLEY. OK, but I could spend all week reciting quotations from Members on the Republican side calling restrictive rules of any kind unconstitutional, undemocratic, unfair. Yet, the first day of the session, on the very first item on our legislative agenda, what do we get? A closed rule within a closed rule. I am very, very disappointed in the party who is crying for open rules and free debates, to come forward today with this rule.

I know some of my Republican colleagues will argue that we do not need an open rule on this particular measure because the House passed the same legislation in the last session, under Democratic leadership, let me add. Yet I cannot recall a single occasion on which my Republican colleagues supported a closed restricted rule on any previously-passed piece of legislation.

Let me add that when the Democratic leadership brought the Congressional Accountability Act to the floor last year, we made 14 amendments in order. The scream was "It is a gag rule, it is a closed rule." Here today we come and we cannot put one amendment in order; they come with seven amendments into the bill. Evidently there has been an awakening of the Committee on Rules, or there has been a change in the heart of my good friend, the gentleman from New York [Mr. SOLOMON].

However, I recall during debate last year my good friend and the new chairman, the gentleman from New York [Mr. SOLOMON] arguing for more open rules on a previously passed bill due to the fact that there were so many new freshmen that had not read the bill and it was not fair. Evidently he has had some second thoughts. He thought they should be able to have greater say in the process. I can point to some freshmen this year, Mr. Speaker, who should be given the courtesy that the gentleman from New York [Mr. SOLOMON] and his party thought we should have given them last year.

Mr. Speaker, it strikes me as a bit ironic that notwithstanding the rhetoric, we are here with what last year my Republican friends would have called the gag rule. We were accused of having gag rules if they were preprinted in the RECORD, or moving a comma.

This is a blatant closed rule, and as I say, they were talking about openness and allowing full debate. Maybe tomorrow or the next day may show something else, but today, Mr. Speaker, I do not see any openness coming from the other side.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Munci, IN [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, on behalf of the voters of Muncie, Anderson, Richmond, and all of the Second District I rise in support of both the rule and the Congressional Accountability Act. Mr. Speaker, the time is now to make Congress accountable for the laws it imposes on the American people.

For too long, Congress has told the American People: "Do as I say, not as I do." Congress is currently exempt from laws such as the Civil Rights Act, the Fair Labor Standards Act and OSHA. For example: House Annex I—the O'Neill Building, could not legally be occupied by any private enterprise. It would be shut down. Only Congress, with its exemption from many workplace safety regulations, can reside there. Mr. Speaker, the time is now to end this double standard.

The Congressional Accountability Act will cause Congress to make better laws. Bad laws will surely be changed as Congress feels their weight. And good laws protecting safety and civil rights will benefit congressional employees.

James Madison wrote: "This Constitution places elected officials under the law, thereby avoiding tyranny." Mr. Speaker, the Congress has not lived under all of the laws of the land for too long.

The time is now to end the tyranny and make those laws apply to Congress.

Mrs. KENNELLY. Mr. Speaker, I yield myself such time as I may consume.

I would like to close by saying I do not support this closed rule. It blocks any effort to have an honest, open debate about real reform.

Mr. Speaker. I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker. we have 2½ minutes remaining. do we not?

The SPEAKER pro tempore. Prior to yielding further time. the gentleman does have 2½ minutes.

Mr. GUTKNECHT. Mr. Speaker. I yield 1 minute of our time to the gentleman from Westbury. NY [Mr. FRISA].

Mr. FRISA. Mr. Speaker. for 40 years this Congress has been in an ivory tower. out of touch with reality. and out of touch with the American people. That is why the Congress thought it knew better. could pass its burdensome laws. rules and regulations for everyone else but for itself. That is going to change. Mr. Speaker.

Mr. Speaker. in November the American people knocked an elitist Congress off its pedestal. Tonight the majority will plant its feet firmly on the ground. and we stand proudly accountable to the American people for the laws that we will pass. because they should apply to us as well.

I would urge support for this measure.

Mr. GUTKNECHT. Mr. Speaker. I yield myself the remainder of my time.

Mr. Speaker. when Vaclav Havel came and spoke to the American people. he quoted Thomas Jefferson when he said that "Words are plentiful. but deeds are precious." The American people want action. not protracted debate.

□ 2320

Mr. Speaker. we must seize this historic day. Let us not let the American people down. The U.S. Congress must comply with the laws of the land. I strongly encourage my fellow colleagues to vote "yes" on the rule and "yes" on H.R. 1.

Mr. CLAY. Mr. Speaker, I rise to express my disappointment that the Republican majority has not seen fit to allow amendments to the Congressional Accountability Act. Let me say at the outset that I support the intent of the Congressional Accountability Act. I have fought for the rights of American workers throughout my political career. I strongly believe that all employees, private and public, including Federal, State, and local and congressional employees, should be afforded the protection of our labor laws. I believe that the Congressional Accountability Act accomplishes that objective with regard to congressional employees in a manner that does not impinge upon the independence of the legislative branch nor the ability of Members to represent their constituents.

Nevertheless, I am amazed that the Republican leadership has seen fit to deny Members any opportunity to amend this bill. This legislation is substantially the same bill that overwhelmingly passed the House last Congress under Democratic leadership. At that time, at least some amendments were permitted. As a matter of principle, the contention that the Congress should be covered by the labor statutes is so widely held in this body as to be beyond issue. So why bring the bill up under a gag rule? Surely no one contends that the Congressional Accountability Act was written on Mount Sinai.

The stated purpose of the statute is to ensure that the Congress is subject to the same rules that we impose on private employers. Most private employers in this country are subject to the National Labor Relations Act. It is interesting to me that no effort has been made to at least apply that statute to those congressional employees who are not directly involved in the legislative process, such as janitorial and groundskeeping staff. Even if such an amendment were not adopted, I believe the debate would have been beneficial to both the Members and the public. I am disappointed that the Republican leadership has instead seen fit to gag the people's representatives. When the Republican leadership denies Members the right to fully participate in the legislative process on a noncontroversial issue like this, one cannot help but doubt their promises that future bills will be considered in an open and amendable manner.

Finally, I would like to point out to my colleagues the relationship between this act and the so-called unfunded mandates bill. Today, we are voting to apply our labor laws to the U.S. Congress. Shortly, we will vote on legislation modifying Congress' power to enact laws that affect State and local governments. That bill, at present, contains no exemption for the application of our labor laws to State and local governments. I hope that the principle that we are voting for today—that congressional employees should be protected by your labor laws—will apply equally next week when considering whether State and local government employees shall receive equal protection under our labor laws.

Mr. GUTKNECHT. Mr. Speaker. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORKILDSEN). The question is on Section 108 of the resolution.

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. KENNELLY. Mr. Speaker. I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device. and there were—yeas 249. nays 178. not voting 6. as follows:

[Roll No. 13]

YEAS—249

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lambert-Lincoln
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—178

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)

Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—6

Brown (FL)
Cox
Dornan
Markey
Vucanovich
Yates

□ 2333

Ms. ESHOO, Mr. GORDON and Mrs. SCHROEDER changed their vote from "yea" to "nay."

Mr. MOORHEAD changed his vote from "nay" to "yea."

So section 108 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THOMAS). Title II of the resolution is now debatable for 20 minutes.

The gentleman from California [Mr. DREIER] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the eight reform items considered previously represent the most visible elements of the House Republican reform agenda. These reforms, combined with the 23 additional changes made to the House rules in title II of this resolution, send a clear message to the American people that Congress is serious about changing the way Washington does business.

Mr. Speaker, the need for the changes in title II is compelling. The rules governing committee jurisdictions and the general procedures governing the House are ineffective and out-of-date. They breed bureaucratic inertia and rigidity, and they are a hindrance to setting priorities and carrying out agendas.

The rules governing the administration of the House have bred a patronage system that has brought scandal and embarrassment to this institution and have weakened both the public's image and the effectiveness of Congress.

The reforms in title II are intended to make the House more accountable, professionalize the administrative management, and rebuild public confidence in representative government. Adoption of title II will bring about dramatic change to this institution while maintaining a structure of rules that achieve what Thomas Jefferson called "a uniformity of proceeding in business" and the "order, decency, and regularity" of a dignified public body.

These reforms are long overdue. They have the support of the American people, and they deserve our strong support.

Mr. Speaker, I would also like to clarify some of the committee jurisdiction changes contained in section 202 of House Resolution 5.

The jurisdiction of the Committee on Agriculture is amended to include inspection of livestock, and poultry, and meat products, and seafood and seafood products. As a result, the food inspection programs of the Department of Agriculture and the Food and Drug Administration are consolidated under the Committee on Agriculture. The current jurisdictional arrangement with respect to food safety activities will remain in the Committee on Energy and Commerce.

The committee's jurisdiction has also been amended to include water conservation related to activities of the Department of Agriculture. This grants the committee jurisdiction over any measure that changes section 6217 of the Omnibus Budget Reconciliation Act of 1990 with respect to agricultural activities in coastal zone areas.

The Committee on Banking and Financial Services retains all of the existing authority of the Committee on Banking, Finance and Urban Affairs from the 103d Congress over financial services providers generally, including the activities and supervision of depository institutions and any affiliates. The committee's jurisdiction has been expanded, as well as clarified by this resolution.

The committee is given jurisdiction over bank capital markets activities. In response to technological and market innovations, banks have sought to continue to service their traditional customer base by providing certain types of investment banking or functionally similar capital market services. The committee has jurisdiction over these capital markets activities engaged in by banks which include, but are not limited to, acting as a government securities broker or dealer under the Government Securities Act, acting as a municipal securities broker or dealer under section 15B of the Securities Exchange Act of 1934, acting as an investment advisor under the Investment Advisors Act of 1940, providing loan guarantees and other similar off-balance sheet support, privately placing securities, securitizing loan assets of any type, syndicating and selling bank loans, engaging in transactions involving exchange-traded and over-the-counter derivatives, and engaging in transactions involving other types of qualified financial contracts as that term is described in section 11(d) of the Federal Deposit Insurance Act. A comprehensive summary of bank capital markets activities as industry practices have defined this term are contained in A Guide to the Capital Markets Activities of Banks and Bank Holding Companies (1990).

In addition, the committee's jurisdiction is amended to expressly include depository institution securities activities generally, including the activities of any affiliate, except for the functional regulation under applicable securities laws not involving safety and soundness. This clarifies the committee's primary jurisdiction over the Glass-Steagall Act. It should be noted that the term "depository institution" specifically includes "non-bank banks" grandfathered under the Competitive Equality Banking Act of 1987 and the committee has jurisdiction over any affiliate of a non-bank bank, other than a registered broker-dealer.

Depository institution securities activities under the committee's jurisdiction would include any activity involving bank-eligible securities as described in section 5136 of the Revised Statutes (12 U.S.C. 24) and any securities activity incidental to carrying on the business of banking. It would also include any activities by depository institutions, their holding companies, and any affiliates to:

First, underwrite, deal in, broker, or distribute securities of any type, and engage in other securities activities as permitted by the appropriate federal banking agencies;

Second, sponsor, organize, control, manage, and act as investment adviser to an investment company;

Third, engage in, or acquire the shares of any company engaged in any securities activity so closely related to banking as to be a proper incident thereto.

A list of current securities-related activities under the committee's jurisdiction that have been determined to be so closely related to banking as to be a proper incident thereto is described in Federal Reserve Board Regulation Y (12 CFR 225.25).

Any securities activity conducted by a depository institution, its holding company, or any affiliate in a registered broker-dealer should be functionally regulated by the Securities and Exchange Commission under applicable securities laws and the appropriate Federal banking agency jointly.

The SEC would functionally regulate a registered broker-dealer affiliated with a depository institution for purposes of compliance with the legal and regulatory framework generally established for registered broker-dealers under the securities laws. SEC functional regulation under applicable securities laws will not be included in the committee's jurisdiction. Registered broker-dealers affiliated with insured institutions will also be supervised by the appropriate Federal banking agency, most likely the Federal Reserve Board, for compliance with applicable Federal banking laws and for purposes of protecting the safety and soundness of affiliated insured institutions. Supervision for safety and soundness purposes of a broker-dealer affiliated with a depository institution by the appropriate Federal banking agency is maintained within the committee's jurisdiction.

Several significant changes are made to the jurisdiction of the Committee on Commerce formerly the Committee on Energy and Commerce. Those changes include the transfer of jurisdiction over the inspection programs of the Food and Drug Administration to the Committee on Agriculture. The current jurisdictional arrangement with respect to food safety activities would remain in the Committee on Energy and Commerce.

The Committee on Economic and Educational Opportunities will retain the jurisdictional authority of the Committee on Education and Labor from the 103d Congress.

The Committee on Government Reform and Oversight combines the jurisdiction of the former 103d Congress committees on the District of Columbia, Government Operations, and Post Office and Civil Service. The resolution clarifies the committee's jurisdiction over the Federal Paperwork Reduction Act. It also clarifies the committee's jurisdiction over public information and records as they pertain to the Freedom of Information Act and the Privacy Act. This should not be construed to affect the jurisdiction of the Committee on House Oversight with respect to the Government Printing Office, or the Library of Congress, or House Information Systems, or the dissemination of such government information to the public.

The Committee on House Oversight retains the jurisdictional authority of the Committee on House Administration from the 103d Congress, with the addition of jurisdiction over the Franking Commission. Jurisdiction over measures relating to the erection of monuments to the memory of individuals is transferred to the Committee on Resources.

The Committee on International Relations retains the jurisdictional authority of the Committee on Foreign Affairs from the 103d Congress.

The jurisdiction of the Committee on the Judiciary is amended to include administrative practice and procedure. This is added to reinforce the fact that, since 1946, the committee has had jurisdiction over the Administrative Procedures Act and the rights and remedies under administrative law.

The Committee on National Security retains the jurisdictional authority of the Committee on Armed Services from the 103d Congress. Jurisdiction added to the committee includes tactical intelligence and intelligence-related activities of the Department of Defense. This clarifies the existing relationship between the committee and the Permanent Select Committee on Intelligence.

The Committee on Resources retains the authority of the Committee on Natural Resources from the 103d Congress, with the addition of some jurisdictions formerly vested in the Committee on Merchant Marine and Fisheries, the Committee on House Administration, and the Committee on Energy and Commerce from the 103d Congress.

The jurisdiction of the Committee on Small Business is amended to include measures relating to the Regulatory Flexibility Act and the Paperwork Reduction Act as they affect small business.

The Committee on Science retains the jurisdictional authority of the Committee on Science, Space and Technology from the 103d Congress. Jurisdiction added to the committee includes marine research, which was formerly vested in the Committee on Merchant Marine and Fisheries from the 103d Congress. This jurisdiction includes, but is not limited to, Coast and Geodetic Survey, Regional Marine Research Programs, Ocean Thermal Energy Conversion, Global Climate Change, Global Learning and Observation to Benefit the Environment, National Undersea Research Program, NOAA Corps, and NOAA fleet; and

The Committee on Transportation and Infrastructure retains the jurisdictional authority of the Committee on Public Works and Transportation from the 103d Congress. Jurisdiction added to the Committee includes Federal management of emergencies and natural disasters. This language is added to reflect an agreement reached in the 103d Congress between the Committee on Armed Services and the Committee on Public Works and Transportation. It transfers nearly all of the responsibility for the authorization and oversight of the Federal Emergency Management Agency to the Committee on Transportation and Infrastructure. Additionally, it is my understanding that, based on an agreement with the Office of Management and Budget, programs related to this jurisdictional transfer will be moved out of budget function 050 to the budget function dealing with public works. Jurisdiction over measures relating to merchant marine, except for national security aspects of merchant marine will be further clarified by a memorandum of understanding between the National Security Committee and the Transportation and Infrastructure Committee.

In addition, the committee is granted jurisdiction over marine affairs, including coastal zone management, as they related to oil and other pollution of navigable waters. This vests the committee with primary jurisdiction over all aspects of the Federal Water Pollution Control Act, and the coastal nonpoint pollution program established in section 6217 of the Omnibus Budget Reconciliation Act of 1990.

□ 2340

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute.

I take this minute of time to indicate to my colleagues that at the end of this 20-minute block of time there will be a motion to recommit, and I want to apprise my colleagues of what that will be. For the newer members of this institution, you will get yet a third chance tonight to vote on a ban on gifts from lobbyists, you will get a third chance tonight to vote on a limit on royalties for books to one-third of annual salary, you will get a chance again this evening to vote on an open rule for the Congressional Accountability Act, and in addition to that, you will get a chance to institute some of the reforms that your friends and your colleagues have championed on this floor over the years, guaranteeing, for instance, a third of committee staff for minority, limiting the terms of the Speaker to three terms instead of four terms, bipartisan House Administrator, something championed on this floor day in and day out over the last session which we have had and now we do not have anymore, and you can have a chance to vote on that. Committee ratios must match.

All of these reforms you will get a chance to vote on in the motion to recommit.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to our new colleague, the gentleman from Friendswood, TX [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Speaker, it is my distinct honor to speak in strong support of the reforms in title II. I was elected to Congress as a servant of the people; to limit the size and scope of the Federal Government and to clean up the mess here in Washington. This title has 23 provisions and I will focus on just a few.

In the Contract With America we committed to slash the number of committees and we have kept our word. This is revolutionary legislation. Today, we will eliminate three committees (Post Office, Merchant Marine, and District of Columbia). No full standing House committees has been eliminated since 1947. In addition, 25 subcommittees will also be eliminated. The savings will be approximately $35 million. House committees, like Federal programs, ought not live forever.

Our first order of business is to put the People's House in order. We signed a contract with the American people to look at every Federal action by the House will send a strong and clear message to the American people that we are serious about our purpose.

This bill will ensure that what is said on the floor and in committee will be recorded verbatim for the American people to read. Staff members will no longer work into the middle of the night to conceal what was actually said in the People's House.

This bill will end pork barrel projects on emergency spending bills. This change will make spending cuts easier.

This bill will ban commemorative legislation like National Asparagus Day. Banning this practice will save at least $300,000 according to the Congressional Research Service and improve the operation of Congress by eliminating the 25 percent of floor time consumed by commemoratives.

Last, and perhaps most importantly, this bill will require the Pledge of Allegiance as the third order of business each day. In 1988, the Democrats defeated an attempt to require the Pledge on the House floor. The Pledge ought not to be optional in the People's House and now it is not. I am proud of our great Nation and believe our best days are yet to come. We will set an example by beginning our day pledging allegiance to this country which has been so richly blessed.

Mr. Speaker, thank you again for this historic opportunity to lead the debate on this bill. It is a good first step and sets an example that we are able to get our affairs in order. Let us move boldly ahead to return Congress and this Nation to the people. I urge adoption.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me express my disappointment with section 201 of the bill that is before us, where a partisan Chief Administrative Officer will replace a nonpartisan Chief Administrative Officer will replace a nonpartisan Director of Financial and Non-Legislative Services.

Many of us on both sides of the aisle have been working for less partisanism, particularly in the administration of the House of Representatives.

It was the Republicans who worked with us to develop the Director of Financial and Non-Legislative Services, being approved by both the majority and minority, reporting to a committee composed of equal numbers of Democrats and Republicans.

What happens under this particular bill? That office is abolished and replaced with a partisan Chief Administrative Officer. A few months ago the Republicans favored bipartisanism in administration to avoid the abuse of power by any one party. Now, just a few months later, we see a complete reversal.

What a missed opportunity to advance bipartisanism.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from West Chester, OH [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, ladies and gentleman, there are a lot of important reforms in title II of this part of the rules package tonight. One of those sections in there eliminates legislative service organizations or, as some have come to be known, taxpayer funded caucuses.

The gentleman from Kansas [Mr. ROBERTS], sitting in the back of the Chamber, spent 14 years, and I have joined him the last 4 years, along with other Members, the gentleman from Wisconsin [Mr. KLECZKA], in trying to reform these LSO's, but, no, we could never get real reform of LSO's. We could never get a full accounting of the funds. We could never build a wall between these taxpayer-funded caucuses and outside 5013(c) organizations these foundations.

And so putting this in the rules package guarantees that no longer will the U.S. House of Representatives have to fund these organizations. That means less space, less overhead, less cost to America's taxpayers.

It is the right move, and the people who put this in here ought to be congratulated.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, included in the House rules package prepared by the Republican Conference being voted upon today are provisions to direct the House Oversight Committee to abolish all Legislative Service Organizations [LSO's], including the Democratic Study Group [DSG].

The Republican rules package is being brought to the floor under a procedure which bars amendments. So today there will be no opportunity for the House to effectively debate the merits of an organization such as the Democratic Study Group or to consider proposals to allow the Democratic Study Group to continue to provide top-quality research within the House of Representatives.

However, as the newly elected chairman of the Democratic Study Group for the 104th Congress, I cannot let this occasion pass without standing up to protest this misguided action on the part of the House Republican Conference.

Although under the new Republican rules the Democratic Study Group will be allowed to reconstitute itself as a "Congressional Member Organization," DSG's ability to have an office and staff and thus to produce the legislative research materials Members have relied upon for so long is being terminated.

The Democratic Study Group has served the House of Representatives extremely well for over 30 years. Over this period of time, DSG has provided independent, in-depth, and timely analyses of all legislation coming to the House floor.

Over this more-than-30-year period, DSG has developed a reputation for independence and credibility, by providing unbiased information that presents both sides of controversial issues fairly and objectively. Consequently, DSG research materials have come to be relied upon not only by House Democrats, but also by Republican subscribers, the press, lobbyists, and congressional scholars. Indeed, at times, DSG has had well over 50 Republican subscribers.

The quality of DSG research products has been noted by many independent observers. For example, scholar Norman Ornstein has written that DSG "has evolved over the years into a group that provides solid, objective, and timely information" on upcoming legislation.

House Republicans have attempted to characterize their abolition of the Democratic Study Group as part of their efforts to cut costs and increase efficiency in the House—and yet terminating DSG does neither.

The Democratic Study Group has been a cost-effective mechanism allowing rank-and-file Members of the House to pool their resources to have an independent staff that produced indepth legislative analyses that Members needed to carry out their legislative responsibilities.

Instead of having 435 congressional offices have individual staffers attempt to read every bill and accompanying committee report coming to the House floor for a vote, the premise of the DSG has been to have a small, independent staff analyze these bills and provide interested offices with the indepth analyses that they need.

As a result, the existence of DSG over the last three decades has actually increased the efficiency of the House of Representatives and reduced the cost to each Member of acquiring this in-depth information.

DSG has not only increased efficiency within the House, it has also done so in a very cost-effective manner. With a staff of only 18—including printers and support staff—the Democratic Study Group produces a prodigious amount of high-quality research materials for Members, the press, and other interested parties. For example, in the 103d Congress alone, DSG produced 517 reports on legislation and major issues, totaling 7,793 pages. Any Republican claims that

DSG has not been cost-effective simply ignore these facts.

Furthermore, despite Republican claims to the contrary, the elimination of DSG does not save even $1 of taxpayer money and does not cut House staff by even one position. The new Republican rules don't cut office expense allowances or staff slots—they just restrict how Members are allowed to use their allowances and staff slots. Thus, under the new Republican rules, Members will simply now be free to use money currently used to pay DSG dues to meet other office expenses and be free to use staff slots currently used for a shared DSG employee to hire another personal staff member.

If abolishing DSG doesn't cut costs or increase efficiency, what is the true motivation behind the move to terminate this 35-year-old organization which has served the House so well?

The real motivation for House Republicans in terminating DSG is not hard to divine. In materials distributed in the Republican Conference on December 6, when the vote to eliminate DSG was taken, it is stated: "The demise of the DSG severely damages the power structure of the House Democrats."

Closing down DSG seems to be part of an effort to centralize information and to stifle debate on legislation that the new Republican majority produces.

Indeed, House Republicans have moved to abolish DSG at the same time that they have promised to bring 10 complicated pieces of legislation to the House floor—the Republican "Contract With America"—within the first 100 days of the 104th Congress. Thus, at the same time that the House is embarking on a furious legislative schedule, the staff most equipped to provide the minority party with legislative analyses has been abolished.

Although a nonprofit organization is being formed that will attempt to provide high-quality DSG-like research services to interested Members and to others, it is a disservice to the House of Representatives that such a step is now necessary.

Scholar Norman Ornstein has said that losing DSG as an integral part of the House of Representatives represents "a real loss for Congress." More than that, it is a blow to free, open, and honest debate, and a rather blatant attempt to censor information and quash dissent in this body.

□ 2350

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Long Beach, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, we heard a few hours ago the word hypocrisy used; we have heard about the gift ban that needs to come before us. The facts of life are that this is not the place to discuss the gift ban, but if we are going to discuss it let us also discuss political action committees. Five or ten dollar gifts such as the nasty lips ointment which arrived in our offices today from a Vermont firm, that is not the problem. The problem is there is too much money floating around in American politics at $10,000 an election cycle per political action committee [PAC].

That is what we have to deal with. The fact that you can hold parties at the Republican Club and at the Democratic Club and get $500 at a clip every quarter from Washington lobbyists is the real lobbyist problem. It is not the $5 or $10 gift that pops up, the raisins from Fresno, or whatever.

I would suggest to my colleagues on the other side of the aisle that what the Republican party offered this Chamber last year and they voted down was a ban on PAC's and a ban on soft money. Next time we ought to pass that legislation if we are really serious about curbing lobbyist influence.

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would say to my friend—and he is my friend—who just spoke that if he was serious and the party he represents was serious, they also would talk about the PAC issue and open up the books to GOPAC. You cannot have it both ways. You cannot have a PAC where people in this country give unlimited amounts of money where we do not know who gives it, what relationship they have to the legislation that is pending in this institution.

Let me speak to another issue, Mr. Speaker, that was raised here this evening, and that is the issue of closing down voices. We have had a disturbing trend occur in the last 2 months in this institution. LSO's, Women's Caucus, their voices closed down; African-American voices closed down; Hispanic voices closed down; Democratic Research, the voice of our party, closed down.

Then what do we have today? Three closed rules closing down our voice to offer amendments, and then the gentlemen from the other side of the aisle advocate closing down Public Broadcasting, the National Endowment for the Arts, and there is a narrow closing of voices in this country, and we will not be a part of it.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Idaho Falls, ID [Mr. CRAPO].

Mr. CRAPO. I thank the gentleman for yielding this time to me.

Mr. Speaker, let us understand what this debate is about. We have before us title II of a proposal that has over 25 major and important reforms and a motion to commit that will be coming that will say, Let's not consider these reforms tonight, reforms that will eliminate committees, reforms that will eliminate rolling quorums, make accountable votes in committees, and require automatic rollcall votes for spending money and raising taxes, and one which is especially important to our class—the freshman class of last year—and that is the discharge petition.

What is the reason for saying, Let's not enact these reforms tonight? Because we have the gift ban proposal put forward that our Speaker today said we will address in this Congress. You cannot use the issue of saying we want to do it tonight, to dodge these important reforms. We will get to the gift ban, but tonight let us focus on the reforms that this House needs, that the people of this country want, and let us get on with the business of reforming this House.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I thank the gentleman for yielding this time to me.

Mr. Speaker, since 1800, the residents of Washington, DC, have been the only taxpaying U.S. citizens denied equal representation in Congress, denying the residents of the District of Columbia to send Representatives to Congress who can vote on taxes or decide questions of war and peace.

At the same time we expect them to shoulder the burdens of citizenship—including the obligation to pay taxes and to fight and die for their country in time of war, this is wrong.

The District of Columbia has more residents than three States, Alaska, Wyoming, and Vermont. Combined those three States have nine Representatives in Congress. The District of Columbia has only one nonvoting Member, that is unfair, unequal and not to mention unconscionable.

I urge Members to reconsider their stand on this issue. How can we deny persons the right to fair representation, how can we provide for taxation without representation in the United States—and at the same time, in good faith, fight for democracy abroad?

Mr. DREIER. Mr. Speaker, might I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. THOMAS). The gentleman from California [Mr. DREIER] has 3 minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 5 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 90 seconds to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, all day the new majority has proposed a package of rules meant to symbolize a return of Government to the people. But there is one element of the rules package which flies in the face of democracy, which strengthens Federal control over the lives of citizens, which disempowers local Government and which makes this House less accessible to U.S. citizens, and that is the denial of the delegates their opportunity to vote in the Committee of the Whole.

Those who argue that against the delegate vote forget the past struggles of breaking down barriers to participation on the basis of gender, race, poll taxes and land ownership.

Now, as we confront the issue of fellow citizens who die like you for that flag, who serve like you for that flag and who remain spectators in this country's affairs, our history is conveniently forgotten. Those who would deny the participation of people from Guam, a place symbolized in the national consciousness in World War II as the only inhabited U.S. territory invaded and occupied since the war of 1812, which was the land from which much of American power has been extended into Asia and the Pacific during the cold war.

Guam was one of the major bases used to fight the Vietnam war. But when the wars are over and we attempt to put into practice what we allegedly fought for, Guam and her people recede into the back reaches of our memory, only to be jarred when again we need their piece of property to fight another war, but never to share in the peace.

We may lose this time in the fight over this important symbol, but we will be here constantly, reminding you of who we are until we jar your consciousness and bring the principles of this country into fruition wherever that flag flies.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. I thank the gentleman for yielding this time to me.

Mr. Speaker, on behalf of my colleagues in the Congressional Black Caucus, I rise in strong opposition to the provision in the rules package which will eliminate all legislative service organizations.

Let's be honest—this attack on the caucuses and their right to exist is not motivated by any desire for reform. It will not save the public money.

This change has one purpose, and one purpose only—to silence the voices of those who dare to question the status quo in this supposedly new and "open" House of Representatives.

The elimination of the caucuses is an attempt to cut off the flow of information and ideas that the party now in power finds threatening.

Despite their public lip service to bipartisanship, the Republicans showed true colors behind closed doors. Let me quote from the document they distributed in the Republican conference. They said it was important to cut out the caucuses because, and I quote, "Eliminating the Legislative Service Organizations severely damages the power structure of the House Democrats." Is this bipartisanship?

The Congressional Black Caucus and the other legislative service organizations have been run in an efficient, responsible manner. Members with similar concerns have been able to pool our resources to accomplish important goals in behalf of our constituencies. As all Members well know, the expenditures of legislative service organizations are carefully monitored by the House Finance Office.

To ensure strict accountability, the General Accounting Office conducts audits of the legislative service organizations.

So, again, this is not about reform. It is a blatant move to put a gag on minorities and others who may differ in opinion from the new majority party.

But let me say this—you will not succeed in silencing us. We have been through many struggles throughout the course of history, but we have never been silenced. Regardless of the outcome of this vote, the Congressional Black Caucus will continue to meet, to fight injustices, and to speak out passionately in behalf of those who have no power, who have no voice. We will continue to be the conscience of the Congress.

Again, Mr. Speaker, I regret this move by the new majority to obstruct the work of the Congressional Black Caucus and other organizations under the guise of "reform." I hope that all fair-minded people will see through this sham.

The SPEAKER pro tempore. The gentleman from California has 3 minutes remaining and has indicated he has one speaker remaining. The gentleman is entitled to close.

□ 2400

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I rise in opposition to many of the elements of this package.

While there are some admirable portions—for which I would vote if they stood alone—the package as a whole must be defeated!

When we carefully examine what these rules will do, we discover they are not reforms at all, as has been promised, but steps that actually reduce our ability to serve the public and increase opportunities for purely partisan activity.

Eliminating the Post Office and Civil Service Committee would be a disservice to the many retirees who have dedicated their lives in service to their country! I have received many letters and calls from seniors who are extremely concerned about this action.

Eliminating the legislative service organizations will make it more difficult to get a fair hearing for any program or analysis that goes in a different direction from that of the new majority.

In 1992, Congress went through a concerted effort in the aftermath of the House Post Office scandal to make the House administration a non-partisan activity, reporting in a bipartisan manner to Congress. This was true reform. But the proposed rule would eliminate the nonpartisan Doorkeeper's Office—and open a backdoor to partisan manipulation.

The new Speaker's Office is another attempt to consolidate power in a partisan manner—eliminating the progress that has been made in protecting the rights of both the minority and the majority and in fostering full debate of issues before this legislative body.

In addition, this rule prevents some of our duly-elected Representatives from voting in the Committee of the Whole House, including the representative from Washington, DC—leaving the Capital's citizens with taxation without representation. Talk about moving backwards!

We must preserve the rights of the majority and the minority. We must preserve the votes of all Representatives. We must be cautious about reform that ends up costing more money and decreasing our ability to truly debate ideas. I urge my colleagues to join me in opposing this package.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Atlanta, GA [Mr. LINDER], a new member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Speaker, I would like to address directly the question of stilling of voices, whether the Republican Party wants to still the voices, and the minority whip says we are stilling the black voices, the Hispanic voices, the women's voices and the Arts Caucus' voices, and I would like to suggest that it is precisely at the crux of a November 8 election. One tends to see America as groups of groups with groups' claims and society's assets, and we argue that America is 258 million individual Americans, each with their own voice, each being heard at every opportunity.

The last time we had a party in this country that saw America as a collection of groups with group claims and assets was in 1832, and 1856 and 1860. They were organized around opposition to another idea. They did not have a single organizing principle of their own. It was the Whig Party, and they died.

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute to just respond briefly to that.

Mr. Speaker, we are 209 Members strong, representing every part of this great country and representing every constituency in this great country of ours in our Democratic Party. We have been silenced tonight, all of us and the people that we represent, from offering any amendment on the bills that are pending before us tonight.

We are not a narrow group of people. We do not represent a narrow interest of people. We represent a broad spectrum of the American public, and they have shut us out this evening.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I think, yes, in some ways today is historic. My colleagues, the most historic thing about today is the fact that on the very first day of the Republican majority eight significant changes were debated on the floor, and not a single amendment was allowed. We were totally shut out of the process, and it is not that these were the most earth shattering of debates of rules.

I have to say that when I go into O'Halleran's Pub and speak, to the fellows, Mr. Speaker, they do not say, "Hey, Charlie, make sure you go to baseline budgeting," or, "Get rid of proxy voting." These are internal issues that affect only ourselves, and they are not going to make the lives of our constituents better. They are a debate as to how to run the House.

Where could it be more appropriate than to allow that debate to be open and free and to allow alternative proposals as they so suggest that they want to do than on this kind of debate? The fact that we have not been allowed to debate these issues and amend these issues openly does not speak well for the future openness of how this House will be run.

The SPEAKER pro tempore (Mr. THOMAS). All time has expired on the minority side.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Will the speaker tell me if it is his ruling that it is still Wednesday? I just want to know what day it is. I was told we have to this on the first day.

The SPEAKER pro tempore. The Chair advises the gentleman from Massachusetts that that is not a parliamentary inquiry. The Chair recognized him for a parliamentary inquiry.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 2 minutes remaining.

Mr. DREIER. Mr. Speaker, when we began this day debating the rule I said, as I yielded time to my colleagues, that we were considering these measures under the most open procedure that has ever been used for a first day of any session of Congress in our Nation's history.

Now I have been listening to my colleagues on the other side of the aisle talk over the last several hours about this process being closed, preventing them from the chance to offer amendments. I cannot help but think about the task that I was given in January 1993 along with the gentleman from New York [Mr. SOLOMON] and several others, the gentleman from Indiana [Mr. HAMILTON], former Senator David Boren, Senator PETE DOMENICI, to put together the first bipartisan bicameral effort in nearly half a century to reform this institution, and I was very optimistic 2 years ago today believing that the leadership in this House would in fact bring the measures that we have been passing by overwhelming margins with bipartisan support over the past several hours to the floor. Time and time again they made those commitments to me. They said we would do it, and what happened? Absolutely nothing.

I look at my good friend, the gentleman from Indiana [Mr. HAMILTON], there with whom I served, and he knows very well that, as he went to members of his leadership, unfortunately his effort to bring about a bipartisan package of reform was denied by them, and I believe there are many other Democrat Members who wanted to have it done, but unfortunately the leadership did not allow it.

And what has happened here tonight? We have listened to people talk about how this process is closed, preventing Members from having the opportunity to amend it. Well, as the gentleman from New York [Mr. SOLOMON] just reminded me, throughout the hours and hours that we had and the efforts of the Joint Committee on the Organization of Congress, we took input from Democrat and Republican Members. We have got a chance to implement 23 of those, Mr. Speaker. We should do it right now.

Mr. Speaker, with that I yield back the balance of my time, and I move the previous question on resolution.

The previous question was ordered.

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan [Mr. BONIOR] rise?

MOTION TO COMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. BONIOR. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. BONIOR moves to commit the resolution H. Res. 6 to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

At the end of the resolution, add the following:

TERM LIMITS FOR SPEAKER

SEC. 224. Clause 7(b) of rule I of the Rules of the House of Representatives is amended by striking out "four" and inserting in lieu thereof "three".

EQUITABLE PARTY RATIOS ON COMMITTEES

SEC. 225. (a) In rule X of the Rules of the House of Representatives, clause 6(a) is amended by adding at the end thereof the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof) shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress (unless otherwise provided by House Rules). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.".

(b) In rule X of the Rules of the House of Representatives, clause 6(f) is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

MAJORITY-MINORITY COMMITTEE STAFF RATIOS

SEC. 226. (a) Notwithstanding any other provisions of law, not less than one-third of (the staff funding made available to each standing, select, special, ad hoc, or other committee of the House of Representatives shall be allocated to the minority party.

(b) Subsection (a) shall not apply to the Committee on Standards of Official Conduct.

BUDGET WAIVER LIMITATION

SEC. 227. Clause 4(e) of rule XI of the Rules of the House of Representatives is amended—

(1) by striking out "(e)" and inserting in lieu thereof "(e)(1)", and

(2) by adding at the end the following:

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.".

BAN ON GIFTS FROM LOBBYISTS

SEC. 228. Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbying firm (a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity), or an agent of a foreign principal (as defined in the Foreign Agents Registration Act of 1938).

"(2) The prohibition in subparagraph (1) includes the following:

"(A) Anything provided by a lobbyist or a foreign agent which the Member, officer, or employee has reason to believe is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

"(B) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee.

"(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(D) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a Member, officer, or employee.

"(F) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"(3) The following are not gifts subject to the prohibition in subparagraph (1):

"(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

"(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(C) Food or refreshments of nominal value offered other than as part of a meal.

"(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

"(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(4)(A) A gift given by an individual under circumstances which make it clear the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

"(B) A gift shall not be considered to be given for a nonbusiness purpose if the Member, officer, or employee has reason to believe the individual giving the gift will seek—

"(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

"(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(ii) Whether the Member, officer, or employee has reason to believe the gift was purchased by the individual who gave the item.

"(iii) Whether the Member, officer, or employee has reason to believe the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(b) In addition to the restriction on receiving gifts from paid lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other momento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1995 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by the Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purpose of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.".

LIMITATION ON ROYALTY INCOME

SEC. 229. (a) Clause 3 of rule XLVII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(g) In calendar year 1995 or thereafter, a Member, officer, or employee of the House may not—

"(1) receive any copyright royalties for any work—

"(A) unless the royalty is received from an established publisher pursuant to usual and customary contractual terms;

"(B) unless the total amount of such royalties for that work does not exceed one-third of that individual's annual pay as a Member, officer, or employee for the year in which the contract is entered into; and

"(C) without the prior notification and approval of the contract for that work by the Committee on Standards of Official Conduct; or

"(2) receive any advance payment for any such work.".

(b) Clause 3(e)(5) of rule XLVII of the Rules of the House of Representatives is amended to read as follows:

"(5) copyright royalties.".

(c) The amendments made by this section shall apply only to copyright royalties received by any Member, officer, or employee of the House after the adoption of this resolution, pursuant to any contract entered into while that individual is such a Member, officer, or employee.

AMENDMENT TO THE RULES TO CREATE THE POSITION OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

SEC. 230. The Rules of the House of Representatives are amended by adding at the end the following new rule:

"RULE LIII

"DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

"1. The Director of Non-legislative and Financial Services shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly. The Director may be removed by the House or by the Speaker. The Director shall be paid at the same rate of basic pay as the elected officers of the House.

"2. The Director of Non-legislative and Financial Services shall have extensive managerial and financial experience.

"3. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall have operational and financial responsibility for functions assigned by resolution of the House.

"4. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall develop employment standards that provide that all employment decisions for functions under the Director's supervision be made in accordance with the non-discrimination provisions of clause 9 of rule XLIII and of rule LI, without regard to political affiliation, and solely on the basis of fitness to perform the duties involved. No adverse personnel action may be taken by the Director without cause.".

TRANSFER OF FUNCTIONS TO THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

SEC. 231. As soon as practicable, but not later than the ninetieth day beginning after the date of adoption of this resolution, the functions and entities specified in subsection (d) shall be transferred to the Director of Non-legislative and Financial Services.

(b) The Committee on House Oversight shall have authority to prescribe regulations providing for—

(1) the orderly transfer of the functions and entities specified in subsection (d); and

(2) such additional transfers of functions and entities specified in subsection (d) with respect to the Clerk, the Sergeant-at-Arms, and the Director as may be necessary for the improvement of non-legislative and financial services in the House.

(c) Except as provided in subsection (d), functions and entities within the jurisdiction of the Committee on House Oversight under rule X may not be transferred to the Director.

(d) The functions and entities referred to in subsection (a) are: Office of Employee Assistance, Finance Office, pay and mileage of Members, House Information Systems, Office Furnishings, Office Supply Service, Office Systems Management, Placement Office, Special Services Office, Telecommunications, Telephone Exchange, Typewriter Repair, Barber Shop, Beauty Shop, House Restaurant System, Office of Photography, Inside Mail and Internal Mail Operations (including coordination with postal substations to be operated by the United States Postal Service), Guide Service, and Child Care Center, and the non-legislative functions of the Printing Services, Recording Studio, and Records and Registration.

OPEN RULE FOR CONSIDERATION OF CONGRESSIONAL ACCOUNTABILITY ACT

SEC. 232. (a) Section 108 of this resolution shall have no force or effect.

(b) At any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1) to apply certain laws to the Congress. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority and Minority Leaders. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to commit with or without instructions.

Mr. DREIER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ACKERMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued the reading of the motion to commit.

Mr. BONIOR (during the reading). Mr. Speaker, I ask unanimous consent that my motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MINETA. Mr. Speaker, the new majority in the House of Representatives have put forward a number of suggestions for reform here in the Congress.

Some of these proposals have merit, some do not.

But I believe that one of the most damaging, and fiscally questionable, is the proposal to eliminate Legislative Service Organizations here in the House.

Some Members on the other side of the aisle have suggested that elimination of LSO's will save money. Nothing could be further from the truth.

LSO's have given Members of this body, both Republicans and Democrats, the ability to combine their resources to more efficiently pursue policies they would have pursued anyway.

Eliminating LSO's will not mean that Members of these caucuses will stop working on these issues. Far from it.

As an associate member of both the Congressional Black and Hispanic Caucuses, I can assure my colleagues that the work of these caucuses will not stop.

As chairman of the Congressional Asian Pacific American Caucus, which had hoped to organize as an LSO and will now be prevented from doing so, I can assure my colleagues that our work will continue as well.

If that work requires that each caucus member duplicate within his or her individual office the work that could be done more efficiently and at a lower cost by one person working for an LSO, then so be it.

The moral imperative that each of us feels to ensure that all Americans are represented in this House will not be changed. The ironclad commitment we have made to effectively providing that representation will not waiver.

And despite this effort to diminish the voices of African American, Hispanic American, Asian Pacific American and women Representatives in the Congress, our work will continue.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 5, as follows:

[Roll No. 14]

AYES—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lambert-Lincoln
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray

Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling

Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney

Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Brown (FL)
Cunningham

Rangel
Stark

Yates

□ 0023

Mr. FAWELL changed his vote from "yea" to "nay."

Messrs. BROWN of California, SAWYER, and TOWNS changed their vote from "nay" to "yea."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THOMAS). The question is on Title II of the resolution.

Title II of the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. SHAYS. Mr. Speaker, as the designee of the majority leader and pursuant to section 108 of House Resolution 6, I call up the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1 is as follows:

H.R. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Accountability Act of 1995".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means—

(A) an individual on the payroll of an employing office of the House of Representatives;

(B) an individual on the payroll of an employing office of the Senate;

(C) an individual on the payroll of an employing office of the Architect of the Capitol; and

(D) an individual on the payroll of an employing office of an instrumentality.

(2) EMPLOYEE IN THE HOUSE OF REPRESENTATIVES.—The term "individual on the payroll of an employing office in the House of Representatives" means—

(A) an individual who is covered under rule LI of the House of Representatives, as in effect on the day before the date of enactment of this Act;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(3) EMPLOYEE IN THE SENATE.—The term "individual on the payroll of an employing office in the Senate" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A)); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(4) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term "individual on the payroll of an employing office of the Architect of the Capitol" means—

(A) an employee of the Architect of the Capitol or an individual within the administrative jurisdiction of the Architect of the Capitol if such employee or individual is paid from funds under a law providing appropriations for the legislative branch;

(B) any applicant for a position that is to be occupied by an employee or individual described in subparagraph (A); or

(C) any individual who was formerly an employee or individual described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(5) EMPLOYEE OF AN INSTRUMENTALITY.—The term "individual on the payroll of an employing office of an instrumentality" means—

(A) any individual on the payroll of an instrumentality of the legislative branch of the Federal Government;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's instrumentality employment.

(6) HEAD OF AN EMPLOYING OFFICE.—The term "head of an employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the Congressional employment of an employee.

SEC. 3. APPLICATION OF LAWS.

(a) LAWS WHICH WILL APPLY.—The following laws shall apply, as prescribed by this subsection, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(5) Titles I and V of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(6) The Occupational Safety and Health Act of 1970 (other than section 19) (29 U.S.C. 651 et seq.) (subject to subsection (c)), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act, except that this Act shall not apply to the United States Capitol Police.

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(10) The Rehabilitation Act of 1973 (29 U.S.C. 791), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

The laws referred to in this subsection which apply now to congressional employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this subsection.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees, and family and medical leave) of employees apply to the legislative branch of the Federal Government in accordance with this Act.

(c) COMPLIANCE WITH OSHA.—The legislative branch of the Federal Government shall comply with the Occupational Safety and Health Act of 1970 as follows: If a citation of a violation of such Act is received, action to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

SEC. 4. OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established in the legislative branch an Office of Compliance (hereinafter in this Act referred to as the "Office").

(b) COMPOSITION.—

(1) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board of Directors shall consist of 8 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 8 members of the Board of Directors shall be completed not later than 120 days after the date of the enactment of this Act.

(2) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Chairperson of the Board of Directors shall appoint, may establish the compensation of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this Act as the "executive director"). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or expertise in the application of the laws referred to in section 3 to employment. The appointment of the first executive director shall be completed no later than 120 days after the initial appointment of the Board of Directors.

(B) OFFICE.—The executive director may not be an individual who holds or may have held the position of Member of the House of Representatives or Senator. The executive director may not be an individual who holds the position of employee of the House of Representatives or the Senate but the executive director may be an individual who held such a position at least 4 years before appointment as executive director. The term of office of the executive director shall be a single term of 5 years.

(c) BOARD OF DIRECTORS QUALIFICATIONS.—

(1) SPECIFIC QUALIFICATIONS.—

(A) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be considered eligible for appointment to, or service on, the Board of Directors.

(B) OFFICE.—No member of the Board of Directors appointed under subsection (b)(1) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of employee of the House of Representatives or Senate, or may have held such a position within 4 years of the date of appointment.

(2) HOLDING OFFICE.—If during a term of office a member of the Board of Directors engages in an activity described in paragraph (2)(A), such position shall be declared vacant and a successor shall be selected in accordance with subsection (b)(1).

(3) VACANCIES.—A vacancy in the Board of Directors shall be filled in the manner in which the original appointment was made.

(d) BOARD OF DIRECTORS TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), membership on the Board of Directors shall be for 5 years. A member shall only be eligible for appointment for a single term of office.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Board of Directors—

(A) 2 shall have a term of office of 2 years,

(B) 2 shall have a term of office of 3 years,

(C) 2 shall have a term of office of 4 years, and

(D) 2 shall have a term of office of 5 years,

as designated at the time of appointment by the persons specified in subsection (b)(1).

(3) REMOVAL.—Any member of the Board of Directors may be removed from office by a majority decision of the appointing authorities described in subsection (b)(1) and only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, or

(E) a felony or conduct involving moral turpitude.

(e) CHAIRPERSON.—The Chairperson of the Board of Directors shall be appointed from the members of the Board of Directors by the members of the Board.

(f) COMPENSATION OF MEMBERS.—

(1) PER DIEM.—Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(g) OFFICE STAFF.—The executive director may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this Act.

(h) DETAILEES.—The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(i) CONSULTANTS.—In carrying out this Act, the executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants or organizations thereof.

SEC. 5. STUDY AND REGULATIONS.

(a) INITIAL ACTION.—

(1) IN GENERAL.—The Board of Directors shall conduct a study of the manner in which the laws made applicable to the legislative branch of the Federal Government under section 3(a) should apply. The Board of Directors shall complete such study and report the results to Congress not later than 180 days after the date of the first appointment of the first executive director.

(2) INSTRUMENTALITIES.—The Board of Directors shall include in its study under paragraph (1) an examination of the procedures used by the instrumentalities to enforce the application of laws applicable to the legislative branch of the Federal Government and a determination as to whether to direct the instrumentality to make improvements in its regulations and procedures so as to assure that procedures as effective as the procedures set forth in sections 7 through 12 will apply. If the instrumentality has no such regulations and procedures, the Board may direct the instrumentality to adopt the requisite regulations and procedures, or, if deemed necessary, in lieu thereof may itself adopt regulations pursuant to this section or authorize use of the procedures pursuant to sections 7 through 12.

(b) CONTINUING ACTION.—On an ongoing basis the Board of Directors—

(1) shall determine which of the laws referred to in section 3(b) should apply to the legislative branch of the Federal Government and if it should, the manner in which it should be made applicable;

(2) shall study the application to the legislative branch of the Federal Government of provisions of Federal law referred to in section 3 that are enacted after the date of the enactment of this Act;

(3) may propose regulations with respect to such application in accordance with subsection (c); and

(4) may review the regulations in effect under subsection (e)(1) and make such amendments as may be appropriate in accordance with subsection (c).

(c) REGULATIONS.—

(1) LAWS MADE APPLICABLE.—

(A) GENERAL RULE.—Not later than 180 days after the date of the completion of the study under subsection (a), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations to implement the requirements of the laws made applicable to the legislative branch of the Federal Government under section 3(a). The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) CONGRESSIONAL NOTICE.— In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United

States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) AMENDMENTS AND REPEALS.—When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in section 3(a), the Board of Directors shall recommend to the Congress changes in or repeals of existing law to accommodate the application of such law to the legislative branch of the Federal Government.

(D) FINAL REGULATIONS.—The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(2) CONTINUING ACTION.—

(A) GENERAL RULE.—Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the legislative branch of the Federal Government. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) CONGRESSIONAL NOTICE.— In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) AMENDMENTS AND REPEALS.—When proposing regulations under subparagraph (A) specifying which of the provisions of Federal law referred to in section 3(b) shall apply to the legislative branch of the Federal Government, the Board of Directors shall recommend to the Congress changes in or repeals of existing law to accommodate the application of such law to the legislative branch of the Federal Government.

(D) FINAL REGULATIONS.— The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(3) REGULATION REQUIREMENTS.—Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the legislative branch of the Federal Government, including portions relating to remedies.

(4) ACTION IF DISAPPROVAL.—If a regulation is disapproved by a concurrent resolution considered under subsection (e), not later than 60 days after the date of the disapproval, the Board of Directors shall propose a new regulation to replace the regulation disapproved. The action of the Board of Directors under this paragraph shall be in accordance with the applicable requirements of this subsection.

(d) TRANSMITTAL.—A final regulation issued under subsection (c) shall be transmitted to the Congress for consideration under subsection (e).

(e) TAKING EFFECT OF REGULATIONS.—

(1) GENERAL RULE.—Subject to subsection (f), a final regulation which is issued under subsection (c) shall take effect upon the expiration of 60 days from the date the final regulation is issued unless disapproved by the Congress by concurrent resolution.

(2) CONCURRENT RESOLUTION.—A concurrent resolution referred to in paragraph (1) may be introduced in the House of Representatives or the Senate within 5 days of session after the date on which the Board of Directors issues the final regulation to which the concurrent resolution applies. The matter after the resolving clause of the resolution shall be as follows: "That Congress disapproves the issuance of final regulations of the Office of Compliance as issued on __________ (the blank space being appropriately filled in).".

(3) PROCEDURE.—A concurrent resolution referred to in paragraph (1) shall be referred to the appropriate committee of the House involved. If no concurrent resolution is reported within 15 days of session after the Board of Directors issues final regulations under subsection (c)(1)(D) or (c)(2)(D), the committee to which the concurrent resolution was referred shall be discharged from further consideration of the first such concurrent resolution introduced and the concurrent resolution shall be placed on the appropriate calendar of the House involved. Any meeting of a committee on a concurrent resolution shall be open to the public. Within 5 days of session after the concurrent resolution is reported or discharged, it shall be in order as a matter of highest privilege to move to proceed to its consideration and such motion shall not be debatable. The concurrent resolution shall be debatable for not to exceed 4 hours equally divided between proponents and opponents and it shall not be subject to amendment. If, prior to the adoption of a concurrent resolution by one House, that House receives a concurrent resolution of the other House with respect to the same regulations, then the procedure in that House shall be the same as if no concurrent resolution had been received from the other House, but vote on final adoption shall be on the concurrent resolution of the other House. If a concurrent resolution is received by a House in which no identical concurrent resolution has been introduced, it shall be referred to the appropriate committee and the same procedures and 20-day period for action shall apply to the consideration of the concurrent resolution by that House as would apply to an introduced concurrent resolution.

(f) RULEMAKING POWER.—The provisions of subsection (e) of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(g) OPEN TO THE PUBLIC.—Any meeting of the Board of Directors held in connection with a study under subsection (a) or (b) shall be open to the public. Any meeting of the Board of Directors in connection with a regulation under subsection (c) shall be open to the public.

SEC. 6. OTHER FUNCTIONS.

(a) RULES OF THE OFFICE.—The executive director shall adopt rules governing the procedures of the Office, subject to the approval of the Board of Directors, including the procedures of hearing boards, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner. The executive director may consult with the Chairman of the Administrative Conference of the United States, the Legal Counsel of the Senate, and the General Counsel of the House of Representatives on the adoption of rules.

(b) INVESTIGATIVE AUTHORITY.—The executive director shall have authority to conduct such investigations as the executive director requires to implement sections 8 through 10 and section 12.

(c) DUTIES.—The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government and under sections 7 through 12,

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under sections 7 through 12, and any other information the executive director deems appropriate for distribution, distribute such information to Members of Congress and other employing authorities of the legislative branch of the Federal Government in a manner suitable for posting, provide such information to new employees of the legislative branch of the Federal Government, distribute such information to the residences of congressional employees, and conduct seminars and other activities designed to educate employers and employees in such information,

(3) compile and publish statistics on the use of the Office by congressional employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of employees who initiated proceedings with the Office under sections 7 through 12 and the result of such proceedings, and on the number of employees who filed a complaint under section 10, the basis for the complaint, and the action taken on the complaint, and

(4) within 180 days of the initial appointment of the executive director and in conjunction with the Clerk of the House of Representatives and the Secretary of the Senate, develop a system for the collection of demographic data respecting the composition of the congressional employees, including race, sex, and wages, and a system for the collection of information on employment practices, including family leave and flexible work hours, in Congressional offices.

(d) REPORT.—Within one year of the date the system referred to in subsection (c)(4) is developed and annually thereafter, the Board of Directors shall submit to Congress a report on the information collected under such system. Each report after the first report shall contain a comparison and evaluation of data contained in the previous report.

SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of laws made applicable to the legislative branch of the Federal Government under this Act consists of 4 steps as follows:

(1) Step I, counseling, as set forth in section 8.

(2) Step II, mediation, as set forth in section 9.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 10.

(4) Step IV, judicial review if a congressional employee is aggrieved by a dismissal of a claim under section 10(c), a final decision under section 10(g), or an order under section 10(h) or if a head of an employing office is aggrieved by a final decision under

section 10(g) or would be subject to an order issued under section 10(h).

(5) Step V, as an alternative to steps III and IV, a civil action in a district court of the United States in accordance with section 12.

A congressional employee may elect the procedure described in paragraph (3) or (5) but not both procedures.

SEC. 8. STEP I: COUNSELING.

(a) IN GENERAL.—A congressional employee alleging a violation of a law made applicable to the legislative branch of the Federal Government under this Act may request counseling through the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 9. STEP II: MEDIATION.

(a) IN GENERAL.—Not later than 15 days after the end of the counseling period under section 8, the employee who alleged a violation of a law made applicable to the legislative branch of the Federal Government under this Act may file a request for mediation with the Office. Mediation—

(1) may include the Office, the employee, the employing office, and individuals who are recommended by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.

(a) FORMAL COMPLAINT AND REQUEST FOR HEARING.—Not later than 30 days after receipt by the congressional employee of notice from the Office of the end of the mediation period under section 9, the congressional employee may file a formal complaint with the Office against the head of the employing office involved. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(b) HEARING BOARD.—A board of 3 independent hearing officers (hereinafter in this Act referred to as a "hearing board"), who are not Members of the House of Representatives, Senators, or officers or employees of the House of Representatives or Senate, chosen by the executive director (one of whom shall be designated by the executive director as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The executive director shall appoint hearing officers from candidates who are recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States. A hearing board shall act by majority vote.

(c) DISMISSAL OF FRIVOLOUS CLAIMS.—Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) HEARING.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board; and

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) SUBPOENA POWER.—

(1) IN GENERAL.—A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the hearing board may apply to a United States district court for an order requiring that person to appear before the hearing board to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) IMMUNITY.—The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) HEARING BOARD DECISION.—As expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing, the hearing board shall make a decision in the matter for which the hearing was held. The decision of the hearing board shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation of a law made applicable to the legislative branch of the Federal Government under this Act has occurred. Any decision of the hearing board shall contain a written statement of the reasons for the hearing board's decision. A final decision of the hearing board shall be made available to the public by the Office.

(h) REMEDY ORDER.—If the decision of the hearing board under subsection (g) is that a violation of a law made applicable to the legislative branch of the Federal Government under this Act has occurred, it shall order the remedies under such law as made applicable to the legislative branch of the Federal Government under this Act, except that no Member of the House of Representatives, Senator, any other head of an employing office, or any agent of such a Member, Senator, or employing office, shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages. The entry of an order under this subsection shall constitute a final decision for purposes of judicial review under section 11.

(i) FUNDS.—There shall be established in the House of Representatives and in the Senate a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or as a result of judicial review under section 11 or a civil action under section 12. From the outset of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

SEC. 11. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) TYPES OF REVIEW.—Following any hearing under section 10 on a complaint relating to a provision of law described in section 3, any congressional employee aggrieved by a dismissal of a claim under section 10(c), a final decision under section 10(g), a final order under section 10(h), or any head of an employing office aggrieved by a final decision under section 10(g) or a final order under section 10(h), may petition for review by the United States Court of Appeals for the Federal Circuit in accordance with paragraph (2).

(2) PROVISIONS APPLICABLE TO REVIEW.—The following provisions apply to a review under paragraph (1):

(A) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply—

(i) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the House or Senate Legal Counsel, or the appropriate entity of an instrumentality, as the case may be, rather than on the Attorney General;

(ii) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(iii) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 10(g), an order under section 10(h); and

(iv) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(B) STANDARD OF REVIEW.—To the extent necessary for decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a dismissal under section 10(c), a final decision under section 10(g), or an order under section 10(h) if it is determined that the dismissal, decision, or order was—

(i) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(ii) not made consistent with required procedures; or

(iii) unsupported by substantial evidence.

(C) RECORD.—In making determinations under subparagraph (B), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the order of the hearing board.

(b) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section, attorney's fees for the judicial proceeding may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

SEC. 12. CIVIL ACTION.

(a) IN GENERAL.—

(1) CIVIL ACTION.—A congressional employee may, within 30 days after receipt of notice from the Office of the end of the mediation period under section 9 for a violation of a law made applicable to the legislative branch of the Federal Government, bring a civil action in a district court of the United States seeking relief from the alleged violation of law if such a civil action may be brought by an employee under such law. In any such civil action, any party may demand a jury trial.

(2) EXHAUSTION REQUIREMENT.—No civil action may be filed under paragraph (1) unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(3) COURT ORDER.—If a court determines that a violation of law occurred, the court may only enter an order described in section 10(h).

(b) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 13. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 10, the employee and the head of the employing office resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 14. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee by any Member of the House of Representatives, Senator, or officer or employee of the House of Representatives or Senate, by the Architect of the Capitol or anyone employed by the Architect of the Capitol, or by an instrumentality of the legislative branch of the Federal Government because of the exercise of a right under this Act constitutes an unlawful employment practice, which may be remedied in the same manner under this Act as is a violation of a law made applicable to the legislative branch of the Federal Government under this Act.

SEC. 15. CONFIDENTIALITY.

(a) COUNSELING.—All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS.—Except as provided in subsections (d) and (e), the hearings and deliberations of the hearing board shall be confidential.

(d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—The records of hearing boards may be made public if required for the purpose of judicial action under section 9.

(e) ACCESS BY COMMITTEES OF CONGRESS.—At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(f) COORDINATION.—The executive director shall coordinate the proceedings with the Committee on Standards and Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in the respective proceedings.

SEC. 16. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation of a law made applicable to the legislative branch of the Federal Government under this Act to consider the—

(1) party affiliation,

(2) domicile, or

(3) political compatibility with the employing office,

of a congressional employee with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the House of Representatives or Senate leadership,

(2) an employee on the staff of a committee or subcommittee,

(3) an employee on the staff of a Member of the House of Representatives or Senate,

(4) an officer or employee of the House of Representatives or Senate elected by the House of Representatives or Senate or appointed by a Member of the House of Representatives or Senate, other than those described in paragraphs (1) through (3), or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 17. ENFORCEMENT; OTHER REVIEW PROHIBITED.

(a) ENFORCEMENT.—This Act shall not be construed to authorize enforcement by the executive branch of any of the laws made applicable to congressional employees under this Act.

(b) REVIEW.—No congressional employee may commence a judicial proceeding to redress practices prohibited under section 5, except as provided in this Act.

SEC. 18. STUDY.

(a) STUDY.—The Office shall conduct a study—

(1) of the ways that access by the public to information held by the Congress may be improved, streamlined, and made consistent between the House of Representatives and the Senate and of the application of section 552 of title 5, United States Code to the legislative branch of the Federal Government; and

(2) of the application of the requirement of section 552a of title 5, United States Code, to the legislative branch of the Federal Government.

(b) STUDY CONTENT.—The study conducted under subsection (a) shall examine—

(1) information that is currently made available under such section 552 by Federal agencies and not by the legislative branch of the Federal Government;

(2) information held by the non-legislative offices of the legislative branch of the Federal Government, including—

(A) the instrumentalities,

(B) the Architect of the Capitol,

(C) the Chief Administrative Officer of the House of Representatives,

(D) the Clerk of the House of Representatives,

(E) the Secretary of the Senate,

(F) the Inspector General of the House of Representatives,

(G) the Sergeant at Arms of the House of Representatives and the Sergeant at Arms of the Senate,

(H) the United States Capitol Police, and

(I) the House Commission on Congressional Mailing Standards;

(3) financial expenditure information of the legislative branch of the Federal Government; and

(4) provisions for judicial review of denial of access to information held by the legislative branch of the Federal Government.

(c) TIME.—The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the Congress not later than one year after the date of the initial appointment of the Board of Directors.

□ 0030

The SPEAKER pro tempore (Mr. THOMAS). Pursuant to the provisions of section 108 and title I of House Resolution 6, it is now in order to consider H.R. 1, the Congressional Accountability Act.

The gentleman from Connecticut [Mr. SHAYS] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I yield myself such time as I might consume, and say to the Members of this Chamber that the Congressional Accountability Act is not one person's bill; it was authored 2 years ago by a colleague of mine, Dick Swett. There were four original cosponsors: ROSCOE BARTLETT, JAY DICKEY, David Mann, and PAUL MCHALE. The cochairman of the Freshman Bipartisan Task Force on Congressional Reform TILLIE FOWLER, PETER TORKILDSEN, Karen Shepherd, Eric Fingerhut, and 100 freshmen cosponsored this bill. The presidents of the freshman class last year, EVA CLAYTON and BUCK MCKEON, cosponsored this bill. The Joint Committee on the Organization of Congress headed by LEE HAMILTON and DAVID DREIER, Republicans and Democrats throughout, championed this bill through their committee. The chairmen and ranking members of the Committee on House Administration and Committee on Rules that marked up H.R. 4822 on which this bill is based, Republicans and Democrats, were essential to its work: CHARLIE ROSE, BILL THOMAS, JOE MOAKLEY, JERRY SOLOMON. Other leaders who have been working on this issue for years and years and years, BILL GOODLING and HARRIS FAWELL and others, in particular BARNEY FRANK, who encouraged the Speaker of the House in this past time to move forward with this bill, was essential to its passage last time with JOHN BOEHNER.

Mr. Speaker, this bill has had bipartisan support. It moved forward in this Chamber last year with bipartisan support. Republicans and Democrats have made their mark on this bill.

I also want to thank the former Speaker Tom Foley for guaranteeing a vote and moving it to the Senate and for NEWT GINGRICH, our present Speaker, for championing this bill wherever he went, and to thank STENY HOYER for his work. The bottom line to this is that this is our bill; it belongs to all of us, and it is a strong bill. It includes all the laws that we are presently exempted from. It covers all the instrumentalities, the Library of Congress, the GAO, it gives them the protection, and it allows employees for the first time to go to court, civil action if they choose to, de novo, or to have a court appeal.

In the whole process of deliberation on this bill, Mr. Speaker, we had 3 guiding principles that Dick Swett and I worked on with so many other Members. If a law is right for the private sector, it is right for Congress. Congress will write better laws when it has to live by the same laws it imposes on the private sector and the executive branch and we must as well respect the separation of powers embodied in the Constitution.

Mr. Speaker, I do not quite know how long this bill will take in debate, it may be a full hour, but it is truly our bill. It passed this Chamber with overwhelming support, and it is my hope that the Senate will act shortly on this legislation, maybe tomorrow, and that we will have a conference and finalize this bill possibly by next week.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. HASTERT). The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 1.

I want to at the outset congratulate the gentleman from Connecticut [CHRIS SHAYS] and Dick Swett from New Hampshire. Dick is no longer with us. CHRIS is obviously here. They worked very hard on this issue in the last Congress. They raised the visibility of this issue, but more importantly than that, they worked with all the Members of this House on both sides of the aisle to try to reach agreement on the very difficult question as to how we include the House and the Senate and the instrumentalities of Congress under the provisions of 10 specific bills which we have passed over the last six decades and apply those so that our employees will enjoy the same protection as the employees of other entities in this country.

It is important that we are moving forward on this bill. It has been blocked frankly for too long. The House passed this bill essentially twice in the last Congress, only to see our efforts thwarted by Republican-led efforts in the Senate, unfortunately. The Democratic and Republican Members of this House want this bill and as has been said earlier in the day voted to approve it 427-4 back in August of last year.

We have gone a long way toward making sure that the Congress lives under the same laws as any other Americans. Most pieces of legislation we have passed apply to Congress. The Americans with Disabilities Act which I proudly cosponsored specifically applies to Congress, as did the Civil Rights Act, the Minimum Wage Act, the Fair Labor Standards Act, and the Family and Medical Leave Act, all apply now. The House has also had in place since 1988 prohibitions against employment discrimination.

H.R. 1 will ensure that all Members of the Congress, not just House Members, live under all the laws we pass and do so permanently, not just as internal House rules which are now on the books adopted by this House in October of last year, but as a statute, a part of statutory law.

I cannot tell you how many times I have had business men and women, men and women in every walk of life complain that Congress passes laws and then simply exempts itself. Every one of us on this House floor has heard that criticism, which was legitimate, by our publics. Most of my constituents did not know frankly that the Congressional Accountability Act passed the House last year by that vote of 427-4. In fact the discussions that I have heard in debates sometimes on this floor and during the course of this election, you would not know that the House had acted. You would not know that it was in our rules. That perhaps served the purposes of some, but the fact is we did act. But the other body did not. And the instrumentalities are not covered. Furthermore, the mechanisms for appeal and hearing process are not provided for adequately in the rules because they could not be provided for adequately in the rules.

The American people deserve something more than the internal House rule that we have. But as importantly our employees deserve better than that. That really is the crux of this issue, so that we can protect them as we have protected others throughout this country.

I want to go home and tell those constituents that have talked to me and to all of you that we have answered their plea. I want to tell them that we meet the same requirements that they do, that we follow the same laws that we ask them to, from OSHA to Fair Labor Standards. I want to tell them that our employees have the same protections theirs do, from anti-age discrimination to family and medical leave. Perhaps the shared experience will help us, as some of you believe, write better, more careful laws.

□ 0040

This is about common sense, trust and accountability. That is why we are all here late into the evening finishing the work which began the last Congress. I hope all of my colleagues will join me in moving forward on H.R. 1.

Again I want to congratulate the gentleman from Connecticut, Mr. SHAYS and Mr. Swett for their leadership and their tenacious support of this very important piece of legislation.

Mr. SHAYS. Mr. Speaker, there are speakers on both sides. There will not be a vote right this second. I yield myself 30 seconds to correct one point that was made during the debate on the rule and now here on the issue of Republicans killing it in the Senate. To correct the RECORD, Mr. Speaker, this bill passed with bipartisan support in this Chamber. It died in the Senate with bipartisan support.

The Senate Government Affairs Committee held a hearing on June 29. They then reported out and marked up the bill on September 20, after the break. They reported the bill out on the third and filed their report. The report was not printed until October 6, the day it was to be voted on. So any Member could object to it being brought up.

I say to the House it passed here with bipartisan support; it died there with bipartisan support.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Economic and Educational Opportunity Committee, who is truly the father of this legislation.

Mr. GOODLING. Mr. Speaker, on the last day Congress met on October 7, I recorded my serious concerns with the rule on congressional coverage then before the House. While I realized the rule was made necessary by the Senate's failure to act, I felt compelled to note the absence of an employee right to go to court, for full trial, where the underlying law provided that right to private sector employees, rendered the proposal fundamentally defective and I am gratified that the bill now before us extends that right by statute to Hill employees.

It also extends 10 major employment laws to Congress, and it is my understanding that we will also add court enforcement under the Veterans Reemployment Act through negotiations with the Senate to the bill that ultimately goes to the President.

Let us send a bill to the President soon. I am pleased that after the last several years where many of us have felt alone in trying to bring attention to this issue that it now appears certain we are on the verge of enactment of true congressional coverage. Yes, let us welcome the moment, but let us also admit that this is a step that should have been taken long ago.

We will never be as careful as we should be in passing, changing, and drafting laws until we ourselves are forced to comply with those laws and the fundamental unfairness of a double standard is obvious in any case. So let us not pat ourselves on the back too eagerly tonight. It is long overdue.

I also want to acknowledge the bipartisanship here in these late hours and am pleased effective congressional coverage will become law on the Republican watch.

Politics, of course, is not a perfect process. This bill is not a perfect process either. Punitive damages have not been included, and personal liability is excluded.

Prior bills I have introduced provided for such liability, but I will leave that battle to another day, recognizing its controversial nature, and not wishing to jeopardize the passage of the legislation.

This is a new beginning that will go a long way in restoring the confidence of the American people in this great institution.

Finally, I wish to acknowledge the leadership of my colleagues, the gentleman from Connecticut, CHRIS SHAYS, and the gentleman from Illinois, HARRIS FAWELL, on this issue and that of key staffers such as Randy Johnson, Gary Visscher, Peter Carson, and Rob Green.

Mr. Speaker, let us work out whatever difference we have with the Senate and get this legislation to the President this month.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON], who cochaired the bipartisan reform commission.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding the time and I rise in strong support of H.R. 1, the Congressional Accountability Act. Let me acknowledge that there have been many Members in both Chambers who deserve credit for the passage of this bill tonight, and I commend especially the gentleman from Connecticut and the gentleman from Maryland for their outstanding leadership.

I think there are three reasons why it is important for Members of Congress to follow the same laws that cover the private sector. First, the widespread perception that Members have exempted themselves from many laws significantly undermines the confidence of the American people in this institution. We lose credibility and legitimacy when people believe that Members are somehow above the law.

Second, more fully applying laws to Congress will improve the quality of legislation that we pass. A number of Members have made that point this evening. It can be difficult for Members to understand completely the practical implications of the legislation that we pass when we are not forced to confront these implications in our own place of work.

Third, and this point I think has not been mentioned, it is simply unfair to congressional employees not to extend to them the same rights and protections available to those who work elsewhere.

May I also add just a word of caution. House passage of this Congressional Accountability Act is not the final process or hurdle in the process of bringing this legislation to enactment. The Senate, I know, has promised very quick consideration of a bill to apply laws to Congress. My information is, however, that the bill that the Senate will pass is going to be very different from the bill that we pass, and then we will have to agree on a single consensus package. We still have got a lot of work to do on this package. I hope Members will continue to follow it very carefully until we bring it to the point of enactment.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois, Mr. HARRIS FAWELL, who has really been a champion of this legislation for years.

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time. He has been the leader and has brought this bipartisan group together, but the gentleman from Pennsylvania [Mr. GOODLING] and so many others, have been also in the ranks. As has been stated, many Members have had a part to play.

We have all heard the old phrase that Congress would exempt itself from the law of gravity if it thought it could get away with it. And, indeed, Congress has tried to get away with it for a long time.

But that is changing now. And I compliment the new leadership in the House for having a Congressional Accountability Act as the first bill to be presented to the 104th Congress.

We know this bill is not perfect. And the full specifics as to the exact manner in which the 10 "place of employment" labor laws shall be applied to congressional employers will be fully determined by the passage of regulations by the Office of Compliance.

But the bill does establish the standard that congressional employees will have the right, in instances of violations of these labor laws by Members of Congress, to the same basic employee protections as possessed by employees in the private sector. This will include the right of congressional employees to seek a full de novo jury trial in Federal court against their congressional employers, complete with general damages, court costs and recovery of attorney's fees.

The bill does now allow for such employees to obtain punitive damages against their congressional employers. In addition, Members of Congress are indemnified for any damages, costs, or legal fees to which a prevailing employee may be found entitled. Private sector employers can generally be held personally liable for those types of damages under civil rights law, the Age Discrimination in Employment Act and the Americans With Disabilities Act.

What is most important, however, is that our Leadership in Congress is now committed to place this long overdue type of legislation on the front burner, indeed, as the very first bill to be considered in this 104th Congress. The Senate is doing likewise and doubtless both the House and Senate in conference will soon agree on a final law—not a set of rules which can be waived at the will of this House—for early presentation to the President to sign. That's what happens when leadership is really dedicated to moving legislation.

Once Congress has established the standard that the place of employment labor laws its passes shall also apply to Congress, these laws will then tend to be more equitable and flexible in the treatment of employees and employers generally within both the private and public sectors. And that is a better employment policy for America in the 21st century.

□ 0050

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY], the vice chairman of the Democratic Caucus.

Mrs. KENNELLY. Mr. Speaker, I am pleased that once again this body has taken up the Congressional Accountability Act as it did twice last year, and I am particularly proud of my colleague from Connecticut [Mr. SHAYS], who joined with a former Member, Mr. Swett from New Hampshire, and did yeoman service to bring about this reform.

As some of us might remember as we read back in history, exempting Congress from various laws began because we thought we would not have the enforcement power that we should have if executive branches had administrative powers over us, so we would not be a coequal branch of government.

As you know, we went too far, and the laws did not apply to Congress. This is unacceptable to the public. I think this is excellent legislation. I think it demonstrates the best sense of what we can do together, Members of both parties working together.

Once again, may I compliment the gentleman from Connecticut [Mr. SHAYS]. He has done an excellent job.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT], an original cosponsor of this legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of H.R. 1, the Congressional Accountability Act.

In the 103d Congress, I was an original sponsor of this legislation along with my colleague Mr. SHAYS and am proud to be speaking on the House floor after 2 years of diligent work. This bill is, quite frankly, long overdue.

H.R. 1 is simple and straightforward—it makes us comply with the same laws we impose on the private sector including the Fair Labor Standards Act, the Americans With Disabilities Act, the Family and Medical Leave Act, and OSHA.

It is my view that Member of Congress should be treated the same as our laws treat the American people. If the laws we pass are good enough for our constituents, then they should be good enough for their Representative in Congress. If these laws are so onerous, Congress should simply stop passing them.

I believe we must go further than this bill in reforming Congress. However, H.R. 1 is a giant step in the right direction and I commend all those responsible for bringing this bill to fruition.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, over the years, this Congress has developed a package of policies and a set of laws designed to provide employee protection and to combat discrimination. Those laws have helped to make America better and more fair.

This bill, H.R. 1, will apply those same laws to Congress that now apply to all other employers. I was pleased to be a cosponsor of this bill in the last session of Congress, and I will vote for this bill.

If discrimination occurs in Congress, there should be protection from it, regardless of race, creed, color, sex, age, family status, physical condition, or any other protected class. Labor practices should be fair, the workplace should be safe, and fair notice and retraining should be the expectation of those who work here.

We have outlived the days when Congress can expect special and different treatment from the average employer. If the Constitution means anything for anyone, equal protection of the laws must apply to everyone.

Of all that we have done today, this is the one measure that affects the ordinary citizen. It is a good bill, and I urge my colleagues to vote "yes" for passage.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Arkansas [Mr. DICKEY], one of the six original cosponsors, a member of the freshman class that was so important to passage of this bill.

Mr. DICKEY. Mr. Speaker, in 1978 a restaurant owner in Pine Bluff, AR, my hometown, built a restaurant with two required parking spaces, a ramp, and a streetlight for the disabled. In 1992 the regulators came in and said, "The laws have changed, and you have got to move that ramp and the two parking places to the front door."

Rather than fight the Government or pay a fine or both, the ramp was moved, the two spaces were moved, but the streetlight was left. So the cost to the owner was $4,000 plus an extra space for the streetlight.

The owner is watching carefully tonight to see that we pass this bill, the Congressional Accountability Act. Why? Because if Congress has to abide by the regulators who come in and sustain their positions with their fines, then congress someday will say, as we have said for a long time, "We cannot keep this place going with these expenses."

Then the people who fuel the engine of our economy, the small business person, will find relief in our leadership.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, in a day that could have passed being fairly irrelevant to real Americans, this is something that I think we all can be proud of.

I would like to congratulate and thank my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Indiana [Mr. HAMILTON], and all of the original cosponsors of this effort in the last session and their hard work on it, and on this day, this is something that goes beyond symbolism.

This is, indeed, something that both the majority and minority Members of the Congress can be proud of.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN], who was the cochairman of the Freshman Bipartisan Task Force on Congressional Reform, so important to the passage of this bill.

Mr. TORKILDSEN. Mr. Speaker, I also want to applaud the efforts of the gentleman from Connecticut [Mr. SHAYS] and of everyone else involved in this measure to bring it forward for passage tonight.

I rise tonight in strong support of H.R. 1. In a direct contradiction of what the Framers of the Constitution intended, Congress has been exempting itself from the very laws that every American must follow.

In the 57th Federalist Paper, James Madison wrote that Members of the House of Representatives "can make no law which will not have its full operation on themselves and their friends as well as on the great mass of the society. This has always been one of the strongest bonds by which human policy can connect the rulers and the people together."

Madison was right. For too long what he called one of the strongest bonds connecting lawmakers and the people has been absent from the Congress.

Last fall the House overwhelmingly passed similar legislation. Failure of the Senate to act requires the House to act again this year.

I urge my colleagues to support this measure to make Congress abide by the laws every American citizen must comply with every single day.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCHALE], one of the original cosponsors of this legislation that passed last year.

Mr. MCHALE. Mr. Speaker, I rise in strong support of H.R. 1, the Congressional Accountability Act, a piece of legislation which I suspect will soon become one of the most important internal reforms enacted by the Congress during the past 50 years.

In Roman times it was said that the people become more subservient to justice when they see the author of the law obeying it himself. That, in fact, was the very principle cited by the gentleman from Massachusetts [Mr. TORKILDSEN] a few moments ago in Federalist 57 as drafted by James Madison, the father of our Bill of Rights.

Although I suspect a vote on this matter will be bipartisan and overwhelming, that should not cloud the recognition that but for the tremendous courage and tenacity of our colleague, the gentleman from Connecticut [Mr. SHAYS], and the leadership of our former colleague, Dick Swett, this matter would not be brought before the House this evening.

Mr. Speaker, I believe very strongly that in our system of justice we cannot have two tiers. All members of our society, be they private citizens or Members of the Congress, are governed by the rule of law, the same rule of law.

I urge an affirmative vote on H.R. 1.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER], who was also just an essential part of the passage of this bill last year as cochairman of the freshman bipartisan task force on congressional reform.

Mrs. FOWLER. Mr. Speaker, I rise today in strong support of the Congressional Accountability Act. I want to commend my friend from Connecticut [Mr. SHAYS] for his hard work.

From the beginning, this was a truly bipartisan effort. Both the Republican and Democrat freshman classes made this bill a top priority early on. By the time this bill passed in the 103d Congress, 97 Members of our class, Democrats and Republicans, had signed on as cosponsors.

Bringing Congress under the laws it passes for everyone else is something I campaigned on when I first ran for this office 2 years ago. It is something I fought for during my first term. It is something we simply must complete on this first day of the 104th Congress if we are to begin earning back the trust and respect the American people once had for this great institution.

The significant long-term impact of this bill will be that we pass better laws. Knowing that what we pass will affect us directly will surely make us more vigilant, more pragmatic, and maybe more reluctant when making the laws.

I urge my colleagues to support this legislation.

□ 0100

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. ROSA DELAURO], one of our chief deputy whips.

Ms. DELAURO. Mr. Speaker, I rise today in support of H.R. 1, the Congressional Accountability Act and to commend my friend and colleague from Connecticut [CHRIS SHAYS] for his determination to see this important legislation come to pass. I also want to pay tribute to former Democratic Congressman Dick Swett of New Hampshire who worked tirelessly in the last Congress on behalf of this common sense legislation. I might add that it was a Democratic Congress which acted to advance this legislation, only to see it blocked by Republicans in the other body.

The Congressional Accountability Act simply requires that Congress abide by all the laws it passes. It's a proposal that is long overdue and one that will move Government closer to the people.

Politicians have set an unequal standard that put them above the people. That was wrong. And, it helps to account for the growing disaffection in the country. By passing this legislation, the people are one step closer to reclaiming this body, which has historically been the people's House. Let's pass the Congressional Accountability Act.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON] who was president of the Republican freshman class last year and a technical cosponsor.

Mr. McKEON. I thank the gentleman for yielding this time to me and for all his outstanding work in bringing this bill to this stage.

Mr. Speaker, at every meeting that I attend back home, the one question that always comes up is how can Congress pass laws and then exempt itself. We are supposed to be representative of the people, but we have consistently treated ourselves differently.

I will be the first to admit that I wish we were all exempt from some of the laws and regulations Congress has passed in the last few years. As a businessman, I have felt the burden of government regulation, but as a Congressman I am exempt from it. That must change.

The Shays amendment is based on a simple principle of fairness. This legislation will require the Congress to comply with the same rules it passes. Just as we back home cannot be above the law, Congress cannot be above the laws it passes by claiming special legislative privilege. The clock has run out on business as usual. Congress must regain the trust of the American people by living under the same laws it imposes on the private sector. I urge you to support the Shays amendment and return accountability to Congress.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 1, the Congressional Accountability Act. This bill, which is substantially the same legislation that the House of Representatives passed last August, represents a long-overdue step toward ensuring both that legislative branch employees are treated fairly, and that Members of Congress, as employers, are held to the same standards that our laws demand of private-sector employers.

Mr. Speaker, the charge that Congress exempts itself from laws it passes for everyone else is one of the most frequently heard criticisms of Congress, and understandably so. It is simply wrong to deny to congressional employees the same kinds of employment protections we grant to other employees, and it is wrong to insulate ourselves from the effects of these laws.

Last year, the House of Representatives demonstrated that it was in overwhelming agreement that workplace laws should apply by passing H.R. 4822, the Congressional Accountability Act, by a vote of 427 to 4. Those of us who are strong supporters of this legislation were hopeful—right up until the last moment of the 103d Congress—that the momentum generated by our strong showing on the vote would galvanize the other body to follow suit, and that we would complete action on this legislation before adjourning.

Unfortunately, that did not happen, and so we are back here today, on this first day of the new Congress, considering again a bill which rightly deserves the high priority it has been given by the new House leadership.

Mr. Speaker, to briefly review the background on this legislation: as Members are aware, in recent years, both the House of Representatives and the Senate have attempted to apply employment-related laws to Congress. It has been a difficult endeavor because we have had to construct a way to do so without breaching the separation of powers doctrine under the U.S. Constitution, which could occur if the executive branch enforced these laws.

For the last 7 years, the House has applied the Fair Labor Standards Act and other antidiscrimination measures to House employees through the Rules of the House. As Congress has passed new laws, such as the Family and Medical Leave Act, we have applied those new measures to the House as well.

However, neither the range of laws we have applied to the House, nor the manner in which they are applied, is comparable to the application of laws to the private sector. Not all the laws that apply elsewhere apply to Congress, and our internal enforcement process does not provide adequate recourse for aggrieved employees. In addition, there are wide variations in the coverage of laws among different groups of legislative branch employees.

Establishing a new system for applying and enforcing these laws, and expanding and making uniform the range of laws covering the legislative branch, was one of the key recommendations of the Joint Committee on the Organization of Congress, which reported those recommendations in November 1993. The Joint Committee, drawing from the original bill authored by the gentleman from Connecticut [Mr. SHAYS], and our former colleague from New Hampshire, Mr. Swett, recommended applying 5 laws to Congress, with the possibility of applying more, and establishing a new, more politically insulated entity, the Office of Compliance, which would be responsible for applying laws to the House, the Senate, and other legislative branch entities. It also recommended new procedures, rights, and remedies for aggrieved employees.

Following hearings on this legislation by the subcommittee on the Rules of the House last spring, and with further efforts by Representatives SHAYS, Swett, and others, the Joint Committee's recommended legislation was revised in several respects. The result was that H.R. 4288 as considered (and further amended) by the House was a much stronger, much improved version of the compliance legislation included the Joint Committee's bill. It applied twice as many laws; ensured full coverage of all employees of the legislative branch; made the Office of Compliance a more independent entity and gave it more authority in the promulgation of regulations; and ensured that employees would continue to be covered under the various laws we already apply here in the House until the new regulations developed by the Office of Compliance took effect.

As a result, the bill before us, which reflects those improvements, provides for the following:

First, there are 10 employment-related laws that will be applied to the House of Representatives. They are:

The Fair Labor Standards Act;

Title VII of the Civil Rights Act of 1964;

The Americans With Disabilities Act;

The Age Discrimination in Employment Act;

The Family and Medical Leave Act;

The Occupational Safety and Health Act;

The Federal Labor Management Relations Act;

The Employee Polygraph Protection Act;

The Worker Adjustment and Retraining Act; and

The Rehabilitation Act of 1973.

These laws will be administered by a new Office of Compliance, which would replace the Office of Fair Employment Practices. The Office of Compliance would be governed by a 8-member Board of Directors, all of whom would be appointed jointly by the Speaker and the minority leader of the House, and the majority and minority leaders of the Senate. The Office would consist of an Executive Director who is appointed by the Board, and other staff. To help ensure the independence of this new office, the bill prohibits appointing to the Board of Directors current and former Members, current and former House employees (unless their employment in the House was more than 4 years previous to their appointment), and lobbyists; the same restrictions, except for lobbyists, will also apply to the Executive Director.

The Board will conduct a study of the way in which the laws should be applied to the Legislative branch, and then follow that study with proposed regulations prescribing the application of the laws to the House of Representatives. Unless the House rejects the regulations by resolution of disapproval, those regulations will take effect. If they are rejected, the Board would reissue new regulations. Eight laws will be applied at the beginning of 1996, and the remaining two (OSHA and the Federal Labor Relations Act) will be applied at the beginning of 1997, regardless of whether regulations are promulgated by that time.

The bill also establishes a process for resolving alleged violations of the law: first, counseling; then, mediation; and, then, formal complaint and hearing. An independent hearing board will review employee complaints, and upon a finding of liability, prescribe remedies consistent with those that are available to private-sector employees under the relevant law. Parties dissatisfied with the outcome of the hearing would have the opportunity to have a decision reviewed by the Board of Directors.

Laws which currently apply to House employees shall continue to apply until the laws made applicable under this resolution are in effect.

This bill also requires the Office of Compliance to study and recommend additional laws to be applied on a continuing basis, and specifically to review the availability of information in the House and study the possible application of the Freedom of Information Act and the Privacy Act. The Office would also be responsible for educating Members, officers, and employees about their rights and responsibilities under the applicable laws. And, the Office would be required to compile and publish statistics on the use of the Office by House employees, and to develop a system for collecting information on demographic data of employees, and on employment in House offices.

Mr. Speaker, passage of this bill will make Members of the House significantly more accountable for our actions as employers. Perhaps just as importantly, it will give us a better understanding of the effects of laws every private-sector employer must live under and, hopefully, lead to more diligence and care and accountability for the laws we pass. I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], an original cosponsor of the bill.

Mr. UPTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is high time that Congress starts to do what it asks everyone else to do: Live under its own laws. When I walk into a restaurant in my home town in Michigan, the owners of that restaurant must abide by a litany of Federal laws. The kitchen is regulated by OSHA, the doors and tables and chairs must abide by the Americans with Disabilities Act, and the employees and managers are protected by the Fair Labor Standards Act, Age Discrimination in Employment Act, and the Civil Rights Act of 1964 to name just a few. Each year we pass more and more regulations on American businesses. It is time for us to start practicing what we preach, and walk the walk.

The House passed this bill before during the 103d Congress. Elements of this measure were approved by a whopping margin of 348 to 3. However, it was the last vote of the very last day of the 103d Congress. We have an opportunity to act again on the issue on the very first day of the 104th Congress. Let us take advantage of this special time as all of America watches and send a message back home that we are willing to live under the laws that we make. On the day we perhaps cut Congress' budget by $50 to $100 million, let us do the same thing, impose the same rules on us as on everyone else, the same laws that we ought to live under.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, to paraphrase Yogi Berra, it's déjà vu all over again. This bill ought to look familiar because this House overwhelmingly passed it last year. I am happy to vote for congressional compliance 25 times if need be.

Mr. Speaker I find it ironic that on the day we cut committee staff by a third and put thousands of people out of work we celebrate. Mr. Speaker, I also find it ironic that as we cut the committee staff by a third, the office budgets of the new Speaker and the new majority leader have increased by nearly 50 percent.

Mr. Speaker, it is important that we enact this legislation that protects employees.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Massachusetts, Mr. PETER BLUTE.

Mr. BLUTE. Mr. Speaker, I thank my good friend and neighbor from Connecticut for yielding this time to me.

Mr. Speaker, tonight this is a very important issue that we deal with. It is true that the Shays act is about accountability and the arguments about the particulars of the bill have been made ably by Members of the both parties. It is a true bipartisan effort that we deal with tonight.

But there is one more important aspect of the Shays act that I think we should focus on as we cast our votes. Tonight we have an opportunity to do something about the perception out there in the land that Members of Congress are somehow a privileged elite. We have an opportunity to do something about the view of our constituents that somehow we are above the law. We have an opportunity to show our constituents that we are not in a distant capital and not understanding of their real-world problems.

Worst of all is the perception that the Congress is an arrogant institution. We have an opportunity tonight to deal with that issue. Let us take the first step by passing the Shays act and begin to rehabilitate the reputation of our great institution.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank the gentleman for yielding this time to me.

Mr. Speaker, I want to reiterate my objection to the procedure by which we are dealing with this. Tom Foley, our former Speaker, has been, it seems to me, unfairly maligned to some extent.

Let us contrast the way we passed this bill, and we passed this bill, as the gentleman from Connecticut has been very decent in pointing out, under Tom Foley's leadership; but we passed it not in the middle of the night. I understand we are here at 10 after 1 in the morning because we are in the midst of this revolution, we are going to work hard except we are taking off now, I gather, for about 10 days. So we stay up late at night, rush this bill through, no amendments are allowed, no discussion will come through. Members are aware, for instance, and I am in favor of this, but it says in here no Member of Congress will be personally liable for the payment of compensation. I think that makes sense.

□ 0110

I do not think all the Members have had a chance to talk about this. This bill does not apply the Freedom of Information Act to Congress. It says we will study it. I think that is a sensible thing, but those are things that ought to be talked about.

This bill, unlike the bill we had before, allows Members to use federally funded frequent flyer miles, and that is not easy to say for me. It allows those to be used for personal use. Now people in the private sector cannot do that. What we are doing with this is giving good intentions a bad name.

Yes, it is a good bill. It is a good bill when we worked it out last year. Typically the gentleman from Connecticut [Mr. SHAYS] tries very hard to be bipartisan, but sometimes, I guess, there are constraints. This is an all partisan sponsorship. This bill was bipartisan until now. What we have got is this silly insistence of rushing this bill through with no amendments at 1 o'clock in the morning when we are about to take 10 days off and do absolutely nothing so the Republicans can take something that was passed under Democratic leadership last year and claim authorship of it.

Mr. Speaker, they are lucky that one particular bill does not apply to Congress, the copyright laws, because if it did, this example of intellectual theft and attempted partisan piracy would be ruled illegal.

Mr. SHAYS. Mr. Speaker, I yield a minute and a half to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I think the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me.

Mr. Speaker, how interesting it is to note the tone of the debate for this last bill this evening. Most of it has been spoken in bipartisanship, and I say that it is music to the ears of most. I think even the old bulls, and the young freshmen, and the sophomores, and juniors—I look at for 4 years of floor action where the outcome, most of it was predetermined before it ever came to the floor. In only 16 years, only one Republican motion to recommit passed in 16 years. That is a crime, and that should not happen from our side to the now-minority either.

I would say to my colleagues, Yes, fight. I did not vote for a single closed rule in 4 years unless it had been cleared by the majority and the minority, and I would fight for continued open rules in most cases. The king-of-the-hill rule in which not a single Republican win was recorded because the outcome was afforded before it ever got to the floor, and that is not in the best interests of the minority or the majority.

Most of the problems that I have seen in the last 4 years have come out of the leadership, not just the Democratic leadership, and I think the challenge is to the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Georgia [Mr. GINGRICH] to make sure that as much as possible the political rhetoric is taken out of these bills.

Mr. Speaker, I rise in strong support of this bill. It has bipartisan support, and, no, it is not perfect. But I would ask my colleagues to support it.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS], and I welcome him back to this Chamber.

Mr. RIGGS. Mr. Speaker, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me, and I realize the hour is getting late, colleagues. I can even hear some audible snoring, so I will take less than my minute and just point out tonight we are ending the double standard that has existed for more than 50 years in this institution and in the process that we are demonstrating to the people that we are willing to change in that Congress no longer considers itself above the law. The Congressional Accountability Act should be approved, and I am heartened to see the bipartisan support for this legislation.

I thank the gentleman for yielding and congratulate him on his leadership. House action on the Congressional Accountability Act is long overdue.

Mr. Speaker, in the 102d Congress, I had the privilege of serving as chairman of the congressional coverage coalition. We continually attempted to bring Congress under the same employment laws as the rest of the country, but we were stymied in our efforts.

We sought to cover Congress under the Family and Medical Leave Act, but were prevented by the Rules Committee from even offering the amendment. We wanted to bring staff under statutory civil rights protections, but were similarly rebuffed. Again, we weren't even given a chance to debate the merits and vote.

These amendments were offered at a time when Congress was being described by the media as "peak city;" as a place out of touch with the real world; and—most damning of all—was the "imperial Congress."

People reacted with boiling anger when stories such as the House bank and House dining room fiascoes became public knowledge.

Many Members of Congress just couldn't understand why the public was so aroused. Congress was desensitized.

Americans who run businesses—great and small—must comply with burdensome regulations. It is unconscionable that Congress exempted itself from every major employment and civil rights law it passed.

Businesses have long complained about bureaucratic overregulation. One likely reason that Congress has not been responsive is that it has not been subject to these same demands.

Those who want to continue the status quo will say that employees have protections in the House. They will point to the Office of Fair Employment Practices.

It is true that such an office was created in response to earlier scandals. But House employees are denied the right given to other workers to appeal adverse decisions in Federal court.

We may also be told that Congress has treated itself differently "to preserve separation of powers." Isn't this the same argument that has been made by Members who tried to insulate themselves from criminal charges? And haven't the courts routinely rejected that argument?

Today we are ending a double standard that has existed for more than 50 years.

We are demonstrating to the people that we are willing to change, and that Congress no longer considers itself above the law. The Congressional Accountability Act should be approved.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD]. I point out to Members here that he was a member of the Joint Committee on the Organization of Congress that championed this legislation.

Mr. ALLARD. Mr. Speaker, change has been the key word the last couple months and today it truly began. The Congressional Accountability Act is the first big step! There are many reasons to support this legislation, but some still have their reservations about complying with the same laws as all other Americans, so I want to address some of the myths surrounding congressional accountability.

One argument concerns the constitutional separation of powers between the three branches of government. This is based on the concern over executive and judicial branch oversight of Congress. If this were a problem, then the executive branch would be exempt as well and the Supreme Court would have upheld this separation in precedent cases. However, the opposite is true, the executive must comply and the Supreme Court has never upheld this idea.

I have also heard the claim that elected officials, especially members of Congress, are uniquely vulnerable to charges against them and their jury would be an angry electorate. In my mind, political vulnerability is no different from economic vulnerability. This reaction is no different from the complaints of private sector employers facing complaints or suits from disgruntled employees, labor unions, or unscrupulous competitors. We should be required to defend our actions in the same manner as the people in the private sector. Plus, members of Congress are not willing to grant similar exemptions from the laws to elected state and local officials or to their political challengers.

So what will Congressional compliance allow? First, this Congress would again become a citizens legislature. Why, because we would become true citizens again. We would have to live under the rules which we have imposed on everyone else. Congressional compliance makes Members of Congress become members of their community and see how government rules and regulations affect people's lives. Just maybe, this bill will make Congress stop and ask the question "If this law is too burdensome for the U.S. House, then maybe it is too burdensome for everybody else."

That is why I want to encourage all my colleagues to support H.R. 1. This bill will make us accountable to all the legislation we have passed.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX. Mr. Speaker, I rise in support of the bill.

I stand in strong support of the Shays Act.

In the last 40 years, Congress has not been required to live under the laws it passes.

Passage of the congressional accountability law will change all that.

It is both fitting and proper that this fundamental reform be the first bill adopted by the 104th Congress which can and should receive unanimous bipartisan support.

PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EHLERS). What is the gentleman's parliamentary inquiry?

Mr. FRANK of Massachusetts. Mr. Speaker, the House just adopted a rule sponsored by the Republican Party which says that the CONGRESSIONAL RECORD will from hereon be a substantially verbatim transcript, so when the gentleman from Pennsylvania [Mr. FOX] asks unanimous consent to revise and extend, I do not know what he could revise.

As I understand the rule, it says one can make punctuation and grammatical corrections, so are we adding semicolons? I mean what will appear in the RECORD as a result of that request because we have a new rule now? I would like to know what would appear in the RECORD.

The SPEAKER pro tempore. In the opinion of the Chair the new standing rule of the House establishes a standard for the actual remarks to appear only as spoken in debate. Absent a unanimous consent permission to extend and revise remarks, a Member may not include any additional portion of the remarks not actually uttered on the floor either by way of revision or extension. By obtaining unanimous consent to revise and extend, a Member will be in effect able to relax the otherwise strict prohibition contained in clause 9 of rule XIV, but only in two respects: No. 1, to revise and/or to make technical, grammatical and typographical corrections; and, 2, to extend remarks, and this is the key point.

Mr. FRANK of Massachusetts. Well, further parliamentary inquiry.

The SPEAKER pro tempore. Let me finish. Two, to extend remarks which have not been actually uttered in debate, which remarks would appear in distinctive type style and could not be confused with remarks actually uttered.

Thus the unanimous consent permission would not permit prepared or revised remarks not actually uttered in debate to be substituted for remarks actually uttered, but would only permit the supplementation in a distinctive type style to follow all the remarks actually uttered. In no event would the actually uttered remarks be removable. The Chair will direct the Committee on House Oversight to promulgate rules for printing of the CONGRESSIONAL RECORD consistent with this interpretation. The RECORD will carry a daily notice to all readers to this effect.

□ 0120

Mr. FRANK of Massachusetts. Mr. Speaker, continuing my parliamentary inquiry, if a Member then says "I ask unanimous consent to revise and extend and I oppose the bill," he cannot change that wording, is that correct, except to add punctuation, like an exclamation point? Is it correct that that wording would then appear? Then as I would understand it, if this is correct further, anything beyond that would appear in a distinctive typeface.

Mr. Speaker, would it indicate it was not uttered on the floor, or would it just be a distinctive typeface?

The SPEAKER pro tempore. The gentleman is correct. The distinctive typeface would pertain to the comments turned in to the Clerk.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry. The Chair explained anything uttered could not be changed, but something not uttered could be included in a separate typeface. So if one wanted to get a perfect set of remarks in, would one not be better advised not to utter anything because you could not change the utterance, but instead, put it in in writing.

The SPEAKER pro tempore. That would generally be a wiser course of action.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry, and I think Members should be aware of this, because this is a new rule for Members who have been here for a while. As I understand it, rising and asking for unanimous consent to revise and extend your remarks and saying you are in opposition, gives you the right to be in the RECORD to say only that and nothing further, except in a typeface that indicates you were not speaking. Is that correct?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, let me say, first, what a privilege it is for me to join this great body, and I want my children to be proud also. That is why we should pass this bill. It is the right thing to do. Congress should operate under the same laws everybody else does—it is only fair. But more importantly Congress will learn the practical consequences of these laws. Prior to November 8, I was a surgeon, essentially running a small business. When Congress has to deal with the same laws and regulations that small businesses do, I predict that we will modify many of the laws in a more commonsense way. I urge you to vote for this bill.

Mr. Speaker, it is very fitting that my first floor statement as the new Representative of the Fourth District of the State of Iowa is about congressional reform.

Congressional reform was a major concern to the voters in last November's elections, throughout the country and specifically in the Fourth District of Iowa. Citizens concerned about the future of this country insisted that Congress needed to reform itself and make the Federal Government responsive to the people. The voters demanded control of their government.

Today, on this first day of the 104th Congress, I am proud to say to the people of the Fourth District of Iowa, that the new Republican majority is doing just that.

Today, I will be voting for nine major reforms of this institution—reforms that are long overdue. Reforms that will forever change the way business is done in Washington. These reforms include: Applying all laws to Congress; cutting the number of committees and subcommittees; cutting committee staff by a third; opening committee meetings to the public; limiting the terms committee chairmen can serve; banning proxy voting in committees; requiring a three-fifths majority to increase income tax rates; ending phony accounting by restoring honest numbers and zero baselines to the Federal budget process; and announcing a comprehensive independent audit of the House books.

The House of Representatives will no longer exempt itself from the laws they write. The Congressional Accountability Act ensures Members of Congress must observe employment laws, occupational health and safety laws, as well as other laws. If the American people have to live under these laws, it is high time that Congress do the same.

In the last 25 years, the Democrats have increased the budget of the Congress by 700 percent and tripled the size of committee staff. The last time the House dissolved a standing committee was 1947. That is going to change beginning today.

Three committees will be shut down—Merchant Marine and Fisheries, Post Office and Civil Service, and the District of Columbia committee. Committee chairs will be required to eliminate an additional 25 subcommittees, and committee staff will drop from nearly 2,000 this year to about 1,300.

Legislative Service Organizations are groups for like-minded members supported by congressional staff, housed in congressional buildings, and often spending the taxpayers' money with little or no accountability. This type of abuse is one reason the public distrusts our government. Well, no more. These organizations will be eliminated.

These reforms are just the beginning. Any institution that is not constantly reforming itself in the face of changing times will soon collapse. I say to my colleagues, Democrat and

Republican, that these reforms are dramatic and historic, but they are just the beginning of a long journey to redeeming the reputation of the U.S. Congress.

I look forward to working with my colleagues to continue to bring new changes to this institution, today and well into the future.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I rise in support for a longstanding Republican initiative that we have waited many years to see become law. It would put into permanent law section 108 of the rules changes which we just adopted. Simply put, it will subject Congress to the same laws that we apply to everyone else. I call it the golden rule. No American should be immune from the law or receive special treatment in its application, but that is what Congress has done by routinely exempting itself from the very laws it imposes upon others.

A double standard is a symbol of the arrogance of power which epitomizes Washington for so many citizens. It will also spur lawmakers to review more carefully the laws they pass.

In summary, if we pass it, we have to live by it. I urge an aye vote.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my colleagues, I am going to congratulate Members on both sides of the aisle for the work they have put into this bill over the last several sessions. The gentleman from Connecticut [Mr. SHAYS] has been particularly active and has done a great job, along with the gentleman from New Hampshire, Mr. Swett, in the last session. It is about time this bill has come to the floor so we can actually get it implemented.

But I hope there will be two things that come as a result of this legislation actually being enacted. First is that Members will begin to realize when we are drafting bills and we are building bills here on the floor, that the full weight of these bills will in fact fall upon us as Members of Congress. I think that with the passage of this bill, that Members will recognize that fact, that we are going to have to live under these. We might be a little more cautious.

Second, I would point out that we ought to, as we begin to live under these laws, we are going to realize that the Fair Labor Standards Act, the Civil Rights Act, and other laws we have exempted ourselves from, are rather weighty. They are weighty on the private sector, and they are going to be very difficult for all of the Members to comply with under our current structure. So we are going to have two choices, and we ought to have a debate about whether we should continue to live under the laws as they were drafted, or whether in fact we ought to go back and listen to what the American people said on November 8 when they said Government is too big, it spends too much, and is too intrusive, and maybe we ought to look at some of those laws and revise a lot of them.

Let me also say as we begin to close this debate tonight, that as this opening day comes to a close, we have lived up to the first part of our Contract With America. We have had real reform of the People's House. And just as important as that was, today we did that in a very bipartisan manner. And I hope that as we continue over the next 99 days, we will continue to pass the rest of the Contract with America in this same spirit of bipartisanship.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in November there were 435 contracts made in each of our districts, and we came here to represent as best we can the aspirations and the hopes of our constituents.

I would hope that as we proceed, that we together work to merit and properly explain this institution so that we can merit the respect of the American public.

I want to tell my new friends on both sides of the aisle who have come here that we spend a lot of time in this institution denigrating this institution. We have 435 campaigns that spend millions of dollars, and on both sides of the aisle we tell the American public how bad this institution is.

That is a disservice. It is a disservice to this institution, and it is a disservice to our democracy. It is no wonder that the American public has come to believe that this institution is not as good as I believe it to be, having served here for 14 years, and is peopled by individuals of integrity, patriotism, and commitment to the common good.

We have differences. But few of my colleagues on either side of the aisle I believe do not have their constituents' best interests at heart and want to serve the best interests of their country.

I say that in the context that many of these laws do in fact apply to the Congress. What they do not do, as has been observed, is give the redress that is given in the private sector.

That has been done for some very legitimate reasons in terms of the separate but equal status of this body with the executive department which is called upon in other instances to enforce these statutes. And determination has been made that it would be inappropriate to subject one coequal body to regulation by another coequal body. In fact, this very legislation, which is bipartisan in nature, addresses that concern and sets up an Office of Compliance within the Congress.

So as we in a bipartisan fashion pass this piece of legislation, which some believe will show how onerous are the protections we have extended to employees, and some of us believe how appropriate it is to extend to our own employees the protections for their safety, for their health, and for nondiscrimination that we have extended to employees throughout this country.

☐ 0130

So I join my friend, the gentleman from Connecticut [Mr. SHAYS]. I regret, frankly, that my friend, the gentleman from New Hampshire, Mr. Swett, is not here.

I congratulate all those, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Indiana [Mr. HAMILTON], and others who have been involved in bringing to fruition this very difficult piece of legislation.

I want to reiterate the remarks of the gentleman from Massachusetts [Mr. FRANK]. Speaker Foley, knowing full well that this was a difficult piece of legislation, nevertheless said, "We are going to bring it to the floor. I want to see this legislation passed." In August we did and it was passed. Unfortunately, it did not pass into law, but fortunately for us, in a bipartisan fashion we can act tonight to do what is right.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would conclude and not use all of my time, but would thank the Members for their graciousness, and particularly thank the gentleman from Maryland [Mr. HOYER] for taking the place of the gentleman from New Hampshire, Dick Swett, in this important debate. I thank him from the bottom of my heart for treating it with such seriousness.

I say to my Members that behind the Speaker is the flag of the United States. The American people revere that flag, but that flag is a symbol. It is a piece of cloth that represents so much. Our Founding Fathers established in the Constitution this body, the people's body. My hope and prayer is that the American people will respect Congress as much as they respect the American flag.

Mr. DICKEY. Mr. Speaker, I rise in strong support of H.R. 1, and I am proud to have been an original cosponsor last Congress and again this Congress.

As we pass H.R. 1, we keep another promise to America—to end the double-standard congressional exemption regarding civil rights and employee protection laws. As a small businessperson and cosponsor of this legislation, I fully support the three principles behind the Congressional Accountability Act:

If a law is right for the private sector, it is right for Congress;

Congress will write better laws when it has to live by the same burdens it imposes on the private sector and local governments.

And we do so by respecting the separation of powers embodied in the Constitution and provide appeals to the courts.

Mr. Speaker, I have experienced first hand from a business standpoint the financial burdens imposed by excessive unfunded Federal mandates such the Family and Medical and Leave Act, OSHA laws, and the Americans with Disabilities Act.

As we close this historic first day of the 104th Congress, having significantly reformed the rules by which this institution operates, it is appropriate that we bring these laws to bear on us as we have imposed them on others. Hopefully, this will provide the discipline we need to better scrutinize future bills in terms of costs and excessive Federal intervention in our lives.

I urge my colleagues to vote for passage of H.R. 1.

Ms. NORTON. Mr. Speaker, my thanks to Representative CHRIS SHAYS for not giving up on H.R. 1, the Congressional Accountability Act. The gentleman from Connecticut should feel doubly rewarded since this very bill passed the House once before—during the 103d Congress. Since the Senate chose to turn it down, we are doing the right thing in proceeding without hesitation to enact the Congressional Accountability Act again today.

As a member of the Joint Committee on the Organization of the Congress, I took a special interest in applying our laws to Members. I felt obligated to do so as a past chair of the Equal Employment Opportunity Commission, which has jurisdiction over many of the laws at issue today in this bill. Give the House credit, however, for having years ago applied these laws to itself. What has been missing was not the laws but an enforcement mechanism independent of the House. I am particularly proud that this mechanism is the central contribution of the Congressional Accountability Act.

This bill more than meets the standard set by those who sought passage of a law to apply congressional acts to the Congress itself. H.R. 1 sets a higher standard. For example, H.R. 1 allows employees to go immediately to court or to an administrative hearing to initiate a claim of discrimination. As a lawyer and former professional in the field, I have some reservations about eliminating the useful and ancient rule that claimants exhaust administrative remedies before proceeding to more costly and cumbersome court processes. The courts are already clogged. These days they should be reserved as much as possible for matters such as criminal trials. Cost-free administrative resolution of claims of the kind encompassed by H.R. 1 is always less expensive and often far more yielding of appropriate remedies in shorter periods of time.

Nevertheless, if this bill passes we must celebrate the choice to allow Members and employees to submit to an administrative process where hearing officers are selected from a rotating list of professionals recommended by the Administrative Conference of the United States and the Federal Mediation and Conciliation Service. The independence of the fact-finding process from control of the House is extraordinary for a legislative body and does great honor to the House.

I hope that this time Members in the majority will insist that Republicans in the Senate take the lead of their Republican colleagues in the House and make the Congressional Accountability Act the law of the land.

I am pleased to support H.R. 1.

Mr. FRANKS of Connecticut. Mr. Speaker, today I rise in support of H.R. 1, the Congressional Accountability Act. This bill is the first step toward fulfilling the Republican pledge to the American people to demonstrate our sincerity about changing the way we conduct business in this body. For over 100 years, beginning with the first exemption from the Civil Service Act of 1883, Congress has absolved itself from laws which apply to private employers and other Government employers. The American people are not fooled—they recognize hypocrisy when they see it. It's no surprise that a majority of the American people consider us to be an elitist, privileged, out-of-touch group of individuals who can not recognize that it is wrong to require compliance from the entire Nation—except for ourselves. Thanks to the Republican leadership, we now have a chance to change our image—to show the American people that we too will accept the responsibility for complying with the laws that we pass for the rest of America.

The bill before us today applies 10 laws to this body—the Fair Labor Standards Act; title VII of the Civil Rights Act of 1964; Americans with Disabilities Act; Age Discrimination in Employment Act; Family and Medical Leave Act; Occupational Safety and Health Act; Federal Labor Management Relations Act; Employee Polygraph Protection Act; Worker Adjustment and Retraining Notification Act; and the Rehabilitation Act of 1973. The newly created Office of Compliance will develop regulations to apply these laws to Congress which are consistent with application in the private sector. A four-step process is established to address employee complaints. If, after the mediation process, the complaint is not resolved, the aggrieved employee may seek redress in U.S. District Court for alleged violations.

I am confident that the legislation before us today will strengthen our credibility with the American people. It is time for this body to accept that we can no longer treat ourselves as a privileged body unaccountable for actions which violate the laws of this Nation.

I look forward to passage and implementation of this bill.

Mr. FAWELL. Mr. Speaker, the concept of applying the laws of the land to Congress has been one which I have been fighting for since I first came to Congress. This is why I am pleased to see a bill on the floor of the House which attempts to achieve this goal. The bill before us today, H.R. 1, the Congressional Accountability Act, is a good step in the direction of true congressional coverage, and it is very similar to the bill of the same name which was passed by the House last August. Both measures have been a long time in coming.

The hypocrisy of Congress in exempting itself from the very laws it imposes on others is so obvious, that one wonders how the practice so long managed to escape wide criticism. In the last few years, however, we have seen a change in the long-standing attitude that Congress is so unique and so different that it simply must be afforded special exemptions, even from employment laws, or it could not function; and those of us who once felt alone in the wilderness in urging Congressional coverage now have welcome company. The reality is that the public is fed up, and Congress has been reacting. I am very pleased that the Republican leadership is bringing H.R. 1 to the floor today, as the first bill to be passed as part of the Contract With America.

In my years in the House, it has become increasingly clear that Congress, in its imperial wisdom, too cavalierly and too eagerly, continues to place layer upon layer of regulatory requirements on the private sector—without any deep understanding for what it is doing. Congressional coverage is vitally important because it will help Congress to adopt credible, effective, and workable laws which affect everyone else in the United States and will allow Congress to truly feel the pain of the impact of these laws. If the statutes don't apply to us, how in the world are we supposed to know how they will work in the real world outside of the beltway?

Mr. Speaker, H.R. 1 sets up a Congressional Office of Compliance which would be required to issue regulations to implement the application of 10 laws to Congress. Although there is no committee report language accompanying this bill, it is my understanding that the bill's sponsor, my colleague, Mr. SHAYS, is looking to the August, 1994, report language which accompanied last year's legislation, to provide guidance to the Office of Compliance. This report language directs that the Compliance Office should implement the specific provisions of the laws listed in the act to the greatest extent possible, and that it is not the act's intent that existing law be reinterpreted. I very much agree with Mr. SHAYS on this point.

I am also heartened by the fact that the Occupational Safety and Health Act is one of the statutes which will be applied to Congress. In 1993, I introduced the Congressional Safety and Health Act (H.R. 3458) to extend OSHA protections to employees of the House and its instrumentalities. Last year's Report language suggests an approach which is modeled after my bill, to ensure that OSHA enforcement mechanisms are applied to Congress that mirror, as closely as possible, those found in the private sector.

With regard to remedies available to aggrieved employees, H.R. 1 copies the private sector process in allowing private law suits in court, with jury trials, where the underlying law allows for such law suits. In my view, this is a very important provision in the bill, because congressional employees should be entitled to the same type of damages as private sector employees under the relevant laws.

I must emphasize that if Members of Congress and Senators are not subjected to the same employee remedies which exist under many of the laws of the land, especially in the area of "place-of-employment" labor law, then we will not have true congressional coverage of these laws. This is not very well known, because Members are currently exempt from the most important aspect of many private sector laws, the right of employees to sue the employer in trial court for damages. In this day and age, these employee rights are what put the "teeth" into many of our private sector labor laws—and in ever increasing frequency, Congress is expanding these rights.

Mr. Speaker, with regard to one of the laws included in H.R. 1, the Family and Medical Leave Act, I am pleased today to see that

Members will be supporting the correct position on its application to Congress—a position which was not accepted when I offered my motion to recommit the FMLA bill when it was considered by the House in 1993. My motion would have allowed congressional employees to use judicial remedies in the FMLA's enforcement and would have allowed Members to be sued in Federal court for violations of the act. H.R. 1 does, with the exception of allowing punitive damages and Member liability for wrongdoing, achieve the same result that I attempted to accomplish with my motion last year.

H.R. 1, however, although it provides major improvements in terms of employee rights, still is very deficient in the area of employer accountability. Under this bill, all Members of Congress, Senators, and heads of employing offices are totally shielded from any financial liability resulting from wrongdoing, even in proven cases of egregious violations of the law. This is a step back from the current procedures of the existing House Office of Fair Employment Practices, which provide for award payments from Members' office accounts. The bill also sets up a separate fund and provides for government-paid attorney representation, no matter how outrageous the behavior or allegations in question. In addition, H.R. 1 expressly excludes awards of punitive damages. Where is the sting here? If only private sector companies were lucky enough to have this arrangement.

In the final analysis, the lack of employer accountability in this legislation will likely result in additional litigation against congressional employers, because the "deep pocket" of the Government—the taxpayers—will pay for any damages or attorney fees which are awarded.

Mr. Speaker, despite these defects in the bill, it is still an improvement over the current situation. I would also hope that the shortcomings I mentioned can be addressed in conference with the Senate. There are many Members who should be thanked for their work on this issue, but I would like to specifically recognize several of my colleagues: Mr. SHAYS for his perseverance in promoting their legislation; Mr. DREIER and Mr. HAMILTON for their work in the Joint Committee on the Organization of Congress, on which H.R. 1 is based; Mr. GOODLING, the new Chairman of the Economic and Educational Opportunities Committee who introduced legislation in 1993 which guided the authors of H.R. 1 and ensured that we have a better product before us today; and finally, the new Republican Leadership—Speaker GINGRICH and Majority Leader ARMEY for having the wisdom and the foresight to include congressional coverage as part of the Contract With America.

I only hope that the Senate will follow our lead and will pass similar legislation in the near future so that we may go to conference and send a bill to the President this year—one that provides a real and workable mechanism for making Congress subject to the same laws it mandates on the private sector.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of the Congressional Accountability Act and applaud those leaders on both sides of the aisle for bringing this legislation forward in the House. In the 103d Congress, Democrats and Republicans in the House acted responsibly and passed this important and long overdue legislation. I am pleased that it is one of the first orders of business in the 104th Congress.

One of the reasons I strongly support this legislation is that it will—for the first time—extend Federal labor law to the U.S. Capitol Police.

For the past 2 years, I have waged a lonely struggle to get the House leadership to address the serious morale problem which exists on the U.S. Capitol Police. Over the past 10 years, dramatic progress has been made in transforming the Capitol Police from a patronage club to one of the best trained and most professional law enforcement agencies in the country. Unfortunately, the upgrades in training and professional standards have not been matched by parallel advances in labor or management policies. I have found instances of age, sex, and racial discrimination. I have found that in all too many instances management is petty, unsympathetic, and incompetent. The Capitol Police Board has made some important changes, but has done nothing to address the fundamental structural problems that exist. For example, the ombudsperson they established to hear complaints and grievances reports directly to management, and is perceived by the rank and file as a tool of management and not as an objective third party who can resolve problems.

The 3-day demonstration on the steps of the Capitol in February 1994 was proof positive that the morale problem is widespread, and not simply a matter of a few disgruntled officers making a lot of noise. There is a serious problem and Congress can't ignore it.

Many of the problems on the force could be effectively addressed simply by giving the rank and file what every other Federal law enforcement agency has: collective bargaining rights. As a Democrat, I am ashamed of the fact that the party of the working man and woman has turned its back on the brave officers who protect and serve them every day.

With passage of the Congressional Accountability Act, Congress has the opportunity to right this wrong. The act would afford the U.S. Capitol Police with the same labor rights as other Federal law enforcement officers.

The legislation would allow for a 2-year grace period before the Capitol Police would be permitted to collectively bargain. I intend to ask the Speaker and other congressional leaders to waive this provision and afford the rank and file the right to collectively bargain immediately. I would also strongly recommend that action be taken to fully professionalize the management of the force so that the officers are being led by experienced and competent managers.

By acting swiftly on this issue we will be sending a positive message to the rank and file that—at long last—those who run the House care about the men and women who protect the House.

In closing, Mr. Speaker, I urge my colleagues to support the Congressional Accountability Act.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EHLERS). Pursuant to section 108 of House Resolution 6, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 429, nays 0, not voting 4, as follows:

[Roll No. 15]

YEAS—429

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka

Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Brown (FL)
Martinez
Stark
Yates

□ 0146

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1, the bill just passed.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Speaker, a point of order. I would think that that motion would be that Members would have 5 days to extend their remarks, but under the new rules I do not see how they could revise remarks unmade, so Members would be allowed to extend. But I think under the new rule giving Members the chance to review unmade remarks is out of order, and they could only extend in a different typeface.

Mr. SOLOMON. Mr. Speaker, might I be heard on the point of order?

The SPEAKER pro tempore (Mr. LAZIO of New York). The Chair would advise that Members' remarks can only be revised for technical reasons.

Mr. FRANK of Massachusetts. But my parliamentary inquiry, Mr. Speaker, is how can a Member make a technical correction to things they never said yet? If we are taking this request, it is Members who have not said anything yet, and it would let them put something into the RECORD as if they said something, and under the new rules all they can do, it seems to me, is to extend. I would hope this is not allowing someone to say something they already said, and I just do not want Members to have the wrong impression.

The SPEAKER pro tempore. The Chair advised the body earlier that the changes cannot be substantive, that they can only be technical in nature.

Is there objection to the request of the gentleman from Connecticut?

Mr. THOMAS. Mr. Speaker, reserving the right to object, as was stated from the Chair earlier, the Committee on House Oversight will promulgate rules and language to deal with this. The gentleman from Massachusetts is correct. We are in a slight conundrum right now because we are utilizing words that have been used historically, the classic revise and extend. More properly I think it should be correct and extend. And although we are in this situation now where we are still using the what would be archaic language, we will provide the appropriate language and the structure for dealing with that early tomorrow morning for the gentleman.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and I gather revolutions would be confusing even to those who are trying to promulgate them so I appreciate that.

Mr. THOMAS. Order will come out of the structure, I assure the gentleman from Massachusetts. And I will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I seek recognition for the purpose of inquiring with the majority leader the schedule for next week. I yield to the majority leader for that purpose.

Mr. ARMEY. I thank the distinguished minority leader for yielding.

Let me announce the schedule for the rest of this week and the following week. We have had a long but productive day, and the vote we have just concluded is the last scheduled vote for today. Members should be advised that votes on further business are possible but I believe unlikely. Certainly we will not be calling any from our side, and I doubt that they will be called from the other side. Still, nevertheless, it is possible.

The remainder of this week and next week will be extremely busy workdays. Although we do not expect votes on the floor the remainder of this week or next, committees will be fully occupied with their organizational meetings, hearings, and markups on contract bills and other business.

I would like to remind all Members that under our new rules attendance at committee meetings are particularly important. First, any votes taken in committee will be open to public record. Second, there is a ban on proxy voting so Members will have to attend all meetings at which votes are taken in order for their constituents' voices to be heard.

In order to reiterate, the House will meet at 10 o'clock tomorrow in pro forma session. Friday the House will not be in session.

Next week the House will meet in pro forma session Monday, Wednesday, and Friday. The House will convene at 2 o'clock, 11 a.m. on Wednesday and 10 a.m. on Friday.

Mr. GEPHARDT. Could the gentleman perhaps relate to Members as to when he thinks in the following week there will be the first vote and at about what time and on what day? Would that be on Tuesday?

Mr. ARMEY. Will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Monday of the following week of course is a holiday. We are not prepared at this point to announce any votes for that week. Should it develop that committees are able to produce work that could be possibly scheduled for the floor we will make an announcement to the Members in a timely fashion. I would advise Members that they may want to check their whips, rotary whips.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the Speaker.

Mr. GINGRICH. Mr. Speaker, I want to take the floor for a second just to say that we are very interested in working with the other side in moving legislation, including fairly small things that might be mutually agreed to, as early as possible. But frankly, as Members know, if we protect your rights to have, for example, 3 days for the minority reviews on bills coming out of committee, and then we protect your rights going through the Rules Committee process, we probably have about 10 or 12 days where we have to say to our colleagues yes, you have to be here; no, we are not going to put Mickey Mouse on the legislative schedule just to give you some cover. And since we do not have proxy voting anymore, you are going to have to be here and be in committee, and this is substantive work. We may have to consult with you to find what is the best way in the interest of the House to manage this 2-week transition process. But I do not want us, and in fact we will not try to run over your rights to file minority views, your rights to have the process at the Rules Committee, your rights to have something come out the Rules Committee to come to the floor. As you know, we do not have a chart that shows it, but it could not be hard to generate one. If we really guarantee both sides their rights, it is about an 8- to 10-legislative-day process I am told by the Rules Committee members to get something done in a fair way, so we have about a 2-week startup process here that is very real, and I think the press will have more than enough to cover to amuse itself. But it will not be on the floor.

So we would rather go to pro forma sessions, but have Members here, and have them understand that with this no-proxy-voting situation it is a very real requirement to be here when your committees meet, because very real decisions will be made without proxies.

So I would hope that we could work it out. I just outlined that because I know some Members on both sides have been confused, and on your side several Members suggested, well, gee, all of a sudden we will have no business. Here we have the chairman of the Rules Committee who has an example of why it takes about 10 days, and we can talk this out.

I would just say to any of your Members who suggest to us this is a sign that we have not planned it out or that we are being dilatory that in fact the only way to preempt this is to go to suspensions or to in some way minimize the rights of Democrats to file minority views and to file amendments. So I would hope we could work together, get the fastest possible startup time, but do so in a way that protects every Member.

I appreciate the majority leader and minority leader allowing me to intervene for a moment to express my deepest concern on this, and I thank them.

Mr. GEPHARDT. I would simply suggest to Members on our side and probably on your side as well that they need to communicate with the Chair and ranking member of their committees to determine whether or not there are meetings and markups and other activities of the committees so they know when they are expected to be there.

□ 0200

But I understand what you are saying. We will communicate with our Members through the whip system, through the cloakrooms.

Mr. ARMEY. I thank the gentleman.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from California.

Mr. THOMAS. One of the difficulties on some committees, I would tell the minority leader, is we do not yet know the minority composition of the committee. I was wondering if the minority leader would indicate when I might know the makeup, for example, of the minority members of the Committee on Oversight.

Mr. GEPHARDT. As soon as we can do that.

Mr. THOMAS. That might be part of the problem. It is difficult to hold an organizing meeting of the committee when the members of the committee have not been named.

Mr. GEPHARDT. I understand that.

Mr. THOMAS. I thank the gentleman.

Mr. ARMEY. If the gentleman would yield further, let me just thank the gentleman from Missouri.

I believe we have clearly communicated to Members what to expect and how to check either with their committee chairman or ranking member or with their whip system. We will give as much notification as we can and see to it every Member's rights are protected.

I thank the gentleman.

Mr. GEPHARDT. I thank the gentleman.

ADJOURNMENT FROM THURSDAY, JANUARY 5, 1995 TO MONDAY, JANUARY 9, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of Thursday, January 5, 1995, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM MONDAY, JANUARY 9, 1995 TO WEDNESDAY, JANUARY 11, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, January 9, 1995, it adjourn to meet at 11 a.m. on Wednesday, January 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM WEDNESDAY, JANUARY 11, 1995 TO FRIDAY, JANUARY 13, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, January 11, 1995, it adjourn to meet at 10 a.m. on Friday, January 13.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR MEMBERS TO EXTEND REMARKS FOR LEGISLATIVE DAY OF JANUARY 4, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that for the legislative day of January 4, 1995 all Members be permitted to extend their remarks, and to include extraneous material, in that section of the RECORD entitled "Extension of Remarks".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. ARMEY. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

Mr. Speaker, I might point out that the committee consisted of myself and the minority leader, the gentleman from Missouri [Mr. GEPHARDT]. We had a pleasant conversation with the President. I am sure he will be communicating to us later.

Mr. Speaker, I yield, if he should wish, to the minority leader, the gentleman from Missouri [Mr. GEPHARDT], for any remarks he would like to make.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

This call was a tradition which we have usually fulfilled. We fulfilled it earlier today or yesterday with the gentleman from Texas. We did inform the President, as we are required to do, that the House is seated, we have elected officers, elected a Speaker, and that we were ready for legislative action, and I believe we are having a meeting later today with the President and the bipartisan leadership.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. GEPHARDT. Mr. Speaker, I offer a resolution (H. Res. 7) providing for the designation of certain minority employees, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. Res. 7

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 1995, until otherwise ordered by the House, to-wit: Thomas O'Donnell, George Kundanis, Marti Thomas, Michael Wessel, Laura Nichols, and Steve Elmendorf, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING OF THE HOUSE OF REPRESENTATIVES

Mr. SOLOMON. Mr. Speaker, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 8

Resolved, That unless otherwise ordered, the hour of meeting of the House shall be 2 o'clock post meridiem on Mondays; 11 o'clock ante meridiem on Tuesdays and Wednesdays; and 10 o'clock ante meridiem on all other days of the week up to and including May 13, 1995; and that from May 15, 1995, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING FOR MORNING HOUR DEBATE AND RESTRICTED SPECIAL ORDER SPEECHES UNTIL FEBRUARY 16, 1995

Mr. SOLOMON. Mr. Speaker, upon consultation with the minority leader, the Speaker has announced the format for recognition for morning hour debate and restricted special order speeches, which will continue until February 16, 1995. It is understood that the continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that until February 16, 1995, the House may convene 90 minutes earlier than the time otherwise established by order of the House on Mondays and Tuesdays of each week solely for the purpose of conducting morning hour debates under the following conditions:

First, prayer by the Chaplain, approval of the Journal, and the Pledge of Allegiance to the flag to be postponed until the resumption of the House session following the completion of morning hour debate;

Second, debate to be limited to 30 minutes allocated to each party, with initial and subsequent recognitions alternating between parties;

Third, recognition to be conferred by the Speaker only pursuant to lists submitted by the respective leaderships;

Fourth, no Member to be permitted to address the House for longer than 5 minutes except for the majority leader, minority leader, and minority whip; and

Fifth, morning hour debate will be followed by a recess declared by the Speaker pursuant to clause 12 of rule I, until the appointed hour for the resumption of legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FORMAT FOR SPECIAL ORDERS

The SPEAKER. Upon consultation with the minority leader, the Chair announces that the format for recognition for morning hour debate and restricted special order speeches, which began on February 23, 1994, will continue until February 16, 1995, as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special order speeches up to four hours after the conclusion of 5-minute special orders speeches. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special order speeches beyond midnight.

The Chair will first recognize Members for 5-minute special order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties, regardless of the date the order was granted by the House.

The allocation of time within each party's 2-hour period, or shorter period if prorated to end by midnight, is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up for any special order speeches earlier than 1 week prior to the special order, and additional guidelines may be established for such signups by the respective leaderships.

Pursuant to clause 9(b)(1) of rule I, the television cameras will not pan the Chamber, but a "crawl" indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

PROVIDING AMOUNTS FOR THE REPUBLICAN STEERING COMMITTEE AND THE DEMOCRATIC POLICY COMMITTEE

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 9) providing amounts for the Republican Steering Committee and the Democratic Party Committee, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 9

Resolved, That, effective at the beginning of the 104th Congress, there shall be available, in equal amounts to the Republican Steering Committee and the Democratic Policy Committee, such sums as may be necessary, to be provided, as determined by the Committee on Appropriations, from amounts previously appropriated for other purposes under the appropriation for salaries and expenses of the House of Representatives, fiscal year 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR TRANSFER OF TWO EMPLOYEE POSITIONS

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 10) providing for the transfer of two employee positions, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That, effective at the beginning of the 104th Congress, two statutory employee positions under the chief majority whip are transferred to the majority leader.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE SACRIFICE AND COURAGE OF ARMY WARRANT OFFICERS DAVID HILEMON AND BOBBY W. HALL II

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the concurrent resolution (H. Con. Res. 1) recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, and I do not intend to do that, I think it needs to be explained, and I would like for the gentleman from South Carolina to concur in this, that this resolution deals with the fact that a helicopter of the Army was downed in Korea on December 17, 1994, and that Army Chief Warrant Officer David Hilemon and Army Chief Warrant Officer Bobby W. Hall II were shot down over North Korea.

This resolution is intended to recognize the sacrifice of Army Chief Warrant Officer David Hilemon to his country and to express the gratitude for his selflessness and deepest regret for his loss of life to his family and to recognize the exceptional service of Army Chief Warrant Officer Bobby W. Hall II to his country and express commendation for his courage.

Am I correct, I ask the gentleman from South Carolina [Mr. SPENCE]?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. Further reserving the right to object, I yield to the gentleman from South Carolina.

Mr. SPENCE. That is exactly it, yes.

Mr. McCOLLUM. Further reserving the right to object, Mr. Speaker, I would like to point out in particular to the families of those involved this was a tremendous ordeal.

The individuals involved deserve the commendation that is given in this resolution. It was a very strenuous thing for our country to go through.

It is only appropriate that the very first order of business of this Congress in terms of a formal resolution, beyond the proceedings we have done earlier today, be this concurrent resolution.

With that in mind, and further reserving the right to object, I yield to the gentlewoman from Florida [Mrs. THURMAN], in whose district resides the family and Bobby Hall, Warrant Officer Bobby Hall, who did survive, and I yield for whatever comment she may make under my reservation.

□ 0210

Mrs. THURMAN. I thank the gentleman from Florida and the gentleman from South Carolina.

I know that you have worked tirelessly today to help me get this up tonight. So I really do appreciate their concern and their help.

Mr. Speaker, today I introduced a resolution recognizing the sacrifice and courage of Army Warrant Officers Bobby Hall and David Hilemon, whose helicopter was shot down over North Korea on December 17, 1994.

David Hilemon gave his life in the service of our country, and Bobby Hall performed with bravery and honor during his 13 days in captivity in North Korea. These soldiers displayed the highest ideals of our armed services, and their efforts on behalf of our country should be justly noted.

In addition, I thank the gentleman from New Mexico [Mr. RICHARDSON] who played an invaluable role in bringing this incident to a close, and he also deserves our gratitude. His leadership helped secure the remains of David Hilemon, and he kept the pressure on the North Koreans to release Bobby Hall.

Bobby Hall lives in Brooksville, FL, in the district I represent. On Saturday, Brooksville will be having a celebration in honor of his homecoming.

I have to tell you I never saw anything like it, with yellow ribbons and declared vigils, people coming out into the street, giving food and doing things for the Halls and for their family and loved ones. They just went out of their way to make sure that these folks were taken care of in a time that was not easy.

I do not believe that I ever have seen a community so committed or so united in purpose. Saturday's celebration will be a fitting tribute to Bobby Hall and his family and to the thousands of people who prayed for his safe return.

Finally, I want to express my condolences to the family of David Hilemon for their loss.

I again thank the gentlemen for their assistance.

Mr. McCOLLUM. Mr. Speaker, further reserving the right to object, and I do not intend to do so, I want to thank the gentlewoman for her efforts in this matter, and I would like to comment on the record that first of all Brooksville, FL, was my birthplace and hometown and Bobby Hall II whom we are noting here in this commendation, his father was in my high school class when I graduated from high school, Hernando High School there.

I did spend time speaking with his father on several occasions during the time that he was in captivity. It is truly a very important day in that community to celebrate this occasion of the good news return and this particular commemorative is a very important piece of that.

So I thank the gentleman from South Carolina [Mr. SPENCE] for offering it tonight.

I do not intend to object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. CON. RES. 1

Whereas on December 17, 1994, the helicopter of Army Chief Warrant Officer David Hilemon and Army Chief Warrant Officer Bobby W. Hall II was shot down over North Korea;

Whereas as a result of this incident, Chief Warrant Officer Hilemon sacrificed his life for his country and Chief Warrant Officer Hall was taken captive by the Korean People's Army;

Whereas on December 22, 1994, Chief Warrant Officer Hilemon's remains were returned to the United States at the Demilitarized Zone at Panmunjom and on December 28, 1994, he was laid to rest with full military honors and in full view of Mt. Ranier in the State of Washington, in accordance with the wishes of Chief Warrant Officer Hilemon; and

Whereas Chief Warrant Officer Hall, held in captivity for 13 days under stressful circumstances, served his country above and beyond the call of duty: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the sacrifice of Army Chief Warrant Officer David Hilemon to his country and expresses gratitude for his selflessness and deepest regret for his loss to his family; and

(2) recognizes the exceptional service of Army Chief Warrant Officer Bobby W. Hall II to his country and expresses commendation for his courage.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DESIGNATING MAJORITY MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution [H. Res. 11] and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Roberts, Chairman; Mr. Emerson; Mr. Gunderson; Mr. Combest; Mr. Allard; Mr. Barrett of Nebraska; Mr. Boehner; Mr. Ewing; Mr. Doolittle; Mr. Goodlatte; Mr. Pombo; Mr. Canady; Mr. Smith of Michigan; Mr. Everett; Mr. Lucas; Mr. Lewis of Kentucky; Mr. Baker of Louisiana; Mr. Crapo; Mr. Calvert; Ms. Chenoweth; Mr. Hostettler; Mr. Bryant of Tennessee; Mr. Latham; Mr. Cooley; Mr. Foley; Mr. Chambliss; and Mr. LaHood.

COMMITTEE ON APPROPRIATIONS: Mr. Livingston, Chairman; Mr. McDade; Mr. Myers of Indiana; Mr. Young of Florida; Mr. Regula; Mr. Lewis of California; Mr. Porter; Mr. Rogers; Mr. Skeen; Mr. Wolf; Mr. DeLay; Mr. Kolbe; Mrs. Vucanovich; Mr. Lightfoot; Mr. Packard; Mr. Callahan; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Miller of Florida; Mr. Dickey; Mr. Kingston; Mr. Riggs; Mr. Frelinghuysen; Mr. Wicker; Mr. Forbes; Mr. Nethercutt; Mr. Bunn; and Mr. Neumann.

COMMITTEE ON BANKING AND FINANCIAL SERVICES: Mr. Leach, Chairman; Mr. McCollum; Mrs. Roukema; Mr. Bereuter; Mr. Roth; Mr. Baker of Louisiana; Mr. Lazio; Mr. Bachus; Mr. Castle; Mr. King; Mr. Royce; Mr. Lucas; Mr. Weller; Mr. Hayworth; Mr. Metcalf; Mr. Bono; Mr. Ney; Mr. Ehrlich; Mr. Barr; Mr. Chrysler; Mr. Cremeans; Mr. Fox; Mr. Heineman; Mr. Stockman; Mr. LoBiondo; Mr. Watts of Oklahoma (when sworn); and Mrs. Kelly.

COMMITTEE ON THE BUDGET: Mr. Kasich, Chairman; Mr. Hobson; Mr. Walker; Mr. Kolbe; Mr. Shays; Mr. Herger; Mr. Bunning; Mr. Smith of Texas; Mr. Allard; Mr. Miller of Florida; Mr. Lazio; Mr. Franks of New Jersey, Mr. Smith of Michigan; Mr. Inglis; Mr. Hoke; Ms. Molinari, Mr. Nussle; Mr. Hoekstra; Mr. Largent; Mrs. Myrick; Mr. Brownback; Mr. Shadegg; Mr. Radanovich; and Mr. Bass.

COMMITTEE ON COMMERCE: Mr. Bliley, Chairman; Mr. Moorhead; Mr. Fields of Texas; Mr. Oxley; Mr. Bilirakis; Mr. Schaefer; Mr. Barton of Texas; Mr. Hastert; Mr. Upton; Mr. Stearns; Mr. Paxon; Mr. Gillmor; Mr. Klug; Mr. Franks of Connecticut; Mr. Greenwood; Mr. Crapo; Mr. Cox, Mr. Burr; Mr. Bilbray; Mr. Whitfield; Mr. Ganske; Mr. Frisa; Mr. Norwood; Mr. White; and Mr. Coburn.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES: Mr. Goodling, Chairman; Mr. Petri; Mrs. Roukema; Mr. Gunderson; Mr. Fawell; Mr. Ballenger; Mr. Barrett of Nebraska; Mr. Cunningham; Mr. Hoekstra; Mr. McKeon; Mr. Castle; Mrs. Meyers of Kansas; Mr. Sam Johnson of Texas; Mr. Talent; Mr. Greenwood; Mr. Hutchinson; Mr. Knollenberg; Mr. Riggs; Mr. Graham; Mr. Weldon of Florida; Mr. Funderburk; Mr. Souder; Mr. McIntosh; and Mr. Norwood.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT: Mr. Clinger, Chairman; Mr. Gilman; Mr. Burton of Indiana; Mrs. Morella; Mr. Shays; Mr. Schiff; Ms. Ros-Lehtinen; Mr. Zeliff; Mr. McHugh; Mr. Horn; Mr. Mica; Mr. Blute; Mr. Davis; Mr. McIntosh; Mr. Fox; Mr. Tate; Mr. Chrysler; Mr. Gutknecht; Mr. Souder; Mr. Martini; Mr. Scarborough; Mr. Shadegg, Mr. Flanagan; Mr. Bass; Mr. LaTourette; Mr. Sanford; and Mr. Ehrlich.

COMMITTEE ON HOUSE OVERSIGHT: Mr. Thomas of California, Chairman; Mr. Ehlers; Mr. Roberts; Mr. Boehner; Ms. Dunn; Mr. Diaz-Balart; and Mr. Ney.

COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Gilman, Chairman; Mr. Goodling; Mr. Leach; Mr. Roth; Mr. Hyde; Mr. Bereuter; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mrs. Meyers of Kansas; Mr. Gallegly; Ms. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Manzullo; Mr. Royce; Mr. King; Mr. Kim; Mr. Brownback; Mr. Funderburk; Mr. Chabot, Mr. Sanford; and Mr. Salmon.

COMMITTEE ON THE JUDICIARY: Mr. Hyde, Chairman; Mr. Moorhead; Mr. Sensenbrenner; Mr. McCollum; Mr. Gekas; Mr. Coble; Mr. Smith of Texas; Mr. Schiff; Mr. Gallegly; Mr. Canady; Mr. Inglis of South Carolina; Mr. Goodlatte; Mr. Buyer; Mr. Hoke; Mr. Bono; Mr. Heineman; Mr. Bryant of Tennessee; Mr. Chabot; Mr. Flanagan; and Mr. Barr.

COMMITTEE ON NATIONAL SECURITY: Mr. Spence, Chairman; Mr. Stump; Mr. Hunter; Mr. Kasich; Mr. Bateman; Mr. Hansen; Mr. Weldon of Pennsylvania; Mr. Dornan; Mr. Hefley; Mr. Saxton; Mr. Cunningham; Mr. Buyer; Mr. Torkildsen; Mrs. Fowler; Mr. McHugh; Mr. Talent; Mr. Everett; Mr. Bartlett of Maryland; Mr. McKeon; Mr. Lewis of Kentucky; Mr. Watts of Oklahoma (when sworn); Mr. Thornberry; Mr. Hostetler; Mr. Chambliss; Mr. Hilleary; Mr. Scarborough; Mr. Jones; Mr. Longley; Mr. Tiahrt; and Mr. Hastings of Washington.

COMMITTEE ON RESOURCES: Mr. Young of Alaska, Chairman; Mr. Hansen; Mr. Saxton; Mr. Gallegly; Mr. Duncan; Mr. Hefley; Mr. Doolittle; Mr. Allard; Mr. Gilchrest; Mr. Calvert; Mr. Pombo; Mr. Torkildsen; Mr. Hayworth; Mr. Cremeans; Ms. Cubin; Mr. Cooley; Ms. Chenoweth; Ms. Smith of Washington; Mr. Radanovich; Mr. Jones; Mr. Thornberry; Mr. Hastings of Washington; Mr. Metcalf; Mr. Longley; and Mr. Shadegg.

COMMITTEE ON RULES: Mr. Solomon, Chairman; Mr. Quillen; Mr. Drier; Mr. Goss; Mr. Linder; Ms. Pryce; Mr. Diaz-Balart; Mr. McInnis; and Ms. Waldholtz.

COMMITTEE ON SCIENCE: Mr. Walker, Chairman; Mr. Sensenbrenner; Mr. Boehlert; Mr. Fawell; Mrs. Morella; Mr. Weldon of Pennsylvania; Mr. Rohrabacher; Mr. Schiff; Mr. Barton of Texas; Mr. Calvert; Mr. Baker of California; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Wamp; Mr. Weldon of Florida; Mr. Graham; Mr. Salmon; Mr. Davis; Mr. Stockman; Mr. Cutknecht; Ms. Seastrand; Mr. Tiahrt; Mr. Largent; Mr. Hilleary; Ms. Cubin; Mr. Foley; and Mrs. Myrick.

COMMITTEE ON SMALL BUSINESS: Mrs. Meyers of Kansas, Chairman; Mr. Hefley; Mr. Zeliff; Mr. Talent; Mr. Manzullo; Mr. Torkildsen; Mr. Bartlett of Maryland; Ms. Smith of Washington; Mr. LoBiondo; Mr. Wamp; Mrs. Kelly; Mr. Chrysler; Mr. Longley; Mr. Jones; Mr. Salmon; Mr. Hilleary; Mr. Souder; Mr. Brownback; Mr. Chabot; Mrs. Myrick; Mr. Funderburk; and Mr. Metcalf.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Shuster, Chairman; Mr. Young of Alaska; Mr. Clinger; Mr. Petri; Mr. Boehlert; Mr. Bateman; Mr. Emerson; Mr. Coble; Mr. Duncan; Ms. Molinari; Mr. Zeliff; Mr. Ewing; Mr. Gilchrest; Mr. Hutchinson; Mr. Baker of California; Mr. Kim; Mr. Horn; Mr. Franks of New Jersey; Mr. Blute; Mr. Mica; Mr. Quinn; Mrs. Fowler; Mr. Ehlors; Mr. Bachus; Mr. Weller; Mr. Wamp; Mr. Latham; Mr. LaTourette; Ms. Seastrand; Mr. Tate; Mrs. Kelly; Mr. LaHood; and Mr. Martini.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Stump, Chairman; Mr. Smith of New Jersey; Mr. Bilirakis; Mr. Spence; Mr. Hutchinson; Mr. Everett; Mr. Buyer; Mr. Quinn; Mr. Bachus; Mr. Stearns; Mr. Ney; Mr. Fox; Mr. Flanagan; Mr. Barr; Mr. Stockman; Mr. Weller; Mr. Hayworth; and Mr. Cooley.

COMMITTEE ON WAYS AND MEANS: Mr. Archer, Chairman; Mr. Crane; Mr. Thomas of California; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Bunning; Mr. Houghton; Mr. Herger; Mr. McCrery; Mr. Hancock; Mr. Camp, Mr. Ramstad; Mr. Zimmer; Mr. Nussle; Mr. Sam Johnson of Texas; Ms. Dunn; Mr. Collins of Georgia; Mr. Portman; Mr. English of Pennsylvania; Mr. Ensign; and Mr. Christensen.

Mr. BOEHNER (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 12) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 12

Resolved, That the following named Members be and they are hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE

E (Kika) de la Garza, Texas; George E. Brown, Jr., California; Charlie Rose, North Carolina; Charles W. Stenholm, Texas; Harold L. Volkmer, Missouri; Tim Johnson, South Dakota; Gary A. Condit, California; Collin C. Peterson, Minnesota; Calvin M. Dooley, California; Eva M. Clayton, North Carolina; David Minge, Minnesota; Earl F. Hilliard, Alabama; Earl Pomeroy, North Dakota; Tim Holden, Pennsylvania; Cynthia McKinney, Georgia; Scotty Baesler, Kentucky; Karen L. Thurman, Florida; Sanford Bishop, Georgia; Bennie G. Thompson, Mississippi; Sam Farr, California; Ed Pastor, Arizona; John Baldacci, Maine.

COMMITTEE ON APPROPRIATIONS

David R. Obey, Wisconsin; Sidney R. Yates, Illinois; Louis Stokes, Ohio; Tom Bevill, Alabama; John P. Murtha, Pennsylvania; Charles Wilson, Texas; Norman D. Dicks, Washington; Martin Olav Sabo, Minnesota; Julian C. Dixon, California; Vic Fazio, California; W.G. (Bill) Hefner, North Carolina; Steny H. Hoyer, Maryland; Richard J. Durbin, Illinois; Ronald D. Coleman, Texas; Alan B. Mollohan, West Virginia; Jim Chapman, Texas; Marcy Kaptur, Ohio; David E. Skaggs, Colorado; Nancy Pelosi, California; Peter J. Visclosky, Indiana; Thomas M. Foglietta, Pennsylvania; Esteban Edward Torres, California; Nita M. Lowey, New York; Ray Thornton, Arkansas.

COMMITTEE ON BANKING AND FINANCIAL SERVICES

Henry B. Gonzalez, Texas; John J. LaFalce, New York; Bruce F. Vento, Minnesota; Charles E. Schumer, New York; Barney Frank, Massachusetts; Paul E. Kanjorski, Pennsylvania; Joseph P. Kennedy II, Massachusetts; Floyd H. Flake, New York; Kweisi Mfume, Maryland; Maxine Waters, California; Bill Orton, Utah; Carolyn B. Maloney, New York; Luis V. Gutierrez, Illinois, Lucille Roybal-Allard, California; Thomas M. Barrett, Wisconsin; Nydia M. Velázquez, New York; Albert R. Wynn, Maryland; Cleo Fields, Louisiana, Melvin Watt, North Carolina; Maurice Hinchey, New York; Gary Ackerman, New York; Ken Bentsen, Texas.

COMMITTEE ON THE BUDGET

Martin Olav Sabo, Minnesota; Charles Stenholm, Texas; Louise M. Slaughter, New York; Mike Parker, Mississippi; William J. Coyne, Pennsylvania; Alan B. Mollohan, West Virginia; Jerry F. Costello, Illinois; Harry Johnston, Florida; Patsy T. Mink, Hawaii; Bill Orton, Utah; Earl Pomeroy, North Dakota; Glen Browder, Alabama; Lynn Woolsey, California; John Olver, Massachusetts; Lucille Roybal-Allard, California; Carrie Meek, Florida; Lynn Rivers, Michigan; Lloyd Doggett, Texas.

COMMITTEE ON COMMERCE

John D. Dingell, Michigan; Henry A. Waxman, California; Edward J. Markey, Massachusetts; W.J. (Billy) Tauzin, Louisiana; Ron Wyden, Oregon; Ralph M. Hall, Texas; John Bryant, Texas; Rick Boucher, Virginia; Thomas J. Manton, New York; Edolphus Towns, New York; Gerry E. Studds, Massachusetts; Frank Pallone, Jr., New Jersey; Sherrod Brown, Ohio; Blanche Lambert, Arkansas; Bart Gordon, Tennessee; Elizabeth Furse, Oregon; Peter Deutsch, Florida; Bobby Rush, Illinois; Anna Eshoo, California; Ron Klink, Pennsylvania; Bart Stupak, Michigan.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

William (Bill) Clay, Missouri; George Miller, California; Dale E. Kildee, Michigan; Pat Williams, Montana; Matthew G. Martinez, California; Major R. Owens, New York; Thomas C. Sawyer, Ohio; Donald M. Payne, New Jersey; Patsy T. Mink, Hawaii; Robert E. Andrews, New Jersey; Jack Reed, Rhode Island; Tim Roemer, Indiana; Eliot L. Engel, New York; Xavier Becerra, California; Robert C. "Bobby" Scott, Virginia; Gene Green, Texas; Lynn Woolsey, California; Carlos Romero-Barceló, Puerto Rico; Mel Reynolds, Illinois.

COMMITTEE ON INTERNATIONAL RELATIONS

Lee H. Hamilton, Indiana; Sam Gejdenson, Connecticut; Tom Lantos, California; Robert G. Torricelli, New Jersey; Howard L. Berman, California; Gary L. Ackerman, New York; Harry Johnston, Florida; Eliot L. Engel, New York; *Eni F. H. Faleomavaega, American Samoa (Delegate); Matthew G. Martinez, California; Donald M. Payne, New Jersey; Robert E. Andrews, New Jersey; Robert Menendez, New Jersey; Sherrod Brown, Ohio; Cynthia McKinney, Georgia; Alcee L. Hastings, Florida; Albert R. Wynn, Maryland; Michael R. McNulty, New York; James P. Moran, Virginia.

COMMITTEE ON THE JUDICIARY

John Conyers, Jr., Michigan; Patricia Schroeder, Colorado; Barney Frank, Massachusetts; Charles E. Schumer, New York; Howard L. Berman, California; Rick Boucher, Virginia; John Bryant, Texas; Jack Reed, Rhode Island; Jerrold Nadler, New York; Robert C. "Bobby" Scott, Virginia; Melvin Watt, North Carolina; Xavier Becerra, California; Jose Serrano, New York; Zoe Lofgren, California; Sheila Jackson-Lee, Texas.

COMMITTEE ON NATIONAL SECURITY

Ronald V. Dellums, California; G.V. (Sonny) Montgomery, Mississippi; Patricia Schroeder, Colorado; Ike Skelton, Missouri; Norman Sisisky, Virginia; John M. Spratt, Jr., South Carolina; Solomon P. Ortiz, Texas; Owen B. Pickett, Virginia; Lane Evans, Illinois; John S. Tanner, Tennessee; Glen Browder, Alabama; Gene Taylor, Mississippi; Neil Abercrombie, Hawaii; Chet Edwards, Texas; Frank Tejeda, Texas; Martin T. Meehan, Massachusetts; *Robert A. Underwood, Guam (Delegate); Jane Harman, California; Paul McHale, Pennsylvania; Pete Geren, Texas; Peter Peterson, Florida; Bill Jefferson, Louisiana; Rosa DeLauro, Connecticut; Mike Ward, Kentucky; Patrick Kennedy, Rhode Island.

COMMITTEE ON SMALL BUSINESS

John J. LaFalce, New York; Ron Wyden, Oregon; Norman Sisisky, Virginia; Kweisi Mfume, Maryland; Floyd H. Flake, New York; Glenn Poshard, Illinois; Eva M. Clayton, North Carolina; Martin T. Meehan, Massachusetts; Nydia M. Velázquez, New York; Cleo Fields, Louisiana; Walter R. Tucker, California; Earl F. Hilliard, Alabama; Pete Peterson, Florida; Bennie Thompson, Mississippi; Chaka Fattah, Pennsylvania; Ken Bentsen, Texas; Karen McCarthy, Missouri; Bill Luther, Minnesota; Patrick Kennedy, Rhode Island.

COMMITTEE ON TECHNOLOGY AND COMPETITIVENESS

George E. Brown, Jr., California; Ralph M. Hall, Texas; James A. Traficant, Jr., Ohio; James A. Hayes, Louisiana; John S. Tanner, Tennessee; Pete Geren, Texas; Tim Roemer, Indiana; Robert E. (Bud) Cramer, Alabama; James Barcia, Michigan; Paul McHale, Pennsylvania; Jane Harman, California; Eddie-Bernice Johnson, Texas; David Minge, Minnesota; John Olver, Massachusetts; Alcee Hastings, Florida; Lynn Rivers, Michigan; Karen McCarthy, Missouri; Mike Ward, Kentucky; Zoe Lofgren, California; Lloyd Doggett, Texas; Michael Doyle, Pennsylvania; Sheila Jackson-Lee, Texas; Bill Luther, Minnesota.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Norman Y. Mineta, California; James L. Oberstar, Minnesota; Nick Joe Rahall II, West Virginia; Robert A. Borski, Pennsylvania; William O. Lipinski, Illinois; Robert Wise, West Virginia; James A. Traficant, Jr., Ohio; Peter A. DeFazio, Oregon; James A. Hayes, Louisiana; Bob Clement, Tennessee; Jerry F. Costello, Illinois; Mike Parker, Mississippi; Greg Laughlin, Texas; Glenn Poshard, Illinois; Robert E. (Bud) Cramer, Alabama; Barbara-Rose Collins, Michigan; Eleanor Holmes Norton, D.C. (Delegate); Jerrold Nadler, New York; Pat Danner, Missouri; Robert Menendez, New Jersey; James E. Clyburn, South Carolina; Corrine Brown, Florida; Nathan Deal, Georgia; James A. Barcia, Michigan; Bob Filner, California; Walter R. Tucker, California; Eddie Bernice Johnson, Texas, Bill Brewster, Oklahoma.

COMMITTEE ON VETERANS' AFFAIRS

G.V. (Sonny) Montgomery, Mississippi; Lane Evans, Illinois; Joseph P. Kennedy II, Massachusetts; Chet Edwards, Texas; Maxine Waters, California; Bob Clement, Tennessee; Bob Filner, California; Frank Tejeda, Texas; Luis V. Gutierrez, Illinois; Scotty Baesler, Kentucky; Sanford Bishop, Georgia; James E. Clyburn, South Carolina; Corrine Brown, Florida; Michael Doyle, Pennsylvania; Frank Mascara, Pennsylvania.

COMMITTEE ON WAYS AND MEANS

Sam Gibbons, Florida; Charles B. Rangel, New York; Fortney Pete Stark, California; Andrew Jacobs, Jr., Indiana; Harold E. Ford, Tennessee; Robert T. Matsui, California; Barbara B. Kennelly, Connecticut; William J. Coyne, Pennsylvania; Sander M. Levin, Michigan; Benjamin L. Cardin, Maryland; Jim McDermott, Washington; Gerald D. Kleczka, Wisconsin; John Lewis, Georgia; L.F. Payne, Virginia; Richard E. Neal, Massachusetts.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTING REPRESENTATIVE BERNARD SANDERS OF VERMONT TO STANDING COMMITTEES

Mr. FAZIO of California. Mr. Speaker, I offer a separate privileged resolution (H. Res. 13) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 13

Resolved, That the following named Member be and is hereby elected to the following standing committees:

Committee on Banking and Financial Services: Bernard Sanders of Vermont.

Committee on Government Reform and Oversight: Bernard Sanders of Vermont.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97-377, the Chair appoints as members of the House of Representatives page board the following Members of the House: Mr. EMERSON of Missouri, and Mr. KOLBE of Arizona.

APPOINTMENT AS MEMBERS OF HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. Pursuant to the provisions of 40 U.S.C., 175 and 176, the

Chair appoints the gentleman from Texas, [Mr. ARMEY], as a member of the House Office Building Commission, to serve with himself and the gentleman from Missouri [Mr. GEPHARDT].

APPOINTMENT AS MEMBERS OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Pursuant to the provisions of clause 1 of rule 48 and clause 6(f) of rule 10, the Chair appoints as Members of the Permanent Select Committee on Intelligence the following Members of the House:

Mr. COMBEST, of Texas, Chairman;
Mr. DORNAN, of California;
Mr. YOUNG, of Florida;
Mr. HANSEN, of Utah;
Mr. LEWIS, of California;
Mr. GOSS, of Florida;
Mr. SHUSTER, of Pennsylvania;
Mr. MCCOLLUM of Florida;
Mr. CASTLE of Delaware;
Mr. DICKS of Washington;
Mr. RICHARDSON, of New Mexico;
Mr. DIXON of California;
Mr. TORRICELLI, of New Jersey;
Mr. COLEMAN of Texas;
Ms. PELOSI, of California; and
Mr. LAUGHLIN, of Texas.

POLICIES OF THE CHAIR

The SPEAKER. The Chair customarily takes this occasion on the opening day of a Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: first, privileges of the floor; second, the introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; fourth, recognition for 1-minute speeches and special orders; fifth, decorum in debate; sixth, the conduct of votes by electronic device; and seventh, requests for leave of committees to sit during the 5-minute rule.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 104th Congress the policies reflected in these statements. The policy announced in Congresses prior to the 103d Congress with respect to requests for committees to sit during the 5-minute rule is once again pertinent. The policy announced in the 102d Congress with respect to jurisdictional concepts related to clause 5(b) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the *House Rules and Manual*.

1. Privileges of the Floor

The Speaker's announced instructions to the former Doorkeeper and the Sergeant-at-Arms in the 98th Congress on January 25, 1983, and in the 99th Congress on January 21, 1986, regarding strict enforcement of rule XXXII, specifying those persons having the privileges of the floor during sessions of the House, will be applied during the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The Speaker. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending during the 5-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed [the Doorkeeper and] the Sergeant at Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The Speaker. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining request for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the 5-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session. The Chair requests each chairman, and each ranking minority member, to submit to the [Doorkeeper] Sergeant at Arms a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a "committee staff" badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the [Doorkeeper and] Sergeant at Arms to assure proper enforcement of rule XXXII.

2. Introduction of Bills and Resolutions

The Speaker's statement in the 98th Congress on January 3, 1983, regarding the signing of bills and resolutions by their first sponsors, will continue to apply in the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1983

The Speaker. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the next day's RECORD and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

SPECIAL RULE FOR BILL SPONSORSHIP ON OPENING DAY OF 104TH CONGRESS

The Speaker. The House adopted a special rule earlier today which allows the first 20 bills and the first two joint resolutions introduced in the 104th Congress to have more than one Member reflected as a "first" sponsor. Those bills must bear not only the signature of the sponsor first listed but the signatures of all "first" sponsors listed.

3. Unanimous-Consent Requests for the Consideration of Bills and Resolutions

The Speaker's policy with respect to recognition for unanimous-consent requests for the consideration of unreported bills and resolutions and for the consideration of House bills with Senate amendments (other than requests to go to conference), as initially announced in the 98th Congress on January 25 and April 26, 1984, will apply during the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1984

The Speaker. As indicated in section [757] of the *House Rules and Manual*, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2 of the rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7 of rule I, will decline recognition for unanimous consent request for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

ANNOUNCEMENT BY THE SPEAKER, APRIL 26, 1984

The Speaker. With respect to unanimous consent requests to dispose of Senate amendments to House bills on the Speaker's table, the Chair will entertain such a request only if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

4. Recognition for 1-Minute Speeches and Special Orders

The Speaker's statement in the 98th Congress on January 25, 1984, with respect to the Speaker's policy for recognition for 1-minute speeches will apply during the 104th Congress. The Speaker today announces a residual policy for the recognition of special order speeches absent an agreement between the leaderships to the contrary.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8, 1984, RELATIVE TO RECOGNITION FOR ONE-MINUTE SPEECHES

The Speaker. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for "1-minute" speeches and for special order requests. The Chair will alternate recognition for 1-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit 1-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995, RELATIVE TO "RESIDUAL" POLICY FOR RECOGNITION FOR SPECIAL ORDER SPEECHES

The Speaker. Absent an agreement between the leadership regarding recognition for requests to address the House for "special order speeches" at the end of legislative business, the Chair will decline recognition for permission to address the House for any period extending more than one week in advance of the request. In accordance with the Speaker's policy as enunciated on August 8, 1984, the Chair will first recognize Members who wish to address the House for 5 minutes or less, alternating between majority and minority Members in the order in which those permissions were granted by the House. Thereafter, the Chair will recognize Members who wish to address the House for longer than 5 minutes up to 1 hour, again alternating between majority and minority Members in the order in which those permissions were granted by the House. However, unlike the Speaker's policy of August 8, 1984, the Chair will alternate daily between parties recognition for the first special order longer than five minutes regardless of the order in which permissions were granted.

ANNOUNCEMENT BY THE SPEAKER JANUARY 4, 1995, RELATIVE TO SPECIAL ORDER SPEECHES AND MORNING HOUR DEBATE

The Speaker. Upon consultation with the Minority Leader, the Chair announces that the format for recognition for "morning hour" debate and restricted special order speeches, which began on February 23, 1994, will continue until February 16, 1995, as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special order speeches up to four hours after the conclusion of five minute special orders speeches. Such speeches may not extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special order speeches beyond midnight.

The Chair will first recognize Members for five-minute special order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties, regardless of the date the order was granted by the House.

The allocation of time within each party's two-hour period (or shorter period if prorated to end by midnight) is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up for any special order speeches earlier than one week prior to the special order, and additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 9(b)(1) of rule I, the television cameras will not pan the chamber, but a "crawl" indicating Morning Hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

5. Decorum in Debate

The Speaker's statement in the 102d Congress on January 3, 1991, with respect to decorum in debate, will apply during the 104th Congress as supplemented by an announcement made by the Speaker earlier today.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The Speaker. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XIV to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995

The Speaker. The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Before gavelling Members down precisely when their time has expired, the Chair will lightly tap the gavel as a warning that a Member has 10 seconds remaining. Furthermore, the Chair may immediately interrupt Members in debate who transgress rule XIV by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

6. Conduct of Votes by Electronic Device

ANNOUNCEMENT BY THE SPEAKER JANUARY 4, 1995

The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 5 of rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary rollcall vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by rollcalls. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the Chair would prevent a Member who is in the well of the chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the chamber to assume that votes will be held open until they arrive in the chamber.

7. Requests for Leave of Committees to Sit During the Five-Minute Rule

The Speaker's statement in the 98th Congress on March 3, 1983, with respect to requests for leave of committees to sit during the five-minute rule, will again apply during the 104th Congress, except that the Chair, under clause 2 of rule XI, may entertain a motion of the Majority Leader granting such leave to one or more committees.

ANNOUNCEMENT BY THE SPEAKER, MARCH 3, 1983

The Speaker. The Chair announces that he will recognize Members to make requests for committees to sit during the 5-minute rule only at certain times during the legislative day. While the precedents indicate that such requests when pending are not votes requiring the presence of a quorum, the Chair wishes to avoid the need for a call of the House pending such requests but at the same time to assure predictability as to when he will accord recognition. Therefore, the Speaker intends to set up the following guidelines:

First as has been established by precedent, permission to sit shall require unanimous consent if the permission pertains to a day for which the program has not been announced. Thus, prior to the announcement of the legislative program for the following week, only one objection would be required to prevent a committee from sitting. Following the announcement by the Majority Leader, or his designee, of the program for the next week, the Chair would entertain requests for committees to sit during the following week and 10 objections would then be required. The Chair wants it to be clearly understood that the first available opportunity in the House following the announcement of the program is an appropriate time for considering requests pertaining to the following week if the announcement comes before the completion of all legislative business.

Second, the Chair will not entertain requests on days when all votes on legislative matters have been postponed to a later date; however, the Chair will accept requests for committee hearings to be held later in the week if the request has the concurrence of the ranking minority member of the committee or subcommittee.

Third, on days when legislative business is to be conducted, and when rollcall votes are in order on legislation, the Chair will recognize during the 1-minute period only when he is assured that the ranking minority member of the committee or subcommittee involved supports the requests for the hearings or meetings.

Requests that have been objected to by 10 or more Members pursuant to clause 2(i) of Rule XI may not be renewed on the same day unless the Chair is assured that the objections have been withdrawn. The Chair will in no instance entertain requests after the legislative business of the day has been concluded; that is, after leaves of absence have been laid down or unanimous consent requests from the majority and minority tables have been entertained at the end of the day.

☐ 0220

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1995.
Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER. Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Ms. Linda Nave, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 104th Congress or until modified by me.

With great respect, I am
Sincerely yours,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. If I might before the gentleman from New York [Mr. SOLOMON] moves to adjourn, let the Chair say to the Members that the House has now been in session for some 14 hours and 25 minutes. I think it has been not only the longest and most working-like opening session, but one of the most productive sessions for any single day in House history. The Chair wants to thank both the Democrat Members and the Republican Members for participating. The Chair wants to thank the freshmen on both sides because there was very vigorous and effective involvement, and that is the way it should be. We are in an age when people get elected to do the job from day one, and we are very grateful for their participation. The Chair wishes to express to all Members his immense gratitude for this opening day and how much he hopes this augers well for the future and what we can do together.

INTRODUCTION OF LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I am today introducing five pieces of legislation that received overwhelming bipartisan support in the last Congress. They cover a range of important issues the 104th Congress must address: telecommunications reform, Superfund reform, safe drinking water, and interstate waste and flow control.

These bills are largely the same as the final versions of the legislation written or acted upon by the Commerce Committee or the House in the last Congress. Interstate waste and flow control passed the House by unanimous consent. Safe drinking water was approved under the suspension calendar. Superfund was approved by a 44–0 margin in committee. And the House approved telecommunications reform by a vote of 423–5.

The telecommunications legislation will reform our Nation's outdated telecommunications laws, and create an environment where competition, rather than government regulation, will govern the services that customers will have available. The text of the bill that I am introducing today is identical to last year's, with two exceptions:

First, the requirement for the Justice Department to hold a hearing in every case in which a Bell Operating Company requests relief has been deleted. This requirement imposed administrative burdens on the Justice Department, yet served no useful purpose. At the request of the Justice Department, it has been deleted.

Second, there was some confusion last year about a provision that could have delayed Bell Company entry into certain long distance markets as a result of an ambiguity in the statute. During the House consideration of the legislation, Chairman Brooks and I engaged in a colloquy to clarify that ambiguity. I have made changes in the text of the legislation I am introducing today to conform the statutory text with the colloquy.

The interstate waste and flow control bills resolve some long-standing disputes between State and municipal governments, and between different regions of the country. The Superfund reform had the support of a broad coalition of industry, small business, State and local governments, the environmental community, banks, and many others. It will make the cleanup of toxic waste sites more efficient and more economical, and will restore some sense of reason and fairness to the liability system. The Safe Drinking Water Act revisions uphold water quality standards while accounting for the special needs of smaller communities.

All of these bills were the product of extensive discussions and negotiations involving the full range of interests. While these are good bills in their current form, I neither expect nor ask the 104th Congress to enact these measures without full discussion or amendment. I am prepared, and even eager, to work with my Republican colleagues in fashioning productive legislation that achieves the same solid degree of consensus we were able to reach last year. I am introducing these bills today in that spirit of cooperation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BROWN of Florida (at the request of Mr. GEPHARDT) for today after 10:15 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at the request of Mr. FAZIO of California) to revise and extend his remarks and include extraneous material:

Mr. DINGELL for 5 minutes today.

The following Member (at the request of Mr. LAZIO of New York) to revise and extend his remarks and include extraneous material:

Mr. EHLERS for 5 minutes on January 5.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 24 minutes a.m.), the House adjourned until today, Thursday, January 5, 1995, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25.

Honorable Steve Largent, 1st District Oklahoma.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

FEBRUARY 12, 1994

H.R. 3759. An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

FEBRUARY 16, 1994

H.R. 1303. An Act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarke S. Fisher Federal Building and United States Courthouse".

H.R. 2223. An Act to designate the Federal Building located at 525 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building".

H.R. 2555. An Act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Stewart United States Courthouse".

H.R. 3186. An Act to designate the United States courthouse located in Houma, Louisiana, as the "George Arceneaux, Jr., United States Courthouse."

H.R. 3356. An Act to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse".

MARCH 9, 1994

H.R. 2339. An Act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.

H.R. 3617. An Act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

MARCH 30, 1994

H.R. 3345. An Act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

MARCH 31, 1994

H.R. 1804. An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

H.R. 4122. An Act to temporarily extend certain provisions of the Marine Mammal Protection Act.

APRIL 6, 1994

H.J. Res. 329. Joint Resolution designating March 23, 1994, as "Education and Sharing Day, U.S.A.".

APRIL 30, 1994

H.R. 2333. An Act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

H.R. 4066. An Act to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup Soccer Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the 1996 Summer Olympics, and the 1996 Paralympics.

MAY 4, 1994

H.R. 821. An Act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces and to their dependents.

H.R. 2884. An Act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

H.R. 3693. An Act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse".

MAY 16, 1994

H.J. Res. 239. Joint Resolution to authorize the President to proclaim September 1994 as "Classical Music Month".

H.R. 4204. An Act to designate the Federal building located at 711 Washington Street in Boston, Massachusetts, as the "Jean Mayer Human Nutrition Research Center on Aging".

MAY 19, 1994

H.R. 1134. An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

H.R. 1727. An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

MAY 25, 1994

H.J. Res. 303. Joint Resolution to designate June 6, 1994, as "D-Day National Remembrance Day".

H.R. 2868. An Act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Court of Appeals Building", and for other purposes.

MAY 31, 1994

H.R. 2139. An Act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1994, 1995, 1996, and 1997.

JUNE 10, 1994

H.R. 3863. An Act to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office".

JUNE 13, 1994

H.R. 1632. An Act to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender-specific references.

JUNE 16, 1994

H.R. 965. An Act to provide for toy safety and for other purposes.

JUNE 28, 1994

H.R. 3676. An Act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 4205. An Act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

JULY 5, 1994

H.R. 1183. An Act to validate conveyance of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company.

H.R. 1758. An Act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V-X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code.

H.R. 2559. An Act to designate the Federal building located at 601 East 12th Street in Kansas City, Missouri, as the "Richard Bolling Federal Building" and the United States Courthouse located at Ninth and Locust Streets, in Kansas City, Missouri, as the "Charles Evans Whittaker United States Courthouse".

H.R. 3724. An Act to designate the United States courthouse located in Bridgeport, Connecticut, as the "Brien McMahon Federal Building".

H.R. 4568. An Act making supplemental appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 4581. An Act to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930.

H.R. 4635. An Act to extend the Export Administration Act of 1979.

JULY 21, 1994

H.R. 3567. An Act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

JULY 22, 1994

H.R. 4322. An Act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes.

H.R. 4454. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

AUGUST 1, 1994

H.R. 572. An Act for the relief of Melissa Johnson.

H.R. 1346. An Act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building".

H.R. 1873. An Act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for the amount of benefits or services based on need.

H.R. 2532. An Act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse".

H.R. 3770. An Act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building".

H.R. 3840. An Act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

AUGUST 11, 1994

H.R. 374. Joint Resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

H.R. 2457. An Act to direct the Secretary of the Interior to conduct a salmon captive broodstock program.

AUGUST 12, 1994

H.R. 4429. An Act to authorize the transfer of naval vessels to certain foreign countries.

AUGUST 15, 1994

H.R. 4277. An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age survivors, and disability insurance program.

AUGUST 16, 1994

H.R. 868. An Act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes.

AUGUST 19, 1994

H.R. 4790. An Act to designate the United States courthouse under construction in St. Louis, Missouri, as the "Thomas F. Eagleton United States Courthouse".

AUGUST 23, 1994

H.J. Res. 131. Joint Resolution designating December 7 of each year as "National Pearl Harbor Remembrance Day".

H.J.Res. 175. Joint Resolution designating October 1994 as "Italian-American Heritage and Culture Month".

H.R. 1426. An Act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

H.R. 1631. An Act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

H.R. 1933. An Act to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

H.R. 2739. An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 4426. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 4453. An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

AUGUST 25, 1994

H.R. 4812. An Act to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, California, and for other purposes.

AUGUST 26, 1994

H.R. 2178. An Act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

H.R. 2243. An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes.

H.R. 2815. An Act to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System.

H.R. 2942. An Act to designate certain lands in the Commonwealth of Virginia as the George Washington National Forest Mount Pleasant Scenic Area.

H.R. 2947. An Act to amend the Commemorative Works Act, and for other purposes.

H.R. 3197. An Act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the "Gus Yatron Postal Facility".

H.R. 4506. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4603. An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

SEPTEMBER 13, 1994

H.R. 3355. An Act to control and prevent crime.

SEPTEMBER 23, 1994

H.R. 3474. An Act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes.

SEPTEMBER 28, 1994

H.R. 4624. An Act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

SEPTEMBER 29, 1994

H.R. 3841. An Act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

SEPTEMBER 30, 1994

H.R. 4539. An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4554. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4556. An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4602. An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4606. An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4649. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4650. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

OCTOBER 3, 1994

H.R. 4190. An Act to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

OCTOBER 6, 1994

H.J. Res. 363. Joint Resolution to designate October 1994 as "Crime Prevention Month".

H.R. 1779. An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes.

H.R. 2144. An Act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

H.R. 3679. An Act to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design program, and for other purposes.

H.R. 3839. An Act to designate the United States Post Office building located at 220

South 40th Avenue in Hattiesburg, Mississippi, as the "Roy M. Wheat Post Office".

H.R. 4177. An Act to designate the United States Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the "Candace White Post office".

H.R. 4191. An Act to designate the United States Post Office building located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley Post Office".

H.R. 4230. An Act to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes.

H.R. 4569. An Act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992.

H.R. 4647. An Act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

OCTOBER 10, 1994

H.R. 5060. An Act to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

OCTOBER 13, 1994

H.R. 995. An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.

H.R. 4217. An Act to reform the Federal crop insurance program, and for other purposes.

OCTOBER 14, 1994

H.J. Res. 389. Joint Resolution to designate the second Sunday in October of 1994 as "National Children's Day".

H.J. Res. 398. Joint Resolution to establish the fourth Sunday of July as "Parents' Day".

H.J. Res. 415. Joint Resolution designating the week beginning October 16, 1994, as "National Penny Charity Week".

H.R. 734. An Act to amend the Act entitled, "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes".

H.R. 3694. An Act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child.

H.R. 4299. An Act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4543. An Act to designate the United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, as the "Matthew J. Perry, Jr. United States Courthouse."

OCTOBER 18, 1994

H.R. 810. An Act for the relief of Elizabeth M. Hill.

OCTOBER 19, 1994

H.J. Res. 401. Joint Resolution designating the months of March 1995 and March 1996 as "Irish-American Heritage Month".

H.J. Res. 417. Joint Resolution providing for temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

H.R. 1520. An Act to amend the Petroleum Marketing Practices Act.

H.R. 2826. An Act to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2902. An Act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes.

H.R. 3485. An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1995 and 1996.

H.R. 4308. An Act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

H.R. 4379. An Act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes.

H.R. 4653. An Act to settle Indian land claims within the State of Connecticut, and for other purposes.

H.R. 5155. An Act to authorize the transfer of naval vessels to certain foreign countries.

OCTOBER 20, 1994

H.R. 6. An Act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

OCTOBER 22, 1994

H.J. Res. 425. Joint Resolution providing for the convening of the First Session of the One Hundred Fourth Congress.

H.R. 2135. An Act to provide for a National Native American Veterans' Memorial.

H.R. 2266. An Act for the relief of Orlando Wayne Naraysingh.

H.R. 2294. An Act to redesignate the Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, as the "Graham B. Purcell, Jr. Post Office Building".

H.R. 2411. An Act for the relief of Leteane Clement Monatsi.

H.R. 4192. An Act to designate the United States Post Office building located at 3000 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. Post Office".

H.R. 4278. An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

H.R. 4361. An Act to amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.

H.R. 4535. An Act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes.

H.R. 4896. An Act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4924. An Act to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

H.R. 4950. An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

H.R. 5053. An Act to authorize the Secretary of Agriculture to extend for one year Water Bank Act agreements that are due to expire on December 31, 1994.

H.R. 5116. An Act to amend title 11 of the United States Code.

OCTOBER 25, 1994

H.R. 512. An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, and for other purposes.

H.R. 783. An Act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

H.R. 808. An Act for the relief of James B. Stanley.

H.R. 2056. An Act to redesignate the Post Office building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the "Samuel E. Perry Post Office Building".

H.R. 2440. An Act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 4833. An Act to reform the management of Indian Trust Funds, and for other purposes.

H.R. 4842. An Act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act and to provide for tribal Self-Governance, and for other purposes.

H.R. 4922. An Act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

H.R. 5034. An Act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

OCTOBER 29, 1994

H.R. 2970. An Act to reauthorize the Office of Special Counsel, and for other purposes.

OCTOBER 31, 1994

H.R. 3499. An Act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

H.R. 3678. An Act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources.

H.R. 4196. An Act to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy and a Sustainable Environment qualify for loans and grants from the Rural Development Administration.

H.R. 4455. An Act to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

H.R. 4778. An Act to codify without substantive change recent laws related to transportation and to improve the United States Code.

H.R. 5084. An Act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes.

H.R. 5176. An Act to amend the Federal Water Pollution Control Act relating to San

Diego ocean discharge and waste water reclamation.

H.R. 5252. An Act to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

NOVEMBER 2, 1994

H.J. Res. 271. Joint Resolution designating the month of November in each of calendar years 1993 and 1994 a "National American Indian Heritage Month".

H.J. Res. 326. Joint Resolution designating January 16, 1995, as "National Good Teen Day".

H.R. 1348. An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

H.R. 3050. An Act to expand the boundaries of the Red Rock Canyon National Conservation Area.

H.R. 3059. An Act to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

H.R. 3313. An Act to amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.

H.R. 3984. An Act to designate the building located at 216 Coleman Avenue in Waveland, Mississippi, for the period of time during which it houses operations of the United States Postal Service, as the "John Longo, Jr. Post Office".

H.R. 4180. An Act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes.

H.R. 4193. An Act to designate the building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the "Ubaldina Simmons Post Office".

H.R. 4452. An Act to designate the United States Post Office building located at 115 North Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer Post Office".

H.R. 4497. An Act to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

H.R. 4551. An Act to designate the United States Post Office building located at 301 West Lexington Street in Independence, Missouri, as the "William J. Randall Post Office".

H.R. 4571. An Act to designate the United States Post Office building located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong Post Office".

H.R. 4595. An Act to designate the building at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office".

H.R. 4598. An Act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

H.R. 4709. An Act to make certain technical corrections, and for other purposes.

H.R. 4757. An Act to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

H.R. 4777. An Act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees.

H.R. 4781. An Act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

H.R. 4814. An Act to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact.

H.R. 4867. An Act to authorize appropriations for high-speed rail transportation, and for other purposes.

H.R. 4967. An Act to designate the United States courthouse located at 231 West Lafayette Street in Detroit, Michigan, as the "Theodore Levin United States Courthouse" and to designate the postal facility located at 1401 West Fort Street in Detroit, Michigan, as the "George W. Young Post Office".

H.R. 5102. An Act to amend title 18, United States Code, with respect to certain crimes relating to Congressional medals of honor.

H.R. 5161. An Act to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management.

H.R. 5200. An Act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.

H.R. 5220. An Act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

H.R. 5244. An Act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

H.R. 5246. An Act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

NOVEMBER 9, 1994

H.J. Res. 390. Joint Resolution designating September 17, 1994, as "Constitution Day".

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

FEBRUARY 22, 1994

S.J. Res. 119. Joint Resolution to designate the month of March 1994 as "Irish-American Heritage Month".

MARCH 17, 1994

S. 1789. An Act to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

MARCH 24, 1994

S.J. Res. 56. Joint Resolution to designate the week beginning April 11, 1994, as "National Public Safety Telecommunications Week".

S.J. Res. 162. Joint Resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

S.J. Res. 163. Joint Resolution to proclaim March 20, 1994, as "National Agriculture Day."

S.J. Res. 171. Joint Resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week".

MARCH 25, 1994

S. 1926. An Act to amend the Food Stamp Act of 1977 to modify the requirements relating to monthly reporting and staggered issuance of coupons for households residing on Indian reservations, to ensure adequate access to retail food stores by food stamp households, and to maintain the integrity of the food stamp households, and to maintain the integrity of the food stamp program, and for other purposes.

APRIL 6, 1994

S. 1284. An Act to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

S. 1913. An Act to extend certain compliance dates for pesticide safety training and labeling requirements.

APRIL 11, 1994

S. 476. An Act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

S. 1299. An Act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.

APRIL 14, 1994

S. 1206. An Act to redesignate the Federal building at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center".

APRIL 28, 1994

S. 2004. An Act to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education.

APRIL 30, 1994

S. 1636. An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

MAY 4, 1994

S. 375. An Act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1574. An Act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

S.J. Res. 143. Joint Resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144. Joint Resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 150. Joint Resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week".

MAY 6, 1994

S. 2005. An Act to make certain technical corrections, and for other purposes.

MAY 11, 1994

S. 1930. An Act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes.

MAY 16, 1994

S.J. Res. 146. Joint Resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week".

MAY 18, 1994

S. 2000. An Act to authorize appropriations to carry out the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes.

MAY 19, 1994

S. 341. An Act to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

MAY 25, 1994

S.J. Res. 168. Joint Resolution designating May 11, 1994, as "Vietnam Human Rights Day".

MAY 26, 1994

S. 636. An Act to amend title 18, United States Code, to assure freedom of access to reproductive services.

S. 2024. An Act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S. 2087. An Act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain products packaged prior to August 8, 1994.

MAY 31, 1994

S. 1654. An Act to make certain technical corrections.

S.J. Res. 179. Joint Resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week".

JUNE 30, 1994

S. 24. An Act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

JULY 1, 1994

S. 1904. An Act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

JULY 20, 1994

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance".

JULY 22, 1994

S. 273. An Act to remove certain restrictions from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An Act to convey a certain parcel of public land to the County of Twin Falls, Idaho, for use as a landfill, and for other purposes.

AUGUST 1, 1994

S. 537. An Act for the relief of Tania Gil Compton.

S. 832. An Act to designate the plaza to be constructed in the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza".

S. 1880. An Act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

S.J. Res. 172. Joint Resolution designating May 29, 1995, through June 6, 1995, as a "Time for the National Observance of the Fiftieth Anniversary of World War II".

AUGUST 11, 1994

S.J. Res. 195. Joint Resolution to designate August 1, 1994, as "Helsinki Human Rights Day"

AUGUST 17, 1994

S. 1458. An Act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

AUGUST 18, 1994

S.J. Res. 204. Joint Resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

AUGUST 19, 1994

S.J. Res. 178. Joint Resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week".

AUGUST 26, 1994

S. 2099. An Act to establish the Northern Great Plains Rural Development Commission, and for other purposes.

S.J. Res. 153. Joint Resolution to designate the week beginning on November 20, 1994 and ending on November 26, 1994, as "National Family Caregivers Week".

S.J. Res. 196. Joint Resolution to designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

SEPTEMBER 21, 1994

S. 1066. An Act to restore Federal services to the Pokagon Band of Potawatomi Indians.

S. 1357. An Act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

SEPTEMBER 23, 1994

S. 859. An Act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

OCTOBER 5, 1994

S. 2182. An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

OCTOBER 6, 1994

S. 716. An Act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes.

S. 1406. An Act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1703. An Act to expand the boundaries of the Piscataway Park, and for other purposes.

OCTOBER 8, 1994

S.J. Res. 221. Joint Resolution to express the sense of the Congress in Commemoration of the 75th anniversary of Grand Canyon National Park.

OCTOBER 13, 1994

S. 1587. An Act to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 2170. An Act to provide a more effective, efficient, and responsive Government.

OCTOBER 14, 1994

S. 316. An Act to establish the Saguaro National Park in the State of Arizona, and for other purposes.

S. 1233. An Act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

S.J. Res. 157. Joint Resolution to designate 1994 as "The Year of Gospel Music".

S.J. Res. 185. Joint Resolution to designate October 1994 as "National Breast Cancer Awareness Month".

S.J. Res. 198. Joint Resolution designating 1995 as the "Year of the Grandparent".

OCTOBER 18, 1994

S. 2406. An Act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

S.J. Res. 220. Joint Resolution to designate October 19, 1994, as "National Mammography Day".

OCTOBER 19, 1994

S. 2475. An Act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

OCTOBER 20, 1994

S. 922. An Act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

OCTOBER 22, 1994

S. 340. An Act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 455. An Act to amend title 31, United States Code, to increase Federal payments to units of general local governments for entitlement lands, and for other purposes.

S. 528. An Act to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

S. 720. An Act to clean up open dumps on Indian lands, and for other purposes.

S. 1225. An Act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 1312. An Act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

S. 1457. An Act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

S. 2060. An Act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 2073. An Act to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.

S. 2395. An Act to designate the United States Courthouse in Detroit, Michigan, as the "Theodore Levin Courthouse", and for other purposes.

S. 2466. An Act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

S. 2500. An Act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

S.J. Res. 90. Joint Resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

OCTOBER 25, 1994

S. 784 An Act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1927. An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes.

S. 2372. An Act to amend the United States Commission on Civil Rights Act of 1983.

S. 2407. An Act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2534. An Act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S.J. Res. 227. Joint Resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capital.

S.J. Res. 229. Joint Resolution regarding United States policy toward Haiti.

OCTOBER 31, 1994

S. 21. An Act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

S. 1146. An Act to provide for the settlement of water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes.

NOVEMBER 2, 1994

S. 1614. An Act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

MESSAGES AND COMMUNICATIONS RECEIVED FOLLOWING THE SINE DIE ADJOURNMENT OF THE 103RD CONGRESS AND FOLLOWING THE PUBLICATION OF THE FINAL ADDITION OF THE CONGRESSIONAL RECORD OF THE 103RD CONGRESS

COMMUNICATION FROM THE HON. ROBERT H. MICHEL, MINORITY LEADER

OFFICE OF THE REPUBLICAN LEADER,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives
Washington, DC

DEAR MR. SPEAKER: Pursuant to Section 904(b) of Public Law 103–236, I hereby appoint the following individuals to the Commission on Protecting and Reducing Government Secrecy: Representative Larry Combest of Texas and Mr. Martin Faga of Bethlehem, Pennsylvania.

Sincerely,

BOB MICHEL,
Republican Leader.

APPOINTMENTS AFTER SINE DIE ADJOURNMENT AND FOLLOWING THE PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 103RD CONGRESS

Pursuant to the provisions of section 303(a) of Public Law 103–3, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to appoint commissions, boards and committees authorized by law or by the House, the Speaker on Thursday, December 22, 1994 did appoint to the Commission on Leave the following Member of the House to fill the existing vacancy thereon:

Mrs. SCHROEDER of Colorado.

Pursuant to the provisions of section 270002 of Public Law 103–322, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to appoint commissions, boards and committees authorized by law or by the House, the Speaker on Thursday, December 22, 1994, did appoint to the National Commission on Crime Prevention and Control the following members on the part of the House:

Mr. Thomas F. Railsback, Moline, IL.

Mr. Werner W. Brandt, Arlington, VA.

And on January 3, 1995 did also appoint:

Mr. Jeffrey A. Teitz, Newport, RI.

Mr. Larry Erickson, Spokane, WA.

Mr. Jonathan R. Yarowsky, Washington, DC.

Mr. Michael J. O'Neil, Oakton, VA.

Pursuant to the provisions of section 1 of 2 U.S.C. 154, as amended by section 1 of Public Law 102–246, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, December 23, 1994 did appoint to the Library of Congress Trust Fund Board the following members on the part of the House:

Mr. Peter Lynch, Boston, MA to fill the unexpired term of Mr. Robert Rubin.

Mr. Thomas S. Foley, Washington, DC, to a 4-year term.

And on Tuesday, January 3, 1995 did also appoint:

Mr. Lawrence Tisch, New York, NY, to a 2-year term.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A communication from the President of the United States, transmitting a report of one revised deferral of budgetary resources, totaling $1.2 billion, pursuant to 2 U.S.C. 685(c) (H. Doc. No. 104–8); to the Committee on Appropriations and ordered to be printed.

2. A communication from the President of the United States, transmitting his request to make available appropriations totaling $32,200,000 in budget authority for the Departments of Housing and Urban Affairs, and Commerce, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–9); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1995, pursuant to 2 U.S.C. 685 (H. Doc. No. 104–14); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Controller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5. A letter from the Comptroller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6. A letter from the General Counsel, Department of Defense, transmitting a copy of the President's Executive order updating the "Manual for Courts-Martial, United States, 1984"; to the Committee on National Security.

7. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8. A letter from the Secretary of Education, transmitting final priorities—Special Studies Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

9. A letter from the Secretary of Education, transmitting final priorities—rehabilitation training programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

10. A letter from the Secretary of Education, transmitting final priorities—special demonstrations; and projects with industry, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

11. A letter from the Secretary of Education, transmitting final regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

12. A letter from the Secretary of Education, transmitting final regulations—Federal Perkins Loan Program, Federal Work-Study, and Federal Supplemental Educational Opportunity Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

13. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning two project arrangements to be conducted under the 1992 agreement with Australia on cooperation in radar

activities (Transmittal No. 13-94), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

14. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the fiscal year 1994 annual report on the operation of the special defense acquisition fund, pursuant to 22 U.S.C. 2795b(a); to the Committee on International Relations.

15. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to section 3 of the AECA concerning the unauthorized transfer of U.S.-origin defense articles, pursuant to 22 U.S.C. 2314(d); to the Committee on International Relations.

16. A communication from the President of the United States, transmitting an unclassified report on the Loan Guarantees to Israel Program and on economic conditions in Israel, pursuant to section 226(k) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

17. A communication from the President of the United States, transmitting the second monthly report on the situation in Haiti, pursuant to 50 U.S.C. 1541 note; to the Committee on International Relations.

18. A communication from the President of the United States, transmitting the third monthly report on the situation in Haiti, pursuant to 50 U.S.C. 1541 note; to the Committee on International Relations.

19. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

20. A communication from the President of the United States, transmitting the final part of his report on the extent to which federally funded international exchange programs share similar objectives, pursuant to section 229(a) of the Foreign Relations Authorization Act, fiscal years 1994 and 1994; to the Committee on International Relations.

21. A communication from the President of the United States, transmitting a report on developments since his last report concerning the national emergency with respect to the Governments of Serbia and Montenegro, pursuant to 50 U.S.C. 1703(c) (H. Doc. No. 104-5); to the Committee on International Relations and ordered to be printed.

22. A communication from the President of the United States, transmitting notification that the Libyan emergency is to continue in effect beyond January 7, 1995, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 104-7); to the Committee on International Relations and ordered to be printed.

23. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 104-11); to the Committee on International Relations and ordered to be printed.

24. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

25. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committees on International Relations.

26. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification and justifications that the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine are committed to the courses of action described in section 1201 of the Cooperative Threat Reduction Act of 1994; to the Committee on International Relations.

27. A communication from the President of the United States, transmitting his fourth report on the continuing deployment of a United States Army peacekeeping contingent as part of the U.N. Protection Force [UNPROFOR] in the former Yugoslav Republic of Macadonia [FYROM], consistent with the War Powers Resolution (H. Doc. No. 104-6); to the Committee on International Relations and ordered to be printed.

28. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 5110, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Reform and Oversight.

29. A communication from the President of the United States, transmitting his report on the implementation of locality-based comparability payments for General Schedule employees for calendar year 1995, pursuant to 5 U.S.C. 5304(d)(3) (H. Doc. No. 104-13); to the Committee on Government Reform and Oversight and ordered to be printed.

30. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

31. A letter from the inspector general, Department of Commerce, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

32. A letter from the Secretary, Department of Education, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

33. A letter from the Secretary of Education, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

34. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515. 2526); to the Committee on Government Reform and Oversight.

35. A letter from the Secretary, Department of the Interior, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, together with the Secretary's report on audit followup, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

36. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-347, "Closing of a Public Alley in Square 120, S.O. 91-8, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

37. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-344, "Armory Board Interim Authority Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

38. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-346, "Public Assistance and Day Care Policy Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

39. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-345, "Prevention of the Spread of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

40. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-343, "Qualified Massage Therapists Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

41. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-340, "Medicaid Benefits Protection Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

42. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-341, "Respiratory Care Practice Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

43. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-342, "Moratorium on the Issuance of New Retailer's Licenses Class B Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

44. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the Implementation of Audit Recommendations For the Public Access Corporation of the District of Columbia," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

45. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Program Review of the District of Columbia Lottery and Charitable Games Control Board For Fiscal Years 1988 Through 1993," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

46. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in November 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

47. A letter from the Chairman, Armed Forces Retirement Home Board, transmitting the semiannual report on activities of

the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

48. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

49. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

50. A letter from the Chairman, Corporation for Public Broadcasting, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

51. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

52. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report of activities of the inspector general for the period April 1, 1994, through September 30, 1994, and the Secretary's semiannual report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

53. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750, 102 Stat. 2526); to the Committee on Government Reform and Oversight.

54. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

55. A letter from the Secretary, Department of Transportation, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

56. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the Department's management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Reform and Oversight.

57. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1994, through September 30, 1994, and the semiannual management report, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

58. A letter from the Chairman, Farm Credit Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

59. A letter from the Federal Housing Finance Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

60. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

61. A letter from the Administrator, General Services Administration, transmitting the semiannual report on the activities of the Department's inspector general for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

62. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

63. A letter from the Chairman, Interstate Commerce Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

64. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

65. A letter from the Acting Archivist, National Archives, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

66. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

67. A letter from the Chairman, National Credit Union Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

68. A letter from the Chairman, National Endowment for the Arts, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

69. A letter from the President, National Endowment for Democracy, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

70. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

71. A letter from the Chairman, National Mediation Board, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

72. A letter from the Chairman, National Science Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

73. A letter from the Director, Office of Personnel Management, transmitting the semiannual report of the inspector general for the period of April 1, 1994, through September 30, 1994, and management response for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

74. A letter from the Director, Peace Corps, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(C)(3); to the Committee on Government Reform and Oversight.

75. A letter from the Director, Peace Corps, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

76. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

77. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

78. A letter from the Director, Selective Service System, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

79. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the management report on final actions, pursuant to Public Law 95-452,

section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

80. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

81. A letter from the Executive Director, State Justice Institute, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

82. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

83. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

84. A letter from the Administrator, U.S. Information Agency, transmitting the semiannual report of the inspector general's activities for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 99–399, section 412(a); to the Committee on Government Reform and Oversight.

85. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 99–399, section 412(a); to the Committee on Government Reform and Oversight.

86. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

87. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

88. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

89. A letter from the Chairman, U.S. Commission for the Preservation of America's Heritage Abroad, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

90. A letter from the Public Printer, U.S. Government Printing Office, transmitting the semiannual report of the Office of Inspector General for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to 44 U.S.C. 3903 (102 Stat. 2531); to the Committee on Government Reform and Oversight.

91. A letter from the Director, U.S. Soldiers' & Airmen's Home, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

92. A letter from the Director, Woodrow Wilson Center, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

93. A letter from the Clerk of the House, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives (H. Doc. No. 104–15); to the Committee on House Oversight and ordered to be printed.

94. A communication from the President of the United States, transmitting a report on standards for assessing and enhancing the seimic safety of existing buildings constructed for or leased by the Federal Government, pursuant to Public Law 101–614, section 8 (104 Stat. 3237); to the Committee on Science.

95. A communication from the President of the United States, transmitting a report concerning emigration laws and policies of the Republic of Bulgaria, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104–10); to the Committee on Ways and Means and ordered to be printed.

96. A communication from the President of the United States, transmitting a report concerning emigration laws and policies of the Russian Federation, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104–12); to the Committee on Ways and Means and ordered to be printed.

97. A letter from the Acting Secretary, Department of the Treasury; transmitting the U.S. Government annual report for the fiscal year ended September 30, 1994, pursuant to 31 U.S.C. 331(c); to the Committee on Ways and Means.

98. A letter from the Director, Office of Management and Budget, transmitting OMB's final sequestration report to the President and Congress for fiscal year 1995, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted December 22, 1994]

Mr. MINETA: Committee on Public Works and Transportation. Summary of legislative activities of the Committee on Public Works and Transportation, 103d Congress (Rept. 103–877). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. Activities report of the Committee on Veterans' Affairs, House of Representatives, 103d Congress (Rept. 103–878). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 23, 1994]

Mr. GLICKMAN: Permanent Select Committee on Intelligence. Report on the activities of the Permanent Select Committee on Intelligence during the 103d Congress (Rept. 103–879). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 29, 1994]

Mr. HAMILTON: Committee on Foreign Affairs. Legislative review activities of the Committee on Foreign Affairs during the 103d Congress (Rept. 103–880). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. Report of the activities of the Committee on Armed Services for the 103d Congress (Rept. 103–881). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 2, 1995]

Mr. DINGELL: Committee on Energy and Commerce. Report on the activities of the Committee on Energy and Commerce for the 103d Congress (Rept. 103–882). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. Report on the activities of the Committee on the Judiciary during the 103d Congress (Rept. 103–883). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on the activities of the Committee on Government Operations during the 103d Congress (Rept. 103–884). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. Summary of activities of the Committee on Small Business during the 103d Congress (Rept. 103–885). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. Report on activities of the Committee on Agriculture during the 103d Congress (Rept. 103–886). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. Final report on the activities of the Committee on Merchant Marine and Fisheries Committee, 103d Congress (Rept. 103–887). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. Summary of activities of the Committee on Science, Space, and Technology (Rept. 103–888). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the activities of the Committee on Appropriations (Rept. 103–889). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHAYS, Mr. GOODLING, and Mr. THOMAS (for themselves, and Mr. MCHALE, Mr. HOYER, Mr. DICKEY, Mr. HAMILTON, Mrs. FOWLER, Mrs. CLAYTON, Mr. FAWELL, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. MCKEON, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BILBRAY, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr.

BONILLA, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BUNN of Oregon, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. COBLE, Mr. COBURN, Mr. COMBEST, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOOLITTLE, Mr. DREIER, Ms. DUNN of Washington, Mr. EHRLICH, Mr. ENSIGN, Mr. EWING, Mr. FLANAGAN, Mr. FOLEY, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRISA, Mr. GALLEGLY, Mr. GANSKE, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KIM, Mr. KING, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LIVINGSTON, Mr. LOBIONDO, Mr. LONGLEY, Mr. LUCAS, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MANZULLO, Mr. MARTINI, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MOORHEAD, Mrs. MORELLA, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. PETRI, Mr. PORTER, Ms. PRYCE, Mr. QUILLEN, Mr. QUINN, Mr. RADANOVICH, Mr. REGULA, Mr. RIGGS, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROTH, Mrs. ROUKEMA, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. TAYLOR of North Carolina, Mrs. VUCANOVICH, Mr. WAMP, Mr. YOUNG of Florida, Mr. ACKERMAN, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CONDIT, Ms. DANNER, Ms. ESHOO, Mr. FILNER, Mr. GORDON, Mr. HOLDEN, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KLINK, Mr. LAFALCE, Mrs. MALONEY, Mr. MARKEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. ORTON, Mr. PALLONE, Mr. POMBO, Mr. POSHARD, Mr. REED, Mr. ROEMER, Mr. SCHUMER, Ms. SLAUGHTER, Mr. STENHOLM, Mrs. THURMAN, Mr. SANDERS, Mr. FORBES, Mr. SOLOMON, Mr. ROSE, Mr. KOLBE, Mr. PARKER, Mr. SCHAEFER, and Mr. UPTON):

H.R. 1. A bill to make certain laws applicable to the legislative branch of the Federal Government; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on House Oversight, Government Reform and Oversight, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER, Mr. BLUTE, Mr. NEUMANN, and Mr. PARKER (for themselves, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of California, Mr. BUNNING, Mr. BACHUS, Mr. BALLENGER, Mr. BARR, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BROWNBACK, Mr. BURR, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CALLAHAN, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COLLINS of Georgia, Ms. COLLINS of Michigan, Mr. COOLEY, Mr. COX, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS, Mr. DOOLITTLE, Mr. DORNAN Mr. DREIER, Ms. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. GANSKE, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOKE, Mr. HOSTETTLER, Mr. HORN, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LOBIONDO, Mr. LONGLEY, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. POMBO, Mr. PORTMAN, Mr. QUILLEN, Mr. QUINN, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. RIGGS, Mr. ROTH, Mr. ROYCE, Mr. SANFORD, Mr. SAXTON, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WHITFIELD, Mr. WICKER, Mr. WELLER, Mr. ZELIFF, Mr. ZIMMER, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 2. A bill to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; to the committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM, Mr. CANADY, Mr. BARR, and Mr. BREWSTER (for themselves, Mr. ALLARD, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of California, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. COBURN, Mr. COOLEY, Mr. CREMEANS, Mrs. CUBIN, Mr. DAVIS, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN, Mr. ENGLISH, Mr. EMERSON, Mr. EWING, Mr. EVERETT, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILCHREST, Mr. GILMAN, Mr. GOODLATTE, Mr. GORDON, Mr. GOSS, Mr. GREENWOOD, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOKE, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. POMBO, Mr. QUINN, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROTH, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WICKER, Mr. ZIMMER, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. WELDON of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, Mrs. MEYERS of Kansas, and Mr. HUNTER):

H.R. 3. A bill to control crime; to the Committee on the Judiciary.

By Mr. SHAW, Mr. TALENT, and Mr. LATOURETTE (for themselves, Mr. HUTCHINSON, Mr. HOSTETTLER, Mr. JONES, Mr. TIAHRT, Mrs. MYRICK, MR. ENSIGN, Mrs. CUBIN, Mr. KINGSTON, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. EWING, Mr. WELDON of Florida, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. BUNNING, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. ROTH, Mr. WAMP, Mr. GOODLING, Mr. GILCHREST, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. GILMAN, Mr. MILLER of Florida, Mr. DORNAN, Mr. HASTERT, Mr. CUNNINGHAM, Mr. FORBES, Mr. LINDER, Mr. BLUTE, Mr. ROHRABACHER, Mr. COOLEY, Mr. SMITH of Texas, Mr. CLINGER, Mr. BACHUS, Mr. BALLENGER, Mr. CALLAHAN, Mr. ENGLISH, Mr. SAXTON, Mr. CHRYSLER, Mr. CAMP, Mr. HANCOCK, Mr. NUSSLE, Mr. GREENWOOD, Mr. BARTLETT of Maryland, Mr. TAYLOR of North Carolina, Mr. MCCRERY, Mr. LARGENT, Mr. BAKER of Louisiana, Mr. COLLINS of Georgia, Mr. ARCHER, Mr. THOMAS, Mr. HERGER, Mr. SAM JOHNSON, Mr. STEARNS, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mrs. ROUKEMA, Mr. SENSENBRENNER, Mr. HEINEMAN, Mrs. FOWLER, Mr. ROYCE, Mr. FLANAGAN, Mr. BURR, Mr. LATHAM, Ms. MOLINARI, Mr. GUNDERSON, Mr. RIGGS, Mr. THORNBERRY, Mr. ALLARD, Mr. CHRISTENSEN, Mr. GOODLATTE, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. FRISA, Mr. SHADEGG, Mr. CANADY, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. BARR, Mr. ARMEY, Mr. HORN, Ms. DUNN, Mr. TATE, Mr. MICA, Mr. CRAPO, Mr. PAXON, Mr. YOUNG of

Florida, Mr. WELDON of Pennsylvania, Mr. COMBEST, Mr. COBLE, and Mr. EHRLICH):

H.R. 4. A bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence:

Title I, referred to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title II, referred to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title III, referred to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Economic and Educational Opportunities, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title IV, referred to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Commerce, Economic and Educational Opportunities, the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title V, referred to the Committee on Agriculture, and in addition to the Committees on Economic and Educational Opportunities and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title VI–VII, referred to the Committee on Ways and Means; and

Title VIII, referred to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Budget, Economic and Educational Opportunities, Banking and Financial Services, Commerce, Agriculture, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER, Mr. PORTMAN, Mr. CONDIT, and Mr. DAVIS (for themselves, and Mr. SHAYS, Mr. MCHUGH, Mr. MICA, Mr. HORN, Mr. ZELIFF, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. BLUTE, Mr. FOX, Mr. WALSH and Mr. CUNNINGHAM):

H.R. 5. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE, Mr. NUSSLE, and Mr. SALMON (for themselves, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CREMEANS, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COOLEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGN, Mr. EWING, Mr. FLANAGAN, Mr. FOLEY, Mrs. FOWLER, Mr. FORBES, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILCHREST, Mr. GILMAN, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOODLING, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATOURETTE, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LONGLEY, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. PACKARD, Mr. RADANOVICH, Mr. RIGGS, Mr. ROTH, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. THOMAS, Mr. TIAHRT, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Florida, Mr. WELLER, Mr. WICKER, Mr. ZIMMER, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. BROWNBACK, Mr. WELDON of Pennsylvania, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 6. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for families, to reform the marriage penalty, and for other purposes; to the Committee on Ways and Means.

By Mr. SPENCE, Mr. GILMAN, Mr. BRYANT of Tennessee, Mr. HAYES (for themselves, Mr. WELDON of Pennsylvania, Mr. DORNAN, Mr. SAXTON, Mr. TORKILDSEN, Mr. BARTLETT of Maryland, Mr. LONGLEY, Mr. CALLAHAN, Mr. ROYCE, Mr. BACHUS, Mr. HOKE, Mr. HASTERT, Mr. SMITH of Texas, Mr. FUNDERBURK, Mr. CLINGER, Mr. KIM, Mr. BALLENGER, Mr. POMBO, Mr. NUSSLE, Mr. CRANE, Mr. TAYLOR of North Carolina, Mr. CRAPO, Mr. KOLBE, Mr. HALL of Texas, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, Mrs. MEYERS of Kansas, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. COX, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mrs. FOWLER, Mr. STEARNS, Mr. HUTCHINSON, Mr. HANCOCK, Mr. ZIMMER, Mr. LINDER, Mr. EMERSON, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mr. HOUGHTON, Mr. FRELINGHUYSEN, Mr. EWING, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. WELDON of Florida, Mr. GANSKE, Mr. COBURN, Mr. LARGENT, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. LAHOOD, Mr. BUNNING, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. GOODLING, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. WAMP, Mr. GILCHREST, Mr. BLUTE, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. FLANAGAN, Mr. BURR, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. COOLEY, Mr. FRISA, Mr. MCINTOSH, Mr. SMITH of New Jersey, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CUNNINGHAM, Mr. CHRYSLER, Mr. CANADY, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. GILLMOR, Mr. BARR, Mr. ARMEY, Mr. FORBES, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, and Mr. MCHUGH):

H.R. 7. A bill to revitalize the national security of the United States:

Title I, referred to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title II, referred to the Committee on National Security;

Title III, referred to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Section 401, referred to the Committee on National Security; and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Section 402, referred to the Committee on International Relations:

Title V, referred to the Committee on International Relations, and in addition to the Committee on National Security and the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title VI, referred to the Committee on International Relations; and

Title VII, referred to the Committee on the Budget.

By Mr. BUNNING, Mr. HASTERT, Mrs. KELLY, and Mrs. THURMAN (for themselves, Mr. WICKER, Mr. HOKE, Mr. FRISA, Mr. MCINTOSH, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CHRYSLER, Mr. CUNNINGHAM, Mr. CANADY, Mr. MCCOLLUM, Mr. SHAYS, Mr. BARTON of Texas, Mr. GILLMOR, Mr. BARR, Mr. ARMEY, Mr. FORBES, Mr. HORN, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, Mr. MCHUGH, Mr. CRANE, Mr. DORNAN, Mr. BACHUS, Mr. SMITH of Texas, Mr. WELDON of Pennsylvania, Mr. OXLEY, Mr. ROHRABACHER, Ms. DANNER, Mr. SAXTON, Mr. KIM, Mr. BALLENGER, Mr. CALLAHAN, Mr. TALENT, Mr. BAKER of Louisiana, Mr. SCHAEFER, Mr. FILNER, Mr. CRAPO, Mr. KOLBE, Mr. HALL of Texas, Mr. PAXON, Mr. THOMAS, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, Mrs. MEYERS of Kansas, Mr. YOUNG of Florida, Mr. GOSS, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. COX, Mr. STEARNS, Mr. BAKER of California, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mr. HANCOCK, Mr. SENSENBRENNER, Mrs. FOWLER, Mr. GREENWOOD, Mr. ZIMMER, Mr. LINDER, Mr. HUTCHINSON, Mr. EMERSON, Mr. ENGLISH, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. SMITH of New Jersey, Mr. TIAHRT, Mrs. MYRICK, Mr. FRELINGHUYSEN, Mr. HOUGHTON, Mrs. CUBIN, Mr. KINGSTON, Mr. EWING, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. WELDON of Florida, Mr. COBURN, Mr. LARGENT, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. GOODLING, Mr. RADANOVICH, Mr. ROTH, Mr. WAMP, Mr. GILCHREST, Mr. BLUTE, Mr. SOLOMON, Mr. DOOLITTLE, Mr. CAMP, Mr. UPTON, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. GILMAN, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. ROYCE, Mr. FLANAGAN, Mr. BURR, Mr. LATHAM, Mr. DAVIS, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. PORTER, Mr. ALLARD, Mr. CHRISTENSEN, Mr. GOODLATTE, Mr. HILLEARY, Mr. COOLEY, and Mr. BONO):

H.R. 8. A bill to amend the Social Security Act to increase the earnings limit, to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits and to provide incentives for the purchase of long-term care insurance, and for other purposes:

Titles I–III, referred to the Committee on Ways and Means; and

Title IV, referred to the Committee on the Judiciary.

By Mr. ARCHER, Mr. DELAY, Mr. SAXTON, and Mrs. SMITH of Washington (for themselves, Mr. TAUZIN, Mr. HASTERT, Mr. DORNAN, Mr. ROHRABACHER, Mr. BLUTE, Mr. SMITH of Texas, Mr. LINDER, Mr. KIM, Mr. MICA, Mr. BACHUS, Ms. DANNER, Mr. HOKE, Mr. CLINGER, Mr. BALLENGER, Mr. CALLAHAN, Mr. SHAW, Mr. NUSSLE, Mr. LARGENT, Mr. COX, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. HERGER, Mr. HEINEMAN, Mrs. FOWLER, Mr. SENSENBRENNER, Mr. STEARNS, Mr. HUTCHINSON, Mr. HANCOCK, Mr. TALENT, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGN, Mr. HOSTETTLER, Mr. JONES, Mr. TIAHRT, Mr. MYRICK, Mr. EWING, Mr. HOUGHTON, Mrs. CUBIN, Mr. KINGSTON, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. SCHAEFER, Mr. BAKER of Louisiana, Mr. HALL of Texas, Mr. WELDON of Florida, Mr. COBURN, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. BUNNING, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. ROTH, Mr. WAMP, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. PACKARD, Mr. GILMAN, Mr. MILLER of Florida, Mr. ROYCE, Mr. FLANAGAN, Mr. LATHAM, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. ALLARD, Mr. CHRISTENSEN, Mr. GOODLATTE, Mr. SANFORD, Mr. HILLEARY, Mr. COOLEY, Mr. WICKER, Mr. BONO, Mr. FRISA, Mr. MCINTOSH, Mr. EVERETT, Mr. SMITH of New Jersey, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CHRYSLER, Mr. CUNNINGHAM, Mr. CANADY, Mr. MCCOLLUM, Mr. GOODLING, Mr. BARTON of Texas, Mr. BARR, Mr. ARMEY, Mr. FORBES, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MCHUGH, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas);

H.R. 9. A bill to create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials:

Titles I–II, referred to the Committee on Ways and Means;

Title III, referred to the Committee on Science, and in addition to the Committees on Commerce and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title IV, referred to the Committee on the Budget, and in addition to the Committees on Rules, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title V, referred to the Committee on Government Reform and Oversight;

Title VI–IX, referred to the Committee on the Judiciary;

Title X, referred to the Committee on the Budget, and in addition to the Committees on Government Reform and Oversight, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title XI, referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and

Title XII, referred to the Committee on Ways and Means.

By Mr. HYDE, Mr. RAMSTAD, Ms. CHENOWETH, and Mr. CONDIT (for themselves, Mr. ARMEY, Mr. ALLARD, Mr. BACHUS, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. COBURN, Mr. COOLEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN, Mr. EMERSON, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILCHREST, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. INGLIS of South Carolina, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSSLE, Mr. PACKARD, Mr. PORTER, Mr. PORTMAN, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROTH, Mr. ROYCE, Mr. SANFORD, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of Texas, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. TEJEDA, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Florida, Mr. ZIMMER, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 10. A bill to reform the Federal civil justice system; to reform product liability law:

Title I, referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and

Title II, referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. VUCANOVICH, Mr. THOMAS, and Mr. WELLER (for themselves, Mr. ROYCE, Mr. MCINTOSH, Mr. CRANE, Mr. FORBES, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. DORNAN, Mr. HASTERT, Mr. BLUTE, Mr. WELDON of Pennsylvania, Mr. BARTLETT of Maryland, Mr. ZIMMER, Mr. LINDER, Mr. BACHUS, Mr. SMITH of Texas, Mr. COOLEY, Mr. GREENWOOD, Mr. HOKE, Mr. SAXTON, Mr. TAYLOR of North Carolina, Mr. LARGENT, Mr. KIM, Mr. BALLENGER, Mr. CALLAHAN, Mrs. ROUKEMA, Mr. CHRYSLER, Mr. HANCOCK, Mr. NUSSLE, Mr. BAKER of Louisiana, Mr. STEARNS, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. SHAW, Mr. HERGER, Mr. SENSENBRENNER, Mrs. FOWLER, Mr. EMERSON, Mr. HUTCHINSON, Mr. HEINEMAN, Mr. ENGLISH, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mrs. CUBIN, Mr. KINGSTON, Mr. EWING, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. WELDON of Florida, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. BUNNING, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. SCHAEFER, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. GOODLING, Mr. WAMP, Mr. GILCHREST, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. CAMP, Mr. PACKARD, Mr. STUMP, Mr. GILMAN, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. FLANAGAN, Mr. BURR, Mr. LATHAM, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. ALLARD, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. FRISA, Mr. SMITH of New Jersey, Mr. TALENT, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CANADY, Mr. MCCOLLUM, Mr. SHAYS, Mr. BARTON of Texas, Mr. BARR, Mr. ARMEY, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, Mr. MCHUGH, Mr. EVERETT, Mr. ROTH, Mr. CRAPO, Mr. PAXON, Mr. YOUNG of Florida, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 11. A bill to strengthen the rights of parents:

Titles I–II, referred to the Committee on Ways and Means;

Title III, referred to the Committee on the Judiciary;

Title IV, referred to the Committee on Government Reform and Oversight; and

Title V, referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALKER:

H.R. 12. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied, and for other purposes; to the Committee on Ways and Means.

By Mr. WALKER (for himself, Mr. KASICH, Mr. ARMEY, Mr. ALLARD, Mr. BACHUS, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BOEHNER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. COBLE, Mr. COMBEST, Mr. COX, Mr. CRAPO, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Ms. DUNN, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FOX, Mr. FRANKS of New Jersey, Mr. FRISA, Mr. GEKAS, Mr. GOODLATTE, Mr. GOSS, Mr. GREENWOOD, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LIGHTFOOT, Mr. LINDER, Mr. LUCAS, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MILLER of Florida, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PORTMAN, Mr. RAMSTAD, Mr. ROYCE, Mr. SALMON, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. STEARNS, Mr. STUMP, Mr. TORKILDSEN, Mr. UPTON, Mrs. VUCANOVICH, Mr. WELDON of Pennsylvania, and Mr. ZIMMER):

H.R. 13. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 14. A bill to repeal the exemption from disclosure requirement for municipal securities, and to require the Securities and Exchange Commission to public model disclosure forms to facilitate compliance with the disclosure requirements; to the Committee on Commerce.

H.R. 15. A bill to amend the Federal Reserve Act to provide for the appointment of the presidents of the Federal Reserve banks by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. DINGELL:

H.R. 16. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 17. A bill to establish the Federal Bank Agency, to abolish the positions of the Comptroller of the Currency and Director of the Office of Thrift Supervision, to consolidate and reform the regulation of insured depository institutions, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 18. A bill to enhance competition in the financial services industry by providing prudential framework for the affiliation of banks and securities firms; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH and Mr. SCHUMER (for themselves, Mr. FRANK of Massachusetts, and Mr. BEREUTER):

H.R. 19. A bill to encourage foreign countries to accord national treatment to United States banking, securities, and insurance organizations that operate or seek to operate in those countries; to the Committee on Banking and Financial Service, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 20. A bill to provide a framework to improve risk management techniques at financial institutions, including the prudential use of derivative products; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 21. A bill to amend section 3 of the United States Housing Act of 1937 to more accurately determine the median income for Rockland County, NY, for purposes of housing programs administered by the Secretary of Housing and Urban Development; to the Committee on Banking and Financial Services.

H.R. 22. A bill to establish the position of Coordinator for Counterterrorism within the office of the Secretary of State; to the Committee on International Relations.

H.R. 23. A bill to direct the Secretary of Health and Human Services to establish a schedule of preventive health care services and to provide for coverage of such services in accordance with such schedule under private health insurance plans and health benefit programs of the Federal Government, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Government Reform and Oversight, Veterans' Affairs, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mrs. ROUKEMA, Mr. ZIMMER, Mr. FRANKS of New Jersey, and Mr. MINGE):

H.R. 24. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Commerce.

By Mr. BLILEY:

H.R. 25. A bill to amend part B of title XVIII of the Social Security Act to make technical corrections relating to the enactment of the Social Security Act Amendments of 1994, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROEMER (for himself, Mr. DICKEY, Mr. MCHALE, Mr. HOEKSTRA, Mr. HAYES, Mr. PARKER, Mr. SKELTON, Mr. GOSS, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. HOLDEN, Mr. BENTSEN, Mr. JACOBS, Ms. FURSE, Mr. BROWN of California, Ms. SLAUGHTER, Mr. SANDERS, Mr. POSHARD, Mr. UPTON, Mr. POMEROY, Mr. ANDREWS, Mr. EDWARDS, Mr. BARRETT of Wisconsin, and Ms. KAPTUR):

H.R. 26. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight.

By Mr. DUNCAN (for himself, Mr. BURTON of Indiana, Mr. HUNTER, Mr. ROHRABACHER, Mr. PETRI, Mr. HOKE, Mr. CANADY, Mr. KING, Mr. STUMP, Mr. PARKER, Mr. WILSON, Mr. MCCRERY, Mr. GUNDERSON, Mr. PORTMAN, Mr. MCHUGH, Mr. HANSEN, Mr. HALL of Texas, Mr. SCHIFF, Mr. BEREUTER, Mr. DOOLITTLE, Mr. QUILLEN, Mr. BALLENGER, Mr. WALSH, Mr. COBLE, Mr. HOEKSTRA, Mr. PACKARD, Mr. ALLARD, Ms. PRYCE, Mr. SENSENBRENNER, Mr. BACHUS, Mr. BAKER of Louisiana, Mr. TORKILDSEN, Mr. BRYANT of Tennessee, Mr. POMBO, Mrs. MEYERS of Kansas, Mr. HEFLEY, Mr. CONDIT, and Mrs. FOWLER):

H.R. 27. A bill to grant the power to the President to reduce budget authority; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 28. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Government Reform and Oversight.

H.R. 29. A bill to provide that of amounts available to a designated agency for a fiscal year that are not obligated in the fiscal year, up to 50 percent may be used to pay bonuses to agency personnel and the remainder shall be deposited into the general fund of the Treasury and used exclusively for deficit reduction; to the Committee on Government Reform and Oversight.

By Mr. GONZALEZ:

H.R. 30. A bill to amend and extend certain laws relating to housing and community development, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GONZALEZ (for himself, Mr. KANJORSKI, and Mr. MFUME):

H.R. 31. A bill to enhance the supervision and regulation of the derivatives activities of financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GIBBONS:

H.R. 32. A bill to amend the Internal Revenue Code of 1986 to ensure that charitable beneficiaries of charitable remainder trusts are aware of their interests in such trusts; to the Committee on Ways and Means.

By Mrs. LAMBERT LINCOLN:

H.R. 33. A bill to transfer the Fish and Farming Experimental Laboratory in Stuttgart, AR, to the Department of Agriculture, and for other purposes; to the Committee on Resources.

H.R. 34. A bill to amend the Internal Revenue Code of 1986 to retroactively restore a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. FAWELL:

H.R. 35. A bill to amend the Employee Retirement Income Security Act of 1974 to provide security for workers, to improve pension funding, to limit growth in insurance exposure, to protect the single-employer plan termination insurance program, and for other purposes; to the Committee on Economic and Educational Opportunities.

H.R. 36. A bill to amend the Employee Retirement Income Security Act of 1974 and related provisions to improve pension plan funding, to limit growth in insurance exposure, to protect the single-employer plan termination insurance program by clarifying the status of claims of the Pension Benefit Guaranty Corporation and the treatment of insolvent pension plans, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 37. A bill to amend the Employee Retirement Income Security Act of 1974 to improve pension plan funding; to the Committee on Economic and Educational Opportunities.

By Mr. MORAN (for himself, Mr. SPENCE, Mr. MONTGOMERY, Mr. EVANS, Mr. BILIRAKIS, Mr. BOUCHER, Mr. CHAPMAN, Mr. FILNER, Mr. PETE GEREN of Texas, Mr. GOSS, Mr. HALL of Texas, Ms. LINCOLN, Mr. MOLLOHAN, Mrs. MORELLA, Mr. SANDERS, Mr. SCHIFF, Mr. SCOTT, Mr. SOLOMON, and Mr. WAXMAN):

H.R. 38. A bill to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living-adjustments in the Omnibus Budget Reconciliation Act of 1993; to the Committee on National Security.

By Mr. YOUNG of Alaska:

H.R. 39. A bill to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management; to the Committee on Resources.

By Mr. ALLARD (for himself, Mrs. JOHNSON of Conecticut, Mr. BACHUS, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BREWSTER, Mr. BURTON of Indiana, Mr. CAMP, Mr. CANADY, Mr. COLLINS of Georgia, Mr. COX, Mr. DOOLITTLE, Mr. DORNAN, Mr. FORBES, Mr. GUNDERSON, Mr. HORN, Mr. HUNTER, Mr. KNOLLENBERG, Mr. LEACH, Mr. LIPINSKI, Mrs. MORELLA, Mr. PACKARD, Ms. PRYCE, Mr. ROHRABACHER, Mr. ROYCE, Mr. SAXTON, Mr. SCHAEFER, Mr. SHAYS, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, Mr. WOLF, and Mr. ZIMMER):

H.R. 40. A bill to amend the Internal Revenue Code of 1986 with respect to the deductibility of certain home office expenses; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. BREWSTER, Mr. BAKER of Louisiana, Mr. BUNNING, Mr. CRAPO, Mr. WALSH, Mr. COMBEST, Mr. GILCHREST, Mr. CANADY, Mr. CAMP, Mr. MCCRERY, Mr. GEKAS, Mr. DEAL, Mr. HEFNER, Ms. DANNER, Mr. BARRETT of Nebraska, Mr. MINGE, Mr. KINGSTON, Mr. EMERSON, Mr. BEREUTER, Mr. ROBERTS, Mr. BURTON of Indiana, Mr. HOUGHTON, Mr. POMEROY, Mr. HOEKSTRA, Mr. PARKER, Mr. LIGHTFOOT, Mr. OXLEY, Mr. CALVERT, Mr. CRANE, Mr. HUTCHINSON, and Mr. SOLOMON):

H.R. 41. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 42. A bill to reauthorize the Ryan White Care Act of 1990, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER:

H.R. 43. A bill to improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property; to the Committee on the Judiciary.

By Mr. FIELDS of Texas (for himself, Mr. EVANS, Mr. STUDDS, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. BATEMAN, Mr. BORSKI, Mr. CALLAHAN, Mr. CALVERT, Mr. CHAPMAN, Mr. DEFAZIO, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. DORNAN, Mr. FILNER, and Mr. STARK):

H.R. 44. A bill to provide that certain service of members of the U.S. merchant marine during World War II constituted active military service for purposes of any law administered by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. CONYERS:

H.R. 45. A bill to apply the antitrust laws of the United States to major league baseball; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 46. A bill to delay for 2 years the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act, to require the Administrator of the Environmental Protection Agency to reissue regulations relating to such programs, to provide for the redesignation of certain areas, and for other purposes; to the Committee on Commerce.

By Mr. TAYLOR of North Carolina:

H.R. 47. A bill to require approval by law of agency rules and regulations; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 48. A bill to provide grants for the integration of academic and vocational curriculum and professional development; to the Committee on Economic and Educational Opportunities.

By Mr. ARCHER:

H.R. 49. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions by multicandidate political committees and to limit contributions in House of Representatives elections from persons other than individual in-State residents; to the Committee on House Oversight.

By Mr. GUNDERSON (for himself and Mr. PETRI):

H.R. 50. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself and Mr. MINETA):

H.R. 51. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Government Reform and Oversight.

By Mr. POMEROY (for himself, Mr. MINGE, Mr. STUPAK, Mr. BOUCHER, Mr. PORTMAN, Mr. DURBIN, Mr. ACKERMAN, Mr. DOYLE, Ms. KAPTUR, Mr. GILCHREST, Mr. INGLIS of South Carolina, Mr. GILLMOR, Mr. MURTHA, Mr. CHAPMAN, Mr. OWENS, Mr. SMITH of New Jersey, Mr. KIM, Mr. COYNE, Mr. REYNOLDS, Mr. ROHRABACHER, Mrs. VUCANOVICH, Mr. PETERSON of Minnesota, Mr. LIPINSKI, Mr. SANDERS, Mr. MCHALE, Mr. BACHUS, Ms. PRYCE, Mr. WISE, Mr. HINCHEY, Mr. GUNDERSON, Mr. BLUTE, Mr. CASTLE, Mr. DICKEY, Mr. TALENT, Mr. BAESLER, Mr. ROEMER, Mr. HEFNER, Mr. EMERSON, and Mr. BARRETT of Nebraska):

H.R. 52. A bill to amend the Internal Revenue Code of 1986 to restore the 25 percent deduction for the health insurance costs of self-employed individuals for 1994 and to provide a 100 percent deduction for such costs beginning in 1995; to the Committee on Ways and Means.

By Mr. DOOLEY (for himself, Mr. EMERSON, and Mr. HERGER):

H.R. 53. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides; to the Committee on Agriculture.

By Mr. DOOLEY (for himself and Mr. POMBO):

H.R. 54. A bill to amend the Consolidated Farm and Rural Development Act to provide greater access to credit for family farmers who grow specialty crops or operate in high land cost areas, and for other purposes; to the Committee on Agriculture.

By Mr. LEWIS of Georgia (for himself, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. OWENS, Ms. PELOSI, Ms. NORTON, Mr. KENNEDY of Massachusetts, Mr. MORAN, Mr. OBERSTAR, Mr.

MFUME, Mr. FLAKE, Mr. ACKERMAN, Mr. ROMERO-BARCELÓ, Mr. TOWNS, Mr. HALL of Ohio, Mr. GONZALEZ, and Mr. MINETA):

H.R. 55. A bill to protect voting rights of homeless citizens; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. ZIMMER, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. BUNNING, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. HANCOCK, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON, Ms. DUNN, Ms. COLLINS of Georgia, Mr. PORTMAN, Mr. ENGLISH, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. BLILEY, Mr. EMERSON, Mr. GREENWOOD, Mr. CANADY, Mr. LATHAM, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. SAXTON, Mr. MCINTOSH, Mr. ROYCE, Mr. LIVINGSTON, Mr. FRISA, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. BARTLETT of Maryland, Mr. HUTCHINSON, Mr. BAKER of California, Mr. CUNNINGHAM, Mr. QUILLEN, Mr. ALLARD, Mr. SMITH of Texas, Mr. ROHRABACHER, Mr. BACHUS, Ms. PRYCE, Mr. BLUTE, Mr. FORBES, Mr. GALLEGLY, Mr. DORNAN, Mr. COX, and Mr. LEACH):

H.R. 56. A bill to amend the Internal Revenue Code of 1986 to provide all taxpayers with a 50 percent deduction for capital gains, to index the basis of certain capital assets, and to allow the capital loss deduction for losses on the sale or exchange of an individual's principal residence; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 57. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion under section 911 of such Code; to the Committee on Ways and Means.

By Mr. BAKER of Louisiana (for himself and Mr. HAYES):

H.R. 58. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon small businesses, the private sector, and State and local governments, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for considerations of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARCIA of Michigan (for himself, Mr. BREWSTER, and Mr. CAMP):

H.R. 59. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.R. 60. A bill to provide that compliance by the States with the National Voter Registration Act of 1993 shall be voluntary; to the Committee on House Oversight.

H.R. 61. A bill to abolish the ex officio positions on the Federal Election Commission; to the Committee on House Oversight.

H.R. 62. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credit to an amount equivalent to a $1,200,000 exemption; to the Committee on Ways and Means.

H.R. 63. A bill to prohibit the admission to the United States as refugees of individuals who served in the armed forces of Iraq during the Persian conflict; to the Committee on the Judiciary.

H.R. 64. A bill to amend title 28, United States Code, to provide that a reasonable attorney's fee shall be awarded as a part of the cost to prevailing defendants in Federal civil actions; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself and Mr. TEJEDA):

H.R. 65. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on National Security.

By Mr. BEREUTER:

H.R. 66. A bill to amend the Housing Act of 1949 to authorize the Secretary of Agriculture to guarantee the repayment of loans made by private lenders for the development costs of multifamily rural rental housing for low- and moderate-income families in rural areas; to the Committee on Banking and Financial Services.

H.R. 67. A bill to extend the Conservation Reserve Program for 10 years and the Wetlands Reserve Program for 5 years to protect vulnerable soil and water resources by facilitating the transition of our Nation's most environmentally sensitive land to conservation uses by enabling farmers to meet conservation compliance requirements through the early withdrawal, modification, re-enrollment, or enrollment of lands in the conservation reserve; to best achieve such conservation purposes with sharply limited resources by permitting the Secretary of Agriculture to negotiate reduced annual rental payments in exchange for granting farmers increased flexibility to withdraw, enroll, or re-enroll parts of land parcels in the Conservation Reserve Program and for permitting limited uses on lands enrolled in the conservation reserve, to permit the transfer of crop bases among owners upon the expiration of enrollment; and to authorize the establishment of demonstration projects; to the Committee on Agriculture.

By Mr. BEREUTER (for himself and Mr. COMBEST):

H.R. 68. A bill to amend the Fair Credit Reporting Act to provide for disclosures by consumers reporting agencies to the Federal Bureau of Investigation for counterintelligence purposes; to the Committee on Banking and Financial Services.

By Mr. BEREUTER:

H.R. 69. A bill to amend section 424 of the Housing and Community Development Act of 1987 to modify the requirements for minimum property standards regarding individual residential water purification and treatment units for properties subject to mortgages insured under the Single-family Housing Mortgage Insurance Program; to the Committee on Banking and Financial Services.

By Mr. THOMAS (for himself, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. DOOLEY, Mr. GALLEGLY, and Mr. ARCHER):

H.R. 70. A bill to permit exports of certain domestically produced crude oil, and for other purposes; to the Committee on Resources, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself, Mr. BLUTE, Mr. BOEHNER, Mr. INGLIS of South Carolina, Mr. PORTMAN, Mr. ROBERTS, and Mr. HORN):

H.R. 71. A bill to reduce the official mail allowance of Members of the House and to prohibit certain other mailing practices, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself and Mr. JOHNSTON of Florida):

H.R. 72. A bill imposing certain restriction and requirements on the leasing under the Outer Continental Shelf Lands Act of lands offshore Florida, and for other purposes; to the Committee on Resources.

H.R. 73. A bill to protect the ecologically fragile coastal resources of south Florida by prohibiting offshore oil and gas activities and by canceling Federal leases in the area of the Outer Continental Shelf adjacent to the south Florida coast; to the Committee on Resources.

By Mr. GOSS:

H.R. 74. A bill to amend the Marine Mammal Protection Act of 1972 to provide for State disapproval of issuance of permits for the taking of marine mammals in protected State waters; to the Committee on Resources.

H.R. 75. A bill to prohibit travel by Members, officers, and employees of the House of Representatives at lobbyist expense; to the Committee on House Oversight.

By Mr. BARRETT of Wisconsin (for himself and Mr. BROWDER):

H.R. 76. A bill to amend the Internal Revenue Code of 1986 to provide a 1-year extension of the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself), Mr. SHAYS, Mr. STUMP, Mr. MCHUGH, Mr. INGLIS of South Carolina, Mr. CANADY, Mr. SENSEBRENNER, Mr. FOLEY, Mr. BAKER of California, Mr. WALSH, Ms. HARMAN, Mr. GOSS, Mr. DICKEY, Ms. DUNN, Mr. MCCOLLUM, Mr. GILCHREST, Mr. ROBERTS, Mr. ROHRABACHER, Mr. HANCOCK, Mr. ISTOOK, Mr. KNOLLENBERG, Mr. CASTLE, Mrs. MEYERS of Kansas, Mr. HORN, Mr. GOODLATTE, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. SPENCE, Mr. SCHIFF, Mr. DOOLITTLE, Mr. BAKER of Louisiana, Mr. CHRYSLER, Mr. BACHUS, Mr. CRAPO, Mr. GEKAS, Mr. PORTMAN, Mr. TORKILDSEN, Mr. KIM, Mr. GREENWOOD, Mr. HEINEMAN, and Mr. COX):

H.R. 77. A bill to permit Members of the House of Representatives to use their unspent official allowances for reduction of the national debt; to the Committee on House Oversight.

By Mr. BARTLETT of Maryland (for himself, Mr. BARTON of Texas, Mr. DUNCAN, Mr. CRANE, Mr. EMERSON, Mr. SOLOMON, Mr. CONDIT, Mr. COBLE, Mr. BURTON of Indiana, Mr. HUNTER, Mr. CALLAHAN, Mr. DORNAN, Mr. CRAPO, Mr. COMBEST, Mr. CUNNINGHAM, Mr. MOORHEAD, Mr. CALVERT, Mr. GEKAS, Mr. BREWSTER, Mr. HALL of Texas, Mr. QUILLEN, Mr. BOUCHER, Mr. SAM JOHNSON, Mr. ROYCE, Mr. BARCIA of Michigan, Mr. YOUNG of Alaska, Mr. HAYES, Mr. SKEEN, Mr. DOOLITTLE, Mr. STUMP, Mr. HUTCHINSON, Mr. PACKARD, Mr. COLLINS of Georgia, Mr. CHRYSLER, and Mr. SCHAEFER):

H.R. 78. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 79. A bill to require the Secretary of the Treasury to mint coins in commemoration of Associate Justice Thurgood Marshall; to the Committee on Banking and Financial Services.

By Mr. KANJORSKI (for himself and Mr. HINCHEY):

H.R. 80. A bill to foster economic growth, create new employment opportunities, and strengthen the industrial base of the United States by providing credit for businesses and by facilitating the transfer and commercialization of government-owned patents, licenses, process, and technologies, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Science, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART:

H.R. 81. A bill to oppose Cuba's admission as a member of international financial institutions; to the Committee on Banking and Financial Services.

H.R. 82. A bill to deny visas to aliens involved with the foreign expropriation of property of U.S. Persons; to the Committee on the Judiciary.

H.R. 83. A bill to provide for the withholding of contributions to certain organizations that assist Iraq, Iran, Libya, and Cuba; to the Committee on Banking and Financial Services.

H.R. 84. A bill to prohibit the importation into the United States of sugar from countries that import sugar from Cuba; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 85. A bill to provide for greater disclosure of and accountability for Federal Government travel; to the Committee on Government Reform Oversight, and in addition to the Committees on House Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 86. A bill to establish a Commission to examine the costs and benefits, and the impact on voter turnout, of changing the deadline for filing Federal income tax returns to the date on which Federal elections are held; to the Committee on Ways and Means.

H.R. 87. A bill to establish the Department of Energy Laboratory Facilities Commission, and for other purposes; to the Committee on Science, and in addition to the Committees on National Security, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 88. A bill to amend the Internal Revenue Code of 1986 to enhance tax equity and fairness by imposing an alternative minimum tax on corporations importing products into the United States at artificially inflated prices; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 89. A bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from sale of farm assets into an individual retirement account; to the Committee on Ways and Means.

H.R. 90. A bill to appropriate 2 percent of Federal individual income tax revenues to the States to fight crime; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 91. A bill to prohibit acquisitions of land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding fiscal year; to the Committee on Resources.

H.R. 92. A bill to amend the Internal Revenue Code of 1986 to allow certain corporations and certain trusts to be shareholders of subchapter S corporations; to the Committee on Ways and Means.

H.R. 93. A bill to provide that the prevailing party in a tort action is entitled to recover attorneys' fees from the nonprevailing party; to the Committee on the Judiciary.

By Mr. BATEMAN:

H.R. 94. A bill entitled "The Volunteer Firefighter and Rescue Squad Worker Protection Act"; to the Committee on Economic and Educational Opportunities.

By Mrs. KENNELLY (for herself, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. ESHOO, Ms. NORTON, Mr. EVANS, Mr. MEEHAN, Mr. FILNER, Mr. SERRANO, Mr. SHAYS, Mr. KLINK, Mrs. MEEK of Florida, and Mr. NEAL):

H.R. 95. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Government Reform and Oversight, National Security, International Relations, the Judiciary, Banking and Financial Services, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KENNELLY (for herself, Mrs. MORELLA, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. MINETA, Ms. PELOSI, Mr. MATSUI, Mr. STARK, Mr. ABERCROMBIE, Mr. BERMAN, and Mr. REYNOLDS):

H.R. 96. A bill to amend section 1977A of the revised statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on the Judiciary.

By Mrs. KENNELLY:

H.R. 97. A bill to establish a rapid deployment force; to the Committee on the Judiciary.

By Mrs. KENNELLY (for herself, Mr. SHAYS, Mr. GEJDENSON, Ms. DELAURO, and Mrs. JOHNSON of Connecticut):

H.R. 98. A bill to clarify the tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Ways and Means.

By Mrs. KENNELLY (for herself, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. MCDERMOTT, Mr. CARDIN, Mr. GOSS, Mr. JEFFERSON, Mr. DEUTSCH, Ms. NORTON, Mr. SERRANO, Mr. OWENS, Mr. FALEOMAVAEGA, Ms. LOWEY, Mr. MILLER of California, Mr. SMITH of New Jersey, and Mr. STUDDS):

H.R. 99. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of accelerated death benefits under life insurance contracts; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 100. A bill to authorize appropriations for fiscal years 1996 and 1997 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and Museum Service Act; to the Committee on Economic and Educational Opportunities.

By Mr. RICHARDSON:

H.R. 101. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Resources.

By Mr. BILIRAKIS:

H.R. 102. A bill to amend the Solid Waste Disposal Act to exempt pesticide rinse water degradation systems from subtitle C permit requirements; to the Committee on Commerce.

H.R. 103. A bill to amend title 5, United States Code, to provide that the Civil Service retirement and disability fund be excluded from the budget of the U.S. Government; to the Committee on Government Reform and Oversight.

H.R. 104. A bill to prohibit the provision of financial assistance from the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligations; to the Committee on Government Reform and Oversight.

H.R. 105. A bill to amend the Act of September 30, 1961, to exclude professional baseball from the antitrust exemption applicable to certain television contracts; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. JACOBS, Mr. BUNNING, and Mr. OWENS):

H.R. 106. A bill to provide that professional baseball teams, and leagues composed of such teams, shall be subject to the antitrust laws; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 107. A bill to provide benefits under the survivor benefit plan to surviving spouses of certain members of the Armed Forces retired before September 21, 1972; to the Committee on National Security.

H.R. 108. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; to the Committee on Rules, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 109. A bill to amend title 38, United States Code, to provide that the effective date for discontinuance of compensation and pension paid by the Secretary of Veterans Affairs shall be the date on which the recipient dies, rather than the last day of the preceding month, in the case of a veteran with a surviving spouse, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 110. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. MFUME:

H.R. 111. A bill to amend the Small Business Act to make modifications to the small business and capital ownership development program, and for other purposes; to the Committee on Small Business.

H.R. 112. A bill to amend section 223 of the Communications Act of 1934 to prevent the harassment by computer modem or other electronic device; to the Committee on Commerce.

H.R. 113. A bill to require automobile insurance insurers to provide rate setting information and for other purposes; to the Committee on Commerce.

H.R. 114. A bill to establish a Minority Business Development Administration in the

Department of Commerce, to clarify the relationship between such Administration and the Small Business Administration, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 115. A bill to amend the Internal Revenue Code of 1986 to clarify the deduction for business use of the home; to the Committee on Ways and Means.

By Mr. BILBRAY:

H.R. 116. A bill to limit State authority to regulate certain activities on vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUTE (for himself, Mr. BACHUS, Mr. BEREUTER, Mr. CANADY, Mr. FRANKS of Connecticut, Mr. HANCOCK, Mr. HERGER, Mr. HUTCHINSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. KLUG, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. MCHUGH, Mr. PETRI, Mr. QUINN, and Mr. ROYCE):

H.R. 117. A bill to amend the United States Housing Act of 1937 to prevent persons having drug or alcohol use problems from occupying dwelling units in public housing projects designated for occupancy of elderly families, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BLUTE:

H.R. 118. A bill to eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with police officers; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Agriculture, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRYANT of Texas:

H.R. 119. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING (for himself and Mr. BILIRAKIS):

H.R. 120. A bill to apply the antitrust laws of the United States to major league baseball; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 121. A bill to amend title 18, United States Code, to specify the use of computers in or affecting commerce as a basis for Federal prosecution of certain obscenity offenses; to the Committee on the Judiciary.

By Mr. CHAPMAN:

H.R. 122. A bill to establish the Regulatory Sunset Commission to review regulations of executive agencies, and to provide for the automatic termination of regulations that are not authorized by the Commission to continue in effect; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMERSON (for himself, Mr. BARR, Mr. WAMP, Mr. DORNAN, Mr. HANSEN, Mr. GUTKNECHT, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. KINGSTON, Mr. STUMP, Mr. EHLERS, Mr. BUNNING, Mr. CALVERT, Mr. MONTGOMERY, Mr. ARCHER, Mr. DICKEY, Mr. RAMSTAD, Mr. LIVINGSTON, Mr. BEVILL, Mr. FAWELL, Mr. CLINGER, Mr. KING, Mr. CANADY, Mr. PORTER, Mr. LINDER, Mr. REGULA, Mr. PACKARD, Mr. HUTCHINSON, Mrs. MEYERS of Kansas, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. TALENT, Mr. HANCOCK, Mr. SOLOMON, Mr. PETRI, Mr. BALLENGER, Mr. BACHUS, and Mrs. FOWLER):

H.R. 123. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Economic and Educational Opportunities.

By Mr. EMERSON:

H.R. 124. A bill to amend the Internal Revenue Code of 1986 to allow a credit to employers for the cost of providing English language training to their employees; to the Committee on Ways and Means.

By Mr. CHAPMAN (for himself, Mr. BARTLETT of Maryland, Mr. BOUCHER, Mr. BREWSTER, Mr. CANADY, Mr. PETE GEREN of Texas, Mr. GORDON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HAYES, Mr. HOLDEN, Mr. KLINK, Mr. LAUGHLIN, Mr. MONTGOMERY, Mr. SHUSTER, Mr. SKELTON, Mr. SOLOMON, Mr. TALENT, Mr. TAUZIN, Mr. VOLKMER, Mr. WISE, Mr. YOUNG of Alaska, Mr. MOLLOHAN, Mr. MURTHA, Mr. COSTELLO, Mr. STENHOLM, Mr. DELAY, Mr. STUMP, Mr. EMERSON, Mr. BAKER of Louisiana, Mr. MCCRERY, Mr. HANCOCK, Mr. SAM JOHNSON of Texas, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. MCCOLLUM, and Mr. RAHALL):

H.R. 125. A bill to repeal the ban on semiautomatic assault weapons and the ban on large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 126. A bill to repeal the provision of law under which pay for Members of Congress is automatically adjusted; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. SHAW, Mr. CAMP, and Mr. RANGEL):

H.R. 127. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. CRANE, Mr. CUNNINGHAM, Mr. MCINTOSH, and Mr. ROYCE):

H.R. 128. A bill to give the President legislative, line-item veto authority over budget authority in appropriations bills in fiscal years 1996 and 1997; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 129. A bill to repeal the provision of law under which pay for Members of Congress is automatically adjusted; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 130. A bill to ensure that Federal agencies establish the appropriate procedures for assessing whether or not Federal regulations might result in the taking of private property, and to direct the Secretary of Agriculture to report to the Congress with respect to such takings under programs of the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 131. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit for lower-income working parents, and for other purposes; to the Committee on Ways and Means.

H.R. 132. A bill to amend the Internal Revenue Code of 1986 to provide a refundable income credit for the recycling of hazardous wastes; to the Committee on Ways and Means.

H.R. 133. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Ways and Means.

H.R. 134. A bill to suspend Federal education benefits to individuals convicted of drug offenses; to the Committee on Economic and Educational Opportunities.

H.R. 135. A bill to prohibit a federally sponsored research pertaining to the legalization of drugs; to the Committee on Government Reform and Oversight.

H.R. 136. A bill to require random drug testing within the executive branch of the Government; to the Committee on Government Reform and Oversight.

H.R. 137. A bill to increase opportunities for veterans with service-connected disabilities to participate in Department of Defense procurement actions; to the Committee on National Security.

H.R. 138. A bill to amend the Controlled Substances Act to require that courts, upon the criminal conviction under that act, notify the employer of the convicted person; to the Committee on the Judiciary.

H.R. 139. A bill to prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor; to the Committee on Ways and Means.

H.R. 140. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Resources.

H.R. 141. A bill to amend the Anti-Drug Abuse Act of 1988 to eliminate the discretion of the court in connection with the denial of certain Federal benefits upon conviction of certain drug offenses; to the Committee on the Judiciary.

H.R. 142. A bill to amend title 10, United States Code, to prohibit any Federal grant or contract from being awarded to any educational institution that does not allow the Secretary of Defense to have access to students on campuses or to obtain certain student information for recruiting purposes; to the Committee on National Security, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 143. A bill to require preemployment drug testing with respect to applicants for Federal employment; to the Committee on Government Reform and Oversight.

H.R. 144. A bill to establish a task force to recommend a uniform strategy to protect women against violent crime; to the Committee on the Judiciary.

H.R. 145. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 146. A bill to impose mandatory sentences for violent felonies committed against individuals of age 65 or over, and for other purposes; to the Committee on the Judiciary.

H.R. 147. A bill to amend title 18, United States Code, to modify the death penalty for drug kingpins; to the Committee on the Judiciary.

H.R. 148. A bill to require random drug testing of Federal legislative branch officers and employees; to the Committee on House Oversight.

H.R. 149. A bill to prohibit the export of satellites intended for launch from launch vehicles owned by the People's Republic of China; to the Committee on International Relations.

H.R. 150. A bill to prohibit the importation of foreign-made flags of the United States of America; to the Committee on Ways and Means.

H.R. 151. A bill to amend chapter 15 of title 5, United States Code, to eliminate the provision prohibiting certain State and local employees from seeking elective office; to the Committee on Government Reform and Oversight.

H.R. 152. A bill to prohibit retroactive income taxation; to the Committee on Ways and Means.

H.R. 153. A bill to amend the Public Health Service Act to establish Federal standards to ensure quality assurance of drug testing programs, and for other purposes; to the Committee on Commerce.

H.R. 154. A bill to amend title 18, United States Code, to provide the penalty of death for certain murders of State and local correctional officers by incarcerated persons, and for other purposes; to the Committee on the Judiciary.

H.R. 155. A bill to increase opportunities for veterans held as prisoners-of-war during the Vietnam era to participate in Department of Defense procurement actions; to the Committee on National Security.

H.R. 156. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

H.R. 157. A bill to amend the Internal Revenue Code of 1986 to restore the prior law exclusion for scholarships and fellowships and to restore the deduction for interest on education loans; to the Committee on Ways and Means.

H.R. 158. A bill to amend the Internal Revenue Code of 1986 to allow health insurance premiums to be fully deductible to the extent not in excess of $3,000; to the Committee on Ways and Means.

H.R. 159. A bill to amend the Internal Revenue Code of 1986 to provide that tax-exempt interest shall not be taken into account in determining the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

H.R. 160. A bill to require random drug testing of Federal judicial branch officers and employees; to the Committee on the Judiciary.

H.R. 161. A bill to discourage States and local governments from providing general welfare assistance to able-bodied individuals unless such individuals are participating in workfare programs; to the Committee on Ways and Means.

H.R. 162. A bill to amend the Higher Education Act of 1965 to prevent double counting of income in the conduct of needs analysis for student assistance under that Act; to the Committee on Economic and Educational Opportunities.

H.R. 163. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

H.R. 164. A bill to amend titles II and XVIII of the Social Security Act to ensure the integrity of the Social Security trust funds by reconstituting the Boards of Trustees of such trust funds by and the Managing Trustee of such trust funds to increase their independence, by providing for annual investment plans to guide investment of amounts in such trust funds, and by removing unnecessary restrictions on investment and disinvestment of amounts in such trust funds; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 165. A bill to make Members of Congress ineligible to participate in the Federal Employees' Retirement System; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois:

H.R. 166. A bill to amend title XVIII of the Social Security Act to provide payment for dental services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 167. A bill to require the Secretary of Housing and Urban Development to provide assistance for emergency repairs in lower income housing projects operated by the Chicago Housing Authority; to the Committee on Banking and Financial Services.

H.R. 168. A bill to amend title XIX of the Social Security Act with respect to requiring State plans for appropriately responding to the closing of hospitals, and for other purposes; to the Committee on Commerce.

H.R. 169. A bill to provide for the mandatory registration of handguns; to the Committee on the Judiciary.

H.R. 170. A bill to require the Secretary of Housing and Urban Development to establish energy conservation standards for public housing projects and to carry out a program to demonstrate the effectiveness of energy conservation measures in public housing projects; to the Committee on Banking and Financial Services.

H.R. 171. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once the retailer marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Commerce.

H.R. 172. A bill to authorize the Secretary of Health and Human Services to fund adolescent health demonstration projects; to the Committee on Commerce.

H.R. 173. A bill to amend title XIX of the Social Security Act to require State Medicaid Programs to provide coverage of screening mammography and screening pap smears; to the Committee on Commerce.

H.R. 174. A bill to provide for the manufacturer, importer, or dealer of a handgun or an assault weapon to be held strictly liable for damages that result from the use of the handgun or assault weapon; to the Committee on the Judiciary.

H.R. 175. A bill to prohibit rental car companies from imposing liability on renters with certain exceptions, to prohibit such companies from selling collision damage waivers in connection with private passenger automobile rental agreements of not more than 30 days, and for other purposes; to the Committee on Commerce.

H.R. 176. A bill to provide for disclosures for insurance in interstate commerce; to the Committee on Commerce.

H.R. 177. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to continue and improve efforts to promote diversity in media ownership, management, and programming, and for other purposes; to the Committee on Commerce.

H.R. 178. A bill to provide that funds appropriated to the Department of Defense may not be used to purchase articles of packaged food not packaged in the United States or its possessions; to the Committee on National Security.

H.R. 179. A bill to require the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs to submit to the Congress a joint report addressing the question of United States Government responsibility for providing benefits and services to disabled individuals who served with certain voluntary organizations that provided significant assistance to the armed forces of the United States stationed in the Republic of Vietnam during the Vietnam era; to the Committee on National Security.

H.R. 180. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Commerce.

H.R. 181. A bill to improve coordination in the formulation of telecommunications policy within the executive branch, and for other purposes; to the Committee on Commerce.

H.R. 182. A bill to provide for disclosures for insurance to interstate commerce; to the Committee on Commerce.

H.R. 183. A bill to amend the Truth in Lending Act to require lenders to post current interest rates charged for various categories of loans to consumers; to the Committee on Banking and Financial Services.

H.R. 184. A bill to amend the privacy provisions of title 5, United States Code, to improve the protection of individual information and to reestablish a permanent Privacy

Protection Commission as an independent entity in the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight.

H.R. 185. A bill to amend the Communications Act of 1934 to establish procedures for the discontinuance of mobile radio services to persons engaged in drug trafficking, and for other purposes; to the Committee on Commerce.

H.R. 186. A bill to amend the Internal Revenue Code of 1986 to facilitate the rehabilitation of public housing using the low-income housing credit; to the Committee on Ways and Means.

H.R. 187. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules to lower market entry barriers for small business, business concerns owned by women and members of minority groups, and nonprofit entities that are seeking to provide telecommunication services and information services; to the Committee on Commerce.

H.R. 188. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare Program for services of registered nurses as assistants at surgery; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 189. A bill to amend the Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for the recycling and management of used oil and to reduce emissions of lead into the ambient air, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 190. A bill to strengthen the authority of the Equal Employment Opportunity Commission to enforce nondiscrimination policies in Federal employment; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 191. A bill to amend part A of title IV of the Social Security Act to deny benefits under the program of aid to families with dependent children with respect to any child who has not received preventive health care or been immunized in accordance with recommendations issued by the Surgeon General of the Public Health Service, and to amend the Child Care and Development Block Grant Act to require that child care providers that receive assistance, directly or indirectly, under such act require all children to be immunized in accordance with such recommendations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 192. A bill to amend the title IV of Stewart B. McKinney Homeless Assistance Act to require operators of emergency shelters and transitional housing assisted under such title to determine the immunization status of children under the age of 6 occupying such housing; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA (for herself and Ms. KAPTUR):

H.R. 193. A bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes; to the Committee on Commerce.

By Mrs. ROUKEMA:

H.R. 194. A bill to direct the Secretary of the Interior to make matching contributions toward the purchase of the Sterling Forest in the State of New York, and for other purposes; to the Committee on Resources.

H.R. 195. A bill entitled "Interstate Child Support Enforcement Act"; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Banking and Financial Services, National Security, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 196. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concern.

By Mr. SMITH of Michigan (for himself and Mr. EHLERS):

H.R. 197. A bill to encourage the use of remote sensing to promote better agricultural management in the United States; to the Committee on Agriculture, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself, Mr. HANCOCK, Mr. HOEKSTRA, Mr. BAKER of Louisiana, Mr. SANDERS, Mr. HAYES, Mr. STENHOLM, and Mr. DORNAN):

H.R. 198. A bill to amend title XII of the Food Security Act of 1985 to permit the conversion of wetlands that are 1 acre or less in size; to the Committee on Agriculture.

By Mr. SMITH of Michigan (for himself, Mr. BLUTE, Mr. CUNNINGHAM, Mr. EVERETT, Mr. ISTOOK, Mr. KASICH, Mr. KNOLLENBERG, Mr. LINDER, Mr. MANZULLO, and Mr. CHRYSLER):

H.R. 199. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis, and for other purposes; to the Committee on Ways and Means.

By Mr. UPTON (for himself and Mr. TAUZIN):

H.R. 200. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 201. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Ways and Means.

By Mr. COLEMAN (for himself and Mr. RICHARDSON):

H.R. 202. A bill to direct the Secretary of Transportation to carry out a demonstration project to establish a highway corridor from Chihuahua, Mexico, through El Paso, TX, to Denver, CO; to the Committee on Transportation and Infrastructure.

By Mr. CONDIT:

H.R. 203. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture.

H.R. 204. A bill to require the President to submit to the Congress each year an integrated justification for United States foreign assistance programs, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Agriculture, Banking and Financial Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT (for himself, Mrs. THURMAN, Mr. CUNNINGHAM, and Mr. CANADY):

H.R. 205. A bill to require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating criminal aliens; to the Committee on the Judiciary.

By Mr. CONDIT:

H.R. 206. A bill to amend title 10, United States Code, to provide that persons retiring from the Armed Forces shall be entitled to all benefits which were promised them when they entered the Armed Forces; to the Committee on National Security.

By Mr. COX:

H.R. 207. A bill to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes; to the Committee on Resources.

By Mr. CRANE (for himself, Mr. CANADY, Mr. COMBEST, Mr. DORNAN, Mr. HANCOCK, Mr. HUNTER, Mr. ISTOOK, Mr. ROYCE, Mr. SOLOMON, and Mr. STUMP):

H.R. 208. A bill to repeal the statutory authority for the Corporation for Public Broadcasting; to the Committee on Commerce.

By Mr. CRANE:

H.R. 209. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to abolish the National Endowment for the Arts and National Council on the Arts; to the Committee on Economic and Educational Opportunities.

H.R. 210. A bill to provide for the privatization of the United States Postal Service; to the Committee on Government Reform and Oversight.

H.R. 211. A bill to limit United States contributions to the United Nations; to the Committee on International Relations.

H.R. 212. A bill to amend title 28, United States Code, to clarify the remedial jurisdictional relating to taxes of inferior Federal courts; to the Committee on the Judiciary.

H.R. 213. A bill to amend the Internal Revenue code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets, and for other purposes; to the Committee on Ways and Means.

H.R. 214. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, to provide amnesty for all tax liability for prior taxable years, and for other purposes; to the Committee on Ways and Means.

By Mr. CRAPO (for himself, Mr. ROYCE, Mr. CANADY, Mr. MANZULLO, Mr. HUTCHINSON, Mr. ISTOOK, Mr. HOEKSTRA, Mr. ENGLISH of Pennsylvania, Mr. CHABOT, Mr. HANSEN, Mr. DORNAN, Mr. KNOLLENBERG, Mr. STUMP, Mr. GOSS, Mr. INGLIS of South Carolina, Mr. BAKER of California, Mr. COLLINS of Georgia, Mr. BAKER of Louisiana, Mr. SAM JOHNSON of Texas, Mr. GREENWOOD, Mr. TALENT, Mrs. CHENOWETH, Mr. HASTERT, Mr. BACHUS, Mr. KIM, and Mr. SCHAEFER):

H.R. 215. A bill to reform the House of Representatives, and for other purposes; to the Committee on Rules, and in addition to the Committees on the Budget, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM:

H.R. 216. A bill to provide that certain new Federal programs shall terminate no later than 5 years after the date of enactment of the law that establishes the programs; to the Committee on Government Reform and Oversight.

H.R. 217. A bill to establish a Second National Blue Ribbon Commission to Eliminate Waste in Government; to the Committee on Government Reform and Oversight.

By Mr. CUNNINGHAM (for himself, Mr. HALL of Texas, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BREWSTER, Mr. CALVERT, Mr. CONDIT, Mr. CRANE, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. HOLDEN, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. LEWIS of California, Mr. PACKARD, Mr. PAXON, Mr. PORTMAN, Mr. SCHAEFER, and Mr. SOLOMON):

H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 219. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf of the State of California, and for other purposes; to the Committee on Resources.

H.R. 220. A bill to amend title IV of the Social Security Act to deny aid to families with dependent children to certain individuals for any week in which the individuals work or attend courses at an educational institution for fewer than 30 hours; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself, Mr. LANTOS, Mr. MEEHAN, and Mr. PALLONE):

H.R. 221. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of polymer plastic ammunition; to the Committee on the Judiciary.

By Mr. DICKEY:

H.R. 222. A bill to prohibit the Secretary of Health and Human Services from finding that a State medicaid plan is not in compliance with title XIX of the Social Security Act solely on the grounds that the plan does not cover abortions for pregnancies resulting from an act of rape or incest if coverage for such abortions is inconsistent with State law; to the Committee on Commerce.

H.R. 223. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions by nonparty multicandidate political committees; to the Committee on House Oversight.

By Mr. DICKEY (for himself and Mr. SHAYS):

H.R. 224. A bill to eliminate fraud in the payment of supplemental security income benefits to children by reason of disability; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 225. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Commerce.

H.R. 226. A bill to amend the Safe Drinking Water Act to assure the safety of public water systems; to the Committee on Commerce.

H.R. 227. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Commerce.

By Mr. DINGELL (for himself and Mr. MINETA):

H.R. 228. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DORNAN:

H.R. 229. A bill to impose certain requirements on medical malpractice liability claims; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DORNAN (for himself, Mr. SMITH of New Jersey, and Mr. HYDE):

H.R. 230. A bill to amend title 18, United States Code, to prevent the misuse of certain antiracketeering laws; to the Committee on the Judiciary.

By Mr. DORNAN:

H.R. 231. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for medical expenses incurred for an abortion; to the Committee on Ways and Means.

H.R. 232. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for dividends paid by domestic corporations; to the Committee on Ways and Means.

H.R. 233. A bill to amend the Internal Revenue Code of 1986 to remove the limitation on the deductibility of capital losses; to the Committee on Ways and Means.

By Mr. EHLERS:

H.R. 234. A bill to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft while intoxicated; to the Committee on the Judiciary.

H.R. 235. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mr. EMERSON:

H.R. 236. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements of vitamins, minerals, or vitamins and minerals; to the Committee on Agriculture.

H.R. 237. A bill to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered; to the Committee on Commerce.

By Mr. EMERSON (for himself, Mr. SKELTON, and Mr. HANCOCK):

H.R. 238. A bill to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit and removal of such horses; to the Committee on Resources

H.R. 239. A bill to rescind the fee required for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EMERSON:

H.R. 240. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 5-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

H.R. 241. A bill to amend the Internal Revenue Code of 1986 to expand the tax-exempt status of Christa McAuliffe Fellowships; to the Committee on Ways and Means.

H.R. 242. A bill to extend the retroactive period during which farm insolvency transactions are exempt from the prior law alternative minimum tax; to the Committee on Ways and Means.

H.R. 243. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained age 65, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. MANTON, Mr. KING, Mr. DELLUMS, Mr. MCNULTY, Mrs. ROUKEMA, Mr. ACKERMAN, Mrs. LOWEY, Mr. WALSH, Mr. CLAY, Mr. LIPINSKI, Mr. PAYNE of New Jersey, Mr. SERRANO, Mrs. MALONEY, Mrs. MORELLA, Mr. LAFALCE, Mr. BORSKI, Mr. TRAFICANT, and Mr. OWENS):

H.R. 244. A bill to require certain entities receiving United States funds from the International Fund for Ireland to comply with the MacBride Principles; to the Committee on International Relations.

By Mr. ENGEL:

H.R. 245. A bill concerning paramilitary groups and British security forces in Northern Ireland; to the Committee on International Relations.

By Mr. FAWELL (for himself, Mr. BALLENGER, and Mr. BOEHNER):

H.R. 246. A bill to repeal the Service Contract Act of 1965; to the Committee on Economic and Educational Opportunities.

By Mr. FIELDS of Texas:

H.R. 247. A bill to amend the Merchant Marine Act, 1936, to authorize State maritime academies to reimburse qualified individuals for fees imposed for the issuance of certain entry level merchant seamen licenses and merchant mariners' documents, and for other purposes; to the Committee on National Security.

By Mr. GREENWOOD (for himself and Mr. PALLONE):

H.R. 248. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to the Committee on Commerce.

By Mr. GREENWOOD:

H.R. 249. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of drugs approved by the Food and Drug Administration for the treatment of individuals with multiple sclerosis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 250. A bill to prohibit the possession or transfer of non-sporting handguns; to the Committee on the Judiciary.

H.R. 251. A bill to amend the Ethics Reform Act of 1989 to prevent any action to dissolve, diminish the scope of the mission of, or limit the activities of, the House Committee on Standards of Official Conduct during certain investigations; to the Committee on Rules.

By Mr. HAMILTON:

H.R. 252. A bill to improve the operations of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules, and in addition to the Committees on Government Reform and Oversight, House Oversight, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:

H.R. 253. A bill to amend the Act commonly referred to as the "Johnson Act" to limit the authority of States to regulate gambling devices on vessels; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida:

H.R. 254. A bill to amend title VII of the Civil Rights Act of 1964 with respect to establishing an unlawful employment practice based on disparate treatment; to the Committee on Economic and Educational Opportunities.

By Mr. HASTINGS of Florida (for himself and Mrs. MEEK of Florida):

H.R. 255. A bill to designate the Federal Justice Building in Miami, FL, as the "James Lawrence King Federal Justice Building"; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.R. 256. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; to the Committee on National Security, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 257. A bill to establish certain requirements relating to the transfer or disposal of public lands managed by the Bureau of Land Management, and for other purposes; to the Committee on Resources.

H.R. 258. A bill to establish a non-Federal, for-profit Launch Services Corporation for providing space launch service to the Federal Government and other domestic and foreign customers, and for other purposes; to the Committee on Science.

By Mr. HEFLEY (for himself, Mr. MILLER of Florida, Mr. RANGEL, Mr. BARTON of Texas, Mr. COMBEST, and Mr. SCHAEFER):

H.R. 259. A bill to amend title 49, United States Code, to eliminate provisions of Federal law that provide special support for, or burdens on, the operation of Amtrak as a passenger rail carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself and Mr. VENTO):

H.R. 260. A bill to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 261. A bill to provide relief to State and local governments from Federal regulation; to the Committee on Government Reform and Oversight.

By Mr. INGLIS of South Carolina (for himself, Mr. SANFORD, and Mr. WAMP):

H.R. 262. A bill to amend the Federal Election Campaign Act of 1971 to prohibit multicandidate political committee contributions and expenditures in elections for Federal office; to the Committee on House Oversight.

By Mr. JACOBS:

H.R. 263. A bill to amend the Animal Welfare Act to require humane living conditions for calves raised for the production of veal; to the Committee on Agriculture.

H.R. 264. A bill to amend the Poultry Products Inspection Act to require the slaughter of poultry in accordance with humane methods; to the Committee on Agriculture.

H.R. 265. A bill to require manufacturers of motor vehicles to provide for dissemination to the public all vehicle warranty and repair information provided dealers; to the Committee on Commerce.

H.R. 266. A bill prohibiting the manufacture, sale, delivery, or importation of school buses that do not have seat belts, and for other purposes; to the Committee on Commerce.

H.R. 267. A bill to require that passenger vans shall be subject to the same Federal motor vehicle safety standards as are applicable to passenger motor vehicles; to the Committee on Commerce.

H.R. 268. A bill to amend the Higher Education Act of 1965 to qualify additional institutions for programs under part B of title III of that Act; to the Committee on Economic and Educational Opportunities.

H.R. 269. A bill to qualify Martin University of Indianapolis, Indiana, for participation in the program under part B of title III of the Higher Education Act of 1965; to the Committee on Economic and Educational Opportunities.

H.R. 270. A bill to make "America, the Beautiful" the national anthem of the United States of America; to the Committee on Government Reform and Oversight.

H.R. 271. A bill to amend title 5, United States Code, to eliminate the existing Federal employee bonus and incentive award programs and establish a program for incentive awards for Federal employees only for suggestions, inventions, or other personal efforts which cause a demonstrable monetary savings to the Government; to the Committee on Government Reform and Oversight.

H.R. 272. A bill to amend title 5, United States Code, to provide civil service retirement credit to a Federal employee for any period of service performed with the American Red Cross abroad during a period of war; to the Committee on Government Reform and Oversight.

H.R. 273. A bill to amend Public Law 85-745 to provide that a former President may not receive a monetary allowance thereunder except upon waiving the right to receive any other Government annuity or pension; to the Committee on Government Reform and Oversight.

H.R. 274. A bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of advertising and related expenses in campaigns for the House of Representatives and to prohibit contributions by multicandidate political committees to candidates who accept such financing; to the Committee on House Oversight.

H.R. 275. A bill to prohibit candidates for Congress from accepting multicandidate political committee contributions; to the Committee on House Oversight.

H.R. 276. A bill to prohibit candidates for Federal office from using campaign contributions for inherently personal purposes; to the Committee on House Oversight.

H.R. 277. A bill to require that any request by the President for a declaration of war include a cost/benefit statement, and to require that any declaration of war by the Congress include such a statement; to the Committee on International Relations.

H.R. 278. A bill to establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence; to the Committee on the Judiciary.

H.R. 279. A bill to categorize payments from lobbyists to, or on behalf of, Members of Congress as bribery under Federal criminal law; to the Committee on the Judiciary.

H.R. 280. A bill to amend title 38, United States Code, to permit the next of kin of a deceased veteran to designate the style of flag to be furnished at the burial of such veteran; to the Committee on Veterans' Affairs.

H.R. 281. A bill to amend the Internal Revenue Code of 1986 to reinstate the tax on interest received by foreigners on certain portfolio investments; to the Committee on Ways and Means.

H.R. 282. A bill to amend the Internal Revenue Code of 1986 to expand the types of equipment which may be acquired with tax-exempt financing by volunteer fire departments and to provide a comparable treatment for emergency medical service organizations; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 283. A bill to amend the Internal Revenue Code of 1986 to deny the business deduction for any amount paid or incurred for regularly scheduled air transportation to the extent such amount exceeds the normal tourist class fare for such transportation; to the Committee on Ways and Means.

H.R. 284. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations, and for other purpses; to the Committee on Ways and Means.

H.R. 285. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Ways and Means.

H.R. 286. A bill is prohibit States and localities from receiving certain Federal economic development assistance if the State or locality provides improper incentives for location of businesses or organizations within the State or locality; to the Committee on Banking and Financial Services, and in addition to the Committee on Transportation and Infractructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 287. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 288. A bill to enhance the availability of credit to businesses in order to foster economic growth and stabilization and to create new employment opportunities in communities facing economic distress, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 289. A bill to authorize civil actions for certain violations involving depository institutions; to the Committee on Banking and Financial Services.

H.R. 290. A bill to institute management reforms and eliminate conflicts-of-interest on boards of directors of depository institutions and depository holding companies, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 291. A bill to amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes; to the Committee on Commerce.

H.R. 292. A bill to improve the collection and dissemination of information relating to the price and supply of home heating fuel, natural gas, and automotive fuel, and for other purposes; to the Committee on Commerce.

H.R. 293. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such act between July 1, 1973, and April 1, 1980; to the Committee on Economic and Educational Opportunities.

H.R. 294. A bill to amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment; to the Committee on Government Reform and Oversight.

H.R. 295. A bill to extend the authority of the Secretary of the Treasury to enter into agreements with certain cities and counties for the withholding of city and county income and employment taxes from the pay of Federal employees who are residents of, or regularly employed in, such cities and counties; to the Committee on Government Reform and Oversight.

H.R. 296. A bill to reform campaign practices for elections to the House of Representatives by limiting contributions from political action committees, establishing tax credits for individual campaign contributions, providing matching funds for individual small contributions, limiting the use of personal funds in a campaign, offsetting independent expenditures, encouraging the use of longer campaign commercials, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 297. A bill to terminate all U.S. assistance to the National Endowment for Democracy, and for other purposes; to the Committee on International Relations.

H.R. 298. A bill to amend section 3056 in title 18, United States Code, to limit Secret Service protection of former Presidents when they are traveling to engage in income-producing activities; to the Committee on the Judiciary.

H.R. 299. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on National Security,

H.R. 300. A bill to reauthorize economic development programs under the Public Works and Economic Development Act of 1965 for fiscal years 1994 and 1995, to reenact the Public Works and Economic Development Act of 1965 as the Economic Development and Financing Act of 1994, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Banking and Financial Services, the Judiciary, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 301. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

H.R. 302. A bill relating to the period during which certain retail dealer occupational taxes may be assessed; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Mr. Tejeda):

H.R. 303. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. KIM (for himself, Mr. Hunter, Mr. Cox, Mr. Dornan, Mr. Doolittle, Mr. Packard, Mr. Calvert, Mr. Royce, Mr. Cunningham, and Mr. Dreier):

H.R. 304. A bill to amend the Clean Air Act to prohibit the Environmental Protection Agency from promulgating a Federal implementation plan prior to the disapproval of State implementation plan revisions required pursuant to the Clean Air Act Amendments of 1990, and for other purposes; to the Committee on Commerce.

By Mr. KING (for himself and Mr. Kennedy of Massachusetts):

H.R. 305. A bill to amend title 18, United States Code, to include peonage and slavery offenses as RICO predicates; to the Committee on the Judiciary.

By Mr. KING:

H.R. 306. A bill to modify the project for navigation, Jones Inlet, NY; to the Committee on Transportation and Infrastructure.

By Mr. KLINK:

H.R. 307. A bill to modify certain regulatory requirements of the Environmental Protection Agency regarding motor vehicle inspection and maintenance, and for other purposes; to the Committee on Commerce.

H.R. 308. A bill to provide for the conveyance of certain lands and improvements in Hopewell Township, PA, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development; to the Committee on Transportation and Infrastructure.

H.R. 309. A bill to require the Congress to comply with the laws which it requires others to comply with; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on House Oversight, Government Reform and Oversight, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisidiction of the committee concerned.

By Mr. KLUG:

H.R. 310. A bill to provide for the privatization of the Federal Power Marketing Administrations, and for other purposes; to the Committee on Resources.

H.R. 311. A bill to prohibit further Federal funding for the gas turbine-modular helium reactor program of the Department of Energy; to the Committee on Science.

H.R. 312. A bill to prohibit funding to carry out the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 313. A bill to direct the President to develop a plan for transferring all real property, facilities, and equipment of the Tennessee Valley Authority to public and private entities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN:

H.R. 314. A bill to provide for monthly reporting of child support obligations to certain consumer reporting agencies; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 315. A bill to offer States a national welfare reform option and incentives to implement the welfare reform option, to strengthen child support enforcement, to provide all States with the flexibility and resources necessary to promote work and self-sufficiency, to expand access to affordable child care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOLLUM (for himself, Mr. Bachus, Mr. Castle, Mr. Sam Johnson, Mr. Lewis of California, Mr. Linder, and Mr. McCrery):

H.R. 316. A bill to amend the Federal Deposit Insurance Act to clarify the due process protections applicable to directors and officers of insured depository institutions and other institution-affiliated parties, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. McCOLLUM:

H.R. 317. A bill to amend the Community Reinvestment Act of 1977 to reduce onerous recordkeeping and reporting requirements for regulated financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 318. A bill to amend title 11 of the United States Code to establish a priority for the payment of claims for retiree health benefits in liquidation cases under chapters 7 and 11; to the Committee on the Judiciary.

H.R. 319. A bill to amend title 18, United States Code, to make the knowing disclosure of classified information by Federal officers and employees a criminal offense; to the Committee on the Judiciary.

H.R. 320. A bill to amend title 18, United States Code, to provide civil and criminal forfeitures for certain offenses; to the Committee on the Judiciary.

H.R. 321. A bill to deem the Florida panther to be an endangered species under the Endangered Species Act of 1973; to the Committee on Resources.

By Mr. McINTOSH:

H.R. 322. A bill entitled the "Law Abiding Citizens Safety Act of 1995"; to the Committee on the Judiciary.

H.R. 323. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. Petri, Ms. Velázquez, Mr. Owens, and Mr. Serrano):

H.R. 324. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosures with respect to phone bank communications; to the Committee on House Oversight.

By Mr. MANZULLO (for himself, Mr. Archer, Mr. Bartlett of Maryland, Mr. Crane, Mr. Cunningham, Mr. Fawell, Mr. Hastert, Mr. Hoekstra, Mr. Hunter, Mr. Hyde, Mr. Klink, Mr. Knollenberg, Mr. Saxton, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Walker, Mr. Weldon of Pennsylvania, Mr. Wilson, and Mr. Rohrabacher):

H.R. 325. A bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes; to the Committee on Commerce.

By Mr. MANZULLO:

H.R. 326. A bill to provide that compliance by the States with the National Voter Registration Act of 1993 shall be voluntary; to the Committee on House Oversight.

By Mr. McCRERY:

H.R. 327. A bill to assure that advertisements by States for participation in their lotteries are subject to regulation by the Federal Trade Commission; to the Committee on Commerce.

H.R. 328. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contribution to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

H.R. 329. A bill to amend the Internal Revenue Code of 1986 to provide that the income tax imposed on estates and trusts shall be determined using the rate table applicable to married individuals filing separate returns; to the Committee on Ways and Means.

By Mr. MINGE:

H.R. 330. A bill to require that excess funds provided for official allowances of Members of the House of Representatives be dedicated to deficit reduction; to the Committee on House Oversight.

By Mrs. MINK of Hawaii:

H.R. 331. A bill to require the Federal Government to consider as having arrived on time any sealed bid submitted in response to a solicitation for a procurement of goods or services if the bid was sent by an overnight message delivery service at least 2 working days before the date specified for receipt of bids; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 332. A bill to amend title 10, United States Code, to provide for transportation by the Department of Defense of certain children requiring specialized medical services in the United States; to the Committee on National Security.

By Mr. NEAL:

H.R. 333. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for capital gains for middle-income taxpayers; to the Committee on Ways and Means.

H.R. 334. A bill to amend the Internal Revenue Code of 1986 to encourage savings by increasing the amount of deductible contributions which may be made to an individual retirement account; to the Committee on Ways and Means.

By Mr. NEAL (for himself, Mr. Levin, Mr. Coyne, and Mr. Bachus):

H.R. 335. A bill to amend the Internal Revenue Code of 1986 to restore and increase the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself, Mr. de la Garza and Mr. Tejeda):

H.R. 336. A bill to provide for the establishment of a new medical facility for veterans in south Texas; to the Committee on Veterans' Affairs.

By Mr. ORTON:

H.R. 337. A bill to repeal the Truth in Savings Act; to the Committee on Banking and Financial Services.

By Mr. PACKARD:

H.R. 338. A bill to amend title 18, United States Code, to protect against code grabbers; to the Committee on the Judiciary.

H.R. 339. A bill to provide for an increase in the number of Border Patrol agents, to provide for the deployment of Border Patrol agents at the Southwest border, and to provide for additional detention facilities for illegal aliens; to the Committee on the Judiciary.

H.R. 340. A bill to terminate certain Border Patrol traffic checkpoint operations in California; to the Committee on the Judiciary.

H.R. 341. A bill to prohibit direct Federal financial benefits and unemployment benefits for illegal aliens; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. Torricelli, Mr. Payne of New Jersey, Mr. Andrews, and Mr. Menendez):

H.R. 342. A bill to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes; to the Committee on Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. de la Garza, Mr. Brewster, Mr. Combest, Mr. Minge, Mr. Hilliard, Mr. Pomeroy, Mr. Oberstar, and Ms. Danner):

H.R. 343. A bill to amend the Food Security Act of 1985 to reauthorize the Conservation Reserve Program; to the Committee on Agriculture.

By Mr. PICKETT:

H.R. 344. A bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption with respect to the employment of individuals as State and local firefighters and law enforcement officers; to the Committee on Economic and Educational Opportunities.

H.R. 345. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States and to amend the Immigration and Nationality Act to provide that public ceremonies for the admission of new citizens shall be considered solely in English; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 346. A bill to authorize the Secretary of the Navy to transfer a riverine patrol boat of the U.S.S. *Swift* class to Tidewater Community College, Portsmouth, VA; to the Committee on National Security.

H.R. 347. A bill to repeal the requirement that ships' stores of the Navy be operated as nonappropriated fund instrumentalities; to the Committee on National Security.

H.R. 348. A bill to authorize the Secretary of Transportation to use available amount to make grants to qualified ship repair yard to pay 75 percent of the cost of acquiring advanced ship repair technology and modern ship repair technology; to the Committee on Transportation and Infrastructure.

By Mr. PORTER:

H.R. 349. A bill to amend title 38, United States Code, to provide that certain periodical publications shall not be bound publications for mail classification purposes; to the Committee on Government Reform and Oversight.

H.R. 350. A bill to amend title 5, United States Code, to deny annuity benefits with respect to any Member of Congress convicted of a felony and to terminate the salary of any justice or judge of the United States who is convicted of a felony; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 351. A bill to amend the Voting Rights Act of 1965 to eliminate certain provisions relating to bilingual voting requirements; to the Committee on the Judiciary.

H.R. 352. A bill to establish uniform national standards for the resolution of medical malpractice claims, and for other purposes; to the Committee on the Judiciary.

H.R. 353. A bill to prohibit the export of American black bear viscera, and for other purposes; to the Committee on Resources, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 354. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself, Mr. JACOBS, and Mr. CANADY):

H.R. 355. A bill to amend title 39, United States Code, to prevent certain mass mailings from being sent as franked mail, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration for such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN:

H.R. 356. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in Federal elections; to the Committee on House Oversight.

By Mr. RAHALL (for himself, Mr. MILLER of California, Mr. SHAYS, Mr. VENTO, Mr. ABERCROMBIE, Mr. DEFAZIO, and Mr. KLECZKA):

H.R. 357. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. ROHRABACHER:

H.R. 358. A bill to repeal the authority of the Mayor of the District of Columbia to requisition unlimited funds from the Treasury of the United States to meet the general expenses of the District of Columbia, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ROHRABACHER (for himself, Ms. KAPTUR, Mr. BROWN of California, Mr. WALKER, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. BONO, Mr. KENNEDY of Massachusetts, Mr. BOEHNER, Mr. DELAY, Mr. SOLOMON, Mr. PAXON, Mr. COX, Mr. STEARNS, Mr. CALVERT, Mr. SAM JOHNSON, Mr. HERGER, Mr. DOOLITTLE, Mr. BAKER of California, Mr. POMBO, Mr. ISTOOK, Mr. ROTH, Mr. FUNDERBURK, Mr. BUNNING, Mr. PACKARD, Mrs. VUCANOVICH, Mr. BILBRAY, Mr. MCKEON, Mr. MCINTOSH, Mr. METCALF, Mr. CUNNINGHAM, Mr. CHRISTENSEN, Mr. DUNCAN, Mr. ROGERS, Mr. WALSH, Mr. KIM, Mr. BLUTE, Mr. RADANOVICH, Mr. ROYCE, Mr. FRANK of Massachusetts, Mr. BREWSTER, Mr. FRISA, Mr. DORNAN, Mr. TRAFICANT, Mrs. MORELLA, Mr. KLINK, Mr. SCHIFF, Mr. HUNTER, Mr. EHRLICH, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. FORBES, Mr. NADLER, Mr. FILNER, Mr. LUCAS, and Mr. MORAN):

H.R. 359. A bill to restore the term of patents, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 360. A bill to provide for the deobligation of certain unexpended balances of funds made available for foreign economic assistance; to the Committee on International Relations.

H.R. 361. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

H.R. 362. A bill to provide for the appointment of one additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

H.R. 363. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to provide for an increase in such wage based on the cost of living; to the Committee on Economic and Educational Opportunities.

By Mr. SCHAEFER:

H.R. 364. A bill to amend the Federal Water Pollution Control Act relating to Federal facilities pollution control; to the Committee on Transportation and Infrastructure.

By Mr. SCHUMER:

H.R. 365. A bill to apply the antitrust laws of the United States to major league baseball; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 366. A bill to amend the Higher Education Act of 1965 to apply to Hispanic-serving institutions of higher education the same student loan default rate limitations applicable to historically Black colleges and universities; to the Committee on Economic and Educational Opportunities.

H.R. 367. A bill to repeal the Cuban Democracy Act of 1992; to the Committee on International Relations.

By Mr. SMITH of New Jersey:

H.R. 368. A bill to amend title 38, United States Code, to add bronchioloalveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans; to the Committee on Veterans' Affairs.

By Mr. STEARNS:

H.R. 369. A bill to require the Secretary of the Interior to conduct a study regarding Fort King, FL; to the Committee on Resources.

By Mr. STUMP:

H.R. 370. A bill to repeal the National Voter Registration Act of 1993; to the Committee on House Oversight.

By Mr. STUMP (for himself and Mrs. VUCANOVICH):

H.R. 371. A bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. CALLAHAN):

H.R. 372. A bill to amend the Immigration and Nationality Act regarding public charge status of aliens and the financial responsibility of sponsors; to the Committee on the Judiciary.

H.R. 373. A bill to effect a moratorium on immigration by aliens other than refugees, priority workers, and the spouses and children of U.S. citizens; to the Committee on the Judiciary.

By Mr. STUMP:

H.R. 374. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. STUMP (for himself and Mr. CALLAHAN):

H.R. 375. A bill to provide for asylum reform, prohibition of Federal benefits to certain aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Agriculture, Banking and Financial Services, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 376. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 377. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Resources.

H.R. 378. A bill to require the transfer of certain Coast Guard property to the Traverse City Area Public School District in Traverse City, MI; to the Committee on Transportation and Infrastructure.

By Mr. THOMAS:

H.R. 379. A bill to amend the Internal Revenue Code of 1986 to define tar sands for purposes of the credit for producing fuels for nonconventional sources and to repeal the minimum tax preference for intangible drilling costs; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 380. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 381. A bill to improve health status in medically disadvantaged communities through comprehensive community-based managed care programs; to the Committee on Commerce.

H.R. 382. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 383. A bill to amend the National Agricultural Weather Information System Act of 1990 to improve the collection and distribution of weather information to assist agricultural producers; to the Committee on Agriculture.

H.R. 384. A bill to establish counseling programs for disabled police officers; to the Committee on the Judiciary.

H.R. 385. A bill to establish a commission responsible for making recommendations for laws that will control crime and formulating a national firearms policy without denying second amendment rights; to the Committee on the Judiciary.

H.R. 386. A bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws; to the Committee on the Judiciary.

H.R. 387. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign Department of Defense personnel to assist the Immigration and Naturalization Service and the U.S. Customs Service perform their border protection functions; to the Committee on National Security.

H.R. 388. A bill to require the Administrator of the National Aeronautics and Space Administration, in meeting the needs of the National Aeronautics and Space Administration for additional facilities, to select abandoned and underutilized facilities in depressed communities; to the Committee on Science.

H.R. 389. A bill to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes by including in gross income of U.S. shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in runaway plants or tax havens; to the Committee on Ways and Means.

H.R. 390. A bill to amend the Internal Revenue Code of 1986 to provide that the burden of proof shall be on the Secretary of the Treasury in all tax cases, and for other purposes; to the Committee on Ways and Means.

H.R. 391. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and deduction for taxes paid in lieu of income taxes; to the Committee on Ways and Means.

H.R. 392. A bill to amend the Internal Revenue Code of 1986 to reinstate a 10-percent domestic investment tax credit, to provide a credit for the purchase of domestic durable goods, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. Saxton, and Mr. Shays):

H.R. 393. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mrs. VUCANOVICH (for herself, Mr. Ensign, Mr. Stump, Mr. Doolittle, and Mr. Burton of Indiana):

H.R. 394. A bill to amend title 4 of the United States Code to limit State taxation of certain pension income; to the Committee on the Judiciary.

By Mrs. VUCANOVICH:

H.R. 395. A bill to designate the U.S. courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the "Bruce R. Thompson United States Courthouse and Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. WALSH:

H.R. 396. A bill to require hearing loss testing for all newborns in the United States; to the Committee on Commerce.

By Mr. WILLIAMS:

H.R. 397. A bill to apply arbitration to major league baseball, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. WYNN;

H.R. 398. A bill to amend the Federal Deposit Insurance Corporation Improvement Act of 1991 to provide for greater disclosure of lending to small businesses; to the Committee on Banking and Financial Services.

H.R. 399. A bill to amend title 18, United States Code, regarding false identification documents; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 400. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on Resources.

H.R. 401. A bill entitled the "Kenai Natives Association Equity Act"; to the Committee on Resources.

H.R. 402. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Resources.

By Mr. ZIMMER:

H.R. 403. A bill to repeal the Rural Electrification Act of 1936, require the sale of all loans made under such act, and authorize the Secretary of Agriculture to make loans to electric generation and transmission cooperatives which are unable to obtain needed financing in the private sector; to the Committee on Agriculture.

By Mr. ZIMMER (for himself, Mr. Herger, Mr. Doolittle, and Mr. Royce):

H.R. 404. A bill to deny Federal benefits for 10 years to persons convicted of making a fraudulent representation with respect to residence in order to receive benefits from two or more States, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ZIMMER:

H.R. 405. A bill to amend title 18, United States Code, to provide a penalty enhancement for the use of juveniles in Federal offenses; to the Committee on the Judiciary.

H.R. 406. A bill to direct the Director of the U.S. Fish and Wildlife Service to conduct a study of the feasibility of establishing a national angler's license; to the Committee on Resources.

H.R. 407. A bill to terminate the International Space Station *Alpha* Program; to the Committee on Science.

H.R. 408. A bill to repeal the reduction in the deductible portion of business meals and entertainment made by the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

H.R. 409. A bill to repeal the increase in the tax on transportation fuels made by the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Markey, and Mr. Conyers):

H.R. 411. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled *United States* v. *Western Electric*, Civil Action No. 82–0192, U.S. District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 420. A bill to amend the Social Security Act to provide, in the case of any person who is a party in interest with respect to an employee benefit plan, that information requested from the Secretary of Health and Human Services to assist such person with respect to the administration of such plan shall be provided at least once without charge; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 421. A bill to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes; to the Committee on Resources.

By Mr. BARTON of Texas, Mr. HYDE, Mr. TATE, and Mr. PETE GEREN of Texas (for themselves, Mr. Allard, Mr. Armey, Mr. Mica, Mr. Bachus, Mr. Baker of California, Mr. Ballenger, Mr. Barr, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bilirakis, Mr. Blute, Mr. Bonilla, Mr. Bono, Mr. Brownback, Mr. Bunning, Mr. Burr, Mr. Burton of Indiana, Mr. Calvert, Mr. Camp, Mr. Canady, Mr. Castle, Mr. Chambliss, Mr. Christensen, Mr. Chrysler, Mr. Coburn, Mr. Collins of Georgia, Mr. Combest, Mr. Cooley, Mr. Cox, Mr. Crane, Mr. Cremeans, Mrs. Cubin, Mr. Cunningham, Ms. Danner, Mr. Dornan, Mr. Duncan, Ms. Dunn, Mr. Emerson, Mr. English, Mr. Ensign, Mr. Everett, Mr. Ewing, Mr. Fawell, Mr. Flanagan, Mr. Foley, Mr. Forbes, Mrs. Fowler, Mr. Fox, Mr. Frelinghuysen, Mr. Frisa, Mr. Ganske, Mr. Gekas, Mr. Gilchrest, Mr. Gillmor, Mr. Goodlatte, Mr. Goodling, Mr. Goss, Mr. Greenwood, Mr. Gutknecht, Mr. Hancock, Mr. Hastert, Mr. Hastings of Washington, Mr. Hayworth, Mr. Heineman, Mr. Herger, Mr. Hilleary, Mr. Hobson, Mr. Horn, Mr. Houghton, Mr. Hunter, Mr. Hutchinson, Mr. Inglis of South Carolina, Mr. Istook, Mr. Sam Johnson, Mr. Jones, Mr. Kim, Mr. Kingston, Mr. Knollenberg, Mr. LaHood, Mr. Largent, Mr. Latham, Mr. LaTourette, Mr. Leach, Mr. Lewis of Kentucky, Mr. Lightfoot, Mr. Linder, Mr. LoBiondo, Mr. Lucas, Mr. McIntosh, Mr. McCollum, Mr. McCrery, Ms. Molinari, Mrs. Meyers of Kansas, Mr. Miller of Florida, Mr. Moorhead, Mrs. Myrick, Mr. Neumann, Mr. Nussle, Mr. Oxley, Mr. Packard, Mr. Pombo, Mr. Portman, Ms. Pryce, Mr. Radanovich, Mr. Quillen, Mr. Quinn, Mr. Riggs, Mr. Roth, Mr. Royce, Mr. Sanford, Mr. Saxton, Mr. Schaefer, Mr. Sensenbrenner, Mr. Shadegg, Mr. Shaw, Mr. Shays, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Smith of Michigan, Mr. Solomon, Mr. Spence, Mr. Stearns, Mr. Stockman, Mr. Stump, Mr. Talent, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Tiahrt, Mrs. Waldholtz, Mr. Wamp, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Whitfield, Mr. Wicker, Mr. Zimmer, Mr. Crapo, Mr. Kolbe, Mr. Paxon, Mr. Young of Florida, Mr. Coble, and Mr. Ehrlich):

H.J. Res. 1. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McCOLLUM, Mr. HANSEN, Mr. PETERSON of Minnesota, amd Mr. LoBIONDO (for themselves, and Mr. Lightfoot, Mr. Gillmor, Mr. Allard, Mr. Armey, Mr. Bachus, Mr. Baker of California, Mr. Ballenger, Mr. Barcia of Michigan, Mr. Barr, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bass, Mr. Bereuter, Mr. Bilbray, Mr. Bilirakis, Mr. Bliley, Mr. Blute, Mr. Bonilla, Mr. Brownback, Mr. Bryant of Tennessee, Mr. Bunning, Mr. Burr, Mr. Buyer, Mr. Calvert, Mr. Camp, Mr. Canady, Mr. Chambliss, Mr. Christensen, Mr. Coble, Mr. Collins of Georgia, Mr. Cooley, Mr. Crane, Mr. Cremeans, Mr. Cunningham, Mr. Deal, Mr. Diaz-Balart, Mr. Dickey, Mr. Doolittle, Ms. Dunn, Mr. English, Mr. Ensign, Mr. Everett, Mr. Ewing, Mr. Fields of Texas, Mr. Flanagan, Mr. Foley, Mr. Forbes, Mr. Fox, Mr. Franks of Connecticut, Mr. Frisa, Mr. Funderburk, Mr. Gallegly, Mr. Ganske, Mr. Gekas, Mr. Goodlatte, Mr. Goss, Mr. Graham, Mr. Greenwood, Mr. Gunderson, Mr. Gutknecht, Mr. Hancock, Ms. Harman, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hilleary, Mr. Hobson, Mr. Hoekstra, Mr. Hoke, Mr. Horn, Mr. Houghton, Mr. Hutchinson, Mr. Inglis of South Carolina, Mr. Istook, Mr. Sam Johnson, Mr. Kim, Mr. Kingston, Mr. Klug, Mr. Knollenberg, Mr. LaHood, Mr. Latham, Mr. LaTourette, Mr. Lazio, Mr. Leach, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lucas, Mr. McIntosh, Mr. McKeon, Mr. Meehan, Mr. Metcalf, Mr. Mica, Mr. Miller of Florida, Mr. Minge, Mrs. Myrick, Mr. Neumann, Mr. Ney, Mr. Norwood, Mr. Nussle, Mr. Packard, Mr. Paxon, Mr. Pombo, Mr. Portman, Ms. Pryce, Mr. Quinn, Mr. Ramstad, Mr. Radanovich, Mr. Riggs, Mr. Rohrabacher, Mr. Royce, Mr. Saxton, Mr. Scarborough, Mr. Schaefer, Mrs. Seastrand, Mr. Shadegg, Mr. Shaw, Mr. Smith of Michigan, Mr. Smith of Texas, Mr. Solomon, Mr. Souder, Mr. Stearns, Mr. Stockman, Mr. Stump, Mr. Talent, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Tiahrt, Mr. Torkildsen, Mr. Upton, Mrs. Waldholtz, Mr. Wamp, Mr. Weller, Mr. White, Mr. Whitfield, Mr. Wilson, Mr. Zeliff, Mr. Zimmer, and Mr. McInnis):

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. INGLIS of South Carolina (for himself, Mr. Dornan, Mr. Sanford, Mr. Armey, Mr. Goss, Mr. Hutchinson, Mr. Dickey, Mr. Royce, Mr. Hoekstra, Mr. Lewis of Kentucky, Mr. Salmon, Mr. Graham, Mr. Davis, Mr. Heineman, Mr. Chabot, Mrs. Smith of Washington, Mr. Ganske, Mr. Chrysler, Mr. Ensign, Mr. Cooley, Mr. Christensen, Mr. Fox, Mr. Calvert, Mr. Nethercutt, Mr. Shadegg, Mr. Metcalf, Mr. Whitfield, Mr. Bass, Mr. Solomon, Mr. Forbes, Mr. Blute, Mr. Smith of Texas, Mr. Bachus, Mr. Kim, Mr. Riggs, Mr. Longley, MR. Cox, Mr. Smith of Michigan, Mr. Baker of California, Mr. Weldon of Florida, Mr. Coburn, Mr. Radanovich, Mr. Roth, Mr. Packard, Mr. Stump, Mr. Everett, Mr. Thornberry, Mr. Allard, Mr. Bono, Mr. Cunningham, Mr. Tate, Ms. Dunn, and Mr. Talent):

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States limiting the period of time U.S. Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. Bachus, Mr. Barcia of Michigan, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bereuter, Mr. Burton of Indiana, Mr. Condit, Mr. Crapo, Mr. Cunningham, Mr. Doolittle, Mr. Duncan, Mr. Emerson, Mr. Franks of New Jersey, Mr. Gallegly, Mr. Gilchrest, Mr. Goodlatte, Mr. Hefley, Mr. Hunter, Mr. Knollenberg, Ms. Molinari, Mr. Oxley, Mr. Quillen, Mr. Rohrabacher, Mr. Roth, Mr. Royce, Mr. Schaefer, Mr. Schiff, Mr. Sensenbrenner, Mr. Stump, Mr. Talent, Mr. Walsh, and Mr. Wilson):

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. Hansen, Mr. Lightfoot, Mr. Gillmor, Mr. Pombo, Mr. Barrett of Nebraska, Mr. Everett, Mr. Buyer, Mr. Packard, Mr. Cunningham, Mr. Stump, Mr. Graham, Mr. Gutknecht, Mr. McKeon, Mr. Allard, Mr. Goodlatte, Mr. Calvert, Ms. Pryce, Mr. Hoekstra, Mr. Deal, Mr. Bereuter, Mr. Schaefer, Mr. Wilson, Mr. Chambliss, Ms. Harman, Mr. Goss, Mr. Talent, Mr. Bartlett of Maryland, and Mr. Forbes):

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. Calvert, Mr. Barton of Texas, Mr. Burton of Indiana, Mr. Leach, Mr. Crane, Mr. Combest, Ms. Pryce, Mr. McHugh, Mr. Portman, Mr. Wolf, Mr. Smith of Texas, Mr. Bonilla, Mr. Oxley, Mr. Shays, Mr. Ganske, Mr. Foley, Mr. Hansen, Mr. Paxon, Mr. Royce, Mr. Coble, Mr. Ramstad, Mr. Gallegly, Mr. Goss, Mr. Greenwood, Mr. Stump, Mr. Montgomery, Mr. Moorhead, Mr. Petri, Mr. Goodling, Ms. Harman, Mr. Livingston, Mr. Stearns, Mr. Bereuter, Mr. Saxton, Mr. Bilirakis, Mr. Hancock, Mr. Sam Johnson of Texas, Mr. Condit, Mr. Franks of New Jersey, Mr. Klug, Mr. Quillen, Mr. Shaw, Mr. Young of Florida, Mr. Baker of California, Mr. Bunning, Mr. Packard, Mr. Roth, and Mr. Poshard):

H.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. ARCHER:

H.J. Res. 7. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. FOWLER (for herself, Mr. Jones, Mr. Weldon of Florida, Mr. Canady, Mr. Deutsch, Mr. Goss, Mr. Meehan, Mr. Smith of Michigan, Mr. Ganske, Ms. Danner, and Mr. Hancock):

H.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Representatives and Senators in Congress; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.J. Res. 9. Joint resolution proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues; to the Committee on the Judiciary.

H.J. Res. 10. Joint resolution proposing an amendment to the Constitution of the United States regarding school prayer; to the Committee on the Judiciary.

H.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States with respect to the proposal and the enactment of laws by popular vote of the people of the United States; to the Committee on the Judiciary.

H.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. EMERSON:

H.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student; to the Committee on the Judiciary.

H.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

H.J. Res. 15. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. EMERSON (for himself and Mr. Hansen):

H.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. EMERSON:

H.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

H.J. Res. 18. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. de la GARZA:

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States pertaining to prayer; to the Committee on the Judiciary.

H.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. ALLARD:

H.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt; to the Committee on the Judiciary.

By Mr. VOLKMER:

H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. COBLE:

H.J. Res. 24. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of offices of Members of Congress and increasing the term of Representatives to 4 years; to the Committee on the Judiciary.

By Mr. CRANE:

H.J. Res. 25. Joint resolution proposing an amendment to the Constitution of the United States providing that no person may be elected to the House of Representatives more than three times, and providing that no person may be elected to the Senate more than once; to the Committee on the Judiciary.

By Mr. DORNAN (for himself, Mr. Hancock, Mr. Burton of Indiana, Mr. Smith of New Jersey, Mr. Hyde, and Mrs. Vucanovich):

H.J. Res. 26. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. Condit, Mr. Blute, Mr. Emerson, Mr. Smith of Texas, Mr. Saxton, Mr. LoBiondo, Mr. Frelinghuysen, and Ms. Danner):

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States; to the Committee on the Judiciary.

By Mr. STENHOLM (for himself, Mr. Schaefer, Mr. Kennedy of Massachusetts, Ms. Dunn, Mr. Payne of Virginia, Mr. Castle, Mr. Deal, Mr. Allard, Mr. Baesler, Mr. Barcia of Michigan, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bereuter, Mr. Bevill, Mr. Bilirakis, Mr. Bishop, Mr. Bliley, Mr. Blute, Mr. Bonilla, Mr. Brewster, Mr. Browder, Mr. Brown of Ohio, Mr. Bryant of Texas, Mr. Bunn, Mr. Burton of Indiana, Mr. Callahan, Mr. Calvert, Mr. Camp, Mr. Chapman, Mr. Clement, Mr. Coburn, Mr. Collins of Georgia, Mr. Condit, Mr. Costello, Mr. Cramer, Mr. Crapo, Mr. Cunningham, Ms. Danner, Mr. DeFazio, Mr. de la Garza, Mr. Deutsch, Mr. Diaz-Balart, Mr. Dooley, Mr. Doolittle, Mr. Doyle, Mr. Duncan, Mr. Edwards, Mr. Emerson, Mr. Foley, Mrs. Fowler, Mr. Fox, Mr. Franks of New Jersey, Mr. Franks of Connecticut, Mr. Frost, Mr. Gallegly, Mr. Ganske, Mr. Pete Geren of Texas, Mr. Gibbons, Mr. Gilchrest, Mr. Gillmor, Mr. Goodlatte, Mr. Goodling, Mr. Gordon, Mr. Greenwood, Mr. Gunderson, Mr. Hall of Texas, Mr. Hansen, Ms. Harman, Mr. Hayes, Mr. Hefley, Mr. Hefner, Mr. Heineman, Mr. Hoekstra, Mr. Horn, Mr. Houghton, Mr. Hoyer, Mr. Inglis of South Carolina, Mr. Jacobs, Mr. Johnson of South Dakota, Mr. Johnston of Florida, Mr. Kim, Mr. Klug, Mr. Knollenberg, Mrs. Lincoln, Mr. Lantos, Mr. Laughlin, Mr. Lazio, Mr. Lightfoot, Mr. Lipinski, Mr. Manzullo, Mr. Martinez, Ms. McCarthy, Mr. McCollum, Mr. McCrery, Mr. McHale, Mr. McHugh, Mr. Meehan, Mrs. Meyers of Kansas, Mr. Minge, Ms. Molinari, Mr. Montgomery, Mr. Moorhead, Mr. Ortiz, Mr. Pallone, Mr. Parker, Mr. Paxon, Mr. Peterson of Minnesota, Mr. Peterson of Florida, Mr. Portman, Mr. Poshard, Ms. Pryce, Mr. Quillen, Mr. Quinn, Mr. Regula, Mr. Roberts, Mr. Roemer, Mr. Rose, Mrs. Roukema, Mr. Royce, Mr. Sanford, Mr. Sensenbrenner, Mr. Sisisky, Mr. Skelton, Mr. Smith of New Jersey, Mr. Spratt, Mr. Stearns, Mr. Stump, Mr. Tanner, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Torricelli, Mr. Torkildsen, Mr. Volkmer, Mrs. Vucanovich, Mr. Walsh, Mr. Wilson, Mr. Young of Florida, and Mr. Andrews):

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Ms. FURSE:

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States to limit terms of Representatives and Senators; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States permitting the President to grant a pardon to an individual only after such individual has been convicted; to the Committee on the Judiciary.

H.J. Res. 31. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

H.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States with respect to physical desecration of the flag of the United States and expenditure of money to elect public officials; to the Committee on the Judiciary.

H.J. Res. 33. Joint resolution for the relief of Alexander Vraciu; to the Committee on National Security.

By Mr. MCCRERY:

H.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Members of Congress; to the Committee on the Judiciary.

H.J. Res. 35. Joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centum of the Nation's gross national product for the last calender year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. ORTON:

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 37. Joint resolution proposing an amendment to the Constitution of the United States to provide for a balanced budget for the U.S. Government; to the Committee on the Judiciary.

H.J. Res. 38. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of Representatives and Senators, and to provide for a 4-year term for Representatives; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.J. Res. 39. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive years a person may serve in or be employed by the Government of the United States or be employed to affect the policies and programs of the Government of the United States; to the Committee on the Judiciary.

By Mr. PICKETT:

H.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States to restrict annual deficits by limiting the public debt of the United States and requiring a favorable vote of the people on any law to exceed such limits; to the Committee on the Judiciary.

H.J. Res. 41. Joint resolution proposing an amendment to the Constitution of the United States relative to the desecration of the American Flag; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 42. Joint resolution proposing an amendment to the Constitution of the United States regarding Presidential election voting rights for residents of U.S. territories; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. Solomon):

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution of the United States allowing the President to veto any item of appropriation or any provision in any act or joint resolution containing an item of appropriation; to the Committee on the Judiciary.

By Mr. STUMP:

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4 year terms for Members of the House of Representatives and to provide that Members may not serve more than three terms; to the Committee on the Judiciary.

H.J. Res. 45. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ZIMMER:

H.J. Res. 46. Joint resolution proposing an amendment to the Constitution of the United States to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation and to allow an item veto of appropriation bills; to the Committee on the Judiciary.

H.J. Res. 47. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills and an item veto on contract authority or taxation changes in any other bill; to the Committee on the Judiciary.

By Mr. SPENCE (for himself, Mrs. Thurman, Mr. Stearns, Mr. McCollum, Mr. Richardson, Mr. Bilirakis, Mr. Goss, Mr. Hastings of Florida, Mr. Deutsch, Mr. Gibbons, Mr. Peterson of Florida, Mrs. Fowler, Mr. Canady, Mr. Shaw, Mr. Diaz-Balart, Mrs. Meek of Florida, Mr. Miller of Florida, Ms. Brown of Florida, Mr. Young of Florida, Mr. Scarborough, Ms. Ros-Lehtinen, Mr. Foley, and Mr. Weldon of Florida):

H. Con. Res. 1. Concurrent resolution recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994; to the Committee on National Security.

By Mr. COBLE:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress that retirement benefits for Members of Congress should not be subject to cost-of-living adjustments; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois:

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that the Office of Personnel Management should provide certain vocational rehabilitation services in its administration of the Civil Service Disability Retirement Program; to the Committee on Government Reform and Oversight.

By Mr. CRANE (for himself, Mr. STUMP, Mr. SENSENBRENNER, Mr. SOLOMON, Mr. SAXTON, Mr. BAKER of Louisiana, and Mr. BACHUS):

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal; to the Committee on International Relations.

By Mr. CRANE (for himself and Mr. BARTLETT of Maryland):

H. Con. Res. 5. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. EMERSON:

H. Con. Res. 6. Concurrent resolution recognizing the cultural importance of the many languages spoken in the United States and indicating the sense of the House (the Senate concurring) that the United States should maintain the use of English as a language common to all peoples; to the Committee on Economic and Educational Opportunities.

By Mr. JACOBS:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that any Federal agency that utilizes the Draize rabbit eye irritancy test should develop and validate alternative ophthalmic testing procedures that do not require the use of animal test subjects; to the Committee on Commerce.

By Mr. PALLONE:

H. Con. Res. 8. Concurrent resolution expressing the sense of the Congress relating to the slaughter of Greek civilians in Kalavryta, Greece, during the Second World War; to the Committee on International Relations.

By Mr. PICKETT:

H. Con. Res. 9. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal; to the Committee on International Relations.

By Mrs. ROUKEMA:

H. Con. Res. 10. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Mr. SERRANO:

H. Con. Res. 11. Concurrent resolution expressing the sense of the Congress regarding the expression of self-determination by the people of Puerto Rico; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself and Mr. LANTOS):

H. Con. Res. 12. Concurrent resolution relating to the Republic of China's (Taiwan) participation in the United Nations; to the Committee on International Relations.

By Mr. BOEHNER:

H. Res. 1. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. ARMEY:

H. Res. 2. Resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

H. Res. 3. Resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

H. Res. 4. Resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. SOLOMON:

H. Res. 5. Resolution providing for the consideration of the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. ARMEY:

H. Res. 6. Resolution adopting the Rules of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 7. Resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. SOLOMON:

H. Res. 8. Resolution fixing the daily hour of meeting for the 104th Congress; considered and agreed to.

By Mr. ARMEY:

H. Res. 9. Resolution providing amounts for the Republican Steering Committee and the Democratic Policy Committee; considered and agreed to.

H. Res. 10. Resolution providing for the transfer of two employee positions; considered and agreed to.

By Mr. BOEHNER:

H. Res. 11. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FAZIO:

H. Res. 12. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

H. Res. 13. Resolution electing Representative BERNARD SANDERS of Vermont to standing committees; considered and agreed to.

By Mr. LINDER:

H. Res. 14. Resolution providing for the consideration of a joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on Rules.

By Mr. BARRETT of Wisconsin (for himself, Mr. KLUG, Mr. FRANK of Massachusetts, Mr. PETRI, Ms. DANNER, Ms. WOOLSEY, Mr. CANADY, Mr. PORTMAN, Mr. KLECZKA, Mr. SKAGGS, Mr. GOSS, Mr. SPRATT, Mr. BARTLETT of Maryland, and Mr. TORKILDSEN):

H. Res. 15. Resolution requiring that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel; to the Committee on House Oversight.

By Mr. CAMP:

H. Res. 16. Resolution requiring that the upcoming audit of House financial records and administrative operations include a thorough examination of certain aspects of official allowances for Members; to the Committee on House Oversight.

By Mr. ENGEL:

H. Res. 17. Resolution expressing the sense of the House of Representatives that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg; to the Committee on International Relations.

By Mr. GOSS:

H. Res. 18. Resolution requiring Members of the House of Representatives to pay $600 from the official expenses allowance for each instance of extraneous matter printed in that portion of the CONGRESSIONAL RECORD entitled "Extensions of Remarks"; to the Committee on House Oversight.

By Mr. JACOBS:

H. Res. 19. Resolution providing for enclosing the galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Oversight.

By Mr. KANJORSKI (for himself, Mr. ORTON, and Mr. LAFALCE):

H. Res. 20. Resolution to enhance public confidence in the U.S. Congress by amending the Rules of the House of Representatives to treat copyright royalties received by Members, officers, and employees as honoraria; to the Committee on Rules.

By Mr. KING:

H. Res. 21. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. KLUG:

H. Res. 22. Resolution requiring that travel awards from official travel of a Member, officer, or employee of the House of Representatives be used only for official travel; to the Committee on House Oversight.

H. Res. 23. Resolution prohibiting the use of appropriated funds for the purchase of certain calendars for the House of Representatives; to the Committee on House Oversight.

H. Res. 24. Resolution requiring the appropriate committees of the House to report legislation to transfer certain functions of the Government Printing Office, and for other purposes; to the Committee on Rules.

By Mr. ORTON (for himself, Mr. HANSEN, and Mr. YOUNG of Alaska):

H. Res. 25. Resolution requesting that the Secretary of the Interior withdraw proposed regulations concerning right-of-way granted under section 2477 of the revised statutes; to the Committee on Resources.

By Mr. SAXTON:

H. Res. 26. Resolution amending the Rules of the House of Representatives to require a three-fifths vote of the House on passage of any measure carrying an income tax rate increase; to the Committee on Rules.

By Mr. SOLOMON:

H. Res. 27. Resolution to authorize and direct the Committee on Appropriations to create a new Subcommittee on Veterans; Affairs; to the Committee on Rules.

By Mr. STEARNS:

H. Res. 28. Resolution repealing rule XLIX of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKEY:

H.R. 410. A bill for the relief of the estate of Wallace B. Sawyer, Jr., to the Committee on the Judiciary.

By Mr. GOSS:

H.R. 412. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Finesse*; to the Committee on Transportation and Infrastructure.

H.R. 413. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for the vessel *Smalley 6808* amphibious dredge; to the Committee on Transportation and Infrastructure.

H.R. 414. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for the vessel *REEL TOY*; to the Committee on Transportation and Infrastructure.

By Mr. HAMILTON:

H.R. 415. A bill for the relief of Gerald Albert Carriere; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 416. A bill for the relief of Sara Lou Hendricks; to the Committee on the Judiciary.

By Mr. KANJORSKI (by request):

H.R. 417. A bill for the relief of Charmaine Bieda; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 418. A bill for the relief of Arthur J. Carron, Jr.; to the Committee on the Judiciary.

By Mr. TALENT:

H.R. 419. A bill for the relief of Benchmark Rail Group, Inc.; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the SPEAKER: Memorial of the General Assembly of the State of California, relative to air standards in places of employment; to the Committee on Economic and Educational Opportunities.

2. Also, memorial of the General Assembly of the State of California, relative to the Industry of the Month Program; to the Committee on Commerce.

3. Also, memorial of the General Assembly of the State of California, relative to Peace Corps' World Wise Schools Program; to the Committee on International Relations.

4. Also, memorial of the General Assembly of the State of California, relative to the Osaka Prefectural Government; to the Committee on International Relations.

5. Also, memorial of the General Assembly of the State of California, relative to Code Enforcement Week; to the Committee on Government Reform and Oversight.

6. Also, memorial of the General Assembly of the State of California, relative to Italian Americans; to the Committee on House Oversight.

7. Also, memorial of the General Assembly of the State of California, relative to the memorial highways; to the Committee on Transportation and Infrastructure.

8. Also, memorial of the General Assembly of the State of California, relative to the Roger Van Den Broeke Memorial Plaque; to the Committee on Transportation and Infrastructure.

9. Also, memorial of the General Assembly of the State of California, relative to the Veterans' Memorial Freeway; to the Committee on Transportation and Infrastructure.

10. Also, memorial of the General Assembly of the State of California, relative to the Veterans' Memorial Freeway; to the Committee on Transportation and Infrastructure.

11. Also, memorial of the General Assembly of the State of California, relative to Stone Turnpike Memorial Freeway; to the Committee on Transportation and Infrastructure.

12. Also, memorial of the General Assembly of the State of California, relative to special highway designations; to the Committee on Transportation and Infrastructure.

13. Also, memorial of the General Assembly of the State of California, relative to the H. Dana Bowers Memorial Vista Point; to the Committee on Transportation and Infrastructure.

14. Also, memorial of the General Assembly of the State of California, relative to State trade and commerce with Japan and other Pacific rim nations; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1. The SPEAKER presented a petition of the Embassy of the Argentine Republic, relative to GATT; which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

REFORM IMMIGRATION LAWS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, today, this first day of the 104th Congress, I am introducing a package of three immigration reform bills that deserve top priority as the new Congress works to make America a better place to live.

As I am sure many of my colleagues in this body experienced on the campaign trail last year, Americans are deeply concerned about immigration and its impact on their lives. They are anxious about the changing face of this country and the problems associated with our system of immigration. I don't blame them. On any given day, there are countless news reports about the destructive consequences of our dysfunctional immigration policies. But one need not rely on the media for an understanding of this issue, as more and more Americans are getting firsthand knowledge of the ill-effects of out-of-control immigration.

At the forefront of the immigration debate is illegal immigration. After all, many States, including my State of Arizona, have been hard-pressed to find the resources required to deal with this growing problem. They have had to resort to filing suit against the Federal Government for reimbursement. And, let us not forget what took place in California last November. Through the passage of proposition 187, Californians overwhelmingly conveyed a message that they will no longer be the victims in the illegal immigration crisis. It is just a matter of time before other States follow California's lead.

These actions prove that the Congress has been negligent in its duty to put forth an immigration policy that is fair and responsible and in the best interests of the States and the American people. Through congressional inaction we have sent a message to other countries that our borders are insecure, that we don't have an interest in enforcing our laws, and that we have a never ending supply of public assistance benefits.

We must act now to correct this perception. That is why I am introducing the Immigration Accountability Act of 1995. This bill goes to the heart of the illegal immigration crisis by prohibiting the payment of Federal benefits to illegals and ending the practice of conferring citizenship on the children of illegal aliens. In addition, the bill would strengthen our often-abused asylum system by providing for the expeditious processing of meritorious claims and the prompt exclusion of those who attempt to defraud the system. Finally, the bill calls for a significant increase in the Border Patrol. By increasing our border security and eliminating these compelling illegal immigration incentives, I believe we can turn the tide of illegal immigration.

Illegal immigration is a serious problem and I am delighted that many Members of the new Congress have expressed their willingness to confront it. However, there is another problem that is more complex, and just as pressing. I am referring to legal immigration. We are currently experiencing unprecedented levels of legal immigrants, perhaps 15 million in the 1990's. Through ill-conceived immigration laws, we are accommodating people in other countries who wish to live here with little regard for those already here, citizens and immigrants alike.

Mr. Speaker, it is time to take a break, a temporary pause, from the uncontrolled immigration that has resulted in overcrowded schools and hospitals, scarce employment, inadequate housing, and a deteriorating standard of living. I am proposing, through the Immigration Moratorium Act of 1995, that we limit immigration to the spouses and minor children of U.S. citizens, legitimate refugees, and those immigrants who have been waiting in the immigration backlog for more than 10 years. This would bring our immigration numbers in line with the traditional U.S. average of about 297,000 per year.

I am convinced that my moratorium bill would yield highly positive results. A moratorium would allow us to begin absorbing and assimilating the millions of newcomers who have settled here in recent years and also give us an opportunity to revamp our misguided and outdated policies to suit the realities of today's America. Furthermore, an additional benefit of a moratorium is that it would free up manpower and resources to deal with illegal immigration.

I realize that some of my colleagues believe it to be politically unpopular to advocate a reduction in legal immigration. However, I would like to point out that as immigration levels have risen, so has public opinion turned against increased immigration. A CNN/USA Today poll found that 76 percent of Americans feel immigration should be stopped or reduced until the economy improves. And, all opinion surveys show that the sentiment to restore a more modest immigration flow is about as strong among noncitizens as among citizens, and among nonwhite Americans as among white Americans. I encourage the Members of this body to give these statistics serious consideration before abandoning the idea of reducing legal immigration.

The last bill of my immigration reform package, the Immigrant Financial Responsibility and Sponsorship Act of 1995, is directed at rapidly growing immigrant welfare use. The percentage of immigrants below the poverty line is 50 percent higher than that of natives. Even more astonishing is that the estimated 1993 public assistance and services costs for immigrants was $10.42 billion. At a time when we are searching for ways to reform the welfare system in this country it would be foolish to let this costly trend continue.

Under my bill, aliens would be required to demonstrate that they are unlikely to become a public charge. If they cannot do so, they will not be admitted to the United States unless a suitable sponsor gives a proper bond and guarantees financial responsibility for the alien. This is a reliable and fair way to ensure that those immigrants who wish to come to this country will not wind up on our already-overburdened welfare rolls.

Mr. Speaker, as Members of the U.S. Congress, we have an obligation to the American people to restore a sense of fairness and responsibility to our immigration laws. I believe that my bills take a significant step toward fulfilling that obligation. I urge my colleagues to join me.

REPEAL OF SECTION 903

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, the United States taxes the income of its citizens and corporations whether it is earned at home or abroad. The U.S. foreign tax credit provides relief to U.S. taxpayers from the double-taxation so they will not determine where a company invests. Nevertheless, when Congress adopted the section 903 of the Internal Revenue Code, an unfair tax advantage was given to companies that invest abroad. For that reason, I have introduced legislation to repeal section 903.

Mr. Speaker, section 903 extends credibility to those foreign taxes imposed in lieu of foreign income taxes. This means that all foreign taxes such as foreign sales, excise, and value added taxes are creditable as business costs towards their foreign taxes paid. There is no constraint on the type of foreign tax that can be credited. This leaves domestic U.S. companies at a distinct disadvantage. They are only able to deduct taxes that are in lieu of income taxes.

Mr. Speaker, section 903 was enacted in 1942 when certain countries taxed companies on a different basis from our concept of net income. These countries were less sophisticated and imposed taxes on a gross income basis, while the United States concept of net income had become quite refined. In order to make up for the difference, Congress extended credit to all foreign taxes. Since 1942, however, foreign tax systems have become quite sophisticated. Thus, the scope of section 903 has been expanded to include a credit for taxes paid to foreign countries in lieu of foreign income tax.

Mr. Speaker, creditable foreign taxes must be limited to income taxes and taxes of similar nature. This is because under present law indirect taxes and other taxes in lieu of taxes can be shifted onto either consumers or labor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A tax is shifted when a corporation is able to maintain its profits at their pretax level despite paying an income tax by raising prices. Therefore, these companies are receiving relief from a tax burden in the form of tax credits that they do not bear. The consumers and workers incur part of the burden of the tax.

Mr. Speaker, the foreign tax credit should be designed to provide relief from double-taxation and to make sure that tax incentives do not exist. Taxes in lieu of should instead be deductible to relieve only the portion of the tax borne by the taxpayer. Until section 903 is repealed, more countries may adjust their tax laws in order to take advantage of section 903. In my district, thousands of jobs have been lost when companies moved their operations overseas. It is appalling to think that our tax system gave them incentives to do so.

Mr. Speaker, I urge all Members to cosponsor this important piece of legislation.

GATT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 14, 1994 into the CONGRESSIONAL RECORD.

GATT

Congress recently approved one of the most important—and controversial—measures of 1994: the latest expansion of the 47-year old General Agreement on Tariffs and Trade [GATT]. It is the most ambitious trade agreement in history.

The agreement among 124 nations, negotiated over seven years, will lower tariffs (import taxes) by one third, reduce international subsidies for farm exports, strengthen protections for patents and inventions, and take steps toward regulating trade in services and investment. Congress held dozens of hearings on the negotiations and passed numerous measures to guide the Reagan, Bush, and Clinton administrations in their pursuit of U.S. trade interests. Last week both the House and the Senate passed GATT by overwhelming margins. Dozens of Indiana manufacturers and farm groups urged passage of GATT, while many other Hoosiers expressed concern about protecting U.S. interests. The intense debate on GATT focused on three main issues: the impact of GATT on American jobs, on the budget deficit, and on U.S. sovereignty.

JOBS AND ECONOMIC GROWTH

Many people have expressed concern about the impact of GATT on U.S. jobs, yet the case for job growth under GATT is strong. GATT commits 124 countries to reduce tariff taxes for agriculture, services, and manufactured goods, with the global savings totaling $744 billion over ten years. Since the U.S. economy is already one of the fairest and most open in the world, other countries will be reducing their tariffs and restrictions much more than we will. The U.S. should be the biggest winner under the expanded GATT, and the agreement should give our economy a boost.

Lower trade barriers and tariffs will save U.S. consumers money and also create jobs through more exports and new investment. The Council of Economic Advisors estimates that within a decade GATT will boost U.S. economic output by $100–200 billion a year. GATT should directly benefit many Hoosier workers. Indiana manufacturers will see a 33% reduction in tariffs on their products. Distillers will benefit from lower tariffs on U.S. spirits, and copyright protections will outlaw counterfeit foreign products. According to the Indiana Farm Bureau, Hoosier farmers can expect an additional $1.05 billion in income from GATT over ten years. Overall, GATT could add $1,700 to the annual income of the average U.S. family within a decade.

BUDGET CONCERNS

Because the U.S. has agreed to reduce its tariffs by an average of 1.6%, certain federal revenues will decrease. The Congressional Budget Office estimates this loss will be $11.9 billion over the next five years. To offset it, the package approved by Congress cuts spending in a number of programs, charges fees for certain customs services and broadcast licenses, and closes some tax loopholes.

More importantly, GATT's impact on the economy—new jobs and more exports—should create new federal income tax revenue that greatly exceeds any reduction in tariff revenue. GATT-related economic activity is estimated to reduce the federal deficit by some $60 billion over the next ten years. GATT is fiscally responsible.

WORLD TRADE ORGANIZATION

At the direction of Congress in 1988, U.S. negotiators sought a stronger enforcement mechanism against unfair trade practices. Under the new agreement, the World Trade Organization [WTO] would replace the informal negotiating group that has existed for almost fifty years. In the past, a country with unfair trade practices could refuse to obey a ruling and not lose benefits. Now, unfair traders have to obey the rulings or face still consequences.

The WTO would issue rulings on trade disputes concerning goods, services, and intellectual property. For example, Canada could file a complaint against Japan for unfairly restricting Canadian wheat imports. If the WTO agreed with Canada, and Japan refused to change its practices, Japan would have to pay compensation or be subject to Canadian trade penalties.

SOVEREIGNTY

Many Hoosiers believe that any international trade council should not infringe on U.S. sovereignty. I strongly agree, and I worked hard to include strict safeguards in the package to protect our sovereignty.

First, GATT will continue to make nearly all decisions by consensus—there has not been a vote in more than thirty years. Second, the WTO cannot change any U.S. laws or policies. Only Congress and the President can do that, and no WTO ruling has any standing in U.S. courts. Third, we can withdraw from the WTO at any time or pass legislation overriding any part of GATT. With my support, Congress and the President also agreed to create a special U.S. panel to review WTO decisions. If this panel identifies three unfavorable WTO rulings, any Member of Congress can demand an immediate vote on withdrawing from the WTO. Finally, the United States has the world's largest market and most powerful economy. Other countries are not likely to impose trade sanctions in WTO disputes for fear of getting into a trade war with the U.S.

CONSEQUENCES OF REJECTION

Failure by the U.S. to ratify the agreement would have meant an enormous missed opportunity and an abdication of our international leadership. The U.S. dominated the negotiations: how could other countries have confidence in us if we failed to approve an agreement so beneficial to our interests? Without this agreement, countries would erect new trade barriers, and protectionism would rise. All of our economies would suffer. Democratic reforms would slow, shaky financial markets could boost interest rates, and world stability—so closely tied to economic cooperation—could be undermined.

Of course, GATT is not perfect. As a trade agreement it does not directly address important concerns such as child labor or political freedom, but GATT does increase the incentives for other countries to cooperate with us on these issues. Overall compliance of other countries with GATT will have to be closely monitored.

CONCLUSION

GATT should mean more secure, high-paying jobs for Hoosiers and a better standard of living. The U.S. cannot afford to pass up the economic benefits of GATT. The WTO should be a strong advocate for U.S. interests while protecting our sovereignty, and free and fair trade will continue to promote peace and prosperity around the globe.

INTRODUCTION OF LEGISLATION TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971 at the request of Cook Inlet Region, Inc. [CIRI].

Congress enacted the Alaska Native Claims Settlement Act [ANCSA] in 1971 to address claims to lands in Alaska by its Eskimo, Indian, and Aleut native people. Lands and other benefits transferred to Alaska Natives under the act were conveyed to corporations formed under the act. Alaska Natives enrolled to these corporations were issued shares in the corporation. CIRI is one of the corporations formed under ANCSA and has approximately 6,262 Alaska Natives enrolled, each of whom were issued 100 shares of stock in CIRI, as required under ANCSA.

ANCSA stock, unlike most corporate stock, cannot be sold, transferred, or pledged by the owners of the shares. Rather, transfers can only happen through inheritance, or in limited case, by court decree. The ANCSA provisions restricting the sale of stock were put in place to protect Native shareholders from knowledgeable or unscrupulous transactions, and to allow the corporation to grow and mature in order to provide long-lasting benefits to its shareholder.

The drafters of ANCSA initially believed that a period of 20 years would be a sufficient amount of time for the restrictions on sale to remain in place. Therefore, the restrictions were to expire 20 years after passage of ANCSA on December 31, 1991.

As 1991 approached, bringing with it the impending change in the alienability of Native stock, the Alaska Native community grew concerned about the effect of the potential sale of

Native stock. The Alaska Federation of Natives, a statewide organization representing the State's 90,000 natives, spearheaded a legislative initiative to address the 1991 stock sale issue. Many of the Native corporations, including CIRI, actively solicited their shareholders' view on this critical matter, through meetings, questionnaires, polling, and formal votes. In 1987, 3 years prior to the 1991 restriction-lifting date, Congress enacted legislation which reformed the mechanism governing stock sale restrictions in a fundamental way under the 1987 amendments, instead of expiring automatically in 1991, the restrictions on alienability continue automatically unless and until the shareholders of a Native corporation vote to remove them. The 1987 amendments provide several procedural mechanisms to bring such a vote, including action by the board of directors and petitions by shareholder.

To date, no Native corporation has sought to life the alienability restrictions. Fundamentally, this is because Native shareholders continue to value Native ownership of the corporations and Native control of the lands and other assets held by them.

CIRI has conducted a number of continuing surveys, focus groups, and special shareholder meetings to ascertain the views of its shareholders regarding the alienation restrictions on CIRI stock. Two results have consistently stood out in these assessments.

First, the majority of CIRI shareholders favor maintaining Native ownership and control of CIRI. These shareholders, whose numbers consistently register at the 70 to 80 percent level, see economic benefits in the continuation of Native ownership, and also value the important cultural goals, values and activities of their ANCSA corporation.

Second, a significant percentage, albeit a minority of shareholders, favor assessing some, or all, of the value of their CIRI stock through the sale of that stock. These shareholders include, but, are not limited to elderly shareholders who have real current needs, yet doubt that sale of stock will be available to them in their lifetime: holders of small, fractional shares received through one or more cycles of inheritance; non-Natives who have acquired stock through inheritance but without attendant voting privileges; and shareholders who have few ties to the corporation or to Alaska, 25 percent of CIRI shareholders live outside of Alaska.

Under current law, these two legitimate but conflicting concerns cannot be addressed, because lifting restrictions on the sale of stock is an all or nothing proposition. In order to allow the minority of shareholders to exercise their desire to sell some or all of their stock, the majority of shareholders would have to sacrifice their important desire to maintain Native control and ownership to CIRI.

CIRI believes this conflict will eventually leave the interests of the majority of its shareholders vulnerable to political instability. In addition, CIRI recognizes that responding to the desire of those shareholders who wish to sell CIRI stock is a legitimate corporate responsibility. More importantly, CIRI believes that there is a way to address the needs and desires of both groups of shareholders, those who wish to sell stock and those who desire to maintain Native ownership of CIRI, so that the sale of stock will not compromise the "nativeness" of the company, and will not jeopardize the economic future of the company for those who choose not to sell. The method embodied in this legislation is one that other companies routinely use: the buying back of its own stock. The newly acquired stock would then be canceled.

Mr. Speaker, I have discussed this bill at length with CIRI and I am convinced this is the best and only option available for their shareholders to voluntarily sell their stock back to CIRI. It is identical to that which passed the House last session and I hope it will move as expeditiously as possible.

INTRODUCTION OF HEALTH INSURANCE DEDUCTION FOR SELF-EMPLOYED BUSINESS OWNERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, prior to December 1993, self-employed business owners were allowed to deduct 25 percent of the cost of their health insurance and this deduction has expired. I am introducing legislation that will make the cost of health insurance deductible for self-employed business owners.

The purpose of this legislation is to restore and to make permanent the 25 percent deduction and to gradually increase the deduction to 100 percent. The bill phases in the 100 percent deduction over a period of 4 years. For calendar years 1994 and 1995, health insurance would be 25 percent deductible; in 1996 and 1997 it would become 50 percent deductible; and in 1996 and thereafter health insurance would become 100 percent deductible. Increasing the deduction to 100 percent would provide small businesses with an incentive to provide expanded health insurance coverage. Also, corporations are permitted to deduct 100 percent of the cost of providing health care insurance.

One of the major problems facing small businesses is the high cost of health insurance. Increasing the deduction would allow business owners to spend more on health care. This legislation provides businesses with an incentive to purchase health care insurance.

Congress can immediately begin to reduce the cost of health care coverage by extending the 25-percent deduction for self-employed individuals' health insurance. The high cost of health care insurance is one of the impediments to health care access. I urge you to support this legislation.

CAMINO REAL CORRIDOR AND COMMISSION

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. COLEMAN. Mr. Speaker, I rise today to re-introduce legislation to create the Camino Real Corridor and Commission. I introduced this bill during the previous session, and I continue to believe that the passage of this legislation is indispensable to the goals of facilitating national trade and growth in the coming years.

While the passage of the North American Free-Trade Agreement will no doubt affect the entire Nation, perhaps no area will witness greater changes than the Southwestern region along the Mexican border. Not only will the area continue to experience the benefits of increasing international economic integration, but it will also be profoundly impacted by the large influx of traffic that is the necessary byproduct of expanding trade. The district which I represent, El Paso, TX, has an infrastructure system that will be among the hardest hit by the increasing levels of commerce between the United States and Mexico.

El Paso is one of the most important border crossings in the world. Over $12 billion in trade passes over the El Paso-Ciudad Juarez, Chihuahua border each year; 18 percent of United States exports to and 25 percent of United States imports from Mexico pass through this trans-border metropolitan region. Furthermore, it is the busiest point of entry for commercial trucks. In light of the fact that the trade volume transported through this port of entry is projected to nearly double by the year 2000, and that the population of the El Paso area is one of the fastest-growing in the Nation, the highways and border infrastructure of this area warrant our particular attention.

But we must bear in mind that El Paso is only one point on a trade route that extends from the Mexican State of Chihuahua into the interior portion of the United States. A natural trade corridor is emerging from the Mexican border State of Chihuahua to Denver through El Paso and New Mexico. The Mexican Government has already demonstrated its commitment to the region, with the construction of a new highway system that extends to the State of Chihuahua through several of Mexico's largest cities in the industrialized north—a highway over 600 miles long. On the U.S. side, the emerging corridor bears great resemblance to the highway systems designated by section 1105c of the 1991 Intermodal Surface Transportation Efficiency Act as "corridors of national significance". Like those highway systems, the highway system from El Paso to Denver has undergone a great increase in use, particularly in the form of commercial traffic, since the designation of the Federal Interstate System. This trend will be amplified in the next decade, as trade and population growth continue to soar in the region.

Therefore, today I am re-introducing legislation to create the Camino Real Corridor. As I noted previously, the historical reference herein recognizes the importance of this trade route to the development of the Southwest. The Camino Real de la Tierra Adentro, the Royal Highway of the Interior Lands, was the route traveled by people from Mexico City to Santa Fe. The modern corridor would be achieved through the enhancement of the trade route that today connects El Paso to Albuquerque to Denver, and of the border arterials that feed into this route. The improvements in infrastructure along this route would include the use of intelligence vehicle highway systems where appropriate. Thus, information, communications, and control technologies will be applied to improve the efficiency of this surface transportation system. These changes would guarantee that the roads which carry goods between Mexico and the interior portions of the United States could handle the heavy flow of traffic that is anticipated in the upcoming decades. Further, Denver is at the crossroads to the West and Midwest, and positioned to develop north to Canada.

Unfortunately, good roads alone cannot guarantee the efficient cross-border passage of people, goods, and capital. Indeed, many of the current delays in United States-Mexico trade occur at the border. So to ensure the smooth operation of the corridor system, I have also proposed the creation of the Camino Real Corridor Commission. This Commission would report to the Secretary of Transportation, and would be responsible for making recommendations to maximize effective utilization of the highways and border crossings of the corridor. It would also ensure the development of more efficient trade routes. One year after its formation, this Commission would make recommendations to the Secretary of Transportation indicating the most desirable routes for East-West expansion of the corridor, and for possible expansion of the corridor to the Canadian border.

We should not wait until our borders and our trade routes are completely overwhelmed to take decisive action. Rather, our infrastructure and our border enforcement agencies should keep pace with growing trade levels, and with the realities of increasing international interdependence.

The Camino Real Corridor is clearly the best place to start, but it need not be an end point. This project ought to serve as a model for future initiatives in other major border cities. It will also serve as a starting point for an important highway network that will connect Mexico with the interior United States, and possibly with Canada.

I recognize that we are operating in a political climate where it is more popular to criticize than to create, and much easier to deconstruct than to construct. But it is important to recognize that one of the fundamental roles of the Federal Government has always been the funding and oversight of interstate projects that are central to national growth and prosperity. The creation of the Camino Real Corridor is such a project, and consequently, it deserves support.

REPEAL THE "MOTOR VOTER" BILL

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, on May 10, 1993, President Clinton signed into law a $200 million unfunded Federal mandate called "The National Voter Registration Act of 1993." I am today introducing a bill to repeal it.

This law, commonly referred to as the "motor voter" bill, tramples on States rights by requiring them to implement a law that allows people to register to vote by mail, or when they apply for a driver's license, or welfare. Proponents of the measure argued that this was the answer to voter apathy. They reasoned that by making voter registration easier, voter turnout would increase. However, there is little, if any, evidence to validate this contention. In fact, over the past three decades, voter registration requirements have grown easier and easier, yet voter turnout has actually decreased over the same time period.

Moreover, by easing registration requirements, and not providing the States with the funds necessary to keep their registration lists up-to-date and clean, the motor voter bill will most likely increase election fraud.

Mr. Speaker, the U.S. Congress should not be legislating in this area. The States know best how to develop voter registration programs in their own jurisdictions with the least cost and chance of fraud and abuse. It is senseless to undermine their voter registration programs by requiring them to comply with a nationalized costly mandate.

Our new congressional leaders have pledged to make it tougher for the Federal Government to place unfunded Federal mandates on the States. The bill I am proposing today is in step with the pledge, and I urge my colleagues to support it.

NATIONAL FIREARMS POLICY COMMISSION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, during the 103d Congress, I introduced H.R. 4423, the "National Firearms Policy Commission Act," legislation that will bring the President, Members of Congress, Justices of the Supreme Court, gun ownership advocacy groups, law enforcement groups, and private citizens together to exchange their views on Federal firearms policy so that a consensus on Federal policy can be reached. I rise today to reintroduce this legislation, and I invite all of my colleagues to become cosponsors of this important bill.

In the 103d session alone, Congress passed two of the most sweeping firearms policy bills in the history of this country: the Brady bill and the assault weapons ban. From the introduction of those bills to the final vote, America came to see just how large the gap between both sides of the gun control debate is. And yet despite all the debate on these two pivotal pieces of legislation, it has become even clearer that each side's views are only being further entrenched, not altered through pragmatic discussion that will ensure that each side is heard. My bill will promote that type of pragmatic discussion.

Specifically, this legislation will establish a 39-member Commission, which will include the following parties: the U.S. Attorney General, five Members of the House, five Senators, three Supreme Court Justices, five private citizens appointed by the President, five private citizens appointed by the Senate, five private citizens appointed by the House, five members representing gun ownership advocacy groups, and five representatives from law enforcement. The chairman of the Commission will have 6 months to transmit its recommendations to the President and Congress. Aside from travel expenses, members of the Commission will serve without pay. The Commission will, however, be authorized to hire and pay its own staff and staff from other Federal agencies.

For the past 10 years, Congress has been caught in the middle of a tug of war between law enforcement and the NRA. As a result, Congress has been unable to develop a real consensus on how to address violent crime and firearms policy. The goal of the Commission I have proposed is to forge a consensus on these issues and present to Congress and the President a list of legislative initiatives that can be adopted with bipartisan support.

Let us bring rational dialogue to Federal firearms policy. Please cosponsor this important legislative initiative.

TRADE AND JOB SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 21, 1994 into the CONGRESSIONAL RECORD.

TRADE AND JOB SECURITY

America's middle-class workers are increasingly frustrated and concerned about their economic future. They are working harder and longer than ever but their income is just not growing. Many are concerned about their job security and worry that their job could be the next to be eliminated. One third of those recently polled said they are worse off than they expected to be at this age, and close to two thirds said they do not expect their children to do as well as they have done. Too many individuals believe the American dream is simply beyond their reach.

It used to be that if workers were conscientious and performed their jobs well they could expect to advance and prosper in the years ahead. Today, however, many workers—both blue collar and white collar—face an uncertain future. They may encounter foreign competition, corporate downsizing, automation, or the increased use of computers. In a recent survey, three out of four employers said that their own employees fear losing their jobs. As the Secretary of Labor puts it, the middle class has become the anxious class.

EXPANDING TRADE

One of their biggest concerns is foreign competition created by the dynamic global marketplace. Congress and all recent Presidents have taken steps to expand U.S. trade opportunities. Since the late 1970s, several bilateral and multilateral agreements have been approved, including the Tokyo Round expansion of the General Agreement on Tariffs and Trade, the U.S.-Canada Free Trade Agreement, the North America Free Trade Agreement, and the new GATT agreements that create, among other things, the World Trade Organization. Next might be free trade agreements with Chile and other countries in the Western Hemisphere.

On balance, I think expanded trade is a plus for American workers. Trade now accounts for a large share of U.S. economic growth, and it means expanded sales for U.S. businesses. The recently approved expansion of GATT, for example, will provide stable rules for trade and remove restrictions that limit sales of our goods and services abroad. The Council of Economic Advisors estimates that GATT will boost U.S. economic output $100–200 billion within ten years.

At the same time I recognize that expanded trade is a threat to some U.S. workers. Trade may generate more U.S. jobs than it eliminates, but it does put some Americans out of work. While the President talks about the millions of good paying jobs created by free trade, many middle-class workers believe the benefits of trade go to a few talented, well-educated professionals and executives while they fall behind.

STEPS NEEDED

The remedy is not to simply close our markets to trade. We are one of the most competitive countries in the world and many U.S. jobs are already tied to exports and trade. But we do need to take several steps to improve our ability to deal with this changing environment and reduce job insecurity for many Americans.

First, we must continue to reduce the federal budget deficit. Keeping the deficit down means less borrowing by the government, thus freeing up funds at lower interest rates for businesses to invest. That should boost the economy and spur job creation. We need to make sure that the U.S. economy continues to generate more jobs than are lost to foreign competition.

Second, we must reassess the more than 150 federal job training and retraining programs to see which ones work and which ones don't. Some should be expanded, others simply dropped. We should accelerate our efforts to create "reemployment centers" and put more of the resources into the hands of ordinary Americans rather than government agencies, so people can get the skills they need in a way that makes sense for them. We need a better safety net for individuals and communities experiencing the downside of open trade.

Third, we must encourage companies to spend more of their profits to continually upgrade the skills of their workers and to retrain workers whose jobs have been lost through trade or technology. U.S. firms generally invest less in worker training than firms abroad, and what they do invest is more heavily concentrated on professional and managerial workers. Skilled workers and important assets, and businesses need to invest more in their development.

Fourth, federal policies should help important industries threatened by foreign competition. Federal research and development grants, tax policy, and deregulation all can help strengthen important U.S. industries and make them more competitive in the global market. We also need to expand the federal manufacturing extension program, which helps small companies adopt the latest production techniques.

Fifth, we must not allow other countries to use the open markets provided by the trade agreements to unfairly harm our industries. We must vigorously prosecute dumping and other unfair trade practices. If a surge of imports is displacing our workers, GATT allows us to take steps to limit those imports. At the same time, we must vigorously pursue our rights in cases where foreign practices restrict our exports. We must make sure that trade agreements mean a level playing field that promotes U.S. exports.

Finally, we must have accurate data about the impact of more open trade on U.S. jobs. Many economists believe that government trade statistics underestimate U.S. exports by some 10%, for a variety of technical reasons. If so, estimates of jobs created by exports are also underestimated. We also need better data on identifying industries hurt by imports.

CONCLUSION

Overall, we must pursue policies which promote economic growth, help strengthen U.S. companies, continually upgrade the skills of our workers, and find new markets for our products abroad. Our number one priority is jobs—good and secure jobs. Our challenge is to promote broad participation by our workforce in this changing environment so that anxious workers can become assured, productive, capable Americans. Improving Americans' job security must be among our highest priorities in the upcoming session of Congress.

INTRODUCTION OF LEGISLATION CONCERNING ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971 at the request of the Alaska Federation of Natives. This bill is the result of the work of the Legislative Council of the Alaska Federation of Natives to correct existing technical problems with the Alaska Native Claims Settlement Act [ANCSA] and the Alaska National Interest Lands Conservation Act [ANILCA]. I am introducing an identical version of that which passed the House during the 103d Congress. It is my intention to move this bill early this year based on agreements reached last year.

This bill makes a number of technical changes to ANCSA and ANILCA. It also makes a number of substantive additions which address issues not anticipated at the time of passage of ANCSA. Because of Alaska's relative youth as a State of the Union and the unprecedented amount of Alaska-specific Federal legislation passed since statehood, it is imperative that we respond to occasional oversights and/or quirks in the overlapping laws to ensure that unintended consequences do not occur. This effort is designed to rectify such instances.

The legislation is designed to resolve specific problems. To offer a flavor of the nature of the legislation, a few illustrations are in order.

For example, the bill would make it possible for the Caswell and Montana Creek Native groups to receive approximately 11,520 acres of land pursuant to a February 3, 1976, agreement and subsequent March 26, 1992, letter of agreement with Cook Inlet Region Inc. [CIRI]. This will fulfill their land entitlement from CIRI under the ANCSA.

Another provision would relieve ANCSA corporations of liability for hazardous wastes or contaminants left in, or on, ANCSA lands prior to their conveyance to Native corporations. It also directs the Secretary of the Interior to remove all contaminants left by the United States, an agent of the United States, or lessees prior to conveyance of these lands to the Native corporations. In some instances, the Government has conveyed lands and property interests to Alaska Natives which have been rendered valueless because of such contamination. It was clearly not the intention of ANCSA to extinguish Native claims by conveying contaminated property to recipients.

The Chugach Alaska Kageet Point land selection provision would allow Chugach Alaska Native Corp. to select a specific tract of land at the edge of its own current boundaries.

Mr. Speaker, I hope the spirit of cooperation which was reached last year will continue so we can move this noncontroversial piece of legislation early in this session.

COMPREHENSIVE PREVENTIVE HEALTH AND PROMOTION ACT OF 1995, H.R. 23

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 23, legislation which will help produce a healthier nation. This measure will cover individuals for periodic health exams, as well as counseling and immunizations.

The Comprehensive Preventive Health and Promotion Act of 1995 will direct the Secretary of Health and Human Services [HHS] to establish a schedule of preventive health care services and to provide for coverage of these services under private health insurance plans and health benefit programs of the Federal Government.

More specifically, the Secretary of HHS, in consultation with representatives of the major health care groups, will establish a schedule of recommended preventive health care services. The list of preventive services will follow the guidelines published in the "Guide to Clinical Preventive Services" and the "Year 2000 Health Objectives." The preventive services will cover periodic health exams, health screening, counseling, immunizations, and health promotion. These services will be specified for males and females, and specific age groups.

Additionally, HHS will publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history to businesses, providers of health care services, and other appropriate groups and individuals.

Moreover, prevention and health promotion workshops will be established for corporations and businesses, as well as for the Federal Government. A wellness program will be established to make grants over a 5-year period to 300 eligible employers to establish and conduct on-site workshops on health care promotion for employees. The wellness workshops can include: Counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

Finally, my legislation directs HHS to set up a demonstration project which will go to 50 counties over a 5-year period to provide preventive health care services at health clinics. This program will cover preventive health care services for all children, and adults under a certain income level. If above the determined income level, fees will be based on a sliding scale. Additionally, the project will entail both urban and rural areas in different regions of our Nation to educate the public on the benefits of practicing preventive health care, the need for periodic health exams, and the need for establishing a medical history, as well as providing services.

Mr. Speaker, we can all agree that our current health care system needs to be improved, and our Nation needs to become healthier. Experts have concluded that practicing preventive health care does work, and will produce a healthier nation. Although there is a consensus on the benefits of practicing preventive health care, only approximately 20 percent of health insurance companies offer coverage for periodic health exams.

The Comprehensive Preventive Health and Promotion Act of 1995 has all the necessary ingredients that will be needed in a national health care plan, and will be applicable to that plan.

Accordingly, to all my colleagues who share my concern regarding the importance of producing a healthier nation, I invite and urge you to cosponsor this measure, sending a clear message to our Nation's citizens that Congress is taking steps to improve our Nation's health care system.

At this point I request that the full text of my bill be inserted in the RECORD for review by my colleagues:

H.R. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Preventive Health and Promotion Act of 1995".

SEC. 2. ESTABLISHMENT OF SCHEDULE OF PREVENTIVE HEALTH CARE SERVICES.

(a) INITIAL SCHEDULE.—

(1) PROPOSED SCHEDULE.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with representatives of individuals described in subsection (d), shall establish a proposed initial schedule of recommended preventive health care services. In accordance with section 553 of title 5, United States Code, the Secretary shall publish such proposed schedule in the Federal Register and provide for a 90-day period for receiving public comment on the schedule.

(2) FINAL SCHEDULE.—The proposed schedule of recommended preventive health care services established under paragraph (1) shall become effective for the first calendar year that begins 90 or more days after the expiration of the period for receiving public comment described in paragraph (1).

(b) ANNUAL ADJUSTMENT.—Not later than October 1 of every year (beginning with the first year for which the schedule established under subsection (a) is in effect), the Secretary, in consultation with representatives of individuals described in subsection (d) and in accordance with section 553 of title 5, United States Code, may revise the schedule of preventive health care services established under this section for the following calendar year.

(c) USE OF SOURCES FOR ESTABLISHING SCHEDULE.—In establishing the initial schedule of recommended preventive health care services under subsection (a) and in revising the schedule for subsequent years under subsection (b), the Secretary shall take into consideration the recommendations for preventive health care services contained in the Guide to Clinical Preventive Services presented to the Department of Health and Human Services by the United States Preventive Services Task Force and the Year 2000 Health Objectives of the United States Public Health Service.

(d) INDIVIDUALS SERVING AS CONSULTANTS.—The individuals described in this subsection are as follows:

(1) Hospital administrators.
(2) Administrators of health benefit plans.
(3) General practice physicians.
(4) Mental health practitioners.
(5) Pediatricians.
(6) Chiropractors.
(7) Physicians practicing in medical specialty areas.
(8) Nutritionists.
(9) Nurses.
(10) Experts in scientific research.
(11) Dentists.
(12) Representatives of manufacturers of prescription drugs.
(13) Health educators.

SEC. 3. APPLICATION TO INDIVIDUALS ENROLLED IN PRIVATE HEALTH INSURANCE PLANS.

(a) REQUIREMENT FOR CARRIERS AND PLANS.—

(1) IN GENERAL.—Each carrier and employer health benefit plan shall include in the services covered for each individual enrolled with the carrier or plan the preventive health care services applicable to the individual under the schedule of preventive health care services established under section 2.

(2) DEFINITIONS.—In this section:

(A) The term "carrier" means any entity which provides health insurance or health benefits in a State, and includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, the plan sponsor of a multiple employer welfare arrangement or an employee benefit plan (as defined under the Employee Retirement Income Security Act of 1974), or any other entity providing a plan of health insurance subject to State insurance regulation, but such term does not include for purposes of section 103 an entity that provides health insurance or health benefits under a multiple employer welfare arrangement.

(B)(i) Subject to clause (ii), the term "employer health benefit plan" means a health benefit plan (including an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974) which is offered to employees through an employer and for which the employer provides for any contribution to such plan or any premium for such plan are deducted by the employer from compensation to the employee.

(ii) A State may provide (for a plan in a State) that the term "employer health benefit plan" does not include an association plan (as defined in clause (iii)).

(iii) For purposes of clause (ii), the term "association plan" means a health benefit plan offered by an organization to its members if the organization was formed other than for purposes of purchasing insurance.

(C) The term "full-time employee" means, with respect to an employer, an individual who normally is employed for at least 30 hours per week by the employer.

(D) The term "health benefit plan" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance subscriber contract, or a multiple employer welfare arrangement or employee benefit plan (as defined under the Employee Retirement Income Security Act of 1974) which provides benefits with respect to health care services, but does not include—

(i) coverage only for accident, dental, vision, disability income, or long-term care insurance, or any combination thereof,

(ii) medicare supplemental health insurance,

(iii) coverage issued as a supplement to liability insurance,

(iv) worker's compensation or similar insurance, or

(v) automobile medical-payment insurance, or any combination thereof.

(E) The term "small employer carrier" means a carrier with respect to the issuance of an employer health benefit plan which provides coverage to one or more full-time employees of an entity actively engaged in business which, on at least 50 percent of its working days during the preceding year, employed at least 2, but fewer than 36, full-time employees. For purposes of determining if an employer is a small employer, rules similar to the rules of subsections (b) and (c) of section 414 of the Internal Revenue Code of 1986 shall apply.

(b) ENFORCEMENT THROUGH EXCISE TAX.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end thereof the following new section:

"SEC. 4980C. FAILURE TO COMPLY WITH EMPLOYER HEALTH BENEFIT PLAN STANDARDS REGARDING PREVENTIVE HEALTH CARE.

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—There is hereby imposed a tax on the failure of a carrier or an employer health benefit plan to comply with section 3(a)(1) of the Comprehensive Preventive Health and Promotion Act of 1995.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a failure by a small employer carrier or plan in a State if the Secretary of Health and Human Services determines that the State has in effect a regulatory enforcement mechanism that provides adequate sanctions with respect to such a failure by such a carrier or of such a plan.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—Subject to paragraph (2), the tax imposed by subsection (a) shall be an amount not to exceed 25 percent of the amounts received by the carrier or under the plan for coverage during the period such failure persists.

"(2) LIMITATION IN CASE OF INDIVIDUAL FAILURES.—In the case of a failure that only relates to specified individuals or employers (and not to the plan generally), the amount of the tax imposed by subsection (a) shall not exceed the aggregate of $100 for each day during which such failure persists for each individual to which such failure persists for each individual to which such failure relates. A rule similar to the rule of section 4980B(b)(3) shall apply for purposes of this section.

"(c) Liability for Tax.—The tax imposed by this section shall be paid by the carrier.

"(d) Exceptions.—

"(1) Corrections within 30 days.—No tax shall be imposed by subsection (a) by reason of any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected within the 30-day period beginning on earliest date the carrier knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that payment of such tax would be excessive relative to the failure involved.

"(2) Definitions.—For purposes of this section, the terms 'carrier', 'employer health benefit plan', and 'small employer carrier' have the respective meanings given such terms in section 3(a)(2) of the Comprehensive Preventive Health and Promotion Act of 1995."

(2) Clerical amendment.—The table of sections for chapter 43 of such Code is amended by adding at the end thereof the following new items:

"Sec. 4980C. Failure to comply with employer health plan standards regarding preventive health care.".

(3) Effective date.—The amendments made by this subsection shall apply to plan years beginning after December 31, 1995.

SEC. 4. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES UNDER MEDICARE.

(a) In General.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (O);

(2) by striking the semicolon at the end of subparagraph (P) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(Q) in the case of an individual, services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995 (to the extent such services are not otherwise covered with respect to the individual under this title);".

(b) Conforming Amendments.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking "and" at the end,

(B) in subparagraph (F), by striking the semicolon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(G) in the case of items or services described in section 1861(s)(2)(Q), which are not provided in accordance with the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995;"; and

(2) in paragraph (7), by striking "paragraph (1)(B) or under paragraph (1)(F)" and inserting "subparagraphs (B), (F), or (G) of paragraph (1)".

(c) Effective Date.—The amendments made by this section shall apply to services furnished on or after January 1, 1995.

SEC. 5. COVERAGE UNDER STATE MEDICAID PLANS.

(a) In General.—

(1) Inclusion in medical assistance.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) by striking "and" at the end of paragraph (21);

(B) in paragraph (24), by striking the comma at the end and inserting semicolon;

(C) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(D) by inserting after paragraph (23) the following new paragraph:

"(24) services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995 (to the extent such services are not otherwise covered with respect to the individual under the State plan under this title); and".

(2) Coverage made mandatory.—(A) Section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A) is amended by striking "(17) and (21)" and inserting "(17), (21), and (24)".

(B) Section 1902(a)(10(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended—

(i) by striking "(5) and (17)" and inserting "(5), (17), and (24)"; and

(ii) by striking "through (21)" and inserting "through (24)".

(C) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "through (22)" and inserting "through (24)".

(b) Effective Date.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1995, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsections (a) and (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES FOR VETERANS.

(a) In General.—Section 1701(6) of title 38, United States Code is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) with respect to any veteran, any preventive care services applicable under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995, to the extent such services are not otherwise treated as medical services under this paragraph.".

(b) Providing Services in Outpatient Setting.—Section 1712(a)(5)(A) of such title is amended—

(1) in the first sentence, by striking the period at the end and inserting the following: ", or any other medical services applicable to the veteran under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995."; and

(2) in the second sentence, by inserting after "admission" the following: "or any services applicable to the veteran under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995 (other than services applicable under such schedule that are reasonably necessary in preparation for hospital admission)".

(c) Effective Date.—The amendments made by this section shall apply to services furnished on or after January 1, 1995.

SEC. 7. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES UNDER FEDERAL EMPLOYEES HEALTH BENEFIT PLANS.

(a) In General.—Paragraphs (1) and (2) of section 8904(a) of title 5, United States Code, are each amended by adding at the end the following new subparagraph:

"(G) With respect to an individual, any preventive health care services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995.".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to services furnished on or after January 1, 1995.

SEC. 8. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) Preventive Health Care Services Included in Authorized Care.—Section 1077(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(13) Any preventive care services applicable under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995, to the extent such services are not otherwise authorized as health care services under this subsection.".

(b) Effective Date.—Paragraph (13) of section 1077(a) of title 10, United States Code (as added by subsection (a)), shall apply with respect to health care services furnished on or after January 1, 1995, to dependents of members or former members of the uniformed services authorized to receive such services.

SEC. 9. PREVENTIVE HEALTH CARE DEMONSTRATION PROJECT.

(a) Establishment.—There is hereby established a demonstration project to demonstrate the effectiveness in providing preventive health care services in improving the health of individuals and reducing the aggregate costs of providing health care, under which the Secretary of Health and Human Services shall—

(1) make grants over a 5-year period to 50 eligible counties to assist the counties in providing preventive health care services (in accordance with subsection (b)) to individuals who would otherwise be unable to pay (or have payment made on their behalf) for such services;

(2) conduct the study described in subsection (c); and

(3) carry out the educational program described in subsection (d).

(b) Grants to Counties.—

(1) Services described.—A county receiving a grant under subsection (a)(1) shall provide preventive health care services to individuals at clinics in accordance with the schedule of preventive health care services

established under the Comprehensive Preventive Health and Promotion Act of 1995, except that—

(A) the county may furnish services to individuals residing in rural areas at locations other than clinics if no clinics that are able to provide such services are located in the area; and

(B) the Secretary may revise the schedule of services otherwise required to be provided to take into account the special needs of a participating county.

(2) ELIGIBILITY OF COUNTIES.—A county is eligible to receive a grant under subsection (a)(1) if it submits to the Secretary, at such time and in such form as the Secretary may require, an application containing such information and assurances as the Secretary may require.

(3) GEOGRAPHIC BALANCE AMONG COUNTIES SELECTED.—In selecting counties to receive grants under subsection (a)(1), the Secretary shall consider the need to select counties representing urban, rural, and suburban areas and counties representing various geographic regions of the United States.

(c) STUDY OF STATE PREVENTIVE CARE REQUIREMENTS.—

(1) STUDY.—The Secretary shall conduct a study of the requirements regarding preventive health care services that are imposed by each State on health benefit plans offered to individuals residing in the State.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1).

(d) DISSEMINATION OF INFORMATION ON PREVENTIVE HEALTH CARE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with experts in preventive medicine and representatives of providers of health care services, shall publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history to businesses, providers of health care services, and other appropriate groups and individuals.

(e) STATE DEFINED.—In this section, the term "State" means each of the 50 States and the District of Columbia.

SEC. 10. PROGRAMS TO ESTABLISH ON-SITE WORKSHOPS ON HEALTH PROMOTION.

(a) GRANTS TO BUSINESSES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish a program under which the Secretary shall make grants over a 5-year period to 300 eligible employers to establish and conduct on-site workshops on health care promotion for employees.

(2) ELIGIBILITY.—An employer is eligible to receive a grant under paragraph (1) if the employer submits an application (at such time and in such form as the Secretary may require) containing such information and assurances as the Secretary may require, including assurances that the employer shall use funds received under the grant only to provide services that the employer does not otherwise provide (either directly or through a carrier) to its employees.

(3) INFORMATION AND SERVICES PROVIDED.—On-site workshops on health care promotion conducted with grants received under paragraph (1) shall include the presentation of such information and the provision of such services as the Secretary considers appropriate, including counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

(b) ESTABLISHMENT OF PROGRAMS FOR FEDERAL EMPLOYEES.—The Secretary of Labor shall establish a program under which the Secretary shall conduct on-site workshops on health care promotion for employees of the Federal Government, and shall include in such workshops the presentation of such information and the provision of such services as the Secretary (in consultation with the Secretary of Health and Human Services) considers appropriate, including counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

CLEANING UP THE CLEAN AIR ACT

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. KIM. Mr. Speaker, I rise today to introduce a very important piece of legislation which will help rectify a severely unfair application of the Clean Air Act. This bill, which was blocked by the then-majority Democrats in the 103d Congress, will provide my home State of California with the flexibility every other State in our Union currently enjoys. Specifically, this bill will direct the Environmental Protection Agency [EPA] to withhold the enactment of its Federal implementation plan [FIP], as ordered by the courts, until such time as it has an opportunity to review California's State implementation plan [SIP].

We all want clean air—especially in California. Thus, my intentions are not to weaken clean air standards—and this legislation does not do so. Rather, it helps attain those standards within the context of full support for the principles of States rights. I do not believe the EPA, a Federal bureaucracy, has any right to completely dismantle those principles, even if the courts appear to be the real culprits in this game of high stakes chess. No longer can the Federal Government blindly push States into complying with laws which are not suited for their particular situations or problems.

It is with that in mind that I call on my fellow colleagues to join in protecting the principles upon which this Nation was built. For those of my colleagues who do not represent the State of California, I remind them that this type of precedent could have equally devastating consequences in States such as Texas, Ohio, Virginia, and any others that do not meet the stringently set path that the big brother EPA dictates. Let us make it clear to all Americans that we, the Republican majority, will not stand idly by while the rights of our States are so easily swept aside.

Mr. Speaker, I am hopeful that committee and floor action can be taken expeditiously as this is a very time sensitive issue.

LINE-ITEM VETO LEGISLATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, I am today introducing legislation to propose an amendment to the Constitution giving the President line-item veto authority. This legislation is identical to the line-item veto bill I introduced last Congress.

In years past, the leadership of this body worked hard to see that no real line-item veto bill passed the House. They argued that a true line-item veto would give too much power to the President. I disagreed then and I disagree now.

In theory, Congress may not need the President's help in deciding how best to spend the taxpayer's money. However, in practice, the temptation to slip special interest or parochial spending programs into otherwise necessary appropriation bills has been too strong to resist. Allowing the President to identify and veto such programs would protect not only the budget process, but the taxpayers' pockets.

Mr. Speaker, the line-item veto has proven itself in State after State where it has been tried. There is no reason not to allow it at the Federal level.

IRS BURDEN OF PROOF

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, last year, I introduced H.R. 3261 to protect taxpayers from capricious behavior by the Internal Revenue Service. Today, I am again introducing this bill to ensure American taxpayers get a fair shake in tax court. Too often, the IRS is an agency out of control; too many Americans fear the IRS and that's wrong.

Mr. Speaker, my bill has three sections to protect Americans from IRS abuses. First, damages paid to the taxpayer are increased from $100,000, current law, to $1,000,000. Second, the Internal Revenue Service must notify the taxpayer promptly in writing upon request as to the specific implementing regulations that they are found liable for. No more ambiguous computer generated letters using code numbers. No more unprepared confrontations with the IRS. These two seemingly innocuous sections of my bill are extremely vital and will go a long way in rebuilding the American people's faith in our Government.

The last part of my bill is the most important: it shifts the burden of proof from the taxpayer to the IRS in civil tax cases. Under current law, if the IRS accuses someone of tax fraud, which could be an honest mistake on the 1040 form, he or she must prove his or her innocence in civil court, the IRS does not have to prove your guilt. An accused mass murderer has more rights than a taxpayer fingered by the IRS. Jeffrey Dahmer was considered innocent until proven guilty. Mom and Pop small business owners, however, are not afforded this protection.

Mr. Speaker, during the last session, I highlighted the need for this legislation on the House floor by reading letters and cases I have received from people around the country. You may remember the case of David and Millie Evans from Longmont, CO. The IRS refused to accept their cancelled check as evidence of payment even though the check bore the IRS stamp of endorsement. Or how about Alex Council, who took his own life so his wife could collect his life insurance to pay off their IRS bill? Months later, a judge found him innocent of any wrongdoing. I have heard hundreds of stories of IRS abuses like these on radio and television talk shows. Thousands of Americans have written to me personally with their horror stories.

Opponents argue that my bill will weaken IRS's ability to prosecute legitimate tax cheats. This bill will not affect IRS's ability to enforce tax law, it only forces them to prove allegations of fraud. My bill will ensure that IRS agents act in accordance with the standards of conduct required of all Department of Treasury employees and the Constitution of the United States of America where you are innocent until proven guilty.

Mr. Speaker, I urge all Members to cosponsor my new bill. It will be my No. 1 legislative goal for the 104th Congress. All I seek is fairness for the American people.

THE 1995 AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 30, 1994, into the CONGRESSIONAL RECORD.

THE 1995 AGENDA

There is a deep, free-flowing discontent in the country today. It is difficult to pin down, but it seems to be a fear of the future—a sense of insecurity about jobs, health care, pensions, and the future of the family. Americans are anxious about their future and their children's future in the rapidly changing economy. They are also disgusted with the performance of government. Hoosiers say to me over and over again that government should not try to rescue every one, that government should get off their backs, that they do not want to see their money spent on expanding programs when they are not getting enough bang for the buck now. In short, they want less welfare, less taxes, less spending, and, most of all, less government. They want to shake up Washington.

AGENDA FOR 1995

Although they oppose a big and intrusive government, Americans still have a long list of problems they want addressed. They want us to fix the economy, and for most of them that means boosting their incomes. They still want the health care system reformed. Americans are very concerned about the cost of health care and fear losing their insurance. They like the idea of universal coverage, and certainly want more control of health care costs. They do not want government control over health care decisions. They do not like the stresses put on the family, and want a more effective fight against crime.

Americans want the size and cost of government reduced. They do not favor a passive government, but rather a government that helps them solve problems without overtaxing or overregulating. They feel that government does not benefit them, but benefits somebody else. They want a government that belongs to them. They surely want a reduction in taxes and serious welfare reform. Welfare reform outdistances even a tax cut for the middle class or health care as the top legislative priority of Americans. They want to end welfare dependency, but not end support for people struggling to be self-sufficient. Americans also want us to clean up politics. They do not approve of the way Congress operates and they think most Members have become disconnected from the lives of ordinary Americans.

The agenda for the next Congress will likely revolve around several themes. First, shrink government. We need to sort out what is the reasonable role of government, what can be accomplished by government and what cannot, and what policy areas could be passed on to the states and private sector from a decentralized federal government. My hope is that in the next few years we can move toward decentralization and smaller institutions. Second, restore confidence in government. Several reforms are needed, including ethics reform, campaign finance and lobbying reform, and addressing the problem of negative campaigning. Policymakers need to govern from the center, and adopt a moderate, centrist approach to issues. Third, fix the economy. We need to build on recent successes in reducing the deficit, and pass a line-item veto and a balanced budget amendment. We should pass a middle-income tax cut, provided we can find a way to pay for it and not add to the national debt. I worry about each side trying to up the tax cut proposal of the other side, with the result of a huge increase in the deficit. Fourth, improve personal security. We need to continue our efforts against crime, and work on scaled back health care reform and welfare reform. There is significant momentum for cutting back the welfare system, restructuring it, making it cost less. Fifth, bolster national defense. We need to shore up our national defense and improve readiness, and adopt a position of selective engagement—not being the policeman of the world but intervening only when it is clearly in our national interest.

DIFFICULTY OF GOVERNING IN AMERICA

America has become a much harder place to govern than in the past. It has become larger, more diverse, more crowded. I am impressed with how the public's demand for services collides with government's eroding ability to respond. In many respects our political circuits today are overloaded, and it is difficult for elected officials to address obvious national problems in a deliberate, thoughtful, and thorough way. Interest groups clamor for more attention and more benefits and then defend them vigorously. With the clash of interest groups and ideologies, developing a consensus and putting together coalitions to pass legislation has become increasingly difficult.

The public debate has become much more polarized. Interest groups are very effective at manipulating the voter. They understand that nothing rouses the faithful like a negative message denouncing the other side as evil incarnate. Polarized rhetoric and extreme positions arouse the faithful, and stimulate membership and contributions. At the same time, the news media seem to believe that the road to the truth lies in finding two extremes and letting them clash. They like to transform every discussion into a debate. They do not want a commentator interested in context, complexity, or moderation—despite the fact that most Americans are not on the extremes but in the center.

I am also impressed with how little confidence people have in the institutions of government. Press, television, talk radio, and politicians themselves enthusiastically join in undermining confidence in government today. I wonder how far this erosion in confidence can go and still have a functioning democracy.

CONCLUSION

Americans are demanding wholesale changes in Washington. They are perturbed by complex and disturbing trends of economic hardship, crime, the decline of the family and family values, and the erosion of the American dream. They are taking a long, hard, skeptical look at the condition of their government, and they do not like what they see—too much wasteful spending, too much bureaucracy, too much intrusion into their lives, too little in the way of results.

Policymakers must sort out what government can still usefully do and what it cannot do. We must prove to Americans that their institutions of government can still achieve something and are worth preserving. We need to be advocates of good sense and effective, unapologetic government but also a government that understands its limits. We also need to be more honest with Americans, letting them know that they cannot have benefits without paying the cost of them.

FISHERY CONSERVATION AND MANAGEMENT AMENDMENTS OF 1985

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the Fishery Conservation and Management Amendments of 1995. In the last Congress the Merchant Marine and Fisheries Committee held 11 hearings in 5 different States and received testimony from over 100 witnesses. These witnesses represented all segments of the fisheries industries and other interested parties including fishermen, processors, environmentalists, State government officials, and administrative agencies. Near the end of the 103d Congress the Fisheries Management Subcommittee reported a bill which unfortunately was not considered by the full Merchant Marine and Fisheries Committee.

Today, I am introducing legislation to re-authorize and amend the Magnuson Fisheries Conservation and Management Act. The bill contains nearly identical language to the bill reported by the subcommittee last year. The major differences involve the removal of certain controversial provisions, inclusion of stronger language addressing the bycatch issue and the unique needs of certain rural Alaskan fishermen, as well as some changes that would have been made had the bill been addressed by the full committee last year.

This legislation addresses all of the major concerns discussed during our series of hearings in the last Congress. While some may not totally agree with the way we address some of these concerns, I think this legislation takes a major step in continuing the management of our Nation's fisheries while also addressing some of the problems we have encountered in specific areas of fisheries management.

Mr. Speaker, there are two areas of concern that I feel must be addressed by this re-authorization legislation. We must allow the Regional Fishery Management Councils to address the issue of bycatch. The councils are in a unique position to create specific bycatch reduction measures, tailored for each fishery that they manage. I have also always believed that community development quotas [CDQs] are a legitimate tool of the councils for use in managing our fisheries resources. I have always believed that CDQ's did not have to be specifically authorized for the councils to include them in their first fisheries management plans and the courts have now finally agreed with me on this point. Community development quotas are just one of many tools which can be used by the councils to address the needs of fishery dependent communities. We will continue to look at this issue as we move those legislation.

Mr. Speaker, it is my intention to move quickly with the bill, so that we can get on with the sound management of our Nation's fisheries resources. Our fishermen and processors deserve no less.

REDECLARE THE DRUG WAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, we cannot solve the crime and violence problems which plague this country without an all-out war on drugs. Make no mistake about it. This Republican-controlled Congress will pay a major role in the war on drugs. We'll step up to the plate and assume our full share of responsibility. But so must the administration. Our first, joint priority must be to restore control over the places where Americans live and raise their children.

As a consequence of the Clinton administration's half-hearted effort to fight the drug war we have witnessed a dramatic increase in the use of drugs. Unless the problem is returned to the front burner one of the few enduring legacies of the Clinton Presidency may be the reemergence of illegal drugs and the violent crime associated with drugs.

The American people understand that we cannot solve the crime and violence problem which plagues this country, without an all-out effort to resolve the drug problem. The root cause of violence and crime in this country is illegal drugs. Look at the facts. According to the Partnership for a Drug-Free America:

Drug use is related to half of all violent crime.

Illegal drugs play a part in half of all homicides. In fact, 48 percent of all men arrested for homicide test positive for illicit drugs at the time of arrest.

Over 60 percent of prison inmates are there for drug related crimes.

Illegal drug use is a factor in half of all family violence. Most of this violence is directed against women.

Over 30 percent of all child abuse cases involve a parent using illegal drugs.

The number of drug-exposed babies now accounts for 11 percent of all births in the United States.

Over 75 percent of adolescent deaths are a result of drug related violence.

An important first step in curbing drug demand in this country is to make the so-called casual users and hard core users accountable. The best method to accomplish this involves testing in the workplace. By requiring the testing of all Government employees and officials we can set the standard for the private sector. The bill being introduced today was drafted by constitutional scholars in response to possible court challenges.

The findings provision states that the sale, possession and use of drugs pose a pervasive and substantial threat to the social, educational, and economic health of the United States. The impact of drug abuse if reflected in the violence that it causes and in the disintegration of families, schools, and neighborhoods. The effects of rampant drug use is amply illustrated by national violent crime statistics across the United States. And recent studies demonstrate that drug use by young people is on the rise.

The legislation introduced today is a starting point of the action this Congress must take to turn around the war on drugs, including:

A bill to require random drug testing of all executive, judicial, and legislative branch Government employees and officials.

A bill to deny Federal benefits upon conviction of certain drug offenses.

A bill to ensure quality assurance of drug testing programs.

A bill to require employer notification for certain drug crimes.

A bill to require mandatory drug testing for all Federal job applicants.

A bill to provide the death penalty for drug kingpins.

A bill to prohibit federally sponsored research involving the legalization of drugs.

A bill to deny higher education assistance to individuals convicted of using or selling illegal drugs.

These bills will increase user accountability. It is imperative that we put tough new laws on the books to hold both casual and heavy drug users accountable. These new laws will establish that involvement with illegal drugs has clear consequences. We must increase the social and legal costs of illegal drug consumption.

Mr. Speaker, I would conclude by quoting the chairman of the Partnership for a Drug Free America, Mr. James Burke, "We cannot and will not make progress with crime, violence or other ills until we make a long-term commitment to addressing a common denominator in so many of these problems—drug abuse."

INTERSTATE CHILD SUPPORT ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, during the next few months, there will be considerable debate about personal responsibility. One of the most important parts of this discussion will focus on parents' responsibility to nurture and support their children. Let me emphatically state that this obligation rests with both parents. All too often, the mother is left to shoulder this burden alone. There are both societal costs and personal tragedies that could be averted if we can successfully change this culture of neglect. We must send a clear message that both parents are legally and morally bound to support their children and then be prepared to track down those parents unwilling to live up to their obligations.

While past legislation has improved collections for child support, we as a Nation still have a long way to go. Only half of all custodial parents receive their full child support awards, leaving millions of children without adequate support. Congress must end this disgrace.

Although the Republican Contract With America sets out few details on child support enforcement, I believe this is an issue that we can act on with broad bipartisan support. I am therefore reintroducing child support legislation that reflects many of the recommendations of the U.S. Commission on Interstate Child Support, on which I served. The bill would enhance coordination for collecting child support across state lines, improve Federal tracking of delinquent orders, institute direct wage withholding, withhold business and driver's licenses from individuals owing child support, and deny Federal benefits to individuals with large child support arrearages.

It is certainly worth noting that welfare reform cannot succeed without better child support enforcement. We cannot ask young, poor mothers to go out and get a job, only to let young fathers evade their responsibility. Not only would enhanced child support enforcement reimburse certain welfare costs, but in some cases it may prevent families from going on welfare in the first place.

I ask my colleagues to join me today in sending a clear message that both parents have a responsibility to provide for their children.

FORCED BUSING MUST STOP

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, the Clinton administration recently decided that over S1.3 billion of Missouri tax dollars are not enough. Since 1981, taxpayers in the State of Missouri have watched as their money constructed an Olympic swimming pool, supported fencing teams, and financed court-ordered forced busing. And now, when nearly everyone in Missouri has come to agree that desegragation efforts have failed miserably, the Clinton Administration wants the State to do more than spend money, it wants the State to show results for students.

Unfortunately, the administration does not understand what people have been saying for years: increased education spending does not automatically lead to increased learning. At the same time that the State of Missouri has been struggling to meet its court-ordered obligations in Kansas City and St. Louis, children in the rest of the State have gone without in their schools. Enough is enough.

I am extremely concerned that instead of admitting that forced busing does not work, the administration wants to broaden desegragation efforts. In fact, the Clinton administration is working against Missouri's efforts before the Supreme Court because it is worried that if the Supreme Court sides with the people of Missouri, it could become easier for dozens of other jurisdictions nationwide to end school desegragation cases. This is wrong, and once again I am introducing legislation to amend the U.S. Constitution and prohibit any governmental entity—including Federal courts—from compelling a child to attend a public school other than the public school nearest the student's residence.

While I am hopeful that the Supreme Court will correctly decide in favor of the State of Missouri and against the Clinton administration, this legislation is necessary to ensure children, parents and communities are protected from liberal civil rights lawyers, Federal courts and Washington bureaucrats. I urge my colleagues to join me in supporting this resolution. If court-ordered desegragation is not currently happening in their districts, it is most likely only a matter of time before they find themselves in the same situation as the people of Missouri. This resolution will prevent this disastrous situation from repeating itself across the Nation.

INTRODUCTION OF IRA PROPOSAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing the Individual Retirement Options Improvement Act of 1995. This legislation makes changes to the Internal Revenue Code to improve Individual Retirement Accounts [IRA's].

The purpose of this legislation is to increase our national savings rate. The legislation consists of two major components which are to encourage savings by increasing the amount of deductible contributions which may be made to an individual retirement account and to allow homemakers to be eligible for the full IRA deduction. First, the legislation allows an individual who is an active participant to deduct the allowable amount and to deduct 50 percent of the excess amount for that taxable year. This provision increases the deductible amount which individual taxpayers are currently allowed for IRA's. The legislation does not increase the $2,000 limit. Second, the legislation addresses the spousal IRA issue. The legislation allows homemakers to make the same deductible IRA contribution as their working spouses.

The purpose of this legislation is to increase our national savings rate. IRA's are a proven tool to boost our savings rate. This legislation increases the amount that can be deductible in an IRA. Taxes are just deferred. The focus of this proposal is savings for retirement. A new analysis commissioned by Merrill Lynch on the financial wealth of American families shows that half of American families currently have below $1,000 in net financial assets. Action needs to be taken to improve this statistic.

Allowing homemakers to contribute the full amount to an IRA corrects an inequity and creates an incentive for savings. Increased retirement savings will result in economic growth and help retirees become financially independent. We have to encourage individuals to save for their retirement. This legislation is a step in the right direction. I urge you to support this legislation.

THE EXPORT ADMINISTRATION ACT OF 1995

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. ROTH. Mr. Speaker, today I have introduced the Export Administration Act of 1995. The text of this bill generally reflects the provisions reported to the House last year by the Committee on Foreign Affairs, together with certain of the modifications recommended to the House last year by other committees. Title I of this bill originated with legislation that I introduced in the 103d Congress as H.R. 3412.

As the chairman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations, I intend to renew the effort to reform our export control system and see it through to completion, with enactment of reform legislation.

The legislation I have introduced today is the starting point for this final push to enactment. In essence, we are picking up where our committee left off last year. Prior to acting on this legislation, our subcommittee will consult with other members of our committee, with other committees and interested Members and with representatives of the President as well as other interested parties. Refinements and modifications will be made and reflected in a measure which will be presented to the subcommittee for its consideration and approval as soon as possible.

My goal is simple: To reform our outdated export control system, help our high technology industries and create new American jobs.

The last time Congress reformed the Export Administration Act was in 1979, some 15 years ago. The last time it was amended in any significant way was in 1988. Therefore, the current law simply does not reflect the profound changes which have occurred during the past 5 years alone: the end of the Cold War and COCOM; the new challenge of proliferation; the breakup of the Soviet empire; the beginnings of a market economy in China; the diffusion worldwide of advanced computer and communications technology; and the advent of a new global trade agreement.

Yet our export control system still operates under an old statute, needlessly impeding many high technology exports while not adequately focusing on proliferation threats. Testimony last year to our subcommittee indicated that some $30 billion in American exports are affected by this outmoded system, together with the thousands of jobs which would otherwise be created by reforming the system.

In introducing this legislation, I welcome recommendations from my colleagues on how this bill can be further strengthened.

I intend to continue our subcommittee's tradition of approaching legislation in an effective bi-partisan manner and to bring to the House a bill that every Member can vote for and that the President can sign into law.

BALANCED BUDGET AMENDMENT LEGISLATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, I am pleased today to reintroduce a balanced budget amendment. This amendment, if ratified by three-fourths of the States, will mandate that the President submit and Congress pass a balanced Federal budget.

The last budget Congress balanced was in 1969. Since then, both deficits and the national debt have soared to astronomical levels. We must put an end to this obscene accumulation of debt or face the prospect of a national bankruptcy.

Mr. Speaker, there are many in this body who will say that the balanced budget amendment is not needed, or that to balance the budget we will have to cut vital and important programs to the bone. Nothing could be further from the truth.

While it is true that Congress has always possessed the ability to balance the budget, the fact that it hasn't done so in 26 years indicates that a balanced budget has not been among Congress' top priorities. And while it is also true that things have changed around here, what has not changed is the threat our national debt poses to the economic futures of our children and grandchildren. We must assure them that we will do everything in our power to allow them to live in a debt-free nation.

I am sensitive to the concerns expressed by those who fear a wholesale slaughter of vital and important Federal programs. To be sure, balancing the budget will not be without a certain degree of pain and sacrifice. However, it would not require the wholesale dismantling of vital programs, such as Social Security, that its critics allege. Indeed, balancing the Federal budget could only strengthen Social Security and other programs whose trust funds are invested in Government securities.

Mr. Speaker, the people of this country voted for change—for a different approach to government. We should give it to them. I can think of no better starting point than to pass a balanced budget amendment.

INVESTMENT IN AMERICA ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, every session since coming to Congress in 1985, I have introduced a bill to reinstate a 10-percent domestic investment tax credit [ITC] for the purchase of domestic durable goods. I am reintroducing this bill today, and I invite all Members to become cosponsors.

Mr. Speaker, as you know, the Ways and Means Committee intends to overhaul tax policy in the upcoming 104th session. I believe my 10-percent investment tax credit bill should be considered as a part of that new tax plan.

The way this bill works could not be simpler. If an American consumer buys a domestic product like a new machine or computer to improve their business, the consumer can take a 10-percent tax credit if that product was made in America. If the consumer purchases a new American-made automobile or truck, they can take a 10-percent tax credit. The tax credit would be worth up to $1,000.

Investment tax credits are not new, but mine incorporates Buy American language to assist economic enhancement. I believe that repealing the investment tax credit in 1986 was one of the major reasons for the downfall in investment. As a result, American companies are competing with one hand tied behind their backs. Under my bill, at least 60 percent of the basis of the product must be attributable to value within the United States to take advantage of the credit. In other words, language the Commerce Department already uses to define an American-made product.

The purpose of the Investment in America tax credit is to stimulate the economy by spurring consumers and businesses to purchase American-made goods to enhance our long-term competitiveness. I don't know of a simpler way to change our complex tax policy for the better. I have always argued that the social problems this country faces can be linked to the unfair and harmful trade and tax policies enacted by the Congress. The 104th Congress offers us a unique opportunity to make a difference in the direction this country is headed.

Mr. Speaker, I urge all Members to cosponsor my bill. As a Congress, we need to show the American people that we are sincere about making America a strong nation once again.

THE NEW CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 16, 1994, into the CONGRESSIONAL RECORD.

THE NEW CONGRESS

The 104th Congress that convenes in January will have both the House and Senate under Republican control for the first time since 1955. That changed makeup as well as the current mood of the country say a lot about the congressional agenda and about how the President will have to deal with Congress.

THE NEW MAKEUP OF CONGRESS

The shift of Congress to Republican control will have a major impact on the legislative agenda.

I hope that one lesson for the new Congress is that both parties recognize they have to treat each other with greater respect. Power imposes responsibility, and it is much tougher to govern than make calls from the bleachers. I hope one result of the election is to make politicians think about Congress as an institution and what needs to be done to improve it.

Members of Congress also need to get a firmer grasp on the difference between doing what is right for tomorrow and what is politically popular for today. We have to get a longer-term perspective into our politics. We must ask what our country is going to be like when we reach the twenty-first century, how we can keep the economy strong and prosperous, and how we can assure that our children have jobs and opportunity for personal fulfillment.

THE MOOD OF THE COUNTRY

The current mood of the country also shapes what issues will be tackled by the 104th Congress.

The mood of the country is often described as anti-government. My own judgement is that Americans primarily oppose wasteful, duplicative, and corrupt government. They are prepared to support government that delivers services efficiently. They are saying that the growth of government needs to be curbed and that the performance of government needs to be improved. In a broader sense, Americans think the country is losing its moral roots and that politicians are not doing anything about it. They want more attention to traditional values as well as an improved level of government performance.

Americans are alienated from government, their elected representatives, and the political process. They feel a deepening powerlessness and pessimism over the future of the nation. As one Hoosier put it to me, "I don't really feel that the people of this country have any control over what is going on." There is a feeling that the country has become too big, too complicated, too diverse.

Again and again, Americans say they are uneasy about their future and feel that they are not getting ahead. One principal reason for this is that the job market is changing in swift and unpredictable ways. People are no longer sure that even with two incomes in the family they can maintain their standard of living. Their feeling that things might get worse and their deep sense of insecurity are very difficult for a politician to deal with.

I find Americans distressed about many aspects of society today: the amount of violence and vulgarity, the rise of illegitimacy, the decay of responsibility, the loss of traditional values. The real message is their fear of the future. They are deeply concerned about crime, job security, retirement income, and adequate health care. They express a feeling that something is eating away at the security of their lives.

Americans certainly support welfare reform and tax cuts. They have a strong view that the tax burden on middle-class families has risen steadily in recent decades and that there has been a decline in real income. Americans are turned inward and they worry about their own financial difficulties. They have become less interested in foreign affairs and the problems of the poor and the minorities in this country.

Congress has been dealing with many of the problems people want addressed—the deficit, jobs, welfare reform, making government leaner and more effective. We are not dealing with those problems satisfactorily from their standpoint. Often they are not aware of what has been done.

Americans have become much more interested in local concerns. Many of them feel the federal government is no longer as important as it once was. They have redefined what is really important to them. The closer politics is to their home and their family, the more important it is to them. In many communities, I find that infrastructure improvements and personal security for their families are the dominant concerns.

It is clear that policymakers need to sort out which roles should be played by federal, state, and local governments and which should be shared with the private sector. There is certainly a strong feeling among the voters that the federal government is simply trying to do too much.

THE PRESIDENT'S APPROACH TO CONGRESS

With the changes in the 104th Congress, the President confronts two approaches about how to deal with his legislative agenda. He can push ahead with comprehensive changes in health care and welfare. He knows he will not succeed, but he could put the blame on Congress for refusing to pass his programs. The other approach is to try to work out agreements with the Republicans.

I would urge the President to proceed on a path of compromise. He will have to work to develop a spirit of bi-partisanship. That will not be easy. In effect, he will have to govern from the middle. But, of course, it takes two to make a deal and the Republicans will want their agenda to be given priority. If the President tries bi-partisanship and it fails, he will have little choice but to go on the offensive.

My advice to the President is that he has to broaden his political base by governing from the center out, not from the left in. He needs to forge an alliance with the new members of Congress who are very close to their constituents and in tune with the new politics of the country.

INTRODUCING LEGISLATION CONCERNING KENAI NATIVES ASSOCIATION, INC.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to correct a significant inequity in Federal law with respect to land uses of property conveyed to the Kenai Natives Association, Inc. [KNA]. The legislation, which will mark the final outcome of a process begun nearly 14 years ago and which was the subject of a congressional hearing last Congress and the enactment of one interim law, would correct the land entitlement inequities of KNA by authorizing and directing the completion of a land exchange and acquisition package. The legislation will allow KNA for the first time to make economic use of the majority of lands conveyed to the corporation under the Alaska Native Claims Settlement Act of 1971.

We began the final stage in this process by directing, through enactment of Public Law 102–458, an expedited negotiation of a land acquisition package between the Fish and Wildlife Service and KNA. Over the past year, negotiations were completed, resulting in a package which is identical to the elements of the legislation I am introducing today.

KNA has waited since 1982 to resolve its land selection problem with property which is within the boundaries of the Kenai National Wildlife Refuge. KNA has reached a tentative agreement with the U.S. Fish and Wildlife Service with an exchange agreement on lands within the refuge. I believe that they have waited long enough for ratification of the agreement and believe they deserve to have this behind them. This legislation will authorize and direct the Secretary to make an offer to KNA to complete an exchange and acquisition of lands owned by KNA.

This legislation represents an agreement reached during the 103d Congress. It is my intention to move this legislation quickly and get it behind us. I urge my colleagues support so that KNA can move forward with their agenda.

I am pleased with the efforts by KNA, its former president, the late Katherine Boling, and board of directors as well as the Fish and Wildlife Service to finalize this acquisition. KNA and the Fish and Wildlife Service have set aside past differences and have resolved the land use disagreement which has prevented KNA from using most of its lands conveyed under ANCSA. At the same time, another purpose of Public Law 102–458 and, a Federal goal, was acquiring for public ownership land along the Kenai River. These missions would be accomplished by the legislation I am introducing today.

The Service has completed all the necessary negotiations on land acquisitions and exchange components and completed the necessary public review and legal reviews required for exchanges in Alaska. I commend the Service for their efforts to acquire a key parcel of land along the Kenai River, inside the boundaries of the Kenai National Wildlife Refuge, for public use. This acquisition is the crucial component of this legislation. Just as crucial is the need to allow KNA to make economic use of lands conveyed to the corporation to settle native land claims. It is wrong under any sense of fairness or the law to convey lands to native corporations in settlement of recognized land claims yet at the same time prohibit the use of those lands.

Mr. Speaker, we need innovative measures to resolve land use conflicts in Alaska. Secretary Babbitt has noted the need for innovative exchanges throughout the Nation to properly manage Federal lands. This legislation represents a fine example of an exchange which resolves a longstanding land dispute on a voluntary basis.

I believe we can and should resolve this dispute on a voluntary basis. If we fail to do so, the result will only be ill-will, an extreme inequity to the Alaska Natives of KNA, litigation and the loss of an important opportunity to acquire public, riverfront lands, along the Kenai River. Further, there will remain a significant doubt that any land use conflict involving Federal lands in Alaska can be resolved in a cooperative fashion.

Mr. Speaker, I have worked closely with the former chairman of the Natural Resources Committee, Mr. MILLER, on this matter for many years. I believe we have an opportunity to correct an inequity, acquire valuable habitat, and show that innovative answers to land use problems will work in Alaska. I am anxious to move forward on this legislation which resolves this matter on a voluntary, willing seller basis early this year based on agreements reached during the last session between all interested parties.

THE MILITARY RECRUITER CAMPUS ACCESS ACT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, today I am introducing the Military Recruiter Campus Access Act, which would deny all Federal funds to educational institutions that bar or impair military recruiting. As you know, this phenomenon has proliferated across the country in recent years.

This has outraged me for years, Mr. Speaker. Simply justice demands that we not give taxpayer dollars to institutions which are interfering with the Federal Government's constitutionally mandated function of raising a military. Further, with the defense drawdown, recruiting the most highly qualified candidates from around the country has become even more important.

Last year, we began to deal with this injustice with the overwhelming passage of my amendment to the fiscal year 1995 DOD authorization bill which, with the support of Senator NICKLES, became law on October 1. That law, which denies any DOD funds from going to colleges and universities which are discriminating against recruiters, has already begun to have some positive effect. I am told by the Pentagon that schools across the country are getting the message and preparing to accommodate recruiters rather than lose their precious funding.

But to pick up the stragglers who are still not complying, further action is necessary. We have additional leverage, Mr. Speaker. My amendment last year covered only DOD funds, which amount to roughly $3 billion annually. But the Federal Government provides an additional $8 billion annually in grant and contract funding to colleges and universities through other departments and agencies such as HHS, Agriculture, and the National Science Foundation.

Barring military recruiters is an intrusion on Federal prerogatives, a slap in the face to our Nation's fine military personnel, and an impediment to sound national security policy. We should draw the line on this in the 104th Congress, Mr. Speaker, I urge bipartisan support for the bill.

INTRODUCTION OF PREPAYMENT OF LIFE INSURANCE BENEFITS BILL

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation which has had strong bipartisan support in the past, legislation to provide for the prepayment of death benefits on life insurance contracts for the terminally ill.

I first introduced this legislation in the 101st Congress. It had over 100 bipartisan cosponsors in the 102d Congress. I subsequently worked closely with the Bush administration in its attempt to accomplish this important goal by regulation. The regulations, however, were not final when the Clinton administration took office and have not been finalized. The Clinton administration included this provision in the President's Health Care plan and it was subsequently included in both the Ways and Means Committee and Mitchell Health Care bills. A version of this legislation is also included in the Republican contract.

This legislation would allow individuals who are certified by a physician to have a terminal illness or injury which can reasonably be expected to result in death within 12 months, to receive the proceeds of their life insurance contracts on a tax free basis.

I believe that access to these assets will make the lives of the terminally ill significantly easier with little cost to the Federal Government.

Under current law, life insurance proceeds payable on death are generally tax free. This legislation, therefore, should have only a minor revenue impact in that the only change would be one of timing—tax free receipt of life insurance proceeds one year earlier than otherwise would be the case.

In addition, access to these assets is critical to those many terminally ill individuals, who have no health insurance. To the extent that these individuals tap their life insurance policies to pay their final health care costs, Federal dollars will be saved.

ENGLISH IS OUR COMMON THREAD

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, many times before I have taken to the floor to speak about the importance of the English language. For decades, English has been the de facto language of the United States. In recent years, 19 States have designated English as their official language. Support for these efforts has been overwhelming. I strongly believe that English should be the official language of the United States Government. I have been a persistent sponsor of such legislation, and I will again today introduce the Language of Government Act.

At the same time, however, I want to recognize the important contributions of other languages through a sense-of-the-Congress resolution. In an increasingly global world, foreign languages are key to international communication. I strongly encourage those who already speak English to learn foreign languages.

As a nation of immigrants, America is comprised of people of all races, nationalities, and languages. These differences make our Nation the wonderful place it is. While being different, all of these people can find a common means of communication in the English language. English is the common thread that connects every citizen in our great Nation.

MAKING THE POSTAL SERVICE MORE COMPETITIVE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRANE. Mr. Speaker, remember that lame old excuse, "the check is in the mail." In days gone by, those who heard it hoped and prayed it was true. For if it was, they knew that they would soon be getting their money.

Not so today. As far too many people have found out, putting the check in the mail gives neither the sender nor the would-be recipient any assurance whatsoever that it will actually arrive at its intended destination. Or that it will get there in time to avoid late charges or black marks on one's credit rating.

Over and over this past year, we heard stories about mail being dumped, burned or stashed by mail carriers or hidden away in warehouses by postal managers not wanting to admit how far behind their delivery efforts had fallen. At least a half dozen of these instances occurred in the Chicago area alone.

On top of that, reports of slow mail delivery have been too numerous to mention. As a result, people have lost confidence in the Postal Service and remedies such as a new $7 million logo or a 3-cent increase in the cost of first class postage have done nothing to restore it.

To be fair, the U.S. Postal Service [USPS] has made repeated efforts in recent months to improve the quality and timeliness of its service. But this is not the first time questions have been raised about the USPS's performance or that attempts to improve it have been made. To the contrary, there has been enough past efforts, the Postal Reorganization Act of 1970 being the most prominent, to suggest that a whole new approach is needed.

Generally speaking, most USPS employees are conscientious, hard working individuals who want to do a good job. For the most part, the problem is not so much with them as it is with the system in which they operate. Put simply, that system lacks the incentives necessary to bring about the gains in productivity and customer service that are essential if the USPS is to live up to the public's expectations. For one thing, the USPS is insulated against competition in the delivery of first class mail which means customers need not be won over but can be taken for granted. For another, it is subsidized by the Federal Government, which means there is less pressure to be efficient. For a third, it does not have the bottom line incentives—such as the profit motive and profit-sharing arrangements—which make many private companies so productive.

A quick look at the parcel delivery business bears out this assessment. Thirty years ago, most all parcels were delivered by the Postal Service. Today, competitors like FED-EX, UPS, and DHL handle a vast majority of packages shipped around the country, despite the built-in advantages enjoyed by the USPS. Also, the growing movement towards corporate competition in, or the privatization of, postal services in other countries reinforces that hypothesis. New Zealand, for instance, converted its postal service from a government department to a state owned but decontrolled corporation in the late 1980's and has watched it flourish ever since. Last year, Holland partially privatized its postal service and Germany is doing the same starting this month. Also, there has been considerable discussion in Great Britain about the possibility of privatizing parts of the Royal Mail and Parcelforce, a move favored by a number of its top managers.

In this country, the objection to privatization has been that it would result—allegedly—in cream skimming by USPS competitors which would leave the USPS with the financially troublesome prospect of being left with only rural and bulk mail to deliver. However, the logic behind such an assumption not only does a disservice to the capabilities of USPS employees but it overlooks the significance of the telecommunications revolution now underway. What with the growing popularity of FAX machines, modems, internet, E-mail and the like, the truth of the matter is that the USPS is more likely to be left with rural and bulk mail to deliver if it doesn't go private than if it does. Only by keeping up with the times and the competition, which can best be done by operating in the same way as the competition, can be USPS hope to thrive in the future.

Understandably, many USPS employees, fearing for their jobs, have certain reservations about going that route. Since change often breeds uncertainty and uncertainty is unsettling, such a reaction is only natural. However, change also brings opportunity and that would certainly be true if the USPS were to be converted into a private corporation. And it would be especially true if that corporation were to be an employee owned one. Not only would the new entity be able to explore new markets and develop new ways of doing business, both of which could benefit postal workers, but making it employee owned would give workers more control over their futures as well as a share of the profits.

For all these reasons, I have decided to introduce once again legislation that would convert the U.S. Postal Service into a totally private, employee-owned corporation. As was the case with my previous bills to this effect, this measure calls for this transition to be implemented over a 5 year period, after which the USPS's current monopoly over the delivery of first class mail would end. However, there is one difference between this bill and my previous legislation. To make the prospects for the success of this new private sector corporation even more likely and attractive, the measure I am introducing today calls for the cost-free transfer of the assets held by the USPS to that corporation. Not only will that make the transition to private status easier to arrange, but it will speed the day when American taxpayers will no longer have to subsidize an operation that has been losing money as well as the mail.

Given the clear need for more than just minor adjustments to our postal delivery system, I hope my colleagues will carefully consider this legislation and then give it their support by signing on as co-sponsors. If America is to be truly competitive in the forthcoming era of computers and telecommunications, we simply cannot afford a correspondence delivery system that is neither prompt nor reliable. Instead, we need a system that is state of the art and the best way to get it is make use of, by making the USPS a part of, the private sector.

ENDING THE FOREIGN AID PIPELINE MESS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. ROTH. Mr. Speaker, today I have introduced legislation to bring to an end a multibillion-dollar problem with our foreign aid programs: the so-called foreign aid pipeline. The pipeline consists of funds appropriated in prior years, up to a decade ago, but which are not expended and just sit in accounts waiting for some bureaucrat to dream up a way to spend it.

Responding to my request for an investigation in 1991, the General Accounting Office reported that nearly $9 billion has been sitting in the pipeline, for up to 10 years. GAO recommended that such unneeded funds be canceled after 2 years, with a couple of specific exceptions.

In 1991, the House adopted my amendment to cut off this pipeline, but the underlying bill was not enacted. Again in 1993, a version of my amendment was incorporated into the Foreign Affairs Committee's foreign aid reform bill, but that bill also was not enacted.

Today, I am renewing my initiative to cut off this multibillion waste of taxpayers' funds. GAO estimated that about half of the funds in the pipeline could be recovered by enacting my proposal, as much as $4.5 billion. My bill was drafted after consulting with experts at the GAO.

At a time when Congress is debating reductions in programs for Americans, foreign aid should be cut first. The place to start cutting is in the foreign aid pipeline, because it has already been determined to be a source of waste.

As the new Congress proceeds to considering legislation to make spending savings, I intend to seek action on this bill and end this misuse of taxpayers' money.

USE OF UNDERUTILIZED BUILDINGS IN ECONOMICALLY DEPRESSED AREAS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation that I sponsored in the 103d Congress that would require the National Aeronautics and Space Administration to take advantage of abandoned and underutilized buildings and grounds in economically depressed areas of the country when selecting new site facilities. I invite all Members to cosponsor this legislation.

I believe that in this age of reinvestment in our large cities, programs such as Enterprise Zone and HUD grants offer economically depressed communities the opportunity to pick themselves up and forge ahead with their recovery. I also believe, however, that Federal agencies, such as NASA, should look at those same communities when looking to expand their facilities. Much like a major sports team, NASA expansion into an economically depressed area would boost the area's financial status, self-esteem, and morale. Often these last two simply cannot be fixed with a simple Government-sponsored grant.

My legislation would also allow older buildings and underused facilities in decaying cities the chance to be fully utilized, thereby furthering the economic and cosmetic recovery of those cities. And because those facilities would already be in place, NASA would not have to spend a fortune on constructing all new buildings and support infrastructure.

Mr. Speaker, NASA's operations should not just be something we see pictures of on television. I urge my colleagues to cosponsor this legislation so that all Americans can take advantage of this country's space program.

THE 103D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 19, 1994, into the CONGRESSIONAL RECORD.

THE 103D CONGRESS

The 103rd Congress promised to govern. In the end, despite significant achievements, it was unable to deliver on much of the legislative program. But it should not be judged solely on the numerous measures which were defeated in the closing weeks. Among them were the bills dealing with health care, campaign finance, lobbying disclosure, telecommunications, and toxic waste clean-up. There is no doubt it was a bad ending to the Congress.

But the 103rd Congress really did quite a lot. It was reasonably productive even through extraordinarily contentious. In the end I think it was a respectable Congress, not spectacular but at least average.

MEASURES PASSED

Important legislation passed by the 103rd Congress included deficit reduction, the North American Free Trade Agreement, family and medical leave, "motor voter" registration, national service corps, Hatch Act revisions, the crime bill, interstate branch banking, Goals 2000 education reform, and deep cuts in the federal workforce. GATT may be added to this list during a special post-election session. It is easy to imagine another 8 to 12 pieces of major legislation that could have been passed near the end but were not. In judging the Congress it is important to think in terms of not only what it did but also what groundwork it laid. My guess is that basic agreements were reached in several areas in preparation for passage next year. That includes a telecommunications bill and superfund reform.

The central achievement of the 103rd Congress was passage last year of one of the largest deficit reduction packages in history—reducing the projected deficits over five years by some $430 billion. The deficit will fall three years in a row—the first time that has happened since the Truman Administration. This has helped boost the economy—raising the overall growth rate, boosting productivity, and reducing the unemployment rate. Some 4.6 million new jobs have been created since January 1993, compared to 2.4 million over the previous four years. Passage of the North American Free Trade Agreement abolishing trade barriers between the United States, Mexico, and Canada has led to a sharp increase in U.S. exports to our NAFTA partners.

Among the other achievements of the 103rd Congress were several education initiatives, including renewal of elementary and secondary education aid and expansion of Head Start, the Goals 2000 reform to set achievement standards, a school-to-work transition program, and an overhaul of the college student loan program. Two separate banking laws passed, one the remove restrictions on bank branches across state lines and another to put money for economic development into distressed areas via community development banks. The new crime package means more police on the street, more prisons, and tougher punishment for federal crimes.

The reinventing government effort had some distinct successes; procurement reform to streamline government buying of goods and services and to allow more products to be purchased off the shelf, and buyouts to cut the federal payroll by almost 280,000 jobs over six years. Government reorganization advanced with the creation of a separate Social Security Administration and reorganization of the Agriculture Department. Congress renewed the independent counsel to investigate allegations against high ranking government officials. The most significant piece of environmental legislation passed was the California Desert Protection Act creating the largest wilderness area outside Alaska.

DISAPPOINTMENTS

A Congress, of course, is always measured against expectations. Looking just at what the 103rd Congress achieved, quite a lot was done. But looking at it against expectations and opportunities, it does not measure up very well. One standard by which Congress clearly failed was in gaining public confidence.

As I wrote earlier, this Congress was a reform Congress and we learned once again that those who seek reform and change run into many obstacles and risk failure.

I was disappointed that congressional reform, which included modest proposals for change made by the bi-partisan committee I co-chaired, died in both houses. These reform proposals will certainly be on the agenda for the 104th Congress.

The most significant failure of the Congress was on health care reform. It died when consensus failed to develop among supporters of various plans. Welfare reform did not get out of committee. A campaign finance reform plan with voluntary spending limits and curbs on special interest money was killed by filibuster, as was a bill to ban lawmakers from accepting any gifts from lobbyists.

I was disappointed that welfare reform was not enacted, but encouraged that in 1995 it will be high on the agenda of the 104th Congress. I was also disappointed that we could not strengthen the Clean Water Act and the Safe Drinking Water Act.

It is especially difficult to move on reform when public confidence in government is waning and suspicion of its every act is rising. The public sees Congress as a do-nothing assembly of quarrelsome partisans more attuned to the special interests than to the voters. The large number of filibusters in the Senate certainly slowed the agenda.

Many members of Congress believe the news media contributed to the very tough environment within which we do our work. The media tend to be more destructive than constructive, criticizing even those who are striving to make things better. One of my colleagues said that nothing about government is done as incompetently as the reporting of it. That may be an overstatement, but it is frustrating to see the failures of Congress celebrated while the very real successes are ignored.

CONCLUSION

Overall the 103rd Congress came out of the starting gate fast but it collapsed at the finish line. Some of the critics say that this was perhaps the worst Congress in 50 years. I simply do not agree. Those critics were too focused on the final days of the Congress and have not looked at the overall record. Certainly the final record could and should, have been better, but the 103rd Congress did manage to put together a list of significant accomplishments.

INTRODUCTION OF CAPITAL GAINS TAX PROPOSAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation, the Middle Class Income Tax Relief Act of 1995, which provides a capital gains tax cut for working class Americans. This legislation provides a lifetime capital gains bank of $200,000. Any taxpayer throughout the person's lifetime would have a capital gains bank of $200,000. Under this legislation, a taxpayer could exclude up to 50 percent of the gain on the sale of a capital asset, up to the limit in the maximum tax rate of 19.8 percent.

The benefit of lifetime capital gains tax bank would phase out as a taxpayer's income increases above $200,000. Under this legislation individuals who sold stocks saved for retirement or a second home, or elderly individuals, who have a large gain in the sale of their principal residence, would benefit. The proposal includes a 3-year holding period for the capital asset. Short-term stock speculators would not be able to qualify for the benefit.

In addition, the bill allows taxpayers to index the cost of real estate for inflation. An inflation-induced gain is not a capital gain and should not be subject to tax.

Lately, there has been much said about the necessity and benefits of a capital gain tax cut. A capital gains tax cut is a valid measure, but a capital gains tax needs to be economically feasible and to benefit the middle-class. A capital gains tax cut needs to be responsible. I believe the Middle Income Tax Relief Act of 1995 is an appropriate capital gains tax cut.

Mr. Speaker, I insert a summary for the RECORD.

SUMMARY OF MIDDLE INCOME TAX RELIEF ACT OF 1995

Individuals would have a lifetime capital gains "bank".

Bank limit would be $200,000 per person.

All individuals would be entitled to the $200,000 bank: for example each spouse of a married couple would each have a separate limit.

Any individual who sold a qualified asset could exclude up to 50% of the gain on the sale, up to the $200,000 limit.

Qualified assets would include all capital assets under the present law, except collectibles.

Under the bill, the maximum tax rate on capital gains income would be 19.8% (i.e. ½ of the maximum 39.6% rate).

The full benefit would be available in any year that a taxpayer had adjusted gross income in excess of $200,000.

In the case of a sale or exchange of real property, taxpayers would be able to index their basis in the asset to the rate of inflation. Thus, no tax on inflation-induced gains.

Example: taxpayer buys a house for $100,000 and sells it 9 years later for $200,000. Inflation was 5% per year over the 9-year period. Basis for measuring gain is $145,000 so gain is $55,000.

A 3-year holding period would apply so that the deduction would not be available to any taxpayer who held the asset for less than 3 years.

INTRODUCTION OF THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1994

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to introduce the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1994. When enacted, this legislation will ratify an agreement to settle a longstanding and difficult dispute between the National Park Service and Alaska Native landowners over the use of all-terrain vehicles—or ATV's for access for subsistence purposes in Gates of the Arctic National Park and Preserve.

The residents of Anaktuvuk Pass and the National Park Service have had a longstanding dispute over the use by village residents, of certain ATV's for substance purposes on national park and wilderness lands adjacent to the village. In an effort to resolve this conflict, Arctic Slope Regional Corp.—the regional corporation established by the Inupiat Eskimo people of Alaska's North Slope under the provisions of the Alaska Native Claims Settlement Act [ANCSA], Nunamuit Corp.—the Anaktuvuk Pass ANCSA Village Corp.—the city of Anaktuvuk Pass and the National Park Service have entered into an innovative agreement both guaranteeing dispersed ATV access on specific tracts of park land and limiting development of Native land in the area. The agreement will limit the types of ATV's allowed and will also lead to enhanced recreational opportunities by improving public access across Native lands.

The village of Anaktuvuk Pass is located on the North Slope of Alaska in the remote Brooks Mountain Range, completely within the boundary of and surrounded by the Gates of the Arctic National Park and Preserve. Village residents have long relied upon the use of ATV's for summer access to subsistence resources, primarily caribou, on certain of these nearby park, and park wilderness lands. As there are no rivers near the community for motorboat access to park lands, ATC's provide the primary means by which to reach and transport game in the summer. The only alternative to ATV use is to walk which is not feasible in these remote areas. Snowmobiles are the primary mode of transportation for subsistence activities in the winter.

With the passage of the Alaska National Interest Lands Conservation Act [ANILCA] in 1980, Congress expressly reserved the rights of rural Alaska residents to continued, reasonable access to subsistence resources on public lands, by providing in section 811(a) of that act, "rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on public lands." Section 811(b) of ANILCA provides further that "the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation." The National Park Service and the Native landowners disagree about whether ATV's are other means of surface transportation traditionally employed for subsistence purposes in Gates of the Arctic National Park and Preserve. But there is no dispute that ATV's are necessary for the summertime subsistence activities of the residents of Anaktuvuk Pass.

Following several years of discussions, the Native landowners and the National Park Service have reached an agreement which will finally resolve the ATV controversy on the public lands surrounding Anaktuvuk Pass. In April 1992, the Park Service issued a final legislative environmental impact statement embracing the proposed agreement, and in November 1992, the Secretary of the Interior endorsed the agreement in a Record of Decision. The parties executed the agreement on December 17, 1992.

The parties have since executed two technical amendments to the original agreement.

The agreement involves an exchange of land and interests in lands between the Native landowners and the Park Service. Specifically, the Federal Government will convey in fee approximately 30,642 acres of park land to Arctic Slop Regional Corp. and Nunamuit Corp. On the Federal land conveyed to the Native corporations, the National Park Service will reserve surface and subsurface access and development rights as well as broad public access easements. In addition, certain nonwilderness areas of federally owned park land will be opened to dispersed ATV use. In return, the Native landowners will convey to the Federal Government approximately 38,840 acres in fee for inclusion in both the national park and national wilderness systems. Native landowners will also convey to the Park Service additional surface and subsurface development rights on 86,307 acres as well as a series of conservation, scenic, and public access easements on other Native-owned lands within the boundaries of Gates of the Arctic National Park and Preserve. Finally, the city of Anaktuvuk Pass will convey a city lot to the National Park Service for administrative purposes.

Congressional ratification of this agreement will be required in order to remove 73,993 acres of Federal land from the National Wilderness Preservation System, as well as to designate approximately 56,825 acres of other park and presently Native-owned lands as new national wilderness. If ratified by Congress, the agreement will expressly authorize dispersed ATV use on certain lands within the park boundary. Without congressional approval, the agreement will become null and void, and none of the conveyances or creation of easements proposed by the agreement will occur.

It is intended that this agreement will resolve the longstanding dispute over subsistence use of ATV's only on public lands in and around Anaktuvuk Pass. It is important to note that neither this agreement nor the accompanying Federal legislation will diminish, or otherwise affect in any way, anyone's rights and privileges to access public lands in Alaska for subsistence purposes. This agreement does not conform or deny that ATV access to public lands for subsistence use is a statutorily protected traditional access right under ANILCA, and consequently, this agreement does not purport to resolve this issue.

As discussed previously, this legislation would remove 73,993 acres of wilderness from the park and designate 56,825 acres of new wilderness. Consistent with agreements reached during the 103d session, 13,168 acres of wilderness will be designated along the Nigu River, adjacent to the park, hence, a no-net-loss, no-net-gain of wilderness in the area.

BALANCED BUDGET AMENDMENT AND LINE-ITEM VETO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I am introducing two bills today to amend the Constitution to provide some budgetary common sense—one will require a balanced Federal budget;

the other will provide line-item veto power for the President.

I have long been a staunch supporter of a balanced budget amendment to the Constitution. I have cosponsored the balanced budget amendment since I came to Congress, but until recently, the amendment was blocked by its opponents.

In 1992, the balanced budget amendment fell just nine votes short of the two-thirds majority needed for passage. In the 103d Congress, I was disappointed to see that both the House and the Senate rejected the balanced budget amendment. Some Members of the Congress continue to oppose the balanced budget amendment, claiming that Congress needs fiscal discipline now instead of in the future. I agree with part of that statement wholeheartedly: Congress does need fiscal discipline now. It should be obvious to all, however, that with deficits for 30 of the last 31 years, Congress simply has not had that discipline.

I will continue to push for passage of the balanced budget amendment. A constitutional amendment is no substitute for direct action on the part of Congress. However, we have seen time and time again that Congress does not have the ability to provide that action, and we need this enforcement mechanism. While I share individuals' concerns about social security and other vital programs, I believe Congress needs this fiscal tool to ensure budget discipline. It is time to just say no—and mean it—to the tax-and-spend policies that have gotten the Federal Government into this mess to begin with.

My rationale for introducing a line-item veto resolution is similar. As long as Congress continues to send the President jam-packed, all-encompassing spending bills, the President must often choose between signing unnecessary spending into law on one hand and shutting down the Federal Government on the other. A General Accounting Office [GAO] report estimated that if the President had line-item veto authority from 1984 through 1989, the savings would have ranged anywhere from $7 billion to $17 billion per year.

In the 103d Congress, the House passed an expedited rescission bill which would force an up-or-down vote on a presidential rescissions package. I voted for this bill—it's a far cry from the true line-item veto, but it is a step in the right direction. We need to encourage fiscal responsibility in the Congress.

I urge support and passage of both of these important fiscal accountability bills early in the 104th Congress. The time is right for this legislation to finally come to fruition.

LIMIT CONGRESSIONAL TERMS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, last November, citizens across the country sent a strong message to the Congress that they will no longer tolerate business-as-usual on Capitol Hill. This resulted in a new Congress that has already begun to demonstrate that it will deliver the reforms Americans have asked for and justly deserve. I am proud to be a part of this new, reform-minded body.

One of the reforms that is foremost on the minds of Americans is congressional term limits. They are tired, and rightly so, of career politicians who are more concerned with their reelection campaigns than advancing a legislative agenda that is in the Nation's best interests.

Under the current system of unlimited 2-year terms, no sooner are lawmakers elected to office before they are gearing up for the next campaign. This is no way to promote good government, and only contributes to the malfunctioning legislative process. Moreover, it is fiscally unsound. There is compelling evidence that the longer Congressmen stay in Washington, the more likely they are to support big spending programs, regardless of the public desire for budget cuts.

In an effort to reverse this damaging trend, I am today introducing a resolution proposing that our Constitution be amended to limit Members of Congress to three 4-year terms. Under the system of limited terms I am offering, we would have a body of noncareer legislators who know that their stay in Washington is temporary. They would not be constantly dogged by reelection concerns and would be able to devote more time and attention to their legislative responsibilities and make the tough budget-cutting decisions that are desperately needed. This would go a long way toward restoring integrity and fiscal responsibility to the Congress.

Mr. Speaker, when the Constitution was drafted, the Framers did not contemplate people making a career of politics, and history shows that they anticipated a good deal of turnover in Congress. I, therefore, urge my colleagues to join me in this effort to return the House to the body of citizen legislators that our Founding Fathers envisioned.

NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEMS ACT IMPROVEMENTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, last year I introduced legislation H.R. 1016, which would amend the National Agriculture Weather Information Systems Act of 1990 to improve the collection and distribution of weather information to assist agricultural producers. Today, I am again introducing this bill, and I urge all Members to cosponsor this important legislation.

The 1990 farm bill established the National Agricultural Weather Information System under the U.S. Department of Agriculture to meet the weather and climate information needs of agricultural producers. I believe that the program is vital because it collects and organizes weather information from universities, State programs, Federal agencies and the private weather consulting sector. Moreover, it provides funding for weather research programs.

However, it provides for the establishment of only 10 State agricultural weather information systems that are responsible for disseminating information to agricultural producers in those States. That leaves a large portion of this Nation's agricultural producers without any assistance.

Mr. Speaker, my legislation fills the gaps left by present law by requiring the Secretary of Agriculture to enter into an agreement with the Secretary of Commerce to use Weather Service offices and Weather Service forecast offices to collect, organize, and distribute information aimed at meeting the short-term and long-term weather and climate information needs of agricultural producers. Each field office of the National Weather Service will be responsible for collecting and organizing information that will impact the region that it covers.

H.R. 1016 will provide agricultural producers throughout the Nation with comprehensive and timely information. Weather information is central to agricultural producers across the Nation because variations in weather conditions can cause huge losses in production. My legislation will reduce the risk of profit loss.

Once again, Mr. Speaker, I urge all Members to cosponsor this important legislation.

INTRODUCTION OF THE STATE MARITIME ACADEMY LICENSING RELIEF ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today a bill to provide relief to the young men and women who attend our State maritime academies: Texas A&M University at Galveston, the California Maritime Academy, the Great Lakes Regional Maritime Academy, the Maine Maritime Academy, the Massachusetts Maritime Academy, and the New York Maritime Academy.

These academies educate and train licensed officers for service during war and peace in the maritime industry, the Navy, the Coast Guard, and the National Oceanic and Atmospheric Administration. Unlike students enrolled at the national service academies, cadets at our six State maritime academies pay their own tuition and fees for their education, including training cruises and naval science courses. In addition, their academic year lasts 11 months, which deprives them of the opportunity for summer employment. In order to get a maritime job, graduates have to take and pass examinations for a license as an engine or deck officer.

Regrettably, in 1990, the Omnibus Budget Reconciliation Act—Public Law 101–508—removed longstanding prohibitions against the collection of fees or charges for these examinations and licenses. While I oppose any fee or charge for the issuance of a maritime license, I am particularly distressed that there are no exemptions from these fees, and that they even apply to cadets graduating from our State maritime academies. In response to that act, the Coast Guard has imposed a number of new fees requiring these fine young men and women to pay up to $500 to obtain their licenses and merchant mariner documents.

Mr. Speaker, State maritime academy cadets, who normally take a licensing examination within 3 months of graduation, do not have the financial resources to pay these fees. They have just completed 4 years of college, have spent thousands of dollars on college expenses, and have yet to earn a penny in their chosen profession. The fees place a heavy burden on cadets at a time when they can least afford it. These fees are a disincentive to those contemplating a career in the U.S. maritime industry and they are patently unfair, in that other transportation professionals, like airline pilots and railroad engineers, are not required to pay licensing or examination fees.

These fees will do little to reduce our Federal deficit; they will cause tremendous pain for our State maritime academy graduates; and they will further strain the U.S. merchant marine industry, which is struggling for its survival.

Superintendents at the State academies strongly recommend that the user fees for licenses be repealed for all cadets taking an entry level examination. These superintendents have previously testified during congressional hearings that "it is unconscionable to mandate to young men and women who pay for an education which clearly supports our national security to take and pass a licensing exam, and then charge them a fee to take it. In essence, the user fee is a graduation tax which is exorbitant in relation to an entry level cadet's income history."

While my preference would be to either repeal these onerous fees or waive them for first-time recipients, unfortunately, the Congressional Budget Office has indicated that either approach would create a pay-as-you-go [PAYGO] budget problem. Since I am not interested in increasing anyone's tax burden, I have decided to solve this problem in a different way.

Under my bill, our six State maritime academies would each receive a portion of a $300,000 authorization to pay any Coast Guard user fees associated with the cost of a cadet obtaining an original license and merchant mariner document. Furthermore, this reimbursement system would only be activated when Congress appropriates the additional money required to satisfy this purpose. Until that occurs, State maritime cadets will have to pay their own fees. In this way, Congress can ease the financial burden on these maritime cadets without forcing their academies to reduce funding for vital training or educational programs.

Mr. Speaker, I urge my colleagues to join me in support of the State Maritime Academy Licensing Relief Act.

JOB TRAINING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 4, 1995 into the CONGRESSIONAL RECORD.

JOB TRAINING

An important challenge for the nation is to equip American workers with the skills and training necessary to find jobs in today's labor force. In talking with employers in Indiana, I am constantly impressed with the mismatch between the skills Hoosiers have and the skills managers require. Many workers have skills, but not the right skills that high technology companies require to compete globally. The problem is how you move a work force suited to one type of economy into a world that demands different skills.

PRIVATE SECTOR TRAINING

The private sector has taken the lead on training and retraining the work force. Such efforts vary from firm to firm, but tend to predominate in larger companies. Corporate restructuring has reassigned responsibility from upper management to workers and supervisors, increasing the need for management and team-based skills at these levels. Companies have recognized that survival in the global marketplace requires a flexible work force with diverse skills and adaptability to new work routines and environments. On average, employers spend about 2% of their payroll on training.

The skills that are needed in the workplace are fairly well agreed upon. Workers need the ability to develop work schedules, budget money and assign staff. They require interpersonal skills. They need to know how to use computers to gather and process information. They must understand how their own work fits into the work around them so that they can solve problems. They also need to deal with new technologies in an everchanging workplace.

None of these skills replaces the needed proficiency in the basics: reading, writing and arithmetic. Without those basic skills, the other skills would be of little value. The important thing is that the education system produce learners, not knowers. Workers need to demonstrate a mastery of skills more than the accumulation of a body of knowledge.

FEDERAL PROGRAMS

The federal government runs a number of training programs to help complement private sector efforts, but many of those programs have had a mixed record of success. The federal government spent about $25 billion last year on more than 150 employment and training programs administered by 14 agencies. Many of these programs are small and receive limited funding, and most are managed in cooperation with state governments. In Indiana, for example, the Indiana Department of Workplace Development runs many retraining programs through local private industry councils.

Federal education and training programs concentrate on two types of persons. Disadvantaged workers lack the basic skills to function in the labor force or to acquire education and training. Programs for these persons concentrate on providing skills and education that will enable them to participate in the work force and become self-sufficient. Some programs provide remedial training; others, adult literacy and vocational training.

Dislocated workers have the skills to participate in the work force, but have become temporarily unemployed. These workers may require retraining to find new jobs. Workers who become dislocated through federal policies, such as trade agreements, environmental regulation or defense downsizing are eligible for federally funded job training.

REFORMS

Congress has already taken some steps to improve the current system. It has funded local "one stop" career centers where workers can obtain information on training programs and employment opportunities. It has also created School-to-Work transition programs that will assist young persons in making the transition from school to full-time employment.

However, more dramatic reforms are likely to be considered this year. We need to consolidate our present array of federal job training programs in a manner that enhances worker participation and productivity. These programs should be structured to make information and resources more available to the intended recipients. One approach would be to consolidate existing programs into a single federal program and give state governments more flexibility in administering retraining efforts. A second approach involves providing "skill scholarships", student loans, and tax credits to those who are in need of training and education. Financial resources would be placed directly in the hands of those who seek to improve their skills.

CONCLUSION

Most studies show that the benefits of federal retraining efforts are modest, especially in the programs for severely disadvantaged workers. It has become very clear that you cannot make up for the deficits of a lifetime in a few months of training. We may get better results from programs with one or two years of intense training.

I am inclined to think that the main focus of our efforts should be on mainstream young people who are not going on to four year college. The approach would direct such youth into community colleges and technical programs to upgrade their basic skills and to learn other skills needed in growing areas. Our country does a lot for people who go to college. We do considerably less for people who do not. They are the forgotten half. They are also largely the people who build homes, fix appliances, repair roads, answer telephones and work in factories.

Of course, the great flaw in the training programs is simple: many trainees cannot find jobs. One approach to alleviate this program may be for government to provide training funds to employers who have jobs but cannot find suitable workers. This approach sidesteps expensive and fruitless job searches. Employers, under this approach, would guarantee jobs to those who complete training successfully.

The nation's challenge is to create a system of worker training that will train a highly skilled and educated work force, boost our nation's productivity, and meet the economic challenges from abroad. Our society must adopt a philosophy of life-long learning and training for workers. Without well-trained workers, this country will become a second-rate economy.

INTRODUCTION OF THE EQUAL REMEDIES ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation to correct a serious inequity in civil rights legislation, created by the passage of the Civil Rights Act of 1991. While that bill represented significant progress in the ongoing battle to overcome discrimination, it also created a two-tiered system of justice.

Under the current law, victims of intentional racial discrimination are entitled to unlimited damages. However, victims of discrimination based on disability, sex or religion can receive damages only up to a statutory maximum. Just as I strongly support the right to seek unlimited damages for racial discrimination, I also support this redress for victims of other types of discrimination as well.

That is why I am introducing the Equal Remedies Act of 1995. This bill would eliminate caps on damages set by the Civil Rights Act of 1991 and send the strong message that discrimination of any kind cannot be tolerated by our society. It is time to make all victims of discrimination equal under the law—second-class remedies have no place in anti-discrimination law.

I urge all my colleagues to support this important legislation.

CAPITAL GAINS—CREATING JOBS AND TREASURY REVENUE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRANE. Mr. Speaker, when I first ran for Congress in a 1969 special election, the overriding theme of my candidacy at that time and the theme of my candidacy ever since, centered on fiscal responsibility—less spending and lower taxes. Although I was not initially able to serve on a committee directly dealing with tax or budget issues, in the 94th Congress, 1975–1976, I was honored with an appointment to the Committee on Ways and Means, the committee with jurisdiction over all tax matters that came before Congress. I have served on that committee ever since.

In the years prior to my service in Congress, it had become clear to me that lower taxes stimulate economic growth, and this was certainly the case with regard to the taxation of capital gains. From the day I began serving in Congress I have pushed to reduce the rate of tax on capital. In the time I have served on the committee, we have reduced the capital gains rate twice, only to see the rate hiked back up through the enactment of the Tax Reform Act of 1986. In 1989, we came close to again bringing the rate back down, actually passing a reduction in the House, only to see the legislation die in the Senate. Now, with a new Republican majority in Congress and the Republican Contract With America, we have another opportunity to reduce the capital gains rate.

Over the years I have sponsored, cosponsored, and supported many different capital gains proposals. Indeed, I am an original cosponsor of the contract's capital gains proposal offered by my long-time colleague and good friend, the new chairman of the Ways and Means Committee, BILL ARCHER. In addition, to cosponsoring Chairman ARCHER's legislation, however, I wanted to again introduce my own legislation to this Congress, not only to highlight my long-standing commitment to this issue, but to raise the matter of the appropriate rate of taxation for capital gains.

In the next months, the Ways and Means Committee will be holding a series of hearings that will include debate and discussion of a capital gains rate reduction. We will discuss indexation of capital gains—something I believe is absolutely critical—the period of time which capital must be held to qualify, and we will discuss the rate at which capital gains ought to be taxed.

Frankly, I would love to see capital gains taxes eliminated altogether. Moreover, I believe any reduction in the rate will be beneficial to all Americans. However, if your intention is to greatly stimulate capital investment while at the same time maximize revenues to the Treasury, experts suggest that the capital gains rate should be set somewhat between 12–15 percent. The legislation I am introducing today would provide for a maximum capital gains rate of 15 percent for all brackets except for those in the lowest bracket, where the rate would be 7.5 percent.

I would be remiss in closing this statement without making some additional comments with regard to the benefits of reducing the capital gains rate. First, all Americans will benefit from a reduction in capital gains tax, not just the rich. It is flat out wrong to state that only rich people will benefit from such a tax cut. Indeed, the last time we seriously debated the issue in 1989, Treasury Department statistics showed that almost 75 percent of those families/individuals filing tax returns which reported capital gains had incomes of less than $50,000, hardly the rich.

Moreover, when the capital gains rate is reduced, not only does money flow more freely between capital investments but more money is invested in capital. Both of these consequences are highly beneficial, and the net result of more investment is more jobs. The small businessman who is taking a risk starting a new business will find it easier to attract investors to share that risk because the penalty for success has been reduced. Moreover, because a larger pool of money will become available for capital investment due to a reduced capital gains tax rate, the cost of that capital to businesses will go down.

Another point that must be mentioned concerns how the change in the capital gains rate affects revenues to the Treasury—not a small issue in our dire budgetary circumstances. Critics of capital gains rate reductions have always tried to suggest that a reduction in the capital gains rate will mean a reduction in revenue to the Treasury. Nothing could be further from the truth. In reality, the past two times we have reduced the capital gains rate, revenues to the Treasury attributed to capital gains have actually increased. This happens because of the consequences I just mentioned. When the rate is lower, more money flows to capital and between capital assets. Thus, you have more capital gain transactions and it is the transaction which triggers the tax. Moreover, the economic growth generated by more available and cheaper capital creates jobs, which means more taxpayers.

The vast majority of major industrialized countries in this world already know these benefits and their capital gains rates are significantly lower than the current rate in the United States. It is time that the United States got smart and caught up with the rest of the world. I look forward to a productive debate on the capital gains issue in the Ways and Means Committee and hope that our committee's capital gains initiative, in whatever final form it takes, passes both the House and the Senate and is signed into law by the President.

ROCKLAND COUNTY MEDIAN INCOME BILL, H.R. 21

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, I rise to introduce H.R. 21, legislation to correct the median income calculation for Rockland County, NY.

Currently, Rockland County's median income is calculated by the Department of Housing and Urban Development [HUD] as part of the primary metropolitan statistical area [PMSA], which includes all of the income data for New York City. For this reason, HUD lists Rockland County's median income for a family of four as $40,500. The 1990 census shows that the county's true median income to be $60,479, a difference of approximately $20,000.

Since HUD's income levels are used in calculating eligibility for almost all State and Federal housing programs, these inaccurate statistics severely limit the access of Rockland County residents to many beneficial programs. Income caps for the State of New York mortgage agency, Fanny Mae/Freddie Mac, HUD's section 8, and a myriad of other beneficial programs are artificially low, thus most of Rockland's residents, financial institutions, sellers, and home builders are at a severe disadvantage compared to their counterparts in neighboring counties, whose statistics accurately reflect their population.

During the 103d Congress I was successful in gaining the inclusion of this important bill's language in H.R. 3838, the Housing and Community Development Act. Unfortunately, though this legislation was approved by the House of Representatives the Senate chose not to act.

Accordingly, I urge my colleagues to support this median income bill as well as the 104th Congress' attempt to enact a major housing bill.

At this point in the RECORD, I request that the full text of my bill be inserted in the RECORD:

H.R. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATION OF INCOME LIMITS.

That section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the 4th sentence—

(A) by striking "County" and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the last sentence—

(A) by striking "County" the 1st place it appears and inserting "or Rockland Counties"; and

(B) by striking "County" the 2d place it appears and inserting "and Rockland Counties".

SEC. 2. REGULATIONS AND EFFECTIVE DATE.

The Secretary of Housing and Urban Development shall issue regulations implementing the amendments made by section 1 not later than the expiration of the 90-day period beginning on the date of the enactment of this Act. The regulations may not take effect until after September 30, 1994.

HEALTH INSURANCE EQUITY ACT OF 1995

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to re-introduce a bill that will make health insurance premiums more affordable for farmers and self-employed individuals. The Health Insurance Equity Act of 1995 simply changes the tax code to permanently provide the self-employed with a 100-percent tax deduction for costs incurred while purchasing health insurance. This legislation will also be retroactive to the previous tax year beginning January 1, 1994, when the 25-percent deduction expired. Let me be clear, this legislation gives the self-employed the 100-percent deduction now, and extends it to last year.

It is time to face the facts about purchasing health coverage today. Many of the 37 million uninsured are small business owners. Health care costs averaged $3,160 per person in 1992, with current increases projected to run in double digits through the end of the century. Prescription drug costs in many cases have risen more than 60 percent since 1985. My constituents are asking for relief.

This bill achieves our goals of health care cost reduction and better access for the uninsured while reducing costs for those currently insured through lowering fees passed onto consumers from hospitals for care of the uninsured. Adoption of this proposal may even encourage employers to purchase better health care plans for their employees.

Our actions must show our constituents that we understand the problems they are facing. This legislation achieves 100-percent deductibility immediately without any phasein. Tax relief and tax fairness are what this legislation is all about, and tax relief and tax fairness are what the Health Insurance Equity Act of 1995 is promoting. While this legislation is not the final solution to our health care ills, it is a necessary first step in providing assistance to the small businessmen and farmers who are the economic backbone of my district, my State, and our economy.

DOD ASSISTANCE IN BORDER PROTECTION FUNCTION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation that would authorize the Secretary of Defense to assign up to 10,000 full-time Department of Defense [DOD] personnel to assist the Immigration and Naturalization Service [INS] and the U.S. Customs Service in performing their border protection functions. This legislation is identical to H.R. 1017, which I introduced in the 103d Congress. I am urging my colleagues to become co-sponsors of this legislation.

The Border Patrol has the strength of only 3,800, yet its mission is to guard the two longest borders of one of the largest countries of the world. Reports indicate that, at any given time, only 800 patrolmen are available to protect our 2,000-mile southern border.

The people of this country have shown that they are becoming increasingly impatient with Congress's inaction toward illegal immigration. In California alone, voters in November approved a State referendum that would discontinue nearly all State social benefits for illegal immigrants. While there is heated debate on both sides of this issue concerning its constitutional and moral grounds, the problem would not even exist if a stronger Border Patrol existed to monitor illegal crossings. Yet Congress has failed to provide funding necessary to enlarge the Border Patrol. Until Congress can find the money, this military option is the best short-term way to address this shortage of Border Patrol personnel. Until our borders are fully protected, illegal immigrants, drug traffickers, and possible terrorists will have an open invitation to cross into the United States undetected.

DOD personnel are already involved in some border protection work. Yet, in terms of numbers, their involvement is virtually insignificant. My new bill would permit the Secretary of Defense to beef up the border with DOD personnel so that our borders are fully protected.

We have hundreds of thousands of U.S. troops deployed throughout the world protecting European, Asian, and Latin American nations. At the same time, we have approximately three million illegal aliens crossing our border annually, carrying drugs into our Nation and taking jobs away from Americans that need them. If the DOD can bestow hundreds of thousands of U.S. troops on foreign nations for their defense, it should be able to spare about 10,000 military personnel to protect our Nation.

Once again, I urge all Members to become cosponsors of this important legislation.

VOLUNTARY SCHOOL PRAYER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment to allow for voluntary school prayer. The Founding Fathers intended religion to provide a moral anchor for our democracy. Wouldn't they be puzzled to return to modern-day America and find, among elite circles in academia and the media, a scorn for the public expression of religious values. I find it ironic that while taxpayer's dollars are being used by bureaucrats to distribute condoms in our public schools across America, our children are prohibited from reading the Bible or offering voluntary prayer in public schools. This sends a powerful message to our children—and it is the wrong message.

One of the many liberties our forefathers founded this great Nation upon was freedom of religion; a freedom to pray to the God we want, when we want, and where we want. Unfortunately, this freedom has been eroded by the Supreme Court over the last few decades. I firmly believe that no one should be forced to pray, especially if a certain prayer is contrary to an individual's beliefs. But, there can be no question that every American citizen has the right to pray voluntarily whenever and wherever he or she chooses, and that includes children in public schools. This is protected under the first amendment; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It is that second part that I ask you to pay special attention to today.

As President Reagan so eloquently stated in 1982, "the First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny."

SOURCE TAX LEGISLATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, today I reintroduce legislation to prohibit State governments from taxing the pension income of people who reside in other States.

The so-called source tax has become a major cause of anger and concern among retirees in Arizona and other States. Many of these retirees are being forced to pay income tax to States in which they no longer live, nor have lived for many years.

In my opinion, the authority of California and other source tax States to tax Arizona residents merely because those residents may at one time have lived in those States and were covered by a pension plan, is dubious at best. The legislation I am introducing today would make clear that one State cannot tax the pensions of people who live in another. It is my belief and the belief of my constituents, that if source tax States need to raise revenue, they should do so from their own residents—not from people who cannot respond at the ballot box.

REFORMING THE HOUSE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 28, 1994 into the CONGRESSIONAL RECORD.

REFORMING THE HOUSE

In early January, the House of Representatives will consider and likely pass the most significant reforms of its internal operations in decades. These changes were proposed by the new leadership, but many are drawn from the reform plan of last session's Joint Committee on the Organization of Congress.

More generally, the reforms continue a tradition of institutional renewal, dating from the mid-1970s, which aims to open up congressional deliberations, increase the authority of party leaders, and make the House leadership more accountable to rank-and-file Members of Congress and the public. My sense is that most of the new reforms are constructive, and will lead to meaningful improvements in the way business is conducted in the House.

JOINT COMMITTEE REFORMS

Many of the reforms in this package were derived from the work of the Joint Committee on the Organization of Congress, a bicameral and bipartisan panel which I cochaired. The Joint Committee made its recommendations for reform in November 1993, and last year the House did pass one of its major recommendations—requiring Congress to live under the same laws it applies to the private sector.

Unfortunately, the remainder of the Joint Committee's reform plan was not considered by the full House during the 103rd Congress. But the new House leadership has adopted or built on many of the key reform recommendations: First, again require the application of private sector laws to Congress. It is critical that Members of Congress follow the laws they pass for private citizens. Second, streamline the bloated congressional committee system, by reducing the total number of committees and restricting the number of committee assignments Members can have. The leadership also adopted a Joint Committee proposal to significantly reduce the number of subcommittees. Third, cut congressional staff. The leadership has proposed a one-third reduction in committee staff. It recommended no reduction in Members' personal staff or in large congressional support agencies such as the General Accounting Office. The Joint Committee recommended a reduction in the entire legislative branch of up to 12%. Fourth, open up Congress to enhanced public scrutiny by publishing committee attendance and roll call votes, requiring that the Congressional Record be a verbatim account of congressional proceedings, and requiring that special interest projects included in spending bills be publicized, thus providing additional barriers to wasteful spending.

ADDITIONAL REFORMS

The new leadership has also proposed changes that were not included in the Joint Committee package, some of which are constructive, others of which are problematic. For example, to streamline the House it has proposed that three standing committees be abolished. The Joint Committee adopted a more flexible, "attrition" approach to committee abolition, providing incentives for Members to leave less important committees through strict assignment limitations and a requirement that committees losing one half of their members be considered for abolition. The basic approach of the leadership proposal should modestly improve the committee system, but it does not address the fundamental problem of several committees having huge jurisdictions.

Drawing on the proposals of an earlier reform commission, the leadership would create a new chief administrative officer for the House who would be responsible for managing its non-legislative functions. I support this attempt to reduce patronage. But the leadership has made the chief administrative officer a partisan position, appointed and supervised by the Speaker. Instead, the administrative functions of Congress should be handled in a bipartisan fashion, with the chief administrative officer reporting to leaders from both parties.

Another proposal would require a three-fifths "supermajority" in the House to increase income tax rates. However, almost all substantive issues in the House are now settled by majority rule, and it is unclear why a three-fifths vote is appropriate for revenue matters but not for other legislation. If such supermajorities proliferate in the House, the result would be more legislative gridlock in Washington. In addition, the constitutionality of this proposal is in question.

REFORM OMISSIONS

From my viewpoint, a number of important reform recommendations in the Joint Committee plan are not included in the proposals made by the new leadership. I intend to work for the passage of these reforms during the 104th Congress. Among the omitted recommendations are proposals to: First, include private citizens in the ethics process in a meaningful way. The Joint Committee proposed that private citizens investigate ethics complaints against Members of the House, but major ethics reforms are not included in the package under consideration.

Second, publicize the special interest tax breaks included in revenue bills and the budget resolution. My sense is that special interest loopholes should be treated the same as special interest spending projects. Such items should not be hidden from the public in huge bills. Third, streamline the budget process by shifting if from an annual to a biennial cycle, reducing redundant decisions and allowing more time for oversight.

CONCLUSION

The new House leadership has made a good start toward the passage of meaningful congressional reform. Their efforts have been assisted by the work of prior reform commissions, as well as the public demand for change and the transition to a new leadership with less invested in the institutional status quo. I intend to introduce and push for additional reforms aimed at making the House more efficient and publicly accountable. Reform is an on-going process. And reform is no panacea—many difficult issues are on the agenda. But sustained and meaningful institutional change is crucial for the restoration of public confidence in Congress.

INTRODUCTION OF POLICE AND FIREFIGHTERS TAX CLARIFICATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that is of vital interest to police and firefighters in Connecticut.

This legislation would simply clear up a situation where erroneous State law has caused benefits that were intended to be treated as workmen's compensation to be brought into income on audit. In several States, including Connecticut, the State law providing these benefits for police and firefighters included an irrebuttable presumption that heart and hypertension conditions were the result of hazardous work conditions.

In Connecticut the State law has been corrected so that while there is a presumption that such conditions are the result of hazardous work, the State or municipality involved could require medical proof. This change satisfies the IRS definition of workmen's compensation. Therefore, all this legislation would do is exempt from income those payments received by these individuals as a result of faulty State law but only for the past 3 years—1989, 1990 and 1991. From January 1, 1992 forward those already receiving these benefits would have to meet the standard IRS test.

The importance of this legislation is that these individuals believed that they followed State law. The cities and towns involved believed that they followed State law and therefore all parties involved believed that these benefits were not subject to tax. However, the IRS currently has an audit project ongoing in Connecticut and has deemed these benefits taxable. All this legislation says is that all parties involved made a good faith effort to comply with what they thought the law was. The State was in error. That error has been rectified but those individuals on disability should not be required to pay 3 years back taxes plus interest and penalties.

This legislation has passed the House previously. It was included in H.R. 11, the Revenue Act of 1992 which was subsequently vetoed by President Bush. I hope that the 104th Congress can act expeditiously on this important legislation.

BASE AND CANAL RIGHTS IN PANAMA POST 2000

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRANE. Mr. Speaker, 80 years ago, the United States completed construction of one of the engineering marvels of its or any age, a multilock, 51-mile-long interoceanic ship canal across the Isthmus of Panama. Since then, this manmade waterway has served the maritime nations of the world almost without interruption, enabling them to ship their goods from the Atlantic to the Pacific and vice versa much faster and cheaper than would have otherwise been possible. Even with the advent of the supertanker and large container ships, the Panama Canal remains a vital link in world commerce through which 15 percent of America's trade, and 5 percent of the world's, passes. In fact, a number of ships today—Panamax vessels they are called—are being built to specifications that will enable them to just clear the canal when fully loaded.

Credit for this outstanding operating record should go not only to those who have run the canal all these years but also to those who have provided security for it. For the 63 years prior to the signing of the Panama Canal Treaty of 1977 and during the 17 years since, the Armed Forces of the United States have stood watch over the canal from a series of military bases located in a 10-mile-wide strip of territory adjacent to the canal. From those bases, they have been in a position to deal effectively not only with immediate threats to the canal itself, but also with other problems that could have eroded hemispheric peace and security if left untended. An excellent example of the two combined came just a few weeks ago when Cuban refugees sent to Panama pending a determination of their status went on a rampage that had to be quelled by United States military personnel.

The collapse of communism and the rise of the supertanker notwithstanding, there is good reason to believe that a smoothly operating, properly protected canal will be even more significant to the United States, Panama, Latin America and the rest of the world in the future. Several good reasons in fact. The conclusion of the NAFTA and the GATT agreements, not to mention the recent decision by the Summit of the Americas Conference in Miami to strive for an inter-American free trade zone by the year 2005, signal clearly a reduction in tariff and nontariff barriers throughout the region and the world. As they fall, the shipment of goods will inevitably rise as will the utility of the only vessel shortcut from the Atlantic to the Pacific and back. That being the case, the strategic significance of the Panama Canal, as one of the world's great maritime chokepoints, will continue to grow, a fact that will not be lost on terrorist groups or renegade nations determined to achieve their objectives by whatever means necessary. With the weapons they have, or can acquire, either might exert, or try to exert, leverage if there is even the slightest perception that the Canal is open to mischief as well as commerce.

So long as United States military personnel can be stationed in Panama and respond to any attacks on, or threats against, the canal, no such perception should exist. But, under the terms of the Panama Canal Treaty of 1977, which is still in effect, the United States is scheduled to remove all its military personnel from Panama and turn over their bases to Panama by December 31, 1999. After that date, Panama will have the sole responsibility for not only operating but also defending the canal, a big task for a small nation. Unless, of course, an agreement is reached between the United States and Panama that will first, allow the United States to lease its military bases in Panama past the turn of the century, second, permit United States military forces to operate out of those bases, and third, enable the United States to guarantee the regular operation of the canal.

The successful negotiation of such an agreement would be of particular benefit to Panama, as well as being of considerable assistance to the United States and the rest of the hemisphere. At present, some 6,000 jobs and $200–600 million in additional income for Panama are tied directly to the United States military establishment in what was formerly known as the Canal Zone. Remove that establishment and most of that money and those jobs will disappear, as will the prospect of lease payments that would otherwise result from the continued American use of its bases in the zone. Also lost would be an opportunity for Panama to forgo the cost of a military establishment, something it could safely do if the agreement provided that the United States would view an attack upon Panama in the same light as an attack upon itself. Compromised as well would be the possibility of a broader business understanding, under which the United States might lease the canal as well as its current military bases in exchange for such considerations as additional lease and/or dividend payments, trade concessions and/or an acceleration of prior U.S. treaty commitments. In short, Panama has even more to gain, relatively speaking, from a base rights/canal defense arrangement than does either the United States or its hemispheric neighbors, which may explain why public opinion polls taken there the past 2 years have consistently shown that at least two-thirds of those polled favor such an arrangement.

Significantly, strong support for a 21st century base rights/canal defense agreement also exists in the United States. In fact, a nationwide poll taken last March demonstrated a level of support nearly as high in this country as has been evidenced in Panama. That being the case, one would think that serious negotiations to reach such an agreement would have gotten underway by now, especially since the time by which it should take effect is fast approaching. But, instead of moving forward to start these negotiations, governments in both the United States and Panama have been more inclined to hold back, preferring the other to take the lead. Understandable as that may be from the standpoint of national pride, the problem is time is of the essence if an agreement is to be reached before the impending United States withdrawal of its remaining military forces from Panama is, for all practical purposes, irreversible. Under terms of the 1977 Panama Canal Treaty, the United States departure from Panama must be complete by December 31, 1999 which means that, absent an understanding well before then, we must proceed with the systematic removal of our military forces and equipment before that time. Put simply, any further delay in opening negotiations, however well intended, not only dims their prospects but also the prospects for the continued safe and dependable operation of the canal itself.

Under those circumstances, it seems to me that Congress is in a particularly good position—a unique position in fact—to address their problem and help get these important negotiations started. If it were to pass a resolution advising the President to enter into such negotiations, then the question of whether the President or the Government of Panama should be the first to call for talks would be moot. Neither would be in the position of having initiated the request for negotiations, meaning that the latter should then be able to proceed with dispatch. Inaction by Congress, on the other hand, promises no such advantages. At best, it is likely to mean opportunity delayed or diminished. At worst, it could result in opportunity denied.

Not wishing to share responsibility for either outcome, I am introducing today a sense-of-Congress resolution calling upon the President to enter into negotiations for a base rights/canal defense agreement with Panama. Specifically, the resolution calls for an agreement that would allow our military forces to be stationed in Panama after the turn of the century and would give those forces the right to act independently in order to guarantee the security and assure the regular operation of the Panama Canal. In almost every respect, this resolution is identical to House Concurrent Resolution 17, which I introduced in the 103d Congress and which was cosponsored by no less than 85 of my colleagues. The only significant differences is that the passage of time has made its enactment all the more imperative. That being the case, I urge my colleagues join me as soon as possible as cosponsors of this resolution. Without being too specific, it provides the direction necessary to bring about a canal security arrangement that is not only needed but in the best interests of all concerned.

TRIBUTE TO JANET PARKER BECK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Janet Parker Beck—an award-winning journalist for the San Mateo Times, book author, devoted mother, and caring wife—who passed away last month after an 11-week battle with cancer. Having been a friend and admirer of Ms. Beck for many years, I know that her untimely death at the young age of 41 is a tremendous loss for her family, the San Mateo County community, and our country.

Ms. Beck was born and raised in San Mateo and began her journalism career at Crestmoor High School in San Bruno. After graduating from college—having served as editor for student publications at Skyline Community College and San Jose State University—she was hired by the Times. During her career at the newspaper, Ms. Beck covered medical issues and legal affairs, including a dozen death-penalty cases and more than 40 murder trials. Her writing was widely respected by both the subjects of her stories and her readers for its intellectual contents, integrity, compassion, and ability to convey complex situations in a simple manner. She also used her writing talents to author the book, "Too Good To Be True: The Story of Denise Redlick's Murder," which sold 70,000 copies.

Ms. Beck earned over 50 awards for her journalistic achievements. Among the many accolades she received, Ms. Beck was named the California Press Women's Communicator of Achievement for 1994 and the National Federation of Press Women's first-runner-up for Communicator of Achievement for 1994. She also received the National Federation of Press Women's first-place news writing award in 1986, 1987, and 1988. It was with a great source of pride that her award-filled career was capped off by being chosen to take her well-earned place in the San Mateo County Women's Hall of Fame.

In addition to her considerable professional accomplishments, Ms. Beck took tremendous pleasure from her family, especially her husband of 16 years, Jim, and their five-year-old daughter, Mandy. Her desk was a well-known gallery for her daughter Mandy's artwork and photographs, while Jim was her constant companion since they met at a YMCA dance in 1970.

Mr. Speaker, Janet Parker Beck was one of the most remarkable individuals I have ever had the privilege to know and work with. Her passing is a great loss for her family and our community. I ask my colleagues to join me at this time in paying tribute to her and the life of purpose she led, and extend our deepest of sympathies to Jim and Mandy, to her colleagues and to her community. She made us a better people with her all-too-brief 41 years of life.

INTRODUCTION OF THE MERCHANT MARINERS FAIRNESS ACT OF 1995

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. FIELDS of Texas. Mr. Speaker, it is an honor for me to reintroduce, along with our distinguished colleague LANE EVANS, on this first day of the new 104th Congress, the Merchant Mariners Fairness Act.

During the last Congress, this bill received extensive consideration but, regrettably, it was not enacted into law. In fact, it was cosponsored by 241 Members and it was adopted by the House of Representatives on three separate occasions.

The bill I am reintroducing today is the product of that careful consideration. It has been endorsed by many diverse groups, including the largest American Legion post in the United States, the Disabled American Veterans, and the AFL–CIO. It deserves the support of every Member of the House of Representatives.

Mr. Speaker, by way of background, my colleagues should know that during World War II, some 17.9 million men and women were inducted into our Armed Forces. Of that figure, 6.3 million volunteered and the remaining 11.6 million were drafted. Of this total, some 6.4 million or 35.8 percent were rejected for active duty because of various physical or mental disabilities.

Furthermore, it is interesting to note that of the nearly 12 million Americans who served in active duty status, 73 percent served overseas and, of these, 38.8 percent had rear echelon assignments. I have presented these figures only to illustrate that millions of uniformed men and women never served outside of the United States. In no way does this denigrate or negate their vital service to this country. It simply means that these individuals were needed here in the United States to train those who did go overseas.

Furthermore, some 270,000 men volunteered for service in the U.S. merchant marine. Many of these men joined the merchant marine because they had physical impairments, such as poor eyesight, or because they were too young to serve in the Army, Navy, or Marine Corps. Many of them could have avoided service but instead they chose to serve their country by enlisting in the U.S. merchant marine.

Of the 270,000 that volunteered, 37 died as prisoners of war, 6,507 were killed in action and 4,780 are missing and presumed dead. In addition, some 733 U.S. merchant ships were destroyed. In fact, the casualty rate for the merchant marine was only one-tenth of 1 percent lower than the Marine Corps, which had the highest casualty rate of any branch of service during the war.

In order to man our growing merchant fleet during World War II, the U.S. Maritime Commission established various training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, a seaman became an active member of the U.S. merchant marine.

These seamen helped deliver troops and war materiel to every Allied invasion site from Guadalcanal to Omaha Beach. They also transported troops back home to the United States and, when that task was completed, they carried food and medicine to millions of the world's starving people.

Mr. Speaker, it has been 49 years since the end of World War II. Nevertheless, there are still some Americans who served in that war who have not received the honors, benefits, or rights they deserve. H.R. 44 will correct that injustice by providing veterans status to some 2,500 merchant mariners who have become the forgotten patriots of World War II.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers or to preserving the freedoms that all Europeans and all Americans cherish. Worse, these merchant seamen came home to none of the veterans benefits enjoyed by other Americans who served their country during the World War II period.

In 1987, after years of litigation and delay, U.S. District Judge Louis S. Oberdorfer ruled that previous decisions by the Air Force rejecting veterans status for World War II merchant seamen were "arbitrary and capricious and not supported * * * by substantial evidence."

Despite the results of this landmark court case, then Air Force Secretary Edward Aldridge unilaterally decided that World War II ended on August 15, 1945, for those who served in the U.S. merchant marine.

Mr. Speaker, clearly, that was a most unfair and unsupportable decision. By establishing this date, the Secretary made a determination that has no basis in law. The August 15, 1945, date does not appear anywhere in the Federal court decision mandating veterans status and, according to the Air Force, there is no documentation, no precedent, and no justification for choosing V–J Day.

Let me briefly describe why the August 15, 1945, date is wrong and why these 2,500 Americans have earned the right to be given veterans status.

First, the Federal War Shipping Administration [WSA] was in control of all ship movements far beyond the date of August 15, 1945. In fact, the WSA did not go out of existence until August 31, 1946. Until that time, merchant mariners traveled under sealed orders on ships which were under the direct military control of the U.S. Navy.

During the hearings on this legislation, we learned that at least 13 U.S. merchant vessels were damaged or sunk after August 15, 1945—a greater number than were lost at Pearl Harbor. One of them was the S/S *Jesse Billingsley*, which was hit by a mine off the coast of Trieste, Yugoslavia, on November 19, 1945. One U.S. merchant mariner lost his life in that explosion.

In addition, we must remember that for the U.S. merchant marine, the war did not end on August 15, 1945. Defense shipping actually increased after that date to 1,200 sailings in December 1945, as compared to the World War II monthly peak of 800.

Second, while the Japanese indicated their desire to surrender on August 15, 1945, the situation facing the U.S. merchant marine did not radically change on that date. In fact, I have a copy of a telegram sent on August 15, 1945, by the U.S. Naval Pacific Command which states that "for all merchant vessels in the Pacific Ocean areas, Japan has surrendered. Pending further orders, all existing instructions regarding defense, security, and control of merchant shipping are to remain in force. Merchant ships at sea, whether in convoy or sailing independently, are to continue their voyages."

Third, it wasn't until December 31, 1946, that President Harry Truman declared in a press conference that he was issuing Proclamation 2714, which states that "although a state of war still exists, it is at this time possible to declare, and I find it in the public interest to declare, that hostilities have terminated."

And, finally and most importantly, all of our Federal laws that affect those who served during the World War II period use the date December 31, 1946.

There is no arbitrary cutoff date for the Male Civilian Ferry Pilots, the Wake Island Defenders, the Guam Combat Patrol, or the Women's Army Auxiliary Corps and there shouldn't be any for our Nation's merchant mariners.

Mr. Speaker, H.R. 44 will correct Secretary Aldridge's unfair decision by eliminating the unsupportable date of August 15, 1945. It is a fair solution to this problem because it treats all those who served during the World War II period in exactly the same manner. If an individual was in a Navy boot camp or Army basic training on December 31, 1946, then they have been considered a World War II veteran for the past 49 years.

While the 2,500 Americans affected by H.R. 44 would be eligible for a variety of veterans benefits, in reality the only benefits they are likely to obtain are recognition, the right to have a flag on their coffin, and a headstone.

After all, education benefits have long since expired, people in their late-60's do not buy new homes, and all of these individuals are already eligible for Medicare benefits. In short, it is highly unlikely that any of these individuals will ever obtain care at a VA hospital. In fact, we know that 76,000 merchant mariners have been given veterans status because of the 1988 decision and, of that number, only a handful have received VA hospital benefits.

Mr. Speaker, it is for this reason that the Congressional Budget Office has estimated that H.R. 44 would result in negligible outlays to the Federal Government in fiscal year 1995.

I have been contacted by hundreds of people affected by Secretary Aldridge's unfair decision. Each of these Americans share the common characteristic of love of country and the commitment to serve during one of the most difficult periods in our Nation's history.

Because of their young age or physical impairments, most of these men could have simply chosen to avoid service during World War

II. However, they chose not to do so, and we must not, even at this late hour, forget them.

Mr. Speaker, it is essential that we resolve this problem legislatively because the Department of the Air Force seems unwilling to correct it administratively.

Finally, I would like to acknowledge the outstanding leadership of Congressman LANE EVANS. We have stood together on this legislation for a number of years and LANE EVANS is a champion for our Nation's veterans.

I urge the House of Representatives to move H.R. 44 so that we can finally provide these Americans with the recognition which they have long deserved. In my 15 years in Congress, I have never seen an issue, which affects so few people, attract the support of so many Americans. It is time we finally enacted this important legislation into law. These men have waited a lifetime to tell their grandchildren that they are World War II veterans.

SOCIAL SECURITY EARNING TEST REPEAL

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, I am reintroducing legislation today to repeal the Social Security earnings test. As many of my colleagues know, the earnings test is one of the most unfair features of the Social Security law—limiting what Social Security recipients may earn and subjecting such recipients to what amounts to effective marginal tax rates of 50 percent or higher.

The earnings test affects only recipients who must work. Those who rely upon investment income to supplement their Social Security are not affected. Only those who choose or are forced to return to the work force face reduction or loss of their benefits.

Mr. Speaker, the work ethic should not end at age 62. Older people who wish to remain self sufficient through their own labors should not have to face a loss of their benefits. Nor should the Nation face the loss of the immeasurable talent and experience older workers bring to the work force. It is past time to repeal the Social Security earnings test.

FOREIGN SUBSIDIARY TAX EQUITY ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, last year I introduced H.R. 1374, the Foreign Subsidiary Tax Equity Act, to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes. Today, I am reintroducing this bill. American manufacturers for too long have abused the good faith of the American workers by developing manufacturing processes in this country before moving production facilities overseas and handing out pink slips back home. Despite the fact that America possesses the most productive and talented labor force in the world, many United States manufacturers, lured by cheap labor costs and tax holidays, have closed down plants and moved operations to countries like Mexico, Taiwan, and South Korea.

Under my bill, foreign subsidiaries of U.S. companies that ship a significant portion of their products into the United States would be taxed as if that subsidiary were located in the United States. Simply, the intent of my bill is to discourage tax-motivated foreign investment while protecting the jobs of your constituents.

Mr. Speaker, my bill is similar to legislation proposed by President Nixon in 1973, but the issue has been controversial since the inception of the corporate income tax in 1909. In 1962, President John F. Kennedy proposed repeal the deferral of overseas investment in developed countries, but Congress did nothing.

My bill would forbid foreign subsidiaries of U.S. companies from relocating manufacturing jobs in countries that provide tax holidays and other tax breaks and shipping a significant portion of their products into the United States. A current tax loophole allows these companies to avoid being taxed as if that subsidiary were located in the United States.

Mr. Speaker, in addition to losing millions of dollars in income taxes due to this anomaly in our tax code, the United States is losing a major portion of its manufacturing base. Once the manufacturing base is gone, it will be very difficult to get back. Germany and Japan have clearly taken the lead in maintaining a strong and viable manufacturing sector as their economies have continued to outperform ours. Overall, maintaining a productive manufacturing base is the lifeline to a modern, high income, competitive economy.

I have always believed the root of America's social decay is the ill advised trade and tax policies Congress has advocated for the past 25 years. Mr. Speaker, I urge all members to take a closer look at the problem of runaway manufacturing plants and co-sponsor this important legislation. My bill would be the first step in putting an end to this practice and make these companies pay their fair share.

FARM PRICES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 9, 1994, into the CONGRESSIONAL RECORD.

FARM PRICES

The United States is in the middle of the greatest harvest ever. The corn crop could be 50% higher than last year, and soybean production will exceed the historic 1979 crop with excellent weather across the farm belt. The yields this year are simply phenomenal, as farmers continue to astound us with their productive capacity.

The downside to this record production is lower prices. Steps are being taken, and others are under consideration, to help the farmer. In the long run, exports are the remedy, as consumers around the world demand high-quality American agricultural products. Ultimately, net farm income is projected to grow from $43 billion in 1993 to as much as $51 billion this year.

PRICES

Corn prices declined from a nationwide average of $2.61 per bushel in June to $2.09 per bushel in September. Some local elevators are currently reporting prices of less than $2.00 per bushel. Prices normally decline at harvest time, but they are unusually low this year because of the record 1994 crop, projected at 9.6 billion bushels. The U.S. Department of Agriculture (USDA) has been criticized in some corners for setting the 1994 Acreage Reduction Program (ARP) at zero percent.

Soybean prices have also declined, from an average of $6.72 per bushel in June to $5.31 per bushel in September—and less than $5.00 per bushel at some local elevators. This decrease was fueled by the highest-ever national soybean yields, producing a record crop of between 2.3 billion and 2.5 billion bushels. Demand is expected to increase next year from greater exports and more livestock feeding, but not enough to compensate for the record crop. Low soybean prices are particularly damaging for Hoosier farmers because Indiana is the only major soybean state where the crop is projected to be lower than 1993.

OPTIONS FOR RAISING PRICES

I have urged the Department of Agriculture to consider a number of options to boost corn and soybean prices. Possibilities include:

Increase corn ARP: USDA recently announced a preliminary 1995 corn Acreage Reduction Program of 7.5% below the established base. This would take land out of production and improve corn prices for the coming year.

Raise corn support loan rate: Some farm groups have called for an increase in the 1994 Commodity Credit Corporation (CCC) loan rate from the current. $1.89/bushel to as high as $2.40/bushel. They claim this would have a direct impact on prices in the near future. USDA is considering an increase in the loan rate for 1995.

Allow 1994 corn crop entry into Farmer—Owned Reserve: The President has allowed farmers to place 1994 corn in the Reserve when their CCC loans mature after 9 months. It is unclear what impact this would have on short-term prices.

Soybeans on "flex" acres: If USDA determines that the price of soybeans next year will be below 105% of the loan level, it can prohibit program participants from planting soybeans on their optional flex acres. This would reduce production and increase prices.

Export Enhancement Program (EEP): EEP has been used in the past to help export soybean oil. If world prices continue to fall, USDA could increase EEP support of soybean oil to maintain America's competitive position.

Ethanol and other alternative products: As of January 1, about 30% of the U.S. gasoline market will be required to use ethanol in reformulated gasoline. Over time, corn prices may rise as much as 20 cents per bushel because of this rule. Congress is also examining ways to encourage the use of soy ink and other non-food uses for American agricultural products.

THE 1995 FARM BILL

The effectiveness of these measures to support prices will also be addressed in the 1995 farm bill. Government commodity support programs must be reauthorized next year. The 1990 farm act made farm programs more market-oriented, giving farmers more flexibility in choosing which crops to plant. A provision known as the Madigan amendment gave the Secretary of Agriculture more flexibility in setting loan rates and set-asides to maintain competitiveness in world markets. I expect this trend towards market flexibility to continue in the 1995 farm bill. Program flexibility puts more decisions in the hands of farmers rather than government bureaucrats, but it can also lead to greater price fluctuations for farmers.

The farm bill should also address the hidden costs of farming. First, participating in crop support programs should be less complicated. The paperwork for program participation should not be a burden to farmers. Second, government regulations should be flexible at the local level. It is not possible to set detailed and comprehensive guidelines from the top, and major regulations should be evaluated on a case-by-case basis, using risk assessment and cost-benefit analysis.

Some of the biggest issues in the 1995 farm bill will be environmental issues, including wetlands policy, and renewing the Conservation Reserve Program (CRP). Current wetlands policy that restricts farming on wetlands makes no distinction between wetlands that are environmentally important and those that are not. I am supportive of efforts to narrow the definition of wetlands.

CRP has been successful at boosting prices and preserving valuable resources. Because of our terrain, the average Southern Indiana farmer receives even more in CRP payments than in deficiency payments, and I support the full reauthorization of CRP. In addition, the 1995 farm bill should make CRP flexible enough to distinguish between more and less environmentally important lands. The program should remain completely voluntary.

CONCLUSION

I recognize the great risks in the farming business. The risks involved in farming are greater than in most industries, and Congress should continue to provide some stability to agriculture and assure that farmers can maintain a decent living and have a reasonable return on their investments. The 1995 farm bill is an opportunity to improve farm support programs and reduce the regulatory burden on farmers.

ENGLISH LANGUAGE TAX CREDIT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce an important piece of legislation that I believe to be an integral part of the official English movement. As you may know, I am the author of H.R. 123, the Language of Government Act which seeks to make English the official language of the United States Government. This legislation is the perfect complement to the Language of Government Act. It recognizes the need for a highly skilled labor force and provides a tax credit to employers for the cost of providing English language instruction to their limited-English-proficient employees.

Many Americans lack the language skills and literacy necessary to take full advantage of roles as responsible citizens and productive workers. While many employers acknowledge the need to educate their workers and have demonstrated an interest in establishing onsite training programs for their employees, the high cost of doing so often prevents them from taking any concrete action. This legislation will provide them with an incentive to offer this crucial instruction to their employees and make the workplace a friendlier, and less daunting environment for non-English-proficient employees.

NATIONAL SECURITY REVITALIZATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, on the opening day of this historic Congress, I take great pleasure in introducing the National Security Revitalization Act which implements the foreign affairs and the national defense provisions in the Contract With America.

It is a great honor and privilege for me to serve as the chairman of the newly named International Relations Committee and I intend to ensure that our highest priority will be the consideration of this important and long overdue legislation which will ensure that we maintain a strong defense capability around the world and imposes serious limitations on the subordination of American troops to foreign command in United Nations peacekeeping operations.

In addition, the bill will strengthen critically important regional institutions, such as the North Atlantic Treaty Organization and will ensure that our participation in any future U.N. mission directly serves our national interests.

Together with my good friend and colleague, FLOYD SPENCE, the chairman of the National Security Committee, we will bring the National Security Revitalization Act back to the House floor to restore American credibility around the world and to ensure that Congress plays an enhanced role in the foreign policy making process.

In the second session of the 103d Congress, Republican members of the Foreign Affairs Committee laid a solid foundation for the attainment of these objectives by championing key provisions in the Foreign Relations Act for fiscal year 1994 and fiscal year 1995 and the NATO Participation Act which I introduced in March of last year.

Accordingly, I urge my colleagues to join me in cosponsoring this vitally important legislation.

INTRODUCTION OF RAPID DEPLOYMENT FORCE LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation to establish a Rapid Deployment Force as an added resource of the Federal Bureau of Investigation. This force would be temporarily deployed by the FBI, to assist local authorities in investigating an increasing of crime in a particular municipality, due to an increase of drug or gang related activity. The Rapid Deployment Force would represent a partnership between the Federal, State, and local crime fighting entities.

This past weekend in my hometown of Hartford, CT, a rash of crime broke out leaving four dead, another critically wounded, and three others injured from gunshot wounds. This final criminal outbreak of 1994 brought the number of homicides in the city to 58, an increase of over 400 percent in the past 2 years. As the spread of drugs, and the city's gang problem continues to grow, the need for additional resources is evident. I am thankful that the recently enacted crime bill is bringing more cops on the beat into our Nation's cities and towns. I commend the Attorney General and the Department of Justice for their work in ensuring the rapid appropriation of funds for the Cops on the Beat Program.

However, it is not enough to just deploy more police officers on the street. A Federal Rapid Response team would bring with it resources and expertise that State and local governments cannot be expected to supply. I believe that a Rapid Deployment Force is essential in investigating and combating crime in towns and cities when drug and gang related activities escalate. And I urge my colleagues to support this important crime fighting legislation.

THE STUTTGART FISH FARMING EXPERIMENTAL LABORATORY

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to introduce legislation to transfer the Stuttgart Fish Farming Experimental Laboratory to the Department of Agriculture.

The lab was established in 1958 under the Interior Department and charged with conducting research and experimentation to solve problems relating to the commercial production of warmwater fish. Located in the heart of the Nation's catfish and baitfish production region, the lab and its staff have become nationally renowned for their work on behalf of the aquaculture industry.

In the years since the laboratory was established aquaculture has progressed rapidly, becoming the fastest growing segment of U.S. agriculture, accounting for nearly 300,000 domestic jobs. My home State is the largest producer of commercial baitfish and the second largest producer of catfish—accounting for nearly $100 billion in annual revenue.

Mr. Speaker this simple bill will transfer the laboratory from the Interior Department to USDA. I believe that this move makes sense because the people who do business with this laboratory are farmers, and are best served by USDA. The bill also changes the laboratory's name to the Stuttgart National Aquaculture Research Center to better reflect the excellent work that the lab produces. I look forward to passage of this legislation.

TRIBUTE TO SADIE HARVEY ODOM

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SAWYER. Mr. Speaker, every so often in life, if we are fortunate enough, someone comes along whose grace and wisdom enriches our own experience. Someone whose capacity to serve others inspires us to move beyond the limits we impose on ourselves, even as we wonder if we can ever match such a gift for giving.

Sadie Harvey Odom, a 41-year resident of Akron, OH, was such a human being. Every person whose life she touched—from her family, to her friends, to the broader community in which she lived—marveled at her generosity of spirit, force of intellect, and strength of character.

Born in Atlanta in 1924, Sadie Harvey completed high school at the age of 15. She went on to graduate cum laude 4 years later from Morris Brown College, where she was a founding member of the school's Alpha Kappa Alpha sorority chapter. She had hoped to study medicine at the University of Georgia, but was denied admission because the school would not educate African-Americans. Always determined to forge ahead, Sadie Harvey worked in the aeronautical engineering lab at a U.S. Air Force base in Hampton, VA, during World War II. Upon returning to Atlanta after the war, she met and married Vernon Odom, with whom she would share the next 47 years of her life. The Odoms moved to Akron in 1953, intending to stay only for 3 years. Instead, they spent the rest of their lives together in Akron, raising a family and devoting themselves to community service and the betterment of African-Americans.

Vernon Odom headed the Akron Urban League and the Akron Community Service Center for nearly three decades. His beloved wife, Sadie, was beside him every step of the way. She was a guiding force behind local Urban League programs and volunteered with many other civic organizations, including the American Cancer Society, the United Negro College Fund, and the NAACP.

Even as she gave selflessly of her time and herself in support of her community, Mrs. Odom raised a superb family of her own and worked as a medical technologist at St. Thomas Hospital. She applied her biology training to her volunteer work, as well, helping to test Akron's schoolchildren for sickle cell anemia and elderly residents for diabetes.

Mr. Speaker, there are many people in this world who live full, honest, and caring lives. And then there are the Sadie Odoms, whose integrity and selflessness leave a mark that is indelible.

Sadie Harvey Odom passed away on October 20, 1994, after a long illness. An entire community mourns as it contemplates this loss. But we also share the gratitude that comes from knowing a person with a heart of grace and a soul of love—from knowing Sadie Odom.

THE DEFENSE BUDGET AND MILITARY READINESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 23, 1994, into the CONGRESSIONAL RECORD.

THE DEFENSE BUDGET AND MILITARY READINESS

The commitment of U.S. forces to Haiti and Kuwait has raised concerns about the "thinning out" of the U.S. military since the end of the Cold War. Defense spending has declined by 11% since the 1989 peak of $303 billion, following a decade of massive increases. The defense budget edged up this year to $264 billion, and is projected to stay near current levels over the next four years. The question now is whether defense spending is sufficient to meet the new and emerging threats to our interests here and abroad.

NEW GLOBAL ENVIRONMENT

There is no doubt that the United States is more secure today than it was when thousands of Soviet nuclear warheads targeted American cities. Today there is no comparable direct military threat to the United States. The U.S. is the strongest military power in the world today, and has the best trained and equipped fighting force.

Yet, the world remains a dangerous place. The collapse of the Soviet empire has resulted in increasing instability in many parts of the world. Despite the desire of Americans to pay more attention to solving our own problems, we continue to have global interests that we must defend. Much of the world is threatened with chaos—full of civil wars, escalating ethnic and religious conflicts, and massive surges of refugees. Such instability can hurt the U.S. economy, limit our access to vital resources, including oil, and produce an international environment hostile to our interests and values.

The post Cold-War world is not peaceful, but the U.S. cannot afford to intervene everywhere. The challenge today is to identify the interests we are prepared to defend by force and ensure that our armed forces have the tools they need to do the job we ask of them. This challenge becomes even more critical as we plan for an uncertain future, since defense budget decisions we make today will determine the kind of armed forces we will have several years down the road.

THREAT-BASED DEFENSE

Our defense spending should be based on threats to our national security. During the Cold War, the threat was the Soviet Union, and our spending on defense was designed to meet that threat. Our task is to reorient our defense to respond to new threats in the post-Cold War world. Those threats include: the proliferation of nuclear weapons and other weapons of mass destruction; the threat of large-scale aggression by major regional powers such as Iraq; the threats to democracy and reform movements in the former Soviet Union, particularly Russia; and economic dangers to our security if we fail to build a competitive and growing economy here at home. The bottom line is that it will cost the U.S. less to respond to these new threats than it cost us to meet the Soviet threat.

The Pentagon has developed a defense plan that responds to the changed international environment. The so-called bottom-up review concludes that the U.S. must maintain a force capable of fighting and winning two nearly simultaneous regional wars, such as another Iraqi invasion of Kuwait and a North Korean invasion of South Korea. The Administration says that it has fully budgeted for its planned force structure, but that changes in inflation rates could change future funding needs. Others argue the budget crunch will be more severe as new procurement programs swell funding requirements. The Pentagon acknowledges it cannot fund all the new weapons programs now in development, and is assessing which programs to fund and which to cancel.

READINESS

After the end of the Vietnam War in the mid-1970s, rapid cuts in the defense budget and the loss of skilled personnel eroded the U.S. military's combat readiness. Some critics say that we are now facing a similar problem of a "hollow military." They say the costs of operations in Somalia, Rwanda and now in Haiti are placing an excessive burden on the defense budget. They say these costs detract from our ability to respond effectively to more serious potential threats from Iraq and North Korea. Some even suggest the U.S. no longer has the capability to face down another Iraqi invasion of Kuwait.

While I believe the combat readiness of our armed forces needs improvement, I think comments about a "hollow military" are overstated. Military operations abroad have led to low readiness ratings in three of the Army's 12 divisions and placed strains on other elements of the force, such as airlift. These trends must be promptly reversed. Even so, we still have by far the best-equipped and best-trained military in the world. The transition to a more mobile force is involving painful adjustments in personnel, base closings and cancellations of new weapons systems. Yet, a recent report authored by a former Army Chief of Staff concluded that readiness is acceptable in most areas.

Improving the readiness of U.S. forces should be the top budget priority for defense spending. Congress, with my support, has taken several steps this year toward this objective. These steps include: protecting military pay raises to ensure retention of high quality personnel; increasing overall spending on operations and maintenance, the key Pentagon account for readiness; increasing spending on airlift and sealift capabilities, which allow our forces to respond quickly to overseas threats in the Persian Gulf and elsewhere; boosting training support for battalion-sized units; promoting "interservice" cooperation in combat and other missions, as evidenced by the joint Army-Navy effort in Haiti; and enhancing battlefield weapons systems. I will continue to support efforts to maintain our readiness. I think the military's humanitarian and peacekeeping operations must not be permitted to bleed the Pentagon's budget.

CONCLUSION

The U.S. must be careful about picking and choosing its military missions, so that U.S. forces do not become overextended. We cannot and should not commit U.S. forces to every trouble spot in the world. The key test is whether U.S. interests are threatened. Maintaining the readiness and morale of our military requires that we identify the interests we are prepared to defend by force, while using other means, including coalitions with our friends and allies, to deal with lesser threats to the U.S. national interest. A combat ready American military is essential to our national security.

RETIRED DISABLED LAW ENFORCEMENT OFFICERS' COUNSELING NETWORK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce an important piece of legislation that I sponsored in the 103d Congress that would establish a national retired disabled law enforcement officers' counseling network, and I urge my colleagues to become cosponsors.

We call on police officers in emergencies. We trust them with our lives, families, and homes. Day in and day out most of us take them for granted to ensure our safety. Yet few of us truly appreciate the overwhelming stress, both mental and physical, that they endure in order to serve us. But there has never been a national proposal to give disabled retired police officers the psychological counseling they may need. Until now.

Too often, retired disabled police officers suffer from depression, feelings of isolation, uncertainty of their futures, and worsening medical conditions. With appropriate counseling, many of these officers will learn to cope with their new lives and some will be able to obtain meaningful employment.

My legislation would establish up to eight officer counseling centers throughout the United States to provide counseling to retired disabled officers and members of their immediate families. Any retired disabled Federal, State, county, city law enforcement officer, or special agent would be eligible to participate in this innovative and necessary program.

I ask all Members to help those who have helped us. Please cosponsor this important legislative initiative.

THE RESCISSION OF CORPS OF ENGINEERS USER FEES

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce legislation to prevent the U.S. Army Corps of Engineers from collecting so-called user fees at certain facilities maintained and operated by the Corps. Specifically, this bill will repeal section 5001, Title V, of the Omnibus Budget Reconciliation Act of 1993 [OBRA] which authorized the Secretary of the Army to establish and collect fees for the use of developed recreation sites and facilities.

These fees have been part of budget fiction for years. The White House has always proposed these onerous taxes and Congress has always rejected them. Unfortunately, these fees became a reality with the passage of OBRA. Furthermore, there are no guarantees that the revenue from these fees will be used by the Corps of Engineers for the maintenance of its facilities. I believe that with these fees going into general revenue—not the Corps budget—people who want to enjoy the great outdoors actually will end up paying twice, once as a taxpayer and once as a user of Corps facilities.

While these fees, ranging from $3 per vehicle to $25 for a yearly pass, may not seem like a lot, the fact of the matter is that the American public has already paid once for these facilities and their continued upkeep. This, in my opinion, is double-dipping by the Federal Government. My legislation would seek to rescind the fee now required as outlined in OBRA for the use of public recreation areas at certain lakes and reservoirs under the jurisdiction of the Army Corps of Engineers.

It's also important to note that the cost of installing boxes at the collection sites, in some instances, can exceed $25,000 depending on the location of the facility. So we are using operating and maintenance funds from the Corps to build the collection boxes in order to hit up the public for more funds that won't necessarily go to the Corps. It's reprehensible that an agency like the Corps of Engineers will spend its own funds so that it can collect money for the general treasury.

This fee structure, as modest as it may be, sets a dire precedent. Americans who want to go boating, camping, or swimming should not be singled out to foot the bill for more Federal spending. Tourism and other recreational activities throughout the country could be negatively impacted with these fees. Folks simply do not want to pay over and over again for something that is already paid for; nor should they.

REFORM OF THE MINING LAW OF 1872

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. RAHALL. Mr. Speaker, today I am introducing into the 104th Congress legislation to reform the mining law of 1872. Joining me in sponsoring this measure are GEORGE MILLER of California, CHRISTOPHER SHAYS of Connecticut, BRUCE VENTO of Minnesota, NEIL ABERCROMBIE of Hawaii, PETER DEFAZIO of Oregon and JERRY KLECZKA of Wisconsin.

This bill, the Mineral Exploration and Development Act of 1995, is identical to the version of H.R. 322 which passed the House during the last Congress on November 18, 1993, by a bipartisan vote of 316 to 108. In fact, our new Speaker, the gentleman from Georgia [NEWT GINGRICH], voted for this bill at that time. Unfortunately, last year the House-Senate conference committee on mining law reform was unable to reach an agreement.

Today, with the introduction of this measure, we begin where that historical debate left off. In my view, the advent of a new Congress with a Republican majority does not change the fundamental and bipartisan support that continues to be displayed for reforming the mining law of 1872. Indeed, the fiscal austerity being advanced by the Republican leadership may very well enhance our prospects for gaining enactment of this legislation, which has enjoyed the support of the National Taxpayers Union, during this Congress.

Mr. Speaker, for the benefit of my colleagues, many of whom may be new to this issue, in order to explain this measure perhaps it is best to briefly go back to the year 1872. At the time, Ulysses S. Grant resided in the White House. Union troops still occupied the South. The invention of the telephone and Custer's stand at the Little Bighorn were still 4 years away. And in 1872 Congress passed a law that allowed people to go onto public lands in the West, stake mining claims, and, if any gold or silver were found, produce it for free.

In an effort to promote the settlement of the West, Congress said that these folks could also buy the land from the Federal Government for $2.50 an acre.

That was 1872. This is 1995, Yet, today, the mining law of 1872 is still in force.

In 1995, however, for the most part it is not the lone prospector of old, pick in hand, accompanied by his trusty pack mule, who is staking those mining claims. It is large corporations, many of them foreign controlled, who are mining gold owned by the people of the United States for free, and snapping up valuable Federal land at fast-food hamburger prices.

Remaining as the last vestige of frontier-era legislation, the mining law of 1872 played a role in the development of the West. But it also left a staggering legacy of poisoned streams, abandoned waste dumps, and maimed landscapes.

Obviously, at the public's expense, the western mining interests have had a good thing going all of these years. But the question has to be asked: Is it right to continue to allow this speculation with Federal lands, not to require that the lands be reclaimed, and to permit the public's mineral wealth to be mined for free?

Today, anybody can still go onto Federal lands in States like Nevada and Montana and stake any number of mining claims, each averaging about 20 acres. In order to maintain the mining claim, until very recently all that was required was that the claimholder spend $100 per year to the benefit of the claim. In the event hardrock minerals such as gold or silver are found on the claim, they are mined for free. There are no requirements that a production royalty be paid to the Federal Government.

It is incredible, but true, that an estimated 1.8 billion dollars' worth of hardrock minerals are annually mined from Federal lands in the Western States in this fashion. Yet, the Federal Government does not collect one penny in royalty from any of this mineral production.

Under the mining law of 1872, claimholders can also choose to purchase the Federal land being claimed. They can do this by first showing that the lands have valuable minerals, and then by paying the Federal Government a mere $2.50 or $5.00 an acre depending on the type of claim. This is called obtaining a mining claim patent. Perhaps a good feature in 1872, when the Nation was trying to settle the West. But today there is hardly a need to promote the additional settlement of L.A., San Francisco, or Denver.

Recently, for example, a mining company received preliminary approval to obtain 25 of these patents covering about 2,000 acres of public land in Montana. This company will pay the Federal Government little more than $10,000 for land estimated to contain 32 billion dollars' worth of platinum and palladium.

Moreover, once the mining claim is patented, nothing in this so-called mining law says that it has to be actually mined. The land is now in private ownership. People are free to build condos or ski slopes on it.

For example, a couple of years ago the Arizona Republic carried a story about a gentleman who paid the Federal Government $155 for 61 acres' worth of mining claims. Today, these mining claims are the site of a Hilton hotel. This gentleman now estimates that his share of the resort is worth about $6 million.

Claimholders can also mine these Federal lands with minimal reclamation requirements. The only Federal requirement is that when operating on these lands they do not cause "unnecessary or undue degradation." What does this term mean? It means that they can do whatever they want as long as it's pretty much what all of the other miners are doing. And who will pay the bill for this abuse? Check over the Superfund National Priority List and you will learn the answer.

I might add that the issue of mining law reform does not deal with coal, or that matter, oil and gas. These energy minerals, if located on Federal lands, are leased by the Government, and a royalty is charged. Further, mining law reform does not deal with private lands. The scope of the mining law of 1872 is limited to hardrock minerals such as gold, silver, lead, and zinc on Federal lands in the Western States. That is also the scope of this reform bill.

In brief, the legislation we are introducing today would prohibit the continued give-away of public lands. It would require that mining claims be diligently developed. It would impose a royalty on the production of valuable minerals extracted from Federal lands. And, it would require industry to comply with some basic reclamation standards.

Again, this legislation is identical to the bill which passed the House last year by a bipartisan 3-to-1 margin.

Mr. Speaker, I receive many calls in my office on the issue of mining law reform. When people learn that today, in 1995, gold and silver is still mined off public lands for free, they are, naturally, incredulous. The question is often asked: How come Congress has not done anything to reform the mining law yet?

Frankly, as the Member who commenced this current effort to reform the mining law back in 1987, I, too, am incredulous that this law continues in force in a manner basically unchanged from its 1872 origins. Historically, the western hardrock mining industry has been successful in blocking any and all congressional reform initiatives. Lately, however, I have noticed an increasing sentiment within the more progressive element of the industry to settle this matter once and for all. Perhaps 1995 will be the year in which the voice of this element of the industry will become the dominating voice of the industry overall.

For the benefit of my colleagues, following I offer a brief history on the effort to reform the mining law of 1872:

HISTORY OF MINING LAW REFORM

The genesis of mining law reform dates back to 1879, seven years after the enactment of the Mining Law of 1872. At that time, Congress created the first major Public Land Commission to investigate land policy in the West. One of its major recommendations included a thorough rewrite of the 1872 law which even then was believed by many to undermine efficient mineral development.

Several decades later, in 1908, President Roosevelt created the National Conservation Commission to study Federal land policy in the West, and it, too, made a number of recommendations for reform of the Mining Law. Again, in 1921, a committee appointed by the Director of the Bureau of Mines recommended a series of reforms, developed in concert with mining industry representatives interested in improving the mechanics of the law. These recommendations were embodied in legislation introduced in both houses of Congress and hearings were held in 1922, however, no action was taken at that time.

Following this effort, the next call for reform came at the onset of World War II, when then Secretary of the Interior Harold Ickes endorsed a leasing system for hardrock mining. In 1949, the Hoover Commission on Organization of the Executive Branch of the Government, like the first Public Land Commission, recommended a series of changes to the Mining Law. This effort was succeeded by the President's Materials Policy Commission (the Paley Commission) in 1952 which also recommended revisions, including placing hardrock minerals under a leasing system. Once again, the criticism centered on inefficiencies in mineral development caused by the law.

Between 1964 and 1977 Congress went through another period of debate on mining law reform. The debate became more complex during that time as issues related to abuse and the need for environmental protections were added to the mix. The Public Land Law Review Commission, created by Congress in 1964, made the Mining Law a prominent issue on its agenda. Following issuance of the Commission's report in 1970, Congress debated the issue until 1977, when efforts to reform the mining law collapsed.

After a decade-long hiatus, on June 23, 1987, what was then known as the Subcommittee on Mining and Natural Resources held an oversight hearing on the Mining Law of 1872, initiating the current round of Congressional debate on reform. Subsequently, the Subcommittee held a number of hearings on specific issue areas related to hardrock mining on public lands, such as: hardrock mine reclamation and bonding requirements, abandoned mine land problems, mining claims on Stock Raising Homestead Act lands, uncommon varieties of hardrock minerals, regulation of hardrock mining wastes, and oil shale claims. On September 6, 1990, the Subcommittee on Mining and Natural Resources conducted a hearing on the first reform measure introduced into the House in over a decade, H.R. 3866, sponsored by then Subcommittee Chairman Rahall. This hearing was augmented by several reports produced by the U.S. General Accounting Office at the Subcommittee's request: An Assessment of Hardrock Mining Damage (1988); The Mining Law Needs Revision (1989); Unauthorized Activities Occurring on Hardrock Mining Claims (1990); Patenting of Mining Claims Complies with Law (Oregon Dunes) (1990); and, Increased Attention Being Given to Cyanide Operations (1991).

At the commencement of the 102nd Congress, on February 6, 1991, H.R. 918 was introduced by Rep. Nick Rahall. During the first session of that Congress, the Subcommittee on Mining and Natural Resources held four field hearings on the bill in Denver, Colorado (April 12, 1991); Reno, Nevada (April 13, 1991); Sante Fe, New Mexico (May 3, 1991); and Fairbanks, Alaska (May 25, 1991). Two additional days of hearings were held on the bill in Washington, D.C. on June 18, 1991, and June 20, 1991. On June 24, 1992, H.R. 918 was favorably considered by what was then known as the Committee on Interior and Insular Affairs which reported the bill with amendments by a roll call vote of 26 to 19. The House began floor consideration of the bill, but did not complete action on the measure prior to the adjournment of the 102nd Congress.

At the beginning of the 103rd Congress, on January 5, 1993, Rep. Rahall introduced H.R. 322, which closely mirrored the version of H.R. 918 previously considered on the House Floor. On March 11, 1993, the Subcommittee on Energy and Mineral Resources held a hearing on the bill and on October 28, 1993, the Subcommittee favorably reported the bill as amended. On November 3, 1993, the Committee on Natural Resources favorably reported the bill as amended by a vote of 28 to 14. H.R. 322 was passed by the House on November 18, 1993, by a vote of 316 to 108. Unfortunately, during the 103rd Congress a House-Senate conference committee on mining law reform was unable to reach an agreement.

ANTITRUST AND COMMUNICATIONS REFORM ACT OF 1995

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. MARKEY. Mr. Speaker, I rise today as an original cosponsor of legislation introduced today which proposes to update our Nation's communications laws for the information age.

Introduced by my colleague JOHN DINGELL, this legislation embodies measures—H.R. 3626 and H.R. 3636—which were approved in overwhelming fashion by the House in the previous Congress. Together, these bills represented the Nation's roadmap for the information superhighway. I want to commend my distinguished colleague, Mr. DINGELL, for quickly bringing these issues to the attention of the House by introducing this legislation on the opening day of the 104th Congress.

Although approved by impressive margins in the House, the Senate was unable to complete work on a similar measure due to a number of factors, including the lack of sufficient days remaining in the legislative calendar.

Titles III, IV, V, and VI of the bill introduced today consist of the language of H.R. 3636, which I introduced in the 103d Congress with Representative JACK FIELDS. Working closely in bipartisan fashion with our other subcommittee colleagues, we were able to propose radical changes and needed reforms to our Nation's communications laws. This bill passed the House by a vote of 423 to 4 last year.

It is my hope to again work closely with now-Chairman FIELDS and other committee members, in a nonpartisan way, to repeat our legislative success in the new Congress.

The purpose of this legislation is to help consumers by promoting a national communications and information infrastructure. This legislation seeks to accomplish that goal by encouraging the deployment of advanced communications services and technologies through competition, by safeguarding ratepayers and competitors from potential anticompetitive abuses, by preserving and enhancing universal service, and by addressing longstanding legal and regulatory issues posed by the Modification of Final Judgment [MFJ], which broke up Ma Bell a decade ago.

The bill will preserve and enhance the goal of providing to all Americans high-quality phone service at just and reasonable rates. This goal of universal service is one of the proudest achievements of our Nation during the 20th century, and this legislation will ensure it endures beyond the year 2000.

Second, the legislation will promote and accelerate competition to the cable television industry by permitting telephone companies to compete in offering video programming. Specifically, the bill would rescind the statutory ban on telephone company ownership and delivery of video programming. Telephone companies would be permitted, through a separate subsidiary, to provide video programming to their subscribers so long as they establish an open system to permit others to use their video platforms. But they must enter the business the old fashioned way: by building a new system and not just through buying up an existing system.

In addition, the legislation will promote competition in the local telephone market. This market is one of the last monopoly markets in the entire telecommunications universe. We all have witnessed how the long distance market and the telecommunications equipment market has benefited tremendously from competition. Just 10 years ago, you had one choice in long distance—AT&T—and one choice for a phone—black rotary dialed.

Through Federal policies, hundreds of equipment makers and long distance companies now exist, providing rigorous competition. We can see those same benefits in the local telephone market, and thereby benefit consumers by giving them more choice at lower prices.

Moreover, the legislation addresses issues related to the breakup of AT&T. The bill lays the foundation to resolve issues with respect to the line of business restrictions placed upon the Bell operating companies at the time of the breakup. It sets the stage for determining how and when a Bell company may participate in the long distance marketplace.

In addition, this legislation stipulates the terms and conditions for Bell company participation in the information services, alarm, and equipment manufacturing markets. This legislation will effectively take these issues out of the courts and will provide a blueprint to the Federal Communications Commission, the Department of Justice, and State regulators as to how to move the industry toward greater competition while protecting consumers and competitors from the potential for monopoly abuses. This bill will also provide a modicum of certainty to participants in the marketplace, allowing CEO's, investors, and entrepreneurs to effectively plan for the future.

Again, I want to commend Mr. DINGELL for introducing this legislation. I look forward to working with him, Mr. FIELDS, Mr. BLILEY, and other committee colleagues, on legislation to overhaul the 1934 Communications Act for the 1990's.

TRIBUTE TO JOE PATERNO AND THE NITTANY LIONS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CLINGER. Mr. Speaker, on this historic first day of the 104th Congress, I would like to publicly extend my warmest congratulations to Joe Paterno and the Nittany Lions of Penn State on their Rose Bowl victory.

As the winner of the Big Ten Conference, the Nittany Lions went to Pasadena to meet a worthy adversary, and the Oregon Ducks proved to be just that. In the end, however, Penn State triumphed, 38 to 20, after displaying fine teamwork and unrelenting determination.

With this Rose Bowl victory, Joe Paterno passes Bear Bryant as the coach with the most bowl game victories to his credit. This win completes the fifth undefeated season in his 29 years of coaching at Penn State.

The Associated Press and CNN/USA Today have awarded the national championship to another undefeated team, but in my mind Penn State has earned the right to be called a national champion.

While my colleagues from Nebraska may disagree with my assessment of Penn State's ranking, the only way to settle, once and for all, the question of which team is the national champion can only be decided in a head-to-head competition. As USA Today indicated in a cover story headline yesterday, without a match between these two undefeated teams, the question of which team is better is still open to debate.

One thing is certain, Pennsylvanians and Penn State alumni across the country can take pride in the performance of this team and the football program at Penn State. With many of the players returning next year, we may see this open question settled after all.

PROGRESS ON THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 26, 1994, into the CONGRESSIONAL RECORD.

PROGRESS ON THE ECONOMY

One of the top concerns of Hoosiers remains the economy and the economic outlook. Hoosiers are concerned about the budget deficit, our international competitiveness, and especially jobs and job security. At the same time, most recognize that progress is being made and that the economy is doing better now than it has for years. Over the last two years we have made major progress on the budget deficit. That in turn has given a significant boost to the economy. We need to build on these successes and continue the basic policies that have helped turn things around. Certainly there is still much room for improvement in the economy, but there is little evidence that our economic policy needs a major change in direction.

PROGRESS ON THE ECONOMY

In January 1993, both the federal deficit and federal spending as a share of the economy were spiraling upward, while the economy was in the slowest recovery of the postwar era. The President and Congress passed the deficit reduction package last year which led to a dramatic drop in the deficit, and also has sparked a steady, sustainable economic recovery. Critics were saying that the package would cause a recession and higher unemployment. It has had just the opposite effect, boosting the economy in several key ways.

Deficit reduction: The $430 billion deficit reduction package means that the deficit will decline for three years in a row—the first time that has happened since the Truman Administration. We are finally getting a handle on the deficit—bringing it down from $290 billion in 1992 to a projected $160 billion next year. That will make the deficit as a share of the economy the lowest since 1979, and one of the lowest of all the major industrialized countries.

By 1998 the national debt will be $650 billion lower than was projected before the passage of the deficit reduction plan. (Two-thirds of this comes directly from the deficit reduction package, the rest from the strengthened economy.) That's $10,800 of reduced federal debt for each family of four in Indiana. We need to continue these deficit reduction efforts rather than reverse course.

Growth: The U.S. economy is growing at a solid, sustainable pace. The rate of economic growth, which averaged 1.5% in the Bush Administration, has more than doubled to 3.3% in the Clinton Administration. The U.S. economy is growing faster than any other major industrialized country. Our projected growth rate of around 3% is about where we want it—much slower and it would lead to rising unemployment, much faster and it would reignite inflation.

Unemployment: The unemployment rate has come down from 7.1% in January 1993 to 5.9% today. Some 4.6 million new jobs have been created since January 1993, compared to 2.4 million over the previous four years. 92% of these jobs have been in the private sector, compared to 54% during the Bush Administration. American job growth this year will exceed job growth of all the other major industrialized countries combined.

In Indiana, the unemployment rate has dropped from 5.9% in January 1993 to 5.1%. The number of Hoosier jobs has grown by 155,000 in the last two years, after declining by almost 100,000 in the three previous years.

This is solid progress on the jobs front, and we need to continue the deficit reduction, lower interest rates, and strong economic growth that have helped bring it about.

Productivity: Higher productivity is key to an increased standard of living for American workers. Productivity has increased at an annual rate of 2.2% since the beginning of 1993—a significant improvement over the record of the 1980s. The lower interest rates resulting from deficit reduction have boosted investment and productivity.

Inflation: It has been a significant accomplishment that we have done so well in boosting economic growth and lowering unemployment without reigniting inflation. Inflation since January 1993 has averaged 2.8%—the lowest level in 30 years.

Income growth: Income growth is one aspect of the recovery that remains disappointing. Median family income has not kept up with inflation in recent years. It grew slightly last year, but after adjusting for inflation actually declined by about 1%. This is a slight improvement over the previous four years, but still disappointing. Family incomes in Indiana did not decline like the rest of the country, but they did not grow either.

This has made many people skeptical about overall progress on the economy since they have not felt it much in their paychecks. Although most workers saw a modest increase in their total compensation—wages plus benefits—during the past decade, it was much less than in earlier decades and most of the increase recently has gone for higher employee health insurance premiums. So workers have not seen much increase in their paychecks. Making real progress on takehome pay will require continued strong economic growth, increased investment, as well as meaningful health care reform that reins in escalating health care costs.

Trade deficit: A second disappointment is the trade deficit. Since the mid-1970s, the U.S. has been importing more goods and services than it has exported. The trade deficit in goods and services, which peaked at $150 billion in 1987, fell to $30 billion in 1991. Since then, severe recessions in Europe and Japan have reduced their ability to buy U.S. products, driving our trade deficit up to the $80–90 billion range. This should turn around as Europe and Japan recover.

CONCLUSION

Certainly we need to continue to focus on improving our country's economic future, but we have made significant progress in shoring up the economy during the past two years. An independent study recently found that the U.S. now has the world's most competitive economy, overtaking Japan for the first time since 1985. Federal Reserve Chairman Alan Greenspan said earlier this year that because of the deficit reduction effort, ". . . the foundations of the economic expansion are looking increasingly well-entrenched." We need to continue the policies that have made the difference—meaningful deficit reduction, moderate interest rates, and an emphasis on productive investment. These policies are working and we should stick with them.

TRIBUTE TO THE DWIGHT ELEMENTARY SCHOOL

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EWING. Mr. Speaker, as we convene the 104th Congress, and welcome each of the new Members to this assembly of the people, I am reminded not only of our duty to preserve, protect, and uphold the U.S. Constitution, but of the vital role an educated citizenry plays in the effective governing of our country. As Members of Congress we have a responsibility to promote civic education and to recognize those who excel in their studies.

This is why I am proud to enter into the permanent RECORD of the 104th Congress the names of the following distinguished students from Dwight Elementary School in the 15th District of Illinois who have been awarded a Certificate of Achievement from the Center of Civic Education, for their study of the history and principles of the Constitution of the United States of America. The honorees are: Joseph Brassard, Robert Breese, Timothy Brown, Lori Eggenberger, Nathan Hoegger, Pamela Maeder, Bryan Neville, Anita Nourie, Curtis Price, Falynne Price, Amber Riegel, Dennis Robisky, Andrea Scott, Jennifer Small, Jason Spandet, Joey Stevenson, Kathleen Stewart, Joann Weller, and Rhea Ann Wilson.

Who knows, Mr. Speaker? Some of these students may serve in the U.S. House of Representatives one day. Most important, however, is that these students help to educate other citizens about the importance of public participation and the virtues of good government.

Mr. Speaker, I offer my congratulations to these fine students.

PROTECT LIFE: NOW AND FOREVER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce legislation which will begin the process of amending the Constitution to protect human life in all its stages.

Over the past 2 years, the administration has touted its pro-abortion policies. In fact, States across the Nation are being notified that they breaking the law if they continue to refuse to provide abortions under the Medicaid Program. This must stop, and an amendment to the Constitution will do just that.

The U.S. Congress has been quick to defend the interests of the poor and the homeless, who have no effective advocate for their cause—and indeed those are worthy efforts. Yet Congress has, for too long, ignored the most silent voice of all, that of an unborn child.

The U.S. legal system is firmly based on morals. Is it right or wrong to steal? Is it right or wrong to hurt another person? Is it right or wrong to drive an automobile carelessly, thus endangering the lives of others? The answer to all of these questions is, of course, it is wrong.

The fact remains that abortion is the taking of an innocent human life—a killing that is morally wrong. The solution is to amend the Constitution and clarify that basic human rights extend to all—including the unborn.

I urge my colleagues in the House to put this scandalous chapter in our Nation's history to an end by starting the process which would amend the Constitution to protect all life.

THE LENDER AND FIDUCIARY FAIRNESS IN LIABILITY ACT OF 1995

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. UPTON. Mr. Speaker, in the last Congress, I called attention to some of the unintended effects of the Federal Superfund Program. I pointed out that Superfund's draconian liability provisions were undermining job creation in older manufacturing areas by discouraging the redevelopment of previously used industrial sites.

We came close to fixing this problem in H.R. 3800, the Superfund reauthorization bill cleared by the Committees on Commerce and Public Works last year. It did not become law, however, and the distinguished gentleman from Louisiana, Mr. TAUZIN, and I are introducing "The Lender and Fiduciary Fairness in Liability Act" today so that no momentum will be lost in the effort to repair this broken program.

Throughout America there are previously used industrial sites lying fallow because lenders and investors are afraid that owning or renting such sites will make them liable for the costs of cleaning up messes they did not make. Under Superfund, owners and operators of property requiring cleanup are assumed to be responsible for contamination found on or in such properties. In some cases, institutions that loaned money for the acquisition of such properties can be held liable, too.

This shadow of liability hanging over previously used industrial properties often makes it impossible to sell property or to secure financing for acquiring and redeveloping it. Potential investors won't invest and lending institutions won't lend so long as Superfund threatens either liability, the loss of collateral value or both.

The safe alternative in such cases is to avoid the previously used "brownsites" in central cities and historic manufacturing areas in favor of virginal "greensites" far away. It is simply safer to develop a cornfield on the periphery than to redevelop a downtown site. A Michigan State legislator described the net effect of this process thusly: "Urban devastation, and jobless workers, are left in the cities. With development forced outward, lots of open space and farmland gets gobbled up. There are tremendous public costs to provide new roads and services. And the old urban sites are not cleaned up—they just sit there!"

Mr. Speaker, I doubt that such results were intended by the authors of Superfund. In fact, I doubt that a single Member of this House or the other body even suspected such results when the statute creating Superfund was enacted in 1980 and extensively amended 6 years later. Nonetheless, more than a decade of court decisions and administrative interpretations have brought us to this point. The program is doing more harm than good in much of the country and we have a responsibility to get it back on track.

The bill my distinguished friend and I are introducing this evening addresses the redevelopment of contaminated sites in two ways.

First, it shelters from Superfund liability innocent landowners who acquire property subsequently found to be contaminated. Second, it shelters lenders and lending institutions from Superfund liability unless they actively participate in the management of an organization subsequently found liable.

It is important to recognize that neither of these concepts is new. Superfund law currently exempts innocent landowners from liability and shelters lenders via the "secured creditor exemption." The problem is that the law does not provide the executive and judicial branches with sufficient guidance on its implementation. Whether a given party qualifies for the innocent landowner or secured creditor exemption is virtually impossible to determine at the beginning of the process. One must take his or her chances and hope that EPA or the courts will make the appropriate interpretations later in the process. With Superfund cleanups averaging $30 million per site, this simply presents too much risk for potential redevelopers and those who provide the capital they need.

This bill strengthens the existing by clarifying the specific steps a party must take in acquiring and financing previously developed properties. It lets no polluters off the hook. Those who contaminate will be just as liable after passage of this legislation as they are today.

Similar legislation garnered more than 300 cosponsors in the last Congress and became part of a bill reported unanimously by the Committee on Energy and Commerce. I hope my colleagues on both sides of the aisle will join Mr. TAUZIN and me in this effort.

ON THE INTRODUCTION OF THE COMMUNITY SOLVENCY ACT OF 1995

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce the Community Solvency Act of 1995. This bill represents the final product of a year's worth of negotiation and compromise between county and local governments, the waste industry, and the financial community. This legislation, which passed the House in the final hours of the 103d Congress enables communities in financial trouble to continue to treat and dispose of municipal solid waste in an efficient and cost effective manner, while, at the same time, protecting public health and safety and high environmental standards.

While the House was able to take decisive action passing this exact text last year, Senate action was unfortunately obstructed. For this reason, we now revisit this issue and must move swiftly on this bill beginning today.

As my colleagues will recall, local governing bodies nationwide suffered a tremendous blow last May when the Supreme Court ruled in C&A Carbone v Town of Clarkstown, New York that waste flow control authority violates the dormant commerce clause of the Constitution. As Justice Sandra Day O'Connor reminded us in her concurring opinion, Congress has implied that States and localities have this authority, but has never said so explicity.

Communities nationwide have accumulated an outstanding debt of more than $10 billion assuming their ability to use flow control authority, only to have the Court take it away with the Carbone decision. But technologically advanced facilities require more money than many communities can afford. To meet their waste management responsibilities while protecting the environment and public health and safety, communities have turned to bond financing.

These communities have accepted the responsibility of constructing, maintaining, and often operating transfer stations, landfills, waste-to-energy facilities, composting stations, and other solid waste treatment sites. In many cases, these communities have even designed integrated solid waste management plans to meet the full solid waste needs of their residents. We should not punish them for their initiative.

Furthermore, this $10 billion in debt jeopardizes far more than the communities' ability to meet solid waste management responsibilities. In fact, it jeopardizes many of their overall community bond ratings. At least two prominent credit rating agencies—Moody's Investors Service and Duff & Phelps Credit Rating Co.—have already begun the combined reassessment of more than 100 communities' credit standings as a direct result of the Court's decision. Duff & Phelps announced that, "In its review of this issue, Duff & Phelps Credit Rating Co. found that Congress' inability to take action is triggering greater uncertainty in the solid waste sector and, in the long run, may weaken credit quality of solid waste facilities."

The debate continues, but the stakes are even higher now. The ultimate consequences of our inability to act decisively will be Orange County-like bankruptcies, higher municipal taxes, and outraged constituents nationwide. It is clearly up to Congress to address and remedy this situation. The Community Solvency Act is precisely the flow control language which the House passed on October 7, 1994. This language was supported by a wide coalition including private sector waste management companies; local government organizations, such as the National Association of Counties, the U.S. Conference of Mayors, and the League of Cities; recycling interests; and Wall Street representatives.

Congress must move a legislative remedy to Carbone swiftly through the committee structure and the floor schedule to ensure financial security to struggling communities in each of our States. I urge my colleagues to take an active interest in this important issue by cosponsoring this common sense measure—the Community Solvency Act of 1995.

IT IS TIME FOR TRUTH IN VOTING

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRAPO. Mr. Speaker, I rise today in support of the toughest and most comprehensive internal reforms in over 50 years in this House. An open Congress is the only way to restore a sense of public confidence in our legislative process. I urge Members on both sides of the aisle to support this Contract for a People's House.

When our constituents recently sent us to Washington as Members of the 104th Congress, they demanded that we change the way business is done. The past 2 years, however, have allowed little room for a more open and accountable process for Members of either party in Congress. What a remarkable opportunity it is then, to bring a breath of fresh air to the current business of the House through reforms of the committee system, House rules, and budget process. We are now making substantial progress in achieving the goal of comprehensive congressional reform that we promised to the American people. Gone are the days of ghost voting by proxy in committee, closed committee meetings that shut out the American people as well as other Members of Congress, and budget numbers that do not honestly reflect increases from year to year. And I am proud to say that the Speaker will institute a program to make the House electronically accessible to everyone. These reforms are just the beginning of a new House.

To supplement the already substantial list of reforms that are being proposed and debated today, I am reintroducing the Truth In Voting Act. Reintroduction of this legislation comes at a critical time now that we have more opportunity to end the manipulative procedures, sham votes, and secret meetings of the old process. This legislation would codify and clarify many of the fine reforms being debated today, and it keeps alive the perennial process of self-examination and reform that brings vitality to representative government. I urge my colleagues to support the Truth In Voting Act, and reforms that will lead this House into the 21st century.

CHILD SUPPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 7, 1994, into the CONGRESSIONAL RECORD.

CHILD SUPPORT

Many Hoosiers speak to me about the difficulty they have collecting child support. The failure to obtain adequate support from absent parents can place an enormous financial strain on families. Children need a stable family environment in which to grow and thrive, and too many children simply do not receive the support they need. We must insist that parents treat their children responsibly, including their economic needs. Children do best when they have financial as well as emotional support from both parents. Congress will likely address this issue during debate on welfare reform next year.

BACKGROUND

The states generally handle divorce, custody, and child support decisions. In order to obtain child support, the custodial parent must obtain a state court order specifying the amount to be paid by the noncustodial parent.

Collection of that court-ordered support is not always easy. Almost one-quarter of American children grow up in single-parent households, and many of them do not receive financial support from the absent parent. Over 40% of single mothers have no child support order in place and, therefore, no legal right to support. Single parents who do have support orders in place were entitled to a total of $20 billion last year, but received only $13 billion. Furthermore, many families find the support payments inadequate. In 1989, the average child support payment was about $250 per month.

There are several hurdles which make collection of child support difficult. First, noncustodial parents who move frequently can be difficult to locate. Second, if paternity is not established—as is the case in two-thirds of births to unmarried parents—children have no legal claim on their father's income. Third, collection of child support can be difficult or expensive, particularly for the custodial parent who must go to court. Child support can be collected through wage withholding from parents with steady jobs, but those who change jobs frequently or are self-employed sometimes evade traditional enforcement methods. Fourth, there is often confusion about which state's courts have jurisdiction in child support disputes. Over 30% of children live in a different state than their non-custodial parent.

FEDERAL EFFORTS

In 1975, Congress established a cooperative federal-state Child Suppport Enforcement (CSE) program. Welfare recipients are required to participate in the program, and most of the support collected for their children is used by the government for welfare payments. Families not on welfare may receive CSE services for a small fee. The CSE program currently handles about half of all child support cases, and provides a variety of services:

Parent location: The Federal Parent Locator Service uses a variety of government records to locate parents, including information from the Social Security Administration and the IRS. States also conduct searches through their records, including motor vehicle registries and criminal records. In 1993, 4.5 million absent parents were located, an increase of 21% over the year before.

Paternity establishment: Although primarily a state responsibility, the federal government has required states to emphasize establishing paternity for children born out of wedlock. For example, the federal government has required states to have all parties in a contested paternity case submit to a genetic test upon request, and to accept paternity determinations made by other states. Despite these efforts, a paternity establishment remains a weak link in child support enforcement. In 1993, paternity was established for over 550,000 children, a 7% increase from the previous year. However, this left almost three million children still lacking legal identification of their father.

Collection: Most child support is gathered through wage withholding and garnishing federal and state income tax refunds and unemployment compensation. In 1993, $8.9 billion was collected through the CSE program, an increase of 12% over the year before. The amount of child support collected through wage withholding should increase since federal law requires mandatory withholding for all child support orders issued or modified after January 1, 1994.

REFORM PROPOSALS

Improving child support enforcement is primarily a state function, but the federal government can play an important role. Congress has taken steps to improve child support enforcement. It approved measures this year which require states to report parents owing at least two months of child support to consumer credit agencies; designate child support payments priority debts when an individual files for bankruptcy; restrict a state court's ability to modify a child support order issued by another state without the consent of the child and custodial parent; and make parents who fail to pay child support ineligible for federal small business loans.

While plugging these loopholes in the child support enforcement system is useful, it is clear that more comprehensive improvements are needed. First, more emphasis must be placed on identifying fathers of children. Some states have been very successful—up to 85% of the time—while others have been woefully inattentive to this matter. Some propose withholding welfare benefits for children whose paternity is not documented. Second, more effective methods of collecting child support are needed. Some states already require new employees to report their child support obligations to employers so that their payments may be automatically withheld from their paycheck. One suggestion is to make this requirement national through the W-4 tax form. I prefer that the states remain in control, but with support from the federal government in doing those things states are unable to do. The child support system will work better if the laws and procedures are more uniform and less complex.

CONCLUSION

I think that most parents genuinely want to take care of their children, and millions of noncustodial parents do pay their child support fully and regularly. But too many children do not receive adequate support. The federal government can help ensure their parents live up to their obligations. The goal in child support must be to improve the economic security of all children. Our society's failure to consistently demand that parents treat their children responsibly has taken its toll in childhood poverty and welfare dependency.

A TRIBUTE TO JUDITH PISAR AND THE AMERICAN CENTER OF PARIS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to call the attention of my colleagues to the achievements of a great American woman, born in the Ninth Congressional District of New York.

Judith Pisar, who was installed last year as a Chevalier of the Legion of Honor of France, has spent more than two decades building cultural bridges between the Americans and theFrench as chairman of the American Center of Paris. The American Center, founded 63 years ago, has become the home away from home for the American arts. The physical space, designed by Frank Gehry and reopened last year to acclaim, contains theater and studio space, a visual arts center, a movie theater and lecture hall with classrooms and living space for American artists in residence. But beyond its dimensions it's a place where the best of American culture can be shared with the French. Over the years, Judith Pisar and her colleague Henry Pillsbury have made the American Center in Paris an outstanding venue for artistic, cultural and intellectual dialog between our country and Europe.

Judith, who as I said was born in Brooklyn, studied at Vassar College, New York University, and the Juilliard School of Music before beginning her career in contemporary arts. In 1962, she founded a lecture forum called "The Composer Speaks," bringing distinguished talents to cities and universities nationwide; she served as the administrator of the Merce Cunningham Dance Company and musical director of the Brooklyn Academy of Music. In the early 70's, she joined the American Center in Paris, where she has truly made magic over the years. Following her years of dedicated service as chairman, Mrs. Pisar has retired but will continue to serve the American Center as chairman emeritus.

In appreciation of her achievements, Judith Pisar has been honored in the French Senate by the French Minister of Culture, Jacques Toubon, and by the Vice President of the Senate and former Minister of Foreign Affairs, Maurice Schumann. Her work has also been recognized by President Bill Clinton and Francois Mitterand, President of the French Republic. I will insert into the RECORD messages from these leaders following my remarks.

Finally, I would like to thank my friend John Brademas for bringing Judith Pisar's outstanding achievements to my attention and giving me this opportunity to pay tribute to her fine work.

THE OZARK WILD HORSES PROTECTION ACT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I take this opportunity to introduce legislation entitled the "Ozark Wild Horse Protection Act." The substance of this bill relates to a small herd of 30 or so feral horses that roam freely in the Ozark National Scenic Riverways [ONSR] and adjoining lands. Over the course of the past several years, the National Park Service has insisted that the horses must be rounded up and removed from the park lands. They have cited numerous bureaucratic justifications for the roundup with no forethought as to the wide public support from the folks who live and work in the area.

There is simply no explanation as to why the Park Service continues to insist on the horses' removal. I, along with the citizens who have been fighting for this issue, have exhausted all administrative diplomacy. It is unfortunate that a legislative solution barring the removal of the horses is necessary—but I see no reasonable alternative at this point.

These horses are an important part of the Ozark cultural heritage. The residents of this area whose cultural and historical identity is deeply rooted in the Ozark tradition have had their input completely disregarded by an unwieldy bureaucracy. The horses within the scenic riverways are a great tourist attraction and are hurting no one. The bottom line is that the horses should stay.

Mr. Speaker, the Ozark Wild Horse Protection Act will prohibit removal of these horses from the ONSR except in the event of an emergency. The bill states that the Secretary of the Interior may not remove, or allow or assist in the removal of, any free-roaming horse from Federal lands within the boundaries of the Ozark National Scenic Riverways, except in the case of medical emergency or natural disaster.

I have maintained since the beginning of the Park Service's pursuit of the horses that they do, indeed, have the discretionary authority to withhold action and simply leave the horses alone. But since I have been advised by the National Park Service that legislative action is necessary, I am proud to introduce this bill today in the House.

LEGISLATION TO MODIFY THE LAFARGE PROJECT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GUNDERSON. Mr. Speaker, today I am reintroducing with Representative PETRI, a measure which would direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake project—a Corps of Engineers flood control project initiated in 1962. This legislation would deauthorize the construction of the reservoir and dam, while completing other features of the original project.

On October 3, 1994, the House of Representatives passed the Water Resources and Development Act by a voice vote. This measure incorporated provisions in H.R. 4575 which modified the original LaFarge Dam project and provided the opportunity to lay to rest economic stagnation which has plagued this area for 30 years. Unfortunately, during the closing days of the congressional session the other body did not consider the legislation, thus the measure died when Congress adjourned.

Prior to 1962, the LaFarge area, nestled in the Kickapoo Valley of Wisconsin, was a farm community which suffered from severe flooding each spring. Responding to residents' complaints, the Federal Government promised to correct the flooding problem by constructing a reservoir and dam. For environmental reasons, work was suspended in July 1975, leaving 61 percent of the dam unfinished, while 80 percent of the land was acquired. By 1990, it was estimated that annual losses resulting from the removal of family farms and the unrealized tourism benefits anticipated with the completion of the project totaled over 300 jobs and $8 million for the local economy, further exacerbating poverty in the area.

Recognizing the tragic circumstances in which several generations of families in the area had found themselves, in 1991 Governor Thompson, State Senator Rude, State Representative Johnsrud, and I urged the residents in the Kickapoo Valley to form a Citizens Advisory Committee to initiate a plan for a positive resolution. Governor Thompson appointed Alan Anderson of the University of Wisconsin-Extension as coordinator for the Kickapoo Valley Advisory Committee. The Wisconsin Department of Natural Resources, Department of Transportation, and the State Historical Society provided professional assistance in the spirit of true cooperation. Over a span of 2 years the committee forged a consensus and recommended the establishment of the Kickapoo Valley Reserve.

In the spring of 1994, the State of Wisconsin concurred in its recommendation and the legislature created the Kickapoo Valley Reserve and Governing Board. Having established this entity, the State of Wisconsin is prepared to receive the transfer of land from the Federal Government, pending action by the Congress.

This legislation, which transfers lands associated with the project to the State of Wisconsin, formally terminates, or "de-authorizes" the construction of the lake and dam portions of the original authorization. The modification will authorize the $17 million necessary to require the corps to complete two central parts of the original project: finishing the relocation of State Highway 131 and county Highway Routes "P" and "F", along with the construction of a visitor and education complex, recreational trails, and canoe facilities.

If the original project were to be completed today, the Corps of Engineers estimates the cost would be $102 million. Since the original authorization of the project in 1962, the corps has expended $18 million. Under the legislation introduced today, the Federal responsibility to conclude the original activities would be for $17 million, creating a savings of $66 million to Federal taxpayers.

With the reintroduction of this legislation we bring renewed hope to the people that Government can right a wrong. Thus, I urge my colleagues to pass this legislation. By doing so, we will have seized on a golden opportunity to make a profound difference in the lives of those in the Kickapoo Valley, while sustaining the region's rich environmental surroundings for generations to come.

REPEALING THE O'HARA-McNAMARA SERVICE CONTRACT ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. FAWELL. Mr. Speaker, today I am introducing, with my colleagues Mr. BALLENGER and Mr. BOEHNER, legislation to repeal the O'Hara-McNamara Service Contract Act, otherwise known as the Service Contract Act [SCA]. The Congressional Budget Office estimates that a repeal of this outdated, wasteful, and overly bureaucratic statute will save the taxpayers $3.16 billion over 5 years.

My reasons for introducing this repeal bill are many, but my primary criticism of the SCA is that it, like the Davis-Bacon Act, artificiallyincreases the cost of Federal Government service contracts and imposes burdensome paperwork requirements on contractors in order to prove compliance with the law. The SCA also presents a number of pragmatic problems which undermine the effective administration of the act.

The SCA covers all contracts with the Federal Government in excess of $2,500 whose primary purpose is to provide services to the Government. Unless specified otherwise, any contract with the Government that is not for construction or supplies is considered a contract for services. Under the terms of the SCA, any service contract entered into by the United States or the District of Columbia must contain certain labor standards, including the payment of locally prevailing wages and fringe benefits. In fiscal year 1992, approximately $19.4 billion in Federal spending was covered by the requirements of the act.

The General Accounting Office [GAO] has outlined a number of shortcomings of the act, including: The inherent problems which exist in its administration; the fact that wage rates and fringe benefits set under it are inflationary to the Government; accurate prevailing wage rate and fringe benefit determinations cannot be made using existing data; the data needed to make accurate determinations would be very costly to develop; and, the Fair Labor Standards Act coupled with implementation of administrative procedures could provide protection for employees the act now covers. The GAO concluded that for "[the Department] of labor to administer the SCA in a manner that would ensure accurate and equitable service wage determinations would be impractical and very costly, and that the most logical alternative is to repeal the act."

Furthermore, a number of administrative difficulties have arisen from the broadened scope of the act's application to service employees working under Federal Government contracts. Many categories of workers under the SCA are, for the most part, skilled and highly trained employees whose services are in demand in a highly competitive labor market. They are well-compensated, possess a high degree of job mobility, and thus are not susceptible to wage busting.

Mr. Speaker, as Vice-President Gore stated in his Reinventing Government report, "[the Service Contract Act] was passed because of valid and well-founded concerns about the welfare of working Americans. But as part of our effort to make the Government's procurement process work more efficiently, we must consider whether these laws are still necessary—and whether the burdens they impose on the procurement system are reasonable ones." I have carefully reviewed the requirements and the application of the SCA and I have come to the conclusion that this statute is not necessary and that the burdens it imposes on contractors and the American taxpayer are not reasonable ones. The market is very capable of setting wage and fringe benefit rates and the labor protections in the SCA are available under existing statutes, such as the Fair Labor Standards Act.

Mr. Speaker, as we undertake the tremendous responsibilities of governing in the 104th Congress, and as we attempt to respond to the call of the American people to streamline government and make it work more effectively, repealing the Service Contract Act is a welcome first step, and a significant initiative to make our Government more efficient, responsible, and frugal. I urge my colleagues to join with me in cosponsoring this bill and working for its swift enactment.

WHY HEALTH CARE REFORM FAILED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 12, 1994 into the CONGRESSIONAL RECORD.

WHY HEALTH CARE REFORM FAILED

After a long public debate Congress has decided that none of the many health care reform proposals would be considered for final passage this year. Instead, the President and Congress have agreed that health care reform should be addressed during the next Congress which starts in January.

A recent statewide poll showed that health care remains a top concern for many Hoosiers. I have been reviewing the reasons why health care reform efforts failed this year.

First, the health care system itself is complex and so are the proposed reforms. Our system is enormous, representing roughly one-seventh of our nation's economy (or over $1 trillion in spending). The challenges facing our medical system—such as rising costs and a growing number of uninsured Americans—are not easy to solve and require multi-faceted solutions.

Second, the President's proposal, at over 1,300 pages, was too complex. The President tried to do too much—to create a perfect health care system that would be all things to all people. What resulted was a bewildering bill that fanned the public's fears and gave opponents plenty to attack: bureaucratic structures, regulations, taxes, and other hot-button issues.

Third, many of the proposed reforms have never been tried on a national scale, and people preferred the status quo over the unknown. No one is really sure how the various health care proposals would work. Hoosiers became more skeptical as they learned more about health care reform. They began to focus less on the problems facing the health care system and more on the problems with the solutions. Our system has many strengths, and they want to preserve what works well and build on it, rather than supporting reforms which would have unknown consequences.

Fourth, Americans simply do not have a lot of confidence in the capacity of government. Several of the proposed reforms would have increased government bureaucracy, increased government regulation over important issues such as what doctor or hospital people can choose, and increased the level of taxes. People want reform but do not want the government to be the agent of reform.

Fifth, the major interested parties in health care reform—consumers, doctors, hospitals, employers, insurance companies, and taxpayers—have widely different views concerning health care, and successful reform hinges on balancing these competing interests. One thing I heard consistently from Hoosiers was to take more time because a consensus had not yet been reached. They were right.

Sixth, opponents of reform were intense and effective. They spent millions of dollars attacking specific provisions of the reform proposals. Lobbyists for every conceivableinterest that could be affected by health care reform swarmed over Washington. The reporting by the media, which emphasized conflict rather than explanation, also elevated public skepticism about the reform proposals. The end result was that attacks by opponents were many, but responses by proponents were far fewer.

Seventh, Congress did not handle the health care reform debate well. The leaders of Congress supported much more wide-ranging health care changes than the average member of Congress. Congress would not agree on any single comprehensive reform proposal, and only one of the five House and Senate committees which have jurisdiction over health care issues successfully produced a bipartisan bill. Although most members decided early on that they could not support the President's bill, or other comprehensive reform measures, Congress was unable to agree on what incremental reforms to support.

Eighth, outside events slowed the momentum for reform. The economic downturn ended, and the middle class concern over health care subsided. In addition, medical inflation, although still twice the rate of overall inflation, was much lower than the 12% or 15% annual increases from a few years ago.

Finally, all of these factors delayed consideration of health care reform. Time became the enemy of reform. Further delays occurred when the Administration needed nine months to introduce a bill, and the President and Congress were forced several times to delay health care reform in order to consider other issues such as the budget deficit reduction package, NAFTA, or the 1995 budget. These delays constrained the time available for Congress to consider, develop and then pass a bill.

WHAT IS AHEAD

The health care debate of 1994 was useful, if not satisfactory, and at least began to educate the public on health care and to illuminate some of the choices before us. The process of developing a consensus in the country has begun.

I have no doubt that there soon will be another health care debate. The problems facing the medical system are going to get worse and the pressure to act will mount. Medical costs still are increasing at rates two or three times inflation and the number of uninsured Americans is increasing. As these trends continue, more and more people are going to find their benefits cut, their choice of doctor constrained, and their employers putting more of the cost of health care on to them.

I do not believe reform will happen all at once, or in a single bill, nor should it. No bill can solve all the health care system's problems, and probably no bill that tries to do so can pass. I have believed for some time that comprehensive reform is probably not viable and that reform should come incrementally.

One place to start in incremental reform may be to offer health care coverage for every child. An estimated eight million children lack health insurance and some four million more have substantially less than full coverage. Other incremental reforms Congress will consider include managed competition, insurance reforms, malpractice reform, subsidies to lower income working families, and opening the federal employee health benefits plan (which covers government employees and members of Congress) to small businesses and individuals.

THE LANGUAGE OF GOVERNMENT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, today I am pleased to introduce once again the "Language of Government Act." America is a nation of immigrants. As President Franklin Delano Roosevelt once said, "All of our people all over this country—except the pure-blooded Indians—are immigrants or descendants of immigrants, including those who came over here on the Mayflower."

Indeed, we are a diverse lot. We are a country of many peoples, each with an individual cultural heritage and tradition. It is not often that people of so many varying cultures and backgrounds can live together in harmony, for human nature often leads us to resist and fear those who are different from us. Yet despite our differences, we do have a common bond. We have a common tongue, the English language, that connects us to one another and creates our national identity. It is this unity in diversity that defines us as uniquely American.

The time is right for passage of this important, unifying legislation. H.R. 123 offers a balanced, sensible approach to the common language issue. This legislation states that the government has an affirmative obligation to promote the English language, elevating that goal to official capacity. At the same time, the bill seeks to set some common sense parameters on the number and type of government services that will be offered in a language other than English. We do not need nor should we want a full scale multilingual government. But, if we do not address this issue in a forward-thinking, proactive manner, that is just what we would allow to develop.

I want to stress that the "Language of Government Act" is not "English only." It simply states that English is the language in which all official United States Government business will be conducted. We have an obligation to ensure that non-English speaking citizens get the chance to learn English so they can prosper—and fully partake of all the economic, social, and political opportunities that exist in this great country of ours.

The late Senator Hayakawa, founder of this movement, was a prolific writer and I offer you one of my favorite quotes of his:

> America is an open society—more open that any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and their families. And what do these people who enter into the American mainstream have in common? English, our shared, common language.

As Americans, we should not remain strangers to each other, but must use our common language to develop a fundamental and open means of communication and to break down artificial language barriers. By preserving the bond of a unifying language in government, this nation of immigrants can become a stronger and more unified country.

THE DERIVATIVES SAFETY AND SOUNDNESS SUPERVISION ACT OF 1995

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GONZALEZ. Mr. Speaker, today I introduce the Derivatives Safety and Soundness Supervision Act of 1995. This legislation promotes regulatory oversight and coordination, and calls for greater disclosure of the derivatives activities of all types of financial institutions. In recognition of the global nature of the derivatives market, the legislation also requires the United States to take a lead role in promoting international cooperation on derivatives regulation.

The legislation is nearly identical to H.R. 4503, which I introduced with Congressman, now Chairman LEACH last year. At that time—May, 1994—I said "In order to protect taxpayers * * *, the Congress must ensure that the regulators fully understand the individual and systemic risks posed by derivatives and ensure that they are aggressively supervising and regulating financial institution derivatives activities." That legislation did not go anywhere, due in part to the Treasury Department and bank regulatory agencies claims that legislation was not necessary, and in part to the exigencies of a congressional election year schedule.

Events of the past 8 months indicate that legislation is needed now more than ever. Bankrupt Orange County, CA, has lost at least $2 billion, much of which is attributable to its derivatives holdings. And Orange County isn't the only municipality in trouble—losses caused by risky investments in towns, cities, and counties throughout the country are coming to light. BT Securities, the securities affiliate of Bankers Trust, one of the world's largest derivatives dealers, was found by the Securities and Exchange Commission and the Commodity Futures Trading Commission to have violated the reporting and antifraud provisions of the Federal securities laws in connection with derivatives it sold to its customer, Gibson Greetings, Inc. The SEC and CFTC orders require BT Securities to pay a $10 million civil penalty. Reports of financial losses at banks due to derivatives and other interest rate sensitive investments continue, and the bank regulators recently backed away from requiring true market value accounting which would reveal those losses. In light of these events, it would be irresponsible for the Congress to avoid legislation.

The legislation covers all financial entities—depository institutions, their affiliates and holding companies, Government-sponsored enterprises, Federal home loan banks, securities firms, and insurance companies. This broadened scope is necessary given the systemic risks that derivatives pose to our financial system generally and the need by customers and the marketplace for consistent and full disclosure. All regulators—bank regulators, SEC, CFTC, and Treasury must work together under the bill in adopting similar regulatory standards, reporting requirements, and disclosure. This regulatory coordination will provide increased customer protection as well as promote a stronger and safer derivatives marketplace. Of course, since banks are the biggestplayers in the derivatives market, it is fitting that the bank regulators take the lead, and the Banking Committee serve as the committee of primary jurisdiction, in the derivatives area.

In responding to those who argue that legislation is not necessary, I remind them of the history of the Government securities market. When adopting the securities laws in the 1930's, Congress exempted Government securities from most regulation based on the financial sophistication and institutional nature of most customers, the low degree of risk posed by Government securities, and the perceived absence of market manipulation or fraud. Although bank dealers were generally subject to supervision and regulation by the bank regulators, and securities firms that dealt in nonexempt securities as well as Government securities were subject to supervision and regulation by the SEC, nonbank dealers who traded only in Government securities were not subject to any direct regulatory oversight. The failure of several of the unregulated Government securities dealers in the early 1980's—and the subsequent losses born by investors—prompted passage of the Government Securities Act. The Government Securities Act, rather than creating a separate agency to enforce the new regulations, relied on the existing regulatory structure when assigning oversight responsibility. This Act brought regulatory and oversight accountability to the Government securities market, clearly improving the market and protecting investors.

There are many similarities between the pre-1986 Government securities market and today's derivatives markets. The Derivatives Safety and Soundness Supervision Act of 1995 seeks to replicate the success of the GSA by imposing regulatory accountability, and recognizes the uniquely global nature of the derivatives market by promoting international cooperation. I look forward to working with Chairman LEACH and other members of the Banking Committee on this legislation in the 104th Congress.

TRIBUTE TO COL. RANDY RIHNER, USAF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HUNTER. Mr. Speaker, a friend of the Congress and a staunch advocate of U.S. national security is retiring from the U.S. Air Force on February 28 of this year. His name is Lt. Col. Randy Rihner, USAF.

Colonel Rihner has had a distinguished 22-year military career, which included service as a rated navigator and electronic warfare officer with operational experience in the B–52 heavy bomber. He also taught at the Electronic Warfare School at Mather Air Force Base, in my home State of California, and is a distinguished graduate of the Air Force Instructor School. He was selected for career broadening in the much sought after Education With Industry Program and worked acquisition programs for the Air Force.

For the last 4 years, Colonel Rihner has served in the Secretary of the Air Force's Office of Legislative Liaison, with primary responsibility for long-range power projection forces. Colonel Rihner was tireless in his efforts to ensure the Congress received timely and accurate information on which to base its decisions about the future of various major defense programs, including the B–2 Stealth bomber and other weapon systems.

Colonel Rihner has received numerous awards and commendations, including most recently the Meritorious Service Medal, second Oak Leaf Cluster, which is reprinted below.

Randy plans to remain in the Washington area in order to teach science to elementary and middle school students. On behalf of my colleagues and the staff on the House National Security Committee, we wish Randy and his wife Roberta the very best.

CITATION TO ACCOMPANY THE AWARD OF MERITORIOUS SERVICE MEDAL, SECOND OAK LEAF CLUSTER, TO RANDOLPH R. RIHNER

Lieutenant Colonel Randolph R. Rihner distinguished himself in the performance of outstanding service to the United States as Chief, Strategic Air Branch, and Chief, Long Range Power Projection Branch, Weapons Systems Liaison Division, Office of Legislative Liaison, Office of the Secretary of the Air Force, the Pentagon, Washington, District of Columbia, from 28 August 1989 to 28 February 1995. During this period, he made major contributions to the Air Force Long Range Power Projection Programs. Colonel Rihner planned and executed Air Force Stealth Week, a highly successful static display attended by the President and Members of Congress, enhancing support for stealth technology. He ensured the Congressionally directed B–1 Operational Readiness Assessment was drafted with reasonable terms setting the stage for the aircraft's outstanding test results and promising future. Due to Colonel Rihner's personal involvement in legislative activity, Air Force bomber programs remained on track. The singularly distinctive accomplishments of Lieutenant Colonel Rihner culminate a distinguished career in the service of his country and reflect great credit upon himself and the United States Air Force.

RULES PACKAGE/MEMORANDUM OF UNDERSTANDING

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. KASICH. Mr. Speaker, I rise in support of the Rules package and wish to take this opportunity to thank my colleagues on the Committee on Rules and the Committee on Oversight and Reform for their cooperation in providing the Committee on the Budget legislative jurisdiction in the area of the budget process reform. I submit today the following Memorandum of Understanding between the distinguished chairman of the Committee on Rules, GERALD B.H. SOLOMON, and I on the intent of subparagraph (1)(d)(3) as it pertains to the Committee on Rules and the Committee on the Budget. The distinguished chairman of the Committee on Government Reform, and Oversight, WILLIAM F. CLINGER, shall submit a similar Memorandum of Understanding on budget process reform as it pertains to the Committee on Government Reform and Oversight and the Committee on the Budget.

STATEMENT OF UNDERSTANDING BETWEEN THE COMMITTEE ON THE BUDGET AND THE COMMITTEE ON RULES ON JURISDICTION OVER THE CONGRESSIONAL BUDGET PROCESS

HOUSE OF REPRESENTATIVES,
Washington, DC.

This statement addresses the intent of subparagraph (1)(d)(3) as it pertains to the Committee on the Budget and the Committee on Rules.

Subparagraph (1)(d)(3) relating to the Congressional Budget process is intended to provide the Committee on the Budget primary jurisdiction over budgetary terminology and the discretionary spending limits that are set forth in the Congressional Budget Act. It is also understood that the Committee on the Budget shall have secondary jurisdiction over the other elements of the Congressional budget process that are under the primary jurisdiction of the Committee on Rules. Such jurisdiction shall include the budget timetable, the budget resolution and its report, committee allocations, the reconciliation process, and related enforcement procedures. It is understood that the Committee on Rules will remain the Committee of primary jurisdiction over all aspects of the Congressional budget process that are within the joint rule-making authority of Congress except for budgetary terminology and the discretionary spending limits.

GERALD B.H. SOLOMON,
Chairman, Committee on Rules.
JOHN R. KASICH,
Chairman, Committee on the Budget.

CONGRATULATIONS AND THANKS TO SHERIFF COIS BYRD

HON. KEN CALVERT

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. CALVERT. Mr. Speaker, on December 14, 1994, Sheriff Cois Byrd officially retired as the sheriff of Riverside County, CA. His commitment to law enforcement and the professional manner in which he ran his department for 8 years after being elected Riverside's sheriff in November 1986 will be missed by all of us who have had the opportunity to work with him—and by all law-abiding citizens of the county.

During his tenure as our sheriff, Cois Byrd epitomized what it means to be a professional in the increasingly complex field of law enforcement. Since first being hired as a deputy sheriff in 1959—after returning to Riverside from 3 years with the Fleet Marines/Pacific—Cois Byrd worked hard to keep up with the latest techniques in fighting crime. During his tenure as sheriff, his department grew from some 1,250 employees to more than 2,000 deputies and civilians operating out of more than 25 offices, stations, and detention facilities. By working cooperatively with the county's board of supervisors, Sheriff Byrd was able to develop a population-driven growth formula for patrol operations. This formula has helped increase the sheriff's staff/population ratio so that the department can keep up with the growing demands for law enforcement in an increasingly urban environment.

Cois Byrd has also made his mark in law enforcement at the State level. He was an active member of the California Sheriff's Association, serving as a member of the executiveboard and as the associate treasurer, and he served as the training committee chairman and as a member of the advisory committee for the California Commission on Peace Officers' Standards and Training.

Locally, the sheriff was instrumental in guiding county policy for the development of the Southwest Justice Center, including a jail and sheriff's station. In September 1989, Sheriff Byrd officially opened the Robert Presley Detention Center, which was the first major correctional facility constructed in the county in 50 years. The project came in on time and under budget, demonstrating the tight-fisted budgeting and fiscal conservatism that Cois Byrd always practiced as our sheriff.

But, perhaps more important than his expertise at working with the board of supervisors, State law enforcement organizations, and other community groups, or even his superb management skills, what made Cois Byrd such an outstanding sheriff was his ability to motivate his deputies and other department staff. In spite of the rapid growth of the sheriff's department, Cois always made it a practice to personally meet each graduating class of deputies from every training academy—and, he maintained a good, close working relationship with the civilian employees.

While building one of the largest and most respected sheriff's departments in the Nation, Cois also found time to participate in numerous civic activities, including serving faithfully as a volunteer for the Boy Scouts and sponsoring an explorer program. While we will miss Cois as our sheriff, we are delighted that he will continue to provide his law enforcement expertise at the Crime Control Technology Center at the University of California, Riverside, school of engineering. And, we are especially grateful that he and his wife, Evelyn, will remain in our community.

It is a great pleasure for me, on behalf of the citizens of California's 43d Congressional District, to congratulate and thank Sheriff Cois Byrd for many years of dedicated service to the Riverside County Sheriff's Department and to wish Cois and Evelyn continued good health and happiness, and much success in their new endeavors.

MENTAL HEALTH

HON. LEE H. HAMILTON

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, Nov. 2, 1994 into the CONGRESSIONAL RECORD.

MENTAL HEALTH

One challenge facing our country is improving mental health care. Fewer than 40% of those who have ever suffered from a mental disorder received treatment, despite significant progress in developing successful remedies. The federal government devotes resources to research and treatment.

What is mental illness? Mental disorders have intertwined biological, psychological and environmental roots. Many tend to recur throughout a person's lifetime. Most mental illness (other than alcohol or drug abuse) fall into one of three categories:

Mood disorders—While everyone has changes in mood, some people experience periodic disturbances, the most common of which is depression. Persons with major depression have a persistent feeling of sadness, often accompanied by insomnia, intense guilt feelings, or recurrent thoughts of death or suicide.

The other major mood disorder is manic-depressive illness, in which people alternately experience periods of extreme euphoria and major depression. The manic phase of the disease may be marked by hyperactivity, irritability, decreased need for sleep, and loss of self-control and judgment.

Anxiety disorders—Fear and avoidance behavior are the characteristic symptoms of these disorders. A person with panic disorder has sudden, recurring attacks involving an irrational sense of imminent danger accompanied by physical symptoms such as heart palpitations and shortness of breath. Obsessive-compulsive disorder involves repeated, intrusive, unwanted thoughts that cause distress and anxiety, often accompanied by a compulsive ritual, such as hand-washing or cleaning.

Schizophrenic disorders—Persons with schizophrenia do not have multiple personalities. One of the most debilitating mental illnesses known, schizophrenia is characterized by distorted thinking, delusions, hallucinations, and withdrawal from the outside world.

Who suffers from mental illness? Recent studies found that 28 percent of adults will suffer a mental disorder in any one year; five percent of them a severe disorder. Almost a third of adults will have a mental illness during their lifetime. While the overall rates of major mental disorders do not differ for women and men, some are more common in one or the other. Mental illness can strike at any age.

How are mental illnesses treated? Treatment may include medication, psychotherapy, hospitalization, or a combination of these. Recent research has yielded discoveries of several new drugs to treat mental illnesses. Today, most who suffer from severe mental disorders can be treated successfully.

What is the cost of mental illnesses to the nation? In 1991, the cost totaled just over $136 billion (not including alcohol and drug abuse). The biggest cost associated with mental illness is lost productivity. This is true in part because mental illness often strikes people at the beginning of their working years, in part because many people with mental disorders do not get treatment.

What is the federal government's role in mental health care? The federal government plays a major role in research into causes and treatments of mental disorders, primarily through the National Institutes of Mental Health, Drug Abuse, and Alcohol and Alcoholism. Congress has provided $1.3 billion for these efforts in 1995. In addition, the federal government will provide $2.1 billion in 1995 for mental health treatment and substance abuse prevention.

Congress has also established specific programs for providing mental health services to homeless individuals. An estimated one-third of the homeless population in the U.S. suffers from serious mental illnesses, and 30 to 60 percent of the homeless mentally ill also are substance abusers.

While it did not receive as much attention as other aspects of the health care reform debate, discussion was given to expanding mental health coverage. Most private health insurance plans do not offer identical coverage for mental illnesses and other ailments, nor does Medicare. For example, almost 80% of large- and medium-sized businesses which provide health insurance had more restrictive hospital coverage. Many plans put lower limits on lifetime expenses and outpatient coverage.

Critics of expanding coverage for mental disorders argue that they lack clear diagnostic criteria, potentially leading to coverage for almost any problem. They believe that too much money would be spent treating the so-called "worried well," who are not in serious need of help. They also assert that mental illnesses often cannot be treated effectively.

Advocates for expanded coverage assert that mental illnesses are as definable, diagnosable, and treatable as other disorders. They also contend that the lack of private insurance coverage puts an unfair burden on the public, which currently pays for over half of all mental health treatment. Finally, they argue that the cost of not providing adequate mental health care coverage is ultimately higher than providing it.

It is hard to determine what shape the health care debate will take next year, but the issue of mental health coverage will not go away. I believe we must work toward a health care system that provides adequate mental health and substance abuse services. This will not come easily or cheaply. Both private and public health care plans should phase in coverage, allowing time to develop the capacity to deliver and manage a more comprehensive mental health and substance abuse benefit. Eventually these plans must include treatment in a variety of environments, ranging from inpatient hospital to community and residential treatment. States must be given wide flexibility to promote and encourage these plans. I do not underestimate the difficulty of this task, but neither do I find acceptable the view that because of the problems we should exclude coverage for the mentally ill.

In addition, the federal government should continue to support research and treatment that can return mentally ill individuals to healthy, productive lives.

IT IS TIME FOR THE SOCIAL SECURITY EARNINGS TEST TO GO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, America has always stood as a shining example of opportunity for the rest of the world. But today, in the United States, opportunity for senior citizens is severely limited.

Fifty-nine years ago, when the Social Security System was launched, unemployment was as high as 25 percent. The earnings test of the Social Security Act was a conscious attempt by Congress to discourage the elderly from working and thus create jobs for younger Americans.

Times have changed dramatically since the 1930's, and as we head toward the 21st century it seems only just that Congress change this discriminatory policy. In the 102d Congress, the House of Representatives passed a version of the earnings limitation repeal. To my dismay, this provision was later stripped from the legislation.

It is now up to the 104th Congress to finish the work. The Contract With America, which the public overwhelmingly endorsed in the November elections, includes a repeal of the Social Security earnings test. The public support is clear, and I urge my colleagues to make this the year we stop penalizing the work of seniors with some of our country's highestmarginal tax rates ever imposed on middle-income Americans.

COMMEMORATION IN ISRAEL MARKS THE 20TH ANNIVERSARY OF THE JACKSON-VANIK AMENDMENT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. DICKS. Mr. Speaker, this year marks the 20th anniversary of the Jackson-Vanik amendment to the Trade bill of 1974. The amendment made history by linking most favored nation trading status to free emigration from nonmarket economies. The purpose of the amendment was to spur the former Soviet Union to ease emigration for Soviet Jews during the cold war. The Jackson-Vanik amendment was instrumental in allowing hundreds of thousands of Jews and other Soviet citizens to leave the U.S.S.R. to experience the freedom and security of life in Israel and the United States.

The Henry M. Jackson Foundation, in conjunction with the American Enterprise Institute, Hebrew University, the Zionist Forum, and the Jerusalem Post, is sponsoring a conference in Jerusalem this week, on January 8–10, 1995, to commemorate the anniversary of this legislation. The Boeing Corp. and Manro Haydan Trading of London are founding corporate sponsors. The conference will pay special tribute to Senator Henry M. "Scoop" Jackson, recognizing his lifelong work on human rights and his successful efforts to secure the right of emigration throughout the Eastern bloc. Human rights veterans such as Natan Sharansky and Elena Bonner, widow of Nobel Laureate Andred Sakharov, will join Prime Minister Yitzhak Rabin and Likud Chairman Benjamin Netanyahu, and other major political figures at this international event. Sessions at the conference will address the historical and contemporary significance of the amendment and assess the current status of Russian Jews in the former Soviet Union.

I hope that my colleagues will mark this important anniversary as a reminder of our former colleague, Senator Scoop Jackson, and his vital role two decades ago in helping to secure human rights and freedom for thousands of citizens trapped behind the Iron Curtain.

IN PRAISE OF HOWARD YERUSALIM, RETIRING PENNSYLVANIA SECRETARY OF TRANSPORTATION

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SHUSTER. Mr. Speaker, today I rise to pay tribute to an individual who has an attachment to his native State of Pennsylvania that is as enduring as it is remarkable.

We often talk about men and women, Mr. Speaker, who leave their mark on their communities. We often mean this in a figurative way. But I want to recognize a man who has quite literally left his mark on the landscape of the Keystone State—the retiring Secretary of Transportation, Howard Yerusalim.

Howard and I have two important things in common. We both are native Pennsylvanians, and we both have viewed transportation as an organizing principle for the State and national economy.

Howard is an engineer by birth and training, and he has built upon this foundation. Indeed, he has combined two remarkable elements. First, he has had a visionary ability to look at the vast State of Pennsylvania and understand its many present and future transportation needs. At the same time, he has the knack of translating these visionary plans into simple blueprints and then taking these blueprints and translating them into the nitty gritty of steel rods and asphalt. There are many people in the transportation industry who are good at one of these endeavors. Howard has been extremely able in both.

He understands roads, rails, and runways and he has the management skills to complement this knowledge. A list of his achievements and awards would fill these pages. But, I am particularly impressed by his selection as one of the Nation's top ten public works leaders for 1992 by The American Public Works Association, and his tenure as president of the American Association of State Highway and Transportation Officials for 1994.

It seems, Mr. Speaker, that everyone in the transportation industry knows Howard, and everyone has their favorite moment involving him. My favorite concerns the time when he and I worked on the historic Intermodal Surface Transportation Efficiency Act of 1991. I was in constant contact with Howard, relying heavily upon his counsel on many major issues covered by the bill. Most of all, he provided me with an honest interpretation of how provisions in the bill would work in actual practice.

Great men and women rise to their potential. It was Pennsylvania's great fortune that Howard came to PennDOT in 1968 and rose through the ranks to become its chief. As I've said in the past Howard Yerusalim is a capable and reliable advocate for public works expenditures and has earned my respect through his dedication and commitment to integrity in public service.

Mr. Speaker, transportation is the lifeblood of our communities, our Commonwealth, and our Nation, and yet it is often taken for granted—as are the individuals who plan, design, and build it, and thus leave their mark on the landscape. In many ways, Howard Yerusalim is one of those individuals. And yet, through his leadership, Pennsylvania has developed—and continues to develop—a first-rate transportation system, a system which breathes life into our economy, and into our daily lives.

LEGISLATION TO ASSIST CALIFORNIA TOURISM

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Ms. HARMAN. Mr. Speaker, 2 years ago, Representative Lynn Schenk and I were both elected to the 103d Congress from districts hard hit by defense downsizing and the effects of a lingering recession. During her 2 years in this body, Representative SCHENK fought time and time again for California's workers and on behalf of California's tourism industry.

Mr. Speaker, I rise today to continue Congresswoman Schenk's efforts to help California's tourism businesses by reintroducing her cruise ship legislation to close a loophole in Federal law through which California loses an estimated $82 million annually. This issue is one of great concern to businesses in Representative Schenk's San Diego district and to those that I represent in San Pedro and on Catalina Island. According to Catalina's Chamber of Commerce, the city of Avalon itself loses $1.5 million annually in canceled port visits because of the existing loophole.

Currently under the Federal Johnson Act, a cruise ship that makes an intrastate stop is subject to State law even if that ship travels in international waters and is destined for another State or foreign country. In order to prevent the spread of gambling on the mainland, California currently prohibits gambling on cruise ships which make multiple stops in the State.

The legislation which I reintroduce today would allow gambling to continue on internationally bound cruises, and would not cause mainland gambling to uncontrollably expand. My bill would amend the Johnson Act to allow Federal control over voyages that begin and end in the same State as long as those stops are part of a voyage to another State or foreign country which is reached within 3 days of the start of the voyage. The legislation reflects a hard-fought compromise reached last year with Senator DANIEL INOUYE by explicitly excluding the State of Hawaii.

Mr. Speaker, the legislation which I offer today will provide a much needed shot-in-the-arm to tourism in California. This issue is by no means partisan. Gov. Pete Wilson enthusiastically supported this legislation last year. On behalf of Representative Schenk, I urge the House to act swiftly in approving this measure.

COORDINATOR FOR COUNTER-TERRORISM BILL, H.R. 22

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, today I introduce H.R. 22, a bill to preserve the coordinator for Counter-Terrorism Office at the State Department. I was pleased that during the 103d Congress, we were able to enact into law my amendment to the State Department authorization bill to at least temporarily reverse the proposed reorganization plan that would have eliminated the Office of the Coordinator for Counter-Terrorism. That very important and high level, as well as independent office, was first established during the Reagan era as a response to international terrorism, and it reported directly to the Secretary of State. The office faced the cutting-room knife as the new administration began in 1993, when it was planned to be merged into an office responsible for narcotics and international crime as well.

The State Department is the lead U.S. agency in the battle against international terrorism; it is inconceivable in this day and age of a renewed threat from terrorism, both at home and abroad, not to have this high level, independent, and single function office maintained permanently in place. Observers at the heritage foundation, and other renowned experts in the counter-terrorism field, have hailed the efforts to save that important counter-terrorism office in the 103d Congress. Many have urged that we do so again in this Congress.

I led the preservation fight for that critical State Department counter-terrorism office's existence last year; I will do so again this year along with many of my colleagues, who recognize what the real threat from terrorism is in today's uncertain world of ours.

My bipartisan amendment in the 103d Congress helped us to maintain a permanent statutory office at least temporarily, with the lead role in U.S. international counter-terrorism efforts. The position was maintained at the high visibility equivalent to the Assistant Secretary level in the State Department, reporting directly to the Secretary along with the same functions and responsibilities it had as of January 20, 1993.

I was especially pleased to have the gentleman from New York [Mr. NADLER] who represents Lower Manhattan, the site of the 1993 World Trade Center terrorist bombing, join me, along with the gentlewoman from New York [Ms. MOLINARI], the gentleman from New Jersey [Mr. SAXTON], along with many others in the 103d Congress, to help prevent the ill-advised planned elimination of that office through merger.

I am hopeful that this proposal will not be objected to by the administration again in the 104th Congress. However, we cannot take any chances. So unless we act and send a clear signal before April 30, 1995, when my current amendment's statutory authority to keep this office in existence expires, that vital counter-terrorism office could disappear from the U.S. Government's structure and vehicle for responding to the threat of international terrorism.

The U.S. State Department is the lead agency against terrorism overseas, while the FBI has the lead domestic role here at home. Both have done a good job, and they need all of our support and encouragement, and certainly not any diminution of our visible commitment to fighting this scourge, especially now.

Unless we act prior to April 30, 1995, the State Department's counter-terrorism office, and the critical and important function it plays, could very well still be relegated to a mid-level Deputy Assistant Secretary in a multiple function office, responsible for narcotics, terrorism, and international crime.

The international narcotics function alone, as we know, could easily consume the proposed new multifunction bureau's Assistant Secretary's entire time, focus, and attention.

In fact, in the 103d Congress the battle against drugs, especially overseas did not go well. For example, the State Department's international narcotics matter [INM] budget was cut by one-third. In addition, we had the disastrous aerial drug trafficking intelligence sharing cutoff with source countries Peru and Colombia over a questionable legal opinion many view, including President Clinton himself as he said on December 9, as "nutty."

The damage from that shootdown policy debacle in these two key source nations on our international struggle against narcotics, will take years to undo. We also saw during the 103d Congress, that drug use is on the rise for the first time since the Carter era.

Let us be thankful, that we didn't let the administration do for international terrorism, what they have done for the war against drugs in the last 2 years.

The United States witnessed an increased level of international terrorism directed at American political leaders, citizens, their property, and their very safety and security now even here at home. For example in 1993, we had the New York World Trade Center bombing, which took six American lives—one a constituent of mine—injured 1,000 people and cost over $600 million in property damage and business disruption; never mind the incalculable psychological damage to America's sense of internal security.

We also had the terrorist plots uncovered against commuter tunnels, Government facilities, and political leaders in New York City as well in 1993. In 1994, we had the deadly terrorist attacks in the Middle East, Panama, Argentina, North Africa, Europe, and other spots around the globe. Terrorism hasn't gone away in the post-cold-war era, despite the hopes of many, and the naivete of some.

In light of these events, and the developing new loosely knit terrorist groups, and other forces promoting terrorism around the globe, this is not the time for America to be lowering its guard against the horrors and threats from international terrorism.

We must make international terrorism a high level national priority in our foreign policy agenda, and as part of our Government's permanent planning and response structure.

The proposed State Department downgrading of the counter-terrorism function would send the wrong signal at the wrong time, both to friends and foes alike, around the globe. Former career Ambassador at Large for Counter-Terrorism Paul Bremer, an expert in this area, said it best when he told the 103d Congress:

> * * * I am disappointed, indeed, dismayed by the administration's decision to downgrade the bureaucratic level of the State Department's office for combatting terrorism. It seems to me this will not only make interagency coordination more difficult and problematic in our Government, but will make us much less effective when we go to our allies or to state sponsors and ask them for help. In my experience, *other governments are not often persuaded by importuning Deputy Assistant Secretaries* (emphasis added).

The bill I am introducing today would make permanent what the 103d Congress did temporarily in preserving the Counter-Terrorism Office at the U.S. State Department reporting directly to the Secretary of State. In addition it will elevate the position of coordinator in that Office to an Ambassador at Large in an effort to even further increase the Office's clout, both overseas and within the U.S. Government bureaucracy.

I am pleased that my colleague and friend from New York, Senator D'AMATO will introduce a similar bill in the other body. The New York congressional delegation, because of the World Trade Center bombing, has a particular interest and understanding regarding what is at stake when America might mistakenly lower its guard against the terrorist threat, either at home, or abroad.

These bills being introduced here in the House and the other body, make it clear there can be no retreat from the struggle against terrorism. Let us today go firmly on the record against diminishing the U.S. response to international terrorism. I urge my colleagues to join in support of this proposal before the April 30, 1995, expiration date on the current life of the Coordinator for Counter-Terrorism Office at the U.S. State Department.

Now is the time we must permanently authorize the Coordinator's Office and its bureaucratic survival in order to guarantee an aggressive and tough U.S. counter-terrorism policy. We will then anticipate and expect a no-nonsense aggressive policy from this high level independent office we are empowering to undertake this important responsibility on behalf of our national interest. Nothing less will be expected from the Coordinator's Office once it's status and survival is resolved.

I request permission to enter into the RECORD a letter I received last year from world renowned author, Claire Sterling, who has written extensively, and is an expert on international crime, terrorism, narcotics, and knows of what she speaks.

Her letter destroys the arguments of those who have said that the terrorism and drugs efforts at the State Department needed to be merged, as the administration tried last Congress. I cannot add to her cogent, clear, and persuasive arguments in favor of my position against such a merger. The letter speaks for itself, and I urge my colleagues to read her persuasive arguments as well, and join me in preventing a major mistake from being made in America's struggle against international terrorism.

Accordingly, I urge my colleagues to join in support of this proposal before the April 30, 1995 expiration date on the current life of the Coordinator for Counter-Terrorism Office at the U.S. State Department. I request that the full text of this measure be inserted at this point in the RECORD.

AUGUST 12, 1994.

Congressman BENJAMIN A. GILMAN,
Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CONGRESSMAN GILMAN: As I have been travelling for the past month, it is only now that I have been able to catch up with your letter of July 13.

I willingly add my voice to those who oppose the State Department's proposal to merge its Counterterrorism Office into the Bureau of International Narcotics Matters. Indeed, the proposal seems to go against all logic.

It is true that the paths of certain international terrorist groups and narcotraffickers cross occasionally, where such terrorists rely on drug money to help finance their operations. But that is essentially a marginal part of these two altogether distinct and equally insidious problems. The fact that both are of global proportions certainly doesn't mean they can be dealt with as one.

The world has made enormous progress in containing terrorism since the U.S. took the lead in developing international channels for the exchange of intelligence information and operational collaboration. The knowledge and expertise, the mechanisms, the international relationships that have come of this are highly specialized—unique. The entire pattern for fighting the global drug trade is different.

Should the merger be approved, the fight against terrorism is bound to be downgraded, diminished, subordinated to a war on narcotics that has understandably become a matter of obsessive international concern. Such a shift in our attention and resources would seem to me senseless, dangerous and destructive.

Sincerely,

CLAIRE STERLING.

H.R. 22

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COORDINATOR FOR COUNTER-TERRORISM.

(a) ESTABLISHMENT.—There shall be within the office of the Secretary of State a Coordinator for Counter-Terrorism (hereafter in this section referred to as the "Coordinator") who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—(1) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

(2) The Coordinator shall have as his principal duty the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal advisor to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and report directly to the Secretary of State.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.

(d) DIPLOMATIC PROTOCOL.—For purposes of diplomatic protocol among officers of the Department of State, the Coordinator shall take precedence after the Secretary of State, the Deputy Secretary of State, and the Under Secretaries of State and shall take precedence among the Assistant Secretaries of State in the order prescribed by the Secretary of State.

LEGISLATIVE REORGANIZATION ACT OF 1995

HON. LEE H. HAMILTON

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, today I am introducing the Legislative Reorganization Act of 1995, which contains those reform proposals recommended by the Joint Committee on the Organization of Congress that have not yet received full consideration by the House of Representatives.

As you know, the Joint Committee on the Organization of Congress, cochaired by myself and Congressman DAVID DREIER, was created by Congress in August 1992 with a mandate to conduct a comprehensive study of the internal operations of Congress and provide recommendations for reform by the end of 1993. The panel completed its task, and in 1994 the House did pass one of its major recommendations—requiring the House to live under the same laws it applies to the private sector.

Unfortunately, the remainder of the joint committee's reform plan was not considered by the full House during the 103d Congress.

However, today many of the joint committee's recommendations—fully or in part—will be adopted by the House, including proposals to: Again apply private sector laws to Congress; streamline the bloated congressional committee system by reducing the total number of committees and restricting the number of committee assignments Members can have; significantly reduce the number of subcommittees; cut congressional staff; open up Congress to enhanced public scrutiny by publicizing committee attendance and rollcall votes; and require that the CONGRESSIONAL RECORD be a verbatim account of congressional proceedings.

The 104th Congress has made a good start toward meaningful congressional reform.

These efforts have been assisted by the work of prior reform commissions such as the joint committee, as well as the continuing public demand for change. But many important components of the joint committee's reform package have not yet been considered by the House.

For example, the joint committee proposed that private citizens be included in the ethics process in a meaningful way. Under this proposal, private citizens would investigate ethics complaints against Members of the House.

Another joint committee recommendation that has not been adopted would publicize the special interest projects and tax breaks included in legislation, providing additional barriers to wasteful spending and special interest tax loopholes.

Still another joint committee proposal would streamline the Federal budget process by shifting it from an annual to a biennial cycle, reducing redundant decisions, and allowing more time for oversight. But such budget reform proposals also have not received full consideration by the House.

Because the reform effort is not complete, I am introducing the Legislative Reorganization Act of 1995, which contains all of the reform recommendations of House Members on the joint committee that have not been adopted in some form by the House. Included are the ethics, special interest, and budget reform proposals that I have mentioned. Also included are a number of additional recommendations, such as the regular reauthorization of the congressional support agencies, scheduling reform, and enhanced public understanding of Congress. My sense is that the work of the Joint Committee on the Organization of Congress can continue to serve as a valuable vehicle for proceeding with reform.

I intend to work with other Members to ensure that these proposals are given full consideration by the committees of jurisdiction and the entire House. And over the next few months, I also intend to introduce additional reform proposals that would strengthen the joint committee's package, and help make Congress more efficient and publicly accountable.

As I have said repeatedly over the past few years, a comprehensive reform bill should be brought to the House floor—and under a generous rule, so that Members can consider, debate, and vote on the major reform alternatives. Although some of the reforms that will be adopted today are important, these proposals are to be considered under closed rules. Free and open debate about congressional reform has not yet occurred in the House.

Again, Members should have the opportunity to vote on the major reform issues.

Congressional reform should be an ongoing process. Every year a bill should be scheduled for floor consideration dealing with institutional reform, just as the House regularly deals with legislation reauthorizing major programs and agencies.

Of course, institutional reform is no panacea. Many difficult issues are on the agenda of the 104th Congress. But sustained and meaningful change is crucial for the restoration of public confidence in Congress.

BRUCE THOMPSON FEDERAL COURTHOUSE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. VUCANOVICH. Mr. Speaker, today I have reintroduced legislation to name the new Federal courthouse in Reno, NV, after the late Judge Bruce R. Thompson.

I cannot think of a more deserving Nevadan on which to bestow this honor. Judge Thompson was one of Nevada's most prominent, respected and beloved men in the Nevada legal community and led a long and highly distinguished career. After graduating from the University of Nevada and Stanford law school, he practiced law with George Springmeyer and later Mead Dixon for 27 years until 1963. He served as assistant U.S. attorney for the district of Nevada from 1942 to 1952 and as special master for the U.S. District Court of the District of Nevada from 1952 to 1953. Judge Thompson was also president of the Nevada State Bar Association from 1955 to 1956. Following a term as regent to the State planning board in 1959, he served as its chairman from 1960 to 1961. In 1963, he was appointed U.S. district judge by President John Kennedy.

His outstanding career is coupled by the immense love and respect Judge Thompson earned from his colleagues. In fact, numerous organizations representing nearly the entire legal community of Nevada have endorsed this legislation. These include, among many others, the Washoe County Bar Association, the State Bar of Nevada, the Nevada Trial Lawyers Association, the Association of Defense Council of Nevada, and the Northern Nevada Women Lawyers Association.

Mr. Speaker, the House passed this bill (H.R. 3110) in the last session, only to see it die in the other body. Since construction began on this new courthouse last summer, the timeliness and importance of enacting this bill is clear. I look forward to working with my colleagues in the near future to ensure the smooth sailing of this legislation.

NEW YORK CHIROPRACTORS AGAIN BRING HOPE TO HUNGRY AMERICANS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, it is my privilege once again this year to bring to your attention a professional organization which, in the best American tradition, finds the time to help its most unfortunate neighbors.

The New York Chiropractic Council deserves credit not only for serving as the voice of a group of dedicated health care professionals, but also for its continuing battle against hunger.

This year, the New York Chiropractic Council will sponsor its fourth annual HOPE [Helping Other People Eat] Day. Their goal is to collect 10,000 pounds of food for the Regional Food Bank of Northeastern New York and 75,000 pounds statewide for the hungry of the State.

The Council brought HOPE Day to New York in 1992, and in just its first 2 years raised over 80,000 pounds of food. The food was turned over to the Northeast Regional Food Bank, which delivers an average of 1 million pounds of food per month to 600 charitable organizations in 23 counties in New York State.

Over 180 participating doctors of chiropractic collected the nonperishable food from patients in exchange for adjustments and examinations.

Mr. Speaker, I can think of nothing more typically American than efforts like this. Perhaps its their day-to-day dealings with people in pain that make doctors of chiropractic sensitive to the sufferings of others. But what's important is the fact that this organization has committed itself to helping hungry Americans, and I can think of few organizations that surpass them in this effort.

That's why I would ask you, Mr. Speaker, to join me in saluting Dr. John M. Gentile, D.C., HOPE Day coordinator, and other members of the New York Chiropractic Council for their selfless and generous response to the problem of hunger.

INDUSTRY-BASED EDUCATION SUPPORT ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. KILDEE. Mr. Speaker, I am pleased to be introducing today, the Industry-Based Education Act, a bill to build upon and strengthen the work that is being carried out under the Carl D. Perkins Vocational and Applied Technology Education Act in the areas of curriculum development, professional development, and technical assistance for our Nation's vocational education programs.

As the school-based education component of our Nation's developing school-to-work transition system, vocational education is critical both as an ongoing program to prepare students to be productive members of our Nation's work force and as a tool for improving the Nation's high schools. The 1990 reauthorization of the Perkins Act created a framework for assisting State and local efforts to ensure that vocational education programs are responsive to the needs of the workplace, and that they support integrated vocational and academic education that improves the educational achievement of all students. By focusing on curriculum development, professional development and technical assistance, the Industry-Based Education Support Act will give States and local school districts additional support to help them develop and implement programs that meet the vocational and academic needs of their students and communities in an integrated manner.

It is vitally important than any discussion of the future of Federal assistance for vocational education take into consideration the need to support State and locally developed curriculum development, professional development, and technical assistance. This bill is being introduced to help stimulate that debate.

TRIBUTE TO THE LATE DR. MARJORIE STEWART JOYNER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. RUSH. Mr. Speaker, I rise this morning with great sadness to pay tribute to the late Dr. Marjorie Stewart Joyner, who passed away on Tuesday, December 27, 1994. Dr. Joyner was an inspiration to generations of Chicagoans who grew up coming to know and respect her for her remarkable achievements.

Dr. Joyner was born in 1896 in Monterey, VA. After moving to Chicago in 1912, Dr. Joyner embarked on a long and prosperous career in the beauty parlor business. In fact, she was the first African-American to attend and graduate from a Chicago-based beauty school, and later invented and patented a permanent wave in 1928.

It was through her endeavors in this field that Dr. Joyner was able to work toward providing increased economic opportunities for African-Americans. Her support made it possible for the establishment of the Cosmopolitan Community Church in Chicago in 1934. In addition, she and First Lady Eleanor Roosevelt established the National Council of Negro Women in 1935. This organization has been dedicated since that time in addressing Negro and women's issues. Later, Dr. Joyner founded the United Beauty Owners and Teachers Association and the Alpha Chi Phi Omega Sorority. Dr. Joyner was also active in local charitable events, including the annual Chicago Defender Bud Billiken Parade, the largest parade for the African-American community in the country.

Mr. Speaker, Dr. Joyner was an American treasure who throughout her long life gave tirelessly of herself for the advancement of her race and of all persons in need. She drew strong accolades from leaders and political figures around the country, and I am but one in a long line of persons who have come to pay their respects for this true American patriot. On this day, Mr. Speaker, I join her family, her friends, and all of Chicago and the Nation, in mourning the loss of a dear and special friend.

TRIBUTE TO THE LIONS CLUB OF PUNXSUTAWNEY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CLINGER. Mr. Speaker, I rise today to honor the Lions Club of Punxsutawney, PA as they celebrate their 50th anniversary of becoming a charter member. On this day in 1945, the Punxsutawney chapter became part of the International Association of the Lions Club.

Through hard work and dedication, members were able to purchase 254 acres of land—complete with a small lodge—just 2 short years after its founding. In keeping with the true spirit of the club, the lodge is used for both Lions' meetings and the benefit of the community as a whole.

When the Punxsutawney Lions Club was chartered, its main goal was to help fight blindness. Fifty years later, they are doing just that. The Lions are active in their support of various camps—as close as Indiana, Pennsylvania, and west to Rochester, Michigan—that benefit physically challenged people.

The Lions' unconditional generosity and benevolence, however, do not end there. People in third world countries also feel the impact of their philanthropy. Better vision and increased health awareness are just two areas in which the Lions Club is making a difference.

Mr. Speaker, it is my distinct pleasure to recognize the Punxsutawney Lions Club on this special occasion. The celebration of their 50th anniversary is testimony to its members' dedication and loyalty. I salute the Lions as they embark on their next 50-year journey and wish them much luck and happiness in that pursuit.

$2,000 REWARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STARK. Mr. Speaker, the Republicans refuse to tell the American people how they will balance the budget, cut taxes, and increase defense spending.

On November 22, 1994 I offered a $1,000 campaign contribution to any Republican Member who signed the so-called Contract With America and who plans on running for reelection who could explain in detail what cuts he or she would make to achieve a balanced budget in fiscal 1996.

No one has taken me up on the offer.

The Republican Contract With America will mean the destruction of Medicare, education aid, cancer research, and other programs the American people support.

The Republicans know that and refuse to explain it to the American people.

Mr. Speaker, I double my offer: I will contribute $2,000 for a charity in the district of any Republican who can explain exactly what they will cut to achieve a balanced budget while increasing defense and cutting taxes.

LEGISLATION TO ELIMINATE THE SOURCE TAX

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. VUCANOVICH. Mr. Speaker, States with a source tax levy a tax on the retirement income of retirees who no longer reside in the State. Thousands of seniors across the country receive tax bills from States even though many of these retirees have not lived in that State for years. In every Congress since 1988, I have introduced legislation to prohibit the source tax.

I was very pleased last spring, when the Senate unanimously passed a source tax bill. I was even more pleased when, in the final week of the 103d Congress, the House also passed a bill to prohibit the source tax. Unfortunately, the Senate and House versions were not identical and there was no time for a conference.

Today I am again introducing a proposal to prohibit the source tax. The bill I am introducing will exempt all retirement income from State income tax if the individual receiving the income is not a resident of the State. This legislation will not place any cost on the Federal Government and may even cause a modest increase in Federal revenues.

This measure differs in two ways from the bill I sponsored in the 103d Congress. That bill included a cap on the amount of lump-sum distributions exempted from the source tax. My new bill will have no caps. Also, for the 104th Congress the measure covers all retirement plans, not just those that qualify for special tax treatment by the Federal Government. These changes, which extend the measure to all retirement income, make the bill more fair because it will treat all retirees equally.

Mr. Speaker, I urge my colleagues to support me in this cause. Retirees across the Nation will thank you.

TOWN OF SCHODACK CELEBRATES BICENTENNIAL IN 1995

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, it's been my privilege since entering Congress in 1979 to return home nearly every weekend.

That's not only a wise policy for a Member of Congress, it's good for a Member's peace of mind. It's necessary to get away from this artificial world of Washington, DC, and get back to the real world where real people have real jobs and raise real families.

Our 22d district is a largely rural area, and it is the tried and true virtues of our small towns and villages that have made this country great, as recognized as early as the 1830s by French visitor Alexis de Tocqueville. And today, I'd like to single out one of those communities, the Rensselaer County town of Schodack.

Schodack will celebrate its bicentennial in 1995, a celebration that will culminate in a gala-dinner dance on March 18.

Having visited Schodack many times during my 16 years of Congress and 6 years in the State assembly, I can personally vouch for the town's embodiment of all of those smalltown virtues, the hard work, the patriotism, the spirit of volunteerism and helping one's neighbor.

Notwithstanding my new duties as chairman of the House Rules Committee, Mr. Speaker, I still intend to return home as many weekends as possible to visit the good people of Schodack and all the other small communities that will always reflect the true heart and true character of America.

Mr. Speaker, I ask you and other Members to join me in congratulating the town of Schodack on this occasion of its 200th birthday.

EMPLOYEE COMMUTE OPTION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. MANZULLO. Mr. Speaker, today is truly a landmark day in the history of this country. On November 8, the citizens spoke out against big government and unfunded mandates.

We have a unique opportunity to curtail many, if not all, unfunded mandates this Congress. One key mandate is the employee trip reduction contained in the Clean Air Act of 1990.

If you thought the electorate was angry in November, wait until they hear about this restriction on their ability to drive their own car to work. The employee trip reduction, known also as the employee commute option, requires businesses with over 100 employees in certain areas to force their employees to carpool to work. Thus, the employee commute option is really a misnomer, because if the States do not enforce this mandate, they stand to lose much needed highway funding. In my own State of Illinois, that is $700 million in the balance.

In other words, implement mandated carpooling, or else. That's not much of an option.

Affected areas are designated "severe" nonattainment regions based on 1987–1988–1989 statistics, even though recent data shows these regions have cleaned-up their air before these mandates take effect.

The bill I am introducing today allows the States to decide if they want carpooling to be part of their clean air plan. It will not change the goals of the Clean Air Act but simply gives States the option to utilize carpooling as a tool to help clean the air in their specific region.

My legislation sends a message to the EPA that the voters voiced back in November—we need common sense and flexibility in the law.

In Illinois, it is estimated that this mandate alone will only reduce air pollution levels by an average of 1 percent. That small percentage has a price tag estimated at $200 million for businesses to enforce. This is a huge price tag, for a very small benefit. There are cheaper and better ways to achieve the same goals, but the States should have the flexibility to figure that out.

Please join me and the many Members who have cosponsored my bill in giving the States back the authority to improve their own air quality. Cosponsor and pass my bill to make the employee commute option truly an option.

BASEBALL FANS AND COMMUNITIES PROTECTION ACT OF 1995

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CONYERS. Mr. Speaker, today I am introducing the Baseball Fans and Communities Protection Act of 1995. It is time that Congress finally steps up to the plate and ends baseball's antitrust exemption which is at the root of the current strike and which has hijacked the national pastime away from the fans and communities that have supported it for so long.

Professional baseball is the only industry in the United States that is exempt from the antitrust laws without being subject to alternative regulatory supervision. There may have been a time when this unique treatment under our antitrust laws was a source of pride and distinction for the many who loved the game. But that time has ended. The continuing baseball strike of 1994—which ended the regular season, which ended the possibility of a World Series for the first time in 90 years and which has very nearly ended the love affair of the American people with their national pastime—has now become the Baseball strike of 1995. If Congress fails to take swift action in the 104th Congress, this lingering strike has the strong potential to destroy yet another season; and I, for one, am not going to stand by passively and watch that happen.

I am proud that the House Judiciary Committee at the close of the last Congress voted to repeal the nonstatutory antitrust exemption created by an anomalous Supreme Court decision in 1922. That decision created the notion that baseball somehow did not involve "interstate commerce" and thus was beyond the reach of the Federal Antitrust laws. The committee acted to end this illusion, which has now spawned very real and devastating economic consequences for our citizens.

The bill I am introducing responds to the current phase of the recurring labor crisis in baseball in a very limited, yet crucial, way: By subjecting the players' union and the owners to the Nation's antitrust laws in the event one party unilaterally imposes an anticompetitive term or condition of employment on the other. As introduced, the bill exempts minor league baseball from the scope of its coverage. It may be that the current situation will demand an even stronger response and a broader repeal. But, in my judgment, this is an appropriate starting point for developing a bipartisan consensus on the issue in the committee and in the full house.

The end result of baseball's special treatment has been the perpetuation of a closed, cartelized industry in which the few, incumbent club owners possess inordinate economic power and every other party—players, fans, municipalities, minor league club owners, potential expansion investors—remain economically marginalized. In a very real sense, the competitive landscape of major league baseball in 1995 resembles the very type of business arrangements that spurred Congress to enact the antitrust laws in the 1890's.

I am gratified by the bipartisan support received for this legislation in the last Congress, and the prospect that both sides of the aisle can work productively together to have swiftenactment of my legislation. While I realize that there are some who wish to concentrate solely on the provisions of the so-called "contract with America" in the first 3½ months of the new session, I would urge all of my colleagues to join with me in moving this to a high priority status so that spring training and the regulator season are not lost to the American people.

We have the opportunity and ability to rescue the national pastime from its current dispiriting condition. Let's not allow this opportunity to pass by or be deferred.

I urge all colleagues to join in the effort.

CREDIT BUREAU REPORTING OF COURT-ORDERED CHILD SUPPORT OBLIGATIONS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. LEVIN. Mr. Speaker, as this historic 104th Congress convenes, I am reintroducing the Child Support Credit Bureau Reporting Act of 1995, to require all States to participate in a simplified, nationally uniform child-support credit-bureau reporting system.

I first introduced this bill in 1994. It is aimed at combatting the woefully low rate of child support payments in the United States, without creating a new Federal Government program to do it. Credit bureaus and, through them, individual lenders will know on a monthly basis whether or not parents are fulfilling this most basic obligation. With negligible Federal costs, this bill will begin to get the private sector involved in addressing those adults who don't pay their court-ordered child support.

Children are created by two people, and both of them must accept personal and financial responsibility for raising their children. In broken, or never-formed families, financial responsibility is often defined by court-ordered child support payments. Unfortunately, too many noncustodial parents fail to comply with the court orders.

A year ago, I received a letter from a constituent of mine in Warren, MI. This mother of two ran away from her husband, and moved into a shelter for abused women. She writes:

> I have been working as a secretary for almost eight years now, and it still seems that there is never enough money. My ex-husband doesn't even pay the ordered $55 per week, an amount so small it won't even buy them both new shoes or new coats. It won't pay for Little League registration * * * and if I saved every penny, it wouldn't put them half way through college. Why does he do this? Because he feels he can get away with it and I say he's right.

Unfortunately, she's not alone. The Office of Child Support Enforcement in the Department of Health and Human Services reports that of $35 billion of cumulative court-ordered child support owed through 1992, $27 billion remains uncollected. In 1992, nearly six million absentee parents made no child support payments at all.

This is simply wrong and my child support credit bureau reporting bill will help to change this.

Very simply, State agencies responsible for child support enforcement will report the status of all child support accounts to the Nation's three major credit bureaus—TRW, Equifax, and Trans-Union. With this information appearing on credit reports, individual lenders will know on a monthly basis whether parents owe court-ordered child support and whether they are fulfilling this most basic obligations. After all, is a parent's obligation to pay court-ordered child support any less important than that parent's obligation to make a car payment or pay their credit card bills?

Last year, I asked the GAO to survey 16 States, credit bureaus, and some lenders regarding this proposal. I introduced my bill after receiving the favorable GAO report, entitled "Child Support Enforcement—Credit Bureau Reporting Shows Promise," on June 3, 1994. Generally, the GAO found that my proposal can increase child support collections, that it is administratively feasible, and, most importantly, it can be implemented with little cost to either State or Federal governments. In short, over time, my bill will help save money and increase court-ordered child support collections.

Mr. Speaker, we have done nearly all we can in the way of Federal statute; we already mandate tax-refund intercepts, the withholding of court-ordered support from wages, liens on property, and so on. But government cannot do this alone. The private sector must also reinforce the principle of parental responsibility. My bill will provide private-sector banks, credit card agencies, merchants, and businesses the information they should weigh when making loan decisions. Private sector lenders should attach at least as much importance to a parent's track record for paying court-ordered child support as they do to credit card balances and loan payments. And failure to pay court-ordered child support should carry grave consequences.

Mr. Speaker, if we support family values, then surely this is a sensible and necessary step. Those in the private sector—banks, credit card agencies, and businesses—should put court-ordered child support on the scale when weighing the decision to make a loan. We must send the message that both parents are responsible for supporting their children and that child support is a debt parents cannot afford to ignore.

Mr. Speaker, I ask that a copy of the bill be inserted in the RECORD at this point.

ALAN EMORY ASSUMES GRIDIRON PRESIDENCY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. MCHUGH. Mr. Speaker, I want to recognize the achievements of a distinguished journalist who has been covering Washington since the days of President Truman. This week, as we seek a new direction for Congress and the country, so too will a new voice guide the well known Gridiron Club. Alan S. Emory, Washington correspondent for the Watertown (New York) Daily Times, assumed the presidency of the Club January 1. He has been that newspaper's Washington correspondent since 1951.

Gridiron is an organization of 60 journalists covering the Nation's Capital. They are well recognized for their annual gala dinner and musical spoof of politics, over which Mr. Emory will preside on March 25.

Mr. Speaker, Alan Emory has crossed many notable milestones in his career—recipient of the Thomas L. Stokes prize for conservation reporting, election to the Society of Professional Journalists, President of its Washington Professional Chapter and member of the Chapter's Hall of Fame—but he is probably most gratified at his elevation to the presidency of Gridiron. He has twice been music chairman of their spring show, a producer ten times and always one of the Club's most prolific writer of lyrics. As a member since 1976 and most recently its vice president, he will be a most capable leader.

Covering Washington politics for more than four decades, Mr. Emory is know as a journalist with the highest of standards. He can be tough on newsmakers but is as fair as they come. What public official could ask for more? And who better to be chief lampooner at the Gridiron?

Mr. Speaker, I join his fourth estate colleagues, his family, particularly his beloved wife, Nancy, and his Capitol Hill friends in congratulating Mr. Emory on his assumption of the Gridiron Club presidency and look forward to his continuing successes through the new year.

CENTRALIZED AUTOMOBILE EMISSIONS INSPECTION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GEKAS. Mr. Speaker, I introduce today legislation to bring a commonsense approach to implementation of the 1990 Clean Air Act amendments. My legislation is designed to accomplish three goals: First, to delay for 2 years the implementation of the enhanced vehicle inspection and maintenance program; second, to require the Environmental Protection Agency [EPA] to reissue regulations for this program; and third, to provide for the redesignation of marginal and moderate ozone nonattainment areas.

This legislation is in response to a consistent trend by the EPA of regulating first and asking questions later. As far back as April 2, 1993, I contracted EPA Administrator Carol M. Browner with regard to a requirement that the Commonwealth of Pennsylvania implement a centralized vehicle inspection program. While I have many concerns with the EPA's Centralized Vehicle Emissions Inspection Program as a means of actually improving air quality, my main concern is over the Agency's Ozone National Ambient Air Quality Standards Report which found 41 of the 98 previously designated nonattainment regions registering ozone attainment for the years 1991 through 1993. Additionally, according to available ozone air studies these regions will again reach attainment in 1994. Had it not been for the inclusion of 1988, a climatological anomaly, in the EPA's 3-year average of ozone nonattainment, regions such as Harrisburg and Lancaster, PA, would never have been caught in this bureaucratic web of regulations. In my opinion, the EPA is looking for a problem to regulate which does not exist.

Mr. Speaker, this is a fundamental problem with our Nation's environmental laws and one reason why Americans overwhelmingly voted for reform of our environmental laws through their endorsement of the Contract with America. Two key provisions in the Republican reform package are cost benefit analysis and regulatory reform. We have seen with the superfund, clean water, pesticide, and clean air regulations a lack of consideration for cost in relation to benefit. For example, as I mentioned above Harrisburg and Lancaster, PA, have met national ambient air quality standards for 3 consecutive years. Nevertheless, these regions must comply with burdensome regulatory requirements to centralize automobile emissions inspections costing thousands of jobs across the Nation and adding Government cost and bureaucracy to the lives of many Americans. My bill is designed to ease the regulatory requirements of the 1990 Clean Air Act amendments and to direct the EPA to reassess its determination with respect to the centralized program and issue new regulations governing the program.

Mr. Speaker, we all support sensible environmental laws and cherish the natural and wonderful resources of this Earth. However, when the Government spends billions of taxpayer dollars on meaningless regulations which do little to improve the health of citizens we must take the necessary action to reform these laws. I ask my colleagues to mark this historic first day of the 104th Congress by cosponsoring this legislation and begin the process of regulatory reform.

INTRODUCTION OF THE LOBBYING DISCLOSURE ACT OF 1995

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. BRYANT of Texas. Mr. Speaker, today, I am introducing the Lobbying Disclosure Act of 1995, a bill to reform the lobby disclosure laws and to ban lobbyists' gifts to Members of Congress.

This bill is identical to the legislation that the House of Representatives passed on September 29, 1994, by a vote of 306 to 122.

The American people need to know whether this Congress will put an end to the perception that the Congress is captivated by special interests who shower Members with gifts to win their favor.

This bill would permanently bar lobbyists from gaining access to Members of Congress by picking up their tabs for meals and entertainment and it would end subsidies for what are essentially private vacation trips.

It would also ensure that our constituents know how much is being spent to influence the decisions that we are sent here to make on their behalf by closing loopholes in existing lobby disclosure laws.

As my colleagues know, Republicans sought to block consideration of this bill last year and succeeded in killing it with a filibuster in the Senate.

But the issue of how private interests seek to influence this body can not be ignored.

I urge the Congress to pass this legislation and help to restore the confidence of the American people in this institution.

LEGISLATION PERMITTING EXPORT OF ALASKA'S NORTH SLOPE CRUDE OIL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to rise to join my colleagues, Mr. THOMAS and Mr. DOOLEY, in introducing H.R. 70, legislation to permit the export of Alaska's North Slope crude oil.

For too long, the State of Alaska has been denied the opportunity to export this valuable resource. I look forward to working with the administration to move this bipartisan legislation to create jobs, to preserve a vital element of our domestic merchant marine, to raise State and Federal revenues, and to spur domestic energy production.

To put this proposed legislation in perspective, I think it would be helpful to explain the origins of current law. The export restrictions were first enacted in 1973 during the Arab-Israeli war and the first Arab oil boycott. Following the second major oil shock in 1979, the restrictions were further tightened, effectively imposing a ban on exports. Much has changed since then.

Over half of our imports now come from the Western Hemisphere and Europe. We are less dependent on the Middle East and Africa, but have shifted our purchases from Iran, Iraq, and Libya to Saudi Arabia and Kuwait. Today, U.S. oil supplies are ample and are more diversified. In addition, international sharing agreements are in place and the United States has filled a Strategic Petroleum Reserve with 600 million barrels of crude oil. In short, our Nation is not as vulnerable to the supply threats that motivated Congress to act in the 1970's.

While we have taken the steps necessary to reduce our vulnerability to others, we have not done enough to encourage domestic energy production. In fact, production on the North Slope has now entered a period of decline. In California, small independent producers have been forced to abandon wells or defer further investments. By precluding the market from operating normally, the export ban has had the unintended effect of discouraging further energy production. This legislation is designed to change that situation.

This proposed legislation would require the use of U.S.-flag vessels. Prior proposals would have permitted exports on foreign-flag vessels. Those bills never prospered, in part because they were opposed by the independent U.S.-flag tanker fleet that was built at considerable expense to move the crude oil to market. We have now forged common ground with the maritime industry. Our bill will help preserve this vital element of our merchant marine.

In June 1994, the Department of Energy issued a comprehensive report that concluded Alaskan oil exports would boost production in Alaska and California by 100,000 to 110,000 barrels per day by the end of the century. The sooner we change current law, the sooner we can spur additional energy production and create jobs on the west coast and in Alaska. In fact, Energy Secretary, Hazel O'Leary is reported as saying in today's Journal of Commerce, which I would like to submit for the RECORD, "I have been strongly in favor of lifting that ban since I have been back in Government. You will see us carrying the initiative and supporting the lifting of the ban." I look forward to working with Secretary O'Leary and administration toward that end.

Mr. Speaker, as we enter a new era in the House, we have an opportunity to enact bipartisan legislation that will create jobs, help preserve our merchant marine, spur energy production, and raise State and Federal revenues. I urge my colleagues to work with me to enact this vital legislation as quickly as possible to achieve these objectives and to enhance our energy security.

[From the Journal of Commerce, Jan. 4, 1995]

O'LEARY PLANS PUSH TO END EXPORT BAN ON ALASKAN OIL

WASHINGTON.—U.S. Energy Secretary Hazel O'Leary said she plans to push this year to repeal the ban on exports of Alaskan North Slope oil.

Mrs. O'Leary also said she believed a broad coalition supporting the ban's repeal was forming late in the last congressional session.

"I have been strongly in favor of lifting that ban since I have been back in government," Mrs. O'Leary said. "You will see us carrying the initiative and supporting the lifting of the ban" in 1995, she said.

Deputy Energy Secretary Bill White has said the department will work on legislation to lift the 20-year-old law that keeps Alaskan North Slope oil from Pacific Rim markets.

Efforts by Alaska's congressional delegation to repeal the ban died late in the last session.

President Clinton also has indicated he supports the concept of repealing the ban, but that the administration was weighing the issue.

According to an Energy Department study, allowing the oil exports would generate jobs and revenue.

But some West Coast lawmakers opposed lifting the ban, partly fearing higher gasoline prices as less Alaskan oil would move to domestic ports.

Labor groups also have opposed lifting the ban because the oil would no longer be forced onto U.S.-flagged vessels, but could be carried on international vessels to overseas ports.

There have been proposals to require that the exported oil still be carried on U.S.-flagged vessels, but that could raise international trade problems, U.S. officials have said.

A QUESTION OF MURDER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CUNNINGHAM. Mr. Speaker, I wanted to call my colleagues' attention to a recent commentary from the News Reporter of San Marcos in the 51st District of California.

My constituent, D.J. Skinner Ross of San Marcos, raises some interesting questions about the recent tragic double murder of the Smith children in South Carolina. I urge my colleagues to read "A Question of Murder," as it offers a unique perspective on this sad case and on the larger issue of ethics in our society.

Mr. Speaker, I commend "A Question of Murder" to the House and ask that it be printed in the CONGRESSIONAL RECORD at this point.

[From the San Marcos News Reporter, Nov. 16, 1994]

A QUESTION OF MURDER

(By Skinner Ross)

I'm a little confused regarding some people's stand on murder; specifically the murder of defenseless children.

The nation, perhaps the world, is horrified and incensed over the killing of the little Smith boys. To learn that the killer was their own mother was almost more than all of us could bear. Many were, and still are, threatening to murder her!

Here is where I'm confused: (1) Where are the "Women's Rights" groups? (2) Where are the "Freedom of Choice" groups? (3) Where is the politically powerful "ACLU"?

Mrs. Smith could use your support during the terrifying, lonely time in her life. Mrs. Smith could use some of the ACLU's legal backing.

After all, her side of the story is not different now than it would have been five years and seven or eight months ago—or even as recently as nineteen or twenty months ago: these babies were interfering with the life style she wished to follow. They were a nuisance. They were fathered by a man she didn't love. (A little like "rape", don't you agree?)

So I ask all the "Rights" groups, "Where are you now?"

Before these little boys were given names and toys and birthday parties, you would have pounded your fists on your podiums and shouted obscenities at anyone who would dare to say she did not have the "right" to take their "right to live" away from them.

Where is your courage to defend her now? Nothing has really changed. Those little boys hearts were beating in their mother's womb every bit as strongly as they were in the cold "womb" of that car's back seat. Their cries for help would have been as soundless in her womb as they were in that sinking car.

The only difference between this murder and the murder of abortion is the sweet defenseless babies killed in the mothers womb drown in the amnionic fluid. These sweet, defenseless little boys drowned in the fluid of a cold, murky lake.

So I ask, "In cases such as these, exactly whose "Rights" have been wronged?

DANIEL NELSON, VETERAN TEACHER EARNS IMPORTANT SCIENCE AWARD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, right after the election I heard some great news about a gifted teacher in our 22d Congressional District, and I looked forward to this opening day of the 104th Congress to share it with you.

Daniel A. Nelson, technology teacher in the Shenendehowa Central School District, was named Environmental Science Teacher of the Year by the American Institute of Chemical Engineers.

The award is really no surprise to many of Mr. Nelson's former students, many of whom have gone on to distinguished engineering or science careers. Not is it a surprise to anyone else who knows him that he was quick to share the glory, indeed, to bestow it all, on his students. Dan Nelson has been a selfless, dedicated teacher at Shenendehowa for 26 years, and he's one of the reasons the school is recognized as one of the best in the Northeast.

Those of us who struggled through science courses in high school can appreciate a teacher who makes science courses come alive. That' what Dan Nelson has been doing for a long time, and that's why he is such a deserving recipient of this major award.

He has found a way to get students to apply their math and science skills in a hand-on manner, and to solve problems in a creative way. Many of his students have won State awards for projects assisted and inspired by Mr. Nelson.

Mr. Speaker, let us today add our own tribute to this remarkable teacher, Daniel A. Nelson of the Shenedehowa Central School District.

THE VOTING RIGHTS OF HOMELESS CITIZENS ACT OF 1995

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. LEWIS of Georgia. Mr. Speaker, as the 104th Congress convenes today, I am pleased to introduce the Voting Rights of Homeless Citizens Act of 1995. The purpose of this legislation is to enable the homeless, who are citizens of this country, to vote. This bill would remove the legal and administrative barriers that inhibit them from exercising that right. No one should be excluded from registering to vote simply because they don't have a home. But in many States, the homeless are left out. That is not right. That is not fair. That is not the way of this country.

During this century, we have removed major obstacles that prevented many of our citizens from voting. Not too long ago, people had to pay a poll tax or own property to vote. Women and minorities were prohibited from casting the ballot.

Before the civil rights movement, there were areas in the South where 50 to 80 percent of the population was black. Yet, there was not a single registered black voter. In 1964, three young men in rural Mississippi gave their lives while working to register people to vote. Many people shedded blood and many died to secure voting rights protection for all Americans.

Mr. Speaker, I think it is very fitting to introduce this bill today because 30 years ago today, on January 4, 1965, President Lyndon Johnson proposed that we "eliminate every remaining obstacle to the right and opportunity to vote." Eight months later, the Voting Rights Act of 1965 was signed into law, making it possible for millions of Americans to enter the political process.

Our Nation has made progress. But we still have a long way to go to make sure that every citizen is properly represented on Capitol Hill, in the State house, on the city council and on the county commission. I have dedicated my life to ensuring that every American is treated equally and that everyone has the right to register and vote. I ask my colleagues to join me in opening the political process to every American, even those without a home. I urge my colleagues in the House to join with me in cosponsoring and supporting passage of the Voting Rights of Homeless Citizens Act of 1995.

VETERANS' HEALTH CARE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. ORTIZ. Mr. Speaker, today I am introducing a bill that will help to significantly improve the standard of health care provided for our nation's veterans, specifically those residing in South Texas.

This bill authorizes the establishment of a new veterans' medical facility in South Texas. Under the provisions of the bill, the Administrator of the Veterans' Administration (VA) is granted the authority to acquire and construct a medical facility on a suitable site in the Rio Grande Valley in order to more effectively deliver needed medical services to the growing number of South Texas veterans. I am honored that Congressman DE LA GARZA and Congressman TEJEDA, a member of the Veterans' Affairs Committee, are also original cosponsors of this bill.

While significant strides are being made in improving both the quality of health care and medical facilities available to our nation's veterans, significant shortfalls still exist in certain areas. The combination of the growing number of patients served by South Texas VA facilities along with the demographic "aging" of the veteran population is leading to a situation where existing medical facilities are being stretched beyond capacity. Already, patient usage of the VA medical facilities in South Texas has increased. Additionally, the number of elderly veterans in the State of Texas continues to grow, as does their need for medical care. The situation is exacerbated by the fact that South Texas also receives a steady number of elderly veterans who annually reside in South Texas during the winter months due to the warm climate.

The overburdened state of the veterans' health care system in South Texas becomes apparent when veterans from the Rio Grande Valley, in particular from my District, must travel over 10 hours to reach the closest Veterans' Administration hospital. A number of these veterans are physically incapable of driving these distances, and many do not have family members to transport them to these facilities.

Our nation's veterans deserve the finest health care services available, and the creation of a medical facility in the Rio Grnade Valley will be a significant and much needed step towards meeting this obligation. The construction of a medical facility in South Texas is the first step in addressing the critical health care needs of veterans in South Texas.

BRONCHIO-ALVEOLAR CARCINOMA LEGISLATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SMITH of New Jersey. Mr. Speaker, today I have introduced legislation that willadd bronchio-alveolar carcinoma to the list of diseases which the VA presumes to be service connected. This bill is identical to legislation I offered last year (H.R. 4156).

Bronchio-alveolar carcinoma is a rare form of nonsmokers' lung cancer which strikes otherwise healthy individuals for no known reason. In 1981, it took the life of Thomas McCarthy, a veteran who was a navigator aboard the U.S.S. *McKinley* during his time in the U.S. Navy in the 1950's.

In 1955, the *McKinley* was one of several ships to take part in Operation Wigwam, a secret Navy experiment which tested the effects of an atomic detonation under the ocean floor. The blast produced a mist which enveloped the ships on mission and their crewmen. The Navy refused to even acknowledge the test until 1979, and they still refuse to make public the dangers that the mist produced.

After Mr. McCarthy's death, his widow Joan applied for benefits through the VA. Unfortunately, she was consistently turned down despite the plethora of information she continued to unearth which confirmed that her husband's death was a direct result of his service connection.

I became involved with Mrs. McCarthy's case in 1986 and have been trying to persuade the VA to administratively include bronchio-alveolar carcinoma on the presumed service-connected list. Unfortunately, these requests have been rebuffed. I have been told that the only way to get this done is through legislation.

Last year, VA Secretary Jesse Brown promised me that the Department will support my efforts to pass this legislation. With Secretary Brown's help and as vice chairman of the Veterans Affairs Committee, I will be working with my colleagues on the committee to ensure that the bill is brought up quickly and passed.

We have held hearings on this matter. I have met personally with Secretary Brown to urge action. The time for talking and debating is over. It is clear that this matter needs to be resolved and the time for action is now.

Joan McCarthy, and the few other veterans who suffer from this mysterious cancer and their families, deserve justice. I urge all my colleagues to strongly support this measure.

IN HONOR OF MARTIN LUTHER KING, JR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, in a few days, Americans will be celebrating the national holiday which honors one of our great patriots and moral leaders, Rev. Dr. Martin Luther King, Jr.

Reverend King was taken from us prematurely over a quarter century ago, at far too young an age, in one of the most heartless, senseless, and destructive crimes in our national history. It is difficult for us to recognize that if his life had not been so tragically snuffed out, Dr. King would be only 66 years old on his birthday this month.

Although the life of Martin Luther King was cut short, his message is eternal and will long outlive all of us here today. The simple truth that Dr. King worked so hard to make us all recognize is that hatred actually harms the hater more than the hated. The evils of racial injustice, which were a blot on the record of our Nation for far too long, harmed the economy, the morals, and the advancement of white America just as much as it did Black America. The terrible legacy of Jim Crowism and continued racial discrimination which plagued us for well after a 100 years of the Emancipation Proclamation harmed us all, for they not only prevented all Americans from enjoying the full benefits of our society, they also prevented us all from reaping the benefits of the contributions all Americans are capable of making.

By no means should the celebration of Martin Luther King Day be taken as a celebration that we have achieved all we can. In fact, the legacy of racial division and hatred continues to plague us today, in many ways, day after day. No American can truly be satisfied until after all of the barriers of prejudice in our society are removed.

Yet, we can be inspired by the words of Dr. King, who stated: "If you can't fly, run. If you can't walk, crawl. By all means, keep on moving."

Martin Luther King Day is an appropriate time for all Americans to remember that we must continue to move, until the day when all of us are afforded full opportunity, and that none of us have to be concerned that race, color, creed, or ethnic heritage are a hindrance to any individual, or to our Nation as a whole.

Let us free ourselves from hatred, as Dr. King urged, so that we can share the dream he so eloquently shared with all in August of 1963—a dream that some day the descendants of slaves and the descendants of slave holders can sit down and join hands together at the table of brotherhood and proclaim: "Free at last, free at last. Thank God almighty, we're free at last."

INTRODUCTION OF OVERSIGHT LEGISLATION ON PENSION PLAN TERMINATION INSURANCE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. FAWELL. Mr. Speaker, as we continue this year to celebrate the 20th anniversary of the Employee Retirement Income Security Act of 1974 [ERISA], I want to bring attention to the termination insurance program administered by the Pension Benefit Guaranty Corporation [PBGC]. The PBGC was created in 1974 under ERISA Title IV in order to guarantee the private pension benefits of employees and retirees in the event their company goes bankrupt and leaves their pension plans less than fully funded.

Even though the General Agreement on Tariffs and Trade [GATT] legislation enacted last year included significant reforms of the PBGC termination insurance program, I believe it is essential that we closely monitor how these changes affect defined benefit pension plans and the goals set forth under ERISA for the PBGC. It might also be noted that the changes to PBGC included in GATT only affected the single-employer plan programs and not the multiemployer program.

Over the last few years, a number of reform proposals have been introduced, including recommendations from the Bush administration, the Clinton administration, some of which were enacted in GATT, and others introduced by former-Representative Jake Pickle. With the passage of PBGC reform in GATT, my Subcommittee on Employee-Employer Relations and the Committee on Economic and Educational Opportunities will take a strong interest in closely monitoring the PBGC program. To aid the committee in its oversight of the PBGC termination insurance program, we are today reintroducing past proposals which address both the single-employer and multiemployer defined benefit pension programs. We want to look at these ongoing termination insurance programs in light of these suggestions, the actual changes included in GATT, as well as other suggestions that we are now asking interested parties to bring to the committee's attention.

While our introduction today of past proposals, and the introduction in the future of the other proposals that come to our attention, does not constitute endorsement of any particular approach, we think that the various provisions contained in such proposals can serve as a valuable tool to assess the progress and effectiveness of the termination insurance programs administered by the PBGC.

The role of defined benefit pension plans and the operation of the title IV termination insurance programs administered by the PBGC constitute important elements of the retirement income security component of our Nation's private pension system. Given our committee's historic jurisdiction over employee benefits under ERISA, I think it imperative that we pay close attention to the status of the programs administered by the PBGC and take a long-term view as to how those features of the current law and other proposals will help ensure the long-term soundness of the defined benefit pension system.

The Subcommittee on Employee-Employer Relations of the Committee on Economic and Educational Opportunities also welcomes comments and suggestions regarding the oversight of other aspects of the ERISA pension, health, and other employee benefit programs under its purview.

THE NATIONAL PARK SYSTEM REFORM ACT OF 1995

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HEFLEY. Mr. Speaker, today I rise to reintroduce the National Park Reform Act of 1995. Except for three small changes, this bill is identical to H.R. 4476, which passed the House by a vote of 421 to 0 last year.

Over the past few months, my friend and colleague, the gentleman from Utah [Mr. HANSEN], has generated a great deal of comment in the West by suggesting that some of the Nation's 368 national parks are not worthy of being in the Park System and that, perhaps, we should look at unloading some of them. His suggestion has not been entirely well received and he is now being charged with trying to destroy the Park System. But, to play the devil's advocate, hasn't he got a point?

Over the past few years, Congress has gotten into the habit of willy-nilly creating national parks. So many, in fact, that some of the newer ones have never been funded while others, some the crown jewels of the National Park System, must bear up under a multibillion backlog. As a result, we have a leaky roof and failing electrical system at Independence Hall in Philadelphia, poor road conditions along Skyline Drive in Virginia and park rangers living in what NPS Director Roger Kennedy terms "Third-World conditions." Meanwhile, we have designated park sites without historical merit and have created others more for urban economic development that for preserving the natural and cultural fabric of the United States. Something must change and this bill is a step toward doing that.

The National Park System Reform Act gives the NPS director 1 year to develop a plan to carry the Park Service into the next century—a plan which includes goals and objectives, an inventory of what is represented and criteria for selection and numerical priorities for both urban and nonurban parks. It requires the Park Service to review its holdings, ensures that everything there belongs there and examines alternative forms of management for those that do not. If the Park Service fails to carry out this mission within 1 year, a blue-ribbon panel, similar to the base-closure commission, will be appointed for a 2-year period to develop its own report.

Three changes have been made from last year's bill, the first, a minor change adding open space preservation to the Park Service study, and two others, dealing with compliance with the National Environmental Protection Act.

Now I suppose, if one wanted to dwell upon the negative, one could label this a park-closing bill. But that would be ignoring the positive aspects of this legislation. Successful implementation of this bill might result in the closure of a handful of parks and could realize significant monetary savings and would ensure a Park System whose holdings are meaningful—the result of a careful screening process, not political clout. In short, it would ensure that taxpayers got their money's worth from the Park System.

Could this bill be more stringent? Yes, but is it necessary to be more stringent. There has been some skepticism that the Park Service can clean its own house. That is for the hearing process to decide. But here we have a truly bipartisan bill, the result of sometimes arduous wrangling between the House Natural Resources Committee and the Park Service and between the gentleman from Minnesota [Mr. VENTO] and myself. This is as true a bipartisan bill as you are likely to see in your lifetime. If we need a stronger posture, then this bill can be amended. That is what the hearing process is for.

In any event, we must not wait to start. I feel strongly that the National Park System Reform Act is something we should enact quickly, before the end of the 100 days. With every passing day our Park System, the world's object of envy, grows more pallid for lack of sufficient funds. We are in danger of loving our parks to death. But if you truly love parks, you will work to make them the best they can be. The National Parks System Reform Act will do this. I strongly urge your support and your cosponsorship.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System Reform Act of 1995".

TITLE I—NATIONAL PARK SYSTEM PLAN

SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.

(A) PREPARATION OF PLAN.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting through the Director of the National Park Service, shall prepare a National Park System Plan (hereinafter in this Act referred to as the "plan") to guide the direction of the National Park System into the next century. The plan shall include each of the following:

(1) A statement of goals and objectives for use in defining the mission and role of the National Park Service in preserving our national natural and cultural heritage, relative to other efforts at the Federal, State, local, and private levels.

(2) Detailed criteria to be used in determining which natural and cultural resources are appropriate for inclusion as units of the National Park System.

(3) Identification of what constitutes adequate representation of a particular resource type and which aspects of the national heritage are adequately represented in the existing National Park System or in other protected areas.

(4) Identification of appropriate aspects of the national heritage not currently represented in the National Park System.

(5) Priorities of the themes and types of resources which should be added to the National Park System in order to provide more complete representation of our Nation's heritage.

(6) A statement of the role of the National Park Service with respect to such topics as preservation of natural areas and ecosystems, preservation of industrial America, preservation of nonphysical cultural resources, open space preservation, and provision of outdoor recreation opportunities.

(7) A statement of what areas constitute units of the National Park System and the distinction between units of the system, affiliated areas, and other areas within the system.

(b) CONSULTATION.—During the preparation of the plan under subsection (a), the Secretary shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(c) TRANSMITTAL TO CONGRESS.—Prior to the end of the third complete fiscal year commencing after the date of enactment of this Act, the Secretary shall transmit the plan developed under this section to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK SYSTEM.

(a) REVIEW.—(1) Using the National Park System Plan prepared pursuant to section 101 as a guide, the Secretary shall review the existing National Park System to determine whether there are more appropriate alternatives for managing specific units or portions of units within the system, including partnerships or direct management by States, local governments, other agencies and the private sector. The Secretary shall develop a report which contains a list of areas within the National Park System where National Park Service management should be modified or terminated.

(2) In developing the list under paragraph (1), the Secretary shall consider such factors as duplication within the National Park System, better representation of a particular resource type under management of another entity, lack of significance, lack of management feasibility, cost, lack of visitor accessibility, modifications that change the character of the resource, lack of collaboration to protect resources, suitability for management by another agency, and the compatibility of the resource with the present mission and role of the National Park Service.

(3) For any areas for which termination of National Park Service management is recommended, the Secretary shall make recommendations regarding management by an entity or entities other than the National Park Service. For any area determined to have national significance, prior to including such area on the list under paragraph (1) the Secretary shall identify feasible alternatives to National Park Service management which will protect the resources thereof and assure continued public access thereto.

(b) CONSULTATION.—In developing the list referred to in subsection (a), the Secretary shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(c) TRANSMITTAL TO CONGRESS.—Not later than 1 year after the Secretary completes the plan referred to in section 101 of this Act, the Secretary shall transmit the report developed under this section simultaneously to the Natural Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall contain the recommendations of the Secretary concerning modifications or termination of National Park Service management for any areas within the National Park System and the recommendations regarding alternative management by an entity or entities other than the National Park Service.

SEC. 103. NATIONAL PARK SYSTEM REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—If the Secretary fails to transmit the report developed under section 102 within the 1-year period specified in section 102, a National Park System Review Commission shall be established to review existing National Park System units to determine whether there are more appropriate alternatives for managing specific units or portions thereof. Within one year after the date of its establishment, the Commission shall prepare and transmit to the Natural Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report containing a list of National Park System units or portions thereof where National Park Service management should be modified or terminated. In developing the list, the Commission shall consider the factors referred to in section 102(a)(2). For any listed areas, the Commission shall suggest alternative management by an entity or entities other than the National Park Service, and for any area determined to have national significance, prior to including such area on the list the Commission shall identify feasible alternatives to National Park Service management which will protect the resources ofthe area and assure continued public access to thereto. In developing the list, the Commission shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(b) MEMBERSHIP AND APPOINTMENT.—The Commission shall consist of 7 members each of whom shall have substantial familiarity with, and understanding of, the National Park System. Three members of the Commission, one of whom shall be the Director of the National Park Service, shall be appointed by the Secretary. Two members shall be appointed by the Speaker of the United States House of Representatives and two shall be appointed by the President Pro Tem of the United States Senate. Each member shall be appointed within 3 months after the expiration of the 1-year period specified in section 102(c).

(c) CHAIR.—The Commission shall elect a chair from among its members.

(d) VACANCIES.—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the

Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(h) TERMINATION.—The Commission established pursuant to this section shall terminate 90 days after the transmittal of the report to Congress as provided in subsection (a).

(i) LIMITATION ON NATIONAL PARK SERVICE STAFF.—The Commission may hire staff to carry out its assigned responsibilities. Not more than one-half of the professional staff of the Commission shall be made up of current employees of the National Park Service.

(j) STAFF OF OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission.

(k) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be advisable.

(l) POWERS OF THE COMMISSION.—(1) The Commission shall for the purpose of carrying out this title hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(2) The Commission may make such bylaws, rules, and regulations, consistent with this title, as it considers necessary to carry out its functions under this title.

(3) When so authorized by the Commission any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(4) The commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(5) The Secretary shall provide to the Commission any information available to the Secretary and requested by the Commission regarding the plan referred to in section 101 and any other information requested by the Commission which is relevant to the duties of the Commission and available to the Secretary.

SEC. 104. NEPA.

The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the preparation of any report pursuant to section 102 or 103 of this Act.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of the Act of August 18, 1970, entitled "An Act to improve the Administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" (16 U.S.C. 1a-1 and following) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last sentence of subsection (a) as subsection (e) and inserting in such sentence before the words "For the purposes of carrying" the following: "(e) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By striking subsection (b).

(5) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national signifiance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System Plan to be developed under section 101 of the National Park System Reform Act of 1994. No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this section, except as provided by specific authorization of an Act of Congress. Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000. Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—The Secretary shall complete the study for each area for potential inclusion into the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and reasonable efforts to notify potentially affected landowners and State and local governments. In conducting the study, the Secretary shall consider whether the area under study—

"(1) possesses nationally significant natural or cultural resources, or outstanding recreational opportunities, and that it represents one of the most important examples of a particular resource type in the country; and

"(2) is a suitable and feasible addition to the system.

Each study shall consider the following factors with regard to the area being studied: the rarity and integrity of the resources, the threats to those resources, whether similar resources are already protected in the National Park System or in other Federal, state or private ownership, the public use potential, the interpretive and educational potential, costs associated with acquisition, development and operation, the socioeconomic impacts of any designation, the level of local and general public support and whether the unit is of appropriate configuration to ensure long term resource protection and visitor use. Each such study shall also consider whether direct National Park Service management or alternative protection by other agencies or the private sector is appropriate for the area. Each such study shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service, be most effective and efficient in protecting significant resources and providing for public enjoyment. Each study shall be completed in compliance with the National Environmental Policy Act of 1969. The letter transmitting each completed study to Congress shall contain a recommendation regarding the Administration's preferred management option for the area.

"(d) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily cultural or historical resources and a list of areas which have been previously studied which contain primarily natural resources in numerical order of priority for addition to the National Park System. In developing the list, the Secretary should consider threats to resource values, cost escalation factors and other factors listed in subsection (c) of this section.".

SEMPER FI FOR TOTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. BARCIA. Mr. Speaker, I rise today to call attention to the excellent Toys for Tots program that has operated in Bay County since 1980 under the able and sincerely appreciated leadership of Gunnery Sergeant Robert K. Greenleaf of the Marine Corps Reserve. It is most important for all of us to remember that we can always do more to help our neighbors, especially children, and theToys for Tots program is one which we should all support.

Toys for Tots was started in 1947 by Major William Hendricks in Los Angeles County. He began the program through the Marine Corps Reserve when he saw that there was no other program which provided toys for children on Christmas morning. The program expanded throughout the country just one year later. Today, having provided toys to over 100 million children since its inception, Toys for Tots reaches around the world. The Marine Corps Reserve has carried forth its motto of Semper Fidelis—"Always Faithful"—to their support for children.

No national program becomes successful without the active involvement of key people in each locality. Sergeant Greenleaf has done an outstanding job of running the program in my home county, Bay County, since 1980. That first year he helped bring smiles to 263 children, and last year helped bring more than

24,500 toys to nearly 6,500 children. He did this as a volunteer, in addition to his duties as a Bay City police officer.

And at this time of year, he puts in enough hours to rival Santa himself, as he pulls double duty between the time as a police officer and the hours necessary to make Toys for Tots the continuing success that it is. His belief that no child should wake up Christmas morning without a smile is a philosophy that all of us should support.

Toys for Tots is a wonderful program that is in many of our home communities. I urge all of our colleagues to actively support this annual campaign and make sure to provide an extra thank you to Gunnery Sergeant Robert K. Greenleaf and his colleagues responsible for each of these local programs.

THE JOB CREATION AND WAGE ENHANCEMENT ACT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. ARCHER. Mr. Speaker, today I am proud to introduce the Job Creation and Wage Enhancement Act. This bill is an important component of the Contract With America.

For the past several decades, Federal taxes, regulations, and mandates have increasingly limited job creation, suppressed wages, and stifled economic growth. This bill is an important step in reversing this trend.

The Job Creation and Wage Enhancement Act would cut taxes and government redtape. It recognizes that the way to unleash the American economy is by lowering taxes and getting government out of the way.

First, the bill would cut taxes on capital gains. Investors who sell a capital asset would have a 50-percent capital gains deduction. In addition, capital assets would be indexed for inflation, ending the unfair practice of taxing gains due to inflation. Taxpayers who sell their homes at a loss could deduct that loss as a capital loss.

Second, the bill would increase depreciation deductions for business equipment. Currently, depreciation deductions do now allow businesses to recover the true economic cost of their business investment. The bill would increase depreciation deductions to approach the economic equivalent of expensing. The bill would also increase to $25,000 the amount a small business could expense annually.

The bill would raise the current estate and gift tax exemption equivalent to $750,000. It would also clarify the home office deduction in instances where the taxpayer conducts essential administrative or management activities in his or her home.

The bill also would empower taxpayers to allocate a portion of their tax liability to a public debt reduction fund. These funds would be strictly earmarked for national debt reduction. Under the law, Congress would be required to cut spending equal to the amount designated by taxpayers. If these cuts are not realized, an across-the-board sequester would be imposed.

Significant regulatory relief would also be provided by the bill. Federal agencies would be required to assess the risks and cost of regulations they impose. Federal agencies would be forced to announce the cost of their policies and to complete regulatory impact analyses.

Congress doesn't get off the hook either. Congress would be required to report the cost of mandates it imposes on State and local governments.

The bill would reduce the paperwork burden imposed on American businesses by 5 percent and limit the government's ability to impose undue burdens on private property owners.

Since I was first elected to Congress, I have been fighting for capital gains tax relief and other savings and investment incentives. This bill provides these incentives. It lowers taxes on investment and reins in government regulation to create additional jobs, raise wages, and recognize private property rights.

Last November, the voters told us that they wanted lower taxes and less government. This bill, along with other bills in the Contract With America, provides just that.

INTRODUCING THE UNFUNDED MANDATE REFORM ACT OF 1995

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. ROB PORTMAN

OF OHIO

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CLINGER. Mr. Speaker, today we are introducing legislation to help end the practice of Congress imposing crippling mandates on State and local governments without knowing the cost of such mandates or providing the funding to carry them out. For too long, Congress has imposed its own agenda on State and local governments without taking any responsibility for the costs. And the costs are staggering—in 1993, unfunded Federal mandates cost States tens of billions of dollars, counties approximately $4.8 billion, and cities $6.5 billion. But cost is not the full story. Unfunded mandates force State and local governments to reduce vital services and/or increase taxes, revamp their budgets and reorder their priorities. This is not the kind of Federal-State-local government partnership the Founders envisioned. We need a new kind of federalism.

Our bill, the "Unfunded Mandate Reform Act of 1995," requires authorizing legislation containing a mandate on State and local governments or on the private sector to include a Congressional Budget Office estimate of the costs of such mandate. Any mandate imposing annual aggregate costs of $50 million or more on State and local governments would be subject to a vote on the House floor and, unless a majority of Congress overrides a point of order, the mandate must be funded or those mandates will not become effective. Alternatively, an authorizing committee may reduce the programmatic or financial responsibilities of State and local governments consistent with the level of Federal funding that can be provided. Any mandate that does become effective in 1 year shall be repealed at the beginning of the first fiscal year for which funding has not been provided.

This mandate relief legislation also requires each agency to assess the effects of Federal regulations on State and local government and the private sector and to minimize regulatory burdens imposed by such mandates. Federal agencies must prepare, under our legislation, statements describing, among other things, the costs and benefits of mandates to State and local governments and to the private sector. This is designed to make the regulatory process more sensible and accountable.

Although the mechanisms in our legislation apply to prospective mandates, we have also created a commission to review all existing mandates for purposes of streamlining or eliminating those that no longer make sense. The Commission on Unfunded Federal Mandates will make recommendations to the Congress within 1 year of its formation.

Currently, Members of Congress consider legislation containing unfunded mandates without any information on their cost to State and local governments and the private sector, without a separate debate in committee and on the House floor and without recorded votes on the issue. As a result, there is no honesty in the process, no accountability for this irresponsible practice. Our legislation will change all that. It will also establish a sensible and long-overdue rule that Congress shall not impose Federal mandates on State and local governments without providing adequate funding to comply with such mandates.

PLAY BALL

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. WILLIAMS. Mr. Speaker, big league ballplayers, major league team owners: play ball!

Today, we are witness to a collective bargaining impass that endangers not only the 1995 season but the game itself.

I have today introduced legislation to provide mandatory and binding arbitration if the parties fail to reach agreement.

Collective bargaining in this country works very well. The public, through their government, should intervene only in a crisis. We now have reached a crisis in the well-being of our national pastime.

INTRODUCTION OF THE REGULATORY SUNSET ACT OF 1995

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CHAPMAN. Mr. Speaker, today I am pleased to introduce the Regulatory Sunset

Act of 1995. This legislation, which I first introduced in the 103d Congress, will put a framework in place to curb the excessive costs of both current and future federal regulations. The concept is simple.

Regulations which are obsolete, inconsistent, duplicative, or impede competition will be abolished or modified. Not only will future regulations, which cause an unnecessary burden be affected, but the thousands of existing regulations would be placed under intense review and scrutiny by the Regulatory Sunset Act of 1995. As the 104th Congress begins the process of reviewing the Federal regulatory system, it is important that this combined focus not be forgotten.

This issue of Federal regulatory reform has not been born overnight. Since 1978, each administration has tried to curtail the impact of Federal regulations. Unfortunately, these attempts have not made much of a difference as total regulatory costs exceed $500 billion annually. This burden on the American taxpayer must be reduced, and the only way to effectively do that is to take a serious look at existing regulations.

I believe my legislation achieves the goal of reducing excessive existing regulations, while ensuring future regulations are not overburdensome. The Regulatory Sunset Act of 1995 will mandate the automatic termination of agency regulations that do not measure up to criteria outlined in the bill. All existing regulations will sunset in 7 years unless reauthorized and new regulations promulgated after enactment of this bill will be subject to a three year sunset unless reauthorized. Once a regulation has been reauthorized, it will be subject to continuous review every 7 years thereafter.

The bill also establishes a Regulatory Sunset Commission that will review agency recommendations on regulations and has the final authority over whether regulations should be continued, terminated, or modified. If the Commission recommends modification of a regulation, it provides time for agencies to make appropriate modifications so the regulation can then be continued.

While certain Federal regulations are necessary to meet statutory requirements and protect the environment and health and safety of individuals, excessive regulatory burdens have impacted our ability to ensure an expanding economy. It is past time to address regulations that have unintended adverse impacts. I urge my colleagues to cosponsor the Regulatory Sunset Act of 1995 and join me in taking a new approach to reforming our regulatory program.

"POVERTY'S TRAP"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. DINGELL. Mr. Speaker, I agree with your statement before the House that today is an historic day. In the elections of 1992 and 1994, Americans gave their elected leaders a clear signal that they expect the Federal Government to do a better job in spending the Nation's treasure and tending to the needs of its citizens.

As we continue the debate begun by President Clinton, Vice President GORE, and the 103d Congress to reform the operations of the Federal Government, I believe it is important that we not lose track of needs of ordinary Americans. People who must live with the fears and anxieties created by job insecurity, global competition, and rapid technological change clearly feel caught in the middle of these forces. Their faith in Government to help solve these problems is badly shaken.

Two years ago, the President and Congress began a process of deep budget cuts and Government reorganization. Contrary to assertions made about failure, the 103d Congress put forth a $500 billion deficit reduction plan which has more than met its target—it is now estimated that the 1993 deficit reduction plan will result in close to $700 billion in savings. Congress achieved true reductions in Government spending in a manner which lessened the deficit, reduced interest rates, and allowed capital expansion and vigorous economic growth—while containing growth-killing inflation.

What does this mean for middle Americans? Employment levels are at their highest in years. In fact, between January, 1993 and September, 1994, more jobs were created than in the previous 4 years combined. Lower interest payments on the Federal debt meant banks could make loans to small businesses and families at lower rates. Millions of homeowners were able to save thousands of dollars on their home mortgages. Retail sales were up more than four times as compared to the previous 4-year period. By all indications, the 1993 deficit reduction plan continues to give direct benefits to American families.

As the 104th Congress begins its debate to further reduce the deficit and make Government services more effective, it is crucial that the changes adopted by this Congress help those Americans who are still trying to catch up from the excesses of the failed supply-side economic strategies. Mr. Speaker, I commend to your attention to an editorial published earlier this week in the Detroit Free Press, which very succinctly lays out my belief that Congress must fight to protect the interests of our Nation's working families. As this debate about our future begins, let us not forget them.

[From the Detroit Free Press, Jan. 2, 1995]

POVERTY'S TRAP—THE POOR STILL GET POORER, EVEN IN A HEALTHY ECONOMY

When Michigan's unemployment rate is at an unprecedented low, why are so many people in our state still poor?

By 1988, as the supply-side Reagan administration drew to a close, some observers were fretting that the share of national income held by the poorest fifth of U.S. households had dropped to 4.6 percent. But that figure has declined even further, to just 3.6 percent by 1993.

Meanwhile, the richest 20 percent of U.S. households now control nearly half the nation's income, the highest percentage recorded since this statistic has been kept. The numbers also show a deterioration in the proportion of wealth held by people in and around the middle.

Some analysts argue that this divergence reflects an educated, well-paid elite pulling ahead of the rest of American society. But the statistics also may suggest how many jobs are not what they used to be: More jobs are part-time, or temporary, or full-time but without benefits. Even solid jobs can vanish in the blink of an eye; ask your neighbors who work at Kmart and Perry headquarters about that.

Michigan has had plenty of experience with what happens when factory jobs dwindle and corporations downsize. The next job is rarely as good. So it's not surprising that our cities, where these trends come together, are especially afflicted by poverty and the maldistribution of income.

Among the nation's 10 biggest cities, Detroit ranked second only to New York in disparity of income between rich and poor, according to an analysis of 1990 Census figures recently prepared for the New York Times. Detroit's top fifth of earners had the lowest average income among their counterparts in the largest cities. And Detroit's poorest group was an even more distant also-ran in its category.

We dare not underestimate the economic difficulties facing urban residents and people who struggle everywhere else in Michigan. Good jobs may not be where they live. It may take a succession of jobs, or a combination of jobs, to sustain a family. And job loss can hit anywhere, anytime.

A booming overall economy may be a necessary condition for reducing poverty. But as too many Michiganians know, it is not by itself a sufficient condition. Elected officials, and the people who put them in office, ought not forget that.

INTRODUCTION OF THE GUN BAN REPEAL ACT OF 1995

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CHAPMAN. Mr. Speaker, today, I am introducing—along with 21 original cosponsors—the Gun Ban Repeal Act of 1995. I encourage Members to join us in cosponsoring this important legislation.

As you know, the 103d Congress enacted the ban on so-called assault weapons and certain ammunition feeding devices by the narrowest of margins. The Gun Ban Repeal Act will undo that well-intentioned, but misguided, approach to combating gun violence in our society.

My legislation will delete from Public Law the provisions which outlaw the specified firearms and ammunition feeding devices. This bill will effect no other provision of the Violent Crime Control and Law Enforcement Act of 1994, and it will do nothing to hinder the ability of the House to enact new crime control legislation. The Act simply serves as the proper vehicle for the majority of the membership of the House—both Republicans and Democrats—to remove the most objectionable gun control measure enacted by the previous Congress.

I urge my colleagues to cosponsor the Gun Ban Repeal Act.

HONORING DR. STEPHEN K. ROBINSON

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. BAKER of California. Mr. Speaker, remarkable Americans deserve recognition by the Congress, which is why I am glad to honor Dr. Stephen K. Robinson for his recent selection as a mission specialist for future flights of the Space Shuttle by the National Aeronautic and Space Administration.

Dr. Robinson is a 1973 graduate of Campolindo High School in Moraga, which is located in my District in the East Bay area of California. Currently a research scientist in the Fluid Mechanics and Acoustics Division of NASA's Langley Research Center in Hampton, VA, Dr. Robinson will serve as one of several mission specialists on future Space Shuttle flights. He will relocate to Houston in March of next year to begin 1 year of training at the Johnson Space Center, during which he will learn how to operate and integrate the dozens of systems used on the Shuttle.

Dr. Robinson graduated from the University of California, Davis in 1978 with a degree in mechanical/aeronautical engineering. He went on to obtain masters and doctorate degrees in mechanical engineering from Stanford University. Dr. Robinson's parents, William and Joyce Robinson, continue to reside in Moraga.

Mr. Speaker, Dr. Robinson deserves high praise for being chosen in a very competitive process. His appointment is testimony to his diligent pursuit of professional excellence, and I am pleased to commend this outstanding East Bay native for his contributions to our country.

HONORING THE GREENPOINT LIONS CLUB AND BUD MADDEN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the Greenpoint Lions Club, and its newest Melvin Jones Fellow, Bud Madden.

The Greenpoint Lions Club was organized on December 1, 1939, and sponsored by the Brooklyn Lions Club. Past presidents of the Greenpoint Lions Club are practically a Who's Who of Greenpoint.

The Greenpoint Club is one of more than 60 area clubs, comprising a district which includes Brooklyn and Queens. This district is part of a larger district covering New York State and Bermuda. The local district joins with other clubs in 178 countries and geographic areas, making the Greenpoint Lions Club a member of the largest service organization in the world.

Every year the Club raises money and names a Melvin Jones Fellow to help fulfill its motto, "We Serve." And who have they served? The Lions give their steadfast support to the YMCA, Greenpoint Volunteer Ambulance Corps, Little League, Polish National Alliance, churches, Scouts and the local police department, parks and playgrounds. Others in need only have to ask.

The club has recently sponsored the Toys For Tots program, providing gifts, clothing and toys at holidays throughout the Greenpoint community. In addition, old eye glass collection boxes have been filled many times, adding to the club's spirit of service to the needy. Melvin Jones Fellowships continue to grow because of its outstanding contributions, especially to "Campaign Sight First."

I ask that my colleagues join me in saluting the Greenpoint Lions Club and Bud Madden for all the of the wonderful work they do. Their tremendous community spirit and efforts to improve the lives of those in need is an inspiration to us all.

TRIBUTE TO ROSE WHITE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mrs. Rose White, a prominent member of the Third Congressional District of Illinois, who celebrated her 80th birthday on December 9, 1994. I would like to share with my colleagues the notable accomplishments that have highlighted Mrs. White's life.

Rose White was born of immigrant parents in Chicago, IL on December 9, 1914. Growing up as one of nine brothers and sisters during the Great Depression, Rose learned the value of hard work and family unity. She demonstrated her commitment to work and family during the Second World War when she juggled both a factory job and three young children while her husband fought the war overseas. After the war, in 1947, Rose and her husband became homeowners and settled with their four children in the Garfield Ridge community on the southwest side.

In addition to being a model homemaker and mother, Rose has always been an active member of the Garfield Ridge community. Her membership in the Democratic Club of Garfield Ridge led to her career as a Judge for the Board of Elections at the 23d Ward, a position she has held for 35 years. Rose is also a member of other various community organizations. For example, Rose is a member of the Garfield Ridge Civic League and has held the offices of Treasurer and Membership Chairperson. She has served as treasurer of the Garfield Ridge Council of Organizations during her 10-year membership. She is a welcome member of the American Legion Auxiliary and local VFW. In the past she has served as an advisor to the Junior Auxiliary of the American Legion and was an active member of the Byrne and Kinzie Elementary School Parent Teacher Organization. Plus, in her spare time, Rose relaxes with the Garfield Ridge Garden Club and volunteers at the Regional Veterans Administration Hospital.

Rose has filled her 80 years of life with family, friends, hard work, dedication, and service to her country and community. She is a model citizen and deserves to be commended for her outstanding accomplishments. I am sure that my colleagues would like to join me in congratulating Mrs. Rose White on her 80th birthday and encourage her to continue in all her endeavors. With best wishes I hope that Rose's life continues to be an adventure and offers her many more pleasant memories.

MAKE PROFESSIONAL BASEBALL SUBJECT TO THE ANTITRUST LAWS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, the game of baseball has provided Americans of all ages with a source of entertainment since the first professional game was played in 1869. It truly is the American past-time. But in recent years ugly labor disputes have tarnished the game and hurt baseball fans. One of the reasons why the players have felt compelled to go on strike—including the present strike action—is that the baseball owners are exempt from U.S. antitrust laws.

As a former athlete from the University of Pittsburgh, and a staunch supporter of all working people, I believe that this is a detriment to the great game of baseball. The antitrust exemption has denied the players the same bargaining tools and leverage currently enjoyed by other professional athletes. While I won't even attempt to characterize athletes whose average salary is well over $500,000 a year as victims, they should be afforded the same rights and bargaining opportunities as other professional athletes.

Clearly, the American people aren't concerned with the details of the dispute. They don't care about salary caps, free agency or arbitration. All they want is for the bickering and posturing to end, and for the umpires to yell "Play Ball!" Since the players went on strike last August, all efforts to mediate the dispute have failed. Clearly, the owners have indicated that they no longer have the best interests of baseball in mind and they have lost the trust Congress placed in them back in 1922 when they moved to exempt Major League Baseball from U.S. anti-trust laws. Removing this exemption may be the only way to end the strike and save the 1995 season.

That's why today I am introducing the Professional Baseball Antitrust Reform Act of 1995. This bill provides that professional baseball teams and leagues composed of such teams shall be subject to all antitrust laws. The bill also states that the Congress finds the business of organized professional baseball is in, or affects interstate commerce, and therefore the existing antitrust laws should be amended to reverse the result of the decisions of the Supreme Court of the United States, which exempted baseball from coverage under those laws.

In introducing this legislation, I am not professing to take sides in the dispute. I believe both parties share some of the blame for the sorry state of the game of baseball. My desire is to force the union and the owners to sit down, negotiate in good faith, and come to an agreement that both sides can live with. Professional football and basketball are both subject to U.S. anti-trust laws. Interestingly enough, both sports are doing extremely well financially, both sports have salary caps—andplayer income has never been higher. Professional baseball players and owners should stop posturing and take a look at basketball and football (it's not hard to do—with the National Hockey League owners locking the players out there's not much else for them to watch).

Owners take heed: enactment of my legislation won't bankrupt the game nor would it prevent you from imposing a salary cap. Players: Don't think that this bill will be a panacea for all your problems. Bargain in good faith and remember that most Americans would give their right arm to be a bench warmer for a Major League team and earn $150,000 for 6 months work. Think about it.

Mr. Speaker, I urge all of my colleagues to co-sponsor the Professional Baseball Antitrust Reform Act of 1995.

HONORING THE LIFE OF ELIZABETH GLASER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to one of the most incredible women I have ever known; and to mourn her premature death.

On December 4, Elizabeth Glaser's life was cut short by complications from the AIDS virus. Infected from a blood transfusion, Elizabeth dedicated the last years of her life to heightening our awareness of this horrible disease. Elizabeth inspired us all when she spoke at the 1992 Democratic national convention about her experiences. In a speech which moved all those who saw it, she pleaded with the world not to forget about the youngest victims of AIDS, including her two children.

Struck by the lack of attention to children affected by the HIV virus, Elizabeth helped found the Pediatric AIDS Foundation. Dedicated to the memory of her first daughter Ariel, this foundation raised millions of dollars for pediatric AIDS research, and has provided support to dozens of children and families affected by the disease.

But more than anything, Elizabeth taught us that life's joy does not have to end, even under the most horrible of circumstances. Try as it might, AIDS never robbed Elizabeth of love for life, nor her desire to help those in need. Speaking about her daughter, Elizabeth once said, "She taught me to love when all I wanted to do was hate. She taught me to help others when all I wanted to do was help myself."

Mr. Speaker, I would ask that my fellow colleagues not forget the lessons of Elizabeth Glaser, and to join me in sending our deepest condolences to her husband Paul and son Jake. We have a responsibility to fight this horrible disease on all fronts, and to never abandon its victims. Elizabeth Glaser helped us realize this fact, and now it is our job to carry her legacy forward.

THE INTRODUCTION OF H.R. 16

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. DINGELL. Mr. Speaker, half a century ago, my father introduced into the House a bill providing for a program of national health insurance. In each of the past 18 Congresses I have introduced this bill, both as a testament to the wisdom of the 1943 Murray-Wagner-Dingell bill and as a hopeful harbinger of an enlightened change in our Nation's approach to health care. In almost every decade since, hopes were high that such a program might be enacted.

The bill contains the seeds of the essential elements of a viable national plan: Universal coverage, cost containment, malpractice reform, and a fair financing system that puts competitiveness first.

For fully 40 years, the introduction of this bill has reminded us of the justice, wisdom, and necessity of national health insurance. The consequences of our inaction are apparent. No more families need be ruined, nor more industries destroyed, for our imperatives to be clear. Let us move forward, with the lessons of history as our guide, to finally enact national health insurance.

AMERICAN DREAM RESTORATION ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRANE. Mr. Speaker, today I have the distinct honor of introducing the American Dream Restoration Act as the bill's principal sponsor.

As 1 of 10 bills derived from the Contract With America, this legislation will enable American families to use more of their hard earned income to save, to invest, to pay for their children's education, to buy a home, to pay for medical expenses, or to use in whatever way they so desire. The American Dream Restoration Act is divided into three sections, and I would like to briefly explain each provision for my colleagues.

The first section provides for a $500 per child tax credit for dependents under the age of 18. The full credit would be available to families with adjusted gross incomes under $200,000.

The bill's second provision eliminates what is referred to as the marriage penalty. Under the current Internal Revenue Code, many married couples pay higher taxes than they would by filing two individual returns. In order to end this inequity, families currently subject to the marriage penalty would be entitled to a tax credit.

The final provision of the bill is referred to as the American dream savings [ADS] account and would establish a new back-ended individual retirement account [IRA]. The ADS account would allow a nondeductible contributions of up to $4,000 for a married couple filing a joint return—$2,000 for an individual—beginning in 1996. Tax-free distributions for first-time home purchases, education, medical expenses, and retirement would be allowed if the money is held in the account for at least 5 years.

Mr. Speaker, it comes as no surprise to American taxpayers to find that when you combine their Federal, State, and local taxes, they are currently being taxed at all-time record high levels. Tax relief for American families is long overdue. With a new majority in Congress, we now have the opportunity to change direction. Indeed, we have a mandate from the voters to dramatically change direction. This is a mandate that no one can ignore. I look forward to working with my colleagues, both Democrats and Republicans, toward the goal of making the American Dream Restoration Act a reality.

I would like to close this statement on a personal note. In the years that I have served in Congress, I have fought for tax relief, only to see it thwarted or reversed at a later date. I have been true to my philosophy of less spending and lower taxes, only to see the majority in Congress reject this philosophy year after year. I cannot possibly convey to my colleagues what it is like for me, after 25 years in which my political views have been the minority in the House of Representatives, to now have this opportunity to change the direction of Congress. Congress has been on a course that has been destroying the economic well-being of the family and it is absolutely critical that we change course. I am honored to serve in this Congress and play a part in the effort to make a change.

HONORING THE ST. NICHOLAS NEIGHBORHOOD PRESERVATION CORPORATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. MALONEY. Mr. Speaker, I rise today in recognition of the 19th anniversary of the Saint Nicholas Neighborhood Preservation Corp.

St. Nicks, as it is commonly known, came into existence in response to a catastrophic fire which left 18 families homeless. Through the spirit of volunteerism, the families were resettled and the group began looking at rebuilding on the vacant lot and rehabilitating an adjacent building. From that point in 1975, St. Nicks has flourished and grown under the guidance of the Pratt Center for Community and Environmental Development into an organization that provides comprehensive services to revitalize and redevelop the Greenpoint/Williamsburg areas of Brooklyn.

Its 19 years of experience with Brooklyn's housing issues has allowed St. Nicks to accomplish some truly amazing feats. It has redeveloped or constructed over 25 units of low- and moderate-income housing, including senior housing, housing for homeless families, and two-family homes. St. Nicks also assists over 300 families and individuals each year with tenant advocacy services and homelessness prevention programs.

In addition, St. Nicks provides economic development programs in an effort to revitalize the economic base of the Greenpoint and Williamsburg areas of Brooklyn. The services provided by St. Nicks include job training, securityplayer income has never been higher. Professional baseball players and owners should stop posturing and take a look at basketball and football (it's not hard to do—with the National Hockey League owners locking the players out there's not much else for them to watch).

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In addition, St. Nicks provides economic development programs in an effort to revitalize the economic base of the Greenpoint and Williamsburg areas of Brooklyn. The services provided by St. Nicks include job training, securitypatrols, and development of an industrial park day care center.

Mr. Speaker, the St. Nicholas Neighborhood Preservation Corp. is the type of organization that we would all like to have behind us in times of need. It is incredible to think that a horrible fire would give birth to such a wonderful organization, and I ask that my colleagues join me in saluting the 19th anniversary of St. Nicks.

TRIBUTE TO BOB KRIEBLE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Bob Krieble, a gentleman whose extraordinary humanitarianism and dedication to the development of democracy and capitalism in the Russian Republics is truly commendable. As founder of the Krieble Institute, Bob Krieble has committed his vast expertise and resources to teaching the people of the Russian Republics the fundamentals of success in a Democratic and Capitalist society. In fact, Bob Krieble has been responsible for training literally thousands of individuals in the basics of developing businesses and promoting economic growth. To this day, Bob Krieble travels extensively for this purpose, conducting seminars designed to educate the Russian leadership and share his knowledge of the principles of a capitalist economy. Indeed, Bob Krieble's knowledge and experiences were well received in his recent testimony before the Helsinki Oversight Committee.

As the 104th Congress commences, Members should take note of Bob Krieble's efforts as we strive to reestablish a bipartisan foreign policy designed to spread democracy and economic freedom throughout the Russian Republics. His work is truly representative of the commitment needed to ensure the successful transition to democracy and capitalism in the Russian Republics.

Mr. Speaker, a short time ago, remarks entitled "The cold warriors" were delivered by radio commentator Paul Harvey in recognition of the philanthropy of Bob Krieble. This piece was broadcast on over 2,000 radio stations, including the ABC radio network. I respectfully submit this commentary and request that it be entered into the RECORD.

THE COLD WARRIORS

RADIO COMMENTARY OF PAUL HARVEY

The Cold War did not end by default. It was fought and won by the persistent efforts of some uncommon Americans.

The late Jerry Wiesner was a casualty of that war. His shuttle diplomacy resulted in a stroke which should surely earn him a Purple Heart.

The subsequent efforts of Bob Krieble merit a Silver Star.

Thirty-five years ago, with money borrowed from friends and neighbors, he started the Loctite Corporation. With inventiveness, diligence and long hours he built Loctite into a Fortune 500 Corporation owning scores of patents in silicones and anaerobic adhesives.

Krieble was seventy—what many consider retirement age—when he undertook a more enormous challenge: to re-educate the communist countries of the old USSR to social democracy and economic capitalism.

His Krieble Institute has since trained more than 10,000 students from the former Soviet Empire in how to start a business, how to distribute goods and services, how to run a public office.

Bob Krieble is bankrolling this training and dispatch of pragmatic missionaries mostly out of his own pocket.

His meetings with world leaders including the Russian leadership continue at a frenetic pace. At 78 his missionary zeal and energy are undiminished.

And he has recruited other retired executives for his seminar trips, re-mobilizing the brain power that formerly ran such corporations as Otis Elevator, Thibaut de St. Phalle and the U.S. Export-Import Bank.

Krieble's "trainers" share their vast business and political experience with struggling entrepreneurs and democratic leaders in the now fragmented Russian Republics "freely." They even pay their own travel expenses.

In one after another of the world's backward nations "white missionaries" are being excluded.

But Krieble's capitalist crusaders are welcomed everywhere.

While government agencies imagine that a transfusion of dollars will resurrect democracies which never were . . .

Bob Krieble and his fellow "ambassadors" are sharing their lifetimes of experience in the spawning and care and feeding of competitive capitalism.

The "way of life" which has prospered us above all others is being introduced to a generation that had been taught that capitalism was their enemy.

Bob Krieble will tell you that his efforts are not entirely altruistic. With the awesome weapons now available he does not want his grandchildren to live in fear of incineration.

And so he goes . . .

Airliner to airliner carrying his luggage . . .

Shuttling around the world in a tedious pilgrimage . . .

Educating all who will listen get off the self-pity-pot and get on their feet and reach for the stars.

TRIBUTE TO JOHN T. STIBICH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. John T. Stibich, former chief of detectives with the Chicago Police Department, who retired this month after 38 years of service. I would like to share with my colleagues Mr. Stibich's numerous accomplishments which made him an invaluable member of the Chicago Police Department.

Mr. Stibich became a Chicago police officer after serving 4 years in the U.S. Navy. He started as a patrol officer in 1956 and was quickly promoted into the detective division. His strong leadership abilities and tremendous dedication earned him several promotions and prestigious positions throughout his years on the force. For example, he has served as commanding officer of area 1 Special Operations Group, commanding officer of area 4 Homicide/Sex Section, commander of the 20th district, Commander Detective Division area 3, deputy chief of Detective Division field group A, and the list goes on. For the past 3 years, Mr. Stibich has served as chief of detectives, coordinating all investigations and operations of the Detective Division for the city of Chicago. He was also responsible for the implementation of a $52 million budget and the supervision of over 1,000 sworn and civilian members of the Chicago Police Department.

Mr. Stibich is a natural leader. He has always been a strong role model for rookie Chicago police officers. He has even instructed courses at the Chicago Police Academy. Mr. Stibich will be greatly missed by his colleagues in the Chicago Police Department. He will be equally missed by the city of Chicago. The city is extremely grateful for the service and protection Mr. Stibich has provided over the past 38 years. Mr. Stibich should be proud of the years of service he has dedicated to the community.

I am sure that my colleagues would like to join me congratulating Mr. John T. Stibich for his exemplary service over the past 38 years. Because of the efforts of dedicated individuals who, like Mr. Stibich, place the safety and well-being of others above their own, our Nation is a better place to live. I thank him for a job well done.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 5, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 6

9:30 a.m.

Joint Economic

To hold hearings on the employment-unemployment situation for December.

SD–538

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine issues involving municipal, corporate and individual investors in derivative products and the use of highly leveraged investment strategies.

SD–106

JANUARY 10

9:00 a.m.

Budget

To hold joint hearings with the House Committee on the Budget to review congressional budget cost estimating.

345 Cannon Building

Labor and Human Resources

To hold hearings to examine Federal job training programs.

SD–430

9:30 a.m.

Armed Services

Organizational meeting to consider committee business.

SR–222

Select on Intelligence

To hold hearings to examine world threat issues.

SH–216

10:00 a.m.

Judiciary

Organizational meeting to consider committee business.

SD–226

JANUARY 11

9:00 a.m.

Labor and Human Resources

To continue hearings to examine Federal job training programs.

SD–430

10:00 a.m.

Appropriations

Organizational meeting to consider subcommittee membership, committee rules of procedure, and committee budget for the 104th Congress.

S–128, Capitol

JANUARY 12

9:00 a.m.

Labor and Human Resources

To continue hearings to examine Federal job training programs.

SD–430

JANUARY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings to review structure and funding issues of the Bureau of Indian Affairs.

SR–485

SENATE—*Thursday, January 5, 1995*

The Senate met at 10 a.m., and was called to order by the Honorable DAN COATS, a Senator from the State of Indiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5, 6.

Mighty God who knoweth all things, Thou knowest the future of the 104th Congress in microscopic detail. Infuse the minds and hearts of the Senators with the reality that You have a perfect plan for the days that lie ahead. Help them to take this seriously, that they may walk and work in the light of God's direction. Grant them grace to follow the wisdom of Solomon, the wisest man who ever lived, that they may trust in the Lord with all their heart, that they may acknowledge Him in all their ways, and be guided through the milieu of legislation with all its difficulties, its pressures, its conflicts. Give them the confidence in God which guided our Founding Fathers through all the complications of revolution and the establishment of a new nation.

Thy will be done in this place as it is in Heaven.

In the name of Him who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 5, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN COATS, a Senator from the State of Indiana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COATS thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:15 a.m. is reserved for the two leaders.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, for the information of Senators, after the leader time, which will expire at 10:15 this morning, the Senate will resume consideration of Senate Resolution 14, the committee ratio resolution.

There is pending the Harkin amendment to the cloture rule on that resolution. Under a previous unanimous-consent agreement, the time for debate on the Harkin amendment is divided as follows: 30 minutes under the control of Senator BYRD; 45 minutes under the control of Senator HARKIN.

Following the debate time at 11:30 this morning, the majority leader or his designee will make a motion to table the Harkin amendment.

Therefore, all Senators should be aware that there will be a 15-minute rollcall vote at 11:30 this morning on the motion to table the Harkin amendment.

If the Harkin amendment is tabled, the Senate will immediately adopt the underlying resolution and begin consideration of S. 2, the congressional coverage bill. Senators should also be on notice that amendments are possible to S. 2. Therefore, additional rollcall votes are possible throughout the day. Also, it is the intention of the leadership to try to complete action on S. 2 this week.

MAKING MAJORITY PARTY APPOINTMENTS TO THE GOVERNMENTAL AFFAIRS COMMITTEE

Mr. COCHRAN. Mr. President, I send a resolution to the desk which has been cleared by both sides.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 26) making majority party appointments to the Governmental Affairs Committee for the 104th Congress.

Mr. COCHRAN. Mr. President, I know of no controversy surrounding the resolution.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 26) was agreed to as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committee for the 104th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. Grassley, Mr. McCain, and Mr. Smith.

Mr. COCHRAN. Mr. President, for clarification and explanation to the Senate, the resolution will permit the Governmental Affairs Committee, which is conducting a hearing this morning on the unfunded mandates legislation to proceed with that hearing while the Senate is in session. We hope that hearing will enable us to bring that legislation to the floor as soon as possible after the disposition of the congressional coverage bill, which we discussed earlier in the announcement.

Mr. President, I reserve the remainder of the leader time.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of Senate Joint Resolution 13 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE DEATH OF DR. ARCHIE H. CARMICHAEL

Mr. HEFLIN. Mr. President, I rise for a point of personal privilege to lament the death yesterday of Dr. Archie H. Carmichael III, of Tuscumbia, Sheffield, and Muscle Shoals, AL. He was a very distinguished physician. He was an internist. Dr. Carmichael graduated from Vanderbilt Medical School and practiced for many years in the Shoals area of Alabama. His grandfather, Archie H. Carmichael, served as a Member of Congress. He comes from a very distinguished family in Alabama. It is sad that he has passed away.

At some later date, I will have more to say about Dr. Carmichael.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Mississippi.

COMMENDING SENATOR HEFLIN

Mr. COCHRAN. Mr. President, first let me commend the distinguished Senator from Alabama for his introduction of the resolution on the subject of a constitutional amendment to balance the budget.

As the Senator knows, it has been an item of high priority in terms of planning for the legislative agenda for this new session of Congress. It is one of the three legislative measures that we hope to call up at the earliest time on the calendar for the attention of the Senate, for debate and for action.

We welcome, commend, and appreciate the support of the Senator from Alabama for this initiative. He has worked for many years on this subject and in a very effective and constructive way.

BILLS CONSIDERED READ A SECOND TIME

Mr. COCHRAN. Mr. President, I ask unanimous consent that all bills read a first time on January 4, 1995, be considered to have had their second reading and that objection to further proceedings thereon have been made.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDING PARAGRAPH 2 OF RULE XXV

Mr. HEFLIN. Mr. President, I will be at committee hearings on the balanced budget amendment shortly, but I would like to oppose the Harkin amendment. It is my judgment that the rules have been effective over the years and I do not feel that we ought to change the rules pertaining to cloture and the right of extended debate.

We sometimes have different alignments pertaining to membership relative to our parties and therefore Senate rules affect us. The rule regarding the right to extended debate can be a two-edge sword at times, and I do not believe it should be changed.

But, in my judgment, the Senate is a deliberative body and the Senate ought not just be a smaller House of Representatives. I think that the present rules are operating effectively. I add my voice to those that are advocating that we continue with the present rule that we have.

I yield the floor.

AMENDING PARAGRAPH 2 OF RULE XXV

The PRESIDENT pro tempore. Under the previous order, the hour of 10:15 a.m. having arrived, the Senate will now resume consideration of Senate Resolution 14, which the clerk will report

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of rule XXV.

The Senate proceeded to consider the resolution.

Pending: Harkin amendment No. 1, to amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn.

AMENDMENT NO. 1

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. BYRD] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, parliamentary inquiry. I understand we are under a time limit. Could the Chair inform the Senator what the time elements are right now that we are under?

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. BYRD] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. I thank the Chair.

Mr. President, continuing the debate we had last night and to inform Senators who may not have been here and who were attending receptions for newly elected Senators, et cetera, I understand that, but let me bring Senators and their staffs up to date as to where we are.

At 11:30 today, if I am not mistaken, we will have a vote, I understand a tabling motion, made by the majority leader to table the amendment that Senator LIEBERMAN, Senator ROBB, Senator PELL, and I offered yesterday to change the cloture rule, rule XXII. Our amendment would change rule XXII to provide for a new procedure for ending filibusters in the U.S. Senate.

We did not throw out the filibuster completely, but our amendment makes a very modest approach toward ending the gridlock that has gripped this place over the last several years and is increasing in intensity in gridlock in this place.

But our proposal says—and let me make it very clear what our proposal or our amendment says—that on the first cloture vote you need 60 votes to end debate. Then, if you do not get the 60 votes, you can file another cloture motion. You have to wait 2 more days, you have another vote. Then you need 57 votes to end cloture. If you do not get it, you can file another cloture motion—again you need the 16 signatures to do that—wait 2 more days and then you get another vote and then you need 54 votes to end debate. If you do not get that, you can file one more cloture motion, wait 2 more days, and then you need 51 votes to get cloture and move to the merits of a bill.

Utilizing the different steps along the way, this would provide that, to get to the merits of a bill, a determined minority of the Senate who wanted to filibuster could slow it down for 19 days, 19 legislative days, which would be about a month. That is just getting to the bill.

There are other hurdles as a bill goes through the Senate. In fact there are six. There is the motion to proceed, there is the bill itself, there is the appointment of conferees, insisting on Senate amendments, disagreeing with the House, and then there is the conference report. So there are a minimum of six hurdles. That is not counting amendments.

Of course, when a bill comes to the floor someone could offer an amendment and that amendment can be filibustered. All we are saying is that in that first initial time you need 19 days. If you added up all the hurdles under our proposal you could slow a bill down for a minimum of 57 days, 57 legislative days. That would translate into about 3 months. So it is a modest proposal. We are not saying get rid of the filibuster, but we are saying at some point in time a majority of the Senate ought to be able to end debate and get to the merits of the legislation.

A distinguished group of American independents, Republicans and Democrats, formed a group called "Action Not Gridlock." Former Senator Mac Mathias, Republican, was on the board. Former Senator Goldwater, former Gov. Robert Ray of Iowa among Republicans; there are distinguished Democrats on it; also, independents. They commissioned a poll last summer that showed that 80 percent of independents, 74 percent of Democrats, and 79 percent of Republicans said that when enough time was consumed in debate, that after debate a majority ought to be able to get the bill to the floor. That a majority ought to be able, at some point, to end the debate.

So, the American people want this. They want us to get away from gridlock.

Let me show again the Senators what I am talking about in terms of gridlock what has happened in the last two sessions of Congress. We can see the use of filibuster going back to 1917 and going up here to 1994. In the last session of Congress, we had twice as many filibusters as we had just from 1981 to 1986, the last time Republicans were in charge of the Senate. We had 10 times more filibusters in the last Congress than we did in the entire years from 1789 to 1960. Add up all those years, we had 10 times more filibusters in the last Congress than we did in all those years. I am saying 10 times more in the Congress, on an average in Congress, than we did in the years during that period of time.

Prof. Bruce Oppenheimer, from the University of Houston, wrote an article in 1985, I believe it was, about Congress reconsidered. He made an important point. Let me read from Professor Oppenheimer's treatise. He said,

> Congress in the late 20th century is under more severe time constraints than at any

> point in its history. Pressures in the political and social environment have periodically forced Congress to deal with problems of time.

For example, in the early part of the 19th century most Members of Congress were not full-time politicians. They could not stay in Congress for large stretches of time. Crops needed planting and harvesting, small businesses required regular attention. Transportation was slow and arduous. But what has happened now, as Professor Oppenheimer has pointed out, is that the time pressures on Congress have increased precipitously. And because of the increased workload of Congress there is more time pressure and, therefore, the power of one Senator to threaten to filibuster is increased. I think Senators ought to keep that in mind.

So what we have is a situation where in the 103d Congress we had 32 filibusters, twice as many as we had in the entire 19th century. Not so much because more Senators are using the filibuster. It is because a handful of Senators understand that one Senator, because of the increased time pressures here, one Senator threatening a filibuster can hold this place up. And thus we have had gridlock.

I think, Mr. President, that it is important or at least noteworthy, let me put it that way, it is noteworthy that the first vote of this new Congress in the Senate will be a vote on whether we slay this dinosaur called a filibuster. It will be our first vote. It will take place at 11:30, a little over an hour from now. Will we heed what the voters have said, that they want this place to change? That they want us to be more productive. Or is it going to be "business as usual?" Stick with a filibuster.

You know the very word "filibuster" conjures up images of the past, horses and buggies, outdoor privies, lamplighters. The very word itself conjures up the 18th and 19th century. So, the first vote of this session, are we for change? Or are we for the status quo? Did we get the message in the election? Or are we going to give the American people more of the same of what they had over the last several years?

Senators hold the key to gridlock. One hundred Senators here at 11:30 hold the key to gridlock. Now is a chance to use this key to open the door to fresh ideas and to a new approach.

I say to my friends on the other side of the aisle, this could be one of the most productive sessions of the Senate in recent history. I may not agree with everything that Republicans are proposing, but they are in the majority and they ought to have the right to have us vote on the merits of what they propose.

Now, as a member of the minority I ought to have the right to debate. I have the unrestrained right of amendment; Nongermane amendments. You will hear a lot of talk about we do not want this body to become like the House. No, I do not either. You will hear about protections for minorities. And for small States and things like that. Those protections are written into the Constitution of the United States and cannot be taken away but by constitutional amendment. We have the right of unfettered debate in the Senate. We have the right to amend with nongermane amendments. We do not have a rules committee that tells us what we can offer and what we cannot offer. This gives the protections to the minority. And, yes, the right to slow things down. I want that right as a minority. I want to be able to slow down things if I think they are going too fast or going in the wrong direction. But, I do not believe that I as a member of the minority ought to have the right to absolutely stop something because I think it is wrong, that that is rule by minority.

Well, I just say if we do not use this key that we have, this key to open the door to get rid of the filibuster, if we do not, I can assure Senators and I can assure the American public that this trend in the use of filibuster is going to continue. This line next time will be even higher. I can assure you that will happen unless we get rid of the filibuster. If we maintain the filibuster, the American people will look to the Senate and say "We elected a bunch of new Senators but 'business as usual.'"

Maybe I might just give a fair warning to my friends on the other side of the aisle. I think the American people were fed up with the way this place was operating. If they see it as "business as usual" and we continue this filibuster, my fair warning to my friends on the other side, 2 years from now it could be the other way around.

I know it is a tough vote. It will be a tough vote for Senators to come here and to vote to give up a little bit of their personal power, their personal privileges that they have here. I mean, I have a lot of power. One Senator has a lot of power under the present filibuster rules. I think for the good of this institution and for the good of this country we have to give up a little bit of our privilege and a little bit of our personal power for the good of this country. I do not blame Republicans for using the rules as they did last time. They used it fairly.

They used the rule that exists to stop legislation that they considered bad. Again, I do not know that that is the proper procedure for us. We have protections for the minority. As the USA Today editorial pointed out, the Constitution of the United States divides powers, provides for the separation of powers, splitting Congress into two parts and dividing Government among three branches, guaranteeing basic rights in the Constitution. We have those that protects the minority.

But I will close with my opening remarks, with this quote:

> It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasoning minority to paralyze the Senate and America's legislative process along with it.

I could not have said it better, and it was said by Senator ROBERT DOLE, February 10, 1971.

If Senator DOLE thought the filibuster was bad in 1971, certainly when we are down here, the filibuster has increased at least threefold on an annual basis since then. So it is time to get rid of this dinosaur. It is time to move ahead with the people's business in a productive manner.

Mr. President, I yield the floor, and I retain the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Iowa is a man of whom I am very fond. I admire him greatly. I admire his spunk, his courage, his tenacity, his determination to do what he thinks is the right thing. He serves on the Appropriations Committee with me and is a fine member of that committee and an excellent chairman of a subcommittee, but he is wrong in this instance.

He refers to the matter of unlimited debate as a dinosaur. He refers to unlimited debate as a dinosaur. He calls the filibuster a dinosaur and has introduced a measure now that will kill this dinosaur. Mr. President, what he is doing here is, he is bringing a sledge hammer into the Chamber to kill a beetle—a beetle—not a dinosaur.

I note the presence on the floor of our colleague who is also a cosponsor of the resolution, the Senator from Connecticut. Does he wish to speak at this point? I would be happy to yield the floor for now.

Mr. LIEBERMAN. Mr. President, I thank the distinguished Senator from West Virginia. I would be most happy to listen to him for a while. I thank him very much for his courtesy.

Mr. BYRD. Mr. President, freedom of speech is of ancient origin. The Senators in the Roman Republic exercised freedom of speech. There were no inhibitions on the freedom of speech. The same thing was true with respect to the members of Parliament. Henry IV, who reigned from 1399 to 1413, publicly declared that the Commons and the Lords should have freedom of speech. There would be no inhibitions on their right to speak freely or to be questioned concerning their speeches.

In 1689, when the Commons designated William III of Orange and Mary as joint sovereigns, the Commons first extracted from William and Mary assurance that they, William III and Mary, would agree to a Declaration of

Rights, to which they did agree. And then, in December of 1689, that Declaration of Rights was put in the form of legislation, and it has since been known as the English Bill of Rights.

In that English Bill of Rights, freedom to speak in Parliament was assured, and no member of Commons or the Lords could have his speech questioned or challenged in any place, I believe the words are, "out of Parliament." In that English Bill of Rights, there is that guaranteed protection of freedom of speech. It is found in article 9 of the English Bill of Rights, and our forefathers copied that language almost word for word as it appears in section 6 of article I of the United States Constitution.

So there is the evidence from ancient times of the desire of free men and the needs of free men to be able to speak freely.

There were early examples of extended debate, unlimited debate, the so-called filibuster, the "dinosaur." Cato utilized this dinosaur in the year 60 B.C. to prevent Caesar from having his way. Caesar wanted to stand as a candidate for consul. He had to be in Rome, the city itself, in order to stand as a candidate. But he was not in the city. He also wanted to be awarded a triumph. He had to be outside the city and come into the city for a triumph. So Caesar's friends in the Senate offered legislation to allow Caesar to stand for consul, the office of consul, while absent from Rome.

Cato frustrated the friends of Caesar by filibustering. The Roman Senate adjourned at sunset each day, and Cato used the time —this is Cato II, Marcus Porcius Cato Uticensis who committed suicide in the year 46 B.C. after Caesar won the battle of Thapsus.

Cato committed suicide because he knew that Caesar was coming to Utica. Cato urged the officers and other people in the military to flee, and he offered to give them the money so that they might leave Utica before Caesar arrived. He advised his own son to go to Caesar and to surrender to Caesar, but Cato did not take his own advice. He stayed in Utica and committed suicide in 46 B.C.

But in 60 B.C., Cato spoke at length in the Roman Senate to spin out the day, and he defeated the designs of Caesar's friends by the use of a filibuster. So we have a successful filibuster in the Roman Senate 2,055 years ago. I have not yet read that anybody arose on the Senate floor on that occasion to accuse Cato of resorting to a dinosaurian action to frustrate the wishes of Caesar and the designs of his friends in the Senate.

Unlimited debate—the filibuster—is of ancient origin.

Well, the distinguished Senator from Iowa says, "I cannot find it in my Constitution that we must have unlimited debate in the Senate." I do not find it either. But we will find in this Constitution that each House may determine the rules of its own proceedings.

Mr. HARKIN. Might I ask an inquiry on that one point?

Mr. BYRD. Why, yes.

Mr. HARKIN. Because it is an important point the Senator raises. It raises a question——

Mr. BYRD. Will the Senator speak on his own time?

Mr. HARKIN. Mr. President, I will speak on my own time to propound the question.

Mr. BYRD. Except for the question. He may ask me a question. If he wants to make a statement, I hope he will make it on his own time.

Mr. HARKIN. I wish to propound a question.

Under the Constitution then, under the clause that each body can establish its own rules, inquiry: Can the Senate establish a rule that is clearly in contradiction to the Constitution of the United States?

Mr. BYRD. The Senate has not established a rule that is clearly in contradiction to the Constitution of the United States. Senators have had the liberty of unlimited debate in the Senate since 1806. In 1806, the rules were codified. Originally, in the Continental Congress, there was the previous question, and the previous question was provided in the original rules of the Senate up until 1806, at which time the rules were codified, and that provision for the previous question, which was to shut off debate, was dropped from the rules, in 1806. So we have had unlimited debate in the Senate a long time.

Aaron Burr, in 1805, when he left the Senate after presiding over the impeachment trial of Samuel Chase, urged the Senate to "discard"—I believe he used the word "discard"—the previous question.

Therefore, for almost 200 years now, the Senate has been without the previous question, which cuts off debate. The Senate is to determine its own rules, and in being the judge of its own rules it elected to dispose, get rid of, the previous question. The House of Representatives has the previous question, but the Senate does not. That was the judgment of the Senate. It has a right to make that judgment under the Constitution, and the Senate does not have the previous question today. Henry Clay wanted to bring back the previous question. Stephen A. Douglas wanted to bring back the previous question, but it was a very unpopular proposal among Senators.

How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has used 14 minutes of his time and has 16 minutes remaining.

Mr. BYRD. I thank the Chair. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 28 minutes remaining of his time.

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank my colleague from Iowa and rise to congratulate him for his determination and consistency in tackling the thorny problem of reform of the Senate cloture rule.

I do so from the vantage point of 34 years in this body, during all of which I have supported cloture motions with but two exceptions: One involving debate on United States policy toward South Africa and the other legislative reapportionment.

I believe it apparent that rule XXII as it now stands has not served the Nation well, nor does it place this institution in a favorable light in the eyes of our people. Time after time in recent years, and with increasing frequency, two-fifths of the Senate, not a majority, determined the outcome of many of the issues before us.

Now the Senator from Iowa puts before us a proposed rule change which is ingenious and accommodating. It allows the advocates of cloture to keep trying to close debate at progressively lower thresholds, starting at three-fifths and gradually reducing it through four steps to a simple majority. Debate could continue for up to 13 days until that lowest threshold is reached, and even then, of course, the majority could still decline to invoke cloture.

It seems to me this is a reasonable proposal and one which would, I believe, provide ample opportunity to colleagues on this side of the aisle to protect our interests in our new-found minority status.

So I hope the Senate will give serious and thoughtful consideration to the proposal of the Senator from Iowa and not reject it out of hand. It goes to the heart of what people expect of this body and should be treated accordingly. I might add in that connection that if we are unable to reach consensus on reform of our own rules to allow the majority to prevail, the larger constitutional issue of majority rule may need to be addressed.

For the moment, I trust we give full and fair consideration as we consider Senator HARKIN's creative effort to change rule XXII.

I yield the floor.

Mr. HARKIN. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 25 minutes remaining.

Mr. HARKIN. I thank the Chair.

I yield such time as he may consume to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Iowa, and I thank the Chair.

I am very privileged to be a cosponsor with the Senator from Iowa of this amendment, and I congratulate him on his willingness to charge the fortress here, to try to remove one of the hurdles to this being a truly representative and productive body.

The filibuster may have made some sense at one point; it may have been a reasonable idea, but it in fact has been badly misused in our time. You can pick your favorite statistic, but the one that I saw a while ago was that there were more filibusters in the last session of the Senate than in the first 108 years combined. Others will tell you there have been more since 1990 than the preceding 140 years combined.

Whatever the years, it is pretty obvious we have come to a point in the history of this Chamber where the filibuster, the ability of one Member to stand up and stop the body from functioning effectively and to block the will of the majority, is a contributor to gridlock and to our inability to produce and, therefore, to public frustration which is in the air and we are attempting as best we can to respond to them.

The other body in its wisdom took some steps yesterday that I think are reflective of that mood and responding to it, and there are many things we can do in this Chamber along with those that were done yesterday in the other body. I think one of the most important is to alter the current rules of debate so far as they allow a single Senator or, in the synthetic filibusters, not the real filibusters that we have had in our time, allow a minority to threaten to debate interminably and by that means to block the majority from working its will.

I have just enormous respect for the distinguished Senator from West Virginia and, as I said in the Chamber last night, he is clearly the expert in this Chamber on the rules of the body and not only knows the rules of the body but knows from whence they come, their history, so when I speak in opposition to his position I do so with some humility and respect.

I would say on the question of the derivation of freedom of speech back to earlier times, English precedents or Roman precedents, and developing as it has in our time in the speech and debate clause in the Constitution, that I would respectfully offer this thought: That the Constitution and the great freedoms that it gives our people as they have been interpreted by the Supreme Court over the history of America, all have been at one point or another limited. In other words, we are given individual freedom, which is at the heart of what it means to be an American, by the Constitution, by the community. Although, of course, many of us feel that the ultimate source of our individual freedom goes beyond the community, beyond the Constitution, to our Creator, and I believe that the Founders and Framers very much were motivated by that religious impulse and that theological view of human nature.

But my point is this. Over our history, every right, including the sacred and fundamental right of free speech, has occasionally been limited because it was thought that its unlimited exercise threatened the safety and well-being, perhaps even the continuity and the survival of the community. Of course, there is the classic and perhaps limited expression, but it is a popular one, that you do not have the right to rise in a crowded theater and shout "fire" when there is no fire and create a pandemonium, a bedlam. And the limits go on and on: those that relate to libel and slander; the ways in which the Supreme Court, for instance, has wrestled with questions of obscenity, when is freedom of speech so offensive to the community that it threatens some of the fundamental values of the community?

This right of unlimited speech for Members of the Senate in the particular context of our rules, it seems to me, requires at this point, based on what we have experienced, limitations. Because the ability of an individual Senator to stop the process, the capacity of a minority to make it impossible for a majority to work its will and represent the majority of constituents back home, has come to a point where it has too often threatened the ability of this Chamber to function, to represent, to lead, to be truly deliberative in the sense that we mean it.

In its misuse the filibuster has also, I think, threatened not only the productivity and credibility of the U.S. Senate, but has contradicted some of the basic principles of our Government as expressed by the Framers of the Constitution. And one is this fundamental question of majority rule. It seems to me as I read the Federalist Papers and look at the Constitution that as concerned as the Framers were about individual rights and protection of the minority, they made a clear decision, which was that the Congress—and let me be more specific, that the Senate—was to be a majoritarian body; that the majority would rule; that there were other protections in the system for the minority. One was what we referred to as the republican form of government—small "r"—which is to say the various checks and balances built into the system, the requirement in our system, to adopt a law, of the support of the Senate, the House, and the signature of the President.

Ultimately, if the minority rights were still threatened, an individual could go to court, and over our history it has been clear that the courts interpreting the Constitution have been there to protect the minority. But this was to be a majoritarian body. And this filibuster has turned that, in my opinion, upside down and allowed the minority to rule. Some who support the status quo on the filibuster say that it is there to protect the rights of the minority. But what about the rights of the majority? Some say that there is a danger of a tyranny of the majority. I say that there is a danger inherent in the current procedure of a tyranny of the minority over the majority, inconsistent with the intention of the Framers of the Constitution.

It is inconsistent in another specific way with the Constitution, and I will mention this briefly because it has been mentioned before. The Constitution states only five specific cases in which there is a requirement for more than a majority to work the will of this body: Ratification of a treaty, override of a Presidential veto, impeachment, adoption of a constitutional amendment, and expulsion of a Member of Congress. In fact, the Framers of the Constitution considered other cases in which a supermajority might have been required and rejected them. And we by our rules have effectively amended the Constitution—which I believe, respectfully, is not right—and added the opportunity of any Member or a minority of Members to require 60 votes to pass almost any controversial bill in this Chamber.

It is wrong. It has also made this a less accountable body. And I think accountability of elected officials is at the heart of democracy and all we stand for. It is less accountable in two ways. One, when we are allowed to defeat a measure on a procedural vote such as a filibuster, it cloaks us from having to stand up and vote on the merits, on the bill itself, and therefore, to some extent, it muddles our accountability and the record that we take back to our constituents.

Second, in another sense it makes it hard on the majority and those of us on this side of the aisle—and the majority I am speaking of here is in a more partisan sense—those of us on the Democratic side experienced this over the last couple of years. Clearly not all the filibusters have been partisan. The opposition to the procedure is bipartisan and so is the support. But in a strict political partisan sense, it is hard for a majority to be held accountable fairly to the public if a minority, a party, for instance, can block the majority from attempting to work its will, from attempting to pass its program, and then, unfairly in some cases, the majority may be held accountable for that failure even though it was the minority who blocked action by filibustering that resulted in the failure to produce.

A lot of Democrats may have been held accountable for that on election day, November 8, 1994. But the wheel of history has turned and the majority is now on the other side of the aisle. Though it might seem inviting for Democrats to use the filibuster to confuse and frustrate the will of the majority here, it is not fair. The majority ought to have the opportunity to try to pass its program or be held accountable for it. And this filibuster frustrates that opportunity.

So, Mr. President, I understand, and the Senator from Iowa understands, that we are fighting upstream in this effort. But it is an effort that I think is at the heart of congressional reform, at the center of responding to the public frustration and the drop in respect for this Congress of ours which is so central to the relationship that those who govern have with those who are governed. When that trust is gone our democracy is in trouble. I think this is the time to begin to challenge this procedure. History shows us that on the other occasions when the filibuster rule has been changed, it generally was not changed on the first try. The Senator from Iowa and I would be pleasantly surprised if that were not the case today, but it probably will be the case. But I know he feels strongly, as I do, that we should continue this effort to work with our colleagues to see if we cannot find ways that will achieve adequate support to bring about a change in the existing filibuster procedure.

Again, I express my great admiration for the Senator from Iowa for taking this on. It is not an easy battle. It is not a popular battle. But it is the right fight to make and it is my privilege to be marching arm and arm with him on this one. I hope that when the vote is taken, we will be surprised, and I hope particularly that the support for our amendment is across party lines. I thank the Senator from Iowa for his leadership, for yielding his time to me, and I yield the floor.

Mr. HARKIN. Mr. President, I want to thank the Senator from Connecticut.

I repeat what I said last night, that we are delighted to have him back for another 6 years. There is one thing that marked the first 6 years here of the Senator from Connecticut, and that was his unending effort to make this place operate better, more openly, and to really make the Senate reflect the true will of the people. He has continued that effort today. I am proud to have him beside me in this battle. I thank him.

Mr. President, I came across this article called "Renewing Congress." I thought it would be appropriate for me to bring it to the Senate's attention. Some people may view this as a liberal-conservative issue. I do not believe it is, in any way. But I wanted to point out that Norman Ornstein, of the American Enterprise Institute, which I think I can rightfully say is the more conservative think tank here in Washington, along with Thomas Mann of the Brookings Institution, which is more of a liberal organization, I guess you might say, put out this book earlier this year called "Renewing Congress." I thought I would just read the part in it that they had regarding the filibuster:

> We believe much tougher steps are needed to prevent the abuse of holds and filibusters. The recent emergence of a partisan filibuster unprecedented in Senate history has made a bad situation even worse. We recommend two steps to deal with this problem. First, the Senate should return the filibuster to its classic model, with individual Senators required to engage in continuous debate day and night while all other business is put on hold. Second, the Senate should look hard at adopting a sliding scale for cloture votes, 60 votes required to cut off debate initially, 55 votes after a week of debate, and a simple majority 2 weeks after the initial cloture vote. This sliding scale could be applied to all filibusters.

Again, I just want to point out to Senators this is the view of Norman Ornstein of the American Enterprise Institute.

Mr. President, how much time do I have remaining now?

The PRESIDING OFFICER (Mr. STEVENS). The Senator has 11 minutes remaining.

Mr. HARKIN. I reserve the remainder of my time.

Mr. BYRD. Mr. President, my friends and others have stated that there are only five instances, in the Constitution, of reference to a supermajority. I call their attention to amendment 12 of the Constitution, which provides that in the election of a President by the House of Representatives, a quorum of Members must consist of two-thirds of the States; Members from two-thirds of the States. Also, in the election of a Vice President by the Senate, under amendment 12 to the United States Constitution, there must be two-thirds of the States represented to constitute a quorum in the Senate for that purpose.

So there are more instances of required supermajorities than five.

My time is limited. Let me yield 5 minutes to Mr. REID, who wishes to speak, and then I will use the remainder of my time.

Mr. REID. I thank the chairman very much

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I represent a State that is very large in area but small in numbers of people. The State of Nevada until recent years was a State that had very, very few people. We have had rapid growth in southern Nevada in recent years, and now we have many more people residing in the State of Nevada. But it is still a very small State in the numbers of people. During the last century, the State of Nevada had so few people in it that there was talk in this Chamber about doing away with the State of Nevada, there were so few people in it.

Mr. President, during those years a Senator from the State of Nevada had the same power as a Senator from the very populus State of New York. The Founding Fathers in their wisdom set up this Government so that a State like Nevada, a State like Alaska, a State like Vermont, having few people, would still have the ability to represent the people in that State on the same basis as those States that had large numbers of people.

Mr. President, I believe that the Founding Fathers were right. The power of the filibuster, even though it, in my opinion, has been abused in recent years, allows Senators representing lightly populated States to enjoy the same voting strength as other States. I have done it on one occasion in this Chamber. I was in my first year in the Senate and there was an issue that came up that was important to the State of Nevada, and I spoke on this floor for a long time. I was told that I hold the record for speaking longer on a filibuster than any first-year Senator. I am proud of the fact I did that, because it was an issue that mattered greatly to the people of Nevada.

So I approach this issue not on numbers of how many times there has been a filibuster; I approach it on the basis of the effort made by my good friends, Senator LIEBERMAN and Senator HARKIN. You can say anything you want to about it, but it is the end of the filibuster because any leader knows that he could schedule four votes, and on the fourth vote the filibuster would be over.

Mr. President, I speak as a Senator from the State of Nevada. I believe that the Founding Fathers were right in setting up the Constitution in the manner in which they did. I believe that if we are going to have the legislative form of Government that they set up, we do need to protect the integrity of States that are small in population like the State of Nevada.

So I want Members of this body to know that I will exercise my right as a Senator from the State of Nevada to speak as long as I can if, in fact, the motion to table does not prevail because any State that is small in numbers should be on this floor protecting their individual States.

Changes in the Senate rules that allows this institution to operate more efficiently are welcome; however, the full-scale elimination of one of the most sacred rules of the Senate—the filibuster—will not result in a more efficient Senate. In fact, it has the potential to result in the tyranny of the majority.

I do not support the patently abusive use of the filibuster that we saw last session. There were many instances of overwhelmingly supported legislation being killed because of partisan use of the filibuster. There is no doubt that this contributed to much of the gridlock we witnessed in the 103d Congress.

Few would argue that we saw the death of legislation that would have significantly improved the credibility of this body. The elimination of lobbyist gift giving and campaign finance reform are just a couple of examples of legislation that perished because of spurious use of the filibuster.

Those who chose to invoke the filibuster for partisan dilatory purposes were responsible for grinding Senate business to a halt. The numbers cited earlier by the Senator from Iowa—32 filibusters in the 103d Congress compared to a total of 16 in the entire 19th century—evidences its abuse by an obstinate partisan minority.

Having said all that, however, I do not support the elimination of the privilege. I say privilege because that is what I believe the filibuster to be. A unique privilege—to be used sparingly and only in those instances when a Member believes the legislation involves the gravest concerns to his or her constituents.

It is a unique privilege which distinguishes the intentionally deliberative operations of the Senate from the often passionate, bullish operation of the House. It is a unique privilege that serves to aid small States from being trampled by the desires of larger States. Indeed, I view the use of the filibuster as a shield, rather than a sword. Invoked to protect rights, not to suppress them.

In the House, the State of California has 52 Members in its delegation. My State, Nevada, has two Members. If California wants to roll Nevada in the House on a particular piece of legislation, that is their prerogative. But when that legislation makes its way to the Senate, one State will not be able to roll another simply by virtue of its size. In the Senate, we are all equal, regardless of which State we represent.

The people of Nevada know that in the Senate, Nevada stands on equal footing with the State of California and the State of Texas. They know that as long as I am here in the Senate, I will fight to protect their interests. And, because of the filibuster, they know I will be fighting on a level playing field

They know that when legislation that would result in a deleterious impact on the State of Nevada is steamrolled out of the House, I will do what is necessary to shield them from the enactment of this legislation. And, if this means invoking my rights as a Senator to engage in a protracted debate, I will—after careful deliberation—do so.

I would never allow the interests of Nevadans to be trampled simply because of the size of our State.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond to my friend from Nevada in two ways.

First of all, when he talks about our Founding Fathers, the Senator from Iowa is referring to James Madison.

Mr. BYRD. Mr. President, this time will be charged against Mr. HARKIN.

Mr. HARKIN. I was recognized.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. James Madison, in Federalist No. 58—I just want to read it. I will give the Senator a copy.

> If more than a majority were required for a decision, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transferred to the minority.

The Senator from Nevada talks about small States. I represent a pretty small State. The Senator from Rhode Island, who spoke earlier, who is a cosponsor of this amendment, represents a State with two Congressmen per State, like other States. As he pointed out, in his 34 years here, he has never voted to sustain a filibuster. He has voted consistently for cloture to end debate.

Yet, I believe that the Senator has represented his State well. I believe that Rhode Island has not been the worse for that. Quite frankly, I think they have prospered because of the representation of Senator PELL.

The Constitution of the United States set up mechanisms to protect our small States—divided Government, checks and balances, vetoes, and yes, we have the right in the Senate to amend, to offer amendments.

The Senator from West Virginia has more than once mentioned the British Bill of Rights and about how no Member of Parliament is to be questioned in any other forum or speech or debate held on the floor of Parliament or in the House floors. That was adopted in our Constitution, article I, section 6. It is called the speech and debate clause.

I think maybe the Senator from West Virginia is confusing the speech and debate clause with unlimited debate. No one is challenging the speech and debate clause. No one is challenging the right of Senators to speak freely under article I, section 6.

So nowhere in the Constitution does it say they can speak forever. I also point out that even under the British Bill of Rights of 1689, there was still the previous question that the British have to end debate and move to the merits of legislation. I do not think we ought to confuse article I, section 6 with a Senate rule adopted in 1917 regarding cloture.

So I want to respond to the Senator from Nevada that I understand he wants to protect his State, and he should, and he has done a darn good job of it, I might add. But there are other protections—to protect our States and to make sure the big States do not run roughshod over us.

I yield the floor.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute of the 5 that were yielded to him. The Senator from Nevada has 1 minute left.

Mr. REID. Mr. President, I say respectfully to my friend from the State of Iowa that checks and balances and vetoes would not help the State of Nevada or the State of Alaska if the 52 Members of the congressional delegation of California decide they want to do something that would affect the State of Nevada. The only thing I can do to take on one of those big States is to exercise my ability to talk on this floor and explain my position in detail. Checks and balances has nothing to do with protecting a small State. Vetoes have nothing to do with it, unless you have the ear of the Chief Executive of this country. The filibuster is uniquely situated to protect a small State in population like Nevada.

Mr. BYRD. Mr. President, the proponents of the amendment have pointed out a number of times that most of the so-called filibusters have occurred in the last year, or last 2 or 3 years, and according to the chart, that is correct. What they are talking about, Mr. President, and what has gone around over this land is the idea that the failure to give unanimous consent to take up a matter constitutes a filibuster.

Mr. President, let us read the rules. We do not need the Harkin amendment to stop so-called filibusters on motions to proceed. We do not need that. Let us read the present rules. I urge Senators to read the rules of the Senate. Read the rules of the body to which they belong before they start proposing that the rules be changed.

Here is paragraph 2 of standing rule VIII:

> All motions made during the first 2 hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.

In that case it will be debated.

Here we have paragraph 2 in Rule VIII of the Standing Rules of the Senate which says, in plain English words, that any motion made during the first 2 hours on a new legislative day to take up a matter is nondebatable.

What more do we need? Mr. President, I have been majority leader of this Senate twice. I have been leader of the minority once, for a period of 6 years. And there is no other Member of this body who has been majority leader other than I, except Mr. DOLE. I know what the powers of the majority leader are. One of the greatest arrows in his arsenal is the right of first recognition.

So any majority leader can walk on this floor and certainly find a way to be recognized during the first 2 hours of a legislative day. Who determines whether it will be a new legislative day or not? That, too, is within the right and the powers of the majority leader. The majority leader can recess over until the next day, or he can move to adjourn, in which case the next meeting of the Senate will be considered as a new legislative day. During the first 2 hours of that new legislative day, any motion to take up a matter is nondebatable. With all these powers that a majority leader has, why can he not use paragraph 2 of rule VIII of the Standing Rules of the Senate to get around so-called filibusters on motions to proceed?

I have a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. BYRD. Has rule VII, has rule VIII, either of the two rules, been used once in the past Congress?

The PRESIDING OFFICER. The Chair is informed that they have not been used.

Mr. BYRD. There you are. Why do we not use the rules we now have? No, we do not do that. We ask unanimous consent to take up a matter and somebody objects over here. That is called a filibuster, and immediately a cloture motion is put in. Well, some would say that is a waste of time. You have to wait 2 days. The majority leader does not have to wait 2 days. He can go on to something else once the Chair reads the 16 names who are signatories of the cloture motion. He can go to something else. And 2 days later, the following day plus one, the cloture motion will ripen, and there will be a vote. So that is called a filibuster.

I daresay if you count those so-called filibusters in that red bar on the chart there, you will find most of them are cloture motions that were entered on requests to proceed that were objected to and immediately a cloture motion was filed. That is no filibuster. We go on to something else. We do not spend 2 days debating that matter. We go on to something else. That is no filibuster. But in order to enhance their arguments that we need to do away with the so-called filibuster rule, they spread it all over the country that the Senate is plagued with filibuster after filibuster after filibuster. There is no question but that our friends on the other side of the aisle, in my opinion, have recently abused the rule. But as I say, the rule is there. The majority leader has the power and he can move to proceed, and that is nondebatable under rule VIII.

Let me hasten to say that after that first 2 hours in a new legislative day, of course, any motion to proceed is debatable. I am willing to cure that. Let us change the rule and allow for a debatable motion with a limit thereon of, say, 2 hours on any motion to proceed to take up any measure or matter, with the exception of a measure affecting a rule change. I am for that. So there can be no excuse about holds on bills, and any majority leader worth his salt is not going to honor a "hold" except for a few days. When he gets ready to move, he will send word to the Senator who has a hold on a bill, as I did on a number of occasions to Senator DOLE. I said: Please tell the Senator I am going to move next week to take up thus and so, on which he has a hold. And the hold generally goes away. If it does not, there is no one man in the Senate that can tie up the Senate long. I can tie it up for as long as I can stand on my feet. That is not long.

It takes a very sizable minority in this Senate to hold up the Senate. It takes 41 Members of the Senate, a minority of 41 Members to really stop the process. And they say, well, I am for delay. We ought to have time to delay, to debate, but let us not give the minority the right to stop.

The minority sometimes is right, and a minority in the Senate often represents a majority out there beyond the beltway. Moreover, an extended discussion here may convince what is today a minority of the people out there as to what is really right, and it may change to a majority from a minority out there. So the minority can be right, and I say the minority should retain the right that it has had since 1806 in this Senate to stop a measure. If a measure is bad, it ought to be stopped.

Perhaps it can be amended and improved. But let us not do away with a rule here that gives this Senator, that Senator from Connecticut, that Senator from Iowa, that Senator from Nevada, that Senator from Mississippi, gives him the right to stand on his feet as long as his lungs will carry breath and his voice can be heard to stand up for the rights of his State.

This is a forum of the States. There is no other forum of the States in this Government. This is the forum of the States.

And a minority can be right. The States are equal in this body. But out there, for example, in New York, Pennsylvania, Ohio, Illinois, California, Texas, and Florida, there is a minority of the States but a majority of the population. You take away this right of unlimited debate, you may take away the right of a whole region of this country. The people of that region may be right. They may be in the majority as to population, but in the Senate, they may be in the minority.

So, Mr. President, let us not take away this right. As long as the U.S. Senate provides the right of unlimited debate, then the people's liberties will be assured.

An urge to be efficient is commendable, but not at the expense of thorough debate which educates the public and educates the Members. And there is a need in this body for more debate and not less.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BYRD. Mr. President, the Founding Fathers were wise. The current rules are the result of experience and trial and testing over the period going back to the beginning of this Republic. The previous question was done away with, as I have already stated, almost 200 years ago. Let us retain the right to debate. The majority, if it has the majority, can presently cut off debate and avoid many of the so-called filibusters by using the rules we have already. But most of the so-called filibusters, most of the so-called filibusters, have not been filibusters.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Mr. President, will the Senator yield?

I thank the distinguished Senator from Iowa [Mr. HARKIN] for yielding.

When the Senator concludes his remarks at 11:30, I will move to table his amendment and ask for the yeas and nays.

I am opposed to this amendment, and I urge the Senate to vote for the motion to table it.

It has been my experience to observe the importance of the current cloture rules on several occasions in protecting legitimate minority interests here in the Senate. On at least one occasion it was a regional minority interest at stake—the ports that are located on the Gulf of Mexico.

It is obvious that the States on the gulf coast comprise a minority of the whole membership here, but when we banded together to debate at length a proposal to write into law a preference for Great Lakes ports over gulf coast ports under the Public Law 480 program, we were successful in assuring a decision that treated all port ranges fairly.

To assume that all uses of the right of unlimited debate are evil or ought to be restrained under a new cloture rule ignores the legitimate and important protection the rule now provides to all Senators, all minorities, and all regions of the country.

The one example I have cited related to a regional interest that would have been trampled under foot by a majority vote but for the leverage our region had the right to use, and did use to full advantage, under the unique Senate rule of unlimited debate.

I hope the Senate will act today to protect this rule from the injury that would be done by the Harkin amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. HARKIN. Mr. President, the distinguished Senator from West Virginia has focused most of his attention and remarks on the motion to proceed, because that is where most of the problem lies. I admitted to that same thing myself last night.

But, to do away with the motion to proceed or to do away with the possibilities of a filibuster of a motion to proceed, only takes away one hurdle of six.

The Senator from West Virginia is right. You can file a motion to proceed, you can move on to other bills and get the cloture motion filed. But if you get to a bill and you filibuster the bill, it takes unanimous consent then to move off of that and pick up some other legislation.

Now, I submit that the reason most of the time that we have had objections to motions to proceed was because there was the implied threat that, if you did move ahead, there would be a filibuster on the bill. That threat was always there.

There are six hurdles: motion to proceed, cloture, disagreement with the House, insisting on amendments, appointing conferees, and a conference report. Any one of those can be filibustered. Any one of those can be filibustered.

If you take away the motion to proceed, you have only taken away one hurdle. In fact, I submit you would make the situation even worse, because at least under the motion to proceed you can move to other business.

Now, in 1975, the rules were changed.

Mr. BYRD. Will the Senator yield just for a correction?

Mr. HARKIN. Yes.

Mr. BYRD. I want to verify that this is correct with the Parliamentarian.

The Senator from Iowa says that if a measure is before the Senate it takes unanimous consent to go to another measure. That is not the case. That is not the case. I have been majority leader and minority leader and I know what I am talking about, but I wanted to verify it.

The leader can go to another measure by motion. It does not require unanimous consent.

Mr. HARKIN. Well, that motion is then debatable. That motion is then debatable and that motion can be filibustered. I believe the Senator is right.

Mr. BYRD. I wanted to correct the Senator on that point.

Mr. HARKIN. I do stand corrected on that.

But then there are other avenues. As I pointed out, there are other hurdles on the filibuster. You can get rid of the motion to proceed, but you still have all these other hurdles, and you can filibuster any one of them.

I might also add that I find it a curious argument of the Senator from West Virginia that, if the minority feels the legislation is bad, they ought to have a right to stop it.

Let me quote again from James Madison.

> If more than a majority [were required] for a decision . . ., the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority.

Maybe we have a fundamental disagreement here. I do not believe that the minority ought to be able to stop legislation they consider as bad. They ought to be able to amend it, slow it down, debate it, change public attitudes and opinions, go to their colleagues to get their opinions changed. But I find it curious that the Senator from West Virginia would say that a minority ought to have a right to stop legislation they consider bad. That is rule by the minority.

The Senator from West Virginia says a Senator ought to have a right to stand and speak until his breath runs out. But that is not the situation we have. Under the present rule XXII, you can start a filibuster and go home. It takes 60 Senators, three-fifths of those duly chosen and sworn, to break a filibuster. And you do not have 60 Senators. You do not have to stand here and talk at all. You can go home. We have seen that happen. We have seen that happen last year. So we do not have that situation.

Forget about Mr. Smith goes to Washington. That is not the situation we have today.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. BYRD. His proposal does not correct that fact. Why does the Senator not offer a proposition that will provide cloture only by two-thirds of those present and voting or by three-fifths of those present and voting?

Mr. HARKIN. Well, if the Senator wants to propose that.

Mr. BYRD. No, I say, why does the Senator not do that? His proposal does not cure that.

Mr. HARKIN. Because, under my proposal, a Senator could stand here and talk until his breath runs out. Fifty-seven days we allow. I do not think any Senator here can speak for 57 days. So it is not as though we are taking away the right of a Senator to stand here and speak until his breath runs out.

Our amendment will allow 19 days, 19 legislative days, just to bring the bill up. Then, on the other hurdles, there is more. It is a total of 57 days that a determined Senator can filibuster a bill. And I have not even mentioned the amendments to the bill.

The Senator says we need time for more debate and not less. I agree with the Senator. I wish we could have more debates like this. I think they are good debates. Threaten to filibuster, the people go home.

I would close my remarks, Mr. President, by saying this is the first vote of this Congress in the Senate. I believe it is the most important vote of all the so-called reforms that we with will be voting on. We will reform the way we do business here, and we will apply the laws that apply to businesses to Congress, and we will have gift bans and all that. Fine.

This is the single most important reform. The people of this country want this body to operate more effectively. They do not want gridlock. Yes, we want the rights of the minority protected. We want the minority to be able to debate, to amend, to speak freely. To slow things down. As Washington said to Jefferson, "to cool down the legislation." But to enable one or two or three Senators to stop everything? No. It is time to change. This is the single most important vote and I ask Senators to heed what the public said in November. They want change in this place. Not the status quo.

Mr. DOLE. Mr. President, during yesterday's debate, my distinguished colleague from Iowa, Senator HARKIN, incorrectly compared his current filibuster proposal with a proposal that I endorsed in 1971.

I would like to take a few moments now to set the record straight.

In 1971, rule XXII of the Standing Rules of the Senate required the affirmative vote of two-thirds of those Senators present in order for cloture to be invoked. As my colleagues know, the current rule XXII requires the affirmative vote of just three-fifths of the Members duly chosen and sworn in order to invoke cloture.

With this in mind, the rules change that I endorsed in 1971 is far different from the rules change proposed today by my colleague from Iowa. My proposal in 1971 would have reduced by one the number of votes required to limit debate each time a cloture petition was voted upon. On the first vote, an affirmative two-thirds of the Senators present and voting would have been required to invoke cloture; on the second vote, two-thirds less one of the Senators present and voting would have been required; on the third vote, two-thirds less two, and so on until the point of three-fifths of those present and voting was reached.

In other words, under the terms of my 1971 proposal, at no time would the number of votes needed, to invoke cloture have fallen below three-fifths of those Senators present and voting. The amendment offered by my colleague from Iowa, on the other hand, contemplates that the number of votes needed to invoke cloture would decline to 51, a simple majority, after a series of attempts to invoke cloture have failed.

So, Mr. President, there should be no misconceptions about where I stand. I oppose the amendment, offered by my distinguished colleague from Iowa. And I have never endorsed his proposal, even in principle. Thank you for giving me the opportunity to make this clarification.

Mr. LEVIN. Mr. President, I share the concern of the proponents of this proposal to modify Senate rule XXII that the right to filibuster has been abused in the Senate in recent years.

In the entire 19th century only 16 filibusters occurred. In the 26 Congresses from 1919 to 1970, there were a total of 50 votes on cloture motions, an average of less than 2 cloture motions per Congress.

However, in the 103d Congress, the Senate's majority leader was forced to file a cloture petition to cut off a filibuster 72 times. The tactic was used repeatedly to stop legislation. Filibuster was piled upon filibuster until, at one point five were pending at the same time.

While minorities in Congress have, in the past, used the filibuster on matters of fundamental principle, to force compromise, it has recently been used to reject, frustrate, and prevent compromise. In the case of the campaign finance reform bill in the last Congress, a filibuster was used to prevent a conference committee from even being formed to discuss and work out the differences between the House and Senate legislation. A filibuster for that purpose had not been seen in the more than 200 years of Senate history.

However, we must be very careful not to discard the baby with the bathwater. The rules of the Senate protect the rights of the minority. Throughout American history the Senate has been the more deliberative body—sometimes for the good, other times not—but always assuring that matters of great consequence cannot be rammed through by a majority even if backed by the currents of sometimes changeable public passion.

I believe the cloture procedure should be reformed by reducing the number of opportunities for its use on the same matter. Currently, there are six opportunities, including the motion to proceed to its consideration and three motions necessary to send a measure to a conference committee with the House. In my view, the opportunity to extend debate through the use of what we have come to call filibuster should be preserved only on the consideration of a matter itself and on the conference report when it returns to the Senate.

The Senate is unique. We should not take for granted the tone of bipartisanship and civility which normally characterize this body. While we have our moments of heated debate and partisan rigidity, virtually everyone familiar with the Congress recognizes that the Senate, in contrast to the other body perhaps, is the arena in which the parties are more likely to join together in a spirit of bipartisanship or at least work together seeking areas of compromise. During my 16 years in the Senate, I've found that the best policies come from reaching across the aisle that divides the two parties.

This environment of compromise and comity grows in part from the existence of the rights of the minority in the Senate rules. All of us in the Senate know that the majority party can do little here without the cooperation and the votes of at least some Members of the minority. This improves the tone of our debate, the manner in which the leadership of each party proceeds, and, indeed, virtually everything of importance we do in the Senate. In a legislative body which operates solely on majority rule it is necessary only to possess the keys to the bulldozer.

Any party which gains the majority can prevail without the cooperation or support of any part of the minority. The majority knows that although it can be delayed, the final outcome is known. In the words of House Majority Leader RICHARD ARMEY, referring to the majority's plans for the marathon first day session of the House and urging the minority Democrats not to delay matters, "The pain may be inevitable, but the suffering is optional." He meant that the majority knew what the outcome of all of the first day votes in the House of Representatives would be; the majority would prevail. The minority could delay, the minority could raise procedural roadblocks, but the final result was assured.

I am also concerned that although the proposal before us attempts to strengthen the hand of a majority frustrated in its efforts to accomplish its will by the minority, the procedure contemplated does not even assure that a majority is involved throughout. Since a cloture petition requires the support of only 16 Senators, a minority could force the series of cloture votes proposed without demonstrating majority support until the threshold is lowered to 51 votes. At that point, the measure might be sweetened by proponents in order to gain the necessary additional votes to then reach a majority and invoke cloture. This might be used as a means to limit debate on the final bill, the real bill.

Mr. President, while I believe that rule XXII should be modified, while I hope that our colleagues, as we begin the 104th Congress, will resist the temptation to abuse and trivialize the right to unlimited debate in the Senate, and while I greatly respect the creative effort of the Senator from Iowa to craft a reform of rule XXII, I will vote to table the amendment because I think it goes too far in weakening fundamental minority rights. However, I hope the search for ways to reform rule XXII will not stop here. I encourage the leadership of the Senate and the Rules Committee to examine ways to reduce abuse of the filibuster, including providing for limitation of debate on motions to proceed and on motions to send a measure to conference with the House.

The PRESIDING OFFICER. Under the previous order the Senator's time has expired. The Senator from Mississippi is recognized.

Mr. COCHRAN. I move to table the Harkin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Iowa. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

The result was announced—yeas 76, nays 19, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—76

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Breaux
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kohl
Kyl
Levin
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—19

Bingaman
Boxer
Bryan
Bumpers
Feingold
Graham
Harkin
Kennedy
Kerrey
Kerry
Lautenberg
Lieberman
Moseley-Braun
Pell
Pryor
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—5

Campbell
Hollings
Leahy
Nunn
Rockefeller

So the motion to lay on the table the amendment (No. 1) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to address the Senate for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator may proceed for 5 minutes.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. Will Senators please take their chairs.

The Senator seeks to address the Senate for 5 minutes. The Chair asks that Senators please clear the aisles.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to correct something I said last night I see in the RECORD.

I said last night that Brutus married the sister of Cato. Actually, Brutus was the son of Servilia, who was the sister of Cato—just to make that little correction for the record.

Mr. President, the Senate by a decisive vote has moved to table the matter presented to the Senate by Mr. HARKIN. This will not be the last time the effort will be made to amend rule XXII. That is why I impose on the Senate for these few minutes while there is something of a larger audience than there was last night and this morning. And I want to compliment the distinguished Senator from Iowa and the distinguished Senator from Connecticut. I thought we had some good exchanges in this debate.

But while there are Senators who are listening, let me point out to them, as I have pointed out in this debate, paragraph 2 of Rule VIII of the Standing Rules of the Senate.

Mr. President, most of the so-called filibusters have occurred on motions to proceed. Once that motion to proceed is approved, once the matter itself is taken up, generally the filibusters have gone away. It has too often been the practice here of late that when the leader asks unanimous consent to take up a matter, there is an objection heard from the other side of the aisle, and that is then called a filibuster. The leader immediately puts in a cloture motion. That is all the debate there is on that matter for the next few days. That is called a filibuster. And it goes out over the land what a horrendous thing this filibuster is, and Senators stand up here with these charts and point out how many times—10 times—as many filibusters in the last year as there were in the last 100 years, or something to that effect. Well, these are really not filibusters.

I think the rule has been abused. But I do not think we ought to take a sledgehammer to kill a beetle.

We have the standing rules here. Let me read paragraph 2, rule VIII. Senators should know what is in the current rules before they start so-called reforms of the Senate and of the rules.

Rule VIII, paragraph 2:

> All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.

As I ascertained through a parliamentary inquiry earlier today, that rule was never used in the last session.

So, Mr. President, the rules are here. The type of filibuster, the type of so-called filibuster that we have seen recently, which is filibuster by delay, with no debate on it, is not good. But most problems with this filibuster can be addressed within the existing rules, and I have just read the rule which has not been used. It was not used in the last session. It was not used in the session before that. And yet we complain about there being so many filibusters.

Mr. President, we can handle most of the minifilibusters around here. If there is a sizable minority, one that consists of 41 Members, that is a large minority. That minority may represent a majority of the people outside the beltway. Who knows?

I maintain that, as long as the United States Senate retains the right of unlimited debate, then the American people's liberties will not be endangered.

They do not have unlimited debate on the other side of the Capitol, and there are those over there who want the Senate to do away with the filibuster. But under the Constitution, each House shall determine its own rules. It is not my place to attempt to tell the other body what they should do with their rule. But this rule has been in effect since 1806 when the Senate did away with the previous question, when it recodified the rules in 1806. And it did so upon the recommendation of Aaron Burr, the Vice President, who, when he left the Senate in 1805, recommended that the previous question be done away with. It had not been used but very little during the previous years since 1789. So that rule on the previous question, which is to shut off debate, was eliminated from the Standing Rules of the Senate and it has been out of there ever since.

So, Mr. President, I commend Senators for voting to table the Harkin amendment. I also commend those who differ with me. I commend those who offered the amendment to change the rule. I think the Senate has acted wisely in retaining the rule that has governed our proceedings since 1806. I hope that Senators will read the Standing Rules of the Senate.

I thank all Senators for their patience.

The PRESIDING OFFICER (Mr. SHELBY). The question now is on the adoption of the resolution.

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolved, That paragraph 2. of Rule XXV of the Standing Rules of the Senate is amended for the 104th Congress as follows:

Strike "18" after "Agriculture, Nutrition and Forestry" and insert in lieu thereof "17".

Strike "29" after "Appropriations" and insert in lieu thereof "28".

Strike "20" after "Armed Services" and insert in lieu thereof "21".

Strike "21" after "Banking, Housing and Urban Affairs" and insert in lieu thereof "16".

Strike "20" after "Commerce, Science, and Transportation" and insert in lieu thereof "19".

Strike "20" after "Energy and Natural Resources" and insert in lieu thereof "18";

Strike "17" after "Environment and Public Works" and insert in lieu thereof "16".

Strike "19" after "Foreign Relations" and insert in lieu thereof "18".

Strike "13" after "Governmental Affairs" and insert in lieu thereof "15".

Strike "14" after "Judiciary" and insert in lieu thereof "18".

Strike "17" after "Labor and Human Resources" and insert in lieu thereof "16".

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The PRESIDING OFFICER. The Senate will now proceed to S. 2. The clerk will report.

The bill clerk read as follows:

> A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The majority leader.

RESOLUTION AMENDING RULE XXV

Mr. DOLE. Mr. President, I send an unrelated resolution to the desk and ask for its immediate consideration. It has to do with committee assignments. I think it has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 27) amending rule XXV.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 27) reads as follows:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the

One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are now on the bill to extend coverage to the Congress? Is that the bill before the Senate?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, there has been some comment concerning my activities regarding this bill at the end of last session. I want to state for the RECORD what happened.

Right toward the end of the session, there was an attempt to call up the bill. I had an appointment with a physician to check a basic problem—we thought it was a sheared hamstring muscle—and I asked my friend from Mississippi, Senator LOTT, if he would object to bringing the bill up until I had a chance to see it. The Rules Committee had one version of the bill and I believe Governmental Affairs had another. I wanted a chance to examine that bill. To my dismay at the time, the problem I perceived I had was not the problem and 14 hours later I underwent a very serious, major operation on my spine. I never returned to the Senate.

I did not intend to block the bill. I did have a request that I be able to see the bill, but since I never got back to the Senate, to my knowledge no attempt was made after that time to raise the bill. But I have heard comment again this morning, in the press, that I had filibustered the bill. That is not true and I think the RECORD should show my request was a request to examine the bill. I never had the opportunity to do that since I never got back to the Senate during that part, the last part of the Senate, due to that operation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS and Mr. LEAHY pertaining to the introduction of S. 151, S. 152, S. 153, S. 154, S. 155, S. 156, and S. 157 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I am very pleased that the first bill that the 104th Senate will consider is the Congressional Accountability Act. This bill presents the opportunity to show the country that the Senate has listened to the American people. We will demonstrate that the new Senate knows that the American people want us to end business as usual.

I appreciate the leadership that Senator LIEBERMAN has provided on this legislation over the years. He is equally committed to reforming Congress. Our views on this legislation are identical. And I am pleased that the task of congressional coverage has benefited from a bipartisan approach.

I also wish to thank Senator DOLE for bringing up this legislation. His commitment to this legislation is outstanding. He is a true reformer in the best sense of the word. And he is committed to ending the injustices that have existed for congressional employees for so many years. The majority leader established a number of working groups to advise him on measures that should be taken in the 104th Senate. Senator FRED THOMPSON and I cochaired the Working Group on Congressional Coverage. I know that Senator THOMPSON has worked hard on this legislation, and I appreciate his assistance in this effort. It is an auspicious beginning to his career as a Senator. Other members of the working group included Senators NICKLES, GORTON, SMITH, STEVENS, ABRAHAM, COATS, and HUTCHISON.

Moreover, our efforts to ensure congressional compliance with the laws it passes benefited from Senator ROTH's willingness to let this legislation be brought to the floor immediately. Additionally, Senator GLENN worked on the issue over quite a few years when he chaired the Governmental Affairs Committee. I am also delighted that this bill has dozens of cosponsors, from both parties, all parts of the country, and all across the ideological spectrum.

This bill represents the culmination of an effort that I began several years ago, when I first attempted to offer an amendment to a civil rights bill that would have brought Congress under labor and employment laws. That attempt failed, as did my attempt to amend the Americans With Disabilities Act in 1989. My amendment was accepted by the then-Senate leadership but was rendered ineffective in conference. And I was not even allowed to offer my amendment to the family leave bill when the Senate debated it in 1991.

Congress can no longer refuse to live by the laws it passes. The time is long overdue for Congress to correct this practice, and that is what this bill does. It completes the process begun in 1991 when the Senate passed the Grassley-Mitchell amendment applying the substantive provisions of the civil rights laws to the Senate. As I said back then, it was a good beginning—but only a beginning. So it is with some measure of satisfaction that I find myself speaking in favor of a bill that would finally require Congress to comply with a host of employment laws it has enacted for the private sector.

Mr. President, since the 1930's Congress has passed laws that flowed from the assumption that Washington knew best. Congress set up burdensome statutory requirements on the operation of small businesses in this country. The burdens were increased through regulations issued by executive branch agencies pursuant to the statute.

At the same time, Congress repeatedly exempted itself from the effects of those laws. Laws governed America, but not Congress. Workers were granted rights, but congressional workers were not. Those who made the laws did not live by them. Congress was immune from the excesses of the regulatory state. Congress became removed from the way its work affected everyone else.

In this country, no one is above the law. But just as the Presidency suffered a tremendous loss of public confidence when an individual thought he was above the law, Congress suffered as Members thought they were above the law. Indeed, to me, this was one of the major reasons why Congress lost touch with the people. And it was one of the ways by which Congress displayed arrogance. Millions of Americans complained about the overreach of the Federal Government, but Congress, through its exemption from the law, could not know the depth of feeling from the grassroots. In November, the American people demanded that Congress be affected by the laws it passes. A number of Members who thought Congress should be above the law are no longer. Members are no longer above the law.

Let me remind my colleagues of someone who lost an earlier election, former Senator George McGovern. Senator McGovern believes that Congress has enacted unnecessary regulatory burdens that are strangling small business. Senator McGovern admits that he did not feel that way when he was a Member of this body, but he learned the reality of the operation of that legislation when he ran a small business after leaving office. I appreciate that Senator McGovern now says that he would have legislated differently had he known what the actual effects would have been.

But Members of Congress, learning of the effects of their votes only after leaving office, will not solve the problem. Then, it is too late. Only if Members of Congress live with the consequences of their votes will the problem that Senator McGovern identified be corrected.

I think that President Clinton has this issue exactly right as well. When we send this bill to him, he will sign it. As he stated in a July 1992 interview, "It's wrong for Congress to be able to put new requirements on American business as employers and then not follow that rule as employers themselves. And I think that one of the things that happens to people in government is they forget what it's like to be governed. They don't have any idea what it's like to be on the receiving end of a lot of these rules and regulations."

Of course, the Founding Fathers would be astonished to know that Congress had exempted itself from so many laws that it passed for the private sector. James Madison in Federalist 57 wrote that one of the primary guarantees of the people's liberty came from Congress living by whatever laws it passed. Madison wrote that Congress "Can pass no law which will not have full operation on themselves and their friends, as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them the communion of interest * * * of which few governments have furnished examples, but without which every government degenerates into tyranny * * * if this spirit ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty."

Mr. President, Madison was right. Of course, the low esteem in which Congress is currently held reflects the fact that there is no longer congruence of interests between the governors and the governed. The American people will no longer tolerate a law not obligatory on the legislature as well as the people.

Under Madison's principle, because Members of Congress would be careful before they infringed their own liberties, the people's liberties would be zealously protected.

Unfortunately, the corollary to the principle was equally true. Members of Congress who could protect their own liberties while infringing on the liberties of others were much more likely to fail to protect others' liberties. Congress enjoyed privilege through exemption. The time has come to end congressional royalism. The time has come to end the exemptions. Now, Congress must finally live under the same laws it passes for everyone else, to fulfill Madison's promise of the Constitution. And, now, employees of Congress must finally gain the same rights that their counterparts in the private sector enjoy.

Like my colleagues, I take the notion of representative government very seriously. We are not Senators for ourselves. We do not hold this job as a matter of personal privilege. We are here to represent the interests of our constituents, our States and our country, and for no other reason. I think that exemptions from the operation of law interfere with representative government. I wonder how we truly can represent people who live by one set of laws, when we live under different laws. Under the current system, our votes on various regulatory issues reflect our interests and not our constituents' This must change if representative government is truly to function.

When we pass this bill, we begin to restore the American people's faith in Congress. We will do so in five respects. First, we ensure that Members of Congress will know firsthand the burdens that the private sector lives with. By knowing those burdens, Congress may decide that the laws indeed are burdensome. That realization may lead to necessary reform of the underlying legislation. It is true that there will be additional costs imposed on Congress if this legislation passes. However, these are costs that the private sector has had to live with for years. And the Congressional Budget Office has estimated that costs of compliance will be only about $3 to $4 million. While that is a considerable sum, it represents, for instance, only a fraction of the amount that Congress recently voted for a subway system to connect the Senate office buildings with the Capitol.

The second benefit of requiring that Congress live under the laws it passes for others concerns future social legislation. If Congress knows that it will be bound by what it passes, Congress will be more careful in the future to respect the liberties of others.

Third, passage of the bill will mean that congressional employees will have the civil rights and social legislation that has ensured fair treatment of workers in the private sector. Congress is the last plantation. It is time for the plantation workers to be liberated. Maybe it is more accurate to say that Congress and the judiciary are the last two plantations. Curiously, the only people who do not have to comply with the law are those who make the law and those who decide the cases under those laws. The judiciary has often interpreted legislation to be burdensome, perhaps in some instances, to be more burdensome than even the exempt Congress intended. Of course, an exempt judiciary has no reason to interpret the statute in a way to protect freedom. Under this bill, the judiciary will have to come up with a plan to provide coverage for its employees as well. I look forward to that proposal, and to enactment of legislation to cover the judiciary.

The fourth general result of this legislation will be a public recognition that Congress has again discovered that it is subject to the will of the people, not the other way around. Congress will no longer be above the law. Members of Congress will no longer be first class citizens with unjustifiable special privileges.

And fifth, Members of Congress will learn themselves of the litigation explosion that is choking small businesses in the country. When they see directly the litigation produced by the laws they pass, Congress will be very careful about creating additional liabilities for the private sector and additional work for the Federal courts. When they see how alternative dispute resolution operates, Members of Congress may appreciate the wisdom of encouraging additional alternative dispute resolution for all sorts of claims brought in the Federal courts.

Every indication from the polls, election returns, and the mail that we have received from constituents shows that nothing makes Americans madder than knowing that they have to live by laws that their Representatives in Congress do not. They are well justified in their anger. When we pass this bill, we will show them that we recognize the unfairness of the existing exemptions and the legitimacy of their concerns.

S. 2 is the pending business under unusual circumstances. It has not been considered by any committee in this Congress. Nonetheless, it bears a close resemblance to S. 2071 from the 103d Congress.

That bill was the subject of hearings in the Governmental Affairs Committee, and it was approved by the committee for floor consideration.

Unfortunately, the bill was not able to be considered before the Congress adjourned, despite the fact that the other body had passed similar legislation.

Although the Governmental Affairs Committee did issue a report to accompany S. 2071, this particular bill does not have a committee report. Although S. 2 is quite similar to S. 2071, there have been changes made in consultation with leaders from the other body.

Accordingly, it will be necessary, in lieu of a committee report, for me to first describe the bill generally, and then to detail each aspect of the bill.

S. 2 begins with the basic premise that the laws that govern the private sector should govern Congress unless it can be shown that important differences between Congress and the private sector justify some amount of change. The provisions of S. 2 also flow from a belief that judicial enforcement of the laws against the Congress is vital if those laws are to meaningfully apply.

I strongly disagree with the implications of today's Washington Post article on the congressional coverage bill. That article implies that Congress is already covered under many of these laws and already lives under them, and that all that is changing is the remedies. That analysis misses the point. Let me provide an analogy.

The Soviet Union's Constitution guaranteed the rights to freedom of speech, freedom of assembly, fair trial, and other rights that are similar to the American Constitution. They existed on paper. Any Soviet citizen could pull out that document and see that those rights existed. But of course, the rights guaranteed by the American Constitution are a reality and the rights guaranteed by the Soviet Constitution were an illusion. The reason for the difference: The American Constitution is enforced by an independent judiciary and the Soviet Constitution was not. The Soviet rights were nothing because there was no remedy.

Similar to the Soviet Constitution, it is true that some of the laws this bill will apply to Congress already can be found in the United States Code as applying to Congress. But the remedies to make those rights exist in more than name only do not.

"The history of liberty is the history of procedures for protecting liberty," Justice Frankfurter once wrote, and until this bill is passed, congressional employees lack the remedies necessary to protect liberty.

S. 2 will apply 11 laws to Congress that are either completely or partially inapplicable now. Those 11 laws are the Federal Labor Standards Act of 1964, title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Federal Service Labor Management Relations Act, the Employee Polygraph Protection Act of 1988, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act of 1973, and the Veterans Reemployment Act.

The bill provides different mechanisms for enforcement of these laws that correspond to their application to the private sector.

If the underlying law provides for a private right of action in court, one model is followed. If the law would be administratively enforced in the private sector, then it is to be administratively enforced against Congress.

For example, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, title I of the Americans With Disabilities Act of 1990, the Family and Medical Leave Act, the Fair Labor Standards Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, and the Veterans Reemployment Act provide for enforcement through a private right of action in court. Under S. 2, any employee who alleges a violation of these statutes may also bring a private action in Federal district court. This represents the first time that this relief has ever been available to congressional employees. Before the employee may sue in court, however, the employee must exhaust administrative remedies available to him or her. These administrative remedies are the counseling and mediation provisions that now govern Senate employees under the Government Employee Rights Act from 1991 that Senator Mitchell and I drafted.

I would now like to generally describe the operation of the legislation, and then detail its individual provisions.

The purpose of S. 2 is to fully apply antidiscrimination and employee protection laws to Congress.

The bill has eight key elements:

First, rights and protections under key antidiscrimination and employment statutes would fully apply to the House of Representatives, the Senate, the Architect of the Capitol, the Congressional Budget Office, and the Office of Technology Assessment.

Second, a new Office of Compliance would be established to handle claims and issue rules. The office would be headed by an independent board of directors, removable only for cause.

Third, for statutes providing a private right of action, an employee who believes there has been a violation could receive counseling and mediation services from the new office.

Fourth, if such an employee's claim is not resolved by counseling or mediation, the employee may file a complaint with the office and receive a trial and decision from an independent hearing officer. This decision may be appealed to the board and to the U.S. Court of Appeals.

Fifth, instead of filing a complaint with the office after counseling and mediation, the employee may choose to file an action in U.S. District court where a private sector employee could also bring a lawsuit in court. A jury trial may be requested under applicable law.

Sixth, for underlying statutes providing for administrative enforcement exclusively, the office will enforce the statutes administratively. The employee could obtain Court review for actions the office brought that were resolved adversely to the employee.

Seventh, since the General Accounting Office, the Government Printing Office, and the Library of Congress are already covered by antidiscrimination and employee protections laws, coverage would be expanded and clarified in certain regards.

Additionally, the Administrative Conference will undertake a study of the application of these laws to the three instrumentalities, and will recommend any improvements in regulations and procedures and for any legislation.

Eighth, to ensure compliance with these laws by the judicial branch, the Judicial Conference will undertake a study to determine how employees of the judiciary will obtain the rights and remedies conferred by these laws.

BACKGROUND AND NEED FOR LEGISLATION

Current law creates a patchwork of rights and protections for employees of the Senate, the House of Representatives, and the congressional instrumentalities.

Although Congress has made significant progress in extending employment laws to congressional employees, important gaps remain. The remaining exemptions, and significant differences in the manner and extent to which rights under these laws can be enforced, perpetuate the perception, and in at least some cases, the reality—of a double standard of special privilege for the legislative branch. This feeds the growing public cynicism about Congress.

COVERAGE AND GAPS IN COVERAGE OF THE SENATE, THE HOUSE OF REPRESENTATIVES, AND THE CONGRESSIONAL INSTRUMENTALITIES.

First, the Senate.—A number of major antidiscrimination and employment laws enacted in this century did not cover one or both Houses of Congress. Several laws, including Fair Labor Standards Act, the Age Discrimination in Employment Act, and the Civil Rights Act Amendments of 1972, were originally enacted without coverage for congressional employees, even while executive branch employees were expressly covered. The Federal Service Labor-Management Relations Statute and section 19 of the Occupational Safety and Health Act established special programs for the executive branch, different from the corresponding programs for the private sector, but, again, Congress did not cover itself.

The Employee Polygraph Protection Act and the Worker Adjustment and Retraining Notification Act did not apply to the Federal Government at all. Veterans reemployment provisions gave employees of Congress a Ramspeck remedy, but did not provide the private right of action and court access that private sector veterans enjoy.

Over the past 15 years or so, and accelerating in the 1990's, Congress has taken considerable steps to apply these laws to itself. As far back as the 94th Congress, 1975–76, the Senate adopted Senate Resolution 534, which prohibited employment discrimination in the Senate on the basis of race, color, religion, sex, national origin, or handicap, and which encouraged the hiring of women and members of minority groups.

With the passage of the Americans with Disabilities Act in 1990, rights as established in the antidiscrimination laws were accorded to Senate employees.

Enforcement, however, was through internal procedures before the Select Committee on Ethics, rather than through executive branch agencies or the courts. This act also obligated the Senate not to discriminate against members of the public on the basis of disability.

Title III of the Civil Rights Act of 1991, also known as the Government Employee Rights Act, reaffirmed the prohibition against all kinds of employment discrimination in the Senate.

The 1991 act also established an Office of Senate Fair Employment Practices [OSFEP] and proved an internal Senate enforcement procedure consisting of: First, counseling, second, mediation, third, formal complaint and hearing before a board of three independent hearing officers, and fourth, review of the decision by the Senate Select Committee on Ethics.

Finally, an appeal may be taken from the Ethics Committee decision to the U.S. Court of Appeals for the Federal Circuit.

Rights and protections under the Family and Medical Leave Act of 1993 have also been extended to Senate employees. These rights are enforceable through the procedures established in the Civil Rights Act of 1991.

Thus, Senate employees enjoy the rights and protections of all of the antidiscrimination laws, as well as the Family and Medical Leave Act, albeit with a different enforcement mechanism than is provided in the private sector or the executive branch. However, the Fair Labor Standards Act and the Equal Pay Act do not apply to the Senate.

Also, Senate employees do not have a right to trial in U.S. District Court, but they do have a right to trial before a panel of independent hearing examiners, and judicial review by a U.S. Court of Appeals.

Second, the House of Representatives.—In 1988, the House of Representatives adopted the Fair Employment Practices Resolution, House Resolution 558, 100th Congress, which has been renewed and codified in House rule 51. This rule specifics that personnel actions shall be free from discrimination based on race, color, national origin, religion, sex, disability, or age.

In adoption, the protections of the Fair Labor Standards Act, the Equal Pay Act, and the Family and Medical Leave Act have been made applicable to the House.

The House established an Office of Fair Employment Practices that has a 3-step process to be used by employees alleging discrimination: First, counseling and mediation, second, formal complaint, hearing by a hearing officer, and decision by the office, and third, final review of the decision of the office by an eight-member panel composed of four members of the Committee on House Administration and four officers and employees of the House.

Thus, House employees enjoy rights and protections against discrimination, as well as rights under the Fair Labor Standards Act, the Equal Pay Act, and the Family and Medical Leave Act.

However, the House process of enforcing and redressing these rights and protections is somewhat less independent than that in the Senate, and it affords no judicial review.

Third, the instrumentalities—The various congressional instrumentalities have been made subject to some of these antidiscrimination and employee protection laws, but not to others. Coverage is uneven.

The three largest instrumentalities—the General Accounting Office [GAO], the Government Printing Office [GPO], and the Library of Congress [LOC] are subject to these laws to much the same extent as executive branch agencies, although enforcement mechanisms frequently differ. Thus, the employees of these instrumentalities enjoy most of the rights and protections of the antidiscrimination laws, including the right to bring actions in U.S. District Court.

These employees also have the rights and protections of the Family and Medical Leave Act, the Fair Labor Standards Act, and the Federal Service Labor-Management Relations statute.

These three instrumentalities, as Federal agencies, are also subject to the requirements of section 18 of the Occupational Safety and Health Act, and related provisions of section 7902 of title 5, United States Code, and they each have implemented compliance programs.

However, under statute and established practice, certain of these instrumentalities have internal enforcement or grievance mechanisms where executive branch agencies would be subject to external regulation by other agencies.

The Architect of the Capitol, the Congressional Budget Office, and the Office of Technology Assessment have substantially more limited coverage. Employees of the Architect of the Capitol enjoy rights and protections under the antidiscrimination laws, and were recently authorized to bring claims to the GAO Personnel Appeals Board.

However, these employees have rights under the Fair Labor Standards Act and the Family and Medical Leave Act that are not subject to external enforcement, and they are not covered under any labor-management law. Employees of the CBO have the same rights and protections as House employees, and can bring claims to the House OFEP under House rule 51.

Employees of OTA enjoy the rights and protections of antidiscrimination statutes and the Family and Medical Leave Act, but not the Fair Labor Standards Act. OTA has established its own internal grievance procedure.

Last Congress, significant efforts were undertaken to remove the exemptions Congress has granted itself.

Compliance with Federal laws for the legislative branch was also a major issue for the Joint Committee on the Organization of Congress, which was charged in 1993 with presenting a legislative reorganization plan.

There was a near consensus among the Senators and members of the House of Representatives who testified before the joint committee that congressional exemptions should end.

At hearings before the Governmental Affairs Committee on June 29, 1994, Dr. Norman Ornstein, resident scholar at the American Enterprise Institute, stated:

> There is no subject now that inflames the public more, when it comes to Congress, than this one [congressional coverage].

He therefore urged that Congress get "caught up with the curve of public opinion," or else Congress "may be forced to take action that is far more destructive of the prerogatives of the institution, and of the taxpayers' purse," than the proposals now being considered for enactment.

Members who testified or spoke at the Governmental Affairs Committee's hearing in June and at its meeting to mark up S. 2071 in September, were also nearly unanimous in supporting extension of coverage. Concern was expressed about reported and perceived inadequacies in existing employee rights and protections in the legislative branch.

For example, there was concern about the high rate of workers' compensation claims by employees of the Architect of the Capitol, and about a GAO report documenting apparent inequities in the employment and hiring policies of the Architect.

Also, studies were cited showing that the grievance process provided by the Office of the Architect was underutilized, presumably because of a lack of trust in the process, and that a sizable percentage of House and Senate employees expressed reluctance to use their respective grievance procedures because of a lack of trust.

Additionally, the final report of the Joint Committee on the Organization of Congress stated: "Witnesses were uniformly dissatisfied with the performance of the House Office of Fair Employment Practices [OFEP], which was established in 1989." H. Rep. No 103-413, vol. II, at page 147 (December 1993).

They also expressed concern that an underutilization was caused by lack of employee trust in the process.

SUMMARY OF PROPOSAL

A. WHAT LAWS SHOULD APPLY?

The guiding principle expressed by more than one member of the committee in considering this legislation is that Congress should be subject to the same laws as apply to a business back in a home State. The only exception should be where different rules are necessary to enable Congress to fulfill its constitutional and legislative responsibilities.

This bill would apply 11 key anti-discrimination and employee-protection laws to the Congress. These laws are:

Title VII of the Civil Rights Act of 1964,

The Age Discrimination in Employment Act of 1967,

The Rehabilitation Act of 1973,

The Americans with Disabilities Act of 1990,

The Family and Medical Leave Act of 1993,

The Fair Labor Standards Act of 1938,

The Employee Polygraph Protection Act of 1988,

The Worker Adjustment and Retraining Notification Act,

The Veterans Reemployment Act,

The Occupational Safety and Health Act of 1970, and

The Federal Service Labor-Management Relations Statute.

B. BICAMERAL STRUCTURE

Some Senators believe that to authorize executive branch agencies to enforce antidiscrimination and employment laws against Congress would create a dangerous entanglement between these two branches of Government.

They think the legislative branch must be free from executive branch intimidation, real or perceived, and the enforcing agency must likewise be free of real or imagined intimidation by the legislative branch.

The view has also been expressed that the Constitution requires each House to govern itself, independently of the other House. However, S. 2 creates a Bicameral Office of Compliance. Self-government is an essential constitutional obligation of each House, but establishment of a single office to implement these laws jointly for the Senate and House would not infringe on any essential Senate or House prerogative.

Indeed, laws cannot be enforced in a fair and uniform manner—and employees and the public cannot be convinced that the laws are being enforced in a fair and uniform manner—unless Congress establishes a single enforcement mechanism that is independent of each House of Congress.

S. 2 would create a new independent enforcement office within the legislative branch. An independent board of directors would be appointed by the majority and minority leadership of each House, removable only for cause. However, the deputy directors of the office, one for each House, will develop the regulations that govern each House, and forward them to the board for notice and comment procedures. The board would then issue regulations, and the accompanying documentation would detail any departures from the recommendations of the deputy directors.

Ultimately, each body would adopt its own regulations, which, so long as they comported with the terms of this act, could take into account differences between the two bodies. Specifically, the board would be responsible for developing rules to apply the antidiscrimination and employment laws to Congress, and Congress would retain the power to approve these rules.

Regulations would become effective by a vote of the respective body, or by both bodies in the event that the regulations in question covered joint employees.

The regulations would have to be consistent with the rules developed by executive branch agencies, unless the board determined for good cause that a different approach would be more effective for the implementation of the rights and protections conferred by the underlying statutes.

The ultimate responsibility for developing, issuing, and approving the rules would remain within the legislative branch. Regulations could gain the force of law if both Houses approved them and presented them to the President for signature.

Although the validity of the regulations could not be challenged upon their promulgation, they could be challenged collaterally by aggrieved employees during enforcement actions. Regulations adopted with the force of law could be challenged only on the basis of their constitutionality, and also only collaterally.

The bicameral and legislative enforcement approach contained in S. 2 is an effort to accommodate the views of those who adamantly oppose executive branch enforcement of these statutes. Some who oppose the interference of the executive branch claim that the Constitution prohibits the executive branch involvement that the private sector lives with under these laws.

Indeed, some of my colleagues maintain that judicial enforcement of these laws to Congress violates the separation of powers.

I am aware of no case law that establishes that subjecting Congress to the same executive and judicial branch enforcement mechanism that the private sector faces violates the Constitution.

And if it were entirely up to me, I suppose that I would have introduced as S. 2 a one-page bill that simply ended the exemptions and required Congress to live under the same laws that it passes for everyone else. I would have provided the same remedies for enforcement that apply outside Congress.

I would have executive branch enforcement of the laws, such as EEOC enforcement of the civil rights laws and Labor Department enforcement of the minimum wage laws.

However, S. 2 recognizes the strong feelings of the Members who disagree with me.

So long as the legislative branch agency enforcing the laws is not a tool of the Members, and so long as the underlying statutes are expressly incorporated through legislation to apply to Congress, the regulations must conform to the regulations, and the regulations can be challenged in court if they subvert the statutes that must apply to Congress, I am willing to accept legislative enforcement.

But that does not mean that I agree that there would be any constitutional impediment to executive branch enforcement. Indeed, I have always been puzzled by the separation of powers argument in the context of congressional coverage.

The Justice Department enforces the criminal laws against Members of Congress, and the courts hear such claims and render judgment. Surely imprisonment is a much greater intrusion against a Member than is a citation for an OSHA violation.

Nonetheless, in recognition of the strong feelings of some of my colleagues, S. 2 provides for administrative enforcement of these laws by an agency within the legislative branch. That requires that S. 2 be a lengthier bill. An administrative mechanism for enforcing 11 laws and permitting judicial review of the decision cannot be written on 1 piece of paper.

C. CLAIMS PROCEDURES AND JUDICIAL REVIEW

The new office would be responsible for handling and adjudicating employee claims where the underlying statute provides for a private right of action. An employee would first receive counseling and mediation services.

If the claim cannot be resolved at this stage, the employee could request that a hearing officer be assigned to conduct a formal administrative hearing on the employee's claim. After the hearing, either party could appeal to the board of directors. If necessary, they could than appeal the decision to the U.S. Court of Appeals for the Federal circuit.

In lieu of a hearing, the employee may bring an action in Federal district court. Allowing access to district courts makes the available remedies more like those available to both private-sector and executive-branch employees. Courts and judges do not have the complex interactions with Congress that executive agencies have, so the risk of intimidation would not arise.

Furthermore, politically motivated claims can be made in other forums, regardless of whether access to district court is allowed.

For claims arising under statutes that do not provide for a private right of action, the employee would proceed to the office to obtain counseling and mediation, as described above.

However, in lieu of the private right of action or executive branch administrative enforcement, the office, if the General Counsel so determined, would pursue the claim itself. The aggrieved party at the end of the administrative process could obtain court review of the decision with the court of appeals for the Federal circuit.

D. LABOR-MANAGEMENT RELATIONS

In the context of the labor-management relations area, I am concerned that congressional coverage does not create any conflicts of interest. For example, there might be concern if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions.

Even if such a conflict of interest between employees' official duties and union membership did not actually occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is concern that labor actions could delay or disrupt vital legislative activities.

The bill would apply the Federal service labor management relations statute, rather than the private-sector National Labor Relations Act. The Federal service law includes provisions and precedents that address problems of conflict of interest in the governmental context and that prohibit strikes and slowdowns.

Furthermore, as an extra measure of precaution, the reported bill would not apply labor-management law to Members' personal or committee offices or other political offices until the board has conducted a special rulemaking to consider such problems as conflict of interest.

Those rules would also not go into effect until considered and enacted by Congress.

E. COST CONSIDERATIONS

Some Members expressed concern that application of laws to the legislative branch would impose large and unpredictable costs on the taxpayer.

The Congressional Budget Office disagrees. The CBO cost estimate predicts costs of about $1 million in the first two fiscal years, and $4 to $5 million in subsequent years. However, unlike S. 2071, S. 2 does not permit covered employees to be offered compensatory time in lieu of overtime pay. That is the rule that applies to the private sector.

There might be some additional cost of complying with this provision. But with respect to employees whose work schedule is highly irregular because of the irregular Senate and House schedule, the board would develop comparable regulations to those governing private sector workers with irregular work hours.

Since the new leadership has committed itself to a more family hospitable work schedule, the amount of overtime is likely to be less in any event.

There will also be costs that CBO did not take into account because S. 2, unlike S. 2071, requires OSHA inspections.

However, the additional costs are likely to be small in relation to the normal sums Congress spends.

F. APPLICATION TO INSTRUMENTALITIES

In an attempt to bring order to the chaos of the way in which the relevant laws apply to congressional instrumentalities, S. 2 divides the instrumentalities into two groups.

The three largest instrumentalities, the General Accounting Office, Library of Congress, and Government Printing Office, already have coverage and enforcement systems that are identical or closely analogous to the executive branch agencies.

Notably, employees in each of these agencies already have the right to seek relief in the Federal courts for violations of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Fair Labor Standards Act, and they are covered under the same provisions of the Family and Medical Leave Act as executive branch employees.

Employees in each of these instrumentalities also already are assured of the right to bargain collectively, with a credible enforcement mechanism to protect that right. For these three instrumentalities, S. 2 clarifies existing coverage in certain respects, and expands coverage under the Americans with Disabilities Act.

It makes few changes with respect to the Government Printing Office because of separation of powers concerns raised by the Department of Justice that GPO is an executive branch agency that should not be under the supervision of a congressional office of compliance.

Additionally, S. 2 directs the administrative conference to study the application of each of these laws to these entities, and to make recommendations for any improvements in such regulations or procedures to ensure they are at least comparable to those required by this act. The board is directed to complete this study within 2 years after passage of this act.

The remaining instrumentalities, including the Architect of the Capitol, the Congressional Budget Office, and the Office of Technology Assessment, are brought within the same new rules, procedures, and remedies as this bill would apply for House of Representatives and Senate employers and employees.

This will allow for a consolidated application and administration of these laws. It will also extend to these employees, for the first time, the right to bargain collectively, and it will provide a means of enforcing compliance with these laws that is independent from the management of these instrumentalities.

For employers of these instrumentalities, by strengthening the enforcement mechanisms, this bill attempts to transform the patchwork of hortatory promises of coverage into a truly enforceable application of these laws.

Dividing the instrumentalities in this manner will reduce the adjudicatory burden on the new office of compliance by excluding from its jurisdiction the approximately 15,000 employees of GAO, GPO, and the Library of Congress.

It also has the advantage of using the apparatus that will already be necessary to apply these laws to the 20,000 employees of the House and Senate to the remaining approximately 3,000 employees of the Architect, Botanic Gardens, CBO, and OTA.

Senator GLENN will probably tell us that years before I came to the Senate, through resolutions he tried to bring and did successfully try to bring attention to this matter on the floor of this body. When I first made that attempt several years ago, it failed, as did my attempt later on in 1989 to end this situation by amending the Americans With Disabilities Act. My amendment at that time was accepted by the then Senate leadership. But in a sense I think they did it because they knew that they would render it ineffective in conference, and it was rendered ineffective in Congress. At a later time I tried to correct this inequity, and I was not even allowed to offer my amendment to the family leave bill when it was first debated in the Senate in 1991.

So, Mr. President, in conclusion of my opening statement, the time to act is now. I hope that my colleagues will vote for this bill without any undue delay or any particular destructive amendments.

Senator GLENN is going to seek the floor in just a moment. As I indicated once before in this debate, when Senator GLENN was a freshman Member of this body he was aware of this inequitable situation. He has worked hard with lots of us and he worked hard before a lot of us came here to bring attention to this inequitable situation, unfair situation. Inequitable in the sense that we as employers do not have the same laws apply to us as private sector employers do, unfair in the sense that congressional employees and Hill employees do not have the same rights as private sector employees have under the employment and discrimination laws and safety laws that affect private—and that assures safety and employment fairness—sector employees.

Senator GLENN studied this issue hard, and I suppose in his early days even had more trouble than I did in trying to get the people to appreciate that this dual standard of law was wrong. But he had some resolutions passed very early. I want to commend him for using that method to try to rectify this situation for employees on the Hill. But most importantly, in the time that I have been in the Senate, I want to say that I have found Senator GLENN very cooperative with my efforts to extend these laws. I appreciate very much his efforts to do that.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I thank you.

FLOOR PRIVILEGES

Mr. GLENN. Mr. President, I ask unanimous consent that Jill Schneiderman of Senator DASCHLE's staff be granted floor privileges for the duration of the Senate's consideration of S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I have listened very closely to Senator GRASSLEY's presentation here this afternoon. It certainly has been excellent. It certainly covered the legislation in great detail. That was to be expected because he has worked on this for a long time and has been involved with it basically—not for press purposes—because he believes in it and because he believes in what is right for the rest of the country is right for Capitol Hill. I agree with that.

The late great Senator Sam Ervin, who was also a great constitutional scholar, once said that Congress is "like a doctor prescribing medicine for a patient that he himself would not take." I agree with that statement by Sam Ervin because by enacting laws for others and then exempting ourselves we have done great damage to the public perception of Congress.

I do not find any more of a hot button item wherever I travel in Ohio and other parts of the country than this particular item because I find that people are especially irritated that we do not have to follow the rules like everybody else. There were some reasons why the rules were exempted earlier. I will address that in just a moment. It was not done just to make life easier for us here. There were some genuine concerns about how they would be administered. But businessmen and others—but especially businessmen—tell me that we in Congress cannot understand the real impact of our laws because we do not have to follow them back here on Capitol Hill.

There is an even more important principle at stake it seems to me; and, that is, to continue to deprive our employees of the full protection of the law is flat wrong. We passed laws for the rest of the country that said that employers should treat their employees in a certain way, that OSHA laws should be at administered against businesses, institutions, colleges or public buildings or whatever, that EPA would take certain actions and so on out there. But then we say but we will not let those things apply here on Capitol Hill.

Let me be clear. I am not just talking about our legislative and our administrative personnel that many people think of when you think of Capitol Hill staffers. We think of our administrative personnel. But we must remember there are also the cleaning crews, the police, the restaurant workers, the parking lot attendants, the plumbers, the window washers, and so on, all of the workers who do not enjoy the same rights as every other American not employed by Congress. That is what it comes down to. Is it right that we do this for our own people employed here on Capitol Hill? Is it right that they have the same protections as everyone else? I cannot come to any conclusion but that certainly it is right that we pass this kind of legislation.

So I am very pleased that in these opening days of the 104th Congress we can finally do what is right for these people and eliminate this congressional double standard under which we have enacted laws that apply to everyone but ourselves.

This reform is long overdue. Our efforts to apply the law on Capitol Hill go back many years. My own personal efforts, which Senator GRASSLEY referred to a little while ago, go clear back to 1978. I had not been here too long. In 1978 I had been here I guess at that time about 3 years. I was sworn in early 1975. I proposed a resolution to assure that all Senate employees would be protected against employment discrimination just as other people were all over the country, and explained why we needed this resolution. I said that I viewed Congress as "the last plantation." That got the ire of some of my colleagues. They were not happy with me for making that kind of a statement. But the employees knew what I said was true because we were treating ourselves here, we were treating Capitol Hill, as the last plantation that was a law only unto itself. The resolution did not pass in 1978. It is only in the last few years that we have finally enacted substantial legal protection for Senate employees. Our Senate employees are now covered under the civil rights laws and certain other employment laws. But they can take their cases to the U.S. Court of Appeals.

Despite this progress we still have an unacceptable patchwork quilt of coverage and exemption here on Capitol Hill. It has not been easy to solve this problem. My guiding principle has been that we in Congress should be subject to the same laws as applied to a business back in our home State.

I recognize the unique nature of life on Capitol Hill, the unique nature of the Congress and how it does business here. So every single law cannot apply in exactly the same way as they are administered back home. But most of them can. Many Members also believe that the Constitution requires us to preserve substantial independence of the Senate and of the House of Representatives—in other words, the separation of powers under the Constitution. One branch does not have a superior position over another branch of Government. It is the checks and balances of our Government that we do not wish to throw away. The concern of a lot of people about this separation of powers is not simply a matter of personal prerogative or ego. For the private sector, these laws are normally implemented by the executive branch and the judicial branch. But many Senators, both Democrats and Republicans, have expressed genuine concern about politically motivated prosecutions that might result if we ignore the principle of separation of powers as we apply these laws to Congress.

Last year, the majority leader, Senator Mitchell, asked me as chairman of the Governmental Affairs Committee to try and find a bipartisan solution. I started with the excellent bill introduced last year by Senators LIEBERMAN and GRASSLEY, and then together with them, with Senators LIEBERMAN, GRASSLEY and other Senators from both sides, we worked hard to reach a solution, and I think we succeeded. We included even a stronger application of the laws to Congress, and we also included stronger protection of the constitutional independence of the House and Senate. Our legislation won broad, bipartisan support, but it was unfortunately blocked on the Senate floor in the closing days of the 103d Congress.

I am very gratified that our solution to congressional coverage now stands, I believe, an excellent chance of being enacted by the new Congress. There have been two different bills introduced. One is the bill we have before us today, and the other was introduced on congressional accountability yesterday by Senator DASCHLE, our new Democratic leader, as part of a comprehensive congressional reform proposal. Senator DASCHLE's proposal includes a number of reforms of the way Congress does business, including not only congressional coverage, but also including measures on lobbying disclosure and gifts to Members.

These essential measures, which I support, were also blocked along with congressional coverage at the end of the last Congress. That bill is not the one that is before us now. The bill before us now is the one just on congressional coverage that Senators GRASSLEY, DOLE, and LIEBERMAN have submitted.

Senator DOLE has made this a top-priority legislative proposal, and I am very happy with that. With this strong bipartisan support that we have for this legislation, I am very optimistic that congressional coverage legislation can be promptly enacted—and I hope very promptly.

Legislation can be briefly summarized in five key elements. First, all of the rights and protections under the civil rights laws and other employment statutes, and the public access requirements of the Americans With Disabilities Act, would apply to the legislative branch. This includes the Senate, the House of Representatives, and our support agencies. Second, a new compliance office would be established within the legislative branch to handle claims and issue rules. This compliance office would be headed by an independent five-person board of directors, removable only for cause and appointed by the leadership.

This board is a new proposal here, in that this takes away most of the concerns of those people who were primarily concerned about the separation of powers and what would happen if we had an overzealous executive branch of Government trying to enforce a Clean Air Act or an OSHA law on Capitol Hill and pushing too hard for it, wanting to exact a pound of flesh in some other area in response. That has been a concern that people have expressed throughout the years. So this board goes a long way toward declaring our independence and our capability in making sure that all of the laws are adhered to here on Capitol Hill and making that administration of those laws the purview of this five-person board of directors.

I think it is unfortunate that we have to create a new enforcement bureaucracy at a time when we are more concerned about streamlining Government. But many Members, as I say, still believe it would violate the constitutional separation of powers to have the executive branch enforce these laws against Congress.

A third point. Any employee who believes there has been a violation could receive counseling and mediation services from the new office. I would anticipate that most of the problems could be resolved at that counseling and mediation level. But if the employee's claim is not resolved by counseling or mediation, then the employee can carry this further. They can file a complaint with the compliance office and receive a hearing and decision from a hearing officer. This decision may be appealed. Then, in turn, if they are not happy with what comes out of the first two steps, it may be appealed to the board for the board's direct action, or after that, even to the U.S. Court of Appeals. That is a lengthy process, but it is one that certainly gives the employees all kinds of access to make sure that their complaint is adequately dealt with.

Fourth, instead of filing a complaint with the compliance office after counseling and mediation, another track that can be followed is that the employee may elect to go directly and sue in the U.S. district court, just as any businessman across this country can do, or any individual across the country can do if they have a problem with their employer, or whatever. Further, a jury trial may be requested under normal applicable law.

Fifth, the board will appoint a general counsel who will enforce OSHA, collective bargaining requirements, and other laws.

So I am very pleased that there now appears to be bipartisan support for the Congressional Accountability Act. I will certainly be as pleased as anyone when it is finally adopted. This is not all brand new, make no mistake about it. The congressional coverage legislation is not completely new in that congressional coverage legislation was adopted by the Democratically-controlled House of Representatives last year. Congressional coverage legislation was sent to the Senate floor from our Governmental Affairs Committee last year. Unfortunately, it died in the final days of the Senate last year in that scorched Earth atmosphere which we all deplore, when we saw Members opposing just for the sake of opposing and sometimes killing legislation they themselves even supported.

But that is behind us now and we are on to a new day here. I certainly want to let everyone know that while we went through some trials and tribulations last year, we are ready to move on.

I think the American people are ready to move on and see this kind of legislation in particular get passed. That is easier said than done sometimes, but I think it is high time that we started to put the national interests first and to calculate our actions based not on narrow political calculations of today, or on who may gain more political advantage by supporting or opposing this particular piece of legislation. We should be doing this on what is best tomorrow for the United States of America, for the whole country.

If Republicans and Democrats alike can just remember that, I think we are going to have a great session through this coming year. I think the Congressional Accountability Act is a good place to start.

I talked about the last plantation a little while ago. The last plantation, I think, we now can eliminate and bring into the 20th century with this particular piece of legislation. So I am very happy to be supporting it.

Mr. President, earlier in the remarks by my distinguished colleague from Iowa, he mentioned the costs and other impacts of the Congressional Accountability Act. I have a one-page summary of where those expenses are anticipated to occur, and I ask unanimous consent that this be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Briefly summarizing, one new compliance office is estimated to cost about $1 million a year for 2 years during startup. It will be $2 to $3 million a year thereafter, including enforcement procedures and OSHA inspections.

Settlements and awards to employees can run from a half million to a million dollars a year.

Federal labor-management relations, possibly a million dollars a year. We do not know on that. There is no good way to estimate that.

OSHA concerns are a little uncertain also, but those mainly have been taken care of around Capitol Hill, so there should not be much expenditure on that.

Applying fair labor standards to the Capitol police force will cost probably around $800,000 a year or so. On other employees it was difficult to estimate on that as to what the fair labor standards application could bring in the way of costs.

Antidiscrimination laws, polygraph protection, plant closing, and veterans rehiring are things for which we do not anticipate there would be any major expense.

The bottom line then is that the total estimated cost CBO has run out—and this was included in our Governmental Affairs report last year in a CBO letter at pages 44 and 49 of the Governmental Affairs Committee report, if anybody wants to refer to it—described these costs that I just enumerated here briefly, and came to the bottom line that a total estimate would be about $1 million per year for the first 2 years and a $4 to $5 million total thereafter. But it is a very, very uncertain amount. So compared to the problem we are solving, I think that is a fairly modest expenditure.

Mr. President, the Congressional Accountability Act would apply a number of Federal workplace safety and labor laws to the operations of Congress. But one of the main things it also provides is the new administrative process I outlined for handling complaints and violations of these laws. And that is new.

While it is true that some of these laws have applied to Capitol Hill in the past, there has not been an enforcement mechanism. There has not been a way for an aggrieved employee to exercise their rights and have justice prevail.

One of the major provisions is the administrative process for handling complaints that I just described a few moments ago. Let me go through once again some of the major provisions of this act.

First, it will have the application of workplace protection and antidiscrimination laws. S. 2 would apply several Federal laws regarding employment to the operation of legislative branch offices and provide an administrative process for handling complaints and violations.

The following laws would be applied to legislative branch employees: Under the general title of antidiscrimination laws, we have title VII of the Civil Rights Act of 1964; we have the Age Discrimination in Employment Act of 1967; we have title I of the Americans With Disabilities Act of 1990; and we have the Rehabilitation Act of 1973. Those are all under the antidiscrimination laws.

Next, under the general heading of public services and accommodations, under ADA, the Americans With Disabilities Act, under title II, the Americans With Disabilities Act of 1990, which prohibits discrimination in Government services provided to the public. Another provision under title III, Americans With Disabilities Act of 1990, applies to the rest of those provisions.

Under the general heading of workplace protection laws, the Fair Labor Standards Act of 1938, which concerns minimum wage, equal pay, maximum hours, regulations, and protection against retaliation would now apply. These regulations will be promulgated by the board that tracks executive branch regulations. These regulations will take into account those employees whose irregular work schedules depend directly on the Senate. There has been some concern expressed by Senators about how that would work.

Others, under workplace protection laws, are the Occupational Safety and Health Act of 1970, the Family and Medical Leave Act of 1993, the Employee Polygraph Protection Act; the Worker Adjustment and Retraining Act, which requires a 60-day notice of office closing or mass layoffs, which would not normally apply on Capitol Hill, until you think of the fact that we have the Government Printing Office and the Library of Congress and others where such layoffs might possibly occur.

Another portion under the workplace protection laws is the Veterans Reemployment Act. It grants veterans the right to return to their previous employment, with certain qualifications, if reactivated or drafted.

Further, under the general heading of labor-management relations, the Federal Service Labor-Management Relations Statute of 1978 would apply, and the application to personal or committee staff or other political offices would be deferred until rules are issued by the new Office of Compliance.

Under covered employees, the compliance provisions for the preceding laws would apply to staff and employees of the House, the Senate, the Architect of the Capitol, Congressional Budget Office, Office of Technology Assessment and, of course, the newly recreated Office of Compliance.

Employees of congressional instrumentalities such as the General Accounting Office, Library of Congress, and Government Printing Office will be covered under some of these laws but a study will be ordered to discern current application of these laws to the instrumentalities and to recommend ways to improve procedures. Some of these entities or instrumentalities already have their own internal rules and regulations that they have applied that we want to bring into harmony with this new legislation, and that will be done over a little period of time.

Let us go through protections and procedures for remedy. The bill provides the following five-step process similar to current Senate procedure for employees with claims of violations of civil rights or Americans With Disabilities Act. For employment discrimination laws, violation of family and medical leave protection, violation of fair labor standards, and violations of laws regarding polygraph protection, plant closings, and veterans reemployment violations, the procedure would be as follows:

Step 1 would be a counseling service, which can last for 30 days and must be requested within a 6-month statute of limitations.

Step 2, mediation services, which last for 30 days and must be pursued within 15 days.

Step 3, if the claim cannot be resolved, then a formal complaint and trial before an administrative hearing officer may ensue.

Step 4, after the hearing, if the party feels that they still have not received proper treatment, any aggrieved party may appeal to the Office of Compliance's board of directors, to the board itself. And that does not even end it.

Step 5, if necessary, any aggrieved party may then appeal to the U.S. Court of Appeals for normal judicial review.

The bill would also allow employees to bring suit in Federal district court after the mediation step, without going up to all the rest of that ladder, rather than proceeding, if they choose to do that, rather than proceeding to the administrative hearing and all those five steps I just mentioned. And if they went to district court, the remedy could include the right to a jury trial. The option to seek district court redress could occur only after an employee went through the counseling and mediation process. So that is required whatever happens and whichever track the person might choose to go.

With respect to discrimination based on race, color, religion, sex, or national origin, remedies would include reinstatement, back pay, attorneys fees, and other compensatory damages.

For claims under the ADA title II and title III relating to discrimination in Government services, the bill provides the following steps:

Step 1 would be for a member of the public to submit a charge to the general counsel of the Office of Compliance. No. 2, the general counsel may call for mediation. Step 3, the general counsel may file a complaint which would go before a hearing officer for decision. Step 4 would be an appeal to the board. And step 5 would be an appeal to the U.S. Court of Appeals.

For violation of OSHA, the bill provides the following procedures:

Step 1, employees may make a written request to the general counsel to conduct an inspection.

General counsel will also inspect all facilities at least once each Congress, most likely using some detailees from the Labor Department to help since they are experienced in that area. But the authority would rest with the general counsel to do that. Step 2, citations may be issued by the general counsel. Step 3, disputes regarding citations will be referred to a hearing officer. Step 4, appeal of hearing officer decisions go to the board. Step 5, the board may also approve requests for temporary variances. Step 6, appellate court review of decisions of the board, if it gets that far.

Now, in this area, there would be a 2-year phase-in period for the OSHA procedures to allow inspection and corrective action. The survey also would be conducted to identify problems and to prepare for unforeseen budget impact. Penalties would not apply under the OSHA provisions because this would result only in shifting accounts in the Treasury; in other words, the Government finding itself in one area and putting the Treasury over in the other area.

The following process applies to violations of collective bargaining law: Step 1, petitions will be considered by the board and could be referred by the board to a hearing officer; step 2, charges of violation would be submitted to the general counsel, who will investigate and may file a complaint. The complaint would be referred to a hearing officer for a decision subject to appeal to the board again. Step 3, negotiation impasses would be submitted to mediators. Step 4, court of appeals review of board decisions will be available except where appellate review is not allowed under the Federal Service Labor-Management Relations Statute.

Now, employees who are employed in a bona fide executive, administrative, or professional capacity—in other words, those committee staff or personal staff who are not covered by the minimum wage and maximum hour provisions—and interns, are also exempted. Otherwise, remedies for violations of rights of all other employees under the FLSA will also include unpaid minimum or overtime wages, liquidated damages, and attorneys fees or costs. I note the exemption there, that professional employees would not be covered in that same way. These remedies would apply to the nonprofessional employees only.

Now, let me address briefly the Office of Compliance. S. 2 will establish an independent nonpartisan Office of Compliance to implement and oversee application of antidiscrimination worker protection laws. Under rulemaking, the office will promulgate rules to implement the statutes. Congress may approve and change by joint resolution rules issued by the office. Rules would be issued in three separate sets of regulations. One, the House; two, the Senate; three, joint offices and instrumentalities. Rules for each Chamber would be subject to approval by that body, or to grant the force and effective law by joint resolution. Rules for joint offices and instrumentalities would be subject to approval by concurrent resolution.

Membership. The office will be headed by a five-member board which will be appointed to fixed, staggered terms of office. The board will be appointed jointly by the Senate majority leader, the Senate minority leader, the Speaker of the House, and the House minority leader. Membership may not include lobbyists, Members, or staff except for Compliance Office employees. The Chair will be chosen by the four appointing authorities from within the membership of the board.

Settlement award reserves, payment of rewards for House and Senate employees, will be made from a new single contingent appropriations account. All settlements and judgments must be paid from funds appropriated to the legislative branch and not from a Governmentwide judgment account. There will be no personal liability on the part of Members.

Mr. President, I think that is a rather complete rundown of this. I think it is only fair we apply the laws to our employees here on Capitol Hill that are applied to the rest of the country. I hope we can have this legislation approved very shortly. I hope we can keep amendments to a minimum. I do not know whether there are any amendments proposed to be brought up this afternoon.

I yield the floor.

EXHIBIT 1

SUMMARY OF COSTS AND OTHER IMPACTS OF CONGRESSIONAL ACCOUNTABILITY ACT

The CBO letter, at pages 44–49 of the GAC Report (and the CBO letter for the House bill) describes the following costs:

1. New compliance office: $1 million/year for 2 years, during start-up.

$2–3 million/year thereafter, including enforcement procedures and OSHA inspections.

2. Settlements and awards to employees: $0.5–1 million/year.

3. Federal labor-management relations: $1 million/year for lawyers and personnel officers.

4. OSHA: Existing standards—will require change in practices rather than significant additional space or cost.

Possible future standards—e.g., ergonomic equipment; air quality—without specific standards, cost cannot be predicted.

5. Fair Labor Standards: Capitol police—$0.8 million/year.

Other employees—CBO could not estimate.—CBO assumed the compliance office would have wide discretion in establishing rules and in allowing compensatory time instead of overtime. This is incorrect: bill requires private-sector rules.

6. Anti-discrimination laws—no additional cost, because these requirements already apply under statutes or rules.

7. Polygraph protection—no effect; polygraphs are not used.

8. Plant closing—no effect; no mass layoffs are anticipated.

9. Veterans rehiring—not scored by CBO; added to the legislation this year.

Total Estimate: $1 million/year for the 2 years, $4–5 million/year thereafter.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank the Chair, and I rise in support of the bill.

Mr. President, it has been my privilege to have been cochairman of a working group with Senator GRASSLEY to try to pull together various parts of this legislation and help get it to the floor.

I am fully cognizant of the fact that those of us who are newcomers to this legislative process, indeed, stand on the shoulders of giants. There have been so many who have done so much in this area: Senator GRASSLEY, Senator LIEBERMAN, Senator GLENN and others. I am delighted to be a part of that, and to be part of this strong bipartisan effort here in my first opportunity to address this body.

Mr. President, Senators GRASSLEY and GLENN have very aptly gone over the details of this legislation. It is indeed complex. It involves several pieces of complex litigation and applicability to those already existing laws. They have gone over this in detail. I will not.

I would like to make some basic observations, however, starting with the proposition that the people spoke in a very loud voice in this last election. We can disagree as to what the people were saying in many respects, and we do. We have spent a lot of time trying to interpret the voice of the people in these last few weeks. However, I think there is one thing we cannot or should not disagree on. That is, in large part, they were saying that they want a change of the way we have done business in Washington, DC, Mr. President, specifically in the Congress of the United States.

I cannot think of a better example of the way that we have been doing business in times past than this whole business of exempting Congress from the laws that other people have to live under. So today, I think that what this bill does is take a step in the right direction. It takes a step away from that and toward accountability. It stands for the basic proposition that those who make the laws in this country have to live under the laws that they make, as other citizens do.

Those of us who have just come off the campaign trail, perhaps, have an additional insight into this matter. Those here with us today have spoken many times and labored in the vineyard for many years on this bill. Those of us on the other end of the spectrum have just come from being a part of campaigns where the people's voice was most recently heard.

Mr. President, not only are the people in America for this legislation, the people in America demand this legislation. I would suggest that the people in my State of Tennessee, and I would guess the people across this Nation, wonder why it took so long to pass a proposition that seems to be so imbued in basic common sense. So perhaps that day has changed. I hope we are winning it now, as I speak.

Mr. President, in the first place, it is the fair thing to do. That has been so aptly discussed and described by earlier speakers today. Second, Mr. President, I would like to bring up an additional point, and that is, in my observation, the people of this country, in many respects, are unfortunately losing confidence in our country's institutions. People more and more, I believe, Mr. President, are feeling alienated from their Government in this country. I think that that certainly has to do with the Congress of the United States. I believe that people more and more feel that the Congress has lost touch with people who work hard, pay their taxes, obey the laws and regulations, and are seldom heard from except when additional revenues are needed.

So, I believe that this legislation is the first of many reforms that we will be discussing here in the next several days that will help restore the confidence that the people must have in the people's branch of Government, the Congress of the United States. We cannot stop this cynicism and this feeling of alienation, Mr. President, by ourselves. But the Congress of the United States can stop contributing to it.

Mr. President, I believe in the years to come that this body will be a messenger of bad news to the American people if we do our job, if we are responsible. When we look at the economic picture down the road, when we look at the budgetary problems we will be facing in this country, we will not always have good news to bring to the American people.

I believe the American people are up to it. However, I believe when we deliver that message, the American people must be able to trust the messenger, and I think, again, that is what we are about here today, the first step in that process.

In addition to those reasons, I think that another pretty commonsense proposition applies, and that is that, if the Congress of the United States had to live under the laws they passed for everybody else, maybe we would not have so many laws and, thereby, maybe we would not have so many regulations.

I think it has become entirely too easy in this country, in this Congress, to spend other people's money and regulate other people's lives. That is what I believe Congress has spent too much time on for too many years.

I think for the first time under this legislation, Members of Congress, who understandably are concerned with cost, understandably are concerned with inconvenience and all of these other things, for the first time will start to realize the problems that people out in the country who have to live under these laws have experienced. And maybe, just maybe, we might want to, in the future, reconsider some of the laws that have already been passed and some of the regulations that have been promulgated pursuant to those laws.

I think, in looking at this legislation, legislation of much detail, much work, that there are a couple basic criteria that I look for:

No. 1, that it be comprehensive, and when I study this legislation, I see that every comparable law here is, indeed, applied to Congress.

Second, there must be access to the court system. I examined this legislation and, indeed, we do have access to the court system. Those bringing actions against the officers and Members of Congress of the United States, indeed, have court access. It is not just the laws under this legislation that will apply to Congress but the regulations will also.

Also, Congress under this legislation does not exempt itself from the numerical limitations that are afforded to small businesses which would exempt Congress from coverage under many of these laws. So I think we are moving in the right direction.

Is the legislation perfect? I would say not. Could it go further? Indeed, I would like to see it go a bit further, but I think that we can revisit this at times in the future. I think the question of ultimate liability is something that perhaps needs to be revisited. Surely we can come up with a solution whereby Congressmen and Congresswomen and Members of the Senate are not faced with imminent bankruptcy constantly, on the one hand, and, on the other hand, the taxpayers are not left with a bill that we might run up on them.

I would think that, with the use of insurance and other measures, we could do better perhaps than that. But I think this is a strong—very strong—first step in the right direction. I wholeheartedly support it, not only because it is the right thing to do, but it will be to the benefit of the American people and, I believe, to the ultimate benefit primarily of the Congress of the United States. Thank you.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am privileged to rise in support of this measure and am delighted not only to join the real pioneers in this effort—Senator GLENN and Senator GRASSLEY—but to speak after our new colleague, the Senator from Tennessee, who has spoken eloquently. I am privileged to work with him on a bipartisan basis on behalf of this bill.

He made reference to the elections that just occurred and the message that was sent to us. I was thinking after this election, there is an old story about a politician who lost an election by a lot, he got clobbered. In the traditional election night speech, he got up and said, "The people have spoken, but did they have to speak so loudly?"

I think the answer in this case is, obviously, the people did feel they had to speak loudly, and what they were speaking for was change, change in the status quo and, I think, demanding a Government that responds to their problems, that deals efficiently with those responses and that, most of all, gets its own house in order.

I do not know what my colleagues may have found as they were out there this year. I was out there myself, grateful for the support of the people of Connecticut to send me back here. But I found an increasing number of people—and I would say it is a majority out there—who really do not care whether you are Republican or Democrat. What they care about is what you are doing and what have you done. They are not going to judge by labels, as so often happens. They are going to judge by the record of accomplishment or lack of accomplishment.

All of that brings me to this measure, which I think is at the heart of responding to the demand for a change in the status quo, for a demand to a leaner, more responsive Congress, to a demand for legislation that reflects the real world, that reflects the thinking of Members of Congress who understand what is happening out there and who play by the same rules that everybody else plays by, who are forced to live by the same rules that everybody else lives by, and that will act on a bipartisan basis in the interest of America. I think all of that comes together in this piece of legislation.

The measure we are considering today, S. 2, is an improved version of the successive congressional compliance measures which Senator GRASSLEY and I authored last year, beginning with S. 2071. This latest bill, if enacted, will, as those who have spoken before me said, apply to Congress and its support offices all of the laws regarding civil rights, fair labor practices, disability, family medical leave, veterans, reemployment, health and safety that Congress has applied over the years to the executive branch of the Government and to the private sector as well.

Every public opinion poll that I have seen—to tell you the truth you do not need a public opinion poll, it is kind of common sense—indicates that the people of America are ardent, enthusiastic, just about unanimous in their support of this legislation.

I am greatly encouraged that the leaders of this new Congress have placed this bill at the forefront of our business for the opening days of this session. This is a measure that passed the House overwhelmingly on a bipartisan basis last year and was stopped from coming up here at the closing day of the 103d Congress on a procedural objection, an unusually and rarely used procedural objection.

But the mood is different this year. I think passing this bill will show that we have collectively realized that Congress simply cannot continue to do its business as usual and we can no longer live above the law. It is not just that the public will not stand for it, they should not stand for it, and we should not stand for this kind of double standard. It undercuts the basic trust that is a precondition of our democracy, the trust that has to exist between those who are privileged to serve and govern and those who are governed, those who send us here to represent them.

Mr. President, we must pass this bill with strong enforcement, including the right for claims to be heard in court, not just because it has symbolic value but because it is right. By passing this bill, we demonstrate a commitment to the principles that are in all the laws that we have applied to the private sector.

At the end of June 1994, the Senate Governmental Affairs Committee, which I am privileged to serve on, held a hearing on this subject and took a close look at all the issues involved. The committee realized that there is a complex problem that requires well-considered solutions, particularly to the general problem of uneven coverage.

So we went ahead, Senator GRASSLEY and I, Senator GLENN and other members of the Governmental Affairs Committee, and worked on some ways to solve these problems. Since then, this group, and others, has done everything possible to address the tough legal and constitutional issues in a way that is fair to our employees. It forces us to live in the real world according to the real law but also has some respect for the special constitutional status of the legislative branch.

The bill that we are considering today builds upon that committee substitute to H.R. 4822, which was reported out by the Governmental Affairs Committee last September. I think this bill remains true to virtually all the defining principles and provisions found in H.R. 4822. Like that bill, this measure we are considering establishes an independent office to function as a legislative branch equivalent of the executive enforcement agencies.

Substituting this independent agency for the executive agencies, I think, responds to a genuine argument, which is separation of powers and, in another sense, ends Congress' ability to sit or hide behind the separation of powers argument as an excuse for inaction.

We have dealt with that argument. We have solved that problem. There is no longer that constitutional excuse or argument for inaction.

Some of the strongest arguments that were made against this measure can also I think be put to bed now. At times opponents claimed it would cost billions to implement and even require the construction of new office buildings by Congress. But the testimony that the committee received in June as well as CBO's analysis of the committee-reported bill showed that such fears are not well founded. There is no new OSHA space requirement for offices, projecting the impact of the provisions of this bill. Indeed, the Architect of the Capitol and the Congressional Budget Office have anticipated little, if any, additional expense for OSHA compliance.

Mr. President, passage of this legislation will really go a long way, or at least, let me put it this way, at the outset of the 104th Congress take the large first step in the direction of restoring the public's trust in this institution.

The history of this and companion legislation is interesting. As I looked back at the record, 1938 was the first time that Congress exempted itself from coverage under a relevant Federal employment law when it passed the Fair Labor Standards Act. Congressional staff were not covered by the wage and hour provisions contained in that act. And that precedent, unfortunately, became a tradition of congressional self-exemption from Federal employment laws over the course of the succeeding 56 years since 1938. Right now, Congress is wholly or partially exempt from the relevant provisions of the 11 major Federal employment laws with which this bill deals.

Senator GLENN, as I have indicated earlier, in 1978 really was the pioneer here in authoring a bill that sought to correct this problem. In 1991, Senator GRASSLEY and then Senate Majority Leader Mitchell coauthored the Government Employees Rights Act, also known as GERA, which gave employees of the Senate partial coverage under the Civil Rights Act of 1964, the Age Discrimination and Employment Act of 1967, and the Americans with Disabilities Act of 1990. GERA created this Office of Senate Fair Employment Practices, and an administrative complaint process administered by the office designed to fill the role of the Federal district courts as set forth in the statutes in question. It also provided Senate employees with a review of their decisions in the Court of Appeals for the Federal Circuit.

Mr. President, Members of Congress are still faced with the fact that there is more to do, and that is what the legislation before us intends to do. Private sector employers are particularly and understandably angry and aggrieved by the knowledge that Congress does not subject itself to the most demanding legal and regulatory burdens that Congress imposes on them, particularly the small business community.

Congressional exemption from Federal employment laws I think has also had an adverse effect on the legislative branch work force and its right to equal protection under the law. This is not just a matter of symbolism. It is not even just a matter of equity, though it is a matter of equity. This is kind of a reverse of the golden rule here in this case. This bill is saying let us do unto ourselves as we have done unto others. But beyond those principles, there is a real problem out there and that is the rights of those who work for us, for the Congress.

The Architect of the Capitol, for instance, which has no independent enforcement of its OSHA program, is plagued by one of the highest worker compensation claim rates of all the Federal agencies. Employees of the Senate exempted from the Fair Labor Standards Act have no guaranteed means of securing financial or other compensation for overtime. No employee of the House of Representatives or the Senate may bring a civil action in Federal district court to remedy violations of the Civil Rights Act of 1964 and other Federal antidiscrimination statutes, all of which provide employees in the private sector with exactly that right to pursue their grievances in Federal court.

So there is a real problem out there. This is not symbolism. It is not just principle, though both of those are important. There is a real problem of our workers. The vast majority of legal inequities that may be endured by employees of the House and Senate can be remedied at minimal cost to the Congress by adoption of this measure.

Mr. President, I would briefly like to focus on some of the constitutional concerns that have been raised. Most frequently, again, we have heard about the separation of powers argument, but using this broad-based argument I think distorts the historical intent of the separation of powers doctrine. The basic idea is to limit each branch to a certain set of powers subject to checks by the other two branches so that no one branch can accumulate a level of power that becomes tyrannical in its effect on the public or the private citizen.

In Buckley versus Valeo, a 1975 case, the Supreme Court, citing the history of the separation of powers principle, wrote:

> James Madison, writing in the Federalist Paper No. 47, defended the work of the Framers against the charge that these three governmental powers were not entirely separate from one another in the proposed Constitution. He asserted that while there was some admixture, the Constitution was nonetheless true to Montesquieu's well-known maxim that the legislative, executive and judicial departments ought to be separate and distinct.

And they went on to say that it was a demonstration of Montesquieu's meaning when he wrote:

> When the legislative and executive powers are united in the same person or body, there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.

In other words, the separation of powers principle was to preclude any one branch of the Federal Government from seizing a degree of power that could be used against another branch of the Government or the citizenry in a tyrannical fashion without check from the other branch.

But this was affected by another view of Madison which goes right to the point of this legislation, writing in Federalist 47 that the separation of powers principle was not designed to insulate one branch of the Government or its servants from the rule of law. In other words, each branch was to be strong and independent, to resist a centralization of power. But that did not mean that any one branch of the Government or its servants should be above the law or exempted from the law. And in Federalist 57, Madison wrote that Congress can make no law which will not have its full operation on themselves and their friends as well as on the great mass of the society. "This has always been deemed"—and I am continuing with Madison's words—"one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them the communion of interest and sympathy of sentiments, of which few governments have furnished examples but without which every government denigrates into tyranny. If it be asked what is to restrain the Congress from making legal discriminations in favor of themselves and a particular class of society, I answer," Madison said, "the genius of the whole system. The nature much just and constitutional laws. And above all the vigilant and manly spirit which actuates the people of America, a spirit which nourishes freedom and in return is nourished by it. If this spirit is ever so far debased as to tolerate a law not obligatory on the legislature as well as on the people," Madison wrote, "the people will be prepared to tolerate anything but liberty."

Powerful words from one of the great founders and framers of our country. I think they speak to us today because history has taken us in a direction that he feared but did not believe would occur. And it is that drift that brings us to introduce this legislation so that Members of Congress and the institution will not be above and separate from the law.

Mr. President, a final point, if I may, on the question of cost. Because this new bill was just introduced yesterday, there clearly has not been time to receive a cost estimate from the Congressional Budget Office. Yet I would suggest to my colleagues that it is fair and reasonable to draw some pretty firm conclusions from the CBO estimate of the bill reported by the Governmental Affairs Committee last September because this measure is so similar to that measure. We also received a cost estimate from CBO on last year's House-passed bill and the estimates CBO arrived at in both cases were far, far lower—not only than the opponents of the measure feared—but, frankly, than most of the supporters of legislation expected or thought possible.

CBO estimated that both versions, the House-passed version last year and the one reported out of Governmental Affairs, would cost about $1 million for the first 2 years of effect, as the new independent office gears up, and $4 to $5 million in the third, fourth and fifth years. Much of the cost expected in fiscal years 1997 and 1998 is the cost of working out collective bargaining agreements. So once the cost of that is taken care of, the overall price tag should actually dip back down by the beginning of the second 5-year budget cycle of effect.

When you look at the total cost figures projected, I think we also have to realize that the Senate and House offices of fair employment practices will already cost us almost $1.2 million in this fiscal year. So the marginal cost of the bill we are considering would be even less than the CBO estimate.

Mr. President, in the bill's most expensive year as projected by CBO, fiscal year 1998—which would have been, under last year's estimate the 4th year of effect, projected legislative branch spending would be in the neighborhood of $2.5 billion. Therefore, as a percentage of our total operating budget for that year, the bill reported by the Governmental Affairs Committee—according to the CBO estimate—would only have amounted to one-fifth of 1 percent of the total operating budget of the Congress. I think that figure is worth repeating. The cost of the bill would be one-fifth of 1 percent in the year when the bill would have been most expensive. Allocating that tiny fraction of our annual budget would enable Congress to comply with the same laws that we force everyone else to live with, to repair the ruptured relationship between this institution and the people who control it, for whom we work, and to do what is right.

Mr. President, I ask unanimous consent that the full text—noting the presence of my friend and colleague from Alaska here—the full text of my speech be printed in the RECORD as read.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I intend to support this bill because I support a continuation of our efforts to bring Congress under the same laws that apply to the private sector. But I have some serious reservations about this proposal. Contrary to what my friend from Connecticut has just said, I think that the estimates for the cost of this proposal are absurd.

Next week we are going to consider a bill to ban unfunded mandates on States and local governments. Today, we are considering a bill to create an unfunded mandate for Congress to be paid for by the taxpayer.

The Rules Committee is already in the process of cutting 15 percent from the budgets of every committee in the Senate. We have been asked to cut $200 million from the congressional budget over the next 2 years. But I have not heard anyone suggest where we are going to get the money we need to pay for this bill, in light of these cuts that we already face. And, contrary to what you have just heard and what many people believe, I believe complying with the laws contained in this bill is going to cost the taxpayers a lot of money. If it will not, why are all of the business people of this country complaining about the application of these laws to them now?

We have just heard that it is going to cost us $1 million a year. I am making the Senate a commitment as the new Senate Rules Committee chairman, we will keep track of the costs of this bill year by year, and report them to the Senate.

In 1991, with my support, we brought the Senate under the following laws that are contained in this bill: The Civil Rights Act, the Americans With Disabilities Act, the Age Discrimination Act, and the Rehabilitation Act. Congress included itself in the Family and Medical Leave Act when it passed that law. We still do not know what those will cost the Congress.

In the last Congress I joined then-chairman of the Rules Committee, my good friend from Kentucky, Chairman FORD at that time, directing the Architect of the Capitol to bring the Senate wing of the Capitol into compliance with the Occupational Safety and Health Act.

The Architect is now at work on that with the Department of Labor to bring us into compliance. We do not know what the cost will be. The 5-year cost of our current compliance efforts under one—one thing alone, employment discrimination laws, will be about $5 million. And I think these are just a fraction of the spending that will be needed to bring about compliance with this bill.

I am not against the concept. I think we should face the same laws we impose on the private sector. But we should not stand here and say that this estimate of $1 million a year is a reliable estimate. We should keep in mind the congressional bureaucracy alone created by this bill will cost at least $15 million over the 5 years. And it does not include the cost of damage awards and attorneys' fees. But don't forget, the taxpayers must pay these costs.

We are trying to apply the same laws to Congress that apply to the private sector. But again I say to the Senate, if it will cost so little to apply them to the Congress, why is the American public in the private sector complaining so loudly? The estimates we are getting are like a lot of other estimates we get from the Congressional Budget Office, in my opinion. And we are going to keep track of them for the Senate. That is why I am here now. I want to make the commitment to the Senate. We are going to watch the costs under this bill. We are going to report them every year. And I am going to ask the Senate to take action to modify some of these laws for both the private sector and the Congress when I show what it really costs the Congress to comply with these laws.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise in strong support for the Congressional Accountability Act. I really cannot believe that we are debating this issue as if it is something we might or might not do in light of what happened on November 8. It is this kind of reform which will help restore Congress as the truly representative body it was intended to be.

The fact that Congress has routinely exempted itself from laws and regulations which affect virtually every other person, business, and organization in the land says volumes about the arrogance of power, about the insulation of Washington from the real world, about the gulf which has come to exist between the people and those who are elected to represent them.

The Congressional Accountability Act is closely related to several of the other things that were discussed in the Contract With America, such things as overburdened regulations, such things as term limitations.

You know, many of us in Congress have our own stories that we can tell from back in the real world. I was, among other things, a developer. I can remember one time, in order to get, down on the coast for a six-story development, a dock permit, I had to check with 26 Federal and State agencies in order to get that permit. It could have just as well been done with one.

And I think therein lies one of the better arguments for term limits. The fact if you have people who are out in the real world and know what the tough regulations are and what they do to your competitiveness, then they would not behave the way they do.

I understand that earlier today our colleague from Iowa told the story about George McGovern. And I remember that so well, because I was there when the statement was made that after a lifetime in public service he had this burning desire to fulfill a lifetime dream and build that hotel. I guess it was in Connecticut. And he built it. And then, before he knew it, the health department started beating him up, the IRS started beating him up, and the EPA started beating him up, and he went into, I believe, Chapter 11. I would have to paraphrase him. But the exact quote was given by the Senator from Iowa this morning, the thrust of which is, If I had known how tough it was in the real world, I would have voted differently when I was in the U.S. Senate.

Mr. President, to take another example. We ought to recall the very illustrative experience that one of my colleagues from the other body, Representative JOHN BOEHNER, experienced, where he invited an inspector from OSHA, the Occupational Safety and Health Administration, to come in and look at his three-room office that he had there in the, I believe it was, Cannon Office Building. When they did, they found six safety violations, including a lack of an evacuation plan.

I might suggest to my colleagues that if we do not pass this bill, we might all want to install an evacuation plan in our offices.

They went on to look at some of the other areas of Government right here in the Capitol, I believe, in the Architect's Office. They said that in the event that we had to comply with the OSHA requirements, that it would cost over $1 million to come up to compliance.

And there is a historic precedence for this. James Madison, in his writing in 1788 in the Federalist Papers, said:

> Congress can make no law which would not have its full operation on themselves and their friends as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. Without this communion of interests, every government degenerates into tyranny.

Those like Madison who wrote our Constitution intended that Members of Congress would not be part of some elitist aristocracy, out of touch with the people, insulated from the real world. Rather, they intended Members of Congress to be themselves the same farmers and shopkeepers and business men and business women and merchants who expected to deserve the Government that we finally got—"of the people, by the people, and for the people."

With this reform, this Congressional Accountability Act, we will take one small step following so many others in our history to help ensure that such a Government shall not perish from the Earth.

This reform, like our reform of the discharge petition process—Mr. President, you remember that well from the other body—will serve as a predicate for many other reforms that we surely will be considering and are really adamantly demanded by the people as a result of the revolution of November 8.

I cannot imagine there is one Member of this body who would go back to his State and look a constituent in the eye and say, "We will take care of you. We know what is best for you. You just do what we say. And yet, that is not going to apply to us. You know, we live in an ivory tower with impenetrable walls, so we are insulated from many things that you folks are not insulated from."

This eliteness was shot down in the revolution of November 8.

So, Mr. President, I urge my colleagues to vote in favor of this measure.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, first of all, let me thank my colleagues, Senator GRASSLEY, Senator GLENN, Senator LIEBERMAN, and others, for their fine work on this piece of legislation.

I know that my colleagues on the other side of the aisle—and I assume that includes you, Mr. President, are going to be caucusing at 3:15. And I certainly will not take more than 10 minutes, if that.

Mr. President, a little later on, it would be my honor to be on the floor with an amendment with Senator LEVIN, and, I am sure, Senator FEINGOLD, Senator LAUTENBERG, I know the minority leader also feels very strongly about this. I think it will be a very important amendment when we do have the debate on this amendment before the Senate.

This amendment deals with lobbying disclosure, but with a special focus on the gift ban. This is a piece of legislation that probably Senator LEVIN and Senator COHEN, among others, have exerted tremendous leadership on.

My strong interest in this, Mr. President, has been on the gift ban part. I have heard my colleagues for the last several hours speak with a considerable amount of eloquence about the mood in the country. I think probably Senator GLENN from Ohio did this as well as any would when he talked about how strongly he feels about this piece of legislation and the fact that it is above and beyond the politics of it all; that is to say, it certainly does not look very good when we try to live by other workplace rules than the people that we represent.

Well, I think from the point of view of the right thing to do, and that is what Senator GLENN has focused on, this piece of legislation is extremely important. But, Mr. President, if we are going to talk about congressional accountability, I think that we can do much better.

I believe that this amendment, which will later on be on the floor of the Senate at least before this bill is finally voted up or down that deals especially with the gift ban, is extremely important.

Mr. President, when my colleagues talked about what they have heard back home from the people they represent in our different States, I can just tell you that in the cafes in Minnesota, there just is not even any debate about the following proposition. And the following proposition is as follows: It is just simply wrong for Senators to be receiving gifts in the form of paid trips for recreation or meals or tickets to athletic games, or whatever the case, from lobbyists and others.

I mean, Mr. President, to the 99.99 percent of people in the country, it is wrong because this, to them, represents a process where people attempt to buy access, to buy influence. Though I am not talking about the individual wrongdoing of any Senator, because I do not think that that is the issue and I would certainly hope that there is very little of that, or maybe in the best of all worlds none of that, the fact of the matter is that this amendment which, in part, deals with ending these gifts, the giving of these gifts and the taking of these gifts, is an amendment that has everything in the world to do with accountability.

Mr. President, we can do a lot of things to change the political culture here in Washington. We can do a lot of things to make this political process more open and more honest and more accountable. We can do a lot of things to rebuild the trust of people in this political process. But, Mr. President, I just will tell you, and I would say this to my colleagues as well, that cutting committees or cutting some staff may be fine. It may be the appropriate thing to do. Certainly, the focus on living by the same workplace rules is a huge step in the right direction. But if we are serious about making this process more accountable and more open and more honest and a process that the people can more believe in, then there is not one reason in the world why Senators, on this bill, would not want to make us accountable. It is called the Congressional Accountability Act.

One of the ways we can be accountable to the people we represent is to say to them in no uncertain terms that we are not going to be at the receiving end of these gifts. We are not going to take them, not because necessarily taking these gifts that are sometimes lavished upon us has anything to do with any kind of corruption, but rather because we know it does not look good, we know Senators do not need it, and we know people want to have trust in this process. We will simply say to them by passing this amendment that, indeed, we agree with the people we represent on this question.

Mr. President, one of the interesting things about this amendment, of course, is that toward the very end of the very end, indeed, the very end of the last Congress, the 103d Congress, while there was some disagreement about some features of the lobby disclosure gift ban bill—and I want to focus just on the gift ban part, because that is what I have been working on for several years—as a matter of fact, toward the very end of the session, I believe that the majority leader, along with 36 or 37 of his colleagues, came out on the floor, supporting the gift ban provision. So there is strong bipartisan support. I have somewhere in my documents the names of every Senator who supports that gift ban, Democrats and also Republicans.

So from my point of view, it is the beginning of the session. I do not think it is just my point of view, but I think it will be the point of view of colleagues on both sides of the aisle, and I think it has to be the point of view of colleagues on both sides of the aisle because it is the collective point of view of people within our country that if we are going to get off to the right start—and we will talk about reform, and we will say we want to make this process more open and accountable, and we will talk about congressional accountability—then there is not one reason for any further delay in getting serious about accountabilities. I do look forward, later on, with Senator LEVIN and the minority leader, and Senators FEINGOLD and LAUTENBERG, and I am sure other Senators as well on both sides of the aisle, to having this discussion.

I certainly hope that my colleagues will vote for this very important amendment. Mr. President, I will not argue that this amendment will be the final step that we should take. I think it greatly strengthens this bill. We have been putting off this gift ban for too long a period of time. Over and over and over again, we have put off taking action on it. I think that that is unconscionable. I think we want people to believe in this institution. I think we want people to believe in the legislation we pass. And I think the way that that will happen is when people believe in the political process. That is what this amendment is all about.

Now, I do hope that some time in the near future, we can also deal with another part of this which has to do with campaign finance reform. I think, ultimately, if we want to talk about accountability, the whole mix of money and politics is another part of the equation, and I do look forward to that discussion and that debate and those amendments when that happens on the floor of the Senate, as well.

But, again, Mr. President, I do not want to take up any more time. I understand that my colleagues are going to be maybe breaking for conference, at least on the other side, and if other Senators want to speak right now, I will be glad to simply be done.

So, Mr. President, I conclude my remarks for now. I see other Senators on the floor. I hope I did not take too much time. I wanted to alert Senators that this amendment will be coming up.

The PRESIDING OFFICER (Mr. HELMS). The Senator from New Hampshire.

Mr. SMITH. Mr. President, I thank the Senator from Minnesota. I realize there is a conference pending at approximately 3:15. I would like to have my views heard on this very important piece of legislation which I strongly support.

I want to congratulate Senator GRASSLEY on the fine job he has done in his leadership on this issue. I am in very strong support of S. 2, the Congressional Accountability Act of 1995. Mr. President, I am pleased that the Senate is now addressing itself to this issue, finally. It is a very important matter, assuring that Congress obeys the same laws by which it requires the rest of the Nation to abide. That is certainly not an unreasonable approach to take, I think.

It is an issue in which I have long been interested, and I am pleased to have served with Senator GRASSLEY on the Senate Republican working group that developed the proposal that is now embodied as S. 2.

Mr. President, we are all aware that public opinion polls, whether we like it or not, consistently report that the American people hold Congress as an institution in very low regard. The people's lack of esteem for Congress is based in large part on the perception that Congress is an arrogant and imperial body that has placed itself above the law. We should not be doing things to enhance that perception. It should be the opposite.

Unfortunately, in modern times at least, this perception has been well grounded in reality. For decades, Congress has routinely—routinely—exempted itself from a wide range of laws governing such matters as civil rights, employment discrimination, sexual harassment, workplace safety, and on and on and on.

In a very real sense, then, Congress indeed has placed itself above the law. That decidedly was not what the Founding Fathers of our great Nation intended. They have been amply quoted here, and there is the possibility of repetition; I would like to quote a couple of more times. In Federalist No. 57, Madison assured the American people that under the Constitution, Congress would not abuse its lawmaking power because "it can make no law which will not have its full operation on themselves and their friends."

So Madison was very clear about that. Later, as a Member of the first Congress, Mr. Madison spoke on the floor of the House of Representatives about the important principle that all laws should be made to operate as much on the lawmakers as upon the people.

It is amazing when you go back and read the words of these founders, Mr. President. They were so brilliant, and so many times we walk away from their logic. It is interesting to hear contemporaries interpret their words almost 180 degrees differently from what they intended when the Founders wrote them.

Mr. President, Madison was not alone in articulating this principle that Congress should not be above the law, but rather under it. And in his manual of parliamentary practice, Thomas Jefferson, another pretty well-known founder, noted that "the framers of our Constitution took care to provide that the laws should bind equally on all, and especially that those who make them shall not exempt themselves from their operation."

Sadly, however, all too often the Congress has seen fit to ignore the solemn principle that those two great founders, Madison and Jefferson, so clearly enunciated.

In recent years, mounting public pressure for change has prompted a movement toward reform with respect to congressional coverage, and in response to that call for change in the 103d Congress, I, among others, introduced legislation to deal with it. Mine was S. 579, the Equity for Congress Act.

The principal difference between the bill that I introduced, the Equity for Congress Act and the other congressional coverage bills in the last Congress, is that the bill I introduced would have kept the Congress out of the business of policing itself with respect to its compliance with the laws that my bill would have made applicable to the legislative branch.

So under the bill that I introduced, there would have been no office of compliance created within the legislative branch. Rather, the executive and judicial branches would have enforced the laws with respect to Congress in the same manner in which it has done in the private sector.

But I still believe the approach to enforcement taken under the Equity for Congress Act in the last Congress is the right approach. A number of Members of the Senate and House objected to this approach, however. It is a parliamentary body, and we sometimes have to compromise a bit. They use the separation of powers as the grounds for not wanting to do that. Their concern is focused particularly on what they see as a potential for partisan motivation in the manner in which the executive branch might enforce the law.

In an effort to ensure the broadest possible support for, as well as speedy enactment of, congressional coverage legislation, I agreed to support this compromise, the compromise embodied by the bill before us now, S. 2.

Under this compromise, congressional employees who believe that their employer—congressional employer—is violating one of the laws made applicable to the Congress by S. 2 have a choice, they have a choice that is a compromise here. After counseling, they can either file a formal complaint with the new congressional office of compliance or they can go directly to the courts.

The only highly limited exceptions are with respect to those substantive laws that do not afford an analogous right to go to court to other persons who are not congressional employees.

So, I agreed to support this compromise. It is a good compromise and a reasonable compromise because it is consistent with the spirit of the proposal I introduced. I congratulate Senator GRASSLEY for his leadership and his willingness to discuss this matter and to listen to those of us who wanted to make some changes.

Mr. President, I believe that it is imperative that we should move forthwith to take this important step toward restoring the confidence and the trust of the American people in their Congress. Acting promptly to place the Congress under the same laws by which it expects the rest of society to abide will send a powerful message to the American people that we got the message. We got the message that the reign of an arrogant and imperial Congress is over. By moving expeditiously, we in the Congress can send that clear and unmistakable message to the American people that we are committed to true and honest reform.

Finally, Mr. President, I believe that S. 2 has another equally important purpose. Beyond moving to restore the confidence of the American people in their Congress, I believe the enactment of the Congressional Accountability Act will help us to make better laws. If we have to live under the laws we make, we will make better laws. Some say we ought to make a lot less laws, and I totally agree. Others say we ought to repeal one for every one we pass. That sounds like a good idea as well.

But learning firsthand what effects the laws that are passed have on those to whom the law applies will give Congress a unique and invaluable way in which to learn by experience what is wrong with those laws.

Moreover, living under those laws will give Congress a powerful disincentive. It will think twice before passing laws which it would not want to live under.

So I am hopeful, in conclusion, that one spinoff from this excellent piece of legislation will be that we may look at some of these laws that are so onerous on the American people and on many businesses throughout the country and change some of them, as well, when we realize how bad they really are.

I thank you, Mr. President. I thank the Senator from Iowa for his courtesy, and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The able Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to add Senator HUTCHISON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. GRASSLEY. Mr. President, this request is from the floor leader. I ask unanimous consent that the Senate stand in recess from 3:15 p.m. until 4 p.m. today.

There being no objection, at 3:15 p.m., the Senate recessed until 4:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 102–166, and upon the recommendation of the majority leader, in consultation with the minority leader, appoints Dr. Harriett G. Jenkins as Director of the Office of Senate Fair Employment Practices.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. SNOWE. Thank you, Madam President.

It is with great pride that I appear today to speak on the floor of the U.S. Senate as Maine's new Senator, particularly because of the legislation that is before us today on the Congressional Accountability Act.

I want to take this opportunity to congratulate the Senate majority leader for setting this as a high priority in the 104th session of Congress.

In a year when people are talking about change, and looking for more accountability and accomplishments from Congress, there is no more important message that we could send than this: that we will play by the rules, and we will abide by the laws—and Congress will no longer set itself above the law of the land.

Madam President, this is basic fairness, and I congratulate my colleague from Iowa, as well, for his tireless efforts to bring this legislation forward.

It was a decade ago, Madam President, when I first testified in support of the principles embodied in this legislation before the Senate today. Ten years ago, I spoke before the House's Post Office and Civil Service Committee about the need for Congress to treat its employees in the same way we require private businesses to treat their employees.

And I have made the application of our Nation's laws to this Congress a chief objective since that occasion 10 years ago. The issue then, as now, was fairness. Congress should not live above the law. In both of the last two Congresses, I introduced legislation in the other body to extend coverage for Congressional employees under the Civil Rights Act and the Age Discrimination Act, as well as OSHA.

Last year, I testified before the Joint Committee on the Organization of Congress [JCOC], which was established in 1993 to review and improve the legislative process. And last September, I expressed my support for this Chamber's congressional compliance legislation in a bipartisan letter sent to former majority leader and fellow Mainer George Mitchell, as well as to other Members of this body.

Madam President, I have remained vigilant in working for this legislation because we must show the American people that we are willing to abide by the same laws that we require of them. The elections last November made clear that the American people expect more of Congress—that they want changes in the way this institution does business.

This is one of the most important and necessary pieces of legislation this body will consider in this Congress, and I am proud that it is among the first we will consider this session.

We must support this legislation, not only to heed the wishes of the American people to change Congress, but also to deliver on our promise to do what is right. Congress simply cannot continue to live above the law and call itself a body that is "representative" of the America we live in today.

After all, what kind of message does Congress send to Americans when it sets itself above the law? What kind of message does Congress send to America when it believes it is beholden to different standards? And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws.

Madam President, Congress should be the very last institution in America to exempt itself from living under the Nation's laws. Rather, Congress should always be the very first institution to be covered by the laws of the land, especially as the body legislating such laws.

I am well aware of the arguments made in opposition to this legislation in the past.

Some Members have expressed concerns that our Founding Fathers intended the three branches of Government to remain separate, and that is as it should be. But, at the same time, we also know that the legislative branch has been entirely incapable of policing itself. A General Accounting Office study of the House's Office of Fair Employment Practices and its internal grievance process indicated that just 16 staffers in 4 years had enough confidence in the office to file complaints. Of those complaints, only four cases went to the end of the grievance process that was established under the Office of Fair Employment Practices. Strong enforcement measures are absolutely necessary if we are going to make Congress abide by the same laws that apply to the private sector.

And that is why I am pleased with the legislation before the Senate today that will establish the entire independence of that office to ensure that the congressional employees of the legislative branch will be treated very fairly.

The U.S. Constitution and arguments about the constitutionality of this bill are used as a cover by those who want to declare Congress "special"—and somehow deserving of special treatment.

Clearly our forefathers felt differently, as we have heard today on numerous occasions about James Madison who made it clear that Congress, in fact, cannot make itself above the law.

Members have also expressed opposition in the past to making Congress comply with OSHA regulations, citing cost considerations. OSHA requires covered employers to provide a place of employment that is free from recognized hazards that may cause serious physical harm or death, and to comply with the act's occupational safety and health reporting standards. I have heard from many private sector employers who are concerned about the cost of OSHA regulations. If this body is covered by the same regulations, then perhaps Congress will find a way to ensure that employees are guaranteed a safe workplace without unduly burdening employers.

We have extended workplace and antidiscrimination laws to our constituents because the Congress has felt, rightly in my opinion, that the American people wanted this from their leaders and their government. That is what representative government is all about.

Now, we must make the Congress representative not only of our constituents, but of our laws as well.

Applying the 10 laws included in this legislation to Congress will not extract any great pain or price from our way of working. But it will send a signal to Americans who are frustrated with Congress—who do not believe that we get it.

In the past, passionate debates have been held, both in this Chamber as well as in the House, about the need to provide America's working men and women with a fair living wage. We have gone to great lengths to ensure a living wage, fair workplace practices, and high standards. We are justifiably proud of these standards, and our constituents willingly meet them, often voluntarily. If the proprietors of the many stores, factories, and employers in my State and other States have to meet labor standards laws, should not the Congress of the United States as well?

The same holds true for other laws included here: not only OSHA, as I mentioned, but Family and Medical Leave and the Americans With Disabilities Act. This legislation is a first step toward regaining its credibility as a law-making and law-abiding institution—one that claims as its master the American people, and not the other way around.

Madam President, Congress has shown great skill over the last 20 years in passing laws barring discrimination and in passing regulations and requirements on America's small businesses. Unfortunately, Congress has shown even greater skill in avoiding those same laws. While small businesses struggle to pay for renovations that would make it pass an OSHA inspection, the Capitol—and our own offices, I might add—has never hosted an OSHA visit. And dare I say they would not pass an OSHA inspection, either. Why? Because, unbelievably, it has never had to.

That is why passage of this bill is an absolutely critical step in giving this institution the reform it desperately needs and the reform the American public so clearly wants. Now is the time to restore the public's faith in Congress and the democratic process. And now is the time to show the American people that, yes, we do listen, yes, we are accountable, and yes, we are delivering on our solemn promises of change.

And let us also take this opportunity to demonstrate that we can do so in a bipartisan manner. That, Madam President, no institution should be above the law, especially Congress. No institution should be exempted from the law, especially Congress. And no one should ignore the law, especially Congress.

Madam President, I would urge my colleagues to vote for the passage of this very important legislation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Madam President, I rise in strong support of the Congressional Accountability Act of 1995. This legislation would apply to the Congress the same regulatory laws that apply to the rest of society. The Senator from Iowa [Mr. GRASSLEY] deserves extraordinary credit for his long-term commitment to the principles incorporated in this legislation.

During the most recent campaign in which I was engaged, I discovered a sense of public outrage across the entire State of Michigan that we in the Congress were not required to abide by the same laws as the rest of the country. This outrage was based upon the perception that this was a double standard, a hypocritical policy by which those who enacted the laws of the land exempted themselves and only themselves from the burdens of these laws. The purpose of the present legislation is to bring the Congress in closer touch with the American people by making them subject to a common set of laws.

There are two principles that lie at the heart of this legislation: first, there is the principle of equity. To the extent that the Congress has made the judgment that employees in the private sector are entitled to minimal standards and terms of employment, it is difficult for me to understand why employees of the Congress should not be subject to the same standards. While the Congress is a distinctive institution in its role in our public life, I am unable to see how that distinctiveness relates to the proper standards and terms for treating its employees. Although the Congress clearly has the authority to exempt itself from the employment rules which it applies to other institutions, I believe that the integrity of the lawmaking branch of the National Government is diminished when it seeks to treat itself in a different manner than it treats the rest of society. If anything, we should hold ourselves to higher standards than are applied to other institutions which do not make the rules.

Second, the Congressional Accountability Act incorporates the principle that sound legislation is better promoted when legislators must abide by the rules set forth in their legislation. When I hear opponents of this measure arguing that Members of Congress should not be subject to frivolous litigation or that reputations may suffer when individuals are wrongfully sued, I am sympathetic but only to a point. Private employers should not be subject to frivolous litigation or liable to damage to their reputations any more than Members of Congress. If these concerns are legitimate, then they are legitimate for all Americans not merely for those of us who toil on Capitol Hill. If these concerns are legitimate, then they should be addressed directly by those who fashion these laws.

I am simply convinced that Members of Congress who are confronted with the reality of having to comply with the same legal structure as other Americans are likely to be: first, more careful in their craftsmanship in drafting laws; second, more attentive to detail in saying precisely what is meant by the law; third, more concerned about resolving legal issues and definitions within the text of the legislation rather than effectively delegating these decisions to unelected and unaccountable Federal judges; and fourth, more conscientious in carefully balancing the costs and benefits of their legislative product.

To have separate classes of Americans, some subject to the law and others exempt from it, is to have a fundamentally inequitable situation, particularly when that line of division is drawn along the lines of legislators and legislatees. Also, the incentives in the legislative process are skewed in the wrong direction when those who draft the laws do not have to live with the consequences of those laws.

Although I recognize that constitutional considerations—separation of powers considerations—come into play whenever relationships are created between the Congress and enforcement agencies of the executive branch, I do not understand there to be anything in the Constitution which would stand in the way of the immediate legislation. The Congressional Accountability Act attempts to address the concerns about separation of powers by enacting a specific enforcement mechanism unique to this act. Although I do not believe that such a precaution is constitutionally necessary, and would prefer that this special mechanism not have been included, ultimately I do not believe that it undermines the critically important thrust of this legislation.

Madam President, it is imperative that this institution restore to the American people a sense of trust and confidence. Rightly or wrongly, too many Americans have viewed the Congress as increasingly arrogant in their toleration of double standards of public policy. Passage of this legislation should be revived as a necessary step in reestablishing the proper relationship between our Government and its citizens.

If we are going to ask the American people to make sacrifices as we attempt to restructure our bloated Federal Government, the Congress will need credibility. This legislation can contribute to that credibility. In a Congress that promises to be as active and aggressive as the 104th in reforming the way that government does business, there may be no more important legislation than this measure. By restoring public trust, S. 12 would enable us to do a better job in all of the rest of the areas of our public responsibility.

Because this legislation represents sound public policy, and because its enactment would signal a new sense of relationship between Washington and the rest of the country, I urge its enactment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes in morning business.

POLICIES THAT ADVANCE STANDARD OF LIVING

Mr. DORGAN. Madam President, thank you very much. In the last day or so, we have seen in this Congress a shift of power, which is really quite a remarkable thing to see in a very successful democracy, the oldest and most successful democracy on this Earth. Power shifts not at the point of a bayonet or not in the track of a tank, but it shifts with one simple act of an American citizen casting a vote.

Because of the vote last November, power shifted in the U.S. Senate and in the U.S. House. It is the way that our system works. There are ebbs and flows over the centuries in political fortunes of political parties, and the American people decided to suggest a change in course and have now done that.

I think it is important not to misread the election. The election did not produce a massive national mandate. Twenty percent of those eligible to vote cast their vote for Republicans, about 19 percent of those eligible voted for Democrats, and 61 percent of those eligible to vote said, "It doesn't matter to us. We're not going to vote."

Mandate? Not really. A change of direction? In this country, majority rules. The Republicans have won in the legislative races.

Now the question for us is not just how do we serve those who voted—Republicans and Democrats—because we serve all of them, but how do we get the rest of the American people interested and involved in this process. Democracy must be a participatory activity.

Thomas Jefferson and Ben Franklin and others who sat in that room in Philadelphia a couple hundred years ago and wrote the Constitution, always knew in a representative government there would be just enough people who were willing to work and participate to make this system work. And the storm clouds grow over our democracy largely because not enough people are involved. Over half of the people do not even vote.

The task for us, it seems to me, as Democrats and Republicans, is to find ways of advancing policies that advance the standard of living for every American. If, at the end of the process, we have not advanced policies that improve the lives of the American people, then we will all be judged as failures.

Oh, I have people say to me, "Gee, the economy is booming, GDP is up, unemployment is down. Our economy is all revved up and I don't understand why people are upset."

However, in judging the economy, the American people do not spend their evenings reading the dials and gauges that economists study to make determinations about our economy. When they sit down for dinner at night, the question for the American family is: Am I better off? And the answer for 60 percent of the American families is, no, we have less money now than we did 10 years ago and we're working harder. That is the standard by which they judge all of us, in our ability to manage this country's fortunes and its future.

We have massive problems in a whole range of areas, and we have to come up with new approaches to resolve them and respond to them.

UNFUNDED MANDATES

We were talking today about unfunded mandates in the Governmental Affairs Committee. It is an issue on which Republicans and Democrats will demonstrate wide agreement. Do we too easily decide to mandate someone else do something without providing the money? Of course, we do. But, as I said in the committee this morning, trouble runs on a two-way street. We are going to reform our ourselves on the trouble of unfunded mandates, and you Governors, mayors, and other local governments who are complaining about it—justifiably so—you have to reform the way you do business as well because while you complain about unfunded mandates, you want to hook your hose up to the Federal trough and suck money out in all kinds of schemes and ways, including a bogus phony tax called the provider tax, Medicaid, and I can describe all kinds of schemes in which they want the Federal money, and then they want to complain about the mandates.

We should do something about mandates because it is right and necessary to reduce them. On the other hand, local and State governments have a responsibility to reform the way they do business as well because all of the money ultimately is the taxpayers' money.

Next week, when we bring the unfunded mandates bill to the Senate, I intend to offer an amendment on something not a lot of people think much about: The metric system.

Did you know there is a Federal mandate in this country to move toward the metric system? There is. Some people say that is just trying to provide leadership, and that our Government should be a leader in going metric. I do not care how many kilometers it is to the next rest stop when I am driving down the highway, and I don't want some bureaucrat to change the sign that says 65 miles an hour to a sign that says how many kilometers per hour I should drive. They do not need to do it on my account. Do not spend millions of dollars changing signs. I want to know how many miles it is to the next off-and-on ramp. I want to know how many miles it is to the next rest stop. I want to know how many miles an hour I am supposed to drive as a speed limit.

We are building more than 20 houses on Indian reservations in North Dakota to house doctors from IHS. We should not use the metric system in such a project because it increases costs and the time to get things built.

For 3 months, I tried to change that. They want to use the metric system because they say the current rules require it be a metric system construction design and engineering. I am saying, look, if we are going to get rid of mandates, let us get rid of mandates like that. Why on Earth would we want to require the metric system be used on that kind of construction? It makes no sense.

I am pleased to tell the Members of this body that I am going to give us a chance to express bipartisan support on that issue. Incidentally, I have a Republican cosponsor who will join me next week on this issue.

A TAX POLICY THAT EXPORTS AMERICAN JOBS

There are a couple of other issues I am going to be involved in next week. I am going to introduce a bill, again, that I hope this Congress will do something about this time.

We are all concerned about jobs in this country and income. The bottom line answer to the question of whether the standard of living of the American family is improved is this: Does the family have decent jobs that pay a decent income? Do you know, we still have in our Federal Tax Code this perverse, insidious incentive that says to somebody, If you have a choice, don't build your plant in America, don't keep the plant you have open in America; close the darn thing and move the jobs overseas to a tax haven, manufacture there and then ship back to the United States. We will give you a tax break if you do that.

We have something called deferral, which is deferral of income tax obligation. It occurs in cases where a U.S. business closes its plant doors in the United States, moves the plant overseas, manufactures the same product and ships it back here. Our tax policy says: "Hooray for you, not only did you ruin the opportunity for jobs for Americans and move them overseas, we're free to give you a tax break for doing so."

I tell you what, that is a tax break that ought to be gone in a nanosecond. We ought to decide here and now that our jobs in this Congress are to find ways to nurture and protect and support and provide incentives for jobs here in the United States of America.

So I am going to offer that amendment next week, or at least offer the legislation and find an appropriate time to offer the amendment. Congressman GEPHARDT, who offered that legislation on the House side last year, will do the same, I believe.

NAFTA RESULTS: LESS EXPORTS, FEWER JOBS

Let me make one additional point that deals with jobs and income. Today I want to make the point about a subject that was very controversial, debated here in the Senate last year called NAFTA, the North American Free-Trade Agreement. I want to make the point that we—all of us—have been left holding the bag on NAFTA.

Do you recall those glorified claims of new jobs, new opportunity, new expansion if we can simply pass this trade agreement with Mexico? Gee, if we can just build this highway to heaven, this trade agreement with Mexico, there will be massive new opportunities for the American people.

Has anybody paid any attention to what has happened since then? What has happened since then is the trade surplus we had with Mexico has now vanished. In the first 9 months of NAFTA we lost 10,000 jobs.

It is interesting, the administration only puts out the good news. They said, "You know, we sent 30,000 more cars to Mexico," and you think, "Boy, that is quite a success record, we sent 30,000 more cars to Mexico."

But, as Paul Harvey would say, the rest of the story that they did not tell you is Mexico sent 70,000 more cars to the United States. That means we had a net inflow of 40,000 additional Mexican-built cars into our market. The fact is, if you look at the whole picture, we lost jobs, but the surplus we had with Mexico in recent years has now vanished, turned to a deficit.

And do you know something else? In recent days, the devaluation of the peso in Mexico has meant that United States-made goods now cost 40 percent more in Mexico, and Mexican-made goods now cost 40 percent less in the United States. In one swipe they far more than wiped out every single advantage we gained in this country by negotiating a reduction in tariffs under NAFTA. The advertised benefit of NAFTA was to get more American goods into Mexico.

Have you heard anybody talking about that? Do you hear the trade negotiators talking about that? The ones that boasted as if they had just won the gold medal in the Olympics when they finished the trade agreement? "What a wonderful thing it is for our country," they said, busting their suit buttons talking about what a wonderful thing NAFTA would be for Americans. Do you hear them now talking about the fact that we were left holding the bag? The trade surplus is gone; the peso is devalued. Every single gain that was achieved in negotiating for lower tariffs on American goods going into Mexico is now gone, just vanished. In fact, much more than the gain is gone.

The fact is we have been ill-served by Republican and Democratic administrations who, if you put a blindfold on, you cannot tell the difference in their trade policy. They stand around like the Hare Krishna chanting "free trade, free trade, free trade." Free trade means absolutely nothing if it is not fair and you do not have protections to deal with currency fluctuations and other things that determine which way trade moves and who it benefits.

The plain fact is, after only 12 months, we now know NAFTA has cost this country jobs, and after the devaluation of the peso we now know that we are left holding the bag.

I hope, I really hope, that we can find a way for all of us to finally get involved in a meaningful real debate about trade and what it means to jobs in this country. Every time some one of us stands up to talk about trade, we are put in two camps. There are the free traders who are big thinkers and they can see over the horizon and have a world view, and then there are the xenophobic, isolationist stooges who do not know anything and want to build a wall around our country.

Debate on that basis is meaningless. However, trade policy is a very important issue for every American family. American trade policies that are fundamentally unfair to this country are creating conditions in which American personal income is pressed down and opportunities are diminishing.

Should we build a wall around America? No, I do not suggest that. Should we have open trade? Yes. But we ought to finally insist on fair trade opportunities, and we ought to insist there is an admission price to come into the American economy. And the admission price is you have to pay living wages. You have to have safe workplaces. You have to help take care of your environment.

We have to start standing up for our economic self-interests. If we do not care about American workers, who will? If we do not negotiate on their behalf, who will? Every other country with whom we have negotiated on trade has had negotiators who have worn their jersey that says, "We are for our side." I want our trade officials wearing our jersey, saying we insist on fair trade for American producers and fair trade for American workers.

Madam President, I appreciate the patience of my colleagues who are waiting to speak, and I yield the floor.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Will the Chair advise what the parliamentary status of the Senate is at this time?

The PRESIDING OFFICER. The Senator is advised that debate is open on S. 2.

Mr. REID. I thank the Chair.

Madam President, I am here today to recognize the importance of this legislation that is being debated, S. 2. I think it is commendable that it is one of the first items that is being taken up. But I also want to remind the Senate and those people that are listening to the debate on the Senate floor today that the legislative branch appropriations bill of 1992 required the establishment of a bipartisan task force to deal with Senate coverage.

That was signed into law, and Senators MITCHELL and DOLE, the majority and minority leaders of the Senate in 1993, appointed Senators REID and STEVENS to cochair this commission and make a report to the Senate leaders about Senate coverage and what could and could not be done.

Madam President, there were weeks of time spent working on a report that was submitted to the majority and minority leaders in October of last year. This report consumed a great deal of staff Member time being prepared. The Senate staff of the Rules Committee, minority and majority, the Appropriations Committee majority and minority staff, together with significant help from the Congressional Research Service, counsel for the Senate, and the American Bar Association worked with us in coming up with this staff report.

I am satisfied that the work done by the task force has helped arrive at a point where we now have this bill. If you look at the task force executive summary, you will find that we were charged according to law with reviewing all existing statutes under which the Senate is covered, reviewing Senate rules to determine whether the Senate is effectively complying with other statutes that could be applied to the Senate and recommending the extent to which and the manner in which these statutes should be applied to the Senate. That was our charge.

We had to recognize, Madam President, that this unique legislative institution established by our Founding Fathers over 200 years ago sets forth certain unusual requirements that we had to be aware of, that the Senate has a special constitutional role; the separation of powers doctrine and Members' immunity for speech or debate under article I, section 6, of the Constitution.

We took all those things into consideration. We had to make sure that under the Constitution by which we are all directed, which we all respect, whatever we came up with secured the individual liberty of the separate but equal branches of Government, each capable of protecting their independence from outside interference and coercion.

That is an important concept; that we had to make sure the legislative branch of Government maintained independence and was not interfered with by the executive branch of Government. And that is replete through the task force executive summary and the report itself.

I am happy to report, Madam President, that the legislation which was considered on this floor last year and which is now being debated today does a real good job, I believe, of maintaining the independence of the legislative branch of Government. It certainly does an outstanding job of protecting the legislative branch of Government from interference by the executive branch of Government.

I would like to commend the parties who have worked so hard on this legislation over the year or more.

I know that the ranking member of the Governmental Affairs Committee, the former chairman of the committee, Senator GLENN, has literally worked on this for years. This is one of the first things that he talked about when he came to the U.S. Senate.

Senator GRASSLEY, who is a member of the task force, has been diligent in his efforts to make sure that we are at the point we now are. Senator GRASSLEY participated in the task force. He was easy to work with and was very diligent in what he wanted to accomplish. And I repeat, Madam President, I think this legislation maintains the independence of the legislative branch of Government.

What I fought from the very beginning of the task force and have always complained about here in the Senate is I did not want these laws to be applied to the legislative branch of Government and have the executive branch of Government enforce the laws. That would have taken away our independence. I think that the movers of this legislation have done a good job of maintaining that independence.

I would also like to commend the cochair of the task force that was created by law, and that is Senator STEVENS. Senator STEVENS is a person who really understands and believes in the integrity of this institution. He wants to maintain the independence of the legislative branch of Government. So working on the task force with him—all of those who have worked with Senator STEVENS know when he believes in something he never holds back an opinion or a feeling that he has. He did not with the task force. We had a number of very heated discussions with Senator STEVENS and his staff. I believe —and Senator STEVENS of course would have to speak for himself—that the report we came up with is as good as it is because of the input of Senator STEVENS, the cochair.

We recommended that the Senate should adopt a resolution which extends to employees of the Senate offices the rights and protections necessary to ensure their health and safety, including fair wages and hours and a workplace free of discrimination. This legislation we worked on last year, and the legislation that is now before this body takes care of that.

Second, the task force believes the current structure of the Senate in which each office is separately administered by an elected Senator, committee officer, or official should be preserved. I believe that is done as best as can be, under the confines of the current law.

The task force believes that the nonlegislative instrumentalities in the legislative branch, which would include the Architect of the Capitol, the General Accounting Office, Government Printing office, the Library of Congress, Office of Technology Assessment, and the U.S. Botanic Gardens should be covered by the same standards in regard to civil rights, OSHA, and the Fair Labor Standards Act as are executive branch agencies.

So, Madam President, I am here to state that the task force completed its task. I believe we did a good job in reporting our findings to the Senate minority and majority leaders. And I am here to indicate that I support this legislation. I think it is imperfect, but I think certainly it sends a message to the American public that we are willing to have the same laws apply to us that apply to the American business community throughout America.

I would say that we should recognize that this will come with cost. It will cost. The taxpayers will not save money on this one. This will cost the taxpayers more money. But in the long run, perhaps, when we as Members of Congress find out the difficulty of having some of these laws apply to us, maybe in the long run we will be more cautious in applying laws to the American workplace and the American business community.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Madam President, before I call up my amendment, amendment No. 3 that is at the desk, I ask unanimous consent that I be added as a cosponsor to S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator from Michigan yield for a unanimous consent request?

Mr. LEVIN. I will.

Mr. REID. I ask unanimous consent the Senator from Nevada be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3

(Purpose: To provide for the reform of the disclosure of lobbying activities intended to influence the Federal Government and for gift reform)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. WELLSTONE, Mr. MCCAIN, Mr. GLENN, Mr. FEINGOLD, and Mr. LAUTENBERG, proposes an amendment numbered 3.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEVIN. Madam President, this amendment is cosponsored by Senators WELLSTONE, MCCAIN, GLENN, FEINGOLD, and LAUTENBERG. This amendment would do two things. First, it would express the sense of the Senate that we should pass a bill reforming our lobbying registration and disclosure laws as soon as possible this year. Second, it would add to the bill before us the tough new congressional gift rules that were included in last year's conference report on gift reform and lobby reform, a conference report that was not voted on for reasons not related to the gift ban which would be added by this amendment.

I offer this amendment because the bill before us is not the only unfinished business from the last Congress with regard to the issue of congressional accountability. The bill before us, S. 2, is a good measure which had wide bipartisan support in the last Congress and it has obvious bipartisan support in this Congress. But it is hard to see how we can say that we have made the Congress accountable when we continue to allow special interests to pay for free recreational travel, free golf tournaments, free dinners, free football, basketball, and concert tickets, and on and on.

Like the Congressional Accountability Act itself that is before us, S. 2, this lobbying disclosure and gift reform bill was almost enacted last year. Cloture fell a few votes short, for reasons unrelated to the gift ban, in the final days of the Congress. Speaker GINGRICH's Contract With America fails to take on the three toughest political reform issues facing us: Campaign finance reform, lobbying reform, and reform of congressional gift rules. Those measures, those three measures, which are not addressed in Speaker GINGRICH's contract—campaign finance reform, lobbying reform, and reform of the Congressional gift rules—address the fundamental question of the relationship between the Congress and the special interests, the lobbyists who make campaign contributions to us and offer us gifts or other special favors.

Because those three reforms would change the way business is done in this city, they have the most opposition and will be the toughest to enact. For the same reasons, however, they are perhaps the most important measures for us to take on and enact.

When this issue was debated last October, a number of colleagues raised a number of substantive concerns relative to the lobbying reform portion of that bill. And I emphasize, that is not to be enacted by this amendment. That is only referred to in sense-of-the Senate language in this amendment, urging us to adopt lobbying disclosure reform this year. The purpose of the lobbying disclosure reform is to close the loopholes that have existed now for 40 years in existing lobbying disclosure laws that are supposed to require paid lobbyists to disclose who is paying them how much to lobby Congress on what issues, but are ignored by probably two-thirds of the paid lobbyists in this town because of various loopholes that exist.

For instance, in one of the laws, lawyer lobbyists are not covered. Other lobbyists are covered. But if you are a lawyer and you are a lobbyist you are not covered. That kind of loophole has to be closed. There has been an effort to close these loopholes for 40 years. They are not easy to close for obvious reasons. Powerful interests want to keep those loopholes open. But there were substantive arguments raised. I did not agree with the arguments. But they were raised.

So that portion of the bill that relates to lobbying registration is not to be enacted under the amendment that I am offering today. That is simply the subject of sense-of-the-Senate language saying let us get to that this year. Since the substantive issues were raised, they should be addressed. But that is very different from the gift ban. And the contrast here is very, very stark. It is the gift ban language which would be enacted by this amendment. We cannot justify any further delay in adopting the gift ban language. We must adopt congressional gift reform.

Senate bill 1935 which contained the gift reforms passed the Senate last year on a 95-to-4 vote. When the conference report on Senate bill 349 was brought to the Senate floor, Republican leadership stated in the clearest and strongest possible terms that they had no objection to the gift provisions of the bill and opposed cloture only because of the concerns about the lobbying disclosure provision. Indeed, on October 6 of last year 38 Republican Senators cosponsored a resolution to adopt the tough, new gift rules that were included in that conference report. Those are the rules in the amendment that I am offering today. Those are the same rules we will be voting on today or tomorrow when this amendment is voted on. Those are the rules which a majority of Democrats and a majority of Republicans in October of last year said they supported. These are the same rules. So that there is no confusion, these are rules which were in a conference report which a very large majority of both Democrats and Republicans said they favored. The reason that cloture was not invoked, according to persons who opposed cloture, had to do solely with lobbying disclosure, not with the gift ban which will be voted on.

For instance, Senator DOLE stated at the time:

> I support the gift ban provisions, no lobbyist luncheons, no entertainment, no travel, no contribution to the defense funds, no fruit baskets, no nothing. That is fine with this Senator, and I doubt many Senators were taking that in any event.

Senator MCCONNELL stated:

> We had a very spirited debate last night about the appropriateness of the rules change with regard to gifts. I think the Senate fully understood what we were about to do because I was engaged in that debate as vice chairman of the Ethics Committee just pointing out some of the regulatory problems here in the Senate with the proposal. But we had a good debate. Everybody understood the issue. We voted on it and it is over. It would be my hope, Mr. President, that we would pass the Senate rule related to gifts to Senators.

And other Republican Senators made similar statements of their commitment to quick enactment of these gift rules, the same rules that are in the amendment which I am offering this afternoon. So a vast majority of Democrats voted for cloture and Republicans who cosponsored a resolution containing these rules said just last October, that vast majority on both sides of the aisle, let us at long last enact these tough, new gift ban rules.

Madam President, we simply must enact tough, new gift rules if we are going to ensure the credibility of the Congress and we must not delay it. There have been reasons to delay this for Congress after Congress. I know we are going to be urged to delay it again. We just simply should not. We just have to get rid of the junkets, the dinners, and the tickets to sporting events and concerts which are supplied by special interests. The public is disgusted by them, and we do not need them.

Just as one example, this is a Washington Post article of last June.

> Lawmakers reveal that travel is still a frequent gift of lobbyists. House Members kept up their flying ways on the tab of lobbyists and other private interests last year even as Congress moved to impose new restrictions on what critics denounced as free vacations often in fancy resorts. Destinations popular with the House Members included back-to-back charity tournaments during the congressional recess last August and a conference at the Tobacco Institute hosted in Palm Springs.

Then it goes on to say that the Senate version would have ended it, and the gift rules that we have before us in my amendment would end it as well.

The Post goes on:

> The public interest groups have criticized the recreational trips. "Ultimately the problem is that it is another avenue which interest groups, corporations, and labor unions use to try to influence how Members of Congress will act", Josh Goldstein, of the Center for Responsive Politics, told the Associated Press. The ability to take the Congress to a nice locale, have them give a little talk but essentially give them a 3- or 4-day vacation where you were their constant companion allows you to develop a friendship, a relationship with them, and that is the key element in lobbying because it is much more difficult to say no to a friend.

That is the kind of article we are going to continue to face until we adopt a tough, new gift ban. Some are going to be reluctant to make this change. As a matter of fact, the New Republican Speaker of the House was quoted in Congress Daily on October 21 as saying that he did not see any reason to change the current gift rules. Congress Daily reported that Speaker GINGRICH, then Congressman GINGRICH, told Congress Daily that he supported the system already in place and quoted him as saying, "I do not see any reason to change," quoting then Congressman GINGRICH.

But in contrast to what Speaker GINGRICH said last year we have the Senate Republican leadership, a vast majority of Republicans in the Senate, a vast majority of Democrats in the Senate, who last October said they wanted to adopt these new tough gift rules which are in the amendment which I am offering today. These are the same rules that a majority of both parties in this body just last October said they wanted to adopt.

So the contrast between what the majority of us on both sides of the aisle said we wanted to do and what Speaker GINGRICH said he was satisfied with last October is a very stark contrast indeed.

(Mr. BENNETT assumed the chair.)

Mr. LEVIN. Mr. President, as I said earlier, the lobbying reform issue, the lobbying disclosure portion of that conference report is not incorporated in this amendment that we will be voting on. That issue, lobbying disclosure, lobbying registration reform, would be left for later this year. It is not part of this amendment. There were substantive issues that were raised relative to the lobbying disclosure portion of that conference report. Even again, although I did not agree with those issues, we do not attempt to incorporate the language of lobbying disclosure, lobbying registration reform.

We have tried for 40 years, and I hope we will continue to try this year. It is the sense-of-the-Senate language in this amendment that we try to reform those laws this year. But since substantive issues were raised about that amendment, that language reforming the lobbying disclosure and registration laws is not incorporated in the amendment that I now offer. What is incorporated is the gift ban, and it is incorporated because when the conference report came before us, a majority—a large majority—of both parties, last October, said they favored adopting these tough new rules, the same rules that are in the amendment that is now pending before this Senate.

Mr. President, this amendment would put an end to business as usual. It would put an end to the so-called recreational trips for Members, the so-called charitable golf, tennis, and skiing tournaments. It would put an end to the meals paid for by lobbyists. But the tickets to the football games and other events paid for by lobbyists, under the current congressional gift rules—Members and staff are free to accept gifts of up to $250 from anybody, including the lobbyists. Gifts under $100 do not even count. We are free to accept an unlimited number of gifts of less than $100 in value. That can be football tickets, theater tickets, anything you can think of. If it is worth less than $100, we can take as many of them as we want and do not have to disclose it. Those are the current gift rules. There is no limit on meals. It does not matter who pays for it, what the tab is, we can take it. Congressional travel under current gift rules is virtually unlimited. Members and staff are free to travel to recreational events such as golf and ski tournaments at private expense, even at the expense of a trade or lobbyist group.

According to one estimate, private interests provide almost 4,000 free trips to Members of Congress every 2 years, an average of almost nine trips per Member of Congress. If we continue that and delay the resolution of this, it is just a continuation of business as usual. It is not acceptable.

The winds of change are here. But three big parts of the change are unaddressed in the Gingrich contract—the hardest parts: Gifts to us, lobbying disclosure and registration, and campaign finance reform. In two of the three of those cases there are significant substantive issues which are still pending, which have been raised and are unresolved. But in this one, the gift ban, given what was stated last October by the leadership in the Senate on both sides of the aisle, and by a vast majority of Democrats and Republicans, that they are ready to adopt these rules that are in this amendment, we have no justification to delay this any longer. The votes were not unanimous when we passed the bill adopting this tough new gift ban, but they were a very large majority of both sides of the aisle.

When this bill was on the floor last year, we heard a lot of talk about how shrinking congressional gift limits would shut down the Kennedy Center and put restaurant employees out of work throughout the Washington area. What a horrible indictment of Congress that would be if it were true. Can it really be that we accept so many free meals and tickets that entire industries in the Washington area are dependent on us continuing to take these gifts? That seems inconceivable to me, but that is what the opponents of the measure said last year.

The basic premise of S. 2, the bill before us today, is that we start living under the same rules as other Americans. Average citizens do not have trade groups and corporations offering them free trips to resorts, treating them to fancy restaurants or giving them tickets—not average citizens. But we have a higher responsibility, in any event, than does the average citizen, because we have the responsibility to ensure public confidence in this institution, and that is the issue.

The issue is public confidence in this institution and whether or not when we are seen on these free trips, these recreational trips, and when we are given tickets by special interests and lobbyists to concerts and to sporting events, and when we are taken out to meals by special interests and lobbyists, whether or not that is the perception of this body, we then believe that the public will have confidence in this institution. One of the reasons it does is because they have seen too much of that. They want us to act in the public interest, free of an appearance, even, of special interest influence. That perception is very difficult to achieve when rules allow the kinds of gifts which our current rules do from lobbyists and from others with interest in legislation.

Finally, Mr. President, the most recent public opinion poll that I have seen asked the following question of the American public: "Who do you think really controls the Federal Government in Washington?"—and they were given a number of options in their answers. "Who do you think really controls the Federal Government, the President, the Congress, or lobbyists and special interests?" Fifty percent of the American people said that lobbyists and special interests control the Federal Government. Fifty percent. Twenty-two percent said the Congress—both Democrats and Republicans. Seven percent said the President.

We have to change that. I think we are on our way to changing it. I think the bill in front of us, S. 2, will help put us more closely under the same laws as everybody else. This amendment contains rules which a vast majority of both sides of the aisle said they supported just last October, and it will also help contribute significantly to public confidence in this institution.

I believe it is long overdue and that we cannot justify longer and longer and longer delays. There is always an excuse not to act. But I think it would be a real copout if we do not adopt these rules now and just simply say we are going to delay them for later consideration, when there was no substantive issue raised as late as last October by the vast majority of Members of both parties in this body. It is hard to give up some things, but I do not believe the public is going to take the claims of reform seriously until we do the tough things—the gift ban, the campaign finance reform, and the lobbying registration and disclosure reforms—to close those loopholes which have been so egregious for so many decades.

I thank the cosponsors, Senator WELLSTONE, Senator LAUTENBERG, Senator FEINGOLD, Senator GLENN, and Senator MCCAIN, for their continuing energy and their continuing support. This amendment is the product of the work of many, many people on both sides of the aisle, and it is time now to adopt these changes in our gift rules.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. If my colleague from Maine wants to speak now, I would be willing to follow him.

Mr. COHEN. I will take 5 minutes.

Mr. WELLSTONE. I ask unanimous consent that I might follow the Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine [Mr. COHEN] is recognized.

Mr. COHEN. Mr. President, first let me commend the Senator from Michigan. He and I have worked on the Governmental Affairs Committee, and the oversight subcommittee, since coming to the Senate in 1979. I regard him as one of the truly dedicated individuals in reforming our system both here and in the executive branch. I have the very highest regard for him, and I cannot praise him enough in terms of the work ethic that he demonstrates day in and day out on the issues that we deal with.

I have been an original cosponsor with the Senator from Michigan on both the lobby disclosure and the gift ban bill.

And I might point out historically what has taken place. Initially, we took up the issue of lobby disclosure because we realized that the current laws governing lobbyists are a mess. The laws are so ambiguous, so riddled with exceptions, so unclear that only a very few of the many thousands of lobbyists in this city even bother to register.

In fact, many who register feel they are doing so at their peril, that it is unnecessary for them to do so; they have insufficient standards and guidelines. They realize that there is very little, if any, enforcement. I am aware of any penalty ever having been levied.

But we felt at the time that the public was genuinely concerned about fundamental questions, very simple questions. Who is paying how much money to whom to do what? Those were the simple questions we think are on the minds of the American people.

And I think the Senator from Michigan is correct that many feel that their elected officials are no longer in charge of actually governing the country; that "special interests and lobbyists" are in fact calling the tune and dictating what the rules are going to be.

So I joined with the Senator from Michigan in sponsoring the lobby disclosure measure, only to find out that after we had introduced the measure, after it had come out of the committee and was coming to the floor, it was editorially attacked, as I recall, in one of the leading newspapers of this country, saying what a gross oversight on the part of the Senator from Michigan and the Governmental Affairs Committee that they did not deal with the gift ban issue.

It was not our intent at that time to link lobbying disclosure with the gift ban issue. We were not ignoring the gift ban issue. We simply felt lobby disclosure was an appropriate subject matter for us to devote our energies to and to make recommendations. And, frankly, we thought at the time that we had a comprehensive agreement.

We found that most of the lobbyists who came in and testified actually welcomed a clarification of the existing laws. We took hours and hours of testimony. We thought that we actually were making a very constructive proposal to all of them so they know there is one set of rules, not one for those who lobby for foreign firms or countries, not one for domestic interests here at home, but one set of rules and very clearly stated. We thought that was in the best interest certainly of the country, and also the lobbyists themselves.

Then the gift ban proposal was raised at the last moment and it was implied unfairly that the Senator from Michigan did not want to deal with the gift ban issue. At that point, we decided to hold additional hearings solely on the gift ban issue. We tried to put together legislation addressing both the ban on gifts to Members as well as the lobby disclosure. That is how the two originally were linked.

As the Senator from Michigan indicated, he has now delinked these issues, calling for a sense-of-the-Senate resolution to take up lobbying disclosure later and to deal only with the gift ban issue for now.

I take issue only with one statement the Senator from Michigan has made. He said if we fail to act today, this is a copout.

I would like to indicate to my friend and colleague, with whom I have worked all of these years, that I do not intend to cop out on anything during the course of this year. In fact, I was one of the few Republicans who stood with him in the final moments of the last session, over the objection of many of my fellow Republicans, in going forward with the legislation that we had developed.

But I must say today—and I have indicated this to him privately, and I will do so publicly now—that I will not support attaching this amendment to the bill under consideration, for a very simple reason. I believe that the majority leader deserves the opportunity to work closely and in concert with the House for the first time in the unique situation that both bodies are now controlled by the Republican party to give the Republicans a chance to govern.

As I recall Senator DOLE saying during the campaign in the fall months, "Give us a chance to govern, and if we don't measure up, if we don't do the job, throw us out." Those are pretty straightforward and very tough words.

What Senator DOLE is asking for is a chance to say: Let us take this measure up, S. 2; it is not perfect, but it is something that we think we can reach agreement on very quickly with the House, that we may be able to avoid the need for a conference, and pass a bill quickly that will tell the American people we are in fact subjecting ourselves to the laws that we subject them to.

He has also made a pledge to me and to others—and it is a pledge that I will repeat here today for myself: Let me tell my friend from Michigan, in the event that his amendment is not successful, in the event it is tabled, that I pledge to him and to other Members here that I intend to support gift ban legislation. I intend to support lobby disclosure. I intend to give Senator DOLE an opportunity to bring it up in a relatively short time. He has not given me a specific timetable, but I would say within the next couple of months, I expect we will consider this legislation and any amendments that might be offered to it—and I suspect there will be amendments. There are people on this side that still do not agree with provisions that we supported.

I will make this representation to my colleagues: That I intend to support the legislation. I will not do so today. I will give the majority leader an opportunity to carry through what he said he wanted to do, and that is a chance to govern. And if we fail to do so properly in the eyes of the American people, throw us out.

So at the appropriate time—and that time to be determined by the majority leader; and it is something that I will continue to watch carefully and work on with my colleague from Michigan—I will join him in offering his legislation. In the event he is unsuccessful in bringing this to a vote today, I will join him and vote for both of these bills in the future.

But today, I am urging my colleagues, as one who is an original cosponsor of both bills, to give Senator DOLE an opportunity to govern, to see if we cannot pass this legislation as quickly as possible so we can avoid going through a lengthy conference with the House which could in fact derail the momentum that exists for taking swift action on the Congressional Accountability legislation. Give us an opportunity to prove what can be done in a short period of time and then insist that we bring these two measures back to the floor for a vote, at which time I will be joining with my colleagues from Michigan, Minnesota, Wisconsin, and Ohio.

I thank my colleague from Minnesota for yielding.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, first of all, let me not talk about this issue in terms of parties, which is I think part of what is now going on before the Senate. Let me talk about this issue as an issue, as an issue which I think is very important to people.

When I was campaigning for office back in Minnesota in 1988 and 1989 and just talking with people in cafes, I was surprised then—and that goes back 5 or 6 years—at the extent to which people did not feel well represented, the extent to which people felt ripped off, the extent to which people felt that politics, especially politics in Washington, was a game that a few played but not them, not their families. So I came here, Mr. President, requesting a very strong reform orientation. Ever since I came to the Senate, this has been my primary focus.

Mr. President, I came here convinced that whereas, when I was a political science teacher I used to talk about some of the reform issues as issues that maybe the good government people cared about, unfortunately I would say in class, most of the people do not. People care fiercely about a political process that has integrity, that is open and is accountable to them.

While we delay, let me just read from an AP story today. "The revolution may have hit Congress on Wednesday, but lobbyists were still picking up the tab for the food and drinks. A sumptuous spread covered tables"—and I will leave out the committee and names—"in the committee's ornate meeting room put on to honor its new Republican chairman"—and I will leave out the name. "Lobbyists from Tenneco, Dow Chemical, Southwestern Bell, and Exxon munched and chatted with committee members and aides."

Those lobbyists went on to describe this as a networking opportunity.

Mr. President, for the life of me, I do not understand what the delay is all about. This is not even a debatable proposition. I say to my colleagues, many of whom are in their first term, many of whom are in their first year, who came here with a strong reform orientation, I can really appreciate their perspective.

I am fairly new to the Senate. The argument to people is, well, you know, I had a chance to vote on banning these trips and these gifts and these meals and these tickets—because you know and I know this is an unacceptable practice—I had a chance to vote on it, but I voted against it. The reason I voted against it is because my party said to me that they wanted to put it off, and later on we would get to it.

This is a matter of how you draw the line between Republicans and Democrats. I thought we were operating in a bipartisan fashion, Mr. President. I do not think I will get into any pointing of the finger, but I could probably do a fairly good content analysis, when we hear about being able to govern, of the number of amendments, in just the years that I have been here, that have been brought out to a variety of different bills, many of them not even germane amendments, by the then minority party.

This amendment meets the germaneness test. This is all about congressional accountability. This is called the Congressional Accountability Act. There is not one word in this Contract With America about lobbying disclosure, about gift ban, or about campaign finance reform.

Last session, at the end of the session, some 37 Republicans voted for exactly the language of this amendment, understanding that Senator LEVIN has now a sense-of-the-Senate resolution dealing with lobby disclosure: Mr. DOLE, for himself; Mr. SIMPSON; Mr. NICKLES; Mr. COCHRAN; Mr. MCCONNELL; Mr. SMITH; Mr. D'AMATO; Mr. DOMENICI; Mr. COATS; Mr. LOTT; Mrs. HUTCHISON; Mr. BENNETT; Mr. SHELBY, now Republican; Mr. GREGG; Mr. COVERDELL; Mr. DURENBERGER; Mr. PACKWOOD; Mr. GORTON; Mr. KEMPTHORNE; Mr. THURMOND; Mrs. KASSEBAUM; Mr. BROWN; Mr. MACK; Mr. WARNER; Mr. FAIRCLOTH; Mr. GRAMM; Mr. HATCH; Mr. BURNS; Mr. HELMS; Mr. MCCAIN; Mr. GRASSLEY; Mr. LUGAR; Mr. BOND; Mr. CRAIG; Mr. ROTH; Mr. PRESSLER; Mr. COHEN; and Mr. CHAFEE. It is the exact same gift ban provision.

Mr. President, for those who voted for it before, why is it not as compelling an issue today? Since this practice goes on—I just read from a story that dealt with the giving of gifts yesterday—why is this not a compelling reform issue today? For those in the Senate who were not here last session but who ran for office on such a strong reform agenda and said they wanted to change business as usual in Washington, why would you vote no? Why would you vote no? I guess you could make the argument, well, later on we will get to it. The only thing I can say, and I have been hearing that argument ever since I came to the Senate: Delay and delay and delay. Maybe later on, we will get to it.

I can assure you that if we lose the vote today, we will keep pressing on this issue and we will hold everyone accountable. But if an amendment makes sense, if an amendment to a piece of legislation is a part of governing, the Senate is an amendment body. I do not quite understand the argument that we will not take any amendments. I mean, the Senate is an amendment body. That is the way most of us operate as legislators in the Senate. We bring amendments to the floor.

This particular amendment, without a doubt, is certainly germane. It is all about accountability. We are being told by some of our colleagues that they will not support the very gift ban that they supported before. Why? Why? Why the delay? Is this all about progress? Is this all about who is running the Senate?

Because, Mr. President, people in the country are the ones who run the Senate. People in the country want to see the reform. People in the country have said over and over and over again, "Nobody comes up to us." My neighbors in Northfield, if they had a chance to talk to Senators, would say: No one comes up to us and says, "Listen, would you like to take a trip, wherever?" Or, "Are you interested in going to some athletic event?" Or, "We would like to take you out to dinner." People do not have lobbyists coming up to them. Regular people do not have lobbyists or other special interests or other folks coming up to them to make an offer. Who are we trying to kid?

This is a real problem, a compelling issue. It is a compelling issue today. There is no reason why any Senator should vote against this. There is a reason on substantive grounds. But it has overwhelming support, including from almost all of our colleagues on the other side, unless this is just a case of power and prerogative. What a shame that would be. If a good idea comes from this side of the aisle, and it is relevant to an important piece of legislation which deals with congressional accountability, I ask my colleagues, why do you vote against it? How ironic it would be, Mr. President, if on this piece of legislation, called the Congressional Accountability Act, we exempt ourselves from the very rules that the executive branch lives by, which is precisely what this amendment attempts to rectify. Why the delay?

Mr. President, Roll Call, on Monday, October 17, 1994—and I will try to be very careful about not using names—has a very interesting and revealing piece called "How Lobbyists Put Meals, Gifts to Work." This memo, obtained by Roll Call, says one prominent D.C. firm lays out 1994 strategy, including meals, campaign contributions, and participation in leadership races. It is Timothy Burger's piece:

> During the protracted debate over new lobbying and gift rules which went down to stunning defeat in the waning days of the second session, Members argued violently over the influence of lobbyist-paid meals and campaign contributions.

Now, a Big Mac will not buy influence from anybody. "I am sure $15,000 will not buy influence from anybody," Representative DAN BURTON, Republican, Indiana, said on the floor. Retiring House minority leader Bob Michel said, "Here we are, demeaning ourselves, saying, 'Please stop me before I accept another cup of coffee and a Danish, and I am sure he was sincere about that because he is known to be that kind of Representative.

The article goes on to say, "Despite such protests, meals and contributions are fixtures in the lobbying world, and internal documents from a prominent Washington lobbying firm demonstrate just how central they are to conducting business."

I will not name lobbying firms and name different Representatives. And so on and so forth.

But it is very revealing.

Mr. President, again, 37 Republicans supported precisely the language of this amendment which puts an end to this egregious, unacceptable, unconscionable policy of accepting gifts from lobbyists and other special interests. It is wrong. We should not do it.

Each and every one of us, and I know each and every one of us, does fit within this framework who cares about this institution, each and every one of us who wants to see some increase in public confidence and trust and each and every one of us—and I bet I am speaking for every single colleague on this point who is tired of the bashing and the denigration of public service and who is tired of this indiscriminate attack on everybody in public service and who understands that this is not good for representative democracy. And it is not, Mr. President. If that is the case, then there is simply no reason why you would vote against this.

Do not vote against this on a party basis. Do not vote against this on the issue of prerogative. Do not vote against this again delaying. Do not be obstructionistic about this. Move forward on it. For those of you who were here before, you voted for it once, vote for it again, and for those of you who are new—and I know you have a strong reform orientation—there is no reason in the world why you should not support this amendment.

Finally—and I know Senator FEINGOLD wants to speak—finally, Mr. President, let me just say that if we really want to change the political culture in Washington and if we want to talk reform out of one side of our mouth, then we are going to have to act on what we say in terms of how we vote and what we do.

I will just say to my colleagues, as painful as this issue is and as disliked as this reform effort is by some, this is the right thing to do and we can no longer be accepting these gifts and expect people to respect this process, much less respect each and every one of us.

I will have more to say about this, Mr. President, as we get into the thick of the debate, and I assume that we will have a debate about this because I think it is an extremely important issue that goes to the heart of whether or not the political process in this country is going to work well and is going to be honest and is going to be open and is going to be accountable to citizens.

For now, I will conclude my remarks and yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, thank you. I certainly appreciate the leadership of the Senator from Michigan and the Senator from Minnesota on this issue. Listening to them talk about this so early in the session gives me heart that we are going to get going on a reform agenda that is so important right away in the 104th Congress.

Let me also say I enjoyed listening to so many new Senators today give their first speeches on this important piece of legislation. Just 2 years ago, I had the honor and pleasure to give such a speech. I just want to take this chance to wish each of the 11 new Senators well, and I look forward to working with them.

Mr. President, as the first week of the 104th Congress, this is also a time when I think it is natural and appropriate for us to try to interpret what the elections were all about on November 8. That is something that all of us have been doing for the last couple of months, trying to draw some lessons from those elections. It is an appropriate thing to do because, of course, we are here to exercise in part our own judgment, but most importantly, we are here to reflect the goals and aspirations of the people who elected us.

So when we come here in the first week, there are a lot of theories about what happened. Some people say this was an election where people just decided they wanted to have the country run by Republicans. That is not a completely irrational interpretation of the election results.

Others would say they want conservatives to run the country rather than liberals. Some just think it is an anti-incumbent feeling, that it is just time to have different people in there, they just want change and maybe they will do the same thing in 2 years.

Others take a look at the election results and suggest some very specific legislative policies were endorsed by the people, best symbolized by the Republican contract, which I do not happen to think was endorsed by the American people. I am not sure they were aware of it. Certainly, that is one thing people are suggesting—welfare reform, term limits, school prayer. Others say that the people called for a middle-class tax cut. I strongly disagree with that. I do not think the people wanted that at all. But these are among the things being debated, and they are fair grounds for debate.

The one thing I am pretty confident we can almost all agree upon is that the people of this country think that Congress itself needs some reform. We may disagree on the kinds of specific reform, but the one message that I think was loud and clear is that this institution needs some changes before the American people can feel very good about it again. In fact, that is why I am very pleased and I give the new majority a lot of credit for leading with this bill, and I think many Democrats helped initiate the idea of congressional compliance; that we should not be able to live by different rules than the ones we have made for everybody else.

I hold many town meetings back in my home State, and this one is just an obvious one. People constantly say, "Why in the world don't you live by the same rules you make for us?" Unfortunately, what it is for many people is a feeling that maybe we are being hypocritical by passing these laws and finding some reasons why they should not apply to us but apply to all their employers.

There are other obvious reforms: Revolving door legislation, the frequent flier legislation discussed, I think campaign finance reform is something that almost all Americans realize needs to happen, lobbying disclosure, and the like.

To me and so many of my constituents, one of the most important, easily the most obvious, reform is the reason I rise today, and that is as a cosponsor of the amendment by the Senator from Michigan, the Senator from Minnesota, the Senator from New Jersey, the Senator from Ohio and I am delighted to see the Senator from Arizona of the other party joining as a cosponsor on that issue. That issue, the subject of this amendment, is to finally get a gift ban for Members of Congress.

I heard the comment made a lot last year, and even this year, even this week when we know this is a time of reform, that nobody cares about this issue. Some even say the election was proof that this is not an issue. The argument goes something like this: "The Democrats didn't win and because the Democrats brought this issue forward, it couldn't have been much of an issue."

But as the Senator from Minnesota pointed out very well, at least at one point in the process last year, this was not just a Democratic issue, it was overwhelmingly endorsed by Senators of both parties and overwhelmingly endorsed by the House of Representatives.

In fact, one could also argue that it was the failure to pass the gift ban that hurt the Democrats. I do not think that is fair, but people may have perceived it as an example of the gridlock that they somehow interpreted as having something to do with the Democratic majority.

We know very well that this gift ban was merely a victim, a sacrificial lamb in a mass bill-killing at the end of the session. But who knows, it may have been one of those factors that led people to want to switch teams, and that is exactly what they did.

There is one thing I am very confident of, and that is if the people of this country knew what happened after the gift ban was killed here in this room and just outside this room, they would have been very, very upset. There was a very loud cheer that rose up in that room out there we call the lobby. The lobbyists cheered very, very loudly because this bill had been killed.

What more symbolizes business as usual in Washington than the loud cheers that came in that hall when this very simple proposition could not pass after it passed overwhelmingly in the U.S. Senate?

So whatever the role this issue played in the election, I firmly believe that the practice of this gift-giving is a significant part of the feeling of the American people that there is something rotten in Washington. I believe it is that feeling, that there is something rotten in Washington, that had more to do with the results of this election than anything else. I think that is what it was about, and I think that is why this gift ban, although it may look like a little thing, really is part of a much bigger and much more serious issue, and that issue is, do the people have faith in their Government anymore?

It is not much to ask the Senate and the other body to come together to do something about it. In fact, it is my own personal observation, after having held over 100 town meetings in my State over the last 2 years, that people actually feel insulted and disgusted by the fact that this practice exists. I start talking about it and I cannot even get a sentence out about the practice before the whole crowd breaks out in spontaneous applause at the idea of this gift ban. Believe me, they do not applaud that way for everything I say. This one always elicits a very powerful reaction of revulsion that this practice is permitted in Washington.

Now, maybe that happens in Wisconsin because we are awfully proud that for 20 years we have had this rule in our State legislature, a rule that applied to me for my 10 years as a State senator. It has worked very well. Members of our State senate and the assembly are not even allowed to take a cup of coffee from a lobbyist. It has been no problem for 20 years.

So maybe it is just that. Maybe it is just the people in Wisconsin cannot understand why Washington cannot do it if we can do it. But I think it is more than that. I think it just does not fit with what people believe the Senate should be engaged in.

Mr. President, others say that whatever the public's view may be, this is not a good thing to be talking about; that it is just a form of self-flagellation; that it is trivial. And the more serious Senators say that bringing this up, that talking about it hurts this institution; that it hurts the Senate to talk about it; that it demeans the Senate.

Mr. President, it is my belief that it is not talking about the gift ban that hurts the Senate. It is the practice of allowing gift giving. It is the spectacle of having to turn on television in prime time and seeing the elaborate portrayals of the tennis and golf tournaments. It is the spectacle of, in our office, having received 800 gifts in the short 2 years that I have been here. Now, our policy does not allow us to keep them, but we have logged them, from a bottle of cognac, to a 6-inch Waterford crystal, to an alarm clock, and recently I am told, although I was back home, a Christmas tree for every office. I do not know if it was for the House as well but certainly for the Senate.

Let us assume for a moment that this is all pure generosity and it is well intended. I think it looks silly. I think it is demeaning to the Senate. It hurts the dignity of the Senate because it does not show us following rules as strictly as the American people believe should be observed by their very highest officials.

But let me just in the last moment, Mr. President, take this one step further. It is my view that even if this is just something that looks bad and even if it makes us just look silly, if I did not think this was a bad practice on the merits itself, then I do not think I would have supported this effort to try to attach this to one of the very first bills in the 104th Congress. But I do think it is a bad practice. I do think it plays its role in changing the outcome of what happens in this town.

I am afraid, Mr. President, I have reached the conclusion that this gift-giving is part of a closed circle of special interests in this town that does play its role in blocking meaningful change, whether it be trying to bring down the deficit, whether it be trying to achieve health care for all Americans, or whether it be trying to protect our environment.

I will say I respect all my colleagues. I do not think it has anything to do with the value of these gifts. It is because these gifts and this practice is part of a culture of special interest money and influence which includes campaign finance abuses and revolving doors for staff members and Members, and this is a culture that is a barrier between the Members of Congress and the people they represent.

Mr. President, I think it makes the beltway look like more than a road. I think it makes the beltway look like a boundary that too many Americans believe separates America from another country or another province and that would be something they tend to perceive as the kingdom of special interest influence known as Washington, DC.

Let me just conclude by saying that although there were many moments that troubled me during the debate last year, the moment that made me realize just how important this legislation was, was when the last-ditch argument was made that we could not do this because a number of important Washington, DC, restaurants would lose a lot of business.

Now, if a lot of Washington, DC, restaurantsashington, DC, restaurants are going to have trouble surviving, that means it is an awfully significant practice. And if we have come to that, where something that troubles the American people and offends them is less important than making sure that some restaurants here have enough lobbyists buying meals for Members of

Congress, we have relSo that in the first week of the 104th Congress I do not think there is any more appropriate amendment than the one we are bringing forward today to this bill, and I again thank my colleagues, especially the Senator from Michigan and the Senator from Minnesota, for all their hard work on this issue. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am very pleased to add my full support for and to be a cosponsor of the amendment. It is based on legislation which, through the hard work of Senator LEVIN and Senator COHEN and several of us working with them, passed the Governmental Affairs Committee last year which was still on my watch as chairman. It was on a bipartisan basis. Senator ROTH also worked with Senator LEVIN and Senator COHEN and myself.

As the saying goes, no more free lunches. I am glad to say this year we hope this may also apply to Members of Congress. For that matter, gone, too, if we pass this amendment, will be the junkets to warm and sunny places to escape the chill of the winter wind here in Washington. Kiss good-bye to freebie baseball tickets, if they ever play baseball in the major leagues again. It does not look very hopeful at the moment but it may happen, too.

Say sayonara to first-run plays at the Kennedy Center. You can still go. You can attend. It is just that you cannot have somebody pick up the tab for you. That is the only difference. You have to pony up yourself, like every other American.

I say we have to give tribute to the American people who made all this possible by expressing their concerns about this loud and clear in the last election. We have heard many references to November 8 and people trying to analyze and superanalyze what happened then. That will be saved for another day. But I do not think in any event we can turn a deaf ear because we have gotten the message.

Now, do I subscribe to the notion that Members of Congress can be bought or are up for sale for a few tickets or for a few dinners? No, absolutely not. I do not. The very thought discredits our labors, the very hard work that goes on here, and such thoughts only undermine and demean this institution. But it goes without saying that Government's faith and credibility have been sorely tested these last few years. And if banning gifts and other lobbyist amenities is what it takes to begin restoring public trust and integrity, then so be it. Act we must, whether we really feel it is having any impact on what we do here or not.

Do I think the gift ban will actually make a difference in how things are done around here? Probably not as much as most people really think. I do not think most people are bought by a dinner or two, or whatever. But the main thing is we want to put everything aboveboard. We want to do business the true old-fashioned way by meeting our own constituents as well as special interest lobbyists in the ambiance of our own offices.

I meet constituents, I meet lobbyists all the time in my office. They do not need to buy access. They do not need to do me some favor. They do not need to send gifts into the office in advance. We schedule them, talk about their particular concerns, or sometimes I have been known even to take some people to lunch myself and pay the bill myself.

The point is we all recognize that in this world of politics we are not dealing sometimes with what is rationally considered out in the business world. We deal with perceptions of what people think, their view of us, what the general air is around, how you run an office.

I think that is the reality of the situation. This institution which ought to be revered and respected by all Americans has been subjected to scorn and ridicule, part of it because the talk shows or the editorialists or somebody writes about the dinners and the freebies and the tickets and the so on around here as though they really run Washington on that basis. So we have had much scorn and ridicule. We have been depicted as out-of-touch Members, being wined and dined by special interests and caring not for the Nation or our State but only for our own reelection campaigns.

Now I do not happen to believe that is true for 99 percent of the people in the Congress. But the perception, once again, is what we are dealing with.

We certainly deserve much of the blame for having let this happen. So it is a big step we take today, one which hopefully will show that we are serious about improving this body's reputation and standing with the public.

Having said this, however, I must confess that in my view these issues are really a diversion from the true heart of the matter. If we really wanted to attack the notion of special interest access we would be dealing more directly with campaign finance reform. If we want to talk about what would clean up politics across country it is campaign finance reform more than anything else, not whether we limit $20 lunches or not.

In fact, just to illustrate that, I find it just a bit hypocritical to say that a Member could be bought for a $20 lunch, yet he can sit down with that same lobbyist and ask for a $5,000 PAC contribution and get it. We may have to foot the bill for the lunch but it is a small price to pay for a hefty campaign check. And it just does not make sense to do one without dealing with the other.

I think, really, if we were dealing with this we would be dealing with Federal financing and make some sort of matching funds that would cut down some of the costs of campaigning so we do not have to go out and be dependent upon lobbyists and big contributors across the country for every campaign we run. If we did something like that, provide at least partial Federal financing for campaigns, we would do more to clean up politics than anything else.

Let me also just say I regret we are not considering what I truly believe would be also some guts of this reform and that is lobbying disclosure. We were not even able to take up the conference report on that measure toward the end of the last session. The conference report came back, as we all recall, and even the motion to proceed to it was filibustered. There were supposedly some grassroots problems that were had on the other side, basically, with it. The gift part was OK, as far as the provisions in that conference report. The gift part of it was OK, but the lobbying part of it was opposed by some people.

What Senator LEVIN has done is he has cut back on that lobbying portion of it as it came back last year in the conference report and stuck more tightly just to the gift part of this thing. So it has been weakened in some respects. But we could not even get that conference report up to be considered late in the last session.

I think there was a lot of misinformation and I do not know whether all the motives were pure or not in what people were trying to do in opposing that even coming to the floor. In my judgment, lobbying disclosure will probably have a greater impact in rebuilding the people's trust in Government than the gift ban. And I look forward to the day when everyone will be able to know who is paying what to lobby whom on which issue. Sunshine is always the best disinfectant. In some cases it may even be a repellent.

I know the hard work put in on this effort by Senators LEVIN and COHEN in our Governmental Affairs Committee last year. I think we can surely address what legitimate concerns have been raised about lobbying disclosure and pass this bill expeditiously.

I would add, we have two different bills that were proposed on this congressional coverage. One is just congressional coverage, period. That is it. And that is the one that is before us today that is proposed to be amended.

The other one was the one put in by Democratic leadership, by Senator DASCHLE, by our minority leader. And it took basically that same bill, congressional coverage, but added lobbying and gift ban to it. That is not the bill before us. So the effort now is to take those other provisions and add them to this. I must admit I started out thinking that perhaps this would complicate things in getting it over to the House and getting it passed expeditiously, which I certainly support and want to do. But when you look back at the track record and what has happened with regard to this legislation, there is not all this need for a chance to govern or for great Senate leadership that Senator COHEN, my good friend Senator COHEN, alluded to a few moments ago. Let us look at the record on this. Play the tape over again.

In 1994 the House passed the gift ban, not once but twice. So it passed the House. It is not a matter of having to have great leadership to work out our differences with the House. They passed it twice last year. They passed the lobbying part of it, which is not a major part of this now. That has been watered down. But they passed this twice last year. What happened in the Senate? In May of last year the Senate approved S. 1935 that banned gifts to all congressional personnel and staff and passed it by a vote of 95 to 4. So here we have two votes over in the House, we have a vote here in the Senate on the same thing. We had the agreement in conference that was worked out. Yet we could not get that up.

So as far as this idea that the new congressional leadership has to have a chance to lead, a chance to govern—to me rings just a bit hollow, rings a bit untrue here, because we have already had full agreement on these things between the House and the Senate repeatedly. And the filibuster last fall is the only reason we did not get the conference report through. So I feel the House already has spoken on this.

There are a lot of new Members over in the House. But I do not think their views on gift ban and lobbying are going to be that different from those of the House the last time around. So this idea that we need some great chance to govern or need some new leadership when both sides have already agreed and voted repeatedly on the same issue that we are talking about, rings just a bit hollow. So I think the House, with the past record over there, would be more likely to, if we put this on, put on the amendment that Senator LEVIN is proposing—I would think they would be prone to accept it. And hopefully we could get ahead with this, rather than having to have a whole separate bill brought up and debated once again, have its own series of amendments, I suppose, and it just delays it until later in the year when, I repeat once again, for the fourth time, I guess, that the House and the Senate have already acted repeatedly on the gift bans that he is proposing. So why not put it on this and get it through in one bill? Then we can get on with other legislation. This year is going to be full of legislation anyway.

The House passed this 306 to 112, I am told here. I did not look that up. They passed it overwhelmingly last year. We had overwhelming votes—95 to 4 here in the Senate. The House passed it twice. And the part that disturbed some people here, the lobbying part of it—OK that has been watered down by Senator LEVIN. So that is now just a sense of the Senate.

So I see no reason why we should not accept this and go ahead. I think real leadership here, a chance to govern, would be to include the most we can in this package here that has already been agreed to by the House and Senate and get on with it so we can save floor time and committee time for other more important items as we go through the year.

So I support this and want to compliment Senator LEVIN again. He stuck with this. He has really stuck with it, not just because it is politically good for him. I know because I talked with him. He stuck with it because he believes in it. He thinks it is right and I think it is right too.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will be extremely brief. I understand there will be a motion to table shortly, if debate has been completed. Let me just say that I am pleased that my friend from Michigan has decided not to press the lobbyist disclosure measure at this particular time. As he knows, I have been in discussions with the American Civil Liberties Union about that bill. It seems to this Senator and to the ACLU that in many ways the bill, even in its current incarnation, significantly impairs the ability of citizens in this country to petition Congress, something they have a constitutional right to do. So I think we need to continue to work on that, and I am pleased that the Senator from Michigan has chosen not to press that here today.

With regard to the gift issue, as we all know the gift issue is a Senate rule. It can be enacted by the Senate alone, whenever the Senate chooses to act. It does not require the concurrence of the House. Back in the fall when we were engaged in a dispute, driven principally by the flaws in the lobbying portion, I, along with a number of my colleagues, proposed moving ahead and passing the gift provision, separate and apart from the lobby disclosure provisions.

It was the prerogative, of course, of the then majority leader, Senator MITCHELL, to bring up the gift matter since it could not be offered as an amendment to the measure before us because of the conference report. The conference report had married together the changes to the gift rules and the lobby disclosure statutory change. And we had a conference report before us. Senator DOLE had suggested that we would defeat the conference report and be willing to act on the Senate rules. Senator MITCHELL chose not to call up the Senate rule at that time, apparently feeling that it was for whatever reason not a good idea to pass the rule all by itself. That was at the end of the Congress.

Here we are at the beginning of the Congress. In fact, the first act of the day in the Senate, it would be in my view, could be that there would be further refinements made in the gift measure. I do not think there is any compelling reason to do it today. It is the beginning of a Congress, not the end of one. What is also at stake here, Mr. President, quite frankly, is the issue of running the Senate. Senator DOLE may well decide at a timing of his choosing to bring up a gift ban proposal. My view is that, should he decide to do that, we will have one that makes sense and revises the current gift rule. We can do that wholly apart from what may or may not be going on in the House because we can do that obviously with our own rule.

Mr. President, it is my view that what is really at issue today is sort of the control issue. We all would like to see congressional accountability pass. It seems to this Senator that the best way to do that is to pass it as it is without amendment.

Even though I will predict that at some point this year we will pass a gift rule revision, my prediction is that it will be better than the one currently offered in this amendment, better for the Senate and better for the public; and that today what we ought to do is pass the Congressional Accountability Act, something I think virtually everybody here is in favor of it. It is ready to go. We know the House is interested in receiving our version.

So I hope that whenever a motion to table is made that it would be approved and that we commit to my friend from Michigan that we will continue to work on this. I think it is likely that it would be approved sometime soon. I believe we can make it even better than the version currently being offered by the Senator from Michigan.

I thank the Chair.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Chair. I will take a few minutes to discuss my point of view on this piece of legislation. I am a cosponsor of the amendment which would prohibit Members of Congress from accepting gifts, travel from lobbyists and others.

Mr. President, if this past election proved anything it is that the American people want change. They want Congress to respond first and foremost to the needs of ordinary citizens, not special interests, not just the wealthy, not just the lobbyists.

I introduced a piece of legislation, something so similar that this is indistinguishable from what I introduced at that time. It was in May of 1993. At that time, Mr. President, there were many of us here, many here on Capitol Hill that did not appreciate the depth of the public's anger. Today I think it is quite obvious that the message was loud and the message was clear. And I think that everybody today understands how the public feels. And it is time, way past time, as a matter of fact, to finally translate that anger into action.

Mr. President, I do not believe, and few do, that Members of Congress are selling their votes for the price of a meal or a free trip to the Caribbean. But it is hard to believe that when a lobbyist takes a Senator to dinner that they are only buying a meal. What they are buying is access, and access is power. Ordinary citizens do not have that access. They cannot just take their Senator or this Congress person to a quiet dinner at an expensive restaurant and explain what it is like to be afraid, to be concerned about the future, to be concerned about your job, to be concerned about whether or not your child is going to be able to climb the ladder of success, what it is like to be employed. Certainly they cannot take Members to resorts in the Caribbean or out in the mountains to discuss their personal tax problem. But meanwhile lobbyists have been doing these things for years. It gives them a distinct edge.

Mr. President, when Americans see Members of Congress being wined and dined by lobbyists, they do not like it. They resent it. They believe with that kind of imagery that the deck is stacked against them, and they think it is wrong. They do not respect the system that operates that way.

As I said earlier, I do not stand before my colleagues to criticize anyone or to question anybody's motives. I am not claiming to be particularly holier than thou—but I do think that we need to change the way that we do business. This is the time and the place to do it. We are, after all, considering a bill that is designed to eliminate double standards for the Congress, standards differing from that of the average person. And it is a terrible double standard for the executive branch to be living under stringent gift rules while Members of Congress continue to accept gifts from others.

I would also point out, Mr. President, that many in the private sector are living under the type of tough standard proposed in this amendment. The occupant of the chair comes from the business community, as I do. As a matter of fact, our paths crossed indirectly in our previous lives. I was a CEO of a major corporation before I came to the Senate, and I know that the distinguished Senator from Utah also was head of a significant corporation.

In my company we had very strict rules prohibiting purchasing agents from accepting gifts from suppliers. I did not think our people were dishonest. But I wanted to make sure that there was no temptation, no seduction on the part of the supplier to get a special advantage. I wanted the products that we bought, the merchandise that we bought, to be considered strictly on the basis of quality, ability to deliver and the appropriate price, nothing more. Lots of companies have similar rules. If these companies can live with these restrictions, I believe that it is fair to say that we in this body can also.

Mr. President, just a few months ago Republicans in this body and in the House chose to defeat lobbying reform legislation that included a gift ban. At the time, our colleagues claimed that they were supporting the gift ban but they were concerned about other provisions in the bill. Others suggested that perhaps the motive was partisan to deny Democrats credit. I am not going to comment about anyone's motives last year. It is water under the bridge. I made some comments at that time that I think perhaps were misunderstood, was taken piecemeal out of the television interview.

But once again, I state very, very clearly that my view is that people are not corrupted by a meal or a present or a trip or a golf game. But the appearance is not one that the American people believe gives them the same fair deal that some on the special inside track has.

I hope my colleagues will agree to support this amendment which includes the very same gift ban that they claimed to support last year. As a matter of fact, it won 95 to 4, I believe was the count—overwhelming. The eyes of America are on the new leadership and on this Congress. If we cannot bring ourselves to ban gifts from lobbyists it will be a sign that for all of the talk of reform we are still back in politics as usual. The fact of saying one thing but doing another, the fact of putting special interests first and the ordinary citizens last, would be a terrible and deeply disturbing message for this Congress to send, and we ought not to do that.

So I hope that my colleagues will join me.

Let it be voted upon. Let us take the count and see what happens. That is what the American people are entitled to know. What do the Members of this body really believe when they say they want to change things? It is easy. Get a tally of the vote, and it adds up to 100. Whichever way the majority rules is what will be done.

So I would like to see it done with support from both sides of the aisle, in the spirit of the new mood of cooperation. I hope it can be done. I think it is very important to set the record straight, and you do it step by step. This is a very important first step.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I just want to respond to some of the comments from my colleague from Kentucky about this amendment, the gift ban provisions. My colleague said that he thought it could be improved upon, but again I point out that this is precisely the language of the proposal introduced by the majority leader and 36 other Republicans. Mr. President, I can go through the provisions of this gifts proposal—and I guess I would like to ask my colleague, what would you want to improve on? What do you want in and what do you want out?

Mr. President, what I have heard on the floor of the Senate in the last hour or so really startled me. And I think it is going to be a huge problem for our country. The word "governing" was used earlier. Again, Mr. President, people were talking about meals. It is not just meals. There are examples of trade association-paid trips to the Bahamas, Hawaii, you name it. We ought to end this practice. But I would like people in the country to know—and I was amazed that I heard my colleague from Kentucky just say it so clearly. He said, "This is about control." That is what this is about? So, colleagues, this is not about merit, this is not about reform. When everyone ran for office, they talked about reform. I doubt whether very many of my colleagues talked about control. That is what this issue is about. Do not vote for an amendment that puts an end to a practice that leads people in our country to believe that something is wrong with the way we conduct business in Washington. Do not respond to what people want us to do now. Continue with this practice, as egregious as it is, and do it because of control. That is what I heard my colleague say from Kentucky, that this is about control.

I thought it was about merit. I thought this was about reform. I thought this was about the Congressional Accountability Act. I thought this was about making Senators more accountable. I thought this was about good government.

Mr. President, I may or may not be a little out of line. I am just speaking for myself as one Senator from Minnesota, but if the definition of control now in the Senate is that, by definition, any amendment introduced from our side of the aisle bumps up against control and, regardless of merit, will be voted down, that is very different from the way in which I thought the Senate operated—at least during the time I have been here. If that is what this is all about—control—then I will have this amendment on gift ban up on the floor over and over and over again, and I guess we will be talking about control and control and control over and over again.

I thought that this was a legislative process, a democratic process, an amendment body, and Senators voted amendments up or down on the basis of their own independence and on the basis of merit, not on the basis of control.

So, Mr. President, I yield the floor for the moment, but I would be interested in some response by my colleagues on the other side of the aisle, since I do not think people in the United States of America in this past election voted for control. They voted for good change. They voted for reform. They voted for reaching beyond our parties. They voted for doing the right thing, albeit people have different definitions of doing the right thing. They did not vote for control. I think this debate now about this amendment has become bigger than the amendment. It has a great deal to do with the way we are going to conduct ourselves here in the Senate. I would be interested in a response from my colleagues.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENSIBLE VIEWS ON CUBA

Mr. PELL. Mr. President, I would like to bring to the attention of the Senate a very prescient and sensible article about Cuba which appeared in the Winter 1994 Newsletter of the Duke Family Association.

The article, entitled Fidel Fading: U.S. Should Play Role in Cuba, was written by Biddle Duke, a journalist working in Santa Fe. He has visited Cuba twice in recent years, most recently last spring, when he served as an aide to two Washington-based public policy groups, the Appeal to Conscience Foundation and the Council of American Ambassadors.

Mr. Duke makes a strong case for modifying United States policy on Cuba. The economic crisis there has become so acute, he says, that it can be used in effect as a lever for normalized relations. He recommends that the United States send humanitarian aid and lift the embargo at least partially. While offering a hand of conditional friendship we should push for a free and open Cuban society.

I concur with Mr. Duke's views and I ask unanimous consent that his article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Duke Family Association, Winter, 1994]

FIDEL FADING: U.S. SHOULD PLAY ROLE IN CUBA

(By Biddle Duke)

Everywhere in Cuba one hears and sees the despair. A 24-year old engineer works three days a week as a building supervisor for less than the equivalent of three dollars a month, has two thin meals a day, meat once a week, and spends much of his time hanging out on Havana's waterfront. On Friday in April he is swimming off the rocks with this brother.

"We've got schools and doctors, but what good is that without food or medicine or jobs?" he tell an American visitor in Spanish.

In the same breath, he asks, "Can you spare some dollars?"

Then, sardonically, "Viva la revolucion."

Throughout the country, people seem to be waiting for something to happen.

They are a people waking from the dream of communist Cuba's heyday of the 1970s and '80s when Fidel Castro worked the world stage like a master of the game, and his face and his nation became synonymous with third world sovereignty and nationalism; when Cubans fought proudly for working class freedom around the globe.

They are waking from the glorious delusion of Soviet subsidies to the tragic anachronism of present-day Cuba. Cubans are all in something of national pause, standing on a cusp of their history, either dazed in the disbelief that their dreams are shattered, or cynical or despondent.

In Cuba's dire economic crisis there is a tremendous potential force for change. Basic foods, medicine, oil, gasoline and electricity are strictly rationed. Transportation is poor and undependable. Whole chunks of the nation are regularly hit with black outs. Infant mortality is up. So is suicide.

Cubans in exile and those remaining in Cuba are ready to listen and make some steps toward reconciliation. The country is poised for change. And, most importantly, it is vulnerable.

Cuba's malaise has opened the door for the United States to play a critical role in Cuba's future. In the mold of our approach to China, Vietnam and South Africa, we should offer a hand of conditional friendship while still pushing for a free and open Cuban society.

Our national and political conscience dictates that we respond to Cuba's plight by at least encouraging humanitarian aid shipments. And, in doing so, this nation can send a powerful message: Our capitalist democracy works. Despite its many shortcomings, the United States has the medicine and food to spare for many in need, especially Cubans, so close to us historically and culturally.

Encouraging aid should be the Clinton administration's first step in making friendly overtures to the Cuban people and pushing Fidel and his intransigent Marxist Leninism into obsolescence. The administration should initiate a bargaining process over the embargo which should include a combination of diplomatic overtures and policies to improve communication between Cubans and Americans.

Although Fidel might use U.S. aid to blow a little breath into the dying corpse of his revolution, the U.S. free press is easily more effective over the long run in spreading the truth about the food and medicine that would be making it into the Cubans' hands. Already, CNN and other TV stations are captured by thousands in Cuba by pirate satellites. Radio Marti, out of Florida, offers a daily diet of information from the outside world to Cuban listeners. The message to Cubans from all of these sources would be loud and clear: What you are getting is American goodwill. And if it is not reaching you, blame Fidel.

The powerful message of freedom already is carried via the vibrant but informal links that exist between the 1.2 million American Cubans and their friends and families in Cuba. The administration should encourage this exchange by negotiating for direct postal and telephone service between our two nations; the exchange of students, teachers, artists, writers and other professionals; allowing travel to Cuba by American tourists; and permitting U.S. journalists to be stationed there.

Underlying all these proposals should be a request by the administration to begin official discussions on the embargo with Havana and an agreement to raise the level of the U.S. envoy if Cuba does the same. The ultimate goal would be full diplomatic relations.

The rest, and perhaps most significant elements of the embargo, principally the prohibition of the U.S. investment in Cuba, as well as a prohibition on most commerce, could be lifted over the long term if political conditions in Cuba and the nation's human rights record improve.

Setting the stage for negotiations would put the United States in command, no matter what Fidel's reaction would be. If he balked, Castro would have difficulty explaining to his hungry people why he turned down food and medicine, the scarcity of which define the embargo to most Cubans. If he agreed to a gradual opening of relations, the irrepressible forces of capitalism and social reform, some of which are already evident, in all likelihood would sweep the nation.

Cubans are proud and patriotic, and Fidel plays on this. As long as the United States is inflexible on the embargo, we remain the imperialist enemy in their minds, and the revolution, the Cuban struggle to get out from under our thumb, goes on. But if the administration allows aid shipments and sets up a bargaining table, and Fidel does not step up, he will look like the defiant, stubborn dinosaur that he is. And something of a hypocrite, since he continually is calling for an end to what he calls the "blockade."

The administration has so far taken the least politically taxing course on Cuba, which is to maintain the antagonistic status quo. And that's unlikely to change until after the 1996 election. In order to carry Florida, many believe Clinton must let the conservative wealthy Cuban American National Foundation dictate Cuban policy, which pushed for the strengthening of the embargo as recently as 1992.

The truth is that many exiled Cubans want the embargo at least partially lifted, enough to help those left on the island through these tough times. And many Americans wonder why the embargo, which was imposed in 1962 by President Kennedy, wasn't dissolved with the end of the Cold War.

A growing number of conservatives and liberals and some of the nation's leading newspapers already have advocated an end to the embargo, saying that it is an antiquated policy that is hurting Cubans, not Fidel's regime. They argue rightly that Cuba and the spread of communism no longer are threats to our stability or the stability of the hemisphere. Communism and the Cuban revolution are indisputable failures.

Interestingly, Fidel is not a complete failure to Cubans. He's all they have; just Fidel, who thumbed his nose at the United States and put Cuba on the geopolitical map. But that's not enough anymore.

A young Cuban woman told me this story of two old brothers who lived together in the hills. They had fought in the revolution and believed in it. Now, hungry and old and crushed by the reality of the revolution's failure, one of them hanged himself with his belt in the rafters of his house. When the guardia came to take his body away, the other man asked that the belt be left behind to remind him of his brother and the reason he took his life. After the guardia departed, the second brother used it to hang himself. These are the stories of Cuba these days.

Optimism drives us all, and the future of Cuba, the dreams of almost two generations of Cubans who've grown up both in exile and under the delusion of the revolution, could be realized in coming decades. Second to the Cuban people, the United States is the most important force for positive change on the island. Americans have a choice: between provoking change with obsolete and misplaced hostility or encouraging it, as we did in South Africa, as constructive, engaged critics.

There is a chance that we could strangle Cubans into a violent revolution. And there is a chance that we could offer them some choices and hope, and help them make the right decisions.

Biddle Duke has been to Cuba twice, most recently this spring, as an aide to Washington-based public policy groups, the Appeal of Conscience Foundation and the Council of American Ambassadors. He is a journalist working in Santa Fe and is a former reporter for The New Mexican.

TIME TO OVERHAUL UNITED STATES POLICY TOWARD CUBA

Mr. PELL. Mr. President, as I look at the vast array of foreign policy issues the 104th Congress will address, United States policy toward Cuba stands out in my mind as the most in need of a dramatic overhaul. I believe all my colleagues agree on the goals of United States policy toward Cuba—promoting a peaceful transition to democracy, economic liberalization, and greater respect for human rights while controlling immigration from Cuba. Where some of us may differ, however, is on how we get there. In my view, current policy is not only outdated and ineffective, but, far worse, it is counterproductive to fostering these goals and contrary to U.S. national interests.

Rather than tightening the embargo and further isolating Cuba, as the United States has done, we should be expanding contact with the Cuban people and lifting the embargo. I say this not because I believe the Cuban Government should be rewarded; in fact, I am disappointed that the Cuban Government has failed to make meaningful steps toward political reform and improving human rights. Nor do I believe that it should be done as a quid pro quo. We should lift the embargo simply because it serves the U.S. national interests by helping foster a peaceful transition to democracy.

In my view, greater contact with the Cuban people will plant the seeds of change and advance the cause of democracy just as greater exchange with the West helped hasten the fall of communism in Eastern Europe. In his posthumously published book, former President Nixon wrote that "we should drop the economic embargo and open the way to trade, investment and economic interaction * * *." Nixon believed we would better help the Cuban people by building "pressure from within by actively stimulating Cuba's economic contracts with the free world." William D. Rogers, who served as Assistant Secretary of State for Inter-American Affairs for the Ford administration, also believes the embargo should be lifted. As he testified before the Senate Foreign Relations Committee last year, "The breakup of the Soviet system occurred not because we cut off trade and human interchange, but because we didn't."

United States travel restrictions to and from Cuba, only 90 miles away, are among the most prohibitive in the world. At this point, only United States Government officials and journalists are allowed to travel to Cuba without having to obtain a license, and only a handful of Cubans are allowed to travel to the United States. I would ask my colleagues, do we not have enough faith in the power of our system to let contact between our citizens flourish?

Current policy not only denies the United States the opportunity to promote positive change in Cuba, but it increases the likelihood of widespread political violence and another mass exodus of refugees to Florida. The Cuban Government, which is successfully expanding political and economic ties with the rest of the world, is unlikely to give in to United States demands. If economic pressure succeeds in encouraging the people to take to the streets, the most likely consequence would be bloodshed. The military remains united behind Castro, the opposition is too weak and the government too repressive for any uprising to be successful.

Mr. President, it is my hope that my colleagues on both sides of the aisle will join officials who served in the Bush, Reagan, Ford, Nixon, and Kennedy administrations as well as the editors of the Wall Street Journal, the Washington Post, the New York Times, USA Today, the Economist, the Journal of Commerce, the Chicago Tribune, and U.S. News & World Report in calling for an overhaul of United States policy toward Cuba and working to promote a peaceful transition to democracy in Cuba.

Let us try the same policies and the same methods that have produced the freedom that has come to Eastern Europe and Central Europe and knocked off the shackles, chains of the Soviet Union.

TRIBUTE TO DEBORAH K. HAUGER

Mr. PELL. Mr. President, I was deeply saddened last month by the death of Deborah Hauger who served as the Latin American advisor to the former chairman of the House Foreign Affairs Committee, Congressman LEE HAMILTON. I had the pleasure of meeting Deborah on several occasions and was struck by her intelligence, vibrance, warmth, and her deep commitment to doing what was right for United States foreign policy and for the people of Latin America.

I came to know Deborah through my work with Congressman LEE HAMILTON to change United States policy toward Cuba. On behalf of myself and Congressman HAMILTON, she and a member of my staff traveled to Cuba and reported to us their strong belief that United States policy was counterproductive and contrary to United States national interests. She demonstrated enormous commitment to the Cuba issue in particular, and to promoting democracy and human rights throughout the hemisphere.

She died at the young age of 34 and her death is a great loss not only to her family, friends, and colleagues, but to the foreign policy of this country, to the people of Latin America, and to the U.S. Congress as well. I hope my colleagues will join me in sending my sincere condolences to her family, to Congressman HAMILTON, and to her colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. MURKOWSKI. Mr. President, I would like to call attention to a bit of an inconsistency in this amendment. If I may direct a question to one of the managers with regard to the amendment that is pending.

Is it correct that the Senator from Alaska, as he reads the prohibition on gifts, that it precludes a Senator from being reimbursed for travel or transportation to a charitable event such as the event which for a number of years was sponsored by former Senator Jake Garn of Utah? As my colleagues know, that was for a charitable purpose of the Children's Hospital. I think several hundred thousand dollars were raised for that purpose. As a consequence, transportation was provided to Members as well as lodging.

Under the proposed amendment, would transporation and lodging reimbursement for such a charitable event be precluded? I would be happy to have a response to my question without losing my right to the floor.

Mr. LEVIN. Mr. President, if the Senator would allow the Senator from Michigan to respond to that question.

Mr. MURKOWSKI. Surely.

Mr. LEVIN. Mr. President, the answer to the question is yes, it is the same language as was in the conference report which was before the Senate last October, which had the support of the vast majority on both sides of the aisle and is the same language that was in an earlier bill. The answer is yes.

The reason for it is that a significant portion of the money which is contributed by the interest groups to those events is used for the transportation, lodging, and the recreation of Members of Congress. That is the reason for it.

But the answer to your question is yes, it is the same language as was in the conference report.

Mr. MURKOWSKI. Mr. President, I wonder if I could follow up with one other question. Why would we preclude reimbursement for transportation and lodging for charitable events, yet allow transportation and lodging for political events?

It is my understanding that there is nothing in this amendment that would preclude a Member from going out to Los Angeles for a political event, getting his lodging taken care of, getting his transportation taken care of.

Mr. President, I think there is an inconsistency here as relates to the merits of considering gift ban legislation. And I wonder why the floor managers have not seen fit to include a prohibition which I understand was not in last year's bill either. I think that the American people should understand as we consider the merits of banning gifts, that there is certainly reasonable expectation that if we ban it for charitable events, that we ought to also ban it for political events. I wonder if my colleague would enlighten me as to whether I am accurate in my interpretation that, indeed, for political events, one could get full reimbursement for travel and full reimbursement for lodging.

Mr. LEVIN. The Senator from Alaska raised this very point during a debate on the language which would ban travel to the so-called charitable events. That exact argument was raised. The Senator from Alaska attempted to strike the language which would have or which does prohibit the travel paid for to these so-called charitable events, and the amendment of the Senator from Alaska was defeated, I believe, by a vote of 58–37.

So, that argument was made at the time and the distinction had to do with whether political events are within the political activities of elected officials and are different from entertainment, lodging, meals, and travel to entertain where one brings his or her family. The distinction was adopted by the Senate during that debate by a vote of 58–37, I believe.

Mr. MURKOWSKI. Well, Mr. President, I respect the response from my colleague, but when we consider just what constitutes a gift, I think we have to recognize that if we travel to a charitable event to raise money for a worthwhile cause, there is some merit to that. On the other hand, if we go to a political event in Los Angeles and get our transportation paid for and get our lodging paid for, that is meritorious, too, from a political point of view. But we are talking about a great inconsistency here in this legislation that is proposed by my colleagues on the other side. We are talking about cleansing the process, the process of accepting gifts. But they do not want to touch the area that is sacrosanct, and that is specifically political contributions and the way that money is raised.

Money is raised by travel to legitimate political events. And reimbursement occurs not only for the Member but, very often, for the spouse as well. And so I hope that those watching this among the American public, as they reflect on the merits of this debate on gifts, recognize the inconsistency that is proposed here. If my friends on the other side were suggesting that we do away with gifts, period, do away with gifts associated with charitable events, we do away with gifts that are associated with political events from a standpoint of travel and a standpoint of lodging, then there would be consistency.

But clearly, that is not the intention because there is a lot of money raised in this process. That process gets Members elected. So, I think as we address the merits of reform here in this body on the issue of gifts, we should specifically reflect on this other overlooked issue—political travel. As most of us recognize, the reason my amendment did not pass last year is there was some motivation, the motivation by those that suggested that that was too great a sacrifice, too great a sacrifice to give up political travel.

Mr. President, I rise to speak in opposition to the amendment offered by the distinguished Senator from Minnesota [Mr. WELLSTONE]. I have little doubt that Congress, some time this year, will vote to ban most gifts to Senators and Congressmen.

Why will we make that change? Because there is a perception in the country that accepting a meal or a small gift from a lobbyist somehow corrupts the moral fiber of Congress. So we will pass the gift and meal ban to fix the perception problem.

END PAC CONTRIBUTIONS

I have no problem with banning gifts. But I believe it is hypocritical to say that you cannot buy a Senator lunch, but its OK for a political action committee [PAC] to give a Senator $10,000 for his political campaign or for a lobbyist to sponsor a $500-per-person political fundraiser.

Last year, the Senate adopted my amendment banning all lobbyist and PAC contributions to Senators. However, when the lobby disclosure/gift ban bill emerged from the Democratically controlled conference, my PAC and lobbyist contribution ban reform had, not surprisingly, been deleted.

Mr. President, if we are really sincere in getting special interest money out of politics, then we ought to stop wasting our time arguing over small gratuities, gifts and meals, and instead focus our efforts on ending the insidious activities of political action committees.

Since passage of the Federal Election Campaign Act of 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased more than 2,000 percent—from $8.5 million in 1972 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. PAC's are touted by their defenders as a means to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—$126 million for incumbents versus $21 million for challengers.

Overall, PAC's distributed more than $160 million to congressional candidates in 1992; $24 million—15 percent—went to candidates running for open seats. Since the 1970's, PAC's increasingly have funneled contributions to incumbents with little or no regard for ideology or voting records. Corporate and trade association PAC's are among the worst in this regard, giving upward of 90 percent of their PAC contributions to incumbents.

REIMBURSEMENT FOR CHARITABLE TRAVEL AND LODGING

Moreover, Mr. President, I oppose the portion of this amendment that disallows Senators from being reimbursed for travel and lodging in connection with a charitable event. This is another example of the hypocrisy of the bill. Nothing prevents a lobbyist from paying a Senator's travel and lodging if it is in connection with a political fundraiser. If a lobbyist wants to pay for a Senator to go to Hollywood to raise money for the Democrats or Republicans, that's permitted.

But if I want to host another charitable function like I had this summer where I raised more than $120,000 for a portable mammography machine that helps detect breast cancer, transportation and lodging cannot be reimbursed. This rule is not only hypocritical but also discriminates against charitable events in Alaska because the cost to travel there is so high.

You can be sure that charitable functions will continue to be well-attended by Senators, Congressmen, and lobbyists if they occur inside the beltway. But if we want to do a charitable function that benefits the needy in Alaska, it's going to be nearly impossible.

Mr. President, my colleague Senator MCCONNELL has been working on a realistic gift ban and PAC ban bill that will address the so-called problems associated with special interest influence in Washington. We will surely have an opportunity to consider these issues later in the year.

But now, the issue before us is whether we are willing to apply the laws we impose on the rest of the country on our own institution. This amendment is merely a diversion from that issue. Let us pass the congressional coverage bill now, and address the gift ban/PAC ban legislation at a more appropriate time.

I urge my colleagues to reject this amendment.

So, Mr. President, I am not going to talk any longer. I just wanted to point out the inconsistency here.

This whole matter began rather curiously when the association of former Senator Jake Garn from Utah ran a charitable event that was for a children's hospital—a very worthwhile cause. But a so-called television exposé featured several Members of this body, some of whom have already spoken on the issue of gift bans, and which implied that Members were being bought off by accepting transportation and accepting lodging.

There is very little consideration as to the contribution given to the Children's Hospital. I participate in that event each year, and I intend to participate in the event again this year because it is a worthwhile cause. Because Senators come, there is an attraction, whether it be curious or otherwise, to raise money for the effort, and it is a worthwhile effort.

Obviously, I can hold a charity event here in Washington, DC. If I hold that charity event here, there is no transportation; there is no lodging. I can legitimately do it. But if I want to hold it in my State, it is a significant cost to Members if they want to come up to Alaska for a fishing event of some kind for a worthwhile charity.

We had an event last year to buy a new mammogram, a mammography machine for the Best Cancer Clinic of Alaska. We raised $149,000. There were no other Senators who could come because we were in session, but we were not precluded because the legislation proposed last year did not pass the conference. But it was a worthwhile cause.

The inconsistency, I think, is obvious, as a consequence of what we have before us. We seem willing to do away with reimbursement for transportation and lodging, but we would still provide it for political events. That is the inconsistency which this Senator sees is so glaring. That is why I urge my colleagues, when the appropriate hour is here, to reject the amendment because it is simply inconsistent; it does not do the job; it is less than a halfway effort.

Let me also comment relative to remarks that were made by others who spoke with regard to gifts to chairmen and CEO's of corporations. I was a CEO. There are policies within corporations that you designate procedures, and that is entirely different from the function within this body. Those people, through boards of directors and oversight and checks and balances, have to maintain the scrutiny and the appropriate responsibility to the shareholders. We have a responsibility to the citizens of this country, but part of that responsibility is consistency.

When we talk about a gift ban, if we are going to be consistent, we are going to do away with a gift ban and political contributions associated with transportation and travel. That is what is lacking in this legislation.

I hope we will have an opportunity to get into this at some length and hold the necessary hearings so we do not just end up window dressing a situation that many of the American public assume is being taken care of under the gift ban, but still provides us with transportation and lodging for our political events.

I thank the Chair. I thank my colleague from Michigan for responding to my questions. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if I may comment further, briefly—and I know my friend from Colorado seeks recognition; I will not be long—on the points that were made by our friend from Alaska. I just have a couple things to say.

First of all, we sure do need political campaign finance reform. I could not agree with the Senator more. One of the glaring omissions from the Gingrich contract, it seems to me, is that there is no reference to campaign finance reform and how money is raised. I sure hope we address it. It is a glaring omission from any contract of reform.

Second, last year during the debate on this bill, the Senator from Alaska moved to strike the prohibition on reimbursement for recreational travel and made the same points that were made here. The Senate rejected the deletion of that prohibition by a vote of 58 to 37.

Is it inconsistent, then, to permit travel to political events? Some think it is, perhaps; some think it is not. Political events are closer to our duties in that they are not recreational; they are different.

On the other hand, for those who think there is no distinction, for those who think there is an inconsistency, they had an opportunity to strike travel reimbursement to political events. No Senator, including the Senator from Alaska, offered an amendment to strike travel reimbursement to political events.

So if there is an inconsistency that people feel here, they surely had an opportunity to offer the amendment to strike that travel reimbursement. There was no such amendment offered. I do not know whether it would have been adopted or defeated.

I also know that 37 Republicans and a larger majority, I believe, of Democrats, specifically supported this gift ban language in October; 37 Republicans cosponsored a resolution of this gift ban language, and a large majority of Democrats voted for cloture on the conference report.

So we had a situation where if there were an inconsistency perceived, any Senator could have moved to strike the travel reimbursement. The Senate did vote to prohibit recreational travel, and that is the way it appeared before the Senate in the conference report when the majority of Senators of both parties indicated support for the language.

So I think there is a differentiation, arguably, but there is not. Any Senator could have offered to strike the travel reimbursement, and no Senator chose to eliminate that alleged inconsistency by amendment.

I yield the floor.

Mr. MURKOWSKI. Mr. President, if I may respond to my colleague.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think my friend will recall, last year I offered an amendment and the amendment was adopted banning all lobbyist and PAC contributions to Senators. It was rather interesting because that clearly cut to the core of the question of PAC contributions.

However, when the lobby disclosure gift ban emerged—emerged, Mr. President, from a Democratic-controlled conference—my PAC and lobbyist contribution ban reform surprisingly had been deleted.

I say to my good friend, clearly we had an opportunity last year to delete all PAC contributions. It passed the Senate, but it was not supported in a Democratic-controlled conference.

The Senator from Alaska has to conclude one thing: A gift is a gift. If it is a gift associated with a charitable event, it is a gift associated with a charitable event and the merits are the charity. If it is for political purposes, it is still a gift. It is a gift if it is travel. It is a gift if it is lodging. And the justification is the political event and who benefits from the political event.

Sure, we are professionals. We are professional politicians, so we obviously benefit, as opposed to a worthwhile charity out there. If we did not subtract the transportation and did not subtract the lodging, there would be more money coming back associated with the political event. That is the logic that is used to say what is wrong with the charitable event. They take too much out for travel and lodging.

I think we have made the point, Mr. President, and it is one that this proposal lacks consistency and it lacks the reform that is recognized. I know my friend from Michigan and I agree that we need substantial review of the various political contributions, and that will come. But I rise in the sense of pointing out that, indeed, we have an inconsistency. We had a chance to clear it last year by accepting my amendment which was done in this body, but I think many people knew it would die in a Democratic-controlled conference, which it did.

Mr. LEVIN. Will the Senator yield?

Mr. BROWN addressed the Chair.

Mr. LEVIN. I wonder if the Senator from Alaska will yield briefly, before he yields the floor, for a question.

Mr. MURKOWSKI. I will be pleased to yield.

Mr. LEVIN. I was one of the conferees last year in that conference, and the language which was added here was not adopted by the conference.

I do not know of any Republican in the conference or Democrat that supported the language being in the final conference report because it would have had the anomalous effect of discriminating against incumbents against challengers and is more properly part of campaign finance reform. However, that was not just Democrats in the conference that did not hold out for that language. There were no Republicans as well. And I was wondering whether or not my friend from Alaska was aware of that.

And second, this amendment that is pending is amendable. If the Senator from Alaska feels there is some inconsistency here, he is free to offer an amendment to the pending amendment to strike the reimbursement for political travel the way it is stricken for recreational travel.

Mr. MURKOWSKI. In response to my friend from Michigan, obviously I was not in the conference but one has to conclude that as a consequence of the prevailing vote which this body initiated by adopting my amendment banning all lobbyist and PAC contributions to Senators, one would think that the conferees would have a responsibility to support it. Clearly, they chose not to. And one can come to his or her own conclusion as to why.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in strong support of the Congressional Accountability Act.

I think my first contact with this basic issue that we consider tonight came in 1983 when I was a member on the House Judiciary Committee. At that point, Congress was in the process of adding new statutory controls over the direction of the private sector. I offered an amendment in that committee to apply the same guidelines, regulations, and restrictions to Congress that we applied to other members of this society.

That amendment lost on a straight party-line vote. Every Democrat in that subcommittee voted against it. When I attempted to offer it in full committee every Democratic Member voted against it, and I was refused an opportunity to offer the amendment later on in the process.

Thus, it is with some surprise that I find that this measure, passed the House unanimously last night. It appears that good ideas sometimes grow.

I think part of the reason this bill is going to pass, and the reason it passed in the other body, is because the spotlight is on and people know it is not fair to subject them, the working men and women in this country, to rules that this Congress will not apply to itself. It is a matter of simple fairness.

Mr. President, let me confess also to another reason for favoring this measure. The burden we impose on working men and women in this Nation is atrocious. It is criminal what we do to the men and women of this Nation who work and make the Nation go. The legal liability we impose on them, the paperwork we impose on them, the incredible overlay of bureaucracy, red tape and guidance is outrageous. The tragedy is that nearly half the Members of Congress have not had an opportunity to work in the private sector. Many of them do not appreciate the burdensome regulations we have put on working men and women nationwide.

I truly believe that if Members of Congress have to live under the laws we impose on the rest of the Nation, two things will happen. One, we will be treated fairly and they will be treated more fairly. And two, we will take a strong look at the kinds of laws we impose on people. This country is overregulated, productivity is damaged. We have laid a burden of redtape, regulation, lawyers, CPA's, and audits on this Nation that strangles our ability to compete in the international marketplace.

What we need more than anything else is the men and women of this Congress to realize the damage they have done to this Nation and inject common sense into the kinds of statutory control we impose on our country.

So I am going to support this bill. I am going to do it not only because of simple fairness, but because I firmly believe that it will lead to the end of overregulation imposed on the citizens of our country.

Mr. President, there are a number of amendments, many of them sincerely offered and well founded, that should be considered. However, the leadership has promised that they will provide another vehicle to consider all of these amendments.

Indeed, there are many additions to this bill that I would like to see. I will support the effort to bring these additional measures to the floor.

I wish to say to the Senator from Michigan I think he has some good ideas. I have supported the gift ban in the past, and I intend to in the future. But I wish to see this bill enacted. I am not going to support amendments to this bill at this time. I am going to trust the leadership's commitment to bring these measures to the floor and provide a full vote.

My hope is that we will debate the issues Members feel strongly about; that we will proceed to pass this bill and enact it, and that we will get to the additional task of other measures as quickly as possible.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I shall be brief. I begin by associating myself with the passion of the distinguished Senator from Colorado, as he articulates a very strong position against the overregulation by the Federal Government which is well known across the length and breadth of this land. And I support the efforts which have been brought by the distinguished Senator from Iowa [Mr. GRASSLEY] and the distinguished Senator from Connecticut [Mr. LIEBERMAN] on S. 2 to provide accountability by the Congress, by making Members of the Senate and Members of the House of Representatives subject to the same laws which govern every other citizen.

As a matter of basic fairness, Mr. President, there is no reason why a Senator or Member of the House should not be subject to every rule of law which governs every other American.

Basic fairness should mean that every rule of law applies equally to Members of the Senate and House as they do to every other American. And if that were the case, there would be less regulation in our country.

With respect to the amendment which is now pending, offered by the distinguished Senator from Michigan, to have a gift ban, I believe that there is great merit in that proposal and in fact supported the gift ban when it was before the Senate during the 103d or last session of Congress. There are a great many amendments which might be offered to the pending legislation; also talk about campaign finance reform which in a sense is related to the subject before the Senate at the present time.

I believe that it is very important that we move forward with the Congressional Accountability Act, which is the pending legislation, without encumbering it with other amendments which will slow its progress.

The reality, Mr. President, which may not be known by many watching on C–SPAN 2 is that when an amendment is tabled or rejected on the pending legislation, it does not mean that those who vote in favor of tabling the amendment disagree with the substance of it, if it were present as a freestanding bill, as it was during the last

Congress and, as I said before, a measure which I supported. There is an effort known well through the length and breadth of the land at the present time for the newly elected 104th Congress, controlled by the Republicans, to get some things done and done promptly. And the House of Representatives is moving on similar legislation on congressional accountability, and it is the effort now of the Republican-controlled Senate to move ahead with this bill without having amendments pending which will slow the progress.

Our distinguished majority leader has already given assurances that this issue will be revisited and the distinguished Senator from Maine, Senator COHEN, has commented about bringing the matter up again with Senator LEVIN of Michigan. So this matter will again be before the Senate and we can act to do what is necessary to ban lobbyists' gifts. But at the present time I think our focus ought to be on congressional accountability, which I support, and that is why I will back the forthcoming motion by the distinguished majority leader to table the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished majority leader.

Mr. DOLE. Mr. President, I think we have had considerable debate on this issue and I do not, certainly, want to cut off anybody on the other side. But we have a problem that some of us are going to attend a dinner tonight in honor of the two leaders. Some may not be going there. But I would like to move to table the pending amendment and have the vote begin at 7:15, if that would accommodate the minority leader and the Senator from Montana. Then I need just about 1 minute.

Would that be enough?

Mr. DASCHLE. Mr. President, if the majority leader will yield, I know Senator BAUCUS has indicated to me that he needed somewhere around 6 or 7 minutes.

Mr. BAUCUS. Six or seven minutes.

Mr. DASCHLE. I only need a couple minutes, so I think that would work out very well.

Mr. DOLE. So could we agree, get unanimous consent there be a motion to table at 7:15?

Mr. DASCHLE. That will be agreeable to this Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. If I could just have 2 minutes of that time?

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. DASCHLE. Mr. President, I first want to applaud Senators LEVIN and WELLSTONE for offering this excellent amendment. It is very similar to the provisions in S. 10, the Comprehensive Congressional Reform Act which I introduced yesterday, and which a number of our colleagues have cosponsored. I believe it is essential that the amendment be included in the final legislation.

This debate really picks up where we left off last year when Republicans blocked consideration of the legislation which was developed through the tireless efforts of the, at that time, chairman and others. I hope my Republican colleagues will now work with us to enact this amendment.

Those of us who want real reform will not stop at congressional coverage. We have to restore public confidence in Government, and our reform efforts must go further. The Levin-Wellstone amendment does just that. Lobby reform is central to true congressional reform. Without it we will never end the undue influences of special interests. But without a ban on special interest gifts to Members of Congress and their staffs, congressional reform is reform in name only. Senators LEVIN and WELLSTONE and many others have worked hard on lobbying and gift reform and, in so doing, have demonstrated their commitment to true reform, to the end of business as usual.

So again, Mr. President, passing the bill that should have been passed last fall, and would have been passed if it had not been for the Republican move to block it, is a very good start today. But it will be a hollow, cynical start if it turns out that those who blocked that legislation did so only to reintroduce it this year, take the credit, and block other essential reforms. Lobby reform and a ban on gifts are essential to a genuine reform effort. Let us begin the year by finishing our old business and moving forward from here. Doing so will provide an even stronger foundation upon which to rebuild trust in this institution.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, I rise in support of the Congressional Compliance Act. It is time for Congress to act by example instead of by exemption. This act will apply 12 basic American labor laws to Congress. They include the civil rights laws, minimum wage, the Occupational Health and Safety Act, the Family Leave Act, and more.

If these and other acts covered by the Congressional Compliance Act are passed, the Federal Government's regulations on the people will then be imposed also on the Congress. In these laws the Federal Government imposes a good bit of regulation and paperwork on private businesses. All that is in pursuit of good, important goals.

These laws have done a lot of good. Undoubtedly some can be improved. But on the whole they make sure American workplaces are decent places, and there is no excuse for not asking the same of the Congress.

There is some symbolic importance to this. It shows that, as the Founding Fathers who wrote our Constitution intended, today's Representatives of the people are truly Representatives—that is, not a special privileged class.

The act will also have concrete beneficial effects. First, applying basic labor laws to Congress will put a brake on overregulation and overlegislation. Laws like minimum wage, OSHA, and so on are important. Businesses should have some basic standards. And it is no accident that America has a lower rate of deaths and injury on the job than any other industrial nation. It is because OSHA is a tough, effective law. It can no doubt be improved, but we do need a tough, effective OSHA law.

That is one side of the coin. On the other side is that well-meaning people, in pursuit of honorable goals, are sometimes tempted to go too far. They can lose sight of the basic American principle that in the vast majority of occasions, ordinary people do not need a lot of rules and regulations to do the right thing. So it is easy for people who write laws to move on from setting basic standards to requiring paperwork that adds costs, squeezes jobs, and does little good. With this law in place, each Member of Congress will understand the burden a small business owner faces because that Member will live under precisely the same burden. He or she will fill out the same forms, type the same reports, and adjust his or her payroll in the same way. If you live by the regulations you write, you probably will not go too far.

Second, the laws themselves will do some good. Legal guarantees of safe workplaces, minimum wage, guaranteed family leave, and protection for civil rights in congressional offices are important. They were passed to deal with the small minority of abusive employers. And no doubt, in a Congress of 535 Members and dozens of support offices, there are some offices where civil rights laws or workplace safety standards are not being met. This law will help stop that.

Finally, this bill goes a long way toward making Congress a more responsive body. I believe it needs to do more; to make it a responsible body. I thus intend to support an amendment Senator MCCAIN will offer in February that makes sure when Members of Congress are found guilty of violating any of these laws, that taxpayers are not hit with the fine for it.

Again, this reform is long overdue. I cosponsored it in the last Congress. I applaud Senators LIEBERMAN and GRASSLEY for pushing the issue tirelessly throughout the Congress. And finally, today, we will see this body pass it. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, if no one else wishes to speak and if the majority leader does not need the full 5 minutes, I will take a minute or two before his motion.

Mr. DOLE. I just need 3 minutes.

Mr. LEVIN. I thank the majority leader. I will just use 2 minutes.

I want to again urge our colleagues to defeat the motion to table. This is precisely the same gift rule which the vast majority of Democrats and 37 Republicans said they supported last October. There is no change in it. It would seem to me that we cannot duck this issue any longer by just simply saying let us delay it, let us delay it.

If we are serious about reform and the way we run this place, we have to finally, after years of talk, end this scene where free travel, free tickets, free meals from lobbyists and others with interest in legislation, come to Members of this Congress.

It is unseemly. It creates the exact wrong appearance. The American public wants to end it. They are right. This is the time to end it with rules that were supported by the vast majority of Senators in October, including the majority of the Republicans and Democrats. I hope that the tabling motion will be defeated.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Kansas [Mr. DOLE].

Mr. DOLE. Mr. President, the point I want to make was made before last night. After 25 minutes of debate the House passed this measure by a vote of 429 to zero. If we want to take 2 days, or 3 days I guess we can. But I want to pass the coverage proposal as advanced by the Senator from Iowa and the Senator from Connecticut. It is bipartisan. It seems to me that the sooner we can do that the sooner we can move on to other legislation.

I indicated to my Republican colleagues earlier today that we intend to not only take this matter up but lobby reform, and other matters that we believe should be addressed which were addressed last year.

I certainly commend the Senator from Michigan, Senator LEVIN, for his leadership. But we believe there are some changes that can be made even in the gift ban. This amendment would not be effective in any event until the end of May 1995.

It would be my hope that by that time we will have even a better package. I hope that we can table this amendment and move to any other amendments which my colleagues may offer. But we are going to finish this bill either tonight or tomorrow or on Monday unless there is an agreement, a reasonable agreement. I should not say that we will finish it. I know that I have been in the Senate longer than that. We will try to finish the bill by tomorrow or Monday. I know Senators can prevent that from happening.

So I urge my colleagues, including some of my colleagues on the other side of the aisle who had misgivings about lobbying reform and the gift ban late last year, to join me in tabling this motion so we can move ahead and pass this bill without amendment.

I think there is a good potential that the House may take our bill because it is a bit stronger and pass the Senate bill unless we clutter it up with amendments that require us to spend a considerable time in conference.

If anybody else wishes 2 minutes on either side, I would be happy to yield. If not, is there any objection to starting the vote?

Mr. FORD. Mr. President, we have notified on the hotline that it would be at 7:15. I would appreciate it if the majority leader would not and to save us a couple of minutes.

Mr. DOLE. I would be happy to add 2 minutes at the end.

Mr. FORD. The Senator has that prerogative. He is the leader.

Mr. DOLE. I am going to do it habitually, but I think some may want to vote right now and leave. I have already made the motion to table the underlying amendment, the Levin amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, it is my pleasure to come to the floor today as the chairman of the Governmental Affairs Committee. Governmental Affairs has jurisdiction over this legislation. Our effort to bring this matter to the Senate immediately, is not following the usual procedure of committee referral. But this issue is not new. S. 2 is a modified version of H.R. 4822 as reported by the committee at the end of last session. For a detailed explanation of that bill and for further legislative history, I would refer Members to our committee report No. 103–397. To outline briefly, the committee did hold a hearing on June 29, 1994, and heard testimony from a variety of witnesses, including legal and constitutional scholars, along with our own Senate Legal Counsel, Michael Davidson. On September 20, 1994, the committee voted to report an amendment in the nature of a substitute to H.R. 4822, which had passed the House of Representatives on August 10.

S. 2 was developed over the past several weeks in a remarkably cooperative effort of a bi-partisan working group comprised of Members and staff from both the Senate and the House of Representatives. The product we have before us today reflects the positive results that can be achieved when we are willing to work together.

I want to commend the chief sponsors and floor managers, Senators GRASSLEY and LIEBERMAN, for their leadership and perseverance on the issue. Without them, as well as the leadership of the former chairman and current ranking member of the committee, Senator GLENN, we wouldn't be here debating this issue today. I am pleased to join with them in this effort to enact S. 2 as the first order of business in this 104th Congress.

I believe the bill before us demonstrates that congressional compliance can be achieved without compromising the doctrine of separation of powers. Great care has been taken to maintain the integrity of the Congress as a separate branch of Government. However, there is no way to guarantee that the potential may exist for conflict between the legislative and judicial branches concerning enforcement of subpoena powers.

Another major challenge was to create a bicameral Office of Compliance, yet at the same time retain the independence of the Senate and House of Representatives to establish their respective Rules of Procedure without interference from the other body. Again, I believe this issue has been resolved.

Mr. President, Thomas Jefferson wrote that "the Framers of our Constitution . . . (took) care to provide that the laws should bind equally on all, and especially that those who make them shall not exempt themselves from their operation." In light of Mr. Jefferson's observation, one might wonder why Congress created an ever-growing, complex set of employment and labor laws for the private sector that it has failed for many years to apply equally to themselves. While we are here today to correct that disparity, I do want to point out that Congress has made significant progress over the past few years in extending employment laws to congressional employees—most notably the Senate action in 1991 extending basic civil rights protections to Senate employees and creating the Senate Office of Fair Employment Practices.

S. 2 will go a step further in bringing together the patchwork of laws that have applied in the past and make clear how these laws apply and provides for enhanced enforcement of those laws by establishing a more independent and credible process for remedial action.

S. 2 is an extremely important measure for another reason. Beyond its application of laws to the Congress. It is important because of the message it sends to the American public. It would be naive not to recognize that this legislation is driven in large part by pressure from the public. This is an issue of fundamental fairness to them. We have all heard the references to the "Imperial Congress." For far too long Congress has held an image of isolation, privilege and superiority. That is an image that must change, so that the governed once again have confidence and respect in those that govern. Enacting S. 2 is a critical step moving us in that direction.

Enactment of this legislation will teach Congress valuable lessons about living with the laws it passes. Many of the laws that Congress imposes on citizens are complex and burdensome. It's only fair to make Congress deal with the same paperwork and bureaucracy that the average citizen does. That's certainly a complaint I hear from many of my constituents. Compliance is not simply a matter of probity; it is also a matter of paperwork, bureaucracy, and expense.

While I have long been a supporter of applying private sector laws to Congress, I recognize that some members may be concerned that these laws may be misapplied or abused for political, rather than legitimate, purposes. I share this concern, but I hope that rule 11 of the Federal Rules of Civil Procedure will fairly and adequately address this concern. Rule 11 has been recently strengthened to specifically provide for sanctions when misrepresentations are made to the court for an improper purpose. Significantly, the rule is designed to cause litigants to stop and think before initially making legal or factual contentions and is designed to deter misconduct. I am hopeful that rule 11 in conjunction with the counseling and mediation process developed by the Office of Compliance will preclude abuses of the process.

Let me reiterate, I do believe this is a very important issue and that we will be sending the right message to the American people by moving this bill quickly, without extraneous amendments.

Once again, I thank Senator GRASSLEY for managing this bill on our side and also want to welcome him as a new member of the Governmental Affairs Committee.

Thank you, Mr. President. I yield.

Mr. NICKLES. Mr. President, today I am very pleased to join Senator GRASSLEY, Senator LIEBERMAN and my colleagues in the introduction of the Congressional Accountability Act of 1994. This legislation applies 10 labor and employment laws to Congress: First, the Fair Labor Standards Act of 1938, second, the Federal Labor-Management Relations Act 1978, third, the Occupational Safety and Health Act of 1970, fourth the Civil Rights Act of 1964, fifth, the Age Discrimination in Employment Act of 1967, sixth, the Americans with Disabilities Act of 1990, seventh, the Family and Medical Leave Act of 1993, eight, Employee Polygraph Protection Act; ninth, Work Adjustment and Retraining Notification Act and tenth, Veterans Reemployment Act.

James Madison is often quoted in relation to the issue of congressional coverage. He said, "Congress can make no law which will not have its full operation on themselves and their friends, as on the great mass of society." But I am concerned that the meaning of his words is lost due to their frequency of use in this debate.

What was Madison getting at, and what was so important for him to incorporate this phrase into the Federalist Papers? I believe he had a profound sense of public accountability and integrity in mind when he penned those words. He also remembered the degenerating effect of aristocracy upon the people.

Today, we are in a much different time period, but are never-the-less confronting the same issues as Madison and our founding fathers. To bolster the integrity of this institution, now is the time for the adoption of congressional coverage legislation in keeping with our American tradition. Congress has been exempting itself from employment and labor laws since 1935. I suspect this was done in a sincere effort to maintain a separation of powers. It was also done in a time when Congress was a far simpler organization, not the enormous bureaucracy we have today. Because Congress has changed, so must the laws governing it. Until we are prepared to live under the laws, Congress should not be imposing them on anybody else.

If business or private individuals run afoul of any labor, employment and health and safety laws, they face bureaucratic headaches and possible Federal court litigation. Congress has exempted itself from these laws completely or has limited redress with no right to full judicial appeal.

During consideration of the Civil Rights Act of 1991, I offered an amendment which would have made Congress and its instrumentalities subject to all regulations and remedies contained in many of the employment, discrimination, and health and safety laws enacted since the 1930's. Later, I introduced the amendment as a free-standing bill, the Congressional and Presidential Accountability Act both the 103d and 104th Congresses.

Adopted in lieu of my amendment was a provision authored by the Majority Leader George Mitchell and Senator GRASSLEY which provides procedures to give Senate employees protection under several civil rights laws and limited judicial review. Under the adopted amendment, the Senate was permitted to establish an internal enforcement mechanism under civil rights laws. This was a good beginning.

Since my efforts on the Civil Rights Act of 1991 and the efforts of those before me on this issue including Senator GRASSLEY, the joint committee to reorganize Congress and the bipartisan task force on Senate coverage were established and further analyzed and researched the issue.

The bipartisan task force on Senate coverage report was sent to the majority and Republican leader on November 19, 1993. Although the Senate task force report served an important function in analyzing the issue of congressional coverage, as members of the task force Senator GRASSLEY and I believed its conclusions would only perpetuate the current lack of accountability to the laws of the land by Congress.

Following the task force conclusions, I was pleased to join Senator GRASSLEY and Senator LIEBERMAN in the introduction of the Congressional Accountability Act during the 103d Congress. I believe this legislation met the principles set forth by James Madison.

During the 103d Congress, the House overwhelmingly approved 427 to 4, similar legislation introduced by Congressman SHAYS and Congressman SWETT. Following the House action the Democratic leadership in the Senate blocked any action and the 103d Congress ended without covering Congress under the laws of the land.

The legislation before us today will bring Congress under the coverage of labor, civil rights and health and safety laws from which it has been exempt. I am proud to say that I believe this Congress will finally do the right thing and ensure that Congress lives under the laws it imposes on others and perhaps the consequence will be to ensure that Congress will now understand how the laws it passes actually work.

Our legislation establishes an independent Office of Congressional Compliance to administer and enforce these laws. It also allows a congressional employee the right to sue in Federal court under those laws which allow a similarly situated private sector employee the right to sue. This right is extended to collective bargaining and occupational safety and health claims.

I encourage my colleagues to support this legislation to end the practice of Congress living above the law and help to regain the trust and confidence of the public.

Mr. SIMPSON. Mr. President, I rise to express my firm support for congressional coverage legislation. This bill represents a most fundamental ingredient in the recipe to reform this institution. By exempting itself from the laws it passes, Congress is truly losing touch with the practical consequences of those laws. And today, we have a Congress in Wonderland passing legislation that does not reflect true workplace realities.

Over the years we have heard some very artful explanations as to why Congress continues to exempt itself from the very laws it passes. We have heard that the constitution prevents executive branch enforcement of employment laws on Congress. We have heard that the constitution's "Speech or Debate" clause protecting Members of Congress from legal challenges against them includes their actions as employers. And we have also heard how being a Member of Congress embodies certain highly unique circumstances not faced by other employers. I must say, not one of these explanations warrants these continued exemptions.

One of the biggest reasons why Congress so freely exempts itself is because it is not governed by statute—rather we live by our own rules. We set rules which allow us to go about our merry way with little fear that if we do happen to cross the line from time to time, it doesn't really matter because there is no practical enforcement mechanism.

The current system allows us to change the rules at any time—and for any reason. For example, when the Civil Rights Act of 1991 was signed into law, Senators were held personally liable for any unlawful discrimination. But lo and behold, this provision was quietly dropped from the 1993 legislative branch appropriations bill.

Another example involves the minimum wage law. Last time we increased the minimum wage to $4.25 an hour, Congress was covered. But because the law was so burdensome, the U.S. Congress effectively exempted itself from the bill's major provisions a short time later. Just imagine if we allowed private employers to behave like this. Imagine an employer tailoring regulations to suit his convenience, and changing them whenever he chooses. Congress would cast a most disapproving eye upon that. So would the public.

Mr. President, it is no wonder why business organizations have made congressional accountability their top legislative priority. If Congress is forced to live with the laws it passes, it may act with considerably more prudence.

Congressional accountability could well become a practical tool in our legislative work. True congressional coverage would provide each of us with immediate impact as to the successes, failures and unanticipated implications of our programs. Exemptions, on the other hand, insulate us from the real impact of the laws we pass. We need to know how our laws feel to those out there in the real world where the rubber hits the road.'

Congressional accountability is an issue of necessity. New employment laws are increasingly rushed through congress on unrelated bills, with no opportunity for public hearings or debate. It is imperative that we put the brakes on the accelerating speed of carelessly enacted employment requirements.

Congressional accountability is also about simple fairness. We do indeed deal with a lot of very complicated issues here in the U.S. Senate, but this issue is not really very complicated at all. The rest of American voters are out there paying taxes, complying with Federal regulation after Federal regulation, and playing by the rules. On the other hand, there is the perception that we continue to sit here in our ivory towers issuing our decrees, yet, telling the American public to "Do as we say, not as we do." It is only fair that our own congressional employees should be completely covered by employment laws.

I urge the Senate to pass the Congressional Accountability Act. To pass it cleanly, kept free of unnecessary and nongermane amendments. I thank the chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. ROBB], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois [Mr. SIMON] and the Senator from Vermont [Mr. LEAHY] would each vote "nay."

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—52

Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Wellstone

NOT VOTING—9

Gramm
Heflin
Hollings
Kerrey
Leahy
McCain
Nunn
Robb
Simon

So the motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 4

(Purpose: To prohibit the personal use of accrued frequent flyer miles by Members and employees of the Congress)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

I will not debate this amendment, but I am going to ask the clerk to read the entire amendment. I think it explains it totally.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. FEINGOLD, proposes an amendment numbered 4.

The amendment is as follows:

At the appropriate place, insert the following:

SEC.—USE OF FREQUENT FLYER MILES.

(a) LIMITATION OF THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives shall be considered the property of the Government and may not be converted to personal use.

(b) REGULATIONS.—The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means travel engaged in the course of official business of the House of Representatives and the Senate.

Mr. FORD. Mr. President, I thank the clerk.

Mr. President, the amendment I have sent to the desk relates to the use of frequent flier bonuses usually awarded by airlines. Both the Senate travel regulations and those applicable to executive branch travel require that any such benefits paid by an airline that are based on travel that was paid by taxpayer funds must be used for official purposes.

Senate travel regulations on this subject are as follows:

> Discount coupons, frequent flyer mileage, or other evidence of reduced fares, obtained on official travel, shall be turned in to the office for which the travel was performed so that they may be utilized for future official travel. This regulation is predicated upon the general government policy that all promotional materials such as bonus flights, reduced-fare coupons, cash, merchandise, gifts, credits toward future free or reduced costs of services or goods, earned as a result of trips paid by appropriated funds are the property of the government and may not be retained by the traveler for personal use.

This amendment will require that all such benefits be used for official travel by the office that pays for the original travel. In this way, the Government rather than the individual traveler will receive the benefit.

The correctness of this policy is so obvious that I find it strange that an amendment, such as the one I now offer, should have to be considered. I can find no justification for a public official or elected Member of Congress to consider and use such a bonus for personal purposes. The value of any such bonus awarded to a traveler is included in the price of the ticket. Since the taxpayers have paid for that benefit when the travel is charged to the Government, it is only right that the taxpayer receive such a benefit.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I have indicated there will be no more votes this evening. This will be the pending amendment. We will be back on the bill at 9:30 tomorrow morning, and we will be on it throughout the day tomorrow and Monday, unless we can reach some agreement. I would be prepared to entertain an agreement that would let us proceed with the amendments and postpone votes until Tuesday a.m. and then move to the unfunded mandates legislation at 2:30 p.m. on Tuesday. So we will be working on it. If we cannot reach an agreement, we will just finish this bill and proceed as we can on unfunded mandates.

Mr. GLENN. There will be votes tomorrow?

Mr. DOLE. There will be votes tomorrow, yes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DECISION TO ABOLISH CAUCUSES

Mr. JEFFORDS. Mr. President, the decision by the House Republican Conference to abolish legislative service organizations brings to an end the proud and productive history of the Arms Control and Foreign Policy Caucus.

With regret that the caucus will not be able to play a role at this critical time of debate over the role of U.S. foreign policy in the post-cold-war world, the caucus will cost its doors in 1995. We are pursuing the possibility of establishing a new private entity to perform certain caucus roles, but at this time we plan to transfer caucus papers to the Legislative Archives Center of the National Archives. We also plan to transfer any unobligated caucus funds to the Treasury.

For 30 years this bipartisan caucus—formerly named Members of Congress for Peace through Law—has played a constructive role on issues of war and peace in our time: in the 1960's it opposed the war in Vietnam; in the 1970's and 1980's it championed efforts for nuclear arms control; in the 1980's it built a powerful congressional coalition seeking negotiated solutions to the wars in El Salvador and Nicaragua; and in the 1990's it sought to focus on the post-cold war problems of weapons proliferation and the need for a strengthened United Nations. Throughout, it has also worked to promote human rights and improve the economic situation of peoples in the developing world.

Its record in providing legislative services is also a proud one: during the 103d Congress alone, the caucus issued 150 legislative alerts and reports, over 30 special issue reports and fact sheets, and 3 in-depth comprehensive policy reports. It also hosted 10 meetings for Members or staff with outside experts. Claims by LSO opponents that LSO's are simply special interest groups with little legislative function are, certainly in this case, patently untrue.

Finally, throughout its history, the Arms Control and Foreign Policy Caucus has upheld the strictest standards of financial accountability and has fully complied with LSO regulations and reporting.

On behalf of the 125 caucus members, I express our hope that in some way, even without a support staff to coordinate our efforts, will be able to continue the distinguished tradition of acting in a bipartisan and bicameral manner to pursue the goal of a more peaceful world.

THE CONGRESSIONAL ACCOUNTABILITY ACT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the Congressional Accountability Act. I have cosponsored this legislation during the past several years because of my strong belief that what is fair is fair and what is right is right—whether it is in the halls of Congress or the factories, shops and offices throughout America.

Traditionally, Congress has exempted itself from fair labor practices, occupational safety and health, age discrimination and many other laws with which the private sector as well as other branches of government must comply. This legislation will require Congress to comply with those laws.

I am glad to see us take up this legislation and act swiftly on it. It is long overdue. The U.S. Senate should practice what we preach. We should go by the same rules we establish for everyone else.

The critical need for this legislation was made clear to me over the last few years by the appalling stories I heard from employees of one of the instrumentalities of the Congress, the Architect of the Capitol. The Architect oversees more than 2,000 employees in the skilled trades as well as occupations such as restaurant worker, janitor, and laundry worker.

Historically, there was no oversight, no fair and independent appeals mechanism, and no clear written management procedures governing the working conditions for these employees. And what happened? A plantation mentality emerged, in which employees were discriminated against, harassed, and denied opportunities for promotion and advancement. When these employees wanted to complain, they felt they had nowhere to go—so they came to me.

I was proud to take up their cause and proud that last year, the Congress enacted the Architect of the Capitol Human Resources Act, finally providing clear guidelines for modern management practices. I am proud to have been among the first Members of Congress to win real congressional reform with the passage of this legislation.

Now it is time to apply similar fair and modern management practices to the rest of the congressional work force: the House and Senate Sergeants at Arms, the Capitol Police, and our own staffs in Senators' and Representatives' offices and on the committees. That's why I'm happy to lend my name to this needed legislation.

I thank my colleagues and I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars? And when you arrive at an answer, remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Wednesday, January 4, the Federal debt, down to the penny, at $4,801,793,426,032.89. This means that every man, woman, and child in America owes $18,227.69 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million million in a trillion, for which you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

IN HONOR OF THE LATE JOE TALLAKSON

Mr. McCAIN. Mr. President, I want to take a few moments to express my sincere sympathy to the family and friends of Joe Tallakson. "Joe T" as he was known to many, passed away on December 22, 1994, after a short but intense bout with cancer.

Joe devoted his life to working for Indian tribes, first on the Quinault Indian Reservation in Washington and later here in Washington, DC. His talents were many. He earned great respect as a careful strategist who knew how to get results. He took the visions and goals of the tribal leaders for whom he worked and excelled at transforming them into real and tangible outcomes. He made a major contribution to the development of the policies of self-determination and self-governance, in addition to the thousands of specific issues he handled for Indian tribes.

Joe's last and perhaps greatest professional contribution to the development of Indian policy came with the enactment of Public Law 103-413, which permanently authorized the self-governance project in the Department of the Interior.

Joe will be sorely missed by all of us who work in the field of Indian affairs. His integrity, skill, and commitment were uncommon. I am proud to have known him. I join with his friends and family in saying that we will miss him and his contributions to our work and our lives very much in the coming months and years.

TRIBUTE TO ANN FELIX

Mr. JOHNSTON. Mr. President, it is very hard to lose an old friend. For me and my family and for many of us in the Senate, Shirley Felix was a friend. For years, whenever we were in the Senators dining room, we stopped to talk to her. Her death, on December 13, was a tremendous loss, not just to her family but also to those who served with her in the offices of the Architect of the Capitol and those of us on whose behalf she worked diligently and tirelessly for many years.

Shirley was born on November 8, 1933, in Arlington, VA, the daughter of Dr. Rebecca Plumer and the Elder Irving L. Plummer, Sr. She attended public schools in Washington and completed her education in New York City where she met and married James Felix, Jr. They later moved to Washington, and became the parents of six fine sons.

Shirley started working for the Architect of the Capitol in 1967. Her culinary and management skills led to her promotion to the position of banquet manager for the U.S. Senate. It was a position she filled competently, professionally, and with extraordinary cheerfulness.

Shirley had a good memory and a warm heart. In the big, faceless institution that the Congress has become, with staff changing daily, Shirley remembered who you were, not just Senators but staff as well. She remembered your children's names, and always asked about them. She knew what you liked, and literally worked overtime to see that you got it. And she worked with a genuine smile on her face, for the pleasure of doing a job well, and knowing that her efforts were appreciated.

Shirley was a perfectionist. She took great pride in her work, and it showed. When she prepared a lunch or dinner, it not only tasted great, it looked beautiful. She handled crises like a diplomat, never upset about changes in the guest list or the menu. Nothing was ever too much trouble, nothing ever took too much time. Even as her health failed, her spirit never faltered. To the end, she was a loving, giving person who went out of her way to make others feel good. Everybody who was on the receiving end of one of her smiles will miss her.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolution were read the second time by unanimous consent and placed on the calendar:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government.

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal life-style.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

S. 71. A bill regarding the Senate Gift Rule.

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees.

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

MEASURES READ THE FIRST TIME

The following bills and joint resolution were read the first time on January 4, 1995:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government.

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal life-style.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

S. 71. A bill regarding the Senate Gift Rule.

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees.

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

MEASURES READ THE FIRST TIME

The following bill was read the first time on January 5, 1995:

S. 169. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; read the first time.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCAIN:

S. 150. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 151. A bill to reduce Federal spending by restructuring the Air Force's F–22 program to achieve initial operating capability in 2010 and a total inventory of no more than 42 aircraft in 2015; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. SIMON, Mr. PRYOR, and Mr. WELLSTONE):

S. 152. A bill to reduce Federal spending and rapidly enhance strategic airlift by terminating the C–17 aircraft program after fiscal year 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 153. A bill to reduce Federal spending and enhance military satellite communications by reducing funds for the MILSTAR II satellite program and accelerating plans for deployment of the Advanced EHF Satellite/MILSTAR III; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. SIMON, and Mr. WELLSTONE):

S. 154. A bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, and Mr. WELLSTONE):

S. 155. A bill to reduce Federal spending by prohibiting the backfit of Trident I ballistic missile submarines to carry D–5 Trident II submarine-launched ballistic missile; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 156. A bill to reduce Federal spending by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1996; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. WARNER, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 157. A bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program; to the Committee on Appropriations.

By Mr. JOHNSTON:

S. 158. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 159. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. SHELBY (for himself, Mr. CRAIG, Mr. FAIRCLOTH, and Mr. HEFLIN):

S. 160. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mrs. MURRAY:

S. 161. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of estate tax imposed on family-owned business interests; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 162. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. 163. A bill to amend the Congressional Budget Act of 1974 to require that the allocations of budget authority and budget outlays made by the Committee on Appropriations of each House be agreed to by joint resolution and to permit amendments that reduce appropriations to also reduce the relevant allocation and the discretionary spending limits; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. BRADLEY (for himself, Mr. SPECTER, Mr. LAUTENBERG, and Mr. EXON):

S. 164. A bill to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. MACK, and Mr. COVERDELL):

S. 165. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee has 30 days to report or be discharged.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. DOLE):

S. 166. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON:

S. 167. A bill to amend the Nuclear Waste Policy Act of 1982 and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 168. A bill to ensure individual and family security through health insurance coverage for all Americans; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for Mr. KEMPTHORNE):

S. 169. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; read the first time.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mr. KERRY, Mr. REID, and Mr. INOUYE):

S. 170. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. SIMON, Mr. KENNEDY, Mr. KERRY, Mr. REID, and Mr. AKAKA):

S. 171. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes; to the Committee on Finance.

By Mr. HEFLIN:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN (for Mr. DOLE):

S. Res. 26. A resolution making majority party appointments to the Governmental Affairs Committee for the 104th Congress; considered and agreed to.

By Mr. DOLE:

S. Res. 27. A resolution amending Rule XXV; considered and agreed to.

By Mr. GRASSLEY (for Mr. STEVENS (for himself and Mr. FORD)):

S. Res. 28. A resolution to increase the portion of funds available to the Committee on Rules and Administration for hiring consultants; considered and agreed to.

By Mr. GRASSLEY (for Mr. DOLE):

S. Res. 29. A resolution amending Rule XXV; considered and agreed to.

S. Res. 30. A resolution making majority party appointments to certain Standing Committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 150. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE GRAND CANYON PUBLIC/PRIVATE PARTNERSHIP ACT

• Mr. McCAIN. Mr. President, today I'm introducing legislation to help finance desperately needed improvements at our Nation's premier national park—our great pride and joy—the Grand Canyon.

The measure would authorize the Secretary of the Interior to establish a special public-private partnership account, under which entrance fee revenues would be matched with private donations to help fund vital projects called for in the park's general management plan.

This legislation will provide additional resources for the Grand Canyon at a time when park needs far outstrip the ability of the Treasury to fund them. The measure enjoys the support of two important organizations dedicated to protecting the interests of the Grand Canyon: The Grand Canyon Trust; and, the Grand Canyon Natural History Association.

We in Arizona are proud to be home to the crown jewel of our National Park System. We take immense pride in the park and appreciate the awesome responsibility with which our country has been vested as stewards of this world class resource. We also understand that we have much work to do in order to meet those responsibilities.

Resources are desperately needed to repair the park's aging infrastructure. Compare that need to the canyon's park budget this year which is only $13 million—a gap as wide and formidable as the Grand Canyon itself.

The need is enormous and it is growing. Last year, 5 million people visited the Grand Canyon—a number that will continue to grow at a rapid pace. The ever increasing demand will place even more stress on the park's aging and needy infrastructure.

To address future needs, the National Park Service has been working diligently on the park's general management plan. The plan will guide management prerogatives into the next century. The draft plan which was released last year, identifies projects and programs which will help us to cope with the increased visitation, enhance visitor experience, and protect the canyon's valuable resources for this and future generations.

While the plan has not been completed, preliminary reports estimate that it will cost nearly a quarter of a billion dollars to fully fund. Providing the necessary resources is a staggering challenge. The proposal I am presenting here today is one way to help us meet this enormous need.

As I said, the bill would authorize the Secretary to use fee revenues to leverage private contributions to help finance park projects.

In order to fund the Federal share of such partnerships, the Secretary would be authorized to add a surcharge of up to $2 on the current $10 per vehicle park entrance fee.

Mr. President, no one, least of all this Senator, likes the idea of higher park entrance fees. But, visitors understand that park services and infrastructure cost money and they are willing to support the park with their fees as long as they know the revenue will be used for that purpose.

Under current procedures, entrance fees are collected at the park, returned to the General Treasury and appropriated by Congress in many instances for purposes other than the needs at the Grand Canyon.

The revenues raised under the measure I'm proposing would remain in a special account at the park to be used only in concert with private donations for vital park needs. Such public-private partnerships have ample and successful precedent in other areas of public administration, and are an excellent means of stretching our resources. I believe they could be a useful tool at the Grand Canyon and perhaps other national parks as well.

Again, no one likes the idea of any increase in park fees. But, ironically, we need only to look to Disney Land for a reality check. Today, visitors to Disney Land pay $35 a piece to see Mickey Mouse. By comparison, Grand Canyon visitors pay a relatively modest $10 per carload to view what John Wesley Powell aptly described as the most sublime spectacle on Earth. We all understand and accept the fact that keeping that spectacle sublime and providing for its enjoyment by the millions who visit costs money. An added surcharge to leverage private dollars would seem to be a justified and efficient means of making ends meet, and it deserves our thoughtful consideration.

We estimate that the surcharge would generate an additional $2 million a year. Once leveraged with money from the private sector the fund would make a significant contribution to park improvements and maintenance of infrastructure such as upgrading the park's transportation system to relieve overcrowding; maintaining trails; and improving the water system and housing, just to name a very few.

Mr. President, the creation of a special partnership account raises many questions. I, like others, want to make absolutely certain that private contributions to the park are not used in any way that would compromise park interests or values. This measure seeks to address that issue because management of the fund must be dictated solely by the needs of the park and the ethic of stewardship.

The measure calls on the Secretary of the Interior to establish regulations, with full public comment and participation, to guide how the fund will be managed, how private donations will be solicited, for what purposes they will be used and how the partnerships will be structured and managed.

In addition, the bill specifically requires that any project funded under the partnership must be consistent with the statutes, regulations, and rules governing the park, and that it is specifically approved and prioritized within the general management plan. These plans are developed with public participation and are subject to all the applicable environmental laws. Ensuring that partnership funds are used only for purposes authorized by the relevant management plan will ensure that only necessary and appropriate projects are undertaken.

Many businesses and individuals want to contribute to the protection of Grand Canyon National Park because they realize that it is a national treasure and that it needs and deserves our assistance. Nevertheless, we must take steps to ensure that these donations are not offered with strings attached that would place commercial interests ahead of park needs and values.

Mr. President, Grand Canyon is at a critical point. Demand for park resources is increasing, as is the cost of maintenance. Given the current budget constraints the administration and Congress are not likely to provide the further increases necessary to adequately meet the need.

We must look for innovative ways to fully fund the preservation and enhancement of our Nation's park system. I believe the method I'm proposing is a viable option that should be fully examined and considered. Secretary Babbitt has indicated that facilitating a public/private partnership at Grand Canyon is one of the Interior Department's highest priorities.

Mr. President, last year we celebrated the 75th anniversary of Grand

Canyon National Park. It is most appropriate that we recommit ourselves to the charge of Theodore Roosevelt "to keep the canyon for our children and our children's children, and for all who come after us, as one of the great sights which every American if he can travel at all should see." Let's work to meet the needs at the Grand Canyon with that purpose firmly in mind.

I ask unanimous consent that letters of support from the Grand Canyon Trust and the Grand Canyon Natural History Association along with editorials and news articles regarding this measure be entered into the RECORD. I also ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Canyon Public/Private Partnership Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) as of the date of enactment of this Act, the existing infrastructure of Grand Canyon National Park is not adequate to serve the purposes for which the Park was established;

(2) improving the infrastructure of the Park would enhance the natural and cultural resources of the Park and the quality of the experiences of visitors to the Park;

(3) through the development of a general management plan, the Director of the National Park Service has identified reasonable measures that are necessary to improve the infrastructure and related services of the Park, including making improvements to transportation facilities and visitor services, and reusing historic structures appropriately; and

(4) in order for the Director to implement the general management plan referred to in paragraph (3) at the Park, it is necessary for the Director to be authorized to—

(A) enter into agreements with non-Federal entities to share the costs of the improvements; and

(B) assess and collect a special surcharge in addition to the entrance fees otherwise collected by the National Park Service.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE PROJECT.—The term "eligible project" means any project that is eligible for funding in accordance with this Act.

(2) FACILITY.—The term "facility" includes any structure, road, trail, utility, or other facility that is used or to be used for or in support of—

(A) the protection or restoration of a natural or cultural resource;

(B) an interpretive service; or

(C) any other service or activity that the Secretary determines to be related to the operation of the Park.

(3) FEDERAL SHARE.—The term "Federal share", with respect to the cost of an eligible project, means the percentage of the cost of the project that is paid with Federal funds, including funds disbursed from the special account.

(4) NATIONAL PARK FOUNDATION.—The term "National Park Foundation" means the foundation established under the Act entitled "An Act to establish the National Park Foundation", approved December 18, 1967 (16 U.S.C. 19e et seq.).

(5) NON-FEDERAL SHARE.—The term "non-Federal share", with respect to the cost of an eligible project, means the percentage of the cost of the project that is paid with funds other than funds referred to in paragraph (3).

(6) PARK.—The term "Park" means the Grand Canyon National Park.

(7) SPECIAL ACCOUNT.—The terms "special account for Grand Canyon National Park infrastructure improvement" and "special account" mean the account established pursuant to section 5.

SEC. 4. GRAND CANYON ENTRANCE FEE SURCHARGE.

Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) authorize the Superintendent of the Grand Canyon National Park to charge and collect, in addition to the entrance fee collected pursuant to section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a), a surcharge in an amount not to exceed $2 for each individual charged the entrance fee; and

(2) remit to the special account for Grand Canyon National Park infrastructure improvement amounts collected as a surcharge under paragraph (1).

SEC. 5. SPECIAL ACCOUNT FOR GRAND CANYON NATIONAL PARK INFRASTRUCTURE IMPROVEMENT.

(a) ESTABLISHMENT.—The Secretary of the Treasury, in consultation with the National Park Foundation, shall establish in the Treasury of the United States a special account for Grand Canyon National Park infrastructure improvement.

(b) ADMINISTRATION OF ACCOUNT.—The Secretary of the Treasury shall—

(1) credit to the special account amounts remitted pursuant to section 4(2); and

(2) make funds in the special account available for use only as provided in subsection (c).

(c) USE OF FUNDS.—

(1) IN GENERAL.—The National Park Foundation may provide funds from the special account to the Secretary of the Interior, acting through the Director of the National Park Service, to be used to pay the Federal share of the cost of eligible projects.

(2) DAILY OPERATIONS.—No funds in the special account may be used for daily operation of the Park.

SEC. 6. ELIGIBLE PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), any project for the design, construction, operation, maintenance, repair, or replacement of a facility within the Park shall be eligible for funding in accordance with this Act.

(b) LIMITATION.—A project referred to in subsection (a) shall be consistent with—

(1) the laws governing the National Park Service;

(2) the Act entitled "An Act to establish the Grand Canyon National Park in the State of Arizona", approved February 26, 1919 (16 U.S.C. 221 et seq.), the Grand Canyon National Park Enlargement Act (16 U.S.C. 228a et seq.), and any related law; and

(3) the general management plan for the Park.

SEC. 7. COST-SHARING AGREEMENTS WITH NON-FEDERAL ENTITIES.

(a) IN GENERAL.—The Director of the National Park Service, in consultation with the Superintendent of the Grand Canyon National Park, shall enter into a cost-sharing agreement with a non-Federal Government entity for each eligible project for which funds are provided under section 5(c)(1).

(b) CONTENT.—Each cost-sharing agreement shall specify the Federal share and the non-Federal share of the cost of the project and shall provide for payment of the non-Federal share by the non-Federal entity.

(c) AUTHORITY TO COVER SEVERAL PROJECTS.—A cost-sharing agreement may cover more than 1 eligible project.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—In consultation with the National Park Foundation, the Secretary of the Interior shall issue regulations to carry out this Act.

(b) CONTENT.—The regulations shall include—

(1) procedures for the management of the special account;

(2) the manner in which funds for payment of the non-Federal share of the cost of an eligible project may be solicited and acknowledged;

(3) provisions for ensuring the protection of the natural, cultural, and other resources that the Park was established to protect;

(4) provisions to encourage funding from the private sector only for projects that contribute to the restoration and protection of the resources referred to in paragraph (3);

(5) protections against the commercialization of the Park;

(6) procedures to prevent the creation of a conflict of interest with respect to an employee of the Federal Government; and

(7) provisions for continuous participation of the general public in the oversight of the implementation of this Act.

(c) NOTICE AND PUBLIC COMMENT.—The Secretary shall carry out subsection (a) in accordance with section 553 of title 5, United States Code, without regard to any applicable exception provided in the section.

SEC. 9. REPORT.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report on the Park infrastructure improvement authority provided in this Act.

(b) CONTENT OF REPORT.—The report shall include—

(1) an assessment of the effectiveness of the exercise of authority under this Act to improve the infrastructure of the Park; and

(2) any recommended legislation with respect to—

(A) the surcharge authorized under section 4;

(B) the special account;

(C) the use of the special account for funding eligible projects; or

(D) any other matter that the Secretary determines to be related to the authority provided under this Act.

GRAND CANYON
NATURAL HISTORY ASSOCIATION,
Grand Canyon, AZ, May 6, 1994.

HON. JOHN MCCAIN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I am very happy to be able to write this letter of complete and enthusiastic support for your bill designed to authorize an entrance fee surcharge at the Grand Canyon National Park, for the purpose of assuring a Federal matching pool of funds for necessary capital projects at the Park. We have previously discussed the value of such a tool to be used to foster public/private partnerships to accomplish the overdue rebuilding of infrastructure to support the crush of visitors. We further believe that the choice of Grand Canyon as the test case for such an effort will enable us to create a model that can be used by other National

Parks and Monuments across the country. Please let us know how else we can support this important legislation.

Sincerely,

ROBERT W. KOONS,
General Manager, CEO.

GRAND CANYON TRUST,
January 5, 1995.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for providing the Grand Canyon Trust with the opportunity to review and comment on both draft and final versions of your proposed legislation regarding entrance fees and public/private cost-sharing at Grand Canyon National Park.

We believe that your proposed legislation will greatly assist the efforts of the National Park Service and other entities who are struggling to find appropriate means to generate the additional funding so urgently needed by Grand Canyon National Park. In this regard, we strongly support the core concepts in your bill: new fees to generate incremental revenue for park projects and cost-sharing arrangements between the park service and non-governmental entities.

We share your concern that Grand Canyon's pressing infrastructure and resource management needs will not be met unless Congress acts to provide the new authorities described in your legislation. And, if those needs are not met, the park environment and visitor experience will continue to deteriorate—an utterly unacceptable and unnecessary fate for the crown jewel of America's parks.

Senator McCain, we applaud your consistent leadership on behalf of Grand Canyon. This bill, the National Parks Overflights Act, Grand Canyon Protection Act, and so many other measures reflect your unwavering dedication to the needs of the park. Please be assured that we are prepared to assist you in your efforts to move the bill through the legislative process to final enactment.

Again, thank you for all you have done for the Grand Canyon.

Sincerely,

THOMAS C. JENSEN,
Executive Director.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 151. A bill to reduce Federal spending by restructuring the Air Force's F–22 program to achieve initial operating capability in 2010 and a total inventory of no more than 42 aircraft in 2015; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. SIMON, Mr. PRYOR, and Mr. WELLSTONE):

S. 152. A bill to reduce Federal spending and rapidly enhance strategic airlift by terminating the C–17 aircraft program after fiscal year 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 153. A bill to reduce Federal spending and enhance military satellite communications by reducing funds for the MILSTAR II satellite program and accelerating plans for deployment of the Advanced EHF Statellite/MILSTAR III; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. SIMON, and Mr. WELLSTONE):

S. 154. A bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, and Mr. WELLSTONE):

S. 155. A bill to reduce Federal spending by prohibiting the backfit of Trident I ballistic missile submarines to carry D–5 Trident II submarine-launched ballistic missile; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 156. A bill to reduce Federal spending by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1996; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. WARNER, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 157. A bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program; to the Committee on Appropriations.

SPENDING CUTS LEGISLATION

Mr. BUMPERS. Mr. President, I send seven separate bills to the desk that I am offering on behalf of myself, Senators BRADLEY, KOHL, FEINGOLD, PRYOR, WELLSTONE, LAUTENBERG, and other Senators.

Just briefly, Mr. President, those bills contain seven specific spending cuts which, over the first 5 years would save $33 billion, and over a 15-year-period would save $114 billion; four of those seven would terminate or cut spending on four specific weapons programs. One would cut the intelligence budget. One would kill NASA's space station program, and the last would kill the Department of Energy's Advanced Neutron Source. Yesterday CBS News and USA Today-CNN released new public opinion polls. Both asked over 1,000 people: What should be the highest priority of this new Congress? Interestingly, according to the CNN/USA Today/Gallup Poll, out of about 15 items listed, 45 percent of the people said defense spending should have a very low priority and 11 percent said it should have no priority. Mr. President, 56 percent of the people in that poll said—bear this in mind—defense spending should have no priority or a low priority.

Yesterday was admittedly a euphoric day for Republicans in Congress. I have been in those euphoric positions so I watched with a great deal of interest, and I know how much they enjoyed the day. But how many times did you hear yesterday that we are going to give Government back to the people, we are going to start responding to what the people believe? Here is a golden opportunity for this Congress to prove that they can cut spending—they can cut spending the way the American people want. Bear in mind that the Contract With America provides for tax cuts which are estimated to cost between $150 and $200 billion. Under the 1990 Budget Act, that means the people who favor those tax cuts are going to have to cut mandatory spending; the great bulk of mandatory spending is entitlements—Medicare, Medicaid, Social Security. That means that people who favor those tax cuts are going to have to find offsetting spending cuts in entitlements.

The Kerry Commission was just disbanded, after long, arduous work in trying to figure out proposed recommendations of entitlement spending cuts. After spending over $1 million on that Commission, a basket of about 100 proposals were submitted to the Commission, many of whose members were Members of Congress. Not one single proposal was adopted for cutting entitlement spending. And here we have a tax cut proposal that is going to require $150 to $200 billion in spending cuts over the next 5 years. Yet those same polls yesterday showed that 77 percent on one poll, and 82 percent on the other, said deficit reduction should be the highest priority.

So, Mr. President, I am introducing these spending cuts. Bear this in mind. In 1996 the deficit is going to start back up unless we do something. So here is our task, find $150 billion in Social Security and Medicare and Medicaid in order to provide for a middle-class tax cut, and you are going to have to find God knows how much else of spending to cut to keep the deficit from starting back up in 1996, and I promise you the American people will turn on this place like a saber-toothed tiger if that happens, and rightly so.

So here is $33 billion in seven spending cuts. I have some charts. I will show those later and I will speak more extensively on those specific cuts, why I think they should be there.

This will give people a chance to put up or shut up.

• Mr. LEAHY. Mr. President, in the 1980's, we were told that it was possible to increase defense spending, cut taxes and still balance the Federal budget. The national debt quadrupled in those years. President Clinton was elected on a pledge to reduce the budget deficits that had crippled the economy through the Reagan-Bush years. For the first time in two decades, we have actually cut the deficits and the economy is improving. Now, we are again hearing the siren song of tax cutting and increased defense spending from the same people who were the source of our national discontent. We have to build upon the solid accomplishments of the last 2 years—not upon the wreckage of the previous 12 years.

Senator BUMPERS is offering this thoughtful list of future spending cuts that will save taxpayers tens of billions of dollars. They are in contrast to the many words being tossed about to justify a return to the failed policies of the past.

I support most of the spending cuts proposed here today. But we need support from the new Republican majority to relieve the American taxpayer of the burden they impose on all of us.

Some of these cuts will actually enhance existing programs. For example, if we cap production of the C–17 cargo plane at 40 planes and instead buy existing aircraft like Boeing 747's or Lockheed C5's, we can save $5 billion over the next 5 years and increase our air cargo capabilities.

If we cancel the fifth and sixth military communication satellites known as Milstar, we can save $2 billion over the next 5 years. These satellites were designed to survive a nuclear war with the Soviet Union, a nation that doesn't even exist any more. Instead, we should accelerate development of the smaller, cheaper Milstar III, which will deliver more communications capability for the regional conflicts that we are most likely to encounter in the future.

The international space station will consume $52 billion of taxpayer money over the next 15 years. I am not against space exploration, but NASA has never justified the immense cost of this program in terms of scientific returns.

We need to intensify our efforts to develop cheap, reusable launch vehicles that make space more accessible. then we can consider space stations, space factories and other futuristic projects.

The Navy wants to spend $3 billion over the next 5 years to refit our Trident ballistic missile submarines with the super-accurate D-5 nuclear missile. These missiles were designed as bunker-busters for Soviet ICBM's, which are being disarmed as we speak. And we have D4 missiles that can deliver an acceptable nuclear punch in the unlikely event of total nuclear war.

I don't agree with everything Senator BUMPERS proposes. We differ on his recommendation to cut $5 billion from the intelligence budget. I prefer to await the recommendations of the Presidential commission set up last year by Congress to review the roles and missions of our intelligence agencies.

I reserve my opinion on the Advanced Neutron Source reactor because I have not had an opportunity to analyze the details of this program. I may very well join Senator BUMPERS in opposition in the future—but I just don't know enough to make an educated judgement at the present time.

In sum, there are tens of billions of dollars to be saved in these spending cuts, without any threat to national security, and the very real possibility that our defense will be strengthened as a result.

Along with Senator BUMPERS, I urge incoming Senators and Representatives to make a genuine, bipartisan effort to review these options to make our government less costly and more efficient. We have some old white elephants straining the costs of government. We don't need great new ideas—just a little courage—to end these programs.•

By Mr. JOHNSTON:

S. 158. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF ACT

• Mr. JOHNSTON. Mr. President, I introduce the Outer Continental Shelf Deep Water Royalty Relief Act. This legislation is intended to address the serious decline in oil and gas exploration and development activity in the Western and Central Gulf of Mexico on the Outer Continental Shelf [OCS]. This is not the same proposal introduced in the Senate and reported by the Committee on Energy and Natural Resources in the last Congress. This specific legislation is the result of a compromise worked out with the Administration last session in the context of the mining law reform conference. This legislation has the support of the Secretaries of the Departments of Energy and the Interior.

The Outer Continental Shelf is an important domestic source of oil and clean-burning natural gas. Approximately 10 percent of domestic oil and 25 percent of domestic natural gas is produced from the OCS. The OCS is estimated to hold one-fourth of all domestic oil and gas reserves. The Central and Western Gulf account for 90 percent of the oil and 99 percent of the gas produced from the OCS.

Domestic exploration and development have fallen off dramatically in recent years as capital has moved to support drilling in other parts of the world. In 1992, for the first time, the major oil companies spent more on exploration and development activity abroad than on U.S. activities. Between 1987 and 1992, $30 billion flowed from the U.S. oil patch to foreign operations. This translates to a loss of 450,000 jobs by the domestic industry over the last 10 years.

Mr. President, the deep waters of the OCS hold promise of substantial oil and gas resources crucial to our domestic energy security. However, the costs of producing these resources are substantial and increase significantly with water depth. One industry estimate places capital investment costs for a conventional fixed leg platform in 800 feet of water at $360 million, compared to costs of nearly $1 billion for a conventional tension leg platform in 3000 feet of water. According to Department of Interior estimates there are some 11 billion barrels of oil equivalent in the Gulf of Mexico in waters of a depth of 200 meters or more. This legislation is expected to bring into production at least two additional fields with possible reserves of 150 million barrels of oil equivalent.

By allowing lessees to recover a significant portion of the capital cost prior to imposition of a royalty payment this legislation will encourage development of these important oil and gas resources. Royalty holidays of this type are commonly used in other parts of the world as a mechanism for risk sharing between the government and the industry of the huge up-front capital costs associated with developing this type of resource. The North Sea is a prime example. British and Norwegian tax and royalty changes, put in place in the 80's have yielded dramatic results in the past couple of years. In fact, increases in this non-Opec production has contributed significantly to holding down international oil prices.

First, the legislation clarifies the authority of the Secretary of the Interior to grant royalty relief on existing leases in the OCS to encourage development. Currently the Secretary may grant relief once a lease has been developed and is producing, it is not clear whether the authority exists before production is initiated. The Department of Interior has sought this clarification. The legislation further provides for a specified royalty holiday for existing leases in deep waters that are not currently economic. Upon application, undeveloped leases in water depths of 200 meters or more in the Central and Western Gulf that are found to be uneconomic under current conditions, will have the royalty payment suspended until a minimum number of volumes have been produced. The specific volumes covered by the royalty holiday are based on water depth. The provision applies to production from leases coming on-line after the date of enactment of the legislation and to production resulting from lease development activities undertaken pursuant to a Development Operations Coordination Document approved after the date of enactment. In addition, for new leasing in the Gulf, the lease terms will provide for an initial royalty holiday on a given number of barrels of oil or gas equivalent, as determined by the Secretary. This new leasing arrangement will be in effect for 5 years from the date of enactment. The royalty relief would not apply to the production of oil or natural gas, respectively, in any month when the average closing price for the earliest delivery month for oil exceeds $28 per barrel or when prices for natural gas exceed $3.50 per million Btu's.

This is a win-win policy for the Federal Government. By stimulating development of indigenous oil and gas resources we reduce our dependence on imported supplies, create jobs and generate significant revenues, initially in Federal and State income taxes then royalties.

Mr. President, this bill represents one step in addressing this problem. It is a significant step, but we must look at other initiatives, such as changes in the tax laws that can be taken to address this serious decline in domestic oil and gas exploration and development activity. I look forward to considering other initiatives that could complement the royalty relief proposal that I am introducing today.

I am also submitting a separate amendment to this legislation to correct an unacceptably onerous effect of the Oil Pollution Act of 1990 [OPA 90]. The amendment gives the Secretary of the Interior the flexibility to set the financial responsibility requirement based on the risk associated with different sorts of facilities. OPA 90 was passed and signed into law following the Exxon Valdez tanker spill in Alaska. The intent of OPA 90 was to lessen the risk of oil spills and to improve the level of preparedness and responsiveness when spills do occur. OPA 90 created a comprehensive prevention, response, liability and compensation regime for dealing with vessel and facility caused oil pollution from spills in navigable waters. However, in the post-disaster zeal to legislate, the solution went far beyond the problem. Currently, the Outer Continental Shelf Lands Act [OCSLA] requires owners of OCS facilities to demonstrate evidence of financial responsibility equal to $35 million. OPA 90 increased the financial responsibility of responsible parties to $150 million. This was done without regard to the actual risk and experience of nontanker facilities operating in the OCS.

This same amendment was reported by the Committee on Energy and Natural Resources in the last Congress and was the subject of a colloquy between myself and Senator BAUCUS on the Senate floor. The Solicitor of the Department of the Interior has since completed his review of the financial responsibility provisions and determined that "OPA does not authorize MMS to set different responsibility levels for offshore facilities based on risk." The Administration agrees that a legislative remedy is required.

I urge my colleagues to join me in supporting this important legislation to provide deepwater royalty relief in the Western and Central Gulf of Mexico. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Outer Continental Shelf Deep Water Royalty Relief Act".

SEC. 2. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337 (a) (3)), is amended by striking paragraph (3) in its entirety and inserting the following:

"(3) (A) The Secretary may, in order to—

"(i) promote development or increased production on producing or non-producing leases; or

"(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

"(B) (i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer it agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for actions filed within 30 days of the Secretary's determination or redetermination.

"(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

"(aa) For new production, as defined in clause (iv) (aa) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

"(bb) For new production, as defined in clause (iv) (bb) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

"(iv) For purposes of this subparagraph, the term 'new production' is—

(aa) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

(bb) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the

Outer Continental Shelf Deep Water Royalty Relief Act.

"(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product change during the preceding calendar year."

SEC. 3. NEW LEASES.

(a) Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I);

(2) Add a new section 8(a)(1)(H) as follows:

"(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.".

(b) For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this Act, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this Act, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 4. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this Act within 180 days after the enactment of this Act.●

By Mr. SHELBY (for himself, Mr. CRAIG, Mr. FAIRCLOTH, and Mr. HEFLIN):

S. 160. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

THE IMMIGRATION MORATORIUM ACT OF 1995

Mr. SHELBY. Mr. President, today I am introducing a bill to address the seemingly perpetual problem of immigration. We are often told the United States of America was established by immigrants. Indeed, immigration has been the cornerstone of America. I could not agree more about the positive impact immigrants have played in America, nor will I dispute the positive role immigrants will play in the future.

We are taught to believe that immigration to America has been, and should be, a perpetual and unlimited right.

However, our capacity, as a country, to process and assimilate the heavy flow of immigrants is not sustainable. Excessive demands on social, medical and welfare services accentuate the necessity to address the problem immediately.

A quick survey of the condition of State budgets, particularly those of California, Florida, Illinois, New York, and Texas will illustrate the overwhelming demands on education, health care, welfare, prisons, and other social infrastructure. California, Florida, and Texas are actually suing the Federal Government for billions of dollars they have had to spend for such immigrant related costs.

The dilemma before us is not limited to illegal immigrants as the media often implies. While approximately 300,000 illegal immigrants come here each year, we actually admit almost 1 million legal immigrants a year. Legal immigration creates a demand more than three times greater than illegal immigration. Simply put, States do not have the resources to provide services to an additional 1.3 million persons a year.

Some will say that these immigrants do not come over here for a hand out, but that they come over to work and live the American dream. However, if we assume this to be true—that they come to America to work—then this means they increase the supply of the labor force. Of the 974,000 immigrants that were granted legal permanent residence in 1992, 672,303 were between the ages of 20 and 64.

If these immigrants enter the job market, their entry effectively reduces wages by increasing the labor supplied. At a time when real income is stagnant if not declining, immigration policy should not contribute such a strong downward pressure on real income. Such a policy does not make fiscal or social sense.

The scenario just mentioned is the optimist view. If one chooses to assume the opposite, that immigrants choose not to work, the inevitable result is an increase in the demand of social services. As mentioned earlier, the demand is already too high for many States.

Neither of the two scenarios paint a pretty picture. Indeed, both of these scenarios are costly to the American taxpayer.

As a result, I am introducing legislation to provide relief to the American taxpayer. This bill would lower the amount of legal immigrants from about 1 million to 325,000. This figure would include around 175,000 spouses and children of U.S. citizens which has traditionally been the case.

The bill also includes a 50,000 level for refugees/asylees, 50,000 for highly skilled workers and 50,000 for other relatives of U.S. citizens.

In addition, my legislation would reduce the admissions backlog by freezing it at the current level. New applications would not be accepted until the end of the moratorium unless the applicant came from one of the allowable categories under this legislation.

This legislation would ease the demands on State governments while also minimizing the negative economic consequences immigrants have on the labor force. Although this is only a temporary 5-year remedy, it will allow us the time needed to pass a complete, long-term solution to the problem.

I support comprehensive reform efforts, but believe immediate relief is needed.

It is important that we strive for a rational and equitable immigration policy that takes into account the economic and social needs. We must do this without compromising the social and economic stability of this country and the quality of life for every American.

In order for immigrants to live the American dream, there has to be a healthy, prosperous economy and a diverse, harmonious society.

To offer anything less, would be to cheat them of the American dream. Mr. President, I urge my colleagues to support this legislation.

By Mrs. MURRAY:

S. 161. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of estate tax imposed on family-owned business interests; to the Committee on Finance.

THE AMERICAN FAMILY BUSINESS PRESERVATION ACT

Mrs. MURRAY. Mr. President, today I am introducing the American Family Business Preservation Act of 1995.

My father ran a small business in Bothell, WA. He taught me as long as I worked hard and played by the rules, I could build a better life for myself and my family. But, for years, it seemed that as hard as my husband and I were working, we were still a pink slip away from real financial disaster.

Small businesses are the heart of the American economic system. They are the essence of the American dream. And, sadly, for many small business owners that dream has been fading. Our great American middle class is nervous. My bill aims to alleviate that anxiety and restore the dream.

Mr. President, this bill will specifically reduce the particularly onerous estate and gift tax imposed on our small businesses during the 1980's. This bill allows small manufacturers, service industries, farmers, and woodlot owners to leave their children the benefits of their hard work. It will end the ridiculous penalties the Federal Government has imposed on American families when a loved one dies. It will keep American families engaged in small business financially solvent.

This reform is especially important to my home State of Washington. It will encourage the stability and diversity of our economy. It will help assure that farms and woodlots stay in family hands and thereby ensure stability in forest management. It is an environment-friendly tax cut.

Specifically, the American Family Business Preservation Act will reduce the 55-percent estate tax rate to 15 percent as long as the heirs continue to operate the business. If, for any reason, the heirs are unable to operate—but continue to own—the business, the maximum rate will be 20 percent.

It indexes the unified estate and gift tax credit for inflation. This credit—which effectively exempts from tax estates valued at less than $600,000—was last increased 14 years ago, in 1981.

And, the bill allows hard-working Americans to keep more of their money in their family. I believe if you work hard and you play by the rules, you should be able to enjoy the rewards. When this bill passes, we will be able to give up to 15 percent of our earned income each year to family members without being subject to gift tax.

Mr. President, this provision is important because many of this Nation's hard-working people have yet to feel the impact of the current economic expansion. During the past 2 years, we have created more than 5 million jobs. Interest rates and inflation are subdued. We have reduced the size of Government. And, we have trimmed the one-third of our Federal budget deficit.

I am proud of this record.

But, we need to make sure working people really benefit from this economic progress.

Mr. President, we are at an economic crossroads. We can continue along the traditional route of corporate buyouts, declining wages, and a skittish middle class. Or, we can move boldly into a new century in which jobs and lives are valued, and all American families have a stake in our economic well-being.

That is why this bill is so important.

Mr. President, it gives our kids hope in the future. It brings common sense and the voice of average Americans to our tax policy. Hard-working Americans need to be respected, and they deserve to reap the benefits of their hard work. Our only hope of restoring the American dream is to empower the middle class.

When my colleagues, Congressman BILL BREWSTER and Congressman JIM MCCRERY, introduced the companion bill in the other body in the last Congress, it deservedly gained quick and solid bipartisan support. I expect the same record in this body.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Business Preservation Act".

SEC. 2. REDUCED ESTATE TAX RATE ON FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Part I of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new section:

"SEC. 2003. REDUCED RATE ON FAMILY-OWNED BUSINESS INTERESTS.

"(a) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the tax imposed by section 2001 shall not exceed the sum of—

"(1) a tax computed at the rates and in the manner as if this section had not been enacted on the greater of—

"(A) the sum described in section 2001(c)(1) reduced by the qualified family-owned business interests, or

"(B) the sum (if any) described in section 2001(c)(1) taxed at a rate below the applicable rate, plus

"(2) a tax equal to the applicable rate of the portion of the taxable estate in excess of the amount determined under paragraph (1).

"(b) ESTATES TO WHICH SECTION APPLIES.—This section shall apply to an estate if—

"(1) the decedent was (at the date of his or her death) a citizen of the United States,

"(2) the sum of—

"(A) the value of the qualified family-owned business interests which are included in determining the gross estate and which are acquired from or passed from the decedent to a qualified heir of the decedent, and

"(B) the amount (taken into account under subsection 2001(b)(1)(B)) of the adjusted taxable gifts of such interests to members of the decedent's family,

exceeds 50 percent of the adjusted gross estate, and

"(3) during the 8-year period ending on the date of the decedent's death there have been periods aggregating 5 years or more during which—

"(A) such interests were owned by the decedent or a member of the decedent's family, and

"(B) there was material participation by the decedent or a member of the decedent's family in the operation of the business to which such interests relate.

"(c) APPLICABLE RATE.—For purposes of this section, the applicable rate is—

"(1) 15 percent if the requirement of subsection (b)(3)(B) is met by a member of the decedent's family, and

"(2) 20 percent in any other case.

"(d) QUALIFIED FAMILY-OWNED BUSINESS INTEREST.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified family-owned business interest' means—

"(A) an interest as a proprietor in a trade or business carried on as a proprietorship;

"(B) an interest as a partner in a partnership carrying on a trade or business, if such partnership had 15 or fewer partners; or

"(C) stock in a corporation carrying on a trade or business if such corporation had not more than the number of shareholders specified in section 1361(b)(1)(A).

Such term shall not include any interest which is readily tradable on an established securities market or otherwise.

"(2) RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1), rules similar to the rules of paragraphs (2), (3), (4), and (6) of section 6166(b) shall apply.

"(e) RECAPTURE OF TAX BENEFIT IF INTERESTS NOT HELD FOR 10 YEARS.—

"(1) IN GENERAL.—If—

"(A) during the 10-year period beginning on the date of death of the decedent—

"(i)(I) any portion of a qualified family-owned business interest is distributed, sold, exchanged, or otherwise disposed of, or

"(II) money and other property attributable to such an interest is withdrawn from such trade or business, and

"(B) the aggregate of such distributions, sales, exchanges, or other dispositions and withdrawals equals or exceeds 20 percent of the value of such interest, or

there is hereby imposed an additional estate tax.

"(2) ADDITIONAL ESTATE TAX.—

"(A) IN GENERAL.—The amount of the additional estate tax imposed by paragraph (1) shall be the applicable percentage of the excess of what would have been the estate tax liability but for subsection (a) over the adjusted estate tax liability.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term 'applicable percentage' means 100 percent reduced (but not below zero) by the product of—

"(i) 10 percentage points, and

"(ii) the number of years (if any) after the date of the decedent's death which the year during which the additional estate tax is imposed by paragraph (1) is after the 1st year after the date of the decedent's death.

"(C) ADJUSTED ESTATE TAX LIABILITY.—For purposes of subparagraph (A), the term 'adjusted estate tax liability' means the estate tax liability increased by the amount (if any) of any prior additional estate tax imposed by subsection (f).

"(D) ESTATE TAX LIABILITY.—For purposes of this paragraph, the term 'estate tax liability' means the tax imposed by section 2001 reduced by the credits allowable against such tax.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of subparagraphs (B), (C), and (D) of section 6166(g)(1) shall apply.

"(f) RECAPTURE OF PORTION OF TAX BENEFIT IF HEIRS CEASE TO MATERIALLY PARTICIPATE DURING 10 YEARS AFTER DEATH.—

"(1) IN GENERAL.—If—

"(A) the applicable rate which applied under subsection (a) to the estate of the decedent was 15 percent,

"(B) at any time during the 10-year period beginning on the date of death of the decedent, no qualified heir materially participates in the operation of the business to which the qualified family-owned business interests relate, and

"(C) there is no recapture under subsection (e) on or before the earliest date during such 10-year period that no qualified heir so materially participated,

there is hereby imposed an additional estate tax.

"(2) ADDITIONAL ESTATE TAX.—The amount of the additional estate tax imposed by paragraph (1) shall be the applicable percentage of the excess of what would have been the estate tax liability but for subsection (c)(1) over the estate tax liability.

"(3) DEFINITIONS.—For purposes of paragraph (2), the terms 'applicable percentage' and 'estate tax liability' have the meanings given to such terms by subsection (e).

"(g) OTHER DEFINITIONS.—For purposes of this section, the terms 'qualified heir' and 'member of the family' have the meanings given to such terms by section 2032A(e)."

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 11 of such Code is amended by adding at the end the following new item:

"Sec. 2003. Reduced rate on family-owned business interests."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 3. LIMITATION ON 4 PERCENT RATE OF INTEREST ON ESTATE TAX EXTENDED UNDER SECTION 6166 NOT TO APPLY TO ESTATE TAX ATTRIBUTABLE TO QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Paragraph (2) of section 6601(j) of the Internal Revenue Code of 1986 (relating to 4-percent portion) is amended by adding at the end the following new flush sentence:

"Subparagraph (B) shall not take into account the amount of the tax imposed by chapter 11 which is attributable to qualified family-owned business interests (as defined in section 2003(b)) unless an election is in effect under section 2032A with respect to the estate.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 4. EXTENSION OF ALTERNATE VALUATION DATE TO 40 MONTHS WITH RESPECT TO ESTATE CONSISTING LARGELY OF QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Section 2032 of the Internal Revenue Code of 1986 (relating to alternate valuation) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) ESTATES LARGELY CONSISTING OF QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.—In the case of an estate to which section 2003 applies—

"(1) subsection (a) shall be applied by substituting '40 months' for '6 months' each place it appears, and

"(2) section 6075(a) (relating to time for filing estate tax return) shall be applied by substituting '43 months' for '9 months'."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 5. INCREASE IN GIFT TAX EXCLUSION.

(a) IN GENERAL.—Subsection (b) of section 2503 of the Internal Revenue Code of 1986 (relating to taxable gifts) is amended by adding at the end the following new sentence: "In the case of gifts made during a calendar year by a donor to ancestors or lineal descendents of the donor, the aggregate amount of such gifts which are not included in the total amount of gifts by reason of this subsection shall not be less than 15 percent of the donor's earned income (as defined in section 32(c)(2)) for the taxable year ending with or within such calendar year."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to gifts made in calendar years beginning after the date of the enactment of this section.

SEC. 6. INCREASE IN UNIFIED ESTATE AND GIFT TAX CREDITS.

(a) ESTATE TAX CREDIT.—

(1) Subsection (a) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended by striking "$192,800" and inserting "the applicable credit amount".

(2) Section 2010 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) APPLICABLE CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were $600,000.

"(2) COST-OF-LIVING ADJUSTMENTS.—In the case of any decedent dying in a calendar year after December 31, 1995, the $600,000 amount set forth in paragraph (1) shall be increased by an amount equal to—

"(A) $600,000, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 1996' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000."

(3) Paragraph (1) of section 6018(a) of such Code is amended by striking "$600,000" and inserting "$600,000 (adjusted as provided in section 2010(c)(2)".

(b) UNIFIED GIFT TAX CREDIT.—Paragraph (1) of section 2505(a) of such Code is amended by striking "$192,800" and inserting "the applicable credit amount in effect under section 2010(c) for such calendar year".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and gifts made, after December 31, 1995.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 162. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SAFETY IMPROVEMENT ACT OF 1995

• Mr. LAUTENBERG. Mr. President, today I am introducing the National Gas Pipeline Safety Improvement Act of 1995. This bill dramatically decreases the chances of pipeline accidents and reduces the risk to those who live, work, or go to school near a pipeline.

This bill is designed to prevent disasters like the one that occurred last March 23, in Edison, NJ. The whole Nation witnessed the ball of fire over Edison in the wake of the explosion. Every American who saw that image on television shuddered.

All too often, when a disaster happens, people focus on it for a few days and then shift their attention to other events. That has not happened in the wake of the Edison explosion and will not happen. I won't let that happen. Senator BRADLEY won't let it happen. And the people of Edison won't let it happen.

I was the destruction in Edison after the explosion. The explosion was devastating to the families involved and traumatic to all residents of my State, which is home to a number of pipelines. I have talked to families who lost everything but the clothes on their backs. I have seen the emotional fallout—the children and adults who replay the events of that evening each night before they drift into a fitful sleep. And I know that even now, almost a year later, those people still have very real problems.

Edison was not an isolated event. Since that terrible night on March 23, there have been other pipeline problems. And there were problems that preceded it. My major concern is what happened in Edison; but, Mr. President, we must make sure it doesn't happen in any community, to any American.

I believe that if this bill had been law before that fateful night last March things could have been very different.

Let me briefly describe the five major elements of my legislation:

First, my legislation would beef up compliance with existing laws by making sure that the Department of Transportation has the resources necessary to conduct regular oversight inspections of corporations with pipeline operations in New Jersey and around the country.

The bill achieves this goal by providing the U.S. DOT with the authority to recoup the cost of accident investigations from pipeline companies. In this way, DOT inspections are not interrupted when Office of Pipeline Safety personnel and resources are diverted to investigate a major pipeline failure.

Second, the bill would prevent accidents before they happen. Our legislation will increase funding to States to advertise one-call notification systems and expand the DOT role in pipeline safety to include pipeline safety awareness programs.

One-call notification systems require contractors to learn the location of underground facilities before they dig.

Third, the bill directs the Secretary to establish an electronic data system on existing pipelines. This will provide an adequate data base so DOT can cope with the potential problems we face.

This system will provide information on the nature, extent, and geologic location of pipeline facilities to facilitate risk assessment and safety planning with respect to such facilities.

Fourth, we need to target attention to areas where the greatest potential threat exists. The legislation will increase inspection and siting requirements for pipelines in high density population areas. I would also encourage people who live near a pipeline to report suspicious dumping or digging on a pipeline right-of-way.

Finally, we need to have stronger punishment to deter negligent or willful violations of law. Our bill would make it a Federal crime to illegally dump on pipeline right-of-way and mandate the installation and use of remotely controlled shutoff valves.

Mr. President, last June DOT's Office of Pipeline Safety sponsored a pipeline safety summit. The summit was designed to develop a public/private agenda that establishes priorities for pipeline safety initiatives and identifies the next steps needed to make them a reality. The report developed from the suggestions at the summit will form a blueprint for action. I expect that report to be completed soon. When it is, I will develop additional legislative proposals based upon it.

Meanwhile, I would like to remind my colleagues that no State in the Union is exempt from the type of disaster that happened in Edison, NJ.

Mr. President, I would encourage all of my colleagues to examine and cosponsor the National Gas Pipeline Safety Improvement Act of 1995.

I ask unanimous consent that the text of the National Gas Pipeline Safety Improvement Act of 1994 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pipeline Safety Improvement Act of 1994".

SEC. 2. RECOVERY BY SECRETARY OF TRANSPORTATION OF COSTS OF INVESTIGATION OF CERTAIN PIPELINE ACCIDENTS.

(a) NATURAL GAS PIPELINE ACCIDENTS.—Section 14 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681) is amended by adding at the end the following:

"(g)(1)(A) Subject to paragraphs (2) and (3), the Secretary may recover from any person who engages in the transportation of gas, or who owns or operates pipeline facilities, the costs incurred by the Secretary—

"(i) in investigating an accident with respect to such transportation or facilities; and

"(ii) in overseeing the response of the person to the accident.

"(B) For the purposes of this paragraph, the costs incurred by the Secretary in an investigation of an accident may include the cost of hiring additional personnel (including personnel to support monitoring activities by the Office of Pipeline Safety), the cost of tests or studies, and travel and administrative costs associated with the investigation.

"(2) The Secretary may not recover costs under this subsection with respect to an accident unless the accident—

"(A) results in death or personal injury; or

"(B) results in property damage (including the cost of any lost natural gas) and environmental damage (including the cost of any environmental remediation) in an amount in excess of $250,000.

"(3) The amount that the Secretary may recover under this subsection with respect to an accident may not exceed $500,000.

"(4)(A) Amounts recovered by the Secretary under this subsection shall be available to the Secretary for purposes of the payment of the costs of investigating and overseeing responses to accidents under this subsection. Such funds shall be available to the Secretary for such purposes without fiscal year limitation.

"(B) Such amounts shall be used to supplement and not to supplant other funds made available to the Secretary for such purposes.".

(b) HAZARDOUS LIQUID PIPELINE ACCIDENTS.—Section 211 of the Hazardous Liquid Pipeline Safety Act of 1979 (title II of Public Law 96-129; 49 U.S.C. App. 2010) is amended by adding at the end the following:

"(g)(1)(A) Subject to paragraphs (2) and (3), the Secretary may recover from any person who engages in the transportation of hazardous liquids, or who owns or operates pipeline facilities, the costs incurred by the Secretary—

"(i) in investigating an accident with respect to such transportation or facilities; and

"(ii) in overseeing the response of the person to the accident.

"(B) For the purposes of this paragraph, the costs incurred by the Secretary in an investigation of an accident may include the cost of hiring additional personnel (including personnel to support monitoring activities by the Office of Pipeline Safety), the cost of tests or studies, and travel and administrative costs associated with the investigation.

"(2) The Secretary may not recover costs under this subsection with respect to an accident unless the accident—

"(A) results in death or personal injury; or

"(B) results in property damage (including the cost of any lost hazardous liquid) and environmental damage (including the cost of any environmental remediation) in an amount in excess of $250,000.

"(3) The amount that the Secretary may recover under this subsection with respect to an accident may not exceed $500,000.

"(4)(A) Amounts recovered by the Secretary under this subsection shall be available to the Secretary for purposes of the payment of the costs of investigating and overseeing responses to accidents under this subsection. Such funds shall be available to the Secretary for such purposes without fiscal year limitation.

"(B) Such amounts shall be used to supplement and not to supplant other funds made available to the Secretary for such purposes.".

SEC. 3. GRANTS TO STATES AND ONE-CALL NOTIFICATION SYSTEMS TO PROMOTE USE OF SUCH SYSTEMS.

(a) GRANTS TO STATES.—Subsection (c) of section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1687) is amended by adding at the end the following: "The Secretary may make a grant to a State for development and establishment of a one-call notification system only if the State ensures that the cost of establishing and operating the system are shared equitably by persons owning or operating underground facilities.".

(b) GRANTS TO SYSTEMS.—Such subsection is further amended—

(1) by striking "GRANTS TO STATES.—" and inserting "GRANTS TO STATES AND SYSTEMS.—(1)"; and

(2) by adding at the end the following:

"(2)(A) The Secretary may also make grants to one-call notification systems for activities relating to the promotion of the utilization of such systems.

"(B) The Secretary shall ensure that the Federal share of the cost of the activities referred to in subparagraph (A) under any grant made under this paragraph does not exceed 50 percent of the cost of such activities.".

(c) SANCTIONS.—Subsection (b)(9) of such section is amended by inserting ", or that would provide for effective civil or criminal penalty sanctions or equitable relief appropriate to the nature of the offense" after "12 of this Act".

(d) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (c)(1)".

SEC. 4. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

(a) NATURAL GAS PIPELINE FACILITIES.—Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

(b) HAZARDOUS LIQUID PIPELINE FACILITIES.—Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (title II of Public Law 96-129; 49 U.S.C. App. 2010(a)) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

SEC. 5. ELECTRONIC DATA ON PIPELINE FACILITIES FOR RISK ASSESSMENT AND SAFETY PLANNING.

(a) AUTHORITY TO DEVELOP.—The Secretary of Transportation may develop an electronic data base containing uniform information on the nature, extent, and geographic location of pipeline facilities. The purpose of the data base shall be to provide information on such facilities to the Secretary, owners of pipeline facilities, as persons engaged in transporting gas or hazardous liquids through pipeline facilities, and for secured use by State agencies concerned with land use planning, environmental regulation, and pipeline regulatory oversight, in order to facilitate risk assessment and safety planning with respect to such facilities.

(b) CONTRACT AND GRANT AUTHORITY.—(1) Subject to paragraph (2), the Secretary may develop the data base described under subsection (a) by entering into contracts or cooperative agreements with any entity that the Secretary determines appropriate for that purpose and by making grants to States or institutions of higher education for that purpose.

(2) The Secretary shall ensure that the Federal share of the cost of any activities carried out under a grant or cooperative agreement made under this subsection does not exceed 50 percent of the cost of such activities.

(c) USE OF GEOGRAPHIC INFORMATION SYSTEM TECHNOLOGY.—In developing the data base described in subsection (a), the Secretary shall, to the maximum extent practicable, develop a data base that—

(1) utilizes Geographic Information System technology or any similar technology providing data of an equivalent quality and usefulness; and

(2) permits ready incorporation of data and information from a variety of sources.

(d) DEFINITION.—For purposes of this section, the term "pipeline facility" has the meaning given such term in section 20(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1687(e)).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—(1) Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended—

(A) in paragraph (12), by striking "and";

(B) by striking paragraph (13); and

(C) by adding after paragraph (12) the following new paragraphs:

"(13) $20,000,000 for the fiscal year ending September 30, 1995;

"(14) $30,000,000 for the fiscal year ending September 30, 1996; and

"(15) $35,000,000 for the fiscal year ending September 30, 1997.".

(2) Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(c)) is amended by striking "and $10,000,000 for the fiscal year ending September 30, 1995" and inserting in lieu thereof "$16,500,000 for the fiscal year ending September 30, 1995, $19,000,000 for the fiscal year ending September 30, 1996, and $21,500,000 for the fiscal year ending September 30, 1997".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended—

(1) in paragraph (12), by striking "and";

(2) by striking paragraph (13); and

(3) by adding after paragraph (12) the following new paragraphs:

"(13) $7,000,000 for the fiscal year ending September 30, 1995;

"(14) $10,000,000 for the fiscal year ending September 30, 1996; and

"(15) $11,000,000 for the fiscal year ending September 30, 1997.".

SEC. 7. SITING OF INTERSTATE TRANSMISSION FACILITIES.

(a) SITING GUIDELINES.—Within 2 years after the date of enactment of this Act, the Federal Energy Regulatory Commission shall review its practices and guidelines for siting natural gas interstate transmission facilities in urban areas to determine whether changes are needed in the areas of—

(1) selecting routes for pipelines; and

(2) determining the appropriate width of rights-of-way.

(b) EDUCATIONAL INFORMATION FOR LOCAL JURISDICTIONS.—(1)(A) Within 2 years after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission, shall make educational information available, regarding natural gas interstate transmission facilities permits and rights-of-way and issues with respect to development in the vicinity of such interstate transmission facilities, for distribution to appropriate agencies of local governments with jurisdiction over the lands through which natural gas interstate transmission facilities pass.

(B) For purposes of this section, the term "interstate transmission facilities" has the meaning given such term in section 2(8) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(8)).

(2)(A) Within 2 years after the date of enactment of this Act, the Secretary shall make educational information available, regarding hazardous liquid interstate pipeline facilities rights-of-way and issues with respect to development in the vicinity of such interstate pipeline facilities, for distribution to appropriate agencies of local governments with jurisdiction over the lands through which hazardous liquid interstate pipeline facilities pass.

(B) For purposes of this paragraph, the term "interstate pipeline facilities" has the meaning given such term in section 202(5) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001(5)).

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out this subsection, $2,000,000, to remain available until expended.

SEC. 8. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—

(1) AMENDMENT.—The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.) is amended by adding at the end the following new section:

"SEC. 22. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

"(a) PROHIBITION.—No person shall excavate within the right-of-way of a natural gas interstate transmission facility, or any other limited area in the vicinity of such interstate transmission facility established by the Secretary, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given such term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(2) CONFORMING AMENDMENT.—Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679a(a)(1)) is amended by striking "or section 20(h)" and inserting in lieu thereof ", section 20(h), or section 22(a)".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—

(1) AMENDMENT.—The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.) is amended by adding at the end the following new section:

"SEC. 221. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

"(a) PROHIBITION.—No person shall excavate within the right-of-way of a hazardous liquid interstate pipeline facility, or any other limited area in the vicinity of such interstate pipeline facility established by the Secretary, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given such term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(2) CONFORMING AMENDMENT.—Section 208(a)(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007(a)(1)) is amended by inserting "or section 221(a)" after "section 207(a)".

SEC. 9. PERIODIC INSPECTION BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 3(g)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)(2)) is amended—

(1) by striking "Not later than 3 years after the date of the enactment of this paragraph" and inserting in lieu thereof "Not later than 1 year after the date of the enactment of the Natural Gas Pipeline Safety Improvement Act of 1994"; and

(2) in the first sentence, by inserting "and shall prescribe a schedule or schedules for such inspections" after "operator of the pipeline".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 203(k)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(k)(2)) is amended—

(1) by striking "Not later than 3 years after the date of the enactment of this paragraph" and inserting in lieu thereof "Not later than 1 year after the date of the enactment of the Natural Gas Pipeline Safety Improvement Act of 1994"; and

(2) in the first sentence, by inserting "and shall prescribe a schedule or schedules for such inspections" after "operator of the pipeline".

SEC. 10. PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 18 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1685) is amended by adding at the end the following new subsections:

"(c) PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the owner or operator of each interstate transmission facility shall notify all residents within 1000 yards, or such other distance as the Secretary determines appropriate, of such interstate transmission facility of—

"(1) the general location of the interstate transmission facility;

"(2) a request for reporting of any instances of excavation or dumping on or near the interstate transmission facility;

"(3) a phone number to use to make such reports; and

"(4) appropriate procedures for such residents to follow in response to accidents concerning interstate transmission facilities.

"(d) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with appropriate representatives of the natural gas pipeline industry, public service announcements to be broadcast or published to educate the public about pipeline safety.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2011) is amended by adding at the end the following new subsections:

"(e) PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the owner or operator of each interstate pipeline facility shall notify all residents within 1000 yards, or such other distance as the Secretary determines appropriate, of such interstate pipeline facility of—

"(1) the general location of the interstate pipeline facility;

"(2) a request for reporting of any instances of excavation or dumping on or near the interstate pipeline facility;

"(3) a phone number to use to make such reports; and

"(4) appropriate procedures for such residents to follow in response to accidents concerning interstate pipeline facilities.

"(f) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with appropriate representatives of the hazardous liquid pipeline industry, public service announcements to be broadcast or published to educate the public about pipeline safety.".

SEC. 11. REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is amended by adding at the end the following new subsection:

"(l) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations requiring the installation and use, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source. In developing proposed regulations, the Secretary shall consult with, and give special consideration to recommendations of, appropriate groups from the gas pipeline industry, such as the Gas Research Institute.".

SEC. 12. BASELINE INFORMATION.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 3(g) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)) is amended by adding at the end the following new paragraph:

"(3) BASELINE INFORMATION.—Before transporting natural gas through a pipeline which, because of its design, construction, or replacement, is required by regulations issued under paragraph (1) to accommodate the passage of instrumented internal inspection devices, the owner or operator of such pipeline shall, using such a device, obtain baseline information with respect to the safety of the pipeline.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 203(k) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(k)) is amended by adding at the end the following new paragraph:

"(3) BASELINE INFORMATION.—Before transporting hazardous liquids through a pipeline which, because of its design, construction, or replacement, is required by regulations issued under paragraph (1) to accommodate the passage of instrumented internal inspection devices, the owner or operator of such pipeline shall, using such a device, obtain baseline information with respect to the safety of the pipeline.".•

By Mr. BRADLEY:

S. 163. A bill to amend the Congressional Budget Act of 1974 to require that allocations of budget authority and budget outlays made by the Committee on Appropriations of each House be agreed to by joint resolution and to permit amendments that reduce appropriations to also reduce the relevant allocation and the discretionary spending limits; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE SPENDING REDUCTION AND BUDGET CONTROL ACT OF 1995

• Mr. BRADLEY. Mr. President, I introduce the Spending Reduction and Budget Control Act of 1995. This legislation fundamentally and powerfully reforms an appropriations and budget process that is too stacked in favor of continued public spending and a status quo of wasteful or outdated government programs.

I have been trying, along with a number of Senators, to reduce taxpayer funding wasted on unnecessary programs and to reduce the deficit. During the 103d Congress, over 20 separate, specific cut proposals were voted on in the Senate. Only three were adopted. Three. Clearly, any attempt to cut programs on the Senate floor is a long shot.

The prospects are discouraging and, unfortunately, the Senate's own rules work against any attempt to cut spending. My legislation targets these rules and the substantial procedural obstacles faced by any legislator who dares to cut appropriations, and to cut Federal spending.

Every time one of us offers a amendment to cut a program, we face the charge that these amendments do not lead necessarily to any deficit reduction. This happened again and again during the last Congress as a way to discourage Senators from supporting an amendment. Instead of criticizing a proposed budget cut on substance, opponents simply remind Senators that these budget cutters are just tilting at windmills.

The problem is that this argument is valid. The rules governing the budget and appropriations process in fact make it nearly impossible to cut a program and reduce spending. In reality, any attempt to do so would almost certainly require a three-fifths supermajority to succeed. And the cuts, even if agreed to by the Senate, can be easily reversed in Conference.

My bill creates three key spending reforms, which I will describe in detail. This legislation—first—creates real opportunities to establish or redirect spending priorities, second—guarantees members an ability to cut spending with a majority vote, and—third—constrains the appropriations conferences to retain spending cuts agreed to in both Houses of Congress.

Consider how we allocate spending around here: after Congress approves the budget, the Appropriations Committees are allowed to determine discretionary spending within the budget resolution targets. While we debate functional categories during consideration of the budget, the fact is that these categories (with the possible exception of the defense category) are almost entirely irrelevant to the appropriations process.

Constrained only by an overall discretionary spending cap, the Appropriations Committee distributes spending authority to its 13 subcommittees. Based on virtually no guidelines, tens of billions of dollars are allocated to the subcommittees. The rest of Congress never knows how this was done or how their constituents' money can be spent until they've been handed the results.

We need to return this power to the voters by allowing all of their representatives to determine how to distribute the money within the budget targets and subcommittee jurisdictions. That means nothing more than requiring a vote by each House on how much money each subcommittee should get. This is the first element of may bill.

Unfortunately, this step alone doesn't solve the problem. When the appropriations bills come to the floor, there are different complex rules but the same problem: the ability to cut spending is greatly limited.

Here's how it works on the House and Senate floors: if you offer an amendment to cut a specific spending item, such as the purchase of Lawrence Welk's childhood home, and it passes, the category that money came from remains intact, and the money you saved can be spent somewhere else in that category.

If you want to avoid the trap I just described, you also have to get approval to cut the overall allocation, and lock in that cut. These allocations and caps are very important in Congress—we have rules that say you need 60, not 50, votes to reduce these privileged entities. You can raise taxes with 50 votes but to cut spending you need 60 votes. The second part of my bill would straighten this out—if you have the support of a majority, you can cut spending.

But there's one last problem. Even if the House and Senate agree on similar program and allocation cuts, the Conference Committee that creates the final bill is virtually free to reinsert whatever funding might have been cut. This couldn't happen under the terms of the third part of my proposal.

These problems are real. I know firsthand. This really happens. It happened last Congress to a spending cut amendment I offered. After the Senate agreed to cut $22 million from the High Temperature Gas Reactor, the Conference Committee scaled the reduction down to $10 million. Half a loaf, but still $10 million in deficit reduction, right? Wrong. The Energy and Water Appropriations Bill—which cut funding for the HTGR by $10 million—actually increased in size during the conference, gaining an extra $20 million out of thin air.

Let me make an analogy between cutting spending under the present system and basketball. Imagine you make a free throw—cut a specific program—but it doesn't count unless you go back to the three-point line and make the shot again—cut the allocation or cap. But it doesn't count again unless you go back to the half-court line and sink a shot from there—keep the cuts in a conference report. All of that in order to get credit for a single free throw—or a single deficit reduction amendment.

We've created this maze. We can straighten it out. We have to turn the process around so that it's as easy to cut spending in the future as it is to protect spending now. We need a new system, which would be created by the adoption of my reforms.

Again, there are three key elements to my proposal:

First, we need to give to Congress the right to debate and set priorities for discretionary spending. These are the most fundamental decisions, and they are out of the reach of most of the Congress.

I propose we put these decisions before Congress, for approval or modification by majority vote. My bill would require a separate resolution to allocate spending among the appropriations subcommittees. Both houses would have to agree beforehand on how much could be spent by each house's subcommittees.

Second, we need to change the rules that prevent cuts in appropriations spending from being actual budget cuts. These obstacles—which were put in place to hinder an increase in spending—represent bad policy when the goal is deficit reduction.

My legislation would allow cuts in programs and cuts in spending. There would be several options: one, follow the status quo, and let money saved from an appropriations cut amendment be spent elsewhere; two, cut a program and cut the current year's allocation (thereby reducing the deficit); or three, cut a program, cut the current budget, and force a reduction in future budgets. All of these approaches would require only a majority vote—not the current supermajority of 60 votes—to be adopted.

Third, real accountability is needed in conference committees, where expensive deals are often cut. Even when the House and Senate each cut programs, the compromise may turn out to be that no program is cut.

My bill would change Senate rules to prohibit an Appropriations Conference Committee from reporting a bill that cuts spending less than either the House or Senate language. Even if the House and Senate cuts are in different programs, the conference will have to reduce spending by at a minimum the smaller of the two amounts. In other words, if the House agrees to $100 million in cuts on a particular appropriations bill, and the Senate agrees to $200 million on the same bill, the Conferees would be constrained to produce a Conference Report with at least $100 million in cuts included.

Are these budget reforms the answer to the deficit crisis? No. Entitlement and tax expenditure outlays are both growing rapidly, and neither can be addressed by changing congressional procedures. Even as we tighten controls on discretionary spending, we must move forward to confront the huge growth in the other two-thirds of the budget.

Americans are right when they think that we are truly inspired when it comes to spending; we need to bring the same zeal to cutting spending. We need basic reforms that assure that spending cuts are spending cuts, not just reasons for another press release.

Mr. President, I urge my colleagues to consider this legislation seriously. This bill would go a long way towards creating a rational, balanced approach to the budget and spending. In my view, these changes are needed and overdue.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction and Budget Control Act of 1995".

SEC. 2. JOINT RESOLUTION ALLOCATING APPROPRIATED SPENDING.

(a) COMMITTEE ON APPROPRIATIONS RESOLUTION.—Section 302(b) of the Congressional Budget Act of 1974 is amended to read as follows:

"(b) COMMITTEE SUBALLOCATIONS.—

"(1) COMMITTEES ON APPROPRIATIONS.—(A) As soon as practical after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House shall, after consulting with Committee on Appropriations of the other House, report to its House an original joint resolution on appropriations allocations (referred to in the paragraph as the 'joint resolution') that contains the following:

"(i) A subdivision among its subcommittees of the allocation of budget outlays and new budget authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution.

"(ii) A subdivision of the amount with respect to each such subcommittee between controllable amounts and all other amounts.

The joint resolution shall be placed on the calendar pending disposition of such joint resolution in accordance with this subsection.

"(B)(i) Except as provided in clause (ii), the provisions of section 305 for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of joint resolutions reported under this paragraph and conference reports thereon.

"(ii)(I) Debate in the Senate on any joint resolution reported under this paragraph, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

"(II) The Committee on Appropriations shall manage the joint resolution.

"(C) The allocations of the Committees on Appropriations shall not take effect until the joint resolution is enacted into law.

"(2) OTHER COMMITTEES.—As soon as practicable after a concurrent resolution on the budget is agreed to every committee of the House and Senate (other than the Committees on Appropriations) to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made—

"(A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction; and

"(B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this paragraph.".

(b) POINT OF ORDER.—Section 302(c) of the Congressional Budget Act of 1974 is amended by striking "such committee makes the allocation or subdivisions required by" and inserting "such committee makes the allocation or subdivisions in accordance with".

(c) ALTERATION OF ALLOCATIONS.—Section 302(e) of the Congressional Budget Act of 1974 is amended to read as follows:

"(e) ALTERATION OF ALLOCATIONS.—

"(1) Any alteration of allocations made under paragraph (1) of subsection (b) proposed by the Committee on Appropriations of either House shall be subject to approval as required by such paragraph.

"(2) At any time after a committee reports the allocations required to be made under subsection (b)(2), such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.".

SEC. 3. AMENDMENTS TO APPROPRIATIONS BILL.

Section 302 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (g) as subsection (h); and

(2) inserting after subsection (f) the following:

"(g) AMENDMENTS TO APPROPRIATIONS ACT REDUCING ALLOCATIONS.—

"(1) FLOOR AMENDMENTS.—Notwithstanding any other provision of this Act, an amendment to an appropriations bill shall be in order if—

"(A) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill; or

"(B) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill and the 4 succeeding fiscal years.

"(2) CONFERENCE REPORTS.—(A) It shall not be in order to consider a conference report on an appropriations bill that contains a provision reducing subcommittee allocations and discretionary spending included in both the bill as passed by the Senate and the House of Representatives if such provision provides reductions in such allocations and spending that are less than those provided in the bill as passed by the Senate or the House of Representatives.

"(B) It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill that does not include a reduction in subcommittee allocations and discretionary spending in compliance with subparagraph (A) contained in the bill as passed by the Senate and the House of Representatives.".

SEC. 4. SECTION 602(b) ALLOCATIONS.

Section 602(b)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) SUBALLOCATIONS BY APPROPRIATIONS COMMITTEES.—The Committee on Appropriations of each House shall make allocations under subsection (a)(1)(A) or (a)(2) in accordance with section 302(b)(1).".

SPENDING REDUCTION AND BUDGET CONTROL ACT OF 1995—LEGISLATIVE SUMMARY

The legislation introduced today increases the likelihood of deficit reduction and the accountability of the budget process. The amendment gives legislators new tools to address spending priorities and deficit reduction.

STEP 1: FIX THE ALLOCATION PROCESS

Problem

A central decision in the Appropriations process is the distribution of available spending authority (BA and outlays) among the thirteen subcommittees. While the Budget Resolution may fix the total spending ceiling, the "functional categories" provide little guidance for these "302/602 (B)" allocations. As a result, the Appropriations Committee made fundamental decisions about spending priorities that are not subject to the approval by the entire Senate. Additionally, the House and Senate figures often differ.

Solution

The Congress would required to consider and approve spending targets for each appropriation subcommittee. This would be done by a Joint Resolution which would:

Originate and be managed within the Appropriations Committees;

Have privileged status and supersede other pending business;

Limit debate (Reconciliation-type rules—20 hour debate, tight germaneness rules for amendments)

Specify allocations by Subcommittee

Meet appropriate overall Budget cap

Be passed by both Houses in final form prior to the approval of any Appropriations Bills by either House.

Subcommittees allocations can be modified in subsequent Appropriations Bills:—*downward* by a majority vote—*upward* by a three-fifths vote, as is the case today.

STEP 2: AMENDMENTS TO APPROPRIATIONS BILLS SHOULD BE ABLE TO PRODUCE BUDGET SAVINGS WITH A MAJORITY VOTE

Problem

A valid criticism to any amendment to cut Appropriations is that such amendments are unlikely to result in deficit savings. If a legislator succeeds in cutting an account, the funds saved remain available under the Subcommittee's 302(b)/602(b) allocation to be spent on other items. If the appropriations cuts amendment contains reductions in the 302(b)/602(b) allocation, then it is subject to a "supermajority" (i.e., three-fifths vote) point of order. Finally, even if both Houses pass similar cuts or if both Houses come in below the 302(b)/602(b) allocation figures, there is no explicit constraint on Conference to maintain deficit reduction.

Solution

Senators and Representatives would be allowed to offer appropriations cut amendments in one of three forms:

(i) Cut the program account, but retain current law subcommittee allocation and discretionary cap figures;

(ii) Cut the program account and drop subcommittee allocation and discretionary cap figures accordingly for current year;

(iii) Cut the program account and drop subcommittee allocation figure for current year and discretionary cap figure for current year and for an additional four years.

Any amendment offered in one of the above forms would *not* be subject to a three-fifths vote point of order.

STEP 3: FOCUS THE CONFERENCE COMMITTEES ON DEFICIT REDUCTION

Problem

Even if each House adopted reduced spending proposals, there's no guarantee that the conference committee will reduce spending. In fact, our experience is that the conference committee can drop cut proposals and even report a bill which increases spending *higher* than that reported by *either* House.

Solution

Conference would not be able to adopt a final 302(b)/602(b) allocation figure higher than the highest of the House or Senate figures; if two Houses agree on different budget cuts on the same appropriations bill, Conference would be required to pass savings equal to the lesser of the two packages of budget cuts.•

By Mr. BRADLEY (for himself, Mr. SPECTER, Mr. LAUTENBERG and Mr. EXON):

S. 164. A bill to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1995

• Mr. BRADLEY. Mr. President, I introduce the Comprehensive One-call Notification Act. I am very pleased to have as cosponsors of this bill Senator SPECTER, Senator LAUTENBURG, and the ranking member of the Commerce Committee's Transportation Subcommittee, Senator EXON.

The bill we are introducing today will create new assurance that accidents involving pipelines and underground utilities won't occur. Every year, multiple fatalities and tens of millions of dollars worth of damage occur simply because people dig where they shouldn't. These third-party incidents are the single leading cause of accidents involving pipelines. According to the Department of Transportation, these accidents result in over half of the fatalities and half of the property damage caused by all pipeline failures. The Comprehensive One-Call Notification Act will create a mechanism to prevent the inadvertent injury and the potential tragedy.

Last March 23, just before midnight, an explosion ripped through the community of Durham Woods in Edison, NJ. Within minutes, eight apartment buildings were ablaze. Soon they were gone, wiped out by a fireball that lit up the sky over hundreds of square miles. One life was lost. Hundreds lost their homes. Many more were evacuated.

The injuries were miraculously low. But who knows how many others still lie awake at night, wondering whether it could happen again and fearing the future.

Reflecting on the accident today, it seems hard to fault anyone for their response to the tragedy. The community pulled together to help out those in need. Food, emergency shelter, general support and financial assistance were offered amply and unconditionally in the hours and days following the accident.

However, great as this response was, this is not what is most striking about this accident. What is most striking about the accident is how lucky we were. Who would ever think that, given the timing and the magnitude of the explosion, so many people—many fleeing with just the clothes they had on—would escape without serious injury? Few who have walked around that crater, seen the charged cars and the empty building foundations would disagree with the conclusion that many there were saved only by a miracle.

Unfortunately, miracles are a poor basis for public policy. You can't count on them. I am not about to count on them. The fact is that there is no margin for error in today's pipeline industry. The natural gas industry does have an excellent safety record, especially when you consider that 25 percent of the energy we consume moves by these pipelines. For example, there are seven major pipelines that cross my home State, and hundreds of smaller ones. But the Edison accident never should have happened.

We need to acknowledge Edison for what it is: a breakdown in the regulatory and safety program. When the National Transportation Safety Board testified before the Energy Committee in April, their analysis pointed nearly conclusively to multiple gouges on the pipeline as the probable cause of the disaster. These marks appeared to be due to some powerful machinery, such as a backhoe, that struck the pipeline repeatedly.

At this point, we don't know whether the damage was unintentional or on purpose. We don't know who struck the pipeline or whether they might have been aware of the possibility. We do know, however, that there was no requirement of utility notification prior to the excavation. And we know that there is no penalty for digging in the vicinity of the pipeline without notifying the utility operator.

This is simply wrong, and represents a failure of public policy. At the hearing before the Senate Energy Committee, every witness agreed that we need a new national program of utility notification. If someone is excavating or grading a site, there has to be proper notification and it has to be mandatory—not voluntary—with penalties for negligence or noncompliance. This national program will be created by the comprehensive legislation we are considering today.

Right now, the gas industry is making plans for a rapid expansion into new markets, particularly in the areas of natural gas vehicles and electric power production. The Department of Energy has predicted that the gas market will expand by a third over the next 15 years. If accidents occur—regardless of who is at fault or how the industry follows up—this growth will not. It is that simple.

The telecommunications industry is likewise spending billions to expand its infrastructure and capabilities. If this investment, however, is held hostage by every backhoe operator in every State, without serious controls and oversight, we won't see a lot of traffic on this information superhighway.

In one sense, this bill is unnecessary. Sooner or later, I predict, every State will adopt one-call provisions like those identified in this legislation. The reason is simple: sooner or later, every State will experience a major accident involving third-party damage to underground utilities. Then, just as has happened in New Jersey, one-call provisions will be introduced or strengthened. This is not an issue of cost. Most States have these programs already. The problem is that, absent sufficient political motivation, these programs are just not as effective as they need to be.

We shouldn't have to wait for another disaster to understand the importance of this modest bill. This comprehensive one-call legislation represents a necessary step if we are to do everything reasonable and appropriate to protect the public from the kind of tragedy that struck Edison.

This bill, obviously, won't guarantee that another Edison will never occur. But mandatory, truly comprehensive one-call programs, based on a national model, are a good place to start.

Passage of this legislation will send a message to the public that our concern is serious and the risks are real. A national program will create a new level of awareness and this awareness would be a powerful ally in our fight for increased safety.

Mr. President, last Congress, this legislation was passed twice by the House of Representatives and was passed unanimously by the Senate Commerce Committee. This bill was on the verge of final approval when the Senate adjourned last October.

It is clearly time to pass this legislation. I believe that there is no substantive reason why we cannot and should not act. It is endorsed very broadly by industry. It is needed by the general public. I urge all my colleagues to consider this bill carefully and approve it without delay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive One-Call Notification Act of 1995".

SEC. 2. DEFINITIONS.

In this Act:

(1) DAMAGE.—The term "damage" means—

(A) impact or contact with an underground facility, its appurtenances, or its protective coating; or

(B) weakening of the support for the facility or protective housing that requires repair.

(2) EXCAVATION.—The term "excavation"—

(A) means an operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of a mechanized tool or equipment or by means of an explosive; but

(B) does not include—

(i) a generally accepted normal agricultural practice or activity taken in support of such a practice, as determined by each State, including tilling of the soil for agricultural purposes to a depth of 18 inches or less;

(ii) a generally accepted normal lawn and garden activity, as determined by each State;

(iii) the excavation of a gravesite in a cemetery; or

(iv) such routine railroad maintenance as such maintenance would disturb the ground to a depth of no more than 18 inches, as measured from the surface of the ground, in accordance with rules adhered to by a railroad requiring underground facilities other than its own to be buried 3 feet or lower on its property or along its right-of-way.

(3) EXCAVATOR.—The term "excavator" means a person that conducts excavation.

(4) FACILITY OPERATOR.—The term "facility operator" means a person that operates an underground facility.

(5) HAZARDOUS LIQUID.—The term "hazardous liquid" has the meaning stated in section 60101(a)(4) of title 49, United States Code.

(6) NATURAL GAS.—The term "natural gas" has the meaning given the term "gas" in section 60101(a)(2) of title 49, United States Code.

(7) PERSON.—The term "person" includes an agency of Federal, State, or local government.

(8) ROUTINE RAILROAD MAINTENANCE.—The term "routine railroad maintenance" includes such activities as ballast cleaning, general ballast work, track lining and surfacing, signal maintenance, and replacement of crossties.

(9) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(10) STATE.—The term "State" has the meaning stated in section 60101(a)(20) of title 49, United States Code.

(11) STATE PROGRAM.—The term "State program" means the program of a State to establish or maintain a one-call notification system.

(12) UNDERGROUND FACILITY.—The term "underground facility"—

(A) means an underground line, system, or structure used for gathering, storing, transmitting, or distributing oil, petroleum products, other hazardous liquids, natural gas, communication, electricity, water, steam, sewerage, or any other commodity that the Secretary determines should be included under the requirements of this Act; but

(B) does not include a portion of a line, system, or structure if the person that owns or leases, or holds an oil or gas mineral leasehold interest in, the real property in which that portion is located also operates, or has authorized the operation of, the line, system, or structure only for the purpose of furnishing services or materials to that person, except to the extent that that portion—

(i) contains predominantly natural gas or hazardous liquids; and

(ii)(I) is located within an easement for a public road (as defined under section 101(a) of title 23, United States Code), or a toll highway, bridge, or tunnel (as described in section 129(a)(2) of that title); or

(II) is located on a mineral lease and is within the boundaries of a city, town, or village.

SEC. 3. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

Within 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a nationwide toll-free telephone number system to be used by State one-call notification systems.

SEC. 4. STATE PROGRAMS.

(a) CONSIDERATION.—

(1) IN GENERAL.—Each State shall consider whether to adopt a comprehensive statewide one-call notification program with each element described in section 5, to protect all underground facilities from damage due to any excavation.

(2) NEW OR EXISTING PROGRAM.—A State program may be provided for through the establishment of a new program or through modification or improvement of an existing program, and may be implemented by a nongovernmental organization.

(b) PROCEDURES.—

(1) NOTICE AND HEARING.—State consideration under subsection (a) shall be undertaken after public notice and hearing and shall be completed within 3 years after the date of enactment of this Act.

(2) PART OF GENERAL PROCEEDING.—Such consideration may be undertaken as part of any proceeding of a State with respect to the safety of pipelines or other underground facilities.

(c) COMPLIANCE.—If a State fails to comply with the requirements of subsection (a), the Secretary or any person aggrieved by such failure may in a civil action obtain appropriate relief against any appropriate officer or entity of the State, including the State itself, to compel such compliance.

(d) APPROPRIATENESS.—Nothing in this Act prohibits a State from making a determination that it is not appropriate to adopt a State program described in section 5, pursuant to its authority under otherwise applicable State law.

SEC. 5. ELEMENTS OF STATE PROGRAM.

(a) IN GENERAL.—Each State's consideration under section 4(a) shall include consideration of program elements that—

(1) provide for a one-call notification system or systems that shall—

(A) apply to all excavators and to all facility operators;

(B) operate in all areas of the State and not duplicate the geographical coverage of other one-call notification systems;

(C) receive and record appropriate information from excavators about intended excavations;

(D) inform facility operators of any intended excavations that may be in the vicinity of their underground facilities; and

(E) inform excavators of the identity of facility operators who will be notified of the intended excavation;

(2) provide for 24-hour coverage for emergency excavation, with the manner and scope of coverage determined by the State;

(3) employ mechanisms to ensure that the general public, and in particular all excavators, are aware of the one-call telephone number and the requirements, penalties, and benefits of the State program relating to excavations;

(4) inform excavators of any procedures that the State has determined must be followed when excavating;

(5) require that any excavator contact the one-call notification system in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(6) require facility operators to provide for locating and marking or otherwise identifying their facilities at an excavation site, in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(7) provide effective mechanisms for penalties and enforcement as described in section 6;

(8) provide for a fair and appropriate schedule of fees to cover the costs of providing for, maintaining, and operating the State program;

(9) provide an opportunity for citizen suits to enforce the State program;

(10) require railroads to report any accidents that occur during or as a result of routine railroad maintenance to the Secretary and the appropriate local officials; and

(11) provide that when a facility operator believes that its underground facility is not buried 3 feet or lower on railroad property or right-of-way, the facility operator may request permission to enter the railroad property or right-of-way for the purpose of assessing the depth of such underground facility and report its finding to the railroad.

(b) EXCEPTION.—When excavation is undertaken by or for a person on real property that is owned or leased by, or in which an oil or gas mineral leasehold interest is held by, that person, and that person operates all underground facilities located at the site of the excavation, a State program may elect not to require that such person contact the one-call notification system before conducting excavation.

SEC. 6. PENALTIES AND ENFORCEMENT.

(a) GENERAL PENALTIES.—Each State's consideration under section 4(a) shall include consideration of a requirement that any excavator or facility operator that violates the requirements of the State program shall be liable for an appropriate administrative or civil penalty.

(b) INCREASED PENALTIES.—If a violation results in damage to an underground facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000, or damage to a hazardous liquid underground facility resulting in the release of more than 50 barrels of product, the penalties shall be increased, and an additional penalty of imprisonment may be assessed for a knowing and willful violation.

(c) DECREASED PENALTIES.—Each State's consideration under section 4(a) shall include consideration of reduced penalties for a violation, that results in or could result in damage, that is promptly reported by the violator.

(d) EQUITABLE RELIEF AND MANDAMUS ACTIONS.—Each State's consideration under section 4(a) shall include consideration of provisions for appropriate equitable relief and mandamus actions.

(e) IMMEDIATE CITATION OF VIOLATIONS.—Each State's consideration under section 4(a) shall include consideration of procedures for issuing a citation of violation at the site and time of the violation.

SEC. 7. GRANTS TO STATES.

(a) AUTHORITY.—

(1) FUNDING.—Using $4,000,000 of the amounts previously collected under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (previously codified as 49 U.S.C. App. 1682a) or section 60301 of title 49, United States Code, for each of the fiscal years 1996, 1997, and 1998, to the extent provided in advance in appropriations Acts, the Secretary shall make grants to States, or to operators of one-call notification systems in such States, that have elected to adopt a State program described in section 5 or to establish and maintain a State program pursuant to subsection (b) of this section.

(2) GENERAL PURPOSES.—Grants under subsection (a) may be used in—

(A) establishing one-call notification systems;

(B) modifying existing systems to conform to standards established under this Act; and

(C) improving systems to exceed those standards.

(3) PARTICULAR USES.—Grants under subsection (a) may be used to—

(A) improve communications systems linking one-call notification systems;

(B) improve location capabilities, including training personnel and developing and using location technology;

(C) improve record retention and recording capabilities;

(D) enhance public information and education campaigns;

(E) increase and improve enforcement mechanisms, including administrative processing of violations; and

(F) otherwise further the purposes of this Act.

(b) ALTERNATE FORM OF STATE PROGRAM.—The Secretary may make a grant under subsection (a) to a State that establishes or maintains a State program that differs from a State program described in section 5 if the State program is at least as protective of the public health and safety and the environment as a State program described in section 5.

SEC. 8. DEPARTMENT OF TRANSPORTATION.

(a) COORDINATION WITH OTHER RESPONSIBILITIES.—

(1) COORDINATION.—The Secretary shall coordinate the implementation of this Act with the implementation of chapter 601 of title 49, United States Code.

(2) REVIEW OF PROGRAMS.—Within 18 months after the date of enactment of this Act, the Secretary shall review, and report to Congress on, the extent to which any policies, programs, and procedures of the Department of Transportation could be used to achieve the purposes of this Act.

(b) MODEL PROGRAM.—

(1) DEVELOPMENT.—

(A) INITIAL MODEL PROGRAM.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with facility operators, excavators, one-call notification system operators, and State and local governments, shall develop and make available to States a model State program, including a model enforcement program.

(B) AMENDMENTS.—The model program may be amended by the Secretary on the Secretary's initiative or in response to reports submitted by the States pursuant to section 9 or as a result of workshops conducted under paragraph (3).

(2) MANDATORY ELEMENTS.—The model program developed under paragraph (1) shall include all elements of a State program described in section 5.

(3) OTHER ELEMENTS.—The Secretary shall consider incorporating the following elements into the model program:

(A) RECORDATION OF INFORMATION.—The one-call notification system or systems shall—

(i) receive and record appropriate information from excavators about intended excavations, including—

(I) the name of the person contacting the one-call notification system;

(II) the name, address, and telephone number of the excavator;

(III) the specific location of the intended excavation, along with the starting date thereof and a description of the intended excavation activity; and

(IV) the name, address, and telephone number of the person for whom the work is being performed; and

(ii) maintain records on each notice of intent to excavate for the period of time necessary to ensure that such records remain available for use in the adjudication of any claims relating to the excavation.

(B) PROVISION OF INFORMATION.—The provision of information on excavation requirements at the time of issuance of excavation or building permits, or other specific mechanisms for ensuring excavator awareness.

(C) ADVANCE CONTACT.—A requirement that any excavator must contact the one-call notification system at least 2 business days, and not more than 10 business days, before excavation begins.

(D) ALTERNATIVE NOTIFICATION PROCEDURES.—Alternative notification procedures for excavation activities conducted as a normal part of continuing operations within specific geographic locations over an extended period of time.

(E) MARKING OF FACILITIES; MONITORING OF EXCAVATION.—A requirement that facility operators—

(i) provide for locating and marking, in accordance with the American Public Works Association Uniform Color Code for Utilities, or otherwise identifying, in accordance with standards established by the State or the American National Standards Institute, their underground facilities at the site of an intended excavation within no more than 2 business days after notification of such intended excavation; and

(ii) monitor such excavation as appropriate.

(F) NOTIFICATION OF NO UNDERGROUND FACILITIES.—Provision for notification of excavators if no underground facilities are located at the excavation site.

(G) LONGER TIME LIMITATIONS.—Provision for the approval of a State program under this Act with time limitations longer than those required under subparagraphs (C) and (E) of this paragraph where special circumstances, such as severe weather conditions or remoteness of location, pertain.

(H) UNKNOWN LOCATIONS.—Procedures for excavators and facility operators to follow when the location of underground facilities is unknown.

(I) IMPROVEMENT OF CAPABILITIES.—Procedures to improve underground facility location capabilities, including compiling and notifying excavators, facility operators, and one-call centers of any information about previously unknown underground facility locations when such information is discovered.

(J) ALTERNATIVE RULES FOR TIMELY COMPLIANCE.—Alternative rules for timely compliance with State program requirements in emergency circumstances.

(K) REVOCATION OF LICENSES AND PERMITS.—If a State has procedures for licensing or permitting entities to do business, procedures for the revocation of the license or permit to do business of any excavator determined to be a habitual violator of the requirements of the State program.

(4) WORKSHOPS.—Within 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall conduct workshops with facility operators, excavators, one-call notification system operators, and State and local governments in order to develop, amend, and promote the model program, and to provide an opportunity to share information among such parties and to recognize State programs that exemplify the goals of this Act.

(c) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with facility operators, excavators, one-call notification system operators, and State and local governments, public service announcements and other educational materials and programs to be broadcast or published to educate the public about one-call notification systems, including the national phone number.

SEC. 9. STATE REPORTS.

(a) REQUIREMENT.—

(1) INITIAL REPORT.—Within 3 years after the date of enactment of this Act, each State shall submit to the Secretary a report on progress made in implementing this Act.

(2) STATUS REPORTS.—Within 4½ years after the date of enactment of this Act, and annually thereafter, each State shall report to the Secretary on the status of its State program, if any, and its requirements, and any other information the Secretary requires.

(b) SIMPLIFIED REPORTING FORM.—Within 3 years after the date of enactment of this Act, the Secretary shall develop and distribute to the States a simplified form for complying with the reporting requirements of subsection (a)(2).

SEC. 10. FEDERAL REPORT.

The Secretary shall report annually to Congress on the number and circumstances surrounding accidents caused by routine railroad maintenance.

SEC. 11. MORE PROTECTIVE SYSTEMS.

Nothing in this Act prohibits a State from implementing a one-call notification system that provides greater protection for underground facilities from damage due to excavation than a system established pursuant to this Act.

SEC. 12. USE OF TECHNOLOGIES FOR REMOTE AND ABOVE-GROUND PIPELINE LOCATION.

The Secretary shall consult with other agencies as to the availability and affordability of technologies which will help relocate pipelines from above-ground and remote locations.•

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. DOLE):

S. 166. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

TAOS PUEBLO BOTTLENECK LEGISLATION

• Mr. DOMENICI. Mr. President, the bill I am introducing with my colleagues, Mr. BINGAMAN and Mr. DOLE, will transfer 764 acres now located in the Wheeler Peak Wilderness of the Carson National Forest to the Taos Pueblo, both in northern New Mexico.

The history of this area is fascinating and involves the only living culture in the United States to be recognized by the United Nations as a World Heritage Site. Americans can be very proud of the Taos Pueblo Indians who live in the Rocky Mountains of New Mexico. I know New Mexicans are proud of the Taos Pueblo for this most unique international honor in our land of enchantment.

Designation as a World Heritage Site is an honor we share with the Grand Canyon, Yosemite, the Statue of Liberty, and Independence Hall, to name several such sites in the United States. The Taos Pueblo, however, is the only living culture to be so honored in the Western Hemisphere.

A well-known cultural and religious attribute of this World Heritage Site at Taos Pueblo is the Blue Lake and its special spiritual significance to the Taos Pueblo and other New Mexico Indians. Blue Lake is nestled high in the Sangre de Cristo Mountains east of the Pueblo. The sacred ceremonies of the Taos Pueblo people at this site pre-date the signing of the Magna Carta.

The Bottleneck area is an integral part of Blue Lake and continues to be used by Taos Pueblo for religious pilgrimages. The sacred Path of Life Trail, connecting the Pueblo with Blue Lake, runs through the Bottleneck. The Blue Lake Wilderness includes Blue Lake, Star Lake, and Bear Lake. Headwaters to Rio Pueblo de Taos and the Rio Lucero are also in this sacred area. There is no doubt that the Blue Lake Wilderness, designated a wilderness area in the 1970 law, has been a vital source of livelihood and spiritual strength for the Taos Pueblo for over 1,000 years.

The bill pending before the Senate today is intended to complete the full transfer of the Blue Lake territory to the Taos Pueblo. The Path of Life Trail in the Bottleneck Tract will be returned to its rightful owners.

Most of the Blue Lake area transfer took place in 1970, when Public Law 91–550 was signed by President Richard M. Nixon. At that time, 48,000 of the 50,000 acres of Blue Lake Wilderness were returned to the Taos Pueblo. The entire 50,000 acre area known as the Blue Lake was acknowledged by the Indian Claims Commission in 1965 to be Taos Pueblo land. The creation of the Blue Lake Wilderness in 1970 by the Congress transferred 48,000 acres of the 50,000 acres back to Taos Pueblo to be held in trust by the United States for the Pueblo.

In 1979, the Federal District Court in Washington, DC added 1,235 acres to the trust lands of Taos Pueblo in the Tract C transfer, leaving only the so-called Bottleneck Tract from the original 50,000 acre claim. Our legislation completes the Blue Lake transfer.

Drafted as an amendment to the Blue Lake Wilderness Act, our bill requires that the Bottleneck also be maintained as wilderness. The Taos Pueblo has an excellent record of maintaining the Blue Lake Wilderness. We have every confidence that adding the Bottleneck to the Blue Lake Wilderness will increase the enthusiasm of the Pueblo for continuing its excellent stewardship of the Blue Lake Wilderness.

The Wilderness Society, Audubon Society, Sierra Club, and the National Wildlife Federation support the return of the Bottleneck to Taos Pueblo.

Under the terms of this legislation, Taos Pueblo will hold the responsibility and right to manage and control the entire Blue Lake Territory. The Bottleneck Tract is currently a part of the Wheeler Peak Wilderness Area in the Carson National Forest, New Mexico, and is managed by the Forest Service. Taos Pueblo lands surround the Bottleneck on three sides (east, south, and west). Unfortunately, public access to this Bottleneck tract leads to unwelcome intrusions. During Indian ceremonials, hikers often find their way into the Blue Lake Wilderness Area. Our bill will resolve this and related problems in favor of the Taos Pueblo. There will no longer be questions of ownership or rights of way, and the Pueblo will be responsible for management of the entire Blue Lake area including the Bottleneck Tract added by this legislation.

The Bottleneck Tract, is currently managed by the Forest Service as a scenic overlook. Taos Pueblo leaders are issued permits and the Forest Service closes the area for their pilgrimages. There are no public camping, fishing, or other recreational uses permitted. Hiking is allowed.

It is the intention of Taos Pueblo, under the terms of this bill, to continue to use these lands for traditional purposes only. These uses include religious and ceremonial pilgrimages, hunting and fishing, a source of water, forage for their domestic livestock, timber, and other natural resources for their personal use. These uses are all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe as managed by the Taos Pueblo under the terms of the Blue Lake wilderness legislation.

There is no intention in our legislation to change any water rights associated with the Blue Lake area or the Taos Pueblo. I have personally discussed this issue with the Taos tribal leaders who have assured me that the return of the Bottleneck will not alter their claims to water in the Taos Valley. There will be no adverse impact on downstream water users in the Taos Valley as a result of passage of this legislation. In fact, I remain optimistic about the on-going water negotiations in the Taos Valley and look forward to working with all parties to ratify a negotiated settlement in the Congress.

It is our intention that the lands shall remain forever wild and maintained as a wilderness. Identical legislation is being introduced in the House by Representative RICHARDSON of New Mexico. We urge our colleagues to support our legislation to transfer the last parcel of the Blue Lake Wilderness to the Taos Pueblo Indians of New Mexico.

By Mr. JOHNSTON:

S. 167. A bill to amend the Nuclear Waste Policy Act of 1982 and for other purposes; to the Committee on Energy and Natural Resources.

THE NUCLEAR WASTE POLICY ACT OF 1995

• Mr. JOHNSTON. Mr. President, I am today introducing legislation to amend the Nuclear Waste Policy Act of 1982.

The existing law was meant to provide for the permanent disposal of spent nuclear fuel from the Nation's civilian nuclear powerplants and high-level radioactive waste from our nuclear weapons program. It called for the construction of a deep geologic repository in which nuclear waste could safely be buried beginning in January 1998.

The existing law has fallen far short of its goals. The repository will not be ready in 1998. The earliest completion date is now 2010, but it may not be ready even then without significant program changes and budget increases. In the meantime, available storage capacity at civilian powerplants is running out, threatening the ability of some plants to keep operating.

The existing program was designated to be self-funding. The law imposed a special fee on utilities, which is ultimately borne by their ratepayers. The American people have paid over $8 billion into the Nuclear Waste Fund. Over $4 billion has been spent, but our budget laws put the balance of the fund off-limits, where it can be used to balance the deficit but not used for the purpose for which it was collected.

Mr. President, the program cannot succeed as it is presently constituted. The time has come to restructure the program so it can succeed. This bill I am introducing today would do so.

The Nuclear Waste Policy Act of 1995 provides a complete substitute to the 1982 law. It provides for the construction of an interim storage facility, which would provide adequate spent fuel storage capacity until the repository can be built and licensed. It places the existing repository program on sounder foundations by providing rational, health-based standards for licensing the repository. It provides authority for the Department of Energy to begin construction of the rail spur needed to transport nuclear waste to the interim storage facility and repository. And it provides special budget treatment for the Nuclear Waste Fund to ensure that the program will be able to use the funds that are now being collected for that purpose.

Mr. President, I urge my colleagues to join me in supporting this important legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nuclear Waste Policy Act of 1995".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—STORAGE AND DISPOSAL

Sec. 101. Interim storage.
Sec. 102. Permanent disposal.
Sec. 103. Land withdrawal.

TITLE II—TRANSPORTATION AND STATE RELATIONS

Sec. 201. Multi-purpose canisters.
Sec. 202. Railroad.
Sec. 203. Transportation requirements.
Sec. 204. State consultation and assistance.
Sec. 205. Preemption.

TITLE III—FUNDING AND ORGANIZATION

Sec. 301. Budget priorities.
Sec. 302. Nuclear Waste Fund.
Sec. 303. Budget treatment.
Sec. 304. Office of Civilian Radioactive Waste Management.
Sec. 305. Defense contribution.

TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

Sec. 401. NRC regulations.
Sec. 402. Judicial review of agency actions.
Sec. 403. Title to material.
Sec. 404. Licensing of facility expansions and transshipments.
Sec. 405. Siting a second repository.
Sec. 406. Financial arrangements for low-level radioactive waste site closure.
Sec. 407. Nuclear Regulatory Commission training authorization.

TITLE V—NUCLEAR WASTE TECHNICAL REVIEW BOARD

Sec. 501. Definitions.
Sec. 502. Nuclear Waste Technical Review Board.
Sec. 503. Functions.
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Sec. 506. Staff.
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Sec. 509. Authorization of appropriations.
Sec. 510. Termination of the Board.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "affected unit of local government" means the unit of local government with jurisdiction over the site of the repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

(2) The term "atomic energy defense activity" means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

(A) naval reactors development;

(B) weapons activities including defense inertial confinement fusion;

(C) verification and control technology;

(D) defense nuclear materials production;

(E) defense nuclear waste and materials byproducts management;

(F) defense nuclear materials security and safeguards and security investigations; and

(G) defense research and development.

(3) The term "civilian nuclear power reactor" means a civilian nuclear powerplant required to be licensed under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

(4) The term "Commission" means the Nuclear Regulatory Commission.

(5) The term "Department" means the Department of Energy.

(6) The term "disposal" means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such waste.

(7) The term "engineered barriers" means manmade components of a disposal system designed to prevent the release of radionuclides into the geologic medium involved. Such term includes the high-level radioactive waste form, high-level radioactive waste canisters, and other materials placed over and around such canisters.

(8) The term "high-level radioactive waste" means—

(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

(9) The term "federal agency" means any Executive agency, as defined in section 105 of title 5, United States Code.

(10) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(11) The term "interim storage facility" means a complex designed and constructed under section 101 for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel prior to transfer to a repository for the permanent disposal of such spent nuclear fuel.

(12) The term "low-level radioactive waste" means radioactive material that—

(A) is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or byproduct material as defined in section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

(B) the Commission, consistent with existing law, classifies a low-level radioactive waste.

(13) The term "Office" means the office of Civilian Radioactive Waste Management established in section 304.

(14) The term "package" means the primary container that holds, and is in contact with, solidified high-level radioactive waste, spent nuclear fuel, or other radioactive materials, and any overpacks, that are used for the transportation, storage, or disposal of such waste, spent fuel, or other materials.

(15) The term "Program Approach" means the Secretary's plan for site characterization activities described in the Yucca Mountain Technical Implementation Plan for Fiscal Year 1995.

(16) The term "repository" means a complex designed and constructed under section 102 for the permanent geologic disposal of high-level radioactive waste and spent nuclear fuel, including both surface and subsurface areas at which high-level radioactive waste and spent nuclear fuel handling activities are conducted.

(17) The term "Secretary" means the Secretary of Energy.

(18) The term "site characterization" means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in site testing needed to evaluate the suitability of a candidate site for the location of the repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(19) The term "spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(20) The term "storage" means retention of high-level radioactive waste, spent nuclear fuel, or transuranic waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

(21) The term "Waste Fund" means the Nuclear Waste Fund established in section 302(c).

(22) The term "Yucca Mountain site" means the area in the State of Nevada described in section 103(b).

TITLE I—STORAGE AND DISPOSAL

SEC. 101. INTERIM STORAGE.

(a) AUTHORIZATION.—The Secretary shall construct and operate a facility for the interim storage of high-level radioactive waste and spent nuclear fuel at the Yucca Mountain site.

(b) NRC LICENSING.—The Secretary shall apply to the Commission for a license to store high-level radioactive waste and spent nuclear fuel in the interim storage facility. The Commission shall amend its regulations for licensing independent spent fuel storage installations as appropriate to carry out the purposes of this section. The Commission shall act expeditiously on the Secretary's application and shall license the facility in accordance with the provisions of this Act and the Commission's regulations for licensing independent spent fuel storage installations as amended.

(c) DURATION OF THE LICENSE.—The Commission shall license storage of high-level radioactive waste and spent nuclear fuel at the facility for an initial term of 100 years from the date of issuance of the license and may, upon application by the Secretary, renew the license for additional terms.

(d) CAPACITY.—The interim storage facility shall provide sufficient capacity to store spent nuclear fuel from civilian nuclear power reactors until the Secretary is able to transfer the spent fuel to the repository, and shall be expandable if operation of the repository is delayed.

(e) ENVIRONMENTAL IMPACT STATEMENT.—(1) Construction and operation of the interim storage facility shall be considered a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the interim storage facility to the Commission with the license application.

(2) For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary need not consider the need for the interim storage facility or alternative sites or designs in the environmental impact statement.

(3) The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a license for storage of spent nuclear fuel at the interim storage facility. To the extent such statement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969.

(f) EXPEDITED ACTIONS.—The Secretary shall begin storing spent nuclear fuel at the interim storage facility at the earliest practicable date. All actions by the Secretary, the Commission, the Secretary of the Interior, or any federal agency or officer with respect to consideration of applications or requests for the issuance or grant of any authorization related to the interim storage facility shall be expedited, and any such application or request shall take precedence over any similar applications or requests not related to the interim storage facility.

(g) WASTE CONFIDENCE.—Licensing and operation of the interim storage facility in accordance with this section shall constitute reasonable assurance that high-level radioactive waste and spent nuclear fuel can and will be disposed of safely for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

SEC. 102. PERMANENT DISPOSAL.

(a) SITE CHARACTERIZATION.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's Program Approach to site characterization. The Commission shall review its existing regulations for the disposal of high-level radioactive waste in geologic repositories and shall amend them as may be necessary to reflect the Program Approach and this Act.

(b) ENVIRONMENTAL IMPACT STATEMENT.—(1) Construction and operation of the repository shall be considered a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application.

(2) For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary need not consider the need for the repository or alternative sites or designs in the environmental impact statement.

(3) The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (d), a license under subsection (e), or a license amendment under subsection (f). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969.

(c) SITE SUITABILITY DETERMINATION.—(1) The Secretary shall determine, based upon the results of the site characterization activities, whether the Yucca Mountain site is suitable for development of a geologic repository and report her determination to the Congress.

(2) If the Secretary determines that the Yucca Mountain site is unsuitable for development of a repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of her decision and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the nation's high-level radioactive waste and spent nuclear fuel.

(3) If the Secretary determines that the Yucca Mountain site is suitable for development of a repository, the Secretary shall apply to the Commission for authorization to construct the repository.

(d) CONSTRUCTION AUTHORIZATION.—The Commission shall initially grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that high-level radioactive waste and spent nuclear fuel can be disposed of in the repository—

(1) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(e) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of high-level radioactive waste and spent nuclear fuel in the repository if the Commission determines that the repository has been constructed and will operate—

(1) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(f) CLOSURE.—After placing high-level radioactive waste and spent nuclear fuel in the repository, and after providing for the retrievability of such high-level radioactive waste and spent nuclear fuel during any period the Secretary determines to be appropriate, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

(1) in conformity with the provisions of this Act and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(g) POST-CLOSURE OVERSIGHT.—Following repository closure, the Secretary shall continue to oversee the Yucca Mountain site to prevent any activity at the site that poses an unreasonable risk of—

(1) breaching the repository's engineered or geologic barriers; or

(2) increasing the exposure of individual members of the public to radiation beyond allowable limits.

(h) LICENSING STANDARDS.—For purposes of making any licensing determination under this section—

(1) RELEASE STANDARDS.—The Commission shall find that the repository will not constitute an unreasonable risk to the health and safety of the public if there is reasonable assurance that the amount of radioactive materials and radioactivity released from the site (excluding background radiation and other radiation arising from the natural geological characteristics of the site) over a 10,000-year period shall not result in an annual dose to an average member of the general population in the vicinity of the site in excess of one-third of the annual dose received from natural background sources by an average member of the general population in the United States.

(2) OVERALL SYSTEM PERFORMANCE.—The Commission shall not deny the issuance of a license on the basis of the Secretary's failure to demonstrate satisfaction of any individual subsystem performance standard so long as the Commission finds reasonable assurance of satisfaction of the overall system performance standard.

(3) GROUNDWATER PROTECTION.—Notwithstanding the provisions of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), a Commission finding of reasonable assurance of satisfaction of the system performance standard and the design objective shall constitute a finding of adequate protection of groundwater. No maximum contaminant level limits or other groundwater protection measures shall apply.

(4) HUMAN INTRUSION.—The Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure oversight of the Yucca Mountain site, in accordance with subsection (g), shall be sufficient to—

(A) prevent any activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

(B) prevent any increase in the exposure of individual members of the public to radiation beyond allowable limits.

SEC. 103. LAND WITHDRAWAL.

(a) WITHDRAWAL AND RESERVATION.—(1) The Yucca Mountain site, as described in subsection (b), is withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

(2) Jurisdiction of any land within the Yucca Mountain site managed by the Secretary of the Interior, the Secretary of Defense, or any other federal officer is transferred to the Secretary of Energy.

(3) The Yucca Mountain site is reserved for the use of the Secretary for the construction and operation of the interim storage facility and the repository and activities associated with the purposes of this title.

(b) LAND DESCRIPTION.—(1) The boundaries depicted on the map entitled "Yucca Mountain Site Withdrawal Map," dated ______, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

(2) Within 30 days after the date of the enactment of this Act, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

(B) file copies of the map described in paragraph (1) and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

(3) The map and legal description referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the map and legal description.

TITLE II—TRANSPORTATION AND STATE RELATIONS

SEC. 201. MULTI-PURPOSE CANISTERS.

The Secretary shall design one or more multi-purpose canister systems capable of holding spent nuclear fuel during interim storage, transportation, and disposal. The Secretary shall apply to the Commission to certify such systems for the storage and transportation of spent nuclear fuel. The Secretary is authorized to procure such systems in quantities necessary for the transportation, storage, and disposal of spent nuclear fuel as part of the integrated nuclear waste management system established under this Act. The Secretary is authorized to deploy such systems to holders of spent fuel disposal contracts under section 302.

SEC. 202. RAILROAD.

(a) AUTHORIZATION.—The Secretary shall acquire rights of way within the corridor designated in subsection (b) and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the interim storage facility and the repository.

(b) ROUTE DESIGNATION.—(1) The Secretary shall acquire such rights of way and develop such facilities within the corridor depicted on the map .

(2) Within 30 days after the date of the enactment of this Act, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the corridor; and

(B) file copies of the map described in paragraph (1) and the legal description of the corridor with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

(3) The map and legal description referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the map and legal description.

(c) WITHDRAWAL AND RESERVATION.—(1) The public lands depicted on such map are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation and mineral leasing laws, the geothermal laws, the material sale laws, and the mining laws.

(2) Jurisdiction of such land is transferred from the Secretary of the Interior to the Secretary of Energy.

(3) Such lands are reserved for the use of the Secretary for the construction and operation of such transportation facilities and activities associated under this title.

(4) The lands depicted in the map that are within the Quail Springs Wilderness Study and the Nellis A, B, and C Wilderness Study Areas are released from further review and management under section 603 of the Federal Land Policy and Management Act (43 U.S.C. 1782). Such lands shall be managed in accordance with this Act, notwithstanding any contrary provisions of Federal, State, or local statutes, laws, regulations, ordinances, or orders.

(d) ENVIRONMENTAL IMPACT STATEMENT.—(1) Construction and operation of transportation facilities within the corridor shall constitute a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 431 et seq.) The Secretary shall prepare an environmental impact statement on the construction and operation of such facilities prior to commencement of construction. In preparing such statement, the Secretary shall adopt, to the extent practicable, relevant environmental reports that have been developed by other Federal and State agencies.

(2) For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary need not consider the need for the development or improvement of transportation facilities, alternative routes, or alternative means of transportation.

(3) Acquisition of rights of way within the corridor shall not constitute a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 and shall not be delayed pending completion of the environmental impact statement required under paragraph (1).

(e) EXEMPTION.—Neither the Secretary nor any person constructing railroad facilities under contract with the Secretary under this section shall be considered a rail carrier within the meaning of the Interstate Commerce Act (49 U.S.C. 10102 (19)) and shall not be subject to the jurisdiction of the Interstate Commerce Commission under 49 U.S.C. 10901.

SEC. 203. TRANSPORTATION REQUIREMENTS.

(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste under this Act. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations. The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations from the Waste Fund for such purpose.

(d). USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

SEC. 204. STATE CONSULTATION AND ASSISTANCE.

(a) PROVISION OF INFORMATION.—(1) The Secretary, the Commission, and other agencies involved in the construction, operation, or regulation of any aspect of the interim storage facility or repository shall provide to the Governor and legislature of Nevada timely and complete information regarding determinations or plans made with respect to the site characterization, siting, development, design, licensing, construction, operation, regulation, or decommissioning of the interim storage facility and repository.

(2) Upon written request for information by the Governor or legislature, the Secretary shall provide a written response to such request within 30 days of the receipt of such request. Such response shall provide the information requested or, in the alternative, the reasons why the information cannot be so provided.

(b) CONSULTATION AND COOPERATION.—In performing any study of the Yucca Mountain site for the purpose of determining the suitability of the site for a repository, in developing and operating the interim storage facility, and in developing and loading the repository, the Secretary shall consult and cooperate with the Governor and legislature of Nevada in an effort to resolve the concerns of the State regarding the public health and safety, environmental, and economic impacts of the interim storage facility or repository. In carrying out her duties under this title, the Secretary shall take such concerns into account to the maximum extent feasible.

(c) FINANCIAL ASSISTANCE.—(1)(A) The Secretary shall make grants to the State of Nevada and any affected unit of local government for purpose of participating in activities required by this section. Any salary or travel expense that would ordinarily be incurred by such State or affected unit of local government, may not be considered eligible for funding under this paragraph.

(B) The Secretary shall make grants to the State of Nevada and any affected unit of local government for purposes of enabling the State or affected unit of local government—

(i) to review activities taken under this title with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the interim storage facility or repository on the State or affected unit of local government and its residents;

(ii) to develop a request for impact assistance under paragraph (2);

(iii) to engage in any monitoring, testing, or evaluation activities with respect to site characterization programs with regard to such site;

(iv) to provide information to Nevada residents regarding any activities of such state, the Secretary, or the Commission with respect to such site; and

(v) to request information from, and make comments and recommendations to, the Secretary regarding such activities taken under this subtitle with respect to such site.

(C) Any salary or travel expense that would ordinarily be incurred by the State of Nevada or any affected unit of local government may not be considered eligible for funding under this paragraph.

(2)(A)(i) The Secretary shall provide financial and technical assistance to the State of Nevada and any affected unit of local government requesting such assistance.

(ii) Such assistance shall be designed to mitigate the impact on the State or affected unit of local government of the development of the interim storage facility or repository and the characterization of such site.

(iii) Such assistance to the State or affected unit of local government shall commence upon the initiation of site characterization activities.

(B) The State of Nevada and any affected unit of local government may request assistance under this subsection by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from site characterization activities at the Yucca Mountain site.

(C) As soon as practicable, the Secretary shall seek to enter into a binding agreement with the State of Nevada setting forth—

(i) the amount of assistance to be provided under this subsection to such state or affected unit of local government; and

(ii) the procedures to be followed in providing such assistance.

(3)(A) In addition to financial assistance provided under paragraph (1) and (2), the Secretary shall grant to the State of Nevada and any affected unit of local government an amount each fiscal year equal to the amount the State or affected unit of local government, respectively, would receive if authorized to tax site characterization activities at such site, the development and operation of the interim storage facility, and the development and operation of the repository, as the State or affected unit of local government taxes the non-federal real property and industrial activities occurring within the State or affected unit of local government.

(B) Such grants shall continue until such time as the respective activities, development, and operation are terminated at such site.

(4)(A) The State of Nevada or any affected unit of local government may not receive—

(i) any grant with respect to the interim storage facility under paragraph (1) after the expiration of the one-year period following the date on which the Commission disapproves an application for a license to store high-level radioactive waste and spent nuclear fuel at the site; or

(ii) any grant with respect to the site characterization activities or construction of the repository under paragraph (1) after the expiration of the one-year period following the earlier of—

(I) the date on which the Secretary notifies the Governor and legislature of the State of Nevada of the termination of site characterization activities at the Yucca Mountain site; or

(II) the date on which the Commission disapproves an application for a construction authorization for a repository at such site.

(B) The State of Nevada or any affected unit of local government may not receive any further assistance under paragraph (2)—

(i) with respect to the interim storage facility if construction or operation of the interim storage facility are terminated by the Secretary or if such activities are permanently enjoined by any court; or

(ii) with respect to the repository if repository construction activities or site characterization activities are terminated by the Secretary or if such activities are permanently enjoined by any court.

(C) At the end of the 2-year period beginning on the effective date of any license under section 102(c), no federal funds, shall be made available to the State of Nevada or affected unit of local government under paragraph (1) or (2), except for such funds as may be necessary to support State activities pursuant to agreements or contracts for impact assistance entered into under paragraph (2) by the State with the Secretary during such 2-year period.

(5) Financial assistance authorized in this subsection shall be made out of amounts held in the Waste Fund.

SEC. 205. PREEMPTION.

(a) IN GENERAL.—The Secretary shall be subject to and comply with all Federal, State, and local environmental or land use laws, requirements, or orders of general applicability, including those requiring permits or reporting, or those setting standards, criteria, or limitation.

(b) EXEMPTION.—(1) Notwithstanding subsection (a), the President shall exempt the Secretary from any Federal, State, or local requirement (including any law, regulation, or order requiring any license, permit, certification, authorization, or approval, or setting any standard, criterion, or limitation) if the President determines, in his discretion, that—

(A) issuance of the required licensed, permit, certification, authorization, or approval is being unreasonably delayed or denied;

(B) the requirement is not based on credible scientific data, is not generally applicable, or was adopted by formal means; or

(C) the cost of complying with the law, requirement, or order unreasonably exceeds the benefit to the public health and safety or the environment.

(2) In the event the President makes a determination under paragraph (1) with respect to any State requirement (including any requirement of any agency or subdivision of the State) and further determines, in his discretion, that such requirement was imposed for the purpose of delaying or obstructing construction or operation of the interim storage facility, repository, or associated facilities under this Act, the President may exempt the Secretary from all State requirements under this subsection or such portion thereof as the President determines necessary.

TITLE III—FUNDING AND ORGANIZATION

SEC. 301. BUDGET PRIORITIES.

For purposes of preparing annual requests for appropriations from the Waste Fund and allocating appropriated funds among competing requirements, the Secretary shall accord—

(1) the licensing, construction, and operation of the interim storage facility under section 101 the highest priority;

(2) the acquisition of rights of way and the construction and operation of the railroad under section 202 the next highest priority; and

(3) the licensing, construction, and operation of the repository under section 102 the lowest priority.

SEC. 302. NUCLEAR WASTE FUND.

(a) CONTRACTS.—(1) In the performance of his functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to high-level radioactive waste, or spent nuclear fuel, of domestic origin for the acceptance of title, subsequent transportation, and disposal of such waste or spent fuel. Such contracts shall provide for payment to the Secretary of fees pursuant to paragraphs (2) and

(3) sufficient to offset expenditures described in subsection (d).

(2) For electricity generated by a civilian nuclear power reactor and sold on or after the date 90 days after January 7, 1983, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt-hour.

(3) For spent nuclear fuel, or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to the application of the fee under paragraph (2) to such reactor, the Secretary shall, not later than 90 days after January 7, 1983, establish a 1 time fee per kilogram of heavy metal in spent nuclear fuel, or in solidified high-level radioactive waste. Such fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spend nuclear fuel, or such solidified high-level radioactive waste derived therefrom, to be collected from any person delivering such spent nuclear fuel or high-level waste, pursuant to section 402, to the Federal Government. Such fee shall be paid to the Treasury of the United States and shall be deposited in the separate fund established by subsection (c). In paying such a fee, the person delivering spend fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

(4) Not later than 180 days after January 7, 1983, the Secretary shall establish procedures for the collection and payment of the fees establish by paragraph (2) and paragraph (3). The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3) above to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (d) herein. In the event the Secretary determines that either insufficient or excess revenues are being collected, in order to recover the costs incurred by the Federal Government that are specified in subsection (d), the Secretary shall propose an adjustment to the fee to ensure full cost recovery. The Secretary shall immediately transit this proposal for such an adjustment to Congress. The adjusted fee proposed by the Secretary shall be effective after a period of 90 days of continuous session have elapsed following the receipt of such transmittal unless during such 90-day period either House of Congress adopts a resolution disapproving their Secretary's proposed adjustment in accordance with the procedures set forth for congressional review of an energy action under section 551 of the Energy Policy and Conservation Act.

(5) Contracts entered into under this section shall provide that—

(A) following commencements of operation of a repository, the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent fuel; and

(B) in return for the payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, will dispose of the high-level radioactive waste or spent nuclear fuel involved as provided in title I.

(6) The Secretary shall establish in writing criteria setting forth the terms and conditions under which such disposal services shall be made available.

(b) ADVANCE CONTRACTING REQUIREMENT.—(1)(A) The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

(i) such person has entered into a contract with the Secretary under this section; or

(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

(B) The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of high-level radioactive waste and spent nuclear fuel that may result from the use of such license.

(2) Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in any repository constructed under this Act unless the generator or owner of such spent fuel or waste has entered into a contract with the Secretary under this section by not later than—

(A) June 30, 1983; or

(B) the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste; whichever occurs later.

(3) The rights and duties of a party to a contract entered into under this section may be assignable with transfer of title to the spent nuclear fuel or high-level radioactive waste involved.

(4) No high-level radioactive waste or spent nuclear fuel generated or owned by any department of the United States referred to in section 101 or 102 of title 5, United States Code, may be disposed of by the Secretary in any repository constructed under this Act unless such department transfers to the Secretary, for deposit in the Nuclear Waste Fund, amounts equivalent to the fees that would be paid to the Secretary under the contracts referred to in this section if such waste or spent fuel were generated by any other person.

(c) ESTABLISHMENT OF NUCLEAR WASTE FUND.—There hereby is established in the Treasury of the United States a separate fund, to be known as the Nuclear Waste Fund. The Waste Fund shall consist of—

(1) all receipts, proceeds, and recoveries realized by the Secretary under subsections (a), (b), and (e), which shall be deposited in the Waste Fund immediately upon their realization;

(2) any appropriations made by the Congress to the Waste Fund; and

(3) any unexpended balances available on the date of the enactment of this Act for functions or activities necessary or incident to the disposal of civilian high-level radioactive waste or civilian spent nuclear fuel, which shall automatically be transferred to the Waste Fund on such date.

(d) USE OF WASTE FUND.—The Secretary may make expenditures from the Waste Fund, subject to subsection (e), only for purposes of radioactive waste disposal activities under titles I and II, including—

(1) the identification, development, licensing, construction, operation, decommissioning, and post-decommissioning maintenance and monitoring of the interim storage facility or repository constructed under this Act;

(2) the conducting of nongeneric research, development, and demonstration activities under this Act;

(3) the administrative cost of the radioactive waste disposal program;

(4) any costs that may be incurred by the Secretary in connection with the transportation, treating, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in the repository or to be stored in the interim storage facility, including the cost of designing and procuring multi-purpose canisters under section 201 and the cost of constructing and operating rail systems under section 202;

(5) the costs associated with acquisition, design, modification, replacement, operation, and construction of facilities at the repository of interim storage facility; and necessary or incident to such repository or interim storage facility; and

(6) the provision of assistance to the State of Nevada, and affected units of local government under section 204.

(e) ADMINISTRATION OF WASTE FUND.—(1) The Secretary of the Treasury shall hold the Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Waste Fund during the preceding fiscal year.

(2) The Secretary shall submit the budget of the Waste Fund to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget of the Waste Fund shall consist of the estimates made by the Secretary of expenditures from the Waste Fund and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the Budget of the United States Government. The Secretary may make expenditures from the Waste Fund, subject to appropriations which shall remain available until expended. Appropriations shall be subject to triennial authorization.

(3) If the Secretary determines that the Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Waste Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

(5) If at any time the moneys available in the Waste Fund are insufficient to enable the Secretary to discharge his responsibilities under this subtitle, the Secretary shall issue to the Secretary of the Treasury obligations

in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Secretary and the Secretary of the Treasury. The total of such obligations shall not exceed amounts provided in appropriation Acts. Redemption of such obligations shall be made by the Secretary from moneys available in the Waste Fund. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations under this paragraph. The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such Act are extended to include any purchase of such obligations. The Secretary of the Treasury may at any time sell any of the obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.

(6) Any appropriations made available to the Waste Fund for any purpose described in subsection (d) shall be repaid into the general fund of the Treasury, together with interest from the date of availability of the appropriations until the date of repayment. Such interest shall be paid on the cumulative amount of appropriations available to the Waste Fund, less the average undisbursed cash balance in the Waste Fund account during the fiscal year involved. The rate of such interest shall be determined by the Secretary of the Treasury taking into consideration the average market yield during the month preceding each fiscal year on outstanding marketable obligations of the United States of comparable maturity. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest.

SEC. 303. BUDGET TREATMENT.

(a) SCOREKEEPING.—Notwithstanding any other provision of law, the receipts and disbursements of the Waste Fund for each fiscal year beginning after the date of the enactment of this Act shall be deemed to be equal to the amount of receipts and disbursements in fiscal year 1995 for purposes of—

(1) the budget of the United States Government as submitted by the President;

(2) the congressional budget for the United States Government; and

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) SEQUESTRATION.—Any disbursement from the Waste Fund shall be exempt from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) APPROPRIATIONS.—Any disbursement from the Waste Fund shall be subject to appropriations but shall be included in the discretionary spending limits as set forth in section 601 of the Congressional Budget and Impoundment Control Act of 1974 in any fiscal year beginning after the date of the enactment of this Act only to the extent that funds were appropriated from the Waste Fund in fiscal year 1995.

SEC. 304. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level III of the Executive Schedule under section 5315 of title 5, United States Code.

(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

(c) ANNUAL REPORT TO CONGRESS.—The Director of the Office shall annually prepare and submit to the Congress a comprehensive report on the activities and expenditures of the Office.

SEC. 305. DEFENSE CONTRIBUTION.

(a) ALLOCATION.—The Secretary shall determine the appropriate portion of the cost of managing high-level radioactive waste and spent nuclear fuel under this Act allocable to the permanent disposal of high-level radioactive waste from atomic energy defense activities. In addition to any request for an appropriation from the Waste Fund under section 302, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the full cost of the permanent disposal of high-level radioactive waste from atomic energy defense activities in the repository.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the full cost of the permanent disposal of high-level radioactive waste from atomic energy defense activities.

TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

SEC. 401. NRC REGULATIONS.

Nothing in this Act shall be read to repeal or require the amendment or repromulgation of Commission regulations of the Commission in effect on the date of enactment of this Act except to the extent such regulations are inconsistent with the provisions of this Act.

SEC. 402. JUDICIAL REVIEW OF AGENCY ACTIONS.

(a) JURISDICTION OF UNITED STATES COURTS OF APPEALS.—(1) Except for review in the Supreme Court of the United States, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

(2) The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia.

(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought not later than the 180th day after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action not later than the 180th day after the date such party acquired actual or constructive knowledge or such decision, action, or failure to act.

SEC. 403. TITLE TO MATERIAL.

Delivery, and acceptance by the Secretary, or any high-level radioactive waste or spent nuclear fuel for the interim storage facility or repository shall constitute a transfer to the Secretary of title to such waste or spent fuel.

SEC. 404. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

(b) ADJUDICATORY HEARING.—(1) At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission—

(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

(B) shall not consider—

(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed operate a such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

(3) The Provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(4) The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission.

(c) Judicial Review.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 405. SITING A SECOND REPOSITORY.

(a) Congressional Action Required.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

(b) Report.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

SEC. 406. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

(a) Financial Arrangements.—(1) The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

(2) If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

(b) Title and Custody.—(1) The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issue by the Commission for such disposal, if the Commission determines that—

(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

(2) If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

(c) Special Sites.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

SEC. 407. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear powerplant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear powerplant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs.

TITLE V—NUCLEAR WASTE TECHNICAL REVIEW BOARD

SEC. 501. DEFINITIONS.

(1) The term "Chairman" means the Chairman of the Nuclear Waste Technical Review Board.

(2) The term "Board" means the Nuclear Waste Technical Review Board established under section 502.

SEC. 502. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

(a) Establishment.—There is established a Nuclear Waste Technical Review Board that shall be an independent establishment within the executive branch.

(b) Members.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

(2) The President shall designate a member of the Board to serve as chairman.

(3)(A) The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

(B) The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

(C)(i) Each person nominated for appointment to the Board shall be—

(I) eminent in a field of science or engineering, including environmental sciences; and

(II) selected solely on the basis of established records of distinguished service.

(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

(iii) No person shall be nominated for appointment to the Board who is an employee of—

(I) the Department of Energy;

(II) a national laboratory under contract with the Department of Energy; or

(III) an entity performing high-level radioactive waste or spent nuclear fuel activities under contract with the Department of Energy.

(4) Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraph (1) and (3).

(5) Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment.

SEC. 503. FUNCTIONS.

The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

(1) site characterization activities; and

(2) activities relating to the packaging or transportation of high-level radioactive waste or spent nuclear fuel.

SEC. 504. INVESTIGATORY POWERS.

(A) Hearings.—Upon request of the Chairman or a majority of the member of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(b) PRODUCTION OF DOCUMENTS.—(1) Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary to respond to any inquiry of the Board under this title.

(2) Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

SEC. 505. COMPENSATION OF MEMBERS.

(A) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

(b) TRAVEL EXPENSES—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

SEC. 506. STAFF.

(a) CLERICAL STAFF.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

(2) Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

(b) PROFESSIONAL STAFF.—(1) Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

(2) Not more than 10 professional staff members may be appointed under this subsection.

(3) Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

SEC. 507. SUPPORT SERVICES.

(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES—The Comptroller General, the Librarian of Congress, and the Director of the Office of Technology Assessment shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

SEC. 508. REPORT.

The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations. The first such report shall be submitted not later than 12 months after December 22, 1987.

SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

Notwithstanding subsection (d) of section 302, and subject to subsection (e) of such section, there are authorized to be appropriated for expenditures from amounts in the Waste Fund established in subsection (c) of such section such sums as may be necessary to carry out the provisions of this title.

SEC. 510. TERMINATION OF THE BOARD.

The Board shall cease to exist not later than 1 year after the date on which the Secretary begins disposal of high-level radioactive waste or spent nuclear fuel in the respository.●

By Mr. KENNEDY:

S. 168. A bill to ensure individual and family security through health insurance coverage for all Americans; to the Committee on Labor and Human Resources.

THE AFFORDABLE HEALTH CARE FOR ALL AMERICANS ACT

Mr. KENNEDY. Mr. President, the crisis in health care has not gone away, but hopefully the partisan gridlock that blocked action last year has. Our failure to enact comprehensive reform in 1994 guarantees that this crisis will worsen every year, until Congress finally has the courage to pass a genuine solution.

Last year, despite the economic recovery, the number of Americans without health insurance increased by 1 million. This year, the number of uninsured is certain to increase again. The rise in national health spending was close to $100 billion last year, and total spending will top $1 trillion this year. The main reason the Federal deficit is soaring is that out-of-control health costs continue to drive up Medicare and Medicaid spending faster than anything else in the budget. No American family can be confident that the insurance protecting them today will be there for them tomorrow if serious illness strikes.

Last year, we had the most extensive debate in the Nation's history on comprehensive reform. Committees in both the House and Senate reported out measures that met the two key tests of real reform—guaranteed health insurance for all Americans and control of health costs. For the first time, comprehensive reform legislation was debated on the floor of the U.S. Senate. In the end we were not successful in passing health reform, but the American people expect us to keep trying until we succeed.

Today I am introducing new legislation to achieve the central goals of reform—the Affordable Health Care for All Americans Act. This legislation builds on what we accomplished in the last Congress, while responding to the criticisms of the various bills proposed.

This legislation will guarantee every American comprehensive, affordable coverage, and it will control health care costs. All employers will be expected to contribute to the cost of coverage for their employees, except for mom and pop small businesses. Subsidies will be provided to help low-income workers and the unemployed. Costs will be controlled by market forces and by improved competition among insurers and providers, with tough backup premium limits in cases where competition fails.

At the same time, the legislation responds to criticisms made in the last Congress that the bills reported by the committees tried to do too much and were excessively regulatory and bureaucratic. The legislation I am introducing today is one-third the length of the bill reported by the Labor and Human Resources Committee in the last Congress. It does not include proposals that are desirable but that can be considered more carefully on a separate legislative track. It eliminates most new boards and commissions, and it adopts, in large measure, the market reform and oversight structure included in last year's bipartisan mainstream proposal.

This legislation will guarantee affordable, comprehensive health care for every citizen through a system of shared responsibility among individuals, businesses, and the Government. Employers are required to contribute to the cost of insurance for their employees and their families, and individuals are expected to contribute to the cost of their own coverage and the coverage of their dependents. Subsidies are provided for low-income workers and the unemployed.

This measure also provides assistance to businesses for the cost of covering low-wage workers, with greater assistance for smaller, low-wage businesses that have the most difficulty in affording a full contribution to the cost. In addition, small businesses with 10 workers or less and below average wages are exempt from the requirements, and special help is provided to assure affordability for the employees of these businesses. One hundred percent tax deductibility is provided for health insurance premiums paid by the self-employed. People who now rely on Medicaid for coverage of acute care services will participate in the same private health insurance system as all other Americans. Insurance reforms eliminate preexisting condition exclusion and provide guaranteed issue and renewability at affordable prices.

Elderly Americans and disabled Americans will benefit from substantial provisions on long-term home care and community care. The bill closes the greatest current gap in Medicare by providing prescription drug coverage. It also establishes a new, voluntary program of insurance against the high cost of nursing home care. Such insurance will be available at a reasonable price to anyone 35 or older.

The bill controls health care costs by improving the health care market. Reforms here will require insurers to complete by providing care more efficiently and effectively, rather than by trying to insure only those least likely to get sick. The bill relies primarily on competition to hold down spending, but it also recognizes that excessive inflation is deeply embedded in the health care system and that competition will work more quickly in some health care markets than others. A backup system of premium limits is included in case competition forces are ineffective in restraining inflation. A reform of medical malpractice is also included.

Finally, the bill recognizes that an insurance card alone is not enough to assure access or protect quality. Increased funding is provided to assure the viability of the Nation's teaching hospitals, to expand access to care through community health centers and school health clinics, and to support biomedical research.

The bill is financed without broad-based new taxes. The basic financing comes from premiums paid by individuals and businesses, as is the case today. The subsidies for low-income individuals and small businesses are financed by lower rates of increase and other savings in existing government health programs and by an increase in the cigarette tax.

To respond to criticisms that the bills in the last Congress tried to do too much, the legislation focuses only on those aspects of last year's bills that are truly central to reform. Proposals that are desirable but less essential have been eliminated from the bill, such as those dealing with administrative simplification, privacy, health care fraud and abuse, new regulation of private long-term care insurance, and new remedies for disputes between insurance companies and individuals.

Most important, this legislation eliminates much of what was criticized as excessive bureaucracy and regulation. A great deal of this criticism each disingenuous, but we have made a new effort to eliminate unnecessary burdens on individuals, businesses, and State governments. The insurance reform and oversight is based on the proposal developed by the bipartisan mainstream group. Most of the new board and commissions created in the earlier bills have been dropped, and essential functions given to existing agencies. The standard benefit package has been eliminated and replaced by a test of actuarial equivalency to the insurance program that protects most Members of Congress, with assurances of attention to high priority needs. Mandatory health alliances have been eliminated in favor of voluntary health insurance purchasing cooperatives, and the size of businesses required to participate in the community rating pool has been reduced to 100 employees or fewer.

Obviously, this legislation will be modified as it moves through Congress. But I believe it builds effectively on the progress we made in the last 2 years, without sacrificing fundamental goals.

All industrialized countries in the world except South Africa and the United States guarantee health care as a basic right for all citizens. The American people deserve the same health security, and it is time for Congress to provide it.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mr. KERRY, Mr. REID, and Mr. INOUYE):

S. 170. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. SIMON, Mr. KENNEDY, Mr. KERRY, Mr. REID, and Mr. AKAKA):

S. 171. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and ,certain family members under the Medicaid Program, and for other purposes; to the Committee on Finance.

FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT LEGISLATION

Mr. DASCHLE. Mr. President, today I am reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act and the Medicaid Substance Abuse Treatment Act, legislation that will enhance our national effort to eliminate the tragic problem of Fetal Alcohol Syndrome [FAS] and the related condition known as Fetal Alcohol Effect [FAE].

FAS–FAE constitute the leading cause of mental retardation in the United States today. Although both conditions are completely preventable simply by abstaining from the consumption of alcohol during pregnancy, many people unfortunately do not realize the dangers of drinking while pregnant. The Office for Substance Abuse Prevention estimates that as many as 66 percent of all women drink while they are pregnant, endangering their infants' health and putting them at risk of being born with FAS or FAE.

Misconceptions about the impact of alcohol intake during pregnancy are not limited to the general public, however. Even some health care providers are unaware of the danger of drinking during pregnancy, and for many years it was widely held that moderate alcohol consumption during pregnancy was beneficial.

There are approximately 5,000 children born each year in the United States with FAS. It is estimated that the incidence of FAS is as high as 1 per 100 in some Native American communities. The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS is close to $1.6 billion each year. This is an extraordinary and unnecessary expense, given the fact that FAS is 100 percent preventable.

The first step toward eliminating this devastating disease is raising the public's consciousness about FAS–FAE. Although great strides have been made in this regard, much more work remains to be done. The Comprehensive Fetal Alcohol Syndrome Prevention Act attempts to fill in the gaps in our current FAS–FAE prevention system. It contains four major components, representing the provisions of the original legislation that have not yet been enacted. These provisions include the initiaion of a coordinated education and public awareness campaign; increased support for basic and applied epidemiologic research into the causes, treatment and prevention of FAS–FAE; widespread dissemination of FAS–FAE diagnostic criteria; and the establishment of an interagency task force to coordinate the wide range of Federal efforts in combating FAS—FAE. I ask that a summary of the bill be inserted into the RECORD following the completion of my remarks.

A prevention strategy cannot succeed in the absence of increased access to comprehensive treatment programs for pregnant addicted women so that women and their children can access care. Many pregnant substance abusers are denied treatment because facilities refuse to accept them, or the women cannot accept treatment because they lack adequate child care for their children while they receive treatment. In fact, many treatment programs specifically exclude pregnant women or women with children. To make matters worse, while Medicaid covers some services associated with substance abuse, like outpatient treatment and detoxification, it fails to cover residential treatment, which is considered by most health care professionals to be the most effective method of overcoming addiction.

The Medicaid Substance Abuse Treatment Act would permit coverage of residential alcohol and drug treatment for pregnant women and certain family members under the Medicaid Program, thereby assuring a stable source of funding for States that wish to establish these programs. The bill has three primary objectives. First, it would facilitate the participation of pregnant women who are substance abusers in alcohol and drug treatment programs. Second, by increasing the availability of comprehensive and effective treatment programs for pregnant women and, thus, improving a woman's chances of bearing healthy children, it would help combat the serious and evergrowing problem of drug-impaired infants and children, many of whom are born with FAS and FAE. And, third, it would address the unique situation of pregnant addicted native American and Alaska Native women in Indian Health Service areas.

Mr. President, the cost of prevention is substantially less than the downstream costs in money and human capital of caring for children and adults who have been impaired due to prenatal exposure to alcohol and drugs. These prevention and treatment services are an investment that yields substantial long-term dividends—both on a societal level, as welfare dependence by substance abusers and their children is reduced, and on an individual level, as mothers plagued by alcohol and drug addiction are given the means to heal, for themselves and their unborn children.

FAS and FAE represent a national tragedy that reaches across economic and social boundaries. The demand for a comprehensive and determined response to this devastating problem is clear. I urge my colleagues to support these measures, and am hopeful that, with widespread support, we can enact this important legislation without delay. I ask unanimous consent that the full text of both bills and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Fetal Alcohol Syndrome Prevention Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, more than 5,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effects, which are lesser, though still serious, alcohol-related birth defects;

(4) Fetal Alcohol Syndrome and Fetal Alcohol Effects are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(5) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are 30 times greater than national averages;

(6) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(7) as a reliable comparison, delivery and care costs are four times greater for infants who were exposed to illicit substances than for infants with no indication of substance exposure, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(8) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the risks and the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(9) we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end thereof the following new part:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

"(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

"(1) an education and public awareness program to—

"(A) support, conduct, and evaluate the effectiveness of—

"(i) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(ii) prevention and education programs, including school health education and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(iii) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations concerning the programs referred to in subparagraph (A); and

"(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

"(i) evaluating the effectiveness, with particular emphasis on the cultural competency and age-appropriateness, of programs referred to in subparagraph (A);

"(ii) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(iii) educating school-age children, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, with priority given to programs that are part of a sequential, comprehensive school health education program; and

"(iv) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally competent projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective intervention methods to prevent fetal exposure to alcohol;

"(2) an applied epidemiologic research and prevention program to—

"(A) support and conduct research on the causes, mechanisms, diagnostic methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) provide technical and consultative assistance and training to States, Tribal governments, local governments, scientific and academic institutions, and nonprofit organizations engaged in the conduct of—

"(i) Fetal Alcohol Syndrome prevention and early intervention programs; and

"(ii) research relating to the causes, mechanisms, diagnosis methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

"(i) conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multicultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

"(ii) improving and coordinating the surveillance and ongoing assessment methods implemented by such entities and the Federal Government with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(iii) developing and evaluating effective age-appropriate and culturally competent prevention programs for children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(iv) facilitating coordination and collaboration among Federal, State, local government, Indian tribal, and community-based Fetal Alcohol Syndrome prevention programs;

"(3) a basic research program to support and conduct basic research on services and effective prevention treatments and interventions for pregnant alcohol-dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(4) a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effects diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals; and

"(5) the establishment, in accordance with subsection (b), of an interagency task force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) INTERAGENCY TASK FORCE.—

"(1) MEMBERSHIP.—The Task Force established pursuant to paragraph (5) of subsection (a) shall—

"(A) be chaired by the Secretary or a designee of the Secretary, and staffed by the Administration; and

"(B) include representatives from all relevant agencies and offices within the Department of Health and Human Services, the Department of Agriculture, the Department of Education, the Department of Defense, the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco and Firearms, the Federal Trade Commission, and any other relevant Federal agency.

"(2) FUNCTIONS.—The Task Force shall—

"(A) coordinate all Federal programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, including programs that—

"(i) target individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(ii) provide health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, such sums as are necessary for each of the fiscal years 1995 through 1998.".

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Substance Abuse Treatment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) a woman's ability to bear healthy children is threatened by the consequences of alcoholism and drug addiction;

(2) an estimated 375,000 infants each year are born drug-exposed, at least 5,000 infants are born each year with fetal alcohol syndrome, and another 35,000 are born each year with fetal alcohol effect, a less severe version of fetal alcohol syndrome;

(3) drug use during pregnancy can result in low birthweight, physical deformities, mental retardation, learning disabilities, and heightened nervousness and irritability in newborns;

(4) fetal alcohol syndrome is the leading identifiable cause of mental retardation in the United States and the only cause that is 100 percent preventable;

(5) drug-impaired individuals pose extraordinary societal costs in terms of medical, educational, foster care, residential, and support services over the lifetimes of such individuals;

(6) women, in general, are underrepresented in drug and alcohol treatment programs;

(7) due to fears among service providers concerning the risks pregnancies pose, pregnant women face more obstacles to substance abuse treatment than do other addicts and many substance abuse treatment programs, in fact, exclude pregnant women or women with children;

(8) alcohol and drug treatment is an important prevention strategy to prevent low birthweight, transmission of AIDS, and chronic physical, mental, and emotional disabilities associated with prenatal exposure to alcohol and other drugs;

(9) effective substance abuse treatment must address the special needs of pregnant women who are alcohol or drug dependent, including substance-abusing women who may often face such problems as domestic violence, incest and other sexual abuse, poor housing, poverty, unemployment, lack of education and job skills, lack of access to health care, emotional problems, chemical dependency in their family backgrounds, single parenthood, and the need to ensure child care for existing children while undergoing substance abuse treatment;

(10) nonhospital residential treatment is an important component of comprehensive and effective substance abuse treatment for pregnant addicted women, many of whom need long-term, intensive habilitation outside of their communities to recover from their addiction and take care of themselves and their families; and

(11) a gap exists under the medicaid program for the financing of comprehensive residential care in the existing continuum of medicaid-covered alcoholism and drug abuse treatment services for low-income pregnant addicted women.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the ability of pregnant women who are substance abusers to participate in alcohol and drug treatment;

(2) to ensure the availability of comprehensive and effective treatment programs for pregnant women, thus promoting a woman's ability to bear healthy children;

(3) to ensure that nonhospital residential treatment is available to those low-income pregnant addicted women who need long-term, intensive habilitation to recover from their addiction;

(4) to create a new optional medicaid residential treatment service for alcoholism and drug dependency treatment; and

(5) to define the core services that must be provided by treatment providers to ensure that needed services will be available and appropriate.

SEC. 3. MEDICAID COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN, CARETAKER PARENTS, AND THEIR CHILDREN.

(a) COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—

(1) OPTIONAL COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (21);

(ii) in paragraph (24), by striking the period at the end and inserting a semicolon;

(iii) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(iv) by inserting after paragraph (23) the following new paragraph:

"(24) alcoholism and drug dependency residential treatment services (to the extent allowed and as defined in section 1931); and";

and

(B) in the sentence following paragraph (25), as so redesignated—

(i) in subdivision (A), by striking "or" at the end;

(ii) in subdivision (B), by inserting ", who is not receiving alcoholism and drug dependency residential treatment services," after "65 years of age"; and

(iii) by inserting after subdivision (B) the following:

"(C) any such payments with respect to alcoholism and drug dependency residential treatment services under paragraph (24) for individuals not described in section 1931(d).".

(2) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES DEFINED.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES

"SEC. 1931. (a) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—The term 'alcoholism and drug dependency residential treatment services' means all the required services described in subsection (b) which are provided—

"(1) in a coordinated manner by a residential treatment facility that meets the requirements of subsection (c) either directly or through arrangements with—

"(A) public and nonprofit private entities;

"(B) licensed practitioners or federally qualified health centers with respect to medical services; or

"(C) the Indian Health Service or a tribal or Indian organization that has entered into a contract with the Secretary under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 502 of the Indian Health Care Improvement Act (25 U.S.C. 1652) with respect to such services provided to women eligible to receive services in Indian Health Facilities; and

"(2) pursuant to a written individualized treatment plan prepared for each individual, which plan—

"(A) states specific objectives necessary to meet the individual's needs;

"(B) describes the services to be provided to the individual to achieve those objectives;

"(C) is established in consultation with the individual;

"(D) is periodically reviewed and (as appropriate) revised by the staff of the facility in consultation with the individual;

"(E) reflects the preferences of the individual; and

"(F) is established in a manner which promotes the active involvement of the individual in the development of the plan and its objectives.

"(b) Required Services Defined.—

"(1) In general.—The required services described in this subsection are as follows:

"(A) Counseling, addiction education, and treatment provided on an individual, group, and family basis and provided pursuant to individualized treatment plans, including the opportunity for involvement in Alcoholics Anonymous and Narcotics Anonymous.

"(B) Parenting skills training.

"(C) Education concerning prevention of HIV infection.

"(D) Assessment of each individual's need for domestic violence counseling and sexual abuse counseling and provision of such counseling where needed.

"(E) Room and board in a structured environment with on-site supervision 24 hours-a-day.

"(F) Therapeutic child care or counseling for children of individuals in treatment.

"(G) Assisting parents in obtaining access to—

"(i) developmental services (to the extent available) for their preschool children;

"(ii) public education for their school-age children, including assistance in enrolling them in school; and

"(iii) public education for parents who have not completed high school.

"(H) Facilitating access to prenatal and postpartum health care for women, to pediatric health care for infants and children, and to other health and social services where appropriate and to the extent available, including services under title V, services and nutritional supplements provided under the special supplemental food program for women, infants, and children (WIC) under section 17 of the Child Nutrition Act of 1966, services provided by federally qualified health centers, outpatient pediatric services, well-baby care, and early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r)).

"(I) Ensuring supervision of children during times their mother is in therapy or engaged in other necessary health or rehabilitative activities, including facilitating access to child care services under title IV and title XX.

"(J) Planning for and counseling to assist reentry into society, including appropriate outpatient treatment and counseling after discharge (which may be provided by the same program, if available and appropriate) to assist in preventing relapses, assistance in obtaining suitable affordable housing and employment upon discharge, and referrals to appropriate educational, vocational, and other employment-related programs (to the extent available).

"(K) Continuing specialized training for staff in the special needs of residents and their children, designed to enable such staff to stay abreast of the latest and most effective treatment techniques.

"(2) Requirement for certain services.—Services under subparagraphs (A), (B), (C), and (D), of paragraph (1) shall be provided in a cultural context that is appropriate to the individuals and in a manner that ensures that the individuals can communicate effectively, either directly or through interpreters, with persons providing services.

"(3) Limitations on coverage.—

"(A) In general.—Subject to subparagraph (B), services described in paragraph (1) shall be covered in the amount, duration, and scope therapeutically required for each eligible individual in need of such services.

"(B) Restrictions on limiting coverage.—A State plan shall not limit coverage of alcoholism and drug dependency residential treatment services for any period of less than 12 months per individual, except in those instances where a finding is made that such services are no longer therapeutically necessary for an individual.

"(c) Facility Requirements.—The requirements of this subsection with respect to a facility are as follows:

"(1) The agency designated by the chief executive officer of the State to administer the State's alcohol and drug abuse prevention and treatment activities and programs has certified to the single State agency under section 1902(a)(5) that the facility—

"(A) is able to provide all the services described in subsection (b) either directly or through arrangements with—

"(i) public and nonprofit private entities;

"(ii) licensed practitioners or federally qualified health centers with respect to medical services; or

"(iii) the Indian Health Service or with a tribal or Indian organization that has entered into a contract with the Secretary under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 502 of the Indian Health Care Improvement Act (25 U.S.C. 1652) with respect to such services provided to women eligible to receive services in Indian Health Facilities; and

"(B) except for Indian Health Facilities, meets all applicable State licensure or certification requirements for a facility of that type.

"(2)(A) The facility or a distinct part of the facility provides room and board, except that—

"(i) subject to subparagraph (B), the facility shall have no more than 40 beds; and

"(ii) subject to subparagraph (C), the facility shall not be licensed as a hospital.

"(B) The single State agency may waive the bed limit under subparagraph (A)(i) for one or more facilities subject to review by the Secretary. Waivers, where granted, must be made pursuant to standards and procedures set out in the State plan and must require the facility seeking a waiver to demonstrate that—

"(i) the facility will be able to maintain a therapeutic, family-like environment;

"(ii) the facility can provide quality care in the delivery of each of the services identified in subsection (b);

"(iii) the size of the facility will be appropriate to the surrounding community; and

"(iv) the development of smaller facilities is not feasible in that geographic area.

"(C) The Secretary may waive the requirement under subparagraph (A)(ii) that a facility not be a hospital, if the Secretary finds that such facility is located in an Indian Health Service area and that such facility is the only or one of the only facilities available in such area to provide services under this section.

"(3) With respect to a facility providing the services described in subsection (b) to an individual eligible to receive services in Indian Health Facilities, such a facility demonstrates (as required by the Secretary) an ability to meet the special needs of Indian and Native Alaskan women.

"(d) Eligible Individuals.—

"(1) In general.—A State plan shall limit coverage of alcoholism and drug dependency residential treatment services under section 1905(a)(24) to the following individuals otherwise eligible for medical assistance under this title:

"(A) Women during pregnancy, and until the end of the 12th month following the termination of the pregnancy.

"(B) Children of a woman described in subparagraph (A).

"(C) At the option of a State, a caretaker parent or parents and children of such a parent.

"(2) Initial assessment of eligible individuals.—An initial assessment of eligible individuals specified in paragraph (1) seeking alcoholism and drug dependency residential treatment services shall be performed by the agency designated by the chief executive officer of the State to administer the State's alcohol and drug abuse treatment activities (or its designee). Such assessment shall determine whether such individuals are in need of alcoholism or drug dependency treatment services and, if so, the treatment setting (such as inpatient hospital, nonhospital residential, or outpatient) that is most appropriate in meeting such individual's health and therapeutic needs and the needs of such individual's dependent children, if any.

"(e) Overall Cap on Medical Assistance and Allocation of Beds.—

"(1) Total amount of services as medical assistance.—

"(A) In general.—The total amount of services provided under this section as medical assistance for which payment may be made available under section 1903 shall be limited to the total number of beds allowed to be allocated for such services in any given year as specified under subparagraph (B).

"(B) Total number of beds.—The total number of beds allowed to be allocated under this subparagraph (subject to paragraph (2)(C)) for the furnishing of services under this section and for which Federal medical assistance may be made available under section 1903 is for calendar year—

"(i) 1995, 1,080 beds;

"(ii) 1996, 2,000 beds;

"(iii) 1997, 3,500 beds;

"(iv) 1998, 5,000 beds;

"(v) 1999, 6,000 beds; and

"(vi) 2000 and for calendar years thereafter, a number of beds determined appropriate by the Secretary.

"(2) Allocation of beds.—

"(A) Initial allocation formula.—For each calendar year, a State exercising the option to provide the services described in this section shall be allocated from the total number of beds available under paragraph (1)(B)—

"(i) in calendar years 1995 and 1996, 20 beds;

"(ii) in calendar years 1997, 1998, and 1999, 40 beds; and

"(iii) in calendar year 2000 and for each calendar year thereafter, a number of beds determined based on a formula (as provided by the Secretary) distributing beds to States on the basis of the relative percentage of women of childbearing age in a State.

"(B) Reallocation of beds.—The Secretary shall provide that in allocating the number of beds made available to a State for the furnishing of services under this section that, to the extent not all States are exercising the option of providing services under this section and there are beds available that have not been allocated in a year as provided in paragraph (1)(B), that such beds shall be reallocated among States which are furnishing services under this section based on a formula (as provided by the Secretary) distributing beds to States on the basis of the relative percentage of women of childbearing age in a State.

"(C) INDIAN HEALTH SERVICE AREAS.—In addition to the beds allowed to be allocated under paragraph (1)(B) there shall be an additional 20 beds allocated in any calendar year to States for each Indian Health Service area within the State to be utilized by Indian Health Facilities within such an area and, to the extent such beds are not utilized by a State, the beds shall be reapportioned to Indian Health Service areas in other States.".

(3) MAINTENANCE OF STATE FINANCIAL EFFORT AND 100 PERCENT FEDERAL MATCHING FOR SERVICES FOR INDIAN AND NATIVE ALASKAN WOMEN IN INDIAN HEALTH SERVICES AREAS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsections:

"(x) No payment shall be made to a State under this section in a State fiscal year for alcoholism and drug dependency residential treatment services (described in section 1931) unless the State provides assurances satisfactory to the Secretary that the State is maintaining State expenditures for such services at a level that is not less than the average annual level maintained by the State for such services for the 2-year period preceding such fiscal year.

"(y) Notwithstanding the preceding provisions of this section, the Federal medical assistance percentage for purposes of payment under this section for services described in section 1931 provided to individuals residing on or receiving services in an Indian Health Service area shall be 100 percent.".

(b) PAYMENT ON A COST-RELATED BASIS.—Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by adding "and" at the end of subparagraph (F); and

(3) by adding at the end the following new subparagraph:

"(G) for payment for alcoholism and drug dependency residential treatment services which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide all the services listed in section 1931(b) in conformity with applicable Federal and State laws, regulations, and quality and safety standards and to assure that individuals eligible for such services have reasonable access to such services;".

(c) CONFORMING AMENDMENTS.—

(1) CLARIFICATION OF OPTIONAL COVERAGE FOR SPECIFIED INDIVIDUALS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended, in the matter following subparagraph (F)—

(A) by striking "; and (XI)" and inserting ", (XI)";

(B) by striking ", and (XI)" and inserting ", and (XII)"; and

(C) by inserting before the semicolon at the end the following: ", and (XIII) the making available of alcoholism and drug dependency residential treatment services to individuals described in section 1931(d) shall not, by reason of this paragraph, require the making of such services available to other individuals".

(2) CONTINUATION OF ELIGIBILITY FOR ALCOHOLISM AND DRUG DEPENDENCY TREATMENT FOR PREGNANT WOMEN FOR 12 MONTHS FOLLOWING END OF PREGNANCY.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended in subsection (e)(5) by striking "under the plan," and all through the period at the end and inserting "under the plan—

"(A) as though she were pregnant, for all pregnancy-related and postpartum medical assistance under the plan, through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends; and

"(B) for alcoholism and drug dependency residential treatment services under section 1931 through the end of the 1-year period beginning on the last day of her pregnancy.".

(3) REDESIGNATIONS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is further amended—

(A) in subsection (a)(10)(C)(iv), by striking "(21)" and inserting "(24)"; and

(B) in subsection (j), by striking "(22)" and inserting "(25)".

(d) ANNUAL EDUCATION AND TRAINING IN INDIAN HEALTH SERVICE AREAS.—The Secretary of Health and Human Services in cooperation with the Indian Health Service shall conduct on at least an annual basis training and education in each of the 12 Indian Health Service areas for tribes, Indian organizations, residential treatment providers, and State health care workers regarding the availability and nature of residential treatment services available in such areas under the provisions of this Act.

(e) EFFECTIVE DATE; TRANSITION.—(1) The amendments made by this section apply to alcoholism and drug dependency residential treatment services furnished on or after July 1, 1995, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) The Secretary of Health and Human Services shall not take any compliance, disallowance, penalty, or other regulatory action against a State under title XIX of the Social Security Act with regard to alcoholism and drug dependency residential treatment services (as defined in section 1931(a) of such Act) made available under such title on or after July 1, 1995, before the date the Secretary issues final regulations to carry out the amendments made by this section, if the services are provided under its plan in good faith compliance with such amendments.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

SUMMARY

This bill would establish a comprehensive program to FAS/FAE across the nation by filling in the gaps in our current FAS/FAE prevention system. The program would:

Coordinate and support national and targeted public awareness, prevention and education programs on FAS/FAE.

Coordinate and support applied epidemiologic research concerning FAS/FAE.

Disseminate FAS/FAE diagnostic criteria to health care and social services providers.

Foster coordination among all Federal agencies that conduct or support FAS/FAE research.

FOUR-PART PROGRAM

The bill would create a program within the Department of Health and Human Services (HHS) with four primary components:

1. Education and public awareness

Various agencies under HHS would be required to coordinate, support and conduct national, State and community-based public awareness and prevention programs on FAS/FAE. The bill would authorize grants for State, local and other FAS/FAE prevention programs.

2. Applied epidemiologic research and prevention

The bill would require various agencies under HHS to conduct and support research (basic and applied epidemiologic) on the cause, prevention and treatment of FAS/FAE. It would provide technical assistance to State, tribal and local governments, as well as scientific and academic institutions and other public entities, that are conducting research on FAS/FAE or are engaged in prevention and early intervention programs. Grants would be awarded to such entities to assist in determining the most effective strategies for prevention and intervention of fetal exposure to alcohol.

3. Diagnostic Criteria for FAS/FAE

Various agencies under HHS would be required to widely disseminate to health care and social services providers the FAS/FAE diagnostic criteria developed pursuant to the ADAMHA Reorganization Act.

4. Inter-agency task force

A large number of government agencies are concerned directly or indirectly with FAS/FAE, but there is little coordination of these programs. This bill would create an Inter-Agency Task Force to coordinate federal efforts and report on an annual basis to the Secretary of HHS and to relevant congressional committees. The panel will include representatives from the Departments of HHS, Agriculture, Education, Defense, Interior, Justice, and Veterans Affairs; from the Bureau of Alcohol, Tobacco and Firearms; from the Federal Trade Commission; and from any other relevant Federal agency.

Mr. BINGAMAN. Mr. President, I am pleased today to join the distinguished minority leader, Senator DASCHLE, in reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act. Through this legislation, we are proposing a comprehensive, coordinated, national effort to prevent one of the leading causes of birth defects in this country: Fetal Alcohol Syndrome.

The need for this legislation is well documented. Fetal Alcohol Syndrome [FAS] is the Nation's primary known cause of mental retardation; yet it is completely preventable. According to a 1993 report issued by the Centers for Disease Control and Prevention, the number of reported FAS cases has tripled over the past decade. The CDC reports that in 1992, nearly 4 infants out of every 10,000 births were born with FAS, suffering irreversible physical and mental harm. In 1979, the first year CDC collected information on the incidence of Fetal Alcohol Syndrome, it estimated the number of reported FAS cases at only 1 per 10,000 births. Adding to the extent of the problem are estimates which indicate that each year 10,000 to 12,000 infants are born with lesser, though still serious, alcohol-related birth defects known as Fetal Alcohol Effects [FAE].

In my home State of New Mexico, the number of infants born with FAS has exceeded the national average for a number of years. Each year, more than

36 babies are born in New Mexico with FAS, and more than 80 are born with FAE. Some experts believe our FAS rate has been consistently higher than the national average because our doctors, who have benefitted from a significant amount of State-based FAS research, are more familiar with its signs and symptoms.

If this is true, then nationally the number of FAS and FAE births could be higher than today's estimates. In fact, the CDC believes this to be the case. According to Dr. David Erickson, the chief of the CDC's Birth Defects and Genetic Diseases branch, the new CDC count—which we need to remember is a threefold increase over the 1979 estimate—probably is a substantial undercount. It is an undercount for a number of reasons, but chief among them is undoubtedly lack of awareness.

Although the exact number of infants and families impacted by FAS and FAE is not entirely certain, there is no question that Fetal Alcohol Syndrome is a national problem. It can impact any child, any family, and any community. But I am especially troubled about the threat FAS poses to the Navajo, Apache, and Pueblo children and families in New Mexico and to American Indians throughout the Nation.

New Mexico health officials estimate that the combined FAS rate for our State's 22 Indian Tribes is two to five times that of the national average. According to the Indian Health Service, the prevalence of FAS is significantly higher among American Indians and Alaska Natives than nationally. I have been told that in some American Indian and Alaska Native communities, as many as one in four newborns may be affected by FAS or FAE.

Mr. President, the real tragedy of Fetal Alcohol Syndrome and Fetal Alcohol Effects is that both are completely preventable. Not one more infant would be born with FAS or FAE if every pregnancy was an alcohol-free pregnancy. If we could get the message out that alcohol and pregnancy do not mix, if we could explain the compelling need for every mother to stay away from alcoholic beverages while she is pregnant, then we could eliminate this disease. The key is prevention through education.

Prevention through education is the cornerstone of the Comprehensive Fetal Alcohol Syndrome Prevention Act. As I mentioned earlier, this bill will create a comprehensive, coordinated program within the Department of Health and Human Services to help prevent FAS and FAE. Specifically, this bill:

Directs the Secretary of Health and Human Services to: coordinate and support national and targeted public awareness, prevention, and education programs on FAS-FAE; coordinate and support basic and applied epidemiologic research on FAS-FAE; assist states in establishing FAS-FAE surveillance programs; focus efforts on the needs of at-risk populations, and American Indians and Alaska Natives in particular.

Establishes an Inter-Agency Task Force on FAS-FAE: to coordinate all Federal agencies that conduct or support FAS-FAE research, programs, and surveillance or otherwise meet the general needs of populations actually or potentially impacted by FAS-FAE.

I believe one of the most important provisions of this bill is the section that would help states and local communities develop targeted campaigns to increase public awareness of the symptoms and impact for preventing FAS and FAE. The central focus of every campaign will be clear, effective, and culturally-sensitive methods and messages for FAS and FAE prevention. Initially, Federal efforts will focus on the needs of at-risk populations, and in particular, American Indians and Alaska Natives.

I urge my colleagues to study this legislation and lend it their support. As I mentioned earlier, FAS knows no boundaries. It can, and does, impact children and families in every State in this country. It is a problem so pervasive, yet so readily preventable, that it requires a broad-based, concerted, and coordinated effort for elimination.

Existing FAS-FAE prevention programs need increased funding, and we need to work to make this happen. But money alone is not the answer. We need a firm commitment from the Federal Government, the States, local governments, Indian tribes, schools, community-based organizations, and families to assume responsibility and work together, in a coordinated manner, for the benefit of our children. If we have this commitment, we can improve the quality of life for children already afflicted with FAS, and we can put an end to this terrible, and 100-percent preventable, disease.

By Mr. HEFLIN:

S.J.Res. 13. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government; to the Committee on the Judiciary.

BALANCED FEDERAL BUDGET CONSTITUTIONAL AMENDMENT

Mr. HEFLIN. Mr. President, as in morning business, I would like to introduce legislation to amend the U.S. Constitution to require the Federal Government to achieve and maintain a balanced budget. I have introduced in each Congress, at the beginning, a similar joint resolution during the time that I have served in the U.S. Senate. I might say that the first bill, or resolution—the first legislative act that I introduced when I came to the Senate was to introduce a bill for a constitutional amendment requiring a balanced Federal budget.

I believe the opportunity to adopt this legislatively and to submit it to the States for ratification is now at hand. In 1982, the Senate debated it at great length and a vote was taken and there were 69 votes. As Members of the Senate know, a constitutional amendment requiring a balanced budget requires a two-thirds vote. So there were two additional votes over the required number back in 1982. Since that time, we have had three votes in the Senate relative to the constitutional amendment requiring a balanced budget. One year there was one vote shy, which was 66 votes. And then on another occasion we got 63 votes.

In each of the occasions in which the Senate has acted pertaining to the constitutional amendment requiring a balanced budget, the House has failed to pass it by the required two-thirds vote. But this time I believe the House will pass it. Regarding the last time when we got 63 votes, I believe if the House had not acted before the Senate, the Senate would have voted the required two-thirds vote at that time. This measure has been around for a long time. It has narrowly missed its mark in the past, but I believe it will meet the mark of a two-thirds vote in the Senate and in the House this year.

It is also particularly important that we go ahead and act now. Interest rates are going up. A major portion of the budget each year deals with debt service. If interest rates were to double, then you can see that the amount of money that will be required to pay debt service will be doubled also. And so it is important that we go ahead and act soon to provide the necessary fiscal discipline.

It has been 33 years since the Government of the United States has operated on a balanced budget. Most of the States have provisions that require a balanced budget, and it provides the discipline which is needed relative to Government operations and fiscal restraint.

So it is my pleasure again today to offer a bill or resolution which is quite similar to the resolutions which I am cosponsoring with other Senators, including Senator HATCH. I want to congratulate Senator HATCH on his leadership in moving forward. He has a hearing set today relative to resolutions requiring a balanced budget which has a group of very distinguished Americans, a lot of former Attorneys General, and others, who will be testifying at that particular time.

So I think it is important that we move forward and we move forward as fast as we can. So I send to the desk at this time a resolution requiring it.

Mr. President, the time has finally come to pass this legislation and send it to the States for ratification. This amendment is not a gimmick, nor is it chicanery; it is good common sense.

Since I first came to the Senate in 1979, every Congress I have introduced legislation proposing a constitutional amendment to balance the Federal budget, and I have dedicated myself to many years of work with my colleagues to adopt a resolution which would authorize the submission to the States for ratification of a constitutional amendment to require a balanced budget.

For much of our Nation's history, a balanced Federal budget was the status quo and part of our unwritten constitution. For our first 100 years, this country carried a surplus budget, but in recent years this Nation's spending has gone out of control. Indeed, the fiscal irresponsibility demonstrated over the years has convinced me that constitutional discipline is the only way we can achieve the goal of reducing deficits.

As you know, in 1982, the Senate did pass, by more than the required two-thirds vote, a constitutional amendment calling for a balanced budget. There were 69 votes in favor of it at that time. It was sent to the House of Representatives, where, in the House Judiciary Committee it was bottled up. The chairman would not allow it to come up for a committee vote, in order that it might be reported to the floor of the House of Representatives.

In order to bring the measure up for a vote in the House of Representatives, it was necessary to file a discharge petition. This is a petition that has to be signed by more than a majority of the whole number of the House of Representatives, and then it is brought up and voted on without amendment. The Senate-passed amendment failed to obtain the necessary two-thirds vote that was required in the House of Representatives at that time.

In the 99th Congress, after extensive debate, passage of a balanced budget amendment by the Senate failed by one vote—but got 66 votes. During the 101st Congress, I supported a measure which passed the Judiciary Committee, but it was never considered by the full Senate. In the 102d Congress, the Judiciary Committee favorably reported a bill, but since an amendment failed to pass the House by the necessary two-thirds vote, this killed the possibility of favorable action by the Senate.

In the 103d Congress, the Senate again narrowly defeated an amendment, which I cosponsored, by a vote of 63–37—only four votes short of the 67 votes needed for passage. If the recent elections tell us anything, it is that the American people want a leaner, more efficient Federal Government and a government that lives within its means.

Mr. President, I hope the time has come to finally adopt this long-overdue amendment and begin to move toward our goal of a balanced Federal budget.

Section 1 of the amendment requires a three-fifths vote of each House of Congress before the Federal Government can engage in deficit spending. A 60-percent vote in the Senate is a very difficult one to obtain. This requirement should establish the norm that spending will not exceed receipts in any fiscal year. If the government is going to spend money, it should have the money on hand to pay its bills.

Section 2 of the amendment requires a three-fifths vote by both Houses of Congress to raise the national debt. In addition to the three-fifths vote, Congress must provide "by law" for an increase in public debt. As I understand it, this means presentment to the President, where the President has the right to veto or sign. If the President chose to veto the bill, it would be returned to Congress for action to possibly override the veto. It is also important to note that section one, regarding the specific excess of outlays over receipts, contains this same requirement that Congress act "by law."

Section 2 is important because it functions as an "enforcement mechanism" for the balanced budget amendment. While section 1 states outright that "total outlays * * * shall not exceed total receipts" without the three-fifths authorization by Congress, the judicial branch would lack the ability to order the legislative and executive branches to meet this obligation. Therefore, section 2 will require a three-fifths vote to increase the national debt. This provision will increase the pressure to comply with the directive of this proposed constitutional amendment.

Other than just being directory, the amendment, by way of section 2, has some teeth and that is what is so important if we are going to do away with deficit spending and operate so that we do not spend any more money than the amount coming into the government. That is what we are trying to achieve here.

Section 3 provides for the submission by the President of a balanced budget to Congress. This section reflects the belief that sound fiscal planning should be a shared governmental responsibility by the President as well as the Congress.

Section 4 of the amendment requires a majority vote of the whole number of each House of Congress any time Congress votes to increase revenues. This holds public officials responsible, and puts elected officials on record for any tax increase which may be necessary to support Federal spending.

Section 5 of the amendment permits a waiver of the provisions for any fiscal year in which a declaration of war is in effect. This section also contains a provision long-supported by myself—that of allowing a waiver in cases of less than an outright declaration of war—where the United States is engaged in military conflict which causes an imminent and serious threat to national security, and is so declared by a joint resolution, which becomes law. Under this scenario, a majority of the whole number of each House of Congress may waive the requirements of a balanced budget amendment.

I firmly believe that Congress should have the option to waive the requirement for a balanced budget in cases of less than an outright declaration of war. Looking back over the history of our Nation, we find that we have had only five declared wars: The War of 1812, the Mexican War, the Spanish-American War, the First World War, and the Second World War.

The most recent encounters of the United States in armed conflict with enemies have been, of course, undeclared wars. We fought the Gulf war without a declaration of war. In addition, we fought both the Vietnam and Korean actions without declarations of war.

This country can be faced with military emergencies which threaten our national security, without a formal declaration of war being in effect. Circumstances may arise in which Congress may need to spend significant amounts on national defense without a declaration of war. Congress and the President must be given the necessary flexibility to respond rapidly when a military emergency arises.

The United States has engaged in only five declared wars, yet the United States has engaged in hostilities abroad which required no less commitment of human lives or American resources than declared wars. In fact, our Nation has been involved in approximately 200 instances in which the United States has used military forces abroad in situations of conflict. Not all of these would move Congress to seek a waiver of the requirement of a balanced budget, but Congress should have the constitutional flexibility to provide for our Nation's security.

Section 6 of the amendment permits Congress to rely on estimates of outlays and receipts in the implementation and enforcement of the amendment by appropriate legislation.

Section 7 of the amendment provides that total receipts shall include all receipts of the United States except those derived from borrowing. In addition, total outlays shall include all outlays of the United States except those for repayment of debt principal. This section is intended to better define the relevant amounts that must be balanced.

Section 8 directs the amendment to take effect beginning with fiscal year 2002 or with the second fiscal year beginning after ratification, whichever is later. This section will thus allow Congress an adequate period of time to consider and adopt the necessary procedures to implement the amendment and to begin the job of actually balancing the Federal budget.

Mr. President, the future of our Nation's economy is not a partisan issue.

Furthermore, the problem of deficit spending cannot be blamed on one branch of government or one political party. Similarly, just as everyone must share part of the blame for our economic ills, everyone must be united in acting to attack the growing problem of deficit spending. I recognize that a balanced budget amendment will not cure our economic problems overnight, but it will act to change the course of our future and lead to responsible fiscal management by our national government.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2, supra.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2, supra.

At the request of Mr. REID, his name was added as a cosponsor of S. 2, supra.

At the request of Mr. GRASSLEY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2, supra.

S. 4

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 4, a bill to grant the power to the President to reduce budget authority.

S. 10

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. REID] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 10, a bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress.

S. 14

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 14, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

S. 50

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 92

At the request of Mr. HATFIELD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.

SENATE JOINT RESOLUTION 1

At the request of Mr. WARNER, his name was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE RESOLUTION 1

At the request of Mr. DEWINE, his name was added as a cosponsor of Senate Resolution 1, a resolution informing the President of the United States that a quorum of each House is assembled.

SENATE RESOLUTION 26—RELATIVE TO APPOINTMENTS TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 26

Resolved, That the following shall constitute the majority party's membership on the following standing committee for the 104th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. Grassley, Mr. McCain, and Mr. Smith.

SENATE RESOLUTION 27—AMENDING RULE XXV

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 27

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 28—RELATIVE TO THE COMMITTEE ON RULES

Mr. GRASSLEY (for Mr. STEVENS for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 28

Resolved, That section 16(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "4,000" and inserting "40,000".

SENATE RESOLUTION 29—AMENDING RULE XXV

Mr. GRASSLEY (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 29

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on the Judiciary, and the Committee on Governmental Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Banking, Housing, and Urban Affairs, and the Committee on Energy and Natural Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Commerce, Science, and Transportation, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 30—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN STANDING COMMITTEES

Mr. GRASSLEY (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 30

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Energy and Natural Resources: Mr. Murkowski, Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Jeffords, and Mr. Burns.

Committee on Environmental and Public Works: Mr. Chafee, Mr. Warner, Mr. Smith, Mr. Faircloth, Mr. Kempthorne, Mr. Inhofe, Mr. Thomas, Mr. McConnell and, Mr. Bond.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Brown, Mr. Coverdell, Ms. Snowe, Mr. Thompson, Mr. Thomas, Mr. Grams, and Mr. Ashcroft.

AMENDMENTS SUBMITTED

OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF ACT

JOHNSTON AMENDMENT NO. 2

(Ordered to be referred to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON submitted an amendment to the bill (S. 158) to provide for the energy security of the Nation through the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; as follows:

At the end of S. ____ add a new section as follows, numbered appropriately:

"SEC. ____ FINANCIAL RESPONSIBILITY.—Sec. 1016(c)(1) of the Oil Pollution Act of 1990 (Pub. L. 101-380) is amended by adding "up to" before "$150 million".

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

LEVIN (AND OTHERS) AMENDMENT NO. 3

Mr. LEVIN (for himself, Mr. WELLSTONE, Mr. MCCAIN, Mr. GLENN, Mr. FEINGOLD, and Mr. LAUTENBERG) proposed an amendment to the bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government; as follows:

At the end of the bill, add the following:

TITLE ____—LOBBYING AND GIFT REFORM

SEC. ____01. LOBBYING REGULATION AND DISCLOSURE.

It is the sense of the Senate that the current lobbying regulation and disclosure laws are flawed and inadequate and that as soon as possible during the first session of the 104th Congress, the Senate should adopt legislation to reform these laws.

SEC. ____02. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute or an agent of a foreign principal registered under the Foreign Agents Registration Act.

"(b) The prohibition in subparagraph (a) includes the following:

"(1) Anything provided by a lobbyist or an agent of a foreign principal which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or agent of a foreign principal.

"(2) Anything provided by a lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(4) A contribution or other payment by a lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee.

"(6) A financial contribution or expenditure made by a lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf Members, officers, or employees.

"(c) The following are not gifts subject to the prohibition in subparagraph (a):

"(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Food or refreshments of nominal value offered other than as part of a meal.

"(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

"(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(6) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(d)(1) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (a).

"(2) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

"(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or agent of a foreign principal.

"(3) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(B) Whether the gift was purchased by the individual who gave the item.

"(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this Rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the

Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.".

SEC. ___03. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute, or an agent of a foreign principal registered under the Foreign Agents Registration Act.

"(2) The prohibition in subparagraph (1) includes the following:

"(A) Anything provided by a lobbyist or an agent of a foreign principal which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or agent of a foreign principal.

"(B) Anything provided by a lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(D) A contribution or other payment by a lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee.

"(F) A financial contribution or expenditure made by a lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"(3) The following are not gifts subject to the prohibition in subparagraph (1):

"(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

"(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(C) Food or refreshments of nominal value offered other than as part of a meal.

"(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee if such benefits are customarily provided to others in similar circumstances.

"(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(4)(A) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

"(B) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

"(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or agent of a foreign principal.

"(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(ii) Whether the gift was purchased by the individual who gave the item.

"(iii) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph

(1) as soon as possible after they are received.".

SEC. ___04. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section.".

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) FOOD, REFRESHMENTS, AND ENTERTAINMENT.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this subtitle.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this subtitle.

SEC. ___05. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 201, 202, 203(c), and 203(d) of this subtitle are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. ___06. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on May 31, 1995.

FORD (AND FEINGOLD) AMENDMENT NO. 4

Mr. FORD (for himself and Mr. FEINGOLD) proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place, insert the following:

SEC. . USE OF FREQUENT FLYER MILES.

(A) LIMITATION ON THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives shall be considered the property of the Government and may not be converted to personal use.

(b) REGULATION.—The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means travel engaged in the course of official business of the House of Representative and the Senate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, January 5, 1995, to conduct a hearing to examine issues involving municipal, corporate, and individual investors in derivative products and the use of highly leveraged investment strategies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee (jointly with the Senate Budget Committee) for authority to meet on Thursday, January 5, for a hearing on S. 1, Unfunded Mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate on Thursday, January 5, 1995, at 10 a.m. to hold a hearing on the balanced budget amendment to the Constitution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AN INTERVIEW WITH QUENTIN D. YOUNG

• Mr. SIMON. Mr. President, one of the people who has been calling for justice in the field of health care in this Nation for many years is Dr. Quentin Young.

Recently, he was interviewed by the Christian Century, and that interview was published. It contains so much common sense that I hope some of my colleagues will read what he has to say.

I ask to insert his comments at the end of my remarks.

A person does not have to agree with everything that he mentions in his interview to recognize that we should be doing much better and that our friends in Canada are doing much better.

My conversations with Canadian Members of Parliament suggest that there are some improvements that we could make on the Canadian system, if we were to adopt a similar system. To suggest, as have so many in our country, that the Canadian system is a failure, is an outright falsehood. It is of interest that not a single Canadian Member of Parliament has introduced legislation to repeal the Canadian system.

The article follows:

HEALTH REFORM AND CIVIC SURVIVAL: AN INTERVIEW WITH QUENTIN D. YOUNG

(Since his days as a medical student at Cook County Hospital in Chicago, Dr. Quentin D. Young has been engaged professionally and politically in issues of public health. Currently clinical professor of preventive medicine at the University of Illinois Medical Center in Chicago, Young is also national president of Physicians for a National Health Program. He has been a leading and tireless spokesman for health care reform. We spoke with him recently about the fate of the Clinton health care proposal and the alternative of a single-payer insurance system like Canada's.)

A year ago many people had high hopes for health care reform. It was at the top of President Clinton's agenda and it seemed to have widespread public support. Now the issue is dead, and perhaps a crucial political opportunity has been lost. What went wrong?

President Clinton produced an enormously complicated proposal, which left him vulnerable to attacks from across the spectrum. Those of us who support a single-payer plan thought that if the reform had been enacted the way he proposed, it would have been a dreadful disappointment and a step backward. By going the route he did, he was forced to rely on the whole insurance infrastructure and a real nightmare of managed competition. All these huge bureaus he proposed—they invited ridicule and defeat. From his public and private comments it is clear that he understands the redundancy and the parasitic role of the insurance industry: it adds nothing to the product and subtracts mightily. (Basically insurance agencies and conglomerates are in the business of finding reasons not to give care.) So in light of that, his proposal showed a lack of courage. Another form of cowardice was that he didn't come right out and call his mandated premium—which had all the force of law—a tax. So that's the President's contribution to the failure of reform.

The decisive factor was the appalling undermining of the democratic process that took place in Congress. At least $150 million were spent on lobbying, on polls, on onslaughts from small business groups and others. In the face of this pressure, Congress became impotent. I think that viewing this activity intensified people's dislike of the political process. And I also think that there's a little bit of concern by those involved that perhaps the lobbyists engaged in overkill—that they created a sense of futility among the public. And power elites usually don't like to see a sense of futility among the public. Nor is it wholesome from the point of view of a reformer.

The conventional wisdom was—probably still is—that a single-payer plan is politically unfeasible.

Well, the route Clinton tried was politically unfeasible. His proposal couldn't have done any worse than it did. And winning isn't the whole thing. The big changes that have occurred in American politics—the abolition of slavery, the adoption of unemployment insurance and social security—did not happen in one swift action. There was a buildup of popular pressure and finally a breakthrough.

A battle over a single-payer plan would have clearly defined the issues, as is happening in the debate over the referendum on universal coverage in California. They are having a huge David-and-Goliath fight against the same forces that defeated the Clinton plan, because those forces know that if California should miraculously pass such legislation, then the game is over. In Canada in 1967 Saskatchewan passed health insurance legislation, and two years later Alberta did. In '71 the Tory Parliament in Ottawa voted unanimously for Medicare, which is what they call their national single-payer system. And, of course, the rest is history.

It's clear that you regard Canadian experience as a success story.

Canada has a humane, fair, extremely popular system. It does better than we do in longevity and infant mortality and most other health indices. Its achievement in cost containment is very simply summarized. Twenty-three years ago, before Canada initiated its reform, the U.S. and Canada were both spending 7.1 percent of their respective GDPs on health care. Now Canada's spending has risen to 9.5 percent—not a tiny rise, but nothing like our rise to about 15 or 16 percent, with no end in sight.

Whenever we talk about implementing a single-payer plan like Canada's that aims both to offer universal coverage and to cut costs, don't we have to talk also about putting limits on services? And that's what scares people. We don't like the thought of needing a heart bypass operation and being 315th on the lis

There has been an inordinate amount of Canada-bashing and exploitation of fear on this topic. The short answer is that that kind of denial of care can't possibly happen in the short run. We're spending about a trillion dollars per year now on health care, and the figure is rising. That's a per capita expenditure that's 40 percent higher than Canada's—so in terms of funding we would have 40 percent more available if we were to adopt their system. If you suddenly were to give the Canadian system a thousand dollars more per capita, then any problems of rationing would be solved.

In the U.S. under single-payer you'd immediately get a minimum of $100 billion available for health care by eliminating the waste in the insurance system. That's what Canada experienced when it initiated its reform. Canadians used to devote 11 percent of health costs to health insurance administration—which is what we spend. Now Canada spends less than 1 percent on insurance administration.

Add to that the benefits of negotiated fees with doctors. Many billions of dollars are truly squandered on excessive fees, breathtaking fees—a half hour's work is rewarded with $2,000 or $4,000. That's ridiculous.

The problems of the Canadian system, compared to ours, are trivial. More to the point, whatever problems it has involve a relative shortage in the area of high technology. That's precisely the area in which we have too much—literally too much equipment and too many specialists. This is a burden on the system. No reform will work until we rectify this problem: 75 to 80 percent of our physicians are specialists, only 20 to 25 percent are in primary care. The ratio should be 50–50, possibly 60–40 primary care. Those are the kinds of problems the marketplace gives us. Specialties offer the higher rewards.

A third source of savings with single-payer is that you could really control the laissez-faire medicine that is supposedly controlled by managed competition. I'm speaking, for example, about unnecessary surgery. About a third of hysterectomies performed in the U.S. were unneeded. There's thousands of dollars and harm to patients that could be saved. We're doing twice as many Caesareans as needed. At least 20 percent of coronary bypasses shouldn't have been done. So I don't think we have to ration yet if we eliminate these problems.

In the year 2010 it may be different. People are living longer. There is no question about the correlation of age with medical utilization. And scientists keep coming up with more and more complicated things that we can do to help people, which always adds big costs. But on the other end of the spectrum, you wouldn't have to treat some people at all because you've immunized all the kids and you will have early detection of breast cancer, and so on.

One often hears reports that wealthy Canadians come to the U.S. for treatment—the implication being that care here is quicker and better.

I'm sure Canadians went to the Mayo Clinic and to Johns Hopkins before there was mass health reform and they probably do now. Many Americans are going to Canada for care. But the crucial thing is that 99 percent of the health care the Canadians receive is under the system, which maintains high standards of research and training.

One of the very important characteristics of single-payer as it's played out in Canada, which I concede is due to its parliamentary system of government, is the fact that every week in each of the provinces and in Ottawa the minister of health has to face questions and complaints—"Mrs. Jones spent six hours in the emergency room" and so on.

Also, it is illegal in Canada, as it would need to be under single-payer legislation here, for a private insurer to offer a benefit that is covered under the plan. If you allow that, you begin to undermine the system. You have to have everybody in it—particularly the elites. They will guarantee the product. They will see that by and large there's equity, there's high quality, there's a way to correct incompetence.

This point came home to me when I was on a radio show with an Anglican archbishop from Canada. He talked about the danger of Canada's being torn apart by the Anglophile-Francophile issue, and how a survey was conducted to see what makes Canadians feel patriotic, what brings them together in the midst of division. And way up at the top in the poll, for Canadians of all stripes—including those in Quebec—was the national health system. Here's a civic adventure that has brought people together. Compare that to the U.S. system of tooth and claw, of fear and bankruptcy and denial.

One of the reasons physicians and patients in the U.S. are wary about government-run health insurance is that they suspect it will mean an unreasonable limit on physicians' autonomy.

One of the benefits of single-payer is that, with everything going through the same computer, as it were, you can easily create a physician profile, noting frequency and interval of patient visits, number of ECGs prescribed, and so on. With this profile you can easily begin to see the doctor who is off the charts—who's doing three times the average number of ECGs, for example. That's a place to look for saving resources without oppressing physicians.

U.S. doctors already face scrutiny, but of a different kind: we doctors have an insurance person at the other end of the line from whom we have to get permission to practice medicine. Sometimes the line is busy, sometimes you're put on hold, and finally when you talk to the person she needs to have you spell the diagnosis that you're getting permission to treat. Not a happy scene. Do that three or four times in an afternoon and you wonder why you went into medicine.

The insurance system has transformed doctors into technicians and given them some incredible restrictions. HMOs sometimes forbid doctors from discussing treatment options that aren't available under the plan. That violates the principle of informed consent, central to any real patient-doctor relationship.

I can give myself as an example of the need for appropriate scrutiny. I was trained at Cook County Hospital in the late 1940s and '50s when one-third of the hospital beds were dedicated to TB. We used to do X-rays on these patients every week—it was the only guide to how someone was doing. And it became an article of faith that one had to do a chest X-ray of every new patient, certainly of every over-40 urban dweller. About five years ago a younger colleague told me that there's no medical justification for doing this. Routine chest X-rays of people who have no symptoms are simply not an effective diagnostic tool anymore. I was acting out of my experience and training. But my old-fashioned approach had ceased to be good medicine.

You mentioned your own medical training. As you look back, do you recall any particular experience that galvanized your concern for reforming the way health care is delivered?

Well, certainly training at Cook County was part of it. It's a big public hospital that deals with an endless sea of patients—1,500 a day come through the doors in every state of malady: end-stage Alzheimer's, gunshot wounds, bad colds, gallbladder problems, cancer. Whatever there was, County had. And you see the most disenfranchised, the most impoverished, the wretched of the earth. I was just a middle-class, kind of liberal person, but it became clear that a doctor at County could adopt one of two philosophies—and the staff was about evenly divided along these lines. About half the doctors felt that they were witnessing divine justice, a heavenly—or Darwinian—retribution for evil ways, for excesses in drugs, in booze and everything else. Patients came to the hospital with their breath laden with alcohol, with needle marks on their arms, their babies illegitimate and all the rest. The other half decided that here was the congealed oppression of our society—people whose skin color, economic position, place of birth, family size, you name it—operated to give them a very short stick. When you saw them medically and psychologically in that broken, oppressed state, it was clear that you had to address issues of justice, not just medical treatment.

I had to decide which of these value systems was fair and just, and which one I could live with. It seemed to me the first approach is judgmental and harsh and simplistic. Taking the alternative view gave me a shot at being a part of the human race. And taking that view also accounts for my optimism. While we are not a noble species, I've seen evidence that when people are given the opportunity they can be very noble. People get bigger than themselves, take risks, are altruistic. I've been privileged to be in a few of those moments, like the civil rights movement. That little kernel of altruism, which may account for .002 percent of everyday behavior, at times expands to be 100 percent for that day, or that week. My notion, both as a doctor and as a citizen, is that you have to expand that altruistic fraction.

When we interviewed former Surgeon General C. Everett Koop about health reform, he said at one point that a central issue is the simple question, "Am I my brother's keeper?" Is it fair to say the American public, or a large section of it, has basically said no to that question?

It's not fair to say that. The polls keep saying that Americans want universal care. They even say health care is a human right, which of course it isn't. It is, at best, an implied right the way privacy is.

There's a dialectic to being one's brother's keeper. It isn't simply, "Christ asserted it and therefore it's right." It's a living thing. I don't have the credentials to be theological, but I do think that the act of taking care of everybody in our health care system will make us our brother's keeper. It will emancipate us to attack the other enormous problems that we must solve. We can't have people hungry every night. We can't have children uneducated. But we do. We have to stop that. We won't survive otherwise. And nowhere is it written that every society survives. It's written somewhere that they all perish. And we've got all the credentials to go down the road to oblivion—not tomorrow or the next day, but not necessarily very much later. Time is running out.

You are putting health care reform in the context of a much larger moral crisis.

I do see health care reform as crucial to national civic survival. Consider some of the huge problems we have: air pollution, waste disposal, failed schools, homelessness, crime in the streets, hunger. The common denominator is that there are no resources available to solve these problems beyond what's already out there. Then consider health care, which is the biggest problem, and one that affects everybody. Homelessness affects those who have to live around the homeless, and it affects some sensitive people, but otherwise the problem belongs to the people who are homeless—and so on with all the problems I mentioned. But when you get to health, it's everybody's problem—if not today, then tomorrow. And it's the only social problem that we can fix using the resources—manpower, facilities, expenditures—we already have in place.

I don't want to be apocalyptic, but I think the case can be made in terms of the national mood—the polarization, the hate, the despair, the dissatisfaction with the political process—that health care reform offers us our last best chance to restore a sense of civic life and civic responsibility.•

COSPONSORSHIP OF THE BASEBALL PRESERVATION ACT

• Mr. GRAHAM. Mr. President, I lend my support to the National Pastime Preservation Act submitted to the new Congress by Senator DANIEL PATRICK MOYNIHAN and cosponsored by Senator JOHN WARNER.

Once again, Major League Baseball has shown that it does not warrant an exemption from our antitrust laws. Our national pastime has been silenced, with little or no immediate prospect of a resumption in play.

Mr. President, today is perhaps the coldest day of the winter so far this season. On these chilly days, our Nation should be on the verge of anticipating the annual ritual that signals hope of warmer weather on the way; the crack of bats at spring training.

But spring training could be lost. The possibility—which would compound the loss of part of the 1994 regular season and the World Series—underscores the urgency of prompt consideration of the National Pastime Preservation Act.

For Florida, the loss of spring training would result in an estimated loss in tourism dollars of at least $350 million, perhaps $1 billion. In the last several years, communities in Florida have made substantial investments in new and upgraded training facilities for the very clubs that will not be able to play.

This crisis has hurt Florida and America. Clearly, it is time to subject Major League Baseball to the same laws of competition that apply to the rest of business in our country. No other professional sport has an antitrust exemption.

Major League Baseball has used it antitrust exemption to prevent franchise migration to areas more willing to support teams. A consequence of this failure to allow the market to determine franchise location is a wide disparity between franchises. This, in turn, had led to the revenue-sharing proposal to be financed by a ceiling on players' salaries. Thus, the issue which is at the heart of the current controversy—a ceiling on players' salaries—is attributable to a misuse of the antitrust exemption. Additionally, removal of the antitrust exemption would be an incentive to the players to go back to work and continue negotiations.

I urge my colleagues—in the name of restoring our national pastime—to consider and support the legislation to remove baseball's antitrust exemption.•

SPEECH BY U.S. AMBASSADOR TO ARMENIA

• Mr. SIMON. Mr. President, recently, I read in the news of the Armenian General Benevolent Union, a speech by Ambassador Harry Gilmore, the U.S. Ambassador to Armenia.

Because it has insights into the problems faced in Armenia, I am asking to insert it into the CONGRESSIONAL RECORD at the end of these brief remarks.

The United States must exert every effort to see that Armenia and her neighbors, Turkey and Azerbaijan, can live together in peace.

This is in the best interests of Armenia and is in the best interests of Turkey and Azerbaijan.

But there are emotional barriers to achieving this.

While those emotional barriers remain, the people of Armenia struggle.

This speech was given in Los Angeles, on June 14, 1994, to guests attending a fundraising banquet for the American University of Armenia, which I have had the privilege of visiting in Armenia.

The speech follows:

HARRY GILMORE—UNITED STATES AMBASSADOR TO THE REPUBLIC OF ARMENIA

Distinguished friends and guests of the American University of Armenia, I bring you a story tonight of darkness and light. The darkness you know. Armenia is going through perhaps the most difficult period it has endured since the end of first Republic of Armenia in 1920. The people of Armenia have been living without heat and light, beset by war and economic hardship. But in the middle of the darkness there are some islands of light—and one of those is the American University of Armenia.

Tonight I want to tell you some of my experiences as the first Ambassador of the United States to the Republic of Armenia. I want to tell you something about what the United States Government is doing in Armenia. And I want to tell you why I believe in the future of Armenia.

Our Embassy in Yerevan, the first foreign Embassy in Armenia, opened in February 1992, in the Hrazdan Hotel. Now we are in the building that once was home of the Young Communist League. We have about fifteen Americans working in our Embassy from the Department of State, USAID, USIA, and the Peace Corps, and about sixty Armenian employees. Plus there are 25 Peace Corps Volunteers in Armenia, with more to come in July.

As you may know, in August 1992 I was first nominated to be Ambassador by President Bush. After the 1992 elections, President Clinton re-nominated me. I was finally confirmed by the Senate in May 1993. I arrived in Yerevan with my wife Carol that same month, one year ago.

I found our diplomats in Yerevan were living, much like the residents of Yerevan, frequently without electricity, heat, or water. There was, and often still is, only about one or two hours of electricity each day. During the first winter, our diplomats often wrote their cables by the light of butane lanterns. One diplomat found that his laptop computer wouldn't start unless he heated it up first on top of his wood stove.

Now we are fortunate to have generators and kerosene heaters in our homes and at the Embassy. Most Armenians are not so lucky. Nuclear physicists are working by candlelight. A factory that used to produce microprocessors is making kerosene stoves. One daily newspaper, The Voice of Armenia is being printed on ice-cream wrapping paper. The winter before I arrived, the temperature inside school classrooms was often below freezing. Some classes consisted of little more than jumping up and down to stay warm.

I decided from the beginning that our Embassy should have three goals: first, to help Armenia survive, emphasizing humanitarian assistance; second, to try to help Armenia achieve peace, and an end to its economic isolation; and third, to help Armenia build a democratic government and new free market economy that will allow Armenians to control their own destiny, and guarantee their own future.

HELPING ARMENIA SURVIVE: HUMANITARIAN ASSISTANCE

Our first job has been to help provide humanitarian aid, so Armenia can survive the economic crises caused by the collapse of the Soviet Union and the war. The Armenian-American community, the Armenian Church and other private donor organizations have been extremely active in these efforts. Soon after the Embassy opened, the U.S. Agency for International Development located its regional office for the Caucasus in Yerevan, and our government got involved in a major way.

Much of our time has been taken up by the logistics of getting wheat and fuel moving to Armenia. I now know more about the Georgian railway system than I ever wanted to know. When U.S. government wheat was stranded in Batumi, in Georgia, because there was no electricity to run the Georgian railways, we chartered diesel locomotives, and provided fuel for them. When there was a shortage of wheat in Armenia, because the trains in Georgia weren't running, we obtained money to buy kerosene and diesel fuel to trade to the Armenian farmers for wheat.

An airlift of planes chartered by the United States government has brought in medicine, flour, and other necessities of life, purchased by the government or donated by private organizations in the U.S. Thanks largely to the lobbying efforts of the Armenian-American community, a winter airlift brought in over eighty thousand kerosene heaters, and trains of tank cars brought thousands of tons of kerosene to Armenia, so schools and homes of the elderly, one-parent families, and other people sitting at home in the cold could have heat.

The winter of 1992–93 all the schools closed in Armenia. It was too cold to study. This winter was different. In February I visited a working class school in the Charbakh district outside Yerevan. You could see through a crack in the wall caused by the 1988 earthquake. The temperature in the hallways was freezing, and the students and teachers wore winter coats, hats, scarves and mittens inside but because of the heaters and kerosene we and a French organization named Forum had furnished, classes were going on, and students were learning. With great pride, they sang Armenian songs and recited Armenian poetry for me. So I can tell you first hand that our help is getting there, and is getting to the people who need it most.

But humanitarian aid, though it takes much of our time and efforts, is only a temporary measure, not a long-term answer. The real answer lies in finding an end to the conflict in Artsakh.

ENDING THE WAR

Helping the parties to find an end to the war is the most important, and the most difficult, of our objectives. Without peace—and I mean a just peace—there cannot be any end to economic isolation, no development, no trade. The war is taking the resources of Armenia, and the lives of some of its best young men. I see the new graves in the cemeteries, the faces in the newspapers, the memorial shrines in the schools. The war is a very heavy burden for the people of Armenia, Azerbaijan, and Nagorno-Karabakh.

Some people think that the war could be ended by a few telephone calls. I wish it were so simple. Hatred and distrust have built up over the decades, and have often been used by politicians for their own purposes. It may take a long time for the hatred to die down, and the people of Armenia, Nagorno-Karabakh and Azerbaijan will have to live again as neighbors.

Our job is to encourage and facilitate an end to the fighting, and then to get the participants to sit down together, talking instead of shooting. We believe the best way to do this is through the international efforts of the so-called "Minsk Group" of the Conference on Security and Cooperation in Europe, a process which includes all the countries in the region, except Iran, and which allows the people of Nagorno-Karabakh to be heard. The Russian Government is also working to achieve a settlement. We are trying to encourage the Russians to combine their efforts with those of the CSCE.

It is difficult and frustrating process. At this point, the leaders of Azerbaijan and Nagorno-Karabakh say they want to talk. But so far the kind of compromise which would end the fighting and launch a negotiating process has been elusive. We are trying, step by step, to find common ground and build trust. It will demand compromise from both sides. The compromises may be painful. But the only alternative to compromise is an endless war. I don't believe that anyone in Armenia wants to see the children of the next generation fighting the same endless war.

HELPING ARMENIA TOWARD DEMOCRACY AND ECONOMIC GROWTH

Our third objective is to help Armenia build a durable democracy and a working free market. The government of President Ter-Petrossian is now one of only two governments in the former Soviet Union not headed by a former Communist. Armenia has a multi-party system and an active free press. Despite great criticism, an independent Armenia is stubbornly following the course of market reforms and independent foreign policy. Armenia has the potential to remain a democratic and truly independent state.

What Armenia needs is the experience of democracy and a free market, and the training to make it work. This is why the American University of Armenia is so important.

We know that no single Western form of government or economic life can simply be copied in Armenia. America and Armenia have different histories and different traditions. But many Armenian members of parliament and members of the government have asked us for help. They want to learn from our experience, take note of our successes, try to avoid our mistakes.

PEACE CORPS

Today we have 25 Peace Corps Volunteers in Armenia, 16 teaching English in villages and towns, and 9 experienced small business advisers. They've spent two winters there, sharing the hardships of the local people. I'm very proud of these young, and some not so young, men and women, who are helping share our American know-how in Armenia.

FARMERS AND AGRICULTURE

We have brought American farmers and agricultural experts to Armenia to help establish an extension service, similar to our own, for the farmers of Armenia. And we have provided new varieties of wheat seed both to replenish stocks and to improve yields. One example of what they did: in Soviet times, combine opertors were given quotas of acres to harvest, regardless of how much wheat they actually harvested. Our extension agents shared their experience of how to use their harvesters to get the maximum amount of grain, with the least waste.

EDUCATIONAL EXCHANGES

We are working to give more Armenian students and professionals the chance to study in America, so they can take their new experiences back to Armenia and help rebuild the country. We have open competitions in Yerevan for Fulbright scholarships and other exchange programs. Under the Fulbright program, leading scholars from Yerevan State University will be teaching and doing research in the United States, and Armenian scholars are working at the State University. This year we will send over 100 Armenian professionals for specialized short courses and workshops in the U.S.

Today thirty-four high school students from Armenia, chosen by an open competition from among 1500 applicants, are studying at high schools all over the United States. Each one is making Americans aware of the new realities in Armenia. Each will return with an expanded understanding of the U.S., and, I hope, with useful knowledge that can help Armenia.

ECO SPHERE

We are also providing assistance to privatize Armenia's urban housing stock and to improve a range of Armenia's energy systems. For example, U.S. legal advisors have helped draft the first land use code and condominium legislation. We have initiated successful weatherization/winterization trials in schools and hospitals and we are providing critical equipment and technology both to conserve energy in power plants and industry and to develop new sources of hydro, coal and oil energy.

In the two years since the Embassy opened, we've learned a lot. We've learned that some people, and some institutions, are resistant to change and even find it threatening. The old menatlity, of waiting for someone at the top to make a decision, is hard to change. We've learned that it's sometimes better to start entirely new institutions than to try to reform old ones, and that it's often best to target the younger people and professionals, who are the most open to change, and the most important resource for the future. Most of USAID assistance targets 23–35 year old professionals. That is one reason why, on many projects, we've chosen to work with the American University of Armenia.

THE AMERICAN UNIVERSITY OF ARMENIA

To me, the American University of Armenia exemplifies what is best about Armenian education. When you walk in the doors of the American University, you feel a sense of energy, of purpose. When you look in the computer lab, and see the students at work stations, you could be in any American University. But I think there are very few universities in the United States where the students work with such dedication and enthusiasm. There is another difference—when you talk to the students, you learn they are not there just for themselves, they are there because they want to make Armenia a better place to live for future generations.

We are working together with the University on a number of projects. The U.S. Information Agency opened its library, the first in the Caucasus, alongside the library of the University. This library is open to the whole community, not just AUA students, and serves students and teachers from Yerevan State University and schools all over Yerevan.

JUNIOR ACHIEVEMENT

USIA, the Peace Corps and the AUA worked together to launch the Junior

Achievement Program in Armenia. Today high school students in Yerevan are learning practical business and economics by running their own small businesses.

CEPRA

USAID is working with the University and the Ministry of Economy to establish Armenia's first economic research center, "CEPRA", which represents a watershed in university-government collaboration in finding answers to the country's most pressing macroeconomic problems. The establishment of this innovative government center within the University is a testament to the flexibility and foresight of AUA's leadership in applying its intellectual resources to the current economic situation.

RADIO STATION

Students learn more than just theory at AUA. One group of recent AUA graduates is trying to open the first independent radio station in Armenia. A second group has started a newspaper. A third group has started a publishing house, and translated and published the first market economics textbook in Armenian for the Junior Achievement Program.

A team organized by the Center for Business Research and Development at AUA, with support from the Embassy, has translated into Armenian two books on business management, and is at work translating a university economics textbook that will be the standard text for Armenian universities.

While we work closely with AUA, I should emphasize that we are not ignoring the State University. This year, for the first time, two Fulbright lecturers will be teaching jointly at the State University and at AUA, in the areas of American history and law. We are sponsoring a program with the University of Colorado to help reshape the economics curriculum at the State University. And several scholars from the State University will receive Fulbright fellowships to do research in the United States. In our view, AUA and the State University are partners, not rivals.

To put it simply, AUA is a model of how the Armenian Government, the American Government, and the Armenian-American community are all working together, preparing Armenia for the future, and looking together for solutions to Armenia's problems. Some people say that a pessimist is an optimist who has spent the winter in Armenia. But I have spent the winter in Armenia, and I remain an optimist. When I visit the American University, I know that there is hope for the future. The future of Armenia is the hands and minds of today's students.

CONCLUSIONS

In my first year in Armenia, I developed an even deeper respect for the Armenian people. Against terrible adversity, against heavy odds they have kept their faith, their language, their culture and their pride intact. What would happen if, in America, we had to endure the conditions they endure; virtually no light, no heat, no gas, no electricity? The Armenian people have borne this stoically for four winters.

At the beginning of my remarks, I mentioned the First Republic of Armenia. You all know how it ended after roughly two years—divided within, fighting with neighboring Azerbaijan over Nagorno-Karabakh, beset by hunger and cold, warring with Turkey, without substantial help from the West, it was invaded by the Red Army, lost its independence, and became part of the Soviet Empire.

This new Armenian Republic has now lasted longer than the first Republic. Today's Armenia is also beset by many problems; petroleum and transportation embargoes, the same geographic dilemma, and again conflict over Nagorno-Karabakh.

What is different now is that Armenia is a member of the United Nations and the CSCE, a full member in the family of democratic nations. Today, there are international mechanisms for helping resolve conflicts, and for helping newborn countries to get on their feet. Today there is a successful and vigorous Armenian diaspora especially in the U.S. which is actively involved in supporting the reborn Armenian republic. These are now available to the Armenian Republic, and Armenia is using them.

But in the end, what can guarantee the independence of Armenia? In the 1930's, the great Armenian poet Charents wrote an acrostic into one of his poems—the second letter of each line spelled out, "Oh Armenian people, your only salvation is in your united strength." For these words Charents was expelled from the Soviet Writers' Union and died in prison. But what Charents said then is still true today. Ultimately, it is the Armenian people themselves, working together, who can guarantee their independence.

Armenia cannot survive in economic or political isolation. For Armenia to be a successful member of the community of nations, it will have to develop all of its resources. It must and will find ways to end the isolation, to establish new political and economic links with its neighbors, to establish connections with the rest of the world. Armenia has much to offer the world—a unique culture, a rich history, and above all an abundance of talented people—especially young people—who want to make a mark on the future. I hope and believe they will continue to enrich world culture and to contribute to the welfare of the reborn Armenian state.•

INTERSTATE BANKING AND BRANCHING ACT OF 1994

• Mr. BENNETT. Mr. President, last year we worked hard to ensure, after careful consideration by the Senate Banking Committee, the Senate, and the conference committee, that banks providing credit to out-of-State borrowers would be unaffected by other changes made in the new interstate banking and branching law. We considered the interests of the States, financial institutions, and regulators, and consumers on this very important point.

Unfortunately, and notwithstanding the care we took with the words we used, it has come to my attention that a recent court decision has misinterpreted several provisions of the interstate banking law. I want to set the record straight so that there is no confusion or misunderstanding.

Mr. Chairman, the intermediate appellate court in Pennsylvania issued its decision on December 14, 1994, in the so-called Mazaika case. In a 6–3 decision, the court held that a national bank located in Ohio was not authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents—charges that the court acknowledged to be lawful in Ohio. Mr. Chairman, every other final decision by other courts on the merits of this very question has concluded that such charges were authorized by section 85 to be collected from all borrowers, anywhere in the Nation, as long as they were legal in the bank's home State.

In its decision, the majority noted the enactment of the Riegle-Neal Interstate Banking and Branching Act of 1994 and said that the interstate banking law "expressly provides that a national bank is bound, as to operations carried on in a particular State, by the consumer protection laws of each State in which it operates any branches." The majority was referring to the applicable law provision of the interstate law.

Mr. Chairman, it is my view that the Mazaika majority made several mistakes in its reference to the applicable law provision of the interstate banking law. These matters should be clarified.

First, the applicable law provision in the interstate law applies only and by its terms when a bank actually has branches in a second State. And even in such circumstances, the applicable law provision subjects the interstate branch of a bank to certain State laws only where those laws are not preempted by Federal law. This provision has no bearing on or relevance to the Mazaika case because, in that case, no branching by the Ohio bank into Pennsylvania is involved. Moreover, the law has long been settled by the courts that section 85 is preemptive.

Second, the Mazaika majority simply ignored the very important savings clause in the interstate law. The savings clause is part of section 111 of the interstate law. Mr. Chairman, I well recall that this provision was included in the Senate bill at the request of the Senator from Delaware for two reasons. The clause makes clear that a branch of a bank in one State may charge interest allowed by that State's laws in making loans to borrowers in another State even if the bank has branched interstate into the borrowers' State. In addition, the Senate Banking Committee and the Senate very much wanted this provision in the law in order to ensure that a bank's ability to collect all lending charges had not been affected by other provisions of the interstate law—such as the applicable law provision.

The savings clause provides that nothing in the interstate law affects section 85 of the National Bank Act and also section 27 of the Federal Deposit Insurance Act, which relates to charges by State banks. The savings clause therefore preserves the preexisting lending authority of banks to collect all lending charges in accordance with home State law, without regard to the changes in branching authority made by the interstate law.

Does the Senator agree with my understandings that the majority in

Mazaika seriously misconstrued the interstate banking legislation?

Mr. ROTH. Yes, I most certainly do, and I agree that it is very important to confirm these points.

At the Senate Banking Committee, I requested, and the Managers' Amendment included, the savings clause. The savings clause, as I have previously stated, made clear that the adoption of interstate banking legislation will not and was not intended to affect the existing authority with respect to any charges imposed by national and state banks for extensions of credit from out-of-state offices.

The Senate Banking Committee report and the conference report both contain explanatory language that is consistent with this reading of the interstate law. The reports state that, as a result of the savings clause, nothing in the interstate banking law affects existing authorities with respect to any charges under section 85 of the National Bank Act or section 27 of the Federal Deposit Insurance Act that are assessed by banks for loans made to borrowers outside the State where the bank or branch making the loan is located.

I took to the floor of this Chamber on September 13, 1994, to reemphasize these important points.

I very much agree with the Senator from Utah that the majority in Mazaika misread and seriously misconstrued the interstate banking legislation. I hope our discussion today clarifies these matters.

Mr. BENNETT. Mr. Chairman, I also wish to set the record straight about another provision in the interstate banking law. Section 114 establishes a new procedure concerning when the Federal banking agencies issue interpretive rulings or opinion letters that preempt certain State laws. I have learned that some are arguing that section 114 and its legislative history somehow overrule, or cast doubt upon, interpretations of the word "interest" by the OCC, the FDIC, and the OTS. These interpretations have been repeatedly cited by many courts.

Mr. Chairman, it is my interpretation that nothing in section 114 or the legislative history of the interstate banking law overrules, or casts doubt upon, these prior interpretive letters issued by the Federal banking agencies. The savings clause in section 111 makes this abundantly clear. Indeed, it is my understanding that section 114 addresses only procedural matters, and was not intended to alter or establish any principles of substantive law.

May I ask the Senator from Delaware whether he agrees with my interpretation?

Mr. ROTH. I do.•

WHEN GAMBLING COMES TO TOWN

• Mr. SIMON. Mr. President, during the last session of Congress, I introduced a bill to set up a commission to look at the whole question of where we're going in the United States on gambling and what our policy should be. This is a major cultural shift that is taking place that has an impact on our citizens and has an impact on government revenue.

Recently, I heard reference to an article by Stephen J. Simurda in the Columbia Journalism Review, and I got a copy of the article. I ask to insert it at the end of my remarks.

My instinct is that we should move with some caution in this field.

The article mentions that the Center for Addiction Studies at Harvard University says that between 3.5 and 5 percent of adults exposed to gambling can be expected to develop into pathological gamblers. Even more disturbing, the percentage is higher, 6 to 8.5 percent, for college and high school students.

I do not know what the answer is, but I know that Congress and our Federal Government probably should not ignore this phenomenon.

The article follows:

WHEN GAMBLING COMES TO TOWN

(By Stephen J. Simurda)

Just five years ago state-authorized casino gambling in the United States was confined to Nevada and Atlantic City, New Jersey. Today, casinos can be found in eighteen states. Many are Indian-owned—as in New York, Connecticut, Minnesota, Michigan, Arizona, and Oregon. Others are floating casinos—like those on the rivers of Illinois, Iowa, and Mississippi.

And more are on the way. Missouri and Indiana have recently approved casinos, and the biggest one in the world is being built in New Orleans. Several more states, including Ohio, Pennsylvania, Massachusetts, and South Carolina, are considering various forms of legal gambling.

"All of a sudden it's like, bang! legalized gambling is the biggest economic development force in almost every state in the country," says Robert Goodman, an urban planner at the University of Massachusetts at Amherst who recently completed a two-year study of the gambling industry.

The current gambling surge can be traced, in part, to state lotteries, which have become a fixture in the American landscape in the thirty years since New Hampshire started the first public lottery of this century. Today, thirty-six states have lotteries, and legislators would be hard pressed to make fiscal ends meet without the millions of dollars they generate.

Taken together, these developments add up to a fundamental shift in the role gambling plays in U.S. society. In 1992, Americans spent a staggering $30 billion on legal gambling, a figure The Wall Street Journal reports was more than was spent on books, movies, recorded music, and attractions (such as amusement and theme parks) combined.

The transformation of America into a gambling society was, of course, greatly accelerated by years of federal cutbacks, compelling cities and states to generate more revenue at a time when few politicians dare to prescribe an old-fashioned formula—raising taxes. So State legislators, mayors, and governors are often quite receptive to gambling promoters, a group that generally includes deep-pocketed developers, prominent local attorneys or financial consultants, and, in some cases, powerful political colleagues. Armed with glowing economic impact studies, promoters set out to convince communities that casino gambling will provide a big boost to their economy.

Journalists across the country who are asked to cover legalized casino gambling may find it a difficult and confusing assignment, for a variety of reasons. "It doesn't fit easily within the framework of a beat that most newspapers have, and there is a certain amount of technical expertise needed," says Robert Franklin, who covers philanthropy and charitable gambling for the Minneapolis/St. Paul Star Tribune. "There is no place from which to gather a lot of information in a hurry," adds Steve Wiegand, who has covered gambling for The Sacramento Bee. "And so many of the people I speak to are so self-serving it is hard to know how much of what they tell me is true."

These and other problems and potential pitfalls were mentioned by several journalists who have come up against one of the biggest local stories of the decade. What follows, then, is something of a field map for reporters and editors who find themselves suddenly compelled to explore and explain a complicated piece of terrain.

THE PROPOSAL

It promises a lot and has a strong marketing effort behind it. In Bridgeport, Connecticut, a city that recently emerged from Chapter 11 bankruptcy protection, Steve Wynn of Mirage Resorts promised 12,000 new jobs, four million visitors a year, and millions in tax revenues. And over the first half of 1993 he and other casino promoters spent more than $2 million on lobbying, the most ever in Connecticut, to gain approval of a casino bill.

Legislators declined to act on the bill after the Mashantucket Pequots—a tribe that operates a huge and hugely successful casino on tribal lands in Ledyard, Connecticut—agreed to pay the State $113 million, an amount equal to the State's budget shortfall for the fiscal year, out of slot machine profits. (Indian-owned casinos nationwide enjoy tax-free status; their success has spurred efforts to legalize corporate-owned casinos that would pay taxes.)

Inevitably, casino proposals will promise lots of jobs and tax money, among other incentives, but the promises are just that, and the reality may not match the sales pitch.

In Iowa, residents of Davenport—and the local media—were dazzled in 1989 by promises of a $76 million investment by a floating-casino developer, including the building of a fifteen-story hotel, a shopping center, and an office building. By last year it was estimated that less than $20 million had actually been spent, and nothing had been built. "The city was looking for bricks and mortar, land-based development, and that's what we didn't get," says Clark Kauffman, a reporter for the Quad-City Times in Davenport.

As a city or state reacts to a gambling plan with its own ideas about how the money might be spent, it's important to examine who will benefit. In many states, lottery revenues, for example, are supposed to contribute to education or services for the elderly. But in California and Illinois, among others, it's been shown that lottery funds have often just replaced legislative appropriations, not supplemented them, as many people thought they were intended to do.

GETTING A VARIETY OF OPINIONS

It's never hard to find promoters eager to make the case for gambling. "Reporters can expect to be showered with attention" by gambling promoters, says Daniel Heneghan, who has covered gambling for the Atlantic City Press since 1979 and has been offered free trips to other gambling properties by casino owners. (He declined the offers.)

Meanwhile, "informed critics of the industry are very hard to find," says David Johnston, a writer and editor at The Philadelphia Inquirer and author of Temples of Chance: How America Inc. Bought Out Murder Inc. To Win Control of the Casino Business. As a result, opposition presented in the media often comes from the religious community, which makes moralistic arguments against casinos—the kind of arguments many people don't take very seriously. Last August 20, The Washington Post ran a front-page story about gambling headed D.C. CONSIDERING CASINO GAMBLING: OPTION VIEWED AS ECONOMIC BOOSTER. The only opponent quoted in the piece was an assistant pastor at a Baptist church, who said, "We don't support gambling, because it's anti-Biblical and anti-Christ."

Reporters can usually get a more cogent analysis from economists, planners, psychologists, and other professionals. Pauline Yoshihashi of The Wall Street Journal, for example, in researching a piece that appeared in the Journal last October, asked a cultural anthropologist to explain the lure of gambling, and an entertainment industry analyst from a brokerage house to talk about the effect gambling may have on other entertainment businesses.

In a five-part series in The Boston Globe last September, reporters Mitchell Zuckoff and Doug Bailey turned to an architect and regional planner to discuss the government's promotion of legalized gambling, and to a professor of commerce and legal policy to address the parasitic nature of legalized gambling on the economy.

LOOKING OUT FOR FINANCIAL CONFLICTS

"Gambling interests suck up everybody," says Vicki Abt, a professor of sociology at Penn State University and author of The Business of Risk. Abt says that includes her co-author, Eugene Christiansen, who is often described as a "gambling industry analyst," as he was in The Boston Globe's generally first-rate series on gambling.

In fact, Christiansen is a consultant who makes about half of his income working for the gambling industry—a bit of background information he's rarely asked about. "Reporters are much less interested in exploring my ties to the industry than they are in getting me to give the secret as to why gambling is bad." Christiansen says. His willingness to be critical of the spread of legalized gambling, it should be noted, does not conflict with the interests of some large casino companies that stand to lose revenue if rivals move in on their turf.

Then there's I. Nelson Rose, a professor at the Whittier Law School in California, whose resume calls him the "nation's leading authority on gambling and the law." But nowhere in his nine-page vita does Rose mention that for the past three years he has been a partner in a plan to develop a string of Indian-owned casinos in southern California.

"I have no trouble talking about it." says Rose when asked about his business ventures, but he doesn't always volunteer the information to reporters. (In the Globe series, Rose was described as a professor "who studies gambling law." The Quad-City Times called him "one of the nation's top authorities on legalized gambling.")

It's worth noting that Christiansen and Rose are still good sources for gambling stories, says David Johnston, "but you need to put them in the universe."

Almost no source is safe, it seems. A reporter calling the National Council on Problem Gambling in New York City, for example, might expect to get an anti-gambling perspective, or at least a view that is cautious about the spread of legalized gambling. "That's not what my board wants me to do," says Jean Falzon, the group's executive director. Instead, the council, whose board includes several gambling industry executives, focuses on raising money, often from the industry, for research about, and the education of, compulsive gamblers.

What's a reporter to do?" You flat out ask them" if they make money off the industry, says The Wall Street Journal's Yoshihashi. (For the record, two of the experts quoted in this story, Goodman and Abt, say they take no money from the gambling industry.)

EVALUATING THE ECONOMIC BENEFITS

A casino proposal will offer enough numbers to confuse even an experienced business reporter. And they're all soft. Nevertheless, exploring the economic side of casino development can offer some of the best stories about the issue.

"Many real economic issues are not being discussed by promoters or local politicians" who are eager to get casinos open and generating money, says Yoshihashi. One of these issues involves how many of a projected casino's anticipated customers will come from outside the immediate area. If most of the gamblers are local, the dollars spent at the casino represent money not being spent on other things in the local economy, inevitably hurting some area businesses. Then, too, there's the issue of jobs, which are usually touted as skilled and high-paying. In reality, the skills are usually pretty minimal, as is the pay, which generally anticipates generous tips. There's also a history of racial discrimination and sexual harassment in the casino industry.

Another issue centers around the likelihood that a casino will help a community turn its luck around. "There can be a lot of false expectations about long-term economic development," says William Eadington, director of the Institute for the Study of Gambling and Commercial Gaming at the University of Nevada at Reno. "It's all driven by a myopic perspective that all that matters is economic, which is bound to be disappointing." (Eadington, by the way, makes money off the industry, running training sessions for casino managers and sponsoring an international gambling conference that draws from industry and academia.)

Lastly, despite regular denials from gambling promoters, there is abundant evidence that legalized gambling, especially state lotteries, is regressive, with poorer citizens gambling a disproportionate share of their income. Information on this often-scanted subject has come from the New Jersey Lottery Commission, The Heartland Institute in Chicago, and Duke University, among others.

LOOKING AT THE SOCIAL COSTS

Examining the social cost of gambling can be a fertile area for an enterprising journalist. "There's absolutely been an explosion in the number of compulsive gamblers in Minnesota" since casinos began opening on Native American reservations across the state, says Jim Kelly, assistant city editor of the Star Tribune in the Twin Cities. The paper has attempted to cover this issue, a notable example being a page-one November 12, 1992, piece that examined increases in crime related to compulsive gambling.

Howard Shaffer, director of the Zinberg Center for Addiction Studies at Harvard University, says that between 3.5 and 5 percent of those adults exposed to gambling can be expected to develop into pathological gamblers. Even more disturbing, the percentage is higher (6 to 8.5 percent) for college and high school students, according to Shaffer's most recent research. "It's like crack was to cocaine. It's becoming too easy to gamble," says Shaffer.

New forms of legalized gambling may also contribute to an increase in crime, or at least increases in the cost of ensuring public safety. Meanwhile, there's the likelihood of more white-collar crime when gamblers who lose too much in the casinos try to make up their losses by stealing from employers or institutions.

HOW WILL IT BE REGULATED?

"If you're going to have gambling as public policy, you have to have regulation," says Yoshihashi. The Wall Street Journal reporter suggests that communities consider imposing a waiting period between the time someone leaves the industry and the time the person can serve in a regulatory capacity, and vice versa.

David Johnston of The Philadelphia Inquirer adds that reporters should find out, for example, whether a tax agent will be required to be on hand when money is counted, and how much casino operators will have to disclose about their business relationships with those in the community. He also suggests looking into whether the casino will permit credit gambling, which he says creates a host of problems, and whether there will be stiff penalties for casinos that permit underage patrons to gamble.

Regulation is a particularly big issue at casinos on Indian reservations because their sovereign-nation status has put them into something of a regulatory limbo. A recent article in Gaming & Wagering Business, a trade magazine, raised allegations of misuse of funds, ties to organized crime, and sexual harassment at one reservation-based casino in Minnesota.

Chris Ison, one of five reporters at the Star Tribune who cover gambling in an unusual team approach, says he is aware of the allegations, but has yet to explore them in depth. Ison has uncovered and reported on other forms of wrongdoing, some of which involve the regulators themselves. Last year, for example, he co-wrote a piece revealing that the area director of the federal Bureau of Indian Affairs was receiving cash vouchers with which to gamble when he made regulatory visits to a casino.

THE BOTTOM LINE

In general, gambling needs to be covered like other economic development proposals—glitz and hype notwithstanding. Journalists should not forget that they may be the only ones able to cast a skeptical eye on plans to expand legalized gambling in their community.

"Remember, this is an industry that's in the business of selling illusion," says David Johnston. "And it begins long before the casino ever opens."•

THE PEACE POWERS ACT OF 1995

• Mr. NICKLES. Mr. President, I am pleased to be a cosponsor of S. 5, the Peace Powers Act of 1995, introduced by Majority Leader DOLE. This is a much-needed piece of legislation, in that it not only unties the President's hands in those instances where he needs to act to ensure American interests, it also enacts important reforms in the manner in which the United States participates in U.N. operations.

First, S. 5 repeals the unworkable—and probably unconstitutional—War Powers Resolution. This is long overdue. I, like many of my colleagues, have always believed that the Framers of the Constitution always intended that the President should be able to act with dispatch to protect American interests in his capacity of Commander in Chief of the U.S. Armed Forces. While Congress retains the power of the purse, and the continuing right to cut off funds at will, there is no clear right for Congress to preemptively subject the President to a drop dead date in the conduct of military operations. This bill does retain the consultation and reporting provisions of the War Powers Resolution, which have not been controversial and with which all administrations have complied, in the spirit of cooperation between the executive and legislative branches.

A major provision is section 5 of the bill, which amends the United Nations Participation Act to prohibit the President from placing any element of the U.S. Armed Forces under the command or operational control of any foreign national in any UN peacekeeping operation. This is a matter that commands strong support among the American public, who do not want to see our service personnel placed willy-nilly under the control of non-Americans, exposed to dangers in operations that may have little if any relation to American interests. I am pleased to point out that this provision is very similar to an amendment that I attempted—unsuccessfully, at that time—to add to the Department of Defense appropriations bill in 1993. However, as President Clinton has shown himself more and more willing to delegate his constitutional power to international bureaucrats at the United Nations, the wisdom of this prohibition has become more and more apparent. I look forward to its becoming law in the very near future.

Finally, S. 5 includes provisions to reform the way U.N. peacekeeping is paid for. With passage of this legislation, costs incurred by the Defense Department in U.N. peacekeeping operations will be credited to the United States against our assessments to the United Nations. No more would the United States be, in effect, stuck with the bill twice: the first time, when the Defense Department expends resources to support a U.N. mission, and the second time when the U.N. bills us for our share of the same mission. Also, the Peace Powers Act requires that advance notice of funding sources for peacekeeping operations be identified before the U.N. Security Council votes to establish, extend, or expand U.N. peacekeeping operations. This would prevent "deficit voting" by the Clinton administration—which has treated peacekeeping, in effect, as a sort of "international entitlement program," where we commit to an operation and only worry about paying for it afterward.

The Peace Powers Act is the start of what I hope will be a major reexamination of U.S. priorities in the national security area. In particular, the Clinton administration, in the view of many of us, has not approached its responsibilities in this area with sufficient seriousness. For example, we have seen the way in which the Clinton administration has completely mishandled the nuclear crisis involving North Korea. In fact, while the Clinton administration claims that preventing the proliferation of weapons of mass destruction is a top priority, its actions, as evidenced by the October 1994 nuclear agreement with North Korea may do more to promote nuclear proliferation.

The agreed framework commits the United States to provide North Korea with immediate economic, political and security benefits in return for Pyongyang freezing its nuclear complex.

What signal does this send to other would-be proliferators? That building a nuclear weapons complex, in violation of an international accord—namely, the 1968 Nonproliferation Treaty—is the best way to get economic aid, political concessions, and national security assurances from the United States. Here is what Iraqi foreign minister Mohammed Saeed Sahhaf had to say about the United States-North Korean deal: "What does North Korea get for its refusal?", [referring to international inspections of two sites suspected of holding nuclear weapons-related materials] "They get a $4 billion light-water reactor, get a couple billion dollars in addition, plus unlimited oil deliveries. What do we get? We get nothing." [As related to the Washington Post by Rolf Ekeus, director of the U.N. Special Commission on Iraq.]

Under the agreed framework the United States will: Immediately provide North Korea with close to $4.7 million worth of heavy oil; establish liaison offices with North Korea; begin relaxing trade restrictions; and cancel the annual United States/South Korean military exercise "Team Spirit." And North Korea's shooting down of a United States helicopter that accidentally strayed north of the snow-obscured border-line—and then holding the surviving pilot prisoner—has not diluted this administration's eagerness to deal with North Korea.

But even more astounding is that despite months of North Korean intransigence over allowing international nuclear inspections, the Clinton administration agreed to provide these valuable assets without ensuring international inspections. Only after about 5 years into the agreement's implementation, and close to the completion of the first of two light water reactors, is North Korea required to come into full compliance with the 1968 Non-Proliferation Treaty, which prohibits the diversion of nuclear materials from peaceful purposes to weapons use and obligates signatories to accept "safeguards" to monitor and verify compliance. And it is only at this point that the special inspections of the two nuclear waste sites will be allowed.

To give another example, I applaud the proposal of my colleague, Senator MCCONNELL, the incoming chairman of the Subcommittee on Foreign Operations, to take a new look at our foreign aid to Russia and other states of the former Soviet Union in light of some of the things that are happening there. Senator MCCONNELL has called for cutting aid to Russia upon evidence that Moscow is directing or supporting the violation of another nation's sovereignty. In addition, I am sure my colleagues feel as I do about the disturbing television pictures we are seeing from Chechnya, and the actions of Russian forces there. While Chechnya is legally part of Russia and not a neighboring country, I am concerned what these actions may indicate about the direction of the Russian Government and its commitment to democratic reform.

So, as I have said, Mr. President, there are many issues for us to take a look at in the 104th Congress. The Peace Powers Act is an excellent beginning. I hope it will rapidly be enacted.•

UNITED STATES-NORTH KOREAN AGREED FRAMEWORK: WHAT IT MEANS FOR US; WHAT IT MEANS FOR SEOUL

• Mr. SIMON. Mr. President, last month my colleague Senator MURKOWSKI and I made a factfinding trip to several Asian countries, including North and South Korea. In both Pyongyang and Seoul we naturally focused much of our attention on the Agreed Framework recently concluded between the United States and North Korea. According to that document, North Korea is to dismantle its nuclear weapons production capability in exchange for assistance—primarily from South Korea and Japan—in reconfiguring its energy sector.

I know that some in this chamber have serious misgivings about our deal with North Korea. I understand that; given Pyongyang's record, it would be a mistake to treat that government's "commitments" with anything less than a very healthy skepticism. But I believe that the more one looks at the Agreed Framework with North Korea the more one sees that the agreement does not depend on trusting

Pyongyang. Rather, the United States has crafted an agreement that gives us and our partners, South Korea and Japan, new levers over North Korea. If the North Koreans don't live up to their commitments, they lose out, and we're the ones who decide if those obligations are being met.

When I was in Seoul our talented and hard-working Ambassador there, James T. Laney, gave me a memo that spells out very cogently just how much we and the South Koreans stand to gain from the Agreed Framework with North Korea. The memo does have a shortcoming: like many documents produced within the U.S. Government, it is full of acronyms. Let me spell some of those out. The DPRK is the Democratic People's Republic of Korea—North Korea—and the ROK is the Republic of Korea—South Korea. The ROKG is the Republic of Korea Government. An LWR is a Light Water Reactor, the NPT is the Nuclear Nonproliferation Treaty, and the IAEA is the International Atomic Energy Agency.

Ambassador Laney also gave me a very interesting statement describing the evolving South Korean reaction to the Agreed Framework. No country looks more warily at North Korea than South Korea does. So it's worth noting that, as details about the agreement became known, the Seoul stock market went up more than 20 percent. That's not the reaction of a business community that thinks its country has been left more vulnerable.

I respectfully request that Ambassador Laney's memo, "What the U.S.-DPRK Agreed Framework Means for Korea," and his statement, "Seoul's Second Thoughts," be inserted into the RECORD.

The material follows:

WHAT THE U.S.-DPRK AGREED FRAMEWORK MEANS FOR KOREA

South Koreans are nobody's fools when it comes to trusting North Korea. They don't. They are watching like hawks for the first sign of DPRK backsliding or nonperformance regarding the Geneva Agreed Framework. We drew heavily on the ROK's experience and advice to design a Framework that avoids the mistakes of past agreements with the DPRK. The Framework was designed to compel the DPRK to take measurable steps in compliance before getting significant benefits.

Determined not to be cut out of the game, the South Koreans are trying to promote inter-Korean dialogue. Equally determined to hobble ROK influence (and perhaps unwilling to talk before the succession is completed in Pyongyang), the North Koreans are resisting. The recent ROKG initiative to unfreeze private commercial projects in the North was a clever first step which, in tandem with pressure from the U.S., may move Pyongyang back towards substantive dialogue with Seoul. Inter-Korean dialogue is essential because many of Korea's problems can only be solved by the Koreans and because the absence of dialogue generates ROK public fears about progress in U.S.-DPRK relations.

ORIGIN OF THE U.S. "CONCESSIONS"

LWR's: When North Korea floated the idea of converting from gas-graphite (GGMR) to the light water system (LWR), U.S. arms-control experts were intrigued. However, we declined its request that we supply LWR's because the DPRK could not pay for them. In mid-1994, the Kim Young-Sam administration indicated that it wished to provide an LWR to the DPRK as an investment in Korea, by Korea, and as an important inducement to the North to settle the nuclear issue on our terms. The LWR ultimately became the centerpiece of the settlement.

We refused to allow the offer of an LWR project to serve as a reward for North Korea belatedly complying with the NPT. Only on the condition that the DPRK would obtain a clean bill of health from the IAEA before getting any significant components did we use the ROK offer to induce the DPRK to go beyond the requirements of the Treaty and give up its entire graphite-based nuclear program permanently. The South's unique willingness to sponsor an LWR project denies this proposal any precedential value, and North Korea's unenviable position in the world makes it an unlikely role model for would be proliferators.

Heavy Oil: The second "trade-off" was designed to bring the DPRK even further beyond its NPT obligations—to freeze its nuclear program immediately and to dismantle it before the LWR project was even finished. We persuaded the DPRK to stop building and operating nuclear facilities (as was its right under the NPT) and instead take heavy oil (which the North cannot refine into gasoline) for generating substitute electricity. The DPRK renounced all nuclear activity, civilian or military, until the LWR project is completed in the next decade, to be verified by IAEA monitoring.

SOUTH KOREAN PERSPECTIVE

War against Non-Proliferation: The U.S. and ROK shared the goal of ending the North Korean nuclear threat and agreed on strategy for accomplishing that. South Korea's overriding concern in dealing with the DPRK nuclear threat was to avoid turning the Korean peninsula into a battlefield. The conventional military threat—unabated despite the Geneva Framework—was a more immediate danger than the nuclear threat in the eyes of many Koreans. During negotiations, we systematically but quietly upgraded our deterrent posture and today the U.S. is in the strongest position militarily that it has ever been with regard to the DPRK. Further South Korean objectives were that a settlement also promote inter-Korean relations by engaging North and South in a joint project that will bring about—indeed compel—cooperation (while rendering the North increasingly dependent on the South); give the North nothing of possible detriment to the U.S. security presence or the U.S.-ROK alliance (such as the bilateral Peace Treaty that the DPRK had sought as a first step towards withdrawal of U.S. forces) and avoid giving the DPRK a legally-binding inter-Governmental agreement (but instead describe the unilateral steps the U.S. would take in response to DPRK fulfillments of its commitments). The ROK got what it wanted.

WHAT SOUTH KOREANS DON'T LIKE ABOUT THE SETTLEMENT

Zero-Sum Approach: A large and influential minority of Koreans who fled south during the war has traditionally dictated a "zero-sum" approach to North Korea. During U.S.-DPRK talks there was discomfort at having the ROK's ally engaged in dialogue with its adversary "over ROK heads". Exaggerated (and largely uninformed) reports of U.S. "concessions" to the North during negotiations generated criticism of the U.S. and heightened unjustified fears. Nevertheless, all Koreans seemed to agree that only the U.S. could negotiate a peaceful settlement with the DPRK. The ROK was unable to sustain its own bilateral talks with the North, and flatly opposed the idea of a multilateral approach such as the Russians suggested or the older idea of a U.S.-DPRK-ROK "trialogue." While the sensitive details were withheld from the public, the ROKG was briefed every step of the way in the course of negotiations.

Special Inspections: When the Geneva Framework was signed, initial South Korean complaints centered around the length of time before Special Inspections, which had become a symbol of DPRK non-compliance. Yet most ROK analysts had judged that Pyongyang would never provide access to the disputed sites which were tangled in DPRK national pride and had become an important source of its negotiating leverage. The ROKG agreed with us that the right of IAEA access was non-negotiable, but the timing could be adjusted because freezing the DPRK's current program took precedence over uncovering more details about its past activities. In the end, the DPRK agreed to permit IAEA access to the disputed (and any other) site by the mid-point in the LWR project.

No turning back: South Korea has already shifted from analyzing the framework to implementing it. No critic of the agreement believes it is renegotiable or that we would be better off without it. In fact, the Koreans are worried that U.S. domestic debate on the Framework could inadvertently lead to results that threaten their interests. ROK analysts point out that the perceived threat the U.S. might renege on the deal only encourages the North to retain and strengthen its leverage to forestall us. And in the event of any U.S. retreat from the Framework, they fear the DPRK might stop cooperation with the IAEA, expel the inspectors, restart plutonium production, and reprocess its accumulated spent fuel—returning us to the situation that prevailed this summer.

SIX MONTHS AGO

U.S. pressure: We veered as close to armed conflict on the Korean Peninsula in 1994 as at any point since the 1953 Armistice. The U.S. attacked DPRK non-compliance to IAEA requirements in the UNSC and mobilized support for economic sanctions. We took a firm line and—to the great discomfort of many South Koreans—came close to an exodus of U.S. citizens and a massive augmentation to U.S. military forces.

DPRK defiance: The North Koreans remained intransigent. There was no sign they would capitulate; instead, Pyongyang began to speed up its nuclear program. Experts believed the DPRK could withstand economic sanctions for some time, particularly with Chinese help. The ROK feared that North Korea would lash out in response to sanctions. Predictions included provocations on the DMZ; punitive military attacks on Seoul by commandos, artillery, missiles, and possibly even chemical weapons; terrorist acts in Seoul, Tokyo and Washington; or the extreme scenario of a full-fledged suicidal attack on the ROK. Only when we found a way to return to negotiations did the DPRK begin to reverse its hardline positions.

Strains on the Alliance: Anti-U.S. feelings were evident in South Korea during this period. A misperception took root that the U.S. was baiting a wounded but dangerous animal—gambling with Korean lives and property in defense of its global non-proliferation policy or, less flatteringly, U.S. business interests.

SIX MONTHS FROM NOW

In the Region: The U.S.-ROK alliance is stronger than ever and we are working as partners to see the Framework to a successful conclusion. The DPRK nuclear threat gave birth to a three-way partnership: the U.S.-ROK-Japan trilateral alliance. North Korean efforts to find a seam to exploit have been frustrated. At the same time, China has been prevented from wielding influence without responsibility or reaping benefits without investment in the settlement.

Prospects: By mid-1995, KEDO should be operating under U.S. leadership, investing Japanese capital, and overseeing a ROK contractor who will build the LWR project in the DPRK. The ROKG is satisfied with its central role in KEDO and the LWR project. Seoul is encouraged by early DPRK cooperation with the IAEA and the U.S. technical delegation negotiating the stabilization and shipment of the spent fuel. While sensitive to the risk that the opening of U.S.-DPRK liaison offices will reawaken anxieties in the South, the ROKG has taken a constructive position, recognizing that liaison offices will be critical in settling problems during the process of implementing North Korea's agreements.

Prying loose the shutters: In the weeks since the agreement we have acquired a great deal of information about North Korea and stand to uncover more. U.S. nuclear experts have visited its nuclear installation. IAEA inspectors have gathered significant new information of direct value in evaluating DPRK nuclear capability in the event that Pyongyang decided to abrogate the agreement. DPRK diplomats and negotiators have been exposed to the U.S. and have revealed information about their system and its problems that gives us important clues. Americans are entering the DPRK for a first-hand look. In the process, we are loosening the hermetic seals that have kept out foreign ideas and influences, and bringing that country closer to freedom.

For South Korea: Since talk of UN sanctions gave way to U.S.-DPRK talks in Geneva, the Korean stock market has shot up: adding some $30-plus billions of wealth to the Korean economy and aiding U.S. investors and businessmen. The South Korean focus has measurably shifted away from a cold war fixation on beating the North—a mindset that spawned anti-democratic laws and policies that the U.S. has worked to erase. Instead, the ROKG has adopted measures to spur economic intercourse with the North, promoting trade and investment as a means to reduce tensions on the peninsula and accelerate reform in the DPRK. The South's interest now is in developing the North's resources and integrating it into this prosperous region. Not only can that strategy benefit the U.S. economy, it also gives North Korea a stake in the game that works to our advantage: something to lose from misbehavior.

MAINTAINING U.S. LEADERSHIP

Like us, the ROKG is watching the DPRK's performance and is keeping its powder dry. Seoul is not about to let North Korea evade the terms of the settlement, which the ROKG has embraced as a blueprint for solving the nuclear threat and for transforming the DPRK. The leaders of the U.S., the ROK, and Japan stood shoulder-to-shoulder in Jakarta and promised to make the Framework succeed. The UN Security Council formally welcomed and endorsed it. The IAEA has blessed it and has begun performing its part. For the U.S. to abrogate that settlement would precipitate a crisis, not only with the DPRK, but a crisis of confidence in U.S. leadership throughout Asia. It would compound the difficulty of any effort by the U.S. to employ UNSC sanctions against the North in response to the renewed DPRK nuclear activity that would surely follow. If, on the other hand, the DPRK balks at living up to its commitment, the U.S. retains the full range of options in deterring, coercing, or punishing the North Koreans.

Implementation of the terms of the Framework, as the North Koreans repeatedly pointed out, will compel the DPRK systematically to strip itself of a nuclear capability. But far from achieving its major objective—normalization and an end to the U.S. embargo—North Korea faces precisely the same set of requirements that has confronted it for years. Pyongyang must make significant progress in accounting for and returning MIA remains, toward ending weapons and ballistic missile sales to the Middle East, in reducing the conventional military threat, in improving human rights practices, and the rest of the broad agenda of U.S. concerns. The South Koreans, who share these concerns and have many more of their own, believe that the significant leverage the U.S. retains will be an important tool for influencing DPRK behavior in the non-nuclear area.

SEOUL'S SECOND THOUGHTS

With the new leadership in Congress taking a hard look at the recent Geneva Agreement Framework between the United States and North Korea, it seems worthwhile to ask how South Koreans view it, since they are the ones that will be most affected by it and the ones who will carry the largest share of the cost.

It is true that, despite the closeness of U.S.-ROK consultation in both Geneva and Seoul throughout the course of the negotiations, and although the outcome met our joint objectives and priorities, the settlement was initially greeted with criticism and even some dismay in Seoul. Just before the completion of the Geneva talks, President Kim Young Sam himself voiced some caustic comments about American foreign policy in an interview with the New York Times. The real issue behind the criticism, however, was the pain that Koreans felt because they were not at the table in negotiations that were of such paramount importance to their nation. Still, it is interesting to see how much Seoul's early criticisms (most of which, like President Kim's interview, came before the agreement was final—let alone public) parallel the more recent comments by the new Republican leadership in Congress. "We gave away too much." "We are waiting too long to find out about the past." "How can we trust the North Koreans to keep their word?"

Here in Seoul, however, after a few weeks of close inspection and vigorous public debate, public opinion has shifted unmistakably in favor of implementing the agreement, and there is no serious thought of turning the clock back. In fact, President Kim recently announced a policy of encouraging economic ventures in the North. While North Korea pretends to spurn this initiative, its officials already have begun to welcome South Korean business trips to Pyongyang. The opportunity of doing business in the North has been a lure to the South for several years. Furthermore, since the U.S. and North Korea agreed to return to negotiations six months ago, the investment climate in Seoul has improved remarkably, and the Seoul stock market has shot up more than 20% for an appreciation of some 28 billion dollars in the equity market. These economic indictors speak worlds about the way business views the reduction in tensions.

Partly as a gesture of reconciliation but also shrewdly assessing the future, President Kim, in a major policy speech last August, offered to build Light Water Reactors for the North. Even those who have complained that Seoul is having to carry too large a share of the financial burden acknowledge that the Light Water Reactor can be viewed as a long-term investment in Korea's future. And while everyone would prefer to have the secrets of the past unlocked now, the fact is that the agreement requires the North to open up all of its nuclear facilities before the core nuclear components will be installed in the first Light Water Reactor. Meanwhile, the production of weapons-grade plutonium has been stopped, dead.

Only a few months ago, the United States was headed resolutely towards U.N. sanctions, which the North had declared would be "an act of war." During the previous six months, the United States had enhanced its military capability significantly by the introduction of Patriot Missiles, Apache Helicopters and Counter-Fire Radars to check the enormous strength of the North Korean artillery along the DMZ. Our resolve to defend the Republic of Korea and our preparations for any eventuality did not go unnoticed by the North. We discouraged North Korean adventurism while encouraging them to negotiate.

While many South Koreans preferred the status quo, sustained through mutual deterrence for 40 years, the fact is it had been irrevocably shattered by the aggressive nuclear program of the North, leading to a situation totally unacceptable to the United States, the Republic of Korea, and the international community. Washington and Seoul agreed that we had to act, either by inducing the North Koreans to relinquish their nuclear program through negotiations, or by forcing them to give it up. Mindful of the risks, we were prepared to pursue the latter course if negotiations did not work. Since the North had already isolated itself from the world, the effect of sanctions would have been limited. And with more than a million men under arms near the DMZ, the provocation of a weak and possibly unsteady regime could well have brought nightmarish results. No South Korean wanted to take that chance.

Those here who have claimed that we have rewarded North Korea's bad behavior have been reminded that the agreement calls not only for North Korea to meet all of the NPT conditions, but to go far beyond them: no further construction of new reactors and no reprocessing; and in the end, the demolition of all the facilities associated with the present program. We tend to overlook how much the North is actually giving up—years of enormous investment in their ultimate and prized symbol of independence. United States technicians have even visited the nuclear site at Youngbyon, an event unthinkable a few months ago.

Of course the jury is still out on whether this agreement will finally work. After all, North Korea has been an enemy for more than forty years, and as long as its nuclear and conventional threat remains, we will continue to be prepared and wary. The settlement is driven by performance, not by trust. But the International Atomic Energy Agency has confirmed that Pyongyang has taken the first steps in the agreement, and South Korea and the Northeast Asia region are breathing a little easier now with the reduction of tensions and the prospect of opening up the North.●

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the calling of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Before I start the business of closing, I ask unanimous consent that Senator D'AMATO be added as a cosponsor of S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING PORTION OF FUNDS AVAILABLE TO COMMITTEE

Mr. GRASSLEY. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 28) to increase the portion of funds available to the Committee on Rules and Administration for hiring consultants.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 28) was agreed to, as follows:

Resolved, That section 16(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "4,000" and inserting "40,000".

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE READ FOR FIRST TIME—S. 169

Mr. GRASSLEY. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 169) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

Mr. GRASSLEY. I now ask for the second reading of the bill.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read on the next legislative day.

AMENDING RULE XXV

MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN COMMITTEES

Mr. GRASSLEY. Mr. President, I send the following two resolutions to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 29) amending rule XXV, and a resolution (S. Res. 30) making majority party appointments to certain standing committees for the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions?

There being no objection, the Senate proceeded to consider the resolutions.

The PRESIDING OFFICER. The question is on agreeing to the resolutions, en bloc.

The resolutions (S. Res. 29 and S. Res. 30) were agreed to, as follows:

S. RES. 29

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on the Judiciary, and the Committee on Governmental Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Banking, Housing, and Urban Affairs, and the Committee on energy and Natural Resources, may, during the One Hundred fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Commerce, Science, and Transportation, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

S. RES. 30

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Energy and Natural Resources: Mr. Murkowski, Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Jeffords, and Mr. Burns.

Committee on Environment and Public Works: Mr. Chafee, Mr. Warner, Mr. Smith, Mr. Faircloth, Mr. Kempthorne, Mr. Inhofe, Mr. Thomas, Mr. McConnell, and Mr. Bond.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Brown, Mr. Coverdell, Ms. Snowe, Mr. Thompson, Mr. Thomas, Mr. Grams, and Mr. Ashcroft.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the resolutions were agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Friday, January 6, 1995; that following the prayer, the Journal of proceedings be deemed approved to date.

I further ask unanimous consent that following the time for the two leaders, at 9:30, the Senate resume consideration of S. 2 and the pending amendment No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, on behalf of the floor leader, I say that Senators should be on notice that rollcall votes are expected on Friday.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. GRASSLEY. Mr. President, I now move that the Senate stand in recess under the previous order.

The motion was agreed to, and the Senate, at 7:49 p.m., recessed until 9:15 a.m. tomorrow.

NOMINATIONS

Executive nominations received by the Senate January 5, 1995:

NATIONAL COUNCIL ON DISABILITY

YERKER ANDERSSON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996, VICE ANNE C. SEGGERMAN, TERM EXPIRED.

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995. (REAPPOINTMENT.)

AUDREY L. MCCRIMON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE ROBERT S. MUELLER, TERM EXPIRED.

LILLIAM RANGEL POLLO, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996, VICE HELEN WILSHIRE WALSH, TERM EXPIRED.

DEBRA ROBINSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE ANTHONY HURLBUTT FLACK, TERM EXPIRED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM OF 6 YEARS, VICE JACK EDWARDS, TERM EXPIRED.

NATIONAL MUSEUM SERVICES BOARD

ROBERT G. BREUNIG, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998. (REAPPOINTMENT.)

KINSHASHA HOLMAN CONWILL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE WILLARD L. BOYD, TERM EXPIRED.

CHARLES HUMMEL, OF DELAWARE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1999, VICE MARILYN LOGSDON MENNELLO, TERM EXPIRED.

AYSE MANYAS KENMORE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 6, 1995, VICE DAPHNE WOOD MURRAY, RESIGNED.

NANCY MARSIGLIA, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE GEORGE S. ROSBOROUGH, JR., TERM EXPIRED.

ARTHUR ROSENBLATT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE RICHARD J. SCHWARTZ, TERM EXPIRED.

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE JAMES H. DUFF, TERM EXPIRED.

TOWNSEND WOLFE, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1995, VICE ROSEMARY G. MCMILLAN, TERM EXPIRED.

PHILLIP FROST, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE ARTHUR C. BEALE, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

E. GORDON GEE, OF OHIO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999, VICE GARY EUGENE WOOD, TERM EXPIRED.

JOSEPH E. STEVENS, JR., OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997, VICE TRUMAN MCGILL HOBBS, TERM EXPIRED.

STEVEN L. ZINTER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997, VICE RICHARD J. FITZGERALD, RESIGNED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2000, VICE BARRY M. GOLDWATER, JR., TERM EXPIRED.

LT. GEN. WILLIAM W. QUINN, U.S. ARMY, RETIRED, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 1999. (REAPPOINTMENT.)

HOWARD W. CANNON, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 1998. (REAPPOINTMENT.)

LYNDA HARE SCRIBANTE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 1999, VICE DEAN BURCH.

NIRANJAN SHAMALBHAI SHAH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 1998, VICE TIMOTHY W. TONG, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

SANFORD D. GREENBERG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE WARREN J. BAKER, TERM EXPIRED.

EVE L. MENGER, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ARDEN L. BEMENT, JR., TERM EXPIRED.

CLAUDIA MITCHELL-KERNAN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE DANIEL C. DRUCKER, TERM EXPIRED.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE CHARLES H. HOSLER, JR., TERM EXPIRED.

ROBERT M. SOLOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE PETER H. RAVEN, TERM EXPIRED.

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ROLAND W. SCHMITT, TERM EXPIRED.

JOHN A. WHITE, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE BENJAMIN S. SHEN, TERM EXPIRED.

NATIONAL MEDIATION BOARD

KENNETH BYRON HIPP, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1997, VICE PATRICK J. CLEARY, RESIGNED.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 1998. (REAPPOINTMENT.)

VIRGIL M. SPEAKMAN, OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD, FOR A TERM EXPIRING AUGUST 28, 1999. (REAPPOINTMENT.)

NATIONAL INSTITUTE FOR LITERACY

MARCIENE S. MATTLEMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 12, 1995, VICE JIM EDGAR, RESIGNED.

LYNNE C. WAIHEE, OF HAWAII, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF 3 YEARS. (NEW POSITION.)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOAN CHALLINOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1999, VICE ELINOR H. SWAIM, TERM EXPIRED.

STATE JUSTICE INSTITUTE

TERRENCE B. ADAMSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997. (REAPPOINTMENT.)

JANIE L. SHORES, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE VIVI L. DILWEG, TERM EXPIRED.

DEPARTMENT OF JUSTICE

CALTON WINDLEY BLAND, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR A TERM OF 4 YEARS, VICE WILLIAM I. BERRYHILL, JR.

JUAN ABRAN DEHERRERA, OF WYOMING, TO BE U.S. MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF 4 YEARS, VICE DELAINE ROBERTS.

JOE BRADLEY PIGOTT, OF MISSISSIPPI, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE GEORGE L. PHILLIPS.

MARTIN JAMES BURKE, OF NEW YORK, TO BE U.S. MARSHALL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS, VICE ROMOLO J. IMUNDI.

J. DON FOSTER, OF ALABAMA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS, VICE J.B. SESSIONS III, RESIGNED.

GEORGE K. MCKINNEY, OF MARYLAND, TO BE U.S. MARSHALL FOR THE DISTRICT OF MARYLAND FOR THE TERM OF 4 YEARS, VICE SCOTT ALAN SEWELL.

NATIONAL DRUG CONTROL POLICY

ROSE OCHI, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY, VICE KAY COLES JAMES, RESIGNED.

COUNCIL OF ECONOMIC ADVISERS

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE ALAN S. BLINDER, RESIGNED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

STEVE M. HAYS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1997, VICE DIANNE INGELS, TERM EXPIRED.

FEDERAL DEPOSIT INSURANCE CORPORATION

NORWOOD J. JACKSON, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION. (NEW POSITION.)

SECURITIES INVESTOR PROTECTION CORPORATION

CHARLES L. MARINACCIO, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996, VICE GEORGE H. PFAU, JR., TERM EXPIRED.

DEBORAH DUDLEY BRANSON, OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996, VICE JESSE D. WINZENREID, TERM EXPIRED.

ALBERT JAMES DWOSKIN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1995, VICE FRANK G. ZARB, TERM EXPIRED.

FEDERAL HOUSING FINANCE BOARD

BRUCE A. MORRISON, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2000, VICE WILLIAM C. PERKINS, RESIGNED.

J. TIMOTHY O'NEILL, OF VIRGINIA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR THE REMAINDER OF THE TERM EXPIRING FEBRUARY 27, 1997, VICE MARILYN R. SEYMANN, RESIGNED.

NATIONAL CONSUMER COOPERATIVE BANK

TONY SCALLON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS, VICE JOHN K. STEWART, TERM EXPIRED.

SHEILA ANNE SMITH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS, VICE FRANK B. SOLLARS, TERM EXPIRED.

NATIONAL SECURITY EDUCATION BOARD

HERSCHELLE CHALLENOR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE STEVEN MULLER.

STANLEY K. SHEINBAUM, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE JOHN P. ROCHE, RESIGNED.

DEPARTMENT OF DEFENSE

SHEILA CHESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE GILBERT F. CASELLAS.

ELEANOR HILL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE SUSAN J. CRAWFORD.

PANAMA CANAL COMMISSION

VINCENT REED RYAN, JR., OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMMISSION, VICE WALTER J. SHEA.

OFFICE OF MANAGEMENT AND BUDGET

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE EDWARD JOSEPH MAZUR, RESIGNED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

ROBERT F. DRINAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS . (NEW POSITION.)

SUSAN HAYASE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

CHERRY T. KINOSHITA, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

ELSA H. KUDO, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

YEIICHI KUWAYAMA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

DALE MINAMI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

DON T. NAKANISHI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

SPECIAL PANEL ON APPEALS

DENIS J. HAUPTLY, OF MINNESOTA, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF 6 YEARS, VICE BARBARA JEAN MAHONE, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

DENNIS M. DUFFY, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE VICTOR P. RAYMOND.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JAY C. EHLE, OF OHIO, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE CONRAD FREDIN.

WILLIAM L. WILSON, OF MINNESOTA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE VIRGIN E. BROWN, RESIGNED.

COMMUNICATIONS SATELLITE CORPORATION

CHARLES T. MANATT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1997, VICE RUDY BOSCHWITZ.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCTS SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 1996, VICE JACQUELINE JONES-SMITH, RESIGNED.

FEDERAL TRADE COMMISSION

ROBERT PITOFSKY, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1994, VICE DEBORAH KAYE OWEN, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT TALCOTT FRANCIS II, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1999, VICE JOHN K. LAUBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

U.S. TAX COURT

MAURICE B. FOLEY, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE CHARLES E. CLAPP II, RETIRED.

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE PERRY SHIELDS, RETIRED.

SOCIAL SECURITY ADMINISTRATION

SHIRLEY SEARS CHATER, OF TEXAS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION.)

NUCLEAR REGULATORY COMMISSION

SHIRLEY ANN JACKSON, OF NEW JERSEY, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 1999, VICE FORREST J. REMICK, TERM EXPIRED.

ROBERT M. SUSSMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 1998, VICE JAMES R. CURTISS, TERM EXPIRED.

DAN M. BERKOVITZ, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANQUE, TERM EXPIRED.

COUNCIL ON ENVIRONMENTAL QUALITY

KATHLEEN A. MCGINTY, OF PENNSYLVANIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE MICHAEL R. DELAND, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING LAST RECESS OF THE SENATE.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY.19, 2000, VICE JAMES D. SANTINI, TERM EXPIRED.

FEDERAL AGRICULTURE MORTGAGE CORPORATION

EUGENE BRANSTOOL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE JOHN R. DAHL.

DEPARTMENT OF THE INTERIOR

WILMA A. LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE INTERIOR, VICE JAMES R. RICHARDS, RESIGNED.

HOUSE OF REPRESENTATIVES—*Thursday, January 5, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. SENSENBRENNER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 5, 1995.

I hereby designate the Honorable F. JAMES SENSENBRENNER, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your spirit is with us wherever we are and is sufficient for all our needs. If we are on the mountaintop full of joy and anticipation, You are there in our jubilation, and if we walk through the valley of the shadow of death, You support us with Your strong and abiding grace. May our spirits be open to Your spirit, and our wills to Your will, that we will walk the path of life with confidence and with peace.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Pledge of Allegiance this morning will be led by the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPORT ON CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, we have 99 days left in our pledge to the American people with our Contract With America. Yesterday the House fulfilled its promise when we decided to apply all the laws that apply to other Americans to the House itself.

We cut the number of committees and subcommittees, we cut committee staff by one-third, we decided to limit the terms of committee chairmen, we banned proxy voting in committee, we opened committee meetings to the public in all cases except those that involve national security, and we decided to change the rules to require a three-fifths majority to raise taxes. We are going to eliminate baseline budgeting and have real numbers for the first time, and we announced we are going to have a complete, comprehensive audit of the House and its books over the past year.

There are 10 items that we are continued to commit to bring to the floor over these next 99 days. Republicans in the House are committed to doing that. We are committing to the American people to continue to live up to the contract that we made with you.

THE NEED FOR REAL LOBBYING REFORM

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, a famous Hartford resident once said that everybody talks about the weather, but nobody does anything about it.

Well, to paraphrase Mark Twain, some people talk about reform, but they do not always do it.

Yesterday, we considered fundamental reform—a ban on gift giving. Yet, despite the majority's purported commitment to sweeping reform, some of the most zealous congressional reformers opposed this relatively minor change.

That is not right, and the American people deserve better.

Last November, Washington was sent a very strong message that business as usual must stop. That means we should have passed the gift ban.

I urge our friends on the other side of the aisle to follow through on their commitment to reform, and to pass legislation such as the gift ban to crack down on special interests and special influence. There can be no true congressional reform without it.

PROMISES MADE AND KEPT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, yesterday was a great success. It was an exciting day for this House and for the American people.

Our opening day was about promises made and about promises kept, and we began to keep those promises yesterday. We fulfilled the first part of our Contract With America with a bipartisan coalition, and we thank you on that side of the aisle, because it means we are going to work together. We look forward to continuing to work in a bipartisan fashion with our Democratic colleagues on the other side of the aisle to pass the rest of this contract for America, which is going to bring back the Reagan revolution once again.

SUPPORT URGED FOR LOBBYIST GIFT BAN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. DELAURO. Mr. Speaker, Democrats were proud to join Republicans yesterday in passing many necessary procedural reforms. Those reforms continue the work begun by Democrats to make the House more accountable to the people. But, Republicans failed to act on the most important reform, the one central to our ability to restore faith in Government—the ban on gifts from lobbyists.

The American people are fed up with a Congress bought and paid for by the special interests. Perks and privileges betray the public trust. Until Democrats and Republicans unite to end the corrupting influence of the moneyed interests on this body, we have failed to deliver the change that the American people have demanded.

So I ask my Republican counterparts to join Democrats in telling the influence peddlers that this House is not for sale—not for the price of a free meal; not for the price of a junket to a tropical island; not for sale at any price. Let us pass the gift ban and begin restoring the People's House to the people.

A HISTORIC DAY FOR CONGRESS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FOLEY. Mr. Speaker, what a proud day for a freshman from Lake

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Worth, FL, to step on to the floor of the House of Representatives and be sworn in, but, more importantly, pass the promises that I made on the campaign trail; to see Members of Congress, Republicans and Democrats alike, elected by the people of the United States of America, bring respect and honor to this House of Representatives. We started a historic day, a historic opportunity, to bring trust back to this institution.

There is much to be done in the 104th Congress. We know we will work with our friends on the Democratic aisle on welfare reform, immigration reform, balancing the budget, stopping violent criminals, protecting our children, and restoring hope for American families to achieve the American dream.

Mr. Speaker, with good, continued cooperation and good will, we can continue to keep the promises we made to America. The 104th Congress will truly be successful.

GIVE AND TAKE NEEDED IN HOUSE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, yesterday belonged to the Republican majority, and there were moments of grace and class, and we did pass some needed reforms. But there was an absence of bipartisanship and an absence of openness in the process.

The Republicans were two for two. Out of two bills we considered, there were two closed rules, two gag rules, where the minority was unable to offer alternatives.

The American people voted for less Government and more ethics and accountability. They did not vote for arrogant government, for one-party coronations. They voted for bipartisanship and an end to gridlock. We wanted to raise the gift ban, the royalties issues, and the frequent flier issue, but were shut off.

Mr. Speaker, the best contract with America is give and take, compromise, openness, and bipartisanship. Regrettably, yesterday was not a good start.

TRUST AND FAITH IN CONGRESS BEING RESTORED

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, I wish to express my thanks to the American people for the opportunity of allowing me to participate in what clearly was yesterday's congressional revolution.

During 40 years of Democratic control of Congress, this House never saw so much reform in one single day, honoring our promise to the American people. We began our journey by reforming the way Washington works by passing nine congressional reform measures, knowing full well that cleaning up our own house must be a first priority, before we carry America's agenda.

I am particularly pleased of our reform measures that have brought greater accountability to this House. Included in these reforms I am especially pleased with the ordering of a full and thorough audit, which will hopefully restore the public's faith in Congress.

In addition, we have finally ended the arrogance of Congress, by forcing Congress to live by the same laws it imposes on everyone else.

Mr. Speaker, with continued diligence, we can restore America's trust and faith in Congress. I look forward to our continued success, and pledge my unending support to fulfill our promise to the American people.

□ 1010

THEY CAN'T HAVE IT BOTH WAYS

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, yesterday this House passed bipartisan legislation to reform Congress. Together Democrats and Republicans took the first important step toward restoring faith in this institution, and I applaud the new leadership for that.

But I had one disappointment. There is one thing Americans do not want, and that is a double standard. That is why we applied the laws of this land to the rules of this Congress.

Yet for 2 years our Republican friends criticized the fact that we had closed rules, that we did not allow amendments to be brought forward on this floor. My friends on the Republican side should do one of two things. They should either admit they were wrong over the last 2 years as they attacked Democrats for trying to limit amendments on this floor, or they should admit they were wrong yesterday and today in trying to limit that open process. It is their choice, and I am willing to accept that choice, but they cannot have it both ways.

Mr. Speaker, I hope we can proceed with open rules and the open process, and I look forward to working with colleagues on both sides of the aisle to restore faith in this institution.

INTRODUCTION OF THE SENIOR CITIZENS' EQUITY ACT

(Mr. BUNNING of Kentucky asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, yesterday, I, along with my colleagues, Mr. HASTERT, Mrs. KELLY, and Mrs. THURMAN, and over 125 other Members of Congress, introduced the Senior Citizens' Equity Act aimed at alleviating the financial burdens the Clinton administration has piled on older Americans.

This legislation has four main components. First it will allow our seniors to earn more without losing their Social Security benefits. Many older Americans must continue working to pay for life's necessities. Their Social Security benefits simply do not go far enough.

Next it would repeal the Clinton tax increase on Social Security benefits. This was one of the most outrageous proposals in his tax bill 2 years ago.

Our bill also includes tax incentives for long-term health care and clearly defines the "adult-only" housing under the fair housing amendments so retirement communities can continue and grow without fear of discrimination suits.

I am committed to seeing this legislation enacted. I especially look forward to working with Chairman ARCHER on this bill. He has long supported changes to the Social Security earnings test which will stop punishing older Americans who are contributing to society.

I urge the other 314 Members of Congress to join us in supporting the Senior Citizens Equity Act.

GIVING THE GOVERNMENT BACK TO THE AMERICAN PEOPLE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, yesterday was a triumph for the American people and the House of Representatives. We accomplished something that has been rarely accomplished in the past. We kept our promises that we made to the American people. Working with a bipartisan coalition we passed on the floor rules to cut committees and staff, ban proxy voting, term limits for chairmen of committees, and limitations on tax increases.

We started a revolution to give the government back to the American people, a smaller, more effective government that is accountable to them, the American taxpayer. I look forward to continuing our bipartisan work to pass the rest of the Contract With America. It is what we promised the American people we would do. It is a promise we are going to keep.

FREQUENT FLYER MILES REFORM

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Good morning, Mr. Speaker.

Mr. Speaker, we had a good start to our legislative session yesterday when we passed the Congressional Accountability Act, but we missed an important opportunity because we did not pass the important ban on personal use of frequent flyer miles. Now why did we not pass this important ban?

Well, several weeks ago the new incoming Speaker, NEWT GINGRICH, said this is a Mickey Mouse issue. Well, the new Speaker is correct drawing on Walt Disney for some of his analogies, but he is choosing the wrong character. The character he should be choosing is Goofy because it is just downright goofy for anyone to suggest that elected Members of Congress can use frequent flyer miles that are paid for by taxpayers to take vacations around this country or even overseas. The American people want reform, but they do not want the Members of this House to use frequent flyer miles for their own vacations.

Mr. Speaker, if new Members are interested in reform in this House, this is a reform that should take place, and it should take place immediately. I yield back the balance of my time.

CLEANING UP OUR ACT

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, yesterday truly was a historic day in America's history. After 40 years of Democratic control, we finally began the process of making this institution truly the people's House. Joining this congressional revolution, which began with nine major reforms, I stand here honored, humbled, and grateful for the opportunity to serve the people of Nebraska and the American people.

The American people spoke last November, and we are listening. They said, "Cut government spending, cut taxes, quit being overly intrusive in our lives, and clean up your act."

Well, before we cut spending, cut taxes and get government off of America's back, we began the process of cleaning up our own act. Specifically we passed two measures making Congress both more accountable and more open. We limited the terms of committee chairs. We opened up congressional hearings to C-SPAN cameras, the media and the public.

It was a historic first day, but there is much to be done. Mr. Speaker, I look forward to the continued success of this House and making it the people's House once again.

IT WAS A GOOD START

(Mr. CRAPO asked and was given permission to address the House for 1 minute.)

Mr. CRAPO. Mr. Speaker, yesterday we truly did get off to a good start. We began fulfilling many of the promises to reform this Congress and to do what the American people have asked us to do, and we did it in a bipartisan fashion.

Yes, there are a few detractors who are trying to point to what could have been done in addition yesterday, but there are very few that we will hear who will criticize the reforms that were put into place yesterday, and it was a good start.

And what those few detractors do not point out is that the gift ban has been committed to as an issue that will come forward and will be addressed in this Congress. Yet the way the vote was structured yesterday, had we voted to support the motions that were made, they would have stalled the critical reforms that we did put into place. They would have stalled the term limits that were put into place on our committee chairmen, and our Speaker and other leadership. They would have stalled the effort to require rollcall votes on spending and taxing measures every time. They would have stalled the effort to reduce the ability of this Congress to continue to raise taxes on the American people. They would have stalled the effort to eliminate the budget gimmicks.

We had a good start yesterday. Let us continue in the bipartisan fashion we made.

DISMANTLING THE IDIOCRACY OF UNFUNDED MANDATES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, 1 year ago today I announced my candidacy to represent the Sixth District of Arizona.

During these past 365 days, I have listened and learned a lot traveling the width and breadth of the district that in square mileage is the size of the State of Tennessee.

One recurring and overwhelming sentiment shared by my constituents is an absolute repudiation of unfunded Federal mandates.

In fact, one mayor in my district has coined an interesting term for the entire process of oppressive overregulation—he now calls the Federal bureaucracy the idiocracy.

It is estimated that this idiocracy will cost State and local governments nearly $16 billion in 1995 alone. That comes at the expense of my children's future, the prosperity of the hardworking men and women of my district, and commonsense governance.

During these next 99 days, we have a historic opportunity to restore—the Jeffersonian ideal of a limited and frugal federal Government as we enact our Contract With America. Let us work together to dismantle the idiocracy.

ABORTION CLINIC KILLINGS

(Ms. FURSE asked and was given permission to address the House for 1 minute.)

Ms. FURSE. Mr. Speaker, I rise today with great sadness, but with great outrage. Two more people have lost their lives because they work at abortion clinics. They were simply doing their job, and it was legal; yet lawlessness again prevailed, and another tragedy has occurred.

I want to make it clear abortion is legal in this country, but murder is illegal and immoral. This violence is a coordinated effort. It is led by anti-abortion extremists throughout the country, and unfortunately experts in my home State of Oregon say that it, Oregon, is a communication hub for fanning the flames of violence.

In the last Congress I fought to pass the freedom of access to clinic entrances bill, which is now the law, and I call upon the law enforcement communities of this country to make sure that those who are exercising their legal right to work in abortion clinics and to have access to abortion, those rights must be protected. We must in this House set aside our partisan differences and protect our citizens.

OFFERING PARTNERSHIP IN REFORM

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, we surely all learned during our campaigns that the American people, whether they are Republican, Democrat, or Independent, have the willingness to become involved in the energetic give and take of public debate. We saw that same energy on this floor for 13 hours yesterday come forth from both sides of the aisle. But when we looked at the final tally on that scoreboard up there, we had the support of our Democrat colleagues for our contract with the people of this country.

Let me say, you can pick apart what we could not do yesterday. We can pick apart what you did not do when you had ample time over a period of years. However, that is not the direction that the people of this country want. There is time left to do other good things for the citizens of our country.

We extend to this side of the aisle not a right hand, but both hands, for you to involve yourself with us for a partnership down the road to make other necessary changes for a better way of life for the people of this great country.

IT IS PAST TIME FOR AN AUDIT OF THE HOUSE

(Mr. BROWNBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWNBACK. Mr. Speaker, what a great day it was for America yesterday, and for this farmboy from Parker, KS. We put in place a number of reform initiatives that needed to take place. I was delighted to carry the bill to do a complete audit of the House of Representatives. It passed, 430 to 1. I say that is unanimous bipartisan support. I am going to look for the one guy that did not agree to vote for this particular bill.

One other thing that I was amazed and very saddened and mad about was the fact that this institution has never been audited before. Can Members imagine any business, any not-for-profit entity, any agency that has never been audited?

In the history of this institution it has not been done, not in the past 40 years, not in the past 50 years, not in the past 5 years.

What is going to happen? We are going to make this place accountable to the American people, and we are going to tell the American people how the assets have been used and where the dollars have been spent. So keep watching as we reveal and we open the doors to the people's House.

REFORM PROCESS SHOULD INCLUDE BAN OF LOBBYIST GIFTS

(Mr. BENTSEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, last night this House proclaimed its intentions to pursue a course of reform. Member after Member asserted they were acting on the will of the people and taking the lead to change the way we do business.

Fair enough, but let us not stop, let us not recess, but move on and tackle the issues which the people of the 25th District desire to be addressed—a lobbyist gift ban and campaign finance reform. My constituents want to change business as usual—end free trips, curb the influence of special interests, reform campaign finance, and stop the money chase. You cannot have one without the other.

I just defeated a man who spent $3 million of his own money. As long as we engage in a bidding war for campaign dollars, we shall never be free from the influence of outside interests. To quote Willie Nelson, "We came to play, not just for the ride." Let us stay and do the job to reform campaign finance and ban lobbyist gifts.

HISTORIC CONGRESSIONAL REFORMS: THE FIRST STEP IN RESTORING AMERICA'S TRUST AND FAITH IN CONGRESS

(Mr. LONGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONGLEY. Yesterday was a great day for this country. We instituted nine historic reforms in our congressional revolution, and we have begun a journey of restoring trust and confidence in the American Government.

I am especially pleased with our passage requiring super majorities to raise taxes. For too long it has been too easy to raise taxes and spend the people's money, and in fact the budget process has been rigged in favor of tax increases rather than spending cuts.

Yesterday on the floor of this House I sat with my 6-year-old daughter and my 10-year-old son. We are not only taxing our families to death today, but we are spending our children's money today, that they will be forced to repay tomorrow. That must be stopped. I look forward to continuing our work to earn the trust of all Americans.

CALLING FOR FULL DISCLOSURE ON GOPAC FOR TRUE CONGRESSIONAL OPENNESS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, yesterday the new 104th Congress launched a new beginning, a new spirit of openness. In the name of that spirit of openness I am calling on Speaker GINGRICH to make a full disclosure of not only all of the contributors to his multi million-dollar GOPAC, but also a full disclosure of the contributors to the Progress and Freedom Foundation.

This foundation enjoys preferential Federal tax treatment. The foundation raised $1.6 million in 1993 and 1994 from 95 donors. Over $400,000 from this foundation went to pay for the Speaker's college courses.

This morning the Roll Call newspaper, published in Washington, DC, has a front page story about contributions made to the Progress and Freedom Foundation by a biomedical company which then asked for help from the Speaker's office in terms of approval for a new home AIDS test with the FDA.

I think it is time for the Speaker to really fully disclose what is behind the Progress and Freedom Foundation and GOPAC. In this new spirit of openness the Speaker should open the books on both of these organizations. That I think would launch a real new beginning, real new openness, and full disclosure.

THE MOST PRODUCTIVE FIRST DAY IN CONGRESSIONAL HISTORY

(Mr. BURR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR. Mr. Speaker, in our Contract With America, my Republican colleagues and I promised that on the first day of the 104th Congress we would make dramatic changes in the way Congress does business.

Yesterday, during my first day as a new Representative from North Carolina's Fifth Congressional District, we kept our word. We voted to make Congress live under the laws it imposed on the rest of the country, to cut congressional committee staffs by one-third, and to limit the term of committee chairmen, and yes, the Speaker of the House.

Our first day in office was the most productive first day in congressional history, and I was encouraged that many of the reforms were supported by Republicans and Democrats alike.

During the next 99 days and throughout the next 2 years we now face the challenge of passing the reforms demanded by my constituents and by all the American people. The American people want and deserve the reforms. Today I urge my colleagues to join me in fulfilling the wish of the American people.

WHO WAS HELPED AND WHO WAS HURT AFTER FIRST DAY'S ACTIONS?

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, we worked from yesterday until early this morning. We now have nothing to do on the floor for the next couple of weeks. At the end of each day, I believe it is important to be honest and to ask the question: Who was helped and who was hurt by what we did?

Do not get me wrong, Mr. Speaker, we passed important reforms, many of which Democrats had pushed last Congress.

But, who did we help, and who did we hurt? The jobless remain unemployed. Those without health care still don't have it. Our young have no new direction. The chill of winter is certain to claim the lives of some homeless people. And, no hope was given to small farmers.

We have been asked to meet the challenge of change, but what did we change on day one and day two of this Congress? I ask my colleagues in the majority, what did we do to reinforce families? What did we do to restore the American dream? What did we do last night to take back our streets? Who did we help?

I would suggest that when it is summed up, all we did was make a move for news; those suffering citizens got nothing.

A GOOD BEGINNING TO CONGRESSIONAL REFORM

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, yesterday was a beginning. We ended Congress' special exemption from the laws that they have passed for others. We reduced committees and subcommittees and committee staff. We determined that budgets should be done with zero baselines, with honest numbers. We opened up the House books.

Most of these bills passed with bipartisan support. It was the beginning of keeping promises that were made. I look forward to working with my Democratic colleagues to balance the budget and to reform the welfare state. This way we can keep our promises and our Contract With America.

A CALL TO ADDRESS THE REAL NEEDS

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, I think it was Emerson who said, "If we make our deal with life for a penny and we get no more, then there's no one to blame except ourselves." There was a lot of motion yesterday, but very little action on the issues that affect the heartland of our Nation.

I would like to compliment the majority on a day in which they accomplished what they set out to do and ask them to raise their vision slightly now to focus on the real problems of our land. Let us spend 13 hours on how to create jobs in this country, how to provide training and opportunity so Americans can come to work and earn a decent wage.

We all started a new job yesterday. There are some Americans, millions of them, who do not have a job to go to. Before we pat ourselves on the back too much, let us look now at the real needs of this Nation, and as those who have been given the tremendous responsibility to help shape the future of this land, let us now dedicate our work and our actions to those issues.

WHAT A DIFFERENCE A DAY MAKES

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute.)

Mr. CHRYSLER. What a difference a day makes, Mr. Speaker. Yesterday was a great and historic day for the American people and the House. Yesterday was all about promises made and promises kept.

We were sent a strong message in November. The people want less government, lower taxes, they want to let people keep more of what they earn and save and they want to let people make their own decisions about how they spend their money, not government. They want a government that works for them and not against them.

We fulfilled the first part of our Contract With America with an overwhelming bipartisan coalition and we will continue to work in a bipartisan fashion to pass the rest of the Contract With America in the next 99 days.

I was proud to be part of the beginning of this historic revolution and to keep my promises to create a new agenda for Congress and a new direction for America.

A POSITIVE FIRST STEP

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, all too often politicians make promises, but don't keep them. That is in large part the cause of cynicism among the American people about their government institutions.

Last night and early this morning, the American people witnessed monumental change in the House of Representatives as we kept our promises. With votes from both sides of the aisle we began to deliver on the Contract With America.

It was a first step to restore the bonds of trust between the American people and all of us, their elected representatives. By changing the very way this institution operates—cutting committees, cutting staff, banning ghost voting, auditing the House books, and using honest budgeting we have set a positive tone for fulfilling the rest of our promises during the next 99 days.

DELIVERING ON PROMISED REFORM

(Mr. SHADEGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHADEGG. Mr. Speaker, yesterday was truly a historic day. For me it was a personal privilege to represent the people of the Fourth Congressional District of Arizona and to be here with my 9-year-old son and my 13-year-old daughter. Yesterday was historic for many reasons. We set the tone for a very different U.S. Congress. We proved that the American people asked to trust us and that we could be trusted, that we promised reforms and that we delivered on those reforms.

The people in my district thought it an outrage that the laws we impose on the rest of America do not apply to the Congress. Yesterday we applied those laws to the U.S. Congress. The people of America thought it an outrage that our committee and our committee staffs had grown bloated and oversized and we cut those committees and we cut those committee staffs. We began the premise and the process of fulfilling the promises we had made to the American people. In the next 99 days, we will carry forward real reforms, reforms which will truly change the lives of Americans.

I invite the people of the Nation to look in and to join us in this great and historic process.

THE POWER OF GOOD IDEAS

(Mr. TALENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALENT. Mr. Speaker, yesterday the House made an excellent start in holding this body accountable to the people, cutting its costs. What particularly impressed me about what happened yesterday was the strong bipartisan majorities that supported most, if not all, of the measures that were brought before the House.

The following measures and many others as well passed by unanimous or near unanimous votes: Substantial cuts in committee staff, an independent auditor to examine the books of the House, banning of proxy voting, congressional compliance, that this body would finally be brought under the same laws that it has passed for everyone else.

Yesterday, Mr. Speaker, what we heard was the sound of gridlock breaking. It was broken not by partisanship or by arm-twisting but by the power of good ideas. I look forward to the power of good ideas dominating in this House for the next 100 days, substantial support from both sides of the aisle toward an agenda that brings this body back to the people of the United States.

OPENING CONGRESS TO THE PEOPLE

(Mr. BUNN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNN of Oregon. Mr. Speaker, I was delighted yesterday to see the promises that we have made be delivered on.

Yet we have got a number more to do. One of the keys that happened yesterday was opening the process and shining light on what Congress does. I have to admit, I was amazed last month when I showed up as a new Member and I had my temporary identification, I asked a police officer, "Where am I allowed to go in this building?"

He said, "Just about everywhere you want but a committee room."

I said, "What do you mean? Aren't the committees open to the public?"

He said, "They're not only not open to the public, but at least some committees are not even open to other Members."

We have made a change to that. We are going to let people see what goes on here and I believe we are going to deliver on all the promises that we have made to America.

CONTRACT WITH AMERICA: THE PEOPLE'S CONTRACT

(Mr. HEINEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEINEMAN. Mr. Speaker, My name is FRED HEINEMAN, from the Fourth Congressional District in North Carolina. You will never detect a southern dialect in my speech because I was born and bred in the Bronx. The people of North Carolina did not concern themselves with where I lived or whether I was a Republican or Democrat when they recruited me from the NYPD to be their chief of police. Nor did any citizen ever ask me if I was a Republican or Democrat when I responded to a 911 call. Likewise, I did not ask them if they were a Republican or Democrat when I responded to their call for assistance.

As a freshman Member of Congress I am privileged to serve with my colleagues who come here from professional life, to wit: three doctors, a dentist, a veterinarian, several lawyers, and others in various professions. I am sure that they were not asked what their political commitments were when questioned about serving their clients.

Having conducted a cursory study of the background of my colleagues across the aisle, I find I am privileged to be in the company of professionals who I am sure are committed to working for the good of the people. So I see 435 legislators coming from various backgrounds to deal with the business of the people of this country as well as to impact profoundly on the rest of the world. Must we change and be other than ourselves when we come to Congress? Can we resist our commitments when we were first elected to this body and work for the people without regard to politics. I look at the Contract With America as the people's contract and for them to join us in the fufillment of the people's agenda for change.

I look forward to bipartisanship.

A SUCCESSFUL BEGINNING

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Yesterday was a truly exciting day not only for people all across America but especially for the people of the First Congressional District of Florida. I think, like people across the country, we have become too cynical about our Government. We live in a cynical age in American politics, an age where we are viewed as an arrogant capital. But yesterday that arrogance was stripped away as we kept the promise that we made throughout this campaign. It was a campaign not about ideology, not about being a right-wing fanatical or a left-wing liberal, it was about commonsense approaches to our problems that are facing us. We addressed the issues, we had a commonsense approach to make Congress abide by the same laws that we make businesses abide by, and by enacting commonsense reform that is going to allow this Congress once and for all to move into the 21st century, creating a second American revolution that will not only build on the Contract With America but the original contract established in the Constitution of the United States.

INTRODUCTION OF THE SENIOR CITIZENS EQUITY ACT

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, yesterday, I along with Representative BUNNING, Representative KELLY, Representative THURMAN, and over 100 others introduced the Senior Citizens Equity Act, 1 of the 10 pieces of legislation proposed as part of the Contract With America.

The Senior Citizens Equity Act recognizes that it is time we change our laws so that our Nation's seniors are treated fairly.

First, this legislation sharply curtails the impact of the Social Security earnings limitation on our seniors who continue to remain productive in the workplace. For far too long we have penalized working seniors who earn little more than minimum wage, by taxing them at rates higher than those of millionaires. It is time that we ease this burden for those seniors who need to work to supplement their pension and Social Security income.

This bill would also repeal the $25 billion tax increase on seniors that was approved by the last Congress. That new tax imposed exorbitantly high income tax rates on senior citizens simply because they drew Social Security benefits and earned as little as $34,000 a year. It also set a dangerous precedent. For the first time in the history of the Social Security Program, Social Security funds were directly tapped to pay for Government programs.

Some argue that we cannot repeal this tax because it will increase the deficit. But Americans know that the Federal budget deficit is not the result of them paying too little in taxes—but rather, it is the result of the Government wasting too much.

Finally, this bill includes provisions that enables Americans and their employers to make their own preparations for future long-term care—and to do so without the Federal Government taxing the money set aside for that purpose. The costs of long-term care are high and it is time that Congress begin to help Americans prepare for the future.

Mr. Speaker, I commend this legislation to the attention of my colleagues and urge its quick discussion and adoption. The senior citizens of this country deserve no less.

□ 1040

INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO OUTLAW RETROACTIVE TAXES

(Mr. ROYCE asked and was given permission to address the House for 1 minute).

Mr. ROYCE. Mr. Speaker, today I am introducing a Constitutional amendment to outlaw retroactive taxation. It is the same wording that I introduced last session under House Joint Resolution 248. Last session it was cosponsored by 146 Members.

I introduced it in response to President Clinton's retroactive tax increase which reached back even before he was sworn into office. Even the new Russian Constitution protects those citizens from the Government retroactively raising taxes on their people. I think it is time, Mr. Speaker, that the American public, the American taxpayers have the same protections.

Even someone accused of a crime is given the right that there will not be laws passed which come into play retroactively. Taxpayers should have that same right.

MAKING FAMILY PLANNING CLINICS SECURE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, a little later this morning we will be having a press conference in which I will call upon Attorney General Janet Reno to please give to the Judiciary Committee as rapidly as possible the findings from the task force she has set up as to what we can do to make women's lives much more secure as they attend family planning clinics. People forget that women get all of their health care almost from family planning clinics during their reproductive years, and the domestic terrorism that has been going on is absolutely unacceptable.

The people saying that if women want this they have to go out and hire private armies to secure it is ridiculous. This Constitution guarantees equal protection of the law. It never says you get your constitutional rights only if you can hire an army to enforce it for you. That is what the Federal Government is there for.

So I certainly hope that we can get those recommendations back from our law enforcement community and we can move on it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPUBLICAN REFORMS

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I wanted to make a couple of observations this morning. Much has been said on the other side of the aisle about the fact that the Democrat Party was unable to offer amendments to the rules changes that were offered yesterday. That was true, but the truth is in the 200-year history of this Congress, when the opening day activities begin, the majority party submits a rules package to the Congress for their approval and there has never been any opportunity to amend that opening day document.

We this year, because we had campaigned for years and years in the minority to open up this House to openness and fairness, and accountability, had proposed a number of major changes to the rules of the House. What we did is we took the old rules of the 103d Congress which had been proposed year in and year out by the Democratic Party, and we brought those rules to the floor with certain changes. And there were eight significant changes that we wanted to make. They were reforms that the American people have been asking for this Congress to enact for many, many years, because we had failed to enact those reforms, this Congress had dropped in esteem in the eyes of the American people to something like 20 percent. And that is embarrassing to a Member like me that holds this body in the greatest esteem.

So we offered these changes, and we also offered, every Member, not just Democrats but Republicans and Democrats alike, the opportunity to vote on each one of those changes that we were going to make from the rules that we had been operating under the Democrat leadership all of those years. They were changes like reducing the committees and subcommittee reorganization, and staffs. We eliminated three full committees. We eliminated more than 20 subcommittees and that resulted in reducing this congressional bureaucracy by more than 600 jobs.

Why is that significant? We never like to put people out of work. But the truth is over the last several decades this Congress had just grown and grown and grown. The number of committees and subcommittees and staff had proliferated to a point that this is where gridlock really existed. A lot of press and the media used to say that gridlock was caused between Democrats and Republicans, because we Republicans controlled the White House and the Democrats controlled both bodies of this Congress.

That was not entirely true, and it became evident when the Democrats won control of the White House and President Clinton was elected. And then that was supposed to end all gridlock, but lo and behold, gridlock continued. So it was not Republicans and Democrats.

So then the media blamed it on conservatives and liberals. What it boiled down to it was not Republicans and Democrats, it was not liberals and conservatives, it was the bureaucracy of this Congress.

One good example of this is when President Clinton offered up last year his health care reform package, and lo and behold, that package was sent to three different committees in this Congress, referred jointly to three different committees and dozens and dozens of subcommittees.

What did that mean. That meant that bill was dead on arrival because of all of the little fiefdoms that had to begin to look at that piece of legislation.

We in this rules package yesterday made one great significant change to that and the Speaker of this House now is going to take any piece of legislation that comes before this body, if it is offered by the gentleman from Missouri [Mr. VOLKMER] or the gentlewoman from Connecticut [Ms. DELAURO], it is going to be assigned to one primary committee. That can be the Committee on Commerce, it could be the Committee on Rules, which I am the chairman of, but it will go to one primary committee. If there is another jurisdiction involved such as maybe a tax significance of some kind, then the Committee on Commerce will send that little portion over to Ways and Means with instructions to act on it and get it back. But it means that this bureaucracy, this gridlock is going to be broken because we have shrunk the size of this Congress. And incidentally, we are not through doing it yet; we are going to continue.

□ 1050

But we also have set the example for what we intend to do to this Federal Government. There was an election back on November 8, and I am going to tell you that election really surprised this Member of Congress. I have been here suffering in the minority for 16 years, and I never in this world thought that I, JERRY SOLOMON, would ever become chairman of the Committee on Rules in this House. Because the Rules Committees are controlled by the majority party, and because the Democrats have had such a wide majority of Members, I just thought that was impossible.

But the truth of the matter is the American people spoke, and they spoke very loudly, and we elected Republicans across this Nation in places we never ever thought that they would serve, and now we Republicans have that majority. We are going to use the example of shrinking this Congress by the three committees and dozens of subcommittees and eliminating 600-plus jobs. We are going to send the example that that is what we want to do to the Federal Government as well. We want to carry on the second part of the Reagan revolution that ended in 1983.

You know, Ronald Reagan came in here in 1981, and we were able to push through the Reagan program, which really began to tighten the belts of the Federal Government. We dealt with entitlements, and in doing so, and all of those that voted for all of those tough medicine cuts, we had to go back and face the electorate 2 years later in the Reagan administration's term. Lo and behold, we lost an awful lot of Republicans, because all of the special interest groups went after them. "You cut my entitlement program. I am not voting for you."

We lost a lot of good conservative Democrats, because they voted with us, too, because it was a coalition of Republicans and conservative Democrats that ran through the first 2 years of the Reagan programs, and we began to turn this country around.

After the election in 1982, after 2 years of Ronald Reagan, we no longer had that kind of coalition. We no longer had 192 Republicans to go with about 40 good conservative Democrats, because we now were down to about 173 Republicans. We lost about 20 of those conservative Democrats.

So now Ronald Reagan could no longer have the votes on the floor of these two bodies to carry out his revolution. So he had to become a compromise President.

You might keep this in mind, because Bill Clinton is going to have to make this decision very shortly. Ronald Reagan had to decide whether he was going to become the veto king or become a compromiser. He chose the latter. He wanted to accomplish what he could with this vision and the vision of those who supported him.

As a result of that, he became less effective. He was tremendously effective in 1981 and 1982. In 1983 and 1984 he had to be a compromiser. He only got a little bit of what he wanted. Then there was another election. He lost more of the conservative philosophy, and he had to compromise at even higher levels. This carried right on through into 1988 when George Bush was elected and, of course, by that time we had dropped in numbers to the point where really the Reagan revolution had stopped.

What I was getting at in the beginning was this revolution now has started all over again. The American people have spoken, because they want this Congress and this White House to shrink the size of the Federal Government and shrink the size of the power of the Federal Government and grow the private sector, because that is what this country is all about.

We never were intended when we formed this Republic of States into a U.S. Government, we never intended for this to be a big Government that was going to rule the lives of the American people. This Republic of States was formed for the specific purpose of providing a common defense for the States of this Nation.

Lo and behold, now we have gotten into all of these other myriad of programs.

We are going to change all of that. We are going to restructure this Government. We are going to shrink the size of it. We are going to give the power back to the States and back to the American people.

Now, having said all of that, I just wanted to point out to the Members what is going to be happening in the next several weeks on the floor, because Speaker GINGRICH, as you know, has put out the word that we are going to be a working Congress for this 100 days, and that we are expected to be in Washington working 5 days a week during the months of January, February, and March.

Well, some people yesterday were questioning why we do not have legislation on the floor today, for instance, and Friday and next Monday and Tuesday. Well, again, I just want to point out that I was the ranking Republican serving in the minority on the Committee on Rules, and for years and years we saw the fact that minority rights were waived and that Members really did not have the opportunity to participate in the debate on this floor, offering amendments, and never had the chance to really read legislation.

I would point out what happened. You know, in the days of a man named Tip O'Neill, he was a tough partisan Democrat who sat in that chair right there. Although he was tough and he was partisan, he was one of the fairest Speakers that we have ever had. He was willing to bring legislation to this floor and let the House work its will. He did not discriminate against his own conservative Democrats even though he was a liberal, and he allowed them to offer amendments. Only 15 percent of the rules that brought legislation to this floor were brought here in a restricted manner. They were open rules.

There was much talk yesterday that we had closed rules that brought legislation to the floor. The truth is there were no rules at all. We do not have a Committee on Rules. The truth is we do not have any rules at all. Our Committee on Rules, which I am the chairman of, will not even organize until this afternoon at 2 o'clock, and from that point on, I have been instructed by our new Speaker GINGRICH that we will be as open and fair and as accountable to the American people and to this Congress and to all Members of the Congress regardless of political or philosophical persuasion. He has instructed me to try to have open rules and fair rules be the norm of this Congress.

We are going to go back to the days of Tip O'Neill when we had free and unfettered debate on this floor for the most part. That does not mean that every rule is going to be open, that every rule is not going to be restricted. Because there are times when we are dealing with national security, when we are going to debate the national defense budget which the chairman up there sits on the committee. We are going to have to have a structured rule. We will have to have limited debates. But we will make sure the liberals and the conservatives both have their amendments in order so that we can have a reasonable debate.

There are times when we will be debating intelligence matters that might affect the national security of this country, and we might have to have structured, restricted rules in those cases. There are other cases when we will be dealing with the U.S. Tax Code. That is something that is extremely complex, and you cannot bring bills on the floor and just have unfettered debate and amendments offered on any part of that Code. It would be a disaster.

When we develop budgets over a 2-year period, you have to be able to depend on the revenues that are coming in in that 2-year period. There are times when we will not have open and free, unfettered debate. We will have negotiations with the minority, and I can assure you I am going to follow Speaker GINGRICH's suggestions that the open rule be the norm. When I go to the organizational meeting this afternoon, I will be instructing the other members of the committee to do just that.

In regard to minority rights, there is a chart next to me, and this is why I took the well today, to talk about how legislation will come to this floor. The truth of the matter is that under the rules of the House that we adopted yesterday which provide for openness and fairness, and I key in on fairness and accountability, in being fair, we want to be fair to the minority as well. I know what it was like to be persecuted in the minority.

The truth of the matter is when a piece of legislation, any one of these pieces of legislation that were in our 100-days contract, when they were introduced yesterday, they were assigned to committees.

The Fiscal Responsibility Act will be brought to the floor. It is a balanced-budget amendment to the Constitution and a line-item veto giving the President a tool to eliminate wasteful spending.

We are setting hearings. And, Mr. Speaker, I am including at this point in the RECORD the January tentative committee activity for hearings on the 100-days contract.

JANUARY: TENTATIVE COMMITTEE ACTIVITY

Thursday, 1/5/95

W&M—Hearing: Contract Overview.

Friday, 1/6/95

SCI—Hearing: Sci & Tech in Govt., Sec. Brown.

Monday, 1/9/95

JUD—Hearing: Balanced Budget (or 1/10).

W&M—Hearing: Social Security.

Tuesday, 1/10/95

BUD—Joint Hearing: Dyn v. Stat Scoring.

GOV—Markup: Unfunded Mandate.

RUL—Markup: Unfun. Mandate (or 1/11).

W&M—Hearing: Contract Overview.

Wednesday, 1/11/95

ECOP—Hearing: Role of Gov't in Education & Wkplace Policy (or 1/12).

W&M—Hearing: Contract Overview.

Thursday, 1/12/95

INR—Hearing: Int'l Sit. & Clinton For. Pol., Fmr. Sec. State Baker.

RUL—Rule: Unfun. Mandate (or 1/13).

W&M—Hearing: Contract Overview.

Friday, 1/13/95

W&M—Hearing: Welfare Reform.

Monday, 1/16/95

JUD—Hearing (wk of): Term Limits, Legal Reform.

SCI—Hearing (wk of): Risk Assessment.

SCI—Markup (wk of): Hydrogen Research Bill.

SMB—Hearing (wk of): Sm. Bus. Tax Issues.

Tuesday, 1/17/95

NATS—Briefing: Classified Threat (or 1/18).

RUL—Rule: Balanced Budget (or 1/18).

W&M—Hearing: Contract Family Provisions.

Wednesday, 1/18/95

GOV—Hearing: Line-Item Veto.

ECOP—Hearing: Welfare Reform.

W&M—Hearing: Contract Family Provisions.

Thursday, 1/19/95

INR—Hearing: Kirkpatrick & Brzezinski.

W&M—Hearing: Contract Family Provisions.

Balanced Budget Floor Vote.

Friday, 1/20/95

W&M—Hm. Res. Hrng: Welfare Reform.

W&M—Oversight Hrng.

Monday, 1/23/95

AGR—Hearing (wk of): Food Stamp Reform.

SMB—Hearing (wk of): Regulatory Reform.

W&M—Hm. Res. Hrng: Welfare Reform.

W&M—Oversight Hrng.

Tuesday, 1/24/95

W&M—Hearing: Contract Savings & Invest. Provisions.

Wednesday, 1/25/95

GOV—Markup: Line-Item Veto.
W&M—Hearing: Contract Savings & Invest. Provisions.

Thursday, 1/26/95

W&M—Hearing: Contract Savings & Invest. Provisions.

Friday, 1/27/95

W&M—Oversight Hrng.

Monday, 1/30/95

RUL—Rule (wk of): Line-Item Veto.
W&M—Hrn. Res. Hrng: Welfare Reform.
W&M—Trade Hrng: Customs Oversight.

Tuesday, 1/31/95

W&M—Hearing: Contract Savings & Invest. Provisions.

COMMITTEES

AGR: Agriculture
APP: Appropriations
BNK: Banking
COM: Commerce
ECOP: Econ. Opportunity
GOV: Gov Ref & Oversight
HOV: House Oversight
INR: Int'l Relations
JUD: Judiciary
NATS: National Security
PLR: Pub Lands & Rsrces
RUL: Rules
SMB: Small Business
STN: Stand. Off. Conduct
SCI: Science
TRN: Trans & Infrastruct.
VET: Vetrans' Affairs
W&M: Ways & Means.

And I would point to the chart here which shows what happens to a piece of legislation if there is a balanced-budget amendment, and that has now been sent to, as primary jurisdiction, the Committee on the Judiciary. When that Committee on the Judiciary finishes its hearings and when it marks up the balanced-budget amendment and when it is finished, it will send that bill to the Committee on Rules.

Now, in the meantime, let us say it happens today, on Thursday, the committee offers the bill reported and views are requested.

□ 1100

That means that for Friday, Monday, and Tuesday, the next 3 legislative days, that that bill is available for the minority to file their views, and they have the opportunity then to read that legislation. They have the opportunity to discuss with other Members who do not serve on the Committee on the Judiciary what they might want in those views. We have to wait 3 days. That takes us from today through next Tuesday just for the filing of those minority views. Then the committee files the report with this body right here, with the Clerk, and that is on Wednesday. Then Thursday, and this is already next Thursday, a week from now, there are 3 days for every single Member of this body to see that piece of legislation and to be able to review it.

Then the bill comes to the Committee on Rules upstairs, where we will meet, and we will then put out a rule which would allow whatever amendments are going to be allowed, whatever substitutes or alternatives. Then the bill will finally be able to come to this floor on the 10th day, on Wednesday.

So that is why you do not see legislation on the floor here today on these issues because we do intend in the new majority to honor the rights of the minority, and I am going to see to it with every bit of persuasion that I possess that we honor these rights for Members to be able to know what they are voting on, to be able to have that right, to vote and to offer amendments on the floor of this House.

Having said that, if I might, I would ask that my report on the issue of restrictive rules, which we compiled during the 103d Congress be put in the RECORD. This does show that during the 103d Congress, 73 rules that came to this floor, of that number, 70 percent of them were restricted or closed rules. Now, that is 70 percent. We are going to try to turn that around.

I am going to say to you now, today, we are shooting to have 70 percent of those rules open so that as the minority and even the majority Members over here will have the right to work their will on the floor of this Congress.

I ask that that be put into the RECORD.

The document referred to is as follows:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	104	31	30	73	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 7, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Aat	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A	A: Voice Vote (Oct. 5, 1994).
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A	F: 83–339 (Oct. 5, 1994).
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A	A: 384–28 (Oct. 6, 1994).
H. Res. 570, Oct. 5, 1994	MC	H. J. Res. 416: U.S. in Haiti	N/A	N/A	A: 241–182 (Oct. 6, 1994).
H. Res. 576, Oct. 6, 1994	C	H.R. 5231: Presidio Management	N/A	N/A	A: Voice Vote (Oct. 7, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Having said all that, Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman from New York for yielding this opportunity to me.

I just want to make a comment with regard to the closed rules. I have sat in this Chamber day after day, as the gentleman from New York has, and I have great respect for my colleague. I have listened to his personal opposition to closed rules and the opposition of other Republicans on the issue of closed rules. I just would like to take a second to lift some quotes here. Here is one by Representative DREIER, "Each time a closed rule is foisted on the House, Members of Congress are denied the opportunity to represent their constituents."

A quote from the Honorable Mr. SOLOMON: "The people are sick and tired of political gamesmanship. They want back into their own House. They want it open and democratic and not closed and dictatorial."

Representative PRYCE: "With every closed rule, millions of voters are disenfranchised when their duly elected Representatives are prevented from offering relevant amendments to bills that we consider."

These are all quotes from the last session of the Congress. The gentleman has also commented that in fact part of what occurred here is the American public wanted to see change, wanted to see the process open, and wanted to see reform. I agree with the gentleman. I think we made so many strides in the last Congress to deal with reform in passing the Accountability Act. We passed it again last night. But I would just say this to you, that yesterday, something that really happened on the floor probably is a first in the House; there were two closed rules, two gag rules offered on the first day.

The second of the closed rules was hidden within the closed rule, so it was a closed rule inside a closed rule.

Now, the point is that if you want to have change, you cannot be talking in two directions and saying that the Democrats did it a year ago, therefore, "We have a right to do it now." The issue is if you truly believe that the process should be open. We had a historic opportunity yesterday on the floor of this House to demonstrate two things: Openness of this process. There should have been an opportunity for

Democrats to amend the Accountability Act and to deal with a vote on a gift ban and that we should have taken this very historic day and turned it into that opportunity to say to the American people that in fact we have changed, we have reformed this body, this institution; we opened up the process and people can amend and debate on this floor and we have separated ourselves from the special interests who have an overwhelming effect in this body and who have a direct effect on legislation.

On both of these instances, the opportunity was missed. I say that more in sorrow than I do in outrage or anger because I think that the public is demanding reform, an opportunity to do so, but you cannot say it and then not do it. And it is not good enough to say, "You did it; therefore, it is now our opportunity to do it." We cannot have that on the floor of this House.

Mr. SOLOMON. What the gentlewoman says makes a lot of sense. I am going to throw out a challenge to the gentlewoman because we probably will adjourn this first of the session of the 104th Congress, hopefully, sometime in October, although in an off year, and a coming Presidential year, we could be here until December. I say to the gentleman from Missouri [Mr. VOLKMER], that I hope that does not happen.

But I want to throw out a challenge to the gentlewoman. I want her to judge us by our overall performance, and particularly I want the gentlewoman to hold me accountable. I want the gentlewoman to sit down here with me on the floor of this Congress in October or November, and let us see how open these rules were. Let us judge it at that time. I am going to pledge to the gentlewoman to try to turn this around; instead of having 70 percent closed rules and restricted rules, we are going to have 70 percent open and unrestricted rules, if we possibly can.

So let us judge our performance then, in October or thereabouts.

Ms. DELAURO. I would be happy to cooperate with my colleague. I also believe it is one thing for me to hold anyone accountable, but we are all accountable to the American public. That is what is at issue. That is what happens on the floor of this House. It is the people who send us here who hold us accountable for our openness, our sincerity, or compassion, our actions, for the opportunity to do the things that they send us here to do on their behalf and to raise their standard of living, to separate out the special interests in this body. Ultimately, they will be the deciders. But I am happy to accept the gentleman's challenge.

Mr. SOLOMON. I look forward to it. Mr. Speaker, let me yield to a very important member of the Committee on Rules, the gentleman from California [Mr. DREIER], from Carmel, CA, who was the cochairman of the congressional task force appointed by the Speaker to reform this House and who had more input into the legislation we adopted yesterday than any other Member I know.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding this opportunity to me. I would like to simply rise in strong support of the case that the gentleman has been making.

Quite frankly, having just entered the Chamber, I would like to associate myself with the remarks of my friend from Connecticut, Ms. DELAURO, who has just talked about the need for accountability, compassion, concern, responding to the wishes of the American people. That is exactly what happened right here just a few hours ago before we adjourned the first day of the 104th Congress, by creating the kind of openness that my friend said is absolutely essential if we are going to effectively do our job.

It seems to me, as we look at the challenges ahead over the next 99 days, we are going to easily tackle every one of these problems. But we have to do it. We have to do it not only because we stood on the steps of the Capitol on September 27 and signed that contract, letting the American people know we would bring to the floor in the first 100 days those 10 pieces of legislation, but because so many of them are the right thing to do.

We are not simply putting into place legislation which was structured, as many in the media have said, based on public opinion polls. These are the kinds of things that we on this side of the aisle have been trying for years and, in many cases, decades, to bring to the floor of the Congress.

Now, I think the point that the chairman of the Committee on Rules is making is that we are in a position where we have been denied the opportunity to even have a hearing on so many of these measures. That is what we are planning to do. We want to create a fair and an open process here, which unfortunately, the pattern of leadership that we have seen at least over the last decade and a half, the last 15 years, has been such that we have unfortunately not been able to have the kind of openness we would like.

I would like to congratulate the chairman of the Committee on Rules for his special order, and I want to thank him.

Mr. SOLOMON. Let me first of all just say to the gentleman that we really appreciate all the work that he did, the work he did particularly on realignment of the committee jurisdictions and reducing the size of the committees and subcommittees. That has really helped to make this a functioning body in the next 2 years. I know that the gentleman has not finished yet.

Mr. DREIER. That is just what I was going to say.

Mr. SOLOMON. I know the gentleman has not finished it yet.

Mr. DREIER. That is exactly what I was going to say. There are many people who would like to believe that January 4 ended the process of political and congressional reform. Nothing could be further from the truth because we plan to continue.

My friend knows we passed a resolution in the Republican conference which calls for further review of the reforms that have been implemented. What we plan to do is to continue this process because we cannot reverse 40 years of one-party control and what existed here overnight.

So I thank my friend and appreciate his remarks.

□ 1110

Mr. SOLOMON. I am going to pile some burden on the gentleman's shoulders because at 2 o'clock this afternoon I will appoint him as chairman of the Subcommittee on Rules, revamping the rules of this House and the committee structures. The gentleman is going to have his work cut out for him, Mr. Speaker.

Mr. DREIER. Mr. Speaker, if the gentleman would yield, I say to my chairman, "I'd like to think I'm ready, willing, and able."

Mr. SOLOMON. I say to the gentleman, "You are."

Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER], my good friend.

Mr. VOLKMER. Mr. Speaker, I want to commend the gentleman from New York [Mr. SOLOMON] for his attitude as far as openness of the House, as far as the future, and closed rules and open rules.

I have a little question I would like to ask of the gentleman:

In the past, whenever there has been an opportunity for legislation that is very controversial, and there is a question of trying to limit the amount and numbers of amendments—because in the past, as the gentleman realizes and I know from history—we have both been here—that when we had such legislation in the past, we sometimes see 200 or 250 amendments in 2 weeks, and some of them are just, as the gentleman knows as well as I——

Mr. SOLOMON. The California Desert Act?

Mr. VOLKMER. Yes, and others.

And so I recognize, and I think the gentleman recognizes, that there are opportunities and times when there would be restrictions on amendments. Now at other times there may not be that restriction, but sometimes there are both the sponsors of the legislation, the committee chairman and others, that have worked on that legislation, and other Members would like to have some idea of what amendments are going to be brought up. With a strictly open rule and nothing said, there is no opportunity. I can bring an amendment up here on the floor, blindside somebody on it as long as it is germane and it is in order. At times there have been provisions that the chairmen of the Committee on Rules have said, "You're going to have to have them in the CONGRESSIONAL RECORD within a certain length of time, or by a certain date, or by a certain hour of a certain date."

Does the gentleman plan to use that type of restriction on amendments?

Mr. SOLOMON. Excuse me. I walked over on this side. I just wanted to show the gentleman we are cooperating.

Mr. VOLKMER. Right.

Mr. SOLOMON. We want to look out for the rights——

Mr. VOLKMER. Well, I would much rather have 70 percent open rules than 70 percent closed rules. I have always said that. I agree with the gentleman that Members, all Members, have been sent here to be able to participate in the debate on the legislation, offer amendments, and have their ideas expressed also.

Mr. SOLOMON. The gentleman is absolutely right. The gentleman makes some sense, too, and, as I told the gentleman from California [Mr. DELLUMS] who is the former chairman of the Committee on Armed Services and now the ranking minority member, that when the defense budget comes before the Committee on Rules, we want to be able to sit down with him because we cannot bring that bill to the floor under an open debate. We would be here for 3 months debating just that one bill.

Mr. VOLKMER. Right.

Mr. SOLOMON. And what we will do, we will negotiate with the minority, we will make sure if someone has an issue such as SDI; for instance, the Strategic Defense Initiative. We cannot allow 50 amendments on the Strategic Defense Initiative, but what we will do is we will allow a liberal's point of view, we will allow a conservative, and maybe a moderate. In other words, we will have three amendments dealing with that issue.

One thing we will eliminate is this business of king of the hill, and that is something, as the gentleman knows—the gentleman, I think, shares my view—that there is no place in this body for a king-of-the-hill procedure. What a king-of-the-hill procedure is is that one amendment might pass with 280 votes, and then another amendment will follow right behind it, wipe that out, and only get 218 votes, and the one with the fewer votes wins. Well, no more of that. I have spoken to Speaker GINGRICH about that. We are going to try to do away with this king-of-the-hill procedure, and we are going to let the best man win, or the best amendment win, or the best alternative win. The one with the most votes will win. That is how it should be.

There might come a time when we want to allow the printing of the amendments in the CONGRESSIONAL RECORD prior to debate. We might even go so far as to have those amendments numbered so they will be easier to identify. I know the gentleman from Missouri [Mr. VOLKMER] is a very diligent Member of this House, and he reads the amendments, and sometimes it is hard to follow which amendment is being called up at certain times. One Member may have 10 amendments resting at the desk, and he calls up an amendment, and we do not know what it is, what the text is. So, if we number those amendments, it will make a lot more sense.

So, there will be times on complex issues when we will do that. Otherwise we will try to bring bills to the floor under an open rule process and let the Members offer amendments as they see fit right from the floor.

Mr. VOLKMER. The last comment I would like to make to the gentleman from New York [Mr. SOLOMON] is that I could understand in the resolution that we had yesterday, as far as the actual rules changes, and I could understand the provision there for closed rules. We have always had that. We have never had anything, as long as I have been here, any different. So, I am not objecting to that.

But I do have a strong disappointment, a very strong disappointment, in the majority in requiring a closed rule.

I know the gentleman did not have a Committee on Rules, but I could read, too, the gentleman from New York, in here the provision in regard to what we call the compliance legislation, and what I am saddened by is that that bill, which is a good bill, has overwhelming support, we all supported it last year, and it went to the Senate and died, so it still has not become law. I listened to the speeches here this morning, some of the 1-minutes saying that we have now placed the House under all the laws of the United States that affect all private business and industry.

Mr. Speaker, I say to the gentleman, "We haven't done that yet, JERRY. You know that, and I know that, and until it passes the Senate, comes out of conference, goes to the President and is signed, we haven't done anything."

We passed it. We did that last year. It does not do anything until it becomes law.

Mr. SOLOMON. That is right.

Mr. VOLKMER. All right. So let us tell the American people we still got a ways to go.

But my problem is what was done yesterday on that bill is that we in the minority, we in the minority, will never, never have an opportunity to change one word in that law, not one word.

Now that is not part of the rule; that is legislation. We should have been given an opportunity to offer amendments to that legislation.

Mr. SOLOMON. Well, I understand.

Mr. VOLKMER. I am very disappointed.

Mr. SOLOMON. I understand the gentleman's logic, and I share that view to a certain extent, and, as a matter of fact, I even spoke on the fact that I did not want to see the accountability bill, if it were going to be changed in any way, come to this floor under a closed rule. There was talk, as the gentleman knows. There were negotiations going on, both Democrats and Republicans negotiating with the Senate, to put together the differences and to bring the accountability bill, revised with the Senate concerns, with Democrat concerns, into the bill and bring it onto the floor yesterday under a closed rule with no amendments. I objected to that. As a matter of fact, I refused to let that happen because there then would not have been a bill that was debated on this floor, was amended on this floor, and passed overwhelmingly with, I think, only four votes in opposition. I said, "If you want to bring this bill on the floor tomorrow, you will bring the exact bill we had that we spent hours debating and that we spent hours amending and that we sent over to the Senate."

The reason we brought it up yesterday, and finally they agreed to bring the same bill that passed this House, not some revised edition with these negotiations that could not be amended; the reason they brought that to this floor was so that we would not die, and we were afraid. As the gentleman knows, we put this off today, that bill could have languished for another month by the time we get it on this calendar with all this 100 days business. The chances are it would have been next July or August, and one never can tell around here what happens. Bills disappear. They hide. They are never seen again.

We wanted to pass that bill. Seventy-three new Republicans, all of them, wanted that bill acted on yesterday. They wanted to have it done. We sent that bill over again to the Democrats that were working on it. Mr. Swett, who was a good Member of this body who is no longer here now, was not here, but other Members were. The gentleman from Maryland [Mr. HOYER] was one, I believe, and, in other words, to get their impact on the bill. But the truth of the matter is I do not think that the 13 new Democrats who were not here last year, they did not have a chance to vote on it.

☐ 1120

I do not think they objected. They all voted for the bill yesterday afternoon. At any rate, what we have done is, we have now passed that bill. It will now go to the Senate. The Senate will revise it, as is their prerogative, and the bill then, if it is different, will either come back to us for the amendment process or it will go to conference, one or the other. They could send a Senate bill over here, in which case we would have a chance to revisit it, and you, the gentlewoman from Connecticut, will have an opportunity at that time to work your will on the bill, too.

Ms. DELAURO. Mr. Speaker, I would just like to echo my comments.

Mr. SOLOMON. Mr. Speaker, does the gentlewoman wish me to yield to her?

Mr. VOLKMER. Mr. Speaker, first, if the gentleman will yield further, the gentleman is missing a little bit of the point.

I will admit that when it goes into the conference, the Democrats who are on the conference committee, those few, may have an opportunity to make some changes in the bill, but, remember, it is only the bill that passed this House and the bill that passed the Senate that is going to be in the conference. It was clear to me yesterday, listening to the debate, that there were other Members who would have had amendments to that bill. If they had been permitted to offer them, they would have liked to offer those amendments. They did not get that opportunity, and they will never get that opportunity in the next 2 years. We will not revisit this bill.

Mr. SOLOMON. Mr. Speaker, if I may just reclaim my time for 1 minute, I would have to disagree with the gentleman that they will never get the opportunity. We are going to try to be as fair as we can, and if there are other issues, we are going to revisit many of these issues that we discussed yesterday on the floor.

We heard the gentleman from California [Mr. DREIER] say that his committee and the Committee on Rules are going to mark up additional bills, and certainly your representatives on the Committee on Rules and other committees are gong to have an opportunity for input, and we will revisit the issue, and we will have another day to debate whatever amendments you wanted to offer.

So I think, on the gentleman's concerns, that he is going to be presently surprised at the openness when we are going to be able to revisit many of these issues.

Mr. VOLKMER. You will have another compliance bill?

Mr. SOLOMON. We could very well, yes.

Mr. VOLKMER. Another accountability bill?

Mr. SOLOMON. Yes.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I would like to echo the sentiments of my colleague. That is many respects is what I think was hoped for in terms of change, particularly by the American public, and as far as the rules are concerned, I truly believe in the gentleman's objection, because again, he talks on this floor about open rules all the time. And yet for the first day, for this opportunity to come up and to pass this bill, I would just say that it was business as usual, so that we do not have the opportunity.

I worked personally very, very hard on the accountability legislation in the last session. My colleague, Dick Swett, did also, and I complimented my colleague, the gentleman from Connecticut, Mr. CHRIS SHAYS. I think that bill was long overdue.

But there was not an opportunity for the minority to have a debate and a discussion about it. If we are to change this body, then in fact you are now in charge. The Republicans have the majority, so that with bills getting lost, the calendar becomes your calendar in terms of scheduling. If it is your side that has to say that for the sake of reform and openness and what we have talked about in this bill, then we have to have delay. Let the process be opened up so we can have a debate about a variety of issues.

That is the point I am trying to make, that we cannot portray change when in fact we are looking at business as usual. And I think we need to be very mindful and very careful about that as we go down the next several months.

Mr. SOLOMON. Mr. Speaker, the gentlewoman sounds just like JERRY SOLOMON.

Mr. Speaker, I have got to prepare to organize the Rules Committee. It is going to be a fair and open and accountable Rules Committee this year. So I am going to have to close this special order, and I thank the body for indulging me.

A CRITICAL REVIEW OF FAIRNESS ON THE FIRST DAY

The SPEAKER pro tempore. (Mr HEFLEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized for 60 minutes as the designee of the Minority Leader.

Mr. VOLKMER. Mr. Speaker, for the general public and for all Members of the House, 435 of them, that were here—there may have been one or two absent—yesterday was a historic day. And it is kind of a humbling experience, even for myself—this was the tenth time I was sworn in— to realize that you are 1 of the 435 among all the people of the United States to be here and to be in this body and to assume the responsibilities of the office, to do everything you can to benefit not only your district and your State but the country, and do it well. Then, as a result, when you come to the Congress and after you are sworn in, you find that you are going to take up some changes in the rules, and when you review those, you find that you agree with a good many of them, and there are some that you yourself had generally agreed with, that we could reduce the size of our staffs here in the Congress—we have done that before—and we could reduce the size of our committees.

The last time we were in the Congress, we eliminated four select committees and we reduced the number of subcommittees. This is a continuation of that, and we agree that those things should be done.

But when you read the proposal that comes from the majority and from the gentleman who just preceded me in the special order, the gentleman from New York, for whom I have a great deal of respect, you find that for the first time—and it has been 18 years—for the first time you find that you have a substantive bill that is going to be brought up on the same day, and in that proposed rule change you find that it is a closed rule, that this bill, the Accountability Act or the compliance bill that makes the legislative branch of Government subject to those laws that all of our private businesses and industries and States, et cetera, are required to comply with. Then you find as to that bill, which is a very substantive bill, no amendments will be permitted to that bill.

I would like to read the language of that to everyone, because I know the people out there and, as is obvious to me, many Members of this body had not had the opportunity or at least had not taken the opportunity to review that language. This is what it says:

> It shall be in order at any time after the adoption of this resolution to consider in the House, any rule of the House to the contrary notwithstanding, the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The bill shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority leader and the minority leader or their designees. This previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Mr. Speaker, what that language I just read meant is that when this large, very important, very substantive bill was brought up, we in the minority were given 30 minutes to talk about it. But we were not given one opportunity, not one opportunity to change one word in this bill.

How, the majority has made a big to-do about this fact that they have given openness to this body and given fairness to this body. What is so fair to the 204 Members of the minority that not a one of them can offer 1 amendment to this bill?

□ 1130

I do not believe that that is very fair at all. In fact, I say that goes back to previous years in this House when we had what we call just strictly gag rules.

Every Member of this body, whether Republican or Democrat, comes here with ideas, because that is what government is all about. Whether it is your Declaration of Independence or the Constitution, whether it is all the laws of this land, at one time they were nothing more than an idea in someone's mind. And that idea was promoted by that person and finally was accepted through everybody, and they were put down in writing. Back when this country was founded, they took a pen and they wrote it down, and that went from there to printing presses, typewriters, and now we use the computers. But it all starts with an idea in the head.

Yet, when this bill was taken up early this morning, there was not one idea from a Democratic Member permitted to even be decided by the Members of this body.

I call on the new Speaker and my good friend the chairman of the Committee on Rules to ensure that in the subsequent days of this session and next session of this Congress that that not happen again. Because what it really means, and when he had these special orders I brought out to him, unless they are willing to bring another bill up with all the legislation that is going to be on the agenda, I do not anticipate that will occur.

That means that when this bill finally reaches the desk of the President of the United States, and it will because it is good legislation, that not one Member of the Democratic Party, not one Member of this minority, has had an idea incorporated in here that they would have liked to have seen included in this legislation. We will not have that opportunity.

Another thing that was not done that I think is very important in all the rules changes that were made, and most of them, except for one, as far as I am concerned, most of them were very beneficial to this body, but that does not mean that you cannot do a little better. And we could have done better.

You know, folks, one of the biggest problems in this body, and I have seen it and watched it and observed it since I have been here, is the influence of special interests over this body. If you went around in the halls and in the areas of this Capitol and the office buildings, even yesterday you would have seen the lobbyists around. I am sure that many Members had their dinner purchased yesterday. I am sure that within this nice winter day that we have here, that there are lobbyists proposing to take Members to nice trips and vacations, to nice warm climates, play some rounds of golf, pay the hotel bill and all that Member has to do is make a little talk.

There is nothing in this rules change that prohibits that whatsoever. Many of us feel that if we are to really clean up the House of Representatives, that we need to prohibit the influence of those special interests on this body. That legislation like lobbying reform, that at that time the majority party, the Democratic Party, last year passed overwhelmingly and sent to the Senate, where it was filibustered by the Senator from Kansas and others, where it was killed, we need that legislation. Yet that legislation, those rules changes, that would have prohibited these Members from taking these meals, from taking these trips, from taking the vacations, is not in here at all.

There is nothing in our rules today, nothing in the law. While we have people out in my district and all over this land freezing because they are too cold, because they cannot pay their heating bills, there is nothing in our rules that says that we cannot have Members going off to Jamaica, to the Virgin Islands, to the warm climates of Florida, Arizona, all paid by lobbyists at their expense, air fair, vacation. You want to go fishing out in the deep sea, we will pay for that. There is nothing in here that is going to prohibit that.

We need that. Yet yesterday, when the minority in their committal resolution offered to have that incorporated in our rules that would have prohibited that, the majority refused and voted overwhelmingly against that.

So I wonder how many of those, instead of being here with you and I today, are now being prepared to spend this nice weekend in a nice warm climate somewhere with some lobbyists, because they sure did not want that legislation yesterday to become part of the rules, because if it became part of the rules, they could not, would not be able to do it. I wonder how many in this next week, when we are not going to be working here, folks. You are not going to see anybody else on this floor. There is not going to be any more work this week, there will not be anything done next week. How many of them that voted against including lobby reform, gifts by special interests, vacations, and golf trips and what have you, how many of them are off on those trips in this next 10 days?

I am very disappointed that the majority has not—has not—included lobbying reform, has not included prohibiting those trips, those gifts, et cetera, in this legislation, and in fact strongly opposed it yesterday, spoke against it, and actually voted against it.

I think that I as a member, and as the general public, we should let the majority know in this body that you no longer feel that the lobbyists should have control of this body, that the lobbyists should be prohibited from giving gifts and vacations, et cetera, to Members of the House of Representatives.

☐ 1140

The last thing in this rule that I would like to address is a matter that I opposed, and other Members opposed. That is that the provision—I would like to read it, because it was obvious to me yesterday during the debate on this limitation on tax increases that they had not read the proposed rule change.

As I listened to the Members from this side of the aisle, the majority, espousing the three-fifths requirement repeatedly, over and over, they said that "We are not going to have tax increases anymore, because this rule says that you have to have a three-fifths vote required for tax increases, especially income tax increases." I say they have not read it, because it does not say that.

I would like to read it: "No bill or joint resolution, amendment, or conference report carrying a Federal income tax"—and here is the key word, folks, and every one of them left it out, every one of them that spoke. I say you take that CONGRESSIONAL RECORD of yesterday when it comes out and you can read it. Not a one of them mentions it, the word "rate." It is only the income tax rate increase shall be considered, unless by not less than three-fifths of the Members voting.

What does that mean? The rates on income tax only take up about two pages of the total Revenue Code of well over 1500 pages. That means you can change all the rest of the Revenue Code for income tax on a majority vote, not a three-fifths. You can deny everyone an exemption. What that means is if you have a husband, wife, and four children that are dependent, all of a sudden your taxable income just went up by about $15,000. That is a majority vote, that is not three-fifths.

As far as the average wage earner buying a house out there, it has a mortgage on it, now he takes a deduction on his income tax for that interest that he pays. Well, they can remove that if they wish to do so. They can remove your deduction for the taxes you pay, for the State taxes and property taxes you pay on that house by a majority vote, not three-fifths. I will guarantee you, your taxes are going to go up.

What it means basically, this means, if you read it, it is a tax rate. What tax rate are we talking about? The top tax rate. That is 39 percent. Who does that apply to? That only applies to people making over $200,000. Those are the ones they are protecting. Those are the three-fifths that they have to vote on.

If you want to put it on the top people you have to do three-fifths, but if you want to put it on the little guy, if you want to put it on the middle income, you do not have to do that. You can do it by majority vote. Of, if you would rather, according to their rules, if you would rather change our whole tax system and go to the value added tax, the VAT, and really put it to the lower- and middle-income people, because that is what a VAT does, it really does, that is a majority vote. That is not three-fifths.

So when they say that we are going to require a three-fifths vote for tax increases, that is not right, folks. It is not even right for income tax. It is only the rate. That is what exactly it says. It says "Federal income tax rate increase." It does not say "a Federal income tax increase," it says "a Federal income tax rate increase."

So this Congress will not take a three-fifths vote. I question the constitutionality of it, as others did during the debate, but folks, that is the top rate. It is only the wealthy. If you want to increase their taxes, you have got to do a three-fifths, but if you want to increase the tax on the lower or middle income, you can do it by a majority.

That is what the Republican Party says. That is the new rule. That is the way they say they are going to protect those people.

Who are those people? You ought to look at their Federal election returns that they filed and see who gives them the money. You ought to take a look at the people who do the lobbying up here in Washington, DC, and take the Members for the trips. They are those people that have that high tax rate, so we are kind of giving them a guarantee with this rule that we are not going to touch them, and in return, maybe you just take some Members for a trip now and then, so everybody—the Member, he gets a trip, he gets some meals, he gets some freebies, and the lobbyist is not going to have his taxes increased. He is going to save a bunch of money.

That is basically a part of this rule that was done yesterday. What really amazed me during that whole debate, during that whole 20 minutes from this side when they discussed it, not once, not one Member, not even the Member from Pennsylvania, who was handling that section of the rule change, ever mentioned that it was only for income tax rate increase that we were requiring a three-fifths.

They kept saying it was on income tax raises, that you could not raise the income tax except for three-fifths. That is not right. That is not correct. They can raise the taxes on middle and low income with a majority vote. It just means that you do not raise on higher income, except by three-fifths.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. GEPHARDT, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Mr. CAMP.
Mr. EMERSON in six instances.
Mr. KLECZKA.
Mr. TRAFICANT.
Mr. RICHARDSON.

ADJOURNMENT

Mr. VOLKMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes a.m.) under its previous order, the House adjourned until Monday, January 9, 1995, at 2 p.m.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLINGER:

H.R. 422. A bill to amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities; to the Committee on Commerce.

H.R. 423. A bill to amend subtitle C of the Solid Waste Disposal Act to establish safety zones around Federal prisons in which certain facilities may not be permitted; to the Committee on Commerce.

H.R. 424. A bill to amend the Social Security Act to require the Secretary of Health and Human Services to equalize the labor and nonlabor portions of the standardized amounts used to determine the amount of payment made to rural and urban hospitals under part A of the Medicare Program for the operating costs of inpatient hospital services, to amend the Public Health Service Act to improve the capacity of rural hospitals to provide health services, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 425. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and certain other acts to provide for an increase in the number of health professionals serving in rural areas; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COMBEST:

H.R. 426. A bill to establish a National Committee on Telemedicine; to the Committee on Commerce.

H.R. 427 A bill to amend title 23, United States Code, to repeal provisions establishing a national maximum speed limit; to the Committee on Transportation and Infrastructure.

By Mrs. MINK of Hawaii:

H.R. 428. A bill to provide for an extension of H-1 immigration status for certain nonimmigrant nurses; to the Committee on the Judiciary.

H.R. 429. A bill to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh and along the Waihee Stream for inclusion in the Oahu National Wildlife Refuge Complex; to the Committee on Resources.

By Mr. TAUZIN:

H.R. 430. A bill to establish the National Dividend Plan by reforming the budget process, and by amending the Internal Revenue Code of 1986 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. FRANKS of New Jersey):

H.R. 431. A bill to require States to consider adopting mandatory, comprehensive, statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 432. A bill to amend chapter 601 of title 49, United States Code, to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison NJ, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.J. Res. 48. Joint resolution entitled the "Citizen's Tax Protection Amendment," proposing an amendment to the Constitution of the United States to prohibit retroactive taxation; to the Committee on the Judiciary.

By Mr. MEEHAN (for himself, Mr. FRANK of Massachusetts, Mrs. SCHROEDER, and Mr. SCHUMER):

H. Con. Res. 13. Concurrent resolution condemning the violence committeed in Brookline, MA, on December 30, 1994; to the Committee on the Judiciary.

By Mr. CLINGER:

H. Res. 29. Resolution declaring the sense of the House with respect to the National Performance Review's recommendation to dismantle the railroad retirement system; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COMBEST (for himself, Mrs. KENNELLY, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mr. RAHALL, Mr. SCHUMER, Mrs. MEEK of Florida, Mr. BOUCHER, Mr. GOODLATTE, Mr. TOWNS, Mr. POMEROY, Mr. STUMP, Mr. WYDEN, Mr. PORTER, Mr. BUNNING, and Mr. PICKETT):

H. Res. 30. Resolution expressing the sense of the House of Representatives that obstetrician-gynecologists should be designated as primary care providers for women in Federal laws relating to the provision of health care; to the Committee on Commerce.

EXTENSIONS OF REMARKS

PROTECT THE FLAG

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, today, I am introducing a constitutional amendment to prohibit desecration of the U.S. flag. Many will no doubt recall the furor when the Supreme Court in 1989 overturned the Texas conviction of Gregory Johnson and declared the Texas flag-burning statute unconstitutional. The Congress responded weakly, declining to pass a constitutional amendment and opting instead for a new Federal statute which prohibited desecration of the American flag. To no one's surprise, this statute was also declared unconstitutional by the U.S. Supreme Court. As a result, burning and trampling upon our Nation's most revered symbol is now constitutionally protected conduct.

The Court based its decision on first amendment freedom of expression. I believe strongly in the first amendment and in its protections, but there are recognized exceptions to the first amendment. Not every act of expressive conduct is protected. Libel and slander, obscenity, copyright and trademark laws, classified information, and perjury are but a few acts of expression which fall beyond the first amendment. So, too, should flag-burning fall beyond the first amendment. To paraphrase Chief Justice Rehnquist, flag burning is a grunt which is designed not so much to communicate but to antagonize.

Throughout history, the U.S. flag has been revered as the embodiment of the liberty and freedom which have become the hallmark of our Nation. This casual treatment of our Nation's most revered symbol is an affront not only to the flag, but to the ideals which stand behind it. It is an affront to the people who have served our great country in all capacities, but especially to those who have fought and died for America.

Flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. I hope that the mere fact that 5½ years have passed since the Johnson decision will not lessen enthusiasm for protecting Old Glory. I strongly urge my colleagues to join me in passing a constitutional amendment which would give the States and the Federal Government the authority to prohibit desecration of the American flag.

TRIBUTE TO DR. RUSSELL KIRK

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. CAMP. Mr. Speaker, I rise on this historic day to honor a man whose life was devoted to educating and promoting excellence in others. For over 40 years, Dr. Russell Kirk of Mecosta, MI, one of the leading conservative thinkers, was a beacon of light in a confused and muddled world. The sadness of his passing is tempered only by his tremendous contributions to academics and philosophy. His writings and lectures enlightened, educated, and entertained the many people who read his essays or attended his speeches. His ideas and the influence they generated will be felt for generations.

Dr. Kirk received his Bachelor's degree from Michigan State University and his Master's degree from Duke University. He had a distinguished career as a scholar, philosopher, and educator during which 12 universities conferred upon him honorary doctorates. Dedicated to the truth and a firm believer in its power and boundaries, Russell sought to promote verity through his many writings as well as debate and discussion.

Dr. Kirk was a great scholar and a strong advocate of education. He authored over 30 books and hundreds of political essays which helped define the conservative movement. As founder and editor of the "University Bookman," Dr. Kirk provided a forum for ideas and debate and served to educate readers while constantly seeking the truth.

Dr. Kirk's books and essays received high critical acclaim throughout the world and have sold over 1 million copies. Personally lecturing at nearly 500 colleges and universities, he sought to challenge students in order to open their minds to new ideas. His landmark publication, "The Conservative Mind," published in 1953, stands as a benchmark for conservative ideas and sparked the conservative movement which continues to influence leaders today.

During his career, Dr. Kirk received various honors such as the Presidential Citizens Medal, which was conferred upon him by President Ronald Reagan in 1989, as well as the Ann Radcliffe Award of the Count Dracula Society for his Gothic Fiction. He was also honored as the only American to earn the highest arts degree of the senior Scottish University and served as the President of the Wilbur Foundation, the Educational Reviewer, Inc., and as editor of the Library of Conservative Thought for Transaction Books. In addition, he was a Guggenheim fellow and a distinguished scholar of the Heritage Foundation.

Russell was a strong, quiet man who was committed to his family and friends. He and his wife, Annette, worked side by side as editors of the "University Bookman" while raising four daughters who continue in his excellent tradition. His dedication to education and commitment to family are the cornerstones of our Nation.

Over the years, Dr. Kirk enjoyed success professionally as an academic and as a published scholar in pursuit of knowledge and wisdom and privately as a husband and father. He served his fellow academics well and many of them have moved on but continue the pursuit of truth, justice, order, and freedom. His family continues to grow and pursue his love of education and debate.

It is work such as Dr. Kirk's that inspires us all to achieve the best we can, and to promote these qualities in others. Mr. Speaker, I know you will join my colleagues and I in honoring the work of Dr. Russell Kirk and the legacy of ideas and discussion he has left for us all.

ALTERNATIVE MINIMUM TAX LEGISLATION

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, I would like to bring to your attention legislation that I am introducing today to correct a little-known provision in the Tax Code that has caused a great deal of hardship and frustration to certain farmers in this country. To make matters worse, this tax provision occurred at a time during the late 1970's and 1980's when farmers where experiencing hard times economically due to the farm crisis of that period. Today, I am introducing legislation proposing that the effective date of section 13208(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA] be changed from 1981 to 1978.

Varying domestic and international economic conditions in the late 1970's and early 1980's contributed to the worst farm crisis this country has seen since the Great Depression. Many farmers, through no fault of their own, were forced into insolvency. During this time, there was speculation that the family farm would soon become extinct, and that the face of American agriculture would be forever changed.

Farmers who became insolvent were often forced to sell their farms under foreclosure. All of the proceeds of the sale went to the creditors; sometimes, despite the sale of the farm, they remained in debt. Yet the sale of the farm was treated as a preference item and, therefore, triggered the Alternative Minimum Tax [AMT].

As we know, Congress enacted the individual AMT in 1978 to take effect January 1, 1979. The AMT applied to all capital gains regardless of whether the sale was voluntary or involuntary. What this meant for insolvent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

farmers was that these folks were suddenly hit with a large tax bill that they owed—a bill which they could not pay—on what may be termed as "ghost income."

Congress recognized this gross inequity in the Tax Code and the provision was amended in the 1985 COBRA law. Farmers who sold or exchanged their farms to their creditors in order to cancel their debt were allowed to reduce the amount of their tax preference. However, for some reason, the law afforded relief only to land transfers made after December 31, 1981.

This effective date left a 3-year open window, from 1979 through 1981 during which the AMT was in full force. The farmer who suffered the misfortune of bankruptcy in December of 1981 was in a very different and difficult position than the farmer who held on for just 1 additional month. The latter individuals are covered by COBRA's relief; the former individuals suffer the burden of an unfair tax.

According to an estimate from the Joint Committee on Taxation, enactment of this date change would cost less than $5 million. This is a proposal which would be enacted in the interest of fairness.

INTRODUCTION OF TAOS BOTTLENECK LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise today to introduced legislation to return nearly 765 acres of the Wheeler Peak Wilderness to management by the Taos Pueblo as part of the Blue Lake Wilderness.

The nearly 765 acre bottleneck track is one of the most sacred sites for the Taos Pueblo people: it has had religious significance for these people for thousands of years. In fact, the area we call the bottleneck is known as the Path of Life Lands to the Pueblo people because it contains their most sacred religious lands. Additionally, the Taos Pueblo was recognized by the United Nations as a World Heritage Site in 1992 in recognition of its status as one of the last remaining pre-Columbian civilizations in North America.

Legislation signed by President Richard Nixon in 1970 returned to the Taos Pueblo all lands that had been seized by the Federal Government with the exception of the bottleneck tract. Inclusion of the bottleneck lands would have decreased the acreage of the adjacent Wheeler Peak Wilderness below the legal limit required for wilderness designation so the land was not returned to the Pueblo.

The Wheeler Peak Wilderness has subsequently been expanded several times and the transfer of the 764.33 acres of the bottleneck tract would not affect the wilderness designation of the Wheeler Peak Wilderness. My legislation would end this saga and bring to an end the responsibilities of the Federal Government to return lands to the Taos Pueblo.

The land transfer to the Pueblo effected by this bill will enable the Pueblo to guard against the public intrusions that are presently occurring on surrounding Indian lands and sacred sites. These intrusions have occurred during sacred religious activities and are wholly inappropriate for such an area. Unfortunately, the Pueblo is powerless to prevent such intrusions without the return of the land to their management and jurisdiction.

Under the terms of the bill, the bottleneck lands would be used for traditional purposes only, such as religious ceremonies, hunting, fishing, and as a source of water, forage for domestic livestock, wood, timber and other natural resources.

Enactment of this legislation will not result in the transfer of the land out of wilderness status. The Pueblo will manage the land as wilderness under strict requirements allowing only tribal access to the area for the specific activities, consistent with the Wilderness Act, which I have just described.

In the past, this legislation has been supported by the entire, bipartisan New Mexico congressional delegation and by a broad coalition of environmental organizations including the Wilderness Society, the Audubon Society, and the Sierra Club at the local, State, and national levels.

This legislation has been passed by the full House in previous Congresses, yet never enacted into law. Throughout this period, the Taos Pueblo has continued to suffer the indignity of public intrusions on their sacred land. It is time to put this long, sad story behind us by enacting this legislation. It is time to return the bottleneck to the Taos Pueblo people.

I look forward to working with my colleagues on both sides of the aisle and in both Chambers to ensure that this saga is brought to an end and this bill is enacted into law in the 104th Congress.

The full text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TRANSFER.

(a) Transfer.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) Land Description.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) Conforming Boundary Adjustments.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) Completion of Transfer.—The Congress finds and declares that the lands to be held in trust and to become part of the Pueblo de Taos Reservation under this section complete the transfer effected by section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

SCHOLARSHIPS NEED TAX EXEMPT STATUS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, teachers in every State compete annually for the prized Christa McAuliffe Fellowship. This prize, named after the teacher who gave her life in the explosion of the space shuttle *Challenger*, was created by Congress in 1986. The fellowship is given to outstanding teachers across the country to improve their knowledge and teaching skills and to use innovative methods in their classrooms to teach their children.

When the Congress created the Christa McAuliffe Fellowship, it had the good sense to exempt these moneys from taxation: The fellowship is not truly personal income and it should not be treated as such. Moreover, if the fellowship is treated as personal income, it could well push the recipient into a higher tax bracket than he or she would normally fall.

For some reason, we allowed the tax exclusion of the Christa McAuliffe Fellowship to expire in 1990. Thus, if a teacher receives a fellowship and devotes those funds to school projects, he or she must pay the taxes out-of-pocket. One recipient told me she did not know of the tax implications at the time she applied for the fellowship. Had she been aware of the personal costs she would incur, she would have seriously reconsidered applying for the fellowship in the first place.

Today, I am introducing legislation to restore prior law and once again exclude the Christa McAuliffe Fellowship from the recipient's income. Taxing these fellowships doesn't help teachers, it doesn't help students, and it doesn't help education as a whole.

MS. SANDY JASKULSKI, 1994 ST. FRANCIS CITIZEN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. KLECZKA. Mr. Speaker, I rise today in recognition of Ms. Sandy Jaskulski, who has been named the 1994 city of St. Francis "Citizen of the Year".

Ms. Jaskulski was chosen for this honor in recognition of her commitment to family, church, and community. She has been a member of the St. Francis Association of Commerce for the past 14 years and serves on its board of directors. She is a current member of the council of independent managers. She has been an active member of the Cudahy VFW auxiliary for 20 years. In addition, she has been an active volunteer on behalf of the Metro Charitable Foundation, the American Cancer Society, and various activities at the Sacred Heart of Jesus Parish.

I ask my colleagues to join me in recognizing Ms. Jaskulski's remarkable contribution to the citizens of the city of St. Francis and in offering to her our sincerest congratulations.

FOOD STAMP PROGRAM SHOULD MEET NUTRITIONAL NEEDS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, today I am introducing legislation that would allow people who use food stamps to balance their diets and purchase vitamin and mineral nutritional supplements.

While it is possible to get adequate levels of most nutrients through careful selection of foods, the fact is that most people don't. The facts speak for themselves. A Government survey of 21,000 people showed that not a single person obtained 100 percent of the recommended dietary allowance [RDA] for each of the 10 nutrients. The National Cancer Institute recommends that people eat at least five servings of fruits and vegetables a day, but less than 10 percent of the U.S. population actually consumes five servings of these protective foods daily.

Last year, with overwhelming public support, the Congress passed the Dietary Supplement Health and Education Act of 1994. This legislative action was necessary to protect consumers' right of access to safe dietary supplements. Because of the growing scientific evidence of important health benefits from supplements, both established and potential, I believe food stamp recipients should be allowed the same access as other Americans to supplements containing essential vitamins and minerals.

Of course, the Food Stamp Program is our Nation's first line of defense against hunger. Each month, approximately 27 million low-income Americans rely on the Food Stamp Program to meet their basic nutritional needs. The purchase of vitamin and mineral supplements would complement the healthy and nutritious foods currently bought by food stamp recipients.

Vitamins and minerals are essential nutrients needed for good health and many vital functions. They can be found in conventional foods, either naturally or through fortification and enrichment, and in the form of supplements. Many millions of Americans use vitamin and mineral supplements every day. However, people who rely on food stamps to purchase their daily sustenance are not allowed to use their food stamps for supplements.

My legislation is simple and would permit vitamin and mineral supplements to be purchased with food stamp coupons. I view this legislation as a positive step forward in providing low-income Americans greater flexibility in meeting their nutritional needs through the use of wholesome and healthful vitamin and mineral supplements. I urge all of my colleagues to take a close look at this legislation and consider the positive health benefits that vitamin and mineral supplements can add to a healthy diet.

NOTCH LEGISLATION IS IN ORDER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce legislation of the utmost importance to over 6 million of our Nation's senior citizens. My bill, the Notch Baby Act of 1995, would create a new alternative transitional computation method for those born between 1917 and 1921, making a phase-in uniform over a 5-year period. The Notch Baby Act of 1995 would put to rest the notch issue once and for all.

As you may know, the Commission on the Social Security Notch Issue recently released its report on this issue. The Commission concluded that "no remedial legislation is in order." I strongly disagree.

In its report, the Commission offers an example of two workers who retired at the same age with the average career earnings. One was born on December 31, 1916, and the other on January 2, 1917. If both retired in 1982 at age 65, the difference in benefits was $110 a month.

I urge my colleagues in the House to take a close look at the Notch Baby Act of 1995. This legislation is an affordable remedy for the notch injustice that many in Congress have tried to ignore, hoping the problem would just go away. It won't.

Seniors deserve an end to the barrage of mailings and fundraising attempts made on behalf of the Social Security notch. Seniors deserve an end to the repeated congressional delays and stalls. Seniors deserve an end to the uncertainty. Seniors deserve action by the 104th Congress. Notch remedial legislation is in order.

GUARANTEE THE HYDE AMENDMENT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, in the 103d Congress, the Freedom of Choice Act loomed on the horizon, threatening to write off the lives of millions of unborn children through unlimited abortion on demand. In November, the voters spoke. Across the Nation they showed that they feel that this Nation is on the wrong track. So today, I rise to introduce legislation which will reaffirm the most basic of human rights—the right to life.

One bill I am introducing will amend the Constitution to recognize the right to life and give that right express constitutional protection. The second bill I am introducing on this topic will essentially codify the Hyde amendment.

Since 1981, the House—through the Hyde amendment—has steadfastly stood by its stated belief that abortion should not be federally funded. The sole exception to the Hyde amendment is a circumstance in which the life of the mother would be endangered by the pregnancy or the birth. The House should continue this policy because the vast majority of Americans do not support abortion on demand.

I stand firmly committed to protecting the rights of the unborn. There is a certain dignity in human life which we must respect, for it is the foundation of each and every basic value we hold dear. The Federal Government should not fund a practice which directly contradicts our respect for life.

SENATE—*Friday, January 6, 1995*

(Legislative day of Thursday, January 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Hear, O Israel: The Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul and with all thy might. And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up.—Deuteronomy 6:4-7.

God of Abraham, Isaac, and Jacob, God of our fathers, we pray this morning for our families. Be especially with those who are traumatized by the process of moving to Washington—finding a residence and settling in a new neighborhood—as the typical Senate schedule begins to build. Help your servants to take seriously the fact that the foundation of the social order is the family. As the family disintegrates, society collapses. Grant to every spouse and every child a special dispensation of grace as the process of legislation demands more and more time from Senators and staffs.

Gracious Father in Heaven, bless our families. Help us to be faithful to them in giving our love, attention, and care. Help us to be faithful to ourselves, allowing time to receive the love, patience, and support from our families which we need and depend upon so much.

Eternal God, as I close this prayer, thank you for the great privilege of serving the Senate through seven Congresses.

In the name of the King of kings, and the Lord of lords. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that the time until 9:30 be equally divided between the two leaders, and that at 9:30 we resume consideration of S. 2, the congressional coverage bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate resumed consideration of the bill.

Pending:

Ford-Feingold amendment No. 4, to prohibit the personal use of accrued frequent flyer miles by Members and employees of the Congress.

The PRESIDENT pro tempore. The amendment of Mr. FORD, No. 4, is pending.

Mr. FORD addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Kentucky.

Mr. FORD. Mr. President, this amendment I have before the Senate merely prohibits the use of taxpayer dollars for personal use; that is, the frequent flyer mileage miles that are built up as a result of expense-paid trips back to our States. That is simply what it is.

I understand that my friends on the other side of the aisle are not ready to accept it, and particularly not ready for a vote.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that my amendment be set aside, and I further ask unanimous consent that Senator WELLSTONE be recognized for the introduction of an amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FORD. I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President. I thank the Senator from Kentucky.

Mr. President, yesterday, in introducing an amendment with Senator LEVIN of Michigan, Senator FEINGOLD, and Senator LAUTENBERG which dealt with lobby disclosure but mainly with gift bans, I on the floor of the Senate read from what I think is a very, very interesting, very important, and very revealing piece in Roll Call of October 17, 1994. The title is, "How Lobbyists Put Meals, Gifts to Work."

This memo, obtained by Roll Call, says one prominent D.C. firm lays out 1994 strategy, including meals, campaign contributions * * *.

And we talked yesterday about trips.

Mr. President, the amendment that I am going to introduce today focuses on lobbying. Yesterday, what I urged my colleagues—since so many of us ran on a reform agenda and since so many of us have talked about the need to make this process more accountable, open, and honest—I asked my colleagues really, under the leadership of Senator LEVIN, to vote on an amendment which would say that we would put an end to this taking of gifts. The vote was "no."

So today, focusing on the same question, I am going to, in this amendment, essentially say to my colleagues if you are going to vote "no" against the taking of gifts, the gift ban part, at least let us put a stop to this, I think, insidious connection between the lobbying and the taking of cash and campaign contributions.

So this amendment is going to prohibit lobbyists who may lobby within the preceding year from making contributions to or soliciting contributions for Members of Congress and from lobbying Members of Congress to whom they have contributed or on whose behalf they have solicited funds within the previous year.

In other words, if you have made a contribution or you have instructed a PAC you control to make a contribution to a candidate, then for 1 year thereafter you should not be lobbying that candidate or staff. Vice versa, if you have been in that office lobbying a Senator or lobbying staff, then there is a 1-year window here whereby you would not be allowed to make a campaign contribution.

This amendment is all about congressional accountability. Let me repeat that. This amendment is all about congressional accountability. And it is designed to sever the connection between lobbyists and big PAC contributions to Members of Congress.

This covers congressional staff, and it would prohibit lobbyists from lobbying new Members of Congress to whom they have contributed or on whose behalf they have solicited funds during the past year which I think, from the point of view of the new class, also represents real reform.

Mr. President, this amendment was part of S. 3, which the Senate passed by a very lopsided vote. Senators then said that they thought this was an important reform idea, or I should say an important reform measure. It would prohibit the practice whereby a lobbyist who lobbies a Member for a client then directs that client to make a contribution to the Member. It closes the potential loophole allowing lobbyists to get around the prohibition by having clients make contributions to Members to further their lobbying efforts.

In other words, it is not just a question of lobbyists not being able to do it, but it is also a question of a lobbyist not being able to instruct a client to make such a contribution.

This amendment will also prohibit a lobbyist from directing that a contribution be made by a political action committee to a Member of Congress whom that lobbyist has lobbied during the past year, a key element of any reform effort designed to sever—let me emphasize that—the connection, big money connection, between large lobbying firms, their clients, and PAC's.

Mr. President, one more time, we have before us the Congressional Accountability Act. We are talking about how to make this process more accountable. Reform is in the air in America. We started out this session on the basis of a focus on reform, and this particular amendment speaks to that question.

Yesterday, I urged my colleagues to vote for an amendment that I thought was a huge step forward—not a small step forward, but a huge step forward—in changing the political culture of Washington in putting a stop to taking these gifts. Many Senators, though I am proud to say by no means all Senators, but certainly many Senators, and on the other side of the aisle, all Senators on the other side of the aisle—I guess there were two exceptions—voted "no." With this amendment, I am saying if you are not willing to put an end to the accepting of gifts, at least put an end to this insidious connection between lobbying and the giving of money.

If there is one thing we have heard from people in the country, it is that they do not like this mix of money and politics. They do not like the fact that some people march on Washington every day. They do not like the fact that this is such a closed loop in which they do not feel as if they participate. And I cannot think of an amendment that would speak more clearly and more directly to people's concerns than this amendment.

Mr. President, this provision, when this amendment was first brought up for S. 3—which again I remind my colleagues was passed by an overwhelmingly positive vote—was crafted narrowly to withstand the test of constitutionality. The Court has said that any seeming infringement on first amendment speech rights has to be balanced against concerns about corruption or the appearance of corruption. That is what we are talking about here, the appearance of corruption. If you run for office and you are elected, lobbyists come in and lobby you, and then later there is a contribution. Or, vice versa, you receive a contribution and lobbyists instruct a PAC or client to make a contribution to you, and then shortly thereafter the lobbyist is in your office.

If you want to talk about the appearance of corruption and if you want to talk about a way of making this process more accountable and you want to talk about a way that Senators can live up to our mandate to be reformers, this amendment speaks directly to this question.

Mr. President, again, this amendment meets that test. It is directed narrowly at the question of the appearance of corruption or impropriety. Let me emphasize that again. It is directed narrowly at the question of the appearance of corruption or impropriety. And it covers only those situations where a lobbyist has made a lobbying contact and then contributes, solicits on behalf of, or directs that a contribution be made to a Member.

It attempts to define who is a lobbyist. By the way, so no mistake will be made, we simply go by the current definition. We get into none of the debate and argument on the reform of lobby disclosure. We just go with the current definition which—and by the way, I think all of us agree, if our words are to be believed—eventually has to be changed. There are many who lobby who are not officially registered as lobbyists today.

Mr. President, I also want to include in the RECORD a letter from the White House, January 5, 1995, which was addressed to the Speaker, in which the focus is on congressional reform, with a strong focus on this whole question of lobbying reform.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 5, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We have an opportunity to make historic change in the way that Washington works and the government does the people's business.

This week, the Congress has begun to take important and positive steps to change its operations for the better. Shrinking the number of committees, reducing staff, and other measures are valuable, and long overdue. The passage of legislation that would apply to Congress the laws that apply to the public is only fair, is simple common sense, and is also long overdue. I hope that this time, unlike the last session of Congress, the Senate follows the House's action. I congratulate you on these steps.

But true congressional reform must reduce the power of lobbyists and special interests. The power of organized money in Washington hurts the middle class, bloats spending and the deficit, and blocks needed change. Today, some 90,000 people in Washington are associated with lobbying Congress on behalf of specific interests, which too often are able to manipulate the congressional process to insert spending projects or tax provisions in legislation that do not serve the larger public's interest. Lobby power coupled with the ever-escalating cost of campaigns, which has risen fourfold over the past two decades, gives wealthy interests and wealthy candidates disproportionate influence in decisionmaking.

These are not partisan concerns; they are American concerns. I urge you, as you undertake the task of reforming Congress, to take on these real political reform issues.

First, as you enact legislation to apply general laws to Congress, it is vital that professional lobbyists be barred from giving gifts, meals and entertainment to members of Congress—just as they are now barred from giving these benefits to executive branch officials.

Second, Congress should also quickly enact legislation to bring professional lobbyists into the sunlight of public scrutiny. The current lobby disclosure statute is cumbersome and antiquated. Lobbyists should disclose who their clients are, what bills they seek to pass or block, and how much they are paid.

Third, I am pleased that the Congress wants to pass a line item veto authority for the President, something that I have consistently supported before and during the 1992 campaign and since. The line item veto authority will help us cut unnecessary spending and reduce the budget deficit. It is a powerful tool for fighting special interests, who too often are able to win approval of wasteful projects through manipulation of the congressional process, and bury them in massive bills where they are protected from Presidential vetoes. It will increase the accountability of government. I want a strong version of the line item veto, one that enables the President to take direct steps to curb wasteful spending. This is clearly an area where both parties can come together in the national interest, and I look forward to working with the Congress to quickly enact this measure.

Finally, we must clean up political campaigns, limit the cost of campaigning, reduce the role of special interests, and increase the role of ordinary citizens. Real campaign finance reform, too, should be an area of bipartisan cooperation. Requiring broadcasters to provide time to bona fide candidates would cut the cost of campaigning and ensure that voters hear all arguments, regardless of candidate wealth. Strong proposals for free TV time have been introduced in previous years by Senator Dole and by the new chair of the House Commerce Committee, Rep. Thomas Bliley; these proposals should be the basis of agreement on reform.

I look forward to working with the Congress to achieve results that are bipartisan, bold, and give the government back to the people.

Sincerely,

Bill Clinton.

Mr. WELLSTONE. Mr. President, let me just summarize for my colleagues, because I think that we will be casting an important vote on this amendment, I think it is an important vote because this is sort of a litmus test as to how committed we are to reform.

I cite this as a relevant document: Roll Call, Monday, October 17, where the whole focus is on meals and travel and campaign contributions, as ways of having access for clients. Mr. President, if you want to talk about a memo that tells it all, if you want to talk about a memo that, unfortunately, sort of speaks to the very concerns that people have about this process, this is an example.

I ask unanimous consent that this Roll Call piece be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Roll Call, Oct. 17, 1994]

How Lobbyists Put Meals, Gifts to Work

(By Timothy J. Burger)

During the protracted debate over new lobbying and gift rules—which went down to stunning defeat in the waning days of the second session—Members argued violently over the influence of lobbyist-paid meals and campaign contributions.

"Now, a Big Mac will not buy influence from anybody. I am sure $15,000 will not buy influence from anybody," Rep. Dan Burton (R-Ind) said on the floor.

Mocked retiring House Minority Leader Bob Michel (R-Ill): "Here we are today demeaning ourselves by saying. 'Oh, please stop me before I accept another cup of coffee and a Danish.'"

Despite such protestations, meals and contributions are fixtures in the lobbying world—and internal documents from a prominent Washington lobbying firm demonstrate just how central they are to conducting business.

In December 1993, principals of Gold and Liebengood assembled plans for expanding their network of Hill contacts for 1994.

The planning documents, copies of which were obtained by Roll Call, offer a rare glimpse into the world of lobbying and, specifically, how meals, gifts, and contributions are put to use.

Take, for instance, the strategy for James Capel and Co. Ltd., a British securities firm, that is a longtime client of Gold and Liebengood.

According to the memo: "Capel is desirous of dinners, lunches, and meetings for themselves and their clients, with a diverse list of Members of Congress Capel has agreed to pay G&L a separate fee for each and every one of these Congressional visits we arrange.

Potential targets: John Dingell, Jack Brooks, Norman Mineta, and Al Swift, were the initial Members mentioned. Capel would be receptive to suggestions from us."

The 12-page memo was drafted by Charles Merin, a Gold and Liebengood partner, and John Scruggs, the firm's managing director and a former aide to then-Rep. Trent Lott (R-Miss). It includes specific agencies for each of the principals.

Among Scruggs's "targets" were Reps. Porter Goss (R-Fla) and Pat Danner (D-Mo).

"Congresswoman Danner defeated Tom Coleman. Coleman was a strong and consistent supporter of Wilcox. Need to develop similar relationship with Danner," the memo noted. "Action: Continue to work with staff (hesitancy to accept gifts). Ask Chuck Merin for introduction followed by fundraising activity."

Wilcox, a manufacturing company, is a former Gold and Liebengood client.

Regarding Goss, the outline noted: "Porter Goss became a member of the Rules Committee early in this Congress. Only Minority Member on the committee with whom I do not have an established relationship.

"Action: Seek opportunity for campaign contribution, followed by goodwill development."

It appears, however, that Gold and Liebengood did not follow through on all of its plans. Goss and Danner told Roll Call they never heard from Scruggs.

Among the "targets" outlined for Merin were Alan Roth, staff director of the House Energy and Commerce Committee—"Multiple client interests before the Committee would be enhanced by a better working relationship with him"—and Democratic Reps. Bobby Rush (Ill), Scotty Baesler (Ky), and Bobby Scott (Va).

The Merin outline describes the Congressmen as "Promising Freshman Members with whom I need to firm up an existing, but casual relationship.

"Action: Arrange sit-downs/meals with these Members and mutual Member friends.

"Ask Jack Clough, former E&C Committee top aide, to arrange a lunch."

Merin said he never followed through with Roth, Baesler, or Scott and that he became acquainted with Rush through meetings, not meals, with the Congressman.

Scruggs, Merin, and a founding partner, former Senate Sergeant at Arms Howard Liebengood, last week were shown copies of the documents obtained by Roll Call.

In a letter of response, Scruggs wrote: "The documents are not newsworthy in any respect and were intended solely for private not public consumption. The activities suggested in the documents are neither unique nor inappropriate in any manner. As this firm is bipartisan and has no Political Action Committee, all members are encouraged to participate in political development-individually and they do."

Gold and Liebengood is in the final year of a five-year buyout and will be wholly owned by Burson-Marsteller at the end of 1994.

The memo also documents the firm's involvement in leadership races.

Written some 11 months ago, the Gold and Liebengood "Campaign Activity Outline" discussed Merin's plans to work on the year's most dramatic long-shot leadership race: "Charlie Rose for Speaker."

Merin's plans were to "Continue working with Rose and his campaign deputies to broaden the network of Member commitments."

This type of activity is "always a game of Russian roulette," said Howard Marlowe of the lobbying firm, Marlowe & Co., who served as president of the American League of Lobbyists from 1988 to 1990 and is a member of the organization's board.

"As long as you back the winner, then you've made the right choice," said Marlowe. "[And] in this case, the loser is somebody who's still around and so whatever you did to help him or her out is probably going to be remembered. So I think that probably represents a smart political move on their part."

But, Marlowe said, "I think in general lobbyist ought to probably try to refrain from getting involved in the internal leadership of the House or Senate."

Said Merin of his involvement in the leadership race: "The election of a Speaker of the House, much like the appointment of any Member to any committee, is a matter exclusively and totally within the purview of the institution. The ability of any outsider to leverage the process to his or her advantage is virtually nil. The only real role any outside can play in the process is to provide limited advice and counsel."

Said Rose: "I don't see Chuck Merin much more than I see other lobbyists that visit me. But be's a friend. * * * He has been helping me [with] new candidates and [to] raise money from some of his clients. * * * Some of the people he represents have given money to my leadership PAC. * * * He's told them that I have a good chance to be Speaker."

Rose noted that "since the beginning of Congress, [lobbying firms] have helped people become Speaker and Majority Leader and get elected to Congress. The vote for leadership around here comes from the Democratic Caucus. And Chuck has helped me raise money for Democratic candidates."

Also on Merin's agenda is "Vic Fazio for Caucus Chair."

The plan called for Merin to "Assist Fazio (D-Calif) with Member contacts on an as directed basis, relative to his bid to succeed Steny Hoyer." Fazio, the Democratic Caucus vice chairman, is unopposed in a bid to succeed Hoyer.

Asked about the memo, a Fazio aide said: "Mr. Merin has been a good friend and supportive of Mr. Fazio's campaigns in the past."

The most prominent political activity listed for Scruggs, meanwhile, is the "Bob Walker for Whip" campaign. Walker (Pa) is running against Reps. Tom DeLay (Texas) and Bill McCollum (Fla) for the GOP Whip post that Rep. Newt Gingrich (Ga) will leave when he's elected Republican Leader in December.

Scruggs, the memo states, is "Serving on advisory group of lobbyists supporting Walker Whip campaign." It cites a "Commitment to do 'meet and greets' for GOP candidates identified by Walker as he campaigns for potential GOP freshmen in next year's Congressional races."

Said Walker in an interview, "This is a guy who is a personal friend of mine of 20 years standing. * * * It's not being done as a lobbyist. It's being done as a personal friend." Walker said Scruggs "consults with me from time to time * * * and has put together some meet and greets." Walker said Scruggs is only one of many lobbyists working on his behalf.

Gold and Liebengood does not have a PAC and does not as a firm formally back specific candidates, although its 13 individual lobbyists are encouraged to follow their own political development agendas. This sometimes leads Gold and Liebengood lobbyists to support opposing candidates for the same office.

Underscoring this point, Scruggs said in the interview that "Gold and Liebengood is not working for Charlie Rose for Speaker. Because I'm the managing director and I'm supporting Newt Gingrich for Speaker and I think that sort of sums it up."

Said Ellen Miller, executive director of the Center for Responsive Politics: "We always expect this happens. But you know that level of involvement in leadership races is pretty startling. It's another chapter in the book 'How Washington Really Works'. * * * I'm afraid it's not unique at all."

"Do I know we get targeted? Sure," said Goss. As a public official, "You give up some privacy and you just expect people are trying to figure out ways to get access to get their views across."

Other political development projects listed for Merin:

"Mel Watts [sic] for a Rules Committee seat. The Congressional Black Caucus will be able to recommend a successor to [A]lan Wheat on the Rules Committee. Mel is the CBC Chairman's choice for that vacancy. Assist Mel in building a network of non-CBC Steering and Policy Committee Members who will support his appointment."

Watt said this month he has no knowledge of the memo or Merin's interest in winning him a spot on the Rules panel.

"Al Wynn for an Energy and Commerce Committee Seat. Maryland is looking to get back the seat it lost with Tom McMillen's defeat. Anticipated Member defeats/departures will create Democratic vacancies at the Committee. Help Albert craft his campaign for an appointment." Merin gave Wynn's re-election $200, according to FEC records.

An aide to Wynn—who had previously expressed interest in Rules, not Energy and Commerce—had no comment.

"Greg Laughlin for a Ways and Means Committee Seat. The departure of Representatives Pickle and Andrews from the Congress will create two vacancies for Texas Democrats to fill. Greg is the leading delegation choice for one of those vacancies. Assist him in securing non-Texas Steering and Policy Committee votes as the year goes on."

Laughlin could not be reached for comment.

Mr. WELLSTONE. Mr. President, to summarize, this amendment is designed to prohibit lobbyists from making contributions to, or soliciting contributions for Members of Congress whom they have lobbied within the preceding year, and from lobbying Members of Congress to whom they have contributed or on whose behalf they have solicited funds within the previous year.

If you have gone in—this includes staff as well—if you have gone in to see one of the Senators as a lobbyist or gone in to lobby with staff, then for 1 year—that is what we are talking about—you are not allowed to make campaign contributions. If you have contributed to a Senator, then within a 1-year period of time, you are prohibited from lobbying the Senator or staff.

This is all about making this process more open. This is all about reform. This is all about making sure we have a system in our country of democracy for the many and not democracy for the few. This is all about congressional accountability. And yesterday, too many of my colleagues—as it did not get a majority vote—voted against ending this practice of receiving the gifts, the argument being we will get to it later. By the way, since I have been here in the Senate, I have heard that argument over and over and over again. I think we will get to it later this term. I know I will bring this up over and over and over again until we do get to it.

Today I say this to my colleagues: If you are not going to agree with the proposition that we should put an end to the taking of these gifts now, then at least agree to the proposition—if we are talking about congressional accountability—that we ought not to be taking this money from lobbyists. At least agree there ought to be a 1-year period of time between the lobbying activity and the giving of money. Does it not seem as if this is reasonable? Does it not seem as if this is a prudent course? Does it not seem that if we are talking about reform, we ought to vote for this? We cannot separate the legislative lives we live and how we vote from the words we speak.

AMENDMENT NO. 5

(Purpose: To restrict political contributions by lobbyists)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GREGG). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 5.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1) A lobbyist, or a political committee controlled by a lobbyist, shall not make contributions to, or solicit contributions for or on behalf of—

"(A) any member of Congress with whom the lobbyist has, during the preceding 12 months, made a lobbying contact; or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with a covered executive branch official.

"(2) A lobbyist who, or a lobbyist whose political committee, has made any contribution to, or solicited contributions for or on behalf of, any member of Congress or candidate for Congress (or any authorized committee of the President) shall not, during the 12 months following such contribution or solicitation, make a lobbying contact with such member or candidate who becomes a member of Congress (or a covered executive branch official).

"(3) If a lobbyist advises or otherwise suggests to a client of the lobbyist (including a client that is the lobbyist's regular employer), or to a political committee that is funded or administered by such a client, that the client or political committee should make a contribution to or solicit a contribution for or on behalf of—

"(A) a member of Congress or candidate for Congress, the making or soliciting of such a contribution is prohibited if the lobbyist has made a lobbying contact with the member of Congress within the preceding 12 months; or

"(B) an authorized committee of the President, the making or soliciting of such a contribution shall be unlawful if the lobbyist has made a lobbying contact with a covered executive branch official within the preceding 12 months.

"(4) For purposes of this subsection—

"(A) the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist' means a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; and

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.

"(5) For purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the member of Congress;

"(ii) any person employed in the office of the member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.".

Mr. WELLSTONE. Mr. President, I, in a short period of time, have to get ready for a call-in that I do back with Minnesotans. So not seeing anybody, I am wondering whether colleagues are interested in debating this. If not, I will ask unanimous consent that this amendment, for the moment, be set aside.

Mr. GRASSLEY. Mr. President, reserving the right to object. What was the specific point that the Senator from Minnesota requested?

Mr. WELLSTONE. Mr. President, I asked unanimous consent that if there was no further debate at the moment, that my amendment be temporarily set aside. I have another engagement, but I will be back at 11 and ready to debate.

Mr. GRASSLEY. I think some debate may proceed on your amendment while you are gone because people on our side of the aisle want to speak on that. So I would like to keep his amendment before the body.

Mr. WELLSTONE. Mr. President, I say to my colleague from Iowa that that course is very reasonable, as long as I would have time to respond. I will be back here at 11.

Mr. GRASSLEY. Obviously, we will be able to do that since there is no time agreement.

The PRESIDING OFFICER. Is the request withdrawn?

Mr. GLENN. Reserving the right to object, and I will not, just to clarify this, if there is not sufficient opposition on this side to take up the time, if another amendment was brought to the floor before Senator WELLSTONE comes back, I presume it would be OK if we set it aside and went on with the other amendment.

Mr. WELLSTONE. Mr. President, I would be agreeable to either proposition. If Senators want to debate this—and certainly there should be debate on this amendment, as that is what we are all about, and it is an important debate—I would be pleased to have this amendment out on the floor. I will be back at 11 and I will be pleased to respond. If other Senators come with amendments and there are not Senators speaking directly to this amendment, I would be pleased to have this amendment set aside.

Mr. GLENN. I will not object.

Mr. WELLSTONE. I do withdraw my initial unanimous-consent request.

Mr. GRASSLEY. Mr. President, the situation this morning, Friday morning, is that we are on S. 2. This is a bill that we Republicans, the new majority, promised that we would give early consideration to, and hopefully pass early on to get the bill to the President for signature.

The House of Representatives, in their first day of session, unanimously, on a rollcall vote, passed this piece of legislation. This legislation provides that the exemptions that Congress as an institution and individual Members of Congress have had as employers from certain employment and safety laws, in some instances for over 60 years, will no longer be in place.

The purpose of this legislation is to end the environment in this country where we have two sets of laws—one for Capitol Hill and the one for everybody else, everywhere else in the country.

It will end a situation where there is one set of laws for Pennsylvania Avenue and another set of laws for Main Street, U.S.A. It will end the situation where employees of Congress do not have the same employment and safety rights and access to the courts for the enforcement of those rights that private sector employees have.

For a long period of time people, in the private sector, both employees and employers, but particularly employers, have resented a legal situation in this country where laws passed for the safety and the employment rights of individual private-sector employees of this country, have been in place for one set of employees but not for another. The burden of regulation on the private-sector employer has been in place, but that burden of regulation has not been in place for Capitol Hill. And, of course, that resentment has mounted, and mounted, and mounted over several years now that this has become an issue.

It was No. 1 on the list of promises that the new majority made to the American people that we would pass. Consequently, that is why it did pass the House of Representatives and that is consequently why our distinguished majority leader, Senator DOLE, made a promise to make that the first bill for consideration of this body.

So we had a full day's debate on this bill yesterday and we are probably going to have a full day's debate today and into next week. But I notice from the debate yesterday and the debate so far today, it is not on the substance of the legislation: ending the situation where we have one set of laws for Congress and another set of laws for the rest of the country.

I am glad to know that there is that fair amount of unanimity, maybe a great deal of consensus, at least, on the issue of the legislation. But debate yesterday was on the issue of lobbying and on the issue of gifts—very legitimate issues to be discussed before this body—and now this morning we are starting debate on unrelated legislation dealing with lobbying; again, a very legitimate subject for the Senator from Minnesota to bring to this floor.

But is it legitimate at this time to bring it before this body? Well, of course, under the rules, it is. But does it fit in with the goals that people desired for this Congress early on when they made the decision in the last election to send a new majority to the House and Senate and to the House for the first time in 40 years? I think not, particularly in light of the fact that the distinguished majority leader, Senator DOLE, has promised that all of these issues will have time for discussion on the floor of this body very early in this session, probably within the next 2, 3, 4 months, at the latest.

So I beg the Senator from Minnesota and the Senators from other States that have other amendments not germane to the specific purpose of S. 2 to wait for the appropriate time so that we do not frustrate the will of the people expressed in the last election, and that we move forward with ending this special treatment of Capitol Hill to be exempted from 11 major pieces of legislation. Let us move on with this bill, get it to the President for signature—the President wants to sign it—and then take up the usual course of business and abide with faith in the promise of the distinguished majority leader that these issues will be brought up and bring them up at that appropriate time. We should not try to wreck a very good piece of legislation that passed the House unanimously and I will bet will almost pass this body unanimously as well.

I yield the floor and urge Senators on my side who want to debate Senator WELLSTONE's amendment to please come over here and do that, because we will not have rollcalls as long as there is a leadership meeting down at the White House.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not have a dog in this fight. I do not have an amendment that I am proposing here, but I cannot help but respond to the remarks of my distinguished colleague from Iowa. I will be very brief because I know Senator SIMON would like to make a statement here on the floor and I am happy to see him do that.

But this idea that somehow because there is a push on for something here that we can avoid having anyone put on amendments is wishful thinking. I need only go back in my mind's eye and remember what was happening about 60 days ago or 90 days ago here on floor when anything we put forth was subject to amendments, extraneous or not. It was delay for delay's sake and it was a scorched earth policy.

To say that we should let some piece of legislation, as much as I want it—and I am as big a backer on this piece of legislation on congressional accountability one could possibly be, but it is entirely within the right of any Senator who wants to offer an amendment. Although I do not have an amendment to offer, I do not want to let anything go by that would be critical of people who do have amendments to offer and are offering them in all good sincerity. They think it is right. If they want to attach it on by the rules of the Senate, we, obviously, can do that.

We had talk here yesterday about we should be giving the new majority a chance to govern. Well, we do not set aside all the Senate rules in giving anybody a chance to lead or a chance to govern. I am all for leadership having all the leadership prerogatives, but those prerogatives do not mean that we are able to set aside amendments that people may, in all sincerity, propose, whether I agree with them or not.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STRIKE AT BRIDGESTONE/FIRESTONE

Mr. SIMON. Mr. President, on July 12, of last year, 4,200 members of the United Rubber Workers went on strike at Bridgestone/Firestone. The plants are in Decatur, IL; Des Moines, IA; Oklahoma City; Akron, OH; and Noblesville, IN. Negotiations had been going on for some time prior to that on the new contract. The United Rubber Workers had insisted on a similar contract to the contract they had with Goodyear. Bridgestone/Firestone, which is wholly owned by a Japanese company, insisted they could not do that, and then negotiations broke off.

The distinguished Senator from Ohio, as well as some of our colleagues, met with the Japanese Ambassador and urged that they renew negotiations. Unfortunately, the situation has deteriorated so that Bridgestone/Firestone has said they are going to permanently replace all these workers.

It is the first time in modern history that that has been done in a large scale, with the exception of the PATCO strike. And there, frankly, you had people who were breaking the Federal law, and President Reagan—and I think it could have been handled better—but President Reagan made the proper decision that you cannot violate the Federal law and he replaced the workers. This is an unusual situation. It is contrary to the traditions of labor-management relations in our country. Interestingly, it would be illegal in Japan.

Now, we have a situation where 2,000 or more workers are going to be permanently replaced. It is not going to be good for labor-management relations in those communities. It is not going to be good for United States-Japanese relations. It is just a bad situation all the way around. My hope is that we can urge our friends in Japan and urge the leaders of this company to recognize this is not wise.

Short-term may save a few bucks. I do not know any of the details of the negotiations. But I have been involved in labor-management negotiations often enough that I know if you sit around a table and try and work things out, generally you can work out a practical compromise. I urge they do that. That they not go ahead as they are now planning.

I will, later today, be contacting some of our colleagues in the affected States with a resolution that they may want to cosponsor, urging that they get back to the negotiating table and not have this permanent striker replacement. It is interesting that of the modern nations only Great Britain, Singapore, and Hong Kong permit permanent striker placement, plus the United States. But we have a tradition of not doing it. That tradition is occasionally violated by a very small company, but rarely by any company this large.

I hope we can have some common sense by the leaders of this industry. I hope the leaders of this industry and the United Rubber Workers can get together. I urge them not to proceed with the permanent replacement of these workers.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. THOMPSON. Mr. President, I ask unanimous consent that at 11:15 a.m. today the Senate resume consideration of the Wellstone amendment, No. 5, and at that point Senator MCCONNELL will be recognized to speak for not more than 10 minutes, to be followed by 20 minutes under the control of Senator WELLSTONE.

I further ask unanimous consent that at 11:45 a.m. the majority leader, or his designee, be recognized to make a motion to table the Wellstone amendment.

I further ask unanimous consent that if the Wellstone amendment is not tabled, Senator BROWN be recognized to offer a second-degree amendment.

Mr. President, I have also been informed that Senator COATS will be here presently and would like to speak briefly on the WELLSTONE amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I want to ask my good friend from Minnesota if he was or had ever been a member of the American Civil Liberties Union?

Mr. WELLSTONE. Mr. President, I do not think that I am now. I make a lot of contributions to a lot of organizations and I cannot tell the gentleman for sure. If I had been a member, I would have been proud to do so. However, I cannot answer for sure because

I cannot remember our previous records.

Mr. MCCONNELL. I thank my friend from Minnesota.

Mr. WELLSTONE. I would be pleased to call my wife, Sheila, and we will go over our records and be pleased to announce when we made a contribution, if we did.

Mr. MCCONNELL. I am sure my friend from Minnesota agrees with the Senator from Kentucky that the American Civil Liberties Union on many occasions has done fine work. Much of it I find myself in disagreement with. There have been those times, I think, clearly proving the objectivity of the ACLU when I find myself allied with them. The American Civil Liberties Union as earlier testified on the proposal that the Senator from Minnesota has offered, because it was as he indicated, a part of S. 3, an unfortunate measure that the Senate mercifully put to rest last year through some effort. The occupant of the chair participated in this effort, as well as the Senator from Kentucky, regarding the rights of people to participate in the political process.

Now, what the Senator from Minnesota has done is craft a measure which I am certain would be quite popular with the people of the United States since they have become convinced that lobbyists are odious folks who are up here buying influence and subverting the political process. Unless, of course, the lobbyists happens to be working for a cause they believe in, in which case they think the lobbyist is doing great work for America.

Regardless, this notion that this particular segment of our society should be singled out for unconstitutional treatment, it seems to me, is completely absurd. Maybe what we ought to do is introduce an amendment saying trial lawyers cannot contribute to a campaign, or maybe labor unions cannot contribute to campaign. How about bad lobbyists cannot contribute to campaigns? Surely there are good lobbyists and bad lobbyists. Maybe we would pick out the bad lobbyists and they cannot contribute.

Well, Mr. President, you get my drift. The Constitution clearly does not allow us to single out certain kinds of Americans because of their professions and take away their constitutional rights. It is simply impermissible. It might be popular.

Somebody told me, and I did not see the survey, somebody told me that in recent years many Americans indicated they do not support the Bill of Rights. I do not know whether that is true or not. Apparently some pollster asked a series of questions based upon the Bill of Rights and apparently many people did not support those items.

It would not surprise me that the amendment as crafted by the Senator from Minnesota would probably make for a terrific campaign commercial but the point is it trashes the Constitution. It absolutely trashes the Constitution. It is not even in the gray area.

Mr. President, I would like to take a moment to read from the testimony of the American Civil Liberties Union before the Senate Rules Committee, May 19, 1993, on this point, in testifying on the issue of prohibiting contributions from lobbyists. And the testimony said: "Another clearly unconstitutional provision in the President's proposal"—this was in President Clinton's campaigning finance bill—"is the ban on political contributions by registered lobbyists (or alternatively, the ban on lobbying by political contributors). Lobbying is both the essence of political speech and association and is specifically protected under the first amendment as the right of the people 'to petition the Government for a redress of grievances.' The various expressive rights encompassed by that notion are considered indivisible. After all, the first amendment 'was fashioned to assure the unfettered interchange of ideas for the bringing about of legal and social change as desired by the people'. Lobbying is nothing more than a manifestation of this interchange," said the ACLU, "because lobbying is designed to influence public policy, the speech that is burdened by this proposal is 'at the heart of the first amendment's protections'." Quoting the case of First National Bank of Boston versus Bellotti in 1978 and constitutes "the essence of self-government," and CBS versus FCC, Garrison versus Louisiana.

"Moreover," the testimony said, "it is wholly at odds with the guarantees of the first amendment to place legislative restrictions on those engaged in 'the discussion of political policy generally or advocacy of passage of defeat of legislation'."

"The Court's decision", the ACLU went on, "make apparent that these activities involve the highest level of constitutional protection."

The highest level of constitutional protection, Mr. President. We are not talking about an issue that is in the gray area. This is not a close call, Mr. President. The highest level of constitutional protection.

The ACLU went on,

> Like other provisions in the proposal, the ban on making political contributions is an unconstitutional condition imposed because of the exercise of a constitutional right. It does not matter that it is primarily aimed at those who represented moneyed interests, because the provision will not affect those interests—only their registered lobbying representative.
>
> Thus, it is both ineffective in accomplishing that goal and in preventing the appearance of corruption. Because the bill already establishes contribution limits in order to cabin the potential for corruption, that potential has been removed from the field of contention. There are no legitimate grounds——

I repeat, Mr. President, no legitimate grounds—

> to believe that a lobbyist restricted to the same maximum contributions will have any more undue influence over a legislator's views than anyone else. Thus, the specially restrictive treatment of lobbyists can only be viewed as a penalty for their frequent and sustained exercise of their constitutional right to address public policy issues before the political branches of Government.

This is it, Mr. President. And I see my friend from Indiana is here. I am about to wrap it up.

> The Constitution simply does not tolerate that result.

The Constitution does not tolerate that result.

Mr. President, I would like to ask unanimous consent——

Mr. WELLSTONE. Mr. President, will the Senator yield for some questions?

Mr. MCCONNELL. Just for a second. I would like to ask unanimous consent, Mr. President, that a letter dated today from the American Civil Liberties Union legislative counsel, Robert S. Peck, on the amendment before us, appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, January 6, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: This morning, Senator Wellstone proposed an amendment to S. 2 that would prohibit political contributions to federal officeholders by registered lobbyists. The American Civil Liberties Union opposed the amendment as inconsistent with the guarantees of the First Amendment.

The amendment would prohibit lobbyists from making political contributions during a period of one year following a lobbying contact. Alternatively, if a lobbyist does make a political contribution, the lobbyist would be prohibited from making a lobbying that member of Congress or covered executive branch officers for a one-year period following the contact. Finally, it prohibits lobbyists from suggesting to clients possible recipients of their campaign contributions.

The First Amendment provides, among other things, broad guarantees of freedom of speech and the right to petition the government for redress of grievances. The Supreme Court, in the case of *Buckley* v. *Valeo*, 424 U.S. 1 (1976), held that campaign contributions are a form of free speech that is protected under the Constitution. The *Buckley* Court approved of a system of campaign contributions limitations that were designed to avoid the appearance of corruption as the least restrictive means of furthering an important governmental interest without unduly obviating a constitutional right. Because these contribution limits still stand, further restrictions on contribution rights, such as the limitation on contributions by lobbyists, do not meet the constitutional requirements of the least-restrictive-means test.

Moreover, the First Amendment also the right to lobby, denominated in the Constitution as the right "to petition." As the Court said in *Roth* v. *United States*, 354 U.S. 476, 484 (1957), the First Amendment "was fashioned to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people." Lobbying is nothing more than a manifestation of this interchange. Because lobbying is designed to influence public policy, the speech that is burdened by this proposal is "at the heart of the First Amendment's protection," *First National Bank of Boston* v. *Belloti*, 435 U.S. 765, 776 (1978), and constitutes "the essence of self-government." *CBS, Inc.* v. *FCC*, 453 US. 367, 396 (1981) (quoting *Garrison* v. *Louisiana*, 379 U.S. 64, 75 (1964)). Moreover, it is "'wholly at odds with the guarantees of the First Amendment'" to place legislative restrictions on those engaged in "'the discussion of political policy generally or advocacy of passage or defeat of legislation.'" *Meyer* v. *Grant*, 486 U.S. 414, 428 (1988) (quoting *Buckley*, 424 U.S. at 50, 48 (1976)). The court's decision make apparent that these activities involve the highest level of constitutional protection.

The ban on making political contributions proposed by this amendment is an unconstitutional condition imposed because of the exercise of a constitutional right. It does not matter that it is primarily aimed at those who represent moneyed interests, because the provision will not affect those interests—only their registered lobbying representative. Thus, it is both ineffective in accomplishing that goal and in preventing the appearance of corruption. The existence of contribution limitations already cabins the potential for corruption. Thus, there are no legitimate grounds to believe that a lobbyist restricted to the same maximum contributions will have any more undue influence over a legislator's views than anyone else.

The ACLU urges the Senate to reject this amendment, as unconstitutional and ill-conceived.

Sincerely,

ROBERT S. PECK,
Legislative Counsel.

Mr. WELLSTONE. Actually, Mr. President, instead, the Senator from Indiana wants to speak to the same amendment. I wondered whether I could just respond for a moment first to the Senator from Kentucky, if the Senator from Indiana will give me that courtesy.

The PRESIDING OFFICER. Is the Senator from Minnesota objecting to the request of the Senator from Kentucky?

Mr. WELLSTONE. No.

Mr. McCONNELL. Mr. President, I believe I have floor. I do not want to unduly detain the Senator from Indiana. I want to wrap it up.

Mr. COATS. Mr. President, if I may inquire of the Chair of the procedure here, it is my understanding that we will move to procedure under the unanimous-consent agreement. If that is the case, I will not be able to give my statement and I can give it later.

Mr. McCONNELL. If the Senator will yield.

Mr. COATS. I will be happy to yield to the Senator.

Mr. McCONNELL. I believe the vote will be at a quarter to 12. I will be through in a minute.

Mr. COATS. I thank the Senator.

Mr. McCONNELL. I yield to the Senator from Minnesota.

Mr. WELLSTONE. Instead of asking a question, I wonder if I may have some time to respond. Then, of course, the Senator from Kentucky——

Mr. McCONNELL. Why not have the Senator from Minnesota and myself simply enter into a colloquy and address the Chair?

Mr. President, I see the Senator from Minnesota is in the Chamber.

The PRESIDING OFFICER. Without objection, the colloquy is in order.

Mr. McCONNELL. I am pleased to do so.

Mr. WELLSTONE. Mr. President, I have enjoyed having colloquies and discussion with the Senator from Kentucky in the past and always respect what he has to say.

Let me start out by saying that I just bet there is one thing the Senator from Kentucky and I will agree on, and what we will agree on is that the American Civil Liberties Union is not always right. Does the Senator from Kentucky agree with me on that?

Mr. McCONNELL. I certainly agree with the Senator from Minnesota, Mr. President, that the ACLU is not always right. However, it certainly has been on the campaign finance issues, and I think they have been a lot right on constitutional questions.

This is an organization, Mr. President, we all know exists to help Americans enforce first amendment rights. And what the Senator from Minnesota is seeking to do here today is to set aside a type of American citizen and say that because you earn your income in this particular way, you do not have the constitutional rights that everybody else in America has. The ACLU said this is constitutionally impermissible. I hope that will be persuasive to my colleagues, and that is the reason I raised the point.

Mr. WELLSTONE. Mr. President, the reason I make this point is the American Civil Liberties Union is not always right, and I think all of my colleagues understand that. I do not think they are right on this issue. I do not think the American Civil Liberties Union was right on the lobbying disclosure. They take a certain position. I think my colleagues know, including, Mr. President, my colleague from Kentucky, that my record, my passion about the importance of first amendment rights is clear, very clear. But the American Civil Liberties Union is simply wrong again.

Mr. President, what the Supreme Court has said in Bellotti is that any significant infringement on first amendment speech rights has to be balanced against concerns about corruption or appearance of corruption.

Mr. President, understand what this is all about, this is trying to break this very clear nexus——

Mr. McCONNELL. Will the Senator yield for a question?

Mr. WELLSTONE. In just a moment. I would like to finish my analysis, if I may.

Mr. McCONNELL. I thought we were in a colloquy here, and I would like the Senator to respond to a question, if he can.

Mr. WELLSTONE. We are in a colloquy, but I think the Senator will be better able to ask me a question if I can just finish my point.

Mr. McCONNELL. All right.

Mr. WELLSTONE. So, Mr. President, the point is that we are talking about a very clear nexus here between lobbying and the giving of money. Just so my colleagues understand, this amendment is designed to prohibit lobbyists from making contributions to or soliciting contributions for Members of Congress whom they have lobbied within the preceding year—1 year, that is what we are talking about—and from lobbying Members of Congress to whom they have contributed or on whose behalf they have solicited funds within the previous year.

Now, Mr. President, this amendment was part of S. 3, which passed by a fairly significant margin in the Senate.

At the very end of the last session, we had a filibuster which prevented the campaign finance reform bill from going to conference committee, as I remember. But many Senators voted for this amendment. It was in the bill. And once again, Mr. President, I am just simply responding to the bill before us. I am trying to improve this bill. It is called congressional accountability.

Yesterday, Senators said they would not vote for the proposition that we should not take the gifts. Today, I am saying should we not at least go on record, if we are interested in a more accountable process, that we do not take these contributions within this 1-year period of time? I think this is, of course, open to a challenge, a constitutional challenge, as is much of the legislation that we pass. But with all due respect—I am not a lawyer, Mr. President, but I can just tell you that there are two sides to this question. The fact that the ACLU does not agree with this amendment does not mean, therefore, that this amendment, ipso facto, should be declared unconstitutional by my colleagues. That is simply not the case. I think it will withstand the scrutiny of the courts.

In any case, the real issue here is about reform, is about the influence of lobbyists, is about making sure that we make this process more accountable, and it is about breaking this connection between money and lobbying and at least having this 1-year window. That is what this is about.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

The Chair indicates that the Senator from Kentucky, under the previous order, is recognized until 11:25, and the Senator from Minnesota is to be recognized from 11:25 to 11:45. You, by unanimous consent, are engaging in a colloquy, so it is your time.

Mr. McCONNELL. Mr. President, I am just going to reclaim the floor very briefly, and then I am going to yield the remainder of my time to the Senator from Indiana.

The Senator from Minnesota cites no cases—because there are none—for the proposition that he suggests. I cited four or five. This is not in the gray area. This is clearly unconstitutional. The Senator argues that because of the perception problem, the rights of lobbyists should be taken away. My guess is there may be a perception that labor unions contribute to campaigns, too. Maybe we should take their rights away. Or others may think we ought not to have trial lawyers contribute to political campaigns and maybe we should take their rights away.

The Constitution does not make it possible to pick on people by taking rights away in legislation. This is not a close call, Mr. President. This is clearly, blatantly unconstitutional.

Mr. President, what time do I have remaining?

The PRESIDING OFFICER. The Chair indicates the Senator from Kentucky has 6 minutes and 20 seconds remaining.

Mr. McCONNELL. I yield all of my time to the Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator for yielding. I do want to state I came to the floor to make a statement on the underlying bill and not on this particular amendment. If it would be more appropriate to make that statement at a different time, I will be happy to do that. The Senator may want to address the specifics of this amendment before he yields the time.

Mr. McCONNELL. I say to the Senator from Indiana, I have said all I want to say about this and I am happy to yield the remainder of my time.

Mr. COATS. I thank the Senator.

Mr. President, 200 years ago, our Founding Fathers fought a revolution against what they saw as an imperial government, a government that taxed them to the point of despair and denied their freedom. From this revolution, they built a country on the idea that the preservation of the freedom and the integrity of the common man was the measure of good government.

Last year, on the 8th day of November, the American people rebelled once again, this time not against an imperial government but against an imperial Congress. They fought this revolution with the legacy of our Founding Fathers. They fought it with their vote.

The American people voted in November to overthrow an entrenched, distant Congress. They forcefully demonstrated that they were very deeply cynical about their Government and deeply skeptical about its ability to create sound public policy. They decided that an institution which could not govern itself could not govern the rest of us.

It was a sobering decision because it is impossible to be simultaneously held in contempt by the American public and to be viewed as an institution capable of providing leadership on the major problems facing our Nation.

And so the simple conclusion and the simple fact is this. We must restore the faith of the American people in their elected representatives if major problems are to be effectively addressed and endorsed and embraced by the American people. We need to create an environment in this body where we can focus on important problems. That is the mandate of the election and that requires major reform in the way that this institution conducts its business.

Four years ago I stood before this body to introduce four measures designed to rein in an out-of-touch Congress. These measures ensured that there would be an end to the midnight pay raises slipped in in the back rooms to an otherwise popular bill, hoping to slip it by the process that would expose it to debate and allow Members to vote up or down and have their constituents know what their vote was. I am pleased that this measure has now been adopted into law and is part of the Constitution of the United States so that no longer will we be allowed to raise or adjust our pay without exposing it to the light of debate and putting our yeas and nays in public for the public to judge us on.

I introduced a measure to reform the way in which we judge each other and I introduced a measure that would return this body from one of a professional body to a citizen legislature, which I believe our Founding Fathers intended.

Finally, I introduced a measure guaranteeing that the Congress would live under the same laws it passes for everyone else. Significantly, we are here today debating that fourth measure. It is the worst, most obvious hypocrisy, for the Senate to pass legislation that applies to every other American except for those who wrote the legislation. It sets the Congress apart as a privileged elite, unbound by normal rules and standards. And it protects the Congress from the consequences of its own failures and excessive burdens. This measure, this one that we are debating today and will vote on—this measure ensures that public laws would be applied to public servants. Anything less is a dangerous double standard.

From the Clean Air Act, which I supported, to the Americans With Disabilities Act, to OSHA regulations, to labor standards, to civil rights laws, Congress will be forced to come into compliance with the very laws that Congress has passed and imposed on the citizens Congress was elected to serve. Knowing that Congress must comply with laws that it considers, hopefully we will write better laws or perhaps maybe no law at all. I fully expect that we will be overwhelmed and in many cases simply unable to comply with the laws already on the books. The basement of the Capitol alone will be enough to employ a team of OSHA inspectors in perpetuity. Yet, if it is impossible for us to comply, perhaps we will finally understand the extent of the burden which we have placed on American citizens. Our citizens and families, small businesses, the lifeblood of jobs in America, are suffering under the weight of unprecedented Government intrusion into the very way they live their lives and do their work. The premise is simple enough. We will write better laws if we are forced to live under those laws. If it is impossible to comply with the law, we should not write it.

With a vote earned by the sacrifice of so many Americans, the American people have staged a second American revolution. The Congressional Accountability Act is the first measure in fulfilling the promise of that revolution for future generations of Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired. Under the previous order, the Senator from Minnesota is recognized for up to 20 minutes.

Mr. WELLSTONE. Mr. President, first of all, let me be very clear. I said this yesterday and I want to say it again to my colleagues, I am very supportive of this Congressional Accountability Act. I think this piece of legislation should and must be passed. That is why I did not want this to be open-ended. I wanted this debate to be within a reasonable period of time.

But if we are going to say that we are trying to make the Congress—the Senate accountable, we can do much better. There is no reason why we cannot strengthen this piece of legislation. We do that all the time on the floor of the Senate. That is the very essence of our accountability. Senators come out with amendments to strengthen a piece of legislation and we vote on those amendments up or down and then we are held accountable for our votes.

This amendment was part of a campaign finance reform bill which was passed June 17, 1993, I guess at 2:11 p.m. This was the vote: 60 yeas, 38 nays. This amendment was part of this piece of legislation that was passed by many Senators who now still serve in this body. These arguments, and really they are smokescreen arguments, about the ACLU—colleagues come out and say, "The ACLU said this, therefore we better not vote for it." I have to smile, because I have never in the past noticed that was the litmus test for my colleagues, that the ACLU took a position therefore that is our position. That is a smokescreen argument.

One more time, Mr. President. If we want to talk about, agree or disagree with one of the major Court decisions about this whole issue of campaign finance, it was Buckley versus Valeo. It was made crystal clear by the Court that any potential infringement on first amendment speech rights has to be balanced against concerns about corruption or the appearance of corruption.

I want to say to my colleagues, I am not talking about corruption. I am talking about the appearance of corruption. What this amendment says—and I went over it very carefully this morning—is that if a lobbyist comes into your office to see you or staff, then at least a year ought to go by before that lobbyist contributes money to you or instructs a client to do so. Or if a lobbyist, or a client instructed by a lobbyist, a PAC instructed by a lobbyist, contributes money to you in your race—I say that to those Senators who have just come to the Senate—a year ought to go by before that lobbyist is allowed to come in and lobby you.

We voted for this before. There was strong support for it before. We are talking about congressional accountability. If my colleagues think they can hide behind a smokescreen argument—you know, different Senators have different views about how to interpret legislation. Of course someone can stand up and say the ACLU says it is not constitutional, therefore it is not constitutional. Many of us voted for it before. And I would think that many of my colleagues who ran on a reform agenda, who said they were interested in reform, would vote for it now. I do not think we should trivialize this issue. We are focusing on congressional accountability. We are focusing specifically on an essential problem with the way Government operates.

I have heard a lot about the way Government operates. If we want the Government to operate in such a way that the citizens we represent back in our States feel that Government is open and accountable and responsive to them, and not just those folks who march on Washington every day—that is to say who are here every day, well heeled, well oiled, well financed, with lobbyists, having way too much access and say—then certainly we can break this link.

This is an extremely modest amendment. I am astounded, frankly, that there is any real opposition to it. I really am.

Mr. President, yesterday I came out on the floor with Senator LEVIN, Senator FEINGOLD, and Senator LAUTENBERG. And we said at the very beginning of the session, let us send a strong message to the people we represent. As long as we are talking about congressional accountability, let us pass an amendment that focuses on prohibiting the taking of these gifts, trips to the Bahamas or Hawaii paid for by whomever; meals, tickets, you name it; not because we think that Senators or Representatives are corrupt—we do not believe that, we are proud of being in the Senate—but because we know that the people we represent—I have heard this standard over and over again; I have heard Senators announce this standard on the floor—we know that the people we represent do not receive those gifts and it is inappropriate. It is really unacceptable. Let it go.

Yesterday the vote was against that amendment. Really the only argument I heard was the control argument. We are in control. We are in control here, and therefore there are not going to be any amendments on this bill. It was not the merit of the amendment. It did not have anything to do with at the beginning of the session making it clear to people we were for reform. It was control. Well, Senators did not vote for that.

Today I have an amendment that says at the very minimum, if we are going to talk about reform and accountability, I urge my colleagues to vote for this amendment. I think it sends a very positive signal to the people we represent, which is we are not going to take one thing while we campaign, and then vote against it on the floor of the Senate. We are not going to hide behind the ACLU. We vote it up or down. We are not going to hide behind a control issue. Our party is in power; therefore, we are not accepting any amendments. I have even heard some of my colleagues say—I think, I do not have the particular day or time—that campaign finance reform is off the agenda this Congress. Mr. President, it is not off the agenda. The reason it is not off the agenda is that each and every Senator has a right to come to the floor with amendments that focus in on what a Senator believes are important issues to the people he or she represents.

I happen to believe that for Minnesotans this is an extremely important issue. By the way, not that polls always make the difference. I actually hope they do not because I hope every Senator votes his or her conscience when that is the case. But if you were to do a poll in the cafes of Minnesota as to whether or not we ought to vote for an amendment to put an end to this sort of insidious connection between the lobbying and the giving and the taking of money with at least a not outright prohibition but at least a 1-year moratorium, 99.9999 percent of the people in Minnesota would agree. What is the hesitation? Why would my colleagues be opposed to it?

Mr. President, I had actually looked forward to more debate on this. So far we have heard about the American Civil Liberties Union's position and that is it. So I have to assume that is the reason my colleagues are going to vote against this, if they are going to vote against this. I have not heard another Senator come to the floor with any other substantive reason given for voting against this amendment.

I can tell you, Mr. President, in the spirit of accountability—and we are talking a congressional accountability act—I would think Senators would be clear as to why they are opposed. I have not heard that. And in the absence of hearing that opposition, though one Senator, Mr. President, the Senator from Kentucky certainly spoke against it, I look forward to this vote and I believe that this amendment should be passed by the Senate. And certainly as to those Senators who voted for this campaign finance reform bill, which included this amendment before, I look forward to their support and the support of some of my colleagues who are new to this Senate whom I know are very strong reformers.

Mr. President, I conclude my remarks and yield the rest of my time. I think we are going to have a motion to table at 1:45.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I would like to ask unanimous consent—if I have to and I am not sure I have to—that I reserve for myself the final 2 or 3 minutes before the vote, if I am so inclined, and before the motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. For the moment, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, could I have order in the Chamber for a moment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. I thank the Chair.

Mr. President, before the vote on this amendment I just would like to be very direct with my colleagues. This amendment speaks to a very real problem.

Mr. President, this amendment is not an abstract amendment. It does speak to a very real problem. We are talking about part of the political culture in Washington. Let me lay it on the line at the very end, because that is what this amendment is about. I will just lay it on the line. It is not uncommon for a Senator to be lobbied by a registered lobbyist and a month later to get a $5,000 PAC check. It happens.

Let me just be very blunt and direct at the very end of this debate. The reason that I introduced this amendment as part of the campaign finance reform bill—and that bill got overwhelming support in the Senate—and the reason I bring this amendment today as part of the Congressional Accountability Act is that this happens. Let us get away from all of the abstract arguments.

The fact of the matter is, Mr. President, that all too often lobbyists come in to see a Senator, and shortly thereafter the money flows in. All too often, lobby money flows into campaigns, and shortly thereafter lobbyists and groups and organizations represented by lobbyists appear. That is egregious. That does not give people confidence in this process. That does not make the Congress very accountable to the many. That is what this amendment is all about.

Mr. President, I simply say to my colleagues that if you are serious about reform, then this amendment is a test case of that commitment to reform. I do not know how any of us can go back to any of the cafes or restaurants in our own States and justify to people how we voted for the continuation of this practice. We ought to end it. It is a good Government reform. It is part of congressional accountability, and I urge my colleagues—urge my colleagues—to support this amendment. They have in the past. Many of my colleagues found this to be a compelling problem and issue in the past. It is just as compelling today.

I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I support campaign finance reform legislation and I have cosponsored it repeatedly over the years only to have it filibustered or vetoed by the other party.

For me, taken outside the context of campaign finance reform, this amendment is problematic. It would prohibit a Senator from receiving support from lobbyists but it would not prevent a challenger from receiving contributions from those very same lobbyists. Yet that challenger could be an incumbent—a Governor, a State legislator, a mayor—and not be subject to the same restrictions. In my most recent campaign, I was challenged by the speaker of the house in the New Jersey State Legislature. I can tell you that he had the ability, based on his contact with various groups and issues, to raise a lot of money from lobbyists and special interest groups. So, without a comprehensive campaign finance program in place, the prohibition in this amendment singles out incumbent Senators—not all incumbents—unfairly.

Further, comprehensive campaign finance reform set a limit on the total amount of money one could spend on a campaign. So even if a challenger could receive funds from lobbyists while an incumbent could not, the limit on total spending would not necessarily create an uneven playing field. In an environment of unlimited spending, however, denying one candidate resources which are available to another is not equitable.

I support the goal of the Wellstone amendment—to break the link between contributors and any real, or perceived, influence on public policy. We can best achieve that goal in the context of overall reform of our campaign finance system.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. On behalf of the distinguished majority leader, I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. McCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Delaware [Mr. BIDEN] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The PRESIDING OFFICER (Mr. COVERDELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 17, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—74

Abraham
Akaka
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lautenberg
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—17

Baucus
Boxer
Bradley
Campbell
Feingold
Feinstein
Ford
Harkin
Kennedy
Kerry
Kohl
Levin
Moseley-Braun
Moynihan
Pell
Simon
Wellstone

NOT VOTING—9

Biden
Gramm
Heflin
Hollings
Kerrey
Leahy
McCain
Robb
Rockefeller

So the motion to lay on the table the amendment (No. 5) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE GIFT BAN AMENDMENT TO THE CONGRESSIONAL ACCOUNTABILITY ACT

Mr. CHAFEE. Mr. President, during the last session of Congress, I was a cosponsor of the gift ban bill and was among a handful of Republicans who voted for cloture on the conference report. Nevertheless, I voted to table the gift ban amendment to the Congressional Accountability Act.

Congress has been severely criticized for passing legislation that applies one set of rules to itself and a separate set of rules to the rest of the Nation. The Congressional Accountability Act changes that practice, once and for all. The House already has agreed to similar legislation and is expected to endorse the Senate version. Passage of the gift ban bill would delay final approval of this important measure.

Furthermore, passage of a ban on gifts from lobbyists prior to consideration and passage of strict lobbying disclosure requirements is, in my view, shortsighted. The majority leader clearly stated his intention to address the entire issue of how lobbyists interact with Members of Congress and their staffs. Banning gifts from lobbyists should be addressed in that context. To ban gifts from lobbyists under our present inadequate system of registering lobbyists could act as a disincentive to proper registration.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Can we have order in the Senate, Mr. President?

The PRESIDING OFFICER. Will the Senate come to order?

Please proceed.

Mr. EXON. Mr. President, I ask unanimous consent that the pending Ford amendment be temporarily set aside for the purpose of the Senator from Nebraska offering an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is this an amendment, Mr. President, that would mandate that the next budget resolution that is presented to the U.S. Senate must show a balance?

Mr. EXON. In answer to my friend from New Mexico, the chairman of the Budget Committee, the amendment that I am sending to the desk outlines a series of procedures that I think are absolutely necessary to make sure that the balanced budget amendment, which I support, can be fully operative in a reasonable period of time.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. A unanimous-consent question is pending. Is there objection?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 6

(Purpose: To apply the balanced budget amendment to Congress)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 6.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) adopt in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced Federal budget;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced Federal budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that—

"(A) fails to set forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through 2002;

"(B) sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of revenues for that fiscal year; or

"(C) relies on the assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues, without including specific reconciliation instructions under section 310 to carry out those assumptions.".

(c) REQUIREMENT FOR 60 VOTES TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

Mr. EXON. Mr. President, I suggest that the Senate is not in order.

The PRESIDING OFFICER. Will the Senate please come to order and will Senators remove conversations from the floor.

The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, we are here today considering the worthwhile and laudable goal of applying to the Congress the laws by which all other Americans live. I wholeheartedly support this endeavor and, I might add, it is long overdue.

But, in all of the discussions, many may have lost sight of the fact that the single most significant law that we are going to apply to the American people this year is an amendment to the Constitution to require a balanced Federal budget.

I rise today to offer an amendment that would apply to the Congress itself a constitutional amendment to balance the Federal budget. Simply put, my amendment would create a point of order against considering any budget resolution that fails to comply with the requirements set out in the balanced budget amendment. In other words, under my amendment, it would be out of order to consider any resolution that failed to show a balance in the fiscal year 2002. That is what the balanced budget amendment requires. No more and no less.

My amendment will force the Congress to live up to the policy statement it will set forth in the balanced budget amendment, which I am confident will be adopted sometime this year.

Mr. President, I want to put my colleagues on notice, if anyone is for a balanced budget amendment to the Constitution—truly for it—he or she should be for my amendment, too. My amendment merely forces Congress to abide by the balanced budget amendment in its budget resolutions. There are no gray areas in this amendment.

Specifically, my amendment creates a point of order against consideration of a budget resolution that would not: First, reach a balance in 2002; second, provide at least the usual budget resolution detail; and third, include reconciliation instructions to the affected committees for all entitlement and tax changes assumed.

My amendment requires 60 votes to waive the point of order. This is real enforcement. My amendment applies the same standards before 2002 that a balanced budget amendment would apply to after the year 2002.

My amendment is also sensible. It provides that the new point of order, just like other points of order under the Budget Act, will be suspended if the Congress declares war or adopts a resolution certifying low economic growth, using the existing procedures under the Gramm-Rudman-Hollings measure.

Now, some might say to me: "Just wait until the balanced budget amendment comes up in a couple of weeks."

Mr. President, with due respect, that is just not good enough. That is not good enough for the people of the United States of America. That is not good enough for this Senator who has come to the floor of the Senate year after year seeking passage of a balanced budget amendment, only to come away empty handed.

To uphold our responsibility to the American people on the eve of the near certain passage of a constitutional amendment, we must have the guarantee before—and I emphasize, Mr. President, before—we vote on the balanced budget amendment itself that we are going to guarantee the specifics of how to reach a balanced budget.

Without that, our action would be only a concept and not a plan. Without that, our action would be a politically palatable sham. Without that assurance, we would merely be voting for an idea of a balanced budget, conveniently leaving in the never, never, Alice-in-Wonderland future the enforcement mechanisms that are essential to getting us there. Without that guarantee, we are adults promising a bridge to fantasyland without pillars or even preliminary plans.

Some may say we can only do so much deficit reduction at any one time. To them I say that my amendment does not force Congress to put all of its deficit reduction in 1 year. Under my amendment, Congress may even choose to delay action on deficit reduction into the year 2001 or 2002. But my amendment forces Congress to choose. It must lay out some plan to get us to a balance.

Let me add, we cannot afford to delay. Yesterday, the Congressional Budget Office issued a brief preliminary report on the state of the deficit. I had been advised of this previously, and it has come to pass.

Mr. President, I ask unanimous consent that the full text of that report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Let me just note a few highlights that are quite evident from that report.

The Congressional Budget Office tells us that unless we take action right now, the deficit will rise to $322 billion in the year 2002. In order to balance the budget between now and then, the Congressional Budget Office tells us that we will need to achieve some $1.2 trillion in deficit reduction, and if we add into the plan tax cuts in the Republican-controlled Contract With America and, to a lesser extent, the tax cuts suggested by the President of the United States, that figure will easily exceed $1.5 trillion in cuts that we are going to have to make between now and then.

Let us get on with it. To achieve this herculean task, we must begin to act now. Maybe we are already too late. To quote the CBO report:

> If the budget is to be balanced by the year 2002, it is vitally important that Congress and the President begin immediately to put into effect policy that will achieve that goal.

That, Mr. President, is what my amendment is all about. My amendment will force Congress to start dealing with this challenge now, not in the year 2002. My colleagues on the other side of the aisle may choose to vote against requiring compliance with a balanced budget, but make no mistake they will have to vote, They will have to go on record, and if Senators vote against my amendment today we will know that they are in favor of the idea of a balanced budget but they are not for the reality of a balanced budget amendment.

Mr. President, I believe that this is a critical time. We are at a juncture where we have the responsibility to show the American people that there is more to our commitment to balance the Federal budget than simply words and phrases, and passing the amendment.

I suggest that it is time we showed some courage, as difficult as that is going to be, some responsibility and some constructive definitive action.

Mr. President, I yield the floor.

EXHIBIT 1

THE CONGRESSIONAL BUDGET OFFICE ECONOMIC AND BUDGET OUTLOOK: FISCAL YEARS 1996–2000—A PRELIMINARY REPORT, JANUARY 5, 1995

In late January, the Congressional Budget Office (CBO) will publish "The Economic and Budget Outlook: Fiscal Years 1996–2000." That volume will provide a detailed analysis of the economic and budget situation facing the nation. Because the 104th Congress plans to consider economic and budget policies during January, however, CBO is releasing this summary of the forecast, estimates, and projections that will be discussed in the forthcoming report.

In brief, there have been no fundamental changes in the economic and budget outlook since CBO's last baseline revisions were released in August 1994. The economy may be a bit more robust in 1995 than was anticipated in August, but a likely slowdown in growth in 1996 leaves the current economic projection for 1999 little different from that which was expected in August.

Since CBO's August projections, the short-run outlook for the deficit has deteriorated modestly, but the longer-run picture is essentially unchanged. Higher-than-anticipated interest payments and lower revenues—only partially offset by reduced medical care costs—have pushed up the deficit projections for fiscal years 1995 through 1999 by an average of almost $25 billion a year. CBO now projects that the deficit will be $176 billion in 1995, rising to $207 billion in 1996. CBO's less detailed longer-term projections (for 2001 through 2005) indicate, however, that the deficits after 2002 will be somewhat lower than those that CBO projected in August.

The currently projected deficit for 2002—the first year that a proposed constitutional amendment requiring a balanced budget could go into effect—is $322 billion. CBO has devised an illustrative path to a balanced budget in 2002 that is composed of deficit reduction totaling $1.2 trillion over the 1996–2002, an amount that would require major changes in current policies.

The Economic Outlook

CBO expects that the strong business investment and personal consumption of durable goods that spurred the economy to a 4.0 percent real rate of growth in 1994 will continue into the first part of 1995 (see Table 1). The 3.1 percent rate of growth forecast for 1995 is lower than the rate in 1994 but is slightly higher than that anticipated last August. Because CBO estimates that the economy is already operating close to potential, such growth is expected to result in somewhat higher inflation and interest rates. In turn, those higher interest rates are likely to slow growth by the end of the year—cutting it to 1.8 percent in 1996 but dampening inflationary pressures. In CBO's longer-term projections, annual average growth is close to the estimated 2.4 percent rate of growth for potential gross domestic product (GDP), inflation averages 3.4 percent, and interest rates are lower than in 1995 and 1996.

The Budget Outlook

CBO projects that the deficit will decline from the $203 billion registered in 1994 to $176 billion in 1995, or 2.5 percent of GDP (see Table 2). The deficit's decline in 1995 is not as great as anticipated last August when CBO projected a deficit of $162 billion for that year (see Table 3). Very little of the reestimate for 1995 or other years is the result of legislation adopted since the last baseline. Instead, higher interest rates have increased projected federal interest costs, and lower wage and salary income has led to slightly lower revenue estimates. Changes in projections that cannot be attributed to legislation or to changes in the economic forecast are called technical reestimates. One such reestimate is a reduction in projected revenues to reflect slightly lower-than-expected tax collections in 1994. In addition, the costs of Medicare and Medicaid have been reestimated downward since August to reflect lower-than-expected spending for Medicaid in 1994 and the slowdown that is occurring in the growth of health care cost.

Deficits are expected to rise after 1995—to $421 billion in 2005, or 3.6 percent of GDP (for projections of revenues, outlays, and deficits for 1995 through 2005, see Table 4). Those projections assume that current policies governing taxes and mandatory spending remain unchanged. They also assume that discretionary spending is consistent with the statutory limits on appropriations (both for general purpose spending and for spending from the Violent Crime Reduction Trust Fund) that are in effect through 1998, and that discretionary spending grows at the rate of inflation after that. See Table 5 for a comparison of that baseline with one constructed using identical assumptions, except that after 1998 discretionary spending is frozen at the dollar level of the 1998 cap. Table 6 shows the projected outlays for the major components of mandatory spending, which are the same in both baselines.

Illustrative Path to a Balanced Budget

A constitutional amendment requiring a balanced budget will be considered during the early days of the 104th Congress. If the Congress adopts such an amendment this year and it is ratified by three-quarters of the state legislatures in the next few years, the requirement could apply to the budget for fiscal year 2002. If the budget is to be balanced by 2002, it is vitally important that the Congress and the President begin immediately to put into effect policies that will achieve that goal. According to CBO's latest projections of a baseline that assumes inflation adjustments for discretionary spending after 1998, some combination of spending cuts and tax increases totaling $322 billion in 2002 would be needed to eliminate the deficit in that year. The amounts of deficit reduction called for in the years preceding 2002 depend both on the exact policies adopted and on when the process is started.

For illustrative purposes, CBO has devised one possible path leading to a balanced budget in 2002 (see Table 7). Starting from the baseline that assumes an inflation adjustment for discretionary spending after 1998 (see Table 4), that path first shows the savings that would be achieved if discretionary spending were instead frozen at the dollar level of the 1998 cap through 2002. Such a freeze, along with the resulting debt-service effects, would produce $89 billion of the required savings of $322 billion in 2002. Under this freeze policy, the buying power of total discretionary appropriations in 2002 would be approximately 20 percent lower than in 1995.

CBO also built into the illustrative path a possible course of savings from further policy changes. The amounts of those savings are not based on the adoption of any particular set of policies, but they do assume that policy changes are phased in between 1996 and 1999 in a pattern that is similar to the changes in mandatory spending enacted in the last two reconciliation acts. After 1999, the assumed savings increase at the baseline rate of growth for entitlement and other mandatory spending, excluding Social Security. Such a pattern of savings implies that the cuts implemented in earlier years are permanent and that no additional policy changes are made. If those savings were achieved entirely out of entitlement and other mandatory programs (excluding Social Security), they would represent about a 20 percent reduction from current-policy levels for those programs. Over the entire 1996–2002 period, the savings in CBO's illustrative path that result directly from policy changes total more than $1 trillion (in relation to a baseline that includes an inflation adjustment for discretionary spending after 1998). When the resulting savings in debt-service payments are included, the total exceeds $1.2 trillion.

Conclusion

CBO's most recent economic and budget projections underscore the challenge that will face policymakers who may have to enact the spending cuts or tax increases needed to balance the budget by 2002. Although, the long-term budget outlook is no worse now than it was last August, the new projections reinforce the fact that the deficit can be eliminated only through major changes in current policies.

TABLE 1.—CBO MEDIUM-TERM ECONOMIC PROJECTIONS

[By calendar year]

	Estimated	Forecast		Projected			
	1994	1995	1996	1997	1998	1999	2000
Nominal GDP (billions of dollars)	6,735	7,127	7,456	7,847	8,256	8,680	9,128
Real GDP (billions of 1987 dollars)	5,338	5,505	5,602	5,736	5,870	6,004	6,141
Real GDP (percentage change)	4.0	3.1	1.8	2.4	2.3	2.3	2.3
Implicit GDP deflator (percentage change)	2.1	2.6	2.8	2.8	2.8	2.8	2.8
CPI–U (percentage change)	2.6	3.1	3.4	3.4	3.4	3.4	3.4
Unemployment rate (percent)	6.1	5.5	5.7	5.8	5.9	6.0	6.0
Three-month Treasury bill rate (percent)	4.2	6.2	5.7	5.3	5.1	5.1	5.1
Ten-year Treasury note rate (percent)	7.1	7.7	7.0	6.7	6.7	6.7	6.7

Source.—Congressional Budget Office.
Note.—CPI–U is the consumer price index for all urban consumers.

TABLE 2.—CBO DEFICIT PROJECTIONS

[By fiscal year]

	1994 actual	1995	1996	1997	1998	1999	2000
In billions of dollars							
Baseline total deficit:							
With discretionary inflation after 1998	203	176	207	224	222	253	284
Without discretionary inflation after 1998	203	176	207	224	222	234	243
Standardized-employment deficit:[a]							
With discretionary inflation after 1998	187	200	216	223	221	247	273
Without discretionary inflation after 1998	187	200	216	223	221	228	233
On-budget deficit (excluding Social Security and Postal Service):							
With discretionary inflation after 1998	259	244	280	303	308	343	381
Without discretionary inflation after 1998	259	244	280	303	308	323	340
Memorandum: Deposit insurance	−7	−16	−9	−5	−5	−3	−3
Cyclical deficit	23	−8	(b)	5	6	10	13
Off-budget surplus:							
Social Security	57	69	73	78	84	90	96
Postal Service	−1	(b)	(b)	1	1	(b)	1
Total, off-budget surplus	56	68	73	79	85	90	97
As a percentage of GDP							
Baseline total deficit:							
With discretionary inflation after 1998	3.1	2.5	2.8	2.9	2.7	3.0	3.1
Without discretionary inflation after 1998	3.1	2.5	2.8	2.9	2.7	2.7	2.7
Standardized-employment deficit:[a] [c]							
With discretionary inflation after 1998	2.8	2.8	2.9	2.9	2.7	2.9	3.0
Without discretionary inflation after 1998	2.8	2.8	2.9	2.9	2.7	2.6	2.6

Source.—Congressional Budget Office.
Note.—Caps on discretionary spending are set by law through 1998. The first projection assumes that discretionary spending then grows at the rate of inflation after 1998. The second projection assumes that discretionary spending remains frozen in dollar terms at the level of the 1998 caps.

[a] Excludes cyclical deficit and deposit insurance.
[b] Less than $500 million.
[c] Expressed as a percentage of potential GDP.

TABLE 3.—CHANGES IN CBO DEFICIT PROJECTIONS SINCE AUGUST

[By fiscal year, in billions of dollars]

	1994 actual	1995	1996	1997	1998	1999
August 1994 Estimate[a]	202	162	176	193	197	231
Legislative Changes:						
Revenues	0	−1	1	1	3	3
Outlays	1	3	1	(b)	(b)	(b)
Deficit	1	2	2	2	3	3
Economic Changes: Revenues	(b)	2	9	8	3	(b)
Outlays:						
Net interest	(b)	8	16	17	15	15
Other outlays	(b)	(b)	(b)	1	2	2
Subtotal	(b)	8	16	19	17	17
Deficit	(b)	10	25	27	20	17
Technical Changes:						
Revenues	8	6	5	6	9	11
Outlays:						
Deposit insurance	−2	1	3	(b)	(b)	1
Medicaid and Medicare	(b)	−7	−6	−8	−11	−15
Other major benefit programs	(b)	1	1	1	2	2
Net interest	1	(b)	−1	(b)	(b)	1
Other outlays	−6	(b)	3	2	2	3
Subtotal	−7	−5	(b)	−4	−7	−9
Deficit	1	1	5	2	2	2
Total Changes	2	13	31	31	26	22

TABLE 3.—CHANGES IN CBO DEFICIT PROJECTIONS SINCE AUGUST—Continued

[By fiscal year, in billions of dollars]

	1994 actual	1995	1996	1997	1998	1999
Current Estimate[a]	203	176	207	224	222	253

Source.—Congressional Budget Office.
Note.—Reductions in revenues are shown with a positive sign because they increase the deficit.

[a] Assumes that discretionary spending grows at the rate of inflation after the statutory caps expire in 1998.
[b] Less than $500 million.

TABLE 4.—CBO BASELINE PROJECTIONS OF REVENUES AND OUTLAYS, WITH DISCRETIONARY INFLATION AFTER 1988

[By fiscal year]

	1994 actual	Projection						Extrapolation				
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
In billions of dollars												
Revenues:												
Individual income	543	594	628	656	693	731	772	816	861	910	963	1,018
Corporate income	140	149	151	155	161	167	173	182	192	202	212	223
Social insurance	461	494	517	539	565	590	618	650	682	716	752	790
Other	113	119	122	125	127	130	134	138	144	149	155	161
Total	1,257	1,355	1,418	1,475	1,546	1,618	1,697	1,787	1,880	1,978	2,082	2,191
On-budget	922	998	1,043	1,084	1,135	1,187	1,245	1,311	1,381	1,454	1,533	1,614
Off-budget[a]	335	357	375	392	411	431	452	475	499	523	549	577
Outlays:												
Discretionary:[b]												
Defense	282	270	270	278	285	295	304	315	325	336	348	360
International	20	21	22	22	22	23	24	24	25	26	27	28
Domestic	242	253	262	274	284	295	306	316	327	338	350	362
Unspecified reductions	0	0	−5	−26	−44	−47	−49	−50	−52	−54	−56	−57
Subtotal, discretionary	545	544	549	548	547	566	585	605	626	647	669	692
Mandatory:												
Social Security	317	334	352	371	390	411	433	456	481	507	534	563
Medicare	160	176	196	217	238	262	286	314	344	379	417	460
Medicaid	82	90	100	111	123	136	149	164	179	196	214	234
Civil Service and Military Retirement	63	66	68	71	75	80	83	87	91	96	100	105
Other	167	179	183	192	199	208	220	224	231	239	247	256
Subtotal, mandatory	789	845	899	962	1,026	1,097	1,173	1,245	1,328	1,417	1,513	1,617
Deposit insurance	−7	−16	−9	−5	−5	−3	−3	−3	−3	−3	−3	−4
Net interest	203	235	260	270	279	294	310	325	344	365	387	412
Offsetting receipts	−69	−77	−73	−76	−79	−82	−84	−88	−93	−97	−102	−106
Total	1,461	1,531	1,625	1,699	1,769	1,872	1,981	2,084	2,202	2,329	2,465	2,611
On-budget	1,181	1,242	1,323	1,386	1,443	1,530	1,626	1,712	1,814	1,925	2,043	2,172
Off-budget[a]	279	289	302	313	326	341	355	372	387	404	422	440
Deficit	203	176	207	224	222	253	284	297	322	351	383	421
On-budget deficit	259	244	280	303	308	343	381	401	433	470	510	558
Off-budget surplus[a]	56	68	73	79	85	90	97	104	111	119	128	137
Memorandum:												
Social Security surplus	57	69	73	78	84	90	96	104	111	119	128	137
Hospital Insurance surplus	3	3	−2	−7	−12	−19	−25	−32	−39	−48	−59	−71
Remaining deficit	264	248	278	295	294	324	354	369	394	422	452	487
Debt Held by the Public	3,432	3,617	3,838	4,077	4,317	4,589	4,891	5,207	5,547	5,917	6,318	6,757
As a percentage of GDP												
Revenues:												
Individual income	8.2	8.4	8.5	8.5	8.5	8.5	8.6	8.6	8.6	8.7	8.7	8.8
Corporate income	2.1	2.1	2.1	2.0	2.0	2.0	1.9	1.9	1.9	1.9	1.9	1.9
Social insurance	7.0	7.0	7.0	7.0	6.9	6.9	6.9	6.9	6.8	6.8	6.8	6.8
Other	1.7	1.7	1.7	1.6	1.6	1.5	1.5	1.5	1.4	1.4	1.4	1.4
Total	19.0	19.3	19.2	19.0	19.0	18.9	18.8	18.8	18.8	18.8	18.8	18.8
On-budget	13.9	14.2	14.2	14.0	13.9	13.9	13.8	13.8	13.8	13.9	13.9	13.9
Off-budget[a]	5.1	5.1	5.1	5.1	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Outlays:												
Discretionary:[b]												
Defense	4.3	3.8	3.7	3.6	3.5	3.4	3.4	3.3	3.3	3.2	3.1	3.1
International	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2
Domestic	3.7	3.6	3.6	3.5	3.5	3.4	3.4	3.3	3.3	3.2	3.2	3.1
Unspecified reductions	0	0	−0.1	−0.3	−0.5	−0.5	−0.5	−0.5	−0.5	−0.5	−0.5	−0.5
Subtotal, discretionary	8.2	7.7	7.4	7.1	6.7	6.6	6.5	6.4	6.3	6.2	6.1	6.0
Mandatory:												
Social Security	4.8	4.7	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8
Medicare	2.4	2.5	2.7	2.8	2.9	3.1	3.2	3.3	3.5	3.6	3.8	4.0
Medicaid	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.7	1.8	1.9	1.9	2.0
Civil Service and Military Retirement	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9
Other	2.5	2.5	2.5	2.5	2.4	2.4	2.4	2.4	2.3	2.3	2.2	2.2
Subtotal, mandatory	11.9	12.0	12.2	12.4	12.6	12.8	13.0	13.1	13.3	13.5	13.7	13.9
Deposit insurance	−0.1	−0.2	−0.1	−0.1	−0.1	(c)	(c)	(c)	(c)	(c)	(c)	(c)
Net interest	3.1	3.3	3.5	3.5	3.4	3.4	3.4	3.4	3.4	3.5	3.5	3.5
Offsetting receipts	−1.0	−1.1	−1.0	−1.0	−1.0	−1.0	−0.9	−0.9	−0.9	−0.9	−0.9	−0.9
Total	22.0	21.8	22.1	21.9	21.7	21.8	22.0	22.0	22.1	22.2	22.3	22.5
On-budget	17.8	17.6	18.0	17.9	17.7	17.9	18.0	18.1	18.2	18.3	18.5	18.7
Off-budget[a]	4.2	4.1	4.1	4.0	4.0	4.0	3.9	3.9	3.9	3.9	3.8	3.8
Deficit	3.1	2.5	2.8	2.9	2.7	3.0	3.1	3.1	3.2	3.3	3.5	3.6
On-budget deficit	3.9	3.5	3.8	3.9	3.8	4.0	4.2	4.2	4.3	4.5	4.6	4.8
Off-budget surplus[a]	0.8	1.0	1.0	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.2	1.2
Memorandum:												
Social Security surplus	0.9	1.0	1.0	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.2	1.2
Hospital Insurance surplus	0.1	(c)	(c)	−0.1	−0.1	−0.2	−0.3	−0.3	−0.4	−0.5	−0.5	−0.6

TABLE 4.—CBO BASELINE PROJECTIONS OF REVENUES AND OUTLAYS, WITH DISCRETIONARY INFLATION AFTER 1988—Continued

[By fiscal year]

	1994 actual	Projection						Extrapolation				
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Remaining deficit	4.0	3.5	3.8	3.8	3.6	3.8	3.9	3.9	3.9	4.0	4.1	4.2
Debt Held by the Public	51.8	51.4	52.1	52.6	53.0	53.5	54.3	54.9	55.6	56.4	57.2	58.1

Source.—Congressional Budget Office.

[a] Social Security and the Postal Service.

[b] Discretionary spending caps are set in the aggregate through 1998. The projections for individual categories (defense, international, and domestic) show amounts that would be spent if 1995 funding levels were increased at the rate of inflation. Unspecified reductions show the cuts that would then be needed to satisfy the caps. Projections for 1999 through 2005 represent 1998 spending adjusted for inflation.

[c] Less than 0.05 percent of GDP.

TABLE 5.—ALTERNATIVE BASELINES FOR DISCRETIONARY SPENDING AND THE DEFICIT

[By fiscal year, in billions of dollars]

	1994 actual	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Baseline With Discretionary Inflation After 1998												
Revenues	1,257	1,355	1,418	1,475	1,546	1,618	1,697	1,787	1,880	1,978	2,082	2,191
Outlays:												
Discretionary	545	544	549	548	547	566	585	605	626	647	669	692
Net interest	203	235	260	270	279	294	310	325	344	365	387	412
All other [a]	712	752	816	881	942	1,012	1,086	1,154	1,232	1,317	1,408	1,508
Total	1,461	1,531	1,625	1,699	1,769	1,872	1,981	2,084	2,202	2,329	2,465	2,611
Deficit	203	176	207	224	222	253	284	297	322	351	383	421
Effects of Freezing Discretionary Spending After 1998												
Revenues	0	0	0	0	0	0	0	0	0	0	0	0
Outlays:												
Discretionary	0	0	0	0	0	−19	−38	−58	−78	−100	−122	−144
Net interest	0	0	0	0	0	−1	−2	−6	−10	−17	−24	−34
All other [a]	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	−19	−40	−63	−89	−116	−146	−179
Deficit	0	0	0	0	0	−19	−40	−63	−89	−116	−146	−179
Baseline Without Discretionary Inflation After 1998												
Revenues	1,257	1,355	1,418	1,475	1,546	1,618	1,697	1,787	1,880	1,978	2,082	2,191
Outlays:												
Discretionary	545	544	549	548	547	547	547	547	547	547	547	547
Net interest	203	235	260	270	279	293	308	319	334	348	363	378
All other [a]	712	752	816	881	942	1,012	1,086	1,154	1,232	1,317	1,408	1,508
Total	1,461	1,531	1,625	1,699	1,769	1,852	1,941	2,021	2,113	2,213	2,318	2,433
Deficit	203	176	207	224	222	234	243	234	234	235	237	242

Source.—Congressional Budget Office.

[a] Mandatory spending, deposit insurance, and offsetting receipts.

TABLE 6.—CBO BASELINE PROJECTIONS FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING

[By fiscal year, in billions of dollars]

	1994 actual	1995	1996	1997	1998	1999	2000
Means-tested programs							
Medicaid	82	90	100	111	123	136	149
Food Stamps [a]	25	26	27	29	30	32	32
Supplemental Security Income	24	24	24	29	32	35	40
Family Support	17	18	18	19	19	20	20
Veterans' Pensions	3	3	3	3	3	3	3
Child Nutrition	7	8	8	9	9	10	10
Earned Income Tax Credit	11	17	20	23	24	25	26
Student Loans [b]	3	4	3	3	3	3	3
Other	3	3	4	4	5	5	5
Total, means-tested programs	177	194	208	229	248	268	290
Non-means-tested programs							
Social Security	317	334	352	371	390	411	433
Medicare	160	176	196	217	238	262	286
Subtotal	476	510	548	587	628	673	720
Other retirement and disability:							
Federal civilian [c]	40	42	43	46	48	50	53
Military	27	28	29	31	32	35	37
Other	5	5	5	5	5	5	6
Subtotal	72	75	77	81	85	90	96
Unemployment compensation	26	22	23	24	26	27	28
Other programs:							
Veterans benefits [d]	18	17	17	18	19	20	21
Farm price supports	10	10	9	9	8	8	8
Social services	6	6	6	6	6	6	6
Credit reform liquidating accounts	−7	1	([e])	−2	−3	−6	−6
Other	11	11	11	10	10	11	9
Subtotal	37	45	43	41	39	39	39
Total, non-means-tested programs	612	651	691	733	778	829	882
Total outlays							
Total outlays	789	845	899	962	1,026	1,097	1,173

Source.—Congressional Budget Office.

Note.—Spending for benefit programs shown above generally excludes administrative costs, which are discretionary. Spending for Medicare also excludes premiums, which are considered offsetting receipts.

[a] Includes nutrition assistance to Puerto Rico.

[b] Formerly known as guaranteed student loans.

[c] Includes Civil Service, Foreign Service, Coast Guard, other retirement programs, and annuitants' health benefits.

[d] Includes veterans compensation, readjustment benefits, life insurance, and housing programs.

[e] Less than $500 million.

TABLE 7.—ILLUSTRATIVE DEFICIT REDUCTION PATH

[By fiscal year, in billions of dollars]

	1995	1996	1997	1998	1999	2000	2001	2002	1996–2002
CBO January baseline deficit with discretionary inflation after 1998[a]	176	207	224	222	253	284	297	322	NA
Freeze discretionary outlays after 1998:									
Discretionary reduction	0	0	0	0	−19	−38	−58	−78	−193
Debt service	0	0	0	0	−1	−2	−6	−10	−19
Total deficit reduction	0	0	0	0	−19	−40	−63	−89	−212
CBO January baseline deficit without discretionary inflation after 1998[b]	176	207	224	222	234	243	234	234	NA
Additional Deficit Reduction:									
Policy change[c]	0	−32	−65	−97	−145	−156	−168	−180	−843
Debt service	0	−1	−4	−10	−18	−28	−40	−54	−156
Total deficit reduction	0	−33	−69	−106	−163	−184	−208	−234	−998
Resulting deficit	176	174	155	116	71	59	26	([d])	NA
Total change from baseline deficit with inflation after 1998:									
Policy changes	0	−32	−65	−97	−164	−194	−225	−259	−1,035
Debt service	0	−1	−4	−10	−19	−31	−46	−64	−175
Total deficit reduction	0	−33	−69	−106	−182	−225	−271	−323	−1,210

Source.—Congressional Budget Office.

Note.—NA=Not applicable.

[a] Assumes compliance with discretionary spending limits of Balanced and Emergency Deficit Control Act through 1998. Discretionary spending is assumed to increase at the rate of inflation after 1998.

[b] Assumes compliance with discretionary spending limits of Balanced Budget and Emergency Deficit Control Act through 1998. Discretionary spending is frozen at the 1998 level after 1998.

[c] This represents only one of an infinite number of possible paths that would lead to a balanced budget. The exact path depends on when the deficit reduction begins and the specific policies adopted by the Congress and the President. This path is not based on any specific policy assumptions, but does assume policies are fully phased in by 1999.

[d] Less than $500 million.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

Mr. President, first let me say to my friend, Senator EXON, who will become the ranking member of the Budget Committee, I truly welcome you sitting with me in the Budget Committee. You will be right next to me, and I am hopeful that what you are saying here today in the Chamber means—and I believe it does—that as we try to put together a major deficit reduction package in the next 8 to 9 weeks, you will be here and that you will be at my side as we try to do that.

I want to say to the Senate and the public, the Senate Budget Committee intends to make a very significant downpayment on a balanced budget. I do not believe in the very first budget resolution that we propose that we can be expected to get to a balanced budget.

First of all, we have not adopted the constitutional amendment. That means the President of the United States is not bound by it, because until we have that, which would then become the law of the land, the President does not have to give us a balanced budget format. We are on our own.

I wish to submit to the Senate, if we come up with a budget deficit package, I say to Senator NICKLES, that is anywhere from a $400 to $450 billion reduction over the game plan that is in existence right now, that will be a historic budget. It will start to make Government smaller. It will start to change the underlying law of the land so that instead of going up, the budget deficit will be down and down permanently—perhaps, perhaps, I say to my friend, the occupant of the chair, down as close as $100 billion 5 years from now, where today it is expected to be over $300 billion.

Now, I submit all of that can be done if the Senate wants to do it. And while I commend my friend from Nebraska, who is dedicated and devoted to a constitutional amendment and balance, while I submit that we are also, I do not believe we ought to be legislating how we implement a constitutional amendment here on the floor of the Senate with a 15-minute introduction of a major bill and 15 minutes to discuss it. This sounds more like what the Congress of the United States will be engaged in once the States send us this constitutional amendment and say it is the law of the land. Then obviously that amendment says implement that by statute law. This sounds more like an advanced implementation done here in the Chamber of the Senate with no hearings and no discussion.

I do not say that in any way to denigrate the seriousness that Senator EXON, the ranking member of the Budget Committee, places on this issue. It is important. It is important that we not send mixed signals to the public. If we send them a constitutional amendment, we ought to make a very large downpayment, major downpayment, on that deficit in this very first budget resolution.

Indeed, the Congressional Budget Office is warning us today and confirming what some of us on this side have been saying that the last package of so-called deficit reduction efforts did not get the deficit down. It did for a very short period of time. But the underlying basic laws of the land were not changed enough, so that it is going back up again. Our pledge is that in our first resolution we will change that trend by forcing substantive law to be changed, and we will put everything on the table, fellow Senators.

We do not need this proposal. We are going to put everything there except Social Security. And we are entitled to a reasonable period of time—3 months—to see if we can do that. We do not need to change the Budget Act or change the rules, implement a constitutional amendment on the floor of the Senate.

Having said that, I understand this matter is debatable, but I would like to make a point of order, unless somebody wants to speak, in which event I will withhold that, but it clearly violates the Budget Act and requires 60 votes from what I understand. I see my friend, Senator NICKLES, standing.

Mr. NICKLES. Will the Senator withhold before he makes the point of order——

Mr. DOMENICI. I would be pleased to withhold.

Mr. NICKLES. So I can address the Senate for a few minutes?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. Mr. President, I wish to compliment Senator DOMENICI for his statement and also I compliment our colleague from Nebraska for his bill. I was hoping in a way it would be a sense-of-the-Senate resolution. But I just tell my colleague from Nebraska, who is now the ranking member of the Budget Committee, I think the Budget Act should be amended. I will work with him to amend it. I do not think it should be amended on the floor of the Senate today.

We do not have to pass—I just make mention to my colleagues—we do not have to pass every amendment that might be around in our first week in session. I know there are ideas on campaign reform. There are ideas on lobbying reform. I hope the majority would like to pass a bill to make Congress abide by the laws like everyone else in the country. The House has already passed it and the Senate has not. I really would like the Senate to pass it. I introduced it in 1991. We did not win that time. I remember at that time the majority leader was Senator Mitchell. He spoke out very vigorously and he convinced a lot of people and we lost. I would really like to pass it. I would like to pass it clean.

I am interested in amending the Budget Act. I think our budget procedures do not work very well and one of the things I would like to change is our baseline so we do not have inflated baselines. That is something, now, that has gained some popularity. Maybe that can be in part of our Budget Act Resolution.

There are some other things we can do in the Budget Act, I think, that also would make sense. When the Senator from Nebraska says that any budget resolution should move us on a path towards a balanced budget, I may well support that. Maybe a direct path. We can negotiate that. But I think the Budget Act probably needs some amendments and I will be happy to work with my colleague from Nebraska to make that happen.

I know there are some other amendments that need to be made to the Budget Act in addition to this that is before us today. This particular amendment does not have anything to do with making Congress abide by the laws like everybody else. There are 11 statutes from which Congress has exempted itself, going all the way back to 1935, and we are trying to remedy that.

I know colleagues have amendments: We want to ban lobbying; we want to ban gifts; we want to ban this, and try to correct everything that can possibly be wrong in our first week in session. We are going to be in session next week. We are going to be in session the following week. The majority leader has already said we can take up several of these issues soon.

The Senator from New Mexico said we are going to take up a constitutional amendment to balance the budget. We are going to take up implementing legislation. We are going to take up a budget resolution. That happens by statute. It has to happen, I believe, by April 15. We have to pass a joint resolution implementing the budget resolution. So this is going to happen. It does not have to happen today.

So the intent of my colleague from Nebraska, I think, is well made. But I hope we will defer it, or postpone it, and let us look at rewriting the Budget Act. Let us not do it on this bill. Let us pass this bill as it is. I would like to pass it today. Let us send it to the President and get his signature on it. I think it would be a positive accomplishment for this Congress and for this President.

I yield the floor and I thank my colleague from New Mexico for yielding to me.

Mr. REID. Mr. President, I rise in support of the Exon amendment to balance the budget. I am a longtime proponent of balancing the Federal budget and I believe the most effective manner to do this is through an honest budgeting process. This amendment will require truth in budgeting. I wish to add, however, that my support for a balanced budget is contingent on the exemption of the Social Security trust fund from its enforcement. An overwhelming majority of Americans support a balanced budget amendment but not at the expense of our Nation's senior citizens.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I failed to mention one other argument I would like to lay before the Congress. I say to my good friend, as soon as the constitutional amendment is adopted by the sovereign States and remitted as it must under the Constitution, and it becomes the sovereign law of the land, there is a very different dynamic that takes place that we do not have today. That is, we will not be the only part of this Government that has to produce a budget resolution that is in balance because, by that time, the President of the United States will have to submit one. The Congress of the United States and the President will be bound by the same generic sovereign law of the land, and I believe we are going to move ahead with a very substantial, large downpayment, probably far in excess of what the President will submit, as our first efforts in the committee.

Having said that, Mr. President, I make a point of order that the pending amendment violates the Budget Act of the United States.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, pursuant to section 904(c) of the Congressional Budget Act, I move to waive section 306 of the act for the purpose of my amendment.

The PRESIDING OFFICER. The motion is debatable. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask that it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. It is in order.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, I thank very much my great friend and colleague, the chairman of the Budget Committee, and my friend from Oklahoma, who is also an important member of the Budget Committee, for the kind statements. We have worked together on many, many things in the past. I assure my chairman of the Budget Committee that I will be there with him, I think as he knows. That does not mean we are always going to agree on every detail. But I think over the years, we have demonstrated the fact that while we might disagree on some of the details, I am not certain that our goals have been very significantly different.

Back to the devil in the details—if we pass a constitutional amendment to balance the budget, then the devil will be in the details. What I am trying to do is to get a jump start on that. The chairman of the Budget Committee has indicated that we should not bring this up on this particular bill. This is such a far-reaching bill that we cannot have a 15-minute debate, without any hearings, and then come to a conclusion.

I am prepared to debate this for whatever length of time is necessary. I do not think we can only debate this for 15 minutes. There are no time agreements that this Senator is aware of at the present time.

Mr. President, I ask unanimous consent Senator KOHL of Wisconsin be added as original cosponsor to the amendment that I have offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, the chairman of the Budget Committee seems to be saying, in one form or another, that we will comply with the balanced budget amendment at some later date. That is just what I am concerned about. Why wait? We all know, as evidenced by what happened in the House of Representatives earlier this week, that a balanced budget amendment of some form is going to come over here; 80 percent of the people of the United States, in several polls that I have seen, indicate that they support a balanced budget amendment. Therefore, I think it is very clear that we are going to have a balanced budget amendment before us and I intend to vote for it.

We only lost by, if I remember, two or three votes on obtaining the required two-thirds in the last session of the Senate. So it is a foregone conclusion that this is going to come to pass. I am very much concerned, though, when I hear my chairman of the Budget Committee talking about a downpayment, a significant downpayment on the budget. I have just cited the CBO report that indicates over 5 years, the budget deficit is going to be $130 billion to $150 billion more than previously anticipated. I cited in my opening statement the fact that the Congressional Budget Office has said that at a minimum, we are going to have to cut $1.2 trillion from the budget by the year 2002. We are probably going to have some kind of a politically popular middle-class tax cut, which will easily swell that to $1.5 trillion. So I simply say this is not a time to wait.

The $500 billion downpayment that is referenced by the chairman of the Budget Committee took a lot of hard work. But it lacks, as far as I know, any real specifics at this time. That is what I am concerned about. We are going to rush to the passage of a constitutional amendment to balance the budget without anyone having any idea of the roadmap and the detail we are going to have to use to get there. As I said in my opening statement, it is like building a bridge to fantasy land without specifying any pillars, and without even specifying any hastily sketched plan as to what the bridge is going to look like.

It seems to me that, as the senior Democrat on the Budget Committee, the Budget Committee of Republicans and Democrats, we have a responsibility, if indeed we are for a balanced budget amendment, which I think most of the Members of this body are, that in doing so we have the responsibility—that is what the Budget Committee is all about—to study and to bring back the details of how we are going to reach that goal, at least in some specific a fashion, as much as possible. What we have to do, it seems to me, is to show the way, to be specific. I do not think we can wait.

If I had some assurance that the amendment that I have offered would be considered in an up or down majority vote sometime in the immediate future, then I might not be pressing this today. However, I have a strong belief that the more we delay in doing what the Exon amendment says we have to do, the more we are going to be suspect in the eyes of the American people. I am afraid that many of the American people would think passing a constitutional amendment to balance the budget will just take care of everything. I say to the Chair and I say to my colleagues, the easiest thing in the world to do is to pass a constitutional amendment to balance the budget which everybody would say amen to; 80 percent of the people in the United States and probably 60 to 80 percent of the Members of the Congress would say that is a great idea without fully understanding the difficult role that all are going to have to play in getting from here to there by the year 2002.

One thing that comes to mind, Mr. President, very clearly is the indication of the chairman of the Budget Committee and I compliment Senator DOMENICI for the hard work he did in coming up at least with some figures in the $400 billion to $500 billion range. But that is over a 5-year period. If we would accept that and if the balanced budget amendment is ratified by the States, which I presume it would be, and if we go along with what is recommended by the chairman of the Budget Committee, then at best we would be less than halfway and maybe only a third of the way to the $1.2 to $1.5 trillion realistic amount of cuts that we are going to have to make to get there.

I simply say, Mr. President, by opposing this amendment, I think we are sending far more mixed signals to the people of the United States as to where the Congress is going and where it is not going and probably how serious we are about passing a politically popular constitutional amendment to balance the budget.

On the subject of hearings, that has been brought up, let me note specifically for the record that this body passed a very famed Gramm-Rudman-Hollings. We saw that come to the floor of the U.S. Senate without 1 minute of hearing. I simply say that a constitutional amendment to balance the Federal budget has been discussed. Hearings were held on it for a long, long time. It is not a particularly complicated piece of legislation in and of itself. It just creates a constitutional amendment that has to be passed by both bodies and sent to the States where 75 percent of the States would have to ratify that before it becomes law. I simply say that if we passed Gramm-Rudman-Hollings way back in 1985 without hearings, which in some ways was a very complicated piece of legislation, then we do not have to have more hearings on this subject because we know we are going to pass it anyway. Certainly, I must say that I believe the chairman of the Budget Committee is very sincere in his belief. But this is one of those cases that I indicated earlier which it just so happens that good friends who I think are working in the same direction do not agree on how fast we should move.

The chairman of the Budget Committee wants to wait for ratification of the constitutional amendment seemingly before we do anything more dynamic than the $400 to $500 billion grab bag of reductions that have been suggested. I know the chairman has worked very hard on those. I do not mean to say that his task was not sincere. I do say, though, that if all we are going to do is to come up with $500 billion in possible savings, then if we are going to wait around for the States to ratify, the months and years are going to go by and then the next Congress of the United States and maybe the one after that or the one after that will be facing a 2-year period between the year 2000 and the year 2002 when they are going to have to cut $1 trillion or somewhere in that area over and beyond, assuming we enact all of the cuts of the roughly $500 billion that has been named in one fashion or another by the chairman of the Budget Committee.

I think more than anything else, Mr. President, that demonstrates the need that, if we are sincere about this, we have to do much more than the timely work that has been done by the chairman of the Budget Committee with the reference to the $400 to $500 billion that has been identified loosely in one fashion or another. I am afraid that we cannot wait. We must not wait or we are going to send the signal to the American people that after their States ratify a constitutional amendment, then we will get on with our business of balancing the budget.

If we are sincere, then I think we should start making recommendations now, making cuts now that we know we are going to have to do anyway. I simply say that putting off the hard choices until after a constitutional provision is ratified by the States would be a step in the wrong direction.

Mr. President, the Senator from Oklahoma says that there is nothing in my amendment dealing with applying the laws of Congress. What greater law is there in applying laws of Congress to the laws that we have imposed on the people than offering them a constitutional amendment but then saying but we are not going to get into the details of this until you make your determination? I happen to believe that the Budget Committee, the House of Representatives Budget Committee, the Senate Budget Committee, respective bodies have an obligation to spell out in as much detail as we possibly can what it is going to take, what the sacrifices are that are going to have to be made to reach the balanced budget by the year 2002. That is why I said in my opening statement that unless we do something more than what has been done now, I am afraid that we are bringing forth a sham on the American people. Certainly I do not believe that the American people want any more shams. I guess that was one of the conclusions that this one Democratic Senator from a Republican State took from the last election.

I, therefore, say delaying the decisions that have to be made is not only unwise and unsound fiscal policy of which we have been on for far too many years, but it is also not satisfactory. It is not carrying out our responsibility to tell the people of the United States of America to tell the legislatures of the 50 sovereign States of the United States and to tell all interested parties how we might be able to get there in the year 2002.

I simply say that you do not have to be a mathematical genius to recognize the fact that we are going to twiddle our thumbs and not do more than has been thus far recommended—and again I salute him for the recommendations he has made. But if we are going to sit and twiddle our thumbs for 5 years and say we are going to cut about $500 billion in this fashion, then when and if the States ratify the measure, that Congress, both the Members of the House and the U.S. Senate, are going to be in dire circumstances indeed. And we will be faced with the proposition of either extending the year 2002 to some other date 7 or 8 years into the future beyond that, or they are going to have to make more draconian cuts than they can make in the budget that is still running to a large extent out of hand, and/or they would have to pass such massive tax increases to meet the year 2002 that it would be universally unpopular with 80 or 90 percent of the people of the United States of America. If that is not enough, such a tax increase would certainly send the United States of America into a deep, deep depression, not unlike what some of us remember happened back in the 1930's.

Therefore, I renew my plea, Mr. President, and say that there is nothing revolutionary about the Exon amendment. The Exon amendment is straightforward. I think the amendment, if people sit and study it on both sides of the aisle, could simply be summed up that if you are for a constitutional amendment to balance the budget, then you have to be for the Exon amendment or you are not being fully square with the American people.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. May I inquire if we are going to have a recess at the hour of 1 p.m.?

The PRESIDING OFFICER. There is no such order.

Mrs. BOXER. Thank you. I ask unanimous consent that I may speak for 7 minutes as in morning business.

Mr. DOMENICI. Reserving the right to object, Mr. President. The Senator is not going to speak on this issue?

Mrs. BOXER. Very briefly, in passing, just a sentence to make an observation. But I have a bill I have introduced and I would like to take about 7 minutes to speak about it, if I might.

Mr. DOMENICI. Might I say to my friend from California, the majority leader is suggesting that we are almost finished with this amendment and that perhaps you can have that time after we have disposed of this amendment.

Mrs. BOXER. I inquire, what time does he feel we will be voting on this amendment.

Mr. DOLE. Does the Senator from Arkansas wish to speak on the amendment?

Mr. PRYOR. The Senator from Arkansas would like to speak for a few moments in making an observation about this amendment. I ask, through the Chair, the distinguished majority leader, do we plan on a vote on the Exon amendment this afternoon?

Mrs. BOXER. Mr. President, if I may——

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I would say that from the majority leader's standpoint, I would like to vote on the Exon amendment very quickly. We are supposed to be meeting from 12 to 2 with the Governors. Half of that time has already elapsed and I have yet to show up at the meeting. From a personal standpoint—if we can vote on the Exon amendment, I would be happy to yield whatever time the Senator from California may need or however long the Senator from Arkansas may wish to speak following that.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. Thank you. I compliment Senator EXON and associate myself with his remarks. We have to balance the budget.

Mr. President, I request 60 seconds, if I might, at this time to speak on another topic.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

(The remarks of Mrs. BOXER pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, as I understand it, the Senator from Arkansas would like to speak on the amendment, and the Senator from Pennsylvania would like to speak for 3 minutes.

I ask unanimous consent that we vote on the motion to waive at 1:05.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. EXON. Reserving the right to object. I would say to the majority leader that I do not intend a filibustering action on this, but when the chairman of the Budget Committee said something earlier about only having 15 minutes to debate that, that came as a big surprise to me. I do not know, nor did I hear, what the majority leader said a few moments ago about some kind of a vote between 1 or 2 o'clock sometime. I am here ready to debate and do business.

I believe there are some other individuals that would very much like the opportunity to possibly come over and say a few words on this. I had not anticipated that we would vote that early. However, I recognize the parliamentary rights of the other side to make a motion to table at any particular time. May I ask of the majority leader, why do we want to vote on this at 1:05 when I have some other things I would like to say on this myself? The Senator from California has indicated some interest in it, as has the Senator from Arkansas. What is the rush to vote by 1:05?

Mr. DOLE. There is no rush, but I can move to table right now and we can vote at 12:55. We can always do that. We do not have to wait until 1:05. I am trying to accommodate the Senators on each side, including this Senator, but we will vote at 4 o'clock then. Would that be all right?

Mr. EXON. Yes, 4 o'clock is all right.

Mr. DOLE. I do not want to vote at 4 o'clock. But we are going to do a lot of work here today. We are not going to have one or two votes today, because we are trying to finish this bill by Monday evening. I do not see any way that is going to happen. I do not have any quarrel with the Senator from Nebraska taking all the time he wishes, up to some reasonable point. At that point, we would move to table. But because he has not had much time for debate——

Mr. EXON. May I say, Mr. President, to the majority leader that certainly I would think that I could agree now to a vote not later than 4 o'clock, with the time between now and then equally divided. We might be able to speed it up, depending on how many want to talk.

Mr. DOLE. I would rather not make that request now. I know some Members have other plans this afternoon—not this Member, but other Members on both sides of the aisle—who would like to not only complete this amendment but a couple of others and maybe get an agreement. As I understand it, there will be a meeting at 1 o'clock on the other side to see if we can reach some agreement so those who had amendments could stay and debate them. Those who did not have amendments could keep their commitments, in some cases far away from here. We are trying to accommodate all Senators. So I would not want to wait until 4 o'clock. Why do we not just say we will revisit it in 30 or 45 minutes?

Mr. EXON. Mr. President, I understand the difficult task the majority leader has, and I think usually I have cooperated, and I want to cooperate now. He has indicated probably we will not finish this bill today and we may be stacking some votes and vote next week.

Mr. DOLE. Next week means next Monday. Probably votes will occur after 3 o'clock. In any event, I know the distinguished minority leader, Senator DASCHLE, will be meeting at 1 o'clock to see how many amendments will be remaining on that side. We are perfectly prepared to reach agreement so that those who have amendments can stay and debate them but not vote. But we would like to vote on this one today.

Mr. EXON. I would prefer, frankly, if I could, to stay here and debate this however late and possibly stack the vote on the Exon amendment along with any other votes that the majority leader wishes to stack next week, or whatever is his pleasure.

Mr. DOLE. My pleasure would be not to do that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not want to deny the Senator time. And I hope he did not interpret my saying 15 minutes—I had inquired of his staff how long the Senator intended to speak and they said 15 minutes and I, quite inappropriately, assumed that was the extent of the debate. I clearly do not intend to hold anybody to 15 minutes. That is what I understood.

Mr. EXON. I thank the Senator.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I had not planned to speak this afternoon. I certainly do not want to obstruct the flow of legislative business here.

First, I would like to compliment my colleague and friend from Nebraska on his proposal this afternoon. I also want to say that I cannot support it at this time.

I would like to bring to the attention of my colleagues, Mr. President, the fact that in one section of the amendment offered by the distinguished Senator from Nebraska, which the Senate this afternoon, in just a few minutes of debate, is going to be asked vote on, states that it is "essential that Congress, one, adopt a balanced budget amendment." That is one thing that the Exon amendment proposes to do.

So we, after a very few moments and a very small skirmish on a very large constitutional issue, Mr. President, are going to be required in a few moments, with many absences—I assume some of our colleagues have gone back to their States, to vote on whether or not we think "the Congress should adopt a balanced budget amendment." Maybe we think that the Congress should; maybe we think the Congress should not. But this is a very, very far-reaching proposal.

Mr. President, my colleague and friend from Nebraska stated in the opening moments of his very eloquent presentation the fact that the American public, by overwhelming numbers, says, yes, we need a balanced budget and we need a constitutional amendment to balance the budget. I think there was a CBS poll or one of the polling operations that reported today or yesterday that a great majority of those polled say we need a constitutional amendment to balance the budget.

Mr. President, I know there is a great euphoria around the Capitol these days, but I do not think that euphoria is of such magnitude and intensity and velocity at this moment that the American people might not give us say a few months, a few months, perhaps even in the summer, early fall or October, certainly before we leave, to let us decide whether or not we want to propose to the 50 States that an amendment to the Federal Constitution be adopted to require a balanced budget.

The Exon proposal, in my opinion, is a very, very responsible proposal because it will require, Mr. President, the policies to be specified that would be required to enforce a balanced budget amendment or, to say it in another way—I assume I am speaking with some degree of correctness—it would imply that there would have to be implementing legislation that would have to go along with a balanced budget amendment. I think that is a responsible course of action.

I think, Mr. President, for us to, this afternoon, on Friday, with a short debate, to even take a position on whether we want to, require 60 votes to waive a point of order—that is a new order of consideration provided by the Exon amendment—is questionable. We even go back to a procedure under the old Gramm-Rudman-Hollings concept that provides that the point of order will be suspended if Congress declares war or adopts a resolution certifying low economic growth. This is another question.

But the Senator from Nebraska has put his finger on one of the most important things, and that is, do the people want us to vote for a balanced budget amendment before we know the facts?

Now, do we know the facts, Mr. President? No, we do not know the facts. When we know the facts, then it will be the proper time and the proper opportunity for us to vote yes or no on whether we prefer a balanced budget amendment to the Federal Constitution.

I hope that there will be some way to accommodate the Senator from Nebraska. I wish we could debate this even until next week, because I do not see the necessity to rush an amendment like this through, one of such important consequences, for which I do applaud my colleague and friend from Nebraska.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend and colleague from Arkansas. I will be very brief, I say to my friend from Pennsylvania.

I thank the Senator for his very kind remarks and observations. I, too, would like to put off the vote on this until next week, as I indicated in my conversations with the majority leader.

There is not anything very revolutionary about this proposal. I would simply explain to the Senator from Arkansas that if we did not pass a constitutional amendment to balance the budget, that even if we passed the Exon amendment it would have no real effect. The Exon amendment would only have effect if and when we do pass a constitutional amendment.

The reason I think it is appropriate to address this now is that we are talking about applying the same rules to the Congress as we do to the people. I think it follows, then, that if we are going to rush pell-mell, as I suggested we are going to do—we are not going to wait several months, I suggest, as the Senator from Arkansas said he would like to see. I think that the first 100 days, maybe the first 10 days, at least the first 10 weeks of this session are going to be very climactic ones and I am very fearful that things are going to be rolled through over here very rapidly.

What this Exon amendment does is simply send out the signal that when and if we do pass a constitutional amendment, then we have the responsibility to direct the Budget Committee to come back with some details, rather than passing the amendment and worrying about the details afterwards.

I thank my friend from Arkansas for his observations.

Mr. President, let me say I just want to correct myself. It does have an effect whether we pass the balanced budget amendment or not. It really says that if we proceed, we proceed in an orderly fashion, which is what the amendment is all about.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no disagreement on the floor today about the desirability of having a balanced budget so that the Federal Government would live within its means as every other governmental entity, like the Commonwealth of Pennsylvania has a constitutional requirement to have a balanced budget. Every city and county in my State and every governmental unit across the country has to live within its means within a balanced budget. Only the Federal Government has the prerogative to print money, scrip, and borrow and not live within its means. This is an affront to every family, and the comment has often been made on this floor.

In the 14 years-plus that I have been in this body, we have debated and talked about this subject, I think, more than any other and there is I think agreement that we need a balanced budget.

Yesterday, in the Judiciary Committee, we had a very constructive hearing analyzing many legal considerations on enacting a constitutional amendment for a balanced budget. I think we will soon do that. The amendment proposed by the Senator from Nebraska on its face does something a little different. That is, it "enforces through the congressional budget process the requirement to achieve a balanced Federal budget."

The distinguished chairman of the Budget Committee has raised an understandable objection to this point in tying the hands of the Budget Committee this afternoon with very little debate and only a few Senators on the floor, tying the hands of the Budget Committee on what it will do. I would suggest to the Senator from Nebraska that the preferable course would be for the Senator from Nebraska in his position as the senior Democrat on the Budget Committee to offer the specific amendments to achieve a balanced budget. One of the difficulties in the Senate and the House has been that we have done a lot of talking about the desirability of a balanced budget, but no one has come forward and introduced on the floor the specifics of a balanced budget.

So I would say to the Senator from Nebraska, as the ranking member, the senior Democrat on the Budget Committee, let him come forward with the specifics. He wants a balanced budget. We all do. He thinks he can propose a balanced budget this year. Let him do so. Let him take it to the committee or let him take it to the floor and then we will vote on it.

I expect to be a chairman of the Appropriations subcommittee this session on Labor, Health, Human Services and Education, a committee I have served on in the 14 years-plus I have been in the Senate, and was ranking member last year. I have already called the Secretaries of each of those departments and have said to them, what are you going to be asking for by way of appropriations next year? What is it that may be eliminated? What is it that we may be able to cut on the budget in terms of specifics? I think there is no doubt that the mandate of last November's election was that the American people want smaller Government, want reduced spending, and would like to see tax cuts.

I believe that we should have tax cuts but I am not prepared to vote for a tax cut sight unseen. I am not prepared to engage in the bidding on a middle-class tax cut until we see that we have savings. I do not think we should have tax cuts if it will add to the deficit. I do think, parenthetically, we should have promptly a capital gains tax cut. That is the one tax cut which we could enact promptly which would not lead to a revenue loss. There were 56 Members of this body in the last session of Congress prepared to have a capital gains tax cut. We could not get it through against a filibuster. That is one tax cut we could have.

As to others, we ought not to be in that bidding war until we see what spending cuts we will have. Now, as the prospective chairman of the Subcommittee of Labor, Health, Human Services and Education with a discretionary budget of approximately $70 billion, I am looking for places to cut. But I am not prepared to make cuts with a meat ax but instead with a scalpel. I am not prepared to talk about the generalizations.

I think that the distinguished Senator from New Mexico, Senator DOMENICI, the chairman of the Budget Committee, is exactly right when he says, as the chairman with the responsibility to direct those deliberations, that he does not want to see an enforcement mechanism which will compel the Budget Committee to take action before the Budget Committee has a chance to go through the items line by line, which is what the Senator from Arkansas, Senator PRYOR, is in effect saying. What I am saying, is take a look at the specifics of the budget on Labor, Health, Human Services and Education, three committees that have discretionary budgets up to $70 billion.

The other two provisions in the amendment by the Senator from Nebraska I think are not worthy of adoption. The first one is to adopt in the 1st session of the 104th Congress, a joint resolution proposing, an amendment to the Constitution requiring, a balanced Federal budget. We are already considering that. It will not do any good to talk any more about that until the Judiciary Committee reports out an amendment and we act on it on the Senate floor.

The second line to set forth with specificity in the 1st session of the 104th Congress is what the policies of achieving such a balanced Federal budget would require. Mr. President, I think we are well aware at this stage of the life of the Congress of what the policies are. I would say that although this matter is worthy of debate it has been on the floor for a little more than an hour. I do not see any avalanche of Senators coming to the floor to debate the resolution.

What we ought to be doing at this point is talking about the specifics. Talking about the specifics in my subcommittee and talking about the specifics in the Budget Committee. I would invite the Senator from Nebraska to propose the details as to how he would balance the budget. I can assure that this Senator will look closely at that role and would work with him in trying to balance a budget with real money. Not a confederate proposition of "let's talk about it," but let Members be specific about how we will do it. I join him in that effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska

Mr. EXON. Mr. President, I certainly thank my colleague and friend from Pennsylvania for his remarks, as much as I disagree with them. Certainly, the Senator from Pennsylvania knows, as I believe the chairman of the Budget Committee knows, and as he has indicated in remarks on this debate this afternoon, that the ranking Democrat on the Budget Committee will and is prepared to play a role in developing a list of possibilities that we could come up with.

This does not fall solely on one Senator, just as it does not fall on any one Senator as to what is done in the Health and Labor Committee, the Judiciary Committee, or anything else.

I would simply say that I will be working with the Republican majority the control of all of the committees and all of the subcommittees to jointly work out something. This is not a sole exercise on any Member's part.

The Exon amendment that is currently before us simply tries to define the difficult task that we have in front of us. It simply says that whether we pass the balanced budget amendment or not, and I think we will, we still have a serious, serious, deficit problem on our hands. I think the Budget Committee should play a key role in this.

And in answer to the suggestions of the Senator from Pennsylvania, I will be working very closely with the other members of the Budget Committee, whether or not the Exon amendment is adopted, in the name of fiscal responsibility, where I have been working now, for a long, long time.

The Senator from Pennsylvania has remarked on the valuable hearings that the Judiciary Committee has been holding regarding the enforcement of the balanced budget amendment. As he probably noted, and this is also a concern of this Senator, one of the important considerations under that amendment is whether and how the courts—the courts, I emphasize—might enforce the balanced budget amendment. That is one of the reasons that I offered the amendment that I have. I do not think that the courts should be making these decisions. They should be made here in the U.S. Senate and in the House of Representatives.

My amendment, contrary to what I am afraid my friend from Pennsylvania thought, helps clear some of that up by mandating that the real congressional enforcement by specifics would be outlined, therefore, keeping, hopefully, endorsement in Congress and out of the courts, where I think none of us thinks it belongs.

I think we need to talk specifics. I think we need to talk specifics not as individual Senators but in the Budget Committee, and in the other committees of the Congress that have some jurisdiction. We need to start planning now where we are going to go between now and the year 2002. I object very strenuously to some of the talk that has been carried forth here. With regard to that we do not have to rush into this. We do need to rush in, I suggest, to some kind of a blueprint that would give us some kind of a guide, some kind of an understanding by the people at large on where we are going to go, ask how we are going to get there.

Let us make no mistake about it, we have to work together. But let us also make no mistake about it that, as the last election clearly indicates, while the Republicans are in the majority here, I have said time and time again during this debate, and will be saying it in the future, that I will work as a dedicated Member of the loyal opposition, not being an obstructionist but pointing out fiscal responsibility and where I think we should be going, not taking the easy road and simply saying, "Let's just go ahead and pass this constitutional amendment to the budget. Then if the States, in their wisdom, 75 percent of them, ratify this, we will get down to the basics."

I think that is not the way to go, and I am very fearful that that is the course that we are about to travel. I understand that the minority leader will be on the floor shortly to talk on this subject. I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I would like to fill in a little time, if my colleagues do not object—but when the minority leader comes to the floor, I will cease my remarks.

I would like to make just two or three more points, Mr. President. I think that what the Senator from Nebraska is doing, the concept that he is laying out is absolutely sound. I think it is responsible, and I think that it is something we have to do prior to the vote on a balanced budget amendment. There may be a lot of different thought in this Chamber as to what the outcome of this debate might or might not be.

Second, I think we need to know some more basic things about a balanced budget amendment. I think we need to know how we are going to achieve a balanced budget, and if some Senators say, "Oh, we have 7 or 8 years to figure that out; we'll just vote the balanced budget amendment in and we will feel good; we will write a press release; we will go back home and we will boast that we have voted for a balanced budget amendment," that does not take a lot of creativity, nor a lot of courage.

I think what we have to ask ourselves is this: How are we going to achieve a balanced budget if we adopt the balanced budget amendment? What will be the implementing legislation that will be called for? What is going to be the issue with regard to rescission? What is going to be the answer with regard to impoundment? Are we going to basically exclude or include Social Security? Are we going to exclude or include veterans benefits?

These are the types of issues, Mr. President, that I think we need to know before we stake out the course of this afternoon, saying it is a congressional decision, that it is essential for Congress to adopt a balanced budget amendment.

The Senator from Pennsylvania stated there is no disagreement among anyone, I think, in this Chamber of whether we need a balanced budget. That is different from a balanced budget amendment, I say respectfully, and I certainly agree with my colleague and friend from Pennsylvania. But we have a lot of things going on here. We have the Contract With America. Some of it has already started to roll. Things are happening very quickly.

We are going to have a markup on Monday, I believe, in the Governmental Affairs Committee, on an issue that may or may not change the relationship between the Federal and State governments. That is a voluminous piece of legislation. It is a piece of legislation that I will probably vote for. But, Mr. President, I do not think we are taking enough time to really look at and analyze some of these far-reaching pieces of legislation before we cast our vote.

But a constitutional amendment to the Federal Constitution to require a balanced budget I think should be voted on when we have the facts, when we know how we are going to achieve and how we will implement that balanced budget that all of us may ultimately support.

Mr. President, those are the comments that I have. I see other Senators may be coming to the floor desiring to speak. So with that I will yield the floor, and I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator does have the floor.

Mr. BYRD. I thank the Chair. I ask unanimous consent that I may, as the Senator who has the floor, propound a question to the Senator from Nebraska without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. BYRD. My question is this, may I say to the distinguished Senator: Would the Senator be willing to revise his proposal in a way that would delete the language that is set forth in paragraph (1) and in (a), preceding (1), which reads as follows:

> PURPOSE.—The Congress declares it essential that the Congress—
>
> (1) adopt in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced Federal budget.

Mr. President, before he responds, there are some other aspects of this proposal that the distinguished Senator has made here that I like. I think he is not willing to go into this thing with his eyes shut. He is not willing just to go along with having a constitutional amendment on a balanced budget, although I believe I heard him say he was going to vote for one. I hope he will, in his characteristic fashion, think that through. I have always thought of him as a man who really thinks matters through, and the fact that he has offered this as a proposal today indicates to me that he is thinking that through and that he sees some problems with it.

I like most of what the Senator has, but I do not like and could never support (a) and (1):

> The Congress declares it essential that the Congress adopt in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced Federal budget.

I am not for that. I will not be for it tomorrow, and I am going to do everything I can to oppose that for reasons that I will explain later.

Now, would the Senator consider revising his proposal so as to leave out that language to which I object strenuously?

Mr. EXON. Mr. President, in response to my friend and colleague from West Virginia, I hear his sound and wise advice very clearly. You are not the only Senator that has raised that question, but you are the first one.

I will certainly say I have a right to revise the amendment. I have it under consideration to revise it at this time.

As I take it, if I would revise the amendment and any amendment anyone ever writes, we could say afterwards, "Had I had it to do over again, I would have struck this way."

If I could anticipate the support of the distinguished Senator from West Virginia, I take it that he would simply say that we would strike lines 7, 8, and 9, and strike "(2)" in line 10 and make that "(1)"; likewise, on line 3, on the second page, strike "1" and make it "2," that the Senator would feel, with those changes, he would be in a position to support the amendment?

Mr. BYRD. The Senator is getting very close. He is getting very close. I do not want to say right here that I would support that as the Senator has outlined the precise changes, but he is moving in the direction, and I would like to see what he puts in as (a). I would like to see what goes in in lieu of what is being taken out.

Mr. EXON. May I ask the Senator from Arkansas, who has also spoken to me privately about this general subject, if he agrees with the discussion that just took place between the Senator from West Virginia and this Senator.

I would certainly say that I am one of those who for a long time has supported a constitutional amendment to balance the budget, and I intend to support one when it is finally presented in some form, if that form does not raise too many barriers. If I am presented with a constitutional amendment that says but you cannot touch this and you cannot touch that, I may be in a position of having to say that that kind of a constitutional amendment is unworkable and under those circumstances I could not support it. But I want to make it clear that this Senator supports a constitutional amendment to balance the budget but not just any one.

Mr. BYRD. I thank the Senator.

Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Before the distinguished Senator from Nebraska inquires of the distinguished Senator from Arkansas with reference to this matter, may I also ask the Senator how he would feel about this proposed language, if the Senator from Arkansas will also indulge me.

I would ask the Senator from Nebraska, does he see anything inherently objectionable in the following changes that I would propose:

(a) Purpose. The Congress declares that prior to any vote to adopt in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced Federal budget, it is essential—

This is paragraph (2)—

That it set forth with specificity in the first session—

And I am picking up the Senator's language thereon.

This would not declare that it is essential that the Congress adopt a constitutional amendment on a balanced budget. I do not think that is essential. So I am opposed to that. But if we are going to have that, then the Senator would then be saying with his proposal:

The Congress declares that—

(1) Prior to any vote to adopt in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced budget;

(2) It is essential that it set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced Federal budget would require; and

(3) Enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

I do not have any comments on the rest of it at this point. I will have to look carefully at the remainder of the Senator's proposal. But I think he is working on what seems to me to be a very worthwhile proposal.

I have asked the question.

Mr. EXON. I am glad to respond to my friend from West Virginia. I will take all that I have under consideration.

The Senator makes some good points. There are some others who may not be totally enthusiastic about this.

But I do not, again, think that there is any set language or set rules. I just want to make it clear that this Senator has long supported a constitutional amendment to balance the budget. After the Senator from Arkansas, who I believe sought recognition and was going to ask me a question, remarks, I am looking forward to thoughts and suggestions by my friend from Illinois, with whom I have worked for many, many years and was one of the pull horses when we lost by two or three votes last year. I am very much interested in what his views are on all of this.

Did the Senator seek to ask me a question or was the Senator seeking the floor in his own right?

Mr. BYRD. Mr. President, I still have the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I ask unanimous consent that I may yield to the distinguished Senator from Nebraska for the purpose of his asking those questions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Without my losing the right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRYOR. Mr. President, the Senator from Arkansas had thought that the Senator from Nebraska was posing a question, and I was rising to answer that question. I would like to answer, if I may, by saying I think the Senator is certainly moving in the right direction.

Right now, on Friday afternoon, before we have really geared up the Senate, before we really place our feet and our positions in concrete on whether we support or reject the idea of a constitutional amendment, it is in the spirit of good legislative wisdom and in keeping with the legislative philosophy of the Senator from Nebraska, I am sure, that this change be made, and if that change is made, I will enthusiastically—enthusiastically—support the requirements of specificity that the Senator from Nebraska is addressing in his amendment.

Mr. EXON. I thank my friend from Arkansas. I will take that under advisement.

Mr. PRYOR. I thank the Senator.

Mr. EXON. I thank my friend from West Virginia for yielding.

Mr. BYRD. Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. If I may have the attention of my colleague from Nebraska and also the attention of my friend from West Virginia, I have no objection to dropping point one because this is coming down the road.

I would have objection to the language offered by Senator BYRD. Senator BYRD and I differ on this, and Senator BYRD is obviously trying to put some language in here where we will end up fighting over how we balance the budget rather than first establishing the principle. I think it is important that we first establish the principle.

So if my colleague from Nebraska were to accept the Byrd amendment, with all due respect to the Cicero of the Senate, I would have to object, I would have to oppose the Exon amendment.

Mr. EXON. Will the Senator yield for just a brief statement?

Mr. SIMON. I will be pleased to yield.

Mr. EXON. I was very interested in hearing the Senator—Cicero, or the Senator from Illinois—because I had anticipated exactly what my colleague just said. He probably would not object to what I suggested originally. But when Senator BYRD carried it one step further, I saw him rise.

Mr. SIMON. That is correct.

Mr. EXON. It is nice, though, that we do have this kind of consideration.

Mr. President, to try to bring this matter to a head, I send a revised amendment to the desk which is the revised amendment that I first suggested. It strikes lines 7, 8, and 9 of the amendment.

The PRESIDING OFFICER. The Senator from Illinois still has the floor.

Mr. EXON. I am sorry.

Mr. SIMON. If I could just ask one other question on the amendment, because I basically like the thrust of the Senator's amendment. Suppose that a year from now or 2 years from now or 3 years from now, we come in with a health program for the Nation with an increase in cigarette taxes or some other revenue. This amendment would not cause us to have 60 votes to pass such a package, would it?

Mr. EXON. It is neutral on that. I think the Senator knows full well what happened in the House of Representatives the other day. But as of now, it would be considered as it has traditionally been considered, a majority vote.

However, I would simply say that if something like that were offered under the budget rules, a point of order could be raised if we do not pay for it.

Mr. SIMON. Yes, that is correct. And I agree with that completely. Whatever we do in the way of spending we have to have the revenue for it. I just want to make sure that we are not locking out some other possibility.

Mr. EXON. We are not.

Mr. SIMON. I thank my colleague from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I understand the leader hopes to speak on this amendment very shortly. I understand that Senator BRADLEY wishes to speak on the amendment shortly and is on his way over.

Mr. President, I ask unanimous consent that the distinguished leader, Senator DASCHLE, be added as original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 6, AS MODIFIED

Mr. EXON. Mr. President, I send a modification to the desk as earlier outlined. It simply strikes lines 7, 8, and 9. On line 10 it strikes the number 2 and inserts the number 1. And on line 3, on the second page, it strikes the number 3 and inserts the number 2.

I send that modified amendment to the desk and ask the amendment be so modified.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 6) as modified is as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced Federal budget would require; and

(2) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that—

"(A) fails to set forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through 2002;

"(B) sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of revenues for that fiscal year; or

"(C) relies on the assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues, without including specific reconciliation instructions under section 310 to carry out those assumptions.".

(c) REQUIREMENT FOR 60 VOTES TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, as a longtime supporter of a balanced budget amendment, I am pleased to join my very distinguished colleague from Nebraska in offering this amendment.

This amendment says we should translate words into action that we have to take immediate steps to balance the Federal budget. Passing a constitutional amendment to require a balanced budget 7 years from now, while highly appropriate, does nothing today.

From all appearances, a balanced budget amendment will pass Congress this year. There appears to be widespread support on both sides of the aisle on that point.

But we simply cannot afford to wait until 2001 to start complying with the balanced budget amendment. By doing so, we will be adding a far greater burden to our national debt, which already is above $4 trillion.

If we pledge our commitment to continued deficit reduction today, we will still need more than $1 trillion of cuts over the next 7 years to balance the budget by the year 2002.

If we delay even 1 year, the national debt will increase by over $150 billion as a result of that delay, and the interest on the debt will be approximately $50 billion greater. Each year that we delay adds another enormous sum to our already-astronomical national debt, and increase the percentage of our budget that must be dedicated to servicing that debt.

In the last Congress, we passed a deficit reduction package that will reduce the budget deficit by nearly $500 billion. Given the magnitude of our existing debt, it would be irresponsible and profoundly illogical not to continue striving toward a balanced budget this year, not next year or the year after.

To illustrate the point that Senator EXON and I are trying to make, consider the simple situation of a person who has run up huge amounts of debt at the bank. Does the bank say to that person, "You have 7 years to pay off your debt and, by the way, feel free to incur more debt in the meantime?"

Certainly not. The bank would insist that, at a minimum, the debtor not incur further debt.

That is precisely what we are talking about here, and that is why every Member of this body who supports the balanced budget amendment should support this amendment today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am not sure that everybody is aware of what we are considering as the underlying bill in this body. But remember, during the campaign there was a hue and cry from the grassroots, expressed very clearly in that election, that people wanted to end the situation where we had two sets of laws in America, one for Capitol Hill and one for the rest of the Nation.

In other words, Congress did not have certain employment safety laws apply to us that applied to the private sector. The small business people of America are very up in arms about the fact that they have to abide by very egregious legislation, and we who make the laws have exempted ourselves from that. That bill passed the House of Representatives 2 days ago unanimously. Senator DOLE placed the Congressional Accountability Act, which I and Senator LIEBERMAN are main sponsors of, as a first bill on the agenda because he wanted to respond to the people at the grassroots who expressed in that election the resentment of a dual system of law in America.

So that is why that bill is before us. We had debate on that bill yesterday. Senator GLENN, the Democratic manager, spoke very eloquently of the reasons that legislation ought to pass. Senator LIEBERMAN did, several other Democrats and several Republicans did.

There does not seem to be much disagreement about what the people said in that election and that S. 2 ought to pass the Senate like it has already passed the House. Yet, we are not getting from there to here very quickly because we are dealing with a lot of amendments that are unrelated to the bill that the people so clearly expressed in the election that we ought to pass and do it very quickly.

By the way, one of the things that the new majority wants to do is show the people of this country that it is not business as usual anymore in Washington on Capitol Hill passing legislation that they clearly stated they wanted passed and that is on the agenda of the victor of that election, and we ought to get to it and get the job done. The other body stated that they understood that very well with their action 2 days ago. Hopefully, we will get that done in this body very quickly. But we have dealt with lobbying reform. We have dealt with campaign finance reform. We are going to deal with the issue of private use of frequent flyer mileage. We are now dealing with a very important issue of balancing the budget.

There is not one of these issues that is being presented by our friends on the other side of the aisle that are not very legitimate issues to be discussed here. But every one of these issues will be discussed pursuant to the promise of our distinguished leader, Senator DOLE, who said that within just a few weeks we will have lobbying reform and campaign finance reform before this body. It is already on the majority agenda in both the House and Senate that we are going to take up a constitutional amendment requiring a balanced budget. In just 6 weeks we will be working on the budget resolution that fits right into what my friend, the Senator from Nebraska, is trying to accomplish this time on this very important underlying piece of legislation.

So I wish that we could get some sort of understanding that we could deal with what the people want us to deal with. The purpose of S. 2 is responding to the mandate of the people in the last election that we should end the dual system of law within this country, one set of law for Congress, and another set of law for the rest of the Nation. But all of this other discussion that is going on is preventing us from getting at what we promised the people in the last election.

I do not have a fight with the Senator from Nebraska. He has very worthwhile goals on budget issues. In fact, if you remember in the last Congress, the only successful effort to change President Clinton's budget was the Exon-Grassley amendment that was adopted that cut $26 billion from the President's budget when it passed the Senate and $13 billion from the compromise version that came out of the conference committee.

So I have worked very closely with Senator EXON in trying to bring a sound fiscal policy to our Federal Government. I will continue to work with him for a sound fiscal policy. Why do it on legislation that is so easily understood by the American people that they very clearly want? And we are almost set to give it to them. The President is prepared to sign it. And I just think we ought to get on with the show and final passage of this legislation and forget about all of this extraneous stuff that is not unimportant. It is a very important issue to be discussing. But there is a time and place for everything, and the time and place is set for all these other issues within just the next few weeks. We are taking up what ought to be No. 1 on everybody's mind. We have it up. We ought to pass it.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, the debate of the Senate on a Friday always has a certain unique quality to it. I rise today simply to say to the distinguished Senator from Nebraska that I do not know how this issue will be resolved. I assume it will be resolved today. But I applaud him for raising the issue and the amendment that he has offered.

This is really a precursor to a debate we will have here in the next week on the balanced budget amendment. It is really a truth-in-advertising amendment. It makes explicit what anyone who supports a balanced budget amendment should know—which is if you vote for it you have to deliver on it. And it makes explicit what delivering on it, voting for the balanced budget amendment, will cost.

I really do not think that there has been adequate public focus on what the cost of a balanced budget amendment will be for average people in this country, for regions of the country which get a disproportionate share of the Federal dollar or elements of the economy that have heavy subsidies.

I think that the public needs to see what will be cut if we have to meet a balanced budget by the year 2002. And I am all for that.

In the last Congress I was on this floor offering spending cut after spending cut on virtually every appropriations bill. I am pleased that within the Democrats I was No. 4 in voting for spending cuts. I am making the point only because after you vote for a balanced budget amendment, you then have to vote to cut spending.

The balanced budget amendment is just a process. What the amendment of the Senator from Nebraska, as I understand it, does is say that after a balanced budget amendment passes, if it should pass, that any budget resolution has a point of order against it if the budget resolution did not submit a budget that reached a balanced budget by the year 2002, which by the way it is projected will be the year in which the deficit is $322 billion.

So anyone who supports the balanced budget amendment would have to support this Exon proposal, because that would make explicit how we cut $322 billion by the year 2002. I applaud the Senator very much for his amendment.

I know that we will yet have a chance to debate the balanced budget amendment. One of the puzzling things for me with regard to understanding the support for the balanced budget amendment—and maybe the Senator from Nebraska is aware of this—is that there are certain States in the Union that get a higher return on their tax dollar than other States. Certain States pay taxes, and get back a lot more in Federal spending than they have sent to Washington in taxes. Unfortunately, my State is not in that group because we have a high income. We pay a high tax, and we send a lot of tax dollars to Washington. We do not get back that many tax dollars relative to what we sent.

Once we get a balanced budget amendment, all those States which get back much more than they kick in—and these States are disproportionately in the West—those are the States that will be disproportionately hit by the need to dramatically cut spending $322 billion by the year 2002. And in the coming debate, I hope that we will be able to focus on these facts.

I think the Senator's amendment is an enormously positive step in getting us to face up to what actually balancing the budget will mean. It will not be easy. There will be no substitute for cutting spending, and there will be no substitute for Senators coming to the floor of the U.S. Senate and voting to cut spending, not voting for a process in that 7 or 10 years from now if it goes into effect, and if there are no exclusions or if there are loopholes, will lead to a balanced budget. We need to have Senators actually coming over here and voting to cut spending.

So I applaud the Senator from Nebraska for his amendment. I know that perhaps he and I have a different view on the balanced budget amendment, but his amendment makes explicit what steps must be taken if we are to balance the budget and requires the Congress to belly up to the wire and say in 7 years we are going to balance the budget, and here is how we are going to do it—not that in 7 years we will create some budget glidepath down to a balanced budget in 10 years or 15 years from now, but in 2002.

So I am anxiously awaiting such a congressional resolution, because I think once that congressional resolution is out there and you see how much is going to have to be cut in virtually every subsidy, virtually every Federal program, virtually every entitlement there for the last 14 years in the Federal Government, there will be a moment of truth for the Congress and a moment of truth for those who have voted for the balanced budget amendment.

I salute the Senator for his amendment.

Mr. EXON. Mr. President, I thank my friend and colleague from the State of New Jersey very much for his excellent remarks. I think he has indeed hit it right on the head. This is a truth-in-advertising amendment, in addition to a truth-in-budgeting amendment. And the Senator made an excellent, right-on point as to what this is all about. I hope, therefore, we will have the votes to pass this. We first have to get the 60 votes to waive.

I also thank my friend and colleague from Iowa. Senator GRASSLEY and myself have worked together on many things over the years, and we will be working on things in the future. I simply say to my friend from Iowa that I was very pleased with the fact that he mentioned once again what few know—that the only reductions made in the budget last year were the Exon-Grassley amendments that he and I fashioned and worked through the Congress.

What I am doing in this particular case, as the Senator has clearly indicated, is to apply to Congress what we apply to others—And if Congress wants to have a balanced budget amendment, which I hope they do, then they should live up to it. You had indicated in your remarks that while you thought the Exon amendment was probably a good one, this is the wrong place to put it. Well, I suggest that this is the right place to put it. What we are talking about here today is to make Congress live up to the laws that it applies to the people of the United States. If we are going to have a constitutional amendment to balance the budget, then that has to apply to the Congress. So I think it is very appropriate that this measure be passed on the bill, the underlying bill before us, which I indicated in my opening remarks I strongly support.

Now, it is not the intention of this Senator to delay at all the institution of the measure that is going to receive overwhelming support.

Mr. DORGAN. If the Senator will yield——

Mr. EXON. I am prepared to come to a vote in a relatively short period of time. I do not want to be accused of holding up anything.

I think it is important enough that it should go on this legislation. I do not think there is any piece of legislation we are likely to pass this year that is going to be more important than a constitutional amendment to balance the budget, which 80 percent of the people in the United States of America want. I want to get on with that. I do not happen to buy the reason or excuse, depending on your point of view, as to why it should not be an amendment to the measure before us.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. EXON. Yes, I am happy to yield to the Senator for a question.

Mr. DORGAN. I have listened to some of the debate on this issue, and I have heard some say, Gee, I do not necessarily oppose what you are trying to do, but maybe this is not the place or time to do it. That is always an interesting discussion. I understand that one can make a stronger or weaker case against doing something like this on one bill or another. But the fact is that the ultimate—it seems to me that the ultimate rule and the ultimate circumstance, which is that we ought to live the way everybody else does in this country, would be to have a budget process that says when you come here with a budget, let us, if we are going to pass a constitutional amendment—and I think we will—to balance the budget, and let us require the budget document itself to get us to that point.

In other words, if you bring a road map to the floor of the Senate that is purported to be the budget but never gets to the destination, of what value is the map? And the Senator from Nebraska, who I think has been one of the most consistent voices on this subject over the years, I think, does a service by raising the question. I assume if the Senator from Nebraska loses the vote here because some people say, Gee, this is a great idea but the wrong place, I assume we will see it again. I hope we see it again.

I fully intend to vote for it, because I do not think this is a question of what place you put this in the process. The question is whether this makes sense in the context of what we are about to embark on this year as a body. The answer clearly is yes. It makes perfect sense, and it makes perfect sense to do now, this minute. I wanted to state that the Senator has done a service, I think, by offering this.

I hope my colleagues will look at the merits of this and say: Gee, this makes a lot of sense. If we are going to put out a budget map here, let us have a destination on the map that gets us to what all the American people want—that is, a balanced budget.

I will frame it in a question. As I have understood the debate, is it the understanding of the Senator from Nebraska that there seems to be a fair amount, at least, of sympathy with this amendment, but some are saying, Gee maybe we cannot vote for it because it is the wrong time? Will the Senator once again explain, is there a better time anywhere he knows of than to pass this at this moment?

(Mr. THOMAS assumed the Chair.)

Mr. EXON. In answer to my friend from North Dakota, I do not know of a better time or a more appropriate time, as I have said. Since we are talking about making laws that we apply to others apply to ourselves, what more important law is there than a constitutional amendment?

I simply say that I thank my friend from North Dakota for his kind remarks. I must say to him that this Senator was somewhat surprised to find opposition to this amendment, because I felt that this amendment would pass overwhelmingly since we had almost two-thirds of the Senate vote for a constitutional amendment to balance the budget last year. Then I heard about the fact that there may be a point of order raised against the amendment, since it was not particularly germane, as the rules of the Senate so indicate, so therefore I moved to waive that. We have to have 60 votes now to even have an up-or-down vote on the Exon amendment. I was quite surprised because I thought the opposition to the Exon amendment would come from the relatively few Members of the U.S. Senate that traditionally have stood against passing a constitutional amendment to balance the budget.

And there are some legitimate reasons that those people have, and very well thought of Members of this Senate. I do not suppose there is a better constitutional lawyer in this body than Senator BYRD of West Virginia. He is fundamentally opposed to a constitutional amendment to balance the Federal budget. He has pointed out in several speeches that I have heard him give that, while it is true that you have this in some of the States, it does not and should not apply in the Congress of the United States.

To answer the Senator's question, I am somewhat mystified at the opposition that has arisen to this, since I thought two-thirds of the people were for a constitutional amendment to balance the budget. I am, therefore, very concerned about the fact, I must tell my friend from North Dakota, that possibly some of our colleagues are for the constitutional amendment to balance the budget but do not want to spell out the hard choices that are going to have to be made.

So I will simply say, in answer to another question that the Senator from North Dakota raised, if the Exon amendment is defeated in any fashion on this particular measure, I assure my friend from North Dakota that it will, in the words of Franklin Delano Roosevelt, come up again and again and again. So there will be chances for people to vote on this again if it fails today.

Mr. DORGAN. Mr. President, if I might ask the Senator from Nebraska to yield one more moment, just for one additional question.

Mr. EXON. Yes.

Mr. DORGAN. The prospect here of voting today and deciding not to support this, as the Senator has said, will produce this same amendment in the future. I am pleased to hear him say that.

I think all of us probably agree that a balanced budget—that is, a zero balance—is not necessarily nirvana somewhere out there.

I did not used to think we should change the Constitution to do this, as a matter of fact. But year after year after year of a budget that is fundamentally out of balance with respect to operating budget deficits, that cannot continue. That hurts this country. And I decided some years ago, gee, I mean, we do not have much choice.

But we could change the Constitution at 2:15, 3 minutes from now, and it will do nothing, nothing, to balance the budget. We will simply have changed the Constitution to require a balanced budget, and then others will have to find ways to achieve those ends.

I must also say to you that I would not care at all if we had a budget deficit that was $300 billion this year if that budget deficit, by its expenditure, had cured cancer, as an example. Spend $300 billion you do not have and cure cancer. Is that a good investment? You're darn right it is a good investment. It would not bother me a bit.

But the billions of dollars, hundreds of billions of dollars, that we are now spending that we do not have are not investments. They are operating budget deficits, year after year, that cannot continue. If this were an investment, it would be one thing. But it is not an investment, it is the operating budget. And it is, in my judgment, impeding this country's economy and opportunity.

So that is why I support what the Senator is doing. I hope, Mr. President, the Senator will prevail today. If not, I hope the Senator will tell us how soon he will be back to give us the opportunity to do this once again.

Mr. EXON. I thank my friend from North Dakota.

Let me say, in probably closing debate, since I am ready to vote on this at the pleasure of the majority leader, the Senator is certainly right. The balanced budget amendment does not in and of itself balance a budget. And that needs to be said time and time again. We will need, sooner or later, an amendment just like mine if we are ever going to balance the budget.

When the Senator was talking about—and I thought he made an excellent point—if we had a $200 or $300 billion deficit and we had cured cancer as a result of it, I think we would all vote for it. But the deficit has become a way of life, unfortunately.

Not only is the budget deficit something that we talk about—and I think we should have possibly a better understanding by the American people of this addition to the problem of the annual deficits in the billions of dollars; that is only part of the problem. The real problem is, at the end of each and every fiscal year, we take whatever the deficit is and we get rid of it. It goes away. Where does it go? On the national debt.

I find many times that many people simply have not taken the time to address the fact that they hear about billions and billions of dollars, between a $100 billion and a $350 billion deficit, and that is only for 1 year. All of that, of course, goes on to the national debt at the end of every fiscal year.

So we not only have the annual deficit to worry about, we have the absolutely skyrocketing national debt of the United States that, of course, is the accumulation of all the deficits over the years.

At the present time, that national debt stands at $4.7 trillion. Interest alone on the national debt that, once again, is the accumulation of the annual fiscal year deficits, is the fastest growing part of the debt—not welfare, not food stamps, not even national defense. The fastest growing part of the drain on your tax dollars is interest on the national debt.

I thought the President explained it pretty well recently in a speech when he said that very shortly, when you pay your income taxes in April 1995, 28 cents—28 cents—of every dollar that is paid in taxes by the American people next April 15 goes directly to pay interest on the national debt which, of course, is the accumulation of the annual deficits. I wonder how many Americans fully understand that.

Not only is that a serious problem, but I say to you that as far as we can see into the future—and even the projections into the future by the year 2002, where we are going to have annual deficits in the $200 billion to $350 billion range annually—that national debt that is already at $4.7 trillion is clearly going to go up at the rate of $200 to $300 to $350 billion a year, if and when we pass the constitutional amendment to balance the budget, and if and when we ever line up how we are going to reach that by the 2002 date.

Another way of saying that is under the best scenario, the most optimistic scenario, we are going to see the national debt go from $4.7 to $6 or $7 trillion while we are twiddling our thumbs here and debating whether or not an amendment to put teeth in the balanced budget amendment is germane on a bill before the U.S. Senate.

It does not make any sense to me. I do not think it will make any sense to the American people when they understand it.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, pursuant to the majority leader's request, with the approval, I believe, of the Democratic leader, I ask unanimous consent that the Senate vote on or in relation to the motion to waive the Budget Act with respect to the Exon amendment at 2:30 today, with the time between now and 2:30 equally divided between Senator EXON and Senator GRASSLEY.

Mr. EXON. Mr. President, I do not object. I agree to the unanimous-consent request offered by my colleague from Iowa.

The PRESIDING OFFICER. Is there objection? If not, without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I yield the Senator from North Dakota whatever time he desires.

Mr. CONRAD. Mr. President, I thank the Senator from Nebraska.

I have come to the floor to commend the Senator for what I think is an excellent amendment, precisely the kind of amendment we ought to consider and we ought to support today. Mr. President, the Senator from Nebraska has offered an amendment which says simply and clearly and powerfully, that if we are going to pass a balanced budget amendment to the Constitution, something that I support, that we ought to match our words and our deeds.

That is precisely what the Senator from Nebraska has put before this body. Mr. President, that is what the underlying legislation is all about. Matching words with deeds. Holding Congress accountable. Having Congress follow the laws that it writes. Nothing could be more important with respect to a balanced budget amendment to the Constitution than that we actually start to write a balanced budget. Not just pass a balanced budget amendment to the Constitution, and then do the same old thing and not start to actually balance the budget. The easiest thing in the world is to pass a balanced budget amendment to the Constitution and then do nothing to start balancing the budget. I cannot think of anything that would be more destructive of public trust than to engage in that kind of cruel public hoax. That is precisely what could happen here.

We all know what is politically easy and what is politically hard. What is politically easy is to stand up and say "I'm for a balanced budget;" what is politically hard is to actually do the work of balancing the budget. That is what is challenging. That is what is difficult. That is what is politically hard to do.

The Senator from Nebraska says "Yes, let's have a balanced budget amendment; but beyond that, let's actually start to balance the budget." What a novel idea. Mr. President, it is precisely what we ought to do. That is exactly what we ought to do. I cannot think of anything that would give this country more confidence in what we are doing than that.

Now, Mr. President, one of the things I am concerned about as I watch this debate is we talk about balancing the budget, but we rarely talk about why we should balance the budget. It is not just because it makes us feel good. It is not just because you should match what you spend with what you take in. It is because balancing the budget has real economic consequences that are positive for this country. It makes a difference in the lives of people.

Mr. President, we got the evidence today of a package we passed 2 years ago doing something positive in the lives of people. Just today we received news of what has happened with the unemployment rate in this country. It has dropped to 5.4 percent, the lowest level in 4 years, and 3.5 million jobs were created in this country.

The PRESIDING OFFICER. The time of the Senator has expired. The remaining 3 minutes belongs to the Senator from Iowa.

Mr. CONRAD. Mr. President, I ask unanimous consent that we might extend the time by 10 minutes, to be equally divided.

Mr. GRASSLEY. Mr. President, I would yield 5 minutes to the gentleman from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I yield whatever time is remaining to me to my colleague from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Nebraska.

As I was pointing out, 3.5 million jobs were created in 1994—3.5 million. I believe one of the key reasons is that a number of us had the courage to vote for a budget package 2 years ago that reduced the deficit by over $500 billion over the next 5 years. Because we did that, because we cut spending, and, yes, raised taxes on the wealthiest 1 percent among us, the result was a reduced deficit. The result of that was reduced interest rates. The result of that was renewed economic growth in this country, increased job creation, and a much stronger economy.

That is why we need to move toward a balanced budget, because it will take pressure off of interest rates. It will allow this economy to continue to grow. It will allow this country to get back on track. That is why the amendment of the Senator from Nebraska is so important.

Mr. President, I thank, again, the Senator from Nebraska.

I yield the floor.

Mr. GRASSLEY. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. Five and one-half minutes for the Senator from Iowa and 1 minute and 14 seconds for the Senator from Nebraska

Mr. GRASSLEY. Mr. President, I yield back the remaining time on this side.

Mr. EXON. Mr. President, I yield back the time remaining on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to waive section 306 of the Budget Act.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], and the Senator from Arizona [Mr. MCCAIN] are necessary absent.

Mr. BREAUX. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from California [Mrs. BOXER], the Senator from Arkansas [Mr. BUMPERS], the Senator from Kentucky [Mr. FORD], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

I further announce that, if present and voting, the Senator from Vermont [Mr. LEAHY] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 30, nays 53, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—30

Akaka
Baucus
Bingaman
Bradley
Breaux
Bryan
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Graham
Harkin
Inouye
Johnston
Kerry
Kohl
Lautenberg
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Simon

NAYS—53

Abraham
Ashcroft
Bennett
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Glenn
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles,
Packwood
Pressler
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—17

Biden
Bond
Boxer
Bumpers
Ford
Gramm
Heflin
Hollings
Kennedy
Kerrey
Leahy
Levin
Lieberman
McCain
Nunn
Robb
Rockefeller

The PRESIDING OFFICER. On this vote the yeas are 30, the nays are 53. Three-fifths of the Senators duly sworn not having voted in the affirmative, the motion is rejected.

The amendment offered by the Senator from Nebraska deals with a matter within the jurisdiction of the Senate Budget Committee. It is being offered to a bill that was not reported by that committee in violation of section 306 of the Congressional Budget Act.

The point of order is sustained. The amendment fails.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I offer an amendment.

The PRESIDING OFFICER. Is the Senator seeking consent to set aside the amendment of the Senator from Kentucky?

Mr. SIMON. Mr. President, I ask unanimous consent to set aside the amendment of the Senator from Kentucky.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 7

(Purpose: To express the sense of the Senate regarding the Bridgestone/Firestone dispute)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. GLENN, Mr. HARKIN, Ms. MOSELEY-BRAUN, and Mr. FEINGOLD proposes an amendment numbered 7.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following:

SEC. ____. SENSE OF THE SENATE.

(a) FINDINGS.—The Congress finds that—

(1) Bridgestone/Firestone, a subsidiary of foreign owned Bridgestone Corp., has recently announced its decision to hire permanent replacement workers displacing more than 2,000 American workers;

(2) this action may result in the largest permanent displacement of workers in over a decade:

(3) the practice of hiring permanent replacement workers is devastating, not only to the replaced workers, but also to their families and communities;

(4) the position of management of foreign owned Bridgestone/Firestone appears to be that they cannot compete with their American owned competitor, Goodyear, if they provide wages, benefits, and conditions of employment benefits patterned after those provided by Goodyear;

(5) hiring permanent replacement workers is illegal under the laws of the parent company's own country; and

(6) most of the United States' major trading partners, including Japan, Germany, France, and Canada, recognize that using permanent replacements is bad business and bad public policy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Bridgestone/Firestone should reconsider its decision to hire permanent replacement workers and return to the bargaining table and bargain in good faith with the United Rubberworkers of America, the representative of their employees; and

(2) the Clinton Administration, working through the appropriate diplomatic channels and using the appropriate trade negotiations, should impress upon the parent company's home government the concern of the United States over this matter and seek

their assistance in getting Bridgestone/Firestone to reconsider their decision.

Mr. SIMON. Mr. President, I offer this amendment on behalf of Senator GLENN, Senator HARKIN, Senator MOSELEY-BRAUN, Senator FEINGOLD, and myself. And I believe I am willing to enter into a time agreement on that. I am checking with Senator DASCHLE on my side on the time agreement and I should know that very shortly.

Mr. BYRD. Will the Senator yield?

Mr. SIMON. I will be pleased to yield.

Mr. BYRD. Before we will be able to enter into a time agreement, some of us would like to know what the amendment does. We did not let the clerk read it.

Mr. SIMON. I did not let the clerk read it but I will be happy to explain the amendment.

Mr. BYRD. May I hear that before we are asked to enter into an agreement?

Mr. SIMON. Mr. President, this is a sense-of-the-Senate resolution regarding a strike situation that we face in this country. Bridgestone/Firestone is a company wholly owned by a Japanese corporation. They bought Firestone, merged the two companies. They have had a strike on since July. And back, I guess about a month ago, Senator GLENN and Senator HARKIN and Senator MOSELEY-BRAUN and several of us met with the Japanese Ambassador and urged that they negotiate, that they sit down and negotiate.

I, frankly, do not know, in terms of the dispute between labor and management, which side is right. What I do know is that they ought to sit down and negotiate. But the Bridgestone/Firestone has announced they are going to fire all the strikers and permanently replace them. That is—I have been doing some checking—we have had only two precedents like that since the 1930's. We have had no striker replacement law, as Western Europe and Canada and the other countries do, but we have had a tradition that you do not do that. And this resolution simply says to the corporation: Sit down and negotiate, rather than just firing several thousand workers.

I would hope that we could adopt this resolution. My friend from Iowa indicates that he has some concerns, otherwise we could adopt it by voice vote. That is basically the situation.

Let me point out one other thing. This is a Japanese—wholly-owned Japanese firm now. In Japan it would be illegal for them to do what they are doing in Illinois, in Iowa, in Oklahoma, Ohio, and Indiana. My hope is that this sense-of-the-Senate resolution could be adopted and that we can move forward. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I rise in strong support of the sense-of-the-Senate amendment of my colleague, the senior Senator from Illinois [Mr. SIMON], and to give some background on this issue. It is something that has troubled us greatly and that I believe is a matter that really boils down to good corporate citizenship.

Mr. President, some 4,000 members of the United Rubber Workers, including 1,250 members of local 713 in Decatur, IL, have been exercising their right to strike against the Bridgestone/Firestone company which is, as Senator SIMON indicated, a foreign-owned corporation. The strike began when, after months of negotiations, the company refused to accept a contract that was similar to the contract the United Rubber Workers had negotiated with Goodyear, which is an American company. Throughout the duration of the strike the United Rubber Workers have maintained a willingness to bargain with Bridgestone/Firestone to attempt to resolve their differences. In fact, earlier this week the URW bargaining committee notified Bridgestone/Firestone that it would be meeting with Federal mediators in an effort to resume bargaining and to end the work stoppage.

Unfortunately, the company has not shown the same willingness to negotiate in good faith. In fact, some 2 days ago the company informed its workers that they will be permanently replaced as a result of this ongoing dispute. A number of Senators and I, whose workers are affected by this strike, have done everything we can, everything possible, to try to help resolve this dispute. In fact, just this afternoon I called on and had a conversation with some of our trade negotiators, to see to it that these kinds of issues of the conduct, the corporate citizenship of foreign companies doing business here in America, was an issue that would be brought up in their trade discussions and negotiations in future times. We will see how that plays out.

But the point is, without giving a long speech about this because I understand there are others who want to speak to this issue, this company is doing to American workers what American companies cannot do, or have not done, to American workers, by and large. Senator SIMON has discovered one tiny precedent of similarity in one instance. But by and large, in this industry, what is going on here is quite extraordinary. While on the one hand we do not want to get in a situation in which investment by foreign companies is discouraged—we want to encourage investment, we want to encourage participation—we certainly want to encourage positive relations with our companies from whatever part of the world they may come, the fact is that when one is doing business here in the United States it is only appropriate and only a function of good corporate citizenship that one does business in keeping with the values and the tradition and the fair play that American workers, I think, have every right to expect.

We do not have a striker replacement law in this country but we know for a fact it is against the law to fire a worker for exercising the right to strike. It is not against the law to permanently replace that worker. But at the same time, to have permanent replacement resorted to as a measure by corporate leadership in an instance in which it would not happen if it were an American company, or has not happened in certain similarly situated American companies, sours the atmosphere and sets an unfortunate precedent that I hope the leadership of Bridgestone/Firestone would take a good hard look at and reconsider.

Mr. President, with that I encourage my colleagues to support this sense-of-the-Senate resolution and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to support the actions being taken by Senator SIMON. It is a sense-of-the-Senate resolution. Certainly we would not be willing to vote today to do exactly the opposite and to say no, we do not think there should be any more negotiations; no, we think it should be final. Even Japanese law, it was pointed out here, in the home country of Japan—this is a wholly-owned Japanese corporation now—but the law in Japan would prevent them from doing exactly what we are doing here, even though we have yet to put into place any striker replacement legislation in this country.

So surely we do not go the opposite tack and say, "No. We don't think there should be any more negotiation." We do quite the opposite. We say, "Look, it is never too late." And while we cannot take sides in this as U.S. Senators and come down on exactly what the final solution would be, surely it is within our responsibility to our people in our respective States and this country to say, "Look, don't just give up on this thing. At least sit down and talk about it some more." I know it has been a long discussion. They have had long negotiations. But sometimes just when things look the blackest in the negotiation is when real progress can be made.

I hope this is not just a negotiating ploy. I do not think it is. I think Bridgestone/Firestone is serious about this, and that makes it all the more incumbent upon us to take some action here on the Senate floor.

So I had real hope after we met with the Japanese Ambassador that he was going to use his good offices to do everything he possibly could. Perhaps he did. I certainly will not say that he did not do everything that he could possibly do. But what we are saying is, in the interest of fairness to our workers and in the interest of even the company adhering to what the Japanese law is, sit down again and let us see if we cannot work this thing out before we go through the throes of seeing some 2,000-plus American workers being tossed out permanently. I think that would be too bad.

I want to compliment Senator SIMON for taking the lead on this and am glad to support his sense-of-the-Senate resolution.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Illinois.

Mr. SIMON. I thank Senator GLENN.

Mr. President, let me just add one other point. In addition to the labor-management factor here, I think the other factor is United States-Japan relations. This is not the kind of thing that is going to help relations between our two countries.

So I hope that, if we adopt this resolution—and I hope we do—that the corporation would take another look at this. This is not good for United States-Japan relations as well as not good for the future of this corporation, Bridgestone/Firestone. The rubber workers have taken the position they should have the same contract as they do with the Firestone competitor, Goodyear. I do not know whether they are right or wrong. That is not the point. All we say is sit down and negotiate and see if this can be worked out.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the time prior to a motion to table the Simon amendment be as follows: 5 minutes under the control of myself, 20 minutes under the control of Senator SIMON; and, further, at the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Simon amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. SIMON. I say to my colleague from Iowa, if he is going to yield his time, I am willing to yield my time and proceed to a vote.

Mr. GRASSLEY. Except for Senator KASSEBAUM to speak a few moments, as she put it, we will do that.

Mr. SIMON. I always welcome Senator KASSEBAUM's speech.

Mr. GRASSLEY. Mr. President, I yield such time as she might consume to the distinguished Senator from Kansas, NANCY KASSEBAUM.

The PRESIDING OFFICER. The Senator from Kansas [Mrs. KASSEBAUM], is recognized.

Mrs. KASSEBAUM. Mr. President, I appreciate that. I appreciate the courtesy of the Senator from Illinois as well. As he knows, I have some strong views on this issue that I would like to express. I can certainly appreciate the points of view of the Senators from Illinois, Senators MOSELEY-BRAUN and SIMON. But I have to rise in strong opposition to the resolution that has been offered by the Senator from Illinois.

Mr. President, I rise today in opposition to the resolution offered by the Senator from Illinois. The Senator's resolution expresses the sense of the Senate that Bridgestone/Firestone Tire Co. should not use permanent replacements for workers on strike in a labor dispute in Ohio, Oklahoma, Indiana, and Illinois.

Mr. President, we have been through this argument on the floor, and it is well understood by most everyone here.

The Congressional Accountability Act passed the House of Representatives on a unanimous vote 2 days ago, and now we are here on a late Friday afternoon with a sense-of-the-Senate resolution on an enormously important issue that does not relate in any way to the Congressional Accountability Act.

I know the Senator from Illinois is well-intentioned. But this is neither the time nor the place for Congress to be considering anything other than this very important bill which is before us—the Congressional Accountability Act.

The amendment offered by the Senator from Illinois is completely extraneous from the matter at hand, and for that reason alone I believe the Senate should table his amendment.

Not only is the amendment inappropriate and untimely, but it is also wrong on the substance as well.

Just for a moment, if I may reiterate what we have talked about before in the debate on this issue, Congress should not take sides in a private labor dispute as this amendment clearly does. We should not take sides in a private dispute.

Because we have many new Members in this body, I think it might be helpful to provide a brief background on our Federal labor laws. It has been established Federal labor law for over 50 years that labor has the right to strike, and companies have the right to continue operating during the strike. On rare occasions, this may require hiring permanent replacements.

These competing rights, and the risks they entail, enable the parties to settle the overwhelming number of labor disputes at the bargaining table which is the way I believe strongly they should be resolved.

Without the ability to hire permanent replacements, labor could strike at any time, for any reason, without any risk. It really disrupts completely. I would argue that the balance is a difficult one, but I think a fair balance.

The compelling nature of these arguments led the Senate to defeat legislation—S. 55—during both the 102d and 103d Congress. S. 55 would have prohibited employers from hiring permanent replacements during an economic strike. So the law is clear the employers may hire permanent replacements during economic strikes.

Mr. President, Congress established the private collective bargaining system to facilitate the peaceful resolution of labor disputes. We leave it to the parties to decide for themselves what a fair deal is.

As difficult as it may be—and each of us has had these disputes in our own States and we wish we could do something that could bring it to a resolution, but as sure as we start down that path, we will all regret it and all the parties to those labor disputes will regret it as well.

It is not for this body to decide whether Bridgestone is justified in hiring permanent replacements during the course of their current labor dispute. We are not the arbiters of labor disputes in the U.S. Senate, and we do not judge the fairness of any of the terms of a particular labor agreement.

Mr. President, it is improper for the Senate to single out one company and attempt to influence a private labor dispute. Regardless of the merits on either side, we do not negotiate collective bargaining agreements in the Senate. There is a good reason for this.

We would be establishing a dangerous precedent if we approved this sense-of-the-Senate resolution, because we would be opening ourselves up to debating the merits of very single labor disputes. In fact, we would see a virtual parade of labor and management groups coming to Capitol Hill seeking to gain a bargaining advantage through congressional action. We do not want to start that kind of precedent.

Mr. President, I am also perplexed by the language in the resolution that compares the laws of the United States and Japan. The resolution seems to suggest that there is something wrong with Bridgestone, a Japanese-owned company, following the laws of the United States, because using permanent replacements would be illegal in Japan.

Companies doing business in the United States are supposed to follow our laws. We demand that they follow our laws, whether they are owned by the Japanese or by Americans. So the fact that Japanese law does not allow permanent replacements is totally irrelevant.

The irony, of course, is that often we complain that American companies export jobs overseas. In this case, a Japanese company bought an American company—Firestone—and invested billions of dollars in an American company to make it financially viable. I think we want to encourage that kind of investment.

Mr. SIMON. Mr. President, let me say in response to my colleague from Kansas, that we are not passing the law on striker replacement. This is simply a sense of the Senate stating they ought to sit down and work these things out. We do have traditions of not hiring permanent replacements for strikers. And as far as interfering in a labor-management situation, we have passed a lot of resolutions on these, including specific legislation. This is not legislation. We have, on at least three occasions that I know of, passed legislation dictating what is going to happen in railroad strikes, since I have been in the Senate. And since my colleague from Kansas has been here longer, she has probably voted for more than three of these.

This is only a sense-of-the-Senate resolution urging the two parties to sit down and work things out. We do not take sides. We do not say one side is right and one side is wrong. We do say that firing these thousands of workers who are on strike is not the direction we think they should go. I have participated in the striker replacement legislation, and I think everyone here on the floor said we do not think this is the way people should go, even though that ultimate right should be there for employers.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. SIMON. I yield, of course, to my colleague from Illinois.

Ms. MOSELEY-BRAUN. Is it not a fact that the parties are refusing to negotiate or even discuss the contractual issues at this time?

Mr. SIMON. That is correct.

Ms. MOSELEY-BRAUN. Is it not also a fact that this sense-of-the-Senate resolution, which is not now legislation, simply calls on the company to discuss the issues with its workers?

Mr. SIMON. And to negotiate, that is correct.

Ms. MOSELEY-BRAUN. Is it not also a fact that the American company with which this company is the competition has already reached closure on the issues that are currently at issue here?

Mr. SIMON. That is correct.

Ms. MOSELEY-BRAUN. Is it not also a fact that you have taken this opportunity on this bill—and I understand the Senator from Kansas is concerned about this coming in the middle of the Congressional Accountability Act, and I think we are all concerned about that and would like to see this legislation resolved. But at the same time, given the enormity of the concern of the company and the workers, is it not a fact that time is of the essence and this was an opportunity to move on this issue in order to facilitate—or at least encourage—that such discussions take place over the weekend?

Mr. SIMON. Absolutely. In terms of cluttering up this bill, as the Senator from Kansas indicated, if she will indicate to me that she will be happy to support this legislation if we introduce it independently and not on this bill, I will be happy to withdraw it, and we will bring it up independently.

Mrs. KASSEBAUM. Mr. President, if I may respond. I must say that I am very sensitive to the concerns the Senator has with an industry that is facing some real turmoil in his State and other States. I realize it is a sense-of-the-Senate resolution, and it applies specifically to one private company. When you mention the railroad strikes, just to draw a distinction, that was a strike that affected the whole country and was of national concern. Even then we were sensitive to intrusion by Congress.

The reason I went over the striker replacement issue is because you address it in the sense-of-the-Senate resolution. In many ways I would say I am sympathetic. But I do not think that we should address it here in the United States Congress. It opens every other private labor-management dispute to our wanting to try to address it from Washington and intruding on what is a private bargaining position. That is my concern. I thank the Senator from Illinois, even though I recognize Senator SIMON's and Senator MOSELEY-BRAUN's interest in the issue.

Mr. SIMON. Mr. President, I am a great believer in sitting down and working things out. Any time anybody in this body wants to put up a resolution for any corporation where there is a strike resolution, encouraging both sides to sit down, I am willing to support it. I think that is a sensible position for the U.S. Senate to take.

Let me add that I am willing to vote soon. I understand Senator HARKIN is on his way over here to speak. I hope we can just give him another minute or two to get over here. I am sure he will speak briefly, because I know some people are anxious to get out of here. I do not want to hold anyone up. If no one else seeks the floor, I will suggest the absence of a quorum for about 3 minutes. If Senator HARKIN is not here, we will move ahead.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I ask unanimous consent to have Senator KENNEDY added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I agree with Senator SIMON's interest in encouraging the Bridgestone-Firestone management and labor to return to the bargaining table.

Bridgestone/Firestone is the largest manufacturing employer in Polk County. The recent developments surrounding this 6-month strike are very unfortunate for all concerned. I am a strong supporter of the collective bargaining process, and although companies have the right to replace strikers during an economic strike, it is a tragic decision for the workers and their families. It is not helpful for our economy, and frankly, for that matter, the company.

I am deeply concerned about the workers and their families, and therefore have written a letter to the Federal Mediation and Conciliation Service urging them to redouble their efforts and find possible alternatives to bring company and union officials together to bring this dispute to a satisfactory conclusion. Others may want to do the same.

However, as I have voted against all other amendments to the congressional coverage bill, I will vote against this resolution as well. The congressional coverage bill is not the appropriate vehicle.

Mr. SIMON. I am willing to yield back my time and move to a vote.

Mr. GRASSLEY. I yield back the time on this side.

Mrs. KASSEBAUM. Mr. President, I move to table the amendment of the Senator from Illinois.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. MCCAIN], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

Mr. BREAUX. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], the Senator from Arizona [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Kentucky [Mr. FORD], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Vermont [Mr. LEAHY] would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 23, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—56

Abraham
Ashcroft
Bennett
Breaux
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Pryor
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—23

Akaka
Baucus
Bradley
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Glenn
Harkin
Inouye
Kohl
Lautenberg
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Sarbanes
Simon
Wellstone

NOT VOTING—21

Biden
Bingaman
Bond
Boxer
Bumpers
Campbell
Ford
Gramm
Heflin
Hollings
Kennedy
Kerrey
Kerry
Leahy
Levin
Lieberman
McCain
Nunn
Robb
Rockefeller
Specter

So the motion to lay on the table the amendment (No. 7) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I was unable to be on the floor prior to the vote to join my colleague from Illinois on this debate on this resolution. But I did want to take a couple minutes now to add my voice in support of the resolution that Senator SIMON offered. I was pleased to be a cosponsor of it.

As Senator SIMON said before the vote, what Bridgestone Corp., a Japanese-owned corporation, is doing with our workers at the Firestone plant in my State of Iowa would be illegal for them to do in their own country. What they want to do with our workers would be illegal in their own country.

Mr. President, I am very close to the Firestone plant in Des Moines, IA. Many of my cousins work there. In the small town of 150 that I come from, almost half the town had worked at Firestone at one time or another. Many of my cousins work there. In fact, I spoke to one just yesterday. He has worked there almost 20 years, has a couple of kids in college, and has given the best years of his life to Firestone. Now they are told that they can just go take a walk, that they do not have a contract to operate under, and that they have to accede to what I consider to be unconscionable terms that Bridgestone has put up.

I might also point out, Mr. President, and for the benefit of my colleagues here, that the Bridgestone Corp. in Japan also has union employees—Japanese union employees in Japan—and they make tires, just as they do in America. The average annual wage of a Japanese union employee in Japan working for Bridgestone is $52,500 a year. In the United States, their average wage is $37,045 a year.

Yet, Bridgestone is telling our people in this country, our workers, that they have to take less money. Is that based on productivity? Hardly. In March of 1994, the workers at the Firestone plant in America reached a new high of 80.5 pounds of rubber tire per man hour and set an all-time record, and they did it with 600 fewer workers. So it is not based on productivity. Bridgestone simply wants to ratchet down the wages of our American workers, even much lower than what they pay their own in Japan.

But most unconscionable, I think, is the kind of work schedule they want to put them on. Understand this: The Bridgestone company has said to the Firestone workers: "We want you to work a 12-hour shift." There would be two 12-hour shifts a day at their plants. But then they would work 3 days on a 12-hour shift, and they would have 2 days off. Then they would work 2 days on a 12-hour shift and have 3 days off. Then they would work 2 days on a 12-hour shift and have 2 days off. Then they would come back around and work 2 days on, 3 days off. You have to have a calculator to calculate when your days off will be.

You might be off one Saturday and not off on another Saturday for 3 weeks. Most of these people have spouses who work and kids in school; they could never plan to be home with their families. And yet the Bridgestone employees in Japan do not work those 12-hour days. They work 8-hour shifts; three 8-hour shifts a day. They know exactly what days they are going to have off.

But Bridgestone is telling our workers: "Forget it; you can't plan any time with your families. You are on this rotating shift of 12 hours a day." And they are going to pay them less money.

So I just want to make these points, Mr. President, because I think we ought to send a signal to Bridgestone Corp. that we just cannot allow our workers in this country to be treated in that manner. We have had a long tradition of collective bargaining in this country. With what is happening now with the replacement of these workers, the right of collective bargaining is a hollow right. The right of collective bargaining takes with it the right to be able to bargain with whatever power and resources you have. The only power and resource that a worker has in this country is to withhold his or her labor. They have no other bargaining power.

And so if that power then becomes a hollow power; if, in fact, I do exercise my legal right to go on strike and the company says, "Fine, you can do that; then, bang, I will replace you," then, A, there is no real right to strike, and because there is no real right to strike and withhold your labor then, B, there is no real right to collective bargaining any longer in this country.

I said to the replacement workers that were being hired in Des Moines: "You may think you have a good job, but without a contract, you may not have a job next year or next week or even tomorrow." In fact, I have already been contacted by one of those replacement workers who was just fired for the most scant reasons. He said: "I came, I thought I had a good job, and they told me I was fired."

So what is happening to our workers in this country and what Bridgestone is doing to our workers, as Senator SIMON pointed out, is illegal in Japan.

I say to Bridgestone/Firestone that this issue is far from over. The Japanese Prime Minister is coming to this country next week to meet with our President. I intend to take the opportunity, when he is here, to take this floor to speak about this injustice by a Japanese corporation.

Now, I am not blaming the Japanese Prime Minister for this. He may not even know about it. But I want him to know about it. I want him to know what that corporation is doing in this country.

I know the Japanese Prime Minister is interested in good relations between Japan and America. I am, too. I do not want to join those who are bashing Japan. They are a good, strong ally and a good friend of ours. I respect them highly, and I like them. I spent a year and a half of my life living in Japan. But this kind of action by this corporation is unconscionable. I believe that the Government of Japan ought to be looking into what this company is doing with their workers in this country.

So I intend, as I said, Mr. President to take this floor next week when the Prime Minister of Japan is here to once again talk about this company and what it is doing so that he is not mistaken in any way, so that he takes back with him the strong feelings that this Senator and I believe the people I represent have about the gross injustice being perpetrated on the Firestone workers in this country.

Mr. SIMON. Will my colleague yield?

Mr. HARKIN. I am delighted to yield.

Mr. SIMON. I wish to commend him for his statement, and I simply want the officers of that corporation to know this vote today was just the first salvo. This is not the end of the road. The Senator is talking about when the Japanese Prime Minister is here. I do not know what other opportunities we are going to have. All I know is what has happened is wrong, wrong, wrong. We have to turn it around in some way.

I do not know whether the rubber workers are right in all their requests. I do not know all the things that management has requested. All I know is that the right way to settle this dispute is to sit down and work it out between labor and management, not to hire workers permanently to replace workers of those families the Senator is talking about.

So I commend my colleague, and I look forward to working with him.

Mr. HARKIN. My colleague is absolutely right. In fact, the Department of Labor has had the Federal Mediation Service working on this case for quite some months. They have been working in good faith to try to resolve these differences. They have been very close. There is not that much separating the two parties. I think if Bridgestone/Firestone would in good faith sit down and negotiate, they could reach an amicable settlement of the strike.

Mr. SIMON. The Senator from Iowa is absolutely correct. It is interesting that the former chief executive of the American operation received awards for his labor-management relations and the improvement of productivity that took place. Now, all of a sudden, with the change in executives, things went downhill fast. We have to do what we can to encourage the two sides to get together.

Mr. HARKIN. I thank my colleague. I have a letter to the editor of the Des Moines Register written by a farmer who was commenting on this strike, what Bridgestone was doing.

He said I went out and counted and that he counted his tractors, trucks, wagons, combine, there were over 140 tires. He said that should Bridgestone continue to refuse to negotiate, he would never buy a tire made by them. I would like to ask unanimous consent that a copy of this letter to the editor and several others be included in the record at the conclusion of my statement.

I think that ought to be a signal to Bridgestone/Firestone. There are other tires out there, and I know this Senator and probably a lot of the workers in this country who drive automobiles are going to look askance at Bridgestone/Firestone if they will not sit down and work this thing out and will feel that maybe there are other tires they can buy and maybe there ought to be a boycott against buying tires from Bridgestone/Firestone if they are going to treat our people in this manner.

There being no objection, the letters to the editor were ordered to be printed in the RECORD, as follows:

THE REGISTER'S READERS SAY—A TIRE COMPANY'S "ASSAULT" ON UNION

The situation at Bridgestone/Firestone has been of great concern to me since the strike began.

It is a continuation of the story family farmers and our laboring friends have experienced since 1980 from those who want cheap raw materials and labor to maximize their profits.

A quick inventory tells me that my tractor, trucks, wagons, combine and cars roll on more than 140 tires. My vow to Bridgestone/Firestone is that if this strike is not settled within 30 days, I will never buy another tire made by them—Joe Weisshaar, *chairman, Iowa Farm Unity Coalition*.

There are many ways to do violence. Twelve workers at Bridgestone/Firestone were fired by the company three days before Christmas as a response to what the company referred to as "acts of violence, threats and aggressive behavior."

I do not condone physical violence and physical threats. Most of us abhor such things as they occur in labor confrontations. However, that is what company officials are counting on in this situation as they commit their own brand of violence by refusing to bargain in good faith for an end to the strike. The company is using its financial might as a club over the workers.

The management of Bridgestone/Firestone wants nothing less than complete capitulation by the members of the United Rubber Workers union. The union is trying to hang on to benefits gained over the years in legitimate negotiating processes.

It behooves the rest of us in the community to understand that what is happening out on Second Avenue in Des Moines and at the other Bridgestone/Firestone locations around the country is an attempt to further erode the rights of workers to maintain some control over their own lives, minds and bodies rather than become the *de facto* property of the company.

Do not be fooled by the actions of the management of Bridgestone/Firestone. It is every bit as violent (and more so) as any act of physical violence on the picket line in its destructive effects on human life.—The Rev. Carlos C. Jayne, *Des Moines Area Urban Mission Council, The United Methodist Church*.

Bridgestone/Firestone's strategy to wear down the striking tire workers is becoming more self-evident: undercut public support by repeatedly making strikers look like the bad guys. Three recent examples are instructive:

(1) In firing 12 union members, a company spokesman cited "violence, threats, and aggressive behavior" as the reason for dismissal.

(2) Firestone's request for an injunction limiting the number of picketers implied that strikers in groups larger than two presented a danger to company employees.

(3) During a peaceful march, when a handful of strike supporters (many from out of state) threw snowballs toward the plant, the company and TV stations described the event as a "riot." This amounted to an absurd exaggeration. But the message to viewers was "These guys are dangerous."

Since the strike began, I have visited the picket line 20 or 30 times and have spoken with maybe 100 striking tire workers. I have yet to meet a single one who condones the isolated acts of violence that have occurred on both sides of the conflict.

In fact, given the financial and emotional hardships they have suffered, the strikers deserve praise for the extent to which they have remained peaceful and nonviolent.

Firestone's focus on violence may sell to the media, but it distracts public attention from the real issue: Management wants more concessions, while the union feels it's already given up enough. Given the workers' solidarity and the fairness of their position, I am convinced this strike will end only when the company agrees to come to the table and talk.—Ed Fallon, *State representative*.

Mr. HARKIN. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SIGNIFICANT COMMITTEE ASSIGNMENT

Mr. GORTON. Mr. President, as a result of committee assignments announced yesterday, I have the privilege and delight to be a member, for the next 2 years, of the Committee on Labor and Human Resources. I want to take this opportunity to discuss, in general, why I feel that assignment to be so significant and why I feel so privileged to be a member of a committee with the jurisdiction that it possesses. I also want to discuss one specific issue which has been discussed in that committee in the past, which I regard as being of peculiar and special importance.

First, however, I express my delight in being a member of the committee chaired by the distinguished junior Senator from Kansas [Mrs. KASSEBAUM] who has been, during the course of the last Congress, my seat mate in this part of the body and will continue to be so. I look forward to her leadership and to her wise advice and counsel. Issues which will come before the Labor Committee include many that are of vital concern to all Americans in today's world. These issues include those relating to aging, to disability policies, overwhelmingly to education, to families and children, to employment, and to productivity.

I see two profound tidal changes in American society today that are driving the concerns of millions upon millions of our people. As the United States is in the midst of an inevitable shift of its economic base from an industrial/manufacturing system to an information-based economy, millions of families find their justified expectations shattered and find themselves in a new and very difficult world. This shift gives every promise of being as cataclysmic as the shift from an agrarian-based economy to an industrial-based economy in the latter part of the last century and the beginning of this century.

Understandably, many people are deeply concerned and apprehensive about this change, about the direction in which our country is heading, and wish that it were not so. It is so, however, and we need to meet that challenge.

The American people understand that the societal contract is changing and that we must change with it. Today, the receipt of a high school diploma, or for that matter a college diploma, lacks the meaning it once had. Some families, some people are stuck on welfare and have few, if any, alternatives which they see as being viable. Today, there is no such thing as guaranteed lifetime employment. Working families find it more and more difficult to get ahead. Sending both parents into the workplace used to be a matter of choice, sometimes as a fulfillment for the second spouse to be employed, sometimes as an option to help a family buy a new home or to take a special trip. Today, for far too many, it is not a choice but a necessity. It makes or breaks a family's budget. And without two paychecks, bills would not be paid and the children might not be fed. Women in the workplace still find themselves stuck in either clerical or middle management positions and their growth stopped dead short by a glass ceiling that has not yet disappeared. Families are still deeply concerned about health care; some cannot change jobs for fear of losing their insurance; others let illness drag on because there is no money to pay in an uninsured situation; and many worry about retirement security. No individual wants to spend his or her golden years being taken care of, being dependent upon their children. But it seems increasingly difficult to save money for retirement.

All of this I believe to be the most significant cause of the consistently found proposition that the majority of the American people feel that the country is moving in the wrong direction, that the programs of this Government do not help, but actually hinder, the ability of our citizens efficiently to manage their lives in a changing economy.

As a result, I am excited and delighted about the challenges and about the prospects of being on a committee that is designed to address precisely these challenges. I believe we need to reorient the programs of the Federal Government to deal with this new reality. Only when this Government understands this changing reality will Americans believe that their Government is once again on the right track. I think the committee and its Members can make a difference.

Beyond my desire to work with my distinguished colleague from Kansas and others on these paramount issues, I am convinced that one of the most important issues facing this country today is the need to educate our children in an environment conducive to learning. In the age of information, nothing—nothing at all—is more important to America's success than a well-educated citizenry.

In that connection, I believe the largest single threat to successful education today is the growing spate of violence in our schools.

A year ago this month, I held an education conference in Fife, WA, at which educators and parents from across Washington State spent an entire day discussing what the Federal Government could do to improve our system of education. For the first time in a long career, the No. 1 priority was not more money, it was not more teachers in specific areas, it was not longer schooldays. The men and women and kids at this conference talked about school violence.

In Washington State, violent crimes by young people have doubled in the past decade in spite of a 3-percent drop in the number of students. Recently, our superintendent of public instruction released a report that calculated a total of 2,237 incidents of firearms or dangerous weapons violations reported by school districts and by private schools. And just today, of course, in the Washington Post, we see of a gun-induced killing at the very door of one of the high schools in the District of Columbia.

Teachers and parents from all around Washington State have shared with me horror stories of violence in their childrens' schools: First graders threatening their peers with screwdrivers; a fourth grader extorting lunch money at knife point; a sixth grader who brought a fake but real-looking gun to school and threatened fellow students' lives with it.

How can we expect our children to learn calculus and Tolstoy when they are afraid of walking the halls between classes?

On the issue of school violence, the role of the Federal Government has not been a positive one. This Government has not concerned itself sufficiently with the safety of children threatened by these violent students. The Federal Government does not concern themselves with the safety of the faculty and administrators in these schools. It does not seem sufficiently concerned with the disruptive impact of violence in the learning process. In fact, the rules and regulations pursuant to statutes passed by this Congress on the part of the Federal Government has severely limited the ability of local school officials and teachers to deal effectively with violence in our schools. It has, in many respects, tied their hands. It has set up a double standard, depending upon the classification of students in our schools, with respect to the discipline of violent students who bring guns into the schools.

Mr. President, this is profoundly the wrong direction in which to go. I am frustrated because the Federal Government, in fact, is making it far more difficult for communities to create an environment in our schools conducive to learning. As a result, last year, I led a fight on two separate occasions, with the distinguished Senator from Connecticut [Mr. LIEBERMAN], which would restore to schools the authority to deal with this growing tide of violence.

Our amendment, considered radical by many in this body, said that school districts in Morton, WA, for example, or in Bridgeport, CT, for example, were in a far better position than was any Federal bureaucrat to judge what was necessary to combat this rising and disruptive wave of violence. Although on both occasions our amendment was accepted first by a voice vote and second by an overwhelming majority, in each occasion it was dropped in conference. I felt so strongly about this provision that I voted against the final passage of the Elementary and Secondary Education Act late last fall.

There are, of course, some who will continue to disagree with this goal, who will continue to find that only the Federal Government is capable of making value judgments among students when violence is at issue. I am certainly going to be willing to work with those who disagree and to craft a policy that will attempt to deal with their concerns. But our primary goal, one which cannot be compromised, must be to restore local control to the educators—who are on the firing line, who are in the classroom—the right, the privilege, and the duty to deal with school violence.

I intend to work, as a member of the Labor Committee, to ensure that the Federal Government does not stand in the way of educating our children in a safe and positive environment.

I invite all of the school teachers and principals and their organizations around the country who have stories to tell about how Federal rules and regulations have tied their hands when it comes to dealing with violent students to contact me, to contact my staff, to contact the committee. I want to know how I can make certain that the Federal Government does not make this problem worse.

I want you to know that this Senator trusts the teachers and administrators of the schools of this country and wants to give to them the flexibility to deal with these challenges. We must do everything we can to ensure that our children go to school in an environment conducive to learning, and that means an environment safe for them and for their teachers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Montana, asks unanimous consent that the order for the quorum call be dispensed with.

Without objection, it is so ordered.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence: the Senator from Pennsylvania [Mr. SPECTER], the Senator from Indiana [Mr. LUGAR], the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. DEWINE], the Senator from Arizona [Mr. KYL], the Senator from Oklahoma [Mr. INHOFE], the Senator from Texas [Mrs. HUTCHISON], the Senator from Florida [Mr. MACK], and the Senator from Maine [Mr. COHEN].

The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence: the Senator from Nebraska [Mr. KERREY], the Senator from Ohio [Mr. GLENN], the Senator from Nevada [Mr. BRYAN], the Senator from Florida [Mr. GRAHAM], the Senator from Massachusetts [Mr. KERRY], the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Virginia [Mr. ROBB].

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints the following Senators as members of the Board of Regents of the Smithsonian Institution: the Senator from Mississippi [Mr. COCHRAN] and the Senator from Wyoming [Mr. SIMPSON].

The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the Senator from Kansas [Mr. DOLE] to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

The Chair, in his capacity as a Senator from Montana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Members entitled to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS:

S. 172. A bill to authorize the Secretary of Tansportation to issue a certificate of documentation for the vessel *L. R. Beattie*; to the Committee on Commerce, Science, and Transportation.

By Mr. NICKLES (for himself, Mr. KYL, Mr. THURMOND, and Mr. GRASSLEY):

S. 173. A bill to provide for restitution of victims of crimes, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KERRY, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. JEFFORDS, Mr. PELL, Mr. CHAFEE, Ms. SNOWE, Mr. INOUYE, and Mr. BRADLEY):

S. Res. 31. A resolution to express the sense of the Senate that the Attorney General should act immediately to protect reproductive health care clinics; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. Res. 32. A resolution to make minority party appointments to Senate Committees under paragraph 3 (a) and (b) of Rule XXV for the One Hundred Fourth Congress; considered and agreed to.

By Mr. DOLE:

S. Res. 33. A resolution making majority party appointments to Senate committees for the 104th Congress; considered and agreed to.

S. Res. 34. A resolution amending paragraphs 3(a), 3(b), and 3(c) of Rule XXV of the Standing Rules of the Senate; considered and agreed to.

S. Res. 35. A resolution making majority party appointments to the Small Business Committee for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself, Mr. KYL, Mr. THURMOND, and Mr. GRASSLEY):

S. 173. A bill to provide for restitution of victims of crimes, and for other purposes; to the Committee on the Judiciary.

CRIME VICTIMS RESTITUTION ACT

Mr. NICKLES. Mr. President, I have come to the floor today to reintroduce the Crime Victims Restitution Act. Last fall when the Senate passed it's version of the crime bill, I lauded the inclusion of my victim's rights and mandatory restitution provisions in the legislation. Three years ago, I introduced the Victim's Rights and Restitution Act, and many of those victim's rights provisions passed as part of the 1990 crime bill. However, each time this restitution provision has passed the Senate it has subsequently been dropped in conference.

Passage of this legislation would signal a great victory for all victims of crime. If these provisions become law, crime victims will enjoy rights at the Federal level that many States already guarantee. Most important are the act's restitution provisions, making criminals pay for their crimes. Under the legislation, crime victims will be entitled to receive full financial compensation directly from the criminal in the form of mandatory restitution.

Over the last several years, it seems we have continuously debated what should be done to improve our Nation's judicial system. Now is the time to do something about it. I strongly believe our judicial system needs fundamental reform to help our police officers and courts deal with the overwhelming increase in crime. Furthermore, it is crucial that while trying to facilitate more effective and efficient methods of dealing with criminals, we must not forget about the most important part of the crime-fighting equation: The victims.

In 1990, I authored the crime victim's bill of rights which passed as part of the 1990 crime bill. For crimes tried in Federal court, victims now have the right to be notified of and involved in court proceedings, the right to be protected from the accused, the right to be treated fairly and with respect, and the right to be informed of the detention status of the convicted criminal.

However, passage of just the victims rights portion of my proposal left some unfinished business. Crime victims should be entitled to compensation for losses sustained from their victimization. This glaring inequity was remedied in the crime bill when it passed the Senate last year. It contained mandates that courts order restitution in all Federal criminal cases. Victims would be able to recover financial losses resulting from the criminal act. This restitution order would be a condition of any form of release for the offender. The legislation would ensure that the criminal not only pays his debt to society, but he also pays his debt to his victim. However, the Democrats in the House voted to delete these provisions from the final crime bill.

The provisions of this legislation also overturn the Supreme Court's ruling in the Hughey case which stated restitution could not be ordered for crimes beyond the scope of the offense of conviction. So, if a criminal is convicted of a criminal offense, but plea bargains his way out of a conviction on a second offense, he cannot be held responsible to repay the victim of the second offense. This obvious shortcoming would be corrected by allowing the court to consider the course of criminal conduct and order restitution for crimes other than the offense of conviction. Plea bargains should not result in victims being denied the justice they deserve which certainly includes full restitution from the offender.

Over the years mandatory restitution has received the written endorsements of victim rights experts across the Nation including the National Organization for Victim Assistance, the National Victim Center, Mothers Against Drunk Driving, and the National Coalition Against Sexual Assault.

This landmark victim's legislation needs to be enacted into law. Mandatory restitution, while not healing all the wounds associated with a crime, will provide some compensation to help people who have been victimized and allow them to get their lives back in order. If Congress reconsiders crime legislation this year, these provisions certainly need to be a part of the final bill.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

AMENDMENT NO. 4

At the request of Mr. BRADLEY, his name was added as a cosponsor of amendment No. 4 proposed to S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

SENATE RESOLUTION 31—RELATIVE TO THE ATTORNEY GENERAL

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KERRY, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. JEFFORDS, Mr. PELL, Mr. CHAFEE, Ms. SNOWE, Mr. INOUYE, and Mr. BRADLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 31

Whereas there are approximately 900 clinics in the United States providing reproductive health services;

Whereas violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

Whereas organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

Whereas there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

Whereas the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

Whereas violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

Whereas persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

Whereas the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

Whereas the Attorney General has at her disposal law enforcement personnel including 10,000 FBI agents and over 2,000 members of the United States Marshals Service: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

Mrs. BOXER. Mr. President, I am submitting a resolution that calls on the Attorney General to do everything she can to protect reproductive health care clinics, given the violence that we have seen throughout America. I think that all of my colleagues share that view this violence is deplorable. This is a bipartisan resolution that I am submitting today. It includes Republicans and Democrats.

I hope the Attorney General will follow the advice of the resolution, and I hope she will also listen to the advice of the President, who says please let us do something about protecting these clinics.

Mr. President, today I am submitting legislation calling on the Attorney General to take all necessary measures to protect reproductive health care clinics and their staff from violent attack.

I know that many of my colleagues are as shocked as I am about the ongoing terror and violence directed at our Nation's family planning clinics. That is why I am pleased that my legislation has bipartisan support.

In 1994 there were over 130 incidents nationwide of violence or harassment directed at clinics and the people who work there. They include 50 reports of death threats to doctors and other clinic workers, 40 incidents of vandalism, 16 incidents of stalking, 4 acts of arson, and 3 attempted bombings.

Tragically, since the murder of Dr. David Gunn in March 1993 outside of the Pensacola Women's Health Clinic there have been four additional slayings at clinics.

In July 1994 Dr. John Britton and his escort Jim Barret were shot to death at The Ladies' Center in Pensacola, FL. Mr. Barret's wife was injured.

On December 30, Shannon Lowney and Leanne Nichols were shot and killed while working at reproductive health care clincs in Massachusetts. Five others were wounded. A day later the gunman fired shots at another clinic in Virginia.

The resolution I am submitting today urges the Attorney General to use all of the tools at her disposal to stop this escalating violence, including the Freedom of Access to Clinic Entrances Act which we passed last year, the FBI, and the U.S. Marshals Service.

I urge my colleagues to join me in working to protect our Nation's reproductive health care clinics from violent attack.

Mr. KENNEDY. Mr. President, the murderous assaults at two clinics in Brookline, MA, last week were despicable acts of terrorism. This kind of vicious, hateful assault against women and health care providers cannot be tolerated in any community in America.

Two women who worked at the Brookline clinics, Shannon Lowney and Lee Ann Nichols, had their lives brutally cut short. Five other people were seriously wounded, and four of them are still hospitalized. My heart goes out to these victims and their families.

No effort can be spared to make sure that these crimes are not repeated anywhere else. Women must be able to seek reproductive health care without fear of violent assault. Doctors should be able to practice their profession without wearing bulletproof vests. Clinic staff should be able to go to work each day in safety.

Abortion is a constitutionally protected right, and it must be safe and accessible. Many of the clinics targeted by violence and obstruction provide a wide range of health care services for women, including family planning and prenatal care. We cannot allow access to these important services to be reduced or blocked.

Last year, we passed and President Clinton signed the Freedom of Access to Clinic Entrances Act. That law gives the Attorney General the tools she needs to prevent violence and obstruction and to punish such acts whenever and wherever they occur with the full force of Federal law. The Justice Department has already brought several enforcement actions under this law, and it is actively investigating other possible violations. In addition, the Attorney General has made U.S. Marshals available to protect clinics.

Some have suggested that the new Federal law is somehow responsible for fomenting violence at abortion clinics, because it allegedly closes off peaceful picketing as an outlet for those with strongly held views against abortion. Any such suggestion is nonsense.

The clinic access law does not prohibit or punish peaceful picketing or any other expression protected by the first amendment. On the contrary, it expressly allows it. What the act prohibits is violent, threatening, obstructive, or destructive conduct—none of which has ever been protected by the Constitution. For that reason, every one of the Federal courts that have been asked to review the law since President Clinton signed it last year has upheld it.

Tough laws against clinic blockades and clinic violence are not the problem. They are the solution.

I commend President Clinton and Attorney General Reno for their vigorous enforcement of the new Federal law, and for their commitment to work with local law enforcement authorities to protect the clinics throughout the country. They are doing everything in their power to guarantee public safety and deter the use of violent tactics aimed at patients and providers.

I am proud to join in sponsoring this legislation. The Senate must go on record unequivocally to denounce the violence, and to express our solid support for vigorous enforcement and implementation of the Federal clinic protection law. I hope that every Member of the Senate will join in supporting this important measure.

SENATE RESOLUTION 32—MAKING MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 32

Resolved, That the following shall constitute the minority party's membership on the committees for the One Hundred and Fourth Congress, or until their successors are chosen:

Committee on the Budget: Mr. Exon, Mr. Hollings, Mr. Johnston, Mr. Lautenberg, Mr. Simon, Mr. Conrad, Mr. Dodd, Mr. Sarbanes, Mrs. Boxer, and Mrs. Murray.

Committee on Rules and Administration: Mr. Ford, Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. Moynihan, Mr. Dodd, and Mrs. Feinstein.

Committee on Small Business: Mr. Bumpers, Mr. Nunn, Mr. Levin, Mr. Harkin, Mr. Kerry (MA), Mr. Lieberman, Mr. Wellstone, Mr. Heflin, and Mr. Lautenberg.

Committee on Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Campbell, and Mr. Dorgan.

Special Committee on Aging: Mr. Pryor, Mr. Glenn, Mr. Bradley, Mr. Johnston, Mr. Breaux, Mr. Reid, Mr. Kohl, Mr. Feingold, and Ms. Moseley-Braun.

SENATE RESOLUTION 33—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 33

Resolved, That the following shall constitute the majority party's membership on those Senate committees listed below for the 104th Congress, or until their successors are appointed:

Budget: Mr. Domenici, Mr. Grassley, Mr. Nickles, Mr. Gramm, Mr. Bond, Mr. Lott, Mr. Brown, Mr. Gorton, Mr. Gregg, Ms. Snowe, Mr. Abraham, and Mr. Frist.

Rules and Administration: Mr. Stevens, Mr. Hatfield, Mr. Helms, Mr. Warner, Mr. Dole, Mr. McConnell, Mr. Cochran, Mr. Santorum, and Mr. Nickles.

Veterans' Affairs: Mr. Simpson, Mr. Murkowski, Mr. Specter, Mr. Thurmond, Mr. Jeffords, Mr. Craig, and Mr. Brown.

SENATE RESOLUTION 34—AMENDING RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution, which was considered and agreed to:

S. RES. 34

Resolved, That Rule XXV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Budget" and insert in lieu thereof "22".

Strike the figure after "Small Business" and insert in lieu thereof "19".

SEC. 2. That Rule XXV, paragraph 3(b) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Aging" and insert in lieu thereof "19".

Strike the figure after "Intelligence" and insert in lieu thereof "17".

SEC. 3. That Rule XXV, paragraph 3(c) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Indian Affairs" and insert in lieu thereof "17".

SENATE RESOLUTION 35—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 35

Resolved, That the following shall constitute the majority party's membership on the following Senate committee for the 104th Congress, or until their successors are appointed:

Small Business: Mr. Bond, Mr. Pressler, Mr. Burns, Mr. Mack, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mrs. Hutchison, Mr. Warner, and Mr. Frist.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

WELLSTONE AMENDMENT NO. 5

Mr. WELLSTONE proposed an amendment to the bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1) A lobbyist, or a political committee controlled by a lobbyist, shall not make contributions to, or solicit contributions for or on behalf of—

"(A) any member of Congress with whom the lobbyist has, during the preceding 12 months, made a lobbying contact; or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with a covered executive branch official.

"(2) A lobbyist who, or a lobbyist whose political committee, has made any contribution to, or solicited contributions for or on behalf of, any member of Congress or candidate for Congress (or any authorized committee of the President) shall not, during the 12 months following such contribution or solicitation, make a lobbying contact with such member or candidate who becomes a member of Congress (or a covered executive branch official).

"(3) If a lobbyist advises or otherwise suggests to a client of the lobbyist (including a client that is the lobbyist's regular employer), or to a political committee that is funded or administered by such a client, that the client or political committee should make a contribution to or solicit a contribution for or on behalf of—

"(A) a member of Congress or candidate for Congress, the making or soliciting of such a contribution is prohibited if the lobbyist has made a lobbying contact with the member of Congress within the preceding 12 months; or

"(B) an authorized committee of the President, the making or soliciting of such a contribution shall be unlawful if the lobbyist has made a lobbying contact with a covered executive branch official within the preceding 12 months.

"(4) For purposes of this subsection—

"(A) the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist' means a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; and

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.

"(5) For purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the member of Congress;

"(ii) any person employed in the office of the member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.".

EXON (AND OTHERS) AMENDMENT NO. 6

Mr. EXON (for himself, Mr. BRYAN, Mr. HARKIN, Mr. DASCHLE, and Mr. KOHL) proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. .—CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) adopt in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced Federal budget;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced Federal budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that—

"(A) fails to set forth appropriate levels for all items described in subsection (a) (1) through (7) for all fiscal years through 2002;

"(B) sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of revenues for that fiscal year; or

"(C) relies on the assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues, without including specific reconciliation instructions under section 310 to carry out those assumptions.".

(c) REQUIREMENT FOR 60 VOTES TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

SIMON (AND OTHERS) AMENDMENT NO. 7

Mr. SIMON (for himself, Mr. HARKIN, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. GLENN) proposed an amendment to the bill S. 2, supra; as follows:

At the end of the bill, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Congress finds that—

(1) Bridgestone/Firestone, a subsidiary of foreign owned Bridgestone Corp., has recently announced its decision to hire permanent replacement workers displacing more than 2,000 American workers;

(2) this action may result in the largest permanent displacement of workers in over a decade;

(3) the practice of hiring permanent replacement workers is devastating, not only to the replaced workers, but also to their families and communities;

(4) the position of management of foreign owned Bridgestone/Firestone appears to be that they cannot compete with their American owned competitor, Goodyear, if they provide wages, benefits, and conditions of employment benefits patterned after those provided by Goodyear;

(5) hiring permanent replacement workers is illegal under the laws of the parent company's own country; and

(6) most of the United States' major trading partners, including, Japan, Germany, France, and Canada recognize that using permanent replacements is bad business and bad public policy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Bridgestone/Firestone should reconsider its decision to hire permanent replacement workers and return to the bargaining table and bargain in good faith with the United Rubber Workers of America, the representative of their employees; and

(2) the Clinton Administration, working through the appropriate diplomatic channels

and using the appropriate trade negotiations, should impress upon the parent company's home government the concern of the United States over this matter and seek their assistance in getting Bridgestone/Firestone to reconsider their decision.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, January 6, 1995, to conduct a hearing to examine issues involving municipal, corporate and individual investors in derivative products and the use of highly leveraged investment strategies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Friday, January 6 for a markup on S. 1, unfunded mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PROPERTY RIGHTS LITIGATION RELIEF ACT

• Mr. HATCH. Mr. President, on January 4, 1995, I introduced S. 135, the Property Rights Litigation Relief Act of 1995. Because of the great interest shown in the bill, I ask that it be printed in the RECORD at this point.

The bill follows:

S. 135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Property Rights Litigation Relief Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the private ownership of property is essential to a free society and is an integral part of the American tradition of liberty and limited government;

(2) the framers of the United States Constitution, in order to protect private property and liberty, devised a framework of Government designed to diffuse power and limit Government;

(3) to further ensure the protection of private property, the fifth amendment to the United States Constitution was ratified to prevent the taking of private property by the Federal Government, except for public use and with just compensation;

(4) the purpose of the takings clause of the fifth amendment of the United States Constitution, as the Supreme Court stated in Armstrong v. United States, 364 U.S. 40, 49 (1960), is "to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole";

(5) the Federal Government, in its haste to ameliorate public harms and environmental abuse, has singled out property holders to shoulder the cost that should be borne by the public, in violation of the just compensation requirement of the takings clause of the fifth amendment of the United States Constitution;

(6) there is a need to both restrain the Federal Government in its overzealous regulation of the private sector and to protect private property, which is a fundamental right of the American people;

(7) the incremental, fact-specific approach that courts now are required to employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment of the United States Constitution has been ineffective and costly and there is a need for Congress to clarify the law and provide an effective remedy;

(8) certain provisions of sections 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act), that delineates the jurisdiction of courts hearing property rights claims, complicates the ability of a property owner to vindicate a property owner's right to just compensation for a governmental action that has caused a physical or regulatory taking;

(9) current law—

(A) forces a property owner to elect between equitable relief in the district court and monetary relief (the value of the property taken) in the United States Court of Federal Claims;

(B) is used to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims; and

(C) is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should seek equitable relief in district court;

(10) property owners cannot fully vindicate property rights in one court;

(11) property owners should be able to fully recover for a taking of their private property in one court;

(12) certain provisions of section 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act) should be amended, giving both the district courts of the United States and the Court of Federal Claims jurisdiction to hear all claims relating to property rights; and

(13) section 1500 of title 28, United States Code, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and made by the same plaintiff, should be repealed.

SEC. 3. PURPOSE.

The purpose of this Act is to—

(1) encourage, support, and promote the private ownership of property by ensuring the constitutional and legal protection of private property by the United States Government;

(2) establish a clear, uniform, and efficient judicial process whereby aggrieved property owners can obtain vindication of property rights guaranteed by the fifth amendment to the United States Constitution and this Act;

(3) amend certain provisions of the Tucker Act, including the repeal of section 1500 of title 28, United States Code;

(4) rectify the constitutional imbalance between the Federal Government and the States; and

(5) require the Federal Government to compensate property owners for the deprivation of property rights that result from State agencies' enforcement of federally mandated programs.

SEC. 4. DEFINITIONS.

For purposes of this Act the term—

(1) "agency" means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government;

(2) "agency action" means any action or decision taken by an agency that—

(A) takes a property right; or

(B) unreasonably impedes the use of property or the exercise of property interests or significantly interferes with investment-backed expectations;

(3) "just compensation"—

(A) means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken and business losses arising from a taking, whether the taking is by physical occupation or through regulation, exaction, or other means; and

(B) shall include compounded interest calculated from the date of the taking until the date the United States tenders payment;

(4) "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(5) "private property" or "property" means all property protected under the fifth amendment to the Constitution of the United States, any applicable Federal or State law, or this Act, and includes—

(A) real property, whether vested or unvested, including—

(i) estates in fee, life estates, estates for years, or otherwise;

(ii) inchoate interests in real property such as remainders and future interests;

(iii) personalty that is affixed to or appurtenant to real property;

(iv) easements;

(v) leaseholds;

(vi) recorded liens; and

(vii) contracts or other security interests in, or related to, real property;

(B) the right to use water or the right to receive water, including any recorded lines on such water right;

(C) rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy;

(D) property rights provided by, or memorialized in, a contract, except that such rights shall not be construed under this title to prevent the United States from prohibiting the formation of contracts deemed to harm the public welfare or to prevent the execution of contracts for—

(i) national security reasons; or

(ii) exigencies that present immediate or reasonably foreseeable threats or injuries to life or property;

(E) any interest defined as property under State law; or

(F) any interest understood to be property based on custom, usage, common law, or mutually reinforcing understandings sufficiently well-grounded in law to back a claim of interest;

(6) "State agency" means any State department, agency, political subdivision, or instrumentality that—

(A) carries out or enforces a regulatory program required under Federal law;

(B) is delegated administrative or substantive responsibility under a Federal regulatory program; or

(C) receives Federal funds in connection with a regulatory program established by a State,

if the State enforcement of the regulatory program, or the receipt of Federal funds in connection with a regulatory program established by a state, is directly related to the taking of private property seeking to be vindicated under this Act; and

(7) "taking of private property"—

(A) means any action whereby private property is directly taken as to require compensation under the fifth amendment to the United States Constitution or under this Act, including by physical invasion, regulation, exaction, condition, or other means; and

(B) shall not include—

(i) a condemnation action filed by the United States in an applicable court; or

(ii) an action filed by the United States relating to criminal forfeiture.

SEC. 5. COMPENSATION FOR TAKEN PROPERTY.

(a) IN GENERAL.—No agency or State agency, shall take private property except for public purpose and with just compensation to the property owner. A property owner shall receive just compensation if—

(1) as a consequence of a decision of any agency, or State agency, private property (whether all or in part) has been physically invaded or taken for public use without the consent of the owner; and

(2)(A) such action does not substantially advance the stated governmental interest to be achieved by the legislation or regulation on which the action is based;

(B) such action exacts the owner's constitutional or otherwise lawful right to use the property or a portion of such property as a condition for the granting of a permit, license, variance, or any other agency action without a rough proportionality between the stated need for the required dedication and the impact of the proposed use of the property;

(C) such action results in the property owner being deprived, either temporarily or permanently, of all or substantially all economically beneficial or productive use of the property or that part of the property affected by the action without a showing that such deprivation inheres in the title itself;

(D) such action diminishes the fair market value of the affected portion of the property which is the subject of the action by the lesser of—

(i) 20 percent or more with respect to the value immediately prior to the governmental action; or

(ii) $10,000, or more with respect to the value immediately prior to the governmental action; or

(E) under any other circumstance where a taking has occurred within the meaning of the fifth amendment of the United States Constitution.

(b) BURDEN OF PROOF.—(1) The Government shall bear the burden of proof in any action described under—

(A) subsection (a)(2)(A), with regard to showing the nexus between the stated governmental purpose of the governmental interest and the impact on the proposed use of private property;

(B) subsection (a)(2)(B), with regard to showing the proportionality between the exaction and the impact of the proposed use of the property; and

(C) subsection (a)(2)(C), with regard to showing that such deprivation of value inheres in the title to the property.

(2) The property owner shall have the burden of proof in any action described under subsection (a)(2)(D), with regard to establishing the diminution of value of property.

(c) COMPENSATION AND NUISANCE EXCEPTION TO PAYMENT OF JUST COMPENSATION.—(1) No compensation shall be required by this Act if the owner's use or proposed use of the property is a nuisance as commonly understood and defined by background principles of nuisance and property law, as understood within the State in which the property is situated, and to bar an award of damages under this Act, the United States shall have the burden of proof to establish that the use or proposed use of the property is a nuisance.

(2) Subject to paragraph (1), if an agency action directly takes property or a portion of property under subsection (a), compensation to the owner of the property that is affected by the action shall be either the greater of an amount equal to—

(A) the difference between—

(i) the fair market value of the property or portion of the property affected by agency action before such property became the subject of the specific government regulation; and

(ii) the fair market value of the property or portion of the property when such property becomes subject to the agency action; or

(B) business losses.

(d) TRANSFER OF PROPERTY INTEREST.—The United States shall take title to the property interest for which the United States pays a claim under this Act.

(e) SOURCE OF COMPENSATION.—The compensation referred to in this section shall be paid out of funds made available to the Federal agency or department by appropriation for the fiscal year in which the property deprivation referred to in this section occurred. If no such funds have been made available to the agency, such payment shall be made from the Judgment Fund.

SEC. 6. JURISDICTION AND JUDICIAL REVIEW.

(a) IN GENERAL.—A property owner may file a civil action under this Act to challenge the validity of any agency action that adversely affects the owner's interest in private property in either the United States District Court or the United States Court of Federal Claims. This section constitutes express waiver of the sovereign immunity of the United States. Notwithstanding any other provision of law and notwithstanding the issues involved, the relief sought, or the amount in controversy, each court shall have concurrent jurisdiction over both claims for monetary relief and claims seeking invalidation of any Act of Congress or any regulation of an agency as defined under this Act affecting private property rights. The plaintiff shall have the election of the court in which to file a claim for relief.

(b) STANDING.—Persons adversely affected by an agency action taken under this Act shall have standing to challenge and seek judicial review of that action.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—(1) Section 1491(a) of title 28, United States Code, is amended—

(A) in paragraph (1) by amending the first sentence to read as follows: "The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States for monetary relief founded either upon the Constitution or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, in cases not sounding in tort, or for invalidation of any Act of Congress or any regulation of an executive department that adversely affects private property rights in violation of the fifth amendment of the United States Constitution";

(B) in paragraph (2) by inserting before the first sentence the following: "In any case within its jurisdiction, the Court of Federal Claims shall have the power to grant injunctive and declaratory relief when appropriate."; and

(C) by adding at the end thereof the following new paragraphs:

"(4) In cases otherwise within its jurisdiction, the Court of Federal Claims shall also have ancillary jurisdiction, concurrent with the courts designated in section 1346(b) of this title, to render judgment upon any related tort claim authorized under section 2674 of this title.

"(5) In proceedings within the jurisdiction of the Court of Federal Claims which constitute judicial review of agency action (rather than de novo proceedings), the provisions of section 706 of title 5 shall apply.".

(2)(A) Section 1500 of title 28, United States Code, is repealed.

(B) The table of sections for chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1500.

SEC. 7. STATUTE OF LIMITATIONS.

The statute of limitations for actions brought under this title shall be 6 years from the date of the taking of property.

SEC. 8. ATTORNEYS' FEES AND COSTS.

The court, in issuing any final order in any action brought under this Act, shall award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing plaintiff.

SEC. 9. ALTERNATIVE DISPUTE RESOLUTION.

(a) IN GENERAL.—Either party to a dispute over a taking of property as defined under this Act or litigation commenced under this Act may elect to resolve the dispute through settlement or arbitration. In the administration of this section—

(1) such alternative dispute resolution may only be effectuated by the consent of all parties;

(2) arbitration procedures shall be in accordance with the alternative dispute resolution procedures established by the American Arbitration Association; and

(3) in no event shall arbitration be a condition precedent or an administrative procedure to be exhausted before the filing of a civil action under this Act.

(b) COMPENSATION AS A RESULT OF NEGOTIATED SETTLEMENTS OR ARBITRATION.—The funds used for compensation to the owner (as determined by the appropriate official of the Federal agency or department) shall be taken from the responsible agency's budget for that fiscal year or transferred to the agency from the Judgment Fund for payment to the owner.

(c) REVIEW OF ARBITRATION.—Appeal from arbitration decisions shall be to the United States District Court or the United States Court of Federal Claims in the manner prescribed by law for the claim under this Act.

(d) PAYMENT OF CERTAIN COMPENSATION.—In any appeal under subsection (c) in which the court does not rule for the Federal agency or department, the amount of the award of compensation determined by the arbitrator shall be paid from funds made available to the Federal agency or department by appropriation in lieu of being paid from the Judgment Fund, except that if no such funds have been made available to the agency or department such payment shall be made from the Judgment Fund.

SEC. 10. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed to interfere with the authority of any State to create additional property rights.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 12. EFFECTIVE DATE.

The provisions of this Act and amendments made by this Act shall take effect on January 1, 1995 and shall apply to any agency action that occurs on or after such date.•

BITTER FRUIT OF THE ASIAN IMMIGRATION CASES

• Mr. SIMON. Mr. President, in an unusual publication called simply "Constitution," published by the Foundation for the United States Constitution, there is an article by Professor Harold Hongju Koh of Yale University titled, "Bitter Fruit of the Asian Immigration Cases."

It interested me because of my long association with the cause of civil rights and because I grew up in the State of Oregon and recall the criticism my father took when, as a Lutheran minister, he objected to the 1942 unconstitutional transfer of Japanese American citizens away from the West Coast. Another reason for my interest is that I serve on the Senate Judiciary's Subcommittee on Immigration and Refugee Affairs.

Our record in the field of immigration has not always been a good one, and that is particularly true as it applies to the Asian community.

There is no question that we face problems in the field of immigration, but the answer is not passing things like Proposition 187 in California or the other abuses that we have tolerated through the history of our country.

I believe my colleagues will find the article by Professor Koh a matter of more than casual interest.

At this point, I ask that it be printed in the RECORD.

The article follows:

BITTER FRUIT OF THE ASIAN IMMIGRATION CASES

(By Harold Hongju Koh)

Schoolchildren everywhere can recite the Statue of Liberty's inspirational message about "huddled masses, yearning to breathe free." Yet history shows that our national attitude toward immigrants has been as hostile as it has been solicitious—especially in hard times. One need only look at today's headlines. As we endure our latest recession, newspapers report polls showing that 60 percent of Americans believe current levels of immigration are too high. News stories tell of the government's harsh policies toward Haitian and Chinese refugees, of public concern over the illicit smuggling of aliens, of anti-immigrant sentiment spurred by the World Trade Center bombing, and of lawsuits brought by California, Texas and Florida against the federal government to recoup costs arising from the influx of undocumented aliens. Politicians, says the New York *Times*, call for "a get-tough effort to control immigration . . . prompted by polls showing that the issue is gaining an importance among voters . . . increasingly worried about the economic impact of immigrants and their effect on American culture."

Not only is immigrant bashing as American as apple pie, but bias against immigrants has helped shape our constitutional law. Occasionally, the bias has been overt: a proposed constitutional amendment, for example, (favored, apparently, by 49 percent of Americans) would deny citizenship to the American-born children of undocumented aliens. And "reforms" that hurt immigrants have emerged as themes embroidered on Supreme Court decisions. It has been a long time since Justice Harry Blackmun led a unanimous Supreme Court to declare that "aliens as a class are a prime example of a discrete and insular minority . . . for whom . . . heightened judicial solicitude is appropriate" *Graham* v. *Richardson*, 1971). His last major immigration opinion *Sale v. Haitian Centers Council*, 1993) was a solitary dissent decrying the summary return of Haitian refugees to a brutal dictatorship without first granting them a hearing. In his dissent, Blackmun laid bare the themes that run through the modern Court's immigration and naturalization jurisprudence: an obsession with sovereignty and governmental power, an unwillingness to scrutinize the immigration decisions of government officials, contempt for international law and indifference to the due process and equal protection claims of foreigners seeking entry to the United States.

Where and when did these attitudes originate? The latest volume of the Oliver Wendell Holmes Devise: History of the Supreme Court, Owen Fiss's impressive Troubled Beginnings of the Modern State, 1888–1910, illuminates a source: a series of Asian immigration cases decided by the Court in the late 19th century. Before these cases, immigration into the United States went virtually unregulated, driven by the perceived need to remedy underpopulation. Indeed, the Declaration of Independence assailed the King of England for "endeavor[ing] to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; [and] refusing to pass others to encourage their Migrations hither. . . ." The Constitution's framers responded with the fourth clause of Article I, Section 8, which granted Congress power to "establish an uniform Rule of Naturalization." In 1790 Congress invoked new power to pass a law permitting only "free white persons" to naturalize, a right not granted to Asian immigrants until 1952.

Significantly, this language did not authorize Congress to regulate the admission of aliens who might seek citizenship. In fact, another clause of Article I forbade Congress to prohibit the "Migration or Importation of such Persons as any of the States now existing shall think proper to admit" before 1808. Designed to protect the slave trade, the clause was invoked by Jeffersonians to challenge the constitutionality of the Alien Act of 1798, which authorized the President to expel "all such aliens as he shall judge dangerous to the peace and safety of the United States."

During the years of free immigration few Asians came to these shores. Between 1820, when immigration records were first kept, and 1849, when the California Gold Rush began, only 43 Chinese were reported to have arrived in America. But once gold was discovered, thousands of Chinese miners flooded into "Kumshan"—the Golden Moutain—as they called California. In 1850, 4,000 Chinese arrived in California. The next year the Chinese population stood at 25,000; in 1852, 45,000. These immigrants—mostly men who had left their families in China—came to work the mines. But by the mid-1860s, thousands had depleted their mining claims or been forced off them. They found work on the western slopes of the Sierra Nevada, building the Central Pacific Railroad; in one year the company procured 15,000 laborers. Other Chinese opened laundries, restaurants and small shops, or worked as gardeners, domestic servants, farmers, fishermen, mechanics and artisans. By the mid-1870s, some 115,000 Chinese lived in the United States, 70 percent in California, where one person in 10 was Chinese.

The first Chinese were welcomed with curiosity. In 1852 the governor of California claimed he wanted "further immigration and settlement of the Chinese—one of the most worthy classes of our newly adopted citizens." But by the 1860s hospitality had soured. White workers assailed the Chinese for working too hard for too little, while the popular press vilified them as lairs, criminals, prostitutes and opium addicts.

Unlike the European immigrants then flooding into the United States, the Chinese were thought unassimilable. In Justice Stephen Field's works, "they remained strangers in the land, residing apart by themselves, and adhering to the customs and usages of their own country. As they grew in numbers each year, the people of the [West] coast saw, or believed they saw . . . great danger that at no distant day that portion of our country would be overrun by them unless prompt action was taken to restrict their immigration." When drought and depression hit California in the early 1860s, the Chinese were scapegoated. "To an American," the 1876 manifesto of the Workingmen's Party of California declared, "death is preferable to life on a par with the Chinaman."

California and its cities began to enact restrictive laws. The first were revenue measures (such as entry, license and occupation taxes) and other laws neutral on their face but applied harshly against the Chinese. Chinese paid 98 percent of the monies collected under the California Foreign Miner's Tax, for example, and an 1870 law authorizing the state's immigration commissioner to remove "debauched women" was quickly applied to Chinese women arriving by ship. Soon the laws became overtly racist; a San Francisco ordinance required all Chinese residents to move to prescribed ghettoes, and another humiliated Chinese prisoners in the county jail by requiring them to cut their queues to one inch in length. Between 1855 and 1870 California passed acts bearing such titles as "An Act to Discourage the Immigration to This State of Persons Who Cannot Become Citizens," "An Act to Protect Free White Labor Against Competition with Chinese Coolie Labor" and "An Act to Prevent the Further Immigration of Chinese or Mongolians to This State." Chinese were denied the vote and the rights to own or inherit land, to testify in court, to attend public schools with whites or to live in the same neighborhoods as whites. In 1879 California's new constitution asserted that "the presence of foreigners ineligible to become citizens . . . is dangerous to the well-being of the State, and the

Legislature shall discourage their immigration by all means within its power."

Meanwhile, assaults on the Chinese became commonplace. In 1871 a Los Angeles race riot killed 19 Chinese. In September 1885, 28 Chinese laborers in a settlement near Rock Springs, Wyoming, were brutally murdered, and vigilantes killed several Chinese residents of the Washington territories. The next year mobs invaded the Chinese sections of several West Coast cities and forced residents out. Across Washington, Oregon and California, mass meetings demanded the expulsion of Chinese.

California's restrictiveness contrasted sharply with federal immigration policy. An 1868 act of Congress declared that the right to leave the land of one's birth and resettle elsewhere was "a natural and inherent right of all people," in recognition of which the United States "has freely received emigrants from all nations and invested them with rights of citizenship." That year the United States and China concluded the Burlingame Treaty to improve trade with China and encourage the immigration of coolies to build the railroads. The treaty recognized that free migration and an "inherent and inalienable right of man to change his home and allegiance" were matters of "mutual advantage" for both nations. By its terms, Chinese could become "permanent residents" of the United States. Federal receptivity extended not just to immigration but also to citizenship by birth. In 1866, two years before the Burlingame Treaty, Congress passed a civil rights law (designed to overturn the 1857 Dred Scott decision) that reaffirmed the citizenship of native-born blacks. Its language was echoed in the birthright citizenship clause of Section 1 of the 14th Amendment, soon to be drafted by Congress: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." California Senator John Conness supported this language and declared his desire for equal rights for children of Chinese parentage. By accepting the clause, notes constitutional scholar Gerald Neuman, Congress "refused the invitation to create an hereditary caste of voteless denizens, vulnerable to expulsion and exploitation."

But the tide soon changed. In 1872 political pressure led President Ulysses S. Grant to call for legislation to counteract the evils associated with Chinese immigration. The resulting Immigration Act of 1875 was the first federal legislation to control immigration. It outlawed contracts to supply coolie labor, barred importation of aliens without their consent and made it illegal to bring in women for purposes of prostitution. As applied against the Chinese, the restrictionist statute seemed inconsistent with the spirit of the Burlingame Treaty. Four years later President Rutherford Hayes invoked the treaty to veto a bill forbidding ships to bring more than 15 Chinese at a time into the country. But in 1880, under pressure from Congress, Hayes renegotiated the Burlingame Treaty to recognize America's right to regulate, limit and suspend Chinese immigration. Two years later Congress enacted the first Chinese Exclusion Act, which suspended immigration of Chinese, with minor exceptions, for 10 years. That law was amended and reenacted repeatedly and was not finally revoked until 1943. The 1882 act expressly prohibited the naturalization of Chinese as American citizens and denied entry to the wives of Chinese, even permanent U.S. residents—a restriction that continued for the next 60 years. This shortage of women forced many Chinese laborers to return to China simply to marry or have families. In 1884 Congress amended the exclusion law to require returning Chinese laborers to produce certificates of residence signed by two non-Chinese American citizens—a requisite designed to thwart "the notorious capabilities of the lower classes of Chinese for perjury."

The act was soon challenged. Chae Chan Ping, a Chinese laborer who had entered the United States lawfully in 1875, obtained the required certificate of residence before visiting China in 1887. In 1888, shortly before he was to return, Congress amended the Exclusion Act to revoke all reentry certificates. Chae Chan Ping was denied reentry, and he sued. He challenged the amended Chinese Exclusion Act on the grounds that it violated the Constitution's due process and equal protection clauses and conflicted with the Burlingame Treaty.

In other times his case would have seemed easy. But a unanimous Court rejected his claim and in the process laid down the five planks of our modern immigration jurisprudence. Justice Stephen J. Field wrote the opinion.

The first plank came with Field's title, the Chinese Exclusion case, an inapt name for a case that actually concerned the reentry of a longtime resident. By framing the case as an analysis of the federal government's supposed power to exclude, Field portrayed Chae Chan Ping's claim as an assault on the Chinese Exclusion Act, which he defined as the statutory expression of an inherent, unenumerated foreign-affairs power that lay beyond substantive constitutional attack. This power, he said, was an essential feature of national sovereignty. That "the government of the United States . . . can exclude aliens from its territories," he declared, "is a proposition which we do not think open to controversy . . . The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the United States, as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time, when, in the judgment of the government, the interests of the country require it, cannot be granted away or restrained on behalf of any one."

Justice Field conceded that the 1888 act violated the open terms of the Burlingame Treaty. But, he concluded, the act was "not on that account invalid," since statutes and treaties are equivalent federal laws, and the most recent controls. In effect, he suggested, laying down what became the second plank of the Court's immigration jurisprudence, Congress has the power not just to disregard but also to abrogate solemn treaty obligations.

Third, Field noted, a Chinese laborer's right to reenter the United States "is held at the will of the government, revocable at any time, at its pleasure," despite any due process claim. Although the Court did not elaborate on that conclusion, later decisions have construed it as resting on several implicit premises: that perhaps the Constitution does not apply to aliens outside the United States; that a person's right to return home is neither a "liberty" nor a "property" interest protected by constitutional due process; or that an individual's due process interest can be outweighed by the public's interest in "preserv[ing] its independence, and giving] security against foreign aggression and encroachment." As the constitutional scholar Louis Henkin has noted, "whatever the Court intended, both its holding and its sweeping dictum have been taken to mean that there are no constitutional limitations on the power of Congress to regulate immigration."

The fourth plank was an omission. In *Yick Wo* v. *Hopkins*, decided only three years earlier, the Court had held a San Francisco ordinance invalid under the 14th Amendment, based on evidence that it was applied discriminatorily against Chinese launderers. Here the Court never examined whether, by extension, the federal exclusion laws also offended the constitutional guarantee of equal protection of the laws.

Finally, Justice Field labeled the government's actions a "political question" that barred judicial review. "Whether a proper consideration by our government of its previous laws, or a proper respect for the nation whose subjects are affected by its action, ought to have qualified its inhibition and made it applicable only to persons departing from the country after the passage of the act are not questions for judicial determination," he wrote.

During the next decade the Court expanded upon each principle in a series of Asian immigration cases. In *Nishimura Ekiu* v. *United States* (1892), it backed an immigration official who refused a Japanese woman admission to the United States, relying on a statute authorizing such refusal if in the official's opinion immigrants were likely to become "public charges." Justice Horace Gray delivered the opinion upholding the act, repeating Field's language about a sovereign nation's power to exclude aliens. Since the statute had granted the officer discretionary power, Gray reasoned, "no other tribunal . . . is at liberty to reexamine or controvert the sufficiency of the evidence on which he acted."

A year later, in *Fong Yue Ting v. United States* (1893), Gray expanded those claims. At issue was whether a Chinese laborer, a U.S. resident for 14 years and, of course, barred from becoming a citizen, could be arrested and expelled for lacking a certificate of residence. Based on the testimony of a Chinese witness, a federal judge had found that the laborer was a permanent resident of the United States. But Gray extended Field's arguments from the *Chinese Exclusion* case. He recognized an "absolute and unqualified" governmental right not just to exclude aliens who have never entered, but "to expel or deport foreigners, who have not been naturalized or taken any step toward becoming citizens." In an incredible catch-22, Gray turned Fong Yue Ting's acceptance of a legal disability (his inability to become a naturalized American citizen) into a justification for barring him from his adopted home. In so doing he rejected both due process and equal protection claims. In Fiss's words, he left "*Yick Wo* on the books but denied it any operative effect."

In 1895 the Court added the last piece of the puzzle. Lem Moon Sing, a Chinese druggist permanently domiciled in San Francisco, visited his native home. Upon being denied reentry in 1894, he provided proof of his prior residence from two credible non-Chinese witnesses, but he was nevertheless restrained and confined. Writing for the Court, the elder Justice John Marshall Harlan upheld the denial of Lem Moon Sing's writ of habeas corpus, reasoning that a decision of an immigration official to deny an alien admission to the United States could not be reexamined in a habeas corpus proceeding *(Lem Moon Sing* v. *United States)*. The decision had two startling results. First, it transformed the doctrine of plenary federal power over exclusion from a congressional power to an executive authority, once Congress had delegated it to executive officials. Second, the case made clear that courts could not intervene to examine even blatant misuses of the exclusion power by immigration officials. Thus, as this century began, the Court viewed Congress's power to control immigration—nowhere specified in the Constitution—as complete, inherent and mandated by sovereignty and international law. That power overrode state law, prior treaties and fundamental constitutional protections, and it could be exercised virtually free from judicial scrutiny.

A doctrine so sweeping attracted criticism. The extension of the power to exclude, granted in *Chinese Exclusion*, to deportation and expulsion proved too much even for Justice Field, who not only dissented but also wrote a letter urging that additional members be added to the Court, reasoning that "where [a] decision goes to the very essentials of Constitutional Government, the question of an increase of the bench may properly be considered and acted upon." But as Fiss reveals, the one consistent and enlightened critic of the Asian immigration decisions was Field's nephew, Justice David Brewer, who dissented in *Nishimura Ekiu, Fong Yue Ting and Lem Moon Sing*, showing the kind of clarity and independence of mind that marked him as the Blackmun of his day. The son of missionary parents in Asia Minor, Brewer was one of the few Justices who sought to understand the role of aliens in the constitutional community. In his Fong Yue Ting dissent, he highlighted the racist character of the law in question, asking, "In view of this enactment of the highest legislative body of the foremost Christian nation, may not the thoughtful Chinese disciple of Confucius fairly ask, Why do they send missionaries here?"

For all his enlightenment, even Brewer did not argue that the Constitution's protections applied outside the United States. To the contrary, his Fong Yue Ting dissent declared that "the Constitution has no extraterritorial effect, and those who have not come lawfully within our territory cannot claim any protection from its provisions." Years later the Court would exploit that loophole by creating a legal fiction—that even aliens who have physically entered the United States remain legally outside it, thereby intentionally denying even longtime residents of this country meaningful constitutional protection.

As the century turned, the question of whether aliens outside the United States have constitutional rights was absorbed by the larger issue of "whether the Constitution follows the flag"—that is, whether the Constitution extends to the furthest reaches of the emerging American empire. The characteristic executive-branch response to this question, ascribed by Fiss to Secretary of War Elihu Root, was, "As near as I can make out the Constitution follows the flag—but doesn't quite catch up with it."

Only one decision ran against the anti-Asian tide: *United States* v. *Wong Kim Ark* (1898). That case asked whether children born in the United States of Chinese parents became American citizens by virtue of the 14th Amendments birthright citizenship clause. Given the earlier Chinese decisions, the case seemed an uphill struggle. The Chinese Exclusion Act had denied Wong Kim Ark's parents the opportunity for citizenship through naturalization, and Chae Chan Ping and Fong Yue Ting had settled that those parents could have been deported, expelled or forbidden reentry upon leaving the country. Justice Gray began inauspiciously, asserting that "the inherent right of every independent nation to determine for itself, and according to its own constitution and laws, what classes of persons shall be entitled to its citizenship. "Yet surprisingly, he went on to hold that the 14th Amendment denied the federal government the power to withhold citizenship from children born in the United States of alien parents.

The decision rested on the birthright citizenship clause, which confers citizenship on U.S.-born persons of parents "subject to [U.S.] jurisdiction." The Court's holding that Chinese parents of American-born children were so subject reaffirmed the themes of sovereignty and absolute territorial jurisdiction that ran through the earlier Chinese cases. Ironically, the decision also seems to have been driven by the potential impact of a contrary holding on ethnic groups other than Asians. As Justice Gray noted, "To hold that the 14th Amendment . . . excludes from citizenship the children born in the United States of citizens or subjects of other countries, would be to deny citizenship of thousands of persons of English, Scotch, Irish, German, or other European parentage, who always have been considered a citizens of the United States.

All this might seem like ancient history, made irrelevant by the New Deal, the Warren court, the Bill of Rights revolution and the global era of international human rights. Nor does it seem plausible that blatantly racist laws could survive after *Brown* v. *Board of Education*, the end of official racial discrimination and the advent of strict judicial scrutiny. But our government's position in recent cases reveals that immigration is caught in a time warp.

Chinese refugees, arriving on Long Island's south shore aboard the Golden Venture, fall squarely within the Chinese Exclusion holding. Poor black Haitian boat people, fleeing persecution after a coup d'état overthrew their first democratically elected government, encounter as obstacles to their entry into the United States claims of inherent sovereignty and plenary congressional power, allegedly delegated to the President and the Coast Guard. Haitians who raise due process and equal protection claims are told that the Constitution does not protect them on the high seas. Their efforts to invoke multilateral and bilateral refugee treaties similarly founder on American claims of territoriality. When Haitians challenge their summary repatriation to Haiti, our government in its defense cites grounds of foreign policy, national security and nonreviewability. Refused admission as public charges and health risks, HIV-positive Haitian asylum seekers are detained for nearly two years in a U.S. government internment camp at Guantanamo Bay, Cuba, in an eerie parallel of the government's internment of Japanese-Americans during World War II. At this writing, thousands of Haitians are again detained at Guantanamo. Ironically, the question arises whether Haitian children born in the Guantanamo camp are Haitian, Cuban or perhaps even American citizens.

Other infamous decisions from the 19th century, such as Dred Scott and Plessy v. Ferguson (which legalized separate but equal), have been overruled, both at law and in the court of public opinion. But the Asian immigration cases of that era—no less shocking—still bear bitter fruit. Today, no public official would embrace the racism, hatred and nativism that drove those decisions. Yet the legal principles they enunciated still rule our borders.●

TRIBUTE TO GORO HOKAMA

● Mr. INOUYE. Mr. President, I have known Goro Hokama, the outgoing chairman of the county council of the County of Maui, for over 40 years. In the spring of 1954, I recall meeting with him to discuss whether we should consider public service as our life's career. For 40 years, Goro Hokama has served the people of Maui County as a member of the county council and also chairman of that same body.

I wish to share with you and my colleagues the following editorial from the Maui News, dated December 20, 1994, entitled "Goro Hokama: 40 Years of Service."

I believe it expresses the sentiment of many of us who have had the privilege of calling him friend, and the many who have benefited from his leadership. I wish to join the people of Maui County and all of Hawaii in commending and thanking Goro Hokama for his 40 years of dedicated public service.

The editorial follows:

[From the Maui News, Dec. 20, 1994]

GORO HOKAMA: 40 YEARS OF SERVICE

1994's end will officially bring down the curtain on Goro Hokama's 40 continuous years of public service to Maui County. It's impossible to overstate the contributions he has made to this community, and in fact, to the entire state of Hawaii.

The departing Maui County Council chairman was first elected to office in 1954, the year of the great political revolution that saw the Democrats snatch the reins of power from the Republicans and by proxy from the big landowners. Hokama was Hawaii's lone remaining elected county official who had a hand in that historic housecleaning, a staying power made ever more remarkable by his having to face election every two years.

U.S. Sen. Daniel Inouye is the only person remaining from the 1954 sweep who has served in elected office as long as Hokama, but even he did not have to win 20 straight times to do so. Hokama did.

And Hokama won without ever sacrificing his principles, even when it meant risking the loss of longtime supporters. For all of his 40 years on the County Council, or its predecessor, the Board of Supervisors, Hokama held the Lanai residency seat. In more than one election he trailed his opponent when the ballots on Lanai were counted, but with countywide voting he would prevail anyway because of his broad appeal to residents throughout the county.

Seeing himself as more than just a Lanai councilman, Hokama clearly understood his role as a county councilman, and his actions reflected that understanding, even if not always to his benefit back home.

He learned early, however, not to be frightened off by the odds, working as a union organizer among the pineapple workers on Lanai in the 1940s when unions were a poison to the ruling political and financial powers. And neither was he frightened off nearly 50 years later when the ILWU shockingly refused to endorse him, one of its own, in the election of 1992 because of differences he had with the union leadership over the course of development on Lanai.

He won anyway.

That was an occasion when he opposed development, and he drew the wrath of labor.

On other occasions he supported development, and he drew the wrath of environmentalists. On all of those occasions, however, Hokama acted upon what he believed was right, not on what may have been politically expedient.

Maui has repeatedly been cited by economists as the county with the firmest financial footing in the state, and that is due in no small part to Goro Hokama. Fiscally conservative by nature, he nonetheless was a leader in the bold gambles that paid off in the developments of Kaanapali, Wailea and Kapalua, bringing the full fruits of tourism to bear on Maui's economy. That economic success story is certainly his chief legacy.

His first and only election loss came in November when his bid for mayor was turned back by Linda Crockett Lingle. Hokama again found himself bucking the odds by taking on the popular Republican incumbent, but as always he showed his resolve not to be cowed by the odds. He waged an aggressive and tireless campaign from day one, the only difference being that this time he lost.

That he didn't lose in any of the 20 elections before this one is both a tribute to the man Goro Hokama and a profit to the County of Maui.•

STAR WARS OR MAGINOT LINE? CONTRACT TO BANKRUPT AMERICA

• Mr. SIMON. Mr. President, the Republican contract calls for the old star wars program—the strategic defense initiative [SDI]—to be retooled, reinvigorated, and deployed "at the earliest possible date." We have spent a fortune on this program since 1983, with next to nothing to show for it, except perhaps how wasteful and foolish our defense spending can sometimes be.

The following article, written by Robert Wright in the New Republic in December 1994, makes a clear case for discontinuing the high levels of treasure we spend on missile defense every year. President Clinton, who seems intent on spending far too much on defense over the next few years, must know that the new threats to our national security cannot be parried by building fanciful, expensive, uncertain missile defenses.

The President and Congress instead ought to acknowledge that SDI by any name remains nothing more than a 1990's version of the old French Maginot Line. The Maginot Line didn't work in World War I, and star wars can't work today, for reasons made clear over the past 10 years of congressional and public debate. Sadly, we are visiting an issue now that should have gone away in the late 1980's.

I commend the New Republic article to my colleagues, and I ask that it be printed in the RECORD.

The article follows:

CRAZY STATE

(By Robert Wright)

Gingrich argued that conservatives adopt space exploration and Reagan's Strategic Defense Initiative, the so-called Star Wars program, as causes for tactical political gain. "Young people like space," he said.—The Washington Post, 1985.

The Strategic Defense Initiative is back. It's right there in the Republicans' Contract with America—or, at least, in the exegesis. The National Security Restoration Act, one of ten bills the contract would bring to a vote by spring, demands "deployment at the earliest possible date" of an anti-ballistic missile defense. The Republicans haven't said whether that means a space-based defense or a land-based defense. Either way it means trashing the 1972 Anti-Ballistic Missile Treaty, upping Pentagon spending by several billion a year for research and upping it by much more when deployment starts. Why aren't you excited?

A surprisingly large number of people are. The new SDI comes with a new post-cold war rationale that has attracted not just Republicans, but some centrist Democrats. Indeed, research for a land-based SDI has stayed alive—if barely, and under another name—during the Clinton administration. Accelerated research and early deployment are thus a real political possibility, even if space-based weapons are a long shot. But before we make that leap, could somebody explain why the post-cold war rationale deserves anything less than the derision that finally overwhelmed the cold war rationale?

The cold war derision had two pillars. First, there were firm doubts about technical feasibility. Nothing has since happened to undermine them. The Pentagon's initial claim of a 96 percent success rate for the Patriot Missile against Iraqi Scuds turned out to be fantasy.

Second, we realized that plain old deterrence worked just fine as a missile defense; so long as Leonid Brezhnev could count on tit for tat, he wouldn't attack. If anything, indeed, a missile defense could weaken the perverse logic behind deterrence by making mutually assured destruction less assured; the "protected" nation might feel too nervy and the unprotected nation too nervous.

Now, all of a sudden, we're told that deterrence won't work. Why? Because now we face not coolly rational, game-theoretical Soviets, but a different class of enemy: "rogue states"—Saddam Hussein's Iraq, Kim Jong Il's North Korea, Muammar Qaddafi's Libya. How does one qualify as a "rogue state"? So far as I can tell, it helps if your leader (a) doesn't have white skin, (b) dislikes the United States and (c) does not behave in genteel fashion (often failing, for example, to wear a necktie during affairs of state). The less polite term for "rogue state," and its real meaning, is "crazy state." But there is zero evidence that any of these leaders is "crazy" in the relevant sense: suicidal. Quite the contrary. Ronald Reagan gave Qaddafi the litmus test for sanity and he passed: we bombed his house, and he modified his behavior. Hussein has shown repeatedly that, once he knows where the brink is, he doesn't step over it.

Bear in mind that a nuclear attack on the United States would be more suicidal for these men than it would have been for the Soviets. Brezhnev might conceivably have weathered a firestorm and emerged from his bunker to inherit a world destroyed. If Saddam Hussein tried that, he would be squashed like a bug upon emerging. And he knows it.

Besides, if any "crazy" leader does want to blow up an American city, there are SDI-proof ways: drive a bomb across the Mexican border, sail it up the Potomac on a yacht or mail it. For a seventy-pound package, second-day UPS costs less than a ballistic missile.

Neo-SDI advocates also invoke fear of "accidental launch." But, as John Pike of the Federation of American Scientists has written in this magazine, "Lots of things have to happen for a missile to fire. The chances of its leaping unbidden from its silo are about the same as the chances of a car starting itself up, opening the garage door and backing out into the driveway without human assistance." Besides, how many missiles are aimed at America these days? Russia has agreed to point no missiles at us in exchange for our reciprocal pledge. And whether or not you trust the Russians, their own strategic logic argues increasingly for aiming elsewhere (e.g., at other former Soviet states). Similarly, North Korea's top two targets would be South Korea and Japan. That's the way tensions are in the post-cold war world: regionalized. The surest American defense against "accidental launch" is to stay on good terms with Brazil.

Of course, however slight the chances of nuclear attack, and however real the chances that a missile defense would fail to repel it, a little insurance would be appealing if it were cheap enough. First of all, it isn't cheap ($50 billion assuming meager cost overruns). Moreover, "insurance" conduces to solipsism; if we feel (however falsely) safe inside our little shell, waning support for internationalism will wane even faster.

I'm not saying the new SDI enthusiasm is driven by nascent Republican isolationism. But the enthusiasm accommodates and nourishes the party's isolationist strain. In the Republican summary of the Security Restoration Act, only one goal gets more prominent billing than SDI: "to ensure that U.S. troops are only deployed to support missions in the U.S.'s national security interests."

We all care about "national security interests." But some of us think that national security (in various senses) is increasingly tied to global stability. The Republicans' post-election rhetoric, in contrast, fixates on keeping U.S. troops out of peacekeeping roles, keeping U.S. dollars from supporting other peacekeepers and stifling the foreign aid that helps stabilize places like Russia and the Middle East.

Also, of course, the Republicans don't favor one-worldish projects like . . . well, like continued adherence to the 1972 ABM Treaty. And violating that treaty (which, alas, even the Clinton administration's battlefield missile-defense research program threatens to do) is itself a dangerous retreat from internationalism. What's scarier than an Indian-Pakistani border flanked by nuclear arsenals? An Indian-Pakistani border flanked by destabilizing ABMs as well. We might yet be able to head that prospect off, but not once we've built our own shell.

The United States is now uniquely positioned to lead the world in avoiding two bad things: a global race to build destabilizing missile defense systems, and a global race to carry destabilizing weapons into space—not just anti-missile weapons, but anti-satellite weapons. The Republicans are now on record as wanting to start the first of these races, and they are clearly inclined to start the second. It's time for President Clinton to crawl out of his bomb shelter, survey the wreckage and start fighting.•

PERES ON DESALINATION

• Mr. SIMON. Mr. President, I will be reintroducing the desalination research bill, which I have introduced in two previous Congresses. It has passed the Senate twice. Unfortunately, it got caught up in the last-minute, partisan wrangling that had nothing to do with the desalination bill, and it did not pass.

The need for it becomes more and more clear every day.

Recently, I had the chance to read responses of Israeli Foreign Minister Simon Peres to questions at the National Press Club Forum on October 4.

In response to a question by Jim Anderson of the German Press Agency, Foreign Minister Peres said: "If you want to save your children from poverty, pay attention to the water. The rivers do not follow the frontiers and the rain doesn't go through the customs."

Then, in response to another question from a reporter, whose name I do not have, he said: "There are projects that cannot be postponed. For example, the production of water, which is a must in order to satisfy basic needs of—(inaudible)—and it must be done on a regional basis."

He talks about the need for supplying water for drinking, for industrial purposes, and for agricultural purposes and the need for desalination. The unfortunate reality is that desalination research has been minimal in recent years. When John F. Kennedy was President of the United States, he pushed it, but since that time, desalination research has been almost on hold. It is critical that we move ahead, and the Middle East is just one area where that is evident.•

BRITAIN JOINS AMERICANS IN ATTACKING TV VIOLENCE

• Mr. SIMON. Mr. President, we are slowly but solidly making progress to reduce television entertainment violence in our country.

We still have a long way to go, but I came across an Associated Press item reporting that even in Great Britain, which has much stricter standards on television violence than we do, there is concern about television violence.

I thought my colleagues might be interested in the Associated Press story about violence on British television and some of the things that are happening there.

I ask that the Associated Press article be printed in the RECORD at this point.

The article follows:

BRITAIN JOINS AMERICANS IN ATTACKING TV VIOLENCE

LONDON.—British television concerned over the soaring number of violent crimes in Britain, is moving to cut down on the amount of violence and brutality shown on TV screens here.

Both the British Broadcasting Corp. and the Independent Television Commission announced changes last week.

The ITC told commercial TV companies to cut the amount of violence they screen and said they will be monitored to ensure they comply.

Among competitor BBC's revised guidelines for programmers:

Viewers should be given more information about what programs contain before screening, so they can switch off if they wish.

Programmers should have sharper awareness of portrayals of sexual violence and violence against women.

U.S. programmers face a similar battle. The four U.S. broadcast networks, hoping to head off government intervention, have agreed to air parental warnings before certain shows.

The BBC included no enforcement provisions in its guidelines. But as a private network, financed by license fees paid by viewers, it could simply edit out offending segments or censor entire programs.

Companies who ignore the ITC guidelines can be reprimanded or fined. The commission, established by Act of Parliament, regulates Britain's Independent Television network.

David Glencross, chief executive of the ITC said in announcing ITC guidelines Thursday. "What we are seeing is a public revulsion against violence in society which is feeding through to a desire for greater sensitivity by TV programmakers and the makers of films and videos."

ITC guidelines tell program-makers to consider carefully in each case whether violent scenes are justified.

Programmers should not look at violent scenes in isolation but consider the accumulation of such scenes on viewers.

Program-makers should avoid programming which "appears to promote violence as a solution to problems or difficulties."

In the area of news, the guidelines note that "violent images are becoming increasingly available to news editors" and said TV news bulletins should take account of the time they are to be shown.

The ITC guidelines say no proof exists that violence on TV encourages violent crime in real life but state:

"Caution is required in the television portrayal of violence, given concern about the level of violence in society and the possibility of behavior or attitudes being influenced by what is shown on television. Broadcasters should therefore be especially vigilant about the amount of violence in their programs."

Will Wyatt, managing director of BBC network TV, said in announcing the BBC guidelines, "We must ensure that where violent scenes—in fictional programs or in news coverage—are felt to be editorially necessary, they are included only after careful and detailed consideration.

"Although we cannot control what happens in the home, we must ensure that before material is transmitted it is tested for suitability for the time and place of its transmission—or whether it should be transmitted at all."•

IN DEFIANCE OF DARWIN

• Mr. SIMON. Mr. President, no one doubts that the schools in our Nation should do better. What is still not widely known is that we really do understand how to do better, but we're not applying the knowledge we have.

Education simply has not become enough of a priority. Those of us in public life talk a good game, but too few of us do anything about it.

An illustration of what can happen is an article that appeared several weeks ago in Newsweek magazine titled "In Defiance of Darwin," written by Lynnell Hancock.

I ask that the article be printed in the RECORD at this point.

The article follows:

[From Newsweek, Oct. 24, 1994]

IN DEFIANCE OF DARWIN—HOW A PUBLIC SCHOOL IN THE BRONX TURNS DROPOUTS INTO SCHOLARS

(By Lynnell Hancock)

It's a notorious corner in the South Bronx—once a grand address, now the hub of the nation's poorest neighborhood. Today, at 149th Street and the Grand Concourse, a public high school for at-risk children defies Darwin on a daily basis. Inside Hostos-Lincoln Academy of Science, a class of seniors grapples with "The Seafarer," an Old English poem about danger, survival and destiny. None of these teenagers was expected to ever navigate into the treacherous pages of medieval lit. In fact, their eight-grade counselors had written off most of them as probable dropouts, based on low reading scores and spotty attendance. That's how they landed at Hostos. Now, after four years here, more than 80 percent are headed for college. And they engage in a lively discussion about the sailor who believes his imminent death at sea is a stark inevitability, written in foam. "The Anglo-Saxons thought every person's fate was predetermined," the teacher, Vincent Sottile, reminds the class. "But we know we have to help ourselves."

These 300 black and Latino students provide the basis for a strong retort to "The Bell Curve." Richard Herrnstein and Charles Murray argue that IQ is largely genetic and that low IQ means scant success in society. Therefore, they contend, neither effective schools nor a healthier environment can do much to alter a person's destiny. Yet, at Hostos, reading scores nearly doubled over two years. The dropout rate is low, and attendance is high. About 70 percent of the class of 1989 graduated on time, double the city's average. Among last year's graduates, one was accepted at Columbia University's School of Engineering. Others are attending Fordham University and Hamilton College.

Hostos was established by the city seven years ago for South Bronx children who live "stressing lives," as one student puts it, in broken families and dangerous neighborhoods that offer only huge, anonymous public schools. Hostos is small, attentive to individual students, and demanding. To ensure that no child goes astray, one teacher is assigned for four years to the same homeroom class, which combines lessons in rudimentary social skills with those in computer and civics. Most students take honors and even college-level courses. "We threw out the Mickey Mouse curriculum and introduced [University of the State of New York] Regents-level courses," said Dr. Michele Cataldi, Hostos's founder and principal. Where students once had business math, they now have trigonometry. "At first we felt students couldn't do it, but we were wrong," says Cataldi. Teachers worked overtime to provide intensive one-on-one tutoring. The results were impressive. The number of students in each class who passed the state's regents biology test rose from 9 to 50 percent in two years. "You have to believe in them," says Donna Light-Donovan, a biology teacher. "Most kids don't have anyone at home who does."

Stanley Mustafa is one student who found a haven at Hostos. A few years ago he was stabbed on the street by a neighborhood teen. His life was saved by a trauma surgeon. That's the profession he now expects to enter some day. "It made me grow up faster," says

Mustafa, 17, dressed in baggy jeans and an oversize Black Sheep T shirt. "I don't want to end up on the corner, hanging with the homeboys." He takes chemistry and cellular biology at Hostos, studies radiology at a local hospital and hopes to attend Atlanta's Morehouse School of Medicine or the University of Virginia.

Nationwide, more and more districts are establishing small "restructured" schools like Hostos that stress team teaching, a familylike environment and high expectations. New York City has more than 35 of them, with plans for about 50 more. Herrnstein and Murray argue that 30 years of such experimental schools for disadvantaged children have shown paltry improvements, and that federal money should be funneled away from them, and toward schools for the "cognitive elite." But a new study comparing 820 high schools—some big and traditional, others small and cooperative—proves otherwise. From eighth to 10th grade, students in the restructured schools showed 30 percent higher gains in math and 24 percent higher gains in reading compared with students in traditional schools.

HIGH EXPECTATIONS

The study, commissioned by the Center on Organization and Restructuring of Schools at the University of Wisconsin in Madison, also found that the gap between the poor and those who were not poor shrank in the more nurturing schools. "When high expectations for student learning are embodied in the formal structure of the school, very positive effects can occur for at-risk youth," says Anthony Bryk, director of the University of Chicago's Center for School Improvement, one of the report's analysts.

Yet in "The Bell Curve" scenario, most Hostos students would give up their goals and find a valued place in society" back in the South Bronx. "The idea that people with the most capacity to be educated should become the most educated sounds dangerously elitist," they write. In fact, at 149th and the Grand Concourse, it sounds more like "Beowulf." "Fate is more strong, God more mighty than any man's thought," writes the anonymous Anglo-Saxon seafarer. And students like Mustafa know they can help themselves.•

DWAYNE O. ANDREAS

• Mr. SIMON. Mr. President, I picked up the fall 1994 issue of the publication, Constitution put out twice a year by the Foundation for the U.S. Constitution in New York City.

The chairman of the foundation is Dwayne O. Andreas, the chief executive officer of Archer Daniels Midland [ADM] and a public-spirited citizen who has been willing to come to the fore on many key national concerns.

I opened the magazine to read a preamble by Dwayne Andreas, and it is so loaded with common sense that I ask that it be inserted into the CONGRESSIONAL RECORD at the end of my remarks.

Democracy can prevail only if citizens exercise self-restraint. We cannot see how close to the edge of the cliff we can come in exercising our freedoms.

What Dwayne Andreas calls civic responsibility is the obligation of those of us in public office and of all American citizens.

An item he refers to later in the publication is good but is, frankly, not as pointed as the Dwayne Andreas comment.

I urge my colleagues and their staffs to read Dwayne Andreas's comments, which follows. At this point, I ask that Mr. Andreas's statement be printed in the RECORD.

The statement follows:

The rights we enjoy as American citizens have been a central focus of Constitution since we began publishing the magazine in 1988. In this issue we present a Special Report in which we consider the other side of the contract: the obligations of citizens to their society.

These days, I sometimes wonder whether there is a contract—whether we Americans recognize any limits on our freedom to do as we please. We seem to have forgotten that the Constitution guarantees our rights within society. Increasingly, individuals and groups manifest a kind of "in your face" contempt for the rights of their fellow citizens; social obligations take a back seat to personal fulfillment and economic gain.

Nowhere is this lack of civility more evident than in the area of social expression protected by the First Amendment to the Constitution. Brutality, obscenity and raw sex have become the common coin of television, film and popular music; all who question the fitness of these materials for a generally youthful audience are derided as prudes or thought controllers. And the purveyors of this destructive effluvium assert their right to sell it; few dare to speak of society's right to resist the tide.

But society does have that right, and I fear that those who abuse the First Amendment in this way may be endangering the splendid guarantee that has protected them for so long. Even sober commentators like Irving Kristol worry about whether the First Amendment can survive. Writing for the Wall Street Journal not long ago, Kristol labeled television violence a form of child abuse and suggested that "modest limits on adult liberties ought to be perfectly acceptable if they prevent tens of thousands of children from growing up into criminal adults."

Are such legislated limits truly necessary? I don't think so. Rather what's required is recalling that there is such a thing as civic responsibility—that with the rights of citizenship go some obligations. To remind readers of these obligations, we have prepared the Special Report that begins on page 50. These pages carry a timely reminder. Ignoring it could menace the guarantees about which this magazine has written so much since it was founded six years ago.•

SENATORS DOLE AND DASCHLE

Mr. THURMOND. Mr. President, as we all know, the 104th Congress convened Wednesday and before we become too immersed in the legislative process, I want to take a moment to recognize the two leaders who will guide us through the next 2 years.

It has been my experience that some of the key qualities of a good leader are decisiveness, ability, commitment, integrity, and moral and physical courage. The new majority leader, Senator ROBERT DOLE, posses those attributes and many more, and I am proud to call him my friend.

BOB'S commitment to public service began in 1943 when he raised his right hand and enlisted in the U.S. Army as World War II raged at its height. A natural leader, young G.I. DOLE soon earned a commission and found himself commanding a platoon in the famed 10th Mountain Division, which remains one of the Army's premiere combat units. During bloody and vicious fighting against the Germans in the rugged terrain of Italy, BOB was severely wounded twice and very nearly lost his life. Though decorated for his valorous acts in battle, Senator DOLE carries with him to this day a very noticeable reminder of the cost of liberty and of warfare. I am sure that each of us recognizes the disability that BOB has overcome as a reminder that war, or the employment of military force, is not a matter to be considered lightly, and that whenever young Americans are placed in harm's way, they run the risk of being killed, wounded, or maimed.

In 1951 BOB was elected to the Kansas State legislature, beginning a career that ultimately brought him to this Chamber. His time in the statehouse was quickly followed by a term as county attorney and then four terms in the U.S. House of Representatives. In 1968, BOB came to the U.S. Senate and it was immediately apparent to me that he was a man destined to go places. In the ensuing 27 years, I have been pleased and proud to watch BOB'S career progress, as he served as the chairman of the Republican National Committee; as he was overwhelmingly reelected to the Senate four times; to watch him climb the Senate leadership ladder to the position he now holds; and, to see him nominated for the Vice Presidency of the United States in 1976. I have no doubt that the unbeatable combination of Senator DOLE'S drive and experience, along with what just might be a strong streak of destiny, may lead him to the White House before his career in public service comes to an end.

Senator DOLE has been leader of the Senate Republicans when we have been both the majority and minority party in this body and he has distinguished himself well in both roles. While not everyone may agree with Senator DOLE'S politics, they do respect the manner in which he conducts himself and the business of the Senate. Now that our party has once again regained control of this body, I know that Senator DOLE will work closely with Members on the other side of the aisle to ensure that they are treated fairly, and that the 104th Congress will be marked as a period of progress, accomplishment, and bipartisanship. BOB DOLE is a man I hold in high esteem and whose find friendship I value greatly.

As anyone of us who stood on this side of the aisle for the last 8 years can tell you, being in the minority can be a frustrating experience. With an effective leader, though, the minority party can play an important role in the legislative process, not only contributing to the debate, but strengthening bills passed by Congress. The man whom the Democrats have elected as their leader, Senator TOM DASCHLE of South Dakota, is a person who I believe will be an effective voice for Senate Democrats. TOM is no stranger to public service, as he spent time as an intelligence officer in the U.S. Air Force, as a valued aide to a South Dakota State senator, and four terms in the U.S. House of Representatives, where he held several leadership positions. Although TOM was just recently elected to the position of Democratic leader, he has been a distinguished member of this body for the past 9 years. During his tenure, Senator DASCHLE has demonstrated himself to be an able and effective legislator, working hard for his constituency in South Dakota. I have had the pleasure of serving with TOM on the Veterans' Affairs Committee and have found him to be a serious minded man and one of purpose. It was of little surprise to me that TOM rose to the important post he now holds. I have every confidence that he will be an effective leader for our Democratic colleagues and I am equally confident that he will work well with the Republican majority.

While many may believe that politics in the United States is based on an adversarial relationship between parties, each of us knows that it is a system which encourages and fosters compromise—that to actually legislate, we must seek common ground. Senators DOLE and DASCHLE are two men who are committed to ensuring that this body functions efficiently and effectively by seeking that point where Members can vote to pass a bill. I congratulate BOB and TOM on winning their leadership elections, and I look forward to working with both of them throughout the duration of the 104th Congress.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,805,835,231,225.14 as of the close of business Thursday, January 5. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,243.03.

IN MEMORY OF SHERRY STETSON MANNIX

Mr. WARNER. Mr President, on Tuesday of this week, Sherry Stetson Mannix died after a long and valiant battle with cancer. Mrs. Mannix's title was Foreign Affairs Specialist in the Bureau of Multilateral Affairs of the U.S. Arms Control and Disarmament Agency. But that does not begin to describe her fine work or her life-long dedication to her country.

Mrs. Mannix served for 11 years as an officer in the U.S Air Force and then for another 9 years in the Air Force Reserve, achieving the rank of lieutenant colonel. She joined the Arms Control and Disarmament Agency in 1984 and became the Agency's premier expert on the Chemical Weapons Convention, which she helped to negotiate. Both before and after the CWC was negotiated, Mrs. Mannix was the principal persons to whom we and others turned when questions arose on how that very complicated convention would work.

During its consideration of the CWC last year, the Select Committee on Intelligence, of which I was then vice chairman, submitted to the executive branch over 130 questions for the record regarding the Chemical Weapons Convention. It was Sherry Mannix who answered many of those questions and edited the others, even though she was already in tremendous physical pain due to the illness that she knew would soon take her life. Those answers were so well-written and informative that we actually published 64 of them, as an appendix to our committee's public report, "U.S. Capability to Monitor Compliance With the Chemical Weapons Convention." Only rarely do we find such executive branch answers so worthy of publishing, and only very rarely does any human being demonstrate the devotion to duty and country that Mrs. Mannix did throughout the last year.

Sherry Mannix was only 44 when she died. If life were fair, we would have enjoyed her company and her service for many more years. Instead, we today offer our deep condolence to her husband, retired Air Force Lt. Col. Charles R. Mannix, and to her mother, Albertie Stetson, both of whom reside in my State, as well as to her grandmother, Bernal B. Allen. And in remembering Sherry Mannix we say, Thank you for a job well done and a life well lived, right to the very end.

COMMENDING CHIEF ROBERT STEWART

Mr. THURMOND. Mr. President, South Carolina is probably the most idyllic place anyone might consider living. The pace of life there is relaxed, the people are friendly, and the weather is temperate. Unfortunately, even a State as peaceful as mine is not free from the evils and dangers of crime.

Leading the fight against illegal activity in the Palmetto State is an organization created by me when I served as Governor of South Carolina, the State Law Enforcement Division, commonly referred to as SLED. At the helm of SLED is a man whom I have had the pleasure of knowing for many years, Chief Robert M. Stewart, and whom I am pleased to call a friend. The chief has literally dedicated his life to police work and has gained national recognition as an aggressive officer and a true professional.

Chief Stewart, a native of Cheraw, began his career as a teenager when he signed on as a cadet with his hometown police department and worked his way up the leadership ladder, earning the position of director of public safety before he had even turned 30. In 1975, he stepped down as director and joined SLED as a special agent. In the following 20 years, his career advanced rapidly while he worked on cases ranging from those that were routine and mundane to ones that were international in scope. A veteran of the SWAT team, Robert specialized in white collar and public corruption cases, and worked closely with Federal agencies investigating such crimes in South Carolina. In 1988, Gov. Carroll Campbell appointed Robert as the chief of SLED, where he has done an unparalleled job of administering the agency.

When he took over SLED, Chief Stewart's goal was to make it an organization that was recognized as being one of the most professional, progressive, and modern law enforcement agencies in the United States. Over the past 7 years he has done just that. By regionalizing the agency, and streamlining its rank structure, Chief Stewart has ensured that his agents are better able to monitor and address crime trends throughout the State. Additionally, Chief Stewart secured a brand-new lab, that is not only used by SLED, but is available to any other police department in the State of South Carolina. Thanks to the chief's commitment and vision, last year SLED became only the second State investigative agency in the Nation to receive professional accreditation by the Committee on Accreditation of Law Enforcement Agencies.

Mr. President, Chief Stewart celebrates his 50th birthday today, and I want to take this opportunity to recognize and commend him for dedicating more than half his life to protecting the people and property of South Carolina. Chief Stewart is a man of great ability, integrity, and courage, and I am proud of his many accomplishments. I wish him good health and happiness in the years ahead, and look forward to continuing to hear great things about him.

UNITED STATES ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

Mr. DOLE. Mr. President, 2 days ago I introduced legislation together with the distinguished Senator from Connecticut, Senator LIEBERMAN, to terminate the United States arms embargo on Bosnia-Herzegovina as of May 1, 1995.

As I mentioned in my remarks at the that time, I believed that this legislation was not only consistent with international law in upholding Bosnia's inherent right to self-defense, but that it would also serve to provide some badly needed leverage for the Bosnians on the diplomatic side.

I understand that today, Adm. Leighton Smith, commander of NATO Forces in southern Europe told reporters that he opposed this legislation. I am not surprised that a four-star admiral would not oppose his Commander in Chief, nor that a NATO commander would not choose to contradict the NATO-Secretary General.

I would note, however, that in addition to candidate Bill Clinton, the following former high-level Government officials, including Cabinet members, have publicly supported lifting the arms embargo on Bosnia: Zbigniew Brzezinski; Frank Carlucci; George Shultz; Jeane Kirkpatrick; Paul Wolfowitz; Richard Perle; and Max Kampelman—quite an impressive list. Moreover, I would emphasize that the late Manfred Woerner, the previous Secretary General, advocated helping the victims of aggression, especially when the international community does not have the resolve to take action on behalf of that victim. That is surely the case in Bosnia.

It seems to me, however, that the views that should be given the most weight, are those of the Bosnians. It is their country and their future we are talking about.

And so, I would like to share two letters with my colleagues which I received from the President of Bosnia, Alija Izetbegovic, and from the Bosnian Ambassador to the United Nations, Muhamed Sacirbey. Both letters strongly support the Dole/Lieberman bill. First I would like to quote from President Izetbegovic's letter to me:

> The leadership of the United States of America is essential in the search for peace in the Republic of Bosnia and Herzegovina. The legislation that you and Senator Lieberman have offered is entirely supportive of peace efforts and the continuing leadership of your country in this matter.
>
> We wholeheartedly concur that the arms embargo should be terminated "de facto" no later than May 1, 1995. By such date the preliminary agreement on the cessation of hostilities would have expired and by then the Serbians would have opted to accept the contract group peace plan or to continue the war. We believe that this legislation would be most pivotal not only in confronting international aggression and acts of genocide against our Republic, but also in encouraging the Serbians to opt for peace.

The letter from Ambassador Sacirbey states the following, and I quote,

> We wish to reiterate our full support for congressional efforts, in particular S. 21, to terminate the application of the U.S. arms embargo on the Government of the Republic of Bosnia and Herzegovina * * * The elements of your proposed legislation are in complete convergence with our views. We are also of the opinion that this legislation is entirely consistent with the search for peace in our country * * *

We need to keep things in perspective. The strains within NATO have not been caused by congressional efforts to lift the embargo, but the present policy itself. The credibility of the alliance has been damaged because NATO has allowed itself to become a subcontractor to the United Nations. The only way to reverse this situation is for the United States to reassert its leadership in support of a better policy. The Clinton administration was on the right track in May 1993, it is now time to get back on that track.

Mr. President, I ask unanimous consent that the letters I referred to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

REPUBLIC OF BOSNIA AND HERZEGOVINA, PERMANENT MISSION TO THE UNITED NATIONS,
New York, January 4, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: We wish to reiterate our full support for Congressional efforts, in particular S. 21, to terminate the application of the U.S. arms embargo on the Government of the Republic of Bosnia and Herzegovina. We must also express our sincere appreciation for these efforts and our admiration for the thoughtful manner by which this matter has been guided by you. The elements of your proposed legislation are in complete convergence with our views.

We also are of the opinion that this legislation is entirely consistent with the search for peace in our country and the congressional intent established during the debate on this issue during the previous Congressional session. The United States delegation to the United Nations, under the capable and faithful direction of Ambassador Madeleine K. Albright, had "tabled" a draft resolution within the Security Council to lift the arms embargo on our Government. Unfortunately, this resolution met resistance from some key nations in the Council, although it has never been put to a vote. In fact, our efforts to facilitate a consensus on this matter through flexibility were misconstrued and have not met with a positive response.

We believe that U.S. leadership in bringing an end to this unjust arms embargo continues to be an essential element in ending this international aggression and acts of genocide against my country.

Once again, thank you for your leadership regarding this matter.

Sincerely,
MUHAMED SACIRBEY,
Ambassador and Permanent Representative.

REPUBLIC OF BOSNIA AND HERZEGOVINA, OFFICE OF THE PRESIDENT OF THE PRESIDENCY,
January 5, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: The leadership of the United States of America is essential in the search for peace in the Republic of Bosnia and Herzegovina. The legislation that you and Senator Lieberman have offered is entirely supportive of peace efforts and the continuing leadership of your country in this matter.

We wholeheartedly concur that the arms embargo should be terminated "de facto" no later than May 1, 1995. By such date at the preliminary agreement on the "cessation of hostilities" would have expired and by then the Serbians would have opted to accept the Contact Group Peace Plan or to continue the war. We believe that this legislation would be most pivotal not only in confronting international aggression and acts of genocide against our Republic but also in encouraging the Serbians to opt for peace.

Once again, I would like to thank you personally and your colleagues for your support for peace in our Republic.

Please accept the renewed assurances of my highest consideration.

Sincerely,
ALIJA IZETBEGOVIC

Mr. DOLE. Mr. President, let me suggest to my colleagues that we will try to wrap up business because I think the streets are getting a little icy out there, and it may be that we need to get home.

MAJORITY PARTY APPOINTMENTS TO COMMITTEES

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration, and I ask that the clerk read the resolution.

The PRESIDING OFFICER. The clerk will read the resolution in full.

The legislative clerk read as follows:

S. RES. 33

Resolved, That the following shall constitute the majority party's membership on those Senate committees listed below for the 104th Congress, or until their successors are appointed:

Budget: Mr. Domenici, Mr. Grassley, Mr. Nickles, Mr. Gramm, Mr. Bond, Mr. Lott, Mr. Brown, Mr. Gorton, Mr. Gregg, Ms. Snowe, Mr. Abraham, and Mr. Frist.

Rules and Administration: Mr. Stevens, Mr. Hatfield, Mr. Helms, Mr. Warner, Mr. Dole, Mr. McConnell, Mr. Cochran, Mr. Santorum, and Mr. Nickles.

Veterans' Affairs: Mr. Simpson, Mr. Murkowski, Mr. Specter, Mr. Thurmond, Mr. Jeffords, Mr. Craig, and Mr. Brown.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

So the resolution (S. Res. 33) was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE STANDING RULES OF THE SENATE

MAJORITY PARTY APPOINTMENTS TO COMMITTEE

Mr. DOLE. Mr. President, I have two committee resolutions which I send to the desk and ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 34) amending paragraphs 3(a), 3(b), and 3(c) of Rule XXV of the Standing Rules of the Senate; a resolution (S. Res. 35) making majority party appointments to the Small Business Committee for the 104th Congress.

The PRESIDING OFFICER. Without objection the resolutions are agreed to.

The resolution (S. Res. 34) reads as follows:

Resolved, That Rule XXV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after ''Budget'' and insert in lieu thereof ''22''.

Strike the figure after ''Small Business'' and insert in lieu thereof ''19''.

SEC. 2. That Rule XXV, paragraph 3(b) of the Standing Rules of the Senate is amended as follows:

Strike the figure after ''Aging'' and insert in lieu thereof ''19''.

Strike the figure after ''Intelligence'' and insert in lieu thereof ''17''.

SEC. 3. That Rule XXV, paragraph 3(c) of the Standing Rules of the Senate is amended as follows:

Strike the figure after ''Indian Affairs'' and insert in lieu thereof ''17''.

The resolution (S. Res. 35) reads as follows:

Resolved, That the following shall constitute the majority party's membership on the following Senate committee for the 104th Congress, or until their successors are appointed:

Small Business: Mr. Bond, Mr. Pressler, Mr. Burns, Mr. Mack, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mrs. Hutchison, Mr. Warner, and Mr. Frist.

MINORITY PARTY APPOINTMENTS TO COMMITTEE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 32, relating to minority party appointments to Senate committees, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 32) reads as follows:

Resolved, That the following shall constitute the minority party's membership on the committees for the One Hundred and Fourth Congress, or until their successors are chosen:

Committee on the Budget: Mr. Exon, Mr. Hollings, Mr. Johnston, Mr. Lautenberg, Mr. Simon, Mr. Conrad, Mr. Dodd, Mr. Sarbanes, Mrs. Boxer, and Mrs. Murray.

Committee on Rules and Administration: Mr. Ford, Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. Moynihan, Mr. Dodd, and Mrs. Feinstein.

Committee on Small Business: Mr. Bumpers, Mr. Nunn, Mr. Levin, Mr. Harkin, Mr. Kerry (MA), Mr. Lieberman, Mr. Wellstone, Mr. Heflin, and Mr. Lautenberg.

Committee on Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Campbell, and Mr. Dorgan.

Committee on Aging: Mr. Pryor, Mr. Glenn, Mr. Bradley, Mr. Johnston, Mr. Breaux, Mr. Reid, Mr. Kohl, Mr. Feingold, and Ms. Moseley-Braun.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the following amendments be the only remaining first-degree amendments, to be subject to relevant second-degree amendments.

AMENDMENTS TO S. 2

Bryan: Congressional pensions.

Byrd: Relevant.

Feinstein: (1) Campaign spending reform; (2) campaign spending reform; (3) campaign spending reform; and (4) campaign spending reform.

Ford: (1) Frequent Fliers Miles—amdt. No. 4; and (2) Relevant.

Glenn: Manager's amendment.

Graham: Re: amendment drafting.

Kerry: (1) Leadership PACs; and (2) campaign fund conversion personal use.

Lautenberg: Relevant.

Leahy: Employment rights.

Levin: Relevant.

Reid: Relevant.

Wellstone: (1) Gift ban; (2) gift ban; (3) campaign finance; (4) campaign finance; (5) campaign finance; (6) health care; (7) relevant; and (8) relevant.

Mr. President, I further ask unanimous consent that all amendments must be offered and disposed of by the close of business Tuesday, January 10, with the exception of the Bryan amendment.

I further ask unanimous consent that, with respect to the Bryan amendment, if a motion to table is not agreed to, the amendment be subject to unlimited debate and amendments and not under the restrictions of the Tuesday deadline.

Finally, I ask unanimous consent that Senator BYRD be recognized for general debate for not to exceed 45 minutes prior to final passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JANUARY 9, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 2 p.m. on Monday, January 9, 1995.

I further ask unanimous consent that following the prayer the Journal of proceedings be approved to date, that the call of the calendar be dispensed with, that no resolutions come over under the rule, and that the morning hour be deemed to have expired.

I further ask unanimous consent that following the two leaders there be a period for morning business not to exceed 90 minutes with Senators permitted to speak therein for no more than 10 minutes each.

Following morning business, the Senate will resume consideration of S. 2 under the terms of the previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, I will just say before we adjourn just for the information of all Senators that there will be no rollcall votes during Monday's session of the Senate. However, Senators wishing to offer amendments—I understand some have already agreed to offer amendments—should certainly do so. We will try to meet the Tuesday deadline.

ADJOURNMENT UNTIL MONDAY, JANUARY 9, 1995, AT 2 P.M.

Mr. DOLE. Mr. President, if the Democratic leader has nothing further at this time, I move that the Senate stand adjourned under the previous order.

The motion was agreed to, and the Senate, at 5:23 p.m., adjourned until Monday, January 9, 1995, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate January 6, 1995:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. IRA C. OWENS [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL E. MENOHER, JR. [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be major general

LESLIE M. PALM [redacted]

MICHAEL J. WILLIAMS [redacted]
LAWRENCE H. LIVINGSTON [redacted]
MARTIN R. STEELE [redacted]
FREDERICK MCCORKLE [redacted]
MICHAEL D. RYAN [redacted]
PATRICK G. HOWARD [redacted]
WAYNE E. ROLLINGS [redacted]

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

STEPHEN M. ENGELHARDT [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

WILLIAM C. BOWES [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE SUPPLY CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

SUPPLY CORPS

To be rear admiral

RALPH MELVIN MITCHELL, JR [redacted]
LEONARD VINCENT [redacted]

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF CAPTAIN:

DANIEL V. RILEY, JR.
REBECCA D. COLBURN
CARL H. CROWN

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF COMMANDER:

HARVEY R. DEXTER
KEVIN F. ST. GEORGE
PAULA S. CARROLL
MICHAEL R. PRICE

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE OF ENSIGN:

JESSE B. ALLBRITTON
EUGENIO S. ANZANO
PETER A. ARTS
GEORGE BAMFORD
PETER L. BEAVIS
SCOTT D. BEIGHAU
JOANNA K. BESTE
GEORGE A. BORLASE
JOHN M. BRANCH
JOHN A. BROWN
SUZANNE M. BROWN
SEAN P. BURKE
SCOTT R. CALHOUN
FLIP P. CAPISTRANO
JAY CAPUTO
KEVIN M. CARROLL
ERIC P. CARTER
MICHAEL J. CIAGLO
DAVID C. CLIPPINGER
RICHARD B. COMEAU
MICHAEL J. CORL
ERIC D. DENLEY
STEVEN M. DETTON
TIMOTHY JOHN DUBOIS
MARY E. J. DURLEY
MATTHEW EDWARDS
JOEL A. AMUNDSON
JASON D. ARNOLD
MARIE T. BACAYO
SHAWN M. BARRY
ROBERT A. BEERS
BENJAMIN D. BERG
DANIEL P. BISHOP
DAVID W. BOWMAN
JAMES J. BROWN
SANDRA E. BROWN
BOBETTE M. BURDICK
JOHN M. BURNS
PATRICIA L. CALHOUN
DARREN J. CAPRARA
COTY T. CARPENTER
PETER R. C. CARROLL
NICOLE M. CARTER
CHARLES F. CINAMELLA
JOHN D. COLE
TIMOTHY J. CONNORS
NICHOLAS S. CUCINELLI
GARY C. DEPEANO
OKECHUKWU K. DIKE
JAMES M. DUPUREUR
WILLIAM G. DWYER
ROY J. EIDEM
BRIAN D. FALK
MICHAEL A. FAZIO
JASON R. FERNSTROM
JAMES L. FESSENDEN
CHRISTOPHER E. FINK
KELLY B. FOUCH
NATHAN H. FRENCH
ARTHUR H. GOMEZ
JOHN R. GREENUP
HELEN K. GROVES
DAVID GUDBRANDSEN
GREGORY J. HALL
BRANDON M. HALM
ROBERT N. HALSEY
CHRISTOPHER R. HARRIS
LARRY S. HARRIS
HOLLY R. HARRISON
RICHARD A. HARTLEY
DENNIS M. HATTON
MICHAEL J. HAUSCHEN
ROBERT E. HEMP
BRUCE B. HENDERSON
NATHAN D. HERMAN
PETER J. HERON
BRIAN E. HIGGINS
MARK E. HIIGEL
PATRICK M. HILBERT
AMY B. HODGES
TODD M. HOWARD
RICHARD E. HOWES
MICHAEL A. HUDSON
JULIET J. HUDSON
HOMER D. HUEY
CLIFFORD T. JONES
TIFFANY G. JONGBLOED
JAMES M. KAMMEL
ALMA P. KENNEALLY
KEVIN J. KERNEY
MATTHEW T. KILADITIS
MICHAEL L. KILMER
TAE J. KIM
PATRICIA J. KIM
ERIC P. KING
DAVID K. KIRKPATRICK
HERBERT S. KIRKPATRICK
KEVIN D. KNULL
SHAWN S. KOCH
GARY C. KOEHLER, JR.
JOSEPH J. KURR
MATTHEW W. LAKE
ALAN G. LAPENNA
PAUL R. LATTANZI
JANINE A. LAVALLEE
ERIK A. LEUENBERGER
WILLIAM A. LEWIN
RALPH R. LITTLE
SUKI L. LOY
JENNIFER K. LUBERECKI
AARON C. LUBRANO
MICHAEL C. MACMILLAN
KRISTIN K. MARCIEL
MALCOLM C. MARK
JAMES D. MARQUEZ
CHRISTOPHER D. MARTIN
MICHAEL L. MARTIN
ONOFRE ANTONIO MARTINEZ
CRAIG J. MASSELLO
HARRY DANIEL MAUTTE
PATRICK J. MCCUSKER
SUSAN LYNNE MCMANUS
DARREN F. MELANSON
LAURA MARIE MEYNINK
JOSHUA J. MICKEL
LAIMAN BRANDON MILLER
STEPHEN A. MILLER
ADAM BENNETT MORRISON
REEVE ALAN MOTT
CHRISTOPHER F. MURRAY
MICHAEL T. NAFF
MICHAEL F. NASITKA
PRINCE ANTHONY NEAL
TAMMIE J. NELSON
JEFFREY K. NEWMAN
TIMOTHY M. NEWTON
BLAKE L. NOVAK
JEFFREY W. NOVAK
NICOLE E. NOVOTNY
MICHAEL S. OBAR
LINDA D. O'BRIEN
GEFFREY K. OTTMAN
MARIA V. PEREZ
SQUIRE M. PETTIS
OCTAVIA D. POOLE
JOSEPH H. PROKOP
RUDYARD K. QUIACHON
KEVIN P. QUILLIAM
TIMOTHY E. ROBERTS
SHARIF L. RODGERS
STEPHEN A. RONCONE
CHRISTOPHER M. ROTELLA
GREGORY C. ROTHROCK
HEIDI L. RUMAZZA
JASON H. RYAN
ROBERT M. SARKISSIAN
PETER K. SATHER
WILLIAM J. SCHWEIGART
JASON P. SLIWA
SCOTT T. SMULLIN
ERIC M. SMYTH
MICHAEL A. SPOLIDORO
SAM C. STEVENS
JEFFREY S. SWANSON
SARAH J. SWINNEY
BETH A. SYWETZ
JASON P. TAMA
ELIZABETH TENNESON
GREGORY L. THOMAS
BRUCE M. TUCKER
MARIA L. TULIO
MARK W. TURNER
PETER R. VANNESS
MARK B. WALSH
ERIC A. WILLIAMS
JOHN A. WILLIAMS
DULANI A. WOODS
JASON K. WOOLCOTT
SCOTT A. WOOLSEY
MATTHEW D. YORK
JAMES T. ZAWROTNY

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD RESERVE FOR APPOINTMENT TO THE REGULAR COAST GUARD IN THE GRADE OF ENSIGN:

HEATHER L. MORRISON

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER:

RALPH R. HOGAN
MICHAEL A. RUSZCZYK
STEPHEN J. KENEALY
DONALD E. ZELAZNY
FRANCIS K. KOOB
MICHAEL T. BROWN
DAVID S. RILEY
ROBERT P. GEISER
BRUCE R. VOORHEIS
RAY T. BURKE
MICHAEL F. MORIARTY
ROBERT F. WEBER
STANLEY D. SMITH
MARK H. BRADBURY
GEORGE GILL
RICHARD G. SULLIVAN
ROBERT J. GALLAGHER
TERRY J. WEEKS
LAUREN L. JOHNSON
ROBERT T. ROSE
JOSEPH F. BARDOUILLE
FRANK E. MULLEN
JAMES Z. CARTER
RUBY J. WALKER
TIMOTHY R. GIRTON
PAUL H. CRISSY
JOHN M. BROWN
JAMES J. COREY
RICHARD R. DANIELS
ODIE BRISCOE
JEFFREY M. FARWELL
WILLIAM D. HUSTON
KENNETH R. HARRISON
JAMES W. JADUL
MARK S. TELICH
JOSEPH A. BEYER
ANTHONY A. KIME
JOHN S. STEWART
PAGE CROYDER
TIMOTHY O. SHEEHAN
DAVID M. SHIPPERT
PATRICK L. DONAHUE
ORLANDO AMOROSO
VICTOR E. SAUCEDO
JOHN R. VOORHIS
MARTIN A. HYMAN
WILLIAM W. HITCHENS
BRUCE J. MAYES
PATRICK T. EISENHART
EUGENE V. DELGAIZO
DONALD P. PREAU
DONALD C. GRANT
KATHERINE A. ATWOOD
JOHN D. HOOPER
MARK BOE
KEITH C. GROSS
NICHOLAS E. GRASSELLI
WILLIAM H. JONES
ARTHUR A. ROBBINS
STEVEN T. PENN
DEBORAH A. DOMBECK
DAVID W. SPRINGER
RONALD L. DAVIS
RONALD E. ELLIOTT
KENDEL D. FEILEN
STEVEN E. DAY
EDWARD A. HLUDZENSKI
ROBERT D. FARRINGER
DENNIS A. MORTENSEN
ROGER F. CHRISTENSEN
DOREEN D. FULLER
MARTHA J. MAURERJENNIS
TREVOR E. HUGHES
ARTHUR A. DAVIS
VINCENT J. LOMBARDI
JAMES R. YACOBI
THOMAS M. QUIN
GEORGE K. KANTZ
KATHERINE F. BLACK
JOHN W. KOLSTAD

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

CHAPLAIN

To be lieutenant colonel

CARPENTER, REX E. [redacted]

JUDGE ADVOCATE

To be major

HALE, JEFFREY G [redacted]
SCHUMACHER, JOHN H. [redacted]

NURSE CORPS

To be major

CLAYTON, DANIEL [redacted]

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED:

BIOMEDICAL SCIENCES CORPS

To be captain

DAMANDA, STEVEN D. [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351(A), TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED:

MEDICAL CORPS

To be lieutenant colonel

WILLIAM H. BOBBITT [redacted] 8 JUL 93
ANTHONY M. RIZZO [redacted] 25 JUN 91
DANTE M. GAMBOA, [redacted] 13 FEB 90

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE:

LINE OF THE AIR FORCE

To be lieutenant colonel

TRAVIS D. BALCH [redacted] 9 JUL 94
PAULA E. KOUGEAS [redacted] 1 AUG 94
JEFF A. NEIGER [redacted] 17 JUN 94
THOMAS R. NELSON [redacted] 13 JUL 94
JOHN F. NICHOLS [redacted] 17 JUL 94
ALAN J. NUYTTEN [redacted], 1 AUG 94
KATHLEEN T. PERRY [redacted], 1 AUG 94
ROBERT J. PIERCE, JR [redacted], 12 JUN 94
JOHN T. SOMENSKY [redacted] 1 AUG 94
JOHN E. TROMBLEY [redacted] 22 JUL 94
JOHN W. WHITEHEAD, JR [redacted] 18 JUL 94
PAUL H. WIETLISBACH [redacted] 1 JUL 94

JUDGE ADVOCATE GENERAL'S DEPARTMENT

ROBERT R. FARQUHARSON [redacted], 16 JUL 94
RONALD G. MITCHELL [redacted] 9 JUL 94
PHILIP F. WICHMANN [redacted] 19 JUN 94

BIO-MEDICAL SERVICES CORPS

PHILIP J. HASLER [redacted], 17 JUL 94

MEDICAL SERVICES CORPS

DARLENE S. FALINSKI [redacted], 15 JUL 94

MEDICAL CORPS

DALE J. ERNSTER [redacted] 22 JUL 94

NURSE CORPS

DEBORAH C. MESSECAR [redacted] 9 JUL 94

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE:

LINE OF THE AIR FORCE

To be lieutenant colonel

DAVID S. ANGLE [redacted], 9 AUG 94
GARY E. BAX [redacted] 7 AUG 94
LEE C. BAUER [redacted] 4 AUG 94
DAVID F. CROWDEN [redacted] 9 JUL 94
DAVID L. CULBERTSON [redacted] 2 SEP 94
VAUGHN A. DUNHAM, [redacted] 2 SEP 94
DANTE M. FERRARO, JR [redacted], 8 AUG 94
PHILIP D. FICARRA [redacted], 26 AUG 94
CHARLES H. FRAZIER [redacted], 16 AUG 94
CHARLES W. GROSS, JR [redacted], 19 AUG 94
WILLIAM C. HAMPTON [redacted], 25 AUG 94
JOHN V. HARSEY [redacted], 7 AUG 94
JAMES D. HARTLEY, JR [redacted], 7 AUG 94
NORMAN A. HOFHEIMER [redacted] 7 AUG 94
JOHN C. INGLIS [redacted], 11 AUG 94
JENNIFER M. KIRBY [redacted], 26 AUG 94
GORDON E. MACDONALD [redacted], 19 AUG 94
BRUCE A. MARSHALL [redacted] 13 AUG 94
SIDNEY M. SCARBOROUGH [redacted], 6 AUG 94
MICHAEL J. STINSON [redacted] 2 SEP 94
JAMES M. TARLTON [redacted] 2 SEP 94
ROBERT J. TENHOLDER [redacted], 22 JUL 94
ROBERT L. WHITE [redacted], 7 AUG 94

MEDICAL CORPS

STEPHEN L. CARPENTER [redacted], 9 AUG 94
RICHARD O. DOCKINS [redacted] 6 AUG 94
TIMOTHY G. GRAVEN [redacted] 19 JUL 94
NAJ S. NAGENDRAN [redacted] 30 JUN 94

BIOMEDICAL SERVICES CORPS

CRAIN M. MC CORMICK [redacted] 7 AUG 94
CHARLES W. ROBERTSON [redacted] 16 JUL 94

NURSE CORPS

MARIE T. FIELD [redacted] 16 JUL 94

DENTAL CORPS

CHARLES E. LANE [redacted] 27 AUG 94
CALVIN C. STARLIN, JR [redacted] 13 AUG 94

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE:

To be colonel

STEPHEN M. BAHR [redacted]
WILLIAM L. MC MULLEN [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

BAKER, JOHN E. [redacted]
BATTLES, EMMETT L [redacted]
BENSON, NOLON J. [redacted]
BROWN, HARRY D. [redacted]
CAREY, DAVID P. [redacted]
ENGLAND, THOMAS F. [redacted]
FEGLEY, GILPIN R [redacted]
HATTEN, JAMES N [redacted]
LEY, JOHN P. JR [redacted]
MC ATAMNEY, JAMES A. [redacted]
MOULIN, FRANCIS R. [redacted]
PHELPS, JOHN T [redacted]
ROSEN, RICHARD D [redacted]
ROUSE, LAWRENCE E [redacted]
RUSSELBURG, JOSEPH [redacted]

U.S. MILITARY ACADEMY

FOR APPOINTMENT AS PERMANENT PROFESSOR UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333(B)

COLONEL KIP P. NYGREN

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3370 AND 1552:

To be colonel

GUTOWSKI, DAVID A. [redacted]
HALPIN, WILLIAM R. [redacted]
HUBBES, DENNIS G. [redacted]
PARKER, WILLIAM L [redacted]

MEDICAL CORPS

To be colonel

BLOOMQUIST, RAYMOND L. [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3366 AND 1552:

To be lieutenant colonel

GIBBS, JEFFREY J [redacted]
GREEN, TIMOTHY [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

CLEMENS, CATHY E. [redacted]
TROESTER, MARTHAEL [redacted]

DENTAL CORPS

To be lieutenant colonel

HOWARD, JOHN R. [redacted]
SILVER, PAUL D. [redacted]

MEDICAL CORPS

To be lieutenant colonel

LOEBL, DONALD H. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

MOSKOWITZ, MARTIN P. [redacted]
SKULL, LEWIS D. [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR A RESERVE OF THE ARMY APPOINTMENT, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), 3353 AND 3359:

MEDICAL CORPS

To be colonel

CUISON, EDUARDO C. [redacted]

To be lieutenant colonel

CASINELLI, PAUL E. [redacted]
GETTS, ALAN G. [redacted]
KRUSE, RICHARD W. [redacted]
PATOW, CARL A. [redacted]

DENTAL CORPS

To be lieutenant colonel

HALE, TIMOTHY M. [redacted]
SCHIFF, JON E. [redacted]
SPILLER, ROBERT E. [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

ALLEN, JUDITH M. [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

To be colonel

AKERS, JAMES E. [redacted]
BECKMAN, BRUCE O. [redacted]
BERUBE, LOUIS R. [redacted]
HALTOM, LARRY W. [redacted]
JUNEAU, MARK L. [redacted]
MATASON, RICHARD J. [redacted]
PERRY, RAYMOND F., JR. [redacted]
SCHLEGEL, RICHARD J., JR. [redacted]
SOUTHWORTH, KENNETH H. [redacted]
STAGG, DON E. [redacted]
SUDDETH, DAN T. [redacted]
THOMPSON, RAY L. [redacted]
WHIPPLE, FRANK W. [redacted]
WILLIS, HOWARD L., JR. [redacted]

MEDICAL CORPS

To be colonel

MUESING, MARK A. [redacted]

MEDICAL SERVICE CORPS

To be colonel

BOREMSKI, RONALD J. [redacted]
MASER, DOUGLAS J. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

CORNIEA, APRIL M. [redacted]
DOUBLER, MICHAEL D. [redacted]
FIX, DANIEL J., JR [redacted]
FLEMING, MICHAEL P. [redacted]
LAWRENCE, WALTER L. [redacted]
LOEFFLER, BERNARD P., JR [redacted]
MAU, DAVID J.C. [redacted]
MC DANIEL, JERRY T [redacted]
NEMETH, JOSEPH T. [redacted]
PEINHARDT, KENNETH K. [redacted]
SHAFFER, ROBERT G. II [redacted]
SMITH, PERRY J., JR [redacted]
VANTURE, HOMER S., JR. [redacted]
VERRETT, ANDREW R. [redacted]
WILSON, BRUCE A. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

DEW, MATHEW J. III [redacted]

MEDICAL CORPS

To be lieutenant colonel

HINES, RICHARD G. [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

COLEMAN, CHARLES M. [redacted]
DILLON, RICHARD L. [redacted]
DRISCOLL, ROBERT D. [redacted]
MARTIN, JIMMY S. [redacted]
MOENCH, JAMES M. [redacted]
STURNER, JOHN [redacted]
TAYLOR, THOMAS E. [redacted]
VOICHOSKI, MARK A. [redacted]
VOLLMER, GARY W. [redacted]
WELLS, DALE W. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

RIGGS, SIDNEY S., II [redacted]
ROWLANDS, RICHARD E., [redacted]

ARMY NURSE CORPS

To be colonel

BONILLA-ORTIZ, MILAGROS C. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

CLIFT, GERALD T. [redacted]
DAILY, EDWARD JR. [redacted]
DEPUE, MARK R. [redacted]
FEARS, EDWARD R. [redacted]
GODFREY, JAMES H. [redacted]
HALL, JEANETTE G. [redacted]
LYNCH, STEPHEN L. [redacted]
MARTIN EVANS L. [redacted]
SELLARS, THOMAS J. [redacted]
SIGFRINIUS, GARY L. [redacted]
SMITH, EDWARD H., 182-46-7640
SMOAK, JOSEPH T., JR [redacted]

STACHEL, JOHN L. [redacted]
VINCENT, WILLIAM G. [redacted]
WEAVER, MICHAEL R. [redacted]
WILEY, TERRY L. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

SANCHEZ, ANTHONY M. [redacted]

MEDICAL CORPS

To be lieutenant colonel

AYERS, JOHNNIE [redacted]
LALICH, ROGER A. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

CULBERT, DIANA L. [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

CHAFFEE, FRANK D. [redacted]
CLARK, MICHAEL A. [redacted]
COOK, FRANK J., III [redacted]
DEITZ, ROBERT T. [redacted]
DIXON, JOHN B. JR. [redacted]
FARRIS, JOE P. [redacted]
HAGEMAN, JOHN W. [redacted]
HEAVEY, THOMAS J., II [redacted]
HILBORN, WILLIAM R. [redacted]
MCKINNON, WILLIAM J. [redacted]
OBERG, HARRY B. JR. [redacted]
PECK, GREGORY C. [redacted]
RAABE, WILLIAM J. [redacted]
RUSHING, THOMAS H. JR. [redacted]
SANCHEZ, RAMON S. JR. [redacted]
SMITH DONNIE K. [redacted]
SWAIM, NORMAN M. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

STROPHY, RICHARD A. [redacted]

MEDICAL CORPS

To be colonel

KRITTER, ALFRED E. [redacted]
POWELL, ARCHIE L. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

ALFORD, DAVID R. [redacted]
BEESON, THOMAS W. [redacted]
DAVIDSON, HOWARD A. JR. [redacted]
FULLER, TONY R. [redacted]
GRAY, WILBUR E. [redacted]
LAFUZE, MICHAEL K. [redacted]
MEISINGER, ROGER L. [redacted]
NELSON, ANN N. [redacted]
NEWTON, KENNETH H. [redacted]
PAYETTE, VERNON D. [redacted]
POWELL, JOHN W. [redacted]
PYLANT, JAMES I [redacted]
THAREL, LANCE M. [redacted]
VAZQUEZ, GENARO H. [redacted]
WHEELER, DAVID J. [redacted]
WOODBURY, BRUCE L. [redacted]
ZULEGER, ARTHUR C. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutentant colonel

WOODS, CLAUDELL [redacted]

MEDICAL CORPS

To be lieutenant colonel

WATSON, WILLIAM B. [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

LUNSFORD, ANNA C. [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

TOWNER, LUDVIG E. [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

COOLEY, RICHARD E., II [redacted]
GINNETTI, BARON J. [redacted]
HARRIS, RICHARD C. [redacted]
HEIT, SIEGFRIED [redacted]
KOBZAR, BOHDAN W. [redacted]
NOLTE, BRUCE W. [redacted]

PAHL, THOMAS W. [redacted]
RISHER, PAULETTE M [redacted]
RUBIN, DANIEL L [redacted]
SAVELL, CLYDE L [redacted]

CHAPLAIN CORPS

To be colonel

HOLLFELDER, EUGENE F [redacted]

ARMY NURSE CORPS

To be colonel

RICE, MARY J. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

AKEMOTO, RONALD T. [redacted]
BOWERS, BRIAN J [redacted]
DERER, WILLIAM J [redacted]
ELM, WILLIAM C., JR [redacted]
HALSTEAD, CARL D [redacted]
HAYSAHI, ZENA T [redacted]
LAI, CHRISTOPHER W [redacted]
NOMIYAMA, CALVIN H. [redacted]
STONE, BENJAMIN [redacted]
WADE, MAURENIA D. [redacted]
ZINK, RONALD F. [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTION 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

BREITHAUPT, MICHAEL P [redacted]
BYERLY, JOHN H., SR [redacted]
CHARLES, EDDY L [redacted]
GIDDIS, JOSEPH A., II [redacted]
GIGUERE, WILLIAM D [redacted]
HUGHES, JOSEPH D., JR [redacted]
JOHNSON, JAMES D [redacted]
JONES, MICHAEL A [redacted]
LAWRENCE, DION P. [redacted]
MASSA, ADOLPH W. [redacted]
ROBERTS, EDWIN H., JR [redacted]
TAYLOR, ROBERT E., JR [redacted]
WALKER, GENE J.P [redacted]
WEISER, JAMES A [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

ASHCROFT, LYNN E [redacted]
SCOTT, TURNER C. [redacted]

MEDICAL CORPS

To be colonel

ALEXANDER, GEORGE A [redacted]
YULIANO, SILVESTRO E [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

ALTER, RICHARD J [redacted]
BAYLOR, RICHARD A. [redacted]
BURRELL, ARVONETTE M [redacted]
COCHRANE, GERALD W. [redacted]
COOK, CHRISTINE M. [redacted]
COSME-BURGOS, CARLOS L. [redacted]
DONOVAN, DENNIS P. [redacted]
DORROUGH, DAVID T. [redacted]
GREEN, STEPHEN L [redacted]
JUBY, PHILIP M [redacted]
JUSTICE, CHARLES C [redacted]
KEARNEY, JAMES C [redacted]
KEITH, WILLIAM K. [redacted]
KENDER, LUCY L. [redacted]
MARTIN, MABRY E. [redacted]
MORALES-OLAN, ALFREDO [redacted]
SCHUETZ, CRAIG L. [redacted]
SHARPER, LLOYD W [redacted]
STIGAR, MARK S. [redacted]
SUTERA, RAYMOND S. [redacted]
TIPTON, GEOFFREY R [redacted]
TYMESON, JODI S. [redacted]
WILKINSON, DOUGLAS R., [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

COLON, RAFAEL [redacted]
HARROD, ROGER B. [redacted]
SANTERRE, ELYCE K.D [redacted]
SANTERRE, PHILLIP E [redacted]
SERVE, BARBARA A. [redacted]

MEDICAL CORPS

To be lieutenant colonel

CHANG, DIANA M. [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

MOSHEA, BETTY A. [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

COKER, MARCUS G. [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

BELL, DAVID E. [redacted]
RIVAS, LEOPOLDO A. [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED AND FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTIONS 624 AND 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be major

AUPKE, JOHN C. [redacted]
BRADFORD, PAUL K. [redacted]
CHAVARRIA, RICHARD [redacted]
DURHAM, THOMAS M. [redacted]
FORD, GREGORY A. [redacted]
FRY, STEPHEN D [redacted]
GERMAN, DON E. [redacted]
GRIFFIN, JAMES L [redacted]
HATCH, WILLIAM A. [redacted]
HOWELL, CHARLES L. [redacted]
JACKSON, AUBREY N [redacted]
KELLLER, ERIC R. [redacted]
LAIGAIE, WILLIAM T [redacted]
LLOYD, SCOTTIE R. [redacted]
LOOPER, PAUL R. [redacted]
MEEK, ROBERT T. [redacted]
MOORE, RICHARD G. [redacted]
NORRIS, GARY L. [redacted]
PAYNE, DAN L. [redacted]
PAYNE, MICHAEL C [redacted]
PHILLIPS, WILLIAM H [redacted]
PROFFITT, DENNIS L [redacted]
RAPPL, JOSEPH P [redacted]
RODRIGUEZ, JOSE A [redacted]
ROMER, BEN A. [redacted]
STIKE, LYNDELLEDWIN [redacted]
TADEO, VICTOR C. [redacted]
VANSCHENKHOF, CAROL [redacted]
VERMONT, ERNEST L. [redacted]
WERHO, KENNETH L. [redacted]
WILD, THOMAS P. [redacted]
WISDOM, CHRISTOPHER [redacted]
WRIGHT, ROBERT K. [redacted]
YOUNG, CARL S. [redacted]
ZINSER, STEVEN H [redacted]

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be major

DARRYL A. WILKERSON [redacted]

MARINE CORPS

THE FOLLOWING-NAMED OFFICER OF THE MARINE CORPS FOR PERMANENT PROMOTION TO THE GRADE OF COLONEL UNDER SECTIONS 624 AND 628 OF TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

THOMAS E. SHEETS [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be lieutenant commander

SCOLLAN, SERGEY M. [redacted]

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ESPER, MICHAEL J [redacted]
NORWOOD, SHAWN B. [redacted]
SHIPLEY, MATTHEW B [redacted]
VAN ITALLIE, BRYAN P [redacted]

TRACY DEWIT [redacted], NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CARPENTER, SCOTT A. [redacted]
COLE, TODMUND E. [redacted]
EDMAN, CARTER A. [redacted]
FAGAN, ROBERT [redacted]
FAJARDIN, CRAIG L [redacted]
FORT, STEPHEN W. [redacted]
GROVE, JOHN C. [redacted]
HANRAHAN, WILLIAM B. [redacted]
JOHNSON, ANTHONY L. [redacted]
KINNISON, WILLIAM P. [redacted]
MILLHOLLAN, CHARLES F. [redacted]
PIERCE, TODD J. [redacted]
RICCITELLO, JON M. [redacted]
RIVERA, SCOTT V. [redacted]
WARREN, MARK W. [redacted]
WEICHERT, SCOTT M. [redacted]
WILGENBUSCH, CRAIG A. [redacted]
WOOD, ROBERT B. [redacted]

THE FOLLOWING-NAMED MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

GROVES, RAYMOND J. [redacted]
ISHII, TOYOHISA T. [redacted]
MOGOLOF, JEFFREY S [redacted]

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

REED, WILLIAM H. [redacted]
WENIG, BRUCE M. [redacted]

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BILTOC, CLAUDIO [redacted]
CHERRY, ANTHONY J. [redacted]
DESANDRE, MARIE E [redacted]
DESSING, BRENT L. [redacted]
GARCIA, FRANK [redacted]
GORDON, MELVIN P. [redacted]
GRIFFIN, MELVIN JR [redacted]
HAMM, JOHN B. [redacted]
JACKSON, NATALIE [redacted]
KUROSU, ROBERT M [redacted]
LINDER, CHARLEYNE [redacted]
MARTINEZ, JULIE D. [redacted]
NORBRATEN, TERRY D. [redacted]
OFFORD, BOSWYCK [redacted]
PRIDGEN, DEACQUANITA R. [redacted]
REYNOLDS, DAVID W. [redacted]
ROE, MARIANNE [redacted]
SPENCE, ERNEST L. [redacted]
TARN, MARK L. [redacted]
THOMPSON, BRYAN [redacted]

THE FOLLOWING-NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BUCKLEY, JAMES E. [redacted]
BURKHARDT, RICHARD K. [redacted]
CONNER, MICHAEL R. [redacted]
ELIASON, JEFFERY S [redacted]
FIGANBAUM, TODD A. [redacted]
MORETTY, JOHN [redacted]
POE, TIMOTHY J. [redacted]
SCHIAVONE, DENISE [redacted]
THORNTON, MICHAEL A. [redacted]

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ANDREWS, NICHOLS [redacted]
COSTA, CHRISTOPHER M. [redacted]
KILIAN, JEFFERY J [redacted]
NORMAN, CASSIDY C. [redacted]
PITTMAN, GELL L. [redacted]
RHINEHART, RICHARD G. [redacted]
SHAFFER, JOHN A. [redacted]
SPILLER, RICHARD N [redacted]
STEVENS, DOUGLAS R. [redacted]
THURMAN, CAMERON M. [redacted]
TREWIN, JAMES D. [redacted]

THE FOLLOWING-NAMED MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

BROWNE, GRAEME A. [redacted]
GARDELLA, JOHN E. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

To be second lieutenant

MONNARD, RICHARD [redacted]

To be first lieutenant

AHRENS, SEAN F. [redacted]
ANDERSON, RICHARD C. [redacted]
CANTU, ANDREW F. [redacted]
DONESKI, CHRISTOPHER [redacted]
DRUMMOND, JOEL R. [redacted]
FALK, MICHAEL J. [redacted]
GRUBBS, ROBERT A. [redacted]
HATHAWAY, BRIAN [redacted]

KIELER, STEVEN A. [redacted]
LANTZ, JAMES V. [redacted]
MATA, FRANK J. [redacted]
MCNAIR, RONALD S. [redacted]
ORR, RAYMOND J. [redacted]
RUHLEN, BRENT D. [redacted]
SWAIM, JEFFREY S [redacted]
WILKERSON, ANTHONY [redacted]

To be captain

ANDERSON, MATTHEW [redacted]
AUBEL, PHIL L. [redacted]
BEHM, DARREN W. [redacted]
BERARDINI, BRUCE [redacted]
BRANDT, MICHAEL [redacted]
BRAUNBECK, WILLIAM [redacted]
BROWN, CHARLES R. [redacted]
BURKE, EDWARD J. [redacted]
BURROUGHS, MAURENE [redacted]
CARPENTER, CAROL L. [redacted]
COOPER, JOHN A. [redacted]
COYLE, TRISTAN P. [redacted]
CRADDOCK, DOUGLAS W. [redacted]
DAVID, EDWARD [redacted]
DOWNS, THOMAS M. [redacted]
EARLES, MALCOLM [redacted]
EGGEN, LOREN G. [redacted]
ERKER, ERICH [redacted]
ESLINGER, JOHN J [redacted]
GAINES, JOSEPH N. [redacted]
GARCIA, XAVIER O. [redacted]
GARRELL, MARK L. [redacted]
GRAMBO, BRADLEY [redacted]
GRINES, ALLAN G. [redacted]
HAMILTON, RUTH L. [redacted]
HARPER, ROBERT D. [redacted]
HAUCK, JOHN A. [redacted]
HUDAK, DAVID [redacted]
JAMESON, THOMAS [redacted]
JANS, ALAN L. [redacted]
JENNINGS, MARIE [redacted]
JONES, HARVEY B. [redacted]
JORDAN, JOSEPH R [redacted]
KEENER, JAMES K [redacted]
KELLAR, RONALD L [redacted]
KEPPLER, STEPHEN [redacted]
KLIMOWICZ, WILLIAM [redacted]
KORCZ, CRAIG A. [redacted]
LARSEN, EDWARD C. [redacted]
LASSITTER, CHARLES [redacted]
LLOYD, RUSSELL L [redacted]
MATNEY, RANDEL D. [redacted]
MCCLOSKEY, WILLIAM [redacted]
MOORE, AARON D. [redacted]
MOORE, BRIAN P. [redacted]
MOSER, MARK A. [redacted]
MOUNT, DAVID M. [redacted]
NAKUTIS, KRISTIN [redacted]
NEGRO, ROBERT W. [redacted]
RAYMANN, WILLIAM [redacted]
REDMON, LARRY J. [redacted]
RICE, TERRY L. [redacted]
RICHARDSON, RICHARD [redacted]
RINGLER, DALE S. [redacted]
ROBINSON, MARK D. [redacted]
ROOKER, ROBERT W. [redacted]
RUDOLPH, JOHN K. [redacted]
RUSSELL, CHARLES [redacted]
SALLEE, RICKEY L., 512–64–5640
SANTIAGO, NEFTAL [redacted]
STEWART, DONALD [redacted]
TAYLOR, RANDY S. [redacted]
THOMAS, LARRY W. [redacted]
THOMPSON, DWAYNE [redacted]
VOGELHUT, JONAS [redacted]
WAGNER, RAYMOND [redacted]
WALKER, FLEM B. [redacted]
WILSON, MITCH L. [redacted]
WINGATE, LOUIS B. [redacted]
2878
1544
0663

ARMY NURSE CORPS

To be first lieutenant

MUCKERMAN, RICHARD G. [redacted]

To be captain

SPINNER, SHEILA Y [redacted]

To be major

CARVILL, ALFRED N [redacted]
HERNANDEZ, JIM R. [redacted]
JURGENSEN, MONSERRATE [redacted]
RUIZ, ROGER G. [redacted]
VANDERLAAN, JOAN K. [redacted]

MEDICAL SERVICE CORPS

To be first lieutenant

HOYT, RICHARD W. [redacted]
RYAN, CHRISTOPHER D. [redacted]
SCHMACKER, ERIC R. [redacted]
SONES, ERIC B. [redacted]

To be captain

BOWLEY, LEONARD W. [redacted]
KOZAR, MICHAEL P. [redacted]
MAYES, GORDON D. [redacted]
SCHIEK, WILLIAM F. [redacted]
THOMAS, ROBERT B. [redacted]
WILBON, TONI D. [redacted]

To be major

BYRNE, ROBERT A. [redacted]
JOHNSON, RICHARD N. [redacted]
SMITH, CARL B. [redacted]

VETERINARY CORPS

To be captain

HARRIS, LINDA D. [redacted]

MEDICAL CORPS

To be colonel

ALVAREZ, FRANCO [redacted]
ANDERSON, MERLIN G [redacted]
ATKINSON, ALVA W. [redacted]
BOTKIN, WILLIAM M. [redacted]
BOURKE, LARRY T. [redacted]
BRUHN, FREDERIC W. [redacted]
BURKE, DONALD S. [redacted]
LUTZ, RONALD L. [redacted]
PERSON, DONALD A. [redacted]
SHAUKAT, MUHAMMAD [redacted]
STOCKER, JOHN T. [redacted]

To be lieutenant colonel

BESSER, WILLIAM S [redacted]
HECKEL, CHARLES G [redacted]
JONES, DELBERT E [redacted]
JORDAN, LEE W. [redacted]
KUMAR, SHASHI [redacted]
LOUNSBURY, DAVE E. [redacted]
MAUL, RONALD A. [redacted]
SPRAGUE, MERLE S [redacted]
TELL, DANIEL T. [redacted]
WALLINGFORD, JAMES L [redacted]

To be major

BIRDSONG, RICHARD H. [redacted]
FREEMAN, IAN H. [redacted]
SMITH, DARRYL R. [redacted]

To be captain

HACHEY, WAYNE E. [redacted]
TORRES, MARK F. [redacted]

DENTAL CORPS

To be colonel

BUCHE, WILLIAM A. [redacted]

To be lieutenant colonel

CHISICK, MICHAEL C. [redacted]
GARBARINO, RICHARD P. [redacted]
HORNING, THOMAS G. [redacted]

To be major

KNOX, BLAINE L. [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

BAIRD, HAL D. [redacted]
BRENNER-BECK, DRU A. [redacted]
BUCKHEIT, JOHN L. [redacted]
CUELLAR, GUADALUPE [redacted]
EINWECHTER, JOHN P [redacted]
FLOWERS, JAMES P [redacted]
HANSEN, VICTOR M. [redacted]
MARTIN, EDWARD J [redacted]
PATRICK, JOHN P. [redacted]
SWALLOW, ANNA C. [redacted]
WILLIAMS, MICHELE E., 106–64–4115

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, FROM THE TEMPORARY DISABILITY RETIRED LIST, IN HIS ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1211:

To be major

EGLEY, PAUL S. [redacted]

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

BOUTON, BRIAN [redacted]
BROWN, JULIE A [redacted]
CHAMBERS, SCOTT V., [redacted]
DEGENNARO, RAYMOND [redacted]
JOHNSON, MARK E. [redacted]
MARTINEZ, ANGEL [redacted]
MCCAY, DAVID L. [redacted]
ORGANEK, DANIEL F [redacted]
PIERSON, SUSAN K. [redacted]
SCANLIN, JOSEPH [redacted]
TREDOR, DOUGLAS M. [redacted]
VONBEHREN, JEFFREY [redacted]

THE FOLLOWING-NAMED DISTINGUISHED HONOR GRADUATES FROM THE OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

HAMILTON, RONALD G. [redacted]
KINDER, ROBERT W. [redacted]
RUNYON, DANIEL L. [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be lieutenant colonel

GEORGE M. ABERNATHY [redacted]
BRUCE H. ACKER [redacted]
BRUCE S. ACKERMAN [redacted]
WILLIAM D. ACKERMAN IV [redacted]
ANGEL D. ADAME [redacted]
CARLA G. ADAMS [redacted]
DANIEL S. ADAMS, JR [redacted]
JOSEPH W. ADAMS, JR. [redacted]
MICHAEL E. ADAMS [redacted]
SCOTT A. ADAMS [redacted]
VINCENT P. ADAMSKI [redacted]
MARCELYN A. ADKINS [redacted]
LYMAN A. ADRIAN [redacted]
WILLIAM M. AHRENDT [redacted]
JOHN M. AIRIS [redacted]
STANLEY E. ALBAUGH [redacted]
JAMES R. ALBERT [redacted]
NORMAN R. ALBERT [redacted]
GEORGE L. ALBERTI, JR [redacted]
JEFFREY S. ALDERFER [redacted]
JOHN E. ALEXANDER [redacted]
CHARLES A. ALLEN, IV [redacted]
GORDON R. ALLEN [redacted]
JAMES L. ALLEN [redacted]
ROBERT S. ALLEN [redacted]
FELIPE T. ALONSO [redacted]
THOMAS L. ALSTON [redacted]
PAUL A. ALTIER [redacted]
THOMAS J. AMOND [redacted]
KEVIN C. ANDERSEN [redacted]
BENJAMIN ANDERSON [redacted]
DARRELL L. ANDERSON [redacted]
DARWIN G. ANDERSON [redacted]
MARK ANDERSON [redacted]
PAUL J. ANDERSON [redacted]
RICHARD L. ANDERSON [redacted]
SILVIA S. ANDERSON [redacted]
WARREN R. ANDERSON, JR. [redacted]
ANTHONY R. ANDREWS [redacted]
HENRY L. ANDREWS, JR. [redacted]
MARK J. ANDREWS [redacted]
WILLIAM F. ANDREWS [redacted]
SUSAN A. ANSWAY [redacted]
RODNEY L. APGAR [redacted]
RICHARD ARELLANO [redacted]
FRANK P. ARENA, JR [redacted]
ALBERTO A. ARMESTO [redacted]
JAMES F. ARMINGTON [redacted]
JEFFREY C. ARMSTRONG [redacted]
RONALD R. ARMSTRONG [redacted]
RHONDA L. ARNOLD [redacted]
TONI A. ARNOLD [redacted]
NELSON E. ARROYO [redacted]
RICHARD G. ARVIN [redacted]
JONATHAN P. ASERCION [redacted]
ERIC A. ASH [redacted]
PHILLIP T. ASHBY [redacted]
TERRY E. ASHER [redacted]
BERNHARD W. ASIU [redacted]
MICHELLE S. ATCHISON [redacted]
JOHN R. ATKINS [redacted]
STEPHEN G. ATKINS [redacted]
MARK A. ATKINSON [redacted]
STEPHEN AUBUCHON [redacted]
GREGORY D. AUGST [redacted]
CHARLES H. AYALA [redacted]
DENISE L. AYDELOTTEWODESKY [redacted]
TIMOTHY D. AYRES [redacted]
DANIEL R. BACKHUS [redacted]
MARK A. BACKLIN [redacted]
FLOYD A. BADSKY [redacted]
BENNY M. BAILEY, JR [redacted]
JEFFREY BAILEY [redacted]
PAUL D. BAILOR [redacted]
WESLEY H. BAIN [redacted]
JAMES B. BAIZE [redacted]
ALAN K. BAKER [redacted]
CARL W. BAKER [redacted]
RALPH R. BAKER [redacted]
RICHARD D. BALDWIN [redacted]
ROBERT S. BALDWIN [redacted]
DIANNA L. BALL [redacted]
HAROLD R. BALL III [redacted]
BOYD L. BALLARD [redacted]
RONALD M. BALLENTINE [redacted]
LUIS R. BALLESTER [redacted]
DANIEL A. BARADON [redacted]
GARY P. BARBARO [redacted]
KENNETH W. BARKER [redacted]
EUGENE W. BARNASH [redacted]
CHARLENE K. BARNES [redacted]
DAVID E. BARNES [redacted]
DANIEL P. BARNETT [redacted]

LEAH J. BARRERA [redacted]
CARTER P. BARRETT [redacted]
MARK A. BARRETT [redacted]
PHILIP L. BARRETT [redacted]
STEVEN F. BARRETT [redacted]
GLENN W. BARRON [redacted]
JAMES W. BARRON [redacted]
JOSEPH F. BARRON [redacted]
WILLIAM P. BARRY [redacted]
EMERSON A. BASCOMB [redacted]
JEFFREY M. BASILI [redacted]
DAVID BATOR [redacted]
SAMUEL D. BATTEN [redacted]
ROBERT A. BAUGH [redacted]
CHRISTINE M. BAUMAN [redacted]
HARRY E. BAUMGARTEN III [redacted]
DANIEL J. BAUMGARTNER, JR. [redacted]
GLENN E. BEACH [redacted]
JUDD R. BEAN [redacted]
PHILLIP H. BEARI [redacted]
KAREN L. BEAUDOIN [redacted]
LORENZA M. BEDGOOD [redacted]
MICHAEL H. BEDNAREK [redacted]
MICHAEL J. BEGLEY [redacted]
JOHN W. BEHYMER [redacted]
STEPHEN P. BELCH [redacted]
ANTHONY W. BELFORD [redacted]
FRANCES P. BELFORD [redacted]
KEVIN A. BELL [redacted]
STEVEN E. BELL [redacted]
HARRY J. BENDER [redacted]
KENNETH L. BENNETT [redacted]
RICHARD L. BENNETT [redacted]
WILLIAM C. BENNETT, JR. [redacted]
GENE R. BENTON [redacted]
EDWARD J. BERGHORN [redacted]
JAMES F. BERKE [redacted]
RICHARD E. BERKEBILE [redacted]
DAVID M. BERNACKI [redacted]
CRAIG E. BERNARD [redacted]
ERIC C. BERRY [redacted]
SANDRA A. BEST [redacted]
GEORGE F. BETTIS I [redacted]
EDWARD R. BEZDZIECKI [redacted]
DEBORAH A. BIELLING [redacted]
DAVID L. BIESHEUVEL [redacted]
STEVEN D.C. BIGELOW [redacted]
HENRI J. BIGO [redacted]
JOHN F. BINGAMAN [redacted]
WILLIAM B. BINGER [redacted]
ROBERT J. BINKLEY [redacted]
BILLY E. BIRDWELL [redacted]
GREGORY A. BISCONE [redacted]
BRIAN T. BISHOP [redacted]
ELLIS V. BISHOP, JR. [redacted]
JAMES P. BIXLER [redacted]
WILLIAM R. BLANCHARD, JR. [redacted]
JEFFREY J. BLESSING [redacted]
RANDY L. BLISS [redacted]
THOMAS M. BLUME [redacted]
JAMES H. BOARDMAN, JR. [redacted]
JAMES V. BOCQUIN [redacted]
HERBERT BODISON, JR. [redacted]
MICHAEL J. BODNER [redacted]
MICHAEL R. BOERA [redacted]
PAUL H. BOGARDUS II [redacted]
MICHAEL J. BOLDOSSER [redacted]
ROBERT H. BOLLING III [redacted]
EDWARD L. BOLTON, JR. [redacted]
JOSE M. BOLUDA [redacted]
DENNIS B. BONAR [redacted]
JOSEPH E. BOND [redacted]
CARL T. BOOKER [redacted]
PAUL B. BORDENAVE, JR. [redacted]
STEVEN J. BORECKY [redacted]
GERALD R. BORGER [redacted]
JACK E. BORING, JR. [redacted]
HOWARD L. BORST [redacted]
DEBORAH D. BOSICK [redacted]
CURTIS BOTTESCH [redacted]
ANDREW M. BOURLAND I [redacted]
PHILIP A. BOWES [redacted]
PAUL S. BOWMAN [redacted]
DAVID A. BOXWELL [redacted]
STEPHEN M. BOYKIN [redacted]
JOSEPH F. BOYLE [redacted]
JAMES B. BOYNTON [redacted]
EDWARD T. BOYWID [redacted]
ANDREA A. BRABOY [redacted]
RAYMOND C. BRADBURY [redacted]
DALE M. BRADLEY [redacted]
JONATHAN B. BRADLEY [redacted]
MICHAEL D. BRADLEY [redacted]
MARK S. BRALEY [redacted]
STEVEN C. BRAMAN [redacted]
DANNY D. BRANDT [redacted]
STEVEN J. BRANDT [redacted]
MATTHEW P. BRANIGAN [redacted]
PHILLIP C. BRANNING [redacted]
RICHARD K. BRAUD [redacted]
CRAIG E. BRAZEAU [redacted]
EDWARD M. BREEN [redacted]
ADLAI O. BREGER [redacted]
GEORGE D. BREMER, JR. [redacted]
MATTHEW L. BRENNAN [redacted]
JEFFERY C. BRENTON [redacted]
TIMOTHY K. BRIDGES [redacted]
KEITH A. BRIEM [redacted]
LOUIS N. BRIENZA [redacted]
CECIL D. BRIGGS, JR. [redacted]
JAMES E. BRIGGS [redacted]
JUDITH E. BRISBOIS [redacted]
MEREDITH D. BRISCOLINO [redacted]
LARRY W. BRITTENHAM [redacted]
DAVID B. BRITTON [redacted]
WILLIAM J. BRITTON [redacted]
JAMES H. BROADWELL [redacted]
DON E. BROCK [redacted]
ALLEN H. BRODY [redacted]
DAVID E. BROOKS [redacted]
ERIC J. BROOKS [redacted]
FRANK K. BROOKS, JR. [redacted]
ALAN M. BROWN [redacted]
GERALD L. BROWN [redacted]
JAMES D. BROWN [redacted]
JEREON M. BROWN [redacted]
JOHN H. BROWN [redacted]
JOSEPH D. BROWN IV [redacted]
KATHERINE L. BROWN [redacted]
LAWRENCE R. BROWN [redacted]
ROBERT H. BROWN [redacted]
ROBERT N. BROWN [redacted]
SUSAN E. BROWN [redacted]
THOMAS H. BROWN [redacted]
TIMOTHY W. BROWN [redacted]
TOMMY C. BROWN [redacted]
EDWARD H. BROWNE, JR. [redacted]
JAMES M. BROWNE [redacted]
EDWARD J. BROWNSTEIN, JR. [redacted]
DAVID BROXTERMAN [redacted]
JOSEPH J. BROZENA, JR. [redacted]
RUDY K. BRUBACK [redacted]
GRANT H. BRUCKMEIER [redacted]
MARK S. BRUGH [redacted]
BARRINGTON L. BRUMLEY [redacted]
WILLIAM W. BRUNER III [redacted]
STEVEN P. BRUNIN [redacted]
HARRISON S. BRYANT [redacted]
GARY C. BRYSON [redacted]
TANIA BUBLICK [redacted]
RENEE S. BUCKMAN [redacted]
MARK A. BUCKNAM [redacted]
MARIO C. BUDA [redacted]
KAREN P. BUDIAN [redacted]
MARK J. BUECHTER [redacted]
MICHAEL J. BUELL [redacted]
DAVID P. BULLOCK [redacted]
WILLIAM R. BURCHER [redacted]
EDWARD A. BURKARDT [redacted]
DAVID P. BURKE [redacted]
JEAN M. BURLESON [redacted]
STEPHEN C. BURLESON [redacted]
KEVIN M. BURMAN [redacted]
CHRISTOPHER N. BURNS [redacted]
STEVEN G. BURRIS [redacted]
DALE A. BURTON [redacted]
RICHARD A. BUSCHELMAN [redacted]
ROBERT B. BUSH [redacted]
STEVEN G. BUTEAU [redacted]
DOUGLAS M. BUTLER [redacted]
STEPHEN L. BUTLER [redacted]
TIMOTHY A. BYERS [redacted]
WAYNE R. BYRON [redacted]
PAUL T. CAFARELLA [redacted]
DAVID S. CALDWELL [redacted]
JAMES P. CALLAHAN [redacted]
MICHAEL W. CALLAN [redacted]
DOUGLAS R. CALLIHAN [redacted]
JOHN T. CALVIN [redacted]
ARTHUR B. CAMERON III [redacted]
JOHN E. CAMPBELL [redacted]
RICHARD E. CAMPBELL [redacted]
MICHAEL D. CARDENAS [redacted]
GARY A. CARLSON [redacted]
MICHAEL L. CARLSON [redacted]
MARCUS S. CARLTON [redacted]
MARGARET D. CARNAHAN [redacted]
ROBERT W. CARPENTIER [redacted]
BARBARA A. CARR [redacted]
ROBERT E. CARRELL [redacted]
MICHAEL F. CARROLL [redacted]
KENNETH R. CARSON [redacted]
KELLY A. CARTER [redacted]
WAYNE W. CARTER [redacted]
MAUREEN C. CASEY [redacted]
GARY W. CASTEEL [redacted]
VINCENT CATERINA [redacted]
JOHN T. CATHCART [redacted]
DAVID A. CATHER [redacted]
MARK C. CERISE [redacted]
MICHAEL K. CHANEY [redacted]
YUNHYOK CHANG [redacted]
CLIFFORD N. CHAPLIN [redacted]
ROBERT E. CHAPMAN II [redacted]
RAYMOND E. CHARLESWORTH [redacted]
WALTER E. CHASE, JR. [redacted]
HUBERT L. CHATMAN [redacted]
ROBERT J. CHAVEZ [redacted]
JOSEPH F. CHENEY [redacted]
TRAVIS W. CHEVALLIER [redacted]
DONALD B. CHEW [redacted]
PHILIP B. CHILSON [redacted]
STEPHEN J. CHIMELSK [redacted]
BARBARA E. CHINE [redacted]
JOSEPH L. CHINE [redacted]
JEFFREY G. CHING [redacted]
GEORGE CHO [redacted]
BRADLEY P. CHRISMAN [redacted]
THOMAS B. CHRISTIE [redacted]
JAMES G. CHRISTY [redacted]
STEVEN M. CICCANTI [redacted]
WILLIAM H. CILEK [redacted]
JESSE J. CITIZEN, JR. [redacted]
LEWIS J. CLABORN [redacted]
PORTER B. CLAPP, JR. [redacted]
DELANE E. CLARK [redacted]
JIMMY R. CLARK [redacted]
PAUL M. CLARK [redacted]
REBECCA M. CLARK [redacted]
JANE E. CLARKE [redacted]
BARRETT J. CLAY [redacted]
THOMAS R. CLAY [redacted]
MICHAEL A. CLEVELAND [redacted]
ROBERT W. CLINE [redacted]
CATHY C. CLOTHIER [redacted]
MICHAEL F. CLOVER [redacted]
TIMOTHY N. COAKLEY [redacted]
GREGORY S. COALE [redacted]
JAMES E. COATES, JR. [redacted]
MARSHELL G. COBB [redacted]
CLAUDE M. COCCHIARELLA [redacted]
KEVIN A. COCOZZOLI [redacted]
HUGH C. COFFMAN [redacted]
RANDAL L. COHEN [redacted]
STEVEN A. COHEN [redacted]
DONALD M. COHICK [redacted]
GREGORY W. COKER [redacted]
JAMES A. COLASACCO [redacted]
FREDRICK J. COLCHIN [redacted]
MATTEO COLELLO III [redacted]
CHERYL C. COLEMAN [redacted]
JERALD A. COLEMAN [redacted]
LARRY C. COLEMAN [redacted]
PATRICK M. COLEY [redacted]
EUGENE COLLINS [redacted]
HARRY S. COLLINS [redacted]
JACQUELINE M. COLLINS [redacted]
SALVATORE J. COLLURA, JR. [redacted]
JAMES T. COLVIN, JR. [redacted]
BILLY R. COLWELL [redacted]
JOHN R. CONDON II [redacted]
CHARLES L. CONNELL [redacted]
JOHN F. CONROY [redacted]
WILLIAM F. CONROY III [redacted]
MARIA C. CONSTANTINE [redacted]
RENE H. CONTRERAS [redacted]
BILLY R. COOK [redacted]
GARY L. COOK [redacted]
SUSAN E. COOLEY [redacted]
MELVIN J. COOPER, JR. [redacted]
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VICKI A. COOPER [redacted]
GLORIA A.L. COPELAND [redacted]
JOSEPH E. COPENHAVER, JR. [redacted]
DIAN M. CORNELIUSSENJAMES [redacted]
JAMES P. CORRIGAN [redacted]
RAMON CORTES [redacted]
DONN P. CORTS [redacted]
JOSE A. COSTAS [redacted]
DAVID LEE COULLIETTE [redacted]
JOHN F. COURTNEY [redacted]
LOURDES A. COVAS [redacted]
CYNTHIA L. COX [redacted]
ERNEST L. COX, JR. [redacted]
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MICKEY C. COX [redacted]
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ALFRED C. COXE III [redacted]
DUANE R. COZADD [redacted]
ADOLFO COZZONE [redacted]
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DANIEL M. CRAMER [redacted]
CHARLES F. CRANE [redacted]
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LAURI K. CROSS [redacted]
VINCENT K. CROW [redacted]
GARY L. CROWDER [redacted]
FRANCIS P. CROWLEY [redacted]
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THURLOW E. CRUMMETT, JR. [redacted]
CARMELO CRUZ [redacted]
CECIL C. CULBRETH, JR. [redacted]
LINDA E. CULBRETH [redacted]
BRIAN J. CULLIS [redacted]
JAMES R. CULPEPPER [redacted]
SCOTT O. CUMMINGS [redacted]
LINDA M. CUNNINGHAM [redacted]
MAUREEN CUNNINGHAM [redacted]
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PAUL L. DARBY [redacted]
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ERIC R. DAY [redacted]
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LUCIUS A. DEGRATE [redacted]
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BRIAN M. DYER [redacted]
ORVILLE A. EARL, JR [redacted]
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GARY R. EDELBLUTE [redacted]
MARTY J. EDMONDS [redacted]
MELINDA M. EDWARDS [redacted]
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GENE P. EIRING [redacted]
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JOHN H. ELDER III [redacted]
GARY L. ELLIOTT [redacted]
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RUTH E. ELLIS [redacted]
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BRIAN A. ENGLISH [redacted]
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BROCK W. ESHLEMAN [redacted]
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SIDNEY L. EVANS, JR. [redacted]
RUSSELL E. EWAN [redacted]
CHARLES W. EYLER [redacted]
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JOHN B. FEDA [redacted]
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RICARDO A. FERRIS [redacted]
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GUNTER FINKENAUER [redacted]
GLYNN R. FIRMIN [redacted]
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MARK B. FISH [redacted]
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LAURA J. FLY [redacted]
MILO V. FOGLE [redacted]
WARREN FONTENOT [redacted]
MICHAEL W. FORD [redacted]
JAMES W. FORSYTH, JR [redacted]
ROGER A. FORSYTH [redacted]
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ALI C. FROHLICH [redacted]
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ROBERT S. FROST [redacted]
DALE W. FRY [redacted]
JOHN C. FRYE, SR. [redacted]
RICHARD A. FRYER, JR [redacted]
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STEVEN CARL FUNK [redacted]
RONALD W. FURR [redacted]
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ALAN C. GALE [redacted]
JAMES D. GALLAGHER [redacted]
RICHARD J. GALLANT [redacted]
MICHAEL K. GAMBLE [redacted]
MICHAEL J. GARBER III [redacted]
FRED N. GARCIA [redacted]
REBECCA J. GARCIA, [redacted]
JEFFERY R. GARNER [redacted]
DALE L. GARRETT [redacted]
RANDALL F. GARRETT [redacted]
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KATHRYN L. GAUTHIER [redacted]
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JAMES E. GAZUR [redacted]
BRUCE J. GEBHARD [redacted]
DAVID B. GEBHARDT [redacted]
STEVEN L. GEER [redacted]
JAMES L. GENTEMANN III [redacted]
GARRETT D. GEORGES [redacted]
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ROBERT L. GERHART [redacted]
ANDRE A. GERNER [redacted]
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REGINA S. GILES [redacted]
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BRUCE L. GILLMAN [redacted]
HENRY J. GILMAN [redacted]
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NORMA E. GLAZE [redacted]
JOHN W. GLESSNER [redacted]
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AARON D. GLOVER, [redacted]
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WILLIAM E. GLOVER, JR [redacted]
LEO A. GLUNK, JR. [redacted]
RICHARD C. GOAD [redacted]
DOUGLAS G. GOERING [redacted]
MARK A. GOFF [redacted]
ROBERT E. GOFF [redacted]
CRAIG S. GOHEEN [redacted]
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DOUGLAS L. GOOD, [redacted]
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WILLIAM L. GOODWIN [redacted]
JEFFRY A. GOUGE [redacted]
KURT S. GRABEY [redacted]
JAMES GRACE, JR. [redacted]
STEPHEN D. GRAF [redacted]
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RENE J. GRIFOL, [redacted]
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SCOTT L. GRUNWALD [redacted]
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JOHN A. GUILLORY [redacted]
JEFFREY D. GUINN [redacted]
RODNEY J. GUINN [redacted]
JACK C. GUNDRUM [redacted]
GREGG H. GUNSCH [redacted]
ROGER D. GUSTAFSON [redacted]
PETER A. GUTER [redacted]
DAVID W. GUTHRIE [redacted]
JAMES T. HAAS [redacted]
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LEE G. HAEFNER [redacted]
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HENRY A. HAISCH, JR. [redacted]
WILLIAM C. HALE, JR. [redacted]
JEFFREY M. HALL [redacted]
SUZANNE E. HALL [redacted]
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GEORGE HARGROVE [redacted]
KAREN D. HARGROVE [redacted]
THOMAS R. HARKNESS [redacted]
LANCE A. HARMEYER [redacted]
DEWEY E. HARMS [redacted]
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JAMES T. HARPER [redacted]
TERRY A. HARPOOL [redacted]
MAUREEN R. HARRINGTON [redacted]
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ROBIN J. HARTSEL [redacted]

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LYNN A. HERNDON [redacted]
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JOHN W. HESTERMAN III [redacted]
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DAN O. HIGGINS [redacted]
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ALISON R. HILL [redacted]
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RONALD MCKINLEY HOLLOWAY [redacted]
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MARK HRYHORCHUK [redacted]
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PAUL G. HUBERTY [redacted]
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MARK C. HUMPHREY [redacted]
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JERRY T. HUTCHERSON [redacted]
KEITH A. HUTCHESON [redacted]
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JOHN E. HYTEN [redacted]
GEORGE R. IRELAND [redacted]
BOB E. ISAACSON [redacted]
ALEXANDER F.J. IVANCHISHIN [redacted]
LEE A. IVERSON [redacted]
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MARK B. JACKSON [redacted]
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VICTOR JANUSHKOWSKY [redacted]
NORMAN R. JARVIS [redacted]
STANLEY J. JARZOMBEK, JR [redacted]
GREGORY R. JASPERS [redacted]
DENNIS M. JAUCH [redacted]
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MARY T. QUINN [redacted]
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WILLIAM C. REDMOND [redacted]
ELMER K. REED [redacted]
GARY E. REED [redacted]
RUSSELL S. REED [redacted]
RUTH H. REED [redacted]
JANET L. REESE [redacted]
WILLIAM G. REESE III [redacted]
JAMES A. REGO, JR [redacted]
TODD S. REICHELT [redacted]
DAVID R. REID [redacted]
MARK D. REID [redacted]
HAROLD L. REIDLER, JR [redacted]
WILLIAM D. REILLY III [redacted]
SAUNDRA J. REINKE [redacted]
GEORGE P. REIZ, JR [redacted]
ROBERT L. RENEAU [redacted]
JEFFREY N. RENEHAN [redacted]
GLEN E. RENFRO, JR [redacted]
JOSEPH A. RENIS [redacted]
VICTOR J. REYES [redacted]
RONALD H. REYNOLDS [redacted]
KERRY S. RICE [redacted]
DANA A. RICHARDS [redacted]
MARK S. RICHARDSON [redacted]
RICHARD J. RICHARDSON [redacted]
NEAL E. RIDDLE [redacted]
PHILIP M. RIEDE [redacted]
JAMES RIGGINS [redacted]
CONSTANCE L. RIGGS [redacted]
NELLIE M. RILEY [redacted]
WILLIAM E. RIMPO [redacted]
JANE W. RINELL [redacted]
EDWARD O. RIOS [redacted]
ROBERTO RIOS [redacted]
CAROL D. RISHER [redacted]
ROBERT S. RISLEY [redacted]
CRAIG D. RITH [redacted]
ANTHONY P. RIZZUTO [redacted]
EDWARD L. ROBBELOTH [redacted]
GLENDA R. ROBBINS [redacted]
JAMES P. ROBBINS [redacted]
CHARLES E. ROBERTS [redacted]
RICHARD F. ROBERTS [redacted]
WILLIAM H. ROBERTSON, JR [redacted]
LUCIE M. J. ROBILLARD [redacted]
BRIAN E. ROBINSON [redacted]
FRANCIS J. ROBINSON [redacted]
LESLEY T. ROBINSON [redacted]
LEWIS S. ROBINSON [redacted]
NATHANIEL ROBINSON [redacted]
RODNEY K. ROBISON [redacted]
ANTHONY J. ROCCO, JR. [redacted]
CESAR A. RODRIGUEZ, JR [redacted]
JOSE E. RODRIGUEZ [redacted]
JEFFREY A. RODSETH [redacted]
STEVEN W. ROGERS [redacted]
JOAN C. ROHM [redacted]
MICHELE ROISSIER [redacted]
JUDITH F. ROLLINS [redacted]
MARY C. ROOCK [redacted]
DANIEL P. ROONEY [redacted]
SAMUEL A. ROSADO [redacted]
DEIDRE D. ROSE [redacted]
MARK L. ROSS [redacted]
JEFFREY W. ROTH [redacted]
DAVID N. RUBENSTEIN [redacted]
CHARLES L. RUBY [redacted]
JUSTIN D. RUEB [redacted]
SANDRA K. RUFKAHR [redacted]
PHILIP M. RUHLMAN [redacted]
ANTHONY J. RULLI, JR [redacted]
THOMAS M. RUOFF [redacted]
ROBERT G. RUSH [redacted]
WILLIAM P. RUSHING III [redacted]
EARL R. RUSS, JR [redacted]
KEITH E. RUSSELL [redacted]
DAVID A. RUSSI [redacted]
EDMUND P. RYAN [redacted]
JEFFREY R. RYAN [redacted]
DAVID A. RYE [redacted]
JAMES L. RYKARD [redacted]
BRIAN W. SACKETT [redacted]
DAVID L. SAFFOLD [redacted]
STEVEN E. SAGUE [redacted]
JOSEPH A. SALATA, JR [redacted]
LARRY SAMPSON [redacted]
CLIFFORD M. SANCHEZ [redacted]
CHARLES G. SANDERS, JR [redacted]
DEBORAH R. SANDERS [redacted]
JERRY D. SANDERS [redacted]
JAY G. SANTEE [redacted]
FELIX J. SANTOS [redacted]
BETTY J. SAPP [redacted]
DAVID A. SAPPER [redacted]
CHRIS SARANDOS [redacted]
WALTER I. SASSER [redacted]
BRIAN G. SAUCIER [redacted]
KEITH D. SAULS [redacted]
WILLIAM R. SAUNDERS [redacted]
MICHAEL J. SAVILLE [redacted]
MARTIN L. SAYLES [redacted]
STEVEN W. SAYRE [redacted]
BERNARD J. SCALISE III [redacted]
CANDACE M. SCHAEFER [redacted]
JAMES R. SCHAEFER [redacted]
EDWARD F. SCHAUBERGER [redacted]
DAVID R. SCHEMEL [redacted]
DONALD A. SCHERBINSKE [redacted]
STEVEN P. SCHEUERMANN [redacted]
MARK O. SCHISSLER [redacted]
EDWARD B. SCHMIDT [redacted]
FREDERICK G. SCHMIDT [redacted]
RUSSELL P. SCHMITT [redacted]
PAUL H. SCHMONSEES [redacted]
THOMAS M. SCHNEE [redacted]
JAMES L. SCHNELLER [redacted]
DENNIS L. SCHOCH [redacted]
NEIL F. SCHOON [redacted]
DAVID C. SCHRECK [redacted]
W. PAUL SCHROEDER [redacted]
ARNOLD F. SCHUMACHER [redacted]
DANIEL L. SCOTT [redacted]
GLENN M. SCOTT [redacted]
LESLIE A. SCOTT [redacted]
ANDREW R. SCRAFFORD [redacted]
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NANCY K. SEEGER [redacted]
RICHARD J. SEELEN [redacted]
BRUCE W. SEIBER [redacted]
DONALD G. SEILER [redacted]
JEFFREY P. SEITZ [redacted]
KAREN L. SELVA [redacted]
SHIRLEY A. SENEY [redacted]
SANDRA SERAFIN [redacted]
DON S. SETA [redacted]
JOHNNIE SEWARD, JR [redacted]
CAMERON E. SHACKELFORD [redacted]
SIDNEY R. SHAFER [redacted]
MAX L. SHAFFER [redacted]
PAUL B. SHANNON [redacted]
JOY S. S. SHASTEEN [redacted]
ROBERT A. SHAW [redacted]
LEE W. SHEEDY [redacted]
PATRICK J. SHEETS [redacted]
KENNETH P. SHELTON [redacted]
DAVID A. SHEPHERD [redacted]
MICHAEL R. SHERIDAN [redacted]
LYN D. SHERLOCK [redacted]
JOHN J. SHIELDS [redacted]
KIRBY A. SHINEMAN [redacted]
MARK A. SHOLLY [redacted]
GREGORY L. SHORT [redacted]
HOWARD SHORT, [redacted]
DALE S. SHOUPE [redacted]
JEFFREY L. SHRIVER [redacted]
CHARLES K. SHUGG [redacted]
DAVID A. SHULTZ [redacted]
JAMES R. SHUMATE [redacted]
FRANCIS W. SICK, JR [redacted]
ROBERT G. SIDELKO [redacted]
JOHN J. SIEGNER [redacted]
ROBERT C. SIEGRIST [redacted]
JAIME R. SILVA [redacted]
ROYCE S. SIMMONDS [redacted]
RODNEY L. SIMMONS [redacted]
SCOTT P. SIMMONS [redacted]
MICHAEL O. SIMPKINS [redacted]
STEPHEN C. SIMPLICIANO [redacted]
JAMES R. SIMS, JR [redacted]
LOAIL M. SIMS, JR. [redacted]
CHRISTOPHER A. SINGALEWITCH [redacted]
NOLAN L. SINGER [redacted]
VERNON D. SINGLETON [redacted]
CYNTHIA J. SISCO [redacted]
KERRY SISLER [redacted]
MICHAEL R. SIZEMORE [redacted]
VANCE R. SKARSTEDT [redacted]
JILL S. SKELTON [redacted]
EDWARD SKIBINSKI [redacted]
KEVIN L. SKINNER [redacted]
KRISTIAN D. SKINNER [redacted]
THOMAS M. SKOWRONEK [redacted]
EASTERLY LAURIE S. SLAVEC [redacted]
JOHN C. SLEIGHT [redacted]
SANDRA M. SMALL [redacted]
DAVID A. SMARSH [redacted]
RICHARD D. SMEDLEY, JR. [redacted]
BRENT S. SMELTZER [redacted]
CHARLES P. SMILEY [redacted]
ANN M. SMITH [redacted]
BRET J. SMITH [redacted]
CHARLES L. SMITH [redacted]
DANIEL J. SMITH [redacted]
DAVID B. SMITH [redacted]
DAVID W. SMITH [redacted]
GARY G. SMITH [redacted]
GREGORY L. SMITH [redacted]
JAMES D. SMITH [redacted]
JAMES P. K. SMITH [redacted]
JAMES R. SMITH [redacted]
JEFFREY E. SMITH [redacted]
JOHNNY B. SMITH [redacted]
LEONARD L. SMITH [redacted]
LYNDA J. SMITH [redacted]
MICHAEL A. SMITH [redacted]
MICHAEL G. SMITH [redacted]
ROBERT G. SMITH [redacted]
SARAH J. SMITH [redacted]
STEVEN H. SMITH [redacted]
THOMAS M. SMITH [redacted]
WANDA L. P. SMITH [redacted]
MARVIN T. SMOOT, JR. [redacted]
JAMES M. SMOTHERMON [redacted]
JOSEPH S. SMYTH [redacted]
JOSEPH B. SNAUFER [redacted]
WARREN W. SNOW [redacted]
CYNTHIA G. SNYDER [redacted]
KEITH W. SNYDER [redacted]
ANNE E. SOBOTA [redacted]
DAVID B. SOLOMON [redacted]
PAUL D. SONNER, JR. [redacted]
WALTER C. SORENSEN [redacted]
RICHARD J. SORENSON [redacted]
GLENN E. SORTE [redacted]
JOHN O. SOURS [redacted]
JOHN J. SOWDON [redacted]
KENNETH E. SPAAR [redacted]
DAVID K. SPAHR, JR. [redacted]
STEVEN J. SPANO [redacted]
GREGG A. SPARKS [redacted]
NELSON A. SPARKS [redacted]
NANCY L. SPEAKE [redacted]
CATHERINE L. SPEAKMON [redacted]
ELLIS D. SPENCER [redacted]
MICHAEL W. SPENCER [redacted]
STANLEY E. SPILLERS [redacted]
LAWRENCE ANDREW SPITSER [redacted]
MICHAEL Y. SPRINGER [redacted]
JOSEPH P. SQUATRITO, JR [redacted]
RICHARD P. STAFFORD [redacted]
JEFFREY E. STAMBAUGH [redacted]
JAMES D. STAMM [redacted]
LEMUEL R. STANFORD, [redacted]
JOHN F. STANKOWSKI III [redacted]
DANIEL H. STANTON [redacted]
THOMAS J. STARK [redacted]
WILLIAM A. STARK [redacted]
JOHN A. STARKEY [redacted]
BECKY J. STARNES [redacted]
WILLIAM K. STARR [redacted]
KATHRYN G. STATEN [redacted]
MICHAEL W. STEFFEN [redacted]
JEAN L. STEIN [redacted]
WALTER C. STEM, JR. [redacted]
LARRY F. STEPHENS [redacted]
MARIANNE STERLING [redacted]
KURT B. STEVENS [redacted]
DOUGLAS M. STEWART [redacted]
JACK D. STEWART [redacted]
NORMAN M. STEWART, [redacted]
MICHAEL L. STIERS [redacted]
JOHN S. STIEVEN [redacted]
MURRELL F. STINNETTE [redacted]
JOHN E. STOCKER III [redacted]
TERRY L. STOCKHOLM [redacted]
ROBERT H. STOCKING [redacted]
MELONEY J. STONE [redacted]
WILLIAM E. STONE, JR. [redacted]
JAMES R. STORY [redacted]
WILLIAM C. STORY, JR. [redacted]
THOMAS R. STRANGE [redacted]
JAMES C. STRAWN [redacted]
KELVIN D. STREETY [redacted]

RENEE B. STRICKLAND [redacted]
BRADLEY A. STRIED [redacted]
ROBERT A. STRIN [redacted]
JOSEPH E. STROHFUS [redacted]
JAMES P. STURCH [redacted]
BRUCE R. STURK [redacted]
DONALD E. STUTSMAN [redacted]
ROBERT C. SUDDUTH [redacted]
DEBORAH J. SUSK [redacted]
MARK J. SVESTKA [redacted]
JONATHAN L. SVOBODA [redacted]
DAVID K. SWAFFORD [redacted]
JOHN D. SWAN [redacted]
RAY S. SWARTZ II [redacted]
NORMAN C. SWEET [redacted]
FRANCIS C. SWIFT [redacted]
JANICE A. SWIGARTSMITH [redacted]
MICHAEL D. SWIGERT [redacted]
PETER F. N. SZABO [redacted]
TERENCE R. SZANTO [redacted]
JOHN A. SZULTA II [redacted]
WILLIAM H. TAGGART [redacted]
JOHN R. TAGLIER [redacted]
STEVE M. TALTON [redacted]
MICHAEL G. TARULL [redacted]
TIMOTHY A. TATE [redacted]
ANNA L. TAYLOR [redacted]
BRIDGETTE L. TAYLOR [redacted]
DAVID L. TAYLOR [redacted]
KERRY D. TAYLOR [redacted]
RHETT P. TAYLOR [redacted]
WALTER W. TAYLOR, JR [redacted]
DOUGLAS TAZOI [redacted]
JAMES A. TEAFORD [redacted]
THOMAS W. TEIGELER [redacted]
CHARLES F. TERRY [redacted]
KENNETH P. TERRY [redacted]
ROBERT J. TETTELBACH [redacted]
JEFFREY THAU [redacted]
MERRILL L. THOMAS [redacted]
MICHAEL A. THOMAS [redacted]
STEVEN L. THOMAS [redacted]
JOHN C. THOMPSON [redacted]
RONALD E. THOMPSON [redacted]
WAYNE L. THOMPSON [redacted]
ROBERT C. THORP [redacted]
YORK D. THORPE [redacted]
THOMAS A. TIERNEY, JR. [redacted]
MARK W. TILLMAN [redacted]
GUINN R. TIMMERMAN, JR. [redacted]
HAL M. TINSLEY [redacted]
STANLEY W. TOENJES [redacted]
VIRGINIA C. TONNESON [redacted]
LAURA C. TOOLE [redacted]
GREGORY H. TOPPING [redacted]
RITA H. TORNER [redacted]
RAYMOND G. TORRES [redacted]
TERRY D. TOSH [redacted]
NATHAN G. TOTH [redacted]
RUSSELL L. TOWE [redacted]
LAURIE K. TOWNSEND [redacted]
WALTER F. TOWNSEND, JR [redacted]
DOUGLAS L. TRACY [redacted]
WALTER J. TRACY, JR [redacted]
BRIAN S. TRAUB [redacted]
JOHN R. TRAUERNICHT [redacted]
DENISE M. TRAVERS [redacted]
MARK A. TRAVIS [redacted]
WILLIAM R. TRAVNICK [redacted]
CHARLES G. C. TREADWAY [redacted]
ROBERT L. TREMAINE [redacted]
DAVID A. TRENT [redacted]
HOWARD O. TRIEBOLD III [redacted]
AARON D. TRIMBLE [redacted]
CHARLES V. TRIPOL [redacted]
NANCY R. TRIVETT [redacted]
CARLOS TROCHE [redacted]
JILL R. TROUT [redacted]
KEITH J. TROUWBORST [redacted]
QUENTIN M. TRUMBLE [redacted]
RANDY N. TRUSSELL [redacted]
JAMES J. TSCHUDY II [redacted]
JAMES O. TUBBS [redacted]
JOE E. TUCKER [redacted]
JOSEPH M. TUELL [redacted]
WINFIELD F. TUFTS [redacted]
ELLSWORTH E. TULBERG, JR [redacted]
TERRANCE T. TULLIA [redacted]
GARY A. TULLIS [redacted]
ROBERT L. TULLMAN [redacted]
CHARLES L. TURBE [redacted]
MARK S. TURBERVILLE [redacted]
DANIEL J. TURGEON [redacted]
DAVID G. TURNER [redacted]
MARK D. TURNER [redacted]
VELMA M. TURNER [redacted]
STEPHEN C. TYE [redacted]
GARY M. ULLRICH [redacted]
STEVEN L. UMBAUGH [redacted]
MICHAEL A. URBAN [redacted]
SARA L. UTSLER [redacted]
GERALD E. VALENTIN [redacted]
JAMES L. VANANTWERP [redacted]
JAMES D. VANCE [redacted]
DANNY E. VANDALSEN [redacted]
BLAINE A. VANDAM [redacted]
DAVID A. VANDERCOOK [redacted]
CONSTANCE A. VANDERMARLIERE [redacted]
EUGENE B. VANDEVENTER [redacted]
THOMAS R. VANETTEN [redacted]
MARC L. VANHOOSE [redacted]
HAROLD M. VANLEEUWEN, JR [redacted]
STEVEN F. VANOUS [redacted]
JAMES R. VANSCOTTER [redacted]
JAMES S. VANSCOYOC [redacted]
RICHARD J. VANTINE [redacted]
KENNETH S. VANWICKLER [redacted]
FREDERICK D. VANWICKLIN [redacted]
GEORGE A. VARGAS [redacted]
MICHAEL W. VARNEY [redacted]
EARL F. VAUGHN, JR. [redacted]
SUZANNE M. VAUTRINOT [redacted]
GARY L. VAWTER [redacted]
JULIAN E. VAZQUEZ [redacted]
MICHAEL R. VELA [redacted]
MICHAEL C. VENDZULES [redacted]
CARL F. VERCIO [redacted]
ESTEBAN VICENTE [redacted]
BRIAN L. VICKERS [redacted]
RICHARD A. VIDONI [redacted]
VICTOR J. VILLHARD [redacted]
TIMOTHY W. VINING [redacted]
MICHAEL P. VITOLO [redacted]
JOHN B. VITULLO, JR. [redacted]
SCOTT L. WAGNER [redacted]
WILLIAM N. WAGNER [redacted]
JAMES E. WAKELEY [redacted]
GARY E. WALDERMAN [redacted]
GREGORY L. WALKER [redacted]
GAIL WALLER [redacted]
RICHARD A. WALLEY [redacted]
DONALD L. WALLQUIST [redacted]
MELINDA J. WALSH [redacted]
CURTIS K. WALT [redacted]
MICHAEL K. WALTERS [redacted]
MICHAEL L. WALTERS [redacted]
MICHAEL R. WARDELL [redacted]
PHILIP F. WARING [redacted]
DAVID B. WARNER [redacted]
RICHARD C. WARNER [redacted]
DARTANIAN WARR [redacted]
JOHN D. WARREN [redacted]
ALEXANDER B. WASILOW [redacted]
STEVEN J. WASZAK [redacted]
ALEX E. WATKINS [redacted]
STEVEN D. WATKINS [redacted]
PEGI J. WATKINSON [redacted]
MICHAEL D. WATSON [redacted]
ROBERT L. WATSON [redacted]
DAVID A. WATT [redacted]
ROBERT F. WATTS [redacted]
STEVEN K. WEART [redacted]
ANDREW K. WEAVER [redacted]
CHARLES M. WEAVER, SR [redacted]
GLENN W. WEAVER [redacted]
MARSHA KAY WEAVER [redacted]
NANCY E. WEAVER [redacted]
STEVEN G. WEBB [redacted]
ROBERT I. WEBER, JR. [redacted]
CURTIS J. WEIDNER [redacted]
WILLIAM K. WEIGER [redacted]
ROBERT L. WEINHOLD [redacted]
CHARLES E. WELCH [redacted]
DONALD A. WELCH [redacted]
ROGER L. WELDON [redacted]
JOHN S. WELLMAN [redacted]
SUSAN G. WELLNER [redacted]
MARK J. WELSHINGER [redacted]
RICHARD E. WERLING [redacted]
CHARLES W. WESTMORELAND, JR. [redacted]
WRIGHT G. WHEELER, JR. [redacted]
JACK R. WHITE, 337–42–0896
MARK A. WHITE [redacted]
RICHARD W. WHITE, JR. [redacted]
ROY A. WHITE, JR. [redacted]
SALLY J. WHITENER [redacted]
HARRISON H. WHITING III, [redacted]
JAMES F. WHITNEY, JR. [redacted]
ROBERT P. WHOLEY [redacted]
LARRY W. WIDNER, [redacted]
ROCHELLE D. WIEGMAN [redacted]
DALE R. WILDEY [redacted]
CRAIG H. F. WILKERSON [redacted]
JANICE L. WILKINSON [redacted]
GREGORY J. WILLIAMS [redacted]
JEFFREY J. WILLIAMS [redacted]
LARRY W. WILLIAMS [redacted]
SHERMAN R. WILLIAMS [redacted]
STEVEN E. WILLIAMS [redacted]
TIMOTHY R. WILLIAMS [redacted]
WILLIAM R. WILLIAMS [redacted]
CARL WILLIAMSON [redacted]
VIRGINIA G. WILLIAMSON [redacted]
RICKY S. WILLIS [redacted]
LYNDON G. WILLMS [redacted]
GUY J. WILLS III, [redacted]
DEAN H. WILSON [redacted]
EDWARD L. WILSON [redacted]
JAMES T. WILSON [redacted]
MARY L. WILSON [redacted]
MICHAEL S. WILSON, [redacted]
STEPHEN W. WILSON [redacted]
STEVEN M. WILSON [redacted]
WOODROW J. WILSON [redacted]
ROBERT I. WINEBRENNER [redacted]
JERRY D. WINEGARDEN [redacted]
PAUL R. WINGO [redacted]
RON L. WINKEL [redacted]
KAY J. WINSLOW [redacted]
NORAJILL N. WINSTEAD [redacted]
ROBERT D. WINSTON [redacted]
FREDERICK C. WIRSING [redacted]
RICHARD M. WISE [redacted]
MICHAEL H. WITT [redacted]
DAVID E. WITWER [redacted]
JONATHAN M. WOHLMAN [redacted]
MARK S. WOISH [redacted]
KAROL R. WOJCIKOWSKI [redacted]
STEPHEN L. WOLBORSKY [redacted]
FRANKLIN R. WOLF [redacted]
ROBERT J. WOLF [redacted]
SUSAN S. WOLF [redacted]
JOHN L. WOLFE [redacted]
AUDREY L. WOLFF [redacted]
GARY R. WOLTERING [redacted]
MARY H. WOOD, [redacted]
PAMELA N. WOOD [redacted]
PHILLIP S. WOOD [redacted]
DONALD B. WOODARD [redacted]
VICKIE L. WOODARD [redacted]
WILLIAM H. WOODIER [redacted]
SUSAN L. WOODLEE [redacted]
RITA J. WOOLWINE [redacted]
LARRY E. WOOTEN [redacted]
JEFFREY R. WORKMAN [redacted]
KIT K. WORKMAN, [redacted]
JOSUELITO WORRELL [redacted]
CHRISTOPHER J. WORSOWICZ [redacted]
JOHN D. WRIGHT [redacted]
RICHARD L. WRIGHT, JR. [redacted]
WALTER E. WRIGHT II [redacted]
DALE A. WYANT [redacted]
JOHN M. WYLAM, [redacted]
DWIGHT L. YARBROUGH [redacted]
DOUGLAS D. YATES [redacted]
RAYMOND A. YELLE [redacted]
WILLIAM R. YETMAN, JR. [redacted]
JAMES K. YORGEN, [redacted]
MICHAEL O. YORKE [redacted]
ALLEN A. YOUNG [redacted]
BRUCE W. YOUNG, [redacted]
LAMAR YOUNG, [redacted]
TOMMI L. YOUNG, [redacted]
TRELLIS V. YOUNG [redacted]
DIANA M. YOUNGS [redacted]
MICHAEL C. YUSI [redacted]
CHARLES F. ZACCHERO [redacted]
STEVEN W. ZANDER [redacted]
EDWARD T. ZANOWICZ, [redacted]
LAWRENCE J. ZAPPONE [redacted]
EDWIN A. ZEHNER [redacted]
JOSEPH E. ZEIS, JR [redacted]
FREDERICK H. ZEITZ III [redacted]
GARY B. ZELINSKI [redacted]
STEVEN G. ZENISHEK [redacted]
CATHERINE J. ZERINGUE [redacted]
FREDRICK T. ZIEGLER II [redacted]
RICHARD M. ZINK [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CORPS

To be lieutenant colonel

GARY L. CARLSON [redacted]
DAVID P. COTE [redacted]
GREGGORY E. CUSTER [redacted]
RICHARD G. ELLIOTT, JR. [redacted]
STEPHEN L. FRICK [redacted]
RICHARD M. HARTWELL [redacted]
JAMES M. HOUGH [redacted]
BRIAN K. HUNTER [redacted]
JOHN F. KURZAK [redacted]
FRANK P. MAYERNICK [redacted]
DENNIS K. MCCARTY [redacted]
MICHAEL F. ONEILL [redacted]
HAROLD RAY [redacted]
WILLIAM L. RICE [redacted]
JAMES D. ROZMAN [redacted]
GORDON E. SNYDER [redacted]
JOHN S. SRODE, [redacted]
BENJAMIN F. TANDY, [redacted]
BRIAN R. VANSICKLE [redacted]
DOC R. WILLIAMS [redacted]
LEONARD H. ZELLER, [redacted]

JUDGE ADVOCATE

To be lieutenant colonel

ROBERT BLEVINS [redacted]
ARTHUR C. BREDEMEYER [redacted]
CAROL L. BRENNECKE [redacted]
ANNE L. BURMAN [redacted]
W. WILSON BURR [redacted]
KARLA R. BURTON [redacted]
PAUL C. CLARK [redacted]
KEVIN J. CORCORAN [redacted]
JOSEPH F. DENT [redacted]
CHRISTOPHER R. DOOLEY [redacted]
BERNARD E. DOYLE, JR. [redacted]
JOHN A. DYER [redacted]
ROBERT A. FEDERICO [redacted]
DANIEL B. FINCHER [redacted]
MICHAEL P. FREDERICK [redacted]
MARK E. GARRARD [redacted]

MICHAEL H. GILBERT [redacted]
WILLIAM A. GROVES [redacted]
BRIAN J. HOPKINS [redacted]
RONNIE D. JAMES [redacted]
JOHN E. KELLOGG [redacted]
KEITH J. KLEIN [redacted]
JOHN C. KUNICH [redacted]
FRANCIS J. LAMIR [redacted]
ROCCO J. LAMURO [redacted]
BLANE B. LEWIS [redacted]
KENNETH G. MATTERN [redacted]
CLIFFORD J. MCKINSTRY [redacted]
LARRY T. MCRELL [redacted]
TONY E. MONTGOMERY [redacted]
MICHAEL D. MURPHY [redacted]
WILLIAM E. ORR, JR [redacted]
ALBERT A. RINGGENBERG [redacted]
ANNA T. SMITH [redacted]
CRAIG A. SMITH [redacted]
DAVID E. SPROWLS [redacted]
LOWELL J. TENPAS [redacted]
JERALD C. THOMPSON [redacted]
MARC W. TROST [redacted]
MARC VANNUYS [redacted]
DOUGLAS E. WADE [redacted]
CARLA S. WALGENBACH [redacted]
ROBIN D. WALMSLEY [redacted]
EVERETT G. WILLARD, JR. [redacted]
JAMES R. WISE [redacted]

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

JOHN R. ALLEN [redacted]
CHARLES P. ANDREWS [redacted]
ALBERT F. BADEAU II [redacted]
PAUL T. BARNICOTT [redacted]
LAWRENCE D. BARNUM [redacted]
MARY E. BILLINGER [redacted]
REX S. BRENNAN [redacted]
ALBERT L. BREWSTER, JR [redacted]
MICHELLE T. CAMACHO [redacted]
JOSEPH J. CANESTRAR [redacted]
ELIZABETH A. CARGO [redacted]
RAMON A. CINTRONOCASIO [redacted]
DARRELL W. CRISWELL [redacted]
MARTHA L. DAVIS [redacted]
PETER F. DURAND [redacted]
GARY W. FREDERICKSEN [redacted]
GLENN A. GODDARD [redacted]
JUDITH A. HOLL [redacted]
RANDALL L. HOWE [redacted]
JACK H. JETER, JR [redacted]
STEVEN C. JEZ [redacted]
PATRICK N. JOHNSON [redacted]
CHARLES S. KLUNDER [redacted]
ROBERT G. LALIBERTE [redacted]
JAMES P. LIGHTFOOT [redacted]
RICHARD S. LOFTS, JR [redacted]
STEPHANIE F. MCCANN [redacted]
MICHAEL A. MCDOWELL [redacted]
MICHAEL D. MCKINNON [redacted]
LEON N. MCLIN, JR. [redacted]
CHARLES P. MENDEZ [redacted]
STEVEN C. PUTBRESE [redacted]
JAMES A. QUATTLEBAUM [redacted]
JAMES R. RIDDLE [redacted]
MICHAEL J. RUSDEN [redacted]
DENNIS M. SCHOLL [redacted]
JOHN F. SEIBERT [redacted]
ELIZABETH A. SHERLOCK [redacted]
CARI A. SHERRIS [redacted]
RICHARD G. SIMMONS, JR [redacted]
BERYL A. SMITH [redacted]
ERIC I. SPIEGEL [redacted]
PHILIP G. STEGMAIER [redacted]
GERALD W. TALCOTT [redacted]
BRENDA D. THOMPSON [redacted]
JAY A. WENIG [redacted]
DANIEL W. WHITE [redacted]
THOMAS W. WILDES [redacted]
JAMES F. WILLIAMSON [redacted]
DORIS WONG [redacted]
ALAN L. ZOHNER [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

MILTON C. ABBOTT [redacted]
LARRY N. ADAIR [redacted]
ROBIN M. ADAM [redacted]
DONNELL E. ADAMS [redacted]
MICHAEL E. ADAMS [redacted]
DOUGLAS D. ADDINGTON [redacted]
JOE V. ALDAZ, JR [redacted]
DAVID L. ALEXANDER [redacted]
GREGORY L. ALEXANDER [redacted]
BRUCE A. ALLEN [redacted]
COURT C. ALLEN [redacted]
ROBERT C. ALLEN, JR [redacted]
MERRIL J. ALLIGOOD, JR [redacted]
JOHN C. ALLISON [redacted]
MARK B. ALSID [redacted]
STEPHEN G. ALSING [redacted]
TIMOTHY F. ALSRUHE [redacted]
MARK D. ALTENBURG [redacted]
ROBERT L. ALTMAN [redacted]
MICHAEL C. ALYEA [redacted]
STEVEN L. AMATO [redacted]
CURTIS R. AMBLE [redacted]
JOHN M. AMIDON [redacted]
PAUL F. AMIDON [redacted]
HUGH A. AMUNDSON [redacted]
CORT B. ANCMAN [redacted]
EILEEN G. ANCMAN [redacted]
KELLY E. ANDERSEN [redacted]
DENNIS S. ANDERSON [redacted]
E. WEST ANDERSON [redacted]
JOHN EDWARD ANDERSON [redacted]
ROBERT A. ANDRES [redacted]
PHILIP R. ANDREWS [redacted]
TALENTINO C. ANGELOSANTE [redacted]
MARK R. ANGERHOFER [redacted]
BILLIE J. ANTES [redacted]
DAVID L. ANTHONY [redacted]
EMMANUEL E. ANTIMISIARIS [redacted]
CHRISTOPHER M. APPLEBY [redacted]
ALAN W. ARATA [redacted]
MICHAEL P. ARCENEAUX [redacted]
KENNETH S. ARIOLA [redacted]
GARY B. ARNOLD [redacted]
MICHAEL A. ARNOLD [redacted]
RICHARD W. ARNOLD [redacted]
WILLIAM W. ARRASMITH [redacted]
HUGH W. ARSENAULT [redacted]
LEE J. ASH [redacted]
BRADLEY K. ASHLEY [redacted]
MARK R. ASHPOLE [redacted]
ROBERT P. ASHTON [redacted]
DAVID C. ASSELIN [redacted]
RICKY N. ATKINS [redacted]
JOHN M. AUGUSTIN [redacted]
REBECCA A. AURINGER [redacted]
PHIL L. AUSTIN [redacted]
SCOTT C. AUSTIN [redacted]
BRYAN S. AVERY [redacted]
MARK A. AVERY [redacted]
MICHAEL P. AVERY [redacted]
JAMES R. AYERS [redacted]
BRADLEY E. BABB [redacted]
PHILLIP P. BACA [redacted]
JEFFREY L. BACHMANN [redacted]
STEPHEN BACHOWSKI, JR. [redacted]
VALENTINO BAGNANI, III [redacted]
REX F. BAILEY [redacted]
DAVID L. BAKER [redacted]
DAVID T. BAKER [redacted]
HOWARD B. BAKER [redacted]
JODY B. BAKER [redacted]
NORMAN J. BALCHUNAS, JR. [redacted]
LYNNE E. BALDRIGHI [redacted]
JEFFREY K. BALL [redacted]
CHARLES E. BALLANCE [redacted]
JOE G. BALLARD [redacted]
WAYNE R. BALSAVICH [redacted]
DANIEL F. BALTRUSAITIS [redacted]
LENNIE M. BANE [redacted]
CARL D. BANER [redacted]
CHRISTOPHER E. BANKS [redacted]
RICHARD T. BANKS, II [redacted]
JAMES L. BAREFIELD, I [redacted]
ROBERT G. BARLOW [redacted]
JUDY D. BARNES [redacted]
PATRICK BARNES [redacted]
ROBERT C. BARNES [redacted]
JEFFREY K. BARNSON [redacted]
CHARLES D. BARONDES [redacted]
JAMES A. BARR [redacted]
MICHAEL J. BARRETT, II [redacted]
WILLIAM R. BARRETT [redacted]
GARY S. BARRON [redacted]
ROBERT K. BARRY [redacted]
THOMAS J. BARTH [redacted]
JOHN P. BARTHOLF [redacted]
CHARLES J. BARTLETT [redacted]
PAUL K. BARTLETT, JR [redacted]
BURT A. BARTLEY [redacted]
GRETA L. BARTLEY [redacted]
RICHARD L. BARTON [redacted]
PETER P. BARTOS [redacted]
DOUGLAS K. BASIGER [redacted]
WILLIAM H. BATEMAN [redacted]
THOMAS B. BAUCKMAN [redacted]
FRANKLIN W. BAUGH [redacted]
BRIAN T. BAXLEY [redacted]
ALAN D. BEASLEY [redacted]
JAMES L. BEASON, JR [redacted]
STEVEN J. BEATTY [redacted]
ROBIN E. BECKER [redacted]
MICHAEL A. BEDENBAUGH [redacted]
THOMAS J. BEDNAREK [redacted]
KEVIN A. BEEBE [redacted]
ROBERT W. BEEKS, JR [redacted]
TERRI C. BEELERSAUCEDO [redacted]
SUZANNE M. BEERS [redacted]
BENJAMIN W. BEESON [redacted]
WILLIAM M. BEHENNA [redacted]
ROBERT J. BELETIC [redacted]
CHRISTOPHER R. BELFIELD [redacted]
PAUL G. BELL [redacted]
RAY BELZ [redacted]
CHRISTOPHER A. BENIKE [redacted]
KENT R. BENNETT [redacted]
ROBERT B. BENNETT [redacted]
ANDREW M. BENO [redacted]
TERRY R. BENTLEY [redacted]
MICHAEL R. BEREZNAK [redacted]
PAUL D. BERG [redacted]
WAYNE F. BERG, JR. [redacted]
WILLIAM J. BERG [redacted]
KEITH BERGERON [redacted]
THOMAS A. BERGHOFF [redacted]
JOHN J. BERGMANN [redacted]
JEFFREY T. BERNARD [redacted]
JOHN C. BERRY [redacted]
JOHN E. BEST [redacted]
SCOTT A. BETHEL [redacted]
KEVIN T. BETZ [redacted]
WILLIAM E. BICKER [redacted]
JAMES BIERSTINE, JR [redacted]
DONALD F. BILLARD [redacted]
CHRISTOPHER L. BIRGE [redacted]
JAMES R. BISCHOFF [redacted]
BRUCE C. BISER [redacted]
BRUCE S. BISHOP [redacted]
GERALD W. BISHOP [redacted]
MICHAEL L. BISHOP [redacted]
JUDITH D. BITTICK [redacted]
MARK C. BIWER [redacted]
BRIAN M. BJORNSON [redacted]
DALE A. BLACKBURN [redacted]
RICHARD E. BLACKBURN [redacted]
LESLIE A. BLACKHAM [redacted]
DALE A. BLAKE [redacted]
HARRY H. BLANKE III [redacted]
VIRGINIA V. BLAZICKO [redacted]
CARL H. BLOCK [redacted]
MAX J. BLOOD [redacted]
FRANK W. BOAZ III [redacted]
MATHIAS C. BODDICKER II [redacted]
LANCE E. BODINE [redacted]
STEVEN BOE [redacted]
CHRISTOPHER A. BOEDICKER [redacted]
TODD A. BOESDORFER [redacted]
CHRISTOPHER C. BOGDAN [redacted]
EDWARD L. BOHRMANN [redacted]
THOMAS P. BOITANO [redacted]
DEAN K. BOLES [redacted]
GARY C. BOLTON [redacted]
MICHAEL F. BONADONNA [redacted]
ROBIN D. BONNER [redacted]
ROBERT G. BONO [redacted]
KARL S. BOSWORTH [redacted]
TONY L. BOTHWELL [redacted]
STEVEN M. BOUGHNER [redacted]
DANIEL V. BOUGHTON [redacted]
GREGORY J. BOUKEDES [redacted]
ROBERT H. BOULWARE [redacted]
TEVIS W. BOULWARE [redacted]
JEFFREY B. BOWLES [redacted]
CHRISTOPHER W. BOWMAN [redacted]
HUGH D. BOWMAN [redacted]
REGINALD L. BOWYER [redacted]
JAMES C. BOYD [redacted]
MARCUS G. BOYETTE [redacted]
WILLIAM K. BRADEN [redacted]
MARK H. BRADWICK [redacted]
CHRISTOPHER N. BRANTLEY [redacted]
DONALD D. BRATTON, JR. [redacted]
JOHN J. BRATUN [redacted]
SHAWN P. BRAUE [redacted]
PAUL A. BRAUNBECK, JR. [redacted]
DAVID J. BREITENBACH [redacted]
MICHAEL D. BRICE [redacted]
CHRISTOPHER L. BRICKER [redacted]
ROBERT T. BRIGANTIC [redacted]
DANIEL C. BRINK [redacted]
HARRIS L. BRISBON [redacted]
THOMAS L. BRITTEN [redacted]
JAMES S. BROADWAY [redacted]
GREGORY N. BRODMAN [redacted]
MARTIN H. BROGLI [redacted]
EDWARD M. BROLIN [redacted]
BUD L. BROOKS [redacted]
CHRISTOPHER K. BROOKS [redacted]
JAMES L. BROOME III [redacted]
CARY R. BROWN [redacted]
CHARLES EVERETT BROWN [redacted]
NANCY L. BROWN [redacted]
STEVEN M. BROWN [redacted]
TERRANCE J. BROWN [redacted]
VIRGINIA G. BROWN [redacted]
RAYMOND J. BROYHILL [redacted]
NORMAN J. BROZENICK, JR. [redacted]
RICHARD M. BRUBAKER [redacted]
SCOTT L. BRUMMETT [redacted]
ALVIN A. BRUNNER, III [redacted]
DANIEL K. BRUNSKOLE [redacted]
MICHAEL P. BRYANT [redacted]
MARK A. BUCCIGROSSI [redacted]
MICHAEL S.M. BUCK [redacted]
PHILIP C. BUCK [redacted]
KEVIN W. BUCKLEY [redacted]
STEVEN J. BUCKLEY [redacted]
STANLEY J. BUELT [redacted]
EDDY L. BUFFKIN [redacted]
ERIC W. BULGER [redacted]
DALE O. BULKLEY [redacted]
JAY P. BULLOCK [redacted]
ARNOLD W. BUNCH, JR. [redacted]
MARK S. BUNCHER [redacted]
WILLIAM P. BUNNING [redacted]
TERRY P. BUQUET [redacted]
EDWARD J. BURBOL [redacted]

KENNETH F. BURGESS [redacted]
ISMAEL BURGOS, JR [redacted]
DANIEL T. BURKE [redacted]
DARRYL W. BURKE [redacted]
RICHARD J. BURKE [redacted]
ROBERTA B. BURKE [redacted]
MICHAEL D. BURNES [redacted]
DAVID M. BURNS [redacted]
EDWIN C. BUSH, JR [redacted]
PETER L. BUSSA [redacted]
LUIS E. BUSTAMANTE, JR [redacted]
CHRISTOPHER R. BUTLER [redacted]
JAMES W. BUTTS [redacted]
MATTHEW E. BYRD [redacted]
MELVIN C. BYRD [redacted]
RUDOLPH T. BYRNE [redacted]
ANDREW S. CAIN [redacted]
LARRY E. CAISON [redacted]
LISA M. CALDWELL [redacted]
WILLIAM K. CALDWELL [redacted]
SCOTT E. CALKINS [redacted]
JOSEPH T. CALLAHAN, II [redacted]
PHILIP S. CAMERON [redacted]
DOUGLAS A. CAMMEL, [redacted]
CRAIG F. CAMPBELL [redacted]
ERIN E. CAMPBELL [redacted]
ROBERT G. CAMPBELL [redacted]
ROBERT A. CANFIELD [redacted]
BRUCE A. CANTRELL [redacted]
LOUIS A. CAPORICCI [redacted]
ZYNA C. CAPTAIN [redacted]
NEAL R. CARBAUGH [redacted]
DAVID L. CARLON [redacted]
BRIAN L. CARLSEN [redacted]
CARL R. CARLSON [redacted]
GRANT E. CARLSON [redacted]
GREGORY A. CARLSON [redacted]
THOMAS L. CARLSON [redacted]
PHILIP W. CARMENA [redacted]
GREGORY S. CARMICHAEL [redacted]
TODD L. CARNAHAN [redacted]
RICHARD J. CARRIER [redacted]
GUS A. CARRILLO [redacted]
ELDRA D. CARSON [redacted]
BILLY W. CARTER [redacted]
DONALD C. CARTER [redacted]
JESSE D. CARTER [redacted]
JOHN B. CARTER [redacted]
MARINA G. CARTER [redacted]
SUE B. CARTER [redacted]
THOMAS C. CARTER [redacted]
MATTHEW G. CASELLA [redacted]
BRIAN CASEY [redacted]
ALLAN R. CASSADY [redacted]
JEFFREY L. CASSENS [redacted]
GLEN A. CATANIA [redacted]
DEVIN L. CATE [redacted]
JEFFREY P. CATER [redacted]
KEITH A. CAVER [redacted]
RONALD J. CELENTANO [redacted]
DARYL H. CHADDERDON [redacted]
RAYMOND F. CHAMBERLAND, III [redacted]
DALE P. CHANDLER [redacted]
DAVID W. CHANDLER [redacted]
WILLIAM J. CHANGOSE [redacted]
GORDON L. CHAPELL [redacted]
DENNIS W. CHENEY [redacted]
SUSAN M. CHENEY [redacted]
BARRY R.J. CHEYNE [redacted]
BETH A. CHILDS [redacted]
CLAYTON W. CHILDS [redacted]
DIEDRE M. CHIN [redacted]
WALTER CHIN [redacted]
JOHN W. CHITTUM [redacted]
PAUL L. CHRISTIANSEN [redacted]
FRANCIS K. CHUN [redacted]
PAUL M. CHURCHILL [redacted]
CHRISTOPHER M. CICERE [redacted]
STEPHEN A. CILEA [redacted]
PETER A. CIPPERLY [redacted]
ALBERT F. CIRCELLI [redacted]
CHARLES E. CLARK [redacted]
JASON L. CLARK [redacted]
JERALD V. CLARK [redacted]
MARK A. CLARK [redacted]
MARK H. CLARK [redacted]
RAYMOND P. CLARK [redacted]
WESLEY J. CLARK [redacted]
JOHN G. CLARKE [redacted]
SEAN D. CLARKIN [redacted]
JAMES D. CLIFTON [redacted]
WILLARD E. CLITES III [redacted]
MARK A. COAN [redacted]
JAMES T. COATS [redacted]
WILLARD D. COBLE [redacted]
LARRY J. COCCIA [redacted]
RICHARD J. COCCIE [redacted]
CHARLES D. COCHRANE [redacted]
MICKEY D. COCKERILL [redacted]
TRACY W. COLBURN [redacted]
LINDA R. COLE [redacted]
MARK K. COLE [redacted]
CATHERINE G. COLEMAN [redacted]
DONALD W. COLLINS [redacted]
GREGORY R. COLLINS [redacted]
RAYMOND E. COLLINS [redacted]
GENE T. COLLINSWORTH [redacted]
THOMAS R. COMER [redacted]
DANIEL L. COMMONS [redacted]
MAVIS E. COMPAGNO [redacted]
JOHN H. COMTOIS [redacted]
PATRICK M. CONDRAY [redacted]
DAVID CONLEY [redacted]
GARY P. CONLON [redacted]
CURTIS C. CONNELL [redacted]
MICHAEL P. CONNER [redacted]
MICHAEL F. CONNOLLY [redacted]
DAVID A. COOK [redacted]
GINGER D. COOK [redacted]
LANDIS B. COOK [redacted]
WILLIAM T. COOK, JR. [redacted]
MATTHEW E. COOMBS [redacted]
ROBERT A. COONEY [redacted]
KENNETH C. COONS, JR. [redacted]
CHARLES E. COOPER [redacted]
PAUL S. COPELAND [redacted]
DORIAN I. CORBETT [redacted]
SARAH J. CORBETT [redacted]
REBECA F. CORDINGLY [redacted]
GLEN A. CORELL [redacted]
RAYMOND D. CORNELIUS III [redacted]
JON C. CORNICK [redacted]
JOAN H. CORNUET [redacted]
CHARLES D. CORPMAN [redacted]
JOHN F. CORRIGAN [redacted]
COLIN B. COSGROVE, JR. [redacted]
JOHN F. COSTA, JR. [redacted]
GERALD R. COSTELLO [redacted]
RICHARD A. COSTELLO [redacted]
WILLIAM D. COWAN [redacted]
FRANCIS COX [redacted]
KEVIN S. COX [redacted]
SAMUEL D. COX [redacted]
STEVEN J. COX [redacted]
SUSAN A. COX [redacted]
GERALDINE B. COZZI [redacted]
MATTHEW L. CRABBE [redacted]
TERRENCE J. CRABTREE [redacted]
RONALD H. CRANE [redacted]
JAMES E. CRAWFORD, JR. [redacted]
WILLIAM B. CRAWFORD [redacted]
LARRY D. CRESSWELL [redacted]
RAYMOND L. CREW [redacted]
JOSEPH P. CREWS [redacted]
ARTHUR S. CROKER [redacted]
RODNEY L. CROSLEN [redacted]
RANDOLPH G. CROWDER [redacted]
SHANNON B. CROWLEY [redacted]
CRAIG A. CROXTON [redacted]
JESSE K. CRUMP [redacted]
PAUL E. CRUSER [redacted]
ROBERT E. CRUZ [redacted]
RUBEN D. CRUZ [redacted]
ROBERT J. CULHANE [redacted]
CLAY K. CULVER [redacted]
BRIAN S. CUMMING [redacted]
STEVEN A. CURL [redacted]
JAMES M. CURLEY [redacted]
GERALD D. CURRY [redacted]
JAMES M. CURTIS [redacted]
RANDY K. CURTIS [redacted]
ROBERT L. CUSHING, JR. [redacted]
RANDALL G. CUTHBERT [redacted]
BRIAN P. CUTTS [redacted]
WALTER CYKTICH, JR. [redacted]
MICHAEL R. CZAPIEWSKI [redacted]
TERRI J. CZENKUS [redacted]
MARK R. DAGGITT [redacted]
LINDA J. DAHL [redacted]
DENNIS E. DALEY [redacted]
DOUGLAS H. DALSOGLIO [redacted]
PENALOPE H. DALTON [redacted]
RAYMOND T. DALY, JR. [redacted]
KEVIN B. DAMATO [redacted]
TIMOTHY H. DANIEL [redacted]
DAVID B. DANIELS [redacted]
JOHN A. DANIELS [redacted]
DANIEL L. DANNENMUELLER, SR [redacted]
JAMES R. DARBY, III [redacted]
RICHARD N. DARCO, JR. [redacted]
SUSAN L. B. DARNELL [redacted]
VINCENT L. DAUBENSPECK, II [redacted]
DOUGLAS W. DAUER [redacted]
THOMAS P. DAVENPORT [redacted]
WILLIAM T. DAVIDSON [redacted]
BEVERLY H. DAVIS [redacted]
DONNIE G. DAVIS, JR. [redacted]
HOWARD D. DAVIS, JR. [redacted]
JOSEPH E. DAVIS [redacted]
MARK L. DAVIS, [redacted]
MICHAEL D. DAVIS [redacted]
ROBIN DAVIS [redacted]
STEVEN TODD DAVIS [redacted]
AMY J. DAWSON [redacted]
STEVEN O. DAWSON [redacted]
CLIFFORD E. DAY [redacted]
KATHYRN A. DAY [redacted]
RONALD J. DEAK [redacted]
JAMES W. DEAN [redacted]
JOHN F. DEAN, JR [redacted]
MARY K. DEATHERAGE [redacted]
MICHAEL V. DEATON [redacted]
WILLIAM J. DEBENEDICTIS [redacted]
MARK DECESARI [redacted]
JOSEPH A. DEE [redacted]
LAURIE A. DEGARMO [redacted]
KEVIN D. DEGNAN [redacted]
MICHAEL P. DEGREEF [redacted]
GUS W. DEIBNER [redacted]
MARKUS R. DEITERS [redacted]
MICHAEL S. DEJONGE [redacted]
WILLIAM G. DEKEMPER [redacted]
DENIS P. DELANEY [redacted]
WILLIAM P. DELANEY [redacted]
THOMAS DELAROSA [redacted]
STEPHEN J. DELLIES [redacted]
VICTOR F. DELMORAL [redacted]
CHARLES S. DELSOLAR [redacted]
CARLO N. DEMANDANTE [redacted]
FRANK DEMARTINI III [redacted]
ANNE C. DEMENT [redacted]
MARK E. DEMERS [redacted]
RICHARD J. DENNEE [redacted]
PAUL DENNO [redacted]
STEVEN J. DEPALMER [redacted]
LEE E. DEREMER [redacted]
DONALD P. DESAULNIERS [redacted]
RALPH DEVE [redacted]
MICHAEL E. DEVILLEZ [redacted]
TROY E. DEVINE [redacted]
BLAKE D. DEVOLLD [redacted]
JAMES L. DEW, JR. [redacted]
BRUCE R. DEWITT [redacted]
KIRK R. DICKENSON [redacted]
JAMES R. DICKERSON [redacted]
TIMOTHY D. DICKEY [redacted]
IAN R. DICKINSON [redacted]
DAVID JOHN DIETRICH [redacted]
PAUL J. DIMECH [redacted]
STEVEN B. DINGEE [redacted]
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JON C. DITTMER [redacted]
TERESA AH DJURIC [redacted]
KATHLEEN T. DOBY [redacted]
SHAYNE H. DOERING [redacted]
ARDEN L. DOHMAN [redacted]
THOMAS J. DOLNEY [redacted]
SANDRA DOMINGOS [redacted]
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CHARLES S. DORSEY [redacted]
JOHN G. DORTONA [redacted]
EDWARD K. DOSKOCZ [redacted]
SAMUEL R. DOUGLAS [redacted]
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PAUL E. DOWDEN [redacted]
BENJAMIN H. DOWNING [redacted]
GREGORY F. DRAGOO [redacted]
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DON M. DRESSEL [redacted]
JOHN D. DRIESSNACK [redacted]
RICHARD D. DUBLIN [redacted]
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SCOTT C. DUDLEY [redacted]
CHRISTINA M. DUFFY [redacted]
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VINCENT R. DUMAS [redacted]
MARY E. DUNCAN [redacted]
JOHN I. DUNHAM, JR. [redacted]
RONALD L. DUNIC [redacted]
THEOPHILE DUPLECHAIN, JR [redacted]
JEFFREY DUPREE [redacted]
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JAMES W. ELSNAU [redacted]
NEIL R. ELTON [redacted]
JAMES L. ELWELL [redacted]
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BRUCE C. EMIG [redacted]
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REED C. ESTRADA [redacted]

CURTIS A. EUBEL [redacted]
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JEFFREY E. FRYE [redacted]
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ALFRED D. GARCIA [redacted]
IGOR J. P. GARDNER [redacted]
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MARK N. GOSE [redacted]
EARL D. GOTHARD, JR. [redacted]
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PATRICK A. GOULD [redacted]
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ALVARO GRACIA, JR. [redacted]
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CECILIA M. GRINDINGER [redacted]
LYDIA S. GROCE [redacted]
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PAUL A. GROVEN [redacted]
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DANA L. GUNTER [redacted]
ERIC V. GUNZINGER [redacted]
RANDALL H. GUPTON [redacted]
MICK R. GUTHALS [redacted]
BRAD A. GUTIERREZ [redacted]
ROBERT L. HAASE, JR. [redacted]
CAMERON G. HABBICK [redacted]
CHRISTOPHER A. HABIG [redacted]
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STEWART J. HACKER [redacted]
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MARVIN C. HAIRE [redacted]
STUART L. HAIRE [redacted]
FRANK C. HALBERT [redacted]
GARY D. HALEY [redacted]
HOMER E. HALL, JR. [redacted]
JAY K. HALL [redacted]
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NATHANIEL C. HALL [redacted]
STEPHEN C. HALLIN [redacted]
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DONALD J. HALPIN [redacted]
PAUL A. HALVORSEN [redacted]
DAVID C. HAM [redacted]
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BRUCE F. HARMON [redacted]
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BARBARA L. HARRIS [redacted]
CHARLES H. HARRIS, JR [redacted]
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JACQUELINE C. R. HARRY [redacted]
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EDWARD R. HARTMAN [redacted]
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JOSEPH J. HARTSTEIN [redacted]
TINA M. HARVEY [redacted]
ROGER A. HARVILLE [redacted]
MARK R. HASARA [redacted]
MICHAEL R. HASS [redacted]
ANTHONY R. HASSELL [redacted]
ARTHUR G. HATCHER, JR. [redacted]
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DALE A. HAUSER [redacted]
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EDWARD R. HAYDEN [redacted]
VERBIN HAYES, JR. [redacted]
ANGELO T. HAYGOOD [redacted]
HOWARD D. HAZELL [redacted]
ROBERT L. HEAD, JR [redacted]
THOMAS Y. HEADEN [redacted]
LAURIE S. HEALY [redacted]
STEPHEN M. HEAPS [redacted]
NANCY J. HEARRELL [redacted]
SEAN V. HEATHERMAN [redacted]
JAMES R. HEATHERTON [redacted]
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JOEL C. HECK [redacted]
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BART H. HEDLEY [redacted]
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BARDEN R. HEFT [redacted]
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WARD E. HEINKE [redacted]
JULIE A. HEITZMAN [redacted]
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LENORE M. HEMINGWAY [redacted]
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BRUCE E. HEYLMUN [redacted]
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TIMOTHY K. HIGA [redacted]
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NORAH H. HILL [redacted]
RAYMOND R. HILL, JR. [redacted]
GEORGE T. HILTON [redacted]

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AUDIE E. HITTLE [redacted]
MICKIE S. HO [redacted]
PATRICIA G. HOBAN [redacted]
JAMES H. HOBDAY [redacted]
CLEOPHAS S. HOCKADAY, JR [redacted]
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TROY V. IRWIN [redacted]
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JEFFREY P. JOYC [redacted]
PAUL R. JOYCE [redacted]
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MICAH E. KILLION [redacted]
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ANITA M. KING [redacted]
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FRANK H. LARA [redacted]
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JOHN A. LAUB [redacted]
STEVEN H. LAUDER [redacted]
JOHN W. LAVIOLETTE [redacted]
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ERIC LINDON [redacted]
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LANCE J. LINDSLEY [redacted]
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JEFFREY G. LOFGREN [redacted]
EDGAR A. LOGAN, JR. [redacted]
BOYD E. LONG, JR. [redacted]
RANDALL L. LONG [redacted]
DEAN J. LONGO [redacted]
GARY W. LOOKABAUGH [redacted]
ADELAIDA LOPEZ [redacted]
THOMAS R. LORD, JR. [redacted]
JOHN E. LOSCHIAVO [redacted]
JAMES A. LOTT [redacted]
MICHAEL G. LOUGHLIN [redacted]
CATHERINE T. LOVELADY [redacted]
WYLIE E. LOVELADY III [redacted]
MARTIN J. LOVELESS [redacted]
ANDRE L. LOVETT [redacted]
II RAY DON LOWE [redacted]
MICHAEL V. LOWE [redacted]

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PATRIVA V. MACK [redacted]
KRISTIAN G. MACKEY [redacted]
KEMMIT C. MACLEAN [redacted]
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BARRY S. MACNEILL [redacted]
JEFFERY M. MADDOX [redacted]
BRIAN MAGAZU [redacted]
DONALD J. MAGEE [redacted]
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WILLIAM J. MAHONY, JR. [redacted]
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GENE F. MAKOWSKI [redacted]
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JAMES E. MANKER, JR. [redacted]
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WALTER B. MANWILL [redacted]
NORMAN MARSHALL, JR. [redacted]
IVONNE Y. MARTENS [redacted]
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KEITH H. MAXWELL [redacted]
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CLEVELAND R. MCCRAY [redacted]
COLLEEN A. MCCURDY [redacted]
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FRANCIS L. MCILWAIN, JR. [redacted]
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MATTHEW P. MCKEON [redacted]
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MASON E. MCLEAN [redacted]
JEFFREY J. MCMANUS [redacted]
ROY D. MCMICKELL, JR. [redacted]
LINDA L. MCMILLAN [redacted]
ROBERT H. MCMILLAN III [redacted]
SEAN T. MCNAMARA [redacted]
ROBERT M. MCNEASE [redacted]
FRANCIS X. MCRORY [redacted]
RICHARD G. MCSPADDEN, JR. [redacted]
WILSON G. MCWHIRTER III [redacted]
DALE F. MEEKS [redacted]
SCOTT D. MEISINGER [redacted]
PAUL J. MEJASICH [redacted]
LUIS MELECIO, JR. [redacted]
JESUS Y. MELIAN [redacted]
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STEPHEN R. MELLIN [redacted]
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ANN E. MERCER [redacted]
RUSSELL W. MERRITT [redacted]
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IVAN G. MIETH, JR. [redacted]
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ZANE W. MITCHELL, JR. [redacted]
HEIDRUN MLODZIK [redacted]
ALAN W. MOE [redacted]
RAYMOND S. MONTALBANO, JR. [redacted]
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JOE G. MYERS, JR. [redacted]
JOHNNY M. NAIL [redacted]
THOMAS J. NANCE [redacted]
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VISHNU V. NEVREKAR [redacted]
MATTHEW P. NEWMAN [redacted]
JOSEPH W. NICHOLS [redacted]
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PAUL G. NIESEN [redacted]
LAWRENCE J. NIKOLAUS [redacted]
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ALBERT P. NIXON [redacted]
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CLETUS G. NORRIS [redacted]
JAN A. NORTH [redacted]
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JAMES R. NORWOOD [redacted]
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MICHAEL R. NOYES [redacted]
BEVERLY J. NOZOLINO [redacted]
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INGA M. ONEILL [redacted]
THOMAS ONEILL [redacted]
CHARLES W. ORR, JR. [redacted]
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KATHRYN J. ORTA [redacted]
ROBERT L. ORWIG, JR. [redacted]
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SCOTT D. OTEY [redacted]
WILLIAM F. OVERBEY, JR. [redacted]
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MARC E. OWENS [redacted]
JOSEPH G. PACHECO [redacted]
YVES L. PACHECO [redacted]
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DUANE A. PADRICK [redacted]
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WILLIAM J. PALIWODA [redacted]
NORMAN H. PALLISTER [redacted]
MARGUERITE J. PALMER [redacted]
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GUY M. PALUMBO [redacted]
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ORLANDO J. PAPUCCI [redacted]
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VICTOR F. PARKER [redacted]
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JACK D. PATTERSON [redacted]
SPENCER H. PATTERSON, JR. [redacted]
ERIC M. PAULSON [redacted]
GEORGE L. PAVELKO, JR. [redacted]
JAY H. PAYNE [redacted]
JONATHON S. PAYNE [redacted]
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ROGER R. PERRET [redacted]
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HANS J. PETRY [redacted]
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LEE PLOWDEN [redacted]
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MARK A. POHLMEIER [redacted]
TODD J. POLLARD [redacted]
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MARK R. PRICE [redacted]
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VINCENT E. RENAUD [redacted]
NORMAN E. RENNSPIES [redacted]
DAVID RESENDEZ [redacted]
MARIE A. REVAK [redacted]
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WARD W. SEVERTS [redacted]
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LUKE A. SHINGLEDECKER [redacted]
STEVEN E. SHINKLE [redacted]
BUFORD W. SHIPLEY, JR. [redacted]
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KEITH A. SHOMPER [redacted]
ANDREW M. SHOOP [redacted]
BILLY R. SHRADER [redacted]
ROY C. SHRADER, JR. [redacted]
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VERNON N. SIMMONS [redacted]
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MARC M. SNYDER [redacted]
RICHARD W. SNYDER [redacted]
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JOSE A. SOLIS, [redacted]
STEVEN C. SOLTERBECK [redacted]

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STEPHEN F. SOVAIKO [redacted]
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VIC A. SOWERS [redacted]
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EDGAR M. SPAULDING III [redacted]
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THOMAS P. SPELLMAN [redacted]
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GEORGE E. SPENCER II [redacted]
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GORDON M. SPREWELL [redacted]
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WILLIAM C. STARR [redacted]
LAWRENCE S. STAUDENMYER [redacted]
EDWARD L. STAWARZ, JR [redacted]
CAROL E. STDENIS [redacted]
LEONARD J. STEC [redacted]
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JOSEPH STEIL [redacted]
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MILLER MARY Y. STEVENSON [redacted]
CYNTHIA A. STEWART [redacted]
DOUGLAS E. STEWART [redacted]
NOYES C. STICKNEY III [redacted]
CHARLES B. STILL [redacted]
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JOHN E. SULLIVAN II [redacted]
KONDA H. SULLIVAN [redacted]
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HAU T. TRAN [redacted]
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ELISE M. VANDERVENNET [redacted]
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EMILIO VARCARCEL [redacted]
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RENNIE VAZQUEZ [redacted]
KATIE D. VEAZIE [redacted]
TIMOTHY A. VEEDER [redacted]
DAVID VEGA [redacted]
RAMON G. VEGA, JR. [redacted]
ROBERT J. VERICA, JR [redacted]
NANCY R. VETERE [redacted]
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EDWARD V. WEBER [redacted]
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BRADLEY N. WEBSTER [redacted]
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CHARLES W. WEDDLE, JR. [redacted]
CHARLES D. WEEKES [redacted]
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JAMES G. V. WHITTEMORE [redacted]
CHARLES L. WICHLAC [redacted]
STEPHEN J. WICHMANN [redacted]
GARY P. WICKMAN [redacted]
RONALD C. WIEGAND [redacted]
MARVIN W. WIERENGA, JR. [redacted]
RICHARD P. WIGGS, JR [redacted]
WILLIAM WIGNALL, [redacted]
PHYLLIS T. WILCOX [redacted]
RICHARD S. WILCOX [redacted]
PAUL G. WILDER [redacted]
GREGORY E. WILEY [redacted]
DONALD R. WILHITE [redacted]
GREGORY A. WILHITE [redacted]
KURT E. WILKERSON [redacted]
AARON L. WILKINS [redacted]
ANTHONY R. WILLIAMS [redacted]
CHARLES KEITH WILLIAMS [redacted]
CLIFFORD V. WILLIAMS [redacted]
DONALD S. WILLIAMS [redacted]
ELIZABETH T. WILLIAMS [redacted]
FREDERICK L. WILLIAMS [redacted]
HORACE B. WILLIAMS III [redacted]
JACK G. WILLIAMS [redacted]
JAMES H. WILLIAMS [redacted]
JAMES L. WILLIAMS, JR [redacted]
JOHN B. WILLIAMS [redacted]
STEPHEN A. WILLIAMS [redacted]
THOMAS L. WILLIAMS [redacted]
TROY M. WILLIAMS [redacted]
CRAIG J. WILLITS [redacted]
JAMES R. WILLSIE [redacted]
KENNETH S. WILSBACH [redacted]
AMY P. WILSON [redacted]
CHESTER D. WILSON [redacted]
DARRELL R. WILSON [redacted]
GARY L. WILSON [redacted]
KELLY W. WILSON [redacted]
MICHAEL G. WILSON [redacted]
SCOTT A. WILSON [redacted]
PETER R. WINDLER [redacted]
DAVID R. WINKLER [redacted]
PHILIP J. WINSLOW [redacted]
RICHARD J. WINSLOW [redacted]
EDWARD C. WINSTEAD [redacted]
MOSES B. WINSTON IV [redacted]
ANDREW T. WISE [redacted]
JOHN A. WISNIEWSKI, JR [redacted]
EDWARD W. WITHERSPOON [redacted]
CATHERINE L. WITKOWSKI [redacted]
ROGER D. WITT [redacted]
CLAYTON E. WITTMAN [redacted]
WILLIS J. WITTY [redacted]
JAMES S. WOLCOTT [redacted]
JAMES G. WOLF [redacted]

GARY A. WOLVER [redacted]
HOWARD L. WONG [redacted]
MARY B. WOO [redacted]
ARTHUR J. WOOD III [redacted]
EMMETT G. WOOD [redacted]
FRED L. WOOD [redacted]
JOHN W. WOOD [redacted]
RICHARD P. WOOD [redacted]
COENNIE F. WOODS [redacted]
DAVID S. WOODS [redacted]
MICHAEL W. WOODS [redacted]
PENNY D. WOODSON [redacted]
DAVID W. WOODWARD [redacted]
JASPER S. WOODWARD, JR [redacted]
RUDI D. WOODWARD [redacted]
DANIEL WOOLEVER [redacted]
MATTHEW F. WOOLLEN [redacted]
MICHAEL S. WOOLLEY [redacted]
DAVID J. WORLEY [redacted]
GEORGE J. WORLEY [redacted]
RICHARD A. WRIDE [redacted]
CAMERON H. G. WRIGHT [redacted]
DANNY C. WRIGHT [redacted]
DARRELL L. WRIGHT [redacted]
DAVID L. WRIGHT, JR [redacted]
ROBERT G. WRIGHT, JR [redacted]
ROLAND P. WRIGHT [redacted]
JONATHAN F. WRINN [redacted]
DOUGLAS C. WROTEN [redacted]
MARCUS D. WROTNY [redacted]
LEE O. WYATT [redacted]
LEWIS L. WYATT, JR [redacted]
FRANCIS V. XAVIER [redacted]
BARRY L. YACABUCCI [redacted]
ROBERT A. YAHN, JR [redacted]
PAUL R. YAKES, JR [redacted]
DENNIS D. YATES [redacted]
MATTHEW C. YOTTER [redacted]
BRADFORD P. YOUNG [redacted]
CHARLIE R. YOUNG [redacted]
DAVID M. YOUNG [redacted]
JOHN M. YOUNG [redacted]
MICHAEL K. YOUNG [redacted]
SHANE A. YOUNG [redacted]
THOMAS B. YOUNGS [redacted]
JEFFREY YUEN [redacted]
TIMOTHY M. ZADALIS [redacted]
RANDALL J. ZAK [redacted]
DANIEL J. ZALEWSKI [redacted]
DEBORAH L. ZAMORASOON [redacted]
RAYMOND B. ZAUN [redacted]
DEBRA K. ZAWACKY, [redacted]
DAVID E. ZEH [redacted]
DAVID F. ZEHR [redacted]
GREGORY S. ZEMAN [redacted]
MARK D. ZETTLEMOYER [redacted]
DANIEL B. ZIEGLER [redacted]
CAROL A. ZIENERT [redacted]
LARRY D. ZIMMERMAN [redacted]
EDMUND L. ZINNI [redacted]
ANDREW G. ZINY [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CORPS

To be major

THOMAS P. AZAR [redacted]
MICHAEL A. BIEWEND [redacted]
STEPHEN N. BLAIR [redacted]
EUGENE E. BLAZEK [redacted]
STEPHEN R. BOOTH [redacted]
MELVIN G. BRINKLEY [redacted]
MICHAEL A. BROWN [redacted]
MICHAEL C. COGGINS [redacted]
DAN S. CRAWFORD [redacted]
KEITH A. DARLINGTON [redacted]
WILLIE F. DICKS [redacted]
GEOFFREY V. DUDLEY [redacted]
RICHARD B. DUNN [redacted]
ERIC D. FENTON [redacted]
MANUEL R. GUICO [redacted]
FRANK M. HAMILTON, JR [redacted]
DENNIS HUTSON [redacted]
JOHN A. KOVALCIN [redacted]
JERRY D. LEWIS [redacted]
MARTIN S. MORGAN [redacted]
JOSEPH R. MOTSAY [redacted]
RICHARD F. MUNSELL [redacted]
CONRADO E. NAVARRO [redacted]
BRETT C. OXMAN [redacted]
CLIFTON PERRY [redacted]
JERRY P. PITTS [redacted]
RICHARD H. ROSENFELD [redacted]
RAUL N. SANCHEZ [redacted]
JOHN C. SANDERS [redacted]
EARL G. SPRAGUE [redacted]
MARK S. STANFORD [redacted]
ROBERT C. STROUD [redacted]
THOMAS R. UNRATH [redacted]
KARL J. WIERSUM [redacted]

JUDGE ADVOCATE

To be major

BRYAN C. ADAMS [redacted]
JOSE D. ALMENDRAL [redacted]
STEVEN L. ARGIRIOU [redacted]
BARBARA E. BALIFF [redacted]
GRANT BLOWERS [redacted]
BRIAN D. BOURNE [redacted]
GERALD R. BRUCE [redacted]
DUNCAN R. BUTTS [redacted]
TIMOTHY G. BUXTON [redacted]
JEFFREY J. CAMPBELL [redacted]
ALFRED CREWS, JR. [redacted]
BRENT G. CURTIS [redacted]
JOHN W. DAVIS [redacted]
PAULA J. DEMUTH [redacted]
TIMOTHY M. DOMEK [redacted]
JOHN M. DOWLING [redacted]
RODGER A. DREW, JR. [redacted]
DAWN R. EFLEIN [redacted]
ERIC N. EKLUND [redacted]
JODY A. EVANS [redacted]
THOMAS J. FAULCONER [redacted]
RICHARD A. GITTINS [redacted]
KEVIN C. GREENFIELD [redacted]
PHILLIP D. GRISSOM [redacted]
KELLY L. GUILLORY [redacted]
NIKKI A. HALL [redacted]
SEAN M. HANNAWAY [redacted]
MARY E. HARNEY [redacted]
JESSICA A. HAYES [redacted]
THOMAS J. HELGET [redacted]
HARRY M. HUGHES [redacted]
ERIC S. ISRAEL [redacted]
WALTER S. KING [redacted]
ORVILLE W. J. LAYTON [redacted]
BRUCE D. LENNARD [redacted]
CHRISTOPHER C. LOZO [redacted]
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SCOTT R. MARTIN [redacted]
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JANE M. E. PETERSON [redacted]
THOMAS W. PITTMAN [redacted]
HERMAN REINHOLD [redacted]
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JOHN E. SCHRAFT [redacted]
PETER J. SEEBECK [redacted]
SANDRA J. SINAY [redacted]
JAMES D. SLEAR [redacted]
ROBERT I. SMITH [redacted]
GARY F. SPENCER [redacted]
MARK S. STAY [redacted]
MARK R. STRICKLAND [redacted]
FRANCINE I. SWAN [redacted]
SANDRA L. SWANTON [redacted]
RITA A. TEAGUE [redacted]
PATRICK E. TOLAN, JR. [redacted]
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TYRUS R. ULMER [redacted]
KATHRYN C. WALLACE [redacted]
THOMAS E. WAND [redacted]
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SONJA M. WILHELM [redacted]
ROBIN S. WINK [redacted]
STEPHEN R. WOODY [redacted]
LARRY D. YOUNGNER [redacted]
BARBARA J. ZANOTTI [redacted]

NURSE CORPS

To be major

RANDALL A. AKINS [redacted]
JACQUELINE D. ALLEN [redacted]
SHARON A. ALLEN [redacted]
CAROL A. AMADEO [redacted]
REBECCA J. ANDERSON [redacted]
AMY K. BACHELOR [redacted]
DIANE D. BALLWEG [redacted]
CAROL A. BARCLAY [redacted]
THOMAS G. BARLOCO [redacted]
STEVEN C. BEAN [redacted]
DEBORAH S. BEATTY [redacted]
DIANE L. BECK [redacted]
JEAN M. BELL [redacted]
BRUCE D. BISHOP [redacted]
MARIANNE M. BISHOP [redacted]
EDWARD L. BLACKSTOCK [redacted]
AUDREY M. BOLTON [redacted]
CARLOS J. BORGES [redacted]
ANNA M. BOWSER [redacted]
ELIZABETH C. BRADLEY [redacted]
CLIFFORD G. BREIER [redacted]
TIMOTHY E. BRENNER [redacted]
MICHAEL S. BROWN [redacted]
BARBARA A. BROYLES [redacted]
TINA M. BROYLES [redacted]
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JEANNE L. CAMPSIE [redacted]
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CARY E. COLLINS [redacted]
JAMES W. COWELL [redacted]
HELEN K. CROUCH [redacted]
KENNETH G. CROUCH [redacted]
CYNTHIA A. CUE [redacted]
JIMMY L. CURTIS [redacted]
DALLAN H. DANIELS [redacted]
WILLIAM M. DANIELS [redacted]
VIRGINIA B. DESIMONE [redacted]
WAYNE R. DEYKES [redacted]
NANCY A. DEZELL [redacted]
THERESA L. DIFATO [redacted]
KATHRYN A. DILLOW [redacted]
DEBRA J. DONOGHUE [redacted]
DEBRA L. DOTY [redacted]
JOHN T. DOUGLAS [redacted]
DENISE M. DUNKLEE [redacted]
ANNETTE W. EDWARDS [redacted]
MARILEE L. EDWARDS [redacted]
ELVIRA R. ESPINOZA [redacted]
TERESA L. ETHEN [redacted]
JOYCE A. EVANS [redacted]
PAULA I. EVANS [redacted]
KAREN G. EVERS [redacted]
TIMOTHY P. FAGAN [redacted]
SUZANNE F. FELD [redacted]
THERESA L. FELDMAN [redacted]
SUSAN D. FISK [redacted]
JOANNE C. FLAMMANG [redacted]
WINIFRED L. FLANAGAN [redacted]
JEREMIAH J. FLANIGAN [redacted]
SHEILA D. FLEEGE [redacted]
PATRICK B. FLEMING [redacted]
DIANA R. FLORES [redacted]
LYNNE A. FOSS [redacted]
SUSAN M. FRIESE [redacted]
CYNTHIA L. GONZALEZ [redacted]
PAULA J. GOODMAN [redacted]
BONNIE L. GORDON [redacted]
DAWN M. GRAHAM [redacted]
CARLA K. GRAVES [redacted]
MAUREEN F. GUICHARD [redacted]
CHARLES A. HAGNER [redacted]
SHARON L. HALE [redacted]
TERESA A. HARRIS [redacted]
MARY B. HARRISON [redacted]
DIANE E. HART [redacted]
BERLAIN HATFIELD, JR [redacted]
SELEA A. HAYES [redacted]
JANET A. HAYHURST [redacted]
JANET C. HEGARTY [redacted]
CATHLEEN A. HEMKER [redacted]
MARVIN D. HILL [redacted]
MELVIN D. HILL [redacted]
LINDA K. HOGAN [redacted]
DOROTHY A. HOGG [redacted]
ROBERT G. HONTZ [redacted]
DANA S. HOWARD [redacted]
DOUGLAS C. HOWARD, JR. [redacted]
FRANCES L. HOWE [redacted]
PATRICIA HUGHES [redacted]
SUSAN L. IRONS [redacted]
BARBARA A. JARRETT [redacted]
THOMAS J. JENKINS [redacted]
STEPHEN L. JONES [redacted]
PATRICIA A. KARABA [redacted]
JOHN D. KNUDSON [redacted]
BARBARA A. KRAUSE [redacted]
TSU CYNTHIA M. LANDRUM [redacted]
ARDENE M. LAWRENCE [redacted]
ROSE A. LAYMAN [redacted]
PAUL W. LESAINT [redacted]
HELEN F. LINDSEY [redacted]
TAMARA L. LINK [redacted]
ROBIN I. LONGEST [redacted]
JAMES R. LORRAINE [redacted]
LORI A. MACIAS [redacted]
BONNIE L. MACK [redacted]
ROSA M. MANCHA [redacted]
TAMARA S. MATTER [redacted]
KATHLEEN A. MCCLELLAN [redacted]
SHAE MCCOMAS [redacted]
AMY K. MCDANIELS [redacted]
MARY F. MCFADDEN [redacted]
GENEVIEVE MCGOWAN [redacted]
LAURIE J. MCMULLAN [redacted]
MARGARET M. MCNEILL [redacted]
MICHELE T. MILLER [redacted]
JEFFERY W. MOORE [redacted]
LUIS O. MORALES [redacted]
PAUL T. MORDINI [redacted]
DANNY A. MORGAN [redacted]
CARYL J. MOULDER [redacted]
MARIA K. NEFF [redacted]
CLIFFORD E. NIELSEN [redacted]
ROBERT D. NORTHERN, JR. [redacted]
MARY K. ODAHL [redacted]
JOSEPH R. OLEARY [redacted]
ROSALINDA C. OLIVER [redacted]
MARGARET M. OTOOLE [redacted]
KAREN L. PAYNE [redacted]
PENNY L. PETERSEN [redacted]
MARLENE R. PIETROCOLA [redacted]

MEGHAN R. PILGER [redacted]
CONSUELLA B. POCKETT [redacted]
MELINDA L. POSO [redacted]
SIDNEY H. POTMESIL I [redacted]
KELLY R. PRESTON [redacted]
PAULA J. RALSTON [redacted]
CYNTHIA K. RAUSOBOTKA [redacted]
SHERRY R. RAWLSBRYCE [redacted]
EDWARD E. REEVES I [redacted]
DOLORES REYESGONZALEZ [redacted]
EDWIN T. ROBERTS [redacted]
KATHRYN L. ROBINSON [redacted]
CONNIE D. ROCCO [redacted]
JUDITH I. ROSEN [redacted]
ROBIN S. ROSENBERG [redacted]
KENT D. ROYER [redacted]
DENNIS L. RUSSELL [redacted]
VICTORIA M. RUTLEDGE [redacted]
MICHELLE A. RYERSON [redacted]
DENNIS C. SAMPSON [redacted]
JOSEPHINE F. SCHANTZ [redacted]
EVERLENE L. SCOTT [redacted]
LINDA A. SEAVERS [redacted]
CAROL M. SHEEHAN [redacted]
JEAN M. SHELTON [redacted]
AUDRENE A. SMITH [redacted]
DOREEN A. SMITH [redacted]
LAURA B. SMITH [redacted]
ROBERT R. SMITH [redacted]
JANET L. SOMLYAY [redacted]
WANDA B. SPILLERS [redacted]
STEVEN W. STAGNER [redacted]
JAYNE E. STETTO [redacted]
MICHELLE STEWART [redacted]
SUZANNE P. STRAUB [redacted]
DOREEN R. STREETER [redacted]
JACQUELINE C. SULLINS [redacted]
KEITH E. TACKETT [redacted]
JANET T. TAYLOR [redacted]
THOMAS M. THEDERS [redacted]
CLARE M. THOMAS [redacted]
PATRICIA F. THON [redacted]
TERESA M. THORLEY [redacted]
FRANKLIN J. TRZCINSKI [redacted]
WENDY P. VANDYKE [redacted]
ANDREW D. VANSICKEL [redacted]
ANGELA C. VICKERS [redacted]
KENNETH A. WILLIAMS [redacted]
ANITA R. WOLFE [redacted]
DEBORAH C. YOUNG [redacted]
HARRIET L. YOUNG [redacted]
CATHERINE M. YOUNKER [redacted]
PAUL J. ZOLLMANN [redacted]

MEDICAL SERVICE

To be major

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BRUCE A. ALLEN [redacted]
L. JOSEPHINE ALMONTE [redacted]
GARY L. ASSANTE [redacted]
JOHN L. BINDER [redacted]
WILLIAM J. BRANDT [redacted]
PAUL L. BRENNER [redacted]
ELIZABETH C. BROWN [redacted]
BRENDA R. BULLARD [redacted]
MAX D. BURKE [redacted]
DENISE L. BURTON [redacted]
GREGORY W. CARSON [redacted]
JAMES M. COHEN [redacted]
MICHAEL T. CULHANE [redacted]
DENNIS A. EIBE [redacted]
RANDALL M. EMMERT, JR [redacted]
JAMES M. FOLEY [redacted]
MARK A. FORTUGNO [redacted]
GREGORY M. HAINLINE [redacted]
THOMAS J. HALL I [redacted]
THOMAS M. HARKENRIDER [redacted]
MICHAEL G. HEATH [redacted]
ROBERT J. HILL [redacted]
DANIEL C. HONERBRINK [redacted]
CLIFFORD F. HONIKER II [redacted]
BRUCE W. JOHNSON [redacted]
DRUSSELL B. JONES [redacted]
RANDALL F. JONES [redacted]
ROBIN M. KING [redacted]
JOSEPH J. KRUEGER [redacted]
DEBORAH L. LARY [redacted]
ROBERT J. LYDEN [redacted]
TIMOTHY R. MCCORMICK [redacted]
MARK D. MULLEN [redacted]
CLARA L. NIELSEN [redacted]
ERNEST M. PARKER [redacted]
CHARLES E. POTTER [redacted]
DANNY B. RICHARDSON [redacted]
LANE T. ROGERS [redacted]
MARILYN J. RUCKER [redacted]
SALLY A. RYAN [redacted]
DEVIN A. SATZ [redacted]
IVAN L. SHERARD [redacted]
DANIEL R. SHERRED [redacted]
DEAN C. TANO [redacted]
ELAINE D. TEEVENS [redacted]
RUDOLPH W. WAGONER [redacted]
JEAN A. WALLACE [redacted]
SCOTT F. WARDELL [redacted]
KELLY A. WING [redacted]
NORMAN F. W. WINTER [redacted]

BIOMEDICAL SCIENCES CORPS

To be major

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DAVID R. ARREOLA [redacted]
ROGER L. BENJAMIN [redacted]
ROBERT F. BERKHEISER [redacted]
BRUCE J. BERNACKY [redacted]
KEVIN C. BLAKLEY [redacted]
CHARLES H. BOARDMAN IV [redacted]
ROBERT V. BOWERSOX [redacted]
KEVIN M. BOYLE [redacted]
PATRICK O. BRADSHAW [redacted]
BRUCE A. R. BRASWELL [redacted]
KATHLEEN A. BREHMHEITMAN [redacted]
JOSEPH G. BRETON [redacted]
MICHAEL G. BUTEL [redacted]
MARK E. BUTLER [redacted]
TIMOTHY J. BYRNE [redacted]
STEVEN C. CABERTO [redacted]
ROBERT J. CAMPBELL [redacted]
JAMES J. CARROLL [redacted]
JAMES J. CLARKE [redacted]
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KATHLEEN M. CRONIN [redacted]
THOMAS B. CROSS [redacted]
RODNEY L. CROWLEY [redacted]
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CRAIG B. DEZELL [redacted]
RAFAEL A. DIAZ [redacted]
WILLIAM H. DOBBERTIEN, JR [redacted]
DAVID R. DOWNEY [redacted]
DAVID G. DUNLOP [redacted]
DALE A. FERGUSON [redacted]
JOHN P. FIELDS [redacted]
JEFFREY L. FOSTER [redacted]
DOUGLAS S. FRANZ [redacted]
PATRICK J. GALASKA [redacted]
KUL B. GARG [redacted]
CLIFTON M. GILMORE [redacted]
RICARDO GONZALEZ [redacted]
RAY A. GREEN [redacted]
GARY GREER [redacted]
STEPHEN T. GREGOIRE [redacted]
SCOTT O. HAIL [redacted]
JAMES D. HAMER [redacted]
JAMES H. HANNAFON III [redacted]
SUE E. HARMON [redacted]
LAWRENCE K. HARRINGTON [redacted]
LAWRENCE I. HITTLE [redacted]
JEFFREY P. HOFFMAN [redacted]
WINIFRED C. HOLCOMB [redacted]
ARNOLD M. HUSKINS [redacted]
BRIAN D. JARVIS [redacted]
DALE E. JENNE [redacted]
HELEN W. JERMYN [redacted]
GLORIA J. JESZKE [redacted]
DAVID S. JOHNSON [redacted]
PAMELA S. JORDAN [redacted]
WALTER H. JOYNER [redacted]
RAYMOND E. KING [redacted]
WALTER B. KING, JR [redacted]
MICHAEL J. KLAUDER [redacted]
DAVID J. KLECZEK [redacted]
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MITCHELL D. LUCY [redacted]
NICHOLAS G. LUTHMAN [redacted]
MARK S. MALLETT [redacted]
SCOTT R. MARRS [redacted]
FRANK J. MATERESE [redacted]
RICHARD L. MATTA [redacted]
DAVID J. MEADE [redacted]
MARLIN K. MOORE [redacted]
GEORGE MUNKACHY [redacted]
ROCK A. MUNSEE [redacted]
NICHOLAS W. MUSZYNSKI [redacted]
SCOTT M. NICHELSON [redacted]
THOMAS L. PATTERSON [redacted]
GARY G. PETERSON [redacted]
PARKER P. PLANTE [redacted]
DOUGLAS A. POST [redacted]
JOHN L. PUTNAM [redacted]
STEVEN D. QUALLS [redacted]
ROBERT V. ROBEY, JR [redacted]
LINDA A. RUCKRIEGEL [redacted]
PATRICIA A. SARGEANT [redacted]
LISA K. SCHUETTE [redacted]
TERRELL E. SCOGGINS [redacted]
ROBERT M. SHARROW [redacted]
JAMES D. SINGLETERRY [redacted]
KAREN J. SMITH [redacted]
LESLIE B. SMITH [redacted]
MARTHA A. STOKES [redacted]
TERRY L. STOTLER [redacted]
MARK R. TIMS [redacted]
LILLIAN V. TORRES [redacted]
ROBERT W. TOWNSLEY [redacted]
RONALD C. TUTT [redacted]
ROBERT S. VALDEZ [redacted]
MICHAEL E. VANVALKENBURG [redacted]
STEPHEN L. VOIGT [redacted]
AMY L. WALKER [redacted]
ROBERT B. WALTON [redacted]
GARY M. WEIBY [redacted]
NANCY E. WEINGARTNER [redacted]
ROBERT J. WILSON [redacted]
PETER M. VI YOUNG [redacted]
TIPTON W. YOUNG [redacted]
EDWARD M. ZASTAWNY [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN

LINE OF THE AIR FORCE

DONALD R. ADAMS, JR. [redacted]
MICHAEL A. ADDISON, JR [redacted]
BRIAN T. ADKINS [redacted]
DEAN J. ADKINS [redacted]
KELLY F. AHMANN [redacted]
STEPHEN AHRENS [redacted]
RICHARD ALBANESE [redacted]
MICHAEL D. ALFORD [redacted]
LEA R. ALHOLINNA [redacted]
LAWRENCE G. ALICZ [redacted]
TED D. ALLAIRE [redacted]
CHARLES T. ALLEN [redacted]
MARK P. ALLEN [redacted]
JONAS C. ALLMAN [redacted]
DOUGLAS E. ALMGREN [redacted]
BRUCE P. ANDERSON [redacted]
CHRISTOPHER M. ANDERSON [redacted]
DEAN J. ANDERSON [redacted]
ERIC T. ANDERSON [redacted]
EUGENE S. ANDERSON [redacted]
JAMES V. ANDERSON II [redacted]
JOHN C. ANDERSON [redacted]
JON M. ANDERSON [redacted]
MARK RICHARD ANDERSON [redacted]
MICHAEL A. ANDERSON [redacted]
THOMAS M. ANDERSON [redacted]
TIMOTHY C. ANDERSON [redacted]
TIMOTHY J. ANDERSON [redacted]
EDWARD C. ANDREJCZYK [redacted]
DAVID R. ANDRUS [redacted]
NICHOLAS N. ANGELIS [redacted]
MICHAEL J. ANGWIN [redacted]
ERIC G. ANTON [redacted]
ANTHONY R. ARCIERO [redacted]
MICHAEL R. ARDREY [redacted]
COURTNEY J. ARNOLD [redacted]
JOHN T. ARNOLD [redacted]
SCOTT M. ARNOLD [redacted]
MARVIN A. AROSTEGUI [redacted]
DAVID R. ARRIETA [redacted]
KEVIN W. ASH [redacted]
JAMES M. ASHLEY [redacted]
KENDALL F. ASHLEY [redacted]
GARY A. ASHWORTH [redacted]
JOHN M. ASKEW [redacted]
HANS R. AUGUSTUS [redacted]
MARK A. AUSTIN [redacted]
WILLIAM E. AUSTIN [redacted]
CHRISTOPHE L. AVILA [redacted]
ROBERT M. BAAB [redacted]
MICHAEL J. BABBIDGE [redacted]
DAVID S. BABYAK [redacted]
STEVEN E. BACHELOR [redacted]
BOYD A. BADALI [redacted]
JOSEPH V. BADALIS [redacted]
LANCE R. BAGWELL [redacted]
FREDERICK L. BAIER [redacted]
THOMAS N. BAILEY [redacted]
MATTHEW J. BAIN [redacted]
JEFFREY A. BAIR [redacted]
DAVID H. BAIRD [redacted]
JAMES C. BAIRD [redacted]
ERIC W. BAKER [redacted]
LYLE D. BAKER [redacted]
RICHARD A. BAKER [redacted]
SCOTT B. BAKER [redacted]
RUSTY O. BALDWIN [redacted]
CHRISTOPHER BALLARD [redacted]
CALVIN M. BALSAM [redacted]
JOSEPH C. BALTZ [redacted]
JOHN M. BALZANO [redacted]
JAMES D. BANKER [redacted]
DARWYN O. BANKS [redacted]
DAVID R. BANWART [redacted]
KENNETH M. BARANOWSKI [redacted]
NORMAN W. BARBER [redacted]
CHRIS BARGERY [redacted]
RUSSELL D. BARILE [redacted]
KEVIN D. BARKER [redacted]
LANCE S. BARKER [redacted]
ROBERT J. BARKLEY [redacted]
WILLIAM A. BARKSDALE [redacted]
CASSIE B. BARLOW [redacted]
TIMOTHY M. BARLOW [redacted]
KYLER A. BARNES [redacted]
RALPH J. BARRAS, JR [redacted]
ARIEL B. BARREDO [redacted]
ANTHONY J. BARRELL [redacted]
THOMAS E. BARRETT III [redacted]
DARRIN L. BARRITT [redacted]
DOUGLAS W. BARRON [redacted]
JON D. BARRY [redacted]
GEORGE C. BARTH [redacted]
ALEXANDER R. BARTHE [redacted]
FRANCESCA BARTHOLOMEW [redacted]
CHRISTOPHER J. BARTLETT [redacted]
RICKY A. BARTLETT [redacted]
JOHN S. BARTO [redacted]
MARCUS P. BASS [redacted]
DAVID W. BATH [redacted]
SAMUEL B. BATMAN [redacted]
CARL A. BATTS [redacted]
PATRICK J. BAUMHOVER [redacted]
JOHN P. BEAUCHEMIN [redacted]
MICHAEL L. BEAUDRY [redacted]
BRIAN A. BEAVERS [redacted]

JAMES M. BECKER [redacted]
DAVID T. BECKWITH [redacted]
SCOTT M. BEDROSIAN [redacted]
MICHAEL A. BEHLING [redacted]
ROBERT H. BEHRENS [redacted]
SCOTT W. BEIDLEMAN [redacted]
JAMES C. BEIMBORN [redacted]
BRIAN A. BEITLER [redacted]
LEWONNIE E. BELCHER [redacted]
KEVIN S. BENNETT [redacted]
RICHARD J. BENNETT [redacted]
STEPHEN R. BENNING [redacted]
ROBERT J. BENNINGTON [redacted]
SCOTT N. BENSON [redacted]
CLAY BENTON [redacted]
WILLIAM M. BERKSTRESSER [redacted]
MICHAEL C. BERNERT [redacted]
JAMES B. BERRY [redacted]
WILLIAM A. BERRY [redacted]
JOHN C. BERTHA [redacted]
MARK E. BEST [redacted]
JOHN M. BEVER [redacted]
DOUGLAS S. BEYER [redacted]
RONALD L. BEYES [redacted]
KURT J. BIENIAS [redacted]
VAL J. BIGGER [redacted]
TIMOTHY R. BIGGS [redacted]
DAVID W. BIKKER [redacted]
HELEN K. BIRCHENOUGH [redacted]
KURT D. BIRMINGHAM [redacted]
DARREN L. BISHOP [redacted]
BRADLEY R. BISSETTE [redacted]
ROBERT L. BITZER [redacted]
MILTON L. BLACKMON, JR. [redacted]
RICHARD S. BLAES [redacted]
RICK A. BLAISDELL [redacted]
THOMAS S. BLALOCK, JR. [redacted]
WILLIAM H. BLANTON [redacted]
THADDEUS J. BLAZAK [redacted]
RAYMOND H. BLEWITT [redacted]
DANIEL J. BLOCK [redacted]
RICHARD D. BLOCKER III [redacted]
FRANZ E. BLOMGREN [redacted]
ADAM J. BLOOD [redacted]
ROBERT S. BLUE [redacted]
JUSTIN L. BOBB [redacted]
DAMON A. BOEHMER [redacted]
STEPHEN G. BOJACK [redacted]
JENNIFER A. BOLLINGER [redacted]
JOHN M. BOLSINGER [redacted]
WALLACE H. BONE [redacted]
MILDRED E. BONILLALUCIA [redacted]
BARBARA R. BONNER [redacted]
AARON J. BOOHER [redacted]
SCOTT G. BOOK [redacted]
ALVIN L. BOONE [redacted]
KEITH P. BOONE [redacted]
KIMBERLY D. BOONE [redacted]
PHILLIP M. BOROFF [redacted]
CHRISTIAN D. BORTH [redacted]
CRAIG A. BOSWELL [redacted]
GARY A. BOULWARE [redacted]
TODD K. BOULWARE [redacted]
SCOTT J. BOURGEOIS [redacted]
EDWARD E. BOURNE [redacted]
CHRISTOPHER L. BOWERS [redacted]
GORDON F. BOYD II [redacted]
JOHN A. BOYD [redacted]
CHRISTINE B. BOYETTE [redacted]
TAURUS L. BRACKETT [redacted]
KENNETH C. BRADSHAW [redacted]
MICHAEL W. BRAKE [redacted]
WILLIAM B. BRASWELL [redacted]
JAMES F. BRAY [redacted]
JEFFREY R. BREAM [redacted]
CRAIG A. BREKER [redacted]
DAVID A. BRESCIA [redacted]
STEVEN G. BREWER [redacted]
COY J. BRIANT [redacted]
ANTHONY S. BRIDGEMAN [redacted]
RICHARD A. BRIGGS [redacted]
JACK D. BRINKLEY [redacted]
DONALD J. BRINKMAN [redacted]
WILLIAM S. BRINLEY [redacted]
KYLE P. BROADBENT [redacted]
KENNETH W. BROCKMANN [redacted]
JOHN P. BROOKER [redacted]
GARY S. BROOKS [redacted]
HAROLD E. BROSOFSKY [redacted]
CYNTHIA ANN THON BROWN [redacted]
DANIEL J. BROWN [redacted]
EDWARD R. BROWN [redacted]
ELIZABETH A. BROWN [redacted]
EUGENE R. BROWN [redacted]
HERBERT S. BROWN IV [redacted]
KERRY BROWN [redacted]
KRISS E. BROWN [redacted]
LYGIA MD BROWN [redacted]
ROBERT C. BROWN [redacted]
SCOTT F. BROWN [redacted]
SCOTT L. BROWN [redacted]
STEPHEN E. BROWN [redacted]
THEODORE L. BROWN, JR. [redacted]
THOMAS J. BROWNE [redacted]
BRENTON L. BROWNING [redacted]
JAMES W. BRUCATO [redacted]
JAMES M. BRUCE [redacted]
JAY E. BRUHL [redacted]
MARTIN F. BRUNNER [redacted]
ARCHIBALD E. BRUNS, [redacted]
COLLEEN Q. BRUST [redacted]
BARBARA BRYANT [redacted]
DEBORAH A. BRYANT [redacted]
THEODORE M. BRYANT [redacted]
SCOTT T. BUCHANAN [redacted]
JAMES E. BUCHMAN [redacted]
DARREN E. BUCK [redacted]
GERALD A. BUCKMAN [redacted]
ERIC N. BUECHELE [redacted]
SHERRY M. BUNCH [redacted]
MARIAN R. BUNDY [redacted]
CRAIG A. BURCH [redacted]
EDWARD J. BURKE [redacted]
TODD M. BURKHARDT [redacted]
DAVID A. BURNS [redacted]
JOSEPH M. BURNS [redacted]
MICHAEL R. BURTON [redacted]
MICHAEL D. BUSCH [redacted]
JOHN E. BUSE [redacted]
GUSTAVO BUSH [redacted]
EDMUND J. BUSHMAN [redacted]
ROBERT W. BUTLER [redacted]
ERIC M. BUTTER [redacted]
ARTURO M. BUXO [redacted]
DAN D. CABLE [redacted]
ANDREW P. CADDEN [redacted]
HENRY T.G. CAFFERY [redacted]
DANIEL B. CAIN [redacted]
DON CALCOTE [redacted]
DEAN C. CALDWELL [redacted]
RONALD CALVERT [redacted]
BRADLEY D. CAMPBELL [redacted]
CAROLYN D. CAMPBELL [redacted]
JEFFREY S. CAMPBELL [redacted]
MILTON C. CAMPBELL [redacted]
JR PETER C. CANDELARIO [redacted]
FRANCIS X. CAPANO, JR. [redacted]
RONALD E. CARDEN [redacted]
ALEXANDER C. CARDENAS [redacted]
OWEN H. CARNEAL, JR. [redacted]
LISA A. CARNEY [redacted]
KENNETH A. CARPENTER [redacted]
KEVIN P. CARR [redacted]
JOHN H. CARRIER [redacted]
DAVID A. CARROLL [redacted]
JOHN M. CARROLL III [redacted]
RICHARD J. CARROLL [redacted]
DAVID M. CARTER [redacted]
MARTIN J. CARTER [redacted]
SCOTT A. CARTER [redacted]
TED D. CARTER [redacted]
WILLIAM T. CARTER [redacted]
STEVEN M. CASE [redacted]
HENRI F. CASTELAIN [redacted]
MARTIN G. CASTILLO [redacted]
ELMA M. CASTOR [redacted]
MARTHA E. CATALANO [redacted]
SEAN M. CAVANAUGH [redacted]
JAMES M. CENEY [redacted]
DAVID M. CERMINARO [redacted]
MARK D. CERROW [redacted]
JAMES L. CHAMBERLAIN [redacted]
JAMES G. CHAMBERS [redacted]
ROBERT D. CHAMPION [redacted]
ERIC M. CHANCELLOR [redacted]
BRADFORD CHANDLER III [redacted]
STEVEN E. CHANDLER [redacted]
PRAYOOT CHAROENTHEP [redacted]
DENNIS L. CHARTRAW [redacted]
TROY A. CHASE [redacted]
TRESA L. CHASTAIN [redacted]
EVANGELINE M. CHEEKS [redacted]
JAMES A. CHERREY [redacted]
BRUCE C. CHESLEY [redacted]
SHELDON D. CHONG [redacted]
DONALD S. CHRAPKO [redacted]
TERRENCE J. CHRISTIE [redacted]
ROBYN A. CHUMLEY [redacted]
TIMOTHY C. CHUSTZ [redacted]
RICHARD A. CIARAMELLA [redacted]
ANTHONY J. CIRINCIONE [redacted]
JOHN J. CISAR [redacted]
MICHAEL S. CLAFFEY [redacted]
GREGORY W. CLARK [redacted]
ROBERT J. CLASEN [redacted]
JOLIE A. CLAVELLI [redacted]
DAVID R. CLAXTON [redacted]
JOHN L. CLAY [redacted]
SCOTT A. CLAY [redacted]
TAMMY K. CLAY [redacted]
JEFFERSON W. CLEGHORN [redacted]
PETER C. CLEMENT [redacted]
BRADFORD R. M. CLIFTON [redacted]
ARNOLD M. CLOUGH [redacted]
THOMAS C. CLUTZ [redacted]
RICHARD G. COBB [redacted]
PAUL L. COCHRAN JR. [redacted]
DWIGHT F. COCKRELL [redacted]
JAMES A. COFFEY [redacted]
DAVID M. COHEN [redacted]
MARK A. COLBERT [redacted]
THOMAS D. COLBY [redacted]
JOHN R. COLE [redacted]
ROBERT H. COLE [redacted]
CATHERINE G. COLEMAN [redacted]
JON M. COLEMAN [redacted]
JAMES W. COLEY [redacted]
RANDY L. COLLINS [redacted]
KEVIN E. COLYOTT [redacted]
WILLIAM A. COMBS [redacted]
DANNY D. COMEAU [redacted]
STEPHEN P. COMEAUX [redacted]
DANIEL A. COMRIE [redacted]
ROBERT W. CONANT, JR. [redacted]
MONICA K. CONCHOLAR [redacted]
MARK D. CONNER [redacted]
TERESA A. CONNOR [redacted]
RICHARD H. CONVERSE [redacted]
MARY M. COOLEY [redacted]
JAMES M. COON [redacted]
DENNIS E. COOPER [redacted]
MICHAEL J. COOPER [redacted]
JAN L. COPHER [redacted]
THOMAS P. COPPINGER [redacted]
KYLE M. CORNELL [redacted]
JEFFREY R. COTTON [redacted]
JOHN E. COTTRELL [redacted]
JAMES A. COTTURONE, JR. [redacted]
RONALD C. COURNOYER [redacted]
BRYAN R. COX [redacted]
DANNY W. COX [redacted]
GREGORY DALE COX [redacted]
JAMES N. COX [redacted]
KAREN L. COX [redacted]
MARK A. COX, [redacted]
RICHARD K. COX [redacted]
GEORGE S. CRAWFORD [redacted]
MELANIE K. CRAY [redacted]
RORY C. CREWS [redacted]
DAWN A. CREWSSEAMS [redacted]
STEPHEN P. CRITTELL [redacted]
MYRNA E. CRONIN [redacted]
WILLIAM J. CRONIN, IV [redacted]
CLINTON E. CROSIER [redacted]
ROBERT S. CROW [redacted]
MICHAEL E. CROWLEY [redacted]
JAMES A. CRUTCHFIELD [redacted]
JOSEPH A. CRUZ [redacted]
STEVEN R. CSABAI [redacted]
JOHN P. CUDDY [redacted]
NEAL J. CULINER [redacted]
JAMES P. CUMMINGS [redacted]
BRIAN W. CUNNING [redacted]
MICHAEL J. CUNNINGHAM II [redacted]
RANDAL A. CURRIE [redacted]
BRYAN J. CURRIER [redacted]
ANDRE K. CURRY [redacted]
JAMES J. CURTIS [redacted]
DEAN A. CUSANEK [redacted]
ELIZABETH A. CYGON [redacted]
JOSEPH R. CZARNECKI [redacted]
KIMBERLY E. DAEGER [redacted]
DAVID H. DAHL [redacted]
PETER J. DAHLIN [redacted]
JASON M. DAHLQUIST [redacted]
AARON C. DAHNKE [redacted]
STEPHEN M. DALE [redacted]
STEPHEN C. DALEY [redacted]
CHARLES E. DALLAS [redacted]
CHARLES J. DALY [redacted]
LEONARD J. DAMICO [redacted]
MICHAEL D. DANIEL [redacted]
JAMES H. DAPPER [redacted]
CHARLES W. DARNELL, JR. [redacted]
LARRY G. DAVENPORT [redacted]
TRENT R. DAVEY [redacted]
SHELLEY S. DAVIDSON [redacted]
ROBERT B. DAVILA [redacted]
ALLAN R. DAVIS [redacted]
ANDREW P. DAVIS [redacted]
KENNETH R. DAVIS [redacted]
REGINALD F. DAVIS [redacted]
STEVEN A. DAVIS [redacted]
WILLIAM S. DAVIS [redacted]
MICHAEL T. DAVISON [redacted]
NATHAN R. DAWN [redacted]
DAVID W. DAWSON [redacted]
AMY L. DAYTON [redacted]
DWIGHT E. DEAN [redacted]
JAMES J. DECARLIS II [redacted]
KEVIN G. DECKARD [redacted]
DOUGLAS D. DECKER [redacted]
SCOTT E. DECKER [redacted]
DAVID T. DEGAVRE [redacted]
ROD A. DEITRICK [redacted]
FERNANDO DELACUADRA [redacted]
JAMES D. DELEO [redacted]
DAVID R. DELO [redacted]
JAY B. DELONG, JR. [redacted]
CHRISTOPHER C. DEMAS [redacted]
BRIAN A. DEMERS [redacted]
GERALD M. DEMPSEY [redacted]
EUGENE F. DEPAOLO [redacted]
IAN J. DEPLEDGE [redacted]
DAVID G. DERAY [redacted]
DAN C. DERBY III [redacted]
JAMES I. DERKS, JR. [redacted]
WAYNE M. DESCHENEAU [redacted]
JAY B. DESJARDINS, JR. [redacted]
ANTHONY V. DESPIRITO [redacted]
ANTHONY F. DETERMAN [redacted]
DAVID L. DEY [redacted]
WILLIAM G. DICKERHOFF, JR. [redacted]
QUENTIN J. DIERKS [redacted]
MICHAEL L. DILDA [redacted]
JOSEPH A. DILLINGER [redacted]
CHRISTOPHER R. DILLON [redacted]
SARA R. DILLON [redacted]
NORMAN B. DIMOND [redacted]
DONALD G. DIPENTA [redacted]
DAVID A. DIXON [redacted]
ERIC W. DIXON [redacted]
JAMES N. DIXON [redacted]
PHILLIP G. DIXON [redacted]
PHILLIP N. DIXON [redacted]
JAMES K. DOBYNS [redacted]

CARTER A. DODD [redacted]
CARRIE M.V. DODSON [redacted]
JOHN C. DODSON [redacted]
PATRICK J. DOHERTY [redacted]
NEAL E. DOLLAR [redacted]
BRIAN P. DONAHOO [redacted]
ANDREW H. DONALDSON [redacted]
BRIAN A. DONNELLY [redacted]
JIMMY D. DONOHUE [redacted]
KEVIN M. DONOVAN [redacted]
WILLIAM L. DONOVAN [redacted]
DANIEL P. DOOLEY, JR [redacted]
STUART L. DORNFELD [redacted]
STEFAN B. DOSEDEL [redacted]
PAUL D. DOTZLER [redacted]
JEFFREY A. DOUGHERTY [redacted]
ANTONIO T. DOUGLAS [redacted]
CHARLES A. DOUGLASS [redacted]
JOHN C. DOWD [redacted]
WILLIAM B. DOWNS [redacted]
JOHN J. DOYLE [redacted]
TIMOTHY R. DOYLE [redacted]
JAMES K. DRAKE [redacted]
JONATHAN R. DREW [redacted]
CORRINE K. DREYFUS [redacted]
JOHN F. DROHAN [redacted]
KENNETH E. DUCK [redacted]
VALERIE LYNN DUFFY [redacted]
SHANNON G. DUFRESNE [redacted]
PATRICK S. DUGAN [redacted]
ARTHUR E. DUNN III [redacted]
ANDREW G. DUNNAM [redacted]
SHAWN E. DUNSMOOR [redacted]
JASON K. DURFEE [redacted]
ERIN B. DURHAM [redacted]
WILLIAM H. DURKEE [redacted]
KENT A. DUSEK [redacted]
JOHN I. DUVAL [redacted]
DUNCAN A. DVERSDALL [redacted]
LEA A. DYE [redacted]
THOMAS A. EADS [redacted]
DAVID B. EASLEY [redacted]
DAVID E. EATON [redacted]
JAMES DAVID EATON III [redacted]
WILLIAM G. EATON [redacted]
JEFFREY S. EBLEN [redacted]
STANLEY D. EBNER [redacted]
GREGORY W. ECHEVARRIA [redacted]
JAMES R. ECHOLS [redacted]
BRIAN K. ECKERSON [redacted]
KEVIN D. ECKLEY [redacted]
KEVIN L. EDENBOROUGH [redacted]
KIRK W. EDENS [redacted]
JAMES E. EDMONDS [redacted]
BENJAMIN I. EDWARDS II [redacted]
GLORIA J. EDWARDS [redacted]
REM B. EDWARDS III [redacted]
SCOTT D. EDWARDS [redacted]
BRIAN L. EGGER [redacted]
ALAN J. EHLER [redacted]
DAVID R. EHLERS [redacted]
JOHN T. EICHNER [redacted]
DONALD P. EICKSTEDT [redacted]
KENNETH A. EIKEN [redacted]
ELAINE S. ELDRIDGE [redacted]
GEORGE G. ELEFTERIOU [redacted]
GEOFFREY S. ELLAZAR, JR [redacted]
BARNEY G. ELLIS [redacted]
PATRICK M. ELLIS [redacted]
ROY T. ELLIS [redacted]
LEE D. ENEMARK [redacted]
ROBERT T. ENGLAND [redacted]
GREGORY S. ENGLE [redacted]
ELISABETH A. ENYEART [redacted]
MICHAEL A. EOVINE [redacted]
LEE J. ERICKSEN [redacted]
REY R. ERMITANO [redacted]
BRIAN E. ERNISSE [redacted]
CINDY A.S. ERTELL [redacted]
LUIS E. ESCOBAR [redacted]
BLAINE E. ESCOE [redacted]
STEVEN A. ESTOCK [redacted]
DAVID P. EVANS [redacted]
SONGI R. EVANS [redacted]
TODD R. EVANS [redacted]
GREGORY E. EVERHARD [redacted]
MATT H. FAHL [redacted]
JAMES D. FAIN [redacted]
HENRY J. FAIRTLOUGH [redacted]
VICTORIA T. FALTER [redacted]
PAUL M. FARKAS [redacted]
DAVID L. FARR [redacted]
MICHAEL G. FARRELL [redacted]
TIMOTHY A. FARRELL [redacted]
CHERYL R. FARRER [redacted]
JEFFREY E. FASON [redacted]
DONALD A. FATTMAN [redacted]
JEFFREY N. FAWCETT [redacted]
ANTHONY J. FAZZINO [redacted]
JAMES L. FEDERWISCH [redacted]
JOAQUIN P. FEJERAN [redacted]
JAMES A. FELLOWS [redacted]
DONALD S. FELTON [redacted]
ROBERT P. FENNELL [redacted]
TIMOTHY J. FENNELL [redacted]
BRUCE A. FENSKE [redacted]
SCOTT A. FENSTERMAKER [redacted]
DAVID P. FERGUSON [redacted]
ROBERT M. FERNANDEZ [redacted]
GRAHAM W. FERREE [redacted]
ANDREW G. FERRELL [redacted]
CHRISTOPHER R. FERREZ [redacted]
MICHAEL A. FERRIS [redacted]
MICHAEL S. FIELDS [redacted]
ROBERT K. FIELDS [redacted]
WILLIE L. FIELDS II [redacted]
SCOTT T. FIKE [redacted]
KRISTINE J. FILIPP [redacted]
DONALD N. FINLEY [redacted]
MICHAEL J. FINNEY [redacted]
STEPHEN A. FINNEY [redacted]
STEVEN T. FIORINO [redacted]
DANIEL E. FISCHER [redacted]
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NATHAN A. FITE [redacted]
EDWARD J. FITZGERALD [redacted]
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DAVID W. FLYNT [redacted]
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TEDDY R. FORDYCE II [redacted]
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TOMMY GUNTER, JR. [redacted]
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ANN E. HANSEN [redacted]
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IAN A. HARDING [redacted]
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MARK C. HARYSCH [redacted]
TARIQ O. HASHIM [redacted]
DENNIS E. HASKIN [redacted]
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TROY D. HEWGLEY [redacted]
PAUL F. HEYE, JR. [redacted]
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CARLETON H. HIRSCHEL [redacted]
ERIC W. HITTMEIER [redacted]
NICOLE C. HODGE [redacted]
ERIK E. HOIHJELLE [redacted]
JOHN J. HOKAJ [redacted]
PAUL E. HOLIFIELD, JR. [redacted]
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LEA D. HOMSTAD [redacted]
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ADRIAN L. HOVIOUS [redacted]
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RUSSELL R. HULA [redacted]
MAHLON B. HULL [redacted]
SHAWN D. HULLIHEN [redacted]
DONALD E. HUME, JR. [redacted]
CAMERON D. HUMPHRES [redacted]
FREDERICK E. HUMPHREY [redacted]
ROBERT L. HUNKELER II [redacted]
CRAIG G. HUNNICUTT [redacted]
DAVID R. HUNT, JR. [redacted]
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MICHAEL E. HUNTINGTON [redacted]
JULIE K. HURFORD [redacted]
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STEVEN T. HUTSELL [redacted]
DAVID N. HYRE [redacted]
DAVID C. IDE [redacted]
KENNETH J. IMPERIAL [redacted]
GARY K. INGHAM [redacted]
ALLEN B. INGLE [redacted]
MARK INGUAGGIATO [redacted]
DARRYL R. INMAN [redacted]
ANDREW D. IRWIN [redacted]
JEFFREY D. IRWIN [redacted]
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WILLIAM G. ISENSTADT [redacted]
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TODD A. JAAX [redacted]
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YOLANDA JACKSON [redacted]
CHRISTOPHER M. JACOBS [redacted]
WAYNE R. JACOBS, JR. [redacted]
MARC S. JAMISON [redacted]
STEPHEN I. R. JANKELSON [redacted]
JOSEPH MICHAEL JANUKATYS [redacted]
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JIM E. JENNINGS [redacted]
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SEAN P. JOHNSTON [redacted]
MAXIE G. JOLLEY II [redacted]
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ISAAC O. JONES, JR. [redacted]
JACQUELINE R. JONES [redacted]
PERRY M. JONES [redacted]
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DAVID L. JUDSON, JR. [redacted]
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JERRY P. KANE [redacted]
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DANIEL J. KEIMIG [redacted]
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RONALD J. KELLER [redacted]
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RICHARD G. KERR [redacted]
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MOHAMMED A. KHAN, JR. [redacted]
ANDRE A. KHAYAT [redacted]
DARWIN P. KIBBY [redacted]
DOUGLAS W. KIELY [redacted]
ERIC D. KILE [redacted]
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BRIAN M. KILLOUGH [redacted]
KEVIN R. KILLPACK [redacted]
FREEMAN A. KILPATRICK, JR. [redacted]
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JIN H. KIM [redacted]
PETER E. KIM [redacted]
EDWARD N. KIMBRELL [redacted]
HANS M. KIMM [redacted]
KHY H. KIMURA [redacted]
LAURA A. KINARD [redacted]
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THOMAS D. KING [redacted]
ROBERT B. KINN [redacted]
NEDIM KIRIMCA [redacted]
DONALD E. KIRKLAND [redacted]
BRIAN W. KIRKWOOD [redacted]
PER E. KISTLER [redacted]
JOHN R. KIVETT, JR. [redacted]
FREDERICK M. KMIECIK [redacted]
ANTONE A. KNETTER [redacted]
KENNETH M. KNISKERN [redacted]
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LARRY E. KOONS [redacted]
JOSEPH H. KOPACZ [redacted]
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MUSTAFA R. KOPRUCU [redacted]
CRYSTAL L. KORBAS [redacted]
HOWARD N. KOSHT [redacted]
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MANUEL LABRADO [redacted]
STEVEN L. LABRUTTA [redacted]
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PAUL A. LAVIGNE [redacted]
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SANDRA J. LAWRENCE [redacted]
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RICHARD D. LEBLANC [redacted]
JAMES E. LEDBETTER, JR. [redacted]
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TROY J. LETSCHE [redacted]
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RICHARD H. LILLEY, JR. [redacted]
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SANDRA L. LITTLE [redacted]
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THOMAS B. LITTLETON [redacted]
OTIS LIVINGSTON [redacted]
DANIEL D. LLEWELYN [redacted]
GARY W. LOADER [redacted]
DONALD C. LOCKE, JR. [redacted]
JACK R. LOCKHART [redacted]
BRYAN D. LOGIE [redacted]
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MICHAEL C. LONG [redacted]
DON J. LOPEZ [redacted]
RAYMOND S. LOPEZ [redacted]
LISA S. LOUCKS [redacted]
JOSEPH C. LOVAT [redacted]
MARK R. LOVEJOY [redacted]
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TOM D. LUNSFORD [redacted]
TERRENCE E. LUTHER [redacted]
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MANBOI P. MA [redacted]
ROBERT P. MACDONALD [redacted]

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EDWARD A. MAITLAND [redacted]
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JOSEPH MAKSIMCZYK [redacted]
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SCOTT C. MALTA [redacted]
MARK C. MALY [redacted]
MATTHEW A. MANDINA [redacted]
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JEFFREY J. MANLEY [redacted]
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DANIEL A. MARION, JR [redacted]
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SAE H. NA [redacted]
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REID NEUMANN [redacted]
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ERIC L. PETSCH [redacted]
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TODD L. PHIPPS [redacted]

MARC D. PICCOLO [redacted]
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LORENZA H. SHAW III [redacted]
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WAYNE K. SHAW [redacted]
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FREDERICK R. SHINER [redacted]
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NAOMI A. SIEGEL [redacted]
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LENNIE J. SIMPSON [redacted]
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THOMAS J. SMITH [redacted]
THOMAS L. SMITH [redacted]
VERNETT SMITH [redacted]
JOHN S. SMITHIES [redacted]
MICHAEL D. SNIDER [redacted]
DAVID M. SNOW [redacted]
CARL R. SNYDER [redacted]
MARK I. SNYDER [redacted]
THOMAS J. SNYDER [redacted]
MARTIN SOLIS [redacted]
BRIAN B. SOLTZ [redacted]
CRAIG D. SOMMER [redacted]
MAURO D. SONGCUAN, JR. [redacted]
INEZ A. SOOKMA [redacted]
JOHN G. SOPER [redacted]
DAVID M. SOWDERS [redacted]
MICHAEL J. SPANGLER [redacted]
THOMAS E. SPARACO [redacted]
JENNIFER L. SPEARSHANGER [redacted]
JONATHAN R. SPECHT [redacted]
BYRON D. SPENCER [redacted]
TANGELA D. SPENCER [redacted]
TIMOTHY J. SPENCER [redacted]
JOSEPH M. SPIESS [redacted]
HAROLD S. SPINDLER [redacted]
ERIC K. SPITTLE [redacted]
JAMES V. SPORLEDER [redacted]
MICHAEL P. SPRAGUE [redacted]
PAUL E. SPRENKLE, JR. [redacted]
GERALD D. SPURGERS [redacted]
GERMAIN BARRY W. ST [redacted]
CARL M. STANDIFER [redacted]
BRIAN K. STANDLEY [redacted]
NANCY NAOMI STANLEY [redacted]
AUGUSTUS L. STANTON, JR. [redacted]
ALLISON M. STARING [redacted]
JAMES M. STARLING [redacted]
ROBERT B. STARNES [redacted]
STEPHEN J. STASO [redacted]
STEVEN H. STATER [redacted]
RANDOLPH J. STAUDENRAUS [redacted]
SHERRY L. STEARNS [redacted]
KEVIN B. STEELE [redacted]
THOMAS M. STEELE [redacted]
ELDON R. STEEN [redacted]
ALLEN M. STEENHOEK [redacted]
JOHN C. STEINAUER [redacted]
DOUGLAS K. STENGER [redacted]
ALAN G. STEPANEK [redacted]
JAMES R. STEPHENS, JR [redacted]
TIMOTHY M. STEPHENS [redacted]
TIMOTHY L. STEVENS [redacted]
CHAD M. STEVENSON [redacted]
RAYMOND S. STEVENSON [redacted]
ERIC C. STEWART [redacted]
JEFFREY P. STEWART [redacted]
KEVIN STEWART [redacted]
LATANYA M. STEWART [redacted]
BRUCE C. STINAR [redacted]
WILLIAM R. STINCHCOMB [redacted]
CHARLES G. STITT [redacted]
RODNEY J. STOKES [redacted]
FERDINAND B. STOSS [redacted]
TODD J. STOVALL [redacted]
ERIC STRATTON [redacted]
DOUGLAS N. STRAWBRIDGE [redacted]
DANIEL E. STRICKER [redacted]
JESSE L. STRICKLAND, III [redacted]

LEWIS H. STROUGH [redacted]
MICHAEL K. STROZZO [redacted]
DANA E. STRUCKMAN [redacted]
HENRY F. SUCHARSKI [redacted]
CHRISTOPHER F. SUCHECKI [redacted]
BOBBY F. SUELL [redacted]
PERRY D. SULLIVAN [redacted]
MATHIAS J. SUTTON [redacted]
DAVID G. SVEDEN, JR. [redacted]
PETER F. SVOBODA [redacted]
DANIEL J. SWAIN [redacted]
DEVIN P. SWALLOW [redacted]
BRUCE A. SWAYNE [redacted]
MARK J. SWEENEY [redacted]
TIMOTHY C. SWENSON [redacted]
GERALD A. SWIFT [redacted]
JOHN B. SWISHER [redacted]
MARGARET N. SZCZEPANIK [redacted]
STEVEN F. SZEWCZAK [redacted]
JOHN J. SZEWS, JR [redacted]
SCOTT D. TABOR, 408–31–2885
RANDALL J. TACK [redacted]
BRUCE A. TAGG [redacted]
CHRISTOPHER P. TALBOT [redacted]
JON T. TANNER [redacted]
MICHAEL G. TANNER [redacted]
MOLLY L. TATARKA [redacted]
DARRYL S. TAYLOR [redacted]
MICHAEL B. TAYLOR [redacted]
PATRICK W. TAYLOR [redacted]
TOMMY N. TAYLOR [redacted]
DAVID B. TEAL [redacted]
CHESTER M. TEEL [redacted]
ALVARO L. TEENEY [redacted]
LOUIS L. TEER [redacted]
MARK HERMAN TEINERT [redacted]
KEITH J. TEISTER [redacted]
MICHAEL S. TEMPLE [redacted]
JOHN M. TENAGLIA [redacted]
TED M. TENNISON [redacted]
SCOTT J. TEW [redacted]
BEN M. THIELHORN [redacted]
DAVID L. THIRTYACRE [redacted]
BETHANNE B. THOMAS [redacted]
ERIC H. THOMAS [redacted]
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TRAIRONG P. THOMAS [redacted]
WALTER D. THOMAS [redacted]
DEBORAH E. THOMPSON [redacted]
JENNIFER THOMPSON [redacted]
KELLY A. THOMPSON [redacted]
KEVIN A. THOMPSON [redacted]
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ELAINE J. THOMSON [redacted]
MICHAEL D. THURBER [redacted]
ANDREW J. THURLING [redacted]
SHARON D. THUROW [redacted]
MICHAEL A. TICHENOR [redacted]
MICHAEL J. TILLEMA [redacted]
ROBERT C. TILLEY [redacted]
MICHAEL D. TISDEL [redacted]
RICHARD G. TOBASCO [redacted]
JULIAN H. TOLBERT [redacted]
JEFFREY S. TOMLINSON [redacted]
BRIAN W. TONNELL [redacted]
TIMOTHY K. TOOMEY [redacted]
EDWARD M. TOPPS [redacted]
NELSON TOY [redacted]
GARY S. TRAUTMANN [redacted]
TIMOTHY TREFTS [redacted]
DEAN A. TREMPS [redacted]
MATTHEW A. TRIPPY [redacted]
SANDRA K. TROEBER [redacted]
HUGH M. TROUT [redacted]
WARREN D. TROUT [redacted]
ZENA A. TUCKER [redacted]
ALLEN D. TUPY [redacted]
JOHN R. TURNER [redacted]
BRYAN K. TURNER [redacted]
GREGARY S. TURNER [redacted]
RANDALL D. TURNER [redacted]
LINDA M. TUTKO [redacted]
JAMES A. TYLER, JR [redacted]
JAMES C. ULMAN [redacted]
MARK DOUGLAS ULRICH [redacted]
CHRISTOPHER G. ULTSCH [redacted]
GEORGE R. UNDERHILL [redacted]
RICHARD E. UNIS [redacted]
MICHAEL P. URBAN [redacted]
DAVID S. URE [redacted]
DAVID J. USELMAN [redacted]
ROBERT P. VACCARELLA [redacted]
VICENTE V. VALENTI [redacted]
PAUL J. VALLEY [redacted]
ROBERT M. VANCE [redacted]
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MARK A. VANGRUNSVEN [redacted]
GLEN D. VANHERCK [redacted]
ARTHUR L. VANHOUTEN [redacted]
GILLES K. VANNEDERVEEN [redacted]
ANTON L. VANTERPOOL II [redacted]
MICHAEL J. VANZO [redacted]
CRISTOS VASILAS [redacted]
JUAN R. VASQUEZ [redacted]
OSCAR R. VAUGHN [redacted]
ROBERT S. VAUGHN [redacted]
SCOTT E. VAUGHN [redacted]
PATRICIA O. VELEZ [redacted]
DANGE GERALD J. VEN [redacted]
THOMAS A. VENTRIGLIA [redacted]
LEE A. VENTURINO [redacted]
DELORIES M. VERRETT [redacted]
PAUL E. VIED II [redacted]
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CHRISTOPHER S. VINES [redacted]
SHAWN D. VINSON [redacted]
MARC A. VIOLA [redacted]
DEAN C. VITALE [redacted]
KEVIN M. VLCEK [redacted]
JESSIE H. VOISIN, JR [redacted]
DAVID J. VOLLMER [redacted]
CHRISTINE M. VOSS [redacted]
JAY C. VOSS [redacted]
CLIFTON J. WADE [redacted]
ROBERT L. WADE, JR. [redacted]
TIMOTHY J. WAGNER [redacted]
BARRY C. WAITE [redacted]
HOWARD E. WAITE [redacted]
SCOTT A. WAITE [redacted]
MARGUERITE I. WALBRIDGE [redacted]
DON H. WALKER [redacted]
DOUGLAS M. WALKER [redacted]
DUNKIN E. WALKER [redacted]
SAMUEL S. WALKER [redacted]
THOMAS M. WALKER [redacted]
TODD T. WALKOWICZ [redacted]
BRIAN T. WALLACE [redacted]
DAVID E. WALLACE [redacted]
RICHARD E. WALLACE [redacted]
CHRISTOPHER B. WALLINGTON [redacted]
DARRELL E. WALLIS, JR [redacted]
DANIEL J. WALTER [redacted]
CHARLES D. WALTERS [redacted]
TODD P. WALTON [redacted]
KAREN S. WALTS [redacted]
BENJAMIN F. WARD [redacted]
WALTER H. WARD, JR. [redacted]
THOMAS K. WARK [redacted]
KIMBERLY K. WARNE [redacted]
JEFFREY S. WARNER [redacted]
PETER H. WARNER [redacted]
HARRY W. WASHINGTON, JR. [redacted]
KERVIN J. WATERMAN [redacted]
BRIAN D. WATKINS [redacted]
JAMES N. WATRY [redacted]
LEANNE M. WATRY [redacted]
CHRISTINA L. WATSON [redacted]
MARY L. WATSON [redacted]
BRYAN C. WATT [redacted]
ROBERT O. WATT [redacted]
HOSEA R. WEARING [redacted]
DAVID S. WEBB [redacted]
FRANK R. WEBB, JR. [redacted]
MURRY B. WEBB [redacted]
ROBERT J. WEBER [redacted]
THOMAS J. WEBER [redacted]
JEFFREY R. WEED [redacted]
JONATHAN F. WEHSE [redacted]
ROBERT S. WEICHERT [redacted]
JAMES C. WEIGLE [redacted]
ROBERT A. WEISS [redacted]
DOUGLAS P. WEITZEL [redacted]
STEVEN M. WELD [redacted]
CLAY E. WELLS [redacted]
DOUGLAS H. WELLS [redacted]
RUSSELL P. WELSCH [redacted]
JOSEPH A. WENDL [redacted]
SCOTT A. WENGER [redacted]
STEPHEN H. WENKE [redacted]
NEIL D. WENTZ [redacted]
STEPHEN P. WERNER [redacted]
JEFFERY S. WESSELS [redacted]
JOHN E. WEST, JR [redacted]
DANIEL H. WESTBROOK [redacted]
BEATRIZ WESTMORELAND [redacted]
RALPH D. WESTMORELAND [redacted]
JAMES E. WEYER [redacted]
CARLOS C. WHALEY, JR. [redacted]
DAVID G. WHEELER [redacted]
PHILLIPS K. WHEELER [redacted]
DANIEL WHELAN [redacted]
MICHAEL A. WHELAN [redacted]
BENJAMIN P. WHITAKER [redacted]
BRUCE N. WHITE [redacted]
ERIC J. WHITE [redacted]
MARK H. WHITE [redacted]
NATHAN T. WHITE [redacted]
PAUL A. WHITE [redacted]
RUSSELL A. WHITE [redacted]
WILLIAM G. WHITE [redacted]
JENNIFER E. WHITLOCK [redacted]
BRADLEY J. WHITMIRE [redacted]
JOHN P. WHITNEY [redacted]
WILLIAM T. WICHLE [redacted]
JIM R. WIEDE [redacted]
TODD H. WIEGAND [redacted]
JEFFREY L. WIESE [redacted]
KEVIN E. WILHELM [redacted]
HEATHER S. WILKINSON [redacted]
KIRK D. WILLBURGER [redacted]
DAVID R. WILLE [redacted]
CHARLES D. WILLIAMS, III [redacted]
DANIEL M. WILLIAMS [redacted]
GRETCHEN D. WILLIAMS [redacted]
JOHN A. WILLIAMS II [redacted]
LEWIS WILLIAMS [redacted]
MICHAEL R. WILLIAMS [redacted]
PAUL R. WILLIAMS [redacted]
RANDOLPH S. WILLIAMS [redacted]
SANDRA M. WILLIAMS [redacted]
TIMOTHY L. WILLIAMS [redacted]
DAVID D. WILLIS [redacted]
STEWART S. WILLITS [redacted]
BRYAN L. WILMUNEN [redacted]
DWAYNE K. WILSON [redacted]
GREGORY WILSON [redacted]
JEFFREY H. WILSON [redacted]
MARTY E. WILSON [redacted]
TIMOTHY D. WILSON [redacted]
JAMES D. WINGO, JR. [redacted]
JAMES A. WINNINGHAM [redacted]
DOUGLAS P. WISE [redacted]
DAVID O. WITHERS [redacted]
THOMAS J. WITTERHOLT [redacted]
DANNY R. WOLF [redacted]
STEPHEN A. WOLF [redacted]
DONALD P. WOLFF [redacted]
DAVID K. WOLSEFER [redacted]
RORY S. WOMACK [redacted]
ENOCH K. WONG [redacted]
JAMES J. WOOD [redacted]
JOHN M. WOOD [redacted]
THOMAS E. WOOD [redacted]
THIERRY C. WOODS [redacted]
VINCENT G. WOODS [redacted]
LARRY D. WORLEY, JR. [redacted]
CHRISTOPHER F. WRENN [redacted]
DAVID C. WRIGHT [redacted]
EDWARD K. WRIGHT, JR. [redacted]
PATRICK WRYNN [redacted]
MARK P. WYROSDICK [redacted]
JULIE ANN WYZYWANY [redacted]
JASON R. XIQUES [redacted]
ROBERT E. YATES [redacted]
CAROL A. YEAGER [redacted]
KEVIN J. YENTZ [redacted]
JOHN A. YOUNG [redacted]
MATTHEW YOUNG [redacted]
STEPHANIE P. YOUNG [redacted]
MICHAEL S. YOUNGLING [redacted]
DAVID R. YOUTSEY [redacted]
ROBERT L. ZABEL, JR. [redacted]
TODD M. ZACHARY [redacted]
EDWARD T. ZAJAC [redacted]
PAUL ALBERT ZAVISLAK, JR. [redacted]
WILLIAM Z. ZECK [redacted]
LEON D. ZERA [redacted]
WILLIAM E. ZERKLE [redacted]
BONNIE ANN ZEUNER [redacted]
JAMES M. ZIELINSKI [redacted]
TIMOTHY A. ZOERLEIN [redacted]
DAVID R. ZORZI [redacted]
JEFFREY R. ZOUBEK [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN

CHAPLAIN CORPS

DONALD W. AILSWORTH [redacted]
PHILLIP M. ARMSTRONG [redacted]
KENNETH C. ASCHENBRENNER [redacted]
ERNEST H. BERTHELETTE [redacted]
LORENZO L. BOLDEN, JR. [redacted]
WENDELL L. BRENNEMAN [redacted]
JIMMY M. BROWNING [redacted]
ROBERT C. COLLINS [redacted]
JR NORMAN DESROSIERS [redacted]
DONOVAN V. C. GAFFNEY [redacted]
DANA E. GROVER [redacted]
RUTH E. HENDERSON [redacted]
RAYMOND L. JOHNSON [redacted]
JOHN M. KINNEY [redacted]
HEZEKIAH R. LAWSON, II [redacted]
ROY A. LEE, 394–64–6993
STEVEN J. NICOLAI [redacted]
SCOTT A. OFSDAHL [redacted]
HAROLD B. OWENS [redacted]
LISA ANNE PINEAU [redacted]
PATRICK J. RYAN [redacted]
DOUGLAS J. SLATER, SR [redacted]
PAUL E. STEWART [redacted]
WILLIAM T. TOGUCHI [redacted]
VICTOR J. TONEY [redacted]
DENNIS G. VOLMI [redacted]
JAMES H. WALKER [redacted]

NURSE CORPS

DANA M. ADAMS [redacted]
PAUL K. ANDERSON [redacted]
STEPHEN A. ANDERSON [redacted]
ERICA J. AUERBACH [redacted]
WILHELMA J. BADGER [redacted]
ELLEN W. BARGER [redacted]
DENISE M. BARLOW [redacted]
JILL E. BARNES [redacted]
LISA K. BARNETT [redacted]
JULIE A. BERIG [redacted]
PATRICK E. BERTZ [redacted]
ERIC M. BINDER [redacted]
JACQUELINE A. BISHOP [redacted]
SHEILA C. BLACKSTOCK [redacted]
DEBRA A. BORCHERT [redacted]
GLORIA S. BOWDEN [redacted]
WILLIAM H. BRONSON, JR. [redacted]
VALERIE A. BROOKS [redacted]
BRENDA A. BRYANT [redacted]

SUSAN J. BURNETT [redacted]
ADRIENNE G. BURNETTE [redacted]
KRISTEN L. CADY [redacted]
BARRY H. CAPE [redacted]
COLLEEN A. CARMODY [redacted]
THOMAS E. CARNEY, JR [redacted]
KAREN R. M. CARR [redacted]
FLAVIA CASASSOLA [redacted]
GREGORY J. CLARK [redacted]
CRAIG R. CLOSE [redacted]
PAULA C. CLUTTER [redacted]
SUSAN E. COLLINS [redacted]
MARY E. COLYER [redacted]
MICHAEL J. CONLEY [redacted]
DEAN KAREN L. COX [redacted]
WILLIAM J. CRAIG [redacted]
KATHLEEN B. CRAVER [redacted]
JANET M. CREELMAN [redacted]
ELLEN M. CRIST [redacted]
SHELLY R. CUDABACK [redacted]
CAROLYN A. CUMMINGS [redacted]
LARRY R. CURTIS [redacted]
GRETCHEN A. CUSACK [redacted]
REBECCA L. CYPHER [redacted]
SOPHIA J. DALDINE [redacted]
KRISTI J. DAVIS [redacted]
MELISSA DEFENSOR [redacted]
MARLA J. DEJONG [redacted]
DONNA N. DEMOSS [redacted]
SHEILA L. DEW [redacted]
TRACY A. DEWOODY [redacted]
EDNA E. DOMINO [redacted]
KATHRY L. DOTY [redacted]
ARTHUR M. DURKIN, JR [redacted]
GLENN R. ERMER [redacted]
JOSE A. ESTELA, JR [redacted]
JOHN R. EWING [redacted]
CARLTON M. FANCHER [redacted]
CYNTHIA J. FEESER [redacted]
CYNTHIA L. FERGUSON [redacted]
SANDRA K. FISK [redacted]
GLEN A. FOGGER [redacted]
MARY ELLEN FORDHAM [redacted]
JEANETTE A. FORTUNA [redacted]
DEBORAH A. FRANCO [redacted]
ANNETTE S. GABLEHOUSE [redacted]
KIMBERLY K. GANOUS [redacted]
GARY J. GARDNER [redacted]
LINDA S. GHANEM [redacted]
ROBIN C. GIACONIA [redacted]
THOMAS J. GILLESPIE [redacted]
MICHELLE E. GOLDING [redacted]
JORGE L. GOMEZDIAZ [redacted]
CHARLES H. GOSHEN [redacted]
DOUGLAS D. GRAY [redacted]
ANNA M. GREEN [redacted]
ALISA M. GREGORY [redacted]
PATRICIA M. GUNTER [redacted]
THOMAS R. GUSTAFSON [redacted]
LAURIE A. HALL [redacted]
CHERYL R. HALLJORDAN [redacted]
PHYLLIS A. HAMILTON [redacted]
JODY A. HAMMERS [redacted]
DEBORAH S. HARP [redacted]
BRIDGET B. HARRELL [redacted]
DANIEL J. HARTLEY [redacted]
THEODORE D. HAYNES, JR [redacted]
CONNIE R. HERRON [redacted]
DENNIS L. HIGGINS [redacted]
KEVIN W. HILL [redacted]
CHARLES W. HOAG, JR [redacted]
JOY M. HODGES [redacted]
DEBORAH M. HOFFMAN [redacted]
JEAN M. HOLT [redacted]
HELEN M. HORN [redacted]
HEIDI M. HOYT [redacted]
DAWN M. HRDLICKA [redacted]
BARBARA HUDAK [redacted]
KIMBERLY A. F. HUNT [redacted]
ROBIN E. HUNT [redacted]
DENISE R. IRIZARRY [redacted]
CARLEIGH JEANNE JACOBS [redacted]
JORDAN L. JANSEN [redacted]
DIANA E. JOHNS [redacted]
CHARLES M. JOHNSON [redacted]
LAURIE E. JOHNSON [redacted]
ANDREA L. JONES [redacted]
BARBARA A. JONES [redacted]
FELECIA M. JONES [redacted]
BARBARA A. KALMEN [redacted]
BARBARA R. KELLY [redacted]
EMMA J. KIENTZ [redacted]
EVA L. KIILKNOX [redacted]
JENNIFER A. KIMMET [redacted]
DAVID E. KLENOW [redacted]
JEFFREY J. KNIGHT [redacted]
JAMES S. KNISLEY, II [redacted]
BONNIE J. KNOX [redacted]
MAUREEN A. KOCH [redacted]
JODY L. KOEPPNORRIS [redacted]
GARY E. KOVALCHIK [redacted]
MOLLY J. KUSIK [redacted]
THERESA M. LAKE [redacted]
JOSEPH P. LAMANA [redacted]
SHAROLYN K. LANGE [redacted]
CHRISTINE E. LARSEN [redacted]
MICHELLE D. LAVEY [redacted]
JANET I. LAWRENCE [redacted]
JERRY B. LAWSON [redacted]
BETH S. LECKEY [redacted]
MARK A. LEE [redacted]
CINDY L. LEMAY [redacted]
EILEEN M. LOFLIN [redacted]
ADAM LOPEZ [redacted]
JACQUELINE A. LORZING [redacted]
TRACY E. LYKE [redacted]
JANICE F. LYLE [redacted]
PAULA A. MALONEY [redacted]
MELINDA S. MANDRILLO [redacted]
KATHRYN A. MANGION [redacted]
BARBARA M. MASON [redacted]
HOLLY A. MATIKIEWICZ [redacted]
SHARON L. MCCARTY [redacted]
BERNADETTE T. MCDERMOTT [redacted]
CAROLINE MCGRATH [redacted]
IRMA L. MCNAMEE [redacted]
BETH A. MEADE [redacted]
JOHN R. MECHTEL [redacted]
JEAN A. MEINK [redacted]
RICHARD T. MELCHIOR [redacted]
MICHAEL J. MILLER [redacted]
VIVIAN B. MILLS [redacted]
MICHELLE M. MITCHELL [redacted]
PHILLIP A. MOBLEY [redacted]
JOLEEN M. MONTES [redacted]
SUSAN D. MORGAN [redacted]
CATHY L. MUELLER [redacted]
KARLA MURPHY [redacted]
JOHN Z. NAGY [redacted]
LISA B. NEISEN [redacted]
VALERIE R. NELSON [redacted]
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ANDREA NORRIS [redacted]
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MARY A. OVERHOLSER [redacted]
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TAMMI LOUISE PAPPAS [redacted]
PATRICIA F. PARK [redacted]
SANDRA J. PARKER [redacted]
CAROLINE C. PARMANN [redacted]
GARY E. PARSONS [redacted]
BARBARA A. PATRICK [redacted]
CHRISTOPHER H. PAYNE [redacted]
ANNE M. PECHOTTAKNAPP [redacted]
LISA M. PERDUE [redacted]
RACHEL A. PERKINS [redacted]
KATHY J. PETERSON [redacted]
MARK A. PISTONE [redacted]
KIMBERLY S. PLUMMER [redacted]
LORENDA A. POISSANTSALLING [redacted]
JONATHAN N. PORTIS [redacted]
KAREN A. POTH [redacted]
DEAN L. PRENTICE [redacted]
MARK G. PRESCOTT [redacted]
BRADLEY K. PROCTOR [redacted]
LISA M. A. RANDALL [redacted]
KAREN S. RASMUSSEN [redacted]
FRED E. REEVES [redacted]
TERRI A. RENSCH [redacted]
ADRIENNE L. RIZZO [redacted]
BRENDA J. ROBERTS [redacted]
CHRISTLE A. ROBINSON [redacted]
MARY E. ROBINSON [redacted]
LELAND J. ROCKSTRAW [redacted]
ELAINE B. ROWLEY [redacted]
MARJORIE L. RUCHHOEFT [redacted]
CARMEN Y. RUMBLE [redacted]
PATRICIA A. RUTTER [redacted]
JIMMIE G. SAMUEL [redacted]
WILLIAM M. SANBORN [redacted]
DENISE R. SCHRADER [redacted]
ROBIN L. SCHULTZE [redacted]
JOANN E. SKEEN [redacted]
DANA J. SMITH [redacted]
PATRICIA A. SMITH [redacted]
SHARON A. SOBOLIK [redacted]
KAREN D. SPRINGER [redacted]
JULIE M. STOLA [redacted]
DEIDRE L. STROTHER [redacted]
MARY E. STURDEVANT [redacted]
ANNATA RAE SULLIVAN [redacted]
JAMES T. SUMMERLIN [redacted]
HEIDI M. SUMMERS [redacted]
SONIA J. SUTHERLAND [redacted]
CYNTHIA S. SVETZ [redacted]
STEFANIE A. SWIDER [redacted]
CULLITON KATHRYN F. TATE [redacted]
SARA J. TAYLOR [redacted]
CAROL A. THEISS [redacted]
CLINTON A. THIEL [redacted]
ELLEN K. THOMPSON [redacted]
LAURIE D. TIGNER [redacted]
RAMONA D. TIPLER [redacted]
BELINDA L. TURNER [redacted]
SANDRA C. TYNES [redacted]
CHERYL Y. UNDERWOOD [redacted]
MATTHEW R. VALKO [redacted]
CHARLES R. VARNER [redacted]
DEBORAH VUILLEMOT [redacted]
MARGARET M. WAGNER [redacted]
DARLENE E. WALKENHORST [redacted]
KAREN D. WALLS [redacted]
JUDY L. WARD [redacted]
DAVID M. WEISS [redacted]
REGINA A. WELCH [redacted]
MARIAN A. WHITE [redacted]
DWAYNE B. WILHITE [redacted]
LINDA E. WILLIAMS [redacted]
MARY A. WILLIAMS-GRANT [redacted]
CATHY S. WINTERBOTHAM [redacted]
ROBERTA E. WOOLLEY [redacted]
CYNTHIA K. WRIGHT [redacted]
PAULINE L. WRUBEL [redacted]
EDITH J. YASSO [redacted]

MEDICAL SERVICE

To be determined later

SHIRLEY J. B. ABBOTT [redacted]
WILLIAM A. ALTLAND [redacted]
DAVID C. AROSE [redacted]
GINO L. AUTERI [redacted]
JAMES R. BAXTER [redacted]
DAVID M. BERNIER [redacted]
DEAN B. BORSOS [redacted]
ERIC C. BRUSOE [redacted]
RICHARD C. BYRD [redacted]
JAMES R. CLAPSADDLE [redacted]
CARY A. COLLINS [redacted]
SUSAN L. DAVIS [redacted]
PATRICK L. DAWSON [redacted]
LINDA LEE EATON [redacted]
BARRY W. EVANS [redacted]
JOHN L. FLYNN [redacted]
MICHAEL GAINER [redacted]
MARK GOLLNER [redacted]
PATRICIA A. GRAULTY [redacted]
WILLIAM L. HARRIS [redacted]
RICHARD F. HART [redacted]
BRADLEY P. HERREMANS [redacted]
DANIEL J. HUNT [redacted]
EDWIN A. HURSTON [redacted]
PHILIP E. JONES [redacted]
ROBERT B. JORDAN [redacted]
DAVID M. KAFORA [redacted]
DARRELL W. LANDREAUX [redacted]
LAURA L. LARSON [redacted]
DAVID A. LESKO [redacted]
MARK LEWANDOWSKI [redacted]
JENNEY L. LORD [redacted]
KIM D. LOWE [redacted]
JUDY L. LUCE [redacted]
LISA A. MACUS [redacted]
JOHN F. MAJERLE [redacted]
ARMAND L. MARTIN [redacted]
LEWIS M. MARTIN [redacted]
PAUL F. MARTIN [redacted]
JACK L. MCCAULEY [redacted]
JOANNE P. MCPHERSON [redacted]
RICHARD W. MILES [redacted]
JANET L. MILLER [redacted]
DANIEL S. MILNES [redacted]
SANDRA L. MOORE [redacted]
MARK L. MURPHY [redacted]
MICHAEL OGORMAN [redacted]
RICHARD W. OWEN [redacted]
THOMAS W. PIKE [redacted]
JO ELLEN A. POLITE [redacted]
DENNIS R. PORTER [redacted]
BETTY L. ROBERTS [redacted]
JERRY D. ROBERTS [redacted]
ELMO J. ROBISON III [redacted]
DAWN E. ROWE [redacted]
CHARLES W. SCHOTT [redacted]
MICHAEL R. SKIDMORE [redacted]
GREGORY A. STEWART [redacted]
TRACY A. TENNEY [redacted]
DAVID P. THOMPSON [redacted]
CAMILLE M. TILSON, [redacted]
PAULA M. TRUSELA [redacted]
ROBERT A. VALENTINE [redacted]
MICHAEL C. WETZ [redacted]
RUSSELL A. YEAGER [redacted]

BIOMEDICAL SCIENCES CORPS

To be determined later

DARRELL L. ALLMAN [redacted]
STEVEN G. ALLRED [redacted]
MARK J. ARMSTRONG [redacted]
THOMAS A. BACON, [redacted]
SHARON F. BAILEY [redacted]
ANNE H. BARRETT [redacted]
TERRY A. BEGINES [redacted]
JOHN L. BELL, JR. [redacted]
WILLIAM T. BENNETT [redacted]
DANA M. BOURNE, [redacted]
JOHN T. BRIDGEST [redacted]
GRETCHEN P. BROWN [redacted]
JEFFREY J. BURGESS [redacted]
DOUGLAS A. BURKETT [redacted]
JANETTE BURRIS [redacted]
DANIEL F. CAPUTO [redacted]
STEVEN S. CARLISLE [redacted]
BRIAN G. CASLETON [redacted]
REGINA G. CHACE [redacted]
JEFFREY S. CORNELL [redacted]
PETER K. COUTURE [redacted]
JOHN T. CRIST [redacted]
BRENDA L. CROOK [redacted]
VALERIE J. CURRY [redacted]
DARRIN L. CURTIS [redacted]
PAUL B. DEVANE [redacted]
DAVID P. DIAZ [redacted]
LANNY F. DUCLOS, JR. [redacted]
PAMELA A. DUNCAN, [redacted]
JAMES S. DUNNE [redacted]
A. LAMAR ETHINGTON [redacted]
BRIDGET I. FATH [redacted]
RICHARD L. FOFI [redacted]
KAREN S. FRALEY [redacted]
DAVID B. FRANKLIN [redacted]
THOMAS F. FRYER [redacted]
PAUL R. GARDETTO [redacted]

FRANK A. GLENN [redacted]
STEPHEN D. GODDARD [redacted]
DANIEL J. GOLEN [redacted]
GEORGE P. GONZALES [redacted]
GERARD A. GONZALUDO [redacted]
SUSAN D. GORSKI [redacted]
BETH ANN GRADY [redacted]
KIMBERLY K. GRAMENZ [redacted]
PATRICK J. GRIMM [redacted]
JOHN O. GROOMS [redacted]
LORETTA J. HAGEN [redacted]
STEPHEN F. HAMILTON [redacted]
ROCHELLE M. HAMP [redacted]
YVONNE L. HARMON [redacted]
TERRANCE A. HARMS [redacted]
MARK P. L. HARPER [redacted]
RODERICK HARRIS [redacted]
RICHARD T. HARTMAN [redacted]
ALVIS W. HEADEN, III [redacted]
SHARON M. HEFFNER [redacted]
CHRISTOPHER L. HERRON [redacted]
MARK S. HILL [redacted]
NORMAN D. HUFF [redacted]
GINA J. JATHO [redacted]
KEVIN K. JOHNSON [redacted]
GEORGE E. JONES, JR [redacted]
STEPHEN H. JUDKINS [redacted]
MARGARET R. KOHUT [redacted]
DAVID E. KOTUN [redacted]
JENICE L. LITTLE [redacted]
MEDORA LITTLE [redacted]
ABBIE K. LUCKSHAFER [redacted]
TIMOTHY R. LUSCHEN [redacted]
DAISY LUSSIER [redacted]
DENA M. MAHER [redacted]
RONALD P. MANDRELL [redacted]
LONNIE W. MANNING [redacted]
JOAN MARINE [redacted]
LETITIA R. MCGEE [redacted]
LAURA J. MCWHIRTER [redacted]
JOSEPH A. MIGGINS [redacted]
DOUGLAS E. MILLER [redacted]
BARRY E. MOORE [redacted]
LINDA J. MORRIS [redacted]
RANDALL C. NEDEGAARD [redacted]
DAVID K. NELSON [redacted]
MARY C. NGUYEN [redacted]
RUSSELL L. NORFLEET [redacted]
ANDREW F. OBRIEN [redacted]
DEBORAH LYNNE ODELL [redacted]
CRAIG A. OLSON [redacted]
CYNTHIA A. OVERLY [redacted]
RHONDA G. OZANIAN [redacted]
JAMES W. PANK [redacted]
DEBRA A. PARRISH [redacted]
STANLEY D. PELFERY [redacted]
NANCY J. PETRILAK [redacted]
CARL L. PHILLIPS [redacted]
MICHELE C. PINO [redacted]
MELVIN F. RICHARDS [redacted]
TODD A. RITTER [redacted]
JAMES RYPKEMA [redacted]
KATHLEEN F. SARGENT [redacted]
FRANZ J. SCHMIDT [redacted]
REBECCA B. SCHULTZ [redacted]
MICHAEL B. SEHY [redacted]
ETHEL S. SHEARER [redacted]
PAUL A. SJOBERG [redacted]
DAVID A. SMITH [redacted]
JEFFREY A. SNYDER [redacted]
SHARON L. SPRADLING [redacted]
STEPHEN J. STOECKER [redacted]
JONATHAN W. THOMAS [redacted]
WILLIAM L. THORNSON [redacted]
PETER R. VEALE [redacted]
BUSCH TAMMY A. VON [redacted]
THOMAS B. WALKER, JR. [redacted]
TODD A. WARREN [redacted]
BRIAN L. WARRICK [redacted]
RUTH A. WEDDELL [redacted]
HAL J. WEIDMAN [redacted]
KRISTA K. WENZEL [redacted]
JAMES D. WHITWORTH [redacted]
MICHAEL D. WILCOX [redacted]
BRAD S. WINTERTON [redacted]
JOHN R. WROCKLOFF [redacted]
ROBERT ZAJAC [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be colonel

JOHN F. ARMSTRONG [redacted]
BRIAN C. BALDWIN [redacted]
PAUL S. BEATY [redacted]
FRANK J. BERLINGIS [redacted]
WILLIAM A. BOZO [redacted]
WILLIAM BROADWATER [redacted]
RICHARD E. BROWN [redacted]
THOMAS E. BROYLES [redacted]
DONALD C. CURRY [redacted]
ERIC G. DAXON [redacted]
DAVID W. FOXWORTH [redacted]
PAUL L. FREDERICK [redacted]
GARY R. GILBERT [redacted]
RICHARD W. HARRIS [redacted]
DANIEL K. HATTON [redacted]
WILLIAM M. HEATH [redacted]
LINDA K. JELLEN [redacted]
STEPHEN H. JOHNSON [redacted]
WENDELL C. KING [redacted]
ALBERT E. KINKEAD [redacted]
JAMES M. KLUCKMAN [redacted]
PHILLIP G. LAWYER [redacted]
DARRYL W. LLOYD [redacted]
GRIFFIN D. LOCKETT [redacted]
STEPHEN L. MARKELZ [redacted]
ROBERT J. MARTIG [redacted]
GEORGE V. MASI [redacted]
RONALD L. MCNABB [redacted]
EMIL F. MEIS [redacted]
WILLIAM M. NICHOLS [redacted]
CALVIN J. OLSON [redacted]
THOMAS W. ROACH [redacted]
RODGER R. SEXTON [redacted]
LUTHER D. SOLVERSON [redacted]
ROBERT E. STEGER [redacted]
LARRY Z. STONE [redacted]
KEVIN J. SWENIE [redacted]
GLENN W. TAPLIN [redacted]
WILLIAM H. THRESHER [redacted]
STEPHEN J. WALKER [redacted]
HERSHELL E. WOLFE [redacted]
LEON WOODLEY [redacted]
DAVID T. ZOLOCK [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

JOSEPH R. DETTORI [redacted]
JOHN P. PETERSON [redacted]
GILBERT SOSA [redacted]
DAVID R. STOEHR [redacted]

VETERINARY

To be colonel

DANIEL L. JARBOE [redacted]
MICHAEL J. LANGFORD [redacted]
DALE G. MARTIN [redacted]
DAVID H. MOORE [redacted]
GERALD W. PARKER, JR. [redacted]
JAMES R. STEWART [redacted]
JOHN V. WADE [redacted]

ARMY NURSE CORPS

To be colonel

DENNIS C. ALLISON [redacted]
CARL R. BARGABOS [redacted]
HOLLY K. BUCHANAN [redacted]
LINDA E. CASEY [redacted]
LORNA R. CHATMON [redacted]
SALVATORE A. CIRESI [redacted]
LYNNE M. CONNELLY [redacted]
LAURIE J. DAVIS [redacted]
KAREN T. FERGUSON [redacted]
ROBIN A. HIGHTOWER [redacted]
CLARA M. HUFF [redacted]
BETTY C. JONES [redacted]
LINDA C. KIRK [redacted]
REBECCA LOOMIS [redacted]
*MARTHA C. LUPO [redacted]
CHRISTINE P. MILLER [redacted]
GARY J. NALESKI [redacted]
TERESA Y. PIERCE [redacted]
JUDITH L. POWERS [redacted]
PATRICIA F. PRATHER [redacted]
ELIZABETH SAMPSON [redacted]
PATRICIA SAULSBERY [redacted]
JACKIE W. SAYE [redacted]
DEBORAH A. WICKER [redacted]
DONNA M. WRIGHT [redacted]
JULIE K. ZADINSKY [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3370:

To be colonel

GLENDON L. ACRE [redacted]
JESSE L. ADAMS [redacted]
ERNEST R. ADKINS [redacted]
RONALD W. ALBERT [redacted]
JOE R. ALEXANDER [redacted]
HARRY C. ALLEN III [redacted]
ROGER L. ALLEN [redacted]
RANSOME W. ANDERSON [redacted]
GEORGE ANDREWS [redacted]
WILEY E. ANDREWS [redacted]
WILLIAM D. ANTHONY [redacted]
LOUIS J. ANTONETTI [redacted]
JOSEPH ANTONIOTTI [redacted]
DAVID N. APPLEBY [redacted]
RENE AQUERON [redacted]
STEPHEN E. AREY [redacted]
WILLIAM L. ASHLEY [redacted]
ROBERT V. BALDWIN [redacted]
PETER P. BALJET [redacted]
RICHARD A. BALLIET [redacted]
WILLIAM B. BARKER [redacted]
ROBERT K. BAUER [redacted]
RICHARD E. BAUMER [redacted]
MICHAEL A. BENDAS [redacted]
LYLE D. BENDER [redacted]
DANIEL E. BENES [redacted]
ALLEN D. BENNETT [redacted]
ROBERT W. BERKLEY [redacted]
DONALD BERNHARDSEN [redacted]
GRANT I. BEYL [redacted]
THOMAS E. BILLIMEK [redacted]
CHRISTOPHER BILLS [redacted]
THOMAS F. BINEK [redacted]
RONALD E. BIRCHALL [redacted]
JON P. BIRD [redacted]
LEONARD W. BIRDSONG [redacted]
JAMES J. BISSON [redacted]
LOWELL E. BLAGMON [redacted]
WILLIAM P. BOCKOVEN [redacted]
HENRY A. BOESE [redacted]
ROBERT J. BOOTZ [redacted]
WILLIAM L. BORDEN [redacted]
DANNY W. BOROFF [redacted]
BRUCE C. BORRETT [redacted]
DARWIN G. BOSTIC [redacted]
JOHN C. BOSTON [redacted]
RONALD I. BOTZ [redacted]
TERRY G. BOUNDS [redacted]
DON J. BOUTZ [redacted]
DONALD W. BOWLES [redacted]
GEORGE F. BOWMAN [redacted]
TOMMY L. BOYD [redacted]
DON R. BRADLEY [redacted]
ROBERT P. BREEN [redacted]
MICHAEL BREITHAUPT [redacted]
BRADFORD BRIGHTMAN [redacted]
JAMES A. BRITAIN [redacted]
KERMIT BRITT, JR. [redacted]
MATTHEW C. BROCKWAY [redacted]
GEORGE R. BROOKS [redacted]
WAYNE R. BROSSETT [redacted]
MICHAEL F. BROWN [redacted]
PHILIP K. BROWN [redacted]
SAMUEL S. BROWNING [redacted]
HARRY H. BRUBAKER [redacted]
JAMES A. BRUNSON [redacted]
JOHN C. BUFORD [redacted]
KENNETH J. BUKOWSKI [redacted]
MICHAEL E. BURKETT [redacted]
RAY J. CAGLE [redacted]
DAVID L. CAIN [redacted]
BRUCE J. CAMPBELL [redacted]
CHARLES E. CAMPBELL [redacted]
ROBERT A. CARDAMONE [redacted]
DANA E. CARDEN [redacted]
LAWRENC CARMICHAEL [redacted]
TOD J. CARMONY [redacted]
STEPHEN J. CARRE [redacted]
DANIEL F. CARROLL [redacted]
CHARLES M. CARTER [redacted]
MARY N. CARTER [redacted]
RAYMOND K. CARTER [redacted]
BYRON L. CASEBIER [redacted]
JOHN M. CASHIN [redacted]
LEONARD CASILLAS [redacted]
GARY N. CASSIDY [redacted]
LLOYD E. CAVEY [redacted]
ROY T. CAVICCHI [redacted]
RONALD CEFALONE [redacted]
STEPHEN G. CHAMBERS [redacted]
DENNIS R. CHRISTIAN [redacted]
DOROTHY H. CLARK [redacted]
ANTON COBIANMENDEZ [redacted]
THOMAS D. COCHRAN [redacted]
DAN M. COLGLAZIER [redacted]
ROBERT W. CONDON [redacted]
RONALD D. CONE [redacted]
THOMAS W. CONNER [redacted]
MARGARET COPPERNOLL [redacted]
STEVEN C. CORDON [redacted]
MICHAEL G. CORRIGAN [redacted]
MARC S. COSTANTINO [redacted]
ENRIQUE COSTAS [redacted]
PAUL D. COSTILOW [redacted]
ALAN M. COX [redacted]
NORMAN J. COX, JR. [redacted]
STEPHEN T. COX [redacted]
WESLEY E. CRAIG [redacted]
CARMEL CRESPOCABAN [redacted]
WILLIAM B. CROOM [redacted]
WILLIAM L. CROWSON [redacted]
BERNARD M. CULLEN [redacted]
JAMES T. CURRIE [redacted]
PATRICK J. CURTIN [redacted]
DONALD F. CURTIS [redacted]
PHILLIP L. DAVIDSON [redacted]
JAMES R. DAVIES [redacted]
JOHN M. DAVIS [redacted]
RUTH L. DAVIS [redacted]
THOMAS R. DAVIS [redacted]
JAMES P. DAWSON [redacted]
RICHARD B. DELGADO [redacted]
MICHAEL DEMARTINO [redacted]
ROBERT E. DEMBY [redacted]
DOUGLAS W. DENHAM [redacted]
FRANK J. DENNY [redacted]
DANIEL D. DENSFORD [redacted]
JAMES B. DESMOND [redacted]
RICHARD T. DILLON [redacted]
RICHARD G. DONOGHUE [redacted]
MICHAEL J. DOSTILIO [redacted]
TERRY L. DOWNEN [redacted]
MARVIN B. DUNCAN [redacted]
RICHARD M. DUNNE [redacted]
DAVID W. EASTON [redacted]
WILLIAM E. EATON [redacted]
DAVID K. EGAN [redacted]
DARRYL J. EGLER [redacted]

WAYNE A. ELLIS [redacted]
JOHN L. ENRIGHT [redacted]
CAROLYN ENTZMINGER [redacted]
MICHAEL T. ESKEY [redacted]
GERALD T. EVANS [redacted]
WILLIAM D. EVANS [redacted]
LARRY E. FAGERSTEN [redacted]
TERRENCE T. FAHEY [redacted]
FRANCIS FALLIGANT [redacted]
JAMES P. FARKAS [redacted]
GEORGE R. FAY [redacted]
PETER FEE, JR [redacted]
JOHN R. FENIMORE [redacted]
THOMAS F. FINN [redacted]
MICHAEL M. FLACK [redacted]
HAROLD C. FLEISCHER [redacted]
CHARLES E. FLEMING [redacted]
CORNELIUS J. FLYNN [redacted]
CHRISTOPHER FOLEY [redacted]
THOMAS R. FOLK [redacted]
ERNE FONSECARIVERA [redacted]
WILLIAM E. FOSS [redacted]
MICHAEL J. FRIEDL [redacted]
ALAN K. FRY [redacted]
MARK G. FUELLENBACH [redacted]
ROBERT E. FULLEM [redacted]
JOHN E. GALLAGHER [redacted]
JOHN A. GAMBLE [redacted]
DAVID C. GARRETT [redacted]
JOSEPH M. GATELY [redacted]
WALTER J. GAYLORD [redacted]
DONNELL H. GEIB [redacted]
GILBERT T. GEMBACZ [redacted]
ROBERT C. GEORGE [redacted]
CHARLES E. GIBSON [redacted]
JOSEPH A. GIDDIS [redacted]
BARRY E. GILBERT [redacted]
JOHN R. GILES [redacted]
GEORGE J. GLUSKI [redacted]
MICHAEL G. GOEKEN [redacted]
DAVID E. GOFF [redacted]
EDWARD A. GOLDSMITH [redacted]
STEPHEN T. GONCZY [redacted]
MICHAEL R. GONZALES [redacted]
JUSTO GONZALEZ, JR [redacted]
RICHARD C. GOODWIN [redacted]
NORMAN P. GOTTLIEB [redacted]
LAWRENCE B. GRAF [redacted]
CURTIS GRANDSTAFF [redacted]
ROBERT E. GRANT [redacted]
SAMUEL R. GRAVES [redacted]
JAMES T. GRAY [redacted]
VIRGIL S. GRAY [redacted]
CHRISTOPHER GREEN [redacted]
DAVID J. GRIFFITH [redacted]
JACK E. GUENTHNER [redacted]
GERALD D. GURRY [redacted]
CHARLES V. GUY, JR [redacted]
TIMOTHY M. HAAKE [redacted]
RICHARD E. HALEY [redacted]
KENNETH E. HALL [redacted]
RONALD HALVERSON [redacted]
KEITH H. HAMACK [redacted]
EDWIN T. HAMLIN [redacted]
GLENN C. HAMMOND [redacted]
JOSEPH P. HANFORD [redacted]
GLENN S. HARA [redacted]
PAUL E. HARMAN [redacted]
AUBREY L. HARRIS [redacted]
WILLIAM T. HARRIS [redacted]
ROBERT W. HART [redacted]
ROBERT J. HASSER [redacted]
THOMAS B. HAUGO [redacted]
PHILIP J. HAURUS [redacted]
EDWARD G. HAWKINS [redacted]
THOMAS J. HEAVEY [redacted]
GARY F. HEIMES [redacted]
KENNETH F. HEITKAMP [redacted]
PAUL C. HEMMER [redacted]
WILLIAM R. HENDON [redacted]
RONALD R. HENLEY [redacted]
WALTER E. HENRY [redacted]
KENNETH C. HENSON [redacted]
THOMAS L. HENSON [redacted]
CHARLES F. HERB [redacted]
WILLIAM R. HERB [redacted]
REINALDO HERRERO [redacted]
DAVID M. HERRING [redacted]
JOHN B. HERSHMAN [redacted]
JEFFERY R. HICKS [redacted]
VANCE R. HIGHSMITH [redacted]
MICHAEL S. HIGLEY [redacted]
MICHAEL D. HILL [redacted]
FRANCIS E. HILSHER [redacted]
MICHAEL A. HODGE, [redacted]
HUBERT T. HODGSON [redacted]
JOHN T. HOFFMAN, [redacted]
WILLIAM R. HOLLAND [redacted]
RONALD D. HOLMES [redacted]
BRUCE L. HOPKINS [redacted]
PATRICK L. HOSKINS [redacted]
PETER L. HOVDE [redacted]
SPENCER D. HOWELL [redacted]
DONNA L. HUBBERT [redacted]
GLENN H. HUBER [redacted]
JOHN B. HUFFMAN [redacted]
WILSON F. HUMPHREYS [redacted]
JOHN L. HUTCHERSON [redacted]
DAVID R. INMAN [redacted]
ARLYN R. IRION [redacted]
DONALD L. JACKA [redacted]
PAUL E. JENSEN [redacted]
FORREST R. JOHANSEN [redacted]
SHELDON D. JOHNSON [redacted]
WILEY H. JOHNSON [redacted]
RICHARD JORGENSEN [redacted]
GREGORY C. JOY [redacted]
CHARLES H. JOYNER [redacted]
STEPHEN S. KAPPA [redacted]
EDWARD J. KELLY [redacted]
ROY D. KENNEDY [redacted]
BERT W. KEY [redacted]
MICHAEL KILCULLEN [redacted]
DANNY D. KINNEY [redacted]
HERMAN G. KIRVEN [redacted]
DENNIS J. KLEPPICK [redacted]
JEROME B. KNUESEL [redacted]
FRANK J. KOEGL [redacted]
JAMES H. KONICKI [redacted]
BERNARD P. KRAMER [redacted]
RICHARD J. KRIMMER [redacted]
DONALD W. KROENING [redacted]
FREDERICK KUEHN [redacted]
ROBERT M. KUNCZT [redacted]
ROBERT J. LABADIE [redacted]
WILLIAM G. LAFLEUR [redacted]
LYLE D. LALIM [redacted]
JAMES H. LAMBACK [redacted]
DAVID W. LANCE [redacted]
THOMAS E. LASSER, [redacted]
JOSEPH M. LAURA [redacted]
DAVID J. LAY [redacted]
MITCHELL LECLAIRE [redacted]
BARBARA A. LEE [redacted]
RONALD R. LEMOINE [redacted]
OLIVER D. LENARD [redacted]
DANNY A. LENHART [redacted]
LYNN E. LEVENGOOD [redacted]
LIONEL D. LEVESQUE [redacted]
DICK C. LITTLE [redacted]
WILLIAM LITZINGER [redacted]
ROBERT M. LIVELY [redacted]
DOUGLAS LIVINGSTON [redacted]
RICK A. LOMBARD [redacted]
HAROLD E. LOMENICK [redacted]
HAL A. LONG [redacted]
WENDELL H. LONG [redacted]
VICTOR N. LOONEY [redacted]
ROBERT C. LORBEER [redacted]
HAROLD I. LOVETT [redacted]
WILLIAM C. LOWE [redacted]
LAWRENCE T. LUBA [redacted]
EDWIN T. LUCAS [redacted]
RONALD L. LUCAS [redacted]
THOMAS P. LUCZYNSKI [redacted]
JAMES A. LUEDEKE [redacted]
CARL F. LUNDELL [redacted]
JAMES N. LUNSFORD [redacted]
LEONARD LUZKY [redacted]
ROBERT E. LYNCH [redacted]
RALPH F. LYON [redacted]
BUFORD S. MABRY [redacted]
THOMAS S. MACRAE [redacted]
KEITH C. MAGNUSSON [redacted]
FRANK J. MAGUIRE, JR [redacted]
ROBERT D. MALLAMS [redacted]
JAMES T. MALLOY [redacted]
MICHAEL E. MALONE [redacted]
LEWIS D. MALPHRUS [redacted]
THOMAS P. MANCINO [redacted]
DENNIS W. MANSKE [redacted]
DON M. MARLATT [redacted]
LARY D. MARLER [redacted]
ROB MARREROCORLETO [redacted]
FRANK C. MARSHALL [redacted]
CHARLES F. MARTIN [redacted]
ROY T. MARTIN [redacted]
EARL R. MASSEY, JR [redacted]
LARRY E. MATCHETT [redacted]
EDWARD E. MATHEWS [redacted]
JULIUS E. MATHIS [redacted]
RICHARD J. MC CALLUM [redacted]
ROBERT W. MC CALLUM [redacted]
CHARLES MC CARTNEY [redacted]
WENDALL MC CLELLAN [redacted]
LOUIS A. MC CLOSKEY [redacted]
JIMMIE M. MC DONALD [redacted]
ROBERT C. MC DONALD [redacted]
PATRICK F. MC GOVERN [redacted]
DANIEL J. MC GRAW [redacted]
JOHN K. MC ILHENNY [redacted]
JAMES R. MC INTYRE [redacted]
JOSEPH MC LAUGHLIN [redacted]
STEVEN C. MC NABB [redacted]
THOMAS L. MC NAUGHER [redacted]
JOHN D. MC REYNOLDS [redacted]
ROBERT H. MEEK [redacted]
NORBERT A. MENGOT [redacted]
WILLIAM M. MENNING [redacted]
DENNIS C. MERRILL [redacted]
JOHN A. MESKILL [redacted]
MICHAEL R. MESSINA [redacted]
MARVIN G. METCALF [redacted]
JAMES MEZA, JR. [redacted]
JOHN A. MICIK [redacted]
HANS W. MIJOCEVIC [redacted]
PAUL M. MIKESH [redacted]
MARVIN R. MIKESKA [redacted]
ROBERT F. MILFORD [redacted]
JOHN S. MILLAR [redacted]
FLOYD E. MILLER [redacted]
KIPP O. MILLER [redacted]
STEVEN W. MILLER [redacted]
JON M. MILLNER [redacted]
ROBERT D. MINTON [redacted]
HAROLD A. MISSIMER [redacted]
ROBERT A. MOLIN [redacted]
AMEDEO R. MONACELLI [redacted]
MICHAEL MONTGOMERY [redacted]
JOSEPH L. MOORE [redacted]
WILLIAM R. MOORE [redacted]
LARRY G. MORGAN [redacted]
JERRY N. MORRIS [redacted]
PHILIP J. MORRISS [redacted]
ROY C. MORROW, [redacted]
TOMM O. MOUNTZ [redacted]
JOHN D. MUCHOW, [redacted]
THOMAS A. MULCAHY [redacted]
KURT E. MULLER [redacted]
ROBERT J. MULLIGAN [redacted]
ARNOLD W. MUNCRIEF [redacted]
GLENN G. NACKONEY, [redacted]
DARRYL W. NASH [redacted]
JOSEPH F. NASH [redacted]
JOSEPH M. NASIF [redacted]
JOHN L. NATTERSTAD [redacted]
JON A. NEALON [redacted]
DANNY L. NELSON [redacted]
JOHN J. NEPIUK [redacted]
GERARD B. NERY, JR. [redacted]
CHARLES H. NEWELL [redacted]
FRANK R. NEWETT [redacted]
LYNN A. NICHOLS [redacted]
JOHN A. NOLLETTE [redacted]
LEWIS H. NOMURA [redacted]
PHILIP F. NOTO [redacted]
RICHARD S. O'CONNOR [redacted]
DAVID A. O'DENIUS [redacted]
EDWARD B. O'DONNELL [redacted]
MICHAEL R. O'DONNELL [redacted]
BRUCE A. OLSON [redacted]
CARL M. OLSON [redacted]
LARRY L. OLSON [redacted]
ALAN D. OROUKE [redacted]
VICTOR M. ORTIZ [redacted]
RAYMOND PAGANDIEZ [redacted]
CHARLES A. PANNELL [redacted]
GARY E. PARIS [redacted]
LYNDA G. PARSONS [redacted]
DARRYL L. PATTILLO [redacted]
JAMES R. PATTON [redacted]
PETER Q. PAUL [redacted]
PHILIP L. PEARSON [redacted]
MICHAEL P. PECK [redacted]
TIMOTHY T. PEELE [redacted]
CHARLES PENDERGAST [redacted]
JOHN E. PENDERGRASS [redacted]
ARTHUR W. PERLEBERG [redacted]
GERALD L. PERRY [redacted]
PAUL C. PETERSEN [redacted]
JOHN PETRELLA, JR [redacted]
ISAAC D. PICKERING [redacted]
WILLIAM H. POLAND [redacted]
WILLIAM M. PONDER [redacted]
DAVID G. POPHAM [redacted]
CHARLES N. POSEHN [redacted]
WALTER L. PRESHA [redacted]
MELTON D. PRESSON [redacted]
KENNETH S. PULKET [redacted]
JAMES J. PULLINS [redacted]
LEONARD B. QUINN [redacted]
DAVID W. RAES [redacted]
RONALD B. RAGLAND [redacted]
JOAO D. RAPHAEL [redacted]
JOHN S. RASCHKE [redacted]
WILLIAM M. REED [redacted]
STEWART A. REEVE [redacted]
EDWARD S. REPKO [redacted]
JERRY W. RESHETAR [redacted]
ARNOLD RETHEMEIER [redacted]
JAMES L. REVEL [redacted]
DAN H. REYNOLDS [redacted]
JAMES R. REYNOLDS [redacted]
MARK V. RHETT [redacted]
MICHAEL H. RICHARDS [redacted]
HENRY B. RICHARDSON [redacted]
THOMAS E. RICHTER [redacted]
ROBLEY S. RIGDON [redacted]
FRANK X. RIGGIO [redacted]
JOHN H. RIVES [redacted]
WILLIAM D. ROACH [redacted]
WILLIAM E. ROBERSON [redacted]
WILLIAM V. ROBERTI [redacted]
EDWIN H. ROBERTS [redacted]
PETER G. ROBINSON [redacted]
TERRY L. ROBINSON [redacted]
JOHN W. ROOKS [redacted]
HAROLD G. ROSE [redacted]
ALFRED P. ROTH [redacted]
RICHARD R. RUST [redacted]
THOMAS P. RYBCZYK [redacted]
CHARLES W. RYDER [redacted]
ROBERT S. RYDER [redacted]
FRED SADRAK, [redacted]
CHESTER I. SAITO [redacted]
ROBERT A. SALVIANO [redacted]
FRANLY H. SANCHEZ [redacted]
TIMOTHY J. SANKEN [redacted]
WILLIAM M. SANSING [redacted]
WILLIAM E. SAUL [redacted]
GERALD C. SCHALLER [redacted]
JOSEP SCHINDELHOLZ [redacted]
FREDE SCHNITZSPAHN [redacted]
ROBERT W. SCHUPP [redacted]
MICHAEL SCHWEIGER [redacted]
ROBERT SCHWEITZER [redacted]

MICHAEL J. SCULLIN [redacted]
ROBERT S. SETTLES [redacted]
THOMAS J. SHAILOR [redacted]
RODGER L. SHANKS [redacted]
RAYMER W. SHAW [redacted]
MELVIN L. SHELLEY [redacted]
JEAN M. SHINBUR [redacted]
JAMES R. SHOLAR [redacted]
CRAIG V. SHUEY [redacted]
THEODORE G. SHUEY [redacted]
RONALD W. SHUKLIS [redacted]
JAMES M. SIKES [redacted]
THOMAS L. SINCLAIR [redacted]
HAROLD C. SLOOP [redacted]
WILLIAM A. SLOTTER [redacted]
WALTER J. SLUSARK [redacted]
HUNTER M. SMITH [redacted]
JIMMY A. SMITH [redacted]
MICHAEL A. SMITH [redacted]
ROBERT L. SMITH [redacted]
ROBERT W. SMITH, [redacted]
ROBERT W. SOLDANI [redacted]
ARTHUR R. SOUTH [redacted]
CHARLES F. SOXIE [redacted]
EDWIN E. SPAIN [redacted]
THOMAS F. SPARKMAN [redacted]
ROBERT K. SPEAR [redacted]
THOMAS R. SPIVEY [redacted]
WILLIAM R. SPORES [redacted]
DONALD N. SPRADLING [redacted]
KERRY R. STACKHOUSE [redacted]
RICHARD P. STAGE [redacted]
LINDA L. STANLEY [redacted]
JACK G. STARICH [redacted]
JOHN F. STARNS [redacted]
ROBERT M. STEADMAN [redacted]
JOSEPH T. STEHN [redacted]
EDWARD E. STELZER [redacted]
RICHARD D. STEPHENS [redacted]
TERRY P. STEPHENSON [redacted]
WAYNE S. STEVENS [redacted]
THOMAS E. STEWART [redacted]
RICHARD H. STOKES [redacted]
RODNEY L. STRAUB [redacted]
MICHAEL A. STROJNY [redacted]
LARRY S. STROUD [redacted]
MICHAEL R. STURM [redacted]
MARK E. SULLIVAN [redacted]
WARNER I. SUMPTER [redacted]
ERIC M. SUNDIN [redacted]
RICHARD H. SWEAT [redacted]
MICHAEL W. SYMANSKI [redacted]
JACKIE TALIAFERRO [redacted]
WILLIAM W. TANEY [redacted]
MARGARET TANKOVICH [redacted]
JOHN D. TAYLOR [redacted]
ROBERT E. TAYLOR [redacted]
RONALD D. TAYLOR [redacted]
THOMAS E. TAYLOR [redacted]
WILLIAM D. TAYLOR [redacted]
ROBERT A. THIESING [redacted]
TOM W. THOMAS [redacted]
CURTIS L. THOMPSON [redacted]
RUEDIGER TILLMANN [redacted]
JERRY W. TIPPS [redacted]
JAMES J. TRACEY [redacted]
GREGORY M. TRAVALIO [redacted]
FRANK L. TRAVIS [redacted]
MICHAEL W. TRIPLETT [redacted]
THOMAS M. TRITSCH [redacted]
JON L. TROST [redacted]
ANDRE J. TROTTIER [redacted]
LESLIE K. TUBB [redacted]
FRANK T. TUCKER [redacted]
ROBERT M. TUTTLE, JR [redacted]
WILLIAM H. TUTTLE [redacted]
ROY M. UMBARGER [redacted]
BRUCE R. UTZ [redacted]
JAMES B. VALLIERE [redacted]
PETER J. VENZA [redacted]
KENNETH VIEMEISTER [redacted]
DAVID C. VOLLRATH [redacted]
KENNETH R. WADE [redacted]
WILLIAM H. WADE [redacted]
RAYMOND D. WADLEY [redacted]
KATHIE E. WALKER [redacted]
DENNIS M. WALLACE [redacted]
JOHN G. WARREN [redacted]
JIMMY R. WATSON [redacted]
DALE W. WELLS [redacted]
JOSEPH D. WEST [redacted]
ROBERT S. WHITE [redacted]
BRUCE R. WHITMAN [redacted]
RICHARD T. WHITMAN [redacted]
WILLIAM WILBOURNE [redacted]
TIMOTHY F. WILHELM [redacted]
SAMUEL A. WILKS [redacted]
DANIEL R. WILLIAMS [redacted]
ROBERT WILLIAMSON [redacted]
HOWARD L. WILLIS [redacted]
MITCHEL WILLOUGHBY [redacted]
JOHN C. WILLUT [redacted]
RONALD W. WILSON [redacted]
EDWARD H. WINKLER [redacted]
BRIAN D. WINTER [redacted]
JOHN R. WISE [redacted]
STEPHEN R. WISE [redacted]
ALAN M. WITKIN [redacted]
JOSEPH T. WOJTASIK [redacted]
THOMAS A. WOLFE, SR. [redacted]
KENNETH F. WONDRACK [redacted]
CHARLES W. WRIGHT [redacted]
DALTON C. WRIGHT [redacted]
ARTHUR H. WYMAN [redacted]
JEFFREY L. YEAW [redacted]
RONALD R. YOSHIDA [redacted]
CLYDE M. YOSHIMURA [redacted]
ROBERT D. YOUMANS [redacted]
DANIEL E. YOUNG [redacted]
JOHN L. YOUNG [redacted]
DEAN A. YOUNGMAN [redacted]
DAVID T. ZABECKI [redacted]
BRUCE P. ZELIS [redacted]
DENNIS J. ZIFCAK [redacted]
JAMES E. ZIWESLIN [redacted]
PATRIC M. ZWOLENSKI [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COLONEL UNDER SECTION 5912 OF TITLE 10, UNITED STATES CODE:

To be colonel

KAREN J. ANTHONY [redacted]
EDWARD A. BATTEN [redacted]
GARY L. BEAVER [redacted]
CORNELIA R. BECKER [redacted]
DALFIN D. BLASKE, JR [redacted]
RONALD CANALE [redacted]
BRIAN T. CAPONE [redacted]
STEPHEN H. CHAPMAN [redacted]
CHARLES D. CHATELAIN [redacted]
DAVID R. CHEVALLIER [redacted]
STEPHEN W. CLAYTON [redacted]
WILLIAM C. DAINTY [redacted]
JAMES J. DAVIES [redacted]
ROBERT L. DAVIS [redacted]
MARY A. DEVLIN [redacted]
JAMES H. DONNAN [redacted]
JOSEPH S. DUARTE [redacted]
TIMOTHY D. EASON [redacted]
DAVID C. EASTBURN [redacted]
STEPHEN K. FARBER [redacted]
HENRY J. FOSHEE [redacted]
ROBERT E. FOULK [redacted]
GREGORY A. FREEMAN [redacted]
SARAH E. FRY [redacted]
DAVID W. FURTNETT [redacted]
RODNEY J. GERDES [redacted]
DAVID E. GLASS [redacted]
SAMMY C. GRAHAM [redacted]
MARCUS T. GREEN [redacted]
WILLIAM R. HAINES [redacted]
PAUL P. HAMMAN [redacted]
DONALD E. HANCOCK [redacted]
DALE A. HANSEN [redacted]
KAREN E. HECK [redacted]
ROBERT N. HERING JR. [redacted]
DAN C. HERMAN [redacted]
JAMES D. HERRINGTON [redacted]
JOHN D. HOHMANN JR. [redacted]
ROBERT J. HUBERT [redacted]
KEVIN P. HUGHES [redacted]
MICHAEL A. HUMM [redacted]
ROGER B. HUMPHREYS [redacted]
ROBERT A. JAKUCS [redacted]
JOHN F. KAYSER JR [redacted]
KENNETH R. KNAPP [redacted]
MICHAEL A. LEWIS [redacted]
DAVID C. LONG [redacted]
ROBERT T. MAGUIRE [redacted]
HENRY P. MASONE III [redacted]
DAVID E. MCLEISH [redacted]
PATRICK J. MEEHAN [redacted]
RALEIGH H. MEISER [redacted]
DAVID A. MILES IV [redacted]
JAMES R. MOORHEAD [redacted]
DAVID B. MOREY [redacted]
STEVEN W. MYHRE [redacted]
JAMES J. NEUBAUER [redacted]
ROBERT M. OLIVIER [redacted]
JOHN A. OLSON [redacted]
GLENN E. PALIS [redacted]
ROBERT L. PARRAMORE [redacted]
RICHARD J. PETERSON [redacted]
DAVID E. PRUETT [redacted]
CURTIS G. RAETZ [redacted]
JANET E. RASCHKE [redacted]
RENEE L. RENNER [redacted]
KIT C. ROBINSON [redacted]
BETH A. SALAMANCA [redacted]
LOURIE A. SALLEY III [redacted]
JOHN A. SCARBOROUGH [redacted]
ROBERT W. SCHICK JR. [redacted]
MICHAEL H. SCHOELWER [redacted]
CRAIG R. SCOTT [redacted]
RAYMOND D. SCOTT [redacted]
MICHAEL D. SNYDER [redacted]
HENRY S. SPENCER [redacted]
JOHN S. STOLLERY JR. [redacted]
MICHAEL J. STROFF [redacted]
LANDON K. THORNE II [redacted]
CRAIG S. VANDEBERG [redacted]
STEVEN B. VITALI [redacted]
EUGENE L. WALDEN [redacted]
GARY L. WEGNER [redacted]
ARTHUR E. WHITE [redacted]
ROBERT J. WILKINSON JR [redacted]

IN THE NAVY

THE FOLLOWING-NAMED SUPPLY CORPS OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(A):

To be lieutenant (Junior Grade)

JOSEPH A. SURETTE [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

KENNETH J. ACOSTA [redacted]
CHARLES E. ADAMS [redacted]
MARK E. ADAMS [redacted]
THOMAS C. ALBANESE [redacted]
CHARLES J. ALEXANDER [redacted]
TROY A. AMUNDSON [redacted]
AXEL S. ANDERSON [redacted]
MARK A. ANDERSON [redacted]
PAUL B. ANDERSON [redacted]
MITCHELL APPEL [redacted]
PETER A. ARMATIS [redacted]
RUSSELL B. AUSLEY [redacted]
DAVID A. AYLMER [redacted]
LEON R. BACON [redacted]
JAY C. BALLARD [redacted]
JEFFREY A. BELANGER [redacted]
JERRI A. BELL [redacted]
JOHN D. BELL [redacted]
JON G. BENAVENTE [redacted]
HARALD BERGE [redacted]
MICHAEL J. BERNARD [redacted]
DONALD R. BISHOP [redacted]
FRANCIS J. BITZAN [redacted]
JAMES L. BOCK, JR. [redacted]
RODNEY A. BOLLING [redacted]
BARTEL J. BOOGERD III [redacted]
DAVID C. BORAH [redacted]
BRIAN K. BORING [redacted]
THOMAS M. BRADLEY [redacted]
KAREN K. BRADY [redacted]
PHILLIP A. BRANCH [redacted]
JOHN T. BRECKHEIMER [redacted]
DONALD S. BROCE [redacted]
MICHAEL A. BROOKES [redacted]
CHARLES E. BROOKS, JR [redacted]
BRADFORD L. BROWN [redacted]
PHILLIP B. BROWN [redacted]
STEVEN H. BRUBAKER [redacted]
BRADLEY C. BURGESS [redacted]
JOHN F. BUSH [redacted]
MATTHEW R. BUTKIS [redacted]
GEORGE J. BYRD III [redacted]
LAWRENCE J. BYRNES [redacted]
FRANCIS J. CAMPION [redacted]
JOHN P. CARBONARI [redacted]
MICHAEL A. CARR [redacted]
DAVID J. CARRILLO [redacted]
THOMAS M. CASHMAN, [redacted]
JUAN C. CASTILLO [redacted]
THOMAS G. CAWLEY [redacted]
THOMAS N. CHABY, [redacted]
TIMMIE R. CHAMBERS [redacted]
CHRISTOPHER D. CHASE [redacted]
MICHAEL N. CHERI [redacted]
RAYMOND C. CHOP [redacted]
JOHN E. CLARK [redacted]
SEAN P. CLARK [redacted]
MARK V. CLEUGH [redacted]
KIMBERLY D. COBB [redacted]
MICHAEL D. CONDON [redacted]
KARL A. COOKE [redacted]
JAMES E. COWAN [redacted]
VINCENT S. CROMER [redacted]
BRYAN W. CROSBY [redacted]
KERRY B. CROSBY [redacted]
NORVELL N. CUMMINGS [redacted]
SHARON L. CUMMINS [redacted]
DANIEL L. CURRIE III [redacted]
JAMES N. DALTON [redacted]
JOHN R. DALY, JR [redacted]
DARYL S. DAVIS [redacted]
LARRY D. DAVIS [redacted]
CHARLES J. DEGILIO [redacted]
ALEXANDER S. DESROCHES [redacted]
MICHAEL DEWITT [redacted]
JOHN G. DICKENSON JR. [redacted]
RONALD D. DIENER [redacted]
LAWRENCE R. DIRUSSO [redacted]
KIM E. DIXON [redacted]
JOSEPH R. DONATO [redacted]
FRANK J. DOWD [redacted]
JAMES P. DOWNEY [redacted]
CRAIG A. DOXEY [redacted]
STEPHEN N. DVORNICK, [redacted]
DANIEL W. DWYER [redacted]
WILLARD E. DYURAN [redacted]
DONALD C. EBY [redacted]
JEFFREY T. ELDER [redacted]
SCOTT A. ERICKSON [redacted]
TIMOTHY J. FAHEY [redacted]
DAVID J. FETEN [redacted]
DAVID L. FLAKE [redacted]
SHELLIE FOUNTAIN JR. [redacted]
JOHN B. FOY [redacted]
JONI L. FRANK [redacted]
BRIAN P. GALLAGHER [redacted]
TORSTEN A. GARBER [redacted]
WILLIAM D. GELLATLY [redacted]
BRENT K. GEORGE [redacted]

CHRISTOPHER M. GIBLIN [redacted]
GREGORY J. GIBSON [redacted]
JOHN P. GILLENWATER I [redacted]
ERIC A. GLEYSTEEN [redacted]
WILLIAM G. GNESDA [redacted]
MARK R. GONZALES [redacted]
JOHANNA O. GOOBY [redacted]
DAVID A. GOODMAN [redacted]
ANDREW M. GORZELA [redacted]
DEAN H. GOSSETT [redacted]
JEFFREY C. GRAF [redacted]
RONALD W. GRAFT [redacted]
BRIAN P. GRANT [redacted]
GREGORY W. GRAP [redacted]
JOHN L. GRIFFITHS [redacted]
DEMETRIES A. GRIMES [redacted]
DAVID M. GROFF [redacted]
COURTNEY L. GROVES [redacted]
ROBERTO I. GUERRERO [redacted]
ALLEN W. HAMMERQUIST [redacted]
WARREN S. HAMMONDS [redacted]
KEVIN L. HANNES [redacted]
CHRISTOPHER A. HARRIS [redacted]
GREGORY M. HARRIS [redacted]
KIM A. HARROWER [redacted]
JOHN P. HAYES [redacted]
CHRISTOPHER M. HEATH [redacted]
ERICK V. HEILMAN [redacted]
KIP L. HENDERSON [redacted]
STEWART J. HENDERSON [redacted]
ERIC HENDRICK [redacted]
MARK S. HERATH [redacted]
PATRICK B. HERRINGTON [redacted]
RUDOLPH L. HIGHTOWER, JR. [redacted]
CURTIS A. HOEKSTRA [redacted]
STEWART W. HOLBROOK [redacted]
DAVID L. HOLMES [redacted]
PETER E. HOOPER [redacted]
WILLIAM D. HOPPER [redacted]
ALFRED L. HORTON [redacted]
MARK O. HOWELL [redacted]
MICHAEL C. HUME [redacted]
STEVEN L. IRVINE [redacted]
ANDREW D. JAMES [redacted]
DOUGLAS A. JENIK [redacted]
JOHN J. JENKINS [redacted]
MARK J. JENSEN [redacted]
ROBERT F. JESSUP I [redacted]
DAVID P. JOHNSON [redacted]
CRAIG M. JOY [redacted]
KEVIN W. KALTENBACH [redacted]
JOSEPH C. KEITH [redacted]
ROBERT J. KELLY, JR [redacted]
GLENNON J. KERSGIETER [redacted]
DONNA A. KIERAN [redacted]
KEITH A. KIMBERLY [redacted]
STEVEN A. KLOCK [redacted]
KARL A. KLOPP [redacted]
WILLIAM S. KOYAMA [redacted]
PAUL A. KRATZER [redacted]
ALAN F. KUKULIES [redacted]
MICHAEL H. KUTYBA [redacted]
CHRISTOPHER J. LANDIS [redacted]
LINDA E. LANGE [redacted]
DEBRA A. LANKHORST [redacted]
ANTHONY LAVECCHIA [redacted]
ROBERT M. LAWRENCE [redacted]
RAYMOND A. LEAVITT [redacted]
GERALD H. LEEKEY [redacted]
HOWARD F. LENWAY [redacted]
JEFFRY P. LEPORTE [redacted]
JOHN R. LIVELY [redacted]
DAVID J. LOBDELL [redacted]
LOWEN B. LOFTIN, JR [redacted]
MICHAEL A. LOWE [redacted]
RICHARD H. LUCAS [redacted]
MARY E. LUGENBEAL [redacted]
JEFFREY A. MACQUARRIE [redacted]
LOREN W. MANSKE [redacted]
CARLIUS A. MAPP [redacted]
NATHANIEL R. MARLER [redacted]
GARY A. MARONEY [redacted]
GREGORY T. MARTINEZ [redacted]
DARYL J. MARTIS [redacted]
KENNETH M. MASSON [redacted]
KEEVAN D. MASTEN [redacted]
DANIEL J. MAYO [redacted]
THOMAS P. MCCLEEREY [redacted]
MICHAEL K. MCCLURE [redacted]
PAUL J. MCCRONE [redacted]
ANDREW D. MCDONALD [redacted]
DENNIS W. MCFADDEN [redacted]
STEPHEN G. MCNABB [redacted]
JEFFREY S. MCPHERSON [redacted]
JOHN S. MELONIDES [redacted]
MILTON C. MERRITT [redacted]
RANDELL L. MERRITT [redacted]
JOHN R. MIGAS [redacted]
ANTHONY M. MIGLIORE [redacted]
MICHAEL H. MIKLASKI [redacted]
RICHARD W. MILLER [redacted]
WILLIAM T. MILLER [redacted]
JOHN K. MISURADZE [redacted]
ERIC J. MITCHELL [redacted]
MASON K. MOLPUS [redacted]
ANDREW T. MONASKY [redacted]
MARC O. MONBOUQUETTE [redacted]
CHRIS D. MONROE [redacted]
BRIAN M. MOONEY [redacted]
DAVID F. MOORE [redacted]
BRENT A. MORGAN [redacted]
HEROLD N. MORRIS [redacted]
KURUSH F. MORRIS [redacted]
TIMOTHY P. NAILL [redacted]
MICHAEL D. NEAS [redacted]
PAMELA S. NEUMANN [redacted]
SAMUEL W. NEWMAN [redacted]
ERIC P. NEWSTROM [redacted]
NANCY L. NICHOLS [redacted]
JAMES W. NOLAN [redacted]
MUSTAFA M. NOORZAD [redacted]
TODD M. NUNNO [redacted]
DAVID OAKES III [redacted]
STEPHEN F. OBRYAN JR [redacted]
TERRENCE J. OBRYAN [redacted]
MICHAEL G. OCKERMAN [redacted]
THOMAS C. OCONNELL [redacted]
THOMAS D. OKEEFE [redacted]
DAVID D. ONSTOTT [redacted]
SCOTT E. ORGAN [redacted]
PEDRO J. ORTIZ [redacted]
WILLIAM A. OTOOLE IV [redacted]
VICTOR M. OTT [redacted]
STACY A. OWECKE [redacted]
JEFFREY M. PALMER [redacted]
SAMUEL J. PAPARO JR [redacted]
JONGKAP PARK [redacted]
RONALD D. PARKER [redacted]
CHERYL L. PATLA [redacted]
JOHN O. PATTERSON [redacted]
SCOTT A. PEARCE [redacted]
MICHAEL R. PEOPLES [redacted]
MICHAEL J. PERRY [redacted]
GREG D. PETERSEN [redacted]
EFFIE R. PETRIE [redacted]
VALERIE PISANI [redacted]
MARTIN L. PLUMLEIGH [redacted]
JOHN H. POWELL [redacted]
PAMELA J. PRICE [redacted]
JORGE E. QUIROGA JR [redacted]
STEPHEN G. RADY III [redacted]
RINDA K. RANCH [redacted]
KIMBLE J. REDSHAW [redacted]
PHILIP N. REGIER [redacted]
JAMES J. REICH [redacted]
ROBERT W. RICE, JR. [redacted]
JOHN D. RICHMOND [redacted]
KIPTON S. RIETZ [redacted]
WILLIAM A. RIGAZZI [redacted]
BRIAN E. RIGGS [redacted]
DENNIS B. RITCHEY [redacted]
GEORGE S. ROBINSON [redacted]
BRIAN ROEMER [redacted]
JEFFREY C. ROTH [redacted]
MICHAEL E. ROURKE [redacted]
DAVID L. SAAS, JR. [redacted]
BENNIE SANCHEZ [redacted]
KATHLEEN M. SAYLOR [redacted]
TYSON P. SCHAEDEL [redacted]
KEITH E. SCHAFFLER [redacted]
THOMAS SCHMIDT [redacted]
DAVID C. SCHREINER [redacted]
FRANK J. SCHULLER, JR [redacted]
PAUL R. SCURIO [redacted]
JEROME T. SEBASTYN [redacted]
MICHAEL S. SHACKELFORD [redacted]
ROBERT D. SHARP [redacted]
SHAWN R. SHAW [redacted]
PATRICIA M. SHEA [redacted]
THOMAS A. SMALL [redacted]
LARRY A. SMITH [redacted]
MICHAEL O. SMITH [redacted]
SALLY J. SMITH [redacted]
GARY A. SNELLS [redacted]
RICHARD T. SOWLES [redacted]
DAVID R. SPENCER [redacted]
JOSEPH J. SPOSATO [redacted]
JOHN P. SPRINGETT [redacted]
GEOFFREY G. STAHL [redacted]
MARK J. STANSELL [redacted]
JEANINE M. STANTON [redacted]
RODNEY J. STOUT [redacted]
WILBURN T. STRICKLAND [redacted]
JAMES M. STUHLTRAGER [redacted]
DENNIS SUAREZ, III [redacted]
JOHN J. SUAREZ [redacted]
GREGORY S. SUPPES [redacted]
KEVIN K. TAMASHIRO [redacted]
PAUL TANKS, JR. [redacted]
LEO F. TAYLOR, II [redacted]
MICHAEL F. TEDESCO [redacted]
KERRY R. TEEPLE [redacted]
JOHN S. THOMAS [redacted]
STEPHANIE A. THOMAS [redacted]
TIMOTHY M. THOMAS [redacted]
JAMES F. TISCHKE [redacted]
DONALD W. TITUS, III [redacted]
MICHAEL V. TREAT [redacted]
JOHN L. TREFZ, JR [redacted]
MARK A. TRULUCK [redacted]
JEFFREY J. TUCCILLO [redacted]
RICHARD J. TYLER [redacted]
DANIEL B. UHLS [redacted]
STEPHEN C. URAL [redacted]
DEEAN R. VANWORMER [redacted]
TROY A. VANWORMER [redacted]
LAWRENCE R. VASQUEZ [redacted]
RONALD E. VAUGHT [redacted]
OMAR VELASQUEZ [redacted]
THOMAS K. VINSON [redacted]
NICHOLAS K. VODANTIS [redacted]
RANDY P. WAGONER [redacted]
MATTHEW WAKABAYASHI [redacted]
ROBERT WALKER [redacted]
DONALD J. WALSH [redacted]
DENNIS J. WARREN [redacted]
THOMAS W. WARREN, JR. [redacted]
PETER M. WATERS [redacted]
BRUCE E. WATKINS [redacted]
TODD M. WATKINS [redacted]
KENNETH L. WEEKS, III [redacted]
KURT E. WEIDMAN [redacted]
LAWRENCE A. WELLS, JR. [redacted]
SANDRA L. WHATLEY [redacted]
NICHOLAS H. WHITE [redacted]
MARTHA L. WHITEAKER [redacted]
MAX A. WILLEY [redacted]
BRIAN D. WILLIAMS [redacted]
MARK A. WILLIAMS [redacted]
CURTIS S. WILMOT [redacted]
WAYNE E. WISEMAN [redacted]
WILLIAM P. WOOD [redacted]
MONTE L. YARGER [redacted]
SERGIO A. ZAMORA [redacted]
DANIEL E. ZIMBEROFF [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

JESS W. ARRINGTON [redacted]
WILLIAM S. BACON [redacted]
CHRISTOPHER P. BARTELS [redacted]
TODD H. BISANG [redacted]
MARCIA J. BISNETTE [redacted]
DANIELE M. BRADFORD [redacted]
BARBARA A. BURFEIND [redacted]
QUENTIN W. BURNS [redacted]
BRADLEY B. BYERLEY [redacted]
CHRISTOPHER W. CALDBECK [redacted]
GUY N. CARUSO [redacted]
PAUL V. CHUNG [redacted]
ROBERT T. CLARK [redacted]
DOUGLAS A. COCHRAN [redacted]
CATHY J. COLE [redacted]
JEFFREY S. COLE [redacted]
CARR P. COLLINS IV [redacted]
GERALD W. COSGROVE [redacted]
ALBERT R. COSTA [redacted]
DONALD A. CRIBBS [redacted]
JON D. CROWE [redacted]
ROBERT C. DENNY [redacted]
MICHAEL R. DERESPINIS [redacted]
MARK D. DIVINE [redacted]
KEVIN C. DOGGETT [redacted]
MICHAEL R. DOLAN [redacted]
MICHAEL R. DORSEY [redacted]
STEPHEN A. DUNAI [redacted]
ANTHONY G. DYER [redacted]
DARRIN S. ELLIOTT [redacted]
ROBERT J. ENGELHARDT [redacted]
JILL C. ENTERLINE [redacted]
CHERYL J. ESKINS [redacted]
OSCAR EVANS II [redacted]
EDWIN D. EXUM [redacted]
JOHN M. FARWELL [redacted]
JUAN G. FERNANDEZ II [redacted]
EDWARD J. FISCHER [redacted]
WILLIAM J. FLAGGE [redacted]
LEE A. FORSYTHE [redacted]
PAUL GILMARTIN [redacted]
NEIL H. GLASSTEIN [redacted]
THOMAS J. GONZALEZ [redacted]
ANDREW J. GWYER [redacted]
SHAWN M. HALL [redacted]
WILLIAM E. HAYDEN [redacted]
JAMES C. HEILMAN [redacted]
STEPHEN P. HOKANSON [redacted]
JOHN T. HOLOBINKO, [redacted]
DAVID HOMEIER [redacted]
STEPHEN T. HORNE [redacted]
ALEXANDER M. HOWELL [redacted]
JOHN L. HUNT [redacted]
STACY K. IRWIN [redacted]
KRISTIN E. JACOBSEN [redacted]
ANTHONY S. KAPUSCHANSKY [redacted]
DAVID A. KENNETT [redacted]
ROBERT E. KETTLE [redacted]
JEFFREY J. KIM [redacted]
RICHARD D. KING [redacted]
RONALD L. KIRKLAND [redacted]
FRANK J. KOSKA [redacted]
TIMOTHY J. KOTT [redacted]
SUSAN L. LABESKY [redacted]
SHIRLEYANN D. S. LAROCHE [redacted]
CRAIG E. LEE [redacted]
ANNA LIM, [redacted]
BERTRAN L. LONG III [redacted]
EDGAR LUCAS, [redacted]
ROBERT J. LYNCH [redacted]
MARGARET L. MARSHALL [redacted]
THOMAS E. MAURER [redacted]
CHRISTINA M. MAY [redacted]
SCOTT F. MCKENNA [redacted]
RICHARD T. MENDEZ [redacted]
STEPHEN C. MILLER [redacted]
WILLIAM B. MIN [redacted]
DANIEL S. MOFFIT [redacted]
GEOFFREY C. MONES [redacted]
AUDREY M. MONISH [redacted]
CHRISTOPHER M. MONSON [redacted]
JOHN P. MOONEY, JR. [redacted]
DAVID H. MOORE [redacted]
JAMES G. MUNNIS III [redacted]

SERDAR M. MUTLU [redacted]
SCOTT D. NEWMAN [redacted]
REGGIE V. NORTHRUP [redacted]
ELAINE M. OLSON [redacted]
JULIE J. ONEAL [redacted]
JOHN F. OUELLETTE [redacted]
MADHAVEN M. PATHASARTHY [redacted]
MICHAEL G. PAVLOVICH [redacted]
LEONARD J. PICK I [redacted]
PHILLIP E. POURNELL [redacted]
CHARLES A. PRATT [redacted]
EUGENE M. PRESTERA [redacted]
ROBERT J. QUINN II [redacted]
SEAN A. RACKLEY [redacted]
MONTE R. REINITZ [redacted]
DALE C. RIELAGE [redacted]
DANIEL P. RILEY [redacted]
DION A. ROBB [redacted]
VERONIQUE L. ROBERTS [redacted]
DONALD A. ROSS [redacted]
LINDA J. ROWE [redacted]
MICHAEL S. RUTH [redacted]
HARRY M. SAMIT [redacted]
MICHAEL A. SATZ [redacted]
BRIAN C. SCHUESSLER [redacted]
REED L. SCHWARTZ [redacted]
DANIEL F. SEARLES [redacted]
CHARLES L. SELLERS [redacted]
ANTHONY L. SIMMONS [redacted]
BLAIR N. SMITH [redacted]
CRAIG A. SORENSEN [redacted]
TIMOTHY S. STEADMAN [redacted]
WILLIAM C. STEWART [redacted]
SCOTT A. SWOPE [redacted]
CHARLES R. TAYLOR, I [redacted]
SHERWOOD C. TEFFT [redacted]
JAMES T. TOBIN [redacted]
MICHAEL E. TOTH [redacted]
WHITNEY M. TREADWELL [redacted]
JOSEPH J. VERTENTEN [redacted]
ANDREW J. WEGMAN [redacted]
KENNETH A. WEIS [redacted]
MICHELLE K. WHISENHANT [redacted]
FRED R. WILHELM, III [redacted]
GERVAISE A. WILLIAMS [redacted]
TIMOTHY D. WILLIAMS [redacted]
GREGORY J. ZACHARSKI [redacted]
TODD A. ZEICH [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10,UNITED STATES CODE, SECTION 531:

To be ensign

JEREMY E. BAILEY [redacted]
BRENT J. BISCHOFF [redacted]
LANE E. BOS [redacted]
MARK S. BOWER [redacted]
CHRISTOPHER M. BROZEK [redacted]
RONALD E. BRUSKOTTER [redacted]
ROBERT S. CAREY [redacted]
ROLANDO I. CHEN [redacted]
JEFFREY J. CLARKSON [redacted]
JONATHAN W. COOK [redacted]
JOHN M. COUTO [redacted]
ROBERT J. DUNN [redacted]
NADER ELGUINDI [redacted]
FRANCIS H. EPPLER II [redacted]
DAVID M. FULLWOOD [redacted]
ARNO M. GARTZKE [redacted]
JAMES R. GINO [redacted]
WILLIAM D. GOOCH [redacted]
MINGHUEI A. HAN [redacted]
WILLIAM L. HARDMAN [redacted]
BRYAN E. HELLER [redacted]
MARC S. HELOUIN [redacted]
TODD E. HERNANDEZ [redacted]
DAVID M. HIMES [redacted]
JONATHAN M. HOPKINS [redacted]
RICHARD D. LAGERSTROM [redacted]
GEORGE J. LANE [redacted]
MICHAEL D. LOWRY [redacted]
JOSEPH M. MARRAZZO [redacted]
STEVEN R. MAULICK [redacted]
STEVEN N. MELICK [redacted]
MARK A. MENDELMAN, [redacted]
ROGER E. MEYER [redacted]
JERRY W. MILLER [redacted]
MATTHEW A. MILLER [redacted]
ROBERT H. MILLER [redacted]
MANSIK M. MIN [redacted]
JAMES S. MIRACLE [redacted]
SCOTT K. MIYOSHI [redacted]
QUOC U. A. NGUYEN [redacted]
BRIAN T. OGRADY [redacted]
ALEJANDRO E. ORTIZ [redacted]
DARREN R. POORE [redacted]
MICHAEL A. PORTER [redacted]
DAVID A. PULLEY [redacted]
STUART B. ROSNER [redacted]
DOUGLAS M. RUSSELL [redacted]
SHANE R. SANDAL [redacted]
JEFFREY A. SANDEN [redacted]
MATIAS C. STITCH [redacted]
ROBERT P. THORNBURGH [redacted]
DENNIS Q. TRAN [redacted]
DANIEL M. VANDERWOUDE [redacted]
JOHN E. WEGLIAN [redacted]
NATHANIEL P. ZEE [redacted]
MACIEJ ZIELINSKI [redacted]

MEDICAL CORPS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain

THOMAS C. FARRELL, JR [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander

JOSEPH M. BLONSKI [redacted]
OSCAR S. BRANN [redacted]
ROSE M. BULGER [redacted]
JOHN C. DANIEL [redacted]
STEPHEN H. FLAX [redacted]
JOHN C. FORSYTH [redacted]
CYNTHIA L. HEINS [redacted]
DENNIS L. HUFFORD [redacted]
WILLIAM HURST [redacted]
THOMAS J. KERSCH [redacted]
JEFFREY C. KUHLMAN [redacted]
JEFFERY J. KUHN [redacted]
SHAWNO E. MAY [redacted]
TODD A. PERLA [redacted]
ALAN E. ROLFE [redacted]
BARRY A. WAYNE [redacted]
JAMES M. WOODWORTH [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

DEBRA A. ARSENAULT [redacted]
JEFFREY P. BLICE [redacted]
CAROLYN J. FERRARI [redacted]
THOMAS M. HERRMANN [redacted]
JOEL M. JONES [redacted]
SYBIL A. TASKER [redacted]
GUSTIN M. WELCH [redacted]
DAVID G. WRIGHT [redacted]

SUPPLY CORPS

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant

TONY R. ENCINIAS [redacted]
ROBERT S. MARTIN [redacted]
ROBERT B. OAKELEY [redacted]
CHARLES F. PRATT [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

WILLIAM J. ALLISON [redacted]
JIMMY L. BOSS, JR [redacted]
HANH H. CHAU [redacted]
CHARLES E. CHURCHWARD [redacted]
JAMES A. COLLINS [redacted]
DOUGLAS A. ESPINET [redacted]
TIM A. FESPERMAN [redacted]
MARTIN F. FIELDS, JR [redacted]
PAUL A. GODEK [redacted]
JIMMIE S. GRIFFEA [redacted]
ROWDY C. GRIFFIN [redacted]
RICHARD D. HEINZ [redacted]
DAVID R. HOYT [redacted]
ALBERT LAFERTY [redacted]
MATTHEW J. MATUSIK [redacted]
THOMAS H. MCGARRY [redacted]
JOHN L. MECKLEY [redacted]
MIGUEL D. MIRANO II [redacted]
CRAIG H. OZAKI [redacted]
MICHAEL J. PETEE [redacted]
WILLIAM C. POWER [redacted]
JOSEPH W. SCHAUBLE [redacted]
MARCOS A. SEVILLA [redacted]
GARY W. SOUTHERLAND [redacted]
ROBERT K. TUFTS [redacted]
BRUCE J. WEIDNER [redacted]
PAMELA Y. WILLS [redacted]
POLLY S. WOLF [redacted]

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant (junior grade)

ROGELIO E. ALVAREZ [redacted]
JOHN A. ATKINSON, JR [redacted]
FRANKIE J. HAND [redacted]
KENNETH R. KUBOWICZ [redacted]
SETH A. MANTI [redacted]
MICHAEL D. REINERS [redacted]
CHARLES M. RITTLING [redacted]
CHRISTOPHER M. STEVENS [redacted]
ROBERT W. SUTHERLAND [redacted]
JASON A. WHITEHEAD [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

STACEY L. JONES [redacted]
JAMES A. LAPOINTE [redacted]
GARY W. SMITH [redacted]

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be ensign

ERIC J. BACH [redacted]
LAWRENCE L. BANGERT [redacted]
FRANCISCO A. GONZALEZ [redacted]
MONTE W. MANN [redacted]
DENNIS J. WAGNER [redacted]

CIVIL ENGINEER CORPS

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant

JOEL D. FANTZ [redacted]
ALLAN H. FEHR [redacted]
GREGORY S. WAGNER [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

JOHN J. ADAMETZ [redacted]
STEVEN K. KELLEY [redacted]
THERON R. KORSAK [redacted]
RODNEY M. MOORE [redacted]
BRUCE C. NEVEL [redacted]
CARLTONN H. PACE [redacted]
THOMAS P. SCHEUERMANN [redacted]
MICHELLE M. SCHMODE [redacted]
ROBERT D. SCHROEDER [redacted]
CHRISTOPHER R. SIBERT [redacted]
STEVEN L. SIMS [redacted]
TODD W. STEPHENS [redacted]
MARSHALL T. SYKES [redacted]
STEVEN T. ZIMMERMAN [redacted]

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant (junior grade)

JASON FOURNIER [redacted]
VINCENT E. FRAGOMENE [redacted]
ANDREW E. KETTERING [redacted]
RONALD F. KRAMPS [redacted]
FRANCIS S. MULCAHY [redacted]
JOSHUA B. PEARLMAN [redacted]
JOHN R. SCHWARTZBECK [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

JOSEPH F. ALLING [redacted]
JEANINE M. AVANT [redacted]
RAYMOND R. DECK [redacted]
CHRISTOPHER J. LUZ [redacted]
CARMELO MELENDEZ [redacted]
RONALD J. WHITE, JR [redacted]

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531 AND 5582(B):

To be ensign

JOHN M. FARTHING [redacted]
DOUGLAS E. HOLT [redacted]
RODNEY A. MARTIN [redacted]
RA YOEUN [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

GREGORY P. BELANGER [redacted]
VICTOR E. BERNSON, JR [redacted]
THOMAS L. COPENHAVER [redacted]
KAREN M. GIBBS [redacted]

DAVID J. GRUBER [redacted]
MICHAEL W. KERNS [redacted]
ANDREA Y. PRINCE [redacted]
JAMES L. ROTH [redacted]
KELVIN M. STROBLE [redacted]
ROBERT P. TAISHOFF [redacted]
JAMES A. TALBERT [redacted]
PETER J. VANHARTESVELDT [redacted]
DOMINICK G. YACONO, JR. [redacted]

DENTAL CORPS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be commander

DON A. HATFIELD [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander

AMY L. COUNTS [redacted]
ARTHUR GREEN, JR. [redacted]
JOHN H. MUMFORD [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

JOHN D. BLOOM [redacted]
ANDREA L. BURGESS [redacted]
KIMBERLY A. BUSCH [redacted]
ROBERT A. CARUSO, JR. [redacted]
LEE M. CERESA [redacted]
RICHARD C. COLBY [redacted]
CATHERINE N. CUMMINGS [redacted]
JASON P. DEVEY [redacted]
JERRY W. HAMLIN [redacted]
KRIS D. JOHNSON [redacted]
SEAN R. KELLY [redacted]
JOSEPH C. MAVEC [redacted]
ALONSO M. POZO [redacted]
ANDREW I. RADOVAN [redacted]
GARY H. REMPERT [redacted]
GEORGE D. SELLOCK [redacted]
LOAN T. SU [redacted]
DAVID C. SUH [redacted]
KARLA A. TASSIAN [redacted]
NGOC N. TRAN [redacted]
JONATHAN G. VANDERMARK [redacted]

MEDICAL SERVICE CORPS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander

PATRICK A. BUDIN [redacted]

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

JOHN C. DAVID [redacted]
BRYANT W. KNOX [redacted]
ROBERT K. LEE [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

ELLEN M. ANDERSEN [redacted]
FILOMENO J. ARENAS, JR. [redacted]
DALE A. BAKER [redacted]
RAMON N. BAYLON [redacted]

JAMES M. CLEARWOOD [redacted]
EUGENE M. CORDOVA [redacted]
LORING J. CREPEAU [redacted]
DONNA L. DAVIS [redacted]
KRISTI B. DEPPERMAN [redacted]
THOMAS W. DOWTY [redacted]
BENJAMIN D. ERNST [redacted]
BRIAN M. FARMER [redacted]
MICHAEL R. GREEN [redacted]
DWIGHT D. HART [redacted]
THOMAS E. HICKEY [redacted]
PAUL B. JACOB [redacted]
RICHARD D. JOHNSON [redacted]
LINDA V. KANE [redacted]
KAREN S. KATO [redacted]
MARCUS S. LARKIN [redacted]
SCOTT P. LAWRY [redacted]
RUTH A. LEONHARDT [redacted]
DAVID R. LESSER [redacted]
KRISTIN L. MC KIBBIN [redacted]
HUMPHREY MINX [redacted]
CYNTHIA A. NIXON [redacted]
DAVID R. PAGE [redacted]
MICHELE A. PARIS [redacted]
AMILCAR RODRIGUEZ [redacted]
JIMMY RUIZ [redacted]
GEORGE B. SCHOELER [redacted]
VIRGINIA A. SCHOENFELD [redacted]
DANIEL B. TRAMMELL [redacted]
ROBERT M. WAGNER [redacted]
BRIAN K. WILLIAMSON [redacted]
TOBY L. WILSON [redacted]
JEFFERY L. YOUNG [redacted]

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

PATRICK M. CALLAGHAN [redacted]
MICHAEL A. CORRIERE [redacted]
MICHAEL J. DUSZYNSKI [redacted]
LESLIE M. WILLIAMS [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

FELIX A. ALFONSO [redacted]
JOSEPH R. BECKHAM [redacted]
TRACIE L. CRAWSHAW [redacted]
RICHARD L. DEVORE [redacted]
DUANE A. EGGERT [redacted]
SHEILA C. HECHT [redacted]
CHARLES R. HULETT [redacted]
BARBARA M. KRAUZ [redacted]
STEPHEN C. KRAUZ [redacted]
GARY A. MORRIS [redacted]
TERRENCE B. OREILLY [redacted]
PATRICK W. PAUL [redacted]
LUIS A. RAMOS [redacted]
JAMES T. WARMOWSKI [redacted]

NURSE CORPS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander

ROBERT T. HAAS [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ANGELICA L.C. ALMONTE [redacted]
ROBERT L. ARBEENE [redacted]
JULIA C. BUCK [redacted]
SARAH M. BUTLER [redacted]
IRIS A. BYERS [redacted]
BRENDA A. CLARK [redacted]
SUZANNE M. CLARK [redacted]

ROSEMARY COTA [redacted]
LUZ M. CRELLIN [redacted]
SUSAN E. DIONNE [redacted]
CYNTHIA L. DOERING [redacted]
ROBERT A. FISCHER [redacted]
CYNTHIA A. FLEMING [redacted]
MICHELE D. FLICKINGER [redacted]
WILLIAM L. FOSTER [redacted]
TANYA S. GAINES [redacted]
DEBRA C. GARDNER [redacted]
PATRICIA A. KELLEY [redacted]
PATRICIA A. KISNER [redacted]
SHARRON A. LEWIS [redacted]
KATHY L. MORRIS [redacted]
MARY S. NADOLNY [redacted]
LINDA L. NASH [redacted]
MARY K. NUNLEY [redacted]
KERRI S. PEGG [redacted]
MARY S. PERALES [redacted]
HOWARD R. PLATT [redacted]
SALLY R. PULLEN [redacted]
KAREN L. SALOMON [redacted]
MARY T. SULLIVAN [redacted]
CYNTHIA D. TURNER [redacted]
DEBORAH G. WILLIAMS [redacted]
JAMIE H. WISE [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

MARK L. BEEDE [redacted]
TERRI L. BENNETT [redacted]
CAROLYN L. BETHEL [redacted]
DIANE T. BURNELLI [redacted]
PAMELA M. CREIGHTON [redacted]
MARY F. DALESSANDRO [redacted]
JAMES S. DEROSA [redacted]
JOAN K. DOUGHTY [redacted]
REBEKAH J. EID [redacted]
TRISHA L. FARRELL [redacted]
MARK R. GOHL [redacted]
CLYDA L. LAURENT [redacted]
COLLEEN M. LAVALLEY [redacted]
JOSE R. LEMA [redacted]
BRIAN L. MCCANN [redacted]
MICHAEL D. RAMOS [redacted]
JESSICA D. REED [redacted]
DEBORAH E. ROY [redacted]
CHRISTOPHER E. SCHMIDT [redacted]
MOISE N. WILLIS [redacted]

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant

CAMILO L. ABALOS [redacted]
CLIFFORD A. ANDERSON [redacted]
EMELITO T. DEGUZMAN [redacted]
SHIRLEY A. HILLERY [redacted]
DANIEL E. INMAN [redacted]
JAMES M. JOLLY [redacted]
HAROLD W. JONES, JR. [redacted]
WILLIAM S. MCCAIN [redacted]
EDWARD W. MCDONALD III [redacted]
JAMES E. NEAL [redacted]
BOBBY E. PULLIN [redacted]
WILLIAM R. RUTLEDGE, JR. [redacted]
WILLIAM P. SPOONER [redacted]
RICHARD L. WILLIAMS [redacted]

CIVIL ENGINEER CORPS

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS AS A LIMITED DUTY OFFICER OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant

NEIL E. GIBBS [redacted]

HOUSE OF REPRESENTATIVES—*Monday, January 9, 1995*

The House met at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that the opportunities of this day will inspire each of us to see more clearly the ways in which we can do the works of justice and mercy. While the tasks of righteousness seem so great, may Your good spirit enlighten, encourage, and sustain us that we will not grow weary in well-doing, but eagerly accept our responsibilities as good stewards of the resources of the Lord. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri [Mr. SKELTON] please come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBER TO THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER. Pursuant to the provisions of section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair appoints to the Commission on Security and Cooperation in Europe the following Member of the House: Mr. SMITH of New Jersey, chairman.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO. Mr. Speaker, I offer a privileged resolution (H. Res. 31) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 31

Resolved, That the following named Members be and they are hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mrs. Collins of Illinois, ranking minority member.
Mr. Waxman.
Mr. Lantos.
Mr. Wise.
Mr. Owens.
Mr. Towns.
Mr. Spratt.
Ms. Slaughter.
Mr. Kanjorski.
Mr. Condit.
Mr. Peterson of Minnesota.
Mr. Sanders.
Mrs. Thurman.
Mrs. Maloney.
Mr. Barrett of Wisconsin.
Mr. Taylor of Mississippi.
Miss Collins of Michigan.
Ms. Norton.
Mr. Moran.
Mr. Green.
Mrs. Meek.
Mr. Mascara.
Mr. Fattah.

COMMITTEE ON RESOURCES

Mr. Miller of California, ranking minority member.
Mr. Rahall.
Mr. Vento.
Mr. Kildee.
Mr. Williams.
Mr. Gejdenson.
Mr. Richardson.
Mr. DeFazio.
Mr. Faleomavaega.
Mr. Johnson of South Dakota.
Mr. Abercrombie.
Mr. Studds.
Mr. Tauzin.
Mr. Ortiz.
Mr. Dooley.
Mr. Romero-Barceló.
Mr. Deal.
Mr. Hinchey.
Mr. Underwood.
Mr. Farr.

The resolution was agreed to.

A motion to reconsider was laid on the table.

A READING OF THE CONTRACT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, our Contract With America says that on the first day of Congress a Republican House will force Congress to live under the same laws as everyone else; second, that we would cut one-third of the committee staff; and third, that we would cut the congressional budget. We did all of that on the opening day last week.

In the next 94 days we will vote on the following 10 items:

A balanced budget amendment and line item veto; a new crime bill to stop violent criminals; welfare reform that encourages work and not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families; national security restoration to protect our freedoms; the Senior Citizens Equity Act to allow older Americans to return to work without Government penalty; Government regulation and unfunded mandate reforms; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature once again.

Mr. Speaker, this is our Contract With America. We mean what we say. Watch what we do.

INTRODUCTION OF LEGISLATION NAMING NEW AIRCRAFT CARRIER AS THE U.S.S. "HARRY S TRUMAN"

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, today I am introducing legislation to name the Navy's new aircraft carrier the U.S.S. *Harry S Truman.*

On April 12, 1995, we will mark the 50th anniversary of the beginning of the Truman Presidency. I can think of no finer tribute to this great Missourian—the 33d President of the United States—than to name this ship in his honor.

Harry Truman became President at a critical point in our Nation's history. But he took charge of the office in a decisive manner, leading us through the end of World War II, the reconstruction of Europe, and our conversion to a peacetime economy.

While hardworking and decisive, his strength also lay in his commonplace, down-to-earth approach to life. He always spoke in plain, uncomplicated language, and accepted total responsibility for his actions. This was shown by that famous plaque he kept on his desk, stating: "The buck stops here."

We already have five carriers named for former Presidents. Naming a ship after Harry S Truman is long overdue, and I urge my colleagues to support this legislation.

BALANCING THE BUDGET

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. WELLER. Mr. Speaker, I rise today in strong support of the balanced budget amendment that will be voted on later this month. It is time for Congress to live with the same fiscal responsibility as hard-working Americans.

By enacting this important constitutional amendment, we would stop the irresponsible practice of increasing spending today while leaving the bill for future generations. Once the amendment took effect, Congress would finally have the discipline to make long-overdue reforms in Federal programs and finally set fiscal priorities.

Further, a balanced budget amendment would strengthen the economy by making it harder to increase Federal spending. The amendment prohibits Government borrowing as a means of financing Government spending. By leaving more resources in the private sector, the amendment will create new jobs and raise the standard of living for Americans.

The American outcry for a balanced budget and fiscal responsibility in Washington must not be delayed.

OPENNESS AND HONESTY SOUGHT IN DISCUSSING BALANCED BUDGET AMENDMENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republicans promised the most open Congress in history, but when it comes to being honest about issues that mean the most to the American people, they would rather keep us all in the dark.

Yesterday, the new majority leader refused to disclose the details of one of the centerpieces of the Contract With America—the balanced budget amendment. When asked why he would not tell the American people what the balanced budget amendment included, the majority leader said that he feared that the amendment would be defeated if the details were spelled out for the American people.

The American people have a right to know exactly how we would balance the budget. They have a right to know if Republicans are planning on putting Medicare and Social Security on the chopping block.

Democrats are offering the "Honest Budget Bill," which will require sponsors of a balanced budget proposal to present a line-by-line account of how they would achieve a balanced budget. It is a bill which meets the standards of accountability, honesty, and openness that the American people have demanded. Standards that my Republican colleagues have failed to meet, thus far.

□ 1410

LIVING WITHIN OUR MEANS

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. President, what do we have to fear by balancing the budget? Why should we be afraid of making Government operate like every other American? Why are we scared of the phrase "living within our means?"

The naysayers are trying to scare Americans into believing that to balance the budget we have to cut critical programs like Social Security, Medicare, and taking care of the poor and elderly.

We have an opportunity today on this floor to vote on a balanced budget amendment. In the State of Florida, as a State senator and a State house member, we voted to balance a budget each and every year, and our State worked perfectly. The needs of our society were met. But, more importantly, the people of the State of Florida felt confidence in their government.

We can control the rate of growth. We can control how our Government functions. But we in the Congress must prove to the American public that we have the resolve.

My grandmother died at the age of 88 with $10,000 in her bank account. She depended on Social Security. She looked forward to it. I will not destroy Social Security. In her name, I will preserve it.

BE OPEN WITH REGARD TO BALANCED BUDGET AMENDMENT

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute.)

Mrs. MINK of Hawaii. Mr. Speaker, on January 19 the House will be considering the balanced budget amendment, which is a constitutional amendment and requires a two-thirds vote. The House has considered this amendment previously and as a member of the majority party then, although it could have passed at that time, we were not concerned about the details, because we felt as members of the majority it was our responsibility in committees to decide where these cuts would have to be made.

Now the story is quite different. We have a majority party, Republicans, who are not only committed to the passage of the amendment but also are in control of the appropriations process and all of the committees, and they are not telling the American people or the Congress what kinds of cuts are going to have to come down the stream in order to make this $1 trillion cut which the Congressional Budget Office has now said will have to be made if we are to truly balance the budget in the year 2002.

It is time for the majority party to tell the American people; are we going to have cuts in Social Security, are we going to have to put caps on Medicare, is there going to have to be a cut in the education budget, food stamps, school lunch, and a whole series of others? Let us really have open Government.

SWEARING IN OF THE HONORABLE J.C. WATTS

The SPEAKER. Will the Honorable J.C. WATTS of Oklahoma kindly step forward and take the oath of office.

Mr. WATTS of Oklahoma appeared at the bar of the House and took the following oath of office:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely; without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. The gentleman from Oklahoma is a Member of the U.S. House of Representatives.

EXPRESSION OF APPRECIATION

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, I am honored and delighted to be here this afternoon. Some of you, some of my colleagues, know what I have gone through over the last 4 or 5 months, and especially over the last 2 weeks, to get here and to make this reality. I appreciate Speaker GINGRICH working with my office and with me to make this reality. I am delighted to be here.

Mr. Speaker, I do not have a whole lot to say. I have said a lot to this point and I have been reading a lot and have been studying a lot, and I am looking forward to getting on with the business of this great country and the business of the Fourth District of Oklahoma.

So thank you very much for your patience, for allowing to make this swearing in, which is belated, and for allowing me to make this event a reality today.

With that I will close, and again say thank you very much.

INCLUDE UNFUNDED MANDATE LANGUAGE IN BALANCED BUDGET AMENDMENT

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute.)

Ms. MCCARTHY. Mr. Speaker, as the immediate past president of the National Conference of State Legislatures, I am very concerned that our move toward a balanced Federal budget could result in more unfunded mandates for the States, if Congress decides not to reduce program services to march reduced expenditures.

Any reductions in the Federal share of funding for mandated programs would seriously increase the fiscal burdens on the States.

I agree with the National Conference of State Legislatures that the Federal Government should not attempt to accomplish national goals through unfunded mandates on State and local governments.

The NCSL has proposed amendment language to the pending balanced budget measure now before the Judiciary Committee which states that:

> Except as necessary to enforce obligations to individuals under amendments to this Constitution, Congress shall not impose any obligations upon the States without providing the funds necessary for compliance; nor shall Congress impose any conditions upon spending grants to the States unless such conditions are necessary to specify the manner in which the funds are expended.

Mr. Speaker, I urge my colleagues to include this language in the balanced budget amendment.

GETTING DOWN TO BUSINESS

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, the wave of reform is moving through this House. On opening day we made good on our pledge to start changing the way we conduct the Nation's business. Now we are getting down to the business of change to shrink the Federal Government and restore fiscal sanity. The streamlined committees of this House are already hard at work on a balanced budget amendment, a true line-item veto for the President, and a mechanism to stop unfunded mandates from crippling our State and local governments. We have pledged to cut spending and realign our Federal priorities—and we are going to fulfill that commitment. We will not be distracted by the diversionary or dilatory tactics of yesterday's powerbrokers—things have changed around here and Americans can once again trust their elected Representatives to do what we have said we will do.

THE PROPOSED BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. TUCKER asked and was given permission to address the House for 1 minute.)

Mr. TUCKER. Mr. Speaker, Ross Perot was right when he said "The devil is in the details."

My constituents have indicated to me that they do not support a balanced budget amendment and that the Republican majority is moving too fast on this issue.

In a shocking statement the new majority leader said on "Meet the Press":

> Once Members of Congress know exactly, chapter and verse, the pain the Government must live with in order to get a balanced government, their knees will buckle.

Well, let us be honest about the cuts, the American public demands that we are.

The Republican majority needs to listen to the public on this issue. They don't want a constitutional amendment forcing a balanced budget.

If the Republicans expect the American people to agree to their program, they had better spell out the plan. The people want to know the details, and how the Republican plan will impact them.

WEEK TWO—THE BALANCED BUDGET

(Mr. BARR asked and was given permission to address the House for 1 minute.)

Mr. BARR. Mr. Speaker, last week was a great and important beginning to a new way of doing the people's business in Washington. In a record-breaking first day of the session, we demonstrated that unlike the politicians who merely talk the talk, we walk the walk. We have put the brakes on the tax raisers, cut committees and staff, and taken the steps necessary to bring this House under the same laws that govern the conduct of the citizens who sent us here. For the first time in decades, this House is being brought into order.

Now, Mr. Speaker, we must set to work immediately to bring the Government's fiscal house in order. Our Nation suffers under a multitrillion-dollar debt. Each and every dollar of that debt had its source in this House, which under the Constitution is the only body authorized to initiate spending bills. The interest to finance this public debt approaches $250 billion each year, which is enough to fund the entire current defense budget of the country.

This fiscal irresponsibility is about to stop, Mr. Speaker. The balanced budget amendment, which is a critical provision of the Contract With America, will be taken up by this body shortly. There is not a moment to lose in doing all we can to assure its swift consideration and passage. Our future, and, more important, the future of our children and grandchildren, depend upon our ability to deliver on this promise to America.

GOPAC SHOULD OPEN ITS BOOKS

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, this morning we saw one more example of why GOPAC needs to come clean.

This morning, the New York Times ran an interview with the Republicans' newly appointed House historian. This is a person who has served as an adviser to Republicans.

Yet when asked about GOPAC, not only did she say that GOPAC was founded, and I quote, as "a way of getting around campaign finance disclosure laws," she also called for abolishing most disclosure laws that are on the books today.

Is this the best the Republicans can do: to appoint a historian who champions secrecy? Who thinks Congress should roll back campaign finance laws?

Mr. Speaker, GOPAC is an organization that has raised up to $20 million the past 9 years, and played a role in over 100 Republican campaigns.

Yet we don't know where this money came from, or who contributed because they refuse to reveal the names of past donors.

I would suggest if these charges aren't true, and if GOPAC has nothing to hide, it should come clean, where the $20 million came from.

□ 1420

BEGGING THE QUESTION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, we are hearing an awful lot of griping from the defenders of big government these days. With the balanced budget amendment on the verge of passage in the House, there are Democrats who still oppose this important government reform. They are attempting to derail the amendment by disingenuously demanding to know how we plan on spending each and every penny in the year 2002.

Well, it is amazing they can look across a kitchen table at ordinary Americans without turning red from embarrassment. Their argument against a balanced budget amendment is essentially: "We don't want to cut government spending. Period."

As American businesses continue to tighten their belts, as a American families watch their paychecks shrink and their children's future become ever darker under the long shadow of government's growing debt, the defenders of big government are digging in. They talk a lot about working families but they refuse to life a finger to save America's middle class from government's out-of-control spending.

The Republican contract with America is our commitment to cut the size score, and cost of government. The balanced budget amendment will forever guarantee that Congress of the future will never again be allowed to spend our children into the near bottomless pit of debt we are in today.

THE HOUSE HISTORIAN'S OFFICE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this afternoon to comment on the sad situation affecting the House Historian's Office. In December, around Christmastime, I read with dismay that the House Historian would be disbanded as another so-called cost-saving measure. But lo and behold, on December 30, it was stated by the Speaker that the office would, in fact, remain. Unfortunately he neglected to disclose that he had already selected the person, a highly partisan supporter of his, who had actually already moved into a suburban Washington townhouse.

Not only do we have a highly partisan Historian, we are also going to have her husband as a paid chronicler. Perhaps there is another book deal in the works, but the most outrageous aspect of this whole situation is the fact that this Historian opposes a disclosure.

Most historians want more information to broaden history. This Historian says she favors secret side contributions and opposes our current Federal election disclosure laws in order to protect GOPC, to protect large contributors who want to contribute behind closed doors.

The Republicans have gone out of their way to say, we are not going to have business as usual. Unfortunately, Mr. Speaker, it appears, based on the evidence of the Historian's Office, that we are not going to have business as usual. We are going to have business that is worse.

HONORING COMMITMENTS

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I rise today to address the House for the first time as a Member of the House of Representatives.

I am very encouraged by what has taken place in this body in its first days, and if it is any indication of what is to come for the next 2 years, we will be well on our way toward achieving what the American people sent us here to accomplish.

I am particularly encouraged by the aggressive agenda pursued thus far. The majority party made a contract with the people of this country, and as its first acts, we accomplished a very significant portion of that contract.

For my part, I also made commitments, commitments to the people of Georgia's Eighth District. As my first official act, I signed on as original cosponsor of Mr. BARTON's balanced budget legislation. I also signed a pledge to the people of the Eighth District to refuse any future automatic congressional pay raises with instructions to apply the funds to the reduction of this Nation's debt.

Mr. Speaker, on November 8, the people of this country spoke. We should all be encouraged that this body has received the message.

THE BALANCED BUDGET AMENDMENT

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, I support a balanced budget.

I support deficit reduction. I support bringing entitlements under control and eliminating every bit of fat there is in the budget. What I do not support is gimmickry to do it, stealth budgets to get there, or slash and burn tactics to achieve it.

The balanced budget amendment to the Constitution has been sold as the panacea to all our fiscal woes.

Most of us know that it doesn't work that way. There is no balance in a balanced budget amendment.

An amendment doesn't automatically balance the budget. Spending cuts and tax revenues do. Congress has been working to balance the budget for the past 2 years without an amendment.

The new dialog supporting a balanced budget amendment is a way for legislators to avoid the responsibility of making the tough decisions. I don't believe in trying to escape my duties through a legislative "escape clause" and urge my colleagues to reject the balanced budget amendment until it can be shown how to get there.

MORE ON THE BALANCED BUDGET AMENDMENT

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, for 40 years, the Democrats have had control of this Nation's checkbook. For 40 years, they have failed miserably to do what middle class Americans have had to do and have failed miserably to do what State legislatures across this country have had to do, and that is to balance their checkbook.

Now with a fantastic opportunity to do that in the next few months by passing the balanced budget amendment, all they give us is smoke and mirrors and bring up GOPAC or ask us to name every penny that we are going to spend over the next 40 years to balance the budget. It is nothing but smoke and mirrors.

I am honored and proud to be part of a movement that is finally going to bring fiscal responsibility to this House after 40 miserable years of failure.

BALANCING THE BUDGET

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, many of my colleagues on the other side of the aisle have been arguing that we must specifically outline how we are going to balance the budget before we pass a constitutional amendment mandating one. They claim to be supporters of the idea of a balanced budget but because in the past they have been unwilling to make the tough decisions necessary to balance the budget they assume that we are unwilling to as well.

Unfortunately for them, this House has a new keeper and new priorities. Among these new priorities is a balanced budget.

The simple fact is this: Recent polls indicate that more than 75 percent of American people support the balanced budget amendment. It is the will of the people and Mr. Speaker, this is the people's House. And for most of the last 40 years this House has failed them. The balanced budget amendment creates a mechanism to accomplish this necessary goal. The debate must and will begin after our new priorities have been set.

VOTE FOR THE BALANCED BUDGET AMENDMENT

(Mr. EVERETT asked and was given permission to address the House for 1 minute.)

Mr. EVERETT. Mr. Speaker, it has been a quarter of a century since this Congress passed a balanced budget, 25 years. The Members of this institution have proven incapable of making the tough decisions necessary to balance the budget.

An amendment to the Constitution will force this House to make those difficult decisions. I believe that we can all agree that we must discontinue piling up the debt on our children and grandchildren. For those who disagree with this proposition, I would say state their reasoning clearly. If they are against balancing the budget, come out and say so. Do not hide behind misleading information and untruths.

Mr. Speaker, I employ my colleagues, if they are sincere in their desire to balance the budget, then they must vote for an amendment to the Constitution.

□ 1430

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. UPTON). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE AMERICAN PEOPLE NEED MORE INFORMATION ON SPENDING CUTS TO ACHIEVE A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, it is interesting that we have come just 4 days from leaving our constituents, and possibly we have forgotten that we represent them. It is of great importance that we seek to get their input and understanding of the direction in which this great body would go.

I have been challenged by my constituents of the 18th Congressional District to give them responsible representation. I was further charged by Dr. R.L. Lister, president of the Southwest Region Conference, during a ceremony given by my constituents where I was sworn in to not stray far away from my conscience.

Interestingly enough, it seems that some Members have forgotten that it is important to dialog and to understand and to convey to constituents just what you are doing here. I remember as a former member of the Houston City Council we played an integral role in decisionmaking revolving around the budget for the Nation's fourth largest city.

What we did was consult with constituents, we dialoged with staff members, we knew what our outlays were, we knew what our receipts were. We sat around the council table and debated the budget, and we did not operate in a veil of ignorance.

It is important, as I acknowledge the Constitution of the United States, that "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity"—that we in fact acknowledge that the people of the United States are in fact who we represent in this body.

How, again, can we operate in total ignorance and total unknowing of what we will be doing with a balanced budget amendment? How can we, when the gentleman from the State of Texas, Congressman STENHOLM, offers in good faith the opportunity for this Congress to support a resolution as they proceed to possibly vote for a balanced budget amendment, to simply lay out for the people of the United States what are you planning to cut to balance the budget.

Is that not reasonable, so that the people of the United States can know what we are doing here in this great body? But yet in the Committee on the Budget he was rejected. How can you make determinations on the backs of the American people without letting them know what do you plan to cut if you have a balanced budget amendment?

Then, too, I raise the concern about defense. Oh, yes, there is section 4 that allows this body to waive the balanced budget amendment in times of war or imminent danger. Who knows what that is? Dr. Schlesinger noted in the 1930's we were able to build ships to be prepared for the war in 1940. Did the American people believe they were in danger in the 1930's? What constitutes imminent danger?

Many people in this country agreed with the Rwanda and Somalia humanitarian efforts. Many people want more to be done in Bosnia. Those are not declarations of war. If dollars are needed to be able to fund those worthy causes because the people of the United States want to provide for safety in this world, are we suggesting that we do not have the dollars because of a balanced budget amendment?

Then I listened this morning to former Attorney General William Barr, who said that most people would not have standing to challenge this constitutional amendment. I would venture to say to you that none of us know who has standing in the courts of the United States of America. The judges determine who has standing.

Many people will be harmed by this particular balanced budget amendment. I would argue that they could go into the courts of the United States of America and judges would give them standing.

We are operating under a great burden, the burden to represent the people of the United States of America. I am concerned with the many senior citizens and citizens in nursing homes across this country, some comatose, some dependent upon Medicaid and Medicare, who do not have the opportunity to be represented by speaking up against a budget that may ultimately go against them.

So I think it is very important that as we look to the decisions that have to be made, oh, a balanced budget amendment sounds very attractive, and yes, goes with the political winds, but simply presenting to the American people a balanced budget amendment without information, without the direction, without the ability to have reasonable debate over what will be the cuts that we have to face over the 7-year period and ultimately in the year 2002, I think that speaks against the true tenets of democracy.

I do not think that was the message of November 8, 1994, and I do not think it will be the message of January 19, 1995. I ask for an open and fair debate on this question. Speak up, Republicans, and tell us what you are planning on cutting, because I will be challenged by the district, the 18th Congressional District, for responsible representation, and clearly, I am not going to stray away from my conscience. I must represent the people of the State of Texas and this district with fairness and openness, so that they can make the right decisions as they send their Congressperson, to the U.S. Congress to represent them, and to make the best decisions.

RUSSIAN ACTIONS IN CHECHNYA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, though the Congress is naturally focused and preoccupied with the historic process of reform, we should not ignore what is going on in the world. As you all know, President Yeltsin has sent the Russian Army to subdue the self-proclaimed Chechen Republic, which declared independence in 1991 under the leadership of former Soviet Air Force Gen. Djokar Dudaev.

Last Thursday, I had a meeting with Dr. Elena Bonner, widow of Andrei Sakharov and president of the Sakharov Foundation. She recently resigned from President Yeltsin's Human Rights Commission to protest the military campaign in Chechnya, which she has described as a step on the road back to totalitarianism. Dr. Bonner urged the U.S. Congress to do whatever it can to help resolve the Chechen crisis peacefully.

Mr. Speaker, Chechnya's desire for independence from Russia raises questions that are indeed difficult and troubling. The international community has not defined the limits and framework of self-determination, and has, in fact, shied away from this vexing issue, which many Governments view as threatening. Moreover, there is reason for concern about the potential breakup of the Russian Federation, which could follow a successful Chechen bid for independence. But, whatever one thinks about self-determination and its possible consequences, the Russian military action has been characterized by indiscriminate shelling and bombing of civilian targets, including apartment buildings, hotels, a chemical plant, stores, and even a hospital and an orphanage. By all accounts, thousands of men, women, and children have been killed or mutilated.

Mr. Speaker, the massive killing and maiming of noncombatants are a gross violation of human rights, as even most Russian political leaders have recognized, and can hardly be considered an "internal matter," as the Clinton administration has characterized it. John Maresca, former U.S. Ambassador to the Conference on Security and Cooperation in Europe, succinctly summed up the dire situation in a recent Wall Street Journal article:

> The Russians' use of brutal force in Chechnya, such as massive bombing of a population center, has no place in today's world,

whether used against an enemy or on a segment of a state's own population * * *. Moreover, Russia's military actions are unlikely to resolve the problem. More likely is that these actions will prompt a long and bitter guerrilla war which will be a further drain on Russia's limited finances and political energies.

Mr. Speaker, General Dudaev has stated his willingness to negotiate with Moscow, though President Yeltsin seems determined to wipe out all resistance by force. As Chairman of the Commission on Security and Cooperation in Europe, I urge the Russian Government to stop the killing, and initiate serious, meaningful negotiations with the Chechen authorities. On Thursday, January 12, the Permanent Council of the Organization for Security and Cooperation in Europe will meet in Vienna. I urge Moscow to follow through on the willingness it has indicated to let the OSCE help resolve this crisis, to use the OSCE as a framework for political dialog, and to accept an OSCE mission in Chechnya.

The U.S. Government, for its part, should convey to Moscow that the eradication of a people and its territory is not an "internal matter," and that pursuing a military solution in Chechnya—which has shown little evidence or prospect of success—could well lead to an immitigated regional disaster.

□ 1440

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 104TH CONGRESS

The SPEAKER pro tempore (Mr. UPTON). Under a previous order of the House, the gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 104th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on January 5, 1995.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 104TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

"* * * The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

"* * * Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules as far as applicable.

"* * * Each standing committees of the House shall adopt written rules governing its procedure. Such rules * * *

"(1) shall be adopted in a meeting which is open to the public * * *

"(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *."

In accordance with the foregoing, the Committee on Ways and Means, on January 5, 1995, adopted the following as the Rules of the Committee for the 104th Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms "full Committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its subcommittees as well as to the respective chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, the two members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Committee Budget

For each Congress, the Chairman, in consultation with the majority members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the minority members, the Chairman shall include an amount budgeted by minority members for staff under their direction and supervision. Therefore, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 4. Publication of Committee Documents

Any committee or subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

"Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its members."

Any such print, document, or other material not officially approved by the Committee or subcommittee shall not include the names of its members, other than the name of the full Committee Chairman or subcommittee chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than three calendar days (excluding Saturdays, Sundays and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 5. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee, its subcommittees, or any other committee or subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 6. Availability of Committee Records

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

B. SUBCOMMITTEES

Rule 7. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to subcommittees under paragraphs 1, 2, 3, 4, or 5, shall be considered by the full Committee and not in subcommittee. There shall be five standing subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; and a Subcommittee on Human Resources. The ratio of Republicans to Democrats on any subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

The jurisdiction of each subcommittee shall be:

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means which relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports: import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and U.S. Trade Representative; and special trade-related problems involving market access, competitive condition of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with non-market economies.

2. The Subcommittee on Oversight shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with full Committee. Before undertaking any investigation or hearing, the chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the chairman of any other subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means which relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters which relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

Rule 8. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio members of all subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a subcommittee. However, their absence shall not count against the establishment of a quorum by the regular members of the subcommittee. Ex-officio members shall neither vote in the subcommittee nor be taken into consideration for purposes of determining the ratio of the subcommittee.

Rule 9. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and subcommittee meetings or hearings.

Rule 10. Reference of Legislation and Subcommittee Reports

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate subcommittee in a timely manner. A subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the subcommittee that the subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 7 of Rule XIII of the Rules of the House of Representatives.

Rule 11. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee members as the Chairman may designate. In making recommendations of minority members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 12. Witnesses

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a subcommittee shall file with the clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. A witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the clerk for distribution to members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 13. Questioning of Witnesses

Committee members may question witnesses only when recognized by the Chairman for that purpose. All members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other members shall be recognized in the order of their appearance at the hearing. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage members of the majority.

Rule 14. Subpoena Power

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(2)(A) of Rule XI of the House of Representatives.

Rule 15. Records of Hearings

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure which is the subject of the hearing.

Rule 16. Broadcasting of Hearings

The provisions of clause 3(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a subcommittee:

1. An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

2. No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

3. Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through the chief counsel or some other appropriate designee.

4. Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee members or witnesses.

5. Klieg lights will be permitted to illuminate the hearing room only during the first fifteen minutes following the Chairman's initial calling of the Committee to order.

6. Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 17. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

When a paragraph or section of a bill being considered for the purpose of amendment has been adopted, it shall not be in order to return thereto except by majority vote of the Committee.

Rule 18. Previous Question

The Chairman shall not recognize a member for the purpose of moving the previous question unless the member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 19. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or subcommittee office. If, however, (1) in the drafting of a Committee or subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority Committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate Committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

Rule 20. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a subcommittee on legislation under consideration shall be made available to each member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a subcommittee shall not be publicly released until such draft is made available to each member of the Committee.

E. STAFF

Rule 21. Supervision of Committee Staff

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 6 of Rule XI of the Rules of the House of Representatives concerning committee expenses and staff.

Pursuant to clause 5(d) of Rule XI of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of committee staff pursuant to primary and additional expense resolutions, shall ensure that each subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

Rule 22. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its subcommittees.

a. *Honoraria.*—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. *Speaking engagements and unofficial travel.*—

(1) *Advance approval required.*—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least seven calendar days prior to the event.

(2) *Request for approval.*—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) *Reasonable travel and lodging expenses.*—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rule of the House of Representatives.

(4) *Trip summary and report.*—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. *Waiver.*—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

REGULATORY TRANSITION ACT OF 1995

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes as the designee of the majority leader.

BALANCED BUDGET AMENDMENT

Mr. DELAY. Mr. Speaker, I take this hour, or I was going to take this hour, to highlight the fact that I am introducing a bill establishing a moratorium on Federal regulations, but I think I will take at least the beginning of my time to answer some of those on the other side of the aisle in this obviously orchestrated theme and strategy to try to kill the balanced budget amendment.

All the talk that has gone on on this floor and over the weekend about how we should show how we are going to balance the budget before we actually vote on a balanced budget amendment is just that, it is nothing but talk. Most of the people that have spoken against the balanced budget amendment today and over the weekend, including the President of the United States, are against the balanced budget amendment. Those Members that are more senior that have had an opportunity to vote on a balanced budget amendment have voted against the balanced budget amendment. This is a very feeble and frankly I say a really silly attempt to kill the balanced budget amendment, try to stir up the American people against the balanced budget amendment, and, of course, is the cynicism of politics by fear that goes on in this place and in this town all the time. Any time anybody wants to come down here into this town and into this well and wants to impose fiscal responsibility on the Federal Government, they run out people and horror stories about, oh, we're going to turn widows out in the street and children are going to go hungry.

The point is, ladies and gentlemen, this government is headed into disaster. We are running up debt on our grandchildren that is immoral. Unless we impose discipline on this Federal Government, we will never balance the budget, and they do not want to balance the budget because they love printing money to pay for their social programs.

It sounds ridiculous to me, in fact I challenge the Democrat side of the aisle to show us where you laid out what you would do to implement the equal rights amendment. Everyone over there wants to pass the equal rights amendment to the Constitution but when did you lay out how we were going to do it before we passed it? It is crazy.

We have to have the discipline of the balanced budget amendment first to force this Congress to make those tough decisions. Let me tell you something: We are going to show the American people a balanced budget and how we are going to get to the balanced budget amendment.

It is politics as usual. They want to control the whole issue right here in Washington, DC. By calling for laying out the cuts before we pass a balanced budget amendment, that means they want the control and they do not want the American people to have a say in it. We want the American people to have a say in it.

What is going to happen in this House at the end of January, we are going to pass a balanced budget by this House and we are going to send it over to the Senate, they are going to pass a balanced budget amendment, then it is going to be sent to the States for ratification by three-fourths of the legislatures and the governments that are closest to the people, the State legislatures.

While that is going on, and that is a process we have to go through, we are going to lay out a budget this spring that will show the American people how we will get to a balanced budget by the year 2002.

We have to have the discipline first. Then we will tell you how we are going to do it while they are ratifying it in the States. Then the people will decide whether they want the balanced budget amendment to the Constitution, not a bunch of politicians in Washington, DC.

That is what the elections were on November 8. That is what they were all about. The American people are tired of this place making all their decisions for them.

That is what we are going to do. We are going to pass the discipline first, then we are going to lay it out and tell how we are going to get to a balanced budget amendment. Then hopefully the States will ratify it and we will be on the road to a true balanced budget in this Nation. That is what the people want.

I am sorry it went off like that because my staff is just probably tearing themselves apart. I was supposed to come down here to talk about regulations and I will do that now.

Mr. Speaker, I am here today to introduce the Regulatory Transition Act of 1995, legislation establishing a moratorium on Federal regulations.

Regulations are out of control, and only going to get more so under this administration. Measured by the number of pages in the Federal Register, in which all new regulations are published, Mr. Clinton's first year saw the most regulatory activity since President Carter's last. The page total for 1993 was 69,688 pages, the third highest total of all time.

This corresponds to an increase in the number of regulatory bureaucrats. From 1985 to 1992, regulatory staffing increased by over 20 percent, to almost 125,000 employees. However, the number of Federal Government employees devoted to implementing regulations was 126,815 in 1993—an all-time record. And the administration's budget for fiscal year 1995 proposed increasing that number to 129,648.

The average American had to work full time until July 10 last year to pay the costs associated with Government taxation, mandates, and regulations. This means that 52 cents of every dollar earned went to the Government directly or indirectly.

On November 8, 1994, the American people sent a message to Washington. They voted for a smaller, less intrusive Government. An important step toward reaching this goal is curtailing these excesses of Federal regulation and redtape that are now estimated to cost the economy over $500 billion annually. This burden leads to job loss, slower productivity growth, reduced competitiveness, and higher prices for consumers. Small businesses—the job-creating engines of our economy—spend at least a billion dollars a year filling out Government forms, according to the Small Business Administration.

Although regulations are often well-intended, in their implementation too many are oppressive, unreasonable, and even irrational. I have given these examples before, but I would like to give them again because they make my point so well:

One company that inadvertently wrote a name on line 18 rather than line 17 was fined $5,000 by the EPA.

A drycleaner was fined for not posting a piece of paper listing the number of employee injuries in the last 12 months, when in fact there were no injuries during that time.

Detailed safety data sheets are required for such dangerous materials as Joy dishwashing liquid, chalk, and even air.

OSHA has classified children's teeth as hazardous waste.

On November 10, the Clinton administration released its Unified Agenda of Federal Regulations, which outlines its plan to pursue over 4,300 rulemakings in the next fiscal year. It is difficult to believe that all of these 4,300 rulemakings have to be completed and implemented before the 104th Congress can take the opportunity to consider regulatory reform. The American people will not tolerate a rush to new regulations by the entrenched bureaucracy before the 104th Congress can even attempt to make appropriate changes in the law.

Proof of this sentiment is evident in the recently formed Project Relief, a broad-based, nonpartisan coalition of over 200 organizations and individuals representing businesses, trade associations, citizen advocacy organizations, social groups, think tanks, minority groups, state and local officials, and others. These various interests have come together in this push for comprehensive reform and are working closely with both the House and the Senate on this front.

In order to have the opportunity for orderly consideration of regulatory reform issues by the whole Congress—Republican and Democrat Members alike—the new majority leadership respectfully asked the President on December 12, 1994, to order a moratorium on all Federal rulemaking, with appropriate exceptions. Sadly, the President declined to issue such an order.

We have, therefore, no choice except to deal with the regulators ourselves, and we do so with this legislation. The Regulatory Transition Act of 1995 proposes the moratorium that the President refused to order, indicating that it is to be business as usual in the Federal bureaucracy. That is not the message sent by the American people in the last election.

Through the introduction of this bill and the hearings that will be held on it, the administration and others will be given the opportunity to justify why all of the regulations placed into effect since the date of the last election should remain in full force without the possibility of reconsideration as a result of any regulatory reforms enacted by the 104th Congress.

I would like to make clear that the bill does not suspend any existing or new regulation that responds to an emergency or is necessary because of an imminent threat to health or safety, or which is essential to the enforcement of criminal laws. The President, acting on the written request of an agency head, is charged with the responsibility for making this determination.

Additionally, the bill does not suspend regulations that reduce or streamline regulatory burdens rather than imposing new ones.

Some bureaucrats forget that it is the Congress that makes the laws, delegates the power to issue regulations implementing the laws to the agencies, and controls the standards and processes by which the regulations are made by the agencies.

Make no mistake. A Federal regulation is a law that can affect life, liberty, and property of Americans. Fairness, justice, and equity must be reflected in the laws of the land, including Federal regulations.

The 104th Congress should undertake a thorough review of Federal regulations, starting with the way they are made and enforced, and make such adjustments to the statutes of this land as are necessary to reflect the mandate of the American people. No such thorough review has been possible for some 40 years. It is a daunting but welcome task. It cannot be achieved overnight, nor even in the first 100 days of this Congress, but we can make a start. That start will be impeded if legions of new regulations go into effect before even the initial consideration for regulatory reform and relief can be given.

Introducing this bill with me today is Congressman DAVID MCINTOSH, who is the chairman of the Government Reform and Oversight Committee's Subcommittee on Regulatory Affairs. I look forward to working with him on this very important issue.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. ARCHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. FOGLIETTA in two instances.

Mr. ACKERMAN.

Mr. BERMAN.

Ms. WOOLSEY in two instances.

Mr. TRAFICANT in three instances.

Mr. CONDIT.

Mr. JOHNSON of South Dakota.

Mr. COLEMAN.

Mr. STARK.

Mr. HAMILTON.

Mr. CARDIN.

Mr. GEPHARDT.

(The following Members (at the request of Mr. SMITH of New Jersey) and to include extraneous matter:)

Mr. EWING.

Mr. POMBO.

Mr. WOLF.

Mr. DAVIS.

ADJOURNMENT

Mrs. CUBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Wednesday, January 11, 1995, at 11 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted January 2, 1995]

Mr. MILLER of California: Committee on Natural Resources. Legislative and review activities of the Committee on Natural Resources during the 103d Congress (Rept. 103–890). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

Submitted January 9, 1995

99. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period April 1, 1994, through September 30, 1994, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

100. A letter from the Director, Congressional Budget Office, transmitting CBO's final sequestration report for fiscal year 1995, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

101. A letter from the Director, Defense Security Assistance Agency, transmitting the President's determination (93–45) concerning defense articles, services, and military education and training for Laos to support projects associated with POW/MIA recovery efforts, pursuant to Public Law 102–391, section 575A(c); to the Committee on Appropriations.

102. A letter from the Assistant Secretary for legislative Affairs, Department of State, transmitting Presidential determination (94–6) concerning the assistance program for Independent States of the Former Soviet

Union, pursuant to Public Law 103-306, titles I-V; to the Committee on Appropriations.

103. A letter from the Comptroller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

104. A letter from the Comptroller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Office of the Inspector General, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

105. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report on enforcement actions for 1993, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

106. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice; transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 1993, pursuant to 42 U.S.C. 5617; to the Committee on Economic and Educational Opportunities.

107. A letter from the Secretary of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve for the third quarter of 1994, pursuant to 42 U.S.C. 6245(a); to the Committee on Commerce.

108. A letter from the Administrator, Health Care Financing Administration, transmitting a report entitled "Rural Health Care Transition Grant Program", pursuant to 42 U.S.C. 1395ww note; to the Committee on Commerce.

109. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the second quarter of calendar year 1994, pursuant to 42 U.S.C. 5848; to the Committee on Commerce.

110. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the semi-annual reports on voluntary contributions by the United States to international organizations for the period October 1, 1993, through March 31, 1994, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on International Relations.

111. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing the use in fiscal year 1995 funds for assistance to the Multinational Coalition Force, including international police monitors in Haiti, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

112. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

113. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1994, pursuant to 22 U.S.C. 2904(b); to the Committee on International Relations.

114. A letter from the General Counsel U.S. Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of 11 implementing agreements negotiated by the Joint Compliance and Inspection Commission and 1 implementing agreement negotiated by the Special Verification Commission; to the Committee on International Relations.

115. A letter from the Assistant Secretary of State for Legislative Affairs, Department of State, transmitting the annual report for fiscal year 1993 on the Foreign Service Retirement and Disability System and the Foreign Service Pension System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

116. A letter from the Human Resources Manager, CoBank, transmitting the annual report of the United States for CoBank—National Bank for Cooperatives Trust Fund for the year ending December 31, 1993, pursuant to 31 U.S.C. 9106(a); to the Committee on Government Reform and Oversight.

117. A letter from the Administrator, General Services Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3521(c)(3); to the Committee on Government Reform and Oversight.

118. A letter from the Executive Director, Neighborhood Reinvestment Corporation; transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

119. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Rye Patch Dam, Humboldt Project, NV, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Resources.

120. A letter from the Clerk, U.S. Court of Federal Court, transmitting the court's report for the year ended September 30, 1994, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

121. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report for the Superfund Innovative Technology Evaluation Program; to the Committee on Science.

122. A letter from the Secretary, Department of Labor, transmitting a report on the labor market situation for certain disabled veterans and Vietnam theater veterans, pursuant to 38 U.S.C. 2010A; to the Committee on Veterans' Affairs.

123. A letter from the Secretary of Veterans Affairs, transmitting a report on the Montgomery GI Bill, pursuant to 38 USC 3036; to the Committee on Veterans' Affairs.

124. A letter from the Legislative Liaison, Department of the Air Force, transmitting a report on Air Force civilian manpower reductions; jointly, to the Committees on National Security and Government Reform and Oversight.

125. A letter from the Under Secretary of Defense for Acquisition and Technology, transmitting the fiscal year 1994 report identifying a contract award pursuant to a waiver of the prohibition on contracting with foreign entities unless such entities certify that they do not comply with the secondary Arab boycott of Israel; jointly, to the Committees on National Security and Appropriations.

126. A letter from the Secretary of Health and Human Services, transmitting a report on the fiscal year 1993 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly, to the Committees on Economic and Educational Opportunities and Commerce.

127. A letter from the Secretary of Energy, transmitting a study of a representative sample of light-duty alternative fuel vehicles in Federal fleets, pursuant to 42 U.S.C. 6374c; jointly, to the Committees Commerce and Science.

128. A letter from the Comptroller General, General Accounting Office, transmitting GAO's audit of the Foundation's statements of financial position as of September 30, 1993, and December 31, 1992, and the related statements of revenues and expenses and changes in fund balance, and cash flows for the years then ended, pursuant to Public Law 101-525, section 8 (104 Stat. 2308); jointly, to the Committees on Government Reform and Oversight and Economic and Educational Opportunities.

129. A letter from the Comptroller General, General Accounting Office, transmitting the results of the review of the audits of the Federal Financing Bank's financial statements for the fiscal year ended September 30, 1993, and 1992, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Reform and Oversight and Banking and Financial Services.

130. A letter from the Director, Office of Management and Budget, transmitting the report on accounts containing unvouchered expenditures potentially subject to audit by GAO, pursuant to 31 U.S.C. 3524(b); jointly, to the Committees on Appropriations, Government Reform and Oversight, and the Budget.

131. A letter from the Secretary, Department of the Treasury, transmitting the 1994 report on foreign treatment of U.S. financial institutions, pursuant to 22 U.S.C. 5352; jointly, to the Committees on Banking and Financial Services, Commerce, International Relations, and Ways and Means.

587. A letter from the Director, National Legislative Commission, the American Legion, transmitting the proceedings of the 76th national convention of the American Legion, held in Minneapolis, MN, September 6, 7, and 8, 1994, plus a report on the organization's activities for the year preceding the convention, pursuant to 36 U.S.C. 49 (H. Doc. No. 104-51); to the Committee on Veterans' Affairs and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERMAN (for himself, Mr. MCKEEN, Mr. BEILENSON, Mr. WAXMAN, Mr. MOORHEAD, and Mr. DIXON):

H.R. 433. A bill to amend the Internal Revenue Code of 1986 to allow the casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Ways and Means.

By Mr. CONDIT:

H.R. 434. A bill to amend title 39, United States Code, to prevent the U.S. Postal Service from disclosing the names or addresses of any postal patrons or other persons, except under certain conditions; to the Committee on Government Reform and Oversight.

H.R. 435. A bill to establish a code of fair information practices for health information, to amend section 552a of title 5, United States Code, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EWING (for himself and Ms. DANNER):

H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 437. A bill to amend title 18, United States Code, to modify the limitation on mandatory minimum sentences; to the Committee on the Judiciary.

By Mr. HAYES (for himself and Mr. MCCRERY):

H.R. 438. A bill to amend the Internal Revenue Code of 1986 to deny the earned income credit to illegal aliens and to prevent fraudulent claims for the earned income credit; to the Committee on Ways and Means.

H.R. 439. A bill to promote portability of health insurance by limiting discrimination in health coverage based on health status or past claims experience; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 440. A bill to provide for the conveyance of lands to certain individuals in Butte County, CA; to the Committee on Resources.

By Mr. LIGHTFOOT:

H.R. 441. A bill to amend the Internal Revenue Code of 1986 to provide a one-time exclusion of gain from the sale of farmland to a beginning farmer; to the Committee on Ways and Means.

By Mrs. MEYERS of Kansas (for herself, Mr. SKELTON, Mr. SANDERS, Mr. SPENCE, Mr. DICKEY, Mr. CHABOT, Mr. FORBES, Mr. GREENWOOD, Mr. TANNER, Mr. SHAYS, Ms. HARMAN, Mr. OXLEY, Mr. KNOLLENBERG, Mr. BAKER of California, Mr. HASTERT, Mr. STUMP, Mr. ROBERTS, Mr. POMEROY, Mr. BURTON of Indiana, Mr. FOX, Mr. BARCIA of Michigan, Mr. COX, Mr. KOLBE, Mr. GILLMOR, Mr. EWING, Mr. RICHARDSON, Ms. DANNER, Mr. BAKER of Louisiana, Mr. BEREUTER, Mr. BOEHLERT, Mrs. SCHROEDER, Mr. BONILLA, Mr. LEACH, and Mr. COBURN):

H.R. 442. A bill to amend the Internal Revenue Code of 1986 to retroactively restore and make permanent the limited deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 443. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. SCHUMER (for himself, Mr. SHAYS, Ms. SLAUGHTER, Mrs. ROUKEMA, Mr. MARKEY, and Mr. DEUTSCH):

H.R. 444. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in a handgun and is capable of penetrating police body armor; to the Committee on the Judiciary.

By Mr. SKELTON (for himself and Mr. EMERSON):

H.R. 445. A bill to name the nuclear-powered aircraft carrier designated as CVN–76; the U.S.S. *Harry S Truman*; to the Committee on National Security.

By Mr. STARK (for himself Mrs. MORELLA, Mr. MATSUI, and Mr. COYNE):

H.R. 446. A bill to prohibit States from requiring parents or legal guardians to transfer legal custody of their children for the sole purpose of obtaining public service for such children; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 447. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce.

H.R. 448. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act with respect to myelogram-related arachnoiditis; to the Committee on Commerce.

H.R. 449. A bill to amend the Public Health Service Act with respect to increasing the number of health professionals who practice in the United States in a field of primary health care; to the Committee on Commerce.

By Mr. DELAY (for himself, Mr. MCINTOSH, Mr. SMITH of Texas, Mr. BONILLA, Mr. HASTERT, Mr. BOEHNER, Mr. MICA, Mr. MILLER of Florida, Mr. HUTCHINSON, Mr. DOOLITTLE, Mr. POMBO, Mr. TALENT, Mr. ZELIFF, Mrs. CUBIN, Mr. HEFLEY, Mr. SCARBOROUGH, Mr. SHADEGG, Mr. SOUDER, Mr. LONGLEY, Mr. TATE, Mr. WAMP, Mr. STOCKMAN, Mr. WELLER, Mrs. MYRICK, Mr. HAYWORTH, Mr. EHRLICH, Mrs. SEASTRAND, Mr. CHABOT, Mr. FOX, Mr. BARR, Mrs. SMITH of Washington, Mr. BLILEY, and Mr. EWING):

H.R. 450. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 451. A bill to amend the independent counsel provisions of title 28, United States Code, to authorize the appointment of an independent counsel when the Attorney General determines that Department of Justice attorneys have engaged in certain conduct; to the Committee on the Judiciary.

H.R. 452. A bill to strengthen the Foreign Agents Registration Act of 1938, as amended; to the Committee on the Judiciary.

H.R. 453. A bill to provide for an additional temporary and permanent district court judgeship for the northern district of Ohio; to the Committee on the Judiciary.

H.R. 454. A bill to direct the Secretary of Transportation to complete construction of the Hubbard Expressway in the vicinity of Youngstown, OH; to the Committee on Transportation and Infrastructure.

H.R. 455. A bill to authorize the Secretary of the Army to carry out a 5-year demonstration program to determine the effectiveness of technology to remedy contaminated sediments in river beds, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 456. A bill to direct the Secretary of Transportation to study methods to reduce accidents on Federal-aid highways caused by drivers falling asleep while operating certain commercial motor vehicles; to the Committee on Transportation and Infrastructure.

H.R. 457. A bill to authorize the Secretary of the Army to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio; to the Committee on Transportation and Infrastructure.

By Mr. UPTON:

H.R. 458. A bill to amend the formula for determining the official mail allowance for Members, and for other purposes; to the Committee on House Oversight.

H.R. 459. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress after leaving office from representing foreign governments before the U.S. Government; to the Committee on the Judiciary.

H.R. 460. A bill to provide for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Burma who assist in the return to the United States of living Vietnam POW/MIA's and to provide for the granting of asylum in the United States to nationals of North Korea, South Korea, and China who assist in the return to the United States of living Korean POW/MIA's; to the Committee on the Judiciary.

By Mr. WOLF (for himself, Mr. MORAN, and Mr. DAVIS):

H.R. 461. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WISE (for himself, Mr. POMEROY, Mr. SAWYER, Mr. FOGLIETTA, Ms. FURSE, and Ms. ESHOO):

H.J. Res. 49. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government; to the Committee on the Judiciary.

By Mr. FAZIO:

H. Res. 31. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. SAXTON.

H.R. 77: Mr. GUNDERSON and Mr. DAVIS.

H.R. 78: Mr. PETE GEREN of Texas.

H.R. 95: Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, Ms. FURSE, Mr. LAFALCE, Mr. SCHIFF, Mr. ENGEL, Ms. MCCARTHY, Mr. SCOTT, Ms. DELAURO, and Mr. JACOBS.

H.R. 127: Mr. NEAL.

H.R. 218: Ms. MOLINARI.

H.R. 359: Mr. DIXON, Mr. WOLF, Mr. CRAMER, Mr. STUMP, Mr. DREIER, Mr. JACOBS, and Mr. COBURN.

H.R. 393: Mr. ZIMMER.

SENATE—*Monday, January 9, 1995*

The Senate met at 2 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a Guest Chaplain, the Reverend Dr. Mark E. Dever, pastor of the Capitol Hill Baptist Church, Washington, DC.

PRAYER

The guest chaplain, the Reverend Dr. Mark E. Dever, pastor of the Capitol Hill Baptist Church, offered the following prayer:

Let us pray:

O God of all truth, we begin this day asking for Your help, for those working in this place, for all those in authority in this Capital City, and around this Nation. We come to You out of habit and custom, O Lord, yes, but we—every one of us who come in sincerity—we come to You also out of a sense of our need, and of Your plenty. We confess, Lord, that too often we find in ourselves the darkness of ignorance, the sickness of greed, the loneliness of pride. O Lord, for Your glory, and because we acknowledge that we cannot do it without Your aid, take from us our darkness, our sickness, our loneliness. Replace our pride with Your divine humility. Replace our greed with Your giving. Replace our ignorance with Your truth, we pray.

In this place where so many would seek to bind wills and votes in their knowledge of a part of the truth, we pray that You would, in Your mercy, supply those gathered for business here today with all the truth they need to do the work You have committed into their hands. Teach them how, we pray, in the frustrations of committees and compromises, in the honest uncertainties of ever-changing challenges, teach them how to secure the blessings of liberty to ourselves and to our posterity, and to help to extend those freedoms around Your world.

Give us, as a nation, we pray, the freedom that comes through Your truth, and use even our actions here this day to that end for Jesus' sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. I yield such time as he may consume to the distinguished Senator from Oregon from the leader time.

The PRESIDENT pro tempore. The Senator from the State of Oregon [Mr. HATFIELD] is recognized.

TRIBUTE TO REVEREND MARK DEVER

Mr. HATFIELD. I thank the acting majority leader.

Mr. President, I want to use this occasion to give a statement of appreciation to the Reverend Mark Dever, who has opened the Senate today with prayer and will do so each day this week, as our Chaplain Halverson is on a week's vacation.

Mr. President, Reverend Dever is one of the younger breed of ministers that has blessed our spiritual world in providing not only leadership in the pulpit, but he also has an extraordinary educational background, a Ph.D. from Cambridge, and has recently come to the Capitol Hill Baptist Church, which is the church of my membership, to take over as pastor. It is an old church here in the city and one which has, like many cities, found an older population and is in the process of rebuilding that church with younger people. He has already attracted the interest of many people because of his extraordinary, expository preaching.

So I am happy and proud to be able to ask him, on behalf of the majority leader, to fill this role here in the Senate each day for this coming week.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Following the time for the two leaders, there will be a period for the transaction of morning business not to exceed 90 minutes, with Senators permitted to speak for not more than 10 minutes each. Following morning business, the Senate will resume consideration of S. 2, the congressional coverage bill. Under the consent agreement reached on Friday, there is a limited list of amendments in order to the bill, and all amendments must be disposed of by the close of business Tuesday, with the exception of an amendment to be offered by the Senator from Nevada [Mr. BRYAN].

Mr. President, there will be no rollcall votes during today's session of the Senate.

RESERVATION OF LEADER TIME

Mr. LOTT. Mr. President, under a prior agreement, I now reserve the leader time remaining on both sides of the aisle.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Mississippi is recognized.

ATTRACTING GOOD TEACHERS TO OUR CLASSROOMS

Mr. COCHRAN. Mr. President, this past Saturday I read in the New York Times an interesting editorial dealing with the challenge of attracting good teachers into the Nation's classrooms, and the importance of having well-qualified, well-trained, and excellent teachers.

There can be no greater challenge to us today than improving our education system throughout the country. It struck me as I read the editorial that this calls the attention of all of us to the fact that no matter what kind of programs we have, how much money we spend, what kind of national goals we adopt and try to implement, if we do not have good, qualified, conscientious, and committed teachers in the classrooms of the schools of America, we are not going to have a good education system. They are the cornerstone of our education system in America.

Mr. President, I ask unanimous consent that a copy of the New York Times editorial of Saturday to which I refer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 7, 1995]

A NATIONAL REWARD FOR GOOD TEACHERS

Ever since the mid-1980's, when a series of landmark studies called for drastic changes in the nation's schools, American educators have been seeking ways to raise teaching standards. That effort bore its first fruit this week when 81 gifted teachers were awarded national teaching certification at a ceremony in Washington.

The ceremony may turn out to be a pivotal moment in the history of American education. Many educators hope that the 81 recipients will be the first small vanguard of a new generation of highly qualified teachers who, in turn, will nourish better schools and better students.

Until Thursday, no teacher possessed a national certificate. Public school teachers are certified by states and localities. One hope is that recipients will be able to move from state to state without facing recertification. Another is that states and localities will reward certificate-holders with higher pay, thus offering an incentive to other teachers.

But the real value of the certificate may have been identified by Arthur Levine, the president of Teachers College at Columbia University. These first awards, he said, "provide some sense that around the country there is some agreement on what makes for a good teacher."

The certificates grew out of a report called "A Nation Prepared: Teachers for the 21st Century," which led to the creation of a National Board for Professional Teaching Standards in 1987. The idea was to raise standards for teachers and elevate their status, treating them more like doctors and other professionals.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The board then set about creating a licensing system. The heart of the system is an exhaustive series of tests aimed at finding out how teachers teach and evaluating their effectiveness.

A group of 539 volunteers has now completed tests for English-language specialists and generalists who teach early adolescents. The 81 winners came from the generally/early adolescent category, and more are scheduled to follow among the English teachers.

The volunteers submitted portfolios of their work—videotapes of classroom techniques, examples of their students' work, references from colleagues and written self-assessments. They were also tested on subject matter and teaching techniques. Participants found that the rigorous assessment process was itself an exercise in professional growth.

Preparing for the test costs money. At least eight states have already taken action to support or reward teachers who seek national board certification. Others should follow suit. If stronger teaching is the most important element in improving schools—and most educators believe it is—then the certification process is certain to give a huge boost to the effort to give American schoolchildren a better deal than they now receive.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 90 minutes, with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. THOMAS addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Wyoming [Mr. THOMAS] is recognized.

A HISTORIC OPPORTUNITY FOR CHANGE

Mr. THOMAS. Mr. President, it is with a great deal of pride and humility that I rise today as Wyoming's newest Senator. It is a great honor, of course, to be here. I take the floor to speak about a matter which is of great concern to me and all of us, and that is the future of this country. We have a historic opportunity to make real changes in the way the Federal Government operates and in how the American people perceive their Government. It seems to me that we either move boldly forward with the changes demanded by the electorate last November 8, or we squander the only real, true chance of restoring the American people's confidence in their Government.

The true test of government, it seems to me, is how responsive it is to the will of the voters. Mr. President, as I traveled Wyoming these last few months and talked to the folks from Cheyenne to Cody, I heard a recurring theme from my constituents. Over and over, they told me to get Government out of their lives, to restore fiscal responsibility to Washington, and above all else, to put an end to business as usual.

Judging by the results of the last election, it was a common message throughout the country. There should be no doubt about the message sent to Washington last November, and that was we need less government, less expensive government. People are tired of the status quo, and they want changes in how Government operates.

Unfortunately, as we all know, government in modern times has become increasingly resistant to change. As I read history, it is not unusual for voters to call for change. They did so about every generation in the 1800's up into the 1900's, until about 1930 when the Federal Government began to get much larger. As it has become a more and more pervasive part of our lives, to where it is now, with the size of the Federal Government plus the outside bureaucracies that have been built up through the decades, it becomes more and more difficult to change.

These constituencies and the Government stubbornly fight to protect their piece of the Federal funding pie. Federal programs do not die; they do not even fade away. They grow and grow.

As the Federal Government has grown, the American people have grown increasingly disenfranchised. Not only do Americans distrust their Government, but many do not even bother to vote because they do not believe their vote can help effect change. I suppose that is because in past elections, change has not come about and the direction the country has remained much the same. We cannot repeat that mistake.

The first lesson we must learn is that we cannot continue to do the same things, to follow the same procedures, and expect different results. If we want to change the direction this country is moving, then we have to make procedural changes in the Government.

Many argue that we do not need a balanced budget amendment, that we simply ought to balance the budget. Let me suggest to you that for 40 years that has not worked. Indeed, in my opinion, there does need to be a change in procedure and there does need to be some discipline that causes us to have a balanced budget.

We have made a good start. We will pass a measure that causes Congress to live under the same laws that it mandated for others. Next week, we will move to eliminate unfunded Federal mandates. We need to pass a balanced budget amendment and give the President line-item-veto authority. As we demand a smaller Federal Government, we need to lead by example and reduce the congressional bureaucracy.

The American people support these changes. They will go a long way toward building the base from which to bring fundamental change to every sector of the Government.

Mr. President, there will be many important issues debated on the floor of the Senate over the next 2 years. Some of my priorities include health care reform, tax reduction, welfare reform, and reducing the growth of Federal ownership of public lands, to name just a few. But no issue is as important as the structural changes I mentioned earlier.

Without significant change in the way the Congress and the Federal Government operates, other important changes in policy will be difficult. The American people will be watching closely to see if we respond to their cry for change. I certainly heard that message in Wyoming loud and clear. I hope that this time, Washington is listening, as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIFETIME DREAM REALIZED

Mr. JOHNSTON. Mr. President, 40 years ago, when my wife, Mary, and I were students at LSU, we discussed my dream of some day serving in the U.S. Senate.

I am one of those few fortunate human beings who have seen his dreams fulfilled in the fullest and most satisfying sense. This year, 1995, marks my 31st consecutive year in elective office. Over 22 of those years have been in this most noble and hallowed institution.

James MacGregor Burns says that the measure of a man is not the honors he has received, but the difference he has made by his service.

Mr. President, I believe that, working with my colleagues and a wonderful staff, we have made a difference for Louisiana. When I first started working on the North-South Highway for Louisiana, the trip was bumpy, dangerous, and slow. Today, Interstate 49 competes for motor freight shipments with a brand new Red River navigation system. We have improved our ports, dredged our rivers and harbors and built levees to control our flooding. By Federal statute, we have set aside over $600 million in a so-called 8(g) fund for education, and we have built research facilities and secured research funds for all our institutions of higher learning in Louisiana. By Federal law, we have created nine wildlife refuges, with more than 100,000 acres of protected land, and three national parks that now receive over 1 million visitors a year.

I am proud of these accomplishments, but I am most proud of what they will mean for the young people of our State.

Mr. President, it has been my privilege to serve on the Energy Committee for 22 years, 8 of those as chairman, and to have a hand in every major piece of legislation which has been passed from that committee during those years, from deregulation of natural gas to the National Energy Policy Act. We have pushed free markets, free trade and free enterprise. We have fought for the poor, for the disadvantaged, and for our senior citizens.

These 22 years have been successful and satisfying. I have simply loved it. But now, Mr. President, I must decide whether to continue Senate service or to depart in 2 years at the end of this term. Much argues for continued service. I love the Senate and I love to legislate. I am in superb health and have abundant energy, and reelection, though never assured, seems highly likely.

Nevertheless, Mr. President, I am today announcing that I will terminate my Senate service at the end of this term. I will not seek reelection in 1996.

There are rhythms and tides and seasons in life. I have been fortunate in my life to sense the rhythm and sail it full tide, and now I believe that the season for a new beginning approaches. As my colleague Russell Long used to say, "It is important to retire as a champ and to leave the stage when the crowd still likes your singing."

I make this announcement now for two reasons. First, to allow me to devote my full time and attention to what will be a very active and, I hope, productive 2 years, and, second, to allow time for my would-be successors to make their plans and to conduct their campaigns.

Who will succeed me? I do not now have a candidate, but I want my successor to share some deeply held views of mine: that politics and public service are synonymous; that the pursuit of public office is a high calling—in our society, it is the best opportunity for helping your State, your country, and your fellow man; that the Senate, with its faults and criticisms, remains a bulwark of our democracy and a hallowed institution. I will stand up for it, will not bash it and will defend it against those who do. Years 1995 and 1996 will be an exciting 2 years, and after that I look forward to a new life and new challenges, doing what I do not know except that it will not be retirement.

Mr. President, I love the State of Louisiana. Its people have bestowed upon me honor and power and a rare privilege. For that, I, my wife, and my family are profoundly grateful.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Louisiana.

SENATOR BENNETT JOHNSTON'S EXEMPLARY SERVICE TO THE SENATE

Mr. BREAUX. Mr. President, we have just heard a very profound and a very significant statement by the senior Senator from my State of Louisiana, very significant in what it means to my State of Louisiana, significant in what it means to this Senate by his announcement—very profound, indeed, because of what it says about an individual and what his priorities are and what he thinks public service is all about.

When our State looks back over the long history of service by my colleague, people will remember a number of tremendous contributions and contributions yet to be made in the last 2 years of his term in the Senate. I look back and remember the David Duke campaign and a BENNETT JOHNSTON who stopped him in his tracks. I look at projects throughout our State of Louisiana: The Red River project, which would clearly not be there except for his strong commitment and never-ending determination to see it started and completed, and it will be because of his effort. I look back and see ideas like risk assessment, which is a very popular idea in 1995, that my colleague championed even before it was an idea in most of our minds. It is now on its way to being the law of the land.

I look back and see a number of universities that today, tomorrow, and in the future will be doing research in science projects which will benefit not only this generation but generations to come because of the wisdom of my senior Senator in seeing that Federal dollars were wisely spent in those areas.

I look back and see the very essence of our State of Louisiana through his efforts in wetlands restoration and wetlands protection that literally future generations will have a State to live in and to enjoy because of his great efforts today and yesterday in devising Federal programs to help those wetlands remain a part of our great State.

Indeed, his services will stand as a monument to all those young men and women who today perhaps are a little turned off by the concept of public service, who think that somehow if you are there, you are not doing the work of the average citizen. BENNETT JOHNSTON's effort has always been to help people in our State to live a better life and to have a better future. So I think that his service will stand as a monument and an incentive to encourage other young people, men and women, to become involved in public service because public service is epitomized by his career, and he still has 2 very important years remaining.

Public service is more than just being a critic. It is more than just being someone who complains about the status quo. Public service, as BENNETT JOHNSTON has carried it out, is public service that means helping to solve problems and helping to construct things that help people and to do things in a very positive sense. In his service in the Senate—and it has been my privilege to be his junior colleague for so long—he will always be remembered as a doer and a person who believed in this institution and who believed in making things happen for the good of all of us. His service will be a shining monument of that type of attitude, of what public service is all about.

I congratulate him and his family for what I know must have been a difficult decision, but I applaud him for having the courage to make it and to serve with all of us over these years in such an exemplary fashion. It gives us a lot after which to pattern our lives and careers.

The PRESIDING OFFICER. The Senator from Oregon.

ANNOUNCEMENT OF RETIREMENT OF BENNETT JOHNSTON

Mr. HATFIELD. Mr. President, on occasions of this kind, we are prone to look back and think historically as well as to absorb the magnitude of the statement of the moment given by my good friend, Senator BENNETT JOHNSTON, from Louisiana.

When I came to the Senate, I had the privilege of serving with Allen Ellender and Senator Russell Long, who represented the State of Louisiana at that particular time in 1967.

Mr. President, I must say that the strength of those two leaders at that time certainly has been carried on in the tradition of Louisiana voters and the subsequent Senators, including Senator BENNETT JOHNSTON and his colleague today who serves with him from Louisiana, JOHN BREAUX.

Mr. President, I have had the privilege of serving with Senator JOHNSTON on the Energy and Natural Resources Committee now for all the years that he has been in the Senate. It was then called the Interior Committee of the Senate and Insular Affairs, and then its name was changed and, of course, all that time he has been chairman of that committee.

In addition to that, both Senator JOHNSTON and I serve on the Appropriations Committee, and we begin this year the 18th year we have served in partnership either as chairman or the ranking member, as Senator JOHNSTON has occupied that seat, or as I now occupy that seat as chairman of that subcommittee and he the ranking member, as I say, for 18 years.

I think on both the authorizing committee and the appropriating committee, we get a very, very intimate relationship of the total legislative process. I want to say it has not only been an honor and a personal pleasure, but I have marveled at the way Senator JOHNSTON has carried his duties and responsibilities in both of those committees, demonstrating competence, demonstrating brilliance of understanding of the issues. He gets up and starts talking about the nuclear power facilities, and so forth and so on, and I am always happy to defer to him, whether I am chairman or ranking member, any time that subject comes up because there is no one on this floor that has greater intimate knowledge of that complexity of nuclear energy than Senator JOHNSTON.

I also want to say that Senator JOHNSTON's Christmas cards, when he first came here, showed this beautiful family—beautiful Mary, his wife, and his children. I watched that Christmas card expand over the years. I think it is very significant that sitting next to him on the floor of the Senate today is a very distinguished congressman from the State of Indiana, who happens to be his son-in-law, TIM ROEMER. I am very, very pleased to know that he is leaving more than just a legacy of record. He is leaving in the Congress of the United States a legacy of leadership that will continue.

Mr. President, there are so many things that come to my mind. I am flooded with memories of the thousands of miles that he and I have traveled with our spouses and other members of the committee from China, Thailand, Indonesia, throughout the whole Pacific region.

I want to say even though he is noted as perhaps the expert here of energy, among his other expertise, whenever he has chaired a Codel and is called upon to respond to the head of state, to the prime minister or the president or the foreign minister—whoever might be hosting us at the moment—on any foreign policy, he can respond with grace and with, again, a manner in which we all take pride of being Americans and being his associate and colleague on these Codels.

So he is a Renaissance man with great capacity for many, many subjects. He does everything with fairness and with objectivity. I often say some of his problems on the committees have been that he has supported Republican causes that have not always been supported by the majority of his own Democratic Party on that committee. He has been that kind of broad-based, Renaissance person.

This is a decision he has to make. I have regrets in hearing this decision. They are selfish and personal because I have 2 years yet as well and it also causes me to have to reflect on what my future is. But if I should run for reelection and get reelected, I would be very, very much lesser a person because I would miss the expertise and counsel of BENNETT JOHNSTON.

But, BENNETT, being very informal at this moment on the floor, I want to say, as a long-time fan and supporter of yours and personal friend, I greet this news with great mixed emotions. I am happy for you and your family in many ways, yet I am regretful for what you are going to deny the Senate as far as the future.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

A LOT OF MILES YET TO GO

Mr. STEVENS. Mr. President, I am sorry to say to the Senator from Georgia, I left a meeting and I will take about 30 seconds here with my friend.

This is not the time to say goodbye to Senator JOHNSTON. We are saddened to hear the statement of the senior Senator from Louisiana. I think that Senator JOHNSTON spent enough time in my State to be qualified to vote, and I spent almost the same amount of time in his State for other reasons, I might add.

But I am saddened to hear the announcement of my good friend. I understand his reasons, and I really seriously marvel at his capacity to make such a judgment, but I do think that we have a lot of things left undone. We have a lot of miles to go yet, and I will say my farewells when the time comes. Meanwhile, I say to my good friend, we have one big battle, and that is the battle of wetlands. I hope he will be there with us until the end.

The PRESIDING OFFICER. The Senator from Georgia.

TRIBUTE TO SENATOR BENNETT JOHNSTON

Mr. NUNN. Mr. President, I, too, want to say a few words about this man we all think so much of, the Senator from Louisiana, Senator JOHNSTON.

Until a time I can reflect on it at length and really go over some of the historical accomplishments he has been so involved in, I remember very well when he got elected to the U.S. Senate because I got elected the same time.

With one exception, we have seen eye to eye on virtually everything since we have been here, and that one exception was the first day he arrived, he had a news conference saying he was the senior Member of the class of 1972. That was not only erroneous but it was to the detriment of the Senator from Georgia. The next day we had a chance to meet personally. The first thing I informed him was he had to retract that statement because it was not correct. He did that graciously when he found out the accuracy of my remark. Ever since then, he has been on target.

I must say, my colleagues have already enumerated some of his accomplishments. He has been an expert in his own field of energy. He has been an expert in the field of environment. He has also been an expert in the field of foreign policy and national security. He has traveled all over the globe. He knows people all over the globe. He is respected all over the globe. He has a following all over, not only in this country but throughout the world.

On the Appropriations Committee, he has been a stalwart in that area. He has been one of few people, few of us who have been willing to take on the tough subject of entitlements over the years, and if some of those votes he and I and some others made together back in the eighties and even before had passed at that time, we would not have some of the entitlement problems we have today.

So he has had an outstanding legislative record. I will enumerate that at a later date. But the most important thing he has done is what so many people have difficulty doing here in Washington, and that is, while he has done all of this for his State and for his constituents and for the people of this Nation, he has held his family together. That is the toughy. Anyone who works 60, 70 hours a week, travels on weekends, and makes speeches all over is always under pressure, that can maintain the love and relationship with his wonderful wife, Mary, the children, Sally, Mary, Bennett, Hunter, and all of his family, that is truly the exception rather than the rule in this very busy, stressful place.

So he has a family that loves him. He has a wonderful set of children that are doing their own things in their own professions, and he has a son-in-law, as we have already heard, from Indiana who is here on the floor with him as a Member of Congress.

So I list, BENNETT, your accomplishments as keeping your family together and raising a wonderful group of children with, of course, the tremendous help of Mary who is as outstanding as any individual I know, and also maintaining a wonderful relationship with your staff. You can tell a lot about a Senator by his staff. BENNETT JOHNSTON has an outstanding staff. Some of them are here today. I worked with many of them over a period of time, and I know others of them on the floor have worked with them. You can tell an awful lot.

So I say to my friend, for his own future, I am sure he has reflected long and hard on this decision and, from that point of view, I congratulate him. From the point of view of the Senate, I am remorseful. I think we are going to be a lesser body when he leaves here in 2 years, although for the next 2 years, he will be, I am sure, as energetic, productive, and effective as he has ever been.

But I do understand the decision. I understand it. All of us have to go through this kind of thought process. He made the decision quicker than I thought he would. If I had predicted 2 weeks ago, I would have predicted the other way around. But I know he made it after a great deal of thought, a great deal of prayerful consideration with his family and his staff.

So it is not an announcement that I take lightly, or with any kind of feeling of celebration, because I understand the deficit that is going to be left when this outstanding U.S. Senator does retire in 2 years. So I congratulate him on his service. I do not congratulate him, necessarily, on the decision because I do want to talk to him a little bit about it. But I do commend him on his splendid record of service for the State of Louisiana and the Nation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

BENNETT JOHNSTON, THE MASTER OF THE CLOSE

Mrs. FEINSTEIN. Mr. President, I heard about 2:15 this afternoon that Senator JOHNSTON was going to take the floor, so I picked up the phone and tried to reach him and missed him. I wanted to just say a few words.

I listened, back in my office, to what he had to say. I was thinking, back when this mayor from San Francisco in the mid-1980's came back to see the head of the Energy Committee. I had an opportunity and I walked into his office. I saw the pelicans. I did not even know if he would really listen to me. I found a human being who was open, who was gentle, who was kind, who was listening, and who was interested. Then, of course, in 1992 I came to this Senate and I found a man who was a leader of the U.S. Senate—certainly a leader on the Democratic side and I believe a leader in the Senate—who had worked for 22 years, who had established a reputation in this body.

I might say, many of the Members on our side, when we were discussing the California Desert Protection Act, said toward the close of the session, "Don't worry. Watch BENNETT. He is a master of the close."

And as the months went on, the debate and the discussion on this bill, I saw indeed that BENNETT JOHNSTON was not only a master of the close, but was a master of strategy. I saw he is a man who is bright. He is a man who is articulate. But he is also somebody who is always a gentleman, always receptive, always able to say what he thinks in a way that brings the best from everyone around him.

So, BENNETT JOHNSTON, I want to say to you: In the few days we have been back, this is the worst news I have heard. Even worse than the Contract With America, in many respects. I am just so sorry that this is going to happen. But there is one thing I do know: Even if you have made up your mind there are still 2 years, so we will be hearing much more from BENNETT JOHNSTON, the master of the close.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

SENATOR BENNETT JOHNSTON, STATESMAN

Mr. HEFLIN. Mr. President, it is a sad day for the Senate, a sad day for the Nation, when we find out we will be losing a Member of the U.S. Senate who has contributed so much to this body as an institution and to this Nation as a whole.

We do not use the word "statesman" very often. I grew up hearing it much more frequently than I hear it today. I think we look at certain areas of expertise and accomplishment and we realize that there are statesmen in those fields, as well as from a generalist viewpoint. I look back over the career of BENNETT JOHNSTON and I remember when I came to the Senate, this Nation was in an energy crisis. We were talking about shortages and what had to be done. I remember President Carter's speech with his sweater.

But BENNETT JOHNSTON stood out in those days as a voice of reason, calling for an energy policy that was really very detailed, but was accompanied by great reasoning. His energy policy prevailed over the years, and we weathered that crisis. As we have gone through the changes relative to energy policy and the relationship of nuclear energy, BENNETT JOHNSTON has always come forward with expertise, with reason, and with a view toward the future and has accomplished tremendous feats in regard to the energy field. He had the unique position of serving as chairman of the Committee on Energy and Natural Resources and the subcommittee dealing with energy and water development of the Appropriations Committee. It is very unusual for a person to occupy those two positions simultaneously, but because of his expertise and seniority and his choice, he selected those. And I think the Nation has been the beneficiary as a result of it.

His State of Louisiana has greatly benefited from his service. I consider BENNETT a conservative, a progressive conservative. He is a southerner. We have pretty well agreed on most issues, as SAM NUNN mentioned a while ago. And he has really taken on a great deal in his political life, in taking on certain tasks that other people would attempt to evade and to avoid.

He has had to fight bigots. He has had to fight those who were intolerant. He has moved forward in the South toward having improved race relations and has been a great voice of reason in pursuing that particular task. And the South today has many benefits that really resulted from his leadership.

He has been a wonderful family man. I think SAM spoke about that, the fact that he has a delightful, wonderful, charming wife, Mary, and four children: Bennett, Hunter, Sally and Mary. They are great examples of a family and to the fact that there are such close ties among them. He has been one of those who have advocated, as we all agree that we should, an improved quality of life in the Senate in order that we spend more time with our families. He and DAVID PRYOR have been voices that have sounded forth many times on the improvement of the quality of life in the Senate. Hopefully, our new minority leader will agree and hopefully he can influence our majority leader a little bit toward following the advice that BENNETT JOHNSTON has given in the past relative to this.

He loves this institution and he has really done a great deal. I stop and think of all he has done. Sometimes you do not belong to the respective committees, but he has been a tremendous spokesman for southern agriculture. I look back upon many of the battles we have had relative to agriculture and know that his voice has been the voice of a champion, pertaining to those issues. Then, in foreign affairs, he would come back from his trips—I can remember him many times talking about the Pacific rim and its great future and the fact that we needed to develop better relationships with the Pacific rim nations because much of the future would lie there, and the progress that has taken place in recent years pertaining to this.

(Mr. SANTORUM assumed the chair.)

So we with great sadness see the announcement of the departure some 2 years from now of a statesman in the field of energy, a statesman in the field of race relations, a statesman who has done much for this Nation. We will have lost a great Senator. We are now losing a great chairman, but nevertheless he will continue as a spokesman in his particular fields. But he has also served in so many other different ways on the budget, in the field of aging, and in the field of intelligence, having served in committees in that capacity.

We salute BENNETT. I think maybe the real reason behind this is that he is feeling that he is getting a little older, that he is not as accomplished a tennis player as he used to be, and that his colleague, JOHN BREAUX, is now beating him more often than he used to. Perhaps that might have affected his decision relative to this matter.

But we look forward to his, as he leaves and when he leaves the Senate, continuing to give us advice, counsel, and we know he will continue to be a friend.

I say to him, my friend, that this is a sad day for America and for the Senate. But we respect his decision.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I inquire of my colleague, Senator PRYOR. He was waiting to speak before I came in and he requested time to do so.

Mr. PRYOR. Mr. President, I respond to my friend from Wyoming by saying that I have been here for some time and I am enjoying all these speeches so much. I have no preference as to when I speak.

So I would love to listen to the Senator from Wyoming, to hear him talk about our friend, BENNETT JOHNSTON.

Mr. SIMPSON. Mr. President, if I said that my remarks would not exceed 5 minutes, there would be an audible gasp. However, I want you to observe the clock and you will find that they shall not exceed the period of 5 minutes. I, too, will say a lot more later.

I thank my friend from Arkansas, who came here when I did, Senator PRYOR, and Senator HEFLIN, also. We have a special bond in our class which is very strong that crosses party lines. In fact, the other evening we met, the survivors of the class of 1978, and talked about how we might try to make this place work better with bipartisanship. That is an effort that we will pursue with people of the caliber of Senator PRYOR and Senator HEFLIN.

But let me just say a word about my friend. BENNETT JOHNSTON is a special man, a man of remarkable brightness, energy, and a wonderful sense of humor, and a person who could come to this floor in the midst of a debate on nuclear fission and without a note suddenly be totally in the fray or who could come here on issues of energy, Btu's or public lands and without a note debate for an hour or two taking questions, fielding questions thoroughly engaged.

So what I learned from him is a remarkable intellect blended with a wonderful mind and an ability to deal with complex issues, and when everyone else, like in the words of Rudyard Kipling, was "losing their heads," blaming it on you, BENNETT would be right there with that wonderful whimsical smile which is difficult to identify sometimes. You never know quite what is being concocted there with that smile. But I have seen it many times, and it is always with a gentleness.

So I thank him for what he taught me on nuclear issues as I chaired the nuclear regulations subcommittee as a freshman, and how he helped me on all energy issues when I was again chairing that committee. On public lands issues, I watched my colleague from Wyoming, Malcolm Wallop, work with him and watched BENNETT and Malcolm, even though they disagreed strongly, work so well together. They gave us finally an energy bill that was unattainable for decades. I thank him for that.

He is dogged, determined, with a persistence and steadiness which is enviable.

So I thank him. I have been privileged to travel with him. Whatever they have said about Mary is not enough. That is a special woman, and it has been a great honor and privilege to travel with him. Whether it was in Vietnam or China or around the world, dealing with nuclear issues, any time BENNETT rose to give the greetings or receive the acknowledgment from another head of state, we just all sat back and knew it would be done with wonderful compassion, skill, and a completely tactful presentation. He was our spokesman, and whatever side of the aisle you were on, you never even questioned that.

So a gentle, congenial man of very steady demeanor will be greatly missed. It is not easy to find people who will do this kind of work and take what goes with it. We are thin-skinned sometimes. I know I am. But he just smiles and takes it, and can dish it right back in beautiful fashion and always with a gentler, much gentler, recipe than it has been dished out to him.

So to BENNETT and to Mary, and their dear family, and to the son-in-law who will serve us in Congress on the other side of the aisle, I wish them all well.

It has been a rich personal privilege for Ann and for me to come to know BENNETT and Mary JOHNSTON, and we love them. We wish them well in whatever they may wish to do in the future.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, this is indeed a sad day. It is a sad day for the U.S. Senate. It is indeed a sad day for the State of Arkansas to be losing one of our colleagues from this Senate, but of equal importance to be losing, Mr. President, one of our neighbors, the Honorable BENNETT JOHNSTON as our colleague and friend from our neighboring State of Louisiana.

We have often said, DALE BUMPERS and I—and I am sure he will eloquently address this momentarily—Senator BUMPERS and I have often said in our State that we have three Senators, that we are very fortunate, and that the third Senator is the Senator from Louisiana, who on every project, Mr. President, on every issue has stood shoulder to shoulder not only with Senator BUMPERS and myself and our predecessors in this body but also with our State and its people in the projects that we pursued on many occasions.

Senator JOHNSTON in his eloquent, and I must say brief, remarks, talked about two principles, one of honor, that the people had honored him. And all of us know Senator JOHNSTON well. I know that honor was bestowed upon Senator JOHNSTON and that he treated that honor basically as holding that honor in trust for the people of his State and the people of this country. The other characteristic that he addressed was power, that the people of Louisiana had bestowed upon him as a U.S. Senator a great power.

Mr. President, I can say without reservation that of the some 20 years that I have known this fine gentleman, I have never seen nor have I ever heard of this fine man ever once abusing that power or of taking that power for granted.

Mr. President, BENNETT JOHNSTON will go down in the annals of this great U.S. Senate as one of the great doers and one of the great builders that this body has ever produced. The Senate has been a better place because of him. His life and his example and his family all mean so much to all of us.

Mr. President, I notice that the distinguished Presiding Officer, the new Senator from Pennsylvania, is seated today presiding over the U.S. Senate. I know that he faces a middle aisle that some say divides the Republicans from the Democrats. I have a feeling, Mr. President, that Senator BENNETT JOHNSTON, our friend and neighbor from Louisiana, has never seen that middle aisle as a line of demarcation, nor as a line of division, but merely as a line of invitation to join hands and join parties, whether Republican or Democrat, liberal or conservative, on those issues that face this country and those issues that must make us a better people.

BENNETT JOHNSTON, in my opinion, has been able to bridge that gap and to cross that aisle in friendship, in principle, in camaraderie and comity, as well as any Member that I have ever seen in the U.S. Senate. He is a wise and a good man. It has been my extreme pleasure and honor to serve in this body with BENNETT JOHNSTON, my friend and colleague from the great State of Louisiana.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

TRIBUTE TO SENATOR BENNETT JOHNSTON

Mr. DASCHLE. Mr. President, I rise to associate myself with the remarks made by so many of my colleagues on both sides of the aisle in tribute to our friend and colleague, BENNETT JOHNSTON.

A couple of days ago, I read some words written by George Bernard Shaw that I think probably as closely epitomized how I view BENNETT JOHNSTON as any I have read in my time in the Senate. I would like to begin what I hope to be very brief remarks, keeping to the approach used by our distinguished colleague from Wyoming in being brief this afternoon.

George Bernard Shaw wrote:

> This is the true joy in life: Being used for a purpose recognized by yourself as a mighty one, being a force of nature instead of a feverish, selfish little clod of ailments and grievances, complaining that the world will not devote itself to making you happy. I am of the opinion that my life belongs to the whole community, and as I live, it is my privilege to do for it whatever I can. I want to be thoroughly used up when I finish, for the harder I work, the more I love. I rejoice in life for its own sake. Life is no brief candle for me. It is a sort of splendid torch which I have got ahold of for the moment. I want to make it burn as brightly as possible before handing it on to future generations.

Mr. President, that describes our friend, BENNETT JOHNSTON. For 22 years, the people of Louisiana and the people of the United States have been blessed with the leadership of this outstanding U.S. Senator. BENNETT JOHNSTON epitomizes the best in public service through his thoughtfulness, his fairness, his determination, his sense of humor, and his belief in love for his family. In this period of cynicism and ugliness in politics, BENNETT JOHNSTON has stood as a pillar of integrity, of hard work, of dedication, of devotion to public service.

I have had the good fortune to know him now for over 8 years. I am proud to call him my friend. I am proud that I will have the ability to work closely with him for at least 2 more years. I respect his decision and know how deeply he feels about his family and his time spent on those occasions walking with his wife, Mary. There will be other days, as others have said, to talk about the many accomplishments of Senator BENNETT JOHNSTON, but today let me join with others in wishing him a future of good health and much happiness, recognizing that we do enjoy his company, his work, his partnership, and the future that we hold with him together.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG] is recognized.

TRIBUTE TO SENATOR BENNETT JOHNSTON

Mr. CRAIG. Mr. President, a few moments ago, my staff came into the office and said, "Quick, turn on the television. Senator BENNETT JOHNSTON is announcing that he will retire after this term." I did, and I caught the remaining words that the Senator spoke.

I came immediately to the floor to express, on the part of the Idaho Senators who are serving and who have previously served in this body, the respect we have for Senator BENNETT JOHNSTON of Louisiana. Other than you, Mr. President, I am, at this moment in time, as I scan the floor, one of the more junior Senators serving, although I am privileged to be the senior Senator from Idaho. I say that in context to having arrived here 4 years ago, and to have asked the advice of the then retiring senior Senator from Idaho, Jim McClure, "From whom might I seek counsel as it relates to certain issues that are near and dear to our State of Idaho and to the Nation?" —I served on the Energy and Natural Resources Committee that BENNETT JOHNSTON was chairing at that time and continued to chair through the 103d session of Congress—and without ever thinking of anything else, Jim McClure said, "Chairman BENNETT JOHNSTON."

I had just served 10 years in the House, and I was used to the dynamics of the House. I thought to myself immediately: But he is a Democrat; therefore, he is partisan. That was quite typical of the style of the House. There was not the comity nor the bipartisan nature of the Senate existing at that time in the House. I remember at that time Senator McClure said, "On the issues that you will be dealing with, Larry, BENNETT JOHNSTON should always be your counsel. And when he cannot be bipartisan—and there were times when he could not be—he will be very straightforward because you will always know where he is." For those 4 years, following that advice, BENNETT JOHNSTON was true to the description of Jim McClure.

Let me also speak briefly for Steve Symms, recently retired from the U.S. Senate who, again, spoke similar words. My exposure in working with Chairman JOHNSTON over the last 4 years has certainly paid honor to both of those gentlemen and their respect for BENNETT JOHNSTON of Louisiana.

BENNETT, personally, I will miss you. I will miss you because of your talent and your energy and your willingness to be bipartisan and cooperative in the name of good public policy. And I oftentimes, Mr. President, marveled at the sharpness of mind and the detail with which BENNETT JOHNSTON engaged the issues of energy. Whether it was electrical energy generated by nuclear or hydro or coal power, he knew the details. He knew the phenomenal maze of law that is bound around all of that, whether it was with the utility companies, or whether it was with the Federal regulatory agencies. I was always amazed because I suggest that never in my service in the U.S. Senate would I expect to command that kind of knowledge or understanding as does Chairman JOHNSTON.

I will miss you, BENNETT JOHNSTON, because of these things and because you have become a friend, and I appreciate that. At the same time, let me say how much I respect your willingness to recognize that there was a time to say, "I will do something different." I think that is important for all of us, because I have the privilege of serving in the U.S. Senate because a senior Senator, at the peak of his senatorial ability, announced his retirement, choosing to do something in the private sector of our country.

So I do respect those kinds of decisions, recognizing that there is life after the Senate, and that expertise and talent and service can go on to serve in other ways and in other capacities.

But for the coming 2 years, BENNETT, you will remain a valuable and contributive member of the Energy and Natural Resources Committee and the Appropriation Committees on which you serve. While you now serve in the minority, that will never stop me from seeking your counsel and your advice because, while the title has changed, the respect has not. In 2 years time, I will miss you, as will in body.

I yield back the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I defer to the Senator from Arkansas, who I overlooked, who has been waiting for some time. I would like to be recognized following his remarks in tribute to BENNETT JOHNSTON.

Mr. BUMPERS. I thank the Senator from Alaska very much.

TRIBUTE TO SENATOR BENNETT JOHNSTON

Mr. BUMPERS. Mr. President, this is indeed a sad day for me personally and, though Americans may not realize it, it is a sad day for them, too.

The other morning, I read where former Secretary Cheney said he was not going to run for President and, in a spate of candor customary to Dick Cheney, said the price was "too high." I toyed with a Presidential race one time and came to the same conclusion. I never did say it, though.

But the truth of the matter is, public service, which I was taught by my father was the noblest of all callings, has come to demand an almost impossible price.

I have no idea what went into Senator JOHNSTON's thinking in arriving at the decision not to seek reelection. I know he is a family man. He is one of the few people I would defer to, maybe slightly, in his devotion to his family over me. So maybe that was it. But I am not here to wonder aloud what all went into his decision.

The first time I heard of BENNETT JOHNSTON was when he ran for Governor of Louisiana and he was using the same media consultant I had used a year earlier in running for Governor of Arkansas, Deloss Walker. And while BENNETT barely lost that election, he was elected handily for the U.S. Senate 2 years later.

I might say to the Senator that that was probably the most fortuitous thing that ever happened to him. As a former Governor and Senator, I can tell you it was the most fortuitous thing that ever happened.

But Deloss Walker had told me what a good candidate Senator JOHNSTON was. And so he came to the Senate 2 years before I did. I was put on the Energy Committee, which was a widely sought committee assignment at that time because the Arab oil embargo of 1973 had everybody frightened to death. We were going to become energy independent. We were going to develop alternative fuels, and you name it.

Senator JOHNSTON had the seat just in front of me, and later of course became chairman of the committee. I forget the year. But I became ranking Democrat on that committee.

There are perhaps people in the Senate who have been closer to Senator JOHNSTON than I have been, though I do not see how. I have traveled with him abroad. I have sat at his right hand in that committee, all these years. I have found him to be an ardent opponent on occasion. It took me forever to kill the super collider because he was on the other side. And I did not really kill it. The House of Representatives deserve the credit for killing the super collider. But I can tell you, as long as Senator JOHNSTON was in the Senate, it was not going to happen over here.

But in good times and bad, in battles together and battles against each other, I found him always to be brilliant and tenacious, but eminently fair. Last year, he took on another battle on the side of the angels that I had been fighting sort of a lonely battle for about 5 years, and that was reform of the mining laws of this country. Senator JOHNSTON got involved in that debate last year. He was tenacious. But I promise you some of his most ardent opponents, including the Senator from Alaska and the Senator from Idaho, will tell you they always found him to be eminently fair. He held hearing after hearing, private hearings with them to see if there was any accommodation that could be made that would satisfy them.

And on the California desert bill, another battle that I had been involved in for 6 years here, he took that battle on last year and won it and we passed the California desert bill. Some day the people of America will look back and say we owe BENNETT JOHNSTON a big one for that.

His announcement today follows the same announcement by two other fine men in this body, HANK BROWN and PAUL SIMON. And my guess is there are going to be others.

We could sit here and I guess make partisan speeches or philosophical speeches about whether or not the price of public service has become too high, and that would serve absolutely no useful purpose at this point.

BENNETT will have another career and he will have more time in that career. I do not know what it will be, but I promise you whatever he takes up, whether he decides to become a professor in some law school or maybe teach political science or some contemporary course on politics at LSU or someplace else, I do not care what it is, he will have more time for his family than he has had in the past 22 years.

So, Mr. President, today is a sad time for me. It is going to be a personal loss to me for BENNETT to leave the Senate, but more importantly it is a loss for America.

I have never favored term limits. It is not easy to go before an audience when you know 70 to 75 percent of that audience favors term limits, and say you do not favor it, but I do not; never have. One reason is because it would arbitrarily cause us to lose good men and women with good minds, but, above all, a wealth of experience which we cherish in every single profession in America except here in politics.

Well, Mr. President, I will probably be here to say this a few more times over the next 2 years for good friends of mine who decide not to run, but I can tell you I will not say with any more fervor or conviction at any point in the next 2 years, no matter who leaves here, that this is truly a great loss to this Nation and especially to the State of Louisiana.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

TRIBUTE TO SENATOR BENNETT JOHNSTON

Mr. MURKOWSKI. Mr. President, I join with my colleagues acknowledging the remarks of the senior Senator from Louisiana earlier on the floor today.

You know, it has been said you really never know a person until you have walked in his footsteps. As the incoming chairman of the Energy Committee, I take my first steps, BENNETT JOHNSTON, with great humility.

I have observed, as a member of the minority, the manner in which you have conducted the affairs of the Energy Committee. You have always been an extraordinary legislator. You have been a consensus builder. You have had the capability to tackle the tough jobs and get the job done. You have always had the energy and the commitment to move ahead, yet somehow you genuinely accorded each member an opportunity to be heard and most of us an opportunity to exhaust our thoughts on the subject, and then you moved ahead with an agenda as you saw it. I know every Member who has worked with the Senator from Louisiana respects him. The Senator from Louisiana has tackled the national issues. As the Senator from Arkansas indicated, occasionally the Senator has been partisan, but the Senator has been partisan in a way that I think represented the reality that the Senator's party was in the majority. Yet the Senator from Louisiana was always willing to listen to the input from the minority.

The Senator was a fighter for the State of Louisiana. I do not think that anyone can observe the career of the Senator in the last 22 years and suggest that the Senator has not served the State of Louisiana well. The Senator has left an example for other Members to follow.

I came into the Senate 14 years ago. At that time, Senator "Scoop" Jackson of Washington was chairman of the committee. Jack McClure followed that tenure. I think one of the extraordinary things that we all wonder about during our careers in the Senate is knowing when it is time to go, when to have the wisdom and the honesty, because as we all know, in this business an awful lot of our everyday activities are associated with our own individual egos.

The Senator from Louisiana has chosen to go out at the very top of his career. The Senator has ahead of him, obviously, some unknowns but some very exciting unknowns as the Senator looks to his future and the contribution that he will make to his State and America as a whole.

The Senator has given me the honor and the pleasure of working with him, but he has also given me the wisdom and an insight that I will respect and learn from. The Senator has always been very fair in accommodating the interest of the junior Senator from Alaska.

The Senator has gone up to Alaska on numerous occasions. The Senator has visited the North Slope, the Senator has visited ANWR, the Senator has listened to Alaskans, and the Senator has listened with a genuine interest to our problems and with a commitment to try to assist as we attempt to develop in our State what was done throughout the United States, perhaps 100 years ago. And that is a sound resource policy using science and technology available today that was not available, perhaps, 50 or 75 years ago.

We will miss you, BENNETT. I am looking forward to having the pleasure of working together these next 2 years. I look forward to assisting in completing the agenda of the Senator, as well as exploring new agendas. I look to the Senator for advice, consent, and counsel.

Finally, in conclusion, let me just comment on a reflection I had when the Senator and his wife, Mary, were kind enough to include us in the Christmas card list. I saw, this time, grandchildren. Not just one, but several. Somebody mentioned to me some years ago when we had our first grandchild that, truly, that was the ticket to eternity.

I do not know whether there is any reflection on this decision in the grandchildren, but I, personally, would not be surprised if the Senator has decided to try to spend a little more time with the grandchildren. Obviously, when you are around your grandchildren, you generate a reflection on perhaps some of the qualities of life rather than the quantity.

So let me commend the Senator for the service that the Senator has given to this body, the State of Louisiana, and my State of Alaska, and the friendship which I have enjoyed and that I am looking forward, as we spend the next 2 years together, to working on behalf of the many interests that are before our committee.

Again, my sincere best wishes on the Senator's new future. We look forward again, those Senators who are at least going to be around here for the balance of our term, to observing the patterns and the footsteps as the Senator from Louisiana moves out and pursues some of the exciting opportunities and challenges outside the U.S. Senate. It has been a pleasure, my friend. I wish you well.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair advises the Senator from Utah there are 2 minutes remaining in morning business.

Mr. BENNETT. Mr. President, I ask unanimous consent that morning business be extended for an additional 5 minutes beyond the 2 minutes already allocated.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFLECTIONS ON TENURE OF SENATOR JOHNSTON

Mr. BENNETT. Mr. President, I was sitting in my office catching up on paperwork when I was literally caught by the announcement that the distinguished former chairman of the Energy and Natural Resources Committee would not seek reelection.

I had to come over and add my voice to those that have already been raised in tribute to this fine man, this outstanding Senator and, for me, close friend.

As I came to the Chamber, I was reminded of his words to the former ranking member on that committee, Malcolm Wallop, who made a similar announcement. As Senator Wallop came into the committee, Senator JOHNSTON looked at him and said, "You did not ask my permission." I had the same feeling here. He did not ask my permission. Not that he would have or should have.

This is, obviously, a personal decision. I am sure from seeing how well he makes decisions, that it is the right decision. I wanted him to know, and the country to know, that I will feel a sense of personal loss. I am not saying goodbye as some have said, because I am looking forward to the next 2 years.

I was sorry that, in the reorganization of the committees, I missed going back on that committee by exactly one slot. If there had been one more slot, I would have been there as I have been there the last 2 years. And I look forward to going back there when the next 2 years are gone.

It will not be the same without BENNETT JOHNSTON. A year ago, just about this time, we were in China, Vietnam, Indonesia, and Thailand together. I said to him, after one of the meetings we had had with the head of state on that trip, "Mr. Chairman, if you want to run for Secretary of State, I will be happy to handle your campaign." He is an outstanding diplomat, an outstanding servant of the citizens of the United States. He has 2 years left to go. We will not turn this into his funeral eulogy because I know he will spend the next 2 years in the same kind of service that he has rendered in the past 22.

I am one who believes in term limits. I think we need to open up the process to get new blood in. When people say to me "Yes, but won't you lose some people that are precious to the United States?" I always say, "Yes, we will. That is the down side of term limits." Then I go on to list, privately, of course, some people that I think term limits would be good for. BENNETT JOHNSTON is in the first group. That is, those who would be precious to the United States who would be lost, and for whom, if I could, I would waive the term-limit requirement.

He is a fine gentleman, a fine friend, a fine Senator. I look forward to 2 more years at his side and, indeed, at his feet, for he has taught this junior Senator a very great deal. I look forward to learning a very great deal more. Mr. President, this is a time of pride for the United States that we can look back on the career of one of our finest. I did not want to let the occasion pass without adding my voice to those that have been raised in tribute to this fine public servant. I yield the floor.

TRIBUTE TO SENATOR JOHNSTON

Mr. PELL. Mr. President, I rise to pay tribute to our distinguished colleague, the senior Senator from Louisiana [BENNETT JOHNSTON], on his announced intention to retire from the Senate at the end of his current term. His departure will be a loss to this body.

Senator JOHNSTON has served here ably and well for over 20 years, most notably as chairman of the Committee on Energy and Natural Resources and of the Appropriations subcommittee having jurisdiction in the same area. He has mastered the intricacies of much difficult legislation in this capacity, and the Nation has benefited from the perspective and wisdom which he brought to the task.

I am privileged to have had a long friendship with BENNETT JOHNSTON and I admire him for the manner in which he conducts himself as a Senator and as a person. And, particularly, as a tennis player. In the best sense of the word, he can be called a straight shooter.

I regret, honor, and sympathize with his decision to end his distinguished political career and I wish him and his lovely wife Mary all the best for the future after he leaves the Senate in 1997. In the meantime, we are fortunate to have the benefit of his talents for at least 2 more years.

TRIBUTE TO BENNETT JOHNSTON

Mr. HATCH. Mr. President, I rise to pay tribute to my good friend, BENNETT JOHNSTON, who announced his decision yesterday to retire from the Senate.

Senator JOHNSTON has been a terrific friend and ally for me on a myriad of issues during his service in the Senate. I have always found him fair in all his dealings as chairman and ranking member on the Energy and Natural Resources Committee, where a public lands State like Utah is always tremendously affected by the committee's activities.

For example, last year, Senator JOHNSTON's help was essential in getting a bill through the Senate that will allow Utah's public school system to receive from revenues generated from Federal lands and royalties. He recognized the importance of this piece of legislation to education in my State and did everything he could to help it through the committee. I am convinced the bill would not have been signed into law by President Clinton last year without his support, and Utah's school children will be indebted to him for many years.

He has a keen sense on issues related to the energy security of this Nation. It was his leadership that led to the development and passage of the Energy Security Act of 1992, which should allow us to meet the energy demands of our growing population for many years to come. His expertise in this area will be sorely missed by the Senate.

He also recognizes that many States are financially dependent on the appropriate development of their natural resources, especially when these resources are located on Federal lands. Of course, Louisiana is as rich in these resources as my own State of Utah. And, by recognizing this dependence, Senator JOHNSTON has been willing to work with Senators on resource issues that are unique to that particular State, whether the subject matter was precious metals, coal, petroleum, natural gas, or, in the case of Utah, tar sands and oil shale. He has provided tremendous leadership in showcasing and supporting our national parks, forests, and recreation areas. While we have not always agreed on every single issue, I will miss his manner of doing business.

In addition, he has been successful in focusing this body on the important issue of risk assessment related to environmental regulations. With the total cost for all 54 Federal environmental regulatory agencies totaling $14.3 billion last year, it is critical that Congress determine the benefit associated with the cost of each and every environmental regulation we pass. Senator JOHNSTON has provided leadership on this matter, and I hope that this body will again pass his amendment during this session to require a risk assessment on new regulations.

Obviously, the Senator from Louisiana has been a leader in many areas during his tenure in the Senate. For this, I thank and applaud him. We are losing a true expert on these issues, and I am losing a true friend in every sense of the word. I understand why he has made this decision to leave the Senate; and, while 2 years remain for us to collaborate on important issues, I want to express my thanks to him and wish him well in all his future plans. He has been a great asset to his State and to the Senate.

AMENDMENT TO BE OFFERED

Mr. WELLSTONE. Mr. President, I hereby give notice in writing that it is my intention to offer an amendment during the Senate's consideration of the Congressional Accountability Act of 1995, and that provisions of my amendment would require that: First, whenever a committee reports legislation, that committee must publish a detailed analysis of the impact such legislation might have on children; and second, it will not be in order for the Senate to consider such legislation if the committee has not published such an analysis.

THE DECISION TO LICENSE THE MANUFACTURE OF RHINO AMMO

Mr. MOYNIHAN. Mr. President, according to the Associated Press, the Bureau of Alcohol, Tobacco and Firearms has decided to issue a license for the manufacture of Rhino Ammo by the Signature Products Corp. of Huntsville, AL. Rhino Ammo, according to its manufacturer, is designed to fragment upon impact with human tissue in order to inflict maximum injury, Mr. David Keen, the chief executive of Signature Corp., has said of this ammunition:

> The beauty behind it is that it makes an incredible wound. * * * That's not by accident. It's engineered by design. The round disintegrates as it hits. There's no way to stop the bleeding. * * * I don't care where it hits. They're going down for good.

The application for this license should be denied. There is something sick about a chief executive officer of an American corporation making such a statement to sell ammunition specifically designed to cause, in Mr. Keen's own words, "horrific" wounds.

There is a history here. The St. Petersburg Declaration of 1868 was the first effort to ban certain types of ammunition which caused unnecessary suffering. The United States was not a party to the declaration, but we did ratify the Hague Conventions of 1899 and 1907, both of which banned the use of dum-dum bullets.

Dum-dum bullets were invented in the late 19th century at the British arsenal in the town of Dum Dum, which was located 6 miles northeast of the Calcutta city center at the time. The rounds expand upon impact, thereby causing much larger wounds than ordinary bullets.

The Hague Conference of 1899 met in May 1899. It was attended by 26 nations and produced three conventions, the second of which was the "Convention with respect to the Laws and Customs of War on Land." The Conference also produced three declarations. Here is the text of the third declaration:

> III. On Expanding Bullets—The Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.

It was "especially prohibited" by article 23(e) of the Hague Convention of 1899,

> To employ arms, projectiles, or material of a nature to cause superfluous injury.

And it was "especially forbidden" article 23(e) of the Hague Convention of 1907,

> To employ arms, projectiles, or material calculated to cause unnecessary suffering.

The Treasury Department has apparently decided that Americans may arm themselves and use rounds of ammunition which would be forbidden by treaty—the supreme law of the land—to the U.S. Armed Forces. This borders on contempt of the law.

It borders further on contempt of Congress. On Thursday, January 5, in the Washington Post I reported on efforts in the statutes and other means that Congress has adopted in recent years banning rounds of ammunition of particular threat to police officers. Any number of police officials have stated that once this round is manufactured and sold, it will end up being used against policemen. Evidently, this does not in any way trouble the Treasury Department.

Clearly, there has to be a complete review in the executive branch of this issue. Just as clearly no license should be issued until that review has been made and submitted to Congress.

TRIBUTE TO BEN RICH

Mr. INOUYE. Mr. President, it is my sad duty to inform the Senate that one of the giants of American aviation history, Mr. Ben Rich, the long-time director and spirit of the famed Lockheed Skunk Works, passed away on January 5, 1995, in Ventura, CA. Ben Rich was the driving creative force behind the most potent and successful aircraft created by man, including the U–2 and the SR–71 reconnaissance aircraft, the workhorses of the cold war, and the F–117, or Stealth fighter, the backbone of our air campaign in the Desert Storm operation.

Ben Rich's life was synonymous with the great achievements of post-World War II advanced military American aviation. He joined Lockheed in 1950, and participated in the aerodynamic, propulsion, and design aspects of the F–104, U–2, A–12, SR–71 Blackbird and numerous other programs that have earned the Lockheed Skunk Works unparalleled international recognition. In 1975, he was named Lockheed vice president in charge of this talented advanced development projects organization, and from 1975 until his retirement in 1991, he led the Skunk Works through an intense period, including the U–2 production restart, the Stealth fighter development and production and the F–22 advanced tactical fighter prototype development, among other programs. Following his retirement, he continued in aviation as a consultant for the Rand Corp., Lockheed, and other defense contractors and organizations.

Anyone who was privileged even to briefly meet with Ben Rich personally could not help but be affected by his infectious enthusiasm, boundless energy, and persistent can do attitude. It was an attitude which carried the greatest aircraft developments in the world through daunting engineering challenges at the very edge of the envelope of engineering design and system development.

Unquestionably, his most notable recent achievement during his years as the Chief Skunk was the creation of the Stealth F–117 fighter program. He organized a research and development program to respond to the Nation's need for new fighter aircraft featuring low observable technologies. These included a revolutionary faceted external design, new inlet and exhaust nozzle concepts, advanced radar absorbing materials and structures, and unique antennas and apertures. Even with this range of new technologies, they were all put together in a winning system to achieve initial operational capability in just 5 years.

Furthermore, his team was able to keep the existence of the aircraft totally secret, in the black, until its existence was formally acknowledged by the Air Force, from 1970 until 1988.

The great value of the Stealth fighter was amply demonstrated during Desert Storm when a small force of some 42 aircraft had a major impact on the war. The F–117, according to unofficial sources, destroyed 40 percent of all strategic targets with only 2 percent of the total of all Allied Forces tactical aircraft. It was the only aircraft to attack heavily defended Baghdad, unescorted, delivering laser-guided weapons with unprecedented accuracy, with minimum collateral damage and civilian casualties.

Ben Rich's many achievements have been recognized repeatedly in the aerospace industry. In May 1994, Secretary of Defense William J. Perry presented him with the Distinguished Public Service Award. Among his other awards, he and his team were awarded the 1989 Collier Trophy by the National Aeronautic Association for the Stealth fighter. This award is given annually for the most outstanding achievement in aeronautics and or astronautics.

With Ben's passing, we as a nation are poorer for out loss, but I am certain his spirit and achievements will continue to inspire a new generation of aerospace designers and engineers to new heights in one of America's premier industries.

On behalf of myself and, I know, all my colleagues, I wish to convey our sincere condolences to his wife, Hilda, his son, Michael, and daughter, Karen.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody ever does anything about it.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But just look at how so many of these same politicians so regularly voted in support of bloated spending bills that roll through the Senate. The American people took note of that on November 8.

As of Friday, January 6, at the close of business, the Federal debt stood—down to the penny—at exactly $4,802,133,808,513.71. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until the spending had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,802 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at four trillion, 802 billion, 133 million, 808 thousand, 513 dollars, and 71 cents. It'll be even greater at closing time today.

ANNUAL MEETING OF THE AMERICAN FARM BUREAU FEDERATION

Mr. DOLE. Mr. President, this morning I had the privilege of attending the 76th annual meeting of the American Farm Bureau Federation in St. Louis, MO.

As my colleagues know, the American Farm Bureau is the largest farm organization in America, with over 4.4 million members nationwide. While in St. Louis, I met with both Kansas and American Farm Bureau members as they discussed issues of importance to agriculture and to all Americans.

The theme of this year's meeting is "The Spirit Grows." I believe that their theme reflects the spirit we have seen in American during the last few months. A growing spirit to change America and to bring common sense back to Government. Like most Americans, members of the American Farm Bureau want change.

In his opening remarks, Farm Bureau President Dean Kleckner listed seven Farm Bureau goals—goals which many of us here in the Senate share. These include adopting a balanced budget amendment, passing a line-item veto, reducing the capital gains tax, increasing the estate tax exemption, implementing legislation requiring risk assessment and cost-benefit analysis, limiting unfunded mandates, and strengthening private property rights.

Mr. President, I would encourage my colleagues to read the full text of Mr. Kleckner's speech and to take to heart some of the points he makes. I ask unanimous consent that the text of Mr. Kleckner's speech be included in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ANNUAL ADDRESS, AFBF PRESIDENT DEAN KLECKNER

Good morning fellow Farm Bureau members. Welcome to this 76th gathering of the world's largest, greatest, most powerful, most influential farm organization.

Your American Farm Bureau Federation. Once again, your actions, your deeds, your policies benefitted agriculture, America's most important industry.

Through Farm Bureau, 4.4 million families speak with a unified voice. United in Farm Bureau, we implement the policies and get the results that we could not accomplish individually.

As a direct result of your work—our work—U.S. agriculture today is more oriented toward the marketplace. World trade is less subsidized. The sanctity of property rights is more recognized and appreciated. And there is a growing belief that government must lessen its impact on people and their livelihoods.

We are completing a philosophical cycle.

Our nation was founded on a belief in the integrity and common sense of the individual. Yet, over the years, this rock-solid philosophy eroded, evolving to the thought of: "Let government do it." Then to: "Government, do it." The cycle moved a few years ago to: "Should government do it?"

Now, people of all walks of life, all segments of society are answering: "Government should not do it. It is my responsibility."

President Andrew Jackson once said, "When a democracy is in trouble, the remedy is more democracy."

Our democracy may not have been in trouble, but the way voters voiced their demand for positive change by reducing government's presence was encouraging.

Farm Bureau has long championed the worth of the individual. We've stood firm on our philosophies, our policies. We've altered our policies when we recognize that change is needed, * * * But our philosophies? Never.

The basics, the fundamentals, the traditional values that are still rock-solid across the country, Farm Bureau has not wavered. I know sometimes it felt like we were talking to ourselves. The lack of external response sometimes led us to question ourselves, but we never questioned our values. Now it can be seen that others were listening.

Others harbored the same quiet, solid beliefs—beliefs that never left rural America.

For decades, Farm Bureau was one of a very few organizations that stood up and spoke out for the ideals we believe in, no matter where our position rated in the latest public opinion poll.

Great political change occurred last November. But we saw the bell cow in 1992 when the public clamored for change. At this point, it looks like no more country-club or good-old-boy politics as usual. Public dissatisfaction—really disgust—with the political system and the politicians won't allow it.

People want a return to basic American principles—individual responsibility, common sense, fairness, faith, firmness not forms, a hand up * * * Not a hand out.

Where's the sense in spending billions of Superfund dollars to pay lawyers to talk about cleaning up dirt at a contaminated site? Why spend billions on a welfare system that does not foster an incentive to get off the public dole?

People have told government that a reordering of priorities and spending habits is definitely in order. And that is an order—an order that will be enforced, come next election, if changes—acceptable changes—don't come quickly.

More regulations, more taxation, more restrictions aren't the answer. We don't need consensus, we need conquerors. When will the deep thinkers, but shallow doers, learn? Free enterprise, coupled with religious compassion, works. Government making rules doesn't make change.

Princeton University economists did a study that showed environmental quality quickly starts to improve when individuals' income and investment returns top $10,000 a year.

That's the exact opposite conclusion of some think-tank talkers who believe economic growth does unavoidable harm to the environment.

In reality, Mexico, Chile, Venezuela and many Pacific Rim countries have surpassed that threshold number and are moving to improve their environments. To see environmental degradation, look to those that were centrally planned—Russia, Poland, the Balkan states. Yet, some scholars still think that progress is a dirty word. Progress is good if we make it good.

Farm Bureau policies depend on the collective wisdom, experience and values of working people throughout this land.

1994 was quite a year for Farm Bureau. It was a year of accomplishments and yet-to-be-finished accomplishments. I want to tell you of a few, to illustrate the great breadth of your farm organization's interests and activities.

All of the efforts, all of the work, all of the strategies are aimed at our two over-riding goals. They are the same two that Farm Bureau has aimed for since we started over 75 years ago. We're working to improve net farm income. And we strive to improve the quality of rural living.

1994 saw the successful completion to two important trade negotiations. Farm Bureau was intensely involved with both. Our Congress passage of the General Agreement on Tariffs and Trade is a major relief for U.S. agriculture. I was never more proud, more aware of Farm Bureau's influence, than I was last month as I was led down to sit in the front of that big room in Washington, D.C., to watch President Clinton sign the GATT legislation into law.

By signing on to GATT, other countries will have to follow the same trade rules we do, opening their markets to our commodities. They must begin to reduce tariffs and subsidies. And they must have a sound, scientific reason to restrict imports for health or sanitation reasons.

Ever since the talks began in Uruguay in 1986, Farm Bureau monitored the negotiations, often speaking directly to foreign negotiators, political leaders and farmers.

Farm Bureau has long recognized that one way to improve our income was to increase the markets for our products. America's farmers and ranchers are just too good at what we do. There aren't enough people here in the U.S. to buy all that we can produce. 95 percent of the world's stomachs are outside our borders. New technologies and new products come on stream daily. Clearly, we have to have access to world markets.

Now, with GATT, that access has improved. Not as much as we would have liked, but enough to offer promise of future improvement. The new international trade regulations are clearly a vote of confidence for the American farmer.

1994 saw the signing of the North American Free Trade Agreement which provides freer trade faster than GATT. Initial trade reports bear out the estimates made by supporters that sales would increase and that export-related employment would increase. There is a great sound in the land, but it's not the predicted great sucking sound of lost jobs. It's more of a chomping sound as fanatics are forced to eat their words.

Now, there is talk of expanding NAFTA to include more South American countries, with some people envisioning a Western Hemisphere trade bloc eventually * * * From the Arctic to the Antarctic. Farm Bureau supports continued elimination of trade barriers. We will observe future negotiations as closely as we did the previous ones. They will certainly offer new and different challenges.

We will also continue to promote international understanding and goodwill among farmers the world over. Thirteen state Farm Bureau presidents and I visited China in 1994. What a market * * * One-and-a-quarter billion people, not all as poor as church mice.

They have a middle class of 100 million consumers with money to spend. China is already a major customer of ours, purchasing an average 500 million dollars a year of wheat and 200 million dollars a year of cotton.

The U.S. Ambassador to China stressed to us that China's economic progress must be encouraged. They are the only country that has successfully managed a substantial transformation of its economy from centrally planned to one largely responsive to market forces. And they're doing it under conditions of growing prosperity and rapid economic growth. I believe that these economic changes will hasten political and civic changes, as well. It is an exciting era for trade expansion and Farm Bureau is well situated to continue to work for your interests.

Another major area demanding our time and talents in 1994 was the defense of property rights. Significant gains were made. Much more needs to be done. Throughout our years of struggle, we have pointed out that farmers and ranchers are environmentalists. We have continued to advance our conservation and stewardship practices.

Last year, more than 100 million acres—over one-third of all U.S. cropland, was farmed using residue management or conservation tillage practices. Why? It's environmentally sound. It's economically sensible. Residue decreases soil erosion and water runoff.

Despite the profusion of unplowed lands, we are using less herbicides. We practice integrated pest management, using natural methods to supplement chemical pesticides. We plant winter crops to replenish the soil naturally and we leave legume or grass strips in the fields and along fence lines to shelter wildlife. We do this even though we end up providing room and board for the animals we attract as they eat our crops. We do this voluntarily, without government threats or public thanks.

Our conservation compliance plans are complete. It is evident, very evident, that the environment has nothing to fear from farmers. We do care for the land because it cares for us. We don't care for environmental elitists—their rhetoric aimed at fund-raising and membership growth more than reason and rational progress. Let them rant, we'll plant. Let them accuse, we'll conserve and use—responsibly use—our God-given resources to benefit people. We'll continue to stand for conservation and challenge preservation.

And it appears the weather vane of public opinion is changing. Elitists fear that public support for three issues will gut their movement. One is the weighing of costs of risk prevention against the benefits, in any federal regulations. Another is a severe restriction on unfunded mandates imposed at the federal level on state and country governments, with these costs being passed on to us. And the third fear is compensation to landowners when their property values are lessened.

Elitists call these three issues the "Unholy Trinity." I call the three common sense for the common good. These issues go to the heart of many of the specific actions we took last year in the environmental area.

We worked for a law that strengthens trespass restraints against government agents involved with biological surveys. We also supported President Clinton's creation of an office of risk assessment and cost-benefit analysis and an independent national appeals division.

Farm Bureau and its leaders were instrumental in defeating attempts to hike grazing fees to unrealistic, unprofitable levels. We stalled consideration of a global biodiversity treaty until our specific concerns and complaints were addressed. We defeated an energy tax last year that would have cost farmers an average of 2,500 dollars each. We didn't want to be BTU'd.

We worked for sensible clean water rules, a common-sense wetlands definition. We sued to keep ethanol an important component of the EPA's clean air pollution reduction program. Despite significant progress in Congress and in public opinion, it was still necessary to go to court to protect farmers' and ranchers' interests.

One of our most recent and on-going lawsuits involves the federal government's scheme to put wolves into the Yellowstone Park area. The surrounding area is immense—half the state of Montana, 95 percent of Idaho and all of Wyoming would be considered wolf range. Federal efforts to protect the wolf under the Endangered Species Act would amount to a giant federal land-use plan for most of the residents of the three states.

First off, the wolf the government wants to put in the area isn't even endangered. There are thousands in Alaska and Minnesota and 70,000 of them in Canada. Second, the wolf they want to introduce is the Canadian gray wolf, not the Northern Rocky Mountain wolf that once roamed the area. Third, we object to the plan because the government didn't follow its own rules.

Fish and Wildlife ignored them. While they were supposed to be talking with area residents about the general idea, federal agents were instead building holding pens in the park to house the wolves.

Throughout the sham, government workers used questionable biological science to implement their own political decisions.

There are provisions allowing ranchers to protect livestock. As a New York Times article concluded a few days ago, "Ranchers will still be able to kill or harass wolves if they threaten livestock." That makes everybody feel really good, doesn't it?

But the official rules are composed in typical governmentese—Beltway babble—by people who don't have the slightest idea of real-world living. You could kill a wolf, but you've got to do it by the book.

First, you must catch the wolf in the act of killing, wounding or biting livestock. Killing one that you see working over a carcass isn't good enough because you couldn't prove that that wolf killed your animal. So you've got to see the wolf in action, killing.

There's a second restriction. If you kill a wolf, a fresh domesticated animal carcass must be on hand for the government to inspect. If it takes more than a day for you to ride in, report the taking, get the agent to your place and ride out to the attack site, forget it, you're in trouble.

Now those rules apply only if you kill a wolf on your own land. For those grazing federal land, it's even more contrived, more ridiculous.

Just like so many of our wetlands examples, so many of our endangered species examples, the stories are absurd. They're funny—until they happen to you or your neighbors or your fellow Farm Bureau members. Farm Bureau is working for you, right now, to put an end to such tales.

We've been involved in many more issues and activities. We developed a book to review farm program legislation options. We worked to strengthen the crop insurance program.

Whether it was in Congress or the courts, Farm Bureau was there representing agriculture's interests. But that is all old news.

What is Farm Bureau going to do next? What are you doing now? Ladies and gentlemen, Farm Bureau is poised for our greatest accomplishments ever. Farmers and ranchers have never had the opportunities we have now.

With the convening of the 104th Congress, Farm Bureau is ready to push for the acceptance of many of our most basic, our most fundamental principles. The first 100 days of this new Congress are extremely crucial. We must be prepared to act. We must work to create acceptance of our efforts by the politicians and opinion-makers. Farm Bureau members must push for the legislative implementation of our policies.

One item we've sought for a long time is a balanced budget amendment. We've had some successes. Many now in Congress said they would push for it. Let's push them.

Another crucial goal is granting the president a line-item veto. The Republicans supported it when they were in the minority and there were Republican presidents. Now that they're in control of Congress, Farm Bureau must work to make sure they are still so eager for it.

A third major goal would be a reduced capital gains tax, better yet a total elimination, the same as citizens of many developed countries enjoy. Do you know what Germans are taxed on capital gains? Zero. What about people in Hong Kong? Zero. Italians? Zero. South Koreans? Zero. Taiwanese? Zero.

Some countries do have a capital gains tax. Japan? Five percent. France? 16 percent. Even our social service-happy neighbors to the north only pay a maximum 17-and-a-half percent capital gains tax.

We'll work with Congress to cut the tax, cut it big-time. I'm convinced a significant cut will result in more tax revenues to the government through the increased sales of appreciated assets. 10 or 15 percent of something is a lot more than 28 percent of nothing.

Another of our opportunities is an increased estate tax exemption. The 600,000 dollar exemption currently in the law hasn't been changed for a decade. We must work to obtain an exemption that will allow farm operations to pass from generation to generation with minimal disruption and dislocation.

A fifth area of opportunity would be obtaining legislation requiring risk assessment and cost/benefit analysis. A sixth is legislation limiting the creation of unfunded mandates.

And a seventh is granting compensation for victims of takings. That's the key in our private property battle. Make government pay for what they take and they'll take less or, better yet, they'll stop taking. Or, if they take, we get fair market value.

That's seven goals for us to shoot for, by Easter. And we'll work to get a 100 percent income tax deduction for health insurance premiums paid by the self-employed and adequate funding for new farm programs.

That will be enough on our plate for now, for these 100 days. Challenge and change. Opportunity and good fortune. The future is exciting. We are creating our own breaks. Better prosperity beckons. But there's more, much more.

Innovations overtake us with dizzying speed. And we accept and adapt them to our advantage. About the only thing old-fashioned about farmers today is our adherence to our traditional values.

I recently came across a paragraph from the Durants' 11-volume "Story of Civilization." I'll quote the paragraph, not the 11 volumes. "Civilization is a stream with banks. The stream is sometimes filled with blood from people killing, stealing, shouting and doing things historians usually record * * * While on the banks, unnoticed, people build homes, make love, raise children, sing songs, write poetry and even whittle statues. The story of civilization is the story of what happened on the banks. Historians are pessimists because they ignore the banks for the river."

Sometimes, we get awfully close to being like those historians. Still, even though agriculture is so enmeshed in executive orders, legislation, regulations and court rulings, we know there's a lot more to life than making a living.

It's seeing seedlings push through the crust * * * to unfold in a burst * * * Green rows stretching to the horizon. It's seeing a cow nuzzle and nudge her calf, to stand on its own. It's going to Saturday night church service so on Sunday morning we can see dawn break and contemplate God from our deer stand. It's hurrying to finish chores so we can go to another Farm Bureau meeting. It's seeing the kids beam with pride as they see their hog take a fourth-place ribbon, even if there was only a class of four.

There's more to life than making a living.

Winston Churchill said we make a living by what we get, but we make a life by what we give. We know life and we call it farming. And it's what Farm Bureau is all about. We work to preserve the ideals we cherish, the life that others only dream about.

You and I, working together, can keep this nation the country we want, the country we fought for, the country we will always fight for. Our future is bright because of our faith, our families and Farm Bureau.

As the country prepares for the 21st century, let us keep our principles in place for the 22nd. We face a different world, and you, working through Farm Bureau, can make a difference.

Thank you for the wonderful opportunity, the gift, of serving you. God bless you. God bless America. God bless Farm Bureau.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL ACCOUNTABILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate resumed consideration of the bill.

Pending:

Ford/Feingold amendment No. 4, to prohibit the personal use of accrued frequent flyer miles by Members and employees of the Congress.

The PRESIDING OFFICER. Now pending before the Senate is amendment No. 4.

Mr. GLENN. Mr. President, we had this legislation on the floor last week, of course, and continue it today. We will continue it tomorrow. The time is limited on this.

I wanted to rise and let all the people watching in the offices, all the different staffs, as well as the individual Senators, know that it is my understanding—and I ask my distinguished colleague from Iowa to comment on this, too—it is my understanding that the majority leader has indicated that he wished to end this bill, if at all possible, by 7 o'clock tomorrow evening, Tuesday evening.

Now, I presume that is correct. I know we will try to end by a certain time. I was just told a few moments ago that the time expressed is 7 tomorrow evening.

That being the case, there are no amendments on the Republican side. They are all on the Democratic. If we are to meet that deadline, it means that people had better get their amendments together and get them over here. We have no time agreements at this point, so anyone can take up as much time as they want on the floor.

But we do have a number of amendments still pending, and if people expect to make certain of not getting frozen out with their proposals, then they better get over here this afternoon. We will have some tomorrow morning. But people should be cognizant of the fact that tomorrow is conference day also where we will be out of session temporarily, or in recess, from about 12:30 to 2:15, so we lose a block of time in the middle of the day.

As I see it right now, with the number of amendments still left, there is not going to be time for getting them all in right now even if people started coming to the floor now. I hope people are not going to wait until late tomorrow afternoon and then bump up against the 7 o'clock deadline and then want the floor managers, Senator GRASSLEY and myself, to try to make some special arrangement for them, because that is not likely to be possible. I encourage people who have amendments to get them together, get them over here and consider them this afternoon while we have time. We have quite a bit of time. It is 20 minutes to 4. We can consider several amendments. We have nothing pending at the moment. I urge my Democratic colleagues to get them together and get over here. Thank you.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, let us take a look at the amendments that might be brought up. I hope they will not all be brought up:

One by Senator BRYAN dealing with pensions. One by Senator BYRD that is described as a relevant amendment. We have four by Senator FEINSTEIN dealing with campaign finance reform. We have one by Senator FORD that is an amendment pending dealing with frequent flier miles. Also, another one described as a relevant amendment. We have a manager's amendment by our friend Senator GLENN. Senator GRAHAM, of Florida, has an amendment that is in the process of being drafted of which we have no description. Senator KERRY has an amendment dealing with leadership PAC's and campaign fund conversion for personal use. Senator LAUTENBERG has an amendment that is described as a relevant amendment. Senator LEAHY dealing with employment rights. Senator LEVIN, another one described as relevant. Senator REID, described as relevant. And Senator

WELLSTONE has several, two that deal with gift ban, three that deal with campaign finance reform, one with health care, and two described as relevant.

I think that anybody in this body or anybody listening throughout the country would probably realize that each of these amendments, at least those that we have a description of, are legitimate subjects for discussion within this body. Most of them—not all of them—but most of them have already been alluded to by the Senate majority leader by his saying that before just a few short months are up, all of these issues will be discussed. The issue of gifts and the issue of lobbying reform have all been described by Senator DOLE, the majority leader, as issues that he intends to give any Member of this body an opportunity to go as in-depth as they want to on any of these issues.

So there is not any issue on this set of pending amendments that will not have an opportunity to be discussed; in other words, it will have an opportunity to be discussed the first half of this year, for sure.

So I urge my colleagues who are very sincere about what they are trying to accomplish through these amendments to maybe not offer these amendments on the bill that is before us.

Then that brings me to further discussion of the bill that is before us, because this is a bill that the people of this country have been demanding that we pass for quite a few years now, to correct a situation where in this country there are two sets of laws: One for Capitol Hill and one for the rest of the country; one for Pennsylvania Avenue, DC, and the other for Main Street, USA; where there is one set of laws for the Congress as an employer, or we individual Senators and Congressmen and women as employers because we hire staff, and another set of laws for every other employer in America. There is one set of protections for people in the private sector whose employees are protected by the employment, safety and civil rights laws, but no protection, or very little protection, for employees on Capitol Hill.

We have a situation of one set of laws applying to one part of the country and those laws not applying to Capitol Hill. Under the laws that apply outside Capitol Hill, employers of America can be intimidated and harassed and fined and maybe even put out of business by regulators and inspectors and various employees of Federal enforcement agencies coming around to their place of business to enforce those laws; whereas we, as an institution of Congress and an employer and we as individual Senators—and we happen to be employers of staff—we do not have to worry about that sort of intimidation and harassment and fined by regulators coming around and inspecting our offices and looking into our employment practices because we are not covered by those laws.

We have a situation where the private-sector employers understand that intimidation and they understand the egregiousness and the cost of legislation on their operation. We on Capitol Hill, because we have exempted ourselves from this series of legislation since the 1930's, do not know about that cost, do not know about the paying a fine, do not know about the intimidation that the private sector feels.

So for a long period of time—and I have been involved in sponsoring this legislation for 7 or 8 years—but for a long period of time, people in the private sector, understanding the unfairness of the situation, the American people have asked Congress to end that situation of dual statutes. They have asked Congress to end the unfair situation where we have exempted ourselves from this legislation.

The legislation that passed the House of Representatives did that. It passed unanimously in the other body. Senator DOLE made a commitment a long time ago, after the Republicans had become the majority again as a result of the last election, that this bill would be No. 1 up on the floor of this body.

So we have the Congressional Accountability Act, a bipartisan bill sponsored by myself and by Senator LIEBERMAN of Connecticut, to carry on from where the House left off, to end this situation. We discussed this bill all day Thursday, all day Friday and today is the third day. We are going to be on it, as Senator DOLE said, until about 7 o'clock tomorrow night when we hope to pass it. Four days to pass legislation that unanimously has passed the House of Representatives and which everyone agrees is a situation that should be rectified.

But we have not spent much time in debate on the floor of this body discussing the merits of the legislation. We have had speeches by the Democratic manager, Senator GLENN, myself, Senator LIEBERMAN, the main cosponsor, Members on both sides of the aisle gave some opening statements about why they support the legislation but no amendments to change the basic legislation.

We had 6 or 7 amendments last week, all of them tabled, unrelated amendments to the Congressional Accountability Act that we had to deal with because under the rules of the Senate those amendments can be offered even if they do not concern the subject matter of the basic underlying legislation.

Again, I would say, as I said about the amendments that are pending, that might be offered yet today and tomorrow, there was not a single issue that has been offered by my colleagues that is not a legitimate subject for discussion on the floor of this body. But again, whether those amendments were Thursday or Friday or today and tomorrow, they all fit into the category of issues that Senator DOLE is going to give everybody an opportunity to participate in the debate and bills where those amendments are more germane to the subject.

So I think, since there is not opposition to the underlying legislation, we ought to be able to just get this behind us and move on and respond to what the people said in the election on November 8; that they no longer wanted business as usual in Washington, DC. And there is no better example of business as usual than for Congress to continue its exemption from employment and safety and civil rights laws that apply to the rest of the Nation but have not applied to us.

The House has demonstrated, for sure, it is not business as usual because they passed the bill with just a few minutes of discussion and unanimously. I wish we could do as well in the Senate. It looks as if the legislation will pass and we will end this dual system of lawmaking, and end our exemptions, but it is just taking a little bit longer than it should.

It is also important that we move on to other important pieces of legislation that are in the contract that we have with America: Unfunded mandates, the next bill that will be coming up on the floor of this body, so that we do not make policy here in Washington and then make Governors and legislators and mayors and councils raise their local taxes to pay for a policy we will not pay for here in Washington. Then we move on to a constitutional amendment requiring a balanced budget, and then move on to a line-item veto, welfare reform, then moving term limits for Members of Congress, tort reform, and two or three other things such as tax relief and crime that we have a contract with America to pass within the first few months.

Then we have still the part of the year, the spring, the summer and the fall, when most of the work around here gets done in the late night hours. Maybe we will not have to work so late at night so long as we are working early in the year.

So I appreciate that scheduling and that better management of the calendar. But there will be plenty of opportunities to deal with all these very important amendments that my colleagues want to offer to this bill even though they are not relevant to the bill. I hope we will see some of these amendments not actually offered, and I hope that we can get agreement to time limits on these amendments when they will be offered.

I wish, as my good friend, Senator GLENN, has already stated, Senators would come over here and offer these amendments.

I am going to yield the floor, but before I do, Mr. President, I would like to have a section-by-section analysis of the legislation that Senator LIEBERMAN and I have introduced, submitted, and printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

This act may be cited as the "Congressional Accountability Act of 1995".

Title I—General

Section 101—Definitions

This section defines terms used throughout this act, as follows:

(1) The term "Board" means the Board of Directors of the Office of Compliance, which has authority under this act to promulgate regulations for the implementation of the laws made applicable by this act and to review decisions of hearing officers in cases brought under the dispute resolution process created by this act.

(2) The term "Chair" means the Chair of the Board of Directors of the Office of Compliance.

(3) The term "covered employee" means any employee of the House of Representatives, the Senate, the Office of the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, the Office of Compliance, the Capitol Police, the Capitol Guide Service, or the Office of the Attending Physician. It does not include employees of the General Accounting Office, Library of Congress, or Government Printing Office.

(4) The term "employee" includes an applicant for employment and a former employee.

(5) The term "employee of the Office of the Architect of the Capitol" means employees of the Office of the Architect, the Botanic Garden, or the Senate restaurants.

(6) The term "employee of the Capitol Police" includes any member or officer of the Capitol Police.

(7) The term "employee of the House of Representatives" means an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or other official designated by the House of Representatives, or any employment position in an entity that is paid through funds derived from the Clerk-hire allowance of the House of Representatives, but not any such individual employed by the Capitol Police Board, the Capitol Guide Board, the Office of the Attending Physician, the Congressional Budget Office, Office of Technology Assessment, or the Office of the Architect of the Capitol.

(8) The term "employee of the Senate" means, any individual whose pay is disbursed by the Secretary of the Senate, excluding such individuals employed by the Capitol Police Board, the Capitol Guide Board, the Office of the Attending Physician, Office of Technology Assessment, Office of Compliance, or the Office of the Architect of the Capitol.

(9) The term "employing office" means a personal office of the Member of the House of Representatives or the Senate, or joint office, or any office under the authority of an individual who has final authority to appoint, hire, discharge, or set the terms of employment of an employee, as well as contractors and consultants. The office of compliance created by this act will issue rules concerning the "employing office" of minority staff of committees.

(10) The term "Executive Director" means the Executive Director of the Office of Compliance.

(11) The term "general counsel" means the general counsel of the Office of Congressional Fair Employment Practices.

(12) The term "Office" means the office of compliance.

Section 102—Application of Laws

Section 102(a) enumerates the statutes, as prescribed by this act, that are made applicable to the legislative branch. These are (1) the Fair Labor Standards Act of 1938; (2) Title VII of the Civil Rights Act of 1964; (3) the Americans with Disabilities Act of 1990; (4) Age Discrimination in Employment Act of 1967; (5) Family and Medical Leave Act of 1993; (6) Occupational Safety and Health Act of 1970; (7) Federal Service Labor Management Relations Act; (8) Employee Polygraph Protection Act of 1988; (9) Worker Adjustment and Retraining Notification Act; (10) Rehabilitation Act of 1973; (11) Veterans Reemployment Act.

Section 102(b) requires the Board of review statutes and regulations relating to the terms and conditions of employment and access to public services and accommodations. Beginning on December 31, 1996, and every 2 years thereafter, the Board is to report on whether these provisions apply to the legislative branch, and to what degree, and whether provisions inapplicable or less than fully applicable should be changed to govern Congress. Thus, the Board will review laws already in existence at the time of enactment that are not addressed or fully addressed by this act, and will, in the future consider as well legislation enacted after the enactment of this act. Each report will be printed in the CONGRESSIONAL RECORD and referred to the House of Representatives and Senate committees of appropriate jurisdiction.

Section 102(b) requires each committee report accompanying a bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the bill applies to Congress. In the event the provision is not applicable to Congress, the report will contain a statement of reasons for its inapplicability. If such requirement is not followed, it shall not be in order for either House to consider the bill. On a majority vote of that House, this point of order can be waived.

Title II—Extension of Rights and Protections

Section 201—Rights and Protections Under Laws Against Employment Procedures

Civil Rights. Section 201(a) sets forth the basic rights to freedom from employment discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability, that are extended to all employees covered under this act. By defining the rights guaranteed under this act by reference to existing statutes, the Act incorporates the interpretations of those rights as developed in case law.

Applicable remedies. In addition to setting forth the rights to freedom from employment discrimination, this section (in subsection (b)) sets forth the remedies available to employees who prove a violation of those rights in proceedings before hearing officer, or in Federal district court. With respect to claims of discrimination on the basis of race, color, religion, sex, or national origin, the remedies are those that would be available to private employees under sections 706(g) and 706(k) of title VII (42 U.S.C. §2000e-5(G), 2000e-5(k)), including reinstatement, back pay, and attorney's fees. For these claims, the Act incorporates the waiver of sovereign immunity from interest for delay in payment that applies to the executive branch under section 717(d) of title VII (42 U.S.C. §2000E-16(d)), as provided in section 225(b). Employees are also entitled to compensatory damages available under section 1977 and sections 1977(A)(a) and (b)(2) of the revised statutes (42 U.S.C. §1981, 1981A(a), (b)(2)). Damages under title VII may not exceed, for each employee, and without regard to the size of the employing office, $300,000, the same maximum figure that applies to large private employers.

With respect to age discrimination claims, employees are entitled to the same remedies as are available under section 15(c) of the Age Discrimination in Employment Act (29 U.S.C. §633a(C)) available to Federal employees who prove age discrimination. The waiver provisions of section 7(f) of that Act also apply to covered employees. 29 U.S.C. 626(f). In regard to claims of discrimination on the basis of handicap within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. §791), employees are entitled to the same remedies as are available to Federal employees under section 505(a)(1) of that act (29 U.S.C. §794a(a)(1)), as well as the compensatory damages provisions described above under Title VII. For claims of discrimination on the basis of disability within the meaning of sections 102–104 of the Americans With Disabilities Act of 1990, employees are entitled to the remedies as are available under section 107 of that Act (42 U.S.C. §12117(a)), as well as the title VII compensatory damages.

As under current law with respect to Federal employees, punitive damages are not available for any claims under this section.

Section 201 is also made applicable to instrumentalities of Congress.

Effective date. This section is effective one year after enactment.

Section 202—Rights and Protections Under the Family and Medical Leave Act

Family and medical leave. This section provides employees with the rights to family and medical leave provided to private employees under sections 101 through 105 of the Family and Medical Leave Act of 1993. For purposes of applying those sections, the term "eligible employee" as used in the Family and Medical Leave Act is defined so that a covered employee within the Senate, the House of Representatives, or of the Congressional instrumentalities covered by this act, earns his or her entitlement to family and medical leave without respect to transfers between employing offices. For example, once an employee has been a covered employee for at least twelve months, and works for at least 1250 hours during the previous twelve months, he or she is an eligible employee for purposes of family and medical leave, irrespective of whether he or she changes employing offices.

This section makes title I of the Family and Medical Leave Act, rather than title II, applicable to the General Accounting Office and the Library of Congress, beginning one year after the date of completion of the study referred to in section 230.

Applicable remedies. The remedies for a violation of the rights conferred by this section are the same remedies that would be available to a private employee under section 107(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. §2617(a)(1)), which includes damages, liquidated damages and interest, attorney's fees, and costs. The remedies and protections under this act provide rights over a one year period. Accordingly, the Board is to ensure that the six month statute of limitations that applies under this act is applied in such a way as to ensure the possibility that employees will have six months to seek to redress violations of any rights conferred by the Family and Medical Leave Act.

Under this section, and various other sections of the bill, the Board is given authority to issue regulations to enforce the Family and Medical Leave Act. Such regulations shall be the same as the substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsection (a), except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

"Good cause" is a term of art in the Administrative Procedures Act. This is a narrow phrase. It does not provide an escape hatch for the Board to deviate from executive branch regulations except for substantial justification. I expect courts to interpret the term "good cause" narrowly here, just as they have done with respect to the equivalent term in the Administrative Procedures Act.

Effective date. This section is effective one year after the enactment of this act.

Section 203—Rights and Protections Under the Fair Labor Standards Act

Minimum wage, maximum hours, and equal pay. This section provides employees with rights to minimum wage, equal pay, maximum hours, afforded private and other public employees under sections 6(a)(1), 6(d), 7 and 12(c) of the Fair Labor Standards Act (29 U.S.C. §§206(a)(1), 206(d), 207, 212(c)). As in the private sector, employees may not be provided compensatory leave in lieu of overtime compensation. For the purposes of this section, the term "covered employee" does not include an intern as defined by regulation.

The exemptions for certain employees, set forth in section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. §213(a)(1)), also apply under this act. Employees who are employed in a "bona fide executive, administrative, or professional capacity" are not covered by the minimum wage and maximum hours provisions. Volunteers are also excluded from coverage if they receive no compensation or are paid expenses, reasonable benefits, or a nominal fee for their services, and such services are not the same type of services for which the individual is employed.

Applicable remedies. The remedies for a violation of the rights conferred by this section shall be the remedies that would be available to other employees under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. §216(b)), which includes unpaid minimum or overtime wages, liquidated damages, attorney's fees, and costs.

Regulations issued by the Board. This section also directs the Board to promulgate rules, pursuant to section 304 of this act, that are necessary to implement the rights and protections under this section. This would include rules on what employees are exempt from the minimum wage and maximum hours requirements, the definition of an intern, and which employees' work depends directly on the schedule of the House of Representatives and Senate. "Directly" is to be strictly limited to those employees who are essentially floor staff. Regulations issued by the Board are to be the same as substantive regulations issued under the Fair labor Standards Act by the Secretary of Labor, unless the Board determines that a different rule would be more effective for implementation of the rights and protections of this act.

Effective date. Subsections (a) and (b) of this section are effective one year after enactment of this act.

Section 204—Rights and Protections Under the Employee Polygraph Protection Act of 1988

Under this section, no employing Office, irrespective of whether a covered employee works in that Office may require a covered employee to take a lie detector test where such a test would be prohibited if required under paragraphs (1), (2), or (3) of section 3 of the Employee Protection Act of 1988 (29 U.S.C. 2002 (1), (2), (3). For purposes of this section, the term "covered employee" includes the employees of the General Accounting Office and Library of Congress. The term "employing Office" includes the General Accounting Office and Library of Congress. However, nothing in this section precludes the Capitol Police from using lie detectors in accordance with regulations issued under subsection (c).

The remedies available for a violation of this section are the appropriate remedies under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 20005(c)(1). In addition, the waiver provisions of section 6(d) of the act (29 U.S.C. 2005(d)) shall apply.

The Board is empowered to issue regulations to implement this section under section 304 of this act. These regulations shall be the same as substantive regulations issued by the Secretary of Labor to implement the underlying statute, except insofar as the Board may determine, for good cause, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

The effective date for this section is one year after the date of enactment of this act, except with respect to the General Accounting Office and Library of Congress, for which the effective date shall be one year after the transmission to Congress of the study authorized in section 230.

Section 205—Rights and Protections Under the Worker Adjustment and Retraining Notification Act

This section provides that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 1202) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees. For purposes of this section, the term "covered employee" includes employees of the General Accounting Office and Library of Congress and the term "employing office" includes the General Accounting Office and Library of Congress.

The remedies available for a violation of the rights conferred by this section shall be such remedy as would be appropriate under paragraphs (1), (2), and (4) of section 5 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a) (1), (2), (4)). Under this statute, a specific rule affecting coverage is contained in section 225(f)(2).

The Board shall issue regulations pursuant to section 304 to issue regulations to implement this section. These regulations shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

This section is effective one year after the date of enactment of this act, except in the case of the General Accounting Office and Library of Congress, where the effective date will be one year after transmission to the Congress of the study provided for in section 230.

Section 206—Rights and Protections Relating to Veterans' Employment and Reemployment

This section prohibits an employing office from (1) discriminating, within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code, against an eligible employee; (2) denying an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or (3) denying an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code. For purposes of this section, the term "eligible employee" means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code. For purposes of this section, the term "covered employee" includes employees of the General Accounting Office and Library of Congress, and the term "employing office" includes the General Accounting Office and the Library of Congress.

The remedy available for violation of this section shall be the remedies available under paragraphs (1), (2)(A), and (3) of section 4323(c) of chapter 43 of title 38, United States Code. These remedies shall be in addition to, and not substitutes for, any existing remedies available to covered employees under chapter 43 of title 38, United States Code.

The Board, pursuant to section 304, shall issue regulations to implement this section. These regulations shall be the same as substantive regulations issued by the Secretary of Labor to implement the underlying statutory provisions except to the extent that the Board may determine, for good cause shown, that a modification of such regulations would be more effective for the implementation of the rights and provisions under this section.

The effective date of this section is one year after enactment of this act, except as to the General Accounting Office and Library of Congress, where the effective date shall be one year after transmittal to Congress of the study authorized under section 230.

Section 207—Prohibition of Intimidation of Reprisal

This section provides one uniform remedy for intimidation or reprisal taken against covered employees for exercising rights and pursuing remedies of violations for the violation of rights conferred by this act. Under this section, it is unlawful for an employing office to take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this act, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this act. The remedy available for a violation of this subsection shall be such legal or equitable remedy as would be appropriate.

Section 210—Rights and Protections Under the Americans With Disabilities Act

This section applies the protections of title II and III of the Americans With Disabilities Act, which concern rights other than employment discrimination, to each office of the Senate, each office of the House of Representatives, each Joint Committee, the Office of the Architect, the Capitol Guide Board, Capitol Police Board, Congressional Budget Office, Office of Technology Assessment, Office of Compliance, and Office of the Attending Physician. It prohibits discrimination in the provision of public services on the basis of disability, within the meaning of sections 201 through 230, 302, 303, and 309 of the Americans With Disabilities Act of 1990 (42 U.S.C. §12131–12150, 12182–83 and 12189). For purposes of the application of the Americans With Disabilities Act under this section, the covered congressional entities are deemed to be public entities.

The protection afforded by this section applies to any individual with a disability as defined in section 201(s) of the Americans With Disabilities Act of 1990 (42 U.S.C. §12131(2)). However, with respect to any claim of employment discrimination on the basis of disability made by any employee covered under this act, the exclusive remedy shall be under section 201 of this act.

Applicable remedies. The remedies for discrimination in public services prohibited by this section shall be the remedies that would be available under section 203 or 308(a) of the Americans With Disabilities Act of 1990 (42 U.S.C. §§12133, 12188(a)). Section 203 and 308(a) of the ADA incorporates the remedies under section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794A). This includes equitable relief, attorneys fees, and costs. It does not include the remedial procedures described in section 717 that involves the Equal Employment Opportunity Commission, which is not provided any enforcement authority under this act. Nor does it include the provisions in title III of the Americans With Disabilities Act that enable the Attorney General to seek monetary damages in particular cases.

Procedures for enforcement. Under this section, a qualified individual with a disability who alleges a violation under this section may file a charge with the general counsel of the office of compliance. The general counsel shall investigate any such charge and, if the general counsel believes that a violation may have occurred and that mediation may aid in resolving the dispute, the general counsel may request mediation with the Office under section 403 of this act between the complaining individual and the entity alleged to have committed the violation. The general counsel does not participate in the mediation.

If the dispute is not resolved through mediation, and the general counsel believes that a violation has occurred, the general counsel may, in his or her discretion, file a complaint against the entity with the Office. Ordinarily, once the general counsel concludes that a violation has occurred, a complaint should be filed; however, in a particular case, circumstances, such as the de minimis nature of the violation, may warrant a decision not to file a complaint.

The Office shall submit the complaint to a hearing officer for decision under section 405. Any person who has filed a charge under this section may intervene as of right, with the full rights of a party. This procedure is established so that this individual may participate in developing the record for appeal in the event that the general counsel does not participate in the judicial appeal.

Any party (including the complaining party who has intervened) aggrieved by a final decision of a hearing officer under this section may seek review of the decision by the Board. Any party aggrieved by a final decision of the Board may file a petition for review with the United States Court of Appeals for the Federal Circuit, pursuant to section 407 of this act. This section authorizes judicial review only of a final decision of the Board. Decisions of the general counsel not to file a request for mediation or a complaint, or not to appeal a hearing officer's decision to the Board, are not subject to judicial review under this section or under any other provision of this Act.

Regulations to be issued by the Board. This section directs the Board to issue rules pursuant to Section 304 of this Act, to implement the rights and protections under this section. Any such rules are to be consistent with the regulations issued by the Attorney General and the Secretary of Transportation to implement the provisions of the Americans with Disabilities Act of 1990 referenced in section 210(b) of this Act. The Board may promulgate rules that differ from those of the Attorney General and the Secretary of Transportation only if the Board determines for good cause shown that a modification would be more effective for the implementation of the rights and protections under this section.

Inspections, reporting, and detailees. This section also provides for regular inspections by the General Counsel of the covered entities to ensure that they are in compliance with the requirements of this section. The general counsel is directed to report at least once each Congress to the Speaker of the House of Representatives and the President pro tempore of the Senate on the results of the inspections and to describe any steps necessary to ensure full compliance with this section.

Under this section, the Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, upon the request of the general counsel, detail such personnel as may be necessary to advise and assist the Office in carrying out its duties under this Section.

A private right of action is provided to any qualified person under the Americans with Disabilities Act against the General Accounting Office, the Government Printing Office, and Library of Congress. However, the enforcement authority of the Equal Employment Opportunity Commission shall be exercised by the Chief Official of the Instrumentality.

Effective date. This section is effective on January 1, 1997, except as to the private right of action against the instrumentalities, which is effective one year after transmittal to Congress of the study provided for in section 230.

Section 215—Rights and Protections Under the Occupational Safety and Health Act; Procedures for Remedy of Violations

Protections from workplace hazards. This section requires employees and employing offices to comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. §654). Section 5 requires each employer to furnish employees a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm and requires both employers and employees to comply with the Occupational Safety and Health Standards promulgated by the Secretary of Labor under section 6 of that act (29 U.S.C. §655). The requirement that employers and employees comply with the Secretary of Labor's standards is subject to variance granted under subsections (c)(4) and any regulations promulgated by the Board under subsection (d).

For purposes of this section, the term "employer" as used in the Occupational Safety and Health Act means an employing office and the term "employee" means a covered employee. For purposes of this section, the term "employing office" includes the General Accounting Office and Library of Congress, and the term "employee" includes employees of the General Accounting Office and Library of Congress.

Applicable remedies. The remedy available for violations under this section are an order to correct the violation, including such an order as would be appropriate under section 11 of the Occupational Safety and Health Act of 1970 (29 U.S.C. §662), which include citations issued by the general counsel.

Procedures for enforcement. The responsibilities for enforcement of this section are vested in the general counsel rather than the Secretary of Labor. The Board is given the responsibility to conduct hearings and review orders that is vested in the Occupational Safety and Health Review Commission under section 10(c) of OSHA (29 U.S.C. §659(c)) and to the Secretary of Labor with respect to affirming or modifying abatement requirements, to hear objections and requests with respect to citations and notifications. The remedy available under this act for a violation of OSHA is an order to correct the violation, including such order as would be appropriate if ordered under section 13(2) of the Occupational Safety and Health Act of 1970.

Inspections. With respect to inspections, the authorities granted to the Secretary of Labor in sections 8(a) and 8(f) of OSHA (29 U.S.C. §§657(a), (f)) to inspect and investigate places of employment are to be exercised by the general counsel. Under this section, there are two possible scenarios under which inspections will occur: through employee-initiated requests that the general counsel inspect particular offices and periodic inspections of all congressional facilities. The general counsel exercises OSHA authority with respect to both employee requested and periodic inspections. Periodic inspections are random. Each facility is to be inspected each Congress. However, the act does not provide that employing offices are to receive notice of the inspections.

Citations. With respect to citations, the authorities granted to the Secretary of Labor in sections 9 and 10 of OSHA (29 U.S.C. §658, 659) to issue citations for violations or notices of failure to correct violations for which citations have been issued are vested in the general counsel. The citation would normally state a date by which corrective action is to be completed. The citation is to be issued only against the employing office that is responsible for the particular violation as determined by regulations issued by the Board. The general counsel may also issue a notification to any employing office that the general counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

If after issuing a citation or notification, the general counsel determines that a violation has not been corrected, the general counsel may file with the Office of Compliance a complaint against the employing office named in the citation or notification. Under OSHA, the general counsel can issue a citation and proceed to file a complaint if the violation remains unabated. Or the general counsel may file a notification after the citation is not complied with, and then file a complaint. The general counsel may not file a notification without having first filed a citation that has not been honored. The choice whether to follow a citation with a complaint once it is evident that there has not been compliance, or to file a notification before the filing of the complaint, will normally turn on whether the general counsel believes that good faith efforts are being undertaken to comply with the citation, but the time period for complete remediation of the citation period has expired. The Office shall submit the complaint to a hearing officer subject to Board review under the general provisions of the Act outlining those procedures.

Variances. The Board shall exercise the authorities granted the Secretary of Labor in sections 6(b)(6) and 6(d) of OSHA (29 U.S.C. §655 (b)(6) and (d)) to act on any request by an employer for a temporary order granting a variance from a standard made applicable by subsection (a). The Board may refer such a request to a hearing officer for a hearing conducted in accordance with section 405 of this act and subject to review under section 406 of this act. The general counsel or employing office aggrieved by a final decision of the Board regarding a citation, notification, or variance, may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 407.

Compliance date. If a citation of a violation under OSHA is received, and appropriated funds are necessary to abate the violation, abatement shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citations are issued. This permits the Congress to appropriate funds to remedy OSHA violations during the standard appropriations timetable where the abatement amount is large, and avoids disruptions to other functions of the employing office caused by the unanticipated need for additional expenditures.

Regulations issued by the Board. The Board shall promulgate regulations to implement this section. Such regulations shall be the same as the standards and regulations promulgated by the Secretary of Labor to implement OSHA with the same standard for deviation contained elsewhere in the act.

Periodic inspections. At least once each Congress, the general counsel shall conduct periodic inspections of all facilities of the Congress for compliance with the Occupational Safety and Health Act. Based on the result of each periodic inspection, the general counsel will prepare and submit a report to the House Speaker, Senate President pro tempore, and the employing office responsible for correcting the violation. The report will also contain the results of the periodic inspection, identify the responsible employing office, describe the actions necessary to correct any violation, and assess the risks to employee health and safety associated with any violation. If a report identifies any violation, the general counsel shall issue a citation or notice. The general counsel may be assisted by personnel detailed from the Secretary of Labor, upon request of the executive director for such assistance.

The bill uses the terms "employing office" as a designative term referring to an office. There is no requirement that the employing office responsible for the violation actually be the employing office of the employee that makes the complaint, for instance.

Effective date. The period from the date of enactment until December 31, 1996 shall be available to the Office of the Architect of the Capitol to identify any OSHA violations, determine costs of compliance, and to take any necessary abatement actions. The general counsel shall conduct a thorough inspection prior to July 1, 1996, and report the results to the Congress. Except as to GAO and Library of Congress, this section will become effective on January 1, 1997. As to these instrumentalities, this section will take effect 1 year after transmission to Congress of the study provided for in section 230.

Section 220—Application of Federal Service Labor-Management Relations Statute; Procedures for Implementation and Enforcement

Labor-management relations. This section applies to employees and employing offices the rights, protections, and responsibilities relating to collective bargaining established for other Federal employees and employers under 5 U.S.C. §§7102, 7106, 7111 through 7117, 7119 through 7122, and 7131. For purposes of applying those provisions under this section, the term "agency" shall be deemed to mean an employing office.

The remedy for a violation of subsection (a) shall be a remedy under section 7118(a)(7) of title 5 of the United States Code as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a).

In applying the Federal service labor-management relations provisions to employees and employing offices, the Board shall exercise the authorities of the Federal Labor Relations Authority under 5 U.S.C. §§7105, 7111 to 7113, 7115, 7117, 7118, and 7122 and of the President under 5 U.S.C. §7103(b). Any petition or other submission that would be submitted to the Federal Labor Relations Authority shall, under this section be submitted to the Board.

The Board may refer any matter submitted to it under subparagraph (c)(1) of this section to a hearing officer for decision pursuant to section 405 of this act. The Board may direct that the general counsel carry out the Board's investigative authorities.

Procedures. Under this section, the general counsel shall exercise the authorities of the general counsel of the Federal Labor Relations Authority under 5 U.S.C. §§7104 and 7118. Any charge or other submission that, if submitted under chapter 71 of title 5 would be submitted to the general counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the general counsel. If any person charges an employing office or a labor organization representing employees with having engaged in an unfair labor practice in violation of this section within 180 days of the occurrence of the alleged unfair labor practice, the general counsel shall investigate the charge, and may issue a complaint. A complaint issued by the general counsel under this section shall be submitted to a hearing officer for decision under section 405 of this act.

For purposes of applying the Federal service labor-management relations provisions under this section, the Board shall exercise the authority of the Federal service impasses panel under 5 U.S.C. §7119. Any request that under those provisions would be presented to the Federal service impasses panel shall, if made under this section, be presented to the Board. At the request of the Board, the director shall appoint a mediator or mediators to perform the functions of the Federal service impasses panel under 5 U.S.C. §7119. Ordinarily, the Board should request the appointment of a mediator and should avoid participating in the mediation of disputes for which it may have adjudicatory responsibilities.

Regulations to be issued by the Board. The Board shall promulgate regulations to implement this section. The rules promulgated under this section shall be the same as the rules promulgated by the Federal labor relations authority to implement 5 U.S.C. §§7102, 7106, 7111 through 7117, 7119 through 7122, and 7131. The Board may promulgate rules that are not the same as the rules of the Federal labor relations authority only under the standard provided as elsewhere in the act, except as provided in subsection (e).

The Board shall issue rules pursuant to the rulemaking provisions of section 304 of this act on the manner and extent to which the rights conferred by this section should apply to employees who are employed in positions in offices with a direct connection to the legislative process, including the personal office of any Member of the House or the Senate, a standing, select, special, permanent, temporary, or other committee of the Senate or the House, a joint committee of Congress, and the offices of various party officers, including the Office of the Majority and Minority Leaders of the Senate and the House of Representatives. These rules should be the same as the regulations of the Federal labor relations authority except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and that the Board shall exclude from coverage any covered employees who are employed in the offices listed in paragraph 2 of subsection (e) if the Board determines that such exclusion is required because of a conflict or appearance of a conflict of interest, or Congress' constitutional responsibilities. Paragraph (h) of subsection (e) should be construed narrowly. However, one portion of one office that might fall within this paragraph would be the employees of the Office of the Sergeant at Arms who engage in doorkeeping and maintaining order in the legislative Chamber and who compel the presence of absent Senators.

A conflict of interest would include, for example, whether certain classes of employees should be precluded from being represented by unions affiliated with noncongressional or non-Federal unions. This separate standard from deviation from regulations is not a standardless license to roam far afield from such executive branch regulations. The Board cannot determine unilaterally that an insupportably broad view of Congress' constitutional responsibilities means that no unions of any kind can work in Congress. Without abdicating its review responsibilities, however, courts should give more deference to congressional determinations under this particular regulatory area than to all other deviations from executive branch regulations made by the Board.

Effective date. Subsections (a) and (b) of this section shall be effective on October 1, 1996, except with respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, for which subsections (a) and (b) shall be effective on the effective date of regulations issued under subsection (e).

PART E—GENERAL

Section 225—Generally Applicable Remedies and Limitations

Under subsection 225(a), if a complainant is a prevailing party under section 405, 406, 407, or 408, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert witness fees, and other costs as would be appropriate if awarded under section 706(k) of the Civil Rights Act of 1964. Although the Board has no authority to issue regulations under section 201, it does have the ability under section 303 to issue procedural rules. Such rules could govern the availability of fees and costs under section 706(k), so long as the rules were consistent with court cases interpreting the Civil Rights Act. For example, some courts have held that the amount of compensatory damages a prevailing party recovers is relevant to determine a reasonable fee award, and that recovery of only a portion of the compensatory damages request can form the basis for reducing the fee award. Other courts have held that proportionality cannot be considered in awarding attorney's fees. Given the conflict among the cases, the Board could decide which set of cases to follow when it issues its regulations.

Subsection (b) provides that in any proceeding under section 405, 406, 407, or 408, the same interest to compensate for delay in payment shall be made available as would be appropriate in actions involving the executive branch under section 717(d) of the Civil Rights Act of 1964. This is an explicit waiver of sovereign immunity as to these interest payments. Subsection (c) provides, in keeping with longstanding rules applicable to the Federal Government, that no civil penalty or punitive damages may be awarded with respect to any claim under this act.

Subsection (d) provides that except in cases under the Veterans Reemployment Act, no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this act except as provided in this act.

Subsection (e) provides that only a covered employee who has undergone and completed the procedures described in section 402 and 403 may pursue a civil action in court. Counseling and mediation with the office are preconditions to bringing any civil action under this act.

Subsection (f) states that except where contrary exemptions and exemptions appear in this act, the definitions and exemptions in the laws made applicable by this act shall apply under this act. This means that although the various 11 laws are made applicable to Congress, the exemptions and definitions that limit its application in the private sector limit its applicability to Congress as well and that regulations of the executive branch interpreting those definitions and exemptions should ordinarily apply.

Subsection (g) states that the act shall not be construed to authorize enforcement by the executive branch of this act, but this does not override the provision that executive branch employees may be detailed to the Office of Compliance at the request of the executive director.

Section 230—Study and Recommendations Regarding General Accounting Office, Government Printing Office, and the Library of Congress

This section directs the Administrative Conference of the United States to study the extent to which the legislative branch employees not covered under this act are or are not covered by the employment laws made applicable by this act. This primarily includes employees in the General Accounting Office, the Government Printing Office, and the Library of Congress. The Administrative Conference should study the manner and extent to which these employees are covered under existing laws, and should also study the regulations and procedures implemented by these congressional instrumentalities to provide for the enforcement of these rights and protections.

This study should evaluate not only the extent to which employees are provided the rights and protections of the laws made applicable to Congress in this act. But also whether they are as comprehensive and effective as those provided under this act. The study should include recommendations for legislation to extend or improve coverage as well as recommended improvements in regulations or procedures. Recommendations for legislation may include recommendations on clarifying existing legislation where coverage of legislative branch employees is ambiguous, or can be determined only by unduly complex parsing of a number of laws.

The Administrative Office shall submit the study and recommendations required under this section to the Board within 2 years after enactment of this act. The Board shall transmit the study and recommendations head of each instrumentality or other entity considered in this study and to the Speaker of the House of Representatives and President pro tempore for referral to the appropriate committees of the House of Representatives and of the Senate.

Title III—Office of Compliance

Section 301—Establishment of Office of Compliance

This section creates the Office of Congressional Fair Employment Practices as an independent office in the legislative branch of the Government to administer the dispute resolution process created by this act.

The Office shall be overseen by a board of directors, which shall be composed of 5 members. A five member board is the best size to discourage deadlock and to facilitate effective decisionmaking.[1]

It is extremely important that the Board function in a nonpartisan manner. For this reason, the act requires that all members of the Board be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of office. Board members shall be appointed solely on the basis of fitness to perform their duties under the act, and shall have background and experience in application of the rights, protections, and remedies under the laws made applicable to section 102. There is no assumption that any particular kind of training or experience is necessary, but a variety of experiences would qualify an individual for a position on the Board. The act does not require that any individual member have training or experience under all of the statutes made applicable by this act, but members should be selected with a view to providing the Board as a whole with some expertise in each field of law within the Board's jurisdiction.

On the other hand, the committee also recognizes that, in order for the Board to function in Congress's political environment, and to insulate the Board against claims of partisanship that will inevitably be raised by persons dissatisfied with a particular decision, the process for the selection of the Board members must be fully bipartisan. To accomplish this, the appointment of members is jointly made between the Houses and between the parties. Accordingly, the members shall be appointed jointly by the Speaker of the House, majority leader of the Senate, and the minority leader of both Houses. The chair of the Board shall also be appointed jointly. Appointment of the first 5 members of the Board shall be completed not later than 90 days after the date of enactment.

There are certain disqualifications from service as a Board member. No lobbyist may serve. No Board member may be a Member of Congress or a former Member. Nor may a Board member be an officer or employee of the House, Senate, an instrumentality of Congress, except an officer or employee of the GAO Personnel Appeals Board, House Office of Fair Employment Practices, or the Senate Office of Fair Employment Practices, or a former holder of one of these positions within 4 years of the date of appointment. These requirements are critical because the office must, in both appearance and reality, be independent in order to gain and keep the confidence of the employees and employers who will utilize the dispute resolution process created by this act.

Vacancies on the Board are to be filed in the same manner as the original appointment for the vacant position. Because the Board is small in number, it will be important to fill vacancies as quickly as possible, consistent with selecting the best qualified individuals for these positions.

Terms. The terms of office of the members are staggered so that, after the first appointments, there will not be complete turnover of the Board. The appointment is for 5 years and cannot be renewed, except for someone who serves three years or less. Of the first five members, one shall serve three years, two for four years, and two for five years, one of whom shall be chair.

Removal. Members may be removed from office by a majority vote of the appointing authority. To further ensure the independence of the Board, members may only be removed for specific causes including a disability that substantially prevents the member from carrying out the member's duties, incompetence, neglect of duty, malfeasance in office, a felony or conduct involving moral turpitude, or holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board. The reason for removal of any member must be stated, in writing, to the member being removed by the Speaker of the House of Representatives and the President pro tempore of the Senate.

Compensation and travel expenses. Members may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under 5 U.S.C. sec. 5316 for each day during which the member is engaged in the performance of board duties. Travel time should be included in the computation of the time a member has spent engaged in the performance of board duties.

Members of the Board are entitled to reimbursement for travel expenses for each day that the member is engaged in the performance of Board duties away from home or the regular place of business of the member. The rates for travel expenses, including per diem in lieu of subsistence, shall be at rates authorized for employees of agencies under 5 U.S.C. sec. 5751.

Subsection (h) describes the duties of the office, which include educating members and other employing authorities of their duties and employees of their rights under this act. It is also to provide educational materials on the statutes made applicable to Congress by this act to employing offices for new employees. The office shall also compile and publish statistics on the use of the office by covered employees, including the number and types of contacts made with the office, on the number of covered employees who initiated proceedings under the act, as well as the number of employees who filed a complaint, the basis for the complaint, and its disposition. In light of the confidentiality of the proceedings in the administrative process, this information should be compiled in a manner that does not reveal the identity of particular employees or employing offices.

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[1] Some management researchers have concluded that policymaking bodies of five members are preferable to both larger and small groups. *See*, U.S. Senate Committee on Governmental Affairs, Study on Federal Regulation, Vol. IV, Doc. No. 95–72, July 1977, p. 115.

The Board and office shall be subject to oversight by the Committee of Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Oversight of the House of Representatives. Oversight authority of these committees does not extend to the processing, consideration, or disposition of individual cases or the unwillingness of the general counsel to file a complaint regarding particular charges within his or her responsibility.

The office is to open within 1 year after enactment of this act. This will provide sufficient time for the Board members to be selected, the regulations to be issued, and the office to be staffed.

Financial disclosure reports. Members of the Board will be required to file financial disclosure reports under the Ethics in Government Act of 1978, Pub. L. No. 95-521, title I (5 U.S.C. appendix sections 103(H)(A)(II)II)).

Section 302—Officers, Staff, and Other Personnel

This section provides for the appointment of staff of the new office.

Executive director. The position of executive director is modeled after the Director of the Office of Senate Fair Employment Practices (OSFEP), who administers the Senate's internal resolution process. Like the Senate's Director of OSFEP, the Director of the Congressional Office will have the responsibility of the daily administration of the disputes resolution system created by this act. This includes assisting in the development and implementation of rules of procedures for the dispute resolution process, selecting hearing officers, counselors, and mediators, and maintaining the dockets of cases filed with the office.

The Chair, subject to the approval of the Board, shall appoint, and has the power to remove, the director. As is the case of members of the Board, selection of a director should be made solely on the basis of ability to perform the functions of the job and without regard to political affiliation. To ensure the appearance of independence and impartiality of the Director, certain individuals are precluded from service as Director. These are the same persons who are ineligible to serve as Directors.

The Chair may set the compensation of the Executive Director, but the rate of pay may not exceed the annual rate of basic pay prescribed for level V of the executive schedule under 5 U.S.C. sec 5316. The Executive Director will serve a nonrenewable 5-year term, except that the first Executive Director may serve a nonrenewable 7-year term.

Additionally the office will have two Deputy Directors, one for each House of Congress. The Deputy Executive Directors are appointed and removed by the Chair, subject to the approval of the Board. The appointment shall be made without regard to political affiliation and with the same disqualifications that apply to service as Executive Director. The Deputy Executive Director shall serve a 5-year term, except that the first Deputy Executive Director shall serve for 6 years. This will mean that the Deputy Executive Director will serve terms that do not expire concurrently with the Executive Director.

The Deputy Executive Director shall recommend the regulations to the Board under section 304(a)(2)(B)(i), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated to the Executive Director.

The Executive Director may appoint, terminate, and fix the compensation of such staff, including hearing officers, necessary to enable the office to carry out its functions. The Executive Director does not have authority to appoint attorneys to assist the general counsel, which authority is provided directly to the general counsel. The Executive Director may request other Government departments or agencies to detail on a reimbursable or nonreimbursable basis the services of the personnel of the department or agency. In addition, the Executive Director is authorized to procure the temporary or intermittent services of consultants.

General counsel. The Chair, subject to the approval of the Board, may appoint and remove a general counsel. This position does not have an analogy in the Senate fair employment process. This position and its duties, however, are modeled on the role of the general counsel in bodies such as the General Accounting Office Personnel Appeals Board or the Federal Labor Relations Authority. Under this act, the general counsel may receive complaints of violations of the provisions of titles II and III of the Americans With Disabilities Act made applicable by this act and file and prosecute complaints in the name of parties making charges of violations. The general counsel will also conduct workplace inspections and issue citations of violations of the requirements of OSHA made applicable by this act. The general counsel exercises authority comparable to that of the Federal Labor Relations Authority's General Counsel. The general counsel also provides representation to the office when it is named as a respondent in proceedings brought in the Federal Circuit under this act.

To ensure that the general counsel is, and appears to be, independent and impartial, certain individuals are precluded from service as general counsel. These are the same as apply to the Board of Directors.

The Chair may fix the compensation of the general counsel, which shall not exceed the annual rate of basic pay prescribed for level V of the executive schedule under 5 U.S.C. 5316. The general counsel may appoint, terminate, and fix the compensation of such additional counsel as may be necessary to carry out the duties of the general counsel. The term of office of the general counsel is for a single term of 5 years. The general counsel may only be removed for cause. The act carefully prescribes which officials may be removed only for cause and which may not.

Section 303—Procedural rules

This section sets forth the procedure for the adoption and amendment of rules governing the procedures of the Office of Compliance, including rules concerning hearing officers. The rules and amendments thereto shall be submitted for publication in the CONGRESSIONAL RECORD.

Under subsection (b), the Executive Director shall adopt the rules referred to in subsection (a) in accordance with the principles and procedures of the Administrative Procedure Act. The Executive Director shall publish a notice of proposed rulemaking in accordance with the APA, but with publication occurring in the CONGRESSIONAL RECORD rather than the FEDERAL REGISTER. Before issuing rules, the Executive Director shall provide a comment period of at least 30 days after publication of the notice of rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action along with the rules to the Speaker of the House and the President pro tempore of the Senate for publication in the CONGRESSIONAL RECORD. Rules are considered to be issued on the date on which they are so published.

Section 304—Substantive regulations

This section sets forth the procedures of issuing regulations to implement this Act, including regulations the Board is required to issue under title II, including appropriate application of exemptions under the laws made applicable in title II. There shall be three sets of substantive rules, one for each House, and one for other employing offices.

The authority conferred by this section is authority only to issue rules that will aid in understanding how the laws apply to the Congress and does not include the authority to limit the substantive rights conferred under this act. Thus, for example, such rules might set forth guidance to Senate offices as to how the Board would interpret the family and medical leave act's entitlement to unpaid family or medical leave, in light of the fact that the Senate payroll system does not have a leave without pay status.

Under subsection (b), the Board shall adopt the regulations in accordance with the principles and procedures of the Administrative Procedure Act. Instead of publishing a general notice of proposed rulemaking in the FEDERAL REGISTER, the Board shall transmit such notice to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. Such notice shall set forth the recommendations of the Deputy Director in regard to regulations of the House and Senate and of the Executive Director for the other employing offices. In this way, the members of the approving body will know how the Board's proposed regulations differ from the recommendations of the Deputy Director for their respective house.

Before adopting regulations, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. After considering comments, the Board shall adopt regulations and transmit notice of such action together with the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the CONGRESSIONAL RECORD. The Board shall include a recommendation in the general notice of proposed rulemaking as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

Regulations referred to in paragraph (2)(B)(i) of subsection (a) may be approved by the Senate by resolution or by the Congress by joint or concurrent resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) may be approved by the House of Representatives by resolution or by the Congress by concurrent or joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution. Upon receipt of a notice of adoption of regulations, the presiding officers shall refer such notice and the proposed regulation to the committee or committees of jurisdiction in that House. The referral is designed to let the committee determine whether the regulations should be approved and by which method.

Following approval of regulations by the Congress or one of its Houses, the Board shall submit the regulations for publication in the CONGRESSIONAL RECORD. The date of issuance of the regulations is the date on which they were published in the CONGRESSIONAL RECORD as a result of this procedure. Regulations shall become effective not less than 60 days after the regulations are issued, except that an earlier effective date may be specified for good cause found within the meaning of section 553(d) of title 5 of the United States Code.

Amendment to the rules. The Board's rules may be amended in the same manner as they are initially adopted under this section. The Board may, in its discretion, dispense with the publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments when the Board finds that notices are "impractical, unnecessary, or contrary to the public interest" within the meaning of 5 U.S.C. 553(B).

Right to petition for rulemaking. Any person may petition the Board for the issuance, amendment, or repeal of a rule. However, nothing in this section confers upon any individual a right to seek judicial review of any action or inaction of the Board under this section.

In formulating regulations, the Executive Director, Deputy Directors, and Board shall consult with the chair of the administrative conference, the Secretary of Labor, the Federal Labor Relations Authority, and may consult with any other persons of their choosing.

Section 305—Expenses

Authorization of appropriations. In fiscal year 1995, and each fiscal year thereafter, the Congress authorizes to be appropriated necessary funds for the expenses of the office in carrying out its duties. Until money is first appropriated under this section, but not for a period exceeding 12 months after the date of enactment of this act, the expenses of the office shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House, upon vouchers approved by the director.

Witness fees and allowances. Except for employees, witnesses before a hearing officer or the Board in any proceeding other than rulemaking are entitled to be paid the same fee and mileage allowances as are paid to subpoenaed witnesses in the courts of the United States. It is intended that, as in the courts, these costs will be borne by the parties. Employees who are summoned, or assigned by the employers to testify in their official capacity or to produce official records before a mediator, hearing officer, or the Board, shall be entitled to travel expenses under 5 U.S.C. 5751. The committee intends for the office to bear these costs.

Title IV—Administrative and Judicial Dispute—Resolution Procedures

Much of title IV builds on the dispute resolution process created for the Senate in title III of the Civil Rights Act of 1991. The most significant changes in this title from the existing Senate procedures are the addition of the option of initiating an action in Federal district court following the initial two stages of dispute resolution and the deletion of review of each decision by the Senate Ethics Committee. An opportunity to appeal to the Board is available in the place of Ethics Committee review.

Section 401—Procedure for consideration of alleged violations

Section 401 lists the procedure for consideration of alleged violations of the statutes made applicable to congressional employing offices under part A of title II. They are counseling as provided in section 402, mediation as provided in section 403, and an election as provided in section 404 of either (1) a formal complaint and hearing as provided in section 405, subject to board review in section 406, and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407, or (2) a civil action in a district court of the United States as provided in section 408. However, in the case of an employee of the Architect of the Capitol or of the Capitol Police, the Executive Director, after receiving a request for counseling under section 402, may recommend that an employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The decision to make the recommendation to the employee is entirely discretionary on the part of the Executive Director. The decision to follow the recommendation is entirely discretionary on the employee. The purpose is to permit employees to use another administrative remedy that may function well in the eyes of the employee, without prejudice for further opportunity to utilize the procedures available through the Office of Compliance, as the time limitations available for counseling or mediation shall not apply when during the specific period that the Executive Director recommends that the employee use for using the grievance procedures.

Section 402—Counseling

Initiation. A covered employee shall request counseling with the Office as a condition for commencing a proceeding alleging a violation of a law made applicable under part A of title II of this act. For claims under any of these statutes, the request for counseling must be made within 180 days after the date of the alleged violation. A failure to request counseling within the time required bars an employee from proceeding under this act to redress violations under these sections.

Purpose. The purpose of counseling is to provide an employee with the opportunity to discuss and evaluate the employee's claims. Under the current Senate system, employees meet with a counselor who assists them in preparing a statement of their claims, reviews what other information might aid in making a determination about whether to proceed with a claim, and may assist the employee in contacting the employing office to determine if a dispute can be resolved. The type of counseling may vary, depending upon the nature of the problem, the sophistication of the employee, and the willingness of parties to resolve issues. The purpose of counseling is neither to discourage nor to encourage further adversarial proceedings, but rather to assist in identifying issues at an early stage, so that they can be addressed appropriately.

Period for counseling. Counseling commences on the date the request for counseling is received in the Office and continues for 30 days, unless the employee and the Office agree to reduce the period. The 30 days begins on the date the request for counseling is received.

Notification of the end of the counseling period. The Office is required to notify the employee in writing of the end of the counseling period.

Section 403—Mediation

Initiation. A covered employee must request mediation with the Office no later than 15 days after the date on which the employee receives notification of the end of the counseling period. Mediation under section 403 is a precondition for making the election of procedures provided in section 404.

Mediation process. The Director shall specify one or more individuals to mediate a dispute, depending upon the Director's view of what would be most beneficial in a particular case. In selecting mediators, the Director is required to consider individuals recommended by organizations with expertise in mediating or arbitrating personnel matters. The Director may also consider other individuals with expertise in this field.

The purpose of the mediation is to resolve disputes at an early stage in a manner that serves the interests of all parties. To this end, it is important that both sides participate in the process. Although parties cannot be forced to mediate, it is expected that employees and employing offices will take seriously this opportunity by carefully assessing the claims of the other party and responding to reasonable requests for information. The parties to mediation under section 403(b) may include the Office, the covered employee, and the employing office. Mediation may occur through meetings with the parties separately or jointly for the purpose of resolving the dispute.

Mediation period. Mediation shall occur for 30 days beginning on the date the request for mediation is received. The 30-day period may be extended at the joint request of the covered employee and the employing office. The Office shall in writing notify the parties to the mediation of the end of the mediation period.

Independence of the mediation process. In order to protect the integrity of the mediation process and ensure that parties have confidence in it, no individual who conducts mediation may conduct or aid in the hearing conducted under section 405 with respect to the same matter. In addition, no individual who participates as a mediator may testify about, or produce records relating to, that mediation, either voluntarily or by compulsion, in any proceeding under this act or before any other investigative or adjudicative entity.

Section 404—Election of Proceeding

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either (1) file a complaint with the Office in accordance with section 405, or (2) file a civil action in accordance with section 408 in the United States District Court for the district in which the employee is employed or for the District of Columbia.

Section 405—Complaint and hearing

Complaint. An individual who has made a timely request for counseling and mediation, has completed those processes, and has not elected to file a complaint in Federal District Court under section 408, may file a complaint with the Office. The complaint must be filed no later than 90 days after receiving the notice of the end of mediation, but no sooner than 30 days after receiving such notice. The respondent to the complaint shall be the employing office involved in the violation or in which the violation is alleged to have occurred, and about which mediation was conducted.

Appointment of a hearing officer. Upon the filing of a complaint, the Director shall appoint a hearing officer to the case. The hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief can be granted. When the Executive Director issues rules under section 303, he or she may consider whether the procedures of title VII can be applied to these proceedings. For instance, whether employing offices can be awarded fees when the hearing officer determines that the complaint is frivolous, groundless, and brought in bad faith.

No member of the House of Representatives, Senator, officer of either House, head of an employing office, member of the board, or covered employee, may be appointed to be a hearing officer.

The Executive Director is required to develop lists of individuals experienced in arbitrating or adjudicating the kinds of personnel and other matters for which hearings may be conducted under this act. The lists can be composed of categories of individuals with expertise in particular fields, or possessing particular skills. In developing the lists, the Executive Director shall consider candidates recommended to the Director of the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or other organizations composed of individuals with expertise in adjudicating or arbitrating the kinds of matters for which hearings may be conducted under this act, such as technical matters relating to occupational safety and health.

In requiring the Executive Director to select individuals randomly or by rotation from these lists, the act does not prevent the Executive Director from hiring hearing officers as full-time employees of the Office or from selecting hearing officers on the basis of specialized expertise required for a particular case.

Hearing. Unless a hearing officer dismisses a complaint on a threshold legal issue, the hearing officer shall conduct a hearing on the record. The hearing should be conducted as expeditiously as practical, but in any event must be commenced no later than 60 days after the filing of the complaint. The hearing officer should, to the greatest extent practical, conduct the hearing in accordance with the principles of 5 U.S.C. §§554–57.

Discovery. The hearing officer may, in his or her discretion, permit reasonable prehearing discovery. In exercising this discretion, hearing officers should be mindful of the requirement that the hearing is to be conducted expeditiously and should seek to prevent repetitious, overly burdensome, and unnecessary discovery.

Subpoenas. In general. At the request of a party, a hearing officer may issue a subpoena for the attendance of witnesses and the production of records. Hearing officers should not issue subpoenas in blank, but rather only issue subpoenas for specific witnesses or document requests. Ordinarily, subpoenas should not be required for the production of testimony or records in this process. Employees and employing offices have a responsibility to respond to reasonable discovery requests, without the requirement of compulsory process.

Where appropriate, the attendance of witnesses and the production or records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

Objections. If a person refuses, on the basis of relevance, privilege, or other objection, to testify or produce records in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection and, if the objection is overruled, order compliance. The hearing officer shall, at the request of the witness or any party, and may on the hearing officer's own initiative, refer the ruling to the board for review.

Enforcement. If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply to an appropriate United States District Court for an order requiring that the person appear before the hearing officer to testify and-or to produce records. The application shall be made in the judicial district where the hearing is conducted or where the person refusing to comply is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

Service of process. In an action brought in district court to enforce a subpoena under this section, or in a civil contempt action under this section, process may be served in any judicial district in which the individual or entity refusing or failing to comply resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

Decision. Following any hearing under this section, the hearing officer shall issue a written decision as expeditiously as possible, but in no event more than 90 days after the conclusion of the hearing. Each decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, and contain a determination of whether a violation has occurred, and, where appropriate, order remedies authorized under title II of this act. The decision shall be entered in the records of the Office as the final decision of the hearing officer, and of the Office if such decision is not appealed under section 406 to the Board. The Office shall transmit a copy of the decision to each of the parties.

Precedents. In conducting hearings and deciding cases, hearing officers are to be guided by judicial decisions under the statutes made applicable by section 102 and by Board decisions under this act.

Section 406—Appeal to the Board

In general. Any party aggrieved by the decision of a hearing officer under section 405(g) may seek review by filing a petition for review in the Office not later than 30 days after notice by the Office of the entry in the Office records of the final decision of the hearing officer.

Opportunity for argument. The Board shall provide the parties with a reasonable opportunity to be heard on their appeal through written submissions. In the discretion of the Board, the parties may be heard through oral argument.

Standard of review. The standard of review to be applied by the Board is the same standard that will be applied by the Federal Circuit sitting in review of the Board's decisions. The Board shall set aside a decision of a hearing officer only if the Board determines that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not consistent with the law, not made consistent with required procedures, or unsupported by substantial evidence.

Record. In making determinations under this section, the Board shall review the whole record, or those parts cited by a party. The record on review shall include the record before the hearing officer and the decision of the hearing officer. Due account shall be taken of the rule of prejudicial error.

Decision. The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision of the Board that does not require further proceedings before a hearing officer shall be entered in the records of the offices as a final decision.

Section 407—Judicial Review of Board Decisions and Enforcement

In general. The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction over any proceeding commenced by a petition of a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II, a charging individual or respondent before the Board who files a petition under section 210(d)4, the general counsel or a respondent before the Board who files a petition under section 215(c)(5), or the general counsel or a respondent who files a petition under section 220(c)(3). The same court shall also have exclusive jurisdiction over any petition of the general counsel filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II.

Procedures. The rules governing the naming of respondents reflects the different procedural postures under which appeals may arise. The goal is to make sure that the Office is not a respondent in a petition filed by its employee, the general counsel. Any party before the Board may be named respondent if not so named if the party so elects within 30 days after service of the petition. The section also provides for a right of intervention for participants before the Board who were not made respondents.

Law applicable. Proceedings under this section shall be governed by chapter 158 of title 28, of the United States Code, which applies to appellate court review of agency orders. In order to tailor chapter 158 to review of congressional adjudicatory processes, some changes are made in that chapter's requirements. Under 28 U.S.C. §2344, the clerk is to serve a copy of the petition on the general counsel; the authority of the Attorney General under 28 U.S.C. §2348 shall not apply, and a petition for review shall be filed in the Office not later than 90 days after the entry in the Office of the final decision under section 406(e) for which review is sought. The Office shall be an agency as that term is used in chapter 158 of title 28, and any reference to the Attorney General shall be deemed to refer to the general counsel. The Office shall be named as the respondent in any such action in order to defend the decision of the congressional process.

Standard of review. The Standard of review in proceedings under this section is the standard that applies under the administrative procedures act, namely, that the court shall set aside a final decision of the Board only if it determines that the decision was arbitrary, capricious, and abuse of discretion, or otherwise not consistent with law; not made consistent with required procedures; or unsupported by substantial evidence.

Record. In making determinations under this section, the court shall review the whole record, or those parts cited by a party. The record on review shall include the record before the hearing officer, the decision of the hearing officer, the record before the Board, and the decision of the Board. Due account shall be taken of the rule of procedural error.

Section 408—Civil Action

Jurisdiction. An individual who has made a timely request for counseling and mediation, has completed those procedures, and has elected not to file a complaint with the Office, may file a complaint in the United States district court for the district in which the employee is employed or for the District of Columbia. The time period for filing such a complaint is set forth in section 404. The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

Jury trial. In a proceeding under this section, any party may demand a jury trial in circumstances where a jury trial would be available in an action against a private defendant under the relevant law made applicable by this act. In any case in which a violation of section 201 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 201(b)(1) or 201(b)(3).

Section 409—Judicial Review of Regulations

This section provides that in any proceeding brought under Section 407 or 408 in which the application of a regulation issued under this act is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, United States Code, except that with respect to regulations approved by a joint resolution under section 304(c), only the provisions of section 706(2)(B) of title 5, United States Code shall apply. This simply means that if the regulation has the force of law, the regulation cannot be challenged as being inconsistent with the underlying statute applied to Congress under this bill, but may only be challenged on constitutional grounds. All other regulations could be challenged as not complying with the statutory provisions forming the substantive and procedural basis for issuing the regulation.

The only means for challenging the validity of the regulation is through a proceeding brought under section 407 or 408 of this act. Thus, there is no ability to challenge a regulation when issued, as would be available under the Administrative Procedures Act, but only through collateral challenge. If the court determines that the regulation is invalid, the court shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued.

In determining whether to hold the regulations invalid, the court should give equivalent deference to the Board as to an executive branch agency with statutory authority and expertise in issuing the regulation only if the regulation in question is identical to a regulation of an executive branch agency. To the extent the Board modifies the executive branch agency in issuing the regulation whose validity is challenged under this section, the court of appeals is to provide no deference to the Board's reading of the underlying statute when it issued the regulation unless the regulation was adopted by joint resolution, or in connection with the regulations issued under section 220(e).

Section 411—Effect of Failure To Issue Regulations

In any proceeding under section 405, 406, 407, or 408, except a proceeding to enforce section 220 with respect to offices listed under section 220(e)(2), if the Board has not issued a regulation on a matter for which this act requires a regulation to be issued, the hearing officer, board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

Section 412—Expedited Review of Certain Appeals

This section authorizes a direct appeal to the Supreme Court from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this act. In such a case, only the constitutional issue would be before the court.

Section 413—Privileges and Immunities

Under section 413, the authorization to bring judicial proceedings under sections 407 and 408 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Member of Congress under the speech and debate clause, or a waiver of wither the Senate or the House of Representatives, including under article I, section 5, clause 3, or under the rules of either House relating to records and information within its jurisdiction.

Section 414—Settlement of Complaints

Under section 414, any settlement entered into by the parties to a proceeding described in sections 210, 215, 220, or 401 shall be in writing and not effective until approved by the Executive Director. Nothing in this act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

Section 415—Payments

Except as provided in subsection (c) of section 415, only funds which are appropriated to an account of the Office of the Treasury for the payment of awards and settlements may be used for the payment of awards and settlements under this act. A prevailing party may recover exclusive compensation for his or her claims from such appropriated funds. Funds in the account are not available for awards and settlements involving the General Accounting Office, the Government Printing Office, or the Library of Congress.

Awards and settlements may not be paid from the Claims and Judgment Fund of the Treasury. Nothing in this act authorizes the Board, the Office, the Director, or a hearing officer, without further authorization, to direct that amounts paid for settlements or awards be paid from official accounts of the employing office. This act does not affect the power of each House to determine how settlements or awards shall be paid.

Subsection (b) provides that except as provided in subsection (c), there are authorized appropriations of such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this act. These expenses could be such items as funding management side labor negotiations under section 220. These expenses are costs of adhering to the act, but not costs of complying with adjudicative decisions remediating violations, which are addressed in section 415.

Under subsection (c), funds to correct violations of the Americans With Disabilities Act and the Occupational Safety and Health Act may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations.

Section 416—Confidentiality

A principal distinction between the administrative dispute resolution proceedings conducted under this act and the proceedings in district court authorized under section 408 is the confidentiality of the administrative proceedings. Under this section, all counseling, mediation, and hearings are confidential. The record developed in the hearing and the decisions of hearing officers and the board may be made public only for purposes of judicial review under section 407. This Requirement of confidentiality does not preclude the Executive Director from disclosing to committees of Congress information sought; however, such information shall remain subject to the confidentiality requirements of this section.

Final decisions entered under section 405(g) or 406(e) shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 210, or if the decision reverses a decision of a hearing officer which had been in favor of a covered employee or a charging party. The Board may make public any other decision at its discretion. Nothing in the act prohibits the employing office from making public a final decision in its favor.

Title V—Miscellaneous Provisions

Section 501—Exercise of Rulemaking Power

This section provides that sections 204 and 401 and the rules issued pursuant to them are an exercise of the rulemaking power of the House of Representatives and the Senate and shall be considered part of the rules of each House. These rules shall supersede other rules of each House only to the extent that they are inconsistent with them. The House and the Senate each retain their constitutional rights to change these rules (insofar as they relate to such House) at any time, in the same manner, and to the same extent as each House may change its other rules.

Section 502—Political Affiliation and Place of Residence

This section permits employing offices to consider the party affiliation, domicile, or political compatibility with the employing office of an employee as referred to in subsection (b) of this section with respect to employment decisions. The term employee here means an employee on the staff of leadership offices, committees and subcommittees, employees of the staff of a member, an officer of either House or a congressional employee elected or appointed by the House or Senate and applicant for these positions.

Section 503—Nondiscrimination Rules of the House of Representatives and Senate

This section provides that the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House of Representatives, with respect to the discipline of members, officers, and employees for violating rules of the Senate and the House of Representatives on nondiscrimination in employment.

Section 504—Technical and Conforming Amendments

This section amends the Government Employee Rights Act so that it remains in effect for certain Presidential appointees and for certain State employees, and repeals the remaining sections of the act as of the date this act takes effect.

Section 505—Judicial Branch Coverage Study

This section requires the judicial conference of the United States to prepare a report by the Chief Justice to Congress on the application to the judicial branch of the 11 laws made applicable to Congress by this act. The report is to be submitted by December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch, protections, and procedures under these laws, including administrative and judicial relief, that are comparable to that provided to congressional employees under this act.

Section 506—Savings Provisions

This section provides a method for the transition from the previous dispute resolution processes under which congressional employees were covered to the process established by this act. The purpose of this section is to ensure that claims that are in the process of being resolved are not extinguished, and that they will be adjudicated under current law.

Section 507—Severability

This section provides that if any provision of this act is held to be invalid, the remainder of this act shall not be affected.

Mr. GRASSLEY. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Ohio.

Mr. GLENN. Mr. President, I stated a few moments ago I hope that our colleagues who are watching in their offices or staffs working in the offices will get interested Senators who have amendments to propose—and I would add that they are all on the Democratic side—let us get them over here because we are going to be time limited on consideration of this bill as far as time for amendments. The majority leadership has indicated, as I understand it, a desire to close out this bill at 7 o'clock tomorrow evening if at all possible.

Now, granted, considering that we also have our respective parity caucuses tomorrow which takes us out of the Senate Chamber here from about 12:30 to 2:15, we lose that time. It means that we are going to be very hard pressed to consider all the amendments we have on the list by that time. So I would urge my colleagues to get their amendments over here and let us get debating on them and so we can get them all considered. I would hate to see anyone get closed out tomorrow night with not enough time on the Senate floor to consider their amendments.

Mr. President, in the opening days of the 104th Congress I think we can accomplish a reform that is long, long overdue. We can finally eliminate the congressional double standard under which we have enacted laws that apply to everyone but ourselves.

Now, by enacting laws for others and then exempting ourselves, we have done great damage to the public perception of Congress.

When I go back home and make speeches in Ohio and open it up for questions or you remark about the fact that you would like to see Congress covered by the same laws that cover everyone else in this country, laws that address individual concerns, organizational concerns, Government concerns, and so on, but that we want to make those same laws apply to them apply here on Capitol Hill where we have exempted ourselves for many years, I can tell you from personal experience there is nothing guaranteed to get you a rousing ovation any faster than bringing that up as something you want to correct. This has been true for a number of years.

We in Congress I sometimes think do not really understand the real impact of these laws because we do not have to follow them here. And that is an irritant to other people around the country.

Our efforts to apply the law on Capitol Hill go back many years. I stated in my opening statement the other day that back in 1978, just a few years after I came to the Senate, I proposed a resolution to assure that all Senate employees would be protected against employment discrimination. I referred then to Capitol Hill being the last plantation and incurred the ire of some of my colleagues for that remark at that time. The resolution did not pass. It is only in just the last few years that we have finally enacted some substantial legal protection for Senate employees. So we are not quite as bad off as we were back then in 1978. Our employees are now covered under the civil rights laws and certain other employment laws, and they can take their cases to the U.S. Court of Appeals. But despite this progress, what we still have is a unacceptable. It is a patchwork quilt of coverage and exemptions here on Capitol Hill. And it has not been easy to solve this problem.

As I have often said, we should apply the same laws to ourselves as we apply to the private sector. But there is a difference here on Capitol Hill compared to businesses in the rest of the country. That is, we have the concerns of our Members—and they are legitimate concerns—who believe that the Constitution requires us to preserve substantial independence of the Senate and the House of Representatives. That is not just because it is a personal preference or an ego matter with those particular Members. In the private sector these laws are normally implemented by the executive branch and the judicial branch. But there are many Senators—and this is not the prerogative of one side or the other—there are many Senators, both Democrats and Republicans, who have expressed genuine concern through the years about politically motivated prosecutions that might result if we ignore the principle of separation of powers as we apply these laws to the Congress.

I think everyone should understand that concern about separation of powers has probably been at the heart of the delay, of why legislation in this regard has not been considered more seriously through the years. I think we have taken care of it in this bill. The separation of powers is very, very real. It is in the Constitution. When one branch of government gains ascendancy over another, or authority over another branch of government, it is a very serious matter. Many of our Members through the years have been very concerned about this.

Last year, in a meeting with our then majority leader, Senator Mitchell, he asked me to work on a bipartisan solution for this. In the Governmental Affairs Committee we had as a starting place the very excellent bill introduced by Senators GRASSLEY and LIEBERMAN. Then, together with those two Senators and other Senators from both sides of the aisle, we worked hard to reach a solution. I think we succeeded with this bill. We included even stronger applications of the laws to Congress and we also included the text of that constitutional independence, that separation of powers that I just mentioned. Our legislation won broad bipartisan support, but unfortunately it was blocked on the Senate floor in the closing days of the 103d Congress.

So I am particularly gratified that the Congressional Accountability Act of 1995 is modeled closely on that proposed legislation from last year. Also, our new minority leader, Senator DASCHLE, introduced our congressional accountability legislation from last year. He did that the other day. But that is not the vehicle that we are on here today. That proposed legislation by Senator DASCHLE included the gift ban and lobbying reform, which we dealt with to some extent on the floor the other day, as additional amendments to this bill that just covers congressional coverage.

So, I am pleased our solution to congressional coverage was introduced as a separate bill as part of Senator DASCHLE's comprehensive congressional reform proposal. But regardless of that, we have strong bipartisan support, I believe, for this bill.

Let me urge once again—I will break in the middle of my comments here to urge any of my colleagues who have amendments to this bill to come to the floor. Tomorrow we are going to be very short of time to consider all of the amendments. I urge any of the staff or any of the Senators who are watching these proceedings in their offices to, if at all possible, get their amendments over here to the floor so we do not find ourselves in a time shortage tomorrow afternoon, because it is my understanding the majority leader has indicated it is his intent to end consideration of this bill by about 7 o'clock tomorrow evening.

Let me give a little more background on this legislation. Though Congress has taken strides in recent years to apply antidiscrimination and employee protection laws to its employees, there is a patchwork of coverage that remains that allows certain exemptions to these laws and permits different applications to different employees. This has helped create the impression among many citizens that Congress exempts itself from the same employment and antidiscrimination laws that it applies to the general public and to other entities of government.

There have been a number of statements. People have commented on the fact that on November 8 the people of this country sent a message they did not want business as usual anymore. I think that was a generally accepted message that was received here on Capitol Hill. But there is another aspect of this, too. We apply laws to the rest of the country and the citizens of this country in their places of employment or their businesses or their organizations and we say, in all fairness, here is what you have to do. Here is what the Federal Government says. Whether it is civil rights or whatever, we say this is the way it is going to be because it is right for our people. Repeat, "right for our people." We base our legislation on that, what is right for our people. Are our people out there being dealt with fairly by their employers? By their Government? By their local governments? By whatever we are passing legislation on here? But at the same time we say what is right for workers out there, what is right for employees out there, what is right for people working in communities, is not necessarily right for those working on Capitol Hill. So we do not cover them. We exempt them.

What kind of possible justification can there be for exempting what is right for everybody else in this country? Regardless of whether we are treating ourselves differently, is it right for our employees that they have the same protections of employment rights? Of organizational rights? Of whatever other rights we insist on giving to everybody else in this country and yet we say we do not want to give our own people that same coverage? We do not want to deal that fairly with our own employees here on Capitol Hill? That is just flat not right.

So I bring this down not just to the perception of what other people say around the country, or the perception that Congress exempts itself and so we are somehow above the law, but let us bring it down to this. Is it right for our people or is it not right for our people who work for us right here on Capitol Hill to have the same protections that everybody else here in this country has? Is it right? To me that is the most powerful argument for passing congressional coverage.

We can say the perceptions are out there that we are dealing differently and so the people do not like that—but is it right that our people here on Capitol Hill, the people who man the elevators and the Government Printing Office and everything else around here that goes to support congressional action—is it right that they get the same protections as other people around this country? The answer to that has to be that it is right. And that is the reason why I think we have a lot of bipartisan support for this legislation.

Congress has responded in the last few years to the call for a uniform application of employment and antidiscrimination protections to our employees. We made some moves. A Bipartisan Task Force on Senate Coverage, which was established in 1992 in the 102d Congress, and the Joint Committee on the Organization of Congress, which was also created in 1992, both proposed recommendations for congressional compliance with employment laws. Numerous witnesses before the joint committee and in hearings of the Senate Governmental Affairs Committee expressed the sentiment that exemptions for congressional coverage had to end. The time had finally come.

There were several significant pieces of legislation introduced in the 103d Congress that drew from the work of the joint committee and the Task Force on Senate Coverage. I had a bill in. It was a Glenn substitute to H.R. 4822, which followed action taken by the Senate Rules Committee on a substitute version of S. 1824, which contained sections on congressional coverage. There was other action by the Governmental Affairs Committee on S. 2071, which is substantially similar to the substitute to H.R. 4822 plus overwhelming passage by the House of its version of H.R. 4822.

Senator Mitchell sought unanimous consent that the Senate proceed to the consideration of my substitute to H.R. 4822, as modified by a managers' amendment, on October 6, 1994. But there was objection to proceeding. Senator LOTT objected to the motion to move to consideration of the bill and this Republican objection prevented any further consideration of the measure in the 103d Congress.

S. 2, the Congressional Accountability Act, is substantially—almost identical. It is very similar to the managers' amendment to the substitute to H.R. 4822 that was brought before the Senate at the end of the 103d Congress, as well as the congressional coverage language that is part of the current leadership congressional reform package, which was S. 10, that we have already dealt with a couple of days ago.

Just a little short summary statement of what is provided in the legislation today. S. 2, the Congressional Accountability Act, would apply a number of Federal workplace safety and labor laws to the operations of Congress. The bill also provides a new administrative process for handling complaints and violations of these laws. I had not mentioned that in any detail before, but that is a very key part of this legislation and addresses the difficulties that Members have had dealing with this separation of powers through all of these years, which has been the basic reason why legislation has been held up.

I do not quarrel with those concerns. They are very real concerns. In other words, if you had an administration so inclined and they wished to go into a super enforcement of OSHA or clean air or whatever the bill was, and you wish to apply some sanctions to Congress in return for getting something else that a President wanted sometime, would they do that? I think those of us who have been around here for a while have seen some pretty politically motivated executive branch officials who just might take such action against the legislative branch. I do not think that would be commonplace, but should we even set up in law the possibility that that might happen?

So the second part of what I just read, as a summary: The bill also provides a new administrative process for handling complaints and violations of these laws, which is a key toward dealing with this problem of separation of powers. We set up a separate process by which people can bring complaints about how they are being dealt with. That is a very key part of this legislation, and something that is different from most of the proposals that occurred back through all of these years. I may run through some of the major provisions.

First, in the application of workplace protection and antidiscrimination laws, S. 2 would apply to several Federal laws regarding employment and the operation of legislative branch offices and provide an administrative process for handling complaints and violations—provide an administrative process for handling complaints and violations—a key part of this legislation.

The following laws would be applied to legislative branch employees. First, under antidiscrimination laws, title VII of the Civil Rights Act of 1964 would apply; the Age Discrimination in Employment Act of 1967, title I; Americans With Disabilities Act of 1990; Rehabilitation Act of 1973; and under public services and accommodations under Americans with Disabilities Act, title II of the Americans with Disabilities Act of 1990, which prohibits discrimination in Government services provided to the public; and title III of the Americans with Disabilities Act of 1990.

Workplace protection laws are very important. Why should we exempt our people in those areas of workplace protection laws? Are we a factory? No, we are not. But should we protect those people here on Capitol Hill who work and have some concerns about their safety? Workplace protection laws and fair labor standards: Should they be protected? How can we say that they should not be protected? So under workplace protection laws, we have the Fair Labor Standards Act of 1938, concerning the minimum wage, equal pay, maximum hours, and protection against retaliation, regulations which will be promulgated to track the executive branch regulations.

These regulations will take into account those employees who work irregular schedules or whose schedules depend directly on the Senate which, as we all know, is an irregularly scheduled body at best. Also, under workplace protection laws; OSHA, the Occupational Safety and Health Act of 1970; the Family and Medical Leave Act of 1993; the Employee Polygraph Protection Act; and Worker Adjustment and Retraining Act, which requires a 60-day notice of office closings or mass layoffs—you might say we are not a factory, that we do not have to give 60-day notice. But we do have people working for us here on Capitol Hill, such as the Government Printing Office and some others, that should have the same protections that people out there in industry have because they are performing at least a semi-industrialized function for us here on Capitol Hill.

The Occupational Safety and Health Act of 1970, Family and Medical Leave Act—I read these before—Employee Polygraph Protection Act, Worker Adjustment and Retraining Act, the 60-day notice that I just mentioned; and another one, the Veterans Re-Employment Act, which grants veterans the right to return to their previous employment with certain qualifications if reactivated or if they are drafted.

Under labor-management relations, the Federal Service Labor-Management Relations Statute of 1978, which applies to personal staff, committees, or other political offices, would be deferred unless rules are issued by the new Office of Compliance. We expect that Office of Compliance to get into operation just as quickly as possible after this legislation is passed.

Who are covered employees? The compliance provisions for the preceding laws would apply to staff and employees of the House, of the Senate, the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, and the newly created Office of Compliance itself. Congressional instrumentalities, as they are called under that title—instrumentalities are such organizations as the General Accounting Office, the Library of Congress, and the Government Printing Office—will be covered under some of these laws. But a study will be ordered to discern current application of these laws to the instrumentalities and to recommend ways to improve procedures.

This was necessary, at least in part, because some of these instrumentalities had already taken action some years ago to make some of these laws apply to their own operations. So the General Accounting Office has taken certain actions that the Library of Congress or the Government Printing Office has not taken. And so, rather than just saying we set down in concrete mandates for all of these different organizations, we felt it was better to make a transition period where we would have a study to discern current application of these laws to the instrumentalities and to recommend ways to improve procedures.

What are the protections and the procedures for which people might seek remedy? The bill provides the following five- step process, which is similar to some current Senate procedures for employees with claims of violations of the Civil Rights and Americans with Disabilities Act and employment discrimination laws, for violation of family and medical leave protections, for violations of fair labor standards, violations of laws regarding polygraph protection, plant closing, and veterans reemployment violations. If there are concerns in those areas and an individual or individuals wish to file a complaint, they would go through a several-step procedure.

The first step will be they would be required to go through counseling, which could last up to 30 days and must be requested within a 6-month statute of limitations.

If that does not take care of things, if you cannot counsel people out of this into an acceptable solution, then you go into step two, which is a mediation service. That, too, can last for 30 days, and must be pursued within 15 days.

Let us say that the aggrieved party, or the person who feels they have been aggrieved, feels at that point they have not been dealt with fairly. They have been through counseling and mediation. Step No. 3 they could take, if the claim cannot be resolved, is then a formal complaint and trial before an administrative hearing officer. That would be the next step.

At that point, if the person still says, "I don't feel I've gotten justice here, so I want to go ahead with this thing," there would be another step. After the hearing, any aggrieved party may still appeal to the Office of Compliance's board of directors.

So at that point we are up to a four-step process—counseling, mediation, and the administrative hearing officer can still request that this go before the board, the Office of Compliance's board of directors. Even at that point, after all these four steps, if a person feels, no, I feel I still have not received my due or have not received a fair shake, then they can take it outside to the U.S. Court of Appeals for judicial review.

I think that gives the employees here on Capitol Hill tremendously increased protection. The bill would allow employees to bring suit in Federal district court. Let me explain this a little bit. I mentioned that five-step process. Another option is that if the employee did not wish to go through that whole process of counseling, mediation, the hearing officer, the board, and so on, the person could say, OK, after that mediation step—just the mediation step now, counseling and mediation—at that point the aggrieved employee could start up a separate track and go directly outside to the U.S. Federal district court, rather than proceeding to an administrative hearing. The district court remedy would include the right to a jury trial. The option to seek district court redress could occur only after an employee went through the counseling and mediation process. That is required, whichever track you want to go through—the counseling and mediation process.

Then you can decide whether you want to go up the first track I went through, the five-step process. Or you might say: I want to go outside, I am going directly to district court. That is in there because that is what any businessman or organization across this country can do. If they have a problem and they do not get satisfaction from the agency or the Government entity involved, they could go directly to district court and file suit. So we give our own employees here the right to do the same thing if they feel they are not being dealt with fairly or they prefer not to go up that more lengthy in-house procedure before they could, as a last step, go to the U.S. Court of Appeals. So there is a dual track they can go through, and it is up to whoever would be filing the charge.

With respect to discrimination based on race, color, religion, sex, or national origin, remedies include reinstatement, back pay, attorneys' fees, and even other compensatory damages. That matches what happens out in the world, the business world or organization world, out there across the country.

For claims under the ADA, title II and title III relating to discrimination in Government services, we provide the following steps: A member of the public may submit a charge to the general counsel of this Office of Compliance. The general counsel could call for mediation. The general counsel may file a complaint, which would go before a hearing officer for a decision. There could be an appeal to the board and, once again, there could be an appeal to the U.S. Court of Appeals.

For violations of OSHA, the bill provides the following procedures: Employees would make a written request to the general counsel, again, to conduct an inspection. The general counsel will not only conduct the inspection but will also inspect all facilities at least once each Congress as a normal course of events. We may not have the expertise to do that, so they would most likely use detailees from the Labor Department, who are familiar with OSHA regulations and in administering OSHA law out in the civil sector. They could give advice in this area and even conduct inspections at the request of the general counsel.

Pursuant to that, citations may be issued by the general counsel and disputes regarding citations could be referred to a hearing officer once again.

Appeal of hearing officer decisions could go to the board. The board may also approve requests for temporary variances. And, finally, an appellate court review of decisions of the board would be in order.

There would be a 2-year phase-in period for the OSHA procedures, to allow inspection and corrective action. A survey also would be conducted to identify problems and to prepare for unforeseen budget impact. Some of these corrective actions might be expensive. So you cannot just say that we will put something in without considering the budget impact here on Capitol Hill. Penalties would not apply under the OSHA provisions, because this would result only in shifting among accounts in the Treasury. In other words, you are going to find somebody on Capitol Hill on OSHA violations and the money would go from there to Treasury, transferring it from one pocket to the other in the Treasury accounts.

The following process applies to violations of collective bargaining law. First, petitions will be considered by the board and could be referred by the board to a hearing officer. Charges of violations would be submitted to the general counsel. Once again, they will investigate and may file a complaint. The complaint would be referred to a hearing officer for a decision, subject to appeal to the board. Negotiation impasses would be submitted then to mediators, and next a court of appeals review of board decisions will be available, except where appellate review is not allowed under the Federal service labor-management relations statute. "Employees who are employed in a bona fide executive, administrative, or professional capacity" are not covered by the minimum wage and maximum hours provision. Interns are also exempted. In addition, compensatory time may not be offered in lieu of overtime. That does not apply to those I just mentioned—executive, administrative, or professional capacity people. Otherwise, we have to abide by the same laws that apply to everybody else across this country.

Otherwise, remedies for violations of rights of all other employees under the FLSA will include unpaid minimum or overtime wages, liquidated damages, attorneys' fees and costs.

Let me briefly address the Office of Compliance, because they have a great deal of authority and would be a very important part of this whole operation. S. 2 will establish an independent, nonpartisan Office of Compliance to implement and oversee the application of antidiscrimination worker protection laws. Under rulemaking, the office will promulgate rules to implement these statutes. In other words, normally we pass legislation here on the Hill, and it goes over into a branch or agency of Government, and that branch or agency then writes the rules and regulations that apply all across the country. That has been one of the hangups, because of this separation of powers through all these years. So we basically gave that authority for rulemaking to this Office of Compliance. The office will promulgate rules to implement the statutes. Congress may approve and change, by joint resolution, rules issued by the office. But if Congress fails to approve rules by the effective date within the legislation, then applicable executive branch rules would be applied.

Rules would be issued in three separate sets of regulations: One, those that apply to the House of Representatives; two, those that apply to the Senate; and, three, those that apply to joint offices and the instrumentalities of the Congress that I mentioned a moment ago. Rules for each Chamber would be subject to approval by that body. Rules for the Senate would be approved by the Senate. Rules for the House would be approved by the House. I would presume that most of those will be the same. I do not think there would be much difference from one body to the other, or to grant the force and effective law by joint resolution of the Congress, if that was required.

Rules for joint offices and instrumentalities would be subject to approval by concurrent resolution. This Office of Compliance will be a very important office for Capitol Hill. It will be something new and different.

Membership of this Office of Compliance: The office will be headed by a five-member board that will be appointed to fixed, staggered terms of office. The board will be appointed jointly by the Senate majority leader, the Senate minority leader, the Speaker of the House, and the House minority leader. Membership may not include lobbyists, Members, or staff except for Compliance Office employees. Its chair will be chosen by the four appointing authorities from within the membership of the board.

Under settlement and award reserves: Payment for awards of House and Senate employees will be made in a new single contingent appropriation account. All settlements and judgments must be paid from funds appropriated to the legislative branch, not from a Government-wide judgment account. In other words, it will be solely administered here on Capitol Hill. Once again, concern about the separation of powers dictates that. There will be no personal liability on the part of Members.

Mr. President, that is a thumbnail sketch in some detail here, a rundown of what this bill provides and how it will be administered and how it would take care of some of these problems of separation of powers that have plagued consideration of this bill for all these years.

So, Mr. President, I would only close by saying we do not plan to make more lengthy speeches this afternoon. We have gone through some of these things before. I thought it was worthwhile going through them again, since we have gone through the weekend.

But I urge my colleagues in their offices, or their staffs, if you have an amendment, let us get it over to the floor because the majority leader has indicated a desire to have action wound up on this, terminated by Tuesday evening, by tomorrow evening, at around 7 o'clock.

And I say to my Democratic colleagues, we are the ones that have the proposed amendments to .this bill. There are none pending on the Republican side. They were able to convince all their Members to put off their concerns to a later time. That does not mean that I am joining them in that. I think we have every right on the floor here to address whatever concerns Members have and whatever amendments they wish to put on this bill.

I can understand the majority's desire that there be no amendments to the bill, but it has been a rare occasion in the history of the Senate when that has occurred.

But I urge my colleagues on the Democratic side who still have amendments on this to get over here and get them presented, because we are going to fast run out of time tomorrow. If we do not consider some of these this afternoon, then we have a limited time tomorrow morning. We go out for our respective party conferences tomorrow between 12:30 and 2:15, as is our custom. So that means we have a considerable block of time taken out right in the middle of the day and we will be coming back on the floor tomorrow with just a little bit of time left until we reach 7 o'clock tomorrow night. If everyone waits until that time to bring their amendments over, I am afraid some of them will get left out before we wrap this thing up tomorrow night. So I urge my colleagues to get their amendments over here to the floor so that they can have them considered today.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, after careful consideration of the issues involved, I have determined that I must vote against the Congressional Accountability Act of 1995. I do not expect to persuade others, and there may be no others who will vote against this act. I may be alone.

There should be no mistake about my intentions. I support the goal of this legislation. It is the means for implementing the provisions in the bill to which I largely object. I support holding all Senators accountable for the treatment of their employees. We should and we must evaluate our employees' job performance on the basis of merit, not with respect to race or gender or age or national origin or religion or disability. We should and we must pay our employees fair wages for the work they do. We should and we must provide our employees with a safe environment in which to work. I have been in Congress now going on my 43d year. I have always held to these principles. We should and we must accommodate the disabled and allow employees to take leave when they are blessed with the birth of a child or a family member becomes seriously ill.

Over the past several years the Senate has made considerable progress in this area. Most of the employment laws addressed in the bill before us already apply to the Senate: discrimination laws apply, the Rehabilitation Act applies, the Family and Medical Leave Act applies, the Americans With Disabilities Act applies. I believe I am correct in all of this. This is probably one of the best kept secrets around here and across the country. It will no doubt come as a surprise to the media so many of whom seem much more interested in our institutional failings than in our many achievements.

Furthermore, contrary to popular misimpression, Members are subject to the laws they make in their capacities as private citizens. Members who own businesses or act in any private capacity, must comply with all Federal, State, and local laws applicable to any business owner or citizen. In addition, Members are subject to many laws not applicable to other citizens or private businesses, such as public financial disclosure, including reporting assets and liabilities of themselves, their spouses, and their dependent children. In fact, the requirements and constraints under which Members of Congress live would be considered a outrageous intrusion on individual liberty and privacy in most other contexts. I have no quarrel with any of those requirements.

This bill raises serious constitutional issues with respect to the status and functions of the Senate and of individual Senators.

The bill leaves unresolved a whole array of practical and administrative issues that inevitably will impinge on the Senate's capacity to perform its legislative and other functions. It delegates these issues to a board having a broad and, in fact, unique combination of executive, legislative, and judicial authority encompassing a large number of legal issues in a way that is unprecedented in the Federal Government. As a result, we have in this bill an unknown and unknowable potential for serious dislocation and disruption of the Senate's constitutionally ordained role.

Now, Mr. President, I want to take a few moments to explain these problems in greater detail.

CONSTITUTIONAL ISSUES

THE BICAMERAL PROBLEM

This legislation establishes a bicameral office and a bicameral board with plenary powers over all of the employment laws made applicable to the Congress and to other legislative branch entities. This structure, I believe, is fundamentally inconsistent with the bicameral nature of the Congress ordained in the Constitution. Proponents will be quick to point out that the legislation provides for separate sets of rules for the House, Senate, and the remainder of the legislative branch. But this is no real solution to the basic problem. If this legislation is enacted, we will have a single bureaucracy making policy for the entire legislative branch, however that policy may be packaged.

The Constitution indisputably establishes a bicameral legislature. The Framers intended to create two separate and independent Houses of the Congress as integral components of their overall plan of shared and divided power. The Senate and House, by design and precedent, have unique and distinct roles within the constitutional structure. The discharge of the Senate's unique responsibilities requires independence. The intent of the Framers in this regard is obvious in the plain words of the Constitution.

Article I, Section 5 of our Constitution provides that each House may determine the rules of its proceedings. Two principles are expressed in this provision. First, each House is accorded the constitutional right of self-governance with respect to its internal operations. Second, neither House has the authority to govern the other House or to determine the rules of the other House. The bill before the Senate today is an affront to those constitutional principles. If this bill is enacted, the Senate's constitutional power of self-governance will be seriously impaired. And the Senate's protection from interference by the House of Representatives will begin to erode. Conversely, the same is true with respect to the House. This is a slippery path we must not travel.

SEPARATION OF POWERS

Articles I, II, and III of the Constitution establish a government consisting of three independent branches. The Framers of the Constitution separated the judicial, executive, and legislative functions for the purpose of limiting the power of any one branch, while providing distinct duties to each branch. This arrangement of distinct branches, with different but interdependent powers, is the keystone of the constitutional system for checking arbitrary power. As The Federalist, No. 48, states, no branch of government may "possess, directly or indirectly, an overruling influence over the others, in the administration of their powers." This constitutional principle is trampled in the bill before the Senate today. It permits the judicial branch to intrude on and thereby directly interfere with the Senate's administration of its powers. We should not so lightly allow the erosion of the very concepts that are at the core of our Constitution.

The last judicial statement to address this issue directly, firmly holds against diluting the principle of Separation of Powers. In 1986, the U.S. Court of Appeals for the District of Columbia Circuit held that Members of Congress had absolute immunity under the speech and debate clause for personnel decisions concerning positions of employment relating to the legislative process. In *Browning* v. *Clerk, U.S. House of Representatives*, the court stated:

> The speech and debate clause is intended to protect the integrity of the legislative process by restraining the judiciary and the executive from questioning legislative actions. Without this protection, legislators would be both inhibited in and distracted from the performance of their constitutional duties. Where the duties of the employees implicate speech or debate, so will personnel actions respecting that employee.

This is not the first time the Senate has been down this path. In 1985, we passed the Gramm-Rudman bill; our intentions were good, but our means were faulty. Like the bill before this body, the Gramm-Rudman bill failed to respect the constitutional principle of Separation of Powers. It delegated executive powers to a lesser legislative entity and it retained the Senate's ability to remove an executive officer. But our error in passing that law was soon rectified. In 1986, 1 year after Gramm-Rudman was enacted, the Supreme Court declared it to be unconstitutional. If enacted, this bill, which I think is similarly flawed, may be likely declared unconstitutional, but only after the Senate has expended considerable sums establishing the bicameral Board and eliminating the current Senate Fair Employment Office.

Let me explain more specifically how this bill permits unprecedented judicial intrusion into the Senate's affairs. Under this bill, a Senate or other congressional employee need not use the dispute resolution and enforcement procedure provided through this new Office of Congressional Compliance. Instead, he or she may file a lawsuit directly against a Member's office in Federal court in the district in which the employee works. In the course of pretrial discovery, a Federal judge could order a Senate employing office to produce documents and other information in the possession of the employing office. The employee is entitled to a jury trial. If the court finds in favor of the employee, it could order the Senate office to submit periodic reports to the court to satisfy it that the problems have been eliminated. The court also could appoint an individual to inspect the Senate offices and to interview Senate employees to satisfy the court that no employment problems reoccur. I submit that this level of intrusion by the judicial branch into the affairs of the legislative branch violates the constitutional doctrine of Separation of Powers, and it impermissibly intrudes on the Senate's constitutional power of self-governance.

The potential for political mischief this provision creates should be obvious. Political opponents and possible challengers with law degrees will be lining up to offer their services as counsel for plaintiffs in such cases.

Moreover, I suggest that this system eventually will lead to a constitutional impasse. It will be only a matter of time before a court issues an order that intimately intrudes on the Senate's powers. At this point, the Senate may very well refuse to comply. Such an impasse will be unresolvable. The Supreme Court may order the Senate to comply, but it is within the constitutional powers of the Senate to refuse. What is the compelling reason for passing a law that invites such a constitutional showdown, particularly when we have a workable system in place?

POWER OF THE BOARD

I have other concerns about this bill. It grants unprecedented plenary powers to a bicameral board. The Board will be the equivalent of the Equal Employment Opportunity Commission, the Labor Department, the Federal Labor Relations Authority, the Occupational Safety and Health Administration, and other Federal agencies with enforcement powers. It will have the authority to submit legislation, to interpret laws, to enforce the laws against the Senate, and against the offices of Senators. Never has this body granted so much authority over its operations and powers to an outside entity.

ADMINISTRATIVE AND PRACTICAL PROBLEMS, COLLECTIVE BARGAINING

Mr. President, this bill, as I understand it, delegated to the Office and the Board the power to decide a whole range of very complicated and potentially highly political questions with respect to the application of these statutes in particular circumstances in the Senate. Let me just give you a few examples of what we are giving this Board and its associated bureaucracy the authority to do.

The bill extends the rights and protections of the Federal Service Labor Management Relations Act to the Congress. This is the law that provides for collective bargaining in the executive branch of the Federal Government. It should be noted that this statute is substantially different from the National Labor Relations Act, under which private sector employees collectively bargain and have the right to strike. When Congress applied collective bargaining laws to the executive branch, Congress recognized the distinctive character of that branch of the Federal Government and its functions. Thus, Federal employees do not have the right to strike. Nor can unions representing Federal employees bargain about wages. I would submit that the same concern for the special role and function of the Congress should warrant such full and careful consideration as well. Certainly we should not assume in a simpleminded way that the Congress is just like the executive branch or any other institution. But such a measured approach is not taken by this bill, in my judgment.

UNFAIR LABOR PRACTICE EXAMPLES

Let me give some concrete examples of the kinds of policies that will be made by this Board in the area of collective bargaining. The Board will determine what an unfair labor practice is. And what is an unfair labor practice? Under the Federal Labor Relations Act and annotated case law, an unfair labor practice would include the following: Failure to bargain with the union over the effects of layoffs, moving offices from one location to another, reassigning duties of employees, hours of work and break time. Do not be fooled by the argument that most Senate employees will be exempt from these requirements. That is not obvious on its face. In fact, the way this law has been construed in the executive branch, the right to organize and bargain collectively covers all nonsupervisory employees with minor exceptions. Senators might ask themselves whether their legislative assistants are supervisory employees by any credible standard. How may we suppose the Board will decide?

The Board also will define the scope of appropriate bargaining units. The questions here are even more significant from a institutional perspective:

First, will the bargaining unit be confined to a single Senate office?

Second, will it encompass all Senate offices?

Third, will it encompass all Senate and House offices?

Fourth, will it include all employees with similar jobs in the Senate, in both Houses, or throughout the legislative branch?

On all of these questions, the legislation is silent other than to say that the Board will make these decisions. Depending on the outcome, it could well be that we will have unions representing all legislative assistants and other classes of employees in the Senate—or in the Senate and House.

Remember, to be recognized as a representative of the bargaining unit, the labor organization only has to win a majority of the votes. That means that if a majority of the legislative assistants in the Senate or in the House or in both Houses of Congress vote to have a union, then that union is the sole bargaining authority for all legislative assistants in the Senate or in the House or in both Houses of Congress. Senators will no longer have the ability to structure and manage their staffs consistent with the unique needs of the States which they represent without first consulting with union representatives. And who will bargain on behalf of management? Individual Senators? The Senate leadership? The joint congressional leadership? The Board will decide.

JOB CLASSIFICATION AND DEFINITION

The Board and its bureaucracy also will serve, in effect, as the Wage and Hour Division of the Department of Labor. In that capacity, it will decide the following kinds of issues:

First, which employees must be paid time-and-a-half for overtime;

Second, what kinds of recordkeeping must offices maintain;

Third, whether or not the Board and its bureaucracy has the right to inspect detailed payroll records;

Fourth, what positions are comparable for purposes of the Equal Pay Act? Are the tasks performed by a legislative assistant who works for a rural Congressman the same as for a legislative assistant who works for a Senator from the most populous State, for example?

These are important decisions which go to the heart of a Senator's ability to represent those who sent him to the Senate and should not be left to the unbridled discretion of an unelected and largely unaccountable Board and its bureaucracy.

FUNDING ISSUES

And finally, Mr. President, there is the issue of cost. It is argued that a bicameral board and bureaucracy will somehow be more efficient and cost-effective. I frankly believe that such optimism is based on little more than a pious hope. If our experience with Government organizations shows us anything, it is that they tend to expand and to cost more than what is originally estimated. I have not the slightest doubt that the cost of this new bureaucracy, when all is said and done, will far exceed the expenses of operating the Senate Office of Fair Employment Practices. The annual operating cost of the Office of Senate Fair Employment Practices is approximately

$800,000. The bureaucracy envisioned in this bill will inevitably be several times as large and correspondingly more expensive to the taxpayers. For example, section 302 of the bill empowers the Board to appoint an executive director; two deputy executive directors; a general counsel; as many additional attorneys as may be necessary to enable the general counsel to perform his duties; such other additional staff, including hearing officers as may be necessary; and, the executive director may procure the temporary or intermittent services of consultants.

But even if costs were not an issue, even if for the purposes of argument one assumes that this office would achieve administrative efficiency, there is a larger question. At what point do we bend to the political demagoguery of the day and at what price does the Senate surrender its constitutional right of self-governance and its independence from the executive and judicial branches and from the House of Representatives?

One final point about funding, Mr. President. Under this legislation, the director of this new bicameral bureaucracy can hire as many staff, consultants, and inspectors as he wants. Elected representatives, both Members of the House and Senators, will be without authority to review, control, modify, or change any of these financial arrangements entered into on the sole authority of the director.

It is highly irregular to empower the head of a new agency to create its organization and establish its budget without specific authorization and appropriation. Under section 305, one will find the following language:

> Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the date of the enactment of this Act—
>
> (1) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the House of Representatives, and
>
> (2) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the Senate, upon vouchers approved by the Executive Director.

The Appropriations Committee will thus be faced with a staff which is already in place, with a salary structure that has already been determined, with expenses already obligated and a very difficult political situation.

This blank check on the Treasury of the United States is something, Mr. President, that no member of the Appropriations Committee and, indeed, no Member of the Senate should condone. The American people should understand that they are the ones who will be paying the bills for this new bureaucracy; for paying time-and-a-half to congressional employees; and for hiring all of these new attorneys, hearing officers, and consultants. Here is another example of the rhetoric of the day not matching the actions of Senators. The rhetoric is—Let us make Congress live by the laws it passes for everyone else. The action being taken will result in costing American taxpayers millions of dollars and the creation of a brand new bureaucracy.

The exemption from some laws has facilitated the Member's ability to serve his constituents and to do the business of the Nation. The Hill is not a 9-to-5 operation. The Nation's business cannot be confined to normal business hours. Constituent problems do not always occur conveniently within the confines of a normal business day. In order to provide maximum service to our Nation and to the people we represent, we ask our staffs to work long and arduous hours, and we ask them to view their work as public service. Surely this ability to serve will be somewhat compromised if we apply certain of these laws to employees of the Senate and the House. Certainly the cost of providing present services will go up under the requirement that we must pay overtime. Every year we hear complaints about the cost of the legislative branch, and we have repeated efforts to cut the budget of the legislative branch.

I wonder what the folks at the town meetings would say if after the cheering stopped, a Senator would explain that bringing the Hill into compliance with certain laws would mean lessened services to the taxpayer at a substantially greater cost. We will all comply with these laws in our offices, but you, the taxpayer, will get less rapid attention to your needs, and you will have to foot the bill for this poorer service.

I am not at all sure that the cheering would continue. I am not at all sure that the cry for bringing the Hill into compliance with all of these laws would be so popular if the public understood what taking that step would mean in terms of their needs, the services they have a right to expect to receive, and their pocketbooks. But, that is the age in which we live. Anything that sounds good on the surface, we rush to do. Anything which the talk show jockeys can whip up the public about becomes the basis for legislation. Never mind whether or not it is really in the public interest. Just enact something to quiet the latest fad criticism and move on.

Well, I cannot and I will not support a measure which will likely have the effect of shortchanging my constituents in terms of the services my office can provide and which then asks the shortchanged taxpayer to foot the bill.

I congratulate Senator GLENN, who has spent many weeks and months of hard work in the effort to bring this bill to the floor and to improve upon it. And I also compliment his counterpart, Mr. GRASSLEY, for his interest and dedication to the legislation. I have made this statement in keeping with my own views, after the experience of working on this Hill, now, for almost 43 years. My staff and I have always felt that in taking on this job and in taking on the jobs as employees in my office, that we are here to render a public service and we have never felt that this was a 9-to-5 operation. I have always attempted to pay my employees in accordance with their merits and to pay them well and to be liberal in leave time. And we have never felt, anybody on my staff—and I have attempted to set the example for them, that we do not work from 9 to 5. We work until the job is done. If it takes longer we stay here longer because we are in the service of the public. And I do not find fault with others who feel otherwise about it. And there is much good, I am sure, to be achieved in passage of the legislation in many ways. But I have outlined the reasons why I will not vote for it.

As I stated in the beginning, I anticipate that I may be the only one who feels this way about it. I do not come here expecting to persuade anyone else. My feelings are based on my own experience and on my own knowledge of the problems that we confront here and I do not seek to disparage the viewpoints of others who may want to disagree with me.

Mr. President, if I have any time remaining I yield it back and I suggest the absence of a quorum.

Mr. President, I withhold the suggestion.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, Senator BYRD, in his experience here as majority leader, minority leader, repeat majority leader and so on, has an experience level in this body that no one can match. And when he rises and expresses his concerns about things it is of great importance to us because he has studied these things and no one is a greater constitutional scholar on what is provided for, for the Senate and the House, the separation of powers, and making certain that the balance of powers within our form of Government remains intact and protected. When he rises to oppose this legislation it is of particular concern to me and I want to just address a couple of the items very briefly here. I do not want to get into a big debate on this.

I would say we have passed, through the years, much legislation that applies all across this country. We did that in the assumption that what we were doing was right. It was right to apply certain protections of workplace conditions and of how people were dealt with out there on safety in the workplace and on wages and conditions of employment and so on. And we applied them all across this land. Some of the arguments the distinguished Senator from West Virginia makes are the same arguments that businessmen across this country have made. They feel they are treating their employees fairly. Yet we impose laws upon them.

We are not without being justifiably criticized, sometimes, here on Capitol Hill. I remember some newspaper articles just a couple of years ago of some of the working conditions in the Government Printing Office. That is an instrumentality of the Congress. They were atrocious. They did not even come close to passing safety and OSHA regulations that we apply all across the country to every other printing plant and every business across this country. So I would just say if it is right that we impose these laws on other businesses across this country, is it not also right that we apply those for the protection of our own employees here on Capitol Hill?

At the same time, I know everyone relates to the situation in his or her own office. What is going to happen in our office on this? Let me say we provide in this legislation that employees who are employed in a "bona fide executive, administrative or professional capacity are not covered by the minimum wage and maximum hours provision." That means, then, that the people who are covered are basically clerical people, people like that in our offices. We can say that even they are required sometimes to work irregular hours. And that is true, they are, just as out in the private industry sometimes people who are temporary employees or something are required to work very irregular hours. Where that is a norm for the conditions of employment in private industry, they can make an appeal from that and get relief from the requirements of the law. That is done on a regular basis by those who have their employees working very irregular hours.

The same way here on Capitol Hill, that would be the province of the board, to issue regulations like that right here if we wish to be exempted from that. If we did not, if our clerical personnel, for instance, and those who normally out in industry would be working a regular shift, say—if they are not exempted by the board then I would say we are treating ourselves, then, just like everybody else in the country. If a person out there running a business has some irregular working hours and applies for relief from that so he does not have to comply with certain regulations, then I think we would do the same thing here. If we find it is not working right we would appeal to the Board. In other words, the board would be the authority here. Just as there is an appeals process out there in private industry, we would have our own appeals process here.

But I want to point out that bona fide executive, administrative or professional capacity—they are not covered by these minimum wage or maximum hour provisions. That would cover our LA's, our legislative assistants, who would be considered as professionals. As far as the right to strike, that is prohibited here. I was looking up the language—I did not get it—just before I took the floor. But that is prohibited as it is in other Government activities also.

I would say all we tried to do in this, after all these years of having this objection about the separation of powers—and that is a very real one, and has been a problem for me all those years, too, as it has for my distinguished colleague from West Virginia. He was one who rose many years ago on the floor here and was very concerned about the separation of powers. He brought some of this up a long time ago, and rightly so, because we should not be giving away authority, back and forth, here. So what we did, instead of having the executive branch have the authority to just say, "OK, we are going up on Capitol Hill and we are going to run a check on OSHA considerations and we are going to do it on our own and we will enforce it by law"—that gets into a very sticky area, as the Senator from West Virginia knows. And it has been one of his main complaints about this.

We set up this Office of Compliance which will set rules that are appropriate to the unique operations of the Congress. They will have considerable authority. But we will have the appeals process also.

Another area of the board's authority that I think may be misunderstood, and I want to clarify also, is most of the rules for the Congress could probably be approved once the board sees them. The rules and regulations will have to come back for approval. I think most of those can be a joint resolution that applies to both the House and the Senate, probably most of it. If there are requirements, though, for one body or the other to treat itself differently because of the different operation of the House and Senate, then those rules have to be approved by each House regarding their own operations. And if we would deem it necessary here in the Senate to say our operation here is unique to the House and we think the rule here should be applied in a different way and we passed that, and the House passed a different resolution with regard to their operations, then the board would administer those rules for that body according to what that body approved for itself. The Senate rules that applied that the board would administer might not be the same rules of the House as it applies to them. But the board would be administering the rules as approved by each body for its own operations. I was not sure that was clearly understood.

So it gives us the maximum flexibility, I think, and gives us protection for the unique nature of congressional operations, both the House and the Senate, and allows for the peculiar nature of and the unique nature of the activities of both the House and the Senate.

So we try to foresee these things. We may not have done a perfect job on it. Senator GRASSLEY and Senator LIEBERMAN put the bill in last year. We worked together on this. But I think I fairly described how this whole thing would operate. I do not know if Senator GRASSLEY wants to add anything or not. But that should clarify some of the concerns of my distinguished colleague.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Ohio for his consideration of some of the concerns I have expressed and for his explanation.

I have absolutely no doubt whatsoever as to his sincerity and his conscientiousness and his dedication to doing the right thing for and by everyone concerned. As I stated in the beginning, I guess I see this through the perspective of having managed an office here on the Hill for going on 43 years. And I do not expect any other Members of this body to agree with me on this. But I do thank the Senator. I salute him for his dedication and for his tenacity in working as long as he has to bring this legislation to the Senate. This is something that he feels strongly about and I think I heard him speak about many times, even in our party conferences.

So I do not for one moment feel that what I think about the legislation is necessarily right. I approach things, generally speaking, feeling that I can be wrong. But it is pretty hard after 43 years to share a viewpoint that is different from the one that has worked very well, I think, in my office over the years. But I admire the Senator. I like him and am very fond of him.

I hope he will understand that I come to the floor not to engage in a crusade against this bill or to persuade another mind. I simply wanted to state my own views, and that is it. On the next question, I hope we can be together.

I yield the floor, Mr. President.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, without repeating what my good friend from Ohio, Senator GLENN, had to say about our respect in this body for the views of Senator BYRD, I would just simply say that I associate myself very much with the remarks of Senator GLENN. I would like to make some commentary on the issues raised by the distinguished Senator from West Virginia and follow along on what the Senator from Ohio has said. Our intent as we approach the writing of this legislation is to be very cognizant of the separation of powers and constitutional arguments that can be made.

One of the first points that was made is that these laws already apply to Congress, or at least some of these laws apply to Congress. As to those that do not apply to Congress, Senators have a responsibility to make a conscientious effort to make sure that the principles of the law are applied out of a matter of fairness to those employees that are working for Congress as an institution or working for individual Senators.

The laws that now apply to Congress do so in a way that is, in a sense, in name only. I have been involved with the application of some of these laws because I had what I considered a major victory at the time to get civil rights laws applied to Congress in the fall of 1991. But the remedies that we provided were not the same remedies for Hill employees that private-sector employees have.

So I say that the law applies kind of in name only. It is on paper. But the absence of the identical remedy for employees of Capitol Hill makes current coverage inadequate.

The agency that we set up here, the Office of Compliance, is a single agency that does not make policy for the two houses of Congress. No rule can be adopted without the concurrence of the membership of the body to whom the rule applies, and there is no infringement upon the independence of the Senate on the one hand, the independence of the House on the other hand, or the constitutional principle that each House can adopt its own rules.

There is a separation of powers. But constitutional analysis is not so general as to say that the Supreme Court will decide a case based upon an argument that the separation of powers has been violated. The claim must be more specific than that.

In the case law, the Supreme Court refuses to strike down legislation on the broad argument that it somehow violates constitutional separation of powers. Specific constitutional provisions must be cited, notwithstanding the novelty of the arrangement that we have set up in this legislation. The Supreme Court's decision upholding the constitutionality of the Sentencing Commission and the independent counsel—these have been court cases within the last 5 or 6 years—demonstrates this point.

In my opening statement, I mentioned that executive branch employees have some of the same rights that we want to now give to Hill employees under existing legislation we have already applied to the private sector.

Well, when an executive branch employee's rights are in question, these rights are protected by the judicial branch. It is as simple as this: no one has ever found judicial enforcement of the rights of executive branch employees to be unconstitutional. So my good friend, who spoke eloquently on this point, said that the judicial branch should not enforce a decision against a Member of Congress or Congress as an institution because it violates separation of powers. Nobody raises that argument when the judicial branch enforces an executive branch employee's right under existing law; so why should that be a problem for applying those laws to us? An independent, impartial person, or the institution of the judiciary protects the rights of executive branch employees. No one questions this.

And there has never been an impasse between the executive branch and the judiciary when any of these cases has been decided. When President Nixon was ordered to comply with a court decision during Watergate, pure and simple, he did. If the President of the United States can obey a judge's decision saying that the most powerful executive in the entire world must obey a court order, then why would we as individual Members of Congress have any question whatsoever if we have done something wrong and the independent judiciary or any one of its judges made a decision and issued an order enforced upon a Member of Congress.

The only way, then, that there could be an impasse between Congress and the judiciary is if Congress refused to comply with the Court order interpreting the Constitution. It is one thing for opponents of this legislation to argue that Congress should be above the law, and, of course, I disagree with that; but it is breathtaking to argue that Congress should be above the Constitution.

The board's determinations regarding bargaining units and covered employees under collective bargaining and overtime will not take effect until Members of Congress themselves approve the regulations. And I have faith that for all the reasons that have been expressed by the Senator from West Virginia that Congress is different, long hours are expected, that when we deal with these regulations, my colleagues will act to preserve their constitutional responsibilities. The board is unelected, but the board that governs the Office of Compliance that will write the regulations is not unaccountable, and it is not uncontrollable.

The bill addresses separation of powers as well, by providing for legislative branch, rather than executive branch enforcement. The bill was crafted to take into account constitutional issues, and I believe the courts would permit Congress to exercise these powers against its own activities. Moreover, the bill expressly prevents waiver of any congressional prerogative.

One last point that I want to make is that there was reference to the Browning case, decided by the D.C. circuit in 1986. That was a case where there was a discharge of an official reporter at the House of Representatives, and it was challenged by that reporter. The Court held the congressional defendant to be immune under the speech and debate clause. The standard was "whether the employee's duties were directly related to the due functioning of the legislative process," and "if the employee's duties are such that they are directly assisting Members of Congress in the discharge of their functions, personnel decisions affecting them are legislative and shielded from judicial scrutiny."

If Members heard during the previous speeches that Browning may effect what we can do here on congressional coverage to protect our employees because they might be an extension of our legislative duties, under the speech and debate clause, you should observe that the Supreme Court, 2 years later, in 1988, issued an opinion that requires Browning to be revisited. And here the Court was deciding what is referred to as the Forrester case. This case unanimously held that a State court judge did not have judicial immunity in a suit for damages brought by a probation officer whom that judge had fired. The Court explained that in determining whether immunity attaches to a particular official action, it applied a—this is their words—"functional approach." And then, "Under that approach we examine the nature of the functions with which a particular official or class of officials has been lawfully entrusted, and we seek to evaluate the effect and exposure that particular forms of liability would have on the appropriate exercise of those functions. Officials who seek exemption from personal liability have the burden of showing that such an exemption is justified by overriding considerations of public policy."

Thus, it is "the nature of the function performed, not the identity of the actor who performed it, that informs our immunity analysis."

So you can see that in Forrester, the Supreme Court is telling us that the Browning decision is not as compelling as it was for the 2 years before the Forrester case came before the Supreme Court.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, everything sounds so good, it is almost hard to believe it. The general public out there believes that we are applying the same rules to our own institution as we apply to them. That is not true. That is not true. In the Americans With Disabilities Act, for instance, we excluded title II. We hear this rhetoric that we put that in. We excluded title II. Title II is buildings and transportation. You wait until we have to change the other subway. That is fine, but the last one cost $16 million. I wonder what the others are going to cost. That is not coming out of my pocket or the Senator's pocket; it is coming out of the taxpayer's pocket.

The congressional exemptions in the statutes as provided by this bill will do a lot of things. If the same laws are applied to Congress as to the private sector, the statutory provisions must be the same. The statutory provisions are not the same. The remedies available to employees must be the same, the regulations must be the same, and the provisions for judicial enforcement and review must be the same as it applies to the private sector. But, no, we do not do that.

We do not do that. No, we do not.

The Republican bill creates a special agency, creates a special agency, to enforce selective provisions of law to the Congress. We set up a special agency. We do not just say that the provisions that apply to the small employer down there, the small businessman, will apply to us. We do not do that.

Under the bill, Congress will have its own special regulations. We set up our own special regulations. Separation of powers, sure. But we are out there telling our general public, our constituents, that we are going to apply the same thing to us as we apply to them. Now, I may vote for the bill, but I am going to tell you one thing, I want the general public to know what we are doing and what we are not doing.

Congress will have its own special regulations that may vary for each House. We may not have the same provisions in the Senate as they have in the House. It will vary between the House and the Senate, its own rules of procedure, not what the general public has—its own agency with its own inspectors with its own staff with its own general counsel with its own executive director and its own board. Now, you know, the general public out there does not have all that as we are setting up for ourselves.

The law will not result in Congress being subjected to the same laws that apply to the private sector. It is a continuation of special treatment of Congress by Congress. Any rose should smell so sweet.

The repeal of the exemption for Congress in the various civil rights and labor statutes would be the fulfillment of what the Republicans really promised by the Democrats. We would be holding them to their promise, not to their slogans.

So when you get right down to it, it is very simple. You just say all the statutes that apply to the business people out there apply to us. That is very simple. But, no, we are making it complicated. We excluded the Members of the Senate and the Members of the House. We are giving the Senate and the House the opportunity to set up different rules, and the expense is going to be tremendous.

Impact on confidentiality: The bill provides its office proceedings, including hearings before a hearing officer and before the board on appeal, will be confidential. It would permit public release only of the hearing officer's or board's decision, provided the complainant's name had been redacted. However, trial de novo will likely become the more popular avenue for the employee to pursue. A trial is usually not confidential and the parties would be named in the complaint.

Just a lot of things that we are doing here.

The bill requires the office to develop a system for the collection of demographic data respecting the composition of congressional employees, including race, sex, wages and a system for the collection of information on employment practices, including family leave and flexible work hours, and report annually to Congress on the information collected under such system.

How many employers out there have that done for them? How many?

And so we are saying we are applying the same laws to Congress that we are applying to our constituents. Not true. Not true. You can say what you want to, get up here and make all these grandiose statements for 30-second sound bites, but when you get down to it and you read the bill, we are taking care of Congress. We are giving immunity to Congress. The immunity is there. Self-enforcement has not worked very well. And that is what is happening here. Self-enforcement is what is happening here and it has not worked very good.

Two years ago, Congress passed legislation to extend coverage of several employment discrimination laws to the Senate. A Fair Employment Practices Office was established and employees were promised fair treatment. It was certainly an intent of these actions to provide some protection against arbitrary employment decisions to employees of the Senate. With this change in the majority, we have had employees that were within a few weeks of retiring, few months of retiring, and nondesignated employees—they were not Democrat or Republican, Independent or otherwise, they were professionals—the professionals were fired so you could hire some more designated. We will see employees terminated for the sake of termination.

And we are going to have a lot of cases, a lot of cases, when you fire a professional that is there because he is a professional, not because he is a Republican or Democrat or an Independent, whatever he might be. Is this action consistent with the intent of this legislation?

If the same laws are to apply to Congress and to the private sector, the statutory provisions must be the same. The enforcement agency must be the same, the remedies available to employees must be the same, the regulations must be the same, and the provisions for judicial enforcement and review must be the same as applied to the private sector. But, no, Congress is being good to itself again. Congress is being good to itself again. We are given immunity.

So, Mr. President, I hope that we will look at what is coming down the pike. And I think it is appropriate. But let us not fool the general public. Let us not say we are applying the same laws to Congress that we have applied to them, because we are not.

We will get in the argument about separation of powers and all this sort of thing. But then that is an argument where you can take care of yourselves.

Eight-thousand employees are now serving in the Senate. We will go to approximately 24,000 employees that will be covered; counseling up to 30 days; mediation, 30 or more; inspections for OSHA and ADA, title II. You hear we have put ADA, we have applied that to the Senate. We have not.

Investigation and initiation of charges: In addition to Senate OFEP staff above, the bill requires a five-person hearing board and two, House and Senate, deputy directors. We do not need all those. Just eliminate the statutes' exemptions for us and let the statutes apply to us.

So I will have more to say on this, I guess, before we get through. But I just want to be sure that people understand that we are not applying the same laws that we apply to our constituents to the Congress. I hope that there will be an admission that we are not doing that.

We are doing more than we have been. I have been for it for a long time. I got the Fair Employment Practices Office set up. Who had the responsibility of that? That is a $900,000 annual budget. We have had several cases we have settled. All those things have been transpiring. And wonder who paid for that? The taxpayers paid an additional $900,000, plus whatever the costs were. And whatever happens in this instance, the taxpayers are going to pay for it. We have immuned ourselves. Confidentiality is there. All of that.

And so, I hope those that who are listening understand that what we are doing is in the right direction, but it is not what we are saying we are doing. We are doing something far different.

Mr. President, I yield the floor.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 2.

Mr. McCONNELL. Is there a pending amendment, Mr. President?

The Ford amendment?

The PRESIDING OFFICER. It is the Ford amendment No. 4 to S. 2.

AMENDMENT NO. 8

(Purpose: To modify amendment No. 4 to S. 2 to clarify Senate regulations on the use of frequent flier miles)

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 8 to the Ford amendment.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. FORD. I object.

The PRESIDING OFFICER. There is an objection. The clerk will report.

The legislative clerk read as follows:

1. On line 7 of the first page, strike from paragraph (a): "or House of Representatives";

2. On line 10 of the first page, strike from paragraph (b): "Committee on House Oversight of the House of Representatives and the";

3. On line 9 of the second page, strike from subparagraph (2) of paragraph (c): "the House of Representatives and";

4. On line 8 of the first page, strike from paragraph (a): "Government" and substitute "office for which the travel was performed".

Mr. McCONNELL. Mr. President, my friend and colleague from Kentucky has offered an amendment which as it relates to the Senate codifies existing policy. It is not possible, it is my understanding, under Senate rules, for a Member of the Senate to convert frequent flier mileage acquired as a result of Government travel to personal use.

So, Mr. President, my assumption is that the amendment is designed to establish such a policy for the other body, and it is my view, and I think the Senator from Kentucky might—he can speak for himself—have objected to the House passing a Senate rule when he was chairman of the Rules Committee. Maybe he would not have. But it is my view that since the Senate has already curbed this problem—I am not sure exactly when the rule was adopted—it would be best that we not use this vehicle that Senator GRASSLEY and Senator LIEBERMAN have been working so hard on to impose a standard on the House that it may well adopt for itself at a time of its own choosing.

But this issue of the use of frequent flier miles acquired as a result of the expenditure of taxpayers' dollars to provide travel for Senators going back and forth to their States has long since been solved. It is not a problem in the Senate.

One concern I do have about the particular crafting of the amendment by my friend and colleague from Kentucky is that I gather the money saved by his amendment would accrue to "the Government." Under the current system, it is my understanding that the frequent flier mileage accrued goes to the office of the Senator; it is assigned to that particular office and then, of course, can be used to defray travel for the Senator back and forth to his State, thereby saving the taxpayers money.

So it seems to me better if we continue the policy of allowing the Senator to accumulate these miles for his own Government travel back and forth to his State, thereby saving taxpayers money for that particular office.

That is essentially my point, Mr. President, in offering this second-degree amendment. It is to simply limit the operation to the Senate, because basically that is already our policy, and to refrain from seeking to establish this standard for the House because I think they are not likely to take kindly to our advice about how they ought to handle this matter.

Let me just briefly go over a short statement here that outlines what I have said extemporaneously.

The Senate abides by travel regulations promulgated by the Senate Rules Committee. These travel regulations prohibit using frequent flier miles accrued from official business for personal use. They do allow the office which accrued the miles to use them for additional travel. Thus, the Senate regulations save the taxpayers money by allowing Senators to use accrued frequent flier miles to fly back and forth to our respective States.

To the extent that the FORD amendment codifies existing Senate policy, I would argue that it is probably not necessary because that is already our policy. But a consequence of the amendment of my friend may be that the frequent flier miles would be wasted and unusable.

Under our current regulations, as I just outlined earlier, bonus miles accrue to the office that pays for the ticket. That office may then use the accrued miles for additional official travel.

The amendment of my colleague would have the miles accrued to "the Government." The airlines, as I understand it, do not allow the pooling of bonus miles, not by private citizens and not by Government agencies. So if an office with accrued miles must turn them over to "the Government," those miles would in all likelihood be lost. The result would be an increase potentially in the cost of Government to the taxpayers.

Finally, just let me reiterate what I said earlier, that I hope we would not try to impose our longstanding rule on the House. It seems to me that they are not likely to respond to that kindly and may well deal with this issue at a time of their choosing.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. The other Senator.

Mr. President, I think my colleague, Senator McCONNELL, has a very weak argument. What he is saying is let the House continue to take their frequent flier mileage and use it personally; take your wife and family to Europe on a nice trip, or go out to California on miles earned by official expense.

That is number one. Number two, the House says they are going to do this. Fine. I listened very closely to our majority leader, Senator DOLE, when he said this bill, in all probability, will be accepted by the House and we will not have to go to conference. So if this amendment is not included in S. 2, then the House will continue for a period of time being able to use their frequent flier miles for personal use. And I do not think the taxpayers want to do that.

And, if we approve this modification, or amendment, that my colleague has submitted, then the purpose of Senator FEINGOLD and I is just moot. There is no need of having the amendment, since the Senate already has its rule. I would prefer to keep it in. But nevertheless—and I am aware of the usual practice that each House not legislate with regard to the operations of the other House. While this understanding is generally, and I underscore generally, honored, there have been a number of circumstances where it has not.

One recent major incident, and I underscore major, was the House insistence that the Senate official office accounts—if you remember that, we are just getting over that, we are just getting over that—that the Senate official office accounts be modified by adoption of restrictive language in the Legislative Branch Appropriations Act of 1991. That, in effect, was a major implementation of new rules by the House on the Senate. That change affected every Member of the Senate, and required the adoption of an extensive interpretive ruling by the Senate Ethics Committee, which my colleague should know plenty about since he is on the Ethics Committee.

The net effect of the amendment that deletes the House from this amendment is to permit the House Members to continue to convert frequent flier awards earned with taxpayers' money to personal use. Is this the congressional accountability that we talked about? It would be the only unit of Government that is allowed to do that. The executive does not allow it. The Senate does not allow it. But the House flies anywhere they want to on the perks from taxpayers' dollars. I understand you want to let the House go ahead and do it. It seems to me that if we want to be accountable here—sure we use, on our side in the Senate, those miles that are compiled from official trips back home to have more trips or to reduce the cost of our offices. It is pretty good, $300 or $400 a round trip, two or three trips, save $1,000; save $100,000 in the Senate. It begins to mount up. So the House, with 435 over there, it would be $435,000 that you would get back. You know, just a little bit.

So I would say to my friend that if this bill is going to become law—as I understand the majority leader insists that it will, if we do not amend it too much—just to put this in the bill, I do not think the House will vote against it just because we say to them they cannot use taxpayers' dollars for personal use. If you want to vote for that, let the House use it for personal use, you are going to get an opportunity, probably tomorrow afternoon around 2:15, or 2:30. But this amendment would modify the amendment I proposed with Senator FEINGOLD by deleting the reference to the House of Representatives, and the proposal is just not acceptable. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to make it clear it is not the view of this Senator that this vote on the second-degree amendment I have offered is in any way condoning of the use of frequent flier miles for private use—private use of frequent flier miles acquired as a result of Government travel. That is certainly not my view. It is not the view of the Senate. And the vote on the amendment I offered will be solely on the issue of whether or not the Senate ought to be making rules for the House. That is my view. I guess reasonable people can differ about that.

But in no way could a vote for the second-degree amendment I have offered be construed as condoning the policy that the Senate does not have. We have not had this for quite some time. So I personally certainly do not support the use of frequent flier miles accrued as a result of Government travel for private use. I know my friend from Kentucky was not implying that. But it is also my view that a vote for this second-degree amendment is not a vote to condone the use of frequent flier miles acquired as a result of Government travel for private use.

I will yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, what our distinguished colleague from Kentucky, Senator FORD, is trying to do here is say if the Government pays the bills and there is a rebate of some kind, the Government should get the benefit, not the individual. It is that simple.

For the life of me, I do not see how anyone can argue against that, particularly people elected over in the House now who are supposed to be cleaning up Government and all that sort of thing. In other words, right now over in the House the more you travel, the more trips you can generate back and forth, the more you personally gained for you and your family in free travel paid for by the taxpayers. How anybody can justify that I do not know. I realize the House sets their own rules and we apply our own rules but I submit to my distinguished colleague, Senator McCONNELL, we have had rules applied back and forth between the branches from time to time in the past. I think there are lots of examples of that.

I see this as almost a maximum personal perk. How can you have a more personal perk than all your travel back and forth between here and the west coast? You travel many, many, many thousands of miles. Or Hawaii, the Senators from out there, you build up a bundle of credit that over in the House they can use for personal family travel. They can take a trip around the world if they build enough of it up, at taxpayers' expense. I just do not see how anybody can justify that, that Government-paid-for tickets, with a rebate coming back, that rebate should not go to the Government that paid for it. That goes back to the taxpayers who paid for it to begin with. I do not think this thing of having the House determine its own rules—we have made rules back and forth that applied to different Houses in the past.

I will at the appropriate time, probably tomorrow morning, since we have just discussed this a short time ago, but I will probably have an amendment after we dispose of this one that would ask the GSA, the General Services Administration, that supervises the travel, that they negotiate with the airlines to include a frequent flier mile reduction in the original cost of the tickets. Why should that not inure to the Government going in? We should not argue about who gets the benefits of kickbacks later on, on frequent flier miles, but say if there is a reduced cost to the Government beyond the normal Government-reduced price, Government rate, for frequent flier miles in addition to Government-reduced rates, apply those frequent flier reductions in the original cost of the ticket. It seems to me that is very simple and solves the whole problem. So I will introduce that tomorrow at the appropriate time. But I rise in strong support of the proposal of Senator FORD.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, first I want to make a unanimous-consent request. I am doing it for the Republican leadership and it is my understanding it has been approved by the Democratic side of the aisle.

Mr. President, I ask unanimous consent that at 2:15 on Tuesday, January 10, the Senate proceed to vote on the McConnell second-degree amendment to the Ford amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I now ask for the yeas and nays on the McConnell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, I want to clear up one item with my colleague as it relates to his interpretation of whether it belongs to the Government or to the office. Under the rules of the Senate, and legislative counsel advised us to draft the amendment that way, it says:

> Discount coupons, frequent flier mileage, or other evidence of reduced fares obtained on official travel shall be turned in to the office for which the travel was performed so that they may be utilized for future official travel. This regulation is predicated upon the general Government policy that all promotional materials such as bonus flights, reduced fare coupons, cash, merchandise, gifts, credits toward future free or reduced cost of services or goods earned as a result of trips paid by appropriated funds, are the property of the Government and may not be retained by the traveler for personal use.

So, it is the Government money but it is returned to the office. So the language in the amendment is there based on the rules of the Senate, and they would apply as a result of this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment offered by Senator McCONNELL, the junior Senator from Kentucky. Just last week, this body overwhelmingly rejected an attempt to change the filibuster rules. We did that for a very important reason. We believe that it is an integral part of the functioning of this body within our constitutional system to protect minority interests and minority points of view in debate and consideration of legislation. So we decided to maintain a historic Senate rule, and we voted for recognition of our uniqueness when we did that. The House of Representatives and the Senate are two distinctly different bodies. They are entitled to adopt different rules, and one House should not dictate the rules of the other.

The underlying bill before us, S. 2, recognizes this principle. The underlying bill, as Senator LIEBERMAN and I have introduced it, sets up different rules for the House and the Senate so long as those rules do not infringe upon the statutory and regulatory rights of employees of Congress and the individual offices within Congress.

So no amendment should be offered, including the amendment by the senior Senator from Kentucky, that tells the other body what it must do in an area unrelated to the provisions of this bill. Under the second-degree amendment, Senators would be barred from converting frequent flyer miles earned on official business to personal use. That happens to be the existing rule in the Senate. I think the point has been very clearly made, that none of the 100 Senators may use frequent flyer miles for anything but official business.

It is all right to make our Senate rule into legislation, and, if Senator MCCONNELL's amendment is adopted, that is what we will be doing. We will be putting in statute language that is already a rule of the Senate. But we should let the House make its own rule in this regard. The other body is currently studying the treatment of frequent flyer miles in the private sector. They will want to conform their rules to the existing prevalent practice, and we should allow the other body to proceed on that course. I do not think there is any doubt but what they will be dealing with this as they know they should deal with it, as they dealt with it last August. Then, it did not get through in the final process of legislation.

So I argue that the process going on in the other body, and our respect for the rights of the other body, should be satisfactory to anyone. In the meantime, we should remember that the amendment of the senior Senator from Kentucky has no relationship to this bill.

If I have spoken more than once, I have spoken a dozen times to make the point that the underlying legislation is something that was clearly an issue in the last election. Whether you are a Republican or Democrat, you were probably elected on a proposition that you would vote for this. I did not run into anybody in the campaign who was against this legislation, Republican or Democrat. Now what we are doing is carrying out the will of the people, the mandate of that election, to get this bill passed and get it passed as quickly as we can. And the purpose of doing it as quickly as we can is so that we can show the people of this country that it is no longer business as usual.

So I believe that enacting existing Senate rules into law sometimes may be appropriate. So I will support the second-degree amendment. I want S. 2 to pass and to pass quickly, and adopting the second-degree amendment, I think, will further our goal because it is not going to complicate the bill. This is a matter of whether or not the other body is going to be turned off toward our legislation by the proposition that we are trying to tell them what to do to their own rules, because they have a constitutional right to adopt their own.

So I hope everyone will support the second-degree amendment by Senator MCCONNELL.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, just briefly in conclusion, I was listening to all the speakers on the other side with great interest. Their parties controlled the House of Representatives for 40 long years. I am curious as to why we have not felt the need here in the Senate to dictate this particular House rule in the past. We could have done that at any point. I do not know how long the House has had this practice but probably a long time. I just do not see the urgency or the propriety just because the management currently changed in the House as of last week that the Senate start dictating internal House policy.

I agree with Chairman GRASSLEY that this is just not an appropriate thing to do, and a vote on the second-degree amendment that I have offered is in no way a condoning of the practice that we do not allow here. We serve in this body. We do not allow this. I do not think we ought to start off the year telling the House what ought to be in their internal operating mode.

So, Mr. President, I thank you for the opportunity to address the Senate.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Chair.

You try a lot of things on this side that do not work. We voted overwhelmingly for a lobbying bill, gift bans, and everybody on the other side voted for it, 93 to 5, overwhelmingly. Some go out of here, and the only excuse they had for not voting for it this time is that they want to set the agenda. They want to introduce their own lobbying bill-gift ban bill.

Now we are trying to uphold something that is absolutely the right thing to do, and they say we should not impose it on the House. If they have been doing it for a while, why not correct it now? Do not wait months from now.

The distinguished majority leader said that this is a bill that would be acceptable on the House side. If it is going to be accepted on the House side, why not have something in there that is right? Let us do the right thing instead of letting it go. If something bad has happened, if something bad is going on, let us correct it now. Let us not wait until we are down the pike. If anyone wants to pass this underlying bill, sure, let us pass the underlying bill, but not by setting up a new, special and separate bureaucracy by Congress for Congress.

You go out and tell your constituent tomorrow that you are immune from prosecution. He is not. Tell him about the special committee set up to set your rules, and he does not have any. Tell him about the special counsel you are going to hire for yourself, and he does not have any. Do you think this is applying the laws that you put on the small businessman to Congress? Think again.

So if the underlying bill is that bad, why not add something on it that might do a little good? Just stop the use of perks from taxpayers' dollars for personal use. It is not the first time I have tried to do this. Why is it in the Senate? In 1991 we did it. As the chairman of the Rules Committee I tried. I think I was fair to everybody. I do not believe anybody in the Senate can say that I did not attempt to be fair with every Member. A lot of things we tried to prevent.

So if you are going to allow the imagery going out of here applying the laws to the Senate and the House that you apply to your constituents, which is not really true because you are setting up something different that is costly, wait until you get on the 1988 Disability Act when we begin to get into title II. Everybody said we have covered it under ADA. We have not. Now we are finally getting around to it. The Russell subway is not handicap accessible, the subway on the House side is not. We have a lot of things to do. I want my colleagues to know that we are setting up a special bureaucracy for Congress by Congress. The more things change the more they stay the same.

There is one thing we can change: taking taxpayers' dollars and using them for personal perks. I do not care if it has been going on for 40 years. Why should it go on for 41? And if the majority leader is right—and I have to accept his word that this bill will be accepted by the House and not go to conference—then we just delay the personal perks of the Members on the other side. I do not think they object to this. We are the ones that are objecting. I have not had anybody from the House run over here and say: FORD, you cannot do that, you cannot take my perk away from me. I want to continue to get my frequent flier miles so I can take my family to Europe or Hawaii or San Diego or Miami. We want to take a vacation on the taxpayers.

If you want to say that is what we want you to continue to do, then vote for Senator MCCONNELL's amendment, and we will just pull ours down. It will not make any difference at all.

So I hope people will look at this. The fabric of the legislation has to be accurate. There cannot be a 30-second sound bite in legislation. You can have a 30-second sound bite out in the campaign, but when we develop the fabric of the legislation here, that fabric has to meet where the rubber meets the pavement. It has to be accurate. You said something and now we are going to do it. But this legislation does not do it. I can give you chapter and verse, chapter and verse. There are about 24,000 employees that you are putting under this. You will have to have supplemental appropriations to pay for it—more than once a year, in my opinion. And I am for it, but I think all you have to do is just waive our exemptions and let us do what our constituents have to do. Very simple.

Oh, the separation of powers. If you are going to have separation of powers, that is one thing. But separation of powers is so costly under this bill, we will never see the end of tens of millions of dollars we are going to have to spend, because we are doing for Congress by Congress again, and the more things change the more they stay the same. I think in this instance we ought to change it just a little bit and say you cannot use your constituents' tax dollars for personal perks. It is a very simple vote. It will not take long, about 15 minutes tomorrow. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from California, [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. Mr. President, I rise, not to discuss this subject, but to discuss another. I had a placeholder at 5:30 to introduce four amendments to this bill. But knowing that the proponents of the bill would very much like to have it passed without amendment, I simply would like to make a statement about these amendments and then hope to work on a bipartisan basis to achieve some consensus and propose them later.

Mr. President, the amendments I was going to propose were in an area of congressional reform, which is as important as any area in this bill. It is campaign spending reform. I think campaign spending reform actually is more important, because it has so solidly conditioned the atmosphere of the public with respect to campaigns.

I was going to propose four amendments, the first, on spending limits. As I understood it, there was substantial objection to the public finance aspect of spending limits. The amendment I would propose would contain the spending limits of the prior Senate bill. In other words, the limit per State would be based on voting-age population. It would range from a high of $8.1 million in a large State such as California and a low of $1.5 million in the smallest State. In exchange for complying with these voluntary spending limits, a candidate would be entitled to a half-price discount broadcast rate, a reduced postage rate, and a complying candidate would be able to match an opponent that would not abide by the spending limit or exceed the spending limit without regard for the individual contribution limit of $1,000. That would be the balance.

The second amendment would limit PAC contributions to 20 percent of the total raised.

The third amendment would require a candidate to state at the end of their television ad in the last 4 seconds, clearly and definitively, speaking on the tube, that "I believe the facts in this advertisement to be true."

The fourth amendment would be in the area of personal funds. They would require a candidate to declare if they intend to spend in excess of $250,000 or, second, in excess of $1 million in the race, within 15 days of qualifying as a candidate. If their answer was in the affirmative, then gradually the individual contribution limits applicable to the opponent would be raised. So, again, you would have the opportunity to achieve a more level playing field.

Let me briefly state the rationale. I think there is probably no campaign in the Nation that better demonstrates the need for campaign spending reform than does the recent California Senate race. In my own election, and in others around the country, voters, I believe, saw some of the worst features of campaigns repeating themselves. There were spiraling campaign costs. More than $45 million was spent in the California Senate race. There was a virtual arms race of negative political advertisements day after day, beginning in February in California. One area my amendment would address, for example, is where there was a negative ad in the sense of one candidate referring to their opponent, the station broadcasting the ad would have to make a disclaimer. That is, this station has no way of ascertaining the truth of the ad that is about to appear. One of the problems we found is that people automatically believe a paid commercial spot is true, in the same way they believe a paid commercial spot for a product is true, and, of course, there is legitimate recourse for a false commercial spot. What we found is that there is no recourse for a false political spot. The station must run the spot, even if it is blatantly false.

Therefore, why not have the station come forward and say that this station has no way of ascertaining the truth or falsity of the spot which is about to appear.

The total amount of funds spent in the 1994 election cycle nationally is staggering. Spending by Senate and House candidates who survived primaries was $596 million, up 17 percent from 1992 and up 50 percent from 1990. Fifty percent more funds were spent in this race than just 4 years ago. Democratic candidates spent a record of $292 million, up 8 percent from 1992. And Republican candidates spent a record of $294 million, up 29 percent from 1992.

The source of this is the Federal Election Commission.

Now, we all know that there is no room in campaigns for people with sensitive feelings.

However, in the 1994 campaign, negative messages, groundless attacks on character, and distorted images dragged political advertising to a new low.

I would like to quote from an op-ed appearing in the New York Times and authored by Regionald Brack, chairman of Time Inc., and also chairman of the Advertising Council, which sponsors public-service ads. He reports:

> The cutthroat ads followed a disturbing formula. In clipped, agitated tones, attack your opponent's character. Distort his or her record. Associate him or her with extremists or unpopular political figures. To awaken fear, work in a between-the-lines racist message; foster suspicion, insinuate corrupt behavior. And by all means, steer clear of substantive issues.

Examples abound.

> This year one ad implied that a candidate might have lied about drug abuse.
>
> At least two candidates suggested that their opponents' political philosophies were somehow to blame for the kidnapping and murder of a 12-year-old and for the lethal rampage of a foe of abortion.
>
> Each political party charged that the other would significantly erode Social Security, Medicare, and other such programs dear to the electorate.

It is these 30-second negative ads that are driving politics in America today and turning away the American voter.

These ads, which are short on substance and long on attack, are shaping the political debate.

A post-election poll indicated that 75 percent of the respondents who said they voted in November said they were turned off by negative ads. In an election in which only 39 percent of the eligible voters went to the polls, 58 percent of those who did not vote said negative ads had influenced their decision to stay home.

Now, what is the problem? What I found the problem to be, is that even if a candidate wants to take the high road and deal with issues, the simple fact is you cannot. And I want to tell you why.

Focus group after focus group suggests this: The negatives drive through; the positives do not.

When you ask in a focus group what do you remember most about this or that candidate, what they remember are the negative ads, and what they do not believe are the positive ads of record and accomplishment that a candidate may run. Therefore, what you find, as you watch poll numbers in big races, is that a candidate has to respond in kind to negative ads and if you try to respond to an attack with positives, the poll numbers drop. You also have to respond in quantity and equally to the opponent to have an effect.

Consumers can file a complaint about false advertising of consumer products. But the aggrieved candidate has no legitimate recourse in a race. In my campaign, one television station began to run its own disclaimer before an attack ad saying that although the ad, they believed, was not correct, they still had to run it.

Another disturbing problem is the specter of super-wealthy candidates being able to buy a seat. In the 1994 election, several candidates received as much as 16 to 17 percent of their total funds from loans out of their own pockets—the highest proportion since at least 1986.

At least one way, I believe, the campaign system can offset the advantage of personal wealth without running afoul of the First Amendment and the Buckley versus Valeo decision is simply to loosen the constraints on the opponent. If a candidate declares up front that, "I'm going to contribute either $250,000, up to $1 million, or over $1 million in personal funds," then the individual contribution limits on the opponent are adjusted gradually so that the opponent then can compete.

Last, I strongly believe that campaign reform must look at the prevalence of contributions by PAC's. There is a real distortion in the public's mind that policymakers are beholden to special interests, and the special interests are the so-called PAC's, which overshadow average citizens, and impair, the public believes, an official's ability to make policy decisions based on national interests.

Current law is thought to favor PAC's in two key respects. Most PAC's qualify as multicandidate committees and, as such, they may contribute up to $5,000. Now, in prior legislation, the Senate has banned PAC's altogether, and the House has opposed such a move.

It seems to me that a fair compromise between the two is simply to limit the amount of PAC dollars a candidate can receive so that it does not exceed 20 percent of whatever the candidate raises.

So I hope, Mr. President, in the future, to present these amendments, either separately or as a whole. There is no public finance in any of them. We would establish a campaign spending limit. We would be able to better bring about truth in advertising. We would be able to level the playing field when personal wealth is considered. And we would be able to reduce considerably the so-called involvement of special interests in campaigns.

They are simple, they are direct, they make sense.

So I will, in the days to come, be approaching, on both sides of the aisle, Members in hopes that I can put together a bipartisan commitment to just these four simple amendments and move them forward, either separately or as a whole.

I thank you for your indulgence, Mr. President.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to thank the Senator from California for her willingness not to offer those amendments. I thank her very much, because it will help us hurry the legislation through this body and to the President of the United States.

I also want to assure her for our leader—because he has said so many times himself that there will be an ample opportunity to discuss the issues that she wants to bring up, as well as the campaign finance reform issue will be discussed—that there will be plenty of opportunity to do that.

I say that not only to assure the Senator from California of that opportunity, but also to suggest to other people on her side of the aisle, on the Democratic side of the aisle, who have amendments that deal with campaign finance reform—and there still are a few of the 20 yet to deal with tomorrow—that maybe they will follow the example of the Senator from California and not offer their amendments so that we can get done with this bill earlier tomorrow.

Mrs. FEINSTEIN. I thank the Senator.

Mr. GRASSLEY. I thank the Senator.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An Act to make certain laws applicable to the legislative branch of the Federal Government.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent Resolution recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994.

At 4:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints Representative SMITH of New Jersey as Chairman of the Commission on Security and Cooperation in Europe.

MEASURES REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 1. Concurrent Resolution recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994; to the Committee on Armed Services.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 169. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4. A communication from the President of the United States, transmitting, pursuant to a Senate Rule, notice relative to the Presidential Business Development Mission to Ireland and Northern Ireland; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 1. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

By Mr. DOMENICI, from the Committee on the Budget, with amendments:

S. 1. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

STATEMENT OF THE CHAIRMAN ON THE REPORTING BY THE GOVERNMENTAL AFFAIRS COMMITTEE OF S. 1—UNFUNDED MANDATE REFORM ACT OF 1995

Mr. ROTH. Mr. President, this morning the Governmental Affairs Committee, by a vote of 9 to 4, reported S. 1, the Unfunded Mandate Reform Act of 1995. Because of the great importance of this legislation to the State and local governments of this country, the bill is expected to be taken up by the Senate this week. Therefore, no official report of the committee will be filed on this legislation. To do so would delay the start of the bill's consideration. When a report is to be filed, each Member is entitled to a minimum of 3 days to prepare additional views. After it is filed, printed, and made available, the bill must lay over for 2 days before it may be considered.

Therefore, I am publishing instead a statement of the chairman on S. 1, which contains the very information, such as a legislative history and a section-by-section analysis, that would have been included in the report to accompany the legislation, had one been filed. Much of this is similar to the official committee report that was filed on the bill last year, when the committee reported S. 993, the predecessor of S. 1.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE CHAIRMAN, SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS, ON S. 1—UNFUNDED MANDATE REFORM ACT OF 1995

I. PURPOSE

The purpose of S. 1—the "Unfunded Mandate Reform Act of 1995"—is to strengthen the partnership between Federal, State, local and tribal governments by ensuring that the impact of legislative and regulatory proposals on those governments are given full consideration in Congress and the Executive Branch before they are acted upon. S.1 accomplishes this objective through the following major provisions: a majority point of order in the Senate to lie against Federal mandates without authorized funding to State, local and tribal governments; a requirement that the Congressional Budget Office (CBO) estimate the cost of Federal mandates to State, local and tribal governments as well as to the private sector; a requirement that Federal agencies establish a process to allow State, local and tribal governments greater input into the regulatory process; and, a requirement that agencies analyze the costs and benefits to State, local, and tribal governments of major regulations that include federal mandates.

II. BACKGROUND

On October 27, 1993, State and local officials from all over the Nation came to Washington and declared that day as "National Unfunded Mandates Day." These officials conveyed a powerful message to Congress and the Clinton Administration that unfunded Federal mandates imposed unreasonable fiscal burdens on their budgets, limited their flexibility to address more pressing local problems, forced local tax increases and service cutbacks, and hampered their ability to govern effectively.

The Committee on Governmental Affairs heard that message, and on November 3rd scheduled a Full Committee hearing on the issue. Witnesses from all levels of State and local government, from big cities on down to small townships, testified at the hearing on how unfunded Federal mandates adversely affected their ability to govern and set priorities. Mayor Greg Lashutka of Columbus, Ohio summed up the problems best when he said: "Others have called it [unfunded Federal mandates] spending without representation. Across this country, mayors and city councils and county commissioners have no vote on whether these mandated spending programs are appropriate for our cities. Yet, we are forced to cut other budget items or raise taxes or utility bills to pay for them because we must balance our budget at our level."

Mayor Ed Rendell of Philadelphia, Pennsylvania was more emphatic: "What is happening is we are getting killed. In most instances, we can't raise taxes. Many townships are at the virtual legal cap that their State government puts on them, or in my case in Philadelphia I took over a city that had a $500 million cumulative deficit that had raised four basic taxes 19 times in the 11 years prior to my becoming mayor. We have driven out 30 percent of our tax base in that time. I can't raise taxes, not because I want to get reelected or because it is politically feasible to say that, but because that would destroy what is left of our base, and our base isn't good enough."

Further, Mayor Rendell noted how Federal mandates forced undesirable tradeoffs against tackling more needy local problems: "So when you pass a mandate down to us and we have to pay for it, the police force goes down, the firefighting force goes down. Recreation departments are in disrepair. Our rec centers are in disrepair because our capital budget is being sopped up by Federal mandates, by the need to pay for Federal mandates."

Susan Ritter, County Auditor, Renville County, North Dakota, and David Worhatch, Township Trustee, Hudson, Ohio gave their perspective of how Federal mandates negatively impact the smallest of governments with a description of some specific examples. Ms. Ritter noted that the town of Sherwood, with a population of 286, will have to spend one half of its annual budget on testing its water supply. Mr. Worhatch noted how well-intentioned Federal mandates can have unintended consequences at a township-level that thwart the original purpose of the mandate. He pointed to strict regulations that could force the closure of a local landfill. That closure could lead to greater midnight dumping—an undesirable result.

The Federal-State-local relationship is a complicated one. It is a blurry line between where one level of government's responsibility ends and another begins. Local officials decry unfunded State mandates as much as they do unfunded Federal ones. State officials then tell local officials that those mandates aren't theirs, but rather that they come from the Federal government and that States are just the conduit. The Federal government officials sometimes accuse State and local governments of falling down on their share of responsibilities when using Federal aid to carry out a Federal program. Likewise, State and local governments say that the regulations that go with accepting that aid are too onerous, and getting more so. They blame Federal agencies for promulgating burdensome and inflexible regulations. The agencies say that it is not their fault and claim that they are only carrying out the will of Congress in implementing statutes. Congress asserts that agencies have the statutory authority to allow State and local governments more leeway and flexibility in regulation and that therefore the responsibility lies there. What is lost in the debate is need for all levels of government to work together in a constructive fashion to provide the best possible delivery of services to the American people in the most cost-effective fashion. Vice President Gore's National Performance Review recognizes this fundamental issue in its report—"Strengthening the Partnership in Intergovernmental Service Delivery." The report notes:

"Americans increasingly feel that public institutions and programs aren't working. In fact, serious social and economic problems seem to be getting worse. The percentage of low-birth-weight babies, the number of single teens having babies, and arrest rapes for juveniles committing violent crimes are rising; the percentage of children graduating from high school is falling; welfare rolls and prison populations are swelling; median incomes for families with children are falling; more than half of children in female-headed households are poor; and 37 million Americans have no basic health care or not enough."

"Why? At least part of the answer lies in an increasingly hidebound and paralyzed intergovernmental process."

The report goes on to explain how the 140 Federal programs designed to help families and children are administered by 10 departments and 2 independent agencies. Fifteen percent of them are directly administered by the Federal government, 40 percent by States, and the remaining 40 percent by local, private or public groups.

Whether these programs, as well as many other Federal programs, work or not hinges on the ability of Federal, State and local to work together as partners in carrying the program's responsibilities. When that coordination breaks down, the whole program suffers and program's objectives, be they improved environmental protection, reduced crime, better education, etc., fall short.

State and local officials emphasized in the Committee's hearings of November 3, 1993, April 28, 1994, and January 5, 1995, that over the last decade the Federal government has not treated them as partners in the providing of effective governmental services to the American people, but rather as agents or extensions of the Federal bureaucracy. In their view this lack of coordination and cooperation has not only effected the provision of services as a local level but also carriers with it the penalty of high costs, costs that they then pass on to local citizens.

A. The cost of Federal mandates to State and local governments

There has been substantial debate on the actual costs of Federal mandates as well as on their indirect costs and benefits. Suffice it to say that almost all participants in the debate would conclude that there is not complete data on the aggregate cost of Federal mandates to State and local governments. So there is a need to develop a baseline of what the aggregate cost of Federal mandates is to State and local budgets.

Notwithstanding the difficulty in preparing reliable cost estimates, the Committee believes that a strengthened and more thorough analytical process applied to legislation and regulation that impacts State, local and tribal governments is not only worthwhile, but achievable. There have been good faith efforts made in the past to measure the cost impacts of Federal intergovernmental mandates.

The Advisory Commission on Intergovernmental Relations' (ACIR) 1993 report "Federal Regulation of State and Local Governments: The Mixed Record of the 1980s" examined the procedures by which Congress measures the impact of legislation on State and local governments. Since 1981, the Congressional Budget Office (CBO) has been preparing cost estimates on major legislation reported by Committee that is expected to have an annual cost to State and local governments in excess of $200 million. According to CBO, on average roughly 10 to 20 reported bills per year exceed to $200 million threshold. These figures translate to between 2 and 4 percent of the total number of bills reported out of Committee. CBO estimates that about 11 percent of all bills reported out of Committee each year have some cost impact on State and local governments. A breakout on a year-by-year basis between 1983 and 1988 is shown below.

TABLE 5–5.—STATE AND LOCAL COST ESTIMATES PREPARED BY CBO, 1983–88

Estimates prepared	1983	1984	1985	1986	1987	1988	Total	Average
For bill approved by committee	483	554	367	465	393	559	2,821	470
Other	90	87	166	125	138	127	733	122
Total	573	641	533	590	531	686	3,554	592
Estimates with no state/local cost	496	584	488	543	448	598	3,157	526
Percent	87	91	92	92	84	87	89	89
Estimates with some cost	77	57	45	47	83	73	382	64
Percent	13	9	8	8	16	11	11	11
Estimates with impact above $200 million	24	6	14	8	22	15	89	15
Percent of total	4	1	3	1	4	2	3	3
Percent of bills with some cost	31	11	31	17	26	21	23	23

Source.—Congressional Budget Office Bill Estimates Tracking System, in Theresa A. Gullo, "Estimating the Impact of Federal Legislation on State and Local Governments," in Michael Fix and Daphne A. Kenyon, eds., "Coping with Mandates: What Are the Alternatives?" (Washington, DC: Urban Institute Press, 1990), p. 43.

The Committee also asked CBO to provide it with more recent cost estimates and to examine the number of bills that cross a $100 million annual threshold. In 1991, CBO scored 5 bills to cost State and local governments in excess of $100 million apiece. Another 8 bills had significant costs to State and local governments, but fell under the $100 million threshold. Further, CBO determined that for another 6 pieces of legislation for which they were unable to come up with specific estimates—5 bills would probably fall under the $100 million mark, one would probably exceed that total.

In testimony before the Committee on April 28, 1994, Dr. Robert Reischauer, Director of CBO, noted that preparing thorough and reliable State and local cost estimates is not easy. He presented the following reasons for the difficulty CBO sometimes has in preparing the estimates: Preparing the estimates requires the use of many different methodologies; the estimating process does not always yield firm estimates. Further, completing the estimates does take time—time that may not be readily available in the normal legislative process; and, legislative language may lack the detail necessary to estimate the costs.

Dr. Reischauer further stated that these constraints apply even more so to the preparation of cost estimates on private sector mandates. The Committee does believe that part of CBO's difficulty in performing these estimates lies in CBO not having adequate resources to conduct the estimates. Therefore, S. 1 authorizes an increase in funding for CBO of $4.5 million for each of Fiscal Years 1996 through 2002. CBO's budget currently stands at just over $23 million.

Federal environmental mandates head the list of areas that State and local officials have claimed to be most burdensome. A closer look at two of the studies done on the cost to State and local governments of compliance with environmental statutes does indicate these costs appear to be rising. A 1990 EPA study (prepared in conjunction with the Environmental Law Institute) "Environmental Investments: The Cost of a Clean Environment," estimates that total costs of environmental mandates (from all levels of government) to State and local governments will rise (in constant 1986 dollars) from $22.2 billion in 1987 to $37.1 billion by the year 2000—a real increase of 67 percent. According to the Vice President's National Performance Review report on the EPA, this figure when adjusted for inflation reaches close to $44 billion on an annual basis by the year 2000. EPA estimates that costs to local government will increase the most (70 percent) while the impact on State governments is less (48 percent), but still significant. Over the 13 year span, the average real increase in costs to State and local governments translates to 5.2 percent on an annual basis. A table is included as follows:

TABLE I–2.—TOTAL ANNUALIZED COSTS OF ENVIRONMENTAL MANDATES BY FUNDING SOURCES, 1972–2000

[In millions of 1986 dollars]

Funding source	1972	1980	1987	1995	2000
Environmental Protection Agency	$978	$4,574	$6,578	$9,161	$10,409
Other Federal Agencies	87	1,932	2,649	7,970	11,670
State Government	1,542	2,230	3,025	3,911	4,476
Local Government	7,673	12,857	19,162	27,913	32,577
Private	16,201	36,376	53,696	76,101	88,772
Total	26,481	57,969	85,290	125,056	147,904

Source.—U.S. Environmental Protection Agency, "Environmental Investments: The Cost of a Clean Environment" (Washington, DC: U.S. Environmental Protection Agency, 1990) selected data from pp. 8–49 through 8–51. These estimates use a mid-range discount rate of 7 percent and include funding to meet EPA's air, water, land, chemicals, and multi-media regulations.

The City of Columbus, Ohio also noted a trend in rising costs for city compliance with Federal environmental mandates in its study: "Environmental Legislation: The Increasing Costs of Regulatory Compliance to the City of Columbus." The City examined its cost of compliance with 13 Federal environmental and health statutes and concluded that its cost of compliance with those statutes would rise from $62.1 million in 1991 to $107.4 million in 1995 (in 1991 constant dollars), a 73 percent increase. The City estimates that its share of the total city budget going to pay for these mandates will increase from 10.6 percent to 18.3 percent over that timeframe. These calculations were based on an unchanging total city budget between 1991 and 1995; assuming a 3 percent annual real growth rate in the budget reveals a lesser increase from 10.6 percent to 16.1 percent.

In addition to environmental requirements, State and local officials cite other Federal requirements as burdensome and costly: compliance with the Americans with Disabilities Act and the Motor Voter Registration Act; complying with the administrative requirements that go with implementing many Federal programs; meeting Federal criminal justice and educational program requirements. While all these programs clearly carry with them costs to State and local governments, they can have benefits both to society as a whole—a fact that State and local officials concede. It is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief. However, to truly reach a better understanding of the Federal mandates debate, it is necessary to look at the Federal funding picture.

B. Federal aid to State and local governments

It is readily apparent that Federal discretionary aid to State and local governments both to implement Federal policies and directives as well as to comply with them saw a sharp drop in the 1980s before rising again in the early 1990s—although in real terms Federal aid is still significantly below its earlier levels.

An examination of Census Bureau data on sources of State and local government revenue shows a decreasing Federal role in funding to State and local governments. In 1979, the Federal government's contribution to State and local government revenues reached 18.6 percent. By 1989, the Federal share of the State and local revenue pie had steadily shrank to 13.2 percent before edging up to 14.3 percent in 1991—the latest year that data is available (see accompanying chart).

The Federal Government's contribution to State and local government revenues[1] *(1970–1991)*

Year:	*Percent of State and local government revenue*
1970	14.6
1971	15.8
1972	16.4

	Percent of State and local government revenue
1973	18.0
1974	17.6
1975	17.8
1976	18.3
1977	18.5
1978	18.7
1979	18.6
1980	18.4
1981	17.8
1982	15.9
1983	15.2
1984	14.9
1985	14.7
1986	14.4
1987	13.6
1988	13.3
1989	13.2
1990	13.3
1991	14.3

[1] U.S. Census Bureau—Government Finances Series, 1970-1991. Chart tabulated by Staff of Senate Committee on Governmental Affairs.

A closer look at patterns in Federal discretionary grants-in-aid programs during the 1980s confirms the finding that the Federal Government lessened its financial support of State and local governments. According to the Federal Funds Information Service (FFIS), between 1981 and 1990 Federal discretionary funding to State and local governments rose from $47.5 billion to $51.6 billion, a nominal increase of 8.6. percent. However, this figure when adjusted for inflation (using the GDP Price Deflator) tells a much different story: Federal aid dropped 28 percent over the decade—a 3.1 percent real decline on an annual average basis.

A number of significant Federal aid programs to State and local governments experienced sharp cuts and, in some cases, outright elimination during the decade. In 1986, the Administration and Congress agreed to terminate the general revenue sharing program—a program that provided approximately $4.5 billion annually to local governments and allowed them broad discretion on how to spend the funds. Since its inception in 1972, general revenue sharing had provided approximately $83 billion to State and local governments. Funding for Urban Development Action Grants, another significant program, was also terminated within this timeframe.

Between 1981 and 1990, funding for numerous Federal-State-local government grant programs was substantially trimmed, among them: Economic Development Assistance (47.5 percent—decrease is in nominal dollars), Community Development Block Grants (21.1 percent), Mass Transit (30.2 percent), Refugee Assistance (38.4 percent), and Low-Income Home Energy Assistance (17.6 percent). These cuts were partially offset by increases in funding in other areas—primarily in housing and health and human services programs.

The early 1990s saw a resurgence in funding for Federal-State-local discretionary aid programs. Funding rose from $51.6 billion in 1990 to $67.4 billion in 1993, a nominal increase of 30.6 percent and an inflation-adjusted average annual gain of 5.6 percent. This growth was driven primarily by expansions in funding for Head Start, Highway Funding, and Compensatory Education. Still, even with this recent growth, between 1980 and 1993 discretionary funding declined 18.2 percent in real dollars—an average annual real decrease of 1.4 percent.

In simple terms, over the last decade or so, State and local governments have gotten less of the Federal carrot and more of the Federal stick. The Committee has responded to State and local officials' calls for change, and has reported out bipartisan mandate reform legislation.

III. LEGISLATIVE HISTORY

In the 103rd Congress, eight bills were introduced and referred to the Committee that addressed, at least in part, the subject of Federal mandates on State and local governments. Bill sponsors included: S. 480—Levin; S. 563—Moseley-Braun; S. 648—Gregg; S. 993—Kempthorne; S. 1188—Coverdell; S. 1592—Dorgan; S. 1604—Glenn; and S. 1606—Sasser. Several major concepts were contained in most of the bills, among them: analysis of the costs of legislation and regulation on State and local governments; a prohibition or restriction on new Federal mandates without funding; and points of order enforcement. Senator Kempthorne's legislation, the original S. 993—the "Community Regulatory Relief Act of 1993"—had the strongest support, with more than 50 cosponsors. After two hearings and extensive meetings and discussions with State and local government organizations, the Administration, Senators and their staff, and the public interest community, the Committee crafted a legislative proposal that drew from many of the provisions of the eight bills, as well as incorporating several new provisions.

On June 16, the Committee marked up and reported out S. 993 with an amendment and an amendment to the title. Chairman Glenn offered a substitute bill to the original Kempthorne Bill, titled the "Federal Mandate Accountability and Reform Act of 1994", which passed by unanimous voice vote. Several other amendments offered by members of the Committee were also adopted, including an amendment by Senator Dorgan to include the private sector under the CBO and Committee mandate cost analysis requirements of Title I of S. 993, and a Glenn amendment to allow CBO to waive the private sector cost analysis if CBO cannot make a "reasonable estimate" of the bill's cost.

S. 993 as amended and reported by the Committee was considered by the Senate on October 6, 1994, without a time agreement. After some debate and the introduction of several additional amendments to the bill, the Senate proceeded to other items without taking any votes. The Senate adjourned without further consideration of S. 993.

In the 104th Congress, Senator Kempthorne introduced S. 1—the "Unfunded Mandate Reform Act of 1995"—on January 4, 1995, and the bill was concurrently referred both to the Governmental Affairs Committee. On January 5, the Governmental Affairs Committee held a joint hearing on the bill with the Budget Committee. On January 9, the Governmental Affairs Committee voted to report the bill, S. 1, by a vote of 9-4 after adopting an amendment by Senator Glenn and two by Senator Levin. Voting "aye" were Senators Roth, Stevens, Cohen, Thompson, Cochran, Grassley, Smith, Glenn, and Nunn (with Senators McCain and Dorgan voting "aye" by proxy). Voting "nay" were Senators Levin, Pryor, Lieberman, and Akaka.

IV. SECTION-BY-SECTION ANALYSIS

S. 1 sets up a legislative and regulatory framework that is based on three relatively simple concepts:

To better understand the impact of Federal mandates on State, local and tribal governments, and on the private sector, before policymakers act in either the Congress or the Executive Branch.

To ensure that the needs and views of State and local governments are given full consideration before the Congress or the Executive Branch imposes new Federal mandates without funding.

To establish a point of order in the Congress against unfunded Federal mandates on State, local and tribal governments.

A more detailed description of the most important provisions in the bill follows below.

Section 1. Short Title

This section identifies the short title as the "Unfunded Mandates Reform Act of 1995."

Section 2. Purposes

This section establishes the purposes of the Act.

Section 3. Definitions

This section breaks the definition of Federal mandates into two components: Federal intergovernmental mandates and Federal private sector mandates.

The section amends the Congressional Budget and Impoundment Control Act of 1974, by adding several new definitions. It stipulates that a "Federal intergovernmental mandate" means any legislation, or a provision therein, or regulation that imposes a legally binding duty on State, local or tribal governments. This would include legislation or regulation that seeks to eliminate or reduce the authorization of appropriations of Federal financial assistance to State, local and tribal governments should they not comply with that legislation's or regulation's duties. The subsection also provides that legislation or regulation would be considered a Federal intergovernmental mandate if it sought to reduce or eliminate an existing authorization of appropriations for the purposes of complying with some previously imposed duty. The Committee believes that if the Federal Government imposes legally binding duties on State, local or tribal governments, and provides financial assistance to them to carry out or comply with those duties, then S. 1's provisions should apply if the Federal Government subsequently reduces the authorization of that aid, while continuing to keep the existing duties in place. Exempted from the provisions of this subsection is legislation or regulation that authorizes or implements a voluntary discretionary aid program to State, local and tribal governments that has requirements or conditions of participation specific to that program.

Included, as part of the definition of Federal intergovernmental mandates, are Federal entitlement programs that provide $500 million or more annually to State, local or tribal governments. This would currently include nine large Federal entitlement programs, seven of which are either exempt from sequestration or subject to a special rule under the Budget Act. The nine are: Medicaid; AFDC; Child Nutrition; Food Stamps; Social Security Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. Any legislation or regulation would be considered a Federal intergovernmental mandate if it: (a) increases the stringency of State, local or tribal government participation in any one of these nine programs, or (b) caps or decreases the Federal Government's responsibility to provide funds to State, local or tribal governments to implement the program, including a shifting of costs from the Federal Government to those governments. The legislation or regulation would not be considered a

Federal intergovernmental mandate if it allows those governments the flexibility to amend their specific programmatic or financial responsibilities within the program while still remaining eligible to participate in that program. In addition to the nine previously-mentioned programs, also included are any new Federal-State-local entitlement programs (above the $500 million threshold) that may be created after the enactment of this Act. The Committee has included this provision in the legislation because of its concern over past and possible future shifting of the costs of entitlement programs by the Federal government onto State governments.

"Federal private sector mandate" is defined to include any legislation, or a provision therein, that imposes a legally binding duty on the private sector.

"Direct costs" is defined to mean aggregate estimated amounts that State, local and tribal governments, and the private sector will have to spend in order to comply with a Federal mandate. Direct costs of Federal mandates are net costs; estimated savings will be subtracted from total costs. Further, direct costs do not include costs that State, local and tribal governments and the private sector currently incur or will incur to implement the requirements of existing Federal law or regulation. In addition, the direct costs of a Federal mandate must not include costs being borne by those governments and the private sector as the result of carrying out a State or local government mandate. Finally, the Committee intends that direct costs be calculated on the assumption that State, local and tribal governments and the private sector are in compliance with relevant codes and standards of practice established by recognized professional organizations or trade associations.

"Private sector" is defined to cover all persons or entities in the United States except for State, local or tribal governments. It includes individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

Independent regulatory agencies are excluded from the definition of a Federal "agency". The definition of "small government" is made consistent with existing Federal law which classifies a government as small if its population is less than 50,000. "Tribal government" is defined according to existing law.

Section 4. Exclusions

The Committee believes that several types of unfunded mandates should be properly excluded from the requirements of this Act. These include Federal legislation or regulation that: enforces constitutional rights of individuals; establishes or enforces statutory rights to prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status; requires compliance with Federal auditing and accounting procedures; provides emergency relief assistance or is designated as emergency legislation; and, is necessary for national security or ratification or implementation of international treaties.

A number of these exemptions are standard in many pieces of legislation in order to recognize the domain of the President in foreign affairs and as Commander-in-Chief as well as to ensure that Congress' and the Executive Branch's hands are not tied with procedural requirements in times of national emergencies. Further, the Committee thinks that Federal auditing, accounting and other similar requirements designed to protect Federal funds from potential waste, fraud, and abuse should be exempt from the Act.

The Committee recognizes the special circumstances and history surrounding the enactment and enforcement of Federal civil rights laws. During the middle part of the 20th century, the arguments of those who opposed the national, uniform extension of basic equal rights, protection, and opportunity to all individuals were based on a States rights philosophy. With the passage of the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965, Congress rejected that argument out of hand as designed to thwart equal opportunity and to protect discriminatory, unjust and unfair practices in the treatment of individuals in certain parts of the country. The Committee therefore exempts Federal civil rights laws from the requirements of this Act.

Section 5. Agency Assistance

Under this section, the Committee intends for Federal agencies to provide information, technical assistance, and other assistance to the Congressional Budget Office (CBO) as CBO might need and reasonably request that might be helpful in preparing the legislation cost estimates as required by Title I. Through the implementation of various Presidential Executive Orders over the last decade, agencies have developed a wealth of expertise and data on the cost of legislation and regulation on State, local and tribal government and the private sector. CBO should be able to tap into that expertise in a useful and timely manner. Other Congressional support agencies may also have developed information on cost estimates and the estimating process which might be helpful to CBO in performing its duties. CBO should not attempt to duplicate analytical work already being done by the other support agencies, but rather use as needed that information.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

Section 101. Legislative mandate accountability and reform

This section amends title IV of the Congressional Budget and Impoundment Control Act of 1974 by creating a new section 408 on Legislative Mandate Accountability and Reform. Subsection (a) establishes procedures and requirements for Committee reports accompanying legislation that imposes a Federal mandate. It requires a committee, when it orders reported legislation containing Federal mandates, to promptly provide the reported bill to CBO so that it can be scored. The Committee is concerned that the CBO scoring process not unnecessarily impede or slow the legislative process. With this view in mind, the Committee would urge the relevant authorizing committees to work closely with CBO during the committee process to ensure that legislation containing federal mandates, as well as possible related amendments to be offered in markup, be scored in a timely fashion.

The committee report shall include: an identification and description of Federal mandates in the bill, including an estimate of their expected direct costs to State, local and tribal governments and the private sector, and a qualitative assessment of the costs and benefits of the Federal mandates, including their anticipated costs and benefits to human health and safety and protection of the natural environment. If a mandate affects both the public and the private sectors, and it is intended that the Federal Government pay the public sector costs, the report should also state what effect, if any, this would have on any competitive balance between government and privately owned business.

Some Federal mandates will affect both the public and private sectors in similar, and in some cases nearly identical, ways. For example, the costs of compliance with minimum wage laws or environmental standards for landfill operations or municipal waste incinceration are incurred by both sectors. There has been some concern expressed that subsidization of the public sector in these cases could create a competitive advantage for activities owned by State, local or tribal governments in those areas where they compete with the private sector. In any instance where this might be the case, Congress should be aware of that impact and the effect on the continuing ability of private enterprises to remain viable, and carefully consider whether the granting of a competitive advantage to the public sector is fair and appropriate.

For Federal intergovernmental mandates, Committee reports must also contain a statement of the amount, if any, of increased authorization of Federal financial assistance to fund the costs of the intergovernmental mandates.

This section also requires the authorizing Committee to state in the report whether it intends the Federal intergovernmental mandate to be funded or not. There may be occasions when a Committee decides that it is entirely appropriate that State, local or tribal governments should bear the cost of a mandate without receiving Federal aid. If so, the Committee report should state this and give an explanation for it. Likewise, the Committee report must state the extent to which the reported legislation preempts State, local or tribal law, and, if so, explain the reasons why. To the maximum extent possible, this intention to preempt should also be clear in the statutory language.

Also set out in this section are procedures to ensure that the Committee publishes the CBO cost estimate, either in the Committee report or in the Congressional Record prior to floor consideration of the legislation.

Duties of the Director

New section 408(b) of the Congressional Budget and Impoundment Control Act requires that the Director of CBO analyze and prepare a statement on all bills reported by committees of the Senate or House of Representatives other than appropriations committees. This subsection stipulates, first, that the Director of CBO must estimate whether all direct costs of Federal intergovernmental mandates in the bill will equal or exceed a threshold of $50,000,000 annually. If the Director estimates that the direct costs will be below this threshold, the Director must state this fact in his statement on the bill, and must briefly explain the estimate. (Although this provision requires only a determination by CBO that the threshold will not be equalled or exceeded, if, in cases below the threshold, the Director actually estimates the amount of direct costs, the Committee expects that he will include that estimate in his explanatory statement.) If the Director estimates that the direct costs will equal or exceed the threshold, the Director must so state and provide an explanation, and must also prepare the required estimates.

In estimating whether the threshold will be equalled or exceeded, the Director must consider direct costs in the year when the Federal intergovernmental mandate will first be effective, plus each of the succeeding four fiscal years. In some cases, the new duties or conditions that constitute the mandate will not become effective against State, local and tribal governments when the statute becomes effective, but will become effective when the implementing regulations become effective. In such cases, the Director must consider direct costs in the first fiscal year when the regulations are to become effective, and each of the next four fiscal years.

The $50,000,000 threshold in this legislation for Federal intergovernmental mandates is significantly lower than the threshold of $200,000,000 in the State and Local Cost Estimate Act of 1981 (2 U.S.C. 403(c)). The threshold in the 1981 Act also included a test of whether the proposed legislation is likely to have an exceptional fiscal consequence for a geographic region or a level of government. The Committee believes that, in the context of this present legislation, applying a threshold for specific geographic regions or levels of government would be too subjective or too complex. However, the significantly lowered threshold of S. 1 should provide an extra margin of protection for particular geographic regions or levels of government affected by Federal intergovernmental mandates.

If the Director determines that the direct costs of the Federal intergovernmental mandates will equal or exceed the threshold, he must make the required additional estimates and place them in the statement. These additional estimates may be summarized as follows:

An estimate of the total amount of direct costs of the Federal intergovernmental mandates. This is an aggregate amount, broken out on an annual basis over the 5-year period.

An estimate of any increase in the bill in authorization of appropriations for Federal financial assistance programs usable by the State, local, and tribal governments for activities subject to the Federal intergovernmental mandates.

The amount of increase in authorization of appropriations would be calculated, as the sum of the increased budget authority of any Federal grant assistance, plus the increased subsidy amount of any loan guarantees or direct loans.

The Director of CBO must also estimate first whether all direct costs of Federal private sector mandates in the bill will equal or exceed a threshold of $200,000,000 annually. In making this estimate, the Director must consider direct costs in the year when the Federal private sector mandate will first be effective, plus each of the succeeding four fiscal years. In some cases, the new duties or conditions that constitute the mandate will not become effective for the private sector when the statute becomes effective, but will become effective when the implementing regulations become effective. In such cases, the Director must consider direct costs in the first fiscal year when the regulations become effective, and each of the next four fiscal years. If the Director estimates that the direct costs will equal or exceed the threshold, the Director must so state and provide an explanation, and must also prepare the required estimates. These additional estimates may be summarized as follows:

An estimate of the total amount of direct costs of the Federal private sector mandates. This is an aggregate amount, broke out annually over the 5-year period.

An estimate of any increase in the bill in authorization of appropriations for Federal financial assistance programs usable by the private sector for activities subject to the Federal private sector mandates.

If the Director determines that it is not feasible for him to make a reasonable estimate that would be required with respect to Federal private sector mandates, the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be reasonably made. No corresponding section applies for Federal intergovernmental mandates.

If the Director estimates that the direct costs of a Federal mandate will be below the specified threshold, the Director must state this fact in his statement on the bill, and must briefly explain the estimate. (Although this provision requires only a determination from CBO of whether the threshold will or will not be exceeded, if, in cases below the threshold, the Director actually estimates the amount of direct costs, the Committee expects that he will include this estimate in his explanatory statement.)

Point of order in the Senate

This section provides that a point of order lies against any bill or joint resolution reported by a committee that contains a Federal mandate, but does not contain a CBO estimate of the mandate's direct costs. A point of order would also lie against any bill, joint resolution, amendment, motion, or conference report that increased the costs of a Federal intergovernmental mandate by an amount that caused the $50,000,000 threshold to be exceeded, unless that same amount were fully funded to State, local and tribal governments.

Such action would have to specify that the funding of the mandate's full costs would be by way of; (1) an increase in entitlement spending with a resulting increase in the Federal budget deficit, (2) an increase in direct spending paid for by an increase in tax receipts, or (3) an increase in the authorization of appropriations.

If the third alternative is used (authorization of appropriations), the specific appropriation bill that is expected to provide funding must be identified. The mandate legislation must also designate a responsible Federal agency that shall either: implement an appropriately less costly mandate if less than full funding is ultimately appropriated (pursuant to criteria and procedures also provided in the mandate legislation), or declare such mandate to be ineffective. In other words, the authorizing committee should expect that unless it expressly plans otherwise, its mandate will be voided if the appropriations committee at any point in the future under-funds the mandate. Therefore, if a "less money, less mandate" alternative is both feasible and desired, it is incumbent upon the authorizing committee to specify how the agency shall implement that alternative.

Appropriations bills are not subject to a point of order under this section. If such a bill did seek to impose a federal mandate, it would likely be subject to the point of order that lies against legislating on an appropriations bill.

The Committee expects that during those instances when the Parliamentarian must rule on a point of order under this section, there may be occasions when there is a need for consultation regarding the applicability of this Act. This section provides that on all such questions that are not within the purview of either the House or Senate Budget Committee, it is the Senate Governmental Affairs Committee or House Government Reform and Oversight Committee that shall make the final determination. For example, on the question of whether a particular mandate is properly excluded from coverage of the Act as bill which enforces constitutional rights of individuals, the Governmental Affairs Committee would be the appropriate committee to consult. On a question regarding the particular cost of such a mandate, the Budget Committee would be the appropriate committee.

Section 102. Enforcement in the House of Representatives

This section specifies the procedures to be followed in the House of Representatives in enforcing the provisions of this Act.

Section 103. Assistance to committees and studies

This section requires the Director of CBO to consult with and assist committees of the Senate and the House of Representatives, at their request, in analyzing proposed legislation that may have a significant budgetary impact on State, local or tribal governments or a significant financial impact on the private sector. It provides for the assistance that committees will need for CBO to fulfill their obligations under the provisions of S. 1.

This section also states that CBO should set up a process to allow meaningful input from those knowledgeable, affected, and concerned about the Federal mandates in question. One possible way to establish this process is through the formation of advisory panels made up to relevant outside experts. The Committee leaves it to the discretion of the Director as to when and where it is appropriate to form an advisory panel; however, the Committee does encourage the Director to form these panels where feasible and helpful in performing the requisite studies. The membership of the panels should represent a fair balance of interests and constituencies, as well as include those expert in the areas of economic and budgetary analysis, but the Committee believes that when the Director convenes an advisory panel, he should appoint State, local or tribal officials (including their designated representatives) to the panels.

This section encourages authorizing committees to take a prospective look at the impact of Federal intergovernmental and private sector mandates before considering new legislation. It stipulates that committees should request that CBO undertake studies in the early part of each Congress of the potential budgetary and financial impact of Federal mandates in major legislation expected to be considered in that Congress.

Section 104. Authorization of appropriations

This paragraph authorizes appropriations for CBO of $4,500,000 per year for FY 1996 through 2002. The Committee recognizes that additional resources and personnel are needed for CBO to fully perform its duties under this Act along with continuing to carry out its current responsibilities. The Committee understands that the current policy and practice at CBO is to rely on in-house personnel to conduct studies and cost estimates, rather than contracting these duties to outside entities. The Committee supports this policy and urges the Appropriations Committee, in funding this authorization, to increase CBO's authority to hire additional personnel in order to fulfill its new duties under this Act.

Section 105. Exercise of rulemaking powers

This section provides that the terms of title I are enacted as an exercise of the rulemaking power of the Senate and the House of Representatives, and that either house may change such rules at any time.

Section 106. Repeal of the State and Local Cost Estimate Act of 1981

This paragraph rescinds the provisions of the State and Local Cost Estimate Act of 1981.

Section 107. Effective date

Title I will take effect on January 1, 1996 and apply only to legislation introduced on or after that date. This is to give CBO the time to develop the proper methodologies and analytical techniques in order to develop a more thorough cost estimating process, as well as to give Congress opportunity to provide adequate resources to CBO in the annual appropriations process.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

Section 201. Regulatory process

Under this section, agencies must assess the effects of their regulations on State, local and tribal governments, and the private sector, including resources available to carry out Federal intergovernmental mandates contained in those regulations. In keeping with both statutory and regulatory objectives, agencies shall seek ways to minimize regulatory burdens that significantly effect State, local and tribal governments.

Subsection (b) requires agencies to develop an effective process to permit elected officials of those governments (or their designated representatives) to provide meaningful and timely input into the development of regulatory proposals that contain significant Federal intergovernmental mandates. This provision mirrors Section 1(b) of President Clinton's Executive Order 12875—"Enhancing the Intergovernmental Partnership"—which seeks to establish a closer partnership between Federal agencies and elected and other State, local and tribal officials in the regulatory process. The Committee expects agencies to fully and faithfully implement this section as well as the other provisions in the E.O. On January 11, 1994, OMB Director Leon Panetta and OIRA Administrator Sally Katzen issued guidance on the implementation of the E.O. Concerning Section 1 of the E.O., that guidance states, "intergovernmental consultation should take place as early as possible, and preferably before publication of the notice of proposed rulemaking or other regulatory action proposing the mandate. Consultations may continue after publication of the regulatory action initiating the proposal, but in any event they must occur 'prior to the formal promulgation' in final form of the regulatory action 'containing the proposed mandate.'" Early and extensive intergovernmental consultation can help promote the development of more cost-effective Federal regulation as well as help all the participants in the process reach a better understanding of the proper needs and responsibilities of each level of government in implementing or complying with a Federal requirement.

OMB's guidance also outlines with whom agencies should consult in State, local and tribal government. The Committee feels strongly that agencies should follow the OMB guidance concerning consultation with elected officials, including their representatives, from all levels of smaller governments because these officials are responsible for balancing the competing claims on the government's revenue base from many program responsibilities. The OMB guidance further discusses how Federal agencies should also confer with the designated representatives of elected officials as well as with program and financial officials from State, local and tribal governments. program officials clearly are able to offer information and guidance to their Federal counterparts on the likely effectiveness of any Federal regulatory proposal, while financial officials can offer important perspectives on their government's ability to pay for the mandate. In consulting with financial officials, Federal agencies should look to the applicable treasury, budget, tax-collection, or other financial officers in State, local and tribal governments.

Subsection (b) also states that the intergovernmental consultations should be consistent with the requirements established in existing Federal law governing the regulatory process. In particular, the Committee believes that agencies must ensure that the consultation process not subvert or violate in any way the public disclosure and sunshine provisions of existing law and Executive Order, including the Administrative Procedure Act.

Subsection (c)(1) has agencies establishing plans to inform, advice, involve and consult with small governments before implementing regulations that might significantly or uniquely affect those governments. The Committee believes that Federal agencies should undertake a special effort to ensure that officials from small governments have an opportunity for significant input into the regulatory process. According to the Census Bureau, small governments (population below 50,000) make up 97 percent of all general purpose governments in the United States. A full 67 percent of all general purpose governments serve fewer than 2,500 people. Yet despite their prevalence, small governments have a relatively small presence in the Nation's Capital where Federal regulatory policies and decisions are made. It is the Committee's sense that Federal agencies have not always been aware of, or have adequately considered, small governments' capabilities in implementing certain regulatory requirements. This has resulted in the promulgation of regulations in certain cases that have not only over-burdened small governments to the point of widespread noncompliance, but in so doing fails to achieve those regulations' goals and objectives. The Committee believes that one way to achieve the twin goals of more cost-effective regulation and greater rates of compliance on significant regulations that impact small governments is for agencies to establish plans for outreach to small governments. Such plans might incorporate activities such as greater technical assistance to small governments; regional planning activities, conferences, and workshops; and establishment of small government advisory committees, or appointment of small government representatives on existing advisory committees. One good approach is embodied in the recommendations of the National Performance Review Report for the Environmental Protection Agency. The NPR EPA Report recommends that the agency convene a series of town meetings across the United States to discuss more flexible ways to achieve environmental protection.

Section 202. Statements to accompany significant regulatory actions

This section states that before a Federal agency promulgates any final rule or notice of proposed rulemaking that includes any intergovernmental mandate that is estimated to result in an annual aggregate expenditure of $100,000,000 or more by State, local or tribal governments, and the private sector, the agency must complete a written statement containing the following:

Estimates of the anticipated costs to State, local and tribal governments, and the private sector, of compliance with the mandate, including the availability of Federal funds to pay for those costs;

Future costs of Federal intergovernmental mandate not estimated above, including estimates of any disproportionate budgetary effects on any particular regions of the United States or on particular States, local governments, tribal governments, urban or rural or other types of communities;

A qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from any Federal intergovernmental mandate, including enhancement of public health and safety and protection of the natural environment;

An estimate of the effect on the national economy of the mandate's impact on private sector costs;

A description and summary of input, comments, and concerns received from State, local and tribal government elected officials; and,

A summary of the agency's evaluation of those comments and concerns, and the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates.

Subsection (b) requires agencies to summarizes their written statements and include that summary in the promulgation of the notice of proposed rulemaking and in the final rule. Subsection (c) states that preparation of the written statements may be done in conjunction with other analyses. This subsection ensures that agency actions be compatible with the regulatory planning and coordination provisions of the President's scheme for regulatory review as governed by Executive Order 12866—Regulatory Planning and Review.

The Committee believes that proper agency assessment of the impact of major regulations on State, local and tribal governments can lead to better and more cost-effective Federal regulation as well as reduce unreasonable burdens on smaller governments. The spirit and intent of this section is meant to be entirely consistent with the relevant portions of E.O. 12866. As part of its principles, the E.O. states, "each agency shall assess the effects of Federal regulations on State, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize Federal regulatory actions with related State, local, and tribal regulatory and other governmental functions." The Committee strongly endorses these principles and supports their full implementation.

Section 203. Assistance to the Congressional Budget Office

This section requires the Director of the Office of Management and Budget to collect the written statements prepared by agencies under Section 202 and submit them on a timely basis to CBO. The reason for this section is that CBO may find useful agency assessments and analyses in performing the required cost estimates on legislation. As OMB already collects these assessments and related information from all agencies under Executive Order authority, it makes good sense that OMB also supply that information to CBO as a matter of routine.

Section 204. Pilot program on small government flexibility

This section requires OMB, in consultation with Federal agencies, to establish at least two pilot programs to test innovative and more flexible regulatory approaches that reduce reporting and compliance burdens on small governments while continuing to meet overall statutory goals and objectives.

The Committee believes that Federal agencies should experiment with some new and innovative approaches on regulations that affect small governments. Such a pilot program would embody some of the recommendations of the Vice President's National Performance Review. For example, the NPR report for the Environmental Protection Agency recommends that the agency establish a pilot project to assist a community in assessing its environmental and community health risks and how to direct resources to priority problems. The Committee's wish is that similar sorts of initiatives be tried by at least one other agency.

TITLE III—BASELINE STUDY

Section 301. Baseline study of costs and benefits

This section establishes a Commission on Unfunded Federal Mandates.

Section 302. Report on unfunded Federal mandates by the Commission

This section provides that the Commission shall review the role and impact of unfunded Federal mandates in intergovernmental relations, and make recommendations to the President and Congress on how State and local governments can participate in meeting national objectives without the burden of such mandates. It shall also make recommendations on how to allow more flexibility in complying with mandates, reconcile conflicting mandates, terminate obsolete ones, and simply reporting and other requirements. The Commission shall first develop criteria for evaluating unfunded mandates, and then shall publish a preliminary report on its activities under this title within 9 months of the enactment of this Act. A final report shall be submitted within 3 months of the preliminary report.

Section 303. Membership

This section provides that the Commission shall be composed of 9 members—3 appointed by the Speaker of the House of Representatives (in consultation with the minority leader), 3 by the majority leader of the Senate (in consultation with the minority leader), and 3 by the President. No Member or employee of Congress may be a member of the Commission.

Section 304. Director and staff of commission; experts and consultants

This section provides for the appointment of the staff and Director of the Commission, without regard to certain Civil Service rules. It also grants the Commission the authority to hire on a temporary basis the services of experts and consultants for purposes of carrying out this title, as well as the right to receive detailees from Federal agencies on a reimbursable basis, if approved by the agency head.

Section 305. Powers of commission

This section provides the Commission with the authority to hold hearings, obtain official data, use the U.S. mails, acquire administrative support services from the General Services Administration, and contract for property and services.

Section 306. Termination

The Commission shall terminate 90 days after submitting its final report.

Section 307. Authorization of appropriations

This section authorizes the appropriation to Commission of $1 million.

Section 308. Definition

This section defines the term "unfunded federal mandate", as used in title III.

TITLE IV—JUDICIAL REVIEW

Section 401. Judicial review

This section provides that nothing under the Act shall be subject to judicial review, that no provisions of the Act shall be enforceable in an administrative or judicial action, and that no ruling or determination under the Act shall be considered by any court in determining the intent of Congress or for any other purpose.

V. REGULATORY IMPACT STATEMENT

Paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate requires Committee reports to evaluate the legislation's regulatory, paperwork, and privacy impact on individuals, businesses, and consumers.

S. 1 addresses Federal government process, not output. It will directly affect and change both the legislative and regulatory process. It will not have a direct regulatory impact on individuals, consumers, and businesses as these groups are not covered by the bill's requirements.

However, the implementation of S. 1 will likely have an indirect regulatory impact on these groups since a primary focus of the bill is to ensure that Congress assess the cost impact of new legislation on the private sector before acting. In so much as information on private sector costs of any particular bill or resolution may influence its outcome during the Congressional debate, it is possible that this bill may ease the regulatory impact on the private sector—both on individual pieces of legislation as well as overall. However, it is impossible at this time to determine with any specificity what that level of regulatory relief may be.

S. 1 does address the Federal regulatory process in three ways: (1) It requires agencies to estimate the costs to State, local and tribal governments of complying with major regulations that include Federal intergovernmental mandates; (2) It compels agencies to set up a process to permit State, local and tribal officials to provide input into the development of significant regulatory proposals; and (3) It requires agencies to establish plans for outreach to small governments.

However, with the exception of the third provision, the bill will not impose new requirements for agencies to implement in the regulatory process that are not already required under Executive Orders 12866 and 12875. The bill merely codifies the major provisions of the E.O.s that pertain to smaller governments.

The legislation will have no impact on the privacy of individuals. Nor will it add additional paperwork burdens to businesses, consumers and individuals. To the extent that CBO and Federal agencies will need to collect more data and information from State, local and tribal governments and the private sector, as they conduct their requisite legislative and regulatory cost estimates, it is possible that those entities will face additional paperwork. However, although smaller governments are certainly encouraged to comply with agency and CBO requests for information, they are not bound to.

VI. CBO COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 9, 1995.

Hon. WILLIAM V. ROTH,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1, the Unfunded Mandate Reform Act of 1995.

Enactment of S. 1 would not affect direct spending on receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—JANUARY 9, 1995

1. Bill number: S. 1.

2. Bill title: Unfunded Mandate Reform Act of 1995.

3. Bill status: As ordered reported by the Senate Committee on Governmental Affairs on January 9, 1995.

4. Bill purpose: S. 1 would require authorizing committees in the House and Senate to include in their reports on legislation a description and an estimate of the cost of any federal mandates in that legislation, along with an assessment of their anticipated benefits. Mandates are defined to include provisions that impose duties on states, localities, or Indian tribes ("intergovernmental mandates") or on the private sector ("private sector mandates"). Mandates also would include provisions that reduce or eliminate any authorization of appropriations to assist state, local, and tribal governments or the private sector in complying with federal requirements, unless the requirements are correspondingly reduced. In addition, intergovernmental mandates would include changes in the conditions governing certain types of entitlement programs (for example, Medicaid). Conditions of federal assistance and duties arising from participation in most voluntary federal programs would not be considered mandates.

Committee reports would have to provide information on the amount of federal financial assistance that would be available to carry out any intergovernmental mandates in the legislation. In addition, committees would have to note whether the legislation preempts any state or local laws. The requirements of the bill would not apply to provisions that enforce the constitutional rights of individuals, that are necessary for national security, or that meet certain other conditions.

The Congressional Budget Office (CBO) would be required to provide committees with estimates of the direct cost of mandates in reported legislation other than appropriation bills. Specific estimates would be required for intergovernmental mandates costing $50 million or more and, if feasible, for private sector mandates costing $200 million or more in a particular year. (CBO currently prepares estimates of costs to states and localities of reported bills, but does not project costs imposed on Indian tribes or the private sector.) In addition, CBO would probably be asked to assist the Budget Committees by preparing estimates for amendments and at later stages of a bill's consideration. Also, at times other than when a bill is reported, when requested by Congressional committees, CBO would analyze proposed legislation likely to have a significant budgetary or financial impact on state, local, or tribal governments or on the private sector, and would prepare studies on proposed mandates. S. 1 would authorize the appropriations of $4.5 million to CBO for each of the fiscal years 1996–2002 to carry out the new requirements. These requirements would take effect on January 1, 1996, and would be permanent.

S. 1 would amend Senate rules to establish a point of order against any bill or joint resolution reported by an authorizing committee that lacks the necessary CBO statement or that results in direct costs (as defined in the bill) of $50 million or more in a year to state, local, and tribal governments. The legislation would be in order if it provided funding to cover the direct costs incurred by such governments, or if it included an authorization of appropriations and identified the minimum amount that must be appropriated in order for the mandate to be effective, the specific bill that would provide the appropriation, and a federal agency responsible for implementing the mandate.

Finally, S. 1 would require executive branch agencies to take actions to ensure that state, local, and tribal concerns are fully considered in the process of promulgating regulations. These actions would include the preparation of estimates of the anticipated costs of regulations to state, localities, and Indian tribes, along with an assessment of the anticipated benefits. In addition, the bill would authorize the appropriation of $1 million, to be spent over fiscal years 1995 and 1996, for a temporary Commission on Unfunded Federal Mandates, which would recommend ways to reconcile, terminate, suspend, consolidate, or simplify federal mandates.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Congressional Budget Office:						
Authorization of appropriations		4.5	4.5	4.5	4.5	4.5
Estimated outlays		4.0	4.4	4.4	4.4	4.4
Commission on Unfunded Federal Mandates:						
Authorization of appropriations	1.0					
Estimated outlays	0.4	0.6				
Bill Total:						
Authorization of appropriations	1.0	5.5	4.5	4.5	4.5	4.5
Estimated outlays	0.4	4.6	4.4	4.4	4.4	4.4

The costs of this bill fall within budget function 800.

Basis of estimate: CBO assumes that the specific amounts authorized will be appropriated and that spending will occur at historical rates.

We estimate that executive branch agencies would incur no significant additional costs in carrying out their responsibilities associated with the promulgation of regulations because most of these tasks are already required by Executive Orders 12875 and 12866.

6. Comparison with spending under current law: S. 1 would authorize additional appropriations of $4.5 million a year for the Congressional Budget Office beginning in 1996. CBO's 1995 appropriation is $23.2 million. If funding for current activities were to remain unchanged in 1996, and if the full additional amount authorized were appropriated, CBO's 1996 appropriation would total $27.7 million, an increase of 19 percent.

Because S. 1 would create the Commission on Unfunded Federal Mandates, there is no funding under current law for the commission.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: James Hearn.

12. Estimate approved by: Paul Van de Water, Assistant Director for Budget Analysis.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON:

S. 174. A bill to repeal the prohibitions against political recommendations relating to Federal employment and U.S. Postal Service employment, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 175. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

By Mr. BUMPERS:

S. 176. A bill to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; to the Committee on Environment and Public Works.

By Mr. McCAIN:

S. 177. A bill to repeal the Ramspeck Act; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself and Mr. LEAHY) (by request):

S. 178. A bill to amend the Commodity Exchange Act to extend the authorization for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 179. A bill to amend the Immigration and Nationality Act to facilitate the apprehension, detention, and deportation of criminal aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. SIMON, and Mr. DODD):

S. 180. A bill to streamline and reform Federal job training programs to create a world-class workforce development system for the 21st century, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 181. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes; to the Committee on Finance.

S. 182. A bill to amend the Internal Revenue Code of 1986 to encourage investment in the United States by reforming the taxation of capital gains, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM:

S. 183. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATFIELD:

S. 184. A bill to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BUMPERS:

S. 185. A bill to transfer the Fish Farming Experimental Laboratory in Stuttgart, Arkansas, to the Department of Agriculture, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 175. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

LEGISLATION TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE U.S. GOVERNMENT

• Mr. SHELBY. Mr. President, today I am introducing legislation to designate English as the official language of the U.S. Government.

Last year, tax forms were printed in a language other than English for the first time in the 131 year history of the IRS. In addition, the Immigration and Naturalization Service is now conducting non-English language citizenship ceremonies. I find these policies very disturbing. The Government is sending a clear message that to live in the United States, one must not learn the English language.

I believe such Government policies establish a dangerous and expensive precedent. The idea that the U.S. Government can accommodate better than 300 foreign languages now found in America, is absurd.

In order to assimilate the various cultures and ethnic groups that comprise this great land, we must use English. Of all the different homelands and dialects introduced to the United States in the 18th century, the language the immigrants choose was English. They did not choose French, German, or Spanish.

A common, established language allows individuals to engage in conversation, commerce and of course political discussion. A common language serves as a bridge unifying a community by opening the lines of communication. In this diverse land of ours, English is the common line of communication we share. English is what allows us to teach, learn about and appreciate one another. It is therefore important that the Federal Government formally recognize English as the language of Government and pursue efforts to help new citizens assimilate and learn the English language.

The inability to communicate fosters frustration and resentment. By encouraging people to communicate in a common language, we actually help them progress in society. A common language allows individuals to take advantage of the social and economic opportunities America has to offer. The ability to maintain a law abiding citizenry is hindered and the ability to offer true representation is certainly hampered if individuals cannot communicate their opinions.

There might be concerns that this legislation will deprive non-English speaking individuals of certain rights or services. Let me assure you it will not. This legislation does not deny individuals their right to use native languages in their private lives nor does it deny critical services. This bill only affects the official functions of the U.S. Government. If anything, this legislation reflects the need to provide services that help non-English speaking people learn English and assimilate to America. Participatory democracy in this country simply requires people learn the English language.

I strongly urge my colleagues to join in this effort to establish a national language policy for the U.S. Government by cosponsoring the Language of Government Act of 1995.•

By Mr. BUMPERS:

S. 176. A bill to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; to the Committee on Environment and Public Works.

THE CORNING NATIONAL FISH HATCHERY CONVEYANCE ACT OF 1995

Mr. BUMPERS. Mr. President, today, I am introducing legislation that would transfer the property rights in the Corning National Fish Hatchery from the Federal Government to the State of Arkansas. In 1983, the Fish and Wildlife Service closed this hatchery because of budget constraints. Because the State of Arkansas was interested in maintaining the Corning facility as part of its State hatchery system, the U.S. Fish and Wildlife Service signed a Memorandum of Understanding with the Arkansas Game and Fish Commission transferring the operation of the Corning Hatchery to the Arkansas Game and Fish Commission. The hatchery has even been renamed the William H. Donham State Fish Hatchery.

Mr. President, it is time to give the State of Arkansas clear title to this property. The State has been operating and maintaining it for over 10 years without any Federal funding and it has become an important component of the State's fisheries program. The proposed transfer not only has the support of the Arkansas Game and Fish Commission but also the U.S. Fish and Wildlife Service.

I urge my colleagues to join me in support of this legislation and look forward to its speedy passage.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corning National Fish Hatchery Conveyance Act of 1995".

SEC. 2. CONVEYANCE OF THE CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the State of Arkansas, without reimbursement and by no later than December 31, 1995, all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas fish culture program.

(b) PROPERTY DESCRIBED.—The property refereed to in subsection (a) is the property formally known as the Corning National Fish Hatchery, (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas, consisting of 137.34 acres, (more or less) and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as the time of the transfer.

By Mr. McCAIN:

S. 177. A bill to repeal the Ramspeck Act; to the Committee on Governmental Affairs.

THE RAMSPECK REPEAL ACT OF 1995

• Mr. McCAIN. Mr. President, I introduce the Ramspeck Repeal Act, which would terminate the Ramspeck Act after a 2-year period. I believe the Ramspeck Act is obsolete and unfair, and the time has come to do away with it.

A description of the Ramspeck Act will quickly outline why I think it is unnecessary and unjustified. Signed into law in 1940, the Ramspeck Act provides exclusive privileges to former legislative and judicial branch employees to secure career civil service positions with the Federal Government. The Ramspeck Act makes a special exception to certain competitive requirements of civil service positions for individuals who have served 3 years in the legislative branch or 4 years in the judicial branch.

Under the Ramspeck Act, legislative branch employees are awarded status for direct appointment to a civil service position if they have been involuntarily separated from their job, and they are allowed 1 year from their date of separation in which to exercise this privilege. Furthermore, the Ramspeck Act waives any competitive examination which ranks applicants for a job for individuals who are former legislative or judicial branch employees. Therefore, if a competitive exam is required to rank candidates for a civil service position, the Ramspeck Act enables a select group of individuals to skip that hurdle, while assuring them of being able to be selected for the job.

Finally, individuals appointed under this act become career employees in the civil service without regard to the tenure of service requirements that exist for all other civil service employees. Most people who have successfully competed for a position with the civil service must then serve a 3-year probationary period before they achieve career status with their agency. Ramspeck appointees, however, are afforded career status immediately.

It is not appropriate for former legislative employees to receive special reemployment privileges that allow them to jump ahead of their fellow citizens when seeking a civil service position. It is both reasonable and equitable to require former legislative or judicial branch employees to compete for civil service jobs under the same terms that other Americans have to. Leveling the playing field for qualified individuals from the private sector who are interested in entering the civil service is a worthy endeavor, Mr. President, and one of the primary objectives of this proposal. By offering this legislation, I am also continuing my efforts to make the Congress abide by the same rules that our constituents live by.

Let me say that while I want to swiftly repeal the Ramspeck Act, I do not want to act in a manner that has a partisan or punitive impact. This proposal would have no impact on any former Senate or House employees who lost their jobs in the November 1994 election. I recognize that while the results of this November's election caused a large number of involuntary job losses among Democratic legislative employees, and many of them may currently be trying to utilize the Ramspeck Act to secure a civil service position. Clearly, Republican legislative branch employees have utilized their eligibility under the Ramspeck Act to seek civil service jobs after other elections, as well.

I strongly believe that the Ramspeck Act affords unfair employment privileges for both Republicans and Democrats alike, to the detriment of their fellow citizens who may not have had the opportunity to work in the legislative branch. Therefore, the legislation I am introducing today would terminate this reemployment perk 2 years after the enactment of this measure.

A repeal of the Rampseck Act is warranted because it is wrong for former legislative and judicial branch employees to be given special reemployment privileges that allow them to leap in front of equally qualified individuals—especially on the basis that they recently worked for a Senator or Congressmen who was recently defeated for reelection.

In closing, Mr. President, this legislation is about fairness and equal opportunity. The Ramspeck Act is an unnecessary and unjustified relic from another era, and it's time we repealed it. I hope the Senate will pass this legislation and take a sound step toward reforming a part of Federal civil service law that is an affront to the principles of merit-based job selections and true competition. I ask my colleagues to join with me in reaffirming these principals by supporting the Ramspeck Repeal Act.•

By Mr. LUGAR (for himself and Mr. LEAHY) (by request):

S. 178. A bill to amend the Commodity Exchange Act to extend the authorization for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE COMMODITY FUTURES TRADING COMMISSION REAUTHORIZATION ACT

• Mr. LUGAR. Mr. President, I am pleased to introduce a bill to reauthorize the Commodity Futures Trading Commission [CFTC] to exercise its responsibilities to prevent manipulation, prohibit fraud, maintain financial integrity, and encourage innovation in the Nation's futures and commodity options markets through regulation and oversight. This legislation provides assurance to the national and international financial markets of the continuing authority of the CFTC, continues the CFTC's responsibilities under existing law, gives adequate time to complete implementation of the extensive amendments included in the Futures Trading Practices Act of 1992 [FTPA] and allows time for reviews of the effects of that implementation. The CFTC was established by the Commodity Futures Trading Commission Act of 1974 as a sunset agency, and its authority must be regularly extended by Congress. The FTPA authorized the agency for a period of only 2 years and the CFTC now operates under authority granted by Congress through the appropriations process, a deficiency this bill will correct.

The CFTC's task of overseeing and regulating a rapidly expanding futures industry has been, is, and will be enormous. The volume of commodity futures and options contracts traded on the Nation's commodity exchanges, or designated contract markets, for 1994 exceeded half-a-billion transactions. These transactions directly or indirectly effect the financial well being of family farms, corporations, financial institutions, traders, and millions of individuals through pooled investments. All of this trading is carried out within a self-regulatory framework overseen and supplemented by the CFTC, an agency of less then 600 employees.

The futures industry is an essential part of our Nation's financial markets and the CFTC is an essential player in the federal regulation of those markets. President Bush recognized the role of the CFTC in establishing the President's Working Group on Financial Markets, in the wake of the October 1987 stock market collapse, which included the Secretary of the Treasury, the Chairman of the Federal Reserve Board of Governors, the Chairman of the Securities and Exchange Commission, and the Chairman of the CFTC. Former Secretary of the Treasury Bentsen reactivated the Working Group and the Chairman of the CFTC remains an active and vital participant in its efforts. Reauthorization of the CFTC will express congressional intent that the agency continue its role as a member of this group.

The volume of exchange traded futures and commodity options contracts and the increased importance of this trading to all sectors of the financial markets is not confined to the United States. New markets are developing in other nations around the world and governments of those countries are grappling with regulatory issues. The CFTC has taken a leading role in dealing with these governments on a variety of futures related matters. Reauthorization will assist the CFTC in its dealings with these governments. This is an area of increasing importance as our financial markets compete with overseas markets to attract and serve customers around the world.

Along with increasing volume, connections with other financial industries, and internationalization, the increasing complexity of financial transactions is a challenge facing the CFTC. The financial industry is now able to construct a bewildering array of instruments to serve the investment, or risk management needs of their customers.

Often these instruments are lumped together under the term "derivatives." Exchange traded futures contracts governed by the requirements of Federal law since 1922 and overseen by the CFTC since 1974 are certainly one form of derivatives, since their value is derived from the value of an underlying commodity. Development of the over the counter instruments known as derivatives led to the question of whether they were the economic or legal equivalents of futures contracts. Since prior to FTPA, Federal law required all futures trading to occur on organized exchanges, this led to legal uncertainty in the now huge derivatives market. Using the broad exemptive authority granted by Congress in FTPA, the CFTC has been addressing this problem. Reauthorization will give these new markets the confidence that the process will go forward in a orderly way.

While the markets overseen by the CFTC have grown immensely in volume, variety of products, and diversity of users, the importance of futures trading to agriculture cannot be overstated. The development of futures trading allowed farmers to mitigate the boom and bust cycle of prices for their crops through intelligent marketing. Today futures trading is an integral part of pricing and risk management for U.S. agriculture. The volume of exchange traded futures and commodity options contracts on U.S. commodity exchanges totalled over 58 million transactions in 1994. This trading affected not only the market participants, but ultimately all producers, processors, merchandisers and consumers of agricultural products with prices affected by exchange trading. As the Congress reviews the current Federal commodity programs through hearings, and debates on the 1995 farm bill, the pricing and risk shifting functions of the futures markets may take on even more importance as we reconsider the role of the Federal Government in stabilizing prices and assuming price risks in agriculture. As we take on this task, we need to assure ourselves that the futures markets are operated appropriately and are properly overseen.

Finally, after 4 years of hearings, debate, and consideration, the Congress passed FTPA. The law addressed not only the tremendous growth in volume, variety of products, internationalization, and complexity issues discussed above; but also concerns about the interrelationship of the futures and securities markets in the wake of the October 1987 stock market collapse, fraudulent trading practices by numerous individuals on the Nation's exchanges as disclosed by FBI undercover operations and CFTC investigations, and the negative effect on soybean prices precipitated by an exchange emergency action that angered many producers. The Congress granted the CFTC new authorities to address these issues. Further, the Congress directed the agency to undertake numerous rulemakings and studies to implement the requirements of FTPA. That law amended the Commodity Exchange Act to:

> Improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices that may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes. . . .

The committee intends to commence hearings in the near future to review the CFTC's progress in implementing FTPA. Enactment of this legislation will assure orderly implementation of FTPA and assure industry participants, commerce generally and the public of continued oversight of this vital sector of the American economy.

Mr. President, I ask unanimous consent that the full text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CFTC Reauthorization Act of 1995".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 1995 through 2000.''.•

By Mr. ROTH:

S. 179. A bill to amend the Immigration and Nationality Act to facilitate the apprehension, detention, and deportation of criminal aliens, and for other purposes; to the Committee on the Judiciary.

THE CRIMINAL ALIEN CONTROL ACT OF 1995

• Mr. ROTH. Mr. President, today I am introducing the Criminal Alien Control Act of 1995. This comprehensive legislation addresses a problem that has reached staggering proportions in this country: criminal aliens.

Without question, there are many problems with our Nation's immigration system. I hope that this is the year we undertake comprehensive immigration reform, including changing the much-abused asylum process. But we cannot effectively reform our immigration system without addressing the problem of criminal aliens.

The problem of criminal aliens occupies the dangerous intersection of crime and the control of our Nation's borders, two issues of great concern to the American people. I hope we can all agree that there is no place in this country for people who come here and commit serious crimes. Criminals are one commodity we do not need to import.

Last Congress, as ranking minority member of the Permanent Subcommittee on Investigations, I conducted an investigation and held 2 days of hearings on the problem of criminal aliens and the governmental response to that problem. Our investigation found that criminal aliens are a serious threat to our public safety that is costing our criminal justice system hundreds of millions of dollars. And the problem is getting worse by leaps and bounds.

Criminal aliens now account for an all-time high of 25 percent of the Federal prison population and are, by far, the fastest growing segment of the Federal prison population. Throughout our Nation's criminal justice system, there are an estimated 450,000 criminal aliens—a staggering number.

Although our investigation found that the Immigration and Naturalization Service is not adequately responding to the criminal alien problem, the INS does not deserve all of the blame. In fact, when it comes to criminal aliens, there is plenty of blame to go around and we in Congress are not immune. Congress deserves blame because our Federal criminal alien deportation laws, created on a piecemeal and patchwork basis, set out an irrational, lengthy and overly complex process that prevents us from deporting criminals as rapidly as we should be.

There are, however, many difficulties with the INS that have exacerbated this problem. For example, the INS is unable to even identify most of the criminal aliens who clog our State and local jails before these criminals are released onto our streets. Also, many criminal aliens, having been identified, are released on bond while the lengthy deportation process is pending. It should be a surprise to no one that many skip bond and never show up for their deportation hearings.

One thing the INS does is routinely provide criminal aliens with work permits legally allowing them to get jobs while their appeals are pending. One INS deportation officer told my staff that he spends only about 5 percent of his time looking for criminal aliens because he must spend most of his time processing their work permits.

As for actual deportation, the final step in the process, criminal aliens often are not actually deported even when deportation orders have been issued for them. According to the INS, there are more than 27,000 aliens, including many criminal aliens, who have been ordered deported yet remain at large. It is no wonder that one frustrated INS official told us that only the stupid and honest actually get deported.

Perhaps the ultimate indictment of the current system is that even on those rare occasions when the system actually works and a criminal alien is deported, reentry into the United States is so easy that it makes the whole process appear to be a giant exercise in futility. The subcommittee obtained long lists of criminal aliens who have repeatedly been deported only to reenter the country illegally and commit more crimes.

My legislation addresses the serious problem posed by criminal aliens by simplifying, streamlining and strengthening the deportation process for these aliens who have been convicted of committing crimes in this country.

My legislation simplifies existing law by eliminating the confusing array of crimes for which criminal aliens are deportable. Under my legislation, any alien who commits any felony is deportable—period.

My legislation streamlines the deportation process for criminal aliens by, among other things, requiring aliens who are not permanent residents and who wish to appeal deportation orders, to do so from their home countries, after they have been deported. My legislation further streamlines the process by allowing States and Federal judges to order the deportation of criminal aliens. Once an alien has been convicted beyond a reasonable doubt of having committed a felony, having had the benefit of all the due process that is required in our criminal justice system, there is no reason why the sentencing judge should not also be permitted to enter an order of deportation at the time of sentencing. My legislation also restricts the defense currently used by criminal aliens to delay or avoid deportation.

Also, as many of us know, certain State and local governments have been highly critical of what they see as the Federal Government's inability to effectively police our Nation's borders. Yet, some of these same jurisdictions have passed laws and adopted official policies prohibiting their local police departments and other employees from cooperating with Federal immigration officials. I think that is hypocritical. I offered an amendment to the crime bill last year that was adopted 93–6 that would cut crime bill funding to local entities that adopt such policies of noncooperation, but my amendment was dropped in conference. A similar provision is included in this legislation.

Through this comprehensive legislation, I believe we can begin to effectively address the growing serious problem of criminal aliens in this country. I believe this is an essential step on the road to meaningful reform of our Nation's immigration system and I urge my colleagues to support this important measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Alien Control Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPORTATION OF CRIMINAL ALIENS

Sec. 101. Equal immigration treatment to all alien felons.
Sec. 102. Deportation procedures for certain criminal aliens.
Sec. 103. Judicial deportation.
Sec. 104. Uncontested deportations.
Sec. 105. Restricting defenses to deportation for certain criminal aliens.
Sec. 106. Extraterritorial appeals by criminal aliens.
Sec. 107. Collateral attacks on underlying deportation order.
Sec. 108. Restriction on asylum for criminal aliens.
Sec. 109. Federal incarceration.
Sec. 110. Form of deportation hearings.
Sec. 111. Construction of expedited deportation requirements.

TITLE II—LOCAL COOPERATION WITH FEDERAL OFFICIALS AND PROCEDURES

Sec. 201. Funding based on cooperation.
Sec. 202. Production of criminal records.

TITLE III—MISCELLANEOUS

Sec. 301. Detention of undocumented criminal aliens at military installations to be closed.
Sec. 302. Authorizing registration of aliens on criminal probation or criminal parole.

Sec. 303. Admissible evidence before a special inquiry officer.

TITLE I—DEPORTATION OF CRIMINAL ALIENS

SEC. 101. EQUAL IMMIGRATION TREATMENT TO ALL ALIEN FELONS.

(a) Felonies.—(1) Sections 101(f) (8 U.S.C. 1101(f)); 106(a) (8 U.S.C. 1105a(a)); 208(d) (8 U.S.C. 1158(d)); 212(a)(6)(B) (8 U.S.C. 1182(a)(6)(B)); 236(e)(i) (8 U.S.C. 1226(e)(1)); 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)); 242 (8 U.S.C. 1252(a)); 242A(d) (8 U.S.C. 1252a); 242B(c) (8 U.S.C. 1252b(c)); 243(h) (8 U.S.C. 1253(h)); 244(e) (8 U.S.C. 1254(e)); and 277 (8 U.S.C. 1327) are amended by striking "aggravated felony", "an aggravated felony", and "aggravated felonies" each place they appear and inserting in lieu thereof "felony", "a felony", or "felonies", respectively.

(2) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(47) The term 'felony' means any offense under Federal or State law that is punishable by death or imprisonment for more than 1 year.".

(b) Preclusion of Judicial Review.—Section 106(c) of the Immigration and Nationality Act (8 U.S.C. 1105a(c)) is amended—

(1) by inserting "(1)" immediately after "(c)"; and

(2) by adding at the end the following:

"(2) An order of deportation or of exclusion shall not be reviewed by any court of the United States if the grounds for such order is the commission of a felony by the alien, except that the Attorney General may defer deportation or exclusion of the alien pending judicial review if the Attorney General determines that to do otherwise would cause hardship to the alien.".

SEC. 102. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS.

(a) In General.—Section 242A(a) of the Immigration and Nationality Act (8 U.S.C. 1252a(a)) is amended—

(1) in paragraph (1), by inserting "permanent resident" after "correctional facilities for";

(2) in paragraph (2) by striking "respect to an" and inserting "respect to a permanent resident"; and

(3) in paragraph 3, by inserting "permanent resident" after "in the case of any".

(b) Deportation of Aliens Who Are Not Permanent Residents.—Section 242A(b)(1) of such Act is amended by striking "Attorney General may" and inserting "Attorney General shall".

(c) Presumption of Deportability.—Section 242A of such Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) Presumption of Deportability.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.".

(d) Limited Judicial Review.—Section 106(d) of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended to read as follows:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(e) Effective Date.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 103. JUDICIAL DEPORTATION.

(a) Judicial Deportation.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(c) Judicial Deportation.—

"(1) Authority.—Notwithstanding any other provision of this Act, a United States district court or a State court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of a felony).

"(2) Procedure.—(A) The United States Attorney or, in the case of a proceeding before a State court, the State's attorney general, shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, to the alien's counsel of record, and to the Commissioner.

"(B) Notwithstanding section 242B—

"(i) in the case of a proceeding before a United States court, the United States Attorney, with the concurrence of the Commissioner, or

"(ii) in the case of a proceeding before a State court, the State's attorney general,

shall, at least 20 days before the date set for sentencing, file a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the court shall request the Attorney General to provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(3) Notice, appeal, and execution of judicial order of deportation.—(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the United States district court is located or to the appropriate State court of appeals, as the case may be.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the term of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation by a United States court, the Attorney General shall provide the defendant with written notice of the order of deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(C) As soon as is practicable after entry of a judicial order of deportation by a State court, the State court shall notify the Attorney General of the order. Upon the termination of imprisonment of the alien, the State shall remand the alien to the custody of the Attorney General. The Attorney General shall effect the deportation of the alien in the manner prescribed in this Act with respect to final orders of deportation.

"(4) Denial of judicial order.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a). Any denial of a judicial order of deportation shall include a statement in writing stating the reasons for the denial.

"(5) Definition.—For purposes of this subsection, the term 'State' refers to any of the several States and the District of Columbia.".

(b) Technical and Conforming Changes.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 242A(c), the".

(c) Effective Date.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. 104. UNCONTESTED DEPORTATIONS.

Section 242B of the Immigration and Nationality Act (8 U.S.C. 1252b) is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

"(G) The right of an alien deportable under section 241(a)(2) to execute a deportation affidavit pursuant to subsection (f) in lieu of deportation proceedings.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

"(f) Deportation Affidavit.—In lieu of a determination of deportability in a proceeding before a special inquiry officer, an alien may elect to admit deportability under section 241(a)(2) through the execution of an affidavit witnessed by such an officer and a notary public. A special inquiry officer shall make a determination of deportability under this subsection based solely on the affidavit and, if he finds the alien deportable, shall issue an order of deportation with respect to that alien.".

SEC. 105. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) Defenses Based on Seven Years of Permanent Residence.—Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended—

(1) in the third sentence, by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final;"; and

(2) by adding at the end the following new sentence: "For purposes of calculating the period of seven consecutive years under this subsection, any period of imprisonment of the alien by Federal, State, or local authorities shall be excluded but shall not be considered to have broken the continuity of the period.".

(b) Defenses Based on Withholding of Deportation.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of a felony."; and

SEC. 106. EXTRATERRITORIAL APPEALS BY CRIMINAL ALIENS.

Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended by adding at the end the following new subsection:

"(e)(1) In the case of any alien found to be deportable under section 242(a)(2), the Attorney General may not defer deportation of the alien and shall, after issuance of the deportation order, take the alien into custody until the alien is deported.

"(2) Any court of the United States shall have jurisdiction to review an order of deportation issued under paragraph (1) in any case where the petitioner for review is outside the United States. Any alien for whom an order of deportation has been vacated under this paragraph shall be issued a valid visa and admitted to the United States to the status held by the alien before deportation.".

SEC. 107. COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In any criminal proceeding under this section, no alien may challenge the validity of the deportation order described in subsection (a)(1) or subsection (b).".

SEC. 108. RESTRICTION ON ASYLUM FOR CRIMINAL ALIENS.

(a) IN GENERAL.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsections:

"(f) Notwithstanding subsection (a), an alien may only be granted asylum under this section if the alien claims asylum within 15 days of the alien's entry into the United States, unless the alien establishes by clear and convincing evidence that since the date of entry into the United States circumstances have changed in the alien's country of nationality (or, in the case of a person having no nationality, the country in which such alien last habitually resided) such that, if the alien returned to the country, it is more likely than not that the alien would be arrested or incarcerated or the alien's life would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(g) An alien is not eligible for asylum under this section if the Attorney General determines that—

"(1) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(2) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(3) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

"(4) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

"(5) a country willing to accept the alien has been identified (other than the country described in subsection (f)) to which the alien can be deported or returned and the alien does not establish that it is more likely than not that the alien would be arrested or incarcerated or the alien's life would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

For purposes of paragraph (2), an alien who has been convicted of a felony shall be considered to have committed a particularly serious crime. The Attorney General shall prescribe regulations that specify additional crimes that will be considered to be a crime described in paragraph (2) or (3).".

(b) CONFORMING AMENDMENT.—Section 208(a) of such Act (8 U.S.C. 1158(a)) is amended by inserting ", except as provided in subsection (g)," after "asylum, and".

SEC. 109. FEDERAL INCARCERATION.

Section 242(j)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(j)) is amended by inserting "for a determinate term of imprisonment" after "the alien".

SEC. 110. FORM OF DEPORTATION HEARINGS.

Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting after the second sentence the following new sentence: "Nothing in the preceding sentence precludes the Attorney General from authorizing proceedings by electronic or telephonic media (with or without the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien.".

SEC. 111. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States, its agencies or officers, or against any other person.

TITLE II—LOCAL COOPERATION WITH FEDERAL OFFICIALS AND PROCEDURES

SEC. 201. FUNDING BASED ON COOPERATION.

(a) STATE AND LOCAL COOPERATION.—Notwithstanding any law, ordinance, or regulation of any State or subdivision thereof to the contrary, officials of any State or local government or agency, upon the request of any duly authorized official of the Immigration and Naturalization Service, shall provide information regarding the identification, location, arrest, prosecution, detention, and deportation of an alien or aliens who are not lawfully present in the United States.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall jointly report to the Congress and the President on the extent to which State and local governments are not cooperating with the Immigration and Naturalization Service. This report shall identify any State or local governments that have adopted laws, policies, or practices of noncooperation with the Immigration and Naturalization Service, the specific nature of those laws, policies or practices, and their impact on the enforcement of the immigration laws.

(c) FUNDING BASED ON COOPERATION.—No State or local government or agency which has been identified in the Attorney General's report required by subsection (b), which has a policy or practice of refusing to cooperate with the Immigration and Naturalization Service regarding the identification, location, arrest, prosecution, detention, or deportation of aliens who are not lawfully present in the United States, shall be eligible for any Federal funds from appropriations made pursuant to a provision of the Violent Crime Control and Law Enforcement Act of 1994 or of an amendment made by authorizing appropriations, as long as such policy or practice remains in effect.

SEC. 202. PRODUCTION OF CRIMINAL RECORDS.

Section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by inserting "or any political subdivision thereof" after "State" the second, third, and fourth occurrence thereof.

TITLE III—MISCELLANEOUS

SEC. 301. DETENTION OF UNDOCUMENTED CRIMINAL ALIENS AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall make available to the Attorney General for the purpose referred to in paragraph (2) any military installation of the Department of Defense that—

(A) is approved for closure under a base closure law; and

(B) is jointly determined by the Secretary and the Attorney General to be an appropriate facility for the detention of undocumented aliens.

(2) The Attorney General shall use facilities made available to the Attorney General under this paragraph for the detention of undocumented criminal aliens.

(b) DEFINITIONS.—In this section:

(1) The term "approved for closure under a base closure law", in the case of a military installation, means any installation whose closure under a base closure law is recommended by the President and not disapproved by Congress in accordance with the provisions of such law.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) The term "undocumented criminal alien" means an alien who—

(A) has been convicted of a felony and sentenced to a term of imprisonment, and

(B)(i) entered the United States without inspection or at any time or place other than as designated by the Attorney General, or

(ii) was the subject of exclusion or deportation proceedings at the time he or she was taken into custody by the State.

SEC. 302. AUTHORIZING REGISTRATION OF ALIENS ON CRIMINAL PROBATION OR CRIMINAL PAROLE.

Section 263(a) of the Immigration and Nationality Act (8 U.S.C. 1303(a)) is amended by striking "and (5)" and inserting "(5) aliens who are or have been on criminal probation or criminal parole within the United States, and (6)".

SEC. 303. ADMISSIBLE EVIDENCE BEFORE A SPECIAL INQUIRY OFFICER.

In any proceeding under the Immigration and Nationality Act before a special inquiry officer, such documents and records as are described in section 3.41 of title 8, Code of Federal Regulations, as in effect on the date of enactment of this Act, may be admissible as evidence of a criminal conviction.●

By Mr. KENNEDY (for himself, Mr. SIMON, and Mr. DODD):

S. 180. A bill to streamline and reform Federal job training programs to create a world-class work force development system for the 21st century, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKFORCE DEVELOPMENT ACT

Mr. KENNEDY. Mr. President, today I am introducing the Workforce Development Act. This bill is a complement to S. 6, the Working Americans Opportunity Act, which was introduced on the first day of this Congress by Senator DASCHLE, Senator BREAUX, other Senators, and myself.

One of our top priorities for this session is to modernize the current confusing and overlapping array of job training programs. In today's rapidly changing economy, we must provide more effective opportunities for workers to upgrade their skills and improve their earning power over the course of their careers.

Compared to other major industrial nations, the United States is still in the Dark Ages of enabling workers and firms to adjust to changes taking place in the economy. The policy foundations for our current job training system was established during the years of the New Deal, the New Frontier, and the Great Society.

The primary challenge that most of our current programs were designed to address was to help various hard-to-serve groups to enter the labor force. Many of these programs—such as the Job Corps—have been very successful. Over the years millions of economically disadvantaged individuals have benefitted.

As we move forward with new ideas to modernize our job training system we must not retreat from the commitment to provide the basic skills and support services which make it possible for large numbers of disadvantaged Americans to achieve self-sufficiency in the labor market.

At the same time, we also need to respond to the new and powerful economic forces which are disrupting the existing labor markets for millions of working Americans and their families. As a result of increased international competition, rapid technological change, reductions in defense spending, and the re-engineering and down-sizing of corporations, many men and women already in the labor force must be retrained to improve their skills and enable them to continue to productive careers. In the evolving modern economy, this kind of retraining may be needed more than once, and often several times, over the course of people's careers.

We also must respond to the concerns of the large numbers of two-income families, and families with single heads of household who face the difficult challenge of balancing work and family responsibilities. We need a more flexible job training and employment system that can help the breadwinners in working families to move in and out of the labor force without losing their earning power.

Over the past decade, many private businesses have taken steps to streamline their operations to deal with the profound changes taking place in our economy. It is clearly time for the Federal Government to act as well to consolidate and coordinate current job training programs in order to give workers a greater opportunity to succeed. It is time for a comprehensive overhaul of Federal job training policy. The Workforce Development Act I am introducing provides action to streamline and reform current policy. It encourages the States to experiment with new approaches to make their own job training programs more responsive to the real needs of working families.

A key element of both the Workforce Development Act and S. 6, the Working Americans Opportunity Act introduced earlier this week, is the idea of making vouchers available to workers, so that they can purchase the training programs of their choice. President Clinton is right in proposing vouchers as a means to enable market forces to help transform the current excessively bureaucratic programs into a more effective system driven by the real needs of workers, job seekers, and firms in communities across the country.

Last year Senator KASSEBAUM and I began to work together to devise a new strategy to create the type of work force development system the Nation needs. In June we issued a joint statement on the Senate floor which laid out a series of principles to guide this reform. Several other Senators joined us at that time, and we subsequently received support from many other Senators on both sides of the aisle. Over the course of the summer and into last fall we worked together to lay the groundwork for a bipartisan reform effort in the 104th Congress.

The Senate has a good record of bipartisan accomplishment in the area of work force development policy. When the Republicans controlled this body in the 1980's, many of us worked closely with Senator Dan Quayle to pass the Job Training Partnership Act, which established the principle of a strong private sector role at the local level in designing training programs for disadvantaged and dislocated workers.

Similarly, in the last session of Congress, a bipartisan coalition of Senators joined in passing the School-To-Work Act. Much of the foundation for this bill was laid by the landmark "American choice" report issued in 1990 by a distinguished bipartisan commission led by former Labor Secretaries Bill Brock and Ray Marshall. As a result of this groundwork, the School-To-Work Act earned broad support from business, labor, governors, mayors, and leaders in education. It is time to apply that same sense of shared purpose to making all our job training programs more responsive to the needs of job seekers and workers struggling to be competitive in our modern economy.

The legislation I am introducing today grew out of discussions with Members of Congress on both sides of the aisle in the 103d Congress and with the Clinton administration. It also draws on the innovative steps being taken in Massachusetts to meet this challenge and to define the proper role of the private and public sectors and Federal, State, and local governments in work force policy.

In addition to streamlining and reforming Federal job training programs, this legislation will repeal duplicative or outmoded programs, and encourage States and communities to rationalize many others.

These efforts will give flexibility to the States to test ways that vouchers can best be implemented to help workers navigate or circumvent the excessive bureaucracy that now exists. One-stop career centers will be established to ensure that workers have an opportunity to make effective use of these vouchers. A new information system will produce reports on the effectiveness of training programs. All of the activities authorized by this act will be paid for by cost savings achieved in existing programs.

The existing bureaucracy is unlikely to reform itself. The private sector, especially business, labor, and community leaders, will have a key role in advising the public sector on all aspects of these reforms.

The Work Force Development Act also takes direct steps to assist current workers. Assistance will be available to business and labor to upgrade the skills of adult workers and establish portable industry-based skill credentials to serve as a passport to succeed in the labor market.

Finally, the bill establishes a timetable for further reform. By June 1, 1999 a national board must submit recommendations to the President and Congress. To ensure that Congress acts on these recommendations, 20 separate programs with more than $4 billion in funding will sunset September 30, 1999.

I look forward to working closely with Senators on all aspects of these fundamental issues. We need practical, not partisan or ideological answers. Most of all, we need a job training policy that can be for workers. I am hopeful that we can make landmark progress toward that goal in this session of Congress.

I ask unanimous consent that a summary of the bill and a copy of the bill be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Workforce Development Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Authorization of appropriations.
Sec. 4. Definitions.

TITLE I—STREAMLINING AND CONSOLIDATION

Sec. 101. Purpose; findings; sense of the Congress.
Sec. 102. Elimination of certain programs.
Sec. 103. Streamlining and integration of adult training programs.
Sec. 104. Process for establishing 21st century workforce development system.
Sec. 105. Centralized waivers.

TITLE II—MARKET BUILDING ACTIVITIES

Subtitle A—Federal Level Activities

Sec. 201. Purpose.
Sec. 202. National Workforce Development Board.
Sec. 203. Mechanisms for building high quality integrated workforce development systems.
Sec. 204. Quality assurance system.

Subtitle B—State Level Activities

Sec. 211. State Workforce Development Councils.
Sec. 212. Membership.
Sec. 213. Chairperson.
Sec. 214. Duties and responsibilities.
Sec. 215. Development of quality assurance systems and consumer reports.
Sec. 216. Administration.
Sec. 217. Establishment of unified service delivery areas.
Sec. 218. Financial and management information systems.
Sec. 219. Capacity building grants.
Sec. 220. Performance standards for unified service delivery areas.

Subtitle C—Local Level Activities

Sec. 231. Workforce development boards.
Sec. 232. Workforce development board policy blueprint.
Sec. 233. Report card.
Sec. 234. One-stop career centers.
Sec. 235. Capacity building.

TITLE III—ENHANCING INDIVIDUAL CHOICE THROUGH TRAINING ACCOUNTS

Sec. 301. Purpose.
Sec. 302. Establishment.
Sec. 303. Participation in workforce development programs.
Sec. 304. Administration.
Sec. 305. Eligibility requirements for providers of education and training services.
Sec. 306. Evaluation and recommendations.
Sec. 307. Report relating to income support.

TITLE IV—PRIVATE-PUBLIC LINKAGES

Sec. 401. Purpose.
Sec. 402. Incentives to encourage worker training.
Sec. 403. Labor Day report on private-public training practices.
Sec. 404. Matching grants to encourage incumbent worker training.

TITLE V—INTEGRATED LABOR MARKET INFORMATION SYSTEM

Sec. 501. Integrated labor market information.
Sec. 502. Responsibilities of the National Board.
Sec. 503. Responsibilities of the Secretary.
Sec. 504. Responsibilities of Governors.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) increasing international competition, technological advances, and structural changes in the United States economy present new challenges to private firms and public policymakers in creating a skilled workforce with the ability to adapt to change and technological progress;

(2) the Federal Government should work with the private sector to create a streamlined, high-performance workforce development system that is driven by the needs of its customers rather than bureaucratic requirements;

(3) such a system should actively encourage collaboration among private sector firms and publicly funded education and training efforts in order to assist jobseekers and workers to adjust to structural economic changes;

(4) although it is necessary for the Federal Government to consolidate or eliminate unnecessary programs, the primary goal of Federal workforce development policy should be to help facilitate transactions taking place between jobseekers, workers, and business in local labor markets;

(5) while the Federal Government must maintain its commitment to provide economically and educationally disadvantaged individuals with skills and support services necessary to succeed in the labor market, Federal workforce development policy must also begin to provide incentives to assist firms to help upgrade the skills of their front-line workers;

(6) in order for labor markets to function more effectively, there must be—

(A) timely, accurate information about the supply, demand, price, and quality of services available in the job training marketplace; and

(B) trained brokers available to assist customers to choose the most suitable service;

(7) accordingly, the United States needs a comprehensive integrated labor market information system to ensure that workforce development programs are related to the demand for particular skills in local labor markets, and a mechanism for providing brokerage services to ensure that information about the employment and earnings of the local workforce, and the performance of education and training institutions, will be available to jobseekers, workers, and firms;

(8) in order to bring more coherence to Federal workforce development policy, there should be a single entity at the Federal, State, and local level vested with the necessary authority to strategically plan ways to transform the separate training and employment programs into an integrated and accountable workforce development system;

(9) these Federal, State, and local strategic planning bodies should be structured in such a way to give businesses and workers a meaningful role in shaping policy and overseeing the quality of workforce development programs;

(10) in recent years, many States and communities have made progress in developing new approaches to better integrate Federal employment and training programs;

(11) the Federal Government should take more systematic measures to encourage experimentation and flexibility, and to disseminate best practices in the design and implementation of a comprehensive workforce development system throughout the country; and

(12) the Federal Government should address the findings of this subsection through the implementation of immediate and long-term improvements that result in the establishment of a high-quality workforce development system needed for the economy of the 21st century.

(b) PURPOSE.—It is the purpose of this Act—

(1) to take certain immediate actions, and to establish a process for bringing about longer term improvements, that are needed to begin the transformation of Federally funded education and job training efforts from a collection of fragmented programs into a coherent, integrated, accountable workforce development system that—

(A) is based on the needs of jobseekers, workers, and employers, rather than bureaucratic requirements;

(B) is accessible to any jobseeker, worker, or employer;

(C) focuses on accountability, performance, and accurate information;

(D) provides flexibility and responsibility to the States, and in turn to local communities, for design and implementation of workforce development systems;

(E) requires the active involvement of firms and workers in the governance, design, and implementation of such system;

(F) is linked directly to employment and training opportunities in the private sector; and

(G) adopts best practices of quality administration and management that have been successful in the private sector; and

(2) to authorize appropriations under this Act for fiscal year 1996 at the same level as appropriations are authorized for fiscal year 1995 for the programs repealed under section 102(a).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to carry out titles II, III, and IV—

(1) $160,000,000 for fiscal year 1996; and

(2) such sums as may be necessary for each of fiscal years 1997 through 1999.

(b) LIMITATIONS.—

(1) FISCAL YEAR 1996.—Of the funds made available pursuant to subsection (a) for fiscal year 1996—

(A) not more than 5 percent shall be used for the activities of the National Board;

(B) not more than 10 percent shall be used for matching grants pursuant to section 404;

(C) not more than 15 percent shall be used for development grants pursuant to section 203(a); and

(D) not less than 70 percent shall be used for implementation grants pursuant to section 203(b).

(2) FISCAL YEARS 1997 THROUGH 1999.—Of the funds made available pursuant to subsection (a) for each of fiscal years 1997 through 1999—

(A) not more than 5 percent shall be used for the activities of the National Board;

(B) not more than 10 percent shall be used for matching grants pursuant to section 404; and

(C) not less than 85 percent shall be used for implementation grants pursuant to section 203(b).

(c) INTEGRATED LABOR MARKET INFORMATION SYSTEM.—To carry out title V, there are authorized to be appropriated—

(1) $90,000,000 for fiscal year 1996; and

(2) such sums as may be necessary for each succeeding fiscal year.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) DEVELOPMENT GRANT.—The term "development grant" means a grant provided to each State under section 203(a).

(2) IMPLEMENTATION GRANT.—The term "implementation grant" means a grant provided under section 203(b).

(3) LEADING EDGE STATE.—The term "leading edge State" means a State that has been

awarded an implementation grant under section 203(b).

(4) WORKFORCE DEVELOPMENT PROGRAM.—The term "workforce development program" means any Federally-funded or State-funded program that provides job training assistance to individuals or assists employers to identify or train workers.

(5) INTEGRATED WORKFORCE DEVELOPMENT SYSTEM; INTEGRATED SYSTEM.—The terms "integrated workforce development system" and "integrated system" mean the system of employment, training, and employment-related education programs, including the programs described in section 103(a) and any additional Federal or State programs designated by the Governor of a State, comprising the system described in section 203(b).

(6) NATIONAL BOARD.—The term "National Board" means the National Workforce Development Board established under section 202(b).

(7) NATIONAL REPORT CARD.—The term "National Report Card" means the Nation's Workforce Development Report Card prepared pursuant to section 202(c)(1).

(8) STATE COUNCIL.—The term "State Council" means a State Workforce Development Council established pursuant to section 211.

(9) STATE BLUEPRINT.—The term "State Blueprint" means the State Workforce Development Policy Blueprint prepared pursuant to section 214(a);

(10) STATE REPORT CARD.—The term "State Report Card" means the State Workforce Development Report Card issued pursuant to section 214(b).

(11) WORKFORCE DEVELOPMENT BOARD.—The term "workforce development board" means a local board established pursuant to section 202.

(12) UNIFIED SERVICE DELIVERY AREA.—The term "unified service delivery area" means the common geographic service area boundaries established pursuant to section 217 and overseen by a workforce development board.

(13) ONE-STOP CAREER CENTER.—The term "one-stop career center" means an access point for intake, assessment, referral, and placement services, including services provided electronically, that is part of the network established pursuant to section 234.

(14) HARD-TO-SERVE.—The term "hard-to-serve" means an individual meeting the requirements of section 203(b) of the Job Training Partnership Act (29 U.S.C. 1603(b)).

(15) SECRETARY.—The term "Secretary" means the Secretary of Labor, unless otherwise specified.

TITLE I—STREAMLINING AND CONSOLIDATION

SEC. 101. PURPOSE; FINDINGS; SENSE OF THE CONGRESS.

(a) PURPOSE.—The purpose of this title is to streamline the system of federally funded employment training services available to jobseekers, workers, and businesses.

(b) FINDINGS.—The Congress finds that—

(1) the process of streamlining the current collection of federally funded employment training programs begins with eliminating and consolidating separate employment training programs; and

(2) as such programs are eliminated, the funding for such programs should be utilized to support the creation of a market-driven workforce development system, as described in section 2(b).

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) any budget savings realized as a result of the repeal of programs pursuant to section 102 or through the consolidation of programs pursuant to sections 103 and 104 should be reinvested in the Nation's job training system; and

(2) as programs are eliminated and merged, it is imperative that such elimination and merging be done without in any way reducing the commitment or level of effort of the Federal Government to improving the education, employment, and earnings of all workers and jobseekers particularly hard-to-serve individuals.

SEC. 102. ELIMINATION OF CERTAIN PROGRAMS.

(a) IN GENERAL.—The following provisions are repealed:

(1) Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)).

(2) Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 211).

(3) Section 204 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a note).

(4) Section 20 of the Federal Transit Act (49 U.S.C. App. 1616).

(5) The Displaced Homemaker Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.).

(6) Section 43 of the Airline Deregulation Act of 1978 (49 U.S.C. App. 1552).

(7) Title II of Public Law 95-250 (92 Stat. 172).

(8) Section 413 of the Carl D. Perkins Vocational and Applied Technology Education Act (21 U.S.C. 2413).

(9) Title V of the Job Training Partnership Act (29 U.S.C. 1791 et seq.).

(10) Part J of title IV such Act (29 U.S.C. 1784 et seq.).

(11) Section 325 of such Act (29 U.S.C. 1662d).

(12) Section 325A of such Act (29 U.S.C. 1662d-1).

(13) Section 326 of such Act (29 U.S.C. 1662e).

(14) Sections 1141 through 1144 of title 10, United States Code.

(15) Subtitle C of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11441 et seq.).

(b) REPEALS OF EMPLOYMENT TRAINING PROGRAMS.—The repeals made by subsection (a) shall take effect on the date of enactment of this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The National Board shall include in the draft joint resolution submitted under section 104(b), technical and conforming amendments regarding the provisions repealed under subsection (a). Such proposed amendments should be consistent with the purposes of this Act.

SEC. 103. STREAMLINING AND INTEGRATION OF ADULT TRAINING PROGRAMS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—A State that receives an implementation grant to develop an integrated workforce development system—

(A) shall include in such system the components of the program and activities carried out on the date of enactment of this Act under the provisions described in subsection (b)(1); and

(B) may include any other Federal or State workforce development program identified by the Governor under paragraph (2).

(2) ADDITIONAL PROGRAMS.—Any other Federal or State workforce development program identified by the Governor pursuant to section 203(b), subject to a two-thirds vote of the National Board, may be included in the integrated system of a State described in paragraph (1).

(b) REPEALS OF JOB TRAINING PROGRAMS.—

(1) IN GENERAL.—The following provisions are repealed:

(A) Part A of title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.).

(B) Title III of such Act (29 U.S.C. 1651 et seq.).

(C) Part C of title IV of such Act (29 U.S.C. 1721).

(D) The Wagner-Peyser Act (29 U.S.C. 40 et seq.).

(E) Sections 235 and 236 of the Trade Act of 1974 (19 U.S.C. 2295 and 2296), and paragraphs (1) and (2) of section 250(d) of such Act (19 U.S.C. 2331(d)(1) and(2)).

(F) The Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note).

(G) Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(2) EFFECTIVE DATE.—The repeals made by paragraph (1) shall take effect on September 30, 1999.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—The National Board shall include in the draft joint resolution submitted under section 104(b), technical and conforming amendments regarding the provisions repealed under subsection (a). Such proposed amendments should be consistent with the purposes of this Act.

SEC. 104. PROCESS FOR ESTABLISHING 21ST CENTURY WORKFORCE DEVELOPMENT SYSTEM.

(a) ANNUAL RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, and each June 1 thereafter, the National Board shall make recommendations to the President and Congress for the elimination of Federal workforce development programs, or programs whose functions should be subsumed under other Federal programs.

(b) REPORT AND JOINT RESOLUTION.—

(1) REPORT.—Not later than June 1, 1999, the National Board, based on such board's analysis of the experience of leading edge States and the progress made toward establishing an integrated, market-driven workforce development system, shall prepare and submit to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing the findings of such board, and recommendations for proposed reforms.

(2) JOINT RESOLUTION.—Not later than June 1, 1999, the National Board shall submit to the Congress a draft of a joint resolution containing provisions to develop a streamlined, integrated, market-driven workforce development system, from the programs described in section 103(b) and any other Federal workforce development program determined by the National Board as appropriate to be included that is consistent with this Act, pursuant to section 2(b). The joint resolution shall include recommendations for standard outcome measures as described in section 204(a)(2) and shall describe how the new system will maintain services to hard-to-serve populations.

SEC. 105. CENTRALIZED WAIVERS.

(a) EXPEDITED PROCESS.—Not later than 180 days after the date of enactment of this Act, the President shall establish an expedited process to consider and act on waiver requests submitted by the States under this section.

(b) STATES NOT RECEIVING IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—Any State may apply, in accordance with this section, for a waiver of statutory or regulatory requirements under one or more of the programs described in section 103(b)(1), for a period of 2 years to facilitate the provision of assistance for workforce development.

(2) WAIVER AUTHORITY.—A waiver may be granted under this subsection only if—

(A) the requirement sought to be waived impedes the ability of the State, or a local entity in the States, to carry out the State or local workforce development plan;

(B) the State has waived, or agrees to waive, similar requirements of State law; and

(C) in the case of a statewide waiver, the State—

(i) provides all State and local agencies and appropriate organizations in the State, including labor organizations, with notice and an opportunity to comment on the State's proposal to seek a waiver; and

(ii) submits the affected agency's comments with the waiver application.

(3) APPLICATION.—Each application submitted under this subsection shall—

(A) identify the statutory or regulatory requirements that are requested to be waived and the goals that the State or local agency intends to achieve;

(B) describe the action that the State has undertaken to remove State statutory or regulatory barriers identified in the application;

(C) describe the purpose of the waiver and the expected programmatic outcomes if the request is granted;

(D) describe the numbers and types of people to be affected by such waiver;

(E) describe a timetable for implementing the waiver;

(F) describe the process the State will use to monitor, on a biannual basis, the progress in implementing the waiver; and

(G) describe how the goals of the program or programs for which a waiver is granted will continue to be met.

(c) STATES RECEIVING IMPLEMENTATION GRANTS.—Subject to subsection (d), each State receiving an implementation grant under section 203(b) shall have the statutory or regulatory requirement, described in its grant application or State Blueprint of such State waived for the duration of the implementation grant.

(d) LIMITATIONS.—

(1) IN GENERAL.—A waiver shall not be granted under a workforce development program if such waiver would alter—

(A) the purposes or goals of such program;

(B) the allocation of funds under such program;

(C) any statutory or regulatory requirement under such program relating to public health or safety, civil rights, protections granted under title I and sections 503 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), occupational safety and health, environmental protection, displacement of current employees, or fraud and abuse; or

(D) eligibility requirements under such program, except that a waiver may be granted with respect to an eligibility requirement if such waiver would provide for increased flexibility in developing common definitions for individuals eligible for such program.

(2) CIRCULARS AND RELATED REGULATIONS.—The following circulars promulgated by the Office of Management and Budget shall be subject to the waiver authority of this subsection:

(A) A–87, relating to cost principles for State and local governments.

(B) A–102, relating to grants and cooperative agreements with State and local governments.

(C) A–122, relating to nonprofit organizations.

(D) A–110, relating to administrative requirements for grants and cooperative agreements with nonprofit organizations and institutions of higher education.

(E) A–21, relating to cost principles for institutions of higher education.

(3) EFFECTIVE DATE.—A waiver granted under this section shall take effect on the date such waiver is granted.

(4) REVIEW OF APPLICATION.—Each application submitted by a State pursuant to subsection (b)(3) shall be reviewed by the Secretary or agency head who has jurisdiction over the workforce development program or programs to which such waiver request relates.

(5) APPROVAL OR DISAPPROVAL OF APPLICATION.—

(A) TIMING.—Each application submitted by a State in accordance with subsection (b)(3) shall be reviewed promptly upon receipt, and shall be approved or disapproved not later than the end of the 60-day period beginning on the date such application is received.

(B) APPROVAL.—A waiver or waivers proposed in an application may be approved for the 2-year period beginning on the date such application is approved, if the State demonstrates in the application that such waiver or waivers will achieve coordination, expansion, and improvement in the quality of services under its workforce development system.

(C) DISAPPROVAL AND RESUBMISSION.—If an application is incomplete or unsatisfactory, the appropriate Federal official shall, before the end of the period referred to in subparagraph (A)—

(i) notify the State of the reasons for the failure to approve the application;

(ii) notify the State that the application may be resubmitted during the period referred to in clause (iii); and

(iii) permit the State to resubmit a corrected or amended application during the 60-day period beginning on the date of notification under this subparagraph.

(D) REVIEW OF RESUBMITTED APPLICATION.—Any application resubmitted under subparagraph (C) shall be approved or disapproved before the expiration of the 60-day period beginning on the date of the resubmission.

(6) REVOCATION OF WAIVER.—If, after the approval of an application under this subsection, the Secretary determines that the waiver or waivers do not achieve coordination, expansion, and improvement in the quality of services under the workforce development programs to which such waiver or waivers relate, the waiver or waivers may be revoked in whole or in part.

TITLE II—MARKET BUILDING ACTIVITIES

Subtitle A—Federal Level Activities

SEC. 201. PURPOSE.

The purpose of this title is to establish a framework at the Federal, state, and local levels for key stakeholders to work cooperatively to build the infrastructure, brokerage, and accountability systems needed to transform current Federally funded job training programs into a market-driven workforce development system.

SEC. 202. NATIONAL WORKFORCE DEVELOPMENT BOARD.

(a) FINDINGS.—The Congress finds that a national workforce development board is necessary to ensure—

(1) the establishment and continuous improvement of the national workforce development system;

(2) that integrated strategic planning takes place among the Federal agencies currently responsible for administering job training programs;

(3) incorporation of private sector expertise to the governance of the national workforce development system; and

(4) that unnecessary legislative and regulatory barriers to service integration are removed as a market-driven workforce development system is established.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Workforce Development Board (referred to in this Act as the "National Board").

(2) COMPOSITION.—The National Board shall be comprised of 16 members, of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Health and Human Services;

(D) one member shall be the Secretary of Commerce;

(E) three members shall be representatives of business (including representatives of small businesses and large employers);

(F) three members shall be representatives of organized labor;

(G) three members shall be State and local elected officials of whom two shall be Governors of a State and one shall be a local elected official; and

(H)(i) one member shall be selected from representatives of community-based organizations;

(ii) one member shall be selected from representatives of secondary schools or postsecondary educational institutions; and

(iii) one member shall be selected from representatives of nongovernmental organizations that have a history of successfully protecting the rights of individuals with disabilities or older persons.

(3) ADDITIONAL REQUIREMENTS.—The members described in subparagraphs (E) and (F) of paragraph (2) shall—

(A) in the aggregate, represent a broad cross-section of occupations and industries;

(B) to the extent feasible, be geographically representative of the United States, and reflect the racial, ethnic, and gender diversity of the United States; and

(C) shall include at least one member of the National Skill Standards Board established pursuant to section 503 the National Skill Standards Act of 1994.

(4) EXPERTISE.—The National Board and the staff shall have sufficient expertise to effectively carry out the duties and functions of the National Board.

(5) APPOINTMENT.—The members described in subparagraphs (E), (F), (G), and (H) of paragraph (2) shall be appointed by the President, by and with the advice and consent of the Senate.

(6) EX OFFICIO NONVOTING MEMBERS.—The Director of the Office of Management and Budget and the chairpersons and ranking minority members of the Committee on Labor and Human Resources of the Senate and the Committee on Economic and Educational Opportunities of the House of Representatives shall be ex officio, nonvoting members of the National Board.

(7) TERMS.—Each member of the National Board appointed under subparagraph (E), (F), (G), and (H) of paragraph (2) shall be appointed for a term of 4 years, except that of the initial members of the National Board appointed under such subparagraphs—

(A) four members shall be appointed for a term of 2 years;

(B) four members shall be appointed for a term of 3 years; and

(C) four members shall be appointed for a term of 4 years.

(8) VACANCIES.—Any vacancy on the National Board shall not affect the powers of the National Board, but shall be filled in the same manner as the original appointments.

(9) CHAIRPERSONS.—The President, by and with the advice and consent of the Senate, shall select one cochairperson of the National Board from among the members of the National Board appointed under paragraph (2)(E) and one cochairperson from among the members appointed pursuant to paragraph (2)(F).

(10) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the National Board who is not a full-time employee or officer of the Federal Government shall serve without compensation. Each member of the National Board who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for the services of such member as an officer or employee of the Federal Government.

(B) EXPENSES.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(11) EXECUTIVE DIRECTOR AND STAFF.—

(A) EXECUTIVE DIRECTOR.—The cochairpersons of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board, not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director may—

(i) appoint and compensate such additional staff as may be necessary to enable the National Board to perform its duties; and

(ii) fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classifications of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(12) AGENCY SUPPORT.—

(A) USE OF FACILITIES.—The National Board may use the research, equipment, services, and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(B) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this Act. Such detail shall be without interruption or loss of civil service status or privilege.

(13) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairpersons of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(c) DUTIES.—

(1) NATIONAL REPORT CARD.—

(A) IN GENERAL.—Not later than July 1, 1996, and each July 1 thereafter, the National Board shall prepare a report to be known as the Nation's Workforce Development Report Card (referred to in this Act as the "National Report Card").

(B) REQUIREMENTS.—The National Report Card shall assess the performance of the workforce development system of the United States, based on the earnings and employment gains and other nonemployment-related outcomes of individuals assisted by the programs comprising such system. The National Report Card shall evaluate all workforce development programs that receive Federal funding, and shall—

(i) assess the performance of each program;

(ii) assess performance based on the type of assistance provided, including the categories of services identified in section 204(b)(1)(C);

(iii) assess year-to-year changes in performance;

(iv) report on the extent to which hard-to-serve populations are receiving services and the related outcomes in relation to services received in the preceding three years;

(v) determine the annual Federal investment in workforce development in each State;

(vi) assess the lessons learned from the experience of leading-edge States, and States that waive certain program requirements to experiment with alternative workforce development strategies; and

(vii) assess the performance of the workforce development system in each State.

(2) CONGRESSIONAL TESTIMONY.—The cochairpersons of the National Board shall, at least annually, provide testimony, during a joint hearing before the Committee on Labor and Human Resources of the Senate and the Committee on Economic and Educational Opportunities of the House of Representatives on the progress being made in—

(A) developing a more streamlined integrated and accountable public and private workforce development system in the United States; and

(B) carrying out the purposes described in section 2(b).

(3) REVIEW OF GRANT PROPOSALS.—The National Board shall review the development grant proposals pursuant section 203(a), the implementation grant proposals pursuant to section 203(b), and the matching grant proposals submitted pursuant to section 404, and make recommendations to the Secretary regarding such proposals.

(4) FINAL RECOMMENDATIONS.—Not later than June 1, 1999, the National Board shall submit recommendations in the form of a joint resolution to the President and Congress, pursuant to section 104(b).

(d) TERMINATION.—The National Board shall terminate on the date on which the National Board submits the joint resolution to President and Congress under section 104(b).

(e) NATIONAL COMMISSION FOR EMPLOYMENT POLICY.—

(1) IN GENERAL.—Part F of title IV of the Job Training Partnership Act (29 U.S.C. 1771 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Subsection (i) of section 106 of such Act (29 U.S.C. 1516(i)) is amended by striking "(i) FUNCTIONS OF NCEP.—The National Commission for Employment Policy" and inserting "(i) FUNCTIONS OF NATIONAL WORKFORCE DEVELOPMENT BOARD.—The National Workforce Development Board established under section 202 of the Workforce Development Act".

SEC. 203. MECHANISMS FOR BUILDING HIGH QUALITY INTEGRATED WORKFORCE DEVELOPMENT SYSTEMS.

(a) STATE DEVELOPMENT GRANTS.—

(1) PURPOSE.—The purpose of this subsection is to assist States and communities in strategic planning for integrated workforce development systems, including the development of a financial and management information system, a quality assurance system, and an integrated labor market information system.

(2) GRANTS TO STATES.—The Secretary may provide a development grant to a State in such amount as the Secretary, in consultation with the National Board, determines to be necessary to enable such State to develop a strategic plan, as described in paragraph (1), for the development of a comprehensive statewide integrated workforce development system.

(3) APPLICATION.—To be eligible to receive a development grant under this subsection, the Governor of a State, on behalf of the State, shall submit to the National Board and the Secretary an application, at such time, in such form, and containing such information as the Secretary may require.

(b) IMPLEMENTATION GRANTS TO LEADING-EDGE STATES.—

(1) PURPOSE.—The purpose of this subsection is to assist States in implementing statewide high-quality integrated workforce development systems that are accountable for achieving results.

(2) GRANTS TO STATES.—The Secretary, in consultation with the National Board, may provide an implementation grant to the State in such amount as the Secretary determines to be necessary to enable such State to implement an integrated workforce development system.

(3) PERIOD OF GRANT.—The provision of payments under a grant under this subsection shall not exceed 4 fiscal years, and shall be subject to the annual approval of the Secretary, in consultation with the National Board, and the availability of appropriations for the fiscal year involved.

(4) ALLOCATION REQUIREMENTS.—

(A) FIRST YEAR.—For the first fiscal year for which a State receives amounts from an implementation grant under this subsection, the State shall use not less than 75 percent of such amount to provide subgrants to local workforce development boards.

(B) SECOND YEAR.—For the second fiscal year for which a State receives amounts from an implementation grant under this subsection, the State shall use not less than 80 percent of such amount to provide subgrants to local workforce development boards.

(C) THIRD AND SUCCEEDING YEARS.—For the third, and each succeeding, fiscal year for which a State receives amounts from an implementation grant under this subsection, the State shall use not less than 85 percent of such amount to provide subgrants to local workforce development boards.

(5) LIMITATION.—A State shall be eligible to receive not more than 1 implementation grant under this subsection.

(6) APPLICATION.—To be eligible to receive an implementation grant under this subsection, the Governor of a State, on behalf of the State, shall submit to the National Board and the Secretary an application that shall include a copy of the State Blueprint and such other information as the Secretary, with the advice of the National Board, may require.

(c) DISSEMINATION OF INFORMATION ON BEST PRACTICES.—The Secretary, in consultation with the National Board, shall—

(1) collect and disseminate information that will assist State and local communities undertaking activities to streamline and reform their job training systems, including information on—

(A) the successful experiences of States and localities that—

(i) have received development or implementation grants;

(ii) have been granted waivers; or

(iii) are experimenting with training account systems established under title III of this Act; and

(B) research concerning the restructuring of workforce development systems; and

(2) facilitate the exchange of information and ideas among States and local entities that are building market-based workforce development systems.

(d) WORKFORCE DEVELOPMENT IMPACT REPORTS.—

(1) SUBMISSION.—For each bill or resolution concerning workforce development reported by any committee of the Senate or the House of Representatives, the National Board shall determine whether proposed Federal job training legislation complies with the data reporting, common definitions, and common funding cycles described in subsections (b) and (e) of section 204. A determination of compliance by the National Board under this subsection shall be included in the committee report accompanying such legislation, if timely submitted to such committee before such report is filed.

(2) PROCEDURE.—It shall not be in order in the Senate or the House of Representatives to consider any bill or resolution concerning workforce development that would not comply with the national workforce development system, as determined by the National Board under paragraph (1).

(3) WAIVER.—This subsection may be waived or suspended in the Senate or the House of Representatives only by the affirmative vote of three-fifths of the members of such House.

SEC. 204. QUALITY ASSURANCE SYSTEM.

(a) PURPOSE.—The purpose of this section is to improve the quality of all Federal programs directed at improving the knowledge, skills, and abilities of members of the workforce by strengthening accountability and encouraging the adoption of quality improvement processes at all levels of the workforce development system. In order to accomplish this purpose, this Act—

(1) directs the Secretaries of Labor, Education, and Health and Human Services to jointly, in consultation with the National Board—

(A) develop common terms and definitions as described in subsection (b);

(B) develop a placement accountability system as described in subsection (c); and

(C) adjust existing program performance standards as described in section 220(c); and

(2) directs the National Board to recommend a system of performance standards in its joint resolution submitted to Congress pursuant to section 104(b) that includes standard outcome measures relating to—

(A) employment;

(B) job retention;

(C) earnings; and

(D) nonemployment outcome measures, such as learning and competency gains.

(b) COMMON TERMS AND DEFINITIONS.—

(1) IN GENERAL.—Each workforce development program that receives Federal funds shall collect and report to the Governor and the State Council, if applicable, for each participant to whom assistance is provided, the following information:

(A) The quarterly employment status and earnings for 1 year after the participant no longer receives assistance under such program.

(B) Economic and demographic characteristics, including the participant's—

(i) social security number;

(ii) date of birth;

(iii) gender;

(iv) race or ethnicity;

(v) disability status;

(vi) education (highest formal grade level achieved at commencement of participation in program);

(vii) academic degrees and credentials at time of entry into the program; and

(viii) employment status at the time of entry into the program.

(C) Services received, the extent, when appropriate, and spending for such services, including—

(i) assessments;

(ii) testing;

(iii) counseling;

(iv) job development or job search assistance;

(v) occupational skills training;

(vi) work experience;

(vii) job readiness training;

(viii) basic skills education;

(ix) postsecondary academic education (nonoccupational);

(x) supportive and supplementary services; and

(xi) on-the-job training.

(D) Program outcomes, as specified by the State, such as—

(i) advancement to higher level education or training;

(ii) attainment of additional degrees or credentials (including skill standards as such standards become available);

(iii) assessment of learning gain in basic skills programs;

(iv) attainment and retention of subsidized or unsubsidized employment;

(v) quarterly earnings; and

(vi) reduction in welfare dependency.

(2) REPLACEMENT OF EXISTING REQUIREMENTS.—Program monitoring under this section shall supplant existing monitoring and reporting requirements for program participants.

(3) ADOPTION OF COMMON TERMS AND DEFINITIONS.—

(A) REPORT.—Not later than 180 days after the date of enactment of this Act, each Federal department and agency with responsibility for a workforce development program shall report to the National Board on its progress in adopting the common terms and definitions for program participants, service activities, and outcomes by program operators and grant recipients.

(B) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, each workforce development program receiving Federal funds shall use the common terms and definitions.

(C) USE.—Upon adoption by the appropriate Federal agencies, the common definitions for terminology developed and reported pursuant to section 455 of the Job Training Partnership Act (29 U.S.C. 1735(b)) shall be utilized in interpreting and compiling the core data elements. Notwithstanding any other provision of Federal law, such common definitions shall be utilized in lieu of existing program definitions for similar data elements.

(4) RECOMMENDATIONS.—Not later than 180 days after the date all of the Members of the National Board are appointed, the National Board shall make recommendations to the Secretaries of Labor, Education, and Health and Human Services, and the heads of other agencies operating workforce development programs, on common definitions for other terms, including terms relating to—

(A) program status, including—

(i) applicant;

(ii) participant;

(iii) terminee; and

(iv) training-related placement;

(B) program eligibility, including—

(i) family income; and

(ii) economically disadvantaged individuals; and

(C) other terms considered appropriate by the National Board, such as common cost categories.

(5) AMENDMENTS.—If any of the proposed common definitions require amendment to existing laws, the National Board shall submit to Congress recommendations for legislative action not later than 9 months after the date all of the members of the National Board are appointed.

(c) PLACEMENT ACCOUNTABILITY.—

(1) IN GENERAL.—The purpose of this subsection is to establish a placement accountability system using a cost-effective data source with information on job placement, earnings, and job retention, to foster accountability by all federally funded workforce development programs.

(2) PERFORMANCE MONITORING.—Each workforce development program that receives Federal funds shall—

(A) engage in continuous performance self-monitoring by measuring, at a minimum, the quarterly employment status and earnings of each recipient of assistance under such program; and

(B) monitor each recipient of assistance for a period of not less than 1 year, beginning on the date on which the recipient no longer receives assistance under such program.

(3) INFORMATION MATCHING.—

(A) CORE DATA.—Each workforce development program that receives Federal funds shall provide the information described in subsection (b) regarding program participants to the State agency responsible for labor market information designated in title V.

(B) MATCHING.—The State agency responsible for labor market information designated in title V shall, in conjunction with the Bureau of Labor Statistics, match the information provided pursuant to subparagraph (A) with quarterly employment and earnings records.

(4) REIMBURSEMENT.—Requesting programs shall reimburse the State agency responsible for wage record data for the cost of matching such information. Notwithstanding any other provision of Federal law, requesting programs may use Federal funds for such reimbursement.

(5) CONFIDENTIALITY.—Requesting programs—

(A) shall protect the confidentiality of wage record data through the use of recognized security procedures; and

(B) may not retain such data for more than 10 years.

(6) SUBMISSION TO STATE COUNCIL.—The State agency responsible for labor market information shall submit the results of the matching to the State Council, in accordance with procedures and schedules specified by the National Board and the Secretary.

(7) RESPONSIBILITY OF GOVERNORS.—The Governor of each State shall ensure the submission of the matched data to the State Council, the National Board, the Secretary, and other Federal entities, as required by the National Board.

(d) DISSEMINATION OF QUALITY ASSURANCE.—The information obtained under subsection (c) shall be made available to—

(1) the State Council of the State in which the program is located;

(2) the local workforce development boards in the State in which the program is located; and

(3) consumers of labor market information to judge individual program performance in an easily accessible format.

(e) CONSISTENT FUNDING CYCLES.—

(1) IN GENERAL.—All federally funded workforce development training activities

shall, to the extent practicable, be funded on a consistent funding cycle basis.

(2) RECOMMENDATIONS FOR FUNDING CYCLE.—Not later than 180 days after the date on which all of the members of the National Board are appointed, the National Board shall make recommendations to Congress on the appropriate funding cycle to be used for all workforce development programs and activities.

Subtitle B—State Level Activities

SEC. 211. STATE WORKFORCE DEVELOPMENT COUNCILS.

(a) ESTABLISHMENT.—Each State desiring to participate in the development of an integrated and accountable workforce development system under the procedures specified in section 203(b) shall establish a State Workforce Development Council (referred to in this Act as a "State Council") or have located within such State an existing entity that is similar to a State Council and that includes members who are representatives of employers and workers.

(b) PURPOSE.—Each State Council shall serve as the principal advisory board for the Governor of such State for all programs included in the integrated workforce development system of such State.

(c) FUNCTIONS.—Each State Council shall assume the functions and responsibilities of councils and commissions required under Federal law that are part of the integrated workforce development system of such State.

SEC. 212. MEMBERSHIP.

(a) IN GENERAL.—

(1) REPRESENTATIVES OF BUSINESS AND INDUSTRY AND ORGANIZED LABOR.—Each State Council shall be comprised of individuals who are appointed by the Governor for a term of not less than 2 years from among—

(A) representatives of business and industry, who shall constitute not less than 33 percent of the membership of the State Council, including individuals who are members of local workforce development boards;

(B) representatives of organized labor who shall constitute not less than 25 percent of the membership of the State Council and shall be selected from among individuals nominated by recognized State labor federations; and

(C) representatives of secondary and postsecondary academic or vocational education institutions.

(2) ADDITIONAL MEMBERS.—Each State Council may include one or more qualified members who are appointed by the Governor from among representatives of the following:

(A) Community-based organizations.

(B) Nongovernmental organizations that have a history of successfully protecting the rights of individuals with disabilities or older persons.

(C) Units of general local government or consortia of such units.

(D) State officials responsible for administering programs described in sections 103 and 104 and included in the integrated system.

(E) The State legislature.

(F) Any local program that receives Federal funding from any program included in the integrated workforce development system of the State.

(b) EX OFFICIO.—

(1) NONVOTING MEMBERS.—The Governor may appoint ex officio additional nonvoting members to the State Council.

(2) EXPERTISE.—The Governor of the State shall ensure that the State Council and the staff of the State Council have sufficient expertise to effectively carry out the duties and functions of the State Council described under the laws relating to the applicable program.

SEC. 213. CHAIRPERSON.

The Governor of the State shall appoint a chairperson of the State Council who shall be a representative of the business community.

SEC. 214. DUTIES AND RESPONSIBILITIES.

(a) STATE WORKFORCE DEVELOPMENT POLICY BLUEPRINT.—The State Council shall assist the Governor to prepare and submit to the National Board a biennial report to be known as the State Workforce Development Policy Blueprint (referred to in this Act as the "State Blueprint"). The State Blueprint shall—

(1) serve as a strategic plan for integrating federally funded workforce development programs included in an integrated system of the State, established pursuant to section 203(b), with State-funded job training, employment, employment-related education, and economic development activities;

(2) summarize and analyze information about training needs of critical industries in the State contained in the local workforce development policy blueprints developed by the workforce development boards;

(3) establish State goals for the integrated workforce development system and a common core set of performance measures and standards for programs included in the system, to be used in lieu of existing performance measures and standards for each of the included programs;

(4) analyze how the businesses and labor organizations of the State are—

(A) progressing in the restructuring of the work place to provide continuous learning;

(B) improving the skills and abilities of front-line workers of such businesses; and

(C) participating in State and local efforts to transform federally funded education and job training programs into a coherent and accountable workforce development system;

(5) utilize information available from the State Report Card and other sources to analyze the relative effectiveness of individual workforce development programs within the State and of the State's workforce development system as a whole;

(6) evaluate the progress being made within the State in streamlining, consolidating, and reforming the workforce development system of the State in accordance with the purposes contained in section 2(b) and the framework for State implementation contained in the implementation grant proposal of the State;

(7) describe how service to special hard-to-serve populations is to be maintained;

(8) identify how any funds that a State may be receiving under section 203(b) are to be utilized in conjunction with existing resources to continuously improve the effectiveness of the workforce development system of the State;

(9) describe the method to be used to allocate funds received under section 203(b) in a fair and equitable manner among unified service delivery areas;

(10) specify the additional elements, if any, to be included in operating agreements between local workforce development boards and one-stop career centers;

(11) specify additional criteria, if any, for selection of one-stop career centers;

(12) specify the nonemployment-related outcome measures that will be used for the workforce development system;

(13) specify the nature and scope of the budget authority for local workforce development boards in the State; and

(14) supplant federally required planning reports for programs under the integrated workforce development system of the State.

(b) STATE WORKFORCE DEVELOPMENT REPORT CARD.—The State Council shall assist the Governor of the State to issue an annual report to be known as the State Workforce Development Report Card (referred to in this Act as the "State Report Card"). The State Report Card shall describe the performance of all workforce development programs operating in the State that receive Federal funding and any additional State-funded programs that the Governor may choose to include. The State Report Card shall—

(1) include an integrated budget that documents the annual spending, number of clients served, and types of services provided for workforce development programs for the State as a whole and for each unified service delivery area within the State;

(2) assess the level of services to hard-to-serve populations in relation to the number served and outcomes for those populations during the preceding 3 years;

(3) utilize information available from the quality assurance system established under section 204 to assess—

(A) employment and earnings experiences of individuals who have received assistance from each workforce development program operated in the State; and

(B) relative employment and earnings experiences of participants receiving services from each one-stop career center in the State;

(4) include an analysis of other nonemployment-related results for each workforce development program operating within the State; and

(5) include a report of annual employment trends and earnings (by industry and occupation) in the State and each unified service delivery area, to assist State and local policymakers, training providers, and users of the system to link the training provided to the skill and labor force needs of local employers.

(c) WORKFORCE DEVELOPMENT BOARD CERTIFICATION AND EFFECTIVENESS CRITERIA.—Each State Council shall—

(1) assist the Governor to certify each local workforce development board; and

(2) make recommendations to the Governor for criteria that will be used to judge the effectiveness of each of the workforce development boards of the State.

SEC. 215. DEVELOPMENT OF QUALITY ASSURANCE SYSTEMS AND CONSUMER REPORTS.

(a) IN GENERAL.—The State Council shall develop a quality assurance system to complement and expand upon the quality assurance system established in section 204 in order to provide customers of job training services with consumer reports on the supply, demand, price, and quality of job training services in each unified service delivery area in the State.

(b) SELECTION OF TOOLS AND MEASURES.—Each State shall select the tools and measures that are appropriate to the needs of such State, including—

(1) collecting and organizing service provider performance data in accordance with information generated from the State Report Card under section 214(b), the financial and management information system designed pursuant to section 218, and the labor market information system of the State described in section 501; and

(2) conducting surveys as appropriate to ascertain customer satisfaction.

(c) COLLECTION AND DISSEMINATION.—The State Council shall, in conjunction with the local workforce development boards, establish mechanisms for collecting and disseminating the quality assurance information on a regular basis to—

(1) individuals seeking employment;

(2) employers;

(3) policymakers at the Federal, State, and local levels; and

(4) training and education providers.

(d) ASSURANCES.—Each public and private education, training, and career development service provider receiving Federal funds under a program in an integrated system of the State pursuant to section 203(b) shall collect and provide the quality assurance information required under this section.

SEC. 216. ADMINISTRATION.

(a) AUTHORITIES.—Each State Council shall be independent of other State workforce development agencies and have the authority to—

(1) employ staff; and

(2) receive and disburse funds.

(b) SPECIAL PROJECTS.—Each State Council may fund and operate special pilot or demonstration projects for purposes of research or continuous improvement of system performance.

(c) LIMITATION ON USE OF FUNDS.—Not more than 5 percent of the funds received by the State from an implementation grant under section 203(b) shall be used for the administration of the State Council.

SEC. 217. ESTABLISHMENT OF UNIFIED SERVICE DELIVERY AREAS.

(a) RECOMMENDATIONS.—Each State Council shall make recommendations to the Governor of such State for the establishment of unified service delivery areas that may be used as intrastate geographic boundaries, to the extent practicable, for all workforce development programs in an integrated system of the State pursuant to section 203(b).

(b) ESTABLISHMENT.—Each State receiving an implementation grant under section 203(b) shall, based upon the recommendations of the State Council, and in consultation and cooperation with local communities, establish unified service delivery areas throughout the State for the purpose of providing community-wide workforce development assistance in one-stop career centers under section 234.

(c) RESPONSIBILITIES.—In establishing unified service delivery areas, the Governor, in consultation with the State Council and local communities—

(1) shall take into consideration existing—

(A) labor market areas;

(B) units of general local government;

(C) service delivery areas established under section 101 of the Job Training Partnership Act (29 U.S.C. 1511); and

(D) the distance traveled by individuals to receive services;

(2) may merge existing service delivery areas; and

(3) may not approve a total number of unified service delivery areas that is greater than the total number of service delivery areas in existence in the State on the date of enactment of this Act.

SEC. 218. FINANCIAL AND MANAGEMENT INFORMATION SYSTEMS.

(a) IN GENERAL.—Each State shall use a portion of the funds it receives under section 203(a) to design a unified financial and management information system. Each State that receives an implementation grant under section 203(b) shall require that all programs designated in the integrated system use the unified financial and management information system.

(b) REQUIREMENTS.—Each unified financial and management information system shall—

(1) notwithstanding any other provision of Federal law, supplant federally required fiscal reporting and monitoring for each individual program included in the integrated system;

(2) be used by all agencies involved in workforce development activities, including one-stop career centers which shall have the capability to track the overall public investments within the State and unified service delivery areas, and to inform policymakers as to the results being achieved through that investment;

(3) contain a common structure of financial reporting requirements, fiscal systems, and monitoring for all workforce development expenditures included in the integrated system that shall utilize the common data elements and definitions included in subsection (b) of section 204; and

(4) support local efforts to establish unified service systems, including intake and eligibility determination for all financial aid sources.

SEC. 219. CAPACITY BUILDING GRANTS.

From funds made available to a State for implementation pursuant to section 203(b) or development pursuant to section 203(a), the State shall develop a strategy to enhance the capacity of the institutions, organizations, and staff involved in State and local workforce development activities by providing services such as—

(1) training for members of the local workforce development boards;

(2) training for front-line staff of any local education or training service provider or one-stop career center;

(3) technical assistance regarding managing systemic change;

(4) customer service training;

(5) organization of peer-to-peer network for training, technical assistance, and information sharing;

(6) organizing a best practices database covering the various workforce development system components; and

(7) training for State and local staff on the principles of quality management and decentralizing decisionmaking.

SEC. 220. PERFORMANCE STANDARDS FOR UNIFIED SERVICE DELIVERY AREAS.

(a) IN GENERAL.—The Governor of each State that implements an integrated workforce development system under section 203(b) may, in consultation with the State Council, the local workforce development boards in the State, and employees of any of the job training programs included in the integrated system or the employee organizations of such employees, make adjustments to existing performance standards for programs in such system in the unified service delivery area of the State.

(b) CRITERIA.—Criteria developed pursuant to subsection (a) may include such factors as—

(1) placement, retention, and earnings of participants in unsubsidized employment, including—

(A) earnings at 1, 2, and 4 quarters after termination from the program; and

(B) comparability of wages 1 year after termination from the program with wages prior to participation in the program;

(2) acquisition of skills pursuant to a skill standards and skill certification system endorsed by the National Skill Standards Board established pursuant to section 503 of the National Skill Standards Act of 1994;

(3) the satisfaction of participants and employers with services provided and employment outcomes; and

(4) the quality of services provided and the level of services provided to hard-to-serve populations, such as low-income individuals and older workers.

(c) ADJUSTMENTS.—Each Governor of a State that implements an integrated workforce development system under section 203(b) shall, within parameters established by the National Board, and after consultation with the workforce development boards in the State, prescribe adjustments to the performance criteria prescribed under subsections (a) and (b) for the unified service delivery areas based on—

(1) specific economic, geographic, and demographic factors in the State and in regions within the State; and

(2) the characteristics of the population to be served, including the demonstrated difficulties in serving special populations.

(d) USE OF CRITERIA.—The performance criteria developed pursuant to this section shall be utilized in lieu of similar criteria for programs receiving Federal funding included in the integrated system of the State, to the extent determined by the State Council subject to the approval of the National Board.

Subtitle C—Local Level Activities

SEC. 231. WORKFORCE DEVELOPMENT BOARDS.

(a) ESTABLISHMENT.—In each State receiving an implementation grant under section 203(b), and subject to subsection (b) of this section, the local elected officials of each unified service delivery area shall establish a workforce development board to administer the workforce development assistance provided by all the programs in the integrated workforce development system in such area.

(b) EXCEPTION.—States with a single unified delivery area with contiguous borders shall not be subject to the requirement of subsection (a).

(c) MEMBERSHIP.—

(1) IN GENERAL.—Each workforce development board shall be comprised of—

(A) representatives of business and industry, who shall constitute a majority of the board and who shall be business leaders in the unified service delivery area;

(B)(i) representatives of State and local organized labor organizations, who shall be selected from among individuals nominated by recognized State labor federations; and

(ii) representatives of community-based organizations, who shall be selected from among those individuals nominated by officers of such organizations;

(C) representatives of educational institutions;

(D) community leaders, such as leaders of—

(i) economic development agencies;

(ii) human service agencies and institutions;

(iii) veterans organizations; and

(iv) entities providing job training;

(E) representatives of nongovernmental organizations that have a history of successfully protecting the rights of individuals with disabilities or older persons; and

(F) a local elected official, who shall be a nonvoting member.

(2) SPECIAL RULE.—The representatives described in paragraph (1)(B) shall comprise not less than 33 percent of the membership of the Board.

(d) NOMINATIONS.—

(1) BUSINESS AND INDUSTRY REPRESENTATIVES.—

(A) IN GENERAL.—The representatives of business and industry under paragraph (1) of subsection (c) shall be selected by local elected officials from among individuals nominated by general purpose business organizations after consultation with, and receiving recommendations from, other business organizations in the unified service delivery area.

(B) DEFINITION.—For purposes of this paragraph, the term "general purpose business organization" means an organization that admits to membership any for-profit business operating within the unified service delivery area.

(2) LABOR REPRESENTATIVES.—The representatives of organized labor under subsection (c)(1)(B)(i) shall be selected from among individuals recommended by recognized State and local labor federations.

(3) OTHER MEMBERS.—The members of the workforce development board described in subparagraphs (A), (D), and (E) of subsection (c)(1) shall be selected by chief local elected officials in accordance with subsection (e) from individuals recommended by interested organizations.

(4) EXPERTISE.—The State Council and Governor of each State shall ensure that the workforce development board and the staff of the State Council have sufficient expertise to effectively carry out the duties and functions of existing local boards described under the laws relating to the applicable program.

(e) APPOINTMENT PROCESS.—In the case of a unified service delivery area—

(1) in which there is one unit of general local government, the chief elected official of such unit shall determine the number of members to serve on the workforce development board and appoint the members to such board from the individuals nominated or recommended under subsection (d); and

(2) in which there are 2 or more units of general local government, the chief elected officials of such units shall determine the number of members to serve on the workforce development board and appoint the members to such board from the individuals nominated or recommended under subsection (d), in accordance with an agreement entered into by such units of general local government or, in the absence of such an agreement, by the Governor of the State in which the unified service delivery area is located.

(f) TERMS.—Each workforce development board shall establish, in its bylaws, terms to be served by its members, who may serve until the successors of such members are appointed.

(g) VACANCIES.—Any vacancy on a workforce development board shall be filled in the same manner as the original appointment was made.

(h) REMOVAL FOR CAUSE.—Any member of a workforce development board may be removed for cause in accordance with procedures established by the workforce development board.

(i) CHAIRPERSON.—Each workforce development board shall select a chairperson, by a majority vote of the members of the board, from among the members of the workforce development board who are from business or industry. The term of the chairperson shall be determined by the board.

(j) DUTIES.—Each workforce development board—

(1) shall—

(A) prepare a workforce development board policy blueprint in accordance with section 232;

(B) issue an annual unified service delivery area report card in accordance with section 233;

(C) review and comment on the local plans for all programs included in the integrated workforce development system of the State and operating within the unified service delivery area, prior to the submission of such plans to the appropriate State Council, or the relevant Federal agency, if no State approval is required;

(D) oversee the operations of the one-stop career center established in the unified service delivery area under section 234, including the responsibility to—

(i) designate one-stop career center operators within the unified service delivery area consistent with selection criteria specified in section 214(a)(11);

(ii) develop and approve the budgets and annual operating plans of the one-stop career centers;

(iii) establish annual performance standards, customer service quality criteria, and outcome measures for the one-stop career centers, consistent with measures developed pursuant to sections 220;

(iv) assess the results of programs and services;

(v) ensure that services and skills provided through the centers are of high quality and are relevant to labor market demands; and

(vi) determine priorities for client services from Federal funding sources in the system;

(E) develop a strategy to disseminate consumer reports produced under section 215 to workers, jobseekers, and employers, and other individuals in the unified service delivery area; and

(2) may apply to the Secretary for a matching grant pursuant to section 404 in the amount of 50 percent of the cost of establishing innovative models of workplace training and upgrading of incumbent workers.

(k) ADMINISTRATION.—

(1) IN GENERAL.—Each local workforce development board shall have the authority to receive and disburse funds made available for carrying out the provisions of this Act and shall employ its own staff, independent of local programs and service providers.

(2) FUNDING.—Each workforce development board shall receive a portion of its funding from the implementation grant of the State, with additional funds made available from participating programs.

(l) CONFLICT OF INTEREST.—No member of a workforce development board shall cast a vote on the provision of services by that member (or any organization which that member directly represents) or vote on any matter that would provide direct financial benefit to such member.

SEC. 232. WORKFORCE DEVELOPMENT BOARD POLICY BLUEPRINT.

(a) IN GENERAL.—Each workforce development board shall prepare and submit to the State Council a biennial report, to be known as the workforce development board policy blueprint, except that in States with a single unified service delivery area, the additional elements required in the regional blueprint shall be incorporated into the State blueprint.

(b) REQUIREMENTS.—The workforce development board policy blueprint shall—

(1) include a list of the key industries and industry clusters of small- to mid-size firms that are most critical to the current and future economic competitiveness of unified service delivery areas;

(2) identify the workforce development needs of the critical industries and industry clusters;

(3) summarize the capacity of local education and training providers to respond to the workforce development needs;

(4) indicate how the local workforce development programs intend to strategically deploy resources available from implementation grants and existing programs operating in the unified service delivery area to better meet the workforce development needs of critical industries and industry clusters in the unified service delivery area and enhance program performance;

(5) include a plan to develop one-stop career centers, as described in section 234, including an estimate of the costs in personnel and other resources to develop a network adequate to provide universal access to such centers in the local labor market;

(6) describe how services will be maintained to all groups served by the participating programs in accordance with their legislative intent, including hard-to-serve populations;

(7) identify actions for building the capacity of the workforce development system in the unified service delivery area; and

(8) report on the level and recent changes in earned income of workers in the local labor market, in relation to State and national levels, by occupation and industry.

(c) USE IN OTHER REPORTS.—The workforce development board policy blueprint may be utilized in lieu of local planning reports required by any other Federal law for any program included in the integrated workforce development system, subject to the approval of the State Council.

SEC. 233. REPORT CARD.

(a) IN GENERAL.—Each workforce development board shall annually prepare and submit to the State Council a unified service delivery area report card in accordance with this section. The report card shall describe the performance of all workforce development programs and service providers, including the one-stop career centers, operating in the area that is included in the integrated workforce development system. In States with a single unified service delivery area, the State Council shall prepare the report card.

(b) REQUIREMENTS.—The report card shall—

(1) report on the relationship between services provided and the local labor market needs as described in the workforce development board policy blueprint;

(2) using the quality assurance system information established pursuant to section 215, include an analysis of employment-related, and other outcomes achieved by the programs and service providers operating in the area;

(3) identity the performance of the one-stop career centers;

(4) detail the economic and demographic characteristics of individuals served compared to the characteristics of the general population of the unified service delivery area, and the jobseekers, workers, and businesses of such area; and

(5) assess the level of services to hard-to-serve populations in relation to the number served and the outcomes for those during the preceding 3 years.

SEC. 234. ONE-STOP CAREER CENTERS.

(a) ESTABLISHMENT.—Each workforce development board receiving funds under an implementation grant awarded under section 203(b) shall develop and implement a network of one-stop career centers in the unified service delivery area of the workforce development board. The one-stop career centers shall provide jobseekers, workers, and businesses universal access to a comprehensive array of quality employment, education, and training services.

(b) PROCEDURES.—Each workforce development board shall, in conjunction with local elected official or officials in the unified service delivery area, and consistent with criteria specified in section 214(a)(11), select a method for establishing one-stop career centers.

(c) Eligible Entities.—Each entity within the unified service delivery area that performs the functions specified in subsections (e) and (f) for any of the programs in the integrated workforce development system shall be eligible to be selected as a one-stop career center.

(d) Period of Selection.—Each one-stop career center operator shall be designated for two-year periods. Every 2 years, one-stop career center designations shall be reevaluated by the workforce development board based on performance indicated in the unified service delivery area report card and other criteria established by the workforce development board and the State Council.

(e) Brokerage Services to Individuals.—Each one-stop career center shall make available to the public, at no cost—

(1) outreach to make individuals aware of, and encourage the use of, services available from workforce development programs operating in the unified service delivery area;

(2) intake and orientation to the information and services available through the one-stop career center;

(3) preliminary assessments of the skill levels (including appropriate testing) and service needs of individuals, including—

(A) basic skills;

(B) occupational skills;

(C) prior work experience;

(D) employability;

(E) interests;

(F) aptitude; and

(G) supportive service needs;

(4) job search assistance, including resume and interview preparation and workshops;

(5) information relating to the supply, demand, price, and quality of job training services available in each unified service delivery area in the State pursuant to section 501(c);

(6) information relating to eligibility requirements and sources of financial assistance for entering the programs described in 501(c)(2)(C); and

(7) referral to appropriate job training, employment, and employment-related education or support services in the unified service delivery area.

(f) Brokerage Services to Employers.—Each one-stop career center shall provide to each requesting employer—

(1) information relating to supply, demand, price, and quality of job training services available in each unified service delivery area in the State, consistent with the consumer reports described in section 215;

(2) customized screening and referral of individuals for employment;

(3) customized assessment of skills of the current workers of the employer;

(4) an analysis of the skill needs of the employer; and

(5) other specialized employment and training services.

(g) Conflicts.—Any entity that performs one-stop career center functions shall be prohibited from making an education and training referral to itself.

(h) Fees.—

(1) In general.—Except as provided in paragraph (2), each one-stop career center may charge fees for the services described in subsection (f), subject to approval by the workforce development board.

(2) Limitation.—No fee may be charged for any service that an individual would be eligible to receive at no cost under a participating program.

(3) Income.—Income received by a one-stop career center from the fees collected shall be used by the workforce development board to expand or enhance one-stop career centers available within the unified service delivery area.

(i) Core Data Elements and Common Definitions.—Each one-stop career center shall adopt the core data elements and common definitions as specified section 204(b), and updated by the National Board.

(j) Operating Agreements.—

(1) In general.—Each one-stop career center operator shall enter into a written agreement with the workforce development board concerning the operation of the center.

(2) Approval.—The agreement shall—

(A) be subject to the approval of—

(i) the local chief elected official or officials;

(ii) the State Council; and

(iii) the Governor of the State in which the center is located; and

(B) shall address—

(i) the services to be provided;

(ii) the role that local officials of the United States Employment Service will play in the operation of one stop career centers in the unified service delivery area;

(iii) the financial and nonfinancial contributions to be made to the centers from funds made available pursuant to section 203(b) and all participating workforce development programs;

(iv) methods of administration;

(v) procedures to be used to ensure compliance with statutory requirements of the programs in the integrated workforce development system; and

(vi) other elements, as required by the workforce development board or the State Council under section 214(a).

SEC. 235. CAPACITY BUILDING.

(a) In General.—Each workforce development board shall identify actions to be taken for building the capacity of the workforce development system in such unified service delivery, except that in States with a single unified delivery area, the State Council shall be responsible for carrying out the activities under this section.

(b) Funding.—The State Council shall make funds available to each workforce development board for capacity building activities from funds made available under section 203(b) and any other funds within the integrated workforce development budget of the State. For the activities described in subsection (c), the workforce development board may also submit requests to the State Council to redirect a portion of training and technical assistance resources available from any of the workforce development programs included in the integrated system within the unified service development area of the workforce development board.

(c) Types of Activities.—Capacity building activities may include—

(1) training of workforce development board members;

(2) staff training;

(3) technical assistance regarding managing systemic change;

(4) customer service training;

(5) organization of peer-to-peer network for training, technical assistance, and information sharing;

(6) organizing a best practices database covering the various system activities; and

(7) training for local staff on the principles of quality management and decentralized decisionmaking.

TITLE III—ENHANCING INDIVIDUAL CHOICE THROUGH TRAINING ACCOUNTS

SEC. 301. PURPOSE.

It is the purpose of this title to promote the establishment of a market-driven system for the provision of services that will enhance the quality and range of choices available to individuals for obtaining appropriate education and training.

SEC. 302. ESTABLISHMENT.

(a) In General.—Each State receiving an implementation grant pursuant to section 203(b) shall establish a training account system for the provision of education and training that meets the requirements of this title.

(b) Definition.—For purposes of this title, the term "education and training" means the services described in clauses (v) and (ix) of section 204(b)(1)(C) and such other services as the Secretary, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and the National Board, determines are appropriate.

SEC. 303. PARTICIPATION OF WORKFORCE DEVELOPMENT PROGRAMS.

(a) Dislocated Workers.—Notwithstanding the Job Training Partnership Act, each State that receives an implementation grant pursuant to section 203(b) shall use the funds made available under title III of the Job Training Partnership Act and the funds appropriated under section 3(a) to provide education and training under title III of such Act only through the training account system established pursuant to this title. Notwithstanding section 315 of such Act, not less than 60 percent of the funds available to the State under such title III shall be used to carry out the training account system.

(b) Additional Programs.—Beginning 1 year or later after a State has commenced administration of the training account system described in subsection (a), the State may provide education and training through the training account system to adults eligible to participate in other workforce development programs if—

(1) the State—

(A) identifies the additional workforce development programs in the State blueprint developed pursuant to section 214(a) or in an amendment to such blueprint; and

(B) describes how such programs will be integrated into such system; and

(2) not less than two-thirds of the voting members of the National Workforce Development Board approves the inclusion of the programs identified pursuant to paragraph (1) into the training account system established in the State.

SEC. 304. ADMINISTRATION.

(a) Application To Establish Account.—

(1) In general.—An individual who is eligible to receive education and training under a workforce development program participating in the training account system pursuant to this title may apply to establish a training account only at a one-stop career center established under section 234.

(2) Duties of career centers.—The career center shall—

(A) assist such individual in completing the application;

(B) provide information relating to the operation of the training account system; and

(C) ensure that such individual is aware of consumer information available in the center relating to providers of education and training, local occupations in demand, and other appropriate labor market factors.

(b) Duration; Amount of Account.—

(1) Duration.—Upon approval of an application submitted pursuant to subsection (a), an individual may be provided a training account for a maximum of 2 years within any 5-year period.

(2) Amount of account.—The total amount deposited into a training account for an individual for any fiscal year shall be equal to

the greater of the maximum amount of a Pell grant established—

(1) pursuant to paragraphs (2)(A) and (3)(A) of section 401(b) of the Higher Education Act of 1965 for such year; or

(2) by an appropriation Act for such year.

(c) USE OF FUNDS.—An account established under subsection (b) may be used by an individual to pay for education and training provided by a service provider meeting the eligibility requirements described in section 305.

(d) ADMINISTRATIVE PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, and the Secretary of Health and Human Services shall issue regulations applicable to the administration of a training account under this title that, consistent with the other provisions of this title, specify—

(1) the application requirements relating to a training account;

(2) the method of payment to providers from a training account, including appropriate payment schedules and appropriate payment for education or training in which an individual enrolled but did not complete;

(3) the financial and management information systems to be used to administer the training accounts;

(4) the Federal, State, and local roles with respect to oversight of the training account system and enforcement of the requirements of this title;

(5) the manner in which the costs of administering the training account system will be determined and apportioned;

(6) the performance-based information to be submitted by eligible providers of education and training and procedures for verifying the accuracy of such information; and

(7) such other procedures or conditions the Secretary determines are necessary to ensure the effective implementation of the training account system.

(e) DESCRIPTION OF SYSTEM IN STATE BLUEPRINT.—The State blueprint developed pursuant to section 214(a) shall include a description of how the State will administer the training account system and will ensure compliance with the requirements of this title.

SEC. 305. ELIGIBILITY REQUIREMENTS FOR PROVIDERS OF EDUCATION AND TRAINING SERVICES.

(a) ELIGIBILITY REQUIREMENTS.—A provider of education and training services shall be eligible to receive funds from a training account under this title if such provider—

(1) is either—

(A) eligible to participate in programs under title IV of the Higher Education Act of 1965; or

(B) determined to be eligible under the procedures described in subsection (b); and

(2) uses the common definitions and performance-based information described in section 204(b).

(b) ALTERNATIVE ELIGIBILITY PROCEDURE.—

(1) IN GENERAL.—The Governor of each State receiving an implementation grant pursuant to section 203(b) shall establish an alternative eligibility procedure for providers of education and training services in such State that desire to receive funds from a training account under this title, but are not eligible to participate in programs under title IV of the Higher Education Act of 1965. Such procedure shall establish minimum acceptable levels of performance for such providers based on factors and guidelines developed by the Secretary, after consultation with the Secretary of Education. Such factors shall be comparable in rigor and scope to those provisions of part H of such title of such Act that are used to determine an institution of higher education's eligibility to participate in programs under such title as are appropriate to the type of provider seeking eligibility under this subsection and the nature of the education and training services to be provided.

(2) LIMITATION.—Notwithstanding paragraph (1), if the participation of an institution of higher education in any of the programs under title IV of the Higher Education Act of 1965 is terminated, such institution shall not be eligible to receive funds under this Act for a period of 2 years beginning on the date of such termination.

(c) ADMINISTRATION.—

(1) STATE AGENCY.—Upon the recommendation of the State Council, the Governor of each State receiving an implementation grant pursuant to section 203(b) shall designate a State agency or agencies to collect, verify, and disseminate the performance-based information submitted by eligible providers.

(2) APPLICATION.—A provider of education and training services that desires to be eligible to receive funds under this title shall submit to the State agency or agencies the information required under paragraph (1) at such time and in such form as such State agency or agencies may require.

(3) LIST OF ELIGIBLE PROVIDERS.—The State agency or agencies shall compile a list of eligible providers, accompanied by the performance-based information submitted, and disseminate such list and information to the one-stop career centers in the State.

SEC. 306. EVALUATION AND RECOMMENDATIONS.

The National Workforce Development Board shall evaluate the administration and effectiveness of the training account system in enhancing individual choice and promoting high-quality education and training and shall include the evaluation, accompanied by recommendations, in the National Report Card developed pursuant to section 202(c)(1) and the joint resolution to the President and the Congress pursuant to section 104(b).

SEC. 307. REPORT RELATING TO INCOME SUPPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) many dislocated workers and economically disadvantaged adults are unable to enroll in long-term job training because such workers and adults lack income support after unemployment compensation is exhausted;

(2) evidence suggests that long-term job training is among the most effective adjustment service in assisting dislocated workers and economically disadvantaged adults to obtain employment and enhance wages; and

(3) there is a need to identify options relating to how income support may be provided to enable dislocated workers and economically disadvantaged adults to participate in long-term job training.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall submit to the Congress a report that—

(1) examines the need for income support to enable dislocated workers and economically disadvantaged adults to participate in long-term job training;

(2) identifies options relating to how income support can be provided to such workers and adults; and

(3) contains such recommendations as the Secretary of Labor determines are appropriate.

TITLE IV—PRIVATE-PUBLIC LINKAGES

SEC. 401. PURPOSE.

The purpose of this title is to begin to more explicitly link federally funded workforce development programs with training practices and systems utilized by workers and firms in the private sector.

SEC. 402. INCENTIVES TO ENCOURAGE WORKER TRAINING.

Not later than 180 days after the date of enactment of this Act, the National Board shall make recommendations to the appropriate committees of Congress and the President on what measures can be taken, including changes in the tax codes—

(1) to encourage employers and workers to invest in training and skills upgrading;

(2) to encourage employers to hire and train hard-to-serve individuals; and

(3) to provide income support to enable jobseekers and workers to participate in long-term training programs.

SEC. 403. LABOR DAY REPORT ON PRIVATE-PUBLIC TRAINING PRACTICES.

Beginning on September 1, 1996, and in each succeeding year thereafter, the National Board shall issue a report that—

(1) analyzes how businesses in the United States are—

(A) restructuring the workplace to provide continuous learning for the employees of such businesses;

(B) improving the skills and abilities of the front-line workers of such businesses; and

(C) integrating public workforce development programs into private sector training systems;

(2) highlights innovative approaches that other countries are taking to encourage firms to invest in training the front-line workers of such firms and to ensure that publicly funded workforce development programs in such countries are relevant to the training needs of workers and firms in the private sector;

(3) reports on the progress being made by the National Skills Standards Board established pursuant to section 503 of the National Skill Standards Act and the degree to which publicly funded education and training providers throughout the United States are incorporating industry-based skill standards developed by the Board into program offerings of such programs; and

(4) makes recommendations to Congress and the President on ways to improve linkages between federally funded industrial modernization programs and federally funded workforce development programs.

SEC. 404. MATCHING GRANTS TO ENCOURAGE INCUMBENT WORKER TRAINING.

(a) PURPOSE.—The purpose of this section is to establish a program to award competitive matching grants to assist local workforce development boards respond to the training needs of front-line workers in the communities in which such boards are located.

(b) APPLICATION.—Each local workforce development board seeking a grant under this section shall submit an application to the State Council of the State in which such board is located, at such time, in such manner, and containing such information as the Secretary may prescribe. Not later than 30 days after receiving an application, the State Council shall review and forward the application, with comments, to the National Board and the Secretary.

(c) SELECTION OF GRANTEES.—

(1) IN GENERAL.—The Secretary, with the advice of the National Board, shall award a grant under this section only if the Secretary determines, from the grant application, that the grant will be used to maintain

or enhance the competitive position of local industries that are committed to making the investments necessary to develop the skills of their workers.

(2) CRITERIA.—In awarding grants under this section, the Secretary shall take into account—

(A) the policy priorities and training needs of local industries identified in the local workforce development policy blueprints;

(B) whether there is a demonstrated need for skill upgrading to maintain firm or industry competitiveness;

(C) whether the application contains proposals for training that will directly lead to increased earnings of front-line workers;

(D) whether the labor organizations representing such front-line workers support the grant proposal;

(E) initiatives by firms or firm partnerships to develop high performance work organizations;

(F) whether the grant proposal meets the training needs of small- and medium-sized firms;

(G) whether the grant proposal is focused on workers with substantial firm or industry tenure; and

(H) whether the proposed industry activities are integrated with private sector activities under the School-to-Work Opportunities Act of 1994.

(d) USE OF FUNDS.—Grants awarded under this section shall be used for skill enhancement and training activities that may include—

(1) basic skills;

(2) occupational skills;

(3) statistical process control training;

(4) total quality management techniques;

(5) team building and problem solving skills; and

(6) other training or activities that will result in the increased likelihood of job retention, higher wages, or increased firm competitiveness.

(e) FUNDING.—

(1) COST SHARE.—

(A) FEDERAL SHARE.—A grant awarded under this section shall be in an amount equal to 50 percent of the cost of carrying out the grant proposal.

(B) LOCAL SHARE.—As a condition to receiving Federal funds under this section, local businesses, industry associations, and worker organizations shall provide funding in an amount equal to 50 percent of the cost of carrying out the grant proposal.

(2) LIMITATIONS.—

(A) USE OF FUNDS.—Amounts awarded under this section shall not be used to pay the wages of workers during the training of such workers.

(B) ADDITIONAL FUNDING.—Each recipient of funds under this section shall certify that such funds shall supplement and not supplant other public or private funds otherwise spent on worker training.

TITLE V—INTEGRATED LABOR MARKET INFORMATION SYSTEM

SEC. 501. INTEGRATED LABOR MARKET INFORMATION.

(a) FINDINGS.—The Congress finds that accurate, timely, and relevant data for the Nation, States, and localities are required to achieve Federal domestic policy goals, such as—

(1) economic growth and productivity through—

(A) career planning and successful job training and job searching by youth and adults; and

(B) efficient hiring, effective worker training, and appropriate location and organization of work by employers;

(2) accountability, through planning and evaluation, in workforce development and job placement programs funded by the Federal Government or developed by other public or private entities;

(3) equity and efficiency in the allocation of Federal funds; and

(4) greater understanding of local labor market dynamics through the support of research.

(b) PURPOSE.—The purpose of this title is to provide for the development, maintenance, and continuous improvement of a nationwide integrated system for the collection, analysis, and dissemination of labor market information.

(c) SYSTEM.—

(1) DEVELOPMENT.—The Secretary, in cooperation with the National Board, the State Councils, where appropriate, and the Governors, shall oversee and ensure the development, maintenance, and continuous improvement of a nationwide integrated system of labor market information that will—

(A) promote comprehensive workforce development planning, evaluation, and service integration;

(B) meet and be responsive to the customer needs of jobseekers, employers, and public officials at all government levels who develop economic and social policy, allocate funds, plan and implement workforce development systems, are involved in career planning or exploration, and deliver integrated services;

(C) serve as the foundation for automated information delivery systems that provide easy access to labor market, occupational and career information; and

(D) meet the Federal domestic policy goals specified in section (a).

(2) INFORMATION TO BE INCLUDED.—The integrated system described in paragraph (1) shall include statistical data from survey and projection programs and data from administrative reporting systems which, taken together, shall enumerate, estimate, and project the supply of and demand for labor at national, State, and local levels in a timely manner, including data on—

(A) labor market demand, such as—

(i) profiles of occupations that describe job duties, education, and training requirements, skills, wages, benefits, working conditions, and the industrial distribution of occupations;

(ii) current and projected employment opportunities and trends, by industry and occupation, including growth projections by industry, and growth and replacement need projections by occupation;

(iii) job openings, job locations, hiring requirements, and application procedures;

(iv) profiles of industries and employers in the local labor market describing the nature of the work performed, employment skill and experience requirements, specific occupations, wages, hours, and benefits, and hiring patterns;

(v) industries, occupations, and geographic locations facing significant change or dislocation; and

(vi) information maintained in a longitudinal manner on the quarterly earnings, establishment, industry affiliation, and geographic location of employment for all individuals for whom such information is collected by the States;

(B) labor supply, such as—

(i) educational attainment, training, skills, skill levels, and occupations of the population;

(ii) demographic, socioeconomic characteristics, and current employment status of the population, including self-employed, part-time, and seasonal workers;

(iii) jobseekers, including their education and training, skills, skill levels, employment experience, and employment goals;

(iv) the number of workers displaced by permanent layoffs and plant closings by industry, occupation, and geographic location; and

(v) current and projected training completers who have acquired specific occupational or work skills and competencies; and

(C) consumer information, which shall be current, comprehensive, localized, automated, and in a form useful for immediate employment, entry into training and education programs, and career exploration, including—

(i) job openings, locations, hiring requirements, application procedures, and profiles of employers in the local labor market describing the nature of the work performed, employment requirements, wages, benefits, and hiring patterns;

(ii) jobseekers, including their education and training, skills, skill levels, employment experience, and employment goals;

(iii) the labor market experiences, in terms of wages and annual earnings, by industry and occupation, of workers in local labor markets, by sex and racial or ethnic group, including information on hard-to-serve populations;

(iv) education courses, training programs, and job placement programs, including information derived from statistically based performance evaluations and their user satisfaction ratings; and

(v) eligibility for funding and other assistance in job training, job search, income support, supportive services, and other employment services.

(3) TECHNICAL STANDARDS.—The integrated labor market information system shall use common standards that will include—

(A) standard classification and coding systems for industries, occupations, skills, programs, and courses;

(B) nationally standardized definitions of terms consistent with subsections (b), (c), and (d) of section 204 and with paragraph (2);

(C) a common system for designating geographic areas consistent with the unified service delivery areas;

(D) data standards and quality control mechanisms; and

(E) common schedules for data collection and dissemination.

(4) AVAILABILITY OF INFORMATION.—Data generated by the labor market information system including information on quarterly employment and earnings, together with matched data on individuals who have participated in a federally supported job training activity, shall be made available to the National Board for use in the preparation of the National Report Card. Aggregate level information shall be made available to consumers in automated information delivery systems.

(5) DISSEMINATION, TECHNICAL ASSISTANCE, AND RESEARCH.—The Secretary, in cooperation with the National Board, the Governors, and State Councils, where appropriate, shall oversee the development, maintenance, and continuous improvement of—

(A) dissemination mechanisms for data and analysis, including mechanisms that may be standardized among the States;

(B) programs of technical assistance and staff development for States and localities, including assistance in adopting and utilizing automated systems and improving the access, through electronic and other means, to labor market information; and

(C) programs of research and demonstration, on ways to improve the products and processes authorized by this section.

SEC. 502. RESPONSIBILITIES OF THE NATIONAL BOARD.

(a) IN GENERAL.—The National Board shall plan, review, and evaluate the Nation's integrated labor market information system.

(b) DUTIES.—The National Board shall—

(1) be responsible for providing policy guidance;

(2) evaluate the integrated labor market information system and ensure the cooperation of participating agencies; and

(3) recommend to the Secretary needed improvements in Federal, State, and local information systems to support the development of an integrated labor market information system.

SEC. 503. RESPONSIBILITIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary shall manage the investment in an integrated labor market information system by—

(1) reviewing all requirements for labor market information across all programs within the system;

(2) developing a comprehensive annual budget, including funds at the Federal level, funds allotted to States by formula, and funds supplied to the States by contracts with departmental entities;

(3) administering grants allotted to States by formula;

(4) negotiating and executing contracts with the States;

(5) coordinating the activities of Federal workforce development agencies responsible for collecting the statistics and program administrative data that comprise the integrated system and disseminating labor market information at the National, State, regional, and local levels; and

(6) ensuring that standards are designed to meet the requirements of chapter 35 of title 44, United States Code, and are coordinated and consistent with other appropriate Federal standards established by the Bureau of Labor Statistics and other statistical agencies.

(b) REQUIREMENTS.—In carrying out the duties of the Secretary under this section, the Secretary shall—

(1) in consultation with the States and the private sector, define a common core set of labor market information data elements as specified in section 501(c)(2) that will be consistently available across States in an integrated labor market information system; and

(2) ensure that data is sufficiently timely and locally detailed for use, including uses specified in subsections (b) and (c)(2) of section 501.

(c) ANNUAL PLAN.—

(1) IN GENERAL.—The Secretary shall annually prepare and submit to the National Board for review, a plan for improving the Nation's integrated labor market information system. The Secretary shall also submit the plan, together with the comments and recommendations of the National Board, to the President and Congress.

(2) CONTENTS.—The plan shall describe the budgetary needs of the labor market information system, and shall describe the activities of such Federal agencies with respect to data collection, analysis, and dissemination for each fiscal year succeeding the fiscal year in which the plan is developed. The plan shall—

(A) establish goals for system development and improvement based on information needs for achieving economic growth and productivity, accountability, fund allocation equity, and an understanding of labor market characteristics and dynamics;

(B) specify the common core set of data that shall be included in the integrated labor market information system;

(C) describe the current spending on integrated labor market information activities from all sources, assess the adequacy of the funds and identify the specific budget needs of the Federal and State workforce development agencies with respect to implementing and improving an integrated labor market information system and the activities of such agencies with respect to data compilation, analysis, and dissemination for each fiscal year in which the plan is developed;

(D) develop a budget for an integrated labor market information system that accounts for all funds in subparagraph (C) and any new funds made available pursuant to this Act, and describes the relative allotments to be made for—

(i) the operation of the cooperative statistical programs under section 501(c)(2);

(ii) ensuring that technical standards are met pursuant to section 501(c)(3); and

(iii) consumer information and analysis, matching data, dissemination, technical assistance, and research under paragraphs (2)(C), (4), and (5) of section 501(c);

(E) describe the existing system, information needs, and the development of new data programs, analytical techniques, definitions and standards, dissemination mechanisms, governance mechanisms, and funding processes to meet new needs;

(F) summarize the results of an annual review of the costs to the States of meeting contract requirements for data production, including a description of how the budget request for an integrated labor market information system will cover such costs;

(G) describe how the State Councils will be reimbursed for carrying out the duties for labor market information;

(H) recommend methods to simplify and integrate automated client intake and eligibility determination systems across workforce development programs to permit easy determination of eligibility for funding and other assistance in job training, job search, income support, supportive services, and other reemployment services; and

(I) provide for the involvement of States in developing the plan by holding formal consultations conducted in cooperation with representatives of the Governor or State Council, where appropriate, pursuant to a process established by the National Board.

(d) ASSISTANCE FROM OTHER AGENCIES.—The Secretary may receive assistance from member and other Federal agencies (such as the Bureau of Labor Statistics and the Employment and Training Administration of the Department of Labor, the Administration on Children and Families of the Department of Health and Human Services, and the Office of Adult and Vocational Education and the National Center for Education Statistics of the Department of Education) to assist in the collection, analysis, and dissemination of labor market information, and in the provision of training and technical assistance to users of information, including States, employers, youth, and adults.

SEC. 504. RESPONSIBILITIES OF GOVERNORS.

(a) DESIGNATION OF STATE AGENCY.—The Governor of each State and the State Council, where appropriate, shall designate one State agency to be the agency responsible for—

(1) the management and oversight of a statewide comprehensive integrated labor market information system; and

(2) developing a State unified labor market information budget on an annual basis.

(b) REQUIREMENTS.—As a condition of receiving Federal financial assistance under this title, the Governor or State Council, where appropriate, shall—

(1) develop, maintain, and continuously improve a comprehensive integrated labor market information system, which shall—

(A) include the data specified in section 501(c)(2);

(B) be responsive to the needs of the State and the localities of such State for planning and evaluative data, including employment and economic analyses and projections, and program outcome data on employment and earnings for the quality assurance system under section 204; and

(C) meet Federal standards under chapter 35 of title 44, United States Code, and other appropriate Federal standards established by the Bureau;

(2) ensure the performance of contract and grant responsibilities for data compilation, analysis, and dissemination;

(3) conduct such other data collection, analysis, and dissemination activities as will ensure the availability of comprehensive State and local labor market information;

(4) coordinate the data collection, analysis, and dissemination activities of other State and local agencies, with particular attention to State education, economic development, human services, and welfare agencies, to ensure complementary and compatibility among data; and

(5) cooperate with the National Board and the Secretary by making available, as requested, data for the evaluation of programs covered by the labor market information and the quality assurance systems under section 204.

(c) NONINTERFERENCE WITH STATE FUNCTIONS.—Nothing in this Act shall limit the ability of the State agency designated under this section to conduct additional data collection, analysis, and dissemination activities with funds derived from sources other than this Act.

THE WORKFORCE DEVELOPMENT ACT—OVERVIEW

The federal government currently spends billions each year on a wide array of different job training programs. There is widespread consensus that these programs are not collectively doing a good enough job of preparing workers for high skill jobs in an increasingly competitive world economy.

This bill takes immediate action to streamline and reform current job training programs. In addition, over the next four years states will be encouraged to experiment with creative new approaches to transform federally-funded job training efforts from a collection of free standing bureaucratically-driven programs into an integrated and accountable market-driven workforce development system.

After examining lessons learned from the experimentation taking place in the states, Congress will act upon recommendations to create a new system to help workers to compete in the 21st century economy.

TITLE I STREAMLINING AND CONSOLIDATION

This title immediately repeals 15 duplicative or outmoded programs and encourages states to compete for grants to set up integrated workforce development system that will, over time, include one-stop career centers and voucher programs for a wide range of adult training programs.

This title establishes an expedited wavier authority process to allow states and communities to waive programmatic requirements that may impede the ability of those that are willing to embark on the challenge of building a more integrated workforce development system.

This title also establishes a clear timetable and process for taking action on the lessons learned from the experiments undertaken by the states. By June 1, 1999, a tripartite National Board must submit a joint resolution to the President and Congress containing recommendations for a new public/private workforce development system suitable for the needs of the 21st century. To ensure that Congress acts on these recommendations, twenty separate programs with more than $4 billion in funding will sunset September 30, 1999. The National Board will itself be sunsetted after if issues this joint resolution.

TITLE II MARKET BUILDING ACTIVITIES

This title establishes a framework at the federal, state, and local levels for key stakeholders to work cooperatively to build the information, accountability, and brokerage systems needed to transform currently federally funded job training programs into a market-driven workforce development system.

At the federal level, new streamlined accountability, labor market information and management systems will replace the myriad of existing federal monitoring and compliance systems currently utilized by separate categorical programs. All states will receive grants to develop these new systems which will, for the first time, give policy makers and individuals a clear sense of how well each program is doing in preparing and placing people in jobs. Each year the National Board will issue a National Report Card documenting the performance of the nation's workforce development system.

States will be given the opportunity to compete for multi-year implementation grants to experiment with new approaches to building a market-driven workforce development system. States that receive these grants will create a new tripartite State Workforce Development Council to replace the multiple existing boards created by separate federal job training programs. These Council's responsibilities will include developing a strategic plan that identifies ways to integrate existing job training, education and economic development programs to meet the needs of critical industries in the state; and developing a quality assurance system to provide consumer reports on the supply, demand, price and quality of job training services throughout the state.

At the local level, private sector led boards will be established to bring coherence to job training activities at the labor market level. These boards will identify the training needs of critical industries in their region, and develop strategies to redeploy public and private training resources to respond to these needs. These boards will also be responsible for establishing a network of one-stop career centers to provide local jobseekers, workers, and businesses universal access to a comprehensive array of quality employment services.

TITLE III ENHANCING INDIVIDUAL CHOICE

This title will promote the establishment of a market-driven workforce development system by establishing training accounts that make vouchers available to individuals to allow them to choose the education and training service most appropriate for their own career advancement.

States that receive implementation grants to establish market-driven workforce development systems will initially establish training accounts from which dislocated workers can receive vouchers. States will also have the option, over time, of converting additional training programs into a voucher system, subject to the approval of the National Board.

TITLE IV PRIVATE-PUBLIC LINKAGES

This title take steps to begin to explicitly link federally funded workforce development programs with training practices and systems utilized by workers and firms in the private sector.

These steps include: recommending changes in the tax codes to encourage employers and workers to invest in training and skills upgrading for both existing workers and hard-to-serve individuals; analyzing how businesses and labor in the United States are restructuring the workplace to provide continuous learning for their employees; overseeing the degree to which publicly funded education and training providers throughout the United States are incorporating industry-based skill standards into their program offerings; and making matching grants available on a competitive basis to encourage firms to develop innovative approaches to upgrade the skills of their front-line workers.

TITLE V LABOR MARKET INFORMATION

This title establishes a comprehensive labor market information system to provide accurate, timely data to improve the functioning of local labor markets. These new information systems will allow job seekers, workers and firms to determine where the growth industries are in their communities, what skills jobs in these industries require, and which local training providers are successfully meeting the training needs of these industries.

FUNDING

This bill authorizes funding of $250 million in fiscal year 1996—$160 million for the market building activities identified in Title II and the matching grants for incumbent worker training in Title IV; and the remaining $90 million for the development of the integrated labor market information system described in Title V. The funds are not new spending, but are cost savings realized from streamlining activities undertaken in Title I.

By Mr. HATCH:

S. 181. A bill to amend the Internal Revenue Code, of 1986 to provide tax incentives to encourage small investors, and for other purposes; to the Committee on Finance.

S. 182. A bill to amend the Internal Revenue Code of 1986 to encourage investment in the United States by reforming the taxation of capital gains, and for other purposes; to the Committee on Finance.

CAPITAL GAINS TAX LEGISLATION

Mr. HATCH. Mr. President, I rise today to introduce two pieces of capital gains tax legislation that will significantly change and improve America's capital formation, tax fairness, and saving rate. These bills are alternative solutions to reform a tax code that discourages investment and unfairly taxes investors on gains caused solely by inflation. Enactment of either of these bills would strengthen this Nation's precarious economic condition by stimulating economic growth and creating new jobs.

These bills are the Small Investors Tax Relief Act of 1995 and the Capital Formation and Jobs Creation Act of 1995.

Mr. President, the first bill, the Small Investors Tax Relief Act of 1995 [SITRA], features three simple provisions that solve several problems that face America's small investors. First, it gives every individual an annual exemption from capital gains of $10,000 per year. This amount is doubled on a joint return and the thresholds are indexed for inflation. This provision will encourage lower- and middle-income taxpayers to save and invest in stocks, real estate, or a new business. It will also unlock billions of dollars of unrealized capital gains in this country and put it to work creating new jobs.

Second, SITRA provides an annual exemption from tax for the first $1,000 of interest and dividends earned by individuals each year. The exemption threshold is $2,000 for joint returns and is also indexed for inflation. This provision will provide a tremendous incentive for taxpayers to invest, rather than spend, their dollars. Our current tax law actually discourages savings by taxing every cent of earnings from interest and dividends. The result is a miserably low saving rate for the United States. All of our major trading partners enjoy a higher saving rate than does than the United States. Yet, our long-term prosperity demands a higher rate of savings, according to practically every economist. This bill will go a long way toward providing the encouragement that is now lacking for taxpayers to save money.

Finally, SITRA would provide for indexing the bases of most capital assets to eventually eliminate the unfair taxation of gains caused solely by inflation. There is nothing fair about having to pay tax on inflationary gains. The tax on inflationary capital gains is not a tax on income or even on the increase in the real value of the asset. It is purely a tax on capital very much like the property tax, but only assessed when the property is sold.

Mr. President, I am also introducing today the Capital Formation and Jobs Creation Act of 1995. This bill is identical to the capital gains tax bill included in H.R. 9, which is part of the Contract With America, introduced last week by Congressman BILL ARCHER. I commend Congressman ARCHER, the new chairman of the Ways and Means Committee, for his expertise and many years of leadership in the area of capital gains taxation and I look forward to working with him on this issue.

This bill is also very simple. First, it would provide a deduction of 50 percent of net capital gains realized. Thus, only half of a taxpayer's capital gains would be subject to taxation. Second, it would also index the bases of capital assets to ensure that inflationary gains are eliminated. Finally, it would allow a capital loss deduction for losses suffered on a sale or exchange of a taxpayer's principal residence.

Mr. President, the debate about whether to cut the tax on capital gains has been very loud, long, and partisan. Our colleagues have heard much from both sides of the issue for many years. For the first time in several years, however, there is a realistic possibility that Congress will pass legislation this year to lower the tax on capital gains.

The two bills I am introducing today offer different approaches to increasing economic growth, creating jobs, and enhancing fairness to taxpayers. I urge my colleagues to take a look at these bills as we consider how to best improve our Tax Code this year. I will have more to say on the need for capital gains tax reductions and the different approaches of these two bills in the days to come. My main purpose in introducing these bills today is to get these ideas before my colleagues and before the Nation. I ask unanimous consent that the text of the Small Investors Tax Relief Act of 1995 and the Capital Formation and Jobs Creation Act of 1995 be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Small Investors Tax Relief Act of 1995".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXEMPTION OF CERTAIN INTEREST AND DIVIDEND INCOME FROM TAX.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

"SEC. 116. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS.

"(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include the sum of the amounts received during the taxable year by an individual as—

"(1) dividends from domestic corporations, or

"(2) interest.

"(b) LIMITATIONS.—

"(1) MAXIMUM AMOUNT.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed $1,000 ($2,000 in the case of a joint return).

"(2) CERTAIN DIVIDENDS EXCLUDED.—Subsection (a)(1) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organization) or section 521 (relating to farmers' cooperative associations).

"(3) INDEXING FOR INFLATION.—In the case of any taxable year beginning after 1995—

"(A) the $1,000 amount under paragraph (1) shall be increased by an amount equal to—

"(i) $1,000, multiplied by

"(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, except that subparagraph (B) thereof shall be applied by substituting '1994' for '1992', and

"(B) the $2,000 amount under paragraph (1) shall be increased to an amount equal to twice the amount to which the $1,000 amount is increased to under subparagraph (A).

If the dollar amount determined after the increase under subparagraph (A) is not a multiple of $100, such dollar amount shall be rounded to the next lowest multiple of $100.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) DISTRIBUTIONS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—Subsection (a) shall apply with respect to distributions by—

"(A) regulated investment companies to the extent provided in section 854(c), and

"(B) real estate investment trusts to the extent provided in section 857(c).

"(2) DISTRIBUTIONS BY A TRUST.—For purposes of subsection (a), the amount of dividends and interest properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends and interest were received by the estate or trust.

"(3) CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—In the case of a nonresident alien individual, subsection (a) shall apply only—

"(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends and interest which are effectively connected with the conduct of a trade or business within the United States, or

"(B) in determining the tax imposed for the taxable year pursuant to section 877(b)."

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Partial exclusion of dividends and interest received by individuals."

(2) Paragraph (2) of section 265(a) is amended by inserting before the period at the end thereof the following: ", or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116".

(3) Subsection (c) of section 584 is amended by adding at the end the following new sentence:

"The proportionate share of each participant in the amount of dividends or interest received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant."

(4) Subsection (a) of section 643 is amended by inserting after paragraph (6) the following new paragraph:

"(7) DIVIDENDS OR INTEREST.—There shall be included the amount of any dividends or interest excluded from gross income pursuant to section 116."

(5) Section 854 is amended by adding at the end the following new subsection:

"(c) TREATMENT UNDER SECTION 116.—

"(1) IN GENERAL.—For purposes of section 116, in the case of any dividend (other than a dividend described in subsection (a)) received from a regulated investment company which meets the requirements of section 852 for the taxable year in which it paid the dividend—

"(A) the entire amount of such dividend shall be treated as a dividend if the aggregate dividends and interest received by such company during the taxable year equal or exceed 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, a portion of such dividend shall be treated as a dividend (and a portion of such dividend shall be treated as interest) based on the portion of the company's gross income which consists of aggregate dividends or aggregate interest, as the case may be.

For purposes of the preceding sentence, gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year as does not exceed aggregate interest received for the taxable year.

"(2) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a regulated investment company which may be taken into account as a dividend for purposes of the exclusion under section 116 shall not exceed the amount so designated by the company in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'gross income' does not include gain from the sale or other disposition of stock or securities, and

"(B) the term 'aggregate dividends received' includes only dividends received from domestic corporations other than dividends described in section 116(b)(2).

In determining the amount of any dividend for purposes of subparagraph (B), the rules provided in section 116(c)(1) (relating to certain distributions) shall apply."

(6) Subsection (c) of section 857 of such Code is amended to read as follows:

"(c) LIMITATIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

"(1) IN GENERAL.—For purposes of section 116 (relating to an exclusion for dividends and interest received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

"(2) TREATMENT AS INTEREST.—In the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid the dividend—

"(A) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, the portion of such dividend which bears the same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

"(3) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of paragraph (2)—

"(A) gross income does not include the net capital gain,

"(B) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

"(C) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

"(4) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of the exclusion under section 116 shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts received after December 31, 1994, in taxable years ending after such date.

SEC. 3. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, then, for purposes of this title, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation,

"(B) tangible property (or any interest therein), which is a capital asset or property used in the trade or business (as defined in section 1231(b)), and

"(C) the principal residence of the taxpayer (within the meaning of section 1034).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the CPI for the calendar year preceding the calendar year in which the disposition takes place, by

"(B) the CPI for the calendar year preceding the calendar year in which the asset was acquired by the taxpayer (or, in the case of an asset acquired before 1995, the CPI for 1993).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) CPI.—The CPI for any calendar year shall be determined under section 1(f)(4).

"(4) SECRETARY TO PUBLISH TABLES.—The Secretary shall publish tables specifying the applicable inflation ratio for each calendar year.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) A substantial improvement to property.

"(B) In the case of stock of a corporation, a substantial contribution to capital.

"(C) Any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 (relating to effects on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

"For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after December 31, 1994, see section 1022(a)(1)."

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of such chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after December 31, 1994.

SEC. 4. REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1203. CAPITAL GAINS DEDUCTION FOR INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the annual capital gains deduction (if any) determined under subsection (b).

"(b) ANNUAL CAPITAL GAINS DEDUCTION.—

"(1) IN GENERAL.—For purposes of subsection (a), the annual capital gains deduction determined under this subsection is the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) $10,000 ($20,000 in the case of a joint return).

"(2) COORDINATION WITH EXCLUSION FOR GAIN FROM SMALL BUSINESS STOCK.—For purposes of paragraph (1)(A), net capital gain shall be determined without regard to any gain from the sale or exchange of qualified small business stock (as defined in section 1202(c)) held for more than 5 years.

"(3) CERTAIN INDIVIDUALS NOT ELIGIBLE.—This subsection shall not apply to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) ANNUAL DEDUCTION NOT AVAILABLE FOR SALES TO RELATED PERSONS.—The amount of the net capital gain taken into account under paragraph (1)(A) shall not exceed the amount of the net capital gain determined by not taking into account gains and losses from sales and exchanges to any related person (as defined in section 267(f)).

"(5) INDEXING FOR INFLATION.—In the case of any taxable year beginning after 1995—

"(A) the $10,000 amount under paragraph (1)(B) shall be increased by an amount equal to—

"(i) $10,000, multiplied by

"(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, except that subparagraph (B) thereof shall be applied by substituting '1994' for '1992', and

"(B) the $20,000 amount under paragraph (1)(B) shall be increased to an amount equal to twice the amount determined under subparagraph (A) for the taxable year.

If the dollar amount determined after the increase under this paragraph is not a multiple of $100, such dollar amount shall be rounded to the next lowest multiple of $100.

"(c) SECTION NOT TO APPLY TO ESTATES OR TRUSTS.—No deduction shall be allowed under this section to an estate or trust.

"(d) SPECIAL RULES.—

"(1) DEDUCTION AVAILABLE ONLY FOR SALES OR EXCHANGES AFTER DECEMBER 31, 1994.—The amount of the net capital gain taken into account under subsection (b)(1)(A) shall not exceed the amount of the net capital gain determined by only taking into account gains and losses from sales and exchanges after December 31, 1994.

"(2) SPECIAL RULE FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this section with respect to any pass-thru entity, the determination of when the sale or exchange occurs shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 62 is amended by inserting after paragraph (15) the following new paragraph:

"(16) CAPITAL GAINS DEDUCTION.—The deduction allowed by section 1203."

(2) Paragraph (2) of section 172(d) is amended by inserting "and the deduction provided by section 1203" after "1202".

(3)(A) Section 220 (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1203.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 is amended by striking "reference" in the item relating to section 220 and inserting "references".

(4) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(5) The second sentence of paragraph (2) of section 871(a) is amended by inserting "or 1203" after "1202".

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1203. Capital gains deduction for individuals."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 1994, in taxable years ending after such date.

S. 182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Capital Formation and Job Creation Act of 1995".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. 50 PERCENT CAPITAL GAINS DEDUCTION.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended to read as follows:

"PART I—TREATMENT OF CAPITAL GAINS

"Sec. 1201. Capital gains deduction.

"SEC. 1201. CAPITAL GAINS DEDUCTION.

"(a) GENERAL RULE.—If for any taxable year a taxpayer has a net capital gain, 50 percent of such gain shall be a deduction from gross income.

"(b) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(c) COORDINATION WITH TREATMENT OF CAPITAL GAIN UNDER LIMITATION ON INVESTMENT INTEREST.—For purposes of this section, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii).

"(d) TRANSITIONAL RULE.—

"(1) IN GENERAL.—In the case of a taxable year which includes January 1, 1995—

"(A) the amount taken into account as the net capital gain under subsection (a) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year on or after January 1, 1995, and

"(B) if the net capital gain for such year exceeds the amount taken into account under subsection (a), the rate of tax imposed by section 1 on such excess shall not exceed 28 percent.

"(2) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying paragraph (1) with respect to any pass-thru entity, the determination of when gains and losses are properly taken into account shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund."

(b) DEDUCTION ALLOWABLE IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 is amended by inserting after paragraph (15) the following new paragraph:

"(16) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1201."

(c) TECHNICAL AND CONFORMING CHANGES.—

(1) Section 13113 of the Revenue Reconciliation Act of 1993 (relating to 50-percent exclusion for gain from certain small business stock), and the amendments made by such section, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section (and amendments) had never been enacted.

(2) Section 1 is amended by striking subsection (h).

(3) Paragraph (1) of section 170(e) is amended by striking "the amount of gain" in the material following subparagraph (B)(ii) and inserting "50 percent of the amount of gain".

(4)(A) Paragraph (2) of section 172(d) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES.—

"(A) LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets.

"(B) DEDUCTION UNDER SECTION 1201.—The deduction under section 1201 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by striking "paragraphs (1) and (3)" and inserting "paragraphs (1), (2)(B), and (3)".

(5) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1201 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(6) Paragraph (3) of section 643(a) is amended by adding at the end the following new sentence: "The deduction under section 1201 (relating to deduction of excess of capital gains over capital losses) shall not be taken into account."

(7) Paragraph (4) of section 691(c) is amended by striking "sections 1(h), 1201, and 1211" and inserting "sections 1201 and 1211".

(8) The second sentence of section 871(a)(2) is amended by inserting "such gains and losses shall be determined without regard to section 1201 (relating to deduction for capital gains) and" after "except that".

(9) Subsection (d) of section 1044 is amended by striking the last sentence.

(10)(A) Paragraph (2) of section 1211(b) is amended to read as follows:

"(2) the sum of—

"(A) the excess of the net short-term capital loss over the net long-term capital gain, and

"(B) one-half of the excess of the net long-term capital loss over the net short-term capital gain."

(B) So much of paragraph (2) of section 1212(b) as precedes subparagraph (B) thereof is amended to read as follows:

"(2) SPECIAL RULES.—

"(A) ADJUSTMENTS.—

"(i) For purposes of determining the excess referred to in paragraph (1)(A), there shall be treated as short-term capital gain in the taxable year an amount equal to the lesser of—

"(I) the amount allowed for the taxable year under paragraph (1) or (2) of section 1211(b), or

"(II) the adjusted taxable income for such taxable year.

"(ii) For purposes of determining the excess referred to in paragraph (1)(B), there shall be treated as short-term capital gain in the taxable year an amount equal to the sum of—

"(I) the amount allowed for the taxable year under paragraph (1) or (2) of section 1211(b) or the adjusted taxable income for such taxable year, whichever is the least, plus

"(II) the excess of the amount described in subclause (I) over the net short-term capital loss (determined without regard to this subsection) for such year."

(11) Paragraph (1) of section 1402(i) is amended by inserting ", and the deduction provided by section 1201 shall not apply" before the period at the end thereof.

(12) Section 12 is amended by striking paragraph (4) and redesignating the following paragraphs accordingly.

(13) Paragraph (2) of section 527(b) is hereby repealed.

(14) Subparagraph (D) of section 593(b)(2) is amended by adding "and" at the end of clause (iii), by striking ", and" at the end of clause (iv) and inserting a period, and by striking clause (v).

(15) Paragraph (2) of section 801(a) is hereby repealed.

(16) Subsection (c) of section 831 is amended by striking paragraph (1) and redesignating the following paragraphs accordingly.

(17)(A) Subparagraph (A) of section 852(b)(3) is amended by striking ", determined as provided in section 1201(a), on" and inserting "of 17.5 percent of".

(B) Clause (iii) of section 852(b)(3)(D) is amended—

(i) by striking "65 percent" and inserting "82.5 percent", and

(ii) by striking "section 1201(a)" and inserting "subparagraph (A)".

(18) Clause (ii) of section 857(b)(3)(A) is amended by striking "determined at the rate provided in section 1201(a) on" and inserting "of 17.5 percent of".

(19) Paragraph (1) of section 882(a) is amended by striking "section 11, 55, 59A, or 1201(a)" and inserting "section 11, 55, or 59A".

(20) Subsection (b) of section 904 is amended by striking paragraphs (2)(B), (3)(B), (3)(D), and (3)(E).

(21) Subsection (b) of section 1374 is amended by striking paragraph (4).

(22) Subsection (b) of section 1381 is amended by striking "or 1201".

(23) Subsection (e) of section 1445 is amended—

(A) in paragraph (1) by striking "35 percent (or, to the extent provided in regulations, 28 percent)" and inserting "17.5 percent (or, to the extent provided in regulations, 19.8 percent)", and

(B) in paragraph (2) by striking "35 percent" and inserting "17.5 percent".

(24) Clause (i) of section 6425(c)(1)(A) is amended by striking "or 1201(a)".

(25) Clause (i) of section 6655(g)(1)(A) is amended by striking "or 1201(a)".

(26)(A) The second sentence of section 7518(g)(6)(A) is amended—

(i) by striking "during a taxable year to which section 1(h) or 1201(a) applies", and

(ii) by striking "28 percent (34 percent" and inserting "19.8 percent (17.5 percent".

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936 is amended—

(i) by striking "during a taxable year to which section 1(h) or 1201(a) of such Code applies", and

(ii) by striking "28 percent (34 percent" and inserting "19.8 percent (17.5 percent".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 1994.

(2) CONTRIBUTIONS.—The amendment made by subsection (c)(3) shall apply only to contributions on or after January 1, 1995.

(3) WITHHOLDING.—The amendment made by subsection (c)(23) shall apply only to amounts paid after the date of the enactment of this Act.

SEC. 3. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as otherwise provided in this subsection, if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein),

which is a capital asset or property used in the trade or business (as defined in section 1231(b)).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (i)(3)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN FOREIGN CORPORATIONS.—Stock in a foreign corporation.

"(F) STOCK IN S CORPORATIONS.—Stock in an S corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, the national market system operated by the National Association of Securities Dealers, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)),

"(B) stock in a passive foreign investment company (as defined in section 1296), and

"(C) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(4) TREATMENT OF AMERICAN DEPOSITORY RECEIPTS.—For purposes of this section, an American depository receipt for stock in a foreign corporation shall be treated as stock in such corporation.

"(c) INDEXED BASIS.—For purposes of this section—

"(1) GENERAL RULE.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the gross domestic product deflator for the calendar quarter in which the disposition takes place, by

"(B) the gross domestic product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending on December 31, 1994).

The applicable inflation ratio shall never be less than 1. The applicable inflation ratio for any asset shall be rounded to the nearest $\frac{1}{1000}$.

"(3) GROSS DOMESTIC PRODUCT DEFLATOR.—The gross domestic product deflator for any calendar quarter is the implicit price deflator for the gross domestic product for such quarter (as shown in the first revision thereof).

"(d) SHORT SALES.—

"(1) IN GENERAL.—In the case of a short sale of an indexed asset with a short sale period in excess of 1 year, for purposes of this title, the amount realized shall be an amount equal to the amount realized (determined without regard to this paragraph) multiplied by the applicable inflation ratio. In applying subsection (c)(2) for purposes of the preceding sentence, the date on which the property is sold short shall be treated as the date of acquisition and the closing date for the sale shall be treated as the date of disposition.

"(2) SHORT SALE OF SUBSTANTIALLY IDENTICAL PROPERTY.—If the taxpayer or the taxpayer's spouse sells short property substantially identical to an asset held by the taxpayer, the asset held by the taxpayer and the substantially identical property shall not be treated as indexed assets for the short sale period.

"(3) SHORT SALE PERIOD.—For purposes of this subsection, the short sale period begins on the day after property is sold and ends on the closing date for the sale.

"(e) TREATMENT OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"(1) ADJUSTMENTS AT ENTITY LEVEL.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the adjustment under subsection (a) shall be allowed to any qualified investment entity (including for purposes of determining the earnings and profits of such entity).

"(B) EXCEPTION FOR QUALIFICATION PURPOSES.—This section shall not apply for purposes of sections 851(b) and 856(c).

"(2) ADJUSTMENTS TO INTERESTS HELD IN ENTITY.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(3) QUALIFIED INVESTMENT ENTITY.—For purposes of this subsection, the term 'qualified investment entity' means—

"(A) a regulated investment company (within the meaning of section 851), and

"(B) a real estate investment trust (within the meaning of section 856).

"(f) OTHER PASS-THRU ENTITIES.—

"(1) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(2) S CORPORATIONS.—In the case of an S corporation, the adjustment made under subsection (a) at the corporate level shall be passed through to the shareholders.

"(3) COMMON TRUST FUNDS.—In the case of a common trust fund, the adjustment made under subsection (a) at the trust level shall be passed through to the participants.

"(g) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(h) TRANSFERS TO INCREASE INDEXING ADJUSTMENT.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is to secure or increase an adjustment under subsection (a), the Secretary may disallow part or all of such adjustment or increase.

"(i) SPECIAL RULES.—For purposes of this section:

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) A substantial improvement to property.

"(B) In the case of stock of a corporation, a substantial contribution to capital.

"(C) Any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—The applicable inflation ratio shall be appropriately reduced for periods during which the asset was not an indexed asset.

"(3) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(4) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(5) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(6) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(7) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

"For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets, see section 1022(a)(1)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after December 31, 1994, in taxable years ending after such date.

SEC. 4. CAPITAL LOSS DEDUCTION ALLOWED WITH RESPECT TO SALE OR EXCHANGE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (c) of section 165 (relating to limitation on losses of individuals) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; and", and by adding at the end the following new paragraph:

"(4) losses arising from the sale or exchange of the principal residence (within the meaning of section 1034) of the taxpayer."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sales and exchanges after December 31, 1994, in taxable years ending after such date.

By Mr. ABRAHAM:

S. 183. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; to the Committee on Governmental Affairs.

THE CONGRESSIONAL FISCAL RESPONSIBILITY ACT

• Mr. ABRAHAM. Mr. President, I introduce S. 183, the Congressional Fiscal Responsibility Incentive Act, which provides that the salary of Members of Congress be reduced by 10 percent whenever the Federal Government is unable to balance the budget at the close of a fiscal year. If further provides that such a reduced salary level remain in effect until the Government is successful in achieving a balanced budget. The bill's requirements would "sunset," however, upon passage of a balanced budget constitutional amendment by both Houses of the Congress.

It is a fundamental responsibility of Government to live within its means. When it fails to do so, damaging economic consequences result—either in terms of increased levels of inflation, higher interest rates, or diminished levels of capital for private investment. The principal reason for the Federal Government failing to balance its budget is that Members of Congress find it difficult to resist temptations to spend more money than they are willing to raise from taxpayers. There is strong political incentive for Members to engage in deficit spending. On the one hand, they reap the benefits of such spending by pleasing individuals who are its beneficiaries. On the other hand, they do not have to displease other individuals who would otherwise have to pay higher taxes to support the spending.

This political incentive structure encourages deficit spending and the negative economic consequences which flow from such spending. In part, I support the balanced budget constitutional amendment because I believe that it would alter these incentives. However, until such time as the balanced budget amendment is passed by both Houses of the Congress I would propose a more limited restructuring of incentives. The proposed legislation would hold Members collectively responsible for year-end deficits by reducing their pay.

Such a pay reduction is premised upon the fact that the Congress has failed in an essential responsibility when it has failed to legislate a balanced budget. By demonstrating an inability to contain its appetite for spending, the Congress has acted irresponsibly by imposing upon the present and future generations of the American people the burdens of deficit spending. As a result, the long-term fiscal stability of the country which Members of Congress have been selected to govern is eroded. The disincentive toward deficit spending contained in S. 183, while admittedly an imprecise counterweight to the political incentives which operate in favor of deficit spending, at least balances to some degree the calculus of forces confronting Members who are tempted by the lure of deficit spending.

Section 1 of S. 183 sets forth in short title, the Congressional Fiscal Responsibility Incentive Act. Section 2(a) defines the essential procedures by which a determination is made at the end of each fiscal year whether or not a balanced budget has been achieved. If it has not been achieved, the 10 percent pay cut takes effect immediately. Such a reduction in pay is maintained until it is determined, by the same procedures, that a balanced budget has been achieved for a subsequent fiscal year. Section 2(b) sets forth procedures designed to ensure that the objectives of this legislation are not undermined in various ways. It would require that measures to increase congressional pay not be combined in bills laden with other subjects and it would require that a explicit rollcall vote be cast on pay increases. Finally, section 3 would have the proposed legislation take effect in connection with the first fiscal year beginning after its enactment. It would also "sunset" the legislation upon the passage of a balanced budget constitutional amendment by both Houses of the Congress. Under this amendment, a balanced budget would become the norm and further deficit spending would require the express support of a three-fifths super majority of each House of the Congress.

Mr. President, S. 183 is not a panacea for our current fiscal problems. However, until such time as a balanced budget amendment is placed into the Constitution, it would effect a small but potentially important step toward more responsible Government.•

By Mr. HATFIELD:

S. 184. A bill to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

THE OFFICE FOR RARE DISEASE RESEARCH ACT OF 1995

• Mr. HATFIELD. Mr. President, last October, I was distressed as I confronted two painful losses: the death of a very dear friend of mine, Eric Lopez, and the demise of my legislation to create an Office for Rare Disease Research at the National Institutes of Health. It was devastating yet apt that both were lost at the same time, because it was Eric and his rare debilitating disease, Epidermolysis bullosa, that originally inspired me to introduce this legislation.

I am proud to announce that the National Institute of Arthritis, Musculoskeletal and Skin Diseases will rename the National Registry of Epidermolysis bullosa in honor of Eric Lopez. His courage and perseverance helped to raise the public's awareness of this disease through the establishment of the Dystrophic Epidermolysis Bullosa Research Association, known as DEBRA.

Eric personalized the plight of a large group of Americans afflicted by rare diseases. Last session, my legislation passed the Senate but ran out of time in the House. We were so close to enacting this bill that we cannot justify its dissolution now. In the memory of Eric and many others like him, let us endorse this legislation with unanimous consent.

Diseases are labeled as rare when less than 200,000 people are afflicted; however, grouped together, these diseases affect over 10 to 20 million Americans. Collectively, the term "rare" appears to be a misnomer. A large portion of our population is battling diseases that are not only extremely difficult to diagnose but also difficult to treat and almost impossible to cure. These individuals exist as islands without answers, without support systems, and paramount, without hope. Ambiguous symptoms involving multiple organ systems lead to years of frustration in testing and misdiagnosis for the sufferers. The medical profession also shares in this frustration as the information to aid in diagnosis is nonexistent or scarce at best. There are currently no centers of research, information, or support for the patient or the physician. In today's environment of progressive health care, this is a travesty.

Research is the most vital aspect of medicine, as we look to discovering cures. NIH has 20 Institutes of research that are centered around groups of diseases or organ systems. Rarely do these separate organizations communicate and coordinate research initiatives. Obviously, such a fragmented approach further worsens the status of research on multisystemic diseases, such as the rare diseases, and lends itself to repetition and duplication of projects. Unlike the larger, more visible diseases such as heart and kidney disease, oftentimes the rare diseases are lost in the bureaucratic shuffle.

My legislation avoids the establishment of yet another bureaucratic center by delineating and defining the duties of the already existing Office of the Director of NIH. Foremost, the Office will formulate a strategic plan for rare disease research which will support research, award grants and contracts, and coordinate efforts among Institutes and other Federal agencies. Identification of present research projects, both private and Federal, and of opportunities and needs for future research will assist in preventing unnecessary duplication. Coordination among the Institutes will facilitate research efforts and thereby increase the effectiveness of every Federal dollar expended.

In addition, the bill establishes a National Advisory Council on Rare Disease Research, which will be composed of individuals appointed by the Director of the NIH. The Council will review and assess research needs, priorities, and funding to advise the NIH on the development and implementation of the strategic research plan.

Finally, my legislation establishes a national research database, accessible to both medical professionals and the public. This will connect researchers with patients for clinical trials, provide physicians and individuals with information on trials, and connect patients with support groups. This database will provide the necessary information to cohesively plan an attack on these diseases.

In these times of tightening fiscal resources, Federal expenditures need to be stringently examined for worthiness and applicability to the majority of population. Despite the inability to put a dollar value on human suffering, it is still our duty as legislators to address and hopefully diminish it. The legislation I reintroduce today has the merits of assisting many Americans in desperate need and, not necessity by requiring further expenditure of Federal dollars. The funding for this program was included in the appropriations bill for NIH in fiscal year 1995 and, therefore, is already available. This is an ideal opportunity to demonstrate that humanitarianism can coexist with financial acumen. Let us open this congressional session with a bipartisan triumph and enact this legislation as soon as possible.

I ask for unanimous consent that the text of the bill, along with a letter from the National Organization of Rare Disorders be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office for Rare Disease Research Act of 1995".

SEC. 2. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

"(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

"(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

"(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

"(2) coordinate and disseminate information among the institutes and the public on rare diseases;

"(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

"(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

"(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

"(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.".

NATIONAL ORGANIZATION FOR
RARE DISORDERS, INC.,
New Fairfield, CT, November 30, 1994.

Hon. MARK O. HATFIELD,
Hart Senate Office Building,
Washington, DC.

Attention: Meagan Sexauer.

DEAR SENATOR HATFIELD: The National Organization for Rare Disorders (NORD) fully supports your effort to enact legislation to create the Office for Rare Disease Research at NIH. As you know, creation of a central office to coordinate the various research activities on behalf of these diseases was the primary recommendation of the National Commission on Orphan Diseases. The Commission's report was submitted to Congress in 1989, and until now Congress has not acted upon those recommendations.

The scope of the orphan disease problem is enormous. There are more than 5,000 of these disorders, each one affecting fewer than 200,000 Americans. Combined together all rare disorders touch the lives of an estimated 20 million Americans. They cripple, maim and kill thousands of people every year, yet little research is being pursued on most of these illnesses. The National Institutes of Health (NIH) support the vast majority of biomedical research on rare disorders because there is little interest in the private sector to pursue development of treatments that have such limited commercial value due to their small potential markets.

The various institutes of NIH are responsible for research on diseases that effect specific body systems. Yet many rare diseases cross the boundaries of each institutes' responsibilities. For example, a rare disease may have neurological and immunological components (NINDS and NIAID), dermatological symptoms (NIAMS), effect infants and children (NICHD) and be inherited (NIGMS and the Human Genome Center). An Office for Rare Disease Research at NIH would coordinate these various research efforts in order to avoid duplication and waste of precious resources. It would also develop and operate a rare disease clinical database so that patients and physicians could locate research projects relevant to their disease. Conversely, since 47% of rare disease researchers complain that it is difficult to locate a sufficient number of patients to participate in clinical protocols, the Office and the database would greatly alleviate this problem.

Senator Hatfield, so much of public policy is directed toward "major" health threats; rare disorders are treated as if they are "minor" problems. The suffering is quite real, the morbidity and mortality is immeasurable, and the hopelessness of knowing that research is not being pursued is devastating not only to 20 million patients but to their families and friends. The suffering of these people is not "minor," and the frustrations of rare disease scientists is compelling. When they cannot get funding for their research, when they cannot find a commercial sponsor to market a new treatment, when they cannot locate patients for clinical trials, they are forced to change their focus and move to diseases that have more chance of attracting funds.

The Office of Rare Disease Research will provide hope and comfort to masses of Americans with rare disorders who continue to fall through the cracks of biomedical research, and a safe haven for scientists who have devoted their careers to these devastating illnesses. It will also signify for the first time that the federal government, through a carefully planned and coordinated program, is determined to eradicate orphan diseases.

Very truly yours,

ABBEY S. MEYERS,
President.•

By Mr. BUMPERS:

S. 185. A bill to transfer the Fish Farming Experimental Laboratory in Stuttgart, Arkansas, to the Department of Agriculture, and for other purposes; to the Committee on Environment and Public Works.

THE STUTTGART NATIONAL AQUACULTURE RESEARCH CENTER ACT OF 1995

Mr. BUMPERS. Mr. President, today I am introducing legislation to transfer the Fish Farming Experimental Laboratory in Stuttgart, AR, from the Department of the Interior to the Department of Agriculture. This legislation also requires that the name of the lab be changed to the Stuttgart National Aquaculture Research Center.

This Fish Farming Experimental Laboratory was established under the Fish and Rice Rotation Act of 1958, with a mandate to conduct research related to the commercial production and harvesting of warm water fish. When the lab was established, there was little or no information available to commercial fish farmers about warm water aquaculture. Thanks in large part to the lab, which has pioneered research in such areas as fish nutrition, water quality management and fish disease prevention, commercial fish farming is now one of the fastest growing industries in the country.

Originally, the legislation creating the lab, provided that it be administered by the Department of Agriculture. However, because the Department of the Interior already had an established fisheries program, Congress placed the program under the Department of the Interior's Fish and Wildlife Service. In retrospect, this decision was a mistake. The Department of Agriculture, not the Department of the Interior has become the lead Federal agency in the research, development, and promotion of commercial aquaculture. While the Department of the Interior is involved in the aquaculture arena, its emphasis is more conservation related.

My belief that the Department of the Interior is no longer the appropriate agency to administer the lab was confirmed when during an internal reorganization the Stuttgart lab was transferred from the Fish and Wildlife Service to the National Biological Survey [NBS]. As my colleagues know, the NBS is charged with developing an inventory of plant and animal species and their habitats. A worthy endeavor, but one that is in no way related to the lab's statutory mission of developing methods for the commercial production of aquatic species. I believe it is only a matter of time before the staff and the resources of the lab are redirected toward research efforts that are more in keeping with the mission of the NBS.

I have expressed my concerns to Secretary of the Interior Bruce Babbitt, who agrees with me that the Department of Agriculture is a much more appropriate place for the Stuttgart lab. The Department of Agriculture recognizes that private commercial aquaculture is an important and growing component of the U.S. economy and is committed to providing a broad range of services to it. I have no doubt that the Fish Farming Experimental Laboratory can complement and enhance the Department's existing and growing aquaculture program.

Mr. President, I hope my colleagues will support this legislation and I look forward to its speedy passage.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stuttgart National Aquaculture Research Center Act of 1995".

SEC. 2. TRANSFER OF FUNCTIONS TO THE SECRETARY OF AGRICULTURE.

(A) TITLE OF PUBLIC LAW 85–342.—The title of Public Law 85–342 (16 U.S.C. 778 et seq.) is amended by striking "Secretary of the Interior" and inserting "Secretary of Agriculture".

(b) AUTHORIZATION.—The first section of Public Law 85–342 (16 U.S.C. 778) is amended—

(1) by striking "Secretary of the Interior" and all that follows through "directed" and inserting "Secretary of Agriculture is authorized and directed";

(2) by striking "station and stations" and inserting "1 or more centers"; and

(3) in paragraph (5), by striking "Department of Agriculture" and inserting "Secretary of the Interior".

(c) AUTHORITY.—Section 2 of Public Law 85–342 (16 U.S.C. 778a) is amended by striking ", the Secretary" and all that follows through "authorized" and inserting ", the Secretary of Agriculture is authorized."

(d) ASSISTANCE.—Section 3 of Public Law 85–342 (16 U.S.C. 778b) is amended—

(1) by striking "Secretary of the Interior" and inserting "Secretary of Agriculture"; and

(2) by striking "Department of Agriculture" and inserting "Secretary of the Interior".

SEC. 3. TRANSFER OF FISH FARMING EXPERIMENTAL LABORATORY TO DEPARTMENT OF AGRICULTURE.

(A) DESIGNATION OF STUTTGART NATIONAL AQUACULTURE RESEARCH CENTER.—

(1) IN GENERAL.—The Fish Farming Experimental Laboratory in Stuttgart, Arkansas, shall be known and designated as the "Stuttgart National Aquaculture Research Center".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the laboratory referred to in paragraph 1 shall be deemed to be a reference to the "Stuttgart National Aquaculture Research Center".

(b) TRANSFER OF LABORATORY TO THE DEPARTMENT OF AGRICULTURE.—Subject to section 1531 of title 31, United States Code, not later than 90 days after the date of enactment of this Act, there are transferred to the Department of Agriculture—

(1) the personnel employed in connection with the laboratory referred to in subsection (a);

(2) the assets, liability, contracts, and real and personal property of the laboratory;

(3) the records of the laboratory; and

(4) the unexpended balance of appropriations, authorizations, allocations and other funds employed, held, arising from, available to, or to be made available in connection with the laboratory.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. KEMPTHORNE, the names of the Senator from Illinois [Mr. SIMON] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

S. 9

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 9, a bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003.

S. 22

At the request of Mr. DOLE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 22, a bill to require Federal agencies to prepare private property taking impact analyses.

S. 131

At the request of Mr. LIEBERMAN, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from California [Mrs. FEINSTEIN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

AMENDMENTS SUBMITTED

CONGRESSIONAL ACCOUNTABILITY ACT

McCONNELL AMENDMENT NO. 8

Mr. McCONNELL proposed an amendment to amendment No. 4, proposed by Mr. FORD, to the bill S. 2 to make certain laws applicable to the legislative branch of the Federal Government; as follows:

1. On line 7 of the first page, strike from paragraph (a): "or House of Representatives";

2. On line 10 of the first page, strike from paragraph (b): "Committee on House Oversight of the House of Representatives and the";

3. On line 9 of the second page, strike from subparagraph (2) of paragraph (c): "the House of Representatives and";

4. On line 8 of the first page, strike from paragraph (a): "Government" and substitute "office for which the travel was performed".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I would like to announce that the Small Business Committee will hold a full committee organizational meeting on Wednesday, January 11, 1995, at 4 p.m. in room 428A of the Russell Senate Office Building. For further information, please call Louis Taylor, staff director of the Small Business Committee at 224–5175.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet to organize on Thursday, January 12, 1995, at 9:30 a.m., in SR–301. At this meeting the committee will adopt its rules of procedure and consider pending administrative business.

For further information regarding this meeting, please contact Christine Ciccone of the Rules Committee staff at 224–8921.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on January 9, 1995, at 3:30 p.m. on legislation on telecommunications reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. WELLSTONE. Mr. President, pursuant to rule 5, paragraph 1 of the Standing Rules of the Senate, I hereby give written notice of my intention to amend the Standing Rules of the Senate; as follows:

At the appropriate place, insert the following:

SEC. . RECORDED VOTES ON APPROPRIATIONS BILLS IN THE SENATE.

Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

"9. An appropriations bill or appropriations bill conference report shall be voted on by the Senate by a roll call vote.".

ADDITIONAL STATEMENTS

NORTHERN MICHIGAN UNIVERSITY NCAA DIVISION II WOMEN'S VOLLEYBALL CHAMPIONS

• Mr. LEVIN. Mr. President, I want to recognize and congratulate the Northern Michigan University women's volleyball team on their winning the 1994 NCAA Division II Volleyball Championship on December 5, 1994.

This marks the second straight year the Wildcats have won the NCAA Division II Championship and their third straight appearance in the finals. The championship victory capped a 32–4 record with an .875 winning percentage.

The Wildcats became only the third team in NCAA Division II history to win back-to-back championships, and are still the only school in the eastern time zone to win an NCAA volleyball championship.

The members and coaches of the 1994 national champion Northern Michigan University Wildcats are: Kathy Jewell, Rachel Dyrek, Jennie Long, April Evans, Liu Jun, Joy Hanzal, Becky Smith, Emily Carrick, Heather Long, Kim Falkenhagen, Erin Hamilton, Pauline Schuette, Kris Backstrom, Jill Heinrich, Jennifer Hansmann, Head coach Mark Rosen, assistant coach Leisa Rosen, and student assistant Kelly Brown.

Mr. President on behalf of the Senate and the people of Michigan, I congratulate the players and coaches of the Northern Michigan University women's volleyball team.•

TRIBUTE TO THE UNIVERSITY OF COLORADO FOOTBALL TEAM

• Mr. BROWN. Mr. President, I rise to recognize and congratulate the University of Colorado football team on a great season. The CU Buffaloes finished their season with 11 wins and 1 loss. On January 2, 1995, they became the Fiesta Bowl champions, earning the No. 3 ranking in the Nation.

Mr. President, Colorado won as a team but, three individuals deserve special recognition for their accomplishments. First, congratulation to CU tailback Rashaan Salaam who rushed for 2,055 yards this past season. Rashaan is only the fourth person in collegiate football history to attain this mark. He has received honors including being named All-American, All-Big Eight, and the NCAA rushing champion for 1994. In December, Rashaan became the first CU Buffalo to receive the coveted Heisman Trophy. Next, CU quarterback Kordell Stewart has earned acknowledgment for his on-the-field leadership of the CU Buffaloes for the past two seasons. Korell holds 38 school records, including the most total offensive yards by a player, total passing yards, and most touchdown passes thrown. He also is the Big Eight Conference all-time total offense record holder by gaining 7,770 passing and rushing yards. The final notable individual is head coach Bill McCartney. Through Coach McCartney's leadership and motivation the CU Buffaloes football program has become one of the strongest in the Nation.

This was Bill McCartney's 13th and final season as head coach. He retires as the winningest coach in Colorado's 104-year history. Bill McCartney coached the Buffaloes to three Big Eight championships and a national title during the 1990–91 season. I wish all the best to Rashaan Salaam, Kordell Stewart, and Bill McCartney in the future.

It gives the people of the State of Colorado great pride to see the CU Buffaloes attain this level of excellence.•

MEASURE PLACED ON CALENDAR—S. 169

The PRESIDING OFFICER. The clerk will read a bill for the second time.

The bill clerk read as follows:

A bill (S. 169) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

Mr. GRASSLEY. Mr. President, I object to further consideration at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 4, 95th Congress, Senate Resolution 448, 96th Congress, and Senate Resolution 127, 98th Congress, as amended by Senate Resolution 100, 101st Congress, appoints the following Senators to the Select Committee on Indian Affairs:

The Senator from Arizona [Mr. McCAIN]; the Senator from Alaska [Mr. MURKOWSKI]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Washington [Mr. GORTON]; the Senator from New Mexico [Mr. DOMENICI]; the Senator from Kansas [Mrs. KASSEBAUM]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Wyoming [Mr. THOMAS]; the Senator from Utah [Mr. HATCH]; the Senator from Hawaii [Mr. INOUYE]; the Senator from North Dakota [Mr. CONRAD]; the Senator from Nevada [Mr. REID]; the Senator from Illinois [Mr. SIMON]; the Senator from Hawaii [Mr. AKAKA]; the Senator from Minnesota [Mr. WELLSTONE]; the Senator from North Dakota [Mr. DORGAN]; and the Senator from Colorado [Mr. CAMPBELL].

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 1024, title XV, United States Code, appoints the following Senators to the Joint Economic Committee:

The Senator from Delaware [Mr. ROTH]; the Senator from Florida [Mr. MACK]; the Senator from Idaho [Mr. CRAIG]; the Senator from Utah [Mr. BENNETT]; the Senator from Pennsylvania [Mr. SANTORUM]; the Senator from Minnesota [Mr. GRAMS]; the Senator from New Mexico [Mr. BINGAMAN]; the Senator from Maryland [Mr. SARBANES]; the Senator from Massachusetts [Mr. KENNEDY]; and the Senator from Virginia [Mr. ROBB].

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, January 10. I further ask unanimous consent that following the recognition of the two leaders, the Journal of proceedings be approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with and the morning hour be deemed to have expired.

I further ask unanimous consent that there be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, at 10 a.m., the Senate will resume consideration of S. 2, the congressional coverage bill. Several amendments remain to be debated. Therefore, Senators should be on notice that rollcall votes are expected throughout Tuesday's session of the Senate but will occur not prior to 2:15 p.m.

RECESS AT 12:30 P.M

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. on Tuesday, January 10, until 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment in accordance with the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, January 10, 1995, at 9:30 a.m.

EXTENSIONS OF REMARKS

LEGISLATION DIFFERENTIATING ANIMAL FATS AND VEGETABLE OIL FROM TOXIC OIL UNDER FEDERAL LAW

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. EWING. Mr. Speaker, I am introducing legislation, along with Ms. Danner of Missouri, requiring Federal agencies to differentiate between organic oils—animal fats and vegetable oils—and petroleum-based oils when promulgating regulations under the Oil Pollution Act of 1990.

This commonsense legislation does not change or weaken the underlying principles of the Oil Protection Act of 1990 or the other related statutes, like the Clean Water Act. It simply requires agencies to, one, differentiate animal fats and vegetable oils from other oils, and two, proposes regulations that recognize the differences in the characteristics or properties of these oils. These natural products are nontoxic, and their unnecessary regulation forces businesses to comply with costly and counterproductive requirements.

The need for this legislation is prompted by the regulations recently issued under provisions of the Oil Pollution Act of 1990, and the laws amended by the act. The Oil Pollution Act was designed to reduce the risk of, improve the response to, and minimize the impact of catastrophic oil spills, like the one in Prince William Sound, Alaska. Unfortunately, the Oil Pollution Act's definition of "oil," has been broadly applied to nontoxic agricultural products rather than just toxic oils.

Nobody in their right mind would purposely ingest toxic products, but many of us consume food products manufactured with animal fats and vegetable oils every day. I think we can all agree agricultural oils do not pose the same risk to the environment and human health as toxic synthetic oils and, therefore, should not be regulated in the same fashion by the Federal Government.

In the 103d Congress many Members of this body agreed with me and signed letters to Secretary Penã and Administrator Browner on this subject. A version of this legislation was passed twice by the House as part of H.R. 4422 and H.R. 4852. The Senate also passed virtually the same measure.

Today, I am once again asking for the support of my colleagues to correct the unintended consequences of the Oil Pollution Act and other Federal environmental laws as we work to eliminate the unnecessary and costly regulatory burdens placed on U.S. business that do not add any additional measure of protection to the environment or the health and safety of our citizens.

1–800 "BUY AMERICAN" LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation to establish a toll-free, 1–800 phone number consumers can call to get information on products made in America. Last year I introduced similar legislation. Working with Republicans and Democrats on the Energy and Commerce Committee, an excellent and workable piece of legislation was crated in 1994. The bill was approved by the House last summer on a voice vote.

The legislation I am introducing today is identical to the bill that was approved by the Energy and Commerce Committee and reported to the House floor.

The legislation I am introducing today directs the Commerce Department to canvass American companies to gauge their interest in participating in a "1–800 Buy American Program." After determining that there is sufficient interest, the Commerce Department is directed to contract out the program to a private company.

The toll-free number would provide consumers with information on products made in this country. Under the bill, an American-made product is any product produced or assembled in this country with at least 90 percent domestic content–the same criteria used by the Federal Trade Commission for determining whether or not a product can have a "Made in America" label placed on it. Only those products with a sale price of $250 or more would be included in the program. The bill would subject any companies providing false information to Federal penalties.

One of the key components of my bill is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

I want to emphasize that my bill will not require the Commerce Department to hire more people or create a new unit. The only expense to the Department would be to prepare language for the Federal Register and to prepare bid documents. Let me reemphasize that the program will be contracted out and run by a private company.

All the program would do is provide American consumers with information on what products are made in America. When making a big purchase, most Americans want to buy American. This program will help them make an informed—and hopefully patriotic—decision.

I urge my colleagues to support the bill and sign on as a cosponsor. The text of the bill is as follows:

H.R. —

SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER PILOT PROGRAM.

(a) ESTABLISHMENT.—If the Secretary of Commerce determines, on the basis of comments submitted in rulemaking under section 2, that—

(1) interest among manufacturers is sufficient to warrant the establishment of a 3-year toll free number pilot program, and

(2) manufacturers will provide fees under section 2(c) so that the program will operate without cost to the Federal Government,

the Secretary shall establish such program solely to help inform consumers whether a product is made in America or the equivalent thereof. The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 2,

which shall be funded entirely from fees collected under section 2(c).

(c) USE—The toll free number shall be used solely to inform consumers as to whether products are registered under section 2 as made in America or the equivalent thereof. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of made in America or the equivalent thereof, or

(3) that the product contains 100 percent United States content.

SEC. 2. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall propose a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of a product made in America or the equivalent thereof and have such product included in the information available through the toll free number established under section 1(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number;

(3) for the establishment under section 1(a) of the toll-free number pilot program; and

(4) to solicit views from the private sector concerning the level of interest of manufacturers in registering products under the terms and conditions of paragraph (1).

(b) PROMULGATION.—If the Secretary determines based on the comments on the regulation proposed under subsection (a) that the toll-free number pilot program and the registration of products is warranted, the Secretary shall promulgate such regulations

(c) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 1 shall be subject to a fee imposed by

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the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

SEC. 3. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 2 which is not made in America or the equivalent thereof—

(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

SEC. 4. DEFINITION.

For purposes of this Act:

(1) The term "made in America or the equivalent thereof" means—

(A) an unmanufactured end product mined or produced in the United States; or

(B) an end product manufactured in the United States if the value of its components mined, produced, or manufactured in the United States equals 90 percent or more of the total value of all of its components.

(2) The term "product" means a product with a retail value of at least $250.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 2 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, and rules of the Federal Trade Commission under such Act regarding the use of the term "made in America or the equivalent thereof" in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

THE POSTAL PRIVACY ACT OF 1995

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. CONDIT. Mr. Speaker, I have today introduced the Postal Privacy Act of 1995. This legislation is intended to protect the privacy of each U.S. resident who files a change of address notice with the U.S. Postal Service.

Few people are aware that when they change their address, the Postal Service makes the information public through a program called national change of address [NCOA]. NCOA has about 25 licenses—including many large direct mail companies—who receive all new addresses and sell address correction services to mailers. If you give your new address to the Postal Service, it can be distributed to thousands of mailers. When people ask "How did they get my new address?", the answer may be that it came from the Postal Service. People who want their mail forwarded—and who doesn't?—have no choice. File a change of address notice and your name and new address will be sold.

NCOA is a reasonable program because it saves the Postal Service and the mailing community money by making everyone more efficient. I support NCOA, but it needs one small change. People who file a change of address should be given a choice. They should have the option of having their mail forwarded without having their name and address sold to the world of direct mail advertisers. This is what the Postal Privacy Act of 1995 will do. It will give people a choice. It will not end the NCOA program.

Who might be concerned about keeping a new address private? Anyone who has fled an abusive spouse does not want the Postal Service giving out a new address. An individual who files a change of address notice on behalf of a deceased relative will not want the new address sold. Imagine sorting through the affairs of a deceased family member only to receive a mound of unwanted mail offering new products and services to that family member. Jurors in highly visible trials, public figures, and others may have a special need for privacy as might elderly people who may be more vulnerable to unwanted solicitations.

The bottom line is that everyone should have a choice about how his or her name and address is made available to others. You don't have to have a justification. It should be your decision. The Postal Service should not make this decision for you.

Recently, the Postal Service announced that it would provide some protection to individuals who have court orders protecting them against spousal abuse. This is a small step in the right direction, but it is not enough. It only protects those who have gone to the trouble and expense of obtaining a court order. Everyone should be entitled to the same option, but without the need for a court order. The Postal Service has demonstrated that it is possible to provide protection to people selectively. I want to extend the option to everyone.

There is nothing new about giving consumers a choice. The Direct Marketing Association has been a strong supporter of opt-out procedures which give individuals a choice about what type of mail they receive. The association supports its own a mail preference service that offers consumers an option. There is no reason why the Postal Service cannot do the same thing.

The Postal Privacy Act of 1995 is based on work done by the Government Operations Committee. Those who seek more information about NCOA should read "Give Consumers A Choice: Privacy Implications of U.S. Postal Service National Change of Address Program" (House Rept. 102–1067).

SALUTE TO FRANCIS SORRENTINO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. FOGLIETTA. Mr. Speaker I rise to pay tribute to one of my constituents, Mr. Francis "Frank" Sorrentino, who is retiring from the Pennsylvania Department of Transportation [PennDot] after 34 years of distinguished and dedicated service.

Mr. Sorrentino, who received both his BSCE and MSCE from Drexel University in Philadelphia, has served for the past 5 years as the assistant district engineer for services in engineering district 6–0. The services unit has provided support activities for all of the PennDot design, construction, and maintenance activities in the district 6–0 jurisdiction of Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

Mr. Sorrentino has led a staff of 95 engineering technical and clerical personnel responsible for the right-of-way acquisition, utility relocation, geotechnical, survey, traffic, and municipal service functions of PennDot district 6–0.

Throughout his long career with PennDot, Mr. Sorrentino has shown leadership and dedication as a structural designer in the highway design unit, as chief project manager in the Philadelphia interstate office, as district soils engineer, and as administrator of the project management unit. He has also played a key role in the design, community coordination, and implementation of such major area highways as I–95, I–76 rehabilitation, I–476, and I–676.

Mr. Sorrentino will retire from service to PennDot on January 13 to enjoy more time with his wife Martha and three sons: Frank Jr., David, and Brian. I applaud and thank him for his commitment to Pennsylvania transportation system.

Further, I commend him for his ability, dedication, and pursuit of excellence in public service upon his retirement.

TRIBUTE TO SUPERVISOR BRADY BEVIS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most progressive elected officials, Marin County supervisor, Brady Bevis. Bevis was elected to represent the 5th Supervisorial District of Marin County in 1990. She has served the people of Novato and Marin County very well in this capacity for the past 4 years.

Brady is mother of five children and has been a resident of Marin for over 15 years.

As we celebrate Brady Bevis' years of service to this community, I wish to recognize Supervisor Bevis for her commitment to the people of Marin County, and to thank her for her long record of public service.

I was pleased to have had the opportunity to work closely with Supervisor Bevis over the last several years on important issues such as the conversion of Hamilton Field in Novato, bringing communications technology and training to the College of Marin with the Digital Village program at Indian Valley campus, fighting for Novato's cable concerns, and working to protect open space at Brookside Meadow. It has been a pleasure to work hand-in-hand with Brady. I continue to be impressed by her vision and sincere concern for others.

Brady Bevis has been a strong and vocal advocate for the city of Novato on the board of supervisors, and she has demonstrated great leadership on a wide variety of issues. She voted in support of the domestic partners ordinance and a smoking ban in public places. Brady has helped to keep Stafford Lake open, make the County Faire more accessible, and assisted in the completion of funding and approvals for the Waldo interchange upgrade for Marin City. She has assisted with successful school parcel tax efforts and the Pass program in Novato. In addition, she has been actively involved in open space purchases in the county.

There is no doubt that Brady has made many significant contributions to our community by leading and becoming active in multiple county organizations. As an example of her commitment to the county, Brady was chair of Marin Sane/Freeze, a founding member of Marin Action, on the pro bono panel of Legal Aid, a member of the Peace Conversion Commission, a founding board member of Exodus, and a former board member of Marin Civic Light Opera. She is also an active participant in the MIDAS project for Marin County and was appointed to the board of directors for California Elected Women's Association for Education and Research. She is a member of the League of Women Voters, National Organization of Women, the Sierra Club, National Women's Political Caucus, Marin Women's Coalition, Marin Conservation League, Marin Agricultural Land Trust, and the Marin Democratic Club.

Brady received the Peacemaker of the Year Award from the Marin Center for Peace and Justice. She is graduate of Leadership Novato, and a participant in the Master Plan to reduce alcohol and drug problems.

Mr. Speaker, it is my great pleasure to pay tribute to Supervisor Brady Bevis. Marin County owes a great deal of gratitude for the tireless efforts of Supervisor Bevis over the years. Time and time again she has extended herself on behalf of so many people and for so many causes.

As we gather to celebrate Brady Bevis' achievements I extend my hearty congratulations and best wishes to Brady for continued success now, and in the years to come.

THE LORTON CORRECTIONAL COMPLEX CLOSURE ACT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. DAVIS. Mr. Speaker, I rise today to introduce the "Lorton Correctional Complex Closure Act." This legislation addresses the severe public safety and financial problems associated with the District of Columbia's operation of the prison facility at Lorton, VA.

The legislation I cosponsor today with Congressman FRANK WOLF and Congressman JAMES MORAN, will, upon enactment, immediately halt the flow of prisoners to Lorton. The Lorton Closure Act will further require that all remaining prisoners be transferred from the Lorton facility to the control of the Federal Bureau of Prisons within 5 years of enactment.

The Lorton Closure Act establishes an 11 member Closure Commission which is required to recommend and identify options for the future use of the approximately 3,000 acres of land that comprise the Lorton complex. The Closure Commission will consist of the Federal Administrator of the General Services Administration and 10 people appointed by local governments. Five Commission members will be appointed by the Fairfax County Board of Supervisors, three Commission members will be appointed by the Prince William County Board of Supervisors, and two Commission members will be appointed by the mayor of the District of Columbia, with the advice and consent of the District of Columbia City Council.

The Closure Commission will hold public hearings regarding the future use of the Lorton land, and this legislation requires the Commission to operate in a manner that maximizes local community involvement, input, and participation. In addition, the Lorton property will be subject to all applicable Fairfax County zoning regulations as soon as the Federal Government's ownership interest terminates.

The Lorton Closure Act requires the Commission to submit a final implementation plan to the General Services Administrator within 17 months of enactment of this legislation. The Administrator will then forward the implementation plan to Congress within 1 month, and the plan will take effect 60 days later. In short, the entire process of formulating a plan for future use of the Lorton land will be completed within 20 months of enactment of this legislation.

Mr. Speaker, the Lorton Closure Act will remedy a dangerous situation that jeopardizes the safety of hundreds of thousands of Americans living in the Northern Virginia and Washington, DC region. The Lorton complex is inhabited by 7,300 inmates and is approximately 44 percent overcapacity. The physical plant is outdated and in a condition of dangerous disrepair. The District of Columbia Department of Corrections has not received a budget increase in 11 years while 3,000 more felons have been placed in that department's custody.

Overcrowding and underfunding have transformed Lorton prison from a rehabilitative facility into a training ground for career criminals who quickly return to the streets to resume their criminal activity. Drug dealing and violent crime is so prevalent within the walls of Lorton that the Federal Bureau of Investigation and the U.S. Marshals Service must take numerous agents off the streets and permanently assign them to the Lorton facility. Further, the District of Columbia government appears unable to maintain even the current annual funding level of approximately $100 million. The shortage of funds has resulted in proposals to adopt an aggressive early release program whereby criminals are set free before serving even the minimum sentence required by the courts.

The Lorton Closure Act will transfer Lorton prisoners into the Federal Prison System where they will receive solid rehabilitation and where their sentences will not be reduced as a result of the District of Columbia's budget problems. This legislation will result in increased public safety and will guarantee a land use decisionmaking process that is controlled by local residents in a manner that maximizes community involvement, input, and participation. I look forward to working with Congressmen WOLF and MORAN, as well as with Senators WARNER and ROBB, to achieve quick consideration and passage of this important legislation.

THE LORTON CORRECTIONAL COMPLEX CLOSURE ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. WOLF. Mr. Speaker, how long do residents of the District of Columbia have to endure the sound of gunfire ringing through their neighborhoods? How long will the people of Washington, DC, the Nation's Capital and capital of the free world, fear for their and their children's lives? How long will we tolerate drug sales in broad daylight on street corners in the shadows of the White House and U.S. Capitol dome? Law abiding citizens are prisoners in their own homes for fear of being murdered, raped, assaulted, or robbed. It is a disgrace that the Nation's Capital is a battleground in which law-abiding citizens are losing the fight on crime.

It is time to take back the streets of the Nation's Capital. That cannot happen, though, unless we take back control of the Lorton correctional complex. How can we expect the dedicated law enforcement personnel who patrol the streets of Washington to combat crime when we can't control substance abuse, murder, assault, sexual harassment, bribery, and corruption in the D.C. prison system? Without focusing on the violence, drug abuse, corruption, overcrowding and dilapidated facilities at Lorton, the crime problem in Washington can never be adequately addressed.

Because I believe, based on conversations with D.C. police and correctional officers, FBI agents, and U.S. attorneys, that the crime problem in our great Federal City is inextricably linked to the reprehensible conditions at Lorton prison, I am introducing legislation, with Representatives JIM MORAN and TOM DAVIS, which addresses these problems.

The bill that we are introducing addresses these problems of overcrowding and funding by immediately incarcerating new District of Columbia felons in Bureau of Prisons facilities. Then, within 5 years, all remaining felons in Lorton will have to be turned over to the control of the Director of the Federal Bureau of Prisons. This will immediately alleviate problems at Lorton and put it on track for closure within 5 years. The D.C. Department of Corrections would still have responsibility for juveniles, misdemeanants, and pretrial detainees.

We also set up a commission of locally appointed representatives to help devise a plan for the closure of the Lorton correctional complex. The involvement of the local community is essential is establishing a smooth transition and ensures that local residents will have all their concerns heard. The plan is to identify actions with respect to each of the following:

First, the future use of the land on which the complex is located including, if appropriate, plans for a regional park at the site.

Second, the need to address the impact on local and regional transportation resources;

Third, if appropriate, the transfer of real property and improvements thereon to Federal agencies, including the Bureau of Prisons, for Federal use;

Fourth, if appropriate, the disposal of real property or improvements thereon; and

Fifth, changes in law or regulation to effect the purposes of this act and the closure of the Lorton correctional complex.

This legislation is not punitive. It is an effort to make the District a jewel of the Nation. It is an effort by us to extend a hand to the new mayor and city council in an effort to work on a truly bipartisan basis to resolve a long festering problem. This is an effort to give the prisoners at Lorton hope and an opportunity to rehabilitate themselves so that they can become productive members of society. Last, it is an effort to remove a dangerously malfunctioning facility from Virginia which poses concerns for residents of Fairfax and Prince William Counties.

I believe that the D.C. Department of Corrections has done a good job with limited resources and my remarks today are not meant in any way to criticize them. I believe, however, that nothing short of radical reform is required. This is not a new issue. I introduced legislation in the 102nd and 103d Congresses to address this problem. Unfortunately, that legislation received little attention. The new Congress, however, presents us with a new opportunity to move this bill. I am now prepared to work with the mayor and city council on embarking on an ambitious plan to stop the revolving crime door at Lorton. It is in the interest of the District of Columbia, Fairfax County, the Commonwealth of Virginia, and the Federal Government to cooperate in resolving the problems at Lorton. As partners, contributing to the reform of this system, these goals can be accomplished.

Lorton prison is a finishing school for criminals. Recidivism rates among Lorton inmates have been reported as high as 90 percent. A 1987 U.S. General Accounting Office [GAO] study found that nearly 7 of 10 adult inmates living at Lorton at the time of the study had previously been convicted of a felony offense in the District of Columbia and incarcerated at Lorton. About one-third of the adult inmates have been previously convicted and incarcerated at Lorton more than once. The sample used by the GAO was necessarily restrictive which means figures of recidivism are most likely higher.

Inmates should not leave the confines of Lorton prepared with master's degrees in drug trafficking, assault, and murder. Unfortunately, rehabilitation programs such as industry work programs, vocational training programs, GED education programs, and drug rehabilitation programs are woefully inadequate. Instead of participating in rehabilitation programs, many inmates only lift weights or play basketball all day, wander the grounds of the central facility aimlessly and unsupervised, watch mindnumbing hour after mindnumbing hour of television, and perfect their deviant criminal skills.

I have made many trips to the prison. Years ago I participated in a prisoner counseling program called Man-to-Man. From that experience I learned that one can't put a man behind bars for years, fail to give him work, fail to give him skills, fail to offer the opportunity for him to educate himself, fail to lend structure to his life and expect him to reemerge a changed person.

In 1908, President Theodore Roosevelt established a commission to study overcrowding at the District of Columbia's jail and to make recommendations to correct overcrowding at the District of Columbia's jail. In providing Congress with the results of that Commission's work in 1909, President Roosevelt wrote:

> The report sets forth vividly the really outrageous conditions in the workhouse and jail. The overcrowding is great in the workhouse, and greater still in the jail where, of the 600 inmates, 500 are serving sentences in absolute idleness, with no employment and no exercise. * * * It is no longer a question as to what shall be done, but only a question whether something shall be done, for it is quite impossible that the existing condition should continue. The present antiquated and unsatisfactory plan ought not to be considered for a moment.

The parallels between the present situation and those described by President Roosevelt in 1908 are remarkable. Today, more than 85 years later, District of Columbia prisoners still serve their sentences in absolute idleness and many of the concerns that led to the establishment of Lorton 85 years ago still exist.

Idleness results in unmanageable prisoners. Prison guards fear personal injury; thus they ease the tense situation by allowing prisoners free reign to conduct their daily business. Inmates make unsupervised phone calls to the outside and conduct illegal activity from behind the walls. Inmates control the use of the phones and sell phone time to one another. Inmates are not even required to wear similar prison uniforms.

Many youthful offenders view matriculation to Lorton as a right-of-passage. Many of their friends and relatives have passed through the institution and made useful contacts for future criminal activity, thereby perfecting their criminal skills so that, upon release, they are more proficient at exploiting the innocent and vulnerable. In simple terms these individuals are committing serious crimes, serving time at Lorton, leaving Lorton and returning to the District of Columbia to commit more crimes.

The news is littered with stories of former residents of Lorton who commit further acts of violence upon release. The Washington, DC, community was horrified by the story of the shooting of veteran D.C. police officer Hank Daley and FBI special agents Martha Dixon Martinez and John Michael Miller at the D.C. police headquarters. The suspect in that senseless shooting served time at Lorton. We were also stunned by the report of the senseless murder of young Meredith Miller in a carjacking outside her Arlington apartment house. One suspect in the murder, who had a record of attempted burglary, unlawful entry, theft, destruction of public property, possession of drugs, and parole violations, had been at Lorton. A number of other serious crimes have been perpetrated by former Lorton residents.

While there are many instances of former Lorton inmates wreaking havoc when they are released, there are also many untold stories of dangerous crimes which occur inside the prison. According to court documents, an inmate was playing basketball while wearing a gold chain around his neck worth $1,200, two diamond rings worth $300 a piece, and a watch worth $100. When the inmate left the gymnasium, he was accosted by two masked inmates, was stabbed and robbed. It is unthinkable, unbelievable, irresponsible, and totally inappropriate that this inmate had jewelry in the first place, and second that this violent attack even occurred.

Originally, Lorton was designed as a workcamp for misdemeanants and drunkards, in which men lived and worked side by side in dormitories in an effort to rehabilitate themselves. Today, Lorton's facilities are outmoded, outdated, and its present use is contrary to the purposes for which it was originally intended. The same dormitories which were designed to hold nonviolent, minimum security prisoners currently house up to 150 notoriously dangerous convicts. Making matters worse, these dangerous men are guarded by one unarmed guard. In some circumstances they go unguarded. I have heard story after story of inmates attacking inmates and guards.

These are not isolated incidents. Every year, there are many murders, assaults, and malicious woundings in the prison. Drugs are as easy to obtain as procuring them on the street. Guards deal in narcotics or they look the other way—partly because some are corrupt, partly because some don't care, and partly because some know there is little control and they are fearful of a riot. The problems are so bad that there are seven FBI agents and three assistant U.S. attorneys who work on criminal investigations and prosecutions at Lorton.

Because the prison budget is so strained, there has been public discussion that District officials may consider closing one facility, thereby exacerbating overcrowding and its related dangers. They may close several guard towers, they may return hundreds of felons now in Federal facilities on a reimbursable basis and other States' facilities to Lorton, or may cut back further on staff. I believe the time is right and the time is now for Congress to address these important issues in partnership with the mayor and city council, and solve these daunting problems.

Mr. Speaker, clearly this reform agenda is ambitious. This situation is such that it requires a bold new direction. President William Howard Taft, who succeeded Theodore Roosevelt as President, commented on the D.C. jail in 1909:

> It is a reproach to the National Government that almost under the shadow of the Capitol dome prisoners should be confined in a building destitute of the ordinary decent

appliances requisite to cleanliness and sanitary conditions.

That condition, and worse still exists today at Lorton. This bill is the first step in the process to reform D.C. prisoners, combat crime in the District, and renew Washington, DC.

Mr. Speaker, in closing I would like to reiterate my intention to reach out to all the interested parties to forge a win-win proposal for the District, Virginia, and the inmates who live in Lorton. I would like to thank all those people who are working toward this common goal, including William Moschella of my staff who has worked tirelessly for several years on a solution to this challenging problem.

LORTON CORRECTIONAL COMPLEX CLOSURE ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. MORAN. Mr. Speaker, this year, we have a real opportunity to resolve the issue of the Lorton prison.

When Lorton was first constructed, it was intended to house 60 inmates in rural Fairfax County. Today, the Lorton correctional complex is a 3,000 acre site in suburban Fairfax County housing more than 7,000 prisoners. Fairfax County can no longer safely house a prison. The communities surrounding the prison have grown too large and as they continue to press on the boundaries of the prison, the safety of the residents is being compromised.

Another important issue driving this legislation is the question of whether resources are available within the District of Columbia to operate a large prison. The District is not a State. It does not have the resources or the tax base to manage State functions such as operating prisons. In the past 10 years, the population of the prison has more than doubled while the budget has remained constant. The D.C. Department of Corrections is jamming prisoners into cells and dormitories that cannot correctly house them. We have heard reports of unsafe housing practices at the Lorton facility, where high security prisoners are being kept in dormitory style facilities. We have also heard reports of improper safety procedures, where there are not enough guards to correctly and safely monitor the prison. The Lorton prison has literally become a power keg with too many prisoners in too little room with too little supervision. We should not and cannot wait for an incident to occur before we act. We should not put our constituents who live near the prison or who work at the prison at such risk.

In the mid-1980's, Jack Anderson wrote a column calling the Lorton prison a "finishing school" for criminals. Since that time, the problem has become worse. The D.C. Department of Corrections cannot afford to offer even the most basic rehabilitation services. Inmates who leave the system are no better than when they entered. In many cases, they are worse off. It is no coincidence that on the same day last month, articles ran in the newspapers reporting the cancellation of the drug treatment program in Lorton and the arrest of a guard trying to bring crack cocaine into the complex.

It is simply unacceptable for us to allow this situation to continue. Our communities deserve to be free of crime, not subject to criminals who continue to move in and out of the system. The inmates themselves should be given the tools to cure their addictions and begin their lives anew, free of crime. The current situation does little to deter or prevent crime or recidivism. With this legislation, we have the opportunity to move the District's prisoners into a prison system which rehabilitates inmates, treats drug abuse, and breaks the cycle of crime and recidivism. We must seize that opportunity.

This has been and will continue to be a true bipartisan effort. The legislation we are introducing combines the best pieces of previous efforts and improves upon them. It offers a rational and realistic method for closing the facility that does not penalize the District of Columbia. It establishes the mechanism for the local community to determine the future of the property. Through the Commission that this legislation establishes, the local community can ensure that the area's open spaces are kept and the impact on local traffic is minimized.

We have an historic opportunity to work together and close the Lorton facility. We must take advantage of this opportunity.

[Press Release, Jan. 9, 1995]

MORAN, WOLF, DAVIS INTRODUCE LEGISLATION TO CLOSE LORTON PRISON

WASHINGTON, DC.—Today, U.S. Representatives Jim Moran, Frank Wolf and Tom Davis introduced legislation to close the Lorton Correctional Complex and relocate the current inmates to existing federal prisons.

"This year, we have a real opportunity to resolve the issue of the prison at Lorton," Moran said. "Today, the Lorton Correctional Complex is a 3,000 acre site in suburban Fairfax County housing more than 7,000 prisoners. In the last decade, the communities surrounding the prison have grown larger. The safety of the residents is being compromised—the prison must be closed."

The legislation calls for an eleven member commission that would oversee the closing of Lorton and allow those concerned about development of the property to have a voice in the process. Many Lorton residents fear that if the facility is closed, it will be replaced with 3,000 acres of houses, roads and traffic that will choke the area with congestion. Moran explained, "I understand their concerns, but I do not think that we should continue an intolerable situation because we fear the alternative."

Rep. Moran had introduced legislation during the 103rd Congress that would turn control of Lorton over to the Federal Bureau of Prisons. He feels that this legislation, introduced by all three Northern Virginia legislators, combines the best pieces of previous efforts and improves upon them. "This legislation offers a rational and realistic method for closing the facility that does not penalize the District of Columbia and establishes a mechanism for the local community to determine the future of the property," Moran said. "This is an historic opportunity to work together to close this facility. We must take advantage of it."

THE 30TH ANNIVERSARY OF THE AUTISM SOCIETY OF AMERICA AND NATIONAL AUTISM AWARENESS WEEK

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. GEPHARDT. Mr. Speaker, I rise today to honor and recognize the Autism Society of America on its 30th anniversary. The timing of this tribute is no accident. This week, January 9–15, is National Autism Awareness Week, and no organization has done more to promote awareness of autism than the Autism Society of America.

The mission statement of the society reflects its commitment to the autism population:

> The Autism Society of America exists to promote lifelong access and opportunity for all individuals within the autism spectrum and their families, through education, advocacy, the promotion of research and increased public awareness, to be fully participating, including members of their community.

In 1994, the national office of the society responded to over 12,000 requests from parents, relatives, teachers, doctors, service providers, and professionals wanting information on topics like education, research, programs, laws, and family-coping strategies—all provided free of charge. Each week, the national office handles over 200 telephone calls on its toll-free line from parents and professionals wanting information, advice, and advocacy.

With over 200 chapters nationwide, run by parent volunteers, caregivers, parents, and family members are offered much-needed information, referrals, and support.

In addition to these efforts, the Autism Society of America also runs mail order bookstores housing the largest collection of classic and contemporary works on autism; annually publishes six issues of the Advocate, a comprehensive national newsletter on the latest developments in the area of autism; and sponsors an annual conference at which experts and parents from all across the country join for 4 full days of seminars, presentations, workshops, and research findings.

Finally, the Autism Society of America has been a persistent voice on Capitol Hill, advocating for increased Federal commitment to biomedical research. Last year, the society successfully worked with the National Institutes of Health to arrange for the first-ever workshop on autism, which is scheduled for this spring.

Mr. Speaker, as we observe National Autism Awareness Week, I ask my colleagues to join me in congratulating the Autism Society of America for its 30 years of service.

RETIREMENT OF GEORGE H. ROBINSON

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. COLEMAN. Mr. Speaker, on January 20, a highly respected employee of the Small

Business Administration, Mr. George H. Robinson, will be retiring after 31 years of devoted public service to the SBA and the small business community. The exemplary career of Mr. Robinson, the Assistant Administrator for Equal Employment Opportunity and Civil Rights Compliance since 1974, is most deserving of the praise and recognition of this body. His staunch advocacy and leadership in the struggle for efficiency and fairness in Government service has made a difference to countless people, ensuring that everyone has the opportunity to work and achieve and advance according to their abilities and accomplishments.

George Robinson has displayed such skill and devotion all his life. A graduate of Oberlin College, he began his career with the Urban League, working to break down racial discrimination in employment by promoting fair employment legislation on the State and city levels and by forging friendships and partnerships with corporate officials.

As chairman of the Northern New Jersey March on Washington Committee in 1941, George and others persuaded Franklin Roosevelt to establish the wartime Fair Employment Practices Commission. His work for this cause caught the attention of the Wright Aeronautical Corp. where he was brought on to help direct the hiring and supervision of 8,000 minority workers.

It was this commitment to the cause of equal opportunity and the chance to help create jobs in economically depressed areas through the Area Redevelopment Act that brought George Robinson to the SBA in the early 1960's. That commitment remains to this day.

Mr. Speaker, I think you will agree with me that we are indeed losing someone special with the retirement of Mr. Robinson. His skill and devotion and love for his work are qualities we would all do well to emulate. I congratulate George H. Robinson on a job well done.

HONORING DOUGLASS W. WILHOIT, JR.

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. POMBO. Mr. Speaker, I rise today to recognize an outstanding public servant who has recently left distinguished public service in the 11th Congressional District of California. Douglass W. Wilhoit, Jr., of Stockton has personified the highest ideals of openness, honesty and courage as a San Joaquin County supervisor for the past 16 years.

His support as an elected official resulted in re-election every 4 years without opposition, and he has achieved the respect of his fellow supervisors through four terms as chairman of the board of supervisors.

Mr. Wilhoit, who retired at the end of December, was elected for several prestigious assignments while a county supervisor, including the 1994 presidency of the California State Association of Counties. He also was chosen at the State level by three Governors for leadership positions dealing with job training, corrections, and criminal justice.

Mr. Wilhoit assumed leadership positions locally in such areas as criminal justice, youth programs, parks and recreations, aviation, and public works. His community involvement spans a wide range of service, such as the United Way, Boys and Girls Club, American Cancer Society, Rotary International, Boys Scouts, and the Chamber of Commerce.

Prior to his election to the county board, he served the community for 12 years as a Stockton police officer.

Mr. Wilhoit has been recognized through the years with honors as "Who's Who in California," "Outstanding Young Man of American," "Community Leaders of America," and a Paul Harris Rotary Fellowship.

Please join with me in recognizing Douglass W. Wilhoit as a great American who has served his community as the consummate public servant for more than a quarter of a century.

INTRODUCTION OF DISASTER TAX RELIEF LEGISLATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. BERMAN. Mr. Speaker, today I am proposing legislation that would permit disaster victims to deduct 100 percent of their casualty losses when calculating their Federal personal income taxes.

I first introduced this bill in the last Congress after seeing the destruction caused by the Northridge earthquake and after talking with hundreds of its victims. I realized then that present tax law is clearly inadequate in disaster of this magnitude. The Tax Code acknowledges that it is appropriate to deduct uninsured property losses, but the deduction doesn't kick in until losses exceed 10 percent of adjusted gross income.

Since this legislation was first introduced, I have received hundreds of phone calls and letters from people who are still reeling from the earthquake. Nearly a year has passed, but victims are still finding it difficult to find the money to repair the damages suffered.

The legislation I am introducing would particularly help middle-class taxpayers who suffer substantial damage, but who earn too much to qualify for Federal grants and face tens of thousands of dollars in repair bills.

The bills would apply only in cases of federally declared disasters. When an emergency is great enough to prompt the President to declare a disaster and to determine that aid from the Federal Government is warranted, then stricken taxpayers surely deserve this break on their Federal income taxes.

The Joint Committee on Taxation estimates that this legislation would cost approximately $22 million annually.

Congress appropriated more than $8.6 billion to help defray the estimated $15 to 20 billion cost of the earthquake. The estimated revenue loss to the Treasury is very small compared to the significant middle class tax relief this bill would provide to tens of thousands of taxpayers who have to dip into their savings or go into additional debt to repair their homes.

The bipartisan task force on disasters, appointed by the leadership of the House to recommend improvements in the Nation's disaster strategy recognized the importance of improving the ability of individuals, businesses, and communities to recover from disasters by providing resources needed to rebuild. The task force's report included a recommendation that Congress consider this legislation.

Every dollar taxpayers have to send to Washington is a dollar not spent in their devastated local communities. They could spend that money putting contractors and builders to work, or they could use it in local stores to buy items to replace damaged possessions.

It's both good economic policy and good sense to put every possible dollar to work to help ravaged areas rebound from disaster. I will continue to work very hard to pass this important tax relief legislation.

LEGISLATION TO EXTEND MANDATORY COVERAGE OF THE INDEPENDENT COUNSEL LAW TO JUSTICE DEPARTMENT ATTORNEYS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. TRAFICANT. Mr. Speaker, today I am reintroducing legislation to add a new section to the act that would require the Attorney General to call for the appointment of an independent counsel to investigate allegations that Justice Department attorneys engaged in prosecutorial misconduct, corruption, or fraud. I introduced identical legislation in the last Congress.

The independent counsel provisions of the Ethics in Government Act of 1978 require the Attorney General to conduct a preliminary investigation when presented with credible information alleging criminal wrongdoing by high ranking executive branch officials. If the Attorney General finds that further investigation is warranted or makes no finding within 90 days, the act requires the Attorney General to apply to a special division of the U.S. Court of Appeals for the appointment of an independent counsel. The act also gives the Attorney General of the United States broad discretionary authority to seek the appointment of independent counsel with regard to individuals other than high executive branch officials. However, the Attorney General is not required to do so in such cases.

My bill would amend the act to treat allegations of misconduct, corruption or fraud on the part of Justice Department attorneys in the same manner as allegations made against high ranking Cabinet officials. In effect, the amendment would require the Attorney General to follow the procedures of the independent counsel law when presented with specific and credible allegations of criminal wrongdoing on the part of Justice Department attorneys. My goal is to ensure that, when there is credible evidence of criminal wrongdoing in such cases, these cases are aggressively and objectively investigated.

I am very concerned over the growing number of cases in which Justice Department attorneys have been accused of misconduct, corruption or fraud. In several cases I have personally investigated, innocent men fell victim to overzealous or corrupt Federal prosecutors. The Justice Department has a poor record of aggressively and objectively investigating these cases. The only way to uncover all the facts and guarantee that innocent lives are not destroyed, is to have a truly independent counsel appointed to investigate. The American people expect that the Justice Department—more than any other Federal agency—conduct its business with the highest level of ethics and integrity. Unfortunately, there are instances where this is not always the case. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department attorneys be treated with the same seriousness as allegations made against high ranking cabinet officials.

I hope to work with the members of the Judiciary Committee to have the measure reviewed and approved as soon as possible. I urge all of my colleagues to support this bill, the text of which is as follows:

H. R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL AUTHORITY FOR APPOINTMENT OF INDEPENDENT COUNSEL.

Section 592(c) of title 28, United States Code, is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; or", and by adding after subparagraph (B) the following:

"(C) the Attorney General, upon completion of a preliminary examination under this chapter, determines that there are reasonable grounds to believe that—

"(i) attorneys of the Department of Justice have engaged in prosecutorial misconduct, corruption, or fraud, and

"(ii) further investigation is warranted.".

FAIR HEALTH INFORMATION PRACTICES ACT OF 1995

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. CONDIT. Mr. Speaker, I have today introduced the Fair Health Information Practices Act of 1995. The purpose of this bill is to establish a uniform Federal code of fair information practices for individually identifiable health information that originates or is used in the health treatment and payment process.

In the last Congress, I introduced a similar bill (H.R. 4077) that was the subject of several days of hearings. In August 1994, that bill was reported by the Committee on Government Operations and became the confidentiality part of the overall health care reform effort. While my bill died along with the rest of health care reform, it was one of the only noncontroversial parts of health reform.

The bill that I have introduced today is identical to the version reported by the Committee on Government Operations last year. There were some changes made later in the legislative process, but I thought that the committee bill was the best starting point for now. A lengthy explanation of the bill can be found in the Government Operations Committee report, House Report 103–601, part V.

The need for uniform Federal health confidentiality legislation is clear. In a report titled "Protecting Privacy in Computerized Medical Information," the Office of Technology Assessment found that the present system of protecting health care information is based on a patchwork quilt of laws. State laws vary significantly in scope, and Federal laws are applicable only to limited kinds of information or to information maintained only by the Federal Government. Overall, OTA found that the present legal scheme does not provide consistent, comprehensive protection for privacy in health care information, whether that information exists in a paper or computerized environment. A similar finding was made by the Institute of Medicine in a report titled "Health Data in the Information Age."

A public opinion poll sponsored by Equifax and conducted by Louis Harris and Associates documents the importance of privacy to the American public. Eighty-five percent agree that protecting the confidentiality of people's medical records is absolutely essential or very important in national health care reform. The poll shows that most Americans believe protecting confidentiality is a higher priority than providing health insurance to those who do not have it today, reducing paperwork burdens, or providing better data for research. The poll also showed that 96 percent of the public agrees that it is important for an individual to have the right to obtain a copy of their own medical record.

Health information is a key asset in the health care delivery and payment system. Identifiable health information is heavily used in research and cost containment, and this usage will only grow over time. It is too early to predict what type of health reform legislation will be considered in the new Congress, but rules governing the use and disclosure of health information are certain to be a key element. My legislation is flexible enough to fit into any health reform legislation, large or small, or to stand on its own as a separate bill. Regardless of how the health delivery and payment system is structured, there is and will continue to be a need for a code of fair information practices.

By establishing fair information practices in statute, the long-term costs of implementation will be reduced, and necessary protections will be built in from the outset. This will assure patients and medical professionals that fair treatment of health information is a fundamental element of the health care system. Uniform privacy rules will also assist in restraining costs by supporting increased automation, simplifying the use of electronic data interchange, and facilitating the portability of health coverage.

Today, few medical professionals and fewer patients know the rules that govern the use and disclosure of medical information. In a society where patients, professionals, and records routinely cross State borders, it is rarely worth anyone's time to attempt to learn the rules of any one jurisdiction, let alone several jurisdictions. One goal of my bill is to change the culture of health records so that professionals and patients alike will be able to understand the rights and responsibilities of all participants. Common rules and a common language will facilitate broader understanding and better protection. Professionals will be able to learn the rules once with the confidence that the same rules will apply wherever they practice. Patients will learn that they have the same rights in every State and in every doctor's office.

There are two basic concepts that are essential to an understanding of the new approach. First, identifiable health information that is created or used during the medical treatment or payment process becomes protected health information, or individually identifiable patient information relating to the provision of health care or payment for health care. This new terminology emphasizes the sensitivity of the information and connotes an obligation to safeguard the data. Protected health information generally remains subject to statutory restriction no matter how it is used or disclosed.

The second basic concept is that of a health information trustee. Anyone who has access to protected health information under the bill's procedures becomes a health information trustee. Trustees have different sets of responsibilities and authorities depending on their functions. The authorities and responsibilities have been carefully defined to balance legitimate societal needs for data against each patient's right to privacy and the need for confidentiality in the health treatment process. Of course, every health information trustee has an obligation to maintain adequate security for protected health information.

The term trustee was selected in order to underscore that those in possession of identifiable health information have obligations that go beyond their own needs and interests. A doctor who possesses information about a patient does not own that information. It is more accurate to say that both the record subject and the recordkeeper have rights and responsibilities with respect to the information. My legislation defines those rights and responsibilities. The concept of ownership of personal information maintained by third party recordkeepers is not particularly useful in today's complex world.

A key element of this system is the specification of the rights of patients. Each patient will have a bundle of rights with respect to protected health care information about himself or herself that is maintained by a health information trustee. In general, a patient will have the right to inspect and to have a copy of that information. A patient will have the right to seek correction of information that is not timely, accurate, relevant, or complete. A patient also has a right to expect that any trustee will use and maintain information in accordance with the rules in the act. A patient will have a right to receive a notice of information practices. The bill establishes standards and procedures to make these rights meaningful and effective.

I want to emphasize that I have not proposed a pie-in-the sky privacy code. This is a realistic bill for the real world. I have borrowed ideas from others concerned about health records, including the American Health Information Management Association, the Workgroup for Electronic Data Interchange, and the National Conference of Commissioners on Uniform State Laws. Assistance provided last year by the American Health Information Management Association was especially valuable.

I believe that everyone recognizes that we do not have the luxury of elevating each patient's privacy interest above every other societal interest. Such a result would be impractical, unrealistic, and expensive. The right answer is to strike an appropriate balance that protects each patients's interests while permitting essential uses of data under controlled conditions. This should be happening today, but recordkeepers do not know their responsibilities, patient rights are not always clearly defined, and there are large gaps in legal protections for health information. My bill recognizes necessary patterns of usage and combines it with comprehensive protections for patients. There will be no loopholes in protection for information originating in the health treatment or payment process. As the data moves to other parts of the health care system and beyond, it will remain subject to the Fair Health Information Practices Act of 1995. This novel requirement may be the single most important feature of my bill.

The legislation includes a variety of remedies that will help to enforce the new standards. For those who willfully ignore the rules, there are strong criminal penalties. For patients whose rights have been ignored or violated by others, there are civil remedies. There will also be administrative sanctions and arbitration to provide alternative, less expensive, and more accessible remedies.

The Fire Health Information Practices Act of 1995 offers a complete and comprehensive plan for the protection of the interests of patients and the needs of the health care system in the complex modern world of health care. More work still needs to be done, and I am committed to working with every group and institution that will be affected by the new health information rules. I remain open to new ideas that will improve the bill.

In closing, I want to acknowledge the limits of legislation. We must recognize and accept the reality that health information is not completely confidential. It would be wonderful if we could restore the old notion that what you tell your doctor in confidence remains secrets. In today's complex health care environment, characterized by third-party payers, medical specialization, high cost care, and increasing computerization, this is simply not possible. My legislation does not and cannot promise absolute privacy. What it does offer is a code of fair information practices for health information.

The promise of that code to professionals and patients alike is that identifiable health information will be fairly treated according to a clear set of rules that protect the confidentiality interests of each patient to the greatest extent possible. While we may not realistically be able to offer any more than this, we surely can do no less for the American public.

SALUTE TO DR. JOSEPH D. PATTERSON, SR.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Dr. Joseph D. Patterson as he is installed as the president of the Black Clergy of Philadelphia at Hickman Temple A.M.E. Church on January 8. Dr. Patterson takes over the presidency of the Black Clergy, one of the most influential positive social forces in the city, from Rev. Jesse Brown who has lead the organization over the past years with great dignity and ability.

Mr. Patterson is a great leader in the Philadelphia community. He is a trustee at Cheyney University, a board member of the Philadelphia Industrial Development Corp., chairman of the board of the Baltimore Avenue Redevelopment Corp., and has served over the past years as first vice president of the Black Clergy before his election to the presidency.

Dr. Patterson's commitment to the strengthening of the community is well known. He believes unfailingly in a comprehensive approach to solving society's problems, and has been an outspoken advocate for health care improvement, the strengthening of the family, the importance of education, and the elimination of violence in our neighborhoods.

I join with Dr. Patterson's friends, family, and the entire Philadelphia community in wishing him the best of luck at his new post, and look forward to many years of his expedient leadership.

TRIBUTE TO SUPERINTENDENT BYRON MAUZY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated elected officials, Marin County Superintendent of Schools, Byron W. Mauzy. Superintendent Mauzy was elected in 1983 and has served the people of Marin County well in this capacity.

As we celebrate Byron's 41 years in public education, and his retirement as Marin County Superintendent of Schools, I wish to recognize Superintendent Mauzy for his commitment to improving the quality of education in Marin County, and the Nation, and to thank him for his long record of public service.

Byron has been with the Marin County Office of Education since 1967 when he was director of business services. During the period between 1970 and 1982 Byron was deputy superintendent and served as interim superintendent of the Kentfield, Sausalito, and Mill Valley School Districts.

He worked as assistant superintendent of instructional and business services for the Del Norte County Unified School District in Crescent City, CA. He was also a teacher and principal at Lower Lake Elementary School in California.

Byron earned a B.A. at San Jose State College and a M.A. at Stanford University in California. He receive his Ed.D from Nova University in Fort Lauderdale, FL, and has the following life credentials: general elementary, general secondary, elementary administrative, secondary administrative, and general administrative.

I was pleased to have had the opportunity to work closely with Byron over the last couple years on important education issues. We shared the same view that education must become our Nation's top priority, and Byron can be commended for his work to improve education at the local level. In fact, the outstanding work of our Marin County schools served as a model for my successful efforts to establish a coordinated services program nationally. Under Byron's leadership, Marin County schools effectively made health and social services available at or near school sites. I was also pleased to work with Byron when I brought both Secretary of Education Dick Riley and Health and Human Services Secretary Donna Shalala to the Sixth Congressional District to discuss education and other issues about youth. It was a pleasure to be working hand-in-hand with him, and I continue to be impressed by his dedication to quality education in Marin County and the Nation.

As an example of Byron's commitment to the county, he is currently on the board of directors for the Beryl Buck Institute of Education, Marin Council Boy Scouts of America, Sons of the American Revolution, Salvation Army, California Health Research Foundation, Marin Suicide Prevention, San Rafael Thrift and Loan, and Wild Care. Byron also serves on the American Heart Association's Hypertension Council: Invest in America School Advisory Committee, the Community Advisory Council at the Golden Gate Seminary, the 14th District PTA, the Elizabeth Terwilliger Foundation, the Dominican College Citizens Advisory Committee, the Human Rights Resource Center, and the Ross Hospital Advisory Committees.

In addition, Byron is a member of the Association of California School Administrators, Marin County School Administrators Association, the Marin Association of Superintendents, California Schoolmasters Club, Phi Delta Kappa, Marin Rod and Gun Club, Marin Coalition, Masonic Lodge, Elks Lodge No. 1108, Native Sons of the Golden West, Marvelous Marin Breakfast Club, Commonwealth Club of California, League of Women Voters, Marin Builders Exchange Scholarship Committee, Marin Council of Agencies, Marin Forum, Citizens League of Marin, and the San Rafael Chamber of Commerce.

Mr. Speaker, it is my great pleasure to pay tribute to Superintendent Byron Mauzy. Marin County owes a great deal of gratitude for the tireless efforts of Byron Mauzy over the years. Time and time again he extended himself on behalf of so many people and for so many causes.

I regret that I am not able to join Byron and his many friends and supporters at the Embassy Suites in San Rafael as we gather to celebrate his 48 years of service in public instruction, but I extend my hearty congratulations and best wishes to Byron and his wife, Win, for continued success now, and in the years to come.

ADDRESSING THE TRANSFER OF CUSTODY ISSUE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. STARK. Mr. Speaker, Today I am joined by Congresswoman CONSTANCE MORELLA, Congressmen ROBERT MATSUI and WILLIAM COYNE in introducing legislation that ensures that parents of emotionally disturbed and physically disabled children are not required to transfer custody of their children for the sole purpose of obtaining public services.

At this moment, in many States, parents are confronted with a Hobson's choice of either surrendering their children into the custody of the State in order to receive necessary residential services, or retaining custody and, therefore, denying their children the services they need.

These are not parents who have abused, neglected, or abandoned their children in any way, Mr. Speaker. They are simply parents who cannot afford to pay the full cost of the out-of-home treatment their child requires and have as a result, have sought the help of the State.

There are many reasons why these parents are currently required to give up custody of their children, but key among them is the simple fact that—because our country has no system designed specifically for these children—parents are forced to rely on agencies that were not designed with their needs or situations in mind. Because many of these agencies were designed to serve children being placed because of abuse or neglect, their custody transfer requirements are not appropriate to families with children who have serious emotional or physical disabilities. Also key among the reasons, Mr. Speaker, is simple misunderstanding of the requirements of current Federal law.

We believe that parents of these children should be able to keep custody of their children, continue their involvement in decision-making on their behalf, and work cooperatively with State authorities to secure needed services.

The bill we are introducing today is designed to address—to the extent possible under Federal law—the multiple causes of the practice of requiring parents to relinquish custody of their children. These include: misinterpretation or misapplication of title IV–E requirements; the application of custody transfer requirements designed for abuse and neglect cases to children with emotional or physical disabilities—either because these requirements are an agency's standard operating procedure, or because of assumptions about the desired role of the family in treatment; and the lack of voluntary placement procedures in some States (which means that custody must be transferred to draw down title IV–E funds, or to place children out-of-home under other available funding streams, including Medicaid).

In general, our bill would amend the six major Federal programs that may currently be used to provide out-of-home services to emotionally disturbed and physically disabled children.

The amendment would require States to provide that parents not be required to transfer custody in order to have their child placed out-of-home, and that all such children be placed pursuant to a voluntary placement agreement.

In addition, the bill would clarify existing Federal law regarding custody transfer requirements under title IV–E.

As drafted, the bill would: ensure that custody transfer requirements are not imposed on children with emotional or physical disabilities; clarify that title IV–E does not require States to have legal custody over children in their physical custody, or to have legal custody in order to draw down Federal IV–E payments; prohibit States from requiring parents to transfer custody to access out-of-home Medicaid-EPSDT treatment services; and ensure that States have in place the necessary procedures to place these children without transferring custody.

Mr. Speaker, we believe that a full resolution of the custody transfer dilemma—and indeed the larger issue of adequate access to needed services for emotionally disturbed and physically disabled children—will ultimately depend on the development of a designated system of care for these children.

This legislation, however, will provide a significant first step towards ensuring that these children are able to get needed services without unnecessarily disrupting families, and that no child is denied access to funding solely on the basis of their custody status.

We are very excited about the possibility of enacting this piece of legislation. It will help thousands of families and will correct a practice that everyone agrees makes no sense—for children, for parents or for our governments. In the seven States that have enacted a similar State bill, the bill has passed with broad bipartisan support.

It is our expectation that introducing the bill today will give interested people the opportunity to fully examine the bill before the 104th Congress begins. Though the concept of preventing the transfer of custody of children is a simple one, the legislative solution is more complicated. A draft copy of the bill has been well received by child welfare, mental health, and parent advocacy groups, as well as researchers who have studied this issue.

We plan to reintroduce the bill January and look forward to its passage by the next Congress.

HONORING RONALD S. COOPER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with many constituents of my district in honoring Mr. Ronald S. Cooper, managing partner of Ernst & Young's Long Island office, for being chosen as the secretary-treasurer to help formulate and launch the Long Island Association [LIA] Health Alliance. The goal of this newly formulated Health Alliance will be to control the cost of health care on Long Island.

Mr. Cooper was recently profiled in the Long Island magazine for his outstanding accomplishments. It gives me a great deal of pride to reprint this article below for the benefit of my colleagues who do not know Mr. Cooper.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in honoring Mr. Ronald S. Cooper for his many years of leadership on Long Island.

Reprinted from the Long Island magazine article "Making a Positive Impact" by Christa Reilly:

Ronald Cooper, managing partner of Ernst & Young's Long Island office, is proud to serve as secretary/treasurer to help formulate and launch the LIA Health Alliance. "It's very innovative and will be very helpful in driving down the cost of health care. It's an absolute win-win situation." Years from now, he explained, it will "probably be the one thing I can be really proud that I helped make happen."

Taking a leadership role in projects important to improve the quality of life on Long Island is a way of life for him. As he explained, "I have always believed, and acted on the belief, that you must get out in front and lead in order to make an impact on life. I don't enjoy being the back of the pack."

Cooper has served in leadership roles for a host of important community groups. He is treasurer of the LIA Board of Directors, and has made a strong impact upon the community through his many years of involvement with the UJA-Federation of Jewish Philanthropies. "When I first realized that UJA has no office on Long Island, I spearheaded a task force to get them one," he explained. Subsequently, he was elected as the first chairman for UJA's Long Island cabinet. Today, it is a thriving organization with a $20 million campaign.

Cooper has been recognized for his leadership. He has received the Long Island Distinguished Leadership Award, the Distinguished Community Service Award of the Anti-Defamation League of B'nai B'rith, the Brotherhood Award of the National Conference of Christians and Jews, and the Franklin H. Ornstein Human Relations Award from the American Jewish Committee.

He has traveled to Israel about ten times and, with regard to the recent peace treaty between Israel and Jordan, said, "It's wonderful. I was invited to be in the gallery when Rabin and Hussein addressed the Joint House in Washington. It was a most thrilling moment to see the two of them indicate that the war was over."

Just like the peace treaty, the Long Island Action Plan also needs to be put into practice. A cumulative list of more than 250 action items that the 12 Summit committees compiled, the Action Plan represents the hopes of many Long Islanders. Cooper said, "The summit has a very useful function—to focus the public on issues we must face. The aftermath, however, will determine whether it was successful. Everybody understands we need to solve the cost structure of taxes and LILCO rates."

Despite the cost structure, Cooper pointed out that Long Island has been a hotbed of entrepreneurship. Each year, Ernst & Young selects and honors an Entrepreneur of the Year. Although it was a program that began in Indianapolis and spread nationwide, it seems appropriate that a leader, such as Cooper, should wish to recognize another upcoming one. "It's the best such program on Long Island. It focuses on the great companies—on the positives—of Long Island. It serves as a reminder that Long Island hasn't changed that much in terms of industry. Long Island goes through cycles. It used to be a defense industry economy, now we are moving into high tech and biotech industries."

TRIBUTE TO PETER HAMMEN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Peter Hammen, who today is being sworn in as a member of the Maryland House of Delegates from the 46th Legislative District. Peter has worked as a legislative aide in my Baltimore district office for almost 5 years and has been an invaluable resource in keeping me informed about community issues.

Peter is a fixture in East Baltimore. He was born and raised in Baltimore City and is a graduate of Archbishop Curley High School. He has served as president of St. Gerard Young Men's Association. He has worked with children through his volunteer efforts, serving as a volunteer swim instructor for the YMCA, and coaching the Highlandtown Exchange Little League.

Peter, who has a bachelor of science in criminal justice and a master's in public administration from the University of Baltimore, was elected to the House of Delegates in the 1994 election by a very substantial margin. He is hard-working, industrious, dedicated, and effective and he will make an outstanding legislator.

Peter, a member of the Nature Conservancy, has participated in efforts to clean up the Chesapeake Bay. In Peter's assignment to the Environmental Matters Committee, he will bring a wealth of knowledge about the legislative process and about environmental issues. There is no doubt in my mind that Peter will be a tremendous asset in making Baltimore and Maryland a better place to live.

It is with pride and pleasure that I commend Peter Hammen for his ability and commitment to public service. While my loss is the House of Delegates gain, I want to wish him the best as he takes his place as a legislator. I hope that my colleagues will join me in congratulating Peter and in extending best wishes to him as he begins his career as a public servant.

U.S. FOREIGN MILITARY SALES DURING FISCAL YEAR 1994

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information provided by the Defense Security Assistance Agency with respect to U.S. Foreign Military Sales [FMS] pursuant to the Arms Export Control Act during fiscal year 1994. The attached tables detail worldwide FMS sales during fiscal year 1994 for defense articles and services, and for construction sales.

Total U.S. FMS sales for fiscal year 1994 were $12.865 billion, a decline from $33 billion in fiscal year 1993.

The tables follow:

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF 30 SEPT 94 UNDER FOREIGN MILITARY SALES (SEE PART II FOR CONSTRUCTION SALES)—UNCLASSIFIED

[dollars in thousands] [1]

Countries	Accepted-FY 94
FOREIGN MILITARY SALES—PART I	
Albania	$5
Antigua and Barbuda	443
Argentina	60,280
Australia	261,354
Austria	27,950
Bahrain	39,999
Barbados	658
Belgium	19,607
Belize	394
Benin	250
Bolivia	2
Bolivia—Intl Narc	20,877
Botswana	1,784
Brazil	60,643
Canada	119,920
Cape Verde	20
Chad	836
Chile	1,407
Colombia	69,038
Colombia—Intl Narc	21,849
Costa Rica	826
Denmark	48,766
Djibouti	286
Dominica	730
Dominican Republic	1,099
Ecuador	5,185
Ecuador—Intl Narc	318
Egypt	473,646
El Salvador	19,730
Ethiopia	1,306
Finland	546,774
France	47,974
Gabon	101
Gambia	1,436
Germany	179,856
Ghana	870
Greece	308,105
Grenada	469
Guinea	499
Guinea-Bissau	1,369
Guyana	39
Honduras	1,535
Indonesia	10,785
Israel	2,447,156
Italy	44,673
Jamaica	914
Japan	729,275
Jordan	53,386
Kenya	3,480
Korea (Seoul)	433,160
Kuwait	182,784
Latvia	27
Lebanon	43,994
Luxembourg	118
Madagascar	100
Malawi	462
Malaysia	738,612
Mali	750
Mauritius	650
Mexico	4,285
Morocco	17,731
Nacisa	7,143
Namibia	828
Namsa—F104	150
Namsa—General+Nike	15,657
Namsa—Hawk	439
Namsa—Weapons	2,512
Napmo	1,869
NATO	332
NARO AEW+C (O+S)	7,309
NATO Headquarters	200
Netherlands	47,688
New Zealand	15,830
NHPLO	30,188
Niger	5
Norway	159,240
OAS HQ	427
Oman	1,253
Panama	416
Paraguay	234
Portugal	8,420
Qatar	4,031
Rep of Philippines	21,238
Saudi Arabia	837,881
Senegal	39
Seychelles	1
Shape	2,354
Sierra Leone	18
Singapore	456,340
Spain	58,212
Sri Lanka	204
St Kitts and Nevis	851
St Lucia	851
St Vincent + Gren	638
Sweden	33,932
Switzerland	37,159
Taiwan	360,891
Thailand	218,564
Tonga	15
Trinidad—Tobago	1,189
Tunisia	18,480
Turkey	2,194,101
Uganda	7
United Arab Emirates	266,663
United Kingdom	586,375
Uruguay	1,773
Venezuela	18,956
Zambia	128
Zimbabwe	216
Classified totals [2]	370,160
Subtotal	12,811,979
CONSTRUCTION SALES—PART II	
Antigua and Barbuda	267
Bolivia—Intl Narc	3,207
Cape Verde	121
Colombia—Intl Narc	93
Ecuador—Intl Narc	97
Egypt	939
El Salvador	2,734
Germany	32,763
Ghana	583
Honduras	97
Israel	152
Niger	153
Seychelles	39
Uganda	228
United Kingdom	11,904
Subtotal	53,378
Total	12,865,357

[1] Totals may not add due to rounding.

[2] See the classified annex to the CPD.

DEPARTMENT OF TRANSPORTATION SHOULD STUDY ACCIDENTS CAUSED BY TRUCK DRIVERS FALLING ASLEEP AT THE WHEEL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to direct the U.S. Secretary of Transportation to conduct a 1-year study of accidents related to drivers of commercial vehicles who fall asleep at the wheel. The Secretary would have to make recommendations to the Congress on how to reduce the number of accidents related to this problem. I had attached this provision to legislation approved last year by the House to designate the National Highway System. Unfortunately, an agreement could not be reached between the House and the other body on an NHS bill, and no final action was taken in the last Congress.

According to the U.S. Department of Transportation, in 1992 there were 33,965 accidents involving truck drivers. Of these, 601 accidents were traced directly to truck drivers falling asleep at the wheel—resulting in 45 fatalities. However, in many accidents in which the driver is killed it is difficult to determine for sure whether or not the driver fell asleep. As a result, the real number of truck accidents related to drivers falling asleep at the wheel is more than likely much higher.

The National Transportation Safety Board has estimated that when a heavy rig truck driver crashes and dies, an average of 4.2 innocent victims are killed. An ongoing survey of truck drivers in Ohio being conducted by the National Center for Sleep Disorders in Massillon, OH, has revealed that only 6 percent admit to having an accident related to sleepiness, but 54 percent of truck drivers surveyed know of a fellow truck driver who has died in an accident related to fatigue or sleepiness.

Mr. Speaker, there is a serious safety problem on our highways. My bill attempts to address this problem by directing DOT to study the problem in-depth and recommend to Congress ways to address the problem and reduce the number of accidents related to truck drivers falling asleep at the wheel.

Last year Republicans and Democrats on the Public Works and Transportation Committee, of which I am a member, strongly supported this provision. I urge all my colleagues to lend their support to the bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMERCIAL MOTOR VEHICLE ACCIDENTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of methods to reduce accidents on Federal-aid highways caused by drivers falling asleep while operating a commercial motor vehicle used to transport freight.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under subsection (a).

CAMPAIGN FINANCE REFORM

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, Fred Wertheimer, president of Common Cause, recently wrote House Speaker GINGRICH a letter in which he urged the Speaker to schedule and support early action on comprehensive campaign finance reform legislation, as well as strong gift ban and lobby reform legislation.

Attached to Mr. Wertheimer's letter were several statements that Speaker GINGRICH has made in the last several years on this important subject, and I am submitting the text of the two documents into the CONGRESSIONAL RECORD today.

COMMON CAUSE,
Washington, DC, January 4, 1995.

House Speaker NEWT GINGRICH,
U.S. Capitol, Washington, DC.

DEAR SPEAKER GINGRICH: On August 22, 1990, in a speech to The Heritage Foundation, you said: "The first duty of our generation is to reestablish integrity and a bond of honesty in the political process. We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems. We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity. Every action should be measured against that goal, and every American should be challenged to register and vote to achieve that goal."

We agree.

As you become Speaker of the House of Representatives today, you have a unique moment in history in which to make good on your words. You have a unique opportunity to lead an effort to reform the corrupt system in Congress which you have criticized throughout your House career.

As you also stated in your speech before The Heritage Foundation: "Congress is a broken system. It is increasingly a system of corruption in which money politics is defeating and driving out citizen politics. * * * [H]onesty and integrity are at the heart of a free society. Corruption, special favors, dishonesty and deception corrode the very process of freedom and alienate citizens from their country."

I am enclosing other examples of statements you have made over the years about the importance of integrity in government and the need for political reform.

You and the newly elected Republicans in the House have told the country that you are committed to changing the way Washington works.

But citizens throughout this nation clearly understand that there is no way to change the way Washington works without fundamental reform of the corrupt influence money system. This requires effective campaign finance reform and a tough gift ban for Members of Congress.

In your words, "The first duty of our generation is to reestablish integrity and a bond of honesty in the political process."

In your words, "We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems."

In your words, "We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity."

In your new position of leadership, you now face a clear choice. You can make good on your words and lead the effort to clean up Congress. Or you can ignore your words and become the chief protector of the corrupt influence money system in Washington.

Common Cause strongly urges you to make good on your words by supporting and scheduling early action on effective and comprehensive campaign finance reform legislation, a strong gift ban and lobby reform legislation.

Sincerely,

FRED WERTHEIMER,
President

QUOTES FROM HOUSE SPEAKER NEWT GINGRICH ON GOVERNMENT INTEGRITY AND POLITICAL REFORM

[From the Washington Post Op-Ed, Feb. 21, 1979]

Thomas Jefferson wrote to John Adams sometime after the nation's founding: "This I hope will be the age of experiments in government, and that their basis will be founded on principles of honesty, not of mere force. We have seen no instance of this since the days of the Roman Republic, nor do we read of any before that. Either force or corruption has been the principle of every modern government."

There's something wrong if we allow the experiment Jefferson helped start sink back to a government based on corruption. And that something is a much greater wrong than the individual sins of one particular congressman.

The American people deserves laws made by those who respect the law—not those who steal from them. And not those who tolerate such stealing.

[From the Congressional Record, Aug. 10, 1988]

[W]e are now moving into a period into which for all practical purposes the House is becoming a House of Lords, and aristocracy of power. House Members increasingly are elected for a lifetime, so you either change them the first time out, or at most possibly change them at the end of their freshman term, but for all practical purposes people have lost the ability to change who they now have loaned power to. * * *

Now I would just suggest that from the standpoint of the citizen, not the standpoint of an incumbent politician but from the standpoint of the citizens there are fundamental problems with a system in which the incumbent knows that the odds are better than 49 to 1 that they will be reelected if they run. * * *

I will be proposing in September a package of fairly dramatic reforms but they do not just address PACs. They also have to address the question. How do you help the challenger have a fair chance to defeat the incumbent? * * *

[W]e have to start fundamentally reforming the structure of congressional elections and the structure of incumbency advantage, because in the absence of doing that I think we are in a system which is going to grow steadily sicker, and I think that is a very, very real problem. I do not think this is something to be shrugged off.

And notice, I did not this afternoon just talk about Republicans or Democrats. I said incumbent advantage.

[Forward to "The Imperial Congress", 1989]

Madison, Jefferson and Hamilton tried to ensure against the rise of an imperial Congress. Yet, as the separation of powers continues to erode, the present-day Congress has become the most unrepresentative and corrupt of the modern era. It is a Congress that lusts for power but evades responsibility for its actions.

[From the National Press Club, Apr. 27, 1989]

And in 1974, in the middle of Watergate, I ran for office for the first time. I announced for Congress in Georgia, against a 20-year veteran who had never been successfully challenged. * * * I said, in my kickoff speech, "The American people are angry, an anger built up due to continuing frustration from a government which says one thing and does another; and they become increasingly dissatisfied when the men and they have chosen are apparently corrupt, condoning corruption, or totally indifferent to their feelings." And I would suggest to you that is a long tradition. * * *

[From the Christian Science Monitor, June 6, 1989]

[To produce more competitive congressional races] it's my very strong view that we want to shift the balance of resources toward the challenger.

[From the Congressional Record Feb. 6, 1990]

I am very committed to campaign reform. I am particularly committed to campaign reform which expands the number of people who are participating in American politics, and which allows the over and the challenger a reasonable chances to effect their will.

[From the Speech to the Heritage Foundation, Aug. 22, 1990]

Congress is a broke system. It is increasingly a system of corruption in which money politics is defeating and driving out citizen politics. * * *

[H]onesty and integrity are at the heart of a free society. Corruption, special favors, dishonesty and deception corrode the very process of freedom and alienate citizens from their country. * * *

We must reestablish as the first principle of self-government that politics must be an inherently moral business. The first duty of our generation is to reestablish integrity and a bond of honesty in the political process. We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems. We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity. Every action should be measured against that goal, and every American should be challenged to register and vote to achieve that goal.

[From the States News Service, Nov. 1, 1991]

Congress is now in as great a crisis as the executive branch was in Watergate.

The American public has correctly perceived a decaying, corrupt system dominated by Democrats. * * * We are prepared to draw the distinction between a Congress you can be proud of and the decay the Democrats have brought to the institution.

[From This Week With David Brinkley, Mar. 15, 1992]

[Y]ou're familiar with a 19th-century statement by Lord Acton that power tends to corrupt—absolute power corrupts absolutely. [Congress] is a 19th-century institution which has been protected and hidden from the public and each successive onion layer that's peeled off, the country gets madder at the Congress. It sooner or later has to have a reform administration that cleans the whole place up.

[From the New York Times, Apr. 18, 1992]

Those of us who are fighting for change and fighting for reform are going to survive, and we're going to have to work pretty hard at it. * * *

I have a very clear tradition of trying to clean up the House. I think the average voter's more mature after they get through the first wave of anger than to say let's throw everybody out.

[From States News Service, Oct. 19, 1993]

[The ability of millionaires to spend large amounts of personal funds on their campaigns has become] a dagger in the heart of a free society.

[From the Washington Times, Oct. 20, 1993]

[PACs are a] grotesque distortion of the popular will.

[From National Public Radio, Oct. 20, 1993]

What you have today is a system where very powerful chairmen and very powerful Members basically call PAC lobbyists and say, "If you ever want to get your boss in to see me, you better give five grand to my candidate in District X." And you end up with a spectacle of a grotesque distortion of the popular will as the Washington lobbyists take back-home money and use it to buy Washington access.

[Letter to the Wall Street Journal, Oct. 26, 1993]

[L]et me simply state my policies: I believe the speaker of the House should be honest. * * * The House should be open and accountable. It is a place of honor for our country and the men and women who serve within it.

[From the Dallas Morning News, Nov. 10, 1994]

I am the most sincerely committed change agent of the Washington power structure. * * * In a naive way, I actually mean all this stuff. If you are the Washington power structure that has to be horrifying.

[From the Republican Transition Press Conference, Nov. 14, 1994]

We wanted to maximize the opportunity for substantial change. Over half the conference is freshmen and sophomores. It's very important to understand this country has sent a very powerful signal for change. * * * This is a city which is like a sponge. It absorbs waves of change, and it slows them down, and it softens them, and then one morning they cease to exist.

We want to, every way we can, bias the opportunity in favor of the American people actually getting the changes they are asking for, and obviously, every Member is going to play a major role, every Member is going to participate.

[Address to the House Republican Conference, Dec. 5, 1994]

[People] want us to be a Congress with integrity. They want us to be a Congress with courage. They want us to be a Congress with dignity. And they want to be able to look at this building on the Hill once again as the great, shining symbol of free self-government by a free people.

[From the MacNeil/Lehrer NewsHour, Dec. 16, 1994]

Well, I hope the President will join us, for example, in moving to zero out political action committees. I've always favored—in recent years, it seems to me, that political action committees have grown to be instruments that no longer serve the public interest. They serve special interests. I am very prepared to try to work out something which would zero out political action committees. I think there are other steps we can take. Congressman Bob Michel had a tremendous idea of requiring members to raise half their money in the district they represent. That would dramatically change the balance of campaign fundraising in America. I would look forward to working with the President on those kinds of things. And I think there's progress that can be made.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 10, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 11

9:00 a.m.
Labor and Human Resources
To continue hearings to examine Federal job training programs.
SD–430

9:30 a.m.
Banking, Housing, and Urban Affairs organizational meeting to consider committee business.
SD–538

Energy and Natural Resources
Organizational meeting to consider committee business.
SD–366

10:00 a.m.
Appropriations
Organizational meeting to consider subcommittee membership, committee rules of procedure, and committee budget for the 104th Congress.
S–128, Capitol

Foreign Relations
Organizational meeting to consider committee business.
SD–419

2:30 p.m.
Indian Affairs
Organizational meeting to consider committee business.
SR–485

4:00 p.m.
Small Business
Organizational meeting to consider committee business.
SR–428A

JANUARY 12

9:00 a.m.
Labor and Human Resources
To continue hearings to examine Federal job training programs.
SD–430

9:30 a.m.
Armed Services
Closed briefing on the current situation in Bosnia.
SR–222

Commerce, Science, and Transportation
Organizational meeting to consider committee business.
SR–253

Rules and Administration
Organizational meeting to consider committee's rules of procedure for the 104th Congress and pending business.
SR–301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Organizational meeting to consider committee business.
SR–332

10:30 a.m.
Environment and Public Works
Organizational meeting to consider committee rules of procedure and committee budget for the 104th Congress.
SD–406

2:00 p.m.
Commerce, Science, and Transportation
To hold oversight hearings to examine aviation safety issues.
SR–253

CANCELLATIONS

JANUARY 11

10:00 a.m.

Governmental Affairs

Business meeting, to mark up the proposed Paperwork Reduction Act.

SD-342

POSTPONEMENTS

JANUARY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings to review structure and funding issues of the Bureau of Indian Affairs.

SR-485

SENATE—*Tuesday, January 10, 1995*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Reverend Dr. Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC.

PRAYER

The guest chaplain, the Reverend Dr. Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

Most High God, we begin this day of business by praising You for Your infinite wisdom. We know what You've committed to our hands, and our own harried schedules, and we turn to You, Lord, and consider Your ways, and we marvel at all You do. Thank You, Lord, that in Your greatness You care for us. Thank You, Lord, as part of Your care that You teach us our need of You. You have invited us in Your word to come to You for aid: "If any of you lacks wisdom, he should ask God, who gives generously to all without finding fault, and it will be given to him." We praise You that You do not reproach us for our ignorance, but that You invite us to come to You for Your wisdom. So we come to You on the basis of Your words and ask for wisdom.

For questions of international and national needs, for questions about personnel and policy, for questions about family and friends, for questions about our own personal needs today. Strengthen the people of this Nation, O Lord; nourish their lives with wise laws crafted here. O Most Wise and Giving God, prevent these servants gathered in this place from engendering quiet tyrannies and subtle stiflings of Your will. Give Your wisdom we pray particularly today to each Member of this Chamber, that as they go about their public business here they would work to make laws which bring honor to this place, and not shame, which breed respect in the public, and not cynicism, which aid the lives of all Your people, rather than inhibit them. Be our guide. Convict and comfort as we need. Teach us in all things to rely on You, through Jesus Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

RESERVATION OF LEADER TIME

Mr. DOLE. Mr. President, just for the information of our colleagues on both sides of the aisle, leaders' time has been reserved and it will be reserved or used.

SCHEDULE

Mr. DOLE. Mr. President, following that, there is to be morning business until 10 a.m. with Senators permitted to speak for not to exceed 5 minutes each. At 10 a.m. we will resume consideration of S. 2, the congressional coverage bill, and under a previous unanimous-consent agreement, at 2:15 today the Senate will proceed to a 15-minute rollcall vote on the McConnell second-degree amendment to the Ford amendment regarding frequent flier mileage.

I just say to my colleagues, just to recap, this is the fourth day in the Senate we have been on a bill that passed the House in 20 minutes by a vote of 429 to 0. I would not want to rush anything too much over here, but it seems to me that after 4 days we ought to be prepared to bring this matter to a conclusion, so that tomorrow we can start on unfunded mandates, which is very, very important legislation with strong bipartisan support, supported by Governors, mayors, county commissioners, and State legislators. And I hope that we will complete action on that bill by Friday.

In fact, so far we have moved at a rather leisurely pace. We have not pushed anybody. But it seems to me that we will complete action on this bill tonight, either 6 o'clock, 7 o'clock, 8 o'clock, 9 o'clock, 10 o'clock—whenever, however long it may take. And then tomorrow we will start the debate on unfunded mandates.

Hopefully, we could have some agreement. I know it is a very, very important bill, but I know there are very legitimate concerns that Members on each side of the aisle have and there are very legitimate amendments that have to be discussed. So I do not want to downplay the fact that there are differences. But I hope we could come together, work out a schedule or an agenda so the amendments could be offered, debated at length if necessary, but then have the votes and complete action sometime early on Friday. So I urge my colleagues to cooperate in every way they can.

But I must say, I think in these first 3 months we may have to extend, at least sometimes, how long we might be around here in the evening. Hopefully we will get back on a family-friendly schedule sometime after the Easter recess.

The Senate will be in recess today between the hours of 12:30 and 2:15 for our weekly policy luncheon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

RULES OF PROCEDURE—COMMITTEE ON FINANCE

Mr. PACKWOOD. Mr. President, as chairman of the Senate Finance Committee, I am introducing the committee's funding resolution for March 1, 1995, to February 28, 1997. This resolution reflects a 5-percent cut from the 1994 funding level with a 2.4-percent cost-of-living adjustment for January 1996. This resolution was approved by the Finance Committee today. In addition, the committee approved the designation of myself, Senators DOLE, ROTH, MOYNIHAN, and BAUCUS to be members of the Joint Committee on Taxation and to be congressional advisers on trade policy and negotiations. Furthermore, the committee formally adopted its rules of procedure and in accordance with Senate rule XXVI, I request unanimous consent that the rules of the Finance Committee be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted February 1, 1993)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobstrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

Rule XXV—Standing committees

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * * * *

Rule XXVI—Committee procedure

* * * * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID "YES"

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's have a little pop quiz: How many million dollars would you say are in a trillion dollars? In answering, remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Monday, January 9, the Federal debt—down to the penny—at $4,795,838,481,378.56. This means that every man, woman, and child in America owes $18,205.09 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million millions in a trillion, for which you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

THE RULES OF THE COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on the Budget for the 104th Congress as adopted by the committee, Monday, January 9, 1995.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON THE BUDGET—ONE HUNDRED FOURTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the Chair as the Chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(f) may divulge matters required to be keep confidential under other provisions of law or Government regulations.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designated for polling at a meeting, except that the Committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the Chair shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)-(f), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberation on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT AMENDMENTS ACT OF 1995

Mr. HATCH. Mr. President, I ask unanimous consent that the full text and section summary of S. 38, the Violent Crime Control and Law Enforcement Amendments Act of 1995, introduced on January 4, 1995, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Amendments Act of 1995".

SEC. 2. ELIMINATION OF INEFFECTIVE PROGRAMS.

The Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitles A, B, C, D, G, H, J, K, O, Q, S, U and X of title III, title V, and title XXVII.

SEC. 3. AMENDMENT OF VIOLENT OFFENDER INCARCERATION AND TRUTH IN SENTENCING INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made thereby are amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional correctional facilities, including prisons and jails, for the confinement of violent offenders, to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

"(1)(A) except as provided in subparagraph (B), assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time determined to be necessary to protect the public;

"(B) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995, practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of times served for such offenses in all of the States;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement not later than 18 months after the date of the enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled; and

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) Truth in Sentencing Grant Program.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws that require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed;

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time that will be served in prison by convicted violent offenders sentenced to prison; and

"(C) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed if—

"(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

"(ii) each violent crime or serious drug offense was committed after the defendant's conviction of the preceding violent crime or serious drug offense; or

"(3) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995 practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of times served for such offenses in all of the States.

"(b) Allocation of Truth in Sentencing Incentive Funds.—The amount made available to carry out this section for any fiscal year shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) Violent Offender Incarceration Grant Program.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) Allocation of Violent Offender Incarceration Funds.—

"(1) Formula allocation.—0.6 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(2) Remainder.—The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

"SEC. 20104. RULES AND REGULATIONS.

"(a) In General.—The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995.

"(b) Best Available Data.—If data regarding part 1 violent crimes in any State for the previous year is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for that State for the purposes of allocation of any funds under this subtitle.

"SEC. 20105. DEFINITIONS.

"In this subtitle—

"(1) the term 'part 1 violent crimes' means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports;

"(2) the term 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

"(3) the term 'indeterminate sentencing' means a system by which the court has discretion on imposing the actual length of the sentence, up to the statutory maximum and an administrative agency, generally the parole board, controls release between court-ordered minimum and maximum sentence.

"SEC. 20106. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $1,000,000,000 for fiscal year 1996;

"(2) $1,150,000,000 for fiscal year 1997;

"(3) $2,100,000,000 for fiscal year 1998;

"(5) $2,200,000,000 for fiscal year 1999; and

"(6) $2,270,000,000 for fiscal year 2000.".

(b) Technical and Conforming Amendments.—

(1) Technical amendment.—The table of contents for the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the items for subtitle A of title II, and inserting the following:

"Sec. 20101. Grants for correctional facilities.
"Sec. 20102. Truth in sentencing incentive grants.
"Sec. 20103. Violent offender incarceration grants.
"Sec. 20104. Rules and regulations.
"Sec. 20105. Definitions.
"Sec. 20106. Authorization of appropriations.".

(2) Conforming amendment.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 is amended in the definition of "State and local law enforcement program", in paragraph (13), by striking "20101–20109" and inserting "20102–20108".

SEC. 4. PUNISHMENT FOR YOUNG OFFENDERS.

(a) In General.—Subtitle B of title II of the Violent Crime Control and Law Enforcement Act of 1994 and the amendment made by that subtitle is repealed.

(b) Conforming Amendments.—The Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) in section 32101,

(2) in section 310004(d), in the definition of "State and local law enforcement program"—

(A) in paragraph (14), by inserting "and" at the end;

(B) in paragraph (15), by striking "; and" and inserting a period; and

(C) by striking paragraph (16).

SEC. 5. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.".

SEC. 6. MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) Employment of Persons Under 18 Years of Age.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) In subsection (b), by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c), (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. 7. MANDATORY MINIMUM PRISON SENTENCES FOR PERSONS CONVICTED OF DISTRIBUTION OF DRUGS TO MINORS.

(a) In General.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a)—

(A) by striking "eighteen" and inserting "twenty-one";

(B) by striking "twenty-one" and inserting "eighteen";

(C) by striking "not less than one year" and inserting "not less than ten years"; and

(D) by striking the last sentence;

(2) in subsection (b)—

(A) by striking "at least eighteen" and inserting "at least twenty-one";

(B) by striking "under twenty-one" and inserting "under eighteen";

(C) by striking "not less than one year" and inserting "a mandatory term of life imprisonment"; and

(D) by striking the last sentence;

(3) by adding at the end the following new subsection:

"(c) OFFENSES INVOLVING SMALL QUANTITIES OF MARIJUANA.—The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana."; and

(4) by amending the section heading to read as follows:

"DISTRIBUTION TO PERSONS UNDER AGE EIGHTEEN".

(b) TECHNICAL AMENDMENT.—The table of contents for the Controlled Substances Act is amended in the part relating to title D, by striking the items for sections 416 through 422, and inserting the following:

"Sec. 416. Establishment of manufacturing operations.
"Sec. 417. Endangering human life while illegally manufacturing a controlled substance.
"Sec. 418. Distribution to persons under age eighteen.
"Sec. 419. Distribution or manufacturing in or near schools and colleges.
"Sec. 420. Employment or use of persons under 18 years of age in drug operations.
"Sec. 421. Denial of Federal benefits to drug traffickers and possessors.
"Sec. 422. Drug paraphernalia.".

SEC. 8. PENALTIES FOR DRUG OFFENSES IN DRUG-FREE ZONES.

(a) REPEAL.—Section 90102 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(b) IN GENERAL.—Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a)—

(A) by striking "not less than one year" and inserting "not less than five years"; and

(B) by striking the last sentence;

(2) in subsection (b), by striking "not less than three years" and inserting "not less than ten years";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b), the following new subsection (c):

"(c) The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana.".

SEC. 9. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) any criminal history points under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against a person or a drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against a person or a drug trafficking offense);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person to carry a firearm and the defendant had no knowledge of any other conspirator involved in the offense possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense, or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies, a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable, unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of the Violent Crime Control and Law Enforcement Amendments Act of 1995.

(d) REPEAL OF TITLE VIII OF VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Title VIII of Violent Crime Control and Law Enforcement Act of 1994 and the amendments made by that title are repealed effective as of the effective date specified in subsection (c).

SEC. 10. MANDATORY RESTITUTION TO VICTIMS OF VIOLENT CRIMES.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (g), and (h); and

(6) by adding at the end the following new subsections:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT AMENDMENTS ACT

This legislation is based on Republican proposals championed during the debate on the Conference Report on the 1994 Crime Bill. The bill eliminates much of the "pork" contained in the 1994 Crime Bill and strengthens prison and sentencing provisions.

Should you have questions about the bill not answered by this summary, please call Mike O'Neill or Mike Kennedy of the Judiciary Committee staff at extension 4-5225.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title

The short title of the bill is the Violent Crime Control and Law Enforcement Amendments Act of 1995.

Sec. 2. Elimination of Ineffective Programs

Section 2 eliminates the wasteful social programs passed in the 1994 Crime Bill, including the Local Partnership Act, the National Community Economic Partnership Act and the Family Unity Demonstration Project, among many others. These programs would have wasted billions of dollars on duplicative, top-down spending programs without reducing violent crime.

Of the over $4.5 billion dollars saved by eliminating these programs, approximately $1 billion is redirected to prison construction and operation grants.

Sec. 3. Amendment of Violent Offender Incarceration and Truth in Sentencing Incentive Grant Program

Section 3 amends the prisons grants included in the 1994 Crime Bill to insure that the funds are spent on the actual construction and operation of prisons for violent offenders and would also remove provisions tying the funds to federal mandates on state corrections systems. Specifically, the proposal would make the following changes:

The Act currently allows prison funds to be spent on alternative correctional facilities in order "to free conventional prison space." This section requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

The proposal removes from the Act a provision which would have conditioned state receipt of the prison grants on adoption of a comprehensive correctional plan that would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used exclusively to build and operate prisons.

The proposal amends the prisons grant allocation provisions of the Act by increasing the minimum per-state allocation and removing the Attorney General's discretionary grant authority.

Sec. 4. Punishment for Young Offenders

Section 4 repeals Subtitle B of title II of the 1994 Crime Bill, authorized $150 million in discretionary grants for alternate sanctions for criminal juveniles.

Sec. 5. Increased Mandatory Minimum Sentences for Criminals Using Firearms

Section 5 establishes a mandatory minimum penalty of 10 years' imprisonment for anyone who uses or carries a firearm during a federal crime of violence or federal drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum penalty of 20 years' imprisonment. If death results, the penalty is death or life imprisonment.

Sec. 6. Mandatory Minimum Prison Sentences for Those Who Use Minors in Drug Trafficking Activities

Section 6 establishes a mandatory minimum sentence of 10 years' imprisonment for anyone who employs a minor in drug trafficking activities. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Sec. 7. Mandatory Minimum Sentences for Persons Convicted of Distributions of Drugs to Minors

Section 7 establishes a mandatory minimum sentence of 10 years' imprisonment for anyone 21 years of age or older who sells drugs to a minor. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Sec. 8. Penalties for Drug Offenses in Drug-Free Zones

Section 8 establishes new mandatory minimum sentences for drug offenses in drug-free zones which were omitted from the 1994 Crime Bill.

Sec. 9. Flexibility in Application of Mandatory Minimum Sentence Provisions in Certain Circumstances

Section 9 includes a narrowly circumscribed mandatory minimum reform measure that returns a small degree of discretion to the federal courts in the sentencing of truly first-time, non-violent low-level drug offenders. To deviate from the mandatory minimum, the court would have to find that the defendant did not finance the drug sale, did not sell the drugs, and did not act as a leader or organizer.

Sec. 10. Mandatory Restitution to Victims of Violent Crime

Section 10 amends 18 U.S.C. 3663 by mandating federal judges to enter orders requiring defendants to provide restitution to the victims of their crimes.

REGARDING S. 14, THE LEGISLATIVE LINE-ITEM VETO ACT OF 1995

Mr. EXON. Mr. President, year after year, billions of the taxpayers' dollars are larded across the Nation for pork barrel projects created at the behest of our fellow Members.

This is nothing new. Each session, Congress persists in passing appropriations bill groaning with this type of spending for individual projects in a Members home State or district.

Pork barrel spending has become a symbol of political prowess and effectiveness. Members can stump back home, claiming that they have the clout to deliver these projects to their constituents.

Although some of these projects no doubt have their merit, pork barrel spending has become an emblem of out of control spending. Pork is Congress' shameful scarlet letter.

Ideally, Congress should exhibit the type of self-restraint and sacrifice that would swiftly put this wasteful practice to an end. We owe that to future generations of Americans and to our commitment to continue to reduce the deficit.

However, I am a realist and I know that while some Members would voluntarily refrain from pork barrel spending, others would continue with business as usual.

Mr. President, the American people are fed up with business as usual. It's time to change the Nation's spending habits.

The President is also faced with an enormous dilemma. These pork projects are carefully woven into the appropriations legislation, or as Senators BRADLEY and DOMENICI have rightly observed, through targeted tax credits and expenditures in revenue acts. The President cannot simply pull out one thread without unravelling the entire bill. He does not have that authority.

The President must look at each bill as a whole, determining whether to accept the bad with the good—whether the bad outweighs the good. More often than not, it's a case of the President holding his nose and signing the spending bill.

The obvious solution is to grant the President the line-item veto. Today, 43 of the 50 State Governors have some form of veto authority. As Governor of the State of Nebraska, I was privileged to have the line-item veto authority. To me, it was an invaluable weapon in my arsenal to effectively control the spending of my State legislature.

I have long believed that the President too should have this power to challenge wasteful Government spending and keep us on the path of deficit reduction. All but two Presidents in the 20th century have supported some type of line-item veto authority. It's not time; it's past time we granted the President this power.

Mr. President, in previous years, I have championed efforts to amend the Constitution to allow for a line-item veto. I have led the charge to give the President enhanced rescission powers.

Over 7 years ago, I worked with then Senator Dan Quayle in sponsoring a porkbuster enhanced rescission proposal. I also supported an amendment by my distinguished colleague from Arizona, Senator MCCAIN that would have granted the President greater rescission powers.

It is a somewhat melancholy task to come to the Senate floor year after year seeking these powers for the President and then to come away empty handed. The McCain amendment garnered only 40 votes—far short of the 60 votes needed to break the filibuster that would surely occur on any such proposal.

I have come to the sad conclusion that proposals such as these stand little if any chance of becoming law. But that does not mean that we should allow the perfect to become the enemy of the good. Through compromise—a bipartisan compromise—we can still move forward on this issue. As such, I am an original sponsor of the legislative Line-Item Veto Act.

The bill would change our current rescissions process by giving the President the authority not to spend specific funding included in the appropriations bills.

Upon making a decision to rescind certain spending, the President would then be required to seek congressional approval. If Congress does not agree by at least a majority vote—not a super majority—in both Houses, the funding is released.

Members are less likely to pile on the pork in the appropriations bill if they know that they might have to defend each item on its own merits.

Mr. President, there are some critics who argue that the savings reaped from such a proposal will not make a significant dent in the menacing budget deficit; but that is a feeble excuse to oppose these efforts.

Of course, a single bill is not going to solve the budget deficit in and of itself, or erase a $4.5 trillion debt. These problems did not occur overnight and they will not be solved overnight. There are no quick fixes, silver bullets or panaceas. We should not rise to these shiny lures.

I believe that those who think clearest about reducing the budget deficit realize that we will solve the problem in an incremental fashion. We will solve it in a bipartisan fashion.

In the coming weeks I look forward to working with the distinguished chairman of the Budget Committee Senator DOMENICI to move this legislation. I also plan further discussion with Senator BRADLEY of the Finance Committee as to whether we should include rescission authority over tax expenditures as well.

What is demanded of us now is to push the process forward to a speedy and successful conclusion. This bill is the vehicle of compromise that will carry us to the finish line.

Mr. President, I yield the floor.

THE RETIREMENT OF SENATOR BENNETT JOHNSTON

Mr. LEVIN. Mr. President, I was greatly saddened to learn yesterday of the decision of my friend and colleague BENNETT JOHNSTON of Louisiana not to seek reelection to a fifth term in the U.S. Senate.

BENNETT JOHNSTON has been a leader in the Senate. Indeed, when I first entered the Senate in 1979, he already had a long record of accomplishment. He has long been established as one of the Senate's most knowledgeable and respected voices on energy policy, and also as a persuasive voice on a broad range of issues. He was, during the Reagan administration, for example, one of the foremost opponents of the excesses of the strategic defense initiative.

I know that my good friend has made a difficult decision. I hope that he has made the right one for him and his family. I know that it is one which will leave the Senate diminished. Over the years he has been constant in his decency, his independence and his openness. We are all going to miss him and his many fine qualities.

While I look forward to 2 more years of productive work alongside the senior Senator from Louisiana, I know that I will sorely miss BENNETT JOHNSTON when he leaves this body at the end of the 104th Congress.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL ACCOUNTABILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate resumed consideration of the bill.

Pending:

(1) Ford-Feingold amendment No. 4, to prohibit the personal use of accrued frequent flier miles by Members and employees of the Congress.

(2) McConnell amendment No. 8 (to amendment No. 4) to prohibit the personal use of accrued frequent flier miles by Members and employees of the Senate and clarify Senate regulations on the use of frequent flier miles.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 9

(Purpose: To express the sense of the Senate with respect to a timetable for the Senate's prompt consideration of comprehensive gift ban legislation)

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, before I send my amendment to the desk, let me one more time thank my colleague, the Senator from Iowa, for his leadership on this Congressional Accountability Act. I think it is a very important piece of legislation. I am certainly confident that by the end of the day we will indeed vote on this important piece of legislation and it will be a very strong affirmative vote.

Mr. President, before I send my amendment to the desk, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, let me just briefly give some background and talk about the amendment.

This amendment essentially says is that it is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

At the end of last week, the Senate defeated a tough comprehensive gift ban amendment that was offered by Senator LEVIN, myself, and Senators FEINGOLD and LAUTENBERG. I regret that my Republican colleagues were unwilling to move forward on this piece of legislation which I think had everything in the world to do with congressional accountability. My Republican colleagues who opposed that amendment, even though many had cosponsored the same language just a few months ago, contended that it was more an issue of timing.

But it did seem to me then and it seems to me now that if we could be ready to move forward this week on an extremely important piece of legislation dealing with unfunded mandates, that goes to the heart of the interrelationship between Federal and State and local governments, and goes to the very heart of what Federalism is about, we should be able to address this straightforward issue without a lot of further consideration. And if, in fact, my colleagues are willing to amend the U.S. Constitution with a balanced budget amendment with just a couple of weeks preparation, then it seems to me astounding that we are not willing to move forward on a very simple amendment that has everything in the world to do with reform, which just simply puts an end to this practice of accepting the gifts, perks, lobbyist-sponsored vacation travel, and the like offered by special interests.

This amendment, Mr. President, simply attempts to put the Senate on record formally in favor of returning to this issue promptly and acting on tough gift ban legislation no later than the end of May 1995, which the majority leader has indicated it was his intention to do.

Mr. President, the nice thing about this amendment is that it is consistent with the debate and the discussion that we had on the floor of the Senate last week. At that time, Senator COHEN, who has again provided a tremendous amount of leadership on these reform issues, said on the floor: "I intend to give Senator DOLE an opportunity to bring it up in a relatively short time," the gift ban. "He has not given me a specific timetable, but I would say within the next couple of months, I expect we will consider this legislation and any amendments that might be offered to it—and I suspect there will be amendments. There are people on this side that still do not agree with the provisions that we supported."

But, again, there will be action on this; it will be considered within the next several months.

Senator DOLE, the majority leader, came to the floor and said:

> I certainly commend the Senator from Michigan, Senator LEVIN, for his leadership. But we believe there are some changes that could be made even in the gift ban. This amendment would not be effective in any event until the end of May 1995.
>
> It would be my hope that by that time we will have even a better package.

So I really am essentially following the lead of the majority leader with this amendment. As he pointed out, our amendment would not have become effective until the end of May. I simply think that it is time now for the Senate to go formally on record that, in fact, we will take action no later than the end of May.

Mr. President, let me give this amendment a little bit of context, a brief history.

Almost 2 years ago, we started dealing with this problem of gifts being lavished on Members of Congress from outside sources. And I had an amendment which simply said lobbyists had to disclose specifically what these gifts were. I said at the time it was a first step, and I meant that.

Mr. President, that lobbying registration bill, with the amendment that I had to that bill, passed the Senate by a vote of 95 to 2. Months of waiting took place for the House to act on strong gift ban provisions as a part of the lobbying bill. Then, Senator LAUTENBERG, Senator FEINGOLD, and myself introduced a tough, comprehensive gift ban bill. We introduced a tough, comprehensive gift ban bill. Senator LEVIN's committee then held hearings and reported out a solid, comprehensive, more refined version of our earlier gift bans bill. Under Secretary LEVIN's leadership, we were able to beat back Senate amendments which would have weakened the bill. That bill passed last May by a 95–4 vote.

Prodded in part by this action, the House then acted on a reasonably tough version. A strong version came out of a House-Senate conference committee. Then the lobbying registration gift ban bill to which the gift ban was attached was killed in the last days of the session—I think based upon unfounded complaints by lobbying groups that were concerned about the registration part.

Legislation that we brought forward to the Senate floor last week was very similar to a Senate-passed version last year, and to the conference report; that is to say, the amendment that dealt with gift bans.

Now, Mr. President, on the merits of the gift ban, 37 Republicans, including the majority leader, cosponsored the same legislation. In other words, the wording of the amendment that we brought to the floor dealing with gift ban was essentially identical to the wording that the majority leader and 36 other Republican Senators had voted for last session.

Now, as I wrap up my remarks, and I am about ready to send the amendment to the desk, I make an appeal to my colleagues. I believe my colleagues when they say we are going to act on this. I believe them. But I want to ensure that we do not let this gift ban amendment, this gift ban legislation, slip by in the legislative rush of this session. Again, this is a simple amendment. It puts the Senate on record in favor of acting on a tough, comprehensive gift ban legislation no later than the end of May 1995, precisely what the majority leader has called for.

Mr. President, I do not think I need to again rehearse the substantive arguments in favor of enacting a tough, comprehensive gift ban. We have debated this legislation and we have debated this amendment more than once on the floor of the Senate. I will simply say this: The evidence is irrefutable that the giving of these special favors to Senators and Representatives has only added to the deepening distrust that citizens have of this political process, of this congressional process. Despite assertions by my colleagues that we are completely unswayed by trips or fancy dinners, such gifts give the appearance of impropriety, and they erode public confidence in the Congress as an institution. Mr. President, they erode public confidence in each of us, personally, as representatives of our constituents.

I am sure many of my colleagues will agree that in any town meeting Senators hold, Senators hear about this and other reform issues from people in the country. They want to put an end to this practice, and clean up the system. Public trust in the Congress is at a historic low and demand for political reform is very high. Banning outside gifts would be an extremely positive signal that we could send to people in this country that we are serious about making this political process more honest, more open, and more accountable.

Mr. President, the amendment that I now send to the desk reads:

It is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

This is what the majority leader called for. This is what I believe we talked about last week. I am disappointed we did not act to approve the actual gift ban at the very beginning of the session. But I intend to come back at this issue until we are done.

I think it is extremely important that the Senate now go on record that we shall consider comprehensive gift ban legislation no later than May 31.

One final time, Mr. President, for my colleagues: There is no hidden agenda to this amendment. It is very simple. It is very straightforward. As a matter of fact, it simply is a confirmation of a commitment that I believe we made last week. Now, I call on all of my colleagues, I call on the U.S. Senate, to go on record that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 9.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

Mr. WELLSTONE. Mr. President, for the moment I yield the floor, and I reserve the balance of my time.

Mr. GLENN. Mr. President, I certainly support what Senator WELLSTONE is trying to do.

The gift ban is something we have tried to put through. There has been controversy on it back and forth. He has kept on this, to his everlasting credit. I think it is good he brings it up.

I hope the majority, after checking with the leadership, might be able to accept this so that we do not have to go to a vote. I hope that will be acceptable to my distinguished colleague from Minnesota. I think, as I understand it, that is the process we are in now.

Mr. GRASSLEY. Mr. President, will the Senator yield?

Mr. GLENN. I yield to the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I state that we are checking with the appropriate committees to make sure if any of those Members want to come and speak on this subject, as well as checking to see the leadership's position.

Then, as well, if it does not work out, I would like to have a unanimous-consent later on that. I would propose to have a vote on it immediately after the McConnell amendment, which takes place at 2:15.

Mr. GLENN. Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I thank my colleagues.

I will ask for the yeas and nays, and would like to have a vote on this amendment, and that vote take place at a convenient time.

Mr. President, let me right now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GLENN. Mr. President, will my distinguished colleague yield?

Would the Senator want the yeas and nays if the majority was going to accept it?

Mr. WELLSTONE. Mr. President, I would ask for the yeas and nays. I do want to have a recorded vote on it.

Mr. GLENN. That would sort of obviate the need for Members to try to accept it then, at this point.

Mr. WELLSTONE. Mr. President, I understood the Senator from Iowa to say there would be a vote.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. GRASSLEY. Mr. President, right now we are in the process of letting the appropriate committees know about the amendment, and reserving time for them to come over and debate if they want to debate. I do not know that there is any request for debate on it.

I am also checking with the leadership to see if there would be any obstacles to accepting the amendment. If we accept the amendment, we hope, then, that there will not be a vote on it. If the leadership does not want to accept the amendment, then I suggest that we vote on it immediately after the McConnell amendment, and we would have the yeas and nays.

Mr. WELLSTONE. Mr. President, will the Senator yield?

Mr. GRASSLEY. Mr. President, I yield.

Mr. WELLSTONE. Mr. President, I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I thank the Chair, and I thank my colleagues.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I understand the state of parliamentary procedure is that there is an amendment currently pending.

The PRESIDING OFFICER. Offered by the Senator from Minnesota.

Mr. KERRY. I ask unanimous consent that that amendment be temporarily set aside for the purpose of consideration of another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 10

(Purpose: To restrict the use of campaign funds for personal purposes)

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 10.

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTIONS ON PERSONAL USE OF CAMPAIGN FUNDS.

Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended—

(1) by striking "Amounts received" and inserting "(a) Amounts received"; and

(2) by adding at the end the following:

"(b)(1) Any candidate who receives contributions may not use such contributions for personal use.

"(2) For purposes of this subsection, the term 'personal use' shall include, but not be limited to—

"(A) a home purchase, mortgage, or rental;

"(B) articles of clothing for the use of the candidate or members of the candidate's immediate family (other than standard campaign souvenirs, articles, or materials traditionally offered or provided in connection with bona fide campaign events);

"(C) travel and related expenses that are substantially recreational in nature;

"(D) entertainment, such as sporting events, theater events, or other similar activities, except when offered or provided by the campaign in connection with a bona fide campaign fundraising event;

"(E) fees or dues for membership in any club or recreational facility;

"(F) automobile expenses within the Washington, D.C. metropolitan area (except that a candidate whose district falls within the Washington, D.C. metropolitan area, may lease automobiles used for campaign purposes consistent with subparagraph (G));

"(G) any other automobile expense, except that a campaign may lease automobiles for campaign purposes if it requires that, if the automobile is used for any other incidental use, the campaign receives reimbursement not later than 30 days after such incidental use;

"(H) any meal or refreshment on any occasion not directly related to a specific campaign activity;

"(I) salaries or per diem payments to the candidate; and

"(J) other expenditures determined by the Federal Election Commission to be personal in nature.

"(3) Any personal expenditure described in paragraph (2) shall not be considered to be an ordinary and necessary expense incurred in connection with a Member's or Member-elect's duties as a holder of Federal office.".

Mr. KERRY. Mr. President, I rise today to offer an amendment that, at first blush, some might try to argue does not belong on this bill because it addresses one facet of campaign finance reform. But I want to make it very clear at the outset that this amendment is not broad-based campaign finance reform. It is a small reform which we adopted by voice vote previously last year. I think it was offered in similar form by the Senator from Arizona, Senator MCCAIN. I believe that, indeed, it is appropriate to join it with the issue of congressional coverage, and that it therefore is fully appropriate to offer it as an amendment to this bill.

This amendment asks us to behave like other Americans. In the spirit of reform that has been so embraced in the House of Representatives, in the spirit of reform that is at the center of the efforts of this Congress to try to respond to the mandate of the election, and in the spirit of reform that I believe is at the center of all of the dynamics of our politics today, this amendment is relevant and germane and important.

What this amendment seeks to do, simply, is to make it illegal to convert campaign funds to personal use. This is not campaign finance reform as much as it is an effort by the Congress to say we are going to behave like everybody else in this country, and everybody else in this country does not have the ability to go out and ask people to donate money for one purpose and then turn around and decide, with enormous discretion, to spend that money for entirely different purposes—and, in fact, for personal gain and benefit.

The amendment is based on the proposed rules addressing the same subject published by the Federal Election Commission late in 1994. It would close the loopholes by prohibiting personal use of campaign funds and by setting forth a clear definition of what constitutes personal use. And most important, Mr. President, it prohibits a candidate from drawing a salary from his or her own campaign funds.

I believe that this amendment is synchronized with the effort to lift this institution out of the morass of partisanship and out of the morass of disdain with which most Americans have viewed in recent years.

While I have been deeply involved in campaign finance reform and it has been one of my principal areas of legislative focus since I was elected to this body—indeed, it was the subject of one of the very first pieces of legislation that I introduced, and I will continue the fight for comprehensive campaign finance reform this year—I emphasize this amendment is not bringing a broad-based campaign finance reform proposal. I understand from Majority Leader DOLE that there will be a time for that later in the year, though it cannot come soon enough as far as this Senator is concerned.

But I do believe this is an opportunity for us to make an important change in the way campaign funds are used while simultaneously making a statement fully in keeping with the spirit of congressional coverage legislation. The bottom line of that legislation is an effort to say to Americans: Congress ought to live by the same standards as all other Americans. And this seeks to say that our management of campaign funds given to us for the specific purpose of campaigning should entail an explicit responsibility to spend that money for campaign purposes—that it should not be taken to buy Super Bowl tickets, or to pay for trips to places that many hard-working Americans would like to go but cannot afford to go, under the guise of some kind of campaign effort. It certainly should not be used by a candidate to pay himself or herself a salary, particularly a salary that might be in excess of what that candidate was able to earn in the marketplace or was previously earning. Each of those activities is outside the norm of life for the great majority of Americans. They are activities that are available to people in Congress only because they are in Congress and are raising large amounts of money necessary for campaigns under our current system of campaign finance.

When the Federal Election Commission was considering the new rules on this subject which it proposed late in 1994, the Sacramento Bee newspaper said:

> The FEC should approve them. Most important, for the vast majority of those in Congress who are honest public servants who are at times genuinely confused about the proper use of campaign funds, the rules provide some guidance.

That is what we seek to do here, provide some guidance in order to help Members to live up to reasonable standards.

The Chicago Tribune said:

> Despite a 15-year-old Federal law that bars candidates from converting campaign funds to personal use, the Federal Election Commission has never offered rules on what personal use is.

And the New York Times said:

> The law should be revised.

This amendment does exactly that. It ends the confusion, it defines personal use, and it revises the law. I hope my colleagues will support it. I want to make it clear that there is an awful lot more to do than just this on campaign finance reform. We passed major legislation last year. Regretfully it got caught up in House politics and later in Senate politics and the American people were cheated of the most far-reaching and important campaign finance reform in the history of this country. This is vital legislation because I think every American understands that underneath the term limits movement, underneath the disdain for Congress, underneath the sense of a lack of access to the U.S. Congress, underneath the feeling of powerlessness and the great gulf between elected officials and the people, there is one source that is to blame more than any other. It is money—the money used for campaigning for elective office. Money is moving and dictating and governing the process of American politics, and most Americans understand that. The reason so many people find it hard to run for office and keep our democracy vibrant is because of the extraordinary cost.

So we have a great task ahead of us in order to pass a comprehensive campaign finance reform law and in order to avoid the increasing perception of the American people that no matter what they do, Congress seems wedded to interests that have money and somehow divorces itself from the real concerns and aspirations of the American people. So I hope this small measure—which is aimed at helping us to live under the same rules as do the rest of Americans—will be accepted by the majority and it will not need a rollcall vote. But in the event that it does, I, at this time, ask for the yeas and nays, which I certainly will be happy to vitiate should it be accepted.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, let me rise to strongly support the proposal by the distinguished Senator from Massachusetts. We have had this before us several times, as to what kind of limitation we should put on funds that are gathered for specific purposes and wind up being used for other purposes; where money that was given for a particular election use winds up feathering the nests or lining the pockets—however you want to say it—anyway, being used by the former candidate for his or her own personal use. That was not the intent of the giving in most cases, that the funds could be converted for that purpose.

That is what the Senator addresses, basically. This is a small step forward. It does not try to encompass all of the difficulties involved with the problems of campaigns and campaign finance reform. It is a small step forward, and I hope we will have support on both sides of the aisle for this, so I rise to support the proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, once again I express to my colleagues the desire that we not put amendments on this bill that will possibly be able to be discussed later on in this session on the floor of the Senate when offered to bills more germane to the subject, in this particular case campaign finance reform. In the case of the Wellstone amendment it would be the gift ban.

This is a bill that is very basic and easily understood. The underlying bill I introduced, and Senator LIEBERMAN has been my Democratic counterpart, is a bill that is going to end the situation where we have a dual set of laws in this country, one for Capitol Hill and one for the rest of the country. We think there is a consensus on this. There is very little discussion on the underlying legislation. Before this day is out we hope to have this legislation become the law of the land by being able to pass it here, the House having agreed to it, and immediately getting it to the President of the United States.

There is nothing wrong with the proposals the Senator from Massachusetts presents to us in the way of campaign finance reform, only that it is being offered as an amendment to a bill that otherwise is basically noncontroversial. It will not pass unanimously, I know, but there is a fair consensus because it tries to correct a situation that we all agree for too long has been unjust, a situation where the laws that apply to the private sector do not apply to Congress and Capitol Hill.

So I hope we can get these amendments behind us and move on. I do not say to the Senator from Massachusetts that his subject should not be discussed or that there is anything wrong with what he is proposing to do. I just think now is not the time to do it. The bill we are dealing with, the subject matter of the bill, in S. 2, passed the House of Representatives unanimously, with only about 20 minutes of debate, in the first day of their session. Senator DOLE set this bill for discussion on Thursday, the first day we were having legislative action. That is how important the leadership, the new leadership of the Senate, feels that this legislation is.

We discussed it on Thursday, on Friday, on Monday, and now Tuesday will be the fourth day. We have spent most of our discussion on this legislation on issues unrelated to congressional coverage—congressional coverage by these laws of our employees. I hope that we can get on with this legislation, that we will not accept this amendment, and that we will before the day is out get this bill passed. That will mean that we have spent 4 days on a bill that the House of Representatives spent 20 minutes on.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask my colleague and others on the other side what it is of which they are afraid. I ask my colleague if my Republican friends are really in favor of reform. There is no strict formula by which we determine what legislation will be brought before the U.S. Senate, in what order it will be brought, or when it will be brought. Everyone serving in this body knows that. Where is it ordained that there is a better moment 5 months from now than right now to say to the American people we are not going to spend campaign money for personal use? Of what are those Members who oppose this amendment afraid? If they support it, why not attach it to this vehicle and make the statement of reform to the American people now? Why wait 5 months?

My colleague just stood up and said that the purpose of this legislation is to show Americans that we are prepared to live like they do. Why would you not want to attach to that bill a statement that we are not going to allow people to raise campaign funds to spend money in a way that no other Americans can spend money? I thought the Republicans who are the new majority party were the folks who are saying to the people back home, we are not going to do business as usual anymore in Washington; no more business as usual. But business as usual is coming to the floor and saying, "Oh, we are going to do this in 5 months; we are going to do this in 6 months." I note that this is coming from the very people who filibustered the last round of campaign finance reform and who saw their President, President Bush, veto the bill that was passed 2 years ago.

So here is a chance to demonstrate to the American people whether we really are just rhetorically talking about reform and are just going to do the kind of pushbutton, feel-good things that happen to appeal to one party but do not constitute basic reform. What could be simpler than a fundamental principle that people who run for political office are not going to spend their campaign funds for personal use, are not going to go out and buy clothing with campaign funds, and are not going to pay for a trip to the Super Bowl with campaign funds?

I have a lot of workers in Lynn, MA, or in Fall River or New Bedford who dream about buying new clothes or going to the Super Bowl but who do not have campaign funds with which to do so.

So here we are with an opportunity to say to the average American we are going to live just like you do, we are going to spend our campaign money strictly on campaigning. Is that frightening? But we are being told by those on the other side of the aisle that somehow such a proposal does not belong on a bill that is specifically geared to requiring Congress to live like the rest of America.

So what we are seeing, Mr. President, is that there is a difference between the reality and the rhetoric once again. Some people are prepared only to talk a good game about reform. Is there anybody here who truly disagrees that campaign funds should not be spent on personal use? My friend from Iowa talked about a consensus. Is there really not a consensus in the Congress that campaign funds should not be spent on personal use? I would think there would be 100 votes to support that.

Let us put that to the test. I think we ought to find out whether there are 100 votes for that proposition.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to set aside the pending amendment so that I might offer an amendment.

Mr. GRASSLEY. Mr. President, has the unanimous-consent request been agreed to?

The PRESIDING OFFICER. No, it has not.

Mr. GRASSLEY. Senator MCCAIN was on his way over to speak on the Kerry amendment. Could we wait for that?

Mr. LEAHY. Of course, I would be happy to. I should say to my friend from Iowa that I will probably take only 3 or 4 minutes. I wonder if I might go forward and I would be happy to immediately yield to Senator MCCAIN when he arrives.

Mr. GRASSLEY. Would Senator MCCAIN be able to get the floor?

Mr. LEAHY. Oh, yes. I would yield. Give me about 20 seconds after he motions that he wants it and I will yield to him.

Mr. GRASSLEY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Thank you.

AMENDMENT NO. 11

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 11.

At the end of the bill, add the following,

"No congressional organization or organization affiliated with the Congress, may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested."

Mr. LEAHY. Mr. President, let me explain why I have done this. I remember when I first came to the Senate, I think within the first year or so I was here, I introduced legislation saying that I wished all laws would be applied to Members of Congress that apply to everybody else. The Senator from Ohio [Mr. GLENN] has been doing the same for years, and Senator GRASSLEY from Iowa has been doing the same for years. I think we have joined as cosponsors of each other's legislation. But I remember giving an eloquent speech—as I thought anyway—as a young Member of the Senate, on a Friday as I recall, about why we should apply all the same laws to Members of Congress. As I was leaving, one of the older Members of the Senate, a very senior Member of the Senate, said, "Where are you going?" I said I was heading to the airport to catch a plane back to Vermont. His response was, "Good. Stay there." The legislation was not greeted with enormous enthusiasm. I know the Senator from Ohio and the Senator from Iowa have experienced similar things—we have commiserated with each other about it—the latest being even on Sunday when the Senator from Ohio and I had a chance to join each other for lunch. But what I want to do is give employees of the Congress the same protections available to other workers in the Federal Government and private sector.

As we changed from the majority to the minority, the new majority came in and, as is perfectly appropriate, they did a great deal of new hiring. I have no problem with that. I have been here in the majority and then the minority, and I have gone back and forth four times. I know a lot of staff changes with that. But I was surprised by news reports that the Republican Study Committee required prospective congressional employees to take an ideological litmus test, not so they could be hired but they had to take it before they could even be listed with a placement service.

Mr. President, I think Senators know me well enough to know this is not partisan. I would object to this whether Republicans or Democrats did it. I do not know whether these questionnaires are legal under Federal laws or the rules of the Senate, but they smack of McCarthyism while I was a teenager during the fifties. I know enough about McCarthyism to know how destructive to human beings and the sense of the public comity loyalty oaths can be.

I have a copy of the questionnaire, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPUBLICAN STUDY COMMITTEE—ISSUES QUESTIONNAIRE

The following questions are designed to assist us in placing you with an office in which you are most compatible. If you tend to agree with the statements put a "Y" in the blank. If you tend to disagree with the statement, put a "N" in the blank.

DEFENSE/INTERNATIONAL

___ The United States devotes too great a portion of its budget to defense spending in the post Cold-War era.

___ The U.S. should not move to deploy current SDI technologies. SDI is better off as just a research program.

___ Homosexuality is compatible with service in the U.S. military.

___ A strong Israel is vital to American interests in the Middle East.

___ The U.S. should get approval from the United Nations before engaging in any military action abroad.

SOCIAL/DOMESTIC

___ The death penalty should never be available as a sentencing option for federal crimes.

___ Additional restrictions on handguns are needed to reduce the murder rate in the U.S.

___ Abortion should only be allowed in cases of rape, incest, or to protect the life of the mother.

___ Membership in a union should be at the option of the employee and not a requirement for employment.

___ Members of disadvantaged groups should be given preference in hiring and admissions in order to correct for past inequities.

___ Voluntary prayer should be allowed in schools.

___ Public health concerns should take precedence over civil rights concerns in dealing with the current AIDS crisis.

___ Abortion should be viewed as a woman's right to control her own body.

BUDGET/ECONOMY

___ Restrictions on imports are an effective tool to protect U.S. jobs and improve the economy.

___ The threat of global warming requires strict limits on carbon dioxide emissions.

___ Health care is a fundamental right which the U.S. government should guarantee to every citizen.

___ Congress should enact a Constitutional Amendment to require a balanced federal budget.

___ Congress should enact higher taxes as long as the revenue is earmarked for deficit reduction.

Following are a number of organizations and people involved in public policy. Indicate your general agreement with a (+) and general disagreement with a (−), or leave the space blank if you have no opinion.

___ American Civil Liberties Union.
___ Common Cause.
___ National Right to Work.
___ National Education Association.
___ National Organization of Women.
___ National Right to Life Committee.
___ Planned Parenthood.
___ National Rifle Association.
___ Sierra Club.
___ United Nations.
___ Al Gore.
___ Jesse Helms.
___ Ted Kennedy.
___ Dan Quayle.
___ Bob Dole.
___ George Bush.
___ Newt Gingrich.
___ Richard Gephardt.

REPUBLICAN STUDY COMMITTEE

[MEMORANDUM]

To: Job Seekers.

From: Grace L. Crews, Job Bank Coordinator.

This is just a brief note to explain the RSC Job Bank to you. The RSC is a Republican research organization which exists solely for the aid of its members.

The RSC provides numerous services for its members including the Job Bank. When a member calls with a job vacancy, he/she gives us the description which includes title, duties, salary, contact, etc. We then refer resumes of qualified applicants to them for their consideration. If they are interested, they will contact you. You will not receive a call from us. Because most of our members prefer it, we never disclose the location of a vacancy.

Rest assured that the RSC wants you to find a job. We will do everything possible to aid you in your search. However, we cannot guarantee you a job, and we do not know of all the jobs on the Hill. Therefore, we ask that you do everything you can to aid in your search.

Because we receive so many resumes, it is impossible for us to keep in contact with you. Therefore, we ask that you keep in contact with us by letting us know when you have found a job or if you are still looking. If we do not hear from you within three (3) months, we will discard your resume. If you are still looking after that, you will have to give us a new one.

And now, for some important advice. Be flexible. We would all like to start at the top—very few of us get the chance. Be willing to do whatever it takes to get that Hill experience, even if you have to open mail for someone for a while. Don't price yourself out of the market. Be willing to negotiate salary. If you turn down a job because you think you are worth more than the Congressman is willing to pay, you may find yourself looking longer than you anticipated.

The RSC wishes you the best in your search for employment on the Hill.

JOB PLACEMENT INFORMATION

Date: ________

Name: ____________
Street: ____________
City: ____________
State: ____________
Zip: ____________
Home Phone: ____________
Work Phone: ____________
Home State: ____________
Position(s) Desired: (You may circle more than one.)
Chief of Staff/AA.
Legislative Counsel.
Committee Staff.
Legislative Director.
Legislative Assistant.
Legislative Correspondent.
Press Secretary.
Caseworker.
Office Manager.
Scheduler.
Receptionist.
Systems Manager.
If applying for a clerical position, please indicate your appropriate skills:
Typing (wpm).
Shorthand (wpm).
Computer system(s) & applications.
Salary Range: ____ to____.
Ideology: Do you consider yourself (please circle one): conservative moderate liberal.
Campaign Experience: Yes ☐ No ☐.
Fundraising Experience: Yes ☐ No ☐.
Hill Experience: Yes ☐ No ☐.
Press Experience: Yes ☐ No ☐.
Senior Management Experience: Yes ☐ No ☐.
Speech Writing Experience: Yes ☐ No ☐.
Issue(s) Expertise: ____________
Security Clearance: Yes ☐ No ☐ Level ____.
Would you like this inquiry kept confidential? Yes ☐ No ☐.

Please send this information sheet, a copy of your updated resume, the questionnaire, and a list of references to: Republican Study Committee, 433 Cannon HOB, Washington, D.C. 20515 or fax it to (202) 225-8705. Should you have any questions, please call (202) 225-0587.

REPUBLICAN STUDY COMMITTEE
INSTRUCTIONS FOR RSC JOB BANK

(1) Please read top sheet and fill out both the application and issues questionnaire.
(2) Attach résumé between application sheet and questionnaire with paper clip.
(3) Place in designated box.

Mr. LEAHY. This legislation is designed to give the employees of the Congress the same protections that are available to other workers in the Federal Government and the private sector.

I was surprised by recent news reports that the Republican Study Committee required prospective congressional employees to take an ideological litmus test before they could be listed with their placement service.

I do not know whether such questionnaires are legal under Federal law or under the rules of the Senate. I do know, as one who lived through the McCarthyism of the 1950's, how destructive, to both human beings, and to the sense of public comity, loyalty oaths can be.

That is why I requested a copy of the questionnaire and related materials. Let me take a few minutes of the Senate's time to describe what I found.

The Republican Study Committee, an organization of the House of Representatives, which among other activities, provides an employment service for persons who are applying for jobs with Republican Members of the House. It provides prospective employees with a set of materials which includes a questionnaire. This questionnaire asks a large number of very definitive policy questions about a prospective employee's views.

For example, it asks questions about the applicants views on abortion, school prayer, and AID among others.

It also asks whether the applicant is in general agreement with ACLU, National Right to Work, NEWT GINGRICH, TED KENNEDY, or RICHARD GEPHARDT. Apparently new litmus tests to judge an employee's political correctness are now in order.

Of course, these questions are "designed to assist in placing you with an office in which you are most compatible."

The reality is that these kinds of questions are getting close to loyalty oath type questions of the 1950's.

Soon will employees be asked, "Are you now or have you ever been a member of Common Cause?

"Are you now or have you ever been a member of Planned Parenthood?

"Are you now or have you ever been a member of the Sierra Club."

Are we on the way to a new type of politically correct rightwing thinking?

This questionnaire is not new. One of my current employees encountered this questionnaire when she was looking for an entry-level job on the Hill over 3 years ago. More concerned about being a part of the democratic process than in ideology, she applied at both Democratic and Republican service offices. What kind of signal does the RSC questionnaire send to prospective employees like her? Clearly, it strikes a blow at the idealism of our young people and discourages them from participating in the democratic process.

This is not a difficult issue to decide.

The public wants an end to partisan politics, and this litmus test is nothing but partisan.

We want to encourage our youth to participate in the democratic process, this litmus test destroys the idealism of our youth.

The Republican leadership has pledged to make Congress be held to the same laws as it imposes on others, this litmus test flies in the face of that pledge.

Above all, there is too often a sense of intolerance in the tone of debate in this country. We see this in tone in the abortion clinic shootings and bombings and when talk show hosts insult the President's wife.

I will not stand quietly and let a new "McCarthyism" take hold of this institution.

Mr. President, I will close with this: I have no problem with any Member, Democrat or Republican, wanting to hire staff that bears their views. I must say that in my own staff, I do not know whether most of the people in my office are Republicans or Democrats, unless they have been involved in something where they have made it clear to me. I know that I have hired people who were identified as Republicans back home, as well as identified as Democrats. I do not know what they belong to. I just do not want us to do things that would never be allowed at IBM, or Monsanto, or any other company.

I do not want to get into a litmus test for people even to be able to make a job application, because there are so many extremely good men and women in this country who should have an opportunity to seek jobs in the Congress if they want. But they should not have the door closed in their faces initially because they do not pass a particular litmus test.

I will ask the floor managers something and then I will yield to Senator MCCAIN. What happens with this amendment? Should we ask for the yeas and nays? What has been the process? I have been off the floor.

Mr. GRASSLEY. The yeas and nays have been requested on most amendments.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. As I understand it, these votes will be stacked.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

AMENDMENT NO. 4

Mr. MCCAIN. I take the floor this morning, Mr. President, to comment on both the amendment of the Senator from Kentucky, Senator FORD, concerning the frequent flier, frequent travelers benefits and its application to Members of Congress, as well as the Kerry amendment concerning personal use of campaign funds. The reason I do so is because I have been involved in both issues to a significant degree.

First of all, on the issue of the amendment by Senator FORD, Mr. President, I point out that in the legislation passed in the last Congress, the Federal Acquisition Streamlining Act conference report, my amendment, which appears on page 130 of the conference report said, "Requirement: Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel."

I see my friend from Ohio on the floor. If I can get the attention of the Senator from Ohio, I would appreciate it, since I am asking, and I know there were many aspects of this legislation he was responsible for, which I think was a landmark piece of legislation, the Federal Acquisition Streamlining Act. An amendment of mine was included in that, which said:

> Requirement: Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

I do not know if the Senator recollects that or not. From the nodding of his head, I see that he recalls that. Does the Senator recollect, also, that at that time it was mine, his, and Senator ROTH's understanding that it would apply to Congress as well as Federal employees?

Mr. GLENN. I would respond to my good friend by saying I think it should. We discussed that at the time, as I recall, and our exact reasoning why we did not make it apply that way, I do not quite recall at the moment. Looking at what is in the procurement bill this morning—and I think you have a copy—I would like to see that same provision go all across Government and apply to everybody. We gave some time to work this thing out.

In that procurement bill, section 6008, entitled "Cost Savings for Official Travel," it says:

> (a) Guidelines: The Administrator or General Services Administration shall issue guidelines to ensure that agencies promote, encourage, and facilitate the use of frequent traveler programs offered by airlines, hotels, and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

It goes on to say:

> Any awards granted under such a frequent traveler program accrued to official travel shall be used only for official travel.

I think it should apply across the board. We gave them 1 year to report on how they would enact this. I would like to see that same thing applied all across Government. We were discussing this morning whether to try to put this in as an amendment to this bill or subsequent legislation. The same thing should apply, and the Senator is absolutely correct.

Mr. McCAIN. Also, I remind my friend, Senator GLENN, that there was a colloquy between him and Senator ROTH, with the understanding that this particular provision would apply to Congress. Since then, it has been interpreted as not applying to Congress. And that is wrong, in my view.

I agree with the Senator from Ohio that it should apply to Congress. I believe that Senator FORD in bringing it up is entirely correct in doing so, because if we are going to take advantage of frequent traveler programs, those advantages should not then accrue to the personal use of Members of Congress.

So I would say I regret that the interpretation of what was already in law did not apply across the board to Congress. I think that it should in the future, and I believe the Ford amendment should make it applicable.

I also want to talk about the Kerry amendment here, which applies to the use of campaign funds for personal use. Last year, Mr. President, in the consideration of the campaign finance reform bill, I proposed an amendment prohibiting the use of campaign funds for personal purposes. Then Senator Boren, the manager of the bill, accepted that provision. And, obviously, as we know, the campaign finance reform bill never went anywhere. I applaud Senator KERRY for bringing up this issue. The fact is that there have been outrageous and incredible abuses of the system. On several occasions I talked about some of these abuses on the floor of the Senate, and it is part of the CONGRESSIONAL RECORD of May 25, 1993. I talked at length about it, as I did several other times.

Mr. President when people are using campaign money to commission artists to paint portraits of their father, thousands of dollars to decorate Senate offices, $6,000 on furniture and picture framing, $4,494 for an illuminated globe, resort vacations, and on and on and on, it is not only an abuse, but it is an outrage.

I intend to vote on the majority side to table both of these amendments. But I say to my Republican colleagues on this side of the aisle, the reason the American people voted as they did on November 8 is that they are fed up with the abuses, such as the personal use of campaign funds, such as frequent flier mileage and frequent traveler mileage, going for personal use. These must be addressed.

Now, I understand the desire of the majority, and I will accede to the desire of the majority, to table these so that we can get a bill through Congress.

If I had been writing the legislation, I say to my friend from Iowa, I would have included these, because they are needed reforms. They are the things which the American people, when they hear about them, are simply outraged, and they are not going to put up with it any longer.

So I say to my friends on this side of the aisle, speaking for only one individual Senator, if these reforms are not brought up in a reasonable time, meaning this year, and implemented, I will join with my colleagues on the other side of the aisle, whose newfound scheme for reform I applaud vigorously. But we cannot, by virtue of being in the majority, lull ourselves into a sense of complacency, into believing that issues such as personal use of campaign funds, such as the personal use of frequent flier mileage which is accrued through official business and used for personal use, are going to be acceptable to the American populace. It is not like that anymore.

So I strongly urge my colleague from Iowa, who is the manager of this bill—and I appreciate his enormous efforts on behalf of this legislation—to give serious consideration to bringing forward additional legislation at the appropriate time, in a timely manner, that addresses these and other issues that are being raised by my colleagues on the other side of the aisle.

So, Mr. President, I will not go on and on and specify the abuses, especially of the personal use of campaign funds. I did that last year on several occasions. Those abuses are well known, and they have to stop. I think we have to address it very soon.

Again, I congratulate my colleague from Iowa for his very hard work on this very important legislation. I look forward to supporting him. But again, we have to address all of these abuses and we have to do it soon.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I would like to commend the distinguished ranking member of the Rules Committee, Senator FORD, for his efforts in raising this issue and shedding some light on an inappropriate practice in which some elected officials have apparently been engaged.

Quite honestly, in my 2 years as a Member of the U.S. Senate, I do not believe we have had a vote that should be so straightforward for Senators to case as the vote on this amendment. In fact, this issue and this amendment can be summed up with one question: Should federally elected officials, who are well-compensated and receive ample health, retirement, and other such benefits, be allowed to take free frequent flyer trips at taxpayer expense? Some might suggest that I have just oversimplified what this issue is about. But I'm not oversimplifying the issue—it is that simple.

Mr. President, I am not aware of any public polling on this frequent flyer issue. But I am going to make a bold prediction here. Let's say you posed the following choice to 1,000 randomly selected individuals: If federally elected officials earn frequent flyer awards from travel that is paid for with taxpayer dollars, they should use the free travel award to: One, take a vacation; or two, save taxpayer dollars by using the award for future official travel expenses. I am willing to predict the vast majority would pick number two.

Last night, during debate on this amendment, the distinguished Senator from Iowa [Mr. GRASSLEY] argued that we should not dictate to the House of Representatives what their rules should be. The Senator from Iowa went on to say that we shouldn't worry about the House because they were on the verge of making this rule change last August and will deal with the issue again.

I would like to share the Senator's confidence in the House leaders on this particular issue, but I am afraid I cannot. The Senator from Iowa is quite correct when he states that the House came close to changing this rule last August. But it is my understanding that effort, led by a freshman Representative, was derailed with the help of the then-minority whip, Mr. GINGRICH. If it was possible to prevent this measure from passing last year while in the minority party, how are we to expect Mr. GINGRICH to raise this issue in his new position as Speaker of The House?

In fact, I recall speaker GINGRICH's comments on a Sunday morning television program just a few short weeks ago. When pressed on the issue of the frequent flyer perk, Mr. GINGRICH responded by asserting something to the effect that if Congress was able to balance the budget, fight crime and reform the welfare system, then people did not care about issues such as the frequent flyer perk.

Though I certainly share the Speaker's concern that we must address issues such as reducing the Federal budget deficit, I strongly disagree with his view that the American people do not care about reforming the Congress and changing the way Washington, DC, does business. People do care about the many perks Members of Congress receive, whether it is the free meals, travel and other gifts that are showered upon Members by the lobbying community, or the practice of converting these frequent flyer miles earned while traveling on official matters to free vacation trips.

The underlying bill, which I support, is an attempt to make Congress live under the same rules as our constituents do. But our constituents do not receive free meals and gifts from lobbyists, and when they go on vacation or travel on a personal matter, they pay for it. These are the rules by which elected officials should abide. And if these rules are right for those in the private sector, and are right for the executive branch, and are right for the U.S. Senate, then they should be right for the House of Representatives.

Mr. President, let me just conclude by saying that I am sensing another partisan vote on this amendment, similar to the vote last week on the gift ban amendment, and that is truly unfortunate. This is certainly not a partisan issue. The underlying bill will pass this Chamber with strong bipartisan support, and I am disappointed that further efforts to enact swift passage of critical reforms of our political system, such as banning gifts and changing the frequent flyer rule for elected officials, has fallen victim to the same partisan wrangling that has prevented such reforms from passing in previous years.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to say that I support the substance of both of the amendments that have been offered. But for reasons that are similar, really, and with the same sense of urgency expressed by my friend and colleague from Arizona and consistent with the position that my friend and partner on this underlying bill, S. 2, the Senator from Iowa, has stated all along, I will oppose these amendments, as I have all other amendments to this bill.

Mr. President, we have talked at length about the number of years that people have been working here in Congress to establish the basic principle of accountability. What I have said here earlier in this debate is kind of a reverse version of the Golden Rule, which is that we should do unto ourselves as we have done unto others for lo these many years, and that is to live by the laws that we imposed on the rest of America.

Senator GLENN, among those who are here, in my opinion, holds the record for having started this campaign—perhaps "crusade" is a better term—earlier on in the late 1970's. Senator GRASSLEY has been a leading and foremost advocate in recent years. It has been my privilege, over the last several years, to join with them, as a cosponsor of this bill with the Senator from Iowa in the last session of Congress, and a cosponsor again this year although, as I have indicated for the record, in the preceding session of Congress, this measure was known as the Lieberman-Grassley Act, and in this session it is known as the Grassley-Lieberman Act.

Whatever the name, the content and the purpose is the same. And it is the long overdue recognition that there is a double standard here that is no longer acceptable, that is unfair to our employees, and that shields us from the real world experience of understanding the impact of our deliberations and our actions on those millions of people out there, particularly small business people, who must live by the laws that we pass.

So when this debate began, Mr. President, I made a personal decision that when one considers the length of time that Congress has been aspiring to pass this measure, when one considers that last year it swept, in a bipartisan basis, through the House, I think with perhaps four votes opposed to it, when one considers there seemed to be a strong bipartisan support for this here in this Chamber last year, but in the final day or two of the session it was stopped from being taken up by the use of a rarely used parliamentary point, I made a judgment as this session started that I was going to oppose all amendments to S. 2, the Congressional Accountability Act, that did not go to the heart and substance of this proposal but that were adding on additional thoughts, even if one could stretch and construe some connection to the basic purpose of eliminating the double standard in these employment and safety laws.

It has not been pleasant or easy to sustain this position. Some of these amendments are good amendments. But it seemed to me that—not only because of my personal involvement in this issue and my desire not to gum up the works as we move toward adopting it, but also as an expression here at the outset of the session that the support for this measure is genuinely bipartisan and has always been so and is bicameral, and in fact extends to the executive branch of Government, where President Clinton has consistently over the last couple of years, and as recently as the last few days, restated his position strongly supporting the adoption of the Congressional Accountability Act—it seemed to me, mindful of the election returns last November and fresh from my own reelection campaign, in which I heard the people of Connecticut certainly clearly saying to me that they do not really care that much anymore about what party label you wear, they care about what you have done or what Congress has done, that they want the nonsense and the gridlock to end; they want us to deal with some real problems, and they want us to shake up this institution and put some value into what we are doing here and not get into partisanship.

So in that sense, I made the judgment that the best that we could do was to adopt this, to not let anything stand in the way, and hopefully get it to the President—get it back to the House, let the House receive it in a form which they could adopt without the need for a conference committee—send it to the President, and let us show the American people that both parties, both Houses, and the executive and the legislative branch, agree on this basic principle. Let us get it done. If I may paraphrase an earlier great Democratic President, President Kennedy, who said, "A rising tide raises all boats," part of what I am saying here is that a rising tide of accomplishment by Congress will, in fact, raise all boats.

This will not and should not be a partisan achievement, but very much a victory for principle, a victory for Congress, and a victory for the American Government, showing it can quickly and expeditiously do something right. I wanted to state that on the record to explain why I voted against all previous amendments, why I will vote against these two amendments, and why I will continue to vote against amendments on this bill, hoping that we can pass this bill tonight or tomorrow and get it on its way to becoming the law it ought to be.

Mr. President, having stated that, I would like to respond to some of the points that have been made against the bill. I say to the two managers of the bill, the Senator from Iowa and the Senator from Ohio, if at any point either Senator would wish to regain the floor, or others come and wish to proceed on their amendments, I will be glad to yield upon notification to that affect.

Mr. President, some of the arguments made in opposition to S. 2 in the last couple of days are serious ones. I want to respond to them. One argument made goes to the heart of the construct of the bill that Senator GRASSLEY, I, and Senator GLENN, in his capacity as chair last year of the Government Affairs Committee, have brought out. The argument is that this bill—and forgive the pejorative use of the term, an excuse for inaction on this measure for years—this bill represents a violation or a potential violation of the separation of powers doctrine and the speech or debate clause.

I must say to the presiding officer and my colleagues that when I first arrived here, the first time this measure came up, I inquired why people were opposing it because it seemed pretty sensible that we should live by the same laws we apply to everybody else. The answer I heard was the separation of powers doctrine. I remember going back home to a town hall meeting and having somebody ask me about the measure, and I started to give the separation of powers doctrine response. It was a moment where the more I declared it, the less I believed it, remembering that old wisdom that, if you are making a statement that you yourself have trouble believing, you better not make the statement and you better reconsider your position.

I do not think this is a violation of the separation of powers doctrine. First of all, there is no express separation of powers clause in the Constitution. It is important to point that out. This is a doctrine that is said to underlie the structure of the Constitution. In fact, there is some obvious strength to that argument. The principle is most visibly seen in the separation of the powers of the three branches into three separate articles respectively. The doctrine is also discussed in the Federalist Papers, as well as other writings that informed the drafting of the Constitution.

The separation of powers doctrine has been the most frequently cited constitutional objection to private rights of action in district court for our employees under this bill, as well as executive branch enforcement of the laws. Using this broad-based argument, I think, distorts the historical intent of the separation of powers doctrine. It is also not an adequate explanation for why we do not apply the laws we adopt to ourselves.

The basic idea, it seems to me, is to limit each branch to a certain set of powers subject to checks by the other two branches, so that no one branch can accumulate a level of power that becomes—to use the term that was very much in the mind of the Framers—tyrannical or like a monarch in its effect on the public or on individual American citizens.

The separation of powers principle was envisioned and incorporated into the Constitution by the Framers not explicitly but implicitly with the idea of precluding any one branch of the Federal Government from seizing a degree of power that could be used against the people of America in a tyrannical fashion without check by the other two branches of Government. However, it is clear from Madison's writing in Federalist 47 that the separation of powers principle was not designed to insulate one branch of the Government or its servants, that is to say, those who serve within that branch of Government, from the rule of law. That would have been a strange result for those who framed our Constitution and were so mindful of not insulating those in power from the rule of law.

Indeed, Madison wrote in Federalist 57 that:

> The Congress can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government denigrates into tyranny.

What a magnificent statement by Madison, resonating with real insight and strength through the centuries to this debate on this floor of this great Chamber today in 1995.

Mr. President, in concluding my remarks on this question, I would like to note that it is the speech and debate clause, and that clause only, which provides Members of Congress any immunity whatever from prosecution or action by the executive or the judiciary. In the case of Davis versus Passman, a 1979 case, the Supreme Court held that while the speech or debate clause does protect Members of Congress from suit for actions which were strictly legislative in function—and I will discuss in a moment what the Court has defined as "legislative"—speech or debate immunity is the only source of immunity, not other principles of separation of powers as well. In short, the broad principle of separation of powers is meant to protect the people from the Government, not to protect one branch of Government from the other two, nor to protect Members of Congress from prosecution or suit for their own misdeeds.

Mr. President, at the Governmental Affairs Committee hearing in June of last year on this measure, constitutional law professor Nelson Lund and our own Senate legal counsel, Michael Davidson, both said, while it may be constitutionally permissible to allow the executive branch to enforce employment laws on the legislative branch, this legislation recognizes, as a policy decision, not a constitutional decision, that allowing executive enforcement might upset the current balance of power between the executive and legislative branches.

So our goal in creating the independent Office of Compliance within this bill, S. 2, was to avoid, frankly, politically motivated enforcement actions by executive branch agencies. One cannot imagine—without regard, obviously, to the current occupant of the position—a Secretary of Labor ordering an OSHA inspection of a Senator's personal office because that Senator had aggravated that Secretary for some reason, perhaps by holding oversight hearings on the Department of Labor, or perhaps by casting a vote that displeased the Member of the Cabinet. I think you can see why, on a practical basis, this decision was made to set up the independent Office of Compliance. It is, really, more in deference to the checks and balances principle than to the separation of powers principle.

Now, Mr. President, let me speak for a moment about the speech or debate clause immunity which is in article I, section 6, of the Constitution.

I, frankly, think this provides the most interesting argument against executive branch enforcement or judicial review. But historically, it is important to state the speech and debate clause has been read narrowly by the courts, and our conclusion was that it should not and cannot provide Members of Congress with immunity for illegal employment actions, for illegal actions in our capacity as employers of those who work for and with us here on Capitol Hill. The speech and debate clause says:

> They—

The Members of Congress—

> shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

The origins of speech or debate immunity can be traced to the formation of the English Parliament when members of Parliament sought to protect themselves from retribution by the monarch for speeches or acts in the House of Commons that were viewed as hostile to the crown.

Mr. President, in July of last year, the Court of Appeals for the D.C. circuit rejected a House Member's speech-or-debate-clause defense in a prosecution by the Justice Department. These cases are very recent. The U.S. District

Court for the District of Columbia also issued a similar ruling, in the same week last year against a Senator saying the Department of Justice has the power to prosecute violations of Senate Rules Committee regulations, even when the Rules Committee itself has not concluded that a violation occurred.

In the first ruling, the appeals court cited several cases in which the Supreme Court had held that the speech-or-debate clause immunity extends only to acts that are "legislative in nature" or related to "the legislative process." The defendant's alleged impropriety, the Court said, "was not related to a pending bill or to any other legislative matter; it was, instead, the Congressman's defense of his handling of various financial transactions."

So I would say, drawing analogy from these cases and others I could cite, it is reasonable to assume that an illegal employment action would not be regarded by the courts as an act that is "legislative in nature." In fact, this issue is thoroughly examined in a memo by John Killian, senior specialist, American constitutional law, American Law Division at CRS, dated June 4, 1993, in which Mr. Killian writes:

> A persuasive argument can be made that the speech or debate clause does not encompass employment decisions.

While Mr. Killian prefaces his interpretation by noting that the constitutional text, history, purposes and the judicial precedents are not fully dispositive, "the text," he says, "as informed by the interpretive judicial decisions does rather strongly suggest that the courts would sustain the validity of the enactment should Congress choose to take the step."

He adds:

> Certainly, an expressed decision made legislatively by Congress that employment decisions of Members can be placed outside coverage of the clause would be a determination by the body most familiar with the issue that should be entitled to special deference by the courts when they are called upon to pass on the question of the validity of congressional coverage under the appropriate statute.

Of course, this is just common sense that the speech-and-debate clause on its face would not seem to be a clause that would make us immune from the impact of the laws we adopt and impose on all other employers when we are acting as employers instead of as Members of the Congress involved in legislation.

Mr. President, I will go on to another argument that has been made a couple of times here on the floor; and that is that this bill, S. 2, will cost too much money. At times, opponents of congressional compliance have claimed that it would cost billions of dollars to implement and even require the construction of new office buildings. The testimony that the Governmental Affairs Committee received last June, as well as CBO's analysis of the committee-reported bill, showed that such fears, while understandable, are unfounded. There is no OSHA space requirement for offices. Indeed, the Architect of the Capitol and the Congressional Budget Office both anticipated in their reviews of this legislation little, if any, additional expense for OSHA compliance.

Because this new bill, S. 2, was introduced just last week, we have not had time to receive a formal cost estimate from the CBO. But I suggest to my colleagues that it is fair and reasonable to assume from the CBO estimate of the bill reported by the Governmental Affairs Committee in September, since this bill is so close to that bill, that the original cost estimate would prevail for this as well.

We also received a cost estimate from CBO on last year's House-passed bill as well as the bill reported by the Senate Governmental Affairs Committee and the estimates CBO arrived at in both cases were far, far lower than anyone expected or thought possible.

Mr. President, at this point, I would like to submit for the RECORD those two cost estimates which I believe the Members may wish to peruse, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the estimates were ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 3, 1994.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4822, the Congressional Accountability Act.

Enactment of H.R. 4822 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 3, 1994

1. Bill number: H.R. 4822.

2. Bill title: Congressional Accountability Act.

3. Bill Status: As ordered reported by the Senate Committee on Governmental Affairs on September 20, 1994.

4. Bill Purpose: H.R. 4822 would apply a host of employee protection laws to legislative branch employees and would create an Office of Congressional Fair Employment Practices (OCFEP) to enforce those protections. The board of directors of OCFEP would issue rules to apply the laws to the legislative branch, enforce those rules through inspections, and establish procedures for remedying violations of the rules. Most rules would take effect when the board issues them in final form, unless the House and Senate pass a concurrent resolution that disapproves them. Certain rules that, in effect, create new law would have to be enacted by the Congress and signed into law by the President.

In addition, H.R. 4822 lays out a four-step process by which employees can seek, redress if their rights under most of the employee protection laws are violated—counseling, mediation, formal complaint and hearing, and judicial review of the process. As an alternative to a formal complaint and hearing before the OCFEP, the bill would allow employees to take their case to a U.S. district court after the mediation step. The four-step process basically duplicates the process that the Senate already has in place for its employees, and would expand the options available to House employees who currently cannot present their case before an independent hearing board (because House hearing boards have consisted only of House employees) and who have no access to judicial review. Currently, few Congressional employees, and none in the House or Senate, have the option of taking their case to a district court (instead of formal complaint and hearing) as the bill would permit.

For certain laws, the bill would provide alternative procedures. For example, for violations of title II of the Americans With Disabilities Act (ADA) and the Occupational Safety and Health Act (OSHA), private citizens and Congressional employees, respectively, could ask the general counsel of OCFEP to investigate. The general counsel, in the case of ADA, could initiate the four-step process, or in the case of OSHA, could issue citations. In neither case could the employees take their complaints to a district court. (Under OSHA, private citizens also may not bring a complaint to court.)

If the appropriate entity, whether the OCFEP or district court, finds that an employee's rights were violated, it could enter an order for a remedy for the employee, subject to the availability of funds that may be appropriated by the Congress after enactment of H.R. 4822. The bill would establish separate settlement and award reserve funds in the House and the Senate to pay compensation that may be ordered as part of the remedy, and would authorize the appropriation of amounts necessary to pay compensation as ordered. Such appropriations would be the only source for paying compensation because the bill dictates that no compensation may be paid from the Claims and Judgments Fund in the Treasury.

5. Estimated cost to the Federal Government: CBO estimates that enactment of H.R. 4822 would cost about $1 million in each of fiscal years 1995 and 1996, and $4 million to $5 million annually thereafter for the new OCFEP, for agency costs of negotiating with employees' bargaining units, and for paying compensation under remedy orders. Applying certain laws, such as the OSHA and the Fair Labor Standards Act (FLSA), to the entire legislative branch could result in some additional costs, but we do not expect such costs to be substantial. To some extent, the amount of such costs would depend on decisions to be made by the OCFEP as to precisely how the laws would apply to legislative branch employees.

BASIS OF ESTIMATE

Office of Congressional Fair Employment Practices

The primary budgetary impact of H.R. 4822 would stem from creating the new office to implement the employee protection laws throughout the Congress. Based on the costs of the Senate Office of Fair Employment Practices and of the Personnel Appeals Board at the General Accounting Office

(GAO), CBO estimates that the OCFEP would cost an additional $1 million in each of fiscal years 1995 and 1996. (The rules implementing all of the laws would be phased in and would be in effect by the end of 1996.) The cost would be relatively small in these years because the office would be evaluating how to apply certain laws to the Congress. In subsequent years, the cost would increase to $2 million to $3 million annually because the office would have to implement enforcement procedures and arrange for OSHA inspections.

Settlement and Award Payment

The bill would authorize the appropriation of such sums as necessary to pay compensation to employees whose rights under H.R. 4822 are violated. Under existing law, if the rights that Congressional employees currently have are violated and the House or Senate Office of Fair Employment Practices orders payment of compensation, the Congress must appropriate funds to make the payment. Otherwise, an employee has no recourse to another mechanism to receive compensation. Based on the limited, recent experience of the House and Senate in paying compensation under existing employee protection laws, CBO expects that total compensation paid to legislative branch employees in some years could be between $0.5 million and $1 million. CBO assumes that the Congress would appropriate the necessary amounts. If the Congress does not appropriate sufficient funds, then there would be no mechanism to provide compensation ordered under the processes provided in the bill.

Federal Labor-Management Relations

H.R. 4822 would extend to all legislative branch employees the same right that the Government Printing Office (GPO), the Library of Congress (LoC), and executive branch employees currently have to organize, form bargaining units, select a union representative, negotiate with employers, and bring grievances to the Federal Labor Relations Authority (FLRA). (GAO already negotiates with its employees, but its cases do not go to the FLRA.) If employees in the House, Senate, the Architect, CBO, and the Office of Technology Assessment (OTA) were to decide to organize and force their employers to negotiate with various bargaining units, the employers would incur additional staff costs in order to meet their responsibilities under the law. Based on the experience at GPO and LoC, it appears that an agency with several thousand employees could spend $200,000 to $300,000 per year for a lawyer and part of the time of personnel officers who must work with the bargaining units. CBO cannot predict to what extent employees at the affected agencies would decide to take advantage of their opportunity to organize under this law, but even if a few did at each agency, total agency costs could be in the neighborhood of $1 million annually.

OSHA Protections

H.R. 4822 would extend to all legislative branch employees the protections of OSHA, which requires a workplace free from recognized hazards. It is possible that application of OSHA standards could result in additional costs to remedy any violations, but it is likely that many of the major remedial actions would be done in any event.

Industrial Settings. Because most existing OSHA standards apply primarily to industrial workplaces, the employees and workplaces most likely affected by the bill would be those of the Architect of the Capitol. The Architect's office has stated in Congressional hearings that it already strives to comport with all relevant standards. The Architect employs several inspectors who visit all workplaces under the Architect's control to identify problems requiring remedy. Over the past several years, the Architect, sometimes with line-item funding direction from the Congress, has undertaken many building improvement efforts, such as structural repair and electrical rewiring, in buildings of the House, Senate, and Library of Congress.

However, while the Architect might already be identifying big problems, small problems might still arise. In October 1992, GAO, at the request of the Congress, reported on violations of numerous OSHA standards by four employers in the legislative branch, including the Architect and the GPO. The employers not only agreed that the violations needed correction, but were able to do so at minimal expense. None needed to request additional funding to remedy the violations. Thus, it appears that the formal application of OSHA standards to the activities of the Architect is unlikely to add significantly to costs that would otherwise be incurred.

Office Settings. There are few OSHA standards that apply specifically to an office-type workplace, which is the type of environment most commonly founds in the Congress. For example, there is no OSHA standard guaranteeing employees a minimum amount of space and quiet in which to work (although there is General Services Administration guideline governing the maximum amount of space for executive branch employees so agencies do not consume too much space). Therefore, applying OSHA standards to the House, Senate, and other Congressional entities would not, by itself, necessitate construction of additional Congressional office buildings.

The few relevant OSHA standards relate to the proper location and use of wires, extension cords, electrical outlets, file cabinets, and clear walkways to protect employees against tripping, shocks, fires, falling objects, and blocked exits in case of evacuation. Because the Architect does not control the space where these hazards could occur, the rules issued by the board would likely make the employers—Senators, Representatives, committee chairmen, and agency directors—responsible. Complying with these standards probably would require a change in practices rather than significant additional space or cost.

Future OSHA standards for office-type workplaces could result in additional costs for the Senate. For example, OSHA is currently preparing regulations for ergonomic office equipment and furniture to protect employees against physical ailments resulting from inadequate lighting and positioning. In the absence of specific standards, CBO has no basis for estimating the cost of providing Congressional employees with furniture that would meet future OSHA requirements.

FLSA Protections

The FLSA requires employers to provide the minimum wage, equal pay, and time-and-one-half for overtime in excess of 40 hours in one week for certain types of employees. H.R. 4822 would require legislative branch employers to pay affected employees according to these standards. But Congressional employers would be allowed to grant compensatory time off (equal to one and a half hours of overtime worked) instead of overtime pay if the employee so chooses in advance of performing the overtime work. This provision would result in some combination of increased spending by Congressional employers because of overtime pay, and increased time off for certain employees who might opt for compensatory time instead of overtime pay. The impact of FLSA ultimately would depend on how the OCFEP defines which employees are to be covered by FLSA and on whether employees would choose overtime pay or compensatory time off. The bill would require the board to issue rules that outline how the protections of the FLSA will apply.

If, for example, the board were to issue rules similar to the guidelines issued in 1991 by the Committee on House Administration (FLSA has applied to House employees since 1989), then FLSA would probably have little impact on the amount of additional leave employees would be able to take. It appears from the House guidelines and the amount of overtime paid to House employees in recent years (less than $200,000 annually) that most House employees are exempt from FLSA and those who are not exempt do not work much overtime.

One group of employees that could potentially receive significant amounts of overtime pay would be the Capitol Police. Under current law, officers receive compensatory time for the first four hours worked in excess of 40 hours and then receive overtime for any additional hours. If all Capitol Police employees opted for overtime pay under FLSA for their first four hours of overtime, spending would increase by about $0.8 million per year. Because some Capitol Police employees are likely to select compensatory time, the amount of additional overtime pay would be less than $0.8 million.

Other Applicable Laws

Some of the laws that H.R. 4822 would apply to the entire legislative branch are laws that already apply to some or all Congressional employers through existing statute or because the employer voluntarily complies. Therefore, they are not likely to result in additional costs. For example, the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act, which prohibit employer discrimination based on disability or race, already apply to the Senate, House, CBO, GAO, GPO, LoC, the Architect, and OTA—entities that employ almost all of the 38,000 legislative branch employees. The Family and Medical Leave Act, which guarantees employees a certain amount of unpaid leave without fear of losing their job in order to care for a new baby or a sick relative, also applies now to all these employers.

Other laws apply to some employers now, but would apply to all upon enactment of H.R. 4822. For example, the Rehabilitation Act (which requires the government to contract with vendors that provide employment opportunities for the disabled) only applies to the Senate and the Architect. But because the Rehabilitation Act has been largely superseded by the ADA, which all the employers must already comply with, application of the Rehabilitation Act is not expected to affect employers' practices. The Age Discrimination in Employment Act (ADEA) does not apply currently to the House, CBO, and certain employees of the Architect, but the House has adopted a rule that "personnel actions affecting employment positions in the House . . . shall be made free from discrimination based on . . . age." H.R. 4822 would codify this policy. The bill, however, would provide such employees with improved procedures for seeking redress if they experience discrimination because of age (as well as race, color, national origin, religion, sex, or disability). CBO expects that applying the

ADEA would not result in significant additional costs.

6. Pay-as-you-go considerations: None.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On August 2, 1994, CBO prepared a cost estimate for H.R. 4822, as ordered reported by the House Committee on Rules on July 29, 1994. That bill is similar to the Senate version of H.R. 4822, except that in the House version, the Claims and Judgments Fund in the Treasury would be available to pay compensation to remedy violations of employees' rights in the event the Congress does not appropriate sufficient funds. Because, under the House version of H.R. 4822, employees would have a permanent right to be paid compensation, CBO estimated an increase in direct spending of $1 million in 1997 and 1998, which would count for pay-as-you-go purposes. In the Senate version of H.R. 4822, employees' right to compensation under a remedy would be limited to amounts that may be appropriated to the House and Senate settlement funds (or to other legislative branch entities). The Claims and Judgments Fund in the Treasury would be unavailable to pay compensation in the event of insufficient appropriations. Therefore, the funding mechanism to pay compensation would be discretionary, not direct spending, and pay-as-you-go procedures would not apply.

Another difference between the House and Senate versions of H.R. 4822 is that the House version would require that certain employees receive overtime pay under FLSA, resulting in higher outlays for legislative branch agencies, especially the Capitol Police. The Senate version of H.R. 4822 would allow employees to choose between receiving overtime pay, which would increase outlays, or receiving compensatory time, which would give them more time off, but would not increase spending.

On August 2, 1994, CBO prepared a cost estimate for H.R. 4822, as ordered reported by the Committee on House Administration on July 28, 1994. That version of the bill is nearly identical to H.R. 4822 as ordered reported by the House Committee on Rules.

On June 30, 1994, CBO prepared a cost estimate for S. 1824, as ordered reported by the Senate Committee on Rules and Administration on June 9, 1994. That bill is different from the Senate version of H.R. 4822 because it would cover only Senate employees and because it would only apply OSHA and FLSA to the Senate. H.R. 4822 would apply these two laws, as well as six others, to the entire legislative branch and would create a consistent procedure to enforce the laws equally for all legislative branch employees. CBO has estimated a higher cost for H.R. 4822 than for S. 1824.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 2, 1994.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4822, the Congressional Accountability Act.

Because enactment of H.R. 4822 could affect direct spending, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, AUGUST 2, 1994

1. Bill number: H.R. 4822.

2. Bill title: Congressional Accountability Act.

3. Bill status: As ordered reported by the Committee on House Administration on July 28, 1994.

4. Bill purpose: H.R. 4822 would apply to a host of employee protection laws to legislative branch employees and would create an Office of Compliance to enforce those protections. The office would issue regulations to apply to the legislative branch, enforce those regulations through inspections, and establish procedures for remedying violations of the regulations. Further, the board of directors of the office would have to prepare a study on whether any other laws affecting employees ought to apply to the legislative branch, and then would issue regulations specifying the way in which such laws would apply. The regulations would take effect 60 days after the board issues them in final form unless the House and Senate pass a concurrent resolution that disapproves them.

In addition, H.R. 4822 lays out a four-step process by which employees can seek redress if their rights under the laws are violated—counseling, mediation, formal complaint and hearing, and judicial review of the process. As an alternative to the formal complaint and hearing before the Office of Compliance, the bill would allow employees to take their case to U.S. district court after the mediation step. The four-step process basically duplicates the process that the Senate already has in place for its employees, and would expand the options available to House employees who currently cannot present their case before an independent hearing board (because House hearing boards have consisted only of House employees) and who have no access to judicial review. Currently, few Congressional employees, and none in the House or Senate, have the option of taking their case to district court (instead of formal complaint and hearing) as the bill would permit.

If the hearing board or district court finds that an employee's rights were violated, it may enter an order for a remedy for the employee. The bill would establish separate funds in the House and the Senate to pay compensation that may be ordered by the remedy.

5. Estimated cost to the Federal Government: CBO estimates that enactment of H.R. 4822 would cost about $1 million in each of fiscal years 1995 and 1996, and $4 million to $5 million annually thereafter for the new Office of Compliance, for additional overtime pay for officers of the Capitol Police, and for agency costs of negotiating with employees' bargaining units. Applying certain laws, such as the Occupational Safety and Health Act (OSHA) and the Fair Labor Standards Act (FLSA), to the entire legislative branch could result in some additional costs, but we do not expect such costs to be substantial. To some extent, the amount of such costs would depend on decisions to be made by the Office of Compliance as to precisely how the laws would apply to legislative branch employees.

BASIS OF ESTIMATE

Office of Compliance

The direct budgetary impact of H.R. 4822 would stem from creating the new office to implement the employee protection laws throughout the Congress. Based on the costs of the Senate Office of Fair Employment Practices and of the Personnel Appeals Board at the General Accounting Office (GAO), CBO estimates that the Office of Compliance would cost about $1 million in each of fiscal years 1995 and 1996. The cost would be relatively small in these years because the office would be evaluating whether and how to apply certain laws to the Congress. In subsequent years, the cost would increase to $2 million to $3 million annually because the office would have to implement enforcement procedures and arrange for OSHA inspections.

OSHA Protections

H.R. 4822 would extend to all legislative branch employees the protections of OSHA, which requires a workplace free from recognized hazards. It is possible that application of OSHA standards could result in additional costs to remedy any violations, but it is likely that many of the major remedial actions would be done in any event.

Industrial Settings. Because most existing OSHA standards apply primarily to industrial workplaces, the employees and workplaces most likely affected by the bill would be those of the Architect of the Capitol. The Architect's office has stated in Congressional hearings that it already strives to comport with all relevant standards. The Architect employs several inspectors who visit all workplaces under the Architect's control to identify problems requiring remedy. Over the past several years, the Architect, sometimes with line-item funding direction from the Congress, has undertaken many building improvement efforts, such as structural repair and electrical rewiring, in buildings of the House, Senate, and Library of Congress.

However, while the Architect might already be identifying big problems, small problems might still arise. In October 1992, GAO, at the request of the Congress, reported on violations of numerous OSHA standards by four employers in the legislative branch, including the Architect and Government Printing Office (GPO). The employers not only agreed that the violations needed correction, but were able to do so at minimal expense. None needed to request additional funding to remedy the violations. Thus, it appears that the formal application of OSHA standards to the activities of the Architect is unlikely to add significantly to costs that would otherwise be incurred.

Office Settings. There are few OSHA standards that apply specifically to an office-type workplace, which is the type of environment most commonly found in the Congress. For example, there is no OSHA standard guaranteeing employees a minimum amount of space and quiet in which to work (although there is a General Services Administration guideline governing the maximum amount of space for executive branch employees so agencies do not consume too much space). Therefore, applying OSHA standards to the House, Senate, and other Congressional entities would not, by itself, necessitate construction of additional Congressional office buildings.

The few relevant OSHA standards relate to the proper location and use of wires, extension cords, electrical outlets, file cabinets, and clear walkways to protect employees against tripping, shocks, fires, falling objects, and blocked exits in case of evacuation. Because the Architect does not control the space where these hazards could occur, the regulations issued by the Office of Compliance would likely make the employers—Senators, Representatives, committee chairmen, and agency directors—responsible. Complying with these standards probably would require a change in practices rather than significant additional space.

Future OSHA standards for office-type workplaces could result in additional costs for the Senate. For example, OSHA is currently preparing regulations for ergonomic office equipment and furniture to protect employees against physical ailments resulting from inadequate lighting and positioning. In the absence of specific standards, CBO has no basis for estimating the cost of providing Congressional employees with furniture that would meet future OSHA requirements.

FLSA Protections

The FLSA requires employers to provide the minimum wage, equal pay, and time-and-one-half for overtime in excess of 40 hours in one week. The impact of FLSA on the appropriated accounts that pay salaries and expenses for Congressional employees ultimately would depend on how the Office of Compliance defines which employees are to be covered by FLSA. The bill would require the office to issue regulations that outline how the protections of the FLSA will apply.

If, for example, the office were to issue regulations similar to the regulations issued in 1991 by the Committee on House Administration (FLSA has applied to House employees since 1989), then FLSA would probably have little budgetary impact. It appears from the House regulations and the amount of overtime paid to House employees in recent years (less than $200,000 annually) that most House employees are exempt from FLSA and those who are not exempt do not work much overtime. (We do not know whether the result would be different if the Office of Compliance were to adopt the Department of Labor's regulations that apply FLSA to the private sector and to state and local governments.)

One group of employees most likely to receive additional overtime pay under any set of regulations is the Capitol Police. Under current law, officers receive compensatory time for the first four hours worked in excess of 40 hours and then receive overtime for any additional hours. Applying FLSA to the Capitol Police would result in overtime pay for the first four hours of overtime as well, amounting to an estimated $0.8 million per year.

Federal Labor-Management Relations

H.R. 4822 would extend to all legislative branch employees the same right that GPO, the Library of Congress (LoC), and executive branch employees currently have to organize, form bargaining units, select a union representative, negotiate with employers, and bring grievances to the Federal Labor Relations Authority (FLRA). (GAO already negotiates with its employees, but its cases do not go to the FLRA.) If employees in the House, Senate, the Architect, CBO, and the Office of Technology Assessment (OTA) were to decide to organize and force their employers to negotiate with various bargaining units, the employers would incur additional staff costs in order to meet their responsibilities under the law. Based on the experience at GPO and LoC, it appears that an agency with several thousands of employees could spend $200,000 to $300,000 per year for a lawyer and part of the time of personnel officers who must work with the bargaining units. CBO cannot predict to what extent employees at the affected agencies would decide to take advantage of their opportunity to organize under this law, but even if a few did at each agency, total agency costs could be in the neighborhood of $1 million annually.

Other Applicable Laws.

Some of the laws that H.R. 4822 would apply to the entire legislative branch are laws that already apply to some or all Congressional employers through existing statute or because the employer voluntarily complies. Therefore, they are not likely to result in additional costs. For example, the Americans with Disabilities Act (ADA) and Title VII of the Civil Right Act, which prohibit employer discrimination based on disability or race, already apply to the Senate, House, CBO, GAO, GPO, LoC, the Architect, and OTA—entities that employ almost all of the 38,000 legislative branch employees. The Family and Medical Leave Act, which guarantees employees a certain amount of unpaid leave without fear of losing their job in order to care for a new baby or a sick relative, also applies now to all these employers.

Other laws apply to some employers now, but would apply to all upon enactment of H.R. 4822. For example, the Rehabilitation Act (which requires the government to contract with vendors that provide employment opportunities for the disabled) only applies to the Senate and the Architect. But because the Rehabilitation Act has been largely superseded by the ADA, which all the employers must already comply with, application of the Rehabilitation Act is not expected to affect employers' practices. The Age Discrimination in Employment Act (ADEA) does not apply currently to the House, CBO, and certain employees of the Architect, but the House has adopted a rule that "personnel actions affecting employment positions in the House . . . shall be made free from discrimination based on . . . age." H.R. 4822 would codify this policy. The bill, however, would provide such employees with improved procedures for seeking redress if they experience discrimination because of age (as well as race, color, national origin, religion, sex, or disability). CBO expects that applying the ADEA would not result in significant additional costs.

Finally, some laws that would apply under H.R. 4822 are not currently followed by any Congressional employer. The Worker Adjustment and Retraining Notification Act, which requires employers to give employees certain notice and job placement assistance before closing down a workplace, is not expected to have a significant effect, budgetary or otherwise, on Congressional employers because no mass layoffs are anticipated. The Employee Polygraph Protection Act, which forbids employers from using polygraphs on their employees (except when required by the federal government to protect national security), does not now apply to any legislative branch entity. Because Congressional employers do not now use polygraphs for employees, prohibiting this practice is not likely to have any effect.

6. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 4822 could affect direct spending. Thus, pay-as-you-go procedures would apply to the bill.

The bill would allow a hearing board or a district court, depending on which forum the employee has taken the case, to order a remedy that could include compensation. The bill would establish separate funds in the House and the Senate to pay such compensation (the Senate already has such a fund; the House does not), but it does not authorize an appropriation to the funds nor does it explicitly provide spending authority for the funds. Further, the bill appears to say that all compensation orders, regardless of which legislative entity the employee works for, may be paid from one of the House and Senate funds. The bill does not say what would happen if the affected employer or the two compensation funds do not have sufficient appropriations to pay the compensation. Because the existing Claims and Judgments Fund in the Treasury is available under current law to make payments as ordered by the courts in cases where agencies do not have a source of funding for the payment, it is possible that successful claimants under H.R. 4822 could begin to receive payments from the Claims and Judgments Fund. However, it is unclear what would be the ultimate source of compensation because the bill does not explicitly identify a funding mechanism. CBO expects that the total of such compensation paid to legislative branch employees in some years could be between $0.5 million and $1 million. If paid from the Claims and Judgments Fund, these payments would constitute direct spending. The following table summarizes the estimated pay-as-you-go impact of this bill.

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Change in outlays	0	0	0	1	1
Change in receipts	(1)	(1)	(1)	(1)	(1)

[1] Not applicable.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On June 30, 1994, CBO prepared a cost estimate for S. 1824, as ordered reported by the Senate Committee on Rules and Administration on June 9, 1994. That bill is different from H.R. 4822 because it would cover only Senate employees and because it would only apply OSHA and FLSA to the Senate. H.R. 4822 would apply these two laws, as well as seven others, to the entire legislative branch and would create a consistent procedure to enforce the laws equally on all legislative branch employees. CBO has estimated a larger cost for H.R. 4822 than for S. 1824.

On August 2, 1994, CBO prepared a cost estimate for H.R. 4822, as ordered reported by the House Committee on Rules on July 29, 1994. Because that version of the bill is nearly identical to H.R. 4822 as ordered reported by the Committee on House Administration, CBO's estimate of the cost of the two bills is the same.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Mr. LIEBERMAN. Mr. President, CBO estimated that both versions, the House-passed last year and the Senate Governmental Affairs Committee, quite similar to S. 2 before us now, would cost about $1 million for the first 2 years in effect as the office gears up and $4 to $5 million in the third, fourth, and fifth years. Much of the cost expected in fiscal years 1997 and 1998 is the cost of working out collective bargaining agreements. So once the cost of that is taken care of, the overall pricetag should dip back down by the beginning of the second 5-year budgetary cycle.

When you look at the total cost figures, I think you also have to realize that the Senate and House offices of the existing Fair Employment Practices Office, which would be supplanted, would be replaced by the independent Office of Compliance created by this bill, will cost almost $1.2 million in this fiscal year, so that the marginal cost of the bills considered here is even less.

Mr. President, there was some indication on the floor yesterday that the Senate Rules Committee has found the administrative hearing system created for the Senate by the Government Employees Rights Act to be extremely expensive and that this bill would further increase that expense.

I hope that my colleagues on the Rules Committee will agree that the bulk of the costs involved in the administrative hearing process lies in the fact that the GERA, the Government Employees Rights Act, requires three hearing officers to hear any one case. When we drafted this bill, S. 2, and gave employees the right to bring original civil actions in Federal district court, we recognized that the administrative hearing process could be streamlined because it would no longer be the only legal recourse for an employee to use in addressing grievances that that employee felt he or she had.

Therefore, we create in this bill, S. 2, an administrative hearing system that only requires one hearing officer to hear any case. That surely will reduce the cost of holding any hearing by 67 percent, one hearing officer as opposed to three. I think that my colleagues who raise concerns about the costs of the current administrative hearing system under the Government Employees Rights Act will recognize this change—I hope they will—as a significant cost-saving measure.

Finally, Mr. President, I would like to urge my colleagues to consider the estimated cost of last year's bill in its most expensive year, fiscal year 1998, as a percentage of the legislative branch's annual budget. For fiscal year 1998, which would have been the fourth year in effect if the bill had been enacted last year, Congress' budget will probably be in the neighborhood of $2.5 billion. Even if this bill did cost $5 billion in fiscal year 1998 as a percentage of Congress' total operating budget for that year, it would only amount to one-fifth of 1 percent—one-fifth of 1 percent—which is surely not too much to pay to, first, guarantee our employees that they have the same rights as every other employee in America working for private business and, second, for us to adopt the principle of living in the real world, of getting rid of the double standard and of understanding in our own capacity as employers the impact of the laws that we adopt on every other employer in America.

Because this bill makes very few substantive changes from last year's Senate bill, I think it is entirely reasonable to expect that CBO will provide a similarly low score for S. 2, and we can then also assume that the cost of the bill, in its most expensive year, will be an equally small percentage of the legislative branch budget. That really is not too much to ask.

Finally, there is in this another principle which is that we should impose the same laws on ourselves as we do on everybody else because presumably, if we adopt them, we believe they are good laws, that they make sense, that they embrace values that we hold to be real and important for our country.

We should pass this bill with strong enforcement, including the right for claims to be heard in court, because we believe the laws we have passed are right. By passing this bill, therefore, we not only get rid of the double standard and create equity in reality, but we also demonstrate a commitment to the underlying values that we have adopted in these bills.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, let me just put out a general call here for those who may have amendments to this bill. We do have time. We have handled several this morning. The votes on those will be stacked until this afternoon after our 2:15 end of the respective party conferences. We will vote on those after that.

I think the distinguished floor manager on the Republican side was going to propound a UC on that at the appropriate time, on how we will go through the votes, so people will know what to expect. Let me just say, on the Democratic side we are the only ones who have amendments left on this bill. For those watching in the offices, or for Senators or staffs who may be listening, I encourage them to get over right now when we have some time here. We have about another hour before we break for our conference lunches. Get over here and get the amendments taken care of.

I heard the majority leader in the opening this morning state we are going to go on this bill until it is done tonight with all the amendments. That puts the heat on our side of the aisle to get the amendments over here and get them taken care of.

So I ask staffs and Senators, if they have amendments, let us not wait until 10 or 11 o'clock tonight to bring them up. Let us get them over here while we have time right now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, am I correct that the Leahy amendment is pending before this body?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. The amendment by the Senator from Vermont is a very short amendment.

I will read one sentence that is in the amendment:

> "No congressional organization or organization affiliated with the Congress may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested."

Of course, this amendment is not germane to this legislation. That is obvious, as most of the amendments we have been dealing with.

The congressional accountability act is designed to make sure that Congress lives under the same laws that we impose upon the private sector. The private sector does not live under the law that the Senator from Vermont seeks to impose on Congress, because a private sector employer may ask prospective employees about their political views.

To be sure, the private sector does not ask these questions very often. Political views are normally irrelevant to the performance of job duties as a brick layer, or a secretary, or an airline pilot. Of course, it may even be poor judgment and poor public relations for any private sector business to ask such a question. But they are looking for people to perform their jobs. They do not care whether they hire Republicans, Democrats, Independents, or anything else. But the point is that it is legal for a private sector employer to ask those questions on political views if they want to. The Leahy amendment would prohibit organizations affiliated with Congress from asking the same question of prospective employees.

I spoke about the private sector, but in the political and Government arena there are varying rules about whether or not this is a legitimate question. Civil service employees and certain other governmental employees cannot be hired or fired for their political views. These tend to be nonpolitical employees who perform nonpolitical Government jobs. These employees have the first amendment right to hold any political views. In one famous case.

a protected employee could not be fired for saying, "I hope he dies." That statement was made when she learned of President Reagan being shot in March of 1981. However, the rules are different for political employees in both the legislative and executive branches. Rules that might apply to political views in the executive branch may not hold in regard to inquiry into that point for employees of the legislative branch. Under their constitutional duties, it is quite obvious that the President and Members of Congress must be able to hire people philosophically sympathetic to their agendas. Personnel is policy.

When President Clinton fills a position that is a political appointment, the applicant is asked his or her political views. Whenever any Members of this body hires a legislative staff member, we ask about their views. That is totally appropriate. That does not mean that we practice any form of McCarthyism. If we properly do that as individuals, then, of course, it seems reasonable to me that organizations—the very same organizations that would be prohibited by the Leahy amendment—which we join to help us in doing our jobs act properly if they choose to ask prospective employees about their political views. Members of these organizations are entitled to know the views of potential employees. Members who rely upon the organizations of Congress to submit potential employees are entitled to know if that employee would be compatible with the legislative agenda of the Member.

The amendment, however, offered by the Senator from Vermont overlooks the essential political requirements of service on Capitol Hill. And it is peculiar, because it would ban employees from completing questionnaires on their views, but it would not affect oral questioning. I do not know whether that is an oversight or not. It would not allow questioning to be asked on a form, but you could have the same questions asked orally. Thus, the amendment would not address, in any real way, the problems—if there is a problem. I do not see it as a problem, but the Senator from Vermont does. It does not, in any practical way, address what he wants to accomplish. He wants to make sure there is not some sort of litmus test for the hiring of employees on Capitol Hill. So he says you cannot ask questions on the questionnaire, but you can ask these questions orally. Moreover, I feel that inquiring about a congressional employee's political view is not in any way a horror. In fact, it is very vital to the functioning of the institution.

In short, the amendment offered by the Senator from Vermont should be rejected. It has nothing to do with congressional coverage. It would harm the ability of Members to do what they were elected to do, and it would not accomplish its stated objective. So I urge that it be rejected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has the Pastore rule run its course for the day.

The PRESIDING OFFICER (Mr. CRAIG). The Pastore rule has not expired.

Mr. BYRD. It has not?

The PRESIDING OFFICER. It has not.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Hearing no objection, the Senator is recognized.

A MAN OF MANY TALENTS—SENATOR BENNETT JOHNSTON

Mr. BYRD. Mr. President, Madison in the Federalist No. 53 states, in part, as follows:

> No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.

In the same Federalist paper, Madison writes as follows:

> A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.

Mr. President, I speak today of a Senator who has demonstrated superior talents, a Senator with 22 years of experience in this body—Madison, having referred to men of "superior talents" and also to the advantages of "experience"—and BENNETT JOHNSTON is that man of whom I speak.

There is no department of public life in which the test of man's ability is more severe than service in this body. Little deference is paid to reputation previously acquired or to eminent performances won elsewhere. What a man accomplishes in this Chamber, he does so by sheer force of his own character and ability. It is here that one must be prepared to answer for the many talents or for the single talent committed to his charge.

BENNETT JOHNSTON came to this body 22 years ago as a man of many talents. He did not wrap his talents in a napkin or hide them in the earth, as both Luke the Physician and Matthew make reference, but he put them to use that they might bear increase for his State, for his country, for the Senate, and for his fellow man. He has proved himself to be a superior legislator. I have served with him these 22 years on the Committee on Appropriations. He has proved himself to be a man with courage, with vision, with conviction, a man who is diligent in his work and faithful to his oath of office.

As the chairman of the Senate Committee on Appropriations during the last 6 years, I found him always to be conscientious and a man of his word. Fully aware of the admonition by Polonius that "those friends thou hast and their adoption tried, grapple them to thy soul with hoops of steel," it is with pride that I call BENNETT JOHNSTON friend. It is with sincere sadness that I have heard of his decision and I regret that, with the passing of these final 2 years of his term, the Senate will have witnessed the departure of one who has effectively toiled here in its vineyards and who has earned the respect and admiration of his colleagues. The people of the State of Louisiana chose well when, by the exercise of their franchise, they sent him here. Someone will be selected to take his place, just as someone will, in due time, stand in the place of each of us here.

After he lays down the mantle of service, we shall feel the same revolution of the seasons, and the same Sun and Moon will guide the course of our year. The same azure vault, bespangled with stars, will be everywhere spread over our heads. But I shall miss him, just as I know others will miss BENNETT JOHNSTON. Other opportunities will come to him, other horizons will stretch out before him, and he will sail his ship on other seas.

Erma and I will miss BENNETT and Mary, but the memories of these past years during which we have been blessed to render service together to the Nation will always linger in our hearts.

I think of lines by Longfellow as being appropriate for this occasion:

I shot an arrow into the air;
It fell to earth I knew not where,
For so swiftly it flew, the sight
Could not follow it in its flight.

I breathed a song into the air;
It came to earth, I knew not where,
For who has sight so swift, so strong
That if can follow the flight of song?

Long, long afterwards, in an oak,
I found the arrow still unbroke,
And the song, from beginning to end,
I found again in the heart of a friend.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Hearing no objection, under the previous order, the hour of 12:30 nearly having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 8 TO AMENDMENT NO. 4

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 8 offered by Mr. McCONNELL of Kentucky to amendment No. 4 offered by Mr. FORD of Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—1

Rockefeller

So the amendment (No. 8) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the situation is that we are now on the Ford amendment, as amended by the McConnell amendment. Then we have, I believe, four other amendments that can be voted on immediately, if the authors of those amendments are done with their discussion, and I hope the authors of those amendments are done with discussion.

I would like to ask the Democratic manager if we can move forward then on the Ford amendment for adoption of the amendment by voice vote. Mr. President, I ask unanimous consent to set aside the Ford amendment, and I would ask that we go to the Wellstone amendment.

Mr. DOLE. Mr. President, the pending business is the Wellstone amendment?

The PRESIDING OFFICER. The pending question is the Ford amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that we lay aside the Ford amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 9

Mr. DOLE. Mr. President, now the pending amendment is the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I do not want to get into a quarrel with my good friend from Minnesota.

I indicated on the Senate floor that there will be gift ban legislation, as well as lobbying reform legislation. I do not know precisely the date. I would hope that the majority leader, in effect, gives his word to our colleagues; or the minority leader gives his word to our colleagues on this side of the aisle, and that they would accept that in good faith.

I just think that this sense-of-the-Senate amendment does not add anything. We believe there should be gift ban legislation. We may want to make some changes. We are in the process of looking at lobbying reform, gift ban. I would hope that my colleague from Minnesota would not press the amendment. If he insists, I would have no alternative but to move to table the amendment. I indicated last week, and I think the Senator from Kentucky, Senator McCONNELL, indicated we will be doing perhaps not precisely what the Senator from Minnesota may wish, but if not, he can amend it when it comes to the floor. I wish he would at least express enough confidence in us in the first week that we do keep our word.

If I fail to do that, I certainly would not quarrel with coming back again with another amendment. I do not see any real purpose in pursuing this. In the interest of time, if the Senator persists in the amendment, I move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WELLSTONE. Mr. President, I wonder whether I could just respond for a brief moment to the majority leader.

The PRESIDING OFFICER. Does the Senator withhold his request?

Mr. DOLE. Mr. President, I withhold my request.

Mr. WELLSTONE. I thank the majority leader.

Mr. President, first of all, I very much appreciate what the majority leader said. This morning I did make it clear that I knew the majority leader had made a commitment to bringing this up and talked about May 31 being the original date that we wanted this to be effective.

I take the majority leader's word very seriously. I think he is a leader of his word. Second of all, I know that the majority leader had said last week that there would be some additional work that might be done. This does not spell out the specifics of what the comprehensive gift ban legislation would be, but it says we should consider it no later than May 31.

I want to make it clear that I have no quarrel with the majority leader whatever. This amendment is not about that. What this amendment is, is an amendment to put the Senate on record. Since I have been working on this for several years I just thought it would be important for the Senate to be on record essentially confirming what the majority leader has said. That way I know as a Senator that we will all be behind what the majority leader has already proposed.

I would like to have in that spirit, not in a personal quarrel whatever, a vote on this, and I would hope that the majority leader would support me. I think we are all in agreement. It just puts the Senate on record behind what the majority leader has already recommended.

Mr. DOLE. Mr. President, I thank my colleague from Minnesota.

Again, it is our intent to try to move as quickly as we can. I am not certain about any date. I am not certain it will be May 31. It could be before, maybe after May 31. It does seem to me that we should be given that opportunity. If we do not produce something around May 31, obviously, the Senator from Minnesota and a number of others, some on this side, would be offering maybe the same amendment.

In view of the fact that we have not had any hearings on it this year, we have new Members of the Senate, I think they will all support a gift ban.

I might add, I would rather be given some latitude in setting the agenda and setting when we might schedule this for debate.

Therefore, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—55

Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 9) was agreed to.

Mr. GLENN. Mr. President, may we have order. I cannot hear, and I am in the front row.

The PRESIDING OFFICER. The Senate will come to order.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to lay aside the Ford amendment and then move to consideration of the Leahy amendment and hopefully to vote on it immediately.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, could we have order.

The PRESIDING OFFICER. The Senate will please come to order.

The PRESIDING OFFICER. Is there any objection to the request?

Mr. LEAHY. What was the request? I did not hear the request, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. LEAHY. I have no objection.

Mr. GRASSLEY. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will make this very brief. I think most Members are in the Chamber, and I know they want to get to a vote. In 20 years here, I can count on how they might vote.

I would really urge Senators to think carefully about voting to table. This is basically saying that we are not going to allow ourselves to set up the kind of political litmus test that nobody in private business would be allowed to do. This does not stop any Senator from saying I do not want to hire somebody because I do not feel ideologically compatible with him or her.

But what it is saying is when you go and just put your people into a general overall pool of available staff members you do not have to go down through the kind of things that asks you to rate everything from the American Civil Liberties Union and Common Cause to the National Rifle Association and United Nations, rate everybody from AL GORE to BOB DOLE as the study committee's grading was. Can you imagine if somebody at IBM was saying before we even consider your application where do you stand with the Sierra Club or the National Rifle Association, or where do you stand with Planned Parenthood or with Right to Life? There would be a hue and cry.

We should not do the same thing here. It is an outrageous mistake. But if we are going to apply the same laws to ourselves as is applied to everybody else, they should be so applied.

I told my good friend from Iowa I would be brief. I yield the floor.

Mr. GLENN. Mr. President, I ask unanimous consent that the Ford amendment be set aside to provide time for this vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The majority leader.

Mr. DOLE. Mr. President, it may be that the Leahy amendment has a great deal of merit. Let me say again that the House passed this bill after 20 minutes of debate by a vote of 429 to zero. This is our fourth day on this same bill to cover Congress as we cover every other business in America. And I do not quarrel with that we have not raised any objection to any amendments or taken too much time. No cloture has been filed or anything of that kind. It may be that sometime later this year when we get around to congressional reform there would be an appropriate amendment.

But I hope that my colleagues will join me in tabling the amendment at this point so we can finish this bill without amendments. This may be a good amendment. I am not going to pass judgment on it because I have great respect for the Senator from Vermont. But since I do not fully understand it and I am not certain how many others do, since we will have congressional reform legislation before us, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Vermont.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—79

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kyl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun

Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—20

Akaka
Boxer
Bryan
Campbell
Conrad
Daschle
Feingold
Ford
Glenn
Harkin
Inouye
Johnston
Kennedy
Kohl
Leahy
Levin
Murray
Pell
Sarbanes
Wellstone

NOT VOTING—1

Rockefeller

So the motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 10

Mr. GLENN. Mr. President, I ask unanimous consent that the Ford amendment be once again set aside and that we proceed to vote on the Kerry amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I will be moving to table the Kerry amendment. Before I do so, I ask unanimous consent to be recognized for 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I discussed with Senator KERRY my support for his amendment. I expressed earlier my support for Senator KERRY's amendment. It is exactly similar to legislation that I proposed last year. It is legislation and very important reform that must be addressed by this body and addressed this year, in my view. I believe that the amendment will be tabled. If it is not brought up in a reasonable length of time, I will join in cosponsoring this legislation in the future with Senator KERRY.

Accordingly, Mr. President, I move to table the Kerry amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona (Mr. McCAIN) to table the amendment of the Senator from Massachusetts (Mr. KERRY). The yeas and nays have been ordered and the clerk will call the roll

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was anounced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—64

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—35

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Daschle
Dodd
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Levin
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Reid
Robb
Sarbanes
Specter
Wellstone

NOT VOTING—1

Rockefeller

So the motion to table the amendment (No. 10) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, is the Ford amendment the pending business now?

The PRESIDING OFFICER. It is.

Mr. GLENN. Mr. President, I ask unanimous consent that it be temporarily set aside to permit Senator BINGAMAN to bring forth his amendment, which I believe is going to be agreed to.

Mr. GRASSLEY. And the amendment is taking the place of the Levin amendment. Bingaman for Levin.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 12

(Purpose: To express the sense of the Senate regarding adoption of simplified and streamlined acquisition procedures for Senate offices consistent with the Federal Acquisition Streamlining Act of 1994)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. LEVIN, proposes an amendment numbered 12.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title V add the following:

SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 104-355).

Mr. BINGAMAN. Mr. President, I rise to offer an amendment for myself and Senator LEVIN that I believe is acceptable to both sides. I thank the distinguished managers of the bill, Senator GRASSLEY and Senator GLENN, and the distinguished chairman and ranking member of the Senate Rules Committee, Senator STEVENS and Senator FORD, for this assistance with this amendment.

Last year, Congress enacted a bipartisan bill to put an end to antiquated and expensive procurement rules that governed the way Federal agencies buy goods and services. The Federal Acquisition Streamlining Act of 1994, spearheaded by the distinguished Senator from Ohio, Senator GLENN and the distinguished Senator from Delaware, Senator ROTH, repealed or modified more than 225 outdated laws. The goal of the legislation was simplification, and much to the credit of Senators ROTH and GLENN, it is being realized today.

Already, dozens of Federal agencies are changing the way they do business. They are functioning like cost-conscious private businesses, getting rid of old rules that, more often than not, led to "spending millions to save thousands and thousands to save hundreds."

In the Senate, our offices may not spend millions to save thousands, but I would bet that we often spend "hundreds to save tens" and "tens to save pennies." Take my office in Santa Fe, NM, for example. When my staff runs out of staples, how do they purchase refills? The logical, economical course of action would be to run over to Woolworths, only two blocks way. But under our interpretation of current Senate regulations, they cannot do that. Senate rules prohibit it. Instead, my New Mexico staff must call my office here in Washington; a member of my staff here must make a purchase from the Senate; then he or she must ship the staples to Santa Fe. The cost of a $1.50 box of staples just rose to at least $10.

The same antiquated and expensive rules apply to purchases of paper, envelopes, pens, clocks, computers, and teleconferencing equipment—virtually everything a small office needs to function day-to-day. I believe it is time to put an end this costly practice.

S. 2, which is before us today, provides the ideal opportunity. Today, while we are taking action to make other laws applicable to the legislative branch, we should do the responsible, economical thing and make the cost-saving goal of the Federal Acquisition Streamlining Act applicable to the U.S. Senate.

My amendment would help us accomplish this task in a short and straightforward manner. The amendment simply expresses the sense of the Senate that the Senate Rules Committee should review rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994.

I believe this amendment will help bring simplified, cost-effective purchasing procedures to all Senate offices. In the end, everyone from Senate staff to America's working families will benefit from the cost-savings we can achieve. Again, I thank the distinguished managers of the bill, and the distinguished chairman and ranking member of the Senate Rules Committee for their assistance with this amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I compliment the Senator from New Mexico for his amendment. It is an amendment that is acceptable to us both from the standpoint of its substance and it will not jeopardize our bill as far as avoiding conference and all the other things we have been trying to do by not amending this bill with nongermane amendments.

Mr. GLENN. Mr. President, I compliment the Senator from New Mexico. I know he has worked on the 800 panel as part of the Senate Armed Services Committee, the work we did on that procurement bill. It was about 3 years in the making. I think that should be applied here. I think the procurement bill was an excellent bill, and its provisions can well be applied here. I am glad to accept it on our side.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I, too, compliment the distinguished Senator from New Mexico for his amendment. As ranking member of the Rules Committee, I pledge to him that we will move forward to try to give him the kind of answers I think he wants and I support. So I pledge to him we will attempt to get this out to the Senator in a reasonable length of time.

Mr. BINGAMAN. I thank the Senator.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the Bingaman amendment.

So the amendment (No. 12) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question occurs on the Ford amendment.

AMENDMENT NO. 13 TO AMENDMENT NO. 4

(Purpose: To apply to the legislative branch the requirements regarding use of frequent flier awards for official travel that are established in the Federal Acquisition Streamlining Act of 1994)

Mr. GLENN. Mr. President, I send to the desk an amendment in the second degree to the FORD amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 13 to FORD amendment No. 4.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

(d) APPLICABILITY TO LEGISLATIVE BRANCH.—

(1) The requirements of section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note) shall apply to the Legislative branch, except that the responsibilities of the Administrator of General Services under such section shall be exercised as prescribed in paragraph (2).

(2) The responsibilities of the Administrator of General Services under section 6008(a) of the Federal Acquisition Streamlining Act of 1994 shall be exercised, with respect to the Senate, by the Committee on Rules and Administration, with respect to the House of Representatives, by the Committee on House Oversight, and, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality. The responsibilities of the Administrator of General Services under section 6008(c) of such Act shall be exercised, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality.

(e) EXERCISE OF RULEMAKING POWERS.—The provisions of this section that apply to the House of Representatives and the Senate are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

Mr. GLENN. Mr. President, my amendment would apply to the legislative branch the same principles on frequent flier programs that Congress adopted last year in section 6008 of the Federal Acquisition Streamlining Act of 1994.

That procurement act was worked on for about 3 years here, as I mentioned just a few moments ago in referring to Senator BINGAMAN from New Mexico. Part of that bill provided that frequent flier miles would not accrue to the benefit of the individual in the executive branch but would come back to the Government for the Government's use. In other words, you could not have taxpayer-supported travel and then have a rebate apply for that individual.

So the purpose of my amendment, like the purpose of the underlying Ford amendment, is to save taxpayer money.

Now, the use of frequent traveler programs is to reduce the cost of official travel, not to accrue to the personal benefit of somebody.

Last year's legislation on this subject contained three key provisions. First, guidelines must be issued to ensure that Federal agencies promote and facilitate the use of frequent traveler programs for the purpose of realizing cost savings for official travel.

Under my amendment, such guidelines would be issued for the Senate by the Senate Rules Committee, for the House of Representatives by the Committee on House Oversight, and for each congressional instrumentality by the head of the instrumentality.

Second, last year's law states that frequent traveler awards accrued through official travel shall be used only for official travel, not personal travel. My amendment would clarify that this principle applies not only to the executive branch but also to the legislative branch of Government.

Third, like last year's law, my amendment would require the head of each congressional instrumentality to report to Congress on efforts to promote the use of frequent traveler programs.

The bill before the Senate, Mr. President, S. 2 is called the Congressional Accountability Act. Nothing could be a more critical part of congressional accountability than this amendment. It would require us to abide by the same principles that we have enacted last year in the act to ensure that Members and staff will not convert our frequent flier awards to personal use and will instead use these awards to reduce the costs to the taxpayer.

So I urge my colleagues to support this amendment.

Mr. President, I also ask unanimous consent to enter into the RECORD at the end of my statement the provision in the procurement act of last year which I send to the desk. Section 6008 of the procurement bill of last year, entitled "Cost Savings for Official Travel" is a short section. It describes exactly how the administration, the executive branch will "issue guidelines to ensure that agencies promote, encourage, and facilitate the use of frequent traveler practice programs offered by airlines, hotels, and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel."

It is difficult for me to see how anyone can oppose that, but opposition we have had all during the consideration here in the Chamber. I am sorry to see that because I think this is something that needs to be done to restore confidence, particularly in the House of Representatives where they do not follow the same rules that we do in the Senate. I send that to the desk and ask that it be printed at the end of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 6008. COST SAVINGS FOR OFFICIAL TRAVEL.

(a) GUIDELINES.—The Administrator of the General Services Administration shall issue guidelines to ensure that agencies promote, encourage, and facilitate the use of frequent traveler programs offered by airlines, hotels, and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) REQUIREMENT.—Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress on efforts to promote the use of frequent traveler programs by Federal employees.

SEC. 6009. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-Federal auditors, six months after receipt of the report by the Federal Government.

Mr. GLENN. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the first vote that we had today, and it was the first vote this afternoon, we voted 55 to 44 for the McConnell second-degree amendment to the Ford amendment.

I suppose there are several reasons we voted that way, but the argument that was used very successfully in debate yesterday by Senator MCCONNELL of Kentucky was comity between the House and Senate whereas through this legislation and this amendment we should not be as a body of the Senate making rules for the House of Representatives. They have the constitutional right and power to adopt their own rules. They generally do not attempt to tell the Senate how we should fulfill our constitutional responsibility in setting up the rules of the Senate. I do not find any fault with the goal that either Senator FORD or Senator GLENN are trying to accomplish through their respective amendments. The McConnell amendment has modified the Ford amendment so it just applies to the Senate.

Even though there is a different approach by Senator GLENN, the end result is exactly the same; that if the Glenn amendment is adopted, even though it does not mention the House of Representatives, the practical impact is, for the Senate to tell the House of Representatives what they can do in their rulemaking on the subject of frequent flier miles.

As I indicated, as a body, we decided earlier this afternoon, 55 to 44, not to do that. I hope we will stand by the same decision we made earlier this afternoon and that we will defeat Senator GLENN's amendment. I think that for the benefit of the public the House of Representatives has made a determined effort to assure the public that they are going to make a decision on their frequent flier miles situation later on this year. We should defer to their judgment, as we would hope they would defer to our judgment and not tell us how to run the U.S. Senate.

So I hope that as people come to vote on this amendment in a short period of time, they realize that this is a rerun of the McConnell substitute to the Ford Amendment and, likewise, this substitute should be defeated.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I understand the reasoning—I do not accept it—for defeating this amendment. We are not talking about a House rule or a Senate rule. We are talking about law. We will have in the law a restriction of the Senate and no restriction of the House.

The Senate, some years ago, decided that when the taxpayers were paying your air fare and you were a frequent flier—and most of us are—and you accumulated those frequent flier miles, and that belonged to your office. As the rules say, it is Government money, but it applies to your office, so you could use those frequent flier miles to reduce the cost to your office and therefore reduce the cost to the taxpayer.

In the House, they have allowed the Congressmen to use the frequent flier mileage for personal use. So they were receiving a personal perk at the expense of the taxpayer dollar. All we are saying here is that we ought to be treated alike, and that the House should not, by rule, as my distinguished colleague from Iowa has said, change. But it is not a matter of law, unless they put it into a piece of legislation. It will be statutory. So if you make a rule, you change a rule.

So what I think we need to do is to listen to Senator GLENN. As he says, let us see if we cannot, by the very fact of reducing the cost of our tickets to our district or to our State, because we would not receive the so-called frequent flier mileage—and then our tickets would be reduced and it would be the same. He is not asking that we do it. As I understand it, he is asking that we have a study and make a recommendation, and then the Rules Committee will make the rule that will apply, which would be statutory.

And so, Mr. President, it is all right if you use the theory that the House does not tell us how to run our business and we should not tell them how to run theirs. But the House has told us how to run our business on more than one occasion. We are just coming out of the way we keep our books, because it was imposed upon us by the House. It was not done by the Senate, it was done by the House.

If we are going to let this one slide and all those on the other side are going to be opposed to restricting the use of taxpayer dollars for personal perks, then I think the more things change around here, the more they stay the same. If those new Senators that come into this body after they ran their campaign on trying to say we are going to straighten the place out and we are going to try to take the Congressmen and Senators' hands out of your pocket, regulations off your back, and our hands out of your pocket, here is one glowing way you can say, "I am keeping my campaign pledge" or, "No, I am not, I am going to let them go ahead and take this perk off the taxpayers."

So the streets of hell are paved with good intentions. What if they put it into a bill, a rules change, or make it statutory, and it is a bill that does not pass the Senate. They keep on building up these frequent flier miles and can use them personally. There are a lot of things.

As the majority leader said—and I take him at his word—if this bill passes the Senate as it is—and apparently all the amendments to it are going to be tabled or defeated—then the House will accept this legislation without a conference, pass it, and send it to the President for signature. So we have missed a grand and glorious chance of doing what is right.

If the House, as they say, is going to do it anyhow, why should they object? Why should they object to putting it in this bill that they are going to pass and send on to the President? I do not think it is very good cover saying that we want the House to make their own decision and the Senate to make their own, when over the years we have both made decisions that applied to each body. Some were far more significant than this, but has no more imagery, no more moral underpinning than this one amendment.

So we are going to apply it to the Senate statutorily, and the House eventually will get around to a rules change, or maybe put it into a piece of legislation. So I have to say to you that my dad always told me, "Son, never underestimate the insignificant." Never underestimate the insignificant. This is an insignificant, little amendment. But it says a volume. It says a volume. Are we going to stop the use of taxpayer money for personal use? No. We will for ourselves, but nobody else. And so if the House is going to do it, why not do it here?

Mr. President, it is hard for me to understand. Just this week, or last week, we voted that we did not want to have lobbyist reform or gift ban proposals here. And those that were vehemently for lobbyist reform and gift bans came out and said, "We do not want Democrats setting the agenda for us. We want to put in our own bill." If that is cover not to vote for lobbyist reform or gift ban, that is still a weak reed. So that is No. 2 this week. That is No. 2 that we have had to vote on. You have looked back, and never underestimate the insignificant. Pretty soon, the insignificant is going to be three, and it is going to be four, and it is going to be five. And we have just started. We are not 10 days old and already that pledge out there and beating of the chest and coming back here and saying what you are going to do—working all night on the House side—is going to be for naught.

I am for this. I think it is the right thing to do. I was for it a long time ago. Unfunded mandates I offered to you 6 years ago at $50 million, the same figures. Did I get any takers? No. Five years ago, did I get any takers? No. Now it is one of the big deals. Unfunded mandates. I have been a Governor, and I understand how this egg is never going to be put back together once we scramble it and give the States unfunded mandates. It goes on and on, and it is going to eat us all up, and we are going to be back here trying to reconsider that, because I have had to endure under what Congress does. We pass a bill here and the bureaucrats do not speak. They then legislate it.

We are going to have a balanced budget amendment. That is going to pass, but then we, after it passes, will pass legislation to implement it. What is going to be an emergency? I think we are moving too fast and there ought to be some thought given to the fabric that we are weaving here that is going to be a tremendous problem down the pike.

So we have had two votes, and there may be a third one before the day is over. There may be a fourth one. But let me remind my friends, never underestimate the insignificant. This is insignificant, and you are going to have to pay for it one of these days when you do not want to do what is right. I hope my colleagues will reconsider this. This is the right thing to do. It is not the wrong thing to do. The only excuse is that we want the House to set their own rules. And this is not a rule; this is statutory. When you put it into the statutes, then you have to take it out. A rule is a lot easier to change.

Mr. President, I ask my colleagues to reconsider their position and look at what Senator GLENN offered here. It makes a great deal of sense.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not accept it that this is all just a House matter for this reason: I, as a U.S. Senator from Ohio, have to vote on appropriations for the House. Every Senator here has to do that. I vote those appropriations now, knowing full well that part of their cost of transportation back and forth comes back in the form of frequent flier miles, and that does not come back to the Government; it does not inure to the Government or accrue to the Government's benefit, as in the Senate and in the executive branch. It comes back to the individuals. So we appropriate more money here to let the House have their freebies to take families on vacations, fly wherever on their use of frequent flier miles, bought and paid for with taxpayer dollars.

I think we ought to remember around here, when all else fails, that a vote on just plain what is right or wrong is in order. The way they are doing it over there now is wrong. This is a smokescreen that it does not make a difference to the Senate. It does, because we have to appropriate the dollars to help them have their freebies. If I rose here and said I am putting in an amendment here that says I want freebies for everybody, not just the House, let us expand it and put the Senate back on the freebies, and the executive branch, and run several million dollars of additional expense through appropriations to accommodate all this so we can take our families everywhere the House is able to take theirs. People would think I was nuts, and they would be right.

But yet we try to do the opposite and say we are trying to save taxpayers' money, and we get ridiculed and voted down repeatedly. So I do not mind bringing this up for another vote.

We see rebates not only on the airlines with frequent flier miles, we see these things once in a while that if you stay 5 days or 4 days in a certain hotel, I saw advertised in New York, you get a free weekend—Friday, Saturday—with you and your wife and family, whatever. So we have those rebates.

We have some of the rental car companies where, if you rent so many days in a row, you get a freebie or two. Why should that not come back in cash? If we are getting back frequent flier miles and using them ourselves, why should we not say if Hertz gives a government discount, why do I not pay the full fare and we want a kickback in cash? That would be a kickback we would never condone, and we should not.

So I think, when it comes down to it, it is just a matter to me of what is right and what is wrong. And the way the House is doing their business on this right now is just flatout wrong.

Mr. President, I do not know whether anyone else wishes to speak, but I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I inquire of the Senator from Iowa and the Senator from Ohio whether or not they intend to take a vote on this amendment right now. If not, I would like to go ahead with an amendment. I have been waiting on the floor for a number of hours. If so, I wonder if I could ask unanimous consent that after the vote, my amendment be then up on the floor.

Mr. GLENN. Mr. President, I might respond to my distinguished colleague from Minnesota that I am ready to vote right now. I do not think anybody else is prepared to speak. I am prepared to vote right now.

Mr. BINGAMAN. May I just ask the Senator from Ohio a question when the Senator from Minnesota has completed his question?

Mr. WELLSTONE. Mr. President, if it is OK with my colleagues—as the Senator from Iowa knows, I have been trying to move things along—I ask unanimous consent that, after the vote, I be able to then offer an amendment.

The PRESIDING OFFICER. Is there objection to the request? Hearing no objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. BINGAMAN. Mr. President, if I may just ask the Senator from Ohio, as to this whole issue of frequent flier miles and all, I have difficulty understanding the disagreement that exists. As I understand it, you are talking about a public property here, which is these so-called frequent flier miles that have been accumulated with taxpayers' dollars being converted to personal use. I always thought that was against the law to take public property and convert it to personal use.

I do not understand why we are having to pass laws on this issue. I did not realize that it was just a question of which rule you wanted to adopt. I always thought it was against the law to take public property and convert it to private use.

Am I missing something?

Mr. GLENN. Mr. President, I do not think the Senator is missing anything. We are trying to correct that loophole in the law with this amendment and with the underlying amendment by the Senator from Kentucky [Mr. FORD]. This would close that loophole so the House could not misuse what I view, just as the Senator from New Mexico says, as public property.

Mr. BINGAMAN. I thank the Senator.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to table the amendment of the Senator from Ohio.

Mr. GLENN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Iowa [Mr. GRASSLEY] to table the amendment of the Senator from Ohio [Mr. GLENN]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 13) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I understand that the unanimous-consent agreement was given to the Senator from Minnesota and that his amendment would be brought up right after this particular vote.

It is my understanding now it will not be necessary to have a recorded vote on my amendment. The Senator from Minnesota is willing to allow us to proceed, provided he will be the next one up. If that is agreeable to the leadership, we will proceed in that manner.

Mr. DOLE. If the Senator will yield.

Mr. FORD. I will be glad to.

Mr. DOLE. Mr. President, I indicated to the Senator from Minnesota that we have no desire to quickly move to table the amendment. We would like to do the nomination of Robert Rubin, if we could, this evening.

We would like to accommodate both the Senator from Minnesota and the Secretary-to-be Rubin. So hopefully we can work it out and still be out of here by 7 o'clock.

Mr. FORD. Mr. President, I ask unanimous consent that the amendment of Senator WELLSTONE be set aside and that the Ford amendment be considered by a voice vote or by unanimous consent, and at the end of that then we go back and recognize the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 4, AS AMENDED

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4, the Ford amendment, as amended.

The amendment (No. 4), as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Under the previous order of the Senate, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be pleased to yield to the Senator from Ohio.

Mr. GLENN. Mr. President, just to clarify and help people in scheduling, I believe there are two amendments left that might require votes—those of Senator WELLSTONE and Senator LAUTENBERG. I do not know how long it will take. Those are the only amendments left, just for the guidance of Members.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before I offer the amendment, could I ask for order in the Chamber?

The PRESIDING OFFICER. The Senate will please come to order. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me thank the majority leader for his willingness to work closely with us on the floor. I say to the majority leader that there are some other Senators who would like to speak that are with me, and I would like to get to those Senators right away. We will try to not take up many hours, but we consider this to be an important amendment, and we will try to do it within whatever timeframe the majority leader talked about.

Mr. President, let me for my colleagues just briefly describe this amendment. Then there are several Senators that are with me, certainly the Senator from Connecticut, Senator DODD, who is going to have to leave, and I would like him to open up with some of our remarks.

This amendment is twofold. First of all, it reads:

> It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

I would like to repeat that, if I may, for the Chair and for my colleagues. The amendment reads as follows:

> It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. President, the second part of this amendment has to do with the duties of congressional committees. What this amendment says is that each committee, as it considers any bill that affects children, will have an accompanying report which will deal with the impact of that legislation on children.

This is very consistent with some of the direction in which we are going in the U.S. Senate. If we are going to talk about the impact that legislation has on State governments or on county governments or on corporations or businesses, then surely, Mr. President, we can also talk about the impact that this legislation has on children within our country.

I want to just give a few examples. Today, in Minnesota, there were about 150 people, many of them children, many of them Head Start mothers, I say to the Senator from Connecticut, a number of different organizations, and the Children's Defense Fund, looking to the year 2002 and understanding what might very well happen in this country—that is to say, that the cuts we make go the path of least resistance—which spelled out what they are worried about.

As they looked at some of the projected cuts, they talked about Minnesota 2002: 29,150 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements; 31,350 children would lose food stamps; 154,600 children would lose free or subsidized school lunch programs; 93,000 children would lose Medicaid coverage.

Mr. President, I can go on, but the point I simply want to make before yielding the floor to Senator DODD is I come from a State that has had a number of great Senators. I hope that if I work hard, I can maybe just be a little bit as good as Hubert Humphrey. Seventeen years ago, Hubert Humphrey said the test of a Government and the test of a society is the way we treat people in the dawn of life—children—the way we treat people in the twilight of their life—the elderly—and the way we treat people in the shadow of their lives—those that are struggling with an illness, those that are struggling with a disability, and those that are poor or those that are needy.

I believe that this Contract With America takes us precisely in the opposite direction. Surely there is a way that we can continue with deficit reduction and not ride roughshod over children. Surely, we can go on record in the U.S. Senate today, making it clear that it is the sense of the Congress that we will not enact any legislation that will increase the number of children who are hungry or homeless. And surely today in this amendment, we can make it clear that we will do child impact of our legislation to make sure that whatever we do does not make more children homeless, does not make more children hungry; that whatever we do supports our future, which is to support children in this country.

I have much more to say about this amendment. I hope that the U.S. Senate will go on record and support this amendment. But I would like to yield the floor to Senator DODD from Connecticut, who has been such a leader in the U.S. Senate on children's issues.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the Chair.

Mr. President, first let me commend our colleague from Minnesota, with whom I have the pleasure and honor of serving with on the Labor and Human Resources Committee, and who has been a tireless advocate on behalf of children as a member of that committee. Let me again point out and restate what the Senator from Minnesota is attempting to do here.

This is an amendment that merely says that for those who are arguably the most vulnerable in our society, those on whom we depend for the success and future of this Nation, that as we consider all of the financial implications of budgets and tax proposals, that we be ever so mindful of these children. They have no other choices and no other alternatives for their own success and survival than our willingness to appreciate how vulnerable they are and our willingness to be supportive of them.

There are a staggering number of statistics that indicate the problems that younger Americans face in our society today. The child poverty rate fell throughout the 1960's, falling from approximately 26 percent in 1960 to 13.8 percent in 1969. It is worthy to note that the rate began rising again, to more than 20 percent, where it is today. The trend lines are pointing in all the wrong directions. We are told that if the current trends continue, almost 28 percent of children in the United States will be living in poverty by the year 2010.

Now, you do not need to be a Ph.D. in sociology to appreciate what the implications of that are for the generation coming along that have to be the best-educated, best-prepared generation this Nation has ever produced. We are going to be living in the most competitive global environment that the world has ever seen, and we need to do everything we possibly can to see to it that those younger Americans at least have the opportunity to be well prepared.

Anyone will tell you as they look at these issues that a child who lacks the proper nutrition in the earliest years of their development, that is not getting the kind of care and start they need as they begin those lives, then the likelihood they are going to be productive citizens, good parents, independent people capable of taking care of themselves and contributing to our society diminishes dramatically.

This amendment is not a Draconian amendment. It says that we should at least consider these matters. I am tremendously sympathetic and a supporter, I might add, of the unfunded mandate proposal. I think there is a lot of value in that, looking at the implications in our communities and in our States of the decisions we make.

In fact, in this very Chamber a year ago I offered an amendment which required that we meet at least 30 percent of the obligation we promised 20 years ago for special education needs in this country. We only do it to the tune of 7 percent today. And yet we made the commitment back in the 1970's we meet at least 40 percent of that obligation. It is a tremendous burden for our communities.

That amendment failed. Well, there is some hope with the unfunded mandate approach, if we handle it properly, that we will be able to step in and make a contribution to lessen the burden at the local and State level. Can we not also say, at least for this one constituency, for the children of our country, that we are going to examine the implications of our decisions when it comes to basic things like education, like nutrition, like child support?

It seems to me that is not a great deal to ask. If we are going to examine the implications on a business from a regulatory scheme that we adopt here, I think that is an appropriate and proper question to ask. It should not take a great deal to at least come up with some rough determination of what the implications are in a business. Is it too much to ask, with the children of this country, the children of this society, that we are going to consider as well what the implications are for you?

I realize there is a wave afoot here and that we are all sort of in lockstep in terms of how people are approaching amendments. This does not mandate in a draconian or violent way at all. It just says that Republicans and Democrats in this Chamber as we begin this new Congress regardless of our ideology, regardless of our political persuasion, understand the price we will pay as a Nation in this society if we do not take into account what happens to the most vulnerable in our society.

So, Mr. President, I commend the Senator from Minnesota for proposing this idea. I hope that people at least look at it and consider it. I think it shows balance here, as we look at all these other issues, to certainly take into consideration what happens to America's children. Someday we are going to be held accountable as a generation as to what we did, not in the face of ignorance but in the face of awareness and knowledge of what was happening to a staggering number of our young people.

The issue will be raised and the question asked: Well, you knew that. What did you do? Did you at least try to take into account their needs on the basic issues, on the basic issues of food and education, decent housing, decent support for these young families and these young children?

I hope, with the adoption of this kind of an amendment we can say at least we tried to take that into account. There is no guarantee you are going to do it. It does not say you have to. It just says that you are going to be aware of it and you are going to listen to what the implications are for these younger people.

So, Mr. President, I urge the adoption of the Wellstone amendment. I think it would speak well for this body in the opening days of January that for these children, particularly the children of these working families out there that are struggling every day to make ends meet, we are going to take into account their needs as well as in looking at the implications on governmental bodies and on businesses, children also, particularly the most vulnerable, will be considered as well.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wish to yield the floor in a moment to the Senator from Arkansas.

First of all, let me thank the Senator from Connecticut.

As we speak about this amendment, I wish to try to talk some about the state of children within our country because I think that is part of the context of this amendment. Later on, I also want to talk about this budget debate and what has been taken off the table and why it is that so many people around the country are so frightened that in fact what we are about to do is really cut children, the most vulnerable citizens.

But please understand, I say to my colleagues, that every 5 seconds in the United States of America a child drops out of school; every 30 seconds a child is born into poverty; every 2 minutes a child is born to a woman who had no prenatal care; every 2 minutes a child is born severely underweight; every 4 minutes a child is arrested in an alcohol-related arrest; I think every 6 minutes a child is arrested in a drug-related arrest; every 2 hours a child is murdered in our country, and every 4 hours—this is devastating to me as a grandfather and father—a child takes his or her life.

Mr. President, we cannot abandon children, and as a matter of fact I think the ultimate indictment is when we do so. Either we invest in children when they are young or we pay the price later.

I will have some very specific figures on hunger of children in the United States of America a little later on as we go forward with this debate, and I will also have some statistics on the fastest growing homeless population, which are children. But I say to my colleagues the arithmetic of what we could very well be doing with this contract on America is very harsh; it is very mean spirited. We know what has been taken off the table. Military contractors are not asked to make cuts. Oil companies are not asked to make cuts. Coal companies are not asked to make cuts. A whole lot of other corporations are not asked to sacrifice at all. But we are going to cut nutrition programs for children. We are going to cut programs that provide children with some assistance so that they can have an opportunity.

Now, some of my colleagues say, no, we are not going to do that. This is just simply trying to get people to panic. Senator WELLSTONE or Senator BUMPERS or Senator MOSELEY-BRAUN or Senator DODD are just exaggerating.

Mr. President, we can put all of that concern to rest, and we can go on record tonight in the Senate that it is the sense of the Congress we should not enact or adopt any legislation that will increase the number of children who are hungry or homeless. We should be able to vote "yes" for that.

Mr. President, we can also adopt an amendment that says if we are going to call for impact statements on legislation that affects corporations and State governments and county governments, surely as we move forward we can call for company reports that issue impact statements as to how this affects children.

Mr. President, I yield the floor. I see the Senator from Arkansas.

Mr. BUMPERS addressed the chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I commend the author of this amendment, my good friend, Senator WELLSTONE, for the thoughtfulness of his amendment. It may not be perfectly worded. Oftentimes, we understand the thrust of amendments that come up in the Chamber at times like this, even though they are not worded quite precisely. What we ought to do now is to vote for this amendment because we know what the intention is and what the thrust is. We can worry about the precise language in conference.

Mr. President, shortly we are going to be taking up the unfunded mandates bill. I have very serious reservations about that bill. I do not want to debate it. I think the thrust of that bill is probably good. But I think it needs a lot of work.

We have been voting today largely along party lines. Virtually every vote has been a motion to table voted for by the Republicans and, for the most part, voted against by Democrats. That is understandable. But if there is one amendment on this bill that Republicans and Democrats ought to join hands on it is this one.

The Senator from Minnesota proposes that if we are going to pay the cities and the counties and the States for any obligation we put on them, surely we must also agree not to enact legislation, the effect of which is going to increase the number of homeless and poor children in this country. Surely, we can all agree nobody in this body wants that.

Mr. President, everybody in this Chamber has his own view as to what happened on November 8—not a happy day for the people on this side of the aisle. Not to offend my colleagues on the other side, I could give a half dozen reasons that I think are very legitimate on why people voted against Democrats, not for Republicans.

I do not believe there is a person in America who believes Government is too big, too unwieldy, and too expensive, due to food stamps for hungry people. I take the position that food stamps, aid for dependent children, maternal and child health, Medicaid, medical leave are valuable programs. Some people would have you believe that these programs were enacted by the Congress willy-nilly. They were not. They were debated. Committees considered those proposals thoughtfully.

The Chamber of Commerce and Rotary Club back home did not want me to vote for a medical leave bill. But I happen to have spent 6 weeks with my daughter in Boston Children's Hospital, 2,000 miles from my home. Betty and I talk about it a lot. We were not wealthy, but what if we had been poor? We would not have been in Boston. I do not know. I might have robbed a bank to get my daughter there. We were so fortunate because all I had to do was go back home and open my law office, a one-man, solo practice in a town of 1,500 people and start practicing law again. If I had been out on the assembly line, I would not have had a job to go home to. I daresay that while an awful lot of people in this country took strong exception to the family and medical leave bill, there are not 10 people in this Chamber who would undo this law right now.

This country decided years ago we did not want a single one of our children to go hungry, and that is the reason we have food stamps. We decided we did not want a poor child to suffer for lack of medical attention. That is why we have Medicaid. We decided we did not want poor women having premature or disabled babies who require costly treatment and frequently do not survive. That is why we provide prenatal care. And we provide school lunches for children from poor families. Who here would undo that?

I was president of the school board in my city for 12 years. That was the only thing I was ever elected to before I was elected Governor of my State. I must say, I ran for Governor to get off the school board. That is the worst job I ever had. I know how important school lunches are. The school board struggled with that and tried to raise a little money to improve the nutritional quality of those lunches.

The American people have every right to be mad, upset, disenchanted, and to distrust Congress. It is trendy to do so. But I am telling you that the people of this country do not want us to undo the programs I've described. They do not want us giving the States block grants if the effect is to increase hunger among our children.

In 1950, 27 percent of the people of this Nation over 65 years of age lived below the poverty line. Since then we have reduced the poverty rate among senior citizens to below 12 percent. We can pat ourselves on the back and say Social Security and Medicare did it. Today, you talk about Social Security and you talk about the third rail of politics. Nobody would dare suggest cutting Social Security and Medicare. Why? Because there are 40 million votes out there. You do not have to be a rocket scientist to figure that one out either.

So how about our children? In 1950, the poverty rate among children was 14 percent. At the same time we were reducing poverty among our older citizens, the rate for children was growing dramatically to its current level of 23 percent. Senator DODD says it will be 28 percent by the year 2010. Are we going to stand idly by and allow that figure to come true? If we do not adopt an amendment like this, we could very well see it. Everybody favors welfare reform. But when you get down to the specifics of it, it gets very tenuous indeed.

Mr. President, I do not believe people want welfare reform in order to make cuts that would devastate the most vulnerable among us, namely our children. Here is a good opportunity for Republicans and Democrats to show the American people that when it gets to some basic values, we can indeed join hands and agree on something.

I yield the floor.

Mr. WELLSTONE. Mr. President, parliamentary inquiry. I never yielded the floor. Do I retain the floor?

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator cannot hold the floor after having yielded to the Senator from Arkansas.

Mr. WELLSTONE. I thank the Chair. I wonder whether the Senator will grant me a moment to thank the Senator from Arkansas. I just say to my colleague from Arkansas that I deeply appreciate his remarks, and I think, one more time, that this amendment is really an amendment that will attract and should attract bipartisan support. This is an extremely important message that we can convey today on the floor of the Senate. I thank the Chair.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. Mr. President, I want to begin by congratulating and commending the Senator from Minnesota for this initiative. I think that it is a classical initiative, one that is certainly in keeping with the tradition of this body because really, stripped to its essentials, this sense-of-the-Senate amendment simply says that we in the Senate will do no harm. That is really, I think, our fundamental mandate and fundamental charge as Members of this great body.

As we discuss the change—the revolution, some have called it—the reform that has come to the hill, I think we have to also be mindful, as we speculate about the political ramifications, of why it happened and what all is going on and what all this means. I think we have to be mindful of the realities. We must never lose sight of the realities—what is going on, putting aside the slogans and the politicization of these issues, the reality. The fact is, as the Senator from Minnesota pointed out, the most vulnerable Americans are really at this point the most frightened, because the rhetoric seems to suggest that their realities will be ignored in this debate, and that they will not be factored in the decisionmaking as we rush headlong to begin to get some fiscal discipline to balance the budget and as we address issues having to do with the unfunded mandates, and the like.

The statistics cited by the Senator from Minnesota paint a grim, but a very viable reality, and one that I think we must not lose sight of, and one certainly that underscores the need for his sense-of-the-Senate resolution. His back stop, the back stop this resolution suggests is that we will do no harm to children, the most vulnerable people in our society.

Mr. President, I am a supporter of the balanced budget amendment. In fact, my senior Senator from Illinois, Senator SIMON proposed a balanced budget amendment—and I add parenthetically, since we have talked about politics, that a Democrat suggested the balanced budget amendment. When I campaigned for this office, I supported the balanced budget amendment. I am also a supporter, with Senators GLENN and KEMPTHORNE, of the initiative having to do with unfunded mandates, coming out of State and local government. I, frankly, resist the notion that fiscal responsibility and responsibility in these areas is mean spirited or has to be mean spirited, or that it will put at risk the neediest people in our society and especially our children. I think we can have fiscal responsibility, and I think we can and must achieve a balanced budget. We must begin to address the whole issue of unfunded mandates and the burden that puts on State and local governments, but that we can do that in a way that elevates and does not diminish the status of children in our society. That is the bottom line of the resolution of the Senator from Minnesota.

So I support fiscal responsibility, and I suppose these initiatives for the balanced budget and for the unfunded mandates proposition. I also am a strong supporter of this amendment. I believe they are logically consistent and that they are mutually compatible. I believe we can do both.

I want to share with you for a moment—and I will not be much longer, Senator SIMON. I kind of jotted down a few notes I wanted to share with my colleagues. I first ran for the Senate—and my colleagues on the entitlement commission have heard this story, but it is significant to me and to this debate. My decision to run for this office came in large part based on a conversation I had with my son who was then 15 years old. Matthew, after we discussed the great issues of our time, said to me, "You know, Mom, your generation has left this world and country worse off than you found it." Well, that was like a dagger to the heart, the notion that my generation had not kept faith and done what we were supposed to do in our stewardship of the affairs of this country. So it was for that reason that I have supported efforts to get on an even keel, to put our fiscal house in order, to be responsible in terms of the allocation of responsibilities between State and local government.

I believe that this issue is so important, and so important a statement for us to make who are supportive of fiscal responsibility, precisely because we are talking about what really comes down, and if you look at the numbers and the realities again as opposed to the emotional hot button, they tell us that we are talking about less than 1 percent of our budget.

We really are not talking about an awful lot of money, if you will, in the grand scheme of things. If we are talking about entitlement spending, discretionary spending, really, over all, the amount that is allocated and devoted to children and children's needs is not all that great.

And so the question comes: Why can we not make a strong statement that we believe we are going to not only protect our children's future, but we are also going to protect our children's present; that the children now will not have to worry about what is going to happen as a result of our move to make all of these changes, all of these reforms, and all of the different initiatives that are pending before this new Congress.

Mr. President, I want to close by saying that it is my concern for children that actually got me to stand up here and make a speech without notes and on behalf of the initiative of the Senator from Minnesota, because I believe it is absolutely imperative that we underscore our efforts for fiscal responsibility, underscore our efforts with regard to the pending legislation with the statement that we will do no harm to the neediest in our community, we will do no harm to our children, and that we are concerned about the realities that all the children of this great country face, and that we have the capacity and the ability and the foresight to state at this point that we will be mindful of their needs as we go forward with these different legislative initiatives.

So I want to thank and commend the Senator from Minnesota for taking this initiative, for taking this step. I congratulate him for it. I certainly rise in strong support of his sense-of-the-Senate resolution.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take 30 seconds, because I know my colleague, the senior Senator from Illinois, is anxious to speak.

I wish to thank the Senator from Illinois, Senator MOSELEY-BRAUN, for her remarks. I do not think she really needed to go with prepared remarks, because I think the Senator knows the issues so well and has such a commitment to them. I wanted to just simply thank the Senator for being here out on the floor.

I wanted to emphasize one point, which is that we might want to call this amendment, if we had to title it, the "Children's Right to Have Their Congress Know," because part of this amendment, again, says it is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless. Surely, we can go on record on that.

But the other part, I say to the Senator from Illinois, really is an important impact that we require, which we really should do in this rush to pass this agenda—and I want to talk more about the economics of this a little later on. We owe it to the children of this country—do we not always want to have photo opportunities next to children?—we owe it to the children of this country that we do an analysis of the impact of the legislation that we pass out of committee. We should do that. That is the right thing to do. It is the policy thing to do, it is the justice thing to do, and it is certainly the right thing to do for the children in this country.

So this is an amendment that is meant to be part of the law of the Nation. I thank the Senator from Illinois.

I thank the senior Senator for his patience.

The PRESIDING OFFICER. The senior Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague from Illinois also for her comments. And since she mentioned her son Matthew, let me just add, he is a young man who is going to serve his community and country well in the future and CAROL MOSELEY-BRAUN ought to be a very proud mother of that son.

I think what Senator WELLSTONE has proposed here is important. Let me just give you one simple fact. Twenty-three percent of the children of this Nation live in poverty. No other industrial nation has anything like that figure; no 23 percent in Great Britain or Canada or France or Germany or Italy or Japan or Norway or Denmark or Sweden or the other countries you could mention. Why, why do 23 percent of the children in this country life in poverty?

This is not an act of God. There is no divine intervention that says the children in Iowa and the children in Missouri and the children in Illinois ought to be living in poverty more than children in other countries. It is not the result of a divine intervention; it is not an act of God. It is a result of flawed policies.

It starts in this room, my friends, in this Hall where we meet.

Will the Wellstone amendment, if it is passed, result in changed policy? No one can know for sure. Even the distinguished Senator from Minnesota, for whom I have such a high regard, cannot know for sure whether this will have any significant result in moving us in the right direction. But it might.

At least when we are talking about welfare reform, we are going to be looking at things. And I hear everybody wants welfare reform, including the people on welfare. But I think there are a lot of people who think we can do welfare reform on the cheap. There can be no real welfare reform without a jobs program. And you are going to hear me saying this over and over again.

And I am pleased my colleague from Illinois mentioned the balanced budget amendment. It is very interesting. This year, we will now spend 10 times as much on interest as we will on education. We will spend almost twice as much on interest as all the poverty programs put together.

I ask the Presiding Officer, who is a distinguished former governor of Missouri, if the people of Missouri had a choice of spending less money on interest and more to help poor people, which would they prefer? You know the answer and I know the answer.

But we have just kind of backed into this without thinking. The amendment of the Senator from Minnesota says: Let us think about it. Let us pay attention. Let us at least look at what we are doing to our children.

Again, I simply ask you: Why is the United States alone among the Western industrial nations in having 23 percent of its children in poverty? It grows out of this room, and in this room we can change that policy and give a brighter future to our children.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I was not on the floor for most of the comments by the Senator from Minnesota regarding his proposed amendment. I have just read it. It would provide that it is the sense of the Congress that we should not enact legislation to increase the number of children who are hungry or homeless. And then, if I might direct a question to the Senator from Minnesota, the amendment also states that any bill or joint resolution coming before the Senate or the House should contain an analysis of the probable impact of the bill or resolution on children, including the impact on the number of children who are hungry or homeless.

Let me just be sure I understand this amendment. What the Senator is saying in his amendment is, prior to any bill coming here, that there ought to be a report filed with it detailing, or outlining, I should say, its probable impact regarding whether it would increase the number of children who are either hungry or homeless or both.

Mr. WELLSTONE. The Senator is correct.

Mr. HARKIN. You know, a lot of times, we mandate reports concerning bills here as to their impact on the budget. We have that requirement.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. HARKIN. Yes.

Mr. WELLSTONE. The accompanying report that would come out of committee would actually deal with the impact on children, not just on hunger or just on homelessness, but its impact on children, more broadly defined.

Mr. HARKIN. In other words, if the bill enhanced the well-being of children, that report would point that out, too?

Mr. WELLSTONE. The Senator is correct.

Mr. HARKIN. So it is not just an amendment dealing with measures that could be detrimental to children. It is also saying, how might a bill help them? So if a bill came up, and the question arose: How can we help children, make sure they have an adequate breakfast or a school lunch? That report could also detail that, too.

I just wanted to make sure that was the case.

Mr. WELLSTONE. Mr. President, I thank the Senator from Iowa for making, I think, an important point, which is actually that this accompanying report is a valuable tool for us as we try to make the best possible policy, for two reasons. In the negative, if you will, it tells us if we are about to pass a piece of legislation that will in fact be harmful to children in America. But it also tells us in the positive, when we pass legislation, this is in fact the contribution of this legislation to the lives of children in America. That is the purpose.

Mr. HARKIN. Mr. President, if I may reclaim my time on the floor, I thank the Senator and I compliment him for this amendment. I think it is appropriate that we have this amendment at the beginning of the year; that before we rush to judgment on a lot of bills and measures that will be coming before us that may sound nice, we ought to stop and think about what their impact will be on children in this country.

Mr. President, I have here a study that was done by the Food Research and Action Center, [FRAC]. They talked about the Personal Responsibility Act, which is the legislation developed to implement the House Republican Contract With America. The report goes on to show this act contains a proposal to block grant current Federal nutrition programs, to remove their entitlement status and reduce their funding levels.

FRAC's analysis shows that the Personal Responsibility Act's nutrition block grant program would result in a reduction of funding for food assistance of over $30 billion, about 14 percent, by fiscal year 2000, with a funding loss of $5 billion, 12.7 percent, in fiscal year 1996 alone. Further, under the Personal Responsibility Act's nutrition block grant, all but nine States would experience reductions in funding for food assistance in fiscal year 1996. Fifteen States, including Texas, Ohio, Georgia, Kentucky, and Michigan, would lose 20 percent or more of their funding in fiscal year 1996. Five States—Texas, Louisiana, Washington, Delaware, and Maryland—and the District of Columbia would lose 30 percent or more of their food assistance funding in fiscal year 1996 if the so-called Personal Responsibility Act is passed. The FRAC analysis finds that if the so-called Personal Responsibility Act is passed, the nutrition block grants will have a devastating impact on individual programs such as the Food Stamp Program. In order to achieve savings in this program, States will have to reduce the number of participants by more than 6 million people, or cut benefits by 14 percent in the first year alone. Estimates indicate that if States choose to cut participation levels, over half of all States would have to cut their caseloads by 20 percent or more to meet the lower funding levels. Further, over a quarter of the States would have to reduce case loads by 30 percent or more, and 10 States would have to reduce food stamp case loads by more than 40 percent just to meet the cuts made in the block grant program.

So, Mr. President, this is a pretty drastic approach. For those of us who make a decent income and eat in the Senate dining room every day, or have lobbyists take us to one of these really nice restaurants around the Hill for lunch, it may come as a surprise to know that there are hungry kids in America. There are a lot of children out there who do not get a good breakfast. They may get a good lunch, and it may be their only good meal of the day, because of the free and reduced price lunch program. And they go home and have an inadequate dinner that evening.

There have been a number of studies that have shown in the recent past that we have a lot of hungry kids in America. Take the school breakfast program, one that I have been a strong proponent and advocate of for many years now.

At the outset, let me just say to my friend from Minnesota that he comes from a strong heritage of advocates of a strong and sound nutrition program for our kids in America. I refer to his predecessor, Senator Hubert Humphrey. Also to former Senator Mondale, who fought long and hard for these nutrition programs, and was successful in getting them implemented.

The School Lunch Program was enacted in 1946. It has probably done more to increase the productivity of America than any other single program we have adopted except perhaps the GI bill of rights. We sent our GI's to college. The school lunch program provided for millions of American kids then, as it does today, the only nutritionally sound and adequate meal that they have during the day.

But then studies began to show that kids come to school in the morning and they have not had a breakfast, and they become disruptive and unruly. They cannot study, they cannot focus. So we started the School Breakfast Program. The school breakfast program right now is only available, I think, in fewer than half the Nation's schools that offer the lunch program. So it is not accessible to many children who need it. Many of the schools do not offer it.

Studies have shown that children who participated in the school breakfast program were found to have significantly higher standardized achievement test scores than eligible nonparticipants. Children getting school breakfast also had significantly reduced absence and tardiness rates.

Now, we know that from a number of studies. We also know from a number of studies that children who have adequate nutrition, who have a breakfast and a lunch program, who have the benefit of prenatal and early childhood nutrition, have higher IQ levels. Now, we have seen recent arguments that perhaps IQ levels are linked to ethnic background, or racial background, and all those kind of claims. That is being argued. But there is one thing that is clear.

Mr. DOLE. Will the Senator yield for a procedural question? I do not want to interrupt the Senator's train of thought.

We would like to see if we could set a time for a vote on a motion to table. I understand the Senator from Minnesota needs about 20 minutes. I do not know how much time the Senator from Iowa needs.

Mr. HARKIN. Mr. President, 10 minutes. I am on a roll. I just want to go through a couple of items here.

Mr. DOLE. Mr. President, I ask that I might have at least 2 or 3 minutes before I move to table because it is something I am very interested in.

I have been on the nutrition committees. I have gotten awards from FRAC, and I do not think this amendment belongs here. I want to make a brief record.

So, maybe we could agree to vote at 6:10. That gives the Senator from Minnesota 20 minutes and the Senator from Iowa 10 minutes.

Mr. HARKIN. I just have a few more points.

Mr. DOLE. Mr. President, we can vote at 6:10.

Mr. WELLSTONE. Knowing the Senator from Iowa well, I wonder if we could plan on 6:15.

Mr. DOLE. Mr. President, I ask unanimous consent at 6:15 we vote on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I would just like to have 2 or 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I thank the distinguished majority leader. The Senator has been a strong supporter of nutrition programs, and I can attest to that personally. I wish he would support this amendment. I am sure he will have something to say about that.

Mr. President, as I was saying, one thing that is unassailable and incontrovertible is that kids who do not have an adequate diet do suffer lower IQ. A study reported in the Washington Post found that children suffering persistent poverty in their first 5 years of life have IQs 9 points lower at age 5 than children who did not experience poverty. And we all know that poverty is closely tied to inadequate diet, and inadequate food for kids in their early years.

We know, for example, from a study done by GAO, the cost effectiveness of our WIC programs. Every dollar invested in WIC prenatal assistance saves anywhere from $1.92 to $4.21 in Medicaid costs. These are studies that have been done, and which document the value of sound nutrition for children.

In another study, GAO estimated the initial investment of $296 million in WIC prenatal assistance in 1990 would save over $1 billion in health and education expenditures over 18 years compared to the costs for children who did not get this assistance. So we know children in poverty, children who do not get an adequate diet, who do not get the school breakfast program, they have lower IQ's, they have lower attendance records at school, they are more disruptive, and they do not learn properly.

We are going in the opposite direction with this so-called Personal Responsibility Act in terms of putting the nutrition programs into a block grant and then cutting it. If 5 States, Texas, Louisiana, Washington, Delaware, and Maryland, plus the District of Columbia, lose 30 percent of their food assistance next year, how will they make it up? Who will they cut? Well, they will cut the school breakfast program and other basic nutrition programs for children. We are already hearing about cutting the school lunch program and making kids pay more and that kind of thing. I will have more to say about that as the year progresses. Talk about a noncost-effective approach. I say this is a so-called Personal Responsibility Act because it is our responsibility here in Congress to make sure that kids are not denied adequate nutrition in our country. It has been a responsibility of the Federal Government since 1946 when we enacted the school lunch program and subsequently enacted school breakfast programs, WIC programs, and other nutrition programs, because we recognize a child who is poor and malnourished in Tennessee is not just a responsibility of that State. That child who grows up ill-educated with a lower IQ will not just be a burden on Tennessee but that child could move to Iowa or Illinois, Minnesota or California. And in any event, the loss of that child's potential is a loss for our entire Nation. So the nutrition of our children is really a problem for all of us as a Nation. We have looked upon it that way since the school lunch program was enacted in 1946.

Personal responsibility? Yes, we have a responsibility in this Congress to make sure that all children have a good start in life. That means a good, solid WIC Program, prenatal programs, that we have a good breakfast program for our kids in school, and a school lunch program, and a food stamp program—which is in fact a major child nutrition program.

Now, are there ways of streamlining and of cutting out waste, fraud and abuse? Sure there are. I think it has been about 17 years ago, as a Member of the other body, that this Senator advocated that we issue food stamp recipients an ID card along with food stamps so that they could not just go out and barter and sell food stamps on the streets for drugs or whatever else. I advocated that in 1977. I was told there was a problem with that idea and we could not do it then. We can do it today. If there are ways of streamlining the program, making people more accountable, making the programs more cost-effective, that is fine.

Just to say that we will lump it all in a block grant, send it to the States and then cut it, I think is the height of foolishness. I think that would be more properly called the Personal Irresponsibility Act, if that is what we are about.

So I congratulate the Senator from Minnesota. He is right on target.

As I said, I know the majority leader has been a strong supporter of nutrition programs in the past. I would hope that he would not move to table this amendment. I wish we had accepted it in the spirit it was offered, that is to make sure that we do no harm to these children who need this kind of help and assistance.

Really, it is not just the children we are talking about. I think it is in our own best interest to ensure that our children have adequate nutrition. We can look at it selfishly. We want a more productive America. We want to be able to compete in the world markets. We want to have a better-educated populace. Then we certainly want to make sure our kids have an adequate diet early on in life.

I believe that is what the Senator from Minnesota is saying in his amendment. Let us take care in the legislation that comes before us that it does not impact adversely upon these kids. If we take away these feeding programs for our poor kids in America today, it is like eating our seed corn.

I cannot think of a better analogy than that. These kids are our future, and we better have the personal responsibility to understand that the Federal Government has a role to play here and not abdicate that responsibility.

So, again, I thank the Senator from Minnesota for his amendment. I support it, and I certainly hope it will be adopted because I think it is in the best interest of this country.

I thank the Senator. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 14

(Purpose: To improve legislative accountability for the impact of legislation on children)

Mr. WELLSTONE. Mr. President, let me thank the Senator from Iowa. There is no Senator who knows these issues better. There is no Senator who is a stronger advocate for children. It is my honor to have him out on the floor speaking in behalf of this amendment.

Mr. President, first of all, let me now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 14.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

SEC. 2. LEGISLATIVE ACCOUNTABILITY FOR IMPACT ON CHILDREN.

(a) DUTIES OF CONGRESSIONAL COMMITTEES.—The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives shall contain a detailed analysis of the probable impact of the bill or resolution on children, including the impact on the number of children who are hungry or homeless.

(b) ENFORCEMENT.—

(1) SENATE.—It shall not be in order for the Senate to consider any bill or joint resolution described in subsection (a) that is reported by any committee of the Senate if the report of the committee on the bill or resolution does not comply with the provisions of subsection (a) on the objection of any Senator.

(2) HOUSE OF REPRESENTATIVES.—It shall not be in order for the House of Representatives to consider a rule or order that waives the application of subsection (a) to a bill or joint resolution described in subsection (a) that is reported by any committee of the House of Representatives.

Mr. HARKIN. Mr. President, will the Senator just yield for about 2 minutes without losing his right to the floor?

I want to make one other point. There is so often the assertion some of these programs designed to attack poverty and hunger actually make the problems worse. For the record, I am looking here at figures showing that in 1960, the percent of American children below the age of 18 living in poverty was 26.9 percent. By 1969, after the enactment of a number of the programs addressing child poverty, that percentage went down to 14 percent. It stayed down in the teens until 1983 when it went back up to 22.3 percent. The percentage stayed in the twenties and, at least as of the last year cited in this report, 1991, it was still at 21.8 percent. These figures are all contained in a report titled Two Americas: Alternative Futures for Child Poverty in the United States, published by the Center on Hunger, Poverty, and Nutrition Policy at Tufts University, and I ask unanimous consent that appendix 1 of that report be printed in the RECORD.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX 1.—NUMBER AND PERCENT OF AMERICAN CHILDREN IN POVERTY ALL CHILDREN BELOW AGE 18: 1960–1991

Year	(1000's)	Percent
1960	17,634	26.9
1961	16,909	25.6
1962	16,963	25.0
1963	16,003	23.1
1964	16,051	23.0
1965	14,676	21.0
1966	12,389	17.6
1967	11,656	16.6
1968	10,954	15.6
1969	9,691	14.0
1970	10,440	15.1
1971	10,551	15.3
1972	10,284	15.1
1973	9,642	14.4
1974	10,156	15.4
1975	11,104	17.1
1976	10,273	16.0
1977	10,288	16.3
1978	9,931	15.9
1979	10,377	16.4
1980	11,543	18.3
1981	12,505	20.0
1982	13,647	21.9
1983	13,911	22.3
1984	13,420	21.5
1985	13,010	20.7
1986	12,876	20.5
1987	12,843	20.3
1988	12,455	19.5
1989	12,590	19.6

APPENDIX 1.—NUMBER AND PERCENT OF AMERICAN CHILDREN IN POVERTY ALL CHILDREN BELOW AGE 18: 1960–1991—Continued

Year	(1000's)	Percent
1990	13,431	20.6
1991	14,341	21.8

Source: Statistical Abstracts of the U.S.: 1989; Table No. 738, p. 454. U.S. Bureau of the Census, "Current Population Reports," series P–60, No. 161, and earlier reports. Data for 1988 and 1989 are from "Current Population Reports," Series P–60, No. 170–RD, and No. 169–RD, respectively. Data for 1991 are from "Current Population Reports," Series P–60, No. 181.

Mr. HARKIN. So do not tell me these programs to help children do not have an effect. They have an effect and have a good effect of helping move kids out of poverty. I just wanted to make that point for the RECORD. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the names of the following organizations that support this amendment be printed in the RECORD: The NAACP, Children's Defense Fund, Leadership Conference on Civil Rights, Food Research and Action Center, the National Council of Churches, and the Religious Action Center of Reform Judaism. I ask that their names and the statements of these different organizations be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF RABBI DAVID SAPERSTEIN, DIRECTOR, RELIGIOUS ACTION CENTER OF REFORM JUDAISM

The ultimate judgment of a nation—of its values, its honor, its basic decency—rests upon how it treats its children, for those children are its future. A nation that neglects its children, that allows children to go hungry or homeless, that fails adequately to educate its children, is a nation that shortchanges its future. For this reason, the Union of American Hebrew Congregations, representing 850 synagogues and 1.5 million Reform Jews, strongly supports the proposed Sense of the Congress Resolution that Congress not approve any legislation that will increase the number of children who are homeless and hungry, and that requires a child impact statement before Congress passes new legislation.

In the zeal to reform government and to change the way Congress works, members of Congress must not forget how many of the actions they are now considering—how many of the bills they work to pass, budgets they wish to cut, programs they seek to eliminate—affect American children, and, thus, our future. America already has too many homeless children huddled and shivering against winter's chill without adequate shelter, too many children whose young stomachs know too well the empty pain of hunger, too many inadequately educated children whose bright minds daily grow dull. Those who would cut budgets in ways that harm children will cite the financial benefits of their cuts, will claim that by reducing the national deficit they are securing our future. But by reducing that deficit by penalizing children—by making the weakest and least among us bear the burden of reform—they only bleaken that future.

However much we may all disagree over the best solutions to the problems America confronts, on this, at least, let us find common ground: that our children—more than all our industries combined, more than all our raw materials, more than all our science and ingenuity—our children are our most valuable and precious resource, and we must treat them accordingly. We must protect our children from an indiscriminate budget ax as resolutely as we would protect them from violence. We must scrutinize cuts in programs for children as carefully as we scrutinize cuts in defense spending, for even the mightiest military will be useless if our nation's children have no hope. Our children are meant to walk with us the road to peace and freedom and prosperity; we dare not walk that road to a better tomorrow while leaving them trapped in a bleak, a cruel, today.

Each child's today is thousands of our tomorrows; nurture these todays and you build those tomorrows; darken these todays and you destroy those tomorrows.

So we urge all senators, regardless of political leanings, to support this amendment and to abide by its principles; to keep the children of America always in their minds; and to recognize that short-changing children for short term financial gain is to make a faustian bargain that will cost this nation dearly down the road.

Our children reposit our dreams; we must not allow their lives to be nightmares.

The Religious Action Center of Reform Judaism is the Washington office of the Union of American Hebrew Congregations and represents 1.5 million Reform Jews in 850 congregations throughout the United States and Canada.

STATEMENT OF MARY ANDERSON COOPER, ASSOCIATE DIRECTOR, WASHINGTON OFFICE, NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE U.S.A.

We are pleased to support the efforts of the Senators who have introduced legislation to require that Congress not approve any legislation which will increase the number of children who are hungry or homeless. This commitment to the well-being of the nation's children is consistent with the belief of the churches in our constituency that all people have a right to food and shelter, and that we cannot relax our vigilance when there is the prospect that children will be allowed to go hungry and unprotected.

We are grateful for the initiative being undertaken today, and we urge the Congress to enact this measure assuring that no action undertaken by the House or Senate will increase the number of hungry and homeless children in this nation.

STATEMENT OF ROBERT J. FERSH, PRESIDENT, FOOD RESEARCH & ACTION CENTER

I am pleased to support the resolution that Senator Wellstone will introduce today to protect children from hunger and homelessness. This resolution is timely because there now are serious proposals before Congress that could add dramatically to the numbers of children who experience hunger and homelessness in this country.

FRAC is considered the leading national organization advocating for more effective public policies to end hunger in this country. Our analysis of H.R. 4, the Personal Responsibility Act introduced in the House of Representatives, leads us to believe that millions of American children could lose essential school lunch, school breakfast, WIC and food stamp benefits if the bill is enacted.

The most fundamental threat to our children's well-being is the proposal to replace the highly effective and successful nutrition programs we have today with a block grant at sharply reduced funding. This will lead not only to immediate pain and suffering, but virtually guarantees that the responsiveness to hunger and undernutrition will diminish in years ahead.

We need a continuing Federal commitment to nutrition programs that assures adequate funding and benefit levels. We need programs that provide predictable funding levels and assure that no matter where one lives in the United States, there will be a safety net to prevent hunger.

We cannot have a situation where school administrators never know how much support they will receive and opt out of school feeding programs because of inconsistent funding. We cannot have a situation where needy people in a State cannot get help when they lose their jobs because their State has too many people in need and too little money to serve them.

There are reforms and improvements that can be made to improve the delivery of food assistance to vulnerable citizens and to preserve the integrity of the programs.

But a drive to save Federal dollars and reinvent government roles should not have as a consequence more hungry and homeless children. Before this rush to chaos is approved, Congress should take a careful look at our Nation's nutrition programs. They have a highly successful track record of improving the nutritional status of our most vulnerable citizens. Failure to preserve these programs will exact a high monetary and social cost from our society.

I offer our thanks to Senator Wellstone for introducing this measure to assure that Congress has made a careful study of the potential impact of its decisions on our most vulnerable children.

CHILDREN'S DEFENSE FUND,
January 10, 1995.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC

DEAR SENATOR WELLSTONE: I applaud your efforts to make sure that the members of Congress are informed about the probable consequences to children of legislation they are considering.

Like you, I am very concerned that some of the actions the Congress will be considering in the days ahead will, instead of helping children, actually result in more children being left behind—more hungry, more homeless, more without health insurance, more who are poor. I believe that members of Congress, if informed that an action they are contemplating will actually hurt children, will not take such an action.

Your amendment ensures that members of Congress have the official information upon which to base that determination. This is, effectively, "a children's right to have their Congresspeople know" amendment. Too often, the needs of children, who don't vote or speak for themselves, are invisible in the legislative process. At the very least, children should be able to expect that Senators and Representatives know the impact of their decisions upon children before they act.

This is an amendment which every member of the Congress should support. Thank you again for your leadership on this very important issue for children.

Sincerely yours,

MARIAN WRIGHT EDELMAN.

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that a

statement of Women Academics Concerned About Welfare be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WOMEN ACADEMICS CONCERNED ABOUT WELFARE

(This statement was written and signed in response to the Administration welfare "reform" bill introduced in the summer of 1994. Spurred by this proposal Republicans are now championing much worse barbarisms. We should not let ourselves be driven into supporting the bad in the hope of fending off the worse. We stand against policies which deprive poor children and scapegoat poor mothers. A politic of blaming the poor fosters a downward cycle of impoverishment, stigmatization, and despair.—Linda Gordon, Frances Fox Piven, Louise Trubek, January 1995.)

As women scholars who have studied welfare programs in the United States and other democracies, and who share a concern for poor women and children, we feel a responsibility to speak out in opposition to the Clinton administration welfare reform proposal.

The most publicized feature of the proposal is a two-year lifetime limit on cash assistance from AFDC. The limit shreds precisely that portion of our social safety net on which poor women and children rely. Yet the evidence shows that the majority of recipients do not stay on "welfare" very long at one time, but turn to AFDC when they are forced to by work of family emergencies. Many women also turn to welfare to escape from domestic violence. A two-year limit would destroy that lifeline.

The Bush administration began freely granting waivers allowing the states to experiment with "reforms," and the Clinton administration is continuing this practice. Few of these waivers concern true experiments or reforms. Instead, reminiscent of the 19th century when welfare was a system of disciplinary tutelage, they usually cut welfare grants which are already everywhere below the poverty level. Some states are reducing family benefits if a child is truant or if an additional child is born. From the beginning of AFDC in 1935, the federal government provided some protection against the arbitrary ill-treatment of recipients by states and counties. That protection should not be forfeited.

The effort to present a "revenue-neutral" welfare reform has resulted in the ludicrous prospect of severe cutbacks in programs that serve some of the poor in order to pay for programs that will ostensibly help others of the poor. Clearly this makes little moral or programmatic sense.

Just as troublesome as these programmatic initiatives is the vilification of welfare recipients for lacking the values of work and responsibility which has characterized the Administration's talk about reform. This rhetoric undermines respect for the hard and vital work that all women do as parents. It is particularly egregious when directed against poor single mothers who confront the triple burdens of heading households, parenting, and eking out a livelihood. Given the popular misimpression that welfare recipients are overwhelmingly minority women, this pillorying of poor women also contributes to racist stereotypes.

While women have always been consigned to low wage jobs, the situation of working women trying to support children has worsened dramatically in the last two decades as wage levels plummeted. The Administration proposal is silent about that problem.

Real welfare reform should be directed to ending poverty, not welfare. We should strive for widely available day care, medical insurance, and education, and for improvements in working conditions and wages. At the same time we should preserve the programs of social support—variously called social security or welfare—that have been vital to the safety, health and morale of millions of women, men, and children in the U.S.

WOMEN ACADEMICS CONCERNED ABOUT WELFARE REFORM

Emily K. Abel, UCLA; Mimi Abramovitz, CUNY; Martha Ackelsberg, Smith; Mona Acker, U Regina; Julia Adams, U Mich; Randy Albelda, U Mass Boston; Nedda C. Allbray, CUNY; Rebecca Alpert, Temple; Christa Altenstetter, CUNY; Ann Rosegrant Alvarez, Wayne State; Nancy Amidei, U Wash; Teresa Amott, Bucknell U; Susan Amussen, Union Institute; Margaret Anderson, U Delaware; Elizabeth S. Anderson, U. Mich; Karen Anderson, U Arizona; Karin J. Anderson, New School; Melissa Anderson; Molly Andrews, Temple; Fran Ansley, U Tenn.

Rita Arditti, Union Institute; Clarissa Atkinson, Harvard; Nina Auerbach, U of Penn; Dr. Harriet Baber, U San Diego; Regina Bannan, Temple; Lois W. Banner, USC; Carol Barash, Rutgers; Lucy Barber, Brown; Nancy Barnes, New School; Dana Barron, U of Penn; Pauline B. Bart, U Illinois, Chicago; Rosalyn Fraad Baxandall, SUNY; Gail Bederman, Notre Dame; Leslie Bender, Syracuse; Trude Bennett, U North Carolina; Betty Ann Bergland, U Wisconsin, River Falls; Barbara R. Bergmann, American U; Sharon Berlin, U Chicago; Sally A. Bermanzohn, CUNY; Elaine Bernard, Harvard; Beth Berne, Woods Hole; Kim Blankenship, Yale.

Marcia Bok, U Conn; Janet K. Boles, Marquette; Annette Borchorst, Wellesley; Eileen Boris, Howard; Marti Bombyk, Fordham; Judith R. Botwin, Woods Hole; Cynthia Bowman, Northwestern; Ruth A. Brandwein, SUNY; Rachel Bratt; Winifred Breines, Northeastern; Vicki Breitbart, Columbia U; Johanna Brenner, Portland State; Stephanie Bressler, King's College; Mary Bricker-Jenkins, Western Kentucky; Eleanor Brilliant, Rutgers; Frances L. Brisbane, SUNY; Sherri Broder, U Mass, Medford; Evelyn A. Brodkin, U Chicago; Mary Ann Bromley, Rhode Island College; Elsa Barkley Brown, U Mich; Susan Taylor Brown, Syracuse; Irene Browne, Emory U; Lisa D. Brush, U Pittsburgh; Darcy Buerkle, Claremont U.

Sandy Butler, U Maine; Joan Callahan, U Kentucky; Ann Nichols-Casebolt, Virginia Commonwealth U; Susan Kerr Chandler, U Nevada; Alta Charo, U Wisconsin; Wendy Chavkin, Columbia; Roslyn H. Chernesky, Fordham; Norma Chinchilla, U Cal, Long Beach; Nancy Churchill, U Conn; Mary Ann Clawson, Wesleyan; Jewel P. Cobb, Cal State Fullerton; Dorothy Sue Cobble, Rutgers; Lizabeth Ann Cohen, NYU; Miriam J. Cohen, Vassar; Patty A. Coleman, U Maine; Blanche Wiesen Cook, CUNY; Kimberly J. Cook, Miss State U; Mary Coombs, U Miami; Lynn B. Cooper, Cal State Sacramento; Rhonda Copelon, CUNY; Nancy Cott, Yale.

Lois K. Cox, U Iowa; Kate Crehan, New School; Elizabeth Crispo, CUNY; Faye Crosby, Smith; Barbara R. Cruikshank, U Mass; Paisley Currah, CUNY; Deborah D'Amico, Consortium for Worker Ed; Jo Darlington, U Colorado; Margery Davies, Tufts; Jane Sherron De Hart, U Cal, Santa Barbara; Vasilikie Demos, U Minn, Morris; Tracey Dewart, CUNY; Irene Diamond, U Oregon; Bonnie Thornton Dill, U Maryland; Estelle Disch, U Mass, Boston; Christine DiStefano, U Wash.

Elizabeth Douvan, U Mich; Nancy E. Dowd, U Florida; Daine M. Dujon, U Mass, Boston; Joan Levin Ecklein, U Mass, Boston; Susan Eckstein, Boston U; Kathryn Edin, Rutgers; Rebecca Edwards; Hester Eisenstein, SUNY; Margaret S. Elbow, Texas Tech U; Leslie C. Eliason, U Wash; Irene Elkin, U Chicago; Cynthia H. Enloe, MIT; Cynthia Fuchs Epstein, CUNY; Julia A. Ericksen, Temple; Rebecca Faery, Harvard; Kathleen Coulborn Faller, U Mich; Amy Farrell, Dickinson; Elizabeth Faue, Wayne State U; Constance Faulkner, Western Wash U; Elizabeth Fee, U Wisconsin; Susan Feiner; Shelley Feldman, Cornell; Ruth Feldstein, Brown.

Deb Figart, Eastern Mich U; Judith I Fiene, U Tenn; Michelle Fine, CUNY; Deborah K. Fitzgerald, MIT; Maureen Fitzgerald, U Arizona; Maureen A. Flanagan, Mich State; Cornelia Butler Flora, Iowa State; Nancy Folbre, U Mass, Amherst; Joyce Clark Follet, U Wisconsin; Alice Fothergill, U Colorado; Ruth Frager, McMaster U; Nancy Fraser, Northwestern; Sharon Freedberg, CUNY; Estelle Freedman, Stanford; Sandra French, Indiana U SE; Judith Friedlander, New School; Andrea Friedman, U Cal, Santa Cruz; Debra Friedman, U Wash; Jennifer Frost, U Wisconsin; Fran Froelich, U Mass, Boston; Ann Rubio Froines, U Mass, Boston.

Rachel G. Fuchs, Arizona State; Marsha Garrison, Brooklyn Law; Sarah Gehlert, U Chicago; Joyce Gelb, CUNY; Jane Gerhard, Brown; Jill Gerson, CUNY; Judith Gerson, Rutgers; Kathleen Gerson, NYU; Nancy Gewirtz, Rhode Island College; Melissa R. Gilbert, Georgia State; Glenda E. Gilmore, Yale; Lori Ginzberg, Penn State; Marilyn Gittell, CUNY; Naomi Gitterman, Mercy; Gertrude S. Goldberg, Adelphi; Joanne Goodwin, U Nevada, Las Vegas; Linda Gordon, U Wisconsin; Deborah Gorham, Carleton; Janet Gornick, CUNY; Naomi Gottlieb, U Wash; Peggotty Graham, Open U, UK; Margaret Groarke, CUNY; Elna Green, Sweet Briar; Julie Greene, U Colorado; Maxine Greene, Columbia; Rosalind Greenstein; Carol Groneman, CUNY; Emma R. Gross, U Utah; Atina Grossman, Columbia; Angela Gugliotta, Notre Dame; Lorraine Gutierrez, U Wash; Madelyn Gutwirth, U Penn; Jacquelyn Hall, U Wisconsin; Margaret Hallock, U Oregon.

Evelynn M. Hammonds, MIT; Linda Shafer Hanbcock, U Oregon; Julia E. Hanigsberg, Columbia; Donna Hardina, Cal State Fresno; Ann Hartman, Smith/Fordham; Susan M. Hartmann, Ohio State; Nancy Hartsock, U Wash; Sally Haslanger, U Mich; Victoria Hattam, New School; Rosemary Haughton; Mary Hawkesworth, U Louisville; Pam Hayden, La Salle; Sue Headlee, American U; Alice Hearst, Smith; Lisa Heldke, Gustavus Adolphus; Julia Henly, U Colorado; Barbara Herman, UCLA; Helga Hernes, Oslo; Mary Jo Hetzel, Springfield College; Nancy A. Hewitt, Duke; Barbara Heyns, NYU; Elizabeth Higginbotham, U Memphis; Marianne Hirsch, Dartmouth; Joan Hoffman, CUNY; Emily P. Hoffman, Western Michigan U; June Hopkins; Nancy R. Hooyman, U Wash; Ruth Hubbard, Harvard; Nancy A. Humphreys, U Conn; Irene Hurst, U Cal; Cheryl Hyde, Boston U; Sandy Ingraham, U Oklahoma; Katherine Irwin, U Colorado.

Joan Iversen, SUNY; Jean E. Jackson, MIT; Lynn Jacobsson, Cal State Fresno; Leanne Jaffe, New School; Dolores Janiewski, Victoria U; Toby Jayaratne, U Mich; Marty Jessup, U Cal San Francisco;

Carole Joffe, U Cal Davis; Harriette Johnson, U Conn; Katherine D. Johnson; Jacqueline Jones, Brandeis; Jill B. Jones, U Tenn Knoxville; Catheleen Jordan, U Texas, Arlington; June Jordan, U Cal Berkeley; Barbara H. R. Joseph, SUNY; Peggy Kahn, U Mich, Flint; Hilda Kahne, Brandeis; Nancy Kaiser, U Wisconsin; Sheila B. Kamerman, Columbia; Carol Kaplan, Fordham; Temma Kaplan, SUNY; Kathie Friedman Kasaba, U Wash, Tacoma.

Barbara Kasper, SUNY; Joyce Rothchild, Virginia Tec; Barbara Katz Rothman, CUNY; Lily Kay, MIT; Alice B. Kehoe, Marquette; Evelyn Fox Keller, MIT; Karol Kelley, Texas Tech; Mary Kelley, Dartmouth; Susan M. Kellogg, U Houston; Marie Kennedy, U Mass, Boston; Linda K. Kerber, U Iowa; Alice Kessler-Harris, Rutgers; Cynthia Harrison; Mary C. King, Portland State; Eva Kittay, SUNY; Janet E. Kodras, Florida State; Rosa Perez-Koenig, Fordham; Judy Kopp, U Wash; Felicia Kornbluh, Princeton; Sherrie A. Kossoudji, U Mich; Minna J. Kotkin, Brooklyn Law; Nancy J. Krieger, Kaiser Foundation Research Inst; Joan Irene Krohn, New Mexico Highlands U; Sarah Kuhn, U Mass, Lowell; Charlotte Kunkel, U Colorado; Regina G. Kunzel, Williams College; Demie Kurz, U Penn; Angel Kwolek-Folland, U Kansas; Marie Laberge, U Wisconsin; Molly Ladd-Taylor, York.

Joan Laird, Smith; Susan Lambert, Chicago; Gaynol Langs; Jane Elizabeth Larsen, Northwestern; Magali Sarfatti Larson, Temple; Rebecca Lash, Woods Hole; Barbara Laslett, U Minn; Marcie Lazzari, Colorado State; Suzanne Leahy, U Colorado; Judith W. Leavitt, U Wisconsin; Judith Lee, U Conn; Mary P. Lefkarites, CUNY; Gerda Lerner, U Wisconsin; Margaret Anne Levi, U Wash; Rhonda F. Levine, Colgate; Ellen Lewin, Stanford; Edith A. Lewis, U Mich; Jinguay Liao, New School; Eloise Limger, New School; Shirley Lindenbaum, CUNY; Karen T. Litfin, U Wash; Margaret Little, U Manitoba; Sharon Long, Urban Institute; Judith Lorber, CUNY; Shirley A. Lord, Buffalo State College; Tracy Luff, Viterbo College; Melani McAlister, Brown; Megan McClintock, U Wash.

Martha McCluskey, Columbia; Elizabeth McCulloch; Eileen McDonogh, Northeastern; Katie McDonough, New Mexico Highlands U; Brenda McGowan, Columbia; Alisa McKay, Glasgow Caledonian U; Vonnie McLoyd, U Mich; Sharon McQuaide, Fordham; Barbara Machtinger, Bloomfield College; Colleen Mack-Canty, U Oregon; Esther I. Madriz, CUNY; Betty Reid Mandell, Bridgewater State; Jeanne Marecek, Swarthmore; Jane Mauldon, UC Berkeley; Lynne Marks, U Victoria; Sylvia Marotta, George Wash U; Julie Matthaei, Wellesley; Elaine Tyler May, U Minn; Margit Mayer, Free U Berlin; Anne Mayhew, U Tenn, Knoxville; Paula Hooper Mayhew, Marymount Manhattan; Mary Jo Maynes, U Minn; Margaret L. Mead, Tufts; Carol H. Meyer, Columbia; Marcia K. Meyers, Syracuse; Sonya A. Michel, U Illinois, Urbana-Champaign; Ruth Milkman, UCLA.

Dorothy C. Miller, Wichita State; Susan Miller, U Cal Davis; Leslie Miller-Bernal, Wells College; Linda G. Mills, UCLA; Jenny Minier, U Wisconsin; Gwendolyn Mink, U Cal Santa Cruz; Lorraine C. Minnite, CUNY; Beth Mintz, U Vermont; Joya Misra, U Georgia; Renee Monson, U Wisconsin; Suzanne Morton, McGill; Wynne Moskop, Saint Louis U; Elizabeth Mueller, New School; Ann Marie Mumm, Rhode Island School of Social Work; Robyn Muncy, U Maryland; Victoria Munoz, Wells College; June Nash, CUNY; Nancy Naples, U Cal Irvine; Marysa Navarro, Dartmouth; Anne Nelson, Woods Hole; Barbette Jo Neuberger, U Illinois, Chicago; Esther Newton, SUNY; Mae Ngai, Consortium for Worker Ed.

Sue Nissman, MIT; Jill Norgren, CUNY; Catherine O'Leary, New School; Clara Oleson, U Iowa; Stacey J. Oliker, U Wisconsin, Milwaukee; Paulette Olson, Wright State; Laura Oren, U Houston; Ann Orloff, U Wisconsin; Sherry Ortner, U Mich; Susan Ostrander, Tufts; Martha Ozawa, Wash U, St. Louis; Gul Ozyegin, Temple; Nell Painter, Princeton; Mary Brown Parlee, MIT; Eve Passerini, U Colorado; Carole Pateman, UCLA; Lisa Peattie, MIT; Rosa Maria Pegueros, U Rhode Island; Donna Penn, Brown; Ruth Perry, MIT; Rosalind Petchesky, CUNY; Jean Peterman, U Illinois, Chicago; Barbara Pine, U Conn; Frances Fox Piven, CUNY; Uta Poiger, Brown; Janet E. Poppendieck, CUNY; Christina Pratt, Dominican College; Arline Prigoff, Cal State Sacramento; Laura M. Purdy, Wells College.

Lara E. Putnam, U Mich; Karen Pyke, USC; Mary Ann Quaranta, Fordham; Rayna Rapp, New School; Sarah Raskin, Trinity; Leslie J. Reagan, U Illinois, Urbana-Champaign; Sherrill Redmon, Smith College; Ellen Reese, UCLA; Pat Reeve, U Mass, Boston; RoseAnn Renteria, U Colorado; Margery Resnick, MIT; Catherine K. Riessman, Boston U; Alice Robbin, CUNY; Betty D. Robinson, U Southern Maine; Jeanne B. Robinson, U Chicago; Pamela A. Roby, U Cal Santa Cruz; Anna Rockhill, U Mich; Ruth Roemer, UCLA; Beth Rose, Vanderbilt.

Nancy E. Rose, Cal State San Bernardino; Sonya O. Rose, U Mich; Ruth Rosen, U Cal Davis; Beth Spenciner Rosenthal, CUNY; Joyce Rothschild, Virginia Polytechnic Institute; Hiasaura Rubenstein, U Tenn; Sara L. Ruddick, New School; Lois Rudnick, U Mass, Boston; Leila J. Rupp, The Ohio State; Mary P. Ryan, UC Berkeley; St. Ann Convent, East Harlem; Barbara J. Sabol; Susan Sandman, Wells College; Rosemary C. Sarri, U Mich; Wendy Sarvasy, UC Berkeley; Saskia Sassen, Columbia; Gwen Sayler, Wartburg Theological Seminary; Jane Sharp, Kings College, London; Eunice Shatz, U Tenn, Knoxville; Marilyn M. Schaub, Duquesne.

Elizabeth M. Schneider, Brooklyn Law; Brooke G. Schoepf, Woods Hole; Juliet Schor, Harvard; Barbara Schulman, Clark; Leslie Schwalm, U Iowa; Dorie Seavey, Wellesley; Gay Seidman, U Wisconsin; Carole Shammas, U Cal Riverside; Karen Sharma, New School; Kristin A. Sheradin, U Rochester; Mary T. Sheerin, Union Institute; Jessica Shubon, Brown; Barbara Sicherman, Trinity; Ruth Sidel, CUNY; Deborah Siegel, Rhode Island College; Helene Silverberg, U Cal Santa Barbara; Louise Simmons, U Conn; Barbara Levy Simon, Columbia; Andrea Y. Simpson, U Wash; Beverly R. Singer, Columbia; Louise Skolnick, Adelphi; Carol Smith CUNY; Judith E. Smith, U Mass, Boston; Susan L. Smith, U Alberta; Ann Snitow, New School; Sue Sohng, U Wash; Renee Solomon, Columbia; Rickie Solinger; Roberta Spalter-Roth, American U; Jane M. Spinak, Columbia; Judith Stacey, U Cal Davis; Barbara Stark, U Tenn, Knoxville; Rose Starr, CUNY.

Anne A. Statham, U Wisconsin, Parkside; Catherine A. Steele, Syracuse; Judith Stein, CUNY; Ronnie Steinberg, Temple; Vicky Steinitz, U Mass, Boston; Susan Sterett, U Denver; Joyce West Stevens, Boston U; Mary H. Stevenson, U Mass, Boston; Landon R.Y. Storrs, U Wisconsin; Diana L. Strassmann, Rice; Philippa Strum, CUNY; Jennifer Stucker, Eastern Wash U; Amy Swerdlow, Sarah Lawrence; Meredith Tax, PEN; Shelly Tenenbaum, Clark; Nancy M. Theriot, U Louisville; Margaret Susan Thompson, Syracuse; Sharon M. Thompson; Barrie Thorne, USC; Carolyn Tice, Ohio U; Kip Tierman, U Mass, Boston; Roberta Till-Retz, U Iowa; Shirley Tillotson, Dalhousie U; Louise A. Tilly, New School; Susan Traverso, U Wisconsin; Joan Tronto, CUNY; Louise Trubek, U Wisconsin; Sandra G. Turner, Fordham; Adrienne Valdez, U Hawaii, Manoa; Deborah M. Valenze, Barnard.

Dorothy Van Soest, Cahtolic U; Heidi Vickery, New School; Kamala Visweswaran, New School; Lise Vogel, Denison; Nancy R. Vosler, Wash U. St. Louis; Maureen Waller, Princeton; Elaine M. Walsh, CUNY; Joanna K. Weinberg, U Cal San Francisco; Helen Weingarten, U Mich; Marsha Weinraub, Temple; Nancy Weiss, Syracuse; Beth Weitzman, NYU; Dorothy E. Weitzman, Boston College; Carolyn Crosby Wells, Marquette; Janice Wood Wetzel, Adelphi; Marianne H. Whatley, U Wisconsin; Lora Wildenthal, Pitzer; Lucy A. Williams, Northeastern; Rhonda M. Williams, U Maryland; Ann Withorn, U Mass, Boston; Eleanor Wittrup, U Mass, Lowell; L. Mun Wong, CUNY; Nancy A. Worcester, U Wisconsin; Susan M. Yohn, Hofstra; Marilyn Young, NYU; June Zaccone, Hofstra; Mary K. Zimmerman, U Kansas; Paz Mendez-Bonita Zorita, Arizona State; Yvonne Zylan, NYU

Mr. WELLSTONE. Mr. President, one day in the life of American children, three children die from child abuse—this is the Children's Defense Fund report last year—nine murdered.

One day in the life of American children, 13 children die from guns; 27 children—a classroomful—die from poverty; 30 children are wounded by guns.

One day in the life of American children, 63 babies die before they are 1 month old.

One day in the life of American children, 101 babies die before their first birthday; 145 babies are born at very low birth weight; 202 children are arrested for drug offenses; 307 children are arrested for crimes of violence; 340 children are arrested for drinking or drunken driving; 636 babies are born to women who had late or no prenatal care.

One day in the life of American children, 801 babies are born at low birth weight; 1,234 children run away from home.

One day in the life of American children, 2,868 children are born into poverty.

One day in the life of American children, 7,945 children are reported abused or neglected.

One day in the life of American children, 100,000 children are homeless.

Mr. President, we had a rather amazing statement made by one of our colleagues in the House of Representatives that the reason there would be no precise figures on precise cuts before a balanced budget amendment is that Representatives and Senators, therefore, would not vote for that amendment. There is a reason for that.

By the most conservative Congressional Budget Office estimate, if you put Social Security in parentheses, if you do not cut the Pentagon, and if you have to pay the interest on the debt in order to get to where we are supposed to get to by the year 2002, we have to cut $1.2 trillion.

I say conservative estimate, because we are now in a bidding war to raise the military budget, the Pentagon budget, to the tune of maybe $50 billion over the next 5 years, and we are in a bidding war for more and more tax cuts. That is revenue lost. That just leaves certain areas of the budget where we can make the cuts. The arithmetic of this is very clear and it is very compelling.

I do not present today on the floor of the Senate a sophisticated econometric model. There are all sorts of different variables to consider. But I will tell you this: On present course—and we must change that course—when you look at outlays 2002, in terms of where we are heading, and then you subtract Social Security, which will not be cut, you subtract the Pentagon budget with a given percentage of the overall budget, and you subtract interest on the debt and you look at a projected $319 billion deficit reduction target, that $319 billion is about one-third of what you have left to cut from.

So, Mr. President, we could be talking about, roughly speaking, 32-percent cuts. Maybe we will not have a 32-percent cut in veterans programs. Maybe we will not have a 32-percent cut in Medicare. In Minnesota, that would mean a cut of $1 billion just in my State alone in Medicare. Maybe it will be more in child nutrition programs. Maybe it will be more in other children's programs.

I know that in Minnesota alone, by 2002 on present course, we can see $145 million taken out of the following essential food assistance programs. This is not precise, but this is the direction we are going in: Food stamps, aid to women, infants, and children, and nutrition programs for the elderly, and the School Lunch Program.

I said it before and I am going to say it again. A Food Research and Action Council 1991 report, 5.5 million children under 12 years of age are hungry in the United States of America. U.S. Council of Mayors' status report on Hunger and Homelessness in American Cities 1994 estimates 26 percent that were homeless. The increase of the population, 26 percent, I believe, of the homeless population were children. National Academy of Sciences, 100,000 children are homeless each day in our country.

Mr. President, if we continue on the present course and say we are not going to cut the military contractors; no, we do not want to do that; they have a lot of power. Heaven forbid that we do anything about oil company subsidies or coal or gas or all sorts of other subsidies. Heaven forbid that as we think about how to contain health care costs, insurance companies and pharmaceutical companies are part of the sacrifice. All that is off the table.

Willie Sutton was asked, Why did you go rob the banks? He said, That's where the money was. In this Contract With America, we are going to make cuts that affect the most vulnerable among the citizens in our country, and they are children because they do not make the large contributions, they do not lobby every day, and they do not have the political power of some of these other interests.

Mr. President, again, today in Minnesota, 100 to 150 citizens, many of them children, at a press conference, a number of the organizations, Children's Defense Fund and others that have worked with children and have such credibility for their work, were making predictions on where we are going to be in 2002 with this Contract With America as it is implemented: 29,150 babies, preschoolers and pregnant women would lose infant formula and other WIC nutrition supplements; 31,000—actually, I think it is 51,500—children would lose food stamps; 154,600 children would lose free or subsidized school lunch programs.

Mr. President, I suggest that every Senator take a look at his or her State and ask the question: What exactly is going to happen here? If we are going to cut these programs that affect children in the country, either it becomes a shell game and our States then have to pick up the cost through a sales tax or a property tax, or the food shelves go bare, we see a rise in hunger, we see a rise in homelessness, and we see a rise in poverty among children in this country.

I said it once and I am going to say it again tonight before this vote: I come from a State, as the Senator from Iowa, Senator HARKIN said, with a rich tradition of care and commitment for and to children. Senator Hubert Humphrey personified that better than any other Senator could.

Senator Humphrey said the test of government and society is how we treat people in the dawn of life, and he meant the children; and in the twilight of life, and he meant the elderly; and in the shadow of their life, and he meant people struggling with an illness or struggling with a disability or those that were poor.

Unfortunately, Mr. President, one out of every four children in America are poor; one out of every two children of color are born into poverty today.

Mr. President, I heard the majority leader say two things, one with which I agree and one with which I am in profound disagreement. The first thing he said was that he has a history of concern and a history of commitment when it comes to nutritional programs and children in America, and he is absolutely correct. For that I pay him my greatest respect.

But, Mr. President, the second point that the majority leader made was that somehow the timing is not right, this is not the right time.

Now, I am not today going to do an analysis of the number of amendments that have been brought to the floor on different bills which may or may not have been a part of those bills by some sort of test of germaneness or relevancy. Believe me you, there have been many brought to this floor, and certainly by now the current majority party.

That is not my point. My point is that Senators bring amendments to the floor, just so that people who are watching this debate are clear, because of timing. If you think an amendment is important and you think that the timing of it is critical, that is when you do it.

Now, before we rush headlong into legislation that is going to hurt children in this country, why is the time not right for the Senate to go on record that it is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless? Why is not the time right for the Senate to go on record that with our committees, when we report bills out, there will be reports accompanying those bills which will spell out the impact of that legislation on children in America?

Tomorrow and the next day the timing is not right, the majority leader says. Tomorrow, and the next day, and the next day, and I am not sure how many days afterwards we are going to be talking about unfunded mandates and we are going to be talking about precisely this; that when legislation comes out of committee there will be a cost-benefit analysis, et cetera, et cetera, et cetera.

Mr. President, if we can say that we ought to do an impact analysis of legislation on State governments and county governments and city governments and corporations or small businesses, can we not today at the beginning of the session before we get into this agenda and start passing legislation, especially legislation that is going to hurt children, pass a piece of legislation in the form of this amendment that says no, we are not going to do anything, we are not going to do anything that will increase the number of children who are hungry or homeless?

Has it come to the point that the Senate is unwilling to go on record saying that? Is it not timely for us to say that today? I say to my colleagues in a nice way, I am sure that you listen to all your constituents. And since I am sure you do, you must realize that there are many people in this country who believe that we are about to go through some cuts that are going to hurt those citizens who are the most vulnerable in this country.

Now, I have had colleagues disagree with me, and they have said you are sounding an alarm but not based upon any serious problem. Mr. President, all you have to do, for those who have said no, we are not going to do that, I would say why then do you not support this amendment?

Mr. President, I have to say to the majority leader and my colleagues, I cannot believe that you are trying to make the argument that the timing is not right for this. Why is it not time for the Senate to make it clear we are not going to enact or adopt any legislation that will increase the number of children who are hungry or homeless? Why is it not time for us to make a commitment to children and make it clear that we will have a child impact statement which goes with legislation reported out of committee as to how that legislation will affect children?

I say to my colleagues that if you vote against this today, you certainly are sending a message loud and clear. And what you are saying to people around this country is, yes, you all have reason to be fearful and you have reason to worry and you have reason for some indignation that we are about to make some cuts that are going to hurt the most vulnerable citizens in the United States of America, children, because we are unwilling to go on record otherwise.

What do you mean the timing is not right today? When is the timing going to be right? And I say to my colleagues, yes—I say this to the Senator from Iowa, because I so appreciate his grassroots approach to politics—populism is alive in America. People are in an anti-status-quo mood, and people voted for change.

But, Mr. President and my colleagues, there is a tremendous amount of goodness in the United States of America. People did not vote to cut nutrition programs for children. People did not vote for legislation that could increase the number of children who are hungry or the number of children who are homeless.

I say to my colleagues, if you do not think there is some compassion in this Nation, and you do not think there is some sense of fairness in this Nation, and you do not think there is some sense of justice in this Nation, then you are profoundly wrong.

I hope the majority leader does not come out here and move to table this amendment, which is all about congressional accountability. I want the Senate to go on record and be accountable that we will not enact or adopt any legislation that will increase the number of children who are hungry or homeless. But if the majority leader should come out and move to table, and we have a straight party-line vote, I sort of wonder when some of my colleagues—I know I have in the past not necessarily voted with leadership—are going to sort of vote exactly what they believe. I cannot believe there is not anybody on the majority side of the aisle who does not support this amendment on its merits.

But if it is voted down, then, Mr. President, I wish to say to my colleagues tonight I will bring this amendment up in the Senate over and over again. It will be up on the unfunded mandates bill and it will be up on every piece of legislation, because I am going to hold my colleagues accountable on this.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The minority manager of the bill.

Mr. GLENN. Mr. President, I rise to support the amendment of the distinguished Senator from Minnesota. I compliment him for bringing this up.

If people just look at the wording in this bill, it is not some wild-eyed thing. It is not something that requires us to do a great deal more work than we are otherwise going to have to do.

Let me read what the sense of the Congress is.

> It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Now, I cannot conceivably think that any Senator would take just the opposite view and say that it is the sense of the Congress that we should adopt legislation that would increase the number of children who are hungry or homeless, and it would be ludicrous to think anybody would do that. So why something of this nature could not be supported I do not know. We would not even consider the opposite and say we will adopt legislation that will increase the hungry or homeless. All this says is that Congress has to be careful and not do something inadvertently that will increase the number of children who are hungry or homeless.

Now, the second part of it:

> Section 2. Accountability. Duties of Congressional committees.

Pretty simple really.

> A report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives shall contain a detailed analysis of the probable impact of the bill or resolution on children, including the impact on the number of children who are hungry or homeless.

Now, I would say that with probably 90 percent or more of the legislation that goes through here, that requirement will mean practically no work at all for the committee. If you are on the Energy Committee or whatever other committee, it is going to be pretty simple to say no, there is no direct impact on hungry or homeless children.

But if, for those committees that deal with things where there is an impact, then at that time it would seem to me that we had better be looking at it, because we certainly do not want to add to the problems we already have with the number of children who are hungry or homeless. The rest is simple. It says that you cannot consider a bill, the same thing for the House, and so on, and the rest is very simple.

I think it would be difficult to vote against something that just says we will not adopt legislation that will increase the number of children who are hungry or homeless. I do not see this as adding a big burden to our committee activity around here at all. There will be very few committees. Where some legislation is passed, it would definitely have a negative impact on the number of children who are hungry or homeless.

So I urge my colleagues to support the Senator from Minnesota, and I am glad to support him on this.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I do not know quite what this amendment does. Well, it does not do anything; that is what it does. I have been a member of the Nutrition Committee for years. I worked with Senator McGovern from South Dakota. We repealed the requirements of the food stamp law that require people to put up money, and things of that kind. It may have been a mistake. We thought we were doing the right thing. We worked a lot on the nutrition and school lunch programs and WIC programs. I do not know that we can pass laws here that say—I do not know who will count these people every day, or every week, or every month. We do not know, if the law is passed, what the economy is going to be. This all ought to be discussed when we have the budget before us.

We are talking about dollars here, because there is no way we are going to be able to tell, if the law passes, whether somebody would be hungry in America or one more might be hungry. That is the import of this, even though it is a sense-of-the-Senate resolution. It is not binding.

We are trying to cover Congress here with all the laws we inflict on everybody else in America. We have had a dozen amendments that have nothing to do with that at all. The American people want us to be an example, not part of the problem. We will be an example if we cover ourselves with laws that we inflict on small businessmen and women in Minnesota, Iowa, Ohio, Kansas, Vermont, Pennsylvania, or wherever it may be.

The House did this in 20 minutes, as I said. This is our 4th day on this bill because of all of these extraneous amendments. I understand that this is an opportunity to offer a lot of amendments and make the Republicans look heartless and cold, and all this. This is not going to work. The American people want us to cover ourselves. Every day we wait is another day it is not going to happen. I will be just, I hope, as diligent as the Senator from Minnesota when it comes to children's programs or nutrition programs. For that reason, I will move to table the amendment.

We want to finish this bill quickly. We have agreed that at 6:15, we could either vote up or down or on a motion in relation to the amendment.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—56

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 14) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for the Congressional Accountability Act. This legislation is very much needed and I would like to commend Senator GRASSLEY and the many others who have played a role in developing S. 2, for all the work they have done in assembling this bipartisan measure. I believe the support this bill has from both sides of the aisle is a testament to their work and to the desire of the American people to have the Congress live by the laws it creates.

I have long stated my belief that a government which governs best is closest to the people. Conversely, a government which begins to drift, and separate itself from those for whom it works is likely to forget the needs and wants of its citizens. For far too long we have seen the Congress drift in such a direction. S. 2 will help correct this situation and put us back on course.

Last spring, I joined several of my colleagues in Russia where we met with our legislative counterparts in the fledgling democracy. Do you know what two of the most prized documents in Russia are today? It is copies of the Constitution of the United States and the Federalist Papers.

In Federalist 57, James Madison—the father of our Constitution—warned that if the American people "tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty." In essence, he was saying if the time comes when the people accept a legislature which does not live by the laws it passes, the people will have lost their freedom. The idea that the government shall not have rules which distinguishes it from the people, is the critical connection between the rulers and the ruled, and establishes a communion of understanding and sympathy.

Well, Mr. President, is it any wonder why public opinion ratings of Congress are significantly low? The general public doesn't feel Congress is in touch with the issues which impact their daily lives. In living outside the limits of the same workplace laws it imposes on others, the Congress has lost touch.

Whenever I visit with Idaho business owners and operators, their frustrations with Federal workplace regulations quickly enter into the conversation. In fact, one of my first acts as a Member of this body was to help a small company in Boise which had been fined due to the overzealous and misguided application of Occupational Safety and Health Administration regulations. I saw first-hand the problems small businesses face in trying to meet the demands of the Federal bureaucracy. I also came to better understand the frustration these same businessmen and women feel when they find Congress has conveniently exempted itself from those same rules.

The Congressional Accountability Act will correct this. By providing congressional employees—approximately 39,000 of whom will be impacted by the legislation—with the same protections which exist in the private sector, Congress no longer will be allowed to set the rules for others without setting them for themselves as well. This will place us squarely on track to follow the form of government intended by the Founding Fathers and which later generations fought so hard to preserve. This is the first step toward once again giving us a government which is "of the people, by the people, and for the people" rather than one which is over the people, at the people, and in spite of the people.

Some would argue that the estimated annual cost of the bill of between $4 and $5 million is reason enough to oppose this legislation. Yes, the additional cost of complying with the laws included in S. 2 is something we should keep in mind, but it is also something which should have been kept in mind when these laws were originally passed for the private sector. Either the expense of a law is too high for the public or private sector to justify enactment or it is not. We cannot, in good conscience, claim workplace laws are too expensive for the Congress while at the same time claiming they are sufficiently affordable for the Nation's business owners and entrepreneurs. It is my hope enactment of S. 2 will serve as an impetus for Members of Congress, in their own self-interest, to thoroughly examine the ramifications of any legislation we consider prior to passing it. In so doing, we will also gain a better understanding of what we are asking of others.

Mr. President, we have before us an opportunity to show the people we serve just how serious we are about reforming Congress. In passing the Congressional Accountability Act we will take solid action to show the American people that we are a part of the Nation, not a separate entity which is above the law. We can, in one easy step, take a significant stride toward restoring public confidence in the legislative branch, opening the door to a more responsive and attentive government in the future.

Mr. DOMENICI. Mr. President, this past year, I created a Small Business Advocacy Council in New Mexico. Its purpose was to advise me about the problems of small businesses and how, together, we might be able to resolve some of their critical concerns.

This council held seven meetings in six locations throughout the State of New Mexico, with more than 400 small businesses participating. They vented their concerns, and most of their issues centered on what appeared to them to be: First, an adversarial relationship between the Federal Government and business; and second, the lack of accountability of regulatory agencies and their work with business.

Underlying these two categories of problems, however, is the basic issue that we, in Congress, simply do not understand what is passed on to them in the way of laws and regulations.

To the people in my State of New Mexico, it appears that Congress—no matter how well-intentioned—simply passes the laws and exempts itself from their application. The public certainly has had a right to ask us: Why? If these laws are important, if they provide protections for an employee, if they provide benefits for an employee, why doesn't Congress think they are equally important and applicable to itself and to its employees?

Like any unfunded mandate, Congress passes along to others the responsibility of implementing the law; and, if the law is ignored or disobeyed, to pay the penalty.

These rules, regulations, and laws are good enough for everyone else, but it appears that Congress, itself, is too good for them.

The businesses in my State complain about the inefficiency, the loss of productivity, and the loss of revenue when they must implement hundreds of laws and regulations. They rightfully argue that if we subjected ourselves to the same requirements, we might understand more fully the implications of these mandates.

They are correct. When we pass a law to extend family and medical leave, for example, it is not just about an employee's absence and redistributing the workload, it is also about creation of a specific and precise set of office bookkeeping programs and procedures.

This does not mean that a sick leave policy is a superfluous one. However, few of us recognize the underlying management issues that must be instituted—that it takes people to manage these systems and that it takes funds to do so. We never think about it because we do not have to worry about implementing the laws or paying a penalty if we fail to act.

Now, with passage of this bill, we are going to have an opportunity to assess the secondary effects of these laws. We, too, will be subject to the Age Discrimination in Employment Act, the Federal Labor Management Relations Act, the Worker Adjustment and Retraining Notification Act, and many others.

We will now better understand what many of our constituents have been complaining about—not the basic social good of these laws—but, rather, what it takes to carry them out and the resulting impacts on productivity, time, and costs. I suggest we may find that we have been imposing laws that are often inconvenient, impractical, and costly. Most important, we will recognize that the ability to carry on our work with creativity and flexibility will be sorely tested, if not severely inhibited.

We are going to be able to determine for ourselves if there are ways to bring about equitable conditions in the workplace while ensuring we do not impose unrealistic reporting responsibilities or inefficient methods of management. We will find out that we have been very fortunate, indeed, to occasionally sweep problems under the rug because we know there will be no enforcement of any penalty to pay for noncompliance. And, we will now understand the complaint that "form over substance" often becomes a priority for getting the job done.

Like many other conditions in life, we have to first look at our own house before we make demands on others. This bill will now make that oversight much more understandable, and, frankly, more equitable. I believe that we will have more empathy for those who have extended their legitimate complaints to us. And, I believe that we will now have the opportunity to reassess whether we can make reasonable changes that serve the interests of the workplace and its employees while lessening the costs and day-to-day burdens on the employer.

This measure is an important one. For many years the American public has asked us to "do unto ourselves what we do unto others." Its time has come, and I am pleased to support this bill wholeheartedly.

Mrs. BOXER. Mr. President, I rise to express my strong support for the Congressional Accountability Act, which I am proud to cosponsor. This bill is about a simple principle: What is good enough for the American people ought to be good enough for Congress. There should be no double standard for elected officials in Washington.

The Congressional Accountability Act will begin to bring Congress under the jurisdiction of the laws it passes. Some of my colleagues who support this bill say that living under the laws we pass will discourage us from passing more laws because we will see how horrible they really are. I disagree with that view 100 percent.

I support the Congressional Accountability Act because I want my employees to enjoy the full protection of the laws of the United States of America. Among other laws, this bill will make Congress subject to the Fair Labor Standards Act, which sets minimum wages and work standards for our employees. This bill brings Congress under the jurisdiction of the Occupational Safety and Health Act, which guarantees that our employees will not labor in unsafe conditions. It brings Congress under the jurisdiction of the Civil Rights Acts, so our employees will have protection from job discrimination on the basis of race, religion, and sex, and it will give them legal protection from sexual harassment.

This bill brings Congress under these laws and several others, including the Family and Medical Leave Act, the Americans With Disabilities Act, the Age Discrimination in Employment Act, and the Rehabilitation Act.

Mr. President, congressional employees deserve better than to take their complaints of sexual harassment to congressionally-established bureaucracies. They deserve the right to press their complaints to the district court. This bill will give them that right.

Mr. President, the laws covered in this bill are good laws and I am glad that my employees will enjoy their full protection. When we pass this bill, Congress will no longer be the last plantation. We will no longer live by a different set of rules than the rest of the country.

While I support this bill strongly and will vote for its passage, I wish to take this opportunity to state my disappointment that several important reform measures were tabled by the Republican majority. In the past week, initiatives to restrict gifts to Members of Congress and to limit lobbyists' contributions to Federal candidates were defeated largely along party-line votes. Amendments to limit the personal use of campaign funds and to end the McCarthy-esque practice of subjecting congressional employees to political litmus tests also were defeated by our friends across the aisle. Each of these amendments would have strengthened this bill, and I am very disappointed they were dismissed so easily.

Despite this reservation, I am pleased that we are finally acting on congressional accountability legislation. Last year, when this bill was stalled by endless debate, I said:

> The American people are demanding that Congress change the way it does business. They want reform now—not next session or next year. So let's move this bill forward and vote on it before the end of the year.

In my view, Mr. President, we are a few months late in acting on this important legislation, but there remains an urgent need to pass it. I urge my colleagues to respond to the American people's demands for change by passing this important bill.

Mr. CONRAD. Mr. President, today I rise to voice my support for legislation that takes one more small step in reforming Congress. While words such as "accountability," "responsibility," and "restoration" are used to describe almost every legislative proposal, S. 2 offers us the real opportunity to restore accountability.

As you know, Mr. President, S. 2 will apply labor, civil rights, and workplace laws to Congress. I strongly believe that Congress should follow the laws it writes. Congressional coverage is a necessity. Congress is not above the laws that it passes for the rest of the Nation.

Mr. President, this is not the first time congressional coverage legislation has been proposed. In the 103d Congress, I supported S. 2071, which was sponsored by Senators LIEBERMAN and GRASSLEY. Unfortunately, the bill was blocked from floor consideration. In fact I have voted for similar congressional coverage on other occasions as well. In 1990 and 1992, during consideration of civil rights legislation, I supported extending many of these laws to Congress.

I am deeply disappointed, however, that the amendment regarding gifts to Members of Congress was defeated in a partisan vote. The gift amendment was designed to treat Congress like the executive branch of Government; to remove any suspicion that Members of Congress are receiving special favors for legislative activities. That reform amendment would have truly made Congress more accountable to the public. Many say that the November election was about a revolution and that the public has demanded that Congress change the way it does business. We had an opportunity to make such an important change, and I believe we let the public down. I hope we will revisit this issue again this year, and that we will find the courage to adopt real gift reform legislation.

I urge my colleagues to support S. 2, and any amendments that will strengthen S. 2 to make it even more true to the concept of accountability. Mr. President, I yield the floor.

Mr. KYL. Mr. President, I rise in support of S. 2, the Congressional Accountability Act, which will require Congress to live by the same laws and regulations under which it requires businesses and individuals in the private sector to operate.

S. 2 is the first in a series of bills the Republican-led 104th Congress will take up to respond to the mandate the citizens of this country sent to Congress last November. That mandate calls for Congress to take action to make this institution more accountable to the people and to produce a smaller, less intrusive, and more efficient government.

Step one of this important mandate is S. 2, a bill to apply all the major labor, safety, and antidiscrimination laws to Congress. Making Congress live under the same laws it imposes on private sector businesses is simply a matter of fairness. Congress has exempted itself from these laws for over 50 years, but today, under new congressional leadership, this institution will no longer apply one very different standard to itself and one to business and individuals.

Congressional employees will now have the same legal protections as employees in the private sector. Currently, congressional employees cannot bring suit in Federal district court. But, with passage of the Congressional Accountability Act congressional workers for the first time may bring a private action in Federal district court against Congress. Currently, House staff members have no rights of judicial review and Senate staffers can, after a lengthy internal process, take to the Federal circuit court of appeals complaints about decisions made by the Chamber's internal Office of Fair Employment Practices.

As I traveled the State over the past year, from Yuma to Flagstaff to Cottonwood, the subject of congressional accountability evoked strong reactions from the citizens of Arizona. Their message was clear: Congress currently operates above the very laws it imposes on the people and that must change. Arizonans want their congressional Representatives and Senators accountable. They not only want, they demand passage of the Congressional Accountability Act.

Grassroots support for congressional accountability certainly evolved, to some degree, out of a desire for fair treatment of the over 23,000 workers on the congressional payroll. But, by and large, what I have heard from small business owners and, yes, workers across Arizona is that Congress passes well-intentioned safety, labor, et cetera laws but they are often unrealistic and irrational. Business owners and workers believe Congress should feel the burden of these laws and regulations just as businesses across America feel the burden.

It is these regulations and laws that get in the way of business owners and workers carrying out their respective purposes and earning an honest living. For example, Occupational Safety and Health Administration [OSHA] regulations require businesses to post employee injuries. A company faces a fine if a list is not posted, even if there have been no injuries. Businesses are also often required to fill out safety data sheets, which show how a company will handle various hazardous materials, for such simple substances as dishwashing liquid or even chalk. It is for violating these regulations that small businesses often face hefty fines from OSHA. Since Congress passed these laws and regulations, however, it should be subject to their implementation—to, for example, random OSHA site inspections that often result in unnecessary fines and burdensome paperwork. The Congressional Accountability Act will force Congress to adhere to the same regulations and pay the same fines, however unwise, as every other private business in America. Again, that is what is fair. And, that is what will give Members and Senators a better practical understanding of the laws and regulations it passes—in the end, I believe, it is this forced compliance and practical understanding of our Nation's civil rights, labor and safety laws that will result in the repeal or modification of the ones that are burdensome, ill-drafted, or unnecessary to ensuring the safety and labor rights of our Nation's workers.

As John Motley of the National Federation of Independent Businesses stated so well in a recent letter to me

> When Congress exempts itself from burdensome laws, it sets itself above the people it governs. A small business owner who fails to comply with these laws must face the full weight of the Federal Government. Congress will only understand the effect of the laws they impose on America's entrepreneurs and job creators if they are required to live under the very same laws.

Under S. 2, the 11 major safety and labor laws that are either completely or partially inapplicable now will apply to Congress. Those 11 laws are the Federal Labor Standards Act of 1964, and VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, the Family and Medical Leave Act of 1993, OSHA, the Federal Service Labor Management Relations Act, the Employee Protection Act, the Worker Adjustment and Retraining Notification Act and the Veterans Reemployment Act.

Congressional coverage will not be limited to those 11 laws. Under S. 2, all future legislation must include a report to describe how it applies to Congress or to describe why it does not. Consideration of a bill on the House or Senate floor would not be permitted if the bill report lacked such a statement. When the Congress knows that it must adhere to the provisions of whatever future legislation it passes, it will more likely pass legislation respecting the rights of individuals and businesses.

Mr. President, the Congressional Accountability Act will not only make the U.S. Congress a better employer, it will show the American people that we understand the unfairness of existing congressional exemptions. The old saying, "Do as I say, not as I do," will no longer apply to this institution because Congress will be living according to the same laws as others.

Passage of this bill completes an important first step up the ladder of change the American people have demanded. I am pleased to be a part of a national commitment to fundamentally changing the way business is conducted here in Washington, DC, and I urge my colleagues, without delay, to pass S. 2.

EXECUTIVE SESSION

NOMINATION OF ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY

Mr. PACKWOOD. Mr. President, I ask unanimous consent to go into executive session to consider the nomination of Mr. Robert E. Rubin to be Secretary of the Treasury.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Robert E. Rubin of New York to be Secretary of the Treasury.

Mr. PACKWOOD. Mr. President, I believe we are ready to vote.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I have known Bob Rubin for many years. He is a man of honesty and integrity who is certainly qualified to be Treasury Secretary.

Mr. Rubin has an excellent background as a lawyer, an investment banker, and most recently as the assistant to the President for economic policy.

His reputation on Wall Street, and more recently here in Washington, DC portrays a man who is not only hardworking and capable—but an effective consensus builder.

As we heard this morning in the Senate Finance Committee hearing, Bob Rubin is rare in that he has shown humility, and his self-effacing attitude toward getting things done has earned the respect of many of us on Capitol Hill.

If his frank and candid performance at the Senate Finance Committee is any indication of how he will serve as the Secretary of the Treasury, I believe that the U.S. Congress will have a Secretary who is not only capable, but will listen to us and engage in dialog that will be honest and fair.

I urge my colleagues to vote in favor of this nomination.

Mr. SIMPSON. Mr. President, I ask my colleagues to join me in wholeheartedly supporting Robert E. Rubin for the position of Secretary of the Treasury. I have no doubt but that Bob will serve our country with a steadiness and honor similar to that evidenced by my old friend, and our former Senate colleague, outgoing Secretary Lloyd Bentsen.

I believe that Mr. Rubin has a full understanding and appreciation of the critical link between spiraling entitlement spending and the challenge of deficit reduction. I also believe that he shares my opinion that all tinkering at the margin of deficit reduction, such as eliminating Federal spending for a tsetse fly program, or Lawrence Welk's boyhood home, or even foreign aid, or eliminating "Waste, Fraud and Abuse," will do little to slow future deficit growth so long as entitlement spending remains unreformed.

This morning during Mr. Rubin's testimony before the Finance Committee, he assured the committee that deficit reduction was on the administration's list of priorities, although not its top priority. One reason he gave for this ordering of priorities was that annual deficits were poised to shrink in the short term. That is true, but this is only because of a temporary lull in the growth of the number of retired Americans, a trend which will reverse at the end of this decade and set deficits soaring again. I urge Mr. Rubin and the administration to thoughtfully review that priority list and reconsider placing deficit reduction at the very top. If we postpone our commitment to deficit-reduction, the choices facing us later will be grievous.

I have spoken with Mr. Rubin about my commitment to deficit reduction and entitlement reform, and he has responded by citing anew the administration's commitment to health care reform. I was pleased that he made clear that it would be unrealistic to expect that a huge new entitlement such as was presented in last year's Health Security Act would pass this Congress. We agreed that incremental reform was a far more realistic goal, and he spoke first about the necessity of cost containment in any health care reform package. I was pleased by that. Too often health care reform pitches are given in terms of what wonderful promises the Government is going to make in the area of expanded coverage, as opposed to the tough choices which must be made to reduce cost growth. Mr. Rubin focused first on cost containment in his comments to me, and I took favorable notice of that emphasis.

Mr. Rubin's credentials are well known to the Finance Committee and to the Senate, and there is no significant opposition that I know of to his nomination, aimed either at his qualifications or his temperament. He is clearly an outstanding choice and I commend the Senate for approving his nomination.

Mr. MOYHIHAN. Mr. President, as ranking member of the Committee on Finance, I join my distinguished colleague, the newly installed chairman of that committee, in recommending in the strongest terms that the Senate vote to confirm the nomination of Robert E. Rubin as Secretary of the Treasury. The Committee on Finance reported out his nomination earlier today, with a favorable recommendation.

As Assistant to the President for Economic Policy and head of the National Economic Council, Mr. Rubin was one of the principal architects of the administration plan, enacted in 1993, to get our Nation's fiscal house in order. As a result, we have witnessed 3 straight years of declining deficits—the first time that has happened since the administration of Harry S. Truman. The deficit for the 1994 fiscal year, which ended last September 30, is $100 billion lower than it would have been without the 1993 deficit reduction legislation; that is, the deficit had been projected to be over $300 billion; with the 1993 act changes, it has been reduced to $203 billion.

This serious, indeed historic, undertaking to reduce the deficit has had its rewards. Enactment of the 1993 deficit reduction legislation produced the lowest interest rates in 20 years. In the 2 years since President Clinton, took office, 5.6 million new jobs have been created; the unemployment rate during this period has dropped from 7.1 to 5.4 percent. There has been an average growth in real GDP of 3.5 percent per year. And with the exception of 1986, when oil prices plummeted, the economy has experienced the lowest inflation rates since the 1960's.

Mr. Rubin played a key role in these accomplishments, and the country is fortunate to have him take the helm at Treasury. He has been involved professionally in matters involving financial markets and the national and international economy for over 28 years, first in a series of positions in the distinguished investment banking house of Goldman Sachs, culminating in the cochairmship of the firm, and more recently in his economic policy role in the administration.

I was heartened to hear at this morning's hearing Mr. Rubin emphasize his commitment to Treasury's important law enforcement mission.

I believe I reflect the view of every member of the Committee on Finance in enthusiastically urging his confirmation as the next Treasury Secretary. Should he be confirmed, he will be the 68th individual to occupy that post and, I might add, the 13th New Yorker—a New Yorker by professional and civic association, even if he was reared in Florida.

Mr. President, I urge my colleagues to support the confirmation of Robert E. Rubin as the next Secretary of the Treasury.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert E. Rubin, of New York, to be Secretary of the Treasury.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack

McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Rockefeller

So the nomination was confirmed.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I am delighted that we have shown a unanimous vote of confidence—we did in the Finance Committee this morning—in Bob Rubin to be Secretary of the Treasury. He is an eminently qualified man.

I have had occasion to talk with him over the last 2 years from time to time, but one of my best memories of him was when he and I were speaking at a conference in Williamsburg, a conference by and large of business leaders and chief executive officers and boards of directors of the larger corporations in America. I thought he handled with great aplomb a particular question.

One questioner got up and said, "Mr. Rubin, you asked us to come to the aid of the administration last year and to lobby hard on behalf of the North American Free-Trade Agreement. You asked us to spend a lot of money and effort and manpower to support the administration in that effort, isn't that correct?"

And he said, "Yes, sir"

And then the questioner said, "Why is it then you won't let us deduct the expenses for that lobbying on behalf of the administration?"

To Mr. Rubin's credit he said, "Sir, I cannot give you a good answer to that question."

I thought, rather than trying to finesse that, that was as good an answer as you could give. I flew back on the plane with him from the conference that day, complimented him on the answer, and also complimented him on one other thing.

Most people do not realize outside the beltway that Mr. Rubin, for the last 2 years, has been at a very significant and powerful position, and the reason they do not realize it is he did not use that position to appear on the Sunday morning talk shows or to give interviews. He was very much a behind-the-scenes operator, feeling it was not his place to garner publicity. In the position for which he has just been confirmed, he will no longer be able to have that kind of anonymity. He is going to have to appear on behalf of the President and this administration and this country.

I am proud to know him, proud to have supported him, and I am delighted that the Senate has given him a unanimous vote of approval.

I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I should like to join my dear friend and once again my chairman, the Senator from Oregon, for having so graciously handled this important, if not indeed, Mr. President, urgent, nomination at the earliest possible time, in the second week of the Congress.

The Committee on Finance met this morning. We may have hit upon an innovation, Mr. President. This morning we voted to confirm Mr. Rubin, and then we asked questions of him. This evening we voted to confirm him and then we are making speeches about our action. This might expedite procedures very considerably.

But this is a fortunate moment; at a time when a Secretary of the Treasury is urgently needed, we have a message which goes out to the Nation and to the world that an officer of the Cabinet with fullest confidence of the Senate has been confirmed directly.

Senator PACKWOOD was kind enough to mention the work of Mr. Rubin as chairman of the National Economic Council for the past 2 years. It would not be wrong to note that during that period we have created 5.6 million new jobs in the Nation. We have had an average growth of real gross domestic product of 3.5 percent. We have had an extraordinary recovery in which the rest of the world we hope will now join with us. And we have had 3 years running a declining deficit, the first time it happened since the Presidency of Harry S. Truman coming off the Second World War.

I would note sir, Mr. Rubin will be the 68th Secretary of the Treasury. Of these 13 have been from New York. We might also add Nicholas Brady and Douglas Dillon, but they chose to live in New Jersey.

But this is a special moment for all of us. I congratulate the Secretary as he now is.

I thank the chairman.

LEGISLATIVE SESSION

Mr. PACKWOOD. Mr. President, I ask unanimous consent we return to legislative session.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PHIL TAWNEY

Mr. BAUCUS. Mr. President, let me read you the opening line of a story in this morning's Missoulian:

> Phil Tawney, a staunch wildlife supporter, environmental activist and a Democratic party mainstay for more than two decades, died in Missoula, Monday afternoon of complications from leukemia.

It is a short, stark, sentence. It gets the essential facts. It is good journalism. But this time, it leaves out everything.

Phil Tawney was a big man. A man whose soul was great enough to unite and transcend opposites. In Phil, passion for the great cause, united with reason and judgment in the details of legislation. Deep concern for the future joined with great joy in the present. Boundless idealism, met practical, hands-on knowhow.

As much as any person I have known, Phil represented what I believe is best about Montana. If you knew Phil, you were inspired by his love of Montana, his idealism, his integrity, and his courage in battling the leukemia that took his life.

Phil's Montana was Normal Maclean's Montana: A land of vast open spaces, and mist hanging in narrow mountain passes, of biting winds in the winter and dazzling sun in the Big Sky summer; of the elk hunts Phil took each fall; of snow that crunches under your boots, and muscular fish hanging at the bottom of streams so powerful that even a man as big and strong as Phil has trouble keeping his feet. Phil did as much as any Montanan of our time to preserve this land for his children and ours.

For over two decades—from the day in 1973, when at the age of 23, Phil and his wife Robin founded the Montana Environmental Information Center until yesterday—Phil was perhaps the leading influence on our State's fish, wildlife, and habitat protection programs. His ideas on stream preservation and mine reclamation became Montana law, and models for the Nation. Most recently, as a lawyer for the Rocky Mountain Elk Foundation, he worked with me to preserve thousands of acres of elk habitat north of Yellowstone National Park.

Through these years, Phil was always the source of good humor and steady, solid advice. He believed in people.

And throughout his involvement in politics and the conservation movement, he understood something we could all live by in this town. He understood that reasonable people could disagree without being disagreeable.

All this would have been extraordinary by itself. But Phil also had a successful legal practice. He served with distinction as the executive director of the Montana Democratic Party. And most important of all, Phil was a devoted husband to Robin and father to his children Land, Mikal, and Whitney.

He was always thinking about what he could do for somebody else. For a friend. For his family. For posterity. Never for himself. And perhaps because he never thought about himself, while his life may have been short it was fine and full. That is why, as Missoula Mayor Kemmis said last night, somehow Phil always made you feel good about just being alive.

Mr. President, it is a terrible loss. Phil Tawney takes leave of his family and friends much too soon. But with us forever is a mighty legacy, and a challenge to match his commitment and achievement with our own.

I imagine Phil departing with a smile and some words of encouragement for the rest of us—like Valiant at the close of the Pilgrim's Progress:

> "My sword, I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles, who will now be my rewarder." So he passed over, and the trumpets sounded for him on the other side.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN BLOOMER

Mr. JEFFORDS. Mr. President, it is my sad duty to inform my colleagues that this morning the president pro tempore of the Vermont Senate was killed in an automobile accident. He was a good friend of mine and will long be remembered.

In my home State of Vermont, a calling to join the legal profession has historically been taken as a calling to public service. No family has taken that more seriously than the Bloomers of Rutland, VT.

Asa Bloomer, legendary trial lawyer and rhetoritician, served his community well in the Vermont State Senate. In his heyday, in the 1950's and early 1960's, he was the acknowledged single source of power in the Vermont Senate. He rose to the rank of president pro tempore, a post he held at the time of his death, in 1963, suffering a heart attack in the legislative halls. He was a close friend of my father's, and brought me into close contact with the Bloomer family.

Quite naturally, his older son Bob, a lawyer, followed his father to the senate where he served with distinction. Then his brother, a fellow lawyer and good friend, John Bloomer, ran for, and was elected to, the Vermont Senate; 2 years ago he was elected as was his father, as president pro tempore of the senate. He held that position until this morning, when enroute to the State House in Montpelier to preside at an important meeting of his judiciary committee, his life was tragically taken in an automobile accident. His dedication to his tasks in Montpelier was well measured by the fact that his failure to appear for the very start of the meeting was taken by his colleagues as a dire portent of bad news. John Bloomer was never late.

A pall was immediately cast over the State House as the Vermont and American flags were lowered to half staff in the brilliant sunshine of a chill and crystal clear subzero Vermont morning. John Bloomer, Republican senator, was immediately remembered as John Bloomer, dear friend.

Margaret Lucenti, a liberal Democrat who served well with John as clerk of his judiciary committee, said, "He was just a wonderful human being, a friend to everyone."

For me, a fellow member with John of the Rutland County Bar Association, he was a dear and trusted friend. I knew him for as long as I can remember. I will never, ever forget him.

He was a true inspiration to all of us who knew him. John Bloomer was a man of strong convictions that were always tempered by compassion. As we remember his long years of service to Vermont, we will fondly recall his countless deeds of kindness to fellow Vermonters.

My sympathies go out to his wife, Judy, to his brother, and to all his four children and to his countless friends, of which I am proud to count myself one.

He well carried on the Bloomer family tradition of service to the State of Vermont. Our State will miss him, as a tireless public servant and as a caring and concerned human being. And I will miss him as a true friend.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 189 and S.J. Res. 14 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, at the beginning of the second session of the 103d Congress, I began what became a weekly routine of reporting to the Senate on the number of homicides committed by gunshot in New York City. Not surprisingly, the numbers were shocking. In 1994, a total of 910 victims were shot to death. That is an average of over 17 each week. Many more sustained serious injuries from bullet wounds.

As of Sunday, January 8, 1995, 21 people had been shot to death in New York City. That despite the frigid weather, which often serves as a deterrent to violent crime. Obviously, the problem is not going away.

It is unfortunate that I need to remind my colleagues of these grim statistics. But until we begin to take meaningful steps to remedy this appalling situation, I plan to continue my practice of reporting each week on the terrible death toll by gunshot in New York City.

Thankfully, there is some good news to report. The number of those who lost their lives to gunshot in New York City last year is substantially lower than the number in 1993, which was 1,450. The bad news is that national totals are still on the rise. In 1993, the most recent year for which statistics are available, 16,189 people were killed by firearms, nearly 1,000 more than in the previous year.

We made some important gains in our fight against gun violence in the 103d Congress. First we passed the Brady law in November 1993. Since then we have prevented thousands of fugitives and felons from illegally purchasing guns. Second, as part of the Violent Crime Control and Law Enforcement Act of 1994, which was signed by President Clinton on September 13, 1994, the Senate agreed to a ban on 19 types of semiautomatic assault weapons. That same bill also included a provision sponsored by the Senator from New York banning a new class of cop-killer bullets capable of piercing the soft body armor worn by law enforcement officials.

We need to continue to enact tough laws that will begin to curb the plague of gun violence. But with some 200 million firearms in circulation today, and with an estimated 5,479 new ones hitting the streets each day, it seems obvious that gun control can ultimately have only limited success. That is why I have long advocated ammunition control as the best solution to the epidemic of gun violence. While we have a supply of guns that will last us well into the next century, if not longer, we have perhaps only a 3- or 4-year supply of ammunition. The obvious solution, then, is to control the supply of bullets, particularly those used most often in the commission of crimes.

On the first day of the 104th Congress, I introduced six bills, some of which I had introduced in previous Congresses, relating to the subject of ammunition control. Some of these place bans on certain rounds of ammunition, including the deadly Black Talon bullet. Others heavily tax these pernicious bullets. A final bill requires records to be kept with respect to the disposition of ammunition and commissions a national study on the use of bullets. Currently, there are no reporting requirements for manufacturers or importers of ammunition. We need to know how much of what kinds of ammunition are being produced in order to help us craft more intelligent policy in this area.

Mr. President, 1994 saw too many tragic incidents involving guns. Many occurred right here in the city of Washington. Doubtless, many more will occur in 1995. We can, and must, do something about this without delay. I urge my colleagues to support the measures which I have introduced.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, I rise today to urge the Senate to take a major step toward making Congress more accountable to the people by passing S. 2, the bill before us, the Congressional Accountability Act of 1995.

Let us face it. It is easier to make up a set of rules for someone else to play by than to devise guidelines for our own actions. It is easy to pontificate: Do as I say, not as I do.

And that is what we have been doing right here in the U.S. Congress. Congress has been exempting itself from the laws and regulations that everybody else in America has to live with.

Unlike their Government, the people measure such laws against a yardstick of common sense. If a law or regulation is a good idea for everybody else in America, surely the public good requires that it be imposed across the board right here.

As it is, individuals find these laws and regulations more and more onerous. The rules have grown so cumbersome that they now hamper business, small and large, and make everything we buy more expensive.

I do not know. Many of our rules make the goods we hope to export more expensive, threatening our ability to compete in the world markets.

Until now, Congress has totally avoided any firsthand experience with the results of its own rulemaking. But last week the U.S. House of Representatives fired the first shot in what will be a real revolution in Government. It passed its version of the Congressional Accountability Act. I hope the Senate will continue the mission and put this bill on the President's desk.

By making congressional accountability our very first order of business, the first legislation to pass this new session, with so much hope we will be sending a clear message to the American people. Signal received. Congress will comply with the same mandates it imposes on the rest of the country.

Mr. President, I have owned my own small business. I know the Senator in the chair has as well. I know what it is like to make a payroll. I know what it is like to comply with Federal regulations and State regulations and local regulations and still try to squeeze out that profit in order to make my business go and to create new jobs, to have new markets, to do more. I have felt, personally, the effects of Federal laws and regulations. I did not like it when I was in business and I surely do not like it now. I think it is high time that the Congress experience firsthand the consequences of the laws it passes.

Lincoln spoke of government of the people, by the people, for the people. If we in Congress continue passing laws by which we need not abide, we will not be living up to Lincoln's expectation nor that of the American people today.

As was made clear at the polls in November of last year, the voters believe that Congress has given itself special treatment. Members of Congress seem to be insensitive to the actual impact and costs that we impose on the people who are trying to make this economy go.

Mr. President, we must pass the Congressional Accountability Act. We must let the people know that we in Congress are their representatives. That we are not going to be part of a government which just extends privilege to a very few and rests its heavy hand on the rest.

By applying the same rules to ourselves that we do to the rest of the country, Congress will better understand the pain of unfunded mandates. Congress will be forced to comply with the thousands of regulations regarding Government workplace safety and recordkeeping. Congress will be forced to experience the financial burden and the nuisance value of some of the laws that have been passed through the years in this Hall. Members of Congress will be made to ask themselves, how is this law going to affect me? Imagine what this will do to the content of the bills that come hereafter.

I hope that Congress will show that we did make a difference in November of last year by voting for the Congressional Accountability Act. I am going to try to vote to reduce the number of unwanted, unneeded, and downright destructive laws in the future because I think when Congress starts thinking about what impact this is going to have on the way we are doing business right here, maybe we will take a different approach. Once we have a taste of the bitter medicine we are putting out, maybe we can rewrite the prescription.

We have an opportunity to put Congress back in touch with what this country truly needs. Less regulation, fewer laws, and less overall Federal meddling.

So I ask my colleagues in the Senate to do what I think should be the very first order of business when we have this breath of fresh air that has gone across our country, and when the people have spoken, that we say to the people "message received," and vote for S. 2, the Congressional Accountability Act that will make Congress understand and live with the laws that everybody else in America has been living with for year after year, day after day, month after month, and maybe, just maybe, it will affect the overall output of this body.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–1; to the Committee on Appropriations.

EC–6. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–13; to the Committee on Appropriations.

EC–7. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–83; to the Committee on Appropriations.

EC–8. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–06; to the Committee on Appropriations.

EC–9. A communication from the Attorney General, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to the Fees and Expenses of Witnesses Appropriation for fiscal year 1986; to the Committee on Appropriations.

EC–10. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of expenditures for the period April 1, 1994 through September 30, 1994; to the Committee on Appropriations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

Robert E. Rubin, of New York, to be Secretary of the Treasury.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 186. A bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. BRYAN):

S. 187. A bill to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 188. A bill to establish the Great Falls Historic District in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 189. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. PRESSLER (for himself and Mrs. KASSEBAUM):

S. 190. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON:

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PACKWOOD:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

S. Res. 37. A resolution designating February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 186. A bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

THE EMERGENCY PETROLEUM SUPPLY ACT

• Mr. AKAKA. Mr. President, today I am introducing the Emergency Petroleum Supply Act, a bill to ensure that Hawaii has access to the strategic petroleum reserve during an oil supply disruption. The Emergency Petroleum Supply Act would guarantee Hawaii oil—at a fair price—and give tankers bound for Hawaii priority loading during an emergency.

This legislation passed the Senate in each of the previous two Congresses. During the 104th Congress, I will aggressively work to see this legislation enacted into law.

The objective of my bill can be summed up in one word: access. Because of its tremendous distance from the gulf coast, Hawaii needs guaranteed access to the strategic petroleum reserve [SPR], as well as priority access to the SPR loading docks.

My bill addresses both these concerns. First, it provides a mechanism to guarantee an award of SPR oil. Hawaii's energy companies would be able to submit binding offers for a fixed quantity of oil at a price equal to the average of all successful bids. This concept is modeled after the Federal Government's method of selling Treasury bills. It would give Hawaii ready access to emergency oil supplies at a price that is fair to the Government. Without this bill, Hawaii's energy companies, and the population they serve, face the risk that their bid for SPR oil would be rejected and that oil inventories would run dry.

The second component of my bill addresses the problem of delay. The Emergency Petroleum Supply Act grants ships delivering petroleum to Hawaii expedited access to SPR loading docks. It would be a terrible misfortune if deliveries to Hawaii were delayed because the tanker scheduled to carry emergency supplies was moored in the Gulf of Mexico, waiting in line for access to the SPR loading docks.

As any grade-school geography student can tell you, Hawaii is a long way from the Gulf of Mexico, especially when you have to transit the Panama Canal. The distance between the SPR loading docks and Honolulu, by way of the canal, is 7,000 miles—more than one-quarter of the distance around the globe.

But distance alone is not the issue. When you add together the time between the decision to draw down the reserve and the time for oil from the reserve to actually reach our shores, the seriousness of the problem emerges. It takes time to solicit and accept bids for SPR oil, time to locate and position tankers, time for tankers to wait in line to gain access to SPR loading docks, and more time to transit the canal to Hawaii. Obviously, Hawaii is at the end of a very, very long supply line. People overlook the fact that insular areas have a limited supply of petroleum products on hand at any one time. While Hawaii waited for emergency supplies to arrive, oil inventories could run dry and our economy could grind to a halt.

Last year, the Department of Energy asked Hawaii's East-West Center to study this problem. The East-West Center report concluded that my SPR access measure "is an excellent proposal which would greatly reassure the islands that their basic needs would be maintained." I ask that a summary of the report be placed in the RECORD following my remarks. I will also place a copy of Energy Secretary O'Leary's letter in support of the Emergency Petroleum Supply Act in the record following my remarks.

The East-West Center report provides strong justification for granting Hawaii special access to SPR oil during an energy emergency. The report found that a major oil supply disruption would have a much more severe impact on the Pacific islands than on the rest of the United States. Although all of Asia would experience inflation and recession, the small economies of the insular areas would be virtually unprotected from volatile economic forces. While the rest of the United States does not have to rely on ocean transport from other nations for essential goods and services, the economies of Hawaii and the Pacific islands are heavily dependent on ocean-borne trade and foreign visitors.

The need for this provision is further justified by a December 1993 Department of Energy/State of Hawaii analysis of Hawaii's energy security which found the following:

> Hawaii depends on imported oil for over 92% of its energy. This makes Hawaii the most vulnerable state in the Nation to the disruption of its economy and way of life in the event of a disruption of the world oil market or rapid oil price increases.
>
> Currently, 40% of Hawaii's oil comes from Alaska and the remainder from the Asia-Pacific region. The export capabilities of these domestic and foreign sources of supply are projected to decline by approximately 50 percent by the year 2000. This will likely increase Hawaii's dependence on oil the reserves of the politically unstable Middle East.
>
> Hawaii is also vulnerable to possible supply disruptions in the event of a crisis. The long distance from the U.S. Strategic Petroleum Reserve in Louisiana and Texas, combined with a declining number of U.S.-flag tankers capable of transiting the Panama Canal, make timely emergency deliveries problematic.

Other studies have consistently verified Hawaii's energy vulnerability and its need for special access to the SPR. An analysis by Mr. Bruce Wilson, an accomplished oil economist, determined that the delivery of SPR oil to Hawaii from the Gulf of Mexico would take as long as 53 days. That exceeds the state's average commercial working inventory by 23 days. As Mr. Wilson's research demonstrates, an oil supply disruption is Hawaii's greatest nightmare.

Opponents of the Emergency Petroleum Supply Act insist that market forces will ensure that Hawaii and the territories receive the oil they need during an energy emergency. Unfortunately, these are the same market forces that cause Hawaii's consumers to pay 50 percent more for a gallon of gasoline than consumers pay on the mainland. And when a crisis hits, our energy prices could easily double or triple.

Hawaii may be the 50th State, but we deserve the same degree of energy security that the rest of the Nation enjoys. It's simply a matter of equity. Hawaii's tax dollars help fill and maintain the reserve; Hawaii should enjoy the energy security the SPR is designed to provide.

My bill will safeguard Hawaii from the harsh economic consequences of an oil emergency. The Emergency Petroleum Supply Act is not only good energy policy, it's good economic policy for Hawaii.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Petroleum Supply Act”.

SEC. 2. PURCHASES FROM THE STRATEGIC PETROLEUM RESERVE BY ENTITIES IN THE INSULAR AREAS OF THE UNITED STATES.

(a) GENERAL PROVISIONS.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

“(j)(1) With respect to each offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve:

“(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

“(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a category of petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of petroleum product within the category that is the subject of the offering; and

“(ii) submit one or more alternative offers, for other categories of petroleum product, that will be binding in the event that no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

“(B) at the request of the Governor of the State of Hawaii, petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

“(2)(A) In administering this subsection, and with respect to each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that results in the purchase of the lesser quantity of petroleum product.

“(B) The Secretary may limit the quantity of petroleum product that the State of Hawaii may purchase through binding offer at any one offering to one-twelfth of the total quantity of imports of petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

* * * * *

“(3) Notwithstanding any limitation imposed under paragraph (2), in administering this subsection, and with respect to each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (6), adjust the quantity to be sold to the State of Hawaii as follows:

“(A) The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

“(i) less than one full tanker load; or

“(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

“(B) The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

“(4) The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, so long as petroleum product of similar value or quantity is delivered to the State of Hawaii.

* * * * *

“(6)(A) Notwithstanding the foregoing, and subject to subparagraphs (B) and (C), if the Governor of the State of Hawaii certifies the Secretary that the State has entered into an agreement with an eligible entity to effectuate the purposes of this Act, such eligible entity may act on behalf of the State of Hawaii for purposes of this subsection.

“(B) The Governor of the State of Hawaii shall not certify more than one eligible entity under this paragraph for each notice of sale.

“(C) If the secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify such company under the paragraph.

“(7) As used in this subsection—

“(A) the term ‘binding offer’ means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to this Act, that obligates the offeror to take title to the petroleum product;

“(B) the term ‘category of petroleum product’ means a master line item within a notice of sale;

“(C) the term ‘eligible entity’ means an entity that owns or controls a refinery that is located within the State of Hawaii;

“(D) the term ‘full tanker load’ means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii;

“(E) the term ‘offering’ means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale; and

“(F) the term ‘notice of sale’ means the document that announces—

“(i) the sale of Strategic Petroleum Reserve products;

“(ii) the quantity, characteristics, and location of the petroleum product being sold;

“(iii) the delivery period for the sale; and

“(iv) the procedures for submitting offers.”.

(b) EFFECTIVE DATE.—The amendment made by that final regulations are promulgated pursuant to section 3, whichever is sooner.

SEC. 3. REGULATIONS.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out the amendment made by section 2.

(b) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out this section, and the amendment made by section 2, shall not be subject to—

(1) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(2) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

THE SECRETARY OF ENERGY,
Washington, DC, July 27, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is to provide you with Department of Energy views on S. , the “Emergency Petroleum Supply Act,” introduced by Senator Akaka.

S. , would amend the Energy Policy and Conservation Act to give certain preferences to the State of Hawaii and several other insular territories and possessions of the United States in the event of a drawdown and sale from the Strategic Petroleum Reserve.

The Department has worked closely with Senator Akaka's staff to understand the concerns of the State and the intent of the legislation, and to help make the bill technically sound. Based upon these discussions, a number of changes to the bill have been made. As redrafted, the legislation would apply solely to Hawaii. It would allow the State, or a company with a refinery on Hawaii with which Hawaii has a contract, to submit a bid for Strategic Petroleum Reserve petroleum product that is assured of receiving an award at the average price paid for the same product by other successful bidders. The bill also would provide that Hawaii be given first priority for scheduling deliveries of oil that is purchased from the Strategic Petroleum Reserve.

The State of Hawaii always has believed that it is more vulnerable to oil supply disruptions than the mainland due to its high level of dependence on oil in general and its distance from sources of supply and from the Strategic Petroleum Reserve. The provisions of this bill that would assure Hawaii of supply and allow for timely delivery will satisfy the State that it is receiving protection for Hawaii commensurate with that offered to the U.S. mainland by the Strategic Petroleum Reserve. At the same time, the Department is satisfied that it will receive full market value for the oil that it sells to Hawaii, that the quantity directed to Hawaii will not materially reduce the volume available to other locations, and that the process of making the award and delivering the oil will not be an unreasonable administrative burden.

For these reasons, the Department of Energy supports the amendment offered by Senator Akaka during the Committee's consideration of S. 2251, to amend and extend the Energy Policy and Conservation Act.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report for the consideration of the Committee.

Sincerely,

HAZEL R. O'LEARY.

ENERGY VULNERABILITY ASSESSMENT FOR THE U.S. PACIFIC ISLANDS, THE EAST/WEST CENTER, APRIL 1994

OIL SUPPLY DISRUPTION SCENARIOS FOR THE PACIFIC ISLANDS

The following sections describe the potential oil supply disruptions scenarios provided by the USDOE for this report, the likely impacts of these supply disruptions on the island economies, and selected response issues. The discussions parallel those in chapters 4 to 7, which also discuss vulnerability response options for the individual island entities. The response issues which are discussed below reflect the larger economies of scale which can be gained by linking Guam, the CNMI, Palau, and American Samoa. Hawaii and the Federated States of Micronesia and the Republic of the Marshall Islands should also be included in any regional groupings because they are also part of the same oil supply system. Unfortunately, the terms of reference for this report did not allow for assessment of these island entities.

Three oil supply disruption scenarios for the Pacific islands are discussed below and evaluated with respect to their potential impacts. Figures 2.16, 2.17, and 2.18 provide the basis for the assessment. The three scenarios are all estimated to last six months and include:

Scenario I: Major disruption caused by major political turmoil affecting Middle Eastern and Asian producers with a net loss of 4.5 MMBD (9.0 MMBD production loss minus 4.5 MMBD drawdown of global strategic petroleum reserve).

Scenario II: Medium-scale disruption caused by simultaneous upheaval in West African and Latin American producers with a net loss 4.5 MMBD (production loss of 6.0 MMBD minus SPR drawdown of 1.5 MMBD).

Scenario III: Minor disruption based on limited upheaval in the Middle East with a loss of 2.0 MMBD (production loss of 4.3 MMBD minus production increase by other countries of 2.3 MMBD).

Before discussing the specific scenarios, several historical reference points should be noted. First, the Asian market is a net importer of oil sourced largely from the Middle East. Second, during previous oil crises, Asian producers such as Indonesia and Malaysia have not diverted supplies. Instead, Asian producers have generally given preference to traditional markets, including Singapore, for their products. Third, most Asian refineries such as those in Singapore are configured to process Middle Eastern crudes and are not as well adapted to refining the lighter, sweeter West African crudes and the heavier, more sour Latin American crudes. In other words, Asia's refining capacity is geared towards supplies from the Middle East, and substitutes are not readily available or easily incorporated. The scenarios are discussed below beginning in reverse order.

Scenario III: Minor Disruption

Under Scenario III, there would be no redirection of Asian oil supplies. Impact on U.S. West Coast supplies would be negligible. However, there would be a drop of 10 percent in supplies for Singapore (approximately 100 to 150 MBD), and a similar reduction in Australia and New Zealand crude imports. The result is an anticipated shortfall of approximately 10 percent for the Pacific islands region.

The effects of this 10 percent shortfall are considered minimal. Oil price rises would be very modest and there should be no appreciable negative secondary effects for the islands region such as a major decline in tourism.

No official response measures would need to be instituted. However, it is recommended that monitoring of supplies and prices should be carried out. It is also recommended that utilities, the oil industry, and governments promote energy conservation programs, including voluntary measures by the population to reduce consumption of electricity and gasoline.

Scenario II: Medium Disruption

Although the volume of oil lost to the market is considerable (4.5 MMBD), because the West African and Latin American producers are linked to other markets, the Asia-Pacific region would be only slightly affected. There would be some redirection of Middle Eastern supplies, but it is anticipated that the net effect would lead to only a 10 percent decrease in supplies for Singapore, Australia and New Zealand. Similarly, the effect on the U.S. West Coast would be minimal.

The results and response measures for Scenario II are identical to those described above for Scenario III.

Scenario I: Major Disruption

A global net loss of 4.5 MMBD based on major political upheaval in the Middle East and Asia and includes a total loss of 2.5 MMBD from Asia oil producers would affect various Pacific Rim markets very differently. The direct impact on U.S. West Coast supplies would be fairly limited (e.g., 5 percent or less) because imports have only a small role in that market. The direct and indirect effects on supplies to Australia and New Zealand should be relatively modest, approximating a 10 percent decline. The Singapore refiners, however, would be severely affected.

In this scenario, Singapore would experience a 30 percent loss in Asian supplies. The cutback in Middle Eastern production would result in additional 20 percent decrease. The combined loss of 50 percent would greatly affect the islands region both directly and indirectly.

Directly, the islands region would lose at least 50 percent of its supplies from Singapore. Australia would be able to provide some additional supplies, but it would also have to compensate for its own loss of supplies. The net loss to the islands region could well be in the range of 25 to 50 percent.

A secondary impact would be significant price hikes. Under Scenario I, spot prices on the Singapore market would soar. Price doubling and even tripling would be likely outcomes. In the 1979/80 period, the crisis centered on Iran led to an additional 20 percent increase in prices. The short-term consequences of the 1979 oil price rise lead to inflation rates of 7.5 percent in Japan, 11 percent in Australia, 15 percent in Fiji and nearly 30 percent in Tonga and Vanuatu. In other words, inflation rates in some of the islands nearly doubled. If the 1979 experience is applied, it would be reasonable to anticipate a near doubling of inflation rates for Guam, the CNMI and Palau.

Compounding the direct supply and price effects of Scenario I, the political complications of the oil supply disruption have to be considered. Following the onset of the recent Persian Gulf War, the Iraqi President threatened to attack U.S. territory and economic interests throughout the world, and there had been several reports of terrorist activity by Iraqis in Asia which heightened concern. As a result, Guam, the CNMI, and Hawaii experienced a downturn in tourism immediately following the outbreak of the 1991 Gulf War because tourists were frightened to fly to U.S. territory. Whether fact or only perception, people reduce their international travel even to relatively "safe" destinations during crisis periods: if there is political upheaval in a major Middle Eastern or Asian nation, international business and tourist travel will be restricted in order to reduce the vulnerability to terrorist attacks.

Interestingly, the number of tourists to Guam and the CNMI began to revive soon after the Gulf War and by early 1992 tourist arrivals were at record levels. However, in September 1992, Typhoon Omar struck Guam and the CNMI and was followed by several other typhoons. The result was a drop of nearly 45 percent in the level of Guam's tourist arrivals, a loss of 1,500 jobs, and a substantial decline in tax revenues, all of which have been greatly compounded by the continuing slump in the Japanese economy.

These effects would probably be similar to the effects of an oil supply disruption under Scenario I. Although difficult to predict with any level of certainty, tourist arrivals could fall sharply (by as much as 50 percent) if a political upheaval in Asia elevated fears of international terrorist activity and/or resulted in higher travel costs. The near-term effects would be a loss of jobs by roughly 5 percent and a fall in tax revenues by a similar level. However, if a recession were to follow, and this would be a likely outcome, then the downturn would be much more severe and could easily double the effects of the crisis.

With Scenario I, it is very likely that in addition to oil supply shortfalls, oil price increases, inflation, and reduced levels of international tourism resulting from the political upheaval causing the oil supply disruption, a recessionary period in the major economies would ensue. The effects of a major recession would again greatly affect the island economies through reduced levels of tourism and reduced demand for their exports, mainly fresh and canned seafoods. As an example, the 1973/74 oil price rise led to global recession, including a severe downturn in Australia which greatly reduced the levels of Australian tourists to Fiji. In other words, a severe oil supply disruption creates downstream effects which are not felt for several months yet may continue for several years.

Two key questions emerge under Scenario I. The first is whether the islands would experience more severe impacts than the rest of the United States. Although all of Asia would experience inflation and recession, the islands' small open economies would be virtually unprotected from the global market: nearly all food and all medicine are imported. The economies are nearly totally dependent on off-island trade and international tourism; with the exception of Hawaii, the rest of the United States does not have to rely on ocean transport and other nations for essential goods and services. In sum, there would be no territory of the United States more severely affected by a major Asian oil supply disruption than the Pacific islands.

The second question is how to respond with short-term measures to meet basic demands for petroleum. Oil price and supply monitoring and voluntary conservation programs would be insufficient responses to a disruption of this magnitude. With respect to the oil supply, the U.S. West Coast could divert some of its supplies to the islands. The Australian arrangement for the South Pacific islands may provide a useful guide. In the event of an oil supply disruption which results in a net market loss of crude oil or petroleum products of 7 percent of the total International Energy Agency (IEA) market, the IEA member may elect to activate the Emergency Oil Sharing System, the objective of which is to ensure fair sharing of available supplies among the IEA group of countries (the OECD minus France). As a member of the IEA, Australia is committed to take certain demand restraint measures should the IEA Emergency Oil Sharing Scheme go into effect. The demand restraint is measured as a percentage decrease in total consumption, including traditional exports. This means that if a 10 percent demand restraint measure is instituted, then Australia has to cut its combined own consumption and traditional exports by 10 percent.

The Australian arrangement covers the independent island nations sourced from Australia. It does not cover American Samoa or any of the North Pacific nations and territories sourced via Guam, including the Federated States of Micronesia and the Republic of the Marshall Islands. These nations and territories either have to secure emergency supplies via Singapore or from a nontraditional supplier, the United States.

The United States via its military infrastructure has considerable levels of stocks in the Asia-Pacific region as well as the shipping capacity to deliver supplies. However, as Figure 3.2 shows, the military is cutting back on its commercially leased storage capacity and is also shutting down some of its own storage facilities in certain locations.

Another potential source of crude petroleum is Papua New Guinea whose oil production is now at 135,000 b/d. Currently refined throughout the Asia Pacific region, this crude resource could provide a substantial margin of safety for the Pacific islands. A 30,000 b/d refinery has been approved by the government and could be operating in 1996.

Through the supply capacities of the oil companies operating in the region, other regional suppliers, and the U.S. government (Strategic Petroleum Reserve and the military), the Pacific islands should be able to receive emergency supplies. It is possible that some type of formal assurance to the island governments is required. Currently being considered for legislation in the U.S. Congress is a proposal which would guarantee the U.S. Pacific islands including Hawaii a percentage drawdown of the national SPR if emergency measures were placed in effect. This guarantee would ensure access to oil supplies for the islands. Market prices would have to be paid, but basic services could be maintained. Not guaranteed is transport for the oil supplies. However, preliminary indications are that tankers could be acquired, albeit at market rates which would be high during crisis periods. This is an excellent proposal which would greatly reassure the islands that their basic needs would be maintained.

THE ECONOMIC EFFECTS OF OIL SUPPLY DISRUPTIONS

In addition to the issue of continued access to oil supplies, the economic impacts of a major oil market disruption can be devastating. The most harmful economic repercussions of Scenario I are: inflation, recessions in major markets, and a simple reluctance of potential tourists to travel because of a perceived vulnerability to terrorist acts stemming from the political upheaval which caused the oil supply disruption. The initial loss of jobs and economic activity could be further worsened by the likely occurrence of a subsequent regional or global recession. The longer the recession, the greater the negative impacts, including increased loss of jobs and tax revenues. Small open economies such as the U.S. Pacific islands are especially vulnerable. Would the United States provide any type of assistance to the Pacific islands to compensate for the downstream effects of an oil supply disruption? Are they eligible for emergency aid? This is a complicated issue and cannot be resolved in this discussion. Suffice it to say that it would probably be more useful and more important for the island economies to have a buffer against recessions than an SPR established on Guam or in American Samoa.

Discussed below are some of the likely identifiable impacts of an oil supply disruption on the island economies. Data have been drawn from a range of sources. Published data from government and private sector sources have been referenced, and estimates generated as part of the energy vulnerability assessment are appropriately noted. Assessing impacts on the islands in the year 2000 based on current economic growth projections is an order of magnitude exercise. However, the best available data have been utilized and the estimates can and should be revised when more data become available. The section discusses the effects of an oil supply disruption on the value of petroleum imports, GDP, inflation, employment, and government revenues.

Oil Shocks and the Value of Petroleum Imports

Table 3.10 shows the impact of petroleum price increases and growth in the volume of petroleum imports. The first column shows projected rates of price increases for petroleum products under low price, base price and high price scenarios. The second column shows the most recent value figure for imported petroleum products. The value figure shown in the second column corresponds to a volume figure which is then multiplied by the demand growth scenarios in the third column (e.g., low, medium and high growth in demand for petroleum products) and the three price scenarios to indicate the estimated value of petroleum imports in the years 1995 and 2000. High, medium and low demand growth scenarios were available only for Guam and the CNMI. In addition, among the different scenarios for both 1995 and 2000, there is a scenario which doubles prices for the medium demand growth case. This doubling of prices is a result of a petroleum price increase associated with Oil Supply Disruption Scenario I, a loss of 4.5 MMBD caused by political turmoil in the Middle East and Asia. The price doubling is an estimated price increase which reflects short-term market responses, similar to those following the Iraqi invasion of Kuwait and the 1979/80 oil price increase.

The demand growth (1.2 percent per year) and a base case petroleum price increase (3.9 percent per year) result in a doubling in the value of petroleum imports for American Samoa between 1990 and 2000. The values of Guam's, the CNMI's, and Palau's petroleum imports more than double by the year 2000. The effect of a high oil price and high demand growth is a seven-fold increase in the value of the CNMI's petroleum imports. Although this may seem unlikely, demand increased by 21 percent between 1991 and 1992, and the planned expansion to the power sector indicates that growth will remain high.

Table 3.10 only assumes the indicated growth rates, which is to say that other variables such as the impact of demand-side management programs and other efficiency and conservation activities have not been factored into the analysis because data are not available. The estimates also do not reflect the impact of higher petroleum prices on consumption. For example, when gasoline prices rise, theory suggests that people will drive less. However, the experience during the recent Persian Gulf War indicates that island consumers did not curtail their driving or use of electricity when prices increased. Thus, it has been assumed that consumption rates will not be significantly affected by price increases, a very tenuous assumption.

The result of an oil price shock following political upheaval in the Middle East and Asia is a doubling of the values for petroleum imports. For comparative purposes, in 1990, American Samoa imported goods valued at $360 million and exported items worth $306 million. Under a high oil price scenario generated by an oil shock in the year 2000, the value of petroleum imports increases to $175 million. Guam, which had imports valued at $385 million in 1988 and exports valued at $85 million in 1991, would have petroleum imports valued at $742 million under a high oil price and high demand growth scenario. Similarly, the CNMI, with imports at $392 million and exports at $255 million in 1991, would have petroleum imports valued at $503 million under the high oil price/high demand growth scenario. Palau, with imports valued at $25 million and exports at $600 thousand in 1989, would have petroleum imports valued at $37 million under a high oil price and demand growth scenario in the year 2000.

Given the above projected effects of an oil price shock, it is doubtful that any of the economies would be able to sustain the projected rates of growth. The cost of petroleum imports would require the use of public and private sector surpluses simply to maintain existing standards of living. Even if the oil price shock were short-lived, it is likely that the effects would have substantial repercussions on economic activity for an extended period of time. These will be discussed in subsequent sections.•

By Mr. McCAIN (for himself and Mr. BRYAN):

S. 187. A bill to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PROFESSIONAL BOXER SAFETY ACT

• Mr. McCAIN. Mr. President, I am pleased today to introduce the Professional Boxing Safety Act, a bill to make the professional boxing industry safer for boxers across America. This bill is identical to the version of this bill that was favorably reported out of the Senate's Commerce Committee as S. 1991 on September 23, 1994. I am also very pleased that Senator RICHARD BRYAN is the prime cosponsor of this legislation, as he was last year. The professional boxing industry is obviously of tremendous importance to the residents of Nevada, and he has been a strong force behind this bills success.

I have been an avid boxing fan for over 40 years. Boxing can be one of the most exciting and impressive tests of coverage and athletic skill that exist in the world of sport. To this very day, boxing is viewed by many disadvantaged, yet determined young men as their best and only chance to rise above bleak circumstances that most of their fellow citizens could not even comprehend.

It is these men—some still teenagers, others who are in their forties and are at the end of a long career marked by much punishment and little reward—who are the object of this proposal. As a Senator, my legislative objective regarding professional boxing revolves around my desire to see that the exploitation of this group of brave but highly vulnerable athletes in our society is brought to an end. The Professional Boxing Safety Act will help accomplish this goal.

The physical and economic exploitation I speak of is very familiar to people involved in the professional boxing industry, though it does not often come to mind of the general public. Many Americans may think of boxing only if a local hometown hero emerges, or perhaps when they read about the huge, multimillion dollar purses that are being battled for by today's greatest champions.

Big pay days and widespread public acclaim, however, are never attained by the overwhelming majority of boxers. A large segment of professional boxers in America never make more than a $100 a night. Unfortunately, in State after State in our country, in gyms and arenas both large and small, there are many boxers who are being led into the ring to absorb more punishment shortly after they have been knocked out, battered, or when they are in need of medical attention. These unknown boxers often continue to fight long after their skills have eroded to the point where they cannot safely compete. The symptoms of the debilitating illnesses they are at risk for may not surface for years, so these men answer the bell, endure another defeat, and trudge on to the next town. As one journeyman boxer said, they exist in the sport solely as "A body for better men to beat on."

The problems in professional boxing that the Professional Boxing Safety Act will address are as follows: First, we need to immediately shut down the dangerous and disturbing boxing shows that occur in the States that have no regulatory authority to oversee them These bootleg shows feature boxers who have no business being in the ring due to injury, advancing age, or lack of skills. Journeymen boxers routinely find themselves overmatched against a promising young prospect in need of an easy victory to boost his ranking, and their health and welfare is of small concern to unscrupulous promoters. This bill would require that all professional boxing shoes in the United States be held under the oversight of State boxing officials.

Second, we need to ensure that no boxer fights in one State while they are under suspension in another. Unfortunately, it is commonplace for boxers in the United States to travel to another State when they are supposed to be serving a mandatory injury recuperation period, or to avoid a requirement for medical treatment. Some resort to using aliases or distorting their career records when presenting themselves to State officials. To put an end to these practices, the Professional Boxing Safety Act would require all State boxing commissions to issue an identification card to professional boxers in their State, and to honor all medically related suspensions of other State commissions.

Finally, this legislation will strengthen the system by which State boxing officials share information on professional boxers and other industry personnel in order to prevent fraudulent and unsafe bouts, and to ensure that illegal and unethical practices in the sport are properly punished. The Professional Boxing Safety Act would require that State boxing officials promptly report the results of all shows held in their jurisdiction to the boxing registries that serve the industry. This will provide accurate and reliable information on boxers from around the world to State boxing officials, and make it easier for them to evaluate the career records and conduct of the boxers, managers, and promoters who come to their State.

I would also like to emphasize what this legislation does not do. The Professional Boxing Safety Act creates no new Federal boxing authority to regulate the sport; it mandates no burdensome regulations upon our already under budgeted State commissions; it fosters no unnecessary Federal intrusion into legitimate business practices, and it requires no Federal funds and imposes no new tax on boxing events across the country.

The Professional Boxing Safety would be an effective and practical step for the Congress to take in addressing legitimate health and safety issues in the sport, and virtually everyone in the industry that I've discussed this proposal with seems to agree. I'm very pleased that last year the Association of Boxing Commissions, the national boxing organization which represents 35 State commissions across America, endorsed this bill, as did over 20 individual State boxing commissions and several major sanctioning bodies who wrote to me in support of it.

This bill was developed with the advice and counsel of the most experienced and knowledgeable people in the industry, and I'm confident Senator Bryan and I have put forward an innovative and realistic measure to make professional boxing a safer, better, and more honorable sport. I look forward to its prompt passage by the Senate's Commerce Committee, and to its consideration by the full Senate sometime this year.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 188. A bill to establish the Great Falls Historic District in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

THE GREAT FALLS PRESERVATION AND REDEVELOPMENT ACT

• Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Great Falls Preservation and Redevelopment Act, legislation that recognizes the historic significance of the Great Falls area of Paterson, NJ. I am delighted that, once again, my senior colleague from New Jersey, Senator BRADLEY, joins me as a cosponsor.

Mr. President, this bill was broadly supported in the last Congress. The House of Representatives passed the bill by a vote of 280 to 130. After years of opposition, the administration lent its support. The Senate Energy and Natural Resources Committee approved the bill in September, but time ran out before the Senate could act. Today I reintroduce the draft that achieved this support, and I ask my colleagues to join once again in supporting the bill.

I'm proud to say I was born in Paterson. My father worked in the mills, and I experienced firsthand the historic importance of industry in the city.

Paterson is known as America's first industrialized city. Alexander Hamilton played a role here when, in 1791 he chose the area around the Great Falls for his laboratory and to establish the Society for the Establishment of Useful Manufactures. Textiles held special significance; Paterson was once called Silk City as the center of the textile industry.

While rich in history, the area is also blessed by great natural beauty and splendor. It is an oasis of beauty in an urban environment. Its resources offer not just educational and cultural opportunities, but economic and recreational ones as well.

The Federal Government acknowledged all this by designating the area a national historic landmark, a formal recognition by the National Park Service.

Mr. President, the roots and contributions of this area run deep. New industries were responsible for thriving businesses, tight knit families and for many of the residents, the first homes of immigrants, who arrived in the

United States through nearby Ellis Island.

Many of the industries from Great Falls have moved elsewhere. But we are left with an area whose significance is great for people like me.

I find a source of inspiration in remembering my father in those thriving mills of Paterson, so I look at Paterson, and the Great Falls area, as a reminder of who I am. We must value our personal and collective histories, because they connect us to our families and to each other.

Paterson is not alone in this story. New Jersey is rich in industrial, urban history. New Jersey played a major role in the industrial revolution.

I sought to highlight this role when I secured funds in the fiscal year 1992 Interior appropriations bill to establish the urban history initiative in three cities in New Jersey. Paterson is one of those cities.

Paterson's urban history program is in its early stages. The cooperative agreement was recently signed and things are moving. This infusion of funds has succeeded in initiating Paterson's historic revitalization.

But this bill formalizes the current partnership among the city, its residents and the Federal Government. It establishes the Great Falls Historic District and provides a long-term Federal presence in the area. The resources of Great Falls are just beginning to be tapped; we need this bill to give the resources the focus they deserve. Such historical recognition provides important educational, economic, and cultural benefits. Its value is immeasurable.

The Secretary of the Interior will enter into cooperative agreements with nonprofits, property owners, State and local governments to assist in interpreting and preserving the historical significance and contributions of the Great Falls to the city, to industry, and to our heritage.

Mr. President, this bill does not impose Federal Government's heavy hand on the residents and businesses. The city doesn't want that, and neither does the Park Service.

Instead, the bill initiates and facilitates cooperative agreements among interested parties. The Secretary will determine properties of historical or cultural significance, and provide technical assistance, interpret, restore, or improve these properties. This historic and cultural recognition leads to economic revitalization in the area.

Mr. President, this bill is the culmination of years of effort to determine the correct Federal role in highlighting this important area. The bill does not designate a new unit of the National Park Service—it already is designated a unit—and it will not require additional Park Service personnel. The bill reflects the current budgetary climate by limiting Federal investment in capital projects, planning, and technical assistance. It also requires non-Federal matching funds and the authority to spend funds expires after 5 years.

This bill, when enacted, will play an important part in advancing the historic revival of Paterson and of the Great Falls. In turn, it will boost the economic vitality of the region while restoring the importance of our industrial heritage for our children. I look forward to watching this bill become reality.

I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Falls Preservation and Redevelopment Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Falls Historic District in the State of New Jersey is an area of historical significance as an early site of planned industrial development, and has remained largely intact, including architecturally significant structures;

(2) the Great Falls Historic District is listed on the National Register of Historic Places and has been designated a National Historic Landmark;

(3) the Great Falls Historic District is situated within a one-half hour's drive from New York City and a 2 hour's drive from Philadelphia, Hartford, New Haven, and Wilmington;

(4) the District was developed by the Society of Useful Manufactures, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and

(5) the Great Falls Historic District has been the subject of a number of studies that have shown that the District possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Great Falls Historic District, with emphasis on harnessing this unique urban environment for its educational and recreational value; and

(2) to enhance economic and cultural redevelopment within the District.

SEC. 4. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term "District" means the Great Falls Historic District established by section 5.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. GREAT FALLS HISTORIC DISTRICT.

(a) ESTABLISHMENT.—There is established the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey.

(b) BOUNDARIES.—The boundaries of the District shall be the boundaries specified for the Great Falls Historic District listed on the National Register of Historic Places.

SEC. 6. DEVELOPMENT PLAN.

(a) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may make grants and enter into cooperative agreements with the State of New Jersey, local governments, and private nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District; and

(2) implementation of projects approved by the Secretary under the development plan.

(b) CONTENTS OF PLAN.—The development plan shall include—

(1) an evaluation of—

(A) the physical condition of historic and architectural resources; and

(B) the environmental and flood hazard conditions within the District; and

(2) recommendations for—

(A) rehabilitating, reconstructing, and adaptively reusing the historic and architectural resources;

(B) preserving viewsheds, focal points, and streetscapes;

(C) establishing gateways to the District;

(D) establishing and maintaining parks and public spaces;

(E) developing public parking areas;

(F) improving pedestrian and vehicular circulation within the District;

(G) improving security within the District, with an emphasis on preserving historically significant structures from arson; and

(H) establishing a visitors' center.

SEC. 7. RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.

(a) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of properties within the District that the Secretary determines to be of historical or cultural significance, under which the Secretary may—

(1) pay not more than 50 percent of the cost of restoring and improving the properties;

(2) provide technical assistance with respect to the preservation and interpretation of the properties; and

(3) mark and provide interpretation of the properties.

(b) PROVISIONS.—A cooperative agreement under subsection (a) shall provide that—

(1) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(2) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(3) if at any time the property is converted, used, or disposed of in a manner that is contrary to the purposes of this Act, as determined by the Secretary, the property owner shall be liable to the Secretary for the greater of—

(A) the amount of assistance provided by the Secretary for the property; or

(B) the portion of the increased value of the property that is attributable to that assistance, determined as of the date of the conversion, use, or disposal.

(c) APPLICATIONS.—

(1) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under subsection (a) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the District.

(2) CONSIDERATION.—In making such funds available under this section, the Secretary

shall give consideration to projects that provide a greater leverage of Federal funds.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $250,000 for grants and cooperative agreements for the development plan under section 6; and

(2) $50,000 for the provision of technical assistance and $3,000,000 for the provision of other assistance under cooperative agreements under section 7.●

By Mr. EXON:

S. 189. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE DEBT CEILING REFORM ACT

Mr. EXON. Mr. President, I rise today to introduce the final two pieces of legislation that I believe are the building blocks for a sound and responsible Federal budget.

For too long, Congress has been building castles in the sky. We owe our children and grandchildren a secure financial future. But that future is flimsily constructed on deficit spending and deficit in the form of mounting debt.

It's High Noon on fiscal responsibility and the American people have asked us to rise to the occasion. And these are the weapons we will take to the showdown.

The first piece of legislation I offer today is a Balanced Budget Amendment to the Constitution.

When I was Governor of Nebraska, I had the benefit of such a mechanism. It forced budgetary discipline and kept my State fiscally sound.

We should be able to deal with the deficit without a balanced budget amendment. But all evidence runs to the contrary.

The statutory remedies have failed. They are riddled with back doors and loopholes. We have also proven ourselves incapable of controlling wasteful spending. The deficit numbers speak for themselves.

We need this amendment to force responsibility upon the Federal Government. We need a bold approach—a new approach—to end the dangerous habit of deficit spending. This amendment is our best chance, perhaps our only chance, to turn back the tide of red ink that threatens to engulf us.

A balanced budget amendment does not spare us from the difficult, hard choices. And that is why I cosponsored last week S. 14, the Legislative Line-Item Veto Act.

Pork has become Congress' scarlet letter. Once again, Congress should demonstrate the type of self-restraint and sacrifice that would put this wasteful practice to an end. But I am a realist. While some Members would voluntarily refrain from pork barrel spending, others would continue with business as usual. Business as usual does not pass muster with the American people.

Ideally, I would have offered a bill granting The President a constitutional line-item veto. As Governor of Nebraska, I also had a similar line-item veto and it was an invaluable tool to curb spending by my State legislature. However, those of us who have championed the line-item veto have always come away empty-handed.

The obvious solution—the bipartisan solution—is to grant the President the authority to force Congress to vote on specific funding included in the appropriations bills.

Congressional Members are less likely to pile on the pork if they know that they might have to defend each item on its own merits.

Some might ask: "What's the urgency?" And that brings me to the second bill I am introducing today.

Our Federal debt now tops a whopping $4.7 trillion and we are on schedule to reach the current debt ceiling of $4.9 trillion in September or October of this year. Too many Americans still confuse the annual deficit with our national debt. Even if we accomplish our goal of a balanced budget by 2002, we will still have a $5.5 trillion albatross hanging around our necks.

Obviously, we are living beyond our means. When we raise our debt ceiling for more than we need in the coming year, we perpetuate that practice and risk plunging our Nation into financial ruin.

My bill attempts to bring some sanity and control to this practice. It requires our budget resolution to state how much we intend to raise the debt ceiling each year. And any bill that would raise the debt ceiling to exceed the amount stated in the budget resolution would be subject to a budget point of order and a rollcall vote to waive that point of order.

I have long believed that our Federal Government should balance its budget each year. The facts are, however, that we have not done so since 1969. During the 1980's and now the 1990's, we have become so accustomed to operating in the red that we look upon a $200 billion deficit as great progress. I, for one, take cold comfort in a $200 billion deficit.

Our Federal debt now tops $4.7 trillion and we are on schedule to reach the current debt ceiling of about $4.9 trillion in September or October of this year.

We have now reached a point where we barely lift a finger to balance our budget. The much heralded Kerrey-Danforth Commission on Entitlement Reform attempted to forge an agreement upon lowering the deficit to a proportion of our total economy. It failed to even reach even that modest goal.

What is even more discouraging and disenchanting is that Congress often fails to limit its deficit spending to the levels that are projected in our annual budgets. We no longer decide upon how much we are going to borrow and to limit ourselves to that amount over the coming year.

Mr. President, if Congress cannot balance its budget, we should at least not give ourselves a blank check to borrow beyond our means. Yet that is exactly what we do when we raise our debt ceiling more than we need to for the coming year.

My bill attempts to bring some sanity and controls to this practice. It requires our budget resolution to state how much we intend to raise the debt ceiling each year. To enforce that goal, any bill that would cause the debt ceiling to exceed the amount stated in the budget resolution would be subject to a budget point of order and a rollcall vote to waive that point of order.

In previous years, I have proposed that the point of order be waived with 60 votes in the U.S. Senate. This bill will require only a majority vote. Yet, I believe it will do the job of highlighting this issue and alerting the American people to Congress' failure to live within its budget.

I can well understand the reluctance of my colleagues to make raising the debt ceiling any more difficult than it is now. I am convinced, however, that we simply must change our process to insure some honesty and credibility in our Federal budget process.

Doing so will be of paramount importance over the coming year as leaders from both political parties are promising tax break after tax break. This is an all too familiar scenario, an all too deplorable scenario. Tax breaks and spending cuts are promised yet only the tax breaks are delivered. The result was that our deficits climbed out of sight and had no resemblance to what we said they were going to be.

Keeping some limits on our debt ceiling will go a long way in keeping everyone on both sides of the aisle honest. Let us force ourselves to do what we say we are going to do, and not, with a wink and a nod, simply hide our failure to do so.

I have always believed that fiscal responsibility is a partnership between the Federal Government and the States. However, we are not living up to our side of the bargain.

Washington passes mandates and regulations, and then drops them like a foundling on the doorstep of the States, forcing them to dig deep into their own pockets to pay for compliance. This cost shifting is killing the States.

This game of budget tag has to end. And under the bipartisan legislation I cosponsored last week, it will. This fourth bill—the last building block—requires the Federal Government to provide direct spending for these mandates. If it cannot, the mandate requirements are scaled back to the amount of money appropriated.

Others have proposed a more radical approach; names, "no money, no mandates backstop." But I would caution my friends not to be headstrong. Their treatment would not only swell the ranks of the Federal bureaucracy, it could ignite a firestorm of law suits that would rage throughout the Nation.

Ours is the right approach. Ours is the fair and reasonable approach that will get the job done.

The $4.7 trillion debt was not built up overnight, and it will not be resolved overnight. However, we can no longer afford to sit back. As Gen. Dwight David Eisenhower said when ordering the D-day invasion, "OK, let's go!"

By Mr. PRESSLER (for himself and Mrs. KASSEBAUM):

S. 190. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Labor and Human Resources.

COURT REPORTER FAIR LABOR AMENDMENTS

Mr. PRESSLER. Mr. President, today I am introducing the Court Reporter Fair Labor Amendments of 1995. I originally introduced this bill last November, during the special GATT session. As I said then, the American people sent a strong, clear signal on November 8: they want less Government and they want it now. My bill would keep the Federal Government from intruding into an area it has no business being in, and where its protections are unwanted by everyone concerned.

Specifically, my bill would exempt State and local courts reporters from the compensatory time requirements of the Fair Labor Standards Act [FLSA] when they perform private transcription work outside of normal working hours or regular working days. A recent interpretation of the U.S. Labor Department threatens to radically change the way court reporters have been paid for many years. This bill would keep undisturbed current pay arrangements between State and local reporters and their court employers.

I am pleased my friend from Kansas, Senator KASSEBAUM, the new chairman of the Labor and Human Resources Committee, is cosponsoring this legislation. She has always been a strong proponent of limited government. We both realize the public demand for less government has never been greater.

Mr. President, let me explain the situation which brought about the need for this legislation. For years, official State and local court reporters have enjoyed a unique status among government workers. In most States, they are treated as both government employees and independent contractors, depending on the nature of the work. While performing their primary duties of recording and reading back court proceedings, reporters are considered employees of the court. As such, they are typically compensated with an annual salary and benefits.

However, in addition to these in-court duties, most jurisdictions also require official court reporters to prepare and certify transcripts of their stenographic records for private attorneys, litigants, and others. The reporter and his or her assistants prepare and deliver transcripts using their own equipment, without any supervision by the court. The reporter then bills the attorney or other client directly and collects a per page fee set by law or court rule. The transcription fees earned are usually twice the amount, or more, than those earned during an hour of salaried work for the court. Indeed, it is possible for a court reporter to earn more from private transcription work than from his or her annual court salary.

When preparing transcripts for a private fee, the court reporter is clearly acting as an independent operator, as has been specifically determined by the Internal Revenue Service. For taxation purposes, transcription fee income is treated as separate and apart from reporters' annual court salaries. In fact, in my home State of South Dakota, court reporters are required to collect and pay sales tax on this income. They also file self-employment income forms with the Internal Revenue Service.

The transcription services provided by court reporters are invaluable to private parties. Attorneys are able to obtain a highly accurate recording of court proceedings quickly and reliably. Court reporters are small businessmen and businesswomen performing a cost effective and timely service. There may be many flaws in our system of justice, but our system of court reporting is not among them.

As I stated earlier, everyone is happy with the current situation. It has developed over many years. All interested parties—court reporters, judges, and private attorneys—are very satisfied with the present arrangement.

Everyone was happy, that is, until the U.S. Department of Labor inserted itself into this situation. Last fall, the Wage and Hour Division of the Labor Division took the position that official court reporters in Oregon are still acting as employees of the court, for purposes of FLSA, when they prepare transcripts for attorneys, litigants, and other parties. Similar letters have been received regarding official court reporters in Indiana and North Carolina. Official court reporters in the vast majority of States operate in circumstances similar to these three States.

The DOL's interpretation would require State and local courts to pay court reporters one and one-half times their regular rate of pay for all transcription work performed during overtime hours in a given week. The Labor Department's position also exposes State and local courts to potentially enormous liability costs from court reporters suing for overtime backpay. If a suit is successful, the court would owe the reporter at least 2 years' worth of overtime backpay. The amount would be doubled if the court could not demonstrate that it was acting in good faith and could go back 3 years if the violation were deemed willful.

If allowed to stand, the impact of the Labor Department's position of the court reporting system would be dramatic. State and local courts would face increased salary budgets and liability exposure. Court reporters facing budgetary cutbacks could lose a significant part of their income and, in some cases, their jobs. Private parties would lose the productivity and efficiency of the current method of transcription. The decision would have adversely affected all interested parties. As you might imagine, no one involved in the court reporting system is happy with DOL's position.

Faced with exposure to millions of dollars of liability nationwide, some courts have already implemented changes. Beginning this month, the South Dakota Court System imposed a new system of pay for transcription on their court reporters. Court salary budgets have also been tightened. State court judges must avoid using their reporters too much, to keep overtime down. Court administrators have been burdened with additional administrative duties and headaches. Private attorneys are concerned they can no longer rely on speedy transcriptions at a reasonable price. No one is happy with the changes.

So why are these changes being considered? Because the U.S. Department of Labor says so. After all these years, the Department has suddenly decided that the Fair Labor Standards Act applies in a situation never contemplated by Congress. What fantastic benefits will result from this governmental meddling? None.

I have a solution, however: Don't fix what is not broken. Keep the Federal Government out of the situation.

The bill I am introducing today would allow official court reporters an exemption from the Fair Labor Standards Act while they are performing transcription duties for a private party, provided there is an understanding between the court reporters and their State or local court employer. The bill also would bar lawsuits by court reporters for overtime backpay.

Note that only State and local court reporters would be affected. That is because Federal court reporters already enjoy a complete exemption from FLSA. State and local court reporters deserve similar treatment. Passage of my bill would allow all official court reporters—Federal, State, and local court reporters—to perform their work in the same way.

The Fair Labor Standard Act is designed to protect workers from abusive employers. In this situation, however, the very workers who would receive the so-called protections of the Federal Government, don't want them. Official court reporters would be greatly harmed if the helping hand of the Federal Government takes them under its wing. They don't want, or need, to be taken care of, especially by Washington. That is why the National Court Reporter Association strongly supports this bill.

Mr. President, here is a rare instance where labor and management are in agreement on the best solution regarding a labor issue. Everyone agrees that the current system serves everyone's best interests. When performing transcription services for a private party, court reporters are acting as independent contractors. That is what the IRS considers them. Federal court reporters are treated that way. I can't think of a reason in the world why State and local reporters should be treated any differently. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Court Reporter Fair Labor Amendments of 1995".

SEC. 2. LIMITATION ON COMPENSATORY TIME FOR COURT REPORTERS.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

(6) A public agency may not be considered to be in violation of subsection (a) with respect to an employee who performs court reporting transcript preparation duties if such public agency and such employee have an understanding that the time spent performing such duties outside of normal working hours or regular working days is not considered as hours worked for the purposes of subsection (a).".

SEC. 3. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by section 2 shall take effect as if included in the provisions of the Fair Labor Standards Act of 1938 to which such amendments relate, except that such amendments shall not apply to an action—

(1) that was brought in a court involving the application of section 7(a) of such Act to an employee who performed court reporting transcript preparation duties; and

(2) in which a final judgment has been entered on or before the date of enactment of this Act.

By Mr. EXON:

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution relating to Federal Budget Procedures; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT JOINT RESOLUTION

Mr. EXON. Mr. President, I rise today to introduce legislation proposing a constitutional amendment requiring the President to submit, and the Congress to enact, a balanced Federal budget.

This is not the first time I have introduced such legislation. For years, I have taken a leadership role promoting passage of a balanced budget amendment.

I can think of no greater priority than dealing responsibly with the Federal deficit. A balanced budget amendment underscores my bedrock beliefs in a lean and agile government and living within one's means.

Thirty-seven States have balanced budget provisions. When I was Governor of Nebraska, I had no choice but to balance our State's budget for 8 straight years. I'm not complaining. It forced budgetary discipline and kept my State fiscally sound. It was the right thing to do.

During last year's debate on the balanced budget amendment, I listened with great care and interest to the arguments that we didn't need it.

The critics claimed that self-restraint and legislation could solve the spiralling deficits that have bedeviled us—deficits that trifle with the future and standard of living of our children and grandchildren—deficits that shackle them to a mountain of debt.

The opponents further contended that a balanced budget amendment is no substitute for tough, honest, and effective leadership.

Mr. President, one does not preclude the other. And I might point out that the type of leadership and courage so often extolled on the Senate floor is often in very short supply. There is a lot of breast beating about the deficit, but little will to make the difficult and hard decisions to bring it under control.

Yes, we should be able to deal with deficit without a balanced budget amendment, but the evidence runs to the contrary. All of the statutory remedies have failed. They are riddled with loopholes and back doors which have been exploited to the fullest.

Mr. President, we have also proven ourselves incapable of controlling wasteful spending. The deficit figures speak for themselves. There is still too much business-as-usual around here, and business-as-usual no longer works and will put future generations of Americans in terrible straits.

True, we have made some remarkable headway in reducing the deficit. We turned an important corner by passing the 1993 deficit reduction package and it is performing beyond expectations.

However, the deficits projections for the out-years are not reassuring. Right now, we are enjoying a brief respite from the storm, but is promises to whip back on us in 5 or 6 years. We cannot afford to hide our heads in the sand and hope the problem will go way. It won't.

Let there be no mistake, a balanced budget amendment is no panacea and we will still have to make a lot of hard choices. But I see no alternative to this amendment. We are out of options. We need the balanced budget amendment to force responsibility upon the Federal Government. We need a bold approach—a new approach—to end the dangerous habit of deficit spending.

This amendment presents our best chance, perhaps our only chance, to turn back the sea of red ink that threatens to engulf us. It's the first step to the establishment of a sound fiscal policy and accountability in the U.S. Congress.

Mr. President, it's time we stopped all the hand wringing over the Federal deficit. It's time we stopped dodging the issue. It's time we showed the courage and leadership demanded of us by the American people. It's time we passed a balanced budget amendment and sent it to the States for ratification. This is the legacy I want to leave our children.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. KEMPTHORNE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

S. 2

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

S. 3

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 12

At the request of Mr. BREAUX, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 91

At the request of Mr. COVERDELL, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 91, a bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act.

S. 98

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 98, a bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures.

S. 111

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 111, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 122

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 122, a bill to prohibit the use of certain ammunition, and for other purposes.

S. 124

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 124, a bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes.

SENATE RESOLUTION 36—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. PACKWOOD, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 36

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and make investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $3,248,413, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $3,333,157, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 37—NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. PACKWOOD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 37

Whereas women's athletics are one of the most effective avenues available for women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972;

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That—

(1) February 2, 1995, and February 1, 1996, are each designated as "National Women and Girls in Sports Day"; and

(2) the President is authorized and requested to issue a proclamation calling on local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe those days with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL ACCOUNTABILITY ACT

WELLSTONE AMENDMENT NO. 9

Mr. WELLSTONE proposed an amendment to the bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government; as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the Senate should consider comprehensive gift ban legislation no later than May 31, 1995.

KERRY AMENDMENT NO. 10

Mr. KERRY proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTIONS ON PERSONAL USE OF CAMPAIGN FUNDS.

Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 539a) is amended—

(1) by striking "Amounts received" and inserting "(a) Amounts received"; and

(2) by adding at the end the following:

"(b)(1) Any candidate who receives contributions may not use such contributions for personal use.

"(2) For purposes of this subsection, the term 'personal use' shall include, but not be limited to—

"(A) a home purchase, mortgage, or rental;

"(B) articles of clothing for the use of the candidate or members of the candidate's immediate family (other than standard campaign souvenirs, articles, or materials traditionally offered or provided in connection with bona fide campaign events);

"(C) travel and related expenses that are substantially recreational in nature;

"(D) entertainment, such as sporting events, theater events, or other similar activities, except when offered or provided by the campaign in connection with a bona fide campaign fundraising event;

"(E) fees or dues for membership in any club or recreational facility;

"(F) automobile expenses within the Washington, D.C. metropolitan area (except that a candidate whose district falls within the Washington, D.C. metorpolitian area, may lease automobiles used for campaign purposes consistent with subparagraph (G));

"(G) any other automobile expense, except that a campaign may lease automobiles for campaign purposes if it requires that, if the automobile is used for any other incidental use, the campaign receives reimbursement not later than 30 days after such incidental use;

"(H) any meal or refreshment on any occasion not directly related to a specific campaign activity;

"(I) salaries or per diem payments to the candidate; and

"(J) other expenditures determined by the Federal Election Commission to be personal in nature.

"(3) Any personal expenditure described in paragraph (2) shall not be considered to be an ordinary and necessary expense incurred in connection with a Member's or Member-elect's duties as a holder of Federal office.".

LEAHY AMENDMENT NO. 11

Mr. LEAHY proposed an amendment to the bill S. 2, supra; as follows:

At the end of the bill add the following,

"No Congressional organization or organization affiliated with the Congress, may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested."

BINGAMAN (AND LEVIN) AMENDMENT NO. 12

Mr. BINGAMAN (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2, supra; as follows:

At the end of title V add the following:

SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

GLENN AMENDMENT NO. 13

Mr. GLENN proposed an amendment to amendment No. 4 proposed by Mr. FORD to the bill S. 2, supra; as follows:

At the end of the Amendment add the following:

(d) APPLICABILITY TO LEGISLATIVE BRANCH.

(1) The requirements of section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note) shall apply to the Legislative branch, except that the responsibilities of the Administrator of General Services under such section shall be exercised as prescribed in paragraph (2).

(2) The responsibilities of the Administrator of General Services under section 6008(a) of the Federal Acquisition Streamlining Act of 1994 shall be exercised, with respect to the Senate, by the Committee on Rules and Administration, with respect to the House of Representatives, by the Committee on House Oversight, and, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality. The responsibilities of the Administrator of General Services under section 6008(c) of such Act shall be exercised, with respect to each instrumentality of the Legislative branch other than the Senate and the House of Representatives, by the head of such instrumentality.

(e) EXERCISE OF RULEMAKING POWERS.—The provisions of this section that apply to the House of Representatives and the Senate are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

WELLSTONE (AND OTHERS) AMENDMENT NO. 14

Mr. WELLSTONE (for himself, Mr. BUMPERS, Mr. SIMON, Mr. DODD, and Mr. KENNEDY) proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

SECTION 2. LEGISLATIVE ACCOUNTABILITY FOR IMPACT ON CHILDREN

(a) DUTIES OF CONGRESSIONAL COMMITTEES.—The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives shall contain a detailed analysis of the probable impact of the bill or resolution on children, including the impact on the children who are hungry or homeless.

(b) ENFORCEMENT.—

(1) SENATE.—It shall not be in order for the Senate to consider any bill or joint resolution described in subsection (a) that is reported by any committee of the Senate if the report of the committee on the bill or resolution does not comply with the provisions of subsection (a) on the objection of any Senator.

(2) HOUSE OF REPRESENTATIVES.—It shall not be in order for the House of Representatives to consider a rule or order that waives the application of subsection (a) to a bill or joint resolution described in subsection (a) that is reported by any committee of the House of Representatives.

NOTICES OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, the organizational meeting for the Committee on Agriculture, Nutrition, and Forestry originally scheduled for Wednesday, January 11, 1995 has been changed to Thursday, January 12, at 10 a.m., in SR–332. If you have any questions, please contact Chuck Conner on 4–0015.

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, the Foreign Relations Committee will meet on Wednesday, January 11, 1995, at 10 a.m.; in SD–419.

The committee will consider and vote on the following committee organizational matters: committee rules for 104th Congress; subcommittee jurisdiction and membership for 104th Congress; and committee funding resolution for 1995–97.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, January 19, 1995, in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the implications of the North Korean nuclear framework agreement.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact David Garman at (202) 224–7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, January 10, 1995, at 9:30 a.m., in executive session, to discuss committee organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Finance Committee to be permitted to meet Tuesday, January 10, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the nomination of Robert Rubin to be Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, January 10, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Federal job training programs, during the session of the Senate on Tuesday, January 10, 1995, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, January 10, 1995, at 9 a.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, January 10, 1995, at 9:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. PACKWOOD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Wednesday, January 11, and that following the time for the two leaders, there then be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m., and that the following Senators be recognized to speak for under the following time restraints: Senator FRIST up to 10 minutes; Senator HUTCHISON up to 10 minutes; Senator CAMPBELL up to 5 minutes; Senator HARKIN up to 20 minutes.

I further ask unanimous consent that at 1:30 p.m. the Senate resume consideration of S. 2, and at that time Senator LAUTENBERG be recognized to offer an amendment on which there be 20 minutes under the control of Senator LAUTENBERG and 5 minutes under the control of Senator GRASSLEY.

I further ask unanimous consent that following the conclusion or yielding back of time, the amendment be laid aside in order for Senator BRYAN to speak with respect to an amendment.

I further ask unanimous consent that following the Bryan debate, Senator GLENN be recognized to offer the manager's amendment, on which there be 10 minutes for debate, to be equally divided in the usual form, and that the only other first degree amendment in order be a Stevens amendment dealing with the Library of Congress.

I further ask unanimous consent that the Lautenberg amendment recur at 5 p.m. and at that time the majority leader or his designee be recognized.

I further ask unanimous consent that following the disposition of these amendments, the Senate proceed immediately, without any further action or debate, to third reading and final passage of S. 2, as amended.

Finally, I ask unanimous consent that at 10 a.m. on Thursday, January 12, the Senate proceed to S. 1, the unfunded mandates bill, for debate only prior to 2 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. PACKWOOD. For the information of all Senators, the Senate will complete action on S. 2 tomorrow evening; however, no votes will occur prior to 5 p.m. on Wednesday.

RECESS

Mr. PACKWOOD. Mr. President, if there is no further business to come before the Senate, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:15 p.m., recessed until Wednesday, January 11, 1995, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 10, 1995:

DEPARTMENT OF STATE

RAY L. CALDWELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

JOHNNIE CARSON, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

HERMAN E. GALLEGOS, OF CALIFORNIA, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

INTER-AMERICAN DEVELOPMENT BANK

LAWRENCE HARRINGTON, OF TENNESSEE, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE RICHARD C. HOUSEWORTH, RESIGNED.

DEPARTMENT OF STATE

LEE C. HOWLEY, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JEANETTE W. HYDE, OF NORTH CAROLINA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANTIGUA AND BARBUDA, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GRENADA.

MARTIN S. INDYK, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

ISABELLE LEEDS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BISMARCK MYRICK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

PHILIP C. WILCOX, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR COUNTER TERRORISM.

JACQUELYN L. WILLIAMS-BRIDGERS, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE SHERMAN M. FUNK, RESIGNED.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CHRISTOPHER E. GOLDTHWAIT, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

FRANKLIN D. LEE, OF VIRGINIA
RICHARD T. MCDONNELL, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WILLIAM L. BRANT II, OF OKLAHOMA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR

JOHN THOMAS BURNS, OF FLORIDA
CARL D. HOWARD, OF MARYLAND
THOMAS NEIL HULL III, OF NEW HAMPSHIRE
WILLIAM HENRY MAURER, JR., OF VIRGINIA
ROBERT E. MCCARTHY, OF VIRGINIA
MARJORIE ANN RANSOM, OF THE DISTRICT OF COLUMBIA
STANLEY N. SCHRAGER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MICHAEL HUGH ANDERSON, OF MINNESOTA
WILLIAM R. BARR, OF MARYLAND
JAMES L. BULLOCK, OF TEXAS

ANNE M. CHERMAK, OF CALIFORNIA
PATRICK J. CORCORAN, OF VIRGINIA
DONNA MILLONS CULPEPPER, OF VIRGINIA
ALBERT W. DALGLIESH, JR., OF MICHIGAN
CAROL DOERFLEIN, OF FLORIDA
JOHN DAVIS HAMILL, OF OHIO
HUGH H. HARA, OF MARYLAND
JOE B. JOHNSON, OF TEXAS
KATHERINE INEZ LEE, OF CALIFORNIA
JACK RICHARD MC CREARY, OF CALIFORNIA
LOIS WINNER MERVYN, OF ARIZONA
WILLIAM M. MORGAN, OF CALIFORNIA
EUGENE A. NOJEK, OF VIRGINIA
HELEN B. PICARD, OF VIRGINIA
STEPHEN R. ROUNDS, OF NEW HAMPSHIRE
CRAIG BUTLER SPRINGER, OF CONNECTICUT
LOUISE TAYLOR, OF VIRGINIA
FRANCIS B. WARD III, OF VIRGINIA
VAN S. WUNDER III, OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

LUIS E. ARREAGA-RODAS, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

JEANNE F. BAILEY, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

RICHARD K. BELL, OF PENNSYLVANIA
ROBERT EMILIO GIANFRANCESCHI, OF FLORIDA
STEVEN SCOTT GIEGERICH, OF NEW YORK
RUSSELL W. JONES, JR., OF ILLINOIS
DOUGLAS DAVID JONES, OF MARYLAND
ROBERT PEARCE KEPNER, OF PENNSYLVANIA
WOO CHAN LEE, OF CALIFORNIA
DUKE G. LOKKA, OF CALIFORNIA
HELEN OSBORNE LOVEJOY, OF VIRGINIA
MARCUS ROBERT JOHN MICHELI, OF CONNECTICUT
KIMBERLY HAROZ MURPHY, OF TEXAS
MICHAEL J. MURPHY, OF VIRGINIA
CHRISTINE M. OSAGE, OF VIRGINIA
THOMAS C. PIERCE, OF OREGON
DEBBIE LYNN POTTER, OF WASHINGTON
CHRISTOPHER JOHN ROWAN, OF TENNESSEE
LEO FRANCIS VOYTKO, JR., OF VIRGINIA
ROBERT B. WALDROP, OF ILLINOIS
AMY P. WESTLING, OF WYOMING
CRAIG MICHAEL WHITE, OF VIRGINIA
ELIZABETH MOBERLY WOLFSON, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN LOWELL ARMSTRONG, OF MINNESOTA
JAMES L. BARNES, OF THE DISTRICT OF COLUMBIA
SHARON E. BETZNER, OF VIRGINIA
DEBORAH L. BIENSTOCK, OF MARYLAND
DAVID MARK BIRDSEY, OF NEW JERSEY
PHILIP C. BISHOP, OF VIRGINIA
ROBERT ALLAN BLUM, OF MARYLAND
GARY D. BROOKS, OF VIRGINIA
DARRYL J. CARSON, OF VIRGINIA
THOMAS HARTWELL CARTER, OF NEW YORK
DANIEL L. CHASE, OF VIRGINIA
ANN ELIZABETH CODY, OF VIRGINIA
DAVID L. CORNELIUS, OF MARYLAND
JAMES M. CORR, OF THE DISTRICT OF COLUMBIA
RICHARD R. CRAIG, OF CONNECTICUT
GLENDA CUNNINGHAM, OF VIRGINIA
PHILIPPA L. DE RAMUS, OF VIRGINIA
EVE M. DERRICKSON, OF MARYLAND
DAVID J. DOLAHER, JR., OF VIRGINIA
KATHERINE O'BRIEN DUFFY, OF SOUTH CAROLINA
KYLE MARK DUNLAP, OF VIRGINIA
JOEL EHRENDREICH, OF WISCONSIN
SILVIA EIRIZ, OF NEW YORK
LAURA EVELYN EWALD, OF VIRGINIA
HERBERT FORD, OF VIRGINIA
THOMAS FOX, OF VIRGINIA
THOMAS P. GALLAGHER, OF CALIFORNIA
GREGORY LAWRENCE GARLAND, OF FLORIDA
NICHOLAS JOSEPH GIACOBBE, JR., OF VIRGINIA
JOSEPH GIONFRIDDO, OF VIRGINIA
GORDON R. GOETZ, OF VIRGINIA
CHRISTOPHER T. GRIFFIN, OF VIRGINIA
RONALD C. HAMMOND, JR., OF VIRGINIA
KEITH A. HANSEN, OF VIRGINIA
BONITA G. HARRIS, OF TEXAS
LAWRENCE A. HATCH, OF VIRGINIA
PATRICK MICHAEL HEFFERNAN, OF NEW HAMPSHIRE
KRISTI D. HENDRICKS, OF VIRGINIA
DONALD K. HEPBURN, OF VIRGINIA
G. KATHLEEN HILL, OF TEXAS
ALAN RAND HOLST, OF MINNESOTA
JOHN W. HOLTON, JR., OF VIRGINIA
HOWELL HOFFMAN HOWARD III, OF WASHINGTON
TY D. HUDSON, OF VIRGINIA
CLARENCE EDWARD HUNT, OF VIRGINIA
VICTOR J. HUSER, OF TEXAS
MARC C. JOHNSON, OF THE DISTRICT OF COLUMBIA
JOSEPH B. KAESSHAEFER, OR FLORIDA
TINA S. KAIDANOW, OF VIRGINIA
THOMAS ALEXANDER KELSEY, OF FLORIDA
PETER KIEMEL, OF VIRGINIA
IN KUK KIM, OF VIRGINIA
JESSICA ERIN LAPENN, OF NEW YORK
DEAN LARUE, OF WASHINGTON
TIMOTHY KENT LATTIG, OF VIRGINIA
MARK W. LIBBY, OF CONNECTICUT
JOHN DAVID LIPPEATT, OF CALIFORNIA
JENNIE S. LISTON, OF VIRGINIA
BRUCE A. LOHOF, OF MONTANA
JOE BERNARD LOVEJOY, JR., OF TEXAS
MICHAEL PETER MACY, OF WISCONSIN
LARRY W. MAGNUSON, M.D., OF VIRGINIA
JOSEPH L. MALPICA, OF VIRGINIA
WILLIAM L. MARSHAK, OF WASHINGTON
STEPHEN P. MC KEON, OF VIRGINIA
KAREN SUE MILLER, OF MICHIGAN
ELIZABETH J. MIRABILE, OF VIRGINIA
ROBERT A. MONTGOMERY, OF VIRGINIA
JOHN S. MOORE, OF MARYLAND
MICHAEL K. MORRIS, OF VIRGINIA
GERALD NAU, OF VIRGINIA
PHILLIP RODERICK NELSON, OF VIRGINIA
ELISHA EDWARD NYMAN, OF MASSACHUSETTS
PETER B. NYREN, OF VIRGINIA
MARY J. OSBORNE, OF VIRGINIA
JOYCE ANN PARK, OF VIRGINIA
BENJAMIN PEREZ, JR., OF VIRGINIA
PATRICIA ELLEN PERRIN, OF CALIFORNIA
LYNEE G. PLATT, OF THE DISTRICT OF COLUMBIA
MICHAEL F. PODRATSKY, OF VIRGINIA
TERESA ST. CIN PODRATSKY, OF VIRGINIA
JENNIFER AUSTRIAN POST, OF VIRGINIA
TIMOTHY JOEL POUNDS, OF VIRGINIA
DAVID MATTHEW PURL, OF ALASKA
MICHAEL E. QUIGLEY, OF DELAWARE
JOEL RICHARD REIFMAN, OF TEXAS
SUSAN LONGINO REINERT, OF CALIFORNIA
JUDITH D. RUSS, OF MARYLAND
MARK M. SCHLACHTER, OF NEBRASKA
JEFFERY D. SCHOENECK, OF VIRGINIA
MARY DRAKE SCHOLL, OF OKLAHOMA
ROBERT KENNETH SCOTT, OF MARYLAND
ERIC A. SHIMP, OF IOWA
PAUL S. SILBERSTEIN, OF MARYLAND
FREDRIC W. STERN, OF CALIFORNIA
ROBIN D. STERN, OF CALIFORNIA
NAN FORSYTH STEWART, OF OREGON
THOMAS P. TEIFKE, OF VIRGINIA
CAROLYN E. THOLAN, OF VIRGINIA
DONN-ALLAN G. TITUS, OF FLORIDA
LYNNE M. TRACY, OF GEORGIA
JOHN C. VANCE, OF MONTANA
KURT FREDERICK VAN DER WALDE, OF VIRGINIA
ELIZABETH WALSH, OF VIRGINIA
WILLIAM JAMES WEISSMAN, OF CALIFORNIA
MARK LAWRENCE WENIG, OF ALASKA
EDWARD A. WHITE, OF GEORGIA
BURKE ALAN WIEST, OF VIRGINIA
ANITA D. WILSON, OF VIRGINIA
SCOTT R. WRIGHT, OF VIRGINIA
JEFFREY A. WUCHENICH, OF THE DISTRICT OF COLUMBIA

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

JOHN N. ABRAMS [redacted]
GUY A.J. LA BOA [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

CHARLES F. BOLDEN, JR [redacted]
JAMES M. HAYES [redacted]
RANDALL L. WEST [redacted]
MICHAEL W. HAGEE [redacted]
WALLACE C. GREGSON, JR [redacted]
GARRY L. PARKS [redacted]
MARTIN R. BERNDT [redacted]
DENNIS T. KRUPP [redacted]
MICHAEL A. HOUGH [redacted]
HENRY P. OSMAN [redacted]
PAUL M. LEE, JR [redacted]
EDWARD R. LANGSTON, JR [redacted]
JERRY D. HUMBLE [redacted]
JAN C. HULY [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

LYDIA D. DAVID [redacted]
BRIAN M. DAVIS [redacted]
MALIWAN K. FRYLING [redacted]
CARL W. GRAVES [redacted]
IVAN J. DOUGLAS [redacted]
ANDREW M. MORGAN [redacted]
JOHN C. MORRISON [redacted]
JOSE L. PUEBLATARILONTE [redacted]
NELSON T. YAP [redacted]

To be lieutenant colonel

RICHARD A. ALLNUTT, III [redacted]
MICHAEL F. EYOLFSON [redacted]
JOHN P. HIGHSMITH [redacted]
STEPHEN M. KINNE [redacted]
STEPHEN F. MANCHESTER, [redacted]
ARLEEN M. SAENGER [redacted]
DAVID H. SUMMERS, [redacted]
MIGUEL V. TELLADOFENTE [redacted]

To be major

COX, KENNETH L. [redacted]
ELSAYED, ALAAELDEEN M [redacted]
WILSON, DWAYNE L.F. [redacted]

DENTAL CORPS

To be lieutenant colonel

DZIACHAN, DAVID A. [redacted]
JORTNER, WAYNE P. [redacted]
KRETZSCHMAR, JOHN A. [redacted]
KRETZSCHMAR, JAMES L. [redacted]
RANKIN, CHARLES H., III [redacted]
REINHART, THOMAS C. [redacted]
SMITH, ALAN T. [redacted]

To be major

BUHLER, WILLIAM R. [redacted]
DEWITT, DAVID P. [redacted]
GULBRANSON, STEVEN D. [redacted]
ROBERTS, HOWARD W. [redacted]
SUTTON, ALAN J. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICER INDICATED BY AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10 UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

ANDERSON, ROSE J. [redacted]
BOWMAN, QUINTON V. [redacted]
BURRELL, ROBERT A. [redacted]
CAYCE, LYLE W. [redacted]
CHAPMAN, KEVIN J. [redacted]
CUCULIC, LAWRENCE M. [redacted]
DEMOSS, DOUGLAS P. [redacted]
DUNN, MALINDA E. [redacted]
GALLUP, LELAND A. [redacted]
GERMAN, JOHN M. [redacted]
GORDON, RICHARD E. [redacted]
HARRISON, JOHNATHAN [redacted]
HELM, ANTHONY M. [redacted]
HIGGINS, NANCY A. [redacted]
HOBURG, PAUL D. [redacted]
HOFFMAN, JOHN B. [redacted]
HUDSON, RODNEY E. [redacted]
HYDER, GARY D. [redacted]
JACKSON, CARLTON L. [redacted]
JENNINGS, RAYMOND J. [redacted]
LASSUS, KENNETH J. [redacted]
LLOYD, ROBERT B. [redacted]
MAYES, WILLIAM M. [redacted]
MENDEZ, ENRIQUE B. [redacted]
MILLER, MICHELE M. [redacted]
NOVAK, EVA M. [redacted]
OLMSCHEID, MELVIN G. [redacted]
PHELPS, JOHN F. [redacted]
PREGENT, RICHARD V. [redacted]
PRIBBLE, FRED T. [redacted]
SALATA, STEVEN T. [redacted]
SELLEN, KEITH L. [redacted]
SHEA, MORTIMER C. [redacted]
SNYDERS, PAUL L. [redacted]
SPAHN, STEPHANIE C [redacted]
STRANKO, WILLIAM A. [redacted]
SULLIVAN, ANNAMARY [redacted]
SUPERVIELLE, MANUEL [redacted]
TATE, CLYDE J., II [redacted]
WALTERS, MICHAEL L. [redacted]
WARREN, MARC L. [redacted]
WASHINGTON, ROGER D. [redacted]
WEBSTER, LINDA K. [redacted]
*WOOLF, RANDY L. [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

AJAY VERMA [redacted]
MARLEIGH E. ERICKSON [redacted]
JENNIFER L. FORMAN [redacted]
JOSEPH C. PIERSON [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT INTHE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF CAPTAIN, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

To be captain

MICHAEL T. ADAMS [redacted]
VINCENT J. BARNHART [redacted]
JOHN P. BARRETT [redacted]
JAMES D. BARRY [redacted]
ANTHONY A. BEARDMORE [redacted]
PATRICK J. BENNETT [redacted]
ELISABETH G. BEYER [redacted]
JEFFREY G. BLUE [redacted]
PAUL C. BURNEY [redacted]
SCOTT M. CROLL, [redacted]
ERIK A. DAHL [redacted]
MARIA R. DORIA [redacted]
DAVID A. DORSEY [redacted]
JOHN S. EARWOOD [redacted]
KAREN C. EVANS [redacted]
EDWARD M. FALTA [redacted]
JOHN W. FAUGHT [redacted]
ROGER K. FINCHER [redacted]
DOMINIC R. GALLO [redacted]
JAMES J. GERACC [redacted]
JOSEPH M. GOBERN [redacted]
JAMES D. GRADY [redacted]
SCOTT D. GREENWALD [redacted]
LEONARD L. HALL [redacted]
KURT S. HENSEL [redacted]
MELANIE L. HILL [redacted]
KURTIS R. HOLT [redacted]
MICHAEL D. HUBER [redacted]
TROY R. JOHNSON [redacted]
JUDITH L. KALITA [redacted]
SHAWN F. KANE [redacted]
SEAN KEENAN [redacted]
MARY E. LINSENMEYER [redacted]
ANTHONY C. LITTRELL [redacted]
JAMIL A. MALIK [redacted]
MICHAEL S. MEYER [redacted]
KEVIN E. MOORE [redacted]
KIMBERLY A MORAN [redacted]
JOSEPH A. MUNARETTO [redacted]
NEIL E. PAGE [redacted]
MARY V. PARKER [redacted]
THERON M. PETTIT [redacted]
MELISSA A. PRATT [redacted]
MAXIMILIAN PSOLKA [redacted]
STEPHANIE D. REDDING [redacted]
DANA K. RENTA [redacted]
DAVID E. RISTEDT [redacted]
GEORGE R. SCOTT [redacted]
STEPHEN R. SEARS [redacted]
JAMES A. SEBESTA [redacted]
ELIZABETH C. SHANLEY [redacted]
DARRELL E. SINGER [redacted]
STEVEN J. TANKSLEY [redacted]
STEVEN K. TOBLER [redacted]
BRIEN W. TONKINSON [redacted]
ROLAND TORRES [redacted]
LADD A. TREMAINE [redacted]
DAWN C. UITHOL [redacted]
DAVID M. WALLACE [redacted]
PAULA M. WALACE [redacted]
MICHAEL J. WALTS [redacted]
ROBERT B. WENZEL [redacted]
VICTORIA J. WHEELER [redacted]
BRADFORD P. WHITCOMB [redacted]
JASON S. WIEMAN [redacted]
RONALD N. WOOL [redacted]

IN THE AIR FORCE

THE FOLLOWING CADETS, U.S. AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 9353(B) AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

To be second lieutenants

DAVID W ABBA [redacted]
KRISTEN E ABBOTT [redacted]
DAVID J ABRAHAMSON [redacted]
SANDRA C ACOSTA [redacted]
PHILIP F ACQUARD [redacted]
JULIANA ADAIR [redacted]
ALAN B ADAMS [redacted]
JOSEPH L ADAMS II [redacted]
MATTHEW H ADAMS [redacted]
RENE C ADLUNG [redacted]
PATRICK W ALBRECHT [redacted]
MATTHEW D ALBRIGHT [redacted]
LOUIS C ALDEN [redacted]
JAMES R ALEXANDER [redacted]
STEVEN S ALEXANDER [redacted]
AUDREY E. ALLCORN [redacted]
MICHAEL D ALLEN [redacted]
MICHAEL E ALLEN [redacted]
JOHN T ALPETER [redacted]
DAVID A. AMONETTE [redacted]
ADAM D ANDERSON [redacted]
JASON C ANDERSON [redacted]
MICHAEL P ANDERSON [redacted]
THOMAS P ANGELO [redacted]
WILLIAM S ANGERMAN [redacted]
OBIESILI H ANIAKUDO [redacted]
DAMON A ANTHONY [redacted]
ALEJANDRO ANTUNEZ [redacted]
VALENTINE S ARBOGAST [redacted]
RICHARD W ARMSTRONG, JR [redacted]
SHERRI J ARRUDA [redacted]
JASON R ATKINS [redacted]
CHRISTOPHER E AUSTIN [redacted]
REX O AYERS [redacted]
MATTHEW S BAADE [redacted]
PAUL C BAAKE [redacted]
MICHAEL J BACHTELL [redacted]
JASON E BAILEY [redacted]
WILLIAM E BAIRD, JR [redacted]
CHARLES J BAKER, JR [redacted]
JASON J BAKER [redacted]
LARRY E BAKER, JR [redacted]
BRIAN T BALDWIN [redacted]
CHAD A BALETTIE [redacted]
REX M BALLINGER [redacted]
JENNA E BARASCH [redacted]
JEFFREY D BARCHERS [redacted]
MATTHEW F BARCHIE [redacted]
ALAN P BARKER [redacted]
NATHANIEL D BARNES [redacted]
ROBERT C BARNETT [redacted]
JEREME A BARRETT [redacted]
WILLIAM A BARRINGTON, JR [redacted]
BRIAN Y BARTEE [redacted]
DOUGLAS H BARTELS [redacted]
MICHAEL H BARTEN [redacted]
RENAE M BARTOLONE [redacted]
BRIDGET A BARTON [redacted]
CHRISTOPHER B BASSHAM [redacted]
DYLAN S BAUMGARTNER [redacted]
RACHEL L BEACHAM [redacted]
CRAIG S BEDARD [redacted]
BERNARD I BEDGOOD [redacted]
GARY D BEENE [redacted]
JASON H BEERS [redacted]
ROBERT D BEHM [redacted]
TROY D BELIN [redacted]
KENYON K BELL [redacted]
TREVOR B BENITONE [redacted]
ADAM D BENJAMIN [redacted]
MICHAEL J BENSON [redacted]
KEVIN J BERENT [redacted]
LEE G BERGFELD [redacted]
SHAWN D BERNARDINI [redacted]
ALBERTO BERUMEN [redacted]
RONALD H BERZINS [redacted]
MICHAEL V BETTENCOURT [redacted]
KIMBERLY D BETTS [redacted]
WILLIAM D BETTS [redacted]
BRAD E BEYER [redacted]
MATTHEW J BIEWER [redacted]
BEAU O BILEK [redacted]
CHRISTIAN J BISBANO [redacted]
MICHAEL R BLACK [redacted]
ROBERT M BLACK [redacted]
JOHN V BLACKMON [redacted]
BRETT R BLAKE [redacted]
MARCUS R BLAKELY, JR [redacted]
BRYAN A BLIND [redacted]
STEVEN M BOATRIGHT [redacted]
JOSHUA T BOATWRIGHT [redacted]
JOSHUA P BOBKO [redacted]
DAVID P BOHNEN [redacted]
RICHARD J BOLANDER, JR [redacted]
MICHAEL T BOLEN [redacted]
ROBERT T BOLINGER [redacted]
CHAD B BONDURANT [redacted]
STEVEN P BORDING [redacted]
BENJAMIN C BOTH [redacted]
NOEL R BOUCHARD [redacted]
DANIEL R BOURQUE [redacted]
LAURA C BOUSSY [redacted]
ROBERT M BOWICK [redacted]
JOSHUA D BOWMAN [redacted]
DANIEL P BOYD [redacted]
MICHAEL J BOYNTON [redacted]
DAVID C BRACKNEY [redacted]
ROBERT J BRADEEN, JR [redacted]
BRIAN L BRADFORD [redacted]
TOBY J BRALLIER [redacted]
JOHN E BREMER, JR [redacted]
THEODORE A BREUKER [redacted]
MICHAEL R BREVARD [redacted]
PAUL R BREZINSKI [redacted]
THOMAS A BRIEN [redacted]
JEFFREY L BRITT [redacted]
JUSTIN Z BRIZUELA [redacted]
MICHAEL E BROCK [redacted]
GRETCHEN E BRONSON [redacted]
ERIK B BROWN [redacted]
JASON M BROWN [redacted]
KLYE D BROWN [redacted]
RENARDO M BROWN [redacted]
FRANK D BRYANT, JR [redacted]
JOHN E BRYANT [redacted]
DAVID R BUCHANAN [redacted]
TIMOTHY H BUCK [redacted]
CHRISTOPHER BUCKLEY [redacted]
STANLEY J BUDREJKO [redacted]
PHIET T BUI [redacted]
EVE M BURKE [redacted]
WILLIAM H BURKS [redacted]
BARRY A BURNS [redacted]
MARK E BURNS [redacted]
NORMAND A BURROUGHS [redacted]
SCOTT A BURROUGHS [redacted]
DANIEL D BUSH [redacted]
CHAD A BUSHMAN [redacted]
JENNIFER L BUSS [redacted]
KENNETH H BUTLER, JR [redacted]
LEONARD D CABRERA [redacted]
ERIC A CAGAN [redacted]
SCOTT A CAIN [redacted]
JOHN P CALLAGHAN [redacted]
MATTHEW M CALLOW [redacted]
DOUGLAS S CAMERON [redacted]
SCOTT C CAMPBELL [redacted]
NICHOLAS P CAPOTOSTO [redacted]
MARK A CARLSON [redacted]
PHILLIP V CARLSON [redacted]
ROBERT K CARLSON [redacted]
KYLE E CARPENTER [redacted]
RICHARD A CARRELL [redacted]
SCOTT E CARRELL [redacted]
MATTHEW K CARTER [redacted]
SEAN M CARY [redacted]
EDWARD D CASEY [redacted]
HUBERT C CATHLIN, JR [redacted]
JEFFREY D CAUSEY [redacted]
JOSEPH M CAUTERO [redacted]
SCOTT R CERONE [redacted]
MARCUS A CHANEY [redacted]
LEE E CHASE [redacted]
RICHARD B CHRISTENSEN [redacted]
JOSHUA L CHRISTIAN [redacted]
JAMES M CLABORN [redacted]
KEVIN D CLARK [redacted]
CHRISTOPHER A CLAUS [redacted]
TRAUNA L CLEMONS [redacted]
BRIAN L CLINTON [redacted]
JOHN V CLUNE [redacted]
CHERYL C COBB [redacted]
DAVID M COBB [redacted]
SHAWN T COCHRAN [redacted]
JASON J COCKRUM [redacted]
MARGARET E COFFEY [redacted]
BRANNEN C COHEE [redacted]
GREGORY B COLEMAN [redacted]
DERMOT J COLL [redacted]
JAMES E COLLINS II [redacted]
ROY W COLLINS [redacted]
CELESTE M COLVIN [redacted]
THOMAS R COLVIN [redacted]
COLIN J CONNOR [redacted]
SHAUN E CONRARDY [redacted]
JOSEPH A CONTI [redacted]
WALFRIDO R CONTRERAS [redacted]
KEVIN J COOK [redacted]
CRAIG A CORNNICHUCK [redacted]
JONATHON L CORY [redacted]
CHARLES R COSNOWSKI [redacted]
JASON W COSTELLO [redacted]
SEAN M COTTER [redacted]
BONNIE L COX [redacted]
STEVEN G COY [redacted]
NATHANAEL E COZZENS [redacted]
CAVAN K CRADDOCK [redacted]
ADAM L CRAMER [redacted]
DANE B CRAWFORD [redacted]
ERIC S CRAWFORD [redacted]
KEITH I CRAWFORD [redacted]
LUKE C CROPSEY [redacted]
BRANDON L CUFFE [redacted]
JAMES R CULPEPPER [redacted]
GEORGE A CULVER [redacted]
CHRISTIAN F CUNIC [redacted]
MICHAEL A CURLEY [redacted]
JAY D CUSTINE [redacted]
JAMIE L DAHLGREN [redacted]
DANA L DALLAS [redacted]
JEFFREY M DAMBRA [redacted]
KEVIN T DAMP [redacted]
FRED T DAMUTH [redacted]
ERIC B DAS [redacted]
CHAD J. DAVIS [redacted]
ERIK DAVIS [redacted]
TREVOR M DAVIS [redacted]
JAMES A DAWSON, JR [redacted]
JACKIE L DAY [redacted]
CHRISTOPHER S DEAN [redacted]
MICAH L DEAN [redacted]
SUZANNE M DEAN [redacted]
JASON D DECKER [redacted]
JOHN L DECKER [redacted]
CHRISTOPHER R DELAHANTY [redacted]
FRANK A DELSING [redacted]
KERRIN E DENHAM [redacted]
WILLIAM S DENHAM [redacted]
JOHN M DENNY [redacted]
MICHAEL L DEROSA [redacted]
KIMBERLY E DEVEREUX [redacted]
DANIEL A DEVOE [redacted]
BROCK E DEVOS [redacted]
ANTHONY T DICARLO [redacted]
TERA L DICKENSON [redacted]
BRYAN W DICKSON [redacted]
JOSEPH M DIFIDI [redacted]
JOSEPH M DINGMAN [redacted]
KARL R DOLSON [redacted]
MARCUS A DOMINGUEZ [redacted]
GERALD A DONOHUE [redacted]

PHILLIP R DONOVAN [redacted]
ELIZABETH S DOWN [redacted]
JESS W DRAB [redacted]
AARON D DRAKE [redacted]
APRIL S DREW [redacted]
RUSSELL D DRIGGERS [redacted]
STEVEN H DROLLINGER [redacted]
CHARLES M DROUILLARD [redacted]
JASON S DUKES [redacted]
JOHNATHON L DULIN [redacted]
KATHRYN M DULLACK [redacted]
CLARENCE M DUNAGAN IV [redacted]
GRADY A DUNHAM [redacted]
ROBERT E DUNKEL II [redacted]
JEREMY S DURTSCH [redacted]
KEYNAN T DUTTON [redacted]
BRYAN L DYER [redacted]
RAQUEL C EARLEY [redacted]
JONATHAN R ECKERMAN [redacted]
CHRISTOPHER K EDERLE [redacted]
JEFFREY B EDWARDS [redacted]
MICHAEL J EDWARDS [redacted]
JANEL I EGANA [redacted]
KENNETH R EIZENGA [redacted]
TRAVIS M ELKINS [redacted]
JOHN W ELLER [redacted]
JOEL F ENGLAN [redacted]
STEVEN G ENGLAND [redacted]
NATHAN A ENGLEHARDT [redacted]
DONALD E. ENGLISH, JR [redacted]
ROBERT M. ENINGER [redacted]
JOHNNY M. ERWIN [redacted]
GUILLERMO J. ESTRADA [redacted]
JASON W. EVENSON [redacted]
SCOTT C. EVERS [redacted]
CHADWICK F. FAGER [redacted]
JOSHUA B. FALLON [redacted]
PAUL W. FEICHTINGER [redacted]
DEREK R. FERLAND [redacted]
DAVID G. FERRAR [redacted]
CHRISTOPHER FERRETT [redacted]
CHAD E. FEUCHT [redacted]
JASON S. FISK [redacted]
BRIAN M. FITZGERALD [redacted]
CRISSIE D. FITZGERALD [redacted]
CHRISTIAN R. FITZPATRICK [redacted]
TODD D. FLEMING [redacted]
JUSTIN L. FLETCHER [redacted]
RICHARD L. FLETCHER [redacted]
TIMOTHY D. FLIETSTRA [redacted]
MICHAEL J. FLYNN, JR [redacted]
DEEDRA D. FOGLE [redacted]
MARK B. FOLEY [redacted]
JOHNATHAN D. FONTENOT [redacted]
WILLIAM R. FORSTER [redacted]
GERALD R. FORTUNA, JR [redacted]
CORDIS H. FOSTER [redacted]
MICHAEL D. FOUTCH [redacted]
MARIO FOXBAKER [redacted]
SETH C. FRANK [redacted]
JAMES M. FRANKLIN [redacted]
JOHN C. FRAZIER [redacted]
SURYA J. FRICKEL [redacted]
WILLIAM J. FRIDAY, JR [redacted]
JAMES E. FRIEDLAND [redacted]
TODD D. FRY [redacted]
JAMES W. FUCHS [redacted]
RINNEY J. FUJIWARA [redacted]
DEREK M. GABBARD [redacted]
DANIEL L. GABLE [redacted]
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TARA L. SWEENEY [redacted]
THOMAS C. SYROTCHEN [redacted]
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KARYN L. THOMAS [redacted]
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DOUGLAS H. THURSTON [redacted]
TIMOTHY W. THURSTON, I [redacted]
BRADLEY D. TIDD [redacted]
JON K. TINSLEY [redacted]
WILLIAM D. TOLMAN [redacted]
DAVID L. TOMLINSON [redacted]
JASON M. TONE [redacted]
MARTIN K. TOPPING [redacted]
LUIS A. TORRES [redacted]
TRUNG H. TRAN [redacted]
MATTHEW C. TRAVIS [redacted]
TIMOTHY G. TREGLOWN [redacted]
STEVEN D. TRIBBLE [redacted]
RICARDO L. TRIMILLOS [redacted]
SCOTT A. TRINRUD [redacted]
ROBERT W. TRUAX [redacted]
JOHN S. TRUBE [redacted]
JUSTIN H. TRUMBO [redacted]
CHRISTOPHER A. TUMILOWICZ [redacted]
JAMES O. TUOMI [redacted]
WALLACE R. TURNBULL, II [redacted]
JEREMEY D. TURNER [redacted]

KEITH R. TURNER [redacted]
LANCE F. TURNER [redacted]
RYAN L. TURNER [redacted]
WESELY L. TURNER [redacted]
TROY M. TWESME [redacted]
CHRISTOPHER G. TYLER [redacted]
THOMAS R. ULMER [redacted]
KEITH L. UMLAUF [redacted]
ANTOINETTE J. VALERO [redacted]
ALICIA A. VALLEN [redacted]
DOREN P. VAN [redacted]
JURA B. VAN [redacted]
KESTEREN C. VAN [redacted]
WIEREN M. VAN [redacted]
ZANTEN S. VAN [redacted]
KOOI D. VANDER [redacted]
KRISTIN L. VANDERBERG [redacted]
LISA A. VARACINS [redacted]
JONATHAN E. VEAZEY [redacted]
ADAM S. VELIE [redacted]
ANDREW F. VENER [redacted]
ROBERT A. VIETAS [redacted]
TODD C. VIRGIL [redacted]
NATHAN J. VOGEL [redacted]
CLIFTON P. VOLPE [redacted]
ROBERT S. WACKER [redacted]
MATTHEW F. WADD [redacted]
HEIDI R. WAHLMAN [redacted]
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PAUL K. WARING [redacted]
DANIEL J. WASILAUSKY [redacted]
BRIAN K. WATKINS [redacted]
JEFFREY D. WATSON [redacted]
BRIAN A. WAYPA [redacted]
ERNEST L. WEARREN, JR [redacted]
KEVIN G. WEAVER [redacted]
JEFFREY R. WEEKS [redacted]
MAX C. WEEMS [redacted]
WADE A. WEGNER [redacted]
RYAN J. WELCH [redacted]
KEVIN M. WELLS [redacted]
VINCENT WELLS [redacted]
SEAN T. WELSH [redacted]
PETER A. WENELL [redacted]
BRETT A. WENINGER [redacted]
MONIQUE N. WEST [redacted]
STACY A. WHARTON [redacted]
WILLIAM H. WHARTON [redacted]
ANDREW K. WHIAT [redacted]
JEFFREY J. WHITE [redacted]
JEROME K. WHITE [redacted]
PHILIP A. WHITE, JR [redacted]
REAGAN K. WHITLOW [redacted]
MATTHEW R. WHITNEY [redacted]
KEVIN A. WHITTAKER [redacted]
BRYAN J. WICKERING [redacted]
DOUGLAS P. WICKERT [redacted]
STEPHEN D. WIER [redacted]
JASON B. WIERZBANOWSKI [redacted]
DANIEL R. WILCOX [redacted]
JOHN D. WILCOX [redacted]
TRAVIS S. WILDS [redacted]
TRACY J. WILLCOX [redacted]
BRICE J. WILLIAMS [redacted]
KEVIN L. WILLIAMS [redacted]
DAVID A. WILLIAMSON [redacted]
PAUL J. WILSON [redacted]
CHRISTOPHER J. WIRTANEN [redacted]
RYAN E. WOERNER [redacted]
PAUL M. WOJTOWICZ [redacted]
TIMOTHY G. WOLLER [redacted]
PAUL C. WOOD [redacted]
EDWARD M. WOOTEN, III [redacted]
JASON W. WROBLEWSKI [redacted]
ERIC M. YAPE [redacted]
EDDIE L. YOUNG, JR [redacted]
ELIZABETH A. YOUNG [redacted]
WILLIAM M. YOUNG [redacted]
DEREK J. YOUNGER [redacted]
ERIC J. ZIHMER [redacted]
CHRISTOPHER J. ZUHLKE [redacted]
KARL D. ZURBRUGG [redacted]
JAMES D. ZWYER [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate January 10, 1995:

DEPARTMENT OF THE TREASURY

ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, January 11, 1995*

The House met at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May Your good grace, O God, be with all who call upon You, and may Your spirit of peace and reconciliation, Your word of purpose and direction, and Your command to do justice, touch each of us in the depths of our own hearts. We are aware, O gracious God, that we do not walk alone through the paths of life, but we are surrounded by Your love and by the support and encouragement of our colleagues, our friends, and our families. For all those gifts and for the blessings of each new day, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Kansas [Mr. TIAHRT] will lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIORITY AMENDMENTS FOR MANDATE REFORM BILL; AND PROCEDURES FOR SUBMISSION OF AMENDMENT FOR PRINTING ON HOUSE JOINT RESOLUTION 1, THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the Committee on Rules anticipates meeting next week to report an open rule for the consideration of H.R. 5, the Unfunded Mandate Reform Act of 1995.

The rule may include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration—though this would not be mandatory.

The amendments must still be consistent with House rules and are given no special protection by being printed.

If Members are interested in priority recognition, they may wish to print their amendments in the RECORD prior to Friday, January 20, when the bill is tentatively scheduled for consideration. It is not necessary to submit your amendments to the Rules Committee or to testify.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted to the bill as reported from the committees of jurisdiction. Amendments should be titled, "Submitted for printing under clause 6 of rule XXIII" and submitted at the Speaker's table.

Mr. Speaker, the Committee on Rules anticipates meeting the week of January 23 to report a rule for the consideration of House Joint Resolution 1, the balanced budget constitutional amendment.

The rule may include a provision permitting only the offering of amendments in the nature of a substitute by Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD not later than Friday, January 20.

The amendments must still be consistent with House rules and would be given no special protection by being printed.

If Members are interested in having their amendments considered as a substitute for House Joint Resolution 1 as reported by the Judiciary Committee, they must draft them as amendments in the nature of a substitute and print them in the RECORD not later than Friday, January 20.

Amendments should be titled, "Submitted for printing under clause 6 of rule XXIII" and submitted at the Speaker's table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mrs. KENNELLY. Mr. Speaker, I offer a privileged resolution (H. Res. 32) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 32

Resolved, That the following named Members be and they are hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON HOUSE OVERSIGHT

Mr. Fazio, Ranking Minority Member;
Mr. Gejdenson;
Mr. Hoyer;
Mr. Jefferson;
Mr. Pastor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REFERENCES TO COMMITTEE ON TECHNOLOGY AND COMPETITIVENESS IN HOUSE RESOLUTION 12 TO BE DEEMED TO BE TO COMMITTEE ON SCIENCE

Mrs. KENNELLY. Mr. Speaker, I ask unanimous consent that any references to the Committee on Technology and Competitiveness in House Resolution 12 adopted on January 4, 1995, be to the Committee on Science.

The SPEAKER. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 1995.

Hon. NEWT GINGRICH,
The Speaker,
Washington, DC.

DEAR MR. SPEAKER: On January 5, 1995, at the organizational meeting for the Committee on Ways and Means, the Committee designated the following members to serve on the Joint Committee on Taxation for the 104th Congress, pursuant to Section 8002 of the Internal Revenue Code of 1986: Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Gibbons, and Mr. Rangel.

With best personal regards, I am

Sincerely,

BILL ARCHER,
Chairman.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 1

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution No. 1.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

READING THE CONTRACT WITH AMERICA

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, our Contract With America states on the first day of Congress a Republican House will force Congress to live under the same laws as everyone else, cut one-third of committee staffs, and cut the congressional budget. We have done that.

In the next 93 days we will vote on the following 10 items:

One, a balanced budget amendment and line-item veto;

Two. A new crime bill to stop violent criminals;

Three. Welfare reform to encourage work, not dependence;

Four. Family reinforcement to crack down on deadbeat dads and protect our children;

Five. Tax cuts for families to lift government's burden from middle-income Americans;

Six. National security restoration to protect our freedoms;

Seven. Senior Citizens' Equity Act to allow our seniors to work without government penalty;

Eight. Government regulation and unfunded mandate reforms;

Nine. Commonsense legal reform to end frivolous lawsuits; and

Ten. Congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

THE NEED FOR A NATIONAL POLICY TOWARD GAMBLING

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, in 1976 the Commission on the Review of a National Policy Toward Gambling issued its final report to Congress. In the 20 years since that time, however, much has changed. Gambling has gone from a $1 billion-a-year industry in the United States to a $30-billion industry. There was one State that legalized casino gambling then; today some form of gambling is legal in 48 of the 50 States.

A competition exists between the States. A competition exists between the States and foreign countries. A competition exists between the States and Indian tribes, whereas 20 years ago no Indian tribe was authorized to have legalized gambling.

Mr. Speaker, it is time for the establishment of a new Commission to pursue a national policy toward gambling in the United States.

□ 1110

CONGRESS MUST LIVE WITH BALANCED BUDGET

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, as taxes increase, as government regulations get more and more burdensome, as the bureaucracy becomes more and more expensive, America's middle class has had to tighten their belts. Even though they are out there working as hard as they can, year after year, because of our actions in spending in Congress, they have to squeeze in a little bit more.

But now it is our turn. It is time for us to match our revenues with our expenses. We need to have a balanced budget amendment. Our last balanced budget was in 1969, and since then Congress has decided that it could defy gravity by spending indefinitely more money than we take in.

The balanced budget amendment will put an end to this fantasy. It is not a new concept. State, city, and county governments all over America have had a balanced budget. They have to have one by law. It is now our turn. If we had had one all along, we would not have the $4.5 trillion debt we must now contend with.

BALANCED BUDGET AMENDMENT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Americans want a more open and honest Government. Last week I voted with the majority to open our Congress to ensure public hearings. But also last week the Committee on the Budget rejected on a party line vote a requirement requiring Congress to tell how the balanced budget amendment would be implemented.

We should require this House to specify those cuts to reach that balanced budget. The Congressional Budget Office has said it would cost $1.2 trillion in cuts by the year 2002 to reach that balanced budget. In the name of honesty, openness, and constructive planning, we must set that course to achieve the goal.

The people need to know how and what and when these cuts will be made. We talk about a Contract With America. Let us not forget our contract with our senior citizens in 1935 for Social Security, our seniors for health care in 1965, and our veterans that provide them benefits for their sacrifices for their country.

The people of these United States will remember that our contract is renewed next year unless we tell them how we are going to fulfill the contract we agreed to.

BAN UNFUNDED MANDATES ON STATES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today the Senate is considering a bill to ban unfunded mandates by Congress for States like Kansas. We must join with them so that no longer will Congress be able to mandate that States do things without funding. No longer will Congress attempt to balance the budget on the backs of the States.

It took the Republican majority in the House and Senate to bring this important issue to a vote. We will finally enact what State Governors like Kansas Gov. Bill Graves and State legislatures have been asking for years, to relieve the arrogant burden of denying money to States to pay for the Federal Government's mandates.

Just as the American people have called for a ban on unfunded mandates, they have also called on Congress to balance the budget. Starting now we will work to control our spending and our own budget. It is what the people want, and what we intend to give the people.

COMMENTS ON HOUSE HISTORIAN

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, like the energizer bunny, the Christina Jeffrey story keeps going and going and going. Yesterday Speaker GINGRICH's spokesperson, Tony Blankley, said that they did not know that Christina Jeffrey believed that a Holocaust class should reflect the views of the Nazis.

Today we read in the Atlanta Constitution that Ms. Jeffrey told Speaker GINGRICH's staff a month ago. But even worse was today's revelations of why Ms. Jeffrey thought she was fired. Yesterday Mr. Blankley said that Speaker GINGRICH held Ms. Jeffrey in high regard, and today we find out she believes that she was told she had to go because "There would be marches and demonstrations and fundraising efforts to raise money to turn over the House to Democrats."

What was Speaker GINGRICH's motivation in firing Ms. Jeffrey? Was it because he disagreed with her views, as he should have, or was it because of adverse publicity and bad political consequences?

Yesterday I praised the Speaker for quickly firing her. I stand by that, but there are many questions that must, must be answered.

PASS THE BALANCED BUDGET

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today to respond to the Democrats' call for specific cuts in the Federal budget. They well know that Republicans have pledged to consider all proposals except for Social Security. Their insistence is an effort to divert attention from the real issue. Congress can only tackle the issue of how to balance the budget after we decide to balance the budget.

The Democrats' desire to place the proverbial cart before the horse led the American people to give their House to the new Republican majority. We must not let empty partisan rhetoric sway us from the task we have been sent here to do; namely, to bring fiscal responsibility to Washington. We owe the American people that much. It is time to stand and deliver by passing the balanced budget amendment.

COMMENTS ON HOUSE HISTORIAN

(Ms. DELAURO asked and was given permission to address the house for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, a new chapter opened today in the history surrounding the hiring and the firing of the House Historian. Today, the former Historian reveals to the Atlanta Constitution that she had indeed informed the Speaker's office about her views on the teaching of the Holocaust before she was hired. This directly contradicts the statements that had been made by the Speaker's office. The Historian was fired because her opposition to funding a course on the Holocaust was wrong because it did not reflect what she called the Nazi point of view or the Ku Klux Klan point of view. Such extremism from the person hired to chronicle an important part of the history of our government is an affront to this body and to all Americans.

How could a person known to have such extreme views on this issue and one that is so sensitive to so many Americans, how could that person have been hired? But perhaps we should not be surprised. This is not the only office that the new Speaker has turned into a partisan political tool. The same thing was done in selecting the House administrator. I fear that we are seeing the beginning of a dangerous pattern.

PUBLIC HOUSING RENT REFORM

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, as we debate the reform of our Nation's welfare system, our deliberations must include a close examination of the federally mandated system of calculating rents paid by residents of America's public housing.

The evidence is striking. The current system of establishing rents in public housing is set by bureaucrats in Washington. It provides no flexibility to provide incentives for residents to make a better wage or even find work.

In most cases, if a resident of public housing obtains gainful employment, they end up with less disposable income than if they had stayed on welfare. That is right, less money by going to work. Is it any wonder we have generations of people who are addicted to the public dole?

In the last Congress, this body passed a housing bill which included a provision which I sponsored, entitled the Rent Reform and Empowerment Act, which would reduce these disincentives through a system of income disallowances and ceiling rents. Unfortunately, it was killed in the other body.

Mr. Speaker, today I am reintroducing this important legislation. It is time we applied a little common sense. And keep in mind it has been this Government that has imposed some of the highest tax rates on America's poor.

COMMENTS ON HOUSE HISTORIAN

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, not even the Speaker of the House agrees. His choice of a Historian for this House is unfit to serve. There is no room in this House for bigotry, racism, or anti-Semitism. I commend the Speaker for realizing his error, acting quickly, and firing his appointment.

The operation of this House, the recording of its history, should be nonpartisan. The House Administrator, the House Historian, these appointments should be made with the best interests of this House in mind, not the Speaker, not the Speaker or one political party.

Last week the American people were promised a new openness, a new way of doing business. But so far it looks like business as usual.

Mr. Speaker, this is not a Republican House, this is not a Democratic House. This is the people's House. Mr. Speaker, the people deserve better.

□ 1120

H.R. 359

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I am asking my colleagues to join 67 Members of the House in cosponsoring H.R. 359. This legislation will prevent a major rip-off of American inventors and investors by ensuring that Americans have the 17 years of patent protection which was their right prior to the passage of the GATT implementation legislation last year.

Hidden in that implementation legislation was a provision not required by GATT that was slipped into the implementation legislation. The provision dramatically reduces the number of years of patent protection for American citizens, permitting foreign nationals, foreign and international corporations to use American technology against us in the world competition without so much as paying royalties to American inventors and investors who created the technology.

H.R. 359 will stop the rip-off and perfect the GATT language by purging this provision from part of the GATT that should never have been part of it in the first place.

IS THE HOUSE MOVING TOO QUICKLY?

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, are we moving too fast without taking proper precautions that will be costly in the future?

The Speaker did the right thing to fire Christina Jeffrey, but what is shocking is that a person with these views could have been hired in the first place.

Are we moving ahead on unfunded mandates legislation without recognizing the impact it might have on clean air, on clean water, on civil rights, on disabilities, on health and safety? Am I correctly hearing that the new majority wants to exempt all Contract With America legislation in this legislation?

As we move ahead on the balanced budget amendment, which I have supported, does it not make sense to specify from where these cuts are coming? Do we really want to amend the Constitution to have a super majority on taxes? What if we are in a recession? What if we are in a war? Let us make this balanced budget amendment work.

Mr. Speaker, let us have open rules. Let us be offered alternatives. Let us participate in a bipartisan way to deal with these problems. Let us not make mistakes now that we will regret later.

WE MUST TAKE ACTION

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, recent polls indicate that some 80 percent of the American people favor the balanced budget amendment. The people have sent their message to the people's House. Now it is time for the people's House to respond.

My colleagues, if we are sincere in our desire to get big government off the back of middle income Americans, then we should vote yes on a balanced budget amendment.

The balanced budget amendment is designed to produce results. It forces us to take action. It forces us to be responsible with the taxpayers' dollars. It forces us to do what this House has not done in 30 years.

Mr. Speaker, the time for stalling is past. Nearly $5 trillion of debt placed upon our children and grandchildren demands a response. We must take action now. We must pass the balanced budget amendment.

WHITE HOUSE RESPONSE TO DISASTER IN CALIFORNIA

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today to bring recognition to the White House response to my call and the call of other Members of this House who represent areas in California that have been egregiously affected by the continuous pounding of severe Pacific storms in California. The total now is at 17 counties that have been affected.

Even as we speak, Mr. Speaker, here on the House floor, we understand that there are more storms coming in from the West that are going to be affecting very deleteriously the counties in and throughout California.

My county, Los Angeles County, has been affected very, very much.

I just want to thank the White House for finally responding and declaring a Federal disaster, a declaration that will allow FEMA to come in and to provide additional help and additional provisions to the people in California who are suffering.

It seems just yesterday, Mr. Speaker, that we had to sign $8.6 million for earthquake relief. Now we have floods in California.

We thank the White House for responding.

CHANGE IS HERE

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, change is here, and change is good.

After 40 years of one party's rule, last week, the new majority took the first critical steps to changing the House of Representatives.

More change is on the way. In the next month, we will vote on a balanced budget amendment to the Constitution.

We have heard gripes from some Members of the new minority about what is wrong with the balanced budget. We have heard excuses. We have heard complaints.

But after 40 years of Democrat leadership, we never had a true commitment to a balanced budget amendment. And we have not had a balanced budget in about 30 years.

Mr. Speaker, the American people want a new direction from the Congress. They want fiscal reponsibility; they do not want to pay higher taxes but they do want less Federal spending.

Mr. Speaker, change is here and change is good. That is why we must pass a balanced budget amendment to the Constitution before this Congress is adjourned.

IN FAVOR OF THE CDBG ANTIPIRACY LEGISLATION

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, thousands of workers in my community got a major slap in the face last year where their employer told them their jobs would be moved to other parts of the country.

If this was not bad enough, these loyal employees had salt rubbed in their wounds a short time later, when it was learned that Federal Community Development Block Grant funds would be used to help move these jobs to other States.

This is something that should not happen. Using Federal funds to move jobs from one area to another is a total waste of taxpayer money and an insult to the people who are losing their jobs.

Today I am introducing legislation that would add an antipiracy provision to the block grant law. It will prevent the use of these funds from being used to steal jobs.

As we look for ways to save Federal tax dollars and get a better bang for our buck, this is the perfect place to start.

THE BALANCED BUDGET AMENDMENT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his reamrks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this January, as we work for and with America, we will vote to put responsibility, accountability, and respectability back in the Congress by finally passing a balanced budget amendment.

Many on the Democrat side want us to specify budget cuts before they agree to it. I think they are just using this as an opportunity to invite their good friends, the special interests, to come in and save their favorite projects from elimination.

As we have seen in the past 40 years, we can debate all day about how to balance the budget and never actually do it.

We need to set the record straight. The balanced budget amendment is about discipline. We need a mechanism that forces the Congress to balance it every year.

For 40 years we tried it the other way. All we got was more spending and more taxes. Now it is time for Congress to live like everyone else in America, on a budget.

LINGERING QUESTIONS

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, there are lingering questions still unanswered in the controversy over the fired House historian.

First, what did Speaker GINGRICH know about her extreme views and when did he know it? The Speaker says he did not know Ms. Jeffrey once rejected a course on the Holocaust because it failed to present the Nazi point of view. Yet, Ms. Jeffrey's top aide claims he knew all along.

Second, Ms. Jeffrey has been outspoken on GOPAC. She says that GOPAC was founded as, and I quote, "a way of getting around campaign finance disclosure laws." And she has called for repeal of those very laws.

I think the American people have a right to know: Do the Republicans agree? Do they agree that GOPAC was founded as a way of ducking campaign finance disclosure? Do they agree that we need to bring more secrecy in the political process?

Mr. Speaker, this is a question of credibility. The Republicans talk a lot about rebuilding trust with the American people. If they really mean it, they should come clean and reveal the contributors and their expenses on GOPAC.

□ 1130

DISASTROUS SAFE DRINKING WATER ACT MUST BE FIXED

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, the current Safe Drinking Water Act is a disaster and must be fixed as it is reauthorized. This Member is committed to supporting legislation which will inject more common sense into the way that public drinking water supplies are tested, monitored, and treated.

It is certainly encouraging that the distinguished gentleman from Virginia [Mr. BLILEY], the new chairman of the Commerce Committee, has indicated his intention to place a high priority on revising and improving the Safe Drinking Water Act.

Mr. Speaker, there is a growing financial crisis for communities across the country that becomes more evident each year as new water testing and treatment deadlines are imposed. These unfunded mandates hit small communities especially hard. Not only are these mandates costly, they often do nothing to ensure safe drinking water. It is clear that States and communities must be allowed to identify and focus on those contaminants which present an actual health risk in their geographic area.

Without question, the safety of this Nation's drinking water must be vigorously protected. However, in these days of tightening budgets on the local, State, and Federal levels, it is more important than ever that this goal be reached in a realistic, cost-effective, and efficient manner.

THE FRUITS OF EXTREME PARTISANSHIP

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, I rise today to express my extreme concern over the judgment displayed by my colleague from the Sixth District of Georgia. His need to fire long-time friend and associate Christina Jeffrey from the office of House Historian only demonstrates his folly in trying to politicize every aspect of the administration of this House.

He first fired our bipartisan Historian in order to have a personal biographer. I wonder, had Ms. Jeffrey been retained, how she would have recorded the Ethics Committee investigation of GOPAC.

Well, it turns out Ms. Jeffrey feels that the Nazis and the Ku Klux Klan do not get to tell their side of the story to our children in their history classes.

Mr. Speaker, such are the fruits of extreme partisanship. It deserves no place in this House.

THE UNFUNDED MANDATES REFORM ACT OF 1995, THE FIRST STEP TOWARD REDUCING UNFUNDED MANDATES

(Mr. MARTINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINI. Mr. Speaker, it has become clear over the last several years that the burden of unfunded Federal mandates placed on States and localities has risen to unacceptable levels. I am pleased to inform that yesterday, the Government Reform and Oversight Committee took the first step in addressing this problem by marking up H.R. 5, the Unfunded Mandates Reform Act of 1995.

As a local official in New Jersey, I have felt the sting of unfunded mandates firsthand. Despite cutting discretionary county spending by 3 percent in 1994, the part of the State and county budget mandated by the Federal Government actually rose by 10 percent. Despite our best efforts, we were forced to raise county taxes.

Mr. Speaker, the taxpayers are angry, not just because Federal taxes are too high, but because local property taxes are also skyrocketing due to unfunded mandates.

The voters spoke loudly on November 2. What they demanded was a government that was smaller, smarter, and less costly. Today we begin the process of accomplishing all three goals by putting an end to unfunded mandates and returning the U.S. Government to its proper role in its relationship with the States.

ON THE MARTIN LUTHER KING, JR., HOLIDAY EVERY AMERICAN CAN MAKE A DIFFERENCE

(Ms. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCARTHY. Mr. Speaker, I rise in anticipation of the 10th celebration of the Martin Luther King, Jr., holiday, which has been designated as a national day of service, to encourage my colleagues and all Americans to be mindful of the national theme: On the King holiday every American can make a difference.

The King holiday challenges Americans to remember and celebrate, but most importantly, to act to address the issues for which Dr. King and others gave of their lives, their energies, their talents. One of Dr. King's philosophies evolves around the promise that every individual can achieve his or her dream in America.

To accomplish this goal, the Government must be a partner with the people. In keeping the dream alive, we must address the unfinished agenda and direct our efforts to reduce violence, help youths at risk, promote interracial cooperation and economic stability. By doing so, we can make every American experience the land of opportunity once again.

LET US ENACT THE BALANCED BUDGET AMENDMENT NOW

(Mr. NORWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NORWOOD. Mr. Speaker, the historic opening day of the 104th Congress was the start of a new era in American politics. A majority of both Democrats and Republicans voted to reform the House of Representatives to make it more open and more accountable to the American people.

Now that we have changed the way business is done in the House, it is time to change the business that the House does, starting with a balanced budget amendment.

As I traveled through my district, I listened to the people I represent tell me that Congress should direct its finances the same way as the rest of America does. The message I have heard is that families wisely live within their monthly salaries, so why does Congress continually fail to do the same?

It is time for Congress to start living within its means by balancing the budget. It is time to change the business Congress does. Let us enact the balanced budget amendment now.

WHAT PROGRAMS WILL BE CUT TO ACHIEVE THE BALANCED BUDGET AMENDMENT?

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, the citizens of this country deserve to know what is really at stake when it comes to the balanced budget. Everybody agrees we have to reduce and ultimately eliminate the Federal budget deficit, but what will it really take to get a balanced budget in 7 years without touching the amount of money we now spend on defense as the Republican majority proposes, while at the same time offering a big cut in income taxes?

The Republican leadership is doing a real disservice to the American people by refusing to disclose what kinds of middle class programs we will probably have to get rid of in order to have to balance the budget by 2002.

Just a few minutes ago in the Committee on the Judiciary the Republican majority defeated an amendment to exclude Social Security from cuts to balance the budget.

What about student assistance? Probably kiss it goodbye. Unemployment insurance? Major cuts. Medicare programs? Devastating cuts. What about cures for cancer? Our research institutions are facing massive cuts if this budget amendment passes.

These are just a few examples of the kinds of massive program cuts that will occur. It is time for this open Congress to be truly open and tell the people how it will balance the budget.

CONGRESSIONAL LAWMAKERS CAN COACH AMERICA TO FISCAL VICTORY

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, in 1971, the Nebraska Cornhuskers won college football's national championship. One year later coach Tom

Osborne became head coach, and over the last two decades has dedicated his life to challenging young athletes to achieve their very best.

Many times over this last quarter century the loyal fans of the Cornhuskers felt the ground swell of a pending national championship victory, only to know the disappointment as that victory slipped away.

Likewise, Mr. Speaker, since 1935 the American people have diligently petitioned this body for a balanced budget. Year after year they watched and waited, believing reform was within their grasp, only to see the national debt and government spending increase.

They have waited patiently for lawmakers to bring them relief from the increasing tax burdens, only to suffer the disappointment of another legislative year gone by with no visible victory won over the skyrocketing debt.

Mr. Speaker, as lawmakers we have a chance to coach America's team to a fiscal victory. We came here armed with a mandate to pass the balanced budget. I encourage it to happen this year.

PUBLIC HEARINGS IN COMMITTEES ARE CONSISTENT WITH OPENNESS, PARTICIPATION, AND ACCOUNTABILITY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I wish to express my concern over the bypassing of an important legislative process, public hearings in committees. I would suggest that this need not unduly delay the Republican's 100-day agenda, if each bill is appropriately scheduled.

I realize that some of the proposals on which you seek prompt legislative action were the subject of hearings in the last Congress. However, that does not provide an adequate legislative record.

We have many new Members to Congress and some who are new to committees. Without hearings, Members are being asked to vote on legislation without the benefit of input from constituents, interest groups, the administration, or their colleagues.

This seems inconsistent with the recent reform of House rules which are intended to increase openness, participation, and accountability.

Mr. Speaker, I include for the RECORD 2 letters which address the two committees which have planned or have markups without hearings this week or next week.

The letters referred to are as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 1995.
Hon. ROBERT S. WALKER,
Chairman, Committee on Science,
Washington, DC.

DEAR MR. CHAIRMAN: As the Committee begins its legislative work for the 104th Congress, we wanted to express our concern about reports that the Committee is considering marking up bills without the benefit of prior public hearings on legislative proposals.

Hearings are an indispensable part of the legislative process. They provide Committee Members the opportunity to learn about the legislation, to ask questions, and to understand the impact of the legislation on interested parties. We realize that some of the proposals on which you seek prompt legislative action were the subject of hearings in the last Congress. But hearings in prior Congresses cannot provide an adequate legislative record for several reasons. First of all, fully half of the Committee Members are new to the Committee. Without hearings, they would be asked to vote on legislation without the benefit of hearing from constituents, interest groups, the Administration, or their colleagues. Such a procedure would hardly be fair to the new Members on either side of the aisle.

In addition, even if the bills have not substantially changed, the context of those bills within the broader agenda has changed considerably. For example, in the light of expected cuts in DOE's energy R&D programs, it will be difficult for Members to assess the importance of increasing funding for hydrogen research without a better understanding of how the hydrogen program fits into overall energy research and development budget priorities.

Finally, moving legislation without public hearings would seem to be inconsistent with recent Republican reforms intended to increase openness and accountability. We do not believe that either the Members or the public will be well-served by legislating in the absence of a record.

We understand your desire to begin the Committee's work quickly. Holding hearings need not be inconsistent with moving legislation expeditiously. Indeed, markups are likely to be far smoother when Members have had an adequate opportunity to understand the measure before them.

We know that you share our hope that we can move Committee legislation in a bipartisan fashion. To foster this cooperation, it is essential that both Majority and Minority Members have the opportunity to participate in a thorough, open legislative process that includes formal hearings on legislation that will be reported from the Committee. We appreciate your consideration of these concerns.

Sincerely,
GEORGE E. BROWN, Jr.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 9, 1995.

DEAR CHAIRMAN CLINGER: We understand that you have scheduled a full committee mark-up of H.R. 5, the Unfunded Mandate Reform Act of 1995 for 10 a.m., January 10. We respectfully request that you honor the request of members of the Government Reform and Oversight Committee for a hearing on this important piece of legislation.

Under the leadership of Speaker Gingrich, your party has instituted a number of changes that are meant to ensure that Members of Congress and the citizens that they represent are fully informed about the legislation that is acted upon in the House of Representatives. We agree, and therefore, believe that a full committee mark-up of this legislation is premature. The hearing process allows interested constituent groups and Members of Congress an opportunity to express their views and familiarize themselves with the details of the legislative proposal under consideration. This is a fundamental and important step in the democratic process that should not be by-passed, especially in the case of legislation that addresses an issue as important as the relationship between federal, state, and local government.

We realize that hearings on unfunded mandates legislation have been held by the committee in previous Congresses. However, we understand that H.R. 5 contains new provisions. Returning members should have an opportunity to consider the new proposal prior to proceeding to the committee amending process. Also, there are many new members in the House who should be given an opportunity to examine the details of this proposal, to ask questions, and to hear the views of their colleagues and constituents through a formal hearing process.

Our hope is that we can work in a bipartisan fashion in the 104th Congress to develop sound legislation that will provide the greatest benefit to the American people. In order for this to occur, both majority and minority Members of Congress must be able to participate in a thorough, open legislative process which includes formal hearings on important legislation such as H.R. 5. We trust that you share our appreciation for the importance of maintaining an open, thorough democratic process within the House of Representatives and committees, and we thank you for your consideration of our concerns.

Sincerely,
GEORGE E. BROWN, Jr.
JOHN D. DINGELL.
JOHN J. LAFALCE.
WILLIAM L. CLAY.
DAVID OBEY.
GEORGE MILLER.
JOE MOAKLEY.
HENRY B. GONZALEZ.
MARTIN O. SABO.
NORMAN Y. MINETA.
RONALD V. DELLUMS.
NORM DICKS.
VIC FAZIO.
DAVID BONIOR.

TIME FOR COMMITMENT TO A BALANCED BUDGET AMENDMENT

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I rise today to thank the people of Iowa's Fifth Congressional District for giving me the honor of representing them in the U.S. House of Representatives.

On the first day of this Congress, I was proud to help make a downpayment on restoring the public's faith in Congress by passing long overdue congressional reforms.

When the balanced budget amendment comes to the floor of the House this month, we will have an opportunity to make another installment on our contract with the American people.

As I ran for Congress, families stressed to me their fear that the enormous debt that the Federal Government has run up will destroy their children's and grandchildren's future. We have a moral imperative to bring an end to the deficit spending that has become a way of life in Washington. Congress has lacked this restraint to the tune of over $4 trillion. The time has come to commit to a common goal of a balanced budget amendment. It is for our children's and grandchildren's sake.

□ 1140

THE MEXICAN CRISIS AND ITS IMPLICATIONS

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, just a few months ago Mexico was touted as the place to invest. NAFTA was passed to foster trade and economic integration with Mexico. Now Mexico is in crisis. The peso is dropping. Their stock market is falling. Interest rates are shooting upward, and the economy is facing collapse.

The implications for us are enormous. American investors in business face huge losses. The American taxpayer is liable for $9 billion in emergency loans and much more. Like it or not, our economy is linked to Mexico, because they are our largest trading partner.

But before we get in any deeper, the American people and this Congress must understand clearly what the situation is and what our liabilities are. As chairman of the International Committee on Policy Subcommittee, my goal is to conduct a full-scale examination of this crisis and the United States role in rescuing the Mexican economy and its implications for the American taxpayer.

MILITARY MIGHT AND VITAL ECONOMY KEY

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, we in Congress face the very difficult task of reigning in the national debt and reducing the size and scope of an overgrown Federal bureaucracy. This was a message sent to Members in November and it is a task I take on gladly.

However, Mr. Speaker, as we head into this very difficult year of budget cuts and spending decisions, I would like to take this opportunity to recall to Members those qualities that have made this country the strongest Nation and longest-standing democracy the world has ever known, namely, military might and a vital economy.

The United States has shown time and time again that its military is second to none. It has turned back every challenge and the men and women who serve are the best trained and the most committed fighting force of any in the world. Let us be mindful of their commitment and renew our commitment to the strength that has contributed to the peace we enjoy today.

As for the economy, the engine that drives growth and creativity, we must never turn our backs on those who lie at the very heart of the economy, the American farmer.

CALL FOR A BALANCED BUDGET

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, for 40 years Congress has failed to do what middle-class Americans and State legislators across the country have done, and that is to balance the checkbook. Let the word go forth today that the checkbook has been passed for the first time in 40 years to a new generation of leaders that want to balance the budget and that want to balance the checkbook.

What do we hear? We hear nothing but smoke and mirrors from people that talk about GOPAC and try to create images of Nazi librarians where they do not exist. They are red herrings.

We are here to do a serious task and that is to balance the budget before it is too late. We need help from both sides of the aisle, because if we do not do it now, it is going to be late soon.

REVISITING THE REAGAN-BUSH YEARS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Ladies and gentlemen, I was motivated by the previous speaker. We had a $945 billion debt in America in 1980. We changed the checkbook and one person could have stopped spending in its tracks from 1981 to 1989, one person, Ronald Reagan, President of the United States. We never overrode a veto of the President of the United States from 1981 to 1992 dealing with spending in America. Every nickel that was spent in America from 1981 to 1992 was because either Ronald Reagan or George Bush signed the bill allowing that expenditure to go forth.

I have voted for the balanced budget amendment the last two times. I am going to vote for it again. But spending got out of control in this country in 1981. We sustained more debt in the last 12 years than in all the years prior to that time.

BALANCED BUDGET AMENDMENT II

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, I rise today to support a balanced budget amendment. We have not balanced this country's budget since way before the birth of my son Kurt. Mr. Speaker, Kurt is 25 years old.

As we have heard here on the floor this week, the vast majority of States have balanced budget requirements. Our families balance their budgets, our businesses balance their books, and if many of our States must balance their budgets then there is no reason we cannot balance the books in Washington, DC.

What we have heard here from the other side of the aisle this week is an argument against the balanced budget amendment. What we have heard is an argument against balancing the budget. I think our country is too important, our children's future too precious and the next generation too vital to allow the burden of Federal debt to continue to pile up.

Mr. Speaker, I urge my colleagues to join me and support the balanced budget amendment and once again gain control of runaway Federal spending.

BIPARTISAN SUPPORT FOR BALANCED BUDGET AMENDMENT

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, I believe the balanced budget amendment is the single most important issue that this Congress will face this year or next. I believe it is important that Americans understand that this issue is supported on a bipartisan basis by many Democrats as well as Republicans. In fact, the leader of the balanced budget fight for many years has been Congressman CHARLIE STENHOLM of Texas, a Democrat.

This is not a Republican issue, it is not a Democratic issue. It is an issue about our children, an issue about our grandchildren and their future. The fundamental question we face is whether our Congress is going to continue to steal money from our grandchildren to pay for today's spending.

I hope this Congress will change that, and I hope the American people will understand that many Democrats will be at the forefront of fighting for this most important measure.

A PROGRESS REPORT ON HAITI?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today is day 115 of the U.S. occupation of Haiti. For almost 6,000 of our troops still there, the mission remains as open-ended and as ill-defined as it was when it started back in September. Still the White House is very vague about the time line for the withdrawal of our troops. They offer very little substantive commentary on what is the real situation in Haiti today where our troops are at risk.

Mr. Speaker, many Members have questions they would like answered, like:

What is the prognosis for an orderly withdrawal of our troops without a return to a climate of brutal vengeance in Haiti?

Where do Haitian moderates fit into White House plans?

How much is this costing American taxpayers as we talk about balancing the budget?

What is being done about shifting the aid emphasis from commitments for handouts for Haitians to support for investments and jobs that will actually make a real difference in that country's future?

Mr. Speaker, it is time for some accountability from the White House. It is our troops that are overseas.

ON WHOSE BACK?

(Mr. NEUMANN asked and was given permission to address the House for 1 minute.)

Mr. NEUMANN. Mr. Speaker, the naysayers and doubters are out in full force scaring the American people about the balanced budget amendment. The question they ask is on whose back will the budget be balanced?

Mr. Speaker, I would like to reverse that question and ask on whose back will the burden fall if we do not balance the budget?

□ 1150

If Congress does not act responsibly to control wasteful government spending and growth, the children of our country are the ones who will pay. We now have over $4 trillion in debt. How far in debt do we have to go before we realize what we are doing to the children of our Nation? The American people want action and they want action now.

They want a government that is smaller, less expensive and more efficient. They want a government that will control its spending habits. Let us not break the back of our children's future. Let us pass the balanced budget amendment and let us do it now.

BASE CLOSINGS

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, I stand here to talk to my colleagues about base closure. I think many of us realize we just went through a base closure operation not too long ago and I was involved with it. We are having another one in 1995. I want to point out to my colleagues we had a vote on the House floor to slow down this process and I think it is important we do that.

Now that Republicans are in control, I hope all of us will realize we have an opportunity to preserve some very important bases around this country, which brings me to my point about a very important base in my congressional district in Jacksonville, FL. It is a naval depot. My friends, it is creating a profit.

After all is said and done, here is a government operation that is creating profit every year, so why should we be shutting down something like that? The community is coming together very strongly to protect it. In fact on Monday the First Coast Manufacturing Association kicked off a campaign of 500,000 postcards in support of the Jacksonville depot.

CONTINUING PROCESS OF REFORMS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, 1 week ago today we passed the most dramatic reforms of the way this institution does business in literally decades. It was done under the most open amendment process imaginable. We had votes up or down on eight different provisions that passed, not by a simple up-or-down vote as we have had in years past when the Congress has organized.

We right now up in the Rules Committee are holding a hearing on the unfunded mandates question so we will not see Congress continue to impose constraints on State and local government without providing the wherewithal to comply with those constraints. There are a wide range of things that are going to be going on during this 100-day period.

But I think it is very important for us to realize that while we did pass these eight major reforms a week ago today, the issue of reform did not end on January 4. We are continuing to review further opportunities to change and improve the operations of the U.S. Congress so that it can in fact become more accountable to the American people and once again be established as the greatest deliberative body known to man.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BLILEY). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I rise today to talk about a critical issue that must be addressed as we address the balanced budget at the Federal level, it is very important that we also protect the taxpayer at the local level. So I wish to indicate my support for the unfunded mandates bill and the need for liberalizing the rules governing privatization of Federal infrastructure assets by State and local governments.

Yesterday, the House Committee on Government Reform and Oversight completed its markup of H.R. 5 the Unfunded Mandate Reform Act of 1995. Chairman BILL CLINGER showed tremendous leadership on the first day of committee business by moving the bill so quickly. I strongly support House passage of the Unfunded Mandate Reform Act.

The Unfunded Mandate Reform Act of 1995 is an important first step in right-sizing the Federal Government. The November 8 election sent Washington a clear message—the American people want smaller, less intrusive government. Unfunded Federal mandates is one costly example of Federal Government overreach.

The Federal Government taxes gasoline, cigarettes, payroll for Social Security, and of course, income. But that is not all. Washington also taxes the American people through costly regulations placed on State and local governments and the private sector. The cost of Federal regulations are hidden in increased property and sales taxes, higher fees on services that show up in water and sewer bills, and more expensive goods and services. In addition, these Federal mandates infringe upon the freedom of communities to order their public lives. In short, the Federal Government compels taxpayers of both State and local governments and the private sector, either by force of law or the power of the purse, to pay for its policies. The America people want relief.

The mayor of Richmond, IN, Steve Cornett has indicated that unfunded Federal mandates have prevented that municipality from improving vital public safety and infrastructure. The Environmental Protection Agency compels this community to fit its landfill with a $1 million liner, even though the landfill is clay and not prone to leeching. The city also had to use scarce resources to dig up empty storage tanks in a remote area near the Richmond Municipal Airport. According to Mayor Cornett, the opportunity costs of this Federal meddling is high. The city wants to update fire department equipment, but is strapped for the funding.

Curbs, sidewalks, and streets need repairs, but the demands of the Federal regulations come first. The city of Richmond is not unique in this regard. The U.S. Conference of Mayors with the firm of Price Waterhouse assessed the cost of 10 unfunded Federal mandates and found that they consumed 11.7 percent of local revenue—(August and September 1993).

As I stated, the Unfunded Mandate Reform Act of 1995 is an important first step. To do the full work of rightsizing the Federal Government, this Congress must also: First, address existing unfunded mandates—H.R. 5 directly addresses only prospective mandates; second, level the playing field between public and private entities—that is to say, private sector entities that provide services such as utilities should receive the same relief from regulation as publicly held entities; and third, reduce barriers to privatization. With regard to the last—privatization—I hope to introduce an amendment to H.R. 5 to reduce barriers to the privatization of federally financed infrastructure assets by State and local governments.

State and local governments should have greater control over infrastructure decisions, on roads, utilities, and airports. Current Federal policy greatly restricts the options available to those governments to manage infrastructure assets with little regard to local priorities.

My amendment would allow State and local governments to transfer Federal-aid facilities to the private sector—either by sale or long-term lease—without repayment of Federal grants, provided the facility continues to be used for its original purpose. This legislation is an extension of Executive Order 12803 on privatization that President Bush signed in 1992. It would not interfere with any contractual obligations agreed to by local government owners in connection with previous grants.

In my home district, the Second Congressional District of Indiana, there are many examples of successful privatization efforts. Two in particular are the Muncie Youth Opportunity Center and the Anderson Community Hospital Pregnancy Plus Program. The Muncie Youth Opportunity Center is a home for disadvantaged young people privatized and supported by private donations under the very able leadership of Judge Steven Caldemeyer. The center was previously administered by Delaware County and since its privatization, the center has renovated its facilities and begun to serve more needy children in my hometown. The Anderson Community Hospital Pregnancy Plus Program offers prenatal care to women of limited means. Previously run by the Madison County Department of Health, since privatization, the program has nearly doubled the number of women who have access to prenatal care in this program and expanded to provide post-natal care.

Just adjacent to my district, the city of Indianapolis is a leader in privatization. Indianapolis Mayor Steve Goldsmith has moved 50 public services into the private sector by way of competitive bidding, at a savings of $115 million.

□ 1200

Mr. Speaker, I urge passage of the bill and support for my amendment.

PROPOSED CHANGES TO H.R. 4, WELFARE REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I am concerned that in H.R. 4, the welfare reform legislation, as introduced, unjustly treats taxpaying legal immigrants the same as illegal aliens. The two are very different.

Therefore, today I am introducing legislation that will ensure that taxpaying legal immigrants are not discriminated against.

I am encouraged that the behind the scenes work I have already undertaken appears to have brought the Speaker's and other Republican leaders' attention to this problem. I very much welcome their willingness to fix their oversight. My intention in introducing this bill is to make readily available—to the appropriate committee and subcommittee chairmen—legislative language to fix this flaw. Having introduced this bill, I am hopeful it can be amended into H.R. 4 as soon as possible.

Legal immigrants should not be used as an excuse for a broken-down welfare system that has failed to bring people out of poverty.

The majority of those who receive benefits are either American citizens or illegal aliens.

The frustrations of this country's failed attempts to curb the illegal immigration crisis should not turn into a backlash on legal immigrants.

These law abiding immigrants patiently wait and study for 5 years to become U.S. citizens while illegal aliens have no regard for the law. Legal immigrants contribute to the national identity, whereas illegal immigrants can all too often become a burden to the Nation's taxpayer.

I was an immigrant who entered the United States lawfully. I worked hard for an education and I couldn't wait for the chance to become an American citizen. I still take personal pride knowing that I worked hard, paid my fair share of taxes, earned my way, and provided for my family.

I decided to enter public service so I could pay back my country for the opportunities that it gave me.

Where is the incentive for immigrants to pay taxes, and to enter the United States legally if they are cut off from the system?

With this kind of discrimination why not enter illegally? We should prevent that—not encourage it.

This is why I believe that saving money from denying legal, taxpaying immigrants the benefits for which they have paid and may need in the future, is not the answer.

Instead, Congress should focus on how to get people already on welfare off of it quickly. The Federal Government has spent billions of tax dollars on people who originally needed a temporary helping hand, but soon became accustomed to getting a free ride.

Over time, our country has created a permanent society dependent on the Federal Government. That must be changed.

H.R. 4—the Republican welfare reform bill—will be an effective first step in that process. With the changes I have proposed today, I believe the Republican efforts at welfare reform will be even fairer and more successful.

CONGRESSIONAL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time out to talk about an issue which I raised briefly in the 1-minutes earlier, the question of congressional reform.

I would like to take time because today marks the 1-week point of the strongest and most dynamic reform of this institution that we have seen in decades, and there has been this sense among many that January 4 brought about an end to the issue of congressional reform.

The new Members who are represented, among others, by the gentleman from California [Mr. BILBRAY] here on the floor insisted that we pass a resolution in the Republican conference which called for continued review of the issue of reform of this institution. Because while we have spent a couple of years in the Joint Committee on the Organization of Congress and in our Republican conference talking about the need to reform the Congress, we have not completed our job.

Now, on January 4 we did a number of things that were extraordinarily important, having Congress comply with laws that are imposed on every other American, very important; trying to reduce the number of committees and subcommittees in the Congress, very important; reducing the number of committee staff, very important. But we have not completed that effort.

I believe that it was really a first step on the road toward even further reform of the institution.

Now, as we look at some of the things that we would like to do, I believe that this review effort that the Republican conference has put together will have a great deal of input from new Members of this institution, and as they familiarize themselves with the workings of Congress, I am convinced that they will come up with a wide range of recommendations which will include, among other things, probably even more streamlining of the committee process. We, I believe, still need to look at changes that conceivably could be made throughout the 104th Congress.

Also, a number of the items that came up in our rules package need to be incorporated in statute, and we know that if we are going to have complete and full compliance of the laws imposed on every other American, we cannot simply do it with a rules change here. We are going to have to look at a statute.

So I think that what needs to be realized is that tremendous reforms were made with those votes that were cast 1 week ago today, but much work lies ahead. We, of course, during this 100-day period are focusing on the balanced budget amendment, unfunded mandates which we are discussing right now upstairs in the Committee on Rules, and a wide range of other items, and then following the first 100 days, we obviously are going to be addressing items which were actually included in that advertisement that appeared in TV Guide magazine, that pointing out things like health care reform. We have not ignored that, and there are other proposals that will be debated as we go on into the rest of the 104th Congress.

It is important to realize that the 104th Congress is not going to be 100 days long. It is a 2-year period. While we address issues beyond the 100 days, included among them will be further reform of this institution.

A TRIBUTE TO ED MADIGAN

The SPEAKER pro tempore (Mr. BLILEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. EWING] is recognized for 60 minutes as the designee of the majority leader.

Mr. EWING. Mr. Speaker, we are here today to recognize a former colleague of ours, a Member who represented that part of central Illinois that I now have the privilege to represent, the gentleman who I followed here in these Halls of Congress in 1991, Mr. Ed Madigan.

I want to open this special order of recognition of the life of Ed Madigan with a few comments, a little background about this great individual, and a few personal comments.

Ed Madigan was born in central Illinois in January, on January 13, 1936. He graduated with a business degree from Lincoln College in Lincoln, IL, a community that was his home his entire life.

He was first elected to the Illinois House of Representatives in 1966, and he served there for 6 years until he was elected to Congress in 1972. While serving in Congress, he was the ranking Republican on the Committee on Agriculture the last 8 years in office, and he played a key part in both the 1985 and 1990 farm bills.

Ed Madigan received an honorary doctorate degree in 1974 from his alma mater, Lincoln College, and he received in 1977 honorary doctorate degrees from Millikin University and Illinois Wesleyan University.

Probably one of the great highlights of his career was when he left Congress to go and serve in the Bush Cabinet as Secretary of Agriculture. He was the 24th Secretary of Agriculture of this great country, appointed in 1991, and he served there throughout the remainder of the Bush administration.

As I indicated before, he was a lifelong resident of Lincoln, IL. He was very proud of that. He never lost the roots from which he came.

He thought and believed that his major accomplishments in the field of agriculture included the part that he played in the 1985 and the 1990 farm bills. He pushed for greater market orientation in our ag policies, and he was the father of our crop insurance program.

He also began the process of reorganizing the USDA, something that we have carried forward, and he was a major contributor to the GATT negotiations. Ed Madigan not only served agriculture when he was in this Congress, but he served as the ranking member on Energy and Commerce, and on the Subcommittee on Health and the Environment.

In the 97th Congress, he was chairman of the House Research and Planning Committee, and he was twice appointed chief deputy whip.

Ed Madigan was known as a consensus builder and at the time of his death he was quoted as having said when he first entered Congress, as he began his life in the Nation's Capital, he said that he had one goal: "I have the ambition to be an influential Member of Congress and to use that influence to bring credit to myself and to help people." I think there is no doubt in all of our minds that Ed Madigan achieved that goal.

On a personal basis, Ed Madigan and I were both born within 6 months of each other in the same county, in Logan County, IL, and we both grew to manhood in that rural Illinois county. Our fathers were close friends, and Ed used to enjoy telling his somewhat long stories about how my father would try and outdo his father in some horse deal; but you know, when his story ended, his father always came out on top. But they were interesting, amusing stories.

Ed Madigan was a wonderful speaker, and he had so much charisma. He was a man of his word. He was an honorable person. Ed Madigan was loved by his constituents, respected by his constituents, and he is missed by his former constituents.

□ 1210

He is survived by his wife Evelyn, certainly one of the greatest ladies to ever serve as a spouse in the Washington scene; three daughters, Kimberly, Kellie, and Mary Elizabeth; three grandchildren, to whom he was devoted; and a brother, Senator Robert Madigan, who serves in the Illinois State Legislature, and also one sister, Sandra.

I know that everyone in Illinois joins with me, as do many of my colleagues here today, to remember Ed Madigan, to honor Ed Madigan, and to celebrate life and his service to this Nation.

Mr. Speaker, I would like to yield to the gentleman from Kansas, the chairman of the House Committee on Agriculture, Chairman PAT ROBERTS.

Mr. ROBERTS. I thank the gentleman for yielding.

As the gentleman has indicated, Ed Madigan and the Madigan family come from Illinois, Lincoln, IL, as he has stated, to be exact. And to borrow from President Lincoln's famous address, it is altogether fitting and proper that we do this.

More especially, in regard to the gentleman from Illinois [Mr. EWING], who is now so ably representing the 15th district, Mr. EWING, like Ed Madigan, serves on the House Agriculture Committee, and in many ways, I think, exemplifies Ed Madigan's legacy of positive attributes.

All of us who have admired and known and love Ed want to thank my colleague, more especially, for taking this special order.

In the House we have a parliamentary means that allows us to say, in essence, "That was a mighty fine speech." Or, "What you said certainly makes sense to me." And we put it this way: "I thank the gentleman," or "gentlewoman, and I associate myself with his remarks."

Now today there are many, many of Ed's friends who share our sense of personal loss and love for this man and his family, who associate themselves with this special order.

In this regard I do want to make special mention of former Congressman Bob Smith of Oregon. It was Bob Smith and PAT ROBERTS, along with any farmer and rancher who knew Ed Madigan, who thought we should and fought to make Ed Secretary of Agriculture. We had been riding shotgun with him for a long time.

The same applies to the members of the "team" Madigan, if I may use that term, both on the Hill and at the Department of Agriculture, talking about Chuck Hilty, Bill O'Connor, Diane Liesman, Jackie Parke, Mary McGrane, Allie Devine, and Jim Waller.

I would also like to make special mention of former deputy secretary of agriculture Ann Veneman, who worked with Secretary Madigan in streamlining the USDA and certainly making it more cost-effective. I know this list could go on for many special orders in regards to Ed's many friends, but I also want to mention one person, Ed's special friend, Joe Quattrone, or "Joe Q.," of the House barbershop. All of us miss him, and he is part of us.

Mr. Speaker and ladies and gentleman of the House, in reflecting on what I would like to say and should say during this special order, I came to one very obvious conclusion. Simply put, when our Republican leader Bob Michel spoke in giving the moving and very eloquent eulogy for Ed Madigan, he spoke for us all. And borrowing from Lincoln again, I believe we can neither add nor detract from what Bob Michel stated.

Mr. Michel's eulogy will follow my remarks. So in closing, let me say on behalf of Ed's family, his wife Evelyn—and what a source of strength and resolve and love she has been to us all and to Ed and the family: To Kim, Kellie, Mary Elizabeth, brother Bob, sister Sandra, and all of the grandchildren, that we share in your sense of personal loss and that you are in our prayers.

If Ed were with us today, in his true Irish wit, he would put his glasses down on his nose, sitting somewhere in the House, and as he has done many times in the House Committee on Agriculture, he would say, "That is enough, Roberts."

But I do want to repeat a quote from Helen Steiner Rice which I think pretty well sums up how we feel and how we should feel as we celebrate Ed's life. Helen Steiner Rice said the following:

When I must leave you for a little while,
Please go on bravely with a gallant smile
And for my sake and in my name,
Live on and do all things the same—
Spend not your life in empty days,
But fill each waking hour in useful ways—
Reach out your hand in comfort and in cheer,
And I in turn will comfort you and hold you near.

And that is the way that Ed would want us to conduct ourselves, to live our lives to the fullest, thankful that the Lord really gave us the opportunity to know him and to share this all too brief time in space.

I submit the eulogy of Mr. Michel for the RECORD.

EULOGY FOR THE HONORABLE EDWARD R. MADIGAN

(Offered by Republican Leader Robert H. Michel, Dec. 12, 1994)

Evelyn, Kim, Kellie, Mary Elizabeth, brother Bob, Sister Sandra and Grandchildren.

It's a most difficult task to be called upon to speak when you are overcome with grief in the passing of a loved one.

All the more so when it's your close friend and colleague who has been taken from you so suddenly.

We find it particularly hard to take when the last time we saw Ed, scarcely two months ago, he was in his usual good form speaking atop a couple of bales of straw at a Logan County Pig Roast he was hosting for Ray LaHood just before the election.

We simply can't fathom the speed with which the scourge of cancer can take its toll on what we all perceived as a very healthy, robust, tall and erect good-looking fellow like Ed Madigan.

Who are we to know what our fate will bring—the whys and wherefores—all we know and feel is that Ed was taken from us all too soon.

His was a life deeply steeped in politics, and devoted primarily to public service.

I knew him as a very able state legislator before he came to the Congress where he served for another 20 years prior to being selected by President Bush as his Secretary of Agriculture.

During the extended period we worked closely together and became fast friends.

He was not the flamboyant type, but rather one who prided himself in doing his homework, quietly going about his business, getting the facts, and being a stickler for detail.

In short, he was a legislator of the old school.

A legislative craftsman genuinely interested—and marvelously skilled—in forming good legislation out of the give-and-take of debate and discussion.

To legislate successfully in a democracy means not only being able to understand the problems, or articulate the problems, but also the rare ability to work with colleagues on both sides of the aisle to solve the problems.

Some political activists call such an approach "compromise." Ed called it by its real name: democracy in action.

I can tell you from experience that not everyone is capable of enduring the long hours, the endless debates, the mixture of raging ego and intense ambition and partisan enmities that make up so much of the legislative process.

But Ed Madigan, with that sense of civility and reserve and decency which seemed inherent in him, went about his work patiently and proudly, always being the perfect gentleman.

He was proud to be a public servant at a time when public service has been getting bad press.

Well, Ed Madigan's life is the answer we give to those who doubt that a genuine sense of public service still lives in this country.

As a member of the Energy and Commerce Committee and of the Agriculture Committee, Ed always brought to his duties that enviable but indefinable quality called class.

Ernest Hemingway once defined courage as "grace under pressure." We might similarly define class as grace under the glaring spotlight of public life.

There was a sense of easy, good-humored charm about Ed, always tempered by that sense of reserve, that attractive reticence, that innate self-possession that is as rare as it is admirable in the rough and tumble world of politics.

And that is how we will remember him: his class, his sense of calm amidst the storm, the easy, comfortable charm of the born leader.

Again I thank the gentleman for yielding and reserving this special order.

Mr. EWING. Mr. Speaker, I thank the gentleman from Kansas for his comments.

I yield to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. I thank the gentleman very much.

Mr. Speaker, regarding Ed Madigan, and there are lots of things that could be said; we could go through a litany of those things which he did as Secretary of Agriculture or as a Member of the House here for 10 years. But that is not what I want to talk about. In the few seconds that I have I would just like to mention a couple of things.

George Romney used to describe friends of his as "a great human." Ed was a great human. He had an impact on all of us here; whether it was, as the gentleman from Illinois [Mr. EWING] mentioned, consensus building or whatever, he recognized and emulated those great human qualities which I would like to feel we all aspire to.

But another thing, President Eisenhower used to have on his desk a saying that said, "Suaviter in modo fortiter in re." That means, "Softly in manner, strongly in deed." That is what Ed represented. We talk, we show our emotion on a variety of different issues, but Ed was always interested in the deed rather than the emotion or the show. I would like to feel that as he was trying to build sort of a family-friendly Agriculture Department atmosphere, down here we are trying to build a citizen-friendly atmosphere. I hope he would be proud of us.

I thank the gentleman for yielding.

Mr. EWING. I thank the gentleman. I would now like to yield to the gentleman from Texas, the former chairman of the Committee on Agriculture, Mr. DE LA GARZA.

Mr. DE LA GARZA. I thank my distinguished colleague.

Mr. Speaker, today we gather to pay tribute to one of our former colleagues and a former Secretary of Agriculture, the Honorable Ed Madigan. It is with great sadness at his death that I want to take this opportunity to say about our recently departed colleague what an outstanding individual he was. I use that word earnestly, since Ed Madigan's life was nothing less than that. Ed Madigan came to these hallowed halls, as I did, from the statehouse. He made his decision to run for congressional office in order to be more involved with the political process on a national level, wanting to make a real difference to the people of Illinois who had elected him to Congress, and he did. With great enthusiasm, knowledge, and legislative prowess, that is exactly what he did in his years here as part of this illustrious body. I had the honor and privilege to have him as my ranking minority member of the Agriculture Committee when I was chairman.

He was a self-confident man, a natural leader, and it was only fitting for him to cap his career in 1991 by being appointed as the Secretary of Agriculture. I say this because his qualifications for this job were superb.

Once in this position, he exercised them skillfully, overseeing the Nation's agricultural needs and drawing upon his knowledge and expertise as a former member of the House Agriculture Committee to do so.

We worked together for things agriculture; as colleagues and as friends, we traveled together for American agriculture to different parts of the world; we worked with the leaders of the major countries of the world and also with the less-developed countries, and many of these areas that he worked on are now coming to fruition. He worked on or started so many things that now we are finalizing.

To me it will always be an honor to have had the privilege of working with Ed Madigan. To have been his friend meant even more. His loss is a personal one, and I will miss him greatly.

☐ 1220

I extend my condolences to his wife, Evelyn, and to his family.

Mr. EWING. I thank the gentleman for his comments, and I yield to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I want to first thank the gentleman from Illinois [Mr. EWING] for this special order for Ed Madigan, and I have some prepared remarks, but I just would like to make a couple of personal comments.

Ed was a long-time friend and mentor, and I know a lot of the members of the Ag Committee talked about his service on the Ag Committee, but he also had distinguished service for many years on the Committee on Energy and Commerce, and I considered him one of my mentors when I came to the committee back in 1984. I found him to be truly the embodiment of what a public servant ought to be, one who did not take himself too seriously, but took his job very seriously, one who could spin a good story as well as anybody.

I remember in one particular case we were asked to go to Camp David to be lobbied very heavily by the Reagan administration for the TEFRA bill. That was the bill that was going to try to restore some tax revenue after the big tax cut in 1981, and after we returned from Camp David that afternoon, the news media asked a lot of us there what was it all about, and they asked Ed Madigan. Particularly they said:

"We understand you're already in favor of TEFRA. Why did you go up to Camp David with all of these other folks who were allegedly undecided?"

And Ed, with that wry smile of his, said, "I suspect I was a shill," and that was really the embodiment of his personality.

I valued his friendship; I valued our service together on the committee. We will dearly miss Ed. Our best to Evelyn and the entire family. Our condolences, but with strong memories of Ed as a great personality here in this House who was well respected and well liked by everyone he served with.

Mr. Speaker, perhaps the name of Ed Madigan's hometown can give you an idea of the type of leadership qualities and personal attributes he possessed. As a native of Lincoln, IL, Ed had become an influential member of the State in just 6 years. He made the move from the Illinois House of Representatives, where he had served since 1966, to the U.S. House of Representatives in 1972.

Ed embodied all of the characteristics of an admirable Republican leader. His honesty and integrity made him a devoted public servant. His shrewdness and enthusiasm made him effective. His qualities are at the foundation of Republican ideals, and by using these attributes, Ed earned the trust of his colleagues as well as our respect.

Ed was a great legislative strategist. His behind the scenes style of compromise earned him the position of U.S. Agriculture Secretary under President Bush. Prior to becoming secretary, Ed was selected to 10 terms in the U.S. House where he served in several leadership positions, including chief deputy minority whip and chairman of the House Republican Research Committee.

Over the course of his political years, Ed used his influence to promote the vast interests of his Illinois constituents through service on the Youth and Families Committee and the Veterans' Affairs Committee. As the agriculture committee's ranking Republican, he was one of the few farm-state Republicans willing to apply free market principles to crops that grew in his district. Also, he was instrumental in many decisions concerning health and environmental issues, as well as transportation issues.

When Ed began his life in the Nation's Capital, he said he had but one goal: "I have the ambition to be an influential Member of Congress and to use that influence to bring credit to myself and to help people."

I think we can all agree that his goal was achieved.

Mr. EWING. Mr. Speaker, I yield to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. EWING] for the time that he has taken for this special order because I think it is most appropriate for one of the finest gentlemen who ever served in this body, and I am glad to follow people like the gentleman from Kansas [Mr. ROBERTS] with whom I sat side by side while Ed Madigan was our ranking member, and he always said, "It's time for the authorizers and appropriators to be getting together," and we are doing exactly that. It is a good combination, and, under that tutelage, I think it is a stamp of the kind of individual that Mr. Madigan was, that he imbued within people who come to Congress a sense of service with great dignity and always with a very reserved, never overexcited or a grenade thrower, but just one who had a simple approach to the thing of "Let's get the job done."

Mr. Speaker, I came to the floor of the House with a number of my colleagues of the House today to express our deepest sympathies to the family and friends of Ed Madigan who passed away on December 7, 1994. He is a close friend of mine, and I know that I join many others in saying that we will all miss him greatly. I always enjoyed getting together with Ed, no matter what the task was that we had at hand, because I valued our friendship and mostly because he was a gentleman's gentleman, and I always appreciated his quiet, sincere but enthusiastic, manner.

Ed Madigan embodied what makes this town and this institution the special place that it is. His good nature and talent for knowing how to get things done in Washington served him, his constituency and this country well. The farmers and ranchers in Illinois and rural areas around the country owe a special debt of gratitude to Ed Madigan, his family, and his supporters. Ed could discuss the intricacies of agricultural policy in a way that spoke directly to agricultural producers, and he initiated a number of revolutionary ideas in Congress and at the Department of Agriculture, and many of these policies continue through the current administration. His plan to reorganize the Department of Agriculture will save taxpayers millions of dollars while providing agricultural producers with a much more efficient and effective Department of Agriculture.

When I first came to Congress in 1980, Mr. Speaker, Ed and I immediately became friends, and I often looked to him for advice and counsel. He was my first ranking member on the Committee on Agriculture, and we continued to stay in touch over the years as I went up to the Committee on Appropriations and he went on to the Bush administration.

Mr. Speaker, I regret that he is not here today to share this wonderful change of positions and thus acquiring the majority status in this body because he was a very much majority-oriented individual.

I say to my colleagues, "I know Ed's legacy and memory will live for years to come, and I feel very fortunate to have known Ed, as many of you have as well, and I again appreciate that kind of friendship because, when it's all over, that's what you take with you when you go."

Mr. EWING. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois [Mr. EWING] for reserving this time.

I rise today to join my colleagues in marking a passing of a former Member of the House, a person that is certainly unique. Ed Madigan of the 15th District of Illinois was not only a friend and a colleague, but certainly a mentor.

Ed serve in this House, in this Nation, over a period of two decades. He was first elected to this House in 1972 following three terms in the Illinois legislature, and served ably, both as a representative of his district in central Illinois and later as Secretary of Agriculture during the Bush administration.

I remember the gentleman from Lincoln as both a friend as a mentor. We both served for 6 years in the Illinois House prior to coming to Washington and we both served on the House Energy and Commerce Committee. In fact, I remember just coming on the House Committee on Agriculture or House Committee on Energy and Commerce, and Ed was kind of giving me advice all the way along, and finally one day he said, "Well, what are your subcommittees going be," and I said, "Well, Ed, I wanted to be on the Telecommunication Subcommittee," and I thought it was important to be on the Energy Subcommittee, and he said, "I'm a ranking member on the Health and Environment Subcommittee," and he said, "You know it would serve you well to get on that subcommittee because," he said, "you know it's going to be a lot of things happening in health and environment in the next year or two." And, sure enough, I put in to get on the Health Subcommittee, and within 3 weeks Ed Madigan was Secretary of Agriculture, and I sat on that committee being the only Illinois person on it and later taking on all the health issues, and Ed would call me from time to time and lend me some good advice.

Ed, when I think of his time in both agriculture, and in science issues, and the energy issues, and telephone issues, I also think of his time, as my colleagues know, that Ed was not a professional politician. He had came from Lincoln, IL, and he ran the local taxi company in Lincoln, IL.

□ 1230

Prior to that his dad and he ran a livery company, a horse-trading and service company in Lincoln, IL. So the stories and the humor that Ed pulled out from time to time go back to those earthy times back in Illinois dealing with Illinois farmers. He was never a farmer, but he knew the farmers and the people that he dealt with there almost on the same hustings that another Illinoisan served on—Abraham Lincoln.

One of the things I always remembered that I shared particularly with Ed, Ed, I guess coming from the taxi business, loved old automobiles, and he could talk about old Lincolns and old Packards. You could see his eyes light up with the love of those cars, and he actually collected a few.

We have to look back on Ed Madigan with a smile and a tear for his loss, but, Mr. Speaker, I say to my colleagues that I take the well today because Ed was a friend. He was also a leader of this House, and he represented the best that this House stands for. He certainly was a person who could cut through a lot of nonsense. He was a person who cut to the quick of what the issues were.

We remember him fondly today as a friend and a fellow Member of this Congress and as a man who did his best to serve the people he loved. For a Member of the House of Representatives, I guess we can ask no greater honor.

Mr. EWING. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT].

Mr. Speaker, I yield to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, my tribute to Ed Madigan is on behalf of myself, because I lost a friend, and my father, who had the pleasure of serving with Ed Madigan in this House a little over a decade ago, and who indeed, also, has lost a friend. Because it is true that if you ever served with Ed, you probably ended up his friend.

In the tradition of Irish stock who emigrated to America to fill positions in civic duty, some of Ed Madigan's ancestors were in law enforcement. His father was a sheriff, of which Ed was very proud. A strapping man, handsome and smiling, Ed Madigan was a powerful figure who could tell a good story, who had a sense of humor.

After I was first elected to the House, before I got down here, my father told me about Ed Madigan, suggested I look him up. When I did, the man took me under his wing as if a self-appointed mentor. I had requested a seat on the Agriculture Committee and of course Ed was the ranking member in those days when we were in the minority. At the same time, by the way, he was ranking member of Energy and Commerce, just to give you an idea of what he could accomplish.

What I learned from him on the Agriculture Committee was invaluable. I learned about some things from him about farming, for sure, and about politics. But mostly I learned that a thoughtful, sincere approach in a distinguished and respectable manner can accomplish as much, if not more, than bluster.

Soon after I was here, he got involved in the race for whip, and I was happy to work for him. He lost the race, a very close race to a brilliant and rising star in Republican House politics, our current Speaker NEWT GINGRICH. Ed showed strength and character in defeat as he did in victory. Ed Madigan impressed me as a man who had real class. He was gracious and fair-minded, and I gained respect for him on my own, with fresh realization of what my father's earlier praise really meant.

In public service, if we are lucky, we form many friendships with colleagues, and when it comes to remembering them under these circumstances we may tend to recall personal traits over actual accomplishment. So I want to end my tribute to Ed Madigan today by relating what people who know agriculture saw as a true labor of love by Ed and a victory by anyone's standards.

When the 1985 farm bill was being written, of vital importance to farm families and related businesses and their employees, a tangle of legislation banded together for full House consideration made its way to the floor but for all intents and purposes was doomed.

The effort to mold a planning document, on which so many people and so much commerce would depend, was in disarray. It was headed for defeat, but Ed Madigan's amendments saved it.

Ed Madigan, who honored the memory of Abraham Lincoln and modeled himself in some ways after his fellow Illinois Representative, virtually rewrote the farm bill on the floor in a way that not only accomplished the short-term goal—but, amazingly, was so cohesive and comprehensive that it served as a blueprint for the farms bills to follow.

I said I lost a friend, and for that I am sad. But I am happy now to recall his work and honor his memory. Thank you.

Mr. EWING. Mr. Speaker, I thank the gentleman from New York [Mr. WALSH].

Mr. Speaker, I now yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. EWING] for arranging this special order and for providing us with this opportunity to pay tribute to an outstanding figure in American Government; Edward Madigan.

Former Congressman and Secretary of Agriculture, Edward Madigan, passed away on December 7 after battling lung cancer. Ed Madigan served as our Nation's 24th Secretary of Agriculture under President Bush. Prior to becoming our Agriculture Secretary, Ed was my classmate, the class of 1972. He was elected to 10 terms in the House where he meritoriously served in several leadership positions, including the ranking member of the Committee on Agriculture, the chief deputy minority whip, and as the chairman of the Republican Research Committee.

In our House Chamber where, during Ed's tenure, Democrats outnumbered Republicans, Ed was highly effective in garnering wide support from both sides of the aisle. As the senior Republican on the Agriculture and Energy and Commerce Committees, Ed had as much impact on public policy over the last decade as all but a few senior Democrats.

Ed seized the opportunity for leaving a significant imprint on the 1985 farm bill, winning approval of an amendment that in effect determined the measure's main thrust. His expertise, willingness, and proficiency will be sorely missed when the 104th Congress gathers again to discuss and debate farm issues.

Mr. Speaker, I am proud to associate myself with the remarks of our colleagues praising one of the most remarkable countrymen of our time. Most importantly, Ed was a good friend and a dear colleague who personally assisted my constituency. He was sincerely helpful and supportive of the farmers in my congressional district, especially Orange County. Ed graciously and eloquently addressed my constituents during one of our Chamber days.

To Ed's gracious wife, Evelyn, and his three wonderful children, our thoughts and our condolences are with you. The Congress of the United States has lost a true statesman and to many a good friend. Ed Madigan brought a sense of leadership, of dignity, and experience that was unparalleled. He made his mark and will be sorely missed by his colleagues.

Mr. EWING. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN].

Mr. Speaker, I now yield to a new Member of the Illinois delegation, an old friend of Ed Madigan, the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Speaker, this is my first opportunity to stand in the well of the House, and I take it very seriously because I am pleased to participate in a special order to honor our former colleague, Ed Madigan. My special thanks to you, TOM EWING, a friend and a neighbor, for setting aside this time to honor Ed Madigan, who obviously was a dear friend of yours and of many others.

While Ed was a Member of Congress he represented a large part of the district which I currently represent. Ed and his lovely wife, Evelyn, resided in their hometown of Lincoln, where he was finally laid to rest.

I have known Ed for a long time, but my fondest memories will always be his knack of telling great stories. He had a very dry sense of humor, and he used his tale-spinning ability to entertain audiences with one funny story after another. Because of this talent, I will always remember Ed Madigan as the "Will Rogers of central Illinois."

He was an astute politician who could draw a congressional map to favor those of his own party. He was a talented legislator and craftsman who helped to write an 800-page farm bill in 1990, and he was a statesman, as evidenced by his tenure as Secretary of Agriculture during the Bush administration.

As is demonstrated by those who participate today in this special order, Ed Madigan was loved and admired by Members of both sides of the aisle.

□ 1240

On a very personal note, I must take special note of the fact that the last public event that Ed Madigan participated in was a fund raising hog roast for me in his home county on October 3. I knew he was not feeling well, but he never complained. He stood before a group of 300 of his neighbors and friends to spin tales and offer supportive comments on my behalf, for which I will forever be grateful.

In conclusion, I want to quote from a column by Alan Guebert, an agricultural writer, which I will enter into the RECORD: "There are two kinds of politicians, show horses and work horses." He was by his own admission the latter, a work horse; a man who sought fairness, not fame. He never sought the television lights.

When Edward R. Madigan was lowered into the deep black prairie on the afternoon of December 12, 8 straight days of dismal winter weather broke, and stunning sunshine flooded the Illinois farm country.

I would like to conclude today by asking to have entered into the RECORD the heartfelt eulogies delivered by Illinois Gov. Jim Edgar and my former boss and former Republican leader, Congressman Bob Michel.

Again to you, Tom, thank you so much for arranging this special order.

ED MADIGAN: HE LED QUIETLY AND SOUGHT FAIRNESS, NOT FAME

(By Alan Guebert)

There are only two types of politicians, he liked to say: show horses and workhouses. He was, by his own admission, the latter; a man who sought fairness, not fame or television lights.

Yet fame finally found him. And when it did, he glided through glittering Washington in limousines. His friends all knew, however, that he was more comfortable exploring junkyards for vintage jalopies.

His predecessors at the U.S. Department of Agriculture possessed farm backgrounds and walls full of postgraduate degrees. But he grew up driving his father's taxi, not tractors, around Lincoln. The only advanced degree he earned—other than honorary—came from the Knights of Columbus.

He served in the Illinois House of Representatives for six years, the U.S. House of Representatives for 18 years and USDA for two years. But before he served Central Illinois, the nation and farmers, he first served his church as an altar boy for 12 years.

After he stepped into public service in early 1966, he won an enviable string of 13 consecutive races in 26 years. After he left public office in 1992, he lost his biggest race of all Dec. 7.

He pushed, cajoled, jawbound and jostled negotiators of the European Union into accepting the first-ever global trade treaty for agriculture. But he passed away one day before President Bill Clinton signed the General Agreement on Tariffs and Trade.

He devoted his life to the Republican Party, just as his father, "Red," had done as a GOP stalwart for 40 years. But the first big vote he faced as a freshman congressman in 1973 was the potential impeachment of a Republican president, Richard Nixon.

"I would have voted to impeach, too," he once told me, "because not even the president is above the law."

He fought to restrict the growth of government, but spent a legislative career powerlessly watching it multiply. In his congressional district, the very center of Illinois' abundant agriculture, government employees outnumber farmers by a 5-to-1 ratio.

The irony contained in that unbalanced equation was not lost on him in farm policy writing, either.

As a rookie Republican on the House Agriculture Committee, he voted for the 29-page, 1973 Farm Bill. The last Farm Bill he helped craft as the ranking minority member in 1990 totaled a staggering 719 pages.

Despite being viewed as a moderate, he was often staunchly partisan. When he preached the party line, however, it usually was in private and it always was with unfailing politeness.

He disliked the take-no-prisoners politics of today's Republican leadership. He saw its rise and tried to stop it by challenging Newt Gingrich for the Republican whip's job in 1989. He lost that intraparty fight by two votes—87 to 85—and confrontation replaced compromise in his beloved House.

Weary of always being in the minority—and, having seen the Republicans snare the presidency four times during his Washington tenure without making a dent in the Democratic majority in the House—he lost faith in early 1991 and opted out.

When he notified the White House in January 1991 of his interest in the vacant secretary of agriculture post—indirectly and very discreetly, of course—the job looked safe for six years. George Bush was cruising toward re-election with a sparkling voter approval rating of 87 percent.

But Bush stumbled in 1992 and the man who had trained 18 years to lead American agriculture silently left USDA after just 18 months as secretary. It was the one time his political instinct had failed him.

But he did not complain. He never complained. He led. And he led quietly. Like a workhorse.

When Edward R. Madigan was lowered into the deep, black prairie on the afternoon of Dec. 12, eight straight days of dismal winter weather broke and stunning sunshine flooded the Illinois farm country.

EULOGY OF HON. ROBERT MICHEL FOR ED MADIGAN

Evelyn, Kim, Kellie, Mary Elizabeth, brother Bob, Sister Sandra and Grandchildren.

It's a most difficult task to be called upon to speak when you are overcome with grief in the passing of a loved one.

All the more so when it's your close friend and colleague who has been taken from you so suddenly.

We find it particularly hard to take when the last time we saw Ed, scarcely two months ago, he was in his usual good form speaking atop a couple of bales of straw at a Logan County Pig Roast he was hosting for Ray LaHood just before the election.

We simply can't fathom the speed with which the scourge of cancer can take its toll on what we all perceived as a very healthy, robust, tall and erect good-looking fellow like Ed Madigan.

Who are we to know what our fate will bring—the whys and wherefores—all we know and feel is that Ed was taken from us all too soon.

His was a life deeply steeped in politics, and devoted primarily to public service.

I knew him as a very able state legislator before he came to the Congress where he served for another 20 years prior to being selected by President Bush as his Secretary of Agriculture.

During the extended period we worked closely together and became fast friends.

He was not the flamboyant type, but rather one who prided himself in doing his homework, quietly going about his business, getting the facts, and being a stickler for detail.

In short, he was a legislator of the old school.

A legislative craftsman genuinely interested—and marvelously skilled—in forming good legislation out of the give-and-take of debate and discussion.

To legislate successfully in a democracy means not only being able to understand the problems, or articulate the problems, but also the rare ability to work with colleagues on both sides of the aisle to solve the problems.

Some political activists call such an approach "compromise." Ed called it by its real name: democracy in action.

I can tell you from experience that not everyone is capable of enduring the long hours, the endless debates, the mixture of raging ego and intense ambition and partisan enmities that make up so much of the legislative process.

But Ed Madigan, with that sense of civility and reserve and decency which seemed inherent in him, went about his work patiently and proudly, always being the perfect gentleman.

He was proud to be a public servant at a time when public service has been getting bad press.

Well, Ed Madigan's life is the answer we give to those who doubt that a genuine sense of public service still lives in this country.

As a member of the Energy and Commerce Committee and of the Agriculture Committee, Ed always brought to his duties that enviable but indefinable quality called class.

Ernest Hemingway once defined courage as "grace under pressure." We might similarly define class as grace under the glaring spotlight of public life.

There was a sense of easy, good-humored charm about Ed, always tempered by that sense of reserve, that attractive reticence, that innate self-possessiony that is as rare as it is admirable in the rough and tumble world of politics.

And that is how we will remember him: his class, his sense of calm amidst the storm, the easy, comfortable charm of the born leader.

JIM EDGAR EULOGY ED MADIGAN FUNERAL

Reverend Clergy, Eveline and members of the family, to my colleagues in government and to friends and neighbors of Ed Madigan * * * I consider it a great honor to be asked to say a few words about my good friend. But first, on behalf of Brenda and myself and all the people of Illinois, Eveline, to you, and members of the family, let us express our sympathy and best wishes.

Ed Madigan is without doubt, one of the most effective and competent public officials I ever had the pleasure of knowing or working with. As a legislator, he was second to none. Particularly when you consider the 24 years he spent in the legislative branch of government, only six of those years, the first six, when he was a member of the Illinois House, he was in the majority party. All the time he served in the United States Congress, he was in the minority party. but throughout his legislative career, he was extremely effective. As politics in America * * * said of Ed, no one seems to have told Madigan that Republican's are at a disadvantage when it comes to writing legislation in a heavily Democratic House.

Over the past decade, he has had as much impact on public policy as all but a few senior democrats. As Secretary of Agriculture, he was equally as effective though unfortunately he didn't serve in that position as long as he did in Congress. I well remember in the closing days of the bush Administration, talking to Ed by phones and saying "are you kind of winding down?" * * * he says "No, I have to go back and forth to Europe as I am trying to negotiate part of the Gatt Treaty" * * * and I thought to myself at that time, how fortunate the farmers of this country and all of us were to have someone with the ability to negotiate like Ed Madigan representing us. And that reminded me the other day when one of the newspaper stories told of a Democratic Congressman who commented about Ed that he was a person when you negotiated with him and you all got done, you realized you had all bought the same horse a couple of times. And he meant that as a highest compliment.

Ed Madigan had many outstanding characteristics. Those of you would attended Republican functions during the year knew that whenever Ed Madigan was going to speak, you could count on a good story. He learned that well from the namesake of his hometown, Lincoln. In fact, the only fear I had when he started to tell those stories * * * that I might be the object of one of those stories.

Ed Madigan also had the characteristic of loyalty. In fact, that was something I always admired * * * he was very loyal—loyal to family. In fact, I don't know of any time I journeyed out to Washington or he was back in Springfield, we sat down and talked about things, that he didn't bring up a member of the family.

To his community, even though he went far in Washington, he never forgot his roots. He never forgot particularly, his hometown of Lincoln and the many people he grew up with and represented there so well. The mayor was quoted in the paper the other day saying "the day he became Secretary of Agriculture, Ed Madigan traced him down—tracked him down (I think) on vacation, and said, "oh, by the way, you need to know about this grant that could help Lincoln."

That's the way he was, very loyal to family, to community, and to friends. I consider Ed Madigan one of the closest friends I've had in politics.

We first met in 1971. He was a young member of the Illinois House and I was a young staffer in the Illinois State Senate. And we worked on reapportionment. Now, those of you who knew Ed, knew that there was nothing more important than politics and particularly, reapportionment. He was a very skilled negotiator at an early age. And from that point in 1971, we became close friends. And no matter when I needed help or needed advice, and I would turn to Ed, he was always available. Whether I was just a staffer or later a State Legislator, or Secretary of State, or then as Governor, he always had time no matter what he was doing in Washington, to set aside part of his day to meet with me.

Ed Madigan was truly a good friend and I am sure I speak for many many in this church today who felt that way about Ed. Much can be said about Ed, but to me, I guess the most important thing was he was someone you could always could on. Someone who in his quiet and effective way, made a difference. We will all miss Ed. But more importantly, no matter how long we live, we will always be very appreciative that we had a chance to know Ed and we will never forget Ed Madigan.

Mr. EWING. Thank you for your comments. I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I want to thank our friend and colleague from Illinois, like everyone else has, for doing this, because I think it is only appropriate that we take time to remember someone who was such a valuable part, both of this institution, of service to this country in many different facets, and to us personally.

I had the privilege of working with Ed Madigan on the House Committee on Agriculture for much of the past 12 years, until he went down to the Department. Ed and I had this affection for each other. We called each other Mr. Leader. He had reason to be called leader, and I think he did it for me just out of friendship and in response. But, of course, he then became our leader. He became our leader on the House Committee on Agriculture, and, as others have said, astutely, in different times, managed the farm bill.

I think many people remember him as well with his leadership on the Subcommittee of Health over in Energy and Commerce. I told the press when he became Secretary of Agriculture that Ed Madigan was the best agricultural strategist I have every known, and I suspect he will continue to be that for some time.

He was able to quietly and carefully, and yet all knowingly, listen to his colleagues, listen to his constituency, whether it be in Illinois or in agriculture communities across this country, and design within the realm of the possible the best possible package.

Finally, I think Ed Madigan should be remembered not only as a leader and a strategist, but he should be remembered as one committed to public service. Ed Madigan took over the leadership of the House Committee on Agriculture because he was the right man for the right time to do that. He became Secretary of Agriculture under George Bush because he was the right man to take that job at that time. Neither of these were appointments that were necessarily looked upon and sought by Ed Madigan for a long period of time and yet he recognized that there comes a time and place when you can make a special contribution, and as the gentleman before me said, not with the fanfare of the press, not with the glare of the lights, and the publicity that follows with it, but rather with the sincere commitment that he had an opportunity and ability to make a great contribution to this country.

He did it in this Congress, he did it as Secretary of Agriculture, he has done it for this country. We are all better because of that.

Mr. EWING. I thank the gentleman for those comments. I now yield to the distinguished Member from California [Mr. WAXMAN].

Mr. WAXMAN. I thank you very much for yielding to me, and I want to join in this memorial service and commemorate the relationship that so many of us had with our colleague, Ed Madigan. Ed and I served together on the Commerce Committee, and for a number of years he was the ranking minority member of the Subcommittee on Health and Environment during the time that I served as chairman.

It was a honor to have worked with him. He was a man who was dedicated to solving problems, to trying to figure out what the issues were, how can we resolve philosophical differences, which we obviously had, but how do you solve real world problems to make this a better country.

We worked together on a number of issues. One was the breast cancer legislation. That legislation provided additional funds to combat this disease, to get screening so women would have mammographies to try to find the cancer early and be able to totally eradicate it.

He was very much in support of giving information to consumers about nutrition and foods so that consumers could make their own choices, and he and I worked very closely on that legislation.

We worked on environmental issues like the Safe Drinking Water Act and the Clear Air Act, where we had to struggle for many years trying to figure out exactly the best formula to protect the environment, but also to recognize the economic needs of the country.

Then one of the things he was very proud of and was a genuine contribution, was to have the nursing professions, which make such an important contribution to patient care, get a status at the National Institutes of Health so that the research money there that would improve health care for all Americans would recognize the unique role of nurses.

He typified the view that you need to work together to find solutions to problems. Even though you may have differences you to keep those differences in perspective. He was a wonderful human being. He cared deeply about people. He will be sorely missed.

I regret that I wasn't able to get to the funeral, that the House of Representatives did not make provisions for us to travel to that occasion. Had I been there, I would have liked to see Evelyn and his daughters and the rest of his family and to express to them personally my feelings. I was able to communicate them on the phone and in writing. But I hope that they will see this tape or read the transcript and know that those of us who worked with Ed Madigan will miss him greatly. He was a wonderful human being and made an enormous contribution to this institution and to the betterment of our country.

Mr. EWING. I thank the gentleman for those comments. Now the gentleman from California, JERRY LEWIS.

Mr. LEWIS of California. TOM EWING, I very much appreciate your yielding me this time, and especially appreciate having this special order in memory of Ed Madigan.

Ed Madigan was one of the greatest Secretaries of Agriculture that this country will ever have. Ed Madigan was one of the finest human beings that one could ever hope to meet.

Much has been said about his hometown of Lincoln, IL, and the parallel between Ed and other great leaders from his State. Ed Madigan was, first and foremost a member of the House. Nobody, but nobody, in my experience reflected more the qualities and the mix of talent and personality that makes a great Congressman than Ed Madigan.

I must say that my picture of him at this moment was back there behind the rail off the House floor. I was a new Member coming from California, frustrated by the longstanding minority status that we experienced in the House. New Members, who served in their own State legislature as Ed did, quickly learned that you didn't have much to say around this place being in the minority.

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Ed saw my frustration, came up to me one day, and suggested that I spend some time working within his circle, within the leadership. He took me to the Research Committee and to other jobs and together we worked for almost a decade on the Republican side of the aisle within the Republican leadership.

Most importantly, Ed Madigan was a leader in the House who recognized that beyond the responsibilities we had in terms of partisan battle, most of our challenges had little to do with partisan politics. For he was a policymaker, a guy who wanted to make a difference in people's lives by way of shaping public policy.

Because of that, he had great respect on both sides of the aisle. As has been indicated, he was a workhorse, not a show horse. Rarely did Ed Madigan just quickly get up to speak on an issue. But because he seldom spoke, he was always listened to with great care by those Members who knew of his talent and his background and the seriousness with which he took issues that he chose to speak about.

In California, there is on the front of one of our buildings a statement that we should bring men to match our mountains. In Ed Madigan, we saw the greatest of leaders. He will be greatly missed by his friends. I hope there are friends beyond his work that will remember that Ed had a great sense of humor. It was wry and quiet, but a real sense of humor. The part of that that strikes me most and that I would like to leave my colleagues with is that Ed Madigan was one of those great leaders who understood the value and very much appreciated the importance of our being willing to laugh at ourselves. His stories, his jokes, his humor often centered around all of us needing to recognize how important it is that we take time out and appreciate laughing at ourselves.

We will miss you, Ed.

Mr. EWING. Mr. Speaker, I thank the gentleman.

I now yield to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

When I came to this body, in 1980, the minority leader and the Committee on Committees assigned me to the Commerce Committee. And once arriving there, the then ranking member, Jim Broyhill from North Carolina, assigned me to the Health and Environment Subcommittee where I first met Ed Madigan, who at that time was ranking member and, indeed, remained ranking member on the Health Subcommittee on Commerce until President Bush asked him to take over the Agriculture Department in his Cabinet.

He was a great help to me. I had not come from State government. I had come from local government, city council, and mayor. He helped me immeasurably in my first term and, indeed, in all the terms when he was ranking member.

As has been said before, he achieved a lot, through charm, wit, and great intellect. He was, indeed, a giant.

We all miss him. To Evelyn and the family, know that you are in our prayers.

And I hope, Ed, wherever he is, is watching as we do this today.

I thank the gentleman for yielding to me, Mr. Speaker.

Mr. Speaker, I rise today to remember not only a dear colleague but also a great friend—the distinguished gentleman from Illinois, Ed Madigan.

A recent Illinois newspaper quite accurately described the man I knew—honest, effective, insightful, and sincere. Ed Madigan not only portrayed these attributes in his professional life, but in his personal life as well. He was a straight shooter who told it like it was. If some called Ed old fashioned—because of his preference for calm deliberations instead of heated, partisan confrontations—then so be it. For if old fashioned meant accomplishing great things while earning the respect of Members from both sides of the aisle, then Ed was pleased to wear that label.

With a steady hand guiding the wants and needs of his constituents, Ed steered many a debate in the House through the smooth waters of agreement and the stormy seas of dissent. But, through it all, this loyal public servant stayed the course—offering guidance and good humor to all along the way.

However, Mr. Speaker what has distinguished this gentleman the most in his years of service is his devotion—his devotion to see the good in his fellow man and woman, while others only would see the bad; his devotion to guard not only for the things that would be good for the land of Lincoln, but also for the things that would help all American families; and finally, his devotion to his party and this institution has been a constant source of inspiration to all those who may have forgotten the true meaning of public service.

It was a distinct pleasure and privilege to serve in the U.S. House with Ed Madigan. While his presence in this body will be greatly missed, there are plenty of us who will remember him well. Thank you, my friend, for your tireless efforts and your loyal commitment to your party and to your Nation—your hard work certainly did not go unnoticed.

Mr. EWING. Mr. Speaker, I thank the distinguished chairman.

I yield to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and congratulate him for taking out this special order.

I would like to follow on the line that was raised by my friend, the gentleman from Redlands, CA [Mr. LEWIS], who referred to the fact that Ed Madigan was able to match the mountains that we have in California. I was extraordinarily saddened and shocked, as everyone was, at Ed's passing, because we have all known Ed to be an extraordinarily vigorous and impressive human being. It is difficult to imagine that he is gone.

But when JERRY LEWIS mentioned the fact that Ed Madigan was one who could match those mountains, I could not help but think about a great opportunity that I had with Ed, when he came to southern California to visit with some former constituents of Mr. LEWIS, our mutual friend, Howard Margolies from the Coachella Valley. Mr. Madigan had not had the chance to, since he had become Secretary of Agriculture, focus on what is the largest industry in our State of California, that being agriculture. We all know how devastated so much of the State is now because of the terrible floods that have hit us.

But Ed came to southern California and spent a couple of days traveling around the State, familiarizing himself even more with our specific concerns in the area of agriculture. And it was a great honor that I had to be able to spend that couple of day period with him when he visited California for his first time after having been named Secretary of Agriculture.

One other experience that I had that I would like to mention very briefly was that, in 1986, I had the chance to travel with Ed and Evelyn and a rather large delegation to the Pacific Rim, and Ed was the leader of that delegation. And we had a tremendous time looking at some of the trade and agricultural issues that affected the relationship between the United States and nations in the Pacific Rim.

I thank my friend for yielding me this time. I know I was given 1 minute. I would simply like to say that, along with every other Member of this institution, we extend our condolences to Evelyn and other members of the Madigan family. We certainly do miss the presence of this extraordinary human being.

Mr. EWING. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I was struck, as I was watching this conversation that we are having this eulogy, this presentation that we are having today, how many people mentioned the words "help" and "assistance" that Ed Madigan provided them along the way. I thought it was only me. I have to say that I am not, as many others who served with Ed Madigan and knew him so very personally, I did not have that kind of experience with Ed. I did not know him that well. And that is why, if for no other reason, I am struck by the two instances that I recall the most about Ed and my very brief relationship.

One was when I was a candidate. I got a call out of the blue from Ed Madigan. I really did not even know who he was, I have to confess. He called me up and he said, "I am a representative from Illinois and just wanted to know if you had any questions or concerns about ag policy. I would be glad to try and answer them."

I made up a couple of questions real quick, wishing that I had been better briefed to even ask the questions. I went on from that experience thinking, why in the world, this guy must have nothing better to do than to call me up. Obviously, we all know he did.

But then when I got to Washington, I was told that I had a big brother for my orientation, and I was honored to discover it was this same Ed Madigan. I discovered who he was and what he did, and when I went to my first meeting and our first discussion was about committee assignments, he came prepared with a sheet of paper of ideas for me, which I know now, having been a representative for 4 years, how difficult it was or how time-consuming it was to put that together. Yet how much time he thought. It was not just off the cuff with Ed. It was not just a spur of the moment. He put some thought into it. I have to say that it is something that I learned from and I hope to emulate. I have tried to.

If there was any effect that Ed had on me, it was that we have to be willing to take time to teach and inspire other people who come after us to do good things and to be proper participants in this process. And he gave me that inspiration. I am not sure if it took, but I want to thank him for being a brother and being an inspiration and being a mentor. It is something that I hope I can pass on to someone else in the spirit that Ed Madigan passed it on to me.

I thank the gentleman for yielding to me.

Mr. EWING. I thank the gentleman very much for those comments.

Mr. Speaker, I yield to the distinguished gentleman from Illinois [Mr. DURBIN].

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Mr. DURBIN. I thank my colleague and friend, Mr. EWING, for giving me the opportunity to speak today, and also for sponsoring this important special order.

I would also like to acknowledge to the Speaker that on the floor today we have a former colleague from our State of Illinois, Terry Bruce, who served in this House of Representatives for many years with Ed Madigan, and wanted to be here as part of the audience, at least, in this special order. I am glad that he could attend. He and I both counted Ed Madigan, a Republican, a good Republican, as a good friend of our party and our side of the aisle, particularly when it came to issues of importance to Illinois.

It is hard to believe, I still cannot believe, that Ed has passed away. Only 10 weeks passed between the announcement of his serious illness, the lung cancer that he faced, and our attendance at a memorable funeral in Lincoln, IL, paying tribute to him as a man and as a public servant.

One of the people in the crowd whose name should be mentioned today is Chuck Hilty. Chuck I think was at Ed's side forever. I never saw the two of them apart. From Ed's service in the House of Representatives, on the Agriculture Committee, and the Department of Agriculture, Chick Hilty was always at his side, not only as his trusted assistant but as his close friend. He was one of his pallbearers on that day of the funeral in Lincoln.

I saw Bob Michel here earlier, and I am sure he has been acknowledged, but as our former minority leader, I know he wanted to be on the floor as part of this special order. His eulogy for Ed Madigan was memorable. He brought to it a vision of the man and a level of emotion that was truly genuine, and I think each of us in the church that day felt that Bob Michel represented all of us in public life who had known Ed Madigan so well.

The term and phrase "gentleman" is used so often in our country and in our society and in this Chamber, "Will the gentleman yield?" and so forth. But when I think of Ed Madigan, I think he was truly a gentle man, soft spoken.

In a business where a lot of politicians will roar, Ed Madigan never raised his voice. In a business where a lot of people get red in the face and waive their arms to try to get something done, Ed Madigan never stooped to that, and yet was probably one of the most effective Congressmen whom I have known in this Chamber.

He used the art of gentle persuasion. How many times he would call me from the Agriculture Committee and ask me to make a tough vote, never suggesting to me what the politics were, but just saying "I think this is a good thing to do," and it made its impression.

Then serving in the Illinois delegation, as Mr. EWING and I have the honor to do, we have had an unusual tradition of bipartisan delegation meetings. We meet each month, hang our hats at the door, Democrats and Republicans come in and gather in the room as residents of Illinois to try to solve problems. Ed was always there, not only as a member of the delegation, but also as Secretary of Agriculture.

When the time came, and I think the suggestion was originally from Mr. Michel, that we as a delegation join in writing a letter to President Bush encouraging him to name Ed Madigan as Secretary of Agriculture, it was unanimous. Every member of the delegation, Democrat and Republican, came forward and stated, "He is the right choice for the job," and boy, was he. What a great Secretary of Agriculture.

A lot of my friends who are farmers back in Illinois often wonder about whether Ed was raised on a farm. Well, he wasn't, but you would never have known it. He had spent a lifetime here becoming more familiar with agricultural issues and policies than any person who was born on a farm might be. He brought that knowledge and understanding to the job as Secretary of Agriculture.

My friend, Congressman LEWIS from California, referred to his sense of honor. I recall visiting him at the Department of Agriculture in this beautiful office reserved for the Secretary. I was complimenting him on his wonderful office. He said, "You know, Dick, I have been here a long time and I still haven't figured out how to get the heat on in this office. I have called a number of people in. You can just understand what kind of bureaucracy I have to go through just to get the heat on in my office."

Ed was always taking things lightly when it came to himself personally, but taking his job very, very seriously.

I liked him, too, because you could come to him and deal in honest terms with him. You could talk to him about things that were important to you and know that the message would go no further. You could talk to him about political concerns and know that he would be honest, and would try to deal with you in an honest fashion.

I really respected him for that, and time and time again I came to value his judgment and his friendship.

The last time I saw him alive was in the runway of the Rayburn Building near the subway. We just chanced across one another. He said, "You know, now that I am out of politics, I can come in and campaign for you." I said, "I would be glad to have you and honored to have you support my candidacy."

I dropped him a note and said, "You have to hang on. I may not need you in this election, but I may need you later on." He was a wonderful man. He was that kind of guy. You knew his friendship meant a lot.

I thank the gentleman from Illinois for bringing this special order. I think the number of people who have come together to the floor this afternoon are evidence of the kind of legacy which Ed Madigan has left in this Chamber; certainly in our State of Illinois, and definitely in his beloved hometown of Lincoln, IL.

I will miss him. I wish there were more like him around here. He has left a good lesson in his life for those of us who follow, that we should try to lead our lives a little more closely to his model.

Mr. EWING. I thank the gentleman from Illinois for those very appropriate comments.

Let me say that the gentleman from California [Mr. HUNTER], and the gentleman from Illinois [Mr. WELLER], were both here and wanted to speak on behalf of this special order for Ed Madigan, but because of the long list of Members who have come out today, they had to go on to other business. They will submit their remarks, along with the gentleman from Illinois [Mr. POSHARD].

I, too, want to recognize former Congressman Terry Bruce from Illinois, who I know from my conversations with Ed and his family was one of his very closest friends in this body, and who has been so good to the Madigan family.

I hope, in closing, that all the viewers, all those who are back in Illinois, will recognize the very high esteem, and particularly the family of Ed Madigan and Evelyn Madigan, will recognize the very high esteem in which he was held by this body, and the great loss that his passing is to all of us, but the great joy we take in the life that he lived and the service that he gave to his country.

Mr. MARTINEZ. Mr. Speaker, I am pleased to join my colleagues today to celebrate the remarkable life of Ed Madigan. Ed's untimely death last month has robbed our Nation of a great American and great public servant.

Throughout his distinguished service in the Illinois State Legislature, the U.S. House of Representatives and, finally, as Secretary of Agriculture, Ed Madigan never lost touch of his roots. He always exhibited deep concern for the problems confronting main street America. Ed dedicated his life to helping people which is a legacy that his family can be proud of.

Ed cherished this institution, earning the respect and admiration of his colleagues. While a soft-spoken man, Ed was both persuasive and tireless in pursuing the interests of his district and country. He served the people of Illinois and the Nation with dignity and honor.

Even though Ed and I served on opposite sides of the aisle in the House, I considered him a friend and a man of impeccable integrity. His death represents not only a tragic loss for his family but for our country he loved and served so well.

Mr. STOKES. Mr. Speaker, last month the people of the 15th Congressional District of Illinois lost one of their strongest allies and advocates, Edward Rell Madigan. A man of his word and a man of the people, Ed Madigan served in the Illinois State Legislature for 6 years in the late 1960's before being elected to the U.S. House of Representatives in 1972, where he served central Illinois for 18 years. Ed Madigan then served as the U.S. Secretary of Agriculture under President Bush.

Ed Madigan was a master political strategist and a fighter. He was tough, but his wide respect from Members of both parties gave testament to his fairness. He was a good man, and I know we were all saddened to learn of his passing. Ed will certainly be missed by those who had the privilege of working with him.

Mr. Speaker, Ed Madigan epitomized what a public servant should be and his unselfish devotion to the challenge of public service was reflected in his commitment to meeting the needs of his constituents. He devoted many long years to hard work to crafting legislative policy that served not only his district, but the Nation as a whole. He never forgot where he came from, and he never forgot the people of Lincoln, IL.

Ed's devotion to the Nation's heartland blazed the path for his ascension to ranking Republican on the House Agriculture Committee for 8 years. He also served on the Committee on Energy and Commerce, where any of his colleagues would attest to the quality of his work and his sense of fairness and dedication. He was a statesman of the highest caliber.

I always admired Ed and the dignified manner in which he held forth on the floor. He was articulate, and his deep, resonant voice commanded respect for all within the range of his voice. But more than that, he was a gentleman, and though we were in different parties we were good friends.

Mr. Speaker, as we reflect on the distinguished career of an outstanding Member, let us also give our thoughts to his family that he loved so dearly. His wife, Evelyn, was often credited by Ed with truly holding the ship together, and his three daughters—Kimberly, Kellie, and Mary Elizabeth—were a source of true pride. Ed Madigan knew what was important to him, and where his bedrock strength lay in this sometimes tumultuous atmosphere—that strength was his family.

Mr. Speaker, Ed Madigan was a special breed of public servant. He worked quietly and effectively within the system, he worked with his colleagues on both sides of the aisle, and he helped raise the public's respect for the House of Representatives by dutifully serving as a man of whom we could all be proud. He will be missed, but never forgotten.

Mr. QUILLEN. Mr. Speaker, over the recess I was greatly saddened to learn of the death of my good friend, Ed Madigan, whom I served alongside in this body for almost 20 years. For that time period, the 15th Congressional District of Illinois could not have had a more conscientious or hard-working Representative in the U.S. Congress.

Ed Madigan was one of the quiet workhorses that make it possible for the House to do its business. I come from an area where agriculture dominates the economy, and all of my constituents, as well as millions of others across this Nation, owe him a great debt of thanks for the way in which he served as ranking minority member of the Committee on Agriculture. Passing a 5-year farm bill is an arduous process, and Ed's mastery of the issues involved made it possible to craft legislation that helped make American agriculture the most productive in the world.

On the Energy and Commerce Committee, Ed held the line against excessive Government regulations, and it is unfortunate that he is not here to witness the new congressional majority fulfill his vision of rolling back the tide of Government redtape. As the lead Republican on the most active subcommittee of Energy and Commerce, Ed was a voice of common sense that we all heeded.

Mr. Speaker, President Bush recognized Ed's leadership when he selected him to be Secretary of Agriculture, a job at which Ed performed admirably. I was sad to hear of his passing, and my wife, Cecile, and I send our deepest condolences to Ed's family and friends.

Mr. WOLF. Mr. Speaker, I rise today to join my colleagues in saluting and paying tribute to our esteemed former colleague, the late Edward Madigan.

For almost 20 years, Ed Madigan ably served his constituents as the representative for the 15th Congressional District of Illinois. A native of Lincoln, IL, Ed came to the House in 1972 following 6 years in the Illinois House. He quickly earned the respect and admiration of his constituents and colleagues with his devoted service and principled manner.

As a member of the House Agriculture and Energy and Commerce Committees, Ed played a key role in formulating public policy, including the crafting of the house-version 1985 farm bill, and health legislation. Ed deservedly earned the reputation as an informed, hard-working Member of Congress who would protect the interests not only of his constituents but the Nation as a whole.

Ed was also an active member of the House Republican leadership, serving his colleagues as the ranking member of the House Agriculture Committee, chairman of the Republican Research Committee, and chief deputy Republican whip. His expertise and knowledge about agriculture and farm programs was renowned, and led to his appointment by President Bush to serve as the Secretary of Agriculture in 1990. As Secretary, Ed continued to work hard on behalf of America, and was instrumental in formulating early plans for the reorganization of the U.S. Department of Agriculture.

As a friend of Ed's, and having served as his colleague since 1981, I was saddened to learn of his death, and would like to join with my colleagues in expressing my sincerest sympathy to the entire Madigan family. Ed Madigan, however, will always be remembered by those with whom he served, as well as his constituents in the 15th Congressional District of Illinois. Ed was a model legislator and a tireless worker, and his service to our Nation is greatly appreciated.

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to my colleague and dear friend, Ed Madigan. Ed served in this chamber for 18 years, and I, along with the entire Illinois congressional delegation, am saddened to lose him. As a member of the House of Representatives, Ed served the people of the 15th Congressional District with great pride and vigor. He never lost touch with the people back home, and it was evident in his work and friendships.

As Secretary of Agriculture under President Bush and during his 16 years on the House Agriculture Committee, Ed was a champion for farmers in Illinois and across the Nation. It was Ed who worked diligently to support the use of ethanol and to shape the agriculture provisions in the General Agreement on Tariffs and Trade that I believe will greatly increase the income and flexibility of American farmers.

Ed Madigan dedicated his entire life to the people and State of Illinois, and for that we are grateful. His sincere and unselfish manner put him above the rest. I truly believe the spirit and convictions of Ed Madigan will live for years to come in the hearts of all of us and all those in Illinois and across this great Nation whom he helped and represented. We extend to the entire Madigan family our condolences, and I am grateful to them for the continuous support they gave Ed during his many years in public office. Ed will truly be missed, but always remembered by those he touched over the years.

Mr. COSTELLO. Mr. Speaker, I rise today to honor a good friend and former colleague, Ed Madigan, who passed away in December. Ed Madigan served his constituents in the State of Illinois with dignity and competence in the U.S. Congress, and served the Nation ably as the 24th U.S. Secretary of Agriculture under President George Bush.

Ed Madigan, as a Member of Congress, fought hard to protect the agricultural way of life in Illinois. As a long-serving member of both the House Agriculture and Energy and Commerce Committees, he fought hard to speak on behalf of small business owners in the Midwest and those needing quality health care.

In his 10 terms in the U.S. House, Ed Madigan distinguished himself as a Member who worked diligently but quietly, with a friendly bipartisanship but a solid belief in those issues he considered important. His battle with lung cancer went all but unknown to the public until he was near the end of his life, a testimony to his grace and demeanor.

I join my colleagues today in honoring his memory. I considered Ed Madigan a very good friend, and his work here in the House and his legacy as a fellow human will be long remembered.

[From the Pantagraph (Bloomington, IL), Dec. 9, 1994]

ED MADIGAN'S LEADERSHIP EMPHASIZED PERSONAL TOUCH

Ed Madigan was a leader who didn't have to shout.

His actions spoke for him.

The adjectives describing Mr. Madigan, who served as state and U.S. representative and U.S. secretary of agriculture, will be numerous in the days to come: honest, charming, low-key, consensus maker, skilled player, quiet, effective, insightful, sincere, enthusiastic to serve, politician's politician, tactful and master strategist.

Most people saw Ed Madigan the same way. He was not a politician of many faces.

He knew the art of compromise, but wouldn't cave in. Just as he didn't cave in without a struggle to lung cancer, whose complications eventually took his life Wednesday.

He was also a man who had a knack for putting things into perspective. You didn't have to know him well to know that at the top of his list was family. He loved to talk politics, but he could also spend considerable time talking about how his wife, Evelyn, gave him the support that was really important.

That was especially true when he made the move from the Illinois House of Representatives, where he had served since 1966, to the U.S. House of Representatives in 1972. He had become an influential member of the state House in just six years, but he passed on a chance to run for lieutenant governor to seek the U.S. House seat because he wanted to be more involved with people.

His initial comments to a Pantagraph reporter who visited him in Washington, D.C., a few months after he was elected weren't so much about the nation's capital and all of the political power.

He talked more about making sure he would be known as a man of his word and not a "flapmouth"; the high price of housing; and how his family would have to adjust. It said something about his roots.

Mr. Madigan memorized a book containing the names and pictures of his colleagues so he could call them by their first names. By calling them by their first names, he said it forced them to find out who he was.

But Central Illinois was first and foremost for the Lincoln native, even coming home to fight the biggest challenge of his life.

He remembered the farmers of Illinois in one of his more significant roles in Washington, D.C., as he helped amend the 1985 farm bill to ensure that it favored the free-market approach instead of imposing production limits. He also helped craft the final compromise on clean-air legislation that encouraged the use of ethanol.

Challenges were what Mr. Madigan seemed to thrive on. With a few exceptions, he used his soft-spoken, behind-the-scenes style of compromise to get things done, rising to become the fifth-ranking Republican in the House as chairman of the House Republican Research Committee.

Perhaps one of Mr. Madigan's more disappointing times in Washington came when he lost the race for House Republican whip to Newt Gingrich of Georgia in 1989. He would not change his approach to match the fire-brand, confrontational ways of Gingrich.

He carried that same style into his job as U.S. agriculture secretary when he was appointed by President Bush in March 1991. He served until Bush was defeated the following year.

Mr. PORTER. Mr. Speaker, the death of our friend Ed Madigan is a profound loss for the Congress, the citizens of Illinois, and our entire Nation. One of America's most respected and influential leaders has been taken from us much too soon, and together with Ed's family, we are deeply saddened.

Throughout his service in public office, Ed distinguished himself as a hard-working legislator and gained the respect, admiration, and friendship of members on both sides of the aisle. Those of us in the Illinois delegation are especially proud to have worked with Ed, who set an example for all of us with his quietly effective and thoughtful leadership.

Ed has left his mark on this institution and on our Nation, especially in the area of agriculture. Both as a Member of the House and as our Secretary of Agriculture under President Bush, Ed's expertise and common sense helped guide America toward sound policy in this area. In particular, he played a vital role in shaping the 1985 farm bill, urging a free-market approach and cautioning against production limits.

When I came to the House 15 years ago, the first thing I learned was that Ed Madigan was our Illinois farm expert, and since I had almost no farms in my district, and little knowledge of farm policy and law—one of the most complex of all—I would invariably follow Ed's lead in voting on farm matters. You knew Ed has done his homework and had made a sound judgment for our country and our state.

But beyond his wise judgment, we most of all will cherish Ed's great strength of character and his personal warmth. He was not only a leader who informed our debates, but a friend whose great courage in facing cancer inspired us. He was not only a representative who knew how to get the job done, but someone who knew how to keep things in perspective.

As one editorial noted of Ed:

> You didn't have to know him well to know that at the top of his list was family. He loved to talk politics but he could also spend considerably time talking about how his wife, Evelyn, gave him the support that was really important.

The writer goes on to observe that after his election to the House, in the face of overwhelming new responsibilities and challenges, Ed's principal concern was how his family would adjust to life in Washington.

Mr. Speaker, in his all too short life, Ed Madigan contributed great intelligence and insight to the public policy debates in this country, and we will long cherish his memory. He showed us all what distinguished public service really means and we will miss him more than words can say.

I join my colleagues in expressing our deepest condolences to Ed's wife, Evelyn, and to his entire family. All Americans share in your great loss, and our thoughts and prayers are with you.

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to the late Ed Madigan, a thoughtful, consensus-seeking public servant who carved out a great career in Washington, first as a 10-term Member of this body and later as Secretary of Agriculture under President Bush.

In the House, Ed's leadership skills were demonstrated by his rise to the fifth-ranking position in the Republican hierarchy: Chairman of the party's Research and Planning Committee. He was also appointed twice as chief deputy whip.

Later, the Illinois Representative gave up his leadership post to assume the ranking Republican position on the Agriculture Committee, playing a key role for 8 years on farm legislation. He was especially instrumental in shaping the 1985 farm bill.

In addition to serving as Secretary of Agriculture at a time when the Department had a high profile, Ed was named by President Bush to serve as lead negotiator on the agriculture section of the trade negotiations under GATT.

Since leaving Government service, and until his untimely death last month, Ed had been associated with a major Illinois-based insurance company and had served on the board of a number of corporations.

Ed was a soft-spoken, generous individual who let his achievements speak for themselves. He leaves a great legacy in this body, where so many of us counted him as a good friend.

Mr. CRANE. Mr. Speaker, Ed Madigan's unexpected passing away came as a shock to all of us who regarded him as our friend. Had he lived, he would have celebrated his 59th birthday the day after tomorrow.

Ed Madigan served the citizens of his district in north-central Illinois for almost two decades. And he served them well.

His legislative career began in 1967 in Springfield where he served in the Illinois State House of Representatives.

He brought his many talents to Congress in 1973 after 6 years in the Illinois General Assembly. Ed's many Springfield honors included being named Outstanding State Legislator.

His legislative abilities became apparent to those of us in this Chamber shortly after his arrival in Washington. He was a master of working out compromises where others failed to make progress.

Ed was ranking Republican on the House Committee on Agriculture at the time of his resignation. He was also serving at that time as Chief Deputy Minority Whip. Ed Madigan willingly sacrificed the position he loved so much in this House of Representatives to heed the call of President George Bush to become a member of the President's Cabinet. He was the Nation's 24th Secretary of Agriculture.

Ed Madigan was a fine son of the State of Illinois. He was our colleague, and most important, he was our friend. Ed Madigan will be missed.

In closing, I would like to extend our sympathies to his wife, Evelyn.

Mrs. COLLINS of Illinois. Mr. Speaker, I appreciate the opportunity to participate in today's special order in honor of our former colleague Ed Madigan, and I commend my colleague from Illinois, Congressman EWING, for organizing this tribute.

I was very saddened to learn of Ed Madigan's death on December 7, 1994, and I join my colleagues in sending my condolences to his wife, daughters, and entire family.

I was fortunate to have known and worked with Ed Madigan for over two decades and I can say quite assuredly that he will be missed by his many friends and colleagues here in Washington, DC, and in his home State, Illinois. Throughout his 10 terms in the U.S. House of Representatives, Mr. Madigan was hard working, effective, and much respected. He knew that working together with his colleagues on both sides of the aisle would allow him to achieve the goals sought by he and his constituents and he excelled at this approach to policymaking. As a result, he quickly earned a reputation that he maintained throughout his career in Congress and as the U.S. Secretary of Agriculture, a reputation for being an honest and skilled consensus builder who could get the job done.

From Illinois Junior Chamber of Commerce 1965 "Young Man of the Year," to member of the Illinois House of Representatives, to chairman of the House Republican Research Committee, to ranking member of the House Agriculture Committee, to U.S. Secretary of Agriculture, Mr. Madigan served his constituents in east central Illinois and Americans across this country well. He has left a solid legacy as a public servant that will be long remembered and much missed.

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. Edward R. Madigan, former Secretary of Agriculture under President Bush and long time U.S. Representative from Illinois' 15th Congressional District. Although Mr. Madigan was undergoing aggressive anticancer treatment at St. John's Hospital in Springfield, IL, he died on December 7, 1994 from complications related to lung cancer. He was 58 years old.

When Mr. Madigan was first elected to the U.S. House of Representatives in 1972, he told a newspaper reporter that he had but one goal: "I have the ambition to be an influential member of Congress and to use that influence to bring credit to myself and to help people." During his 18 year tenure in Congress, Mr. Madigan skillfully and more than adequately fulfilled his goal. He protected the interests of his constituents in rural Illinois through his ranking member status on the House Agriculture Committee and the House Committee on Energy and Commerce. In fact, Mr. Madigan played a significant role in amending the 1985 farm bill to ensure that it favored the free market approach instead of imposing production limits. He also helped craft the final compromise on the clean air legislation that encouraged the use of ethanol.

As Mr. Madigan worked to best serve his constituents, he built a reputation with his congressional colleagues as an honest, charming, low-key consensus builder. He used his soft-spoken, behind-the-scenes style of compromise to get things done. He made a priority out of learning the first name of each Member of Congress so that each Member of Congress would then make it a priority to get to know him. Mr. Madigan's sincerity and dedication made him an influential member of the Republican Party and the Illinois delegation.

I treasure the years I was able to serve in the U.S. House of Representatives with Mr. Madigan. I am also grateful that we were able to work closely as members of the Illinois delegation. Although we belonged to different political parties, we shared a strong commitment to the citizens of Illinois and of the United States. I offer my sincere condolences to his wife and three daughters. Mr. Madigan often mentioned how grateful he was for the support his family gave him. We will all miss Mr. Madigan but will always remember his remarkable contribution to the House of Representatives.

Mr. WELLER. Mr. Speaker, I would like to take a moment and reflect on the great loss Illinois has felt with the passing of our friend, former U.S. Secretary of Agriculture Ed Madigan, a longtime Member of this House.

Growing up on a farm in Dwight, IL, and being an active member of 4–H and Future Farmers of America, I have very fond memories of my onetime Congressman, Secretary Madigan and the great impact he had as a respected leader in Illinois and among the farming community.

His gentle ways, strong midwestern values and great sense of humor are how I remember him best. He was a staunch supporter of his party and a tireless campaigner on behalf of those he felt could make a difference in Washington.

It was an honor this past summer when Secretary Madigan came to the 11th District of Illinois on my behalf and spoke to a group of supporters about the need to send new leaders to the U.S. Congress. He said we needed to elect Representatives who would bring with them the hard work ethic and sense of family that is so entrenched in the Midwest.

Whether Secretary Madigan was talking about international trade concerns on behalf of the United States of America or discussing bean prices with local farmers in Peotone, IL—he was always gracious and respectful. He was always mindful of where he came from. The great State of Illinois has truly suffered a loss.

Mr. STENHOLM. Mr. Speaker, I would like to take this opportunity to pay tribute to the Honorable Ed Madigan. In the Congress, we use the term "honorable" as a matter of decorum and protocol; but when I think of my friend and colleague Ed Madigan, the word "honorable" is truly appropriate.

Having served with Ed since coming to Congress, I invariably found him to be a shining example of decency and civility in an environment that, all too often, can be adversarial and contentious. He was a consensus builder—one who warranted respect on both sides of the aisle as a reliable, sincere, and extremely capable statesman who stood tall and proud on behalf of his fundamental values, his constituents, and his country.

As a fellow member of the House Agriculture Committee, Ed was a joy to work with in developing and deliberating our Nation's agriculture policy. He worked tirelessly on behalf of farmers and ranchers and all that rural America represents. Having earned the respect and admiration for his years of service in Congress, he was suitably appointed to the President's Cabinet as this Nation's 24th Secretary of Agriculture, where he again served with dignity and honor on behalf of the agriculture community and consumers of food and fiber. Without question, Ed has left an indelible legacy and high standard for which all of us should strive to follow.

Although I join the countless many in expressing regret and sorrow for a tremendous loss, I consider us all to be extremely blessed with the opportunity to have known and worked with the Honorable Ed Madigan.

GENERAL LEAVE

Mr. EWING. Mr. Speaker, I ask unanimous consent that the Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. BLILEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE ISSUES UNDER DEBATE ON CAPITOL HILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes as the designee of the minority leader.

Mr. DURBIN. Mr. Speaker, I will be joined by several of my colleagues to discuss some of the legislative issues that are being debated on Capitol Hill at this time.

I would like to start off by noting this Los Angeles Times story this morning, the devastation that is shown here from the flooding in California. I can certainly identify with this. Mine was one of the districts in the Midwest which was flooded in 1993. I worked the sandbag lines, and did my best as a Congressman to try to help many of the families, farmers, and businesses get back on their feet.

It was a devastating loss. I can certainly understand what many families and people in California are facing today.

Let me say that it has been my honor to serve in this Chamber for 12 years. I have at various times been asked by people from across the country to come to their assistance in the midst of a disaster. I have tried to do that. In fact, I have done that every time, whether it was the Loma Prieta earthquake near San Francisco or the Northridge earthquake near Los Angeles, or these floods.

I am sure they will all result in requests for assistance by the Federal Government. I will be there, because I think that is one of my responsibilities, not just to represent the 20th District of Illinois, but to serve our Nation. When some people in our Nation are in need, it is important that this Federal Government, this National Government, rally to their assistance.

Having said that, though, I would like to put into context some of the debate which is going on today on Capitol Hill as part of the Contract with America, and to give the perspective of the Contract with America on which it means to the flood victims of California and victims of future disasters.

First, if you search the Constitution of the United States, you will find no reference to a Federal obligation to pay for natural disaster assistance. It is an obligation assumed by the Federal Government, and an expensive one. In the 1950's, the Federal Government paid about 5 percent of the cost of natural disaster problems and damages across America. Today the Federal Government pays over 95 percent of the cost. We are on the hook.

In the Northridge earthquake near Los Angeles we have already spent more than $5 billion. The Federal Government came to the assistance of the State of California, a deficit-ridden Federal Government rallied to the assistance of the State of California, because the people needed help. More money will be needed because of that earthquake. More money will be needed because of these floods.

Let us talk about two issues we are debating in Congress right now. One is unfunded mandates. Let me give you an example of an unfunded mandate from the Federal Government. The Federal Energy Management Agency [FEMA] which has the responsibility to come in and pay for disasters, establishes guidelines for communities that they should follow to try to reduce flood damage.

For example, they suggest that people should not build in a flood plain if they want to qualify for Federal flood insurance. Is that a Federal mandate? Yes. Does the Federal Government pay for it? No. If the communities follow the mandate, what happens? It lessens the damage that might occur because of flooding or other natural disasters.

□ 1310

Why is that Federal mandate important? Because ultimately Federal taxpayers will be left holding the bag when the flood hits the community. And if the community has not lived up to the Federal-mandated guidelines, that cost to Federal taxpayers is higher.

Many people will get up and condemn Federal mandates but they do not look at this perspective, that many of these mandates are necessary to make sure that we lessen the ultimate liability of Federal taxpayers.

The Governor of the State of California, Mr. Wilson, as I understand it, gave his State of the State message yesterday and in the course of that State of the State message, he said, and I quote, that he as the Governor of the State was proceeding with his lawsuit to sue the Federal Government because we were not paying for things that we were mandating. In the words of the Governor, he said, "We are going to sue their butts off." In a day or two we will be hearing from this same Governor who is going to "sue our butts off" because all the things the Federal Government is not paying for that he is going to need Federal disaster assistance because of his flood in California.

I would suggest that Governor Wilson should pause and reflect that the same Federal Government which he is complaining about, he is now going to turn to, despite our deficit, for assistance badly needed by the people of California. Does the word "ingrate" come to mind?

I would submit that the Governor should reflect as every Governor should on the fact that the Federal Government comes to their assistance time and time again in disasters and tries to make up for the losses which States and local governments could never absorb.

We may have debated a few days on next week on eliminating Federal mandates. Will we eliminate the requirement that States like California and my home State of Illinois in the future do things to mitigate disaster damage so that Federal taxpayers will not be holding a bag that is much larger?

Then the next week we will debate the balanced budget amendment. The balanced budget amendment says ultimately we are going to reduce the amount of money available for the Federal Government to come to the assistance of any State that suffers a disaster.

One of the things we as Democrats are insisting on is if the Republicans under their contract want to move a balanced budget amendment, they should in fact tell us where these cuts are going to take place to balance the budget. I do not think that is unreasonable.

Former President Ronald Reagan in dealing with the Soviet Union in terms of disarmament said "trust but verify." I think the same thing is true when the American people look at the Federal Government.

If the Republican leadership in the House can be trusted to bring us a balanced budget amendment, we should ask them to verify the actual cuts that will be necessary to reach that balance.

The new majority leader of the House, the gentleman from Texas [Mr. ARMEY], said on a television show over the weekend that he did not want to do that because he was afraid that the knees of Congressmen would buckle when they saw the kind of cuts necessary to reach a balanced budget. I would suggest to my friend from Texas that if our knees would buckle, so would the knees of our constituents. They need to be told what is involved in this decision, that it is going to be tough, that it may mean for Governor Wilson after he has "sued our butts off" that when he comes to the Federal Government with his hand out for billions of dollars for disaster aid, we are going to say, "Unfortunately, Mr. Governor, we don't have that money anymore. We now have a balanced budget amendment which lessens discretionary funds available to come to your assistance."

This is part of the real debate that has to take place. We have got to move beyond the bumper strip slogans of "End Federal Mandates, Give Us a Balanced Budget Amendment," and talk about the real world that will result. What cuts will there be in disaster assistance, money for education, Social Security, Medicare, things which families hold near and dear in this country?

I concede we have to move toward a balanced budget amendment. From my personal point of view, it is not our highest priority. The highest priority in this Nation is sound economic growth. Moving toward a balanced budget amendment is part of it, but only part of it. Equally if not more important is economic growth and economic development, creating more jobs, more opportunities and more capital formation. Insidiously a balanced budget amendment could work against that.

In times of recession when Federal revenues are down and people need help with unemployment insurance, for example, and things to get by that their families can live on, we may not have the money to pay for it, and that I think would frankly deepen the recession, would not bring us out, would not get families back on their feet.

What we are talking about in a balanced budget amendment debate is more veracity, more truth, more frankness. If our knees are going to buckle here on the floor, I say to the majority leader the gentleman from Texas [Mr. ARMEY] and others, "So be it. That's the job we accepted. We're supposed to face the tough decisions."

I think it is critically important that the Republicans in their rush to move these things through in the next 80 or 90 days take the time to do it right. Use common sense. The American people demand that of us. Be honest with the American people. "Don't be afraid that their knees are going to buckle," I say to the Republican party. Tell them honestly what it means to California and Illinois and all across the country.

Mr. MILLER of California. Mr. Speaker, will the gentlemen yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for his comments.

I want to say that over the last couple of years, time and again we heard Members of the other party, the Republican Party, take the well and talk about the arrogant Congress.

I find it rather interesting now that as the Republicans get ready to present to the Congress a balanced budget amendment, a constitutional amendment to balance the budget, that they seek to deny our constituents the kind of information so they can make an informed decision about whether or not they want us to vote for or against the balanced budget amendment.

I find it rather interesting as you quoted the majority leader, the gentleman from Texas [Mr. ARMEY] saying that if the public knew the cuts that would be necessary, that their knees would buckle, or our knees would buckle.

I really find it interesting when it comes from individuals that profess a great belief in democracy, that herald governments that turn toward democracy, we have spent billions of dollars to spread democracy throughout the world at a time when the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH] says that he is going to put every bill on the Internet so that the American people will have greater access, be able to make decisions, but what he is not going to put on the Internet are the ramifications of the bill.

He is going to tell people that we are going to balance the budget by the year 2002 but, like President Nixon who had a secret plan to end the war, only after people vote or after that becomes a law, he will then display what is necessary to meet the balanced budget. That is arrogance. That is the height of arrogance. Because the balanced budget amendment, unlike a lot of other legislation that we deal with on the floor of the Congress that the various sessions does not affect one particular part of American society or some narrow special interest group, it affects every citizen in this country, because of the ramifications.

We have seen proposals where different people from the right or from the left have suggested what would or would not take place under a balanced budget. Every segment of our society is impacted, from our national security to the security of our retirement systems, to the education of our children, to our ability to meet the natural disasters that beset my State at this very moment. Everybody has a stake in this debate. But it is the intention of the leadership of this House to preclude everybody from participating in this debate.

What should be done is they should spread upon the ledger those cuts that are necessary to meet the target of a balanced budget in the year 2002, and they should be required to do that now so that there is truth-in-budgeting, so there is full disclosure, so that the public interest is protected, and the people who live in the greatest democracy on the face of the Earth will have an opportunity to exercise those rights under that democracy, and that is to pick up the phone, or the pen or pencil, and call their Member of Congress and say, "I like this, I don't like this, change this, change that." That is about the empowerment of people. That is supposedly what putting the legislation on the Internet is about.

If you put nothing more on the Internet than a piece of legislation that says the budget shall be balanced by the year 2002, you have told the people nothing. You have told them nothing. You have not told them whether or not you are going to gradually make those exchanges over that 7-year period of time or whether you are going to run to the political necessity of doing it in the last 2 of 3 years, where the impact is much greater and people are not able to prepare for it.

If we give this country notice and if we give them a plan, clearly a balanced budget is within our grasp.

□ 1320

But if we do not do that, then in fact we cannot expect to reach that star target. So what we are talking about here is very fundamental notions, fundamental notions about the arrogance of the leadership of this Congress as to whether or not they will fully inform people about the hypocrisy of the leadership of this Congress that says whether or not they want to, they want to truly let people know what is going on inside the halls of Congress or whether they want to hide it from them, and right now what they are engaged in is one of the great coverups.

They will not tell us what they are going to do because apparently they do not have the courage of their convictions. They have the courage of their bumper stickers, they have the courage of their campaign slogans. They simply do not have the courage of their convictions to look the American people in the eye and say these are the ramifications, this is what is required to engage in a balanced budget by this time.

I also think that they give the American people far too little credit for their willingness to participate, because we know there is an overwhelming desire among the American people to see us get our financial house in order. But we ought to invite them in as partners, we ought to recognize their dignity and intelligence and make them, if you will, partners in this process.

For the Republicans to suggest that we are going to take it on a whim and a promise is the height of arrogance, and I want to thank the gentleman for raising this point at this time. I hope that they will yield to the will of the American people and not to the politics of the majority in this Congress.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I am delighted to join my colleagues here this afternoon. This I think is one of the most important debates that we are going to have in the next several days and in the next several weeks.

I would like to add to what my colleagues have said in this respect, that we all do want to have a balanced budget. Members of Congress want to do that, the public wants to do that, we want to erase the debt that threatens our children's future. That is what we are about.

To add to what the majority leader said over the weekend on the television shows, Mr. ARMEY said not only would Congress' knees buckle, but that he feared that if you spelled it out for the American public they could not deal with the pain.

Now is that not a terrible indictment of the American public? As far as I know we are still a representative democracy. We did not come back here to impose a secret exclusive policy on the public and the people that we represent but, in fact, rather to open up an exclusive debate on where this Nation should go. That is what this is about. Quite frankly, that is what Republicans campaigned on with the bumper stickers you were talking about. In fact, we need to have open government.

But I tell you, we do have some general idea of the Republican plan and what it would require. According to the Congressional Budget Office it would require $1.2 trillion in deficit reduction, revenue increases, or spending cuts, or a combination of the two to balance the budget by the year 2002.

Since Republicans have indicated that the revenue increases will not be used to balance the budget, a constitutional amendment would then require $1.2 trillion in spending cuts alone to balance the budget. This estimate does not even take into account the $193 billion in tax cuts over the next 5 years that are contained in the Republican contract, nor does it talk about what the increase in defense spending on star wars would mean in terms of the cuts.

Let me just give a couple of examples which I think are very critical, and this not by Democratic standards but by a Republican Senate and Republican House staff which says that this would require a 24-percent increase across the board. That is what their notions are in terms of a cut.

If you talk about Medicare, let us take a look at that. In the last week the Speaker of the House, Mr. GINGRICH, suggested transforming the Medicare system into another system. Is this in the balanced budget, which is the truth that we need to know and that the public needs to know. Is that in there? What does it mean to seniors in this Nation if we are going to talk about a 24-percent increase in their premiums for Medicare beneficiaries? What services are no longer going to be covered by Medicare? Could it be worse?

Also, according to a Republican Senate Budget Committee staff analysis, you would have to cut almost $1 trillion over the next 7 years to pay for the Republican contract.

Further examples of what this 24-percent across-the-board cut means is that one out of every four college students now receiving Pell grants would be forced out of school. These young people and their families have a right to know what is in that balanced budget amendment.

Twenty-four percent across the board would mean one of every four high school graduates currently in apprenticeship programs would be denied the job training that would allow them to get ahead and to earn a living. They have a right to know what is in this balanced budget amendment.

Would 24 percent across the board mean that one of every four children enrolled in the Head Start Program would lose also the help that they need to start each day and enter school ready to learn?

Essentially what we are saying, the long and the short of it is you cannot talk about and run for office on open government and then decide to shut it down when you are in charge. We are just asking the Republicans to come clean. We all know that balancing the budget is going to require sacrifice. The public knows that, Members of this body know that, and if they do not they should know that because it is going to be difficult. We have to make the tough choices. That is all we are asking here.

I joined my colleagues last year in supporting the Democratic balanced budget amendment that sought to achieve a balanced budget while trying to keep Social Security intact. Does the Republicans' balanced budget put Social Security on that chopping block? In fact it does.

Today in the Judiciary Committee, Republican members of the committee voted not to exclude and exempt Social Security from the balanced budget cuts. What does that mean? Seniors in this Nation have a right to know what this is about.

The fact is that the Republicans fear opening the debate on their ideas to the American public. They are afraid of letting people participate in this decisionmaking process that is critical to our Nation's future.

I am delighted to join my colleagues this afternoon in this discussion because as I said at the outset, nothing can be more important than this debate. Members of Congress have to know what is in that balanced budget amendment, the American public has got to know what is in that balanced budget amendment.

Mr. MILLER of California. If the gentleman will yield, I want to thank the gentlewoman for her remarks and point out she makes a very important point. There is more than one way to a balanced budget, and there are those who believe that the way to a balanced budget is simply to cut until you have arrived at that point by doing away with many, many programs of the Federal Government. There are others who believe you should tax and you should cut. Others believe, as the Chairman of the Federal Reserve Board told the Senate yesterday, that if you simply adjust the inflation factor by a point or a point and a quarter, you could arrive and would not have to make those cuts.

There are all of these options available, but I think the gentlewoman makes an interesting point. Some of the options have different ramifications for different people. If, as the Republican plan anticipates there is a tax cut, both capital gains and some kind of middle-income tax cut, it may very well be that when middle-income Americans look at that option they may say forget the tax cut, make the downpayment on the deficit. Keep the interest rate on my adjustable home loan down, keep the interest rate on my child's student loan down, and make sure that I can pay off my credit card debt, because if you are going to give me back $1.25 a day, then why not just make sure that the interest rates are lower because I will lose more than that in 1 month if the Federal Reserve raises the interest rates and my home mortgage goes up.

We ought to let the American people decide which course they want to take. A lot of people have come up to me, as hungry as they are for tax relief, and say geez, if you could really make an additional dent in the deficit beyond what you did over the $500 billion or $600 billion that have already been made, I am for that, and I will forgo the tax cut because I want to make sure that the interest rates are low, that we can continue to create jobs, that my business can continue to thrive. That is what we are asking for.

We are saying to the Republicans, let the American public participate and choose how they would like to meet this obligation to get rid of this horrendous deficit.

□ 1330

But that is unfortunately what they are not going to allow, and I think the gentlewoman makes incredibly important points that every segment of our society has got to be able to examine this and say, "How does this affect me?"

What we know is when we play fair with the American people and you give them the knowledge, these are people who are willing to sacrifice as long as they know that everyone else is. As we have seen in the natural disasters that are besetting my State, neighbors are helping neighbors, communities. We saw it all up and down the Mississippi River 2 years ago.

This is a great country. Why do we not treat them like great people and invite them into the debate and have the Speaker of the House put the options on Internet and let the people choose and inform themselves? And then we will have to make the tough decisions that will flow from that kind of participation in this democratic system.

Mr. DURBIN. I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I am also delighted to enter into this debate.

It is said the measure of good government is not where we stand and what it does when times are good, the true measure of good government is where we stand and what it does when times are tough. That was the philosophy of Dr. Martin Luther King. I think it is appropriate at this time in history that we recall his wisdom, appropriate this weekend.

Soon Congress will consider a proposed amendment to the Constitution that would mandate a balanced budget. This is not a minor matter. This is a very populist concept and really needs to be debated by those of us in Congress and also by those in America. The vote we take on this proposal will echo in our lives for years and years to come. That is especially true if the provision requiring a three-fifths vote to raise revenue remains on final passage.

I support the goals of a balanced budget. As a local government official, chair of the board of commissioners of my county in the State of North Carolina, I had to live under a balanced-budget amendment, not only amendment, but a mandate. We did that, and I felt that is, indeed, the way government should function. That is, indeed, the way this body should function.

I also realize that we must accept the reality that in the near term we face and must accept to make some sacrifice. That sacrifice must be borne by all Americans. Our senior citizens, veterans, States, local communities, and our children will be required to, indeed, receive less from their Government. However, the people really need to know what, indeed, the sacrifices are they will be called to make. There will be cuts in the budget, less spending, and continued emphasis on reducing the deficit.

The issue is not will we cut. The issue is what will we cut. The issue is not should there be cuts. The issue is where will those cuts be. The issue is where will the cuts be the fiscal responsibility will compel us to cut. The question is not will we not cut. The question is where and how much and what will be the pain and how we will inform the American people.

The American people have a right to know, and I concur with my colleague who said the American people, if they are properly informed, usually are prepared to make that sacrifice.

A balanced-budget mandate will mean painful cuts in programs that many of our citizens and our communities have come to expect and have come to rely upon. It is because of a resounding impact of this proposal that we must demand, and the American people have a right to know, which programs the majority intends to keep and which programs they intend to eliminate or to reduce.

At the end of each day, those of us in government must be honest and answer the question by our policy who have we helped and who have we hurt.

The budget of the United States makes a statement about who we are and where we stand. It signals to our citizens and to the world the priorities that we are governing our lives by. We must be a nation determined to promote peace. Or will we be a nation designed to encourage war? Will we spend our money urging our young people to stretch for the stars, or will we spend our money on dubious weaponry? What will we say to our veterans who at great sacrifice have defended this country war after war, in fact they have risked their lives, will we say to them our balanced budget requires us to eliminate their pension and health care which we promised?

These demand answers now, not after April, not after all our citizens have paid their taxes. We need those answers now.

Who will be helped by this balanced-budget amendment, and who will be hurt?

If the majority has their way, we will have a flat tax, we are told. Under the proposal, every citizen will be taxed at the same rate, 17 percent. If the truth is known, the majority is not allowing you to understand at all the average American now pays less than that. They pay around 15 percent. So they are not telling the whole. Actually they are not telling you that the unearned-income money from dividends, interest, will not be taxed under that proposal. Those with stock and money in the bank will not have to pay that tax at all and, in fact, the rich will be excused from that.

But those who have families and students in college and student loans and medical bills and debts to pay on their house, they, indeed, will have to pay those taxes.

Will we breach our contract and our covenant with the elderly and say to our senior citizens at the sunset of their lives that, "We will not provide that which we promised; we will be cutting Social Security and Medicare"? It may be we will have to reduce these resources, but we need to be honest with our senior citizens.

Will we say to the small farmers who literally work their fingers to the bone for feeding this country and all the world, that we are no longer going to support you at any risk?

Will we say to rural areas, "There is no longer rural credit or rural housing"? None of this will be available if we say to our young that the balanced budget requires us to cut indiscriminately.

Will we say to our children, "We are no longer able to immunize you from disease or feed the hungry or shelter you from the cold because we are giving money to those who are more wealthy"?

The American people have a right to know the implication of this budget. Times were tough in our country in the 1930's. Our economy had virtually collapsed under the weight of a Great Depression.

How we responded then, and how we will respond now tells us something about our country. Then under the careful and compassionate hand of President Roosevelt, we did not eliminate programs. We refocused. We reenergized government to respond to that crisis. We did not just cut programs. We found ways to respond to the appropriate need then.

That appropriate use of government eventually ushered in an unprecedented growth in our country. The economy was booming, and little did we know that we were moving toward his goal that we would have a car in every garage and families, indeed, would have homes and that they would provide for the children. Good times resulted from that in America.

Today we are facing a staggering balance-of-trade deficit with many of our foreign trading partners. Very often the car Americans can afford in their garage is from Japan, and that is not as it should be. The jobs that followed in 1950 have taken flight to cheaper labor markets. Indeed, crime is on the rise.

There are problems we have now. Teenage pregnancy is at an unacceptable level.

I say these are tough times. What will we do? How will we respond to this?

The question is how will we respond to these tough issues as we balance the budget? That is the issue the American people should know. Where will they fall in our response to them as a governing official?

We do not need a government for the sake of government. Certainly we need to reduce government where it needs to be reduced. But we do need a government that is appropriate, careful in its spending, fair in its revenue raising, and should dictate how we govern in a fair manner.

We must not waste. Our citizens need not want. But we must be truthful with our citizens and tell them what sacrifices they are going to bear.

We did not get elected to come here to create a robot-like system where entitlements are slashed indiscriminately. Some may need to be reduced. Why not tell the American people what we are about as we are to make these hard decisions?

In fact, the balanced-budget amendment may be the easy vote, because we do not have to stand up to people and to tell them this, indeed, is how I will propose to reduce this budget.

The majority proposed an answer to these difficult things by saying the balanced-budget amendment, with a two-thirds vote requirement, is the only way. I submit to you, Mr. Speaker, the American people have a right to know the sacrifices we are asking them to make and we are called to make.

I think the more responsible position is letting the people know.

□ 1340

Mr. DURBIN. I thank the gentlewoman from North Carolina, particularly for her reference to a man who might have been our greatest Democratic President, Franklin Delano Roosevelt. It brings to mind one of his most memorable phrases, which was when he spoke to the American people in the depths of the Depression and said, "We have nothing to fear but fear itself." I think the Republicans' slogan today is, "We have nothing to fear but the facts."

They are afraid to share the facts with the American people. As the gentleman from Texas [Mr. ARMEY] said last Sunday, they are afraid their knees would buckle when they faced the facts.

President Roosevelt had confidence in the American people. I think the Republican leadership of the House should have confidence in the American people too. Let them know what is in store, let them know the truth of what is involved in a balanced budget amendment. If it means 5 or 10 years from now the Social Security system or the Medicare system will be changed, should not families be alerted to that fact now so that they could make some sort of plans now for their future? To spring this on the family 5 or 10 years down the line when they are in retirement is beyond the time when they can do something about it. But to talk about it today is the honest way to approach it. I hope that the Republican leadership, Mr. ARMEY, Mr. GINGRICH, and others will have the same kind of faith in the American people that President Roosevelt did. Let them face the crisis together, let us come together and resolve this.

What is at issue here with these various items in the Republican contract is something as basic as the economic relationship between the 50 States and the Federal Government. When it comes to the question of unfunded mandates, what we hear from Mr. GINGRICH and the Republican side is that the Federal Government should stop telling the States what to do unless you are going to pay for it. Let the States decide is the call coming from the Republican side of the aisle. But I wonder, if you apply that to real-life situations, whether most Americans would agree.

I have a district that is on the Mississippi River. The quality of the water in that river is very important to the people who live along that river. But we cannot control the quality of that water in the State of Illinois. Now, we have to have a standard, a national standard that we can trust, starting from the headwaters of the Mississippi in Minnesota, working its way down. We need a Federal standard, if you will, a Federal mandate, to suggest that the water quality is something that we as Americans can trust.

Let me give you another example: A few years ago the State of Wisconsin had a drinking age of 18, and the State of Illinois had a drinking age of 21. So on the northern Illinois border, teenagers would get in their cars on Saturday night, drive over to Wisconsin, get drunk, and drive back, drive home, wrecking their cars, killing themselves and a lot of innocent people. It got so bad that they called the stretch of highway "Blood Alley" because of all the lives that had been lost due to the teenagers drinking in Wisconsin and coming back to Illinois.

Do you know what happened? The Federal Government, the committee I serve on, passed a Federal mandate and said we are going to have a uniform drinking age of 21 in the United States or, "Your State is going to lose Federal highway funds." Was it a mandate? Yes. Did it cost the State of Wisconsin? Yes, it did cost them to enforce it.

What was the result? Kids lives were saved, lives of innocent were saved. Blood Alley is just a bitter memory now, it is gone.

Time and again we find these Federal standards lead to a higher quality of life.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I would like to make a comment about an article today that has to do with the balanced budget amendment, from the Wall Street Journal, by their economist Robert Eisner. He points out, with regard to a balanced budget amendment, households could not begin to balance their budgets the way the Government would be required to under the Republican plan. The point being, I guess, that if we are to look at investments either by the Federal Government or by families, families borrow to buy a car, to buy a home, get their kids to school; businesses borrow. If you had to take all of that, if you had to pay for everything out of current income, you would find yourselves unable to do the things that families normally do every day.

Now, just to go back to what my colleague from California was talking about, there are a variety of ways to deal with this issue. You can, as was suggested in this article, and as some of our colleagues suggested, that you separate out a capital budget from an operating budget, which is the way, in fact, most States today balance their budgets. They do that because they have a capital expenditure, it is paid for over the life of the asset, and you deal with your current expenditures out of current cash. Families do that every single day. By narrowing the playing field, if you will, what the Republicans are doing is not allowing for various ideas and various opportunities to come up so that we can debate each of these and figure out the best way in which you can balance that budget, thereby allowing both the Federal Government and families and businesses to continue to invest in their future, and not cut them off or shut them down in their ability to move forward.

So that we are in this most important debate, finding ourselves in a position where the public has called out and cried out—and I believe this is true in this election—for open government, participatory government, for not allowing for gridlock, for moving forward. And we see that all of that is being throttled by the Republican leadership, and all in the name of saying that the public is afraid and would be fearful of the pain that is involved if we have to balance the budget. It does not make any sense.

Mr. DURBIN. Reclaiming my time, I think what the gentlewoman said so forcefully and eloquently is that basically we need to trust the American people, give them the information.

The Republican leadership appears to be very reluctant to do that. You know, we have been through this, some of us in this Chamber, back in the Reagan and Bush era, when we were told to just have confidence and faith in the so-called Laffer curve. That was appropriately named, the Laffer curve, and some of the different approaches, that it was all going to work out, we could increase spending, cut taxes, and when it was all over the economy was going to blossom and flourish. It didn't happen. What did flourish was our national debt during the Reagan-Bush era because we were buying into the economic theories of extreme thinkers. The Republicans have a tendency to gravitate toward extreme thinkers. I think we are hearing from those folks again.

I think most of us would agree we should reduce Federal mandates where they just involve bureaucracy and paperwork and do not serve a national purpose. But do not go too far. If the Republicans want to go so far as to jeopardize environmental quality, jeopardize health standards, they have gone too far. They should stay away from that extreme thinking.

We should move toward a balanced budget amendment, but from my point of view, more important than that is economic growth in this country. I would like to make sure we are creating new good-paying jobs. That should be our highest priority, not some bookkeeping standards that really do not pay any attention to the real world. That is the kind of extreme thinking Americans are not going to buy into. They want this Government, this Congress, to be sensitive to the real problems, to the real families, to the need for jobs, to the need for business to the need to expand.

Merely paying homage to some bumper sticker with some extreme viewpoint is not serving the national purpose.

I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman. I think that is an important point. The point is now the Republican Members of this Congress are forewarned. We took that route once, we took an economic plan on the back of a cocktail napkin, called the Laffer curve, and reduced those cuts in taxes to the wealthiest people in this country, and dramatically slashed some of the spending on the domestic side but not on the military side. Once again, that is an echo we are hearing in this Congress. And the result was a trillion dollars' worth of debt. The result was interest payments of $300 billion, $400 billion a year, that will be paid for by every American family, paid for by all of our children.

Many of us voted against that plan. But the way it was presented to this Congress was that you had to vote that day, there could not be any hearings, you had to vote for the substitute, take it or leave it. There was no time to tell the American people what was done. There was no time to debate it on this floor. The Congress took it, unfortunately, and a trillion dollars later in red ink, hundreds of billions of dollars in interest payments that could have gone back to the people or could have been used for productivity in this country or for social progress was denied because of that kind of snap decision, the same kind of snap decisions we have seen around here that have been recanted within 1 hour, 2 hours, 12 hours, on the theory that everything has to be done immediately.

Now they are saying that they have got to rush this, they cannot let the people take a look at it because it will break their political momentum. What is more important: the economic momentum of this Nation, or the political momentum of the Speaker of the House? I think it is the economic momentum of this Nation.

We see time and again economists, chairmen of the Federal Reserve, saying, "Be careful what you do here because if you do it wrong and don't think it through, interest rates are going to go up." Everybody believes if interest rates continue to go up one more time or two more times, that the economic recovery is then choked off.

□ 1350

And then we can look forward to the auto worker being laid off, the aircraft manufacturer being laid off, the rail people being laid off, and once again there goes the Federal deficit, but that is not what these people are saying. They do not want to listen to this. They do not want to have these points of view aired in public.

This is supposed to be the most open time, the most open Congress. But yet we find out there is no time for debate, there is no time for the public's view. I say, you can't have it both ways. You cannot be the most open Congress. You cannot pass sunshine laws and then tell the American people to keep out.

Mr. Speaker, we owe them more. We owe them more dignity and more respect for their intelligence.

Ms. DELAURO. Mr. Speaker, would my colleague yield for just one second?

Mr. DURBIN. Yes, I would be happy to yield.

Ms. DELAURO. I just want to say I mean through all the discourse and commentary on this issue quite frankly, as a woman in West Haven, CT, said to me at office hours one morning, one Saturday morning, she said, "I wish for one minute that the people in Washington would put their feet in our shoes and understand what our lives are all about," and that is what this is about. It is what people want to know, is their standard of living going to be raised? Are they going to be able to get their kids to school? Are they going to be able to live in some kind of sense of security? Are they going to be able to pass on that American dream to their kids the way my colleagues' fathers, and my mother and father, did for me?

The whole point of this and part of that is that we do get our fiscal house in order. There is no question about that. But let us come clean with the American public and in fact tell them whether this balanced budget amendment is going to deny their kid, one out of four, a Pell grant to get them to school. Is it going to put their mother or elderly mother and father in jeopardy with regard to Social Security and with Medicare? Is it going to jeopardize their ability to get education and training so that they can get that first job? That second job? That fifth job? And earn a living wage? And is it going to do something to allow them to work and go to work in this country? Is it going to raise that standard of living?

Let us have that open debate in this body. The American people deserve no less around this issue of the balanced budget.

Mr. DURBIN. Mr. Speaker, I thank the gentlewoman from Connecticut [Ms. DELAURO].

As my colleagues know, one of the interesting things over the last 12 or 13 years is how popular this balanced budget amendment has become and how necessary in many respects, and yet each of us who serves in this Chamber knows that we have it within our own power to deal with this budget on a regular basis and try to reduce spending.

Last year I came to the floor with a reduction in an appropriation bill of 10 percent from the previous year, $1.3 billion in cuts, and I am sorry to report to my colleagues that many of the people who have this extreme passion for a balanced budget amendment were nowhere to be found when I needed their votes to pass my appropriation. They call for major surgery on the deficit, and they faint at the sight of blood when they see appropriation cuts, and that happened time and time again.

So I think now what we are saying now to the people who are proposing this bumper sticker balanced budget amendment is, "Get real. Tell us what we can live with, what you're prepared to live with. Put it on paper. Tell us what you are prepared to vote for.

Take it home and explain to your voters, as all of us are required to.'' And I do not think that is unreasonable.

As my colleagues know, ultimately the fate of this balanced budget amendment is not in this Chamber. We will pass it, I suppose, and the Senate might. Then it goes off to the State legislatures, and it takes 38 of them to approve it for it to become the law. Some 7,424 State legislators will actually decide whether or not there will be a balanced budget amendment in the Constitution.

Recently a Wall Street Journal article went around and asked some of those State legislators, some of whom had supported this in the past, what they thought of it now that it was on the horizon. A gentleman from Delaware, State Senator Robert Connor, a Republican, said, ''For us it could be devastating. In the end we could be left with severe budget cuts and an increase in taxes in Delaware.''

In Alabama a Democratic representative, Michael Bach, said it was a farce. The way the amendment looks now it simply shifts the burden to us. That is not what the people of Alabama need.

So, finally some folks are starting to realize what it is all about.

Going back to my earlier point, I hope the Governor of California will at least pause and think when he calls up his congressional delegation here in Washington and says, ''We need help in California,'' that he is the same Governor who just at Tuesday's press conference in Sacramento said of the Federal Government, quote, we are going to sue their butts off, close quote, because they are imposing burdens on us that we should not have to pay for. Well, honestly I think we should come to the help of the people of California, but it would be helpful also if the Governor of California would sit down and at least take a look at his own request, that we, a deficit-ridden Federal Government, are coming to the rescue again, as we should, of residents of his State. And all of the people who are telling us, ''Pass the balanced budget amendment; reduce the amount of money you have,'' should stop and think in Sacramento, CA, in Springfield, IL, in State capitals all across the country, that they will have new obligations and new responsibilities.

Let us get real. Let us get responsible. Let us be honest with the people of this country and let them know what is in store with the balanced budget amendment.

The gentlewoman from Connecticut.

Ms. DELAURO. I would just like to say to my colleagues, that's absolutely correct, and that is all we are asking for, is to have that opportunity for the discussion and for the debate.

And I join my colleagues today and others, and I think what I am prepared to do is to have this discussion and debate on a daily basis, if that is what is required in order to try to get the information out to the American people as to what, in fact, we are deliberating here and how it is being deliberated. We have to call on people who are in positions as Governors and elected officials to be responsible. It is not just a bumper sticker. It is not just a slogan.

If that is what we were doing in the past, and that is what we have decried and said we are not going to do in the future, then let us not go back to business as usual. Let us not do that. The American people, as I said earlier, deserve better than that, and we have an opportunity here. That is what we were sent here to do; that is what Governors were elected to do as well.

Mr. DURBIN. Mr. Speaker, I thank my colleague from Connecticut.

In the past special orders have been political monologs from one side or the other, and I would hope in the future that could change, and in the spirit of trying to bring that change my colleague from Indiana, my Republican colleague, asked for an opportunity to speak earlier, and, realizing we only have maybe 8 or 9 minutes left, if we could enter into a dialog, I would be happy to at the moment.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Illinois [Mr. DURBIN] for yielding, and I do not want to prolong the discussion, but what I think would be helpful for the American people is if maybe we could have some debates, not the English style debates we were talking about, where we could get two people on the gentleman's side and two on our side to come down and to debate at length the subject of the economy and how we are going to deal with it.

One of the things that I was going to take issue with and will be when I have my special order here in a few short minutes was the issue of interest rates that the gentleman from California talked about.

When Jimmy Carter was President, interests rates went to 21.5 percent——

Mr. DURBIN. They were horrible.

Mr. BURTON of Indiana. Because the inflation rate got out of control, and Mr. Volcker thought he had to do that to choke off inflation, and, when President Reagan came in and cut the top tax rate, which is not talked about very much, we ended up with seeing interest rates going down dramatically along with inflation.

So, when we start talking about, and the Democrat minority starts talking about, interest rates being out of control because of our policies—which we are talking about right now—I think we need to look at history and see that the real problem that was created as far as interest rates and inflation last time occurred primarily under Democrat administrations.

Mr. DURBIN. I think my colleague from Maryland would like to respond.

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Illinois [Mr. DURBIN] for yielding, and I want to respond to my friend from Indiana.

Interest rates, of course, and inflation rose very rapidly in the 1970's. As the gentleman well knows, for reasons unrelated to domestic policy, but very much related to the oil cartel that was created in the Middle East.

Mr. BURTON of Indiana. That was a fact.

Mr. HOYER. And energy costs skyrocketed. We had long lines, shortages, and energy prices skyrocketed.

But the gentleman also correctly observed that interest rates followed the inflation rate up, and the reason they do that obviously is because money, like any other commodity, is affected by inflation, and the payback, the amortization, the payback of the price of the money, is keyed to the differential between what our inflation rate is and what our cost of money is, and that is the real cost of money, the real.

And, as the gentleman knows, notwithstanding the fact that the interest rates were nominally high in the late 1970's, in point of fact as the gentleman——

Mr. BURTON of Indiana. Nominally? Twenty-one and a half percent?

Mr. HOYER. Nominally in terms of the difference between inflation, which was 17 or 18 percent, and interest rates which were 21 percent, a 3.5-point discrepancy. In point of fact, in the 1980's real interest rates, which is really what the gentleman is worried about because it is the difference between what our money depreciates at and what we have to pay it back at, were higher in the 1980's than they were in the 1970's.

Mr. BURTON of Indiana. Oh my. I will get into that more at length later, and I thank the gentleman.

Mr. HOYER. I will be glad to discuss that with the gentleman, and most every economist will say that is the fact, but of course the gentleman is correct. Most people did not think that because the numbers were not as large. But, in borrowing money, we really are very interested in what the real——

Mr. BURTON of Indiana. Let me just say to my colleague and the gentleman from Illinois, what I'd like to do, if we could, is maybe we could sit down at some point and decide on the two or three topics, and come down with two Members on each side, and have some real, in-depth debates that the American people, who may be tuning in, can watch and get both perspectives.

Mr. DURBIN. The gentleman from Indiana [Mr. BURTON] I think has made an excellent suggestion, and I also hope we can kind of create a different kind of environment for debate on the floor where we try to have more exchange of ideas. Certainly we want to express our viewpoint, and the gentleman does, too, but we should try to maintain dialog. I think it is more interesting for those who are observing the debate, and perhaps we can generate some new knowledge for both of us.

□ 1400

I only have a few minutes remaining. The gentleman from California [Mr. BECERRA] has asked me to yield to him, and I am happy to yield to him at this point.

Mr. BECERRA. Mr. Speaker, I want to thank the gentleman for allowing me to have these few minutes.

I was watching some of the discussion over the television as I was in the Judiciary Committee, and I thought it was important enough to come down here, because at this very moment our committee is debating the balanced budget amendment and I just wanted to add a few points.

It seems to me that for the last month and a half we have been talking about how open this new Congress will be and how important it is to give the people of America a chance to really understand the workings of the House of Representatives and of the Senate. Yet it seems to me the first thing we are doing with this balanced budget amendment is closing doors to openness to the American public. We are not giving them any idea about how we are going to pay for anything in the balanced budget amendment.

As the gentlewoman from Connecticut pointed out, we are talking about cutting $1,200,000,000,000 over the next 5 to 7 years, and the American people should know what that means. It is to me somewhat disconcerting to find that in the Judiciary Committee today the only way we could try to extract anything from the Republican majority on how they intend to pay for this is to propose amendments to find out if they would include those amendments to protect certain programs, for example, Social Security. We had an amendment that would say that in the process of trying to balance the budget we would not go after the moneys that hard-working Americans have put into the Social Security fund. That amendment failed. The Republicans said we could not do that.

Now, their reasons are similar to that analogy that I recall from that zealous military man who said that in order to save the village he had to burn it. In essence, that is what we were told today in the Judiciary Committee. We cannot put an amendment in that would protect Social Security from the massive cuts, because if we do so, we will ruin Social Security. The logic evades me.

Just minutes ago—in fact, I missed the vote because I was trying to get here—we had a vote to try to exclude some major cuts like veterans' benefits for those who have served in the wars of this country, defending this country, and who have now come back injured. We could not get the Republicans to agree to that amendment.

So it is disconcerting to see that the only way to try to find out what they are not willing to protect is by proposing amendments which they are now rejecting.

The gentleman from California [Mr. MILLER] pointed out that right now in California, as they are suffering through some major devastation from the floods and rains, it seems almost incredulous to believe that we are now talking about a balanced budget amendment which would cut away the money for some programs like the Federal Emergency Management Agency which would provide those emergency dollars to California right now. We do not know whether that will happen or not because we cannot get anyone in the majority to tell us, and that is a true shame. It seems that what we should be talking about right now is openness. It reminds me of those games that the kids play. Right now we are playing hide and seek with the American people. Rather than playing hide and seek, I think it is about time, since we are playing with Americans' hard-earned dollars, that we play show and tell. And at this stage we have not seen any show and tell.

Mr. DURBIN. Mr. Speaker, I thank my colleague, the gentleman from California.

Mr. Speaker, I yield back the balance of my time.

THE ECONOMICS OF SPENDING CUTS—AND WHITEWATER

The SPEAKER pro tempore (Mr. SAM JOHNSON of Texas). Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from Indiana [Mr. BURTON] for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I came down here tonight to talk about the Whitewater-Vince Foster-Arkansas Development Financial Authority debacle and how it pertains to the Clinton administration and in particular, to Bill and Hillary Clinton, the President and the First Lady. But before I do that, I feel compelled to respond a little bit to my Democratic colleagues who have been down here maligning the new Republican leadership about our economic policies and how we are going to deal with the financial problems of this country over the next 5 to 10 years.

First of all, let me say that we have been in power about a week to 10 days. You cannot expect everything to be accomplished in the first 10 days. After all, the Contract With America which we promised the American people before the election we will deal with is going to take a hundred days, and for us to do everything the Democrats are talking about today on the floor is virtually impossible. It is going to take a little bit of time to illuminate the American people as to where the cuts are going to take place and how extensive they will be.

Now, it is true that we are going to have to reduce over the next 5 to 6 to 7 years the cost of Government by about $1 trillion to $1½ trillion. That is doable, although my Democratic colleagues would lead us to believe it cannot be done without a lot of wailing and gnashing of teeth. We have a lot of Government agencies that can be done away with. We have a lot of Government agencies that can be reduced. The bureaucracy in this country can be cut dramatically.

On the first day of this session we reduced the congressional committee staff and the congressional budget by a third. That was just on the first day. So it can be done, but it is going to take time to go through each one of those agencies, each area of government, and cut the largesse that has been put on those budgets over the last 40 years. They have had control since 1954. They have had one House continuously since 1954 and both Houses for most of that time. So for us to turn around the runaway government that has caused these huge deficits and the problems facing this country is going to take more than 4 or 5 days.

Make no mistake about this, I say to my colleagues and to anyone else who may be paying attention across this great land of ours, we are going to reduce the size of Government. We are going to reduce taxes. We are going to pass a constitutional amendment that is going to say that if we raise taxes again, we are going to have to have a 60-percent vote, not 51 percent but 60 percent, because we do not want every Congress coming in here and saying on a whim that they want to raise taxes again, which has been the case for a long, long time. We are committed to streamlining Government and getting Government off the American people's backs as much as possible, and that includes the private sector, the entrepreneur, the businessman who creates these jobs in this country, as well as the cities and States that have been crying for years, "The Government in Washington tells us to do something and then doesn't give us the money to do it, so what we have to do is raise taxes at the local level, property taxes and sales taxes and State income taxes, to pay for it." So we have been putting undue burdens on local and State governments without giving them the wherewithal to deal with it.

What we want to do is reduce these Federal mandates and allow States and local governments to deal with their problems themselves, closer to the people, where they can do it better and more efficiently. And all these things we are going to be talking about in the weeks and months to come.

Chairman KASICH of the Budget Committee has said time and time again on national television that we are going to create a bank account, if you will, where we make the cuts in Government spending first and put it in the bank, and then we use that to spend in other areas where it is absolutely necessary, where we can make cuts, like cutting taxes. We are not going to do the spending first; we are going to do the cutting first. That is something that is new and revolutionary in this body because every time in the last 40 years, when we wanted to do something, we just raised taxes; we did not try to cut Government, we did not try to cut the bureaucracy, and we did not try to cut the regulations that have been burdening the private sector.

My colleagues indicated in their comments just a few moments ago that we had to create jobs, and the implication was that Government had to help in creating jobs. Government has been the problem in stopping job creation by loading on the backs of private business people more costs and more Government mandates that they have to pay for.

□ 1410

If a businessman in Ohio or Indiana or California is told by the Federal Government he has to do something, and it is going to cost money, that money does not come from heaven. He has to pay for that some way. The way he pays for it is by raising the price of his product.

We are now in a global marketplace, a global economy. You can get people to work in Mexico for $1 an hour, including fringe benefits. So the American entrepreneur, when the Federal Government adds a mandate on his back that is going to cost money, it puts him in a less competitive position with that businessman in Mexico, who has a great advantage already at the beginning because of wage rates and other things that the Mexican Government does not require that we do.

So every time our Government adds more requirements on private business in this country, it costs them money and it ends up costing jobs. So the things that they are doing over there by adding mandates and Government controls on business ends up costing Americans jobs and drives American industry out of the country where the cost of doing business is less and the American jobs go with it.

So what we want to do as a new Republican majority is reduce those mandates on cities and States, reduce those mandates and controls on the private sector so we can unchain the free enterprise system, so we can be competitive in any world market competition with Japan, with Taiwan, with Korea, with England, with France, with Germany, any country. And that is going to be good for America. It is going to cause a burgeoning economy, a growing economy in the years to come.

Less Government, less taxes, less Government interference, and less Government control means a stronger economy in the long term. And that is anathema to the more liberal element that believes more Government is better. They have believed for 40 years that the way to get things moving in the right direction is to sock it to the rich and give it to the poor. And the implication was that if you have money, that is bad, and we are going to take it from the rich and give it to the poor, and that redistribution of wealth is going to solve the problem.

The fact of the matter is poor people don't create jobs. A man who doesn't have anything doesn't go out here and create jobs. You have to have something to invest for plant and equipment. So we have to make sure when we cut taxes, we cut it fairly, not just for the poor and the middle class, but for the people who have the wherewithal to create jobs as well. They are the ones who make the capital investment for economic expansion and more jobs.

So we shouldn't have this class warfare they have been talking about for 40 years, rich against poor, because we are all in this boat together. And if we help the businessman, if we cut, for instance, capital gains, it helps everybody. It helps create jobs because there is more money for investment in new capital goods and equipment and plant expansions.

So I really kind of get upset when they are attacking various classes in our country and, in effect, attacking the very system itself which we call free enterprise, because free enterprise is the way you create jobs and economic expansion, not by more Government, not by more taxes, and not by more regulation.

When they start talking about Social Security, for anybody who may be paying attention that is a senior citizen, we have already said that Social Security is off the table. There are no cuts in Social Security planned, and so when they start talking about that, they are creating a red herring.

I think that is pretty much what I wanted to say about my colleagues. As I said during a small colloquy with my Democrat counterparts, I hope we can have some real honest debates, maybe during special orders, in the weeks and months to come, so the American people can see very clearly where both sides are coming from. But in closing on this section of my special order, let me just say that we want to unchain the free enterprise system, we want to reduce the tax burden on American citizens, we want to reduce regulation on the private sector so they can be competitive in the world marketplace, and if we do those things, then this country is going to be much, much better off. And the thing that my Democrat colleagues fear absolutely the most is that this revolution that took place on November 8 will continue into the next election and the next election and the next election, because their philosophy is not what the American people want. And I think that is one of the reasons why you hear them squealing so much right now.

COMMENTS ON WHITEWATER

Now, let me talk about something that is very, very important that deals with a different subject, and it has to deal with the President of the United States and Whitewater, the Arkansas Development Financial Authority, and a lot of other things.

Before we adjourned last November, I discussed several aspects of the Whitewater investigation and other related scandals surrounding President Clinton, in special orders. I said at that time that many, many questions remained to be answered, and that congressional hearings were the only way to get those answers.

As we begin this new year and new session of Congress, the questions are still unanswered, and the need for hearings into possible illegal activities by the President and First lady and others need to be answered, and we need these hearings. The necessity is greater than ever.

Today I am going to discuss some of the most noteworthy controversies that were created and discussed last year and that came to light. Then I will discuss some new revelations and new events that unfolded during the recess over the Christmas holiday. In the coming weeks I will be taking time on the floor to discuss a number of these areas in much more detail.

First of all, let me talk about Vince Foster. He is the fellow who was the counsel to the President, assistant counsel to the President, who was found dead out at Fort Marcy Park. There is a lot of questions concerning his death.

The evening of Vince Foster's death at Fort Marcy Park, the White House chief of staff, Mack McLarty, ordered Vince Foster's office sealed. He said it should be sealed to protect everything in there because there may be some investigation concerning his death.

His office was not sealed. Instead, three White House officials searched his office in the middle of the night and removed many files from his filing cabinets, and these documents were taken away.

The three officials who went into his office in violation of the what the chief of staff, Mr. McLarty, said was going to be done, were Bernie Nussbaum, the President's counsel; Hillary Clinton's chief of staff, I don't know what she is doing in there, Margaret Williams; and special assistant to the President, Patsy Thomasson.

It was later revealed at last August's congressional hearings before the Committee on Banking, Finance, and Urban Affairs that Bernie Nussbaum gave one of the files concerning Whitewater to

Margaret Williams, Hillary Clinton's chief of staff. After checking with Hillary Clinton, Ms. Williams locked the file away upstairs in Hillary Clinton's personal residence, and several days later it was given to the President's personal lawyer. When the President's First Lady was asked about this, she said it was locked away in a file and we didn't look at it.

Now, that bothers me. I am not certain that they would take that out of his filing cabinet in violation of what Mack McLarty requested and what the FBI and police would request, put it in her filing cabinet upstairs, and then she says she didn't look at it.

Two days later Bernie Nussbaum went back into Vince Foster's office and conducted a second search of his office, and he told the Park Police and the FBI to sit on chairs outside the office so they couldn't see what he was doing, and he removed several more files.

Here are some questions that need to be answered in hearings before the Congress. Why did Bernie Nussbaum, Ms. Williams, Hillary Clinton's chief of staff, and Patsy Thomasson, the chief personnel officer at the White House, remove files from Mr. Foster's office in the middle of the night after the office was ordered sealed? What documents were they searching for and what documents did they take out, and did they destroy any of those documents?

Why weren't the Park Police and the FBI given immediate access to Mr. Foster's office? Why didn't the White House give them access to all of the documents to help them in their investigation? Why were the Whitewater files locked up in the personal residence after they were taken from Mr. Foster's office? And have investigators from the independent counsel's office been given access to all of those files? We may never known, because we don't know what was taken out of there and if any of them were destroyed.

Here are some new developments. One of the projects that Vince Foster was working on was preparing 3 years of overdue tax returns for Whitewater Development Corp. He was assistant counsel to the President and was in the process of preparing tax returns for 3 years of overdue taxes for the White Water Development Corp. He had no business doing that while he was in the White House. Nevertheless, he was in the process of doing that.

We can assume that these were among the Whitewater records removed from his office by Mr. Nussbaum. The President's deposition, the President gave a deposition concerning Mr. Foster given to the independent counsel, which was released as part of the Senate Committee on Banking, Finance, and Urban Affairs report. And in his deposition, President Clinton said he was not aware that Vince Foster was working on tax records for Whitewater.

Vince Foster was the associate counsel to the President. He was working in the White House. His responsibilities were to do what the President wanted. And yet he was working on 3 years of back tax returns for Whitewater, the President was involved in Whitewater, and he said he didn't know anything about it.

The question is how could the President not know that his personal friend was working on a project of that importance? Whitewater had become a major scandal at the time and was consuming everyone's attention at the White House. Yet the President said under oath he didn't know anything about it.

Now, there was a briefcase I want to talk about. Six days after Vince Foster's death, White House officials informed law enforcement officials that they had searched Mr. Foster's briefcase in the White House office. They found a suicide note written on a sheet of legal size paper torn into 27 pieces with 1 piece missing. The pieces of paper had no fingerprints on them. Torn into 27 pieces and no fingerprints on it.

I don't know how that happens, but I guess it does. Two earlier searches turned up no such note. Now, get that. Two earlier searches of the office and briefcase turned up no such note, yet 6 days later they found this note torn into 27 pieces with no fingerprints on it.

□ 1420

Here are some questions. How can a piece of paper torn into 27 pieces of fingerprints, at least a smudge on one of them, how could two previous searches of his briefcase have missed such a note?

Here are some new developments. New and very serious questions have surfaced recently about Mr. Foster's briefcase. Independent counsel, Kenneth Starr, who I think is doing a very good job on this case, Independent Counsel Kenneth Starr is questioning witnesses before a grand jury right now about this matter. According to press reports, two of the rescue workers who were the first ones to arrive at the scene told the FBI that they saw a black briefcase in Mr. Foster's car at Fort Marcy Park. The park police reported no briefcase when they searched his car.

The two rescue workers were George Gonzalez and Todd Hall. They told the FBI about the briefcase last March.

Questions: Did the briefcase in Mr. Foster's car belong to Mr. Foster? If so, how did it get from his car at Fort Marcy Park back to the office? Three, why did the park police say they found no briefcase in Mr. Foster's car? And four, why did Independent Counsel Fiske at that time make no mention of this controversy in his report? The FBI interviewed these rescue workers a full 3 months before the report was issued. So that briefcase was in that car and it was Mr. Foster's briefcase, and they found a suicide note 6 days later in the office. And it is the same briefcase. It did not just fly there. Somebody had to take it there. That needs to be looked into by a congressional hearing as well as the special counsel, the independent counsel.

Destruction of documents in Arkansas. In March 1992, during the Presidential campaign, the New York Times published a groundbreaking story on the Whitewater Development Corp. and the Clintons. Three employees of the Rose law firm, where Hillary Clinton was employed, three employees of the Rose law firm have reported that they were summoned to the Governor's Mansion by Hillary Rodham Clinton and were given records that they were told then to shred back at the law firm. They reported making at least six other trips to the Governor's Mansion during the campaign. The shredding began after the New York Times article and ran up through the election.

The New York Times article implicated the President and the First Lady in Whitewater. They took these files back from the Governor's Mansion to the Rose law firm for shredding on seven different occasions. One employee said a conservative estimate would be that there were more than a dozen boxes of documents that were ultimately shredded and destroyed.

In 1994, a part-time courier for the Rose law firm, a man named Jeremy Hedges, told a grand jury that he was told to shred documents from the file of Vince Foster, the man found dead at Fort Marcy Park, who was assistant counsel to the President. This guy at the Rose law firm, this young man was told to shred Vince Foster's files. This occurred after Special Counsel Robert Fiske announced in January that he would investigate Foster's death. That appears to be obstruction of justice.

Here we had a possible suicide or murder case that was going to be investigated by the independent counsel or the special counsel and after the fact the Rose law firm started shredding Vince Foster's files. What were they shredding down there, why?

Mr. Hedges said that he knew they were Mr. Foster's files because they had Vince Foster's initials on all of them.

Here are some questions: Why were documents destroyed in Arkansas during the 1992 Presidential campaign after the New York Times reported that Hillary and Bill Clinton were involved with the Whitewater mess? We have other reports that indicate that the Whitewater files that Hillary and Bill Clinton were involved in were taken from the Rose law firm over to the Governor's Mansion before the campaign and then documents were taken back to the Rose law firm after this report by the New York Times and shredded. It appears they were the same documents, but we cannot prove that.

Two, did these documents contain crucial information about the Whitewater scandal that were needed by Federal investigators? One would guess that they probably did, but we do not know that for sure. Three, why were more documents destroyed in early 1994, after Mr. Fiske announced he would investigate the death of Vince Foster? Why did they start destroying all his files at the Rose law firm? And four, what documents were destroyed? And I am not sure we will ever know the answer to that one. But we do know that they were really destroying documents down there out of the Governor's Mansion after the campaign and after Vince Foster's death. That would lead one to believe that they had something to hide.

Now, Paula Casey, a conflict of interest. In 1993, Paula Casey was appointed by Bill Clinton to be the U.S. Attorney in Little Rock, AR. She had worked on his campaigns, and her husband had been appointed by Governor Clinton to a State job. She was a friend of Bill Clinton's, a very close friend.

Just before the election, the Resolution Trust Corporation sent the first of two criminal referrals concerning Whitewater to the U.S. attorney in Little Rock to investigate. It named the Clintons as potential beneficiaries of a check kiting scheme. Here we have this friend of Bill and Hillary Clinton, who is the U.S. attorney down there in Little Rock, and she had this referral from the Justice Department saying they should check this out, because there was a possibility of them being connected with a check kiting scheme.

Paula Casey, friend of Bill Clinton, who was the U.S. attorney, then let the referral sit on her desk for 9 months and did not do anything about it. She did not investigate. Why did she not do that?

In October 1993, the Resolution Trust Corporation sent a second criminal referral regarding Whitewater to the same attorney down there, U.S. attorney, Paula Casey. This one alleged that Madison Guarantee Savings and Loan illegally diverted $60,500 to Bill Clinton's 1984 campaign for Governor. So here is a second referral in a different case where there were funds diverted to Bill Clinton's campaign in the amount of over $60,000 illegally.

In October 1993, the pressure got pretty hot, because Paula Casey formally and secretly, without telling anybody, declined to investigate the matters brought in the first referral. She said, I will not investigate them.

Later that month, the RTC's referrals were reported in the press. When this happened, Paula Casey finally recused herself. So she refused to do anything, but then finally, when the press got onto it, she said, I will not get involved. I am going to recuse myself and let somebody else handle this.

Here are some questions. Paula Casey was a friend and supporter of President Clinton. He gave her her job. He gave her husband a job at the State. So why did she not recuse herself from this entire matter at the very beginning, when she got that first referral from the Justice Department? She waited 9, 10 months before she did anything. She had a clear-cut conflict of interest, but she did not do anything for darn near a year.

Second, how much more evidence could have been uncovered if an impartial prosecutor had been investigating this matter for the 9 months that the referral sat on U.S. Attorney Paula Casey's desk down there? And three, has Paula Casey been disciplined for her actions by the Justice Department? That is a question we ought to pose to Janet Reno, because Paula Casey certainly should be taken to task for not doing her job and letting this thing lay for at least 9 months.

Let us talk about another friend of Bill and Hillary Clinton, Dan Lassiter. Dan Lassiter was a multimillionaire in Arkansas. He was a friend and political supporter of Bill Clinton's. He contributed substantial amounts of money to Clinton's campaign for Governor, and he took the Clintons to several events around the State over a period of months and years on his own private plane.

Lassiter's investment company, Lassiter and Company, received millions of dollars in bond business from the State of Arkansas.

Question: Why did Mr. Lassiter's company receive the lucrative bond business from the State. Did Governor Clinton use his influence to steer these contracts to Mr. Lassiter because he was a friend? It was well-known in Arkansas at that time that Dan Lassiter was involved in drugs, in cocaine. He was the subject of a joint Federal/State criminal investigation.

In 1986, he plead guilty to Federal drug charges. Despite the seriousness of the charges, he spent less than 6 months in jail out of a 30-month sentence, and that was spent not in jail but in a halfway house.

He never went to jail.

In 1990, after he got out of the halfway house, Governor Clinton pardoned him.

Questions: Why did Bill Clinton pardon Dan Lassiter? Was it because Lassiter had been a reliable contributor to this campaigns? Was it because Lassiter loaned Bill Clinton's brother Roger $8,000 to pay off a drug debt and gave him a job? Bill Clinton's brother Roger got $8,000 from Dan Lassiter to pay off a drug debt.

All of these questions need to be answered in hearings.

Here is a little bit more on Mr. Lassiter. Last September, the Albuquerque Journal published a major expose about political interference in the investigation of Dan Lassiter and Roger Clinton. The article quotes former Lassiter employees at the Lassiter company as telling the FBI that they left Lassiter and Company between 1982 and 1985 because of the pervasive drug use at the company.

□ 1430

The article reported that the FBI received sworn statements from Lassiter employees that there were company Christmas parties where cocaine was served in ashtrays. They had it sitting all over the house.

Bill Clinton and Lassiter were very close friends. They went to a lot of parties together and a lot of functions, social functions together, so this was not a distant relationship.

The FBI and Arkansas State Police were cooperating in a joint narcotics investigation. State Police Investigator "Doc" Delaughter, and I hope everybody gets this, State Police Investigator "Doc" Delaughter told reporters that the investigation was closing in on Lassiter. He said, "Moneys could have been seized and planes could have been seized because we had evidence that cocaine was being used on these planes."

Bear in mind the President flew around in a lot of these planes during several of the campaigns and on personal trips. Cocaine was being used on these planes, and they could have been seized and moneys could have been seized during the investigation.

Delaughter also told the Albuquerque newspaper that the investigation was frustrated by interference by high-ranking State officials appointed by Governor Clinton. Delaughter said that he twice briefed State Police Director Tommy Goodwin over the phone about the investigation. Goodwin took the calls in the Governor's personal office.

He was talking to him about this drug problem and this investigation, and Goodwin, Tommy Goodwin, who was the State Police Director, he took those calls in the Governor's personal office. It is not known if Bill Clinton was in the room, but you would assume if it was the Governor's personal office he probably was there.

This investigation involved Bill Clinton's brother Roger. Delaughter told the newspaper that he was prohibited by his superiors from interviewing Dan Lassiter or Roger Clinton. The FBI did finally interview them, but Delaughter was told not to interview Roger Clinton, Bill Clinton's brother, or Mr. Lassiter.

A second State investigator, a man named Larry Cleghorn, was asked about political interference in the investigation of Lassiter. He said this: "You have to understand that we were in a State agency and our Governor was Bill Clinton. We just got done putting his brother in the penitentiary.

Lassiter was one of the Governor's big friends."

The State agents alleged that the State's part of the investigation was shut down prematurely for political reasons. Lassiter did eventually plead guilty to drug distribution, despite the interference by the State administration in the investigation. That was because the Federal investigation was ongoing as well.

Here are some questions:

Did then Governor Clinton's political appointees interfere in the investigation? It would appear they did. In fact, I think it is almost as clear as the nose on your face that they did.

Two, if they did, were they ordered to do so by Governor Clinton? If that is the case, there was an obstruction of justice.

Three, was Governor Clinton present in his office when the State Police Director was being briefed in the case of Clinton's brother?

Four, was Governor Clinton monitoring this case, which involved his brother and his friend?

Five, are these matters being investigated by the Justice Department or the Independent Counsel? And I believe the Independent Counsel is probably looking into all of this, because I have great confidence in Mr. Starr.

Let me just say that in the weeks and the months to come we will be continuing our investigation, my staff and I and others here on Capitol Hill, even though we have not had hearings, into Whitewater, the Arkansas development financial authority, the drug trafficking that was taking place and drug use, pervasive drug problem that was taking place at the hands of Mr. Lassiter. We will be looking into all aspects of this investigation and trying to report this to my colleagues.

I'm going to make a "Dear Colleague" for all the freshman Congressmen, both Democrat and Republican, who came in, so they can be kept abreast of what is going on. The fact of the matter is these questions must be answered.

A lot of people across this country are saying, you know, we ought to forget about Whitewater, we ought to forget about these investigations and go on. But the problem is no one is above the law, whether it is the fellow who sweeps the streets or sets pins in a bowling alley, if they still do that, or delivers papers, or the President of the United States.

If the President was involved in any kind of coverup regarding Whitewater, if there was any destruction of documents at the hands of the President or the First Lady that would obstruct the investigation into Whitewater, if the President did something to stop an investigation into drug dealing in Arkansas because this guy was his friend, if there was campaign money being given to the President's campaign that was illegal, that was being diverted through the Whitewater Development Corp., those are criminal violations.

I don't care who it is, they should be investigated thoroughly. If somebody violated the law, they should be prosecuted to the full extent of the law, no matter what their station is in life.

For that reason, we will continue our investigation. We will try to force hearings here on Capitol Hill. I believe there will be hearings. I believe Mr. Starr will continue his investigation of this. Hopefully, we'll come to some kind of a conclusion within the next year.

But make no mistake about it, my colleagues, we will be continuing special orders down here covering this and other topics related to Whitewater, and I hope my colleagues will pay particular attention, because it is very, very important.

NAFTA AND U.S. ECONOMIC POLICY

The SPEAKER pro tempore (Mr. JOHNSON of Texas). Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR] for 60 minutes.

Ms. KAPTUR. Today, Mr. Speaker, we are going to spend some time focusing on a very important issue that came before the Congress about a year ago called NAFTA, the North American Free Trade Agreement, or as some of us would like to say, the agreement that some would call "no more taking American jobs away someplace else, especially south of our border."

If you have been reading the newspapers, though it is sometimes buried on page 17 or 25, you will note that in Mexico there is a severe financial crisis currently going on in that nation. the purpose of today's colloquy will be to discuss with my good friend, the gentleman from Oregon [Mr. DEFAZIO] and others who will join us, what this means for the American worker and what it means for the American taxpayer, as well as the citizens of Mexico, because this week we are introducing legislation which the gentleman from Oregon [Mr. DEFAZIO] will talk about in just a second.

For those of us who opposed NAFTA, it is difficult to get up here and say "I told you so," but if the pain were not so great for thousands of people in our country and thousands of people in Mexico, we would not be so compelled as we are today.

There is a new kind for foreign aid afoot in our land. It is called NAFTA. Because of the instability in Mexico, our taxpayers, with no vote occurring here in the Congress of the United States, our taxpayers are being asked to foot a multibillion dollar bail-out of the Mexican peso. We do not even get a seat at the table.

Congress has no vote. The taxpayers in my district have no vote. The players who are at the table are giving the whole set of transactions a very fancy name. They are calling it debt swaps. They are calling them peso bail-outs. They are calling it teso bonos.

The average person that lives on my street in Ohio doesn't know what all this is. Only people connected with Wall Street and the Federal Reserve are supposed to understand this. So today we are going to try to clear the air a bit, because what this deal is actually doing is asking our taxpayers to back up a minimum of $9 billion of loans to Mexico, and through the Federal Reserve an additional $5 billion plus, we don't know quite how much.

But of course it is the deposits of our people in our banks, that then make payments into the Federal Reserve, that creates Federal Reserve, so we are all connected to that system. And then there are additional funds coming from some of the commercial banks in this country that are having a whole lot to worry about at the moment.

Over this past year, if you think about it, our Federal Reserve has raised interest rates on the American people seven times. All of the press has been wondering why are they doing that, because wages aren't going up in America. There is no inflation. What is going on over at the Fed? In fact, some group of citizens demonstrated against a Fed a couple of weeks ago.

We understand what the Fed is up to. When you have got to discount losses that you are going to be taking on loans that went bad through the commercial banking system to countries like Mexico, and when you have to monetize $150 billion of trade deficit, you have a problem on your hands. They are taking it out in higher interest rates on the American people.

As my colleagues and I predicted, just 1 year after NAFTA, NAFTA has meant a worsening of America's trade position with Mexico. In fact, it has been cut in half. We were told, for example, in the auto industry that we would sell 60,000 more cars to Mexico, but if you look at this charter, this is the truth about what has been happening since NAFTA passed.

□ 1440

Prior to NAFTA passing, this red arrow represents how many cars and trucks Mexico was sending to the United States. Over the years we have only been sending a trickle into Mexico, represented by this little arrow.

But after NAFTA, which was supposed to make this arrow look better for our people and this arrow look worse, what do we have? We have more vehicles coming up from Mexico into the United States, and the trickle from the United States down to Mexico continues, largely automobiles going down to rental car agencies in Cancun and

Yucatan and Mexico City where our people vacation. There has been no real growth of the middle class in Mexico.

With what has been happening in Mexico, what have we seen? Their currency, called the peso, has been nearly cut in half. It has been devalued by nearly 40 percent since the end of December.

What does this mean? That means that their goods will be cheaper on export, which means this number, whether it is cars or whether it is electrical wiring harnesses, whatever, it will be cheaper for them to send more into our marketplace and it will be much harder for the United States to send goods down there because our goods will become more expensive in their market.

Mr. DEFAZIO. If the gentlewoman will yield on that point.

Ms. KAPTUR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. I think I recall that during the debate over NAFTA, the gentlewoman from Ohio, myself and others raised the point that we thought the Mexican peso had been artificially propped up and overvalued in order to try and sell the NAFTA agreement. In fact as I recall, we said we thought it was about 20 to 25 percent overvalued. Of course we were wrong. Apparently it was 40 to 50 percent overvalued.

This was clearly on the part of the financiers on both sides of the border and some of the highest political officers in both countries an attempt to distort the ultimate impact of this agreement. In fact, the Mexican opposition party has filed criminal charges against their former president for concealing and manipulating the value of the peso, which has now crashed.

What this means, of course, is that the average Mexican worker, who has seen their wages decline rather dramatically over the last 20 years, will see another 40 or 50 percent decline relative to United States goods. Instead of having an average of $1,600 a year in buying power, that is, if they used all of their disposable income they could buy $1,600 worth of our goods, which was always the fallacy of NAFTA, it was never designed to sell goods to Mexicans, it was always designed to get cheap labor in Mexico to ship the goods here, now those Mexican workers will have total incomes in United States dollars of $800 or $900 a year. So if they save really hard, they might be able to buy a pair of running shoes at the end of the year from United States manufacturer based in Mexico, but not likely.

I think this is really key for us to explain to the American people. Not only has this happened, and not only are we now being asked to put up U.S. taxpayer dollars to prop up the peso.

This is the free market? It seems to me the free market is saying, "The peso is worthless, let it drop." No, we are going to prop it up with $9 billion out of our Federal treasury with no review by the U.S. Congress. Apparently Mexico can just draw on that $9 billion whenever they want.

Beyond that what is even more outrageous is the Federal Reserve Board which controls the deposits and the currency in this country has extended a secret line of credit to Mexico under secret conditions for a secret amount.

When my staff contacted the Federal Reserve, we were just told, "That's none of your business. We don't tell Members of Congress what we're doing." But if a bill comes due, if the Mexican Government declares bankruptcy or defaults, we will get the bill, the same way we did in the savings and loan crisis.

The American people are being played for suckers here again and this is what we need to communicate today. We are not going to let this keep happening without bringing the light of day to these secret deals.

Ms. KAPTUR. I want to compliment the gentleman for his leadership on this and for his introduction this week, along with several cosponsors including myself, of legislation to revoke NAFTA, until we can fix all the major missing pieces that are causing the continual job loss in our country and the tremendous instability in Mexico.

In a few weeks, we here in the Congress are going to be asked to vote on a balanced budget amendment. What is going to be very interesting about this whole debate is an issue like this one, when our taxpayers can be held hostage through our own U.S. Treasury Department and the Federal Reserve. When the private sector gets in trouble they receive special treatment at the doors of the Federal Reserve and at the doors of the U.S. Treasury. None of that is voted on here. It happens through a private set of relationships, but ultimately they get our taxpayers on the hook.

I have felt for a long time that if we are going to have requirements for certain types of budget balancing here in the Congress, we ought to put some additional restraints on the Federal Reserve and on our own U.S. Treasury Department which has all these sets of special relationships which in the end hold our taxpayers hostage and they cannot do anything about it.

It is the same thing as the savings and loan crisis. It is amazing how that stealth bomber got through here. We hardly had any debate. It came through at 2 in the morning. When the private sector's big financial interests really want something done here, they can certainly achieve it without any amendments to the Constitution. It just happens through sleight of hand.

Mr. DEFAZIO. I do not want to get too far afoot on the Federal Reserve, but I think it would be interesting for people watching to know that now this Congress has subjected itself to all laws. Yet the one entity now left in this country that is exempt from virtually every law, of conflict of interest, public disclosure, freedom of information, is the Federal Reserve Board. They have these extraordinary powers.

I can call and say, "Excuse me, I'm elected, I represent the Fourth District of Oregon, and I understand you are taking United States dollars and shipping them to Mexico to prop up the peso. I would just like to know what kind of collateral you got, what the terms of these loans are, and what you think the prospects are of repayment and how much money we're shipping to Mexico," and the Federal Reserve says to me, "That's none of your business, and we don't have to tell you. This is national security."

National security? National security when we are now paying to ship our jobs to Mexico? That is the bottom line here. We can document that there has been a net job loss through the first year of this agreement. That was not predicted by the proponents but was predicted by us.

The gentlewoman has demonstrated it very graphically with the automobile sector. In fact, autos were the No. 3 loser. The No. 1 loser was machinery and electric parts, which was going to build things in Mexico that will be shipped back here. They are a loser. Optical and photo was a big loser, and autos were No. 3.

We had a few winners. Tobacco. We exported more tobacco products to Mexico, we exported more articles of cork, and the Mexicans bought a lot more antiques and art from the United States during the last year.

How many jobs does that produce in America versus the deficit we are running in autos and other critical manufacturing sectors and a growing deficit and one that is going to grow astronomically with the devaluation of the peso?

These are questions that need to be asked and I really appreciate the fact that the gentlewoman has the guts to stand up here on the floor, because there is a lot of pressure, and you know it, for us not to talk out about this.

Ms. KAPTUR. I appreciate the gentleman's courage in doing so as well, and I find your statistic on art very interesting.

Because at the same time as we are losing jobs to Mexico, and our people's wages are not going up, art would be one of the major exports from the United States to Mexico. In 1991 there were only two billionaires in Mexico. Today there are over two dozen.

At the same time as the average Mexican citizen has lost buying power, if they were lucky enough to have $100 in savings in a local institution there, it has just been cut to $60. but somebody down there, and I have a hunch who it is, has been purchasing very expensive items, and I would guess it is those families that traditionally have owned everything in that country and command the wealth and the real political power inside that nation

One of the questions we are asking, in fact, we are sending a letter today to the U.S. Treasury Department in the Clinton administration asking them about this $18 billion bailout of Mexico. Some of the questions I would just like to read, because I think the American people should be thinking about these as well:

The first one is that in view of the fact that our banks in this country are earning historic profits, and they have been for several months now, why is our Government's intervention in the form of this currency swap and special Government loans necessary? If the private sector gambles and loses in a country like Mexico, why should those losses not be borne by the private sector? Why do we allow these people who are buying art to get off scot-free and then run right up to the door of our treasury and ask the American taxpayers to back up loans to bail them out?

Back years ago this happened again when the Brady bonds were created, if people have long memories back in the late 1980's. That debt that was accrued by Latin American nations in those days, what happened to it?

□ 1450

Well, folks, it is still out there. It is now in the form of Brady bonds, and in 1990 Mexico had to convert $33 billion of its debt to Brady bonds, and guess that the interest rate is on those bonds? Forty percent.

When Mexico pays or is supposed to be paying off all of these debts, who is earning the 40 percent? One of the questions we are asking the Treasury is we would like to know does anybody on my street have a right to buy those 40 percent bonds?

Mr. DEFAZIO. Would it not be nice if some of these interest earnings, extended with the backing of the U.S. Government, went to help defray our own deficit here in the United States? Would it not be refreshing if for once the American taxpayers did not just extend guarantees and send taxpayers' dollars but in effect they were getting a return?

I know that is not the case. The 40 percent interest is going to private investors, the largest banks in the country who are now desperately knocking at the doors; actually they are inside. We are not allowed in, but they are inside saying we would like another $10 billion for Mexico. Please send it now because we are worried out our investments and our payments. They are not worried about the American taxpayers.

Ms. KAPTUR. When we are sending this letter, and I am glad you led me in to it here, the second question in our letter to the administration is to what specific banking and corporate interests does Mexico's first $26 billion in outstanding obligations that come due this year, in fact $10 billion of that comes due in the first quarter of this year, go? Specifically we want to know names of institutions and bond holders largely in this country that Mexico owes money to. It would be very interesting to see who they are.

Mr. DEFAZIO. Now we are going to lend them taxpayer dollars under this line of credit to repay the loans made by private interests in this country.

Ms. KAPTUR. Would it not be great if every American who owned a home mortgage could do the same thing? In other words, rather than paying their mortgage payment next month, all they have to do is call the Federal Reserve, sit around the table, and rather than paying the mortgage payment they give them a loan to pay it off. Great concept.

Mr. DEFAZIO. And it comes from other taxpayers.

Ms. KAPTUR. That is right. And one of the issues here, the third question we are going to ask of those business entities incorporated in the United States to which Mexico is indebted, we would like to know which ones of these business entities hold voting rights at the district Federal Reserve offices and in which regions of the country. I would sure like to know how the Midwest compares to the Northeast and to the Northwest and to the South of this country. It would really be nice to know who has special favors at the Fed.

Mr. DEFAZIO. Mr. Speaker, I would just like for the people who are watching to know this is not an "I told you so." And we are going to go through the list of things we predicted would happen with NAFTA that have come to pass, including the peso devaluation. But there are a lot of short memories in Washington, DC, and a short attention span in the media when it comes to these very critical issues. But "I told you so" is not going to be enough in this case because thousands more American jobs such as the ones the gentlewoman talked about are at risk, and now tens of billions of U.S. taxpayer dollars are at risk and "I told you so" is not an adequate response. And that is why we are speaking here today and that is also why we will be introducing, this week, legislation to trigger the repeal provisions of NAFTA. There was a 6-month option out of NAFTA and we are introducing legislation to say this has worked as poorly and as badly and even worse than we ever anticipated. It is a loser for the American taxpayers, it is a loser for the American workers, it is a loser for the Mexican workers, and a loser for the environment along the Mexican border and the United States border, and it is time to repeal it and put in place an agreement that will benefit people on both sides of the border and help raise standards of living rather than depress them and bankrupt the Treasury.

I will have to step off the floor but I will be back because I want to continue the discussion. And I believe the gentleman from Vermont [Mr. SANDERS] will step up and take my place.

Ms. KAPTUR. Thank you very much, Congressman DEFAZIO. I think it is important for the audience to know this is a bipartisan effort. In fact, conservative Republicans, conservative Democrats and moderate Democrats, mainline Democrats are all supporting this particular effort.

Today in the Washington Post on page A-13 there is a story that talks about what is happening in the Mexican stock market as a result of the rippling effects of this devaluation of the peso, and one of the Mexican bankers said, "This is really a meltdown of catastrophic proportions. So we have the United States offering us loans. Eventually you get yourself another $20 billion in debt, and how are you going to pay for it?" And that is really the reason we are very concerned and why we have asked for NAFTA to be revoked because we would like to know, and we have asked this question in letters we are sending to the Treasury, if Mexico defaults, as nations have had trouble paying their debts in the past, is it the intention of our Treasury Department to enlarge the assistance? And what about the Federal Reserve? We are very concerned that the commercial banks that are involved in these lines of credit, that in the peso bailout their lines of credit are uncollateralized. That is how we got into trouble back during the last Latin American debt bailout, they were uncollateralized loans. Why are our commercial banks, from what we have read in the paper, since the Fed will not talk to us directly on this, why are they being allowed to have uncollateralized loans?

I know the gentleman from Vermont, who has been such a leader on this, is on the floor, and it is a pleasure to welcome him on our side.

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman very much for her leadership over the years. It is a pleasure to work with the gentleman from Oregon, PETE DEFAZIO, as well as other Members of the Congress. I am delighted to join with my colleagues today in supporting legislation which would repeal the NAFTA agreement that Congress passed last year.

When Congress passed NAFTA last year we were told that this trade agreement would be a step forward for both the economy of the United States and the economy of Mexico. We were told that it would be a win-win situation.

Unfortunately, 1 year later it appears to be a lose-lose agreement. Today up to 50,000 American workers have lost their jobs as a result of NAFTA and have filed for NAFTA trade-assistance benefits. The Mexican economy today is staggering and wages in Mexico are plummeting. Most alarmingly, is in the last few weeks the U.S. Treasury Department has opened up a $9 billion line of credit in order to shore up the sinking Mexican peso and they have encouraged United States commercial banks to lend additional billions of dollars to shore up the peso, all of which could very well lead to a disaster for the American taxpayer who ultimately could be asked to pick up the damage.

It seems to me that what NAFTA is about is a continuation of a trade policy in this country which has been very unfortunate for the average American worker.

Today in this country, and we do not talk about this terribly often, we have a $150 billion trade deficit. With NAFTA that deficit is becoming worse. I feel that GATT will only accelerate that problem.

Economists tell us that for every $1 billion in trade we create some 20,000 jobs. That means that with $150 billion trade deficit we are looking at the loss of 3 million jobs.

Second of all, when we look at the economy in America today, there are people who say the economy is doing fine, we are creating new jobs. The point to make is what kind of new jobs are we creating, what kind of old jobs are we losing?

The new jobs that we are creating are, by and large, low-wage, part-time, temporary jobs that often have no benefits at all. The manufacturing jobs we are losing, in agreements like NAFTA, are decent-paying jobs that have good benefits.

□ 1500

That process of losing decent-paying manufacturing jobs and replacing them with low-wage, part-time, service-industry jobs is one of the reasons that the average American worker is seeing a major decline in his or her standard of living. It seems to me that the beneficiaries of the NAFTA agreement, and as you will recall, I say to the gentlewoman from Ohio [Ms. KAPTUR], the people who pushed hardest for this agreement will be the major multinational corporations in America who will take our jobs to Mexico where they can pay people a $1 an hour, or today with the devaluation of the peso even less.

Who are we kidding? Why will large corporations pay American workers $10 an hour, provide decent benefits, have to protect the environment, when they can go to Mexico and get the unfortunate and desperate Mexican workers to work for substandard wages, when they can go to China and hire people in an authoritarian society at 20 cents an hour?

I think it is absolutely appropriate that we in Congress demand the repeal of NAFTA, that we make certain that the American taxpayers are not stuck with a billion dollar bill in trying to shore up the peso or protecting American banks who are lending the Mexican Government money, and I also think it is very appropriate that we begin to take a fundamental and hard look at our entire trade policy, which has worked to benefit large corporations but has worked detrimentally to the needs of the average American worker. So I think that we are doing something that is important.

I hope that we will gather more and more support from Members of Congress to stand up, to repeal NAFTA, and to reverse our trade policies.

Ms. KAPTUR. I appreciate the gentleman joining us today, and your leadership on this throughout our country has just been tremendous, I say to the gentleman from Vermont [Mr. SANDERS], and your people are very lucky to have you as their Representative, for sure. I am sure you are as distraught as I am that people like ourselves receive phone calls from the administration, whether it is this administration or the prior administration, anytime we try to question when the big interests are able to get special access at the U.S. Treasury Department or at the Federal Reserve, it is amazing to me how quickly the administration responds.

So, for example, if Mattel Corp. or the Big Three or some of the big investment houses stand to lose anything, right away they get invited over to the Fed. They get welcomed. In fact, we were called by the Treasury Department very concerned about our saying anything about this whole question of the peso bailout here in Congress today. Yet when we tried to call them over a year ago and tried to get them interested and get the administration interested in workers across this country who would lose their jobs, they would not even come over and meet with us.

We wanted to put provisions in NAFTA to pay the kind of attention that is being paid to the investment community to the workers of our country, and we were given short shrift. In fact, we were not even welcomed into 1600 Pennsylvania Avenue, those of us concerned about what is happening to workers across this country. Yet we know there has been one factory a day closed in this country as a result of NAFTA.

We have a list in our office of thousands and thousands of U.S. workers losing their jobs, 50 jobs here, and in Horsham, PA, 40-some workers who used to make bridal and bridesmaids gowns, at Alfred Angelo Co., in Bennington, VT, your home State.

Mr. SANDERS. That was the Johnson Control factory in Bennington, VT, and that was a very painful situation, very serious loss to our community and to the hundreds of workers who were affected.

The only word I want to add to what you are saying, I say to the gentlewoman from Ohio [Ms. KAPTUR], as important as it is to document the loss of jobs, there is another process going on as well, and that is the lowering of wages of workers whose jobs remain in existence.

Very clearly when you have a process by which jobs are going to Mexico and China, when workers go into their employers and say, "We want a decent wage increase," what the employers are saying is, "Hey, you better take a 10-percent decrease in wages or we can take your jobs to Mexico or anyplace else." So this whole process in putting continuous pressure on the decline of real wages in America. That is a very important point to keep reaffirming.

Ms. KAPTUR. The gentleman from Pennsylvania [Mr. KLINK] has joined us here today, such a strong voice for industrial and manufacturing America. We are thrilled to have you as a cosponsor and welcome you here this afternoon.

I yield to the gentleman from Pennsylvania.

Mr. KLINK. Mr. Speaker, I was very pleased, sitting back in my office, to hear that you have taken this time to have this discussion.

As a relatively new Member just beginning my second term, you both know how hard we all fought and the message we carried during that year 1993, and we said that these things that have happened were going to happen. I sat on the Banking Committee. We knew there were problems with the peso. We knew there were problems with integrating the Mexican banking industry with the United States banking industry. Yet all of this was ignored when NAFTA came to the floor. It passed and became the law of the land.

Actually being rather new at this legislative business, I told those people who live in my district, a very blue-collar area around Pittsburgh, I put a lot of my heart, soul, and blood and sweat into my first year here into defeating something that I felt was very wrong not only for the workers in my district but very wrong for the workers across this Nation. That is NAFTA.

I would very much prefer that I be wrong. I want to be wrong. I want someone to say, "It is because you are new; you do not understand trade, Congressman RON KLINK. This is going to work. All of these promises. All of these jobs are going to be created. And you know what, the 160,000 manufacturing jobs that you lost in southwestern Pennsylvania over two decades, that whole thing is going to be reversed now because we have passed NAFTA, and we are now going into GATT and the trade policies, the gurus who have run trade for our country under Republican Presidents and Democratic Presidents, are all right, and we are all wrong. We will go back and get educated and we will learn later on."

It is very painful to me, my fellow Members who have fought very hard against NAFTA with me, to stand here today. We do not want to say we told you so. We would prefer to be here taking up another issue, enjoying the prosperity, having our workers making a very livable wage, having them be able to have additional free time in the evenings and weekends to be with their families, creating safe and secure communities. But instead what has happened is all of those people who rushed down to Mexico to make investments are now asking the people who live in our districts to bail out the peso, to bail out the investments that they have made in Mexico over the past year, because they have lost 40 percent on their investments.

The peso was being propped up before the NAFTA agreement. It was being propped up falsely before this NAFTA agreement was ever secured.

Ms. KAPTUR. Just for a second, it interested me at what point the Government of Mexico decided to devalue the peso. You know, they have their Presidential elections in August, so everything was quiet up until August. Then we had a GATT vote here, and that was right after elections. We delayed it. Nothing was said. Nobody wanted to upset the applecart.

Then we had the vote on GATT here late in November, and, boom, right after that, when everything was set and secure, then the decision was made to devalue the peso, and our Government knew for a long time this was coming, the officials over at Treasury and the Fed.

So it was all orchestrated at the highest levels, no debate down here, no discussion, and now, as you say, our people have to foot the bill.

Mr. KLINK. If the gentlewoman would yield further, I will say that we brought up, and I remember all of us being on the floor during the GATT, that we knew that there were problems. Now we have got small staffs that deal with trying to solve problems that our constituents have with the Federal Government. We have legislative staffs that help us to do whatever our legislative assignments are on whatever committees and subcommittees we serve. But we do not have the ability, none of us, as Members of Congress, have the ability to be able to monitor each and every one of these agreements and each and every piece of legislation we vote on. Oh, but that we could. But we know there was a rotten apple in the barrel. We knew something was going on, no hearings, mock hearings they call it, on GATT, no real hearings. You are right, the Mexican elections went by the board. But what happened unfortunately again was that immediately after the passage of NAFTA we saw an uprising in Chiapas and, unfortunately, those people from Mexico, those scholars and those people working on the Mexican side, also against NAFTA, told us this unrest was going to occur. We knew there was going to be a problem in Mexico.

It did not take a week for bloodshed to begin to occur, and we have seen the problem of illegal aliens exacerbated.

My own State of Pennsylvania, No. 1 in the Nation with NAFTA trade-adjustment assistance applications, so it did not take long for these things to begin to happen.

The gentleman from Oregon is now here who has really been one of our leaders in the anti-NAFTA movement, the gentleman from Oregon [Mr. DEFAZIO], and who really has authored this bill that we are here as proponents of today.

It is time, I say to the gentleman from Oregon [Mr. DEFAZIO], and I thank you for your leadership, it is time that we pull off the mask, that we stop the charade and say this NAFTA has been a failure, it has been a failure to us as legislators, to the administration, to the American workers, and to the American investors, and even those corporations who have gone down there thinking they were finding tall, green grass and found out instead there is deep red ink.

I think deep red ink would be a polite description of what they are into in Mexico.

But what the gentleman said, and I thought this is something, these issues are so awesome; talk about the Federal Reserve Board, talk about the secret transfers of billions of dollars, the Treasury extending a line of credit of $9 billion of our dollars. A lot of people listening do not know what trade adjustment assistance is. What the gentleman is talking about it that in his State more people have lost their jobs and are now unemployed and have applied for a special Federal program set up under this legislation paid for this program. So when we passed this, we must have anticipated Americans were going to lose their jobs, because we set up a special program for people who lost their jobs.

Mr. KLINK. Absolutely.

Ms. KAPTUR. It is a $9 billion figure. They had a few millions of dollars to accommodate American workers. Here now we have a $9 billion bailout that we are not even aware of. I am sure it is more than that when you count the $5 billion that the Federal Reserve is putting into that. It is amazing how quickly, how quickly our Government jumps to the tune of those who have a lot of money, investors and bankers, but when it comes to workers who need attention, he and she got no attention in the body of the agreement.

Mr. DEFAZIO. Further on that point is, those 30,000 who have applied, many are lost in the Federal redtape. They have to prove beyond a shadow of a doubt that they can identify where their jobs moved to in Mexico. I believe the figure is 12,000 have been approved. That means that 18,000 are in need of special assistance. As the gentlewoman points out, out of a few hundred dollars a week for people whose jobs moved or were shifted back to Mexico, changed by United States policy, and yet at the snap of a finger, the Federal Reserve can spend billions of dollars with no Federal disclosure and the Treasury can pony up a $9 billion line of credit somehow, but the workers who are out of jobs are still waiting in line at the unemployment office, hoping, begging for a bit of help so they can get retrained.

Ms. KAPTUR. I yield to the gentleman from Vermont.

Mr. SANDERS. I think one of the questions we have to ask ourselves in this whole debate is who are the forces in America, who are the groups who pushed us into NAFTA? The answer is virtually, virtually every large multinational corporation.

Who are the forces who were opposed to NAFTA and who raised over a year ago many of the same concerns that we are raising right now? Those were the groups who represented the American workers, those were the groups who represented family farmers, those were the groups who were concerned about the environment.

What about the media? The gentleman from Oregon [Mr. DEFAZIO] made an interesting point, the gentlewoman from Ohio [Ms. KAPTUR] made the same point: We are talking about a $9 billion line of credit from the Treasury Department and a line of credit that we do not know from the Federal Reserve. Even in Washington, that is a lot of money.

Now, every day you turn on the television and you hear about welfare reform. Well, AFDC, aid to families with dependent children, is $12 billion, a lot of money. That is on the front pages every day. How much public discussion has this untold billions of dollars been receiving on the front pages of the paper? Money which is not going to poor people in America, money which is not going to the hungry children in America, money which is going to shore up the peso and perhaps to protect American banks which are investing in Mexico.

People in Vermont do not call me up and say, "Bernie, I want to use my taxpayer dollar to shore up the peso." I do not think I have gotten one call on that issue yet.

People are concerned about our deficit, they do not want to spend billions of dollars shoring up the peso. They would like that money to go to retire our deficit, they would like to see that money go to feed hungry children, they would like to see that money going to deal with the homeless.

The second point that I want to make on this discussion: After NAFTA was passed—and everybody in this room knows that it was a tight vote, both parties split and the American people were split right down the middle, and we checked—we were concerned about the nature of the reporting that we saw during the NAFTA debates and that I am seeing right now. We checked through every large newspaper in America—the New York Times, pro-NAFTA; the Wall Street Journal, pro-NAFTA; Gannett, pro-NAFTA; and so on and so forth; 17 of the largest papers in America were all pro-NAFTA. We did not find one that was anti-NAFTA.

So I would urge and request that the corporate media pay attention to this issue, maybe admit that they were wrong, and start giving some coverage to the fact that American taxpayers may be on the line for tens of billions of dollars in bailing out the Mexican economy.

Mr. DEFAZIO. If the gentleman would yield, I have five daily newspapers in my district and an untold number of weeklies. Every one of those five newspapers endorsed NAFTA.

Now just a little, tiny bit of history. I am from Oregon. We are famous for Willis Hawley. Everyone who has studied economics 101 hears about the disaster of the Great Depression having been caused by the Hawley-Smoot Tariff Act was passed 9 months after the crash of the stock market. So it is hard to say that somehow those tariffs triggered the stock market crash or the Great Depression. But they become a convenient whipping boy.

Now, if anyone raises reasonable concerns about our trade agreements, the fact that we do not have reciprocity with Japan, the fact that we are giving away sovereignty with GATT, or the fact of the case of the North American Free-Trade Agreement that we are now obligated to prop up the Government of Mexico with billions of United States taxpayer dollars, you are called a protectionist. I do not call that a protectionist.

We are told that this is a national security issue. Yes, it is a national security issue. We are talking about American jobs and American taxpayer dollars, and we want to protect our national security by revising and rewriting wholesale this agreement because it is a loser for the people of this country and for the people of Mexico.

Ms. KAPTUR. Would it not be interesting to have a meeting, and I would challenge our U.S. Treasury Department and the Federal reserve. If you have ever been over to the Federal Reserve, they have the largest board room meeting table you have ever seen in your life. I do not know where they got lumber for it. It is absolutely gigantic. On one side of the table we would have all the claimants who want our taxpayers' money, right? Would that not be great? And then on the other side we would have the representatives of every single company that has shut down in this country, and the workers that worked in those plants on the other side of the table; would that not be a great meeting over there? They would have more fun.

We would finally get the American people inside that board room and take them up to the Treasury Department, with the big room that they have over there with all the chandeliers. Would it not be an interesting meeting of all the bankers, Wall Street investors, the multinationals, the big banks who want loans and money from our taxpayers, putting our taxpayers at risk, and then the very people they put out of work in the same room? I think it would be one of the most exciting meetings in Washington.

Mr. KLINK. I think it is an interesting point that both of the gentlemen make with respect to the newspapers and their coverage on this issue. I come to this from the standpoint of having been in the news media for 24 years as a reporter myself. I think it is interesting now, and I made this point at a press conference earlier today, now that these reporters themselves are going to be asked to dig into their own pockets and take their tax dollars that are going to go to Mexico to prop up the peso, maybe all of a sudden there would be some interest in the fact that this NAFTA agreement is not working as promised.

The other point made just a few moments ago, again I think I have heard no one in my time in Congress who has been a better spokesman on corporate welfare than the distinguished gentleman from Vermont [Mr. SANDERS]; that is exactly what we are talking about. At a time when we have need for welfare reform, we all agree that the system is flawed, we need to make some changes to it, but we are talking about all of the welfare, 1 percent of the Federal budget. Now here we are talking about untold billions of dollars, not only in the corporate welfare that occurs in this country, but not to go offshore to prop up the peso so that this frivolous investment, this get-rich-quick scheme that pursued the signing of the NAFTA agreement, can be propped up and that they will not have to face the consequences that their investments have led them to, their faulty investments have led them. These are the same people you hear, "You have got to prop these companies up because we can't let those people who own stock in those companies be hurt by this, because these are companies that also provide jobs here in the United States."

The point of the matter is the reason they are in trouble is because they have not made their investments there.

□ 1520

They have not made their investment in American workers. They have decided to leave us behind, walk offshore, wherever the cheapest labor is, and they got caught, and now they want us to pay to get their fingers out of the cookie jar.

Ms. KAPTUR. I want to say something on that to the gentleman.

As my colleague knows, this talk about job training for American workers? I support all kinds of skilling up of the American work force and our kids in school, and vocational programs, and after-school programs, and college programs. But the point is, if we have got companies taking those jobs someplace else, why care how much training we give people? When they are finished with their education, there is not going to be a good-wage job with benefits there for them, and I yield to the gentleman.

Mr. SANDERS. I can remember on the floor of this House, in my first term 3 years ago, sometime around 2 o'clock in the morning, some $2 billion that some of us had managed to put in the budget in order to feed hungry children and take care of the needs of the millions of kids in this country who are doing without. It was taken out of the budget, my colleagues. We could not afford $2 billion to take care of hungry children in America. Big debate.

What really concerns me is not just that we are putting $9 billion into a line of credit from the Treasury Department, an untold line of credit from the Fed; what really gets me is there is no debate at all on this issue.

Now where are all of those people who ran for election in November who talked about accountability in government, who talked about the $200 billion deficit, who talked about the balanced budget amendment? Where are they now? I am listening; I do not hear anything.

I guess that when we talk about money for hungry children, when we talk about Federal aid to education, affordable housing, we cannot afford it. But when it comes to bailing out corporate America, when it comes to shoring up the peso, not only can we afford it, there is no debate, no discussion, not one word on the floor of the House.

Now our honorable new Speaker, very articulate gentleman, very clear about what he believes in; some of us are eagerly awaiting his words of wisdom on this important issue.

Last point on the issue:

In this last election 38 percent of the American people voted; 62 percent of the people did not bother to go to the polls. Tens of millions of people no longer believe that they have a voice in what happens in government, no longer believe that the U.S. Government is here to respond to their needs. They are boycotting American politics and government, and one can understand why people give up on the political process.

People are working in my State of Vermont 50, 60, 70 hours a week to keep their families afloat. They are paying too much in taxes, and now, without any discussion, we have the Government talking about a $9 billion line of credit, and that is why people are giving up on the political process.

Mr. DEFAZIO. Mr. Speaker, if the gentlewoman would yield for just a moment, I would just like to go back to a point that came up during the press conference, and I noticed that the gentlewoman was a bit beleaguered by a reporter from her district who did not seem to understand the difference between a net trade balance and shipping a few cars to Mexico, and he would point to the representation of 2½ cars going to Mexico and say, "Well, look, that's an increase from one-and-a-half cars symbolized there going to Mexico. That means we send another 10,000 cars to Mexico." Unfortunately he was totally ignoring the other side of the ledger which showed another—I believe it is 200,000 cars coming from Mexico to the United States.

So, what this means is the United States actually entered into a deficit, a trade deficit, with Mexico for the first time in recent history of $81 million in October, and that is just the beginning. We are going to run trade deficits with Mexico.

Now I come from Oregon, and everybody says Oregon is a free-trade State, and, by gosh, we benefit from trade.

Well I met with Dr. Charles McMillan, Ph.D., contributor to the Harvard Business Review and scholar, a member of the Clinton transition team, to talk about trade issues yesterday. He said, "Isn't it interesting?" He said, "In the GATT debate and the NAFTA debate we heard how every State is running a surplus and benefits from trade, but somehow the United States of America is running a $160 billion trade deficit," and in fact he recalculated those numbers and found out that my home State of Oregon is a net loser in trade, as is virtually every other State in the Union, and for Mr. Clinton's State, big-time losses. Thousands of jobs from his State have been shipped overseas in the last year.

Now these are points we have to make because my colleagues will read the headline. It said, "Detroit Thrilled." They shipped 10,000 more cars to Mexico. It does not say Detroit really thrilled, they built 250,000 more cars in Mexico and shipped them here with dollar-an-hour labor. That is what the headline should be, but the press will not run that headline. They only run the one that comes out of the boardroom.

Ms. KAPTUR. The gentleman raises such an important point because those interests in our country, those monied interests, only want us to focus on one part of the equation, this part, the products going from America to Mexico which are——

Mr. DEFAZIO. Awful hard from here. I can hardly see it.

Ms. KAPTUR. Very, very small—and they say, "Wow, we are sending 20,000 cars. We are doing real well. We didn't send any before."

Of course they are sending them to rental car companies in Cancun and in Mexico City where Americans can vacation. They never talk about this number, the 277,000 cars and trucks coming the other way. It completely obliterates this, and that is why America's trade advantage with Mexico has been cut in half and, in October, went into the red. I say to my colleagues, you have to read the fine print so carefully.

It is just like articles in my own local newspaper back home when they talk about wages and they talk about the economy in our area. The last paragraph at the bottom of the page on the insert says, "But wages didn't go up. There is job creation, but there is no wage growth, and the reason is because we are cashing out our good jobs with good benefits to the low-wage nations of the world that are largely undemocratic in nature whether it's China, whether it's Mexico, whether it's many of the nations that repress their work forces and do not in their laws provide for the dignity of work."

It does not surprise me why our wages are going down.

Mr. DEFAZIO. And, if we use the other interesting statistic, maybe getting less esoteric here, Treasury has two sets of numbers, and that is for goods exported to Mexico that were made in the United States, and in the second is for goods that were transshipped.

We have become a point of entry for European goods that have shipped a container to New Orleans, and then will ship from New Orleans to Mexico in order to avoid the customs and tariff on European goods, and they add that into our balance of trade. Maybe one dock worker checks that container for 1 or 2 minutes of his or her day, but that was the total American contribution to that effort. But that counts as part of our exports to Mexico. It is, as my colleagues know, it is a transshipment.

I mean it is amazing, the lengths to which our Government has gone to try—and even when they get all done with that, they still have to show a deficit in October, and that was before we got to the devaluation, and does any American believe, or do any of those muckamucks really believe, that we can go on, year in, year out, running a trade deficit with the rest of the world of $120, $140, $160 billion, and someday the piper will not come due. We are not only exporting those jobs this year by running those trade deficits. Someday someone is going to ask us to cough up those dollars that we are shipping overseas. We have more than $1 trillion of Federal debt now. From 1917 until 1984 the U.S. Government was the largest creditor in the world, and now we are the largest debtor in the world. We owe more money to the rest of the world than all of those problem nations combined. Add them up, Brazil, Mexico, everybody else. Our trade debt is greater than every other nation in the world——

Ms. KAPTUR. If the gentleman will yield, I think that is why the Federal Reserve has been hiking interest rates in this country and taking it out of the hides of our people, not because inflation is a major issue in this country, not because our people's wages are going up, because in fact they are not except for those at the very, very top. But I think that is why the Fed is raising interest rates, because they are having to monetize the traded goods sector, and we have held these huge deficits with the rest of the world. I think with China it will be over $40 billion more of Chinese goods coming into this country than United States goods going over there this year. With Japan it will be a similar number. For the last 15 years we have not had any kind of trade balance with Japan. I do not think we have ever had one in fact. Now with Mexico the advantage we had is just disappearing overnight.

□ 1530

So I think that is why interest rates are really going up in this country.

Mr. SANDERS. The absurdities pile on top of the absurdities. Not only is everything that you are saying true in my opinion, but on top of that, we are spending tens and tens of billions of dollars to defend Asia against whom I am not exactly sure.

Some years ago we were told that it was necessary to spend huge amounts of money defending freedom against the Communist Chinese dictatorship. Well, surprise, surprise. The last I read, the Chinese Communist dictatorship still exists. But now they are OK because they are, for the first time, and have been for a number of years, welcoming tens of billions of dollars of American corporate investment. So we are spending huge amounts of money defending somebody in Asia, I am not exactly sure, against a country which now welcomes American corporate investment, and in fact many of the corporations like China, because it is very difficult for the Chinese workers to stand up and defend their own rights.

So the absurdity piles on top of the absurdity.

Ms. KAPTUR. Last week, we had the swearing in of Members of Congress, and there was a performance in the afternoon by a group called the Power Rangers, which is a very popular toy where they have these animated shows that they take around the country and around the world. And most Americans do not realize that that particular toy, which sold over 300 million dollars' worth in our marketplace last year, there is not a single one made in this country.

In fact, the Power Rangers is owned by Bandai Corp., which is a Tokyo-based company. They employ about 700 people in Tokyo only in marketing. They employ all of their workers in Asia, especially in China and Thailand, and they pay them nothing. They then take those low wage produced goods and they sell them over here from $29 all the way up, there are some $5.95 figurines. But if you go into your local toy store, which I did and I turned over every toy that was there, they were all produced in China, they were produced in Thailand. And somebody is making the money off of the out sourcing of production by these big multinationals, whether it is Bandai or Mattel, which is located in our country. And most young girls do not know that there is not a single Barbie doll made in America. Mattel has out sourced all of its production, and yet the children, these companies look upon our children not as children, but as a market, as a market. And they buy time on all these television shows and all of the rest. And none of our workers are working, yet parents and grandparents go to the store, they want to buy that for their child or their grandchild, and they pay top dollar, $29 all the way up to $200.

Mr. DEFAZIO. If the gentlewoman would yield on that, because this is a point that occasionally a constituent brings up with me. And they say look, if we didn't have this free-trade agreement with Mexico, consumers would suffer. I said wait a minute, do you think that Chrysler, which is building a new large Dodge Ram truck plant, a truck that sells for a minimum, I think, of $15,000, some of them sell for as much as $30,000, I said do you think Mexicans with their former average earnings of $1,700 a year, this week reduced to about $800 or $900, are going to be buying many of the Dodge Rams which they build? And they say, well, no.

I said, have you noticed that since Chrysler or other United States firms started building these trucks in Mexico, that the price has come down? Oh, no.

Have you noticed that the profits have gone up, but the price has not come down?

Well, now that you say that, yeah, I guess I did notice they had their most profitable quarter ever.

I say that is the point. Even if you can argue that we should produce goods overseas because we can exploit cheap labor and it will be beneficial to the American consumer, the bottom line is that does not happen. The prices do not go down. The profits go up.

Nike Corp., based in Portland, OR, they don't make anything in America anymore. They used to manufacture shoes here.

Ms. KAPTUR. If the gentleman will yield, I read that Nike, it costs them $8 to make a pair of sneakers in China. They have some white collar workers up there in Oregon that are marketing people, just like the Bandai Corp., in Tokyo with Power Rangers. It costs them $8 because they pay their workers 10 cents an hour in places that you and I have never been in China. The American public doesn't see it. They ship the shoes over here, and we are charged $66.99 all the way up to $150, but they pay Charles Barkley $20 million to make us all feel good through advertising when we buy those shoes. And there are very few shoe manufacturing companies, most of those were located in Congressman SANDERS' region of the country, very few shoe manufacturing companies left in this country.

So our people are really being put over a barrel. And you are right, prices do not go down, but corporate profits go up. Prices go up and our wages are coming down. And there are some pretty significant reasons for it.

Mr. KLINK. If the gentlewoman will yield, I had the distinct honor last year to chair a hearing in Wilkes-Barre, PA, it was a company by the name of Leslie Fay. This gets us back to NAFTA. Because you understand at the time when we are being asked to prop up the peso, the administration and others are taking a look at how can we expand this NAFTA agreement to Central America and to South America.

This hearing was because the Leslie Fay Company wanted to pull out thousands of jobs from Wilkes-Barre, garment workers, and they wanted to take these jobs down to Central America. And we had two blouses there. One was made in Central America, and it was a $50 blouse, and the workers were paid 35 cents an hour. The other one was made by Leslie Fay workers in Wilkes-Barre, PA, and it costs $48, and the workers were paid over mininum wage for certain. So there is no savings on this.

Ms. KAPTUR. I believe that our time has expired. I just wanted to thank the gentleman here, the gentleman from Vermont [Mr. SANDERS], the gentleman from Pennsylvania [Mr. KLINK], and the gentleman from Oregon [Mr. DEFAZIO], for their leadership in speaking up for the people of the United States, the people of the continent, and the people of the world, not just those investors in large multinational corporations who have access to the media and to our own financial centers.

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ELECTION OF MEMBERS TO COMMITTEE ON RULES

Mr. KLINK. Mr. Speaker, I offer a privileged resolution (H. Res. 34) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 34

Resolved, That the following named Members be and they are hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON RULES

Mr. Moakley, Ranking Minority Member;
Mr. Beilenson;
Mr. Frost;
Mr. Hall of Ohio.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BALDACCI) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. VELÁZQUEZ, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

(The following Members (at the request of Mr. MCINTOSH) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today, and on January 13.

Mr. MCINNIS, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BALDACCI) and to include extraneous material:)

Mr. TRAFICANT in six instances.
Mr. LEVIN in two instances.
Ms. VELÁZQUEZ.
Mr. FOGLIETTA in two instances.
Mr. SCHUMER.

(The following Members (at the request of Mr. MCINTOSH) and to include extraneous material:)

Mr. CHAMBLISS.
Mr. SOLOMON.
Mr. BURTON of Indiana.
Mr. PACKARD.
Mrs. VUCANOVICH.
Mr. COLLINS of Georgia.
Mr. HOKE.
Mr. WOLF.
Mr. LAZIO of New York.
Mr. NEY.
Mr. BILIRAKIS.

Mr. Walsh in two instances.

(The following Members (at the request of Ms. Kaptur) and to include extraneous material:)

Mr. Quinn.
Mr. Gilman in two instances.
Mr. McCollum.
Mr. Kim.
Mr. Orton in two instances.
Mr. Cardin.
Mrs. Maloney.
Ms. Kaptur.
Mr. McCollum.
Mr. Lipinski.
Mr. Gephardt.
Mr. Forbes.
Mrs. Johnson of Connecticut.
Mr. Hoke.
Mr. Gallegly.
Mr. Shuster.
Mr. Duncan.
Mr. Frank of Massachusetts.
Ms. Eshoo.
Mr. Upton.
Mr. Filner.
Mr. Stark.

ADJOURNMENT

Mr. Klink. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Friday, January 13, 1995, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first, second, third and fourth quarters of 1994 in connection with official foreign travel, as well as the consolidated report of Speaker authorized foreign travel for the third quarter 1994, pursuant to Public Law 95–384, and 1994 reports of various miscellaneous groups, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Julian Dixon	5/27	5/31	Caribbean area								
Hon. Bill Richardson	5/27	5/31	Caribbean area								
Calvin Humphrey	5/27	5/31	Caribbean area								
Total									964.00		964.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN,
Chairman, Oct. 17, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ron Wyden	1/31	2/1	Japan		393.00		1,176.95				1,569.95
Hon. Bill Sarpalius	1/12	1/15	Russia		950.00		1,784.95				2,734.95
Christropher Mattson	1/12	1/15	Russia		950.00		1,784.95				2,734.95
Hon. John LaFace	1/11	1/13	Mexico		213.00		675.45				888.45
Marilyn Seiber	1/11	1/13	Mexico		213.00		450.45				663.45
Steve Jenning	12/26	1/6	England		[3] 138.00		520.45				658.45
Hon. John LaFalce	3/30	4/1	England		552.00						552.00
Committee total					3,409.00		6,393.20				9,802.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Reflects actual expenses.

JOHN LaFALACE,
Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William J. Hughes	5/27	5/29	Sweden		482.00						482.00
	5/29	5/31	Finland		352.00						352.00
	5/31	6/2	Russia		600.00						600.00
	6/2	6/4	France		580.00		1,721.10				2,301.10
	6/4	6/7	Greece		639.00						639.00
Military air transportation[3]											
Hayden Gregory	5/27	5/29	Sweden		482.00						482.00
	5/29	5/31	Finland		352.00						352.00
	5/31	6/2	Russia		600.00						600.00
	6/2	6/4	France		580.00		1,721.10				2,301.10
	6/4	6/7	Greece		639.00						639.00
Military air transportation[3]											
William Patry[4]	6/2	6/4	France		580.00						580.00
Committee total					5,886.00		3,442.20				9,328.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Will be reported by the Committee on Armed Services.
[4] No transportation expenses.

JACK BROOKS,
Chairman, Oct. 18, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Joan M. Bondareff	4/8	4/11	Panama		414.00		(3)				414.00
Douglas J. Cheramie III	4/8	4/11	Panama		414.00		[4]552.95				966.95
Gene Green, M.C.	4/8	4/11	Panama		414.00						414.00
George Hochbrueckner, M.C.	4/8	4/11	Panama		414.00						414.00
Sheila Clarke McCready	5/27	5/29	Sweden	3,750.50	482.00		(3)				
	5/29	5/31	Finland	1,900.80	352.00						
	5/31	6/4	Russia		1,250.00						
	6/4	6/7	Greece	157,450	639.00						2,723.00
Richard M. Russell	5/27	5/29	Sweden	3,750.50	482.00		(3)				
	5/29	5/31	Finland	1,900.80	352.00						
	5/31	6/4	Russia		1,250.00						
	6/4	6/7	Greece	157,450	639.00						2,723.00
Karen L. Steuer	6/22	6/24	France	4,767.60	870.00		[4]659.95				1,529.95
Billy Tauzin, M.C.	4/8	4/11	Panama		414.00		(3)				414.00
Robert L. Wharton	5/27	5/29	Sweden	3,750.50	482.00		(3)				
	5/29	5/31	Finland	1,900.80	352.00						
	5/31	6/4	Russia		1,250.00						
	6/4	6/7	Greece	157,450	639.00						2,723.00
Cynthia M. Wilkinson	4/8	4/11	Panama		414.00		(3)				414.00
Committee total					12,323.00		2,086.05				14,409.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by Department of Defense.
[4] Commercial airfare.

GERRY E. STUDDS,
Chairman, Aug. 26, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Joan T. Rose	8/22	8/25	Korea		785.00						785.00
	8/25	8/29	Thailand		638.99						638.99
Military air transportation											
Commercial airfare							3,304.95				3,304.95
Committee total					1,423.99		3,304.95				4,728.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA,
Chairman, Oct. 31, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Germany, Bulgaria, Austria, and Hungary, July 1–11, 1994:											
Hon. Earl Hutto	7/1	7/5	Germany		1,000.00						1,000.00
	7/5	7/7	Bulgaria		516.00						516.00
	7/7	7/8	Austria		240.00						240.00
	7/8	7/11	Hungary		657.00						657.00
Commercial airfare							1,003.05				1,003.05
Mr. Peter M. Steffes	7/1	7/5	Germany		1,000.00						1,000.00
	7/5	7/7	Bulgaria		516.00						516.00
	7/7	7/8	Austria		240.00						240.00
	7/8	7/11	Hungary		657.00						657.00
Commercial airfare							1,003.05				1,003.05
Visit to Cuba and Jamaica, July 3–4, 1994:											
Ms. Hazel Ross-Robinson	7/3	7/3	Cuba		0.00						0.00
	7/3	7/4	Jamaica		148.31						148.31
Visit to Russia, July 4–10, 1994:											
Hon. Glen Browder	7/4	7/10	Russia		2,000.00						2,000.00
Commercial airfare							3,424,95				3,424,95
Mr. Stephen O. Rossetti	7/4	7/10	Russia		2,000.00						2,000.00
Commercial airfare							3,424.95				3,424.95
Mr. Paul F. Walker	7/4	7/10	Russia		2,000.00						2,000.00
Commercial airfare							3,424.95				3,424.95
Visit to Korea, Thailand, and Republic of China, August 22–31, 1994:											
Hon. Marilyn Lloyd	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/31	Republic of China		777.00						777.00
Commercial airfare							2,514.38				2,514.38
Hon. Floyd Spence	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/29	Republic of China		259.00						259.00
Commercial airfare							2,148.00				2,148.00
Hon. Solomon P. Ortiz	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/31	Republic of China		777.00						777.00
Commercial airfare							2,527.00				2,527.00
Mr. Peter M. Steffes	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/31	Republic of China		777.00						777.00
Commercial airfare							1,524.54				1,524.54

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mr. Andre K. Ellis	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/31	Republic of China		777.00						777.00
Commercial airfare							1,524.54				1,524.54
Ms. Cathleen D. Garman	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/31	Republic of China		777.00						777.00
Commercial airfare							1,524.54				1,524.54
Delegation expenses	8/25	8/28	Thailand				1,120.08		3,153.28		4 273.36
Visit to Germany, August 22–26, 1994:											
Archie D. Barrett	8/23	8/26	Germany		599.00						599.00
Committee total					24,261.31		25,164.03		3,153.28		52,578.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS,
Chairman, Oct. 28, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ron DeLugo	8/22	8/25	Germany	1,878.39	1,215.00	(3)					
Gene Green	8/22	8/25	Germany	1,878.39	1,215.00	(3)					
Ron DeLugo	8/25	8/30	England	910.85	1,415.00	(3)					
Gene Green	8/25	8/29	England	728.67	1,132.00	(3)					
Committee total					4,977.00						4,977.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

WILLIAM D. FORD,
Chairman, Oct. 24, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Leach	7/19	7/24	Russia		1,600.00		3,013.55				4,613.55
Gerald Waldron	7/19	7/24	Russia		1,600.00		3,013.55				4,613.55
Catherine Reid	7/19	7/24	Russia		1,600.00		3,013.55				4,613.55
Michael Regan	7/19	7/24	Russia		1,600.00		3,013.55				4,613.55
Douglas Bennett	6/28	7/1	Switzerland		995.98		3,114.95				4,110.93
David Finnegan	8/28	9/1	Switzerland		1,335.00		2,100.15				3,435.15
Catherine Van Way	8/28	9/1	Switzerland		1,335.00		2,100.15				3,435.15
Al Swift, M.C.	8/27	8/31	Germany		944.00						944.00
	8/31	9/3	Italy		873.00						873.00
	9/3	9/5	Spain		488.00						488.00
Billy Tauzin, M.C.	8/27	8/31	Germany		944.00						944.00
	8/31	9/3	Italy		873.00						873.00
	9/3	9/5	Spain		488.00						488.00
Mike Oxley, M.C.	8/27	8/31	Germany		944.00						944.00
	8/31	9/3	Italy		873.00						873.00
	9/3	9/5	Spain		488.00						488.00
Arthur Endress	8/27	8/31	Germany		944.00						944.00
	8/31	9/3	Italy		873.00						873.00
	9/3	9/5	Spain		488.00						488.00
Committee total					19,285.98		19,369.45				38,655.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL,
Chairman, Oct. 26, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. G. Ackerman	8/8	8/10	Cuba		[3] 200.00		2,065.00				2,265.00
P. Berkowitz	8/31	9/4	Thailand/Bangkok		1,065.00				60.50		1,125.50
	9/4	9/6	Thailand/Udorn		131.00						131.00
	9/6	9/7	Laos/Vietiene		[3] 142.00						142.00
	9/7	9/9	Thailand/Bangkok		426.00						426.00
Commercial airfare							3,698.95				3,698.95
Hon. H. Berman	7/1	7/5	France		1,160.00		186.31		477.26		1,823.57
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czechoslovakia		1,120.00						1,120.00
Military air transportation											

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
E. Broitman	8/20	8/30	Indonesia		450.00						450.00
	8/30	9/5	Thailand		1,638.00				60.50		1,698.50
	9/9	9/10									
	9/6	9/9	Laos		426.00						426.00
Commercial airfare							5,698.95				5,698.95
G. Cannon	7/1	7/5	France		1,160.00		186.31		477.26		1,823.57
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czechoslovakia		1,120.00						1,120.00
Military air transportation											
	8/21	8/15	United Kingdom		333.00						333.00
	8/15	8/21	Israel		876.00						876.00
Commercial airfare							5,444.95				5,444.95
	10/2	10/9	Japan		2,600.00						2,600.00
Commercial airfare							3,891.95				3,891.95
N. Carman	8/28	9/4	Switzerland		[3] 1,620.60						1,612.60
Commercial airfare							2,063.05				2,063.05
F.M. Chambers	8/28	9/2	El Salvador		905.00						905.00
Commercial airfare							867.95				867.95
	9/15	9/18	Belgium						93.00		93.00
Commercial airfare							2,360.25				2,360.25
Hon. P. Deutsch	7/3	7/3	Cuba		(4)						
	7/3	7/3	Jamaica		(4)						
Commercial airfare							226.95				226.95
C. Doherty	7/5	7/9	Austria		[3] 864.00						864.00
Military air transportation											
M. Ennis	8/28	9/2	El Salvador		905.00						905.00
Commercial airfare							867.95				867.95
Hon. E. Faleomavaega	7/1	7/11	China		2,049.00						2,049.00
Commercial airfare							3,805.95				3,805.95
M. Gage	7/5	7/8	Austria		[3] 598.00						598.00
	7/8	7/12	Yugoslavia		[3] 789.00						789.00
	7/12	7/13	Hungary		[3] 182.00						182.00
Military transportation one-way											
Commercial transportation one-way							983.00				983.00
R. Garon	8/28	8/30	Burundi		142.00						142.00
Military air transportation											
B. Gordon	7/1	7/5	France		1,160.00		186.31		477.26		1,823.57
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czech Republic		1,120.00						1,120.00
Military air transportation											
	8/11	8/15	France		1,204.00						1,204.00
	8/15	9/6	Israel		1,460.00						1,460.00
Commercial airfare							1,378.15				1,378.15
D. Gordon	8/13	8/19	Ethopia		1,130.00						1,130.00
	8/19	8/23	Kenya		856.00						856.00
	8/23	8/29	South Africa		1,215.00						1,215.00
	8/29	9/1	Mozambique		840.00						840.00
Commercial airfare							6,095.95				6,095.95
K. Grant	8/13	8/19	Ethopia		[3] 800.00						800.00
	8/19	8/23	Kenya		[3] 725.00						725.00
	8/23	8/29	South Africa		[3] 915.00						915.00
	8/29	9/1	Mozambique		[3] 700.00						700.00
	9/1	9/2	South Africa		[3] 140.00						140.00
	9/2	9/3	Kenya		[3] 180.00						180.00
	9/3	9/7	Egypt		[3] 893.00						893.00
Commercial airfare							6,299.95				6,299.95
	9/25	9/29	Czech Republic		[3] 900.00						900.00
Commercial airfare							1,518.85				1,518.85
A. Griffin	8/28	8/30	Burundi		142.00						142.00
Military air transportation											
	8/30	8/30					353.00		96.47		449.47
	8/31	9/3	Egypt		600.00						600.00
Commercial airfare							2,151.00				2,151.00
Hon. A. Hastings	7/1	7/5	France		1,160.00		186.31		477.26		1,823.57
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czech Republic		1,120.00						1,120.00
Military air transportation											
T. Hirsch	8/11	8/15	France		1,120.00						1,120.00
	8/15	8/29	Israel		1,022.00						1,022.00
Commercial airfare							1,420.15				1,420.15
G. Ingram	8/13	8/19	Ethiopia		542.00						542.00
	8/19	8/30	Kenya		1,070.00						1,070.00
	8/30	8/30	Ethiopia								
Commercial airfare							5,258.25				5,258.25
B. Jenkins	7/1	7/5	France		1,160.00		186.31		477.26		1,823.57
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czech Republic		1,120.00						1,120.00
Military air transportation											
G. Kapen	8/18	8/23	Kenya		1,070.00						1,070.00
	8/23	8/29	South Africa		1,215.00						1,215.00
	8/29	9/1	Mozambique		840.00						840.00
Commercial airfare							6,202.95				6,202.95
C. Kupchan	8/21	8/29	South Africa		[3] 1,310.00						1,310.00
	8/29	9/1	Mozambique		800.00						800.00
Commercial airfare							5,867.75				5,867.75
Hon. R. Menendez	7/1	7/5	France		1,160.00		186.31		477.26		1,823.57
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czech Republic		1,120.00						1,120.00
Military air transportation											
K. Moazed	8/13	8/19	Ethiopia		1,130.00						1,130.00
	8/19	7/22	Kenya		428.00						428.00
Commercial airfare							4,382.00				4,382.00
A. Pandya	9/9	9/19	Hong Kong		3,640.00						3,640.00
Commercial airfare									3,537.95		3,537.95
Hon. D. Payne	8/28	8/30	Burundi		142.00						142.00
Military air transportation											
B. Poisson	8/20	8/30	Indonesia		450.00						450.00
	8/30	9/5	Thailand		1,638.00				60.50		1,698.50
	9/9	9/10									
	9/6	9/9	Laos		426.00						426.00
Commercial airfare							5,698.95				5,698.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
D. Restrepo	8/28	9/2	El Salvador		905.00						905.00
Commercial airfare							867.95				876.95
D. Shapiro	8/15	8/20	Israel		876.00						876.00
Commercial airfare							2,386.15				2,386.15
M. Sletzinger	7/5	7/8	Austria		648.00						648.00
	7/8	7/12	Yugoslavia		864.00						864.00
	7/12	7/13	Hungary		215.00						215.00
Military transportation, one-way											
Commercial transportation, one-way							983.00				983.00
Hon. C. Smith	7/22	7/24	Peru		522.00						522.00
Commercial airfare							2,740.95				2,740.95
Committee totals					$6,544.00		$12,677.00		$60.50		$19,281.50
D. Taft	7/22	7/24	Peru		522.00						522.00
Commercial airfare							2,430.95				2,430.95
R. Wilson	8/8	8/10	Cuba		[3] 200.00		1,486.00				1,686.00
Grand total for the 3rd quarter											155,323.79

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds of unused per diem.
[4] A few hours.

LEE H. HAMILTON,
Chairman, Oct. 28, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William J. Hughes	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/31	Republic of China		777.00						777.00
Commercial airfare							2,514.38				2,514.38
Military air transportation[3]											
Committee total					2,201.00		2,514.38				4,715.38

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Will be reported by the Committee on Armed Forces.

JACK BROOKS,
Chairman, Nov. 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Shelia Clarke McCready	7/9	7/12	Germany		[3] 800.00		[4] 873.15				1,673.15
Fred Zeytoonjian, Jr	9/10	9/18	Norway		[3] 1,000.00		[4] 1,261.65		[5] 500.00		2,761.64
Committee total							2,134.80		500.00		4,434.80

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Cash advance issued by U.S. Department of State.
[4] Commercial airfare.
[5] Cash advance for registration fee.

GERRY E. STUDDS,
Chairman, Dec. 27, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
William Clay	8/22	8/25	Germany	1,878.39	1,215.00	(3)					1,215.00
Melvin Watt	8/22	8/25	Germany	1,878.39	1,215.00	(3)					1,215.00
Alcee Hastings	8/22	8/25	Germany	1,878.39	1,215.00	(3)					1,215.00
Gail E. Weiss	8/22	8/25	Germany	1,878.39	1,215.00	(3)					1,215.00
Doris Moore-Glenn	8/22	8/25	Germany	1,878.39	1,215.00	(3)					1,215.00
Laura Geer	8/22	8/25	Germany	1,878.39	1,215.00	(3)					1,215.00
William Clay	8/25	8/30	England	910.85	1,415.00	(3)					1,415.00
Melvin Watt	8/25	8/30	England	910.85	1,415.00	(3)					1,415.00
Alcee Hastings	8/25	8/30	England	910.85	1,415.00	(3)					1,415.00
Gail E. Weiss	8/25	8/30	England	910.85	1,415.00	(3)					1,415.00
Doris Moore-Glenn	8/25	8/30	England	910.85	1,415.00	(3)					1,415.00
Laura Geer	8/25	8/30	England	910.85	1,415.00	(3)					1,415.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					15,780.00						15,780.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivlent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

WILLIAM L. CLAY,
Chairman, Oct. 18, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Butler Derrick	7/1	7/5	France		1,160.00						1,160.00
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czech. Republic		1,120.00						1,120.00
Military aircraft											
Hon. Butler Derrick	8/22	8/25	Korea		785.00						785.00
	8/25	8/28	Thailand		639.00						639.00
	8/28	8/31	Repubic of China		777.00						777.00
Commercial airfare							2,514.38				2,514.38
Committee total					4,919.00		2,514.38				7,433.38

[1] Per diem constitutes lodging and meals.
[2] If foreign currently is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE MOAKLEY,
Chairman, Oct. 5, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Anna Eshoo	7/1	7/5	France		1,160.00						1,160.00
	7/5	7/7	Hungary		438.00						438.00
	7/7	7/11	Czech Republic		1,120.00						1,120.00
Katherine Van Sickle	6/30	7/7	France		1,353.00				168.81		1,521.81
Commercial airfare							1,307.15				1,307.15
Michael Quear	7/6	7/9	France	4,756.68	876.00						876.00
Commercial airfare							1,248.15				1,248.15
Committee total					4,947.00		2,555.30		168.81		7,671.11

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE E. BROWN, JR.,
Chairman, Oct. 18, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mike Kopetski	9/13	9/18	France	7,931.35	1,505.00						1,505.00
Committee total					1,505.00						1,505.00

SAM M. GIBBONS,
Chairman, Oct. 3, 1994.

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank McCloskey		7/6	United States				1,889.25				1,889.25
	7/7	7/11	Croatia		679.00						679.00
Committee total					679.00		1,889.25				2,568.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER,
Chairman, Oct. 28, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Richardson	7/16	7/19	Caribbean area		371.00						371.00
Calvin Humphrey, staff	7/16	7/19	Caribbean area		371.00						371.00
Louis Dupart	9/6	9/10	North America		900.00		589.45				1,489.45
Committee total					1,642.00		589.45				2,231.45

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN,
Chairman, Oct. 17, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent - or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Finnegan	11/8	11/11	Switzerland		825.00		3,203.25				4,028.25
Douglas Bennett	11/7	11/10	Switzerland		1,100.00		3,126.55				4,226.55
Ripley Forbes	10/9	10/15	France		1,225.00		1,800.25		568.00		3,623.25
David Finnegan	10/15	10/19	Brazil		600.00		3,079.96				3,679.96
Van Way	10/15	10/21	Brazil		900.00		2,896.95				3,796.95
Peter Stockton	10/3	10/5	Czech Republic		460.00						460.00
	10/5	10/11	Ukraine		1,300.00						1,300.00
Commercial airfare							2,765.25				2,765.25
Bruce Chafin	9/29	10/2	Austria		570.00						570.00
	10/2	10/5	Czech Republic		690.00						690.00
	10/5	10/11	Ukraine		1,300.00						1,300.00
Commercial airfare							2,503.35				2,503.35
Robert Roach	9/29	10/2	Austria		760.00						760.00
	10/6	10/7	Austria								
	10/2	10/5	Czech Republic		920.00						920.00
Commercial airfare							2,076.05				2,076.05
Dennis Wilson	9/29	10/2	Austria		570.00						570.00
	10/2	10/5	Czech Republic		690.00						690.00
	10/5	10/11	Ukraine		1,300.00						1,300.00
Commercial airfare							2,905.65				2,905.65
Committee total					13,240.00		24,352.26		568.00		38,165.26

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL,
Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David S. Whaley	11/27	12/3	Spain	259,580	[3] 2,009.00		[4] 670.95				2,679.95
Committee total					2,009.00		670.95				2,679.95

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Unused per diem in the amount of $791.84 returned to the U.S. Treasury—12/21/94 (Check #10880).

[4] Commercial airfare.

GERRY E. STUDDS,
Chairman, Dec. 27, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert Underwood	10/1	10/1	Palau				335.00				335.00
Committee total							335.00				335.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER,
Chairman, Dec. 28, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John J. LaFalce	11/14	11/15	Taiwan		234.00						234.00
	11/15	11/17	Vietnam		652.00						652.00
	11/17	11/19	Philippines		380.00						380.00
Commercial airfare							3,769.95				3,769.95
Committee total					1,266.00		3,769.95				5,035.95

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN J. LaFALCE,
Chairman, Dec. 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 9, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amo Houghton (Member paid own airfare, lodging, and expenses).	7/5	7/9	Mexico								
Chet Lunner (Staffer received only per diem for trip).	7/5	7/9	Mexico		784.00						
Committee total					784.00						

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AMO HOUGHTON,
August 8, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 2 AND SEPT. 8, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard Neal	9/2	9/8	Ireland/Northern Ireland		1,391.00		4,474.62				5,865.62
Kevin Peterson	9/2	9/8	Ireland/Northern Ireland		1,391.00		4,444.99				5,835.99
Committee Total					2,782.00		8,919.61				11,701.61

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD E. NEAL,
Oct. 2, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, KAZAKHSTAN, AND RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 27 AND SEPT. 3, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Pete Peterson	8/27	8/28	Germany		173.00						1176.15
	8/28	8/30	Kazakhstan		277.00	(3)					277.00
	8/30	9/3	Russia		1,350.00		(3)				1,350.00
	9/3	9/3	Germany								
Commercial airfare							1,003.15				
Shannon Smith	8/27	8/28	Germany		1,800.00						2,803.15
	8/28	8/30	Kazakhstan				(3)				2,803.15
	8/30	9/2	Russia				(3)				
Commercial airfare							1,003.15				
Suzanne F. Farmer	8/27	8/28	Germany		173.00						1,176.15
	8/28	8/30	Kazakhstan		277.00		(3)				277.00
	8/30	9/3	Russia		1,350.00		(3)				1,350.00
	9/3	9/3	Germany								
Commercial airfare							1,003.15				
Committee total					5,400.00		3,009.45				8,409.45

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PETE PETERSON,
Chairman, Oct. 20, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SLOVAKIA, BULGARIA, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 7 AND SEPT. 20, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cathy Brickman	9/8	9/11	Slovakia		2,400.00						2,400.00
	9/11	9/17	Bulgaria								
	9/17	9/20	Germany								
Commercial airfare							2,556.75				2,556.75
William Freeman	9/8	9/11	Slovakia		2,400.00						2,400.00
	9/11	9/17	Bulgaria								
	9/17	9/20	Germany								
Commercial airfare							2,556.75				2,556.75
Committee total					4,800.00		5,113.50				9,913.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH,
Oct. 17, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AUSTRIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 9, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Benjamin L. Cardin		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Hon. John Dingell		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Mr. John P. Elliott		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Mr. David M. Evans		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Ms. Mary Sue Hafner		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Hon. Earl F. Hilliard		7/3	United States				2,842.20				2,842.20
	7/4	7/9	Austria		1,200.00						1,200.00
Hon. Steny H. Hoyer		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Ms. Marlene Kaufmann		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Hon. James P. Moran, Jr.		7/3	United States				2,842.20				2,842.20
	7/4	7/9	Austria		1,200.00						1,200.00
Hon. Harold Rogers		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Hon. Carlos Romero-Barcelo		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Ms. Erika B. Schlager		7/4	United States				(3)				
	7/5	7/7	Austria		720.00						720.00
Ms. Victoria A. Showalter		7/3	United States				691.20				691.20
	7/4	7/9	Austria		1,200.00						1,200.00
Hon. Louise M. Slaughter		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Hon. Floyd Spence		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Hon. Craig Washington		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Hon. Henry A. Waxman		7/4	United States				(3)				
	7/5	7/9	Austria		960.00						960.00
Mr. Samuel G. Wise		7/3	United States				691.20				691.20
	7/4	7/9	Austria		1,200.00						1,200.00
Delegation expenses	7/5	7/9	Austria						21,490.74		21,490.74
Committee total					18,000.00		7,066.80		21,490.74		46,557.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military aircraft.

STENY H. HOYER,
Chairman, July 9, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 13 AND SEPT. 18, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Kopetski	9/13	9/18	France		1,505.00		(3)				1,505.00
Tom Lewis	9/14	9/18	France		903.00		(4)				903.00
William Clinger	9/14	9/18	France		903.00		(4)				903.00
Ben McMakin	9/13	9/18	France		1,505.00		[3]660.15				2,165.15
William Bishop	9/14	9/18	France		1,204.00		[3]660.15				1,864.15
Peter Abbruzzese	9/14	9/17	France		602.00		[3]2,678.65				3,280.65
Butler Derrick	9/14	9/18	France		903.00		(4)				903.00
Ron Lasch	9/14	9/18	France		903.00		[3]1,348.08				2,251.08
Committee total					8,428.00		5,347.03				13,775.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial air transportation/DOD.
[4] DOD.

BUTLER DERRICK,
Chairman, Dec. 14, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EGYPT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND SEPT. 11, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Anthony C. Beilenson, MC	9/4	9/10	Egypt	LE4,698.54	1,386.00		3,014.55				4,400.55
Patricia Schroeder, MC	9/2	9/7	Egypt	LE3,112.02	918.00		6,463.55				7,381.55
Constance A. Morella, MC	9/2	9/7	Egypt	LE3,895.11	1,149.00		1,704.35				2,853.35
John E. Porter, MC	9/2	9/8	Egypt	LE4,678.20	1,380.00		6,860.95				8,240.95
Christopher H. Smith, MC	9/4	9/11	Egypt	LE5,481.63	1,617.00		2,627.15				4,244.15
Janet K. Faulstich	9/4	9/10	Egypt	LE4,698.54	1,386.00		3,014.55				4,400.55
Lisa Moreno	9/1	9/7	Egypt	LE4,657.86	1,374.00		2,247.95				3,621.95
Susan Wood	9/1	9/7	Egypt	LE4,657.86	1,374.00		2,247.95				3,621.95
Vicki Elkin	9/2	9/8	Egypt	LE4,678.20	1,380.00		4,488.95				5,868.95
Dorothy Taft	9/5	9/10	Egypt	LE3,915.45	1,155.00		1,921.15				3,076.15
Committee total					13,119.00		34,591.10				47,710.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY BEILENSON,
Chairman, Nov. 3, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. BRETT W. O'BRIEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 16 AND JULY 19, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brett W. O'Brien, staff	7/16	7/19	Caribbean Area		371.00						371.00
Committee total					371.00						371.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BRETT W. O'BRIEN,
Aug. 11, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KRISTI E. WALSETH, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 11 AND SEPT. 24, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristi E. Walseth	9/12	9/17	Albania		2,400.00						2,400.00
	9/17	9/20	Italy								
	9/20	9/24	Hungary								
Commercial transportation											2,892.35
Committee total					2,400.00		2,892.35				5,292.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH,
Oct. 17, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PHILIP G. DYER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 6 AND SEPT. 13, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Philip G. Dyer	9/6	9/7	United Kingdom	227.51	349.50					227.51	349.50
	9/8	9/13	Africa—Uganda, Zaire, Rwanda		1,235.00						1,235.00
	9/13	9/13	France								
Committee total					1,584.50						1,584.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL,
October 12, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MARTIN HUGHES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 11 AND SEPT. 14, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency
Martin Hughes	9/11	9/14	Canada	653.96	477.00		421.92			653.96	898.92
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARTIN HUGHES,
Sept. 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, 91ST INTERPARLIAMENTARY UNION CONFERENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 20 AND MAR. 29, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Eliot Engel	3/25	3/29	France		910.00	(3)					
Hon. John Tanner	3/25	3/29	France		870.00	(3)					
Hon. Barbara-Rose Collins	3/25	3/29	France		870.00	(3)					
Hon. Earl Hilliard	3/25	3/29	France		870.00	(3)					
Hon. Bennie Thompson	3/25	3/29	France		870.00	(3)					
John Calvelli	3/25	3/29	France		870.00	(3)					
Steve Abrams	3/25	3/29	France		870.00	(3)					
Veronica Craig	3/25	3/29	France		870.00	(3)					
Catherine Zimmer Liebel	3/20	3/29	France		2,698.82	(4)					
Delegation expenses						(5)	326.00				
Control Room expenses					7,321.49						
Official Meals					1,483.79						
Committee total					18,504.10		326.00				18,830.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Commercial airfare.

[5] One-way.

ELIOT L. ENGEL,
Sept. 27, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 8 AND SEPT. 13, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Butler Derrick	9/9	9/14	Italy		1,236.00		(3)				1,236.00
Tom Lewis	9/9	9/14	Italy		1,236.00		(3)				1,236.00
William Clinger	9/9	9/14	Italy		1,236.00		(3)				1,236.00
Peter Abbruzzese	9/8	9/14	Italy		1,236.00		(3)				1,236.00
Ron Lasch	9/8	9/14	Italy		1,236.00		(4)				2,584.08
Committee total					6,180.00		1,2348.08				7,528.08

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] DOD.

[4] Commercial airfare.

BUTLER DERRICK,
Dec. 14, 1994.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

132. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $11,695,000 in budget authority for the Department of the Interior and the Federal Emergency Management Agency [FEMA], and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–17); to the Committee on Appropriations and ordered to be printed.

133. A letter from the Deputy Assistant Secretary (Communications, Computers and Support Systems), Department of the Air Force, transmitting notification that the installation commander at Tyndall Air Force Base, FL, is initiating a multi-function cost comparison pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

134. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

135. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Tunisia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

136. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the U.S. Capitol Preservation Commission fund for the 6-month period which ended on September 30, 1994, pursuant to Public Law 100–696, section 804 (102 Stat. 4610); to the Committee on House Oversight.

137. A letter from the Migratory Bird Conservation Commission, transmitting the annual report of activities for the fiscal year ended September 30, 1994, pursuant to 16 U.S.C. 715b; to the Committee on Resources.

138. A letter from the Secretary, Department of Transportation, transmitting the annual report on transportation user fees, fiscal year 1993, pursuant to 45 U.S.C. 447(e); to the Committee on Transportation and Infrastructure.

139. A letter from the Secretary of Health and Human Services, transmitting the 1992–1994 interim report of demonstration activities under Public Law 96–265, section 505(a), as amended and related activities; to the Committee on Ways and Means.

140. A letter from the Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the Department's annual report on the progress in implementing CERCLA requirements during fiscal year 1993, pursuant to 45 U.S.C. 9651; jointly, to the Committees on Commerce and Transportation and Infrastructure.

141. A letter from the Administrator, Agency for International Development, transmitting a quarterly update report on development assistance program allocations as of September 30, 1994, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on International Relations and Appropriations.

142. A letter from the Acting Administrator, Agency for International Development, transmitting a quarterly update report on development assistance program allocations as of December 14, 1994, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted January 2, 1995]

Mr. MILLER of California; Committee on Natural Resources. Legislative and review activities of the Committee on Natural Resources during the 103d Congress (Rept. 103–890). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. Survey of activities of the House Committee on Rules, 103d Congress (Rept. 103–891). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LAFALCE:

H.R. 462. A bill to establish the Commission on the Review of National Policies Toward Gambling; to the Committee on the Judiciary, and in addition to the Committees on Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of Wisconsin (for himself, Mr. KLECZKA, Ms. KAPTUR, Mr. SENSENBRENNER, Mr. FORBES, and Mr. DUNCAN)

H.R. 463. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 and the Housing and Community Development Act of 1992 for employment relocation activities; to the Committee on Banking and Financial Services.

By Mr. BARTLETT of Maryland (for himself and Mr. STOCKMAN):

H.R. 464. A bill to repeal the prohibitions relating to semiautomatic assault weapons and large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 465. A bill to ensure that the Caribbean Basin Initiative is not adversely affected by the implementation of the North American Free-Trade Agreement and to authorize entry into free-trade agreements between the United States and certain Caribbean Basin countries; to the Committee on Ways and Means.

By Mr. BATEMAN:

H.R. 466. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. BILIRAKIS:

H.R. 467. A bill to amend title 39, United States Code, to exempt veterans' organizations from regulations prohibiting the solicitation of contributions on postal property; to the Committee on Government Reform and Oversight.

H.R. 468. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

H.R. 469. A bill amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself and Mr. MANTON):

H.R. 470. A bill provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 471. A bill amend the Internal Revenue Code of 1986 to provide a tax credit to employers who employ members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 472. A bill establish a priority in the disposal of real property resulting from the closure or realignment of military installation toward States and other entities that agree to convert the property into correctional facilities for youthful offenders to be operated as military-style boot camps and to require the Secretary of Defense to develop a program to promote the expanded use of such correctional facilities; to the Committee on National Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeLAY:

H.R. 473. A bill repeal provisions of the Clean Air Act dealing with toxic air emissions; to the Committee on Commerce.

H.R. 474. A bill to repeal provisions of the Clean Air Act dealing with acid rain; to the Committee on Commerce.

H.R. 475. A bill to repeal provisions of the Clean Air Act dealing with stratospheric ozone protection; to the Committee on Commerce.

H.R. 476. A bill to amend the Clean Air Act to repeal certain emissions standards for motor vehicles which have not yet taken effect; to the Committee on Commerce.

H.R. 477. A bill to amend the Clean Air Act to allow emission reductions caused by fleet turnover to be created to the emission reduction requirements of the act; to the Committee on Commerce.

H.R. 478. A bill to amend the Clean Air Act to prohibit the Federal Government from requiring State plans to mandate trip reduction measures; to the Committee on Commerce.

H.R. 479. A bill to repeal the Clean Air Act Amendments of 1990 (Public Law 101-549); to the Committee on Commerce.

H.R. 480. A bill to amend the Clean Air Act to repeal the mandatory requirement for State motor vehicle inspection and maintenance programs for ozone nonattainment areas; to the Committee on Commerce.

By Mrs. FOWLER (for herself, Mr. FOLEY, Mr. GOSS, Mr. MICA, Mr. PETERSON of Florida, Mrs. THURMAN, and Mr. CALLAHAN):

H.R. 481. A bill to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, Mr. DORNAN, Mr. STUMP, Mr. HANCOCK, Mr. SAXTON, and Mr. JONES):

H.R. 482. A bill to direct that certain Federal financial benefits be provided only to citizens and nationals of the United States; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. POMEROY, Mr. THOMAS, Mr. GOSS, Mr. SHAYS, Mr. KOLBE, Mr. ROYCE, Mr. ARCHER, Mr. STUMP, Mr. BOEHLERT, Mr. HOUGHTON, Mr. PETRI, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. BARRETT of Wisconsin, Mrs. MEEK of Florida, Ms. WOOLSEY, Mr. MANZULLO, Mr. OBERSTAR, Mr. FORBES, Mr. BERMAN, Mr. TALENT, Mr. WALSH, Mr. BROWN of California, Mr. MINGE, Mr. DOOLEY, Mr. PETERSON of Florida, Mr. PORTER, Mr. YOUNG of Alaska, Mr. MARTINEZ, Mr. KLECZKA, Mr. ZIMMER, Mr. BAKER of California, Mr. HOBSON, Mr. FRANK of Massachusetts, Mr. MOORHEAD, Mr. FOX, Mr. FARR, and Mr. GREENWOOD):

H.R. 483. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIM:

H.R. 484. A bill to prohibit public welfare assistance to aliens not lawfully in the United States; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Banking and Financial Services, Economic and Educational Opportunities, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIM (for himself, Mr. MOORHEAD, Mr. ROYCE, and Mrs. SEASTRAND):

H.R. 485. A bill to expand the authority for the export of devices; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 486. A bill to amend the United States Housing Act of 1937 to reform the manner of determining rent paid for public housing dwelling units, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. ORTON:

H.R. 487. A bill to improve the Single Family Housing Mortgage Insurance Program of the Department of Housing and Urban Development; to the Committee on Banking and Financial Services.

By Mr. QUINN (for himself, Mr. OXLEY, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. BLUTE, Mr. SAXTON, Mr. BARRETT of Nebraska, Mr. MONTGOMERY, Mr. HOUGHTON, Mr. MEEHAN, Mr. BACHUS, Mr. BILIRAKIS, Mr. HEINEMAN, Mr. LAFALCE, Mr. KING, Mr. SMITH of New Jersey, Mr. SKEEN, Mr. CANADY, Mr. MCCOLLUM, Mr. SERRANO, Ms. MOLINARI, and Mr. BARRETT of Wisconsin):

H.R. 488. A bill to prohibit the distribution or receipt of restricted explosives without a Federal permit, and to require applications for such permits to include a photograph and the finger prints of the applicant; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. THORNBERRY, Mr. KNOLLENBERG, Mr. BONILLA, and Mr. MCHUGH):

H.R. 489. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 490. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes; to the Committee on Resources.

By Mr. SOLOMON:

H.R. 491. A bill to amend titles II and XVIII of the Social Security Act to ensure the integrity of the Social Security trust funds by reconstituting the Boards of Trustees of such trust funds and the Managing Trustee of such trust funds to increase their independence, by providing for annual investment plans to guide investment of amounts in such trust funds, and by removing unnecessary restrictions on investment and disinvestment of amounts in such trust funds; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 492. A bill to impose a tax and import controls on bullets expressly designated to penetrate law enforcement personnel bulletproof vests; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 493. A bill to amend section 106 of the Housing and Urban Development Act of 1968 to improve the Housing Counseling Program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 494. A bill to authorize the Secretary of Housing and Urban Development to carry out a demonstration program to make grants to community development corporations for reducing interest rates on loans for economic development activities in five federally designated enterprise communities; to the Committee on Banking and Financial Services.

By Mr. UPTON (for himself, Mr. HOEKSTRA, MR. CAMP, Mr. CHRYSLER, and Mr. KNOLLENBERG):

H.R. 495. A bill to amend the Clean Air Act to delay implementation of enhanced motor vehicle inspection and maintenance programs; to the Committee on Commerce.

By Mrs. VUCANOVICH:

H.R. 496. A bill to prohibit site characterization of the Yucca Mountain site in the State of Nevada during fiscal years 1996 through 1998, and for other purposes; to the Committee on Commerce.

By Mr. WOLF:

H.R. 497. A bill to create the National Gambling Impact and Policy Commission; to the Committee on the Judiciary.

By Mr. GALLEGLY (for himself, Mr. LEWIS of California, Mr. WOLF, Mr. DORNAN, Mr. CUNNINGHAM, Mr. COX, Mr. YOUNG of Alaska, Mr. BEILENSON, Mr. HERGER, Mr. BERMAN, Mr. MCKEON, Mr. ROHRABACHER, Mr. MOORHEAD, and Mr. DOOLITTLE):

H.J. Res. 50. Joint resolution to designate the visitors center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center"; to the Committee on Resources.

By Mr. PETE GEREN of Texas (for himself and Mr. BARTON of Texas):

H.J. Res. 51. Joint resolution proposing an amendment to the Constitution of the United States to require three-fifths majorities for bills increasing taxes; to the Committee on the Judiciary.

By Mr. PETERSON of Florida:

H.J. Res. 52. Joint resolution proposing an amendment to the Constitution of the United States providing for 4-year terms for Representatives and limiting the service of Senators and Representatives to 12 years; to the Committee on the Judiciary.

By Mr. THORNTON (for himself, Mr. FIELDS of Louisiana, Mr. OLVER, and Mr. WISE):

H.J. Res. 53. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government; to the Committee on the Judiciary.

By Mrs. KENNELLY:

H. Res. 32. Resolution designating minority membership to the Committee on House Oversight; considered and agreed to.

By Mr. GEPHARDT (for himself, Mr. BONIOR, Mr. FAZIO of California, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. RICHARDSON, Ms. DELAURO, Mr. SPRATT, Mr. MILLER of California, Mr. OBEY, Mrs. CLAYTON, Mr. DURBIN, Mr. MFUME, Mr. MOAKLEY, Mr. CONYERS, Mr. SABO, Mr. BROWN of California, and Mr. SCHUMER):

H. Res. 33. Resolution providing for consideration of a joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. KLINK:

H. Res. 34. Resolution designating minority membership to the Committee on Rules; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. EDWARDS introduced a bill (H.R. 498) for the relief of Jung Ja Golden; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. NORWOOD, Mr. WALKER, Mr. HUNTER, and Mr. LIVINGSTON.

H.R. 5: Mr. CHABOT, Mr. NEY, Mr. HASTERT, Mr. DORNAN, Mr. CREMEANS, Mr. FORBES, Mr. HANCOCK, Mr. DICKEY, Mr. LEWIS of Kentucky, Mr. MONTGOMERY, Mr. BONILLA, Mr. HAYES, Mr. PETE GEREN of Texas, Mr. STENHOLM, Mr. STUMP, Mr. PAYNE of Virginia, Mr. PETERSON of Minnesota, and Mr. CLEMENT.

H.R. 6: Mr. BACHUS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. FUNDERBURK, Mr. HASTERT, Mr. HOKE, Mr. KIM, Mr. OXLEY, Mr. ROHRABACHER, Mr. SMITH of Texas, Mr. MOORHEAD, Mrs. VUCANOVICH, Mr. HUNTER, Mr. WALKER, and Mr. LIVINGSTON.

H.R. 9: Mr. STUMP.

H.R. 11: Mr. BURTON of Indiana, Mr. NORWOOD, Mr. WALKER, and Mr. LIVINGSTON.

H.R. 26: Mr. FOLEY, Mr. LARGENT, Mr. DOYLE, Mr. NORWOOD, Mr. PETERSON of Minnesota, Mr. SHAYS, Mr. TORRES, and Ms. MOLINARI.

H.R. 52: Mr. PASTOR, Mr. BARTLETT of Maryland, Mr. MCHUGH, Mr. SENSENBRENNER, Ms. DANNER, Mr. KLUG, Mr. MANZULLO, Mr. BROWN of Ohio, Mr. FOX, and Mr. GENE GREEN of Texas.

H.R. 65: Mr. HALL of Ohio, Mr. SKEEN, and Mr. TORRICELLI.

H.R. 70: Mr. MCCRERY, Mr. COX, and Mr. CALVERT.

H.R. 76: Mr. STUMP, Mr. SENSENBRENNER, Mr. MINGE, Mr. MANZULLO, Mr. FROST, Mr. WILSON, and Mr. BEREUTER.

H.R. 77: Mr. NEY, Mr. COBURN, Mr. BLILEY, Mr. NORWOOD, Mr. TATE, Mr. ROYCE, Ms. MOLINARI, Mr. HALL of Texas, Mr. FOX, Mr. DORNAN, and Mr. ENGLISH of Pennsylvania.

H.R. 103: Mr. ACKERMAN, Mr. SAXTON, Mr. PASTOR, Mr. MANTON, Mr. FILNER, and Mr. COLEMAN.

H.R. 104: Mr. KNOLLENBERG, Mrs. VUCANOVICH, Mr. COBURN, Mr. FROST, Mr. LIVINGSTON, and Mr. FOX.

H.R. 106: Mr. BERMAN and Mr. GOSS.

H.R. 109: Mr. RAHALL, Mr. PETE GEREN of Texas, Mr. GEKAS, and Mr. SKEEN.

H.R. 118: Mr. MCHUGH, Mr. KING, Mr. CANADY, Mr. SENSENBRENNER, Mr. HAYES, Mr. BEREUTER, Mr. COBURN, Mr. MCCRERY, Mr. ROHRABACHER, Mr. ROYCE, Mr. LIVINGSTON, and Mr. FRANK of Massachusetts.

H.R. 208: Mr. NORWOOD.

H.R. 209: Mr. BURTON of Indiana, Mr. CHABOT, Mr. CANADY, Mr. KNOLLENBERG, Mr. COBURN, Mr. ROHRABACHER, Mr. DORNAN, Mr. NORWOOD, Mr. HANCOCK, and Mr. ROYCE.

H.R. 210: Mr. ROHRABACHER.

H.R. 214: Mr. DORNAN and Mr. BURTON of Indiana.

H.R. 217: Mr. DOOLITTLE and Mr. JONES.

H.R. 218: Mr. NEY, Mrs. VUCANOVICH, Mr. COBURN, and Mr. FROST.

H.R. 259: Mr. INGLIS of South Carolina and Mr. ROHRABACHER.

H.R. 303: Mr. HALL of Ohio and Mr. SKEEN.

H.R. 359: Mr. BURTON of Indiana, Mr. LARGENT. Mr. HAYES, Mr. GEKAS, and Mr. LONGLEY.

H.R. 394: Mr. COBLE, Mr. DORNAN, Mr. TANNER, Mr. DICKS, Mr. SENSENBRENNER, Mr. HUNTER, Mr. BILIRAKIS, Mr. THOMAS, Mr. SCHIFF, Mr. GIBBONS, Mr. HANSEN, Mr. HEFLEY, Mr. BARTLETT of Maryland, Mr. HASTERT, Mr. WOLF, Mr. BATEMAN, Mr. BEREUTER, Mr. GORDON, Mr. EDWARDS, Mr. BAKER of California, Mr. INGLIS of South Carolina, and Mr. WALSH.

H.R. 450: Ms. DUNN of Washington, Mr. DICKEY, Mr. FORBES, Mr. HANCOCK. Mr. CHRISTENSEN, Mr. FUNDERBURK, Mr. GOODLATTE, Mr. COBURN, Mr. HUNTER, Mr. JONES, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. MARTINI, Mr. BONO, Mr. WHITFIELD, Mr. COX, Mr. CUNNINGHAM, Mr. LARGENT, and Mr. MCHUGH.

H.R. 461: Mr. BLILEY.

H.J. Res. 3: Mrs. CHENOWETH, Mr. JONES, Mr. BURR, Mrs. CUBIN, Mr. STOCKMAN, and Mr. CRANE.

H.J. Res. 8: Mr. FORBES.

H.J. Res. 27: Mr. GILLMOR, Mr. BARCIA of Michigan, Mr. SENSENBRENNER, Mr. COBURN, Mr. LARGENT, Mr. FORBES, Ms. MCCARTHY, and Mr. KLUG.

H.J. Res. 28: Mr. CHRISTENSEN, Mr. CREMEANS, Mr. ENGLISH of Pennsylvania, Mr. METCALF, Mr. ROGERS, and Mr. VISCLOSKY.

H.J. Res. 49: Mrs. MALONEY, Mrs. MINK of Hawaii, Mr. THORNTON, Mr. OLVER, and Mr. COLEMAN.

H. Con. Res. 5: Mr. BURTON of Indiana, Mr. BOUCHER, Mr. FOX, Mr. MCNULTY, Mr. COBURN, Mr. NEY, Mrs. VUCANOVICH, Mr. WALSH, Mr. FORBES, Mr. GOODLATTE, Mr. HANCOCK, Mr. DORNAN, Mr. SKEEN, and Mr. STUMP.

H. Con. Res. 12: Mr. ACKERMAN and Mr. BURTON of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 1: Mr. HOUGHTON.

SENATE—*Wednesday, January 11, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Guest Chaplain, the Reverend Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

Lord of Heaven, we come into Your presence this morning and offer You praise as a good God, who rules creation for the good of all those who love You, and more. Thank You for Your goodness to us in this country and in this Chamber.

We come to You in humility, realizing that amidst all the august architecture of this place and the trappings of power, that all of us are passing, You alone are eternal. We are changing, You are perfect. We know in part, You are all-knowing. We have some power, only You have all power. You are all good, too often our motives are mixed.

We pray especially for these Senators gathered here today. Use them, Lord, for the good of this Nation and the world. Through these creatures of clay, show Your goodness to us. Be pleased to bless them in their labor, helping them to help the rest of us go about our business in peace and quietness. Help them as they do our Nation's work.

Give them insight and will to conserve what is good in our laws, and to correct what is wrong. Assist them in promoting the good of all Your people, as they promote peace at home and abroad, and work to protect all that is good in our society.

Lord, though so much seems amiss today, we do praise You for the ways Your goodness is reflected in this country. Pray You would use these men and women to encourage that even more, for Jesus' sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LOTT. Mr. President, on behalf of the majority leader, I am pleased to make this announcement of orders for Wednesday, January 11.

Following the time for the two leaders this afternoon, there will be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m. with the following Senators recognized to speak for the time indicated: Senator FRIST for 10 minutes; Senator HUTCHISON for 20 minutes; Senator CAMPBELL for 5 minutes; and Senator HARKIN for 20 minutes.

At 1:30 p.m. this afternoon, the Senate will resume consideration of S. 2, the congressional coverage bill. Senator LAUTENBERG will be recognized to offer an amendment on which there will be 25 minutes of debate.

Upon the expiration or yielding back of the time on the Lautenberg amendment, Senator BRYAN will be recognized to speak on an amendment. Following Senator BRYAN, Senator GLENN will offer a managers' amendment with 10 minutes of debate to be equally divided. Senator STEVENS will then be recognized to offer an amendment dealing with the Library of Congress.

Under a previous unanimous-consent agreement, there will be only first-degree amendments in order to the bill. Following disposition of amendments, the Senate will proceed to a vote on final passage of S. 2. However, no rollcall votes will occur prior to 5 p.m. this afternoon.

Also, for the information of Senators, the Senate will begin consideration of S. 1, the unfunded mandates bill, tomorrow at 10 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Colorado.

(The remarks of Senator CAMPBELL pertaining to the introduction of S. 193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNFUNDED FEDERAL MANDATES

Mr. FRIST. Mr. President, I rise today to address two matters.

First, Mr. President, to let you and my other colleagues in the U.S. Senate know how honored I am to be a part of this noble institution and how much I look forward to working with each of you in conducting what Senator Howard Baker has called "the business of the people."

Second, I want to take a moment to address the issue of unfunded Federal mandates, and specifically the Unfunded Mandates Reform Act of 1995.

As I look around this great body I realize that I am one of the very few Members who has come directly to the Senate from the private sector with no previous ties to Washington, DC or, for that matter, politics. The people of Tennessee elected me as a true citizen legislator—to come to Washington for a period of time with a mission to accomplish and then return to Tennessee to live under the laws I helped pass. As a recently elected citizen legislator, I carry a very distinct advantage: a closeness to the people, a commonality of interest with real people with real jobs, and an immediate understanding of the message of November 8.

During the last year, I have traveled to most all of the 95 counties in my home State of Tennessee—from Memphis to Mountain City—listening to the thoughts and concerns of private citizens and local officials. Coming directly from the private sector, I heard their message in the clearest possible terms, unfettered by the preconceived notions and prejudices of Washington.

And their message was: "Change the direction of the country. Get the Federal Government off our backs, out of our pockets, and off our land. The arrogance of Washington is stifling us, and we are capable of making our own decisions." A simple, crystal clear message.

Mr. President, this is the message I bring to Washington. And there is no better example of the Federal Government's arrogance and unwanted meddling than the unfunded Federal mandates. As our majority leader so eloquently pointed out in his opening remarks of the 104th Congress, the 10th amendment provides that powers not delegated to the United States nor prohibited to the States are reserved to the States or to the people. Yet, through unfunded mandates, the Congress has forced its will upon the people by requiring State and local governments to pay for legislation over which they have no control. The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates.

In my home State of Tennessee, for example, local officials from the city of Knoxville determined that they would have had an additional $11 million to spend on local priorities in the absence of 10 unfunded Federal mandates. According to their estimates, Knoxville could have spent $3.5 million for police and crime prevention were it not for these unfunded Federal mandates. Part of this money would have funded approximately 60 new police officers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Examples such as these have been cited from cities across this country, from across America. It is essentially a problem of taxation without representation. That injustice helped bring about one revolution about 200 years ago, and I think on November 8 we saw another such revolution. The people have demanded that we put an end to such practice. The State and local battle cry, "no money, no mandates," has reached a fever pitch.

The test of any government is its responsiveness to its citizens. The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

Mr. President, I believe that Senate bill No. 1, the Unfunded Mandate Reform Act of 1995, is a step in the right direction. It will be an effective but simple mechanism to curb the unfunded mandates that are strangling America's communities. Requiring Congress to pay for its mandates will merely require Congress to live in the real world. Like the rest of America, Congress will have to learn to balance budgets, to provide services efficiently, to prioritize, and to make tough spending decisions.

For this reason, I have cosponsored the Unfunded Mandate Reform Act of 1995. I commend Senator KEMPTHORNE for his leadership over the past 2 years in raising the awareness of lawmakers and the American public regarding the unfunded mandate issue. As Mayor Victor Ashe, of Knoxville, TN, currently president of the U.S. Conference of Mayors and a champion of this cause has said: "This bill will begin to restore the partnership which the founders of the Nation intended to exist between the Federal Government and State and local governments."

However, Mr. President, I would be remiss if I did not say that there are aspects of this bill that can and should be improved. The bill has no affect on Congress unless the Congressional Budget Office first determines that a bill which contains an unfunded mandate will cost the State and local government more than $50 million over a single year. While I am sure much thought has been given to this threshold amount, and while I understand that increased demands will be placed on the CBO, I urge my colleagues to listen a little more closely to the will of the people. Their message was not to limit unfunded Federal mandates, it was to eliminate them. I urge my colleagues to give serious consideration to eliminating the $50 million threshold in the bill.

The second provision of the bill which disturbs me is the provision that allows Congress to override the prohibition on unfunded Federal mandates with a simple majority vote in the Senate. In essence, what we give to the American people with one hand we potentially take away with the other. I urge that this provision be strengthened to require a supermajority of 60 votes to waive this legislation. Those two concerns notwithstanding, I believe this bill is a good step in the right direction.

Mr. President, the directive of November 8 is clear: A return to Federalism, the idea that power should be kept close to the people. I believe that the Unfunded Mandates Reform Act of 1995, particularly if strengthened as I have urged, will go a long way toward saying to the American people that this body believes the people can and should be trusted with the power to make their own decisions. I urge my colleagues to strengthen and then pass this important piece of legislation as quickly as possible. Thank you, Mr. President.

I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Texas [Mrs. HUTCHISON] is recognized to speak for up to 20 minutes.

Mrs. HUTCHISON. Mr. President, I would like to yield 5 minutes to my colleague from Idaho, after which I will then take no longer than 15 minutes.

The PRESIDING OFFICER (Mr. GRAMS). Is there objection?

Without objection, it is so ordered.

The Senator from Idaho [Mr. CRAIG] is recognized.

A PLEDGE TO HELP

Mr. CRAIG. Thank you, Mr. President, I thank my colleague from Texas for yielding for a few moments. I appreciate a portion of her time.

Let me congratulate the Senator from Tennessee for a very clear message about why he came to Washington, reflective of the expectations of his constituency to respond to the issue of unfunded mandates. We will begin debate on that issue tomorrow, and it is exciting that my colleague, DIRK KEMPTHORNE, is the champion of that issue as we begin to address why the American public is so frustrated over what we do here, and this is one of the most effective ways of curbing it.

I also recognize my colleague from Colorado in his reintroduction of grazing law reform. I will join with him, and I have pledged, with my chairmanship of the Public Lands Committee of the Energy and Natural Resources Committee, that we will deal with this issue this year.

I have also appreciated the cooperation of the Secretary of the Interior. We have had several discussions over the last couple of months as he brings forth new rules and regulations that he would not deal with grazing fees per se and that he would offer some flexibility so that the authorizing committee could respond to the grazing industry and other interests out there that are concerned about the management of our public grass lands and how they will be grazed and under what policy they will be grazed.

For the balance of my brief time, let me suggest that there is a tactic underway, Mr. President, that while it may appear to be well directed, in my opinion, it is tremendously misguided. That is a tactic being used by the Democrat leadership at this moment to try to refocus the whole debate on a balanced budget amendment to our Constitution. There is that old adage that when you are out in the swamp surrounded by alligators, you are forgetting your initial purpose to come to the swamp was to drain it. That is exactly the tactic being used at this moment by the Democratic leadership in both Houses, to say: "For the next 7 years tell us every budget cut you are going to make. Let us be specific right down to the detail. What are you going to cut, and how are you going to cut the budget to arrive at a $1.3 billion reduction in the budget to get to a balanced budget by 2002?"

That is phony. It is just as phony as can be to play that kind of game. What we have to talk about here is what we want to do first and how we want to do it, and then let us proceed down a path that will yield a balanced budget by the year 2002.

Mr. SIMON. Will my colleague yield for a question?

Mr. CRAIG. I am happy to yield to my friend.

Mr. SIMON. I commend the Senator for his comments. If the demands of those of us who favor a balanced budget amendment spell out how we do it, they are always making speeches how you can balance the budget without a constitutional amendment. It seems to me that it is incumbent on them to spell this out also. Is that being unrealistic?

Mr. CRAIG. Well, to my colleague from the other side, and one of the primary sponsors of the balanced budget amendment, it would not be unrealistic. But what is realistic to talk about is the very thing that all of us know who focus on the balanced budget amendment. And how we get there by the year 2002 is a simple matter—although complicated and very tough to do—of reducing the growth rate of Federal budgets from about 5 percent to about 3 percent. When the American public hears that, they say to a Senator SIMON of Illinois or a Senator CRAIG of Idaho, that sounds immensely reasonable. While it may be tough to do, it is a heck of a lot more reasonable to understand that is the kind of approach we are talking about. Then, apparently, the game plan, or the threat, there is the impending damage that could come from that kind of language that would suggest we have to cut $1.3 trillion from budgets. What we could also say is that if we do not have a balanced budget amendment, by the year

2002 the Federal budget will be $1.3 trillion larger, or that the Federal deficit will be $500 or $600 billion annually, or that the Federal debt will be $6 or $7 trillion, or that interest on the debt will be $400 billion annualized.

That is not at all what they are talking about. Instead of talking about the kind of positive things that can grow and emanate from a balanced budget, they are talking about all of the negatives.

The American public knows exactly what we are saying and they are saying very clearly back to us: Do not get weak-kneed. Balance the Federal budget. Produce the mechanism that will result in that and give us a balanced budget amendment to the Constitution that will force the kind of fiscal discipline that this Congress has failed to respond to for now over three decades.

Mr. President, this 104th Congress is considering a historic and remarkable balanced budget amendment to the Constitution. Some partisan sparring broke out over the last few days. That's unfortunate.

Democrats have been asking Republicans, "Where's your plan?" specifically showing how to balance the budget by 2002?

Let us stay focused on the central issue. Which do we want: Balanced budgets or the status quo? Which do we want: An issue? Or passage of the balanced budget amendment? We know which is better for the country.

Let us remember what has brought us to this point: $4.7 trillion Federal debt; annual deficits now in the $160 billion range; and deficits projected to shoot toward $400 billion after the turn of the century.

Let us stay above partisanship. Some of my friends on the other side of the aisle sincerely support the balanced budget amendment but also are demanding to know specific budget cuts. I sympathize with your frustration; but don't be distracted.

Do not be fooled by a partisan tactic on the part of balanced budget amendment opponents to simply kill this amendment at any cost. Do not fall into that some old trap of trying to score a partisan point today at the cost of our children's economic well-being tomorrow. That is exactly the kind of shortsighted trade-off we're trying to stop by passing the balanced budget amendment.

The balanced budget amendment began as a bipartisan effort. Let us keep it that way.

Where are the specific cuts? There are literally hundreds of plans out there; there's no one way to balance the budget. What's lacking is some mechanism to force a consensus. There may be 100 plans in the Senate for balancing the budget, but not one of them will get 51 votes until we remove the easy alternative of borrow-and-spend.

Lessons of History: We have had the specific plans before us in the past. The way Congress has treated them demonstrates why we need to the balanced budget amendment. In the past, one/both Houses defeated numerous deficit-reduction plans full of specifics. Most recently, and in a bipartisan effort: Kerrey-Brown rescission/entitlement reform package (1994) (Penny-Kasich in the House, 1993).

"Draconian" budget cuts required? Contrary to what's being said, we know the direction we have to go, and how to get there. For example: "Glide Path" Plan: Federal spending is increasing now at about 5 percent, or about $75 billion per year. Simply trimming that growth in spending to 3.1 percent would balance the budget in fiscal year 2002. For those concerned about Social Security: We can trim the growth of non-Social Security spending to 2.4 percent and still balance the budget by 2002. This will require discipline, but it is a far cry from the doom and gloom scenario being portrayed by many opponents.

Name every budget cut in advance? Opponents of this proposal want it both ways. First they say, show them how we would cut the budget. Next they say balancing the budget by 2002 would be too painful.

But this tactic proves our point: The budget won't be balanced without passing the BBA first. Democrats want our plan, but where has the Democrat plan been? President Clinton did not propose a path to a balanced budget—current projections show deficits going way up after 1995.

Bad policy, putting the cart before the horse: When people decide they want to be healthier and live longer, they don't plan every meal and every workout for the next year. First they commit to do whatever is necessary. Then they pick the specific diet and exercise plan. The high failure rate for dieters illustrates our point that external enforcement is necessary. Specifying all the cuts before we even commit to balancing the budget condemns us to failure before we start.

Will the BBA work or won't it? Opponents cannot have it both ways: First, they say it is a fig leaf to cover budget failures in previous Congresses, that it's an empty promise; then they talk in terms of "slash and burn" to scare the interest groups into active opposition; I think they really do fear this amendment will work and are not willing to share the responsibilities.

Mr. President, I yield back to the Senator from Texas, and I thank her for sharing with me some of her time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa [Mr. HARKIN], is recognized to speak for up to 20 minutes.

A MESSAGE TO THE JAPANESE PRIME MINISTER

Mr. HARKIN. Mr. President, I thank the Chair.

Mr. President, as I and a number of my colleagues spoke on the Senate floor this past Friday, we pointed out that a terrible injustice has been done to thousands of workers in my State of Iowa, Illinois, and in Ohio. It is an action that has ramifications not only for the other workers throughout our country, but for international relations as well.

Mr. President, I just want to say that if there are people at the Japanese Embassy here in Washington who have their sets tuned in to the proceedings in the Senate, I ask them to turn the volume up and pay close attention to what I am about to say. I believe I am joined by my colleague, Senator SIMON, from Illinois, we have a message for the Japanese Prime Minister who is in Washington today, meeting with the President of the United States. We have a very strong message for the Japanese Prime Minister. I hope that the people of the Japanese Embassy will turn their sets up and start to pay attention right now because this message is for the Japanese Prime Minister.

The Bridgestone-Firestone Corp. is a Japanese-owned company. It announced it would permanently replace over 2,000 of its employees currently involved in a legal strike over proposed major cuts in worker pay and benefits and over a worsening of working conditions.

After earlier being hopeful that this lengthy strike would be successfully resolved through good-faith negotiations by both sides, it now appears that Bridgestone/Firestone has been acting in bad faith. This is irresponsible corporate behavior and it harms the United States of America.

We take the floor again to address this issue because as we speak President Clinton is meeting with Japanese Prime Minister Tomiichi Murayama, and I hope this message gets to the Prime Minister. Our President is meeting with him to discuss a number of important economic and international relations issues. We must improve our relations with Japan. Japan is an economic leader, and an ally of ours. Friendship and positive relations between our two nations is in the best interests of both countries and the entire world.

Mr. President, nothing does more to undermine positive relations and good will between our nations than acts like that taken by Bridgestone/Firestone. Here is a company that is profitable, whose workers have made it profitable by reaching record levels of productivity. Then they go and knock thousands of workers out of their livelihoods because Bridgestone/Firestone is not willing to abide by the same contract signed by their two largest American competitors.

I want Prime Minister Murayama and his government to know how destructive these actions are, how it rips apart families and communities. These workers have given the best years of their lives to this company. They are highly productive, diligent, hard-working individuals. They took contract concessions when times were tough and the company needed them to remain in operation. Now that times are better, workers just want fair treatment from the company.

Mr. Prime Minister, these are workers like Sherrie Wallace who recently wrote me after she and her husband lost their jobs. Let me just read from this letter from Sherrie Wallace, a worker at Firestone:

> When Bridgestone came to each of us asking for help because we were not doing as well as the company needed to do, we all did our best. They asked me for one more tire every day, and to stay out on the floor and forgo my cleanup time. Not only did I respond, so did each and every member of the URW. Not only did I give them the one more tire per day they asked for, I gave them three times what they asked for. Our production levels soared. We threw ourselves into our company believing that we all must succeed together in order to create a better way of life for all. The membership joined committees and we became involved and we gave them our hearts. We began to believe this company was different. We gave them our input to create a better working environment. To increase productivity we began to meet our production levels. We were proud of our company and our union. Together, we did make a difference. It is these things that make me wonder why does Bridgestone now demand such unreasonable demands?

In return for their increased productivity, workers are being asked to take a 30-percent cut in the introductory wage, cutting out four holidays, bunching up all their holidays at Christmas time, cuts in pay rates for work on Saturdays and Sundays.

I asked my staff, Mr. President, to compare what the workers in Japan were getting in Bridgestone Corp., compared to workers in America. I think you will find this pretty startling. In Japan Bridgestone union employees average annual wage is $52,500 a year, for the Bridgestone union employees in America, their average wages are $37,045 a year. The average monthly hours in Japan? One hundred fifty-two hours. In the United States? One hundred ninety-eight hours. Not only are our workers working more, they are getting paid less. Now, what the company says they want them to do is two shifts a day, 12 hours on, 12 hours off. They want them to work a crazy quilt work schedule. They would work three 12-hour days, then have 2 days off; then 2, 12-hour days, have three days off; then they work two 12-hour days, have 2 days off. Try to map out a schedule for your family life on that. It would be worse than the U.S. Senate. Workers would not know when they would have days off during the year.

In Japan, same company, same employees have three shifts, eight hours a day, and they rotate those shifts. The company says no, what is fair in Japan is not fair for our workers in America.

So, Mr. President, workers increase their productivity tremendously at this company. All the statistics show it. At Goodyear Tire & Rubber, they had a contract dispute last year, they settled it, setting the contract pattern for the rubber industry in this country and they moved ahead. Now what Bridgestone-Firestone is doing is saying they can beat their major competitors in America by squeezing their workers a little harder. Well, I do not think any company ought to gain a competitive advantage at the expense of its workers.

The United Rubber Workers have offered proposals through the Federal Mediation and Conciliation Service and the company refused to negotiate. This refusal is a refusal of the basic tenant of labor-management relations of collective bargaining.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER (Mr. INHOFE). The Senator has 14 minutes remaining.

Mr. HARKIN. Mr. President, I will take a couple more minutes, but let me yield to my colleague from Illinois because I know his workers in Illinois are facing the same kind of situation as ours are in Des Moines, IA.

Mr. President, I yield at least 5 minutes to the distinguished Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague from Iowa. I thank him for his leadership on this.

When he mentioned the States that are affected, he should have included Oklahoma, which is the State of the Presiding Officer. The Japanese Prime Minister is here today to create good will for his country, and I hope he has a very good visit. However, it is appropriate that we let the Japanese Prime Minister know right now here and clearly, that one of the Japanese-owned corporations in this country is creating ill-will in this country, and is not doing any good for United States-Japanese relations.

In addition to the comments of my colleague from Iowa, I would point out that the Secretary of Labor asked to meet with the chief executive of the Bridgestone-Firestone Co. here in the United States.

He refused to meet with the Secretary of Labor to talk about this. I have a wire service story in which Secretary Reich is quoted as saying:

> I consider this outrageous, quite frankly. Japanese companies in this country have a sterling record of social responsibility, in general.

And I think that is correct. Most Japanese corporations in this country have an excellent record. This company is refusing even to meet with the Secretary of Labor. I have never heard of an American corporation or a corporation in this country refusing to sit down with the Secretary of Labor.

The company said:

> * * * it would be happy to send Charles Ramsey, its chief negotiator—

Only they are not negotiating.

> to meet with—

The Secretary of Labor.

That is like sending an errand boy. The Secretary of Labor ought to be able to sit down with the person who is making the decision.

This is only the third time, I am told, since the early 1930's when a major corporation—and that includes major corporations in the United States of America, with the air traffic controllers being one of the three—this is the third time we have had a permanent replacement of strikers of this magnitude.

Our whole tradition is against it. It is very interesting that this Japanese-owned corporation cannot do in Japan what they are doing in Oklahoma and Illinois and Iowa and Ohio and Indiana. It would be illegal for them to do it in Japan, and they are doing it here, contrary to our traditions. It is illegal to do it in Canada or all of Western Europe, except for Great Britain.

I think that the company is making a great mistake. I have been around public life for a while—I am 66 years old. I have observed a little, and I have noted when this pendulum swings too far to one side, pretty soon the pendulum is going to swing too far to the other side, and that is the danger in labor/management relations in this country. It is a danger for Bridgestone/Firestone.

I heard my colleague from Iowa say the other day that he would not buy any Firestone tires. Believe me, I am certainly not going to buy any Firestone tires, and I think there are going to be a lot of people in the United States who are going to feel the same way.

The sensible thing is to sit down and negotiate. I have, Mr. President, over the years been involved in some labor/management negotiations. Sometimes it gets tough, but getting people together around a table, sooner or later—a little bit like a conference committee between the House and the Senate—sooner or later you get something worked out. That is what Bridgestone/Firestone should do, not dismiss 2,300 employees. They ought to sit down and try to work things out. That is the American tradition.

I note that the Wall Street Journal, in an article about the chief executive of Bridgestone, refers to him as a bulldog, that he is a born gambler. Well, he is gambling with something that is very important. He is gambling with his company's future. He is gambling with labor/management relations in this country. He is gambling with the lives of 2,300 workers and their families. I hope common sense prevails, and I hope the Japanese Prime Minister gets the message that we who have spoken on the floor of the Senate have nothing but good will toward Japan. I respect that country. I might add, I grew up in the State of Oregon—something I do not stress in the State of Illinois—but I grew up in the State of Oregon. My father was a Lutheran minister and, in 1942, stood up when Japanese-Americans were taken away from the west coast. That was my first real experience in civil rights. I was 13 years old then. I remember the hostility that my father received on that occasion.

I do not want to sour United States-Japan relations. I want an improved relationship. I think the Japanese Prime Minister would be wise to get a message to the chief executive of Bridgestone, sit down and try to iron this thing out.

I yield back my time to my colleague. And, again, I thank him for his leadership on this.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Six and a half minutes.

Mr. HARKIN. Mr. President, I want to thank my colleague from Illinois, again, for his strong support for trying to inject some sanity and some reasonableness into these negotiations to try to settle this strike at Bridgestone/Firestone.

I want to say to my friends, whether they are watching in the Japanese Embassy, or to Prime Minister Murayama, I want to echo what Senator SIMON said. The vast majority of Japanese companies operating in this country operate in a highly responsible, effective, compassionate manner with their workers. I have seen many of them and, in many cases, the workers are happier there than perhaps they are at other companies that are not Japanese.

I do not want to cast Bridgestone's actions as something true of every Japanese company. That is not true. Senator SIMON is right on the mark with that. For some reason, this seems to be some kind of a rogue company. But it is always that bad apple that can spoil the barrel, and that is what Bridgestone/Firestone is going to do. They are going to color with their insensitive, outrageous behavior all the other fine Japanese corporations that are doing a good job in this country, I would hate to see that happen. I know the Senator from Illinois would hate to see that happen, too.

That is the message, I think, that we want the Japanese Prime Minister to take back with him. It is not just this one company and you can ignore it. This will have ramifications over and beyond just that one company.

Mr. President, I read from the letter from Sherrie Wallace who worked at Firestone 33 years. Her husband also worked there. Let me read one final paragraph. I will not read the whole letter. She said:

> You see, we are one of those families that both husband and wife work at Bridgestone/Firestone in Des Moines, IA. We both have lost our jobs, our benefits and our livelihood. We have had days and nights of no sleep, wondering where our life is heading. Trying to keep the "American Dream" alive with dignity, conviction to stand up for what you believe in and hope.
>
> Please hear our plead for help. * * * Over 25,000 employees, spouses and children will be affected by this one * * * incident.

So, Mr. President, I hope that the Japanese Prime Minister will heed this.

As I pointed out last year, Goodyear Tire and Rubber reached an agreement with its workers, and they were chosen to set the pattern for the industry. Well, they did. Now Bridgestone/Firestone has come in and said they want to break that pattern.

One can understand if, in fact, the workers are not productive, but as Sherrie Wallace pointed out in her letter, they have become highly productive. In fact, in March 1994, workers at Bridgestone/Firestone U.S. reached a new high of 80.5 pounds per man-hour and set an all-time record for pounds warehoused, and the company boasts that it did it with 600 fewer workers.

So it is not a problem of either they are not making money or that the workers are not productive. Just the opposite is true.

What Bridgestone/Firestone is saying effectively is that their workers are no more than pieces of machinery, to be used, depreciated and then thrown out on the trash heap without any concern for their families or years of service.

But there is an option, and let this be the final warning to Bridgestone/Firestone. I will read a letter to the editor of the Des Moines Register by a farmer by the name of Joe Weisshaar:

> A quick inventory tells me that my tractors, trucks, wagons, combine and cars roll on more than 140 tires. My vow to Bridgestone/Firestone is that if this strike is not settled within 30 days, I will never buy another tire made by them.

That is just one farmer's view from the State of Iowa.

I guess that ought to be the message sent to Bridgestone/Firestone. Our consumers have a choice, and if we have to and if Bridgestone/Firestone will not settle this in a decent manner, if they will not sit down, if they will not even speak to the Secretary of Labor, then maybe what the people of this country ought to do is just start rolling along on another brand of tires. And Bridgestone-Firestone ought to know that we have that option.

So, Mr. President, I urge the Japanese Prime Minister to take the message we are sending back to the head of Bridgestone/Firestone, urge him to reconsider his unfortunate decision, and to reopen in good faith negotiations with their workers. It would not only be in the best interests of the workers and their families and communities, but also the relations between our nations and the good will that is so important to maintain.

Mr. President, I yield back whatever time I have. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. The Senator is recognized.

UNFUNDED MANDATES

Mr. DORGAN. Mr. President, we will soon in this Chamber turn to unfunded mandates bill, which is a piece of legislation that has been worked on by the Governmental Affairs Committee and by many Members of this Chamber. I wanted today to say a few words about that legislation to try to indicate why I support generally the subject, why I have worked on it in the Governmental Affairs Committee, and why I think it is important that we pass the legislation, but also why I think at the same time we ought to talk about all dimensions of this issue and why I intend to offer several amendments to it.

First of all, it is absolutely true that it has been far too easy for Members of the House and the Senate to decide that they want to offer amendments that will require someone out there in the country to do something, most specifically a State and local government, but also the private sector, without any given thought about how much the mandate would cost. Too often, we overlook the questions of what kind of problems the mandate could cause, how heavy the burden will be, and on whom will it fall.

Too often it has been easy to say "Here is what we impose, and you worry about the rest of it. You worry about what it is going to cost."

Well, this legislation simply says that when we are prepared to impose a mandate, we ought to be responsible enough to understand what it imposes on someone. What is the cost going to be?

Then, if we impose a mandate on State and local government, we ought to say, "Here are the resources with which you can do it."

Senator DOMENICI and I wrote in this legislation provisions that also include the private sector. It is not just mayors and Governors who are concerned about mandates. What about the private sector? What about the businessman and business woman who also get socked with mandates? So there is in this legislation language which Senator DOMENICI and I wrote that includes the private sector. We provide that you must, when you bring legislation to the floor of the Senate, have with that legislation an analysis by the Congressional Budget Office of what this is going to cost the private sector.

Let us vote with full information. Let us vote with more information than we have ever had in the past to understand what we are doing and what burdens our laws are imposing on people around this country.

Some will, I suppose, support this legislation in a manner designed to suggest that everything Government does is largely unworthy. I do not believe that. We have done a lot of things, including imposing some mandates that are worthy and important and that I would vote for again and again and again. Would anyone here reasonably suggest that we should not have passed the Voting Rights Act? I do not think so. That imposed a mandate, and it was perfectly legitimate. It was our responsibility to do it. We did it, and I am proud of it. I can give you other examples.

My point is that some mandates are important. Some mandates we ought to impose. I can tell you one I would like to see imposed. I have been trying for years. Hopefully, I will get it done. I do not think it is going to cost anybody very much. Do you know there are nine States in this country where you can get behind the wheel of your car and, with your right hand, put the key in the ignition and, with the left hand, hold a bottle of Wild Turkey or Old Crow or your favorite brand of whiskey and drive down the street drinking whiskey, and do so within the law?

In my country, I hope that will not last very long. There is not a State in this country that ought to allow drinking and driving. Nine of them do. At least nine of them do not have laws prohibiting open containers in vehicles or prohibiting the driver from drinking. I would like to mandate in every State in this country that no matter where you are driving with your family on vacation, you know you are not going to cross a State line and find in the next State that someone is drinking whiskey and driving, or drinking beer and driving, and turning into a murderer because the driver is drunk.

I would like to mandate that, and I have been trying. I have not been successful, but someday I am going to. I do not think it is going to cost the States that do not have this law a lot of money to decide they should comply with a reasonable mandate that you ought not drink and drive in this country.

I indicated over in the Governmental Affairs Committee that trouble runs on a two-way street in this country on the subject of mandates, and I said to State and local folks who testified that I support this legislation for the reasons I have just described now here on the floor of the Senate. But I also said as I participate in efforts to reform the way the Federal Government does business, we should and we will—and this bill will pass and will pass with my vote—require State and local governments to participate in reform as well. Mandates are a two-way street. Even as we talk about the burdens we impose upon them, there are officials out in other levels of government—Governors and others—who are plotting new ways they can hook their hose to the Federal tank and suck more Federal dollars out of the Federal tank; how can they get more Federal dollars?

I will tell you one way. They have decided to concoct phony schemes for provider taxes in Medicaid. Some states tax their health care providers, which brings in more Federal Medicaid dollars. Then these states reimburse their health care providers. In effect really the providers have paid no tax and the only result is that the states increase the Federal deficit by sucking more money out of the Federal trough.

We are going to reform the way we do business. They ought to reform the way they do business. It is not acceptable to me to have people complaining about unfunded mandates at the State and local level and then to see them in every conceivable way line up to see how much they can pail out of the Federal trough and get more Federal moneys in their area, some of it with schemes that are fundamentally phony.

Well, my point is, yes, let us change; let all of us change, not just the Federal Government but State and local government as well. The fact is we send a substantial amount of money back to State and local governments, some of it with no strings. I could give a list of programs for which we send billions, literally tens of billions of dollars, back to State and local governments in which they have the control over the spending and in which there are very few mandates, and in some cases none.

And I think, again, this is a two-way street. We need to work together. Let us try to stop imposing unreasonable burdens on each other, and let us all act responsibly and all construct the kind of behavior in Government that the American taxpayers expect us to have.

The legislation itself is good. There are a number of questions that will be asked about it that I think ought to be answered, and some were not answered in the Governmental Affairs Committee. It is reasonable for us to understand exactly what we are doing even now, as we deal with mandates. So there are a lot of questions. But when all the dust settles and the questions are answered, this legislation, I think, will be improved by some amendments. Then the legislation will pass, and it will pass with my vote because I have helped write part of it, especially including the private sector. But I am going to offer a couple of amendments. Let me describe the three of them.

One is, there is a commission described in this legislation to do some studying. It is a new commission. We do not need a new commission. The Advisory Commission on Intergovernmental Relations, ACIR, which has existed for a long, long while—I have worked with it, in fact I was appointed to serve on it a couple of years ago—is a commission existing to do precisely these kinds of things. We do not need to construct or produce a new commission. Let us use the commission that exists. In fact, the ACIR was the commission in this legislation up until a few weeks ago and was replaced for reasons I do not understand. So I will offer an amendment to place it back in the legislation.

Next, I am going to offer an amendment that deals with a mandate that sort of gets under my skin. We have a metric conversion act in this country. We are forcing America to go metric. It is not that I am living in the last century. It is not that I am backward. It is not that I fail to understand. I have nothing against metric. I do not happen to care how many kilometers it is to the next rest stop. So I do not want them taking down the highway signs telling me how many miles it is and putting up signs telling me how many kilometers it is. It does not matter to me. I want to know how long it takes to get there, and I guess I can best measure that by seeing how many miles it is.

We do not need a Metric Conversion Act that we enforce through the Federal Government, through the Department of Transportation, that will take down all those green highway signs on the interstate and replace miles with kilometers. It is a terrible waste of money. But more than that, in the deep recesses of the bureaucracy, in every agency, there is some metric conversion enforcement officer who is now busy at work, scurrying somewhere underneath a pile of paper, trying to figure out how to mess up the next project.

In North Dakota, we are going to try to build 20 little houses up on an Indian reservation to house Indian Health Service workers. Do you know what? Those 20 houses are held up. Do you know why? Because they have to be built under the metric system; metrification. Twenty houses have to be built under the metric system. I have been trying for 3 months to get a waiver. You cannot do it. The bureaucracy simply does not bend.

I am going to offer an amendment that says let us suspend for 2 years the enforcement of the Metric Conversion Act. Just suspend the enforcement of it. Then let us have this commission that is going to study the other things get back to us and tell us what the Metric Conversion Act is costing us and why. Of what value is it to build a house using metric? It is more expensive and takes longer in the planning. This makes no sense to me. I am going to offer an amendment, and I hope we add it to this bill, that we suspend for 2 years the enforcement of the Metric Act while the study is done, the study which I hope will then convince us we ought not to be doing this.

Yes, parts of the private sector are going metric because if you want to compete in certain areas overseas you ought to do it in metric measurements. The automobile industry does that when they send cars overseas. I see nothing wrong with that. But we do not have to use metric when we want to build a house on an Indian reservation. That makes no sense to me.

I am going to offer another amendment, on the Federal Reserve Board. The Federal Reserve Board imposes the ultimate mandate. In fact, I think next week they will decide once again—closing their doors and in secret with their brethren, the banking community, the central bankers—decide to increase interest rates. And they will increase the cost of paying for the Federal debt by the Federal Government. They will increase the cost for State and local governments, and more important, they will increase costs on every American citizen. That is mandated. They are going to mandate an increase in interest rates that will cost every American citizen additional money.

So I am going to offer an amendment that is very simple but will give them an apoplectic seizure, I am sure, because even if you suggest somehow that they are maybe a part of America and we ought to understand what they are doing behind those closed doors, they say you are Fed bashing. I am not Fed bashing. But I am going to offer an amendment that says when the Federal Reserve Board meets in secret to decide once again they want to increase interest rates, within 30 days of that decision they must send a report to Congress and a report to the President that tells us how much that action cost us, what it cost the Federal Government in increased debt service.

Incidentally, the Fed's actions last year—again in secret, by the Fed, the central bankers who control the money supply—their actions last year increased the cost of debt service over the coming 5 years by nearly $125 billion. In other words, they, by their decisions, took back nearly one-fourth of the deficit reduction savings that we agonized over and debated and wrestled over here on the floor of the Senate for months the year before. They did not wrestle. They did not debate much. Actually, we do not know that because the door was closed. But I assume they reached a consensus very quickly on behalf of their constituencies. They took back, by their action to increase interest rates, about $125 billion in deficit reduction. Said another way, they took action to increase the Federal deficit by $125 billion because they increased the cost of paying for the Federal debt. But it was more than that. They increased the cost of home payments for people who have adjustable rate mortgages.

My point is this. When the Federal Reserve Board meets and decides it is going to mandate another interest rate increase, I just say, within 30 days you have a responsibility to tell us and tell the President what this increase will cost. The reason I make this suggestion is that I asked at a recent hearing of Federal officials what did this cost, your five or six interest rate increases last year? Do you know what was the cost of it, and who is going to pay it? They had not studied it.

So I am saying I would like the Fed to study it and give us a report. I will offer that amendment as well to this legislation, and I hope that some of my colleagues will support that and that we could add that provision to the unfunded mandates bill.

Let me finish where I began on this subject. This is a piece of legislation that I believe will be supported by substantial numbers in both political parties. Most of us understand it has been too easy to impose mandates on others, both State and local governments and, also, the private sector. There are mandates that are important, necessary, and which I support. We would not want, I believe, in this country, to decide we will retreat on the question of child labor. We have child labor laws prohibiting the hiring of 12-year-olds and paying them 12 cents an hour. We would not want to retreat on that. We would not want to retreat on the issues of worker safety. Should we have a safe workplace? Should we have child labor laws? There are dozens and dozens of things that we have done that helped create a better country. They are important and they have been in mandates.

But in recent years it has been too easy. In recent years there has been a call for us to be more responsible, and that is what this legislation says. Let us understand what this mandate is, who it costs and what it costs. If we do understand, we will make this Senate a better legislative body.

I hope that next week when we really debate this bill, Senators will not tell us that this bill is just the way it has to be as it comes out of committee and that they oppose all amendments. This bill is not perfect. I helped work on it and I know it is not perfect, and that is why I think we ought to have a free and open exchange, agree to some amendments where amendments have merit, and get this bill ready for final passage. We will have accomplished something together as Republicans and Democrats, and we will be responding to what I think is a real problem.

Mr. President, with that I yield the floor, and I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

NOTE

Due to a printing error, the following statement from the RECORD of January 10 is reprinted in correct form at this point.

A MAN OF MANY TALENTS—SENATOR BENNETT JOHNSTON

Mr. BYRD. Mr. President, Madison in the Federalist No. 53 states, in part, as follows:

> No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.

In the same Federalist paper, Madison writes as follows:

> A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.

Mr. President, I speak today of a Senator who has demonstrated superior talents, a Senator with 22 years of experience in this body—Madison, having referred to men of "superior talents" and also to the advantages of "experience"—and BENNETT JOHNSTON is that man of whom I speak.

There is no department of public life in which the test of man's ability is more severe than service in this body. Little deference is paid to reputation previously acquired or to eminent performances won elsewhere. What a man accomplishes in this Chamber, he does so by sheer force of his own character and ability. It is here that one must be prepared to answer for the many talents or for the single talent committed to his charge.

BENNETT JOHNSTON came to this body 22 years ago as a man of many talents. He did not wrap his talents in a napkin or hide them in the earth, as both Luke the Physician and Matthew make reference, but he put them to use that they might bear increase for his State, for his country, for the Senate, and for his fellow man. He has proved himself to be a superior legislator. I have served with him these 22 years on the Committee on Appropriations. He has proved himself to be a man with courage, with vision, with conviction, a man who is diligent in his work and faithful to his oath of office.

As the chairman of the Senate Committee on Appropriations during the last 6 years, I found him always to be conscientious and a man of his word. Fully aware of the admonition by Polonius that "those friends thou hast and their adoption tried, grapple them to thy soul with hoops of steel," it is with pride that I call BENNETT JOHNSTON friend. It is with sincere sadness that I have heard of his decision and I regret that, with the passing of these final 2 years of his term, the Senate will have witnessed the departure of one who has effectively toiled here in its vineyards and who has earned the respect and admiration of his colleagues. The people of the State of Louisiana chose well when, by the exercise of their franchise, they sent him here. Someone will be selected to take his place, just as someone will, in due time, stand in the place of each of us here.

After he lays down the mantle of service, we shall feel the same revolution of the seasons, and the same Sun and Moon will guide the course of our year. The same azure vault, bespangled with stars, will be everywhere spread over our heads. But I shall miss him, just as I know others will miss BENNETT JOHNSTON. Other opportunities will come to him, other horizons will stretch out before him, and he will sail his ship on other seas.

Erma and I will miss BENNETT and Mary, but the memories of these past years during which we have been blessed to render service together to the Nation will always linger in our hearts.

I think of lines by Longfellow as being appropriate for this occasion:

I shot an arrow into the air;
It fell to earth I knew not where,
For so swiftly it flew, the sight
Could not follow it in its flight.

I breathed a song into the air;
It came to earth, I knew not where,
For who has sight so swift, so strong
That it can follow the flight of song?

Long, long afterwards, in an oak,
I found the arrow still unbroke,
And the song, from beginning to end,
I found again in the heart of a friend.

Mr. President, I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,798,792,100,063.36 as of the close of business Tuesday, January 10. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,216.30.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONGRESSIONAL ACCOUNTABILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. LAUTENBERG] is recognized to offer an amendment, in which there will be 20 minutes under the control of the Senator from New Jersey and 5 minutes under the control of the Senator from Iowa [Mr. GRASSLEY].

Mr. LAUTENBERG. Mr. President, I thank the Presiding Officer.

AMENDMENT NO. 15

(Purpose: To reduce the pay of Members of Congress by the same percentage as other spending is reduced in any sequester caused by the failure of Congress to meet budget limitations on spending, or the budget deficit)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 15.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . REDUCTION OF PAY OF MEMBERS OF CONGRESS IN EVENT OF SEQUESTRATION.

(a) IN GENERAL.—Section 601(a) of the Legislation Reorganization Act of 1946 (2 U.S.C. 31) is amended—

(1) in paragraph (1) by striking out "as adjusted by paragraph (2)" and inserting in lieu thereof "as adjusted by paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) The annual rate of pay for each position described under paragraph (1) shall be reduced (for the period beginning on the effective date under subparagraph (B)(i)(I) through the end of the fiscal year in which such adjustment takes effect) by the percentage necessary to reduce the total annual pay for such position by the uniform percentage determined under—

"(i) section 251(a)(2) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 901(a)(2)) in any fiscal year in which there is a sequester under section 251 of such Act;

"(ii) section 252(c)(1)(C) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 902(c)(1)(C)) in any fiscal year in which there is a sequester under section 252 of such Act; and

"(iii) section 253(e) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 903(e)) in any fiscal year in which there is a sequester under section 253 of such Act.

"(B)(i)(I) An adjustment under subparagraph (A) shall take effect on the first day of the first applicable pay period beginning on or after the date on which an intervening election of the Congress occurs following the sequester.

"(II) Effective on the first day of the first applicable pay period beginning on or after October 1 of the fiscal year following the fiscal year in which an adjustment to effect under subclause (I), the rate of pay for each position described under paragraph (1) shall be the rate of pay which would be in effect if not for the provisions of this paragraph.

"(ii) If more than one adjustment would take effect on the same date in accordance with clause (i)(I), each applicable percentage determined under subparagraph (A) (i), (ii), and (iii) shall be added, and the resulting percentage shall be used in making a single adjustment.".

(b) REGULATIONS.—The Secretary of the Senate and the Clerk of the House of Representatives may prescribe regulations to carry out the provisions of this Act relating to the applicable Members of Congress.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this section.

Mr. LAUTENBERG. Mr. President, this amendment is fairly simple. It would include Members of Congress in actions that result from missing budget targets that have been set forth under the Budget Act. It would say that if we miss the targets specified and a sequester takes place, reductions in accounts across-the-board, or on a specific account, that we would also include Members' salaries; that we would therefore cut, on a like proportion basis, the salaries of Senators and Congresspersons if the Congress failed to achieve its budgetary targets of limits on Government spending.

The amendment would eliminate a defect in current law that excludes congressional pay from across-the-board cuts or sequesters when spending limits are exceeded.

Mr. President, the central purpose of the pending bill, the congressional responsibility bill, is to create the same standards for Members of Congress as those applying to other citizens. The bill says that if we are going to impose laws on ordinary Americans, we are going to have to live up to those laws we in the Congress, we in the Senate, the same laws as we ask our constituents to obey. That is an important principle, Mr. President, and it is why I strongly support the underlying bill.

Unfortunately, the pending legislation does not put Congress and the public on even par, at least in one very important respect. In fact, one double standard in place would absolutely surprise the American people if they were more aware of it. And I will take a moment to explain.

Under the Budget Act, if Congress exceeds certain limits on spending or fails to meet legally established deficit targets, then the act may mandate automatic across-the-board spending cuts to assure that we maintain fiscal discipline. These across-the-board cuts are known as sequesters and they can apply to a very broad range of Federal programs and benefits.

Let us make no mistake. If Congress overspends under the Budget Act, ordinary Americans get hurt in the process—veterans can lose benefits they earned while fighting for our country; senior citizens with health problems can lose services under Medicare; middle-class students can lose the opportunities that student loans afford; and citizens living constantly these days in fear can lose the protection of additional law-enforcement personnel.

And yet, while ordinary Americans' programs are put on the chopping block, when their health, their security, and their educations are put at risk, guess who it is that gets off scot-free? That is right. Members of Congress. Their pay is protected, no matter what happens.

Mr. President, there is something wrong with saying that, if Congress violates the Budget Act, benefits for ordinary citizens should be cut, veterans' services should be cut, senior citizens' Medicare should be cut, student loans should be cut; the unemployed job training should be cut, but congressional salaries, those are sacrosanct, not to be touched. It is not right. If the public knew more about it, they would perhaps be even angrier than they already are.

Mr. President, I have been bothered by this double standard for some time. In the last Congress, I introduced legislation to eliminate this double standard. I called it the Congressional Overspending Pay Accountability Act. It was designed to do what its name suggested: Hold Members of Congress accountable if they overspend and if they violate their own budget rules.

This amendment is based generally on that earlier bill. I offer it today because the Congressional Accountability Act is the ideal vehicle for solving this problem. After all, this bill is about eliminating double standards. And the loophole that protects Members' salaries from spending cuts is the ultimate double standard. Unfortunately, in its current form, this bill does nothing about it unless this amendment is adopted.

So the amendment is very simple. It says that if Congress overspends, the pay of each Member of Congress shall be reduced by the same amount as all other affected spending. For example, if we exceed discretionary spending targets and trigger a sequester of 5 percent, Member pay for that next year will be cut 5 percent, as well. If the sequester cuts other programs by 1 percent, then the pay of Members of Congress will be reduced by 1 percent. I think it is important that if a target is missed, the pain be distributed equally. When cuts are made in programs, opportunities for education or health care are reduced. I think, somehow or other, we in the United States Congress ought to feel it some way other than putting a pencil to the paper.

We are recommending this amendment. I hope all of my colleagues will support it. I think it is a show of good faith. I think, otherwise, it smacks a little bit of hypocrisy to say we do not want our pay cuts, but we want everybody else's programs cut. I think it does not ring a very true signal for the American people. This amendment proposes to treat Members of Congress just like all other ordinary Americans who get hurt when the Budget Act mandates across-the-board cuts. I believe that is only fair.

We have not heard a lot about sequesters lately, Mr. President. In the past, we have seen sequesters as high as 5 percent, such as the one that reduced the military budget by that amount in 1986. Recently, Congress has complied with the Budget Act and has made a lot of tough choices. The threat of sequester has now increased substantially. Many in this town are intent on both increasing military spending and providing huge tax breaks to the wealthy at the same time we have heard promises of huge cuts in total Government spending. Apart from a few small symbolic programs proposed for elimination, we have not heard much of the details. We do not know whose benefits will be cut. We do not know whose programs will be eliminated.

Mr. President, if Congress locks itself in too tightly in overall spending caps, and then refuses to make the tough decisions to cut specific programs, what will happen? Well, one likely result will be a sequester. That possibility looms larger now than it has in many years.

Mr. President, there is a lot of debate now going on about a balanced budget amendment. The reason that that has developed is because all of us, whether one is a supporter of the balanced budget amendment or not, are anxious to bring this budget of ours under control. So we are resorting to techniques, we are resorting to programs instead of thoughtful planning on how to do it.

What we are saying is let us pass the balancing on to an amorphous structure, something that says if we cannot do it—and I think it is a blink of the eye, because we can do it—if we cannot do it, let them do it.

The case of the balanced budget amendment obviously, at one point along the line, falls to the courts to pick up the responsibilities. So I want to establish the fact—and I think my colleagues will agree—that we, too, are at risk in some way if we fail to do what we tell the public we want to do.

Mr. President, there will be handouts to the rich. They will be paid for in the end. There is a good chance that they will be paid for by ordinary Americans, whose Medicare and other benefits are subject to significant across-the-board cuts. The question I ask is, will Members of Congress feel their pain? Under the present structure, it does not look that way. The meat ax may fall, but our heads will not be in the guillotine. The blood on the floor will be the blood of lots of ordinary folks who have worked hard, played by the rules, and tried to make ends meet; but, once again, they will be asked to make or told that they are the ones who will make the sacrifice.

Mr. President, I am hopeful the reason we will prevail and we will avoid that kind of fiscal irresponsibility is the threat is real. If the ax falls, Members of Congress should risk their necks, as well. Mr. President, even if we never have another sequester, we should eliminate the loophole for Members' pay. It is a matter of principle. It is the exact same principle, the principle that motivates this bill. Members of Congress are citizens, like everybody else. When we violate our own budget rules, we should not give ourselves any special exemptions.

The staff that joins us here in this room, that supports Senators in their offices and supports Senators in their committees—hard-working people, people who want to do a job and get a decent day's pay—wants to know that their pensions are secure when it comes time to retire. If there is a sequester, they feel it in their paychecks when the legislative budgets are reduced. That risk ought to be applied to those who are writing the bills. We ought to cut our pay to the same extent that anyone else who works for the Government might get cut if a sequester takes place.

Mr. President, if we are serious about reform, this amendment should pass overwhelmingly. I think that as each of the Members comes up to the well and announces their vote, that it is important the public be aware of the fact that if they vote "no," or vote against this amendment, that what they are saying is the old expression that kicks around here, "Do not tax you and do not tax me, tax the guy behind the tree." That is what we are saying if this amendment fails to pass. I am hopeful that we will see it pass, because I think it is an important declaration of principle to the American people. I think it says to them that we are in the same boat as they are.

It is a privilege to serve in this body. We are privileged and honored to have the responsibility of writing the laws that make this country a better place to live. We will be able to put our imprimatur, our signature on this, if we adopt this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I ask the Chair, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. LAUTENBERG. If a quorum call is put in place, how is the time charged?

The PRESIDING OFFICER. It requires unanimous consent at this time to put in the quorum call. The Senator must specify how the time would be split.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum. I have pledged to the majority leader that he will have 5 minutes, I think it is, to make his remarks. We will have the time run on our side of the clock.

The PRESIDING OFFICER. Is there objection to the request?

Mr. GRASSLEY. Reserving the right to object. I did not hear the unanimous-consent request. Was there one?

Mr. LAUTENBERG. There is. The unanimous-consent request is, if I may, Mr. President, that a quorum call be fully charged to our side because the majority leader has a commitment under the previous order of a 5-minute response.

Mr. GRASSLEY. That is OK with me.

Mr. President, I have 5 minutes under my control?

The PRESIDING OFFICER. That is my understanding of the unanimous-consent agreement, yes.

Mr. GRASSLEY. I allocate myself such time as I may consume out of the 5 minutes.

The PRESIDING OFFICER. Does the Senator from New Jersey withhold his quorum call?

Mr. GRASSLEY. Has the Senator yielded the floor?

Mr. LAUTENBERG. Yes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, from the standpoint of a philosophical approach to what the Senator from New Jersey is trying to espouse, as his amendment does, I have affiliated myself in the past with some attempts—this is the first time I have heard this approach used—but I have offered amendments or cosponsored amendments myself that would say there should be no pay raise for Members of Congress until we get the budget balanced.

I think the Senator from North Carolina [Mr. HELMS] has offered an amendment on the floor of this body before that I voted for that probably would have cut our salary a certain period of time until we got to a balanced budget. I voted for that. So I am not unsympathetic with what the distinguished Senator from New Jersey is trying to accomplish. But I can say this in regard to the underlying legislation: The underlying legislation attempts to, and I think successfully does, apply the laws to Congress that we have exempted ourselves from that presently and for, in some instances, five decades have applied to the private sector, so that we no longer have a system of a double standard in America: One set of laws is for Congress and another set of laws is for the rest of the Nation.

That principle underlying this legislation then is the main argument for our not agreeing to the amendment of the Senator from New Jersey, because he imposes the requirement of sequestration on the rest of the budget to the salaries of Members of Congress. We are dealing totally within the public sector here. It has nothing to do with the application of laws that apply to the private sector on Congress from which laws we have been exempt, because the Federal budget, as an instrumentality of public policy, does not apply to the private sector.

So, basically, the same argument can be used against the amendment of the Senator from New Jersey that has been used against the amendments that have been proposed from the other side of the aisle on Thursday and Friday of last week, Monday and Tuesday of this week and now we are in the fifth day of discussing a bill. It is unrelated. It is a subject worthy of discussion, what the Senator brings to our attention, but not on this legislation. So, consequently, not this time. In the first week of April, according to the Senator from New Mexico, the distinguished chairman of the Budget Committee, the budget will be discussed in this body, and that is the appropriate place for the Senator from New Jersey to offer his amendment.

It gives me an opportunity to emphasize then, as I said once today, and I have said each and every day this bill has been up, that we are on our fifth day on a bill that the House of Representatives passed in 20 minutes on their first day of the session. If there was one clear message in the last election, it was that we should no longer have business as usual, and particularly this issue of the applicability of laws that Congress has exempted itself from to Capitol Hill. That was a major issue in the last campaign.

There is hardly a freshman Member of this body that has not told me that in every one of their campaigns—I am talking about the people that were newly elected on November 8—there is not a one that said this was not a centerpiece of their campaign. Do not take it from those of us who have been in this body a while. Take it from those who bring some inspiration to this body to show the people of this country that this body is not going to continue to act business as usual, ignore the will of the people and do our own agenda, because the agenda was set by the American people in this election—and this bill, this underlying piece of legislation that we are dealing with and will hopefully pass at 5 o'clock this afternoon, the Congressional Accountability Act, where we cover ourselves by the laws we have exempted ourselves from in the past.

So, I am asking my colleagues not to reject the substance of what the Senator says, the author of this amendment, but to reject it for the time being, and consider it again when the budget comes up the first week in April.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator's time on this amendment has expired. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I listened very carefully to the Senator from Iowa because he is someone who is very thoughtful. We served together on the Budget Committee. He is concerned about what takes place in terms of our acts related to the budget. I know that he is sincere when he makes the case for having this done at a later time.

I respectfully, however, disagree with my friend from Iowa because I think, A, that there will be no delay in terms of final consideration of this bill. There is a unanimous-consent order that is for this evening, and any single Senator can prevent that order from being altered in any way. So the vote will take place. So there is no further delay that is going to be caused by this amendment.

I think that it is quite clear that now—and I once again agree with the distinguished Senator from Iowa—that we now are saying that this House, this body is subject to the same laws that we write for everybody else, and I agree with that. Therefore, in my view, this is the perfect opportunity to say not only will we obey the laws, in terms of our performance of our functions within our offices, but we are also going to take a personal hit if something goes awry if we do not plan carefully enough to meet the budget targets that we have set.

That law has been in place now I guess for 7 years—1986, I am reminded, 8 years, 9 years now—and we have had a couple of sequester years. But we have not had as much of a likelihood that a sequester ax will fall as we have facing the next year's budget, because everyone knows that we are trying to squeeze things down. In the process, if we miss those targets, we are going to have a sequester.

Once again, to overstate the case perhaps, I think that if the American people's programs—and we are not necessarily talking about the private sector, we are talking about the public sector, we are talking about senior citizens, we are talking about veterans, we are talking about students—if those programs are diminished, then I see no earthly reason why our salaries should not reflect some adjustment for that year that corresponds with the reduction in programmatic dollars that might be available.

So, Mr. President, I conclude my remarks. I yield back the remainder of my time and hope that we will adopt this amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. LAUTENBERG. I do.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time has expired.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, under the unanimous-consent agreement, what is the next order of business?

The PRESIDING OFFICER. The next order of business will be the Senator from Nevada will be recognized.

Mr. GLENN. Mr. President, we will check and see if he is on the way over, and while he is on the way over I might make some remarks particularly addressed to people on our side of the aisle in that we on the Democratic side are the ones who have had the amendments on this legislation.

The distinguished majority leader, Senator DOLE, was able on his side to convince everyone to keep amendments off, with the idea of treating this whole thing expeditiously and getting it through. I certainly share his desire.

At the same time, it is within the right of every Senator to put forward amendments under Senate rules, whether germane or not. And I do personally think there will come a time in the future when we do adopt germaneness rules so we can keep a lot of extraneous legislation off of the floor.

What I wanted to say in addressing our side of the aisle in particular on this bill, we had a number of amendments and people lost on those amendments. We did not succeed in passing any of them. Sometimes when you get into debate in the Chamber, it gets into a rather heartfelt situation. We have issues about which people care very strongly, and they are not willing to give up easily. And there is a tendency sometimes to vote against the underlying legislation because people are in a state of semipique or disagreement or unhappiness because their particular amendment, which may or may not have been germane, did not pass.

Now, I hope if we have anyone on our side of the aisle who is taking that attitude and plans to vote against this bill because their particular amendment was not accepted, we can convince them to put aside that attitude and vote for this bill.

I think this bill is right. I think it is fair. There are a couple of things that are addressed by this bill. One is the perception out there in the country that somehow we are above the law; that we treat ourselves differently, and that is a perception, of course, about which we all must be concerned.

But second, the importance of this bill, quite apart from dealing with perceptions, it seems to me, is that you come back to the question, is it right or is it wrong that we pass this legislation? And I say it is right because what it does, it gives the same protection to our own Hill employees, those who work for us on Capitol Hill, that we have passed here in years past and said it is good for the rest of the country; we want to protect the workers out there with OSHA laws and we want fair employment laws and the right to organize—all these things that we say, yes, sir, under the American justice system, this is right for the rest of the country. I would say if it is right for the rest of the country and if people need that kind of protection out there or have rights that need protection, then our Hill employees have those same rights and to treat them fairly we need to pass this kind of legislation.

Mr. President, I was asked earlier today by one of the leading reporters here that covers the House and covers the Senate on a regular basis, just what difference does this bill make? Well, I think in some areas it makes a substantial change and in some areas it does not. Through the years, we have provided some protections in laws in a rather haphazard manner, and the haphazard manner has extended also to the process by which an employee could file a grievance of some kind and have it dealt with, with various procedures.

So what this bill does is to two things. One, it takes all of these different laws—in fact, under the antidiscrimination laws we apply four laws, some of which were covered before, some of which were not: Civil Rights Act of 1964, Age Discrimination, Americans With Disabilities Act, Rehabilitation Act, all under antidiscrimination; under public services and accommodations under ADA: title II, Americans With Disabilities; title III, Americans With Disabilities; workplace protection laws: Fair Labor Standards Act regulations to be promulgated that will track executive branch regulations on people that work irregular schedules or whose schedules depend directly on the Senate schedule, OSHA laws, Family and Medical Leave Act, Employee Polygraph Protection Act, Worker Adjustment and Retraining Act, Veterans Reemployment Act. Under labor-management relations, chapter 71 of title V will apply now.

So all of these are laws that we now say will apply, and we give a very specific grievance process that employees can use to address whatever problem they are having or however they feel they are being discriminated against or dealt with unfairly.

So it covers everything. And second, it provides this grievance process which we have not had before that takes care of some of the objections our Members have had through the years about this separation of powers from one branch of Government to the other.

Mr. President, I see our distinguished colleague from Nevada in the Chamber, and I am happy to yield to him anytime he is ready to go. I was filling in momentarily here with some comments to people on our side of the aisle while the Senator prepared.

Mr. COHEN. Will the Senator yield?

Mr. GLENN. Yes.

Mr. COHEN. Mr. President, I just want to take a moment to commend the Senator from Ohio for his statement urging his colleagues to support this legislation notwithstanding the defeat of a number of amendments that were offered and rejected.

I might say, just speaking for myself, that a number of the amendments which were offered, were they to be offered as free-standing legislation, probably would enjoy broad bipartisan support. But we should be clear about what is taking place. There is a momentum that has started in the House of Representatives. There is the Contract with America that the majority in the House and the Senate would like to see brought to the floor for debate and disposition. The majority is determined during that first 100 days to do whatever it can to facilitate that.

Now, given the fact that we have different rules in the Senate than in the House, they can act much more expeditiously than we can in the Senate. The

Senate was not designed to act in that fashion. In fact, this institution was designed to slow things down so we could have more careful deliberation than the other body.

I must say that even though amendments were offered and rejected, it did not necessarily reflect upon their respective merits. I would hope that the Senator's colleagues would heed his call for support for the underlying legislation, not only, as he indicated, because if a law is right for others it should be right for us. We should also recognize that the motivation for this legislation was not only to impose a sense of equity but also a sense of reality.

Someone once described Washington as being a city of marble surrounded on four sides by reality. That is what has been missing for the most part in terms of the reality of the consequences of what we do. We pass legislation from the very highest of motivations. We are trying to help people who are in need of help. We are trying to improve workplace safety; we are trying to improve the health and well-being of our constituents; we are trying to do many things on behalf of other people. Yet we do not necessarily do so in a way that is reflective enough of the consequences that must be borne by others that we do not have to bear ourselves.

So this is not only an issue of equity. I think it really is motivated principally from an issue of reality—that we will be more aware of the consequences of what we are about to do if we are forced to live under the same rules. So I would urge my colleagues to support the recommendation of the Senator from Ohio that, notwithstanding the rejection of the amendments which were offered, they lend their support to this measure.

Mr. GLENN. Mr. President, I appreciate very much the comments of my distinguished colleague from Maine.

Mr. President, I understand that the Senator from Nevada is ready and I think he was awaiting the arrival of the distinguished majority leader, who was to have a colleague with him, on the subject that he will present.

Until the majority leader arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much.

CALIFORNIA FLOODS

Mrs. FEINSTEIN. Mr. President, I thought it might be in order to give a very brief status report on the condition of the flooding in the State of California. It is a strange and altogether tragic irony that just about 1 year ago southern California was hit by wildfire and then the shattering Northridge earthquake. The 1-year anniversary of the Northridge earthquake will be this coming Tuesday, January 17.

As we evaluate the recovery and expenditure of nearly $11 billion of Federal funding that has been committed to disaster relief in that earthquake, record levels of rain are falling in California and have been since late last week, flooding rivers, washing out roads, causing mud slides, knocking out electricity and water supplies, and affecting the lives of hundreds of thousands of people throughout the State.

So I rise today, Mr. President, to give a brief status report on that record rainfall and flooding.

To begin with, I have been in contact with FEMA Director James Lee Witt, who is currently in California, and my State staff is on alert to provide whatever assistance they can. In addition, Transportation Secretary Peña, Housing Secretary Cisneros, and Federal Highway Administrator Slater are on a 1 o'clock flight today to California to assess what additional Federal assistance will be necessary in the days and weeks ahead.

Although the spirit in my State may be temporarily dampened, I am really confident that Californians will once again show the resilience and the determination that we have shown in the past and that we will overcome this disaster as we have the others. Californians have come together in times of disaster, and we will do so once again.

Last night, at about 11:30 p.m. eastern time, less than an hour after a request from Gov. Pete Wilson, President Clinton declared a Federal disaster for 24 of California's 58 counties. I thank the President on behalf of California for quickly declaring this emergency so individual disaster assistance funds could begin flowing.

FEMA started taking calls for disaster assistance as early as this morning. For those that might be watching C-SPAN, FEMA encourages all disaster victims to call this number, 1-800-462-9029, for information and to register for Federal assistance.

Preliminary estimates of the damage are as follows: At least six people are dead; over 1 million have been affected by power outages up and down the State. Very preliminary damage estimates exceed $50 million as of now. This will undoubtedly rise as the waters recede and a full assessment of damages is made. Thousands of people have been evacuated from their homes.

According to news reports, California has been hit with 6 months' worth of rain in 10 days. Last night I talked with Dr. Joe Friday, the Director of the National Weather Service, and he stated to me that although there is a brief respite today, heavy rains are apt to continue through the weekend. More than 50 major highways and freeways and hundreds of roads are closed due to flooding. In one 7-hour period yesterday, the California highway patrol logged 530 accident calls. That is more than five times the normal level, and by early afternoon had dealt with almost 500 disabled vehicles just in southern California alone.

What is clear is that in many areas of the State near-record levels of rain have fallen with devastating consequences. Let me describe some examples of just what the State is facing. In the Russian River area of northern California, the entire business district and hundreds of homes in the community of Guerneville in Sonoma County have been underwater for the last few days. The Russian River has swelled to record flood levels. According to the U.S. Geological Survey, Monday's water flow in the Russian River was the highest ever recorded. The word from California this morning is that the river has begun to recede back to normal levels. However, Sonoma County has been without water, and the State is bringing water in. Everybody is being urged to boil their water.

All 2,800 residents of Hamilton City in Glenn County were evacuated as the Sacramento River rose 3 feet above flood stage. People literally are kayaking down the main business street, State Street, in downtown Santa Barbara.

Many of the communities still recovering from last year's earthquake and severe wildfires have been particularly hard hit, such as Malibu and many of the canyons in southern California. Everything that was a river or a creek yesterday is a flood basin today. The Pacific Coast Highway from Malibu to Santa Barbara has been closed due to mud slides.

Pepperdine University and local businesses in the Malibu canyon are closed due to flooding. The Pepperdine campus was used for helicopter evacuations of residents in the surrounding canyon.

Fortunately, but not for lack of practice, the local, State, and Federal responses are timely and effective. The State Office of Emergency Services under the direction of Richard Andrews quickly established a state operations center to coordinate State assistance. The California National Guard has activated 75 trucks, helicopters, boats, and 300 personnel, conducting rescue and evacuation operations in seven counties.

FEMA Director James Lee Witt, already in California, is remaining in the State to coordinate the Federal disaster response. FEMA damage assessment teams have been on the ground since the weekend, though much of this work is impossible until the water finally recedes after the final rainfall. We do not know when that will be. FEMA has been requested by the State not to establish disaster assistance centers. All financial assistance to people will be done by teleregistration, through the number that I gave earlier. I would like to repeat it once again. Anyone who is a victim of the flood and wishes either information or assistance should call 1–800–462–9029. The system is in place right now and will be taking calls for as long as necessary. Personnel have been deployed from FEMA's Infrastructure, Individual Assistance, and Hazard Mitigation Programs to California to begin work with State and local officials.

As I mentioned, Secretaries Cisneros and Peña are on their way now to California to decide what additional assistance might be warranted. I will work closely with my colleague, Senator BOXER; my colleagues in the House; and you, Mr. President, and others in the Senate. Over 30 congressional districts in California have been affected by this disaster, and we, together, will make sure that Federal response is swift, effective, and complete.

My heart goes out to the families that have members who have perished in this, our latest disaster, and to the many thousands of people that have been affected by the rising waters. My message to them is that FEMA will be there until we can get people back in their homes, businesses back on their feet, and lives back in order.

I thank you very much, Mr. President, and I yield the floor.

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with consideration of the bill.

Mr. GLENN. Parliamentary inquiry, Mr. President. Are we back in legislative session now?

The PRESIDING OFFICER. Yes, we are.

Mr. GLENN. Mr. President, I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will take just a few moments because I understand from the Senator from Ohio that we will for a short period go into recess following my statement, is that correct?

Mr. GLENN. Mr. President, that is correct. The majority leader said when we were finished now, we will go into recess until 4:30 when he will come to the floor and have a colloquy with Senator BRYAN.

Mr. WELLSTONE. Mr. President, I thought that while I was here I would summarize this past week for other Senators, and just as important, for people in the country, action of the Senate on some key political reform agenda items that were again blocked here in the Senate.

The piece of legislation that has been before this body is called the Congressional Accountability Act. There were a number of amendments introduced on the floor this week that I think spoke to the heart of accountability. Many, many Senators have been talking about reform. I just want to summarize for a moment the record.

There was the Wellstone-Levin-Feingold-Lautenberg lobbyist gift ban. One of the central political reform item agendas, Mr. President—along with lobby registration and real campaign finance reform—and this was tabled on virtually a party-line vote. This was, once again, an amendment that was connected to what all .of us have said we are about, which is to end this taking of gifts, expensive meals, and vacation travel from lobbyists and other special interests. I believe the Senator from Michigan, the occupant of the chair, was actually one of the few from his side who voted for this. But with the exception of the Senator from Michigan and a couple of other Senators from the majority, it was almost a straight party-line vote.

There was another amendment, the Wellstone amendment, to restrict political contributions from lobbyists who have lobbied a Member within a year. I think that goes to the heart of this sort of nexus between money and lobbying, and the extent to which people in the country feel left out of the loop of governing. This, I am sad to say, was not just a party vote. There was an overwhelming vote against this, and I really believe we are making a big mistake by not, in a very significant way, reforming this political process and doing something about the mix of money and its influence in politics.

There was an amendment by Senator FORD, from Kentucky, to prohibit the personal use of frequent flier miles by Members of Congress and staffers. While Senate rules already prohibit this, this amendment would have codified the rule for us and extended the rule to House Members.

Senator MCCONNELL's amendment struck language from the Ford amendment that would have applied the prohibition consistently to the House and Senate, allowing House Members to continue the practice of using frequent flier miles for family vacations, expensive meals, and other means of having their lifestyles subsidized indirectly by their official travel, paid for by the taxpayer. So Senator FORD's reform amendment was unsuccessful, voted down in what was largely a party vote.

There was the Exon amendment to require specificity in how we propose to get to a balanced budget and to prohibit outlays in excess of revenues in the year 2002.

Mr. President, what Senator EXON was trying to do was say, let us have some truth in budgeting, let us be accountable, let us be honest and direct with people about the cuts we are going to be making if we pass the balanced budget amendment to the Constitution. That amendment was defeated by almost a party-line vote. Now, I opposed that amendment for other reasons, but I do believe that, at a minimum, Members of Congress ought to make clear the huge cuts that would be required by the balanced budget amendment before we vote on it. By and large, that vote on the Ford amendment was also a party-line vote.

Again, what Senator EXON was trying to say for those who were for the constitutional amendment to balance the budget—I am not—is please be direct and honest with people and let us be clear about how we propose to get there. It was voted down on what was, by and large, a party-line vote.

There was the Kerry amendment to prohibit the personal use of campaign funds. It would have imposed tough new rules to prevent abuses by some Members of Congress in this area, including the leasing of cars for essentially personal use in the Washington area, paying for recreational travel, meals, and the like. Again, this amendment was tabled.

There was another attempt to address the problem of personal use of frequent flier miles by my colleague, the Senator from Ohio, Senator GLENN. The Glenn amendment was to extend to the legislative branch the same frequent flier rules that apply to the executive branch. That was tabled on essentially a party-line vote.

And finally, Mr. President, and I summarize, there was the Wellstone amendment on children. My colleagues on the other side of the aisle have been saying over and over again, "We are not going to impose cuts that are going to hurt children, that would create more hunger or homelessness among children." This amendment asked Senators to go on record voting for what they have been saying. Believe it or not, that amendment was tabled on virtually a party-line vote.

Mr. President, I just present this summary because somewhere, someplace in the United States of America, people should know that the so-called reformers did not follow through on a great deal of the reform agenda; in fact, they are blocking it. Americans should know that there is much that we can and should and must do to make this process more open, more accountable, more honest. And over and over and over again, on many important amendments, we had virtually straight party-line votes defeating these reform efforts by people who ran for office on a reform agenda.

Mr. President, I know that the majority leader on "Face the Nation" a couple of weeks ago, in talking about the gift ban said something to the effect that: "We're in control of the Congress now, and we're going to set the agenda."

Party control has shifted, and the majority leader is a skillful legislator and a skillful leader. But my question, Mr. President, looking at the past week is: When are we going to get beyond party-line votes? When are we going to get to the merits of amendments if, every time a Senator brings an amendment to the floor, it is automatically tabled because the majority leader says that is not what our party is going to support?

My question for my colleagues is: When are we going to see a little more independence?

I hope that we follow through on commitments we have made to the people in this country, which is that we are going to be serious about reforming this process. The Congressional Accountability Act is a good, sound, positive piece of legislation in that direction, but we had an opportunity to do much more, and I have given examples of amendment after amendment after amendment that I bet 90-plus percent of Americans would support which were tabled on virtually party-line votes. I thought people wanted us to get beyond that. I thought people wanted each and every one of us to be independent, to vote on the merits of the legislation, to vote on what we think would be good for the people back home.

Did Senators vote against an amendment saying we would not do anything to create more hunger and homelessness among children because they thought this amendment was not good for the people they represent back home? Did Senators vote against gift ban or abuses of frequent flier miles or other campaign finance reform measures because they thought the people back home whom they represent did not want them to vote for these amendments? It was virtually a straight party-line vote.

So, Mr. President, we will see, with the unfunded mandates bill that will be before the body within the next day or so, but I certainly hope as soon as possible, Senators will consider each and every amendment based on their merits, not based on party calculation—based upon what the people back home would want them to do—or based on their own personal convictions and independence, regardless of what they think the majority of people back home want to do.

Different people have different models of how they represent their States. Right now, what I have seen, by and large, is virtually a straight party-line vote, all about control, all about power, and not about the merits of the amendments or the legislation, but a retreat from the very reform agenda that many of my colleagues said they were committed to.

So I look forward to the next piece of legislation, and I hope that we will do better. I intend to continue to fight for this political reform agenda, including lobbying registration and gift ban reform, and tough, comprehensive campaign finance reform legislation here in the Senate. I commend my colleagues on their work on the Congressional Accountability Act, which I wholeheartedly support. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

RECESS

Mr. GRASSLEY. Mr. President, since there are no further amendments, other than the managers' package—and that is to this bill that is before us—and no other Senators are seeking the floor at this time, I ask unanimous consent that the Senate now stand in recess until 4:30 p.m. this afternoon.

There being no objection, the Senate, at 3:09 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. HUTCHISON].

The PRESIDING OFFICER. The Chair, acting in her capacity as Senator from Texas, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE U.S. SENATE BY DISTINGUISHED GUESTS

Mr. DOLE. Madam President, and my colleagues, we are very honored today to have visitors from Japan, the Prime Minister, Mr. Murayama; the Minister of Foreign Affairs, Mr. Kono; Parliamentary Deputy Chief Cabinet Secretary, Mr. Sonoda; Assistant Director of the First North American Division, Mr. Suzuki. They have been here visiting with President Clinton earlier today, and Senator DASCHLE and I have had a very good visit.

As you know, we have had a strong, good relationship with Japan since World War II. The commemoration of the conclusion of that war will be next year. I was saying to the Prime Minister that obviously you look to the past and you remember the past, and you remember the agonies; but we also look to the future. We have our problems and they have their problems. We have our problems with them, and they have their problems with us.

I say to my colleagues that I hope you will take this opportunity to say hello to the Prime Minister and the Minister of Foreign Affairs and other members of the delegation. To facilitate that, I ask unanimous consent that we stand in recess until 5 p.m.

There being no objection, the Senate, at 4:54, recessed, until 5:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. As I understand it, under the agreement, there will now be a colloquy between myself and the distinguished Senator from Nevada, Senator BRYAN.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. DOLE. I ask unanimous consent that the Lautenberg amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I yield to the distinguished majority leader.

Mr. DOLE. Does the Senator from Nevada wish to make a statement first and have me respond?

Mr. BRYAN. As the majority leader prefers. I am willing to do it either way.

Mr. DOLE. I think I should respond to the Senator's request.

Mr. BRYAN. I thank the leader.

Mr. President, Members of the Senate, yesterday I was prepared to offer an amendment to the Congressional Accountability Act, S. 2, which would have made congressional pensions and that of our employees on a parity with other Federal civil servants.

The distinguished majority leader and I had several conversations on the floor yesterday evening. I received an assurance from him that he believed that this is an important issue for the Senate to address. I know that it is his intention to do so, and I accept his representation that this is a matter that is going to come before the body.

I indicated to the majority leader that I would forbear in offering the amendment. However, if I saw no action by the Easter recess of this year, it would be my intention to offer an amendment on congressional pension reform, to any piece of legislation which might then be pending on the floor of the Senate for action.

I am satisfied in my own mind that the majority leader shares my commitment to address this and I accept his representation and I thank him for his comments.

But I think that our colleagues need to understand, that although we are not going to be voting on this today because of the commitment that I have had from the distinguished majority leader, this is not an issue we are going to be able to postpone and bury. It is going to come before the Senate very shortly. I want to acknowledge and express my appreciation to the distinguished majority leader for his assurances along that line. I look forward to working with him and our colleagues on both sides of the aisle.

I thank the leader.

Mr. DOLE. I thank the Senator from Nevada.

I know that we have a number of colleagues on both sides of the aisle who share the concerns just expressed and that the junior Senator from Pennsylvania, Senator SANTORUM, may wish to say a word at this time.

Mr. SANTORUM. I thank the majority leader for yielding.

Mr. President, I commend the Senator from Nevada for his efforts on this subject. This was an area that I had expressed interest in in the House. In fact, I introduced a bill that almost mirrors word for word what the Senator from Nevada is doing.

This is an important issue of gaining credibility with the American public that we are not going to treat ourselves any different than any other Federal employee when it comes to employee benefits. It puts us on a level no more and no less generous than other Federal employees. I think that is where we should be.

There is no reason that we should have a more generous pension system here than other Federal employees. That is what the amendment of the Senator from Nevada would do. I will join him in cosponsoring his bill.

I appreciate the majority leader's intention to allow this to percolate through the committee system and give it an opportunity for hearings—this is a new subject that has not been discussed in committee—give it an opportunity to be discussed in committee and hopefully be moved through in a speedy fashion. But, if not, we have the opportunity to come to the floor and then offer an amendment to a bill here to move this issue to the floor, where I believe it belongs.

I thank the majority leader for yielding and for his agreement to do this.

Mr. DOLE. Mr. President, I know, in addition to the Senator from Pennsylvania on this side of the aisle, the Senator from Tennessee, Senator THOMPSON, has a direct interest in this legislation.

I wish to commend Senator BRYAN as the prime mover of this effort. I think it should be addressed. It will be addressed, I can assure the Senator from Nevada, the Senator from Pennsylvania, and other Senators. We need to find out, we need to determine, we need to make a record to make certain that congressional pensions are in line with other Federal employees. If they are too generous or if they are out of line, then we need to make changes.

It is my understanding that Senator BRYAN, along with my distinguished colleague from Pennsylvania, Senator SANTORUM, are going to introduce legislation today and, if introduced, this legislation will be referred to the Committee on Governmental Affairs. After consulting some of my colleagues on the committee, including the distinguished chairman from Delaware, Senator ROTH, I have every reason to believe that the committee or one of its subcommittees will hold hearings on the pension reform issue at some point later this year.

Now, let me make it very clear—because I know the Senator from Nevada is acting in good faith, and this Senator is acting in good faith—not only will we have hearings, but we hope something will be reported out of the committee. Because, if it is not reported out of the committee, then I am not going to stand here and block an effort by the Senator from Nevada later on if he stands up to offer an amendment to something else. I give him that assurance right now.

It should come out of the committee with a big bipartisan vote. If it is determined changes should be made, it ought to be made on a bipartisan basis. It ought to be brought to the floor and we ought to act on it.

I told the Senator from Nevada last night—he talked about the Easter recess; it may not happen quite that quickly—that I think there should be some pressure, I do not mean it in the negative sense, for the committee to respond as quickly as possible. I know there are other things that have to be done. But this, too, should be a priority in the chain of events, because a lot of people are concerned about this; a lot of people write to us about this. So let us address it. Let us face up to it.

So I just assure the Senator from Nevada, as I did last evening, that I am sympathetic to what he is attempting to do and I will be trying to cooperate with him every step of the way.

Mr. BRYAN. Mr. President, I express my appreciation to the distinguished majority leader.

I might just inquire, in terms of procedure, it originally was my intention to make a statement about the bill. I know you have a rollcall vote scheduled at this time. I am prepared to make about a 5- or 10-minute statement, if that is agreeable to you.

Mr. DOLE. Yes.

Mr. BRYAN. Mr. President, I will introduce legislation that will put congressional retirement benefits and that of our employees—I think it is important for Members, as well as the public generally, to understand that what we are talking about is not only Members of Congress but our employees are in this same system—that will put our benefits and those of our employees on a parity with other Federal employees. Under current law, as has been alluded to on the floor moments ago, the pensions Members of Congress and our employees receive are considerably more generous than those of other Federal employees. It is my judgment this practice is not justifiable and, in fact, is unacceptable.

Under the present retirement system, Members of Congress and other Federal employees who were part of the Federal work force prior to 1984 are enrolled in the Civil Service Retirement System [CSRS].

Under 1984 legislation, all Members of Congress, our employees, and other Federal employees are enrolled in FERS or the Federal Employee Retirement System. This chart illustrates the point that my colleague from Pennsylvania was making just a moment ago. The accrual rate is significant because the accrual rate multiplied by the number of years of service and the final high-3 salary determines your pension. For example, an individual under the old system, who has been a Member of Congress or congressional employee, has an accrual rate of 2.5 percent. So for a 10-year period of time, that Member would receive a pension of 25 percent of their final high-3 salary. Under FERS, the accrual rate for Members is 1.7 percent, therefore, a Member who serves 10 years would have pension of 17 percent of their final high-3 salary. You can see that the old system is considerably more generous than the new system.

The accrual rate for other Federal employees under the CSRS system is 1.5 percent for their first 5 years; 1.75 percent in second 5 years; after 10 years of service, 2 percent.

You can see that throughout the entire system, Members of Congress are treated more favorably for purposes of the retirement system. Now, it is fair to point out that under the Civil Service Retirement System, Members do contribute 8 percent, non-Members of Congress, nonemployees of Congress, contribute only 7 percent. Even though there is a 1-percent differential in contribution, the Member's pension is a substantially enhanced benefit.

That same disproportionate formula carries through under the FERS system where Members of Congress and our employees get a 1.7-percent accrual rate, which means in 10 years we would receive a pension of 17 percent of our final high-3 salary. The accrual rate for other federal employees is 1 percent, so they would only receive a pension of 10-percent of their final high-3 salary.

Once again, the contribution rate for Members of Congress and our employees is 1.3 percent, which is slightly higher than the .8 percent that non-Members of Congress and our employees would be contributing.

The thrust of this legislation, Mr. President and my colleagues, is simply to put everybody on a level playing field prospectively. Any accrued benefit would not be taken away. Service under the old system would be calculated under the old formula. Only future service would be calculated under the new formula.

I think it is only fair that we not treat ourselves, as Members of Congress, differently from other dedicated public servants who may serve in the Park Service or the Department of Transportation, in which their devotion to public service is no less than our own.

Let me give you the practical impact of that, and then I will yield the floor here in a moment.

Members will recall I described the FERS system as one for those of us who have been hired since 1984. For 10 years of service as a Member of Congress, our pension would be 17 percent of the average of the last 3 years of our service prior to retirement. Those in the executive branch of the civil service would get only a 10-percent pension of their average of the last 3 years. In 20 years, Members of Congress get a 34-percent pension; other Federal employees under the FERS system get 20 percent. For 30 years, it is 44 percent, and other members that are not Members of Congress or their employees receive substantially less.

Under the old system, which existed prior to 1984, 10-year Members of Congress get a 25-percent pension of the average of their last 3 highest years; other executive branch employees get 16.4 percent. For 20 years, Members of Congress get 50 percent and executive branch gets 36.5 percent. For 30 years, it is 75 percent, and other federal employees receive 56.3 percent.

My point is that we seek equality of treatment. It is a principle embraced, I think, in the Congressional Accountability Act. That is one of the reasons why I had proposed to offer it as an amendment at that time. Let me just say, based upon the assurances of the majority leader, which I accept, I have agreed to forbear and not to offer this amendment. I said by Easter, we would take a look and see if this legislation is moving. If it is, I am willing to give some additional time. This is not an issue that we will be able to dodge. I intend to bring it to the floor. I know a number of our colleagues on both sides of the aisle share a similar perspective.

Mr. President, let me just conclude by saying that I think it is absolutely essential to show the American people that we are not treating ourselves differently from other members of the Federal civil service. Members of Congress should not receive a more generous retirement. This is a matter of fairness.

I would have to say that in townhall meetings we have in Nevada, this issue comes up many times. I have asked why this exists. That is why I introduced legislation along these lines in the last session of Congress.

How is it that Members of Congress are treated differently than other civil service employees? I think the answer is, it is not defensible. We cannot justify it, in my view. We have an obligation to change it prospectively. I am persuaded by the show of bipartisan interest and support. I think we can change it. We ought to change it.

I look forward to working with my colleagues on both sides of the aisle to eliminate what I consider one of the major areas of inequality that exists between the Congress and others who serve in Federal service positions outside of Capitol Hill. We should do it as soon as possible.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside momentarily the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 16

(Purpose: To make technical amendments)

Mr. GRASSLEY. Mr. President, I send to the desk a managers' amendment offered by Senator GLENN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. GLENN, proposes an amendment numbered 16.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, in the item referring to section 220, strike "code" and insert "Code".

On page 11, line 14, insert a comma before "irrespective".

On page 27, line 14, strike "would be appropriate" and insert "may be appropriate to redress a violation of subsection (a)".

On page 30, line 6, strike "section 403" and insert "subsections (b) through (d) of section 403".

On page 30, lines 17 and 18, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 31, between lines 3 and 4, insert the following:

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

On page 31, line 13, after "(b)" insert "except".

On page 31, between lines 17 and 18, insert the following:

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

On page 32, line 6, insert "and the Office of the" before "Architect".

On page 32, line 6, strike ", and to the" and insert "or other".

On page 32, lines 7 through 9, strike ", as determined under regulations issued by the Board under section 304 of this Act,".

On page 35, line 13, strike "and" and insert a comma.

On page 35, line 14, insert before the semicolon the following: ", and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs".

On page 36, line 3, strike "(a) and (f)" and insert "(a), (d), (e), and (f)".

On page 36, lines 4 and 5, strike "(a) and (f)" and insert "(a), (d), (e), and (f)".

On page 36, lines 15 through 17, strike ", as determined appropriate by the General Counsel pursuant to regulations issued by the Board pursuant to section 304".

On page 37, line 4, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 37, line 12, strike "section 6(b)(6)" and insert "sections 6(b)(6) and 6(d)".

On page 37, line 14, strike "655(b)(6)" and insert "655(b)(6) and 655(d)".

On page 37, line 16, strike "section 405" and insert "subsections (b) through (h) of section 405".

Beginning with page 37, line 24, strike all through page 38, line 4, and insert the following:

(6) COMPLIANCE DATE.—If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

On page 38, between lines 18 and 19, insert the following:

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

On page 38, line 23, after "General Counsel" insert ", exercising the same authorities of the Secretary of Labor as under subsection (c)(1),".

On page 39, line 3, strike "and".

On page 39, line 4, after "Assessment" insert ", the Library of Congress, and the General Accounting Office".

On page 39, lines 12 through 14, strike ", as determined under regulations issued by the Board under section 304 of this Act,".

On page 41, lines 17 and 18, strike "Subject to subsection (d), the" and insert "The".

On page 42, line 25, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 44, line 1, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 44, line 8, strike "graphs (1) and" and insert "graph (1) or".

On page 44, line 8, before "may" insert a comma.

On page 45, line 1, strike "(c)" and insert "(d)".

On page 45, line 6, strike "(d)" and insert "(e)".

On page 45, line 20, strike "(d)" and insert "(e)".

On page 49, line 9, strike "(e)" and insert "(f)".

On page 49, line 14, strike "(d)(2)" and insert "(e)(2)".

On page 49, line 18, strike "(d)" and insert "(e)".

On page 50, line 3, strike "witness".

On page 54, strike line 11, and insert "than December 31, 1996—".

On page 56, line 25, insert "Senate" before "Fair".

On page 57, line 1, strike "of the Senate".

On page 67, line 16, strike "issuing" and insert "adopting".

On page 68, line 15, after the semicolon, insert "and".

On page 73, line 3, before the period insert "under paragraph (1)".

On page 75, line 4, before the period insert ", except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate".

On page 75, line 4, after the period insert the following: "The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.".

On page 75, between lines 4 and 5, insert the following:

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31, United States Code, to place orders and enter into agreements.

On page 75, line 5, strike "(b)" and insert "(c)".

On page 77, line 9, after "after" insert "receipt by the employee of notice of".

On page 80, line 24, strike "(b)" and insert "(a)".

On page 88, line 18, before "this section" insert "section 404 and".

On page 89, line 21, strike "may" and insert "shall".

On page 90, line 11, strike "(d)" and insert "(e)".

On page 90, line 14, after "be," strike "may" and insert "shall".

On page 90, line 25, strike "paragraph (1)" and insert "subsection (a)".

On page 91, line 5, strike "407" and insert "405(f)(3), 407,".

On page 93, strike lines 3 through 8, and insert the following:

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

On page 94, line 12, strike "102(b)(2)" and insert "102(b)(3)".

On page 105, lines 7 and 9, insert "of 1990" after "Act".

Mr. GLENN. Mr. President, I have worked together with Senator GRASSLEY on this. It is a technical amendment and makes all sections conform to other sections and conform grammatically. We are glad to accept it on this side of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 16) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 15

Mr. GLENN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 15, offered by the Senator from New Jersey.

Mr. GLENN. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I move to table the Lautenberg amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 15 of the Senator from New Jersey. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—61

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pell
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Campbell
Conrad
Daschle
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 15) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order.

The PRESIDING OFFICER. The majority leader is recognized. The Senate will be in order.

Mr. DOLE. If I can have my colleagues' attention so I can make an announcement?

I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed at this point in the RECORD:)

• Mr. ROCKEFELLER. Mr. President, the health, safety, and labor laws that now protect workers in the private sector should cover the Federal Government. Applying these laws to the Congress is a long overdue reform which has my total support.

I am disappointed that I am not able to be in Washington this week to participate in this important legislation. However, I am conducting very critical business for the people of West Virginia that I felt could not be put aside.

Early last year, I initiated plans to lead a large trade and investment mission to Japan and Taiwan beginning January 7. The mission was scheduled for this time to make sure it would take place when the Congress was not in session. Unfortunately, the congressional schedule was changed at the last minute by the new leadership, long after plans for this important mission had been finalized and could not be changed.

The mission, known as Project Harvest, includes 27 business leaders from important and different West Virginia industries. Working with the U.S. Department of Commerce and the State of West Virginia, the Discover the Real West Virginia Foundation is coordinating our search for export opportunities and high-paying, secure jobs for our State. It is, I believe, a historic journey that will reap benefits to the people of West Virginia for many years to come.

I am proud to be able to lead this historic Project Harvest mission on behalf of the people of West Virginia, but regret that it takes me from Washington during this time when we are considering the Congressional Accountability Act.

In the current rush to reform, we should not overlook that this bill is almost identical to legislation drafted by Senators GLENN, LIEBERMAN, and GRASSLEY in the last Congress. That legislation, known as the manager's amendment to H.R. 4822, was blocked from consideration in the Senate by stealth objectors.

What is now taking place is enactment of legislation previously blocked by those who have finally "seen the light" in the need for this reform. In the coming months, I am sure we will see other conversions from the obstructionism that we saw so frequently in the last Congress to an eagerness to take action. It's unfortunate that Americans had to wait.

Mr. President, I am proud that the people of West Virginia have seen fit to send me to represent them in the U.S. Senate. There are many dedicated and good people who are elected and appointed to serve here. As we press forward to review and reform, we must be mindful to those who have preceded us, and the legacy we will leave to those who follow.

We should never forget the counsel of the Framers of the Constitution who provided for independence between the branches of Government. We have the solemn responsibility to preserve and defend that independence.

None among us takes that charge more seriously than the senior Senator from Kentucky [Mr. FORD] who has raised reasonable concerns about the provisions of this bill which will permit investigations and review of the Congress by other branches of the Government. We should all be wary of what could become improper meddling in the constitutional system.

I share those concerns, and believe we can fully preserve a proper balance of powers between the legislative, the judicial, and the executive branches of Government, and at the same time, better protect our staff. I am satisfied that this legislation strikes the necessary balance. I commend the sponsors of this bill, and am thankful to Senator FORD for his leadership in reminding us of our institutional responsibilities.

Mr. President, another of our responsibilities in the Senate is to carefully review and improve what may be popular legislation which often receives less careful scrutiny in the other body. I am astonished, for example, that so many of my colleagues rejected the efforts in the past few days to strengthen and improve the Congressional Accountability Act. Why should we not seek to finally gain enactment of long-delayed gift-ban legislation, approved last year, and then blocked from final passage in the final days of that session? What better time to limit undue influence than this legislation to improve the workings of the Congress?

I certainly support this and other amendments aimed at improving the operations of the Congress. Unfortunately, all of these improving amendments were rejected in the past week. I note that none of these votes has been close, and that my vote would not have changed the outcome of any proposed amendment.

Mr. President, solving the problems of my people in West Virginia has my total attention. That is why I have worked so very hard over the past three decades to find and bring well-paying, secure jobs to our State, and why I now am away from the Senate. In a changing world and global economy, our State will need to look far beyond its borders to find the resources we will need to create long-term employment and prosperity.

I take seriously my duty to participate in the proceedings of the Senate, and to exercise the opportunity afforded me to cast my vote for West Virginia on the Senate floor. I am hopeful that the people of my State will realize how very seriously I take my responsibilities to make our State a better and more prosperous place to live. Sponsoring and leading a delegation of West Virginia business people to Japan and Taiwan is part of that effort, and I wanted to insert this explanation of my absence in the Senate and why I felt it could not be avoided.●

Mr. MURKOWSKI. Mr. President, I rise to express my strong support for the Congressional Accountability Act (S. 2), and to urge all of my colleagues to vote for this legislation. This legislation is way overdue.

When the American electorate voted in a Republican congressional majority, the public's sentiment could not have been clearer. Their message to Capitol Hill was straightforward: End business as usual and become more accountable to the will of the people.

The legislation that we are about to vote on is the Senate's first response back to the American public. In this bill we say to the American public that we must live under the same rules and laws that we impose on the rest of the country. For too long, the House and the Senate have acted with an arrogance about our institutions. We have, in effect, said that we are above the law. Today, that arrogance ends.

Under this legislation, Congress is required to comply with the same health, safety, civil rights, and labor laws that all American businesses must comply with. And that means compliance with the 57-year-old Fair Labor Standards Act, the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Occupational Safety and Health Act of 1970; the Rehabilitation Act of 1973, and a host of other laws that Congress has deemed appropriate to impose on American business.

It is astounding to this Senator that we have waited so long to pass this legislation. There is not a constituent in my State of Alaska who can comprehend how we as legislators can exempt ourselves from the health, safety, and labor laws that they must contend with. Nor can I.

But with the passage of this bill, our message to the American people is that Republicans have heard your voice and we are going to change how the people's business is conducted in Washington DC. This is but the beginning, an important first step, but only a step.

Tomorrow we will begin debate on another piece of legislation that parallels the concepts embodied in S. 2. The legislation we will begin considering tomorrow (S. 1) will bring to an end the practice of Washington sending mandates to the States and local governments—ordering them to comply with a plethora of new laws and regulations—and not giving the States and local governments a single dime to comply with these directives from Capitol Hill.

The thread that unfunded mandates and congressional law exemptions share is insular arrogance. It reflects a political philosophy which implies that we in Washington know what is best for the country, but we are unwilling to live by the laws we expect everyone else to live by, and we are unwilling to share in the costs of complying with the laws we impose on the rest of the country.

But with the election of the first Republican congressional majority in more than 40 years, Congress' insular arrogance is ending. We will live by the same laws as the rest of the country and we will begin a debate about ending more than three decades of deficit spending by changing our Constitution to put an end to Federal deficit spending.

Mr. President, the American public is closely watching this Congress. I believe today's vote unmistakably shows that when they put their faith and trust in the new Republican majority, their hopes for change would not be disappointed. I hope that my colleagues on the other side of the aisle will see the wisdom of adopting this legislation on a bipartisan basis. There is no excuse for Congress to remain above the law.

Mr. DOLE. Mr. President, in federalist No. 57, James Madison made the following observation. He said:

> [The House of Representatives is] restrain[ed] from oppressive measures [because] they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few Governments have furnished examples * * * if this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty.

Unfortunately, Mr. President, the Congress has not always adhered to James Madison's timeless vision of representative Government. For far too long, Congress has severed its connection with the people, imposing new rules and regulations on the private sector, while seeking to exempt itself from those same rules.

Not surprisingly, many of our citizens have begun to view the Senate and the House of Representatives as the Imperial Congress, as an institution that considers itself above the law and without accountability.

This past election day, the American people finally decided it was time to shake up the Washington status quo. Not only do the American people want less Government, less regulation, and lower taxes, they also want Congress to clean up its own act by living under the very laws we seek to impose on everyone else.

Last week, by a unanimous vote of 429 to 0, the House passed its own version of congressional-coverage legislation, taking the first big step toward restoring the credibility of Congress with the American people. And, if all goes according to plan, we could have a congressional-coverage bill on the President's desk as early as next week—the first bill passed by the 104th Congress, and the first bill of the new Congress signed into law by President Clinton.

As a result of S. 2, Congress will have to abide by the minimum wage and civil rights laws. Congressional offices will be subject to OSHA-style inspections. Congressional employees will have the right to unionize. And they will be entitled to family and medical leave, just like workers in the private sector.

To ensure that Congress abides by these laws, S. 2 establishes an independent Office of Compliance with a five-member Board of Directors. The Directors on the Board will be jointly appointed by the Senate majority leader, the Senate minority leader, the Speaker of the House of Representatives, and the House minority leader. The Office will also have a general counsel, an executive director, and two deputy executive directors, one for the Senate and one for the House. Each of the deputy executive directors will be responsible for promulgating the implementing regulations for his or her respective House.

In addition, S. 2 contains an important provision that hasn't received much attention during this debate. This provision requires that any future legislation affecting private employment must be accompanied by a report describing the manner in which the legislation will apply to Congress. If any provision of the proposed law does not apply to Congress, the report must include a statement explaining why this is so. This reporting requirement will help ensure that Congress resists the temptation of exempting itself from future regulations and rules.

Hopefully, Mr. President, S. 2 will herald a new era of regulatory caution, where Congress thinks twice before imposing a new Government-crafted requirement on the private sector. It's one thing for Congress to create a new regulatory burden; it's something quite different when Congress has to bear the burden too.

In fact, S. 2 may have its biggest impact on the private sector, as Congress becomes increasingly reluctant to impose more rules, more regulations, more redtape.

Finally, Mr. President, I want to congratulate my distinguished colleague, Senator CHUCK GRASSLEY, for spearheading the congressional-coverage effort here in the Senate. Without his hard work and commitment, S. 2 would not be the priority that it is today. I also want to take a moment to recognize my colleagues, Senators NICKLES, LIEBERMAN, and THOMPSON, for their important contributions as well.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are now going to final passage. That will be the last vote today.

Then tomorrow, we will start on unfunded mandates, debate only, at 10 o'clock. We worked out a problem with the distinguished Senator from South Dakota, the Democratic leader, I guess based on—because the report was not filed.

We are trying to get an agreement, I might say to my colleagues, many of whom want to leave here early Friday or even tomorrow evening. If we can get an agreement to lock up all these amendments, I am certainly willing to accommodate my colleagues in these early days, as we did today, in fact. So help us put that together, because our staff on each side is working on it. Do not list every amendment you have ever thought of, because we would like to finish it by a date certain next week, Tuesday or Wednesday.

So there will be no further votes tonight after this vote.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I also want to commend my colleague, Senator GRASSLEY, for his outstanding work and expeditious work on this bill, and also my colleague, Senator GLENN, for his efforts, and Senator LIEBERMAN. I know it has taken a long time, there have been a lot of amendments, and I thank my colleagues.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—1

Byrd

NOT VOTING—1

Rockefeller

So, the bill (S. 2), as amended, was passed, as follows:

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Accountability Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.
Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

Sec. 201. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990.
Sec. 202. Rights and protections under the Family and Medical Leave Act of 1993.
Sec. 203. Rights and protections under the Fair Labor Standards Act of 1938.
Sec. 204. Rights and protections under the Employee Polygraph Protection Act of 1988.
Sec. 205. Rights and protections under the Worker Adjustment and Retraining Notification Act.
Sec. 206. Rights and protections relating to veterans' employment and reemployment.
Sec. 207. Prohibition of intimidation or reprisal.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

Sec. 210. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Sec. 215. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.

PART D—LABOR-MANAGEMENT RELATIONS

Sec. 220. Application of chapter 71 of title 5, United States Code, relating to Federal service labor-management relations; procedures for remedy of violations.

PART E—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART F—STUDY

Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

TITLE III—OFFICE OF COMPLIANCE

Sec. 301. Establishment of Office of Compliance.
Sec. 302. Officers, staff, and other personnel.
Sec. 303. Procedural rules.
Sec. 304. Substantive regulations.
Sec. 305. Expenses.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

Sec. 401. Procedure for consideration of alleged violations.
Sec. 402. Counseling.
Sec. 403. Mediation.
Sec. 404. Election of proceeding.
Sec. 405. Complaint and hearing.
Sec. 406. Appeal to the Board.
Sec. 407. Judicial review of Board decisions and enforcement.
Sec. 408. Civil action.
Sec. 409. Judicial review of regulations.
Sec. 410. Other judicial review prohibited.
Sec. 411. Effect of failure to issue regulations.
Sec. 412. Expedited review of certain appeals.
Sec. 413. Privileges and immunities.
Sec. 414. Settlement of complaints.
Sec. 415. Payments.
Sec. 416. Confidentiality.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Exercise of rulemaking powers.
Sec. 502. Political affiliation and place of residence.
Sec. 503. Nondiscrimination rules of the House and Senate.
Sec. 504. Technical and conforming amendments.
Sec. 505. Judicial branch coverage study.
Sec. 506. Savings provisions.
Sec. 507. Use of frequent flyer miles.
Sec. 508. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions.
Sec. 509. Severability.

TITLE I—GENERAL

SEC. 101. DEFINITIONS.

Except as otherwise specifically provided in this Act, as used in this Act:

(1) BOARD.—The term "Board" means the Board of Directors of the Office of Compliance.

(2) CHAIR.—The term "Chair" means the Chair of the Board of Directors of the Office of Compliance.

(3) COVERED EMPLOYEE.—The term "covered employee" means any employee of—

(A) the House of Representatives;

(B) the Senate;

(C) the Capitol Guide Service;

(D) the Capitol Police;

(E) the Congressional Budget Office;

(F) the Office of the Architect of the Capitol;

(G) the Office of the Attending Physician;

(H) the Office of Compliance; or

(I) the Office of Technology Assessment.

(4) EMPLOYEE.—The term "employee" includes an applicant for employment and a former employee.

(5) EMPLOYEE OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL.—The term "employee of the Office of the Architect of the Capitol" includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

(6) EMPLOYEE OF THE CAPITOL POLICE.—The term "employee of the Capitol Police" includes any member or officer of the Capitol Police.

(7) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term "employee of the House of Representatives" includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(8) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(9) EMPLOYING OFFICE.—The term "employing office" means—

(A) the personal office of a Member of the House of Representatives or of a Senator;

(B) a committee of the House of Representatives or the Senate or a joint committee;

(C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(10) EXECUTIVE DIRECTOR.—The term "Executive Director" means the Executive Director of the Office of Compliance.

(11) GENERAL COUNSEL.—The term "General Counsel" means the General Counsel of the Office of Compliance.

(12) OFFICE.—The term "Office" means the Office of Compliance.

SEC. 102. APPLICATION OF LAWS.

(a) LAWS MADE APPLICABLE.—The following laws shall apply, as prescribed by this Act, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(5) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(7) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(10) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(11) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—

(1) IN GENERAL.—The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations.

(2) BOARD REPORT.—Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph

(1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(3) REPORTS OF CONGRESSIONAL COMMITTEES.—Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

SEC. 201. RIGHTS AND PROTECTIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, THE REHABILITATION ACT OF 1973, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990.

(a) DISCRIMINATORY PRACTICES PROHIBITED.—All personnel actions affecting covered employees shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(b) REMEDY.—

(1) CIVIL RIGHTS.—The remedy for a violation of subsection (a)(1) shall be—

(A) such remedy as would be appropriate if awarded under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)); and

(B) such compensatory damages as would be appropriate if awarded under section 1977 of the Revised Statutes (42 U.S.C. 1981), or as would be appropriate if awarded under sections 1977A(a)(1), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(1), 1981a(b)(2), and 1981a(b)(3)(D)).

(2) AGE DISCRIMINATION.—The remedy for a violation of subsection (a)(2) shall be—

(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

(B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act (29 U.S.C. 626(b)).

In addition, the waiver provisions of section 7(f) of such Act (29 U.S.C. 626(f)) shall apply to covered employees.

(3) DISABILITIES DISCRIMINATION.—The remedy for a violation of subsection (a)(3) shall be—

(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and 1981a(b)(3)(D)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—

(1) SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(2) SECTION 15 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(3) SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(A) by striking subsections (a) and (b) of section 509;

(B) in subsection (c), by striking "(c) INSTRUMENTALITIES OF CONGRESS.—" and inserting "The General Accounting Office, the Government Printing Office, and the Library of Congress shall be covered as follows:";

(C) by striking the second sentence of paragraph (2);

(D) in paragraph (4), by striking "the instrumentalities of the Congress include" and inserting "the term 'instrumentality of the Congress' means", by striking "the Architect of the Capitol, the Congressional Budget Office", by inserting "and" before "the Library", and by striking "the Office of Technology Assessment, and the United States Botanic Garden";

(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraph:

"(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress."; and

(F) by amending the title of the section to read "**INSTRUMENTALITIES OF THE CONGRESS**".

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 202. RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees.

(2) DEFINITION.—For purposes of the application described in paragraph (1)—

(A) the term "employer" as used in the Family and Medical Leave Act of 1993 means any employing office, and

(B) the term "eligible employee" as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—

(A) COVERAGE.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by adding after clause (iii) the following:

"(iv) includes the General Accounting Office and the Library of Congress.".

(B) ENFORCEMENT.—Section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) is amended by adding at the end the following:

"(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—In the case of the General Accounting Office and the Library of Congress, the authority of the Secretary of Labor under this title shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.".

(2) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 6381(1)(A) of title 5, United States Code, is amended by striking "and" after "District of Columbia" and inserting before the semicolon the following: ", and any employee of the General Accounting Office or the Library of Congress".

(d) REGULATIONS.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—Subsection (c) shall be

effective 1 year after transmission to the Congress of the study under section 230.

SEC. 203. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

(a) Fair Labor Standards.—

(1) In general.—The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) shall apply to covered employees.

(2) Interns.—For the purposes of this section, the term "covered employee" does not include an intern as defined in regulations under subsection (c).

(3) Compensatory time.—Except as provided in regulations under subsection (c)(3), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) Irregular work schedules.—The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.

(d) Application to the Government Printing Office.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

(1) in clause (iii), by striking "legislative or",

(2) by striking "or" at the end of clause (iv), and

(3) by striking the semicolon at the end of clause (v) and inserting ", or" and by adding after clause (v) the following:

"(vi) the Government Printing Office;".

(e) Effective Date.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

SEC. 204. RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.

(a) Polygraph Practices Prohibited.—

(1) In general.—No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002 (1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

(2) Definitions.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress and the term "employing office" shall include the General Accounting Office and the Library of Congress.

(3) Capitol Police.—Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c).

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General Accounting Office and Library of Congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) Worker Adjustment and Retraining Notification Rights.—

(1) In general.—No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) Definitions.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress and the term "employing office" shall include the General Accounting Office and the Library of Congress.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a)(1), (2), and (4)).

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General Accounting Office and Library of Congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETERANS' EMPLOYMENT AND REEMPLOYMENT.

(a) Employment and Reemployment Rights of Members of the Uniformed Services.—

(1) In general.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code.

(2) Definitions.—For purposes of this section—

(A) the term "eligible employee" means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code,

(B) the term "covered employee" includes employees of the General Accounting Office and the Library of Congress, and

(C) the term "employing office" includes the General Accounting Office and the Library of Congress.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code.

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General Accounting Office and Library of Congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.

(a) In General.—It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this Act, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this Act.

(b) REMEDY.—The remedy available for a violation of subsection (a) shall be such legal or equitable remedy as may be appropriate to redress a violation of subsection (a).

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—The requirements of this section shall apply to—

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Compliance; and

(10) the Office of Technology Assessment.

(b) DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a).

(2) DEFINITIONS.—For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term "public entity" means any entity listed in subsection (a) that provides public services, programs, or activities.

(c) REMEDY.—The remedy for a violation of subsection (b) shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of this title.

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) by an entity listed in subsection (a), may file a charge against any entity responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 403 between the charging individual and any entity responsible for correcting the alleged violation.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405 and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 406.

(4) JUDICIAL REVIEW.—A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 407.

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

(e) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

(f) PERIODIC INSPECTIONS; REPORT TO CONGRESS; INITIAL STUDY.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol, or other entity responsible, for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the 104th Congress.

(4) DETAILED PERSONNEL.—The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(g) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY OF CONGRESS.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209)), as amended by section 201(c) of this Act, is amended by adding the following new paragraph:

"(6) ENFORCEMENT OF RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230 or section 302 or 303 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.".

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (b), (c), and (d) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—Subsection (g) shall be effective 1 year after transmission to the Congress of the study under section 230.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SEC. 215. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—

(1) IN GENERAL.—Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(2) DEFINITIONS.—For purposes of the application under this section of the Occupational Safety and Health Act of 1970—

(A) the term "employer" as used in such Act means an employing office;

(B) the term "employee" as used in such Act means a covered employee;

(C) the term "employing office" includes the General Accounting Office, the Library of Congress, and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs; and

(D) the term "employee" includes employees of the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 662(a)).

(c) PROCEDURES.—

(1) REQUESTS FOR INSPECTIONS.—Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (a), (d), (e), and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

(2) CITATIONS, NOTICES, AND NOTIFICATIONS.—For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a); or

(B) a notification to any employing office that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(3) HEARINGS AND REVIEW.—If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(4) VARIANCE PROCEDURES.—An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6) and 655(d)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(5) JUDICIAL REVIEW.—The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(6) COMPLIANCE DATE.—If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

(d) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

(e) PERIODIC INSPECTIONS; REPORT TO CONGRESS.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel, exercising the same authorities of the Secretary of Labor as under subsection (c)(1), shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, the Office of Technology Assessment, the Library of Congress, and the General Accounting Office to report on compliance with subsection (a).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

(3) ACTION AFTER REPORT.—If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A).

(4) DETAILED PERSONNEL.—The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(f) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) and shall submit the report under subsection (e)(2) for the 104th Congress.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

PART D—LABOR-MANAGEMENT RELATIONS

SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) LABOR-MANAGEMENT RIGHTS.—

(1) IN GENERAL.—The rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5, United States Code, shall apply to employing offices and to covered employees and representatives of those employees.

(2) DEFINITION.—For purposes of the application under this section of the sections referred to in paragraph (1), the term "agency" shall be deemed to include an employing office.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including a remedy under section 7118(a)(7) of title 5, United States Code, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a).

(c) AUTHORITIES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.—

(1) GENERAL AUTHORITIES OF THE BOARD; PETITIONS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5, United States Code, and of the President under section 7103(b) of title 5, United States Code, for purposes of this section, any petition or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

(2) GENERAL AUTHORITIES OF THE GENERAL COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5, United States Code, for purposes of this section, any charge or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(3) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraphs (1) or (2) of this subsection, may file a petition for judicial review in the United States Court of Appeals

for the Federal Circuit pursuant to section 407.

(4) EXERCISE OF IMPASSES PANEL AUTHORITY; REQUESTS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5, United States Code, for purposes of this section, any request that, under chapter 71 of title 5, United States Code, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5, United States Code.

(d) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in subsection (e), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.

(e) SPECIFIC REGULATIONS REGARDING APPLICATION TO CERTAIN OFFICES OF CONGRESS.—

(1) REGULATIONS REQUIRED.—The Board shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code and of this Act, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter, except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) that the Board shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities.

(2) OFFICES REFERRED TO.—The offices referred to in paragraph (1) include—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on October 1, 1996.

(2) CERTAIN OFFICES.—With respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of regulations under subsection (e).

PART E—GENERAL

SEC. 225. GENERALLY APPLICABLE REMEDIES AND LIMITATIONS.

(a) ATTORNEY'S FEES.—If a covered employee, with respect to any claim under this Act, or a qualified person with a disability, with respect to any claim under section 210, is a prevailing party in any proceeding under section 405, 406, 407, or 408, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert fees, and any other costs as would be appropriate if awarded under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

(b) INTEREST.—In any proceeding under section 405, 406, 407, or 408, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(d)).

(c) CIVIL PENALTIES AND PUNITIVE DAMAGES.—No civil penalty or punitive damages may be awarded with respect to any claim under this Act.

(d) EXCLUSIVE PROCEDURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this Act except as provided in this Act.

(2) VETERANS.—A covered employee under section 206 may also utilize any provisions of chapter 43 of title 38, United States Code, that are applicable to that employee.

(e) SCOPE OF REMEDY.—Only a covered employee who has undertaken and completed the procedures described in sections 402 and 403 may be granted a remedy under part A of this title.

(f) CONSTRUCTION.—

(1) DEFINITIONS AND EXEMPTIONS.—Except where inconsistent with definitions and exemptions provided in this Act, the definitions and exemptions in the laws made applicable by this Act shall apply under this Act.

(2) SIZE LIMITATIONS.—Notwithstanding paragraph (1), provisions in the laws made applicable under this Act (other than the Worker Adjustment and Retraining Notification Act) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this Act.

(3) EXECUTIVE BRANCH ENFORCEMENT.—This Act shall not be construed to authorize enforcement by the executive branch of this Act.

PART F—STUDY

SEC. 230. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) IN GENERAL.—The Administrative Conference of the United States shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office; and

(C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) APPLICABLE STATUTES.—The study under this section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and related provisions of section 2302 of title 5, United States Code.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5, United States Code.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5, United States Code.

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5, United States Code.

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5, United States Code.

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5, United States Code.

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(8) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(9) The General Accounting Office Personnel Act of 1980 (31 U.S.C. 731 et seq.).

(10) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(c) CONTENTS OF STUDY AND RECOMMENDATIONS.—The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

(d) DEADLINE AND DELIVERY OF STUDY.—Not later than December 31, 1996—

(1) the Administrative Conference of the United States shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the Board; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

TITLE III—OFFICE OF COMPLIANCE

SEC. 301. ESTABLISHMENT OF OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

(b) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CHAIR.—The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

(d) BOARD OF DIRECTORS QUALIFICATIONS.—

(1) SPECIFIC QUALIFICATIONS.—Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 102.

(2) DISQUALIFICATIONS FOR APPOINTMENTS.—

(A) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be eligible for appointment to, or service on, the Board.

(B) INCOMPATIBLE OFFICE.—No member of the Board appointed under subsection (b) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch, or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board, an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Senate Fair Employment Practices) within 4 years of the date of appointment.

(3) VACANCIES.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(e) TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board who is appointed to a term of office of more than 3 years shall only be eligible for appointment for a single term of office.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Board—

(A) 1 shall have a term of office of 3 years,

(B) 2 shall have a term of office of 4 years, and

(C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair,

as designated at the time of appointment by the persons specified in subsection (b).

(f) REMOVAL.—

(1) AUTHORITY.—Any member of the Board may be removed from office by a majority decision of the appointing authorities described in subsection (b), but only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, including a felony or conduct involving moral turpitude, or

(E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2).

(2) STATEMENT OF REASONS FOR REMOVAL.—In removing a member of the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member of the Board being removed the specific reasons for the removal.

(g) COMPENSATION.—

(1) PER DIEM.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.

(2) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) DUTIES.—The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government;

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under title IV, and any other information appropriate for distribution, distribute such information to employing offices in a manner suitable for posting, provide such information to new employees of employing offices, distribute such information to the residences of covered employees, and conduct seminars and other activities designed to educate employing offices and covered employees; and

(3) compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this Act and the result of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.

(i) CONGRESSIONAL OVERSIGHT.—The Board and the Office shall be subject to oversight (except with respect to the disposition of individual cases) by the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Oversight of the House of Representatives.

(j) OPENING OF OFFICE.—The Office shall be open for business, including receipt of requests for counseling under section 402, not later than 1 year after the date of the enactment of this Act.

(k) FINANCIAL DISCLOSURE REPORTS.—Members of the Board and officers and employees of the Office shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 with the Clerk of the House of Representatives.

SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT AND REMOVAL.—

(A) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

(B) QUALIFICATIONS.—The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 102(a).

(C) DISQUALIFICATIONS.—The disqualifications in section 301(d)(2) shall apply to the appointment of the Executive Director.

(2) COMPENSATION.—The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) TERM.—The term of office of the Executive Director shall be a single term of 5 years, except that the first Executive Director shall have a single term of 7 years.

(4) DUTIES.—The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this Act, the Executive Director shall carry out all of the responsibilities of the Office under this Act.

(b) DEPUTY EXECUTIVE DIRECTORS.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for

the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in section 301(d)(2) shall apply to the appointment of a Deputy Executive Director.

(2) TERM.—The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) COMPENSATION.—The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DUTIES.—The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 304(a)(2)(B)(i), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 304(a)(2)(B)(ii), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

(c) GENERAL COUNSEL.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 301(d)(2) shall apply to the appointment of a General Counsel.

(2) COMPENSATION.—The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this Act; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this Act.

(4) ATTORNEYS IN THE OFFICE OF THE GENERAL COUNSEL.—The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

(5) TERM.—The term of office of the General Counsel shall be a single term of 5 years.

(6) REMOVAL.—

(A) AUTHORITY.—The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,

(ii) incompetence,

(iii) neglect of duty,

(iv) malfeasance, including a felony or conduct involving moral turpitude, or

(v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under paragraph (1).

(B) STATEMENT OF REASONS FOR REMOVAL.—In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) OTHER STAFF.—The Executive Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) DETAILED PERSONNEL.—The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) CONSULTANTS.—In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 303. PROCEDURAL RULES.

(a) IN GENERAL.—The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) PROCEDURE.—The Executive Director shall adopt rules referred to in subsection (a) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Executive Director shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Before adopting rules, the Executive Director shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.

SEC. 304. SUBSTANTIVE REGULATIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—The procedures applicable to the regulations of the Board issued for the implementation of this Act, which shall include regulations the Board is required to issue under title II (including regulations on the appropriate application of exemptions under the laws made applicable in title II) are as prescribed in this section.

(2) RULEMAKING PROCEDURE.—Such regulations of the Board—

(A) shall be adopted, approved, and issued in accordance with subsection (b); and

(B) shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—

(i) the Senate and employees of the Senate;

(ii) the House of Representatives and employees of the House of Representatives; and

(iii) all other covered employees and employing offices.

(b) ADOPTION BY THE BOARD.—The Board shall adopt the regulations referred to in subsection (a)(1) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code, and as provided in the following provisions of this subsection:

(1) PROPOSAL.—The Board shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Such notice shall set forth the recommendations of the Deputy Director for the Senate in regard to regulations under subsection (a)(2)(B)(i), the recommendations of the Deputy Director for the House of Representatives in regard to regulations under subsection (a)(2)(B)(ii), and the recommendations of the Executive Director for regulations under subsection (a)(2)(B)(iii).

(2) COMMENT.—Before adopting regulations, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking.

(3) ADOPTION.—After considering comments, the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(4) RECOMMENDATION AS TO METHOD OF APPROVAL.—The Board shall include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

(c) APPROVAL OF REGULATIONS.—

(1) IN GENERAL.—Regulations referred to in paragraph (2)(B)(i) of subsection (a) may be approved by the Senate by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) may be approved by the House of Representatives by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution.

(2) REFERRAL.—Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution or by joint resolution.

(3) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a resolution of the House of Representatives or the Senate or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ____ are hereby approved:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(5) JOINT RESOLUTION.—In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ____ are hereby approved and shall have the force and effect of law:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(d) ISSUANCE AND EFFECTIVE DATE.—

(1) PUBLICATION.—After approval of regulations under subsection (c), the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(2) DATE OF ISSUANCE.—The date of issuance of regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

(3) EFFECTIVE DATE.—Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulation.

(e) AMENDMENT OF REGULATIONS.—Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5, United States Code.

(f) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the Board for the issuance, amendment, or repeal of a regulation.

(g) CONSULTATION.—The Executive Director, the Deputy Directors, and the Board—

(1) shall consult, with regard to the development of regulations, with—

(A) the Chair of the Administrative Conference of the United States;

(B) the Secretary of Labor;

(C) the Federal Labor Relations Authority; and

(D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board, the Executive Director, or Deputy Directors, may be helpful.

SEC. 305. EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the date of the enactment of this Act—

(1) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the House of Representatives, and

(2) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the Senate,

upon vouchers approved by the Executive Director, except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate. The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31, United States Code, to place orders and enter into agreements.

(c) WITNESS FEES AND ALLOWANCES.—Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under this Act other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records in any proceeding under this Act shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5, United States Code.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

Except as otherwise provided, the procedure for consideration of alleged violations of part A of title II consists of—

(1) counseling as provided in section 402;

(2) mediation as provided in section 403; and

(3) election, as provided in section 404, of either—

(A) a formal complaint and hearing as provided in section 405, subject to Board review as provided in section 406, and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407, or

(B) a civil action in a district court of the United States as provided in section 408.

In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Executive Director, after receiving a request for counseling under section 402, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation.

SEC. 402. COUNSELING.

(a) IN GENERAL.—To commence a proceeding, a covered employee alleging a violation of a law made applicable under part A of title II shall request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the date of the alleged violation.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) NOTIFICATION OF END OF COUNSELING PERIOD.—The Office shall notify the employee in writing when the counseling period has ended.

SEC. 403. MEDIATION.

(a) INITIATION.—Not later than 15 days after receipt by the employee of notice of the end of the counseling period under section 402, but prior to and as a condition of making an election under section 404, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) PROCESS.—Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) INDEPENDENCE OF MEDIATION PROCESS.—No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

SEC. 404. ELECTION OF PROCEEDING.

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either—

(1) file a complaint with the Office in accordance with section 405, or

(2) file a civil action in accordance with section 408 in the United States district court for the district in which the employee is employed or for the District of Columbia.

SEC. 405. COMPLAINT AND HEARING.

(a) IN GENERAL.—A covered employee may, upon the completion of mediation under section 403, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or

(2) in which the violation is alleged to have occurred,

and about which mediation was conducted.

(b) DISMISSAL.—A hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(c) HEARING OFFICER.—

(1) APPOINTMENT.—Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer. The Executive Director shall select hearing officers on a rotational or random basis from the lists developed under

paragraph (2). Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(2) LISTS.—The Executive Director shall develop master lists, composed of—

(A) members of the bar of a State or the District of Columbia and retired judges of the United States courts who are experienced in adjudicating or arbitrating the kinds of personnel and other matters for which hearings may be held under this Act, and

(B) individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health.

In developing lists, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

(d) HEARING.—Unless a complaint is dismissed before a hearing, a hearing shall be—

(1) conducted in closed session on the record by the hearing officer;

(2) commenced no later than 60 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) SUBPOENAS.—

(1) IN GENERAL.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) OBJECTIONS.—If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) ENFORCEMENT.—

(A) IN GENERAL.—If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

(B) SERVICE OF PROCESS.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) DECISION.—The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 90 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to title II. The decision shall be entered in the records of the Office. If a decision is not appealed under section 406 to the Board, the decision shall be considered the final decision of the Office.

(h) PRECEDENTS.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the laws made applicable by section 102 and by Board decisions under this Act.

SEC. 406. APPEAL TO THE BOARD.

(a) IN GENERAL.—Any party aggrieved by the decision of a hearing officer under section 405(g) may file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office.

(b) PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.—The parties to the hearing upon which the decision of the hearing officer was made shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) STANDARD OF REVIEW.—The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) DECISION.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND ENFORCEMENT.

(a) JURISDICTION.—

(1) JUDICIAL REVIEW.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of—

(A) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II,

(B) a charging individual or a respondent before the Board who files a petition under section 210(d)(4),

(C) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5), or

(D) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3).

The court of appeals shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) ENFORCEMENT.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II.

(b) PROCEDURES.—

(1) RESPONDENTS.—(A) In any proceeding commenced by a petition filed under subsection (a)(1) (A) or (B), or filed by a party other than the General Counsel under subsection (a)(1) (C) or (D), the Office shall be named respondent and any party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(B) In any proceeding commenced by a petition filed by the General Counsel under subsection (a)(1) (C) or (D), the prevailing party in the final decision entered under section 406(e) shall be named respondent, and any other party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(C) In any proceeding commenced by a petition filed under subsection (a)(2), the party under section 405 or 406 that the General Counsel determines has failed to comply with a final decision under section 405(g) or 406(e) shall be named respondent.

(2) INTERVENTION.—Any party that participated in the proceedings before the Board under section 406 and that was not made respondent under paragraph (1) may intervene as of right.

(c) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to judicial review under paragraph (1) of subsection (a), except that—

(1) with respect to section 2344 of title 28, United States Code, service of a petition in any proceeding in which the Office is a respondent shall be on the General Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 406(e); and

(4) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(d) STANDARD OF REVIEW.—To the extent necessary for decision in a proceeding commenced under subsection (a)(1) and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(e) RECORD.—In making determinations under subsection (d), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

SEC. 408. CIVIL ACTION.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action commenced under section 404 and this section by a covered employee who has completed counseling under section 402 and mediation under section 403. A civil action may be commenced by a covered employee only to seek redress for a violation for which the employee has completed counseling and mediation.

(b) PARTIES.—The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

(c) JURY TRIAL.—Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant law made applicable by this Act. In any case in which a violation of section 201 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 201(b)(1) or 201(b)(3).

SEC. 409. JUDICIAL REVIEW OF REGULATIONS.

In any proceeding brought under section 407 or 408 in which the application of a regulation issued under this Act is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, United States Code, except that with respect to regulations approved by a joint resolution under section 304(c), only the provisions of section 706(2)(B) of title 5, United States Code, shall apply. If the court determines that the regulation is invalid, the court shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this Act is not subject to judicial review.

SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.

Except as expressly authorized by sections 407, 408, and 409, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.

In any proceeding under section 405, 406, 407, or 408, except a proceeding to enforce section 220 with respect to offices listed under section 220(e)(2), if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) IN GENERAL.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in subsection (a), advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

SEC. 413. PRIVILEGES AND IMMUNITIES.

The authorization to bring judicial proceedings under sections 405(f)(3), 407, and 408 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, including under article I, section 5, clause 3, or under the rules of either House relating to records and information within its jurisdiction.

SEC. 414. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties to a process described in section 210, 215, 220, or 401 shall be in writing and not become effective unless it is approved by the Executive Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

SEC. 415. PAYMENTS.

(a) AWARDS AND SETTLEMENTS.—Except as provided in subsection (c), only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this Act. There are authorized to be appropriated for such account such sums as may be necessary to pay such awards and settlements. Funds in the account are not available for awards and settlements involving the General Accounting Office, the Government Printing Office, or the Library of Congress.

(b) COMPLIANCE.—Except as provided in subsection (c), there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this Act.

(c) OSHA, ACCOMMODATION, AND ACCESS REQUIREMENTS.—Funds to correct violations of section 201(a)(3), 210, or 215 of this Act may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

SEC. 416. CONFIDENTIALITY.

(a) COUNSELING.—All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

(d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 407.

(e) ACCESS BY COMMITTEES OF CONGRESS.—At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 405(g) or 406(e).

(f) FINAL DECISIONS.—A final decision entered under section 405(g) or 406(e) shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 210, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 102(b)(3) and 304(c) are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 502. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation of any provision of section 201 to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) an employee on the staff of a committee or subcommittee of—

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 503. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

"SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

"(a) SHORT TITLE.—This title may be cited as the 'Government Employee Rights Act of 1991'.

"(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

"(c) DEFINITION.—For purposes of this title, the term 'violation' means a practice that violates section 302(a) of this title.

"SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

"(a) PRACTICES.—All personnel actions affecting the Presidential appointees described in section 303 or the State employees described in section 304 shall be made free from any discrimination based on—

"(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

"(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

"(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

"(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

"(1) may include, in the case of a determination that a violation of subsection (a)(1) or (a)(3) has occurred, such remedies as would be appropriate if awarded under sections 706(g), 706(k), and 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g), 2000e–5(k), 2000e–16(d)), and such compensatory damages as would be appropriate if awarded under section 1977 or sections 1977A(a) and 1977A(b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981a(a) and (b)(2));

"(2) may include, in the case of a determination that a violation of subsection (a)(2) has occurred, such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

"(3) may not include punitive damages.".

(2) Sections 303 through 319, and sections 322, 324, and 325 of the Government Employee Rights Act of 1991 (2 U.S.C. 1203–1218, 1221, 1223, and 1224) are repealed, except as provided in section 506 of this Act.

(3) Sections 320 and 321 of the Government Employee Rights Act of 1991 (2 U.S.C. 1219 and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Government Employee Rights Act of 1991, as so redesignated, are each amended by striking "and 307(h) of this title".

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed, except as provided in section 506 of this Act.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Title V of the Family and Medical Leave Act of 1993 (2 U.S.C. 60m et seq.) is repealed, except as provided in section 506 of this Act.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103–283; 108 Stat. 1444) is repealed, except as provided in section 506 of this Act.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 505. JUDICIAL BRANCH COVERAGE STUDY.

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of the Federal Government of—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(2) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(3) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(4) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(5) the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.);

(6) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(7) chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code;

(8) the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.);

(9) the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.);

(10) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(11) chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial relief, that are comparable to those available to employees of the legislative branch under titles I through IV of this Act.

SEC. 506. SAVINGS PROVISIONS.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Senate or the House of Representatives has or could have requested counseling under section 305 of the Government Employees Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under title V of the Family and Medical Leave Act of 1993, the employee may complete, or initiate and complete, all procedures under the Government Employees Rights Act of 1991 and Rule LI, and the provisions of that Act and Rule shall remain in effect with respect to, and provide the exclusive procedures for, those claims until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Senate or House of Representatives arises under section 201 or 202 after the effective date of such sections, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the provisions of the Government Employees Rights Act of 1991 (2 U.S.C. 1201 et seq.) and Rule LI of the House of Representatives relating to counseling and mediation shall remain in effect, and the employee may complete under that Act or Rule the requirements for counseling and mediation under sections 402 and 403. If, after counseling and mediation is completed, the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a complaint under section 307 of the Government Employees Rights Act of 1991 (2 U.S.C. 1207) or Rule LI of the House of Representatives, and thereafter proceed exclusively under that Act or Rule, the provisions of which shall remain in effect until the completion of all proceedings in relation to the complaint, or

(B) to commence a civil action under section 408.

(3) SECTION 1205 OF THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1993.—With respect to payments of awards and settlements relating to Senate employees under paragraph (1) of this subsection, section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) remains in effect.

(b) TRANSITION PROVISIONS FOR EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Architect of the Capitol has or could have filed a charge or complaint regarding an alleged violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act (Public Law 103–283), the employee may complete, or initiate and complete, all procedures under section 312(e) of that Act, the provisions of which shall remain in effect with respect to, and provide the exclusive procedures for, that claim until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Architect of the Capitol arises under section 201 or 202 after the effective date of those provisions, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the employee may satisfy the requirements for counseling and mediation by exhausting the requirements prescribed by the Architect of the Capitol in accordance with section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103–283). If, after exhaustion of those requirements the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a charge with the General Accounting Office Personnel Appeals Board pursuant to section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103–283), and thereafter proceed exclusively under section 312(e) of that Act, the provisions of which shall remain in effect until the completion of all proceedings in relation to the charge, or

(B) to commence a civil action under section 408.

(c) TRANSITION PROVISION RELATING TO MATTERS OTHER THAN EMPLOYMENT UNDER SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—With respect to matters other than employment under section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209), the rights, protections, remedies, and procedures of section 509 of such Act shall remain in effect until section 210 of this Act takes effect with respect to each of the entities covered by section 509 of such Act.

SEC. 507. USE OF FREQUENT-FLYER MILES.

(a) LIMITATION ON THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate shall be considered the property of the office for which the travel was performed and may not be converted to personal use.

(b) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means travel engaged in the course of official business of the Senate.

SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

SEC. 509. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be invalid, the remainder of this Act and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I will do some final work on this bill in the sense of some tributes, as well as adding a couple of cosponsors.

First of all, I ask unanimous consent that Senator FRIST and Senator DOMENICI be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the Administrative Conference is being directed to study the application of the various laws to the General Accounting Office, the Government Printing Office, and the Library of Congress as well as the regulations and procedures used by these agencies to endorse these laws. The study is to evaluate whether the rights, protections, and procedures applicable to these agencies and their employees under these laws are comprehensive and effective. The conference is to make recommendations for any improvements in regulations or legislation, including regulatory or legislative language. I urge the conference to be particularly mindful of conflict of interest or other concerns that may arise from the coverage of Library of Congress employees under the existing Federal sector labor-management statutory framework. The bill reflects similar concerns with respect to various categories of congressional employees which may well be equally applicable to Library of Congress employees.

Mr. President, I want to thank Senator GLENN. He has been here on the floor of this body for 5 days representing the minority party.

I also want to thank the new Senator from Tennessee, Senator THOMPSON, because on our side of the aisle he worked very closely with me as cochairman of the working group on this bill, which Senator DOLE appointed for the Republicans so that this bill could be worked on in December and be ready for action on the first day of the session.

Also, I thank Senator LIEBERMAN of Connecticut, who has worked very hard on this bill over the last 2 years and was my main cosponsor on this bill; also, I thank him and his staff for contributing during the interim of the two Congresses to get this bill put together. I also need to mention this about Senator GLENN: He was active in this issue long before most of us even came to the Congress.

I also thank Senator STEVENS, because in the last several Congresses when I tried to get this legislation passed, he has wanted us to think through very clearly what direction we should go in. He has legitimately raised some questions and concerns about this over several Congresses. And during this Congress, he was satisfied with the product we put together, and he was also part of the group that worked out compromises between Republicans and Democrats, as well as between the House and Senate. I thank Senator STEVENS for his cooperation.

I thank Senator ROTH, who was chairman of the committee this time that would have had jurisdiction over this bill, because he did not demand referral.

I thank Senators NICKLES, COATS, HUTCHISON, ABRAHAM, and SMITH, because they were also members of the Republican task force.

Then regarding the staff people, I want to say thank you to Senator LIEBERMAN's staff, John Nakahata and Fred Richardson; Senator STEVENS' staff, Mark Mackie; Senator ROTH's staff, Susanne Marshall; Dennis Shea of Senator DOLE's staff; Larry Novak of Senator GLENN's staff; Michael Davidson, Senate legal counsel, and also of the legal counsel staff, Claire Sylvia. Then Gary Kline of my staff was involved in this. I want to pay special tribute to Fred Ansell of my staff, not only for the time and work that went into several weeks of December that he worked on this bill with other staff people, but also for his assuming a tremendous amount of responsibility in making sure that we had a product that was acceptable to the Senate. I think the best measure of a product that is acceptable to the Senate is that there was no amendment applicable to the underlying bill, except the technical amendments that were in the managers bill. So I thank Mr. Ansell for his fine, outstanding work in representing me and the group of staffers.

I yield the floor.

Mr. GLENN. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Iowa in giving credit to those who worked long into the night and do so much work in putting something like this together. It is not easy. They have to do a lot of work on the amendments that were proposed over here, and they did a lot of work over the last couple of years in putting this whole package together.

It finally came together in a way, with the provisions in here, that took care of some of the previous concerns about separation of powers between the branches of Government that literally has held up consideration of this legislation since 1978, when I introduced legislation like this; way back in 1978, it has been held up all this time.

Last year, as majority leader, Senator Mitchell indicated to me that he wanted us to move this, if we possibly could, out of committee and the best bill we had was the Grassley-Lieberman bill. We worked with them on that and we put it in the form that was passed here this evening. I am proud to have worked with them on that and to be part of the team that got it together.

But I want to particularly give them credit for it, as well as the other people who worked so hard on the staff through this.

On our staff of the Governmental Affairs Committee, Larry Novey, who is with me right here, has done yeoman's work on this. Len Weiss, who is our minority staff director, worked on this, but Larry, in particular, really has dedicated himself to this and did a terrific job on this. So I want to give him credit for working out a lot of the details on this and making it into what I think is a very important piece of legislation that says now for the first time we treat our people here on Capitol Hill with the same fairness, the same rights, that we have thought in the past were important enough to apply to all the rest of the country.

And now we have some 36,000 employees here—I just received a rundown on that a moment ago—36,000 employees total on Capitol Hill or in the instrumentalities that work for the Senate here and the House of Representatives. Those people now have the same protections and same rights under the law, through a different appeals process that we worked out here.

But I just wanted to give credit to those who worked out all these details. I think it is a great step forward.

Thank you very much and I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I wish to associate myself with the remarks that have already been made here. And also on behalf of the majority leader and, I am sure, the membership on both sides of the aisle, I wish to congratulate them on the outstanding job that has been done on this legislation.

The distinguished Senator from Iowa has certainly done an outstanding job. He has been patient. Amendments have not just been brushed off. They have been considered. But all of them were put aside, at least for the time being, so we could have a good, clean bill that does what everybody really wants it to do.

I think the evidence of the good job that has been done was the vote we just saw, 98 to 1. I do think that it is important that this is the first bill of the year; that we have congressional accountability; that we have these laws apply to ourselves. And I think that it is an important message to the American people that they will agree with.

So I just wanted to take a moment to commend Senator GRASSLEY; and Senator GLENN, who has done yeoman's work on this legislation over a long period of time and did a lot of good work last year. He certainly worked very closely with Senator GRASSLEY. Both of them did a great job and I think they should be commended for it.

So let us just go forward and do this again on the next bill and see if we cannot complete it in a little less time.

With that, Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Mississippi for his kind remarks.

Reflecting upon the 98-to-1 vote, I can just simply say the feeling of this body has dramatically changed toward this legislation, because I remember the first time I introduced an amendment on this and got it through on a voice vote. There were just a few Members here at that particular time. One Member was so mad at me after I got it passed that the individual said to me, "GRASSLEY, I hope you are the first one sued."

Well, we have to keep diligent to get things done. And I think that one of the things that I have learned to do is to stick to your guns.

Basically, Prime Minister Disraeli, in the second half of the last century, had this to say as a way to determine success. "Constancy of purpose is the secret of success," is what Disraeli said. I think that that is a very good rule for anybody who wants to get anything done in the congressional system that we have in this country. If you stick to it and if you are on the right track, you will eventually accomplish your goal. I think that even Senator GLENN has a longer view toward that end than I do, because, as I stated before, he was involved in this before I ever got involved in it.

I yield the floor.

Mr. BIDEN. Mr. President, I also remember something Benjamin Disraeli said when a young member of Parliament walked up to him one evening—as you know, better than I, the Parliament meets in the evening. He walked up to Benjamin Disraeli, his party leader, and he said, "Mr. Prime Minister,"—there was a particular bill on the floor—he said, "Mr. Prime Minister, such and such a bill is on the floor tonight. I wonder whether you think I should speak tonight on this bill." And Disraeli looked at the young member and said, "Sir, I think it better that the House of Commons wonder why you did not speak than why you did."

And occasionally I think we are going to find Disraeli's admonition, not as it relates to this particular bill, I suspect we may find his admonition may be well placed in terms of how we conduct ourselves the remainder of this session.

But I want to make it clear for the record, I am not referring to the Senator from Iowa or anyone in particular. But I just hope that on some of the legislative initiatives I have heard about, other than the one I have seen tonight, that we follow Disraeli's advice: Sometimes it is better not to speak than to speak.

But I am going to break that admonition myself right now and I am going to ask unanimous consent that I be able to proceed for 10 minutes as if morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL LIFTING OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

Mr. BIDEN. Mr. President, I rise this evening to urge the United States to vote at the United Nations against renewing the partial lifting of sanctions against Serbia and Montenegro in return for their alleged blockade against the Bosnian Serbs.

The 100-day probation period for blockade enforcement expires tomorrow, January 12, 1995. A positive action in the U.N. Security Council is necessary to renew the waiver. The language of the U.N. resolution granting the waiver stipulates the need for effectively implementing the closure of the border between Serbia and Montenegro and the Republic of Bosnia and Herzegovina. I repeat, effectively implementing—not trying in a half-hearted way or even trying with good intentions. Mr. President, the standard of effectively implementing simply has not been met.

On November 18, 1994, I sent a detailed letter to Secretary of State Christopher in which I outlined my concerns on this issue. Yesterday—nearly 8 weeks later—I finally received an answer from Assistant Secretary of State Sherman. I hope that this inexcusable tardiness in responding to my request and desire is not indicative of a desire on the part of the State Department to keep this vital issue out of the public eye.

Mr. President, the contents of Assistant Secretary Sherman's letter have only increased my fear that the administration is allowing a new overall concept for Bosnia—with which I profoundly disagree—to dictate its interpretation of the facts on the ground.

What about the stipulated U.N. standard of effectively implementing the border closure? Assistant Secretary Sherman writes:

> On the whole, looking across the 100-day period, we believe it legitimate to say that the border has been effectively closed in the sense that it has become steadily less porous as loopholes were identified and sealed.

That, Mr. President, is a remarkably creative definition of "effective implementing."

I remember back in the early 1980's, we went from talking about tax increases to revenue enhancements. This makes that euphemism sound ridiculous. It says "effectively implementing," and he writes, "On the whole, looking across the 100-day period, we believe," and the key point is "that it has become steadily less porous." I assume that means therefore it has been effectively implemented, in their view. The fact is that the border is more than 300 miles long. It traverses some of the most rugged, mountainous country in Europe, and it would be difficult to police even with a large force of monitors.

In actuality, however, Mr. President, fewer than 200 monitors have been deployed. Assistant Secretary Sherman admits the monitoring mission "is still not staffed as fully as we would like."

Most of the crossing points are not monitored 24 hours a day. Controls on so-called ant trade—carried on by private vehicles that smuggle in fuel for a Bosnian Serb war machine—are, quite frankly, laughable.

Perhaps the most ridiculous piece of information is that along parts of the Montenegro-Bosnian border, the United Nations has been relying on the Yugoslav Army, that is the Serbian Army troops, to monitor the so-called blockade. Now, call me cynical, Mr. President, but I am uncomfortable with involving Mr. Milosevic's troops in the honor system.

The ultimate proof of the ineffective closure of the border is that the Bosnian Serb aggressors have had no difficulty in securing fuel with which to continue their attacks, such as last month's offensive in the Bihac area.

Even the price of fuel on the civilian market in Serbian-controlled parts of Bosnia has not risen appreciably, an indication that there are no serious shortages of fuel. It is still coming in.

Mr. President, the whole blockade charade has proven once again that Mr. Milosevic is the shrewdest politician in the former Yugoslavia. Through his blockade gambit he hopes to weaken the Bosnian Serb leader Karadzic, but not significantly to hamper the Bosnian Serb Army. Our British and French allies and the Russians, eager for peace in Bosnia at any time, want to throw Milosevic a bone of renewed sanctions relief, perhaps even to lessen the sanctions further.

Worst of all, it now appears the United States is sliding toward the appeasement position of the British and the

French. Assistant Secretary of State Holbrooke, speaking 2 days ago in Sarajevo, indicated that we have retreated from holding the Bosnian Serbs at the ladder of the contact group's peace plank. Now, apparently, we see the plan only as a basis for negotiation. That is, we have prepared to allow the Bosnian Serbs to hold on to some of the fruits of their military aggression and the vile ethnic cleansing they have been undertaking.

Mr. President, we should have none of this. The United States should vote against the extension of the U.S. sanctions waiver. Or, put another way, we should keep the sanctions on, the economic sanctions. Such a vote would not only be a moral statement but also a proper reaction to this nonexistent blockade that has provided cover for Milosevic and our European allies.

Mr. President, although I do not have any real expectation that the administration is going to listen to me any more than they have listened to me in the past on this, or to Senator DOLE or to Senator LIEBERMAN or others, I do want the RECORD to show that there is no serious implementation of the blockade on the part of the Serbian Government; no cooperation from the Government of Serbia, Mr. Milosevic's government; no effective means to monitor whether it is underway; and no proof based upon the availabilities of the commodities that are supposedly being blocked, such as fuel for the war machine, that suggests that it is working, it is being tried, it is being implemented, it is effective.

Therefore, it seems to me, Mr. President, the only logical and consistent vote we should cast in the United Nations Security Council tomorrow is one that eliminates the extension of the waiver and puts back in place the full economic blockade on Serbia.

Mr. President, I thank my colleagues for their willingness to give me this time. I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, and upon the recommendation of the majority leader, pursuant to Senate Resolution 4 (95th Congress), Senate Resolution 448 (96th Congress), Senate Resolution 127 (98th Congress), and Senate Resolution 100 (101st Congress), appoints the following Senators as the majority membership of the Select Committee on Indian Affairs: The Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. GORTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wyoming [Mr. THOMAS], the Senator from Utah [Mr. HATCH], and the Senator from Georgia [Mr. COVERDELL].

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee have until 8 p.m. tonight to file a report to accompany S. 1, the unfunded mandates bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJORITY PARTY APPOINTMENTS TO ETHICS COMMITTEE

Mr. LOTT. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 46) making majority party appointments to the Ethics Committee for the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 46) was agreed to, as follows:

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Ethics: Mr. McConnell (Chairman), Mr. Smith, and Mr. Craig.

MINORITY PARTY APPOINTMENTS TO ETHICS COMMITTEE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 42, relating to minority party appointments to a Senate committee; that the resolution be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 42) was agreed to, as follows:

Resolved, That the following shall constitute the minority party's membership on the Ethics Committee for the 104th Congress, or until their successors are chosen.

Select Committee on Ethics: Mr. Bryan, Vice Chair, Ms. Mikulski, and Mr. Dorgan.

DESIGNATING CHAIRPERSONS OF SENATE COMMITTEES

Mr. LOTT. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 47) designating the chairpersons of Senate committees for the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 47) was agreed to, as follows:

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Chairman.

Committee on Appropriations: Mr. Hatfield, Chairman.

Committee on Armed Services: Mr. Thurmond, Chairman.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Chairman.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Chairman.

Committee on Energy and Natural Resources: Mr. Murkowski, Chairman.

Committee on Environment and Public Works: Mr. Chafee, Chairman.

Committee on Finance: Mr. Packwood, Chairman.

Committee on Foreign Relations: Mr. Helms, Chairman.

Committee on Governmental Affairs: Mr. Roth, Chairman.

Committee on the Judiciary: Mr. Hatch, Chairman.

Committee on Labor and Human Resources: Mrs. Kassebaum, Chairman.

Committee on Rules and Administration: Mr. Stevens, Chairman.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that on January 5, 1995, pursuant to section 8002 of the Internal Revenue Code of 1986, the following members of the Committee on Ways and

Means were designated to serve on the Joint Committee on Taxation for the 104th Congress: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. GIBBONS, and Mr. RANGEL.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.R. 1. An act to make certain laws applicable to the legislative branch of the Federal Government.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential Determination relative to the Government of Colombia; to the Committee on Armed Services.

EC–12. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers and Support Systems), transmitting, pursuant to law, notice relative to a multi-function cost comparison; to the Committee on Armed Services.

EC–13. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, the report on the demonstration program for training discharged veterans for employment in the construction and hazardous waste remediation industries; to the Committee on Armed Services.

EC–14. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, certification relative to the C–17 settlement agreement; to the Committee on Armed Services.

EC–15. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, certification relative to amphibious lift capacity; to the Committee on Armed Services.

EC–16. A communication from the Assistant to the Secretary of Defense, transmitting, pursuant to law, a corrected summary sheet relative to the semi-annual report on program activities for facilitation of weapons destruction and non-proliferation in the Former Soviet Union; to the Committee on Armed Services.

EC–17. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, the report on strategic and critical materials during the period October 1, 1993 through September 30, 1994; to the Committee on Armed Services.

EC–18. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, an executive order of amendments to the Manual for Courts-Martial, United States, 1984; to the Committee on Armed Services.

EC–19. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC–20. A communication from the First Vice President and Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–21. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report entitled "A Unified National Program for Floodplain Management"; to the Committee on Banking, Housing, and Urban Affairs.

EC–22. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on savings associations as of September 30, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–23. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on credit availability for small business and small farms in calendar year 1994; to the Committee on Banking, Housing, and Urbans Affairs.

EC–24. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the report entitled "Five-Year Plan for Energy Efficiency"; to the Committee on Banking, Housing, and Urban Affairs.

EC–25. A communication from the Director, Corporate Financial Audits, General Accounting Office, transmitting, pursuant to law, the report of the audit of the financial statements of the Federal Financial Bank for calendar years 1992 and 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC–26. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Governments of Serbia and Montenegro; to the Committee on Banking, Housing, and Urban Affairs.

EC–27. A communication from the President of the United States, transmitting, pursuant to law, notice relative to the Libyan emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–28. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report entitled "Responsibilities Under the Community Reinvestment Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–29. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the report on minority thrift ownership; to the Committee on Banking, Housing, and Urban Affairs.

EC–30. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on foreign treatment of U.S. financial institutions for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–31. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–32. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report on progress on developing and certifying the Traffic Alert and Collision Avoidance Systems; to the Committee on Commerce, Science and Transportation.

EC–33. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of an appeal letter; to the Committee on Commerce, Science, and Transportation.

EC–34. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation user fees for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC–35. A communication from the Financial Manager of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of the memorandum implementing the Hotel and Motel Fire Safety Act of 1990 requirements; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes (Rept. 104–1).

Mr. DOMENICI. Mr. President, on behalf of the Senate Budget Committee, I ask unanimous consent that a statement on S. 1, the Unfunded Mandate Reform Act of 1995, as reported, be printed in the RECORD.

In order to expedite the business of the Senate, the committee did not file a report. This statement provides the same information as required by a report and serves as the basis of the legislative history of the Senate Budget Committee's actions on the bill.

STATEMENT OF THE SENATE COMMITTEE ON THE BUDGET ON S. 1—UNFUNDED MANDATE REFORM ACT OF 1995

I. PURPOSE

The primary purpose of S. 1—the "Unfunded Mandate Reform Act of 1995"—is to start the process of redefining the relationship between the Federal government and State, local and tribal governments. In addition, the bill would require an assessment of the impact of legislative and regulatory proposals on the private sector.

The bill accomplishes this purpose by ensuring that the impact of legislative and regulatory proposals on those governments and the private sector are given full consideration in Congress and the Executive Branch before they are acted upon.

More specifically, S. 1 achieves these objectives through the following major provisions: A majority point of order in the Senate against consideration of legislation that establishes a Federal mandate on State, local and tribal governments unless the legislation provides funding to offset the costs of the mandate; a majority point of order in the Senate against consideration of any reported legislation unless the report includes a Congressional Budget Office (CBO) estimate of the cost of Federal mandates to State, local and tribal governments as well as to the private sector; a requirement that Federal agencies establish a process to allow State, local and tribal governments greater input into the regulatory process; and, a requirement that agencies analyze the impact on State, local, and tribal governments and the private sector of major regulations that include federal mandates.

II. BACKGROUND

The controversies that arise between the respective powers of the Federal government and the States date back to the country's origins. Concern about the cost and extent of Federal mandates on State, local governments, and indian tribes as well as the private sector first reached its peak in the late 1970s.

With respect to State and local mandates, the Senate Budget Committee acted in 1980 and again in 1981, culminating in the enactment of the State and Local Government Cost Estimate Act of 1981. This law required the Congressional Budget Office (CBO) to prepare State and local cost estimates, but did not provide for any legislative enforcement procedures.

Since the enactment of the State and Local Government Cost Estimate Act, CBO has had 12 years of experience in preparing State and local cost estimates. During this period, CBO has examined 6,920 pieces of legislation for the impact of Federal mandates. Twelve percent, or roughly 800 bills, contained some impact on State and local governments. A year-by-year summary of the number of estimates prepared by CBO is displayed in the following table.

Although these past legislative efforts were designed to monitor and, presumably, to curtail the growth of Federal mandates, Federal mandates have grown while Federal resources to cover the costs of these mandates have shrunk.

While it is difficult to produce precise estimates of the costs of mandates, there is little doubt that these costs have grown and represent a sizeable proportion of the economy. One of the purposes of S. 1 is to, in fact, create a mechanism for better and more current accounting of these costs. One study prepared for the GSA Regulatory Information Service Center in 1992 found the cost of Federal mandates to State and local governments and the private sector was estimated to amount to $581 billion, or roughly 10 percent of GDP. According to the Vice President's report, The National Performance Review, the private sector alone spends $430 billion each year to comply with Federal regulations.

During a joint hearing with the Senate Governmental Affairs Committee on January 5, 1995, the Budget Committee these concerns from State and local officials regarding the cost of the mandates and the damaging impact of these mandates to our system of government. According to the National League of Cities, over the past two decades, the Congress has enacted 185 new laws imposing mandates on state and local governments.

In that hearing, the Mayor of Philadelphia, Edward Rendell, on behalf of the U.S. Conference of Mayors, testified that 314 cities will spend an estimated $54 billion over the next five years to comply with only 10 of these Federal mandates. His testimony included the following remarks on how Federal mandates severely diminish local government's ability to establish priorities.

"The problem with unfunded Federal mandates is that the Federal government has turned State and local officials into Federal tax collectors. We collect the taxes to implement Federal priorities and as a result we are not able to establish and fund local priorities."

"In my city when I became mayor, we had 19 tax increases in the 11 years prior to my becoming mayor, and we still had a quarter of a billion dollar budget deficit, and we had driven 30 percent of our tax base out of the city."

"So as a practical matter, I could not raise taxes to meet the new demands and mandates."

STATE AND LOCAL COST ESTIMATES PREPARED BY CBO: 12 YEARS OF EXPERIENCE

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total	Average
Total estimates prepared	573	641	533	590	531	686	470	720	551	614	507	504	6,920	577
Estimates with no impacts	496	584	488	543	448	598	404	593	494	522	448	443	6,061	505
(Percent of Total)	87	91	92	92	84	87	86	82	90	85	88	88	88	88
Esimates with some impacts	77	57	45	47	83	88	66	127	57	92	48	51	838	70
(Percent of Total)	13	9	8	8	16	13	14	18	10	15	9	10	12	12
Estimates with impacts above $200 million	24	6	14	8	22	15	7	20	4	14	9	6	149	12
(Percent of Total)	4	1	3	1	4	2	1	3	1	2	2	1	2	2

Source: Congressional Budget Office: Bill Estimates Tracking System.

The Governor of Ohio, George V. Voinovich, made a similar point and concluded, "* * * the Federal government is bankrupt. And the Congress is on its way to bankupting state and local governments."

Governor Voinovich also spoke to the lack of accountability on the part of Federal officials when mandates are enacted and regulations are promulgated to impose mandates on States and local governments. He cited an example of a Federal requirement that states uses scrap tires to pave their roads with rubberized asphalt that will increase the cost of the State of Ohio's highway program by $50 million, money that could be spent to replace 700 miles of roads or rehabilitate 137 aging bridges. His testimony raised questions about the durability of rubberized asphalt and expressed grave concerns about its potentially harmful environmental effects.

III. LEGISLATIVE HISTORY

Senator Kempthorne introduced S. 1, the Unfunded Mandate Reform Act of 1995, on January 4, 1995.

S.1 is based on similar legislation the Senate Governmental Affairs committee reported last Congress. Senator Kempthorne introduced s. 993 on May 30, 1993 and this legislation was reported by the Governmental Affairs Committee on August 10, 1994. The Senate considered S. 993 on October 6, 1994, but no final action was taken on the bill during the 103d Congress.

S. 993 as reported by the Governmental Affairs Committee proposed a number of changes in matters that are within the jurisdiction of the Senate Budget Committee. Pursuant to section 306 of the Budget Act, any legislation that affects any matter within the jurisdiction of the Budget Committee is subject to a point of order unless it is reported by the Budget Committee. This point of order can only be waived by an affirmative vote of 60 Senators.

On November 29, 1994, Senators Domenici and Exon wrote Senators Roth and Glenn regarding the consideration of unfunded mandates legislation and the Budget Committee's jurisdiction over this legislation.

During December, the Budget Committee worked with the Governmental Affairs Committee and Senator Kempthorne to develop the legislation that was introduced as S. 1. The Senate Budget Committee worked to make the following three modifications to S. 993, which are now reflected in S. 1: (1) strengthened the point of order in the bill so that it would apply to all legislation (bill, joint resolution, amendment, motion or conference reports) and not just reported bills; (2) reduced the costs to the Congressional Budget Office (CBO) for its new duties required by the bill by 50 percent (from $8–10 million down to $4.5 million); and, (3) strengthened the bill by incorporating this new mandate control process into the Congressional Budget Act and the Congressional Budget process.

On January 5, the Budget Committee held a joint hearing with the Governmental Affairs Committee. On January 9, the Governmental Affairs Committee voted 9–4 to report the bill, S. 1, with three amendments. On the same day, after the Governmental Affairs action, the Budget Committee also voted by a vote of 21–0 to report S. 1 with four amendments.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section identifies the short title as the "Unfunded Mandate Reform Act of 1995."

Section 2. Purposes

This section establishes the purposes of the Act.

Section 3. Definitions

This section amends the Congressional Budget and Impoundment Control Act of 1974 by Adding Several new definitions. These definitions are applicable to the entire Unfunded Mandates Reform Act. However, one of the Committee amendments restricts their application within the Budget Act to the new Budget Act enforcement mechanisms established in Title I of this Act.

The term "Federal mandate" is defined as either a "Federal intergovernmental mandate" or a "Federal private sector mandate".

The term "Federal intergovernmental mandate" is defined to mean any legislation, statute, or regulation that imposes a legally binding duty on State, local, or tribal governments, unless the duty is a condition of Federal assistance or is a condition or requirement for participation in a voluntary discretionary aid program.

The term "Federal intergovernmental mandate" is further defined to include any legislation, statute, or regulation that would reduce or eliminate the authorization of appropriation for Federal financial assistance to State, local, or tribal governments for purposes of complying with an existing duty, unless the legislation, statute, or regulation reduces or eliminates the duty accordingly.

In the circumstances where the Federal government has imposed legal duties on State, local, and tribal governments and has provided financial assistance to those entitles to comply with those duties, the Committee believes that the Federal government ought to be held accountable when the Federal government subsequently reduces or eliminates the Federal assistance to those governments while continuing to require compliance with the existing duties. This definition, together with the enforcement mechanism established in section 101, will provide this accountability.

The term "Federal intergovernmental mandate" is lastly defined to include any legislation, statute, or regulation concerning Federal entitlement programs that provide $500 million or more annually to State, local, or tribal governments, if it would either increase the conditions of assistance or would cap or decrease the Federal responsibility to provide funding, and the governments have no authority to amend their responsibility to provide the services affected. This subparagraph relates to nine large Federal entitlement programs, the spending projections for which are shown in the following CBO table:

ENTITLEMENT PROGRAMS THAT CONTAIN INTERGOVERNMENTAL MANDATES

[Outlays in billions of dollars]

	1996	1997	1998	1999	2000
Payments to States for AFDC work programs	0.9	1.0	1.0	1.0	1.0
Social services block grant (Title XX)	3.1	3.1	3.0	2.9	2.8
Payments to States for foster care and adoption assistance	3.9	4.3	4.7	5.0	5.5
Rehabilitation services and disability research	2.4	2.5	2.6	2.6	2.7
Medicaid	100.1	111.0	123.1	136.0	149.5
Food Stamp Program	26.0	27.4	28.8	30.3	31.1
State child nutrition programs	8.1	8.6	9.2	9.9	10.5
Family support payments to States[1]	17.5	17.9	18.3	18.8	19.4
Total	162.0	175.6	190.6	206.5	222.5

[1] Includes AFDC and child support enforcement.

Source: CBO January 1995 Baseline.

Any legislation or regulation would be considered a Federal intergovernmental mandate if it: a) increases the stringency of State, local or tribal government participation in any one of these nine programs, or b) caps or decreases the Federal government's responsibility to provide funds to State, local or tribal governments to implement the program, including a shifting of costs from the Federal government to those governments. The legislation or regulation would not be considered a Federal intergovernmental mandate if it allows those governments the flexibility to amend their specific programmatic or financial responsibilities within the program while still remaining eligible to participate in that program. In addition to the nine previously-mentioned programs, also included are any new Federal-State-local entitlement programs (above the $500 million threshold) that may be created after the enactment of this Act.

The Committee has included this provision in the legislation because of its concern over past and possible future shifting of the costs of entitlement programs by the Federal government on to State governments.

"Federal private sector mandate" is defined to include any legislation, statute, or regulation that imposes a legally binding duty on the private sector.

"Direct costs" is defined to mean aggregate estimated amounts that State, local and tribal governments and the private sector will have to spend in order to comply with a Federal mandate. Direct costs of Federal mandates are net costs; they are the sum of estimated costs and estimated savings associated with legislation. Further, direct costs do not include costs that State, local and tribal governments and the private sector currently incur or will incur to implement the requirements of existing Federal law or regulation. In addition, the direct costs of a Federal mandate must not include costs being borne by those governments and the private sector as the result of carrying out a State or local government mandate.

The Governmental Affairs Committee has proposed an amendment change in the definition of "Private sector". The revised definition covers all persons or entities in the United States except for State, local or tribal governments. It includes individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

The Committee is troubled by the exemption of independent regulatory agencies from the definition of a Federal "agency". An amendment by Senator Domenici to delete this exemption was withdrawn because of Senator Simon's request that the Committee and the Senate have an opportunity to study this exemption further. Many of these independent regulatory agencies are a major source of costly unfunded mandates, particularly on the private sector. The Committee notes section 4 of the bill provides a number of exclusions and believes this exemption needs to be, at a minimum, significantly narrowed.

The definition of "small government" is made consistent with existing Federal law which classifies a government as small if its population is less than 50,000. "Tribal government" is defined according to existing law.

Section 4. Exclusions

This section provides a number of exclusions from this Act.

Among these exclusions, the bill contains an exclusion for legislation that "establishes or enforces any statutory rights that prohibit discrimination." The Committee believes this language to mean provisions in bills and joint resolutions that prohibit or are designed to prevent discrimination from occurring through civil or criminal sanctions or prohibitions.

In order to maintain the discipline of S.1 to control new unfunded mandates, the Committee believes that the exclusions must be interpreted so that the mandate in legislation completely fits within the confines of an exclusion.

Section 5. Agency Assistance

Under this section, the Committee intends for Federal agencies to provide information, technical assistance, and other assistance to the Congressional Budget Office (CBO) as CBO might need and reasonably request that might be helpful in preparing the legislative cost estimates as required by Title I. Through the implementation of various Presidential Executive Orders over the last decade, agencies have developed a wealth of expertise and data on the cost of legislation and regulation on State, local and tribal government and the private sector. CBO should be able tap into that expertise in a useful and timely manner. Other Congressional support agencies may also have developed information on cost estimates and the estimating process which might be helpful to CBO in performing its duties. CBO should not attempt to duplicate analytical work already being done by the other support agencies, but rather use as needed that information.

Title I—Legislative Accountability and Reform

Section 101. Legislative mandate accountability and reform

This section amends title IV of the Congressional Budget and Impoundment Control Act of 1974 by creating a new section 408 on Legislative Mandate Accountability and Reform. Subsection (a) establishes procedures and requirements for Committee reports accompanying legislation that imposes a Federal mandate. It requires a committee, when it orders reported legislation containing Federal mandates, to provide the reported bill to CBO promptly. The Committee is concerned that this bill imposes significant new responsibilities on CBO to provide a variety of estimates for legislation. Therefore, the Committee would urge the relevant authorizing committees to work closely with CBO during the committee process to ensure that legislation containing federal mandates, as well as possible related amendments to be offered in markup, be provided to CBO in a timely fashion so as not to impede the legislative process.

The committee report shall include: an identification and description of Federal mandates in the bill, including an estimate of their expected direct costs to State, local and tribal governments and the private sector, and a qualitative assessment of the costs and benefits of the Federal mandates, including their anticipated costs and benefits to human health and safety and protection of the natural environment.

If a mandate affects both the public and the private sectors, and it is intended that the Federal Government pay the public sector costs, the report should also state what effect, if any, this would have on any competitive balance between government and privately-owned businesses. One of the Committee's amendments expanded this requirement to include an assessment of the impact of any mandate on the competitive balance between states, local governments, and tribal governments and privately-owned businesses if that mandate is contingent on funding being provided in appropriations Acts.

Some federal mandates will affect both the public and private sectors in similar and, in some cases, nearly identical ways. For example, the costs of compliance with minimum wage laws or environmental standards for landfill operations or municipal waste incineration are incurred by both sectors. There has been some concern expressed that the Federal subsidization of the public sector in these cases could create a competitive advantage for activities owned by State, local or tribal governments in those areas where they compete with the private sector. If future mandate legislation causes this to be the case, S. 1 provides that Congress will be aware of this impact and the effect on the continuing ability of private enterprises to remain viable. The authorizing committees are required to provide an assessment in their reports in order for Congress to carefully consider and decide whether the granting of a competitive advantage to the public sector is fair and appropriate.

For Federal intergovernmental mandates, Committee reports must also contain a statement of the amount, if any, of the increased authorization of appropriations for Federal financial assistance to fund the costs of the intergovernmental mandates.

This section also requires the authorizing Committee to state in the report whether it intends the Federal intergovernmental mandate to be funded or not. There may be occasions when a Committee decides that it is entirely appropriate that State, local or tribal governments should bear the cost of a mandate without receiving Federal aid. If so, the Committee report should state this and give an explanation for it. Likewise, the Committee report must state the extent to which the report legislation preempts State, local or tribal law, and, if so, explain the reasons why. To the maximum extent possible, this intention to preempt should also be clear in the statutory language.

Also set out in this section are procedures to ensure that the Committee publishes the CBO cost estimate, either in the Committee report or in the Congressional Record prior to floor consideration of the legislation.

Duties of the Director:

Section 408(b) of the Congressional Budget and Impoundment Control Act, as added by section 101, requires the Director of CBO to analyze and prepare a statement on all bills reported by committees of the Senate or House of Representatives other than the appropriations committees. This subsection stipulates, first, that the Director of CBO must estimate whether all direct costs of Federal intergovernmental mandates in the bill will equal or exceed a threshold of $50,000,000 annually. If the Director estimates that the direct costs will be below this threshold, the Director must state this fact in his statement on the bill, and must briefly explain the estimate. Although this provision requires only a determination by CBO that the threshold will not be equalled or exceeded, if, in cases below the threshold, the Director actually estimates the amount of direct costs, this section is not intended to preclude the Director from including the estimate in his explanatory statement. If the Director estimates that the direct costs will equal or exceed the threshold, the Director must so state and provide an explanation, and must also prepare the required estimates.

In estimating whether the threshold will be exceeded, the Director must consider direct costs in the year when the Federal intergovernmental mandate will first be effective, plus each of the succeeding four fiscal years. In some cases, the new duties or conditions that constitute the mandate will not become effective against State, local and tribal governments when the statute becomes effective, but will become effective when the implementing regulations become effective. The Committee notes that current Federal comprehensive budget projects are made for five years and is aware that estimates that reach beyond this five year window are more difficult to make with precision. The Committee is concerned about and recognizes the difficulty of making out-year estimates, particularly beyond the five-year window. The Committee notes that the new enforcement procedures are based on thresholds being exceeded. However, if a range of estimates is made and that range estimate is less than to greater than the threshold, the Committee believes the enforcement procedures would apply.

The $50,000,000 threshold in this legislation for Federal intergovernmental mandates is significantly lower than the threshold of $200,000,000 in the State and Local Cost Estimate Act of 1981 (2 U.S.C. 403(c)). The threshold in the 1981 Act also included a test of whether the proposed legislation is likely to have an exceptional fiscal consequence for a geographic region or a level of government. The bill provides that at the request of any Chairman or Ranking Minority Member of a committee, CBO must conduct a study on the disproportionate effects of mandates on specific geographic regions or industries.

If the Director determines that the direct costs of the Federal intergovernmental mandates will equal or exceed the threshold, he must make the required additional estimates and place them in the statement.

The Director of CBO must also estimate whether all direct costs of Federal private sector mandates in the bill will equal or exceed a threshold of $200,000,000 annually. In making this estimate, the Director must consider direct costs in the year when the Federal private sector mandate will first be effective, plus each of the succeeding four fiscal years. In some cases, the new duties or conditions that constitute the mandate will not become effective for the private sector when the statute becomes effective, but will become effective when the implementing regulations become effective.

Similar to State and local estimates, the Committee is concerned about and recognizes the difficulty of making out-year estimates, particularly beyond the five-year window. CBO has 12 years of experience of including estimates of the impact on State and local governments in its cost estimates for legislation. While CBO has conducted studies assessing the impact of mandates on the private sector, CBO has little experience with providing point estimates on private sector impacts as the part of its cost estimates to committees on legislation.

The Committee is aware that the most costly aspect of this legislation is the requirement on CBO to produce estimates on the impact to the private sector and is concerned about the cost of these new requirements. Even so, private sector mandates have an enormous impact on the economy and is critical that Congress understand these impacts as it considers legislation affecting the private sector.

If the Director estimates that the direct costs will equal or exceed the threshold, the Director must so state and provide an explanation. If the Director determines that it is not feasible for him to make a reasonable estimate that would be required with respect to Federal private sector mandates, the Director shall not make the estimate, but shall report in the statement that an estimate cannot be reasonably made.

If the Director estimates that the direct costs of a Federal private sector mandate will be below the specified threshold, the Director must state this fact in his statement on the bill, and must briefly explain the estimate. Although this provision requires only a determination by CBO that the threshold will not be equalled or exceeded, if, in cases below the threshold, the Director actually estimates the amount of direct costs, this section is not intended to preclude the Director from including the estimate in his explanatory statement.

Point of order in the Senate:

This section provides two new Budget Act points of order in the Senate. The first makes it out of order in the Senate to consider any bill or joint resolution reported by a committee that contains a Federal mandate unless a CBO statement of the mandate's direct costs has been printed in the Committee report or the Congressional Record prior to consideration. The second point of order would lie against any bill, joint resolution, amendment, motion, or conference report that increased the costs of a Federal intergovernmental mandate by more than the $50,000,000, unless the legislation fully funded the mandate in one of three ways:

1. an increase in direct spending with a resulting increase in the Federal budget deficit (unless the new direct spending was offset by direct spending reductions in other programs);

2. an increase in direct spending with an offsetting increase in tax receipts, or

3. an authorization of appropriations and a limitation on the enforcement of the mandate to the extent of such amounts provided in Appropriations acts.

The Committee notes that "direct spending" is a defined term in the Balanced Budget and Emergency Deficit Control Act. The Committee also intends that in order to avoid the point of order under this section, any direct spending authority or authorization of appropriations must offset the direct costs to states, local governments, and indian tribes from the Federal mandate.

If the third alternative is used (authorization of appropriations), a number of criteria must be met in order to avoid the point of order. First, any appropriation bill that is expected to provide funding must be identified. Second, the mandate legislation must also designate a responsible Federal agency that shall either: implement an appropriately less costly mandate if less than full funding is ultimately appropriated (pursuant to criteria and procedures also provided in the mandate legislation), or declare such mandate to be ineffective. To avoid the point of order, the authorizing committee must provide in the authorization legislation for one of two options:

1. The agency will void the mandate if the appropriations committees at any point in the future provides insufficient funding to states, local governments, and tribal governments to offset the direct cost of the mandate.

2. The agency can provide a "less money, less mandate" alternative, but this alternative requires the authorizing legislation to specify clearly how the agency shall implement that alternative.

When an intergovernmental mandate is either declared ineffective or scaled back because of lack of funding, these changes in the mandate will be effectuated consistent with the requirements of the Administrative Procedures Act. This will ensure that all affected parties including the private sector, state, local and tribal governments and the intended beneficiaries of the mandate will have adequate opportunity to address their concerns.

The bill provides that matters within the jurisdiction of the Appropriations Committee are not subject to a point of order under this section. However, this is not a blanket exemption for an appropriations bill. If an appropriations bill or joint resolution (or an amendment, motion, or conference report thereto) included legislation imposing a mandate on states, local governments, or tribal governments, such legislation would not be in the Appropriations Committee's jurisdiction. Therefore, these provisions would be subject to the point of order under this section.

One of the Committee amendments struck two provisions in the bill regarding determinations and the point of order. The first provision gives the Senate Governmental Affairs the sole authority to determine what constitutes a mandate. The second struck a provision in the bill that is identical to other provisions in the Budget Act providing that the determinations of the levels of mandates would be based on estimates made by the Senate Budget Committee.

The language the Committee struck regarding the Budget Committee's role in making determinations on budgetary levels is identical or similar to language in sections 201(g), 310(d)(4), 311(c), and 313(e) of the Congressional Budget Act, sections 258B(h)(4) of the Balanced Budget and Emergency Deficit Control Act, and sections 23(e) and 24(d) of the Concurrent Resolution on the Budget for Fiscal Year 1995.

The Senate, the Senate Parliamentarian's office and the Budget Committees have 20 years of experience with these Budget Act points of order and the Budget Committee's role in making determinations of levels for the purposes of enforcing these points of order. In practice, the Senate Budget Committee's staff monitors legislation, works with the Parliamentarian's office to determine violations, and works with CBO to provide the Parliamentarian's office with estimates to determine whether legislation would violate the Budget Act.

S. 1 would establish an identical process for state and local estimates. CBO would produce costs estimates on legislation. To the extent legislation, such as an amendment, did not have a cost estimate, Budget Committee staff would seek such an estimate from CBO, in order to determine whether the bill violated S. 1's point of order.

While there is 20 years of history and experience with the Budget Committee's role in determining levels for the purposes of enforcement of Budget Act point of order, there appears to be a precedent, as envisioned in S. 1 as introduced, to provide the Senate Governmental Affairs Committee the authority to make "final determinations" on what constitutes a mandate. This provision also raises a possibility where the two committees would have conflicting opinions on the application of this new point of order and needlessly complicates the enforcement of S. 1.

Viewing the questions and problems this language creates and the fact that the Budget Committee relies on CBO estimates for the purposes of making these determinations, the Committee amendment struck the language regarding Budget Committees and Governmental Affairs Committees determinations. The committee does not believe that this authority needs to be explicitly stated in section 408. In the absence of a CBO estimate, the Committee intends that the determinations of levels of mandates be based on estimates provided by the Senate Budget Committee.

At the request of the House of Representatives, the Committee amendment retains these provisions for the House.

Section 102. Enforcement in the House of Representatives

This section specifies the procedures to be followed in the House of Representatives in enforcing the provisions of this Act.

Section 103. Assistance to committees and studies

This section adds among CBO existing duties under the Budget Act a requirement that the Director of CBO, to the extent practicable, to consult with and assist committees of the Senate and the House of Representatives, at their request, in analyzing proposed legislation that may have a significant budgetary impact on State, local or tribal governments or a significant financial impact on the private sector. It provides for the assistance that committees will need from CBO to fulfill their obligations under the provisions of S. 1.

This section also states that CBO should set up a process to allow meaningful input from these knowledgeable, affected, and concerned about the Federal mandates in question. Once possible way to establish this process is through the formation of advisory panels composed of relevant outside experts. The Committee leaves it to the discretion of the Director as to when and where it is appropriate to form an advisory panel.

This section encourages authorizing committees to take a prospective look at the impact of Federal intergovernmental and private sector mandates before considering new legislation by requiring committees to submit information on mandate legislation as part of their views and estimates to the Budget Committees.

The Committee is concerned about the potential workload that such studies could impose on CBO and how this might affect CBO's other responsibilities under the Act and intends that CBO consult with the Committee on the nature, the extent, and the cost of conducting these studies.

Section 104. Authorization of appropriations

This paragraph authorizes appropriations for CBO of $4,500,000 per year for FY 1996 through 2002. The Committee recognizes that additional resources and personnel are needed for CBO to fully perform its duties under this Act along with continuing to carry out its current responsibilities. The Committee understands that the current policy and practice at CBO is to rely on in-house personnel to conduct studies and cost estimates, rather than contracting these duties to outside entities. The Committee supports this policy and urges the Appropriations Committee, in funding this authorization, to increase CBO's authority to hire additional personnel in order to fulfill its new duties under this Act.

The Committee is particularly concerned that if the Appropriations Committee does not provide sufficient funding for these new duties CBO's existing responsibilities under Title II of the Budget Act should not be impeded.

Section 105. Exercise of rulemaking powers

The Constitution already reserves the rulemaking powers of each House. This section provides that the terms of title I are enacted as an exercise of the rulemaking power of the Senate and the House of Representatives, and that either House may change such rules at any time.

Section 106. Repeal of the State and Local Cost Estimate Act of 1981

This paragraph rescinds the provisions of the State and Local Cost Estimate Act of 1981.

Section 107. Effective date

Title I will take effect on January 1, 1996. One of the Committee amendments provided that this title would apply only to legislation considered on or after that date. This is to give Congress time to enact additional appropriations for CBO and to give CBO and the Budget Committees the necessary time to prepare for implementing the new requirements of this Act.

The Committee notes that there has been some confusion surrounding the question of retroactivity in S. 1. This section makes clear that Title I only applies to new legislation considered after January 1, 1996. Laws enacted prior to that date are not subject to Title I of this Act. The Committee intends that when Congress considers legislation reauthorizing existing laws that this Title apply to how this reauthorization legislation would change existing mandates or add new mandates.

Title II—Regulatory Accountability and Reform

Section 201. Regulatory Process

This section requires agencies to assess the effects of their regulations on State, local and tribal governments, and the private sector. This section specifically requires agencies to notify, consult, and educate State, local governments, and tribal governments before establishing regulations that significantly affect these entities.

Section 202. Statements to accompany significant regulatory actions

This section sets out requirements for Agencies prior to issuing final regulations. Before promulgating any final regulation with a cost of more than $100 million annually to State, local, tribal governments, and the private sector.

Section 203. Assistance to the Congressional Budget Office

This section requires the Director of the Office of Management and Budget to collect the written statements prepared by agencies under Section 202 and submit them on a timely basis to CBO. OMB and CBO already work closely regarding the Federal budget. This section will assist the CBO in performing its duties under Title I.

Section 204. Pilot program on small government flexibility

This section requires OMB to establish pilot programs in at least two agencies on regulatory flexibility.

Title III—Baseline Study

Section 301. Baseline study of costs and benefits

This section establishes a Commission on Unfunded Federal Mandates.

Section 302. Report on unfunded Federal mandates by the Commission

This section requires the Commission to issue a preliminary report within 9 months of enactment and a final report within 3 months thereafter.

Section 303. Membership

This section provides that the Commission shall be composed of 9 members and establishes the requirements for their appointment.

Section 304. Director and staff of commission; experts and consultants

This section provides for the appointment of the staff and Director of the Commission.

Section 305. Powers of commission

This section provides the Commission with the authority to hold hearings, obtain official data, use the U.S. mails, acquire administrative support services from the General Services Administration, and contract, subject to the appropriations, for property and services.

Section 306. Termination

This section provides that the Commission shall terminate 90 days after submitting its final report.

Section 307. Authorization of appropriations

This section authorizes the appropriations to Commission of $1 million.

Section 308. Definition

This section defines the term "unfunded Federal mandate", as used in title III.

Section 309. Effective Date

This section provides that Title III takes effect 60 days after the date of enactment.

Title IV—Judicial Review

Section 401. Judicial review

This section provides that nothing under the Act shall be subject to judicial review.

V. REGULATORY IMPACT STATEMENT

Paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate requires Committee reports to evaluate the legislation's regulatory, paperwork, and privacy impact on individuals, businesses, and consumers.

S. 1 addresses Federal government process, not output. It will directly affect and change both the legislative and regulatory process. It will not have a direct regulatory impact on individuals, consumers, and businesses as these groups are not covered by the bill's requirements.

However, the implementation of S. 1 will likely have an indirect regulatory impact on these groups since a primary focus of the bill is to ensure that Congress assess the cost impact of new legislation on the private sector before acting. In so much as information on private sector costs of any particular bill or resolution may influence its outcome during the Congressional debate, it is possible that this bill may ease the regulatory impact on the private sector—both on individual pieces of legislation as well as overall. However, it is impossible at this time to determine with any specificity what that level of regulatory relief may be.

S. 1 does address the Federal regulatory process in three ways: (1) It requires agencies to estimate the costs to State, local and tribal governments of complying with major regulations that include Federal intergovernmental mandates; (2) It compels agencies to set up a process to permit State, local and tribal officials to provide input into the development of significant regulatory proposals; and (3) It requires agencies to establish plans for outreach to small governments.

However, with the exception of the third provision, the bill will not impose new requirements for agencies to implement in the regulatory process that are not already required under Executive Orders 12866 and 12875. The bill merely codifies the major provisions of the E.O.s that pertain to smaller governments.

The legislation will have no impact on the privacy of individuals. Nor will it add additional paperwork burdens to businesses, consumers and individuals. To the extent that CBO and Federal agencies will need to collect more data and information from State, local and tribal governments and the private sector, as they conduct their requisite legislative and regulatory cost estimates, it is possible that those entities will face additional paperwork. However, although smaller governments are certainly encouraged to comply with agency and CBO requests for information, they are not bound to.

VI. CBO COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 9, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1, the Unfunded Mandate Reform Act of 1995.

Enactment of S. 1 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JANUARY 9, 1995

1. Bill number: S. 1.

2. Bill title: Unfunded Mandate Reform Act of 1995.

3. Bill status: As ordered reported by the Senate Committee on the Budget on January 9, 1995.

4. Bill purpose: S. 1 would require authorizing committees in the House and Senate to include in their reports on legislation a description and an estimate of the cost of any Federal mandates in that legislation, along with an assessment of their anticipated benefits. Mandates are defined to include provisions that impose duties on States, localities, or Indian tribes ("intergovernmental mandates") or on the private sector ("private sector mandates"). Mandates also would include provisions that reduce or eliminate any authorization of appropriations to assist State, local, and tribal governments or the private sector in complying with Federal requirements, unless the requirements are correspondingly reduced. In addition, intergovernmental mandates would include changes in the conditions governing certain types of entitlement programs (for example, Medicaid). Conditions of Federal assistance and duties arising from participation in most voluntary Federal programs would not be considered mandates.

Committee reports would have to provide information on the amount of Federal financial assistance that would be available to carry out any intergovernmental mandates in the legislation. In addition, committees would have to note whether the legislation preempts any State or local laws. The requirements of the bill would not apply to provisions that enforce the constitutional rights of individuals, that are necessary for national security, or that meet certain other conditions.

The Congressional Budget Office (CBO) would be required to provide committees with estimates of the direct cost of mandates in reported legislation other than appropriation bills. Specific estimates would be required for intergovernmental mandates costing $50 million or more and, if feasible, for private sector mandates costing $200 million or more in a particular year. (CBO currently prepares estimates of costs to States and localities of reported bills, but does not project costs imposed on Indian tribes or the private sector.) In addition, CBO would probably be asked to assist the Budget Committees by preparing estimates for amendments and at later stages of a bill's consideration. Also, at times other than when a bill is reported, when requested by Congressional committees, CBO would analyze proposed legislation likely to have a significant budgetary or financial impact on State, local, or tribal governments or on the private sector, and would prepare studies on proposed mandates. S. 1 would authorize the appropriation of $4.5 million to CBO for each of the fiscal years 1996–2002 to carry out the new requirements. These requirements would take effect on January 1, 1996, and would be permanent.

S. 1 would amend Senate rules to establish a point of order against any bill or joint resolution reported by an authorizing committee that lacks the necessary CBO statement or that results in direct costs (as defined in the bill) of $50 million or more in a year to State, local, and tribal governments. The legislation would be in order if it provided funding to cover the direct costs incurred by such governments, or if it included an authorization of appropriations and identified the minimum amount that must be appropriated in order for the mandate to be effective, the specific bill that would provide the appropriation, and a federal agency responsible for implementing the mandate.

Finally, S. 1 would require executive branch agencies to take actions to ensure that State, local, and tribal concerns are fully considered in the process of promulgating regulations. These actions would include the preparation of estimates of the anticipated costs of regulations to States, localities, and Indian tribes, along with an assessment of the anticipated benefits. In addition, the bill would authorize the appropriation of $1 million, to be spent over fiscal years 1995 and 1996, for a temporary Commission on Unfunded Federal Mandates, which would recommend ways to reconcile, terminate, suspend, consolidate, or simplify federal mandates.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Congressional Budget Office						
Authorization of appropriations	....	4.5	4.5	4.5	4.5	4.5
Estimated outlays	....	4.0	4.4	4.4	4.4	4.4
Commission on unfunded Federal Mandates						
Authorization of appropriations	1.0	....	....	....	....	....
Estimated outlays	0.4	0.6	....	....	....	....
Bill total:						
Authorization of appropriations	1.0	5.5	4.5	4.5	4.5	4.5
Estimated outlays	0.4	4.6	4.4	4.4	4.4	4.4

The costs of this bill fall within budget function 800.

Basis of Estimate.—CBO assumes that the specific amounts authorized will be appropriated and that spending will occur at historical rates.

We estimate that executive branch agencies would incur no significant additional costs in carrying out their responsibilities associated with the promulgation of regulations because most of these tasks are already required by Executive Orders 12875 and 12866.

6. Comparison with spending under current law: S. 1 would authorize additional appropriations of $4.5 million a year for the Congressional Budget Office beginning in 1996. CBO's 1995 appropriation is $23.2 million. If funding for current activities were to remain unchanged in 1996, and if the full additional amount authorized were appropriated, CBO's 1996 appropriation would total $27.7 million, an increase of 19 percent.

Because S. 1 would create the Commission on Unfunded Federal Mandates, there is no funding under current law for the commission.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: Paul Van de Water, Assistant Director for Budget Analysis.

VII. ROLL CALL VOTES IN COMMITTEE

Pursuant to paragraph 7 of rule XXVI of the Standing Rules of the Senate, each committee is to announce the results of roll call votes taken in any meeting of the committee on any measure or amendment. The Senate Budget Committee met on Monday, January 9, 1995, at 2 pm to markup S. 1. The following roll call votes occurred on S. 1 and amendments proposed thereto:

(1) The Boxer amendment to sunset S. 1 on January 1, 1998. The amendment was not agreed to: 9 yeas, 12 nays.

Yeas: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P);

Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

(2) The Boxer amendment to sunset S. 1 on January 1, 2000. The amendment was not agreed to: 9 yeas, 12 nays.

Yeas: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

(3) The Boxer amendment to sunset S. 1 on January 1, 2002. The amendment was not agreed to: 9 yeas, 12 nays.

Yeas: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

(4) Motion to report S. 1, as amended. The motion was adopted: 21 yeas, 0 nays.

Yeas: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist; Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: 0.

(5) Motion that the committee report S. 1 without filing a written report. The motion was agreed to: 12 years, 9 nays.

Yeas: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

Nays: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad (P); Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

(P) indicates a vote by proxy.

VIII. VIEWS OF MEMBERS OF COMMITTEE MEMBERS

ADDITIONAL VIEWS OF SENATOR CONRAD

With the consideration, of S. 1, Congress is taking a big step in addressing the continuing issue of unfunded federal mandates upon state, local, and tribal governments, as well as mandates upon those in the private sector.

Some federal mandates serve important purposes and have helped to accomplish safer, better lives for all Americans. These mandates have ensured our health and safety with regard to things like radiation contamination, hazardous waste, and other health and safety concerns.

However, unfunded mandates have grown in recent years and have, at times, become unrealistic and overly oppressive. As the federal government tried to cut spending and reduce the federal budget deficit, it passed responsibilities onto state and local governments without providing money to pay for them. I oppose placing unreasonably fiscal demands on states and localities.

I am pleased that S. 1 includes provision to study the disproportionate impact mandates may have on rural communities. Last year, during the Government Affairs Committee's consideration of S. 993, the unfunded mandates bill of the 103rd Congress, Susan Ritter of North Dakota, testified that one half of the annual budget of Sherwood, ND, is spent to test their water supply. In April 1994, the Minot Daily News reported that each resident of Mohall, ND, population 931, would need to contribute to a water testing bill of $2,400 for the year. The Minot Daily News further stated that the water testing budget for Minot, ND, was $3,300 five years ago, but had since risen to $26,100. These numbers illustrate the difficulties local governments face in meeting their budgets in the face of federal mandates.

The federal government must do a better job of listening to local governments when developing laws and regulations. It is important for Congress to consider the actual impact that federal legislation can have on state and local governments, as well as the private sector. It is always essential to weigh costs and benefits of legislation when enacting new laws.

I am proud to be a cosponsor of S. 1, however I do recognize there are some areas of the legislation which can be fine-tuned. For example, S. 1 amends provisions of the Congressional Budget Act of 1974. Attempts to amend, or improve, provisions of S. 1, which are incorporated into the Budget Act, will be subject to a super-majority point of order under the Budget Act. Also, we cannot be one hundred percent sure how this legislation will work; it may be too weak or it may be too restrictive. It is for these two reasons that I support including a sunset date for S. 1.

It is also my hope that my colleagues in the Senate will join me in a colloquy during consideration of this bill, so that questions regarding application to reauthorization bills, the competitive balance between local governments and the private sector, a sunset provision, and exclusions with S. 1 are thoroughly discussed. Given the fast pace with which S. 1 is moving, it is only appropriate that all aspects of S. 1 are addressed to remove concern.

I am greatly pleased to see this important issue before the Budget Committee and it is my hope that a fair and comprehensive bill regarding this issue is favorably considered by the Senate.

ADDITIONAL MINORITY VIEWS OF SENATOR BOXER ON S. 1, THE UNFUNDED MANDATES REFORM ACT

My first elected office in California was in 1976 when I won a seat on the Marin County Board of Supervisors. In that capacity I encountered laws passed by the state government and the federal government that impacted on our governance. Some of these were very good laws, paid for in whole or in part, and some of these were bad laws which made no sense.

The example that stands out in my mind was a law which came down from the federal government and was tied to our receipt of emergency planning monies. This law required our Board of Supervisors to plan for the orderly exit from the country of all our citizens in the case of nuclear war with the Soviet Union. It was very clear to public health and law enforcement people as well as all other residents of the county that there was no way a county so close to a targeted Soviet site in San Francisco could survive in any condition worth living under. Yet, that never stopped the federal bureaucracy then.

They had certain rules laid out for us. We were to all get in our cars and go to a county to the north which was dubbed the "host" county. It was like a party . . . with the Marin County guests and the Sonoma County hosts. We were instructed by the feds to make sure we had cash as we all would have to get gasoline for our cars because the attendants at the gas stations would be quite busy.

I am happy to report that the Marin Board of Supervisors, a bi-partisan board at the time, chose to give all the planning monies back to Uncle Sam rather than give our constituents the false hope that they could survive an all-out nuclear war.

With regard to S. 1, I think the goal of this bill makes a lot of sense. If a federal mandate places an undue financial burden on state and local governments, then Congress should recognize and address the problem. There should be exceptions to this rule, however, and S. 1 deals with areas which are of vital importance to the nation that should be protected from the provisions of this bill.

S. 1 currently shields bills and federal rules that help secure our constitutional rights, prevent discrimination, ensure national security, and implement international agreements such as NAFTA from its requirements. In my view, unfortunately, two other areas of nation-wide importance have been overlooked.

I am deeply concerned that bill fails to adequately ensure our ability to protect the most vulnerable members of our society; our children, our pregnant women, and our elderly. Why should we deny our children, pregnant women, and elderly the same protections? I am prepared to offer an amendment to add legislation involving children and others to the list of S. exemptions. It will simply provide that any bill which "provides for the protection of the health of children, pregnant women, or the elderly" would not be subject to S. 1's point of order and other requirements.

I am also concerned that S. 1 fails to distinguished between mandates that affect state and local governments as "employers" and state and local governments as "governments." I plan to offer an amendment on the floor that will add labor standards to the list of mandates exempted from S. 1's requirements.

I am also disappointed that the bill fails to directly address one of the biggest unfunded federal mandates faced by California: the costs imposed by illegal immigration. I therefore plan to offer an amendment on the floor to ensure that the costs to states and local governments from illegal immigration be addressed in the bill.

One point of concern was particularly overlooked and I offered an amendment in the Committee markup to address this area. The amendment which I offered with the support of the ranking member would have added a provision to sunset S. 1 in 1998. Since the enforcement mechanisms of the Budget Act will expire in 1998, I believe that it is only reasonable to revisit the unfunded mandates issue at the same time that we revisit the whole budget process to ensure that it is working as it should.

However, the Committee rejected this amendment, along with two additional amendments to sunset the bill in 2000 and 2002, respectively, by a party line vote. This deeply upsets me. How will we know whether the whole new process will work? S. 1 may simply not work. It is crucial that we set a reasonable time to revisit the bill and make any improvements—either strengthening or weakening—that our experience with it will have shown to be necessary.

I do hope that this bill will truly meet its very fair goal of reimbursing the states and local governments for laws that we pass. However, I will reserve judgment on final passage of the bill until the amendment process has been completed.

Unrelated to the bill, but very timely, I plan to offer a Sense of Senate Resolution that the campaign of violence against women's health clinics must end. My amendment calls on the Attorney General to take all necessary steps to protect reproductive health clinics and their staff. I know all of my colleagues share my views that this violence is deplorable.

U.S. Senate,
Committee on the Budget,
Washington, DC, November 29, 1994.

Hon. William V. Roth, Jr.,
Hon. John Glenn,
Committee on Governmental Affairs, U.S. Senate, Washington, DC

Dear Bill and John: We expect the Senate to consider legislation early in the session regarding Federal mandates on State and local governments and the private sector. We may initiate such legislation in the Budget Committee and we want to work with you to assure that any state, local, or private sector mandate legislation moves quickly and is a constructive improvement to the congressional budget process.

Such legislation raised budget and economic issues that the Budget Committee must confront in writing a federal budget each year. Moreover, most versions of this legislation contain a significant expansion in the Congressional Budget Office's responsibilities. In the past, our committees have worked jointly on such legislation. In 1981, our two committees both reported legislation that led to the enactment of the State and Local Government Cost Estimate Act.

Some versions of this legislation may be referred to the Budget Committee under the standing order governing referral of budget-related legislation. If the Budget Committee does not report such legislation and it includes provisions affecting the Congressional Budget Office or the congressional budget process, such legislation could be in jeopardy under section 306 of the Budget Act.

We want to work with you to assure such legislation is considered expeditiously. Should you have any questions, please to do no hesitate to contact us or our staff (Bill Hoagland at 4–0539 and Bill Dauster at 4–3961).

Sincerely,

James Exon.
Pete V. Domenici.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. Lott, Mr. Gramm, Mr. Grassley, and Mr. Nickles):

S. 191. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the Act, to protect against economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. Kohl):

S. 192. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 to encourage plant closings and the resultant relocation of employment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 193. A bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself, Mr. Hollings, Mr. Craig, Mr. Hatch, Mr. Helms, Mr. Robb, Mr. McConnell, Mr. Coats, and Mr. Coverdell):

S. 194. A bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 195. A bill to amend section 257(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the treatment of losses from asset sales; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. McCAIN:

S. 196. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and Mexico, and for other purposes; to the Committee on Foreign Relations.

By Mr. BUMPERS:

S. 197. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mrs. Feinstein, Mrs. Hutchison, Mr. Kohl, Mr. Dorgan, and Mr. Conrad):

S. 198. A bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. McCain):

S. 199. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

By Mr. BRADLEY (for himself, Mr. Kohl, and Mr. Simon):

S. 200. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in handgun and is capable of penetrating police body armor; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. Robb):

S. 201. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mrs. Hutchison, Mr. Coverdell, and Mr. Lott):

S. 202. A bill to provide a fair, nonpolitical process that will achieve $41,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself and Mr. Wellstone):

S. 203. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage, to establish a Commission to conduct a study on the indexation of the Federal minimum wage, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 204. A bill to provide for a reform of the public buildings program, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 205. A bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge; to the Committee on Armed Services.

By Mr. McCAIN (for himself and Mr. Coats):

S. 206. A bill to give the President line-item veto authority over appropriation Acts and targeted tax benefits in revenue Acts; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MACK (for himself, Mrs. Hutchison, and Mr. Lott):

S. 207. A bill to provide a fair, nonpolitical process that will achieve $41,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

By Mr. DASCHLE (for himself and Mr. Exon):

S. 208. A bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SIMON:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to reduce or disapprove items of appropriations; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATFIELD:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Appropriations; from the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. MURKOWSKI:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. McCAIN:

S. Res. 40. An original resolution authorizing expenditures by the Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. HELMS:

S. Res. 41. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. Res. 42. A resolution to make minority party appointments to a Senate committee under paragraph 3(c) of rule XXV for the 104th Congress; considered and agreed to.

By Mr. SPECTER:

S. Res. 43. An original resolution authorizing expenditures by the Select Committee on

Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. COHEN (for himself and Mr. PRYOR):

S. Res. 44. A resolution authorizing expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. ROTH:

S. Res. 45. An original resolution authorizing expenditures by the Committee on Governmental Affairs; from the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. LOTT (for Mr. DOLE):

S. Res. 46. A resolution making majority party appointments to the Ethics Committee for the 104th Congress; considered and agreed to.

S. Res. 47. A resolution designating the Chairpersons of Senate committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. GRAMM, Mr. GRASSLEY, and Mr. NICKLES:

S. 191. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

THE FARM, RANCH, AND HOMESTEAD PROTECTION ACT OF 1995

Mrs. HUTCHISON. Mr. President, for generations American farmers have worked to provide food, clothing, and shelter to their families. Farmers and ranchers in Texas and throughout the United States have tilled the soil and cleared the rangeland—and, if they had a good year, they might try to put any money left over back into the land to buy more property.

This land is their wealth—their property, which our Government was formed to protect, just as it protects our homes from burglary and our money in banks from theft.

Our founding fathers acknowledged that private property rights were important. They fought foreign rulers to protect it. The Bill of Rights, drafted after that struggle, says that private property shall not be taken for public use, without just compensation. But, through overly zealous environmental enforcement, this constitutional protection is being watered down.

Last year, the U.S. Fish and Wildlife Service, which enforces the Endangered Species Act, proposed that up to 800,000 acres from 33 Texas counties be designated as critical habitat for the golden-cheeked warbler. This action held up land transfers, construction, home and business lending. With about 300 species in Texas being considered for listing as endangered or threatened, including 8 flies and 12 beetles, landowners in my State may face a very grave problem again soon.

Recent reports about the U.S. Fish and Wildlife's latest Balcones Canyonlands Conservation Plan in Austin, TX, are discouraging. Yesterday, the Interior Department proposed that owners of single-family lots in Travis County that were subdivided before the golden-cheek warbler was listed as an endangered species can apply for a permit to construct a single family home for a fee of $1,500. Developers are expected to pay even more—up to $5,500 an acre—to build on land that has not been subdivided yet.

The permit fees, plus $10 million from Travis County, would be used to add to the 21,000 acres in existing wildlife refuges. Well, the Travis County residents have voted against spending more money on refuges, in 1993 and the Travis County officials were blindsided. They were not even consulted about this proposal to spend $10 million of Travis County's money, when the people have just voted not to put any more money into wildlife refuges.

Rather than assuring fair compensation for private property when there is a Government taking, the Service's plan would require landowners to pay ransom to the Federal Government—for the privilege of building on a lot which they have already bought to build a house—perhaps the house they have been dreaming of for years. Interior Secretary Bruce Babbitt has stated in the past that he believes private property is an outmoded concept. The Fish and Wildlife Service would say, by regulation, that his views are right. This would essentially repeal the fifth amendment to our U.S. Constitution.

Today, Senators LOTT, GRAMM, GRASSLEY, NICKLES, and I are introducing legislation to stop Government overreaching until we have had time to revise the Endangered Species Act. Congressman LAMAR SMITH is introducing a companion bill in the House.

My bill puts a moratorium on the listing of new endangered and threatened species until reauthorization. Right now the Fish and Wildlife Service is proposing to list a species in the panhandle of Texas—the Arkansas River shiner—that is used for fish bait. Water is scarce in the panhandle; we cannot afford to give fish bait more protection than people. But once the shiner is designated, it will have more right to the water than the panhandle farmers and ranchers and the people of Amarillo, TX. The people have to have a voice.

The bill also puts a moratorium on the designation of critical habitat so that property owners will not lose control of their land. Designating critical habitat puts unjust limits on the use, market value, and transferability of property. The stigma of critical habitat should not be imposed by a government that claims to protect property as a constitutional right.

Finally, the bill puts a moratorium on the requirement that all government agencies consult with the Fish and Wildlife Service before taking actions, providing permits, or providing funding that may affect an endangered species. This will prevent the Fish and Wildlife Service from further expanding use of the Endangered Species Act to deny FHA or VA mortgages, crop insurance, crop support payments, farm erosion studies, or SBA loans. To be fair, they have not done this yet; so far, it has only been used on large Government projects. But until this year they had not proposed to designate an area larger than the State of Rhode Island as critical habitat. But they did it last year in Texas.

Property owners should not have to fight the Government to build a new home on their land. They should not have to hire lawyers to tell what their rights are or convince bureaucrats that their farming is in compliance with regulations. Farmers in my State should not live in fear of being treated like the farmer in California who was arrested in a Government raid for allegedly harming a kangaroo rat while he was plowing his field. This rat is designated as an endangered species for one reason—its feet are a millimeter longer than other, similar species. There are other alternatives. Instead of seizing land and arresting farmers, we should encourage private landowners to protect species and habitat with tax incentives, and whenever possible relocate threatened species to park lands so it does not encroach on the private property rights nor the ability of a farmer or a rancher to feed his or her family.

Opponents of compensation for takings of property argue the National Government cannot afford it. That argument acknowledges what is happending is in fact unconstitutional. If we want to protect the critical habitat of endangered species, we have to pay for it. James Madison, in the Federalist Papers, made it clear that the purpose of Government is to protect private property. He said, "government is instituted no less for protection of property than of the persons of individuals."

If opponents of compensation are truly opposed to this principle, they have a remedy. They can propose an amendment to the Constitution. But until they do and until it is passed, these acts are unconstitutional. We are sworn to uphold the Constitution. Mr. President, we must do it. The actions on this bill will provide the means to do it.

We need to make the real effect of the Endangered Species Act clear to the rulemakers in Washington. Many of them have not even set foot on a farm since their third grade class field trip. It is no wonder that so many of our people spoke in November that "we cannot take the Government harassment." It is no longer about protecting our treasured natural resources from harm. It is about Government taking control of people's land. We must put a stop to it, until we have the opportunity to give the Fish and Wildlife Service a new direction.

That is something I hope this Senate will do very quickly before untold damage is done, like what is happening right now in Austin, TX.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 192. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 to encourage plant closings and the resultant relocation of employment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PROHIBITION OF INCENTIVES FOR RELOCATION ACT OF 1995

• Mr. FEINGOLD. Mr. President, I introduce with my colleague from Wisconsin, Senator KOHL, a bill designed to proscribe the use of community development block grant, and other HUD funds for assisting businesses in moving jobs from one State to another. This measure is similar to a bill I introduced in the 103d Congress, the Prohibition of Incentives for Relocation Act of 1994, and is based upon legislation authored during the 103d Congress by U.S. House Representatives, GERRY KLECZKA and TOM BARRETT of Wisconsin, which was approved in the House-passed HUD reauthorization legislation, H.R. 3838.

Mr. President, the importance of this issue remains a critical one to this day for Wisconsin's economic future, as well as the future of other States like ours that possess labor intensive industries.

Our concern was generated by an announcement made in 1994 by a major employer in Wisconsin, Briggs and Stratton, that a Milwaukee plant would be closed, and 2,000 workers would be permanently displaced. The actual economic impact upon this community is even greater since it is estimated that 1.24 related jobs will be lost for every one of the 2,000 Briggs jobs affected. The devastating news was compounded by the subsequent discovery that many of these jobs were being transferred to plants, which were being expanded in two other States, and that Federal community development block grant [CDBG] funds were being used to facilitate the transfer of these jobs from one State to another.

This is a totally inappropriate use of Federal funds, which this legislation is designed to end. The CDBG Program is designed to foster community and economic development; not to help move jobs around the country. Obviously, during a period of permanent economic restructuring, which results in plant closing, downsizing of Federal programs and defense industry conversion, there is tremendous competition between communities for new plants and other business expansions to offset other job losses. State and local communities are doing everything they can to attract new business and retain existing businesses. But it is simply wrong to use Federal dollars to help one community raid jobs from another State. There is no way to justify to the taxpayers in my State that they are sending their money to Washington to be distributed to other States to be used to attract jobs out of our State, leaving behind communities whose economic stability has been destroyed. Thousands of people whose jobs are directly, or indirectly lost as a result of the transfer of these jobs out of our State are justifiably outraged by this misuse of funds.

Mr. President, this legislation is very similar to a provision of the Housing and Community Development Act of 1974, which prohibited urban development action grants [UDAG] from being used for projects intended to move jobs from one community to another. Section 5318(h) of Title 42 of the United States Code prohibits the use of UDAG if the funds are, "intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another," unless it is determined that the relocation does not significantly and adversely affect the unemployment or economic base of the area from which the industrial or commercial plant or facility is to be relocated." Similarly, this legislation provides that no assistance through CDBG and other related HUD programs shall be used for any activity that is intended, or is likely to facilitate the closing of an industrial or commercial plant, or the substantial reduction of operations of a plant; and result in the relocation or expansion of a plant from one area to another area. Similar antipiracy provisions are included in SBA programs, Economic Development Administration programs and the Economic Dislocated Workers Adjustment Act.

Mr. President, this is an issue of fundamental fairness, and sound public policy. Federal funding for economic development projects should be directed toward projects that expand employment opportunities and economic growth, not simply move jobs from one community to another. This legislation is designed to ensure that community development funds are appropriately used for that purpose. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF USE OF CERTAIN ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.

(a) AUTHORIZATIONS.—Section 103 of the House and Community Development Act of 1974 (42 U.S.C. 5303) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following new subsection:

(b) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under section 106 shall be used for any activity that is intended or is likely to—

"(A) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

"(B) result in the relocation or expansion of a plant from one area to another area.

"(2) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this subsection. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.".

(b) SPECIAL PURPOSE GRANTS.—Secton 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) is amended by adding at the end the following new subsection:

"(g) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under this section shall be used for any activity that is intended or is likely to—

"(A) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

"(B) result in the relocation or expansion of a plant from one area to another area.

"(2) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this subsection. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.".

(c) ECONOMIC DEVELOPMENT GRANTS.—Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following new paragraph:

"(5) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under this subsection shall be used for any activity that is intended or is likely to—

"(i) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

"(ii) result in the relocation or expansion of a plant from one area to another area.

"(B) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this paragraph. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.".•

By Mr. CAMPBELL:

S. 193. A bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior; to the Committee on Energy and Natural Resources.

THE FEDERAL FORAGE FEE ACT OF 1995

Mr. CAMPBELL. Mr. President, I am sending legislation to the desk that changes the way ranchers pay to graze their livestock on Federal rangelands. I introduced this bill last Congress, with 14 of my colleagues including my friend who is across the floor today, the Senator from Idaho [Mr. CRAIG]. This bill was not acted on but we think it is an important bill that should be reintroduced.

The formula included in this proposal was developed by several economists who worked at land grant colleges in the West. The formula abandons the old Public Rangelands Improvement Act formula, which has been much maligned, in favor of a formula that sets a realistic value on the opportunity to graze livestock on public lands. It will result in a fee that is about 23 percent higher than the current fee.

Having been very active on this issue for many years, I know congressional debate about grazing fees has been polarized. Opponents of the current fee argue that ranchers do not pay fair market value, while some ranchers would like to maintain the status quo. On the other hand, ranchers in many cases think the fee should not go up at all. But many of us who have worked on it believe ranchers are the family farmers of the West. The establishment of a fair and equitable grazing fee formula is still necessary to ensure their survival. I also think the rancher is key to the rural Western economy. Not only does this add billions to the Nation's economy, in much of the West, it is the single largest source of economic activity and tax revenue. Every Western ranching job creates as many as four jobs on Main Street. If those ranchers go under, so will the tractor, truck and automobile dealers, the gas, grocery and feed store owners, the veterinarians, doctors, and dentists, and many others who make up the commercial and social fabric of rural Western towns.

A fee not based on sound science and careful study will destabilize the entire livestock industry and the rural Western economic infrastructure it supports. The new formula is based on a principle: on the private forage market. It reflects the higher operational costs and lower returns derived from Federal lands. This results in a formula that provides economic parity between producers who use Federal land and private livestock producers.

Secretary of the Interior Babbitt has already said that he intends to drop his efforts to raise grazing fees. He also said that he intends to finalize his regulations within the next 6 months for how our public lands should be managed for grazing.

It is clear to me that environmentalists care about management issues, that is, the Department's ability to effectively steward the resources it manages. To cattlemen, however, the single most important issue is the fee. If it is too high, ranchers go out of business. The ranchers I have talked to realize they will eventually have to pay more for the privilege of grazing on public lands, but as business people, they need stability—stability that can only be provided if a bill passes to lock a higher fee into place.

Many Western Senators believe that the issue of grazing fees should be separated from management reforms. This has been done, but it does not mean that our Government has forgotten that a commitment was made 2 years ago by the ranching industry to pay their fair share.

Reintroducing this bill is an attempt to keep our end of the bargain.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 193

Be it enacted by the Senate and House of Representatives of the United States of 'America in Congress assembled,

That this Act may be cited as the "Federal Forage Fee Act of 1993".

SECTION 1. FINDINGS.

(a) FINDINGS.—Congress finds and declares that—

(1) it is in the national interest that the public lands are producing and continue to produce water and soil conservation benefits, livestock forage, wildlife forage and recreation and other multiple use opportunities;

(2) rangelands will continue to be stabilized and improved long term by providing for cooperative agreements, private, public partnerships and flexibility in management programs and agreements;

(3) to assure sound management and stewardship of the renewable resources it is imperative to charge a fee that is reasonable and equitable and represents the fair value of the forage provided;

(4) the intermingled private-public land ownership patterns prevailing in much of the west create a strong interdependence between public and private lands for forage, water, and habitat for both wildlife and livestock;

(5) the social and economic infrastructure of many rural communities and stability of job opportunities in many areas of rural America are highly independent on the protection of the value of privately held production units on Federal lands.

SEC. 2. ENVIRONMENTAL AND LAND USE REQUIREMENTS.

Unless contrary to this statute, all grazing operations conducted on any Federal lands shall be subject to all applicable Federal, State, and local laws, including but not limited to:

(1) Animal Damage Control Act (7 U.S.C. 426–426b).

(2) Bankhead-Jones Farm Tenant Act (50 Stat. 522) as amended.

(3) Clean Air Act (42 U.S.C. 7401–7642) as amended.

(4) Endangered Species Act of 1973 (16 U.S.C. 1531–1544) as amended.

(5) Federal Advisory Committee Act (86 Stat. 770), as amended.

(6) Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3).

(7) Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y), as amended.

(8) Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(9) Federal Water Pollution Control Act (33 U.S.C. 1251 1387), as amended.

(10) Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600–1614).

(11) Granger-Thye Act (64 Stat. 82).

(12) Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701), as amended, title V.

(13) Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528–531).

(14) National Environmental Policy Act of 1969 (42 U.S.C. 4370a), as amended.

(15) National Forest Management Act of 1976 (16 U.S.C. 1600, 1611–1614).

(16) Public Rangelands Improvement Act of 1978 (92 Stat. 1803).

(17) Taylor Grazing Act (48 Stat. 1269), as amended.

(18) Wilderness Act (78 Stat. 890), as amended.

SEC. 3. FEE SCHEDULE.

(a) For the purpose of this section the terms:

(1) "Sixteen Western States" means WA, CA, ID, NV, NM, WY, CO, KS, SD, ND, NE, OR, OK, AZ, UT and MT.

(2) "AUM" means an animal unit month as that term is used in the Public Rangeland Improvement Act (92 Stat. 1803);

(3) "Authorized Federal AUMs" means all "allotted AUMs" reported by BLM and "permitted to graze AUMs" reported by USFS.

(4) "WAPLLR" means the weighted average private land lease rate determined by multiplying the private land lease rate reported by the Economic Research Service for the previous calendar year for each of the sixteen Western States by the total number of authorized Federal AUMs, as defined in section 3(a)(3), in each State for the previous, fiscal year, then that result divided by the total number of authorized Federal AUMs for the sixteen western States. These individual State results are then added together and divided by 16 to yield a weighted average private land lease rate for that year.

(5) "Report" means the report titled "Grazing Fee Review and Evaluation Update of the 1986 Final Report" dated April 30, 1992 and prepared by the Departments of the Interior and Agriculture.

(6) "Nonfee cost differential" means a value calculated annually by the Secretaries by multiplying the weighted difference in nonfee costs per AUM between public land and private land by the Input Cost Index (ICI) determined annually by the Department of Agriculture. The weighted difference in nonfee costs is a factor of 0.552 determined by deducting the private AUM nonfee costs (as outlined on page 58 of the report) from the public AUM nonfee costs for cattle times 4; added to the result of deducting private

AUM nonfee costs from public AUM nonfee costs for sheep times 1, then that result divided by 5."

(7) "Net production differential" is the percentage calculated annually by dividing the cash receipts per cow for Federal permittee livestock producers by the cash receipts per cow for western non-Federal livestock producers in the sixteen Western States as surveyed by the Economic Research Service in annual cost of production surveys (COPS).

(8) "PLFVR" means the private lease forage value ratio determined by dividing the average of the 1964–1968 base years' private land lease rate into the forage value portion of the private land lease rate of $1.78 as determined in the 1966 western livestock grazing survey.

(b) The Secretaries of the Department of Agriculture and the Department of the Interior shall calculate annually the Federal forage fee by calculating the average of the WALLPR for the preceding three years; multiplying it by the PLFVR; then deducting from that result the nonfee cost differential; and multiplying that result by the net production differential. For each year that this calculation is made, all data used for calculating this fee shall come from the calendar year previous to the year for which the fee is being calculated unless specified otherwise in the above calculations.

(c) The Federal forage fee shall apply to all authorized Federal AUMs under the jurisdiction of the United States Department of Agriculture and the United States Department of the Interior.

(d) For the first year that the Secretaries calculate the Federal forage fee, the fee shall not be greater than 125 percent, or less than 75 percent of the fee calculated for the previous year pursuant to Executive Order 12548 dated February 14, 1986. For each year after the first year that the Secretaries calculate the Federal forage fee, the fee shall not be greater than 125 percent, or less than 75 percent of the Federal forage fee calculated for the previous year.

(e) The survey of nonfee costs used to calculate the nonfee cost differential shall be updated periodically by the Secretaries so as to reflect as accurately as possible the actual nonfee costs incurred by the cattle and sheep industry that utilizes public lands in the sixteen Western States. The results of the updated survey shall be incorporated into the calculation of the Non Fee Cost Differential as they become available.

FEDERAL FORAGE FEE FORMULA—NARRATIVE DESCRIPTION

The Federal Forage Fee Formula is based on the premise that the western public lands grazing permittee should pay the fair value of the forage received from federal lands.

Two objectives were met in determining the formula for a forage value-based grazing fee: (1) Identification of the value of raw forage as a percentage of the private land lease rate (Private Lease Forage Value Ratio); and (2) an adjustment which reflects the lower animal production derived from federal lands compared to private lands (Net Production Differential), and the additional costs of doing business on federal lands compared to private lands (Non Fee Cost Differential) (e.g., additional infrastructure and operational costs). Because the costs associated with cattle production vary from those of sheep production, sheep costs are figured into the Non Fee Cost Differential (80% cattle, 20% sheep). Simply put, the federal forage fee formula is based on the private forage market while reflecting the unique costs of production and relative inefficiencies of harvesting federal forage compared to private land operations. A reasonable grazing fee must reflect the higher operational costs and lower animal production derived from federal lands and, as such, would promote similar economic opportunity between federal land and private land livestock producers.

The private land lease rate is weighted by the proportional number of federal AUMs in each of the 16 western states. The rolling three year weighted average of the private land lease rate is used in order to minimize the high and low extremes of the lease scale. This lease rate is calculated on a weighted average of private lease rates for non-irrigated native rangelands.

The value of the forage component of private land leases, as determined in a comprehensive 1966 grazing fee study and carried through in the 1992 update of the Grazing Fee Review and Evaluation report is 48.8% of the total private land lease rate. The remaining 51.2% of the private lease rate includes infrastructure and services associated with a private land lease.

The Non Fee Cost Differential of the federal forage fee formula is based on the updated analysis of non-fee costs adjusted annually for inflation. This number indicates that for 1991 it cost $1.60 more per AUM to operate on federal lands than private lands.

The Net Production Differential of the formula is based on Economic Research Service comparisons of cash livestock receipts from both western federal land ranches and nonfederal land ranches which show that, overall, the federal lands generate 12.1% less revenue per animal unit than private lands (thus, the 87.9% figure). Every figure in the federal forage fee formula is derived from economic data compiled and updated by federal agencies.

Research using historical data reveals that the Federal Forage Fee yields more predictable fee than PRIA, which has fluctuated from a high of $2.41 to a low of $1.35 (a 78% variance) over its 15 year life. A 25% cap on any increase or decrease in the fee from year to year, starting with the current fee is maintained. Additionally, the federal forage fee formula adheres to the guidelines Congress established for determination of federal grazing fee policy as outlined by the Federal Lands Policy Management Act of 1976, the Independent Offices Appropriations Act of 1952 and the Taylor Grazing Act of 1934.

FIGURES

Weighted average private land lease rate [WAPLLR]: $8.77

Derived from 16 state weighted average private land lease rate as surveyed by the U.S. Department of Agriculture's Economic Research Service (ERS) and adjusted for the number of federal AUMs in each state. The calculation is a rolling average of the three most recent years' data.

Private land forage value ratio [PrLFVR]: 48.8 percent

Grazing Fee Review and Evaluation, DOI & USDA 1992, pgs. 18 and 22. Determines the forage component of the WAPLLR.

Non fee cost differential [NFCD]: $1.60

Grazing Fee Review and Evaluation, DOI & USDA 1992, pg. 58, Appendix A.1; Updated by Input Cost Index (ICI) for currency. Deduction to reflect additional costs per AUM incumbent with federal land grazing.

Net production differential [NPD] 87.9 percent

Grazing Fee Review and Evaluation, DOI & USDA 1992, pg. 53, "Equity Among Livestock Producers." Adjustment to reflect lower animal production derived from federal grazing lands.

Formula/calculations

[((WAPLLR PrLFVR)—NFCD) NPD=FFF]

Weighted average private land lease rate [WAPLLR]	$8.77
Private lease forage value ratio [PrLFVR] (percent)	48.8
Private lease forage value	4.28
Non fee cost differential [NFCD]	−1.60
Net production differential [NPD] (percent)	87.9
Federal forage fee (grazing fee) [FFF]	2.36

The effective Federal Forage Fee would be $2.33 in the first year after applying the 25 percent cap to the current grazing fee.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. CRAIG, Mr. HATCH, Mr. HELMS, Mr. ROBB, Mr. McCONNELL, and Mr. COATS):

S. 194. A bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes; to the Committee on Finance.

MEDICARE/MEDICAID DATA BANK LEGISLATION

• Mr. McCAIN. Mr. President, I am pleased to reintroduce this bill, which would eliminate a large and unjustified administrative burden imposed on employers by an ill-considered piece of legislation passed 2 years ago. Specifically, it would repeal the Medicare and Medicaid Coverage Data Bank, section 13581 of OBRA 1993, a law that is extremely expensive, burdensome, punitive, and in my view, entirely unnecessary.

This data bank law requires every employer who offers health care coverage to provide substantial and often difficult-to-obtain information on current and past employees and their dependents, including names, Social Security numbers, health care plans, and period of coverage. Employers that do not satisfy this considerable reporting obligation are subject to substantial penalties, possibly up to $250,000 per year or even more if the failure to report is found to be deliberate.

According to the law that created the requirement, its purported objective is to ensure reimbursement of costs to Medicare or Medicaid when a third party is the primary payor. This is a legitimate objective. However, if the objective of the data bank is to preserve Medicare and Medicaid funds, why is it necessary to mandate information on all employees, the vast majority of whom have no direct association with either the Medicare or Medicaid Program?

Last year, I introduced S. 1933 to repeal the Medicare and Medicaid Coverage Data Bank. Unfortunately, this bill did not pass in the 103d Congress, in part because of a questionable Congressional Budget Office analysis that estimated that the data bank would save the Federal Government about $1 billion. As a result of this scoring, we would have had to raise the same amount in revenues to offset these purported "savings." However, the General Accounting Office found that "as envisioned, the data bank would have certain inherent problems and likely achieve little or no savings to the Medicare and Medicaid programs." Still, due primarily to the fiction that the data bank would save money, S. 1933 was not enacted last year.

When it was clear that I did not have the votes to repeal the data bank law, I worked with several other Senators to ensure that no funding was appropriated for the data bank in fiscal year 1995. Due to our efforts, the Labor and Human Resources Appropriations report contained language prohibiting the use of Federal funds for developing or maintaining the data bank. However, this provision by itself did not revoke the requirement that covered entities must still provide the required information on the health coverage of current and former employees and their families. This would have resulted in the bizarre situation in which covered employers would have had to report the information, but there would have been no data bank to process or retrieve it.

Finally, in response to the public outcry about this Federal mandate and the sentiments of Congress, the Health Care Financing Administration [HCFA] indicated that it will not be enforcing the data bank's reporting requirements in fiscal year 1995. It stated that in light of the refusal of Congress to fund the data bank, "we have agreed to stay an administrative action to implement the current requirements, including the promulgation of reporting forms and instructions. Therefore, we will not expect employers to compile the necessary information or file the required reports. Likewise, no sanctions will be imposed for failure to file such reports."

This is a major step in the right direction. However, the data bank and its reporting requirements are still in the law and are still scheduled to be implemented in the next fiscal year. Consequently, there is still a great need to repeal the data bank law.

There are those who will argue that, in order to repeal the data bank, we still must propose $1 billion in budget offsets. However, as I indicated earlier, the GAO found that the data bank would not save money. Specifically, it testified before the Senate Governmental Affairs Committee that "the data bank will likely achieve little or no savings while costing millions. Rather, we believe that changes and improvements to existing activities would be a much easier, less costly, and thus preferable alternative to the data bank process. This is largely because the data bank will result in an enormous amount of added paperwork for both HCFA and the Nation's employers."

In addition, the GAO report on the data bank law found that employers are not certain of their specific reporting obligations, because HCFA has not provided adequate guidance on these obligations. Much of the information which is required is not typically collected by employers, such as Social Security numbers of dependents and certain health insurance information. Some employers have even questioned whether it is legal for them under various privacy laws to seek to obtain the required information.

The GAO report also found that employers are facing significant costs in complying with the reporting requirements, including the costs of redesigning their payroll and personnel systems. It cites one company with 44,000 employees that would have costs of approximately $52,000 and another company with 4,000 employees that would have costs of $12,000. Overall, the American Payroll Association estimated last year that this requirement will cost between $50,000 and $100,000 per company.

I would add that the reporting requirement applies only to employers that provide health insurance coverage to their employees. It is unconscionable that we are adding costs and penalties to those who have been most diligent in providing health coverage to their employees. The last thing that the Federal Government should do is impose disincentives to employee health care coverage, which is one of the unintended consequences of the data bank law.

Perhaps the most disturbing aspect of the data bank law is that its enormous costs have little or no corresponding benefit. The GAO report concluded that "The additional information gathering and record keeping required by the data bank appears to provide little benefit to Medicare and Medicaid in recovering mistaken payments." This is in part because HCFA is already obtaining this information in a much more efficient manner than that required under OBRA 1993.

For example, OBRA 1989 provides for HCFA to periodically match Medicare beneficiary data with Internal Revenue Service employment information—The Data Match Program. Also, HCFA directly asks beneficiaries about primary payor coverage. To the extent that the data bank duplicates these efforts, any potential savings will not be realized. It is clearly preferable to require HCFA to use the information it already has than to require the private sector to provide duplicative information.

The GAO report found that "the data match not only can provide the same information [as the data bank] without raising the potential problems described above, but it can do so at less cost." It also recognized that both the data match and data bank processes rely too much on an after-the-fact recovery approach, and recommended enhancing up-front identification of other insurance and avoiding erroneous payments. In this regard, it documented that HCFA has already initiated this prospective approach.

Mr. President, the Federal Government is again imposing substantial financial burdens on the private sector without fully accepting its share of the burden to implement a program. We should once again expect the worst case scenario to occur: employers will provide the required information at substantial administrative burden, there will be no data bank in which to make use of it, and even if a data bank were funded and established, the information stored could not be used efficiently to save Medicare or Medicaid funds.

I do not want this bill to be construed, in any way, as opposition to HCFA obtaining the information it needs to administer the Medicare and Medicaid Programs efficiently, and obtaining reimbursement from third party payors when appropriate. To assure that HCFA has the information it needs, the bill also requires the Secretary of HHS to conduct a study and report to Congress on how to achieve the purported objectives of the data bank in the most cost-effective manner possible.

The Secretary's study would have to take into consideration the administrative costs and burden on the private sector and the Government of processing and providing the necessary information versus the benefits and savings that such reporting requirements would produce. It must also consider current HCFA reporting requirements and the ability of entities to obtain the required information legally and efficiently.

Too often, Congress considers only the cost savings to the Federal Government of legislation while ignoring costs to other parties. The Medicare and Medicaid Data Bank is a case in point. Congress required information on millions of employees to save the Federal Government money. Yet, it will cost employers more money to comply than the government saves. Congress must stop passing laws that impose large, unjustified administrative burdens on other entities. It must consider the impact of its actions on the whole economy and not just on the Government.

In summary, the reporting requirement for the Medicare and Medicaid Data Bank is duplicative, burdensome, ineffective, and unnecessary. The GAO has characterized it as creating "an avalanche of unnecessary paperwork for both HCFA and employers." It penalizes employers who provide health care benefits to their workers—exactly the opposite goal we should be pursuing.

The data bank should be repealed and a more cost-effective approach should be found to ensure that Medicare and Medicaid are appropriately reimbursed by primary payors.

Mr. President, last year when I introduced this bill, I included a statement by the Coalition on Employer Health Coverage Reporting and the Medicare/Medicaid Data Bank and several representative letters from employers and employer groups in the RECORD. These groups continue to demand repeal of this law, and I will not request that their statements and letters be published again at taxpayer expense. However, their message continues to be clear. The Federal Government must stop imposing unjustified burdens on businesses.•

By Mr. MURKOWSKI:

S. 195. A bill to amend section 257(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the treatment of losses from asset sales; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE ASSET SALE BUDGET RULES ACT OF 1995

• Mr. MURKOWSKI. Mr. President, I introduce legislation that would modify the budget rules governing the sale of Federal assets. It is my hope that Congress this year will review many of the perverse and unintended effects of our budget rules and consider including this legislation in a budget process reform package.

Under current law, the sale of an asset does not alter the deficit or produce any net deficit reduction in the budget baseline. My legislation maintains this principle. Although an asset sale would not be counted in calculating the deficit, future revenue generated by the asset which the government would have received if the asset had not been sold could be offset by the revenue generated from the sale. I want to emphasize that this rule is narrowly crafted so that revenue gained from an asset sale could not be used to offset a separate revenue losing provision.

Mr. President, the current budget rules governing asset sales make it nearly impossible for the Federal Government to sell assets. For example, during the last several years, both the Bush and Clinton administrations have sought to sell the Alaska Power Administration [APA]. The Department of Energy [DOE] has entered into sale agreements and negotiated a price of more than $80 million for these electric generating assets.

Unfortunately, legislation needed to implement this sale has been delayed for several years, in part because of the budget rules governing asset sales. Since the APA takes in approximately $11 million per year from the sale of electricity, under our pay-as-you-go rules, the sale is scored by the Congressional Budget Office [CBO] as losing the Federal Government $11 million annually. In other words, even though the Federal Government will receive upfront more than $80 million by selling the APA, our budget scoring rules require that the sale proceeds be ignored, but that the stream of lost future revenues be counted.

The end result of these rules is that for the sale to proceed, the lost $11 million per year must be offset by other unrelated spending reductions. This is Alice-in-Wonderland accounting that has no relationship to the real world. Presumably, the Department of Energy negotiated what it believed was a fair price for the APA assets. Certainly DOE factored in the amount of revenue that will no longer be coming to the Federal Government as a result of the sale as well as the fact that the Federal Government will no longer have to staff and maintain these operations. Yet when it comes to congressional budget scoring rules, all that is counted is the lost stream of future revenues.

The legislation I am introducing today would rationalize the asset sale rules by allowing the price the Federal Government receives from the asset sale to offset future revenue lost as a result of the transfer of the asset from the Government to private parties. Thus, in the APA example, if over the next 5 years, it is assumed that electricity sales from APA would generate $11 million per year—$55 million over 5 years—for purposes of the Budget Act, the $83 million sale price could offset the $55 million loss of revenue to the Government. And I want to emphasize that under my legislation, the remaining $28 million associated with the sale could neither count toward deficit reduction, nor could it be used to increase spending in any other program.

I look forward to working with the members of the Budget Committee to resolve the current asset sale anomaly. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFSETTING LOSSES FROM ASSET SALES.

Section 257(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking the semicolon at the end thereof and inserting the following: ". Effective beginning fiscal year 1996, the proceeds from the sale of an asset may be applied to offset the loss of any revenue or receipts resulting from such sale.".•

By Mr. McCAIN:

S. 196. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and Mexico, and for other purposes; to the Committee on Foreign Relations.

THE UNITED STATES-MEXICO BORDER ENVIRONMENTAL PROTECTION ACT

• Mr. McCAIN. Mr. President, today, I introduce the United States-Mexico Border Environmental Protection Act.

Our Nation shares a 2,000-mile border with Mexico. Numerous American and Mexican sister cities link hands across that border, binding our two nations in friendship. As friends and neighbors, the United States and Mexico have profound responsibilities to one another. Chief among those duties is to respect and safeguard the natural resources our citizen's must share along the international boundary. No activities or conditions occurring on one side of the border must be permitted to adversely impact the health of people or the environment on the other.

Passage of the United States-Mexico Border Environmental Protection Act will help us meet our environmental responsibilities successfully. It will do so by providing the resources necessary to protect American lives and property from environmental hazards which may arise unabated south of the border—an important Federal responsibility.

Specifically, the bill seeks to establish a $10 million border environmental emergency fund under the auspices of the Environmental Protection Agency. The fund would make moneys readily available to investigate occurrences of pollution, identify sources and take immediate steps to protect land, air and water resources through cleanup and other remedial actions.

While the EPA can address many problems along the border, some issues involving the protection of surface waters are under the jurisdiction of the International Boundary and Water Commission. The Commission was created by a treaty with Mexico in 1944 to control floods, manage salinity and develop municipal sewage treatment facilities along international streams.

In my home State, the IBWC has constructed international wastewater treatment facilities in Nogales and Naco, AZ. The Commission's authority, however, to respond to emergency situations involving the pollution of surface waters is a matter of some doubt. This measure provides the IBWC with explicit authority and resources to protect American lives and property from emergency conditions and establishes a $5 million fund to do the job. In addition, the Secretary of State is directed to pursue agreements with Mexico for joint response to such events.

Mr. President, I'd like to offer an example of why this legislation is needed. A few years ago, the breakage of a sewer main combined with heavy rains and carried raw sewage into Nogales, AZ via an international stream. The contamination resulted in a high incidence of hepatitis, harmed wildlife, and degraded public and private property, prompting the declaration of a State emergency. No definitive and comprehensive action was taken to stem the flow of sewage for several weeks due to concerns about the availability of funds and trepidation about the legal authority necessary to take action.

Had the emergency fund and response authority I'm proposing been in place, perhaps we could have prevented much of the sickness and suffering visited upon the residents of Nogales. Passage of this legislation will ensure prompt and effective response in the future.

Some of my colleagues may remember this measure from last Congress, or if they have been here long enough, they may even remember it from the 102d Congress. During this 4-year period this measure has been reported by the Senate Foreign Relations Committee, adopted by the Senate on voice vote to the Foreign Authorization Act and passed by the Senate as part of the Foreign Authorization Act. Nevertheless, it has never become law.

I want my colleagues to realize that should an incident similar to the one in Nogales occur again, we have the opportunity to alleviate the suffering of many people and protect further damage to the environment. We have had that opportunity for several years but, we have chosen to close our eyes and ignore the plight of Americans living in the border region.

I would like to note that certain provisions related to the IBWC in this bill are virtually identical to those in the Rio Grande Pollution Correction Act which was signed into law in 1987. Like the bill I'm introducing, the Rio Grande legislation authorized the IBWC to conclude agreements with Mexico to response to surface water contamination. The United States-Mexico Border Environmental Protection Act expands the Rio Grande bill to include the entire border, as a matter of fairness and necessity.

In addition to funding field investigations and rapid emergency response, the legislation recognizes the importance of communication between Mexico and the United States and among Federal, State, and local authorities her at home. The bill seeks to establish an information sharing and early warning system so that Mexican and American officials at all levels will be apprised of environmental hazards, and risks in a timely and coordinated fashion, so that response and remedy, likewise, will be timely and coordinated.

Some of my colleagues may be under the impression that this measure may conflict with the environmental side agreement to the North American Free-Trade Agreement [NAFTA] or the provisions of the bill may already be addressed by the side agreement. Neither of these statements are true.

Nevertheless, I wrote to Ambassador Kantor last year during the debate on the Foreign Operations appropriations bill requesting that he review the measure to ensure that it was not in conflict with the side agreement. The letter from the Ambassador's office reads "We see nothing in your proposal that would be in conflict with the Agreement." He went further to say "in fact, what you propose appears to be fully supportive of the Side Agreement."

Mr. President, there is no doubt of our obligation to be a responsible neighbor to Mexico, nor of Mexico's obligation to us. Considering the enactment of the NAFTA treaty which I strongly supported, now more than ever, it's important that we commit ourselves to a clean and healthy border environment for the safety and enjoyment of Americans and Mexicans who inhabit the region. Enactment of this legislation is an important step to that end.

I urge the Senate to consider and swiftly pass this vital legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "United States-Mexico Border Environmental Protection Act".

(b) PURPOSE.—The purpose of this Act is to provide for the protection of the environment within the area comprising the border region between the United States and Mexico, as defined by the Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area, signed at La Paz on August 14, 1983, and entered into force on February 16, 1984 (TIAS 10827) (commonly known as the "La Paz Agreement").

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BORDER ENVIRONMENT ZONE.—The term "Border Environment Zone" means the area described in section 1(b).

(3) BORDER SANITATION EMERGENCY.—The term "border sanitation emergency" means a situation in which untreated or inadequately treated sewage is discharged into international surface rivers or streams that form or cross the boundary between the United States and Mexico.

(4) COMMISSION FUND.—The term "Commission Fund" means the United States International Boundary and Water Commission Fund established by section 10(c).

(5) ENVIRONMENTAL FUND.—The term "Environmental Fund" means the United States-Mexico Border Environmental Protection Fund established by section 3.

(6) UNITED STATES COMMISSIONER.—The term "United States Commissioner" means the United States Commissioner, International Boundary and Water Commission, United States and Mexico.

SEC. 3. ENVIRONMENTAL FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be used to investigate and respond to conditions that the Administrator determines present a substantial threat to the land, air, or water resources of the Border Environment Zone. The fund shall be known as the "United States-Mexico Border Environmental Protection Fund" and shall consist of—

(1) such amounts as are transferred to the Environmental Fund under subsection (b); and

(2) any interest earned on investments of amounts in the Environmental Fund under subsection (d).

(b) TRANSFER TO ENVIRONMENTAL FUND.—From amounts made available to the Department of State, the Secretary of State shall transfer to the Secretary of the Treasury for deposit into the Environmental Fund $10,000,000. The Secretary of the Treasury shall deposit amounts received under this subsection into the Environmental Fund.

(c) EXPENDITURES FROM ENVIRONMENTAL FUND.—

(1) IN GENERAL.—Subject to this subsection, upon request by the Administrator, the Secretary of the Treasury shall transfer from the Environmental Fund to the Administrator such amounts as the Administrator determines are necessary to carry out field investigations and remediation of an environmental emergency declared by the Administrator under section 4.

(2) COST-SHARING PROGRAMS.—Amounts in the Environmental Fund shall be available for use by the Administrator for cost-sharing programs that carry out the purpose described in paragraph (1) with—

(A) the Government of Mexico;

(B) any of the States of Arizona, California, New Mexico, or Texas;

(C) a political subdivision of any of the States referred to in subparagraph (B);

(D) a local emergency planning committee;

(E) a federally recognized Indian tribe; or

(F) any other entity that the Administrator determines to be appropriate.

(3) METHODS OF DISTRIBUTION OF FUNDS.—In carrying out the purpose described in paragraph (1), the Administrator may expend amounts made available to the Administrator from the Environmental Fund directly or make the amounts available through grants or contracts.

(4) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Environmental Fund shall be available in each fiscal year to pay administrative expenses necessary to carry out the purpose described in paragraph (1).

(5) AVAILABILITY OF FUNDS.—Amounts in the Environmental Fund shall be available without fiscal year limitation.

(d) INVESTMENT OF FUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Environmental Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments, obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Environmental Fund may be

sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO ENVIRONMENTAL FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Environmental Fund shall be credited to and form a part of the Environmental Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Environmental Fund under subsection (d) shall be transferred at least monthly from the general fund of the Treasury to the Environmental Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 4. DECLARATION OF ENVIRONMENTAL EMERGENCIES.

(a) IN GENERAL.—

(1) DETERMINATION BY THE ADMINISTRATOR.—Subject to paragraph (3), if the Administrator determines that conditions exist that present a substantial threat to the land, air, or water resources of the area comprising the Border Environment Zone, the Administrator may declare that an environmental emergency exists in the Zone.

(2) PETITION OF GOVERNOR.—Subject to paragraph (3), in addition to the authority under paragraph (1), the Administrator, upon the petition of the Governor of the State of Arizona, California, New Mexico, or Texas, or the governing body of a federally recognized Indian tribe, may declare that an environmental emergency exists in the Zone.

(3) LIMITATION.—The Administrator may not declare a condition to be an environmental emergency under this section if the condition is specifically within the sole jurisdiction of the International Boundary and Water Commission.

(b) CONSULTATION WITH AFFECTED PARTIES.—In responding to emergencies, the Administrator shall consult and cooperate with affected States, counties, municipalities, Indian tribes, the Government of Mexico, and other affected parties.

(c) AUTHORITY TO RESPOND.—The Administrator may respond directly to an emergency declared under this section or may coordinate the response with appropriate State or local authorities.

SEC. 5. INFORMATION SHARING.

(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of State, the Governors of the States of Arizona, California, New Mexico, and Texas, the governing bodies of federally recognized Indian tribes located within the Border Environment Zone, and the appropriate officials of the Government of Mexico, may establish a system for information sharing and for early warning to the United States, each of the several States and political subdivisions of the States, and Indian tribes, of environmental problems affecting the Border Environment Zone.

(b) INTEGRATION INTO EXISTING SYSTEMS AND PROCEDURES.—The Administrator shall integrate systems and procedures established under this section into any systems and procedures that are in existence at the time of the establishment under this section and that were established to provide information sharing and early warning regarding environmental problems affecting the Border Environment Zone.

SEC. 6. REPORTS TO CONGRESS.

(a) IN GENERAL.—After consultation with the Secretary of State, appropriate officials of the Government of Mexico, the Governors of the States of Arizona, California, New Mexico, and Texas, and the governing bodies of appropriate federally recognized Indian tribes, the Administrator shall submit an annual report to Congress describing the use of the Environmental Fund during the calendar year preceding the calendar year in which the report is filed, and the status of the environmental quality of the area comprising the Border Environment Zone.

(b) NOTICE OF AVAILABILITY.—The Administrator shall publish a notice of the availability of the report in the Federal Register, together with a brief summary of the report.

SEC. 7. INTERNATIONAL AGREEMENTS.

(a) AUTHORITY.—The Secretary of State, acting through the United States Commissioner, may enter into agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting border sanitation emergencies.

(b) RECOMMENDATIONS.—Agreements entered into under subsection (a) should consist of recommendations to the Governments of the United States and Mexico of measures to protect the health and welfare of persons along the international surface rivers and streams that form or cross the boundary between the United States and Mexico, including recommendations concerning—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the costs of plans, construction, operation, and maintenance of the facilities;

(3) formulas for the sharing of costs between the United States and the Government of Mexico; and

(4) a time schedule for the construction of facilities and other measures recommended by the agreements entered into under this section.

SEC. 8. JOINT RESPONSES TO BORDER SANITATION EMERGENCIES.

(a) CONSTRUCTION OF WORKS.—The Secretary of State, acting through the United States Commissioner, may enter into agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of joint response to correct border sanitation emergencies through the construction of works, repair of existing infrastructure, and other appropriate measures in Mexico and the United States. The United States Commissioner shall consult with the Governors of the States of Arizona, California, New Mexico, and Texas in developing and implementing agreements entered into under this section.

(b) HEALTH AND WELFARE.—Agreements entered into under subsection (a) should consist of recommendations to the Governments of the United States and Mexico that establish general response plans to protect the health and welfare of persons along the international surface rivers and streams that form or cross the boundary between the United States and Mexico, including recommendations concerning—

(1) types of border sanitation emergencies requiring response, including sewer line breaks, power interruptions to wastewater handling facilities, breakdowns in components of wastewater handling facilities, and accidental discharge of sewage;

(2) types of response to border sanitation emergencies, including acquisition, use, and maintenance of joint response equipment and facilities, small scale construction (including modifications to existing infrastructure and temporary works), and the installation of emergency and standby power facilities;

(3) formulas for the distribution of the costs of responses to emergencies under this section on a case-by-case basis; and

(4) requirements for defining the beginning and end of an emergency.

SEC. 9. CONSTRUCTION, REPAIRS, AND OTHER MEASURES.

(a) BORDER SANITATION EMERGENCIES.—The Secretary of State, acting through the United States Commissioner, may respond through construction, repairs, and other measures in the United States to correct border sanitation emergencies. The Secretary of State may respond directly to a border sanitation emergency or may coordinate the response with appropriate State or local authorities.

(b) CONSULTATION WITH AFFECTED PARTIES.—In responding to a border sanitation emergency, the Secretary shall consult and cooperate with the Administrator, affected States, counties, municipalities, federally recognized Indian tribes, the Government of Mexico, and other affected parties.

SEC. 10. TRANSFER OF FUNDS.

(a) TRANSFER AUTHORITY.—The Secretary of State, acting through the United States Commissioner, may include as part of the agreements entered into under sections 7, 8, and 9 such arrangements as are necessary to administer the transfer to another country of funds assigned to 1 country and obtained from Federal or non-Federal governmental or nongovernmental sources.

(b) COST-SHARING AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds of the United States shall be expended in Mexico for emergency investigation or remediation pursuant to section 7, 8, or 9 without a cost-sharing agreement between the United States and the Government of Mexico.

(2) EXCEPTION.—

(A) IN GENERAL.—Funds may be expended as described in paragraph (1) without a cost-sharing agreement if the Secretary of State determines and can demonstrate that the expenditure of the funds in Mexico would be cost-effective and in the interest of the United States.

(B) REPORT.—If funds are expended as described in paragraph (1) without a cost-sharing agreement, the Secretary of State shall submit a report to the appropriate committees of Congress that explains why the costs were not shared between the United States and the Government of Mexico and why the expenditure of the funds without cost-sharing was in the interest of the United States.

(c) COMMISSION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "United States International Boundary and Water Commission Fund". The Commission Fund shall consist of—

(A) such amounts as are transferred to the Commission Fund under paragraph (2); and

(B) any interest earned on investment of amounts in the Commission Fund under paragraph (4).

(2) TRANSFER TO COMMISSION FUND.—From amounts made available to the Department of State, the Secretary of State shall transfer to the Secretary of the Treasury for deposit into the Commission Fund $5,000,000. The Secretary of the Treasury shall deposit amounts received under this paragraph into the Commission Fund.

(3) EXPENDITURES FROM COMMISSION FUND.—

(A) IN GENERAL.—Subject to this paragraph, upon request by the Secretary of State, the Secretary of the Treasury shall transfer from the Commission Fund to the

Secretary of State such amounts as the Secretary of State determines are necessary to carry out this section and sections 7, 8, and 9.

(B) METHODS OF DISTRIBUTION OF FUNDS.—In carrying out the purpose described in subparagraph (A), the Secretary of State may expend amounts made available to the Secretary of State from the Commission Fund directly or make the amounts available through grants or contracts.

(C) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Commission Fund shall be available in each fiscal year to pay administrative expenses necessary to carry out the purpose described in subparagraph (A).

(D) AVAILABILITY OF FUNDS.—Amounts in the Commission Fund shall be available without fiscal year limitation.

(4) INVESTMENT OF FUNDS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Commission Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments, obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Commission Fund may be sold by the Secretary of the Treasury at the market price.

(D) CREDITS TO COMMISSION FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Commission Fund shall be credited to and form a part of the Commission Fund.

(5) TRANSFERS OF AMOUNTS.—

(A) IN GENERAL.—The amounts required to be transferred to the Commission Fund under paragraph (4) shall be transferred at least monthly from the general fund of the Treasury to the Commission Fund on the basis of estimates made by the Secretary of the Treasury.

(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 11. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of State and the Administrator shall carry out this Act in a manner that is consistent with the environmental provisions of the North American Free Trade Agreement, so long as the United States applies the North American Free Trade Agreement to Mexico.

(b) DEFINITION.—In this section, the term "North American Free Trade Agreement" means the agreement between the United States and Mexico (without regard to whether Canada is a party to all or part of the agreement) entered into on December 17, 1992, and approved by Congress pursuant to section 101(a) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3311(a)). The term includes any letters exchanged between the Government of the United States and the Government of Mexico with respect to the agreement and any side agreements entered into in connection with the agreement.

SEC. 12. EFFECT ON OTHER LAW.

Nothing in this Act shall amend, repeal, or otherwise modify any provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) and the amendments made by the Act, or any other law, treaty, or international agreement of the United States.

SEC. 13. TERMINATION OF AUTHORITY.

The authority provided by this Act shall terminate on the date that is 5 years after the date of enactment of this Act.•

By Mr. BUMPERS:

S. 197. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Energy and Natural Resources.

THE CARL GARNER FEDERAL LANDS CLEANUP ACT

• Mr. BUMPERS. Mr. President, several years ago I introduced legislation which resulted in the creation of the Federal Lands Cleanup Act. This law designates the first Saturday after Labor Day of each year as Federal Lands Cleanup Day and requires each Federal land managing agency to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and maintaining Federal public lands.

I was inspired to introduce this legislation by a talented and dedicated public servant by the name of Carl Garner. Carl is the resident engineer with the Army Corps of Engineers at the Greers Ferry Lake site in Arkansas. In 1970, he organized a group of about 50 volunteers to clean up trash that had accumulated along the shoreline of the lake. The Greers Ferry Cleanup Day was such an overwhelming success that eventually it was expanded to other Corps of Engineers-operated lakes and other Federal and State lands in Arkansas and became known as the Great Arkansas Cleanup. The cleanup has become so popular that last year more than 24,000 Arkansans participated in it at more than 100 sites.

Carl Garner recognized that we must instill in our citizens a greater sense of ownership, pride, and responsibility for the care and management of our State and public lands. His efforts and the phenomenal success of the Arkansas Cleanup Program inspired me to introduce the Federal Lands Cleanup Act of 1985.

Today, I am introducing legislation that will rename the Federal Lands Cleanup Act and the day in honor of Carl Garner. This bill was approved by the Senate in the 103d Congress but was not considered by the House. I am introducing it again so that future generations who enjoy and treasure our Nation's forests, national parks, and waterways to know that it was the vision and leadership of Carl Garner that was responsible for creating this national cleanup effort.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, assembled,

SECTION 1. THE CARL GARNER FEDERAL LANDS CLEANUP ACT

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 1691-1691-1) is amended by striking "Federal Lands Cleanup Day" each place it appears and inserting "Carl Garner Federal Lands Cleanup Day."•

By Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KOHL, and Mr. DORGAN):

S. 198. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes; to the Committee on Finance.

EXTENSION OF THE MEDICARE SELECT PROGRAM

• Mr. CHAFEE. Mr. President, I am pleased today to join with Senators FEINSTEIN, HUTCHISON, KOHL, and DORGAN in introducing legislation to extend the Medicare Select Program permanently and to make it available in all 50 States.

Based on legislation that I introduced in 1990, Medicare Select is a demonstration project operating in 15 States with more than 400,000 participants. Under this program, Medicare beneficiaries have the option to purchase Medicare supplemental insurance policies—often referred to as Medigap policies—through managed care networks.

This program has been a huge success and admirably serves those beneficiaries lucky enough to participate. Recent data continues to show that Medicare beneficiaries who purchase Medicare Select products pay premiums 10 percent to 37 percent less expensive than traditional Medigap products. Moreover, consumer satisfaction with these products is extremely high. Of the top 15 Medigap products ranked by Consumer Reports magazine in its August 1994 issue, eight were Medicare Select products. Unfortunately, under current law, current Medicare Select carriers will have to halt enrollment in July 1995.

Almost all the major health care reform plans introduced during the past session of Congress included provisions to expand the Medicare Select Program to all 50 States. While none of these health care reform efforts succeeded, my colleagues and I worked at the end of the last session to extend the demonstration program until July of this year, until we could introduce a bill to extend the program permanently and to expand it to all 50 States. As I indicated, the current demonstration program expires in July of this year—before we will be able to take any actions on health care reform.

Therefore, we need to enact legislation that will allow the current successful program to become a permanent option for Medicare beneficiaries and to expand to all States. This bill will do just that, and I urge my colleagues to give it their support.•

• Mrs. FEINSTEIN. Mr. President, I support Senator CHAFEE's proposal to extend the Medicare Select Program, which currently provides Medigap health benefits to roughly 400,000 older Americans by using a managed care model.

Like many of the other original cosponsors of this legislation, I come from one of the 15 States where the Medicare Select demonstration program has proved its popularity during the last 3 years.

Medicare Select, which currently provides 100,000 Californians with low-cost Medigap insurance using a managed care model, was enacted in 1990 as a 3-year demonstration program and has proved to be extremely popular, enrolling 400,000 seniors in 15 States.

This program used a network of providers to cut premium costs by 10–30 percent over fee for service Medigap products—those services and costs not covered by Medicare—according to several reports.

In California, roughly 100,000 seniors have signed up for the program, and Blue Cross of California alone is enrolling an additional 2,200 per month. These Medicare enrollees are signing up because the Medicare Select Program can provide low-cost, high-quality health benefits, while still retaining a high degree of choice over their physician.

The reason for the program's popularity are simple: In order to save money or receive added benefits, more and more older Americans are enrolling in managed care plans.

In fact, Consumer Reports lists many Medicare Select products as its highest rated values, and extension of the Medicare Select Program is strongly endorsed by California Insurance Commissioner Garamendi, as well as the National Association of Insurance Commissioners.

In addition, the Mainstream plan—and nearly every other health reform proposed this Congress—provided for a continuation and expansion of Medicare Select and other forms of managed Medicare.

Certainly, managed Medicare programs like Medicare Select must be implemented carefully, in order to ensure that Medicare enrollees are appropriately informed of the benefits of this program, provided with high-quality services, and ensured access to highly trained physicians. In addition, managed care programs must be shown to provide lower costs to the Federal Government in addition to consumer discounts.

However, without the extension of the Medicare Select Program, which has already proven its initial success, new enrollments will be cut off in July 1995—before additional health care reform will have been enacted.

In the absence of national health care reform, I believe that this successful and popular managed Medicare program should be allowed to continue.•

By Mr. KYL (for himself and Mr. McCAIN):

S. 199. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

REPEAL OF INDIAN TRADING LAWS

Mr. KYL. Mr. President, I rise today with my colleague from Arizona, JOHN McCAIN, to introduce legislation to repeal the outdated Trading with Indians Act.

Originally enacted in 1834 with a legitimate purpose in mind, the Trading with Indians Act was intended to protect native Americans from being unduly influenced by Federal employees.

But that act is no longer needed, and is in many cases unnecessarily punitive and counterproductive, in 1995. It is wreaking havoc on hard-working employees and their families, and it is bad for reservation economies.

The act establishes a virtually absolute prohibition against commercial trading with Indians by employees of the Indian Health Service and Bureau of Indian Affairs. The prohibition extends to transactions in which a Federal employee has an interest, either in his or her own name, or in the name of another person, including a spouse, where the employee benefits or appears to benefit from such interest.

The penalties for violations are severe: a fine of not more than $5,000, or imprisonment of not more than 6 months, or both. The act further provides that any employee in violation be terminated from Federal employment.

This can result in an employee being subject to criminal penalties and termination, not for any real or perceived wrongdoing on his or her own part, but merely because the person is married to another enterprising individual on an Indian reservation. The nexus is enough to invoke penalties. It means, for example, that an Indian Health Service employee, whose spouse operates a law firm on the Navajo Nation, could be fined, imprisoned, and/or fired. It means that a family member can't apply for a small business loan without jeopardizing the employee's job.

The protection that the Trading with Indians Act provided in 1834 can now be provided under the Standards of Ethical Conduct for Government Employees. The intent here is to provide adequate safeguards against conflicts of interest, while not unreasonably denying individuals and their families the ability to live and work—and create jobs—in their communities.

Both Health and Human Services Secretary Donna Shalala and Interior Department Assistant Secretary for Indian Affairs Ada Deer have expressed support for the legislation to repeal the 1834 act. As Secretary Shalala pointed out in a letter dated November 17, 1993, the Department "agree(s) with the position that the Standards of Ethical Conduct, along with the criminal statutes at 18 U.S.C. 201–211, provide adequate safeguards against conflicts of interest involving Federal Government employees."

Secretary Shalala went on to note that, "in addition, the bill could improve the ability of IHS to recruit and retain medical professional employees in remote locations. It is more difficult for IHS to recruit and retain medical professionals to work in remote reservation facilities if their spouses are prohibited from engaging in business activities with the local Indian residents, particularly since employment opportunities for spouses are often very limited in these locations.

Mr. President, I urge Members of the Senate to join me in this effort to promptly repeal an outdated and counterproductive law, and I ask that the text of my bill be reprinted in the RECORD at this point:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. REPEAL.

Section 437 of title 18, United States Code, is repealed.

By Mr. BRADLEY (for himself, Mr. KOHL, and Mr. SIMON):

S. 200. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in a handgun and is capable of penetrating police body armor; to the Committee on the Judiciary.

COP KILLER AMMUNITION BAN ACT

Mr. BRADLEY. Mr. President, I rise today to introduce a measure designed to ban any handgun bullet capable of piercing body armor, regardless of the bullet's physical composition.

Mr. President, this legislation grows out of the recent controversy over the Black Rhino bullet, which allegedly penetrates tightly woven fibers of bulletproof vests and, upon impact with human tissue, purportedly disintegrates much more rapidly than a conventional bullet, causing massive damage.

Mr. President, Federal law currently outlaws cop-killer bullets based on the physical description of the bullet. For example, under the Violent Crime Control and Law Enforcement Act of 1994, Federal law currently bans cop-killing ammunition that is: constructed from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium; or is larger than .22 caliber with a jacket that weighs no more than 25 percent of the total weight of the bullet. The Black Rhino bullet is allegedly made of ground powdered plastic and coated with a plastic polymer. Based on its alleged physical characteristics, this bullet would evade the Federal ban.

Mr. President, the Bureau of Alcohol, Tobacco and Firearms [ATF] has not tested the Black Rhino bullet; thus, I am not sure that this ammunition can do what the manufacturer claims. Indeed, ATF has not even been given sample ammunition to test. Therefore, I am not certain that this ammunition even exists. However, even if these bullets do not perform as advertised, it is clear that with the downsizing of the military and the resulting application by the defense industry of military defense technology for use in the private sector, it is only a matter of time before ammunition that can pierce body armor will be developed utilizing construction material that does not fall within the current Federal ban.

Mr. President, every year about 60 sworn police officers are shot to death in the line of duty. By industry estimates, body armor has saved over 500 officers from death or serious injury by firearm assaults. Most police officers serving large jurisdictions report they have armor and wear it at all times when on duty. Mr. President, because body armor saves lives, the development of armor-piercing bullets that sidestep the Federal ban—whether it be the Black Rhino bullet or any other bullet employing high-technology material—will serve one purpose and one purpose only—to put the lives of American citizens and those in blue sworn to defend American citizens in jeopardy.

As a result, Mr. President, I introduce this bill which will establish a performance standard such that any ammunition that is designed to penetrate body armor will be banned irrespective of its physical characteristics. The bill specifically directs the Department of the Treasury and the Justice Department to promulgate a uniform performance standard for testing a bullet's capacity to pierce armor within 1 year of the enactment of the bill. The manufacture, importation, and sale of any ammunition that fails to pass the performance standard to be promulgated will be banned.

Mr. President, cop-killing ammunition that has no purpose other than penetrating bulletproof vests has no place in our society. At a time when gun violence is becoming a national epidemic, the last thing we need is ammunition expressly designed to terrorize our police and instill fear in neighborhoods across New Jersey and this country. I therefore introduce this legislation to ensure that the 24,000 annual deaths attributable to handgun use do not senselessly increase.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cop Killer Ammunition Ban Act of 1995".

SEC. 2. REGULATION OF THE MANUFACTURE, IMPORTATION, AND SALE OF PROJECTILES THAT MAY BE USED IN A HANDGUN AND ARE CAPABLE OF PENETRATING POLICE BODY ARMOR.

(a) EXPANSION OF DEFINITION OF ARMOR PIERCING AMMUNITION.—Section 921(a)(17)(B) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end the following:

"(iii) a projectile that may be used in a handgun and that the Secretary determines, pursuant to section 926(d), to be capable of penetrating body armor.".

(b) DETERMINATION OF THE CAPABILITY OF PROJECTILES TO PENETRATE BODY ARMOR.—Section 926 of such title is amended by adding at the end the following:

"(d)(1) Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards for the uniform testing of projectiles against the Body Armor Exemplar, based on standards developed in cooperation with the Attorney General of the United States. Such standards shall take into account, among other factors, variations in performance that are related to the length of the barrel of the handgun from which the projectile is fired and the amount and kind of powder used to propel the projectile.

"(2) As used in paragraph (1), the term 'Body Armor Exemplar' means body armor that the Secretary, in cooperation with the Attorney General of the United States, determines meets minimum standards for protection of law enforcement officers.".

By Mr. WARNER (for himself and Mr. ROBB):

S. 201. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on the Judiciary.

LORTON CORRECTIONAL COMPLEX CLOSURE LEGISLATION

• Mr. WARNER. Mr. President, today I join with my colleague Senator ROBB in introducing legislation that will address the problems that exist at the Lorton Correctional Complex.

Lorton Correctional Complex is an outdated, deteriorating, overpopulated, and undermanaged facility.

For years, I and others have worked to provide funds to build a prison within the District of Columbia so it could house its own prisoners. Our efforts have been blocked in the District of Columbia and our efforts to enhance safety and curb illegal drugs and guns at Lorton have been to no avail.

Every day, the local newspapers are filled with appalling reports of violence and drug use among the inmates and the place has been called a graduate school for drug merchants. Lorton's problems may not be unique among Federal prisons, but surely they are among the worst.

There is no option but to close Lorton.

The legislation we are introducing today would relocate 7,300 prisoners presently incarcerated at Lorton to other Federal facilities over a 5-year period. Once the legislation is passed, all new District of Columbia felons will be immediately incarcerated in Bureau of Prisons facilities. The District of Columbia Department of Corrections will still have responsibility for juveniles, misdemeanants, and pre-trial detainees.

A second important provision of the legislation is the establishment of a commission to be known as the Commission on Closure of the Lorton Correctional Complex. The commission will be comprised of locally appointed representatives to help devise a plan for the closure of Lorton. The involvement of the local community is essential in establishing a transition that ensures that local residents will have all their concerns heard.

I have been informed by a representative of the Federal Bureau of Prisons that at this time the Bureau is not taking a position on the legislation. The 7,300 prisoners at Lorton will be a stress on the Federal prison system. Sixty percent of the prisoners at Lorton will require being transferred to a maximum security prison. Also, several new prisons will need to be constructed to house the prisoners along with the additional personnel needed to operate and maintain the prisons.

It is in the interest of Fairfax County, the Commonwealth of Virginia, the District of Columbia, and the Federal Government to cooperate in resolving the problems at Lorton Prison. As partners, contributing to the reform of this system, these goals can be accomplished.•

• Mr. ROBB. Mr. President, I am pleased to join Senator WARNER in introducing the Lorton Correctional Complex Closure Act. This legislation provides a vital solution to the problem associated with the Lorton Correctional Complex, located in Virginia.

Originally, Lorton was designed as a workcamp and dormitory for misdemeanants and drunkards. Today, Lorton's facilities are outmoded and overburdened. The same dormitories which were designed to hold nonviolent, minimum security prisoners now house D.C.'s most dangerous felons. In its strapped fiscal state, the District is ill-equipped to improve the facility at Lorton.

Part one of our proposal will direct new D.C. felons into Federal correction facilities, providing an immediate remedy for increased overcrowding. Then, within 5 years, all remaining felons at Lorton will be turned over to the control of the Director of the Federal Bureau of Prisons, enabling final closure of the facility. The D.C. Department of Corrections will retain responsibility for juveniles, misdemeanants, and pretrial detainees.

Part two of the bill sets up a commission of locally appointed representatives from the District of Columbia, Fairfax County and Prince William County to help devise a plan for closure of the facility, disposal of the property, and future land use. This creates a process that maximizes community involvement, input and participation in inherently local decisions.

Under this plan, northern Virginians will have safer communities and will be able to participate in the development of future land use proposals for the affected area.

Since the land is owned by the Federal Government and the facility is operated by the District, local officials and residents in northern Virginia have had limited means of impacting the decisions relative to Lorton. That's why I included a provision giving local residents and officials a voice in expansion proposals during last year's crime bill. But limiting expansion just isn't enough—I've come to the conclusion that the Federal Government must accept its responsibility and devise a long-term solution.

We have before us an honest and open attempt to provide a vital remedy for the longstanding problems at Lorton. Closing this facility will not be easy—but I look forward to working with the Virginia delegation and the District to develop a reasonable and sound solution to the problems posed by the Lorton facility in its present condition. I urge quick consideration and passage of this measure.●

By Mr. KENNEDY (for himself and Mr. WELLSTONE):

S. 203. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage, to establish a Commission to conduct a study on the indexation of the Federal minimum wage, and for other purposes; to the Committee on Labor and Human Resources.

AMERICAN FAMILY FAIR MINIMUM WAGE ACT

Mr. KENNEDY. Mr. President, much has been said and written about the decline in real wages suffered by the majority of working Americans, the troubling rise in income equality, and the emergence of what Secretary of Labor Reich has so aptly described as "the anxious class."

Today, I am introducing legislation which is an important part of the initiatives we must undertake if we are serious about addressing these problems—legislation to increase the Federal minimum wage.

The minimum wage should be a living wage. That principle served this Nation well for more than 40 years. From the enactment of the first Federal minimum wage law in 1938 through the end of the 1970's, Congress addressed the issue six times. And six times bipartisan majorities—with the support of both Republican and Democratic Presidents—reaffirmed the nation's commitment to a fair level of the minimum wage for America's workers.

But in the 1980's, that commitment was abandoned. From 1981 through 1989, the minimum wage was allowed to fall, in real terms, to the lowest value in its 50-year history. The modest increases enacted in 1989—which brought the minimum wage up from $3.35 to $3.80 in 1990 and to $4.25 in 1991, provided some measure of relief to low-wage workers. But those increases restored only about half of the purchasing power lost during the 1980's

It is unacceptable in this country today that a person who works full-time, year round at the minimum wage—even with the expanded earned income tax credit—does not earn enough to bring a family of three above the poverty line. Despite the increases that went into effect in 1990 and 1991, the current minimum wage is still a poverty wage. At $4.25 an hour, a person working 40 hours a week at the minimum wage earns just $170 a week—before taxes and Social Security are deducted.

The legislation I am introducing today will raise the minimum wage by 50 cents a year over the next 3 years—to $4.75 this year, $5.25 in 1996, and $5.75 in 1997.

The first 50-cent increase will merely restore the minimum wage, in real terms, to the value it had in 1991 when the last increase went into effect. In the past 4 years the purchasing power of the minimum wage has already declined to the point that a 50-cent increase is needed just to recover the ground lost since 1991.

The second 50-cent increase, in 1996, will bring the minimum wage, in real terms, up to the level where Congress sought to put it in the legislation passed by both Houses of Congress which President Bush vetoed in 1989.

The third 50-cent increase will put the wage, in real terms, within reach of what ought to be our ultimate goal—to restore the minimum wage to a level roughly equal to half the average hourly wage, the level that prevailed for decades until the 1980's when it was allowed to drastically decline.

Finally, the legislation I am introducing creates a Commission to study and make recommendations on two important issues: First, the best means by which we can achieve the goal of restoring the minimum wage to its historic level, and second, the best means by which we can provide regular, periodic adjustments to the wage, in order to avoid long periods of stagnation such as occurred during the 1980's.

As we begin this effort to increase the minimum wage, it is likely that we will be confronted by opponents with the same sky-is-falling predictions of job loss and damage to the economy that have been made every time the minimum wage has been increased since 1938. The textbook economic theory that increases in the minimum wage necessarily result in job losses has never had solid empirical support. Recent studies by leading economists who examined the results of the most recent increases in both State and Federal minimum wages have shown the theory to be at odds with reality.

Economists Lawrence Katz of Harvard University and Alan Krueger and David Card of Princeton University studied the impact of those increases on employment. According to their findings, those increases did not have the negative employment effects predicted by opponents. In fact, their findings included evidence indicating a positive impact on employment.

A survey designed to measure the effects of the recent increase in the New Jersey minimum wage to $5.05 found that employment in New Jersey if anything actually expanded with the rise in the minimum wage, and similar results were found in a studies conducted in Texas and California.

Krueger and Card's analysis of the impact of the 1990 and 1991 increases in the Federal minimum wage also found that those increases did not adversely affect teenage employment, and that increases in the minimum wage were not offset by reductions in fringe benefits.

The increases proposed in this bill will bring long overdue help to millions of workers in America. I urge my colleagues to sponsor this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Fair Minimum Wage Act of 1995".

SEC. 2. MINIMUM WAGE INCREASE.

Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section not less than—

"(A) $4.25 an hour during the period ending on August 31, 1995;

"(B) $4.75 an hour during the year beginning on September 1, 1995;

"(C) $5.25 an hour during the year beginning September 1, 1996; and

"(D) $5.75 an hour during the year beginning September 1, 1997;".

SEC. 3. ESTABLISHMENT OF COMMISSION ON THE MINIMUM WAGE.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on the Minimum Wage (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of 9 members to be appointed not later than 180 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the Secretary of Labor.

(2) Three members shall be appointed by the Secretary of Commerce.

(3) Three members shall be appointed by the Secretary of Health and Human Services.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall conduct a study of, and make recommendations to Congress on—

(A) means to restore the minimum wage to the level relative to the average hourly wage that existed when the Congress adjusted the minimum wage during the period 1950 through 1980; and

(B) means to maintain such level with minimum disruption to the general economy through regular and periodic adjustments to the minimum wage rate.

(2) REPORT.—Not later than September 1, 1993, the Commission shall prepare and submit a report to the appropriate committees of Congress that shall include the findings of the Commission and the recommendations described in paragraph (1).

(d) COMPENSATION OF MEMBERS.—

(1) PAY.—The members of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rate authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(e) TERMINATION OF THE COMMISSION.—The Commission shall terminate 30 days after the date on which the Commission submits the report under subsection (c)(2).

(f) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—Except as provided in subsections (d) and (e), the provisions of the Federal Advisory Committee Act shall apply to the Commission.

• Mr. WELLSTONE. Mr. President, I just wanted to acknowledge the work of Senator KENNEDY in crafting this important legislation which we are introducing today to increase the Federal minimum wage.

I had introduced a similar bill in the last Congress, which would have increased the minimum wage even further than is provided for in this bill, and have been a long-time supporter of making sure that low-income people are paid a decent and just minimum wage. I may be reintroducing that bill later this year, because in addition to a higher target wage, it also provided for indexing of the Federal minimum wage—a key element of any minimum wage increase legislation, in my view.

This measure provides for modest, incremental increases over 3 years in the Federal minimum wage, and then for a study to be ready at the end of the third year to address other key issues like indexation. I am delighted to join as an original cosponsor of this measure.•

By Mr. MOYNIHAN:

S. 204. A bill to provide for a reform of the public buildings program, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL BUILDINGS REFORM ACT

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to reform the way the Federal Government builds. Ever since my election to Congress, I have attempted to improve our unwieldy and often wasteful public building program. I do so again this Congress. Building appropriately and well is as fundamental a sign of the competence of government as will be found. Recently, however, we have chosen increasingly to rent, avoiding the up-front costs of buildings and the hard decisions requisite in their construction.

The result is that now we house over 40 percent of the Government in leased space. Not temporary space. Eternal space. And the cost? Now, $2.2 billion a year and rising. There will be nothing to show for this money when the lease is up, only the prospect of another lease.

The point is that we can no longer afford to sidestep the problem by renting; we must face up to the task of building. And to do this, we must reform our public building program. We must plan out rationally just what buildings we need, we must build them in the right place, we must build them at the right time, we must build them to the degree of permanence appropriate to their mission, and finally, we must build them for a fair price. We are not really that distant from the time it fell to me as a young member of the Kennedy administration to draw up the "Guiding Principles for Federal Architecture," which President Kennedy put forth on June 1, 1962. But in our time the fear of taxpayer resentment of the cost of public buildings has been compounded with an almost ideological alarm at the implications of building itself.

Building, however, is still cheaper than renting. We are deceiving the taxpayer to say otherwise. Recently, the GSA came to the Environment and Public Works Committee asking for 11th-hour approval of an office space lease at a yearly cost of $21 million. To build would have cost $70–$100 million. This, however, was a lease in name only, cast as such to avoid up-front scoring for the budget. The building had yet to be designed, the GSA had not fully planned the space, and yet they were asking approval for an expenditure over the term of the lease of $420 million. Several times the cost of building and nothing to show for it after 20 years but a file full of rental receipts.

Nevertheless, the decision to stop hiding behind leases is beyond the scope of the legislation I introduce today, which aims simply to ensure that what is built is built responsibly and worthy of the Nation. Building or leasing is the larger question, and it remains to be seen whether this Congress will accept the responsibility or, as is so often the case, put off resolution to the end of a 20-year lease term, when few, if any of us, will be here still.

By Mrs. BOXER:

S. 205. A bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge; to the Committee on Armed Services.

LEGISLATION RELATING TO THE PAY OF DISHONORABLY DISCHARGED MEMBERS OF THE ARMED FORCES

• Mrs. BOXER. Mr. President, if I were to tell you that the Pentagon pays full salary to convicted child molesters, rapists, and murderers, you would probably think I was making it up. But I'm not.

Each month, the Pentagon pays the salaries of military personnel convicted of the most heinous crimes, while their cases are appealed through the military court system—a process than often takes years. During that time, these violent criminals can sit back in prison, read the Wall Street Journal, invest wisely, and watch their taxpayer-funded nest eggs grow. While in prison, many military criminals even get cost of living raises.

I cannot think of a more reprehensible way to spend taxpayer dollars. No explanation could ever make me understand how the military could reward rapists, murders, and child molesters—the lowest of the low—with the hard-earned tax dollars of law-abiding citizens. This policy thumbs its nose at taxpayers, slaps the faces of crime victims, and is one of the worst examples of Government waste I have seen in my 20 years of public service.

Congress must act now to end this practice. According to data provided by the Defense Finance Accounting Service and first published in the Dayton Daily News, the Department of Defense spent more than $1 million on the salaries of 680 convicts in the month of June, 1994, alone. In that month, the Pentagon paid the salaries of 58 rapists, 164 child molesters, and 7 murders, among others.

The individual stories of military criminals continuing to receive full pay are shocking. In California, A marine lance corporal who beat his 13-month-old daughter to death almost 2 years ago still receives $1,105 each month—about $25,000 since his conviction. He spends his days in the brig at Camp Pendleton, doesn't pay a dime of child support.

I spoke with the murdered child's grandmother who now has custody of a surviving 4-year-old grandson. She is a resident of northern California. She was outraged to learn that the murderer of her grandchild still receives full pay. "No wonder the Government is out of money," she told me.

Another Air Force sergeant who tried to kill his wife with a kitchen knife continues to receive full pay while serving time at Fort Leavenworth. He told the Dayton Daily News, "I follow the stock market; I buy Double E bonds."

And believe it or not, Francisco Duran, who was arrested last October after firing 27 shots at the White House was paid by the military while in prison after being convicted of aggravated assault. According to DOD records, Duran was paid $17,537 after his conviction for deliberately driving his car into a crowd of people outside a Hawaii bowling alley in 1990. Some of that money may well have paid for the weapon he used to shoot at the White House.

This policy is crazy, and it has got to stop.

At a time when the Republican Contract With America calls for more dollars for the Pentagon, let's not go back to the days of throwing money at the military as long as this kind of wasteful spending continues.

This legislation will immediately halt pay to all military personnel who have been sentenced to confinement and dishonorable discharge.

This legislation will save the taxpayers money—millions of dollars each year. It will put an end to this egregious waste of taxpayer dollars, and it will treat military criminals as they deserve to be treated—as criminals—to be punished, not rewarded.

It is my hope that this legislation can be acted upon quickly. I have discussed this matter with Edwin Dorn, Undersecretary of Defense for Personnel and Readiness, and he agreed that we must correct the Department's obviously flawed policy.

I received a copy of a memorandum from Secretary Dorn today advising me that he has convened an internal working group on this issue, and I trust that we can work cooperatively to end this outrageous practice immediately. We must not drag out the process while criminals continue to reap unjust rewards.

There is no need to take a long time to study this issue. We know the problem, and this legislation offers a workable solution.

I will soon discuss the issue with Senator THURMOND and Senator NUNN and I trust that they will agree that this legislation deserves to move forward.

In the course of my investigation into this issue, I have learned of several other aspects of the military justice system that merit further investigation. For example, the military has no system in place for providing restitution or other needed compensation to victims or to families of military criminals. These are important problems and I will continue to work with my colleagues and the Department to find the best solution.

I ask unanimous consent that two news articles discussing this issue be inserted in the RECORD.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. PAY AND ALLOWANCES.

(a) REVISION OF PROHIBITION.—(1) Section 804 of title 37, United States Code, is amended to read as follows:

"§ 804. Prohibition of accrual of pay and allowances during confinement pending dishonorable discharge

"(a) PAY AND ALLOWANCES NOT TO ACCRUE.—A member of the armed forces sentenced by a court-martial to a dishonorable discharge is not entitled to pay and allowances for any period during which the member is in confinement after the adjournment of the court-martial that adjudged such sentence.

"(b) RESTORATION OF ENTITLEMENT.—If a sentence of a member of the armed forces to dishonorable discharge is disapproved, mitigated, or changed by an official authorized to do so or is otherwise set aside by competent authority, the prohibition in subsection (a) shall cease to apply to the member on the basis of that sentence and the member shall be entitled to receive the pay and allowances that, under subsection (a), did not accrue to the member by reason of that sentence.".

(2) CLERICAL AMENDMENT.—The item relating to section 804 in the table of sections at the beginning of chapter 15 of such title is amended to read as follows:

"804. Prohibition of accrual of pay and allowances during confinement pending dishonorable discharge.".

(b) PROSPECTIVE APPLICABILITY.—The amendment made by subsection (a)(1) does not apply to pay periods beginning before the date of the enactment of this Act.

[From the Dayton Daily News]

WHITE HOUSE SHOOTER'S PAST—EX-SOLDIER DURAN KEPT HIS PAY WHILE IN PRISON IN 1991

(By Russell Carollo)

Two years before he opened fire on the White House, Spc. Francisco M. Duran was on the U.S. Army's payroll.

Not as a soldier, but as a prison inmate.

On Aug. 9, 1990, Duran deliberately drove his red Nissan sedan into a crowd of people who had chased the drunken soldier from the bowling alley at Schofield Barracks on Oahu in Hawaii.

Cecilia Ululani Ufano, 49, was tossed in the air and fractured her skull when she landed.

Duran was convicted of aggravated assault on Feb. 15, 1991, and sentenced to five years in prison, but the military kept paying him until June 1992. In all, he earned, $17,537 after his conviction.

A military court had ordered his pay to stop, but Duran wrote to a commander hearing his appeal, pleading for a paycheck to help his family.

"Rent is outrageous in Hawaii * * *," he wrote. "We still owe on our car."

The commander allowed Duran to keep some of his pay.

His five-year sentence would have kept him in prison until 1995, but a commander suspended all but 42 months of his sentence.

By Sept. 3, 1993, he had been discharged from the service and released from prison early for good behavior.

Last month, Duran, 26, was charged with trying to assassinate President Clinton. He faces life in prison if convicted.

He was arrested Oct. 29 after he, allegedly fired 27 rounds from a semiautomatic rifle at the White House. Authorities reportedly recovered from his truck a map with the words "Kill the (prez)" written on it.

While the Army paid Duran, it gave Ufano nothing. Insurance didn't pay all of her medical bills.

"I'm angry about it," she said during a telephone interview. "I'm still under medication. * * * I can't smell, and it's been four years."

[From the Dayton Daily News, Dec. 18, 1994]

CASHING IN BEHIND BARS—U.S. MILITARY BELIEVES IN PAYING SOLDIERS, SAILORS IT SENDS TO PRISON

(By Russell Carollo and Cheryl L. Reed)

Andre D. Carter choked and raped a cocktail waitress in his Colorado Springs apartment. He went to prison but still was paid $20,788.

James R. Lee sodomized three teen-age boys in Illinois, and he was paid even more: $85,997.

Rodney G. Templeton molested a 4-year-old girl in the basement of a Dayton church, where the two had gone to hang choir robes. He was paid $148,616.

Carter, Lee and Templeton were paid by U.S. taxpayers.

They didn't work for the money.

They didn't need to. They committed their crimes while members of the U.S. armed forces.

They are among hundreds of murderers, rapists, child molesters and other criminals paid by the armed services long after being locked away.

A *Dayton Daily News* examination of payments to military convicts found that in just one month, June, the military spent more than $1 million in pay and benefits to more than 665 prisoners in military jails and prisons. Some even got pay raises behind bars.

Most of Congress was unaware the military paid prisoners. Even the military had no idea exactly how much it paid, but the newspaper calculated payments by using military computer records.

"Any type of pay to convicted criminals is wrong," said District Attorney John Wampler of Altus, Okla., after learning a service member from his area was paid despite a 1992 involuntary manslaughter conviction. "It offends me that the federal government would compensate the person after they've been sent to prison."

Had Carter, Lee or Templeton worked for nearly any other public or private employer, they would have been fired and lost their salaries. But the U.S. military, supporting a tradition dating to the old West, believes if it sends soldiers or sailors to prison it should, in many cases, pay them.

Their victims aren't so lucky. Several were left without a dime to pay medical expenses, while their attackers got paychecks to pay bills, start a business or even buy stocks.

While the military kept paying Carter, the waitress's boss cut off her pay because she could not muster the courage to return to her job, where she met Carter.

"No, they shouldn't get paid, but what can you do about it?" she said, adding that she has yet to see a counselor.

Ret. Gen. David Brahms, former chief military attorney for the Marine Corps and technical adviser for the movie, *A Few Good Men*, said victims should get something.

"Unfortunately, that isn't the way it is now," Brahms said. "Maybe the Congress should address that question."

BEHIND THE WALLS

At the military maximum-security prison at Fort Leavenworth, Kan., 405 prisoners, or 30 percent of the prison population, were allowed by military courts to keep their pay up to several years.

Besides the pay, the military gave to the dependents of those inmates, and to the dependents of others throughout the country, free medical coverage and 20–30 percent discounts at base stores.

Those who got checks included 164 child molesters and child rapists, 58 other rapists, 11 convicted of attempted murder and seven convicted murderers.

They include people such as Air Force Sgt. Rossel Jones.

Jones chased his wife around their apartment at Holloman Air Force Base, N.M., with a knife, stabbing her several times as she warded off the swinging blade with her hands.

"That's how my fingers and hands were cut," Deborah Jones told an Air Force investigator the day after the Oct. 7, 1991, attack. "When Rossel stabbed me in the neck, I managed to bend the knife and take it away.

". . . I fell down and passed out. When I awoke, Rossel was hitting me in the head and body with a table leg."

Jones was convicted nearly three years ago, but the Air Force still pays him $1,152.90 a month.

From inside the prison, Jones watches his government pay grow.

"I follow the stock market," said Jones, who reads stock and mutual fund listings in the *Wall Street Journal* and *USA Today*. "I buy Double E Bonds."

A SYSTEM FROM THE OLD WEST

Paying convicted criminals is just one of the many anomalies in the military justice system.

At a court-martial, the military's version of a trial, a defendant is not judged by peers; he's judged by superiors, mostly officers.

Panel members don't elect a foreman; it's the highest-ranking officer.

And just about every step in the justice process is subject to approval of the defendant's commanding officer, who often is not a lawyer.

No one knows exactly how long the military has paid criminals.

Col. Charles Trant, a military law historian and the Army's chief criminal attorney, said the first formal summary of the policy was written in 1880. Soldiers served in remote outposts and when they were sent to jail, their families needed money to return home and resettle.

"The rationale is the same one we use today," said Trant, who conceded the practice is outdated. "It was quite a different Army then."

Generally, civilians, even ones working for the government, lose their jobs when they cannot report to work. Some lose their pay even without an arrest.

"That's one of the starkest differences between the military and civilian systems: We tend to treat them more generously," Trant said.

On Aug. 16, Dayton police officer Daniel Bell was suspended without pay—even though not arrested or charged—when a urine test detected cocaine in his system after he struck and killed a pedestrian.

Most state and federal benefits, so-called entitlements, are cut to people in prison. The federal government cuts the bulk of a defendant's Social Security benefits at conviction. It even cuts off workers compensation to federal employees convicted of felony crimes.

The military cuts off pay, too, when an employee is jailed by civilian authorities.

When Colorado Springs police arrested Carter for rape and held him pending action by military authorities, the Army stopped his pay.

But after Carter was transferred to an Army jail, his pay started again, as if he were back on duty.

Not all governments pay their military prisoners. With rare exception, the Canadian military stops checks the moment a soldier is arrested by anyone. If a soldier's family requests help, the military will only give them as much as they could receive from government welfare.

"This rule would apply even if they haven't been tried," said Maj. Ric Jones, spokesman at Canadian Defence Headquarters in Ottawa.

A CHECK FOR EVERY CELL

On Nov. 9, 1991, a mother told military police at Wright-Patterson Air Force Base that Sgt. 1st Class Claudio Smith-Esminez molested her 7-year-old daughter several times while baby-sitting.

The military's investigation took 20 months, during which time Smith-Esminez earned his full pay of about $2,000 a month, plus housing and food allowances.

"We had all these pre-trial meetings. She had to keep talking about it," said the girl's mother, who lives in Dayton.

On July 12, 1993, Smith-Esminez was convicted of molesting the girl four times, and his rank was reduced to the lowest in the military, E–1, with a salary of about half of what he was earning.

Still, Smith-Esminez got all his pay because military convicts receive full pay until their first appeals are decided by commanders. Smith-Esminez first appeal wasn't decided until March 1994, eight months after his conviction and 28 months after authorities began their investigation.

Of the 367 inmates arriving at Leavenworth during the past 12 months, 270, or 73.6 percent, were awaiting decisions by commanders on their first appeals.

Even the military is questioning the practice. A Pentagon spokesman, Lt. Col. Doug Hart, confirmed that the military is studying whether to stop pay at conviction, but he offered no details.

"At this point, we really don't have anybody who is willing to be interviewed on the subject." Hart said.

CONVICTS GET PAID FOR YEARS

Smith-Esminez's pay didn't stop after his first appeal.

In fact, Leavenworth records show he could get paid until Dec. 14, 1995, when his enlistment expires.

In the military, whether people are paid after first appeals is determined by their sentences. The court can order that some, all or none of the prisoners' pay be cut.

The court cut Smith-Esminez's rank, but it didn't take away any of his pay, so he continues to receive more than $800 a month, the amount entitled to him under his new, lower rank.

Inmates can have their paychecks sent to the bank or address of their choice.

Enlisted service members can be paid a few days to several years after conviction, either until their enlistment dates expire or their final appeals and discharges are decided, whichever occurs first.

Officers get paid even longer, until the secretary of their service discharges them after their final appeals.

SEVERITY NOT A FACTOR

The severity of the crime—with the exception of murder—seemed to matter little in determining who got paid.

Army Lt. Timothy L. Jenkins lost all his pay and was fined $15,000 at a court-martial at Leighton Barracks, Germany, last year. His crime: writing thousands of dollars worth of bad checks.

Senior Airman Samuel J. Carter sold drugs and was picked up for attempted theft. At a court-martial at Bergstrom Air Force Base, Texas, he lost all his pay, too.

Col. Lee, however, kept his pay, despite a conviction last fall for seven counts of sodomy and 21 counts of indecent acts with teen-age boys from Illinois. More than a year after his conviction, Lee still receives $6,618.30 a month, more than what 98 percent of all Ohio families earned in 1990.

Sgt. Edward Higgins kept his pay, too.

He was convicted in 1992 of five counts of molesting young women who came to his Air Force recruiting office in Youngstown, Ohio.

"He asked me if I had been checked for scoliosis," an 18-year-old woman told a military court in 1992. ". . . He told me to drop my pants three-to-four inches below from where they were from my waist and bend over and pull up my shirt."

Higgins told another 18-year-old to take off her jump suit, and then he ran "his hand up and down her back from her neck to her buttocks," the woman told military authorities.

"He said he had to get a measurement of my body fat," the woman said during an interview. "We all felt so stupid because we fell for this guy.

"Why should he get paid? . . . That's ridiculous. I can't believe it."

Since he was convicted and sentenced to four years in prison, Higgins has earned $25,499 pay from the Air Force.

FAMILY MATTERS

In his appeal for pay and a light sentence, Higgins' attorney asked the court to consider "his family, his wife, his three young children . . . all the Saturdays that his boys wouldn't be able to go to McDonald's for this special time with their father."

The prosecutor made a different plea. "While he's in jail, he shouldn't be paid. He's no longer a productive member of the Air Force . . . It's not the Air Force's responsibility to take care of his family.

"It was Sgt. Higgins' responsibility. And when he decided to do what he did over that period of time, he reneged on that responsibility."

The court sided with Higgins.

The Dayton Daily News examined dozens of court-martial files and found that in every case defendants who received pay had families.

Although jurors award pay based on family needs, they're not supposed to.

"There's nothing in the Code of Military Justice that allows that," said Nelson, who is now administrator of North Dakota's court systems.

Paying any convicted criminal regardless of the reason, is a questionable practice, said Nelson, a military attorney for 33 years. "In crime, one is accountable for their own acts."

Civilian families often get nothing when loved ones go to prison.

Mark Putnam went to prison in 1990 for strangling an informant in Kentucky while working for the FBI. His family was forced to ask for welfare.

"You can't expect the FBI to pay benefits to me and my children because my husband committed a crime," said Putnam's wife, Kathleen, who now lives in Connecticut. "I can't see how anyone should pay him when my husband committed a crime."

LITTLE OVERSIGHT

Although the military often pays its inmates to help their families, it often can't ensure the families get the money or need it.

At Sgt. Terry H. Cox's trial at Ellsworth Air Force Base, S.D., last year, the 7-year-old girl he raped stood in front of a jury of adults wearing uniforms and pointed to the part of her body Cox touched.

"Right here," the girl said.

The testimony was enough to help convict Cox of nine separate acts of rape, sodomy and other indecent acts on the girl, but it wasn't enough to stop his pay.

The military decided to keep paying Cox after he asked the court: "Please help me put a stop to my family's suffering and mine."

Three months after his March 1993 conviction, Cox still had not given his wife written permission to pick up his check. Although he received more than $1,700 a month, he didn't send regular support payments to her.

The military also often doesn't verify a family needs the money before granting pay.

Unlike in civilian courts, sentencing begins immediately after conviction in courts-martial, leaving little time for the prosecutors to verify a defendant's claim of needing money to support his family.

"The government virtually never goes back and tries to rebut that," said Col. Trant, who spent 6½ years as an Army judge before becoming the service's chief criminal attorney.

Even though his wife earned $17,000 a year and even though his family had four cars, two boats, a motorcycle and lived in a $110,000 home, the military paid Lt. Col. Templeton.

Templeton, who helped oversee a $28-billion weapons program at Wright-Patterson, pleaded guilty in March 1992 to 10 acts of child molestation involving girls, including the Dayton child.

In his plea for clemency, Templeton asked the court to consider his family's financial needs. Since he confessed three years ago, Templeton has earned $148,616 and he still gets $4,739.40 a month, which includes a pay raise of $102 a month he received in January. His family is supposed to get about $1,800 of it for support.

The Canadian military stops pay to people like Templeton.

In Canada, an "assisting officer" ensures the family needs money. The family's need and other sources of income also are investigated by provincial welfare officials, who recommended an amount the military should pay.

"So if you're not entitled to anything under the welfare system. . . . you're not entitled to anything under our system either," said Maj. Jones, the Canadian military spokesman.

PAYING FOR MISTAKES

Even when a military court is so outraged by a crime that it cuts all pay, even when the convict has no living relative to support, a service member still can earn his full military paycheck for years.

The military didn't want Army Sgt. Ronald Webster to get paid, but he got his money anyway. In 1982, Webster was convicted of rape, burglary, assault, resisting arrest and 10 other charges involving an attack on a fellow soldier in her barracks at Fort Story, Va.

He was sentenced to lose his pay, $965.70 a month, but four years after his conviction, Webster said, the military found an error in his case.

The error did not earn Webster a new trial, or prove his innocence, but it did earn him the right to resubmit his case for clemency. So the military, he said, paid him four years of back pay.

"I think it was about $38,000 to $40,000 after taxes," said Webster, who was released from Leavenworth Nov. 18 and now lives in Cincinnati.

Military members who win certain types of appeals, even years after trials, can receive full back pay for the time it took to appeal the case.

If a defense attorney can't find a reason to appeal a case, lawyers working for the highest court for military appeals will try to find one for them. Unlike other civilian appeals courts in the country, the military's highest appeals court pays lawyers to search cases for legal errors, even when appeals are not filed.

And in case both a defense attorney and the appeals court can't find errors, convicts at Leavenworth can search for themselves, using the prison's 6,000-volume law library.

"Lawyers have told us we have a better library than they have in their offices," Army spokesman Staff Sgt. Alvah Cappel said as he showed off the prison's facilities during a tour this fall.

Webster said he invested some of the money he won in his case.

"I think I had $5,000 in stocks. You can invest in anything you want (in prison). You just can't form a business in there.

"All you do is get a broker. You stay in contact with your broker and do it over the phone. They accept collect calls."

He also used the money to start a demolition company in Cincinnati.

"I think I deserve the money," Webster said. "That's the way the system works. They've been doing it for years. It's a whole different kind of system."

Below is a breakdown of military prisoners receiving government paychecks in June. Many were convicted of serious offenses, including murder, rape and child molestation.

PAY AND BENEFITS GIVEN TO MEMBERS OF THE ARMED SERVICES IN JAILS AND PRISONS

Branch of service	Number of prisoners	Amount for June 1994
Marines	268	$323,461
Army	225	233,016
Air Force	137	146,706
Navy	34	64,678
Coast Guard	1	1,458
Total	[1]665	769,319
Total including benefits to prisoners and dependents		1,015,662

[1] One or more services may have included types of convicts not counted by other services.

Source: Dayton Daily News computer analysis of records from U.S. Defense Finance and Accounting Service and the military prison at Leavenworth, Kan. The U.S. Coast Guard and civilian health insurance consultants, Dept. of Defense records on military benefits. •

By Mr. DASCHLE (for himself and Mr. EXON):

S. 208. A bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

RIGHT TO KNOW ACT

Mr. DASCHLE. Mr. President, I have the honor of introducing today on behalf of Senator EXON, the distinguished ranking member of the Budget Committee, and other Democratic Senators, the Right to Know Act.

The proposal is straightforward. It demands that American taxpayers know what the impact of a constitutional balanced budget amendment will be before State legislatures vote on ratification of the constitutional amendment. It also ensures that we take immediate steps to balance the budget by the year 2002—the express goal of the constitutional amendment.

Our proposal says that, upon passage of a balanced budget amendment by Congress but before States must ratify, we would give States and the American people the information they need to make this important decision. Second, under our approach, the actual deficit reduction required to balance the budget would begin immediately.

No State would be required to vote on the amendment until Congress passes a concurrent budget resolution committing to actual deficit reduction and outlining, through reconciliation instructions to committees, how the budget would be balanced by the year 2002.

It is critically important that Americans understand that passing a constitutional amendment to balance the budget does not reduce the national debt by one penny. Nor does passage of a balanced budget amendment provide the slightest detail of how the budget could or should be balanced. Only if Congress acts on legislation that accomplishes a balanced budget will the precise ramifications be known.

We simply cannot afford to wait until 2001 to start complying with the balanced budget amendment. By doing so, we will be adding a far greater burden to our national debt, which already has reached nearly $4.7 trillion. Even if we pledge our commitment to continued deficit reduction today, we will still need about $1.2 trillion of cuts over the next 7 years to balance the budget by the year 2002. Failure to make these cuts will simply add to the $4.7 trillion debt.

If we delay even 1 year, the national debt will increase by over $150 billion as a result of that delay, and the interest on the debt will be approximately $50 billion greater. Each year we delay adds another enormous sum of our already-astronomical national debt, and increases the percentage of our budget that must be dedicated to servicing that debt.

In the last Congress, we passed a deficit reduction package that will reduce the budget deficit by nearly $500 billion. Given the magnitude of our existing debt, it would be irresponsible and profoundly illogical not to continue striving toward a balanced budget this year, not next year or the year after.

Mr. President, senators on both sides of the aisle are divided on the issue of a constitutional balanced budget amendment. We all want to bring budget deficits under control, but reasonable people disagree on the way to accomplish that goal, both in terms of budget priorities and in terms of the proposal to amend the Constitution.

The Right to Know Act offers an approach that senators on both sides of the constitutional amendment issue and on both sides of the aisle could—indeed should—support.

Senators who support a constitutional amendment to require a balanced budget—and I am one—should know that this proposal is wholly consistent with that position. In fact, if we are serious about balancing the budget, we must be prepared to work with our colleagues to ensure that the deficit reduction resumes immediately. We also must be prepared to explain to the American people and the States exactly how we are going to achieve our goal.

Senators who may oppose a constitutional amendment, but who believe we need to take serious steps toward deficit reduction and an actual balanced budget, should also find this proposal wholly consistent with that position. The Right to Know Act simply ensures that the balanced budget amendment, if it passes, will not become a gimmick or a hollow promise.

I strongly urge all of my colleagues, regardless of their position on the underlying balanced budget amendment issue, to study this proposal carefully.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Right to Know Act".

SEC. 2. PROPOSAL OF AMENDMENT.

No article proposing a balanced budget amendment to the Constitution shall be submitted to the States for ratification in the 104th Congress until the adoption of a concurrent resolution containing the matter described in section 2 of this Act.

SEC. 3. CONTENT OF REQUIRED CONCURRENT RESOLUTION.

(a) CONTENTS.—The concurrent resolution referred to in section 1 shall set forth a budget plan to achieve a balanced budget (that complies with the article of amendment proposed by that section) not later than the first fiscal year required by the article of amendment as follows:

(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by the article of amendment) containing—

(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

(B) totals of new budget authority and outlays for each major functional category;

(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

(D) an allocation of Federal revenues among the major sources of such revenues;

(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

(b) RECONCILIATION.—The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

(c) CBO SCORING.—The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).

By Mr. SIMON:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to reduce or disapprove items of appropriations; to the Committee on the Judiciary.

PRESIDENTIAL LINE-ITEM VETO

• Mr. SIMON. Mr. President, every day our budget deficit grows larger and larger. In this time of crisis, we need to use every available weapon in our arsenal to fight the growing national deficit. It takes a constitutional amendment that requires Congress to pass a balanced budget; and it also takes a constitutional line-item veto amendment, which I introduce today.

This line-item veto amendment takes as its model the amendment that appears in the Constitution of my home State of Illinois. According to some studies, the Illinois State government is able to reduce its annual budget by about 3 percent because of the line-item veto. Similar success on a Federal level will bring us that much closer to reducing the national debt.

My amendment is a simple one. It is a constitutional amendment to permit the President to reduce or disapprove any item of appropriations, other than an item relating to the legislative branch. If the President does not reduce or disapprove an item of appropriations, it becomes law. If he does reduce it, then Congress is empowered to override the President's veto by a simple majority vote of each House.

There are those concerned that the line-item veto takes away power from the legislative branch and puts it into the hands of the executive. That might be true if this veto were like all others and required a two-thirds override. But my amendment is faithful to the principle of majority rule in passage of legislation. It threatens only those appropriations which do not have majority support and it is those appropriations items which often are the least credible in the eyes of the American people and most difficult to justify.

Forty-three States now have the line-item veto. As ranking member of the Constitution Subcommittee of the Judiciary Committee, I—in conjunction with my friend from Colorado, who now serves as subcommittee chairman—hope to devote serious efforts toward securing passage of this important piece of legislation. The line-item veto is by no means a panacea. It is, however, a big step in the right direction for any serious attempt to put our fiscal affairs in order.•

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee [Mr. FRIST] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 2, supra.

S. 21

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 21, a bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 91

At the request of Mr. COVERDELL, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 91, a bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act.

S. 145

At the request of Mr. GRAMM, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 145, a bill to provide appropriate protection for the Constitutional guarantee of private property rights, and for other purposes.

S. 165

At the request of Mr. MCCAIN, the name of the Senator from Mississippi

[Mr. LOTT] was added as a cosponsor of S. 165, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 185

At the request of Mr. BUMPERS, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 185, a bill to transfer the Fish Farming Experimental Laboratory in Stuttgart, Arkansas, to the Department of Agriculture, and for other purposes.

SENATE RESOLUTION 38—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. HATFIELD, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $4,823,586, of which amount (1) not to exceed $175,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $4,931,401, of which amount (1) not to exceed $175,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as mended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 39—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES FOR THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996 under this resolution shall not exceed $2,678,348.

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,739,487.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 40—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN, from the Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 40

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearing, and making investigating as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $1,056,916, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) no funds may be expended for the training of the professional staff of such committee under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,079,534, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) no funds may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees fees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

• Mr. McCAIN. Mr. President, today I am reporting a resolution to authorize expenditures by the Committee on Indian Affairs. Earlier today, the committee conducted a business meeting during which the members of the committee approved the proposed budget for the 104th Congress.

The resolution I am reporting today is consistent with the budget approved by the members of the Committee on Indian Affairs for submission to the Committee on Rules and Administration. The resolution is also consistent with the request from the Rules Committee for a budget proposal which reflects a 15-percent reduction from the approved funding level for 1994. This translates into a 25-percent reduction in the committee staff.•

SENATE RESOLUTION 41—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 41

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $2,719,280, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1995, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,782,054, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 42—MAKING MINORITY PARTY APPOINTMENTS TO THE ETHICS COMMITTEE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 42

Resolved, That the following shall constitute the minority party's membership on the Ethics Committee for the One Hundred and Fourth Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. Bryan, Vice Chair, Ms. Mikulski, and Mr. Dorgan.

SENATE RESOLUTION 43—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 43

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the committee on Intelligence is authorized from March 1, 1995 through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $2,228,666 of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,280,704, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996 and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 44—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. COHEN (for himself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 44

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion—

(1) to make expenditures from the contingent fund of the Senate,

(2) to employ personnel, and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,025,746.

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,048,589.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate,

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate,

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate,

(4) for payments to the Postmaster, United States Senate,

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or

(6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations.".

• Mr. COHEN. Mr. President, on behalf of myself and Senator PRYOR, I am pleased to submit a resolution to provide funding from the contingent fund of the Senate for operational moneys for the Senate Special Committee on Aging for the years 1995 and 1996. I am hopeful that the Senate Committee on Rules and Administration will approve this funding request.

The amounts contained in this budget request fully comply with the direction of the Rules Committee to reduce the operational budget of the committee substantially below the 1994 budget authorization level.

Senator PRYOR and I are fully committed to implementing these reductions in both the salary and administrative portions of the committee budget. We believe that the budget submissions we are providing today to the Rules Committee reflect the commitment of myself, as chairman, and Senator PRYOR, as ranking member, to make the operations of the committee as efficient as possible and to support the leadership's goal of reducing the number of Senate staff. We are confident that the committee will be able to pursue a very active agenda of oversight, investigations, and consumer education within these staffing levels.

The Special Committee on Aging plays a critical oversight function to the Congress and the American taxpayer. While some of the programs and issues reviewed by the committee are within the legislative purview of other committees, the Aging Committee conducts essential oversight and investigations of these programs to ensure that they are serving the needs of older Americans and taxpayers.

This past Congress, for example, the committee examined a broad array of issues affecting the elderly, including major fraud and abuse scams targeting Medicare; drug addicts manipulating the Social Security disability programs; trends of escalating out-of-pocket health care costs of older Americans, including prescription drug and long-term care costs; crime against the elderly; and consumer scams targeting senior citizens. In many instances, findings and recommendations of the committee with respect to the issues it examined resulted in major legislative reforms, many of which have been enacted into law.

This year, the Aging Committee stands ready and able to take on a host of issues affecting older Americans. Some of the issues we plan to address this year will be investigating fraud and abuse in the Medicare and Medicaid programs and recommending proposals to better protect these programs and their beneficiaries from fraudulent practices; evaluating and recommending improvements in the administration of the Social Security disability programs to ensure a more efficient expenditure of taxpayer dollars; and evaluating the effects of entitlement reform on programs serving the elderly and retired populations. We will also continue to evaluate the effects of health care reform proposals on the elderly, including proposals to assist older Americans and their families bear the exorbitant costs of long-term care.

Mr. President, for more than 30 years, the Special Committee on Aging has overseen the needs and trends of our Nation's aging population and the programs that serve current and future generations of older Americans. It has been my great pleasure and honor to serve under the able leadership of Senator PRYOR as chairman of the Aging Committee and I look forward to working closely with him in his new capacity as ranking member of the committee in a bipartisan, cooperative spirit that has been the tradition of the committee for over 30 years.

We look forward to the challenges the 104th Congress will hold for the Aging Committee, and urge the Rules Committee to approve our budget request.•

SENATE RESOLUTION 45—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 45

Resolved, That, in carry out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996 through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable, or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $4,515,333, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $4,618,593, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3 (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of government funds in transactions, contracts, and activities of the government or of government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) The efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) The effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) The efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs: Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, is authorized, in its, his, or their discretion (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 71 of the One Hundredth Third Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1995, and February 28, 1996, respectively.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery keeper, United States Senate, or (4) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (5) for payments to the Postmaster, United States Senate, or (6) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (7) for the payment of Senate Recording and Photographic Services.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 46—MAKING MAJORITY PARTY APPOINTMENTS TO THE ETHICS COMMITTEE

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 46

Resolved, That the following shall constitute the majority party's membership on the following Senate committee for the 104th Congress, or until their successors are appointed:

Ethics: Mr. McConnell (Chairman), Mr. Smith, and Mr. Craig.

SENATE RESOLUTION 47—RELATING TO THE DESIGNATION OF COMMITTEE CHAIRPERSONS FOR THE 104TH CONGRESS

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 47

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Chairman.

Committee on Appropriations: Mr. Hatfield, Chairman.

Committee on Armed Services: Mr. Thurmond, Chairman.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Chairman.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Chairman.

Committee on Energy and Natural Resources: Mr. Murkowski, Chairman.

Committee on Environment and Public Works: Mr. Chafee, Chairman.

Committee on Finance: Mr. Packwood, Chairman.

Committee on Foreign Relations: Mr. Helms, Chairman.

Committee on Governmental Affairs: Mr. Roth, Chairman.

Committee on the Judiciary: Mr. Hatch, Chairman.

Committee on Labor and Human Resources: Mrs. Kassebaum, Chairman.

Committee on Rules and Administration: Mr. Stevens, Chairman.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL ACCOUNTABILITY ACT

LAUTENBERG AMENDMENT NO. 15

Mr. LAUTENBERG proposed an amendment to the bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . REDUCTION OF PAY OF MEMBERS OF CONGRESS IN EVENT OF SEQUESTRATION.

(a) IN GENERAL.—Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended—

(1) in paragraph (1) by striking out "as adjusted by paragraph (2)" and inserting in lieu thereof "as adjusted by paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) The annual rate of pay for each position described under paragraph (1) shall be reduced (for the period beginning on the effective date under subparagraph (B)(i)(I) through the end of the fiscal year in which such adjustment takes effect) by the percentage necessary to reduce the total annual pay for such position by the uniform percentage determined under—

"(i) section 251(a)(2) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 901(a)(2)) in any fiscal year in which there is a sequester under section 251 of such Act;

"(ii) section 252(c)(1)(C) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 902(c)(1)(C)) in any fiscal year in which there is a sequester under section 252 of such Act; and

"(iii) section 253(e) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 903(e)) in any fiscal year in which there is a sequester under section 253 of such Act.

"(B)(i)(I) An adjustment under subparagraph (A) shall take effect on the first day of the first applicable pay period beginning on or after the date on which an intervening election of the Congress occurs following the sequester.

"(II) Effective on the first day of the first applicable pay period beginning on or after October 1 of the fiscal year following the fiscal year in which an adjustment took effect under subclause (I), the rate of pay for each position described under paragraph (1) shall be the rate of pay which would be in effect if not for the provisions of this paragraph.

"(ii) If more than one adjustment would take effect on the same date in accordance with clause (i)(I), each applicable percentage determined under subparagraph (A) (i), (ii), and (iii) shall be added, and the resulting percentage shall be used in making a single adjustment.".

(b) REGULATIONS.—The Secretary of the Senate and the Clerk of the House of Representatives may prescribe regulations to carry out the provisions of this Act relating to the applicable Members of Congress.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this section.

GRASSLEY (AND GLENN) AMENDMENT NO. 16

Mr. GRASSLEY (for himself and Mr. GLENN) proposed an amendment to the bill S. 2, supra; as follows:

On page 2, in the item referring to section 220, strike "code" and insert "Code".

On page 11, line 14, insert a comma before "irrespective".

On page 27, line 14, strike "would be appropriate" and insert "may be appropriate to redress a violation of subsection (a)".

On page 30, line 6, strike "section 403" and insert "subsections (b) through (d) of section 403".

On page 30, lines 17 and 18, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 31, between lines 3 and 4, insert the following:

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

On page 31, line 13, after "(b)" insert "except".

On page 31, between lines 17 and 18, insert the following:

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

On page 32, line 6, insert "and the Office of the" before "Architect".

On page 32, line 6, strike ", and to the" and insert "or other".

On page 32, lines 7 through 9, strike ", as determined under regulations issued by the Board under section 304 of this Act,".

On page 35, line 13, strike "and" and insert a comma.

On page 35, line 14, insert before the semicolon the following: ", and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs".

On page 36, line 3, strike "(a) and (f)" and insert "(a), (d), (e), and (f)".

On page 36, lines 4 and 5, strike "(a) and (f)" and insert "(a), (d), (e), and (f)".

On page 36, lines 15 through 17, strike ", as determined appropriate by the General Counsel pursuant to regulations issued by the Board pursuant to section 304".

On page 37, line 4, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 37, line 12, strike "section 6(b)(6)" and insert "sections 6(b)(6) and 6(d)".

On page 37, line 14, strike "655(b)(6)" and insert "655(b)(6) and 655(d)".

On page 37, line 16, strike "section 405" and insert "subsections (b) through (h) of section 405".

Beginning with page 37, line 24, strike all through page 38, line 4, and insert the following:

(6) COMPLIANCE DATE.—If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

On page 38, between lines 18 and 19, insert the following:

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

On page 38, line 23, after "General Counsel" insert ", exercising the same authorities of the Secretary of Labor as under subsection (c)(1),".

On page 39, line 3, strike "and".

On page 39, line 4, after "Assessment" insert ", the Library of Congress, and the General Accounting Office".

On page 39, lines 12 through 14, strike ", as determined under regulations issued by the Board under section 304 of this Act,".

On page 41, lines 17 and 18, strike "Subject to subsection (d), the" and insert "The".

On page 42, line 25, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 44, line 1, strike "section 405" and insert "subsections (b) through (h) of section 405".

On page 44, line 8, strike "graphs (1) and" and insert "graph (1) or".

On page 44, line 8, before "may" insert a comma.

On page 45, line 1, strike "(c)" and insert "(d)".

On page 45, line 6, strike "(d)" and insert "(e)".

On page 45, line 20, strike "(d)" and insert "(e)".

On page 49, line 9, strike "(e)" and insert "(f)".

On page 49, line 14, strike "(d)(2)" and insert "(e)(2)".

On page 49, line 18, strike "(d)" and insert "(e)".

On page 50, line 3, strike "witness".

On page 54, strike line 11, and insert "than December 31, 1996—".

On page 56, line 25, insert "Senate" before "Fair".

On page 57, line 1, strike "of the Senate".

On page 67, line 16, strike "issuing" and insert "adopting".

On page 68, line 15, after the semicolon, insert "and".

On page 73, line 3, before the period insert "under paragraph (1)".

On page 75, line 4, before the period insert ", except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate".

On page 75, line 4, after the period insert the following: "The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.".

On page 75, between lines 4 and 5, insert the following:

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31, United States Code, to place orders and enter into agreements.

On page 75, line 5, strike "(b)" and insert "(c)".

On page 77, line 9, after "after" insert "receipt by the employee of notice of".

On page 80, line 24, strike "(b)" and insert "(a)".

On page 88, line 18, before "this section" insert "section 404 and".

On page 89, line 21, strike "may" and insert "shall".

On page 90, line 11, strike "(d)" and insert "(e)".

On page 90, line 14, after "be," strike "may" and insert "shall".

On page 90, line 25, strike "paragraph (1)" and insert "subsection (a)".

On page 91, line 5, strike "407" and insert "405(f)(3), 407,".

On page 93, strike lines 3 through 8, and insert the following:

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

On page 94, line 12, strike "102(b)(2)" and insert "102(b)(3)".

On page 105, lines 7 and 9, insert "of 1990" after "Act".

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, January 18, and Thursday, January 19, 1995, at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking members on their committee funding resolutions for 1995 and 1996.

For further information concerning these hearings, please contact Christine Ciccione of the committee staff on 224–8921.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, to conduct a full committee business meeting to organize for the 104th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, January 11, 1995, for purposes of conducting a business meeting. Items to be considered include the committee's budget resolution for a 2-year period, March 1, 1995 through February 29, 1997; and changes in committee rules and organizational changes in full committee and subcommittee jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, at 10 a.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be permitted to meet during the session of the Senate on Wednesday, January 11, 1995, for the purpose of holding a business meeting to select a chairman and vice-chairman, approve a budget, and approve its rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Federal job training programs, during the session of the Senate on Wednesday, January 11, 1995, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, at 4 p.m. The committee will hold a full committee organizational meeting to consider and adopt committee rules and the committee budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, at 3 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF HARRY CLEMMONS

• Mr. GORTON. Mr. President, today I recognize Harry Clemmons, Kennewick School District's middle school director, for his leadership in fighting school violence.

Last January, I organized a meeting of over 200 parents, teachers, administrators, and students. At this conference I listened carefully to the concerns and ideas of those in attendance. While I heard many varied and different suggestions, one theme was constant. Innovative and resourceful programs which educators work hard to plan and execute deserve more recognition. I therefore promised to recognize, on a monthly basis, a school or school program that is outstanding and innovative. The school violence prevention programs that Harry Clemmons has successfully implemented are worthy of such recognition.

It is time we took the steps necessary to regain control of our Nation's schools. In Washington State, for example, violent crimes by youths have doubled in number in the past decade, despite a 3-percent reduction in the youth population. Our superintendent of public instruction recently released her annual report of weapons in Washington State schools for the 1992–93 school year. A total of 2,237 incidents of possession of firearms or dangerous weapons on school premises were reported by school districts and approved private schools.

The prevalence of such incidents is constantly increasing, as is the variation and types of weapons. We must address this problem now. We must ensure the safety of our children in school and provide a learning environment free of violence and disruption.

Mr. Harry Clemmons and his innovative prevention programs should continue to be promoted throughout Washington State, as well as the entire United States. Recognizing that a problem exists and taking the initiative to develop successful programs is the key to improving our education system.•

REGARDING THE ECONOMIC CRISIS IN MEXICO

• Mr. D'AMATO. Mr. President, while American diplomats and foreign policy pundits hand-wring over various crises in Eurasia and the American military is hand-holding the doomed in a number of Third World quagmires, an economic crisis of alarming proportions is threatening to engulf our nearest neighbor to the south. Could there be a better example of the failure of our foreign policy than the potential collapse of Mexico?

I believe that charity begins at home. Mexico and Canada are part of the American family. Yes, we bicker. We snipe. We engage in the kind of heated battles only family members could get away with, but, in the end, it is the family ties that bind.

We can no longer take our good neighbors for granted. Our national security and our economic well-being are inextricably linked to the health and stability of Mexican society and the Mexican economy. We face a far greater threat from instability in Mexico than we will ever face from open conflict or economic chaos in most of the places American diplomatic attention and foreign aid are currently focused.

We must help the Mexicans stabilize the peso, to renegotiate their debt, and to develop an economic strategy of long-term investment and growth that will improve the quality of life of all Mexicans, and, by extension, the quality of life of all Americans.

To do as we have been doing, to focus on the problems of other continents while ignoring our own, is asking to worrying over a distant storm as wolves gather in our backyard.●

ORDERS FOR THURSDAY, JANUARY 12, 1995

Mr. LOTT. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, January 12, 1995; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved.

I further ask unanimous consent that there then be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the following Senators to be recognized under the following limitations: Senator GRASSLEY for 10 minutes, Senator THOMAS for 10 minutes, Senator SIMPSON for 10 minutes, and Senator CONRAD for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF S. 1

Mr. LOTT. Mr. President, under a previous unanimous-consent agreement, at 10 a.m. Thursday, the Senate will begin consideration of S. 1, the unfunded mandates bill for debate only prior to 2 p.m. Therefore, there will be no rollcall votes prior to 2 p.m. on Thursday.

Mr. DASCHLE. Mr. President, as I understood the unanimous-consent agreement last night, there would be no amendments laid down prior to 2 o'clock, and I would just want to confirm that with the distinguished majority whip.

Mr. LOTT. I believe that was the understanding, that there would be debate only until 2 and no amendments offered until after 2 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

1994 MEN OF THE YEAR

Mr. BYRD. Mr. President, recently I received a newspaper insert from the St. Louis Post-Dispatch concerning the selection of 2 of our former colleagues as the 1994 St. Louis Men of the Year.

Former Senators Tom Eagleton and John Danforth were selected to receive this prestigious designation by 19 of their fellow citizens, each of whom had been chosen in the past for this same award. They are the 41st and 42d individuals to be so honored by the St. Louis Post-Dispatch since the award was first established in 1955.

I congratulate the Post-Dispatch on its excellent selections of this dynamic duo. Both of these men were shining lights when they served here among us in the Senate, and they have both obviously continued to shine and inspire in private life.

Jack Danforth was a voice of reason and moderation in the Senate. He was a credit to his party precisely because he was never a slave to the party line. Senator Danforth's calm reasoned approach to the issues of the day, no matter how politically charged gave him enormous credibility of the type that is so needed in the Senate today. His presence is sorely missed in the Chamber.

Senator Tom Eagleton is a personal friend, and has been for many years, in addition to being an individual for whom I have tremendous respect and admiration. Over the years, Tom Eagleton has stayed in touch with my office, and he is never too busy to weigh in when the battle needs his energy and his force of character. Senator Eagleton brought to this chamber an irrepressible personal and intellectual honesty which was apparent in his floor statements and in the positions that he took on the issues of the day. If one wanted to hear the unvarnished truth, no matter how unpopular it might be to utter, one could always look to Tom Eagleton to come to the point, and to state with eloquence and with logic the bottom line. Common sense has been called genius dressed in its working clothes. Tom Eagleton has an abundance of that often too-scarce commodity.

I congratulate both Senator Eagleton and Senator Danforth. They have brought great credit to the Senate by their service in the body and now as private citizens. St. Louis is much the richer for the Senate's loss in the case of these two fine former Members.

Mr. President, I ask unanimous consent that an insert from the St. Louis Post-Dispatch be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch]

THE 1994 ST. LOUIS MEN OF THE YEAR: THOMAS F. EAGLETON AND JOHN C. DANFORTH

(By Mary Kimbrough)

For the second time in its history, the St. Louis Man of the Year Award is given to two men, Thomas Francis Eagleton and John Claggett Danforth, who have represented Missouri in the United States Senate, one who left the Senate in 1986; and one who will officially retire on January 3.

The footsteps of the two honorees, one a Democrat, one a Republican, have trod parallel paths. Both are graduates of Country Day School. Both are graduates of eastern universities, Eagleton of Amherst, Danforth of Princeton, and of Ivy League law schools, Eagleton of Harvard University, Danforth of Yale University.

Both became practicing attorneys. Both served as attorney general of Missouri.

Both carry distinguished St. Louis family names, were intrigued in boyhood by politics and joined lively discussions of national and world issues around the dinner table.

Although they did not know one another well in St. Louis—Eagleton was ahead of Danforth's class at Country Day—they became good friends in Washington. Both of them would cross party lines in their voting records.

"We decided that working together for Missouri was the right thing to do," said Eagleton. That was their common concern.

When Eagleton retired, Danforth paid tribute. "When most candidates are going negative," he said in his remarks from the Senate floor, "when many candidates are taking cheap shots, Tom Eagleton is and will remain the standard for what politics should be—for decency and fairness and principle."

They will be honored at ceremonies at 10:30 a.m., Friday, Jan. 6, in the John M. Olin School of Business at Washington University. A reception will follow.

Eagleton and Danforth were selected by former recipients of the award, established 40 years ago by the St. Louis Globe-Democrat to recognize outstanding civic contributions, leadership and service to the community. When that newspaper ceased publication, previous honorees joined to maintain the annual award and carry on the tradition. For the past eight years, the St. Louis Post-Dispatch has served as sponsor of the annual award.

THOMAS F. EAGLETON

Tom Eagleton bounces through life like a sacked Joe Montana jumping off the turf and brushing off the bruises. A devout Cardinal fan—the baseball variety—he charges through his day like Pepper Martin barreling into a hapless catcher. And he's on the telephone more often than Joe Torre calling the bullpen.

At 65, Eagleton is many persons. Retired U.S. senator, political scientist, college professor, TV commentator, newspaper columnist. He is the sandlot kid grown to senior status, the urbane civic statesman in shirt sleeves, sometimes disheveled, his gray hair a bit mussed, turning up the volume of his voice as he leads the charge.

For the born-and-bred sports buff with a lifelong love affair with politics, a perfect world is an exuberant, scrappy, warm-hearted world of good talk and good friends, of family and a St. Louis Rams-Kansas City Chiefs Super Bowl in the new stadium, of rousing arguments and politics and the law and the Democratic party.

But he also knows the imperfect world that can be down and dirty, a world of war and want, of crime and poverty and people killing each other on the streets and on the battlefield. From the windows of his law office on the top floor of a sleek downtown office building, he can look through the Arch, symbol of progress, to see poverty and pain.

Thomas Francis Eagleton deals with both worlds with humor and energy and grace. And sometimes with righteous outrage.

After his retirement from the Senate, he was invited to a partnership in the legal firm of Thompson & Mitchell, with a charge to continue to serve this community. In his eighth year off the political fast track he may have tempered a little—but just a little—the jittery lifestyle described by a Post-Dispatch reporter at the time he left Washington.

"He still bounds around corners talking 90 miles a minute, whips into a room with 40 things on his mind * * * and generally vibrates like an oversized sparkplug."

His lifestyle is much calmer now that he has returned to his legal career. He and his wife, the former Barbara Smith, parents of a grown daughter, Christy, and son, Terence, make their home in Clayton.

Barbara, whom he married in 1956, learned to share his political activism during his career. When they moved back to Missouri, she organized the Women's Democratic Forum, now with some 350 members, who meet regularly to hear distinguished speakers on current issues.

Neither Christy nor Terence has shown any inclination to enter politics. Christy is in Washington, engaged to be married and working with International Sprint. Terence is a television producer in New York.

"Politics is not for everyone," said their father. "It's a unique profession and for whatever reason, you have to immerse yourself in it. When I was in the Senate, I went back to Missouri nearly every week. That's one of the down sides. I didn't have time to take my children to baseball games or school functions. I didn't have enough leisure time with my children.

"The best politics is back home."

Now that he is relieved of that pressure, he has found the time to write, to teach, to lecture and, as an ardent sports fan, to follow his cherished Cardinals.

"I like the day games," he said, with the fervor of a unabashed fan. "That's old-fashioned baseball. I'm there nearly every Sunday afternoon. I will be thrilled when the Cardinals once again play on grass."

But this year, he has been concentrating on another sport, working with the determination of a bulldozer to bring the National Football League back to St. Louis.

At the request of Congressman Richard Gephardt, Mayor Freeman Bosley and County Executive Buzz Westfall, he has headed FANS Inc., a civic committee devoted to persuading the Los Angeles Rams to move here.

"Politics was all consuming," he said. Now football is all consuming."

But Eagleton hasn't lost his passion for politics and history, and his love for America and St. Louis. This passion and this love are his heritage. To continue this heritage, the Federal Courthouse now under construction in downtown St. Louis has been named the "Thomas F. Eagleton Federal Courthouse."

He was born into an Irish Catholic home on Tower Grove Place in South St. Louis, where politics was polished to a fine art, and named for his immigrant grandfather. He and his older brother, Mark Jr., were the sons of Mark D. Eagleton, prominent figure in city politics and one-time candidate for mayor, and Zitta Eagleton, Mark's gentle and soft-spoken wife, who was determined that one boy would be a doctor, the other a lawyer.

That's just what they would do. Mark Jr., went to medical school and became a prominent St. Louis radiologist. He died in 1985. Tom also had a half-brother, Kevin, a St. Louis lawyer-businessman.

Tom would follow in the career footsteps of his father, a strong-willed, strong-voiced attorney, whose closing courtroom arguments are said to have been heard through open windows up and down Market Street.

A Bull Moose Republican, with the progressive stripe of Theodore Roosevelt, Mark Eagleton left his party in 1944 when his hero, Wendell Willkie, was denied re-nomination for a second run at the White House. He became a Democrat, and publicly announced his support of Franklin D. Roosevelt for a fourth term.

Four years earlier, the senior Eagleton had taken his son to the party convention in Philadelphia where the exuberant 11-year-old met Willkie, Robert Taft, Thomas E. Dewey and other party leaders.

"I decided I was for Dewey because he was handing out more buttons and horns and hats."

Many years later, his eyesight failing, Mark Eagleton would sit in the Senate Gallery to hear his younger son take the oath of office. He would remember and be glad that he had given this rookie senator a good start in their robust after-dinner conversations.

Sometimes Zitta finished her meal alone. Tom and Mark Jr. would eat as fast as they could to keep up with their dad who would then escort them into the living room to start the evening discussion.

"Our three favorite subjects were history, baseball and politics," Tom recalled. "Of course, politics had a lot of side issues. Frequently, we argued so much that without knowing it we switched sides to keep the argument going. That is where I first became interested in politics."

All three loved the Cardinals and each year when the boys were quite young, the whole family went to spring training.

"Mother was dragooned," said Eagleton. "She didn't abhor baseball but she sure didn't love it the way we did."

The boys were enrolled in a half-day school in a quonset hut. Zitta would pick them up at noon and take them to Al Lang Field, the ballpark.

"We would stay in the Bainbridge Hotel where all the players stayed and eat in the dining room with them. I remember especially Pepper Martin, Terry Moore and Howard Krist, a relief pitcher. Krist was very kind to us.

"Dad was a member of the St. Louis Board of Education and he used to take me with him to meetings at 911 Locust. That was between 1937 and 1943. I would sit out in the audience.

"Those were very exciting times. There were great arguments and debates and I said to myself, 'Wouldn't it be interesting doing something like that?'

"I had begun to focus on the Senate when I was in high school at Country Day. But there, and in college, I was the tactician, the pseudo Jim Farley. I didn't run for anything. I was interested in the strategy."

After graduating from Country Day, Tom went to Amherst where he received his bachelor of arts degree before going on to Harvard University for his law degree.

Then, after graduation and a stint in the Navy at Great Lakes, he came back to St. Louis, carrying with him that dream of public office.

Over the next 12 years, he was elected, in turn, St. Louis circuit attorney, Missouri attorney general and Missouri lieutenant governor, chalking up aggressive and noteworthy records in each office.

No longer was he a young Jim Farley. Now he was learning to plan his own career strategy, sometimes a bit homespun, sometimes more costly in shoe leather than in sophisticated political advertising. He talked to the people face to face. That was, and is, the Eagleton style. His sense of humor was his trademark.

So in 1968, at the age of 39, according to an informal biography from his office, "Tom Eagleton loaded his wife, two children and the family dog into his station wagon and headed for Washington."

He had reached his ultimate career goal. "I had achieved that. I didn't lust (to use President Carter's word) for anything higher."

Despite that, in one of the low spots of his career, he almost snagged the brass ring in 1972 when George McGovern, the Democratic nominee, chose him as his running mate. Three weeks into the campaign, he pulled out after revealing, with true Eagleton candor, that he had been undergoing medical treatment for depression.

"People thought it would get me down," he said. "It did not overwhelm me. I took it as a facet of life, a difficult facet of life, but I never viewed it as irreparably catastrophic.

"I never had any great ambition to be vice president nor did I ever have any notion I would run for the presidency."

He would be re-elected to the Senate twice, and in June 1984, he announced he would not seek a fourth term.

Now, after eight years as "Tom Citizen," he looks back on those days, surrounded in his office by shelves filled with books on history and politics. In 1974, he added his own to America's library of public servants' books, "War and Presidential Power; A Chronicle of Congressional Surrender."

On his wall are photographs, many of which picture his special presidential heroes, Franklin D. Roosevelt and Harry S Truman.

Eagleton also brought back to St. Louis many happy memories of special triumphs and bitter disappointments, but he carries no nostalgic desire to return to the thick of government and the partisan warfare in the Congress. In fact, he has seen both parties "atrophy."

"The two-party system is almost deceased. Back then you were proud to be a member of your party. You supported the platform.

"The only current need of the two-party system is to nominate someone for the presidency every four years, but the strength of the two parties has just withered away."

Was there a single moment, a single vote by his colleagues, that made him want to pull out of politics? No, he said, it was more a build up of disillusionment. The joy in the job had not dimmed, but the cost of campaigning had grown and the campaigns had grown ugly and "everlastingly long."

"As I raised funds for my last race, in 1980, by contemporary standards it was cheap. It was $1.2 million compared to today's standards of $5 million and up.

"I found fund raising to be increasingly distasteful. Back in those years you could raise practically all you needed in Missouri. But as politics was developing during that era, the fund raising became all the more intense. You had to go nationwide with a tin cup begging for funds."

In the early days, it was easier and a lot more fun.

As a member of the Committee on Environment and Public Works, he led in the enactment of the Clean Air and Clean Water acts. On the Committee on Labor and Public Welfare, he authored the "Right to Read" program. His Older Americans Act is the basis of federal social services for the aging.

But he is especially proud of one piece of legislation, the so-called Eagleton amendment to the American involvement in the war in Southeast Asia.

"We had withdrawn from Vietnam but we were still carpet bombing in Cambodia. The Eagleton amendment stopped that. For all practical purposes that ended American participation in that dreadful war."

As Charlotte Grimes wrote in the Post-Dispatch at the time of his retirement, "It, along with the War Powers Act that limited presidential authority to send troops into combat, was a culmination of sorts: Eagleton had campaigned for the Senate on a platform calling for an end to the war in Vietnam."

Even though he is no longer a lawmaker, Eagleton keeps a close eye on the Congress and, especially, on America's continuing involvement in foreign affairs.

An astute observer and prognosticator, he predicted before the November elections that the Democrats "would take a pretty good licking.

"We will have gridlock government for two years. It will be a war of words between the White House and the Congress."

As for engagements abroad, he continues to be, as he was in the Senate, a centrist able to cross party lines.

"I was opposed to sending military forces to Haiti but so far it has worked pretty well. But the problem is how do we get out of there. We will have to leave some troops and a lot of money. Haiti can no more be made into a democracy today than I can fly to the moon.

"Democracy is a very sophisticated form of government. The Haitians are not sophisticated people. They have an 80 percent illiteracy rate.

"I think the two philosophical extremes are both wrong. One is that we are the world's policeman, that it is our job to intervene in all sorts of places, send our army, send our air force and bring peace and justice to anyone we think ought to have it.

"Then there is the old, stale position of Robert Taft, that our only business is between the Atlantic and the Pacific, maybe Canada and Mexico, but nothing else is any of our business.

"That is equally wrong. We have some global responsibilities, for instance, the Middle East. I was never embarrassed to say that when President Bush went to Kuwait, the reason was oil because oil is indispensable to Europe and Japan, and to us, so that is an area where we were obliged to do something.

"There are finite limits to what we can do and what we can undertake. There is no magic line to be drawn. You cannot put in 50 words or less where we should go, how we should go. To define American foreign policy in 50 words cannot be done. You have to decide case by case if this is something in the direct American interest.

Then, turning the telescope around, he focused on problems closer to home.

"I think we are in a very ugly, negative time," he said. "I have never seen the public so turned off not only by politicians as such but by the political process. Federal, state, county, municipal. They want no part of it."

However, he said, "I think that 90 percent of the people in the House and Senate are there, in their own minds, to do the right thing.

"The work is stimulating, challenging, exciting. Dealing with situations where you think maybe you are doing the right thing: that outweighs the shortcomings.

"We are called a participatory democracy. That means that for its strength and vibrancy people have to participate. Write your congressman. That's a participatory democracy. But instead of that, we are sort of a complaining, griping democracy.

"In time, we will work ourselves out of this mood. I don't know when; it won't be overnight. But unless the people have some degree of confidence in the public decision-making process, there will be great agony. There is simply not that degree of confidence today."

A man of Tom Eagleton's optimistic nature can't stay grumpy long. But he is also a realist.

"I really hate to say this, but in all candor I see things getting worse before they get better. Maybe there has to be a shared sense of sacrifice. If things are not going well, we've got to get together and turn this thing around. There was such a shared sense during the Great Depression. Everyone had a shared sense of 'We've got to get out of this.' We don't have that now.

"But the economy is pretty darned good. It ought to be good enough for someone to get re-elected president."

For St. Louis, he has the same mix of optimism and realism. "I am generally optimistic about the greater metropolitan area. I wish I could be more optimistic about the inner city. When Ray Tucker was mayor, we had 900,000 people. Now it's down to 380,000. The tax base goes down and the needs for public services continue or even increase.

"What would I do if I were selling the city of St. Louis?

"Transportation. Railroads. Airlines. MetroLink is a real plus. Fine universities. Fortune 500 companies. Excellent and aggressive banks. A skilled workforce.

"But the St. Louis school system isn't what it should be. Housing in the city is not what it should be. Distribution of health care is uneven. Well, you say, there are Clayton and Ladue and other county communities. But if the urban center atrophies, the area as a whole atrophies.

"Simply because you live in Clayton or Ladue, you cannot be smugly complacent and say everything is fine. Everything isn't fine. We are all in this together. If the city of St. Louis goes down, it will, in time, take the rest of the area with it."

But Eagleton, the sports buff, has done more than his share to lure what he believes would be a real plus for St. Louis—NFL football.

"It is an indicia of a town's future. Right or wrong, St. Louis, to be a city of the future, has to have the identification of major sports teams."

With his undying enthusiasm and positive outlook, every time he goes to a Cardinals baseball game, he's thinking home run.

Now, he's added another word to his wish list.

Touchdown!

JOHN C. DANFORTH

It was a few days after the November elections. Voters had swept the majority party out of power like fragile leaves blown away by the autumn wind. With the Republicans' stunning victory, Missouri's senior senator, Jack Danforth, could have known even greater power and influence than he has acquired in his 18 years on Capitol Hill.

But this is not what he wanted. To serve in the Senate had been his dream since boyhood. After three terms, however, he decided against running another time and opted to leave the promised land on the Potomac to discover "life after politics."

He will find that life in St. Louis. Jack Danforth is coming home to stay.

On this autumn afternoon, relaxed and comfortable in a red plaid woodsman's shirt and rough trousers, he sat in his Clayton office and talked of his political and personal philosophy, of the career he was leaving behind, and of the new chapter of his life.

His manner was reflective and deliberate. His deep voice carried power without a hint of bluster. He often paused to consider an answer, then spoke with the decisiveness of a man who harbors no doubt about his convictions, but his conversation was brushed with humor and a grin often lightened his face.

At 58, though his graying hair has caught up with the distinctive white forelock, he is young enough to make a major change in the focus of his life.

"I had always thought I wanted there to be an end to my political life and a beginning of something after my political life," he said. "There was just a sense that I didn't want my self-identity, the way I viewed myself, as a person who had to be in public office, who had to win the next election. I wanted there to be life after politics."

And so, the Lincolnesque figure, nurtured in childhood by a grandfather who dared him to reach for the best, and loving parents who helped spur him on his way, has traded the nation's Congressional halls for the St. Louis law firm of Bryan Cave and his Washington mailing address for one in suburban St. Louis.

Thus he is returning to his roots as St. Louis is a part of him and of his heritage. He was born and reared here, grandson of the late William H. Danforth, founder of Ralston Purina, son of the late Donald and Dorothy Clagget Danforth, brother of Dr. William H. Danforth, retiring chancellor of Washington University (1977 Man of the Year), business leader Donald Danforth Jr. and Dorothy Danforth Miller.

He graduated from Country Day School before entering Princeton University and, later, Yale Law School and Yale Divinity School. He married the former Sally Dobson, who lived across the street when they were teen-agers. Their four daughters and one son, though living their early lives in Washington, have maintained their ties to St. Louis and three of them make their home, here.

The Danforths are a close clan, bound not only by family ties but also by their obvious affection and respect for one another.

But even with this major change in his life, for John Claggett Danforth, scion of this distinguished St. Louis family, reared in comfort and affluence, one essential part of his life will not be altered or be left behind—his deep and personal religious faith.

A politician in priestly robes, with a bachelor of divinity degree and a law degree, Danforth has conscientiously carved time from his senatorial duties to give early morning communion to parishioners in St. Alban's Episcopal Church in the shadow of the Washington Cathedral. In this new chapter of his life in St. Louis, he will carve time from his legal duties to continue to serve his church.

But Danforth is no pious recluse from the world. Rather, he is a quiet-spoken, resourceful activist, a low-key missionary, translating his faith in God into work for man.

That's why he has founded InterACT, a project for St. Louis congregations of all faiths, designed to create opportunities for church members, as organized groups, to give help to boys and girls of the inner city. This will be a major emphasis of his life in St. Louis.

"I hope it all works out," he said. "There is a big leap between a concept and actually doing it. I just want to be the catalyst.

"InterACT is built around three interrelated concepts. The first is that religious people have a claim on them to live beyond themselves. It is the love commandment, 'Love your neighbor as yourself,' but the opportunities to do it aren't always apparent.

"The second premise is that religion, a word that comes from the same root as ligaments, should hold things together. Religion should be something that binds society but so often it is the opposite.

"I think there are a lot of opportunities for religious people to do things beyond themselves, not as individuals only but as members of congregations.

"The third is the obvious need of kids in the inner city." Danforth calls them the 20th century "widow and orphan" of Biblical days.

A staunch believer in the separation of church and state, Danforth does not base his political opinion solely on the doctrine of his Episcopal denomination. But neither can he ignore his moral and ethical convictions inculcated in childhood, honed as a divinity student and solidified as a minister of the gospel.

While he is a loyal and committed Republican, he has known the political risk every senator on both sides of the aisle must face, of voting one's conscience if it conflicts with the party's position. He also has heard the screams from the press and voters who disagree with him. But that's nothing new for an office holder and Danforth has thickened his skin.

"There is a lot of room for humility in working out your political position because as the Bible says, 'My ways are not your ways and your thoughts are not my thoughts.' You can't claim that your position on tax legislation or trade legislation or the crime bill is something that directly is a pipeline to God. It's more of a question of just trying to do your best and work things out."

Still, he has kept his finger on the pulse of his constituents, even as he views the world around him not as a narrow, militant partisan but as a moderate, and politics as the art of compromise.

"People think politicians have lost touch with the voters. Not true. They are completely in touch. They can fly back and forth to seek constituents. They can take polls. They can have focus groups, find out within a margin of error of three percentage points what people think. They're very much aware of the next election, maybe too much so.

"However, having said all that, it's also important to be something more than a weathervane or someone who has his finger out to see where the currents are blowing. Because then you stand for nothing and all you want to do is to get yourself elected.

"What it really comes down to, if there is a conflict, of course you have to vote your conscience. But you do it with a lot of agonizing and a lot of listening and a lot of recognition that on some of the things you vote for you may be wrong. Particularly, if you view politics as the business of compromise, there are really few things you view as absolutely terrific." The crime bill, he said, would be an example.

"It was a mix, with good things and bad things. You do your best and you listen to the public. But a lot of people were phoning in saying to vote against it and I voted for it. All complex legislation is like that."

He supported former President Carter and voted with many Democrats on ratification of the Panama Canal Treaty because he considered it "the only responsible vote to cast."

"Some issues are hard. That one was not. It was a very clear case as far as I was concerned. It would have been such a mess had we not ratified the treaty, I did not view this as a party line issue.

"I am very comfortable with the basic Republican concept that government should be limited and the fundamental Republican principles that government should operate with a light touch and not a heavy hand. The one thing that keeps the Republicans together is economics, trying to keep taxes low, trying to keep spending low."

Moving with steady grace, Danforth has risen through his party's hierarchy, taking on more responsibilities and gaining power and prestige. At the time of his decision to leave the Senate, he had attained the rank of 21st in seniority among the 100 senators.

He was senior member of the Finance Committee, the ranking Republican member of the Committee on Commerce, Science and Transportation, which he chaired in 1985–86, the first Missouri senator to chair a major legislative committee since World War I.

He was a principal author of legislation to require strict on-the-job testing for drug and alcohol use by key transportation workers, to strengthen federal and state laws against drunken driving, to improve the inspection of safety equipment on commercial trucks and buses, to establish national standards for licensing professional drivers, to increase the safety of passenger vehicles, and to expand and modernize airports and the air transportation system.

In the 102nd Congress, he was the principal sponsor of the Cable Television Consumer Protection Act to stimulate competition in the cable television industry and provide local authority over rates in markets where service is a monopoly.

He has also been concerned with health care costs, with efforts to improve education, to stimulate rural economic development, to encourage soil conservation, to increase Federal support for basic scientific research and to reduce world hunger and malnutrition.

Of all his achievements as a senator, he is most proud of the Civil Rights Act of 1991, providing for fairness in hiring, promotion and other employment practices.

Recent Supreme Court decisions, "had really turned the clock back on civil rights.

"I don't think you can do that. I wanted to remedy that." Also, he wanted his party in the forefront of the fight for civil rights.

A major disappointment was the 1986 tax act. "It started out as a good concept and turned sour. The problem was that in order to come up with additional revenue to make the numbers add up in conference, the bill had to scuttle more and more from the tax code that I felt was important."

As co-chairman with Senator Bob Kerry of a commission to study entitlements—Medicare, Medicaid, Social Security and the Federal Retirement System—he has concluded that entitlement spending will consume in the next couple of decades all tax revenues "except for what we pay for interest on the debt and by about 2030 we won't even be able to pay interest on the debt."

What can be done? "There is a variety of things, all of them painful. You could means test or adjust the cost of living formula. It is like a disease. The earlier you deal with it, the less painful the cure, the longer it goes, the more painful the cure."

The commission's findings describe the economic future that will confront Americans during the first quarter of the 21st century if the Nation fails to act.

"The picture that they paint is unsettling. The findings are not, however, a prediction of the future. They are merely the product of current budget policies if our course is not changed. A better future for America can be secured if the country embarks on the course of long-term reform."

However, he said, "We have a system of government which is ingenious and brilliantly devised more than 200 years ago by people who really put it together right. We have this very diverse country with all of these people, all of these different backgrounds and beliefs, and they come here from all over the world and bring so much."

The complex issues with which he has dealt in the Senate could not have occurred to the boy Jack Danforth nearly a half-century ago as he sat in the Senate gallery to listen and watch. Certainly, he could not have envisioned himself among those men. But that trip to Washington changed his life.

"My parents had taken Don and me East partly to attend Bill's graduation from Princeton. I remember going to the Senate chamber, sitting in the balcony and thinking, 'Gee, I would like to do that sometime.'"

And so in that hour was born a dream that would not be denied. Neither of his parents was interested in politics as a career but it was typical of them, Jack said, that they supported and encouraged whatever their children chose.

"It was a wonderful childhood. They were both very loving and supportive of us. They thought of us as different individuals. They were non-directive. They didn't tell us what to do. Rather, they encouraged our strengths.

"Donald Danforth was really a wonderful father, a very kind man and very loving. Every memory I have of my father is of a loving father, of a man who liked to hug us a lot.

"With my brothers and sister and me, it was never fear that motivated us. It was a desire to make our parents proud. That, to me, is the great motivator. Even now that they are gone, I want to make them proud and make my wife proud, and our kids proud.

"For our children, it is the same. We are very proud of them. They are also very different. And they are really good kids. They have good values and are nice people."

None has chosen to follow him into politics although two have followed him into the law. The eldest, Eleanor (Mrs. Allan IV) Ivie, lives here and keeps busy rearing her three sons. Mary (Mrs. Thomas) Stillman has her law degree and is assistant dean at Washington University. She is the mother of a boy and girl. Dorothy (Mrs. Johannes) Burlin, known to the family as D.D., also is a lawyer, practicing under the name of Danforth. Johanna (Mrs. Timothy) Root, known as Jody, is a hospice nurse in Connecticut. Thomas is a senior at St. Olaf College in Northfield, Minn.

"In our family, the dinner table was and is important. That was the time you knew the family would be together. We weren't going to watch television. We would sit there and talk.

"At the Senate I frequently got home late but it was still important for us to be together. I would always ask the children, 'Tell me about your day.' Sally is the same way. It's important just to find the chance to show interest in kids and to take pride in them, to find something they can do well and appreciate that, to let them know you feel they are terrific. Everyone has something that you can appreciate and praise."

Although Jack's desire to go into the ministry did not blossom until his college days at Princeton when he happened to have a free hour in his class schedule and a faculty advisor suggested a religion course in ethics. "I liked that course and took another and ended up majoring in religion. I was really interested and decided between my junior and senior years that I wanted to go into the seminary so I entered Yale Divinity School.

"It was soon apparent that this was not for me as a full-time career. The parish ministry was something I was not equipped for so I reverted to my original idea to go to law school and by the time I started unwinding my career path I was two years into Divinity School. So in 1963, he received both degrees."

But Jack Danforth had a third string to his bow—politics. In 1968, in his first race for public office, Missouri attorney general, he achieved the first Republican victory in a statewide race in more than 20 years and began a period of reform and two-party politics in Missouri.

He was re-elected in 1972, went to the Senate four years later and was re-elected in 1982 and 1988.

In this public life, he has received numerous honors. The most recent—as co-recipient with Chancellor Danforth—is the Regional Commerce and Growth Association's Right Arm of St. Louis award.

In 1988, one of the greatest honors in America—the vice presidency—might have been his, rather than Dan Quayle's.

James Baker, who was handling George Bush's 1988 campaign, asked him to submit material as a potential choice for the office, and although he was far from enthusiastic, he sent it.

"I was at the convention just one day. I had just returned home when I got a call from Bush saying he had selected Quayle as his running mate. "I said, 'I'm happy to hear that.' Bush said in disbelief, 'You are?'"

Even the top office has never tempted him. "It would be too pre-emptive of my life. The only reason to run for president is to win and if you win, that's all you are for the rest of your life.

"No, once I am out of the Senate, I am not a senator. You are not a senator for the rest of your life. You close the book on that even though it was a wonderful chapter."

Now that John Claggett Danforth has come home again, the book is opened again for the next chapter.

SELECTION COMMITTEE

Thomas F. Eagleton and John C. Danforth were selected as the 1994 St. Louis Men of the Year by 19 citizens, each of whom had been chosen in the past for the award. They are the 41st and 42nd to be so honored since the award was first established in 1955.

Listed on the selection committee, and in order of their receiving the honor, are the Rev. Paul C. Reinert, S.J., chancellor emeritus of Saint Louis University; Howard F. Baer, former president of the A.S. Aloe Co. and retired chairman, Bank of Ladue; Harold E. Thayer, retired chairman, Mallinckrodt Inc.; W.L. Hadley Griffin, chairman of the executive committee, Brown Group Inc.; Lawrence K. Roos, retired president of the Federal Reserve Board of St. Louis; Edwin S. Jones, retired chairman and chief executive officer of First Union Bancorporation and The First National Bank; Dr. William H. Danforth, chancellor of Washington University; William H. Webster, former director of the Central Intelligence Agency and the Federal Bureau of Investigation; Zane E. Barnes, retired chairman and chief executive officer of Southwestern Bell Corp.; Clarence C. Barksdale, vice chairman of the board of trustees, Washington University; G. Duncan Bauman, retired publisher of the St. Louis Globe-Democrat; Sanford N. McDonnell, chairman emeritus, McDonnell Douglas Corp., Charles F. Knight, chairman and chief executive officer, Emerson Electric Co.; Lee M. Liberman, chairman emeritus, Laclede Gas Co.; August A. Busch III, chairman of the board and president of Anheuser-Busch Cos. Inc.; Dr. Peter H. Raven, director of the Missouri Botanical Garden; William E. Cornelius, retired chairman, Union Electric Co.; Osborne E. "Ozzie" Smith, shortstop for the St. Louis Cardinals; and H. Edwin Trusheim, chairman, General American Life Insurance Co.

Twenty-one recipients have died: David R. Calhoun Jr., chairman of the board of St. Louis Union Trust Co.; Major Gen. Leif J. Sverdrup, chairman of the board of Sverdrup & Parcel Associates Inc.; Ethan A.H. Shepley, chancellor of Washington University; Stuart Symington, United States senator from Missouri; Morton D. May, chairman of May Department Stores Co.; Thomas B. Curtis, United States congressman from Missouri; August A. Busch Jr., chairman of Anheuser-Busch Cos. Inc.; Edwin M. Clark, president of Southwestern Bell Telephone Co.; H. Sam Priest, chairman of the Automobile Club of Missouri; James P. Hickok, chairman of The First National Bank in St. Louis; Dr. Charles Allen Thomas, board chairman of Monsanto Co.; James S. McDonnell, chairman of the board of McDonnell Douglas Corp.; William A. McDonnell, chairman, The First National Bank in St. Louis; C. Powell Whitehead, chairman of General Steel Industries; Frederic M. Peirce, chairman of the board of General American Life Insurance Co.; Maurice R. Chambers, chairman of the board, Interco, Inc.; George H. Capps, president of Volkswagen Mid-America Inc. and Capital Land Co.; Armand C. Stalnaker, chairman of the board, General American Life Insurance Co.; Edward J. Schnuck, chairman of the executive committee, Schnuck Markets Inc.; Robert Hyland, senior vice president of CBS and general manager of KMOX and KLOU-FM Radio; and Donald O. Schnuck, chairman of the board, Schnuck Markets Inc.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

ORDERS FOR TOMORROW AMENDED

Mr. LOTT. Madam President, I have a couple of unanimous consent requests which have been checked with the Democratic leader and have been cleared.

So at this time I ask unanimous consent that the orders for tomorrow be amended to reflect that the period for morning business be extended to the hour of 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each and that at 10:30 the Senate begin consideration of the unfunded mandates bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 1

Mr. LOTT. Madam President, I ask unanimous consent that H.R. 1, the House companion bill to the congressional coverage bill, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Madam President, finally, if no further business is to come before the Senate—I only see one other Senator waiting to speak. After the conclusion of the remarks by the distinguished Senator from Pennsylvania, I ask unanimous consent that the Senate stand in recess as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Madam President.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH PENALTY

Mr. SPECTER. Madam President, within the past week, the State of Texas has executed a man named Jesse Jacobs for murder in a case which, in an unusual twist, will severely hamper law enforcement and thwart the use of the death penalty as a deterrent against murder.

In this case, the State of Texas first convicted Jesse Jacobs on a murder charge and then convicted his sister, Bobbie Jean Hogan, for the same murder, articulating very different factual circumstances as to how the murder was committed.

In the first trial involving Jesse Jacobs, the State of Texas contended that he had, in fact, committed the murder, based largely on his confession. At the time of trial, Jesse Jacobs recanted his confession and said, in fact, that he was trying to protect his sister. The jury convicted him of murder in the first degree with the death penalty, which was later imposed. Between that trial and the execution of Jesse Jacobs, which occurred within the past week, the State of Texas indicted his sister, Bobbie Jean Hogan, and said that she, in fact, had committed the murder, and she was convicted of homicide in the second trial.

When the case reached the Supreme Court of the United States, the court refused to hear the appeal of Jesse Jacobs on the ground that Jacobs had presented no newly discovered evidence requiring Federal review, which is a very startling finding under the facts of this case.

The decision by the Supreme Court not to review Jesse Jacobs' case was 6 to 3. And Justice John Paul Stevens said this in asking the Supreme Court to review the case: "It would be fundamentally unfair to execute a person on the basis of a factual determination that the State has formally disavowed," because when Jacobs was convicted of murder, it was on the State's representation that he had, in fact, pulled the trigger. Later, the State found different facts, that it was not Jacobs who had pulled the trigger but that it was his sister, Bobbie Jean Hogan, whom he had sought to protect.

I submit, Madam President, that this case poses a very material problem in a number of directions. First, on the facts, I think that Jacobs was entitled to have the case reviewed because of the very unusual circumstances where a later investigation disproved his confession and in fact showed that what he had said at trial when he recanted—that is took back his confession—that it was his sister, was true, because the State then proceeded to prosecute the sister. Beyond the palpable unfairness to Jacobs, who was executed, without the Supreme Court even reviewing the case, this is a real threat to the continued use of the death penalty, which I believe is very important for law enforcement in the United States.

I served as an assistant district attorney in Philadelphia for some 4 years, tried many cases of violence, robbery, murder, rape, and later was district attorney of an office handling 30,000 prosecutions a year, including some 500 homicide cases. I have found in that experience that the death penalty is a very effective deterrent against violence.

The death penalty has been imposed relatively little since 1972 when the Supreme Court of the United States in a case called Furman v. Georgia, said that the death penalty was unconstitutional, unless very stringent standards were set where the State proved a series of aggravating circumstances which overbalanced any mitigating circumstances which the defendant might produce—that is, that it was a very horrendous offense. And all the people on death row at that time had their convictions invalidated. During the course of the intervening years since 1972, there have been other Supreme Court decisions which further limited the applicability of the death penalty. So that in the most recent statistics available, with some 2,800 people on death row, only 38 cases had the sentence of death carried out.

The statistics show that when the death penalty was being enforced, the homicide rate was much less than it is in the period since 1972 when the death penalty had not been enforced. In my own State of Pennsylvania, there has been no carrying out of the death penalty since 1962.

My conclusion, as a former prosecuting attorney, that the death penalty is, in fact, a deterrent was based on many, many cases, where I saw professional burglars and robbers who were unwilling to carry weapons because of the fear that they might commit a killing in the course of a robbery or burglary, and that would constitute murder in the first degree, as a felony murder.

There is a vast volume of evidence to support the conclusion that the death penalty is an effective deterrent, although I would say, at the same time, that many people disagree with the statistics, and there are many people who have conscientious scruples against the imposition of the death penalty, which I respect. But it is the law of 36 of the States of the United States that the death penalty is valid and in effect.

There is a move in many other States—in New York now, with the newly elected Governor; in Iowa at the present time, and other States—to reinstitute the death penalty because of the conclusion of most people that it is an effective deterrent against violent crime and we should use every weapon at our disposal to try to curtail crimes of violence, which is the most serious problem facing the United States on the domestic scene.

I submit, Madam President, that if we impose the death penalty in a callous or unreasonable fashion that we are going to lose the death penalty. The death penalty remains a penalty which the American people want enforced, as demonstrated by poll after poll, with more than 70 percent of the American people favoring the death penalty. In the U.S. Senate during the recent votes, more than 70 United States Senators consistently voted in favor of the death penalty, as they did on my Terrorist Prosecution Act, for the imposition of the death penalty for terrorists anywhere in the world who murder a U.S. citizen.

But if we are to retain the death penalty, we are going to have to use it in a very careful way. If we are to find cases like the Jacobs case, where a man is executed after the State represents, in an affirmative way, on the subsequent trial of his sister Hogan that, in fact, the materials presented to the jury in the Jacobs case, where the jury imposed the death penalty, were false, then that is going to undermine public confidence in what we are trying to do.

For the past 5 years, I have tried to change the Federal procedures on Federal review of death penalty cases because today it is ineffective. There are some cases which go on in the Federal courts for up to 20 years, where the death penalty is not imposed because of arcane and illogical decisions in the appellate courts; where the case goes from the State courts to the Federal courts, back and forth on many occasions, because of the Federal procedural law which requires what is called exhaustion of State remedies. The case will go to the Federal court, which will send it back to the States, saying there has not been an exhaustion of State remedies, and back to the State and back to the Federal courts.

So that the legislation which I have pushed would give the Federal court jurisdiction immediately, on the conclusion of the State supreme court that the death penalty is imposed with time limits providing fairness to the defendant, but an end to the ceaseless round of appeals.

My bill was passed by the Senate in 1990, but was rejected by the House. I believe in this Congress, the 104th Congress, there is an excellent opportunity to have those changes made in the application of Federal procedures so that the death penalty will again be an effective deterrent. And it is effective only if it is certain and if it is swift, which is not the case at the present time. The death penalty is, in effect, a flagship of punishment under our criminal justice system. So, that the criminals know that the death penalty is a laughing stock, it impedes law enforcement in a very generalized way.

So when I read about the execution of Jesse Jacobs in Texas under circumstances which are going to undermine public confidence in the death penalty, may make it harder to get a reform of Federal law to handle the cases in a timely way so that they are decided in approximately 2 years instead of 20 years, and where the use of the death penalty may be undermined generally, that is very counter to the interests of society and effective law enforcement.

It is obviously fundamentally unfair, as Justice John Paul Stevens said and three Justices who wanted the Supreme Court of the United States to review this case.

I believe that the Congress is going to have to enact legislation to correct what is happening in the Supreme Court on these procedural matters. When they hand down decisions on constitutional grounds, that is it, unless there is a constitutional amendment. But when they establish their own procedural rules as to when they will review a State case involving the death penalty, that is a matter where the Congress can legislate because we can establish the standards under which jurisdiction attaches and under which the Supreme Court and the other Federal courts will consider these cases.

This case has not received the kind of attention which is really warranted.

There are so many events that happen every day and so many matters which come across the television screens and in the newspapers and on the radio that there is not a great deal of opportunity to focus on this kind of a matter.

I had been looking for a few minutes when the Senate was not otherwise engaged. I regret keeping people here for a few minutes, but I think this is an important matter which will require the attention of our Judiciary Committee so that there will be some realistic and reasonable standards by the Supreme Court of the United States in the interest of fundamental fairness to defendants, and also so that we can retain the death penalty and speed up the process so that it can be an effective weapon for law enforcement

I thank the Chair and I thank the attending staff, and I yield the floor.

RECESS UNTIL TOMORROW AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess.

Thereupon, the Senate, at 7:17 p.m., recessed until Thursday, January 12, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 11, 1995:

THE JUDICIARY

LACY H. THORNBURG, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE ROBERT D. POTTER, RETIRED.

JOHN D. SNODGRASS, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE E.B. HALTOM, JR., RETIRED.

SIDNEY H. STEIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE PIERRE N. LEVAL, ELEVATED.

THADD HEARTFIELD, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE ROBERT M. PARKER, ELEVATED.

DAVID FOLSOM, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE SAM B. HALL, JR., DECEASED.

SANDRA L. LYNCH, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE STEPHEN G. BREYER, ELEVATED.

EXTENSIONS OF REMARKS

"TIME OUT" FOR EPA

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. UPTON. Mr. Speaker, I am introducing today legislation to delay full implementation of the Clean Air Act by 2 years. As this program has unfolded, it is clear that it is generating more expense and disruption than was foreseen at enactment.

Most knowledgeable Americans still support the Clean Air Act's goals and most are willing to accept reasonable personal sacrifice to achieve those goals. But, as EPA tightens the program's enforcement screws, I fear a public backlash that could undermine support for the program itself. Americans are simply in no mood for Dracoian regulatory programs, especially when program benefits are so difficult to determine.

We have a situation in western Michigan that illustrates this point. A three county area generally around Grand Rapids and Muskegon is a nonattainment area. Studies by the U.S. Environmental Protection Agency and Michigan's Department of Natural Resources confirm that 80 to 90 percent of the pollution measured in this nonattainment area is not produced locally, but drifts across Lake Michigan from the industrial complexes on her western shore.

EPA is leaning hard on the State and on local agencies to take difficult steps to bring the area into compliance. These steps include a centralized or enhanced inspection and maintenance system for automobiles, a system that will be expensive and inconvenient. Three testing centers have been built in western Michigan at a cost of some $16 million but they have catalyzed great public outcry and their opening has been delayed.

EPA has required development of regional transportation plans to evaluate transportation proposals to insure that traffic generated by those proposals won't push the region over its ozone budget. As described by one local official:

> We have to take into consideration all the variables, including employment centers and traffic patterns, and project those in place in future years. We then have to run that data through the EPA's model and prove that the resulting emissions are less than the base case, which is 1990.

This is a significant and questionable change in the way local governments have operated. Under such a system, it's hard to see what the function of local government will be. If all decisions are driven by Clean Air Act considerations, what is the residual role of State and local agencies? Is EPA to be a national office of planning, zoning and development?

The public has yet to be convinced that such heavyhanded regulation will achieve results worth the costs involved. In the case of enhanced inspection and maintenance, a 1992 study by the General Accounting Office found more than one in four cars that failed the initial emissions test subsequently passed a second emissions test even though no repairs were made to the vehicles.

In areas more severely out of compliance, EPA has advocated an array of programs including mandatory carpooling that will have even heavier impact on the daily lives of working Americans. Small wonder that these planning, inspection, and trip reduction strictures cause many to wonder if job creation and economic development are even possible in areas under EPA's regulatory thumb. Few of the people I represent, viewing EPA data on the steady improvement in air quality, truly believe that the problem demands such solutions.

Earlier today, I wrote to the new chairman of the Commerce Committee's Subcommittee on Health and the Environment urging two actions on him. First, I asked that he schedule informational hearings as soon as feasible to reexamine the Clean Air Act, the assumptions accepted at the time of enactment and the methods proposed for achieving the act's goals. Secondly, I asked him to support a postponement in further enforcement of the act.

I have in mind a time out to reassess the situation and to allow State and local agencies additional time to determine what needs to be done and to do it. The bill I am introducing today simply grants a 2-year delay in further EPA requirements and in the imposition of sanctions against those unable to fulfill them.

Mr. Speaker, a clear message in November's election results is that Americans are weary of big, complicated and burdensome Federal regulatory programs. The public is not convinced that they generate benefits commensurate with their costs. I urge my colleagues to join me in assuring that the Clean Air Act's results justify its costs.

INTRODUCTION OF THE "HOUSING COUNSELING ENHANCEMENT ACT OF 1995"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, today I am introducing the "Housing Counseling Enhancement Act of 1995" to help veterans stave off foreclosure and keep their homes. I urge my colleagues to cosponsor this important legislation.

My bill contains two major provisions. First, the bill strikes from the notification provision of the Housing and Urban Development Act of 1968 the cause that excepts individuals who receive loans backed by the U.S. Department of Veterans Affairs [VA]. It is common knowledge that housing counseling services have helped dramatically in staving off foreclosures of loans backed by the U.S. Department of Housing and Urban Development [HUD]. After successfully extending the program to those with conventional loans through enactment of the Emergency Homeownership Counseling [EHC] Program. I again attempted to extend the service to those with VA-backed loans during the past Congress. My amendment to H.R. 3838 would have included VA-backed loans in the program by contacting VA borrowers 45 days delinquent in making a mortgage payment and notifying them that there are housing counseling services available to him or her via a 1–800 number. The measure, like the amendment, will not mandate any type of VA involvement. Rather, it will give the borrower additional means to avoid a nightmare.

Although the VA offers its own counseling services, they are far less effective because the borrower is not notified until he or she is 105 days delinquent. As anybody who has faced foreclosure will tell you, 90 days is already too late, let alone 105. Consequently, although the delinquency rate of HUD-backed loans—7.81 percent—was higher than VA-backed loans—6.73 percent—in 1993, the percentage of loans in foreclosure was nearly the same for HUD loans—1.43 percent—as it was for VA loans—1.34 percent. Of course, compare these numbers to those of conventional loans—2.65 percent delinquency, 0.72 percent foreclosure—and we see the positive influence of the EHC Program reflected.

Housing counselors have urged me to help the roughly 3.5 million borrowers with VA-backed loans avoid foreclosure. I believe this provision is a step in that direction. The Mortgage Bankers Association of America has expressed, from a lender perspective, that this provision is economically sound because it helps to prevent costly foreclosures. Congress should heed its input. With each foreclosure costing the Government an average of $28,000, Congress can ill-afford not to adopt the bill.

Second, the bill authorizes $62 and $65 million in funding for fiscal years 1996 and 1997, respectively, for all counseling programs. Half of these amounts, which are identical to what was included in H.R. 3838, are earmarked for the EHC Program.

Mr. Speaker, at times Congress passes spending programs that appear one-way in nature. We spend the money, but never see the benefits. The EHC Program, however, is a preventative service has a proven track record of helping homeowners avoid nightmarish and costly foreclosures.

Again, I urge my colleagues to sign on as a cosponsor to the Housing Counseling Enhancement Act of 1995.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Counseling Enhancement Act of 1995".

SEC. 2. EXTENSION OF PROGRAMS.

(a) EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1997".

(b) PREPURCHASE AND FORECLOSURE-PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(13)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1997".

SEC. 3. NOTIFICATION OF DELINQUENCY ON VETERANS HOME LOANS.

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(C) NOTIFICATION.—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended—

(1) in subsection (a), by striking paragraph (3);

(2) in subsection (c)—

(A) by striking paragraph (8); and

(B) by redesignating paragraph (9) (as amended by section 2) as paragraph (8);

(3) in subsection (d)—

(A) by striking paragraph (12); and

(B) by redesignating paragraph (13) (as amended by subsection (a)) as paragraph (12);

(4) in subsection (f), by striking paragraph (7); and

(5) by adding at the end the following new subsection:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $62,000,000 for fiscal year 1996 and $65,000,000 for fiscal year 1997. Of any amounts appropriated for any such year to carry out this section, the Secretary shall use not less than 50 percent to carry out subsection (c) and the Secretary may use 50 percent (or such lesser amount as may be appropriate) for counseling for renters. Any amounts appropriated pursuant to this subsection shall remain available until expended.".

SALUTE TO DR. JOSEPH D. PATTERSON, SR.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Dr. Joseph D. Patterson as he is installed as the president of the Black Clergy of Philadelphia at Hickman Temple A.M.E. Church on January 8. Dr. Patterson takes over the presidency of the Black Clergy, one of the most influential positive social forces in the city, from Rev. Jesse Brown who has lead the organization over the past years with great dignity and ability.

Dr. Patterson is a great leader in the Philadelphia community. He is a trustee at Cheyney University, a board member of the Philadelphia Industrial Development Corp., chairman of the board of the Baltimore Avenue Redevelopment Corp., and has served over the past years as first vice president of the Black Clergy before his election to the presidency.

Dr. Patterson's commitment to the strengthening of the community is well known. He believes unfailing in a comprehensive approach to solving society's problems, and has been an outspoken advocate for health care improvement, the strengthening of the family, the importance of education, and the elimination of violence in our neighborhoods.

I join with Dr. Patterson's friends, family, and the entire Philadelphia community in wishing him the best of luck at his new post, and look forward to many years of his expedient leadership.

25TH ANNIVERSARY OF BRUCE COLLINS ELEMENTARY SCHOOL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize the 25th anniversary of Bruce Collins Elementary School in Sterling Heights, MI. This anniversary was celebrated November 23, 1994.

Many times this body has heard discussions about problems with our education system. Collins Elementary School clearly does not fit this category. Collins Elementary school has actively pursued a partnership with the parents in order to form a better learning environment. The teaching staff has also played a major role in the school's 25 successful years. The teachers' 100 percent participation on the school improvement team is just one example of their commitment to the students. The major leader in Collins' success has been Principal Don Santilli who has directed the school for over 15 years.

With over 448 students the school has developed and implemented many programs to extend beyond the standard classroom learning environment. One such program is HOT in which students learn about the hazards of tobacco from the American Cancer Society. Another more renown program is DARE. This is an innovative drug prevention program which not only teaches the danger of tobacco, alcohol, and drugs but also instructs the students through practical situations, how to avoid these substances.

Bruce Collins Elementary School is much more than the simple brick and mortar of some facilities. This school has been instrumental in the teaching of students for over 25 years in the important early years of elementary school.

Mr. Speaker, I applaud the 25 years of successful education at Bruce Collins Elementary School and am sure that the next 25 years of this fine institution will be equally, if not more, successful.

MACBRIDE PRINCIPLES BILL, H.R. 470

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GILMAN. Mr. Speaker, today I rise to introduce the MacBride Principles Bill, H.R. 470. I am pleased to be joined by my distinguished colleague, the gentleman from New York [Mr. MANTON], as an original cosponsor of this important measure. I am also pleased to cochair the bipartisan ad hoc Committee for Irish Affairs with Mr. MANTON.

Fair employment for Catholics in Northern Ireland is an issue that has concerned me for a very long time. For example, in a letter as far back as July 20, 1979, I requested the Irish National Caucus to investigate hiring practices of United States companies in Northern Ireland. This was the first time this issue was raised by anyone in the U.S. Congress.

The caucus investigation lead to a congressional bill H.R. 3465: "Requiring United States persons who conduct business or control enterprises in Northern Ireland to comply with certain fair employment principles," 1983. I was a proud cosponsor of that bill in time this led to the Irish National Caucus launching the MacBride Principles bill in November 1984. On October 1, 1986, I was cosponsor of the congressional MacBride bill. This is the bill I proudly reintroduce today as the 104th Congress begins legislative business.

This bill would prohibit United States companies in Northern Ireland from exporting their products back to the United States unless they are in compliance with the MacBride Principles.

The MacBride Principles campaign in the United States has been the most effective effort ever against anti-Catholic discrimination in Northern Ireland. Informed observers would agree that it has played a key role in putting the issue of anti-Catholic discrimination on the front burner. It was instrumental in bringing about the British Government's Fair Employment Act of 1989.

The MacBride Principles have won the support of the Irish Government, the European Parliament, and the President of the United States. Mr. Clinton as a candidate pledged during the 1992 Presidential campaign that he would support the principles. As President, on St. Patrick's Day in 1993 in the White House, Mr. Clinton reaffirmed his support for the principles. They have been passed into law in 16 States, including my own great State of New York. Over 40 cities have also passed laws or resolutions on the principles. Indeed, the U.S. Congress allowed the principles to become law for the District of Columbia on March 16, 1993.

Recently the Protestant and Catholic churches in Ireland joined with Protestant and Catholic churches of the United States of America and issued a call for fair employment and investment in Northern Ireland. This is what they said about the MacBride Principles.

> Many Americans support the MacBride Principles, as amplified, as good faith, nonviolent means to promote fair employment. We urge that any support of these amplified

principles, which offer positive values and focus on fair employment, be joined with continued support for strong, fair, employment measures and as an active commitment to investment and job creation. The amplified principles, as many of their advocates agree, should not be used to discourage investment or encourage disinvestment.

Since 1986, over 100 Members of Congress have declared their support for the MacBride principles, as has the current Clinton administration, as well. Now, surely with peace moving forward and political solutions being sought for Northern Ireland, it is time for Congress to pass the MacBride principles, and also incorporate the principles as part of any planned increase in economic development assistance and new United States investment we are encouraging into Northern Ireland in aid of the ongoing peace process.

The methods we use to help address the twin problems of unemployment and discrimination, especially in the Catholic community, can and will play a important role in the chances for lasting peace and justice developing in Northern Ireland. For without a shared and equally distributed economic development, among both traditions, peace and justice may never take firm and lasting hold in Northern Ireland. The MacBride principles provide us a real tool to help being all these important goals to fruition, and avoid merely maintaining the totally unacceptable status quo of twice the level of Catholic unemployment in Northern Ireland.

Accordingly, I urge my colleagues concerned about lasting peace and justice in Northern Ireland to support the bill we are introducing today. I request that the full text of this measure be included at this point in the RECORD.

H.R. 470

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Fair Employment Practices Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Currently, overall unemployment in Northern Ireland is approximately 13 percent, as compared to 9 percent in the rest of the United Kingdom.

(2) Unemployment in the minority community in Northern Ireland is 22.8 percent, and in some portions of the minority community unemployment has historically exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is two times more likely to be unemployed than a member of the majority community.

(4) The Investor Responsibility Research Center (IRRC), Washington, District of Columbia, lists 80 publicly held United States companies doing business in Northern Ireland, which employ approximately 11,000 individuals.

(5) The religious minority population of Northern Ireland is subject to discriminatory hiring practices by some United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs.

(6) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

SEC. 3. RESTRICTION ON IMPORTS.

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland, in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

SEC. 5. MACBRIDE PRINCIPLES.

The principles referred to in section 4 are the MacBride Principles, which are as follows:

(1) INCREASING THE REPRESENTATION OF INDIVIDUALS FROM UNDERREPRESENTED RELIGIOUS GROUPS IN THE WORK FORCE INCLUDING MANAGERIAL, SUPERVISORY, ADMINISTRATIVE, CLERICAL, AND TECHNICAL JOBS.—A workforce that is severely unbalanced may indicate prima facie that full equality of opportunity is not being afforded all segments of the community in Northern Ireland. Each signatory to the MacBride Principles must make every reasonable lawful effort to increase the representation of underrepresented religious groups at all levels of its operations in Northern Ireland.

(2) ADEQUATE SECURITY FOR THE PROTECTION OF MINORITY EMPLOYEES BOTH AT THE WORKPLACE AND WHILE TRAVELLING TO AND FROM WORK.— While total security can be guaranteed nowhere today in Northern Ireland, each signatory to the MacBride Principles must make reasonable good faith efforts to protect workers against intimidation and physical abuse at the workplace. Signatories must also make reasonable good faith efforts to ensure that applicants are not deterred from seeking employment because of fear for their personal safety at the workplace or while travelling to and from work.

(3) THE BANNING OF PROVOCATIVE RELIGIOUS OR POLITICAL EMBLEMS FROM THE WORKPLACE.—Each signatory to the MacBride Principles must make reasonable good faith efforts to prevent the display of provocative sectarian emblems at their plants in Northern Ireland.

(4) ALL JOB OPENINGS SHOULD BE ADVERTISED PUBLICLY AND SPECIAL RECRUITMENT EFFORTS MADE TO ATTRACT APPLICANTS FROM UNDERREPRESENTED RELIGIOUS GROUPS.—Signatories to the MacBride Principles must exert special efforts to attract employment applications from the sectarian community that is substantially underrepresented in the workforce. This should not be construed to imply a diminution of opportunity for other applicants.

(5) LAYOFF, RECALL, AND TERMINATION PROCEDURES SHOULD NOT IN PRACTICE FAVOR A PARTICULAR RELIGIOUS GROUP.—Each signatory to the MacBride Principles must make reasonable good faith efforts to ensure that layoff, recall, and termination procedures do not penalize a particular religious group disproportionately. Layoff and termination practices that involve seniority solely can result in discrimination against a particular religious group if the bulk of employees with greatest seniority are disproportionately from another religious group.

(6) THE ABOLITION OF JOB RESERVATIONS, APPRENTICESHIP RESTRICTIONS, AND DIFFERENTIAL EMPLOYMENT CRITERIA WHICH DISCRIMINATE ON THE BASIS OF RELIGION.—Signatories to the MacBride Principles must make reasonable good faith efforts to abolish all differential employment criteria whose effect is discrimination on the basis of religion. For example, job reservations, and apprenticeship regulations that favor relatives of current or former employees can, in practice, promote religious discrimination if the company's workforce has historically been disproportionately drawn another religious group.

(7) THE DEVELOPMENT OF TRAINING PROGRAMS THAT WILL PREPARE SUBSTANTIAL NUMBERS OF CURRENT MINORITY EMPLOYEES FOR SKILLED JOBS INCLUDING THE EXPANSION OF EXISTING PROGRAMS AND THE CREATION OF NEW PROGRAMS TO TRAIN, UPGRADE, AND IMPROVE THE SKILLS OF MINORITY EMPLOYEES.—This does not imply that such programs should not be open to all members of the workforce equally.

(8) THE ESTABLISHMENT OF PROCEDURES TO ASSESS, IDENTIFY, AND ACTIVELY RECRUIT MINORITY EMPLOYEES WITH POTENTIAL FOR FURTHER ADVANCEMENT.—This section does not imply that such procedures should not apply to all employees equally.

(9) THE APPOINTMENT OF A SENIOR MANAGEMENT STAFF MEMBER TO OVERSEE THE COMPANY'S AFFIRMATIVE ACTION EFFORTS AND THE SETTING UP OF TIMETABLES TO CARRY OUT AFFIRMATIVE ACTION PRINCIPLES.—In addition to the above, each signatory to the MacBride Principles is required to report annually to an independent monitoring agency on its progress in the implementation of these Principles.

SEC. 6. WAIVER OF PROVISIONS.

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within the ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b)

of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SEC. 7. DEFINITIONS AND PRESUMPTIONS.

(a) DEFINITIONS.—For the purpose of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

SEC. 8. EFFECTIVE DATE.

This act shall take effect 180 days after the date of enactment of this Act.

CLARIFYING THE RIEGLE-NEAL INTERSTATE BANKING ACT

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. ORTON. Mr. Speaker, I rise to provide clarification of the Riegle-Neal Interstate Banking and Branching Act of 1994.

Last year, I was proud to be an original cosponsor of H.R. 3841, the House version of interstate banking legislation which became law. I participated both in subcommittee and full committee consideration of this important legislation. I worked hard to see this legislation work its way through the House to become law. I believe passage of this bill was an important step toward the modernization and full development of our banking system.

Therefore, I was disturbed to see a recent appellate court decision that, in my opinion, misinterprets the provisions of this interstate banking bill. The decision I am referring to is *Mazaika* v. *Bank One Columbus,* N.A. No. 00231 (Pa. Superior Court 1994) (en banc). Incidentally, other courts have reached the opposite conclusion.

The Mazaika 6 to 3 majority ruled that a national bank located in Ohio was not authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents. Collection of such charges is permitted under Ohio State law, but not under Pennsylvania State law. This decision relied on the applicable law provision of last year's interstate banking act in reaching the conclusion that Pennsylvania State law applies in such a case, notwithstanding section 85.

Based on my involvement in the legislative consideration of this bill, and on my understanding of its specific provisions, I believe that the conclusion reached in the Mazaika case is wrong. First, the applicable law provision in the interstate bill applies only when a bank branches into a second State. In such a case, the provision subjects the branch of a bank to the State laws of this second State unless those laws are preempted. In the case in point, however, no branching is involved. Therefore, section 85 is preemptive. In the case in point, the Ohio bank should not be subject to Pennsylvania limitations on credit charges.

Second, there is a savings clause in the interstate law that provides that nothing in the interstate law affects section 85 of the National Bank Act. As a result, the interstate law effectively preserves the lending authority of a national bank or State bank to collect lending charges on interstate loans from borrowers nationwide in accordance with the bank's home State limits.

Finally, while it is not relevant to legislative language or intent, it is my opinion that the Mazaika opinion, if upheld, could have a very detrimental effect on free-fettered banking activities. Philosophically, I believe in States rights. I believe that Federal laws should be preemptive only where there is an overriding need to provide national uniformity.

However, this is one such case where national rules should be preemptive. Subjecting lending activities of a bank in another State, where there are no branches, to that other State's limitations on credit card charges or usury limits would have a dampening effect on important interstate lending activities. This would also be contrary to the spirit and intent of the interstate banking bill, which is to expand lending activities nationwide.

Mr. Speaker, many Members of Congress spent countless hours last year crafting an interstate banking bill that increases credit availability and moves us into the 21st century. The Mazaika decision threatens this progress. It is my hope that this can be corrected.

CONGRATULATIONS TO LADY OLYMPIANS OF MARATHON, NY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. WALSH. Mr. Speaker, the biggest news in Marathon, NY, recently was the celebration surrounding the victorious Girls Field Hockey team, winners of the Class D New York State Championship. I ask my colleagues to join me today in adding our congratulations to the lady Olympians of Marathon High School who played on the team, the coaching staff and school staff, the fans who supported them so energetically throughout the season, and especially to the families and friends who traveled with the team to all the road games—notably, the 3-to-2 win in the State Championship game against North Warren at the State University of New York at Oneonta.

In the 21 years field hockey has been played in Marathon, a small and idyllic community in my upstate New York district, this is the first State Championship. We are all very proud.

The local celebrations have given residents a chance to display that pride, from the first night when the team returned home and fire sirens blared to the official ceremony at Lovell Field when each player and coach had time in the spotlight.

The girls have displayed the best competitive spirit as well as the best athletic performance. They have achieved much more than a series of victories, they have attained the satisfaction of personal best. While I salute their thrilling winning season, I applaud their outstanding individual drive.

The team is: Alissa Altmann, Annette Ando, Jenna Brown, Diana Contri, Carrie Ensign, Arlene Hallock, Jennie Lavens, Lela Leyburn, Hilary Matson, Bobbie McAllister, Gina Moyers, Tina Owen, Jen Potter, Kelli Reid, Joanna Ryan, Rachel Smith, Carla Tagliente, Tessa Warner, and Coach Karen Funk—who is responsible for the program's existence and its origin.

Mr. Speaker, I do not intend to overstate this accomplishment for it is in a field of sport—and not anything that directly relates to our business here today. But, when we honor the attainment of goals by these young people, we share their joy and their sense of community, a motivator for them which has been in abundance this season.

INTRODUCTION OF THE ECONOMIC DEVELOPMENT LOAN ASSISTANCE DEMONSTRATION PROGRAM ACT OF 1995

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, today I am introducing the Economic Development Loan Assistance Demonstration Program Act of 1995 to incentivize private sector investment in our Nation's most needy areas.

When President Clinton announced the establishment of more than 100 enterprise communities and empowerment zones last month, the Federal Government signaled that it is willing to provide incentives to entrepreneurs, small businesses, and nonprofit groups who look to locate in our depressed communities. I reintroduced this bill to enhance this worthy initiative.

Specifically, the bill authorizes the Secretary of Housing and Urban Development [HUD] to make grants to bank Community Development Corporations [CDC's] that have targeted Federal enterprise communities for revitalization. The CDC's are then authorized to use the grant moneys to buy down interest rates on loans to businesses and nonprofit organizations that engage in economic redevelopment activities in the enterprise communities. The new rate cannot exceed 60 percent of the market rate of interest on the loan.

I understand that money for new programs is scarce. I also understand the need to test market new ideas before diverting precious resources to fund them. This is why my legislation specifies that the program be established in only five Federal enterprise zones. It is also why the measure requires a review of the entire program in a report to Congress within 1 year of its enactment. The report enables Congress to determine the cost effectiveness of the program, which is authorized from fiscal year 1994 through fiscal year 1996 at a level of approximately $33 million each year.

Under the bill, economic development activities are defined as the construction and rehabilitation of housing, downtown and neighborhood commercial revitalization, industrial development and redevelopment, small and minority business assistance, neighborhood marketing, training and technical assistance, research and planning for nonprofit development groups, and other activities that create permanent private sector jobs.

Because of their continued involvement in the community, I believe it is best to work with CDC's to finance these activities. CDC's are established by national banks or bank holding companies and are regulated by either the Federal Reserve or the U.S. Treasury, depending on the particular corporation. The CDC's offer incentives for banks to participate in local community development projects. In exchange, bank regulatory agencies allow CDC's more flexibility with their investments. Under this setup, the Federal Government benefits from private sector organizations investing in their local communities, while CDC's benefit from higher yield investments, such as real estate and more chancy businesses.

As we all know, Mr. Speaker, it is essential that the private sector invest in its community. The Federal Government cannot and should not be the only entity investing in our depressed communities. This is why I believe my bill is significant. In the past, I have had moderate success with passing comparable programs. During the 101st Congress, I offered similar legislation as an amendment to the Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, when it was under consideration on the House floor. Although I was successful at attaching the measure, it was stripped during conference. More recently, I was able to attach a provision to the Economic Development Administration and Appalachian Regional Commission reauthorization bill that allowed the EDA to buy down interest loans on private economic development loans.

Despite this success, much more is needed to stem the tide of hopelessness in our communities. My bill is important because it merges two existing community development tools, CDC's and enterprise communities. Both have had limited success on their own on the local and State level, but with a jump start from this Federal demonstration program, we can combine them and incentivize investment.

Since 1977, my community has been devastated by an exodus of 55,000 manufacturing jobs. Unemployment in Youngstown, OH is twice that of the national average. I have seen first hand the hopelessness of a community crumbling around its citizens. As representatives of Americans like these, it is our duty to help them help themselves, to lend a hand so that they can return their communities to the thriving, healthy environment it once was.

We can begin this process, Mr. Speaker, through passage of this bill. I urge my colleagues to cosponsor the Economic Development Loan Assistance Program Act of 1995.

H.R. —

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Development Loan Assistance Demonstration Program Act of 1995".

SEC. 2. ESTABLISHMENT AND SCOPE OF DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall carry out a program to demonstrate the effectiveness of encouraging economic development in enterprise communities by making grants to community development corporations for reducing interest rates on loans for economic development activities in the enterprise communities.

(b) SELECTION OF ENTERPRISE COMMUNITIES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program under this Act with respect to 5 enterprise communities, which the Secretary shall select not later than the expiration of the 30-day period beginning on the date of the enactment of this Act.

(2) DIVERSITY.—Of the enterprise communities selected under this subsection, not less than 2 shall be located in rural areas (as defined in section 1393(a) of the Internal Revenue Code of 1986) and not less than 2 shall be located in metropolitan statistical areas (within the meaning of section 143(k)(2)(B) of such Code). In selecting the enterprise communities, the Secretary shall provide for national geographic diversity among enterprise communities participating in the demonstration program.

SEC. 3. GRANTS FOR ECONOMIC DEVELOPMENT LOAN ASSISTANCE.

(a) AUTHORITY.—Under the demonstration program under this Act, the Secretary may make grants to any community development corporation sponsored by a bank or thrift institution, by a nonbank economic development corporation, or by residents of an enterprise community selected under section 2(b).

(b) USE.—Each community development corporation receiving a grant under the demonstration program under this Act shall use the grant amounts to assist businesses and nonprofit organizations by reducing interest rates on loans for economic development activities carried out in an enterprise community selected under section 2(b).

(c) OTHER REQUIREMENTS.—The Secretary shall require each community development corporation receiving a grant under the demonstration program under this Act to—

(1) use the grant amounts to reduce the interest rate on a loan described in subsection (b) by an amount not to exceed 60 percent of the market rate of interest on such loan; and

(2) take any actions necessary to inform businesses and nonprofit organizations of the availability of such loans, including holding informational meetings, making public announcements, and placing notices in newspapers and other publications.

SEC. 4. MONITORING.

The Secretary shall monitor the use of grants made under this Act and the costs of administering such grants.

SEC. 5. REPORTS AND STUDY.

(a) ANNUAL REPORT.—The Secretary shall submit to the Congress, not later than 1 year after the date that amounts to carry out this Act are first made available under appropriations Acts and for each year thereafter in which amounts are available to carry out the demonstration program, a report containing an evaluation of the effectiveness of grants made under the demonstration program.

(b) STUDY AND REPORT ON EXPANDED PROGRAM.—

(1) STUDY.—The Secretary shall conduct a study regarding the effects and costs of carrying out a long-term and expanded program of making grants for the purposes under this Act. The study shall determine the need for such grants and the amount of funds necessary to carry out an effective program of national scope.

(2) REPORT.—The Secretary shall submit to the Congress, not later than September 30, 1998, a report regarding the results of the study under paragraph (1) and any recommendations for carrying out a program as described in paragraph (1).

SEC. 6. DEFINITIONS.

For the purposes of this Act:

(1) ECONOMIC DEVELOPMENT ACTIVITIES.—The term "economic development activities" means the construction and rehabilitation of housing, downtown and neighborhood commercial revitalization, industrial development and redevelopment, small and minority business assistance, neighborhood marketing, training, and technical assistance, research and planning for nonprofit development groups, and other activities which create permanent private sector jobs.

(2) ENTERPRISE COMMUNITY.—The term "enterprise community" means an area that is designated as an enterprise community under section 1391 of the Internal Revenue Code of 1986.

(3) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act in fiscal years 1996, 1997, and 1998 a total of $100,000,000.

SEC. 8. REGULATIONS.

The Secretary may issue any regulations necessary to carry out this Act.

TRIBUTE TO LYDIA BALDINI PIOMBO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Ms. ESHOO. Mr. Speaker, I rise today to honor Lydia Baldini Piombo, an outstanding citizen of the 14th Congressional District who passed away last November after 70 extraordinary years of life. She was a devoted wife and the mother of 5 loving children, and the proud grandmother of 10. She was married to Frank Piombo, one of California's most distinguished jurists, for a remarkable 47 years, and was a partner in all he did.

In addition to her family, Lydia Piombo's other great love was St. Anthony's Padua Dining Room in Menlo Park, CA. Through St. Anthony's exemplary efforts to feed the hungry, Lydia Piombo touched the lives of literally thousands of people. She served on St. Anthony's board for 15 years, including a term as president, and guided the organization in its vital work with her intelligence, common sense, warmth, and always her wisdom. Our community has been enriched beyond measure because of her faithful devotion to serving those who were in need, alleviating their hunger of both the body and the spirit.

Mr. Speaker, Lydia Baldini Piombo was a shining light amongst us, inspiring all who knew her or benefited from her care and concern. Her devotion to and understanding of humanity was unsurpassed as she lived each day embracing the belief that we are all God's children.

She lives on through her children and grandchildren, through her devoted husband Frank, and all of us who were blessed to be part of her life.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a noble woman who lived a life of purpose and extend our deepest sympathy to Frank Piombo, the Piombo children and grandchildren. Lydia Piombo's legacy is that she made each one of us better, and because of her our community and our country have been immeasurably bettered as well.

THE HONEST BUDGET RESOLUTION

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GEPHARDT. Mr. Speaker, while the Republicans advance their "Contract With America," Democrats will stay true to the oldest contract we have in this country: to disavow Government by gimmickry, and to govern in an open, honest, responsible way. Rather than rewriting the Constitution in a flash of ideological ink, it's time to live up to the principles of the Constitution itself.

So I am introducing House Resolution 33, the Honest Budget Resolution, and I am delighted that both the President and Senate Democratic leader, TOM DASCHLE, are joining me in supporting its passage. It says simply that before a balanced budget constitutional amendment can be sent to the States for debate, Congress must pass a plan to show exactly how we would balance the budget. Our States have a right to know. The people deserve a real plan of action—not just a bill of goods.

Democrats support balancing the budget as long as it's done honestly and responsibly. That's why we passed the largest deficit reduction package in history, without a single Republican vote. It was a $500 billion downpayment toward getting our fiscal house in order.

Republicans talk a good game about cutting the deficit, but actions speak louder than words. For years, they claimed that if they were in power, they could balance the budget. Now that they have the gavel, they're discovering what Democrats already knew, balancing the budget means tough choices. And the American people have a right to know what those choices will be.

After all, at the dawn of the 1980's, Republicans claimed they could give huge tax breaks to the wealthy, enact massive defense increases, and balance the Federal budget at the same time. The rhetoric didn't come close to the reality. Trickle down economics raised taxes on the middle class, exploded the deficit, and devastated our economy.

Today, that same fool's gold glimmers in the Republicans' eyes. More tax breaks for the wealthy; a tougher tax burden on hard-working, middle-class families. More space invaders defense systems; less support for crucial needs here at home. Reaganomics was a catastrophe in 1981, and it won't work in 1995.

When the Republicans bring their balanced budget amendment before the House, they must expect more from Democrats than blind faith without real proof. Democrats will demand that they give us facts, not fiction. Seniors have a right to know if Social Security or Medicare will be on the chopping block. Veterans have a right to know if their pensions will be slashed. Parents have a right to know if school funding or college loans will evaporate. Farmers have a right to know if Government will abandon its mission to help them feed our Nation.

It's time for the Republicans to put their money where their mouth is. The honest budget bill will force them to do that, once and for all.

INTRODUCTION OF THE MEDICARE SELECT EXPANSION ACT OF 1995

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am introducing a proposal to expand and make permanent the Medicare Select Program. My colleague, Senator CHAFEE, will be introducing an identical proposal in the Senate today as well.

The Medicare Select Program is currently a demonstration project that operates in only 15 States. It provides America's senior citizens with a MediGap managed care option. The program has been extremely successful. There are currently over 450,000 individuals enrolled in Medicare select policies. These individuals are enjoying premium savings over traditional fee-for-service MediGap policies that range from 10 to 37 percent. In real world terms, these reduced premiums translate into savings of up to $25 a month or $300 a year. This is obviously a significant savings for individuals on fixed incomes.

In addition, these policies are proving to be among the highest quality products available in the MediGap market today. In August 1994, Consumer Reports rated the top MediGap insurers nationwide. Eight of the top rated products were Medicare select plans. To date, there have been no reported abuses or problems with the Medicare Select Program.

This program also enjoys broad bipartisan support. Last year, 239 members cosponsored legislation to extend the program. In addition, the National Governors Association, the National Association of Insurance Commissioners, National Conference of State Legislatures, Families USA, and the National Committee to Preserve Social Security, and Medicare support expanding and making this program permanent.

The savings and benefits associated with the Medicare Select Program should be available to all of America's senior citizens. By expanding the program and making it permanent, Medicare select products will become much more broadly available and hundreds of thousands of seniors will, for the first time, be able to recognize the savings current participants in the program enjoy.

Mr. Speaker, Medicare select is now set to expire at the end of June. If this Congress does not move quickly to enact this legislation, America's senior citizens will lose access to one of the most successful programs in recent history. I strongly encourage my colleagues to cosponsor this legislation and look forward to providing seniors continued access to this very important program.

175TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH OF MAUMEE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Ms. KAPTUR. Mr. Speaker, it is my pleasure to rise today in honor of the 175th anniversary of the First Presbyterian Church located in Ohio's 9th district.

Beginning on January 9, 1820, with the settlement of 11 pioneers as charter members, the contributions of the First Presbyterian Church have stretched through a rich and diverse history. Built on a site that was once used to house a British battery, the founders of Maumee, Ohio's First Presbyterian Church began a mission to provide spiritual guidance and sustenance that continues today.

Like all churches, First Presbyterian's greatest asset and resource is her congregation. Even as Maumee's prosperity began to shift to the neighboring city of Toledo and membership was declining rapidly, the church members continued their mission. In 1870, when it became impossible to meet the pastor's salary of $900 and he was subsequently transferred to a larger parish, First Presbyterian's congregation pulled together and raised the resources necessary to maintain and continue the church's ministry.

As everyone in this historic Chamber knows, America's greatest strength is her communities and their willingness to contribute in times of national need and emergency. In keeping with this tradition and beginning with the Civil War, and continuing with World War I, World War II, the Korean conflict, and Vietnam, the church made innumerable and immeasurable contributions from her congregation and her ministry. Now, this proud history and tradition has become the wellspring of the church's continuing efforts to respond to today's challenges with a new era of service and devotion.

As the congregation of the First Presbyterian Church of Maumee begins to respond to new challenges and create tomorrow's history, let us remember the contributions of its first 175 years—and congratulate them on their willingness to serve their community, their country, and their fellow man.

SALUTE TO FRANCIS SORRENTINO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise to pay tribute to one of my constituents, Mr. Francis "Frank" Sorrentino, who is retiring from the Pennsylvania Department of Transportation (PennDot) after 34 years of distinguished and dedicated service.

Mr. Sorrentino, who received both his BSCE and MSCE from Drexel University in Philadelphia, has served for the past 5 years as the assistant district engineer for services in engineering district 6–0. The services unit has provided support activities for all of the PennDot design, construction and maintenance activities in the district 6–0 jurisdiction of bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

Mr. Sorrentino has led a staff of 95 engineering technical and clerical personnel responsible for the right-of-way acquisition, utility relocation, geotechnical, survey, traffic and municipal service functions of PennDot District 6–0.

Throughout his long career with PennDot, Mr. Sorrentino has shown leadership and dedication as a structural designer in the highway design unit, as chief project manager in the Philadelphia interstate office, as district soils engineer, and as administrator of the project management unit. He has also played a key role in the design, community coordination, and implementation of such major area highways as I–95, I–76 rehabilitation, I–476 and I–676.

Mr. Sorrentino will retire from service to PennDot on January 13 to enjoy more time with his wife Martha and three sons: Frank Jr., David, and Brian. I applaud and thank him for his commitment to the Pennsylvania transportation system.

Further, I commend him for his ability, dedication and pursuit of excellence in public service upon his retirement.

TRIBUTE TO DET. LT. DANIEL PATERSON III OF THE FERNDALE POLICE DEPARTMENT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize the distinguished service of Det. Lt. Daniel Paterson III of the Ferndale Police Department.

Lieutenant Paterson has devoted over 29 years of service to the people of Ferndale. These 29 years of service have been marked by numerous promotions, and 13 different awards and commendations. For the past 8 years he has directed the detective bureau of the department.

Mr. Speaker, I can attest to the excellence of the Ferndale Police Department, and I am certain Lieutenant Paterson played a role in making it so.

I am privileged to join his family, friends, and colleagues in thanking him for 29 years of service and wish him a restful and rewarding retirement.

INTRODUCTION OF H.R. 448

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, arachnoiditis easily qualifies as a disease of the nineties. It has been described as "the greatest enigma in the field of spinal surgery" with few surgeons ever having seen it, and even fewer knowing how to treat it. In simple terms, arachnoiditis means inflammation of the arachnoid, and is characterized by chronic inflammation and thickening of the arachnoid matter, the middle of the three membranes that cover and protect the brain and spinal cord.

Arachnoiditis may develop up to several years after an episode of meningitis or subarachnoid hemorrhage—bleeding beneath the arachnoid. It may be a feature in diseases and disorders such a syphilis or it may result from trauma during a diagnostic procedure known as a myelogram. According to the Arachnoiditis Information and Support Network, more than 600,000 myelograms are performed in this country every year. Of the 12 million Americans who suffer from arachnoiditis, the cases resulting from myelograms could have been avoided.

In a myelogram, a radiopaque dye is injected into the spinal subarachnoid space. After the x-ray examination, as much of the oil as possible is withdrawn; however, a small amount is left behind and is slowly absorbed. Studies have implicated the iodized oil contrast medium, Pantopaque, in arachnoiditis. Water-soluble dyes such as Amipaque, Omipaque, and Isovue were once thought to be safer for use; however, recent evidence proves they also cause arachnoiditis. In fact, Harry Feffer, professor of orthopedic surgery at George Washington University states that patients who have had two or more myelograms stand a 50 percent chance of developing arachnoiditis. Numerous studies on animals have confirmed these findings.

Symptoms of arachnoiditis include chronic severe pain and a burning sensation which may attack the back, groin, leg, knee, or foot and can result in loss of movement to almost total disability. Other symptoms include bladder, bowel, thyroid, and sexual disfunction, as well as headaches, epileptic seizures, blindness, and progressive spastic paralysis affecting the legs and arms.

In the past few years, arachnoiditis sufferers and Members of Congress alike have repeatedly asked the FDA to recall the use of Pantopaque. The FDA has clearly not reviewed the safety of oil-based Pantopaque as well as water-based dyes, in spite of medical evidence. As a result, I have introduced H.R. 448, a bill to ban myelograms involving the use of Pantopaque, Amipaque, Omipaque, or Isovue.

This legislation is not a new idea. Since 1990, Britain and Sweden have banned the use of Pantopaque in myelograms. In fact, a class action suit is still pending in Britain consisting of 25,000 people, 1,500 of which are nurses. In 1986, Kodak, the company that makes Pantopaque, voluntarily stopped distributing the drug in the United States due to public pressure. Pantopaque has a 5-year shelf life. The last batch was due to expire April 1, 1991. However, the use of Pantopaque has continued, with the most recent documented case in September 1993 and hospitals stocking the dye as recent as April 1994.

A large number of medical professionals do not know how to diagnose myelogram-related arachnoiditis, and when they do, they cannot treat it. Medical journals and case studies from around the world document the connection between radiopaque dyes and arachnoiditis. Despite this document, the medical profession as a whole has not been effectively enforced and still persists in its use. Moreover, the lack of information prevents the physician from recognizing the disease or side effects of the residual dyes after the fact. The time has come for thorough research to study this painful, disabling condition. H.R. 448 will direct the National Institute of Neurological Disorders and Stroke to estimate the number of Americans suffering from myelogram-related arachnoiditis and determine the extent of this relationship.

Every year, chronic back pain is responsible for billions of dollars in lost revenues and millions more in health care costs. The American Journal reports that chronic low-back pain is estimated to cost $16 billion annually in the United States Occupational research finds that back injuries, pain and complications cost an average of $15,000 per incident. According to "The Power of Pain," by Shirley Kraus, 100 million Americans are either permanently disabled or are less productive due to back pain. Those who do work lose about 5 work days per year, a productivity loss of $55 billion. Interestingly enough, these figures only refer to chronic back pain patients. Almost all arachnoiditis sufferers eventually become totally disabled, becoming permanent fixtures on the rolls of Social Security, disability, welfare, and Medicaid.

Arachnoiditis sufferers want to become functioning, contributing members of society again. H.R. 448 will provide research for treatments for arachnoiditis sufferers, including treatments to manage pain. Pain-management treatments would enable sufferers to once again become active, working members of society.

It's time to protect unsuspecting Americans from this debilitating and preventable condition. I ask Members of Congress to join me by cosponsoring H.R. 448.

SERVICE AND COMMITMENT TO EASTERN LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FORBES. Mr. Speaker, Edward V. Ecker, Sr. of Montauk, Long Island, NY, a community in my congressional district, continues to live the classic American dream in his very full life, and so it is with pleasure that we honor him for his ongoing and outstanding service and commitment to the east end. Mr. Ecker's list of accomplishments and friends reads like a Who's Who: from his youth to the present.

Mr. Eckert, a graduate of Montauk School, went on to be a star athlete at East Hampton High School and later attended Syracuse University on a football scholarship. After a tour of duty with the Army in the Korean war, he came home and worked as a probation officer. His gregarious, loving nature has held him in good stead throughout the years as a very popular elected official and recognized political pro.

As an East Hampton town supervisor and town councilman, he was the youngest in New York State. In addition he was the commissioner of jurors and the deputy commissioner of Suffolk County parks.

When his lifelong friend, Perry B. Duryea, Jr. ran for the State Assembly in 1960 and was elected speaker in 1969—the last Republican speaker of that body—Eddie Ecker was a key strategist and top advisor.

Currently he is assistant deputy commissioner of the Suffolk County Board of Elections and is a Republican committeeman, having once been the Republican town leader.

For 47 years he has been a Montauk volunteer fireman. He also served as fire police captain. For 29 years he had been the master of ceremony for the St. Patrick Parade in Montauk, as well as serving as past grand marshal.

Many of us are regular listeners of Ed's as he broadcasts high school sports weekends over Radio Eastern Long Island, WLNG. In the entertainment world he appeared in several movies—"Joe vs. Volcano," "Awakenings," and Woody Allen's "Manhattan Murder Mystery"—and a number of commercials including one for Prudential Life and Ray Ban sunglass. Business Week magazine also ran a feature article on Mr. Ecker.

Eddie Ecker has been a friend and a big influence in my life. He got me started over 20 years ago as an aid to Speaker Duryea. I've learned a lot about politics and government from Eddie. It is a point of high personal privilege to have this opportunity to stand with my colleagues in the 104th Congress in the first in 40 years to have a Republican majority—to recognize the tremendous accomplishments of our own "Mr. Republican." Eddie Ecker, a man whose love for family, for country, and for community serves as a bavon for us all. God bless you, Eddie.

THE FHA MODERNIZATION AND EFFICIENCY ACT OF 1995

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. ORTON. Mr. Speaker, today I am introducing the FHA Modernization and Efficiency Act of 1995.

The purpose of this legislation is to make a number of changes to the FHA single family mortgage loan program to make it more responsive to market needs, and to provide for more efficient administration within the FHA. The bill contains many of the provisions found in H.R. 4484, a bill I introduced in the 103d Congress.

Six of the seven provisions in this bill are identical to the provisions the House adopted last year in H.R. 3838, the housing reauthorization bill. Since the Senate failed to act on this legislation, it is incumbent on Congress to take these matters up again.

As the current Congress convenes, there has been some talk of privatizing or eliminating the FHA single family loan program. I believe this would be a mistake. FHA has served as an invaluable source of low downpayment mortgages to enable young families and individuals to enter the housing market. As this Congress increasingly emphasizes policies which promote opportunities, there is hardly a better example of a Federal program which provides opportunities than the FHA Single Family Mortgage Loan Program.

Furthermore, there appears to be no good fiscal or public policy argument for transferring FHA operations to the private sector. The FHA single family Mutual Mortgage Insurance Fund [MMIF] is very healthy. Moreover, since the program is currently running a surplus, we would not cut Government spending by privatizing the program.

However, privatization or elimination would likely result in significantly less competition in the market for low downpayment mortgage loans. It is likely that a private company would not have either the congressional mandate or incentive to serve the affordable, low downpayment single family market in the same way FHA has historically done, through all market conditions, good and bad. It is hard to see how less competition would be better for the consumer.

However, it is also true that FHA suffers from a problem typical of Government agencies—a failure to adapt quickly to market changes and make internal efficiency improvements. While private companies can make changes in programs at a moment's notice, FHA is subject to programmatic restrictions by Congress that have not been updated for some time.

The FHA Modernization and Efficiency Act is an effort to make these needed changes. I believe that with the passage of the provisions in this bill, FHA can continue to be a fiscally sound, responsive provider of affordable single family loans.

First, let me address the provisions in my bill which make FHA loans more responsive to market conditions. A commonly cited impediment to use of FHA is the extraordinarily complex down payment calculation for FHA mortgages. Under current statute, borrowers, lenders, and realtors are forced to go through a convoluted two-part calculation to determine the maximum amount that can be financed, and the corresponding down payment required by FHA.

Under section 4 of my bill, this complexity would be replaced by a simple one-part formula, based on the size of the loan. For properties with a value up to $50,000, the loan could not exceed 98.75 percent of appraised value. For properties between $50,000 and $125,000, the loan could not exceed 97.65 percent of appraised value. Finally, for loans over $125,000, the loan could not exceed 97.15 percent of appraised value. In each case, the borrower could also finance mortgage premiums—as under current policy—but could not finance closing costs.

This measure was adopted as an amendment on the House floor last year by voice vote, with bipartisan support. The proposal was painstakingly developed to be as neutral as possible in comparison to current law with respect to the general levels of downpayments required by FHA. To achieve this, we also added a provision for high closing cost States, where we permit loans of up to 97.75 percent of value. This is because current law generally allows higher loan-to-value ratios for transactions with high closing costs. Finally, in a letter dated July 21, 1994, during House consideration of this proposal, the Commissioner of the FHA wrote me a letter in support of this proposal, stating that "We concur with your assessment that the new proposal will simplify the process for calculating the maximum mortgage amount available on single family properties and fully support it."

A second provision on my bill, section 6, makes the FHA program more flexible by eliminating the current prohibition against parental loans used in conjunction with FHA mortgages. Under current FHA policy, parents may assist children with downpayment assistance, but only if they submit a gift letter indicating that the assistance is not to be repayed. While prohibitions against loans for downpayments generally make fiscal sense, there is no reason to have this policy in the case of a parental loan. There is no practical difference between a parental gift and a parental loan. There would be no added risk to the FHA fund by eliminating this parental loan prohibition.

This change would permit many more families and individuals to enter the housing market. It would also end the common practice whereby many parents are forced to lie about the true nature of financial assistance, stating in the gift letter that no repayment is expected, when in fact there is a private agreement that the loan shall be repayed. This provision was adopted in committee by voice vote and included in H.R. 3838 last year. I believe this change is both family-friendly and noncontroversial.

A third important provision in my bill, section 9, would provide for FHA authority to insure 2-step mortgages. This type of mortgage allows the borrower, for example, to have a 30-year term, with a 5-year fixed rate of interest, followed by periodic reset(s) of interest rates according to a formula. This mortgage vehicle has become increasing popular in recent years among private lenders, since it provides for more flexibility and lower rates for borrowers. In order to keep pace with market innovations, FHA should have the same capability. This provision was also adopted in committee by voice vote and included in H.R. 3838 last year.

A fourth provision in my bill, section 3, is probably the only controversial provision in the entire bill. This is the provision which raises the single family loan floor to 50 percent of the maximum Freddie Mac loan amount. This would permit loans of up to $101,150 in any place in the country, regardless of the average median home price. This is an important simplification provision for many smaller communities throughout the country, and was included in the bill which passed the House. However, I recognize that a smaller floor increase was adopted into law, in the VA-HUD appropriations bill. I believe that that increase was too small, and propose that we move the same loan floor we passed in the House last year.

In addition to changes needed to modernize the program, there are a number of changes we should make, to make administration of the FHA program more efficient. Perhaps the most significant is section 8 of my bill, which permits direct endorsement lenders to issue their own mortgage certificates. Several years ago, we took the important step of delegating underwriting decisions to qualified lenders, subject to strict FHA criteria as to LTV, appraisals, and other matters. However, the physical issuance of the certificates was still left in the hands of HUD. This is an unnecessary burden on HUD, and has resulted on long, and sometimes costly delays for lenders. The provision in my bill, developed by HUD and included in the housing bill we passed last year, would simply let lenders issue their own certificates. This would not represent any threat to the fund, since lenders would still be subject to the same scrutiny by HUD.

Finally, there are two other efficiency changes that we should make to streamline the FHA program and make it more efficient. Section 5 of my bill would remove an outdated 90 percent loan-to-value prohibition that applies to newly constructed homes that were not inspected by HUD prior to start of construction. With improvements in local zoning and inspection laws, this special limitation is outdated, and places an unnecessary inspection burden on HUD staff. FHA insurance of new homes continues to fall, in part because of this restriction. Ten years ago, when FHA's total business was roughly one-third of today's volume, its new construction business was approximately 40 percent higher than it is today. I believe that elimination of this unnecessary limitation would make FHA more competitive in this area. Again, this provision was adopted in committee by voice vote and included in H.R. 3838 last year.

Finally, section 7 of my bill would eliminate the need for FHA approval of condominium projects, when any such project has already been approved by a government sponsored enterprise [GSE]. Requiring FHA approval in this case is redundant, and is the type of bureaucratic excess that we are seeking to undo.

In conclusion, as we move to consideration of proposals dealing with FHA and other Federal housing programs, let's make sensible decisions which preserve opportunities for all Americans. My approach is simple: don't eliminate FHA—modernize it. I believe the FHA Modernization and Efficiency Act is the way to do this, and would welcome cosponsors for this important legislation.

SALUTING ROBERT AND ERIC SCHULTZ

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of all of our colleagues a courageous act of bravery on the part of two of my constituents, who serve as an inspiration to all of us.

Robert W. Schultz of New City, NY, and his 24-year old son Eric were vacationing at Saranac Lake in New York's Adirondack Mountains last May when they witnessed, on the lake, the capsizing of a canoe which was occupied by a father and son.

Both Robert and Eric dove into the freezing waters of the lake to rescue the two unfortunate canoeists. Eric managed to get the son to an island, where he administered first aid in the manner which he learned in the Boy Scouts, and performed other procedures which brought the young man back to consciousness. In the meantime, Bob was able to lead the father to another location on shore, where by utilizing the survival skills he had learned as a Boy Scout, reversed the first stages of hypothermia which had begun to set in, and stabilized the gentleman's condition until help arrived. Both Bob and Eric remained calm and collected throughout this emergency situation, and their actions resulted in saving the lives of both father and son.

Because of their heroism and their expertise, both Robert and Eric are being presented the Boy Scouts of America Lifesaving Award, perhaps the most prestigious honor bestowed by the Boy Scouts. Bob and Eric had both achieved the rank of Eagle Scout, and there is no doubt that the skills they had obtained as a part of their Boy Scout training directly led to the saving of both of these lives.

Mr. Speaker, in today's cynical society, many people question the relevance of the Boy Scouts of America to today's society. Let us point to Bob and Eric Schultz as a shining example of the worthiness of the Boy Scout movement—an organization which warrants the support of all of us. To those cynical naysayers, let us remind them too that the skills, the leadership, and the good citizenship which are the foundation of Scouting benefit our Nation as a whole.

40TH ANNIVERSARY OF FREEDOM FROM GOVERNMENT COMPETITION POLICY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. DUNCAN. Mr. Speaker, January 15, 1995, will mark a historic anniversary in the history of our Nation and one which could not occur at a more appropriate time.

It was on January 15, 1955, that President Dwight Eisenhower issued a policy that:

> The Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

That policy is still on the books today in Office of Management and Budget Circular A–76. However, this policy has been regularly avoided during the past 40 years. The Congressional Budget Office reported in 1987 that some 1.4 million Federal employees are engaged in occupations that are commercial in nature.

The Grace Commission recommended contracting out and estimated that $4.6 billion a year could be saved by using private contractors to perform the commercial activities currently accomplished in-house by Federal employees. Even this administration's National Performance Review recommended that A–76 be strengthen and enforced.

The issue of government competition with the private sector has become so pervasive that the most recent White House Conference on Small Business adopted as one of its leading planks:

> Government at all levels has failed to protect small business from damaging levels of unfair competition. At the federal, state and local levels, therefore, laws, regulations and policies should . . . prohibit direct, government created competition in which government organizations perform commercial services . . . . New laws at all levels, particularly at the federal level, should require strict government reliance on the private sector for performance of commercial-type functions. When cost comparisons are necessary to accomplish conversion to private sector performance, laws must include provision for fair and equal cost comparisons. Funds controlled by a government entity must not be used to establish or conduct a commercial activity on U.S. property.

The issue is again at the top of the agenda of America's small business owners, having been adopted as a plank in several of the State meetings leading to the 1995 White House Conference on Small Business that will convene in Washington, DC, in June.

During the 102d and 103d Congress, I introduced legislation known as the Freedom from Government Competition Act. This bill would provide a legislative mandate for implementation of the 1955 Eisenhower policy. It would require OMB to conduct an inventory of commercial activities performed by Federal agencies using Government employees and establish a process for contracting those activities to the private sector over a 5-year period.

During the course of my research on this matter, I have become aware of a particularly glaring example of the insidious nature of Government intrusion into an area that rightfully should be performed by the private sector. That is the field of surveying and mapping.

The Federal Government annually spends approximately $1 billion on surveying and activities, but in fiscal year 1993 only $69 million or 6.9 percent was contracted to the private sector while there are some 6,000 surveying firms and 250 mapping firms in the United States. You can go into any county seat in Tennessee or any other town in the Nation and you will find a private professional surveyor's firm within a 5-minute walk of the courthouse ready, willing, and able to do this work.

Not only do Federal agencies fail to contract a meaningful amount of their surveying and mapping requirements, but they market their services to other Federal agencies and to State, local, and foreign governments, in direct and unfair competition with the private sector. It just doesn't make since for the U.S. Government to have this capability when it is available from the private sector. I am convinced the more than 99 percent of the surveying and mapping firms that are indeed small business, as well as the larger firms, can save tax dollars and help us reduce the Federal deficit by working under contract with Federal agencies, and that the surveying and mapping firms in Tennessee and the other States can do as good if not better job of surveying and mapping our land than the Government.

The surveying and mapping community is a perfect example of overzealous Government growth in an activity that can and should be performed by the private sector. The old chain and transit methods of surveying have been replaced by Global Positioning System [GPS] satellite receivers, analytical computer mapping systems, and other technologies. It is frustrating to small business men and women that their markets, both domestic and foreign, are limited by the predatory activities of Federal agencies and that their tax dollars are supporting purchases of this same equipment by these agencies.

While there has been considerable discussion of privatization, an end to State-dominated economies in favor of market oriented economies, individual initiative, and other virtues that led Eastern Europe to discard socialism in favor of capitalism, Washington has not practiced here at home what we are preaching in fledgling democratic nations. When a Government agency competes with private firms it stifles growth in private industry by dominating certain markets; diverts needed personnel, particularly in technical occupations, from private sector employment; thwarts efforts by U.S. firms to export their services; and erodes the tax base by securing work that would otherwise be accomplished by tax paying entities.

Not only have the advantages of privatization and private sector utilization been recognized on the international scene, but these strategies are being implemented in American's States, cities, and counties.

In a recent report, "Listening to America", the Republican National Committee's National Policy Forum, said:

> In reducing the size and scope of government, it is time for Washington to learn from the lessons of the state and local governments. In Indianapolis, Jersey City, Dallas, Charlotte and Philadelphia, city governments under Democrat as well as Republican administration are turning to privatization to do more with less. In some cases, governments are getting out of the business of doing things they never should have done in the first place In other cases, private companies compete with public employees to provide service at the highest quality and the lowest cost. * * *
>
> The federal government can learn much from the new breed of mayors and governors who are responding to the call from their friends and neighbors to put government back in the hands of the people who found it, to rethink the role of government; to get out of business it doesn't belong in * * *

We in Congress have failed in our oversight responsibilities and permitted this buildup of in-house Government capabilities in commercial activities to occur. No matter how well intended these capabilities were when created or how popular they are now, we must put a stop to this unfair and costly practice.

I urge all my colleagues to use the 40th anniversary of President Eisenhower's policy to help focus America's attention on this important issue. I invite all Americans to join with me on January 15 to recognize the benefits of relying on our great enterprise system to assist in developing those Government services that can be performed at higher quality and lower cost than the Government itself. Let us use this occasion to dedicate ourselves to redefining Government by focusing the public sector on those activities only it can perform and relying on the private sector for those activities it does best.

LEGISLATION TO SAVE AMERICAN JOBS

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. KIM. Mr. Speaker, I rise today to introduce legislation which will save the jobs of thousands of American workers.

As many of my colleagues know, the medical device industry is one of the most dynamic industries in the United States. The statistics bear this point out: In 1993, the U.S. medical device industry produced nearly 40 billion dollars' worth of goods and employed approximately 270,000 workers in high-skill, high-wage jobs. U.S. medical device firms also exported almost $10 billion worth of goods in 1993, capturing 53 percent of the worldwide device market.

However, like other U.S. industries in the past, our position of world dominance in this industry is being threatened. The medical device industry is facing increasingly fierce competition from many foreign nations, especially Japan, Germany, and France.

Given this situation, one would think that our Government would be doing all it could to help device manufacturers retain their position as world leaders. Unfortunately, the opposite is true: In their fight for survival against these foreign competitors, our own Government has put U.S. companies at a serious competitive disadvantage.

Under current law, any company wishing to export a class III medical device must obtain separate export approval from the FDA—a process which is complex, expensive, and which can take months to complete. Surprisingly, U.S. companies are required to complete this export approval process even if the export product is not intended for sale in this country and has already been approved by the country to which it is being exported.

Because of this FDA redtape, U.S. device companies who want to export face a double hurdle: They must satisfy both the U.S. Government and the government of the country to which they wish to export. This situation creates a strong incentive for American companies to move overseas, where they do not face this kind of unnecessary redtape.

This incentive is already having devastating effects: In a recent survey of device company CEO's 40 percent said that their companies had reduced employment as a result of regulatory delays, and 22 percent said that they had already moved jobs offshore due to unnecessary FDA regulation. In other words, the result of this FDA regulation is lost American jobs.

The legislation I am introducing today, the Medical Device Export Promotion Act, could help save these jobs.

This legislation would direct the FDA to give automatic export approval to class III medical devices which have been approved for import by members of the European Community or Japan. These countries are our two most important export markets and have device approval processes which are internationally recognized as being safe and effective. The bill would also allow the U.S. companies which have gained approval for import into Europe and Japan to export worldwide without FDA interference. Finally, the bill would not allow companies to export products which have been banned in this country.

In short, this legislation represents the best of both worlds: It would allow 85 to 90 percent of U.S. medical devices to be freely exported without allowing U.S. companies to dump inferior products on the world market.

In doing so, this legislation would eliminate many of the bureaucratic hurdles that U.S. companies must currently overcome in order to export medical devices. In doing so, this legislation will eliminate the incentives for companies to move overseas to avoid such unnecessary regulation and, as a result, will save American jobs. For this reason, I urge my colleagues to support the Medical Device Export Promotion Act and ask for its timely consideration by this body.

American workers are counting on us. It is time to act.

CHANGING THE WAY GOVERNMENT WORKS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. PACKARD. Mr. Speaker, last November the voters overwhelmingly chose to change the way Government works. Last week, we successfully changed the way Congress does business. Next, we will change the business Congress does.

We took our first steps toward turning back bloated, wasteful, inefficient government. I am committed to continuing down the path to less taxes, less spending, and less regulation.

In order to change the way government works, we must change the way Washington works. The out of control Federal spending beast thrived on 40 years of liberal tax and spend policies. We must pass the balanced budget amendment to reign in the spending beast and impose discipline on Washington's wasteful spending habits.

Our Nation's forefathers envisioned a government that served the people—not the other way around. A balanced budget amendment would help fulfill that vision.

TRIBUTE TO BOBBY CAVE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to call this entire body's attention to the accomplishments of a young man from my district. Bobby Cave is 15-year-old freshman at Greenwood High School, Greenwood, IN, and his parents are Mr. & Mrs. Robert Cave. On Sunday, January 8, Bobby won the national Punt, Pass & Kick championship before a national television audience.

Mr. Speaker, Punt, Pass & Kick is an annual football skills competition which gives thousands of youngsters ages 8 to 15 a chance to participate in a healthy and competitive environment. It has been going on for many years, and in fact, a member of my staff twice competed in the competitions more than 15 years ago.

Mr. Speaker, Bobby Cave has proven himself to the Nation with his football skills, and in the process he has represented my district and my State in a very positive manner. I am very proud of Bobby and would like the entire U.S. Congress to recognize his accomplishments as well.

INTRODUCTION OF H.R. 452, THE "FOREIGN INTEREST REPRESENTATION ACT"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, every year, foreign interests spend hundreds of millions of dollars to influence the American Government. They employ topnotch lobbyists, many of whom are former U.S. Government officials and staff, to present their case in Washington. Meanwhile, our free trade policies have literally opened the doors to foreign investment, while an archaic law allows agents of foreign governments to work in secrecy.

The Foreign Agents Registration Act [FARA] of 1938 requires foreign agents to disclose their connections with foreign governments, foreign political parties, and other foreign principals to the Foreign Agents Registration Unit at the Department of Justice. However, according to General Accounting Office [GAO] reports, FARA is plagued by unclear language as to who is required to register, weak investigative and enforcement provisions, and loopholes.

GAO's July 1990 report entitled, "Foreign Agent Registration: Justice Needs to Improve Program Administration," finds that only 775 foreign agents—out of thousands—actually bothered to register under FARA. Since the 1990 report, neither the Justice Department nor Congress has rectified this breech of security. As a result, I have introduced H.R. 452, the Foreign Interest Representation Act.

The GAO report found several problems with current law:

The Foreign Agent Registration Act was originally enacted to target Nazi and Communist propaganda in the 1930's and 1940's. The term "foreign agent" was originally used to identify foreign principals in America who were spreading foreign propaganda and organizing political activities. With the end of the cold war, however, the emphasis has shifted from political propaganda to free trade and the global economic competition. FARA, however, remains unchanged. Thus, many individuals and law firms representing foreign interests are exempt from registration under the act.

My bill, H.R. 452, substitutes "representative of a foreign interest" for "foreign agent," thus broadening the definition and closing a loophole. Likewise, the term "political propaganda" has been dropped in favor of "promotional or informational materials." Several other term substitutions were made in this manner.

FARA provides certain exemptions to registration including commercial activities. Moreover, representatives of foreign interests are not required to notify the registration unit to claim an exemption. As a result, it is difficult for the unit to determine who should and who should not be registered.

Under H.R. 452, any person who engages in political activities for the purpose of furthering the commercial, industrial or financial operations of a foreign interest would no longer be exempt. In addition, representatives of foreign interests will now be required to notify the Attorney General.

Furthermore, H.R. 452, establishes a test to determine what constitutes foreign control. Entities that are more than 50 percent foreign owned would be presumed to be foreign controlled and required to register. Entities with 20 to 50 percent foreign ownership would also be considered foreign controlled, but the presumption could be rebutted with evidence. Less than 20 percent foreign ownership would not require registration. Both provisions help to clarify the law and will lead to an increase in registration.

Timeliness of foreign agent registration and reporting remains a problem. Of the 28 registration statements reviewed in the GAO report, a whopping 68 percent had not registered on time.

Currently, registrants must submit updated disclosure forms every 6 months after the initial registration. This system has made it almost impossible to know who is registered and whether the registration is up-to-date. H.R. 452 requires follow-up registration forms to be filed in January 30 and June 30 of each year. The Justice Department, however, would be given the authority to waive this provision, on a case-by-case basis, for entities whose fiscal year does not follow the calendar year.

Finally, harsh criminal penalties under FARA are another reason the Justice Department has shied away from enforcement of the act. Under H.R. 452, any person who has failed to file, has omitted facts, or has made a false statement regarding the facts, will be fined a minimum of $2,000, up to $1,000,000, depending upon the nature and duration of the violation. Furthermore, the Justice Department would be given the authority to subpoena individuals for testimony and records.

The bottom line is, the American people have a right to know who is getting paid by foreign interests to influence the U.S. Government. If you support an end to secrecy through uniform reporting and penalties for noncompliance, I urge you to cosponsor H.R. 452, the Foreign Interest Representation Act.

SIKH LEADER S.S. MANN ARRESTED FOR MAKING SPEECH; CALLED FOR FREE KHALISTAN; SIKHS SHOW SUPPORT FOR FREEDOM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. SOLOMON. Mr. Speaker, the brutal oppression of the Sikh nation by the Indian regime continues. Simranjit Singh Mann, a very prominent Sikh leader, was arrested on January 5 under India's draconian Terrorist and Disruptive Activities Act, known as TADA, after he made a speech in which he called for a free and independent Khalistan by peaceful means. The speech was given December 26 at an annual Sikh observance commemorating the martyrdom of Guru Gobind Singh's two sons. After telling the crowd that Khalistan is the only issue facing the Sikh nation, Mr. Mann asked the crowd of 40,000 to 50,000 to raise their hands if they supported a free Khalistan. The attendees all raised their hands if they supported a free Khalistan. The attendees all raised their hands in a clear demonstration of the Sikh nation's support for a free Khalistan.

When India held state elections in Punjab, Khalistan, in February 1992, only 4.3 percent of Sikhs there voted, according to the newspaper India Abroad. Nearly 96 percent stayed away, despite the military's effort to drag voters to polling places at gunpoint. This is a clear reflection of the Sikh nation's desire for freedom.

Now Mr. Mann, a former Member of Parliament, again faces charges under TADA as well as sedition charges. Will the almost 50,000 Sikhs who raised their hands also be declared terrorists by the brutal Indian regime?

India calls itself the world's largest democracy. Do these actions sound like the acts of a democracy? In fact, they sound more like the workings of North Korea, Cuba, or any other dictatorship you can name. If making a speech is terrorism, the word is drained of any meaning I recognize.

The oppression of the Sikhs must end. The Sikh nation wants its freedom. It is time for India to withdraw its occupying troops from Khalistan and allow Khalistan to achieve its full independence by peaceful means. Until India is willing to allow the Sikh nation to vote on independence, it cannot call itself democratic. Until India recognizes the fundamental liberties of all people living under its rule, it should receive no aid or trade from the overburdened taxpayers of the United States or any civilized nation.

Only freedom for Khalistan will ensure peace and freedom in the region. It is time for India to withdraw from Khalistan and all the other nations it is oppressing. It is the duty of the United States to support the cause of freedom. We should impose sanctions on India and cut off its aid until India is willing to live by the principles of freedom which define democratic nations. We must take strong measures to support human rights and self-determination for everyone.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ANNOUNCES CHANGES

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. LAZIO of New York. Mr. Speaker, on December 19, 1994, Secretary of the Department of Housing and Urban Development [HUD] Henry Cisneros announced that he planned to dramatically alter the manner in which the Department operates. He admitted that HUD was a bureaucracy more attentive to process than to results, was slavishly loyal to nonperforming programs, and did not trust the initiatives of local leaders. To correct these problems, he presented a plan, called the HUD Reinvention Blueprint, to restructure HUD's programs in an unprecedented fashion.

After reading the blueprint, which is still conceptual, I was pleased to see that the Secretary adopted many Republican ideas. For example, it proposes to shrink the Federal Government, to reduce micromanagement, and to return power and responsibility to State and local jurisdictions.

I told the Secretary that I welcomed his ideas and that I wanted to work with him to change the way housing, especially low-income housing, is provided in this country.

Nevertheless, I also told the Secretary that, as the new chairman of the Housing and Community Opportunity Subcommittee, I planned to review in toto all HUD's programs.

My reasons for this review are based on reports which question HUD's capacity to administer its more than 200 programs. For example, the National Academy of Public Administrators [NAPA] has recommended that HUD's programs be reduced to 10 by the year 2000 or be eliminated. HUD's inspector general [IG], in her most recent report to Congress, found that HUD needed to be more proactive and aggressive to correct its problems, especially in light of their magnitude and complexity. The HUD blueprint proposes to consolidate only 60 programs into 3—leaving unanswered the question of what becomes of the remaining 140 programs.

Congress must do a top-to-bottom review of HUD programs. Most require major overhaul—a process that involves rewriting statutes and reducing Federal regulations. Therefore, as part of my review, I intend to find ways in addition to the blueprint, to reform, consolidate, streamline, and if appropriate, eliminate outdated housing programs.

As part of this review, I am looking at new approaches to administering HUD programs in a cost-efficient, yet people-friendly manner so that as many families as possible can get housing. I intend to explore various options to deregulate programs so that States and local jurisdictions are provided with all the authority they require to operate independently—both financially and administratively. It is my feeling that unless localities have unfettered discretion to operate their programs, with the fewest possible attached strings, deregulation is illusory.

Finally, I want to review HUD's budget. Every Member of this House is aware that all Federal agencies must tighten their belts in order to reduce the budget deficit and pay for the middle-income tax cut. HUD cannot be excused from this effort.

It is my intention to work with HUD and with my former chairman, HENRY GONZALEZ, for whom I have great respect, as the committee reviews the proposals in the blueprint, particularly insofar as they are based on Republican efforts over the last 12 years. I welcome many of the blueprint's core ideas as a beginning, but intend to take a hard look at them and to expand upon them, so that they become in actuality what they appear to be in concept.

RESTRICTED EXPLOSIVES CONTROL ACT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. QUINN. Mr. Speaker, I rise today to reintroduce the Restricted Explosives Control Act, a consequential piece of legislation that I sponsored in the 103d Congress.

Not only does my legislation require a Federal permit for all purchases of explosives, it also dictates that all applicants must submit a photograph as well as a set of fingerprints along with their permit application. The bill defines "restricted explosives" as: high explosives, blasting agents, detonators, and more than 50 pounds of black powder.

In addition, the legislation will not unduly burden legitimate explosives purchasers. The bill establishes a 6-month grace period, before the measure is implemented, to enable people to obtain Federal permits from the Bureau of Alcohol, Tobacco, and Firearms [ATF].

During the holiday season of 1993, four mail bombs exploded in western New York—taking five innocent lives. Current law enabled those accused in the murders to buy the deadly dynamite in Kentucky, simply by providing false identification, completing a short form furnished by the ATF, and promising not to cross State lines.

Once this measure is enacted, never again will an individual be able to walk into an explosives dealer's office, quickly fill out a short Federal form, and walk out with dynamite or some other type of high explosive.

The Restricted Explosives Control Act is endorsed by the Institute of Makers of Explosives, the very people who manufacture explosives. The bill also is endorsed by the National Rifle Association.

This legislation is a solid proposal that will prevent such tragedies. The fact is that current law allows for dynamite and other explosives to be sold over the counter. The Restricted Explosives Control Act must be implemented without delay so that we may close that deadly loophole in Federal explosives law.

HONORING DR. PAUL MICHAEL KAZAS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly outstanding citizens of our Nation.

I rise today to honor Dr. Paul Michael Kazas, a model citizen. I congratulate Dr. Kazas for his recent election as president to the Woodhaven Residents' Block Association. If he brings the same dedication that he has brought to his other pursuits, then there is little doubt that this organization will blossom and grow.

Dr. Kazas belongs to some 20 civic professional organizations, and actively serves on five different board of directors. While others lead and leave the work to others, Dr. Kazas is never afraid to get his hands dirty. He cleans the traffic islands from Park Lane South to 91st Avenue on Woodhaven Boulevard; he was involved with repainting the nearby Interborough Parkway Overpass; he became a certified street pruner so that the community could receive a $15,000 grant from the New York State Department of Environment Conservation to plant trees on Jamaica Avenue. He is truly a remarkable individual.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in commending Dr. Kazas for his tireless work. He is worthy of our recognition for making Queens County and the city of New York a better place in which to live.

NO MORE TAXPAYER SUBSIDY FOR WESTERN EUROPE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, the biggest single mistake we are making in public policy today is to continue to spend far more on the military than is necessary. We have not responded responsibly to the collapse of the Soviet Union and our victory in the cold war in particular, we continue to act as if Western Europe is in need of subsidy for its defense from the American taxpayer.

During our recess, on December 3, Jack Beatty, senior editor at the Atlantic Monthly, wrote an excellent essay in the Boston Globe pointing out the irrationality of our current policy. I was flattered to read Mr. Beatty's forthright assertion that "NATO is an exorbitant anachronism" and I ask that his very persuasive essay be printed here. I hope that Members will read and think about it as we prepare to vote on the fiscal 1996 budget.

[From the Boston Globe, Dec. 3, 1994]

NATO: IT'S TIME THE EUROPEANS FOUND THEIR OWN WAY

(By Jack Beatty)

NATO is an exorbitant anarchronism. Widely regretted by columnists and editorial writers, the current rift among the NATO allies over Bosnia should instead be seen as a welcome development, a chance to reorder national priorities. We can no longer afford to defend countries with higher standards of living than our own against a vanished threat. The Cold War is over, but the peace dividend has been swallowed up by NATO.

We continue to spend $75 billion to $100 billion annually on the defense of Western Europe—this largely is to maintain the 150,000 US troops stationed there. The Clinton administration wants to cut that force by 50,000 by 1999. What is the rationale for keeping 100,000 troops in Europe into the next millennium? To repel any future Russian invasion of Lithuania. Unbelievably, that was the sole European case offered in the seven possible war scenarios leaked from the Pentagon two years ago.

We have no treaty commitments to Lithuania. For 50 years we tolerated the Soviet occupation of Lithuania without harm to our national well-being. Lithuania is to Russia as Haiti is to us, a small country within a big country's sphere of influence. Yet the Pentagon expects US taxpayers to fork over more than $50 billion every year to preserve a free Lithuania.

Military welfare to Europe should be as hot a political button as domestic welfare to women and children, and perhaps it would be if the British, Danes and Germans we are saving from the costly inconvenience of defending Lithuania all by themselves were—how to put it?—stigmatically nonwhite. But with the elites of both parties under the platitudinous spell of the foreign policy establishment, it will probably take a third party to raise the issue.

Counter-arguments? Two are usually cited. First, we would lose influence within the alliance if we had no ground troops stationed on alliance soil. Second, only isolationists could advocate abandoning the forward-deployment strategy taught by the bitter experience of two Europe-made world wars.

Lose influence within the alliance? What influence? The Clinton administration's fruitless efforts to change alliance policy on Bosnia shows how little influence we have. To be sure, we might have had more if, like the British and French, we had dispatched peace-keepers to Bosnia, a place with no peace to keep. But influence at the price of folly is a bad bargain.

The idea that we should "lead the alliance," that the European powers have grown soft behind the generous welfare states our defense spending has let them afford, has surface plausibility. Certainly the British and French have not shown much spine in Bosnia. But unpack that word "lead" and you'll find it means something like this: If we continue to spend more to defend Europe than the European countries spend to defend themselves, and if we are willing to station peace-keepers in powderkegs like Bosnia, the allies will suffer us to lead them, yes, but only where they want to go, as Lyndon Johnson discovered over Vietnam. Leadership means pointless, unending subsidy.

Moreover, it is insulting to the Europeans to carry on as if they are cock-a-hoop without us. Just as a welfare check can inhibit your will to work, so being led by others can inhibit your will and weaken your capacity to lead. The Europeans must find their own way.

Is it "isolationist" to leave them to it? No. It is realism. We should trade places with the French: They are the major land power in Europe. Let them lead; it will do wonders for their hauteur. Our political role should be as a French-like kibitzer around the edges of NATO, ready to build up in Europe, if necessary, to answer any buildup from a nationalist Russia. Our proper geostrategic role is offshore, as a maritime power. Walter Lippmann called this the "blue water strategy." Unlike the continuance of forward deployment against a phantom enemy, it has the merit of being sane.

Besides, as conservatives will soon be warning in Congress, we face security threats that the cost of forward deployment in Europe simply won't permit us to address. It is, for example, just a matter of time before some rogue regime or stateless band of terrorists learn how to make and transport nuclear weapons. We have no defense against such threats now. The Republicans want to revive the Strategic Defense Initiative, but even if that celestial Maginot Line could be constructed for less than hundreds of billions of dollars, it would only work against ballistic missile attack. A border patrol scaled to national security dimensions would make far more sense as protection against bomb-carrying terrorists. Estimates are that $20 billion annually, about half what NATO will cost in the year 2000, would pay for a real military-style border between the United States and Mexico. That would also keep out both illegal immigrants and drug traffickers, which would benefit both our lowest wage earners and inner-city kids. What a novelty that would be: American defense spending defending Americans.

In short, getting Europe out of our pockets is a requirement of both economic and national security. The burden should be on those who want to maintain the somnambulant commitment to NATO.

LESLIE MERLIN CELEBRATES 15TH ANNIVERSARY WITH THE BRICK CHURCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues a wonderful woman who recently marked her 15th year with the Brick Presbyterian Church in Manhattan.

Since 1979, Associate Pastor Leslie Merlin has devoted her considerable talents and deep compassion to the Brick Church as Associate Pastor. As a parishioner at the Brick Church, I have enjoyed her sermons and been a beneficiary of her wisdom many times.

When she arrived in 1979, Pastor Merlin brought with her to the Brick Church a longstanding commitment to helping others, and a devotion to making the world around her a better place. After graduating from Wagner College in Staten Island, she served as a volunteer teacher in Papua New Guinea. Shortly thereafter, she blended her interest in teaching with a calling to the church by earning a master of divinity at Princeton Seminary. After a brief stay with the Nassau Presbyterian Church in Princeton, she came to the Brick Church, which has enjoyed her presence ever since.

Mr. Speaker, I would ask that my colleagues join me in celebrating Leslie Merlin's 15th anniversary with the Brick Church. She has been both a friend and an inspiration to the parishioners of the Brick Church, and I wish her many more years of happiness and joy.

REPEAL NAFTA!

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today in support of the NAFTA Withdrawal Act, legislation to pull the United States out of the North American Free-Trade Agreement [NAFTA].

When I cast my vote against NAFTA, I did so knowing full well the devastating impact such an agreement would have on U.S. workers. To date, because of NAFTA, over 8,000 American workers have lost their jobs.

Since NAFTA took effect, United States imports from Mexico have been increasing at a rate faster than United States exports to Mexico. This distinction is important because in order to create jobs, United States exports must be expanding faster than imports. This imbalance between imports and exports has cut the United States trade surplus with Mexico down to little more than $1 billion.

Likewise, from January through July of last year, United States automakers exported about 22,000 vehicles to Mexico. The United States, however, imported 221,000 from Mexico—an imbalance of 199,000 vehicles in Mexico's favor. Moreover, in the short-time since NAFTA passed, Honda, BMW, Volkswagen, Toyota, and Samsung have all announced plans to build new or expanded production facilities in Mexico.

In passing NAFTA, too many of my colleagues failed to see NAFTA for what it really was—a continuation of policies that have undermined the hard won benefits of our Nation's labor movement. Passage of the NAFTA Withdrawal Act is essential if we are to restore justice to the working people of America.

THE ROBERT J. LAGOMARSINO VISITORS CENTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GALLEGLY. Mr. Speaker, I am today re-introducing legislation to designate the visitors center at the Channel Islands National Park, CA, as the Robert J. Lagomarsino Visitors Center.

In 1980, Bob Lagomarsino successfully guided legislation through Congress which established the Channel Islands National Park in Ventura County, CA. He then worked tirelessly during the next dozen years to obtain land acquisition funds to buy the islands from their previous owners. Because of his efforts, virtually all of the islands are now protected, ensuring that they will remain free of development and in their pristine state which will be open to the public for generations to come.

Unquestionably, without Bob Lagomarsino's perseverance, it's safe to say that the islands would not be protected today. It's only fitting that the visitors center at Ventura Harbor serve as a living monument for the outstanding service Bob Lagomarsino provided to Ventura County residents for almost 35 years in public office.

Identical legislation was passed by the House in the 103d Congress; regrettably it was not considered in the Senate prior to adjournment.

I urge my colleagues to support and to cosponsor this legislation.

INTERSTATE BANKING REVISITED

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. McCOLLUM. Mr. Speaker, last year, Congress enacted the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. This was certainly one of the Banking Committee's most important accomplishments. One provision in the interstate law, the applicable law provision, generated considerable discussion by the conference committee.

The applicable law provision is relevant when a national bank branches into a second State. With respect to four kinds of State laws specified in the statute, the branch is subject to State law as if it were a bank chartered by the host State, unless the State law is preempted. However, we were clear in the language of the statute and the legislative history that the applicable law provision in the interstate law applies only when a bank actually has branches in a second State. If a bank does not branch into a second State, the applicable law provision does not come into play.

Another provision of the interstate law, the savings clause of section 111, is also important in this regard. The savings clause provides that nothing in the interstate law affects section 85 of the National Bank Act and section 27 of the Federal Deposit Insurance Act. These provisions, as we explained in the legislative history, authorize banks to make loans, including interstate loans, and the savings clause therefore preserved the preexisting lending authority of banks to collect all lending charges, without regard to the changes in branching authority made by the interstate law.

I believe it is important to reemphasize these points as courts, regulators, and others interpret the applicable law provision and other parts of the new interstate banking law. It has come to my attention that a State court in Pennsylvania recently interpreted the applicable law provision in a decision concerning whether a national bank located in Ohio was authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents. I would certainly hope that all courts recognize that the applicable law provision has no bearing on or relevance to a case in which a national bank has no branches in a second State.

HONORING THOSE FIRE FIGHTERS, EMERGENCY PERSONNEL, AND VOLUNTEERS WHO CONTAINED THE LOGAN VALLEY MALL FIRE IN ALTOONA, PA ON DECEMBER 16, 1994

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. SHUSTER. Mr. Speaker, I rise today to honor a group of people who exemplified the utmost professionalism and courage in their efforts to battle the devastating Logan Valley Mall fire in Altoona, PA during the early hours of Friday, December 16, 1994. These firefighters, emergency personnel, and volunteers all came together in a desperate time of need to contain this fire which has left an everlasting impression on the Altoona economy and its people. Over 300 firefighters, from 63 departments, stationed in Blair and four surrounding counties were called upon to extinguish the fire. Considering the fact that there are 81,000 firefighters in the Commonwealth of Pennsylvania, 73,000 of which are volunteer, one can realize the magnitude of this fire by the number of personnel involved. Along with these numerous firefighters were emergency assistance workers and volunteers on site to provide any needed support throughout the ordeal. I applaud the job done by the local police, sheriffs, dispatch centers, and community organizations which all played a part during the fire and the aftermath.

Due to the quick action by all of the participating fire departments the powerful blaze was contained, saving a majority of the mall stores, and even allowing a handful to reopen in the following days. Hopefully, the reconstruction of the mall will be completed by the fall of 1995 thanks in part to this team of people.

I know I speak for everyone involved in this tragedy when I say that without the support and cooperation demonstrated by this crew of professionals and volunteers the damage sustained from the fire surely would have been greater, and we are all very thankful that no one was seriously injured from the dangerous blaze. In fact, with hundreds of people on the scene, only one minor injury was reported. Even though a disaster such as this is never welcome, it is reassuring to know that there are top notch emergency services in central Pennsylvania, committed to a profession in which they face life and death situations every time that station bell goes off.

I hope that in the future our communities will be able to maintain the necessary resources needed to maintain such readiness when called into action in times of serious emergencies. The Altoona region is indeed fortunate to have such a dedicated fire and rescue service on hand.

IN MEMORIAL: SHANNON LOWNEY AND LEANNE NICHOLS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FILNER. Mr. Speaker, the violence continues and the death toll rises once again. In the wake of the recent clinic violence in Massachusetts, 25-year-old Shannon Elizabeth Lowney and 38-year-old Leanne Nichols are dead, five people are injured, and an entire Nation sits paralyzed by fear and shock.

I wish to extend my deepest sympathies to the families of Shannon and Leanne. To them we offer this promise: We will not allow these women's lives to be lost in vain and we will not allow their sacrifice to be dismissed as mere casualties of a political conflict. These were not combatants—these were health care professionals. They were brutally murdered by those that seek to do through terrorism what they can never do through the ballot box.

The time has come for an end to clinic violence. An end to the lame excuses offered on behalf of the offenders. An end to the fear that grips professionals, patients, and ordinary Americans throughout our Nation. An end to the sick belief that violence will reap political empowerment.

Our Nation must act quickly to bring to justice both the assassins and those who incite them. Make no mistake: There is no greater threat to our national security today than the domestic terrorists roaming America under the cover of anti-choice politics. Dr. David Gunn, Dr. John Bayard Britton, Lt. Col. James Barrett, Shannon Elizabeth Lowney, and Leanne Nichols are gone forever, but their cause, the cause of freedom, lives on in all of us.

Our challenge is clear, our resolve unwavering, and our cause is just. We pause now to remember those who have died, but we will not give up our freedoms and we will not capitulate to terrorism. These women expect better of us, and better we must do to honor their memory.

THE ANTI-COP-KILLER BULLET ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. STARK. Mr. Speaker, today I am introducing legislation that would impose a tax and import controls on bullets expressly designed to penetrate the bulletproof vests of law enforcement personnel.

This legislation, the Anti-Cop-Killer Bullet Act, would impose the same tax which currently exists on controlled firearms, such as submachine guns and sawed-off shotguns, to high-technology cop killer bullets like the rhino and black talon bullet. If enacted, the bullet manufacturer would be taxed at the rate of $200 for each bullet—a tax so high that the bullet obviously would never be produced.

Over 10 years ago, a Teflon-coated bullet designed to pierce soft body armor was introduced. Due to strong public reaction, Congress in 1986 enacted the very first law to ban a round of ammunition. Since then other bullets manufactured from different materials but designed with the same purpose have been introduced. Only after threatening or actually carrying out our threat to ban these cop-killer bullets, have we in Congress been successful at stopping them from reaching our streets.

However, as soon as we in Congress go through the motions of preventing a cop-killer bullet from going into production, along comes another manufacturer with a new bullet designed to penetrate protective armor. This pattern will continue as long as bullet manufacturers are allowed to exploit the loophole that exists in the 1986 law banning cop-killer bullets. Under the law, only metal alloy and Teflon-coated bullets were singled out leaving the door wide open for companies such as the Signature Products Corporation to develop plastic-based ammunition like the rhino bullet.

My legislation would prevent these unscrupulous bullet manufacturers from taking advantage of this loophole in existing Federal law. Rather than attempting to add another amendment to the 1986 law, the Anti-Cop-Killer Bullet Act proposes an across-the-board tax on all bullets expressly manufactured or advertised to penetrate normal quality bulletproof vests worn by law enforcement personnel. The tax at $200 per bullet would surely make the business of manufacturing cop-killer bullets an economic impossibility.

America's law enforcement officers are already out-gunned as it is. Having to worry about a bullet piercing their protective armor should be the last thing on their mind.

By passing the Anti-Cop-Killer Bullet Act, we will be giving our law enforcement the support they need. I urge my colleagues to join with me to pass this legislation so that we can prevent these cop-killer bullets from endangering the lives of America's law enforcement officers.

CONGRATULATIONS TO THE LEAGUE OF WOMEN VOTERS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. WALSH. Mr. Speaker, it is a great pleasure for me to commend the League of Women Voters for their recently celebrated 75th anniversary, which we recognized in Syracuse last month with a ceremony and exhibit at our beloved Erie Canal Museum.

The league has steadfastly dedicated itself to informing voters about the choices they have and the process they are most certainly a part of.

It is fitting that our celebration in Syracuse was held at the Canal Museum, inside a symbol of our regional—and, in fact, our national—history and our local heritage. Decisions by elected government are by their nature best made after consultation with an informed citizenry. Just as the Erie Canal was the work of governmental leaders enlightened by a populace requiring economic salvation, so too is democracy exercised best when groups such as the League of Women Voters have done their work.

My personal experience with the Syracuse Metro League has been positive. I believe I have benefited by their efforts. They have sponsored debates in which I have taken part. They have provided forums for discussion, most recently on health care. And more generally, but perhaps most important, they have been willing partners in the push to keep people interested and involved in the responsibilities of democracy.

I want to encourage the league, and to cooperate. I would ask my colleagues to join me in congratulating the League of Women Voters for their hard work and in wishing them well for many years to come.

INTRODUCTION OF H.R. 449, THE PRIMARY HEALTH CARE EDUCATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, it's a well-known fact that America's growing emphasis on specialization in the physician work force has driven up the costs of health care and fragmented access to medical services. What is not widely known is that America will have a shortage of 35,000 primary care physicians by the year 2000 and a projected surplus of 115,000 specialists—Department of Health and Human Services. To reverse current trends in medical education and lower the rate of inflation on health care costs, I have introduced H.R. 449, the Primary Health Care Education Act.

In the past year, two separate Government-funded studies have produced substantial evidence that medical schools must respond now to compensate for our primary care needs of the 21st century. H.R. 449 is based on the findings and recommendations to the Congress found in both reports. These reports include: First, the General Accounting Office's [GAO] October 1994 report to congressional requesters entitled "Medical Education: Curriculum and Financing Strategies, Need to Encourage Primary Care," and second, the Council On Graduate Medical Education's [COGME] fourth report to Congress and the Department of Health and Human Services entitled "Recommendations to Improve Access to Health Care Through Physician Workforce Reform."

At this time, I would like to briefly summarize the GAO's findings. Medical career decisions are usually made at three specific times during a student's education: First, at the end of college when students typically apply to medical school, second, during the fourth year of medical school when students choose the area of medicine to pursue and enter residency training, and third, at the end of residency training when residents decide to enter practice or to train further for a subspecialty. H.R. 449 attempts to encourage primary care as a career choice at all points in a student's academic career.

The choice of career paths in medicine were found to be significantly influenced by the curriculum and training opportunities students receive during their medical education. Foremost among these factors was whether the medical school had a family practice department. Students attending schools with family practice departments were 57 percent more likely to pursue primary care than those attending schools without family practice departments. Second, the higher the ratio of funding of a family practice department in relation to the number of students, the higher the percentage of students choosing to enter primary care. Students attending medical schools with highly funded departments were 18 percent more likely to pursue primary care than students attending schools with lower funding. A third factor was whether a family practice clerkship was required before career decisions were made in the fourth year. Students attending schools which required a third-year clerkship were 18 percent more likely to purse primary care. Fourth, a significant correlation was found between residents who were exposed to primary care faculty, exposed to hospital rounds taught by primary care faculty, and exposed to rotations which required training in primary care—and residents who were not—in choosing to enter general practice.

Given the health care needs of the 21st century, COGME recommends we attain the following physician workforce goals by the year 2000. First year residency positions should be limited to the number of 1993 U.S. medical school graduates, plus 10 percent. At least 50 percent of residency graduates should enter practice as primary care physicians. And, steps should be taken to eliminate rural and inner-city primary care shortages.

To reverse the current trends toward specialization, the Traficant Primary Care Education Act directs the Secretary of Health and Human Services to give preference to medical schools which have established programs that first, emphasize training in primary care, and second, encourage students to choose primary care. Under H.R. 449, the Secretary must consider the GAO's findings when establishing the conditions a medical school must meet to receive preference.

The Secretary, however, is by no means limited to the GAO's findings. H.R. 449 was designed to give the Department of Health and Human Services the authority to shift the current trends in medical education to meet existing and future needs. It does this by giving preference, or awarding grants and contracts to schools which have designed curriculum that has been proven to increase primary care. The Traficant bill, however, by no means dictates, to the administering agency or medical schools, the best way to achieve the desired results. The Traficant bill, in fact, follows the intent of language of the Public Health Service Amendments of 1992, which was passed only by this body. It is my hope that HHS, as the expert agency on this issue, in consultation with medical schools, GAO, and COGME, will attain the health care and physician work force needs of the 21st century.

If you support improved access to services and lower health care costs, I urge you to cosponsor H.R. 449, the Primary Care Education Act.

NUCLEAR WASTE POLICY REASSESSMENT ACT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mrs. VUCANOVICH. Mr. Speaker, today I'm introducing the Nuclear Waste Policy Reassessment Act of 1995. Congress has shown little concern for the science of Yucca Mountain. Instead, the siting of the Nation's high-level nuclear waste repository has become nothing more than a political football.

My bill prohibits site characterization of Yucca Mountain for 3 years while the National Academy of Sciences conducts a study to determine if the current process of studying only Yucca Mountain makes scientific sense, or whether alternatives should be looked at. I believe that a body concerned with scientific objectivity cannot possibly endorse the further site characterization of Yucca Mountain and the current exclusion of other options.

During the suspension of work on the Yucca Mountain site the legislation provides for funding of dry cask storage at existing reactor sites. As the deadline approaches for the Federal Government to take possession of this waste, we must provide some type of storage; onsite storage appears to be the most workable solution.

In recognition of slippage in the deadlines for study and construction of a high-level nuclear waste facility, this legislation moves the deadline for opening any nuclear waste dump back to 2015.

I have been consistently opposed to siting the Nation's high-level nuclear waste repository in Nevada, and I will continue to fight Congress' abuse of Nevada with all means available. It's not fair for Congress to make Nevada into the nuclear dumping ground for the rest of the country. I hope my colleagues will support my efforts to see that science prevails over politics.

TRIBUTE TO MUSICIAN/COMPOSER GEORGE KATSAROS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. BILIRAKIS. Mr. Speaker, we owe a great debt of gratitude to those ancient Greeks who forged the notion of democracy and thus gave us a blueprint for our own democratic heritage. We owe another debt of gratitude to a man who has been called the greatest Greek folk song composer and singer of the 20th century. It is that man, my good friend George Katsaros, for whom I rise today to pay tribute.

Ironically, it was the promise of opportunity inherent in democracy that beckoned George to this country from the island of Amorgos in 1913 at the age of 25. Stepping off a steamship at New York Harbor with all his belongings in one hand and his guitar in the other, George Katsaros began a musical career that continues even today. Within hours of his arrival he was accompanying a Salvation Army street band and was invited to stay on. Now, more than 80 years later, his strong, nostalgic, mellow voice and unique style on the guitar have been heard in every corner of the world: in ballrooms, hotel clubs, coffeehouses, concert halls, steamships, private yachts—anywhere people gather to hear their memories and dreams and experiences put to music and sung from the heart.

Katsaros became so popular that in 1919 RCA Victor signed him as a recording artist. Contracts with Columbia and Decca followed, and soon many of his compositions became favorites in Greece and other places where Greek music is played. His popularity grew because people related to his songs about life in unfamiliar surroundings and in difficult times; songs about the comfort of family and friends; songs about the joy of hopes fulfilled.

Now, even in his twilight years, George Katsaros still composes and performs. At 106 years of age he is immaculately dressed, his back straight, his eyes bright with ideas yet to be expressed. Accolades, such as his 1990 State of Florida Folk Life Heritage Award, or his selection as grand marshall of the 1994 Tarpon Springs Christmas parade, don't lull him into inactivity; they inspire him to continue on.

Steve Frangos, in his 1992 study of the international Greek entertainment industry, noted that Katsaros merits recognition on a national level "for his singular contributions not only to the ongoing development of Greek music but as one of the finest proponents of traditional ethnic music ever to perform in America." I am proud to call him a fellow American and a friend.

EL REGRESO FOUNDATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Ms. VELÁZQUEZ. Mr. Speaker, on September 23, 1994, I attended the graduation ceremony for El Regreso Foundation, a bilingual drug and alcohol abuse treatment program in the Williamsburg, Brooklyn section of my district. The event was an incredibly moving experience filled with tears and applause. The feeling of hope overcoming pain and abuse permeated the evening's festivities.

Overcoming the greatest odds and barriers, these graduates literally received a new lease on life, a life formerly plagued with violence, crime, and drug use.

This graduation was a perfect example of the ability of our people to take hold of their lives and turn them around, to be able to look into their selves and recognize that they do not want to become another statistic.

Events such as this one at El Regreso, are an inspiration to us all. They are of extreme importance to communities such as Williamsburg, which struggle daily for sources of hope. And while the media bombards us daily with stories of violence, crime, and despair, these and other success stories go unnoticed.

Success stories such as the one of Carlos Pagan. He too overcame heavy drug use and a hard street life, to become the founder and executive director of El Regreso. He is now a source of inspiration to untold numbers of men and women who go through El Regreso's Program, and a bright beacon of light illuminating the dark waters of addiction.

In closing, I salute Carlos Pagan and the staff of El Regreso for reminding our community that the best weapons against poverty, discrimination, and even fear are not the escapes offered by powerful hallucigenics. The best weapons against these enemies are the potency of pride and the power of belief in themselves.

NATIONAL GAMBLING IMPACT AND POLICY COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. WOLF. Mr. Speaker, today I am introducing legislation establishing the National Gambling Impact and Policy Commission. This blue ribbon panel will be composed of nine members—three appointed by the Speaker of the House of Representatives, three appointed by the majority leader of the Senate, and three appointed by the President of the United States. One of the appointees should be a State Governor.

America is on a gambling binge. The question facing this commission will be: are we trading long-term economic growth and prosperity for short-term gain? Gambling is one of the fastest growing industries in the Nation and is becoming America's pastime. In 1993, Americans made more trips to casinos than they did to major league ballparks. At the turn of the century, gambling was prohibited. Today, however, there are 37 State lotteries, casinos operate in 23 States, and 95 percent of all Americans are expected to live within a 3- or 4-hour drive of a casino by the year 2000. Only two States, Hawaii and Utah, forbid wagering.

Reports indicate that cash-strapped State and local governments will continue to authorize more gambling operations in the hope that they will be an economic bonanza. Governments often fail to consider, though, that gambling can bring on economic problems to their jurisdictions that far outweigh any benefits. Negative impacts on State and local economies, small businesses, and families can no longer be ignored. Crime and social problems related to gambling could add to already overburdened criminal justice and social welfare systems. This is an issue of national economic importance, and I believe the new Congress should examine it closely over the coming months.

The Commission established by this legislation will conduct a comprehensive legal and factual study of gambling in the United States. I will outline some of the specific matters to be studied and some examples of why they should be studied.

The Commission should review the costs and effectiveness of State and Federal gambling regulatory policy, including whether Indian gaming should be regulated by States as well as the Federal Government. Indian gambling accounts for about 5 percent of all casino gambling and that figure is growing at an extraordinary rate. Unlike New Jersey and Nevada which has extremely costly, mature, and effective regulatory structures, the Federal effort to regulate Indian gaming to prevent the infiltration of organized crime is scanty at best. There are less than 30 staff persons to regulate Indian gaming operations throughout the country. The Commission should recommend whether or not Indian gaming should be regulated by the States.

The Commission should examine the economic impact of gambling on other businesses. As gambling proliferates, job-creating wealth is shifted from savings and investment to gambling which creates no useful product. Income spent on gambling is not spent on movies, clothes, recreation services, or other goods or services. Gambling cannibalizes other businesses such as restaurants. For example, the number of restaurants in Atlantic City declined from 243 in 1977, the year after casinos were legalized, to 146 in 1987.

The Commission should make a detailed assessment and review of the political contributions and influence of gambling promoters on the development of public policy regulating gambling. Proponents of gambling raised about $14 million in their losing battle to bring casino gambling to Florida. Millions in contributions are given to lawmakers yearly by gambling interests. In my own State of Virginia, 10 casino industry groups spent $317,000 lobbying Virginia's legislators to roll the dice and bet on casino or riverboat gambling. Gambling interest's role in the formation of public policy is important because a recent study notes that most economic impact statements about gambling overwhelmingly are written from the gambling proponents perspective.

The Commission should make a detailed assessment of the relationship between gambling and crime. In one report, the Florida Department of Law Enforcement opposed legalizing casino gambling because they indicated "casinos will result in more Floridians and visitors being robbed, raped, assaulted, and otherwise injured." Sometimes organized crime is associated with gambling because of the huge amounts of cash involved, making it an easy target of money launderers. Drug money, extortion money, and prostitution money are all laundered through such operations.

Gambling may on occasion breed political corruption. Seventeen South Carolina legislators were convicted of taking bribes to legalize horse and dog track racing. Six Arizona legislators pleaded guilty in 1990 for accepting bribes on a bill to legalize casino gambling. Seven Kentucky legislators pleaded guilty of bribery for the same. In 1990, a former West Virginia Governor pleaded guilty to taking a bribe from racing interests. In 1994, a West Virginia lottery director was sentenced to Federal prison for rigging a video lottery contract.

Because of crime associated with casino gambling, regulatory agencies in New Jersey spend over $59 million annually to monitor the city's casinos. In 1992, the Wall Street Journal reported that since 1976, Atlantic City's police budget has tripled to $24 million while the local population has decreased 20 percent. During the first 3 years of casino gambling, Atlantic City went from 50th in the Nation in per capital crime to 1st. Overall, from 1977 to 1990, the crime rate in that city rose by an incredible 230 percent. Organized criminal activity is so pervasive that the American Insurance Institute estimates that 40 percent of all white-collar crime is gambling related.

The Commission should also study the impact of pathological, or problem gambling on individuals, families, social institutions, criminal activity, and the economy. Gambling social costs include direct regulatory costs, lost productivity costs, direct crime costs, as well as harder-to-price costs such as suicide, and family disintegration. Various studies indicate that the mean gambling-related debt of people in compulsive gambling therapy ranged from about $53,000 to $92,000. Compulsive gamblers in New Jersey were accumulating an estimated $514 million in yearly debt.

Pathological gamblers engage in forgery, theft, embezzlement, drug dealing, and property crimes to pay off gambling debts. They are responsible for an estimated $1.3 billion worth of insurance-related fraud per year which is borne by the rest of us in the form of increased premiums, deductibles, or copayments.

Teenage gambling is another daunting social problem. In 1991 New Jersey casino security ejected 21,838 persons under the age of 21 from casinos, and prevented another 196,707 from entering. The New Jersey Casino Control Commission regularly reports 25,000 or more teenagers being stopped at the door or ejected from the floors of Atlantic City's casinos. One can only guess at how many teenagers do get in, gamble, and are served drinks. Today, research indicates that as many as 7 percent of teenagers may be addicted to gambling.

The Commission should review the demographics of gamblers because studies indicate a disproportionate number of gamblers are low-income people.

Mr. Speaker, while I am personally opposed to legalized gambling in Virginia, I am not taking a position on whether other States should or should not permit gambling. The purpose of this legislation is to bring together all the relevant data so that Governors, State legislators, and citizens can have the facts they need to make informed decisions. I invite any interested Members to join me as cosponsors of this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Gambling Impact and Policy Commission Act".

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the National Gambling Impact and Policy Commission (in this Act referred to as the "Commission").

SEC. 3. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed from persons specially qualified by training and experience, of which one should be a Governor of a State, to perform the duties of the Commission as follows:

(1) three appointed by the Speaker of the House of Representatives;

(2) three appointed by the majority leader of the Senate; and

(3) three appointed by the President of the United States.

(b) DESIGNATION OF THE CHAIRMAN.—The Speaker of the House of Representatives and majority leader of the Senate shall designate a Chairman and Vice Chairman from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting as directed by the President.

(e) MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of gambling in the United States and existing Federal, State, and local policy and practices with respect to the legalization or prohibition of gambling activities and to formulate and propose such changes in those policies and practices as the Commission shall deem appropriate.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the economic impact of gambling on the United States, States, political subdivisions of States, and Native American tribes;

(B) the economic impact of gambling on other businesses;

(C) an assessment and review of the political contributions and influence of gambling businesses and promoters on the development of public policy regulating gambling;

(D) an assessment of the relationship between gambling and crime;

(E) an assessment of the impact of pathological, or problem gambling on individuals, families, social institutions, criminal activity and the economy;

(F) a review of the demographics of gamblers;

(G) a review of the effectiveness of existing practices in law enforcement, judicial administration, and corrections to combat and deter illegal gambling and illegal activities related to gambling;

(H) a review of the costs and effectiveness of State and Federal gambling regulatory policy, including whether Indian gaming should be regulated by States instead of the Federal Government; and

(I) such other relevant issues and topics as considered appropriate by the Chairman of the Commission.

(b) REPORT.—No later than three years after the Commission first meets, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS AND SUBPOENAS.—

(1) The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, receive such evidence, and require by subpoena the attendance and testimony of such witnesses and the production of such materials as the Commission considers advisable to carry out the purposes of this Act.

(2) ATTENDANCE OF WITNESSES.—The attendance of witnesses and the production of evidence may be required from any place within the United States.

(3) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(4) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(5) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (3) may be served in the judicial district in which the person required to be served resides or may be found.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The executive director shall be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman of the Commission may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4.

TRIBUTE TO THE HERITAGE SCHOOL OF NEWNAN, GA, ON THE OCCASION OF ITS 25TH ANNIVERSARY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. COLLINS of Georgia. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding educational institution located in Georgia's Third Congressional District. On November 22, the Heritage School of Newnan, GA, celebrated its 25th anniversary.

The Heritage School was founded in 1970 to create an outstanding educational alternative for the families of Newnan and the surrounding areas. Renowned for its emphasis on family involvement in the educational process, the Heritage School prospers through intense communication between teachers, students, and parents. In fact, the parent conferences at the Heritage School are led by the students. This highly innovative method allows students to analyze their scholastic progress, outline areas needing improvement, and share with both parent and teacher the steps that will be used to achieve the goal.

Stressing personal growth as well as academic excellence is evident in the Heritage School's Bigs/Littles program. This program is designed to foster social and academic relationships between the students ranging from age 3 to 18. The Bigs/Littles program provides younger students an opportunity to have older, more experienced students as role models. In turn, older students have a sense of duty to look after the well-being of their little friends. The Bigs/Littles program at the Heritage School fosters respect, trust, and friendship throughout the students' lives.

The Heritage School prepares students for success in college and life by encouraging and demanding academic excellence. The fact that 98 percent of the Heritage School graduates attend college, and 92 percent of those graduate from college with their entering class, illustrates the success of this educational institution.

The success of the Heritage School is deeply rooted in its three-part educational philosophy. First, students must become involved and develop a strong desire to participate in their own education and in the life of their school. Then, students need to experience genuine success in an academic area or activity. Finally, students are encouraged to strive toward excellence, develop the ability to tap their deepest personal resources, and interact meaningfully with others.

Mr. Speaker, at a time when the education of America's youth is under constant attack, I am honored to have an institution in my district that continually produces outstanding young individuals. I ask my colleagues to join me today in recognizing the achievements of the Heritage School on its 25th anniversary and encourage this institution to continue to uphold what has become the standard for academic excellence in Georgia.

MAZAIKA VERSUS BANK ONE COLUMBUS, N.A.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. NEY. Mr. Speaker, for the information of my colleagues I am entering into the RECORD the following letter to Mr. Leach, chairman of the House Banking and Financial Services Committee regarding the *Mazaika* v. *Bank One Columbus, N.A.*, No. 00231 (PA Superior Court 1994) decision:

HOUSE OF REPRESENTATIVES,
January 10, 1995.

Congressman JIM LEACH,
Chairman, House Banking and Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR JIM: Last month, the Pennsylvania Superior Court issued a decision interpreting important provisions of the Riegle-Neal Interstate Banking and Branching Act of 1994—provisions that our colleagues worked on together during the 103rd Congress.

The case that we are referring to, as you know, is the *Mazaika* v. *Bank One Columbus,* *N.A.* No. 00231 (PA Superior Court 1994) decision. In a 6 to 3 decision, the Pennsylvania Superior Court determined that a national bank located in Ohio was not authorized by Section 85 of the National Bank Act to collect certain credit-card charges from Pennsylvania residents. This holding conflicts with the conclusions reached by many other courts across the country and the clear legislative intent. These other courts have held, based on decisions of the United States Supreme Court and other authorities (including opinions by the federal bank regulators), that a national bank may collect credit card charges from borrowers, no matter where they live, as long as the charges are legal in the national bank's home state.

We believe that the *Mazaika* court made two fundamental errors in its interpretation of the Riegle-Neal Interstate Banking and Branching Act of 1994. The court found that the "applicable law" provision in the interstate law applied, even though that provision is applicable only when a bank actually has branches in a second state. This provision has no bearing on or relevance to the facts in the *Mazaika* case because, in that case, no branching by the Ohio bank into Pennsylvania is involved.

The *Mazaika* court also ignored the provision in the interstate law that actually is relevant, the "savings clause" in Section 111 of the Interstate law. The savings clause ensured that a bank's ability to collect all lending charges was not affected by other provisions of the interstate law (such as the applicable law provision). The savings clause preserves the pre-existing lending authority of banks to collect all lending charges in accordance with home state law, without regard to the changes in branching authority made by the interstate law.

It is always frustrating when courts fail to interpret correctly the plain meaning of the laws we enact. This is particularly troubling in this case. We therefore would appreciate your assistance in clarifying the legislative intent regarding this matter.

Very truly yours,
DEBORAH PRYCE.
ROBERT NEY.

WELCOME TO HON. FRANKLIN A. SONN, AMBASSADOR FROM SOUTH AFRICA

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. CARDIN. Mr. Speaker, I rise today to welcome the Honorable Franklin A. Sonn as the new Ambassador from South Africa to the United States. On Thursday, January 12, 1995, Ambassador Sonn, in his first major U.S. speech, will address the Beth Tfiloh Congregation in Baltimore.

Ambassador Sonn, a leading South African educator and businessman who was appointed by President Nelson Mandela, is interested in promoting greater opportunities for partnerships between the United States and South Africa. I believe it is vital that the United States continue to offer economic development opportunities for South African and United States businesses. Without economic stability, President Mandela will have great difficulty in accomplishing his goal of building a new future for all South Africans.

South Africa and President Mandela have made enormous strides in focusing on human rights issues and the economic needs of South Africans. Ambassador Sonn will discuss President Mandela's plans for a new South Africa, including housing, education, economic development, and racial harmony.

This address is being coordinated by the International Commission of Community and Volunteer Services of B'nai B'rith in cooperation with the black and Jewish organization the BLEWS.

I hope that my colleagues also join my fellow Baltimoreans and me in welcoming Ambassador Sonn and in extending best wishes to him as he begins his assignment in the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 12, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 18

9:30 a.m.

Rules and Administration

To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1995 and 1996.

SR–301

JANUARY 19

9:30 a.m.

Rules and Administration

To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1995 and 1996.

SR–301

JANUARY 25

9:30 a.m.

Rules and Administration

Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business.

SR–301

POSTPONEMENTS

JANUARY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings to review structure and funding issues of the Bureau of Indian Affairs.

SR–485

SENATE—*Thursday, January 12, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The prayer will be led by the guest chaplain, the Reverend Mark Edward Dever, pastor of the Capitol Hill Baptist Church, Washington, DC.

PRAYER

The guest chaplain, the Reverend Mark Edward Dever, Ph.D., offered the following prayer:

O Heavenly Father, and most just Lord, we come to you acknowledging You as Creator of all, Upholder of all, and Judge of all.

We do pray for this Chamber in its deliberations today that it would express not only Your power and authority, but also Your demand for justice. Among mountains of details, limitations of time, and consequences beyond their knowledge, help them to establish and maintain justice. Lead them to decisions that are equitable. Aid them in reflecting Your righteousness.

We know that in this broken world, no set of privileges can completely protect any of us from injustice. In great and little ways, each of us has been wronged. So, Lord, we long for justice. Yet, we confess that though we speak big words about justice in public, we too easily will injustice on others in our personal life for petty prizes and small gains. Thank You, Lord, for being so careful of us, when we are often so careless of others, and of You. Help these Senators not to be intoxicated by power, but to remember that they rule by permission. Help us as a nation, Lord, to realize that even we, the people of this Nation, rule only by permission; that You alone rule by right. In Your heart, we see unwavering justice tempered by costly mercy. Teach us Your ways. In the name of the One who was judged for us, and who will judge us all, Jesus Christ. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m, with Senators permitted to speak for up to 5 minutes each.

Under a previous order, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 10 minutes.

Mr. LOTT. Mr. President, first I would like to yield for a unanimous-consent request from the Senator from Oregon.

Mr. HATFIELD addressed the Chair.

ACCOLADES TO GUEST CHAPLAIN

Mr. HATFIELD. Mr. President, I thank the acting majority leader.

Mr. President, I would like to take this occasion, again, to thank the Reverend Mark Edward Dever who has very faithfully presided over the opening of this session as the chaplain from Monday through Friday of this week.

Mr. President, I would ask unanimous consent at this time to place in the RECORD a résumé of the very distinguished career of this young pastor of the Capitol Hill Baptist Church, who has his baccalaureate degree from Duke University; his master of divinity from Gordon-Conwell in Massachusetts; his master of theology from Southern Baptist Theological Seminary in Louisville; and his doctor of philosophy from Cambridge University in England; and other materials relating to his distinguished and very young career, including publications, honors, and recognitions. I thank the acting majority leader.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARK EDWARD DEVER

EDUCATION

Doctor of Philosophy [Ph.D.], Cambridge University, England.

Major Area of Study: Ecclesiastical History.

Thesis: "Richard Sibbes and the 'Trully Evangelicall Church of England.'"

Supervisory Professor: Dr. Eamon Duffy.

Date of Completion: July, 1992.

Master of Theology [Th.M.], The Southern Baptist Theological Seminary, Louisville, KY.

Major Area of Study: Historical Theology.

Thesis: "Representative Aspects of the Theologies of John L. Dagg and James P. Boyce: Reformed Theology and Southern Baptists."

Supervisory Professor: Dr. Timothy George.

Date of Completion: December, 1987.

Master of Divinity [M.Div.], *Gordon-Conwell Theological Seminary, South Hamilton, MA.*

Graduation Honors: Summa Cum Lauda.

Date of Completion: May, 1986.

Bachelor of Arts [B.A.], *Duke University, Durham, NC*

Graduation Honors: Magna Cum-Laude.

Major Area of Study: History (concentration in medieval Europe). Religion (concentration in New Testament studies).

Date of Completion: May, 1982.

MINISTRY POSITIONS

Pastor, Capitol Hill Baptist Church, 1994–present.

Associate Pastor, Eden Baptist Church, Cambridge, England, 1992–94.

Pastor, New Meadows Baptist Church, Topsfield, MA, 1985–86.

Pastoral Assistant, Topsfield Congregational Church, Topsfield, MA, 1982–85.

Ordained to the Ministry, First Baptist Church, Madisonville, KY, July 28, 1985.

OTHER ACTIVITIES

Teacher, Reformation Studies, Cambridge University, 1992–94.

Editor, *Cambridge Papers*, 1992–94.

Frequent Speaker at Conferences and Student Fellowship Meetings.

Supply Preacher, Eden Baptist Church, Cambridge, 1988–92.

Contributing Editor, *Paradigms*, 1988–89.

President, Inter-Varsity Christian Fellowship, Duke University, 1981.

PUBLICATIONS

"Providence," *Cambridge Papers* 2/2 (June, 1993).

"The Power of the Resurrection in the Christian's Life," *Christian Arena* 46/1 (March, 1993).

Review of Richard Muller, *God, Creation and Providence in the Thought of Jacob Arminius: Sources and Directions of Scholastic Protestantism in the Era of Early Orthodoxy*, in *Themelios*/18 (1993).

"Moderation and Deprivation: A Re-Appraisal of Richard Sibbes," in *Journal of Ecclesiastical History*, 43/3 (July, 1992), pp. 396–413.

"John Leadley Dagg," in *Baptist Theologians*, ed. David S. Dockery and Timothy F. George, Broadman Press, 1990, pp. 165–187.

"History of the Doctrine of the Church," in *Disciple's Study Bible*, Holman Bible Publishers, 1988, pp. 1722–1723.

"History of the Doctrine of Evangelism," in *Disciple's Study Bible*, Holman Bible Publishers, 1988, pp. 1730–1731.

Forthcoming: "William Tyndale, Justification By Faith," *Building on a Sure Foundation*, (1995).

PROFESSIONAL MEMBERSHIPS

Tyndale Fellowship, 1989–present.

American Society of Church History, 1986–present.

Southern Baptist Historical Society, 1985–present.

American Academy of Religion, 1984–present.

HONORS AND RECOGNITIONS

J.B. Lightfoot Scholarship in Ecclesiastical History, Cambridge University, 1989–91.

Overseas Research Scholarship, Cambridge University, 1988–91.

Garrett Teaching Fellowship, Southern Seminary, 1986–87.

Student Commencement Speaker, Gordon-Conwell Seminary, 1986.

President's Award, Gordon-Conwell Seminary, 1986.

Departmental Award in Theology, Gordon-Conwell Seminary, 1986.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Phi Alpha Chi, Honor Society, Gordon-Conwell Seminary, 1986.

Byington Fellowship in Theology, Gordon-Conwell Seminary, 1984–86.

Dean's Honor List, Duke University, 1978–82.

BIOGRAPHICAL INFORMATION

Date of Birth: August 28, 1960.

Family Status: Married on June 5, 1982 to Constance Jane Willcutts. Patricia Anne, born April 25, 1985. William Nathan, born January 20, 1990.

Address: 508 East Capitol Street NE., Washington, DC 20003.

Home Telephone: (202) 544-5105.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LOTT. Mr. President, this morning the time for the two leaders is reserved as noted, and there will be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. At 10:30, the Senate will begin consideration of S. 1, the unfunded mandates bill. Under the unanimous-consent agreement, debate only will be in order on the bill prior to 2 p.m. today. Therefore, there will be no rollcall votes prior to 2 p.m. today.

I yield the floor, Mr. President.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, first of all I ask unanimous consent that Veronica McCarthy, a fellow in my office, be permitted privilege of the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 209 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I yield the floor and turn back any time if I have it.

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 10 minutes.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 210 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I yield the floor and yield back any remaining time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR CRAIG THOMAS

Mr. SIMPSON. Mr. President, just a few moments of remarks, a moment to reflect. You do not get many of those here in this Chamber.

It was a great honor and privilege last week to escort Wyoming's new Senator, my good friend, my old friend, CRAIG THOMAS, to the well of the Senate Chamber for his swearing-in ceremony. That meant a great deal to me, and I think to us both, as he took the oath and became Wyoming's Senator, and for me, indeed, as I watched my old boyhood friend mark another and very significant and great accomplishment in his own life.

It is a rare opportunity for me to serve with someone I have known nearly all my life. We go back a long way, growing up in Cody, WY. He was born in Wapiti, WY. Many say that is called Wapeaty, but it is not. It is the word for "elk," Wapiti. And then he moved into Cody, 20 miles away, to my hometown. It was great fun to share those days together in the town founded by Buffalo Bill Cody himself, and we became friends and neighbors. In fact, we lived just across the alley from each other. He was a year behind me in high school, but he was the kind of person you noticed. He was fair, strong, goodhearted, very well liked by all his classmates, and none of us are at all surprised at how well CRAIG THOMAS has done. In fact, we are all very proud of him. I will say that we called him Lyle in those days. I should not bring that up. That was his name.

During those early years, CRAIG and I were each blessed to have two strong parents who nurtured, guided us, and were very patient with us. CRAIG's father was a schoolteacher. My dad was a lawyer in Cody, on the school board, very actively involved in education issues as well. Dad knew there was nothing more important than a good education. He had learned that from his father, CRAIG from his father. Both of our fathers instilled that goal in us, and we worked very hard to get it done. A lot of whatever success has come our way we owe to our parents.

CRAIG's dear mother is living. She was here the other day on that proud day. So is mine. Our families knew each other. Our loving parents were always a strong presence in our lives. And as I say, Marge was here and sons Patrick and Greg and, of course, a sister who was a classmate of my brother's and daughters-in-law and others of the family.

So then we, after high school, went to the University of Wyoming and not only hit the books but hit the tackling dummies. We played freshman football together for the Cowboys. And he went off to the Marines; I went off to the infantry.

Many years passed. Politics attracted us both. And now we find ourselves serving together in the Senate. Along the way we met and married two very special women. It seems we are very fortunate to have overmarried. I think the road to this arena, the Senate, would have been a lot rockier had Ann and Susie not been strong and capable partners in our lives. CRAIG's wife Susie has dedicated her time, her energy, and her talents to the service of teaching, teaching of the learning disabled. And my wife Ann was a teacher, too, when we married over 40 years ago and has long been involved in many educational, artistic, and mental health issues. They have both been an inspiration to all who know them and are well dedicated to their strong commitment in making a difference in their communities, whether Wyoming or here.

Susie Roberts Thomas comes from Barnum, WY, a town so small that the zip code is a fraction. In fact, a fellow who lived there said once it was so small he thought its name was "Resume Speed."

Her father was Harry Roberts, who was superintendent of public instruction in Wyoming, a very wonderful man, and her mother Toni.

Well, the road here is not an easy one. As someone said, on the high road of humility in Washington, DC, you are not bothered by heavy traffic, and that is true. But nobody has paid his dues more generously and willingly than CRAIG THOMAS, and the toughness he picked up during his service in the Marine Corps has served him well in life and politics. It is a contact sport.

So CRAIG began his service in Wyoming and pursued his interests and his business and his activities and his work with the Wyoming Farm Bureau, the American Farm Bureau, and the Wyoming REA. I recall he used to lobby me on those issues with his remarkable brand of straightforwardness and candor. Now he is on the other side of that fence, and he will be the object of other lobbying efforts. I cannot wait for the REA to show up and begin to work him over on the budget. I hope I can sit in.

We both came to this Congress with ties to our State government. He served in the statehouse from 1985 to 1989. I served there for about 13 years. We did not serve concurrently, but we both kept the lines of communication wide open on issues of concern to Wyoming. And then in 1989, President George Bush selected Dick Cheney to be his Secretary of Defense. CRAIG had already built a strong network of friends and supporters, so he was tapped to "lead the charge" for Dick's seat. To no one's surprise, he won—and worked very hard to do it. Soon after, he was asked by the media if he would be another Dick Cheney, and he quickly quipped that he would not. He said, "Where Dick would have accomplished something but perhaps would have done it through the 'insider route,' I would probably fuss more." And so he has. And Wyoming has been all the better for his "fussing." He said once that no one would have been more pleased to see Dick Cheney Secretary of Defense than he in his whimsical, wry way of humor. He has never been a game player except on the sports field. He always tells you exactly how he feels and why, and he has a quality of outspoken honesty that is greatly appreciated out West where still to some their word is their bond.

And so now he has jumped in and become wet all over. As our old college coach said, "Jump in and get wet all over." Now he comes here and joins the Committees on Energy and Natural Resources, Foreign Relations, Indian Affairs, and Environment and Public Works. It will be great having CRAIG and our new Representative, BARBARA CUBIN, too, the first woman Congressman to represent Wyoming in the Equality State's history—and we are known as the Equality State—it will be an honor to serve with her.

So we have swiftly "jump started" this session. We have all hit the ground running this year. There has been dramatic change in our lives, and the resulting challenges we face may be a bit tougher than in past years, but the rewards will be great, too.

His dedicated spirit will help us all. It gives me a genuinely warm feeling and a great deal of pride to welcome CRAIG THOMAS to the Senate. I cherish his friendship. He is a wonderful man, of great strength, great rich good humor. I hope neither one of us will recite the "Cremation of Sam McGee" from memory, certainly not in the Chamber. But perhaps at some time we will certainly do that for you.

So I look forward to working with him, my old friend, during this historic 104th session of the Congress. God bless him and his work for Wyoming.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota, under the previous order, is recognized for 30 minutes.

THE REPUBLICAN CONTRACT: IT DOES NOT ADD UP

Mr. CONRAD. Mr. President, ever since the November 8 election, the Republican majority and the media have been talking about the Contract With America. The contract sets out the Republican agenda for the first session of the Congress, and it has many good elements in it. For example, I strongly support the Congressional Accountability Act, which will ensure that Congress lives by the same rules it imposes on everyone else. That is something that we almost passed in the last Congress and that is something we will pass in this Congress.

I support the unfunded mandates bill, which will make it more difficult for Congress to mandate State and local governments to establish programs unless Congress appropriates funding to pay for them. That also makes common sense. And it is also something we were working on in the last Congress. But when it comes to the budget and tax elements of the contract, there are two big problems.

First, the numbers just do not add up. There has been a lot of talk about what will not be cut, but the specific proposals on what Republicans believe should be cut fall far short of what is needed to balance the budget. And if the math does not work, the contract will balloon our deficits, explode the national debt, slow our economy, and leave future generations to clean up the mess.

Second, the tax cuts proposed by the Republicans are unfair because they are clearly designed to benefit the wealthiest among us far more than average Americans. And the program cuts necessary to finance these tax cuts, or the higher interest rates that will result when the Republicans fail to balance the budget as promised, will hurt the middle class. Let me explain why the contract does not add up and why it is unfair to average Americans.

We first have to look at the current budget outlook. The contract calls for a balanced budget amendment to the Constitution, which would require a balanced budget by the year 2002. I strongly support this goal. Deficit reduction has been at the top of my agenda since I came to the Senate in 1986, and I have spent an enormous amount of time working on the Federal budget, learning about it, and devising plans to put our fiscal house in order. Every year I have been in the Senate, I have offered comprehensive plans in the Budget Committee, or far-reaching amendments in the Budget Committee or on the floor of the Senate, to achieve more ambitious deficit reduction goals.

Unfortunately, the rest of the Republican contract that is before us makes it far more difficult to meet the balanced budget goal. According to the Congressional Budget Office, it will take more than $1 trillion in cuts over the next 7 years to reach a balance by the year 2002. That is what this chart shows. This is what is necessary to achieve balance by the year 2002—over $1 trillion in budget cuts.

This is not millions of dollars; this is not billions of dollars—this is a trillion dollars, one thousand billion dollars. And that is only if we do not do anything to make the problem worse before we start to solve it.

But the contract makes things far more difficult because it promises hundreds of billions of dollars in tax cuts, most of which would benefit the wealthy far more than average Americans.

The Republicans call it the Contract With America. I call it a Contract on the Middle Class. In order to pay for the tax cuts, the Republicans will have to cut an additional $364 billion in the next 7 years, much of it from programs that benefit middle income families. So let me be clear. If we do not do anything to make the problem worse before we begin to solve it, we need $1 trillion in cuts over the next 7 years to achieve a balanced budget. But the Republicans suggest the first thing we do is not to cut the spending, but to cut taxes by $364 billion over 7 years. So they have dug the hole deeper. Instead of a $1 trillion problem to solve, they present us with a $1.4 trillion hole to fill.

This chart shows that. The blue indicates the $1 trillion necessary to bring the budget into balance. And if you add the $364 billion of tax cuts Republicans have called for, you then see we have a $1.4 trillion problem to solve.

In fact, the effects of these tax cuts will be worse than it appears from these charts. By design, the tax cuts are structured so that the adverse effects are not readily apparent until after the end of the 5-year budget window that Congress uses to measure the effect of proposed changes in taxes and entitlements. In the first 5-year period the tax cuts would cost $197 billion. But between fiscal years 2001 and 2005, their cost more than doubles to $514 billion. Over the 10-year period, those tax cuts cost $712 billion.

This is at a time when we already have a $1 trillion problem to solve over the next 7 years. Without going further on that point, let me just say this means we will have to make additional cuts after 2002 to keep pace with the growing cost of these giveaways to the wealthy and corporate America.

In addition, the contract calls for more spending on defense. Everyone wants a strong national defense, but the world has changed. We now spend more on defense than the next top 10 countries combined, even though there is far less danger to defend against than just a few years ago. In fact, we are the only remaining superpower in the world. Certainly we see this to be true when we look at the Russian Army that cannot even effectively deal with one element of its country that is in revolt.

The extra $82 billion the Republican defense buildup will add to our budget will raise the total cost necessary to reach balance by 2002 to a staggering $1.48 trillion—$1.48 trillion. So we start with a $1 trillion problem and the Republicans immediately proceed to add $364 billion of tax cuts and $82 billion of additional defense spending, making the hole deeper, making the problem bigger, and making the prospects of success more remote.

Just to put that in context, the entire Federal budget this year for everything but interest on the Federal debt is $1.36 trillion. That is, to reach balance by 2002, to pay for all of the proposals in the Republican contract, will require the equivalent of eliminating every Government program—except interest payments—for more than 1 year.

That would be a tough enough problem to address and to solve even if the Republicans in their contract did not do other things to make it even more difficult. But after all the Republican goodies are added on top of our current fiscal problems, we need to cut nearly $1.5 trillion in order to reach a balanced budget by 2002. Clearly that will not be easy.

You have heard our friends on the other side of the aisle suggest over and over that they are going to close this budget gap by cutting agriculture, maybe eliminating farm programs completely and by cutting welfare. Mr. President, that is less than 5 percent of the Federal budget. They have a long, long way to go. The only thing they have come up with so far is welfare, foreign aid, and agriculture, a small fraction of overall spending.

This chart shows where the money is going in the 7 years leading up to 2002. We are going to be spending—if we do not make changes—and clearly we must—some $13.2 trillion over the next 7 years. Where is the money going? Interest is just over $2 trillion, and defense is just over $2 trillion. In fact, we are going to be spending more on interest than we are going to be spending on defense over that 7-year period. Medicaid will be about $1 trillion. Social Security will be almost $3 trillion. Foreign aid will be $162 billion, a little sliver of the spending pie. Domestic discretionary spending will be $2 trillion. Medicare will be nearly $2 trillion. And agriculture, that I hear the other side talking about so loudly, is far less than 1 percent of the budget over this period, only $87 billion. This little tiny sliver here on the chart is agriculture. All other Federal spending over that period will be about $1 trillion.

Mr. President, it's clear we cannot balance the budget just by cutting agriculture programs, cutting foreign aid, and cutting welfare. That is less than 5 percent of what we spend. That is not going to do the job. Once again, we have public statements that sound good but just do not stand up to budget reality. They just do not add up. What we have is a Republican credibility gap.

Unfortunately, instead of giving us a detailed plan that tells us what they are going to cut in order to reach their goal, the Republicans have been telling us what they will not cut. First, they say we cannot cut interest payments on the Federal debt. Of course, that is true. If we did try to cut interest payments, the Federal Government would default and the economy would be thrown into turmoil. This takes over $2 trillion off the table of the $13 trillion we are going to be spending over the next 7 years.

Second, the contract authors say they are not going to cut Social Security. That takes an additional $2.9 trillion off the table.

Third, the contract authors have promised to increase rather than decrease defense spending. So cuts in defense spending are also off the table. That removes another $2.1 trillion from consideration. In fact, after the contract authors have finished making their promises, more than half of the budget is off the table. More than half of the budget cannot be considered in order to solve the budget problem that we face.

On the other side of the ledger, the Republicans have detailed only $277 billion in spending cuts over the next 7 years. Mr. President, I earlier outlined the extent of the problem. If we are going to balance the budget over the next 7 years we have to make cuts of $1.48 trillion, almost $1.5 trillion. The Republicans have so far identified $277 billion of cuts. That leaves the Republicans with a credibility gap of $1.2 trillion—not million, not billion, but trillion. The size of the problem is $1.5 trillion but they have identified less than $300 billion of budget cuts. That means somewhere out there is $1.2 trillion of budget cuts our Republican friends have failed to identify.

We have heard the good news from our Republican friends. But as Paul Harvey would ask, "What is the rest of the story?" They have only two choices. Either the Republicans detail Draconian cuts in programs to close this gap or they fail to balance the budget by 2002.

This failure to talk about specific spending cuts sounds like deja vu all over again. We have heard it all before, Mr. President. History reminds us of the failed trickle down economics of the 1980's. They can say it is a new Contract With America. They can put new clothing on it, but it is the same old trickle down theories, the same old voodoo economics.

History also tells us that faced with a choice between making tough specific spending cuts to pay for their proposals and letting the budget run out of control, the Republican Party will balloon the deficit and run up more and more red ink.

In the 1980's President Reagan came to town promising huge tax cuts, increased defense spending, and a balanced budget. Does it sound familiar? Well, it is. It did not work then. It is not going to work now.

Instead, during that period the average annual deficits under Presidents Reagan and Bush were five times that under President Carter. The national debt tripled under President Reagan, from $900 billion to $2.6 trillion, and grew by half again under President Bush to $4 trillion.

Mr. President, all we have to do is go back and look at what happened when we previously relied on this economic theory. Here is the budget deficit line. From 1940 to 1980, the national debt of the United States was relatively stable. But the Republicans came to town in 1980 with this theory that they could cut taxes, increase defense spending, and somehow the budget would be balanced—even though it was not balanced when they began. It proved to be a complete fraud and hoax. Mr. President, this is what happened. We very nearly destroyed the economy of this country by creating a fourfold increase in the national debt.

Mr. President, these debts did not finance investment in our future. Instead, they reduced our national savings. The result was record high real interest rates.

This chart shows exactly what happened to interest rates as a result of those failed economic policies. From 1968 to 1973, real long-term interest rates, the difference between the interest people paid and the rate of inflation, was less than 1 percent. From 1974 to 1979, real interest rates, the difference between inflation and the interest rates people paid was a negative point 6 percent. But look at what happened from 1980 to 1989 to real interest rates. The difference between the level of inflation and the interest rates people paid was 5.5 percent—record high real interest rates. What did that do? It stopped economic growth in its tracks, it killed job creation in this economy, and it weakened us for the future.

Record high real interest rates means that we invested less in the 1980's than in previous decades resulting in less economic growth for the future, stagnating wages, and a bigger struggle for the average guy to get ahead. It is true. The rich got richer but the middle class got nothing in the 1980's.

These policies squeezed the middle class while better off Americans, the top 20 percent of earners, saw their incomes increase. In fact, this chart shows the changes in family after-tax incomes by income group from 1977 to 1992.

Here is what happened. The bottom 20 percent in our country, the lowest one-fifth in terms of income, saw their after-tax incomes decline 12 percent. The next 20 percent in our country saw their incomes decline 10 percent. The next 20 percent of the income ladder in this country saw their incomes decline 8 percent.

This is the harsh reality of what occurred under a flawed economic policy and plan. Those 60 percent of Americans in the lowest income categories saw their incomes decline during this period. The next 20 percent of the people in this country saw their incomes rise a modest 1 percent. But look what happened to the top 1 percent. The top 1 percent saw their incomes increase 136 percent.

The facts are startling. Working men without college degrees—about three-fourths of all working men—saw a 12-percent decline in real wages since 1979. It is no wonder they are angry; it is no wonder they are upset; it is no wonder they are anxious about the future.

Average weekly compensation has actually fallen to its lowest level since 1960. The only reason that real median family income stayed level overall is because families have added additional earners. My family is an example. I was raised by my grandparents and grew up in a middle class, extended family, with three uncles and aunts and their families in my hometown. In our family—like most middle-class families at that time—the mothers were able to stay home until the kids went to school. Now, in my generation, with 13 grandchildren—all with advanced degrees—every single family has both spouses working to maintain the same middle-class existence. This is not just the reality of the Conrad family. It is the reality of every family in America, and it is, in part, because of a flawed economic policy and plan that was put in place in the 1980's—a plan that proved to be an economic disaster for this country.

Meanwhile when middle-class incomes were falling, the cost of health care, a college education, and homes were rising faster than inflation, squeezing the middle class. Middle-class incomes are buying less and middle-class families are saving less. At the same time, the pay of the average chief executive officer of a corporation, has risen from 29 times as much as the average worker in 1979 to 93 times as much as the average worker today. It is no wonder, I suppose, that a major corporation gave $2.5 million to the Republican Party in the last campaign. They like this policy. This policy is good for them. I understand that. They are looking out for their economic self-interest.

Mr. President, our obligation here in this Chamber is to look out for all Americans, not just the wealthiest 1 percent, not just those at the top of the income ladder, but everyone.

If we look at the tax provisions of the contract, we see more of the same trickle down economic theory. I would like to focus for a few minutes on some of the tax provisions proposed in the contract, because they point so clearly to why the contract is not fair, why it is more of the same old trickle down economics that hurt the middle class in the 1980's.

Middle-income Americans are being led to believe that the tax changes proposed by the Contract With America are directed primarily at them. Nothing could be further from the truth. In fact, only 46 percent of the contract's proposals benefit families with incomes under $100,000.

Mr. President, this chart shows that reality. A majority of the benefits—54 percent—go to families with incomes greater than $100,000, only about 3.5 percent of all Americans. Put another way, only 46 percent of the proposed Republican tax cuts go to benefit the 96.5 percent of Americans who earn less than $100,000, while 54 percent of the benefits go to 3.5 percent of the people who earn more than $100,000 per year. That is the old trickle down economics. That is the way it worked then and that is how it would work now. It is no wonder the middle class got left behind in the 1980's. And if such a policy is enacted now, they would be the first ones hurt in the 1990's.

All in all, almost one-third of the benefits under the Republican plan go to households with incomes of more than $200,000. That is how the Republicans targeted this plan—with one-third of the benefits going to the top 1 percent.

Mr. President, I think it is useful to look more closely at a few of the tax proposals—the major ones—that our friends in the Republican Party have proposed. Let's examine them and see who benefits.

The most costly of the tax cuts in the contract are aimed at the very wealthy. For example, 95 percent of the benefits from the expanded IRA provision would accrue to the top 20 percent of income earners, at a net cost of $45 billion over 10 years. This chart shows how that works. Ninety-five percent of the benefits of the IRA tax incentive they have proposed go to the top 20 percent of income earners who are more likely to already benefit from other tax-favored pension and retirement plans, while only 5 percent of the benefits go to 80 percent of the population.

Capital gains tax relief, which has also been proposed, strikes a chord with many Americans, including some of my constituents who are small business owners or farmers. The proposal in the contract is not a reasonable relief measure, however. Again, it benefits primarily the wealthy. In fact, almost half of the benefits from the capital gains provision would accrue to the wealthiest 1 percent of the population.

It should be pointed out that, through indexing and direct exclusion, taxes would be eliminated on most capital gains profits. The overwhelming winners would be higher income individuals who hold stocks and bonds, while no change would be made in the treatment of interest income from the savings accounts that ordinary middle-class Americans hold. For interest earnings, no adjustment for inflation or exclusion from taxation would be provided. This is the reality of the Republican Contract With America.

Mr. President, I do not know what can be more clear. This shows that the top 1 percent of income earners receive 50 percent of the benefits of the proposed capital gains tax cut. The other 50 percent goes to the other 99 percent. This is the Republican idea of equity. It is not my idea of equity, not my idea of fairness, not my idea of an economic plan that is right for America.

Tax cuts that benefit primarily the wealthy are particularly ironic in view of the fact that I mentioned earlier—income for the top 20 percent of the population has dramatically increased over the past 20 years. I am glad to see that. But what happened to the rest of the folks in this country?

As I noted earlier, the next 20 percent saw a 1 percent gain, and the income of the bottom 60 percent in this country actually declined. This is the reality. In fact, the wealthy are taking home the largest share of national income ever. Yet, the contract proposes tax cuts to ensure that the wealthiest become even wealthier.

The problem is further compounded by the certainty that while upper income families are receiving the benefit of the lion's share of these tax cuts, they secure a much smaller percentage of their income from Government benefits than average families at lower and middle income levels. Upper income families would be affected the least by budget cuts necessary to balance the budget and pay for further tax cuts, primarily for their benefit.

We are giving these benefits to the wealthy at a very high price to the country. At a time when we should be focusing on fiscal restraint, further deficit reduction, and spending cuts, the Republicans instead are focusing on tax cuts.

The proposals in the contract are simply a recycling of the hollow promises from 1981: large tax cuts, defense spending increases, and a balanced budget. That is what they said then; that is what they are saying now. They did not keep their promises then and they can't do it now.

The Reagan administration predicted the economy would improve from a $55 billion budget deficit in 1981 to a surplus of $5.8 billion in 1985. In reality, the Federal deficit actually rose during that period to $212 billion—another gap between rhetoric and reality. They inherited a deficit of $55 billion and they ran it up to $212 billion, all the while saying they would achieve a surplus.

Mr. President, the contract is just as irresponsible. The contract's tax cuts will cost $364 billion, and the Republican defense increases will add another $82 billion. That means the Republicans need $1.4 trillion of spending cuts to balance the budget by the year 2002. Let me repeat: The Republicans need $1.4 trillion in spending cuts over the next 7 years to balance the budget after their tax cuts and after their defense increases.

But where are their spending cuts? Where are they? "Where is the beef?" The only specific cuts the contract identified add up to $277 billion over the next 7 years, not even enough to pay for their tax cut proposal, let alone start to balance the budget.

The bottom line is that there is a $1.2 trillion—not million, not billion, $1.2 trillion—Republican credibility gap, the gap between Republican rhetoric and Republican reality. It gives new meaning to the phrase "Don't ask, don't tell." That is the economic policy the Republicans are asking the American people to buy—a pig in a poke. "We will balance the budget." The problem is $1.4 trillion. They have shown $277 billion of spending cuts. Where is the rest? Where is the other $1.2 trillion?

You really have to wonder what the Republicans are hiding from the American people.

We have seen these sorts of promises before, so we know what is going to happen. These tax breaks for the wealthy will end up busting the budget and the middle class will get stuck with the bill in one of two ways. Either they will be paying through huge cuts in middle class programs, from Medicare to student loans to keeping our highways in good repair, or they will pay with higher interest rates on home loans, car loans, and educational loans, and economic stagnation caused by falling investment in our future.

The Republicans have been enormously successful at selling their contract as a benefit to the middle class.

Mr. President, the reality is that, hidden in the fine print of the contract, are enormously expensive tax breaks for the wealthy that will bust our budget.

Instead of talking about more defense spending and tax breaks for the wealthy, the Republicans need to tell us their specific proposals for balancing the budget. Where are they going to cut the other $1.2 trillion necessary to balance this budget? That is $1,200 billion.

We are waiting to hear from the Republicans. Where are they going to make the cuts specifically? Not these nostrums, "Oh, we will maybe eliminate agriculture funding."

In closing, let me again say we have heard this all before. There was a credibility gap in the 1980's between what the Republicans promised and budget reality. Earlier, I said the Contract With America was a contract on the middle class.

I would warn those middle class Americans who listened to the promises of the Republicans in the 1980's. What happened to you? What happened was the rich got richer, the poor got poorer, and the middle class paid the bill.

Mr. President, political rhetoric in a campaign is one thing. Performing when one has the responsibility of governing is another thing. I call on the Republicans and I challenge the Republicans to come forward with their plan to balance the budget.

What are they going to do to close the gap between the $1.48 trillion necessary to balance the budget over the next 7 years and the paltry $277 billion of budget cuts they have identified? Where is the other $1.2 trillion the Republicans need in spending cuts in order to balance this budget?

We are waiting. The American people are waiting. We wait with great interest to see how our friends on the other side of the aisle will begin to close the gap between rhetoric and reality.

I thank the Chair and I yield the floor.

NATIONAL AUTISM AWARENESS WEEK

Mr. HARKIN. Mr. President, I rise today in honor and recognition of National Autism Awareness Week, January 9–15. Many of you may recognize autism from Dustin Hoffman's character in "Rainman." What some of you may not know is that autism is a neurological disorder that affects some 380,000 individuals in the United States today. Individuals with autism often have trouble with communication and social interaction; their brains don't process information in the same manner as yours or mine. Yet, some forms of autism are mild and individuals can be extremely talented in areas like math or music. Because of this vast range of impairment, autism is referred to as a spectrum disorder. It is a bewildering disability—a mystery science is still trying to unravel.

As we recognize National Autism Awareness Week, it is fitting that we also recognize the Autism Society of America, currently celebrating its 30th anniversary. The society offers those affected by autism and their parents and families, support and advocacy. The society has also been a persistent force on Capitol Hill, and I have been pleased to work with the society in our joint effort of advocating for increased funding for biomedical research. Last year, I was proud to play a role in directing the National Institutes of Health to hold the first ever national workshop in autism which is scheduled for this spring. This year I am looking forward to the findings and conclusions of the workshop.

Understanding is the beginning of acceptance and support. Awareness of the autism spectrum disorder is critical to further research efforts, eradicating discrimination and stigmatization, and improving the quality of the life of individuals with autism, as well as that of their friends and families. That is why it is important to recognize this week, and every week, as National Autism Awareness Week. The work we have before us cannot be completed in 1 week out of every year. It will require all of us, and every week.

Mr. President, I ask my colleagues to join me in recognizing this week as National Autism Awareness Week.

MEMORIAL TO BILL SMULLIN

Mr. HATFIELD. Mr. President, with the passing of Bill Smullin, Oregon has lost another of its pioneers. Bill was for over 50 years a legendary figure in broadcasting and was, in the words of a National Association of Broadcasters chairman, "a great standard-bearer for all broadcasters."

Growing up in the shadow of Mt. Hood as the son of homesteaders, Bill Smullin was one of the first newspapermen to make the transition to broadcasting. Acquiring first radio, then television and cable operations, Bill built his California Oregon Broadcasting Co. into a sophisticated, cutting-edge system which featured the best technology had to offer.

Bill's interest in serving rural areas was avid. In an effort to ensure that smaller television markets had access to films, he helped form Television Station, Inc., in the 1960's, which bought and distributed films to rural stations. About the same time, Bill formed Pacific Teletronics, a microwave company which brought rural residents television programming from stations located hundreds of miles away.

His contributions to the broadcasting profession's development were also numerous. He helped found and organize associations of broadcasting awards from both organizations. Five years ago he was named recipient of the National Association of Broadcaster's highest honor, the Distinguished Service Award. At a ceremony held during the NAB's annual convention, Bill was given the award commemorating his then-57 years of service to the industry. True to form, Bill used this forum not to reflect upon his personal successes and the advances of the broadcasting industry. Instead, Bill took the opportunity to share his concerns about congressional oversight actions were underway at that time.

Bill Smullin was never one to rest on his many laurels. He gave much to the southern Oregon community where he made his home, to several educational institutions in Oregon and California, and to community hospitals. He was a legendary figure and a friend, and I send my sympathies to his family and friends as we mourn our loss.

DEATH OF JIM FLEMING

Mr. MURKOWSKI. Mr. President, it was great sadness that I learned the death of Jim Fleming last week. Jim, as all my colleagues know, has been the administrative assistant to our colleague, Senator FORD since 1975. During that time he also served as Senator FORD's staff for matters coming before the Committee on Energy and Natural Resources and its predecessor, the Committee on Interior and Insular Affairs.

Mr. President, Jim Fleming was one of the true professionals who are responsible for the operation of the Senate. He was respected and liked by the staff on both sides of the aisle. During the 14 years that I and my staff have known him, he was always considerate and helpful. His expertise will be sorely missed not only in areas such as uranium enrichment and utility regulation, but on all the other issues that come before the committee where he was able to see where the differences on issues lay and where a constructive compromise was possible. I know that his death will be an enormous loss to Senator FORD, but it will also be a major loss for our committee and our Members and staff who have known and relied on him for these years.

I want to express my deepest sympathies to his two children and my sincere condolences to Senator FORD. Jim had been with Senator FORD since 1967 and I know how close their relationship has been. We will miss him as well.

TRIBUTE TO EDUARDO MATA

Mrs. HUTCHISON. Mr. President, I rise today to mourn the passing of the greatest Mexican conductor of recent years, who was a fixture in the culture of Dallas since 1977.

Eduardo Mata was born in Mexico City in the 1940's, studied at the Mexican National Conservatory, and won a Koussevitzky Fellowship to study at Tanglewood with Max Rudolf, Erich Leinsdorf, and Gunther Schuller. He led several orchestras before becoming music director of the Dallas Symphony in 1977. He has been beloved throughout north Texas ever since, because he brought the symphony into the first rank of American orchestras.

He was also important to the musical life of our Nation because he championed a number of Latin American composers whose works had been neglected in the United States. He made a point of programming their works in concerts around the country and recorded many of them in Caracas with the distinguished Simon Bolivar Symphony Orchestra.

Mr. Mata died recently when his plane crashed in Mexico, but his recordings and performances remain dear to all who heard them.

Mr. President, Texans will miss his lively presence at the podium of the wonderful Morton Meyerson concert hall, but we celebrate the hall itself, which Mata encouraged Dallas to build. We will also continue to enjoy the orchestra he built as it fills that hall with music from every continent.

THE WALLOWA COUNTY-NEZ PERCE SALMON HABITAT RECOVERY PLAN

Mr. PACKWOOD. Mr. President, I rise today to congratulate a very special effort by a group of Oregonians that could serve as a model for this body in the 104th Congress.

Wallowa County in the northeast corner of my home State is one of Oregon's smallest counties. Yet, that has not stopped the devastating effects of the sole-purpose Endangered Species Act from being felt there. Just this year alone, two sawmills have closed in Wallowa County, taking away over 100 jobs. This is a significant impact on a population of only 7,000.

Every Senator knows my feelings on the Endangered Species Act, and the critical need that it be changed to reflect the needs of people as well as bugs and plants. I am quite hopeful that we will soon reform this act so that the families in Wallowa County and throughout Oregon who have been so gravely injured by it can be made whole.

But I will not use my time today to restate my concerns about the Endangered Species Act and the tens of thousands of families whose hopes and dreams it has shattered in my State in the past 5 years. Instead, I want to focus on the positive response the people of Wallowa County have had to the listing of several species of salmon on the Columbia-Snake River System.

Residents of Wallowa County and representatives of the Nez Perce tribe, in cooperation with the U.S. Forest Service, have developed the Wallowa County-Nez Perce Salmon Habitat Recovery Plan. This plan is a responsible, locally developed effort to protect not only habitat for threatened and endangered species, but also to protect the people of northeastern Oregon and their economic base. This plan takes into account the deteriorating condition of the northeast Oregon forests, as well as the need for timber cutting and salvage, species protection, cattle grazing, and other uses.

Here is a working example of what Americans asked for when they went to the polls. This is not some huge new bureaucratic effort seeking to manage the public lands of Wallowa County by remote control from Washington, DC. Instead, the people affected put their heads together, and using the best information available, crafted a workable, meaningful plan. If there was any single message last November, it was a cry for less Government intrusion. My friends in Wallowa County have been sending that message for a long time.

The bureaucracy's response was, unfortunately, predictable. The National Marine Fisheries Service and the Forest Service have refused to adopt this site specific plan that can be put into place, and begin to have a positive effect, immediately. Instead, these agencies have settled on waiting for an overall framework called "PACFISH," to be ready for implementation. PACFISH is not site specific, and calls for extensive nonmanagement areas. It certainly was not developed with Wallowa County's specific needs in mind, and reflects now-outdated radical preservationist dogma.

I believe that the citizens of Wallowa County, who, after all, are the ones who have to live with any final decisions that are made, deserve a great deal of credit for developing the Wallowa County-Nez Perce Salmon Habitat Recovery Plan. I believe this document should, and will, become the lead plan for salmon habitat recovery in Northeast Oregon.

There is hope for the families of Wallowa County in this Congress. I believe we will be able to take strong action to reform this Nation's restrictive environmental laws and regulations. Until that day comes, however, the families of Wallowa County are not simply waiting for change. They are promoting change, and sending us a message that is unmistakable. I hope we are all listening.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, I doubt that there have been many, if any, candidates for the Senate who have not solemnly pledged to do something about the enormous Federal debt run up by the Congress during the past half-century or more. But Congress, both House and Senate, has never toned down the deficit spending that sent the Federal debt into the stratosphere and beyond.

We must pray that this year, inasmuch as the American people spoke so clearly this past November, will be different, that Federal spending will indeed be reduced drastically. Indeed, if we care about America's future, there must be some changes.

You see, Mr. President, as of the close of business yesterday, January 11, the Federal debt stood, down to the penny, at exactly $4,802,565,300,968.62. This means that on a per capita basis, every man, woman, and child in America owes $18,230.62 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt about 2 years ago—January 5, 1993—when the debt stood at exactly $4,167,872,986,583.67, or averaged out, $15,986.56 for every American. During the past 2 years, that is during the 103d Congress, the Federal debt increased over $6 billion.

This illustrates, Mr. President, the point that so many politicians talk a good game—at home—about bringing the Federal debt under control, but vote in support of bloated spending bills when they get back to Washington. If the Republicans do not do a better job of getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

CONCERNING SHEILA BURKE

Mr. THURMOND. Mr. President, over the past 10 years, the one individual who has been perhaps more closely associated with the new majority leader, Senator BOB DOLE, than any other person is his former chief of staff, Sheila Burke.

A graduate of the University of San Francisco with a bachelor of science in nursing, Sheila worked in the medical field in California and New York before joining Senator DOLE's staff in 1977 as a legislative assistant. Known for his ability to recognize individuals with talent and ability, Senator DOLE soon moved Sheila on to a number of position of greater importance and responsibility. In the following 18 years, Sheila has worked as a professional staff member and deputy stafff director on the Finance Committee, as the deputy chief of staff to the majority leader, and as chief of staff to the majority leader and the Republican leader. While in every instance she has distinguished herself as an individual of great intelligence and dedication, she truly proved her mettle during her tenure as the leader's chief of staff. Sheila knew every piece of legislation at least as well as the person who wrote it. She was always able to provide valuable advice to BOB and to any Republican Senator. Her dedication and sense of purpose not only served us well, but it earned her the respect of Members on both sides of the aisle.

As we all know, the life of a top-level aide to a U.S. Senator is demanding, especially if the Member is in a leadership position as Senator DOLE.

It can often be difficult for a staffer to balance the responsibilities of his or her professional and personal lives, though this appeared to pose little trouble for Sheila. Not only is she the proud mother of three children, Sheila was able to find the time to earn a master's degree in public administration from Harvard University's prestigious and challenging John F. Kennedy School of Government. I doubt that I would be exaggerating if I said that the faculty at Harvard probably learned more about government from Sheila than she did from them.

After many years of service to Senator DOLE, Sheila is moving on to yet another new job, the Secretary of the Senate. In her new position, she will take on many new responsibilities, but none that will be too difficult for her to master or manage. I commend Senator DOLE for nominating Sheila to be Secretary of the Senate, and applaud my colleagues for confirming her nomination.

Mr. THURMOND. Mr. President, there is no arguing that life on Capitol Hill is an interesting experience that provides a wealth of colorful stories. Each one of us knows about staffers who, after working together for years, end up getting married; or of young college graduates who move to Washington, take some lowly job and work their way to positions of importance and responsibility. One of Washington's true "power couples," Howard and Elizabeth Greene, who each now have top level support jobs in the Senate, can lay claim to having enjoyed both the above mentioned experiences.

Howard and Elizabeth got their respective starts on the Hill in the same manner that many of our staffers do, as a doorkeeper and a page. While neither job is particularly glamorous or financially rewarding, they proved to be magic stepping stones for the Greenes. In subsequent years, both Howard and Elizabeth held a number of jobs that eventually led them to positions of key importance, that of Senate Republican Secretary for Howard and the legislative scheduler's office for Elizabeth. Throughout their careers here in the Senate, both have earned well deserved reputations for their ability and dedication as well as the respect and praise of members from both sides of the aisle.

In this new Congress, the Greenes are each moving on to new and important positions: Howard to be the Senate's new Sergeant at Arms, and Elizabeth to be the secretary for the majority. Both of these jobs are critical to the successful operation of the Senate and we will be served well by the Greenes as they work hard, are dedicated, and always have the best interests of the United States Senate at heart in the performance of their duties.

REGARDING DR. HAROLD T. YATES

Mr. THURMOND. Mr. President, people often talk about the good old days, when things were cheaper, life was simpler, and doctors made house calls. Up until this past December 30, there was at least one pediatrician in Northern Virginia, Dr. Harold Yates, who still believed in providing his patients with a lot of old-fashioned service and care.

Over the past almost 5 decades, Dr. Yates has earned a well deserved reputation as one of this area's most committed medical practitioners. A graduate of the University of Virginia Medical School, Dr. Yates is a product of an era when doctors were more than professionals, they were an integral part of a community and a family. As a matter of fact, some of Dr. Yates' first patients have brought their children and grandchildren to the doctor's office for his kind and concerned care. That Dr. Yates has treated literally thousands of children during his career speaks not only to his abilities as a doctor, but to the great trust and genuine affection his patients have for him.

This past December, Dr. Yates hung his white coat and stethoscope up for the final time, ending a practice and era. He will certainly be missed, as he was a man dedicated to providing compassionate and humanitarian care.

RULES OF PROCEDURE, COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, this morning the Committee on Rules and Administration adopted its rules of procedure. Pursuant to paragraph 2 of Senate rule XXVI, committees have until March 1 this year to adopt and publish their rules in the CONGRESSIONAL RECORD. I submit the rules of the Committee on Rules for publication in the RECORD at this time.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SENATE, COMMITTEE ON RULES AND ADMINISTRATION

(Adopted January 12, 1995)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government offices and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The chairman and ranking minority member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

IN HONOR OF JAMES FLEMING

Mr. FORD. Mr. President, I think it is appropriate for me to say a few words about James Fleming, a man whose knowledge of and respect for this Chamber was matched by few. When he died last week, I lost my most trusted political adviser, my confidant, my dear friend.

He was historian, constitutional scholar, purveyor of Kentucky politics, and the unsung hero behind every major legislative initiative in the Kentucky legislature of the 1960's and 1970's. Years later, Kentucky Governors and U.S. Senators alike would seek Jim out, whether he was holding court in Frankfort or his office at 167 Russell. I might add, that it was his habit to being holding court at 7 a.m., much to the dismay of many a late-sleeping lobbyist.

But most important, Jim was always the boy from the small town of Ludlow, who fell in love with Edith Murrell Gaines and married her against her father's best judgment. The one who became a mentor to so many legislators and staff assistants; who was so proud of his children, grandchild, and the baby on its way; and who, long before polls and focus groups came into fashion, used the neighborhood bridge club as his political barometer. Those traits never failed him.

The papers will tell of Jim's remarkable mind that could recount the vote tally in any county 20 years later and made redistricting an art form. They will tell of the parliamentary wizard who left the opposition hopelessly muddled when they had been duped. And they will tell of the visionary who worked to revise the State's constitution, succeeded at streamlining the workings of the General Assembly and reorganized Kentucky's executive branch.

But the people who knew him best will tell of the man who was just as likely to draw analogies from baseball and mystery stories as he was Shakespeare and Aristotle. They'll tell of the man whose love of a good drink was replaced by his love of a good donut, of the devout Catholic who confessed to me last year that he'd run out of things to give up for Lent, and who would always return your books with chocolate smears and notes in the margin with his famous, illegible red scrawl.

The Old Testament tells us that "The price of wisdom is above rubies." Surely Jim was a rich man. But if he was rich, we were richer still, because "The storyteller is the person who creates an atmosphere in which wisdom can reveal itself." And Jim had so much wisdom to reveal.

Rest assured that Jim's loved ones, his good friends, and his not-so-good friends, will be retelling his stories. It might be the one about his impersonating me up at the Lieutenant Governor's conference in Rhode Island. Others will tell of the time when the television cameras, and Edith Murrell, caught Jim when he snuck out from work to catch an afternoon of racing at Churchill Downs. And perhaps, a few will tell what really went on during those redistricting sessions with the maps spread out on the LRC office floor, or how he was always being mistaken for the "Senator" up in Washington.

Well, the last one was fine with me, even if it did get him seated for dinner before me once too often. We were always a team.

I can't say goodbye before expressing my sincerest thanks to his children Barbara Clair and Mike, along with his granddaughter Laura, and all the family members for sharing a large part of Jim with us. I know there were times when Jim felt he should be with them, but wouldn't leave me. I cherish them and Jim for standing by me and want everyone to know how much I treasured and will miss this friendship.

Mr. President, I also ask unanimous consent that the Louisville Courier-Journal editorial of January 5, 1995 be printed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JAMES FLEMING'S EXAMPLE

The death of James Fleming leaves an empty place in our civic life. He was, in a state where politics has more than usual significance, a consummate politician. His work in the public arena was a repudiation of those who like to use the word "political" as a pejorative.

This is a particularly poignant moment for the departure of Mr. Fleming, a long-time aide to U.S. Senator Wendell Ford and one of the people most responsible for the current forms of Kentucky governance.

In Washington, a battalion of newly empowered Republicans are conducting an obtuse, overbroad assault on the whole notion of activist government.

They're billing the attack as some sort of noble revolution. Others say it's just a self-indulgent revenge against those who've tried, in recent decades, to make representative democracy work for the disadvantaged.

Mr. Fleming didn't take much time to argue such points. He knew the value of a properly functioning government, in Frankfort or Washington. He understood the mechanics of democracy. he knew how to overhaul the machinery of government, to make it click and hum. He read voraciously, asked questions relentlessly, informed himself fully. He digested the Federal Register as avidly as the daily weather report. He shared his information and insight with those he mentored.

What he did not do is posture. Which made him unusual around here and virtually unique in the nation's capital.

Most important, he had a moral compass that belied his image as a gruff operative.

His directional indicator was not held in place by the kind of genteel insensitivity that points the way for Newt and Newt's followers.

Mr. Fleming's legacy is what he did, not what he undid.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on the Budget and the Committee on Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act—

(1) the terms defined under paragraphs (11) through (21) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as added by subsection (b) of this section) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

(b) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new paragraphs:

"(11) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon States, local governments, or tribal governments, except—

"(I) a condition of Federal assistance or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

"(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

"(12) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(13) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (11) and (12).

"(14) The terms 'Federal mandate direct costs' and 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (11)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced.

"(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall not include—

"(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the States, local governments, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

"(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

["(15) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

["(16) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.]

"(15) The term 'private sector' means all persons or entities in the United States, except for State, local, or tribal governments, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

["(17)] *(16)* The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

["(18)] *(17)* The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

["(19)] *(18)* The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

["(20)] *(19)* The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code."

["(21)] *(20)* The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

["(22)] *(21)* The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.["".]

"(23) The definitions under paragraphs (15) through (22) shall apply only to section 408.".

SEC. 4. EXCLUSIONS.

The provisions of this Act and the amendments made by this Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution [and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates] *to pay for the costs to State*, local, and tribal governments of the Federal intergovernmental mandate; and

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b)(1), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR.—

"(1) STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(A) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(i) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(ii) The estimate required under clause (i) shall include estimates (and brief explanations of the basis of the estimates) of—

"(I) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

"(II) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(B) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(i) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(ii) Estimates required under this subparagraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(I) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

"(II) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(iii) If the Director determines that it is not feasible to make a reasonable estimate that would be required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(C) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (A) and (B), the Director shall so state and shall briefly explain the basis of the estimate.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

"(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (3) for each fiscal year;

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

"(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

"(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

"(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

["(4) DETERMINATION OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, on questions regarding the applicability of this Act to a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Governmental Affairs of the Senate, or the Committee on Government Reform and Oversight of the House of Representatives, as applicable, shall have the authority to make the final determination.]

["(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For the purposes of this subsection, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the Senate or the House of Representatives, as the case may be.]

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform.".

SEC. 102. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

"(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 408(c) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.".

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

(c) DETERMINATIONS.—

(1) DETERMINATION OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this section in the House of Representatives, on questions regarding the applicability of this Act to a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Government Reform and Oversight of the House of Representatives shall have the authority to make the final determination.

(2) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For the purposes of the application of this section in the House of Representatives, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the House of Representatives.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-

year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation [introduced] *considered* on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws, *including the provisions of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act)*.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on local, State, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for States, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of States, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by States, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by States, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

(3) IDENTIFICATION OF RELEVANT UNFUNDED FEDERAL MANDATES.—Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this subtitle, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of States, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(A) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(B) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(C) 3 members appointed by the President.

(2) LIMITATION.—An individual who is a Member or employee of the Congress may not be appointed or serve as a member of the Commission.

(b) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Members of the Commission shall serve without pay.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) FIRST MEETING.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) QUORUM.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 304. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 305. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) CONTRACT AUTHORITY.—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 306. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 302(d).

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 to carry out this title.

SEC. 308. DEFINITION.

As used in this title, the term "unfunded Federal mandate" means—

(1) any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program;

(2) relates to a Federal program under which Federal financial assistance is provided to States, local governments, or tribal governments under entitlement authority; or

(3) that imposes any other unfunded obligation on States, local governments, or tribal governments.

SEC. 309. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

Mr. DOLE. Mr. President, I would just say in a preliminary way, Senator KEMPTHORNE and Senator GLENN I believe will be here momentarily, but this is an important piece of legislation, so important that it does have the number 1, S. 1.

This is legislation that not only affects Governors, as the Presiding Officer knows what it meant, unfunded mandates, what an impact it has on States; it also affects cities and counties and other subdivisions. The mayors support it. The legislators support it.

Right now, Senator KEMPTHORNE is in a press conference with private sector groups. It also affects the private sector because if an unfunded mandate comes, it is always passed through higher taxes or some other way. So it is strongly supported by the private sector, by the public sector. It has broad bipartisan support and should have broad bipartisan support.

I hope that my colleagues would limit amendments on this bill to those that are legitimate amendments that may affect some real concern they have with this legislation. We have gone through the other exercise on congressional coverage, and I know that happens from time to time on either side. But I think in this legislation it is an opportunity for us to demonstrate in a bipartisan way that we understand the problem; we want to deal with the problem. And so far it has been dealt with in a bipartisan way.

I would also say to my colleagues, many of whom are not here but I know they must be listening in their offices, their ears glued to the TV or whatever, if in fact we can reach some agreement today on the amendments and sort of put them all in a little bag somewhere and say this will be all the amendments that will be offered to this bill, then I will be very happy to try to accommodate some of my colleagues on both sides of the aisle with reference to plans they may have out of Washington tomorrow. As you know, Monday will be a holiday, but we will be back voting on Tuesday.

So staffs on each side I know have been working trying to accommodate Members, but I just suggest this is very important legislation. Senator KEMPTHORNE I think deserves a great deal of credit. He came here as a mayor from Boise, ID. He made this his No. 1 priority. He has never backed away from it. He has stuck with it. He has had a lot of help from our colleague from Ohio, Senator GLENN, and others, Senator ROTH on this side of the aisle.

So we hope that we could really expedite it, demonstrate to the American people that the Senate can act quickly when we have a matter like this before us. Let us address the legitimate concerns, but, please, let us not in this case offer all the other amendments that everybody has been keeping in their files or their waste basket or somewhere else the past several weeks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I would like to address the business before the Senate.

Mr. President, I believe there is no mightier army than an idea whose time has come. Today the Senate begins action on S. 1, legislation that has two simple ideas:

First, the National Government should know and pay for the costs of mandates before imposing them on State and local government.

Second, the National Government should know the costs and impacts of mandates before imposing them on the private sector.

Now some people will say that without question this legislation is a fundamental—yes, a fundamental—change in the way we do business in the Congress and in our relationship with the States and localities. And I say that Congress has gotten away from the fundamentals as envisioned by our Founding Fathers. We should not be here to dictate to the States. We are supposed to be here on behalf of our States—representing and protecting the interests of each sovereign State. Let me quote the tenth amendment of the Constitution:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The words of Ben Nelson, an extremely successful Governor of Nebraska, should bring this fundamental responsibility home to each of us:

> I was elected Governor, not the Administrator of Federal Programs for Nebraska.

The reason this is an idea whose time has come is the result of an army of State and local government officials and business leaders telling Congress that reforming unfunded Federal mandates must be done.

Across America today that army of State and local government officials and business leaders are eager for the Senate to pass this bill. Their battle against Congress for inflicting harm against States and cities is nearly over; Congress is hearing their urgent message.

Today the Senate debates S. 1, legislation that is the first real sign that Congress wants a working partnership with those governing our States, cities, counties and schools.

This day has been two decades in the making. For 20 years Congress has blindly passed law after law, agencies have imposed rule after rule telling State and local governments how to run their schools, cities, buses, sewers, landfills, prisons, courts, and what services to provide to whom, when, and for what purpose.

Congress passed legislation without ever knowing the costs or consequences to State and local governments. The mandates made Congress feel good, and for a while, even look good back home.

But those days are over. Governors and mayors got the mandates, but never got any money to pay for the mandates. They watched helplessly as first 5 percent, then 10 percent, then 15 percent, then 20 percent, then 25 percent of their budgets were devoted to pay for these unfunded Federal mandates.

Unlike Congress, States and cities have to balance their budgets. States and cities cannot borrow money like Congress. States and cities cannot print money like Congress. Governors and mayors and county commissioners live in the real world. They have to make the hard choices of whether to raise property taxes, or to cut other services their citizens really want and need.

Mr. President, 1994 was the year business leaders, Governors, mayors and county commissioners and the citizens they represent said no more. No more unfunded mandates.

No longer should unfunded Federal mandates keep us from putting policemen on our streets; reducing classroom instruction in our schools; fixing our streets. We want reform. We need change.

It took a long time for this message to take hold here in Washington. When I started the campaign to end unfunded Federal mandates 2 years ago, few were familiar with the term "unfunded mandate."

But that has changed. In part that is what the November 8 election was about. Americans took careful aim and fired their ballots at big government, overregulation, and unfunded mandates. Mr. President, 1995 is the year they will see reform. They will see Congress reform unfunded mandates. They will see the enactment of S. 1.

This legislation forces Congress and agencies to know mandate costs it imposes on the public and private sector. It requires Congress to pay for mandates imposed on State and local governments.

I want to pay tribute to the leaders in Congress who first heard the message from State and local leaders and made it possible for us to be debating S. 1 here today.

I commend Senator DOLE for designating unfunded mandate legislation Senate bill 1. That sent a powerful signal throughout the country that this is a high, high priority of our Republican majority leader, that we are going to deal with unfunded Federal mandates. And for that emphasis and his assistance throughout the recess as we crafted this, I have great appreciation.

I also appreciate my Democratic partner on this issue, Senator JOHN GLENN. He has been a thoughtful and an effective ally throughout this whole process, including the last session when he was the chairman of the Governmental Affairs Committee. And I can say that the people of Ohio can be extremely proud of what JOHN GLENN is doing to stop unfunded Federal mandates. I have worked closely with the two committee chairmen, BILL ROTH and PETE DOMENICI, in developing this legislation. Their insight and their strategic judgment, their willingness to act quickly on this bill, have been enormously helpful. Their leadership and their chairmanship roles are enormously helpful.

I also thank Senator EXON, the ranking Democrat on the Budget Committee. As a former Governor, he understood the issue of unfunded mandates and his help has continually been there.

I thank Senator DORGAN for his leadership on the private sector provisions in this bill.

Mr. President, I want to acknowledge too that last year when we had similar legislation you were the first Senate to cosponsor that legislation. As a former Governor you too know about these unfunded Federal mandates.

Finally, I thank those in the House of Representatives with whom I have been working with on this legislation: Representatives BILL CLINGER, ROB PORTMAN, and GARY CONDIT. I am confident once the Senate has approved this legislation, this bill can be passed in the House of Representatives.

What these Members of Congress have in common is a clear understanding that all of us here in the U.S. Senate were elected, in part, to be in charge of the Federal Treasury. It does not follow that we are in charge of a State treasury or a city treasury or a school treasury.

S. 1 offers the opportunity to change all that, to return the responsibility for local decisions back to local people and to leaders they elected. The issue of who best governs and decides local issues is at the heart of S. 1.

Senate bill 1 also represents hope. Hope that finally Congress is serious about building a new partnership with State and local leaders. S. 1 tells business men and women we will not longer saddle you with mandates without knowing their costs, and their impacts on you and what that does to competitiveness and the economy and jobs.

Listen to these endorsements of S. 1, and you will hear the common themes that S. 1 is a strong, comprehensive approach to the problem of mandates.

On behalf of the U.S. Conference of Mayors, I want to * * * express strong support for the new bill, S. 1. S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to restore the partnership which the founders of this nation intended to exist between the federal Government and State and local governments.—Victor Ashe, mayor, Knoxville, TN, president, U.S. Conference of Mayors.

The more than 95,000 locally elected school board members nationwide * * * strongly support S. 1. This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year.

Today school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that school boards (must) * * *. Our Nation's public school children must not pay the price of unfunded federal mandates.—Boyd Boehlje, president, National School Boards Association.

Of all the measures introduced to date, S. 1 is undoubtedly the strongest, best crafted and most comprehensive approach to provide relief * * * from the burden of unfunded mandates.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we present * * * this bill will benefit all states, all counties, all municipalities and all taxpayers, regardless of their political allegiance.—Carolyn Long Banks, councilwoman-at-large Atlanta, GA, and president, National League of Cities.

On behalf of the National Association of Counties, I am writing to express our strong support for S. 1. While this legislation retained many of the basic principles from the previous bill, there were many improvements. Most significant among them is the provision that requires any new mandate to be funded by new entitlement spending or new taxes or new appropriations. If not, the mandate will not take effect unless the majority of members in both houses of Congress vote to impose the cost on state and local government.—Randall Franke, commissioner, Marion County, OR, and president, National Association of Counties.

The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce and 1,200 trade and professional associations * * * identified unfunded mandates on the private sector and state and local governments as their top priority for the 104th Congress. Accordingly, the Chamber supports this legislation and will commit all necessary time and resources to ensuring its passage early in this session.—Richard L. Lesher, president, U.S. Chamber of Commerce.

On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1.

Unfunded federal mandates on the states and local governments end up requiring these entities to raise taxes, establish user fees or cut back services to balance their budgets. Small business owners are affected by all of these actions.

It was not the states and cities who paid roughly $10 billion in unfunded mandates during the 1980s; it was taxpayers—small business owners as well as everyone else. In June 1994, a poll of all NFIB members resulted in a resounding 90 percent vote against unfunded mandates.

I urge you to strongly support S. 1.—John Motley, vice president, NFIB.

This bill is about information and accountability. The cost estimate, points of order, rules changes and other provisions contained in this legislation are absolutely necessary to get us back on track and have the federal government take responsibility for its actions. To make responsible decisions, members of Congress need to be fully aware of the financial burdens that federal legislation often places on state and local governments, and to understand the implications of those burdens.—Jane L. Campbell, president, National Conference of State Legislatures.

We begin the 104th Congress with S. 1, the "Unfunded Mandate Relief Act of 1995," which is a major priority of all state and local officials. We have reviewed the new bill, drafted in full consultation with all our organizations, and strongly support its enactment.—Governor Howard Dean, M.D., chairman, National Governors Association.

This legislation forces Congress and agencies to know mandate policy. It requires Congress to fund mandates imposed on State and local governments. If we do not, they can be ruled out of order and a rollcall vote will decide whether the Senate should consider unfunded mandate legislation.

S. 1 uses the same principles guiding last year's legislation unanimously approved by the Senate Governmental Affairs Committee and cosponsored by 67 Senators. The major feature of this bill is that it creates a point of order against legislation that does not estimate mandate costs on State and local government and does not pay for those mandates. Additionally, legislation imposing mandates greater than $200 million on the private sector must have a CBO mandate cost estimate or be ruled out of order.

But, S. 1 is more than just creating parliamentary roadblocks in the consideration of mandate legislation. S. 1 comprehensively and responsibly reforms the Congress and Federal agencies that propose and implement mandates.

Federal mandates are the result of existing laws, existing regulations and new laws and new regulations on the public and private sectors. S. 1 reforms each source of mandates and I would like to discuss how it does so.

First, I want to explain how S. 1 approaches the issue of mandates being proposed in new laws beginning with new mandates on State, and local government:

New legislation being considered in Congress that imposes on the public sector more than $50 million in new mandates, or legislation that makes any new mandate in the nine largest entitlement programs that directly affect the public sector must meet three tests:

First, the legislation must have a CBO estimate of the mandate cost. In making estimates, CBO must consult with State and local officials, estimate the total amount of direct costs that State, local, or tribal governments must spend above what they are spending to comply with their own laws minus any direct savings in the legislation.

The CBO shall include in its report an estimate of the future costs and any disproportionate effect that may be felt on particular regions or States.

Second, the legislation must include the money or the taxes to pay for the mandate or, if the mandate is to be paid for by a subsequent appropriation, the legislation must either provide that the mandate sunset if not funded or give flexibility to implement the mandate only to the extent funded. The bottom line of this provision is that a rollcall vote will decide whether the Senate should consider unfunded mandate legislation. This process does not abdicate our decisionmaking process. In fact the opposite is true. This process will enhance our decisionmaking because we will have more information to cast better votes.

Let us look at what legislation for the private sector must include: Legislation being considered in Congress that imposes on the private sector more than $200 million in new mandates:

Must have a CBO estimate of the mandate cost, including the direct costs of the mandate and future costs. If the estimate is not done, the legislation is ruled out of order. What this means is that the Senate will go on record if it is willing to proceed to consider a bill that does not have cost estimates.

In addition, committee reports are to include an analysis of any Federal mandate affects on the public and private sectors and to the extent the Federal payment of public sector costs would affect the competitive balance between the public sector and the private sector.

Finally, at the request of a chairman or ranking member of any committee, CBO shall study the effects of a mandate legislative proposal on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of U.S. goods and services.

Now let me explain how S. 1 addresses mandates proposed in new Federal regulations: On State and local government, agencies that propose new mandates that result in the expenditure by State, local, or tribal governments and the private sector of more than $100 million must prepare a written statement that: Estimates present and future costs and benefits to the public and private sector; reports on whether such costs may be paid with Federal financial assistance; assesses any disproportionate budgetary effects of the mandate on any particular area of the United States, or rural or urban communities; summarizes the agency's prior consultation with elected representatives, including a summary of the comments received, the agency's evaluation of the comments and an evaluation of the need to issue the regulation.

For intergovernmental mandates that affect the private sector, agencies must prepare a written statement that states the effect of the mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

Now let us consider what S. 1 does to mandates in current Federal laws and regulations.

On State and local government, S. 1 requires each agency to assess effects of Federal rules—except for those specifically provided by law—on the public sector, including the availability of resources to carry out any mandate; seek to minimize those burdens that uniquely or significantly affect the public sector so long as consistent with achieving statutory and regulatory objectives, and establish an effective process for timely consultation with State and local elected officials in the development of Federal rules.

In addition, a commission will review existing mandates and will report to the President and to Congress action needed to increase flexibility in mandates where terms of compliance are unnecessarily rigid and terminate, consolidate or simplify duplicative, obsolete, or impractical mandates, and suspend, on a temporary basis, mandates that are not vital to public health and safety and which compound the fiscal difficulties of the public sector.

On the private sector, each agency shall assess effects of Federal rules—except those specifically provided by law—on the private sector. As with any legislation, definitions are important. One of the interesting exercises in writing S. 1 has been defining what an unfunded mandate is, and how CBO should calculate the costs of mandates. Here are the key definitions taken from S. 1:

Intergovernmental mandate. S. 1 defines a mandate as any act of the Federal Government which imposes an enforceable, nonvoluntary duty on a State, local, or tribal government. The definition goes on to include that it has an annual cost in any year greater than $50 million, or creates any new more stringent condition or restriction in a Federal program with an annual budget for State, local, or tribal governments in excess of $500 million.

Federal private sector mandate. A nonvoluntary enforceable duty upon the private sector. A private sector mandate does not exist in instances were a condition exists for accepting Federal assistance.

Federal mandate direct costs. When CBO makes mandate estimates, they do so on the basis of direct costs. Direct costs are what the public sector will be required to spend to comply with the Federal intergovernmental mandate, but excluded from calculations are:

Amounts spent complying with existing Federal, State, local and tribal laws and rules, and savings that will result from the mandate, or other changes in Federal law or regulation that governs the new mandate.

Exemptions. Exempted from the definition of mandates are bills or resolutions which enforce constitutional rights, enforce statutory rights prohibiting discrimination because of race, religion, gender, national origin, or disability, require compliance with auditing requirements, as a result of an emergency, or national security.

I also add that these exemptions are strongly supported by State and local government officials. It shows, I believe, their good faith in establishing a partnership with Congress by recognizing that there are some mandates that are wise and good.

Let me sum up what this bill is and is not.

This bill is not some sort of backdoor maneuver to rescind or gut environmental, public safety, or health protection legislation. It is not designed to give a free hand to local governments to ignore standards protecting water, air, or soil.

This bill is not retroactive.

I want to emphasize that this legislation is not intended to stop compliance with mandates or regulations already in place. The goal is to stop the imposition of future unfunded mandates, to stop Congress from passing laws and then requiring local and State governments to pay for them.

If something is truly a national priority, in the best interest of public health, or safety, when Congress should be honest and up-front about it and pay for it.

S. 1 is a bill that says mandates are too important to pass on without some thought and without answering for them after they pass. You simply need to give Senators voting on a bill an estimate of the mandate and how you are going to pay for public sector mandates. If you don't want to do that, vote that way.

And, just because the Congress is responsible with a cost estimate and funding scheme for the public sector does not mean that Congress should be irresponsible to the private sector. That is why we have the private sector mandate analysis in the bill and why we added a special provision making committees analyze and report on any anticompetitive effects on mandates involving the private and public sector. Congress will not be able to hide behind a cost estimate and public sector funding and impose inequitable treatment on the private sector.

We are off on the right track. S. 1 is already supported by 60 Senators and by the U.S. Conference of Mayors, National Association of Counties, National League of Cities, National Governors Association, Council of State Governments, National Conference of State Legislatures, National School Boards Association, U.S. Chamber of Commerce, the National Federation of Independent Business, and the National Retail Federation.

This bill does not abdicate our decisionmaking responsibility. It enhances it. We will make better decisions. We will better protect the rights of States and cities to govern our citizens.

The visionaries who founded this great country wrote the 10th amendment to protect the States from intrusive behavior by the Federal Government. We need to restore that federalism and allow local leaders to set local solutions for local priorities to meet the needs of our citizens.

I could not sum up this challenge any better than Fred Grady of Lincoln, NE, when he said:

> For years and years I yelled and screamed and bellyached about local and state politicos around here; about how all they did was spend money made by other people * * * and it has always seemed to me we have gotten very little for all that has been extorted from our pockets * * * but apparently it is not their—the local and state politicos—fault; apparently because the federal government is demanding all these programs and policies and procedures without paying for them, well, we all know what happens. On the local or state level, we have to give up a fire truck or an ambulance or a snowplow or a set of encyclopedias for the library, in order to pay for something dictated by Washington, even if it is trivial or not as important as fire protection or education. I guess I owe my local and state politicos * * * an apology. I hope your resolution about mandates passes.

I urge each of you to accept Fred Grady's challenge and once again exercise a U.S. Senator's fundamental role of representing the interests of each of our sovereign States—and take this first and fundamental step of lifting the unfair burden of unfunded mandates from the States and localities. Your vote for S. 1 will be a powerful affirmative response to the Fred Gradys of this great Nation.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have been seeking to obtain a report on this bill. I am not on the Budget Committee, and I am not on the Government Relations Committee. But from what I understand, this is a very important bill, a big bill, a complex bill, far reaching in its contents. I have been queried, along with all other Senators, I suppose, as to whether or not they would have any objection to the adoption of the committee amendments, en bloc. I am going to object to the adoption of the committee amendments, en bloc, until I see the committee report.

I have a responsibility as a Senator from the State of West Virginia to know what is in this bill. I may be very supportive of it. But I was assured through my own leader on this side of the aisle the day before yesterday that the committee report would be filed that evening. That was Tuesday. I was assured that the committee report would be filed that evening. So yesterday, when I sought to see the committee report, there was no report. I was told the committee report was not filed and would be filed last evening. I would not have given my consent to take this bill up today had I known that the assurance that I was given on Tuesday that a committee report would be filed that evening actually would not occur.

So I want to see the committee report. I hope other Senators will seek to see a committee report. I might not have any objection to any of the committee amendments.

I think we are in just a little bit too big of a hurry. The Contract With America is a steamroller in the other body, and apparently is going to be a steamroller here. I did not sign that contract. I do not even know what is in it. I have been reading about it in the newspapers, but I am not signatory to that contract. I may be supportive of a great many of the items that are in that contract. But I do know that it is a steamroller. I do not want to just buy a pig in a poke when this is a big poke. This is a big poke—maybe a big pig in a big poke. I want to know what is in it.

I would hope that the Members of the Senate on both sides would insist on having a copy of the committee report. I would like to see what the minority views are, as well as the majority views.

Can anyone assure me as to when this committee report is going to be made available? Here we are, starting on a massive bill. As I say, I may vote for it. But we are ramming these bills through. Apparently, that is the goal now, to ram these bills through. That is why there is a Senate. The Senate has rules that are different from those of the other body, and we have a responsibility as representatives of the States. This is the only forum in which the States are fully represented. We have a responsibility to know what is in these bills. So can anyone assure me that we are going to have that committee report today, or before noon, or before 3 o'clock, or when? If nobody will assure me, I can recite history on the English Kings and Persian Kings and the Roman Emperors. I can talk a little bit on something that I know something about.

I will direct that question to the manager of the bill on my own side of the aisle.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the distinguished Senator from West Virginia brings up a matter that has been a little vexing in the last couple days, in that we were promised a report several times and it did not come through at the appropriate time. As I understand it, it was finally filed last evening, but it is not printed yet. I think that is correct.

I would ask for any comments from my distinguished colleague from Idaho, but that is what I have been told by staff.

I am told by staff that a printed version may be here by 1 o'clock today—is that correct?—1 o'clock this afternoon. So perhaps that is the answer to the question of the Senator from West Virginia.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, if I may respond to that. It is my understanding that all members of the committee consented to go ahead and make their comments part of the Record, that the unanimous-consent agreement was offered on Tuesday that we could proceed with the bill on Thursday, and that the report will be available at 1 o'clock today.

Mr. GLENN. If I might respond to that.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, that was not our agreement in the committee. We did not agree to have it made part of the Record. When it was proposed that it would suffice that just the views would be placed in the Congressional Record rather than filing a report, we objected to it and had a vote on it in the committee. We lost that vote.

So the normal processes of the committee, the normal filing of the committee report was passed up. It was not agreed to by all of us on the committee. There was a considerable number of discussions held on the floor here and back and forth between the minority and majority leaders as to whether we had a right to demand that report prior to consideration of the bill or not.

We finally, late yesterday, in order to get on with this—we are not trying to delay things, we are just trying to make a due process of the Senate and Senators' right to know what they are about to consider; that that be in order and not be bypassed.

I will have some comments later about steamrollers here and things like that that Senator Byrd just addressed. But I think this is a very serious bill. I look at this as landmark legislation. We wanted to have all the advantages of a report and so on. We did not agree in committee to bypass and let the Congressional Record be a substitute for the committee report. But, as I understand now from staff, we will have the report by about 1 o'clock today.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I look forward to seeing the report. I have been around here long enough to know that when the Democrats were in control of the Senate there were times in which we did not file committee reports. There were extenuating circumstances that led to those decisions. But we are not up against an adjournment sine die deadline. We are not up against the end of the fiscal year deadline. We are not up against any deadline.

Why can we not have the time to produce committee reports on these far-reaching bills? I think the American people are entitled to know what is in this bill. I think we Senators are entitled to know what is in this bill.

I am not on the Budget Committee, as I have stated already, but I represent a State. As I understand it, the majority in the Budget Committee voted against filing a report so as to gain time getting this bill up before the Senate.

Well, it is an important bill, but we should at least have the time to know what is in the bill. We ought to have the individual views of the minority views so we could make judgments on amendments. A call came to my office as to whether or not I would agree to a unanimous consent to adopt the committee amendments en bloc, with the exception of two. Well, what are the committee amendments? What are the objections to them, if any?

I understand the Budget Committee will still not file a report until Tuesday. Whether this information that I am receiving is correct, I do not know.

But, I simply want to raise the flag at this point to state that I think that Members of the Senate are entitled to have a committee report this early in the session. There is no deadline that we are fighting here, that we are backed up against, so what is the hurry?

So I may object to the adoption of the amendments en bloc, until I see the report, at least. I am not setting myself up as a traffic cop here, but I know something about my responsibilities as a Senator from the State of West Virginia. I have been around here long enough to realize that there is a way to do things that will give all Members an opportunity to properly prepare themselves before they cast their votes.

So I will yield the floor at this point, with assurances now that we will get a committee report that has been filed by Senator Glenn's committee and Senator Kempthorne's committee. But I still say we still do not have the report from the Budget Committee.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, we objected in the committee to this, as I told the Senator from West Virginia. The vote was a party line vote of 8 to 6, Senator Dorgan being absent and not having left instructions on this particular matter. So we objected to it and had a vote on it and we lost on a strict party line vote.

Let me just add that to the comments of my distinguished colleague from West Virginia that we normally require these.

When I was chairman of the Governmental Affairs Committee for the last 8 years, we, on a number of occasions, submitted legislation without report language, but always with the full consent of everybody on the committee. If there was objection to it, I did not submit it unless it had a report with it.

In this case, we were overridden by the vote and so it was submitted. And it was suggested that publishing the information in the Congressional Record would be adequate. We said, "Yes, but that does not include our minority views." And they said, well, publish your minority views in the Congressional Record, then, like they were doing.

Well, I objected to that and called for a vote on it and we flat lost. So it was submitted. So that is how we got to where we are today.

I do think, I agree with the statement of the Senator from West Virginia, it is very poor practice. It does not let Senators be fully informed. If this were some perfunctory little bill, just a little thing we were passing that did not make that much difference, it would be different. But, as I will say in my opening remarks on this bill in a few moments, I think this could well be titled landmark legislation. I will give a little history of this.

How did we get to the status of having such a Federal encroachment on State and local governments? Well, this started for good reasons perhaps and maybe some of those reasons are now gone. But it started back about 60 years ago when this country had really lost its way, and I mean lost its way. We were in the throes of a great depression. We had 4 years where unemployment was over 20 percent. I looked it up last night. In 1933, 25 percent, one-fourth of the United States, was unemployed and gone was the ability of communities and local level people to take care of all their own problems. The Okies were heading for California with a mattress on top of the car and all the things we have seen in the movies and so on. So back in those days, the old idea of the Norman Rockwell ideal of America, where people took care of people and the community and the church would suffice for all of our social services, broke down. I mean it broke down.

The Senator from West Virginia and I are not too far apart in age, but I remember those days, because I had a little paper route. I worked to get my spending money. We planted a big garden and things I will go into a little bit later. But then came in what was called the New Deal and it was widely criticized even then: Well, it is a big encroachment. But it took over from the failure of the community and local governments to be able to handle all the concerns and the needs of their own people and it put in national programs. In the intervening 60 years, some of the programs have gone too far, and when we have 125 different job training programs, we need to take a look at this. Yes, we do. This legislation, for the first time, says that we have to do this. We have to consider the costs up front. We can override them. It does not take the authority away from the Senator from West Virginia, me, or anyone else to override what is being proposed if it is important for the people of this country.

This bill has been much maligned and misrepresented in that regard. All it says is we have to get the estimates. We have to consider these things up front. Then we can vote the will of the Senate. We say that mandate goes in, and I do not care if it costs $900 billion, it goes into effect and we will vote it and that is it, by majority vote.

The Senate's rights in this regard are absolutely fully protected, or I would not have gone along with this to begin with or been a part of sponsoring this legislation. It says that, if we do not do these things, if we do not consider the costs up front, if we do not have an estimate, then a point of order would lie. We have to have that vote on a point of order. A point of order would lie against the bill, and we would have to give a waiver to consider. That is fair enough, I think. That does not take away any of the powers of the purse or powers of the Senate or anything else.

I think as far as this being important legislation, I agree with that 100 percent. I think the idea that we should just somehow rush through this thing because it is nice to be on a fast track around here with the new management in the Congress, I would just think from the other side of the aisle they would want to look at this thing very carefully.

It is one thing to go through congressional coverage and say, as we just voted out last night, we want to keep off all the nongermane amendments. I agree with that. My personal view is we should sometime get around to putting germaneness rules in the Senate. But we do not have any. People were quite justified in bringing up whatever they wanted to bring up, and we voted them up and down and finally wound up getting something through.

This legislation is very, very important. I give an example where we do not want to be on such a fast track with this that we do not require good legislation. The way it is written now, a point of order could be called against any amendment, for instance. We might say, "OK, we waive the point of order against the whole bill; we will now consider it open for amendments," and people start putting in amendments. You put in an amendment that has an impact of over $50 million, a point of order lies against the amendment. Anybody wanting to obstruct the activities of the Senate and stop legislation in its track, all they have to do is put in 8 or 10 amendments, whether serious or not, that have either a total aggregate of over $50 million or each one says $100 million or $150 million, whatever, and a point of order would lie against those and we would be weeks and months getting through that kind of legislation.

So what we are setting up here, if we do not correct that little loophole, which I will propose to do later, we would be setting up a situation where a whole new filibuster procedure by amendment could stop any legislation right in its tracks because we do not have germaneness rules.

We could put in something for social services in a completely different field than the legislation being proposed. As long as it had that excess cost, it would be subject to a point of order. We could stop anything dead in its track around here; another means of filibuster by just a different process.

I think there are some things like that that I would hope that our majority leader would agree should be corrected and we not try to freeze out amendments on this, because there are some that are very legitimate and they are germane. They will make it better legislation.

Mr. GREGG. Mr. President, Will the Senator from Ohio yield for a question?

Mr. GLENN. I yield the floor.

Mr. GREGG. Mr. President, if I could just ask the Senator regarding the point of order issue which he has raised it against.

Again, however, it is not a supermajority. It is a 50-vote point of order. So, essentially, if someone offers an amendment on the floor relative to this bill, relative to any piece of legislation, which amendment involved an unfunded mandate of $50 million for the public sector, $200 million for the private sector, then the point of order would be raised, but it would not create an extensive delay because the amendment would either pass with 50 votes or fail with 50 votes, and the point of order would pass or fail with 50 votes. So it would be a fairly simple event to get a vote on it and move that issue.

Mr. GLENN. Mr. President, I reply to my distinguished colleague that we would still have to get the estimate of the cost on that particular thing. That might be a delay, whether to move to the point of order or not. Debate over that would be a delay. I could just see lots of mischief with the point of order lying against every amendment.

I am probably going to propose later an amendment saying when a bill comes up that is obviously over $50 million, a point of order could lie at that point, save the Senate's time, and not go through the whole bill. Then we would not raise a point of order against each amendment, but it would be in order at the end of the amending process. We may have 20 amendments that have been put on a bill that then total $100 million or whatever. At that point, then, this additional cost should be subject to a point of order after consideration of amendments, and a point of order could be lodged, then, before the final vote on that, after all amendments have been taken into account.

I think that is a fair way to do it. That is what I will propose a little bit later. I hope we have support for that so we do not set up another filibuster process.

Mr. GREGG. Mr. President, I appreciate that point. If I may finish briefly, I will be happy to yield the floor to the Senator from West Virginia.

That is obviously going to be an item that will raise considerable discussion as we go down the road. I think it is important to make the point that the Senator from Ohio made so eloquently, that the representation that the unfunded mandate, this bill, as a bar to unfunded mandates, creates an onerous event that this legislature cannot set aside or pass unfunded mandates is not accurate.

I would rather have more of a majority before an unfunded mandate could occur. Under the terms of this bill, it is a 50-vote event in order to place in law an unfunded mandate.

Second, the point of order can be passed or can be overruled with a 51-vote event on either the amendment or on the bill. So, as a practical matter, this will not, in my opinion, be an unyielding bar to the legislation itself. But I look forward to the presentation by the ranking member of the committee of the ways we can improve this language. I know Senator KEMPTHORNE would also look forward to working on that matter.

On the second issue which has been raised today, the matter of the report, I can appreciate the concern of the Senator from West Virginia because of his protection and commitment to maintaining the character of the rules of this Senate. But the reports were waived by a proper vote of the committees.

In order to be somewhat responsive to the concern of the minority—and I recognize that the minority feels it was not totally responsive and has expressed frustration—but there was a delay put into the period during which the bill would be brought forward. The bill was brought forward under unanimous consent, so any Senator who wished to object had the opportunity to object. The report, the language, will be published. As I understand, it will be available by 1 o'clock, and we will not move to any sort of amendments or votes on any amendments until 2 o'clock. So there will be time available for people to read those.

There was an attempt, obviously, to use the CONGRESSIONAL RECORD as a process for information here, which was not pursued. I can understand the minority membership deciding not to pursue it. There was an attempt to be accommodating, although I appreciate the fact that the underlying decision to waive the report is one that the minority finds frustrating, but in this instance the majority leader felt it was important to move this bill forward. That is why the decision was made. It was done in the proper course. It was done in a correct manner through the votes of the committees of jurisdiction.

I yield the floor.

Mr. GLENN. Mr. President, addressing this matter of the amendments, which I would like to address, we just got a letter from Bob Reischauer, head of the Congressional Budget Office, and he addresses this. I think it is important to read this, because it shows how this could work in practice here on the floor.

In a paragraph here "estimating State and local costs for floor amendments," which he addresses, it says:

> The second question deals with CBO's role in determining whether a point of order lies against an amendment for breaching the $50 million threshold for intergovernmental mandates. S. 1 would require CBO to prepare estimates of the cost of intergovernmental mandates for reported bills but not for amendments, motions, or convention reports. H.R. 5, the corresponding House bill, instructs CBO to provide such estimates for conference reports to the greatest extent practicable. The point of order, however, would apply to all stages of the legislative process. How, then, would the Chair determine how to rule on a point of order made against an amendment, motion, or conference report? If, as in the version of the bill reported by the Governmental Affairs Committee, the Budget Committee is charged with determining whether the threshold is exceeded, would it have available a CBO statement on which to base its determination?
>
> As we have indicated in previous letters to you and others, preparing reliable State and local cost estimates is a complex and time-consuming process. In the case of some reported bills, it would be very difficult, if not impossible, to determine, with any confidence, whether the likely cost is above or below the $50 million threshold.
>
> The problem becomes even greater with regard to amendments which are not routinely provided in advance to CBO and may not even be germane to the bill under consideration.
>
> Furthermore, the time available for analysis is likely to be quite short. We, therefore, expect that the process would be similar to that used for existing Budget Act points of order against floor amendments. In such cases, the Budget Committee staff consults informally with members of the CBO staff in order to make a judgment as to the budgetary impact of an amendment.
>
> Similar informal consultation would presumably be necessary with regard to amendments involving State and local mandates because CBO will not generally be preparing formal cost estimates for such amendments. In many cases, however, it will probably not be possible for CBO to make quick and precise judgments as to the impact of proposed amendments on States, localities, and Indian tribes. In such situations, the Budget Committee, or the Senate as a whole, would have to exercise its best judgment.

I repeat the last sentence:

> In such situations, the Budget Committee, or the Senate as a whole, would have to exercise its best judgment.

So we come back to what I said earlier. The Senate retains final authority. We have not abridged that in any way. I think Bob Reischauer, as Director of the Congressional Budget Office, spells it out very well, what the problem is and how this could well be used to create a filibuster situation.

I yield the floor.

Mr. BYRD. Mr. President, I thank both Senators for their responses and explanations. I had hoped to see a Budget Committee report. I had hoped that we would be able to see what the minority views are, the individual views and the majority views are with respect to the Budget Committee, as well as this committee, which obviously has done a lot of good work on this legislation.

But I thank both Senators. I hope that we will be able to see a copy of the Budget Committee report in due time before we finish action on this bill.

I see the distinguished Senator from Michigan on the floor, who is a member of the Budget Committee. The Senator is not a member of the Budget Committee. Very well.

Mr. LEVIN. The Governmental Affairs Committee.

Mr. BYRD. Governmental Affairs Committee. I thank all Senators.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the Senator from West Virginia for raising what I believe is a very fundamental issue here, which is the absence of a committee report printed and made available to Members of this body, both from Governmental Affairs and from the Budget Committee.

Neither report is apparently yet printed. In one case, I do not think there is going to be one, in the Budget Committee instance. Relative to Governmental Affairs, despite efforts over the last few days to make sure that report was available before this matter came to the floor, that report is still not printed, as I understand it.

This process is just simply not the right process. We should not be legislating on something this important without a committee report for people to consider. This is a different bill from last year. It is an important bill. I supported last year's bill. So I come into this debate as somebody who would like to support the final product because I believe there have been too many mandates imposed on State and local governments, particularly on functions which are predominantly governmental, without consideration of the impacts.

I come out of local government. Just the way the Senator from New Hampshire is a former Governor, I am a former local official. I understood—not just a few years ago—a decade and a half ago how frustrating it can be when local and State governments are told by the Federal Government they have to do certain things but are not given the funds to do it.

So my instinct here is to try to work out a bill which is workable, which would require us to consider the impact of mandates on both the public sector and, frankly, on the private sector. We have not given enough consideration to the impact of mandates on the private sector, either. While that is part of this bill, it has been described mainly as a public mandate bill. It really is both. It has some elements that apply to the private sector.

This bill was introduced last Wednesday night. Now, if this were the same bill as last year, then we might say, "Well, we have had a chance to debate this and consider it in committee." Again, I voted for last year's bill, but this is a very different bill. The point of order works in a very different way. The impact on the appropriations process is very, very different this year from last year, and the impact on spending by the agencies can be dramatically different this year from last year. So it is a different bill.

It was introduced on Wednesday night. We had a hearing on Thursday in the Governmental Affairs Committee. The markup of this bill was scheduled for Friday. Introduced Wednesday night, hearing Thursday, markup Friday. Some of us objected to that speed with something this significant that can have a major effect on health and safety regulations and on employment regulations. We felt there should be a little more time. We scrambled for as much time as we could get. We were able to get the markup delayed until Monday. We had the weekend, at least, to consider the bill.

At that markup, there was an effort made to offer some amendments, to make sure that this would not discriminate against the private sector, for instance. There is some real tilt in this bill potentially against private enterprise that might be competing with the public sector. If you have two folks in competition, let us say, both running a waste disposal operation, one is public, one is private, and there is a suggestion here that we are not going to require the public operation to clean up its emissions but we still would require the private operation to clean up its emissions, you can create some significant competitive disadvantages for the private sector in this bill, and some of us feel we ought to address that issue. There are ways of addressing that issue. We might even get some bipartisan support—we do not know—we hope.

There was an effort made on the process question relative to the point of order, because this point of order has some complications which we have not even begun to consider. This version that came out of Governmental Affairs requires the Congressional Budget Office to make an estimate, even if it is impossible to do so. It still says you have to do it.

Last year we said, if they cannot do it, if it is impossible, they should say so, because intellectual straightness requires that option. This year, no such possibility. They must do it. So an amendment was offered in committee. What happens if it is impossible? They told us at times they just cannot do it. This is even if they have time to do it.

The Senator from Ohio raised the question: What about amendments on the floor, and so forth, where you do not have this time and where these issues are critical? Even if they have time to do it, it may be impossible. Are we going to allow them to tell us it is impossible and then we would consider that on the issue of whether or not to impose the mandate? No, that amendment was defeated, too, saying that they ought to have that same option to be honest that they had in last year's bill and that they have relative to the private mandates.

In the Governmental Affairs Committee bill, we do allow the Congressional Budget Office to be honest and say they cannot make an assessment; it is impossible when it comes to the private mandate but not when it comes to the public mandate.

So we had an amendment saying let us allow them to be honest. If they cannot make an assessment, let them do it. That amendment was shot down, too, in Governmental Affairs.

Finally, Senator PRYOR, the Senator from Arkansas, offered an amendment: Let us have a committee report before this thing goes to the floor. Let the Members of the Senate spend a few days at least on something this significant in terms of private competition with the public sector, in terms of health and safety and environment laws; let us spend a few days at least reading a committee report.

This was the Governmental Affairs Committee, Mr. President, this was not the Budget Committee. And I do not know everything that happened in the Budget Committee. Maybe my friend from New Hampshire is on that committee. I should know, but he may know, in any event, whether he is on the committee or not, what the circumstances were in the Budget Committee.

I think the report has arrived. Lo and behold, the report has finally been printed.

Mr. BYRD. Will the distinguished Senator yield?

Mr. LEVIN. I will be happy to yield for a question.

Mr. BYRD. Mr. President, I first apologize for assigning the Senator to the Budget Committee, and he is really not on that committee.

Mr. LEVIN. This does not require an apology. I would love to be on the Budget Committee.

Mr. BYRD. I only knew that he had some concerns—I heard he had some concerns—about the bill. I took it for granted. I should have reviewed the list.

But in any event, I thank him for his statement. It underlines the concerns that all Senators ought to have with respect to the absence of a committee report. I had in mind the committee report from the Budget Committee because I had heard—I think I read somewhere perhaps—the members of that committee, minority members, had sought to have a report so that they could present minority views, and so on, and that there was a vote and the idea was rejected.

Mr. LEVIN. And if I may ask my friend to yield, there was a vote in Governmental Affairs, too, and the idea was rejected.

Mr. BYRD. Yes.

Mr. LEVIN. Senator PRYOR from Arkansas asked that there be a report prior to this coming to the floor, and it was rejected on, I believe, a party line vote. I am not positive.

Mr. GLENN. Eight to six, with DORGAN missing.

Mr. LEVIN. With a Democrat missing.

Mr. BYRD. That is what I just learned here in a colloquy.

I had in mind all along the Budget Committee report, and I had heard that it was stated in that committee that, no, we are not going to have a committee report. You people who are now in the minority—perhaps it was not said like this—but you folks in the minority have to get used to the fact that there were times when you did not have committee reports, which is true. But as I said earlier, there may have been justification other than hurrying the bill through this early in the session.

But I heard it stated there would not be any committee report; that the effort was in accordance with the wishes of the leadership on the other side that the bill be brought up quickly in the Senate.

I can understand all of that. But, Mr. President, we also have obligations, each of us has an obligation to know what is in this bill, and I think it is very important that we see those committee reports. I wish to see the committee report from the Committee on the Budget. I assume there is going to be one filed. I do not know. I had heard there would be one filed.

But that, Mr. President, was my impression when I acceded to the unanimous-consent request to take up this bill today. I had in mind the Budget Committee report. I did not state that specifically because I was not thinking in terms of another committee. I was thinking in terms of the Budget Committee because that was the committee that I had been reading about and it was those committee members from whom I had been hearing with respect to the denial of their rights to have minority views and a committee report. I had in mind that committee report.

So I hold myself responsible for not having ascertained more clearly what committee we were talking about. I am 77. I still have a lot to learn. I am still learning. And so I have learned from this experience. But I thank the distinguished Senator from Michigan for his explanation. I hope he will continue to keep us informed as to the problems that he sees in various areas with respect to this legislation.

I thank him.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. LEVIN. I would be happy to yield for a question. I did want to complete my statement. I would be happy to yield.

Mr. GREGG. For a question, or a response.

The PRESIDING OFFICER. The Senator from Michigan yields to the Senator from New Hampshire for a question.

Mr. LEVIN. If I may clarify that, I would be happy to yield to my friend from New Hampshire, who is, indeed, a member of the Budget Committee.

Mr. GREGG. We have just received a report—ask and you shall receive—from the Governmental Affairs Committee. I do not believe there is going to be a Budget Committee report, as I understand it. There are, however, additional views which are available, which include views of members of the Democratic side of the committee. The opportunity obviously was not afforded, as I learned earlier in the colloquy, to present these views in the report.

Mr. BYRD. Will the Senator yield?

Mr. GREGG. I do not have the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator yield.

Mr. LEVIN. I would be happy to yield for that purpose.

Mr. GREGG. I guess it gets to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I asked the Senator to yield only because I had just heard that the minority members of the Budget Committee had been asked to file their views in contemplation of the committee report that would be printed by next Tuesday.

Mr. GREGG. I must not be current on the situation, because my understanding was that we were going to be going with this report language—this is not report language—these additional views. If the decision has been made by the leadership of the committee to go with the report, I did not know it.

Mr. BYRD. I thank the Senators.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Just to complete this process question, it is an important question because this is an important bill and the Members and their staffs ought to have an opportunity to review the committee report. My understanding is that the Budget Committee has adopted some committee amendments which are very different from the committee amendments that have been adopted by Governmental Affairs on the critical point of how do you implement the estimate. And I am wondering if my friend from New Hampshire would confirm if this is accurate since he is a member of the Budget Committee.

I am wondering if I could just have the attention of the Senator from New Hampshire for a minute. My understanding is that the Budget Committee adopted committee amendments which struck the function of the Budget Committee and the Governmental Affairs Committee in making the final determination of the amount of the cost of these mandates, or related to that subject. Am I correct in that regard?

Mr. GREGG. The Senator is correct. And the expectation is that Senator DOMENICI will be addressing those, and the Senator will have the right to object when those amendments are brought forward.

Mr. LEVIN. And I do know that at some point they will be offered. But I would only point out also to the ranking member, to the Senator from Ohio, if he could also then give me his attention—forgive me—on this, that the Budget Committee has adopted a committee amendment which is significantly different in terms of the mechanism to implement this from the mechanism adopted in Governmental Affairs. And the Senator from New Hampshire just confirmed that, in fact, the committee amendment in the Budget Committee did strike the role of the Budget Committee and the Governmental Affairs Committee in making that final determination of what the cost is.

Now, it is correct, of course, that Senator DOMENICI would be here when that amendment is presumably offered. But it is critically important that the Senate understand the difference in the process which is being proposed in the Governmental Affairs majority position from the Budget Committee position, and the report would be very helpful in this regard.

This is not an insignificant thing. It is dry stuff. I know how dry these processes can be. But this Senate, if this bill, either version, passes, will be in a position of having our Parliamentarian decide what is the cost of implementing mandates. Think about it. The Parliamentarian will have to make that final decision, amendment after amendment after amendment, bill after bill after bill. We would have to have the Parliamentarian figure out what is the cost of implementing a mandate against State and local governments.

It is, I think, an impossibility for the Parliamentarian to do it. I think it is at times going to be impossible for the Congressional Budget Office to do it, honestly. So I think we ought to allow them to tell us that.

But there is a fundamental difference here which can confuse this process. If we think we have a potential for gridlock, which we do, there is a potential for a train wreck on this floor, day after day, unless we adopt a mechanism which is workable.

Let me close with this comment. I believe we should require an estimate, as we did in last year's bill. I believe that. I think we ought to know what we are doing when we adopt a mandate, both as to the private and the public sector, and we ought to take the time and require the Congressional Budget Office to tell us what we are doing to people, what is the cost of a mandate, not just on local and State governments, but also on the private sector. It is worth doing. But we also should be straight enough with ourselves to say that at times it may be impossible. At which point we may decide that is a good reason not to impose the mandate, by the way. But we ought to be straight enough with ourselves to say yes, there will be occasions when there is no way of knowing. And we will get into that this afternoon during the amendment process, because there are those occasions. But we also ought to avoid putting in place a mechanism which will turn out to be a farce or a charade, which will result in waiver after waiver after waiver, by not having a mechanism which is workable.

We all live and work in this place. We know what will work in the real world of the Senate, and we should have a mechanism which will work and not one which will be just atrophied, which will be a formalistic thing which will be waived. Because I do not think we want to put ourselves in the position of just having almost an automatic waiver of points of order by majority vote, which is provided for. We have these 51-vote waivers that are possible in both bills. But I think we want to be serious about it. We do not want to just put into place a mechanism which will result in the Parliamentarian ruling on every amendment about what the cost is of adopting new standards for incinerators across the country in the year 2002. The Parliamentarian cannot do that. And there will be times the Budget Office cannot do it, and the Budget Committee cannot do it. And the Governmental Affairs Committee cannot even determine that there is a mandate. We ought to allow for that honesty. We ought to allow for it and then consider the absence of the ability to make that estimate in our decision as to whether to impose it on both the public and private sectors.

So I have been one who has urged that we have a report. I have urged that we have a report from both committees. As a matter of fact, I urged this to such an extent, may I tell my friend from West Virginia, that 2 nights ago on the floor, it was my understanding that part of the unanimous-consent agreement which allowed for this bill to come to the floor today was a specific agreement that the majority report would be submitted by midnight on the night before last, to give the Senators a chance to read it and file concurring or dissenting views by 6 o'clock last night.

This did not happen. Apparently there was a misunderstanding, despite what I thought—and the Senator from Ohio is here, too, and he was part of this—was a pretty clear understanding. I do not want to lay blame. It is water over the dam. But I want to assure my friend from West Virginia, we made a real effort, including the leadership which was involved in this discussion, as to how could we make sure that there would be a report. We were talking about Governmental Affairs, that is true. We, not being members of the Budget Committee, were not fighting that battle. But how could we, as members of Governmental Affairs, assure that there be a report printed, available to the Members, prior to this bill coming to the floor?

We thought we had accomplished that with this understanding. We failed, and I am not going to, again, point fingers. It is not important. Apparently, it was just a misunderstanding. That can happen around here. So that is not the point. The point is we did make that effort for the reasons which the Senator from West Virginia indicated. There should be a report filed before a bill of this consequence comes to the floor.

I yield the floor.

The PRESIDING OFFICER. Senator from Ohio.

Mr. GLENN. Mr. President, when we got started off this morning, Senator KEMPTHORNE made his opening remarks and we got off on some other matters here, and I did not finish my opening remarks. And I want to do that.

I do not want anyone to get the impression that because we have been questioning some of the means by which this was brought to the floor, and how we are going to consider amendments and so on, that I have in any way weakened my support for this bill. This is the Kempthorne-Glenn bill. My name is on it. I am proud of this. I think it is something we should have done a long time ago. The discussion this morning indicates we think it can be made better, more workable. That is what we are about.

I have been proud to work with Senator KEMPTHORNE on this. No one has devoted himself or herself more assiduously and continuously to this than he has over almost 2 years. He has worked on this very, very hard and kept at it. As chairman of the Governmental Affairs Committee last year—I said this publicly before—anytime I went a week without getting a call from him as to when we are going to have our hearing and when we are going to get this thing out, when we are going to get it scheduled, it was an unusual week, if that happened. I have been with him on this.

So we worked very hard on this and worked together. He has worked on it, and has just done yeoman's duty on this. He has traveled all over the country, meeting with what is called the Big Seven, the groups of State, local, and municipal employees, and so on. I do not know how many speeches he has given. He sought their advice, their counsel on this, all over the country, and has traveled for the last year and a half in that regard. He deserves a tremendous amount of credit for the devotion to this that he has shown.

I think this is landmark legislation. We have a lot of bills go through here. I think we have some 9,000 to 12,000 bills, resolutions, amendments, and so on, that get submitted every year. So we sometimes think we can just pass things through and let us give them the fast treatment here and get them on through and out of the Senate and get onto something else.

But occasionally something comes along that I think deserves to be looked at very, very carefully before we enact it, and this is one of those bills that I do not want to see rushed through. I know all the push right now for getting things through and showing action on the Senate side, and so on. But I think we want to do this very carefully.

The reason I say this is landmark is this changes the direction, it changes the considerations that have to be given to matters that come before us that affect the Federal, State, and local relationship. That makes it an extremely important piece of legislation. It is the first time that has been done. I submit this redefinition of the Federal, State, and local relationship deserves some attention on how we got to this state. What happened in the United States of America that led us into this sort of a quagmire of relationships here that we, just for the first time now, are beginning to try to change?

In some respects, I think we could go back 60 years on this, to where more Federal programs became necessary. What was the genesis of that, back in those days of 60 years ago? We can say before the 1930's, communities basically took responsibility for social matters and social services and the morals and mores and the ethics of the local community. Families grew up pretty much in the local area and stayed in the local area, by and large. They did not have the same mobility we have today, where the last figure I heard was 20 percent of our people moved to a different domicile each year and 16 percent of our people move across State lines. I would have to double-check that figure to make sure it is accurate, but that is what I recall.

In other words, back in those days, there was much more stability of community and church and family relationships, where communities took care of their own. And I can attest to that. I grew up in a small town in Ohio, where that was the norm when I was growing up. In New Concord, if a family had a problem where something was wrong, other people pitched in, the church pitched in, their neighbors pitched in and helped them out, and that was social service at its finest.

It is too bad that we have gotten away from that in this country because of the complexities of our modern day life, but it is a fact of life that we have. Back in those days, the community helped and the worst that could happen, maybe, was that there was a county home for somebody to go to. And it rarely got beyond that.

Taking care of one social service, if it was a school that served the whole State as far as training for the blind but that is about as far as it got outside the local community or the county consideration.

(Mr. SHELBY assumed the chair.)

Mr. GLENN. That was fine up until about 1930 and the great crash and the Great Depression. What happened then? It got beyond the ability of communities to do for themselves and to take care of all of their own people. I can remember those days. I am old enough to remember those days. I was a 10- or 12-year-old kid at that time with a paper route, all the other things that went with earning your own money then in those days of the Great Depression. My dad had a little plumbing and heating shop. There was no business in that. We were hard pressed.

I remember one of the most disturbing conversations I ever heard in my life, my father and mother sitting quietly talking at the dinner table after dinner—I was in another room—about whether we are going to lose our home, and whether the mortgage was going to be foreclosed. They were very concerned. That struck terror in my heart. I did not know what was going to happen, where we were going to go, and what we were going to do. Along with a lot of other programs that were put in at the time, the mortgage was not foreclosed.

But those were days when unemployment for 4 years was over 20 percent. In 1 year, 1933, it was 24.9, with almost 25 percent of the United States unemployed. There was no money. The whole American dream was collapsing very, very rapidly. We need to remember that as to why this whole thing started, and what happened in the little community of New Concord, OH. People planted big gardens. My dad rented an extra 2 acres. We planted it. My mother canned, as they called it back then. Sometimes you talk to people now and they do not even know what this means when you say you canned food. There were glass bottles of course. Later when my mother and dad both passed away we were cleaning out some of the basement back home a few years ago. Here were hundreds of the old Mason ball jars that we used to can things out of this garden.

My dad used to give to the neighbors what we did not need, and to the people that needed the help in the community. I am not bragging about my dad or what we did. That was the norm in those days. But we went 4 years with unemployment above 20 percent; 1 year with it up to 25 percent almost, in 1933, and it got beyond the ability of communities to take care of themselves. The Okies were heading for California. We see movies with the mattress on top of the car and the other things. And that was for real.

Some of us here we can remember those days, and it is not ancient history. It is something that happened in our own lifetime in this country. Well, the country was literally destitute at that time with what happened.

Franklin Roosevelt was elected, and we had the New Deal. It was controversial. I can guarantee you. I can remember some of the arguments about that even though I was a kid at the time—the National Recovery Act, the National Industrial Recovery Act, the WPA, FHA that saved our home mortgage and we were able to refinance the home. So we did not lose the home back in those days.

We could go on with all the details of what happened back in those days. But these programs came in, and even though they were extremely controversial back in those days, they helped out. They became in many respects a replacement for the social services that had been provided by communities and church and family relationships on that kind of a basis. And the State and the Federal Government had not been involved in these things before.

There was a lot of debate about this at the time, and a lot of argument. I remember even in the churches hearing sermons against the NRA and what was called the New Deal, and they held up the little spread eagle symbol of the New Deal back at that time as a symbol of the anti-Christ, and all the dire portent of that was brought out.

But it was determined by the will of the people of this country that we went ahead and backed the programs of the New Deal. And they in fact became sort of the change in the delivery of social services for the United States. That has been the norm then as we have become even a more complex country, a more mobile, flowing population all through these years.

Have many of these social programs and the training programs and so on gone too far in that 60-year period? Of course. Certainly nobody in this Chamber I think would disagree with that. When we have some 128 I think it is different job training programs, many overlapping each other, have we gone too far in providing some of these services that used to be in the communities? Yes.

I bring this up for this reason. As we now move to turn more of these things back to the State and local level, granted things have changed in this country over 60 years. But will they pick up these responsibilities being sent back for all the programs that we are talking about? Will they address matters that were not addressed back there 60 years ago? Maybe it is not right to compare the same situation with 60 years ago. But I think it is right to ask that question. I think as we start this process through this landmark legislation that it is right to consider that.

Some of this reversal, some of this new federalism as it was called back in the Reagan years, or called by some the "Reagan Revolution", it went to a certain extent in starting the reversal of some of these programs but in some respects added to the problem because the funding did not go along with the reversal.

So we see what the current situation is. Let me quote briefly out of last year's Governmental Affairs Committee report on the mandate reform bill. We voted this out last year. What is on the floor right now is not something brand new just ginned up since the November 8 election. We have been working on this for almost 2 years now in the Governmental Affairs Committee. We voted it out last year and had it out in the middle of the year ready for consideration here on the floor. Then because of the filibusters and the delays and delays that occurred it came down to about whether we could get it through by unanimous consent. We could not do that in the waning days. So it was not adequately considered, not considered for a Senate vote last year.

But out of the report that came out with that bill last year, the committee report, let me quote to show what has happened over the past decade or so where this whole problem has increased tremendously.

In that report the Congressional Budget Office indicated that there were 89 bills between 1983 and 1989, 89 bills that cost over $200 million each. I think as the arithmetic comes out that is somewhere around $17 billion that we loaded onto the States with those $200 million each, some of them more than $200 million. But even at the bare minimum it comes out to a $17 billion load you put on the States or local communities.

There were 382 bills reported out with new costs to them and not all of those became law. But that would have added to that total also.

Even quite apart from that, the Environmental Protection Agency estimate is that environmental mandates to State and local governments rose from $22 billion in 1987 alone and will rise if not changed to $37 billion by the year 2000; $37 billion. The Vice President has headed up this National Performance Review, of course, since the new administration came in, the Clinton administration. And the estimates that the Vice President and the NPR group have made figures that the environmental concerns will be consuming $44 billion. We will have loaded the States and local communities with $44 billion by the year 2000. That is an enormous load.

What happened? Did we send money along to do that, to help take care of that, or help mitigate this so the States and local communities do not just say we will try to do this but we just cannot do it? Do we help them out on this? No.

Let me tell you what happened. Aid to State and local governments fell 28 percent in real terms during the decade of the 1980's. In other words, while we had that new Federalism going on that was supposed to be very good, it really impacted State and local governments tremendously. The aid to State and local governments fell 28 percent in real terms during the decade of the 1980's, at the very time when we were loading them up with all these other things I just mentioned that made it more costly for them to do business.

To add insult to injury, in 1986, even general revenue sharing was terminated. That provided $4.5 billion a year of flexible funds. Since 1972, up to the time of its termination, that provided $83 billion in general revenue out there for States and local communities to use for helping take care of some of these costs. What did this do? Do we have any specific examples? Let me read some portions of things that have come from the city where I live. I live in Grandview, OH, which is part of greater Columbus. The Mayor in Columbus is Greg Lashutka. He did an article in the Wall Street Journal a short time ago, and I think it is worthy of reading some of this into the RECORD just to show the impact on a major American city. I think Columbus is the 16th largest city in the country. So the impact on Columbus of these mandates is representative of what happened over the rest of the country. I will read parts of this:

> Opposition to "unfunded mandates" has become the latest populist cause against an overreaching Federal Government. Oddly enough, this revolt has been led not by ordinary citizens, but by mayors, county commissioners and governors, on behalf of the taxpayers. When Republican and Democratic State and local officials unite on a issue, even Members of Congress take notice.
>
> While Federal mandates aren't direct taxation, they have pretty much the same effect. It's like having your Uncle Sam take you to lunch, order your food, and then hand you the check. Consider these examples from Columbus.

He gives examples of what happened in the city of Columbus.

> After old paint solvents were found in a gravel lot that our city wanted to pave, the EPA's initial demand was that we ship tons of soil to a Texas incinerator at a cost of $2 million. A subsequent health-risk assessment led to a simpler cleanup for just $50,000.
>
> Implementation of the new Transportation Employees Act to randomly test city truck drivers for alcohol and drug use will cost between $50,000 and $100,000 annually.
>
> The Underground Storage Tank Act requires us to move all city fuel tanks above ground. The cost to our fire department and fire division is $950,000—equal to three or four new fire trucks.
>
> The Federal Register estimated that obtaining a stormwater discharge permit under the Clean Water Act would cost $76,681. Our actual cost was $1.5 million.
>
> When home samples of lead in tap water peaked slightly over the Federal maximum, we were forced to mail a notice to all our customers within 60 days, even though the event was short-lived and an insignificant health risk. Since Columbus does its water bills on a 90-day cycle, we had to spend $42,000 for an extra mailing.
>
> Faced with continual surprises of this nature, Columbus did a first-of-its-kind study in 1991 to determine how much mandates were affecting us. From 1970 to 1985, 20 toxic-management mandates had been imposed on local government. Since then, more than 75 have been added. Columbus estimated its total spending on 14 major environmental mandates would be $1.6 billion from 1991 to the year 2000; each Columbus family's share, reflected primarily in water and sewer bills, would be $850 a year. This amounts to a massively regressive hidden tax that hits families and retired people especially hard.
>
> And the regulations just keep on coming.

I thought this was impressive.

> Every 6 months, the Federal Register prints an index of every new and proposed rule that might affect local governments. As an experiment, we in Columbus decided to request copies of the 524 rules listed in the April index. We received 207, just 39 percent of those requested. The pile of paper was 5 feet tall—7,067 pages of rules, along with 9,490 pages of supporting documents. The average rule was 34 pages long.
>
> Every city, village, and hamlet is supposed to read them and figure out how to apply them. Columbus is America's 16th largest city, and even we don't have the staff to handle them. How are smaller cities supposed to cope? More frightening still, how can business owners understand and pay for the even greater number of employee mandates?

I will not read the next couple of paragraphs. They deal with the trade-offs America has to make. A mayor is elected to decide these things on behalf of his or her community. A couple of paragraphs are there on that.

He starts again:

> We must do much more. Senator Dirk Kempthorne, Republican, of Idaho, former Mayor of Boise, and Representative Gary Condit of California led the bipartisan charge this year to ban the enactment of unfunded mandates, only to be thwarted by most of the Democratic leadership.

As much as I admire Mayor Lashutka of Columbus, I have to respectfully disagree with him on that particular issue here. I think he got a bit too partisan in that spot, because it was Democratic leadership last year that wanted to get this through and who asked me to try and get it out of committee, along with the pleadings of Senator KEMPTHORNE directly. We had it ready for the floor by late summer. It was on the list of things to be considered. It was because of the filibuster, the scorched earth policy, on the Republican side last year—since he laid this at the Democratic doorstep, I have to pass it back—it was those delays last year that prevented the Senate from getting through several bills, including the bill we passed last night and this bill. Senator MITCHELL, at the last minute, tried to get it through on a unanimous-consent request, and that was blocked. We had blocks on both sides and were unable to clear the last one on our side. This is not fair to say the Democratic leadership, of which I was one, on this issue last year did not try to get this through. We did everything we possibly could to get it through. If there was a reason it did not get through, it was because of the filibusters on the other side and delay tactics.

I am not throwing this back at Republican leadership. I know Senator DOLE, the new majority leader, did not exactly have 100 percent control of all of his Members last fall. There were certain Members who were taking great pride in just blocking things. After one of the votes where we tried to get something through, I happened to walk out in the Hall toward the elevators out here and there were a dozen or so press there. One of the persons leading the fight on the other side said, "Well, we beat them on another one." They said, "What was it on." He said, "Who cares, we beat them." I deplore that kind of attitude. I will not go into that, except to say that with all due respect to Mayor Lashutka, the reason this unfunded mandates did not get to the floor last year I do not think can be laid at Democratic leadership's feet. We were trying.

Other than that, this is an excellent article. He goes on to point out that we are going to get this through, and he wants to see rules and regulations based on cost benefit analysis, actual health-risk assessments. He wants the Federal, State and local governments to be full partners in working these things out. I agree with him 100 percent on that.

What does this legislation do, Mr. President? It is not at all that complicated, although the effects are very far-reaching. It says basically that on every bill reported out to the floor, there has to be an estimate from the CBO of the costs that would apply to State and local governments where those would be beyond $50 million. We would further have to include an authorization for the money or propose taxes to cover this. And if we did not do that, then and only then, if that is all complied with in the legislation, then there would be no problem. If we do not comply with that when it is reported to the floor, then a point of order would lie against that bill that would prevent it from being considered here on the floor, and if we wanted to consider that legislation, which we could, that is fine, we can still consider the legislation, but it would require a majority waiver of that point of order.

It seems to me that is fair enough. We are saying for the first time up front, we have to consider these things before the Senate works its will on whatever it wants to do. And even in that case, we are saying that the Senate can vote on a straight majority vote—majority rules—to say we think this is so important for the country that even though we have not provided this estimate or cannot provide this estimate and we cannot tell where the money is coming from, even then we say we will have a majority vote that says we proceed to this because it is important for the country, whatever the cost.

But we have to do it with the knowledge up front of what the budget impact is going to be, and what the impact on State and local governments is going to be. It is so commonsense we should be doing this all the time anyway.

We do have a requirement, with all due respect, that anything that is estimated to cost over $200 million coming out of the Budget Committee, we have to note here on the floor. So we do have that. But this goes far beyond that.

So the Senate retains control of the situation in being able to say something is so important that it goes in no matter what, but when legislation comes out, it has to have the estimate of what the mandate, if it is a mandate, will cost.

We also say that there has to be an appropriation for this, then we will stipulate that the mandate expires if not funded or if there is a reduced appropriation. If the Appropriations Committee says: Look, we have so many requests, we have so many problems these days, and we would like to fund this thing but it is going to cost X—whatever it is—and we can only supply half of X this year in the way of dollars. Then we would say OK; if you can scale back and do part of whatever the mandate is, then we will try to work that out. And that is fine. I think that is very, very fair.

The CBO further must consult with State and local officials to get their view of what the costs are. And the rulemaking agencies over in the executive branch must also consult with State and local officials to make their estimates of what the rulemaking impact will be on the cost to State and local governments.

That is not insignificant. Those of us who have been around here for awhile know all the time we pass legislation here, we send it over to the executive branch, and sometimes I think the people over there, we may have a few people in some of the agencies that should have almost the term "zealot" applied to them, because they are not going to see that. They are going to see the rules and regulations go out, and they are not going to get caught short on their watch. And they are going to take the legislative history up here and they are going to interpret it in a way that really backs up the legislation up here more than ever was intended on Capitol Hill to begin with.

We have all seen examples or heard examples of the legislative and rulemaking procedures over there that resulted in such horrendous actions of things that never were intended here, particularly with regard to the environment, clean air, clean water, and so on.

So the rulemaking agencies must also consult with the State and local governments.

The private sector also is covered here. Where there would be a cost of over $200 million, we must have CBO cost estimates there also, or a point of order could lie against pieces of legislation, too.

Certain things obviously should be exempt from this process. Civil and constitutional rights. Should civil and constitutional rights be out from under this? I think they should. Those apply to every single man, woman, and child in this country and there should not be any question about that.

National security matters are out from under this; treaty obligations; bona fide emergencies such as natural disasters, and so on, are out from under this.

Also out from under this is when the States voluntarily say yes, we think it is a good idea to put this program in and we think it should go through, and we will voluntarily say we will assume this. I do not know whether that would occur in many cases or not, but that provision is in there.

Now, there are some concerns that we have which were expressed in the Governmental Affairs Committee the other day that are very real concerns. I certainly agree with the distinguished Senator from West Virginia, Senator BYRD, who, on the floor a moment ago, was calling for no steamrolling on this legislation, no rush for this legislation, without due consideration of all aspects of it.

We expressed some of our concerns in the Governmental Affairs Committee in our vote the other day. I had one that I think is necessary on this and I gave an example of it a little earlier this morning.

In other words, a point of order could lie against the bill. Let us say we grant the waiver, so we are going to take this bill up, whatever it is. We grant that waiver. Then amendments start coming in. Any amendment that would provide over $50 million of costs could have a point of order lie against that. Or the accumulation, an aggregate of the costs to State and local governments of a series of amendments, could go over the threshold. Right now, a point of order could lie against each one of those amendments.

I see a hazard there in that it might make a method for people who wanted to filibuster a bill. You just put in a whole bunch of amendments. There is nothing in the Senate rules that says amendments have to be germane, so we could have an issue being brought up—it might be a farm issue—and we wind up with aid to children, foreign aid, all sorts of things that would be very, very expensive put on because of our lack of a germaneness rule here.

So I can see the danger there that there might be a possibility that people could use that and that point of order applied to it as a means of filibustering. And I do not want to see that.

I read into the RECORD earlier this morning the section of a letter we just received from Bob Reischauer, who is the head of the Congressional Budget Office, complaining about this also or pointing out that this needed to be corrected before we enact this particular bill. So that is one.

I know that Senator LEVIN, who is here on the floor, has several amendments that he brought up the other day in committee, too, and I am sure at the appropriate time he will want to address those.

But all we are asking is that we be given ample time for this and that this steamroller that we had going or attempted to have going on the congressional coverage bill, that we not try that on this one because this bill is very far reaching. I do think it is landmark legislation. I hope that we will have adequate time for anyone on both sides of the aisle to really try to make changes in this so that it is workable, good legislation, not something we have to get through in haste and then correct later on.

Another thing I will point out is this bill is not retroactive. It does not go back and address all previous programs. Where previous programs come up for a reauthorization, a point of order would not lie unless, once again, the $50 million threshold is reached. If there is an increase for costs to State and local governments of more than $50 million in the reauthorization process of some previously ongoing program, then the point of order would lie if there was that kind of increase in cost, but only then.

This would apply also to some of our entitlement programs. There are nine entitlement programs that cost the Federal Government $500 million a year or more annually. And these are included. But if the entitlement is changed by the Federal Government so that the cost to State and local governments once again is more than a $50 million change, only then would a point of order lie.

So entitlement programs that go on and are not up for a periodic reauthorization would be included only if the costs to the State and local governments were increased by more than $50 million. Only then would the point of order apply. Those particular entitlement programs where we spend $500 million a year or more are: Medicaid, food stamps, AFDC, child nutrition, social services, block grants, vocational rehabilitation, State grants, foster care, adoption assistance and independent living, family support, welfare services, and child support enforcement.

Now, Mr. President, there has been some confusion, as was addressed here on the floor earlier today, concerning the filing of the report. I do not know whether that will still be an issue with certain Members or not. I would hope that we could get on with consideration of this and work out our problems on that. I think this bill is very, very important.

We may have amendments. Senator LEVIN had some concerns about employment laws, concerns about what happens when the CBO cannot make an estimate, and concern about sunset.

Now, the bill is not airtight. Its implications, however, are very complex. They are very, very far reaching. What it basically does, I repeat again, it requires an upfront dollar estimate with a forcing mechanism to make sure that that is considered in the consideration of any legislation here on the floor; that is, the dollar impact on State and local governments. This is a forcing mechanism to make sure that that is considered.

Now, say that it comes out and the Senate Members feel strongly that regardless of the dollar impact, it still should go on. That is provided for. That is what the waiver vote would be. So the Senate does not lose its right to say, "Here is what is best for all the citizens of the United States of America." We do not pull that back. All this bill does, basically, is provide a mechanism, an enforcement mechanism, to say we no longer can slide something through in the middle of the night without a cost estimate and find out later that it costs the States and local governments a bundle out there in their costs of doing business and mandate it from the Federal level.

It says we have to consider that up front, and it is a forcing mechanism to do it with this point of order. But the Senate still—I repeat, the Senate still—could say we think it is that important that regardless of the cost on this—say, the cost is estimated to be $70 million instead of the threshold $50 million—and we say it is important enough that although that is a million and whatever it figures out, a million-plus, for each State, it is important enough for the people of this country that that legislation should go in, and we pass it. This bill would not prevent the Senate from taking that action at all.

Now, I would say to the people in the press that may or may not be covering this, I hope that can be spelled out because there has been a lot of misinformation about how we will stop things in their tracks, we will wreck the normal procedures of government, we will wind up doing all sorts of serious damage. All this thing does, it says we, for the first time, require that there has to be upfront consideration of the best estimate of the cost before we vote on this, and a point of order would lie if that is not carried out. But, even then, there can be a waiver of the point of order, and go ahead if we think it is that important for the future of this country.

So, while I think that on the face of it it is rather innocuous, just the very fact that we, for the first time, are going to require that to be considered before we take legislation up is an enormous step forward and very, very important.

That is the reason I think this is landmark. It puts the Senate, puts the country, puts the House of Representatives on notice that this relationship between the Federal, State, and local governments can no longer be one where we pass things here and say, "Well, States, OK, you carry it out. We know it will be expensive, but you carry it out. We know you can take care of it." That worked for the better part of 200 years in this country. But it no longer will work because what we have done is passed so many bills, as I enumerated before, we have overloaded the circuits and given the States and local communities too big a load from Federal mandates for them to be able to carry out without our help. So it means we must be very careful in what we consider in the future as legislation and its impact on State and local communities, and that we have a forcing mechanism to force that kind of consideration before things are voted out. That is what this does.

So I am proud to work with Senator KEMPTHORNE. I think he was off the floor when I made some comments about him earlier. They were not all bad. He has been a real leader in this. He has stayed on it and traveled all over this country, as I said, and he has met with all the Big Seven groups, as they are called, and talked to them, got their counsel, advice, and been a real champion of this. I am proud to be associated with him on this. I hope we can just get this legislation through. I think it is needed.

One note of caution: Let Members not rush this thing to the point we do not have time to amend it with things that need amending. I add this: The Senate does not have germaneness rules. We know that, and we suffer from that from time to time, as we did on the congressional coverage bill yesterday. People are free to bring up whatever they want.

On this bill, that could well happen on the floor when we open it up for amendments. Whether that does or not, there are certain amendments, as the one that I mentioned just a moment ago and the one that Senator LEVIN has concern about that we brought up in committee that are germane, they do apply, and I hope there is not such a push to get this thing through that we do not have adequate time to have those amendments that are valid, germane, and that will improve this. They will improve this bill and make it workable. They will not hurt.

Mr. President, I rise to announce my support for S. 1—the Kempthorne-Glenn bill on Federal mandate reform and relief. This is legislation that had strong bipartisan and administration support last year, in fact we had 67 cosponsors, and my hope is that we will be able to pass the bill through the House and Senate and get it to the President.

I would note that I do have concerns with some of the provisions of S. 1 and I will be offering some amendments later to try to correct some problems with the bill. I will discuss those amendments in more detail at the appropriate time.

But before I go into a description of the bill, I'd like to provide some background to the whole unfunded Federal mandates debate.

On October 27, 1993, State and local elected officials from all over the Nation came to Washington and declared that day, National Unfunded Mandates Day. These officials conveyed a powerful message to Congress and the Clinton administration on the need for Federal mandate reform and relief. They raised four major objections to unfunded Federal mandates.

First, unfunded Federal mandates impose unreasonable fiscal burdens on their budgets;

Second, they limit State and local government flexibility to address more pressing local problems like crime and education;

Third, Federal mandates too often come in a one-size-fits-all box that stifles the development of more innovative local efforts, efforts that ultimately may be more effective in solving the problem the Federal mandate is meant to address; and

Fourth, they allow Congress to get credit for passing some worthy mandate or program, while leaving State and local governments with the difficult tasks of cutting services or raising taxes in order to pay for it.

In hearings held by the Committee on Governmental Affairs in both this and the last Congress, we heard testimony from elected State and local officials from both parties, representing all sizes of government. It was clear from the testimony that unfunded mandates hit small counties and townships as hard as they do big cities and larger States.

I think it's worth stepping back and taking a look at the evolution of the Federal-State-local relationship over the last decade and a half so we can put this debate into some historical context. I believe the seeds from which sprang the mandate reform movement can be traced back to the so-called policy of new federalism, a policy which resulted in a gradual but steady shift in governing responsibilities from the Federal Government to State and local governments over the last 10 to 15 years. During that time period, Federal aid to State and local governments was severely cut, or even eliminated, in a number of key domestic program areas. At the same time, enactment and subsequent implementation of various Federal statutes passed on new costs to State and local governments. In simple terms, State and local governments ended up receiving less of the Federal carrot and more of the Federal stick.

A. THE COST OF FEDERAL MANDATES

Let's examine the cost issue first. While there has been substantial debate on the actual costs of Federal mandates, suffice it to say that almost all participants in the debate agree that there isn't complete data on the aggregate costs of Federal mandates to State and local governments. In fact, one of the major objectives of S. 1 is to develop better information and data on the cost of mandates. Likewise, there is even less information available on estimates of what potential benefits might be derived from select Federal mandates, a point made by representatives from the disability, environmental, and labor community in the committee's second hearing in the last Congress. Nonetheless, there have been efforts made in the past to measure the cost impacts of Federal mandates on State and local governments.

And those efforts do show that costs appear to be rising. Since 1981, the Congressional Budget Office [CBO] has been preparing cost estimates on major legislation reported by committee with an expected annual cost to State and local governments in excess of $200 million. According to CBO, 89 bills with an estimated annual cost in excess of $200 million each were reported out of committee between 1983 and 1988. I would point out one major caveat with CBO's analysis; it does not indicate whether these bills funded the costs or not, nor how many of the bills were eventually enacted. Still, even with a rough calculation, CBO's analysis shows that committees reported out bills with an average estimated new cost of at least $17.8 billion per year to State and local governments. In total, 382 bills were reported from committees over the 6-year period with some new costs to State and local governments. So if anything, the $17.8 billion figure is a conservative estimate for reported bills.

Federal environmental mandates head the list of areas that State and local officials claim to be the most burdensome. A closer look at two of the studies done on the cost to State and local governments of compliance with environmental statutes does indicate that these costs appear to be rising. A 1990 EPA study, "Environmental Investments: The Cost of a Clean Environment," estimates that total annual costs of environmental mandates, from all levels of government, to State and local governments will rise from $22.2 billion in 1987 to $37.1 billion by the year 2000, an increase in real terms of 67 percent. EPA estimates that the cost of environmental mandates to State governments will rise from $3 billion in 1987 to $4.5 billion by 2000, a 48-percent increase. Over the same timeframe, the annual costs of environmental mandates to local governments is estimated to increase from $19.2 to $32.6 billion, a 70-percent gain. According to the Vice President's National Performance Review, the total annual cost of environmental mandates to State and local governments, when adjusted for inflation, will reach close to $44 billion by the end of this century.

The city of Columbus in my home State of Ohio also noted a trend in rising costs for city compliance with Federal environmental mandates. In its study, the city concluded that its cost of compliance environmental statutes would rise from $62.1 million in 1991 to $107.4 million in 1995—in 1991 constant dollars—a 73-percent increase. The city estimates that its share of the total city budget going to pay for these mandates will increase from 10.6 to 18.3 percent over that timeframe.

In addition to environmental requirements, State and local officials in our committee hearing cited other Federal requirements as burdensome and costly. They highlighted compliance with the Americans With Disabilities Act and the Motor-Voter Registration Act; complying with the administrative requirements that go with implementing many Federal programs, and meeting Federal criminal justice and educational program requirements. Now I would note that while each of these individual programs or requirements clearly carry with them costs to State and local governments, costs which we have too often ignored in the past, I believe that on a case-by-case basis each of these mandates has substantial benefits to our society and our Nation as a whole, otherwise I, along with many of my colleagues in the Senate, wouldn't have voted to enact them. State and local officials readily concede that individual mandates on a case-by-case basis may indeed be worthy. However, when you look at all mandates spanning across the entire gamut of Federal laws and regulation, you begin to understand that it is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief. The Advisory Commission on Intergovernmental Relations testified in our April hearing that the number of major Federal statutes with explicit mandates on State and local governments went from zero during the period of 1941 to 1964, to 9 during the rest of the 1960's, to 25 in the 1970's, and 27 in the 1980's.

However, to truly reach a better understanding of the Federal mandates debate, we must also look at the Federal funding picture vis-a-vis State and local governments.

B. FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

The record shows that Federal discretionary aid to State and local governments to both implement Federal policies and directives as well as comply with them saw a sharp drop in the 1980's.

An examination of Census Bureau data on sources of State and local government revenue shows a decreasing Federal role in the funding of State and local governments. In 1979, the Federal Government's contribution to State and local government revenues reached 18.6 percent. By 1989, the Federal contribution of the State and local revenue pie had steadily shrunk to 13.2 percent before edging up to 14.3 percent in 1991, the latest year that data is available.

What contributed to the declining trend in the Federal financing of State and local governments? A closer look at patterns in Federal discretionary aid programs to State and local governments during the 1980's provides the answer. According to the Federal Funds Information Service, between 1981 and 1990 Federal discretionary program funding to State and local governments rose slightly from $47.5 billion to $51.6 billion. However, this figure when adjusted for inflation tells a much different story; Federal aid dropped 28 percent in real terms over the decade.

A number of vital Federal aid programs to State and local governments experienced sharp cuts and, in some cases, outright elimination during the decade. In 1986, the administration and Congress agreed to terminate the general revenue sharing program, a program that provided approximately $4.5 billion annually to local governments and allowed them broad discretion on how to spend the funds. Since its inception in 1972, general revenue sharing had provided approximately $83 billion to State and local governments. Unfortunately, the Reagan administration succeeded in terminating the program and the Congress followed its lead. There were other important Federal-State-local programs that were substantially cut back between 1981 and 1990. They include: economic development assistance, community development block grants, mass transit, refugee assistance, and low-income home energy assistance.

Luckily, under both the Bush and Clinton administration, we've managed to restore some needed funding to many of these programs. Still, in real dollars, funds for discretionary aid programs to State and local governments remain 18 percent below their 1981 levels.

THE COMMITTEE'S LEGISLATIVE EFFORTS

In the last Congress, eight bills were referred to the Governmental Affairs Committee that touched on at least some aspect of the unfunded Federal mandates problem. After two hearings, we marked up a compromise bill that borrowed the best of the various provisions and requirements from the different bills. We worked closely in a deliberative, bipartisan fashion with the de facto leader on this issue, Senator KEMPTHORNE, along with other Members and with the administration. The Kempthorne-Glenn compromise had the endorsement and strong support of the 7 groups representing State and local governments: the National Governors Association; the National Conference of State Legislators; the Council on State Governments; the National League of Cities; the U.S. Conference of Mayors; the National Association of Counties, and the International City Management Association. It had the backing of the Clinton administration and was endorsed by the editorial boards of the New York Times, Cleveland Plain Dealer, and other newspapers across the country, both large and small. The bill we are debating today as S. 1 largely embodies what we had last year in S. 993.

Let me explain what the Kempthorne-Glenn bill does: it requires the Congressional Budget Office to conduct State, local, and tribal cost estimates on legislation that imposes new Federal mandates in excess of $50 million annually onto the budgets of State, local, and tribal governments. The current law requires these estimates at a $200 million threshold. I believe that that high a figure allows a lot of Federal mandates to slip through without being scored. $200 million spread across equally among all States may not be much, but if it falls particularly hard on any one region—which does happen with legislation around here—it is substantial. Let me make clear, however, that what CBO will score here are new Federal mandates, not what State, local, and tribal governments are spending to comply with existing mandates, nor what they are spending to comply with their own laws and mandates.

Second, and I think most importantly, is that the bill holds Congress accountable for imposing additional unfunded Federal mandates. We do this by requiring a majority point of order vote on any legislation that imposes new unfunded Federal mandates in excess of $50 million annual cost to State, local, or tribal governments.

To avoid the point of order, the sponsor of the bill would have to authorize funding to cover the cost to State and local governments of the Federal mandate, or otherwise find ways to pay for the mandate. This could come from the expansion of an existing grant or subsidized loan program, or the creation of a new one, or perhaps the raising of new revenues or user fees. The authorizing committee must also build into the legislation contingency provisions to go into effect if funds for the mandate are not appropriated. The committee would have to put provisions into the bill that would direct and set criteria for the responsible Federal agency to either declare the mandate to be ineffective, or direct and set criteria for the agency to scale back the mandate, to the extent that funds have not been appropriated.

S. 1 also includes provisions for the analysis of legislation that imposes mandates on the private sector. CBO would have to complete a private sector cost estimate on bills reported by committee with a $200 million or more annual cost threshold. Agencies would also need to consider the private sector impacts of their regulations.

We do exempt certain Federal laws from this bill. Civil rights and constitutional rights are excluded. National security, emergency legislation, and ratification of international treaties are also exempt.

I want to also point out that the bill does not prohibit Congress from passing unfunded Federal mandates. There may be times when it is appropriate to ask State and local governments to pick up the tab for Federal mandates. But let that debate take place on the Senate floor and let the majority work its will on the specific mandate in the legislation.

The Kempthorne-Glenn compromise also addresses regulatory mandates. We all know how the Federal bureaucracy can impose burdensome and inflexible regulations on State and local governments as well as on others who end up trapped in the bureaucracy's regulatory net. In the committee's November hearing, we heard testimony from Susan Ritter, county auditor for Renville County, ND. Ms. Ritter noted that the town of Sherwood, in her State, with a population of 286, will have to spend $2,000—one half of its annual budget—on testing its water supply in order to comply with EPA regulations. Clearly, there is no way that the town is going to be able to meet this requirement.

So, consistent the President's Executive orders, we have required that Federal agencies conduct cost-benefit analyses on major regulations that impact State, local, and tribal governments. Further, agencies must develop a timely and effective means of allowing State and local input into the regulatory process. Given that State and local governments are responsible for implementing many of our Federal laws, it is not only fair that they be considered partners in the Federal regulatory process, but it is also good public policy as well. The bill also requires Federal agencies to make a special effort in performing outreach to the smallest governments. Then maybe we'll be able to minimize the occurrence of situations like the one that took place in the town of Sherwood.

CLOSING REMARKS

In closing, I'd like to put this issue into some larger perspective. As we all know, the Federal, State, and local relationship is complicated. It is a blurry line between where one level of government's responsibility ends and another's begins. All three levels of government need to work together in a constructive fashion to provide the best possible delivery of services to the American people in the most cost-effective fashion. After all, as Federal, State, and local officials, we all serve the same constituents. Further, we serve the American people at a time when their confidence in all three levels of government is probably at an all-time low. There are numerous explanations for this lack of confidence in government and I won't go into them here. Vice President GORE's National Performance Review attributes "an increasingly hidebound and paralyzed intergovernmental process" as at least part of the reason for why many Americans feel that government is wasteful, inefficient, and ineffective. We need to restore balance to the intergovernmental partnership as well as strengthen it so that government at all levels can operate in a more cost-effective manner.

Both the administration and a number of my colleagues have made proposals to shift a number of Federal programs and responsibilities to State and local governments. Clearly, as this mandates debate has shown us, we ought to at least experiment to see if State and local governments can carry out some of these programs in a more effective fashion than we have been doing at a Federal level. I know from my years as chairman of the Governmental Affairs Committee that Americans do want more efficient and less costly government and maybe one way to help accomplish that objective is to grant more flexibility to State and local governments and let them run some of these programs. However, I think we should proceed with some degree of caution. Growing up in the Depression, I learned that State and local governments don't have the wherewithal and resources to meet all human needs. That's why President Roosevelt came through with the New Deal. So there has been and will continue to be, the need for Federal involvement and decisionmaking in many domestic policy areas. But that shouldn't preclude us from maybe loosening the reins on State and local governments in some areas, or even dropping them entirely. But we should be careful, and look at it on a case-by-case basis.

I believe that the Kempthorne-Glenn bill would help to restore that partnership and bring needed perspective to future Federal decisionmaking. I am glad that it will be the first bill introduced in the Senate and look forward to working toward its very early passage.

I want to give special thanks to my colleague from Idaho for his role in developing this legislation. He has been very diligent and, as a former mayor, very passionate about this issue. But he has also been willing to engage in the give and take that goes on in developing legislation where there are a lot of pressures from all sides to go one way or the other. This has truly been a bipartisan effort and he deserves special credit for that.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I appreciate greatly what the Senator from Ohio has just stated. He has accurately laid out the thrust and, I think, the beauty of this bill, and he has done it in his normal, straightforward fashion that everybody can understand and grasp.

He mentioned in his comments about last year and who may have tied up the legislation and where the finger should be pointed. He is right. That does not matter now. This is the 104th Congress. The bill that is before the Senate, Senate bill 1 is bipartisan. Sixty-three Senators already are sponsors of this bill, and more are being added all the time. It is bipartisan, as it should be.

I can tell the distinguished Senator from Ohio that I assure him all Senators will have ample time to discuss the amendments that are brought out here, to make any comments they wish about this bill. We will make sure that everyone feels that they have had their opportunity to speak about this bill in any areas that they may wish to find some improvements.

I agree with him, I hope that we keep the bill clean so we do not have amendments that are nongermane, not part of this bill. Too, I believe there will be some amendments that we can fashion together in managers' packages that we could then place before this body for unanimous consent.

He made this point, and I want to stress it: This Senate bill 1 is a process. In no way do we ever abdicate our decisionmaking responsibilities. We enhance it through Senate bill 1 because we will have the information upfront before we cast our votes. Is it not interesting when you think about it, Mr. President. What organization or entity, either in the public sector or the private sector, can make decisions that may have multimillion dollar or multibillion dollar impact and not know that cost upfront before they make that decision? I cannot think of any, because they would not be successful very long if they did.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wonder if the chairman or the ranking member will be willing to answer some questions at this point. I would like to ask a few questions, trying to understand the legislation, since I am not on the committee.

The PRESIDING OFFICER. Will the Senator from Idaho respond?

Mr. KEMPTHORNE. I will be happy to respond.

Mr. BINGAMAN. Mr. President, I guess I have heard the explanation, and I certainly agree with the basic thrust of the legislation, and that is to try to ensure the Congress knows what it is doing before it acts, gets the necessary information and looks at the cost that it is imposing on State and local governments.

As I read it, though, the bill seems to do more than that. The bill—and here I am referring to page 21 where it says:

> It shall not be in order for the Senate to consider any bill or joint resolution that is reported by a committee unless——

A statement has been provided. I understand that is getting the information. I certainly support that and believe that is entirely appropriate.

But then it says:

> It shall not be in order for the Senate to consider * * * any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that——

Exceeds the threshold.

As I read that, I understand that you can always come to the floor and say, "In spite of this, we want to waive that provision of law and we want to go ahead." But I am just wondering if this is somewhat unprecedented—obviously, it is unprecedented—but is it an appropriate thing for us to be putting in statute a statement that it is out of order for us to consider any legislation for which the Federal Government is not willing to pay 100 percent of the cost on Government.

That is what we are saying here, that it is out of order for us in the Senate to consider any bill unless we, the Federal Government, are willing to pay the entire cost to any level of government.

Really what we are trying to say is we need to stop and we need to think and we need to get estimates before we do that, but it is appropriate for us to do it in some cases. Is there not a more artful way we can do this and really say we need the information before we proceed and we need to think seriously and carefully about what we are doing before we proceed, instead of just saying it is not in order for us to ever proceed unless we are going to pay 100 percent of the cost?

Mr. KEMPTHORNE. Mr. President, in response to my friend from New Mexico, if I may proceed.

The PRESIDING OFFICER. The Senator from Idaho may proceed.

Mr. KEMPTHORNE. The Senator is asking if there is a more artful way of doing it. I really believe mandates are so important, whether or not this is artful, it is meaningful. You have asked if there is not some way that we can just seek the information. There has been discussion before that maybe we could just have information that would note that, but I really believe that we should stop that mandate, we should stop further consideration. But we do provide for that 60-vote point of order, a waiver. Excuse me, it will be a majority, a simple majority, that could waive that point of order.

If you get a majority of Senators that say, "We agree with the Senator from New Mexico, we should not delay proceeding forward with this bill any further, we now have this information from the committee, from the Congressional Budget Office, and so we now vote affirmatively to waive the point of order, then we can proceed."

But, again, we are going to know that information up front. I do not see that as burdensome, and it certainly is not as burdensome as has been the placement of these mandates on our cities and States, and the taxpayers ultimately pay for these.

Mr. BINGAMAN. I certainly understand, as I say, the importance of getting the information. I support that. I support having the careful consideration of what we are doing. Let me give you an example that has come to my attention.

We passed a bill a few years ago on air transportation security where we basically said anybody who runs an airport in this country shall make provision to essentially put in metal detectors because we have determined that there is a public safety compelling national interest here that requires us to have metal detectors at all of our airports.

That is a mandate. That is saying to the city of Albuquerque, which runs our airport in Albuquerque, that is saying you have to put in metal detectors. Clearly, that costs them some money. The Federal Government did not pick up the tab.

But I guess what I am saying is, should it be as an initial matter inappropriate for us to consider legislation unless we, the Federal Government, are willing to pay 100 percent of the cost in all cases?

Mr. KEMPTHORNE. Mr. President, I will answer that I strongly believe that we should follow this prescribed course. In that case, where you say there was a cost to the city of Albuquerque, there was a cost to the cities across the country that had to put in these metal detectors. Did it exceed $50 million? I do not know. If it did not, then no point of order would lie against the bill.

But, I say to my friend from New Mexico, nobody knows what the cost of those metal detectors was, and we certainly did not know before we voted for it.

Mr. BINGAMAN. I do not argue with that part of the bill. I have said so several times in the last 10 minutes——

Mr. GLENN. Will the Senator yield?

Mr. BINGAMAN. That the Senate should be required——

Mr. GLENN. Let us follow this through. I think it is a good example.

With the Federal mandate saying you will do it, Albuquerque then probably had less police out on the streets, they were not able to put in the new sewer. They had to make choices because we put a mandate on them.

If we, in our wisdom, say this is important enough for air safety, it is important they do it, period, regardless of any money, all you have to do is have a point of order that would lie against the bill if it is over the $50 million threshold, which it would be in this case—many times $50 million for the whole country—and we would say that is important enough that you just are going to have to pick that up running your airport, pick it up in an airport tax or however you do it locally; it is up to you people to do it in the State and local governments.

If we say, "No, well, wait a minute, this is going to be expensive and it is going to hit and it means Albuquerque has to take some police off the streets"—and if you have patrol cars, you are going to have a lot of problems—then maybe by the fact that we are forced to consider it up front and not ignore it, as we probably did in that case, if we are forced to take this up, it means that we have to consciously consider this when we are considering putting it in.

We may want to see, in our wisdom, that it is fair we take half the expense. We can moderate it like that. I am sure the distinguished Senator from New Mexico would agree that too often in the past, we have passed things like this and just said, "States, do it; that's that, take care of that, go ahead and do it." It has gotten to be such a burden on the States and local communities, they no longer can just absorb what we throw at them.

All this says is we can still throw it at them, we still can say you have a requirement, you have to meet it, it is Federal law and do it. But we have to do it after knowing the costs and having voted affirmatively to force them to do that, and we have to go on record saying that is what you have to do.

Mr. BINGAMAN. Mr. President, let me just respond and be sure the Senator understands my point. We are also saying in the bill that it is out of order to consider any bill where the Federal Government does not pay 100 percent of the cost; any bill that imposes an obligation on State and local government, where the Federal Government does not pay 100 percent of the cost, that is out of order.

Now, you are right, we can come to the floor and we can vote to waive the point of order. But we are putting in law a statement that it is out of order for us to consider any piece of legislation unless we, the Federal Government, are paying 100 percent of the cost.

Mr. GLENN. That is correct, up to a point, unless we authorize—this applies to authorizing legislation only now. If the appropriators then come along and say, "Well, we have a lot of other considerations. We had to up the Army, Navy, Marine Corps"—whatever—"we can't afford this, we can do half of this," we try to work that out with the States.

In the authorizing legislation, you will have to provide for the Federal mandate or a point of order would lie. Then the waiver vote would determine whether, in spite of that, if you are not providing the money for it and you want to take it up anyway, then you have that option and the Senate does not lose its ability to do that.

Mr. BINGAMAN. Mr. President, let me say I think I understand that, and if I was on the Appropriations Committee, I probably would think this was a great piece of legislation, because it would mean everybody would go to the Appropriations Committee, to an even greater extent than they do now, when they want to see something legislated.

This goes to the authorizing committees, and this says if you were to put together a piece of legislation that said everyone who has an airport in the country will put in metal detectors and the Federal Government will pay 90 percent and States will pay 10 percent, or localities will pay 10 percent, whoever owns the airport will pay 10 percent, that legislation is out of order.

You are right, under this procedure, you can come to the floor and you can waive the point of order, but the way you have to draft it here, it is out of order for us to consider that legislation.

Let us suppose the Commerce Committee, which I assume would have jurisdiction, wanted to bring a bill to the floor which had a sharing of cost between the Federal Government, State government and local government that involved air traffic safety. That would be out of order. Now, you say OK, well, you can waive the point of order. I am just getting to the point of should we be writing into law a statement that it is out of order for Congress to consider legislation unless we at the Federal level are proposing to pay 100 percent of the cost.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

Mr. KEMPTHORNE. Yes. That is a major portion of this bill. That is what this is about. It says that we ought to pay that. And if not, we ought to have the appropriate rationale so that a majority vote, a simple majority would say no, we are going to waive that.

A couple of points. The Senator said that this is placed on the authorizers. After a great deal of discussion, we felt that was most appropriate because the mandates come from the authorizing committees. They do not come from the appropriations committees. This puts that responsibility on the authorizers. It will probably cause them to have to work more closely with the appropriators, which I think is a plus.

You say other than ruling it out of order, could not we just have the information made available to us to help us in our decisionmaking. But that, to me, is a damage report. We want to stop the damage. And we talk about the responsibilities. Again, we would have that information. Yes, we should pay for it. But if we do not, again, you can come and seek that waiver. The point of order, though, is not self-initiated. It must be placed by a Senator.

Mr. BINGAMAN. I understand that. But I am just saying that if a reporting committee, if the Commerce Committee determined that there was a compelling national interest for us to have metal detectors at our airports around the country and that the appropriate sharing of cost was 90 percent by the Federal Government, 10 percent by the person who owns the airport—and clearly we should require them to get the report as to what this is going to cost, what it is going to cost States and localities, what it is going to cost everybody up and down the line. But once they get that information, if they still believe there is a compelling national interest, should they have to, when they bring that bill to the floor, face the statutory provision you are putting here which says it is out of order to consider this bill?

Mr. KEMPTHORNE. Mr. President, to the Senator I would say that a committee could determine that they wanted to do a 90–10 split on the cost. Now, because they do not provide 100 percent of the funding, yes, a point of order could be made against that authorizing bill. But they could come to the floor and say this legislation clearly spells out that we are going to provide 90 percent of the funds; 10 percent will be matched by the local communities. And you could then hold up a series of letters from mayors around the country saying we think this is good; we support this legislation. And I think you would have an excellent chance of getting a waiver of the majority of Senators to say we agree on this particular one. Go forward.

Mr. BINGAMAN. I guess, Mr. President, the point I am trying to make is that I think that is an appropriate and necessary and essential part of the discussion that ought to take place when that bill comes out on the Senate floor. I just do not know that I like the idea of putting in law a statement that it is out of order for us to consider the bill. I think it might be appropriate to say, if they get the studies done, if they determine and they say in their report that there is a compelling national interest that requires this to happen, then the Senate can agree or disagree and the Senate can say we do not believe it. We think this has to be amended; the Federal Government should pay 100 percent, not just 90 percent.

That is what ought to happen in the debate on the bill. It should not be procedurally inappropriate or wrong for the Congress to consider legislation that imposes some share of the cost on State and local government in some instances where there is a compelling national interest, it seems to me.

Mr. KEMPTHORNE. Mr. President, I respect the Senator's view on this. Now, we will probably disagree, but I respect what the Senator is saying. Congress has a bad habit of not picking up the tab on orders that it places, and so this I think is going to help us with this fundamental realignment of the partnership. I do not think this is an overly burdensome requirement. I truly do not. And I think 63 Senators are saying, yes, we think this the way we should be going on this.

Mr. BINGAMAN. Mr. President, could I ask the Senator one other example that has occurred to me. There is a bill that Senator INOUYE and Senator MCCAIN had been considering in the last Congress—I believe they introduced it. They certainly had various hearings on it—to put in place a more extensive regulatory mechanism for controlling gaming on Indian land.

This legislation, of course, would make that out of order. Any bill that imposed an additional cost on the tribal government would be out of order under your legislation, as I understand your legislation, because you would be saying, if you want to engage in gaming on Indian land, you have to do certain things to ensure that organized crime does not get involved, that people who gamble at your facilities are treated fairly, et cetera, et cetera.

Now, am I confused on this? As I understand the bill pending before the Senate today, it would say that bill is out of order. If that bill comes to the Senate floor, a point of order can be raised that that bill is out of order because it requires tribal governments that want to participate in gaming to incur costs.

Mr. KEMPTHORNE. Mr. President, in response to that, I cannot stand here and tell the Senator that there is an easy, quick answer to that. We would have to go through the example. We would have to determine is this a requirement that is now being put on the tribes? Is there a cost to that? Does the authorizing committee determine that there is a mandate in that new requirement? What is the cost of that mandate? Does it in fact exceed $50 million or is there any cost at all to the tribes to carry this out?

There are many, many hypothetical situations. But I come back to the point that this is a process, a process that states that as we now proceed—and we will encounter some of these issues—we now know how we would proceed. We know the process. We would know that we can seek a waiver of a point of order. We know that after doing this for a few sessions we will begin to establish some precedents on what does and does not come under this department of the mandates.

So, again, I believe that the process is in place and there is not going to be a quick and easy answer on all hypotheticals. But at least we know how we would get to the ultimate conclusion.

Mr. GLENN. Mr. President, it is a good example because it is a very complex one. It gets into a lot of ramifications of tribal law, our overriding Indian affairs legislation, and so on. So it is a very good example. But in that case, if the cost to the tribal areas was estimated to be more than $50 million, then a point of order could be brought and all the point of order would say is it is more than $50 million so we should consider this legislation here in the Chamber. It will not be eliminated from consideration. And then the Senate would work its will and the Senate would either decide it is good for Indian lands or it is not. This legislation, once you reach that point, would not have anything to do with it. It would be strictly on the merits of Indian gaming and what you want to do in other areas.

While I have the floor, too, another thing I wanted to make absolutely sure, the Senator from New Mexico referred several times to the point of order. I almost got the impression that he thought the point of order, anything over a $50 million cost to State and local governments would automatically have a point of order regardless of whether somebody brought it up or not.

Some Senator would have to come to the floor and bring up and invoke that point of order and then it would require then a waiver vote. And if any Senator, I would say to my friend, thinks it is that important that he wants to challenge this, then we better take it up. We would be doing it with the best estimates that we possibly can have. It is a forcing mechanism to force the Senate to consider the costs up front, which we have not done before, and make a forcing mechanism to do that, still with a protection, as a way of saying, yes, this bill comes on the floor with a majority vote no matter what the cost so we can consider it.

Mr. President, I will not belabor the issue. I do appreciate the answers to the question. I guess my concern, very simply, is that it is more than an enforcement mechanism. It puts into statute a presumption that any proposed law that comes to the Senate floor that requires a State or a locality or an Indian tribal government to incur some cost—that any of those bills are out of order, that they are in some way wrong, and that that presumption has to be overcome in order for us to proceed to consider the bill.

I do not know that all those bills are inappropriate. I do not think the taxpayers, if we get around to passing legislation governing gaming on Indian land—I do not think it is necessarily appropriate that the taxpayers fund 100 percent of the costs of ensuring that gaming is done appropriately. It is possible that the Indian tribal government should pick up some portion of that cost.

So I do not know that the idea of passing a bill that says it is out of order to consider any legislation that the Federal Government does not pay 100 percent of is necessarily the right way to go. I think we will have a chance to explore this more this afternoon and this evening and tomorrow. Maybe next week. But I did want to at least make that point.

I have some other questions on other parts of the bill which I will be glad to raise later.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate these well thought out ideas. It is very apparent that the Senator from New Mexico has been going through this bill and just truly understanding the impact and the ramifications of this. So, again, I appreciate that. We hope to see that sort of discussion continued.

I see the good Senator from Minnesota is here and look forward to his comments.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today to voice my strong support for Senate bill 1, the Unfunded Mandate Reform Act of 1995, and to commend my colleague from Idaho for bringing this legislation to the floor. I am honored to cosponsor S. 1 in the 104th Congress, and I am honored to make my first statement as a U.S. Senator on behalf of this critically important legislation.

To illustrate the severe problems caused by unfunded Federal mandates, I would like you to imagine you have a distant cousin. He used to be pretty well off; he made a decent living for himself. But your cousin liked to spend money—a lot—and after years of living high on the hog, his extravagant lifestyle finally caught up with him.

So he turned to his credit cards. "Play now, pay later" became his motto. And so it did not take too long before your cousin was up to his eyeballs in credit, and soon his plastic cards were not good anywhere.

That is when he decided to buy a new car. He bought top of the line, with every bell and whistle the dealer had to offer.

Of course, his credit was no good and a new car was hardly in the budget. But that did not stop him—he bought the car anyway, signed your name to the purchase agreement, mailed the bill directly to you, and worst of all, said it was for your own good.

What would you do? You would be furious, of course. You have bills of your own. Maybe you cannot afford to send your kid to college this year, much less buy your distant cousin a new car.

But what if it turns out that your cousin had every legal right to do what he had done? What if you refused to pay, and found yourself showered with fines and threatened with criminal prosecution? What would you do then?

That is the dilemma faced every day by America's Governors, mayors, county commissioners, school administrators, and business leaders. For them, the irresponsible cousin is the Federal Government. And the IOU's being signed in their names are piles and piles of unfunded Federal mandates.

Each year, the Federal Government takes in billions and billions of dollars. Each year, it spends every dime and borrows hundreds of billions more. And when the Government has exhausted its revenues but not its appetite for spending, it passes expensive new laws, and mandates that somebody else carry out its priorities.

The 10th amendment to the Constitution is supposed to protect the States from such Federal meddling, but unfunded Federal mandates have become the modern-day equivalent of taxation without representation, turning federalism on its ear and the entire concept of States' rights into a farce.

Over the past two decades, nearly 200 unfunded mandates have been enacted by this institution, most of them during the 1970's and 1980's, when Congress was running out of money, but certainly not the desire to impose new regulations.

And the costs for Main Street America are tremendous. A recent survey found that the 10 most burdensome unfunded mandates cost cities an estimated $6.5 billion in 1993. The U.S. Conference of Mayors estimates that, over the next 5 years, the price tag for these mandates will balloon to nearly $54 billion.

In my home State of Minnesota, Gov. Arne Carlson has prepared this list: 27 pages of unfunded Federal mandates that cost Minnesota taxpayers tens of millions of dollars each and every year, and intrude into nearly every walk of life—from our schools to our prisons, from our highways to our workplaces.

Many of these unfunded Federal mandates are simply bad policy. Rarely do they take individual needs and situations into account, rarely do they contain any sort of cost-benefit analysis, and none of them are paid for.

I want to share this example from Minnesota. With the passage of the 1991 Intermodal Surface Transportation and Efficiency Act, States are required to pave their highways with an asphalt mix containing 20 percent rubber from waste tires. It is a mandate which will cost Minnesota $10 million in 1997.

Yet Minnesota does not have a problem with surplus waste tires—in my State, they are sold for fuel to paper mills and powerplants.

The Minnesota Department of Transportation estimates that incorporating waste rubber into the asphalt mix at least doubles its cost, and the additional expenditure in 1997 will result in 100 fewer miles of road resurfacing per year.

To compound the problem, our transportation officials are concerned that using waste rubber will shorten the life of the pavement, adversely affect its performance, and prevent the pavement from being recycled once its service life has expired.

Finally, the Federal Government does not recognize that, in Minnesota, there may be more cost-effective and beneficial uses of shredded tires, such as using them as a lightweight fill material on road construction projects. All of this to fix a problem that never existed in the first place.

Of source, no one wants to simply repeal the ISTEA law. But my example clearly demonstrates the problem with mandates: Good legislation, coupled with a one-size-fits-all mandate, is bad policy. And every State has similar horror stories.

Often, mandates are utterly unnecessary. They duplicate regulations and requirements that are already at work on the State and local level. And too often, mandates from the Federal Government are entirely arbitrary.

While the goals are very often admirable and universal—for example, we all agree on the need for clean air and clean water—the truth is that a solution to a problem in Minnesota may not be the answer in Montana or New Jersey.

Yet when the Federal Government enacts a mandate, it does not consult with the folks back home who will have to implement it.

Too often, there is no flexibility for regional and local conditions when the standards are set nationally.

Most tragically, unfunded Federal mandates divert critical resources away from local needs. Instead of putting Minnesota dollars to work for

Minnesota priorities, unfunded Federal mandates put our scarce tax dollars to work on Washington priorities.

That is not good for Minnesota. That is not good for America.

When the Federal Government comes calling with yet another unfunded mandate, State and local governments are left with no choice but to either reduce services or raise taxes.

And old mandates never die, nor do they fade away. In all its years of passing bills and passing along the costs, Congress has never—ever—rescinded a mandate to make room for a new one. They simply continue to pile up.

But the people back home who keep getting stuck with the bills have had enough. Last year, organizations representing America's State governments, cities, mayors, Governors, counties, State legislatures, and school boards passed resolutions calling on Congress to enact no-money, no-mandate legislation.

Mr. President, Senate bill 1, the Unfunded Mandate Reform Act of 1995, does exactly that.

S. 1 tackles the problem of unfunded Federal mandates by—first and foremost—forcing Congress to know the costs of any mandates being proposed, through estimates by the Congressional Budget Office. Once Congress knows how much its legislation will cost, it will have to find the money or the taxes to pay for it.

This will be radical change for a Congress that spends other people's money with such reckless abandon, but if every American who has ever had to balance a checkbook can do it—if States like Minnesota can do it—then Congress can do it, too.

Legislation that does not meet these tests is ruled out of order, and there will be no further action unless a majority of the Senate votes to continue debate.

This is such a commonsense idea that it should hardly take an act of Congress to ensure that it happens. But an irresponsible cousin—equipped with somebody else's credit card—can cause a lot of damage without some firm guidance.

Passage of the Unfunded Mandate Reform Act will start Congress down the road of fiscal responsibility, out of an era of stifling overregulation, and back toward the Federal-State relationship envisioned in the Constitution. It is the right bill, at the right time, and I urge my colleagues to give this measure their full stock.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to thank the Senator from Minnesota for his support of Senate bill 1, and also congratulate him on his first major speech here on the floor of the Senate. It is very clear that Minnesota, in this Senator, has a strong, effective voice for good government. We appreciate that so much.

I know too that the chairman of the Environment and Public Works Committee is here and would like to make some comments on this. He is someone for whom I have a great deal of respect. So I look forward to his comments.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Thank you very much. Mr. President, first I want to congratulate the distinguished junior Senator from Idaho for the work he has done in connection with this unfunded mandates legislation. He took an idea that others have thought about and have shown concerns about, and he developed it into this piece of legislation. He is extremely knowledgeable about it. He has been able to explain it to most people's satisfaction. It is complex, there is no question about it. So I think Senator KEMPTHORNE deserves a lot of credit for what he has done.

Truly, this is a problem that exists out there, as the distinguished Senator from Minnesota has just remarked. There are these problems out there in the States. I might say in passing that the States sometimes do unfunded mandates on the towns and cities below them. I must say that it is a little ironic that the Governors are all in here telling us to pass this unfunded mandates. I was thinking now maybe we ought to add an amendment to this that no Governor would be entitled to the benefits of this legislation if he had any unfunded mandates on his cities and towns. But I think that would probably get everything a little too complex. So I will forego that.

So, Mr. President, I just want to say that I will support this legislation and vote for it. I see there are some difficulties. I think the sponsors of the legislation themselves would recognize that one of the problems we are going to have is getting the estimates from the Congressional Budget Office in due time. As we all know, this is a free-flowing place. Up we pop with amendments. It is no secret that we say in the language as we send it forward: "I send to the desk an unprinted amendment and ask for its immediate consideration." That means that it is an amendment that somebody has written on a piece of paper, as we can do. It does not have to be printed. It does not have to be circulated. But in the battle that goes on back and forth on legislation, we have amendments.

I do not know just how we are going to work these Congressional Budget Office estimates. I suppose that if in doubt, one would ask for a waiver. That may be one of the ways to proceed. But let me also say that my support is for the bill as it is now, as the Senator from Idaho has presented it. If there are amendments that are adopted to the effect, for example, as one suggested amendment is, that the point of order has to have 60 votes to be approved, that would lose me, Mr. President, on this legislation because I just do not think we can conduct business like that.

I know the Senator from Idaho is himself, as I understand it, dedicated to keeping this a clean bill, as one would say. I hope he is successful. Certainly, I would help him do that in resisting the amendments and trying to bring the bill forward at its conclusion as close as possible as it exists now.

But I wanted to make it clear that while I support the legislation, I want to say that should there be these amendments, these changes to it of some substantial nature, I would not support it under those conditions.

I thank the Chair.

I see no one else prepared to speak. In that event, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I am very pleased to be a cosponsor of the bill that is now pending before the Senate. I wish to offer my congratulations to Senator KEMPTHORNE, and others, who have taken the leadership on this issue. He has worked on this very arduously for the past year and a half at least. I know there have been many changes that have been made to the original legislation that he proposed. I think it is fair to say that under the original legislation it would have been a much more draconian approach to the problem which most of the State and local officials have confronted over the years. I commend Senator KEMPTHORNE for his willingness to look at the complications and the complexity of the issue before us. So I join my colleagues in commending him for his efforts in this regard.

Mr. President, the entire issue of unfunded mandates really comes back to the issue, I think, that we have confronted about Congress being perceived as having lost touch with the rest of the country. Late yesterday, we concluded debate on legislation dealing with extending coverage to Congress the laws that we apply to the rest of America. Again, inherent in the need for that legislation is the perception that we who serve the public here on Capitol Hill are somehow living in a place of barricaded privilege, that we do not deal with real issues or real people, and that we do not understand the nature of the problems that confront them. I think that was at least one facet of the legislation we passed yesterday as we tried to dispel that perception, and also create a sense of equity. We understand that when we pass a bill that applies to other people, it also applies to us. So we live under the same rules.

That perception also applies to unfunded mandates, namely, the feeling that people in Washington go about their business of passing laws, all of which may be quite meritorious, without fully understanding the costs. As a matter of fact, most, if not all, of the bills that we pass have at least a partial measure of merit that many of us feel compelled to support. It may be safe drinking water, it may be clean air, or it may be any number of issues which the American people, in concept at least, support. I do not know many people who would like to see mercury in our drinking water, toxic waste in our soil, or needles wash up on our beaches. The American people want protection against many types of pollution.

Again, we talked a great deal about deregulation or "demassification." We talked about passing responsibilities back to the States. Yet, there is a measure of inconsistency on all of our parts, because the first thing that happens when there is an airline disaster, or a situation like Three Mile Island, or a Love Canal, is that many people want to know where the Federal agencies were?

The public asks where was the EPA or the Nuclear Regulatory Commission? Where are the folks who are supposed to be looking out for the Nation's safety? So we have a conflict between what the people expect and what is delivered.

Underlying this particular legislation is the notion that somehow we pass laws without regard to the burden that we are then shifting on to the backs of the State or town officials. And they, of course, face a different problem.

I, like Senator KEMPTHORNE, used to be mayor of my hometown. I did not have to confront at that time either the Clean Air Act or the Safe Drinking Water Act. But, nonetheless, I felt the pressure of the burdens that were placed upon us.

We had very little choice in how we responded to these particular types of mandates. Our only option at the local city level is to do what? To raise real estate taxes. And each time, of course, we raised real estate taxes, we were putting greater and greater burdens upon people who could not afford it. There was really no relationship between an individual's wealth or ability to pay and the taxes that were being raised.

I look at the city of Bangor, for example. As a result of unfunded mandates they will have to bear a burden that may seem minor to most of us in this Chamber, about $2 million a year for the next 15 years. Because the city was required by the Federal Government to construct a new secondary wastewater treatment plant, at the cost of $25 million, water rates are increasing by as much as 20 percent a year. Real estate taxes are getting higher and higher. We are forcing people to sell their homes.

So we face a situation of forcing people to actually sell their homes because they can no longer afford to maintain them by virtue of the taxes that are being imposed as a result of actions taken here at the Federal level.

We, on the other hand, who legislate from Washington have a number of options. We can raise income tax rates, which has been done, or we can simply pass a mandate and borrow the money, which is what we have been doing for the past 10 or 15 years. So we have been spending and borrowing. They cannot do that as easily at the State and local level as we can here.

I mentioned before that many of the mandated laws are meritorious. I do not think many question that. The difficulty comes about, as far as State and local officials are concerned, because they keep cascading down without relief. It is not just one mandate that they have to comply with, it is a dozen mandates. It is not just clean air, but it is clean water. Or it is a motor voter law. We debated the motor voter legislation in the last session of Congress.

Again, I think it is important that we make every effort to ease the process by which our citizens can become registered to vote to encourage them to participate in the voting process. On the surface it was a piece of legislation that ordinarily I could have supported.

However, we do not need it in Maine. In Maine, we have same-day registration. We have constructed our own system that is tailored to Maine's history and tradition and culture and laws.

But we passed the motor voter legislation. It was a mandate and it was unfunded. It may not sound like much to a lot of people. There was $47 million that we were passing on, once again, to the States and saying, "Here, you pick up the bill." Rather than let the States decide whether they needed or wanted this type of law, we mandated that they do it. So the mandates are relentless and there is no relief being granted to mayors and town councils or State Governments.

In Maine, we had one former city mayor who made a very provocative statement saying, "We're going to have the cleanest water, but the dumbest kids in the State." It shocked people when he said that but as far as he was concerned, it was true. He could not raise taxes any higher. He could not raise the money for education because he had to allocate it to meet Federal mandates. Education was being deprived. There was no balance involved.

There was no ability to prioritize and say, "Give us a break. Could we have a longer period of time in which to phase in this particular mandate? We cannot raise enough taxes. We don't have the people earning enough to pay for this."

And the answer from the Federal Government was of course, "No, you don't have any choice. You have to meet them all or you face severe financial sanctions if you do not meet these particular deadlines." And, sure, the EPA or whatever the agency might be, would try to negotiate, but there was very little flexibility involved.

Senator JEFFORDS introduced legislation, which I supported, trying to provide some relief that was called the STEP Act, to give those small towns with populations of 2,500 or less some relief. But that was not enough to deal with the magnitude of the problem that we are facing.

I think at the heart of this bill a cry from the people saying, as we might when approaching an intersection with a flashing red light, "Stop and look and listen." I think that is what Senator KEMPTHORNE and others have tried to construct here.

Communities are saying, "We do not have the ability to measure up to all of these mandates. Take a very careful look at what you are mandating that we must comply with. You are not taking into account our relative economic status. You are not taking into account any of the impositions currently on the books. You are adding and adding and adding and there is no relief in sight."

So this legislation really is a flashing red light, as I see it, calling upon Congress to try to identify legislation that is important. Clean air is important, and clean water is important, and safe drinking water is important and, yes, motor voter legislation is important. But we have to take into account exactly what we are doing by passing on the bill to those who are unable to pay for them.

(Mrs. HUTCHISON assumed the chair.)

Mr. COHEN. I think we also ought to take into account that this bill is not a panacea. It is possible it could even create as many problems as it seeks to solve.

We need to think carefully through the ultimate consequences as to how this all will work once it is in place.

I mention this, Madam President, in connection with another subject I would like to talk just briefly about.

We are confronted with a Contract With America. It is a contract that was signed by many of those in the House of Representatives; not by any, that I am aware of, here in the U.S. Senate.

Nonetheless, I think there is great identification with many of the issues contained in the Contract With America, especially on the Republican side of the aisle. However, I think many of the issues contained in that contract will enjoy bipartisan support.

The Contract With America is apparently on a very fast track in the House of Representatives. Frankly, the House can do that. The House is able to move far more quickly than we can, and that is because, under its rules, it is designed to move expeditiously. The Senate, by contrast, is a completely different institution. The Senate, by custom and institutional history, is designed to slow things down. It is designed to force Members to debate issues at greater length, to engage in discourse that will raise the level of interest on the part of our constituents, and to raise the level of scrutiny on the part of the national press corps. Basically, the Senate is designed to generate enough interest in an issue that the American people will be satisfied it is the wise thing, not necessarily the fast thing, to do.

That occurred last year during the debate on health care reform, a major piece of legislation that could, under the right circumstances, have been gavelled through in the House with a limited measure of debate. In the Senate that was not possible. It was not possible because under our rules we needed more time to really ventilate the complexity of the issues involved.

I think we did a great service to the country. Now, a lot of people, especially in the press, are saying, can the Senate measure up to the House? Will the Senate be able to pass the "Contract With America" on a fast track? How is Senator DOLE going to measure up with Speaker GINGRICH in meeting these targets?

If it is a race to the finish line in 100 days, I think it is probably no contest. If it is a question of wise leadership, then, I think the conclusion could be quite different.

I might say I am raising this issue in connection with this legislation. I am looking at my colleague from Ohio, a gentleman I have more than a great deal of respect for. I consider him to be one of the true heroes of this country not only based upon his past experience as an astronaut but, in the way in which he has carried out his responsibilities as a Member of the U.S. Senate. I have served with him on the Governmental Affairs Committee, the Intelligence Committee, and the Armed Services Committee. I have traveled the world with him. I think that he is someone to whom we are deeply indebted for the quality of leadership he has brought to public service.

During the debate on this particular matter before the Governmental Affairs Committee, the Senator from Ohio raised some valid points. Had we given sufficient consideration to all of the permutations involved in this legislation? Had we given sufficient consideration to the consequences? How is it going to work procedurally? Parliamentarily? How is it going to work realistically as it applies to the country? Yet, we rushed it through. We rushed it through with very little debate.

We voted down every amendment. There was a good reason for that. We are trying to give Senator DOLE, our leader, an opportunity to say that we can take legislation up, we can debate it, we can move quickly. We do not want to see the same kind of tactics, stalling tactics, that we engaged in years past. Let us see if we cannot exercise some ability of governance.

I say this because it seems to me as this legislation comes forward, as it did on the Congressional Accountability Act, many amendments will be offered. Again, many of the amendments offered to the Congressional Accountability Act had merit individually but, as a practical matter, no application to the bill that was under consideration. They were designed—I say this with all due respect to the other side—politically, to put the Republicans on notice that there will be a lot of tough issues coming up for which we will have to be accountable and make us vote on each and every one of those issues. That was the whole purpose behind them. We understand that. As a matter of fact, we did it when we were in the minority.

That, it seems to me, is part of the problem that I see in the country, as to why this institution is not held in high regard. People look upon the Senate as playing tactical games. It is only January 1995, but already posturing is going on for 1996. After all, 2 years is a very short time in politics, and some on the other side feel that if they can just put the Republicans on the defensive, we will look bad. Maybe they think we will have a hard time holding on to that majority next time around. So the amendments are offered.

Again, I say this not in the way of any moral posturing here. We are guilty, or were guilty, of the very same thing. It has been going on for years and years and years. I think, from my perspective, we are coming to a point when it has to stop. It really has to stop or at least slow down. We ought to, if we cannot strike some kind of accord with our colleagues as we look at legislation, try to tailor amendments to either improve or modify the legislation in a way that we think is in the best interests of the country, but to stop the gamesmanship.

There will be time enough as we get into the final stages of next year where we can take our philosophical positions and try to gain tactical advantage. But for now, at least, we ought to try to focus on the legislation before Members. I believe the Senator from Ohio has offered amendments in the very finest tradition and from the best of motivations.

I might say, my colleague from Michigan—he is not here—also raised valid points about this legislation before us today. How is it going to work? These are the kind of amendments we should be willing to openly debate and give serious consideration to. I know we are all motivated by a desire to make this conform as closely as possible to the legislation that the House will pass. I also think that we should give serious consideration to those issues that we are not clear about.

So it is in that regard that I hope the amendments come forth during this, I expect, several days' debate. Frankly, that it might take several days or a week is not troubling to me; this is an important piece of legislation. We should consider issues thoughtfully and try to work with our Democratic colleagues in fashioning amendments that really do pertain to the legislation. I know there will be some that will be emotional but have nothing to do with this bill. And they will be voted down, probably on a straight party line.

I urge my colleagues that, if we really want to show the American people that we have an opportunity and an ability to govern and we are doing so in a fashion that we think is consistent with the Nation's best interest, that we try to approach it on that basis and not seek tactical advantage. I think all of us feel the pressure to go along this fast track as quickly as we can to show that we, the Republicans, who have not had control of both Houses in over 40 years, can govern in a way that is consistent with the Nation's goals and needs.

I urge my colleagues to resist the temptation to offer amendments that have absolutely no relevance to this bill. I know there is the tactic to present the Republicans as simply wanting to make the trains run on time. They just want to throw off the trains the homeless, the helpless, the handicapped, and the children, to make sure they run on time. That is the tactic on the part of some. That is the goal. That should not be. What we are trying to do is to carry out what we believe to be a responsibility to the American people. I hope that we can, at least on this legislation and for the foreseeable future, try to address ourselves to the issues at hand.

Mr. GLENN. Madam President, I certainly support what the Senator is talking about here.

I thought for a long time we should have some sort of germaneness legislation worked out here. They have germaneness rules in the House, and I think we should do something. I do not try to talk down to personal interests of people who have a particular interest, whether social matters, economic or whatever it is, and they will avail themselves of the opportunities to trot that out as their interests. They have committed to the people back home that they will do that. And they will bring that up unless we have germaneness rules that apply.

I hope, also, that we can keep the debate on this and keep the amendments submitted to those that are germane. However, we have not all been around here for a while as the Senator from Maine has, along with me. It is futile to think that will occur. We saw the congressional coverage bill draw an awful lot of things, as far as amendments go, that were not germane. So we consider them, and we have to take them up. I certainly support some effort to get germaneness to apply in the Senate sometime in the near future, hopefully, in this Senate.

Mr. COHEN. Madam President, in the absence of changing the rules, I say to my good friend, I hope we will exercise some restraint, because I think the very things that we do on this floor to gain tactical advantage are what contribute to the criticism. The characterization of the Senate and the House is something I think we need to address. I hope it is something we can minimize, certainly on this bill and in the future. Republicans are going to be voting down amendments which are not germane, for the most part. There may be some exceptions on some issues seen as being so overwhelming in importance that we cannot resist them.

For the most part, those amendments that are going to come forward that are not relevant to this legislation will be voted down probably on a party line, again, with the notion we are trying to work with our House counterparts. We cannot work on the same timeframe—it is impossible—but we will do our level best.

Mr. GLENN. Will the Senator yield for a further comment? And that is this: I hope there is not a feeling of voting down all amendments on this because there are really some very substantive matters that need to be corrected in this bill if we are going to make good, workable legislation.

We were not able to get any of those considered the other day in committee, and the idea then was that we would consider those on the floor. That was so stated. If we can do that, that is fine. That will improve this legislation.

So I hope this opposition to amendments on the Republican side does not include anything that really is substantive and germane to this, because I think it important we get some of those things considered.

Mr. COHEN. I think this legislation is serious. There is still some confusion, frankly, among a lot of Members in terms of exactly how it will work. So I think we will take as long as necessary to work our way through that. I think that is the spirit with which the sponsor of the bill has approached this. He has made a number of very positive and constructive changes since he originally introduced the legislation. I think he is going to be willing to work, in whatever fashion we can, to strike strong bipartisan support for the bill.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, first of all, I want to commend the distinguished Senator from Idaho, without whose energy and hard work and determination we would not be here today considering this legislation. Obviously, the committees with jurisdiction had important roles to play as well because they considered the legislation and reported the bill favorably. Both the Governmental Affairs Committee and the Budget Committee worked expeditiously to get this done.

My strong commendation includes the leaders of those committees, as well. I must say that as a member of the Governmental Affairs Committee, it has been my pleasure to work on this legislation for some time now, and I do not know of any bill where there seems to be such strong support among local elected officials, Governors, and others who would be directly affected by this legislation as we have seen with this bill. Letters have poured in, last year particularly. In 1993, when we were considering the legislation, I can recall the Mississippi Municipal Association very strongly endorsing this concept and urging that we act in the way we plan to act in the passage of this bill.

It is not a problem that has just developed overnight, either. It is one I can recall back as far as my early service in the other body when we were enacting legislation to help provide education opportunities for handicapped children, to ensure that they would not be denied an opportunity to learn and grow and develop in our public school systems just because of some physical or mental impairment that made it difficult, maybe, or more expensive to provide those educational opportunities to them.

But the catch was that the Federal Government, while it was imposing this rule and requirement on local school districts, was providing no funds whatsoever to pay the additional costs that were going to be incurred. Many of us tried to get the legislation amended to provide a Federal funding matching program of some kind, and we were unsuccessful. The costs of that were enormous. I am not saying we should not have enacted the legislation because the goal is certainly worthy and honorable, but what the Federal Government did was shift all of the costs of compliance to local governments.

I can also remember as a Member of the other body on the Public Works and Transportation Committee trying to develop ways to help clean up our rivers and streams, our groundwater resources, so we were directing, as a part of that effort, local governments to build wastewater treatment facilities, with a lot of Federal rules, a lot of Federal specifications, EPA issuing regulations about the kinds of facilities that had to be constructed.

What was missing in all of that, again, was any kind of real effort to help withstand the enormous costs, particularly in those communities that had no way to really pay for what had to be done, according to the Federal Government.

It seemed to me at that time—and later, too—that we needed to be more cost conscious. We needed to try to design programs that had flexibility so local governments could figure out a better way or less expensive way to achieve the same results, maybe, in many cases. But even then, the Federal Government is hard to deal with on issues like that. The tendency is, if you are not having to pay the bill here, let the local government officials worry about how to do it, how high they have to raise the taxes, and how much burden they have to impose to comply with Federal mandates.

We are going to do something, finally, about that problem by passing this bill, and it is because of the strong leadership of Senator KEMPTHORNE, and others I mentioned, that we are able to see this come to pass.

One issue that has arisen—and I want to ask the distinguished Senator if he can help me answer this question—from my constituency is about those entities in the private sector who provide services that are sometimes in competition with municipal or other government services. I have in mind particularly a request that I had to consider offering an amendment that would prohibit any private utility, for example, being put at a competitive disadvantage because of this legislation.

My reaction when I had the request put to me was, "Sure, I'll be glad to offer that amendment. That sounds fair. We don't want to put anybody at any disadvantage." Then I began looking into the situation, and I heard from my friend from Idaho that this might start a process of unraveling the bill, and I do not want to do that, either. I am for this bill. I am a cosponsor of the bill. I want the bill to pass, and I do not want it to be unnecessarily weakened by any amendment that I might offer.

But what is my friend's response to my constituent who says, "We don't want to be in competition with Government utilities; we don't want to be put in the position because they are going to have these Federal mandates somehow minimized or satisfied with Federal dollars, whereas the private utility is not going to have that kind of help from the Federal Government under this legislation"?

I am happy to yield to my friend for the purpose of responding to my question.

Mr. KEMPTHORNE. Madam President, I appreciate the question. I say to the Senator from Mississippi, that is precisely the issue that caused us to put into this legislation a request—not a request, but a requirement that the committee report will address what impact does a mandate have on both the public and the private sector and what sort of impact could it have on that competitive balance between the two of them, because nothing here is done that would in any way cause the private sector to be adversely impacted by this legislation. That is why I think you see such strong support for this bill by hundreds of the organizations that represent small business and industries throughout the United States.

So, again, we have addressed that question of competitiveness and also, if we were to provide funds to the public sector in an area where they are also seeing the private sector carry this out, that that would cause unfair competitive advantage. That would be the sort of rationale that you could then come to the floor, based on that information, and seek to have a waiver of this point of order because of that competitiveness.

Mr. COCHRAN. Madam President, I thank the distinguished Senator. I hope that I am understanding the Senator correctly then that the amendment that I am describing is really not necessary to help ensure that this balance, this fairness will exist as between private and public sector entities that may be providing the same kinds of services.

Mr. KEMPTHORNE. I will respond to the Senator from Mississippi, that is correct. We have worked with our partners in the private sector to go over this language so that they, too, can feel that this addresses it. But in the event that we find that something down the road may cause an impact on the competitive issue, that is what we can then discuss and bring before this body.

Mr. BENNETT. Madam President, will the Senator yield for further comment?

Mr. COCHRAN. Madam President, I am happy to yield to the Senator.

Mr. BENNETT. I have examined the same issue, I will say to the Senator, because I feel very strongly that private enterprise should not be put at a disadvantage. I think the misunderstanding comes from some of these private entities who think that passage of this legislation will automatically mean Federal funding of local facilities.

In fact, what is happening now, at least in my State, is that the Federal Government is putting a mandate on the public facility in the State and then requiring by virtue of that mandate local taxpayers to come up with the money. So that the public facility is in fact funded, but it is funded on the backs of local taxpayers or State taxpayers rather than Federal taxpayers. And if there is going to be a competitive disadvantage, it may well be the Federal Government says we are not going to come up with the money and the locality says we can in fact achieve the standards more cheaply, and therefore we will have less funding at the local level, and thereby lowering the cost of the public facility.

Having been in the competitive business world most of my life, I do not shy from competing with somebody who is dealing with honest costs. And I think the way this legislation will work will be to make the costs more honest rather than dishonest. And it is a fallacy to think that passage of this legislation is automatically going to mean a flood of Federal funding to local projects. I do not believe that will be the case. Therefore, I intend to support the legislation without that amendment in spite of my strong private industry background.

Mr. COCHRAN. Madam President, I thank the distinguished Senator from Utah for his comments and again reiterate my support for the legislation. I commend the Senator from Idaho. I look forward to working with him through the debate, the amendment process of this legislation, to make sure that it does achieve the results for which we all are striving.

I thank him for his courtesies.

(Mr. ABRAHAM assumed the chair.)

Mr. KEMPTHORNE. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. KEMPTHORNE. I appreciate that. If I may just to take this one more step, I referenced that we spoke to different organizations, businesses in the private sector, about this very issue and I would just like to reference a letter from Browning-Ferris Industries. In the letter they state in one of the paragraphs:

> After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S. 1 is creation of a favorable climate for the private sector. In fact, S. 1 seeks creatively to address a concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place.
>
> With your commitment to assure equality for the private sector—no more but no less—where competition exists between the public and private sectors, we are pleased to strongly support S. 1.

Also, from the U.S. Chamber of Commerce, reading a portion of that letter, it says:

> I particularly want to thank you for responding to our concerns about the role of the private sector in this debate and the potential impact it could have had on the business community, especially small businesses. Your willingness to include the private sector in title II of S. 1, "Regulatory Accountability and Reform," and your recognition of the potential unfair competition issue between business and State and local governments, make this a much stronger bill that can have a significant impact on the current regulatory burden.

And again strong support.

I ask unanimous consent, Mr. President, that these two letters be made a part of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BROWNING-FERRIS INDUSTRIES,
Washington, DC, January 11, 1995.

Hon. DIRK KEMPTHORNE,
Dirksen Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We appreciate the attention you have given to views we previously expressed in connection with unfunded mandates legislation. We expressed our previous views at a time when one of our concerns was that unfunded mandates legislation could have retroactive effect. It is evident that S.1 has a prospective effect only, which we understand was your intent all along.

After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S.1 is creation of a favorable climate for the private sector. In fact, S.1 seeks creatively to address the concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of them prior to your tenure in the Senate—BFI is convinced that your dedication to free enterprise is unsurpassed.

With your commitment to assure equality for the private sector—no more, but no less—where competition exists between the public and private sectors, we are pleased to strongly support S.1.

Sincerely,

RICHARD F. GOODSTEIN.

CHAMBER OF COMMERCE OF THE,
UNITED STATES OF AMERICA,
Washington, DC, January 3, 1995.

Hon. DIRK KEMPTHORNE,
Dirksen Senate Office Building,
Washington, DC.

DEAR DIRK: On behalf of the U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, and 1,200 trade and professional associations, I sincerely commend your hard work and tenacity on the "Unfunded Mandate Reform Act of 1995," S. 1. The Chamber membership identified unfunded mandates on the private sector and state and local governments as their top priority for the 104th Congress. Accordingly, the chamber supports this legislation and will commit all necessary time and resources to ensuring its passage early in this session.

I particularly want to thank you for responding to our concerns about the role of the private sector in this debate and the potential impact it could have had on the business community, especially small businesses. Your willingness to include the private sector in Title II of S. 1, "Regulatory Accountability and Reform," and your recognition of the potential unfair competition issue between business and state and local governments, make this a much stronger bill that can have a significant impact on the current regulatory burden.

Again, Dirk, we appreciate your commitment to this issue. I look forward to working with you to secure passage of S. 1 as well as other issues that we can join forces on for the 104th Congress.

Sincerely,

RICHARD L. LESHER.

Mr. KEMPTHORNE. I thank the Senator from Mississippi for his support.

Mr. COCHRAN. Mr. President, I thank the Senator for his comments and answers to my questions. I look forward to working with him through the remainder of this process of this bill, to bring it to passage and deal with the amendments so that we will achieve the result that we are all seeking.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I assume, the hour of 2 p.m. having arrived, the bill is not only open for discussion but for amendments now?

The PRESIDING OFFICER. The Senator is correct and the pending question is the committee amendment on page 10, line 15 through page 11, line 3.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. GLENN. I yield the floor.

Mr. KEMPTHORNE. Mr. President, it would be my intention at this point to seek a unanimous-consent agreement that we could move forward and that all committee amendments reported with respect to S. 1 be agreed to en bloc and considered original text for the purpose of further amendments with the exception of two amendments as follows: The amendments found on page 25.

And so again that would be my intent. I know that the distinguished Senator from West Virginia had expressed concern earlier, so I would yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. KEMPTHORNE. Mr. President, I would make that in the form of a unanimous-consent request to see if there is objection.

Mr. GLENN. I would support that on this side with the exception that he mentioned, the two changes on page 25, line 11 through 25 at the end. We want to have a debate about that later on, the applicability of those items stricken by the Budget Committee. We will have a debate on that a little bit later when we can deal with it.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BYRD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will say at the beginning that I may vote for this bill. I do not know in my own conscience and in my own heart as to whether or not I will vote for this bill or against it. I think there are some things about it that I have read in the press which lead me to believe that some parts of it have some merit. Perhaps the whole bill does.

So I am not making an attack on the bill. But I know something about the process here. And I feel that Senators are entitled to have a committee report on this bill, the committee report which I thought was going to be filed the day before yesterday, the evening of the day before yesterday, and even when that did not materialize I thought that the Budget Committee report would be filed last evening. Well, today the report that has appeared on the floor is the report by the Committee on Governmental Affairs.

I am glad we have that committee report. I compliment the committee on preparing the report and having it here even though it is a little bit late. But I wish to see the Budget Committee report.

I was opposed to taking this bill up without our having—when I say our, I mean Senators having an opportunity to know what was in the bill, having an opportunity to see the committee report, having an opportunity to see minority views.

I had heard that the minority on the Budget Committee had wanted a committee report, had wanted to file minority views, and that there was a vote which occurred in the Budget Committee, and that they were voted down, the minority were voted down on that point and that the objections to having a committee report went to the point that the leadership of the majority wanted to bring the bill up quickly on the floor of the Senate. Therefore, there was opposition to having a committee report. That would slow the matter down. And so the battle was lost by the minority, there.

Now, I am not close enough to this bill to have realized that the measure was also making its tracks in the Committee on Governmental Operations and Governmental Affairs, and the bill that had been reported out by that committee would be the bill that would be taken up on the floor. I was not aware of all that. I was only aware of what I have already stated, namely that the minority in the Budget Committee have wanted a report, have wanted to file minority views, and that the objections to that course of action were based on the need to move this bill to the floor quickly and to take it up quickly.

I was assured there would be a report filed on the evening of the day before yesterday. It was not filed. I asked for it yesterday morning and found there was no committee report. But in releasing my objection to the unanimous-consent request to take this bill up today, I thought that the majority was going to file a report that evening of Tuesday, and of course I had in mind the Budget Committee report, for the reasons I have already stated. I was not close enough to the matter, had not followed it closely enough to realize it was on a two-track committee referral system, or whatever, and that the report that was really going to be filed at some point was the committee report that has come to our attention today from the Committee on Governmental Affairs. Had I known that that was the committee report, I still would have objected to taking the bill up today because I wanted to see the Budget Committee report and I thought that the Budget Committee minority had a right to have a report and had a right to file minority views.

Now, it can be said, and rightly so, that we who were in the majority have, upon occasions, filed measures without committee reports to accompany them. I do not recall any specific occasion but there have been occasions and I think there probably was some justification for that. But I cannot see that justification in this instance. The Senate is not up against a deadline. We are not up against a deadline such as the beginning of the new fiscal year or the need to pass legislation to increase the debt limit. We are not up against an adjournment sine die. We are not up against any deadline that should preclude the minority in the Budget Committee from having a committee report and having an opportunity to file minority views.

I understand the same thing happened in the Committee on Governmental Affairs. That was stated by the distinguished Senator from Ohio [Mr. GLENN] earlier today. They, on that committee, sought to have a committee report, the minority view. I may be misstating—I may be misstating the circumstances.

Mr. GLENN. We did, and called it for a vote, and lost.

Mr. BYRD. I am assured by Senator GLENN that that is the case, that the minority called for a committee vote and lost.

Now, Mr. President, if this were an emergency piece of legislation or if it were a piece of legislation that had to pass before next week or before the week after, had to go to conference—with some justifiable emergency deadline facing us, I could understand the necessity, perhaps, for bringing it to the floor without a committee report. But those circumstances do not obtain here. There is just a rush to get this through the Senate.

We have heard a great deal of late about the Contract With America, or some such. I have not read the Contract With America. Perhaps I ought to read it. And there may be things in the Contract With America that I could support. I was not a signatory of it, and I do not feel bound to emasculate the legislative process here, that we have a right to expect as Senators—I do not feel bound to emasculate that process in order to get this so-called Contract With America fulfilled.

I am reserving my own judgment about the Contract With America because I have not studied it. I am in no position to say it is good or bad, that I object to this or do not object to that. I make those decisions in due time, as and when it is necessary. But I have been led to understand this is an important bill. It is far-reaching in its consequences. Why all the hurry? Why all the rush? Why can Senators, like the Senator from West Virginia, who are not on either of these two illustrious committees, not have an opportunity to read a committee report on something that is being rushed through, something that is far-reaching and important, as is this bill?

I am not—I make it clear—I am not attempting to set myself up as a traffic cop here, with respect to taking up legislation. But I think I know something when I see it. And I see this as something that is being pushed too fast and I think I am reasonable in expecting a committee report so that we can know what is involved here, what the minority views are, what the individual views are if there are such. That is a reasonable request.

I raised the question this morning while I was still on the floor. The report by the Committee on Governmental Affairs appeared, and I am glad for that. I compliment the committee now, as I did then, on producing the report. I still have not had a chance to read it.

But I think that we will be unwise, as legislators, to rush to pass legislation of such far-reaching consequences—and perhaps they are good ones, good consequences. But I, as a Senator, am entitled to expect a committee report. We have one of the reports now, just made available today, by one of the distinguished committees. I do not say this—anything I have said—in criticism of any Senator. I certainly think highly of the Senators from these committees, and the two managers who are on the floor today. There can be no more reasonable men than these two Senators. I know that they are doing what they think is best. They have had an opportunity to study the legislation. They believe in it, and perhaps with good cause, as I might myself agree if I knew more about it.

Mr. President, the time has come now to start voting on amendments. I hope we will not vote on any amendments until we get the Budget Committee report. The bill which is going to pass the Senate is a bill that is before us, if it passes the Senate. I have no doubt that it will. Most everyone seems to be in favor of it. I am simply trying to reserve my own opinion on S. 1. But the Budget Committee is very much involved. I am not on the Budget Committee. It is very much involved.

I think the report of the Senate Budget Committee on this unfunded mandate bill is very important, that committee which has the responsibility to work with the Congressional Budget Office and to determine whether the CBO has the necessary resources to adequately carry out its responsibilities under the bill—the Budget Committee, not the Appropriations Committee, of which I am a member, but the Budget Committee. It is the Budget Committee that will have to determine whether or not there is a cost of more than $50 million on all future legislation as it relates to mandates. That committee's views, in my opinion, are very critical.

So, Mr. President, I do not want to take the floor here and fight the legislation. I am in no position to fight the legislation. I do not know anything about it; very little. I have been busy on other matters. I have some responsibilities to deal with, and I cannot be ubiquitous, everywhere at the same time. I am not omniscient. I do not know everything about this bill. What I do not know, I know very little about it.

I have a great deal of confidence in the managers. I know Mr. GLENN has been working on this type of legislation for years. I have absolute confidence in Mr. GLENN. I have known him for years, and have served with him all these many years. I believe him. But honest men do differ in viewpoints. He has had an opportunity to study the matter for years. So he has had an opportunity to reach his conclusions. I have not had any opportunity, and there are many other Senators—I am just talking about myself—in this body who have simply not had the opportunity to study this bill. This is not just some little sense-of-the-Senate resolution that suddenly popped up here on the floor. This is a major bill.

So I urge the leadership of the body on both sides to find a way to put off action on the amendments and on amendments that may be offered from the floor until such time as most of the Senators here have had an opportunity to know more about what is in the bill.

I do not think that is an unreasonable request because this is a big piece of legislation. It is one of the major components—as I understand it from listening to other Senators and reading in the press—of the Contract With America. So it is not just some little sense-of-the-Senate resolution. It must have some far-reaching consequences.

I am simply standing on the principle that before I buy into this legislation, I know something about it. As it is now, I feel I will have to vote against it. I voted against the measure that passed the Senate yesterday. I was the only Senator who voted against it, and I stated my reasons. And what I said at that time is that I tried to keep in mind the fact that I can be wrong, am often wrong. I thought that was not a piece of legislation that I could support.

Mr. President, I do not want to hold up the Senate unnecessarily. I am not an obstructionist, and never have been. I do not want to become one. I understand that there are ways to keep us here a long time. I am not trying to be an obstructionist. I am not suggesting a filibuster. I do not want to be in that position. But there is a principle involved here. That is a principle that the people have a right to know and their elected representatives have a right to know—not only have a right to know, we have an obligation to know; we have a responsibility to know—what is in this legislation. I think we have a responsibility to urge that an important report—that we as Senators may study, that our staffs may study, and that people on the outside of this Capitol Building may wish to read—be made available.

Would either of the managers be in a position to comfort me, console me, in some way give me assurance that the Senate will have an opportunity to see a report from the Budget Committee? I understand one has been prepared, is being prepared, and is being filed, I am told. I would be very happy to have some assurance on that point.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes, Mr. President, I yield.

Mr. KEMPTHORNE. It is my understanding that the chairman of the Budget Committee is on his way over here. So he can address the specifics of what the Senator has raised.

On the other matter about which the Senator asked—that is, that we have full opportunity in this body to thoroughly debate this bill—anyone who wishes to offer an amendment may certainly do so, and feel that they have had ample opportunity to debate it. I can assure the Senator of that. I know Senator GLENN also made that point.

So again, we are not going to cause anyone at this point to feel that they are being rushed. We are here because we believe that the merits of this legislation will stand up to the discussion that we look forward to having.

So I can only assure the Senator on that point.

Mr. BYRD. I thank the Senator.

I thank the Senator. I do not express by way of any exaggeration my respect for the distinguished Senator. I have great respect for him. I have been impressed by him since his swearing in here some 2 years ago.

I guess what I am asking is: Can we forego the voting on amendments until we have an opportunity to know what they are about? That is the only reason I came to the floor. I understood we were going to start voting on amendments at 2 o'clock. And I would hope we would not have voting on Monday. I do not know what the committee amendments are. Perhaps with some time I could be aware of what the committee amendments were we are voting on, but right now I am not. It would be very helpful if there were a committee report from the Budget Committee before we start down the road of making decisions here.

There are minority views that are set forth in the committee report that is available, the report of the Committee on Governmental Affairs. So there are minority views. Apparently, there is not unanimity on the committee. If there were unanimity on the Governmental Affairs Committee, then there would not be any minority views.

Perhaps I ought to read into the RECORD what the minority views are. I do not want to take the time to do that if it is not necessary. There are six pages of minority views, and then there are the changes to existing law and various definitions and so on in the language that is in the bill. It is all set forth.

Mr. President, I can assure the Senate that there will not be any vote on this amendment until I get some kind of satisfaction. I am not saying I will hold the floor, but there will not be any vote on this amendment until I get some satisfaction. We ought to have more than we have access to here before we start down the aisle. We can have rollcall votes on all of the amendments. That would take a little time of the Senate.

How many committee amendments are there, may I ask the manager of the bill? I ask unanimous consent that I may ask a question and still retain my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. How many committee amendments are there?

Mr. GLENN. Mr. President, we have a total of 14, in answer to my distinguished colleague from West Virginia.

Mr. BYRD. I thank the distinguished Senator for responding to my question.

Mr. President, before I yield the floor, let me state that I am not at this point against this bill. I may vote for it. I am not seeking to kill the bill. But I am seeking a committee report from the Budget Committee, who is very deeply involved in this matter.

Mr. GLENN. I may have given erroneous information. There were eight committee amendments, eight on the budget side, too. A total of 16 amendments now, I am told.

Mr. BYRD. I thank the Senator. I want to make it indubitably clear that I am not seeking to be a traffic cop. That is the third time I said that today, but some things bear repetition. I feel that we are justified in knowing more about this bill before we cast our votes and make our decisions on it. I believe this is the second bill to come up in this Senate session, and it is important. The number is S. 1, which indicates that it is a matter of very high priority to the leadership on the majority side, else it would not necessarily be in that number. It is important to many Members on both sides.

This bill has supporters on both sides, one of the supporters being Senator GLENN, the manager of the bill. He believes in it. Mr. President, there is a principle involved here. In this particular instance, this early in the session, we are not backed up against a deadline. There is no reason to rush this bill through without our being able to see a committee report—being able to see both reports. We are entitled to that. The people from West Virginia expect their Senators to know what they are doing, what they are voting on. It would be a good thing. In that case, we all may join hands in the end and say, whoopee, it is a great bill and I am for it. I may vote that way. But I am not prepared to vote today on this, and I can assure you that under the Senate rules, as long as the Good Lord gives me strength, I can jerk my limited tolerance in a way that will make it obvious that we are going to have an opportunity to have a little more time to study this bill.

I am prepared to yield the floor if any other Senator wishes to speak. But do not count on a vote on this amendment. May I say to the new Senators, do not be misled by someone using a motion such as, "Mr. President, I move the amendment." Do not feel that that would get a vote. There is no such motion recognized in the Senate rules, "I move the amendment." Senators can move the amendment all they want. If someone else wants to speak on it, under the rule, the Chair will recognize the first Senator who seeks recognition from the Chair. By seeking recognition, I do not mean just standing on one's feet, but, I mean, standing on one's feet and addressing the Chair, "Mr. President," seeking recognition.

So Senators ought to try to relieve their overburdened vocabulary of the words "I move the amendment"; relieve their vocabulary of those words, "I move the amendment," or "I move the resolution," or "I move the bill." Nobody is going to pay any attention to that. The Chair will not put the question. The Chair will simply say, "Do other Senators wish to be heard?" The Chair is under no obligation to put that question simply because a Senator moves the amendment.

I take this opportunity to say that for the benefit of new Members, because a lot of our Members who have been here a long time have fallen into the habit of saying, "I move the amendment."

This is the U.S. Senate, and it operates under the Senate rules; under the Senate rules.

There are other Senators who are standing.

Mr. WELLSTONE. Will the Senator yield?

Mr. BYRD. I am glad to yield.

Mr. WELLSTONE. Mr. President, I was listening to the Senator. I was going to ask the Senator whether I could get unanimous consent to lay the committee amendment aside so I could offer an amendment. From listening to what the Senator has now said, I gather the answer would be no; am I correct?

Mr. BYRD. The Senator is correct.

Mr. WELLSTONE. I am disappointed, because I am anxious to get going with an amendment. But as I understand what the Senator is trying to say to other Senators of both parties, and for that matter, to people in the country, the position he is taking has nothing to do with what might be his final decision, pro or con, but more with his firm conviction that this is a major, important piece of legislation and he believes Senators should have an opportunity to carefully analyze it and understand it; is that correct?

Mr. BYRD. The Senator has correctly stated my position.

Mr. WELLSTONE. So that is the reason I would not be able to move now on an amendment?

Mr. BYRD. The Senator is correct.

Mr. WELLSTONE. I respect the Senator from West Virginia. I understand what he is trying to do.

Mr. BYRD. I thank the Senator.

I am going to yield the floor. Any Senator who wishes to get the floor can get it, but we will not vote on this amendment or any other amendment as of now.

Before I yield the floor, let me say once again, I am not trying to stand in the way of progress but I want, and I think other Senators certainly would want to know what they are voting on. I will yield the floor for now.

I object to the previous request.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. DOMENICI. Will the Senator yield for me to answer Senator BYRD's inquiry with reference to the report of the Budget Committee?

Mr. LAUTENBERG. I will be happy to consider a unanimous consent request that includes my retention of the floor, if I might ask the Budget Committee chairman how long a rebuttal or response he might need.

Mr. DOMENICI. Well, why do we not say 7 minutes?

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I may be able to yield the floor and that the Chair will recognize the Senator from New Mexico for a period up to 7 minutes, without my losing my right to the floor.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

The PRESIDING OFFICER. Is there objection to the request?

Ms. MOSELEY-BRAUN. Will the Senator yield for an addition to your unanimous consent request? If you would include my statement to be immediately following yours?

Mr. DOMENICI. Mr. President, I withdraw my request. I will return to the floor in due course and answer the Senator's question. I do not want to hold up the Senator from New Jersey. He has been waiting a long time.

Mr. LAUTENBERG. Mr. President, if the Senator from Illinois will forgive me, I do not want to extend the unanimous consent request beyond that which the Budget Committee chairman has asked for in response to the ranking member of the Appropriations Committee.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator BYRD, might I suggest that in the process we followed in the committee, or to this point on the floor of the Senate, we did not intend to hoodwink anyone. We did not intend to deny anyone the information necessary to participate and respond to this bill.

As a matter of fact, consistent with the rules, in open public hearings, the Committee on the Budget voted that we were not going to file a report. I do not need to stand here and explain to you that that is perfectly legal; it is within the rules. So what we have filed is legitimate and within the rules of the Senate.

And my good friend from West Virginia constantly reminds me, as I grew up in this place, that you are governed by the rules. So let us make sure we all understand that we are playing by the rules. The rules did not require a report and we did not file one.

On the other hand, because people were concerned about it and we wanted to get this bill up, we filed in the RECORD, as if a report, everything that would be in a report. It is in the CONGRESSIONAL RECORD when the bill was called up. We have extracted it and given it to every Senator. So my good friend can have it, and it is exactly the same thing as a report.

In addition, we stand willing, if it is the technical printing of a document that concerns our good friend from West Virginia, Mr. President, to file a report shortly. It is almost ready. It is just another duplication of what is already printed but, so everyone will know, it will be called a report, which is what our friend from West Virginia says we should have.

Now, I repeat, we do not have to have it. There have been many bills called up without reports.

I noticed my good friend from West Virginia covered himself when he said, other than in emergencies, he does not do that. But I have been sitting in a committee hearing when somebody wanted to file an amendment and he said, "I don't want amendments. I want to get it out without amendment." And they insisted and he said, "There will be no report," and out went the bill. That was an emergency but, nonetheless, it occurred. That was the emergency supplemental for disaster flooding in the Midwest. I happen to be on the committee, and so I hear those things, too. That is irrelevant from my standpoint.

If the absence of a report—this document—is bothering the Senator, it will be ready.

I want to ask a parliamentary inquiry. I think I know the answer, but I just want to make sure.

Since the bill is already pending, if we come down here in 30 minutes and file a report, that does not entitle anybody to any amount of time like the 2-day rule on a report. The report is filed and there are no additional rights that stem from that; is that correct?

The PRESIDING OFFICER. The Chair will need to study the question.

Mr. DOMENICI. Mr. President, maybe we will make it as simple as we can.

If we call for the report after a bill is pending, then call it up, clearly nobody can ask for additional time for views. There are views already filed. That is all I wanted.

Mr. BYRD. Mr. President, I can assure his filing that report as of today, if he files it, does not give anyone the right to claim the 2-day rule. The bill is before the Senate.

Mr. DOMENICI. That is what I understood.

Mr. BYRD. The bill is brought before the Senate by unanimous consent. I would have objected had I known that there were miscommunications around here, misunderstandings, everybody was not singing out of the same hymn book.

Mr. DOMENICI. Mr. President, in any event, the answer to my parliamentary inquiry has been answered by the distinguished Senator from West Virginia.

Mr. President, might I ask the Parliamentarian.

The PRESIDING OFFICER. The Senator will restate the question.

Mr. DOMENICI. Mr. President, there are no additional days to be granted if I file this report today? The bill is already pending.

The PRESIDING OFFICER. The 2-day rule has already been complied with by calling up the bill. The 2-day rule will no longer apply.

Mr. DOMENICI. Mr. President, thank you.

Now, Mr. Parliamentarian, I want to file a report so my distinguished friend and others similarly situated will have an opportunity to have it.

Mr. BYRD. Mr. President, does that report contain minority views?

Mr. DOMENICI. Mr. President, yes, the views that we filed heretofore. We made an understanding in the committee that minority views will be filed with these views. They are here in the RECORD now. They are now part of this report, also, made by Senator BOXER and Senator CONRAD.

Mr. BYRD. Mr. President, may I ask this question of the Senator, with the indulgence of the Senator from New Jersey.

The committee had a vote and rejected the request of the minority by a committee vote. So the committee vote states in essence there be no committee report. Now, can the Senator—and I do not believe he can—can the Senator come to the floor now and without unanimous consent file this committee report without talking to the minority members on that committee and finding out whether or not they still want a committee report?

They were rejected in the committee. We had a committee vote saying there would be no committee report. Would not the Senator from New Mexico require unanimous consent to now file a committee report, which flies in the face of the objections that were made by the committee by rollcall vote.

Mr. DOMENICI. Mr. President, I am aware I have to ask that. I intend, before I submit it, to ask unanimous consent that it be in order that I submit the report. If the Senator desires to object, he may object, or anyone may.

But the report is completed and ready. The exact same thing has been ready for 24 hours although not called a report.

Mr. President, I ask unanimous consent that it be in order to file a report by the Committee on the Budget of the U.S. Senate at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will just take 2 or 3 minutes, if I may, in explaining my reservation.

The distinguished Senator indicated earlier, in essence, as I understood him, that to have the statement in the RECORD or a statement that he is handing to me on the floor today which incorporates the majority and minority viewpoint should serve the purpose of having a document.

I do not agree with that. A committee report is important to any court in which a case is filed. It is important to any court in determining what the legislative intent is with regard to a particular bill. A committee report may not carry great weight. The Journal carries considerable weight. The hearings probably carry less weight. The statement of the Senator on the floor would carry a certain amount of weight. But a committee report carries some weight.

So I would suggest we ought to have the committee report.

Now, Mr. President, I am not going to object at this point. The Senator has stated that the minority views are included.

Mr. DOMENICI. Yes, they are.

Mr. BYRD. Mr. President, he has asked unanimous consent, which means that if the Senate gives its consent—I do not believe I as a Member of the Senate should agree with that request until I know what the members of that Budget Committee, how they feel; they were voted down. So, until I am sure that all the minority members on the Committee on the Budget now agree by unanimous consent, I would interpose an objection. I will not interpose the objection at this point. I want to hear what the distinguished ranking member of the Budget Committee has to say.

Mr. EXON. Mr. President, further reserving the right to object, and possibly I shall not object if we can reach some understanding, but reserving the right to object, let me give my views as the ranking Democrat on the Budget Committee.

Mr. President, I wish to join with the Senator from West Virginia in questioning the rush to judgment on this bill without a report from the Committee on the Budget. Now, I say that, Mr. President, as a cosponsor of the bill, which clearly indicates that I am for it.

Let me just take a moment or two to recount what transpired in the Budget Committee and thereafter with regard to the committee report.

The PRESIDING OFFICER. Will the Senator from Nebraska suspend? The Senator from New Jersey was to be recognized at this point at the conclusion of the statement of the Senator from New Mexico. It would take unanimous consent to continue.

Mr. EXON. Mr. President, I ask my friend from New Jersey if he might allow me such time as is needed without losing his right to the floor?

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the original order be extended to include the comments from the Senator from Nebraska for as much time as he needs, which I hope will be brief, to be included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I thank my friend from New Jersey, and I thank the Chair.

The Budget Committee met this past Monday to mark up the pending bill, of which I am a cosponsor. We adopted eight amendments in committee. At the end of the markup I asked Chairman DOMENICI, my friend and cosponsor of the bill, whether he would be filing a report on this important measure. He answered that the Republican leader had asked that the committee not file a report so as to expedite the Senate's consideration of this bill as early as yesterday morning.

Several members on our side of the aisle objected to this; notably, Senator DODD and Senator SIMON. Senator DOMENICI then made a motion that the committee report the bill without a report. The committee adopted that motion on a straight party-line vote, 12 in support thereof and 9 opposed.

The next day, which was Tuesday of this week, the majority asked us whether they could file a report Wednesday night on the condition that there is no objection to shortening the normal 3-day period with the submission of the minority view, which I believe is in essence what the Senator from West Virginia is making his stand on.

Two Senators objected to that request. They wanted the full 3 days to do their minority views and review the report. So then the majority filed a statement in the RECORD in lieu of the report. This morning, I was advised that the majority leader extended members the opportunity to review the proposed report and add minority views until Tuesday next. This is Thursday. Now they say they want to file it right away.

Now, Mr. President, let me emphasize once again that I think this is good legislation, but it is not legislation that does not have a far-reaching impact. Mr. President, it is my view that nothing would be changed. Nothing would happen. In fact, it would be far better—even as an enthusiastic cosponsor of the amendment—that we took the time as suggested by the distinguished Senator from West Virginia to give Members a chance to look at this.

I simply say, Mr. President, that I am not going to be caught up in this 100 days to do everything that is important for America. I am not going to be an obstructionist, as I think my friend from New Mexico knows full well. I am not sure that my friend from New Mexico necessarily disagrees with what I am suggesting. I do not know.

But I suggest, Mr. President, that the Senator from New Mexico may be caught up in what the majority view is: We have to do away with all procedures, we have to do away with all caution because we have to get all this done in the next 100 days. The Senate of the United States and the House of Representatives is going to be in session more than 100 days in calendar 1995. I simply say I think that it is important, again, that reporting the bill be done to include such minority views as may be wished by the minority. I, therefore, believe we must consult with the members of the committee, the minority members, before we can consent to any such agreement.

Until that consultation has been done, I would feel constrained to object to the unanimous consent request. I would not like to object to all of this, but I want to be sure that the minority rights are protected and that such a far-reaching measure, such as this one—again that I am a cosponsor of—has a time to let the Sun shine in.

And so, Mr. President, the majority may be ready to file its report right now, but we in the minority of the committee have not read and have not had an opportunity to tell our side of the story. And when we tell it, it will be a straight story, recognizing that there is legitimate room for disagreement as to how fast we should move on this other bill.

I am not sure that all the minority members have had an opportunity to submit their views. In fact, I am all but certain that they have not. Some members may be still working on their minority views.

Therefore, I appeal to my friend and colleague from New Mexico, whom I work very closely on the Budget Committee with, to define for us, if he could, why is it necessary to rush full speed ahead on this in violation of the traditional rules of the Senate on introducing legislation, especially legislation as far-reaching and important as this one. I hope, since I am a cosponsor of the bill and strongly support it, that we would give those who may not share the enthusiasm of those who are sponsoring the bill do, to have the right to make their point. Therefore, I will be one of those who will object to any unanimous-consent request in this area.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I withdraw my unanimous-consent request, and I will merely file the report at the desk as permitted. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, just a parliamentary inquiry, if I could. I am not sure that the Parliamentarian is the right person to answer this question, but he perhaps could find out the information.

We had the same problem on the Governmental Affairs Committee report. We wanted a report. Many of us filed. There was an effort to obtain that report. I am not a cosponsor of this legislation but, frankly, I support its purpose. I did vote for last year's version of it, which is somewhat different from this year's version. I am very sympathetic of the goal being achieved here.

On the other hand, I am also one who thinks certain amendments should be considered. We wanted a report to be filed, just like on the Budget Committee there was a decision not to file a report. The purpose, by way of seeking the report, was not to trigger this 2- or 3-day rule, whatever it is in terms of delaying it coming to the floor, it was to have a printed report with both views because there are a number of very critical questions, and nobody knows this better than the chairman of the Budget Committee as to how points of order might work in future years under what circumstances. I do not have to give him any pointers on this. He is way ahead of me on this subject.

We did, however, want a committee report, and we did object to this matter coming to the floor without that committee report and thought that we had worked out an agreement, relative to the Governmental Affairs Committee report, that the committee report would be filed prior to the bill coming to the floor. Through a misunderstanding, despite what we thought were clear discussions on the floor, that did not happen. We finally did get the Governmental Affairs Committee printed report this afternoon, and we are going through it. There are some things in there which are very important.

My question to the Parliamentarian now, I guess, is, or of the Chair, is this, if the Chair is able to tell us: How long will it take for that report, which was just submitted by the Budget chairman with the minority views, as I understand it, to be printed and circulated to the membership and any of the staff? Is this an overnight job?

The PRESIDING OFFICER. The Chair has been advised that normally it is an overnight job. The next morning it is available.

Mr. LEVIN. I thank the Chair and I yield.

The PRESIDING OFFICER. The Chair advises Senators, the Senator from New Jersey has the floor.

Mr. BYRD. Mr. President, will the Senator yield for just 1 minute that I might inquire of the distinguished Senator?

Mr. LAUTENBERG. I will be happy to yield until this part of the debate concludes, and I ask unanimous consent to confirm that and I still have possession of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, first, I want to thank the distinguished Senator from New Mexico, with whom I have served many years and for whom I have fondness and respect and admiration. We are on the Appropriations Committee together. I thank him for seeking to get a committee report now, even though it is late, a committee report which will be helpful.

As I listened to the distinguished Senator from Nebraska [Mr. EXON], I thought I heard him indicate that not all the members of the minority may have been contacted and given time to have their minority views included.

Now I ask the distinguished Senator from New Mexico, if that is the case and there are minority members who have not yet been contacted, will they be given an opportunity, now that the Senator has filed a report, will they be given an opportunity to file their minority views before the report goes to the Government Printing Office for printing?

Mr. DOMENICI. Do I have time for me to answer? I say to the Senator from West Virginia, Senator BYRD, first let me thank him for his kind remarks. The feelings are mutual, if not more so on my part, with respect to Senator BYRD as he spoke of me.

I cannot answer the question at this point because, frankly, none of what the Senator from New Mexico has done heretofore was intended to prevent Senators from filing views. I understood if they wanted to, they were going to file them. I understood that they were all given opportunity to file those, which are now incorporated in this report because they were part of the committee's views, both majority and minority.

I will just have to inquire as to what it might mean if we grant the Senator's request, and paramount in that, we will make sure that my understanding is they were given an opportunity, albeit short, but that happens around here.

I just want time to state for the RECORD, while the distinguished Senator from West Virginia has every right to inquire about a report, there is no requirement under this circumstance that we have one. We are glad that we can file one now. It might help somebody, but we did not have to, so we did not violate any rules.

Senator EXON asked about expediting legislation. I am all in favor of expediting this bill. I think our leader, our majority leader, had the perfect prerogative of saying, "Let's get on with business." So I am on the majority leader's team trying to get that done, make no bones about that.

I thank the Senator very much, and I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

May I say, too, that I compliment the majority leader for trying to move the business of the Senate. That is why we are elected, to do the business of the Senate.

Mr. DOMENICI. Exactly.

Mr. BYRD. I congratulate him that we do not have 10 days or 2 weeks for a recess between the day we were sworn in and some later date. That is all the more reason why we have ample time to study these matters. That is what I am hoping to be able to achieve here.

I yield the floor, and I thank the distinguished Senator.

Mr. President, I believe the Senator from Nebraska lodged an objection, did he not?

The PRESIDING OFFICER. The Senator from New Mexico withdrew his motion.

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. My purpose in rising is not to engage in the current debate but obviously one needs always to be reminded in this body about the fact that we are a body of rules and process that at all times has to be observed, and in particular when the senior Senator from West Virginia takes the floor there are always significant lessons to be learned.

Since we have such a large number of new Members in this Congress as Members of the Senate, it is not only a functionally good experience but a good learning experience as well to hear the distinguished Senator from West Virginia. He is without peer when it comes to knowledge of the rules.

I would also, Mr. President, note for the record that the distinguished Senator from New Mexico, the chairman of the Budget Committee, is someone whom I have worked with over my years here in more than one committee and have always found the Senator from New Mexico, even if we disagree on a particular policy or program, to be a man inscrutably honest and always willing to play by the rules. So what we saw was a challenge but a good interchange, and I commend my colleagues for highlighting the process so clearly.

I want to talk about something else, Mr. President. I wish to talk about the general proposition of the legislation that is now under consideration. I wish to commend the Senator from Idaho, Mr. KEMPTHORNE, and the Senator from Ohio, Mr. GLENN, for bringing this issue finally to the floor so we can make decisions about it and get on with the business. I certainly share that view.

However, I want to challenge all of us to consider as we review the bill and amendments to look very carefully at what is in them. This is the first day to begin this debate on the several bills that propose some very sweeping changes in the relationship of the Federal and State government and could drastically alter the role of the Federal Government in our Nation's life. We will make some needed changes during this Congress, but as we move to be smarter and smaller, we must remain compassionate and committed to equity, tolerance, opportunity and fairness in our national policy.

Despite overwhelming public cynicism, I have enormous respect for our democratic institutions, and I intend to fight to restore faith in American government and let our people know that their voices are being heard in Washington.

I am certain that every Member who will speak in the Senate today will focus on the need for Congress to be more sensitive to the financial burdens that we place on both the public and private sectors in our society. The American people feel overtaxed and that too much of their tax money goes to programs structured of little value.

I understand those feelings, and we should be more careful before we decide to increase Federal spending or pass requirements on to the States which result in raising State or local taxes.

As we increase our sensitivity to imposing unfunded mandates on the States, there are a few things we must acknowledge that are problems which require national solutions and national policies.

This is true particularly where there is more than one State involved or where there are legitimate and broad national interests at stake. It is especially striking in addressing environmental concerns but also holds true for economic, health, immigration, welfare, and educational policy, to mention just some of the issues that have been of concern to the Congress.

In today's political climate, this premise has become controversial and may even sound backward. And coming from a business background, I know as well as any Member of the Senate that Federal requirements can create very heavy financial burdens for business. But even if Members would dismiss the premise that we have a fundamental responsibility to set the tone and framework for our national life—to keep opportunity alive, to set minimum standards of decency and economic security, or to prevent discrepancies in State policies that result in so-called "State shopping" behavior, where people might wander or travel from State to State looking for a State that has better programs because there are more funds available to finance them—it is incontestable that certain issues are interstate in nature and can only be effectively addressed at the Federal level.

Further, I would argue that in our Federal system of Government, and in a society which is complex and closely integrated, we cannot address certain problems, like spiraling violence and gunrunning, or the spread of HIV-contaminated blood, or illegal immigration, or pollution which is interstate in nature, without a national policy. And some of these policies will necessarily involve unfunded mandates.

At last week's Budget Committee hearing, I cited an example from my State of New Jersey which clearly illustrates the need for Federal mandates.

Tourism is New Jersey's largest employer, and our seashore represents a major recreational resource for our citizens. The great majority of tourists in New Jersey go to our beaches, and we rely on our shore for our economic health and our way of life. But just a few years ago, in the late 1980's, New Jersey had to close many of its beaches when raw sewage and medical wastes were washing up on our shores. This problem, which could not be remedied within New Jersey's boarders, resulted in the loss of billions of dollars and was a major setback to the State's economy, image and our quality of life.

Under Federal law, the Federal Government stepped in to require the State of New York to install a wastewater treatment facility, to regulate the disposal of hospital and medical wastes and to require cover for barges that transported garbage from Manhattan to Staten Island. This created a mandate, an unfunded mandate. Under S. 1, it would not have been permitted without a majority of the Senators agreeing to waive its application.

Now, I wish to make the point very clearly that this action could not have been taken if we pass the present bill in its current form.

Now let us assume S. 1 becomes law in its current structure. Let us also assume that the problems New Jersey had in the 1980's recur. Would enough Senators come to the defense of New Jersey or any other State to provide full Federal funding to prohibit one State suffering from another's inaction or negligence? Would 51 Senators vote to waive the procedural requirements of this bill to remedy a problem potentially affecting only one State?

Halting interstate pollution is an important responsibility of the Federal Government. And I am concerned that this act may have a chilling effect on future Federal environmental legislation.

Another issue that may get loss in this debate is the benefit that States and their citizens derive from Federal mandates—even those not fully funded.

States may say, we know how best to care for our citizens; a program that may be good for New Jersey, may not be good for Idaho or Ohio. But, I would argue that there is a broader national interest in some very fundamental issues which transcend that premise.

I would argue that historically, not all States have provided a floor of satisfactory minimum decency standards for their citizens and that, as a democratic and fair society, we should worry about that. Further, as a practical matter, I would argue that the policies of one State in a society such as ours will certainly affect citizens and taxpayers of another State just as certainly as unfunded mandates can.

Let us look at our welfare system. There has been a lot of discussion about turning welfare over to the States, with few or virtually no Federal guidelines or requirements. What would happen if we do that? Would we see a movement of the disadvantaged between States, putting a heavier burden on the citizens of a State that provides more generous benefits?

Let us look at occupational safety, or environmental regulation. With a patchwork of differing standards across the States, would we see a migration of factories and jobs to States with lower standards? I think so. But by mandating floors in environmental and workplace conditions, the Federal Government ensures that States will comply with minimal standards befitting a complex, interrelated, and decent society.

Or let us look at gun control. My State of New Jersey generally has strong controls on guns. But New Jerseyans still suffer from an epidemic of gun violence—in no small measure because firearms come into New Jersey from other States. Without strong national controls, this will remain a problem. That is why we passed a ban on all assault weapons and why we passed the Brady bill.

Currently the Federal Government discourages a scenario whereby a given State decides not to enforce some worker health and safety laws as a way of lowering costs and attracting industry. A State right next door might feel compelled to lower its standards in order to remain competitive. In the absence of a Federal Standard, we would likely see a bidding war that lowers the quality of life for all Americans.

These are some of a host of very fundamental, very basic, and even profound questions raised by the notion that we should never have unfunded mandates. These are questions each Member of the Senate should consider long and hard, before moving to drastically curtail—or make impossible—any unfunded mandates.

During the course of this debate, some important amendments will be suggested to this bill.

First, I understand the Senator from Michigan [Mr. LEVIN] will seek to add a sunset provision to S. 1. I hope my colleagues will support this amendment because it will guarantee that we revisit this issue in a few years to assess the consequences of our actions. Some of us have spent years working to enact laws that protect our environment and the health and safety of our workers. If this bill does lead to an unwelcome reduction in that protection, or inequitable differences between the States, we will need to make a midcourse correction.

The Senator from Connecticut, Senator LIEBERMAN, will be offering an amendment to exempt from this bill legislation that affects the public and private sectors equally. I support this amendment because I do not believe the Federal Government should be promoting anticompetitive behavior between the public and private sectors.

As a corollary, we need to examine the impact of this bill on the longstanding concept, particularly in matters affecting superfund, of polluter pays, a premise on which much of our environmental legislation rests. In cases where a State or local government is the polluter, the notion that a polluter should pay the costs of cleaning up the mess amounts to an unfunded mandate.

Under S. 1, if the polluter is a State government, the Federal Government will have to pay to clean up that pollution. This would subvert the policy and effectiveness of polluter pays, which aims to discourage would-be polluters. Why would a State not pollute if it knows someone else is picking up the tab? Why should the taxpayers of one State pick up the tab for lax practices in another? What is the incentive?

This legislation addresses important issues. It strives to increase our sensitivity to imposing Federal mandates without providing resources to pay for their implementation. But, it also could take us backward to a time of wanton pollution and unsafe workplaces, and aggravate our social problems and rising crime rate. I hope we will have a thoughtful debate, refine the bill to address some of the very real problems that have surfaced with S. 1 as it is being rushed through the Congress, and that we will resist amendments that have the potential to deal real damage to the fabric of our Nation.

I salute the notion of not imposing further burdens on States. I do not want to see my State put in a position where it has to raise taxes, has to raise revenues to carry on responsibilities assigned to it by the Federal Government, unless there is a national interest. Unless of course we affect the well-being and the condition of those who reside in neighboring States. Those are the things, I think, that we have to be aware of, that we have to address here. Because it will be very, very tough for many of us to be able to explain why it is that we are not intervening when one State's lifestyle, when one State's business is being damaged by another State's practice.

I am sure the discussion will be long, perhaps even arduous, but it is worth doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum—I withhold.

Mr. GLENN. Mr. President, just so everyone will know where our status is right here, I will give a recount right now. The committee amendments were submitted and there was objection to agreeing to those. Other amendments are not in order until that is disposed of, as I understand it, unless they would apply directly to that particular amendment itself.

The PRESIDING OFFICER. That is correct.

Mr. GLENN. So our previous order that amendments could be addressed here on the floor after 2 o'clock is sort of held up; is held up because of objection to—that committee amendment not being accepted. This would mean that anyone who did not get to give an opening statement, who wished to make comments, could be free to come to the floor now. But other amendments would not be addressed at this time. I think that is correct and I ask the Chair if I stated it correctly?

The PRESIDING OFFICER. The Senator has stated it correctly.

Mr. GLENN. So the floor would be open for any statements or opening statements that anyone else wishes to make, I guess with unanimous consent, on that or any other subject at the moment. But right now, we will not be able to do it unless they are addressing that committee amendment.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, as chairman of the Governmental Affairs Committee, I am very pleased to have been able to hold a hearing on, and to have reported, the Unfunded Federal Mandate Act during the first week of this Congress—so it could be brought to the floor today.

As the first bill introduced in the Senate this year, S. 1 is truly landmark legislation, that begins a fundamental shift in the basic attitude of the Congress toward our cities, counties, and States. In doing so, it will help serve as a bulwark for our system of federalism. It ensures a recognition that State and local governments are not simply subunits of the Federal Government.

Under this legislation, we are acknowledging for the first time, in a meaningful way, that there must be limits on the Federal Government's propensity to impose costly mandates on other levels of government.

As the representatives of those governments have very effectively demonstrated, this is a real problem. Cities, for example, generally are fortunate if they have adequate resources just to meet their own local responsibilities. Unfunded Federal mandates have put a real strain on those resources. This has been the practice of the Federal Government for the past several decades, but in recent years it has mushroomed into an intolerable burden.

This has been due, at least in part, to the Federal Government's own budget crisis. In the past, if Congress felt that a particular problem warranted a national solution, it would often fund that solution with Federal dollars. Mandates imposed on State and local governments could frequently be offset with generous Federal grants.

But the Federal Government no longer has the money to fund the governmental actions it wishes to see accomplished throughout the country. In fact, it hasn't had the money to do this for many years. Instead, it borrowed for a long time, to cover those costs. But now the Federal deficit is so large, that the only alternative left for imposing so-called national solutions is to impose unfunded mandates.

In other words, the Federal Government has increasingly enacted requirements on State and local governments, mandating that they spend their own money on priorities set in Washington. Without some mechanism to restrain this practice, it would likely continue for years to come.

The State legislators and Governors know this. This is why they feel so strongly that legislation regarding this practice must first be in place, before they are asked to ratify a balanced budget amendment. Otherwise, in the drive to achieve a balance Federal budget, Congress might be tempted to mandate that State and local governments shall pick up many of the costs that were formerly Federal. This is why any effort to add a sunset provision to this bill ought to be opposed. Our commitment to protect federalism ought to be permanent.

S. 1 is designed to put in place just such a mechanism. In this regard, it may truly be called balanced legislation. First of all, it helps bring our system of federalism back into balance, by serving as a check against the easy imposition of unfunded mandates. And second, it does so in a way that strikes a balance between restraining the growth of mandates and recognizing that there may be legitimate exceptions.

The legislation sets up a presumption that before Congress imposes any significant new costs on State and local governments, it must first know how much those costs will be, and then it must fully fund that amount. If it does not do so, then the legislation is subject to a point of order. However, if the Senate decides, in a particular instance, that either requirement is infeasible or inappropriate, it can vote to waive the point of order against the bill. The mandate can also provide for a "less money, less mandate" option to outright repeal, in case sufficient funding is not later forthcoming from the Federal Government.

The provisions of this bill, in other words, are both firm and flexible—recognizing the complexity of the issues involved. They clearly indicate our general intention that Congress refrain from further imposition of unfunded costs on State and local governments. They are also an excellent reason why we ought not add further categories to the exclusions section of the bill. We already provide that certain type of laws are outside the scope of the legislation's requirements, such as those protecting civil rights. It is in the opportunity to seek a waiver of the point of order that any further exceptions ought to be made. In this way, we can judge each item on its own merits, case by case.

I also want to point out that S. 1 does contain provisions requiring that there be cost estimates for mandates imposed by Congress on the private sector. I am aware that there has been some concern expressed that this does not go far enough—that it does not fully address the problems faced by businesses in complying with costly or unreasonable legislative and regulatory mandates. I certainly agree that there is a problem, which is why in less than a month I have scheduled the first in a series of hearings to develop legislation that addresses those issues directly and thoroughly. The problems ought to be dealt with comprehensively, and not piecemeal. I hope that my colleagues will refrain from the temptation to try to exercise all of Governmental Affairs' broad jurisdiction in just one bill.

Mr. President, S. 1 is before us because State and local government officials across the country have made it their top Federal legislative priority. Mayors, Governors, county officials, and others have pleaded that we quit spending money out of their treasuries. They are all to be commended for the effectiveness with which they have made their case, and with which they have helped develop this legislation. I urge my colleagues not to lose sight of this legislation's purpose, in offering amendments.

In addition to the State and local officials I noted, I particularly want to acknowledge the active involvement of two legislators from my own State of Delaware. Senator Bob Connor was very involved with this issue as president of the National Conference of State Legislatures. Representative David Ennis, of the Delaware House of Representatives, testified at the Governmental Affairs Committee's first hearing on unfunded mandates. I want to state my personal appreciation to both, in bringing the seriousness of this problem to our attention.

I think we all know that it was Senator KEMPTHORNE who has championed this issue in the Congress. He is truly the father of S. 1, having labored long and hard to get us this far. He has been persistent and unstinting in his efforts to see an effective bill developed, while being fair and reasonable in his negotiations with interested parties on all sides. I am sure that my colleagues on the other side of the aisle will acknowledge this fact. And he has marshaled an extensive list of cosponsors, both Republican and Democrat, behind this bill. In this, he has been the model of an effective legislator.

It must also be noted that Senator GLENN, along with the Senator from Idaho, has been a major force behind the development of this landmark bill. In 1993, as the then-chairman of the Governmental Affairs Committee, he held the first hearings on unfunded Federal mandates. Last year he led an extensive effort to ensure that we brought to the floor a meaningful solution. The Senator from Ohio has shown repeatedly over the last year that he recognizes that the problem is real. He has been diligent in his efforts to develop effective legislation.

It has been my great pleasure to have worked with my colleagues, Senator KEMPTHORNE and Senator GLENN, along with the representatives of the various State and local government organizations, to bring forth this major reform of our Federal system. I also want to express my appreciation to the majority leader, who saw the great importance of this issue and gave this bill the number S. 1. In doing so, he has underscored how vital it is that we preserve and protect our cherished system of federalism.

In conclusion, S. 1 does not prohibit the enactment of any Federal mandate. It does not fund any Federal mandate. It does not create any Federal mandate. What it does do is to establish accountability in the Congress. What it does do is to foster informed decisionmaking in this body. What it creates is a process—and an attitude. It revives a long-lost respect for our federal system of Government. It is about time.

Mr. President, I urge my colleagues to give this bill their strong and enthusiastic support.

Mr. President, I yield back the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I want to associate myself with the remarks by the very distinguished Senator from West Virginia [Mr. BYRD] with respect to the haste with which we are being asked to consider S. 1, the Unfunded Mandate Reform Act.

I fully agree that this is very important legislation. Several communities in my own State have indicated an interest in it. I may well decide to support it when it comes to a final vote.

But I am aware that there are a number of issues—many of them dealing with quantitative impacts and budgetary consequences—that need to be discussed and clarified. And we in the minority have not just a right but an obligation to make sure that these questions are appropriately considered.

So I certainly agree that the Budget Committee, which had shared jurisdiction on this legislation, owes us a full report in the usual course and form, before we should proceed with any votes on the bill. And I urge the leadership to schedule action accordingly.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to first of all congratulate and commend the Senator from Idaho for his leadership in bringing this very important legislation to the floor of the Senate and the Senator GLENN for being a leader on this issue as well.

Mr. President, I also rise today to join the U.S. Conference of Mayors, the National Association of Cities, the National Association of Counties, the National League of Cities, the National Governors Association, the National Conference of State Legislatures, and countless State and local governments in support of S. 1, a bill curbing the imposition of unfunded Federal mandates.

I have consistently fought to return accountability to the Federal Government and fiscal priority-setting and decisionmaking to the levels of Government closest to the people. In the 102d Congress, I introduce the first bill that would have banned all future unfunded Federal mandates. I reintroduced this bill in the 103d Congress, and have now offered it here—in the Senate—as S. 139.

My first preference is for this sort of legislation, that eliminates all unfunded mandates, of any kind. But I recognize the importance of moving forward on this important legislation, and taking steps necessary to curb and ultimately eliminate unfunded Federal mandates.

This is why I am particularly pleased that the majority leader has made this legislation to curb unfunded mandates a priority in the 104th Congress. As one of the first pieces of legislation we will consider, we have an outstanding opportunity to enact this legislation into law and ensure more fairness for State and local governments in the future.

Moreover, as a new member of the Senate Budget Committee, I will work closely with my colleagues on the committee, including the distinguished Senator from New Mexico, to ensure that laws requiring State and local spending are paid for. Our relationship with State and local governments must be built on trust, and this legislation will help us to build on a foundation of that trust.

During my 5½ years as a State legislator, and 16 years as a Member of Congress, I have seen the burden of unfunded Federal mandates. For 8 years, I watched as my husband, as Governor of Maine, worked to balance a State budget in the face of declining Federal support. Yet Maine saw fit to do the right thing, the honest step for our citizens. We banned unfunded mandates.

Maine's motto, Mr. President, is Dirigo, which means "I lead." And we took a crucial leadership step in the debate on unfunded mandates. Maine has eliminated unfunded mandates from State government onto county and local governments. State government—albeit belatedly—is regaining the trust of local governments. And the partnership between governments is beginning to work again.

Perhaps that is why I prefer to simply ban unfunded mandates. My philosophy is simple: "No money, No mandate."

Unfortunately, the trend has been just the opposite. As budgets have grown tight and spending became more and more an issue, Congress and the Federal Government have relied increasingly on mandates that pass costs along to local and State governments. The Advisory Commission on Intergovernmental Relations recently conducted a study of Federal statutes that created explicit mandates. The study found that from 1941 to 1960, no laws were enacted with unfunded but mandated costs on local governments.

From 1960 to 1969, nine laws were enacted with unfunded mandates. From 1970 to 1979, 25 unfunded mandates were created. And in the 1980's, 27 of these mandates were created. And the cost of these rose even more. A Federal Funds Information Service study shows that between 1981 and 1990, Federal discretionary funding for programs rose from $47.5 to $51.6 billion. After making adjustments for inflation, however, this results in a decrease of 28 percent in funding for local and State governments—despite our mandates.

Mr. President, during debate of congressional reform legislation this past week, we have talked a great deal about the need for change and about changing the status quo. I believe that is exactly what the American people want us to do.

While we have already adopted legislation to make Congress accountable to the laws it passes onto the American people—we must now make Congress a more responsible institution.

One of the most important components of our mission of change is to restore the faith and trust that once existed between the Federal Government and States and local governments and to reestablish an institutional partnership.

In my view—and in the view of the vast majority of the American people and State legislators—the key to restoring that faith and trust is passing legislation prohibiting unfunded Federal mandates, and giving State and local governments a voice in regulatory development.

Mr. President, what better way to show the American people that we can not only act quickly to change the fiscal status quo, but to show them that we can do so in a bipartisan manner that brings together elected officials from both parties, from all levels of government, and from the smallest town mayors to the biggest State Governors?

While the concept of accountability and responsibility has always been clear to the American people, the Federal Government has denied one simple fact throughout the recent history of unfunded mandates: unfunded Federal mandates are nothing less than a hidden Federal tax. And every one of us is paying the price for this lack of responsibility and lack of accountability.

Mr. President, it is time for us to stop the seemingly endless burden of unfunded mandates on State and local governments. In order for Government to work, we must uphold a trust with governments at other levels. We should work cooperatively to identify policies that will offer solutions to problems; to pass laws that implement those policies; to offer funding support for those policies we deem most important. We have already opted to terminate the general revenue sharing, which gave State and local governments a stake in tax structure. The General Revenue Sharing Program was terminated in 1986, saving $4.5 billion annually.

And, just as top-down management rarely leads to a dynamic and responsive work force—regulations drafted in isolation and sanitized in the Washington beltway rarely address the unique and ever-changing circumstances of State and local governments.

That is the spirit of S. 1, the Federal Mandate Accountability and Reform Act of 1995. This legislation will go far in restoring the faith, trust, and partnership that should exist between the Federal Government and States and municipalities. It will also demonstrate our willingness to change the fiscal status quo and make the legislative process more responsible as well as more accountable. This legislation is not only timely, but reasonable and necessary as well. Above all, it is absolutely vital to the economic survival and financial stability of our State and local governments. The passage of S. 1 can and will alter the course of our country, allowing us to meet our true priorities and address the needs of our taxpayers, families, and workers at the State and grassroots level.

At last year's annual meeting of the U.S. Conference of Mayors, its 200 members passed a resolution stating that, "the increase in * * * mandates to cities is having a profound adverse financial impact on America's cities. That resolution may explain why S. 1 has the support of a majority of U.S. Senators from both parties in this Chamber, as well as the consideration of the President of the United States, who, as a former Governor, knows first hand the damage done by unfunded mandates passed on year after year. And, today, it is worthwhile to note that the Senate majority leader has kept a pledge he made to the Nation's Governors at a recent meeting in Williamsburg, VA. It is a tribute to Mr. DOLE'S leadership, resolve and vision that we are considering legislation to bring a stop to unfunded Federal mandates so early in the 104th Congress.

Every year, Congress passes laws telling local and State governments what to do, and then refuses to give them the funds necessary to enforce the regulations. It is far too easy to pass a bill with ambitious and worthy goals and forget that the legislation comes with a price. Perhaps in Washington, with our bottomless bank account, we can say "a million here, a million there—pretty soon, we're talking real money." Well, in my home State of Maine, there is no bottomless bank account. Every program, every goal and every project is paid for with real money.

This is an appalling arrogance of Government, Mr. President.

Year after year, we abdicate an enormous responsibility that we have been entrusted with by the people who elected us, and we simply return the favor by placing the burden squarely on the shoulders of States, counties, and small towns. Congress assumes that since it doesn't have to balance its budget, it can simply pass along the cost of legislation to State and local governments—most of which are required to balance their budgets each year. As my colleague from Idaho stated recently, "unlike Washington, most cities just can't print money when they're in a bind."

And make no mistake about it—when we abdicate this repsonsiblity, we may as well send a tax bill directly to each American family. It is they who pay the price for our inaction on unfunded mandates.

That price, that cost, is growing larger and larger each year. The facts paint a grim picture. According to the U.S. Conference of Mayors, the Federal Government imposed only 17 cost-bearing regulations on cities and States between 1960 and 1985. Only a few years later, however, the Federal Government found its financial escape hatch: from 1982 to 1992, the Federal Government mandates 88 such regulations in the area of toxic management alone. The Congressional Budget Office estimates that the cost to State and local governments of unfunded mandates enacted in this period exceeded $200 million each.

The cost of unfunded mandates, a figure which I am sure will be repeated many times on the floor of this Chamber today, amounts to $430 billion each year. Half a trillion dollars—and I assure you that is no typo.

There was a time when Federal mandates were imposed on State and local governments, and funding were provided through block grants and revenue sharing programs. Funding for the programs ceased in the 1980's, even as Federal aid to State and local governments sharply declined. In fact, over the last 15 years, the Federal contribution to State and local governments has actually shrunk—from 18.6 percent in 1979, to about 14.3 percent in 1991—the last year data was available—and that even includes a recent upswing. Adding insult to injury, one hundred new mandates were forced on States during the same decade.

This decrease isn't small change, either. This is precisely what unfunded mandates cost the American economy and American taxpayers every single year—a figure that represents almost 2½ times the size of our national budget deficit. About $231 billion each year in Federal aid now goes to State and local governments—unfunded mandates amounts to almost twice what the Federal Government gives back to States and localities. With figures like that, it's no wonder the American people still feel that our economy is on the wrong track.

The Congressional Budget Office has estimated that the cumulative cost of new Federal regulations imposed on State and local governments between 1983 and 1990 exceeded $8.9 billion. And according to the Vice President's National Performance Review, environmental mandates alone are expected to increase by an estimated $44 billion by the year 2000, when adjusted for inflation.

A 1990 study by the U.S. Environmental Protection Agency titled "Environmental Interests: The Cost of a Clean Environment" estimated the annual costs of environmental mandates will increase from $22.2 billion in 1987 to $37.1 billion in the year 2000. That's an increase of 67 percent in costs—costs that State and local governments are powerless to control.

Price Waterhouse concluded in November 1993 that unfunded mandates will cost local governments $90 billion over the next 5 years. Cities will pay $6.5 billion this year and $54 billion over the next 5 years. These same cities report that Federal mandates consume an average of 11.7 percent of locally raised funds. America's counties fare no better. They will pay $4.8 billion this year and $33.7 billion over the next 5 years, even as 12.3 percent of their revenues are absorbed by mandates. The study also showed that, since 1960, Congress has enacted 42 major statutes that impose new regulations and requirements on States. This is nearly equal to all such laws enacted during the previous two decades combined.

The harsh truth is that my home State of Maine has paid dearly for this avalanche of unfunded mandates. The Maine State government estimates that Federal unfunded mandates will cost Maine $234 million in fiscal year 1995. Maine's small cities and towns currently face a combined cost of $1.5 billion in order to meet mandates stemming from the requirements of environmental legislation alone. This amount is more than Maine communities collectively raise in property taxes in an entire year. This figure doesn't even include the cost of mandates relating to labor, Medicaid, voter registration or others passed down by the Feds.

Lewiston, Maine's second-largest city, is my home town. In 1992, my neighbors and I were saddled with $75.87 million in unfunded mandates—all for a city of 40,000 people. This amounts to a burden of $664 per year, per household in Lewiston. In Auburn, city officials estimate that to comply with Federal unfunded environmental mandates alone, the city will be forced to find $2 million.

Bangor, which is the hometown of Maine's distinguished senior Senator, BILL COHEN, city efforts to comply with clean water requirements on the sewer system will cost $22 million. Bangor's sewer fees have increased 10 percent every 6 months for the past 5 years, while the same rate of increase is expected for the next 4 years.

Finally, in Maine's capital city of Augusta, implementation of new sewage treatment requirements would raise the average yearly user charge by more than $1,500 per year over a 30-year period and ensure that the next generation will be faced with the same crisis as ours. And we cannot ignore the fact that many of my State's small towns have local tax caps which make it difficult—if not impossible—to raise the revenue needed to comply with these mandates.

What this has meant for these cities and towns is a curtailing or even elimination of vital local service programs. Unfunded mandates have forced local budget planners like Bob Mulready in Lewiston to choose between meeting the bottom line of unfunded mandates and meeting the needs of Lewiston's taxpayers. In Lewiston, this has caused cutbacks in such services as fire protection resources, the local police force, and it has forced the abandonment of plans to minimize property tax increases.

Are unfunded mandates important? They are so important that taxpayers everywhere—at the State, county, and local levels have declared an annual National Unfunded Mandates Day to draw attention to the problem of these unfunded mandates. But the problem has become so large that Dana Lee—the town manager of Mechanic Falls in southern Maine—said in his statement on National Unfunded Mandates Day that every day should be declared unfunded mandates day.

Mechanic Falls residents will face numerous mandates in the coming years, including the requirement for sand and salt shed replacement—the removal of underground tanks. All told, the cost of Federal mandates alone will total $300,000 for this small town—an alarming cost for taxpayers, and a cost that eats in to the other vital services that communities and States provide, from local law enforcement protection to job creation and infrastructure investments.

Clearly, the grassroots of America are crying foul over Washington's practices, and they're crying out for our help. They understand full well what is at stake here. It's high time for Congress to get with the program and stop bankrupting our Nation's cities, counties, and States.

Yet Congress continues to speed toward more and more unfunded mandates—many of them worthy programs, but programs that are unaffordable for an already bankrupt Federal Government, and unaffordable to State and local governments, either in the red or on the brink. Regardless of how worthy or well-intentioned a mandate is, someone needs to pay for it—and that someone has rarely been the Federal Government.

It's been said, in fact, that the road to bad legislation is paved with good intentions. If this is true, Mr. President, then the National Motor-Voter Registration Act just built a new interstate highway in Maine. You see, in rural Maine—which comprises more than three-quarters of the State—town clerks frequently sit adjacent to the general assistance officer—sometimes, in fact, the town clerk is in charge of general assistance. It would make sense that someone applying for general or welfare assistance would be advised to walk the additional 20 or 30 steps to reach the clerk's office to register to vote. But that would be too easy.

Instead, motor-voter has been interpreted to mean that the general assistance office must offer voter registration each and every time GA eligibility is determined—which is at least every 30 days, in Maine—and file a report on why the individual did or did not register. As a result, the general assistance office is required to complete a blizzard of voter registration paperwork on a continuous basis, and at greater cost, all while voter registration in person is just a few steps away.

Good intentions. Bad legislation.

That is why the legislation before us today is a major step forward. S. 1 is similar to the bill that gained wide, bipartisan support in this Chamber last year—one that simply said "If Congress is willing to pass the bill, it can no longer pass the buck." It stems from the simple logic that, if Congress believes Federal legislation is important enough to place mandates on States and communities, then the Federal Government has a responsibility and obligation to pay for them as well.

Not only does this legislation seek to control the proliferation of unfunded mandates, but it also gives State and local governments a voice in the regulatory process. Too often, agencies in Washington draft regulations with little or no input from the communities and regions affected by the rules. This bill will give State and local governments a voice in Washington and a voice in their own future.

S. 1 will link together good intentions with good deeds, so that the Government actually pays for its mandates—and upholds its trust with the State and local governments on which it relies to implement these programs.

But let me close, Mr. President, by saying that I believe many of the mandates passed by the Federal Government do serve useful and important environmental, health and safety purposes. I am not arguing that these important laws be banned. But I do even more firmly believe that if Congress considers a mandate important enough to pass onto State and local governments, then it surely must be important enough for the Federal Government to provide accompanying funds. We simply cannot continue to pass new laws and expect State and local governments to pick up the entire tab.

I know Mainers deserve better. My colleagues know that America deserves better. That's why I believe that if the Federal Government is willing to pass the buck, the Federal Government must be willing to foot the bill. I urge all my colleagues on both sides of the aisle to support this critical and historic bill.

S. 1 does not undo the damage already done to State and local budgets. But it does take Congress in the right direction. State and local governments only ask that we allow them to prioritize spending in response to actual needs, and in conjunction with the tight fiscal restraints they face. I do not believe that they are asking too much.

Thank you, Mr. President. I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER (Mr. HELMS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I would try also to support this legislation.

I wish to congratulate the Senator from Idaho and the Senator from Ohio in moving this bill forward in such a prompt and expeditious manner. I also wish to congratulate the Senator from Delaware and the Senator from New Mexico who chaired the committees which have jurisdiction for their willingness to move this bill in an expeditious manner. I especially, as I mentioned, wish to applaud the Senator from Idaho [Mr. KEMPTHORNE], who has made this a cause of inordinate proportions in his daily activities here since being elected 2 years ago by his friends and neighbors from Idaho. They have been extraordinarily well served by his efforts.

This is S. 1. It is the No. 1 piece of legislation which this Congress is going to take up, that the Senate will take up in this year. The reason it is S. 1 is because of the significance of the legislation.

But the reason that it is here is because of the dogged and unwavering commitment of Senator KEMPTHORNE to making sure that we pay attention to this critical issue. I have had the pleasure of working with Senator KEMPTHORNE on this matter over the last 2 years. We both happened to come to the Senate at the same time, and both making this a high priority. I admire his efforts and congratulate him for them.

On my own part, I strongly endorse the nature of this bill. First, because it addresses the issue; and second, because it has such strong bipartisan support. Especially the support of the Senator from Ohio has been critical in that area.

During the last 2 years we have raised this issue on a number of occasions on this floor and talked about the issue of unfunded mandates in considerable depth. During the taking up of the bill Goals 2000, and during the Elementary and Secondary Education Act reauthorization, we were able to put into both of those pieces of legislation very aggressive unfunded mandates language. For the first time in the history of this body we actually had language which specifically banned unfunded mandates in legislation that was passed by both Houses and signed by the President in those two pieces of legislation.

In addition, we have debated this issue on a number of amendments that have been brought forward over the last 2 years. I recall one amendment I offered, called No Funds/No Fine, dealing with the issue of unfunded mandates.

The matter has come to our attention on a number of occasions, and on each occasion the Senator from Ohio and the Senator from Idaho have aggressively committed themselves to trying to look at the problem in an overall way and develop a procedure where we could address unfunded mandates in a more systematic way rather than in a haphazard way, and by developing this bill they accomplish that.

The passage of this bill will put the brakes on what has been a rather insidious process of legislating over the last 15 to 20 years by the Federal Government. It has been talked about at length here but it is worth mentioning again. What unfunded mandates are is, essentially, a decision by one legislative body to take the credit for passing a law and to get the political goodwill for passing legislation that sounds good and accomplishes worthwhile goals. But that same legislative body does not have the courage to step forward and pay for them and make the difficult decisions of raising the revenues to undertake the costs that are incurred by generating that legislative directive. Rather, they pass that cost down on to a lower level of government and thus skew the capacity of that lower level of government to manage its own business of administering the issues to come before it.

I have had a bit of a personal experience in this because prior to serving here in the Senate I did have the great honor of serving as Governor of my State. Certainly, the problems which we confronted of unfunded mandates were staggering, not only staggering at the State level but staggering at the communities' level. In innumerable instances at the State level and at the communities' level, there would be occasions when dollars which we felt should be intended in one way would have to be allocated in another way as a result of a Federal mandate.

And, thus, we were unable to manage effectively the dollars which we were raising under our category of responsibility, whether it was at a State level or at a community level.

In the past, the Congress has passed approximately 20 laws which have fallen into this category and which have contained unfunded mandates, and it is not a practice which has abated all that much over the years. In fact, just in the last session of Congress, unfortunately, we passed the motor voter bill, which is a significant unfunded mandate and a tremendous burden to many of the small communities in my State.

It is not fair, it is not right, it is not appropriate if one group of legislators passes a law and does not have the courage to pay for the expenditures which that law generates.

In a small community which has as its basic form of revenue generation the real estate tax, there is a tremendous demand for the allocation of those dollars among the school systems, among the fire prevention departments, among the police and public safety departments. And yet in many, many instances, that local tax dollar, the real estate tax dollar, has to be spent first on a project which has been defined not by the local town council or select persons or city government, but by us here in Washington. And that is not right.

We have huge revenue sources at the Federal level. We have the capacity to level a national income tax, which we do with, unfortunately, excessive aggressiveness. We have innumerable other revenue sources at the Federal level. Certainly, it is not right for us to invade the revenue sources of our communities and invade the revenue sources of our States to pay for the programs which we deem appropriate at the Federal level.

Those programs should be paid for with revenues from the Federal level through our own decision on what is right and what is not right in our own setting of priorities.

We estimated, when I was Governor, that it cost us approximately $150 million a year to pay for unfunded mandates in our State at the State level. But in the communities, that is where it really impacted, in the small communities—for example, Groton, NH, population 318. In Groton, a Federal mandate became simply too expensive to meet. The town now pays to truck their trash over 50 miles away. They must also install groundwater monitoring wells for annual testing. Over the next 30 years, and with no factories or stores in this town, all the cost of that Federal mandate has to be borne by 318 citizens.

They did not ask for that cost and, to be quite honest with you, I think the people of Groton are probably responsible enough so they could have accomplished the goals of that piece of legislation without having to have borne that cost.

The city of Nashua, the second largest city in the State of New Hampshire, has 80,000 people in it. Nashua's estimates are that mandates cost them literally millions of dollars. Their combined sewer overflow charge is somewhere between $40 and $100 million.

The Solid Waste Disposal Act mandates cost them $1 million.

The Wetlands Act mandated costs of approximately $65,000.

The Americans With Disabilities Act mandated costs of approximately $80,000.

The Underground Storage Tank Act generated costs of $36,000.

The Clean Air Act responsibilities generated costs of approximately $35,000.

And by 1997, the solid waste disposal mandates will cost the city of Nashua approximately $6 million.

There are literally millions and millions of dollars going out of the local real estate tax base to pursue activities which, I am sure, the city of Nashua intends to pursue but which it would rather be able to do without a Federal mandate telling it how and where to spend the money.

Another example is a moderate-sized town in New Hampshire, Meredith, NH. In Meredith, the town will have to spend millions of dollars to install catch basins in the road. The town will have to spend $500,000 to $1 million to put a cap on its landfill, which it was forced to close in 1987. The town, on top of that, has to pay an additional $150,000 to take away its waste. The list goes on and on.

In the town of Lancaster, for example, the town manager relates that the town of Lancaster raises approximately $1.4 million in revenues each year. Complying with the safe drinking water requirements alone will cost it $2 million more than it raises in revenues each year, reflecting the desperate situation that many of these towns are confronting. She writes:

> There is no way the town can keep up with that sort of cost.

So this bill comes to us as an effort by Senator KEMPTHORNE and the many folks who have been joining him in this undertaking to make the Congress act responsibly in this area.

It should be pointed out that this does not ban unfunded mandates. It simply requires, if there is going to be an unfunded mandate, that the U.S. Congress must step forward and say that that is what it is doing and Members of the Congress must put themselves on record that that is what is going to happen.

That is important, because I know when I am in New Hampshire, I hear the concerns about this issue all the time. No matter where I go or what group I am meeting with, inevitably the issue of unfunded mandates comes up.

Now there will be accountability, full disclosure: Who in this body is voting for unfunded mandates, who is not voting for unfunded mandates. And the people have the opportunity at the ballot box to express their views as to those Members of the Senate who make decisions to continue to promote the unfunded mandate approach to Government and to setting requirements on local communities.

That disclosure, I think, will have a significant impact on the process. I believe that it will cause us to look very hard as a body before we make the decision to go forward with any additional unfunded mandates.

It is also a significant piece of legislation because it represents a fundamental shift in philosophy of this Government. There has been a lot of discussion over the last few weeks and months as to what the historic significance is of the fact for the first time in 40 years, the other body has changed control. This bill reflects what that historic significance is.

This bill points out that the American people have asked us to act responsibly and that we are going to try to comply with that. It is a bill which inherently, in its function, works to lessen the size of the Federal Government, control its rate of growth, and put brakes on the manner in which we expand our Federal role in oversight in the areas that have traditionally been reserved to States and local communities. That is a fundamental shift.

For 40 years, and especially over the last 20 years, this Government has expanded radically. It has viewed with almost indifference the concept of separation of power, the concept of States rights, the fact that communities have an inherent right to govern themselves over certain aspects of their daily management of affairs, that States have an inherent right to govern themselves over certain aspects of managing their local affairs, and that the Federal Government has a role which is separate from and different from the responsibilities of States and of communities.

For the last 40 years, we have seen the Federal Government step with impunity into the role of the States and into the role of the communities; and not only step into that role, but in stepping into that role, doing it in a manner where it did not even have the self-respect or self-consideration to be willing to pay for the costs which we were putting on the States and on the towns.

With this bill, that philosophy of Government is called to account. We are saying, if that is going to occur, there must be disclosure. If this Congress is going to step forward and try to take over the authority which has traditionally been vested in a State or a community, and not pay for the cost of taking over that authority, if this Congress is going to step forward and try to demand action on the part of a private sector and not pay for the costs of that action, then there will have to at least be a vote which will show who believes that is the right way to go and who does not believe that is the right way to go.

I am very strongly supportive of this bill. It is an excellent piece of legislation. And again I wish to congratulate the managers of this legislation for having brought it forward at this time. I do hope the delays we are seeing right now in the process of moving the bill into the amendment process can be overcome because this is too critical a piece of legislation to be tied up in that sort of parliamentary and procedural minutia.

This piece of legislation has been awaited for too long by the Governors, by the mayors, by the State legislators, by county officials, and by citizens who pay the real estate taxes throughout our country and the local taxes throughout our country to be tied up in what amounts to a debate over procedural minutia within the terms of the way the Senate manages itself. So I would hope those who are concerned about the issue of how the reports were filed and when the reports were filed and what reports were filed and what reports were not filed would be willing to allow this amending process to go forward so that we could begin the process of relieving the very serious problem of unfunded mandates.

I yield back my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The able Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, as a coauthor, I rise in support of S. 1, and like my good colleague from New Hampshire join in expressing thanks to the Senator from Idaho [Mr. KEMPTHORNE] for the extended, longstanding pursuit of this fundamental change that he proposes along with others in the governance of this Republic.

The good Senator from Idaho comes with a very appropriate background, I might add, to deal with the subject because he is a former mayor of Boise, ID. In my part of the country, we say that is where the rubber hits the road, where you are dealing with the day-today issues of managing the citizens' lives of our Nation. And so no one could come with a more personal knowledge of the issue embraced in unfunded mandates.

From my perspective, we are engaged in a debate between two very different fundamental views about this Republic. Are we a Federal republic or are we a central republic? I believe any student of the Constitution of the United States would understand very quickly that, indeed, the forefathers saw us as a Federal republic, and the Constitution very clearly delineates that there are certain powers for the central government but they are limited, and those powers not delineated to the central government are left to the Federal Governments'—the States, the cities, the counties, the school districts.

Interestingly enough, I think the forefathers had it right because I believe they felt decisions made by people who have to look those affected in the eye sometime during the next week are going to be more fair, are going to be more frugal and are going to be more orderly in terms of what the real priorities are.

Mr. President, when I first went to the State senate in Georgia quite a number of years ago, I was confronted with a dilemma whereby contemporary policymakers were making decisions about public pension systems. It was a very unique center of the law. What you had were people who could make very grandiose promises but only future generations would have to pay for the promises.

In a sense, that is what we have here because you have a situation with unfunded mandates where one arm of the Government is making decisions and policy and setting priorities but leaving it up to other policymakers somewhere else to live with the consequences—the costs, the inflexibility, the irrational timetables. It is a mayor like the Senator used to be, it is a county commissioner, it is a principal of a school or a school superintendent that is confronting this rash of legislation coming from the central government with no real knowledge of the circumstances or priorities in that local community.

Now, Mr. President, if the distinguished Senator from Idaho will allow—I am sure he will—I would like to use a contemporary example of an unfunded mandate to explain this dilemma. On the first day of the session, I introduced legislation that would take an unfunded mandate of the 103d Congress, the most recent, and amend the legislation in such a way that unless the Federal Government pays for it, it is not in effect. The proposal is the motor-voter bill. The good Senator from New Hampshire alluded to it.

In the 103d Congress, we passed legislation that rewrites the manner in which people are registered to vote in every one of the 50 States. We changed where you can register, how you can register, whether it would be by mail or not, the computer information that has to be maintained, the integrity of the system.

Mr. President, I would suggest circumstances in Alaska about how you register people to vote, or a rural State, are very different from citizens who may live in one of our urban States or States where proximity to where you live and the county courthouse are very near. But, no, Washington in its eminent judgment decided that it more than the local policymakers, more than the Governors, more than the mayors, knew better how to meet the registration process in each State.

Now, first, going back to my point that this is a debate between those who believe in a total central government management and those who believe in the Federal Government, first I would say that this central government, this Senate, this House did not have the authority under the Constitution to impose this policy; that that authority was left to the several States, and correctly so.

Second, Mr. President, because we did not have legislation such as the Senator from Idaho has offered, no one had an idea as to what this was going to cost the good citizens of Georgia, North Carolina, Idaho, and Alaska.

We did not know what the impact would be. I guess we did not care because the consequences had to be borne by someone else, not us.

Now we are a year later. In my State, the first year's bill is $6.5 million. In California it is over $30 million. In Illinois it is over $30 million.

It does not end there because this is a process that goes on year in and year out. So, in my State it would cost $2 to $3 million a year, or by the end of the decade, approaching $30 million.

Mr. President, I do not have to tell you that is a lot of money. What we have ended up doing is, over a decade, spending about $1½ billion of somebody else's money. It is interesting. The Federal Government has spent every dime it has, $5 trillion that it does not have, and now it is in the business of appropriating the property tax base of America; ordering other governments to put the thumb on people who own a home or a business or a farm. In fact, these unfunded mandates, like the one I am discussing, currently consume about 30 percent of the property tax bill of every citizen in America. As they come to understand this, they will rise up. They will rise up. And that is why it is so important, in terms of protecting the integrity of this institution, and the Federal Government, that we bring some order to this process of unfunded mandates.

I have said it is a debate between those who would have the Federal Government manage everything and those who believe that local government is more equipped to deal with priority-setting. I have used this motor-voter as an example of the folly we have been engaged in here. We passed a bill meddling in affairs in which we should not, nor had the authority to do so. We did not know what it would cost. We are now finding that it costs millions upon millions of dollars that we are unwilling to pay; it is not a high enough priority for us. But we are ordering that it should be a priority for somebody else.

Now we come to the third point I would like to make, Mr. President. For what? For what would we override the constitutional division of powers? For what would we exact this horrendous bill on all the citizens across our land?

Mr. President: For nothing. Nothing is being accomplished except turmoil and expense, as with so many of our ideas that we seem to generate in this capital city. Take the States of North and South Dakota. One has a provision that is virtually the same as this motor-voter. That was their choice, which is appropriate. The other State has a version that is more like my State. Is there any difference in the voter turnout between the two? No. Not a bit. Of the 10 States that have been studied, that have implemented on their own—again, appropriately—some of the provisions, 7 of the 10 have lower turnout of voters since they have implemented the changes.

I do not know about my colleagues, but I do not believe I have ever received a letter requesting that all the registration processes across the land be changed. I have not seen any pickets around the Nation's Capitol, no public outcry, no demand. It is not a burning issue that has commanded the elections of 1994 and 1992. It was never mentioned. Yet we would impose these millions of dollars of costs, because, I guess someone, some special interest group huddled somewhere in this city thinks it will somehow improve the lot and life of the citizens of this great country.

I can think of no better example than this particular measure to describe what the bill of the Senator from Idaho is designed to stop. It is designed to slow down the train. It is designed to make us more knowledgeable about what the consequences of these actions are. I cannot imagine any businessperson in our country trying to make some plan for some new program and be blind to what it was going to cost his or her company. The unfunded mandate bill makes it possible for us to understand. If we had it, we would have known the folly of this motor-voter thing we dealt with in the last Congress. We would have known it. And I suggest we would not have passed it. Because there is no one here who would want to go home and say we spent millions of your dollars on this concept.

Mr. President, when I first came to the Senate, very shortly thereafter I came to understand that we were in a very serious confrontation between two groups of people who have very different ideas about how this country is going to be governed as we move to the new century. One group thinks that for this country to be managed properly and fairly and efficiently, every decision about everything we do has to be made here; somehow that this is a magnet for knowledge. We know better than that local mayor. We know better than the local county commissioner or Governor. We have all the right answers here.

Then there is another group represented here who believe, as I said earlier, that the Forefathers were correct when they empowered the local citizen, the local family, and community leadership. And that is what this debate is about right here. That is what this is about. Are we going to continue to usurp the power from local government and manage everything from Washington? If you are for that, you do not want to vote for this bill, if that is what you believe. If you believe all these decisions have to be made up here, we have to tell them how to protect their environment, what is a wetland, how to register somebody to vote, what doctor they can see or cannot see, then you are not for this bill.

But, on the other hand, if you do believe in the immense capacity of the people of this country to govern themselves, to make correct decisions about what is right for their communities, to be able to sort out whether it is more important to build a new wing on the school or to spend money getting new computers so that you can do what we have said is the right way to register people to vote, if you believe they can make that decision better than we, then you are for this proposal, you are for what the Senator from Idaho is endeavoring to do.

I can tell you where the American people are. The American people want us to back off from being a force intervening in their local decisions. They expect us to protect the land. They expect us to deal with the broad national policy, monetary policy, broad national tax policy. But they do not want us to manage every corner and every stop sign and the manner in which they register to vote in their State and in their community. They want us to stop doing that. In fact, I would say that on November 8 they said: Look, you folks in Washington, you start downsizing that Federal Government because we are having to do that out here in Main Street America. And you get the economic pressure off our back. We are tired of working from January to June for a Government before we can keep the first dime for ourselves, and you quit pushing us around, which is what this is all about.

The only thing I would say in regard to the procedure, I think everybody here should have an appropriate opportunity to be heard and seen on this measure. But if procedural, parliamentary maneuvers are used to delay the passage or prohibit the passage of this, it can only be concluded that that effort is designed to keep the ability of the Federal Government to impose mandates and costs on local government.

The American people will see through this debate. The bottom line will be, are you for moving the Federal Government back a bit? Do not impose these costs on us locally. Or are you for it? You want more Federal Government intervention. This bill is right at the heart of that question, pure and simple.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Thank you, Mr. President.

Mr. President, I rise in support of S. 1. I was one of the sponsors of the legislation in the previous Congress. I am delighted that the leadership has chosen to make this a top priority in this Congress because I think it is a fundamental reform issue that many people in the United States have overlooked.

When I first decided to run for the Senate, I discovered somewhat to my dismay that my name recognition around the State was about 3 percent with a 4-percent margin of error in the poll. In other words, in spite of all the work that I thought I had been doing in the public eye and in the public service, governmental work and so on, and being the son of a Senator and thinking that everyone would know who I was, I discovered no one knew who I was.

So I set out to try to widen my net of acquaintances and, at the same time, my understanding of what would be involved if I should be elected. I instructed my campaign staff therefore to set up appointments with me for all of the mayors that would see me. I thought if I at least got the mayors of the small towns around Utah, and the larger towns, to say, "This fellow BENNETT came in to see me and talked about running for the Senate," that that would be a beginning of a network of conversation. I have always felt that word of mouth is the best kind of advertising, and at this point in the campaign, that is what I needed.

I remember very well the first mayor that I went to see. He looked at me as if I were a little bit strange for being in his office. And he said, "Why are you here?" I said, "I am going to run for the Senate." He repeated the question. "Why are you here?" I said, "Well, Mr. Mayor, if I should be successful this quest, I have a feeling that you are the closest to the people and you are in the position to tell me what I should be doing in Washington. So I am here to ask you what it is you would say to a U.S. Senator if you had one in this kind of one-on-one circumstance as part of my education to be here." I was disingenuous enough that I did not disclose the campaign purpose of my being there. I just asked that question directly. The mayor said, "Well, you know, if I had a U.S. Senator in front of me with his undivided attention, the one thing I would say to him is stop the unfunded mandates."

Mr. President, I did not have the slightest idea what he was talking about. I had no idea what an unfunded mandate was. So I had to pretend to be a little smarter than I was and draw him out and get him to explain it to me. He explained it to me in these terms. It was very clear. He said, "This is how an unfunded mandate works." He said, "The Federal Government gives us an order and then does not send us any money to carry it out, which means that we have to raise the taxes to comply with the order. The Federal Government gets the credit for solving the problem and we get the bill. The taxpayer gets mad at us and votes us out of office, and the people in Washington are the ones who did the whole thing." I said, "Well, Mr. Mayor, I thank you very much. I appreciate that. I will certainly do what I can if I am elected to the Senate to deal with unfunded mandates."

I went on to my next appointment, and sat down with the next mayor and had the same kind of conversation. "What are you doing here?" "Well, I am here to have you tell me something about government." He scratched his head and said, "Well, the most important thing you could do for us if you get to the U.S. Senate is get rid of unfunded mandates." I said, "Mr. Mayor, I've heard that before. I know all about that."

I went on to the next mayor and the next mayor and the next mayor. Pretty soon, I decided I was going to see how long it was going to take for me to run across a mayor who did not bring up unfunded mandates as his number one issue. You know, Mr. President, I never found one. All the mayors I went to see in that process, and I went to see a lot, without any prompting on my part, just by asking the open-ended question, "What do you see a Senator being able to do for you," every single one of them—Democrats, Republicans, liberals, conservatives, people who would vote for me, people who told me they could not possibly support me—every single one of them spontaneously raised the issue of unfunded mandates.

So when I arrived here in the Senate, I decided I had better try to do something about unfunded mandates. Who is one of my class members in the freshman class of 1992 but a former mayor, this time the mayor of Boise outside of my State. I did not have to have a conversation with him. I knew what his No. 1 priority would be, he having been a mayor. His No. 1 priority was unfunded mandates. We got together as a freshman class. There was the mayor of San Francisco, Senator FEINSTEIN. What was her No. 1 priority? It was unfunded mandates. There was a member of the local government in Chicago, CAROL MOSELEY-BRAUN. What did she have on her mind? Unfunded mandates. There was the former Governor of New Hampshire, JUDD GREGG. What did he talk about? Unfunded mandates.

Well, it was very clear that I did not have anything to add to this debate. These were experts who had worked at the local level, and understood it. And I was very happy to line up behind Senator KEMPTHORNE, the former mayor of Boise, as he brought this zeal to this fight. I commend him, as others have done, for the doggedness with which he has pursued this.

I can tell you, Mr. President, from my experience with the other mayors in my State, I know that if any of them were to be catapulted into the U.S. Senate, they would have had the same doggedness that Senator KEMPTHORNE has displayed—probably not the same skill that he has displayed, because he has done a superb job of hanging onto this issue, keeping it from being diluted, keeping it from being stolen from him, and keeping our focus on it.

So, I share that bit of personal history with you, Mr. President, to make it clear why I am here in support of this bill.

One of the issues that has been raised with respect to this, which in my opinion is a red herring trying to get us off the focus, has been the issue of fairness in terms of the public and private sector, the suggestion that there is something about this bill that would make the public sector more competitive than the private sector.

Mr. President, I have spent most of my career in the private sector. I have bid on government jobs. I have bid against government for particular assignments. I have sold things to the government. I am familiar with the way things go back and forth between the private sector and the public sector.

I can tell you from that personal experience that this issue of competitiveness is indeed a red herring. If a private company is going to compete with a public entity for garbage disposal, for water treatment, for schools—there are some circumstances in the country where private schools have competed with public schools—in every case, the private entrepreneur goes into it knowing that he or she is going to be competing against public funds. The issue is, where do the public funds come from? Going back to the first conversation I described with my first mayor, remember what it is he says happens: The Feds give us this requirement, and we have to raise the taxes to fund it because they do not give us any money, and the taxpayers get mad at us.

This bill is not going to magically create the money at the Federal level. This bill is going to say to the local mayor: You get to make the right choice as to how to solve this problem, and if you solve it with public funds raised by your taxpayers, you are doing exactly the same thing you are doing now. The difference is that you get to choose what makes sense.

I have a favorite example of the way these mandates work does not make sense. In Utah, we have the world's largest salt sea. It is called the Great Salt Lake. I do not know why the Great Salt Lake is a lake and the Dead Sea is a sea when the lake is about 10 times bigger than the sea. But that is neither here nor there. That is the way the language works out. The Great Salt Lake is absolutely undrinkable, uninhabitable. It is as foul a place to be, in terms of an environment for a human being, as you can find. I have one of my constituents who says the Great Salt Lake is good for two things only. No. 1 is sunsets. We have spectacular sunsets over the Great Salt Lake. No. 2 is salt. They block it off in salt fonts and go out with bulldozers and gather the salt together and process it, and we sell salt in the world's salt market. That is all it is good for. I tell you that because of the example of the unfunded mandate.

Here is a city along the front of the Wasatch Mountains, between those mountains and the Great Salt Lake. Here comes the Federal Government and says to the city: "Your water purification system is inadequate."

The city says: "What? We have never had any cases of any disease of any kind in our city. Our water purification system works perfectly for the residents in our city."

"No, no," says the powerful, all-knowing Federal Government. "It is the people downstream from you that are getting water from you that is not drinkable. So you must change your water purification plant in such fashion that it not only purifies the water so that your citizens can drink it, but that the citizens downstream from you can drink it. The citizens downstream from this city are the brine shrimp in the Great Salt Lake, because the water that comes out of the water system of this city ends up in the Great Salt Lake, where it is instantly rendered undrinkable by Mother Nature. But this fella says to me: "The Federal Government is requiring us to spend $600,000 to clean up our water to the point that it is drinkable just prior to its being emptied into the Great Salt Lake, where it instantly becomes undrinkable."

That is an example of a stupid mandate. He says, "If the Federal Government wants to give us $600,000 to pay for that facility, I guess we will take it, but, Senator, it really makes more sense for the Federal Government to trust us to make the right decision and stop the mandate altogether."

In all of my touring of all of those mayors, Mr. President, I never met a single mayor who was committed to poisoning the population of the city. I never met a single mayor who needed to be prevented from doing that. Yet, the Federal Government comes in with these mandates saying, you do not know what is best for your citizens. We will mandate these things to be done, and we will require you to raise your taxes to pay for it.

One final point, Mr. President. I discovered, as I got into this, that it was not just the mayors. I was talking, in the course of the campaign, about my newfound knowledge in the unfunded mandate field with some members of the State legislature. One looked at me and said: "Unfunded mandates will bankrupt this State within 5 years." He said: "We are being forced to come up with money to meet the Federal mandates, and I tell you, I sit there in the State legislature and I see the financial trends. And unfunded mandates will bankrupt this State within 5 years." I thought, holy mackerel, that is really serious. Then I looked at him and I decided he is an alarmist. There is something wrong with him. He cannot possibly be right. So I went to another member of the State legislature that I knew to be a very reasonable, solid guy and I said: "Tell me about this unfunded mandates thing. So and so over here says in 5 years the State of Utah will be bankrupt from the burden of unfunded mandates." "No, no," he says. "He is much too alarmist, no." I said, "I am glad to be reassured." He says, "No, it will take 7."

This is a serious problem, Mr. President. It is something that could threaten to bankrupt my State in between 5 and 7 years if it is not turned around, and that is something we must address.

So I close by, once again, paying tribute to the leadership, the tenacity, and the skill of the junior Senator from Idaho, who remembered from whence he came as the former mayor of Boise and brought that experience to the floor, brought that experience to this body and has almost single-handedly brought us to the point where we are debating this vital issue in this vital way.

I do, at the same time, wish to recognize the leadership of the Senator from Ohio [Mr. GLENN]. I have had the privilege of serving on the Governmental Affairs Committee when he was its chair, being present at the first hearing which he held where Senator KEMPTHORNE, Senator MOSELEY-BRAUN, Senator FEINSTEIN, and others, came and testified on this issue. I remember his commitment that this would become a priority and he would move it. Even as we pay tribute to Senator KEMPTHORNE and the work he has done, we must recognize that if it had not been for the cooperation and leadership of Senator GLENN, we could not have laid the predicate in the last Congress that makes it possible for us now to take this action in this Congress.

This is a battle in which I am happy to be a soldier, because I recognize those who lead have more experience and background. I want to make it clear that the soldier status does not in any way diminish my enthusiasm for the battle. I will be here and will do whatever I can to see that this is done.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, last year, the President and the administration backed S. 993, which was the predecessor bill to S. 1 of this year. There were a few changes made this year as we moved to S. 1, and it became the prime bill this year. Senator DOLE selected it as the No. 1 bill to be considered. There were just a few changes. I did not think they were major enough that the President would have any problem with still supporting this legislation. But I asked that they check on this with the administration and make certain that the President still supported this bill.

The President does support this legislation, Mr. President. I am glad to announce that. In a letter dated yesterday, delivered to us this morning, a letter that he sent to both Senator DASCHLE and to Senator DOLE, he states as follows:

DEAR MR. LEADER:

As you know, this Administration supports legislation to address the burgeoning growth of federal unfunded mandates.

I am pleased that tomorrow the Senate will begin consideration of S. 1, the Unfunded Mandate Reform Act of 1995. I believe it is critical for the Senate to act on this matter.

Let us not miss this opportunity to work in bipartisan cooperation to strengthen our Federal, State and local partnerships.

Sincerely,

BILL.

I ask unanimous consent that the letter be printed in the RECORD so that everyone will know that the administration does support this.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 11, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you know, this Administration supports legislation to address the burgeoning growth of federal unfunded mandates.

I am pleased that tomorrow the Senate will begin consideration of S. 1, the Unfunded Mandate Reform Act of 1995. I believe it is critical for the Senate to act on this matter.

Let us not miss this opportunity to work in bipartisan cooperation to strengthen our Federal, State and local partnerships.

Sincerely,

BILL.

(Mr. BENNETT assumed the Chair.)

Mr. GLENN. I know, from having talked to the President last year, Mr. President, that his previous service as Governor of Arkansas left him with a particular appreciation of this problem because he was faced with it as Governor. So I did not think there would be any question about his support this year and there is not from this letter.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise as a cosponsor and supporter of S. 1.

I wish to congratulate Senator KEMPTHORNE, especially for his leadership on this issue. I am delighted to have it up on the floor of the Senate so we would not have to listen to him every week saying that unfunded mandates should now be considered on the floor.

I also wish to compliment Senator GLENN for his leadership on this bill, as well as Senator ROTH and Senator DOMENICI for their contributions in making it happen and making it happen this quick.

Most of all, I wish to compliment Senator DOLE, because he made it S. 1 and made it one of our highest priorities. The first priority was to make Congress abide by the laws like everybody else, and I compliment him for that. That is long overdue, in some cases as much as 50 or 60 years overdue. I am pleased the Senate was finally able yesterday to pass that piece of legislation. Some of us have been working on that legislation for years.

Some people have expressed dismay at the fact that it took the Senate a week to pass the congressional compliance bill. Well, there are 10 different statutes. Some of us, as I mentioned, have been working for years to make pass congressional coverage legislation and we passed it in a week. It maybe took longer than some of us would like—I know the managers of the bill would liked to have passed it a little quicker—but at least we passed it.

Now we are on the second item of our legislative agenda, which I think is equally important. Both of these items—making Congress abide by the laws like everybody else in the country and, two, making sure the Congress does not pass unfunded mandates on cities, counties, and States—are vitally important.

Any of us that have had town meetings and talked to our elected officials, know they repeatedly complain about the imposition of Federal mandates that are not funded. Localities tell us, "You're always telling us what to do. You don't give us the money to do it. You are telling us we have to spend our resources in a way that maybe is not the best use of those resources."

They complain, and legitimately so. And I believe this legislation will rectify that.

So I compliment the authors of the legislation. I think it is a giant step in the right direction.

And I note that it has been pointed out that Senator KEMPTHORNE is a former mayor of Boise, ID, which shows his influence. A lot us have held different legislative offices. I have heard former Governors speak here. Senator GREGG mentioned his experience as a Governor; Senator BENNETT mentioned his experience as a businessman. I too had a business in the private sector.

I also used to serve in the State legislature. And we really resented the idea that the Federal Government would come in and mandate how we would spend our resources, because we did not have ample resources to meet all the demands that were there, and yet the Federal Government was telling us how we would spend those resources.

So I think this legislation is long overdue and I compliment the authors.

In addition, I will just mention that if we continue the practice of unfunded mandates that just allows Congress to pass hidden taxes, we make the cities and counties and States increase their taxes to pay for what we consider a good idea. We should be up front and if we think it is a good idea, we ought to pay for it. We certainly should not mandate it without providing the funds. This legislation will correct that.

Is this legislation perfect? No. I made a suggestion to the authors of the legislation that I think we can improve it a little bit and hope that we will.

The legislation will prohibit, basically, unfunded mandates on cities and counties and States. The legislation requires a point of order to lie against any legislation which has a mandate unless you provide an estimate of how much it costs and pass the funding to do it. This is the requirement on the legislative branch.

Well, there are two ways that cities and counties and States are impacted. One is, we pass legislation that tells them they have to do something. Another way is if the executive branch, through the regulatory agencies, impose a mandate through regulations. In regards to the public sector, this legislation would prohibit the regulatory mandate going into effect unless funding is provided. In addition, it requires that regulatory agencies have to calculate the costs of those mandates on public sector. And I think that is positive. In regards to the private sector there is not a requirement to provide cost estimates of private sector mandates. We cannot prohibit the mandate on the private sector, at least up to now we have not figured out how to do that, but at least we should know what the costs on the private sector are. The regulatory agency should have to state what those costs are before they would have an unfunded mandate on cities or counties or States.

If the regulatory agencies are going to put an unfunded mandate on the private sector, we should know what it costs.

This legislation does not prohibit the mandate on the private sector, like we do on the public sector.

But on the regulatory side, we say if they are going to pass regulations that have a negative impact on the public sector, we at least should know how much it costs, but on the private sector the legislation is silent.

Mr. President, we can remedy that, I believe, with just a couple of words changed to make sure that we have cost impacts on the private sector as well if it exceeds the threshold level, $100 million. So, hopefully, the authors of this legislation will support that small amendment.

I might mention I have addressed the National Association of County Governments, over 2,000 or 3,000 people, for the last couple of years and it was on this subject. We have all made speeches that have been well received at various times, but when I talked about prohibiting unfunded mandates, I remember an overwhelming reception, because county officials, county commissioners, county clerks, and so on think this is the highest priority.

I might also mention, at the same speech, I was with our friend and former majority leader of the Senate, Senator Mitchell, who also made similar statements.

And so I am pleased that we have bipartisan support for this legislation. I think it is long overdue. Some of us tried to get it enacted last year. We were not quite successful. We ran out of time or it was postponed. The majority leader did not bring it up until late.

I am pleased the majority leader this year, Senator DOLE, said, no, this is going be the number one priority; we are going to bring this up at the beginning of the session. It is the second legislative item we have before the Senate and I am very optimistic it will pass.

I am a little concerned about delaying tactics, but that is not totally unexpected. I hope that our colleagues would come together and let us offer the amendments that are germane and pertinent to the legislation. Maybe the legislation can be improved upon. Let us consider those amendments and deal with those amendments and pass it. This bill has overwhelming support throughout the country from Democrats, from Republicans, from independents, from mayors to county officials to Governors and it should be enacted. I am optimistic that it will.

Mr. President, the legislation does not do everything I think it should do. I am concerned about the overwhelming number of regulations that are now pending from the executive branch. This legislation deals primarily with the legislative branch. And we have thousands of regulations that are now in the pipeline, thousands of which we have become aware of since the election.

So, Mr. President, I am going to be introducing today legislation that will provide a 6-month moratorium on regulations that have been proposed since the election, November 9.

And, Mr. President, I ask unanimous consent to go into morning business for the purpose of introducing this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 219 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GLENN. Mr. President, do I understand we return now to regular legislative action?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. I listened very carefully to my distinguished colleague from Oklahoma, and I must respond although very briefly. I think to say that the people on the other side of the aisle are the ones that are trying to slow things down by putting in amendments rings a little hollow with me after what happened all—not 90-some days ago we were trying to get things through, including congressional coverage, including the S. 993, the predecessor of this bill, and it was being delayed 100 percent of the time on the other side of the aisle, until we did not have time left to get it done—the policy of delay for delay's sake.

In fact, as I said earlier today, I followed one Member out who had been very vocal in opposition to a particular amendment from over here. And out in the hall with the press, he said, "Well, we beat another one. We beat it down."

They said, "What was this one on?"

He said, "Who cares, we beat them." I am sorry that was the attitude, but to think that—I just cannot let it go—that Democrats are the ones slowing it down, had it not been for the Republican filibuster on the other side, by amendment and by direct filibuster, and more clotures filed than any time in history in a comparable period of time, as then-Senate Majority Leader Mitchell pointed out repeatedly on the floor, we probably would have had both of these bills done and gone before this session of the Congress.

So I know until the Senate gets its germaneness legislation some day, which I will certainly support, we are going to have delays. But to indicate that this is somehow a Democratic shortcoming over on this side, after what we were going through on the Senate floor just about 90 to 100 days ago, I cannot accept without objecting.

So I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate my colleague's sentiments. I do not totally concur with his statement. I do remember in 1993, I introduced congressional coverage as an amendment on the floor, and I remember Senator Mitchell, who was then the majority leader of the Senate, objecting, and he was successful in defeating us by a few votes.

I also remember the makeup of the vote, and it was predominantly supported by Republicans, predominantly opposed by Democrats. That is history. That was a couple years ago. My point being, history shows, and the CONGRESSIONAL RECORD will show, many on the Republican side tried to make Congress abide by the laws, and we had a difficult time.

I am delighted we passed a bill almost unanimously yesterday. I think that is a good signal. The House did pass it unanimously and, hopefully, the small differences will be resolved in conference.

Concerning the unfunded mandates bill, I will just say there may have been objection to considering it on the unanimous-consent request, but many of us wanted to consider it much earlier.

Granted, in the last or waning days of session, one Member may be able to block a particular item. I know that many of us were interested that the bill to prohibit unfunded mandates on public sector governments—county, city, State government—we wanted to have that early in the year. For the crowd of the session or because of the administration's interest in pushing health care, or for whatever reasons, Senator Mitchell talked about getting it up but never really made a concerted effort, at least in my memory or my recollection, until the last waning days of Congress when it is possible for any one person to block a particular bill.

That does not really make any difference. I am not trying to revisit history. I also understand my comment made that people on the other side were loving the legislation we had on the floor last week—they had a lot of amendments. My statement on the floor at that time is some of those amendments were good. Senator BRYAN had an amendment dealing with congressional pensions, and I urged him to do it on a separate piece of legislation. It should be considered on its own merit. I think it is a serious piece of legislation, one that I intend to support. Maybe we can improve it. Maybe it will go through Governmental Affairs or go through the Rules Committee and we can handle that, but we do not have to do everything on one particular piece of legislation.

I do not know if that is going to happen on this bill. I am ready and I think most of us on this side are ready to consider amendments to this bill. We would like to pass this bill this week. We may not be able to. Let us pass it next week. Let us take up and consider amendments. Right now, it happens to be Members on the other side of the aisle who seem to be obstructing us in our ability to consider amendments to the unfunded mandates bill and work our way through it.

I hope that we can overcome whatever roadblocks we are now encountering and take up amendments to this bill, work our way through them, and decide how we are going to vote on them. Some of them may be good; some of them possibly should be adopted. And then let us pass this bill. If we pass a bill that prohibits Congress from mandating or passing unfunded mandates on cities, counties, and States, if we pass a bill that says Congress should have to comply with the law, if we pass a constitutional amendment to make us balance the budget, if we do that in the first few weeks of Congress, I think we will have had a pretty productive start to the 104th Congress. I hope that will be the case.

Mr. President, I yield the floor. I thank my colleague.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will reply briefly, but I was handed a few moments ago a list of possible amendments. They include amendments by people on both sides of the aisle, and that is fine. I say to my friend from Oklahoma, there are a couple here that are very, very major that have been put in from the Republican side.

I am not here to debate all this. Both sides of the aisle have problems enough in keeping germaneness under control when we get to these things. Obviously, there was a scorched-Earth policy against anything we were trying to do last year. Last year, appropriations and authorizations bills were delayed, as well as other things. It was not all health care and things like that. That may have been part of it.

I will note, S. 993 was voted out of committee last year on August 10, and George Mitchell, our majority leader, wanted to get it on the floor and he talked to me about scheduling it. It was because of the delays on other bills that we could not get it up. We tried to do it by unanimous consent in the last few days of the session, and that failed. At that time, there were objections on both sides of the aisle. We wound up with one objection on our side we could not work off.

I do not think it does much good to do finger pointing. With the change of leadership, I certainly look forward to cooperating. I think the more we stay away from this finger pointing of the past and try to make certain we cooperate in things that are important for this country, like this bill, the better off we are.

So I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to, first of all, say to my colleague from Montana, I will be very brief. After having heard Senator GLENN just emphasize the importance of not doing any finger pointing, I am reluctant to do so. But, Mr. President, I just want to make a couple of very basic points.

One is if, in fact, I hear the argument much more about delay or obstructionism, I will come to the floor and perhaps just go through every single amendment offered on the other side of the aisle which was not germane or relevant to different bills that we had on the floor. It is really rather amazing—really rather amazing. So I think we have to move forward, and the past is the past, but I would not want to let certain Senators get away with that argument.

My second point, Mr. President, which has nothing to do with the past but has to do with the now of this session, is having been a Senator out on the floor this past week with some amendments, I just would like to say to my colleagues—though I did not hear some of the arguments that were made—that if we are going to talk about congressional accountability, I think to talk about gift ban, I think to talk about trying to make this Congress more accountable, this process more open, this process more honest, is hardly irrelevant.

The third point I want to make, not at all in a defensive mode but it is something I feel very strongly about, is I think if my colleague from Oklahoma would check with my colleague from Iowa, Senator GRASSLEY, one of the things he will find out is that unlike the past Congress where there was discussion of offering hundreds and hundreds and hundreds of amendments and not agreeing to time limits, I always said to the Senator from Iowa on the last bill, "I am going to vote for the piece of legislation. I will be willing to do this within a reasonable period of time. Here I am on the floor, ready to go with amendments."

So, A, this sort of finger pointing does not work because, frankly, it is not credible given what happened last Congress. The fact that the obstructionism and the filibusters of last Congress is not credible does not mean that we on this side of the aisle should do the same thing.

But I would like to say, since the Senator from West Virginia [Mr. BYRD] is not here, that I do believe a Senator has a right to make what I think is a reasonable request, which is that when we deal with a piece of legislation—which, by the way, I may vote for as I am not necessarily opposed to this piece of legislation; it depends upon how it all works out on amendments—a Senator has a right to say this deals with the very core of the interrelationship between the Federal Government and State governments. We do not have the budget report. I want to be able to look at that. I want this to be a thoughtful, important debate. We are about to make major, major decisions.

That hardly represents obstructionism. That is called careful analysis of legislation, and that is what I think we will do. I think we will have an important debate. I am sure there will be amendments, and I think we will move forward.

But, Mr. President, having been someone who was working very hard on campaign finance reform, on gift ban lobbying legislation, much less health care—all of which was stopped toward the end in one way or the other—I find it a little difficult to let some of these arguments go by. I certainly will be back in the Chamber. As a matter of fact, I say to my colleague from Oklahoma, I was hoping the Senator from West Virginia would be willing to lay the committee amendment aside so I could get started on an amendment today. I am ready to do so. I am ready to have a vote. And by the way, it will deal with children. And by the way, it will deal with making sure that we have an amendment to this piece of legislation that says when we look at the impact of the legislation we pass on State and local governments or on businesses, we certainly can look at the impact of this legislation on children.

We all want to have photo opportunities next to children, and before we pass bills or amendments or we make cuts that in fact could impose some real pain on children in this country, I think we ought to be willing to look at the impact.

I cannot do it yet because the Senator from West Virginia has made I think a credible argument, which is we need to have the full analysis of this legislation.

So, Mr. President, I have no more to say now. I yield the floor. I did not want to, while I just was kind of passing by the Chamber, let other Senators talk about gridlock and filibusters and obstructionism based upon what happened last session, based upon a very valid set of concerns the Senator from West Virginia has, and based on the fact that I am going to be here in the Chamber with amendments holding colleagues accountable. I hope to pass those amendments, to do it because I love being a legislator, having the honor of being a Senator from Minnesota, and I am not going to let anybody call that obstructionism.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today in strong support of the Unfunded Mandate Reform Act of 1995. This just did not start with this Senator in 1995 or even 1994. I can remember back in 1992 when the manager of this bill was running for this office, and it was one of his priorities then. He was mayor of Boise. I went to Idaho on his behalf.

Coming out of county government, I understand the impact of some actions that are taken by this Congress, signed into law by the President, and then meant to be carried out by State and local government. I think probably the best job I had in politics was my first elected job which was commissioner in Yellowstone County, MT. Believe me, we learned the impact of unfunded mandates because when I went in there was an initiative passed in the State of Montana called I–105. Our taxpayer revolt started way back in the middle eighties. I do not know whether yours started then, but that is when ours started. It said that you cannot raise taxes unless you do certain things in your tax code both locally and at the State level. That put a lot of pressure on county budgets.

But where it differs at this level from that in Yellowstone County, one has to remember we had to maintain reserves. In every line, every department you maintained reserves because you only collected taxes twice a year, and through some of those areas you had to operate your Government but you also always maintained a reserve for unexpected things happening in your county in every line. I wish we could do that at the Federal level, that there would be something that tells us we have to maintain a reserve for emergencies and it takes an emergency to go into the reserve funds that you have.

So we understand the impact especially of unfunded mandates on budgets of county government. I can go home and talk to people now—our legislatures are in session now—and the budget people tell you that right now Medicaid is driving State budgets, an entitlement is driving State budgets, and that is why there are so many legislatures that are really wrestling with this situation called tax time and then the voter resentment or the ire of the voter during this taxing time.

We hear a lot about accountability, and we passed a bill yesterday that I favor. But accountability as far as we as legislators starts at this level right here. This is where accountability starts. We can talk about all those other things—campaign finance, all these other areas, and, no, that is not accountability. Accountability is what we do to and for this Nation and the constituents we represent because not every State does it the same, not every county does it the same. So we have to be aware of this.

With the stroke of a pen, we mandate that local governmental entities do certain things without sending them a check with which to carry out the edict. In my State, where folks are still rebelling against taxes, the only practical way to achieve these mandates is to cut something somewhere else or comply or work to where you can get around I–105. Budgets are already lean, so basically we are asking those folks who represent us at the local level to balance their budgets. By the way, they have a mandate, too. In fact, they have a law. Your budget has to be balanced. You have to account for the dollars.

It is estimated that counties are spending about $4.8 billion each year to comply with 12—only 12—of the many unfunded mandates in Federal programs already in existence. That cost is expected to rise—in fact, some estimates have the pricetag rising to as much as $33.7 billion in a 5-year period between 1994 and 1998.

The Senator from Oklahoma raises a very good point. Yes, we can maybe pass this bill, but what happens to those entities that would do business by administrative edict or fiat? What implications might that have also on county and State governments?

We can look around, and we can see a lot of areas where, yes, we probably need some help—underground storage tanks, safe drinking water, Endangered Species Act, immigration. We can name all kinds of laws passed by this body that have to be carried out by local governments. In fact, in Yellowstone County those cost almost $400,000 in fiscal year 1993. In Gallatin County—that is Bozeman over in the south central part of the State—a county with less than half the population of Yellowstone County, the cost of those same things is around $900,000. That does not sound like a lot of money to Washington, DC, or this Hill, but in my State where I only have about 850,000 folks, it is a lot of money. And so no wonder folks turn around and say you guys back there are out of touch.

Now, I am not saying that we should stop legislating, although some in my State think maybe a breather would not hurt right now. But we are not going to do that. I am saying we here, who are thousands of miles away, should stop, look, and listen before we pass that legislation and see the impact it has on our neighborhoods. Stop mandating those expensive, sometimes unnecessary programs without providing some means to pay for them.

I think I would take a look at the rules and regulations handed down in a discussion we had about 4 years ago on the situation that was passed on to small business, principally those folks in the filling station, service station business, this business of underground storage tanks. One rule written by the EPA here, sort of one-size-fits-all, did not fit some of the areas in the rest of the country. What works in Virginia in the soil type and everything else did not work as far as the more drier area we have in Montana or the West or whatever. If so, our inability to write rules and regulations that consider the problems on a case-by-case basis almost seems impossible as far as those folks who write administrative rules.

So what we should do is take a look at this. If Congress really thinks it is essential, if we have a situation where public health is at stake, or national security, then I think it provides in this bill that we can go ahead and get that job done. Yet we are still drawn to the fact that for all others we have to find some means of financing the rule or regulation or the impact of the legislation.

I am sure many of my colleagues have seen the publication that the National Conference of State Legislatures puts out. It is called Federal Mandate Watch List. I looked at the April-June 1994 issue that covers mandates on State and local governments just introduced in the 103d Congress. They list 190 bills that are unfunded mandates, 49 bills that are listed as mandate relief bills; 190 bills just in one Congress. I would say probably some folks would classify that as irresponsible, not taking a look and seeing what we are doing. And that is what we are talking about here in this piece of legislation.

What a difference one election makes, when we start talking about what is important and what is not important in the agenda, and the priorities as far as this body is concerned, of trying to fix a situation that has been broken a long time. So, if we really think a mandate is necessary then let us find out a way to pay for it; provide a way so that they can afford the mandate that is being thrust on them. But let us start listening to our Governors and our county commissioners and our mayors, and working with those folks to make this thing called Government work for the people. After all we serve the people. Otherwise, we just cannot stay on the path that we are on. It is just the Government, like the camel, continuing to get its nose under the tent. I know Montanans do not want that. I cannot imagine they are any different than the folks in Kansas, or Florida, or Massachusetts, or even, yes, our great neighbor to the south, Utah.

Our county governments and State legislators know the priorities for their residents a whole lot better than we do here. We must remember, in most city government and county government the names of those commissioners or councilmen are in the phone book. Folks can call them at supper time and register their complaints. That is the way it is in our part of the country, anyway. And that is good. So they are pretty much in touch with the people they serve because they see them on the street, they see them at the local basketball game and the local football game, at their churches and their schools. They understand the problems that their communities face. And they also work pretty closely with the citizens to solve some of those problems.

So I urge my colleagues to pass this bill. Yes, there will be some amendments. Some I will support and some I will not support. But I think if there was a reason, one reason, why most of us are here, it is to represent truthfully and be accountable to the people we represent. And it starts with this right here: Knowledge of the impact this legislation will have on our neighborhoods.

A great Speaker of the House, Tip O'Neill, said, "All politics is local." He was right. We are not exempt from that here. We are not exempt from that here. Most of us still represent that neighborhood in which we were raised.

So I urge my colleagues to look at this legislation, study it, support it. If you want to see true accountability, and especially with the bill that was introduced by our friend from Oklahoma on the moratorium, as far as the issuance of rules and regulations, it makes sense to me that the body that passed the legislation, or the committee of jurisdiction, maybe should take a look at the final rule before it goes into the Federal Register to make sure that it does do what the legislation was intended to do. All of us have, from time to time, taken a look at rules and regulations written as a result of past legislation and it looks nothing like the law. We have people who say: We have this law, let us just do anything we want to, we will write the rules and then we will worry about it later.

That I think is one of the situations I can see where we fall down in this body. Maybe we serve on too many committees. Maybe we get too busy. We do not spend enough time, us personally, getting involved in the business of oversight, especially in the writing of the administrative rules of the legislation that is passed and signed by the President.

I think this is a step in that direction. I think it makes us look, makes us study. Maybe we can answer those hard questions when we go home about some of the legislation that we should be accountable for because of how we vote down in that well.

Mr. President, I urge all my colleagues to support this piece of legislation. It is important. The leader has made it number one, and that is where it should be. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I enthusiastically support this legislation. I am pleased we are addressing this vital issue early in the session, to show how important it is. The mayors, council members, Governors all across this country have been crying out for relief of the regulatory and financial burdens imposed by the Federal Government. I applaud them for their diligence in this effort, but they really had no choice. Their constituents simply cannot take it anymore.

Those of us who have served in State and local government—DIRK KEMPTHORNE, the manager of this bill; JUDD GREGG, BOB GRAHAM, JOHN ASHCROFT, and others know so well the impact of these mandates on the budgets of State and local governments. We can empathize with the problems unfunded mandates have caused for State and local officials, and the tough choices they force for those precious State and local funds.

Passage of this bill will send a clear message to State and local government leaders that we have heard their cries, that we want to work with them to reduce these pressures on the taxpayers of America. It will also send a message that we intend to return to the proper role of the Federal Government.

James Madison said it clearly. He said:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in State governments are numerous and indefinite.

This is the third time in my very short tenure in the Senate that I have spoken on the floor on this issue. But we have yet to pass this bill. We need to pass it because if we do not, the States are going to, rightly, reassert the 10th amendment of the Constitution.

In Texas, Representative Robert Talton states in a "Dear Colleague" letter to Texas House members, "Almost one-third of the increase in the State budget over the past 3 years has been the result of unfunded Federal mandates"—one-third. It is time to put an end to this malicious abuse of the 10th amendment. Seven resolutions are now pending in the Texas Legislature to send a clear message right up here to us to stop the unfunded Federal mandates.

A recent Texas Legislative Budget Board study showed Texas spending $9.7 billion on unfunded Federal mandates from 1990 to 1995. Here are a few examples of how that spending adds up for our local government in Texas.

Dallas has seen its storm water treatment costs triple to $16 million in 5 years. They will face logistical and financial problems meeting Clean Air Act requirements of having 30 percent of its municipal fleet of vehicles use compressed natural gas by 1998. First of all, with other cities clamoring to meet the same requirement, there will be an inadequate supply of gas powered vehicles available. Conventional vehicles will have to be retrofitted to meet the requirement and the residents of Dallas will have to pay that bill. Refueling will be troublesome because they don't envision the convenience of natural gas they now enjoy with gasoline.

EPA has mandated centralized vehicle inspection to meet standardized emission testing requirements of the Clean Air Act in El Paso. Not only will that cost them additional money, it eliminates a service currently provided by privately owned gas stations. Here is an example of the private sector suffering from unfunded mandates because those gas station owners will lose revenue. And we know what that means—eventually the loss of jobs.

Houston estimates that it has the second highest water and wastewater rates in the Nation. The $42 monthly payment for residential usage is second only to Boston's $51 a month. To comply with the Clean Water Act, Houston began improvements on its sewer system 3 years ago, a project that will take another 4 years and run $1.1 billion in capital expenditures and $65 million annually for operation and maintenance.

Amarillo, a city of 158,000 residents, has had to triple its budget for wastewater treatment, from $10 million to $31 million, to meet EPA treatment renovation requirements. Their northwest plant, which was a state-of-the-art facility when constructed in 1988, had to be retrofitted to meet EPA's new permit requirements. That cost them $10 million—$10 million they had not budgeted for this because they thought they had built a more than adequate system. They did not expect EPA to change the requirements every 5 years.

Nacogdoches, a Texas town that my mother was born in—30,000 people live in Nacogdoches today. Nacogdoches happens to be the town in which my first predecessor also lived, Thomas Jefferson Rusk. The first person to hold this seat came from Nacogdoches. It probably had about 30,000 then, and it does now. They have seen the cost of operating their landfills triple due to changes in subtitle (b) landfill requirements.

I mention the populations of Amarillo and Nacogdoches to give my colleagues a sense of the burden unfunded mandates place on citizens of small cities and towns especially. They simply do not have the resources to cover the costs of these mandates. One-size-fits-all solutions cripple these smaller towns.

Every State in America can duplicate the story that I have just told about a range of cities, from the largest to the smallest, in my State.

I hope we can move swiftly to enact this legislation. Let us live up to our responsibility to address the impact of unfunded Federal mandates.

I know this bill does not apply retroactively. I wish it did. But at least we can say we got the message to State and local leaders that you can be assured that we are not going to bombard you anymore in the future, that we will have the facts, and that we will send the money if we decide something is important enough to do that we tell you you have to.

That is part of our charge and it is part of the charge that Senator BOND of Missouri and I have on our Regulatory Reform Commission. This is what Americans are saying they want changed: Give us relief. Give us relief from our local tax burdens caused by the Federal Government, and give it to us in our businesses so we can get about the business of competing again and creating new jobs in this country.

So we need to make sure that we take the steps for the future. And then Senator BOND and Senator NICKLES and I are going to try to come back in and look at what we have to do through the regulations that are now on the books because a lot of mayors have told me, well, you have done a lot of damage. Even if you change it now, we still cannot live with all of the changes that we are seeing that have come from the past.

So we can do something about that, but let us take the first action first. Let us keep the faith with our States and local leaders, and most importantly, with the taxpayers who are footing the bill at the State and local level, as well as at the Federal level; all the same people. They need relief and they said so on November 8. This bill will be the first step in the right direction to show that their votes did send a message. The message is received, Mr. President.

I want to especially thank my colleague, Senator KEMPTHORNE, from Idaho. He is a former mayor of Boise. He has done a wonderful job of staying with this bill. As I said, we have had it up before and it has gotten knocked down for one reason or another. But he stayed in there because he knew how important it was. And a mayor is the person on the front line. Senator KEMPTHORNE should be thanked for his dogged determination to try to correct the force of this Federal Government as it relates to our State and local governments under us.

So I thank him and I urge my colleagues to support Senator KEMPTHORNE. I am proud to be a cosponsor of this bill myself. I hope that we can pass it and put it on the President's desk and say to the people of America "Signal received."

Thank you, Mr. President. I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise to revisit an issue that I addressed in the last Congress, the problem of unfunded Federal mandates on State and local governments.

I have always been generally opposed to unfunded Federal mandates on States and localities, and I introduced a bill in the last Congress to address this problem, Senate Resolution 69. Revenue sharing, in my judgment, was an excellent program. Unfortunately, it was terminated. But nevertheless it provided funds to local and State governments to carry out mandates that were imposed on the States and local governments by the Federal Government.

This is not to say that all the mandates have been bad. I think there have been a number that have been good. We have generally followed the carrot approach relative to mandates by saying that if certain programs were adopted, then the Federal Government would come forward with revenues to assist them.

The November Elections have given advocates of ending unfunded mandates momentum, so I am confident that Congress will soon pass legislation addressing this issue once and for all. I believe the proper vehicle for achieving this goal at this time is the bill that we are now debating, S.1, the Unfunded Mandate Reform Act of 1995, of which I am an original cosponsor.

I think the fact that it was designated as S. 1 indicates the priority that was given to it by the sponsors and the leadership. They wanted local and State governments and the American people to know that this was a top priority on the part of the U.S. Senate.

As you know, because of the new federalism mood which prevailed in the 1980's, responsibility for the provision of several public services was shifted from the Federal Government to the State and local governments in an effort to shrink the size of the Federal Government. In some instances, the Federal Government simply failed to provide public services, creating a void that State and local governments had to fill; while in others it mandated that State and local governments and businesses fulfill them—without providing the necessary funds to finance their implementation.

When I use "business," I use it in a broad sense to include farmers and self-employed people.

At the same time these responsibilities were shifted from the Federal Government to State and local governments, funding from the Federal Government to States and localities was cut dramatically. As a result, State and local governments have been given additional responsibilities but less funding with which to carry them out.

The magnitude of the costs to State and local governments of complying with unfunded Federal mandates is staggering. Recent surveys estimate that the most Federal mandates are currently requiring annual expenditures of $11.3 billion by cities and counties, and that the cumulative costs over the next 5 years are expected to total $88 billion. Cities and counties reported that the costs of complying with these mandates consumed an average of 12 percent of their locally raised revenues.

The U.S. Conference of Mayors surveyed 314 cities regarding the costs of complying with 10 specific mandates affecting cities. The current year costs were found to be $6.5 billion. Three Alabama cities were included in the survey: Birmingham, Gadsden, and Huntsville. By way of providing an example of the costs of compliance to localities, the total costs of complying with these unfunded mandates for fiscal year 1993—the last year for which figures are available—were as follows: Birmingham: $2,445,300; Gadsden: $373,000; and Huntsville: $9,076,087.

Likewise, the National Association of Counties surveyed 128 counties across the country and found that counties are spending an estimated $4.8 billion annually to comply with 12 specific Federal mandates.

In a federal system of government, such as ours, it does not make sense for one level of government, such as the U.S. Government, to dictate how other levels of government spend their locally collected taxes. This violates the basic principles of a federal system of government in which the various levels of government are autonomous units of government, independent in their sovereignty and subordinate not to other levels of government, but to the Constitution and ultimately to their citizens.

The recent trend toward dictating unfunded Federal mandates on State and local governments is not consistent with traditional American federalism and has therefore caused serious strains between the various levels of government in our federal system as these mandates have been passed down. Instead, a policy of reliance on unfunded mandates is consistent with a unitary form of government, such as Great Britain's, in which all authority is in the hands of the central or national government and local governments are subordinate, and can be considered branches, in effect, of that central government.

Therefore, resolving this issue is not just a matter of providing much needed assistance to our State and local governments by reducing the burden of unfunded mandates. It will also serve the larger purpose of restoring American federalism by reestablishing the proper balance between the levels of government in our federal system.

I hope my colleagues will support S. 1, the Unfunded Mandate Reform Act of

1995. It will promote greater accountability and responsibility on the part of Congress with regard to the Federal Government's impact on State and local governments, and will therefore serve to restore the integrity of American federalism by ending the scourge of unfunded mandates.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, as a former State senator, I appreciate how important this bill is. I have been there, and I have had to trudge through, and try to figure out how to pay for Federal programs.

Two years ago, I came to this city as a reformer.

Mr. President I know this legislation speaks to the whole relationship between the Federal Government and the States. It is about our very rights and obligations as Americans. And, for that reason, I am concerned, Mr. President. This bill is very broad. It is a 10-second sound bite with years of implications. In some cases, it might go too far. In some cases, it might not go far enough.

But, I wonder, how many of my friends and neighbors understand it? How many ordinary Americans have even heard of it? How many of us truly understand the long-term implications?

This legislation will affect just about everything we do in the Senate, and it will essentially affect the lives of every American.

So, Mr. President, why are we rushing through this? We need a lengthy discussion of this bill. The American people need to understand the very real implications of this bill. Ordinary Americans should be part of the dialog. In this debate, and in every debate in this Congress, we should be prudent. We need to realize that every action we take here affects millions of Americans' lives and rights. And, I have to say, Mr. President, I am worried about the implications of this bill.

It seems to me that Senators have very different goals. Some want to use this bill to gut environmental protection laws. Some want to gut laws which protect people with disabilities. Some want to eliminate labor laws, like workplace fairness. And, the laws which combat crime, And, laws that go after child abusers.

These laws—which I guess we're just going to call mandates from now on—these laws protect the rights of ordinary Americans.

That is why I think we need to keep some balance here. I want to make sure before I cast my vote that we are not acting rashly, and we are not ignoring people's very rights.

Mr. President, perspective and balance are two important concepts I think we need to keep in mind as we go through this debate.

I commend the work of our colleagues, Senator GLENN and Senator KEMPTHORNE. They have provided real leadership here by educating us on the issue of unfunded mandates. They have certainly put that issue in perspective. And, so has my friend from Michigan, Senator LEVIN.

I firmly believe Congress has to assume the responsibility of ensuring a quality of life for the people we represent. That is why we are here. And, we also have the responsibility to tell people that this quality of life costs something.

Every American wants to go through the day knowing they are secure, because we live in a country where we have basic protections. I want to be sure when I wake up in the morning and make oatmeal for my kids, the water that comes out of the faucet is safe to drink.

Every parent wants the assurance that the school bus their children are on has been built under tough safety standards, so it will not fall apart on the way to school.

Every American worker wants to be assured they will not get cancer from a video display terminal, that they will be protected by labor laws, and by OSHA laws. All of that can happen in this country because of Federal mandates—the laws we pass—laws that say, "as an American, you can be sure there are basic protections and assurances you will have."

Last year, we passed the National Child Protection Act. This bill requires a State to report child abuse crime information to a national criminal background check system. That is a Federal mandate, and it is keeping our children safe from abusers.

Last year, my good friend and colleague—the senior Senator from the State of Washington—worked hard to include in the crime bill a very important provision on sexual predators. States will now register the addresses of convicted sexual predators when they are released from prison.

That is a Federal mandate, and it's making our streets safer.

Several years ago, the Congress and President Bush made life better for people living with disabilities. The Americans With Disabilities Act has improved the quality of life for people across the country. And, the ADA directly helps many people important to me—like the women and men who have served our country in uniform, and were injured in war.

The ADA is a Federal mandate. And, it is making life better for our disabled and paralyzed veterans.

And, in my corner of the country, look at all the progress we have made because of the Federal Government's involvement.

Lake Washington has been cleaned up and so will be Puget Sound and Commencement Bay. And, that is because of a Federal mandate.

Mr. President, I am the first one to agree that Congress should not require local jurisdictions to conduct unnecessary and costly studies. And, I strongly believe in streamlining and eliminating the bureaucracy.

But, Mr. President, if we did not require environmental impact studies, could the Government just come in and string a thousand megawatt powerline over your house? Could the Government just bulldoze a superhighway around your neighborhood? Could the Government just place a landfill at the end of your road? What would that do to private property values?

It would devastate them. And, that would be wrong. It is certainly not what the American people want.

These are all examples of why we need to go slowly; why we should take our time and really have a serious discussion of this issue; why we cannot rush through this process.

Mr. President, this bill might be too sweeping. As I said, it might go too far.

And, on other hand, it might not go far enough. For example, the State of Washington is home to Indian reservations and many military installations. And, in Washington, there are more than 60,000 students enrolled in schools on reservations and military bases.

As we have heard here many times, Mr. President, the tax bases of local jurisdictions are seriously affected by all sorts of Federal activity. That is certainly true of educating these children. And, Congress recognized that.

In order to compensate for his influx of the Federal Government into local school districts, we established the Impact Aid Program.

It is a good program. It acknowledges our society's responsibility to educating all American children and the Federal Government's responsibility to local school districts. It is a good program—in theory. But, in reality, it does not work out so well.

Unfortunately, local taxpayers—not the Federal Government—have to pick up about 60 percent of the cost of educating these children. Local jurisdictions cannot tax these Federal facilities. Local jurisdictions are forced to pay for the education of children on Federal lands. The Federal Government has not been picking up the tab.

The Federal Government brings kids to bases all over the country, and then tells local neighborhoods, "you have to pay."

My State also contains the Hanford Nuclear Reservation. We have been struggling for years to clean up nuclear waste at this site.

So, Mr. President, you see, I understand the concern of some Senators about inadequate Federal support.

But, if we are discussing the State and Federal relationship, if we are discussing the philosophy of taxation, if we are discussing our rights and obligations, why are we not discussing the

Federal obligation to educate American children of military parents and native American children?

Why are we not discussing the education of the children in public housing? And, why are we not discussing the cleanup of Hanford?

Lets' not assume that just because we are reformers—and I assure my newly elected Republican colleagues they are joining many reformers here in the Senate—let us not assume that everything we are doing in the name of reform in flawless; let us keep things in perspective. Let us stop talking about theory, and start talk about reality. Let us talk about how this bill affects ordinary Americans. The people in America's neighborhoods.

Mr. President, I must say, I am very concerned about how this bill will work out in the long-run.

And, so, Mr. President, I will listen carefully to this discussion. I am still undecided on this bill. And, I will want to see a great deal of balance and a great deal of common sense before I cast my vote.

And, I will have to know that the interests of the people in Washington State are protected.

I know we need reform. But, this approach is like a meat cleaver. It is very broad—and it seems to me sometimes clumsy. It hacks at everything, without regard for the substance of the laws it affects.

I know we need reform, But, when I stand in this body, I cannot forget my responsibilities as a mother. And, I am not convinced this type of legislation will protect our families and children.

I know we need reform. But, I will not stand here and allow this bill to create a new bureaucracy of unelected analysts and political appointees at the Congressional Budget Office.

Who will decide which bill to score first? How long will these cost estimates take? And, what about the costs contained in amendments pending on the floor?

The American people do not want to see a new monster bureaucracy in this city.

Mr. President, I know we need reform. So, I would suggest some balance—like returning this to the committees; like holding more public hearings so every American citizen can really understand how this bill might impact their life, their community, their neighborhood; like considering mandates on a case-by-case basis. Last year, for example, the Senate reached consensus on the need to review and changes mandates in the Safe Drinking Water Act. And, we passed a reauthorization bill that had fairly broad support.

That is a more delicate approach. That is a commonsense approach. That is the proper role of legislation. That is good, solid bipartisan work on behalf of all of our constituents.

And I believe that is what the American people want.

I thank you, Mr. President.

I yield the floor

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, it is my understanding that the first committee amendment is pending, which is a Levin initiative that was offered and was adopted unanimously by the committee. As far as this manager is concerned, we have no further requests for time on the amendment.

I would ask the Chair to put the question on the committee amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I honor and respect my friend. He is doing what he ought to do. He is fulfilling his responsibility. He is seeking to get a vote on the amendment. I respect him and admire him for that.

But, Mr. President, as I said earlier today, we want to see the committee report issued by the Budget Committee and have an opportunity to study it a little bit. We are not ready to vote. This Senator is not ready to vote.

I assure my friend that, in the final analysis, I may vote for this bill. I say that sincerely. I may not. I do not know. I have thought there are some good reasons for legislation of some kind that will deal with at least some unfunded mandates.

But I want to know what is in this legislation. I think my colleagues are entitled to that knowledge. Our staffs need to see the committee report. I will not be in a position to allow a vote on any amendment tonight, at any hour tonight, or tomorrow, at least until that report is available and we have some opportunity to digest it. Mr. President, I say this not in any dogmatic way, I hope. I do not intend to appear to be laying down the gauntlet and say "This shall not pass," but I am prepared to say that we will not vote on amendments until we get that report and have an opportunity to study it. That is a reasonable position. I hope I am perceived as a reasonable man. That is only fair—to not only be seen as a reasonable man but to be a reasonable man.

I know I stand on solid ground. And I stand for a principle here that I think is in the interest of all Senators in the final analysis and in the interest of the Senate and in the interests of the American people.

So I would say to the Chair that I am prepared to talk at length in order to keep a vote from occurring at this point.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously, the Senator from West Virginia can delay this bill as long as he wants. He can filibuster it if he would like. He can talk all night tonight and talk all day tomorrow. But I think the facts of the matter are that this bill is clamored for by Governors, mayors and everybody that understands what has happened to the U.S. Government, taking over responsibilities from the States and mandating what they ought to do with States, cities, counties and others and then not paying for it.

There should not be any doubt. This is a readjustment of the relationship between the Federal Government and the States. This bill, with a few little exceptions with reference to enforcement that, if somebody is serious about, we can explain and debate in half a day, this bill had cleared the Governmental Affairs Committee last year and was not before the Budget Committee as far as a report because we added a point of order to enforce a part of the Budget Act. That is the only significant enforcement change.

As a matter of fact, nobody is entitled to the report that the distinguished Senator from West Virginia suggests tonight that we must have. Because we have been asked for it, we said we will have it. Nobody should be of any misunderstanding that every single bit of information that is in that report was available to the Senators today, because it is extracted in the RECORD in views of the majority and minority and put into a document that everybody has.

The Senator, in honesty, asked for the report. We said we will produce it. It is just a matter of putting "Report" on the cover page and getting it printed. Everybody should understand that that is really not any reason to hold this amendment up. If you will hold up the bill because you want to hold up the bill, that is fine. Everybody has that opportunity, including our distinguished friend, former majority leader, former chairman of the Appropriations Committee, but actually this amendment is 11 amendments, agreed to unanimously in the Governmental Affairs Committee, I say to my friend, and the Governmental Affairs Committee filed a report.

I have been doing everything I can to tell Members that, really, there is no relationship between delaying this bill and waiting for a report. If one wants to delay the bill, fine. Now, nobody as far as I understand from our side has said we want to get this bill through here in 24 hours. Nobody said that. Our majority leader, I say to my friend from West Virginia, said, "Let's get started on it." He asked his committee chairman and we respect him and the institution, "get the bill here as soon as members can." We did that.

All we are doing is saying to the Senate, now take all the time Members want in the normal course of doing business—save a filibuster, which we have to object to—and tell the American people what somebody is up to. Save and except for that, there will be time.

I hear Senators say this is too big a deal, too important. How many days do we want? Three more days? Five more days? Clearly, nobody has even offered an amendment and we have been here for how many hours, 5, 6? I think that is enough time to consider an amendment. I was coming down here tonight thinking there were no amendments, and I was going to speak. I would yield for a moment to anybody that has an amendment. Let us get on with it.

Essentially, I think the distinguished senior Senator from West Virginia makes a point and has the rules on his side. He is merely saying that he is not going to let Members vote. I hope he is saying "for now." I hope he is saying that "for now" that will disappear pretty soon so we will get on with the business of the Senate and the business that our majority leader in deference to the Senate and the people of this country has asked us to help him with.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Chair.

Mr. President, I want to talk in a moment about a statement made by the Senator from Georgia.

The more things change the more they stay the same. It is just on that side now, not on this side. Last year I listened to all of the speeches that we made that were similar to the distinguished chairman of the Budget Committee. We were filibustered on practically everything, and the bills that were filibustered last year are now 1 through 5. You did a great job. People out there think that we could not do anything. Now you all can do it all.

So, we will have a little fun. If the shoe fits, wear it. If it does not, the rule is on our side. I heard that. I would hope that we would be accommodating here and not try to steamroll. We are just getting started. We do not have a bunker mentality yet. And the bunker has not been built.

I would think that the speeches that were made last year we can almost go back to the RECORD and read them, except that side is making them now instead of this side. So we will get around to all these things.

Earlier in the debate the Senator from Georgia, Mr. COVERDELL, spoke of the Motor-Voter Act as an example of the type of legislation the unfunded mandate bill is designed to prevent. He argued that if this bill, S. 1, the unfunded mandate bill had been in effect, the Members who had been made aware of the costs of motor-voter when they voted, and it probably would not have passed. That was his statement today.

Mr. President, motor-voter is not an unfunded mandate as defined under S. 1. Let me repeat that: Motor-voter is not an unfunded mandate as defined in S. 1. It is not a new bill. I offered it 8 years ago. I am glad it is out here now and we are talking about it. I got two Senators that agreed with me. It has become a large slide out there. I can hardly wait to feel the tidal wave come over me when we finally do vote on it. Eight years ago I got a couple of Senators here to help me.

Now, if this bill had been law, S. 1, at the time motor-voter was considered, the motor-voter bill would not have been subjected to a point of order. I want that understood. Contrary to what the Senator from Georgia has asserted, we did know—we did know—what the cost of motor-voter was going to be, as we all know all bills reported by committee have to have a cost analysis by the Congressional Budget Office. CBO did a very thorough analysis, and even consulted State officials in its review of that bill.

Its estimate included the cost impact on the States. CBO estimated the bill to cost the States $20 to $25 million total. That amount would not have triggered the provisions of this bill. Therefore, by definition, motor-voter is not an unfunded mandate.

Furthermore, the CBO analysis found that those direct costs to the States would be offset by savings. For example, CBO estimated that local election officials would save up to $10 million annually because it would reduce the need for extensive temporary staffing close to each election.

Also, it estimated an additional savings of $4 million in postage. That is subtracted from the $20 to $25 million. So this statement of the Senator from Georgia—I hope he will read the bill and look at it and see that motor-voter would not have triggered this bill as now before the Senate.

In the committee report on motor-voter, the minority set forth inflated estimates of State costs. Those estimates have not stood up to those States that have gone ahead with implementation, and 37 of them have. Maybe 38 now. The actual cost of States' implementing motor-voter have been much lower than the minority's initial estimates and closer to the costs projected by CBO.

Opponents continue to rely on inflated cost estimates, which includes the cost of computerization of a State's entire registration rolls.

Mr. President, computerization of the registration rolls is not required by motor-voter—not required. What they are trying to do is to load this on the cost and say they have to do it and go out and spend the money, and then they are fussing about unfunded mandates. It is just not true.

The Senator from Georgia questioned whether there was any benefit gained by motor-voter. I never claimed at any time, that I can recall, that motor-voter would increase voter turnout. What I claimed was that it would increase the number of registered voters and those that could vote if we got them out.

The record on this, I think, is extremely clear. In the first 2 working days in which motor-voter was in effect in Georgia, it added 1,853 new registered voters, almost a thousand a day.

In Florida, on the first working day of implementation, 4,640 new registrants—4,640—were registered the first day in the State of Florida.

In the first week in Indiana, it was reported that 10 percent of motorists getting new or renewed licenses took advantage of motor-voter and registered.

I suggest that these numbers speak for themselves, and it is clear from these figures that motor-voter is working. I suggest—only suggest—that the real concerns of the opponents of the motor-voter bill is the fact that it is working and it is really not the cost of implementation of this piece of legislation.

I have never engaged in a filibuster in 20 years. I have used some parliamentary procedures and used some strategy as it relates to the rules of the Senate, but with the reports we have from the States that are involved—and if there is an attempt to put this amendment on this piece of legislation, I will have to object and I will have to object vigorously. I will have to use whatever means are available to me as a Senator to see that as we move along and as things are really happening out there, and that people are being registered and the cost is much less and it does not trigger S. 1, then I feel like we have made a good start in a good direction.

Mr. President, I hope I do not have to and I hope that there will not be an attempt to put on an amendment as relates to motor-voter on S. 1.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. MURKOWSKI. Mr. President, point of order. The Senator from Alaska has been here and waited through two other Senators who spoke. I do not know whether I have been overlooked or what. I had a brief statement. I ask unanimous consent that I may be allowed to give it at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What was the request?

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to make a brief statement on the subject matter that is before us at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, the Senator does not need consent to do that. He has the floor. He can talk as long as he wants.

The PRESIDING OFFICER. The Chair will state the Chair has recognized the Senator from Idaho. At this point, the Chair also states to the Senator from Alaska there was a speaker on this side, and I then recognized the Senator from Kentucky, and the floor manager asked for recognition. That is where the Chair stands.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that I can yield time necessary to the Senator from Alaska to make his comments, but that I will retain the floor upon the completion of his comments.

The PRESIDING OFFICER. Is there objection? Without objection.

Mr. MURKOWSKI. I thank my colleague from Idaho.

Mr. President, I am pleased to rise today as a cosponsor of this Unfunded Mandate Relief Act of 1995. Unfunded Federal mandates certainly become one of the tools of business as usual in today's legislating to improve the quality of living in America. But in reality, they counteract what we are trying to achieve as legislators by forcing exorbitant compliant costs on our State, local and tribal governments.

Change is what Americans called for during this last election. This bill takes, I think, a comprehensive approach to changing the way we do business here. It has bipartisan support in both the House and Senate and the support of the States and their respective industries and, I believe, the support of a wide segment of America's taxpaying public. So I am ready to support the passage of this bill when we move to a vote in the Senate.

The future of unfunded Federal mandates is about to be changed, and the next step is to move toward providing relief for existing regulations that impose an unbearable cost on State and local governments.

Yesterday, I was visited by residents of the small community of Unalaska, near Dutch Harbor. It is a small island community in the Aleutian chain of southwest Alaska. It is a rather interesting community because it ordinarily has a population of about 4,300. But for about 3 months out of the year, that population increases by about 10,000. The rationale is that it is the largest fishing port in the United States, and the fish that are processed there are processed primarily by workers coming from all over Alaska, as well as other States.

The community is accessible only by air and water. There are no roads. There is a ferry service that makes approximately six trips each year. The residents of Dutch Harbor and Unalaska, one can imagine, could hardly be affected by the proposed legislation on unfunded Federal mandates. But I stress that the heavy financial burdens caused by existing regulations stacked with unfunded mandates reaches out that far.

These folks are not alone. Throughout Alaska and across the country, communities, large and small, are faced with the impossibility of trying to meet the mandates of the Congress. We simply need to provide them with relief.

In Dutch Harbor, the EPA recently issued a notice requiring filtration of drinking water to the city of Unalaska. The filter plant requirement would appear to be in the public health interest, but Unalaska's water system has never, ever been associated with waterborne disease. Their primary source of water is a small stream with its headwaters encompassing an area of undeveloped mountain and volcanic regions. And when a storm occasionally passes through, it stirs up the silt in the stream and the water occasionally exceeds the EPA's accepted turbidity level of 5 units.

Now, Mr. President, the result is that these people, the majority, as I have said, year-round residents, some 4,300, who have been drinking that water untouched by human development for several thousand years are now forced to implement a $6 million water filtration plant, plus foot the bill for operating expenses to solve a problem that does not exist. They simply cannot afford it, but they are mandated under law. The local officials potentially face liability and criminal penalties if they do not adhere to this demand.

This is only one example of many in Unalaska. They must also construct an advanced primary or secondary sewage plant in compliance with Federal regulations at a cost of another $6.3 million, with $200,000 yearly in operating costs. They simply cannot afford it.

They also face extremely high costs of complying with the Clean Air Act. They are forced to reduce emissions from their power generation facilities to meet reduced 1995 emissions.

What are the circumstances here? There are approximately eight generating plants throughout the community. Their power is diesel generated. The EPA monitors over the exhaust. They compile data collectively and they find them out of compliance.

What is not understood is that Dutch Harbor, AK, is probably the windiest place in North America. On an average day it will blow 60, 70, 100 miles an hour in a storm, they have registered 170 miles an hour. Yet the EPA maintains they are not meeting their air quality emissions.

One might ask, well, why not put up windmills. The problem with the windmills is they simply cannot stand the ice that forms on the blades; they tear themselves apart.

These are real people who come to Washington asking us to address a legitimate problem, and it is legitimate in the sense that it affects their livelihood. We talk about millions and billions. These are people who come in to try to explain their circumstances and are asking for relief. This is a fishing community that has been forced to turn away members of the industry seeking a power source because they have already reached the maximum capacity that EPA dictates. They are so caught up in efforts to comply with Federal regulations, as I have said, to avoid civil and criminal penalties, that there are no resources remaining for expansion to meet additional community needs.

In my opinion, Mr. President, the real criminals are the agencies forcing these unbearable cost burdens on our communities as regulatory dumping grounds, if you will. Now this community has teamed up with 40 other communities to pass resolutions calling on Congress to address the impact of these unfunded Federal mandates.

I ask unanimous consent that a list of those communities be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MUNICIPALITY

Aleutians East Borough.
Fairbanks North Star Borough.
City and Borough of Juneau
Ketchikan Gateway Borough
Kodiak Island Borough
City and Borough of Yakutat
City of Akutan
City of Atka
City of Atqasuk
City of Bethel
City of Brevig Mission
City of Coffman Cove
City of Cordova
City of Fairbanks
City of False Pass
City of Haines
City of Kaktovik
City of Kasaan
City of Kenai
City of King Cove
City of Klawock
City of Kodiak
City of Kotzebue
City of Larsen Bay
City of Nenana
City of Nome
City of Ouzinkie
City of Palmer
City of Petersburg
City of Sand Point
City of Seldovia
City of Shishmaret
City of Soldotna
City of Thorne Bay
City of Togiak
City of Unalakleet
City of Unalaska
City of Valdez
City of Wainwright
City of Wasilla
City of Whittier
City of Wrangell

CHAMBER OF COMMERCE

Kodiak

Unalaska/Dutch Harbor.

Mr. MURKOWSKI. These communities are openly committed to providing high-quality public services to the residents, but as a result of the numerous unfunded mandates and restrictive time schedules, are sacrificing other local priorities. The intent of Congress in passing environmental statutes was not to deplete our States' economic resources. If we are truly committed to changing the future of unfunded mandates in our legislating, we should be willing to go a step beyond, and that is what I am prepared to do.

So, Mr. President, reform of unfunded mandates is not a job well done until we have provided relief from those regulations now in effect, and I am committed to finding that balance which raises the quality of public service for Americans at a reasonable cost. If a less costly course of action is available to achieve the same result, we should not limit that window of opportunity but encourage the cost savings. This is possible when solutions are tailored to fit the local needs, not mandated by an out-of-control Washington bureaucracy.

Mr. President, I wonder if I could just insert in the RECORD by unanimous consent at this time the entire statement concerning the announcement that one of our American sons was killed while serving with the special forces on duty in Port-au-Prince, Haiti, and is the first American service man to die while on the mission, and the difficulty of course, is the reality that this soldier died while he was monitoring toll booth operations on a road in Haiti. I will repeat that, Mr. President. The first American soldier to die in Haiti died while he was monitoring toll booth operations. He was shot by a passenger in a car at a toll booth.

Mr. President, why are American troops still in Haiti? General Cedras is gone. Aristide has been in power for more than a month and still American forces remain in Haiti. What are we doing monitoring toll booths and cleaning streets? In this Senator's view, the return of our soldiers from Haiti is long overdue. Our mission has been accomplished and we should not be performing local civil service functions associated with police work. It is a sad day, Mr. President, when any American soldier loses his life defending freedom. Mr. President, it is totally absurd that this soldier was killed while performing a job he was neither trained for nor should have been doing. I urge the President to bring home our troops now.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. By previous order of the Senate, the Senator from Idaho is recognized.

Mr. KEMPTHORNE. I thank the Chair.

Mr. President, first may I say I appreciate the comments made by the Senator from West Virginia about the fact that I was carrying out the role and responsibility as floor manager. May I say that I have the utmost respect for the Senator from West Virginia, and I intend to learn a great deal from the Senator from West Virginia, as we will have much time, probably in terms of years, together here.

Mr. BYRD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. KEMPTHORNE. I yield.

Mr. BYRD. The Senator from West Virginia can learn a lot from the Senator who is now managing this bill. I am sure I will learn something probably before the day is over.

Mr. KEMPTHORNE. I appreciate that very much.

Mr. BYRD. Because he has some reason for asking consent that he be recognized, which is fine. I respect that. But the fact that he is doing his best to advance the bill does not but increase my admiration for him. I simply state that I hope we would not have to stay around too much longer inasmuch as there will not be adoption of any amendment. There might be a motion to table and get a vote one way or the other on that. But on an amendment to table, why, then Senators have to make a decision as to whether or not they want to try to reinstitute that amendment at some time.

I thank the Senator.

Mr. KEMPTHORNE. I thank the Senator from West Virginia.

Mr. President, I also want to make this point. We have had discussion about last year and about, well, what happened. Why is it that S. 993 did not ultimately come out of the Senate? That is history. That is behind us.

This is the future. S. 1 is the future. And S. 1 is a bipartisan piece of legislation; 63 Senators have said that they sponsor this legislation. The amendment that is before us, which is the Levin amendment, was agreed to by the Governmental Affairs Committee, of which we do have the report from the Governmental Affairs Committee, so that that particular issue is contained within this report. I hope that we can move forward. But again I respect other Senators' asserting their rights.

We need to deal with this, though, Mr. President. And as I have said throughout the day, we will take whatever time is necessary so that all Senators fully realize they have had every opportunity to debate this issue thoroughly. Those who wish to offer amendments may offer amendments, and we will debate those amendments thoroughly because this is significant legislation. It will fundamentally change how this Government operates. But it is simply that we are going to go back to the fundamentals of what the Founding Fathers intended, and that is that we will know what federalism is, and that is Federal-State-local government partnerships.

In our current system of mandating, too often, Mr. President, we have seen, on those 15-minute votes, that we come down to the well and we say, "Well, is there a mandate in this legislation?" And rarely do you hear anyone say, "Well, how much does it cost?" Because there is absolutely no calculation of the cost.

This is a process. S. 1 is a process that we are trying to implement so that when we have these multimillion dollar decisions and multibillion dollar decisions, we will have that information before the vote. We will have the analysis as to what impact does this have upon the public sector; what impact does it have upon the private sector; what impact might it have upon any competition between the public and private sector where they may be carrying out similar responsibilities; what impact might these decisions have upon the national economy, upon jobs, upon international competitiveness of this country with the rest of the world. We will know that before we cast our votes.

And so it will not be this little time, for 15 minutes somebody might say, "Is there a mandate?" We will know because we will have information that tells us there is a mandate. The authorizing committee will establish there is a mandate; we have had it costed by CBO; we have had an analysis.

I believe that because this is bipartisan, because this has the support of, it is fair to say, the Nation's Governors, the Nation's mayors and county commissioners and school board administrators, because it has the support of the private sector. The majority leader and I had the great opportunity this morning to meet with a number of representatives of the private sector and, in front of the press of this country, to have the private sector say how strongly they believe in this; that this is exactly the sort of legislation they want to see coming from Congress.

All those groups that I just mentioned, they all had an opportunity to help us craft this legislation, as did other Senators who had an interest. It did not matter if you were Republican, Democrat, conservative, liberal—if you had an interest and you wanted to be at the table, you helped us craft this. And it is meaningful as to what it is going to help us do in realigning the responsibilities of Congress with the partners in both public and private sector.

S. 1 is not about the merits or demerits of individual mandates. It is about having accurate information; about having a separate debate where Congress is encouraged to consult—to consult—with State and local partners. There have been a number of occasions where I have been a member of a Senate committee and we have witnesses who may testify upon some issue before us. And I have often heard State and local elected officials referred to as special interest groups. On those occasions, I point out those are not special interest groups, those are our partners. We say it, but we are not treating them as partners. This is going to establish a new partnership.

It is time that take place. I do not mean today. We are going to spend a few days on this legislation so, again, we can have a thorough discussion on this. This legislation is not retroactive. This is prospective. This legislation is not going to stop mandates. It does say, though, that if we have a Federal mandate on public entities such as cities or States, we need to pay for it.

I believe that the citizens of this great Nation have a simple message for us, and that is if you truly believe—if you truly believe—that we need to have a national program that may require a national mandate because that is in the best interests of this Nation, because that has a direct bearing upon our national environment, national public safety, national health, then just be up front and say it. Discuss it. We will understand.

But then, if you feel you must have this program, this mandate, do not shift the responsibility of the payments off to somebody else and somehow say we do not know how it will be paid for. We know how it will be paid for.

While we talk about unfunded Federal mandates, there is really no such thing as an unfunded mandate. They are all funded. And by and large they are funded by the taxpayers. That was the message of the private sector, the business people today. They are the ones at the local level who pay for these mandates.

While this term "unfunded mandate" is relatively new, there are different entities throughout the United States that have known for years what an unfunded mandate has been—teachers, for example. Teachers have known for years that every time a new Federal program came down the pike without the funds, it meant that the local budget would shrink even further. It would mean the difference between whether or not you could buy new textbooks for the kids. It meant whether or not you could shrink the size of that student-teacher ratio. It meant whether or not teachers might get a salary increase that particular year. But we keep shrinking it.

We should not be paying for national programs that are in the Nation's best interests with local property taxes. That is one of the few sources of revenue that these local governments have. Yet we say, because of what we do in Congress, you now must implement this and you have no choice. Approximately 15 percent of the local government's budget right off the top goes to pay for these unfunded Federal mandates. They do not have a choice.

You may have been a local official. When you run for office you say: These are the priorities of this city. If I am elected, this is what I will accomplish. If you are fortunate enough to be given that honor of serving those people in that local community, and you go in there with your list of priorities—guess what. Congress takes precedence over your priority list. It does not matter what the people who elected you believed that you would do for them. It may mean the difference of whether or not you can add additional police officers on the streets; whether or not you can fix the streets themselves. It has a direct bearing.

We had one of the Nation's leaders, Carolyn Long Banks, who is the president of the National League of Cities, who talked about this. She talked about the problem of crime in urban areas, cities, in rural towns; the fact, again, right off the top we have to take the money to pay for these Federal programs that may be hundreds and thousands of miles away from your community. But it is the difference whether or not you can put on an additional police officer who may help you curb some of that crime that is happening in your streets. Because you know it is a priority. Your citizens do not feel safe at night.

But what do we do? Now we say, if you have a problem where you do not have enough money back at the local level, then the Federal Government will provide the funds so you can hire additional police officers. If we would just leave that money at home in the first place and not use the Federal Government as the middleman—with the extremely expensive carrying charge of the Federal Government—you would be able to afford more police officers on the streets. But we say we know better. Local law enforcement is the prerogative of local government. Yet, now we have this national program that says if you need more police officers, we have a program and we will give you back your money. But it is now Federal money because we brought it to Washington, DC. That is not the way it should work.

S. 1 will allow us to have a constructive debate, a debate and a recorded vote, before we impose new mandates without the Federal funds to carry them out. That is the process. I do not know how people can object to that because, rather than abdicating our decisionmaking ability, we are going to enhance it. We are going to enhance our decisionmaking ability, and I think the American public will say: Hallelujah. Our Congress is now going to make these millions-upon-millions-of-dollar decisions based upon the information it needs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am sorry I have not been here earlier but we have been working with the President, trying to cooperate with the administration on the matter of Mexico, which is very important. So we have been spending most of the day on that down at the White House.

I understand we have a slight problem here. I might say I did receive a letter from the President today supporting this measure, if that will have any impact on the other side of the aisle.

But it is our intent to finish this bill, and we will have some votes. As a former majority leader I learned all about votes. As a former majority leader, I learned how to get votes and one way is to move to table the committee amendment. I move to table the Levin amendment, and I ask for the yeas and nays.

Mr. FORD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FORD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I suggest the absence of a quorum, Mr. President.

Mr. DOLE. We will just have two votes that way.

Mr. FORD. I understand that.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I Object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Ashcroft
Bennett
Bond
Burns
Byrd
Campbell
Craig
Daschle
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Glenn
Gramm
Gregg
Kempthorne
Levin
McCain
Moynihan
Murkowski
Simon
Simpson
Smith
Snowe

The PRESIDING OFFICER. The Chair announces that a quorum is not present.

Mr. DOLE. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

Mr. LEVIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. A parliamentary inquiry is not in order at this time.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas [Mr. DOLE]. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—88

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Bradley
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Robb
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—3

Breaux
Helms
McCain

NOT VOTING—9

Biden
Bumpers
Inouye
Jeffords
Johnston
Kennedy
Nunn
Reid
Rockefeller

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

COMMITTEE AMENDMENT, PAGE 10 LINE 15–PAGE 11, LINE 3

The PRESIDING OFFICER. The question is now on agreeing to the Senate majority leader's motion to lay on the table the first committee amendment. The yeas and nays have been ordered.

Mr. LEVIN. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Is the amendment which is subject to the tabling motion the first Governmental Affairs Committee amendment?

The PRESIDING OFFICER. The Senator is correct

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 38, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Baucus
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—9

Biden
Inouye
Jeffords
Johnston
Kennedy
Nunn
Packwood
Reid
Rockefeller

So the motion to lay on the table the first committee amendment was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, the majority leader is physically unable to come to the floor for the next several minutes, so I am going to proceed, now, on his behalf.

The next six committee amendments are purely technical in nature. They deal with renumbering paragraphs. These will be necessary when we do the managers' amendment and add back in the last committee amendments that we just dealt with.

It is with this in mind that I would like to ask the Senator from West Virginia if we could adopt committee amendments numbered 2 through 7 en bloc?

Mr. BYRD. Mr. President, does the Senator make that as a unanimous-consent request?

Mr. KEMPTHORNE. Mr. President, that would be my intention, yes.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. KEMPTHORNE. I will yield.

Mr. BYRD. Without his losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will have no objection to that request, if I understand it. The distinguished majority leader came over to me during the vote and explained to me that the committee amendments, to which the distinguished Senator from Idaho has referred, are merely renumbering amendments. They are not substantive amendments. And he indicated that he would like to get consent en bloc to—if I understand it?

Mr. KEMPTHORNE. Mr. President, to the Senator from West Virginia, you are correct. This is simply renumbering paragraphs.

Mr. BYRD. Yes.

Mr. President, if the Senator will yield?

Mr. KEMPTHORNE. Yes.

Mr. BYRD. I do not intend to object.

Mr. KEMPTHORNE. I appreciate that.

Mr. BYRD. And I will not take but a few minutes.

Mr. President, this illustrates why we should have time to study the bill and the committee report. And we have now been assured that there will be, not only the committee report by the Committee on Government Affairs but also a report of the Committee on the Budget, made available. And I believe that report is expected tomorrow, to be available.

I am not here to filibuster this bill. I made that clear, eminently clear, I think, earlier today. If I, indeed, wanted to filibuster I would not agree to this request. I would simply have a vote on each of these amendments. But I do not intend to do that. I do not intend to do something that at this point is unreasonable, in my judgment. I am not filibustering the bill. I am not against the bill. I want to know what is in it before I vote, one way or the other.

It is a clear indication I did not know what was in these amendments, even. I asked the managers of the bill earlier today, how many amendments there were, committee amendments? I could have gone through the bill and I could have noted the strikeouts and inserts and counted them myself. But I had not done that. I have been very busy doing other things. I think I know how Napoleon felt when he was banished to Elba. I have a nice little corner room down here now. I had a great suite, Appropriations Committee suite of five rooms. When the electorate turned out a few weeks ago and votes had been counted, I called Senator HATFIELD after the election to congratulate him. I said, "I want to congratulate you. Now that you are going to be chairman of this committee again, I want you to know that I am moving everything out and taking the pictures off the wall so that you will be able to move back in." So he thanked me, and he said, "Robert, I want you to have that corner room down there." That corner room was part of the appropriations suite. And I thanked him. I was very appreciative of that.

So I have been joking, after having had to give up four other spacious rooms, that I am now in the corner room. I have said to various and sundry people that I think I know how Napoleon felt now as he stood there banished to Elba with his hands crossed behind him and looking out upon the sad and solemn sea. I feel like Napoleon. Here I am in this little room here, and all I can look out upon is the Reflecting Pool.

So I have been busy. I have been pretty busy moving out of five rooms and trying to condense everything into one. So I have been very busy. I have not read the bill. And I simply felt that we ought to move a little more slowly, have an opportunity to study this bill, and study the committee report so we would know what is in it.

Mr. DOLE said to me that these amendments, to which the distinguished Senator from Idaho has referred, are simply renumbering amendments. They are not substantive amendments. I do not want to do something vain. The Scriptures tell me that all men are vain but one should not do a vain thing. That would be a vain thing for me to put the Senate through several votes. If I were filibustering, I would not mind that. But I will not want to do that. But Senators put requests on five or six amendments that are real but amount to nothing but renumbering amendments.

So I am not going to object to that request. I must say, however, that I had indicated earlier that the Senate would not vote on any amendments. And to Senators who may be unfamiliar with the procedural senatorial process around here, voting on an amendment is voting up or down. To table an amendment is voting in relation to an amendment. It is not a vote on an amendment one way or the other. It accomplishes the purpose of killing the amendment.

So my question to the distinguished Senator would be—and I voted with the majority to table this amendment. I frankly did not know what I was tabling. I have not had any opportunity to know what is in this bill. That underlines my point that we need a committee report, and we need to slow this thing down a little so we can study it. Would it be the intention of the majority at some point to attempt to restore this first amendment which was tabled?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, in response to the Senator from West Virginia, that is correct. We believe that the amendment that was just tabled, which was a committee amendment agreed to unanimously by the committee, yes, that should be restored. In speaking with Senator GLENN, it would be our intention that be included in the managers' amendment package.

Mr. BYRD. If that amendment is restored, then the Senate would also need to restore the numbers on the committee amendments that are included in the request of the distinguished Senator from Idaho and restore those numbers also, I assume.

Mr. KEMPTHORNE. Yes. Mr. President, the Senator from West Virginia, by moving to these numbers now, that would prepare us, as I understand it, so that when we do add back in the amendment we just tabled this will now wind up.

Mr. BYRD. You would have to change the numbers back, though.

Mr. KEMPTHORNE. No; this is really in preparation for that.

Mr. BYRD. So what we are doing at this point, let us see if I can find it, we would be saying by the Senator's unanimous consent request that amendment 2, which is numbered, which has the number 17, and by his request is being made 16? Is that correct?

Mr. KEMPTHORNE. Mr. President, that is correct.

Mr. BYRD. Does it not follow then that if in due time amendment No. 1 is restored, would the number, the numbers that are being renumbered now, would they not have to be restored to their present stature?

Mr. KEMPTHORNE. Mr. President, no. In response to the Senator from West Virginia, if we look at page 10, line 15, and line 19, where we see the numbers 15 and 16, that amendment dealt with both of those that we had a motion to table. So by proceeding then with this current what will be a unanimous consent request, when that is added back in, these numbers that we are altering and at this point—I go to page 11, line 4—that would then read 16.

Mr. BYRD. Yes.

Mr. KEMPTHORNE. So that, again, once we add back what has been referred to as the Levin amendment, these numbers that we are now going to alter, realign, will be lined up in anticipation of adding the Levin amendment back in.

Mr. BYRD. Very well. These are not substantive amendments, and I, of course, have already stated that I do not intend to impose an objection.

May I ask this question: Does the Senator have any additional information with respect to the committee report that we have been promised would be available to Senators tomorrow? Does he have any information as to what time tomorrow the committee report might be available?

Mr. KEMPTHORNE. Mr. President, in response to the Senator from West Virginia, we anticipate that the latest would be 10 a.m.. We will try to get that even sooner. But we anticipate no later than 10 a.m.

Mr. BYRD. Very well.

Mr. President, I have no objection to the request.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. If I might ask a question on what we just struck with the tabling motion, I believe the distinguished Senator from Idaho said that we would put that back in the committee amendments that would be approved later. Since it has just been struck by, or will be tabled, will we need separate action to officially put that back in, or can we legally put that back in?

Mr. BYRD. No; it would take an action by the Senate.

Mr. GLENN. It would take action by the Senate to undo what we just did, I gather. Is that correct?

Mr. KEMPTHORNE. Yes. Mr. President, that is my understanding. What I would anticipate is that the two floor managers would agree that we would include that in a managers' amendment that would then be brought before the body.

Mr. GLENN. Since it was just tabled, can we legally do that without further action of the Senate, to put back in what was just tabled? I guess that is a parliamentary question. Will the Chair give us advice on that?

The PRESIDING OFFICER. The Senator will restate his question.

Mr. GLENN. We just tabled a provision that was in the bill when it came over here. We are proposing—or the floor manager on the other side is proposing that—and it is an important part we want to get back in the bill some way—he is proposing that this be part of the committee's amendments which was part of the original unanimous-consent request. Having just tabled this as an official action of the Senate, can we do that on our own and put it back in without official action of the Senate to permit us to do that—to approve putting that back in the committee amendment in toto with all of the others that are lined up in that? I think I stated that clearly.

The PRESIDING OFFICER. It would be in order for the Senate to adopt an amendment that contains that language as well as other language.

Mr. GLENN. Well, I am not sure I understand yet. We could put that back in. If we agree to it, we can put that in as part of the committee amendment, without any further action by the Senate, in light of what occurred on the tabling motion.

The PRESIDING OFFICER. The Senate would have to adopt that amendment.

Mr. GLENN. There would have to be official action to undo what we just did to permit us to put that back in the committee amendment; is that correct?

The PRESIDING OFFICER. The Senator from Ohio is correct. Is there objection to the request?

Mr. BYRD. Mr. President, I do not think the Senator made the request.

Mr. KEMPTHORNE. That is correct. I appreciate the courtesy of the Senator from West Virginia for allowing us to proceed with this.

EXCEPTED COMMITTEE AMENDMENTS 2 THROUGH 7

Mr. KEMPTHORNE. I ask unanimous consent that the committee amendment Nos. 2 through 7 be considered, en bloc, and agreed to, en bloc, and the motion to reconsider be laid upon the table.

Mr. BYRD. Reserving the right to object, and I do not intend to object, I want to be sure about this. This is the first time I have really had an opportunity to look at this bill, when the majority leader came over and explained to me that all we are talking about is numbers. I want to make sure that the Senator is not including the amendment on page 12, beginning on line 7.

Mr. KEMPTHORNE. Mr. President, that is correct. This does not include that which begins on page 12. It would be my understanding that the item that the Senator from West Virginia is referencing would be the next amendment before us, after we deal with this unanimous-consent request.

Mr. BYRD. I have no objection.

Mr. GLENN. Reserving the right to object, Mr. President. I just want to make certain what we are doing. One part of this we thought was important, on page 25, lines 11 through 25, deals with the jurisdiction of committees, that part that was stricken by the Budget Committee. And I want to make certain that that section I just referenced is not dealt with in the amendments the Senator is proposing.

Mr. KEMPTHORNE. Yes, that is correct. In fact, this unanimous-consent request only deals with those amendments, or changes to this legislation, up through page 11, and no further.

Mr. GLENN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, again, I thank very much the Senator from West Virginia for his understanding and his courtesy in allowing us to move this bill forward.

We have talked a great deal about the process itself. We have talked about a number of issues. But I thought, if I may, I would like to just bring it home, literally, and give you a few ideas from my State of Idaho on what this is about.

Fairfield, ID, is a rural community of about 450 people. It is located along U.S. Highway 20 between Mountain Home and Sun Valley. It is a great spot, with wonderful people that live there. You will not find finer people. This tiny town is facing a staggering expense because of unfunded Federal mandates. In fact, the mayor says he is fighting to keep the city from going bankrupt from costly Federal regulations. New water standards required $3,000 in copper and lead tests just last year. The sewer discharge regulations forced the city to make $360,000 in repairs to its treatment lagoons. Now, $40,000 of that cost came from the city's budget. That is over half of the entire water-sewer fund's annual budget; over half of the annual budget was required to be utilized for that purpose. Potentially, the costs are even higher.

Mayor Reuben Miller says that Federal storm water management programs would cost Fairfield about $5 million to pave roads, install gutters, and build drainage ponds. If carried out, it would cost each Fairfield household $175 per month for the next 20 years. That is $175 per month for the next 20 years for the households in Fairfield, ID.

"The solution," says the mayor, "is to allow us flexibility to figure out how we will do it and over what period of time." If we go on with business as usual, there will be a lot of towns in trouble. The mayor sums up the whole problem simply: "Let the local people determine their own fate."

Mr. President, that is not to say that we are going to turn our backs on some of these very meaningful programs that may be in the Nation's best interest. But I do believe it allows latitude so that once we establish standards, let us recognize that based on local geography, geology, climate, and economy, that they should have flexibility in using their own innovation and utilizing what resources they have to meet those standards.

Senate bill No. 1 gives us a process so that we can go through this and so that we can ask, "Is this truly in the best interest of the Nation? Does it exceed $50 million? And if it does, how do we pay for it?"

St. Maries, ID, has some very serious problems. It is in the northern part of our State. It is a beautiful community, where the St. Maries and St. Joe Rivers come together. Their problems are coming from the Federal Government. Like every other community in America, they have to figure out a way to meet new Federal drinking water standards. Since the 1930's, their water has come from the same crystal-clear mountain source, and for 65 years the people of St. Maries have gotten along just fine with their drinking water system. But because their drinking water is surface water, the 2,800 residents of St. Maries are looking at a $3 to $5 million price tag in order to comply with the new standards.

For the last year, St. Maries has been working with the State of Idaho on some interim measures, and they have worked well together. But the bottom line is that, at some point, they are going to have to come into compliance. St. Maries will have to go to its residents to figure out a way to raise up to $5 million to fix a problem that does not exist. That is $1,785 for every man, woman, and child in St. Maries. To make matters worse, St. Maries is already trying to pay an $870,000 bill from the last Federal mandate. The bottom line is that is a lot more money than that community has. So city leaders are struggling with how to come up with the money to meet the Federal mandate requirements. I imagine their frustration as they discuss a 30-year bond, knowing full well somebody is going to change the standards on them long before the note matures.

In Moscow, ID, where the University of Idaho is located, property taxes and user fees went up 73.5 percent in fiscal year 1994, largely because of unfunded Federal mandates. Property taxes and user fees went up 73 percent. User fees have gone up to pay for a new solid waste transfer station and a $15 million upgrade to the city's waste water treatment plant.

Sewer rates for single-family households in Moscow, ID, population about 18,000 people, tripled to pay for these unfunded Federal mandates.

I can tell you about a situation from Boise, ID. I was the mayor of Boise, ID, for 7 years. We had a water treatment plant in that community and because standards were changed, the Boise Water Corporation had to go and put in a new treatment plant. This was done, Mr. President, not because of any increase in customer load, it was not done not because of any health risk, it was not done to increase the efficiency of the delivery of water, it was done because some standards were changed, at a $15 million cost to those citizens, which equated to about a 40-percent increase in their utility payment for water.

The Parks Department spent $1.9 million for removal of underground storage tanks meeting Federal playground standards and remodeling facilities to meet the Americans With Disabilities Act.

The city personnel department ran up $610,000 cost for complying with the Fair Labor Standards Act. There are many, many of these different examples.

Now does that mean that every one of these things should not be carried out? I am not saying that. Does it mean that there is no way that the communities would not be required to continue funding these programs?

S. 1 is not retroactive. It is not retroactive.

And also there may be instances where we just determine that, for whatever reason, we are not going to provide those Federal dollars to carry out some portion of the program. But in order to do that, Mr. President, the process says that you need to come to the floor of the Senate, because a point of order will lie against that. Because if you do not provide 100 percent of the funds, then it is ruled out of order from the Chair. But a Senator can seek a waiver. And, perhaps, based on the CBO analysis, based on this analysis, based on these cost figures, we believe that we should have a waiver, and then the majority rules and we grant that waiver. That is how the process should work.

But all across this country, you hear the mayors, the county commissioners, the Governors saying, "Please restore the relationship of a partnership with Federal Government. We are your partners."

And I know that some people will pose different hypothetical situations, and when they pose those hypothetical situations they will say now, "How will it be? Give us your determination. Does this fit or does it not fit?"

And the answer is, Mr. President, in many of those hypotheticals, I cannot make that determination. But the process will work where if, in fact, we meet some of those hypotheticals in the future, then we will determine if a point of order really does apply.

A point of order is not self-initiating. A Senator has to make that point of order. But we will then make decisions as we then take what today may be a hypothetical but tomorrow is a real situation, then we can discuss it. But we will not be discussing it based upon just what some of us may or may not know from some conversation or something we have read. We will be discussing that based upon information provided to us both by the authorizing committee and by the Congressional Budget Office. We will know if there is a fiscal impact. We will know the cost of that impact. So that when we have that discussion, we will know exactly what it is all about and then we can make that determination of does it apply or does it not apply? I think that is how it should work. But we will be reestablishing that process.

And as we have worked with this process, I have received a number of letters from people all over the country. A lot of folks tune into C-SPAN and stay abreast of what is taking place in this Nation's capital, the issues that we are dealing with. And they say, "You know, we did not understand what these unfunded Federal mandates were before, but we now are realizing that they are hidden Federal taxes. And we realize that you are advocating that we ought to discuss that instead of just pass them without any understanding of what the cost or impact will be."

These mandates that we may place upon the private sector without an understanding of the impact—what impact do those mandates on the private sector have upon the Nation's economy, upon jobs, upon international competitiveness? We will know that ahead of time, because we will now require it.

A chairman or a ranking member can require that that sort of information be brought forward so that we will make informed decisions.

All of these different examples that we have discussed somehow cause some people to say that if we do not put all of these costs off on somebody else, if we do not put these costs off on the States and the cities, then the Federal Government will turn its back on some of these national issues that may deal with the environment, may deal with public safety.

That does not speak very well of Congress. That says we do not have much resolve. If we cannot use somebody else's money, we will not do it? Again, that is a real criticism of Congress.

Then people sometimes make the argument, because the U.S. Federal Government has a $4 trillion debt, there is no way that we could pay for any of these mandates. We do not have the money in the first place.

But that is supposing that somehow the State governments are flush with money, the local governments are flush with money, and so we will let them pay for it. We will make the decisions and then we will dictate how much out of every one of their treasuries must be used to carry out these Federal programs. That is not right. It is as though someone is saying, "Well, but the Federal taxpayer is tapped out. The Federal taxpayer has a $4 trillion debt against his or her ledger and therefore we will just let the State taxpayer or the local taxpayer pay for this."

The reality is there is only one set of taxpayers—the American taxpayers. They write out a check to the Federal Government, they write out a check to the State government, they write out a check to the local government. And so they would say to us, "If it is a program coming from the Federal level, we just ask Congress to be up front about it. Take it out of the Federal account."

That is straightforward. That is how we have to do it with our own budgets at home. Just stand up and be accountable. That is what S. 1 is about—accountability. So that we will know exactly what the impacts are, what the costs will be.

When we continue with this debate, we have discussed the fact that we want to make sure it is thorough. We want to make sure that every Senator who takes part in this discussion knows that they have been able to ask every question they need to ask to understand this legislation. Those who choose to offer amendments will know that they have every right to offer those amendments and that they will be considered with all respect. We will debate those amendments and determine what aspects, which amendments, may be worthwhile.

In my discussions with Senator GLENN, who is managing this for the other side, I believe we will be able to determine some of those amendments that we can agree on. We will put those in a managers' amendment and place them before this body so that we can accept them. Some will be perfecting in nature so that we can make some of those improvements to this bill.

I also know there will be amendments that people will offer that may be to provide exemptions. I do not know why people would want to exempt themselves from getting the information that this Senate bill 1 will provide. This is a critically important piece of legislation. This is something that absolutely has the support of the Nation's Governors and mayors, county officials, and school officials. It has 63 Senators that support this, both sides of the aisle. And as Senator GLENN points out, the President, in a letter which we received this morning, supports this legislation, is ready to sign this legislation into law. That will send such a clear and joyous message to our cities, our counties, and our States. It has been absolutely bipartisan in its nature, as it should be.

Mr. President, when I say the bipartisan nature and the fact that other Senators have spoken earlier today, this evening, there have been a lot of nice comments made. I want to again, if I may just acknowledge that Senator GLENN, as chairman of that Senate Governmental Affairs Committee during the last session—before unfunded mandates was the politically hot topic—joined in this effort and played a key role in fashioning legislation that we could bring forward. Now Senator ROTH, as chairman of that committee, and the role that he is playing, Senator ROTH, Senator DOMENICI, and Senator EXON, chairmen and ranking members of those committees, the Budget Committee and the Governmental Affairs Committee, put in many hours during this last recess to fashion this. It was fashioned with the assistance of our partners in the public and private sector.

When we elect somebody at the local level, they tell their constituents that they will establish the priorities for those communities. But the irony is, with unfunded Federal mandates, we rob them of the ability to set priorities because they first and foremost must deal with what the Federal Government tells them they must do. That impacts what might be the normal list of priorities that they had. The irony, to continue, is the fact that without this process that we are now advocating, I do not know that we have had a meaningful discussion of our national priorities. So we would rob the local communities of their right to establish priorities, and yet at the national level because we have somebody else pay for it, because we do not have to determine that this particular program is more important than an existing program, therefore, perhaps, we should reduce that existing program to pay for this new program. It does not happen. But it should. And it will with this legislation.

I mentioned a little while ago about the responsibilities, the resolve of Congress. I believe that, as Members of Congress, if we identify that there is a true national need, whether it is public safety or public health, we need to identify it. The second thing we need to do is to develop the means or the program to correct it. The third thing is to provide the funds to carry it out. Why is it that we balk at that last responsibility? Why is it that we think that a national program that is enacted here in Washington, DC, should be paid for with local property taxes and Boy Scouts or St. Mary's or Moscow or Fairfield? Why would we do that? We talked about a representative government and yet that is not the sort of representation that our citizens expect from Members.

What other entity in the country could make multi-million-dollar/multi-billion-dollar decisions and have no idea what the real cost is before they make those decisions? If you did that in the business world, you would not be there very long. At the local level you cannot do that. Unfortunately, that is how the Congress of the United States has been operating.

Mr. President, with this bipartisan effort that has been fashioned, with the fact that the President of the United States in his letter today affirmed his strong support for this, I hope that we can keep this process moving. We are not going to rush through debate. Everyone will have every opportunity to say whatever they wish to say. I hope that we can keep this process moving forward so that we are not in a situation that good legislation is left sitting. There is too much at stake here. Too many citizens are saying, "We want to have this legislation become law. We want to have this legislation become law now." That is what we will do with S. 1.

Let me, if I may, Mr. President, go over just a few of the items of this process itself. S. 1 defines a mandate as "any act of the Federal Government which imposes an enforceable, nonvoluntary duty on a State" if it has an annual cost in any year greater than $50 million or creates any new, stringent restriction in a Federal program which has an annual budget for State, local, or municipal governments in excess of $500 million.

Now, exempted from the definition of mandates, are bills or resolutions which enforce constitutional rights or enforce statutory rights prohibiting discrimination based on race, religion, gender, national origin or disability; and require compliance with auditing requirements; or the result of an emergency or national security.

Mr. CONRAD. Mr. President, will the Senator yield for a question?

Mr. KEMPTHORNE. Mr. President, I yield.

Mr. CONRAD. I thank the Senator.

Mr. President, I have just come from a discussion with a number of others who were asked a series of questions about the legislation before Members, and we were asked a series of questions that I did not know the answer to. I would be pleased to have a chance to put them to one of the authors of the legislation.

The first question that was put to me some time ago, some moments ago, was, if we pass an increase in the minimum wage, would that require us to reimburse local and State units of government for the expense of that increase in the minimum wage?

Mr. KEMPTHORNE. Mr. President, to continue my comments, and in response to my friend from North Dakota, using that as an example, as a hypothetical, again based on what I stated earlier—I am not here to make all of the determinations—but let us just follow that for a second.

A minimum wage, following S. 1, would say that CBO would give an estimate as to cost. A point of order may or may not be placed against that. It would require, of course, a majority vote of the Senate to vote to raise the minimum wage.

Then the question is, is that impact greater than $50 million on the public sector? If it is, then, again, a point of order may or may not be made against that.

I would imagine that if there were an increase in the minimum wage, there would either not be a point of order made against that, with regard to the public sector, or if there was, I would think that a waiver, in all likelihood, would be granted because I do not envision that we would feel that we need to pay the minimum wage increase for the public sector, knowing that the private sector must pay for that.

Mr. CONRAD. I thank the Senator for that answer.

If the Senator would permit. Another question that was just asked of me was a question with respect to the Federal Reserve. If the Federal Reserve took action to increase interest rates and States that were issuing bonds, as a result of that, had an increase in their expenses, would a point of order lie against that action? Would there be the possibility that local units or the State governments could say to the Federal Government: "You have to reimburse us for the increased costs we experienced because the Federal Reserve Board has ordered an increase in interest rates."

Mr. KEMPTHORNE. Mr. President, again, we would go through it. I do not know that that would be a nonenforceable voluntary duty. But the committee where this would originate would make a determination in the committee whether or not they felt that was a mandate. That authorizing committee's report would go to CBO, and they would cost this out.

But, again, I do not know that a point of order would be made against that. This is one of many hypotheticals that would be presented. But the key to this whole legislation is that if a point of order lies against that, then you come down here. You may have from CBO or from the committee itself the analysis as to the rationale as to why a waiver should be granted, and a majority vote would make that determination.

Mr. GREGG. Mr. President, will the Senator from Idaho yield for a question as a result of that question just asked?

Mr. KEMPTHORNE. Yes.

Mr. GREGG. I believe there are a number of independent agencies not covered by this bill and, therefore, to which this bill would not be applicable. Maybe I am not current of the present status of the bill, but as it left the Budget Committee, as I recall, the Federal Reserve was not included as a covered agency under this bill, and, therefore, Federal issues of raising the interest rate, as I understood, would not be subject to this bill on the face of the bill itself; is that incorrect?

Mr. KEMPTHORNE. The Senator is absolutely correct.

Mr. CONRAD. So in that case, it would seem to me, it would not qualify because the Congress is not taking any action with respect to a Federal Reserve action. And so we would not have a legislative vehicle before us that would relate to an action by the Federal Reserve.

If I might ask a third and final question that has been asked of me and, in this case, was asked of me yesterday. Utilities back home have now become concerned about this legislation. At least they have expressed concern to me.

The concern that they have raised is, "Look, if public units can be in a position to avoid mandates, let's say certain provisions of the Clean Air Act or other envirohmental legislation that might be considered by Congress, and the private sector is not exempt, that could put us at a competitive disadvantage against public power authorities."

And so private sector companies have contacted me in the last 24 hours and have said, "Gee, we're concerned about this. Are we going to be put in a position in which we are placed at a competitive disadvantage over and against public power authorities?"

Will the Senator have any answer for that question?

Mr. KEMPTHORNE. Yes. Mr. President, that is an issue that I have discussed with some private entities, and the Senator is correct. Some utilities have expressed a concern about that. Senator COCHRAN earlier today also brought that issue up, and we were able to have a discussion along these same lines.

The point is, in the legislation itself, and as a result of some of those discussions with the private sector, we have language which says, and I will quote:

> . . . a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate is provided under subsection—

Such and such—

> would affect the competitive balance between State, local or tribal governments and the privately owned businesses.

So we have asked that there be a statement, there will be an analysis as to whether or not in any way does this create some sort of imbalance between the public and private sector.

One of the companies, one of the successful companies in the country, Browning-Ferris, had a concern about this, along these lines. If I may, I would like to read the Senator a letter that I received January 11. It says:

> We appreciate the attention you have given to views we previously expressed in connection with unfunded mandates legislation. We expressed our previous views at a time when one of our concerns was that unfunded mandates legislation could have retroactive effect. It is evident that S. 1 has a prospective effect only, which we understand was your intent all along.
>
> After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S.1 is creation of a favorable climate for the private sector. In fact, S.1 seeks creatively to address the concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of them prior to your tenure in the Senate—BFI in convinced that your dedication to free enterprise is unsurpassed.
>
> With you commitment to assure equality for the private sector—no more, but no less—where competition exists between the public and private sectors, we are pleased to strongly support S.1.

So I believe while we have acknowledged there may be an issue there, we have provided the language and the vehicle so it can be exposed. And then based upon that information, that would be, again, the rationale to come forward and make your case with your fellow Senators.

Mr. CONRAD. I thank the Senator for his response to the question.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I know there are others waiting to take the floor. One point to make here is if the $50 million is adequately funded in the bill, then the point of order would not lie. If it was not funded in the bill, then the point of order would lie. But at that point, a waiver then could be voted by a majority vote, and then it is taken up and considered, whether or not the funding is there, on what is right or not right.

Some of these issues that the Senator properly brings to our attention, like would minimum wage apply—things like that—those would be taken into account by the wisdom of the Senate at that point.

So it is not that we say you absolutely have to do this, or you absolutely have to do that. There is always that provision for coming back, and the Senate would debate it, the Senate would express its will and the Senate would say minimum wage does apply or might not apply, or whatever the other problems were my distinguished colleague suggested.

But you always have that come back for the Senate vote as to whether it will apply or not apply. So it is not an automatic thing that somebody gets knocked out and there is an arbitrary decision without the Senate being able to have full debate on the issue and decide how we should go.

Mr. CONRAD. I thank the Senator from Ohio, and I thank the Senator from Idaho.

Mr. KEMPTHORNE. I thank the Senator very much.

Mr. President, it is my understanding I still retain the floor.

The PRESIDING OFFICER. That is correct.

Mr. KEMPTHORNE. Mr. President, I know that the Senator from California has been here really many times today to speak on this issue. So I would like to ask unanimous consent that the Senator from California be allowed to make her comments but that I would be able to retain the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. FEINSTEIN. I thank the Senator very much.

Mr. President, I would like to rise in support of the pending legislation, and I would like to compliment both Senators KEMPTHORNE and GLENN.

Mr. President, let me speak for a few moments as someone who in the 1970's was President of a Board of Supervisors in local government and, through most of the 1980's, was Mayor. I saw the development of these unfunded mandates firsthand, and, in so doing, I think I probably speak for the mayors and the local officials all across this Nation.

Mr. President, in the 1970's, 22 new statutes were enacted imposing new regulations on State and local governments or significantly expanding programs. During the 1980's, while I was Mayor, 27 new laws with Federal mandates were added. The Congressional Budget Office has estimated that new regulations enacted between 1983 and 1990 imposed total costs of about $8.9 and $12.7 billion on States and local governments, depending on the definition of mandates used. Federal dollars during this time declined. Between 1981 and 1990, Federal dollars declined 28 percent, when the figures are adjusted for inflation, to satisfy these mandates.

The drop in Federal dollars shifted more of the costs on State and local governments, draining their resources and making it increasingly difficult for State and local governments to meet their budgetary requirements.

Let me speak about something I know well—California.

Unfunded mandates now cost the State $8 billion annually. Just in providing health, social services, educational and correctional services to illegal aliens, unfunded mandates are costing California more than $2 billion annually. The State of California, since 1978, has been under proposition 13 whereby local jurisdictions effectively cannot raise revenues to meet these mandates.

Now, rather than talk about my time in local government, let me give you some specific, current, ongoing examples of the impact that unfunded mandates are having throughout the State of California right now.

Let's talk about some specific California cities.

Let us take, for example, a city of about 120,000 people known as Sunnyvale, California. The city has identified a total of 202 mandates that they must meet. It has incurred costs for 103 of these mandates during the last 5 fiscal years. The total cost of these mandates has been approximately $77 million, representing 18 percent of Sunnyvale's total operating budget.

For example, Sunnyvale's compliance with environmental mandates accounted for 62.4 percent of the total costs of these mandates.

The general and other nonutility funds of Sunnyvale were impacted by a total of $7 million in the 1993 budget. This represents in excess of 10 percent of the total operating costs of the city government, roughly equivalent to the costs of operating the library plus half of the parks in a given year, or roughly equivalent to 70 percent of fire services for that community.

Again, the community cannot raise taxes to pay for it. The city estimates that one-third of the total single-family residence utility bills this year will be earmarked for compliance with State and Federal mandates.

Mr President, let me take the city of Los Angeles. Unfunded mandates again have placed a recent burden on that city. Federal mandates will cost Los Angeles $4.2 billion over the next 5 years. For example, the Federal underground storage tank regulations require leak detection systems and corrective action affecting 206 sites and 431 storage tanks in Los Angeles. Corrective action will cost in excess of $31 million over the next 5 years.

Compliance with the Safe Drinking Water Act will cost the city in excess of $245 million over the 5-year period. Costs to comply with the Americans with Disabilities Act are estimated to exceed $30 million. This includes costs for curb cuts, ramps, special bathrooms in public buildings, whether or not they are actually used.

Federal law now requires all highway projects financed with Federal gas tax funds be designed and constructed in metric measurements starting September 30, 1996. Revisions to all city standards, manuals, standard plans, ordinances, and other documents will be required. Also, new drafting and design equipment will be needed, along with some training. The Los Angeles Department of Transportation will have to replace 14,000 speed zone signs at a one-time cost of $1.2 million. The total cost to comply with this program—that is, just changing to a metric system—is $2.6 million. And this is just one small change.

Did anyone ever add up or, again, even know the cost when this bill was promulgated? I doubt it.

Let us take Los Angeles County. To meet Federal mandates and still balance its budget, the county of Los Angeles has to significantly curtail other programs. For example, this year, Los Angeles County employees will have to forgo cost-of-living and other wage adjustments, and aid to indigents will be substantially reduced. Several libraries are being closed and all others will be open for a reduced number of hours. Recipients of welfare and public health services will face longer waits due to minimal county staffing levels.

Looking at the impact of immigration, Los Angeles County found that in 1991–1992, net county costs for services provided to legal immigrants, amnesty aliens, and illegal aliens and their citizen children were about $947 million, while county revenues received from this segment accounted for only $139 million.

Another example. The city of Fresno is required under the Safe Drinking Water Act to fit each of its 217 wells with expensive radon filtration systems. The city estimates the total capital costs of the system in the Fresno metropolitan area at $191 million and an annual operating cost of $26 million.

Considering the city currently has a $567 million budget with a very small percentage of discretionary dollars, the initial outlay and annual costs to comply with the radon standards could have a significant impact on Fresno.

According to the city, the cost of compliance with the proposed radon regulation would force water systems to drop more compelling programs with greater public health and environmental benefits.

For Stockton, CA, a city of 215,000 people, compliance with Federal mandated stormwater provisions of the Clean Water Act will cost the city approximately $1.2 million per year over the next 5 years or $15 to $20 per home. The city has the choice of either decreasing park and recreation, library services, or police services if the public will not accept the addition of a fee increase.

The Clean Air Act requires Stockton to spend approximately $2.2 million in capital costs and $100,000 in annual operating expenses to control landfill gas. Again, the city must either increase user fees or shift funding from parks and recreation, library services, or public safety.

The Fair Labor Standards Act requires Stockton to pay overtime to firefighters who work more than 53 hours a week. As a result, the overtime costs Stockton an additional $400,000 a year and affects the city's ability to add public safety officers.

Let me give what I think are rather egregious examples from my own city, San Francisco.

The city of San Francisco is required under the Safe Drinking Water Act to comply with filtration mandates. The city would prefer to put more funds into watershed protection, which is cheaper and would make filtration unnecessary. But instead it is forced by Federal regulations to the more costly expenditure. Building a filtration plant would cost the city $500 to $700 million, while the cost for nonfiltration options range from $40 to $60 million.

Let me give another example. Candlestick Park, this weekend, will be sold out—a major NFL game.

A while back one person sued the city saying she did not have a seat as a disabled person at a game. The city came together and formed an agreement. But under the Americans with Disabilities Act, the Department of Justice is now saying that the agreement is not good enough. The city will have to spend $5 million to build another 600 seats for the disabled at Candlestick Park.

What is the rub? The stadium is sold out this weekend. There are 7,000 seats for the disabled already, and they are not filled. Yet someone in Justice is saying the city must build another 600 seats.

I submit, the real problem is that once the bills are passed and the regulations are drafted by someone in a department, there is no telling what can happen.

While I was mayor we would engage in consent decrees with all parties and someone in the Federal Government would say no, that is not acceptable to us. You must spend more money and do it our way. I think this is what is happening throughout the United States. It certainly is throughout the State of California.

Compliance with the Americans with Disabilities Act will cost San Francisco $8.2 million in fiscal year 1995 in spite of conflicts with other code requirements. For example, safety cells for suicidal inmates in the new jail built to meet strict Federal codes say there should be no hard objects, such as bars, inside, and that there must be a lip on the floor by the door to keep fluids inside. However, the Americans with Disabilities Act requires bars by the toilet and a floor that a wheelchair can roll into.

San Francisco faces other costs in fiscal year 1995 arising from unfunded mandates—$149.1 million for sewage treatment facilities required by the Clean Water Act; $830,000 for scrubbers and boiler retrofit to comply with the Clean Air Act; $3,090,000 to remove asbestos; $2,910,000 to test for lead, and $500,000 to implement drug and alcohol testing programs for employees responsible for operating certain vehicles as a condition of receiving Federal transportation funds.

Mr. President, I believe it is unfair for the Federal Government to impose mandatory regulations on localities without providing the necessary funding to implement them. I feel very strongly that Congress must be responsive to the fiscal constraints under which local and State governments operate.

Mr. President, S. 1 provides the kind of relief which State and local governments want and need.

It requires:

Any bill or amendment imposing a Federal mandate of more than $50 million on a State or local government must include a Congressional Budget Office estimate of the mandate's cost and the funds to pay for the mandate.

If the bill or amendment imposing the mandate is to be paid for by future appropriations, the bill must provide that the mandate will be eliminated if moneys are not appropriated or scaled back to the level moneys are appropriated.

Any bill or amendment without the CBO cost estimate and funding will be ruled out of order, but a point of order can be laid against it and overturned by a constitutional majority.

CBO must consult with State and local governments in determining the costs of Federal mandates. Good. Finally.

Federal agencies must consult with State and local governments in determining the costs of mandates in Federal regulations. Good. Finally.

Any bill or amendment imposing a Federal mandate of more than $200 million on the private sector must include a CBO estimate of the mandate's cost. Good.

Laws or Federal rules enforcing civil and constitutional rights, national security or treaty obligations, emergencies, and voluntary programs, as exempted.

I urge my colleagues to support this important legislation.

Mr. DOLE. Mr. President, will my colleague yield just for a unanimous consent request that when she finishes her statement, that I be given the floor rather than the Senator from Idaho, Senator KEMPTHORNE? I ask unanimous consent that I be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I agree with the distinguished Senator from California. As a strong supporter of the Americans With Disabilities Act, I think as in every case where you have regulation or regulators, some become too zealous. We have had examples in our State.

I happen to think the Americans With Disabilities Act was a major civil rights piece of legislation. But, unfortunately, many people feel we ought to make drastic changes because the rule of reason has not prevailed in some of the regulations. And those are certainly some examples I had not heard, but there are other examples that I think make the same point the Senator from California just made.

So I hope we can revisit some of these things that we have done, supported, believe in, and, hopefully, apply the rule of reason in some of those cases.

Mr. President, I just say to my colleagues, I do not want to stay here too much longer this evening but we will be here tomorrow. And we will have votes tomorrow.

Hopefully we can work out some arrangement. I think the staff is now looking at a number of other committee amendments that are technical in nature, to see if the Senator from West Virginia might be willing to let us adopt those committee amendments. If not, there will be probably at least—maybe—no more than one additional vote this evening.

Mr. President, what I will propose in a few moments, after I have had an opportunity to understand what I have here before me fully, is that we consider the remaining amendments en bloc with three exceptions.

I think we started out this morning with two exceptions. We would add a third exception because one of these amendments, I understand, is a bit controversial. So it would be my hope if we could sort of get back to where we were this morning we have not lost everything today, 10 o'clock to 10 o'clock, if we could then probably table the other three amendments. There will be one this evening and the other two tomorrow.

I do not know if my colleague from West Virginia has had an opportunity to look at the request.

I will just indicate that I will not propound the request, but the request would be that the agreed-to committee amendments be 8, 9, 10, and 14, and except out amendments 11, 12, and 13. Committee amendment 11 starts on page 25; committee amendment 12 on page 27; and committee amendment 13 on page 23. It is my understanding that those amendments, those three amendments, are somewhat controversial. So I would not ask unanimous consent that they be agreed to.

Mr. BYRD. Mr. President, reserving the right to object, let us try to make something clear here. The distinguished majority leader, of whom I am very fond and for whom I have a great deal of admiration, and whom I want to congratulate for keeping the Senate in following the swearing in—not going out, staying here, and getting some work done—I congratulate him on that. I think the distinguished majority leader probably does not understand why I have taken the role that I have taken today. He was not on the floor when I explained it.

I am not for this bill; I am not against this bill. This bill was brought to the floor. There was a unanimous-consent agreement to call it up today. I had some problems in acceding to that agreement. I was told that there would be a committee report. I want to see a committee report. I was told in good faith, I am sure, that there would be a committee report filed on the evening of the day before yesterday, Tuesday evening, and that this bill would then be called up on Thursday. I agreed to that. I had in mind the Budget Committee report. I am not on the Budget Committee. I am not on the Governmental Affairs Committee. I have not had an opportunity to study this bill. But I read somewhere that in the Budget Committee, the minority Members wanted a committee report to be filed. They wanted to file some minority views.

I read, or was told, that those Members of the minority were denied that right and that a vote was taken, and they were voted down, which is all right. There is nothing that says that the measure has to have a committee report. Nothing says that. But the minority wanted one. If all Members had agreed there would be no committee report, that would have been one thing. But the minority was denied what it wanted, a committee report.

I daresay if the shoe had been on the other foot, the distinguished majority leader—and he is truly a distinguished majority leader; he is the only Senator here, other than myself, who has been majority leader twice and has been minority leader twice—the majority leader would have been on this floor doing his very level best to get a committee report, and I would not blame him. He would stand right here and use his extensive knowledge of the rules to try to get a committee report. That is all I have asked for is a committee report.

Well, I was told that there would be a committee report, told in good faith. I am sure everybody acted in good faith. But there was a miscommunication, a misunderstanding. I was told in good faith there would be a committee report filed that evening. So I came in the next day and asked for it; no committee report. So then I was told it would be filed last evening. I came in this morning and asked for it; no committee report. And on the first occasion when I was asked by our Democratic leader if I would have any objection, I said, "Yes, I want a committee report." He came back and said, "There will be a report filed this evening", meaning Tuesday, and they would have that report, and the effort would be made to bring up the bill on Thursday. He said, "Do you have any objection to that?" I said, "Well, that is all right with me. We will be getting a committee report." That is what I want, and would have a day in which to study it. I said, "Please ask Senator EXON and Senator BOXER," I mentioned those two in particular, "and the other Senators of the minority on the Budget Committee, if that is agreeable to them."

Obviously, if I had known that the bill that was going to be called up here would be a bill reported out of the Committee on Governmental Affairs, I would not have asked the leader to go check with Senator EXON and Senator BOXER. I am not blaming anybody for that. I was just operating on the understanding that I had read some comments in the news after we talked about the Budget Committee report. Here we are today, and the effort is being made to rush this bill. I took the position that we should not be in a hurry, that we ought to have a committee report. It seems to me that is a reasonable request. I am not on the committee. I can agree to a committee report and have some understanding of it. But I am sure I am not the only Senator here who needs to see a committee report. Inasmuch as one had been requested and the request has been voted down, I felt that there must be some minority views and we ought to be able to read them.

So my purpose today, Mr. President, has not been to filibuster this bill. I have said that. I have not acted like a filibusterer yet on this bill. When the motion to table was made, if I wanted to filibuster, I would move to recess.

That motion has precedence over a motion to table, and I can make other ones if I wanted to be dilatory. That is not what I am seeking to do. I am not seeking to stop this bill. All I am seeking is to stop action on it until we know what we are doing, those of us who are not on the committee and who do not have access to a committee report.

This is an important bill. This is not just a simple sense-of-the-Senate resolution. This is an important bill. I have not asked for a committee report on many of the bills that come up here, but I have read that this is a major bill.

I have read that this is a major bill in the Contract With America. I do not know what is in the Contract With America. I have been very busy trying to readjust to moving, to being banished to the Island of Elba. It has taken me a little time to readjust to that situation. I hope I will have the sympathy of all Members in that respect. So I have been right busy trying to readjust pictures on the wall. I put a picture on my desk of my little dog Billy. You know what? Well, I felt pretty low after the election and especially after being "banished to Elba," and but for the kindness of the new chairman of the Committee on Appropriations, I would not even have "Elba." I would be standing there like Napoleon with my hands folded behind me and looking out to the sad and solemn reflection pool. I have a picture of my little dog Billy on my desk—and, of course, I have my wife's picture on there, too, but I cannot get a quick laugh looking at my wife like I can looking at Billy. When I get low, I look at Billy and then I laugh. It gets me out of the doldrums. I have been busy, I say.

But I want to make it clear to the majority leader that all I am trying to do is get a committee report before we take action on the amendments. We are not going to act on amendments. We might table amendments. If the distinguished majority leader wants to emasculate this bill by moving to table amendment after amendment of the Senate, fine, I will help him. I will vote with him. I do not know what I am voting on, but I will just vote with him to emasculate the bill, and we will start on another amendment. We are not going to vote on an amendment—meaning up or down on an amendment. If the distinguished leader wants to emasculate the bill, that is one thing. I want to make it clear that I have no problem, no problem, with having some votes on substantive matters, up or down, once we get a committee report from the Budget Committee and have an opportunity to study it. That is all I am trying to accomplish. I have been assured we will have the committee report. So, in essence, I have accomplished what I set out to do. I still do not think we ought to vote on any matter involving this bill. If the distinguished majority leader wishes to call up something else and vote on it—any nomination or something—I have no objection to voting. But I do not intend to vote up or down on any amendment to the bill until we get the committee report and have an opportunity to study it.

I say, again, something else the majority leader did not hear me say earlier today, I am not seeking the role of being a traffic cop. I have been majority leader and minority leader. I got irritated when people on my own side, I thought, set themselves up to be traffic cops. I am not seeking that role. But I think I have a legitimate peeve here, if I might use that word. I am making a legitimate request. I think we are entitled to a committee report from the Budget Committee, and I stated earlier today why the Budget Committee. I think the American people are entitled to know what is in this bill. I am entitled, and the Senators are entitled, to know what is in the bill. That is all I am seeking. That is all I am seeking.

If the distinguished Senator wants to move through the rest of these amendments and move to table, I will vote with him on it, but we are not accomplishing much when we just table something. I do not know what I am tabling, but I will help him if he wants to move to table. But I must say to the distinguished majority leader that I cannot give consent to adopting these amendments, en bloc, because some of them are really substantive amendments. I do not know what we are adopting en bloc. The majority leader is a reasonable man, and I try to be a reasonable man. That is why I had no problem with agreeing to the renumbering, en bloc, of those amendments a while ago. I stated in the Senate that until the majority leader pointed out to me what those amendments were, I did not know.

So I will sit down in a minute, but I will object to this request for the reasons stated, and I do so apologetically, in a way, because I just do not want to put Senators in the trouble of having to sit around here. I would rather go home to see my little dog Billy and my wife Lady Byrd. The Senator knows I continue to love him, but I cannot accede to his request at this time.

Mr. DOLE. Well, I thank my friend from West Virginia. I would like to get my little dog, Leader, and your little dog, Billy, together, but not tonight.

Mr. BYRD. The Senator would do me a big favor. I have seen Leader; he is quite a dog. I do not have a picture of him to put on my desk to lift my spirits. All I have is my little dog, Billy.

Mr. DOLE. I think Truman had it right. In any event, I do not really quarrel—I think there has been a miscommunication, I say to my friend from West Virginia. And maybe I will accept the blame, although I thought I understood it properly. But we have had available, as of today at 11:40, the report from the Committee on Governmental Affairs. That report is available, with minority views.

The Budget Committee report is printed in the RECORD at page 783. Senator DOMENICI put that in the RECORD last night. It is in this morning's RECORD. I understand that report will be available at 10 o'clock tomorrow morning with, I guess, minority views from three members of the Budget Committee.

But I say to my friend from West Virginia, I think we believed we were acting in accordance with an agreement we had made—the two leaders—so we could take up the bill Thursday and hopefully get an agreement on amendments, total up a finite number, not be in on Friday, out on Monday; but I think because of the lack of communication, we have not been able to obtain that agreement. We have not given up trying.

It is my hope that at 10 o'clock tomorrow when that report is available,—I do not want to keep Members here just moving to table. And you are right, you can move to recess. We can do a lot of things. But I do believe we will have to be here tomorrow and, hopefully, when the report is available, then we can proceed. If we table all these amendments—we have accepted No. 2, 3, 4, 5, 6 and 7; No. 1 has been tabled. Would the distinguished Senator from West Virginia be agreeable to having one motion to table all the remaining committee amendments rather than having seven or eight votes?

Mr. BYRD. If the leader will yield, I have no objection if the Senator wants to move to table them all. I am not here fighting this bill or supporting it. Before we vote up or down on an amendment, I want to know what we are voting on. If the distinguished majority leader wants to table them, fine. There will have to be action by the Senate to put them back in at some point. I say to the distinguished majority leader, I am not playing any games.

Mr. DOLE. I am just suggesting that might be one way. But if the report is available at 10 o'clock tomorrow, I assume the Senator from West Virginia has no objection to us proceeding. One report is available and has been available.

Mr. BYRD. Yes, I know that. May I say to the leader that it would depend upon the circumstances at the time. We may want a little time to look at the report.

Mr. DOLE. But it is available in the RECORD.

Mr. BYRD. That is not a committee report. I do not know whether all the members of the minority had an opportunity to present their views or not. There is a great difference between the committee report and the statement of the Senator in the RECORD.

Mr. DOLE. The majority views will be identical to what you now find in the RECORD at page 783.

Mr. BYRD. I have no objection to tabling. I am not going to vote up or down on any committee amendment, until we get this report. If the report had not been denied to the minority, I would not have been alerted. But that raised a flag with me. So I simply am trying to be honest and sincere with the leader.

I do not want to vote on any amendment until we get that Budget Committee report, because it is that Budget Committee report that I think Senators ought to have, in addition to the report that is here.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I indicated earlier that in the Budget Committee statement—maybe not technically a report—it contained all but the minority views. But I am advised now that it does contain the minority views of the Senator from North Dakota [Mr. CONRAD] and the Senator from California [Mrs. BOXER]. The only minority views that are not included are the views of the Senator from Nebraska [Mr. EXON].

So I think, again, not to belabor the point, but somewhere along the line there was a miscommunication. And I do regret that it happened, because I think in this instance we have some legitimate amendments to this bill that ought to be debated. It is a bill that is supported by the President. It has strong bipartisan support. We would like to at least start getting into it.

We have a number of amendments on this side. I do not know how many amendments on that side; somebody said as many as 30. That does not mean they will all be offered. But it is an indication that we have a lot of work to do even to complete action on this bill by, say, Thursday of next week.

We will do our best to have the other committee report available. The same thing is in the RECORD, except for the views of Senator EXON. We hope to have that available no later than 10, maybe as early as 8 a.m. in the morning.

In the meantime, I will move to table the next committee amendment, and announce that this will be the last vote this evening.

I know there is a very important briefing tomorrow that I think every Member should attend on Mexico. I believe that would be at 10 a.m. in room HC-5. It is in the new add-on to the Capitol. All Members, Senators and Members of the House, are invited. Mr. Greenspan will be there. Mr. Rubin will be there and other members of the administration. It is a very important briefing. We met with the President today. I hope that everybody on both sides of the aisle will be there at 10 o'clock.

There is some morning business, so I would suggest we come in at 9, and at 10 o'clock we recess from 10 until 11 and be back on the bill at 11. I will get that consent later, but just so Members will know, there will be no further votes after this vote. And I will ask for the yeas and then yield to the Senator from Ohio.

Mr. BYRD. Has the Senator completed his motion?

Mr. GLENN. I ask that he withhold that.

What is it we are about to vote on?

Mr. DOLE. It is committee amendment No. 8. It adds a new section to the Budget Act. The amendment stipulates several of the definitions which are unique to this new section of the Budget Act would only apply to this section. It is on page 12, line 6 through line 9.

Mr. BYRD. Does the Senator move to table?

COMMITTEE AMENDMENT ON PAGE 12, LINES 6 THROUGH 9

Mr. DOLE. Mr. President, I move to table the committee amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. This will be the last vote tonight.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas [Mr. DOLE]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 35, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—54

Abraham
Ashcroft
Baucus
Bennett
Bingaman
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—35

Akaka
Boxer
Bradley
Breaux
Bryan
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—11

Biden
Bumpers
Helms
Inouye
Jeffords
Johnston
Kassebaum
Nunn
Pryor
Reid
Rockefeller

So the motion to table the committee amendment on page 12, lines 6 through 9 was agreed to.

Mr. BROWN. Mr. President, today I rise in strong support for S. 1, the Unfunded Mandate Reform Act of 1995, which I have cosponsored with Senator KEMPTHORNE. I cannot think of a more fitting topic for the first bill to be introduced in the Senate in the 104th Congress, and I thank Senator KEMPTHORNE and his staff for the hard work and leadership that they have provided in bringing S. 1 to the floor today.

Despite the warning over 200 years ago by Senator Randolf against "the most delicious of privileges"—that of spending other peoples money, Congress has repeatedly indulged itself by creating Federal mandate after Federal mandate without any consideration of the costs of these programs to States, local governments, and private citizens. The concept is quite simple—Congress creates Federal requirements, but shifts the bill for these programs to State and local governments and private citizens.

Unfunded mandates have inflicted serious harm on this Nation. First, they threaten to destroy the dual federalism envisioned by the Constitution. Unfunded Federal mandates attempt to reduce States to the role of collection agents and enforcers for the Federal Government; a role that violates the letter and spirit of the 10th amendment. Second, unfunded Federal mandates destroy the ability of people to decide for themselves what role they want for State and local governments. Unfunded Federal mandates reduce the amount of money available for law enforcement, education, healthcare, and economic development, which are most efficiently provided at the State and local level. Third, unfunded Federal mandates have allowed Congress to avoid taking responsibility for raising taxes to pay for Federal programs. These mandates have been painless for Congress, because it made other people pay for its pleasures.

However, in November 1994, the American people made it very clear that they would no longer tolerate the imposition of unfunded mandates from afar, particularly by a Congress that would not even live under the same laws that it established for others. S. 1 represents the first step towards forcing Congress to ensure that it pays for Federal mandates and respects the role of States and local governments in our Constitutional system. S. 1 also helps to fulfill our obligation to the American people that we legislate openly, fairly, and in their best interest.

The core principal of S. 1 is that unfunded Federal mandates must be identified in advance so that Congress can make an intelligent decision about the relative costs and benefits of proposed legislation. A fundamental principal of responsible behavior is that you must at least stop and think about the consequences of your actions. Unfortunately, Congress has often violated this principle by enacting laws creating Federal programs without even any knowledge of, information on, or thinking about the nature and scope of the Federal mandates contained in the legislation. As a result of the irresponsible imposition of unfunded mandates:

The State of Colorado is forced to spend over 23 percent of its general fund on Federal mandates.

Garfield County may be forced to close a branch office that was opened so that country residents would not have to drive 40 miles to the county seat.

The city of Trinidad must close the only landfill in Las Animas County, and its citizens will be forced to truck their trash to a new landfill over 100 miles away.

The town of Haswell, with a population of 69 people, has been told that it must spend one-fifth of its annual budget of $30,000 on drinking water tests alone.

A small mobile home park was told that its 20 families may have to spend $500 per family annually for testing their water supply.

S. 1 will help stop this irresponsible behavior because Congress will have information from the Congressional Budget Office about most Federal mandates which would be created by proposed legislation. This information will also allow people to hold Congress accountable for its decisions to spend their money. With S. 1, Congress will no longer be able to evade the consequences of its actions on States, local governments, and private citizens.

Spending other people's money is bad enough. It is even worse when we spend borrowed money that must be repaid by future generations. That is one of the reasons why I have also cosponsored a resolution for an amendment to the U.S. Constitution that would limit deficit spending. However, as Senator Tom Norton, President of the Colorado Senate, and Representative Chuck Berry, Speaker of the Colorado House of Representatives, testified at the January 3, 1995, field hearing on the Balanced Budget Amendment, States are concerned that the Federal budget not be balanced by the use of unfunded mandates to shift the cost of Federal programs to the States. While S. 1 takes a significant step toward providing States with assurance that the Federal budget will not be balanced at their expense, I share the concerns of the leadership of the Colorado General Assembly, and will soon introduce a resolution for a Constitutional amendment that would provide permanent protection against unfunded mandates.

The time has come to respect the sovereignty of the States and to treat State and local governments with fairness. The need for S. 1 cannot be questioned. As others have mentioned today, it is supported by a bipartisan coalition of States and local governments from across this Nation. I ask unanimous consent for leave to include within my remarks today some of the many requests for help on the issue of unfunded mandates from local governments in Colorado.

Finally, I would note that one of the reasons that Senator KEMPTHORNE speaks with so much authority on this issue is that but a short time ago the distinguished Senator was the mayor of the city of Boise, where he experienced the consequences of unfunded Federal mandates on the citizens of Boise. The obvious value of the Senator's experience in the real world provides an example of the need for term limits so that we ensure that Senators and Representatives do not lose touch with the people we serve.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOARD OF COUNTY COMMISSIONERS,
Delta, CO., January 5, 1995.

Hon. HANK BROWN,
Grand Junction, CO.

DEAR SENATOR BROWN: In support of your "Unfunded Mandates" bill introduced today, please use these comments at your discretion.

Delta County, being a poor rural county, cannot accept the further burden of federal unfunded mandates: be they full or partial.

Serving our constituency through already existing mandated programs, i.e., Social Services, EPA policies on landfills, and other federal programs has stretched our budget beyond redemption at this point.

We fully support your actions in relieving local government of that burden.

Respectfully,
DONNA R. FERGANCHICK,
Vice-Chairman.

GARFIELD COUNTY
OFFICE OF ADMINISTRATION,
Glenwood Springs, CO., January 6, 1995.

Re: Unfunded Federal mandates.

Senator HANK BROWN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BROWN: I am writng you this letter at the request of the Chairman of the Garfield County Board of Commissioners, Commissioner Buckey Arbaney, on the subject of unfunded Federal Mandates. These mandates have cost our citizens a lot of money. Although some of them are desirable in regards to purpose, they all basically go far beyond common sense and waste taxpayers' dollars in trying to accomplish these purposes.

The most recent mandate that comes to mind is the American with Disabilities Act (ADA). The intentions of the act are good, but unfortunately the way it was drafted leaves a lot of interpretation up to litigation and the courts. From our perspective, this is a mistake. Also, in our opinion, the act goes far beyond what makes sense. While the ADA does have wording that relates to financial feasibility, our attorney tells us this "feasibility" criteria does not apply to government because we have the "power to tax". Therefore, the reasoning goes, nothing is not feasible to government in the long run.

Specifically, we have a building in the west end of the county that we purchased approximately 10 years ago for $250,000.00. This building houses various county functions in Rifle, such as Social Services, Nursing, and the County Clerk. This building is the primary source of these services for citizens living in the Rifle and Parachute area of Garfield County that would otherwise have to travel 30 and 42 miles respectively, one way, often times in inclement weather conditions. The engineering report we recently received put the cost to minimally comply with the ADA at $330,000.00. In spite of our "power to tax", this is not reasonable. We will have to consider closing this building. If this happens, all residents of these areas, regardless of their disability or lack thereof, will have to make the trip to Glenwood Springs. I guess this does accomplish "equal access," but it really does not make sense.

We are also operating our jail under a Federal court "consent decree." Basically this decree has us offering more services to our inmates than some of our law-abiding citizens are able to obtain and live under. The total cost of this decree would be difficult to quantify, but in the last year we have paid the American Civil Liberties Union and Federal Court designated attorney approximately $20,000.00 as well as a comparable amount of county staff expense just in trying to figure out how to comply with this "consent decree." We feel the requirements imposed upon local jails are not reasonable. It is currently costing the county $300,000.00 per year to transport and board prisoners in other jails due to perceived overcrowding of our facility by the Federal court. A considerable amount of these funds could be saved if we were allowed to manage our jail without the constraints of the "consent decree." Prisoners would still have a reasonable living environment. It seems like more reasonableness should be imparted to this "process."

Subtitle "D" is another mandate that we do not know the total cost of because they still can't tell us what it is we have to do. As you are probably aware, this legislation and subsequent regulation tells us how we must run our landfill—or does it? The latest word we have received is that we will probably have to drill our required monitoring wells to water. Our current wells are a little over 100 feet. It is estimated that they will have to go 700 plus feet to reach moisture. We still don't know if we will be required to line our landfill cells. Many of the rules drafted assume the worst possible environment and do not consider Garfield County's impervious soil, arid climate and geographic location at our solid waste facility. While the intentions of this legislation are generally good, again it is not being applied with common sense.

"Social Services" or "Welfare" is another mandate that is causing a lot of expense but yet does not seem to be solving any problems. In the last 20 years expenditures for this program have increased 795%. This does not include food stamps. Our population has about doubled. In spite of this expenditure increase the problem is worse, not better. Could it be that we are treating symptoms here instead of causes? Doesn't this indicate that we are doing something wrong and that maybe we should try something different? This is an immense expense and one the county has no choice about. This program is mandated by the Federal Government and the State. If we try to do something different, the threat of sanctions and the Federal court are hanging over our head. Yet our county taxpayers contribute a substantial sum to this program over which they have little or no control. Our direct property tax contribution to this program in 1994 was $529,000.00, and that does not include other substantial items such as specific ownership tax and the county incentive money relating to child support enforcement.

I could continue on but I think this is enough to illustrate the point. If you need any further information, please let me know. Thank you for this opportunity for input.

Very truly yours,

CHARLES E. DESCHENES,
MAYOR, CITY OF FORT COLLINS,
January 5, 1995.

Hon. HANK BROWN,
U.S. Senator,
Greeley, CO.

DEAR HANK: I write you about two points. The first is unfunded federal mandates. The second is the problem created by uncoordinated, overreaching federal agencies.

Thank you for asking local elected officials for their concerns about federal mandates. Yes, we are concerned with unfunded Federal mandates. Local governments often become impoverished in their attempt to meet mandates.

For example, problems include complicated, overreaching legislation and regulations; extreme funding demands; and a resulting mushrooming of bureaucracy. Since tax money is limited, local funding of federal mandates also means important local needs may go unfunded.

We all agree, federal government must recognize the need for resources to develop solutions. It is critical fiscally and constitutionally to recognize the problems with unfunded mandates.

On beyond the mandates, it's the regulations, Hank. As you know, the U.S. Forest Service has withheld USFS lease renewals with Front Range cities in order to obtain water rights without going to water court as required by state and federal law. To complicate matters, the U.S. Fish and Wildlife Service entered the picture via the Endangered Species Act and, finally, the EPA joined in under the Clean Water Act. This has been extremely frustrating. These agencies acted independently of each other and failed to understand the needs of local citizens or state laws.

Further, when agencies develop regulations to implement federal statutes, we are often amazed at their interpretation of the statutes and the overreaching regulations or agency-by-agency interpretation of regulation which results.

Through you, we ask these regulators to coordinate their efforts so we can proceed instead of finding our efforts at responsible government stymied. I also am asking Congress, as our leaders, to help assure a spirit of unity. Not only would balanced organization decrease costs, but a true inter-governmental relationship would be enhanced. We need your help to lead more coordinated efforts.

Sincerely,

ANN AZARI,
Mayor.

OFFICE OF COUNTY COMMISSIONERS,
Pagosa Springs, CO, January 5, 1995.

SENATOR HANK BROWN: Due to the increasing demands of the federal and state governments to implement unfunded mandated programs, the Board of County Commissioners of Archuleta County Colorado is finding it extremely difficult to fulfill the demands of its citizens for needs that the county is itself responsible for. It has been the county's experience in the past few years that the federal government wants local governments to administer more and more of these programs without subsidizing the funding that is associated with these programs.

Sincerely,

DENNIS A HUNT,
Archuleta County Manager.

MONTEZUMA COUNTY BOARD
OF COMMISSIONERS,
Cortez, CO, January 5, 1995

U.S. Senator HANK BROWN,
Hart Office Building,
Washington, DC.

DEAR SENATOR BROWN: On behalf of the Board of County Commissioners for Montezuma County, we would like to take this opportunity to express our concerns about Federal manadates that are placed upon local Government without consideration for funding. Over the past two years we have completed a sub-title "D" landfill and complied with the Americans With Disability Act Both pieces of legislation have cost Montezuma County approximately $650,000 to comply with the new Federal legislation. We appreciate the opportunities to make our comments. If we can be of any assistance, please don't hesitate to give us a call.

Sincerely,

THOMAS K. COLBERT,
Chairman.

MESA COUNTY, COLORADO,
BOARD OF COUNTY COMMISSIONERS,
Grand Junction, CO, January 5, 1995.

Senator HANK BROWN's Office.

Attention: Craig Glogowski.

DEAR CRAIG: Here is some information for you. Please feel free to call me at 244–1605.

UNFUNDED MANDATES COSTS TO MESA COUNTY

Social Services (Diann Rice): $2,527,000.

Personnel—ADA (Nancie Flenard): $920.00—To produce manual.

Drug Testing (Dyreng): $32.00/test-drug.

Subtitle D (Landfill): $200,000 yr.

Courts (Judy Vanderleest): None—reimbursed by State.

Sheriff's Office: None—generally mandated by the State.

ADA–FTA req. on MesAbility: $4,000 yr. + $8,500 per vehicle.

Road & Bridge (Bob Carman): None.

Facilities (Mike Serra)—Tank Pulls 1992–1997: $469,338; ADA: $418,000 projected; Air Quality: $267,000.

Health Department: Not available at this time—in the middle of a measles epidemic.

Endangered Species: Not available today—staff member out of office today.

Sincerely,

JOHN CROUCH,
Chairman.

Woodland Park, CO, January 5, 1995.

Re unfunded mandates effect on the city.

Senator HANK BROWN.

DEAR SENATOR BROWN: The following is a list of unfunded federal mandates which have had significant negative financial impact on the City of Woodland Park and its citizens. Not included in the listing are the costs of overhead and administration of these mandates.

1. Compliance with the recently enacted Americans With Disabilities Act (ADA) has resulted in a City budget of $20,000 in 1994 and $10,000 in 1995 for expenditure to meet these regulations. A continuing budgetary appropriation eventually totaling an estimated $250,000 is anticipated over the next several years in order to reach compliance with the minimum standards contained in the Act.

2. In addition, the City will be required to randomly test a pre-determined percentage of our population of Commercial Drivers License (CDL) licensed employees for drug and/or alcohol use on an annual basis beginning January 1, 1996. These federal testing regulations also include the establishment of treatment and rehabilitative programs for those employees who may test positive. Estimated costs $2,000–$3,000 annually.

3. The City of Woodland Park recently completed a federally-funded road improvement project to install asphalt pavement, curb and gutter, grading, and roadside drainage improvements over 2.6 miles of existing streets. The cost of this project was $695,000, approximately $267,300 per mile. The City is presently under contract with the same contractor to provide the same kinds of improvements built to the same engineering standards but locally funded throughout the City, a project of 26 miles length, at a cost of $4.95 million, approximately $183,300 per mile. The Davis-Bacon wage requirement raised cost approximately 45.8 percent.

4. The City of Woodland Park recently constructed new wastewater consolidation and treatment facilities at a total cost of almost $6 million. The financial impact of compliance with Davis-Bacon wage laws increased the City's share of the project cost by an estimated $200,000.

5. The Safe Drinking Water Act (SDWA) requires testing for possible contaminants that have an extremely low probability of existence or of ever being a problem in our community. Our annual cost for this testing is about $5,000 per year. The SDWA also requires the City to treat the active water supply so that it will not be likely to corrode lead from solder joints in the small percentage of homes that were constructed just prior to banning lead based solder. This will be done at an annual cost of about $10,000,

even though the repeated testing shows that simple flushing of lines before drawing drinking water does eliminate the problem.

We hope this is helpful and we wish you success in your efforts to address and correct these inequities.

If I can be of further assistance, do not hesitate to call.

Sincerely,

CLARKE D. BECKER,
Mayor.

RIO GRANDE COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Denver, CO, December 28, 1994.

Hon. HANK BROWN,
U.S. Senator,
Washington, DC.

DEAR SENATOR BROWN: Thank you for requesting our input concerning unfunded mandates. It seems each passing day there are more and we do appreciate your efforts to correct this problem.

The first to mind and most costly to Rio Grande County has been Subtitle D of the EPA regulations concerning the construction and operation of landfills. Rio Grande County and Alamosa County have formed a Regional Landfill Authority for the construction and operation of a new landfill due to these regulations. Our present landfills do not meet these requirements. This one regulation will cost us over $1.7 million in construction. This figure would be considerably higher, but we have done as much as possible with county staff and equipment.

The second unfunded mandate that the County has been faced with is the Water Quality Act and Air Quality Act. We have been mandated to replace all fuel tanks which cost thousands of dollars. We also are having to obtain Storm Water Permit for our small airport and we believe shortly these Permits will also be required for our County shop facilities. This costs us in staff time to just keep up the quarterly, semi-annual and annual reports, and the updating of the policy.

The third unfunded mandate that we have had to comply with is the Department of Transportation's regulations concerning CDL's and now the new drug and alcohol testing. The County's Road and Bridge employees must obtain a CDL to operate our trucks which means the County is now paying the physical examines and paying for the CDL tests which run over $100 per test. Starting the 1995, we now have to do drug tests on 25% of all CDL's with hazardous ratings and then in 1996 all CDL's will need drug testing. Also in 1996 we will have to do testing for alcohol on 50% of our drivers. There are only several labs in the United States that are certified to do the testing of the samples. We are looking at around $42/drug test and presently do not have the fees for the alcohol test. The regulations also mandate comprehensive policies concerning the testing and the actions by the employer if a positive result is found. If a positive test for an employee is found, disciplinary action must be in compliance with the American's Disability Act (ADA). Under ADA, alcoholism is a protected disability. Drug use is not.

ADA and American Family Leave also are unfunded mandates that have impacted Rio Grande County. Just the staff time alone to get the policies written and adopted and educate all the employees has been very time consuming. Every employer has employees that will try to use these new "rights" other than the basic intent of the legislation.

Other unfunded mandates that are difficult to place an exact price tag on, are all the programs and regulations for welfare and medicaid. Many of these regulations are passed to the state and then to local governments without the local officials really knowing who is responsible for the drafting of the regulations. Eligibility for most of these programs is being lowered every day which results in more clients and more match by local funds.

Even though you requested information on unfunded mandates, we would also like to take this opportunity to express several other areas of concern we have, namely such regulations as the Endangered Species Act and the Wetlands Act. These two Acts are having major economic impacts on Rio Grande County. We basically have no timber sales in our National Forests due to the Endangered Species Act and environmentalists who are "protecting" us from ourselves. Having 75% of Rio Grande County owned by the Federal government and most being the National Forest Service, the timber industry is a major employer. Presently, the one lumber mill in Rio Grande County is obtaining their timber from New Mexico and northern Colorado. They cannot continue to do this and stay financially competitive. Agriculture and general development is being impacted by the Wetlands Act and many people are fearful to do any type of land improvement because of stories over zealous regulators who carry this Act to extremes.

We also want to urge your assistance in obtaining the balanced budget. We feel strongly that this legislation must be passed to save the nation. We urge your assistance in getting this legislation carried, but we want to see it as a Constitutional Amendment, not just an Act. This will make it very difficult in the future for other politicians to erode or repeal.

In closing, we are sad to hear of your retirement, but do thank you for the wonderful job you have done in representing Rio Grande County!

Sincerely,

VERN ROMINGER,
Chairman of the Board.

MT. PRINCETON MOBILE HOME
AND RECREATIONAL VEHICLE PARK,
Buena Vista, CO, June 9, 1993.

Hon. HANK BROWN,
U.S. Senate,
Colorado Springs, CO.

DEAR SENATOR HANK BROWN: We do support Bill S2900—regarding safe drinking water.

We do support safe drinking water, but the Government is imposing so many water tests, with a very high cost of testing being passed on to the water supplier.

In our mountain area of Colorado we have many small community water systems of which the Government will be putting out of business.

The State of Colorado tells us that our Laboratories here in Colorado are not equipped to do all of the testing that is required.

Our wells here in the Arkansas Valley have passed every test so far imposed with flying colors.

Our biggest problem is Congress passing these Bills, requiring so many more water tests which we have willingly provided in the past years. Now there is a High Dollar Cost with the increased testing of our water. A Quote from our State of Colorado—"Cost will be as high as $10,000.00, we are told to budget $1,000.00 per year."

I received a letter regarding an Inorganic Test, the fee will be $1,600.00. They say our Labs can not handle all the Government Required tests—We'll have to send the test to out of State labs to meet the requirements.

We do not want the E.P.A. to take over, as all cost for their Job Security will be passed on to us.

We will be having a Water meeting in Buena Vista, Colorado on June 14, 1993 at 7:00 p.m. at the American Legion Hall, E. Arkansas and Railroad, Buena Vista, Colorado 81211. You are invited to attend. Your support would be greatly appreciated.

STATE OF COLORADO,
EXECUTIVE CHAMBERS,
Denver CO, January 4, 1995.

Hon. HANK BROWN,
U.S. Senate,
Washington, DC

DEAR HANK: I am writing to urge you to cosponsor S. 1, the Unfunded Mandate Reform Act of 1995, and to vote for the bill without weakening amendments.

As I said at the recent Senate Subcommittee hearing on the Balanced Budget Amendment, I believe most unfunded federal mandates are too burdensome and costly to the states and local governments. We have no room in our budgets for unfunded mandates which push important state services down the priority list. It is critical that states be given real, permanent protection against new unfunded federal mandates.

It is my understanding that the Senate Budget Committee and the Senate Governmental Affairs Committee will hear testimony on the bill later this week and will send it to the Senate floor for final action next week.

Congress now has a critical opportunity to redefine the federal-state relationship. I hope it will take advantage of the new political climate in Washington and enact constructive unfunded mandate reform legislation.

Again, I urge your strong support of this important measure.

Sincerely,

ROY ROMER,
Governor.

MORNING BUSINESS

AMERICAN TROOPS IN HAITI

Mr. MURKOWSKI. Mr. President, today one of America's sons was killed while serving with the Special Forces on duty in Port-au-Prince, Haiti. He is the first American serviceman to die while on this mission.

Where did this soldier die? Was he engaged in a battle with former supporters of General Cedras? No. This soldier died while he was monitoring toll booth operations on a road in Haiti. I will repeat that: The first American soldier to die in Haiti died while he was monitoring toll booth operations. He was shot by a passenger in a car at the toll booth.

Mr. President, why are American troops still in Haiti? General Cedras is gone. Aristede has been in power for more than a month. And still American forces remain in Haiti. And what are they doing? Monitoring toll booths and cleaning streets.

In this Senator's view, the return of our soldiers from Haiti is long-overdue. Their mission has been accomplished and they should not be performing local civil functions. It is a sad day when any American soldier loses his life in defending freedom. But Mr. President, it is totally absurd that this soldier was killed while performing a job he was neither trained for nor should have been doing.

I urge the President to bring the troops home now.

SENATOR KENNEDY'S SPEECH TO THE NATIONAL PRESS CLUB

Mr. DASCHLE. Mr. President, yesterday, one of our colleagues made a speech at the National Press Club that deserves the attention of all Senators.

Senator KENNEDY spoke of the timeless values and enduring ideals that Democrats share with the American people. He eloquently described the successful fights Democrats led in past years to enact Social Security and Medicare; the fight for civil rights; the fight for an equal opportunity for all America's children, rich and poor alike; the great opening of opportunity through higher education; all the efforts to preserve what's finest about our national community.

And he set forth the challenges Americans face today, and the Democratic response to those challenges, for the working middle-class families of this country.

I addressed the same concerns last week, on the first day of the 104th Congress, when I introduced five bills that are directed at the goals of increasing the economic and personal security of working families, strengthening of economic foundations on which American prosperity rests, and reforming the Congress to reduce the influence of money in politics.

Senator KENNEDY spoke with the special passion that only he brings to politics, a passion that throws into sharp relief Democratic goals and the principles by which Democrats have sought those goals throughout this century.

I believe his words deserve a wider audience, so I ask unanimous consent that following my remarks, the full text of Senator KENNEDY's statement be reproduced in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY: "WHAT DEMOCRATS SHOULD FIGHT FOR—PRINCIPLES IS THE BEST POLITICS"

I want to thank Gil Klein for that generous introduction, and I am grateful to the Press Club for the opportunity to address you today.

I come here as a Democrat. I reject such qualifiers as New Democrat or Old Democrat or Neo-Democrat. I am committed to the enduring principles of the Democratic Party, and I am proud of its great tradition of service to the people who are the heart and strength of this nation—working families and the middle class.

I would have lost in Massachusetts if I had done what Democrats who were defeated in other parts of the country too often tried to do.

I was behind in mid-September. But I believe I won because I ran for health reform, not away from it. I ran for a minimum wage increase, not against it. I continued to talk about issues like jobs, aid to education, and job training. And I attacked Republican proposals to tilt the tax code to the most privileged of our people.

I stood against limiting welfare benefits if a mother has another child, and I will stand against any other harsh proposals that aim at the mother but hit and hurt innocent children. I spoke out for gun control, and against reactionary Republican proposals to abandon crime prevention as a weapon in the war on crime. I rejected the Republican double standard that welcomes government as benign when it subsidizes the affluent, but condemns government as the enemy when it helps the poor.

I ran as a Democrat in belief as well as name. This turned out to be not only right in principle—it was also the best politics.

I talked about the issues that mattered to working families, and about what I had tried to do to address their needs and concerns. I take some sense of pride and satisfaction that exit polling showed 89 percent of Massachusetts voters—by far the highest percentage in the country—said they had learned enough about the candidates and the issues in the Senate race to make an informed choice.

Our issues, if we defend them, are popular. The working families in New Bedford, Fall River, Lowell, Lawrence, Springfield and Worcester in my state voted for me, and they have the same concerns as working families throughout the country.

The caricatures of us by the other side will be ineffective—as long as we vigorously oppose them and expose them, instead of sheepishly acquiescing in them. If Democrats run for cover, if we become pale carbon copies of the opposition and try to act like Republicans, we will lose—and deserve to lose. As I have said on other occasions, Democrats must be more than warmed-over Republicans. The last thing this country needs is two Republican parties.

If we fall for our opponents' tactics, if we listen to those who tell us to abandon health reform, or slash student loans and children's programs, or engage in a bidding war to see who can be the most anti-government or the most laissez-faire, we will have only ourselves to blame. As Democrats, we can win, but only if we stand for something.

The election last November was not a ratification of Republican solutions. By the narrowest of margins, they gained control of Congress. But less than 40 percent of eligible voters turned out on election day, and only slightly more than half of those—about 20 percent—cast ballots for Republicans. Some mandate!

As the current controversy over the motor voter law demonstrates, Republicans thrive by depressing voter turnout. Intensity matters for Democrats. Turnout will certainly be higher in 1996—fifty or sixty percent higher. We must stand our Democratic ground. We must fight for the ideals that are the very reason for our party's being. We must prove to working families and average citizens that we are on their side, fighting hard for them. If we do, then Democrats will turn out and come home in 1996. The defeat of 1994 will be history, and we will be back, stronger than ever—not stale from the past, but renewed for the future.

But to achieve that victory, we must not repeat the mistakes of the past. We must make explicit to the American people our core values and beliefs which form the basis of our political philosophy and underlie our legislative proposals—specifically and most important, that we as Americans, with all our diversity, share a common purpose, a common sense of family, neighborhood, community and country, of fairness, responsibility, and decency.

Unfortunately, we have failed in the past to make these vital and important points as clearly as we should. We Democrats have always considered family, community, faith and love of country to be core values—the foundation upon which all of our proposals are based. But we allowed Republicans to take these values as their own. We assumed too quickly that our commitment to such values was self-evident in the proposals we made and the legislation we passed. We were wrong, and we paid a price because of it.

So let me set the record straight. Family, community, love of country, fairness, responsibility—all of these values underlie the philosophy of the Democratic Party. And these are the values that underlie and must underlie all of our legislative proposals.

This is not to say, however, that I believe these core values should be used as a superficial rationale for bumper sticker solutions to the complex problems we face. No, these core values require us to reject simple, easy answers which may make us feel good today, but do absolutely nothing to solve these problems. Our values oblige us to address these problems in a thoughtful and productive way.

We are, without apology, the party that believes in assisting the poor and the disabled and the disadvantaged—but not to the detriment of the hard-working middle class, which is justifiably frustrated and angry. The feel left out and left behind, because they know they are losing ground. They see the wealthiest Americans becoming wealthier. They see the poorest Americans being taken care of by society's safety net—which their tax dollars have put in place.

Americans are angry, and rightly so. Rapid economic change and surging global competition have made many jobs and people less secure. The vast majority of Americans are working harder and making less. Yet fair reward for work has always been essential to their hope of creating better lives for their families and their children.

As Democrats, we must address that anger and frustration. But the answer is not to create larger problems by dismantling the safety net, leaving the poor to fend for themselves. Such a result is not only inhumane, it is wrong and destructive to our country, our communities, and our values.

Nor is the solution to give more tax breaks to the wealthiest Americans, in hope that something will trickle down to the middle class. This country was founded on equal opportunity for all, not unequal opportunity for some.

Instead, we must be more responsive and give a greater helping hand to working families and the middle class. In this central battle for their minds and hearts, heritage and history are on our side. Recall the great victorious battles of the past—for Social Security and Medicare, for the minimum wage and the rights of workers, for civil rights and equal rights, for protection of the environment, for a Head Start for every child and the education of all children regardless of their parents' income, for family and medical leave, for opportunity for women and a woman's right to choose. By any standard, these were extraordinary achievements. And all of them were won because they were sought and fought for by members of the Democratic Party.

Let us not forget that many of these measures, which the American people now accept as part of our way of life, were opposed at the time by the majority of Republicans in Congress. Democrats bled—and suffered lasting battle scars for these victories. But there are few if any Republicans who would refight them or repeal them now.

These historic victories strengthened families, strengthened communities, and brought Americans together. They reflect the fundamental dedication of the Democratic Party to a sense of progress that embraces all Americans. Our achievements remind us of our roots, inspire us to fight harder now, and give us a credibility and a vision that history denies Republicans in fighting for the future.

Surely, the challenges we face in the 1990's are no greater than those we faced in other years. People want government to be more responsive to their problems and more effective in resolving them. I'm talking about basic things that make a difference in people's lives. A strong growing economy. A clear commitment to keep the current recovery going, and to keep the deficit heading down. Good jobs and decent wages where hard work pays off in rising standards of living, not falling farther behind. Safe streets and neighborhoods. Schools that give students a good education. Child care and health care that are accessible and affordable to all. Rekindling the sense of community and patriotism, of shared values and individual responsibility, of service to others—to neighborhoods and the nation alike.

These ideals are, have always been, and must continue to be our Democratic priorities. And we made more progress on them in the last two years than most voters ever knew on election day.

But there is no profit in endlessly regretting the denial of credit to President Clinton and the Democratic Party for a remarkable record of achievement.

One reason for the lack of credit is that the President and the Democratic Congress took on a almost unprecedented array of tough challenges, and did not win every battle. Another reason is that we live in a period of vast economic and social transformation, in which the politics of fear is easily marshaled to overrun the politics of hope.

And another reason, I am convinced, is a Republican strategy of obstruction, distortion, and massive personal attack on the President and the First Lady. In the wake of this election, Democrats need to fight back for our beliefs, not turn our back on the Clinton Administration.

Blaming Bill Clinton by some in our party comes with ill grace from those who abandoned him on critical votes in the last Congress, then ran from him in the campaign—and then lost, often by wide margins. Now they come forward to advocate a strategy discredited by their own defeats.

My fundamental recommendation to the President is that he stay the course of change and do what he thinks is right. My advice to my fellow Democrats is that we work with the President for change—instead of seeking to change our principles, or distance ourselves from him.

No one wants a repeat of the Republican tactic in 1994 that made the "G" in G.O.P. stand for gridlock. We must try to reach across party lines—and build bipartisan coalitions to do the things the nation needs and deserves. This is an obligation on both sides, Republicans as well as Democrats. We must never forget that it takes two parties to be bipartisan.

I believe in free enterprise—but I believe in active government too. A practical way to blend them both and make government more effective is through what I have called public enterprise—using market forces wherever possible, not asking taxpayers to blindly pay for programs, but insisting that programs be genuine investments in a brighter future, and produce results commensurate with their cost.

There is no doubt that many programs are not successful. A federal program is not the solution to every problem. But there continues to be an important federal role in solving the problems of our society by investing in people and the infrastructure needed for our country to succeed and our citizens to thrive. To believe otherwise is hostile to the basic values of our country and to the historic concept of "We the People" in our Constitution. We must not rob the people of the resource of government. It is their government, and we must make it work for them.

We do need to streamline government and make it more responsible to average Americans. But as President Clinton said last month, people want government to be lean, not mean. There is a large difference between reinventing government and rejecting it—and an even larger difference between using government to promote the general welfare and misusing it to pander to the powerful and punish the powerless.

If we keep these truths in mind, we can find real solutions that work for health care, schools, and jobs, and achieve a rising standard of living for all. We can deal effectively with crime, welfare, race, and immigration—instead of allowing our opponents to keep on welding grievances, anger, suspicion, and even outright bigotry into weapons of mass destruction of their next campaigns.

Democrats can win the current debate on the budget and on tax relief for the middle class. Republicans can disguise their intentions all they want. But at the heart of the Republican plan are deep reductions in Medicare and Medicaid, and lavish tax cuts that favor the wealthy—especially their capital gains tax cut, the classic Republican tax break for the rich—trickle down economics at its worst. That is not what the 1994 elections were about, and the Republicans and the voters know it.

We must also resist our opponents's mindless anti-government vendetta against regulation—a rhetoric leading to an across-the-board assault on government that hides a multitude of injustices and indifferences.

Republicans wanted to get government out of the savings and loan industry in the worst way in 1980s—and they did. Deregulation ran amuck. The S & L mess became one of the most serious scandals in our history, costing taxpayers more than a hundred and fifty billion dollars.

So my advice to Republicans is to make sure there is water in the pool before they leap off their pro-business anti-regulation diving board. Government is there for a reason—to help people, including the middle class.

There are mounting needs and frustrations in this land. But it will only make things worse, not better, to shred the safety net, or deregulate health and safety. Nostalgia for a past that never was is not a policy for the future.

Where do we go from here? Let me outline some key priorities that should be part of our Democratic agenda for 1995, because they are part of our strategy to strengthen and invest in the community we call America.

No issue better represents the commitment of the Democratic Party to strengthen families and communities than the drive for comprehensive health reform. It is a total misreading of the election—and a deliberate misreading of the public will—to include this issue is no longer important or urgent.

For some in Congress, with their blue chip coverage under the federal government plan, health reform may be only a political game, where points are won or lost. But to the majority of Americans, it is a continuing worsening problem, where their health, their children and their family, their financial security, and often their best lives are at stake.

The real value of the average working family paycheck has been stagnant for many years, but the share that goes for health has soared. Excessive inflation in health costs means less and less of the paycheck is available for everything else. Millions of working men and women risk losing the insurance they have, if they change or lose their job. And for too many senior citizens and persons with disabilities, the high cost of prescription drugs and long term care has broken the promise of Social Security and Medicare.

Democrats fought for health reform in the last Congress, but we did not fight well. We made serious mistakes that contributed to our failure. But I am certain that in large part we were defeated because of the cynical Republican calculation that successful health reform would benefit Democrats at the polls and thwart Republican election goals. And so they settled on a strategy of relentless obstruction.

No one can know for sure. But I believe voters would have rallied to Democrats in 1994 if we had gone down fighting as hard as we could for health reform. Instead, we engaged in a search for a phantom compromise that our opponents never intended to achieve. We allowed the great debate in Congress to end without a vote—with a whimper, not a bang—and we must not make that mistake again.

Now, Republicans have had their election—and their victory. I ask them—and challenge them—to join us in fashioning a health bill and enacting it into law in 1995. Sit down with us for real. Get serious about coming to agreement. Bring Harry and Louise if you like—but let's expose special interest pleading for what it is. Shape a compromise that deals realistically with the problem, rather than treating each offer of compromise as a pretext for new demands—which is what happened last year.

It would be nice if the Republican Contract with America contained even a hint of this simple pledge—to give every American the same health care that the newly-elected signers of the Contract are receiving from the federal government. We are now making Congress abide by the same laws we pass for others. Why not give the American people the benefit of the same laws that Congress passes for itself?

A second major challenge, if we are serious about revitalizing our communities and investing in families and the nation's future, is reform in job education.

Today, we have scores of separate job training programs costing billions of dollars a year—and workers are not getting their money's worth. President Clinton and the Democratic Leadership Council are right to call for vouchers and greater reliance on market forces, so that workers can circumvent the bureaucracy and choose the training they want.

We must also focus more on outcomes. Too often, the path of least resistance has been to create more and more training programs—without the follow-through to see that they succeed in actually preparing people for jobs and placing them in jobs. We must reward those that are successful—and de-fund those that fall short.

We must do more to redress the widening gap between soaring profits and stagnant wages. We must insist that firms provide training for their workers. I make no apology for supporting a mandate in an area like this. Often, a mandate is the only practical way to assure that free enterprise is fair as well as free. Through the minimum wage, we ask business to invest in the lowest paid workers, and the time has come to ask business to invest in all workers by providing a minimum level of training.

Companies make choices. Some firms train their workers well, upgrade their skills, and offer good benefits. They treat workers as valuable resources, and still earn good profits. Other companies rely on a harsher strategy that exploits workers. They downsize. They lay off good workers. They hire part-time employees to avoid paying benefits. They cut corners on safety.

Congress should do more, not less, to encourage companies to do the right thing and prevent unfair competition from those that don't. Mandates make sense in areas like job training and health care. We must break the iron grip of a Gresham's Law of Business, in which irresponsible firms drive out firms attempting to be responsible.

A third major challenge to invest in our future and strengthen our American community relates to education. With college costs rising—over $8,000 a year at many public universities and over $20,000 at many private colleges—the American dream is too often an impossible dream for many families.

Let's hold the line against even one cent of Republican cuts in college aid. How dare anyone offer a Contract with America that professes allegiance to the middle class, but that would slam college doors in the face of their children. Basic values are at stake. Let's strengthen the Department of Education not abolish it. Let's oppose and defeat education cuts that would be nothing more than federal aid for ignorance.

Finally, a top priority for this Congress is reform of the lobbying and campaign finance laws. No change will do more to strengthen our American community and make greater progress possible on every other issue than breaking the stranglehold of special interest groups and restoring government that truly represents "We the People."

We must end the power of special interest money and political action committees, and take elections off the auction block. We must make lobbyists disclose what they're doing in the back rooms to subvert the public interest. It is time to end the lavish gifts, meals, entertainment and expensive trips paid for by special interests.

A sunshine law for lobbyists will pay a dividend to you in the press as well, because it will enable you to expose what really happens in the ongoing battles between the special interests and the public interest.

These are major items on a Democratic agenda for recovery in 1995. But in a larger sense, they are at the heart of a constructive and needed American agenda to restore the sense of family and community, of caring for one another, and of building a brighter future that will once again reflect this nation at its best.

In all this, we must understand that sometimes the task of a great political party is to face the tide—not just ride with it—and to turn it again in the direction of our deepest convictions. We will lose our way—and our elections—if we abandon our principles and drift with the shifting politics of the moment.

Let's renew our cause as Democrats. Let's hold our standard high and advance it proudly. Let's be who we are, and not pretend to be something else. And if we do, we will have a strong and winning case to take to the American people in this new Congress and in all the years ahead. The Republican majority will be a transient one, and Democrats will be proud to be Democrats again.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty which were referred to the appropriate Committee on the Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had signed the following bills and joint resolutions on the dates indicated:

February 22, 1994:

S.J. Res. 119. Joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

March 17, 1994:

S. 1789. An act to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

March 24, 1994:

S.J. Res. 56. Joint resolution to designate the week beginning April 11, 1994, as "National Public Safety Telecommunications Week."

S.J. Res. 162. Joint resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 163. Joint resolution to proclaim March 20, 1994, as "National Agriculture Day."

S.J. Res. 171. Joint resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week."

March 25, 1994:

S. 1926. An act to amend the Food Stamp Act of 1977 to modify the requirements relating to monthly reporting and staggered issuance of coupons for households residing on Indian reservations, to ensure adequate access to retail food stores by food stamp households, and to maintain the integrity of the food stamp program, and for other purposes.

April 6, 1994:

S. 1284. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

S. 1913. An act to extend certain compliance dates for pesticide safety training and labeling requirements.

April 11, 1994:

S. 476. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

S. 1299. An act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments and for other purposes.

April 14, 1994:

S. 1206. An act to redesignate the Federal building at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center."

April 28, 1994:

S. 2004. An act to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education.

April 30, 1994:

S. 1636. An act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

May 4, 1994:

S. 375. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1574. An act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

S.J. Res. 143. Joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144. Joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 150. Joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

May 6, 1994:

S. 2005. An act to make certain technical corrections, and for other purposes.

May 11, 1994:

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes.

May 16, 1994:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

May 18, 1994:

S. 2000. An act to authorize appropriations to carry out the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes.

May 19, 1994:

S. 341. An act to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

May 25, 1994:

S.J. Res. 168. Joint resolution designating May 11, 1994, as "Vietnam Human Rights Day."

May 26, 1994:

S. 636. An act to amend title 18, United States Code, to assure freedom of access to reproductive services.

S. 2024. An act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S. 2087. An act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain products packaged prior to August 8, 1994.

May 31, 1994:

S. 1654. An act to make certain technical corrections.

S.J. Res. 179. Joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

June 30, 1994:

S. 24. An act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

July 1, 1994:

S. 1904. An act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

July 20, 1994:

S.J. Res. 187. Joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

July 22, 1994:

S. 273. An act to remove certain restrictions from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the County of Twin Falls, Idaho, for use as a landfill, and for other purposes.

August 1, 1994:

S. 537. An act for the relief of Tania Gil Compton.

S. 832. An act to designate the plaza to be constructed in the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza."

S. 1880. An act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

S.J. Res. 172. Joint resolution designating May 29, 1995, through June 6, 1995, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

August 11, 1994:

S.J. Res. 195. Joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day."

August 17, 1994:

S. 1458. An act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

August 18, 1994:

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

August 19, 1994:

S.J. Res. 178. Joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week."

August 26, 1994:

S. 2099. An act to establish the Northern Great Plains Rural Development Commission, and for other purposes.

S.J. Res. 153. Joint resolution to designate the week beginning on November 20, 1994 and ending on November 26, 1994, as "National Family Caregivers Week."

S.J. Res. 196. Joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

September 21, 1994:

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians.

S. 1357. An act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

September 23, 1994:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

October 5, 1994:

S. 2182. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

October 6, 1994:

S. 716. An act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes.

S. 1406. An act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1703. An act to expand the boundaries of the Piscataway Park, and for other purposes.

October 8, 1994:

S.J. Res. 221. Joint resolution to express the sense of the Congress in Commemoration of the 75th anniversary of Grand Canyon National Park.

October 13, 1994:

S. 1587. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 2170. An act to provide a more effective, efficient, and responsive Government.

October 14, 1994:

S. 316. An act to establish the Saguaro National Park in the State of Arizona, and for other purposes.

S. 1233. An act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

S.J. Res. 157. Joint resolution to designate 1994 as "The Year of Gospel Music."

S.J. Res. 185. Joint resolution to designate October 1994 as "National Breast Cancer Awareness Month."

S.J. Res. 198. Joint resolution designating 1995 as the "Year of the Grandparent."

October 18, 1994:

S 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day."

October 19, 1994:

S. 2475. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

October 20, 1994:

S. 922. An act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

October 22, 1994:

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate use of new animal drugs and new drugs intended for human use and for other purposes.

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 528. An act to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

S. 720. An act to clean up open dumps on Indian lands, and for other purposes.

S. 1225. An act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 1312. An act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

S. 1457. An act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

S. 2060. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 2073. An act to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.

S. 2395. An act to designate the United States Courthouse in Detroit, Michigan, as the "Theodore Levin Courthouse," and for other purposes.

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

S. 2500. An act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

S.J. Res. 90. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

October 25, 1994:

S. 784. An act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1927. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes.

S. 2372. An act to amend the United States Commission on Civil Rights Act of 1983.

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2534. An act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S.J. Res. 227. Joint resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capital.

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

October 31, 1994:

S. 21. An act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

S. 1146. An act to provide for the settlement of water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County Arizona, and for other purposes.

November 2, 1994:

S. 1614. An act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–36. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report on the Rye Patch Dam, Humboldt Project, Nevada; to the Committee on Energy and Natural Resources.

EC–37. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on Federal coal management for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC–38. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report on the Trans-Alaska Pipeline Liability Fund; to the Committee on Energy and Natural Resources.

EC–39. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Strategic Petroleum Reserve for the period July 1, 1994 through September 30, 1994; to the Committee on Energy and Natural Resources.

EC–40. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on voluntary building energy codes; to the Committee on Energy and Natural Resources.

EC–41. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on the Superfund Innovative Technology Evaluation Program for calendar year 1993; to the Committee on Environment and Public Works.

EC–42. A communication from the Chairman of the Nuclear Regulatory Commission, the report of abnormal occurrences at licensed nuclear facilities for the period April 1, 1994 through June 30, 1994; to the Committee on Environment and Public Works.

EC–43. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the informational copy of the report of the building project survey for Bastrop, Texas; to the Committee on Environment and Public Works.

EC–44. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Migratory Bird Conservation Commission for fiscal year 1994; to the Committee on Environment and Public Works.

EC–45. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Traffic Control Devices Demonstration Program for Arkansas Cities and Counties"; to the Committee on Environment and Public Works.

EC–46. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the emigration laws and policies of the Russian Federation; to the Committee on Finance.

EC 47. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the emigration laws and policies of Bulgaria; to the Committee on Finance.

EC 48. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the aggregation of medicare claims to meet the jurisdictional amount to qualify for appeal; to the Committee on Finance.

EC 49. A communication from the Secretary of Labor, transmitting, pursuant to law, a biennial report to Congress on internationally recognized worker rights; to the Committee on Finance.

EC 50. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the effects of the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC 51. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the effects of Andean Trade Preference Act; to the Committee on Finance.

EC 52. A communication from the Administrator of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Rural Health Care Transition Grant Program; to the Committee on Finance.

EC 53. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the annual report of the United States Government for fiscal year 1994; to the Committee on Finance.

EC 54. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report on the operation of the Special Defense Acquisition Fund for fiscal year 1994; to the Committee on Foreign Relations.

EC 55. A communication from the President of the United States, transmitting, pursuant to law, the report on the Loan Guarantees to Israel Program; to the Committee on Foreign Relations.

EC 56. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Foreign Relations.

EC 57. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to international financial institutions; to the Committee on Foreign Relations.

EC 58. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Security Assistance Allocations for fiscal year 1995; to the Committee on Foreign Relations.

EC 59. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice relative to the certification procedures of a U.S. Consulate General; to the Committee on Foreign Relations.

EC 60. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to the Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC 61. A communication from the Assistant Secretary of Sate (Legislative Affairs), transmitting, pursuant to law, the report of a Secretary of State Determination relative to Israel; to the Committee on Foreign Relations.

EC 62. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the participation or involvement of Members of the Haitian Government in human rights violations between December 15, 1990 through December 15, 1994; to the Committee on Foreign Relations.

EC 63. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the semi-annual reports of voluntary contributions by the U.S. government to international organizations for the period October 1, 1993 through March 31, 1994; to the Committee on Foreign Relations.

EC 64. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC 65. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC 66. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC 67. A communication from the Acting Administrator of the Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance Program Allocations for fiscal year 1995; to the Committee on Foreign Relations.

EC 68. A communication from the Acting Administrator of the Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance Program Allocations for fiscal year 1994; to the Committee on Foreign Relations.

EC 69. A communication from the Administrator of the Agency For International Development, transmitting, pursuant to law, the report entitled "Global Climate Change: The USAID Response"; to the Committee on Foreign Relations.

EC 70. A communication from the Assistant Attorney General of the United States, Office of Legislative Affairs, transmitting, pursuant to law, the annual report of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 1993; to the Committee on the Judiciary.

EC 71. A communication from the Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the report of the Court for fiscal year 1994; to the Committee on the Judiciary.

EC 72. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the National Park Foundation for fiscal year 1994; to the Committee on the Judiciary.

EC 73. A communication from the National Commander of the American Ex-Prisoners of War, transmitting, pursuant to law, the 1994 audit report as of August 31, 1994; to the Committee on the Judiciary.

EC 74. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the 1994 annual report of the Board; to the Committee on Labor and Human Resources.

EC 75. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, NASA's annual report on the activities of the Regional Technology Transfer Centers; to the Committee on Small Business.

EC 76. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the labor market situation for veterans; to the Committee on Veterans' Affairs.

EC 77. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the administration of the Montgomery G.I. Bill-Active Duty educational assistance program through fiscal year 1994; to the Committee on Veterans' Affairs.

EC 78. A communication from the President of the United States, transmitting, pursuant to law, a report of deferral of budgetary resources; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Foreign Relations.

EC 79. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to a special impoundment message for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC 80. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the final sequestration report for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

EC 81. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting pursuant to law, the final sequestration report to the President and Congress for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted on January 11, 1995.

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. Res. 38: An original resolution authorizing expenditures by the Committee on Appropriations.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 39: An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. Res. 40: An original resolution authorizing expenditures by the Committee on Indian Affairs.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. Res. 41: An original resolution authorizing expenditures by the Committee on Foreign Relations.

By Mr. SPECTER, from the Select Committee on Intelligence, without amendment:

S. Res. 43: An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 45: An original resolution authorizing expenditures by the Committee on Governmental Affairs.

The following reports of committees were submitted on January 12, 1995:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. STEVENS, from the Committee on Rules and Administration, without amendment:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. BOND, from the Committee on Small Business, without amendment:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Small Business.

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI from the Committee on the Budget:

Report to accompany the bill (S.1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes (Rept. 104-2).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. THURMOND, and Mr. EXON):

S. 209. A bill to replace the Aid to Families with Dependent Children Program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare-to-work programs, to reduce the rate of out-of-wedlock births, and for other purposes; to the Committee on Finance.

By Mr. CRAIG THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. STEVENS, Mr. INOUYE, and Mr. BURNS):

S. 210. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of emergency care and related services furnished by rural emergency access care hospitals; to the Committee on Finance.

By Mr. BOND:

S. 211. A bill to provide for new program accountability; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 212. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shamrock V;* to the Committee on Commerce, Science, and Transportation.

S. 213. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour;* to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 214. A bill for the relief of Fanie Phily Mateo Angeles, and for other purposes; to the Committee on the Judiciary.

S. 215. A bill for the relief of Bertha Berg, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. HATCH, Mr. BRYAN, Mr. REID, Mr. SMITH, Mr. COATS, Mr. JOHNSTON, Mr. FAIRCLOTH, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S. 216. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 217. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. COVERDELL):

S. 218. A bill to repeal the National Voter Registration Act of 1993, and for other purposes; to the Committee on Rules and Administration.

By Mr. NICKLES (for himself, Mr. Bond, Mrs. Hutchison, Mr. Dole, Mr. Grassley, Mr. Ashcroft, Mr. Coverdell, Mr. Abraham, Mr. Thompson, Mr. Burns, Mr. Shelby, Mr. McConnell, Mr. Faircloth, Mr. Thomas, Mr. Smith, Mr. McCain, Mr. Craig, Mr. Coats, Mr. Santorum, Mr. Mack, Mr. Gregg, Mr. Murkowski, Mr. Lott, Mr. Kyl, Mr. Thurmond, Mr. Hatch, Mr. Helms, Mr. Inhofe, Mr. Simpson, Mr. Gramm, Mr. Frist, Mr. Grams, Mr. Bennett, and Mr. Kempthorne):

S. 219. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 220. A bill for the relief of Ibrahim Al-Assaad; to the Committee on the Judiciary.

S. 221. A bill for the relief of Maria Eduarda Lorenzo; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. Kohl):

S. 222. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, to provide for periodic producer referenda on continuation of the program, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 223. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. Feingold):

S. 224. A bill to amend the Dairy Production Stabilization Act of 1983 to require that members of the National Dairy Promotion and Research Board be elected by milk producers and to prohibit bloc voting by cooperative associations of milk producers in the election of producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 225. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. STEVENS:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. DOMENICI:

S. Res. 50. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. BOND:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Small Business; from the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. D'AMATO:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. Thurmond, and Mr. Exon):

S. 209. A bill replace the Aid to Families with Dependent Children Program under title IV of the Social Security Act and a portion of the Food Stamp Program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare-to-work programs, to reduce the rate of out-of-wedlock births, and for other purposes; to the Committee on Finance.

THE WELFARE-TO-WORK AND STRONG FAMILIES ACT OF 1995

Mr. GRASSLEY. Mr. President, today I am introducing a bill that I have entitled "The Welfare To Work and Strong Families Act of 1995." This is a bill that we can classify as dramatic welfare reform.

I look forward to working with the leaders of the House and the Senate, as we have already been working with the State Governors to arrive at a consensus in developing a new and hopefully very effective welfare system. I am pleased to be joining my colleagues in this effort to dramatically change the welfare system as we know it through the introduction of this bill.

This reform proposal would fundamentally alter the way that we administer welfare. At least fundamentally from the way we have administered over the last half century. It would move the decisionmaking process closer to those who can best address the needs and concerns of our citizens, the States, their Governors, and State legislatures. There are not many issues that all my colleagues agree upon, particularly on both sides of the aisle. But there appears to be agreement on the fact that the current welfare system is a dismal failure. That goes back to statements that the President made in his State of the Union message 12 months ago, including what both Republicans and Democrats, in both Houses of Congress, have said.

The current system has contributed toward the breakdown of the family, destroyed independence and self-reliance, and it has discouraged work and productivity by the people of this country who are on welfare. The system simply does not serve the needs of welfare recipients. It does not serve the needs of those who are supposed to be helped. It surely does not serve the needs of the tax-paying citizens who are funding the program and want to get the most bang for their buck.

Of course, the failure of our welfare system shows up in the weaknesses of society in many, many, different ways. In addition, the current system requires States that want to be very innovative in welfare reform to jump through tremendous number of hoops to receive Federal waivers.

My own State of Iowa sought and received, but it did take months, Mr. President, a whole series of such waivers from the Department of Health and Human Services [HHS]. The waiver process theoretically allows States to develop programs that best meet the needs of each State. But the lengthy and the very burdensome process often inhibits States' initiatives and innovations.

From visiting with the Governors and State legislatures we know that there are more States that want to try to solve this problem because they do not see it solved in Washington, DC. However, those few States that have waded through the time-consuming process have been partially successful in developing a welfare system more tailored to their needs.

Although many of the State initiatives are still in their infancy, State governments have been very supportive of proposals at the Federal level to design a program tailored to the States' unique environment. As well as to allow them more leeway to use their own ingenuity to solve the welfare problems in their own States.

Mr. President, I recognize that in order for welfare reform to work we must establish three goals: First we must reduce the rising cost of welfare programs; second, welfare reform must address the social crisis of out-of-wedlock births; finally, it must require real work from its recipients.

Mr. President, under my proposal, the entire Federal Aid to Families With Dependent Children, the AFDC program, the AFDC Job Opportunity and Basic Skills [JOBS] Program, as well as the Food Stamp Program as it applies to AFDC recipients, would simply be repealed.

They would be ended. The role of the Federal Government would be unalterably changed as we transfer these moneys to the States in block grants to accomplish our goal and let them use their ingenuity to do what we have not been able to accomplish through several reforms that have passed the Congress in recent decades.

This is important because this is a reform effort first. This is not just simply a budget effort and would fail if it were just a budget effort. The goal is to make the program work more effectively by giving control of it to those people who are ingenious and have shown that ingenuity in past activities to accomplish a better approach to welfare than what we have been able to accomplish in Washington.

The resulting budget and deficit reductions are important, but they are secondary. The focus must be on reform of welfare. This legislation requires only two reform goals be achieved by the States: First, an increase in the number of welfare recipients working each year as compared to the previous year and, second, a reduction in the number of out-of-wedlock births in the State.

Apart from those requirements, the States would be completely free—let me emphasize, completely free—to create their own welfare reform plan that would work best for them and meet the needs of their citizens.

While reform is clearly the primary goal, there are also clear budget implications in this bill. It would establish a cap on Federal spending on assistance programs for low-income Americans at the 1995 levels, and it would then block grant the money that the States now receive in 1995 at those levels to the States for their use, using their own ingenuity to operate their own welfare programs.

States would be free to experiment with new ideas for dramatic change. That is the essence of our approach. They would also be responsible for making the changes work because they have funding caps and those caps would be at the present level. The incentive is for States to get people off welfare and to get them into work. My bill sets forth measurable performance standards that reward work and change the culture of welfare. It would allow States that have met or exceeded the two goals of this legislation to be awarded additional bonus payments in their block grant.

I urge my colleagues to join me in this effort to reform welfare and devise a more effective program. This bill would allow States to have a greater decisionmaking role and to have the freedom to create welfare programs that fit the individual needs of their respective States. I urge Senators to join me in cosponsoring the Welfare-to-Work and Strong Families Act of 1995.

Mr. President, this country of the United States of America—with all 50 States, is too diverse of a country to administer the distribution of the Food Stamp Program to meet the needs of States or how they are spent in Puerto Rico because of the heterogeneity of our population. It is too geographically vast to pour from one mold in Washington, DC, to solve the welfare problems of New York City just like Des Moines, IA.

It is better under those conditions where our country is so different from one end to the other to leave it to the individual States to devise a plan. We have tried to reform welfare in Washington. We have not been successful. Several States have been successful. We want to build upon that success, and that is why this bill is being introduced.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Welfare-to-Work and Strong Families Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definition of State.
Sec. 5. Applications by States.
Sec. 6. State welfare-to-work and stronger families program described.
Sec. 7. State grants.
Sec. 8. Termination of certain Federal welfare programs.
Sec. 9. Secretarial submission of legislative proposal for amendments to medicaid eligibility criteria and technical and conforming amendments.
Sec. 10. Savings.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The current welfare system is broken and requires replacement.

(2) "Work" is what works best for American families.

(3) Since State and local governments know the best methods of connecting welfare recipients to work and since each community faces different circumstances, Federal assistance to the States should be flexible.

(4) Government has the responsibility to provide a helping hand to assist individuals but individuals have the responsibility to use the assistance to help themselves.

(5) Between 1970 and 1991, the total number of all out-of-wedlock births in the United States has increased from 10 to 30 percent and, if that rate of increase continues, by 2015, 50 percent of all births in the United States will be out-of-wedlock.

(6) The negative consequences of out-of-wedlock births on the child, mother, and society are well-documented as follows:

(A) Children born into families receiving welfare assistance are 3 times more likely to receive welfare assistance when they reach adulthood than children born into families that do not receive welfare.

(B) Young women who have children before finishing high school are more likely to receive welfare assistance for a substantial period of time.

(C) A single-parent family is 6 times more likely to live in poverty than a two-parent family.

(7) Due to the crisis caused by the growing rate of out-of-wedlock births in the United States, the Congress deems the reduction of out-of-wedlock births to be an important governmental interest.

SEC. 3. PURPOSE.

The purpose of this Act is to create a block grant program to replace the aid to families with dependent children program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 and give the States the flexibility to create innovative welfare-to-work programs and programs designed to reduce the increasing rate of children born out-of-wedlock.

SEC. 4. DEFINITION OF STATE.

For purposes of this Act, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

SEC. 5. APPLICATIONS BY STATES.

(a) IN GENERAL.—Each State desiring to receive a grant to operate a State welfare-to-work and stronger families program described in section 6 shall annually submit an application to the Secretary of Health and Human Services (hereafter in this Act referred to as the "Secretary") containing the matter described in subsection (b) in such manner as the Secretary may require.

(b) CONTENTS.—

(1) FISCAL YEAR 1996.—An application for a grant to operate a State welfare-to-work and stronger families program during fiscal year 1996 shall contain a description of the program in accordance with section 6.

(2) SUBSEQUENT FISCAL YEARS.—

(A) CONTENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), an application for a grant to operate a State welfare-to-work and stronger families program during fiscal year 1997 and each subsequent fiscal year shall contain—

(I) a description of the program in accordance with section 6;

(II) the State work percentage (as determined under subparagraph (B)) for each of the 2 preceding fiscal years;

(III) a statement of the number of participants who became ineligible for participation in the program due to increased income for each of the 2 preceding fiscal years;

(IV) the State out-of-wedlock birth rate percentage (as determined under subparagraph (D)) for each of the 2 preceding fiscal years; and

(V) a statement of the amount of non-Federal resources that the State invested in the program in the preceding fiscal year.

(ii) SPECIAL RULE FOR FISCAL YEAR 1997.—An application for fiscal year 1997 need only contain the information described in subclauses (II), (III), and (IV) of clause (i) for fiscal year 1996.

(B) STATE WORK PERCENTAGE.—For purposes of subparagraph (A)(i)(II), the State work percentage (prior to any adjustment under subparagraph (C)) for a fiscal year is equal to—

(i) the average weekly number of participants in the State welfare-to-work and stronger families program who were employed in private sector or public sector jobs for at least 20 hours per week, divided by

(ii) the average weekly number of participants in the State welfare-to-work and stronger families program.

(C) ADJUSTMENT.—

(i) IN GENERAL.—The State work percentage determined under subparagraph (B) for a fiscal year shall be adjusted by subtracting 1 percentage point from such State work percentage for each 5 percentage points by which the percentage of individuals described in subparagraph (B)(i) who are also described in clause (ii) of this subparagraph participating in the program in such fiscal year falls below 75 percent of the number of individuals described in subparagraph (B)(i) in such fiscal year.

(ii) INDIVIDUAL DESCRIBED.—An individual described in this clause is a custodial parent or other individual who is primarily responsible for the care of a child under the age of 18.

(D) STATE OUT-OF-WEDLOCK BIRTH RATE PERCENTAGE.—For purposes of subparagraph (A)(i)(IV), the State out-of-wedlock birth rate percentage for a fiscal year is equal to—

(i) the total number of children in the State who were born out-of-wedlock during the fiscal year, divided by

(ii) the total number of children in the State who were born during the fiscal year.

(E) MONITORING OF DATA.—The Secretary shall ensure the validity of the data provided by a State under this paragraph.

(c) APPROVAL.—

(1) FISCAL YEARS 1996 AND 1997.—The Secretary shall approve each application for a grant to operate a State welfare-to-work and stronger families program—

(A) during fiscal year 1996, if the application contains the information described in subsection (b)(1); and

(B) during fiscal year 1997, if the application contains the information described in subsection (b)(2).

(2) AUTOMATIC APPROVAL IN SUBSEQUENT FISCAL YEARS.—The Secretary shall approve any application for a grant to operate a State welfare-to-work and stronger families program during fiscal year 1998 and each succeeding fiscal year if—

(A) the State's application reports that—

(i) the State work percentage for the preceding fiscal year is greater than the State work percentage for the second preceding fiscal year; or

(ii) more participants became ineligible for participation in the State welfare-to-work and stronger families program during the preceding fiscal year due to increased income than became ineligible for participation in the program in the second preceding fiscal year as a result of increased income;

(B) the State's application reports that the State out-of-wedlock birth rate percentage for the preceding fiscal year is less than the State out-of-wedlock birth rate percentage for the second preceding fiscal year; and

(C) the State's application reports that the number of participants in the State welfare-to-work and stronger families program for the preceding fiscal year is less than the number of participants in the State welfare-to-work and stronger families program for the second preceding fiscal year.

(3) SECRETARIAL REVIEW.—

(A) IN GENERAL.—If a State application for a grant under this Act is not automatically approved under paragraph (2), the Secretary shall approve the application upon a finding that the application—

(i) provides an adequate explanation of why the application was not automatically approved; and

(ii) provides a plan of remedial action which is satisfactory to the Secretary.

(B) ADEQUATE EXPLANATIONS.—An adequate explanation under subparagraph (A) may include an explanation of economic conditions in the State, failed program innovations, or other relevant circumstances.

(4) RESUBMISSION.—A State may resubmit an application for a grant under this Act until the Secretary finds that the application meets the requirements of paragraph (3)(A).

SEC. 6. STATE WELFARE-TO-WORK AND STRONGER FAMILIES PROGRAM DESCRIBED.

(a) IN GENERAL.—A State welfare-to-work and stronger families program described in this section shall—

(1) provide that during fiscal year 1996, the State shall designate individuals who are eligible for participation in the program and such individuals may include those individuals who received benefits under the State plan approved under part A of title IV of the Social Security Act during fiscal year 1995;

(2) provide that during fiscal year 1997 and each subsequent fiscal year, the State shall designate individuals who are eligible for participation in the program (as determined by the State), with priority given to those individuals most in need of such services;

(3) with respect to increasing the State work percentage, be designed to move individuals from welfare to self-sufficiency and may include—

(A) job placement and training;

(B) supplementation of earned income;

(C) nutrition assistance and education;

(D) education;

(E) vouchers to be used for rental of privately owned housing;

(F) child care;

(G) State tax credits;

(H) health care;

(I) supportive services;

(J) community service employment;

(K) asset building programs; or

(L) any other assistance designed to move such individuals from welfare to self-sufficiency; and

(4) with respect to reducing the State out-of-wedlock birth rate percentage, be designed to strengthen two-parent families and may include—

(A) education;

(B) family planning services (except abortion-related services);

(C) a cap of benefits under the program with respect to additional children conceived out-of-wedlock after a participant has entered the program;

(D) the denial of benefits under the program to a potential participant in the program if that potential participant has a child born out-of-wedlock after a date established by the State;

(E) State tax credits for marriage; or

(F) any other assistance designed to reduce out-of-wedlock births and encourage marriage.

(b) NO ENTITLEMENT.—Notwithstanding any criteria a State may establish for participation in a State welfare-to-work and stronger families program created in accordance with this Act, no individual shall be considered to be entitled to participate in that program.

SEC. 7. STATE GRANTS.

(a) IN GENERAL.—The Secretary shall annually award to each State with an application approved under section 5(c) an amount equal to—

(1) in fiscal year 1996, 100 percent of the State's base amount;

(2) in fiscal year 1997, the sum of 80 percent of the State's base amount, 20 percent of the State's share of the national grant amount, and any applicable bonus payment;

(3) in fiscal year 1998, the sum of 60 percent of the State's base amount, 40 percent of the State's share of the national grant amount, and any applicable bonus payment;

(4) in fiscal year 1999, the sum of 40 percent of the State's base amount, 60 percent of the State's share of the national grant amount, and any applicable bonus payment;

(5) in fiscal year 2000, the sum of 20 percent of the State's base amount, 80 percent of the State's share of the national grant amount, and any applicable bonus payment; and

(6) in fiscal year 2001 and each subsequent fiscal year, the sum of 100 percent of the State's share of the national grant amount and any applicable bonus payment.

(b) STATE BASE AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), a State's base amount is equal to—

(A) for fiscal year 1996, 100 percent of the amount determined under paragraph (2); and

(B) for fiscal year 1997 and succeeding fiscal years, 96 percent of the amount determined under paragraph (2).

(2) AMOUNT DETERMINED.—The amount determined under this paragraph for a State is an amount equal to the sum of—

(A) the amount of Federal financial participation received by the State under section 403 of the Social Security Act (42 U.S.C. 603) during fiscal year 1995; and

(B) an amount equal to the sum of—

(i) the benefits under the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including benefits provided under section 19 of such Act (7 U.S.C. 2028), during fiscal year 1995 other than benefits provided to elderly or disabled individuals in the State (as determined under section 3(r)) of such Act (7 U.S.C. 2012); and

(ii) the amount paid to the State under section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) during fiscal year 1995 for administrative expenses for providing benefits to nonelderly and nondisabled individuals.

(c) STATE SHARE OF THE NATIONAL GRANT AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), the State's share of the national grant amount for a fiscal year is equal to the sum of the amounts determined under paragraph (2) (relating to economic need) and paragraph (3) (relating to State effort) for the State.

(2) ECONOMIC NEED.—The amount determined under this paragraph is equal to the sum of the following amounts:

(A) STATE PER CAPITA INCOME MEASURE.—The amount which bears the same ratio to one-quarter of the national grant amount as the product of—

(i) the population of the State; and

(ii) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(B) STATE UNEMPLOYMENT MEASURE.—The amount which bears the same ratio to one-quarter of the national grant amount as the number of individuals in the State who are estimated as being unemployed (determined in accordance with the Department of Labor's annual estimates) bears to the number of individuals in all States who are estimated as being unemployed (as so determined).

(3) STATE EFFORT.—The amount determined under this paragraph is the amount which bears the same ratio to one-half of the national grant amount as the product of—

(A) the dollar amount the State invested in the State welfare-to-work and stronger families program in the previous fiscal year, as reported in section 5(b)(2)(A)(i)(V); and

(B) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the allotment percentage for any State shall be 100 percent, less the State percentage.

(B) STATE PERCENTAGE.—The State percentage shall be the percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of all States.

(C) EXCEPTION.—The allotment percentage shall be 70 percent in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(5) DETERMINATION OF GRANT AMOUNTS.—Each State's share of the national grant amount shall be determined under this subsection on the basis of the average per capita income of each State and all States for the most recent fiscal year for which satisfactory data are available from the Department of Commerce and the Department of Labor.

(6) NATIONAL GRANT AMOUNT.—The term "national grant amount" means an amount equal to 96 percent of the sum of the amounts determined under subsection (b)(2) for all States.

(d) BONUS PAYMENTS.—

(1) CRITERIA.—Beginning with fiscal year 1997, the Secretary may use 4 percent of the sum of the amounts determined under subsection (b)(2) for all States to award additional bonus payments under this section to those States which have the highest or most improved State work percentages as determined under section 5(b)(2)(B) and the lowest or most improved State out-of-wedlock birth rate percentages as determined under section 5(b)(2)(D).

(2) LEADING JOB PLACEMENT AND LEADING OUT-OF-WEDLOCK BIRTH RATE REDUCTION STATES.—The Secretary shall designate one State as the leading job placement State and one State (which may be the same State as the designated leading job placement State) as the leading out-of-wedlock birth rate reduction State and such State or States shall receive the highest bonus payments under paragraph (1).

(3) PRESIDENTIAL AWARD.—The President is authorized and requested to acknowledge a State designated under paragraph (2) with a special Presidential award.

(e) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State shall not use more than 10 percent of the amount it receives under this section for the administration of the State welfare-to-work and stronger families program.

(f) CAPPED ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide the payments described in subsection (a) (in an amount not to exceed the sum of the amounts determined under subsection (b)(2) for all States).

SEC. 8. TERMINATION OF CERTAIN FEDERAL WELFARE PROGRAMS.

(a) TERMINATION OF AFDC AND JOBS PROGRAMS.—

(1) AFDC.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 418. The authority provided by this part shall terminate on October 1, 1995.".

(2) JOBS.—Part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.) is amended by adding at the end the following new section:

"TERMINATION OF AUTHORITY

"SEC. 488. The authority provided by this part shall terminate on October 1, 1995.".

(b) FOOD STAMP PROGRAM TO SERVE ONLY ELDERLY AND DISABLED INDIVIDUALS.—

(1) DEFINITIONS.—Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended—

(A) in subsection (g)—

(i) in paragraph (4), by striking "(and their spouses)";

(ii) in paragraph (5)—

(I) by striking "in the case of" and inserting "in the case of elderly or disabled"; and

(II) by inserting "disabled" before "children"; and

(iii) in paragraph (8), by inserting "elderly or disabled" before "women and children temporarily";

(B) in subsection (i)—

(i) in the first sentence—

(I) in paragraph (1), by inserting "elderly or disabled" before "individual"; and

(II) in paragraph (2), by inserting ", each of whom is elderly or disabled," after "individuals";

(ii) in the second sentence, by inserting before the period at the end the following: ", if each of the individuals is elderly or disabled";

(iii) in the third sentence—

(I) by striking ", together" and all that follows through "of such individual,"; and

(II) by striking ", excluding the spouse,"; and

(iv) in the fifth sentence—

(I) by striking "coupons, and" and inserting "coupons, and elderly or disabled"; and

(II) by inserting "disabled" after "together with their"; and

(C) in subsection (r), by striking "'Elderly" and all that follows through "who" and inserting the following: "'Elderly or disabled', with respect to a member of a household or other individual, means a member or other individual who".

(2) CONFORMING AMENDMENTS.—

(A) ELIGIBILITY.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(i) in the first sentence of subsection (c)—

(I) by striking "program if—" and all that follows through "household's income" and inserting "program if the income of the household";

(II) by striking "respectively; and" and inserting "respectively."; and

(III) by striking paragraph (2); and

(ii) in subsection (e)—

(I) in the first sentence, by striking "containing an elderly or disabled member and determining benefit levels only for all other households";

(II) in the fifteenth sentence—

(aa) by striking "containing an elderly or disabled member"; and

(bb) in subparagraph (A), by striking "elderly or disabled members" and inserting "the members";

(III) in the seventeenth sentence, by striking "elderly and disabled"; and

(IV) by striking the fourth through fourteenth sentences.

(B) PERIODIC REPORTING.—Section 6(c)(1)(A)(iii) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)(A)(iii)) is amended by striking "and in which all adult members are elderly or disabled".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on and after October 1, 1995.

(c) REFERENCES IN OTHER LAWS.—

(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to any provision that has been terminated by reason of the amendments made in subsection (a) shall, unless the context otherwise requires, be considered to be a reference to such provision, as in effect immediately before the date of the enactment of this Act.

(2) STATE PLANS.—Any reference in any law, regulation, document, paper, or other record of the United States to a State plan that has been terminated by reason of the amendments made in subsection (a), shall, unless the context otherwise requires, be considered to be a reference to such plan as in effect immediately before the date of the enactment of this Act.

SEC. 9. SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL FOR AMENDMENTS TO MEDICAID ELIGIBILITY CRITERIA AND TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary shall, within 90 days after the date of enactment of this Act, submit to the appropriate committees of the Congress, a legislative proposal providing eligibility criteria for medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in lieu of the eligibility criteria under section 1902(a)(10)(A)(i) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)) relating to the receipt of aid to families with dependent children under a State plan under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and such technical and conforming amendments in the law as are required by the provisions of this Act.

SEC. 10. SAVINGS.

Any savings resulting from the provisions of this Act shall be dedicated to reduction of the Federal budget deficit.

By Mr. THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. STEVENS, Mr. INOUYE, and Mr. BURNS):

S. 210. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of emergency care and related services furnished by rural emergency access care hospitals; to the Committee on Finance.

THE RURAL EMERGENCY ACCESS CARE HOSPITAL ACT

Mr. THOMAS. Mr. President, today I am introducing the Rural Emergency Access Care Hospital Act, [REACH] to help small rural hospitals across the country serve their communities. It will provide the vital medical care rural Americans need in times of emergency.

The outlook for many rural hospitals is grim. Many contemplate closure on a daily basis as Medicare reimbursement rates continue to drop, the Federal Government enforces costly regulations, and low inpatient stays become the norm. Currently, if a hospital fails to meet all Medicare conditions of participation, they will lose certification. That means, facilities will not be reimbursed by HCFA for the medical services they provide.

Closing hospitals in Wyoming is not an acceptable option. In my State, if a town loses its most important point of service—the emergency room—it is typical for patients to drive 100 miles or more to the closest territory care center.

There is no doubt that excess capacity in our hospitals is a financial drain on the Nation's health care system. However, emergency medical care is not a fringe benefit. It must be available to all Americans—rural and urban alike.

Mr. President, the REACH bill presents rural areas with a viable option. It accommodates different levels of medical care throughout the State while providing stabilization services needed in remote areas.

Under my bill, rural facilities could convert to rural emergency access care hospitals, provided they meet the following qualifications: First, be able to transfer patients to a nearby, full-service hospital; second, be located in a rural area; third, keep a practitioner, who is certified by the State in advanced cardiac life support onsite 24-hours a day; and fourth, retain a physician on-call 24 hours a day. Hospital administrators view this as a solid solution to improve the rural health care delivery system.

There are several distinctions between the REACH bill and other limited hospital service programs. Under my bill, facilities are not required to be an arbitrary 35 miles or more apart. What happens if they are 34 miles apart? It is still a long drive in a snowstorm.

In addition, hospitals would not have to surrender their license and States would not be required to go through a lengthy application process, unlike current demonstration grant programs.

Mr. President, the REACH bill has a history of wide bipartisan support. Last year it was folded into Majority Leader BOB DOLE's alternative health care reform plan and Senator JOHN CHAFEE's Health Equity and Access Reform Today Act. It was also included in the House GOP leadership's Affordable Health Care Now Act, Representative Jim Cooper's Managed Competition Act, and the House Rural Health Care Coalition's Rural Health Delivery System Development Act.

As we search for affordable solutions to improve the health care delivery system, the REACH bill is one proposal that should be added to the list. The legislation is in lockstep with other reforms, such as portability, prohibition of preexisting conditions, malpractice reform, and administrative simplification. If there were two thresholds established by last year's debate on health care reform—flexibility and affordability—then you cannot go wrong with supporting the REACH bill.

By Mr. BOND:

S. 211. A bill to provide for new program accountability; to the Committee on Governmental Affairs.

THE FEDERAL GOVERNMENT NEW PROGRAM ACCOUNTABILITY ACT OF 1995

• Mr. BOND. Mr. President, I introduce the Federal Government New Program Accountability Act of 1995. This legislation would require on a government-wide basis for each Federal agency and department, upon the submission of legislation to Congress, to include an implementation plan for each new program, project, or activity authorized in the legislation.

The implementation plan would be required to include a description of: First, resource requirements of the program, including staff and data system requirements; second, the estimated cost of implementation of the new program, both in the initial year and over a 5-year period; third, an analysis impact statement assessing the ability of the agency or department to manage the operations of all the agency's or department's programs; and fourth, an implementation schedule, including a timetable for the promulgation of regulations.

I urge my colleagues to support this legislation. It is time that the administration recognizes that not every good idea is appropriate for legislation; that there is a cost to new initiatives and that part of the responsibility of Federal agencies and departments is to assess the capacity of the agency or department to appropriately administer a new program. It is also important that the Congress have adequate information to determine whether an agency or department can correctly administer a new program.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 212. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Shamrock V*; to the Committee on Commerce, Science and Transportation.

S. 213. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

• Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing two bills to allow the vessels *Shamrock V* and *Endeavour* to be employed in coastwise trade of the United States. These boats have a small passenger capacity, normally 8 to 12 passengers on overnight trips and up to 30 passengers on day trips, and their owner intends to operate a charter business based out of Boston Harbor. The purpose of these bills is to waive sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered built in the United States if all major components of its hull and superstructure are fabricated in the United States, and the vessel is assembled entirely in the United States. These boats were originally built in foreign shipyards in the 1930's, but since the mid-1980's they have been owned and operated by American citizens, repaired in American shipyards, and maintained with American products. The owner bought these boats due to their historic significance. These vessels are the only two remaining boats from a class of enormous sailing yachts built during the 1930's to compete for the America's Cup. As such, they are a very significant part of American maritime and yachting history. To better showcase these historic vessels the owner now wants to start a charter boat operation based out of Boston offering voyages of various durations to various destinations.

After reviewing the facts in the cases of the Shamrock V and the Endeavour, I do not believe that these waivers would compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in these two cases warrant waivers to permit the *Shamrock V* and the *Endeavour* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bills being introduced today. Mr. President, I ask unanimous consent, that a complete copy of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shamrock V*, (United States official number 900936).

S. 213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour*, (United States official number 947869).•

By Mr. INOUYE (for himself, Mr. HATCH, Mr. BRYAN, Mr. REID, Mr. SMITH, Mr. COATS, Mr. JOHNSTON, Mr. FAIRCLOTH, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S. 216 A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

THE BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION ACT OF 1995

• Mr. INOUYE. Mr. President, today, I introduce legislation to restore the business meals and entertainment tax deduction to 80 percent. I am joined by Senators HATCH, BRYAN, REID, SMITH, COATS, JOHNSTON, FAIRCLOTH, SHELBY, STEVENS, and HOLLINGS. Restoration of this deduction is essential to the livelihood of the food service, travel and tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of this reduction. All are major industries which employ millions of people, many of whom are already feeling the effects of the reduction.

The deduction for business meals and entertainment was reduced from 80 to 50 percent under the Omnibus Budget Reconciliation Act of 1993, and went into effect on January 1, 1994. Five months later, the American Express Travel Related Services Company, Inc., Conducted research between May 16 and June 17, 1994, to obtain an early indication of whether companies were aware of the new tax law and whether it was likely to impact on their spending on business meals. Telephone interviews involving 154 small size, 1 to 100 employees, and 152 mid-sized 101 to 1,500 employees, companies were made to travel and entertainment policy decisionmakers. Of those interviewed, 68 percent of the small size and 74 percent of the mid-sized companies indicated that they have either taken or anticipate taking some action that could potentially reduce restaurant spending. Some companies were prompted to change its policy and guidelines on travel and entertainment expenses as a result of the tax reduction in the business meals and entertainment expenses deduction.

Corporate businesses have also been forced to curtail their company reimbursement policies because of the reduction in the business meals and entertainment expenses deduction. In some cases, businesses have eliminated their expense accounts. Consequently, restaurant establishments, which have relied heavily on business lunch and dinner services, are being adversely affected by the reduction in business meals. For example:

Jay's Restaurant in Dayton, OH, was forced to close its lunch service because of the decline in business. This decision was based on 2,005 fewer lunch customers from January through June 1994 as compared to the same period in 1993. The result was a loss of 17 to 20 jobs.

Bianco's in Denver, CO, closed its lunch service in April 1994 because of the decline in business. Staff was reduced from 26 to 15 employees.

The Wall Street Restaurant in Des Monies, IA, has seen a 40-percent decline in revenues since the beginning of 1994. Staff was reduced from 50 to 35 employees.

In Middlesex County, NJ, the Boca Restaurant averaged 40 to 60 lunches per day prior to the beginning of 1994. The restaurant now serves between 5 to 15 lunches per day. Staff was reduced from 18 to 14 employees.

Le Grenadin, located in the garment district of Manhattan, averaged 60 to 70 lunches a day prior to the beginning of 1994. Lunch business has now declined by 30 percent. Staff hours have been reduced from a 5- to a 3-day workweek.

I sincerely hope that the business meals reduction to 50 percent does not become a Luxury Tax Two, in which the Congress moves toward restoration only after the damage has been done and huge job losses have occurred. Accordingly, I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Paragraph (1) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" and inserting "80 percent".

(b) CONFORMING AMENDMENT.—The heading for section 274(n) is amended by striking "50" and inserting "80".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.•

Mr. HATCH. Mr. President, I rise today to join my colleague from Hawaii, Senator INOUYE, in introducing a bill to restore the deductible portion of the meals and entertainment expenses to 80 percent. As my colleagues know, the deduction was drastically reduced from 80 percent to 50 percent as part of the 1993 tax bill.

This change was a counterproductive way to raise revenue and comes at the expense of working Americans. Although this provision was ostensibly aimed at large corporations that have an undeserved reputation of abusing the meals and entertainment deduction, it has primarily hurt women, minority workers, and small businesses. This provision is similar to the ill-conceived luxury tax in that it so badly misses its intended target. In fact, almost 60 percent of employees in the food service industry are women, 20 percent are teenagers, and 12 percent are minorities. These are the people that the deduction limitation has hurt through lost jobs and reduced wages.

Contrary to what many might believe, most individuals who purchase business meals are small business persons; 70 percent have incomes below $50,000, 39 percent have incomes below $35,000, and 25 percent are self-employed. Moreover, 78 percent of business lunches and 50 percent of business dinners are purchased in low- to moderately-priced restaurants. The average amount spent on a business meal, per person, is about $9.39 for lunch and $19.58 for dinner. The business meal deduction is hardly the exclusive realm of the fat cats, Mr. President.

The deduction for meals and entertainment expenses is a legitimate business expense and should be deductible. The owners of most small and large businesses incur these costs in the everyday maintenance of their businesses. These expenses should be given the same treatment that other ordinary and necessary business expenses receive.

One group that has been particularly punished by the 50-percent limitation is the truckers. I have had hundreds of letters from Utah truckers who have been hurt by this unfair change in the law. Many truckers, as they transport important goods across the country, are forced to take their meals on the road. Because of the lower deduction, these truckers may pay an additional $200 to $300 or more a year in tax, depending upon their circumstances. By restoring the deduction to 80 percent, truckers, as well as many others, will receive fairer treatment.

Mr. President, I believe the 1993 tax bill went too far in reducing the deduction for meals and entertainment expenses. It is the small business owners, the truckdrivers, the traveling salespeople, and the restaurant workers who have suffered reduced wages or layoffs who are carrying the burden of this change. A restoration of the 80-percent limitation would bring this deduction back to a more equitable level for America's small business people and restaurant workers and is the right thing to do.

The restaurant industry employs millions of Americans across the Nation. Are we going to continue to allow the Tax Code to restrain job growth in certain industries with limitations such as this? The way to cut the deficit is not through raising taxes on lower and middle income Americans and through lost jobs, but through responsible fiscal constraint.

I urge my colleagues to support this bill.

By Mr. McCONNELL (for himself and Mr. COVERDELL):

S. 218. A bill to repeal the National Voter Registration Act of 1993, and for other purposes; to the Committee on Rules and Administration.

THE MOTOR-VOTER REPEAL ACT OF 1995

• Mr. McCONNELL. Mr. President, the States may finally receive some long-awaited relief from unfunded mandates, thanks to the winds of change which blew through the country last November. With passage of the unfunded mandates bill currently before the Senate, Congress will not be able to pile mandates on States as it has in the past. However, the unfunded mandates bill is prospective and will not undo the damage which past Congresses have done. The bill I am introducing today would undo some of the unfunded mandates damage by undoing a mandate. Specifically, it would repeal the so-called motor-voter law.

The motor-voter law made for a nice signing ceremony at the White House in 1993, a veritable extravaganza, in fact. It was an easy political hit. Proponents could revel secure in the knowledge that motor-voter sounded good and by dumping the burden on the States no unpopular budget offsets were required on the part of Congress or the President to pay for it.

But, as David Broder wrote in the Washington Post at that time, it was the kind of "underfunded, overhyped legislation that gives Congress and Washington a bad name."

Proponents said then that cost was not a problem, that it was a cheap bill. In that case, then finding a way to pay for it should not have been a problem. But Congress did not pay for it. And the fact is, State and local governments are finding that motor-voter is far more expensive than it was slated to be. Take Jefferson County, KY, for instance.

A Louisville Courier-Journal story reported just last month that Jefferson County clerk Rebecca Jackson estimates it will cost the county up to $1.4 million in just the first year. That tally includes over $700,000 for computer equipment and mailing costs of $165,000 annually. Seven employees may have to be hired as well, to cope with the added workload. These costs are not inconsequential, particularly at a time when everyone is feeling squeezed, not least of all—the taxpayers.

California Gov. Pete Wilson estimates it would cost his State alone nearly $36 million. That is why California and several other States are so put out by the motor-voter mandate that they have filed a lawsuit on the grounds that it violates the 10th amendment of the Constitution.

Those who would oppose this repeal will hold up retroactivity as some bugaboo that should not even be seriously considered. But this is one mandate, no doubt there are others, on which the clock should be turned back. It is not enough to keep things from getting worse, we must strive to make them better. From the standpoint of States and taxpayers, repealing motor-voter would be a big step forward.

What is the worst that could happen under a repeal? Why, some States might opt out. Others may not. The fact is, Congress was behind the curve in 1993: 27 States already had some form of motor-voter, and it stands to reason that they would continue to do so were the Federal mandate repealed. The critical point is that it would be their choice.

There would be nothing stopping States from adopting these provisions, other than cost. States would be at liberty to provide motor-voter, mail registration, and agency-based registration, just as they were prior to this mandate.

If they could afford it, fine. If they could not, fine. It should be their call. If motor-voter supporters in Congress would like to devise a model program—such as Federal grants to entice States into participating—go for it. Figure out a way to pay for it and let's vote on it. But the 1993 mandate was a bad deal for States, a bad deal for taxpayers, and it should be repealed.•

By Mr. NICKLES (for himself, Mr. BOND, Mrs. HUTCHISON, Mr. DOLE, Mr. GRASSLEY, Mr. ASHCROFT, Mr. COVERDELL, Mr. ABRAHAM, Mr. THOMPSON, Mr. BURNS, Mr. SHELBY, Mr. McCONNELL, Mr. FAIRCLOTH, Mr. THOMAS, Mr. SMITH, Mr. McCAIN, Mr. CRAIG, Mr. COATS, Mr. SANTORUM, Mr. MACK, Mr. GREGG, Mr. MURKOWSKI, Mr. LOTT, Mr. KYL, Mr. THURMOND, Mr. HATCH, Mr. HELMS, Mr. INHOFE, Mr. SIMPSON, Mr. GRAMM, Mr. FRIST, Mr. GRAMS, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 219. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; to the Committee on Governmental Affairs.

THE REGULATORY TRANSITION ACT

Mr. NICKLES. Mr. President, today I am introducing the Regulatory Transition Act of 1995—and Congressman TOM DELAY of Texas has offered nearly identical legislation in the House—that places a temporary moratorium on regulatory rulemaking effective from the day after the elections, November 9, 1994, through June 30, 1995.

Excessive regulation and redtape imposes an enormous burden on our economy. This hidden tax pushes up prices for goods and services on American households, dampens business investment, and limits the ability of small businesses to create jobs.

The Clinton administration's own National Performance Review, issued September 7, 1993, observed that the compliance costs imposed by Federal regulations on the private sector alone were "at least $430 billion per year—9 percent of our gross domestic product." Other economists have placed the direct combined Federal regulatory burden on State and local governments and the private sector at between $500 billion a year and more than $850 billion a year.

The Clinton administration's National Performance Review promised to "end the proliferation of unnecessary and unproductive rules." But the flood of excessive regulations has not subsided. It has, in fact, increased during the current administration. For each of the first 2 years of the Clinton administration, the number of pages of actual regulations and notices published in the Federal Register has exceeded any year since the Carter administration.

As a matter of fact, if we look at a chart—and I have a chart that I will later pull out for the floor—if you look at it, the Carter administration had the highest number of pages in the Federal Register in history. Actually, over 73,000 pages. That number declined substantially during the Reagan administration. It fell all the way down to 44,000 pages. It declined significantly during the Reagan administration. During President Bush's administration, it climbed all the way up to 57,000. Now during the Clinton administration, the first 2 years, it is above 64,000, almost 65,000. The pages in the Federal Register declined during the Reagan era, climbed up somewhat during the Bush era, and it is exploding during the Clinton administration.

That is why the majority leader, BOB DOLE, has designated regulatory reform as one of the top priorities of the 104th Congress and created a task force to be led by Senator KAY BAILEY HUTCHISON and Senator KIT BOND to look at ways of cutting through the redtape.

I am happy to be part of this task force. We have been talking about the best way to begin dealing with this massive problem. On November 14, less than 1 week after the American people sent a clear signal for less Government and less regulations and less spending, the administration published three volumes containing outlines for more than 4,300 administration regulations that it intends to pursue during fiscal year 1995 and beyond.

We decided the first step to reform should be to put a hold on the new regulations so we could have a chance to sort through these pages and figure out whether or not there are things that are necessary and maybe some of which are not necessary.

On December 12 of last year, BOB DOLE and myself and other House and Senate Members wrote to President Clinton and asked if he would impose a 100-day moratorium on the new regulations. The administration responded on

December 14, 1994, with a letter from Sally Katzen, Director of the Office of Information and Regulatory Affairs.

In her letter she states that the Clinton administration rejects the request for a moratorium, calling a moratorium a "blunderbuss that could work in unintended ways." The Clinton administration deliberately ignored the health and safety exceptions suggested by Republican leaders and raised the emotional examples of regulations dealing with tainted meat and Desert Storm syndrome.

The President, in declining to impose a moratorium himself, cited one of the reasons being that a moratorium would stop rules from being issued regardless of the merit. He claims it would stop the Department of Agriculture, for example, from dealing with tainted meat in the food supply.

I want to clarify that this concern is totally, completely unfounded. The moratorium we are proposing specifically exempts regulations designed to remedy imminent threats to health and safety or other emergencies as determined by the agency head and the President.

This act also excludes any regulation that reduces or streamlines the Federal Government and any regulation that is necessary for the day-to-day operations of Federal agencies.

For example, this moratorium would not in any way prevent the Federal Energy Regulatory Commission from denying or approving electric or gas transportation rate modifications. Currently, local utility operators file rate-increase requests with the FERC. Approval or denial is part of the Commission's daily operations and would be excluded from this moratorium under the exclusion provided for granting licenses or applications.

Also, regulations to ensure that Federal agencies continue to undertake regulatory actions that are required by Federal law that, when completed, will streamline a rule, regulation, administration process or reduce an existing regulatory burden would also be excluded.

For example, a pending regulation requiring the Secretary of Transportation to lift certain hours-of-service requirements from farmers operating agriculture equipment would be excluded from this moratorium because it essentially reduces Government interference in the operations of the farms in our Nation.

So, I will just reiterate that our goal here is not to be a roadblock to important measures related to health and safety of the American people, or to tie the hands of agencies trying to carry out daily operations, or streamline or to delay steps taken to reduce or streamline Government.

I have said many times I have no doubt that there are some regulations within these three volumes that are good and necessary, and we should move with all swiftness to enact them. But I also know that there are some regulations that are not necessary. They are not cost effective. They do not streamline bureaucracy; they expand it. Let us put a hold on these and take a look to make sure that we do what we can do to reduce Government, reduce spending, and ease the crushing economic burden that the Federal regulations have created for the private sector and local governments.

Mr. President, in looking at this list of regulations that was announced or cataloged by the November 14 release, there are over 4,300 regulatory actions proposed for the year 1995 and beyond; primarily 1995 and 1996. Between October 1994 and April 1995 the Clinton administration is scheduled to issue 872 rules.

Mr. President, I will just say I am sure some of the rules are needed, but I am quite confident many are not. I am quite confident that many are not cost effective. Many have not been analyzed for scientific analysis, many of which the benefits do not exceed their cost. We should stop those regulations. This moratorium will allow us to have the time to review those regulations, plus allow those that are beneficial to go forward. Let us stop those that are not.

Mr. President, I wish this was not necessary. I wish the administration would have taken our suggestion and made the moratorium, and made it on their own initiative. Then they would have total control over deciding what is effective and what is in order. They refused that offer. Maybe they will reconsider. Congressman DELAY, myself, Senator BOND, Senator HUTCHISON, also Congressman MCINTOSH met with representatives of the administration yesterday and requested such actions. They did say they would be willing to talk with us, and hopefully those talks will be fruitful and we can stop a lot of unnecessary regulations. In the event they are not, we plan on proceeding ahead with this legislation.

I have several cosponsors of this legislation, which I will now read for the record as well: In addition to myself, we have Senators BOND, HUTCHISON, DOLE, GRASSLEY, ASHCROFT, COVERDELL, ABRAHAM, THOMPSON, BURNS, SHELBY, MCCONNELL, FAIRCLOTH, THOMAS, SMITH, MCCAIN, CRAIG, COATS, SANTORUM, MACK, GREGG, MURKOWSKI, LOTT, KYL, THURMOND, HATCH, HELMS, INHOFE, SIMPSON, GRAMS of Minnesota, FRIST, GRAMM of Texas, BENNETT, and KEMPTHORNE. Mr. President, there are additional cosponsors out there.

My point is that this act has overwhelming support in the Senate. I hope that the administration will take our suggestion and impose voluntarily this moratorium. If not, it is my intention to pursue this, not necessarily as an amendment on this legislation; I want this legislation to pass. I want it to pass and I want it to be signed. I want it to become law.

I have noticed that some of our colleagues on the other side of the aisle seem to have an affinity to try to love a piece of legislation to death and want to put every amendment they can on a bill. This bill I have just introduced is an attractive amendment. It may well pass on this bill. I decided to introduce it separately.

We are requesting the Governmental Affairs Committee to have hearings on it as quickly as possible. I might mention that the House of Representatives is having hearings on this this Thursday. They plan on moving forward on it as well. I think we have provided exceptions that are necessary for the orderly transition of Government, for regulations that are necessary to go forward. It also provides for at least delay through the month of June to allow us to review other regulations to make sure that they are beneficial and cost effective.

Mr. President, I have this bill, and I will send it to the desk and introduce it accompanying my statement. I yield the floor.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 222. A bill to amend the Dairy Production Stability Act of 1983 to ensure that all persons who benefit from the Dairy Promotion and Research Program contribute to the cost of the program, to provide for periodic producer referenda on continuation of the program, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PROMOTION PROGRAM IMPROVEMENT ACT

• Mr. FEINGOLD. Mr. President, I am introducing the Dairy Promotion Program Improvement Act, legislation which improves the accountability of the National Dairy Promotion and Research Board. The bill also eliminates some of the inequities in the current program that can no longer be tolerated in light of the recent passage of the Uruguay round of the General Agreement on Tariffs and Trade. I am pleased to be joined by Senator KOHL today on this very important legislation.

This bill is not about whether the Dairy Promotion Program works or whether it should be continued. That is an issue to be left to the producers who fund the program. This legislation is designed to provide producers with a greater voice in the program which they fund and to make sure that all those who benefit from the program also pay into it. If passed, this bill will result in a dairy board that is stronger, more effective and more responsive to dairy farmers.

The Dairy Promotion Program Improvement Act eliminates the inappropriate practice of cooperative bloc voting in producer referendum on the National Dairy Board, requires periodic referenda so that producers have an opportunity to review their program on a regular basis, and requires importers to contribute to the program since they benefit from it.

The National Dairy Promotion and Research Program collects roughly $225 million every year from dairy farmers each paying a mandatory 15 cents for every 100 pounds of milk they produce. The program is designed to promote dairy products to consumers and to conduct research relating to milk production, processing, and marketing.

While 15 cents may appear to be a small amount of money, multiplied by all the milk marketed in this country, it adds up to thousands of dollars each year for the average producer. Also consider that the amount of money collected under this program annually—$225 million—is just slightly less than the cost of the entire Diary Price Support Program in recent years. Given the magnitude of this program, it is critical that Congress take seriously the concerns producers have about their promotion program.

Since participation in the checkoff is mandatory and producers are not allowed refunds, Congress required that producers vote in a referendum to approve the program after it was authorized.

The problem is that Congress didn't provide for a fair and equitable voting process in the original act and it's time to correct our mistake. My bill does that by eliminating a process known as bloc voting by milk marketing cooperatives.

Under current law, dairy cooperatives are allowed to cast votes in producer referenda for all of their farmer-members, either in favor of or against continuation of the National Dairy Board. While individual dissenters from the co-op position are allowed to vote individually, many farmers and producer groups claim the process stacks the deck against those seeking reform of the program.

Mr. President, the problem bloc voting creates is best illustrated by the results of the August 1993 producer referendum on continuation of the National Dairy Promotion and Research Board, called for by a petition of 16,000 dairy farmers. In that referendum, 59 dairy cooperatives voting en bloc, cast 49,000 votes in favor of the program. 7,000 producers from those cooperatives went against co-op policy and voted individually against continuing the program.

While virtually all of the votes in favor of the program were cast by cooperative bloc vote, nearly 100 percent of the votes in opposition were cast by individuals. Bloc voting allows cooperatives to cast votes for every indifferent or ambivalent producer in their membership, drowning out the voices of dissenting producers. It biases the referendum in favor of the Dairy Board's supporters, whose votes should not have greater weight than the dissenters.

Bloc voting may be appropriate for referenda on Federal milk marketing order decisions, for which the practice is also allowed. The complex Federal order system and its associated rules and regulations directly affect the ability of the cooperative to act as the marketing agent for their members. The authority for co-ops to bloc vote in that circumstance is not affected by my bill. However, bloc voting for matters beyond marketing orders is far less appropriate.

In the 103d Congress, I called for a hearing in the Senate Agriculture Committee to address this very issue. As a supporter of agricultural cooperatives, I was concerned about how eliminating bloc voting might affect them.

Mr. President, there was no information provided in that hearing that has persuaded me that bloc voting in Dairy Board referenda is a critical authority for cooperatives. There was no evidence presented that eliminating that authority would handicap a cooperative's efforts to market dairy products. It seems clear that generic promotion programs focused on long-term research and market development, such as the National Dairy Promotion and Research, do not affect the day-to-day marketing abilities of a cooperative. In fact, the vague nature of the arguments in support of bloc voting has further convinced me that there is little justification for the practice.

The inappropriate nature of bloc voting in Dairy Board referendum is even clearer given that none of our 16 commodity promotion programs, other than dairy, allow cooperatives to bloc vote despite the existence of marketing cooperatives for those commodities. Were bloc voting in producer referenda fundamental to cooperative theory, one would expect to see this authority provided in other programs.

Mr. President, my bill also establishes periodic referenda on continuation of the Dairy Promotion Program in order to provide producers with an opportunity to review their program. The National Dairy Research and Promotion Board continues into perpetuity with no sunset date and no system for regular review by producers. By requiring regular referenda, my bill will increase the accountability of the Dairy Board to their producer. It is critical that a program of this magnitude be regularly reassessed and reaffirmed by those who foot the bill.

Lastly, Mr. President, my bill provides equity to domestic producers who have been paying into the Promotion Program for over 10 years while importers have gotten a free ride. Since the National Dairy Promotion and Research Board conducts only generic promotion and general product research, domestic farmers and importers alike benefit from these actions. The Dairy Promotion Program Improvement Act requires that all dairy product importers contribute to the program. This provision is particularly important in light of the recent passage of the GATT which will result in greater imports. We have put our own producers at a competitive disadvantage for far too long. It's high time importers paid for their fair share of the program.

Mr. President, I ask unanimous consent to include in the RECORD letters of support for my bill from the Farmers Union Milk Marketing Cooperative and the National Farmers Union.

I am also pleased to be an original cosponsor of the National Dairy Promotion Board Reform Act introduced today by Senator KOHL. That bill further enhances producer representation on the National Dairy Board by providing for the direct election of National Dairy Board members, rather than appointment by the Secretary. That process will allow producers to elect members to the Board that represent their views on promotion and eliminates the divisive impact of the political appointment process on the Dairy Board. Direct producer election of board members should also increase the accountability to their fellow dairy farmers.

I believe that these two bills together comprise a sound reform package for the National Dairy Promotion and Research Board by providing a stronger voice to dairy farmers. These reforms will create a stronger, more effective and more representative Dairy Board. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill and several letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Promotion Program Improvement Act of 1995".

SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) DECLARATION OF POLICY.—The first sentence of section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended—

(1) by inserting after "commercial use" the following: "and on imported dairy products"; and

(2) by striking "products produced in" and inserting "products produced in or imported into".

(b) DEFINITIONS.—Section 111 of the Act (7 U.S.C. 4502) is amended—

(1) in subsection (k), by striking "and" at the end;

(2) in subsection (l), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subsections:

"(m) the term 'imported dairy product' means—

"(1) any dairy product, including milk and cream and fresh and dried dairy products;

"(2) butter and butterfat mixtures;

"(3) cheese;

"(4) casein and mixtures; and

"(5) other dairy products;

that are imported into the United States; and

"(n) the term 'importer' means a person that imports an imported dairy product into the United States.".

(c) FUNDING.—

(1) REPRESENTATION ON BOARD.—Section 113(b) of the Act (7 U.S.C. 4504(b)) is amended—

(A) by designating the first through ninth sentences as paragraphs (1) through (5) and paragraphs (7) through (10), respectively;

(B) in paragraph (1) (as so designated), by striking "thirty-six" and inserting "38";

(C) in paragraph (2) (as so designated), by striking "Members" and inserting "Of the members of the Board, 36 members"; and

(D) by inserting after paragraph (5) (as so designated) the following new paragraph:

"(6) Of the members of the Board, 2 members shall be representatives of importers of imported dairy products. The importer representatives shall be appointed by the Secretary from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.".

(2) ASSESSMENT.—Section 113(g) of the Act is amended—

(A) by designating the first through fifth sentences as paragraphs (1) through (5), respectively; and

(B) by adding at the end the following new paragraph:

"(6)(A) The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.

"(B) The rate of assessment on imported dairy products shall be determined in the same manner as the rate of assessment per hundredweight or the equivalent of milk.

"(C) For the purpose of determining the assessment on imports under subparagraph (B), the value to be placed on imported dairy products shall be established by the Secretary in a fair and equitable manner.".

(3) RECORDS.—The first sentence of section 113(k) of the Act is amended by striking "person receiving" and inserting "importer of imported dairy products, each person receiving".

(4) REFERENDUM.—Section 116 of the Act (7 U.S.C. 4507) is amended by adding at the end the following new subsection:

"(d)(1) On the request of a representative group comprising 10 percent or more of the number of producers subject to the order, the Secretary shall—

"(A) conduct a referendum to determine whether the producers favor suspension of the application of the amendments made by section 2 of the Dairy Promotion Program Improvement Act of 1995; and

"(B) suspend the application of the amendments until the results of the referendum are known.

"(2) The Secretary shall continue the suspension of the application of the amendments made by section 2 only if the Secretary determines that suspension of the application of the amendments is favored by a majority of the producers voting in the referendum who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use.".

SEC. 3. PERIODIC REFERENDA.

Section 115(a) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4506(a)) is amended—

(1) in the first sentence, by striking "Within the sixty-day period immediately preceding September 30, 1985" and inserting "Every 5 years"; and

(2) in the second sentence, by striking "six months" and inserting "3 months".

SEC. 4. PROHIBITION ON BLOC VOTING.

Section 117 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4508) is amended—

(1) in the first sentence, by striking "Secretary shall" and inserting "Secretary shall not"; and

(2) by striking the second through fifth sentences.

FARMERS UNION,
MILK MARKETING COOPERATIVE,
Madison, WI, December 22, 1994.

Hon. RUSS FEINGOLD,
U.S. Senate, Washington, DC.

DEAR RUSS: The FUMMC Board of Directors yesterday unanimously approved a motion expressing strong support for your new legislation, the Dairy Promotion Program Improvement Act of 1995. We enthusiastically support these reforms needed to make the National Dairy Board more accountable and responsive to the dairy producers who pay the bills and are too often taken for granted.

FUMMC's long-standing policy is that dairy imports should be subject to the mandatory promotion checkoff. Nine of 17 existing commodity checkoff programs, including beef, pork, cotton, honey, pecans and potatoes, currently assess imports and dairy should be no exception. Dairy imports are an important part of the supply problem and will substantially increase as we lose Section 22 when the new GATT agreement goes into effect next year. This makes it all the more urgent to make imports pay their fair share. Regarding GATT, we sincerely appreciate your courageous vote against the Uruguay Round in the Senate earlier this month.

The automatic review referendum will make the National Dairy Board more accountable to the producers who pay the mandatory checkoff. The prohibition on bloc voting is consistent with dairy farmers' right to make their own decisions of fundamental questions about the future of the National Dairy Board. Bloc voting interferes with that right.

We also greatly appreciate your standing up so strongly for dairy producers in the proposed consolidation of the Cattlemen's Beef Board, the National Cattlemen's Association and two other beef entities. I know that our members greatly appreciate your speaking at our recent District 9 meeting in Madison on key issues including the beef merger and your plans for a possible legislative response if the merger is approved.

Sincerely,

STEWART G. HUBER,
President.

NATIONAL FARMERS UNION,
OFFICE OF THE PRESIDENT,
Washington, DC, January 11, 1995.

Re Dairy Promotion Program Improvement Act of 1995.

Hon. RUSS FEINGOLD,
U.S. Senator, Washington, DC.

DEAR SENATOR FEINGOLD: I am writing on behalf of the over 253,000 members of the National Farmers Union to express our strong support for the Dairy Promotion Program Improvement Act of 1995.

The policy statement of the National Farmers Union, adopted by delegates to our 92nd annual convention last spring, specifically recommends that dairy imports be subject to the same research and promotion assessments collected from domestic dairy producers. Failure to collect the assessment on imports puts U.S. producers at a competitive disadvantage, while yet allowing importers to benefit from the activities of the Dairy Promotion and Research Board.

National Farmers Union also supports other provisions of the bill which:

(1) require the Secretary to conduct a referendum on request of a group comprising 10 percent or more of the producers;

(2) require a referendum every 5 years; and

(3) prohibit bloc voting.

We believe these provisions are essential to ensure that the board remains accountable to the producers it was created to represent.

Members of the National Farmers Union have not yet taken a position on the issue of expanding the board to include importer representation. While our organization is generally supportive of allowing all those who are assessed to be represented, we are not aware of any other countries who require U.S. representation on their domestic research and promotion boards. This issue will receive further attention at our upcoming annual meeting in Milwaukee, Wisconsin.

Thank you for your work to improve the fairness and accountability of the research and promotion board operations. Your strong representation and continued effort on behalf of America's family farmers are greatly appreciated.

Sincerely,

LELAND SWENSON,
President.•

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 223. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Energy and Natural Resources.

STERLING FOREST PROTECTION ACT

• Mr. BRADLEY. Mr. President, I am pleased to announce that today I am introducing legislation to allow the preservation of the Sterling Forest. My colleague, Senator LAUTENBERG, is joining me as a cosponsor on this important bill. Although located entirely in New York, the area affected by this bill represents some of the most critical New Jersey watershed still left undeveloped and in private hands.

Sterling Forest represents the largest unbroken, undeveloped tract of forest land still remaining along the New York-New Jersey border. This 20 square mile parcel represents a complete range of wildlife habitat, hills, and wetlands. It is home to a large number of threatened and endangered species. The Forest is crossed in the north by the Appalachian Trail and is easily accessible by the 1 of every 12 Americans that lives within a 2 hour drive of its boundaries.

Most important for New Jersey, though, are the billions of gallons of fresh, clean drinking water that flow from its boundaries. The Monksville/Wanaque reservoirs, which draw from the Sterling Forest Watershed, serve one in four New Jerseyans. Let me be perfectly clear: I am talking about the water supply for roughly 1.5 million Americans. To threaten this watershed is to threaten the livelihood and well-being of an extraordinary number of my constituents.

Of great concern to me and my constituents are development plans for this region. One proposal offered by the Sterling Forest owners calls for over 14,000 homes and 8 million square feet of commercial space to be built by 2020. Even if this development were concentrated in the least environmentally critical and most accessible tracts, this construction will irrevocable alter this land. You can't move 100,000 people into a pristine 20-square-mile parcel and predict a minor impact on the environment.

This bill is a necessary step if we are to protect this habitat and watershed. It allows an appropriation of up to $17.5 million for land acquisition. Furthermore, it designates the Palisades Interstate Park Commission [PIPC] a Federal commission created in 1937, to manage this land.

One of the issues that has to be addressed in any expansion to park land is management. We all know how taxed is the National Park Service. The presence of the PIPC eliminates any concerns over competence and capability. Right now, the PIPC manages 23 parks which spread over 82,000 acres and host in excess of 8 million visitors annually. The PIPC has the interest and track record necessary to give us all a level of comfort that these Sterling Forest tracts, once acquired, will be well managed and protected.

Mr. President, last Congress we had a hearing on this bill before the Senate Energy Committee. At that hearing, I believe a convincing case was made that the Sterling Forest represents the highest priority target for land acquisition:

It has critical habitat and interstate watershed values; it protects a National Park unit of international significance, the Appalachian Trail; it is parkland accessible to tens of millions of Americans an area dominated by pavement; and it is directly threatened by near-term development and loss.

At that hearing, I believe a convincing case was made that this was a unique instance, with a clear need for Federal involvement and a Federal interest. The critical shortage of habitat has been documented by the U.S. Fish and Wildlife Service and the U.S. Forest Service. The Federal Government has been acquiring habitat of similar characteristics to the Sterling Forest in a newly established national wildlife refuge, the Wallkill Refuge, about 20 miles away. I have already mentioned the Appalachian Trail and the federally authorized PIPC. And I return one last time to the issue of water supply.

Mr. President, I have been in past Congresses the chairman of the Senate Subcommittee on Water and Power. Over the past few years, I have learned quite a bit about the relationship between water and the Federal interest. This Sterling Forest tract is crucial watershed to more people than live in any 1 of 13 States. Does anyone here believe that if the water supply of the State of Montana or Wyoming or South Dakota were seriously threatened that the Federal Government wouldn't contribute $17.5 million towards a remedy? The fact is that 10 times or 100 times this amount would be forthcoming.

I believe that both New York and New Jersey are ready to endorse—with their wallets—this project. We are ready to go. What is needed, what has to happen, is Federal leadership and Federal support.

Mr. President, I urge my colleagues to consider this legislation and act positively, with all possible speed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sterling Forest Protection Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Palisades Interstate Park Commission was established pursuant to a joint resolution of the 75th Congress approved in 1937 (Public Resolution No. 65; ch. 706; 50 Stat. 719), and chapter 170 of the Laws of 1937 of the State of New York and chapter 148 of the Laws of 1937 of the State of New Jersey;

(2) the Palisades Interstate Park Commission is responsible for the management of 23 parks and historic sites in New York and New Jersey, comprising over 82,000 acres;

(3) over 8,000,000 visitors annually seek outdoor recreational opportunities within the Palisades Park System;

(4) Sterling Forest is a biologically diverse open space on the New Jersey border comprising approximately 17,500 acres, and is a highly significant watershed area for the State of New Jersey, providing the source for clean drinking water for 25 percent of the State;

(5) Sterling Forest is an important outdoor recreational asset in the northeastern United States, within the most densely populated metropolitan region in the Nation;

(6) Sterling Forest supports a mixture of hardwood forests, wetlands, lakes, glaciated valleys, is strategically located on a wildlife migratory route, and provides important habitat for 27 rare or endangered species;

(7) the protection of Sterling Forest would greatly enhance the Appalachian National Scenic Trail, a portion of which passes through Sterling Forest, and would provide for enhanced recreational opportunities through the protection of lands which are an integral element of the trail and which would protect important trail viewsheds;

(8) stewardship and management costs for units of the Palisades Park System are paid for by the States of New York and New Jersey; thus, the protection of Sterling Forest through the Palisades Interstate Park Commission will involve a minimum of Federal funds;

(9) given the nationally significant watershed, outdoor recreational, and wildlife qualities of Sterling Forest, the demand for open space in the northeastern United States, and the lack of open space in the densely populated tri-state region, there is a clear Federal interest in acquiring the Sterling Forest for permanent protection of the watershed, outdoor recreational resources, flora and fauna, and open space; and

(10) such an acquisition would represent a cost effective investment, as compared with the costs that would be incurred to protect drinking water for the region should the Sterling Forest be developed.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish the Sterling Forest Reserve in the State of New York to protect the significant watershed, wildlife, and recreational resources within the New York-New Jersey highlands region;

(2) to authorize Federal funding, through the Department of the Interior, for a portion of the acquisition costs for the Sterling Forest Reserve;

(3) to direct the Palisades Interstate Park Commission to convey to the Secretary of the Interior certain interests in lands acquired within the Reserve; and

(4) to provide for the management of the Sterling Forest Reserve by the Palisades Interstate Park Commission.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Palisades Interstate Park Commission established pursuant to Public Resolution No. 65 approved August 19, 1937 (ch. 707; 50 Stat. 719).

(2) RESERVE.—The term "Reserve" means the Sterling Forest Reserve.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. ESTABLISHMENT OF THE STERLING FOREST RESERVE.

(a) ESTABLISHMENT.—Upon the certification by the Commission to the Secretary that the Commission has acquired sufficient lands or interests therein to constitute a manageable unit, there is established the Sterling Forest Reserve in the State of New York.

(b) MAP.—

(1) COMPOSITION.—The Reserve shall consist of lands and interests therein acquired by the Commission within the approximately 17,500 acres of lands as generally depicted on the map entitled "Boundary Map, Sterling Forest Reserve, numbered SFR–60,001 and dated July 1, 1994.

(2) AVAILABILITY FOR PUBLIC INSPECTION.—The map described in paragraph (1) shall be on file and available for public inspection in

the offices of the Commission and the appropriate offices of the National Park Service.

(c) TRANSFER OF FUNDS.—Subject to subsection (d), the Secretary shall transfer to the Commission such funds as are appropriated for the acquisition of lands and interests therein within the Reserve.

(d) CONDITIONS OF FUNDING.—

(1) AGREEMENT BY THE COMMISSION.—Prior to the receipt of any Federal funds authorized by this Act, the Commission shall agree to the following:

(A) CONVEYANCE OF LANDS IN EVENT OF FAILURE TO MANAGE.—If the Commission fails to manage the lands acquired within the Reserve in a manner that is consistent with this Act, the Commission shall convey fee title to such lands to the United States, and the agreement stated in this subparagraph shall be recorded at the time of purchase of all lands acquired within the Reserve.

(B) CONSENT OF OWNERS.—No lands or interest in land may be acquired with any Federal funds authorized or transferred pursuant to this Act except with the consent of the owner of the land or interest in land.

(C) INABILITY TO ACQUIRE LANDS.—If the Commission is unable to acquire all of the lands within the Reserve, to the extent Federal funds are utilized pursuant to this Act, the Commission shall acquire all or a portion of the lands identified as "National Park Service Wilderness Easement Lands" and "National Park Service Conservation Easement Lands" on the map described in section 5(b) before proceeding with the acquisition of any other lands within the Reserve.

(D) CONVEYANCE OF EASEMENT.—Within 30 days after acquiring any of the lands identified as "National Park Service Wilderness Easement Lands" and "National Park Service Conservation Easement Lands" on the map described in section 5(b), the Commission shall convey to the United States—

(i) conservation easements on the lands described as "National Park Service Wilderness Easement Lands" on the map described in section 5(b), which easements shall provide that the lands shall be managed to protect their wilderness character; and

(ii) conservation easements on the lands described as "National Park Service Conservation Easement Lands" on the map described in section 5(b), which easements shall restrict and limit development and use of the property to that development and use that is—

(I) compatible with the protection of the Appalachian National Scenic Trail; and

(II) consistent with the general management plan prepared pursuant to section 6(b).

(2) MATCHING FUNDS.—Funds may be transferred to the Commission only to the extent that they are matched from funds contributed by non-Federal sources.

SEC. 6. MANAGEMENT OF THE RESERVE.

(a) IN GENERAL.—The Commission shall manage the lands acquired within the Reserve in a manner that is consistent with the Commission's authorities and with the purposes of this Act.

(b) GENERAL MANAGEMENT PLAN.—Within 3 years after the date of enactment of this Act, the Commission shall prepare a general management plan for the Reserve and submit the plan to the Secretary for approval.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(b) LAND ACQUISITION.—Of amounts appropriated pursuant to subsection (a), the Secretary may transfer to the Commission not more than $17,500,000 for the acquisition of lands and interests in land within the Reserve.•

• Mr. LAUTENBERG. Mr. President, I am pleased to join Senator BILL BRADLEY in introducing legislation that would authorize the Federal Government to provide up to $17.5 million to purchase land in the Sterling Forest area of the New York/New Jersey Highlands region. These funds are critical to preserving the largest pristine private land area in the most densely populated metropolitan region of the United States.

The Sterling Forest is located in the highlands region on the New Jersey and New York border, within a 2-hour drive of more than 20 million people; 2,000 acres on the New Jersey side were acquired by the State by eminent domain. However, the tract of land on the New York side, some 17,500 acres, is owned by a private corporation and is under constant threat of development.

The current owners of the land have mapped out an ambitious plan that, if implemented, would be the largest real estate venture in the United States. The plan calls for 14,200 houses and over 8 million square feet of commercial and light industrial space. The development would include schools, shopping malls, sewage plants, and residential areas.

The proposed development would also harm the environment: 5 million gallons of treated sewage effluent would be discharged daily into streams, and road salts, petroleum products, pesticides, and other contaminants would result in substantial nonpoint source pollution.

As damaging as that would be, I am most concerned about the potential effects on New Jersey's water supply. Sterling Forest is an important watershed for New Jerseyans. The forest provides 18 percent of the clean water flow into the Wanaque/Monksville Reservoir System. The Wanaque system delivers drinking water to over 80 cities and towns in northern New Jersey, which represent 25 percent of the State's population.

Mr. President, we ought not allow such desecration. Sterling Forest is worth preserving. It is nothing short of beautiful. Its rugged topography is good for wildlife, many threatened or endangered species, for hikers and naturalists and for the watershed—not for development.

That is why we need to do all we can to protect this resource. This bill authorizes up to $17.5 million to be provided to the Palisades Interstate Park Commission for the purchase of Sterling Forest. The commission has played a critical role in negotiating among private and public parties to strike a compromise with the current owners of Sterling Forest. A compromise is possible. But we need the backing of these Federal funds to make it happen.

Mr. President, we need this bill to preserve not just an environmentally pristine tract of land, but also to ensure that one-quarter of New Jersey's residents' water supply is protected.•

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 224. A bill to amend the Dairy Production Stabilization Act of 1983 to require that members of the National Dairy Promotion and Research Board be elected by milk producers and to prohibit bloc voting by cooperative associations of milk producers in the election of producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL DAIRY PROMOTION REFORM ACT

• Mr. KOHL. Mr. President, one of the basic tenets upon which this Nation was founded was that there should be no taxation without representation. But the dairy farmers of this Nation know all too well that taxation without representation continues today. They live with that reality in their businesses every day.

Dairy farmers are required to pay a 15-cent tax, in the form of an assessment, on every 100 pounds of milk that they sell. This tax goes to fund dairy promotion activities, such as those conducted by the National Dairy Promotion and Research Board, commonly known as the National Dairy Board. Yet these same farmers that pay hundreds, or in some cases thousands, of dollars every year for these mandatory promotion activities have no direct say over who represents them on that Board.

In the summer of 1993, a national referendum was held giving dairy producers the opportunity to vote on whether or not the National Dairy Board should continue. The referendum was held after 16,000 dairy producers, more than 10 percent of dairy farmers nationwide, signed a petition to the Secretary of Agriculture calling for the referendum.

Farmers signed this petition for a number of reasons. Some felt they could no longer afford the promotion assessment that is taken out of their milk checks every month. Others were frustrated with what they perceived to be a lack of clear benefits from the promotion activities. And still others were alarmed by certain promotion activities undertaken by the Board with which they did not agree. But overriding all of these concerns was the fact that dairy farmers have no direct power over the promotion activities which they fund from their own pockets.

When the outcome of the referendum on continuing the National Dairy Board was announced, it had passed overwhelmingly. But because nearly 90 percent of all votes cast in favor of continuing the Board were cast by bloc-voting cooperatives, there has been skepticism among dairy farmers about the validity of the vote.

While I believe that dairy promotion activities are important for enhancing markets for dairy products, it matters more what dairy farmers believe. After all, they are the ones who pay hundreds or thousands of dollars every year for these promotion activities. And they are the ones who have no direct say over who represents them on that Board.

It is for this reason that I rise today to introduce the National Dairy Promotion Reform Act of 1995.

Some in the dairy industry have argued that this issue is dead, and that to reintroduce such legislation will only reopen old wounds. But I must respectfully disagree.

The intent of this legislation is not to rehash the referendum debate, which was a contentious one. Instead, the intent is to look forward.

Farmers in my State have traditionally been strong supporters of the cooperative movement, because the cooperative business structure has given them the opportunity to be equal partners in the businesses that market their products and supply their farms. I have been a strong supporter of the cooperative movement for the same reason.

But there is a growing dissention among farmers that I believe is dangerous to the long-term viability of agricultural cooperatives. As I talk to farmers around Wisconsin, I am hearing a growing concern that their voices are not being heard by their cooperatives. They frequently cite the 1993 National Dairy Board referendum as an example. The bill that I am introducing today seeks to address that concern, by giving dairy farmers a more direct role in the selection of their representatives on the National Dairy Board. Whereas current law requires that members of the National Dairy Board be appointed by the Secretary of Agriculture, this legislation would require that the Board be an elected body.

Further, although the legislation would continue the right of farmer cooperatives to nominate individual members to be on the ballot, bloc voting by cooperatives would be prohibited for the purposes of the election itself. There are many issues for which the cooperatives can and should represent their members. But on this issue, farmers ought to speak for themselves.

It is my hope that this legislation will help restore the confidence of the U.S. dairy farmer in dairy promotion. To achieve that confidence, farmers need to know that they have direct power over their representatives on the Board. This bill gives them that power.

I welcome my colleague from Wisconsin, Senator FEINGOLD, as an original cosponsor of this bill, and I am also pleased to join today as an original cosponsor of his legislation, the Dairy Promotion Program Improvement Act of 1995.

Senator FEINGOLD'S legislation would make other needed improvements in the National Dairy Promotion Program. Specifically, the bill would require that imported dairy products be subject to the same dairy promotion assessment as are paid on domestic dairy products today. Further, Senator FEINGOLD'S bill would provide this Nation's dairy farmers a chance to renew their support for the Dairy Promotion Program on regular basis, by requiring a referendum of farmers every 5 years, without bloc voting.

I thank my colleague Senator FEINGOLD for his efforts on these matters, and I believe that our two bills provide Dairy Promotion Program reforms that are both complementary and necessary.

NATIONAL DAIRY PROMOTION REFORM ACT OF 1995—SUMMARY OF THE BILL

The bill would amend the Dairy Production Stabilization Act of 1983 to require that future members of the National Dairy Board be elected directly by dairy producers, and not appointed by the Secretary of Agriculture as they are currently.

The bill would also prohibit the practice of bloc voting of members by producer coöperatives for the purposes of the Board elections.

However, cooperatives could continue to nominate members to be on the ballot, as long as they adequately consult with their membership in the nomination process.

The explicit details of the election process would be developed by the Secretary of Agriculture.

I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 224

Be it enacted by the Senate and House of Representatives of the Untied States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Dairy Promotion Reform Act of 1995".

SEC. 2. DAIRY VOTING REFORM.

Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) by designating the third through fifth sentences as paragraph (3);

(3) by designating the sixth sentence as paragraph (4);

(4) by designating the seventh and eighth sentences as paragraph (5);

(5) by designating the ninth sentence as paragraph (6);

(6) in paragraph (1) (as so designated), by striking "and appointment";

(7) by striking paragraph (2) (as so designated) and inserting the following new paragraph:

"(2)(A)(i) Subject to clause (ii), members of the Board shall be milk producers nominated in accordance with subparagraph (B) and elected by a vote of producers through a process established by the Secretary.

"(ii) In carrying out clause (i), the Secretary shall not permit an organization certified under section 114 to vote on behalf of the members of the organization.

"(B) Nominations shall be submitted by organizations certified under section 114, or, if the Secretary determines that a substantial number of milk producers are not members of, or the interests of the producers are not represented by, a certified organization, from nominations submitted by the producers in the manner authorized by the Secretary. In submitting nominations, each certified organization shall demonstrate to the satisfaction of the Secretary that the milk producers who are members of the organization have been fully consulted in the nomination process.";

(8) in the first sentence of paragraph (3) (as so designated), by striking "In making such appointments," and inserting "In establishing the process for the election of members of the Board,"; and

(9) in paragraph (4) (as so designated)—

(A) by striking "appointment" and inserting "election"; and

(B) by striking "appointments" and inserting "elections."•

By Mr. AKAKA:

S. 225. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

EXEMPTING HAWAII FROM THE HYDROELECTRIC JURISDICTION OF THE FERC

• Mr. AKAKA. Mr. President, for some time now, the State of Hawaii, its delegation in Congress, and conservation organizations throughout the State have been deeply concerned about Federal efforts to regulate hydroelectric power projects on State waters. The question of who should be responsible for hydropower regulation—the State or the Federal Government—is very contentious. It has not been a high-visibility issue, however, because until now, the debate has occurred away from the public view.

Those who care for Hawaii's rivers and streams recognize that continued Federal intervention may have serious repercussions for our freshwater resources and the ecosystems that depend upon them. Whenever a hydroelectric power project is proposed, a number of environmental considerations must be weighed before approval is granted. Important issues must be evaluated, such as whether the proposed dam or diversion will impair the stream's essential flow characteristics, or what effect the hydropower project will have on the physical nature of the stream bed or the chemical make-up of the water. Will a dam or diversion diminish flow rates and reduce the scenic value of one of Hawaii's waterfalls? Will it harm recreational opportunities? These, and other questions, must be answered.

The effect of a new dam or diversion on the State's disappearing wetlands must be weighed. Wetlands provide vital sanctuary for migratory birds, as well as habitat for endangered Hawaiian waterbirds. They serve as reservoirs for storm water, filtering water-borne pollutants before they reach fragile coastal habitat, and providing a recharge area for groundwater.

In Hawaii, historic resources often come into play. When Polynesians first settled our islands, Hawaiian culture was linked to streams as much as it was linked to the sea. The remnants of ancient Hawaiian settlements can be found along many of the State's rivers. Will the Federal Government give adequate attention to stream resources that have unique natural or cultural significance when it issues a hydroelectric license or permit?

Most important of all, hydropower development must be compatible with preserving native aquatic resources. Hawaiian streams support a number of rare native species that depend upon undisturbed habitat. Perhaps the most remarkable of these species is the gobie, which can climb waterfalls and colonize stream sections that are inaccessible to other fish. These are some of the complex factors that must be considered during federal hydropower decisionmaking.

A number of Federal agencies that have responsibility for fish, wildlife, and natural resource protection have raised questions about the State of Hawaii's commitment to protecting stream resources. They assert that FERC, the Federal Energy Regulatory Commission is better equipped than the state to protect environmental values.

However, the evidence supports precisely the opposite conclusion. FERC has a poor history of protecting aquatic species. And while the Federal hydropower review process requires that FERC consult with other Federal agencies—just as the State does—FERC retains the power to override requests by the State, as well as by Federal agencies, to protect environmental values. The landmark case in this area, California versus FERC, affirmed FERC's authority to reduce instream flow rates below the level that the State determined was the minimum necessary to maintain aquatic wildlife.

Although FERC has never licensed a project in Hawaii, Federal agencies have an unfounded belief that State regulation of hydropower would be a danger to the environment. Nothing could be further from the truth. The State of Hawaii has demonstrated its commitment to protecting stream resources by instituting a new water code, adopting instream flow standards, launching a comprehensive Hawaii stream assessment, and organizing a stream protection and management task force.

Meanwhile, FERC has played no role in stream protection other than to grant a preliminary permit to a hydropower developer on the Hanalei River. This is the same river that the Fish and Wildlife Service is fighting to preserve. From an environmental perspective, FERC is clearly off to a poor start.

The experience with the proposed Hanalei hydropower project raises serious questions about the appropriateness of Federal efforts to regulate hydropower in Hawaii. Our rivers and streams bear no resemblance to the wide, deep, long, and relatively flat rivers of the continental United States. Hawaiian streams generally comprise groups of short riffles, runs, falls, and deep pools. Only 28 of them are 10 miles or longer in length. Only 11 have an average flow greater than 80 cubic feet per second. By comparison, the mean discharge of the Mississippi River is nearly 20,000 times the mean annual flow of the Wailuku River.

The Federal interest in protecting the vast interconnected river systems of North America is misplaced in our isolated mid-Pacific location. When it comes to regulating hydropower in Hawaii, FERC is a fish out of water.

In response to these concern, I am introducing legislation to terminate FERC's jurisdiction over hydropower projects on the fresh waters of the State of Hawaii. This legislation passed Senate during the 103d Congress as part of an omnibus hydropower bill, but the House and Senate could not resolve their differences on the bill. I will continue to fight for the passage of this legislation during the 104th Congress.

I ask that a copy of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act is amended by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required by section 23 of the Act), or upon".●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. McCAIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 4, a bill to grant the power to the President to reduce budget authority.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

SENATE RESOLUTION 48—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CHAFEE, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 48

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996 through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $2,351,491, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,404,115, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United

States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 49—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION:

Mr STEVENS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on calendar:

S. RES. 49

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,309,439, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,340,234, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 50—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. DOMENICI, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion—

(1) to make expenditures from the contingent fund of the Senate,

(2) to employ personnel, and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $3,032,295, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $3,103,181, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate,

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate,

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate,

(4) for payments to the Postmaster, United States Senate,

(5) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or

(6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations.".

SENATE RESOLUTION 51—ORIGINAL RESOLUTION REPORTED—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMITTEE ON SMALL BUSINESS

Mr. BOND, from the Committee on Small Business, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,000,980, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislation Reorganization Act of 1946, as amended), and (2) not to exceed $5000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislature Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,023,582, of which (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 52—ORIGINAL RESOLUTION REPORTED—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1995 through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period of March 1, 1995, through February 28, 1996, under this resolution shall not exceed $3,738,802 of which amount (1) not to exceed $750,850 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,851,936 of which amount (1) not to exceed $850 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charge on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AMENDMENTS SUBMITTED

THE UNFUNDED MANDATE REFORM ACT

BOXER (AND OTHERS) AMENDMENT NO. 17

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

(a) FINDINGS.—Congress finds that—

(1) there are approximately 900 clinics in the United States providing reproductive health services;

(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

(7) persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

(8) the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

(9) the President has instructed the Attorney General to order—

(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I previously announced for the public the scheduling of a hearing before the full Committee on Energy and Natural Resources to review the implications of the North Korean nuclear framework agreement.

The time of this hearing was inadvertently omitted from the notice. The hearing will take place at 2 p.m. January 19, 1995, in room SD–366 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, January 12, 1995, at 10 a.m., in SR–332, for an organizational business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, January 12, 1995, at 9:30 a.m. in closed session, to discuss current operations in Bosnia, North Korea, Haiti, and Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SERVICE AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on January 12, 1995, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on January 12, 1995, at 2 p.m. on oversight of aviation safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Thursday, January 12, 1995, at 10:30 a.m., to consider committee organization, rules, and budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet for a classified briefing during the session of the Senate on Thursday, January 12, 1995, at 4:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, January 12, 1995, at 10 a.m. (jointly with the House Committee on Government Reform and Oversight) on the subject of line ltem veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an organizational business meeting during the session of the Senate on Thursday, January 12, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Federal job training programs, during the session of the Senate on Thursday, January 12, 1995 at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, January 12, 1995, at 9:30 a.m., to organize and to mark up legislative business. The committee will consider the following: the rules of procedure to the Rules Committee; an original resolution providing for Senate Members on Joint Committee on Printing and the Joint Committee on the Library; an original resolution authorizing biennial expenditures by the Rules Committee; and an original resolution authorizing the printing of the rules of Senate committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JANUARY 13, 1995

Mr. LOTT. Mr. President, I have some unanimous consent requests here, and I would like to advise my colleagues that all of these have been approved by the Democratic leadership.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Friday, January 13, 1995; that following the prayer the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved.

I further ask unanimous consent that there then be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for not more than 5 minutes each, with the following Senators to speak for the designated times: Senator THOMAS for up to 10 minutes, Senators LIEBERMAN and DODD for up to 15 minutes equally divided, and Senator BOXER for up to 15 minutes.

I further ask unanimous consent that at the hour of 10 a.m., the Senate stand in recess until the hour of 11 to allow all Members to attend a briefing.

Finally, I ask unanimous consent that at 11 o'clock a.m., the Senate resume consideration of S. 1, the unfunded mandates bill.

The PRESIDING OFFICER. It there objection? Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. LOTT. As in executive session, Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the Treaty with the Republic of Korea on mutual legal assistance in criminal matters (Treaty Document No. 104–1), transmitted to the Senate by the President today; and ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Korea on Mutual Legal Assistance in Criminal Matters, signed at Washington on November 23, 1993, with a related exchange of notes signed the same date. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar" criminals, and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the treaty includes: (1) taking testimony or statements of persons; (2) providing documents, records, and articles of evidence; (3) serving documents; (4) locating or identifying persons or items; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in forfeiture proceedings; and (8) rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 12, 1995.*

CONGRESSIONAL ACCOUNTABILITY ACT

Mr. LOTT. Mr. President, on behalf of Senator GRASSLEY, I ask unanimous consent that the Senate now turn to the consideration of H.R. 1, the House companion bill, and all after the enacting clause be stricken; that the text of S. 2, as amended, be inserted, and that the bill be deemed to have been read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1), as amended, was deemed to have been read three times and passed.

(See language of S. 2 as passed January 11, 1995.)

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. Finally, Mr. President, if there is no further business to come before the Senate, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:14 p.m., recessed until Friday, January 13, 1995, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Friday, January 13, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

During these days when our memories are filled with the life and work of Martin Luther King, Jr., we recall, O God, the works of justice that he did and inspired others to do and we rededicate ourselves to what we should be and to the good works that we can do. You have created us as one people, of one mind and heart and soul, to reflect the marvels of Your creation and to show forth the gifts of every person. May the vision of a people bound together by Your love, united by acts of justice, and confirmed by deeds of understanding and respect, make our dreams a reality in our land and in our hearts. And may Your blessing, O gracious God, that touches us in the depths of our being, be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Florida [Mr. PETERSON] will lead the House in the Pledge of Allegiance.

Mr. PETERSON of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1. An act to make certain laws applicable to the legislative branch of the Federal Government.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 2. An act to make certain laws applicable to the legislative branch of the Federal Government.

The message also announced that pursuant to sections 42 and 43, of title 20, United States Code, the Chair, on behalf of the Vice President, appoints Mr. COCHRAN and Mr. SIMPSON as members of the Board of Regents of the Smithsonian Institution.

The message also announced that pursuant to Public Law 85-874, as amended, the Chair, on behalf of the President of the Senate, appoints Mr. DOLE to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

The message also announced that pursuant to Public Law 102-166, and upon the recommendation of the majority leader, the Chair, in conjunction with the minority leader, appoints Dr. Harriett G. Jenkins as Director of the Office of Senate Fair Employment Practices.

The message also announced that pursuant to section 1024 of title 15, United States Code, the Chair, on behalf of the Vice President, appoints Mr. ROTH, Mr. MACK, Mr. CRAIG, Mr. BENNETT, Mr. SANTORUM, Mr. GRAMS, Mr. BINGAMAN, Mr. SARBANES, Mr. KENNEDY, and Mr. ROBB, to the Joint Economic Committee.

The message also announced that the Chair announces the following two appointments made by the Democratic leader, Mr. Mitchell, during the sine die adjournment:

Pursuant to Public Law 103-236, the appointment of Mr. MOYNIHAN and Samuel P. Huntington of New York, as members of the Commission on Protecting and Reducing Government Secrecy.

Pursuant to section 114(b)(1) of Public Law 100-458, the reappointment of William Winter to a 6-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development.

The message also announced that the Chair announces the following appointment made by the Republican leader, Mr. DOLE, during the sine die adjournment: Pursuant to Public Law 103-359, the appointment of Mr. WARNER and David H. Dewhurst of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community.

The message also announced that the Chair announces the following appointment made by the President pro tempore, Mr. BYRD, during the sine die adjournment: Pursuant to Public Law 103-394, and upon the recommendation of the Republican leader, the appointment of James I. Shepard of California, as a member of the National Bankruptcy Review Commission.

The message also announced that pursuant to sections 1928a-1928d, of title 22, United States Code, as amended, the Chair announces, on behalf of the Vice President, the following appointments, which were made during the previous Senate recess: Mr. DODD, Mr. DASCHLE, and Mrs. HUTCHISON, to the North Atlantic Assembly Fall Meeting during the 2d Session of the 103d Congress, which was held in Washington, DC, November 14-18, 1994.

READING THE CONTRACT WITH AMERICA

(Mr. EHLERS asked and was given permission to address the House for 1 minute.)

Mr. EHLERS. Mr. Speaker, our Contract With America states: on the first day of Congress, a Republican House will: force Congress to live under the same laws as everyone else, cut one-third of committee staff, and cut the congressional budget.

We have done that.

In the next 91 days, we will vote on the following 10 items:

No. 1, a balanced budget amendment and line item veto;

No. 2, a new crime bill to stop violent criminals;

No. 3, welfare reform to encourage work, not dependence;

No. 4, family reinforcement to crack down on deadbeat dads and protect our children;

No. 5, tax cuts for families to lift Government's burden from middle income Americans;

No. 6, National security restoration to protect our freedoms;

No. 7, Senior Citizens' Equity Act to allow our seniors to work without Government penalty;

No. 8, Government regulation and unfunded mandate reforms;

No. 9, common sense legal reform to end frivolous lawsuits, and finally

No. 10, Congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

DETAILS SOUGHT ON THE MURDOCH BOOK DEAL

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I say to the Members of the House it is time now for some candor

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

about the meeting you had with Rupert Murdoch and its relationship to your book deal. The Congress of which you said you were the Speaker of the entire Congress, not just of the Republicans, deserves some answers about what took place at that meeting and what you knew about the progression of your negotiations with Rupert Murdoch's company for your book contract.

I think it also raises a question about whether or not public officials ought to be allowed to engage in contracts for private gain while they are doing the public's business. To suggest that this meeting was only a courtesy visit or one of 30 visits that took place during that day is to mislead the public. The oldest game in this town is to have a lobbyist, a lawyer, or a special interest do you a favor and then a couple of days later ask one of their representatives that they might arrange a courtesy visit to come by. What they are doing in that visit is not courtesy; what they are doing is cementing the relation between the favor that was previously done and suggestions of actions or business that they have before the Congress that they want you to be aware of.

We ought to know for the record what the facts were.

THE NEED FOR A BALANCED-BUDGET AMENDMENT

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, last week we did an amazing thing. The House voted to live by the same rules and laws that the rest of the American people have to live by. Now, we need to take the next step. We need to pass a balanced budget amendment and put Government under the same accounting system that the rest of the American people have to deal with. Families have to balance their checkbooks; so should the Government. Families plan and prepare for the future; so should the Government. Where I come from, families want to give their children a chance to have a better life than they did. They work hard and they plan ahead.

They teach their children that money does not grow on trees, that you do not write checks unless you have money in your checking account, and you keep your checkbook balanced. It is time for the Federal Government to do the same.

Mr. Speaker, I urge my colleagues to treat the Government's checkbook as they would their own, and join me in supporting the balanced budget amendment.

A DEMAND FOR ACCOUNTABILITY TO THE AMERICAN PEOPLE

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, a few days ago we were on this floor voting for numerous reforms of this House designed to bring more credibility to this great institution. At the time I spoke about passing reforms that would ensure that special interests did not compromise the work of this body by restricting gifts and deals from lobbyists. I also said that the message the American people sent us on November 8 was that they wanted us to be personally accountable to them, not to special interests. Certainly they do not want us to enrich ourselves through our public service. Unfortunately, over the past several days we have learned that our own Speaker has met with special interests in such a way that suggests backroom dealing and with the appearance of using his position for personal enrichment. I am confident that the American people will find this unacceptable in the way we represent their interests. Worst of all, this kind of behavior discredits the people's House.

WHAT ARE WE AFRAID OF?

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute.)

Ms. DUNN of Washington. Mr. Speaker, the Democrats are trying to frighten the American people into thinking that balancing the budget is going to end modern civilization as we know it. They would like us to believe that the phrase "living within means" will bring destruction to everyone and everything in America.

Mr. Speaker, balancing the budget simply means that we will control spending and control growth to make the Government less costly, smaller, and more accountable to the American people. How can we be afraid of this?

Every hard-working American taxpayer balances the budget every month—every hard-working American taxpayer understands the meaning of living within one's means. Why are we afraid of practicing this same approach?

Mr. Speaker, it is time to pass the balanced budget amendment. It is time to get our spending under control. It is time to make the Government accountable to the American people. We should not be afraid to do what is right.

□ 1010

COMMENTS ON BOOK DEAL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it seems a book could be written on what the American people do not know about the Speaker's multimillion dollar book deal with one of publishing magnate Rupert Murdoch's companies. First we were told the Speaker had not met with Mr. Murdoch prior to signing his book contract. Yesterday the New York Daily News reported the Speaker had indeed met with Mr. Murdoch, but nothing of substance was discussed. Today, the Wall Street Journal reported that, in fact, issues surrounding pending legislation in which Mr. Murdoch has a direct interest were discussed in the meeting.

This meeting does not directly imply impropriety, but it does raise serious questions that deserve answers.

What exactly was discussed at this meeting? Did the legislative issues that Mr. Murdoch is so interested in come up in the meeting? Like foreign ownerships of U.S. media interests? Were the details of the Speakers $4 million book deal with Mr. Murdoch discussed?

Mr. Speaker, each day new revelations are raising new questions. The news reports create a cloud. That cloud can best be cured by addressing with a thorough and independent review the details surrounding the Speaker's financial empire.

CHANGE HAS COME

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, it is the greatest honor of my life to be standing in the well of this great Chamber on behalf of the people of the Second District of North Carolina. From Durham and Rocky Mount to Lillington and Southern Pines, my constituents sent a clear message to Washington on November 8.

They want the power and authority of the Federal Government returned to them and to the States.

They want radical changes in the failed liberal programs of the past.

But, most of all they want Washington out of their pockets and off their backs, as Ronald Reagan so eloquently put it.

I am pleased to report that we are on our way. This new Congress marks the end of business as usual in the Nation's Capital. We have already begun to get the people's house in order beginning a new era of accountability. Next week we will get to work on tightening Government's belt with a balanced budget amendment, then we will reform welfare, cut taxes, and restore the morale of our military. We have changed the way Congress does business, now we will change the business Congress does. It is truly a new day in Washington and a new day for the people of eastern North Carolina.

STOP THE VIOLENCE

(Ms. FURSE asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, every night on television we see the horrors of war. We see children killed in places whose names we didn't even know. But I want to talk today about a war on much more familiar grounds, our own beloved America.

There was a small story in the Washington Post 2 days ago of two children killed by gunfire. There was not a big headline.

Well, no wonder. Because an average of 13 children a day are killed in America from gunfire in America. In 1993, there were over 24,000 murders in this country, and 17,000 of those were from gunfire.

Mr. Speaker, it is time we had a peace treaty in America. It is time we stop the violence.

LEGISLATION TO REPEAL THE DAVIS-BACON ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I am joined today by many of my colleagues in the introduction of legislation to repeal the Davis-Bacon Act. In one way or another, the act is expensive, inflationary, unnecessary, restrictive, and generally harmful to the structure and development of the construction industry. The act adds billions of dollars to Federal construction costs and the American taxpayers are picking up the tab.

Enacted during the throes of the Depression, the Davis-Bacon Act requires contractors on Federally funded construction to pay the prevailing wage. Now, more than 60 statutes incorporate the Davis-Bacon wage requirements by reference. In some instances, coverage of the Davis-Bacon Act has been further extended to situations in which the Federal Government merely has an interest through ownership participation, funds guaranty, or cases where the Federal Government contributes a minimal amount to a State or local project.

The rationale for special wage protection was never very persuasive but Davis-Bacon has remained in place since 1931, giving some construction workers a bonus at the bargaining table at the taxpayer's expense. For example, electricians working in Philadelphia on a Davis-Bacon project are paid $37.97 an hour compared with electricians on a private contract who are paid an average of $15.76 an hour.

The Congressional Budget Office estimates that the Davis-Bacon Act raises Federal construction costs nearly $1 billion a year. Repeal of the act would allow the Federal Government to fund more construction projects with the money which is being spent, or to get the planned construction done for less money.

Finally, the Davis-Bacon Act is demonstrably unnecessary. Despite claims by labor leaders that workers would be victimized and exploited without Davis-Bacon, unionized construction firms do compete effectively in many private markets where Davis-Bacon does not apply. The Fair Labor Standards Act, which was enacted 7 years after the enactment of Davis-Bacon, establishes a minimum wage and overtime rate of 1½ times the hourly rate for employees working more than 40 hours in a week.

By repealing the Davis-Bacon Act, the taxpayers will be saved an estimated $3.1 billion in construction costs and bureaucratic overhead over the next 5 years. Sixty-three years of artificially high construction costs are enough. I urge my colleagues to join me in supporting repeal of the Davis-Bacon Act.

UNFUNDED MANDATES

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, the Unfunded Mandate Reform Act of 1995 is of great interest to State and local governments, and to my constituents on Guam.

We too have our share of the burdens imposed by the Federal Government.

Recently, we have been confronted with an unfunded mandate that illustrates how difficult it is to receive funding even when congressional intent to provide that funding is clear.

In 1986 Congress passed a law authorizing completely unrestricted immigration between Guam and three newly independent Pacific Nations that were formerly the U.S. Trust Territory.

Anticipating the impact on Guam of this Federal policy, Congress also authorized Guam to be reimbursed for costs resulting from this immigration. While Guam incurred over $45 million in costs, over the past 7 years Congress appropriated $2.5 million in its first payment to Guam last year—a noticeable improvement but still too little too late.

Uncle Sam, if you are not careful, you may soon be known on Guam as a deadbeat uncle.

KEEPING THE PROMISE OF A BALANCED BUDGET

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, last week, Republicans began the passage of the contract with America. We are changing the way Congress does business, and we are changing the business Congress does.

No longer will we pander to the big government, big bureaucracy legislation as Congress has in the past. We want to make the Government smaller, less costly, and more effective for the American taxpayer. To begin on this journey we must pass a balanced budget amendment.

In the next week, we will have on the floor legislation to make the Government live under a balanced budget. This concept makes sense to the American people—they live under a budget. It is time to make the Government do the same.

We will keep our promise to the American people to bring a balanced budget amendment to the floor. It is up to my colleagues on both sides of the aisle to make sure it is passed.

DISCLOSURE ON BOOK DEAL NEEDED

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, Speaker GINGRICH has said that his multimillion dollar book deal was "like winning the lottery." Well, not quite, Mr. Speaker. Your lottery was no game of chance. You see, Mr. Speaker, you were the only one holding a lottery ticket. And in addition, your lottery price was being decided by Rupert Murdoch and his publishing empire, a man who has extensive issues pending before Federal agencies.

This morning's Washington Post reported that many publishing companies refused to bid on the Speaker's book contract when Mr. Murdoch raised the offer into the millions of dollars.

The Republicans and Speaker GINGRICH have promised us new openness in dealing with the House of Representatives and politics in Washington. Let us start with openness and full disclosure on this multimillion dollar book deal. It is time for the Speaker to not only release the contract, but to come clean with the American people about all the circumstances surrounding it.

THE OSCE STATEMENT ON CHECHNYA

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, the Permanent Council of the OSCE has adopted a statement on Chechnya which emphasizes the seriousness of the violation of human rights and international humanitarian law that has characterized the Russian military action in Chechnya.

Affirming that respect for OSCE commitments is a legitimate concern of all signatory states, the OSCE has called for an immediate ceasefire and the beginning of negotiations for a political settlement, while respecting the territorial integrity of the Russian Federation.

Mr. Speaker, the OSCE had welcomed Russia's stated willingness to cooperate with the OSCE in stabilizing the region and restoring constitutional order and in the early dispatch of an OSCE mission to that country. However, it now appears that the Russians may permit an OSCE peace mission only after the offensive has ceased. That is totally unacceptable.

Mr. Speaker, any delay means more carnage, more dead civilians, more dead soldiers. The OSCE mission must be allowed immediate access to Chechnya, and this must be done with dispatch.

Mr. Speaker, for many days the administration has called this aggression an internal affair. Thankfully there has been a shift in the administration's position.

Next week as chairman of the Helsinki Commission, I plan to hold a hearing on this important matter, and hopefully we will see some progress then and now.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO FILE REPORT ON H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight have until midnight tonight to file a report on H.R. 5, the Unfunded Mandate Reform Act of 1995.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Pennsylvania?

Mr. BONIOR. Mr. Speaker, reserving the right to object, at this time I do not intend to object, but under my reservation I would like to engage in a brief colloquy with my friend, the gentleman from Pennsylvania [Mr. CLINGER].

□ 1020

The gentleman from Pennsylvania knows of the concern on our side of the aisle on this issue. The fact is that this issue, which is extremely important to this Nation, an issue that deals with questions like toxic waste, safe drinking water, clean water, child safety, all of these very important issues wrapped into this significant piece of legislation, was discussed and marked up on the same day as the committee was organizing, without a hearing, although one member of the gentleman's side of the aisle testified and none on our side was allowed to testify, but no hearings on this.

As I understand it, a large percentage of the gentleman's committee now are new Members who have had, frankly, no experience with this particular legislation in the past.

We on this side have very grave concerns about waiving the rules, as the gentleman is asking for on this legislation. Normally I believe he would be able to file on Tuesday. The gentleman wants to file it tonight.

While we understand the need to move on, we are concerned about the process here. We are concerned about: Is this going to be the norm? Is this going to be the standard on which we on this side of the aisle will have to live and have to react in terms of our ability to get our point of view across without hearings, without adequate preparation by the new Members who are on the committee?

I would like to ask the gentleman from Pennsylvania, first of all, if he intends to go to the Committee on Rules and ask for an open rule on this?

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, I am happy to inform the gentleman that it is my intention, and I believe it would be concurred in by the chairman of the Committee on Rules, to ask for a completely open rule, and I believe that it has already been signaled that that will be the case.

Mr. BONIOR. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. SOLOMON]. Will the gentleman from New York, the chairman of the Committee on Rules, care to respond to whether or not we will see an open rule on this?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I would be glad to respond to my good friend, a former member of the Committee on Rules.

Mr. BONIOR. Still am a member.

Mr. SOLOMON. The gentleman has taken a leave of absence, I understand, out of the goodness of his heart.

Mr. BONIOR. The gentleman will see me in there.

Mr. SOLOMON. The gentleman from Pennsylvania [Mr. CLINGER], has requested of our Committee on Rules an open rule. It is the intention that we will grant an open rule.

We will hold that hearing at 11 on Wednesday, and the gentleman is welcome to come up and testify.

I might point out that we did hold a hearing on the subject of this bill. We did not limit it to just title III, which was our jurisdiction in the Committee on Rules. We allowed the full discussion on the entire bill. We offered the Democrat minority the opportunity for Members to come and testify, as well as the private sector. And the minority did produce three people to testify. It was a very informative meeting.

From that, we came to the decision we should put out an open rule and let the House work its will, because it is probably one of hte most important bills that will come before this House during this 104th Congress, especially in the eyes of the taxpayers of this Nation.

Mr. BONIOR. Mr. Speaker, further reserving the right to object, I would say to my friend the gentleman from New York, that while there were no hearings in the primary committee that deals with this, Government Operations, the Committee on Rules allowed three people from the entire country to participate, that is all, in this process.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I will say to my good friend we absolutely did not limit it. The gentleman was welcomed to have 5 or 10 witnesses, including Members of Congress, and the only panel that was asked for was the three from the private sector. It was completely open to as many as the gentleman would have desired.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, I would yield to another former member of the Committee on Rules, one of our strong advocates for the issues which I enumerated earlier on for discussion of this issue, and gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to say at the outset that there is no one more admired by the minority than the gentleman from Pennsylvania [Mr. CLINGER]. We know him to be fair. We hold him in high esteem and even affection. But I would like to at least make some points that happened the other day that we think were very devastating, really, to the public's right to know.

The first thing is that there really is no emergency to rush this bill through. The effective date of the bill is October 1, 1995, so regardless of our action on this request, there would be no operative effect if the bill's report were filed today or Tuesday. Frankly, this is about politics, not policy.

I want to note that in their rush to bring this bill to the floor, debate was stifled so that the bill could be reported by our committee. There were several unprecedented breaches in our rights to consider legislation that occurred.

For example, there were no hearings.

On Tuesday, January 3, 1 day before the opening of the 104th Congress, the minority staff was informed by the majority staff that the unfunded mandates legislation would be considered on Tuesday, January 10, on the same day as the organizational meeting of the committee.

The following day, January 4, ranking member, CARDISS COLLINS met with

Chairman CLINGER and gave him a letter requesting public hearings and sufficient time to review the legislation.

On Friday, January 6, Chairman CLINGER refused the request.

The fact that two hearings were held on the subject of unfunded mandates in the last Congress is irrelevant. The bill that was introduced on January 4, 1995, is a new bill. It is different from any bill considered in the previous Congress.

Moreover, 31 out of 51 of the members of our committee did not serve on the committee in the past Congress.

The request for public hearings is not a matter of procedure alone. Key groups that are affected by mandates were not involved in the drafting process, and have had no chance to be heard in the debate. These include ordinary citizens who may benefit from clean water and air, who have children receiving special education or immunizations, or who have parents receiving social security benefits. They include workers who receive the benefits of workplace protections, and minimum wage laws. They include private companies that are concerned by the competitive disadvantage that they would face if publicly owned competitors were not required to comply with the same laws with which they comply.

I would note that this timetable has seriously reduced Members' opportunity to review the bill.

The ranking member and the minority staff were given a xeroxed copy of the bill from the majority staff late in the afternoon on Wednesday, January 4. The minority xeroxed further copies which were distributed to most minority Members on January 5. The actual printed version of H.R. 5 was not available until Friday, January 6. The markup was held 2 legislative days later on Tuesday, January 10.

The limited time for reading the bill, receiving comments on the bill, and drafting amendments, seriously impinged upon the Members' ability to craft thoughtful amendments.

I want to point out that the markup began with the acceptance of testimony of a Member of Congress who was not a member of the committee in violation of our rights.

After an opening statement by the chairman and ranking member, the chairman recognized Representative ROB PORTMAN, not a member of the committee, who was seated at the clerk's table, to make a statement concerning the bill.

Minority Members made points of order contending that the Chair had no right to recognize Members who were not members of the committee to make statements. A point of order was made that the acceptance of the Portman testimony constituted a hearing that violated both committee rules and House rules. A point of order was made that the decision to accept testimony from Representative PORTMAN denied the minority their right under rule XI, clause 2(j)(1) to call witnesses selected by the minority. Members also requested an opportunity to question Representative PORTMAN, which was denied, despite rule XI, clause 2(j)(2) which provides an opportunity to members of the committee to ask questions under the 5-minute rule.

In each case, the chair ruled against the points of order, with the justification that the Chair has the prerogative to recognize whomever he chooses.

At the end of Representative PORTMAN'S testimony, he thanked the Chair for the opportunity to testify at this hearing.

I would note that several rulings of the Chair impinged upon our rights to offer amendments.

At the beginning of the markup, after the reading of section 1 of the bill, Representative MORAN offered an amendment in the nature of a substitute. Discussion of the amendment began despite the fact that the amendment had not yet been read. This problem was brought to the attention of the Chair.

After very limited debate, Representative BURTON moved the previous question, and a point of order was raised by Representative WAXMAN and others that the amendment had not yet been read, and that therefore there had been no opportunity to offer amendments to the Moran amendment. The point of order was denied. Subsequently, a point of order raised after the previous question had been ordered was denied because it came too late. The Chair appeared to rule that the fact that debate had begun on the Moran amendment prior to its reading, a point of order did not lie that the amendment had not been read. There is no precedent of which we are aware for such a decision.

After the amendment of Representative MORAN was defeated, Representative KANJORSKI was recognized. He stated that he had a substitute at the desk, and in response to questions from the Chair indicated that it was different from the Moran amendment.

The Chair ruled that based upon discussions with the Parliamentarian, only one substitute could be offered during the consideration of section 1, and one substitute could be offered at the end of the bill. A point of order was made against the ruling, noting that under House rules, unlimited substitutes could be offered, assuming previous substitutes were defeated. It was denied.

We subsequently were advised by the Parliamentarian that multiple substitutes were in order.

In the middle of the markup, the Chair ruled that based upon advice of the Parliamentarian, the committee would not be allowed to offer amendments to sections 201 and 202, and sections 301, 302, and 303. The ruling was subsequently amended to include all of title III, and then amended again to provide committee jurisdiction over the new section 424(e) of the Congressional Budget Act of 1974 as added by section 301 of H.R. 5.

The ruling had the effect of permitting the committee only to consider the 1-year study commission in title I, the bill's definitions, purposes, and exclusions. The main portions of the bill which define unfunded mandates and establish a point of order against bills that fail to provide various budget analyses and an ability for agencies to ignore enforcement of unfunded mandates, as well as the provisions relating to agency regulatory analyses were placed off limits. Under the Chair's ruling, the Committees on Budget, Rules, and Judiciary, which received only a very limited sequential referral would be responsible for considering these key provisions. Under the ruling, the committee could not even consider changing the effective date contained in section 306.

The Tuesday markup of H.R. 5 was the first markup of the 104th Congress, and therefore the first markup conducted by the Chair. We do not wish that these procedural concerns be considered as a personal attack on the Chair. Indeed, we do not question the Chair's personal motives. However, all of these abuses were the direct result of the apparent orders to the Chair to move the bill out of the committee at all costs. As the letter from the chairman quoted above states, because of the pledge to enact laws within 100 days, "the Committee on Government Reform and Oversight has been asked to move this bill as quickly as possible." It is clear that the effort to bring the bill as quickly as possible was accomplished by trampling the rights of the minority under the House rules.

Nonetheless, Mr. Speaker, we in the minority do not wish to use dilatory tactics to make our points, and I will not object to the gentleman's request. What we do want is an honest debate of the issue, at which time our amendments would not be dismissed. Therefore, Mr. Speaker, I will not object.

□ 1030

Mr. BONIOR. Mr. Speaker, further reserving the right to object, I would just conclude by suggesting that we hope in the future that the rights of the minorities in committees will be respected, that we will have full opportunity for hearings.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Let me say that I recognize this was an extraordinary, but not unprecedented, procedure that was engaged in, Mr. Speaker. I want to assure the gentleman from Michigan [Mr.

BONIOR], the minority whip, that this is not a procedure that I would intend to pursue on a regular basis.

My full intention would be to hold hearings on matters that would come under the jurisdiction of our committee in an orderly fashion and proceed to markup, but this was not an unprecedented action. I would remind the gentleman that in the past my committee, which was formerly under the control of your party, did indeed waive jurisdiction over a number of bills which were then brought to the floor for consideration, primarily on the Budget Reform Act.

So I agree that it was an extraordinary procedure, and I assure the gentleman it will not be followed on a routine basis, but that it was not unprecedented.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, I am glad to hear the new chairman of the committee is pledging to us today that this procedure will not be the norm and will not be followed, and that we will have full and open debate in hearings in the future.

With that, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I would engage the distinguished majority leader in a colloquy on the schedule next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding, Mr. Speaker.

Mr. Speaker, next week the House will not be in session on Monday in observance of the Martin Luther King holiday.

We will meet on Tuesday. At the request of the minority we will meet at 9:30 for morning hour. We will consider one suspension, S. 2, the Congressional Accountability Act.

We intend to ask, by unanimous consent, to deal with accrued leave on Tuesday, but I must advise the minority, we are still working out the details. We are working with the minority. We think we are very likely able to raise that point also on Tuesday.

If votes are ordered on Tuesday, they will be detained until after 5 o'clock.

On Wednesday we will be in pro forma session, beginning at 11 o'clock.

Thursday, the House will meet at 10 o'clock and consider the rule on H.R. 5, unfunded mandates legislation. Pending passage of the rule, we will proceed to 2 hours of general debate on H.R. 5.

On Friday, the House will meet at 10 o'clock and take up amendments to H.R. 5, and early, as promised, the House will adjourn by approximately 3 o'clock on Friday.

Mr. BONIOR. Mr. Speaker, I would pose this concern to my friend, the gentleman from Texas. Over the years we have on this side of the aisle, when we were in the majority, had a tradition of notifying the minority of our schedule on Thursday. There have been exceptions to that, but they were extremely rare. We have consistently over the years paid the minority the courtesy of providing them with information in advance.

This information that my friend, the gentleman from Texas, is giving us this morning is new. We just received this information. I would hope in the future that we would have the ability to know further in advance what the schedule will be for the following week.

The second point I would make to the gentleman is that I am disappointed that the accrued leave bill is not before us today. I hope that we will have it before us on Tuesday, and we will be able to vote on it. The people who have earned these leave days by the sweat of their brow, by working for this institution, deserve to know that they will have what is coming to them, and what they have earned, so I hope that we will move forward on this Tuesday. We will be extremely disappointed if that does not happen.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. THOMAS of California. The gentleman needs to know that this side was ready and willing to take up the accrued leave, which the gentleman from California intended not just to cover committee Members but personal staff as well, since I was concerned about the separation that was occurring between the way in which committee staff were being handled and Members' offices were being handled.

However, it came to our attention late yesterday that Members on the gentleman's side of the aisle, while he was still the majority, had dismissed some people on the 1st, 2d, and 3d of January.

The motion that we had instructed was at the beginning of the time that we became the majority, so the delay between today and Tuesday is to accommodate your side of the aisle, to make sure no one is left out of the accrued leave.

We are working out an amendment which will extend the time frame into the 103d Congress, covering those employees on the 1st, 2d, and 3d. So the delay is to make sure that everyone is accommodated. That is the reason for the delay.

Mr. BONIOR. I thank my colleague for the explanation. I was not aware of that. I was aware that the gentleman from California [Mr. FAZIO] had signed off on the legislation, and the gentleman from Arizona [Mr. PASTOR] came all the way in from Arizona to do it today, so you can imagine the disappointment on our side when we heard that it was not happening.

We will look into the gentleman's concerns, and I thank him for clarifying that.

I would also ask my friend, the gentleman from Texas [Mr. ARMEY], when we do the balanced budget amendment, when it goes to the Committee on Rules, does the distinguished majority leader anticipate an open rule on that particular piece of legislation as the gentleman from Illinois [Mr. HYDE], the chairman of the committee, has suggested?

Mr. ARMEY. If the gentleman will continue to yield, to return to an earlier point, there is a whip notice that is going out perhaps as we speak to notify Members of the schedule for next week.

These are extraordinary times, and I can assure the gentleman that as we proceed with the rest of the year, we will do our very best to minimize the gentleman's disappointments.

□ 1040

We are working on the rule for the balanced budget amendment, and to this point we have determined that we will be asking a preprinting requirement. We are most likely to not allow amendments except amendments in the nature of a substitute.

If the gentleman has any further questions, the distinguished chairman of the Committee on Rules I am sure would be more than happy to address them.

Mr. BONIOR. I do have further questions I would ask my friend from New York if he intends to limit the number of amendments in the nature of a substitute or are we going to have an open expression of a variety of different substitutes on this particular piece of legislation?

Mr. SOLOMON. I would say to my good friend that the gentleman knows that under former Presidents of the Democrat majority rule when we have had constitutional amendments come to the floor, we are following generally the same procedure, because it is so terribly complex. I would hope that we could entertain any legitimate substitute and have it made in order. However, there is going to be a constraint of time. Probably an ample number of amendments might be three or four on your side and possibly one on our side that may not be supported by the Republican leadership necessarily.

We want to be fair to everyone. We want to give everybody their fair shot. I would hope that that is the procedure we could arrive at.

We are going to be holding that hearing, incidentally, on Monday, January

23, that is a week from Monday, at 1 p.m. Again we hope that the membership will come up and we can discuss it and we would be glad to consult with the minority.

Mr. BONIOR. Does the gentleman intend to employ a procedure known as king-of-the-hill or queen-of-the-hill or do you plan on inventing a new procedure for us and surprising us?

Mr. SOLOMON. The gentleman knows that this gentleman has always been opposed to king-of-the-hill, where a substitute or an amendment could pass not having received the largest number of votes. That is not going to happen anymore. If we have any procedure at all, it will be the fair procedure of the substitute passing with the most votes wins. That is the way it should be on the floor of this House, and that is the way it should be in any committee.

Mr. BONIOR. I thank my colleague from New York and my friend from Texas.

ADJOURNMENT TO TUESDAY, JANUARY 17, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. on Tuesday, January 17, 1995.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A VIEW ON THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, the Great Depression dealt the biggest economic blow this Nation has ever faced. The epidemic seemed never-ending, sweeping everything away in its path of economic destruction.

In the election of 1932, with the economy still contracting, Franklin Roosevelt complained of Hoover's deficit spending and raised the issue of the need to balance the Federal budget. However, by the end of the decade, the economy was improving under the direction of President Roosevelt and his New Deal policies, without calling for a constitutional amendment. Now, in 1995, we are visiting this issue again. As we dialog today, though, we must reflect on the lessons learned from yesterday.

As students of the economy, we know that if an economy is operating below its capacity to produce, the result is a cause for cyclical downturn. And if the Government needs to raise revenues or must spend less—requirements that will be unconditionally placed on this institution if the balanced budget amendment is passed—economic activity depresses further. Therefore, the efforts during the early 1930's to balance the budget might be theoretically counted as an economic contributor to prolonging the depression cycle.

This lesson rings as a reminder that there are situations which require economic responses other than constitutionally mandating that the Federal budget be balanced.

I urge my colleagues to further dialog on this issue.

BUDGET CUTS NEEDED FOR GAO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, as the 104th Congress begins to examine areas to cut Federal spending, this Member would like to convey his strong support for reduced funding levels for the General Accounting Office [GAO], an investigative arm of the U.S. Congress.

Last year during consideration of the fiscal year 1995 legislative branch appropriations bill, this Member offered an amendment to cut funding for GAO by 5 percent below the fiscal year 1994 level. Unfortunately, this amendment failed by a close vote even though three committee chairmen vigorously worked against it on the House floor.

Mr. Speaker, during a time when the American.public has called for reduced Federal spending, the GAO has continued to undergo funding increases. Most recently, GAO received a funding level of $430.2 million in fiscal year 1994, and the House fiscal year 1994 legislative branch appropriations bill included a fiscal year 1995 funding level of $439.5 million—an increase of $9.4 million. The final fiscal year 1995 conference report for legislative branch appropriations included $449 million for GAO, $10 million more than the House-passed bill. This Member's amendment would have reduced the fiscal year 1995 funding level of GAO to $408.7 million, a reduction of $30.9 million from the committee-approved bill, and $21.5 million below fiscal year 1994's funding level.

This Member strongly believes that GAO is an agency where growth is out of control. It is an agency which also has not been responsive to individual Members, especially those who serve in the minority. The quality of work produced by the GAO is increasingly shoddy. While the quality of the work varies dramatically, unfortunately and inappropriately, all GAO reports are given the same high respect and credibility simply because they are GAO products. The level of personnel and budgetary resources provided to GAO for its work now is excessive and has grown disproportionately when compared with other congressional support agencies. In addition, GAO resources are also used in certain questionable cases for consultants, training, and for various unnecessary expenses. Concern has also been expressed that GAO is more interested in getting headlines than in supporting the Congress with required information.

From 1985 to 1993, the number of GAO investigations doubled from 457 per year to 915. In addition, GAO's budget jumped from $46.9 million in 1965 to our current spending level of $449 million, a percentage increase of nearly 1,000 percent in unadjusted dollars.

In fiscal year 1994, the number of full-time equivalent positions at GAO were reduced from the fiscal year 1993 amount by approximately $6 million and 100 positions. However, additional cuts are still needed to account for the past growth at this agency, which this Member will outline. In 1980, for example, funding for GAO staff cost $204 million. By 1985 that had grown to $299 million. In 1988 it was $330 million, and in 1989, $346 million. The average increase between 1980 and 1990 was 8 percent per year. Then, in 1991, GAO was increased by 14 percent, to a total of $409 million. In 1992, GAO received another 8-percent increase to $443 million.

The GAO is the largest support agency for Congress, and, incredibly, its budget represents more than one-quarter of the total fiscal year 1995 legislative branch appropriations. GAO's budget is 7½ times the size of the Congressional Research Service, 19 times the size of the Congressional Budget Office, and 20 times the size of the Office of Technology Assessment.

According to a Democratic Study Group [DSG] special report issued on May 24, 1994, in January 1994 the number of GAO employees was 4,597. This level is nearly as large as the staffing level of 4,617 for the entire Library of Congress—the largest library in the world—which also includes the staff of the Congressional Research Service.

Mr. Speaker, here is something that should catch the attention of the House and the Congress. According to this same study, in 1994, GAO's staffing level was nearly 2½ times as large as the 1,849 House committee staff members—during the 103d Congress, and more than one-half as large as the 7,340 individuals employed by all of the Members of the House together.

The DSG study also compares funding levels for the legislative branch from 1979 to 1994, in inflation-adjusted dollars. According to the DSG, the General Accounting Office has received one of the largest increases in funding for the entire legislative branch at an inflation-adjusted level of 13.5 percent during this time period.

Mr. Speaker, my colleagues, now hear this: The funding for other areas of the legislative branch have actually declined since 1979 in inflation-adjusted dollars, according to this study. For example, the Library of Congress received a 17.6-percent reduction, CBO was reduced by 3.8 percent, and Members' staff has even been reduced by 6.4 percent in inflation-adjusted dollars since 1979. But, again, the GAO has an inflation-adjusted increase in its budget of 13.5 percent.

In closing, Mr. Speaker, this Member strongly urges his colleagues to support efforts to reduce the funding level of the GAO. This Member will continue to support any Budget Committee or Appropriations Committee efforts regarding this matter and offer assistance in accomplishing this objective. If such appropriate cuts are not forthcoming, this Member will prepare to again offer budget reduction amendments for the GAO to be offered on the House floor.

□ 1050

REGULATORY TRANSITION ACT OF 1995

The SPEAKER pro tempore (Mr. EWING). Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, last November the American people sent a clear message to Washington: Get the government off our backs. Last week Congressman DELAY and I introduced a bill to do just that. It is called the Regulatory Transition Act of 1995. And what it does is put a moratorium in place on Federal regulations until June 30, 1995 so that we can enact the Contract With America and change the way the regulatory systems do business here in Washington.

This bill is a critical first step toward cutting bureaucratic redtape and protecting the middle class from the hidden tax of regulation. The Clinton administration has admitted that regulations cost Americans at least $430 billion each year. Leading economists have projected that Federal regulation costs the average family between $8,000 and $10,000 a year. The hidden tax of regulations affects everyone, and the middle class is hit hardest of all. Moms pay higher prices to put food on the table, and mothers and fathers pay higher prices for shoes for their children and for all kinds of services. Our mothers, our wives, our daughters are subject to greater risks of breast cancer because of the bungling at the FDA and the bureaucratic redtape that it takes to get new products on the market. Small business men and women spend over $1 billion each year filling out redtape and other forms that the Federal Government requires. You know, Mr. Speaker, it has taken a shorter time than that to win wars in this country.

While these very human costs alone justify the moratorium on regulation, there is an even more ominous threat to our society that is not reflected in the figures that I mentioned. I am speaking of the strangling choke hold that bureaucratic redtape has on American spirit. Perhaps the most eloquent expression of this was made over 150 years ago by Alexis DeToqueville who observed that if America was ever to be ruled by a tyrant again it would come not in the form of a human tyrant, but in the form of a choking fog of regulation.

Mr. Speaker, this Congress has been elected to liberate the middle class and all Americans from this choking fog of regulation. Next Thursday, January 19, the House Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs will hold hearings on our bill to create a regulatory moratorium and to do just that.

On December 12, House Republican and Senate leaders asked President Clinton to voluntarily freeze new regulations for the first 100 days of the new Congress, but his administration has not chosen to do that. So our legislation will provide such a moratorium. It is extremely urgent since the administration's regulatory plan shows that the Clinton administration has about 4,300 new regulations that we plan to take up in 1995.

The moratorium on these new regulations will temporarily stop the Federal Government from loading even more burden onto the middle class and onto the American taxpayer and thereby give Congress time to pass the Contract With America and change the way we do regulations in this country from now on.

I am proud to be a cosponsor of the Regulatory Transition Act along with 51 other Members of Congress and encourage the remaining Members of this House to sign on to the bill and thereby demonstrate to the American people that we have heard the message and we will change the way we do business here in Washington. We will cut back on the regulatory redtape and provide more freedom for all Americans to go about their business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BONIOR) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and included extraneous material:)

Mr. GILLMOR, for 5 minutes, on January 17 and 19.

Mr. BEREUTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCINTOSH) and to include extraneous matter:)

Mr. COYNE.

Mr. PACKARD.

Mrs. LINCOLN.

Ms. PELOSI.

(The following Members (at the request of Mr. BONIOR) and to include extraneous matter:)

Mr. TORRES.

Ms. KAPTUR in two instances.

Mr. RICHARDSON in three instances.

Mr. KLECZKA.

Mr. REED.

Mr. CLAY.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. SOLOMON.

Mr. WELDON of Pennsylvania.

Mr. HOKE.

Mr. MCKEON.

Mr. GOODLING.

Mr. CAMP.

Mr. CUNNINGHAM.

ADJOURNMENT

Mr. MCINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 17, 1995 at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

143. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of December 1, 1994, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–18); to the Committee on Appropriations and ordered to be printed.

144. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in

the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

145. A letter from the Deputy Secretary of Defense, transmitting a report pursuant to section 6 of Public Law 103–378; to the Committee on National Security.

146. A letter from the Deputy Secretary of Defense, transmitting a report pursuant to section 132 of Public Law 103–337, the National Defense Authorization Act for fiscal year 1995; to the Committee on National Security.

147. A letter from the Deputy Secretary of Defense, transmitting certification that live-fire testing of the B–1 Conventional Mission Upgrade Program [CMUP] would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on National Security.

148. A letter from the Secretary of Defense, transmitting certification that the total cost for the planning design, construction, and installation of (building) equipment for the renovation of the Pentagon reservation will not exceed $1,128,000,000; to the Committee on National Security.

149. A letter from the Director, Federal Emergency Management Agency, transmitting the Agency's report entitled, "A Unified Nation Program for Floodplain Management," pursuant to section 1302(c) of the Nation Flood Insurance Act of 1968; to the Committee on Banking and Financial Services.

150. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's report to Congress on implementation of the Community Reinvestment Act of 1977, as amended, pursuant to 12 U.S.C. 2904; to the Committee on Banking and Financial Services.

151. A letter from the Secretary of Health and Human Services, transmitting the Department's second annual report to Congress on programs in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 [PDUFA], pursuant to section 104(a) of the Prescription Drug User Fee Act of 1992; to the Committee on Commerce.

152. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Bosnia (Transmittal No. 8–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

153. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–11, authorizing the furnishing of assistance from the emergency refugee and migration assistance fund to meet the urgent needs of refugees in the New Independent States [NIS] of the former Soviet Union, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

154. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title VIII of Public Law 101–246, the Foreign Relations Authorization Act, as amended; to the Committee on International Relations.

155. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the steps the administration has taken to ensure that the goals of section 322 of the Foreign Relations Authorization Acts of 1992 and 1993 (which deals with the Arab boycott of Israel) are being met; to the Committee on International Relations.

156. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the outstanding expropriation claims in Nicaragua of United States persons; to the Committee on International Relations.

157. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–7: Resumption of U.S. Drug Interdiction Assistance to the Government of Colombia; to the Committee on International Relations.

158. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–9: Resumption of U.S. Drug Interdiction Assistance to the Government of Peru; to the Committee on International Relations.

159. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department of State will utilize the certification procedures of section 565(a)(3) of Public Law 103–236 at the U.S. Consulate General in Jerusalem; to the Committee on International Relations.

160. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's report to Congress on the participation or involvement of members of the Haitian Government in human rights violations between December 15, 1990, and December 15, 1994, pursuant to Public Law 103–423, section 4; to the Committee on International Relations.

161. A letter from the Secretary, Mississippi River Commission, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

162. A letter from the Executive Director, Martin Luther King, Jr. Federal Holiday Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

163. A letter from the Director, OPM, President's Pay Agent, transmitting a report justifying the reasons for the extension of locally-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform and Oversight.

164. A letter from the Inspector General, Smithsonian Institution, transmitting the Institution's 5-year strategic plan for fiscal years 1995 through 1999; to the Committee on Government Reform and Oversight.

165. A letter from the Secretary of Energy, transmitting notification that the report required pursuant to section 308 of title III of the Energy Conservation and Production Act, as amended by section 101 of the Energy Policy Act of 1992 will be submitted by February 1, 1995; jointly, to the Committees on Commerce and Banking and Financial Services.

166. A letter from the Secretaries of the Interior and Energy, and Director, National Science Foundation, transmitting the Fourth Annual Report on the U.S. Continental Scientific Drilling Program, pursuant to 41 U.S.C. 31 note; jointly, to the Committees on Resources and Science.

167. A letter from the Administrator, Environmental Protection Agency, transmitting a final report on the study and technology demonstration program concerned with contaminated bottom sediments in the Great Lakes, pursuant to section 118(c)(7) of the Clean Water Act; jointly, to the Committees on Transportation and Infrastructure and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. H.R. 5. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes; with amendments (Rept. 104–1, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEFAZIO (for himself, Ms. KAPTUR, Mr. HUNTER, Mr. ABERCROBMIE, Mr. BROWN of Ohio, Mr. EVANS, Mr. EVERETT, Mr. HINCHEY, Mr. KLINK, Mr. LIPINSKI, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. TAYLOR of Mississippi, Mr. TRAFICANT, and Ms. VELÁZQUEZ):

H.R. 499. A bill to require the withdrawal of the United States from the North American Free-Trade Agreement, and for other purposes; to the Committee on Ways and Means.

By Mr. BALLENGER (for himself, Mr. ARMEY, Mr. DELAY, Mr. STENHOLM, Mr. ARCHER, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BEREUTER, Mr. BOEHNER, Mr. BONO, Mr. BURR, Mr. CANADY, Mr. COBLE, Mr. COX, Mr. CRANE, Mr. DORNAN, Mr. DREIER, Mr. FAWELL, Mr. FUNDERBURK, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAHAM, Mr. HANCOCK, Mr. HERGER, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. ISTOOK, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LARGENT, Mr. LINDER, Mr. LIVINGSTON, Mr. MCKEON, Mr. MOORHEAD, Mr. PACKARD, Mr. PORTER, Mr. RAMSTAD, Mr. ROGERS, Mr. SCHAEFER, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. WOLF, and Mr. CHRISTENSEN):

H.R. 500. A bill to repeal the Davis-Bacon Act; to the Committee on Economic and Educational Opportunities.

By Mr. BARRETT of Nebraska:

H.R. 501. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rents will not result in the recapture of the benefits of the special estate tax valuation rules for certain farm and other real property; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. HASTERT, Ms. MOLINARI, Mr. ROHRABACHER, Mr. MANZULLO, Mr. CASTLE, Mr. HUNTER, Mr.

CUNNINGHAM, Mr. SAXTON, Mr. CANADY, Mr. SKEEN, Mr. MOORHEAD, Mr. HOLDEN, Mr. BONO, Mr. MCKEON, and Mr. LAUGHLIN):

H.R. 502. A bill to amend the Social Security Act to require the Secretary of Health and Human Services to establish a program to verify employee Social Security information, and to require employers to use the program; to the Committee on Ways and Means.

By Mrs. COLLINS of Illinois:

H.R. 503. A bill to require all providers of telecommunications services to establish and carry out plans for procurement from businesses owned by minorities and women, and for other purposes; to the Committee on Commerce.

By Ms. DANNER:

H.R. 504. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to the Committee on House Oversight.

By Mr. ENGEL:

H.R. 505. A bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces to obtain training and employment as managers and employees with public housing authorities and management companies; to the Committee on Economic and Educational Opportunities.

H.R. 506. A bill to amend title 49, United States Code, to exempt noise and access restrictions on aircraft operations to and from metropolitan airports from certain Federal review and approval requirements, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 507. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program, to provide for coverage of outpatient prescription drugs under part B of such program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself and Mr. SHAYS):

H.R. 508. A bill to amend the Federal Property and Administrative Services Act of 1949 to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on Government Reform and Oversight.

H.R. 509. A bill to amend title 10, United States Code, to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on National Security.

H.R. 510. A bill to amend the Internal Revenue Code of 1986 and the Revenue Act of 1978 to revise the procedures applicable to the determination of employment status; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. FAWELL, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. CASTLE, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON, Mr. TALENT, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. KNOLLENBERG, Mr. RIGGS, Mr. GRAHAM, Mr. WELDON of Florida, Mr. FUNDERBURK, Mr. SOUDER, Mr. MCINTOSH, Mr. NORWOOD, Mr. KASICH, Mr. ZELIFF, Mr. BOEHNER, and Mr. MICA):

H.R. 511. A bill to provide for the establishment of a comprehensive and consolidated workforce preparation and development system in the United States; to the Committee on Economic and Educational Opportunities.

By Mr. MEEHAN (for himself, Mr. FRANKS of New Jersey, and Mr. QUINN):

H.R. 512. A bill to amend the Internal Revenue Code of 1986 to reduce the capital gains tax on stock of domestic corporations engaged in manufacturing and to index the basis of such stock for inflation; to the Committee on Ways and Means.

By Mrs. MEYERS of Kansas (for herself, Mr. ROBERTS, Mr. GOSS, Mr. SOLOMON, Mr. SCHAEFER, Mr. WICKER, Mr. STUMP, and Mr. WALSH):

H.R. 513. A bill to replace the program of aid to families with dependent children and the job opportunities and basic skills training program with a program of block grants to States for families with dependent children, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. BOUCHER, Mr. FIELDS of Texas, Mr. TAUZIN, and Mr. HASTERT):

H.R. 514. A bill to repeal the restrictions on foreign ownership of licensed telecommunications facilities; to the Committee on Commerce.

By Ms. PRYCE:

H.R. 515. A bill to amend title 18, United States Code, to prevent Federal prisoners from engaging in activities to increase their strength or fighting ability while in prison; to the Committee on the Judiciary.

By Mr. RICHARDSON:

H.R. 516. A bill to authorize, with respect to certain former employees of the United States whose firefighting functions were transferred from the Department of Energy to Los Alamos County, NM, the payment of the amounts needed by those individuals in order to qualify for benefits under the retirement system to which they became subject as a result of the transfer; to the Committee on Government Reform and Oversight.

H.R. 517. A bill to amend title V of Public Law 96–550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes; to the Committee on Resources.

H.R. 518. A bill to expand the boundary of the Santa Fe National Forest, and for other purposes; to the Committee on Resources.

By Mr. SOLOMON:

H.R. 519. A bill to prohibit foreign assistance to Russia unless certain requirements relating to Russian intelligence activities, relations between Russia and certain countries, Russian arms control policy, and the reform of the Russian economy are met; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 520. A bill to amend the Internal Revenue Code of 1986 to double the maximum benefit under the special estate tax valuation rules for certain farm, and so forth, real property; to the Committee on Ways and Means.

By Mr. ZIMMER (for himself, Mr. ACKERMAN, Mr. BEILENSON, Mr. PALLONE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 521. A bill to amend title 11 of the United States Code to make nondischargeable claims of governmental units for costs that are incurred to abate hazardous substances and for which the debtor is liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, certain claims under the Solid Waste Disposal Act, and claims under State laws similar in subject matter to such acts; and for other purposes; to the Committee on the Judiciary.

By Mr. ZIMMER (for himself, Mr. SAXTON, Mr. GREENWOOD, Mr. PALLONE, Mr. BEILENSON, Mr. ACKERMAN, Mr. BALDACCI, and Mr. EHLERS):

H.R. 522. A bill to amend the Internal Revenue Code of 1986 to allow a credit against the estate tax for certain transfers of real property for conservation purposes; to the Committee on Ways and Means.

H.R. 523. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain bargain sales; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. FRANKS of New Jersey, Mr. COBURN, Mr. BARTLETT of Maryland, and Mr. LIVINGSTON):

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States regarding federally mandated expenditures; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

By Mr. ENGEL introduced a bill (H.R. 524) for the relief of Inna Hecker Grade; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mrs. SEASTRAND.

H.R. 5: Mr. SHADEGG, Mr. GOODLING, Ms. PRYCE, Mr. INGLIS of South Carolina, Mr. TATE, Mr. WOLF, Mrs. SMITH of Washington, Mr. HASTINGS of Washington, Mr. SCARBOROUGH, Mr. LINDER, Mr. ROHRABACHER, Mr. BEREUTER, Mr. JONES, Mr. HOUGHTON, Mr. HEINEMAN, Mr. WALKER, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, Mr. STOCKMAN, Mr. LUCAS, Mr. GILLMOR, Mr. CRANE, Mr. EMERSON, Mr. TALENT, Mr. BAKER of California, Mr. HUNTER, Mr. HANSEN, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BILBRAY, Mr. BROWNBACK, Mr. BUNNING of Kentucky, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COLLINS of Georgia, Mr. DOOLITTLE, Ms. DUNN of Washington, Mr. ENSIGN, Mr. FIELDS of Texas, Mr. FLANAGAN, Mr. FRELINGHUYSEN, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. GOODLATTE, Mr. GUNDERSON, Mr. GUTKNECHT, Mr. HERGER, Mr. HOBSON, Mr. HOKE, Mr. HOSTETTLER, Mr. SAM JOHNSON, Mr. KASICH, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LIVINGSTON, Mr. LAHOOD, Mr. LATOURETTE, Mr. MCINTOSH, Mr. MARTINI, Mr. MANZULLO, Mr. PACKARD, Mr. QUILLEN, Mr. SALMON, Mr. SOLOMON, Mr. SANFORD, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. THORNBERRY, Mr. WAMP, and Mr. WELLER.

H.R. 8: Mr. TAYLOR of North Carolina, Mr. BARTLETT of Maryland, Mr. NUSSLE, Mr. CHABOT, Mr. BURTON of Indiana, Mr. NEY, Mr. NORWOOD, Mrs. VUCANOVICH, Mr. HUNTER, Mr. MANZULLO, and Mr. LIVINGSTON.

H.R. 9: Mr. LUCAS, Mr. BURTON of Indiana, Mr. NORWOOD, Mrs. VUCANOVICH, Mr. WALKER, Mr. HUNTER, Mr. CREMEANS, Mr. LIVINGSTON, Mr. LATOURETTE, Mr. SAM JOHNSON, and Mr. COLLINS of Georgia.

H.R. 11: Mr. SAM JOHNSON, Mr. COLLINS of Georgia, Mrs. SEASTRAND, Mr. SKEEN, and Mr. COX.

H.R. 24: Mr. TRAFICANT.

H.R. 26: Mr. MCNULTY, Mr. SENSENBRENNER, and Mr. BARCIA of Michigan.

H.R. 34: Mr. EMERSON, Mr. CHRYSLER, Mr. FORBES, Mr. ENGLISH of Pennsylvania, and Mr. BARTLETT of Maryland.

H.R. 52: Ms. FURSE, Mr. ENGLISH of Pennsylvania, Ms. WOOLSEY, Mr. GEJDENSON, and Mr. ZIMMER.

H.R. 66: Mr. LATHAM, Mr. ENGLISH of Pennsylvania, and Mr. MCDADE.

H.R. 77: Mr. SCHAEFER, Mr. FRANK of Massachusetts, and Mr. LINDER.

H.R. 106: Mr. KING.

H.R. 117: Mr. SOLOMON, Mrs. FOWLER, Mr. CONDIT, Mr. KNOLLENBERG, and Mr. CASTLE.

H.R. 217: Mr. LINDER and Mr. KNOLLENBERG.

H.R. 218: Mr. LINDER.

H.R. 230: Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, Mr. BUNNING of Kentucky, Mr. CRANE, and Mr. CHRYSLER.

H.R. 359: Mrs. SEASTRAND, Mr. EMERSON, Mr. WICKER, Mr. HANSEN, Mr. ENGLISH of Pennsylvania, and Mr. LANTOS.

H.R. 394: Mr. HOLDEN, Mr. GUNDERSON, Mr. SKEEN, Ms. MOLINARI, Mr. BALLENGER, and Mr. KNOLLENBERG.

H.R. 442: Mrs. FOWLER, Mr. CREMEANS, Mr. BUNN of Oregon, Mr. MINGE, Mr. WALSH, Mr. ROYCE, Mr. BARTON of Texas, Mr. OBERSTAR, Mr. GOODLATTE, Mr. MCKEON, Mr. LIVINGSTON, Mr. BOUCHER, Mrs. VUCANOVICH, Mr. COLLINS of Georgia, Mrs. MORELLA, Mr. MOORHEAD, Mr. KLUG, Mr. DREIER, Mr. GOODLING, and Mr. PETE GEREN of Texas.

H.R. 449: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOUCHER, and Mr. NEY.

H.R. 452: Mr. KLUG, Mr. SAXTON, Mr. HOLDEN, and Mr. ENGLISH of Pennsylvania.

H.R. 464: Mr. CRANE, Mr. BURTON of Indiana, Mr. NEY, Mr. STUMP, Mr. HANCOCK, Mr. PACKARD, Mr. EMERSON, Mr. MCCOLLUM, Mr. DELAY, Mr. BOUCHER, Mr. MOLLOHAN, Mr. CUNNINGHAM, Mr. WISE, and Mr. SHUSTER.

H.R. 489: Mr. CUNNINGHAM, Mr. BONO, and Mr. CHRYSLER.

H.R. 490: Mr. COMBEST and Mr. BONILLA.

H.J. Res. 48: Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. BLILEY, Mr. FOLEY, Mr. CALLAHAN, Mr. DORNAN, Mr. HEFLEY, Mr. COX, Mr. CREMEANS, Mr. FORBES, Mr. COBURN, Mr. HAYES, Mr. DELAY, Mr. GALLEGLY, Mr. GOSS, Mr. EMERSON, Mr. LEWIS of California, Mr. HOBSON, Mr. WALSH, Mr. MOORHEAD, Mr. ROBERTS, Mr. STUMP, Mr. ROHRABACHER, Mr. TALENT, Mr. ZIMMER, Mr. HOEKSTRA, Mr. SPENCE, Mr. BLUTE, Mr. TIAHRT, Mr. CHRISTENSEN, Mr. SMITH of Texas, Mr. CHAMBLISS, Mr. CALVERT, Mr. MCCRERY, Mr. SHUSTER, and Mr. GREENWOOD.

H.J. Res. 49: Mr. BOUCHER, Mr. GIBBONS, and Mr. BARRETT of Wisconsin.

H. Con. Res. 13: Mr. MCDERMOTT, Ms. HARMAN, Mrs. MALONEY, Mr. BRYANT of Texas, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mr. DICKS, Mr. MOAKLEY, Mr. JOHNSTON of Florida, Mr. WYNN, Mr. RANGEL, Mr. GEJDENSON, Mrs. KENNELLY, Ms. ROYBAL-ALLARD, Ms. PELOSI, Mr. CARDIN, Mr. ACKERMAN, Mr. BROWN of California, Mr. BOUCHER, and Mr. STARK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

TO H.J. RES. 1

BY MR. WISE

AMENDMENT NO. 1: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE

"SECTION 1. Total outlays of the operating funds of the United States for any fiscal year shall not exceed total receipts to those funds for that fiscal year plus any operating fund balances carried over from previous fiscal years.

"SECTION 2. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House of the Congress, that becomes law. If real economic growth has been or will be negative for two consecutive quarters, Congress may by law waive the article for the current and the next fiscal year.

"SECTION 3. Not later than the first Monday in February in each calendar year, the President shall transmit to the Congress a proposed budget for the United States Government for the fiscal year beginning in that calendar year in which total outlays of the operating funds of the United States for that fiscal year shall not exceed total receipts to those funds for that fiscal year.

"SECTION 4. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for repayment of debt principal and for capital investments in physical infrastructure that provide long-term economic returns but shall include an annual debt servicing charge. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as receipts or outlays for purposes of this article.

"SECTION 5. This article shall be implemented and enforced only in accordance with appropriate legislation enacted by Congress, which may rely on estimates of outlays and receipts.

"SECTION 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning with fiscal year 2002 or the second fiscal year beginning after its ratification, whichever is later.".

SENATE—*Friday, January 13, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The prayer this morning will be offered by our guest chaplain, the Reverend Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC.

PRAYER

The guest chaplain, the Reverend Mark Edward Dever, Ph.D., offered the following prayer:

Let us pray:

O God Most Holy, we come to You this morning acknowledging You as the holy ruler of people and nations. We give You thanks for all the ways in which our Nation, and this Chamber reflect Your character. Thank you for all the trials endured, time spent, and effort expended for our benefit in this place. We thank you because we know that none of us can do anything apart from Your sustaining power.

Our request this morning is that You would save this Nation from lawlessness. We read that righteousness exalts a nation, but that sin is a reproach to any people. We confess that we as a people seem to be more concerned about riches than righteousness, more worried about poverty than sin, more willing to deny You than to deny self.

O Lord, change us for Your glory. In Your mercy entrust this country with material prosperity; but also in Your mercy, we pray that You would not allow us to go on in such prosperity and sin. Give us true prosperity of heart and soul.

In Your grace make this place an exception to the corrupting pull of power. Make this Chamber a shining light, a city set on a hill, filled with men and women who individually, in their dealings with one another, and together in their execution of the public business are examples to us all. Help them so that we may live peaceful and quiet lives in all godliness and holiness.

We dare to ask for special blessings, and for special help to use those blessings You have already given to us. Bless Your people with power entrusted to those who know their own weakness, with rulers who are servants, with freedom under God, in the name of Jesus Christ, the servant-king, we ask it. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Wyoming, [Mr. THOMAS], is recognized unless the acting majority leader wishes to speak at this time?

SCHEDULE

Mr. LOTT. Mr. President, further commenting on the schedule for the morning, I believe that under the previous agreement Senators LIEBERMAN and DODD will be recognized for up to 15 minutes equally divided, Senator BOXER for up to 15 minutes. At the hour of 10 a.m., the Senate will stand in recess until 11 a.m. in order to allow Members to attend a briefing. When the Senate reconvenes at 11 a.m., we will resume consideration of S. 1, the unfunded mandates bill.

For the information of all colleagues, rollcall votes are anticipated throughout the day.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 10 minutes.

UNFUNDED FEDERAL MANDATES

Mr. THOMAS. Mr. President, it is my pleasure, as I rise this morning, to join my colleagues in support of S. 1, the unfunded mandates bill that Senator KEMPTHORNE and many others have done such great work on. In the recent election, of course, this country and the voters of this country voted for change, a change in the way that Washington operates, a change in the way that the Government operates. This bill provides us with one of the first opportunities to deliver that change.

It seems to me that, although we will take up a great many specific issues throughout this session of Congress, and we should, that probably most important are some of the structural changes that we are talking about—this being included as one of them. Some of the changes in procedure will result in the individual issues being changed and being about the change that voters asked for.

Sometimes, I suppose, people at home get a little impatient with the idea that we work for procedural changes. But let me suggest that in order to bring about continuing change, fundamental change, these procedural changes are the most important thing that we can do—procedural changes like the balanced-budget amendment, which will change our outlook on fiscal responsibility; changes like unfunded mandates, which will change the relationship between the Federal Government and the States; changes like accountability, which we passed yesterday, of course, which properly makes the Congress live under the same rules that it applies to everyone else. Term limits, I believe, are also a procedural change that needs to take place.

Unfunded mandates affect State and local communities. They are hidden taxes that local communities, businesses, and citizens have to pay. These mandates force the States and localities to increase their taxes or shift their priorities of spending and shift their services in order to make those ends meet. National programs should not be financed by local property taxes, but that is exactly what happens when the Congress passes an unfunded mandate. Unfunded mandates infringe upon States' rights. Federal mandates take away State and local community opportunities to set their own priorities and make it difficult for State and local governments to plan for the future.

I served in the Wyoming Legislature, and a good deal of our budget was committed, before we ever arrived in Cheyenne, to unfunded mandates.

This bill will help restore States' rights and the Founding Fathers' concept of federalism and the relationship that should exist between the Federal Government and the States. We will give some recognition to the 10th amendment, that those things that are not expressly given to the Federal Government should rest with the people and with the States and communities. In the words of Thomas Jefferson, "Were we directed by Washington when to sow and when to reap, we should soon want for bread."

A simple rule should apply to Congress: If legislation is good enough to pass, it ought to be good enough to pay for. The cost of unfunded Federal mandates is well documented. Over the past two decades the Federal Government has enacted over 200 new laws containing thousands of regulations and assigned the costs to State and local government. For example, unfunded mandates eat up about 12 percent of locally

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

raised revenue and will cost localities about $54 billion over the next 5 years.

Unfunded mandates, of course, exist everywhere. There are examples in Wyoming. Wyoming's towns are generally small towns. Greybull, WY, for example, was mandated $1.3 million by EPA for a water treatment plant. That is nearly $3,000 per resident who lives there.

Pinedale, WY, draws their water from the cleanest source anyone can imagine and the test results of that water are perfectly acceptable in quality. Nevertheless, they had to build a water treatment plant, not for the results but because of the unfunded mandates.

The city of Cheyenne, $3 million in the last year alone, in the last fiscal year.

I guess the thing I remember the most was going to the community college in Torrington, WY, where they had made arrangements to make their auditorium accessible to disabled people under the Americans With Disabilities Act—as they should. However, they had a way to make it accessible at very much less cost than what they finally had to do because of the regulations that were imposed under the mandate. To achieve the same goal they had to pay a great deal more.

The Clinton administration has a poor record on unfunded mandates. President Clinton's health proposal, the Brady law, and last year's crime bill are just some examples of this administration's unfunded mandate agenda. We need this bill enacted quickly to put the brakes on that regulatory machine.

The balanced-budget amendment, of course, will be before us soon. I support the balanced-budget amendment. I think it is morally and fiscally right to not be able to spend more than we take in. That should apply to the Federal Government as well. Local officials, of course, are concerned about a balanced-budget amendment unless they have the protection against unfunded mandates so that the result of a balanced-budget amendment will not simply be the shifting of costs to local governments.

By requiring activities without paying for them, official Washington can go on a spending spree on somebody else's credit card. It is easy and dishonest, but it is a way around the Federal deficit. Congress takes the credit for legislation but sidesteps the costs. The combination of these two proposals, unfunded mandates and a balanced budget amendment, will be the answer.

We need to pass unfunded mandates legislation before we tackle the balanced budget amendment to the Constitution. Last year, unfunded mandates legislation made it out of committee both in the House and in the Senate. I was a member of the Governmental Operations Committee in the House, and in the last days of the session we passed it. Unfortunately, it did not receive consideration on the floor.

In this new Congress, we have a tremendous opportunity to change the way government operates. While this bill is not as strong as some would like it, it is a solid first step in restoring some accountability in Washington.

The bottom line is that Washington must stop passing the buck and start taking the responsibility for the legislation it passes. It is vital that we take advantage of this opportunity to change the way Government functions.

Mr. President, thank you for the time. I yield the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

UNFUNDED MANDATES

Mr. LOTT. Mr. President, not seeing any Senator seeking recognition at this time, I would like to take a few minutes to comment on the bill we will be taking up again today, the unfunded mandates bill.

I want to emphasize again that there will be votes today. I think that the distinguished majority leader intends that we go forward on this important legislation and that there will be votes on amendments or otherwise. It is not clear at this time exactly how long that will go. But I just wanted to make sure the Members understood, to be fair, that we will have some votes later on this morning, or perhaps in at least early afternoon.

I want to commend our distinguished majority leader and the minority leader for the patience they have already exhibited this year. We, I think, have made good progress. We have already passed S. 2, a major piece of legislation on congressional accountability. We are already now working on the next piece of major legislation, unfunded mandates. Members have been offering amendments freely, and that is the way it should be in the Senate. I am sure there will be a number of amendments on this unfunded mandates legislation. Perhaps there will be some good amendments that will be offered and actively debated, and perhaps even some amendments adopted as we go forward. That is what the legislative process is all about.

I think the majority leader intends to make sure Members have that opportunity to offer amendments and have a good debate, and move this good legislation and improve it, if it is possible.

There have been objections that reports were not available earlier. But the reports are available now. Any Senator can avail himself or herself of those reports. I hope they will read them and that we can go forward with the debate on the substance of this legislation. This is a good bill, well prepared over a long period of time. Yeomen's work has been done by the Senator from Idaho, Senator KEMPTHORNE, and Senator GLENN has worked on this legislation, probably for years, and certainly at least for months. Senator ROTH has done good work.

So there has been a tremendous amount of thought given this legislation. It has been changed and improved, and perhaps in some respects weakened because some points go beyond what I would like there to be in order to get something with which we can move forward.

This is a major step forward. This is setting up a process. This is not ending things that have been happening. This is giving us an opportunity to find out what is in a bill, to find out what it is going to cost and who is going to pay for it. What does it really do? That fact is I think most Americans would be incredulous to realize that we do not do that anyway.

So there is no need to delay this. Yes, we should have amendments. We should think about it. But we all know this legislation is going to pass overwhelmingly. I am sure probably almost every Republican and a majority of the Democrats will vote for this legislation. So I hope we will keep that in mind. Let us not delay just for the sake of delay. Let us look at the substance, let us work on it in a responsible way, and then let us move forward because we know it needs to be done and because we know in the end it is going to pass.

Let me just make a couple of points. This legislation will increase accountability. It places added responsibilities where it needs to be, on those who want to either create a new mandate or increase costs of an existing one. In order to do that, they are going to have to get an estimate of the cost of the new requirement to both State and local governments and the private sector. I want to emphasize this also includes a way, hopefully, to help control the unfunded mandates on the private sector.

There has been some suggestion that maybe small business might not be benefitted by this or might not be all for it. The National Federation of Independent Businesses put out a letter on January 3 on behalf of 600,000 members of the NFIB, which really represents the small businessmen and women in my State, and said they support this legislation unreservedly, and it is going to be one of their top-rated votes. So the private-sector small businesses want this. I think they want it not only as businessmen and women, but just as individuals and Americans. They know this needs to be done.

So there will be the cost estimates, and then there will be an opportunity to waive the requirements by a simple majority. We can debate that point, and I feel we probably will, on whether or not these requirements can go into effect or not.

I believe this will lead to more informed decisions. Some allegation has been made—intended, I think, as criticism—that this might once again slow down moving some legislation. I have never seen the Senate worry about slowing things down. We are the saucer under the hot cup to cool it down. A little more information, a little more deliberation before we put another mandate on the American people, public or private, seems to me something we should be doing.

The American people want it, and every State in every region, regardless of philosophy, even. A lot of the biggest supporters of this legislation are Democrats, liberal Democrats. Elected mayors and county commissioners have to wrestle with this. They have to find a way to pay for it. So, therefore, this is something that is long overdue. I hope the Senate, in its great deliberative fashion, will make sure that all of the details are analyzed, but in good time will move it forward. I believe it will provide relief for State and local taxpayers.

More and more and more, the Federal Government has dumped requirements on States that Governors, like the distinguished Senator in the chair, the former Governor of Missouri, has had to deal with. He knows the extra costs that were put on the taxpayers of Missouri, not by the Missouri Legislature, but by the Federal Government, telling that State: You have to do this and, by the way, good luck finding the way to pay for it as best you can—not a few thousand dollars, but millions of dollars on every State, big and small, rich and poor.

My poor State of Mississippi struggles to deal with these federally unfunded mandates. The Governor of our State, Gov. Kirk Fordice, has pleaded for relief and for flexibility to allow innovation to occur at the State level. They can do it better. They can save money, and they can give relief to the taxpayers. Also, that is true at the local level. I have had to wrestle in the past as a Congressman and Senator with these Federal mandates that have been dumped on poor, small cities, requirements that say: You must do this; you must clean up that; you must provide this service. And in communities sometimes where you have 70 to 80 percent minorities, they just cannot pay for it. So they have said: We want to do it for safety purposes or environmental purposes, but we do not have the money. Help us.

So I think, at the Federal level, a cost analysis will allow us to see what the cost is going to be and require us, if it is in the national interest, if it is in the interest of safety or environmental considerations nationwide, to step up to the lick log and pay for it. Give them safe drinking water, but help them pay for it. Or, if we are not going to pay for it, do not dump it on them. We make criminals out of the elected officials, literally criminals. Good men and women are saying: I cannot do this. We worry about how we attract good people in office. It is things like unfunded mandates that drive them out. You get a local insurance agent or local homebuilder. Do you think he or she will want to continue to deal with these Federal mandates and the tax increases that are required by them?

If we really want to give taxpayers some tax relief in a painless way, this is the way to do it, by giving them the opportunity to make more decisions on their own without Federal mandates and without increased local and State taxes.

So, Mr. President, I am very pleased that S. 1, the first bill of the year that was introduced, is the Unfunded Mandate Reform Act of 1995.

I commend all that have been involved with it. I think we are going to have good legislation. The risks are small, and the benefits could be great. I hope that early next week, we will move to conclusion.

Mr. President, seeing the distinguished Senator from California on the floor, I yield at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I have time reserved at approximately 9:30. So if the majority whip would like to continue, I am perfectly pleased.

Mr. LOTT. In the spirit of what I just said, I do not want to overtalk an issue, I think this legislation speaks so loudly for itself, so I think I will stop at this point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to make sure about the time situation. My understanding is that I control the time until 9:45, is that correct?

The PRESIDING OFFICER. The Senator has 15 minutes.

THE CALIFORNIA FLOOD

Mrs. BOXER. Mr. President, I have not spoken yet on the floor regarding the disaster that has hit my State of California. Senator FEINSTEIN was on this floor and brought the Senate up-to-date a couple of days ago. I would like to do the same, and then I would like to speak about another very urgent issue regarding safety at reproductive health care clinics. I see that Senator FEINGOLD has joined me, and he will be participating in that particular discussion.

Mr. President, 34 counties have been declared State disaster areas and 24 counties have been declared Federal disaster areas, and we expect others to be added shortly. I do not think I have to tell my colleagues that the people in California have, once again, been struck by Mother Nature in a very difficult way.

We live in a very magnificent State. We treasure it and we prize its beauty—its rivers, ocean, mountains, streams, creeks, forests, and deserts. And because we are such a magnificent State, we just have to put up with our share of natural disasters. I want to say, once again, to my colleagues how appreciative Californians are for the swift relief we got from the Clinton administration, backed in a very bipartisan way by this Congress, and we are rebuilding. Now we have people thrown out of their homes because of ravaging floods. The power of that water—someone described it as a 500-year occasion in some parts of the State—is just overwhelming.

What we know is that we have a little break in the weather right now. I am very anxious to get on a plane and go back and see for myself exactly what damage will last after this flood and what we need to do. But today I merely want to bring you up-to-date. Santa Barbara has reported $20 million in damage, and Sacramento reports at least $50 million in damage. The FEMA emergency phone number is 1-800-462-9029. I say that in case we have any Californians who need to hear that number. The reason that number is important is, if you have damage, you call there and you are eligible for short-term emergency assistance, such as transportation and housing, and longer term registration if you need a loan up to $200,000, if your home has been lost and its value is that high.

The loans are made to people who cannot qualify at banks, and the interest rate will be about 4 percent. If you can qualify at a bank, the interest rate will be about 8 percent. I want to thank the Clinton administration for acting so swiftly. James Lee Witt, the Director of FEMA, unfortunately, has become a familiar figure in our State. He is an extraordinary man. He happened to be there during this disaster and has remained there. We are getting ready for what is to come. I urge my colleagues to please help us as we would help you in a similar situation, indeed as we have helped you in a similar situation.

UNFUNDED MANDATES

Mrs. BOXER. Mr. President, we are debating the unfunded mandates bill. I voted it out of the Budget Committee. I am very much in agreement with the thrust of the bill. I served in local government and we had some mandates I never could understand.

So I am very hopeful that the bill, in its final form, will be good for my State of California. And I want to make it clear, if I think it is good for the people of my State, I will be very proud to vote for the bill. But if I see that the bill takes some twists and turns and ignores, for example, the biggest unfunded mandate we face, which is services to illegal immigrants, then I am going to have a lot of trouble voting for the bill. Therefore, I look forward to the debate.

We know that this bill on the issue of unfunded mandates will make a big difference in the way we fund State and local government. But no matter how fast or slowly we move this bill—and there is a push to move this bill fast because it is in the Contract With America and therefore there is a push to move it fast—there is something that is happening right now that we have to address.

REPRODUCTIVE HEALTH CARE CLINIC VIOLENCE

Mrs. BOXER. The unfunded mandates bill will have an impact way down the road, maybe a year or more out. But I want to talk about a problem that is happening now. We have reproductive health care clinics all across this great land and right now we have some very brave people working in those reproductive health care clinics.

Why do I say "brave?" I do not think any of us could know the feeling that some of these folks have when they leave their house: Will there be a stalker standing outside their house as they go to work to do a legal, legitimate job that helps many people? Do they have to wear a bulletproof vest— many doctors do—and will that vest be enough to save their lives?

Mr. President, this is a very, very, serious issue. And it has nothing to do with how one views the issue of reproductive rights. I happen to be someone who believes in the right to choose, a constitutionally guaranteed right, and until it is outlawed or changed it will remain so.

I introduced a resolution. My two prime sponsors are here, Senator FEINGOLD and Senator MURRAY; and another very important sponsor, OLYMPIA SNOWE, Senator SNOWE, is from the other side of the aisle. We have been pushing to get a vote on this resolution because, while we debate unfunded mandates that will take effect years into the future, right now, this minute, people feel like sitting ducks in clinics in rural and urban communities across this country. That is wrong.

We passed the Freedom of Access to Clinic Entrances Act. That bill says that it is a crime to injure or to harm anyone because they happen to work or volunteer at a clinic. There are approximately 900 clinics in the United States providing reproductive health services. But the violence continues every day. We have seen the brutal shootings of innocent people in Massachusetts and the shooting at a health care clinic in Virginia. Organizations monitoring this violence have recorded over 130 incidents of violence or harassment last year.

I have a bill. We are trying to get that bill brought up as a freestanding bill. It is a sense-of-the-Senate resolution and it calls on the Attorney General to fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack. There should be no argument about this.

I hope that the majority will clear this bill. We have been working to get it cleared on a bipartisan basis for the last 3 days. One day, "Oh, yes, it is going to be cleared"; the next day, "Oh, it is going to be cleared."

Everyone on our side has no objection. We need to send a signal to the people who work in these clinics that we care. President Clinton sent a directive to the Attorney General. She is working on this problem. We need to add our voice. This is not a criticism of the Attorney General. It is a push to make sure that President Clinton's directive is carried out.

I hope, by the end of this day, we will have this bill before the U.S. Senate for a vote and we will add our voice.

I yield at this time to my colleague and friend, Senator FEINGOLD.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise very briefly to praise and thank the Senator from California for her leadership on this issue. I am very, very pleased to be a cosponsor of the resolution and the amendment which is very straightforward.

I appreciate the language. It expresses the sense of the Senate that the Attorney General should take strong action to protect reproductive health care clinics.

There is really nothing else to be said, other than that the Senate should pass the resolution authored by the Senator from California. This must be done immediately, and if this Federal Government does not express that view, it is a sign of a Government that no longer can really protect the people of this country.

I think that this demands swift action in this body. There are many issues that can be disputed; some obviously should be ones we ought to take a lot of time on. I think we have a couple of them right now. The unfunded mandates bill is very complicated; the balanced budget amendment, amending the Constitution. These require the deliberative skills of the U.S. Senate, but this does not.

I cannot believe there is any Member of this body on either side of the aisles who believes the Federal Government should do anything but be very aggressive in stopping this violence. Just this past August, during debate over the VA-HUD appropriations bill, Senator LAUTENBERG offered, and I cosponsored, a similar amendment in the wake of the shooting of a clinic doctor and his escort in Pensacola, FL. However, at that time as now, I believe that the resolve of the Senate in the matter of clinic violence is clear. Ninety-eight Members of the Senate voted to condemn the shootings in Pensacola last August, and indeed, to condemn the use of deadly force as a means of protest. That is why I ask all of my colleagues to show their strong and united support today and lift any objections to the unanimous consent that this item come up at this time.

There are two reasons that I would like to add. The first is that the type of violence that is involved in these incidents is not truly random violence. It is random, perhaps, as to where it occurs and at what time, but it is not just one troubled individual for whatever personal reason who decides they want to kill somebody. This is the type of violence that is driven by an organized effort to deprive people of their reproductive rights and to intimidate them from exercising those rights. That is very different. The tactics of some individuals who oppose abortion access have escalated. As Ellen Goodman, a syndicated columnist who lives in Boston said in her column, the literal "line of fire" is coming closer to home. She writes, "First doctors, then escorts, now receptionists. First Wichita, then Pensacola, now Brookline."

That is a direct threat to the rights of every person in this country and in particular every women in this country. And it is a situation where the Federal Government, not just local governments, has to take the lead.

The other reason I wanted to add very briefly is that I have heard a great deal of very appropriate talk in this body in the last 2 years about the victims of crime. They are people that have been forgotten in this society. But when it comes to clinic violence, there is quite a range of victims.

First of all, of course, the tragic deaths and injuries that have occurred directly to the people who have been shot or injured, but also, I think, the health care professionals that are involved and the people involved in the clinics, the receptionists, the nurses and the doctors, some of whom, in my home State of Wisconsin, have taken to wearing bulletproof vests to go to their clinics and do their work. Three very poignant examples of threats to health care professionals were reported by the Milwaukee Journal and the Wisconsin State Journal. Bullets were fired into one clinic on four separate occasions. One Wisconsin doctor is continually stalked. She reported that her car is always covered with anti- choice and threatening propaganda when she parks it—even at the supermarket. The remarks are frighteningly direct and personal. On her last trip she received a note on her windshield upon her return asking "How was your trip to Washington?" Another Wisconsin doctor received a letter saying that the anonymous writer would "hunt you down like any other wild beast and kill you."

They did not sign up for that kind of detail when they went to medical school or trained to be nurses. They wanted to help people make a difficult decision and they wanted to be medical professionals who were caring and compassionate. This is a terrible thing to do to these people.

But, most of all, the victims are all the young women in this country who already, in situations like this, are confronted with a very, very difficult personal decision. They want counseling and, if they make a particular decision, they want good medical attention. I want to remind all in this body, Mr. President, that when Mr. Salvi walked into the first clinic on Beacon Street on Friday, December 30 and started shooting, he was standing in a facility that not only performs abortions but also conducts Pap smears and routine gynecological examinations. Each time an abortion clinic is threatened with violence not only are those who seek abortion services in peril, but those who use a wide range of reproductive health service are as well.

These people are the true victims, the ultimate victims, who are intimidated from exercising their rights as Americans to make those decisions for themselves.

And so, Mr. President, I rarely ask this body to move immediately. It is not a body that is set up for that purpose. But there are exceptions and I think Senator BOXER has identified such an exception. The Senate should pass this resolution without delay. Condemning clinic violence should not be a partisan issue.

I yield the floor.

Mrs. BOXER. I yield as much time as is required to the Senator from Washington, Senator MURRAY.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the President. I thank my colleague from California for yielding and for bringing this extremely important issue out to the floor of the Senate this morning.

The Senator has been diligent in pursuing this and in asking our colleagues to bring this issue forward so that we can get a vote and move quickly forward to let the people of this Nation know that the highest elected officials in this country do not condone violence. We will do everything we can to protect all of our citizens in this country.

Before us we have the unfunded mandate issue. It is an extremely important and extremely complex issue that we deal with today. However, it does raise a number of questions. It will take Members some time to move through that issue. Certainly we have to ask what is the outcome of this issue and make sure that, as we pass unfunded mandates, we do it in a way that will not bring about consequences that we have not asked for.

The Senator from California is bringing forward an issue that the consequences are clear. The consequences are the safety of individuals in this country, one of the highest priorities that we have. The issue of unfunded mandates is critical. But the issue of violence is just as important, if not more important. The issue of violence is one that every child in this country, unfortunately, understands and talks about. The issue of violence is one that we have to deal with at all levels.

I think it is extremely important that this body go on record in this Nation, now, to say to our kids that we will not condone violence in any way, shape, or form. No matter how we feel about the issue of choice, whether we are pro-choice or pro-life, we have to let people know in this country that we will not accept violence as a means of showing how we feel about an issue. We have to protect our citizens.

I commend the Senator from California for bringing this issue before the Senate. I sincerely ask all of our colleagues to list their objections so that we can move quickly to send a strong message to this country that we will back the rights of every citizen and we will not condone violence in this country.

Mr. President, I thank my colleague from California. I yield back to her at this time.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may have up to 10 additional minutes as long as there is no one on the floor. If a Senator appears on the floor, I will end my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank you, Mr. President. I wanted to thank my two colleagues who were right there, immediately, when I called them and said we need action on this bill.

I also want to say that the majority leader, Senator DOLE, in public comments on this matter, has been very clear that it is a function of this Federal Government to protect the clinics. Now, I ask him to move this bill to the floor. We do not want to wait for another incident.

As I said, passage of this bill by the U.S. Senate, a sense of the Senate resolution, is essential to make it very clear as to where we stand on this issue. By the way, not only do medical professionals work at these clinics—and I know my friend from Wisconsin volunteered at these clinics—as we know, we have had volunteer escorts hurt. We had one case of a retired military person who was shot dead—shot dead. The man fought for his country, and he was shot dead in his own country escorting a doctor into a clinic.

It is a tragedy and a travesty of justice if this continues. So we need to send a message to the people who are exercising their constitutional rights, innocent neighbors of ours. Nurses are our neighbors. Receptionists are our neighbors. Doctors are our neighbors. Escorts are our neighbors, hard-working men and women who, on the weekends when they have time or after work, volunteer their time.

We are not only sending a message to them when we pass this resolution that we stand for law and order in this society, but we also send a message to those who would even think of picking up a gun or a grenade or the chemicals that they spray underneath clinic doors that we are not going to stand by—that this Attorney General, by the way, is not standing by. She has at her disposal some 2,000 members of the U.S. Marshals Service and 10,000 FBI agents. She has contacted the U.S. attorneys. I know the U.S. attorney for northern California, in San Francisco, was contacted. I spoke with him at length. U.S. attorney Michael Yamaguchi is, in fact, formulating a plan using all resources at his disposal.

Let me tell the Senate an additional reason why this is so important. Not only do we need to send a message to the decent people who work or volunteer at these clinics and to the women across this land that we protect them, but we also need to send a message to those who would consider violence or the groups who may not think they are inciting violence. But, when they call doctors murderers, they ought to rethink it. They ought to rethink their language. Anyone can oppose a law. Anyone can work for Senators who support their view to outlaw a woman's right to choose. I would absolutely applaud a person for taking their feelings and working to change the system. That is what America is about.

But we do not take a gun out, or a knife out, and slash each other up when we disagree. Not in this country, or at least we never did. And we are not talking about one incident; 130 incidents of violence nationwide in 1994 alone; 50 reports of death threats to doctors and other clinic workers; 40 incidents of vandalism; 16 incidents of stalking; 4 acts of arson; and 3 attempted bombings.

We better say something here in the U.S. Senate. We better say it clearly because the message has to get out. If the Attorney General feels that she needs more help, I hope she will let Members know. Senator FEINGOLD is on the Judiciary Committee and he stands ready to hear. But it is my belief, after talking to the U.S. attorney for northern California, that they are beginning to put together the type of operation they need to make these clinics safe.

We have to go on record—Republicans and Democrats alike—that we will not stand by and allow innocent people to be harmed. That is the least that we can do in this circumstance. I look forward to hearing, once more, from the majority leader, whom I have discussed this with and from the new chairman of the Judiciary Committee whom I have also discussed this with, and I want to compliment Senator OLYMPIA SNOWE for working with me in the most bipartisan fashion. As a matter of fact, we spoke very late last night. We spoke at about 11 last night, and she intends to do her part on her side of the aisle to get this bill cleared.

I hope we will do that today. Frankly, Mr. President, I think it will make us proud to pass this bipartisan bill. I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO UCONN BASKETBALL

Mr. LIEBERMAN. I thank the Chair.

Mr. President, in my home State of Connecticut we face many challenges this winter: An economy that is beginning to recover, hopes are rising, and still a lot of work to do. But there is one element of life in the State that really has brought us all closer together, and that is the University of Connecticut Huskies basketball teams.

Over the last few years, the success of the UConn men's and women's basketball teams has inspired a feverish following that has actually earned its own name, which is "Huskymania." Each season, these teams bring the State a little closer and make those cold Connecticut winters all the more bearable.

I know the occupant of the chair has some relatives from Connecticut, and he can testify at least to the coldness of the winters.

These days, we all feel with great pride that our Connecticut Huskies are top dogs. The latest basketball polls nationally show that both the men's and women's teams are ranked second in the country, which is the highest combined ranking of any school in the Nation. I think even the most passionate partisan of some other college team would recognize what a tremendous accomplishment this is for a school from a State the size of Connecticut.

I think it is really a remarkable tribute to the young men and women who have worked so hard in pursuit of excellence and a dream—the school's first national championship in basketball—and to the great coaches who lead them, Jim Calhoun and Geno Auriemma.

These Huskies, if I may continue this metaphor, clearly have a bite to match their bark. The 11–0 men's team is the only team among the Nation's 302 Division I schools that has yet to be beaten, and we are very proud of that.

It is also worth noting that the Huskies are achieving this extraordinary start this year even after losing their All-American big man, Donyell Marshall, to the NBA. If I can extend my pride regionally, it would be important to note that the UConn men this week are second to the University of Massachusetts, which marks the first time that two teams from New England have ever been ranked 1 and 2.

The UConn women's team, which is also 11–0, has been equally impressive. These Huskies have been ranked second for much of the season, actually beating their opponents by an average of more than 40 points per game. This is a very dominant team. They are led by All-American center Rebecca Lobo, who is an exceptional student athlete—remarkable athlete—but an extraordinary student as well.

So I want to take this opportunity on this particular Friday to salute both teams who, in my opinion, are a classic example of what can happen when you aim high and work hard. I want to congratulate them on their success. I know that they have a tough road ahead of them from now on, but what they have achieved up until now should not go uncomplimented and they should know how much we appreciate them.

This Monday, the UConn women will face the No. 1 Tennessee Volunteers, and on that same day, the UConn men will get a big test when they play the 10th-ranked Georgetown team.

Regardless of what happens, to say the obvious, the State of Connecticut feels that these Huskies are winners. We wish them the best of luck as they try to not only fulfill their dreams but ours.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. GRASSLEY. Mr. President, I ask, as under the previous order, that the Senate stand in recess until 11 a.m.

Thereupon, the Senate, at 9:58 a.m., recessed until 11:01:39 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KEMPTHORNE].

RECESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Idaho, seeks unanimous consent that the Senate stand in recess until 11:30 a.m.

Without objection it is so ordered.

There being no objection, the Senate, at 11:01:48, recessed until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. THOMAS].

CONGRESS-BUNDESTAG EXCHANGE

Mr. LIEBERMAN. Mr. President, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about the workings of each other's political institutions and convey Members' views on issues of mutual concern.

This year marks the fifth exchange with a reunified Germany and a parliament consisting of members from all 16 German states. A delegation of staff members from the United States Congress will be chosen to visit Germany from May 7 to May 20. During the 2-week exchange, most of it will be spent at meetings conducted by Bundestag Members, Bundestag party staff members, and representatives of political, business, academia, and the media. Cultural activities and a weekend visit in a Bundestag Member's district round out the exchange.

A comparable delegation of German staff members will visit the United States in July for a 3-week period. They will attend similar meetings here in Washington and visit the districts of congressional Members over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigrations, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state why they believe they are qualified, and some assurances of their ability to participate during the time stated. Applications may be sent to Kathie Scarrah, in my office at 316 Hart Senate Building, by Wednesday, February 15.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID "YES"

Mr. HELMS. Mr. President, as of the close of business on Thursday, January 12, the Federal debt stood at $4,809,182,675,997.48 meaning that on a per capita basis, every man, woman, and child in America owes $18,255.74 as his or her share of that debt.

REGARDING BOSNIA

Mr. D'AMATO. Mr. President, I rise today to comment on the situation in Bosnia.

While the situation in Bosnia is admittedly better than what it was several months ago, we have nevertheless failed at this time to reach a just and equitable peace. I am pained to see that the administration has arrived at the stance that the Karadzic Serbs cannot be stopped and have thus conceded to nearly all of their demands. Owing to the fact that yesterday was the 44th anniversary of the Genocide Convention, it is an outrage that the administration has allowed the slaughter in Bosnia to continue to go on.

This one-sided approach to the issue is embarrassing and an affront to a people who wish only to be free of Serbian attack. The Bosnian Government asks only one thing of us, a lifting of the arms embargo. While the Senate has repeatedly tried to do so, the administration continues to refuse to do this, only worsening the situation. This is outrageous.

Mr. President, following the Holocaust, the slogan "Never Again," became a watchword. It was supposed to mean that we would remain vigilant to ensure that never again, would an entire population be subjected to extermination. Today, however, this is not the case. Today, the watchword seems to be, "Yes, Again." This is very disheartening and it cannot continue.

ON THE RETIREMENT OF WILLIAM J. McCORD

Mr. HOLLINGS. Mr. President, I rise to commemorate the service of William J. McCord, the Nation's longest-serving director of a State alcohol and drug abuse prevention and treatment agency. Mr. Jerry McCord is resigning on February 16 after fulfilling a thirty-five year mission to build a system in South Carolina that helps citizens avoid and defeat the curse of addiction. When he became the first full-time employee of the fledgling State Alcoholism Education Program instituted at the start of my Governorship in 1959, none of us knew he would eventually guide an agency that treats more than 30,000 South Carolinians yearly and leads the Nation in its focus on preventing alcohol abuse among teens.

Jerry McCord has pursued his vision of an addiction-free population, not just within the community of treatment professionals, but on every front. He has taught at both of South Carolina's medical colleges, helped found a nonprofit foundation for drug abuse prevention, and received the Distinguished Service award from the South Carolina Correctional Association for his work with law enforcement. He has fostered a system of county commissions that lets each commission meet the needs of its community, while continually championing a longterm, system-wide goal of prevention, particularly among the young. In short, Jerry has dedicated his long and vigorous career to building a flexible, longterm system to benefit future generations.

In addition to his wide-ranging service in South Carolina, Jerry has always made time to help the Nation find better prevention and treatment policies. His myriad national contributions include testifying before Congress in 1969 to advocate the formation of a Federal agency to fight alcohol abuse, serving three terms as president of the Alcohol and Drug Problems Association of North America; chairing the Alcohol Policies Project Advisory Board for the Center for Science in the Public Interest; serving as president, chairman, and member of the board of directors of the Council of State and Territorial Alcoholism Authorities; serving on the Robert Wood Johnson Foundation Head Start Partnership to Promote Substance Free Communities; and currently chairing the Expert Panel of the National Center for the Advancement of Prevention.

This service has brought Jerry McCord repeated recognition at the national level, including a Lifetime Career Achievement Award from the National Association of State Alcohol and Drug Abuse Directors, the Outstanding Leadership and Dedication to the Alcohol Field award from the same organization, the First Annual Leadership in Prevention Award from the National Association of Prevention Professionals and Advocates, and the Outstanding Individual Offering National Leadership in the Alcohol and Drug Problems Field Award from the Alcohol and Drug Problems Association of North America. And, of course, Jerry has been my tutor on the best direction for Federal policy.

Thus, it is with personal pride, but also speaking for those who know of his influence in South Carolina and across the country, that I commend Mr. William J. McCord for his generous career and wish him the best in what I am sure will be an active retirement.

S. 2, THE CONGRESSIONAL ACCOUNTABILITY ACT

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to explain to the Senate and my constituents my reason for missing two votes on Friday, January 9. These votes were on two separate amendments offered to S. 2, the Congressional Accountability Act.

The first amendment, offered by Senator EXON, would have created a point of order against any budget resolution brought before the Congress that fails to set forth a glide path to a balanced budget by the year 2002. The amendment would also make out of order any budget resolution or amendment to the Budget Act that sets forth a level of outlays for fiscal year 2002 that exceeds the level of revenues for that fiscal year. This amendment is printed on page S540 of the CONGRESSIONAL RECORD of January 6, 1995.

The second amendment in question was offered by Senator SIMON. This sense-of-the-Senate resolution called on the Bridgestone/Firestone Corp. to reconsider its decision to hire permanent replacement workers and return to the bargaining table and bargain in good faith with the United Rubber Workers of America, the representative of their employees. This amendment is printed on page S557 of the CONGRESSIONAL RECORD of January 6, 1995.

Mr. President, I was unavoidably absent from the Senate when rollcall votes were held on these two measures on the afternoon of the 9th. Earlier that day I felt compelled to leave Washington, DC in order to tend to an important family matter. I regret my necessary absence, and I would like to explain how I would have voted on these amendments and my thoughts on the substance of the amendments.

Before any amendments were offered to S. 2, I decided to vote against the addition of all nongermane amendments that my colleagues might offer. As a sponsor of S. 2, I saw the need to move the bill though the Senate without the addition of nongermane amendments which would have slowed passage of the bill and possibly forced a lengthy and contentious conference between the Senate and the House. I felt it was in the interest of the entire Congress that we take quick and decisive action on S. 2. I am convinced that the best way for Democrats and Republicans to begin the 104th Congress is by promptly enacting this legislation, which helps restore the American public's confidence in our system of governance. I believe that quick enactment of the Congressional Accountability Act, which will require Congress to live by the same laws it imposes on the rest of the country, will go a long way toward achieving that goal. I was concerned that amendment to S. 2 would force a lengthy conference and delay the bill.

Had I not felt the need to vote against all amendments to S. 2 in order to expedite swift passage, I would have voted in favor of the Exon amendment to require a roadmap to a balanced budget by the year 2002. While I wholeheartedly endorse the goal of a balanced budget, I have long been troubled by the fact that we have not come up with a coherent plan that will get us to that goal. As we all know, the devil is in the details, and the Exon amendment sought to get at those details. For this reason, I support the thrust of the Exon amendment, and I anticipate Senator EXON will offer it again when the Senate considers the balanced budget amendment to the Constitution.

Mr. President, I would also like to note my support for the thrust of the Simon sense-of-the-Senate resolution. This resolution simply sought to express the collective view of the Senate that Bridgestone/Firestone should not replace thousands of its striking workers with permanent replacements. The resolution would have had no binding legal effect on the parties in dispute, but its intent was entirely consistent with the National Labor Relations Act, which requires parties in a collective bargaining dispute to negotiate in good faith. The Simon resolution asks Bridgestone/Firestone to resume good faith negotiations with its striking employees, and that is a goal I support.

Mr. President, I would also like to note that I voted against the adoption of many amendments during consideration of S. 2 which I would ordinarily support. Among these are many of the amendments regarding campaign finance reform and the Levin-Wellstone-Feingold-Lautenberg amendment regarding a prohibition on gifts to members of Congress and their staff and full disclosure of lobbyists and their contacts. These were worthy measures which I have supported in the past, and I note that the majority leader has indicated he would bring to the Senate floor legislation prohibiting gifts and requiring full disclosure of lobbying, as well as comprehensive campaign finance reform in the early months of this 104th Congress.

Mr. President, I would also like to take this opportunity to thank my colleagues who were instrumental in passage of the Congressional Accountability Act. Senator GRASSLEY deserves enormous credit for his tireless efforts to build support for this legislation and his skilled stewardship of this bill on the Senate floor over the past week. Since the later years of the last decade my friend from Iowa has reminded this body on a continual basis that it cannot continue to maintain a double standard which is offensive to the public and injurious to our system of governance. Our success is due in large part to his longstanding commitment to this legislation. It was a privilege to work on this bill with him, both last year on our bill S. 2071, and on this year's version, S. 2.

I would also like to thank Senator JOHN GLENN, who moved this bill through the Governmental Affairs Committee in the 103d Congress and continued his work on this bill in the 104th Congress as the Democratic floor manager of S. 2. Like Senator GRASSLEY, Senator GLENN's successful effort in the past week to move this bill through the Senate was the culmination of many years of work. Beginning in 1978 my friend from Ohio introduced legislation seeking to bring Congress under the same employment laws it imposes on the private sector, and so I see passage of this bill as the happy culmination of many years of work on the part of Senator GLENN. I would also like to note that immediately following Senate passage of S. 2, Senator GLENN proceeded to serve as the floor manager for the unfunded mandates bill. Acting as floor manager for one bill is difficult enough. Acting as floor manager for two complex pieces of legislation in immediate succession is a challenge that most Senators never face, and so I would like to commend Senator GLENN for his stamina, good humor, and willingness to tackle two intricate pieces of legislation at once.

Mr. President, I should also mention my colleagues, in the House who originated this legislation. Congressman CHRISTOPHER SHAYS, my friend and colleague from Connecticut, was the original author of the Congressional Accountability Act. He has been tireless in his advocacy of this legislation, and I would like to praise him for moving his bill through the House of Representatives not only last year, but also again on the first day of the 104th Congress. I offer him my congratulations on his great success.

Last among my colleagues I would like to thank the majority leader, Senator DOLE, for giving this bill privileged consideration as the first bill brought to the Senate floor in the 104th Congress. I believe the majority leader wisely saw that quick passage of this bill could help restore the public's faith in Congress and the ability of our two political parties to work together again, and I offer him my sincere thanks for choosing to designate the Congressional Accountability Act as S. 2.

Finally, I would like to thank all the staff who worked tirelessly on this legislation. I would like to thank Melissa Patack, formerly of Senator GRASSLEY's staff, who worked with my staff to formulate the first bill, S. 2071, which Senator GRASSLEY and I authored in the 103d Congress. I would also like to thank Frederick S. Ansell of Senator GRASSLEY's staff, who worked many long hours over the holidays to finish preparation of the bill for floor action in early January. This was an extremely demanding task, and I thank Fred for his sacrifice, patience, and good humor.

I would also like to thank Lawrence B. Novey of the Governmental Affairs Committee. Larry worked many weekends and late nights in the 103d Congress to coordinate the committee's hearings on this legislation, organize a markup, draft the committee report, and ready the bill for floor consideration in October. The bill the Senate passed on Wednesday is based largely on the committee-passed bill, so it is fitting that we recognize Larry's enormous contributions to the bill. Larry also spent many long hours over the holidays preparing the bill for floor action, and we are clearly the benefactors of his commitment, wide knowledge, and legal skill.

My thanks also go to Michael Fox and Peter Carson of Congressman SHAYS' staff, who first began work on the Congressional Accountability Act and produced H.R. 349, the very first version of the bill. By aggressively seeking a wide, bipartisan group of cosponsors and the consent of the House leadership in the 103d Congress, Peter and Michael assisted Congressman SHAYS in laying the political foundation of this bill, and made it that much easier for my staff to do the same in the Senate.

Before concluding, I would like to offer many thanks to our Senate Legal Counsel, Michael Davidson, and his assistant counsel, Claire M. Sylvia. Mike and Claire provided invaluable counsel on a variety of matters, ranging from technical drafting points to constitutional issues surrounding this legislation. As always, their counsel was sound, impartial, and imbued with the wisdom and insight of a first-rate legal team. In addition to the gratitude that Senator GRASSLEY and I owe Michael and Claire, I believe the Senate and indeed, the entire Congress, is indebted to them, because their counsel has improved the substance of this legislation so greatly. Michael Davidson and his staff are a great credit to the U.S. Senate.

Finally, I would like to thank Fred Richardson and John Nakahata of my staff for their dedication to enactment of this bill. I know that the Senate's approval of this legislation on January 11 was particularly meaningful to both of them, but for very different reasons. For Fred I know it was a very happy coincidence that final passage of the Congressional Accountability Act came on his birthday, after nearly 2 years of work and countless drafts of the legislation. For John, it is with a mixture of deep personal regret and real happiness for John that I note that the day of final passage for S. 2 was also John's last day of service in the Senate.

While I am very happy to see John advance his career and new challenges at the Federal Communications Commission, it is with deep sadness that I see John leave my staff. John's energy, intellect, and reputation for unfailing professionalism is well known in the Senate, and his departure is a great loss to me and my staff. He will be deeply missed. But I am very pleased that John's final day happened to coincide with passage of this legislation to which he devoted so much time and energy. John's imprint can be found throughout the text of the bill and in the history of its movement through the Senate, and so I hope he leaves the Senate with S. 2 as a memento to his talents, energy, and understanding of the institution, and also with a sense of closure and success on a very complex and important piece of legislation. Thank you, John, for your years of service and your invaluable work on the Congressional Accountability Act.

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I submit for publication in the RECORD a copy of the rules adopted by the Committee on Agriculture, Nutrition, and Forestry on January 12, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE 1—MEETINGS

1.1 Regular Meetings. Regular meetings shall be held on the first and third Wednesday's of each month when Congress is in session.

1.2 Additional Meetings. The Chairman, in consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

1.3 Notification. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.4 Called Meeting. If three members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings. The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions. Business meetings and hearings held by the Committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts. A transcript shall be kept of each business meeting and hearing of the Committee or any subcommittee unless a majority of the Committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports. An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance. (a) Meetings. Official attendance of all markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee Clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the subcommittee Chairman and Ranking Minority Member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice. Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the Committee or subcommittee prescribes.

3.3 Minority Witnesses. In any hearing conducted by the Committee, or any subcommittee thereof, the minority members of the Committee or subcommittee shall be entitled, upon request to the Chairman by the Ranking Minority Member of the Committee or subcommittee to call witnesses of their selection during at least one day of such hearing pertaining to the matter or matters heard by the Committee or subcommittee.

3.4 Swearing in of Witnesses. Witnesses in Committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or subcommittee deems such to be necessary.

3.5 limitation. Each member shall be limited to five minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment. All nominations shall be considered by the full Committee.

4.2 Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information. Each nominee shall submit in response to questions prepared by the Committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the Committee.

Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the Committee.

4.4 Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a pre-hearing questionnaire submitted by the Committee.

4.5 Action on confirmation. A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the Ranking Minority Member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony. For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled-hearing, a quorum of the Committee and each subcommittee thereof shall consist of one member.

5.2 Business. A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

5.3 Reporting. A majority of the membership of the Committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Roll calls. A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies. Voting by proxy as authorized by the Senate Rules for specific bills or subjects shall be allowed whenever a quorum of the Committee is actually present.

6.3 Polling. The Committee may poll any matters of Committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments. To assure the equitable assignment of members to subcommittees, no member of the Committee will receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance. Any member of the Committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members. The Chairman and Ranking Minority Member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and Ranking Minority Member may not be counted toward a quorum.

7.4 Scheduling. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition. The full Committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees. The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations. Any investigation undertaken by the Committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the Committee voting for approval to conduct such investigation at a business meeting of the Committee convened in accordance with Rule 1.

8.2 Subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is delegated the authority to subpoena the attendance of witnesses or the production of memorandum, documents, records, or any other materials at a hearing of the Committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this paragraph the subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the Committee designated by the Chairman.

8.3 Notice for taking depositions. Notices for the taking of depositions, in an investigation authorized by the Committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

8.4 Procedure for taking depositions. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the Committee Clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the Committee as long as any witnesses who may be affected by the change in rules are provided with them.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment on page 15, line 6.

The PRESIDING OFFICER. The pending question is the committee amendment on page 15, line 6.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much, Mr. President.

Mr. President, we have begun a good discussion on S. 1, a bill that is designed to realign federalism so that our State and local partners realize that they are indeed partners and not special interest groups that are out there. It also pays attention to the private sector so that we will know as a decisionmaking body the cost and the impact of these mandates before we vote to impose them. Of course, it provides for a waiver so that if we choose to take some altered course we may do so.

It enhances our decisionmaking ability. As a result of many hours of discussion yesterday where we talked about this, a number of Senators were able to address some of their points and the support that they have for this bill. Some raised concerns of specific aspects of that bill. But as a result of that, we realize that reporters all across America are beginning to truly focus on this issue by calling the city halls and county courthouses and the school districts in their regions. And they are asking the mayors and the county commissioners, "What about these unfunded mandates? Is this truly a problem and can you give us some examples?" So the stories are starting to come forward of what these unfunded Federal mandates are, which are hidden Federal taxes.

In today's USA Today, for example, is a good story talking about Columbus, OH, and the unfunded Federal mandates. Really Columbus, OH, is one of those cities—Mayor Gregory Lashutka is not only an effective mayor but a good friend of mine—one of the first cities to document these unfunded Federal mandates. It has become a good source of information for many of us.

I received in the mail, also, Mr. President, a letter. Because we talked about the cities, the counties, and the States, we referenced the schools. But I think this helps make the point about the impact on the schools.

This is a letter from James B. Appleberry, president of the American Association of State Colleges and Universities, and C. Peter Magrath, president, National Association of State Universities and Land-Grant Colleges. I would like to just read a couple of statements that they make in their letter dated January 6.

> We write on behalf of the institutions——

—Which I just referenced.

> in support of S. 1, the Unfunded Mandate Reform Act of 1995. Together AASCU and NASULGC represent virtually all of the nation's public four year colleges and universities, enrolling more than 5.5 million students.

They go on to cite that:

> Our associations have a long-standing public policy position of discouraging congressional efforts to pass legislation that imposes unfunded Federal mandates on the states. We know that Federal mandates are generally for worthy purposes, but our concern rests on the fact that Federal mandates diminish a State's ability to address its own priorities.

They go on to point out the reduction that they have experienced in funding at the State level. They say:

> In recent years, states have been forced to divert scarce discretionary dollars from vital state programs in order to comply with new Federal directives. Public higher education, funded primarily from state discretionary funds, is one of those areas where State appropriations have been severely diminished as a result of newly mandated federal initiatives. Since 1982, financial support of higher education from State and local funds has dwindled from 7.6 percent of all revenues to 6.2 percent in 1993. When inflation and decreased State funding are taken into account, higher education's purchasing power has dropped by $7.7 billion since 1990.
>
> This reduction in funding is not happening because the states have stopped valuing higher education, but rather because unfunded Federal mandates have dried up all sources of a State's discretionary revenue. The main response to depleting state of discretionary funds available to public colleges and universities has been to cut services and raise tuition. The subsequent tuition increases force students is to either borrow greater amounts or to forgo a postsecondary education.

This is at the heart of the education of this Nation, but because of these unfunded Federal mandates, the end result may be that students are forgoing postsecondary education, students who would like to continue in their educational opportunities.

What about the children at the elementary and secondary grade level? This is the letter dated January 11, 1995, from Boyd Boehlje, who is the president of the National School Boards Association. They state that:

> The National School Boards Association, on behalf of the more than 95,000 locally elected school board members nationwide, strongly supports S. 1, "The Unfunded Mandate Reform Act of 1995" and urges you to reject all weakening amendments.

They go on to say that:

> S. 1 will bring an open, accountable, and informed decisionmaking process to future proposals and regulations that impact school districts and other local and State governments. School districts in your state need the protection.

He says:

> The bill is reasonable, workable, and long overdue. It has our strongest support, and needs to move through the process without weakening amendments.
>
> Today, school children throughout the country are facing the prospect of reduced classroom construction because the Federal Government requires, but does not fund, services or programs that local school boards are directed to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our Nation's public school children must not be made to pay the price for unfunded federal mandates.

Strong statements, Mr. President, from leaders of elementary, secondary, as well as the universities of this Nation pointing out the impact of unfunded Federal mandates on our children and on our students of this country.

Mr. President, we have received the committee reports, one from the Governmental Affairs Committee, the other from the Budget Committee. They have now been presented to Members of the Senate. They have been published. I know this was a concern of the Senator from West Virginia. So again, that has been taken care of so that all Senators have the opportunity to examine them.

UNANIMOUS CONSENT REQUEST

Mr. KEMPTHORNE. Mr. President, because the reports are now in Senators' hands, I ask unanimous consent that the Republican planing committee amendments be considered, en bloc, agreed en bloc, and the motion to reconsider be laid upon the table with the following exceptions: the amendment on page 25, the amendment on page 27, and the amendment on page 33; I further ask unanimous consent that all adopted committee amendments be considered as original text for the purpose of further amendments.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, if I might, I want to compliment our distinguished friend from Idaho for his long-time commitment to the goals and to the premises that this piece of legislation represents. But I think, Mr. President, it needs to be said that this is a far-reaching, a very, very far-reaching piece of legislation.

It is the most far-reaching piece of legislation that this body, the 104th Congress of the U.S. Senate, has yet considered.

Mr. President, I sat through, the other morning, a very extensive debate in the Committee on Governmental Affairs relative to this particular piece of legislation. And in that committee, there were two issues that very much concerned me, two issues that I am afraid, at least for the moment, at that time were disposed of. One of those issues was a vote taken by the committee relative to a committee report. That committee report, by the way, as the Senator from Idaho has now demonstrated, has been filed. We have that particular report from the Committee on Governmental Affairs. However, the committee at first voted not to accompany this bill with a committee report.

I want to compliment my friend from West Virginia, Senator BYRD, who has in the last 2 days—in my opinion, justifiably so—requested, before this measure be considered, a committee report from the other committee of jurisdiction, which is the Committee on the Budget. In my opinion, even though I am a member of the Governmental Affairs Committee, the Budget Committee report is more meaningful to this particular bill than the Governmental Affairs Committee report.

The Budget Committee has now made its report. It has been given to the Senate, but only in the past few hours. This morning, we received this particular report on the Unfunded Mandates Reform Act of 1995. We now have the report. I must say, and tell my colleagues that it is no news that since 10 o'clock, we have been in a meeting with Mr. Greenspan, Alan Greenspan, relative to the financial and economic crisis in Mexico. That has consumed most of our morning. We have been in recess most of this Friday morning, I might add. I do not know how many people have had the opportunity, I respectfully submit, to look at this particular committee report.

Finally, I think the issue of a sunset of 3 years, which was left unresolved by the Committee on Governmental Affairs, is an issue that I think needs to be addressed as we proceed with this bill. A measure of this far-reaching impact and consequence is a measure which, in my opinion, at this time needs a careful consideration of a sunset provision, where all of this measure would sunset at the end of 3 years, in order to afford the Congress—the House and Senate—the mayors, Governors, and all of us who are involved in this vast restructuring process, the opportunity to see if we have made the right or the wrong decision, and to see if we need to make changes in this particular concept that we have brought to this great country of ours.

So with that being said, Mr. President, I have reserved the right to object, and I have not entered an objection. I see the distinguished Senator from West Virginia; and I see the distinguished Senator from Michigan, who has been very much involved in the formation of this particular legislation.

I yield the floor at this time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from West Virginia.

Mr. BYRD. Mr. President, I must begin by saying that Senator KEMPTHORNE came to my office earlier and showed me this request. I am much impressed with this Senator. He is a decent, fine Senator who wants to move on with this bill. He is certainly extending every courtesy and every cooperation that one could expect. I applaud him for that.

As to the request itself, I was supplied this morning with a copy of the report by the Committee on the Budget. I had said yesterday a number of things; perhaps I should repeat some of them. I said, first of all, that I am not taking on the role of traffic cop. That is somebody else's job. It is not my job to be a traffic cop. Then they say: Why, Senator BYRD, are you up here? Why are you here being a traffic cop yesterday and today?

If that is the role I am being perceived as playing, I should say that this is a massive bill. I am not for it; I am not against it. I do not know where I am on this bill. I have not had an opportunity to study a committee report, although the committee report that was accompanying the bill which came from the Committee on Governmental Affairs was available yesterday.

I was on the floor all day and into the evening. I personally have not had any opportunity to read that. I never had any opportunity to read the bill. That is nobody's fault that I had no opportunity to read the bill. But I was not aware that the bill the Senate was going to act on would be the bill reported out of the Committee on Governmental Affairs. I had read about a Budget Committee bill, and I also had read that the minority—meaning the Democrats on that committee—had not been permitted to have a committee report in which they had hoped to express individual views or minority views, or whatever.

I have always stood for the rights of the minority. When I was in the majority, I stood for the rights of the minority. I stood for the rights of the minority just recently, when there was the effort to modify the filibuster rule. I have been in the minority; I have been in the majority. So I have had some experience in both situations.

I have also been a Member of the House, a long time ago, and there was a reason for the constitutional Framers' decision to have two Houses, each with a particular role to play in its sphere of action. I have never been very convivial with respect to making the U.S. Senate a second House of Representatives. I want the Senate to remain what it is; namely, the premier upper body in the world today. Two reasons being—among others—that we have the right to offer amendments here, as long as we want to offer amendments and feel the need to offer amendments; also, that we have unlimited debate, which can only be proscribed by cloture motion agreed to or by unanimous-consent agreements.

So I felt that the minority—in this case, on the Budget Committee—had a right to ask for a report, as I stated yesterday, so that the whole record would be clear. As I stated earlier, every bill or resolution that comes to the floor does not necessarily have to have a committee report. There are a lot of minor bills that come to the floor and there are often no committee reports accompanying those bills. Nobody raises any fuss about that. But this is not a minor bill. I do not know what is in the bill, but I know enough about this bill to know it is no minor bill.

I have read that it is part of the Contract With America. I do not know what the Contract With America states. I have read that there is one, but I have not read it. Well, some would say: Why have you not read it? Well, I have never read the Democratic platform. I have been in politics now going on 49 years, and I have never yet read a Democratic platform. Why? Because I did not have any part in writing that platform. I am going to be guided by my own conscience and by the facts in a given situation, not by some party platform.

I do not read party platforms; do not expect ever to read a party platform. Why waste my time on a party platform? I have my own platform to deal with my conscience and try to do what is right and best as I see it for the Nation, for my State, for the U.S. Senate, this institution, and for my fellow man.

There are a couple of things that even supersede those. My dedication to my family and my Maker—and I am not of the religious right or the religious left. I do not claim to be a religious man, but I have some very definite ideas concerning religion and concerning the fact that I am going to have to meet my Maker one day and live in eternity. I believe that.

Eternity is a long time. Would Senators like to know how long eternity is?

I take this handkerchief in my hand. Let us suppose that a bird flew over Mount Everest carrying this handkerchief—once a minute—drawing this handkerchief across Mount Everest, just as I am drawing it across this microphone—and that that bird could live forever. When Mount Everest had been worn down to a level with the sands of the sea, by a bird dragging that handkerchief across the top of Mount Everest, eternity would have just begun.

I have some pretty strong opinions, but I am no religious rightist and I am no religious leftist. And I resented it when Joycelyn Elders—whose nomination I opposed—was reported to have made some snide comments about Christians.

No man is good. We all sin.

But I have some strong beliefs. I will not have anything other than the King James version of the Bible in my House. Why? Because that is the book that my foster mother and father read. I grew up with the King James version and I will stay with that version until I am laid beneath the sod.

I say all of that to say this. I have not signed any Contract With America, and I have not read it. But there is a great rush around here, there is a great stampede to enact the contract within the first 100 days.

I did not sign any Contract With America. I may like some parts of it. I may not. I am not a signatory.

I know that our distinguished leader, Mr. DOLE, with whom I have worked many years here in various capacities, is under pressure. I am not saying that he does not believe in the so-called Contract With America. I have not discussed it with him. But he is under great pressure. He is under pressure from the other body. That steamroller over there across the Capitol is coming our way.

And that Speaker, in my judgment, has more power than any Speaker since Sam Rayburn, under whom I served when I was in the House. I was also in the House when Joe Martin was Speaker.

But I am sure that Senator DOLE is also under pressure from people within his own ranks. So I try to understand—because I have been down that road—I try to understand his problems. And I can understand why he wants to move on to get this work done. I congratulate him for bringing in the Senate here during days when ordinarily we might have expected to be out following the swearing in of Senators. I applaud that.

I am glad he has kept us in. We ought to be here. We ought to be here debating this bill. We ought to know what is in this bill.

I am an old-time Senator, and I am also a brand-new model.

I say that I want to know how badly my State is going to be hurt by this so-called contract, if it is passed.

We have all this push to get these bills through, ram them through the Senate and House. What happened in the Budget Committee, I would assume, was an effort to get the bill to the floor in a hurry. The majority leader had asked to get those bills out of committee as soon as possible, which is a reasonable request. I understand that the chairman said, "Well, we are going to get this out and we are not going to have a committee report."

Well, it came out without a committee report. And then we were told, "Well, the statement is in the RECORD. The committee report is no different from the statement, so read the statement. Why wait on the committee report? All you are going to get in that committee report is that statement, plus this page," which says, "Unfunded Mandate Reform Act of 1995, Report of the Committee on the Budget."

Well, that is not quite the case. The statement is not exactly like the committee report. I understand that Mr. EXON's views had not been included in the statement, at least that is what I understood Mr. DOLE to say last night.

But, be that as it may, there are many other reasons why we need a committee report. And I can explain a few of those reasons later.

But, for now, I said I want to be a reasonable man. And I feel that I am on legitimate, solid ground when I ask for a committee report.

Why should I be up here asking for a committee report? I have a responsibility as a Senator. I want to protect my State.

I voted against the so-called Coverage Act, the only Senator to vote against it. I had good reasons. If Senators are still around here long enough, they will all understand some of those reasons. If Senators stay around here long enough, they will understand the kind of straitjacket the legislation will put the Senate into. I alone, voted against that bill and have no apologies.

But I am saying to my friends on both sides of the aisle, just because the House has rules that will allow it to ram bills through, does not mean that the Senate has to roll over and play dead. Let Members slow down a little bit here. This is only the 13th day of January, Friday the 13th. This is early in the session. We are not up against the fiscal year deadline. We are not up against a deadline to raise the debt limit. We are not up against any emergencies this morning. We will have, possibly, an emergency supplemental come along one day, but this bill is not an emergency bill. We have some time. Let Members slow down and look at what is in this bill. That is, as I see it, my duty as a Senator.

It sparked my notice when I heard that the minority on the Senate committee had been denied the right to file minority views in a committee report. It kind of got the adrenalin flowing; stimulated my blood pressure just a bit. So I came to the floor yesterday and suggested we have a committee report and an opportunity to study it a little bit so we could better understand what we are being asked to vote on. I have not yet had an opportunity to study that committee report. I know that the distinguished majority leader, when he comes to the floor, has the first right of recognition, which he should have. His party also has the chair, which I insist on.

The new Senators who are presiding are doing an excellent job. They are paying attention. They are not up there reading or signing mail. There used to be a telephone behind the Presiding Officer's chair. Senators would be in the chair and they would talk on the telephone. When I became majority leader, I took that telephone out.

Mr. President, is there something the Chair wishes to say?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. BYRD. Mr. President, I object.

Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

The minority does not have a right to that chair. If Republicans are in the majority, they should have that chair, and vice versa. So, when friends have asked, "Do you not think it would be a good thing to share the chair," I said, "No."

The majority leader, when he comes to the floor, will have that arrow in his quiver—the arrow—of first recognition. I may not have another chance today to say a few words on this.

Mr. President, the first item of legislation passed by this Congress was S. 2, the Congressional Accountability Act. The Senate now has under its consideration S. 1, the so-called unfunded mandates bill. When I think about the paradoxical effects of those two bills, I sincerely hope I am not the only one to marvel at the utter inconsistency of what we see going on.

On the one hand, when the Senate passed S. 2, it agreed to apply to the Congress and its employees many of the same worker protection and environmental safety laws currently enjoyed by the rest of the Nation. Yet here we are today debating the unfunded mandates bill, which, if enacted, could turn right around and endanger many of those same protections.

In principle, I am not opposed to the idea of requiring congressional funding for programs that we enact. I agree that in some cases we have passed along to the States the cost of increased benefits that we knew we could not fund. But dealing with the problem on a case-by-case basis, which I believe is a prudent course, is a completely different approach from that which we have in this bill. The plain truth is, Mr. President, the approach taken by S. 1 seems to me, at this point and until I have a better understanding of it, a little bit like using an elephant gun on a squirrel hunt.

As currently drafted, if I listen to my colleagues and some of the staff around here, and as I understand it—and I want to verify this—I fear that the bill may be too broad a solution to the problem. The answer to unfunded mandates is not going to be found through enactment of legislation that may irreparably quash important health, environmental, and quality-of-life measures already on the statute books.

I know that a good many Senators have problems with the Clean Air Act. When I was majority leader I would not bring it up. I had a lot of Senators on my side of the aisle, including the former majority leader, Mr. Mitchell, very much a supporter of that act. When I was majority leader I would not bring it up. As majority leader, I did not feel that I necessarily had to bring up every bill that some colleague on this side of the aisle wanted. I did not bring it up.

I ended up voting against the Clean Air Act. It had some good things in it and some things I did not like. Of course, the Senate took the hill country boy from West Virginia and ran over him.

I had an amendment which was called the "coal miner's amendment." I had the then majority leader, Mr. Mitchell, against me, and I had the then minority leader, Mr. DOLE, against me, and I had the President against me. I had to go up against that vast array of formidable persons who were opposed to my poor little old coal miner's amendment.

But I worked hard, and I managed almost to win the fight. My problem was that three Senators who had committed to vote with me did not vote with me but voted against me. So I lost my amendment by 1 vote.

You might call that Clean Air Act an unfunded mandate. I voted against it. Many Senators here today who want this unfunded mandates legislation voted for that bill. They voted for that bill, and they have voted for most of the legislation—most of the legislation—that they now refer to as unfunded mandates legislation. Various Senators who are now pushing hard for this bill, voted for what is now attacked as unfunded mandates laws.

So I say, again, the answer to unfunded mandates is probably not going to be found through enactment of legislation that may irreparably quash important health, environmental, and quality-of-life measures already on the statute books.

Incidentally, I should alert my colleagues that there will be votes today. I hope that they do not leave under any impression or false hope that, now that I have the floor, I will be talking the rest of the day and the night. I do not intend to do that. I am not filibustering this bill. I am sure the majority leader will have a vote or two at some time.

I want my colleagues to be fully aware of that. This is not one of these Fridays we have become accustomed to around here in which we show up for an hour, and go out early. The custom that has grown up around here is, we get an agreement to finish up everything next Tuesday and we will not be in session on Friday. We need more debate around here, not less. But this is not one of those Fridays in which we will vote by 10:30 and then hie away to the four winds.

To my colleagues, I say we better learn how to be a minority again. The Senators over here on this other side of the aisle know how to act as a minority. I am going to tell you another bit of news: They also know how to operate as a majority. You watch that leader over there. He will not hesitate to use the rules. He will not hesitate to rock the boat.

I have to kind of get used to being in the minority again.

We do not need to put the Family and Medical Leave Act or the National Voter Registration Act or the OSHA Reform Act or the Clean Water Act, among others, on the chopping block in an effort to solve the problem of unfunded mandates.

In saying that, may I say that I have some sympathy with efforts to deal with these unfunded mandates. But this legislation would do that precisely, put them on the chopping block in an effort to solve the problem of unfunded mandates.

Any time one of those programs or any one of almost 200 other such mandates currently tracked by the National Conference of State Legislatures is reauthorized or amended, they could be put in jeopardy.

Mr. President, I am well aware that there are those in the Senate who would like to accomplish that goal, the goal of rolling back what has previously been accomplished. Some of what has previously been accomplished, I would like to roll back, but I am not sure that this bill, until I understand it better, is the way to do it.

For some—not all, of course, but some—this bill appears to me, from listening to others and some of those who have even "whispered in my ear," I get the impression that the bill is simply a back-door way of gutting progressive legislation enacted over the past several years. I am not saying all the legislation that has been passed in the last several years has been progressive. I voted against some. Some may say the bill we passed earlier this week is progressive legislation, S. 2. I did not think so. I voted against it.

If that is what they want to do, then come forward and say so. Bring a bill to the floor that would repeal the minimum wage law. Bring a bill to the floor that would repeal the regulations relating to toxic waste disposal. If that is the agenda, bring a bill to the floor that repeals it. Lay it out on the desk in open view. Let us debate the merits of one of those bills if that is the intention of some. But we should not continue on this headlong rush to pass legislation whose impact is not completely known.

I am also concerned, as I listen to members of my staff, that S. 1 is simply impractical in its method of addressing the problem. The requirements placed on congressional committees and the Congressional Budget Office are totally unworkable. Now that is what I understand in talking to Jim English, who is the former director of the Appropriations Committee staff in the Senate, and others. I consider them the experts. I understand from them that the requirements placed on congressional committees and the Congressional Budget Office are totally unworkable. As an example, they point to the need of every piece of legislation reported out of an authorizing committee to include a report on the aggregate cost of that legislation to State, local, and tribal governments. Well, at least if we ever pass this legislation as it is we will get committee reports. We will not have that problem again. We will get committee reports that have minority views in it.

Mr. President, there are more than 80,000 governmental units in this country—80,000. How in the world is CBO going to survey each and every one of those organizations in their effort to determine a program's cost?

The fact is that it cannot be done. Dr. Reischauer, the Director of the Congressional Budget Office, even stated as much in a letter last month to our colleague who is in the Chamber, Senator LEVIN. Dr. Reischauer said it would be "very difficult, if not impossible, to determine with precision" the required cost estimates.

Mr. President, I have an impulse to suggest the absence of a quorum and make it a live quorum. I am not doing that yet, but why should I not do it? Here we are, debating this very important bill. We have only five Senators in the Chamber, including the Senator in the chair.

Why are Senators not here talking about this bill, explaining it? I will sit down and listen to anyone who wants to explain the bill or the amendments. I will be happy to have anyone explain the amendments. I desire that somebody come and explain this bill and answer questions about it.

I know I am not the only Senator, other than the four who are in the Chamber besides me, who does not understand this bill.

Estimating the costs of various proposals on a State-by-State basis requires very detailed and comprehensive information on the issue under study. Such data are needed for each State, local, or tribal government. But the necessary data bases are not always available, and so developing a single methodology that can be used in the estimating process is not a viable option. Consequently, Mr. President, the staff of the CBO, I am told, would have to address each bill and each amendment that contained a mandate separately in order to identify and find the needed data. And obviously that is an extremely time consuming and costly endeavor.

Now, Senators and staff advise me that S. 1 mandates that the estimates be made for a full 5-year period. How ironic that is, Mr. President, since we have some in this body who have complained that they cannot provide the American people details of how they would comply with a balanced budget constitutional amendment because the data cannot be reliably projected that far into the future.

Now, that opens up an interesting subject. We have some in this body who have complained that they cannot provide the American people details of how they would comply with a balanced budget constitutional amendment because the data cannot be reliably projected that far into the future. What is going on here? This bill mandates that the estimates be made for a full 5-year period. There are some in this body who are proposing that we, that those who support the balanced budget amendment, provide the details, provide the roadmap that will point the way and tell us what the costs are, what the sacrifices are, what the burdens are, what is going to be cut. And the American people have the right to know. Other Senators have the right to know.

The American people do not know. I do not have the newspaper in front of me, but I saw something in a newspaper recently to the extent that 80 percent of the American people favor a balanced budget amendment—80 percent favor it. But in reading the fine print as to what does this mean; what does this entail; does it mean cutting Social Security or does it mean cutting veterans pensions or veterans compensation or law enforcement, health care, Medicare; what does it mean—suppose that is the question: How do you feel about it?—well, no longer did 80 percent favor a balanced budget amendment. When they saw, "Oh, it means that they might cut my veterans pension; they might cut my Medicare; I am not in favor of it," I began to see that the 80 percent came down to 59 percent in one case or some such, 53 percent, and 34 percent or 33.

Now, that was not 33 percent of the 100. That was 33 percent of the 80 percent. In other words, as I read it, all those who favor a balanced budget amendment—well, if 80 percent favored it, obviously 20 percent did not. That is what I assume. But of the 80 percent who favored it, who favored this if such was cut, and then when it said that 59 percent, only 59 percent favored it if a certain item was cut, they did not mean that 59 percent of the total pie, 59 percent of the 100 percent of those who were opposed to it. It meant 59 percent of the 80 percent who said they were for it.

So when people come to understand what the punishment is, affecting their particular circumstances, their particular lifestyle, or whatever it may be, then the 80 percent falls away.

That is why I voted for Mr. EXON's amendment the other day. He suggested that we know what the details are in connection with the balanced budget amendment. And our leader, Mr. DASCHLE, and the House Minority Leader, Mr. GEPHARDT, and others are seeking to know what is in this poke along with this pig that we are being asked to buy. I think that is a legitimate objective.

There are those who say, "Well, we can't provide the American people details on how they could comply with a balanced budget constitutional amendment because the data cannot be reliably projected that far in the future." Others say, "Oh, if we do that, we won't be able to pass it, we won't be able to ram a constitutional amendment on the balanced budget through the Congress. No, we can't begin to pass it if we do that. Why, then the American people wouldn't be for it."

Somebody has said, in essence: "We can't afford to let the American people know what's good for them; or what's bad for them. If we do, they won't buy it."

So here, with S. 1, those who say that they cannot provide the American people with the details of how they would comply with such an amendment because the data cannot be reliably projected that far in the future, here they turn right around and say that CBO will be required to do just that—provide 5-year estimates which, as I noted, the Director has said will be nearly impossible to determine.

Illogical, too, is that the cost estimates are required before the legislation is enacted, even though the regulations to implement the law are proposed by executive branch agencies, and then only after enactment of the law. How on Earth can we expect CBO—or anyone else, for that matter—to come up with reasonable cost estimates before the precise regulations for implementing the law are available? The answer is we cannot. The answer is that we cannot.

As I said, the only way that CBO can determine the cost of legislation is to rely on information from the various State, local, and tribal governments. But those officials may not be familiar with all the details of a particular piece of legislation. The full ramifications may not be obvious to a county commissioner or a county manager or township clerk, notwithstanding the fact that they may otherwise be quite competent. Likewise, I question the wisdom of relying on those entities for input. If officials—particularly at the State level—know that the cost will be fully funded by the Federal Government, they clearly have an interest in inflating the potential cost. They have an interest in it, as I say, a basic self-interest. That is what I am talking about, basic self-interest. And basic self-interest will undoubtedly skew many of these estimates.

I also fear that one of the unintended consequences of this bill will be to set up a disparate system between the Government and the private sector—a disparate system between the Government and the private sector. For example, my staff tells me that a point of order can lie against any mandate directed at a governmental unit if we do not fully fund that mandate. I have heard some discussion of that here on the floor, I believe, on yesterday. But the same point of order would not be appropriate if the mandate is aimed solely at the private sector. That difference is especially troubling in those areas where the private sector competes with the Government.

What happens? What happens if, for instance, a publicly owned utility is exempt from additional clean-air regulations because the cost of those regulations have not been fully funded and a point of order could not be overcome, while a similar utility, wholly owned by a public company, must comply? Such a scenario could easily crop up, it seems to me. What happens then, Mr. President? In effect, we will have imposed an additional and costly burden on a private business.

My point is simply to suggest that while the intent behind S. 1 may be laudable, the fact remains that this is a substantially different bill than what we considered last year. I heard that last night. My friend, the distinguished Senator from Michigan, I believe—I either heard him say that on the floor or he said it somewhere within the reach of my hearing. I still have pretty good hearing. I do not have a hearing aid yet. I am doing very well without one. But I thought I heard him say that this is a substantially different bill than what we considered last year. I thought I heard that Senator say that. I see he is nodding his head in the affirmative. He is on the record with me that he did, he did say so.

It is a substantially different bill. And, as such, I do not believe we know enough about all its possible ramifications. Therefore, and until we have a fuller discussion, we cannot turn a blind eye to any potential problems in the apparent rush to pass as much legislation as soon as possible. There is no reason to expedite this bill to the extent the effort is being made to expedite it through the Senate. We are not in a race, here. I understand that no committees are meeting today, so some parts of the Senate, apparently, feel that we are not in a big rush on things. We certainly have no obligation to bow to the whims of those who have set false timetables.

I do not blame them for setting timetables. That is all right. Those who subscribe to the Contract With America, they have laid out a 100-day timetable. I am not part of that timetable. I did not subscribe to that. We have plenty of time. Let us see what is in these bills. Let us take a moment and dissect them. And the members of the committees, if they have an opportunity to fully debate these bills and explain them and offer amendments, then the rest of us will understand what is in them.

I do not have any obligation to say: Oh, yes, I will just roll over and play dead. I hear that a steamroller is coming, a steamroller is coming down the track. I want to know what is in that steamroller. We do not have the rules of the House. As long as this Senator is here we are not likely to have the rules of the House, if I can have anything to do with stopping any impulse to stampede in that direction.

If unfunded mandates are a genuine and unreasonable burden on State and local governments or private organizations—and I believe in some cases they may be; I don't have any doubt that they are—then we should deal with them directly. There is absolutely no need, it seems to me, to establish some elaborate new procedural scheme within the Congress in order to do that.

But if it comes to that, if we do establish such a scheme, let us know what it is about. I only represent one vote here and I have always said that, with respect to the filibuster, the filibuster will not eternally kill something, kill legislation that the American people really want. It may slow it down for a while. It may stop it for a while. But in the process of education of the American people through unlimited debate, the American people often become more aware of what they are being asked to buy.

That is the case with the balanced budget amendment. As I have read in the newspapers, there are some groups, now, that are raising some questions about that balanced budget amendment. I even see that some Governors are beginning to have second thoughts, who are beginning to wonder if this thing is all it is cracked up to be. So that is the way these things happen. But I have maintained that if the American people really understand a question, if they really understand it and they really want it, they will get it regardless of the filibuster.

Sadly, though, erecting these "process" fixes is symptomatic of an extremely bad habit into which the Congress has fallen over the past several years. When confronted with a difficult problem for which there is no easy or painless solution, the tendency is to resort to some sort of procedural fix rather than dealing with the problem head-on.

So here we have a procedural fix. The balanced budget constitutional amendment is a procedural fix. The balanced budget constitutional amendment is the greatest unfunded mandate that was ever imposed since Adam and Eve were driven from the Garden of Eden, the greatest unfunded mandate ever imposed.

So here we are going in two different directions meeting ourselves head on. Here we have this bill dealing with unfunded mandates. But behind it is the so-called "balanced budget constitutional amendment." You talk about an unfunded mandate. Wait until that thing settles its claws into legislative bodies throughout the land. Wait until that thing settles its roost on the Government's doorstep. It will peck on the windows; and unfunded mandates. If they think that this bill is going to relieve their concerns about the balanced budget amendment, they had better think twice, three times and more, as we will have an opportunity to discuss in due time. Just mark that down. The balanced budget constitutional amendment, contrary to what it is being purported to do, is not only the biggest hoax that is perhaps about to be perpetrated on the American people but it is the largest unfunded mandate. I will not take the time of the Senate today to explain what I mean by that.

I want to repeat this word "caution" for those who think that S. 1 is some kind of cure for mandates. They need to think about it. S. 1 does nothing to protect any State or local government as I understand it—I may understand it better later—but as I understand, it will do nothing to protect any State or local government from the costs of Federal budget cutting of any program that is not presently mandated. How about that? They just say it applies prospectively. It does not protect any program that is not presently mandated. Therein lies the tale. For example, S. 1 would not apply to Federal programs whereby the Congress provides grants for use in housing programs, programs that provide social services for the homeless, child immunization, Federal aid to States and localities for education, or even transportation grants.

Mr. President, I ask unanimous consent that I may be permitted, although I have the floor, to ask a question of the distinguished Senator from Michigan [Mr. LEVIN].

Is Federal aid to education a Federal mandate or is that simply a grant to the States? Is that a mandate?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

To the best of my knowledge, that is not a mandate. That is just a grant to the States.

Mr. BYRD. Very well. Then, if in this budget-cutting fever that is so infectious, Federal aid to education is cut—and I might be one who would support such a cut. Here we are pouring billions of dollars into Federal aid to education for our poorer students on the whole, more than the other industrialized countries. So I have some second thoughts about the way we handle Federal aid to education.

But that is, according to Mr. LEVIN, not a mandate. So the cost of replacing Federal dollars which may be cut by the Congress in the future will be dumped directly on the States by cuts in grants to the States. This bill does not cure that. If any of the dollars that go to the States to help those areas are reduced, the States will still be stuck with the problem and, most importantly, the expense of the homelessness or poor transportation system. This legislation does nothing to protect the States from increased costs which are caused by future actions of the Federal Government; in other words, cuts in grants and other Federal programs.

Think about that possible scenario, Mr. President. I hope that the proponents of the bill will stop the mad rush to pass this legislation now and go back to the drawing board and come up with a workable and practicable piece of legislation.

Mr. President, I hope the Chair will momentarily indulge me as I have the right to the floor.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

Mr. President, as I stated earlier, it is not my desire to hold the floor inordinately today. I have accomplished most of what I had hoped to do; namely, have a report by the Committee on the Budget and an opportunity to understand what is in the report. The report is available. I have not had an opportunity to study it, but it is not my desire to hold the floor. Senators know if I wanted to filibuster the bill—and the Senator from Arizona knows full well—I could talk for the rest of the day. That is not my intention. So I intend to yield the floor shortly.

Let me say, again, that the distinguished Senator from Idaho has extended every act of cooperation and courtesy to me, and I appreciate his decency and his spirit of good will. I did not want to give up the floor until he returned.

Mr. President, I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. KEMPTHORNE] is recognized.

Mr. KEMPTHORNE. Mr. President, I appreciate the comments that the Senator from West Virginia has made and, of course, I have great respect for him and for his understanding of legislation. I know that he will be an integral part of the overall discussion of this Senate bill No. 1. I know, also, Mr. President, that it will be my intention that on final passage—I have full intentions of having the Senator from West Virginia vote for this bill because—I think he used the terms he was "not sure how it could hurt his State." I think he will learn that it will not hurt the States. This is what States are asking us to do in reestablishing and reaffirming the federalism that is intended.

Also, Mr. President, this issue is tied with the Contract With America that the Senator from West Virginia pointed out. I would like to just comment about that. When I took the oath of office here 2 years ago, the day that I took the oath of office as a Senator was the day that I resigned as mayor in Boise, ID. One of the items that I was very intent on doing was to somehow deal with these unfunded Federal mandates. So the first bill that I ever introduced in my Senate career was a bill dealing with these unfunded Federal mandates. Ultimately, that bill, Senate bill No. 993, which gained bipartisan support and which went through the Governmental Affairs Committee last session on a vote of 16 to 0—much of what is in today's bill, S. 1, was derived from Senate bill No. 993. The definitions are the same and, again, much of it is the same, but there are changes to it. I say that so that you see a bit of a history here.

The Contract With America, which happened a few months ago, took place after we had been moving this legislation. And so while the issue of unfunded mandates—dealing with that is part of the Contract With America in the House of Representatives, and while I am delighted and proud that they have included that issue to be part of the things discussed and dealt with in the Contract With America, really this issue in the Senate, this legislation, precedes that.

Also, the Speaker of the House agreed to take that element of the Contract With America dealing with unfunded mandates and to pull it out of the Contract With America so that it could be freestanding and so that we could deal with this issue and have this sort of discussion.

So I assure the Senator from West Virginia that this is not part of just some large package that we have to hurriedly get through. It is a critically important issue, the impact of which has been taking years, and our cities and States and the private sector has heard about it.

The Senator also referenced the Congressional Budget Office. I wish to assure the Senator from West Virginia that through the Budget Committee we have stayed in close contact with the

Congressional Budget Office, so that as modifications from S. 993 were made to S. 1 they were able to tell us every step of the way what their needs would be in order to accomplish the responsibilities that this legislation would assign to them, including the funds to carry that out. So we have dealt with that issue.

I believe that, at some point later, we are going to be coming up with possible amendments dealing in this area, and so I will withhold further comment on that. By the fact that there has been objection to that unanimous-consent request, it would be my understanding that we have before us the next committee amendment; is that correct?

The PRESIDING OFFICER. The pending question is the ninth reported committee amendment.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Is there objection?

Mr. FORD. There is an objection. I apologize to the Senator, but I have been asked to protect the rollcall and, if the Senator will allow me, I will see if I can give him the time.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, if I might amplify.

The PRESIDING OFFICER. The clerk will continue the call of the roll.

The bill clerk continued to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that I may proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENCE AT HEALTH CLINICS

Mr. SPECTER. Mr. President, in the absence of any other pending business in the Senate, I have sought recognition to comment briefly about violence at clinics, with respect to two principle issues.

One is a contention which is advanced by some, and has been used as a possible legal defense, that violence and murder is justifiable homicide. There is absolutely, positively no basis whatsoever in criminal law for such an assertion that anybody who murders or assaults or maims at a clinic where the clinic may be performing abortions has any conceivable legal justification under the doctrine of justifiable homicide.

That is a legal principle that I worked with to a considerable extent during my 12 years in the Philadelphia district attorney's office, and the doctrine of justifiable homicide has been worked out in a very careful way; for example, when a police officer may seek to defend an innocent victim, citizen, during the course of a robbery and may shoot a robber in order to stop the murder of an innocent citizen in the course of a felony. And for someone to seize upon the term of "justifiable homicide," picking it out of the thin air to say that that is any reason for committing violence at a clinic where abortions may be performed is just absolutely preposterous.

One of the problems which has arisen, Mr. President, has been really insufficient condemnation of violence at these clinics.

I was very pleased to see the statement made by Cardinal Law of Boston asking for a cessation of any picketing, where the situation may be permitted to cool. But it seems to me that we need to speak out on levels to condemn that kind of conduct and to state as unequivocally as possible that there is no conceivable justification as "justifiable homicide."

The other point that I want to comment on briefly, Mr. President, is that at these clinics where women secure medical care, abortion is a relatively small percentage of what is done; that most of the women who go there—I heard the percentage is as high as 90 percent—are there for medical purposes. They are there for mammograms to guard against breast cancer. They are there for Pap smears to guard against cervical cancer. They are there for a whole range of medical procedures.

When there has been an epidemic of violence at these clinics, the women stay away in droves because there is terror that in being there, they may be in the midst of violence.

So I wanted to take a few moments in the interlude of the proceedings, Mr. President, to make those two points and to speak out as forcefully as I can, and with the background I have had as a district attorney dealing with the concept of justifiable homicide, to make it as unequivocal and forceful as I can that there is no conceivable justification for that violence and to say, at the same time, that it is driving many women urgently in need of medical care away from those facilities.

I thank the Chair, and I thank my colleague from Kentucky for securing the time. I suggest the absence of a quorum.

Mr. EXON. Will the Senator withhold?

The PRESIDING OFFICER. Does the Senator from Pennsylvania withhold the quorum call?

Mr. SPECTER. I do.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. EXON. Mr. President, I rise in support of S. 1, which the Budget Committee unanimously ordered reported on Monday, and since that time, we have come forth with a report that has been suggested and I believe that is being reviewed at the present time.

I am an original cosponsor of S. 1. I want to take this opportunity to commend my distinguished colleagues and friends, Senator GLENN, Senator DOMENICI, and Senator KEMPTHORNE, for the yeomans' work that they have put into this bill. We would not be where we are today if it were not for their dedication.

Mr. President, unfunded mandates are not merely a thorn in the side of the Nation's Governors and State and local officials. They have burrowed deep into the Nation's landscape and present a problem of the utmost gravity.

Washington passes mandates and regulations and then drops them like an orphan on the doorstep of the States, forcing officials to dig deep into their own pockets to pay for compliance, to pay for mandates, at a time when they are confronting their own fiscal shortfalls and the public's demand for greater services.

Speak to any State or local official from Nebraska to Nevada, from a mayor to a town manager or a Governor, and they will tell you that this cost shifting from the Federal level to the State level is wreaking havoc with their budgets. As my good friend and colleague, Senator GLENN, rightly observed, we are passing the buck without the bucks.

In spite of the cry of "enough" from the States, Washington keeps heaping unfunded mandates upon unfunded mandates and regulations upon regulations, and there is no end point to the mandates effect. Like an entitlement, they go on and on and on, to an endless life of their own. Unfunded mandates are relentless in their demands upon State and local treasuries and, unfortunately, the sky seems to be the limit.

According to the Congressional Budget Office, compliance with Federal legislative and regulatory mandates rose from $225 million in 1986 to $2.8 billion in 1991. CBO readily admits that its estimates are highly conservative.

We really do not know the full extent and magnitude of the situation. Mr. President, it is time we brought these unfunded mandates back to Earth and back to the realm of reason and responsible budgeting. It is high time that we not only rethink the relationship between the Federal and State Governments, it is time that we did something about it. And that is what this bill does.

The legislation before us today would create a point of order against unfunded mandates. Under the bill, the Federal Government must provide direct spending for these mandates. If it cannot, the mandate requirements must be scaled back to the amount of money appropriated.

That is fair, and that is reasonable. And above everything else, Mr. President, that is right.

Mr. President, this is a bill that takes in the very broad picture. It already enjoys great bipartisan support. My last count indicates that it has 57 cosponsors and probably a few more today that I do not know about. I predict that it will pass overwhelmingly and in a very reasonable period of time. But I wish to be clear that there are no half measures in the legislation. It meets the problem head on.

Of course, there are those who advocate a radical approach to the issue, what they call a no money, no mandates backstop.

While I commend my colleagues' enthusiasm and dogged persistence in righting the unfunded mandates inequities, this is a classic case of correctly diagnosing the problem but applying the wrong treatment, a treatment which I suggest could have disastrous side effects.

The alternative backstop strategy that some are referencing would take us down a road which could not only swell the size of an already bloated Federal bureaucracy, but it could further fan the flames of the litigation inferno that is raging throughout the Nation.

This draconian approach would require that the CBO reestimate each year—and I stress "each year"—the cost of mandates. I do not believe that we can fathom how much we would have to expand the CBO staff to meet this formidable and I think unnecessarily forbidding task.

Mr. President, over the past 2 years, we have made excellent headway in meeting the American people's rightful demands to reduce the size of Government. We have much further to go. We will have the smallest government, though, I would point out, since President KENNEDY sat in the Oval Office. This is not the time to undo the good and the hard work that has been done in many areas. We must be cautious but we must be effective.

Second, we would be doing, I suggest, a terrible disservice to our fellow citizens if we inadvertently fueled further litigation. That is exactly what would happen if we chose the simplistic measure. The lawyers would be lining up a hundred deep in the court, challenging at every turn the CBO reestimates. And I hope that this concern will be understood by all Members of the body.

The columnist David Broder wrote a very effective piece touching on this subject that appeared in the newspaper a few days ago. Mr. Broder endorsed the bill before us today as "a worthy effort." Mr. Broder further notes that the no-money, no-mandate alternative would "split the bipartisan coalition." We must not split the bipartisan coalition that is moving aggressively forward and if followed will pass S. 1 in a very short period of time. If we proceed through any other course, we endanger the longstanding civil rights and environmental policy and perhaps draw a Presidential veto.

Mr. President, I ask unanimous consent that the full text of this perceptive column be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. In a similar vein, Mr. President, the proposal of some to raise the requirement for waiving the new point of order from a majority vote to 60 votes would also split the bipartisan coalition. Another 60-vote point of order in this context would tie the Senate in knots. If we have seen gridlock over the last decade, this kind of a 60-vote point of order would lead to a glacial gridlock.

Mr. President, I was involved in the negotiations that led to the unfunded mandates bill currently before the Senate. There were a few items of the bill that merit further clarification.

RETROACTIVITY

There has been a great deal of confusion surrounding the question of retroactivity in S. 1. Namely, to what mandates does S. 1 apply? And, will mandates already enacted into law be affected by S. 1?

The drafters of S. 1 intended that reauthorization of existing laws not be subject to the requirements of S. 1 where the net costs of the legislation do not exceed existing costs of the mandate plus the thresholds established in the legislation.

The no-retroactivity clause would apply to laws for which authorizations of appropriations may have expired, such as the 1987 Water Quality Act.

I would add that this same principle would apply equally to regulations that are issued pursuant to existing laws, but which have not yet been proposed or finalized. However, let me stress that the existing law must be in effect at the time S. 1 became effective regardless of whether an authorization of appropriations has expired.

EXCLUSIONS

The bill contains a broad exclusion for legislation that establishes or enforces any statutory rights that prohibit discrimination.

The drafters of S. 1 believe this language to mean provisions in bills and joint resolutions that prohibit or are designed to prevent discrimination from occurring through civil or criminal sanctions or prohibitions.

POINTS OF ORDER

The legislation ensures that a simple majority in the House or Senate will be required to waive a point of order, if raised, for an unfunded intergovernmental mandate, or where a CBO statement does not accompany a bill or joint resolution.

PROCEDURES

The situation may arise where a mandate—already in effect for a year—is declared ineffective and enforcement or judicial action has already commenced. In such a case, the drafters of S. 1 intend that where enforcement actions have begun, the mandate in question would continue to consider applicable law preceding the declaration of ineffectiveness.

For example, in a case where a mandate is fully funded in the first 2 years, but not in the third, the mandate is effective for the first 2 years, but not in the third.

ADMINISTRATIVE PROCESSES AND PROCEDURES

When an intergovernmental mandate is either declared ineffective or scaled back because of lack of funding, these changes in the mandate will be effectuated consistent with the requirements of the Administrative Procedures Act.

This will ensure that all affected parties including, the private sector, State, local and tribal governments, and the intended beneficiaries of the mandate will have adequate opportunity to address their concerns.

In closing, Mr. President, I would like to say that after much thought and analysis we have found in the legislation before us today the solution to the problem of unfunded mandates. It might not be a perfect one. Certainly we all can say that we have passed few perfect pieces of legislation. It does not mean that we may not have to revisit this from time to time. But I think it is time we move aggressively ahead to solve the problem of unfunded mandates.

On January 5, the Budget Committee, of which I am the ranking minority member, and the Governmental Affairs Committee held a joint hearing on S. 1. Both of our respective committees favorably reported out the measure earlier this week. We have heard loud and clear the call from the States. It is now time that we acted and passed this critical legislation.

[EXIBIT 1]

MONEY AND MANDATES

(By David S. Broder)

Before George Voinovich became governor of Ohio four years ago, he was a member of the Ohio legislature, a Cuyahoga County commissioner and the mayor of Cleveland. That may condemn him as a career politician in some people's eyes, but it also placed him in a unique position to help move what may become the first law passed by this new Congress—the unfunded mandates bill.

Voinovich, a Republican, last year used his friendships in both parties to construct an unusually broad and solid coalition of state and local government groups to press for enactment of a long-overdue measure that will require Congress to look twice before saddling states, counties and cities with the costs of carrying out policies the federal government finds desirable.

The measure was stymied in the last Congress by Rep. Henry Waxman (D-Calif.) and some of the other veteran mandate-writers, but this year it has high priority in the Senate and House, with their new Republican majorities. For reasons I will explain in a moment, this measure may not provide all the relief the states and localities expect. But it is an effort to address a real problem: the increasing tendency of a federal government which has spent itself into $4 trillion of debt to make its partners in state and local government pay for Washington's good deeds.

The governors, legislators, mayors, and county officials have griped about this for a long time. But it was not until they put aside their internal differences and came together last year as the State and Local Coalition that Congress began to take notice. As Voinovich commented over coffee last week in Washington, "It is rare that an idea that was on no one's screen in Washington one year becomes the top priority in Congress the next year." Members of Congress "can ignore any one of our groups, but they can't ignore all of us."

Voinovich's political acumen also was important in keeping the legislation within bounds of reason. Some conservatives want to enact a "no money, no mandate" law that would stop the federal government from requiring any cost-sharing by state and local governments on programs of national importance.

Voinovich recognizes that would split his bipartisan coalition, which includes many liberal Democrats, endanger long-standing national civil rights and environmental policies, and perhaps draw a presidential veto. So he has worked diligently to persuade conservatives, including Speaker Newt Gingrich, to back bills by Sen. Dirk Kempthorne (R-Idaho) and Reps. William Clinger (Pa.) and Rob Portman (R-Ohio) that take a more measured approach.

The bills do not repeal existing mandates, leaving an examination of their financing to a bipartisan commission. They exempt measures necessary to enforce constitutional or statutory rights prohibiting discrimination of any kind—including disability.

They allow future Congresses to pass unfunded mandates—but only if, on a separate roll-call vote, before final passage, a majority of the House and Senate say, deliberately and explicitly, that the purpose is so compelling they believe they should waive the rule against unfunded mandates. In other words, senators and representatives would have to tell their constituents, in effect, "We're voting to raise your state or local taxes."

The difficulty I mentioned earlier arises from the enforcement mechanism. Somebody has to decide how much an unfunded mandate would cost and whether it exceeds the threshold set in the proposed law—$50 million in costs for state and local governments, $200 million for private business. That agency is the Congressional Budget Office (CBO), a nonpartisan arm of Congress.

That is a huge power to give to a group of unelected bureaucrats, even if they are required by law to consult with local and state officials and are supervised by the House and Senate Budget committees. Robert D. Reischauer, the director of CBO, has written members of Congress a letter warning that "in some of the situations that will matter most . . . [it] will be very difficult if not impossible to determine" the costs the proposed mandate will impose.

Local officials, as Reischauer delicately put it, "are likely to have a strong interest in having the costs of a proposed mandate appear as high as possible"; congressional sponsors, the opposite motivation. In truth, the added costs will vary enormously, depending on the severity of the problems in the locality and the degree of effort already being made.

Voinovich is right in arguing that the bill will force Congress to consider future mandates with care. It will provide a forum where the states and cities can argue their case. But this law is altogether too likely to have unintended consequences. I can see the same local officials who are enraged now by Congress's caprice in passing unfunded mandates being equally enraged—and frustrated—by future CBO cost estimates.

The unfunded mandate bill is a worthy effort. But in the end, the real solution lies in sorting out more clearly what responsibilities should be financed and run by each level of government. Voinovich and other governors are ready for that kind of dialogue to begin. President Clinton should take the lead in seeing that it happens.

Mr. EXON. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the remaining committee amendments be temporarily laid aside in order to consider the Dorgan amendment; that no second-degree amendments be in order, and that at 2:30 a vote will occur on the amendment.

Mr. BYRD. Mr. President, reserving the right to object. Will the Senator kindly restate the request?

Mr. KEMPTHORNE. Yes. The unanimous-consent request is that the remaining committee amendments be temporarily laid aside in order to consider the Dorgan amendment; that no second-degree amendments be in order, and that at 2:30 a vote will occur on the Dorgan amendment.

Mr. LEVIN. I wonder if the Senator who reserved the right to object will yield for a question to the manager.

Mr. BYRD. Yes.

Mr. LEVIN. The Dorgan amendment that the Senator is referring to, as I understand it, is an amendment which would substitute the ACIR, in lieu of the new commission which the bill would create, the ACIR being an existing commission on intergovernmental relations. As I understand Senator Dorgan's amendment, it would utilize the ACIR in lieu of creating a new commission, as the bill currently provides; is that just the nature of the amendment, so the folks know what it is the unanimous consent refers to?

Mr. KEMPTHORNE. In response to the Senator from Michigan, that is correct.

Mr. BYRD. Reserving the right to object, Mr. President, this seems to me to be a positive amendment, one that has considerable merit, as I understand it. I do not plan to object to setting the amendments aside to take up this amendment. But before I complete my reservation, I started out saying I wanted a committee report, so that our minority people on both committees—not just the Budget Committee, but on the Governmental Affairs Committee—who had been denied the committee report with individual views or minority views, knowing full well nothing about the content of the bill, but knowing that there is a steamroller coming down the road, to put all these wonderful things. I have seen the number 10 used, 10 plans in the Contract With America—maybe 12. All these wonderful things are in the Contract With America. And realizing that this bill, being No. 1, must be a very important bill, not just a simple sense-of-the-Senate resolution, but a very important bill. No. 2, S. 2 was passed earlier, and I voted against S. 2. But in this case, I said I want, on behalf of the Senate, on behalf of the minority, and on behalf of myself, and on behalf of all other Senators who do not know any more about this bill than I do, I want to see a committee report. I want to see the minority view. I want to see the votes that were taken inside the committee. I want all those things in the committee report that we are instructed to have in the committee reports by the Senate rules. Senators and listeners who do not know what I am talking about, read the Senate rules and find out. I wanted those, and I wanted an opportunity not just to have it given to me in my hand but an opportunity to study it. I have the reports now, but I want this weekend to study this bill.

In the meantime, I do not want to appear to be filibustering, although I do not mind being a filibusterer when the right time comes. Senators will know when I am filibustering. I have been called worse names than a filibusterer. But I have no interest in killing the bill. I may be for it. I probably will be, but I am not sure. I probably will be for the bill. But I resist the temptation to roll over and play dead. I resist that temptation. I am not going to be cowed like a whipped dog because of threats or charges that I may be obstructing or filibustering. I am not doing that. I want to know what is in these bills. We have plenty of time. We do not have to ram them through. Let us take the time. This is an important bill. I hear a lot of whispering and murmuring about problems with this bill from my colleagues. I want to know what is in it. So I want to study that bill this weekend, after I do the mopping of the kitchen. I always mop the kitchen. Every Saturday that is my job and I mop the washroom where she does the washing, where the washer and dryer are. I mop, yes. I clean all the commodes. I clean all the bathroom structures. I clean out the bathtubs.

Mr. BIDEN. Will the Senator yield?

Mr. BYRD. Not yet. I will shortly. I do all the vacuuming. I do the dusting. I dust the furniture in the family room and dust the furniture in the living room, and so on. My wife does the buying and the cooking and the washing and the ironing and the pressing of suits and taking care of my little dog, Billy. But over this weekend, whenever I get through with doing my chores, which I have sworn on to for a number of years, then I want to study this bill. That is a legitimate reason not to rush pell-mell at this point.

I want to be a reasonable man. Here is an opportunity to vote on something that is positive. I will listen to the Senator's explanation of the amendment. It is my understanding, in talking with the distinguished Senator from North Dakota and the distinguished Senator from Michigan, that this is a good amendment. So I am not going to interpose an objection to setting these committee amendments aside. I have no objection to setting those amendments aside and letting the Senate go forward and dispose of the amendment by Mr. DORGAN. There may be another amendment that would fit into that. All I am asking is that I want this weekend, after I get through with mopping the kitchen and mopping the washroom, and all those things, I want the opportunity to study this bill. That is a reasonable request. I am saving my strength for a filibuster on another day, on another bill. I am not filibustering this bill. Give me a break here.

So I have no objection to that if the leader wants to do that.

Mr. DOLE. Will the Senator yield?

Mr. BYRD. I am merely reserving the right to object.

Mr. DOLE. Last night we talked about your dog, Billy, and my dog, Leader. So I have had Leader inscribe a picture for Billy, and here is the picture.

Mr. BYRD. Will wonders never cease? Sweet smoke of rhetoric, my, what a handsome dog that is. I wish someone would call my office downstairs and have a picture of Billy brought up here. That is a pedigree. That is a blue ribbon dog.

I will read the inscription: "To Billy:"

There is only one Billy, and that is Billy Byrd.

"To Billy, with best wishes." The signature, "Leader." Leader; that is a beautiful dog. It really is.

I thank the distinguished leader.

But I do want to bring a picture of Billy up.

So I have no objection to setting the amendments aside for that purpose.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 18

(Purpose: To provide for certain studies and reports to be performed by the Advisory Commission on Intergovernmental Relations, and for other purposes)

Mr. DORGAN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. GRAHAM, Mr. LEVIN, and Mr. KEMPTHORNE, proposes an amendment numbered 18.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, strike out lines 4 through 11 and insert in lieu thereof the following:

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal government.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

On page 43, beginning with line 1, strike out all through line 17 on page 49 and insert in lieu thereof the following:

SEC. 303. MONITORING IMPLEMENTATION.

(a) IN GENERAL.—The advisory Commission shall monitor and evaluate the implementation of this Act, including by conducting such hearings, and consulting with such Federal, State, local, and tribal governments, as the Advisory Commission considers appropriate for obtaining information and views about the purpose, implementation, and results of this Act.

(b) BIENNIAL REPORT.—The Advisory Commission shall submit a report to the President and the Congress every 2 years which—

(1) presents the findings of the Advisory Commission under subsection (a); and

(2) presents recommendations for improving the implementation of this Act, including regarding any need for amending this Act.

SEC. 304. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission—

(1) to carry out section 301, $1,000,000 for each of fiscal years 1995 and 1996;

(2) to carry out section 302, $500,000; and

(3) to carry out section 303, $200,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

Mr. DORGAN. Mr. President, I am offering this amendment along with the Senator from Florida [Mr. GRAHAM]; the Senator from Michigan [Mr. LEVIN]; and the Senator from Idaho [Mr. KEMPTHORNE].

Mr. President, it says on page 39 of S. 1, which the Senate is now considering, at the top of the page, under:

Title III—Review of Unfunded Federal Mandates

SEC. 301. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

And then it goes on in subsequent pages to describe the duties and responsibilities of this commission.

My amendment would substitute the Advisory Commission on Intergovernmental Relations for this new commission.

I offer this amendment because, prior to a week or so ago, all of the drafts of this legislation, going back to last year, written by the Governmental Affairs Committee under the chairmanship of Senator GLENN, and more recently negotiated in biparitisan discussions, all of those drafts included in this section a commission to study unfunded mandates and that commission was going to be the Advisory Commission on Intergovernmental Relations. It is called ACIR. ACIR is an organization that has been in existence a long, long time, one with which I have a great deal of familiarity from the time when I was a statewide elected official.

ACIR has done a substantial amount of research in many, many areas dealing with intergovernmental relations.

Its membership includes members from virtually all levels of government, members appointed by the President, members appointed by the Presiding Officer of the Senate, the House; we have mayors and Governors and we have private citizens.

The fact is, it is an outstanding commission that has done outstanding work for a long, long while. And it has especially done an enormous amount of work on the subject of unfunded mandates. It has for over 10 years done credible and thoughtful studies on this subject of unfunded mandates.

If this organization, the ACIR, one with such a distinguished reputation, one which I have worked with personally for over 20 years on many intergovernmental issues, if this organization has been the one that has done over a decade's worth of research and work on unfunded mandates, the question for me was: Why would we pass legislation that creates a new commission to give us some studies and some answers on unfunded mandates? That does not make any sense. In fact, it did not make any sense over recent months to all of those Republicans and Democrats who were constructing this. Only in the last week or so was a new commission put in here in substitute for ACIR.

My amendment says, let us replace it with the Advisory Commission on Intergovernmental Relations. It makes little sense to create a new commission. We are in Government these days talking about reinventing, about downsizing, about trying to be more efficient, trying to avoid duplication and overlapping of duties.

And this amendment simply moves us in that direction, to say a commission already exists, a commission that has expertise in this very matter, and that is the commission that ought to appear on page 39.

So my amendment is relatively simple. It simply substitutes the ACIR for the new commission that otherwise would be created.

The advantages to this are obvious. First of all, the Advisory Commission on Intergovernmental Relations is ready to do this work. No new commission has to be created. No new members have to be appointed. No new staff has to be hired. No new space to house a staff need be created. No new rules. No new relationships. It already exists. It can, because of that, realistically, in my judgment, meet all of the timetables. So it is a perfect fit.

I indicated that the ACIR has done studies going back 10 years on this very issue. In fact, they have done five major studies and have been the major resource used by most of us in the Congress who have been concerned about unfunded mandates. The mission of the Advisory Commission on Intergovernmental Relations is to strengthen the Federal system, strengthen the cooperation between levels of government. And so, again, it is uniquely situated, in my judgment, to perform this task.

I have watched with interest the discussion on the floor of the Senate recently about unfunded mandates. As I conclude and prepare to allow my distinguished friend from Florida and others, hopefully, to support this amendment, I just want to say that it is not without merit, in my judgment, for us to proceed with deliberation and proceed in a manner that allows all Members of this body to have some comfort that they understand exactly what is in this legislation. This will be a better bill if we proceed in a manner that allows everyone to understand it, ask all of the questions, improve it, modify it, change it, accept it and then finally vote on it and move this along so that it becomes law.

I expect, in the end, to cast a "yes" vote on a piece of legislation that I think has great merit. But there are questions that will be asked. I have two additional amendments I will offer next week. But I believe that this bill moves us in the right direction of being more responsible on a subject where we have acted in the past without, in my judgment, full information.

And so I appreciate very much the discussion that has gone on among the principal sponsors of the legislation and Senator BYRD and many others on this floor in recent hours and recent days. I thank him for his willingness to allow this amendment to be offered and allow the other amendments to be set aside. It demonstrates, I think, that we want to make some progress on this legislation. And this amendment itself is one with merit and one that I think will demonstrate progress.

I know Senator GRAHAM and Senator KEMPTHORNE and others wish to speak in support of it. With that, Mr. President, I yield the floor.

Mr. BYRD. Would the Senator allow me to compliment him, and also I would ask that he add my name as a cosponsor of this amendment.

As I understand, the pending bill authorizes more Federal staff at CBO and more Federal spending, $4.5 million per year, to hire additional CBO personnel to carry out their new, largely unachievable, responsibilities under the bill. In addition, the bill would set up yet another Federal commission.

And we have in the bill that was passed earlier this week—which I was against, the so-called coverage bill—we have in that bill a new bureaucracy under the auspices of a so-called bicameral commission that will spend almost unlimited funds. That was one of the reasons why I voted against the bill. Is this what the Senators mean by Government reform, continuing to establish commissions?

A bill which passed earlier this week, as I say, S. 2, created a whole new board and authorized that board to employ such staff and consultants as were considered appropriate. I voted against that bill for a number of reasons, one of which, I opposed the creation of that new board.

Mr. President, I want to commend the Senator from North Dakota on his amendment, and I hope he will allow me to be a cosponsor.

Mr. DORGAN. Mr. President, I thank the Senator very much for his generous remarks. I ask unanimous consent that the Senator from West Virginia [Mr. BYRD] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, thank you.

First of all, let me congratulate Senator DORGAN on this amendment. I think he has experience in intergovernmental relationships. I believe he has actually served on that commission, although I may be mistaken. I know I have served on that commission.

There is no reason for Members to be creating another commission. It is the last thing we ought to be doing when we are reinventing Government.

This bill, I believe, was deficient in that regard by creating another commission. Unlike last year's bill 993, which used the Advisory Commission on Intergovernmental Relations, an existing commission, this bill before Members created a new commission. It was unneeded. It will lead to delay and expense.

I congratulate Senator DORGAN on going back to what was in last year's Senate bill 993, which was utilizing the ACIR for this purpose. I am pleased to cosponsor his amendment.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

I want to first express my support for the objectives of S. 1, and I look forward to voting for it on final passage. I believe that there has been a tendency, particularly during a time of restrained Federal resources, to look to the imposition of obligations on State and local government as a means of accomplishing national objectives which we at the National Government are either unable or unwilling to pay for. This will not preclude such behavior in the future, but it will require the Congress to understand what it is doing and make a discreet judgment that that is the course of action that it is willing to undertake.

Having said that, I think there is going to be a surprise and disappointment, however, upon the final passage of the bill if it is in basically the form that is currently before Members. That is that many feel it is going to undo existing mandates.

I have seen news accounts of Governors and other executives at the local level who have talked about the amount of savings that will be derived as a result of passage of this bill. As I read the bill and understand its processes, it is all prospective in operation. That is, it will make it more difficult to impose new unfunded mandates, but it in no way deals directly with those mandates that are already in place. That is what makes this amendment so important.

What title III does is it sets up a parallel process that gives us a greater capacity to look at current unfunded mandates and, on a case-by-case basis, particularly through the reauthorization process, to begin to deal with those unfunded mandates.

I recognize that the bill provides that in a reauthorization, whatever the current status of unfunded mandates is does not trigger the mechanisms of this bill. It is only if we elevate further an additional $50 million of imposition on State and local governments, will the mechanisms of this specific bill relate to existing, enhanced, enlarged, engorged, unfunded mandates.

But what title III—which is what we are amending—provides is there will be a systematic look back at all of the unfunded mandates. That will provide Members the opportunity to receive a thoughtful, quantitative analysis of the unfunded mandates which are in the current law, present those to the appropriate authorization committees so that when bills are being considered at the committee level in hearings and then later considered on the floor to final adoption, we will be in a position to offer amendments that relate to those current levels of unfunded mandates. And if successful, if we believe it is appropriate and wise, to eliminate, reduce, or redirect the nature of the current unfunded mandates.

The reason it is so important we pass this amendment and place that responsibility for doing that analysis of existing unfunded mandates in the Advisory Commission on Intergovernmental Relations is because it is competent to do that job; it has a high level of confidence by persons at the local, State, and Federal level. It has been in business since 1959.

It is not an entity which is going to be new to this issue, as Senator DORGAN said. In fact, the ACIR has conducted some five major studies of unfunded mandates within the last 10 years. So it will bring a tremendous amount of expertise to this issue, and the ability to apply that expertise on an expedited basis.

There are some very important reauthorizations which contain some of the most egregious examples of unfunded mandates that are going to be coming before this 104th Congress. It is very much in our interest that we have an entity which can quickly move to do that analysis and make that information available to Members so that during the course of the next 2 years, we will be in a position to make some thoughtful judgments in existing legislation as to whether we wish to continue existing unfunded mandates.

Mr. President, for those reasons, I want to commend Senator DORGAN for having offered this amendment and I am very pleased to join with Senator DORGAN and his colleagues in its support.

I urge to my colleagues its adoption.

Mr. KEMPTHORNE. Mr. President, I, too, appreciate what the Senator from North Dakota has carried out. It just makes a great deal of sense to use an existing commission where we already have different representatives from the impacted organizations serving as opposed to creating a new commission. I think that makes very good sense.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I send a modification to the desk.

Mr. LEAHY. Mr. President, parliamentary inquiry. What is the regular order?

The PRESIDING OFFICER. Does the Senator yield for inquiry?

Mr. DORGAN. I would be happy to yield.

Mr. LEAHY. What is the regular order?

The PRESIDING OFFICER. The regular order will be to vote on the Dorgan amendment.

Mr. LEAHY. A further parliamentary inquiry. And I appreciate my friend from North Dakota yielding for this purpose. Further parliamentary inquiry. Does that mean absent unanimous consent we would have the vote that originally had been scheduled at 2:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Unmodified.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Further reserving the right to object—I probably will not, but further reserving the right to object, if it would be in order for me to ask the distinguished majority leader, might he tell me, if this modification occurred, how many more votes we would have and when we would finish voting?

Mr. DOLE. I would like to accommodate the Senator from Vermont and others by having back-to-back votes and have the Senator out of here by 5 after 3 or 6 or 7 after 3. I do not know whether that accommodates the Senator or not. So if we work it out, if we have back-to-back votes, that will be it for today.

Mr. LEAHY. I will not object. I would only note, not that it affects it, if we had had the vote at 2:30, I would have been able to make my 3 o'clock flight to Vermont to be with my family today. This way I will not.

On things that we know we can work out, I would hope, for those of us who do have families and do have homes in our home States and do prefer to be there on weekends, that we might be able to have some more exactness when some of these votes will occur. I know the leaders on both sides were working hard on it, but it is unfortunate something is happening now that could easily have happened 1½ hours ago.

I will not object.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

AMENDMENT NO. 18, AS MODIFIED

Mr. DORGAN. I ask unanimous consent to modify my amendment. I have sent the modification to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 39, strike out lines 4 through 11 and insert in lieu thereof the following:

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

On page 43, beginning with line 1, strike out all through line 17 on page 49 and insert in lieu thereof the following:

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the

Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission—

(1) to carry out section 301, and section 302 $1,250,000 for each of fiscal years 1995 and 1996.

Mr. DORGAN. Mr. President, if I might just in brief seconds explain the modification. The modification is one that we have discussed with the sponsors of the amendment, and it would make a change with respect to the number of years and the number of dollars and the duties of this commission. It would eliminate something called section 303, and it would provide funding for the exercise of duties under sections 301 and 302 for $1.25 million each of the years 1995 and 1996. This new version still comports with this bill's original thinking of what the commission would do. It accomplishes the result of the amendment. And I appreciate the indulgence of my colleagues to explain the modification.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. KEMPTHORNE. Does the Senator request the yeas and nays?

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, also we have another amendment. I am going to ask unanimous consent that it follow immediately after the vote that is going to occur on the amendment of Senator DORGAN. This simply deals with that issue, to further clarify that S. 1 will be able to, in a report, define if there is any area of competitive disadvantage to the private sector.

So I ask unanimous consent a rollcall vote on the Kempthorne-Cochran-Levin amendment regarding committee reports on competitive balance immediately follow the vote on the Dorgan amendment.

Mr. BYRD. Mr. President, reserving the right to object, we cannot order rollcall votes by unanimous consent.

I have no objection to setting the amendment aside for this amendment. I think it improves the bill and that is what I have been advised by Senator LEVIN and others. But we cannot get that consent.

Mr. DOLE. Set it aside, offer it, and then have a rollcall vote.

Mr. BYRD. I have no objection, if the Senator makes the request to set the amendment aside and that a vote occur immediately on the second. I have no problem with that but we have to order the yeas and nays by a show of hands.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Then my unanimous consent would embody what the Senator from West Virginia has so stated, and following that, so we would have a recorded vote, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there an objection that it be in order to order the yeas and nays at this time? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Will the Senator from Idaho please send the second amendment to the desk.

AMENDMENT NO. 19

Mr. KEMPTHORNE. Mr. President, I now send the second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for himself, Mr. COCHRAN and Mr. LEVIN, proposes an amendment numbered 19.

The amendment is as follows:

On page 15, line 12, after "nesses" insert the following: "including a description of the actions, if any, taken by the Committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector."

VOTE ON AMENDMENT NO. 18

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 18, offered by the Senator from North Dakota.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from California [Mrs. BOXER], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—88

Abraham
Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Robb
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Wellstone

NOT VOTING—12

Baucus
Boxer
Gramm
Hatch
Helms
Inouye
Jeffords
Johnston
Pryor
Reid
Rockefeller
Warner

So, the amendment (No. 18), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 19

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 19, offered by the Senator from Idaho [Mr. KEMPTHORNE]. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from California [Mrs. BOXER], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—88

Abraham
Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Robb
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Wellstone

NOT VOTING—12

Baucus
Boxer
Gramm
Hatch
Helms
Inouye
Jeffords
Johnston
Pryor
Reid
Rockefeller
Warner

So the amendment (No. 19) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRISIS OF CURRENCY AND FOREIGN EXCHANGE

Mr. MOYNIHAN. Mr. President, I rise at the end of our day to speak to the subject with which the House and Senate began the day, which is the crisis of currency and foreign exchange in Mexico and the prospect that, unless there is a quite extraordinary and urgent action in the United States, the Government of Mexico might default on its foreign obligations, a matter which would have repercussions not just throughout the Western Hemisphere, not just in our own economy and that of Canada and the rest of Latin America as already has been the case in Argentina and Brazil, but, indeed, repercussions throughout the world. A world of previously rigidly controlled, usually government-controlled economies that have been moving toward free markets in the general shift of attitudes that have come with the end of the cold war, and with the appearance of wholly new and quite revolutionary currency market systems.

Mr. President, we have to act. We have to act now, immediately. And every day that goes by is a day in which the difficulty of acting effectively becomes more problematic.

ORDER OF PROCEDURE

Mr. KEMPTHORNE. Mr. President, it would be our intent that next Tuesday, at 9:30 a.m. we would again take up S. 1. At that time I would be asking for a unanimous-consent agreement that we would lay aside the next two committee amendments and that we would then have before the Senate the pending business of the amendment found on page 25.

I would not make that unanimous consent request until Tuesday morning. And on behalf of the leader I announce that it is possible that there could be votes prior to the 12:30 recess on Tuesday.

Mr. MOYNIHAN. I was saying that we are in the midst of a regional crisis which could become a global crisis in very short order. Such are the speeds with which currency markets move at this time, such is the enormous amount of capital not controlled by governments. Such is the capacity already in evidence in our region to reconsider the whole degree of risk involved in these new economies. This week's "The Economist" speaks of this matter in no fewer than three separate pieces.

I speak, sir, in support of the general outlines as they are understood presently of the agreements reached on a bipartisan basis between the Members of the Senate, the leadership in the House, the administration, and, of course, the Federal Reserve Board in the person of our distinguished chairman, Alan Greenspan.

This morning, we met with Mr. Rubin, our Secretary of the Treasury, Mr. Greenspan, and Dr. Summers, who is the Treasury Undersecretary and is deeply involved in these matters.

A number of persons mentioned the degree to which there was already a reaction in this country—on radio call-in shows and such like—speaking in various degrees of censure and animosity about those in this Chamber and the other body who had supported the North American Free-Trade Agreement and now find themselves having to associate with this emergency action in a crisis atmosphere.

I would like to speak as one who did not support that agreement, who was opposed from the first, and yet who very much supports the measures we are working on even as I speak, and to make the point that this was always a close question in the Senate.

On May 24, 1991, on the issue of giving the administration—then the administration of President Bush—fast-track authority to negotiate a North American Free-Trade Agreement, 36 of us in this body—a large number—voted not to do so. A position which I believe, in retrospect, might have given a little more sense of treading carefully to our negotiators. But there you are.

The agreement was negotiated beginning after that vote, and eventually it came to the Committee on Finance, as such trade agreements do. By then I was chairman of the committee and was one of four members of the committee who voted not to report the bill favorably, although fully intent that the bill be reported, as clearly 16 members of the committee wished to be done, and as the President, President Clinton, had assumed the same position of his predecessor in this regard, as was also the case of the Uruguay round.

The bill came to the floor in November 1993 and, again, the approval was not overwhelming. It was 61 to 38. Of course, there was a great deal of opposition from a very wide range, wide spectrum of opponents, and they might at this point be tempted to assert they had been right all along.

I would like to take a different view. I would like to make the case that the arguments, such as they were, against this agreement had to do with the nature of the Mexican polity. I was one who absolutely supported a free-trade agreement with Canada, a country that has a regime of law similar to our own, a tradition of an impartial and independent judiciary, of free elections, of basically a market system in their economy in which differences, when they arise, are settled according to procedures that are well understood and agreed to by both parties.

It is simply the case, Mr. President, that these conditions still do not exist in Mexico. They are not wholly absent and in no sense can we suggest—can we or ought we suggest—that they will not evolve. But they have not yet done so. The Mexican Government remains fundamentally a one-party state. Other parties are tolerated, and there have been occasions recently in which the PRI, the Party of the Institutionalized Revolution, has, in fact, accepted defeat in a local election.

But, in the main, since the 1920's, there has been one party, and it has dominated all aspects of the national life.

At the time, and particularly under President Cardenas in the 1930's, it was a great achievement. We tend, because of our own tradition, I suppose, to pay a great deal of attention to the onset of revolution and instability, if you will. That, in fact, Mr. President, is a very ordinary event. It happens with the frequency of hurricanes in the Caribbean. A much more rare event in world history is the onset of stability.

Mexico had been a hugely unstable society, largely because—if I can offer a thought, and I see my friend from New Mexico is on the floor and he would have a better, closer sense than I—but the Mexican polity had never developed a device for yielding office.

It has frequently been remarked by American Presidents that the American democracy really began—oh, Philadelphia was fine, the inauguration of George Washington was fine—but democracy really began when John Adams learned he had lost the election to Thomas Jefferson, turned over a mostly empty Treasury, the Great Seal, what there was of the Army, and left for Massachusetts, thinking that he had been a failure when, in fact, he had proven in a democracy that free election can bring a transfer of party and power.

That has never happened in Mexico. What has happened is that the invention was that a President would leave office but he would choose his successor and would find himself frequently in an advantaged and attractive position in the aftermath of a single term.

But it also meant that there were no free elections; and in addition, that there were frequent, dramatic violations of human rights. Freedom House and Americas Watch have recorded this with great care and concern—not hostility, but concern. Americas Watch reported not 2 years ago that torture was endemic in Mexico. Not that it happened here and there, but it was endemic; it was a device of social control, torture—not long prison sentences or the like, but torture as a wholly illegal, extralegal, but normal practice.

The judiciary had no independence. And the outcome of the election was a given, excepting on occasion, very rarely, very infrequently, when another party was allowed to prevail.

In that circumstance, Mr. President, I believed that we would be associating ourselves—we would, as we have done—in intricate economic-social relations with a polity very different from our own and very problematic as regards those aspects of our civilization, our polity, if you like, and of Canada's, surely, which we find of central importance.

And the agreement we reached itself was problematic in certain respects. For example, the Mexican investors had instant access to American markets—open, free, unfettered with that always indispensable feature that you could buy anything you could pay for.

For example, a Mexican firm recently purchased a seat on the New York Stock Exchange. Fine. But the reciprocity you would expect has not taken place. For example, American financial institutions and many other American investors have had very restricted access to the Mexican market. The agreement provided for only limited access, over a very long transition period. Now, at this moment of a financial crisis, the Mexican Government could very much wish it had done otherwise and provided as much access as anybody wished. And, indeed, they now have begun to do just that, even as the agreement provides otherwise. They would be in a stronger position today if they had done so earlier.

They would be in a stronger position today if they had done so in the agreement. But the fact they did not was very characteristic of a regime not to want any other influences that would challenge its own power. This was not an accident. It was a normal response of such a regime, not to let any other influences take hold that they could not control.

Well, sir, they have not been able to do so, and once again we see a crisis of large consequence with international implications. The peso has dropped 40 percent in three weeks or thereabouts. Inflation may reach 40 to 50 percent this year. There is a renewed concern, as a result, along that border that reaches from the Caribbean to the Pacific, with all the consequences for illegal immigration, a matter of very deep concern to States on the border, especially to California.

What are we to do? It seems to me we have no alternative and that we do have a real opportunity. If we act, if we provide $40 billion in loan guarantees, the plan would be for the Mexican Government to pay a fee to compensate us for assuming that risk. That promises technically the guarantor will make money out of such an event in normal circumstances. I do not say this will happen. It could. We issued a very large loan guarantee to the Israelis a few years ago in a matter of providing housing for the sudden, huge immigration that was coming from the Soviet Union, and they were to pay a fee for any bonds backed by our dollar guarantee. They have not used that. They have not exercised that option at all. But were they to do so, we would be in a position of a lender receiving compensation for a guarantee.

But if we do not do this, we face the prospect of not only instability in the currencies of the Western Hemisphere or the developing nations around the world, we face the prospect of mass instability in Mexico itself. We have seen this in the Chiapas insurgency which is not yet resolved by any means. We have seen it in instances of political killings. I do not want to get in any way abrasive, but I commented on this floor at one point that Mexico is a country where you can murder archbishops and say they inadvertently wandered into the line of fire in a police action involving drug dealers, which was the equivalent of being shot while in church.

Mr. President, Mr. Paul Gigot, in this morning's Wall Street Journal, writes that if we fail to stem the crisis, we "can expect more Mexican sons and daughters to arrive in San Diego soon". Unwilling to stay in Mexico, seeking a promise of better opportunities, overwhelming the opportunities of our own people in our own country.

We cannot do that. We cannot risk undermining a reviving Argentina economy, a promising Brazilian economy. We cannot put at risk the efforts around the world of countries that moved away from centrally controlled, to use a French term, "dirigiste" regimes in which American investment is kept out, American goods kept out, autarky I think as the economists would call it, and with the result of economic stagnation.

The courage—and it takes courage—to open up, to be part of the world economy is more and more in evidence everywhere. That courage could turn into fear and retreat in a very short order if we do not act.

I would like to congratulate the majority leader of the Senate, ROBERT DOLE, and the minority leader, TOM DASCHLE, for their willingness to meet with the President, in the company of their counterparts from the House, to bring forth a bipartisan American initiative which is very much directed to the protection of American interests, and I hope it succeeds. I hope it finds support on the Senate floor with Senators generally as it has done with the leadership.

I thank my friends for their patience. Mr. President, I thank the Chair, and I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

MORNING BUSINESS

Mr. COHEN. Mr. President, I now ask unanimous consent that there now be a period for morning business with Senators permitted to speak up to no more than 10 minutes each.

The PRESIDENT OFFICER. Without objection, it is so ordered.

UNPROFOR: END ITS IMPOTENCE OR END ITS MISSION

Mr. COHEN. Mr. President, I had the opportunity last evening to join Senator DOLE in meeting with British Gen. Rupert Smith, who will take command of the United Nations force, known as UNPROFOR, in Bosnia later this month. A few other Senators also had a chance to meet with General Smith yesterday.

Senator DOLE and I expressed admiration for General Smith's willingness to take on this unenviable task. But we also expressed skepticism that UNPROFOR can improve its credibility in order to more effectively carry out its limited mission of facilitating humanitarian relief and lessening the violence in Bosnia. But the change in command in UNPROFOR does at least offer the opportunity to try to adopt measures to make UNPROFOR more effective.

I recall that a year ago, when UNPROFOR's leadership was rotating, American military officials responsible for the humanitarian airlift and airdrops in Bosnia proposed to take advantage of the situation to reestablish UNPROFOR's credibility and its ability to fulfill its mandate in Bosnia.

They proposed that UNPROFOR end its “‘mother may I?’ construct of operations,” and they outlined a plan by which UNPROFOR, even with its restrictive rules of engagement and limited troops and equipment, could use force to more effectively carry out its humanitarian mission and curb Serb and other harassment of UNPROFOR. These American military officers warned that if such action were not taken, an already bad situation would quickly get much worse.

When he first took command of UNPROFOR in January, Lt. Gen. Michael Rose took actions that suggested he might follow this advice. But this initial promise faded as General Rose became even more pliable to Serb demands than previous UNPROFOR commanders had been. The results have been disastrous:

UNPROFOR has all along had difficulty supplying food, fuel, and medical supplies to Bosnian civilians suffering the privations of war. Now, UNPROFOR cannot be sure it can supply its own emaciated troops.

The United Nations declared a weapons exclusion zone around Sarajevo but refused to enforce it despite routine Serb violations. Now, it has effectively become a Serb-declared exclusion zone from which humanitarian air flights are blocked at the whim of Serb forces.

In the past, UNPROFOR had been humiliated by being compelled to assist Serbs in the deportation of detained Muslims. Now, UNPROFOR has been rendered impotent by having its own forces detained and used as human shields against NATO air attacks. Some UNPROFOR troops seem to have become willing hostages who engage their Serb captors in sports and feasts.

In short, continued UNPROFOR's submission to Serb demands and threats may make it impossible for it to fulfill its mandate. While things appear to have improved in recent weeks, with relief flights resumed and U.N. forces not held hostage, this has only been at the discretion of the Serbs, who can reverse course at any time. All sides in the conflict have sought to manipulate UNPROFOR to their own ends, but Serb forces have largely succeeded in making UNPROFOR a tool of Serb strategy, and the recent improvement should be seen in that light.

This situation will only get worse over time unless UNPROFOR can gain credibility it has never enjoyed.

Either prompt, dramatic action should be taken to establish UNPROFOR's credibility and its ability to do its humanitarian job or UNPROFOR should be withdrawn from Bosnia and Herzegovina.

The plan proposed last winter by American military officers may have worked if implemented then, but it is probably too late toady. Certain elements of that plan, however, are still relevant and even more critical in light of Croatia's recent announcement not to extend UNPROFOR's mandate in that country beyond March 31:

Discredited UNPROFOR leaders cannot change the situation. Any effort to revitalize UNPROFOR must be accompanied by new leaders. General Rose, the UNPROFOR commander in Bosnia, will be replaced on January 24 by General Smith. Yasushi Akashi, the U.N. Secretary General's representative for the former Yugoslavia, must be replaced, as well.

The U.N.-declared no-fly zones and weapons-exclusion zones in Bosnia, now widely flouted, primarily by the Serbs, should be enforced. This includes the withdrawal of SAM's from the zone and deactivation of SAM's in the surrounding area that threaten NATO aircraft policing the zones.

UNPROFOR should no longer tolerate checkpoints operated by belligerents nor should it pay tolls, extortion by belligerents of fuel and other humanitarian supplies. If belligerents question whether a convoy is going to its declared civilian destination, they should be permitted to ride the convoy.

UNPROFOR should organize is convoys along military lines and reject Serb demands that include armored vehicles and similar demands.

Any use of force or threat of force against UNPROFOR should be met with force. While such retaliation must be measured according to its objective, it need not be limited to retaliation against the specific offending forces, given the targeting difficulties often involved and the need for UNPROFOR to acquire the upper hand.

As for the concern that adopting such an approach would endanger UNPROFOR troops now detained by Serbs, the reality is that unless such an approach is adopted immediately, all UNPROFOR troops will be endangered—whether formally detained or not. Action can either be taken to reverse the current situation, or it will only get worse.

If UNPROFOR refuses to adopt such an approach, it should be withdrawn in as swift and orderly a manner as possible. The United States should, of course, provide the necessary assistance to help our allies and friends in UNPROFOR withdraw. This may include the temporary deployment of ground forces in Bosnia. End the impotence or end the mission.

Any action by any of the belligerents to interfere with the withdrawal of UNPROFOR should be met by overwhelming force. Such force should not be limited to targeting those belligerent forces directly involved in interfering with the withdrawal. Instead, given the difficulties often involved in targeting the offending forces and the need to dominate the battlefield during a withdrawal, targets could include anything of military, political or economic value to the belligerents. Nor should we exclude targets outside Bosnia-Herzegovina, given that much of the impetus and sustenance for the conflict has come from outside its border.

Once UNPROFOR has withdrawn, NATO should continue to enforce the exclusion zone around Sarajevo to the extent possible without excessively endangering allied forces.

THE BROADER BALKEN CONTEXT

Given the Clinton administration's support for keeping UNPROFOR in Bosnia, and presumably trying to make it more effective there, the administration should work with our allies to reverse Croatia's decision to end UNPROFOR's mandate in that country. This might be possible if, parallel to adopting the measures I have proposed for UNPROFOR in Bosnia, a serious effort were made to revitalize UNPROFOR in Croatia, where it has been as much a tool of Serb strategy as in Bosnia.

The Clinton administration has nominally recognized the former Yugoslav Republic of Macedonia [FYROM], but in response to pressure from domestic groups has refused to fulfill this decision by sending an ambassador. This is an important foreign policy issue, not a election spoil. A professional diplomat should be dispatched forthwith as ambassador with a mandate to assist in the reconciliation among ethnic groups in that country and between Skopje and Athens.

Both Presidents Bush and Clinton threatened to use military force against Serbia if it should employ blatant force in Kosovo, Serbia's Albania-populated province along its southern border with Albania and Macedonia. While Serbia has been slowly tightening its grip over the once autonomous Kosovo, this American threat remains useful to discourage overt and widespread violence. Congress should explicitly endorse this threat to make it more credible.

Mr. President, during our meeting yesterday, General Rose emphasized that he was going to have to play the hand he has been dealt, and do so with the players who are already at the table, including the Bosnian Serb leadership.

It is true that we have to shape our policy based on the situation as it exists today. No one can go back and undue what has happened over the last 3 years. But we can learn from the mistakes of the last 3 years.

The measures I have proposed would seek to do so. But from what I heard from General Smith, I am afraid that UNPROFOR will continue down the path it is on. If so, the quagmire that is now up to its waist will soon be up to its neck. And at that point, the task of pulling it out and bringing it home will be much more difficult and costly.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank the Chair.

(The remarks of Mr. Dole pertaining to the introduction of S. 230 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–82. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Observed Weaknesses in the District's Procurement System and Possible Remedies"; to the Committee on Governmental Affairs.

EC–83. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review of the Implementation of Audit Recommendations for the Public Access Corporation of the District of Columbia"; to the Committee on Governmental Affairs.

EC–84. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law the report entitled "Analysis of the June 20, 1994 Transactional Framework for the D.C. Arena Project"; to the Committee on Governmental Affairs.

EC–85. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–340 adopted by the Council on November 1, 1994; to the Committee on Governmental Affairs.

EC–86. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–341 adopted by the Council on November 1, 1994; to the Committee on Governmental Affairs.

EC–87. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–342 adopted by the Council on November 1, 1994; to the Committee on Governmental Affairs.

EC–88. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–343 adopted by the Council on November 1, 1994; to the Committee on Governmental Affairs.

EC–89. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–344 adopted by the Council on November 1, 1994; to the Committee on Governmental Affairs.

EC–90. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–345 adopted by the Council on November 1, 1994; to the Committee on Governmental Affairs.

EC–91. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10–346 adopted by the Council on November 1, 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry (Rept. No. 104–3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 226. A bill to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mrs. Feinstein):

S. 227. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions and for other purposes; to the Committee on the Judiciary.

By Mr. BRYAN (for himself, Mr. Thompson, Mr. Santorum, and Mr. Inhofe):

S. 228. A bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for Mr. Baucus):

S. 229. A bill to require the Administrator of the Environmental Protection Agency to conduct risk assessments and cost-benefit analyses in promulgating regulations relating to human health and the environment, and for other purposes; to the Committee on Environment and Public Works..

By Mr. DOLE (for himself, Mr. Simon, Mr. Helms, Mr. Robb, Mr. McCain, Mr. D'Amato, Mr. Kennedy, Mr. Gramm, and Mr. Hatfield):

S. 230. A bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance; to the Committee on Foreign Relations.

By Mr. KEMPTHORNE (for himself, Mr. Warner, Mr. Dole, Mr. Craig, Mr. McCain, Mr. Mack, Mr. Smith, Mr. Lott, Mr. Nickles, Mrs. Hutchison, Mr. Thurmond, Mr. Inhofe, Mr. Santorum, Mr. Heflin, Mr. Simpson, Mr. Coats, Mr. Kyl, Mrs. Feinstein, Mr. Cochran, and Mr. Robb):

S.J. Res. 17. A joint resolution naming the CVN–76 aircraft carrier as the U.S.S. Ronald Reagan; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 226. A bill to designate additional land as within the Chaco Culture Archaeological Protection Sites, and for other purposes; to the Committee on Energy and Natural Resources.

THE CHACOAN OUTLIERS PROTECTION ACT

• Mr. DOMENICI. Mr. President, I rise today to introduce the Chacoan Outliers Protection Act of 1995. This legislation will expand the Chaco culture archaeological protection sites to include an additional 5,516 acres containing structures and artifacts associated with the Chacoan Anasazi Indian culture of the San Juan Basin of New Mexico.

Chaco Canyon lies within the San Juan Basin in northwestern New Mexico, an area of major significance to the cultural history of North America. It is estimated that the first human occupation of the area dates as far back as 10,000 years ago, when Paleo-Indian hunters entered the area.

The culture of these hunter-gatherers evolved quickly. Within the period spanning from 500 to 900 A.D., the culture of the people of the San Juan Basin, part of a larger culture known as the Anasazi, a Navajo term meaning "the ancient ones," had developed more quickly than nearby Anasazi communities and cultures.

While modern-day Chaco Canyon is a remote and barren site, ancient Chaco Canyon was the center of the Anasazi civilization. The Anasazi flourished, building more pueblos and structures around Chaco Canyon and establishing a large network of outlying communities, which are what we now refer to as the Chacoan outliers. These outliers were spread over an area of more than 30,000 square miles and linked by an extensive system of roads.

As suddenly as the Anasazi evolved and thrived in the San Juan area, by 1300 A.D. the culture just as quickly disappeared, lasting only a brief 400 years. The sudden evolution and disappearance of the Anasazi, as well as the purpose of Chaco Canyon and its outliers, are two of archaeology's more intriguing mysteries.

It is traditionally believed that Chaco was a trade center for as many as 75 outlying communities in the area. Other maintain that Chaco was a religious and ceremonial site. While no one is certain exactly what function Chaco served in its time, all agree that its remaining sites must be preserved and protected.

Chaco Canyon has long been recognized as a nationally and internationally significant site. In March 1907, a Presidential proclamation established Chaco Canyon as a national monument. The monument was further enlarged in 1928 by another Presidential proclamation.

I have long been a supporter of preserving these precious areas. In 1980, I introduced and the Congress passed the Chaco Culture National Historical Park Establishment Act, which became Public Law 96–550. This act enlarged the park and reestablished it as the Chaco Culture National Historical Park, consisting of the main body of the park and three noncontiguous units. The act also mandated procedures for the protection, preservation, and administration of archaeological remnants of the Chacoan culture.

When Chaco Canyon was first afforded Federal protection in 1907, numerous archeological sites were known to exist outside the boundaries of the national monument. Their relationship to Chaco Canyon, however, was unclear. Archaeologists subsequently determined that many of these sites—some as far as 100 miles from Chaco Canyon—were part of the Chacoan culture.

To the untrained eye, the physical remains of the Chacoan outliers are difficult to discern. At some of the sites, walls still stand. At most sites, however, the magnificent structures of the Anasazi people have collapsed into a mound of rubble, which over the years have been buried by the desert sands and eroded by sand and wind. Unfortunately, many of these sites were further vandalized by unscrupulous pot hunters or degraded by development activities.

In order to protect these outliers, the Chaco Culture National Historical Park Establishment Act designated 33 sites as Chaco culture archaeological protection sites. The Secretary of the Interior is charged with managing these sites in order to preserve them and provide for their interpretation and study. Activities that would endanger the cultural values of the sites are prohibited.

Ownership of the lands containing the archaeological protection sites is a checkerboard of private, State, Federal, and Indian interests. The Indian interests include trust, allotted, and fee parcels. In addition, some surface and subsurface ownerships are divided between two or more entities. Therefore, the act mandated that these lands be protected by cooperative agreements, rather than Federal acquisition, where possible.

The Chacoan outliers are not included in the National Park System. Rather, they are managed primarily by the Bureau of Indian Affairs, the Navajo Nation, and the Bureau of Land Management. These entities are responsible for resource protection and preservation at the sites.

This legislation will expand the existing Chaco culture archaeological protection sites system to add a total of eight new sites, and deleting two others. Of the two sites deleted, one has been incorporated into El Malpais National Monument, and the other is owned and protected by the Ute mountain tribe which prefers to manage this site. The additions are all publicly owned. This legislation also modifies the boundaries of certain already designated protection sites.

Included in these new archaeological protection sites is the first Forest Service site, Chimney Rock in southern Colorado. The Manuelito sites have been designated as "Priority 1 National Historic Landmarks" because severe erosion has damaged the sites. The Morris 41 site was added to the list as a result of hearings in the Senate Committee on Energy and Natural Resources last year.

The net results of the changes to be made by the Chacoan Outliers Protection Act would be to increase the number of Chaco culture archaeological protection sites from 33 to 39 and to increase the acreage of the system by 5,516 acres to 14,372 acres.

This legislation also authorizes the Secretary of the Interior to use a combination of land acquisition authority and cooperative agreements to provide archaeological resources protection at those sites remaining in private ownership. Testimony received during hearings in the House of Representatives last year indicated that the Department of the Interior did not have authority to purchase sites without clear evidence of damage or destruction of the Chacoan resources located in such areas. The bill was modified by the House to authorize the acquisition of such sites before they are destroyed.

Twenty-five of the thirty-nine sites designated under this bill are under Navajo jurisdiction. The Navajo people have preserved these resources in the past, but no single agency has previously taken the lead role in assisting the Navajo Nation in these efforts to ensure that the Navajo Nation will have a meaningful and equitable role in managing the Chaco sites. Therefore, this bill directs the Secretary to assist the Navjo Nation in the protection and management of the sites located on lands under the Navajo Nation's jurisdiction.

These changes are the result of dedicated years of research, recommendations, and assistance from Federal, State, and Indian officials and organizations, archaeologists, the Interagency Management Group and the Chaco Culture Archaeological Protection Sites, the National Park Service, the Bureau of Indian Affairs, the Bureau of Land Management, the Forest Service, the Navajo Nation, and the State of New Mexico. These changes are also in accordance with the 1983 Joint Management Plan for the Chaco culture archaeological protection sites.

This bill is similar to the modified version of S. 310 from the 103d Congress. This bill was approved in the Senate, modified slightly by the House, and was one of many public lands bills cleared for floor action by the Senate Committee on Energy and Natural Resources, but never brought to the floor for final passage. I am hopeful we will be able to overcome the final hurdle and will pass legislation during the 104th Congress. These sites are part of the cultural heritage of all Americans and we must act quickly to preserve them. Cultural resources, once lost, can never be restored or regained.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1995".

SEC. 2. PURPOSES.

Section 501(b) of Public Law 96–550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Subsection 502(b) of Public Law 96–550 (16 U.S.C. 410ii–1(b)) is amended to read as follows:

"(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled 'Chaco Culture Archeological Protection Sites', numbered 310/80,033–B and dated September 1991, are designated as 'Chaco Culture Archeological Protection Sites'. The 39 archeological protection sites totaling approximately 14,372 acres are identified as follows:

"Name:	Acres:
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Morris 41	85
Muddy Water	1,090
Navajo Springs	260
Newcomb	50

"Name:	Acres:
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60.

"(2) The map referred to in paragraph (1) shall be—

"(A) kept on file and available for public inspection in—

"(i) appropriate offices of the National Park Service;

"(ii) the office of the State Director of the Bureau of Land Management in Santa Fe, New Mexico; and

"(iii) the office of the Area Director of the Bureau of Indian Affairs in Window Rock, Arizona; and

"(B) made available for the purposes described in subparagraph (A) to the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. DEFINITION.

Section 503 of Public Law 96–550 (16 U.S.C. 410ii–2) is amended by inserting "(referred to in this title as the 'Secretary')" after "Secretary of the Interior".

SEC. 5. LAND ACQUISITIONS.

Section 504(c)(2) of Public Law 96–550 (16 U.S.C. 410ii–3(c)(2)) is amended to read as follows:

"(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements under section 505 to protect archeological resources at such sites described in section 502(b) as remain in private ownership.".

SEC. 6. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96–550 (16 U.S.C. 410ii–5) is amended by adding at the end the following new subsection:

"(f)(1) The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of such Chaco Culture Archeological Protection Sites as are located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(2) The assistance provided under paragraph (1) shall—

"(A) consist of assistance in site planning, resource protection, interpretation, resource management actions, and such other activities as may be identified in the grant, contract, or cooperative agreement; and

"(B) include assistance with the development of a Navajo facility to serve persons who seek to appreciate the Chacoan Outlier Sites.".•

By Mr. DASCHLE (for Mr. BAUCUS):

S. 229. A bill to require the Administrator of the Environmental Protection Agency to conduct risk assessments and cost-benefit analyses in promulgating regulations relating to human health and the environment, and for other purposes; to the Committee on Environment and Public Works.

THE EPA RISK ASSESSMENT AND COST-BENEFIT ANALYSIS ACT OF 1995

• Mr. BAUCUS. Mr. President, today I am introducing a bill that would improve the Environmental Protection Agency's implementation of the Clean Air Act, the Clean Water Act, and other environmental laws by requiring that, before issuing certain major regulations, the EPA Administrator must conduct a risk assessment and cost-benefit analysis.

The bill is identical to the Johnston-Baucus-Moynihan amendment, which was approved by a vote of 90 to 8 and incorporated into section 18 of the Safe Drinking Water Act that the Senate passed last year. That amendment is described, in detail, on pages S5875–5881 of the May 18, 1994, RECORD.

By way of brief background, we in Congress sometimes react to the problems of the day. We passed the Superfund law in 1980 as a reaction to the disaster at Love Canal. The Oil Pollution Control Act was passed after several tankers went aground fouling our coastal waters. And so on.

For the most part these are sound laws that protect our health and our environment. But, Mr. President, it is the rare case when Congress has all the information when these laws are enacted. Most often we are reacting to the most recent examples of the problem, which unfortunately are just the tip of the iceberg.

But it is regulatory agencies like EPA who have the responsibility to address the rest of the problem. And, when they do, they are almost always faced with difficult task of deciding how much protection is sufficient.

We may never have enough information to legislate the right level of protection in every case. But what we can do is make sure that these judgments are fair, unbiased, and based on the best information and analyses available.

That is the purpose of this bill. It requires EPA to conduct a thorough assessment of the risks before it issues a major regulation. It also requires the Administrator to certify that the benefits outweigh the costs, that the best available information was used, and that there are no other alternatives that are more cost-effective.

This will ensure that the public and everyone affected by the regulation will have full disclosure. They will know what is behind the regulation and why it is needed. They will also know how the risk addressed by the regulation compare with other risks encouraged in everyday life.

Mr. President, I firmly believe in the principles of risk assessment. But it must be applied fairly, and must not be used to masquerade efforts to undermine environmental protection.

Unlike some other risk assessment proposals, this bill will not roll back the environmental gains we have already made, or tie the Environmental Protection Agency in knots. It is limited to key rules that have a major economic impact. It requires a careful assessment of regulatory benefits, including environmental benefits that may be difficult to calculate. It will not trigger a flurry of lawsuits that clog the courts. Instead, it applies risk assessment judiciously, so that we can improve our efforts to protect human health and the environment.

In closing, I wish to complement Senator JOHNSTON, who has worked hard on this issue for several years and negotiated a solid compromise during the last Congress.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

(a) REQUIREMENT.—Except as provided in subsection (b), in promulgating any proposed or final major regulation relating to human health or the environment, the Administrator of the Environmental Protection Agency shall publish in the Federal Register along with the regulation a clear and concise statement that—

(1) describes and, to the extent practicable, quantifies the risks to human health or the environment to be addressed by the regulation (including, where applicable and practicable, the human health risks to significant subpopulations who are disproportionately exposed or particularly sensitive);

(2) compares the human health or environmental risks to be addressed by the regulation to other risks chosen by the Administrator, including—

(A) at least three other risks regulated by the Environmental Protection Agency or another Federal agency; and

(B) at least three other risks that are not directly regulated by the Federal Government;

(3) estimates—

(A) the costs to the United States Government, State and local governments, and the private sector of implementing and complying with the regulation; and

(B) the benefits of the regulation;

including both quantifiable measures of costs and benefits, to the fullest extent that they can be estimated, and qualitative measures that are difficult to quantify; and

(4) contains a certification by the Administrator that—

(A) the analyses performed under paragraphs (1) through (3) are based on the best reasonably obtainable scientific information;

(B) the regulation is likely to significantly reduce the human health or environmental risks to be addressed;

(C) there is no regulatory alternative that is allowed by the statute under which the regulation is promulgated and that would achieve an equivalent reduction in risk in a more cost-effective manner, along with a brief explanation of why other such regulatory alternatives that were considered by the Administrator were found to be less cost-effective; and

(D) the regulation is likely to produce benefits to human health or the environment that will justify the costs to the United

States Government, State and local governments, and the private sector of implementing and complying with the regulation.

(b) SUBSTANTIALLY SIMILAR FINAL REGULATIONS.—If the Administrator determines that a final major regulation is substantially similar to the proposed version of the regulation with respect to each of the matters referred to in subsection (a), the Administrator may publish in the Federal Register a reference to the statement published under subsection (a) for the proposed regulation in lieu of publishing a new statement for the final regulation.

(c) REPORTING.—If the Administrator cannot certify with respect to one or more of the matters addressed in subsection (a)(4), the Administrator shall identify those matters for which certification cannot be made, and shall include a statement of the reasons therefor in the Federal Register along with the regulation. Not later than March 1 of each year, the Administrator shall submit a report to Congress identifying those major regulations promulgated during the previous calendar year for which complete certification was not made, and summarizing the reasons therefor.

(d) OTHER REQUIREMENTS.—Nothing in this section affects any other provision of Federal law, or changes the factors that the Administrator is authorized to consider in promulgating a regulation pursuant to any statute, or shall delay any action required to meet a deadline imposed by statute or a court.

(e) JUDICIAL REVIEW.—Nothing in this section creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If a major regulation is subject to judicial or administrative review under any other provision of law, the adequacy of the certification prepared pursuant to this section, and any alleged failure to comply with this section, may not be used as grounds for affecting or invalidating such major regulation, although the statements and information prepared pursuant to this section, including statements contained in the certification, may be considered as part of the record for judicial or administrative review conducted under such other provision of law.

(f) DEFINITION OF MAJOR REGULATION.—For purposes of this section, "major regulation" means a regulation that the Administrator determines may have an effect on the economy of $100,000,000 or more in any one year.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of this Act.•

By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 227. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions and for other purposes; to the Committee on the Judiciary.

THE PERFORMANCE RIGHTS IN SOUND RECORDINGS ACT OF 1995

• Mr. HATCH.

Mr. President, today, together with my distinguished colleague from California, Senator FEINSTEIN, I am introducing the Performance Rights in Sound Recordings Act of 1995.

Despite that complicated title this legislation is in fact a simple bill that amends the Copyright Act by giving those who create sound recordings the basic copyright protections that current law gives to all other creators. Specifically, the bill provides that the copyright owners of sound recordings have the right to benefit from the digital transmissions that may be made of their music.

Thus, like other copyright owners, such as film and video producers, those who create sound recordings will, on passage of this bill, be able to license many of the digital transmissions made of their works.

One common illustration of how this disparity in treatment operates in practice will demonstrate the irrationality of our current law: Many new recordings are released in video formats as well as in traditional audio only form. When the video is broadcast on television or cable, the composer of the music, the publisher of the music, the producer of the video, and the performer of the work are all entitled to a performance right royalty. However, when only the audio recording is played on the radio or delivered by means of a satellite or other subscription service, only the composer and publisher have performance rights that must be respected—even though the audio recording may be identical to the video soundtrack. The producer's and performer's interests are ignored.

It should be initially noted, Mr. President, that this bill does not impose new financial burdens on broadcasters or on any other broad class of users who traditionally perform sound recordings. Those users will instead continue to be subject only to those financial burdens that they voluntarily undertake. The aim of this bill is simply to level the playing field by according to sound recordings most of the same performance rights that all other works capable of performance have long enjoyed.

As I noted last Congress, sound recordings are not the only source of music available to broadcasters, nor is music programming the only format. Should those who may be granted new performance rights in the digital transmission of sound recordings be so unwise as to unfairly and unrealistically charge for licensing their works or to actually withhold their works from the public, then the detriment will fall principally on the very copyright owners that the law is designed to protect. But, in any event, the bill ensures that most digital transmissions of sound recordings will have the right to a license, on terms to be negotiated, or if necessary, arbitrated.

The basic issue raised by the Performance Rights Act is not new, Mr. President. The importance of the performance right issue was recognized when the Copyright Act of 1976 was debated by us, though it was not ultimately addressed by that act. Congress did, however, request a study of the issue to be made by the Copyright Office, and that study, released in 1978, did conclude that a performance right in sound recordings was warranted. This was at a time, it should be noted, when few could have anticipated the widespread availability of digital technology and the possibility for flawless copying that is now a reality.

A subsequent study of this issue was provided to the Subcommittee on Patents, Copyrights and Trademarks in October 1991, in response to a joint request by Chairman DeConcini and Representative Hughes, chairman of the House Subcommittee on Intellectual Property. Their request was for an assessment of the effect of digital audio technology on copyright holders and their works. Again, the Copyright Office concluded that sound recordings should, for copyright purposes, be equated with other works protected by copyright. From this premise flows the inevitable conclusion that the producers and performers of sound recordings are entitled to a public performance right, just as are all other authors of works capable of performance. Thus, it should not be surprising that the Copyright Office recommended in 1991 that Congress enact legislation recognizing the performance right. Senator FEINSTEIN and I responded to that recommendation when, in the 103d Congress, we filed S. 1421, the Performance Rights in Sound Recordings Act of 1993.

In the months following introduction of S. 1421, a number of highly productive roundtable discussions were held, along with full hearings by the House Subcommittee on Intellectual Property and the Administration of Justice. In these forums, and in private discussions and negotiations, a remarkable variety of viewpoints were aired. As a result of this exchange numerous additions to the original text of S. 1421 have been incorporated in this year's bill, in response to the legitimate concerns of interested parties, including, but not limited to, music publishers, composers and songwriters, musicians, broadcasters, cable operators, background music suppliers, and performing rights societies.

Principal among these changes is the decision to give the bill a more limited scope. Unlike S. 1421, today's bill does not affect the interests of broadcasters, as that industry has traditionally been understood. While strong arguments can be made in favor of attaching a performance right to every performance of a sound recording, including analog and digital broadcasts, it is also true that long-established business practices within the music and broadcasting industries represent a highly complex system of interlocking relationships which function effectively for the most part and should not be lightly upset.

Of equal importance is the fact that traditional broadcasting does not present a threat to displace sales of sound recordings to the same extent that pay-per-listen, direct satellite, and subscription services do.

Currently, sales of recordings in record stores and other retail outlets represent virtually the only avenue for the recovery of the very substantial investment required to bring to life a sound recording. There are no royalties payable to the creators of the sound recording for the broadcast or other public performance of the work.

If the technological status quo could be maintained, it might well be that the current laws could be tolerated. But, we know that technological developments such as satellite and digital transmission of recordings make sound recordings vulnerable to exposure to a vast audience through the initial sale of only a potential handful of records. Since digital technology permits the making of virtually flawless copies of the original work transmitted, a potential depression of sales is clearly threatened, particularly when the copyright owner cannot control public performance of the work. And new technologies such as audio on demand and pay-per-listen will permit instant access to music, thus negating even the need to make a copy.

But, Mr. President, even if this economic argument were not persuasive, fairness and responsible copyright policy nonetheless dictate the recognition of the rights embodied in today's bill. As the Copyright Office has noted:

> Even if the widespread dissemination by satellite and digital means does not depress sales of records, the authors and copyright owners of sound recordings are unfairly deprived by existing law of their fair share of the market for performance of their works.

(Report on Copyright Implications of Digital Audio Transmission Services, Oct. 1991, pp. 156–157).

Mr. President, the bill that Senator FEINSTEIN and I are introducing today is about fairness, plain and simple. Unless Congress is prepared to create a hierarchy of artists based on a theory of rewarding some forms of creativity but not others, it must adopt a policy of nondiscrimination among artists. This should be true whether we are tempted to discriminate among artists based on the content of their creations, based on the nature of the works created, or based on the medium in which the works are made available to the public.

For too long, American law has tolerated an irrational discrimination against the creators of sound recordings. Every other copyrighted work that is capable of performance—including plays, operas, ballets, films, and pantomimes—is entitled to the performance right. It is denied only for sound recordings.

It is frankly difficult, Mr. President, to understand the historical failure to accord to the creators of sound recordings the rights seen as fundamental to other creators. I acknowledge that in other nations some have advanced the theory that copyright protection should not extend to sound recordings. This theory is based on the view that the act of embodying a musical work on a disc or tape is more an act of technical recordation than a creative enterprise. But, this has not been the American view, nor the view of most nations with advanced copyright systems. Since 1971, Congress has clearly recognized sound recordings as works entitled to copyright on an equal basis with all other works.

Thus, the joint authors of sound recordings—those who produce them and those who perform on them—must be seen as creators fully entitled to those rights of reproduction, distribution, adaptation, and public performance that all other authors enjoy. It is, I believe, no longer possible to deny the true creative work of the producers of sound recordings. While few are so well known as their stage and film counterparts, there are significant exceptions. In the field of operatic recording alone, one could cite legendary figures such as Walter Legge, Richard Mohr, or John Culshaw. As the "New Grove Dictionary of Opera" states with reference to the latter's landmark Wagner recordings of the 1950's, "Mr. Culshaw's great achievement was to develop the concept of opera recording as an art form distinct from live performance." (Vol. I, p. 1026; Macmillan Press, 1992). The events referred to occurred over 30 years ago, yet American law still fails fully to recognize the sound recording as an art form entitled to the full range of copyright protections enjoyed by live performances.

Similarly, the unique creative input of the performing artist as a joint author cannot be casually discounted as a proper subject of copyright protection. It has been said that the recording industry was almost single-handedly launched by the public demand for one performer's renditions of works largely in the public domain. Indeed, Enrico Caruso's recordings from the early years of this century are almost all still in print today. To take a more contemporary example, it could be noted that Willie Nelson authored a country music standard when he composed "Crazy," a song he has also recorded. But, Patsy Cline made the song a classic, by her inimitable performance of it.

It should be carefully noted, Mr. President, that today's bill is, frankly, compromise legislation. It does not seek to create a full performance right in sound recordings, a right that would extend to the more common analog mode of recording. Also, the digital right that the bill does create is limited to subscription transmissions. Other public performances of digital recordings are still exempted from the public performance right that the bill would create.

I believe that these major limitations on the rights that we seek to create today will limit as much as possible the dislocations and alterations of prevailing contractual arrangements in the music and broadcasting industries. I am sure I speak for Senator FEINSTEIN as well when I say that we are open to the consideration of additional means of ensuring that this bill does not have unintended consequences for other copyright owners, be they songwriters, music publishers, broadcasters, or others.

Mr. President, while today's bill is landmark legislation, it should also be noted that the bill only proposes to give the creators of sound recordings something approaching the minimum rights that more than 60 countries already give their creators. In so doing, the legislation should also have extremely beneficial consequences in the international sphere by strengthening America's bargaining position as it continues to campaign for strong levels of protection for all forms of intellectual property and by allowing American copyright owners to access foreign royalty pools that currently deny distributions of performance royalties to American creators due to the lack of a reciprocal right in the United States.

The absence of a performance right undoubtedly, hindered the efforts of U.S. trade negotiators in addressing matters such as the Uruguay round of the General Agreement on Tariffs and Trade [GATT] and will continue to hinder the current efforts of the World Intellectual Property Organization to develop a new instrument to settle the rights of producers and performers of sound recordings. In each instance, U.S. negotiators have been faced with the argument from our trading partners that the United States cannot expect other countries to provide increased protection when U.S. law is itself inadequate.

Furthermore, in many countries that do provide performance rights for sound recordings, there is often a refusal to share any collected royalties with American artists and record companies for the public performance of their recordings in those foreign countries. This is based on the argument that these rights should be recognized only on a reciprocal basis. For as long as foreign artists receive no royalties for the public performance of their works in the United States, American artists will continue to receive no royalties for the performance of American works in those foreign countries that insist on reciprocity.

The royalty pools we are talking about here, Mr. President, are, in fact, considerable. The Recording Industry Association of America has estimated that in 1992 American recording artists and musicians were excluded from royalty pools that distributed performance royalties in excess of $120 million. It is likely that this figure has increased in recent years and will continue to grow.

The insistance of certain foreign nations on reciprocity of rights as a condition to the receipt of performance royalties is inconsistent with the fundamental obligation of those nations to provide national treatment under the Berne Convention on the Protection of Literacy and Artistic Property or under the Rome Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations. It is nonetheless an economic fact of life that seriously disadvantages American producers and performers and therefore must be dealt with. If passed, the Performance Rights in Sound Recordings Act should make it more likely that Americans who are entitled to royalties from foreign performances will be able to recover those funds. Thus, the direct economic benefits to be derived from the legislation are considerable.

Before concluding, Mr. President, I would like to thank my colleague from California, Senator FEINSTEIN, for joining me again this year in introducing this important legislation and for drawing our attention to the significant economic consequences involved.•

• Mrs. FEINSTEIN. Mr. President, I am joining my distinguished colleague, the chairman of the Senate Judiciary Committee, Senator HATCH of Utah, to introduce once again the Digital Performance Rights in Sound Recordings Act. Just as the version on which we collaborated last year did, this bill will—for the first time—provide recording companies and musical artists with the same protection under copyright law already enjoyed by songwriters and composers with respect to the performance of digital sound recordings.

Senator HATCH and I introduced similar language in the last Congress for the express purpose of beginning in earnest the debate over how to redress the current imbalance in copyright law. I'm very pleased that, although time did not permit final congressional action on the bill last year, virtually all of the affected industries accepted our invitation—and that extended by former Congressman Hughes—to fully explore the complicated legal and commercial issues presented by technology's inevitable advance.

Mr. Hughes, then chair of the House's Subcommittee on Intellectual Property and Judicial Administration, organized two highly effective roundtables that brought cable, broadcast, satellite, restaurant, and music industry leaders together with other copyright holder and labor organizations. I also met at great length with many of those principals last February, as did Chairman HATCH and his staff on many, many occasions. These efforts, I am pleased to say, produced a sweeping agreement on most major aspects of this issue last May.

That agreement provided the framework for the bill we have introduced today. This legislation creates a digital public performance right in sound recordings that is applicable to transmissions for which subscribers are charged a fee. Most of these transmissions are subject to statutory licensing, at rates to be negotiated, or if necessary, arbitrated. However, interactive services remain subject to an exclusive right, in keeping with the bill as originally introduced last Congress. The bill contains protections for licensing of copyrighted works in vertically integrated companies and contains language to make clear that the new performance right does not impair any of the other copyright rights under existing law.

Ditigal technology, and the industries built around its use to distribute sound recordings, have evolved and advanced dramatically in the 17 months since this legislation was first introduced, Mr. President. The need to keep America's copyright law current, therefore, has only become more acute.

Accordingly, I believe that this Congress has not merely an opportunity, but a responsibility, to build on the tremendous bipartisan strides made last year by expeditiously considering, amending if need be, and passing the bill that Senator HATCH and I have introduced today.

For those who have not reviewed this issue since the last Congress or are new to it, let me briefly review the principal reasons to adopt this legislation:

First, it is the fair thing to do. Owners of almost every type of copyrighted work—movies, books, plays, magazines, advertising, and artwork, for example—have the exclusive right to authorize the public performance of their copyrighted work. Sound recordings, and the artists and companies that make them, however, have no such performance right.

Accordingly, when a song is played over the radio, or, as is increasingly the case, over a new digital audio cable service, the artist who sings the song, the musicians and backup singers, and the record company whose investment made the recording possible have no legal right to control or to receive compensation for this public performance of their work.

The artists who made the music, and the companies that underwrote its production and promotion, don't see a dime of the revenue realized by the ditigal transmitter. And, without a right of public performance for sound recordings by means of digital transmissions, they will not. That is just not fair, and this inequity will not be corrected unless and until this legislation is passed.

Second, the advent of digital technology and the emergence of a whole new industry to distribute them directly to the home make prompt protection of artists and record companies critical.

Let me explain why. Ordinary, or analog, radio signals are waves and, as such, they vary in strength and break down over distance. That breakdown greatly diminishes sound quality.

In the past, therefore, the sale of comparatively high-quality recordings on cassette tapes and record albums was not jeopardized by the casual home recording of music played over the radio. The quality of home recording over-the-air simply did not compare with what a record or tape sounded like over a home stereo system.

Today, however, the same technology that has given us compact discs now allows perfect reproductions of music to be digitized—turned into computer ones and zeros—that can be sent by satellite or over cable TV wires around the globe, and reassembled into concert hall quality music in our homes. Predictably, and quite legally, this quantum leap in sound technology has had a revolutionary impact on the way that music is marketed.

New subscription digital audio services have sprung up in cities, towns, and rural communities across the country. For a modest monthly fee, they deliver multiple channels of CD-quality music to customers in their homes—primarily through subscribers' cable TV wiring.

Other companies are experimenting with similar services to be provided through home computers, or more sophisticated systems that will permit the customer at home to custom-order whatever music he or she would like to hear and record. Although it is extremely time-consuming to download a CD today, soon compression technology and high-speed transmission will permit virtual instantaneous access. All one will need is a modem.

As the market is now configured, however, these companies need merely go to a local record store, buy a single copy of a compact disc which they can then transmit for a fee to tens of thousands, potentially millions, of subscribers. Because our copyright law is behind the technological times, record companies and recording artists do not see a penny of compensation from even one of those thousands of performances.

It is thus no exaggeration to say that, without the change in copyright law proposed today, these wonderful new services have the potential to put the current recording industry out of business. Why travel to a store to buy a record, tape, or compact disc when you can get the same, or custom-tailored musical packages, in your living room at the touch of a button?

Frankly, that would be a tolerable evolution of the marketplace if artists and record companies were compensated for the use of their sound recordings by the new digital transmission services and on-line and interactive services. Right now, however, because of skewed copyright law, that is not the way the market works.

Neither Senator HATCH nor I suggest that digital audio services should not be able to operate just as they do now to bring top-quality digital signals to American homes. Our bill does insist, however, that such services not be able to take advantage of a redressable gap in our copyright laws to avoid compensating record companies and artists fairly.

Third, copyright experts have consistently urged Congress to create a right of public performance in sound recordings.

The U.S. Copyright Office has recommended since 1978 that a performance right in sound recordings be granted in all public performances, not just digital transmissions, and recently reiterated the urgency of the need for such reform created by the advent of digital audio technology. Indeed, the Copyright Office testified before the House Judiciary Subcommittee on Intellectual Property and Judicial Administration in the last Congress, urgently calling for enactment of such legislation.

In addition, the administration's working group on intellectual property rights of the information infrastructure task force, in its preliminary draft report, recently wrote:

> * * * the lack of a public performance right in sound recordings under U.S. law is an historical anomaly that does not have a strong policy justification—and certainly not a legal one.

The report also reiterated the administration's support for the bill that Senator HATCH and I introduced in the 103d Congress and for H.R. 2575, its House counterpart introduced by Representatives William Hughes and HOWARD BERMAN.

It is time to heed these expert calls.

Fourth, taking the experts' advice also will help U.S. trade negotiators obtain greater protection for American copyright holders overseas than they are now able to demand.

More than 60 countries around the world extend similar rights to producers and their artists, and have for many years. American negotiators' efforts to obtain protection for our own companies and artists have been hampered, as they have said repeatedly, by our inability to reciprocate. It is long past time to provide our trade representatives with this valuable bargaining chip.

Finally, Mr. President, I want to reiterate that the legislation we are introducing today is no different in intent than S. 1421, although the content is somewhat different. We have attempted to continue the work of the last Congress. Furthermore, we are introducing this legislation in the same spirit with which last year's bill was submitted. Chairman HATCH and I want to continue to work closely with all the affected industries to make this as strong and properly tailored a piece of legislation as possible.

We are standing at the cusp of an exciting digital age. Technological advances, however, must not come at the expense of American creators of intellectual property. This country's artists, musicians, and businesses that bring them to us are truly among our greatest cultural assets. This bill recognizes the important contribution that they make and provides protection for their creative works, both at home and abroad.

I am once again very pleased to be working with Senator HATCH to correct an increasingly dangerous and inappropriate imbalance in our Nation's copyright laws.●

By Mr. DOLE (for himself, Mr. SIMON, Mr. HELMS, Mr. ROBB, Mr. MCCAIN, Mr. D'AMATO, Mr. KENNEDY, Mr. GRAMM, and Mr. HATFIELD):

S. 230. A bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance; to the Committee on Foreign Relations.

HUMANITARIAN AID CORRIDOR ACT

Mr. DOLE. Mr. President, I rise to speak briefly today to reintroduce the Humanitarian Aid Corridor Act. I am joined again by the distinguished Senator from Illinois, Senator SIMON, in addition to the following cosponsors: Senator MCCAIN, Senator D'AMATO, Senator KENNEDY, and Senator GRAMM. In my view, our legislation will further an important American foreign policy objective: To facilitate the prompt delivery of humanitarian aid. This would be achieved by establishing the principle that if a government obstructs humanitarian aid to other countries, it should not receive U.S. assistance. It seems to me that this is a principle that could be readily accepted by everyone. Very simply, our legislation would prohibit U.S. foreign assistance to countries which prohibit or impede the delivery or transport of U.S. humanitarian assistance to other countries. It makes a lot of sense to me.

The intended effect of this legislation is to ensure the efficient and timely delivery of U.S. humanitarian assistance to people in need. It will help deter interference with humanitarian relief, as well as provide for the appropriate response in the event of interference or obstructionism.

Mr. President, our legislation would be universally applicable—the Humanitarian Aid Corridor Act does not single out any one country. It would apply to all relief situations. Currently, however, there is one country that would clearly be affected. Turkey continues to receive large amounts of assistance in the form of grants and concessional loans financed by the American taxpayer while at the same time, it is enforcing an immoral blockade of Armenia. As a result, outside relief supplies must travel circuitous routes, thereby greatly increasing the cost of delivery. Moreover, many supplies never make it at all. This same blockade prevents care packages from the American Red Cross from entering Armenia, as an example.

In sum, United States aid to Armenia is far less effective and much more expensive because of Turkey's blockade. More importantly, Armenians freeze and go hungry as a result of actions taken by the Turkish Government. The delivery of humanitarian assistance to aid those in need, like the Armenians—is consistent with the fundamental values of our Nation. This legislation will strengthen our ability to deliver such assistance which is an important component of our foreign policy.

Let me repeat, this bill does not name names. The legislation could apply to many other relief operations. Indeed the United States conducts relief operations around the world, operations that depend on the cooperation of other countries. I recognize that Turkey has been a valuable ally in NATO and recently in Operation Desert Storm.

Mr. President, this legislation recognizes that there may be a compelling U.S. National Security interest which would override the principle of noninterference with Humanitarian aid. For this reason, U.S. foreign aid to nations in violation of this act may be continued if the president determines that such assistance is in the National Security Interest of the United States.

Mr. President, it does not make sense to me to offer U.S. taxpayer dollars unconditionally to countries that hinder our humantiarian relief efforts. In light of budgetary constraints, it is imperative that U.S. relief efforts be timely and efficient. The bottom line is that countries that prevent the delivery of such assistance, or intentionally increase the cost of delivering such assistance, do not deserve unrestricted American assistance.

Mr. President, this legislation will be referred to the Committee on Foreign Relations where I hope it will get rapid and positive consideration and a good rapid hearing. Similar legislation will be introduced in the House. I hope that Congress will quickly enact this legislation and send it to the White House for approval.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

We are just simply saying if a country blocks humanitarian aid, they do not get any assistance. It seems to me that it is pretty hard to dispute that argument or come to any other conclusion, notwithstanding, as I said, the fact that Turkey has been an ally.

I would hope that Turkish officials would take another look and make it easier for people in Armenia to receive humanitarian assistance from the United States.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Humanitarian Aid Corridor Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The United States Federal budget deficit and spending constraints require the maximum efficiency in the usage of United States foreign assistance.

(2) The delivery of humanitarian assistance to people in need is consistent with the fundamental values of our Nation and is an important component of United States foreign policy.

(3) As a matter of principle and in furtherance of fiscal prudence, the United States should seek to promote the delivery of humanitarian assistance to people in need in a manner that is both timely and cost effective.

(4) Recipients of United States assistance should not hinder or delay the transport or delivery of United States humanitarian assistance to other countries.

SEC. 3. LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE.

(a) PROHIBITION ON ASSISTANCE.—Notwithstanding any other provision of law, funds appropriated or otherwise made available for United States assistance may not be made available for any country whose government prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) WAIVER.—The prohibition on United States assistance contained in subsection (a) shall not apply if the President determines and notifies Congress in writing that providing such assistance to a country is in the national security interest of the United States.

(c) RESUMPTION OF ASSISTANCE.—A suspension or termination of United States assistance for any country under subsection (a) shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such country is no longer prohibiting or otherwise restricting, either directly or indirectly, the transport or delivery of United States humanitarian assistance.

SEC. 4. REPORT.

(a) IN GENERAL.—At the time of the annual budget submission to Congress, the President shall submit a report to Congress describing any information available to the President concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance by the government of any country receiving or eligible to receive United States foreign assistance during the current or preceding fiscal year.

(b) APPLICABILITY OF LAW.—The President shall include in the report required by subsection (a) a statement as to whether the prohibition in section 3(a) is being applied to each country for which the President has information available to him concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance.

SEC. 5. DEFINITION.

As used in this Act, the term "United States assistance" has the same meaning given that term in section 481(e)(4) of the Foreign Assistance Act of 1961.

By Mr. KEMPTHORNE (for himself, Mr. WARNER, Mr. DOLE, Mr. CRAIG, Mr. MCCAIN, Mr. MACK, Mr. SMITH, Mr. LOTT, Mr. NICKLES, Mrs. HUTCHISON, Mr. THURMOND, Mr. INHOFE, Mr. SANTORUM, Mr. HEFLIN, Mr. SIMPSON, Mr. COATS, Mr. KYL, Mrs. FEINSTEIN, Mr. COCHRAN, and Mr. ROBB):

S.J. Res. 17. A joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*; to the Committee on Armed Services.

U.S.S. "RONALD REAGAN" AIRCRAFT CARRIER

Mr. KEMPTHORNE. Mr. President, I introduce a joint resolution and ask that it be referred to the appropriate committee.

The joint resolution I am introducing today was developed with the help and guidance of the senior Senator from Virginia, Senator JOHN W. WARNER. Senator WARNER and I separately came up with this idea and we joined forces to put this resolution together. In addition, Senators DOLE, THURMOND, CRAIG, SMITH, MCCAIN, MACK, LOTT, NICKLES, HUTCHISON, INHOFE, SANTORUM, FEINSTEIN, COCHRAN, KYL, SIMPSON, COATS, and HEFLIN have jointed Senator WARNER and I as cosponsors of this joint resolution.

The joint resolution Senator WARNER and I are introducing today will direct that the aircraft carrier approved and funded by the last Congress, known heretofore as CVN-76, shall be named the U.S.S. *Ronald Reagan*. I can think of no better tribute to our Nation's 40th President.

In 1980, Ronald Wilson Reagan was elected the 40th President of the United States of America. After campaigning on a platform dedicated to peace through strength, President Reagan initiated policies to rebuild and strengthen America's military power. As a result of the so-called Reagan build up, President Reagan was able to negotiate the first true nuclear arms reduction agreements, the INF Treaty and the START I accord, with the Soviet Union.

President Reagan also enacted policies to promote democracy and challenge Soviet-style communism around the world. In fact, the policy of challenging communism with democracy was given a name, it was called the Reagan doctrine. As a result of the Reagan doctrine, freedom fighters in nations such as Afghanistan and Nicaragua were able to escape the grip of Communist tyranny.

As Commander in Chief, President Reagan never forgot the men and women who volunteer to wear the uniform of the United States of America. Indeed, President Reagan's policies and actions restored the respect given to American military personnel around the world.

President Reagan served his Nation for 2 terms with unmatched style and grace. After his first term in office, an appreciative nation reelected President Reagan with a 49-State landslide. Throughout his 8 years as President, no one served as a more dignified, nor proud, representative of the United States than Ronald Reagan.

I think it entirely appropriate that CVN-76 be named the U.S.S. *Ronald Reagan* because of our 40th President's steadfast commitment to a robust Navy, strong Armed Forces and a global U.S. military presence. I believe that the sight of the U.S.S. *Ronald Reagan* patroling the high seas to defend America's interest will serve as a fitting tribute to the man who reminded his fellow countrymen, and the world, that America's best days are yet to come.

Mr. President, I hope my colleagues will take the time to look at the proposed joint resolution and I look forward to bringing this joint resolution to the Senate floor. I would like to ask unanimous consent that Senator WARNER's letter to President Clinton, and my letter to the Secretary of the Navy, the Honorable John Dalton, regarding this proposal be entered into the RECORD. I also want to once again thank Senator JOHN WARNER for his much appreciated cooperation and assistance in this joint effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 16, 1993.

Hon. JOHN DALTON,
Secretary of the Navy, Department of the Navy, Washington, DC.

DEAR SECRETARY DALTON: As you know, the Fiscal Year 1994 Defense Appropriation Act provided $1.2 billion to begin construction of the next aircraft carrier (CVN-76). Once this ship is authorized, I assume construction of this vessel will begin.

I am writing to urge you to name CVN-76 in honor of former President Ronald Reagan. I believe the "USS *Ronald Reagan*" would be a fitting tribute to the man who played a key role in winning the Cold War. Whatever one's political views, President Reagan's commitment to "peace through strength" and his dedication to the men and women in our armed forces cannot be denied. I am confident that the American people and the Congress would strongly support this tribute to our 40th president.

I hope we can discuss the name of CVN-76 sometime in the future. I look forward to hearing from you.

Sincerely,

DIRK KEMPTHORNE,
U.S. Senator.

U.S. SENATE,
December 9, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Yesterday the Department of the Navy finalized the principle contract for constructing America's newest nuclear aircraft carrier, CVN76.

Several ships of this class proudly bear the names of our Nation's former Presidents.

As you will soon be selecting a name for the ship, I respectfully urge you to consider designating it "USS *Ronald Reagan*."

The first mission of these carriers is to deter aggression against our Nation's security interest and that of our allies.

President Reagan was the principle architect of America's defense and foreign policy during the period which not only deterred aggression from communist adversaries, but also laid the foundation for the decline and ultimate demise of European communist Nations.

The "USS *Ronald Reagan*," as she sails the seven seas to deter future aggression, will serve as a symbol of America's role, together with other nations of the free world in successfully defeating communism.

With kind regards, I am
Respectfully,
JOHN WARNER.

Mr. WARNER. Mr. President, as an original cosponsor, I rise today to express my full support for the joint resolution introduced by Senator KEMPTHORNE which would name the Navy's newest aircraft carrier, CVN–76, the U.S.S. *Ronald Reagan*.

Throughout the 1980's and into the early 1990's, the United States boasted the strongest military in the world—unmatched in the quality of its people, weapons, munitions, and equipment. The nucleus of that force remains today and, with some focused hard work, we will continue to be the world's foremost military power.

Our preeminent military force did not simply evolve, however. It was methodically built utilizing foresight, dedication and a lot of hard work by a lot of devoted people. One individual, however, stands above all others as the principal architect and master builder of our strong military, and that individual is Ronald Reagan.

President Reagan often quoted George Washington's maxim that "To be prepared for war is one of the most effectual means of preserving the peace." Throughout his time in office he followed that maxim, provided us with a clear vision of what a powerful American military should be and then tirelessly worked to assure that the force was built. His efforts guaranteed peace through strength.

President Reagan inherited a military that was not at the level of readiness required of a superpower. Recall that when he was elected, 52 Americans were being held hostage in Iran. The previous April, a military effort to rescue those hostages had ended in tragedy and failure at a place called Desert 1. The Iranian hostage situation and the debacle at Desert 1 reflected a country whose respect within the world community had eroded and a military whose members were undertrained, less than adequately equipped when compared to their potential adversaries, and generally dispirited.

Ronald Reagan pulled America out of that dilemma. On August 20, 1981, the old ex-horse cavalryman, as he often referred to himself, set the tone for his 8 years in office when he made the following statement to the crew of the aircraft carrier, the U.S.S. *Constellation:*

> I know there've been times when the military has been taken for granted. It won't happen under this administration * * *. Providing security for the United States is the greatest challenge and a greater challenge than ever, but we'll meet that challenge * * *. Let friend and foe alike know that America has the muscle to back up its words * * *.

During Ronald Reagan's tenure in office, he held true to that statement. His vision led to the creation of the most technologically superior military in the world. Moreover, increased pay and benefits for our people in uniform, something that President Reagan so strongly advocated and relentlessly pushed for, resulted in the recruitment and retention of the highest quality people who have ever served in the military. Perhaps even more significantly, President Reagan's strong leadership as the Commander in Chief instilled in the American people, and in the world community, a renewed high level of respect for our Armed Forces while at the same time restoring the confidence of our military people, making them believe that they are members of an honorable profession, performing a vital service to their Nation.

CVN–76 will be our ninth *Nimitz* class nuclear powered aircraft carrier. One is named the U.S.S. *United States*. The other seven currently in service or being built are named after people who made great contributions to the American military—either leading forces in battle, serving as President during war or working during times of peace to assure the continued strength of the American military and the security of the United States. The *Theodore Roosevelt*, in particular, honors a President who built the Great White Fleet and sailed it around the world to proclaim America as a naval power and an emerging international economic power.

Ronald Reagan's service to our Nation merits his taking a rightful place alongside those other great Americans who have been honored by having *Nimitz* class aircraft carriers named after them. Like Theodore Roosevelt, President Reagan built a military that announced to the world that the United States is, once again, a great power. And like Roosevelt, George Washington, Abraham Lincoln, and Dwight Eisenhower, Ronald Reagan is a great leader whose vision and guidance have taken us, as a nation, to new heights of strength and respect among the other nations of the world.

The primary mission of CVN–76 will be to deter aggression against our Nation's security interests and those of our allies. As such, it should bear a name which reflects audacity and decisiveness as well as the respect which we trust our allies and potential adversaries alike will hold for it and the Nation it represents. I can think of no name for this vessel which would be more appropriate than that of the individual who designed, built, and led the world's most potent military force in the 1980's: Ronald Reagan.

Mr. President, I believe my colleagues will agree that naming CVN–76, a ship that will assure peace through strength, the U.S.S. *Ronald Reagan* will be both an enhancement of Navy traditions and a fitting tribute to a most deserving former Commander in Chief. I strongly urge adoption of this joint resolution.

Mr. HEFLIN. Mr. President, I rise today to endorse this proposal to name the next aircraft carrier, CVN–76, the U.S.S. *Ronald Reagan*. I believe this would be a fitting tribute to a great man and a great President.

Ronald Reagan was elected the 40th President of the United States on November 4, 1980. Central to President Reagan's agenda was the defeat of communism and the rebirth of America as a "beacon of hope for those who do not have freedom." He therefore made the buildup of the Nation's Armed Forces, which began under President Carter, his No. 1 budget priority.

Two defensive weapon systems, in particular, have become synonymous with the Reagan administration. First and foremost is the strategic defense initiative, which the President announced in his historic 1983 address to the Nation. It was the work of scientists and engineers in Huntsville and California that convinced President Reagan to endorse research on missile defenses, and I am proud of the leadership role that Huntsville has continued to play in this regard.

The second weapon system associated with the Reagan administration was the MX missile. The intercontinental ballistic missile was the cornerstone of our ICBM modernization program and it, together with SDI, can be credited with convincing the Soviets to begin serious arms control talks. In fact, by the end of the Reagan's second term the START talks had begun and we had signed the Intermediate Nuclear Force [INF] Treaty which eliminated an entire class of nuclear missiles. It should be noted that the INF Treaty led to the first actual reduction of nuclear missiles in history.

In retrospect, many credit the Reagan arms buildup with the eventual bankruptcy and collapse of the Soviet Union. While I believe the main causes of the collapse were the inherent flaws of communism, the arms race certainly played a major role and the President does deserve praise for his steadfast commitment.

In his own words, Ronald Reagan's hope was to "go down in history as the President who made Americans believe in themselves again." He was successful. He reminded us of our glorious past, that we were in a nation founded on the principles of freedom and democracy. He took world leadership on the issues of the day and reassured us we were still the greatest nation on earth. Finally, through his philosophy of peace through strength, he held the forces of communism at bay and set the ground work for their eventual defeat, giving us new hope in the future.

Mr. President, aircraft carriers are the pride of the U.S. Navy and are floating symbols of our national strength and conviction. Five times before we have named an aircraft carrier after a President, with the last being the U.S.S. *John F. Kennedy*. Ronald Reagan also deserves this honor. I, therefore, encourage my colleagues to join me in supporting this tribute to President Reagan.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. McCAIN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 4, a bill to grant the power to the President to reduce budget authority.

S. 16

At the request of Mr. DOLE, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 16, a bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

S. 43

At the request of Mr. FEINGOLD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 43, a bill to phase out Federal funding of the Tennessee Valley Authority.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 91

At the request of Mr. COVERDELL, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 91, a bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such act.

S. 137

At the request of Mr. BRADLEY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 137, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 164

At the request of Mr. BRADLEY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 164, a bill to require States to consider adopting mandatory, comprehensive, statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by excavations, and for other purposes.

SENATE RESOLUTION 31

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Resolution 31, a resolution to express the sense of the Senate that the Attorney General should act immediately to protect reproductive health care clinics.

SENATE RESOLUTION 53—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $1,708,179, of which amount (1) not to exceed $4000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,746,459, of which amount (1) not to exceed $4000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AMENDMENTS SUBMITTED

THE UNFUNDED MANDATE REFORM ACT OF 1995

DORGAN (AND OTHERS) AMENDMENT NO. 18

Mr. DORGAN (for himself, Mr. GRAHAM, Mr. LEVIN, Mr. AKAKA, Mr. KEMPTHORNE, and Mr. BYRD) proposed an amendment to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under

Federal statutes and regulations; and for other purposes; as follows:

On page 39, strike out lines 4 through 11 and insert in lieu thereof the following:

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

On page 43, beginning with line 1, strike out all through line 17 on page 49 and insert in lieu thereof the following:

SEC. 303. MONITORING IMPLEMENTATION.

(a) IN GENERAL.—The Advisory Commission shall monitor and evaluate the implementation of this Act, including by conducting such hearings, and consulting with such Federal, State, local, and tribal governments, as the Advisory Commission considers appropriate for obtaining information and views about the purpose, implementation, and results of this Act.

(b) BIENNIAL REPORT.—The Advisory Commission shall submit a report to the President and the Congress every 2 years which—

(1) presents the findings of the Advisory Commission under subsection (a); and

(2) presents recommendations for improving the implementation of this Act, including regarding any need for amending this Act.

SEC. 304. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission—

(1) to carry out section 301, $1,000,000 for each of fiscal years 1995 and 1996;

(2) to carry out section 302, $5,000,000; and

(3) to carry out section 303, $200,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

KEMPTHORNE AMENDMENT NO. 19

Mr. KEMPTHORNE (for himself, Mr. COCHRAN, and Mr. LEVIN) proposed an amendment to the bill S. 1, supra; as follows:

On page 15, line 12 after "nesses" insert the following: "including a description of the actions if any, taken by the Committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector."

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD at this point.)

THE DEATH OF JAMES T. FLEMING

• Mr. JOHNSTON. Mr. President, I rise today to express my deep sorrow at the death of James T. Fleming, one of the most talented and professional individuals to ever work in the Congress, and one of the finest gentlemen I have ever had the pleasure of knowing.

For the past 20 years, Jim Fleming served as administrative assistant for the senior Senator from Kentucky, the Honorable WENDELL H. FORD. He also served as counsel to Senator FORD on the vast array of legislative matters under the jurisdiction of the Committee on Energy and Natural Resources. It was in this capacity that the committee members and staff came to know Jim and to appreciate his wry sense of humor, his great personality, his warmth, and his enormous expertise.

Jim's contributions were invariably grounded in good common sense, a keen understanding of good government, and a realistic point of view. He was absolutely dedicated to working for the people of Kentucky and Senator FORD's agenda.

Much of the legislation written by the Energy Committee reflects Jim Fleming's influence, including natural gas policy, the Nation's coal program, the uranium enrichment program, and natural resource protection and utilization.

Mr. President, the future meetings of the committee will not quite be the same without Jim Fleming there to offer his unique expertise. I fondly recall that as past committee deliberations would proceed with senatorial formality, Jim Fleming could be counted on to listen with a poker face, weigh all options, and then with a profound wit and twinkle in his eye, offer a perspective that would be both illuminating and constructive.

Jim Fleming will be sorely missed. In the words of the former Speaker of the House, the Honorable Thomas "Tip" O'Neill,—"So long, old pal. So long."•

ORDERS FOR TUESDAY, JANUARY 17, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of the 9:15 a.m, on Tuesday, January 17, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day.

I further ask consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9:30 a.m, with Senators permitted to speak for not more than 5 minutes each.

I further ask that at 9:30 a.m. the Senate resume consideration of S. 1, the unfunded mandates bill.

I finally ask that on Tuesday the Senate stand in recess from 12:30 until 2:15 in order for the weekly party luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, I just say for the information of my colleagues that it could be that votes could occur before the 12:30 luncheons on Tuesday. Members should be alert that we will start on S. 1 at 9:30. We will have amendments, hopefully, at 9:30. We have had enough delay on this bill. We, in effect, wasted yesterday and wasted today. We do have an interest in getting this legislation passed. It is very important.

I agree with the distinguished Senator from West Virginia, Senator BYRD, there are a lot of questions about the bill. Hopefully, we can start the debate on the bill, start off with the amendments so that many of the questions that my colleague from West Virginia and other Senators may have will be answered.

There are a number of very important amendments on each side of the aisle that are germane that should be discussed, should be debated. We have to start the process.

I would suggest that probably, at least on Wednesday and Thursday, if we do not complete the bill by Thursday evening, we will probably be in late, say, on Wednesday and maybe Thursday of next week and probably have a pretty good day on Friday unless we can complete action on the legislation.

I just ask my colleagues for their cooperation. As leader, I do not want useless votes. Somebody misses a vote, we do not want those kind of votes. We want meaningful votes on substantive issues and substantive amendments and we will try to proceed on that basis. As long as we have the cooperation of our colleagues we will continue that process.

RECESS UNTIL TUESDAY, JANUARY 17, AT 9:15 A.M.

Mr. DOLE. Mr. President, if there is no further business to come before the Senate and no other Senator seeking recognition, I now ask consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:46 p.m., recessed until Tuesday, January 17, 1995, at 9:15 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF DR. MARTIN LUTHER KING, JR. DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the birthday of Dr. Martin Luther King, Jr. with two shining examples of his legacy in San Francisco. One represents the closing of an era; the other, the limitless possibilities with its opening.

This month, San Francisco will bid a fond farewell to Lulann Sapp McGriff, who is retiring after more than two decades of service to the NAACP in the bay area. Lulann has been a tireless champion of freedom and opportunity for African-Americans and other people of color in San Francisco and the entire Western United States for nearly two decades. She has held these positions within the NAACP during that time: Assistant western regional director; NAACP California State conference sectional coordinator; State educational chair; and an unprecedented four terms as San Francisco NAACP branch president.

A social worker and educator, Lulann works in the City College of San Francisco as a counselor, and through her efforts has established African-American male and female retention programs for high school students in the San Francisco Unified School District. She has been a powerful force in enforcing the court orders which desegregated public schools on the west coast. She has been, and will continue to be, a shining model of civic and community service to our Nation.

But while Lulann's tenure as San Francisco NAACP president comes to a close, San Francisco witnesses the dawning of another era with the opening of the Thurgood Marshall Academic High School. Mr. Speaker, I was given the privilege of participating at the dedication of the school, where we were graced by the presence of Justice Marshall's family, including his widow, Cecilia. This school, located in the Bayview-Hunters Point district of San Francisco, offers a rigorous and innovative academic program targeted at low-income, minority students.

The San Francisco Chronicle wrote, "there is a sense of enthusiasm and optimism among the students, many from poor neighborhoods who feel they are pioneers in a bold and interesting educational adventure." This school, by stressing educational enrichment for all students, does honor to the legacy of Thurgood Marshall.

Mr. Speaker, on Monday we will join in celebrations throughout the country to honor the life and work of the great Dr. Martin Luther King, Jr. We best honor his legacy, however, through deeds which seek to advance and uplift the human spirit and create opportunity for all Americans, regardless of race, color or creed. Lulann McGriff and the Thurgood Marshall Academic High School, through their work on behalf of the education and advancement of young people, are living testaments to Dr. King's memory.

CHACOAN OUTLIERS PROTECTION ACT OF 1995

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise today to introduce the Chacoan Outliers Protection Act of 1995. This legislation, versions of which I also introduced in the 102d and 103d Congresses, would recognize the importance of further protection of the Chaco Culture Archaeological Protection Site—the single most important prehistoric culture in the Western United States. Specifically, my bill would expand the Chaco Culture Archaeological Protection Site System to include an additional 5,519 acres, including eight newly evaluated sites, and designate administrative provisions that will improve interagency cooperation and assistance in protecting these important sites.

Chaco Canyon, which is located in the San Juan Basin in northwestern New Mexico, was the center of the Anasazi civilization which flourished from 900 to 1300 and then disappeared, leaving behind spectacular archaeological remains. These remains comprise the Chaco Culture Archaeological Protection Site, which was designated a national monument in 1907.

After the establishment of the monument, outlying sites were found and the monument was expanded to include some of these new areas. Additional sites, or outliers, were found again and the area was renamed the Chaco Culture National Historical Park with passage of Public Law 96–550 in 1980.

Public Law 96–550 designated 33 outlying sites and provided for their protection and management by the Bureau of Land Management, the Bureau of Indian Affairs, and the Navajo Nation. My legislation would delete two sites from this list and add eight new sites which conservation groups, the BLM, and the Navajo Nation all agree are culturally and archaeologically significant.

One of the two deleted sites has been incorporated into the El Pais National Monument, and the other is owned and protected by the Ute Mountain Tribe which prefers to manage this site without additional designation. The additions are all publicly owned. One of them, the Morris 41 site, has been repeatedly looted and will suffer irreparable damage without immediate protection as an outlying site.

The Chacoan Outliers Protection Act would clarify the role of the National Park Service, the BLM, and the Navajo Nation to ensure that these sites are managed responsibly, and add language authorizing the acquisition of lands for the purpose of completing the inclusion of the new outlying sites.

By adding an additional 5,519 acres to the Chaco Culture Archaeological Protection Site System, providing for improved interagency cooperation and assistance in preservation activities, and allowing for more direct acquisition of privately owned sites from willing sellers, my legislation will preserve these sites for future generations and assure that the sites are protected from further looting and degradation. These precious archaeological sites are part of the cultural heritage of all Americans. They deserve immediate protection and preservation. Once lost, cultural resources can never be restored or regained.

With the support of the entire New Mexico congressional delegation and the cooperation of the Committee on Resources, I look forward to speedy consideration of this legislation during the 104th Congress.

The full text of the bill follows:

H.R.—

A bill to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1995".

SEC. 2. CONFORMING AMENDMENT.

Section 501(b) of Public Law 96–550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Subsection 502(b) of Public Law 96–550 (16 U.S.C. 410ii–1(b)) is amended to read as follows:

"(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled 'Chaco Culture Archeological Protection Sites', numbered 310/80,033–B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-nine archeological protection sites totaling approximately 14,372 acres identified as follows:

"Name:	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Morris 41	85
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. ACQUISITIONS.

Section 504(c)(2) of Public Law 96-550 (16 U.S.C. 410ii-3(c)(2)) is amended to read as follows:

"(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 505) to accomplish the purposes of archeological resource protection at those sites described in section 502(b) that remain in private ownership.".

SEC. 5. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96-550 (16 U.S.C. 410ii-5) is amended by adding the following new subsection at the end thereof:

"(f) The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites."

INTRODUCTION OF THE WORK FORCE PREPARATION AND DEVELOPMENT ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. GOODLING. Mr. Speaker, the education, literacy, and skills levels of the American work force are more important to U.S. competitiveness today than ever before, and yet this country's programs designed to prepare its students and workers are seriously fragmented and duplicative. Because education and training programs have been developed independently over many years, there is no national strategy for a coherent work force preparation and development system. As everyone knows, last Congress, the U.S. General Accounting Office [GAO] identified 154 different Federal programs, totaling $24 billion administered by 14 different agencies, which offer some form of education, job training, or employment assistance to youth and adults in the United States. A major focus of any reform effort undertaken by the Congress in this area must be to eliminate unnecessary duplication and fragmentation in these systems, and at the same time, provide States and localities with the flexibility needed to build on successful existing programs and initiate change where appropriate.

Last year, a number of my colleagues and I introduced the Consolidated and Reformed Education, Employment, and Retraining Systems [CAREERS] Act, a multitiered job training reform effort that was designed to achieve reform in four ways: By streamlining work force preparation programs at the Federal level through the consolidation of over 80 separate job training programs into 7 block grant systems; providing flexibility needed by States and local areas to further reform State and local systems; requiring the National Commission for Employment Policy to study and make recommendations for further reforms and consolidation, where appropriate, in U.S. work force preparation programs within 1 year of the date of enactment; and by eliminating programs that have been found to be ineffective, or to have outlived their usefulness or original intent. Under our legislation, savings of $1.4 billion per year—or $7 billion over 5 year—would have been achieved.

This Congress, while I continue to believe that last year's CAREERS Act represents a comprehensive and realistic approach to reform of the Nation's education and job training programs, I want to carefully consider all options that are available to us in the design of a national work force preparation system. I sincerely believe that we can go even further with reform and with consolidation of work force preparation programs than was provided for in the CAREERS Act, and end up with a more streamlined and efficient system of work force preparation. That is why I am joining with Mr. MCKEON, all of the Republican members of the Committee on Economic and Educational Opportunities, and with Mr. KASICH, Mr. ZELIFF, Mr. BOEHNER, and Mr. MICA, today, in introduction of the Work force Preparation and Development Act, which resolves that the Congress will carefully evaluate and subsequently enact legislation that significantly consolidates and reforms all Federal career-related education, job training, and employment assistance programs into a true system of work force preparation and development prior to the end of the 104th Congress.

Under our legislation, we pledge that the Congress will thoroughly evaluate the quality, effectiveness, and efficiency of U.S. work force preparation programs. Subsequently, we pledge to enact legislation that: First, eliminates duplication and fragmentation in Federal work force preparation programs through the consolidation and, where appropriate, elimination of such programs; second, transfers major decisionmaking to States and local communities for the design, governance, and implementation of comprehensive, integrated work force preparation systems; third, stresses the vital role of the private sector, at all levels, in the design and implementation of a national work force preparation system, and encourages the utilization of State and local employer-led boards responsible for strategic planning and program oversight of State and local systems; fourth, establishes a national work force preparation system that is market driven, accountable, reinforces individuals responsibility through attachment to employment, and provides customer choice and easy access to services; and fifth, establishes a national labor market information system that provides employers, job seekers, students, teachers, training providers, and others with accurate and timely information on the local economy, on occupations in demand and the skill requirements for such occupations, and information on the performance of service providers in the local community. Finally, the Work force Preparation and Development Act calls for the repeal of existing work force preparation and development programs, as appropriate, upon enactment of reform legislation.

Again, I want to stress how important it is that we make sense of our current, confusing array of Federal education and job training programs in this country. For the United States to survive competitively in the future, we must have the best work force preparation system in the world. I think that the legislation we are introducing today sets us in the right direction, and I look forward to continuing our work on such reforms.

TRIBUTE TO ALBION COLLEGE BRITONS—NCAA DIVISION III NATIONAL FOOTBALL CHAMPIONS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. CAMP. Mr. Speaker, I rise today to recognize the tremendous accomplishments of the 1994 NCAA Division III National Football Champion Albion College Britons. Albion joins the University of Nebraska and Penn State University as the only college football teams in the country who completed their entire seasons with an undefeated record. As an alumnus of Albion, I am proud of the team's achievement, but I take an even greater pride in knowing it was accomplished by athletes who dedicate themselves to knowledge and learning first, and athletics second.

Albion's quest for the national championship can be traced to a tragic event which occurred before the season started. Two members of the football team, Steve Gilbert and Kristov Knoblock, were tragically killed in an automobile accident. For the team the loss was crushing and for the Albion football family it was devastating. However, in their grief, the team found inspiration, never losing the thought of Steve and Kris. They gathered as a family and dedicated themselves to one goal—winning a national championship. Through a hard-fought season and a grueling playoff, the Brits achieved their goal and won their first national championship.

Division III athletes play their sports for one reason, the love of the game. They do not receive athletic scholarships, often travel long distances by bus, and know a professional athletic career does not await them when they are finished. The crowds are small, mostly made up of friends and family, and the injuries sustained are those suffered by athletes at larger universities. But the game is just as exciting as those witnessed by crowds of over 80,000.

The NCAA recognizes Albion College as the 1994 Division III National Football Champions. But, by attending classes, volunteering in the community and graduating from school, the team was and will remain champions in the hearts and minds of the fans and alumni of Albion College. Congratulations to Coach Pete Schmidt, the players, and administrative staff for a tremendous season and a job well done.

PHILADELPHIA TREASURE HEADS FOR COOPERSTOWN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay special tribute to a Philadelphia legend who is headed for a new home.

For 18 glorious seasons, Mike Schmidt patrolled third base for the Philadelphia Phillies. He was a leader on the field and off. His achievements spoke volumes about a man who worked hard, never quit, and gave generously of his time to the people of the Delaware Valley.

On Monday, Mike Schmidt was elected to the Hall of Fame. It comes as no surprise to anyone who sat in the stands, watching his mastery of glove and bat. Schmidt's accomplishments were recognized by Hall of Fame voters, as he showed up on 96.5 percent of the ballots. That is the fourth highest percentage in the history of Cooperstown.

Mike Schmidt's career was filled with tremendous achievements. At the plate, he was a hitter who could hit for power and for an average. He finished his career with 548 home runs, placing him seventh on the all-time list. He hit the most home runs of any third baseman in the history of baseball. His lifetime batting average of .267 included his 1981 season in which he hit .316, pounded out 31 home runs, and knocked in 91 runs. And that year, he only played 102 games. Following the season, he was selected for this second consecutive Most Valuable Player Award. In 1980, he was also the World Series MVP, leading the Phillies to the championship by batting .381 and hitting two home runs.

But Mike Schmidt could do more than hit the ball. He was an outstanding fielder. His reflexes were quick, his glove soft and sure, and his throw to first came with plenty of pace. During his career, he won 10 Gold Gloves for defensive excellence, more than any other National League third baseman.

Mr. Speaker, perhaps the most revealing fact about Mike Schmidt is not his home run total, or the number of doubles he hit. Mike Schmidt is loved by the people of Philadelphia. In fan balloting in 1983, Mike Schmidt was selected as the greatest Phillie ever.

Now, 12 years later, the Hall of Fame voters confirmed what we in Philadelphia have always known. Mike Schmidt was a great baseball player who brought joy to millions of people. I know that the people of the Seventh Congressional District and throughout the Delaware Valley join me in saluting his accomplishments and congratulating him on his selection to the Hall of Fame.

SALUTE TO THE 1994 MAN, WOMAN, YOUTH OF THE YEAR AND COMMUNITY SERVICE AWARD RECIPIENTS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. COYNE. Mr. Speaker, I am pleased today to pay tribute to outstanding individuals and organizations in the city of Pittsburgh that have recognized by The Observer, a local newspaper, for volunteer service to our community.

On Saturday, January 14, 1995, The Observer will hold its annual ceremony to honor the 1994 Man, Woman, and Youth of the Year. In addition, five Pittsburgh residents and three local organizations will receive Awards for Outstanding Community Service. It is fitting that the House should have this opportunity to consider the contributions of these individuals and organizations to the quality of life in the city of Pittsburgh.

The 1994 Man of the Year is James Foley, a native of the Lawrenceville community in Pittsburgh. This committed local citizen is known for his widespread involvement in the civic life of Lawrenceville. James Foley worked to address the real world needs of his fellow Lawrenceville residents in the early 1980's when local steel mills were closing, and up to one-third of Lawrenceville's residents moved away to look for new employment. Mr. Foley founded the Lawrenceville Business Association in order to respond to changing economic considerations in the Butler Street business district where once prosperous businesses were closing and the number of vacant buildings grew steadily. James Foley has served with this association for 12 years and has served as its president since 1994.

During this period, Mr. Foley has helped to develop a long-term business district rejuvenation plan that has seen 42 new businesses open on Butler Street since 1990 and 55 storefronts and building facades either restored or renovated in a manner that complements the area's historic architecture. One special project to note has been the successful effort in 1992 by James Foley and the Lawrenceville Business Association to return Christmas holiday lighting to the neighborhood business district for the first time in 25 years.

The 1994 Woman of the year is Joedda Sampson, who is a 20-year resident of the Mexican War Streets/Allegheny West area of Pittsburgh. Joedda Sampson has worked with Allegheny City Restorations to restore seven single-family homes, three multi-family structures and two commercial buildings on the north side over the past 4 years. All of these buildings are more than 100 years old and were in conditions ranging from being burnt-out and abandoned to deteriorating and under code.

Joedda Sampson has provided an outstanding example to our community of what a public minded entrepreneur can accomplish when working with local residents and government. In 1993, Joedda Sampson played a vital role in resolving a 2-year-old dispute between Bloomfield and Friendship residents and local social service agencies over the future use of 2.2 acres on South Winebiddle Street which was occupied by an over 125-year-old Victorian mansion. In response to local resident's opposition to public housing plans to tear down a historic building to make room for a 200-resident housing project, Ms. Sampson purchased this property and began a major, multi-million restoration of the Victorian mansion and the surrounding property. Today, this property is the home of the Victoria Hall Celebration Center which attracts hundreds of visitors each month to the Bloomfield and Friendship neighborhoods and provides many local residents with jobs.

Joedda Sampson serves on the board of the Calvary United Methodist Church, as well as the North Side Civic Development, the Community Design Center, National Victorian Society, Allegheny West Civic Council and is president of the Allegheny West Merchants Association. She is married to Ben Sampson and has one daughter and eight stepchildren.

The 1994 Youth of the Year is Amy Rectenwald, an 18-year-old resident of Bloomfield. Ms. Rectenwald has shown that hard work and personal commitment can be more important than family income or an inner city address. Ms. Rectenwald grew up in a large family where she received a privately funded scholarship to Oakland Catholic High School. While in high school, she maintained an "A" average even while helping to care for several younger nieces and nephews. She also found time to work as a volunteer at West Penn Hospital throughout her high school years without sacrificing her grades or her responsibilities at home.

Amy Rectenwald received a Simpson Foundation Scholarship to the University of Pittsburgh where she is now a full-time first year student with a marketing major. While carrying a full class load, she works part-time at the University's Hillman Library and at St. Joseph-Immaculate Conception Parish rectory. She also continues her volunteer service at West Penn Hospital, tutors elementary school students and helps out at her church bingo. Ms. Rectenwald's hard work, volunteer spirit and dedication to learning provides ample reason why she would be selected the 1994 Youth of the Year.

In addition to the Man, Woman and Youth of the Year, The Observer made Awards for Outstanding Community Service to several individuals and organizations. Katherine T. Barchetti was honored for her continuing efforts to promote Pittsburgh's Downtown business district in her role as both a downtown retailer, her service as chair of the Urban Redevelopment Authority's Downtown Retail Promotions Committee, and her many other efforts to serve the Pittsburgh community. The Highland Park Community Club and Shadyside Action Coalition were recognized for their efforts to educate public officials and local residents about the effect of continued concentration of group homes and special population residential facilities in Pittsburgh's East End neighborhoods and these groups were commended for the advocacy of a more equitable distribution of such facilities throughout the city and the county. Greg Kuban and Steve Novak were saluted for their work to establish the Lawrenceville Youth Football Club which provides an opportunity for over 150 boys and girls between the ages of 7 and 11 years old to learn positive life lessons through team sports. Preservation Pittsburgh was recognized for promoting the importance of preserving the architecture and unique landscapes that constitute the region's industrial and cultural legacy. Darren J. Ryan was honored for his cofounding and serving as coordinating director of Showhouse: War on AIDS, an annual fundraising event, and his many other services to local cultural endeavors and campaigns to address the needs of individuals with AIDS. Finally, Anthony Sansonetti was saluted for his years of service to the Bloomfield community as principal of Woolslair School, board member of the Bloomfield Business Association, and his many contributions to efforts promoting business revitalization of the Liberty Avenue business district in Bloomfield.

Mr. Speaker, this country has grown and prospered with the help of countless individuals who have volunteered to serve others. These individuals often are the essential links enabling the success of public and private sector initiatives to enhance local communities. That is why I am so proud to join with The Observer in saluting the 1994 Man, Woman and Youth of the Year and the recipients of the Awards for Outstanding Community Service in the City of Pittsburgh.

TRIBUTE TO LT. COL. HARRY "MIKE" MURDOCK, USMC

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to Lt. Col. Harry "Mike" Murdock, USMC, who gave his life this Tuesday while trying to help his fellow marines.

California has been battered by a series of storms over the last few weeks. I am sorry to report that these storms have claimed the life of Lieutenant Colonel Murdock, the commander of the Combat Training Battalion at Camp Pendleton.

Lieutenant Colonel Murdock drowned in the San Onofre Creek, a normally gentle stream which was swollen by days of heavy rain. He was scouting for a safe location to cross the creek, to help 78 stranded marines return to the main part of Camp Pendleton. Tragically, he was caught in the rapid current and lost his footing. While the swift-water rescue team responded immediately, they were unable to find Lieutenant Colonel Murdock. A helicopter was brought in from MCAS El Toro, but was forced out of the search by darkness and the weather.

Mr. Speaker, I know my colleagues join me in saluting the valor and sacrifice of Lieutenant Colonel Murdock. His death was a tragic loss for his family and for the Marine Corps, but I know they take some small comfort from the fact that he gave his life in an attempt to help his fellow marines. His devotion to duty and comrades was typical of the marines. I know the sympathies and respect of my colleagues in the House goes out to Lieutenant Colonel Murdock's family and his comrades in the Marine Corps.

TRIBUTE TO MADISON A. BAILEY, JR.

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. REED. Mr. Speaker, it gives me great pleasure to rise today on behalf of an outstanding Rhode Islander, Chief Madison A. Bailey, Jr., on the occasion of his retirement from the Portsmouth Rhode Island Police Department.

The people of Rhode Island have been well-served by his professionalism and devotion to duty. A native Rhode Islander, Chief Bailey graduated from Rogers High School in Newport and enlisted in the Naval Reserve. Appointed in 1967 to the Portsmouth Police Department, he is a graduate of the Pawtucket Police Academy and the Rhode Island Municipal Police Academy. After receiving his bachelor's degree from Salve Regina College in 1973, he continued his police education by graduating from the FBI National Academy in 1974, and was promoted to deputy police chief. In 1981, he was appointed police chief of the Portsmouth Police Department.

Chief Bailey served as president of the New England Police Chiefs Association during 1991–92 and was president of the Rhode Island Police Chiefs Association the following year. While serving on the Portsmouth Police Department, he was awarded the American Legion Medal of Heroism for saving a child's life.

Mr. Speaker, on behalf of my home State of Rhode Island, I respectfully ask that my fellow colleagues join me in saluting Chief Madison A. Bailey, Jr. on his many contributions to society and applauding his outstanding citizenship.

INTRODUCTION OF THE SANFA FE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1995

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. RICHARDSON. Mr. Speaker, I rise today to introduce the Santa Fe National Forest Boundary Adjustment Act of 1995. This legislation would modify the boundary of the Santa Fe National Forest in my district to include the entire area of the Atalaya Mountain. The mountain, a pristine, beautiful landmark east of Santa Fe, is uniquely deserving of inclusion in the National Forest System.

By expanding the boundary of the national forest to include the entire area of Atalaya Mountain, this legislation will make it easier to facilitate land transfers between willing sellers and the Government. Many landowners are more willing to sell such land when they know it will be protected as Federal land and will not be developed at a profit by someone else who may purchase the land at a later date. As national forest land, the acreage will be protected and the Government will be forbidden from reselling it.

The bill does not automatically provide protection to the privately held land that will not be an inholding within the National Forest System, it merely means that this land becomes part of the Santa Fe National Forest. The bill does not require any unwilling landowner to sell their privately held property to the Federal Government. It merely makes it easier to protect the land from future development if sellers are willing to sell it or arrange for a land transfer.

Enactment of this legislation is critical to maintaining the delicate balance between growth and natural resource preservation in and around New Mexico's capital city. The rapid growth of Santa Fe in recent years has led to overcrowding, increased pollution, explosive growth into the suburbs and other impacts on the excellent quality of life in the area. In fact, a poll last year by the Journal North found that a majority of Santa Fe residents believe their city is becoming a worse place to live. The No. 1 reason cited by poll respondents was the city's rapid growth and development.

Adding to these concerns, controversies in the past year about development of housing and increased land use on Atalaya Mountain have added to the urgency surrounding the bill. Many Santa Feans and others concerned about maintaining a proper balance between housing and other development and the preservation of open, urban space see this situation as a symptom of a greater problem. I share this concern.

As western land use policies become more and more controversial, we must ensure that careful thought about where new homes and buildings are constructed is an essential part of land use management planning. The wilderness belongs to everyone. It should be the responsibility of the Federal Government to protect it from misuse and the harmful impacts of overdevelopment. The time has come for responsible land use planning that does not sacrifice pristine wilderness in the name of rampant development. Such an egregious lack of self-discipline is not only threatening to the natural beauty of northern New Mexico, but it says that we care more about reckless development than the future health and sanctity of our precious natural resources.

The Santa Fe National Forest Boundary Adjustment Act simply moves a boundary to accommodate more land in the national forest, but it marks a significant turning point for the citizens of Santa Fe and for everyone who supports responsible environmental policy. As one of my constituents said last year in a guest commentary in Santa Fe's The New Mexican, this issue is a wake-up call. It is also a statement about our values. Enactment of this legislation will mean that we value our environment and respect our citizenry. It will mean that we believe that responsible land use management should not rely on the expedient desires of growth for growth's sake and indifference to natural resource protection.

I look forward to working with my colleagues in the House and the bipartisan leadership of the New Mexico congressional delegation to secure passage of this legislation in the 104th Congress.

The full text of the bill follows:

H.R. —

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Fe National Forest Boundary Adjustment Act of 1995".

SEC. 2. BOUNDARY MODIFICATION.

The boundary of the Santa Fe National Forest is hereby modified and expanded as generally depicted on a map entitled "Santa Fe National Forest Boundary Expansion 1994", dated July 19, 1994. The map shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, DC.

SEC. 3. ATALAYA PEAK EXCHANGES.

(a) IN GENERAL.—The Secretary of the Interior is authorized to exchange public lands and interests in lands managed by the Bureau of Land Management for private lands and interests therein depicted on the map referenced in section 2.

(b) WITHDRAWAL.—Upon the acquisition of lands under subsection (a) by the Secretary of the Interior, and subject to valid existing rights, such lands are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing.

SEC. 4. INTERCHANGE OF FEDERAL LANDS IN NEW MEXICO.

(a) IDENTIFICATION OF LANDS.—In conjunction with the land exchange under section 3, the Secretary of Agriculture and the Secretary of the Interior shall identify federally-owned lands and interests in lands currently situated within the Santa Fe National Forest which are suitable for transfer to and administration by the Bureau of Land Management. The identification of National Forest lands available for such transfer shall utilize criteria which are mutually agreeable to both of the Secretaries.

(b) LANDS ACQUIRED FOR THE BUREAU OF LAND MANAGEMENT.—

(1) TRANSFER BY SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer, to the Bureau of Land Management, those lands and interests in lands identified pursuant to subsection (a). The transfer shall be effective upon publication in the Federal Register of notice of such transfer that identifies such lands and interests.

(2) BOUNDARY MODIFICATION.—The boundary of the Santa Fe National Forest shall be modified as of the date of notice under paragraph (1) to exclude such lands transferred to the Secretary of the Interior.

(3) MANAGEMENT.—Lands transferred under paragraph (1) shall be added to and administered by the Bureau of Land Management as part of the public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))).

(c) LANDS ACQUIRED FOR THE FOREST SERVICE.—

(1) ADDITION TO SANTE FE NATIONAL FOREST.—Lands or interests in lands—

(A) acquired by the Secretary of the Interior pursuant to section 3, or

(B) acquired by the Secretary of Agriculture within the areas identified as "potential acquisition" on the map referenced in section 2,

shall, upon acquisition, be added to and administered as part of the Santa Fe National Forest in accordance with the laws relating to the National Forests.

(2) MANAGEMENT PRESCRIPTION.—The Secretary of Agriculture shall manage the lands and interests in lands referred to in paragraph (1) primarily to preserve open space and scenic values and to preclude development.

(3) AVAILABILITY OF CERTAIN FUNDS.—For purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(1)), the boundary of the Santa Fe National Forest, as modified pursuant to this Act, shall be treated as if it were the boundary as of January 1, 1965.

SEC. 5. SAVINGS PROVISION.

Nothing in this Act shall affect the authorities of the Secretary of Agriculture to acquire lands in New Mexico by purchase or exchange and, notwithstanding the Act of June 15, 1926 (16 U.S.C. 471a), all such lands heretofore or hereafter acquired by the exchange of National Forest lands shall be managed as a part of the National Forest System.

SEC. 6. IMPLEMENTATION.

The procedures used in carrying out the land transfers by this Act shall be those procedures agreed to between the Secretary of the Interior and the Secretary of Agriculture.

UNFUNDED MANDATE REFORM ACT OF 1995

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. GOODLING. Mr. Speaker, I have joined Congressman CLINGER in cosponsoring H.R. 5, the Unfunded Mandate Reform Act of 1995. This legislation is similar to legislation Congressman JIM MORAN and I introduced in the 103d Congress. In 1993, the Fiscal Accountability and Intergovernmental Reform Act of 1993 [FAIR] was truly bipartisan legislation that would have made the U.S. Congress more accountable for its actions by curtailing the passage of unfunded Federal mandates. H.R. 5 goes further toward making this institution more accountable.

The mandate madness of the past 20 years has caused States like Pennsylvania and local governments like the city of York, the boroughs of Gettysburg, and Carlisle and townships like Spingettsbury in Pennsylvania, increased headaches as they try to assess their obligations based upon their incoming tax revenues. Further, H.R. 5 would ease the burden on the private sector by curtailing needless and excessive Federal agency redtape and regulation.

The idea behind this legislation is simple, the U.S. Congress must become more accountable for its actions which, in some cases, have an adverse effect on States, local governments, and small businesses. For example, as a member of the House Education and Labor Committee, I consistently fought against legislation that would impose burdensome mandates on States, local governments, and small businesses. As chairman of the new Committee on Economic and Educational Opportunities, I will continue to do the same.

In years past, my committee had jurisdiction over legislation to remove lead paint from the Nation's schools. I agreed with the sponsors that this is a high priority and that it should be done. However, the bill did not include provisions to pay for this legislation. It was understood that this legislation would be paid for through the appropriations process. I disagreed with this because I remember not too long ago that we proposed the same for asbestos removal and passed legislation providing for asbestos removal, but did not pass the dollars with the legislation. This type of unfunded mandate is one which handcuffs States, local governments, and small businesses by forcing them to spend their budgeted money on Federal mandates instead of their priorities.

I must stress the idea behind H.R. 5 is not to impede legislation, rather it is to force the Congress to seriously consider the impact of any new legislation before the legislation is passed. It is a policy that the Congress must adopt to stop giving lip service to the idea of true reform.

This legislation will improve the legislative process by requiring the Congressional Budget Office to study the impact on State, local governments, and the private sector of legislation reported out of committee for action on the House floor. This legislation would also require agencies, prior to the implementation of any rule or any other major Federal action affecting the economy, to perform an assessment of the economic impact of the proposed rule or action and seek public comment on the assessment.

I believe this legislation has the key ingredients for passage. It sends the proper signal, an ideal good government mission which makes the Congress more accountable for its actions by studying the impacts of legislation before it is passed. This legislation has bipartisan support of Members in the House. I also believe this bill would signal an end to closed door agency policy decisions which hurt many States, local governments, and the private sector.

I would like to commend House Government Reform and Oversight chairman, BILL

CLINGER, Congressman CONDIT, Congressman PORTMAN and Congressman DAVIS for all their efforts in putting this legislation together. I believe this truly bipartisan legislation is long overdue and will work to see this legislation signed by the President.

WORKFORCE PREPARATION AND DEVELOPMENT ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. MCKEON. Mr. Speaker, today I am joining with my distinguished colleague from Pennsylvania, the new chairman of the Committee on Economic and Educational Opportunities, Representative BILL GOODLING, with all other Republican members of our committee, and with Mr. KASICH, Mr. ZELIFF, Mr. BOEHNER, and Mr. MICA, in introduction of the Workforce Preparation and Development Act—legislation that establishes the reform of this Nation's vast array of job training programs as a high priority of the 104th Congress. Specifically, this legislation pledges that the Congress will carefully evaluate and subsequently enact legislation that significantly consolidates and reforms all Federal career-related education, job training, and employment assistance programs into a true system of workforce preparation and development prior to the end of the 104th Congress.

As was brought to the attention of the U.S. Congress in numerous reports issued by the General Accounting Office over the past several years, the United States currently has over 154 different Federal education and job training programs, totaling $24 billion, administered by 14 different Federal agencies, which offer some form of job training and/or employment assistance for youth and adults. In addition to the excessive number of Federal programs, the quality of U.S. training programs varies significantly. Last Congress, several important legislative initiatives were introduced with the goal of consolidating Federal job training programs—however with the advent of the new Congress, we have determined to take a step back, and to carefully examine all programs before our committee's jurisdiction, particularly those programs offering some form of employment or training assistance, to determine the best approach to be taken in development of a consolidated and reformed workforce preparation system.

The legislation we are introducing today, begins a vital transformation process—consolidating and reforming the numerous Federal workforce preparation and development programs that currently exist in this country—from a collection of fragmented and duplicative categorical programs into a streamlined, comprehensive, coherent, high-quality, cost-effective, and accountable workforce preparation and development system, designed to meet the education, employment and training needs of the U.S. workforce both today and in the future.

Specifically, the Workforce Preparation and Development Act, states that prior to the end of the 104th Congress, all Federal workforce preparation and development programs will be thoroughly evaluated to determine the quality, effectiveness, and efficiency of such programs. The legislation further pledges the enactment of legislation by the end of the 104th Congress that: First, eliminates duplication and fragmentation in Federal workforce preparation and development programs through the consolidation and where appropriate elimination of such programs; second, transfers major decision-making to States and local communities for the design, governance, and implementation of comprehensive, integrated workforce preparation systems; third, stresses the vital role of the private sector, at all levels, in the design and implementation of a national workforce preparation system, and encourages the utilization of State and local employer-led boards responsible for strategic planning and program oversight of State and local systems; fourth, establishes a national workforce preparation system that—is market driven and accountable, reinforces individual responsibility through attachment to employment, and provides customer choice and easy access to services; and fifth, establishes a national labor market information system that provides employers, job seekers, students, teachers, training providers, and others with accurate and timely information on the local economy, on occupations in demand and the skill requirements for such occupations, and information on the performance of service providers in the local community. Finally, the Workforce Preparation and Development Act calls for the repeal of existing workforce preparation and development programs, as appropriate, upon enactment of reform legislation.

The skills levels of this Nation's workforce are more important today than ever before to U.S. competitiveness, however our current patchwork of Federal programs is not the answer. In my new role as chairman of the Subcommittee on Postsecondary Education, Training and Lifelong Learning, I will have the opportunity to make changes in these Federal education and job training programs to create a seamless system for youth and adults to meet the competitive needs of our workforce. I believe that the Workforce Preparation and Development Act sets the stage for meaningful reform, and I invite all of my colleagues to join with us in this exciting reform process.

HONORING STATE SENATOR GWENDOLYNNE MOORE, 1995 WISCONSIN NOW FEMINIST OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to recognize a Milwaukee woman I have certainly grown to admire and respect over the years, State Senator Gwendolynne S. Moore.

In 1992, Senator Moore became the first African-American woman elected to the Wisconsin State Senate. Prior to her election to the Senate, she served two successful terms in the Wisconsin Assembly, representing a district on the north side of the city of Milwaukee.

Gwen Moore's deep commitment to her community began long before she won elective office, however. Active in housing issues, Gwen has worked for the city of Milwaukee as a neighborhood development specialist and as a housing officer for the State of Wisconsin Housing and Economic Development Authority [WHEDA]. She continued her fight for safe and affordable housing as a State representative and a member of WHEDA's Board of Directors, where she was instrumental in the development of the "Heart of Milwaukee," an award-winning campaign to increase home ownership in my hometown.

Over the years, Senator Moore has been a tireless crusader for the rights of poor women and children. And, as an elected official, she has included money in the State budget for a Milwaukee hospital which serves the uninsured and she has authored drug abatement legislation.

For all of the reasons given here and for the many ways she has personally touched the lives of her constituents, and in light of her seemingly endless potential to continue to be a leader in Milwaukee, in Wisconsin, and on a national level, I am pleased to congratulate State Senator Gwen Moore on being named the Wisconsin National Organization for Women [NOW] 1995 Feminist of the Year.

UNFUNDED FEDERAL MANDATES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. PACKARD. Mr. Speaker, like a parasite feeding off of its host, unfunded mandates linger in the life of every American. The people are fed up. They want government out of their lives. Government exists to serve the needs of the people. The people do not serve the needs of the government.

It is time to end this Federal oppression. Congress takes the credit but sidesteps the cost—leaving State and local governments to bear the burden of the beast. Limiting government will tame this beast and restore accountability. Congress must listen to the people, not tell them what to do.

Our forefathers did not envision a government that controls and manipulates the people, but one that works for and with the people. Shrinking the Federal Government and abolishing unfunded Federal mandates will give back to the people what is rightfully theirs—freedom.

ABELARDO VALDEZ

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. RICHARDSON. Mr. Speaker, I would like to draw my colleagues attention to an opinion piece that appeared in the Washington Times on December 9, 1994. In his discussion, Ambassador Abelardo Valdez brings to light the importance of hemispheric free trade.

The Ambassador rightly points out that NAFTA was the first installment toward a united Western Hemisphere. In fact, Ambassador Valdez has long been at the fore on matters of hemispheric trade. I remember discussing a Western hemisphere free trade area with Ambassador Valdez 15 years ago. In matters of trade in the Western Hemisphere, Ambassador Valdez is nothing short of visionary. I urge my colleagues to take interest in the following article.

[From the Washington Times, Dec. 9, 1994]

ABELARDO VALDEZ

Twenty seven years ago, as a young military aide, I accompanied Lyndon Johnson to the first summit of the presidents of the Americas at Punte del Este, Uruguay. That summit's primary goal was to support the beginning of trade liberalization among the Latin American countries. The second summit of the Americas begins in Miami today, with the primary goals of expanded free trade, strengthening democracy and advancing economic and social development throughout the Western hemisphere.

In the quarter-century between these two historic events, our hemispheric neighborhood and the world have changed dramatically, and the small seed planted at Punta del Este is blossoming into a hemispheric free trade area, and, I predict, into a future Common Market of the Americas. The North American Free Trade Agreement (NAFTA) has set the stage.

The Miami Summit is a critical step in creating a Western Hemisphere Free Trade Area (WHFTA). The U.S., Canadian and Latin American governments realize that this summit is not only a historic but a watershed event for expanding hemispheric free trade.

the role of the United States will be pivotal, and the U.S. Congress is clearly divided on whether to grant the president the indispensable "fast track" trade negotiating authority.

It behooves us then to state why the United States, in partnership with Canada and Latin America, should pursue this ambitious goal of creating a WHFTA within the next decade. The NAFTA experience teaches us never to take for granted that a good idea will automatically pass Congress or that people beyond the Capital Beltway are properly informed about the issue.

So, first let us examine both the potential U.S. benefits of hemispheric free trade and why a trade partnership with Latin America now is feasible.

Latin America is undergoing dramatic economic policy transformation. The International Monetary Fund predicts higher economic growth for the region than any other over the next decade—about 6 percent per year. These changes, ongoing for several years, have included privatizing economies and opening markets to foreign trade and investment. Latin leaders are eager to maximize economic benefits, such as through increased competitiveness and investment, through a hemispheric free trade pact.

Moreover, Latin American countries have greatly expanded democracy over this same period. Latin leaders perceive that increased economic growth and opportunity is the best catalyst for social progress and the best way to strengthen democracy.

Today, the United States accounts for about 60 percent of the total goods imported by Latin America and the Caribbean, a region with a growing population of 460 million. In 1993, there was $141 billion in trade between the United States and Latin America.

By the end of the '90s, the Western Hemisphere is expected to account for nearly $200 billion in U.S. exports—considerably more than the United States sells to all Europe plus Russia and more than it exports to Eastern and Southern Asia combined. Already, 37 percent of U.S. exports go to Western Hemisphere nations. The U.S. sells as much to Brazil as to China, more to Venezuela than to Russia, and more to Ecuador than Hungary and Poland combined. Our exports to Latin America are growing at 3 times the global rate.

By next year, the Andean Pact countries are expected to set a common external tariff no greater than 20 percent. As a result, they will become one of our 12 largest markets, accounting for $10 billion in U.S. exports. The United States sells more to the pact's 95 million people than to China's 1.2 billion people.

MERCOSUR, the common market established by Brazil, Argentina, Paraguay and Uruguay, has agreed to eliminate all nontariff barriers affecting regional trade.

NAFTA in its first 11 months of existence already has proven that free trade produces strong positive benefits. U.S. exports to Mexico have expanded by more than 17 percent, and Mexico's exports to the United States grew by 20 percent. If this continues, Mexico will displace Japan as our second-largest world market by year's end.

Yet, despite the potential great benefits, there is strong congressional reluctance to move on the Western Hemisphere Free Trade initiative. This also was the reason the Clinton administration was forced to withdraw fast-track negotiating authority from the GATT bill passed by Congress last week.

The bottom line is that those who are for a Western Hemisphere agreement had better start a strong effort now to ensure that Congress gets behind the agreement and passes fast-track.

TRIBUTE TO MR. HENRY H. BROWN, AN OUTSTANDING BUSINESS, CIVIC, AND EDUCATIONAL LEADER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. CLAY. Mr. Speaker, it is rare for one to meet a truly outstanding individual and even more rare to get to know such a person. It has been my privilege and pleasure to have had such an experience in the person of Henry H. Brown, businessman, civic leader, and educator par excellence.

Last January, Henry Brown officially retired from the Anheuser-Busch Companies after a career spanning 35 years during which he rose from sales representative to senior vice-president for Marketing Development and Affairs.

As a corporate executive, he developed innovative marketing strategies which were extremely effective and productive.

One such program is Budweiser's Great Kings and Queens of Africa which has brought the richness of the ancestral history of African-Americans to millions since 1975.

Another was the Budweiser Community Health Mobile which provided free health screening in communities where the company marketed its products.

His contributions and leadership were also evident in the Chiefs I and Chiefs II program which saluted the Nation's top law enforcement officers of African-American heritage and the first Lou Rawls Parade of Stars telethon which benefited the 41 United Negro College Fund institutions.

In the course of his rise to prominence with the world's largest brewer, Henry Brown never forgot the importance of giving something back to the community which nurtured and sustained him through the years. Despite the rigors and demands of ever increasing levels of responsibility, he found the time and energy to develop what may be termed a career in community service.

Mr. Brown's extensive involvement in nonprofit community groups include serving as past chairman of the National Business Policy Review Council, past imperial potentate of the Prince Hall Shriners, trustee for the Arthritis Foundation, the Jesse Owens Foundation, the NAACP Board, the Kennedy Center National Orchestra Board, the American Marketing Association, the Public Relations Society of America, the Congressional Black Caucus Corporate Advisory Council, and numerous other organizations including Alpha Phi Alpha Fraternity and Sigma Pi Phi Fraternity. He has also served as adjunct professor at Howard University and guest lecturer at numerous institutions across the Nation.

Henry Brown's efforts have earned for him the respect and admiration of citizens and organizations in every sector of this country. In addition to receiving honorary doctoral degrees from St. Paul's College and his alma matter, Texas Southern University, he is the recipient of numerous awards and citations from the National Urban League, the NAACP, the National Newspaper Publishers, the Elks Grand Lodge, the Prince Hall Shriners, the Continental Societies, Inc., the American Cancer Society, the National Medical Association, the United Negro College Fund, and the Jesse Owens Foundation, to mention a few.

This outstanding professional and community leader has left an indelible imprint on the lives of those whom he has been privileged to touch and his contributions shall live on through their efforts in countless pursuits across this vast land.

LEGISLATION CONVERTING THE CORNING FISH HATCHERY TO THE STATE OF ARKANSAS

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mrs. LINCOLN. Mr. Speaker, today I am introducing legislation that would transfer property rights in the Corning Fish Hatchery from the Federal Government to the State of Arkansas. Due to Federal budget cuts, the fish hatchery was closed in early 1983. However, the Arkansas Game and Fish Commission resumed hatchery fish production in May 1983, after entering into an agreement with the Fish and Wildlife Service. The fish hatchery has been operating since 1983 as William H. Donham State Fish Hatchery.

This fish hatchery has become an important part of the fisheries division fish culture program and I believe that this transfer will greatly benefit the sportsmen and women of Arkansas. This warm water hatchery is very active and successful, producing 250,000 to 1,000,000 fish annually. About 95 percent of these hatchery-reared fish are stocked in new or renovated public lakes. The remaining fish are allocated to private applicants for stocking new or renovated lakes and ponds. The principal fish produced at the hatchery are largemouth bass, bluegills, redear sunfish, white and black crappie, and channel catfish.

Currently, no Federal funds are used to operate or maintain the William H. Donham State Fish Hatchery. It is financed solely by funds derived from resident and non-resident fishing licenses sales. This transfer of ownership has the support from both the Arkansas Game and Fish Commission and the Fish and Wildlife Service.

It is appropriate to transfer the property to the State of Arkansas since the funds used to finance the hatchery's programs are raised within the borders of Arkansas. In addition, without this transfer, Arkansas would be unable to make long-term commitments as to the direction the hatchery will take in its operations.

I introduced similar legislation last year, H.R. 4253, which passed both the House of Representatives and the Senate. Unfortunately, this bill died in the last hours of the 103d Congress. Nevertheless, this is a noncontroversial bill and I urge my colleagues to support this legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corning National Fish Hatchery Conveyance Act".

SEC. 2. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Arkansas without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas, consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

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20 YEARS LATER: A LIBERAL REPENTS ON VIETNAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. SOLOMON. Mr. Speaker, ever since the killing fields and the boat people began, some of us have been waiting for a confession from those who got it wrong on the Vietnam war. And those who were wrong, of course, were those on the liberal left. The ones who told us that America was on the wrong side in the war. The ones who called Ho Chi Minh, the Vietcong and, yes, the Khmer Rouge simple agrarian reformers. The ones who saw America and her allies as the source of all evil, and who saw in our enemies only a various desire for liberation. The ones who spat on our soldiers as they returned. The ones who hounded us out of the war before we could secure a full accounting of our missing men.

But instead of an apology, or even an admission of intellectual error, most of these people have continued arrogantly along, indifferent to the suffering they contributed to or lacking the courage to air their guilty consciences. In the 1980's, they were Sandinista fans and nuclear freezers. Today, they are global warming crusaders, population controllers, and senior foreign policymakers in the Clinton administration.

But Mr. Speaker, perhaps there is hope. For at least one major liberal opponent of the war, William Shawcross, author of the book, "Sideshow," has seen the light. In an extraordinary article in the December 16, 1994, London Times, Mr. Shawcross admits what many of us have known for 30 years. Please listen carefully to this quote from the article:

> Indeed those of us who opposed the American war in Indo-China should be extremely humble in the face of the appealing aftermath: a form of genocide in Cambodia and horrific tyranny in both Vietnam and Laos. Looking back on my own coverage for the Sunday Times of the South Vietnamese war effort of 1970–75, I think I concentrated too easily on the corruption and incompetence of the South Vietnamese and their American allies, was too ignorant of the inhuman Hanoi regime, and far too willing to believe that a victory by the communists would provide a better future. But after the communist victory came the refugees to Thailand and the floods of boat people desperately seeking to escape the Cambodian killing fields and the Vietnamese gulags. Their eloquent testimony should have put paid to all illusions.

Mr. Shawcross is to be commended for having the courage to be so honest, Mr. Speaker. Too bad that cannot be said about the 1960 generation liberals who are running our foreign policy now, as they busily normalize our relations with Vietnam, prepare to dump taxpayer money into North Korea, and gut this Nation's defenses. A confession from some of them on Vietnam would do the country a lot more good.

HONORING W.W. "BILL" STEINER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 1995

Mr. TORRES. Mr. Speaker, today I rise to recognize Wilfred W. Steiner. Bill, as he is known to his friends and family, will be retiring after 20 years as executive director of the Industry Manufacturers Council.

Born in Berkeley, CA, Bill is an alumnus of Armstrong University and received a distinguished honor award from that institution. He has served as president of the Alumni Association and commencement speaker at the graduation ceremonies in 1982.

His dedication to the Industry Manufacturers Council is only superseded in years of service to the Southern Pacific Co. in San Francisco, where he worked for 44 years. In 1952, Bill briefly left Southern Pacific and established the W.W. Steiner Co. in Oakland, dealing in industrial and commercial real estate. After completing the largest land transaction in southern Alameda County in 1954, he was invited to rejoin the Southern Pacific Co. In his new capacity he managed the company's Southern California real estate operations, headquartered in Los Angeles.

Bill became invaluable to the company's expansion, purchasing large tracts of land for industrial parks and for railroad operating purposes in Orange, San Bernardino, and Los Angeles Counties and in Arizona. He also acquired property for the automotive storage yards in Santa Fe Springs and Industry, as well as the freight yards in Industry. After retiring from the Southern Pacific Co. in 1972, Bill became a real estate consultant to the president of Southern Pacific Land Co. and industrial coordinator for National Engineering Co.

In 1975, known for his expertise in development and entrepreneurialism, Bill was appointed executive director of the Industry Manufacturers Council. He was named Man of the Year for the City of Industry in 1984. He has also been recognized by Who's Who in California for having demonstrated outstanding professional achievement, superior leadership and exceptional service.

His commitment to his community extends outside his professional life. In 1983–84, he served as division chairman for the United Way Campaign and is a member of the president's circle of the Methodist Hospital Foundation. He is past master of the Masonic Lodge, a 32nd Degree Mason and a member of the Shrine. He is a director of the Colorado River Association, the El Encanto Convalescent Hospital and the San Antonio College Foundation.

Throughout my tenure in the House of Representatives, Bill has provided me advice and counsel on issues affecting our business community. He has been supportive of many of my legislative endeavors and I am forever grateful. On Wednesday, January 18, 1995, the Industry Manufacturers Council and the City of Industry will honor W.W. "Bill" Steiner. Mr. Speaker, I ask my colleagues to join me in marking this occasion and saluting Bill for his years of dedication to the people of California.

HOUSE OF REPRESENTATIVES—*Tuesday, January 17, 1995*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 17, 1995.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING] for 5 minutes.

(Mr. BUNNING asked and was given permission to revise and extend his remarks.)

MAJOR LEAGUE BASEBALL

Mr. BUNNING. Mr. Speaker, last week, the owners of major league baseball visited Capitol Hill to urge Members of Congress to leave their exemption from the antitrust laws alone.

Many of you may also have seen a letter which went out last week from Acting Major League Baseball Commissioner Bud Selig, which outlined a number of reasons that he felt vindicated the existence of the antitrust exemption.

I thought it was time that you heard the other side of the story.

Mr. Selig, in his letter, insisted that major league baseball does not operate as an economic cartel.

That is wrong. Major league baseball operates as a cartel in classic monopoly fashion. The owners, not market forces, dictate how the supply of its product will be allocated. The antitrust exemption shields major league baseball from market forces and makes competition impossible. That sounds like a monopoly to me.

Mr. Selig also insists that repeal of the antitrust exemption would not end the baseball strike. Wrong again. All signs point the other way. Don Fehr, the head of the Major League Baseball Players Association, has publicly stated many times that if the exemption were repealed, he would strongly urge the players to end the strike.

Mr. Selig insisted that the players should agree to a salary cap because it is good and because it has worked for football and basketball.

Wrong yet again. Football and basketball do have salary caps, but those caps were negotiated through the collective bargaining process. The baseball owners want to impose the cap unilaterally.

Baseball has a problem because the owners have been unable to reach agreement on how to share revenues between small market teams and large market teams.

But, instead of hammering out an agreement, they are now trying to arbtrarily impose a salary cap on the players to force the players to solve the owners' problem for them.

Mr. Selig said that the antitrust exemption has not hurt the players. That is as wrong as wrong can be. I know it is hard to feel sorry for baseball players with median salaries of half a million dollars. And it is also true that the baseball players union has been very effective in the past several decades and has been able to win—through collective bargaining—some of the rights that other American workers have been guaranteed by law.

But the antitrust exemption does hurt players. It is a constant threat hanging over their heads. The owners know—that because of the exemption—that if they are able to break the union, the players have no place to turn.

Mr. Selig, in his letter, insisted that repealing the exemption would hurt baseball, fans, and communities that have franchises.

He is wrong again. The other major professional sports do not have an antitrust exemption but franchise movement has been slight.

After eight work stoppages in the last 24 years, and the current strike that has destroyed one season and threatens another, it is hard to imagine anyone suggesting that the antitrust exemption is good for the fans.

And then Mr. Selig dredged up the old trusty line that repealing the antitrust exemption would destroy the minor leagues.

This is a very effective line because minor league teams are scattered around the country and touch the lives and economies of small towns throughout the Nation.

But the plain truth of the matter is major league baseball has to have the minor leagues. It traditionally takes longer to develop professional baseball players than football or basketball players.

If the minor leagues were done away with, the decline in quality would be devastating to the integrity of the game and destroy baseball. The owners are smart enough not to jeopardize their investments in their teams by letting that happen.

The minor leagues are indispensable to the future of major league baseball. Repeal of the exemption does not threaten them in any way. That's a smoke screen.

Through it all, I can understand where Mr. Selig is coming from.

Major league baseball has to have this exemption removed for the good of the fans, the game, and anybody else that wants a season in 1995.

THE LEGISLATIVE SEASON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, the gentleman before me spoke about the baseball season. I want to speak some about the legislative season. It has had its opening day and now goes into the first games of the season. The first game, obviously, being this Thursday and Friday as I understand it, the unfunded mandates bill that will be on the floor of the House.

I have no problems with voting on this issue. I have no problems with voting on any of the issues that are in the so-called Contract With America that the Republican Party is bringing forth. Indeed, I think that the debate is wholesome and worthwhile to have on many of these issues.

To debate though means debate. It means having the opportunity. It means being able to play, using the baseball analogy, it means being able to play a full nine innings. But what does not help this House is when you go immediately from the opening ball to the ninth inning. That is what is happening in the unfunded mandates bill. That is my concern about what is happening with the important balanced budget amendment and others. Let me explain.

As a member of the Committee on Government Reform and Oversight, which has the unfunded mandates bill, I had the chance to participate last week in an extraordinary process, a process by which the committee, which had not met previously, suddenly comes into session in its opening session, which is traditionally known as its organizing meeting, that is where you go through the amenities and announce who is on what committee, and then launched from the point into taking up the unfunded mandates bill without a hearing, without a hearing. That is right. A bill which is going to rewrite the relationship between Federal, State, and local governments and, indeed, in some cases the private sector was taken up without a hearing.

There was a hearing of sorts. The gentleman from the Republican side was permitted, who is not a member of the committee but is a sponsor of the bill, was permitted to address the committee for a number of minutes about the reasons he thought it was a good bill, describing what was in it. Our side was not permitted to ask questions. Our side was not permitted to offer its own witness, if such be the case, if that be a proper description of what the gentleman testifying was doing.

We were told it was not a hearing. But at the same time we could not bring our folks in. At that point then we asked about the, whether we would have the opportunity to ask questions throughout. We would, except then we learned subsequently every amendment was limited to 5 minutes for the proponents, 5 minutes for the opponents.

It did not stop there. As we were going through the bill, looking forward to offering some amendments at certain parts, certain sections, some of those sections were removed from our committee's jurisdiction. It probably was the most extraordinary procedure that I have seen.

I have great respect for the Chair of our committee, who is known on both sides of the aisle for being eminently fair. I have great respect for our committee, because our committee, I believe, in the past has worked on a bipartisan basis. I have been assured that this is not going to be the usual run of business. Yet it sets a very disturbing tone.

Could there not have been a hearing, 1 day? We have been several days now waiting to get this bill to the floor. We are going to be here until Thursday and then take the bill and the rule up Thursday, as I understand it, and begin the amendment process on Friday. Could there not have been a 1 day's delay so that there could have been a hearing so the proponents and opponents could have had their chance? One of things, for instance, that concerns me is what happens to coal mine safety laws? I am told, "Don't worry, Bob, they won't be affected, particularly those that are passed before this bill becomes law." Well, perhaps.

What happens to occupational safety and health? What happens to regulation of banking industry and the financial industries? What happens to all of this important area?

So that is why I think it would have been wise and appropriate to at least hold a hearing. Balanced budget amendments will come up, amendments were cut off by 6 the previous, in the committee markup then. And so I hope and urge the Republican majority to recognize the importance of the procedure here.

We want to, we all want to play in this baseball game, but we want to make sure there are equal times at bat, equal opportunities to pitch, equal opportunities to fully participate in this game and that we do not run, go immediately from opening pitch to the ninth inning and then the game is called.

So if the American people are going to truly have faith in this process, and in this contract, which the majority has vowed to have voted on by the 100 days, then it must know that there has been a full process there.

As far as the unfunded mandates bill, I have no problem with requiring that there be an analysis of what the cost is to State and local governments. I have no problem with greater consideration being given to those issues. I have no problem with saying that Congress, before you pass something onto somebody else, every one ought to know how much it costs and be able to evaluate.

What I do have a problem with is where we have an opportunity to participate fully and to explore this bill.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 9 o'clock and 43 minutes a.m.) the House stood in recess until 11 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts are grateful, O loving God, that we are surrounded by others who support us in our worries, who celebrate with us in our victories, and whose presence is ever with us. At our best moments we acknowledge that we do not walk alone or possess all the strengths or energy or courage to face the opportunities and the challenges of each day. With appreciation and with thanksgiving, we remember those whose lives are bound with ours and whose grace is ever with us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Nebraska [Mr. CHRISTENSEN] will lead the House in the Pledge of Allegiance.

Mr. CHRISTENSEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SELECTION OF MEMBERS OF COMMITTEE ON WAYS AND MEANS AS OFFICIAL ADVISERS TO VARIOUS U.S. DELEGATIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211) and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 104th Congress:

Mr. ARCHER of Texas;
Mr. CRANE of Illinois;
Mr. THOMAS of California;
Mr. GIBBONS of Florida; and
Mr. RANGEL of New York.

CONTRACT WITH AMERICA

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, our contract with America states, on the first day of Congress, a Republican House will: force Congress to live under the same laws as everyone else; cut one-third of committee staff, and cut the congressional budget.

We have done that.

In the next 87 days, we will vote on the following 10 items:

No. 1, a balanced budget amendment and line-item veto;

No. 2, a new crime bill to stop violent criminals;

No. 3, welfare reform to encourage work, not dependence;

No. 4, family reinforcement to crack down on deadbeat dads and protect our children;

No. 5, tax cuts for families to lift Government's burden from middle-income Americans and senior citizens too;

No. 6, national security restoration to protect our freedoms and our military chain of command;

No. 7, Senior Citizens' Equity Act to allow our seniors to work without Government penalties from their Government;

No. 8, Government regulation and unfunded mandate reforms;

No. 9, commonsense legal reform to end frivolous lawsuits that are costly, and

No. 10, congressional term limits to make Congress a citizen legislature.

This is our Contract with America. This will happpen.

RUSSIAN AID

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the new $64,000 question for Congress: Is Boris Yeltsin Russia's George Washington? Or is Boris Yeltsin just another Joseph Stalin? One thing is for sure, we have a national debt that is out of sight, a trade deficit that continues to grow. The American people are worried about losing their homes, losing their jobs, and we keep sending billions of dollars over to Russia and we keep wining and dining Boris Yeltsin.

Ladies and gentlemen, we turned our back when it was only 140 of the Old Guard he slaughtered. Now he is attacking citizens in Chechnya. I say one thing is very sure, we have very little money. If we have any, we should spend it in America. Even when we do, we call it pork. Well, if it is pork in America, let me tell you we are sending a prize-winning Porky the Pig over there in Russia. And if there is going to be freedom in Russia, the Russian people should die for it.

Think about it.

ANNOUNCEMENT REGARDING RULES COMMITTEE MEETINGS

(Mr. SOLOMON asked and was given permission to address the House for 1 minutes.)

Mr. SOLOMON. Mr. Speaker, I want to remind my colleagues that the Rules Committee will meet tomorrow at 11 a.m., to report an open rule for the consideration of H.R. 5, the Unfunded Mandate Reform Act of 1995.

The rule may include and this is why I rise today, to let Members know, a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration—though this would not be mandatory.

General debate is scheduled for Thursday of this week on the floor, and the amendment process will begin on Friday, so Members wishing to have priority recognition should submit their amendments for printing in the RECORD no later than Thursday.

I would point out that it is not necessary to submit your amendments to the Rules Committee or to come up and testify, since we do plan on providing an open amendment process.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted to an amendment in the nature of a substitute, we will make in order the changes recommended by the committees of jurisdiction.

Mr. Speaker, I also would like to let the membership know that we intend to meet at 1 p.m. on Monday, January 23, to take testimony on a rule for the consideration of House Joint Resolution 1, which is the balanced budget constitutional amendment.

As I announced last Wednesday on the floor and through a "Dear Colleague" letter sent to all Members last week, the rule may include a provision permitting only the offering of amendments in the nature of a substitute by Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD, and this is the important part, no later than this coming Friday, January 20.

Mr. Speaker, Members wishing to testify in support of their substitutes at next Monday's hearing should contact the Rules Committee at extension 5-9191 by Friday of this week.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. SOLOMON. If I have the time I will be glad to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, the only inquiry I have is that members of the Committee on the Judiciary were concerned because the committee did not have a 7-day notice before the markup, and had written the chairman of the Judiciary Committee asking him to reopen it because many amendments were not presented in the markup of that constitutional amendment.

My understanding is the Parliamentarian said we should have to deal with the 7-day notice. Will the Rules Committee delay the meeting on the rule until we have had the 7-day notice?

Mr. SOLOMON. I would say to the gentlewoman we could not do that. We are under a time constraint, as the gentlewoman knows, and since January 4 we have set the time schedule so that Members developing alternatives in the nature of a substitute have had plenty of time. I for one am interested in that myself and we have been discussing it with Members on both sides of the aisle. I believe by this coming Friday, 3 weeks will have passed and we all will have had time to develop our alternatives if we have them. And we are going to consider all of those alternatives, as you know, up in the Rules Committee.

Mrs. SCHROEDER. If the gentleman will yield further, the issue was not that per se, but that the Committee on the Judiciary, which marked up the constitutional amendment, did not get 7 days' notice as of the markup, which under the rules of the House is required, and we did not get to deal with the issues that go right to the core of that balanced budget amendment: Judicial review and standing. Those to me go right to the core of whether it works or not. So that is our issue.

Should not the committee finish that, because we will not know what kind of substitutes?

The SPEAKER. The Chair recognized the gentleman from New York for 1 minute. This is not debate time beyond that.

Mr. SOLOMON. I thank the Speaker. We cannot take up more of the time. I will tell the gentlewoman I will be glad to discuss it with the chairman and ranking member of the committee. I believe the 7 days' time has been ample, but we will discuss it with them. And I thank the gentlewoman for her inquiry.

☐ 1110

PROTECT SOCIAL SECURITY

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, the Republican leadership has repeatedly said that when it came to cutting spending, everything was on the table except Social Security, and I agree wholeheartedly.

But now I find, to my dismay, that the Contract With America's balanced budget amendment does exactly the opposite. It leaves Social Security wide open to raiding. In addition, last week the Republicans voted down a proposal to show America exactly how they are going to balance the budget. They also rejected a proposal to apply the unfunded mandates bill to the Contract With America.

I think we should be honest with the American people. I think we should support honesty in budgeting and support a balanced budget amendment which protects Social Security.

The people who elected us have only our word to rely on. That is the real contract with our constituents.

URGING PASSAGE OF BALANCED BUDGET AMENDMENT WITH THREE-FIFTHS PROVISION

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, on November 8, the American people sent Washington a message that the Federal Government is too big, too powerful, and spends too much money.

That is why they overwhelmingly support a balanced budget amendment.

But not just any amendment.

The American people want an amendment that makes it more difficult to raise taxes and forces Congress to make tough spending decisions.

That is why it is imperative that the balanced budget amendment include strong taxpayer protection.

The three-fifths provision does just that.

It requires not just a simple majority, but a three-fifths supermajority to raise taxes.

If we do not ensure the inclusion of the three-fifths provision in a balanced budget amendment, then we are giving this body license to continue its cycle of wasteful spending and irresponsible tax increases.

Mr. Speaker, I want the Government's license revoked.

We must empower people, not Government. Passage of the balanced budget amendment with the three-fifths provision is the first step in the right direction.

THE PLOT THICKENS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker and Members of the House, the plot surrounding our Speaker's book deal continues to thicken.

We find that while the Contract With America is committed to open meetings that the Speaker is, in fact, committed to a series of closed meetings; first, the closed meetings between he and Rupert Murdoch at which $4.5 million is on the table and the future of telecommunications policy and foreign ownership of our airwaves is also on the table, a meeting the Speaker said never took place, and now there are four or five versions of what took place at that meeting.

Now we see that the Republican leadership is now committed to a closed meeting between the heads of the telecommunications corporations in this country and the Republican membership, no cameras, no press, no Democrats, no balance, but to privately have a meeting because it is only in private that they could have an honest discussion about the future of America's airwaves and multi-billion-dollar decisions for the consumers.

Somehow the Contract With America's commitment to open meetings rings a little hollow when the real meetings are held in private and in violation of House rules. The plot thickens.

THE AMERICAN PEOPLE WANT A BALANCED BUDGET

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, 81 percent of Americans support a balanced budget amendment, but a few folks are trying to put on the brakes. They say they will not support a balanced budget amendment unless they know exactly how we are going to pay for it.

Mr. Speaker, when President Kennedy stood at this podium behind me here and said we needed to put a man on the Moon, Americans did not demand at the outset to know the type of launching pad or rocket that was going to be used. We set the goal first; then methods for achieving that goal evolved.

The truth is some in this Chamber do not want Congress to balance the budget and have to live with the same kind of fiscal discipline that every family in America experiences every day. They want to continue runaway spending while our constituents are balancing their checkbooks and working hard to make ends meet.

The American people have told us with a resounding voice they want us to balance the budget. For the sake of all our children, let us provide the leadership once and for all to solve this problem.

Where there is a will, there is a way. We will find a way to balance the budget. What we need is the will now to honor our Contract With America.

TIME FOR FULL DISCLOSURE OF BOOK DEAL

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, this morning's Wall Street Journal discloses that the conservative Heritage Foundation is holding a closed-door, Republicans-only meeting to discuss changes in Federal telecommunications policy, changes involving billions of dollars.

The list of participants include Chairman Rupert Murdoch, owner of the same publishing company that has offered the Speaker a multimillion-dollar book contract.

Mr. Speaker, this closed-door meeting and the special interests attending it make it clear why your multimillion-dollar book deal is an issue which will not go away. It is time for at least full disclosure of your book deal, and as painful as it may be, it is time to realize good government may require you, Mr. Speaker, to end this book deal once and for all.

TAKING OUR STREETS BACK ACT OF 1995

(Mr. BARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR. Mr. Speaker, the House Committee on the Judiciary Subcommittee on Crime is scheduled to conduct hearings on the Taking Our Streets Back Act of 1995 later this week.

This bill, of which I am proud to be an original sponsor, is a crucial first step in restoring the right of the American people to be secure in their person and property. I say the first step because this bill cannot remedy all of the shortcomings now existing in Federal anticrime programs. A number of initiatives will be required, because unfortunately the Federal role in crime prevention has suffered misdirection by this body for decades. The most recent example is last year's crime bill which attained new heights in wasteful pork-barrel spending and social spending programs.

Crime is not reduced by expanding bureaucracies. Our first priority must be to remove the violent criminals so that we can reclaim our communities.

In the days ahead I will detail how our new bill delivers on the promise to reduce crime my colleagues and I pledged as part of the Contract With America.

WHAT IS GOING ON?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the stories surrounding the meeting between Speaker GINGRICH and Rupert Murdoch have turned into a political chameleon, changing its colors with each new cycle.

First, the Speaker's office could not recall the meeting. Then the Gingrich spokesman said nothing serious was discussed at the meeting, and it was merely a courtesy call. The following day, the account of the meeting changed again. The Speaker said he and Murdoch discussed the FEC complaint against Murdoch's ownership of Fox television, but that it only came up in passing. Now we learn that Fox Television's top lobbyist was in the meeting.

It is time for the Speaker to come clean on his multi-million-dollar book deal and his secret meeting with Mr. Murdoch.

We were promised open government and not closed-door deals. The Wall Street Journal said this morning there was another closed-door meeting this week with Mr. Murdoch and telecommunications leaders that is planned.

What is going on? The Speaker needs to come clean. We need an outside counsel to review this mess.

CHANGING THE SUBJECT

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, in last November's election, the American people decided to change the direction of the Federal Government. The people decided they wanted to pay less taxes. The people wanted fewer Federal mandates. The people wanted less government.

The American people want to change the Congress. House Democrats want to change the subject. Rather than join with Republicans in passing the Contract With America, Democrats are trying to sabotage the process. Rather than arguing about policy, Democrats talk about GOPAC. Rather than embracing the balanced-budget amendment, some Democrats find excuses to vote against it.

Mr. Speaker, this is sad. When it comes to reform, House Democrats would rather change the subject then change the Congress.

HOW ABOUT LOAN GUARANTEES FOR WEST VIRGINIA?

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, I want to rise and challenge the loan guarantee program that is going to get rammed through this House probably this week. It started out a couple of weeks ago as a $9 billion loan guarantee program as the Mexican peso was devalued. Then it rose to $18 billion, then $25 billion, and the last I saw in the newspaper, $40 billion loan guarantee program.

As I traveled the Second District of West Virginia this weekend, I ran into questions. In Calhoun County, for instance, where they are running short of money for the Arnoldsburg sewer project, why can we not have a loan guarantee program that will help that project? What about the eastern panhandle homebuilders I met with? When the farmers' home money has run out, hundreds of homebuilders are sitting there without homes they are able to finance. How about a loan guarantee program for them?

How about central West Virginia as we try to renovate the Western State Hospital? That could use a loan guarantee program. Or in the Kanawha Valley as we try to move ahead in economic development and some threatened extinction of the Economic Development Administration that creates jobs; how about a loan guarantee program for that?

Forty billion dollars is a large guarantee.

□ 1120

WE NEED A BALANCED-BUDGET AMENDMENT

(Mrs. SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. SMITH of Washington. Mr. Speaker, the honor of serving the people of Washington's Third District sometimes makes it difficult to spend enough time at home with my family. So I usually devote Sundays for that purpose to spend time with my kids and grandkids. I did, however, come back to a transcript on my desk waiting for me that was rather disturbing. It was a transcript of NBC's "Meet the Press" from Sunday. I was disappointed to read that Secretary Reich's comments said the President is against simply balancing the budget.

I went on to read because I thought he cannot, certainly, be saying that, not after he said that he supported it. But he went on to say the goal of a balanced budget is not my goal.

Well, Mr. Speaker, the balanced-budget amendment may be the most important measure that this Congress brings up this session, not because the American people said it, not because the Republicans made it their top goal, but because it is the most important thing we can do for our children and grandchildren.

I spent the day with my grandchildren this Sunday, and it is very clear that if I am not going to hand them a debt, I have to get busy right now and take action.

WE ARE THE TRUSTEES OF THE PUBLIC AIRWAVES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Americans all know that when they hear a fox is guarding the chicken house, they should be very concerned. They soon are going to know that when a different kind of fox comes with their lobbyists to meet with the Speaker, they ought to also be concerned because the airwaves are supposed to be public. We now are learning more and more about Mr. Murdoch's meeting with his lobbyist, Mr. Murdoch representing the Fox Broadcasting Network, and how he is trying to get different privileges versus NBC, all of which are supposed to be on the public airwaves, which, of course, we are supposed to be trustees of. All that going on with the little book deal on the side.

I think we need to get the cloud out of this Chamber that that has caused. We need to get it to a special prosecutor. We need to get on with it. And we really need to bring back the faith the American people have here that this is not a coin-operated legislative machine, that people can come as citizens and bring their petitions and that we truly are going to be the trustees of the public airwaves.

HOW THE AMERICAN PEOPLE BALANCE THEIR BUDGET

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, we have a new Congress that is moving forward with true reforms, with great changes for this country, for the 21st century.

Yet all we hear from some obstructionists are stories about foxes guarding chicken houses, about GOPAC, about making up imaginary Nazi historians and anything else to distract the American voters from the simple truth that we are moving forward with true reform.

Not only do they cause a disservice to this country but they also cause a disservice to the entire body and prevent us from answering the simple question that they have continually asked time and time again: How do we balance the budget?

Well, we do not do it by demagogery and stories about foxes and hounds and chicken houses and Nazi historians. We do it by sticking to the facts and getting to go to work and doing what needed to be done for the past 40 years while the Democrats held the checkbook. We do it the way the middle-class American family does it, by only spending what we have.

BALANCED BUDGET AMENDMENT NOT A GOAL OF THE CLINTON ADMINISTRATION

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute.)

Mrs. CHENOWETH. Mr. Speaker, this weekend the Secretary of Labor did state, as we heard on national TV, that balancing the budget is not a goal of the Clinton administration. And you and I both know that without the authority of the President, the Secretary would not have said that nor reflected that view. At a time when every single hardworking American is calling on the Federal Government to get its act together and balance the budget, the Clinton administration is saying, "No, we won't." At a time when every hardworking American family is demanding that Government balance their budgets just like they have to balance their checkbook, the Clinton administration is saying, "No, we won't." At a time when the American people are demanding that the bitter defenders of the old order change their ways and support the concept of balancing the Federal budget, the Clinton administration is saying, "No, we won't."

Mr. Speaker, I stand here today and I say, "Yes, we will." I have heard the people's message as have you, loud and clear, and they want a smaller, smarter Government that costs less and is less intrusive in their lives.

PREVIOUS PRESIDENTS COULD HAVE STOPPED SPENDING IN ITS TRACKS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I had not intended to give a 1-minute, but I hear this carping about the balanced budget amendment. Twelve out of the last 14 years, we have had a Republican President. Not once, not once did any one of those Republican Presidents submit a balanced budget to the Congress of the United States, not once.

Second, one person, from 1982 to 1989, could have stopped spending in its tracks: Ronald Reagan.

And from 1989 to January 1993, one person, one person, one person could have stopped spending in its tracks: George Bush.

We went from a budget deficit of $945 billion in 1980 to a budget deficit of $4.5 trillion, 12 years into Republican leadership of the country.

CONGRESS HAS AUTHORITY FOR SPENDING THE MONEY

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I came here with a 1-minute speech on unfunded mandates, but as I just listened to my colleague from the other side of the aisle, I cannot help but ask one question. That is: How much money can the President of the United States spend? The Congress of the United States has authority for spending money.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. No, I will not.

THE AMERICAN PEOPLE WANT A BALANCED BUDGET AMENDMENT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I too rise to speak on the issue of the recent quote from our Secretary of Labor, where he said the President is against simply balancing the budget. I believe the American people have clearly spoken this year that they really want serious action, and the fact that they have elected, for the first time in 40 years, a Republican House of Representatives, they are expecting and demanding serious action be taken on this issue of a deficit.

People are concerned; they are concerned about the future for themselves, for their children and their grandchildren. To hear our Secretary of Labor stating that the goal of the balanced budget "is not my goal," and the President is against simply balancing the budget, Mr. Speaker, I believe is a grave disappointment, and the American people need to speak to our President, they need to speak to our Secretary of Labor so that they get the message.

The people want the budget balanced.

WE NEED TO MAKE TOUGH CHOICES TO BALANCE OUR BUDGET

(Mr. GRAHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAHAM. Mr. Speaker, I too rise to speak on an important topic to everybody in this Nation; that is, the balanced budget amendment.

I will comment on what my colleague across the aisle said. If you want to blame people, that is fine, there is plenty of blame to go around. The only thing the balanced budget threatens is politicians' ability to spend money beyond their means. We simply cannot write bad checks up here and get away with it.

If you want to stop that at home, let people know that you want a bad check from the Congress, and that would be the only one I know who is against a balanced budget amendment.

When we do that, and I hope we do, we have to make some hard choices. The National Corporation for Public Broadcasting, PBS, and the National Endowment for the Arts are things that mean a lot to me personally. But when it comes time to balance the budget, we are going to have to say "no" to groups of people we have never said "no" to before.

That is what you do every day at home, you have to do things that you have to do within your budget constraints; you have to say "no" to yourself. That is a new and novel idea up here, to say "no."

But let the great debate begin, once the balanced budget amendment passes, I hope we will have the courage to say "no," even to worthwhile projects.

□ 1130

PROVIDING FOR LUMP SUM PAYMENT FOR ACCRUED ANNUAL LEAVE TO ELIGIBLE FORMER EMPLOYEES OF THE HOUSE OF REPRESENTATIVES

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the resolution (H. Res. 35) providing for payment of a lump sum for accrued annual leave to eligible former employees of the House of Representatives, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, under my reservation, I will be glad to yield to the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight, for the purpose of explaining the objectives of this legislation.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER] for yielding, and I would tell my colleague that the House Republican transition team has developed a plan for wholesale restructuring of the administration of the House officer. As the gentleman knows, the restructuring involves the transfers of various functions of the new House officers with clear probability of consolidation, reclassification and, to a certain extent, elimination of positions that are under the Committee on House Oversight's jurisdiction.

House rules adopted on opening day, January 4, 1995, require that committee staff be reduced by one-third from corresponding levels in the 103d Congress. In addition to that, three committees have been eliminated. Because of this the Speaker has publicly announced his intention to provide a mechanism for the payment of accrued leave for up to 30 days for departing committee and administrative support employees. Currently there is no provision in House rules, or in public law, for the lump sum payment of accrued leave, and on January 11, 1995, as the gentleman well knows, the Committee on House Oversight passed a motion to instruct the chairman of the committee to introduce this particular resolution that is in front of us.

The resolution that we are looking at, House Resolution 35, authorizes compensation to departing committee and administrative support employees in the form of a lump sum payment for any accrued leave, up to a maximum of 30 days, as certified by their committee chairmen or the relevant employing authority. It also allows Members, not just committees, but Members, in this Congress to compensate any departing personal office staff for any annual leave accrued under each Member's office policy. Any employee who is rehired in the legislative branch within 30 days will not receive that accrued leave payment since there was a simple interruption of employment rather than termination.

Accrued leave compensation for departing committee staff will be paid out of the appropriate House account. Compensation for departing Member office employees will be paid from the Member's 1995 clerk hire account. Compensation for departing administrative support employees will be paid from funds already appropriated for the relevant employing authority for fiscal year 1995 operations. Further, any committee or administrative support employee who is terminated prior to July 1, 1995, as a result of the continuing restructuring will also be entitled to compensation under this resolution for accrued leave up to 30 days.

I will also tell the gentleman that there is an amendment at the desk, which I will offer at the appropriate time, which makes a date change in the resolution from January 3, 1995, which was the date in the motion that passed the committee, to December 31, 1994. It was not the intent of the committee to exclude from eligibility for accrued leave payments those employees who may have been taken off the payroll between December 31 and January 3, and so the amendment simply backs up the time from January 3 to include December 31, January 1, and January 2.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I want to congratulate the chairman of the Committee on House Oversight for bringing this legislation forward. There have been a lot of discussions. We have a lot of individuals who, as a result of the changeover in terms of the Republican leadership of the House of Representatives, there has been a substantial change of personnel. This policy was very important, in my opinion, and shared on this side of the aisle, and shared, I think, in a bipartisan fashion to treat those departing employees fairly so that in, at minimum, they received consideration for the annual leave they had accrued during the course of their service for the Congress and for individual Members, and I congratulate the gentleman from California [Mr. THOMAS] for his leadership in this effort in a bipartisan fashion.

We have adopted this; it is a good policy.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER] for yielding, and I do want to underscore the fact that, as the gentleman knows, and he was very cooperative in moving this forward, we have actually extended this policy beyond the specific discussion of those committee and administrative personnel who were leaving to make sure that the Members' personnel offices were treated in a similar fashion. Since there is no policy on the books, this is a policy which will now be established which I do believe is useful, not only in the transition, but in the professional handling of staff which will be further seen in the bill on accountability to come up just after this, and I thank the gentleman.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I understand the gentleman has no further speakers on this issue. If that is the case, I will withdraw my reservation of objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 35

Resolved,

SECTION 1. LUMP-SUM PAYMENT FOR ACCRUED ANNUAL LEAVE.

(a) IN GENERAL.—An eligible employee of the House of Representatives—

(1) who is separated from employment involuntarily;

(2) whose last day of employment is during the period beginning on January 3, 1995, and ending on June 30, 1995; and

(3) who is not reemployed by the House of Representatives, the Senate, or an agency of the legislative branch within 30 days after such last day of employment;

shall be paid a lump sum for the accrued annual leave of the employee.

(b) PAYMENT.—The lump sum—

(1) shall be paid, as certified under subsection (c), in an amount equal to the value of the total accrued annual leave of the employee or the value of 30 days of accrued annual leave of the employee, whichever is less;

(2) shall be paid—

(A) for clerk hire employees, from the clerk hire allowance of the Member for calendar year 1995;

(B) for committee employees, from amounts appropriated for committees; and

(C) for other employees, from amounts appropriated to the employing authority for fiscal year 1995; and

(3) shall be computed using the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(c) CERTIFICATION.—For purposes of this resolution, accrued annual leave of an employee shall be certified by the appropriate employing authority—

(1) as of December 31, 1994, in the case of an employee whose last day of employment is January 3, 1995; and

(2) as of the last day of employment of the employee, in the case of an employee whose last day of employment is after January 3, 1995, and before July 1, 1995.

SEC. 2. REGULATIONS.

The Committee on House Oversight shall have authority to prescribe regulations to carry out this resolution.

SEC. 3. DEFINITIONS.

As used in this resolution—

(1) the term "eligible employee" means, with respect to the House of Representatives, an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include—

(A) an employee under the clerk hire allowance whose appointing Member is not a Member of the House of Representatives in the One Hundred Fourth Congress; or

(B) a uniformed or civilian support employee under the Capitol Police Board; and

(2) The term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.

AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS: Page 1, line 9, strike out "January 3, 1995" and insert in lieu thereof "December 31, 1994".

Page 3, beginning on line 5, strike out "January 3, 1995" and insert in lieu thereof "December 31, 1994, or January 1, 2, or 3, 1995".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. THOMAS].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken after debate has concluded on the motion to suspend the rules, but not before 5 p.m. today.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Clerk read as follows:

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Accountability Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.
Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

Sec. 201. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans With Disabilities Act of 1990.
Sec. 202. Rights and protections under the Family and Medical Leave Act of 1993.
Sec. 203. Rights and protections under the Fair Labor Standards Act of 1938.
Sec. 204. Rights and protections under the Employee Polygraph Protection Act of 1988.
Sec. 205. Rights and protections under the Worker Adjustment and Retraining Notification Act.
Sec. 206. Rights and protections relating to veterans' employment and reemployment.
Sec. 207. Prohibition of intimidation or reprisal.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

Sec. 210. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Sec. 215. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.

PART D—LABOR-MANAGEMENT RELATIONS

Sec. 220. Application of chapter 71 of title 5, United States Code, relating to Federal service labor-management relations; procedures for remedy of violations.

PART E—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART F—STUDY

Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

TITLE III—OFFICE OF COMPLIANCE

Sec. 301. Establishment of Office of Compliance.
Sec. 302. Officers, staff, and other personnel.
Sec. 303. Procedural rules.
Sec. 304. Substantive regulations.
Sec. 305. Expenses.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

Sec. 401. Procedure for consideration of alleged violations.
Sec. 402. Counseling.
Sec. 403. Mediation.
Sec. 404. Election of proceeding.
Sec. 405. Complaint and hearing.
Sec. 406. Appeal to the Board.
Sec. 407. Judicial review of Board decisions and enforcement.
Sec. 408. Civil action.
Sec. 409. Judicial review of regulations.
Sec. 410. Other judicial review prohibited.
Sec. 411. Effect of failure to issue regulations.
Sec. 412. Expedited review of certain appeals.
Sec. 413. Privileges and immunities.
Sec. 414. Settlement of complaints.
Sec. 415. Payments.
Sec. 416. Confidentiality.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Exercise of rulemaking powers.
Sec. 502. Political affiliation and place of residence.
Sec. 503. Nondiscrimination rules of the House and Senate.
Sec. 504. Technical and conforming amendments.
Sec. 505. Judicial branch coverage study.
Sec. 506. Savings provisions.
Sec. 507. Use of frequent flyer miles.
Sec. 508. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions.
Sec. 509. Severability.

TITLE I—GENERAL

SEC. 101. DEFINITIONS.

Except as otherwise specifically provided in this Act, as used in this Act:

(1) BOARD.—The term "Board" means the Board of Directors of the Office of Compliance.

(2) CHAIR.—The term "Chair" means the Chair of the Board of Directors of the Office of Compliance.

(3) COVERED EMPLOYEE.—The term "covered employee" means any employee of—

(A) the House of Representatives;

(B) the Senate;

(C) the Capitol Guide Service;

(D) the Capitol Police;

(E) the Congressional Budget Office;

(F) the Office of the Architect of the Capitol;

(G) the Office of the Attending Physician;

(H) the Office of Compliance; or

(I) the Office of Technology Assessment.

(4) EMPLOYEE.—The term "employee" includes an applicant for employment and a former employee.

(5) EMPLOYEE OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL.—The term "employee of the Office of the Architect of the Capitol" includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

(6) EMPLOYEE OF THE CAPITOL POLICE.—The term "employee of the Capitol Police" includes any member or officer of the Capitol Police.

(7) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term "employee of the House of Representatives" includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(8) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(9) EMPLOYING OFFICE.—The term "employing office" means—

(A) the personal office of a Member of the House of Representatives or of a Senator;

(B) a committee of the House of Representatives or the Senate or a joint committee;

(C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(10) EXECUTIVE DIRECTOR.—The term "Executive Director" means the Executive Director of the Office of Compliance.

(11) GENERAL COUNSEL.—The term "General Counsel" means the General Counsel of the Office of Compliance.

(12) OFFICE.—The term "Office" means the Office of Compliance.

SEC. 102. APPLICATION OF LAWS.

(a) LAWS MADE APPLICABLE.—The following laws shall apply, as prescribed by this Act, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(5) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(7) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(10) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(11) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—

(1) IN GENERAL.—The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations,

(2) BOARD REPORT.—Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph

(1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(3) REPORTS OF CONGRESSIONAL COMMITTEES.—Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

SEC. 201. RIGHTS AND PROTECTIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, THE REHABILITATION ACT OF 1973, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990.

(a) DISCRIMINATORY PRACTICES PROHIBITED.—All personnel actions affecting covered employees shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(b) REMEDY.—

(1) CIVIL RIGHTS.—The remedy for a violation of subsection (a)(1) shall be—

(A) such remedy as would be appropriate if awarded under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)); and

(B) such compensatory damages as would be appropriate if awarded under section 1977 of the Revised Statutes (42 U.S.C. 1981), or as would be appropriate if awarded under sections 1977A(a)(1), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(1), 1981a(b)(2), and 1981a(b)(3)(D)).

(2) AGE DISCRIMINATION.—The remedy for a violation of subsection (a)(2) shall be—

(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

(B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act (29 U.S.C. 626(b)).

In addition, the waiver provisions of section 7(f) of such Act (29 U.S.C. 626(f)) shall apply to covered employees.

(3) DISABILITIES DISCRIMINATION.—The remedy for a violation of subsection (a)(3) shall be—

(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and 1981a(b)(3)(D)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—

(1) SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(2) SECTION 15 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by—

(A) striking "legislative and";

(B) striking "branches" and inserting "branch"; and

(C) inserting "Government Printing Office, the General Accounting Office, and the" after "and in the".

(3) SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—Section 509 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(A) by striking subsections (a) and (b) of section 509;

(B) in subsection (c), by striking "(c) INSTRUMENTALITIES OF CONGRESS.—" and inserting "The General Accounting Office, the Government Printing Office, and the Library of Congress shall be covered as follows:";

(C) by striking the second sentence of paragraph (2);

(D) in paragraph (4), by striking "the instrumentalities of the Congress include" and inserting "the term 'instrumentality of the Congress' means", by striking "the Architect of the Capitol, the Congressional Budget Office", by inserting "and" before "the Library", and by striking "the Office of Technology Assessment, and the United States Botanic Garden";

(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraph:

"(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress."; and

(F) by amending the title of the section to read "**INSTRUMENTALITIES OF THE CONGRESS**".

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 202. RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees.

(2) DEFINITION.—For purposes of the application described in paragraph (1)—

(A) the term "employer" as used in the Family and Medical Leave Act of 1993 means any employing office, and

(B) the term "eligible employee" as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—

(A) COVERAGE.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by adding after clause (iii) the following:

"(iv) includes the General Accounting Office and the Library of Congress.".

(B) ENFORCEMENT.—Section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) is amended by adding at the end the following:

"(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—In the case of the General Accounting Office and the Library of Congress, the authority of the Secretary of Labor under this title shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.".

(2) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 6381(1)(A) of title 5, United States Code, is amended by striking "and" after "District of Columbia" and inserting before the semicolon the following: ", and any employee of the General Accounting Office or the Library of Congress".

(d) REGULATIONS.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—Subsection (c) shall be

effective 1 year after transmission to the Congress of the study under section 230.

SEC. 203. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

(a) Fair Labor Standards.—

(1) In general.—The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) shall apply to covered employees.

(2) Interns.—For the purposes of this section, the term "covered employee" does not include an intern as defined in regulations under subsection (c).

(3) Compensatory time.—Except as provided in regulations under subsection (c)(3), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) Irregular work schedules.—The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.

(d) Application to the Government Printing Office.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

(1) in clause (iii), by striking "legislative or",

(2) by striking "or" at the end of clause (iv), and

(3) by striking the semicolon at the end of clause (v) and inserting ", or" and by adding after clause (v) the following:

"(vi) the Government Printing Office;".

(e) Effective Date.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

SEC. 204. RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.

(a) Polygraph Practices Prohibited.—

(1) In general.—No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002 (1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

(2) Definitions.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress and the term "employing office" shall include the General Accounting Office and the Library of Congress.

(3) Capitol Police.—Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c).

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General accounting office and library of congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) Worker Adjustment and Retraining Notification Rights.—

(1) In general.—No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) Definitions.—For purposes of this section, the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress and the term "employing office" shall include the General Accounting Office and the Library of Congress.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a)(1), (2), and (4)).

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General accounting office and library of congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETERANS' EMPLOYMENT AND REEMPLOYMENT.

(a) Employment and Reemployment Rights of Members of the Uniformed Services.—

(1) In general.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code.

(2) Definitions.—For purposes of this section—

(A) the term "eligible employee" means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code,

(B) the term "covered employee" includes employees of the General Accounting Office and the Library of Congress, and

(C) the term "employing office" includes the General Accounting Office and the Library of Congress.

(b) Remedy.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code.

(c) Regulations To Implement Section.—

(1) In general.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) Agency regulations.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) General accounting office and library of congress.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.

(a) In General.—It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this Act, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this Act.

(b) REMEDY.—The remedy available for a violation of subsection (a) shall be such legal or equitable remedy as may be appropriate to redress a violation of subsection (a).

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—The requirements of this section shall apply to—

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Compliance; and

(10) the Office of Technology Assessment.

(b) DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a).

(2) DEFINITIONS.—For purposes of the application of title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term "public entity" means any entity listed in subsection (a) that provides public services, programs, or activities.

(c) REMEDY.—The remedy for a violation of subsection (b) shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of this title.

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability, as defined in section 201(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) by an entity listed in subsection (a), may file a charge against any entity responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 403 between the charging individual and any entity responsible for correcting the alleged violation.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405 and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 406.

(4) JUDICIAL REVIEW.—A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 407.

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

(e) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

(f) PERIODIC INSPECTIONS; REPORT TO CONGRESS; INITIAL STUDY.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol, or other entity responsible, for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the 104th Congress.

(4) DETAILED PERSONNEL.—The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(g) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY OF CONGRESS.—Section 509 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12209), as amended by section 201(c) of this Act, is amended by adding the following new paragraph:

"(6) ENFORCEMENT OF RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230 or section 302 or 303 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.".

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (b), (c), and (d) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—Subsection (g) shall be effective 1 year after transmission to the Congress of the study under section 230.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SEC. 215. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—

(1) IN GENERAL.—Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(2) DEFINITIONS.—For purposes of the application under this section of the Occupational Safety and Health Act of 1970—

(A) the term "employer" as used in such Act means an employing office;

(B) the term "employee" as used in such Act means a covered employee;

(C) the term "employing office" includes the General Accounting Office, the Library of Congress, and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs; and

(D) the term "employee" includes employees of the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 662(a)).

(c) PROCEDURES.—

(1) REQUESTS FOR INSPECTIONS.—Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (a), (d), (e), and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

(2) CITATIONS, NOTICES, AND NOTIFICATIONS.—For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a); or

(B) a notification to any employing office that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(3) HEARINGS AND REVIEW.—If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(4) VARIANCE PROCEDURES.—An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6) and 655(d)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(5) JUDICIAL REVIEW.—The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(6) COMPLIANCE DATE.—If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

(d) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

(e) PERIODIC INSPECTIONS; REPORT TO CONGRESS.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel, exercising the same authorities of the Secretary of Labor as under subsection (c)(1), shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, the Office of Technology Assessment, the Library of Congress, and the General Accounting Office to report on compliance with subsection (a).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

(3) ACTION AFTER REPORT.—If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A).

(4) DETAILED PERSONNEL.—The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(f) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) and shall submit the report under subsection (e)(2) for the 104th Congress.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

PART D—LABOR-MANAGEMENT RELATIONS

SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) LABOR-MANAGEMENT RIGHTS.—

(1) IN GENERAL.—The rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5, United States Code, shall apply to employing offices and to covered employees and representatives of those employees.

(2) DEFINITION.—For purposes of the application under this section of the sections referred to in paragraph (1), the term "agency" shall be deemed to include an employing office.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including a remedy under section 7118(a)(7) of title 5, United States Code, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a).

(c) AUTHORITIES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.—

(1) GENERAL AUTHORITIES OF THE BOARD; PETITIONS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5, United States Code, and of the President under section 7103(b) of title 5, United States Code. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

(2) GENERAL AUTHORITIES OF THE GENERAL COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5, United States Code. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(3) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraphs (1) or (2) of this subsection, may file a petition for judicial review in the United States Court of Appeals

for the Federal Circuit pursuant to section 407.

(4) EXERCISE OF IMPASSES PANEL AUTHORITY; REQUESTS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5, United States Code. For purposes of this section, any request that, under chapter 71 of title 5, United States Code, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5, United States Code.

(d) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in subsection (e), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.

(e) SPECIFIC REGULATIONS REGARDING APPLICATION TO CERTAIN OFFICES OF CONGRESS.—

(1) REGULATIONS REQUIRED.—The Board shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code and of this Act, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter, except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) that the Board shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities.

(2) OFFICES REFERRED TO.—The offices referred to in paragraph (1) include—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on October 1, 1996.

(2) CERTAIN OFFICES.—With respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of regulations under subsection (e).

PART E—GENERAL

SEC. 225. GENERALLY APPLICABLE REMEDIES AND LIMITATIONS.

(a) ATTORNEY'S FEES.—If a covered employee, with respect to any claim under this Act, or a qualified person with a disability, with respect to any claim under section 210, is a prevailing party in any proceeding under section 405, 406, 407, or 408, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert fees, and any other costs as would be appropriate if awarded under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

(b) INTEREST.—In any proceeding under section 405, 406, 407, or 408, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(d)).

(c) CIVIL PENALTIES AND PUNITIVE DAMAGES.—No civil penalty or punitive damages may be awarded with respect to any claim under this Act.

(d) EXCLUSIVE PROCEDURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this Act except as provided in this Act.

(2) VETERANS.—A covered employee under section 206 may also utilize any provisions of chapter 43 of title 38, United States Code, that are applicable to that employee.

(e) SCOPE OF REMEDY.—Only a covered employee who has undertaken and completed the procedures described in sections 402 and 403 may be granted a remedy under part A of this title.

(f) CONSTRUCTION.—

(1) DEFINITIONS AND EXEMPTIONS.—Except where inconsistent with definitions and exemptions provided in this Act, the definitions and exemptions in the laws made applicable by this Act shall apply under this Act.

(2) SIZE LIMITATIONS.—Notwithstanding paragraph (1), provisions in the laws made applicable under this Act (other than the Worker Adjustment and Retraining Notification Act) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this Act.

(3) EXECUTIVE BRANCH ENFORCEMENT.—This Act shall not be construed to authorize enforcement by the executive branch of this Act.

PART F—STUDY

SEC. 230. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) IN GENERAL.—The Administrative Conference of the United States shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office; and

(C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) APPLICABLE STATUTES.—The study under this section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and related provisions of section 2302 of title 5, United States Code.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5, United States Code.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5, United States Code.

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5, United States Code.

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5, United States Code.

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5, United States Code.

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(8) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(9) The General Accounting Office Personnel Act of 1980 (31 U.S.C. 731 et seq.).

(10) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(c) Contents of Study and Recommendations.—The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

(d) Deadline and Delivery of Study.—Not later than December 31, 1996—

(1) the Administrative Conference of the United States shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the Board; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

TITLE III—OFFICE OF COMPLIANCE

SEC. 301. ESTABLISHMENT OF OFFICE OF COMPLIANCE.

(a) Establishment.—There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

(b) Board of Directors.—The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after the date of the enactment of this Act.

(c) Chair.—The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

(d) Board of Directors Qualifications.—

(1) Specific qualifications.—Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 102.

(2) Disqualifications for appointments.—

(A) Lobbying.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be eligible for appointment to, or service on, the Board.

(B) Incompatible office.—No member of the Board appointed under subsection (b) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch, or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board, an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Senate Fair Employment Practices) within 4 years of the date of appointment.

(3) Vacancies.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(e) Term of Office.—

(1) In general.—Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board who is appointed to a term of office of more than 3 years shall only be eligible for appointment for a single term of office.

(2) First appointments.—Of the members first appointed to the Board—

(A) 1 shall have a term of office of 3 years,

(B) 2 shall have a term of office of 4 years, and

(C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair,

as designated at the time of appointment by the persons specified in subsection (b).

(f) Removal.—

(1) Authority.—Any member of the Board may be removed from office by a majority decision of the appointing authorities described in subsection (b), but only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, including a felony or conduct involving moral turpitude, or

(E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2).

(2) Statement of reasons for removal.—In removing a member of the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member of the Board being removed the specific reasons for the removal.

(g) Compensation.—

(1) Per diem.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.

(2) Travel expenses.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) Duties.—The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government;

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under title IV, and any other information appropriate for distribution, distribute such information to employing offices in a manner suitable for posting, provide such information to new employees of employing offices, distribute such information to the residences of covered employees, and conduct seminars and other activities designed to educate employing offices and covered employees; and

(3) compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this Act and the result of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.

(i) Congressional Oversight.—The Board and the Office shall be subject to oversight (except with respect to the disposition of individual cases) by the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Oversight of the House of Representatives.

(j) Opening of Office.—The Office shall be open for business, including receipt of requests for counseling under section 402, not later than 1 year after the date of the enactment of this Act.

(k) Financial Disclosure Reports.—Members of the Board and officers and employees of the Office shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 with the Clerk of the House of Representatives.

SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) Executive Director.—

(1) Appointment and removal.—

(A) In general.—The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

(B) Qualifications.—The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 102(a).

(C) Disqualifications.—The disqualifications in section 301(d)(2) shall apply to the appointment of the Executive Director.

(2) Compensation.—The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Term.—The term of office of the Executive Director shall be a single term of 5 years, except that the first Executive Director shall have a single term of 7 years.

(4) Duties.—The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this Act, the Executive Director shall carry out all of the responsibilities of the Office under this Act.

(b) Deputy Executive Directors.—

(1) In general.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for

the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in section 301(d)(2) shall apply to the appointment of a Deputy Executive Director.

(2) TERM.—The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) COMPENSATION.—The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DUTIES.—The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 304(a)(2)(B)(i), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 304(a)(2)(B)(ii), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

(c) GENERAL COUNSEL.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 301(d)(2) shall apply to the appointment of a General Counsel.

(2) COMPENSATION.—The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this Act; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this Act.

(4) ATTORNEYS IN THE OFFICE OF THE GENERAL COUNSEL.—The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

(5) TERM.—The term of office of the General Counsel shall be a single term of 5 years.

(6) REMOVAL.—

(A) AUTHORITY.—The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,

(ii) incompetence,

(iii) neglect of duty,

(iv) malfeasance, including a felony or conduct involving moral turpitude, or

(v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under paragraph (1).

(B) STATEMENT OF REASONS FOR REMOVAL.—In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) OTHER STAFF.—The Executive Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) DETAILED PERSONNEL.—The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) CONSULTANTS.—In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 303. PROCEDURAL RULES.

(a) IN GENERAL.—The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) PROCEDURE.—The Executive Director shall adopt rules referred to in subsection (a) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Executive Director shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Before adopting rules, the Executive Director shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.

SEC. 304. SUBSTANTIVE REGULATIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—The procedures applicable to the regulations of the Board issued for the implementation of this Act, which shall include regulations the Board is required to issue under title II (including regulations on the appropriate application of exemptions under the laws made applicable in title II) are as prescribed in this section.

(2) RULEMAKING PROCEDURE.—Such regulations of the Board—

(A) shall be adopted, approved, and issued in accordance with subsection (b); and

(B) shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—

(i) the Senate and employees of the Senate;

(ii) the House of Representatives and employees of the House of Representatives; and

(iii) all other covered employees and employing offices.

(b) ADOPTION BY THE BOARD.—The Board shall adopt the regulations referred to in subsection (a)(1) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code, and as provided in the following provisions of this subsection:

(1) PROPOSAL.—The Board shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Such notice shall set forth the recommendations of the Deputy Director for the Senate in regard to regulations under subsection (a)(2)(B)(i), the recommendations of the Deputy Director for the House of Representatives in regard to regulations under subsection (a)(2)(B)(ii), and the recommendations of the Executive Director for regulations under subsection (a)(2)(B)(iii).

(2) COMMENT.—Before adopting regulations, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking.

(3) ADOPTION.—After considering comments, the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(4) RECOMMENDATION AS TO METHOD OF APPROVAL.—The Board shall include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

(c) APPROVAL OF REGULATIONS.—

(1) IN GENERAL.—Regulations referred to in paragraph (2)(B)(i) of subsection (a) may be approved by the Senate by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) may be approved by the House of Representatives by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution.

(2) REFERRAL.—Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution or by joint resolution.

(3) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a resolution of the House of Representatives or the Senate or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ____ are hereby approved:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(5) JOINT RESOLUTION.—In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on ____ are hereby approved and shall have the force and effect of law:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

(d) ISSUANCE AND EFFECTIVE DATE.—

(1) PUBLICATION.—After approval of regulations under subsection (c), the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(2) DATE OF ISSUANCE.—The date of issuance of regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

(3) EFFECTIVE DATE.—Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulation.

(e) AMENDMENT OF REGULATIONS.—Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5, United States Code.

(f) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the Board for the issuance, amendment, or repeal of a regulation.

(g) CONSULTATION.—The Executive Director, the Deputy Directors, and the Board—

(1) shall consult, with regard to the development of regulations, with—

(A) the Chair of the Administrative Conference of the United States;

(B) the Secretary of Labor;

(C) the Federal Labor Relations Authority; and

(D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board, the Executive Director, or Deputy Directors, may be helpful.

SEC. 305. EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the date of the enactment of this Act—

(1) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the House of Representatives, and

(2) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the Senate,

upon vouchers approved by the Executive Director, except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate. The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31, United States Code, to place orders and enter into agreements.

(c) WITNESS FEES AND ALLOWANCES.—Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under this Act other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records in any proceeding under this Act shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5, United States Code.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

Except as otherwise provided, the procedure for consideration of alleged violations of part A of title II consists of—

(1) counseling as provided in section 402;

(2) mediation as provided in section 403; and

(3) election, as provided in section 404, of either—

(A) a formal complaint and hearing as provided in section 405, subject to Board review as provided in section 406, and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407, or

(B) a civil action in a district court of the United States as provided in section 408.

In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Executive Director, after receiving a request for counseling under section 402, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation.

SEC. 402. COUNSELING.

(a) IN GENERAL.—To commence a proceeding, a covered employee alleging a violation of a law made applicable under part A of title II shall request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the date of the alleged violation.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) NOTIFICATION OF END OF COUNSELING PERIOD.—The Office shall notify the employee in writing when the counseling period has ended.

SEC. 403. MEDIATION.

(a) INITIATION.—Not later than 15 days after receipt by the employee of notice of the end of the counseling period under section 402, but prior to and as a condition of making an election under section 404, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) PROCESS.—Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) INDEPENDENCE OF MEDIATION PROCESS.—No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

SEC. 404. ELECTION OF PROCEEDING.

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either—

(1) file a complaint with the Office in accordance with section 405, or

(2) file a civil action in accordance with section 408 in the United States district court for the district in which the employee is employed or for the District of Columbia.

SEC. 405. COMPLAINT AND HEARING.

(a) IN GENERAL.—A covered employee may, upon the completion of mediation under section 403, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or

(2) in which the violation is alleged to have occurred,

and about which mediation was conducted.

(b) DISMISSAL.—A hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(c) HEARING OFFICER.—

(1) APPOINTMENT.—Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer. The Executive Director shall select hearing officers on a rotational or random basis from the lists developed under

paragraph (2). Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(2) LISTS.—The Executive Director shall develop master lists, composed of—

(A) members of the bar of a State or the District of Columbia and retired judges of the United States courts who are experienced in adjudicating or arbitrating the kinds of personnel and other matters for which hearings may be held under this Act, and

(B) individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health.

In developing lists, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

(d) HEARING.—Unless a complaint is dismissed before a hearing, a hearing shall be—

(1) conducted in closed session on the record by the hearing officer;

(2) commenced no later than 60 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) SUBPOENAS.—

(1) IN GENERAL.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) OBJECTIONS.—If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) ENFORCEMENT.—

(A) IN GENERAL.—If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

(B) SERVICE OF PROCESS.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) DECISION.—The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 90 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to title II. The decision shall be entered in the records of the Office. If a decision is not appealed under section 406 to the Board, the decision shall be considered the final decision of the Office.

(h) PRECEDENTS.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the laws made applicable by section 102 and by Board decisions under this Act.

SEC. 406. APPEAL TO THE BOARD.

(a) IN GENERAL.—Any party aggrieved by the decision of a hearing officer under section 405(g) may file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office.

(b) PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.—The parties to the hearing upon which the decision of the hearing officer was made shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) STANDARD OF REVIEW.—The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) DECISION.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND ENFORCEMENT.

(a) JURISDICTION.—

(1) JUDICIAL REVIEW.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of—

(A) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II,

(B) a charging individual or a respondent before the Board who files a petition under section 210(d)(4),

(C) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5), or

(D) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3).

The court of appeals shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) ENFORCEMENT.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II.

(b) PROCEDURES.—

(1) RESPONDENTS.—(A) In any proceeding commenced by a petition filed under subsection (a)(1) (A) or (B), or filed by a party other than the General Counsel under subsection (a)(1) (C) or (D), the Office shall be named respondent and any party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(B) In any proceeding commenced by a petition filed by the General Counsel under subsection (a)(1) (C) or (D), the prevailing party in the final decision entered under section 406(e) shall be named respondent, and any other party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(C) In any proceeding commenced by a petition filed under subsection (a)(2), the party under section 405 or 406 that the General Counsel determines has failed to comply with a final decision under section 405(g) or 406(e) shall be named respondent.

(2) INTERVENTION.—Any party that participated in the proceedings before the Board under section 406 and that was not made respondent under paragraph (1) may intervene as of right.

(c) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to judicial review under paragraph (1) of subsection (a), except that—

(1) with respect to section 2344 of title 28, United States Code, service of a petition in any proceeding in which the Office is a respondent shall be on the General Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 406(e); and

(4) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(d) STANDARD OF REVIEW.—To the extent necessary for decision in a proceeding commenced under subsection (a)(1) and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(e) RECORD.—In making determinations under subsection (d), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

SEC. 408. CIVIL ACTION.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action commenced under section 404 and this section by a covered employee who has completed counseling under section 402 and mediation under section 403. A civil action may be commenced by a covered employee only to seek redress for a violation for which the employee has completed counseling and mediation.

(b) Parties.—The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

(c) Jury Trial.—Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant law made applicable by this Act. In any case in which a violation of section 201 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 201(b)(1) or 201(b)(3).

SEC. 409. JUDICIAL REVIEW OF REGULATIONS.

In any proceeding brought under section 407 or 408 in which the application of a regulation issued under this Act is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, United States Code, except that with respect to regulations approved by a joint resolution under section 304(c), only the provisions of section 706(2)(B) of title 5, United States Code, shall apply. If the court determines that the regulation is invalid, the court shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this Act is not subject to judicial review.

SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.

Except as expressly authorized by sections 407, 408, and 409, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.

In any proceeding under section 405, 406, 407, or 408, except a proceeding to enforce section 220 with respect to offices listed under section 220(e)(2), if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) In General.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) Jurisdiction.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in subsection (a), advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

SEC. 413. PRIVILEGES AND IMMUNITIES.

The authorization to bring judicial proceedings under sections 405(f)(3), 407, and 408 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, including under article I, section 5, clause 3, or under the rules of either House relating to records and information within its jurisdiction.

SEC. 414. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties to a process described in section 210, 215, 220, or 401 shall be in writing and not become effective unless it is approved by the Executive Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

SEC. 415. PAYMENTS.

(a) Awards and Settlements.—Except as provided in subsection (c), only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this Act. There are authorized to be appropriated for such account such sums as may be necessary to pay such awards and settlements. Funds in the account are not available for awards and settlements involving the General Accounting Office, the Government Printing Office, or the Library of Congress.

(b) Compliance.—Except as provided in subsection (c), there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this Act.

(c) OSHA, Accommodation, and Access Requirements.—Funds to correct violations of section 201(a)(3), 210, or 215 of this Act may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

SEC. 416. CONFIDENTIALITY.

(a) Counseling.—All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) Mediation.—All mediation shall be strictly confidential.

(c) Hearings and Deliberations.—Except as provided in subsections (d), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

(d) Release of Records for Judicial Action.—The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 407.

(e) Access by Committees of Congress.—At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 405(g) or 406(e).

(f) Final Decisions.—A final decision entered under section 405(g) or 406(e) shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 210, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 102(b)(3) and 304(c) are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 502. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) In General.—It shall not be a violation of any provision of section 201 to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) with respect to employment decisions.

(b) Definition.—For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) an employee on the staff of a committee or subcommittee of—

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 503. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Civil Rights Remedies.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

"SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

"(a) Short Title.—This title may be cited as the 'Government Employee Rights Act of 1991'.

"(b) Purpose.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

"(c) Definition.—For purposes of this title, the term 'violation' means a practice that violates section 302(a) of this title.

"SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

"(a) PRACTICES.—All personnel actions affecting the Presidential appointees described in section 303 or the State employees described in section 304 shall be made free from any discrimination based on—

"(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

"(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

"(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

"(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

"(1) may include, in the case of a determination that a violation of subsection (a)(1) or (a)(3) has occurred, such remedies as would be appropriate if awarded under sections 706(g), 706(k), and 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g), 2000e–5(k), 2000e–16(d)), and such compensatory damages as would be appropriate if awarded under section 1977 or sections 1977A(a) and 1977A(b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981a(a) and (b)(2));

"(2) may include, in the case of a determination that a violation of subsection (a)(2) has occurred, such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

"(3) may not include punitive damages.".

(2) Sections 303 through 319, and sections 322, 324, and 325 of the Government Employee Rights Act of 1991 (2 U.S.C. 1203–1218, 1221, 1223, and 1224) are repealed, except as provided in section 506 of this Act.

(3) Sections 320 and 321 of the Government Employee Rights Act of 1991 (2 U.S.C. 1219 and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Government Employee Rights Act of 1991, as so redesignated, are each amended by striking "and 307(h) of this title".

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed, except as provided in section 506 of this Act.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Title V of the Family and Medical Leave Act of 1993 (2 U.S.C. 60m et seq.) is repealed, except as provided in section 506 of this Act.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103–283; 108 Stat. 1444) is repealed, except as provided in section 506 of this Act.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 505. JUDICIAL BRANCH COVERAGE STUDY.

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of the Federal Government of—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(2) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(3) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(4) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(5) the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.);

(6) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(7) chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code;

(8) the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.);

(9) the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.);

(10) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(11) chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial relief, that are comparable to those available to employees of the legislative branch under titles I through IV of this Act.

SEC. 506. SAVINGS PROVISIONS.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Senate or the House of Representatives has or could have requested counseling under section 305 of the Government Employees Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under title V of the Family and Medical Leave Act of 1993, the employee may complete, or initiate and complete, all procedures under the Government Employees Rights Act of 1991 and Rule LI, and the provisions of that Act and Rule shall remain in effect with respect to, and provide the exclusive procedures for, those claims until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Senate or House of Representatives arises under section 201 or 202 after the effective date of such sections, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the provisions of the Government Employees Rights Act of 1991 (2 U.S.C. 1201 et seq.) and Rule LI of the House of Representatives relating to counseling and mediation shall remain in effect, and the employee may complete under that Act or Rule the requirements for counseling and mediation under sections 402 and 403. If, after counseling and mediation is completed, the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a complaint under section 307 of the Government Employees Rights Act of 1991 (2 U.S.C. 1207) or Rule LI of the House of Representatives, and thereafter proceed exclusively under that Act or Rule, the provisions of which shall remain in effect until the completion of all proceedings in relation to the complaint, or

(B) to commence a civil action under section 408.

(3) SECTION 1205 OF THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1993.—With respect to payments of awards and settlements relating to Senate employees under paragraph (1) of this subsection, section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) remains in effect.

(b) TRANSITION PROVISIONS FOR EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Architect of the Capitol has or could have filed a charge or complaint regarding an alleged violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act (Public Law 103–283), the employee may complete, or initiate and complete, all procedures under section 312(e) of that Act, the provisions of which shall remain in effect with respect to, and provide the exclusive procedures for, that claim until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Architect of the Capitol arises under section 201 or 202 after the effective date of those provisions, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the employee may satisfy the requirements for counseling and mediation by exhausting the requirements prescribed by the Architect of the Capitol in accordance with section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103–283). If, after exhaustion of those requirements the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a charge with the General Accounting Office Personnel Appeals Board pursuant to section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103–283), and thereafter proceed exclusively under section 312(e) of that Act, the provisions of which shall remain in effect until the completion of all proceedings in relation to the charge, or

(B) to commence a civil action under section 408.

(c) TRANSITION PROVISION RELATING TO MATTERS OTHER THAN EMPLOYMENT UNDER SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—With respect to matters other than employment under section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209), the rights, protections, remedies, and procedures of section 509 of such Act shall remain in effect until section 210 of this Act takes effect with respect to each of the entities covered by section 509 of such Act.

SEC. 507. USE OF FREQUENT FLYER MILES.

(a) LIMITATION ON THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate shall be considered the property of the office for which the travel was performed and may not be converted to personal use.

(b) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means travel engaged in the course of official business of the Senate.

SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355).

SEC. 509. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be invalid, the remainder of this Act and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities, be permitted to control 10 minutes of the 20 minutes which are controlled on this side and to yield that time in such blocks as he may determine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to rise in support of the bill before us because it is truly one of the most important initiatives this Congress will pass this year. Before I go any further, I want to thank the gentleman from Illinois [Mr. FAWELL] for the many hours over the many years, going back to 1990, that he has also spent in trying to help bring this day about, as well as our staff members, Randy Johnson and Gary Vischer. Its enactment, like the unfunded mandate legislation we will be considering later, will create a long-needed institutional brake, a yellow flag, on the passage of requirements this institution has too easily in the past imposed on employers. As importantly, the bill will finally extend the same workplace protections enjoyed by others to our own employees. Indeed, now that we are forced to comply with these laws, we might even learn from experience and better identify with the problems of compliance endured by our constituents. In fact, I can guarantee it. Proposals for future workplace requirements and reform of existing laws will gather a lot closer attention by every Member of this body after enactment of this legislation. And it's about time. This bill, a product of compromise in negotiations between the House and Senate, is not absolutely perfect, but it is a major step forward.

Indeed, the only shadow cast over today is that it took so long in coming. As I have noted in the past, the hypocrisy of Congress in exempting itself from the laws it imposes on others is so obvious that one wonders how it so long escaped criticism, but I am gratified that those of us who have long fought—particularly in my committee—for strong congressional coverage with enforcement in the courts now have ample company.

But others will also comment on the virtues of this legislation, so let me set out, in the short time I have, a few general principles which I hope will provide guidance for the new Office of Compliance and the courts, to amplify the legislative history developed in the Senate.

First, as questions concerning the constitutionality of the bill have been, and will be, raised, I am submitting for the RECORD an April 10, 1991, analysis prepared by CRS at my request which concluded that legislation allowing congressional employees to bring lawsuits in court would likely be upheld and does not pose a serious constitutional question. Second, where there is any doubt on the matter, the office and the courts should apply the law in question as it is applied to private sector employers. Third, where the case law is divided in interpreting the relevant law, the Board and the courts should apply to the Congress the most rigorous interpretations, not the least rigorous. For example, where ambiguities in existing law have led some courts to interpret a particular damage provision expansively, while others have read that ambiguity in a more restrictive manner, the Board and the courts should apply the former interpretation under this act. The Congress should not be allowed to escape the problems created by its own failure to draft laws properly and, perhaps, through this approach we will be forced to revisit and clarify existing laws which, because of a lack of clarity, are creating confusion and litigation.

Let me make a few, more specific points. Although the bill is not entirely clear on this issue, the Board should be considered empowered to issue regulations under section 201 relating to protections against discrimination, subject, of course, to the general limitations on the Board's regulatory authority. The power of hearing officers to dismiss frivolous cases should be exercised only in the clearest situation where there is absolutely no merit to the claim being brought and assuming all relevant facts in favor of the employee. The counseling required under title IV should be truly employee friendly, informative but not coercive. Last, I expect that the protections for confidentiality will apply only where expressly stated; thus, for example, the report required under section 215 concerning the General Counsel's inspection of congressional facilities for OSHA violations would be made available to the public. We must not wrap proceedings under this law in a vail of secrecy, for to do so would be to lose the trust of the public.

Mr. Speaker, I would have included punitive damages and personal liability to the list of available remedies but will not here press the issue, for the legislation overall marks a giant step forward in disciplining this institution—in forcing us to slow down and more thoroughly consider the effect of the laws we impose on others, for now we will have to live by those same laws. I believe that after all of us are long gone, the positive impact of this initiative will remain.

LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 10, 1991.

To: Honorable William F. Goodling, attention: Randy Johnson.
From: American Law Division.
Subject: Constitutionality of authorizing private causes of actions by employees of Members of Congress against their employers.

This memorandum is in response to your inquiry with regard to whether the speech or debate clause of the Constitution, or, perhaps, some other constitutional provision, would be violated should Congress, in providing protections to employees, either those working for individual Members and for congressional committees or those working for the institution, by forbidding discrimination of the basis of race, color, sex, religion, or other prescribed grounds, authorize the employees to sue in federal court for alleged discrimination.

Implicated directly by any such proposal would indeed be the speech or debate clause assurance that Members of Congress "shall not be questioned in any other Place" for things said or done in the legislative process. Article I, §6, cl. 1. Additionally, a general separation of powers issue might be raised. As we understand the likely proposal, it would not include any authority for the Equal Employment Opportunity Commission, an executive branch agency, to police the employment relations of the legislative branch, which would in itself raise speech or debate and separation of powers questions.

This issue has occasioned much debate in Congress and out in recent years. It is not possible to make a definitive determination on the basis of the constitutional text and its history, structure, and purposes, and the judicial precedents are not dispositive. However, the text as informed by the interpretive judicial decisions does rather strongly suggest that the courts would sustain the validity of the enactment should Congress choose to take the step.

Although the following discussion is anchored in the judicial precedents, one must begin by acknowledging that it is the responsibility of each branch to make an independent interpretation of the meaning of the Constitution and that, while the decision in any particular instance may be reviewable by the courts, ultimately the Supreme Court, each branch owes to the others a respect for the reading of the Constitution developed in the court of governing. *United States* v. *Nixon*, 418 U.S. 683, 703 (1974). Even, therefore, if the Supreme Court's decisions were more directly declaratory of the law than they in fact are, Congress in acting on any measure may proceed on a different understanding of the metes and bounds of the Constitution.

SPEECH OR DEBATE CLAUSE

The speech or debate clause has a long lineage from the struggles of Parliament with the Crown in England, *United States* v. *Johnson*, 383 U.S. 169, 178 (1966), and in our scheme of things is designed to protect the independence and integrity of the legislature and to reinforce the principle of separation of powers. Ibid.; *United States* v. *Brewster*, 408 U.S. 501, 507 (1972). The protection of the clause is not limited to words spoken in debate. "Committee reports, resolutions, and the act of voting are equally covered, as are 'things generally done in a session of the House by one of its members in relation to the business before it.'" *Powell* v. *McCormack*, 395 U.S. 486, 502 (1969) (quoting *Kilbourn* v. *Thompson*, 103 U.S. 168, 204 (1881)). Thus, so long as legislators are "acting in the sphere of legitimate legislative activity," they are "protected not only from the consequence of litigation's results but also from the burden of defending themselves." *Tenney* v. *Brandhove*, 341 U.S. 367, 376–377 (1972).

Not only is the Member protected when the clause applies, but his aides receive equal coverage. In *Gravel* v. *United States*, 408 U.S. 606, 616–617 (1972), the Court accepted the contentions urged on it by the Senate: "that it is literally impossible, in view of the complexities of the modern legislative process, with Congress almost constantly in session and matters of legislative concern constantly proliferating, for Members of Congress to perform their legislative tasks without the help of aides and assistants; that the day-to-day work of such aides is so critical to the Members' performance that they must be treated as the latters' alter ego; and that if they are not so recognized, the central role of the Speech or Debate Clause * * * will inevitably be diminished and frustrated." Therefore, the Court held "that the Speech or Debate Clause applies not only to a Member but also to his aides insofar as the conduct of the latter would be a protected legislative act if performed by the Member himself." Id., 618. See also *Doe* v. *McMillan*, 412 U.S. 306 (1973).

But the scope of the meaning of "legislative activity" has its limits. "The heart of the clause is speech or debate in either House, and insofar as the clause is construed to reach other matters, they must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House." *Gravel*, supra, 408 U.S., 625. Immunity from civil suit, both in law and equity, and from criminal action based on the performance of legislative duties flows from a determination that a challenged act is within the definition of legislative activity. *Gravel*, for example, held that a grand jury could validly inquire into the processes by which a Member obtained classified information and into the arrangements for subsequent private republication of these documents, since neither action involved protected conduct, id., 626, and republication by a Member of allegedly defamatory remarks outside the legislative body, here through newsletters and press releases, was held unprotected, because it was not essential to the legislative process. *Hutchinson* v. *Proxmire*, 441 U.S. 111 (1979). In *Doe* v. *McMillan*, supra, the Court held that Members and their aides were absolutely immune from liability for conducting an investigation and preparing a report, allegedly libelous, but that the Public Printer and the Superintendent of Documents could be held liable for distributing the report to the public beyond the channels of communication within Congress. Id., 412 U.S., 320–324.

Thus, a Member is immune when he is "acting in the sphere of legitimate legislative activity." *Tenney* v. *Brandhove*, supra, 341 U.S., 376–377. His aides and presumably others acting at his direction are immune when he is. But when he acts outside the legislative sphere, he is not immune and neither are his aides or others directed by him. *Doe* v. *McMillan*, supra, 315–316.

Are Employment Decisions Immunized by the Speech or Debate Clause?

It has been strongly contended that the employment decisions of Members with respect to their aides, at least with respect to those aides who are essential to the performance of those legislative activities that are protected by the clause, fall fully within the protection of the speech or debate clause and "shall not be questioned in any other Place." As we will see, that position has support in the case law, but a recent decision by the Supreme Court suggests the conclusion that a Member's hiring and firing practices are not legislative within the meaning of the clause.

In *Davis* v. *Passman*, 442 U.S. 228 (1979), a divided Court held that a female aide of a Member, discharged because the Member preferred a male for the job, had a cause of action under the due process clause of the Fifth Amendment to sue the Member for monetary damages.[1] Because the lower court had not passed on the contention that the speech or debate clause precluded the suit, the Supreme Court declined to do so at that stage. Id., 235–236 n. 11. The Court did hold that, inasmuch as the clause embodied for Members of Congress the concerns of the separation of powers doctrine for purposes of immunity from suit, it was the only source of immunity, not other principles of separation as well. Ibid. Chief Justice Burger, dissenting along with Justices Powell and Rehnquist, argued that separation of powers in combination with the speech or debate clause, both sharing common roots, did not permit the suit to go forward, id., 249, and Justice Stewart, dissenting, thought the speech or debate clause issued was "far from frivolous" and would have remanded so the court of appeals could decide it. Id., 251.[2]

In two decisions, the United States Court of Appeals for the District of Columbia Circuit attempted to formulate a standard to permit determination of applicability or nonapplicability of the clause to congressional employment decisions. The discharge of the manager of the House of Representatives' restaurants was the issue of *Walker* v. *Jones*, 733 F.2d 923 (D.C. Cir.), cert. den., 469 U.S. 1036 (1984). Essentially, the court thought inquiry should focus on whether an employee's duties could be viewed "as work that significantly informs or influences the shaping of our nation's laws" or whether an employee's duties were "peculiar to a Congress member's work qua legislator," "intimately cognate . . . to the legislative process." Id., 931. Under that standard, the clause did not apply to the employee. In *Browning* v. *Clerk, U.S. House of Representatives*, 789 F.2d 923 (D.C. Cir.), *cert. den.*, 479 U.S. 996 (1986), the discharge of an Official Reporter for the House of Representatives was challenged. The court held the congressional defendants to be immune under the speech or debate clause. The standard was "whether the employee's duties were *directly related to the due functioning of the legislative process.*" Id., 929 (emphasis in original). If the employee's duties are "such that they are directly assisting members of Congress in the 'discharge of their functions,' personnel decisions affecting them are correspondingly legislative and shielded from judicial scrutiny." Ibid.

Requiring reconsideration of this developing case law, however, is *Forrester* v. *White*, 484 U.S. 219 (1988). The case unanimously held that a state court judge did not have judicial immunity in a suit for damages brought by a probation officer whom he had fired. The Court explained that in determining whether immunity attaches to a particular official action it applies a "functional" approach. "Under that approach, we examine the nature of the functions with which a particular official or class of officials has been lawfully entrusted, and we seek to evaluate the effect that exposure to particular forms of liability would likely have on the appropriate exercise of those functions. Officials who seek exemption from personal liability have the burden of showing that such an exemption is justified by overriding considerations of public policy . . ." Id., 224. Thus, it is "the nature of the function performed, not the identity of the actor who performed it, that inform[s] our immunity analysis." Id., 229.

Judges have absolute immunity from liability for the performance of judicial functions. *Bradley* v. *Fisher*, 13 Wall. (80 U.S.) 335 (1872); *Pierson* v. *Ray*, 386 U.S. 547 (1967); *Stump* v. *Sparkman*, 435 U.S. 349 (1978). But when a judge acts in an administrative or a legislative capacity, he enjoys no judicial immunity. In the Court's view, "Judge White was acting in an administrative capacity when he demoted and discharged Forrester. Those acts . . . may have been quite important in providing the necessary conditions of a sound adjudicative system. The decisions at issue, however, were not themselves judicial or adjudicative." Supra, 484 U.S., 229. Employment decisions, like many others, the Court continued, "are often crucial to the efficient operation of public institutions," ibid., yet they are not entitled to absolute immunity, "even though they may be essential to the very functioning of the courts* * *." Id., 228.

Forrester v. *White* was, of course, not a case governed by the speech or debate clause; it was brought under 42 U.S.C. §1983, which affords persons who have been denied their constitutional rights under color of state law a cause of action against state and local defendants. And, yet, the Court has, when passing on questions of legislative immunity in §1983 actions, looked to speech and debate principles, emphasizing that the clause itself is but a part of the much larger common-law principle of legislative freedom of speech. *Tenney* v. *Brandhove*, supra, 341 U.S., 372–379; *Supreme Court of Virginia* v. *Consumers Union*, 446 U.S. 719, 732 (1980). Indeed, the Court has said that "we generally have equated the legislative immunity to which state legislators are entitled under §1983 to that accorded Congressmen under the Constitution." Id., 733. See also *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491, 502–503, 505, 506 (1975); *Dombrowski* v. *Eastland*, 387 U.S. 82, 84–85; *United States* v. *Johnson*, supra, 383 U.S., 180. If, therefore, *Forrester* v. *White* bears on the question of congressional immunity for employment decisions, it strongly suggests that for such decisions Members of Congress do not have immunity.

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[1] In *Bivens* v. *Six Unknown Named Agents of the Bureau of Narcotics*, 403 U.S. 388 (1971), the Court held that a person, alleging violation of his Fourth Amendment search and seizure protection, in the absence of a statutory remedial cause of action, could sue the individual officers for damages under an implied cause of action premised directly upon the constitutional provision in question. *Davis* v. *Passman* extended this ruling, by basing the implication of a cause of action upon the Fifth Amendment's due process clause, which contains an equal protection component, when the Federal Government or someone acting under its authority performs an allegedly discriminatory act.

[2] The case was settled after the Supreme Court remanded it for further proceedings, and no speech or debate clause resolution was reached.

The D.C. Circuit in *Gross* v. *Winter*, 876 F.2d 165 (D.C.Cir. 1989), has read *Forrester* to apply to legislative immunity and has held that a legislator's employment decisions are not entitled to legislative immunity. *Gross*, too, is a §1983 case brought against a member of the City Council of the District of Columbia, but the court took the two previous decisions in the Circuit, *Walker* and *Browning*, to have stated the doctrinal standards, which must be modified in the light of *Forrester*. See also *Rateree* v. *Rockett*, 852 F.2d 946, 950 (7th Cir. 1988)(dictum). The *Gross* court, however, reserved the question "whether special considerations applicable to members of Congress, such as separation-of-powers concerns, continue to justify the absolute immunity standard for congressional personnel decisions adopted in *Browning*." Supra, 876 F.2d, 172.

Ambiguity on this point clouds any analysis of *Forrester*. The Court observes at one point that it follows its "functional" approach in all cases, save for those that are governed "by express constitutional or statutory enactment." *Forrester* v. *White*, supra, 484 U.S., 224. Paramount of the express constitutional provisions, it then notes, is the legislative immunity created by the speech or debate clause. "Even here, however, the Court has been careful not to extend the scope of the protection further than its purposes require." Ibid. The Court then refers to *Davis* v. *Passman*, supra, for its holding that except for speech or debate clause immunity, a Member of Congress may be liable for his employment decisions. Ibid., But when, later in the opinion, the Court observed that, no less than a judge's ability to hire and fire employees as bearing on his ability to carry out his judicial functions is the similar ability of executive branch officials to hire and fire, and executive officials have no such immunity as the judge was claiming, the Court made no reference at all to employment decisions by legislators. Id., 229.

Some conflicting lines of precedent thus exist. Staffs of Members are so essential to the functioning of the legislative process that under *Gravel* they are entitled to the same speech or debate immunity that the Members have. This suggests that the clause could very well protect the Members' discretion in choosing to hire or to keep or not keep any person they want on their staffs. At the same time, the *Forrester* decision forecloses this mode of analysis for judges (as well as those executive officers with some measure of immunity). It is simply not relevant that the employee or aide is essential to the execution of the official's function or crucial to the efficient operation of his office. What is relevant is whether the function for which the judge is being questioned is judicial or adjudicative; if it is administrative, or legislative, judicial immunity does not attach.

Legislative immunity could be similarly analyzed. When the Member is engaged in legislative activity, he and his assisting aides are entitled to speech or debate immunity; when the Member, or an aide deputized by him, is engaged in an administrative function, such as hiring or firing staff, neither has speech or debate immunity. The conceptual difficulty is that in being "careful not to extend the scope of the protection [of the speech or debate clause] further than its purposes require," *Forrester*, 484 U.S., 224 the Court has construed the application of the clause to depend upon the connection of the acts challenged to the legislative process. In the context of *Gravel*, the "purposes" served by the clause required coverage of aides. But hiring and firing an aide is not legislating, anymore than discharging the probation officer was a judicial act of Judge White. A tension exists here, but on the strength of *Forrester*, a persuasive argument can be made that the speech or debate clause does not encompass employment decisions.

In any event, certain employees of the institution, such as the manager of the House of Representatives restaurant involved in *Walker* v. *Jones*, supra, have only a tenuous relationship to the legislative function. Under the precedents preceding *Forrester*, it appears that Congress could have provided a judicial remedy for them. Similarly, not all personal aides of Members assist in the legislative function as explicated by the Court. Some deal with constituent relations; some do casework and other activities with the executive branch and the like. Even if, therefore, employment decisions concerning aides assisting the Member exclusively in the legislative function were immune, the same decisions with respect to other employees would not be. Difficulties of application, it is safe to say, would be great.

Certainly, an express decision made legislatively by Congress that employment decisions of Members can be placed outside coverage of the speech or debate clause would be a determination by the body most familiar with the issue that should be entitled to special deference by the courts when they are called upon to pass on the question of the validity of congressional coverage under an appropriate statute.

May Congress Waive Speech or Debate Immunity From Suit?

Even if it is eventually determined, either by Congress or by the courts, that employment decisions are encompassed by the clause, the validity of judicial cognizance of questions arising from the relationship could still be defended on the basis that Congress may waive the protection of the clause by an express provision of law and give jurisdiction of an issue to the courts. Absent clearly applicable case law, we can, at this point, but speculate about how the Supreme Court might eventually resolve the question.

Twice now, the Court has reserved the issue, in the context of criminal prosecutions of Members. "[W]ithout intimating any view thereon, we expressly leave open for consideration when the case arises a prosecution which * * * is founded upon a narrowly drawn statute passed by Congress in the exercise of its legislative power to regulate the conduct of its members." *Johnson*, supra, 383 U.S., 185. See also *Brewster*, supra, 408 U.S., 529 n. 18. But in the latter case, three dissenters reached the issue and would have ruled that Congress may not authorize the courts to try Members for conduct protected by the speech or debate clause. Id., 529, 540–549 (Justices Brennan and Douglas), 551, 562–563 (Justices White, Brennan, and Douglas). Both *Johnson* and *Brewster* were criminal cases, the paradigmatic kind of executive invasion of legislative privilege with which the parliamentary proponents of legislative integrity and the Framers were concerned. It may be that with respect to civil cases, especially civil cases in which the plaintiff is a private citizen, the concern is of a lesser nature, see *Gross* v. *Winter*, supra, 876 F.2d, 172–173 n. 11, but the clause clearly applies to both criminal and civil suits, and the Court, with one exception not relevant in this context, has indicated no difference of treatment based on the nature of the cause of action. See *Supreme Court of Virginia*, supra, 446 U.S., 733 (noting *United States* v. *Gillock*, 445 U.S. 360 (1980)).

Facially, the clause seems to make jurisdiction over Members for conduct covered by the clause exclusive with the respective House of each Member. That is, "for any Speech or Debate in either House, they shall not be questioned *in any other Place*." That exclusivity is the necessary conclusion from the plain language of the clause is hardly compelling. It merits mention that Congress is given by the Constitution, Article I, §5, cl 2, the power to punish its Members for disorderly behavior and even to expel a Member by a two-thirds vote of the respective House. This power to punish is a complementary authority to speech or debate immunity, inasmuch as the drive of the English Parliament for legislative freedom included the successful assertion of the power to punish members for offenses for which they were immune to executive prosecution. Colonial and state legislatures in this country and the Federal Congress all claimed the same power as part of the same consideration. See *Anderson* v. *Dunn*, 6 Wheat. (19 U.S.) 204 (1821); *Watkins* v. *United States*, 354 U.S. 178, 188–199 (1957); *United States* v. *Brown*, 381 U.S. 437, 441–446 (1965); *Powell* v. *McCormack*, supra, 395 U.S., 522–548. As the Court has observed, Congress' power to punish Members, even to expulsion, is quite broad, extending "to all cases where the offence is such as in the judgment of the Senate [and, no doubt, the House of Representatives] is inconsistent with the trust and duty of a member." *In re Chapman*, 166 U.S. 661, 669–670 (1897). In exercising its powers under this grant of authority, the Senate or the House of Representatives "acts as a judicial tribunal" and its powers to adjudge "is in no wise inferior under like circumstances to that exercised by a court of justice," *Barry* v. *United States ex rel. Cunningham*, 279 U.S. 597, 616 (1929).

In *Burton* v. *United States*, 202 U.S. 344 (1906), a Senator convicted for accepting money to influence an executive department, conduct not protected by the speech or debate clause, argued that the statute under which he was charged conflicted with the provision of Article I, §5, cls. 1 & 2, making each House the sole judge of the qualifications of its Members and giving each House the authority to punish its Members for disorderly behavior. Cf. *Kilbourn* v. *Thompson*, supra, 103 U.S., 183 (The Constitution "is not wholly silent as to the authority of the *separate* branches of Congress to inflict punishment. It authorizes *each* House to punish *its own members*.") (emphasis added). Rejecting the contention, the Court observed: "While the framers of the Constitution intended that each Department should keep within its appointed sphere of public action, it was never contemplated that the authority of the Senate to admit to a seat in its body one who had been duly elected as a Senator, or its power to expel him after being admitted, should, in any degree, limit or restrict the authority of Congress to enact such statutes, not forbidden by the Constitution, as the public interests required for carrying into effect the powers granted to it. In order to promote the efficiency of the public service and enforce integrity in the conduct of such public affairs as are committed to the several Departments, Congress, having a choice of means, may prescribe such regulations to those ends as its wisdom may suggest, if they be not forbidden by the fundamental law." Id., 202 U.S., 367. That is, Congress, though the Senate had the power to punish the Member itself, could enact legislation providing for his trial in the courts of the United States.

Similarly, though each House has the power, pursuant to the legislative power of inquiry, to punish contempts by witnesses before it or one of its committees, *Anderson* v. *Dunn*, supra; *Marshall* v. *Gordon*, 243 U.S. 521 (1917); *McGrain* v. *Daugherty*, 273 U.S. 135 (1927); *Jurney* v. *MacCracken*, 294 U.S. 125 (1935), it may also provide for trial and punishment before the federal courts. In 1857, because imprisonment could extend no further than the adjournment of the House which ordered it and because contempt trials before the bar of the charging House were time consuming, Congress enacted a statute providing for criminal process in the federal courts with prescribed penalties for contempt of Congress. Act of January 24, 1857, 11 Stat. 155. With only minor modifications, this statute is now 2 U.S.C. §192.

Holding that the purpose of this statute is merely supplementary of the power retained by Congress, the Supreme Court has rejected all constitutional challenges to it. "We grant that Congress could not divest itself, or either of its Houses, of the essential and inherent power to punish for contempt, in cases to which the power of either House properly extended; but because Congress, by the Act of 1857, sought to aid each of the Houses in the discharge of its constitutional functions, it does not follow that any delegation of the power in each to punish for contempt was involved." *In re Chapman*, supra, 166 U.S., 671–672.

The lesson of these cases is that Congress' power under Article I, §8, cl. 18, to enact all laws which are "necessary and proper" to execute its powers, includes the power to enact laws which implement and execute the powers of each House to govern itself. Congress regularly, pursuant to its authority to "determine the Rules of its Proceedings," enacts legislation binding both Houses to observance of procedural and substantive matters. The Legislative Reorganization Acts of 1946 and 1970, 60 Stat. 834, 84 Stat. 1175, contained extensive provisions affecting one House or the other as well as both bodies, and the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, 99 Stat. 1037, made similar extensive provisions. Of course, each House retained the power to make unilateral changes, pursuant to the authorization to determine the rules of proceedings, but as to the power to enact legislation for both Houses there was no doubt.

Establishing that there is no necessary exclusivity simply because the Constitution imposes a power or duty on Congress, or on one House thereof, merely addresses one half of the equation, however. The provisions discussed above involved delegations or authorizations to each House, whereas the speech or debate clause appears on its face to be directed to the protection of the *individual* Senator or Representative. It has been observed by the Court that "[t]he immunities of the Speech or Debate Clause were not written into the Constitution simply for the personal or private benefit of Members of Congress, but to protect the integrity of the legislative process by insuring the independence of individual legislators." *United States* v. *Brewster*, supra, 408 U.S., 507. See also *Kilbourn* v. *Thompson*, supra, 103 U.S., 203.

Practice by the House of Representatives considers the response of a Member to a subpoena or other legal process to raise a question related to the dignity of the House and the integrity of its proceedings. "The rules and precedents of the House require that no Member, official, staff member, or employee of the House may, either voluntarily or in obedience to a subpena, testify regarding official functions, documents, or activities of the House without the consent of the House being first obtained." 3 DESCHLER'S PRECEDENTS of the UNITED STATES HOUSE of REPRESENTATIVES, H. Doc. 94–661 (1979), ch. 11, §14. See *In re Grand Jury Investigation (Eilberg)*, 587 F.2d 589, 592–593 (3d Cir. 1978) (House acquiescence to grand jury subpoena). This practice reflects the institutional interest of the House in the protection of the clause and might, without more, support enactment of legislation based on Congress' necessary and proper power.

Personal interest, a purely individual interest divorced from the institutional interest, in the protection of the clause has also been recognized, though. In *Coffin*, v. *Coffin*, 4 Mass. 1, 27 (1808), speaking of the Massachusetts equivalent of the federal clause, Chief Justice Parsons said: "In considering this article, it appears to me that the privilege secured by it is not so much the privilege of the house as an organized body, as of each individual member composing it, who is entitled to this privilege, even against the declared will of the house. For he does not hold this privilege at the pleasure of the house; but derives it from the will of the people, expressed in the constitution, which is paramount to the will of either or both branches of the legislature. In this respect the privilege here secured resembles other privileges attached to each member by another part of the constitution, by which he is exempted from arrests on *mesne* (or original) process, during his going to, returning from, or attending the general court. Of these privileges, thus secured to each member, he cannot be deprived, by a resolve of the house, or by an act of the legislature." The significance of this particular case is that the Supreme Court has pronounced it to be perhaps "the most authoritative case in this country on the construction of the provision in regard to freedom of debate in legislative bodies * * *." *Kilbourn* v. *Thompson*, supra, 103 U.S., 204. See also *Tenney* v. *Brandhove*, supra, 341 U.S., 373–374; *United States* v. *Brewster*, supra, 408 U.S., 513–517. While the Court has quoted these lines in a case only tangentially, if that, relevant to the question, *Spallone* v. *United States*, 110 S.Ct. 625, 634 (1990), its explanation of the reasons underlining the clause gives weight to the personal protection accorded individual Members as well as to the institutional interest. *Brewster*, supra, 408 U.S. 501; *Tenney* v. *Brandhove*, supra, 341 U.S., 372–373.

To be sure, there were instances in English history in which Parliament contrived to deny the protection of the privilege to Members. For example, John Wilkes was denied his parliamentary privilege and thereafter convicted in court for seditious libel, *Powell* v. *McCormack*, supra, 395 U.S., 527–531, but this case was such a *cause celebre*, here as well in England, that adoption of its particular approach silently into the speech or debate clause is unlikely, to say the least.

It thus must be concluded that the power of Congress to waive the clause by expressly making Members subject to judicial process for covered conduct is unsettled. It is not, however, foreclosed as a possibility, inasmuch as the exclusivity argument has not been accepted in other contexts involving Article I, §§5 and 6. But the function of the clause as a protection of institutional interests through a protection of the individual legislators personal rights does weigh considerably against the possibility of institutional waiver. If Congress should enact a statute, making the determination that it can waive, again the fact that the body for whom the protections of the clause were intended has reasoned that its institutional interests would not be adversely affected by judicial exercise of the power would doubtlessly be given substantial deference by the courts. That the clause protects the individual interests of each Member, even though in the long run the protection is to further the institutional interest of the legislative body, would perhaps require some balancing by the courts. Acceptance of such a statute would appear, however, at this stage, to be problematic.

One should note, however, that when the employment decision is that of either the House of Representatives or the Senate, as an institution, as in the employment of restaurant workers elevator operators, and the like, or even of employees more closely associated with the legislative process, such as the Official Reporter before the court in *Browning*, the ability to waive immunity against the institution might be more easily answered.

SEPARATION OF POWERS

Additionally, a general separation of powers issue may be independently raised. It is true that in *Davis* v. *Passman*, supra, 442 U.S., 228–229 n. 11, the Court stated that unless the speech or debate clause protected Members, they were not protected generally by the separation of powers doctrine. The *Gross* v. *Winter* court did, however, pause to consider whether an absolute immunity for Members making employment decisions might be justified under the doctrine of separation of powers, regardless of the inapplicability of the speech or debate clause. Supra, 876 F.2d, 172.

Briefly, the Court has adopted in its separation of powers decision-making a standard that evaluates whether there is encroachment and aggrandizement. That is, does the action of one branch toward another threaten to "impermissibly undermine" the powers of the other or threaten to "disrupt the proper balance between the coordinate branches [by] prevent[ing] the [branch acted upon] from accomplishing its constitutionally assigned functions." *Morrison* v. *Olson*, 487 U.S. 654, 693–696 (1988); *Mistretta* v. *United States*, 488 U.S. 361, 380–384 (1989). See also *United States* v. *Nixon*, 418 U.S. 683, 713 (1974); *Nixon* v. *Administrator of General Services*, 433 U.S. 425, 422–443 (1977). Without intending to treat the issue superficially, we must observe that Congress has given the federal courts cognizance of employment discrimination in the executive branch of the Federal Government, and much litigation has ensued without suggestions that this extension of employment discrimination law has upset the balance of the separation of powers. Therefore, by parity of concern, it would seem evident that if the speech or debate clause is no impediment to judicial causes of action for the employees of congressional Members, the doctrine of separation of powers will present no barrier.

CONGRESSIONAL INSTRUMENTALITIES

Whether a constitutional problem would arise from application of employment discrimination laws, with judicial remedies, to the instrumentalities of Congress[3] is a question that may be quickly disposed of. In the course of its legislative provision of remedies against employment discrimination, beginning in 1972, Congress has extended to the Library of Congress and to those units in the legislative branch which have positions in the competitive service the guarantees and judicial remedies of title VII of the Civil Rights Act of 1964 (as amended in 1972), 42 U.S.C. §2000e-16(b), and the Age Discrimination in Employment Act of 1967 (as amended in 1978), 29 U.S.C. §633a(a). The General Accounting Office, which is a legislative branch agency for some purposes and an executive branch agency for others,[4] is covered by these two Acts and by the Rehabilitation Act of 1973.[5] However, the Americans With Disabilities Act of July 26, 1990, P.L. 101–336, §509(c), 104 Stat. 375, in applying the Act to these instrumentalities, provided for administrative enforcement by the agencies only.[6]

To be sure, some employees of some of these agencies in working with Members and the staffs of Members certainly participate in the legislative process in the sense of the term that the Supreme Court has used in interpreting the speech or debate clause. Employees of the Congressional Research Service of the Library of Congress and of the Congressional Budget Office do so participate, and there is authority that for actions CRS employees, for instance, take in the performance of the legislative function they are immune under the speech or debate clause. See *Webser* v. *Sun Co., Inc.*, 561 F.Supp. 1184 (D.D.C. 1983), *vacated and remanded*, 731 F.2d 1 (D.C.Cir. 1984), *on further appeal*, 790 F.2d F.2d 157 (D.C.Cir. 1986). Other members of the Library of Congress staff perform other functions not related to the legislative process. See, e.g., *Eltra Corp.* v. *Ringer*, 579 F.2d 294, 298–301 (4th Cir. 1978)(position of Register of Copyrights). Similarly, it is questionable that, for instance, employees of the United States Botanic Garden participate in the legislative function as defined by the Supreme Court.

If Congress should adopt the reasoning of an earlier portion of the memorandum to the effect that employment decisions are administrative functions not so inextricably tied to the legislative function as to implicate the speech or debate clause, the issue is easily settled. But even if the personal staffs of Members, or at least the legislative affairs employees of the Members' personal staffs, are determined to be covered by the speech or debate clause that they may not be authorized to seek judicial relief for proscribed practices, it does not follow that the employees of congressional instrumentalities are likewise covered. Those who do not assist Members in the carrying out of their legislative responsibilities would seem clearly to be outside the scope of the clause. Those who do assist Members in the carrying out of their legislative responsibilities may well be immune for their actions while so assisting, but what is the legislative function of the employment decisions of the agencies who hire, fire, and oversee their employment that gives those decisions legislative immunity?

A more compelling reason exists for doubting that the clause would require that employees of these agencies be remitted to purely administrative remedies. The speech or debate clause provides that for their performance of their legislative functions the Members of Congress are not to be questioned in any other place. A challenge to an agency decision respecting the employment rights of an employee would be a suit against the agency. The Library of Congress or the Government Printing Office would be sued, not a Member or Members, not the House of Representatives or the Senate. There is no facile attempt at word play in this distinction.

Thus, in *Kilbourn* v. *Thompson*, supra, although Congress could not be sued for ordering the arrest of Kilbourn, nor could any Member be sued for voting for the resolution, the Sergeant at Arms who carried out the legislative directive to take Kilbourn into custody was suable and liable. In *Doe* v. *McMillan*, supra, neither the Members nor the committee staff who carried out the investigation and the subsequent preparation and publication of the report on the investigation could be sued, but the two officers, the Public Printer and the Superintendent of Documents, who carried out the congressional directive to distribute the report outside Congress were suable. In *Powell* v. *McCormack*, supra, 395 U.S., 503–506, the Court held that it was proper to name several officers and employees of the House of Representatives as defendants in order that the act of the House in excluding the Member-elect could be challenged.

That Members of Congress are immune for the act of voting for a measure that may be unconstitutional does not mean that the enacted measure may not be challenged in court, such as by suing one charged with its enforcement for a declaration of invalidity. Congressional actions may be challenged, even if the congressional actors may not be. See e.g., *Powell* v. *McCormack*, supra. Thus, it would seem to follow that the actions of a legislative agency proceeding under general congressional direction could be challenged without implicating the strictures of the speech or debate clause. At the least, with the existence of an enacted policy against employment discrimination, the employing agency would, at the least, be acting *ultra vires* were it to make decisions on the prohibited grounds.

CONCLUSION

First, application to Congress of the employment protection provisions of federal civil rights laws, at least in the context of authorizing judicial remedies, could raise problems under the speech or debate clause. Under one possible analysis, some employees would be sufficiently removed from the legislative process so that decisions about them may well not implicate the clause at all, whereas other employees are so integral to the legislative process that their employment would be covered. But if the Supreme Court's *Forrester* decision provides the appropriate mode of analysis, an employment decision of a Member with respect to all staff would be an administrative decision not entitled to speech or debate clause protection. Especially if Congress should conclude that *Forrester* is the correct analysis, in the course of extending the laws, it seems likely that the courts may well defer to that determination.

Second, if it is concluded that the speech or debate clause applies to the employment decisions of Members, an argument exists that Congress may expressly waive the protection and subject Members to suit. Little actual authority exists for the proposition, but there is little on the other side either. The matter is largely one of deductions from basic principles and analogies. But the argument from general principles in favor of waiver is significantly weaker than the argument that the clause does not apply in the first place.

Third, it would appear that regardless of the conclusion with respect to the personal staffs of Members, the employees of a number of agencies associated with Congress would be sufficiently removed from the legislative process that the clause would not apply. With respect to other such employees, who are more involved in the legislative process, the fact that the employment decisions are made by the agencies themselves and not by Congress or an individual Member could bring the decisions outside the scope of the clause.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

□ 1140

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today with mixed feelings. On the one hand, I want to tell the House I am pleased that the House is moving forward on legislation we have been working on for many years only to see it thwarted, frankly, in the Senate by Republican politics. Yet today in a bipartisan fashion we are on the floor in what will hopefully be the final stages in this legislative drama.

However, the legislation before us today is new to the House. Although this bill has been the subject of extensive debate in the Senate, it has not had one hearing in the U.S. House of Representatives. The American public, I am told today in a 1-minute, voted for reform, voted to open up this institution, and voted for democratization in debate and extensive analysis of programs. There was not one hearing in the House of Representatives during the 104th Congress on this bill.

It was first brought up on this floor just 13 days ago in a different form under a completely closed rule. Today a new version is before us, with little if any opportunity for review and no chance for amendment. If this is the new wind blowing through the House of Representatives, then it is a wind that blows little good.

H.R. 1 was the first piece of legislation to move through the new House of Representatives. It did so under a process in which no Member could suggest changes. Today it is back, as I have said, in a new version. It is again brought to the floor of this House under a completely closed process.

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[3] For purposes of this memorandum, the instrumentalities of Congress include the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the United States Botanic Garden. Americans With Disabilities Act of July 26, 1990, P.L. 101–336, §509(c)(4), 104 Stat. 375.

[4] See *Bowsher* v. *Synar*, 478 U.S. 714 (1986).

[5] These Acts apply to "executive agencies" as defined in 5 U.S.C. §105, which specifies that, for purposes of title 5, "executive agency" includes an "independent establishment," which in turn is defined by 5 U.S.C. §104(2) to include GAO.

[6] The proposed Civil Rights Act of 1990, S. 2104, §16(c), 101st Congress, would have limited enforcement of the Act and of Title VII to administrative enforcement within each agency.

This should be, in my opinion, Mr. Speaker, a day of pride for this House. It should be a day of joy, but instead it is a day of sadness for a Congress that started out with such anticipation of a new day. Instead, on day 6 of the 104th Congress we can clearly declare power and muscle are the rule of order of this House, not the rule of democracy.

Having said that, having expressed the concern of this side of the aisle about the process, let me talk about the substance. S. 2, as I said, will finally bring into place a process which many of us fought for for a long time. It will provide protection and antidiscrimination laws to congressional employees and employees of other legislative-branch agencies. My good friend, the gentleman from Connecticut [Mr. SHAYS], a Republican, has been a leader in this effort with Mr. SWETT, a Democrat from New Hampshire. Mr. SHAYS is to be commended for his tenacity, for his courage in the light of stiff opposition from time to time, and for his tireless efforts in bringing this bill before us today. He has performed a service for this House and for this country.

I believe that S. 2 is an improvement, very frankly, over the House bill. S. 2 spells out the rights, protections, remedies, and procedures provided to congressional employees. The bill establishes an independent nonpartisan Office of Compliance to develop the regulations applying the laws to Congress and to resolve complaints. It will be composed of a five-member board of directors whose board is selected on a bipartisan, bicameral basis similar to the old rules for the House administrative officer. Former Members of Congress and current staff are prohibited from serving on the board. No Member of the House or Senate nor any House or Senate employee can serve as hearing officer on a complaint.

Most importantly, any party aggrieved by a board decision can seek judicial review by the U.S. Court of Appeals for the Federal Circuit, and employees can bring suit directly in Federal district court after mediation and counseling if that is allowed under the applicable statute. This is an important new right for congressional employees, and I am pleased that we are finally moving forward on this effort.

□ 1150

This is an important new right for congressional employees. I am pleased that we are finally moving forward on this effort.

As I have said on the floor, Mr. Speaker, many times, of all the talk of reform, of all the speechifying, the one reform that my constituents, and I gainsay every representative's constituents, have always asked for, and the one reform that I have always thought was justified and real, this is it, covering Congress by the same laws we ask others to live under.

Congress should live under the laws it passes, and, my colleagues, in most cases, civil rights, the ADA, fair labor standards, family and medical leave, to name a few, it has, let me repeat that, this House has lived under those statutes. S. 2, however, improves congressional coverage and provides an outside remedy for employees, a critical addition to present protections.

This is a change whose time has not only come but is overdue. I am proud to be on the floor today with the gentleman from Connecticut [Mr. SHAYS] and the gentleman from California [Mr. THOMAS] and others, and the gentleman from Pennsylvania [Mr. GOODLING], Members on our side. I regret that Mr. Sweet is not here because he fought very hard. And through his leadership and that of the gentleman from Connecticut [Mr. SHAYS], this similar legislation passed the House, as I said earlier, and was killed in the Senate.

I would urge today my colleagues to support this legislation in spite of the heavy-handed procedural railroad on which this bill comes to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Maryland indicates that the bill that we have before us has not had a single hearing on the House side. Yet he commends its content to be superior than the bill that we examined on the House side.

The chairman of the Committee on Economic and Educational Opportunities lamented the fact that it has taken us so long to get here. I think it might be useful for a minute or two to visit the chronology of how we got here today.

Way back on July 28, 1994, the Committee on House Administration voted 19 to 0 to pass essentially what we have in front of us onto the House, with the hope that in July, having moved out of committee, by the end of the second session of the 103d Congress, this would have passed the House and the Senate and moved to the President for his signature.

As Members will recall, very little went through the entire legislative process in the 103d Congress, and this is one of them.

It is true that on August 10, the House voted 427 to 4 to adopt what is essentially in the measure that we have today. There were four Members of the minority, then the majority, who voted against it. Having sent that position over to the Senate and the Senate's failure to consider the position, on October 7, the House decided to take it upon itself to impose the structure of what would have been legislation on the House through the rules process.

At that time the vote was 348 to 3. The three votes in opposition to the measure were clearly not substantive opposition. The Members on our side of the aisle were in fact protesting the failure of the then majority to move any significant reforms in the 103d Congress. Notwithstanding that, we imposed this on ourselves through the House rules.

The only substantive difference in S. 2 from H.R. 1, I believe, is the addition of the Veterans Reemployment Act to the list of bills under which Congress will now operate. In addition to that, we were able to work out the very real concerns of the Senate over a single shared structure so that the Office of Compliance would fit the needs of the House and the Senate with our different size and procedures, history and tradition. That has been resolved in this bill.

So we stand on the brink of living up to what this majority said we were going to do in the contract and on January 4.

I think it is interesting to note that this House voted out of committee, on July 28, 1994, in essence this measure. On August 10, 1994, it was voted out of the House and nothing happened. In this Congress, in the 104th Congress, Republicans and Democrats joining together on the opening day of the session, 429 to 0, passed this measure. And then here today, despite the rhetoric, I think Members will find the votes will once again be overwhelmingly in favor of Congress placing itself under the laws that the rest of the Nation has to live with.

We will do it in a timeframe that is certainly appropriate. The timeframe should have been honored in the 103d. The then majority could not deliver. The timeframe is being honored in the 104th, and the current majority will deliver.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, just to review history for 1 second, this legislation passed the House in August 1993. It was because of Republican opposition to procedure in the Senate that it failed to go forward.

Mr. Speaker, I yield 3 minutes and 30 seconds to my good friend, the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, this is an important bill, and I am proud to be a cosponsor of this bill as it passes the House of Representatives today. Although I am happy that the bill is passing, because I think it sets an important precedent, at the same time it sets a very embarrassing and disappointing precedent. Let me explain.

When this bill was considered by the Congress in the 103d Congress, it included not only the language that we have in the bill today, but it also prohibited Members of the House of Representatives from using frequent-flier miles that they have accrued for official use, prohibited them from being used for personal use. This is the type of reform that Americans think is common sense. Of course, no Member of Congress should be able to use the miles that he or she has accrued with taxpayer dollars, be allowed to accrue those miles and use them for personal use.

When it passed the 103d Congress, no one batted an eyelash. No calls of germaneness were made. It was included in the provisions of the bill. But when we got to the floor in the 104th Congress, there was a gag rule in effect. This provision, which was included in the bill last year, was not included this year. It was gagged, and we were not permitted to bring it as an amendment.

The Senate looked at it a little differently. And the Senate decided that it made sense. It made sense for the Senate to prohibit its Members from using frequent-flier miles for personal use. But out of respect for this Chamber, it decided that it would not impose the same law on the House of Representatives.

So the irony we are faced with today is that we have a law based on the premise, a good premise, which I support, which says that any law that applies to members of the general population should also apply to Members of Congress.

That is a step forward, But at the same time, for the first time that I can discover in the history of this country, we are going to pass a law that says that a law that applies to the Members of the U.S. Senate does not apply to the Members of the House of Representatives.

Why are we doing that? Why do we have a higher standard for the Members of the U.S. Senate than we do for the Members of the U.S. House of Representatives?

I would argue that the reason we do is because the new leadership does not want to have a higher standard for the Members of the House of Representatives. In fact, the new Speaker has labeled this reform a Mickey Mouse reform, a Mickey Mouse reform to save taxpayers hundreds of thousands of dollars. Well, I think the Speaker is correct in drawing on Walt Disney for his analogy, but I think a more apt character to draw on would be Goofy, because it is simply goofy to argue that Members of the House of Representatives can use taxpayer-funded travel to accrue frequent-flier miles and use them for personal vacations to Florida, Hawaii, France, anywhere in the world.

☐ 1200

The very first piece of legislation that will become law after the Republicans have gained control of the House in 40 years is going to set a lower standard of conduct for the Members of the House of Representatives than the U.S. Senate. I will vote for this bill because I agree with the underlying premise of the main portion of the bill, but it is embarrassing and disappointing with the precedent we are setting today.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell the gentleman from Wisconsin [Mr. BARRETT] that we are in the process of reviewing all of the rules and regulations in the House of Representatives, and at the end of the last Congress we committed to review all of them, including these.

Perhaps from a historical point of view the gentleman from Wisconsin also needs to know that rather than this being the first time in the history that the laws applied differently to the House and Senate, he needs to know that there was a period of time in which the actual compensation to Members of the Senate and the House was different under the law.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. SHAYS], one Member who was more responsible than anyone in the House today for this being in front of us.

Mr. SHAYS. Mr. Speaker, I want to just say very clearly that this is no one person's bill. I mean that very sincerely, because in fact there are more fingerprints on this bill from Members of both sides of the aisle.

I would like to take this time first to thank the gentleman from Maryland STENY HOYER, for stepping in and taking the place of Dick Swett, who was not returned to office, who has worked on the Democratic side with me working on the Republican side, on this issue, and to thank him and his staff for doing such an excellent job in helping to draft this legislation and the legislation that passed the House earlier in this session.

Also I would thank both the chairman of the Committee on Government Reform and Oversight and to the new empowerment committee, both the gentleman from California [Mr. THOMAS] and the gentleman from Pennsylvania [Mr. GOODLING], because they have been working on this issue for years and years and years.

Without their work, and particularly, with no disrespect to the Members, but their extraordinary staff, who have weighed in tremendously on this issue, have had an amazing contribution.

I see the gentleman from Massachusetts [Mr. FRANK], as well, who over a year ago said to me that he had a conversation with the former Speaker encouraging him to move forward with congressional accountability, and that, frankly, was the major movement that brought this bill forward. Without the effort of the gentleman from Massachusetts [Mr. FRANK], done behind the scenes, without a lot of credit, this bill also would not move forward, so I think I need to thank the prior Speaker, and thank the present Speaker for working on this issue.

In a summary form, and I would like to then just briefly touch on the concern of the gentleman from Wisconsin [Mr. BARRETT], because it is valid, I would like to just make the point that when we passed our House congressional accountability last year, the strength of the legislation was that we applied all of the laws we imposed on the private sector onto Congress, and that we applied all the instrumentalities that are part of what makes up Congress: the Library of Congress, the GAO, the Architect's Office, and so on. Additionally, very importantly, we gave people full access to the court, with all the rights of going to civil action, de novo review, as well as being able to have judicial review.

That was the strength of what we did. We also set up this Office of Compliance so that we dealt with the separation of powers, but gave this Office of Compliance independence.

The weakness in our bill, if there was a weakness, was that we did it by regulation, in that we asked the Office of Compliance to then get us under all the laws by regulation, rather than by law, even though in the end we saw we are under the law, but the actual process was going to be determined by the Office of Compliance through regulation. So the strength was all the laws, all the instrumentalities, full access to the court, but we did it by regulation.

The Senate last year passed legislation on congressional accountability, admittedly very late, and ultimately it never even had a debate on the floor of the Senate; but what they did was, they did not include all the laws, all the instrumentalities, or give full access to court in their legislation. That was the weakness of their legislation. The strength was they went directly to law.

So after this, the defeat, or actually the failure of the Senate to deal with this issue, Republicans and Democrats in both Chambers got together to say what could we do to get the strength of the Senate bill and the strength of the House bill, and we actually did what I think you have a sense of, what I have spoken to already.

We took all the laws, all the instrumentalities, full access to the court, the House version, took the language of the Senate going fully to law, rather than regulation, and put them together. That is the bill we have before us.

Mr. Speaker, this is a bill that clearly has the support of most Members of Congress. It is one of those odd occasions when the House and Senate get together, and instead of taking the weaknesses of their two bills, took the strengths of their two bills.

But addressing the point made by the gentleman from Wisconsin [Mr. BARRETT] about frequent flyer mileage, I am partly, if not totally, responsible for the fact that it is not part of this legislation, and it is not part of this legislation because frequent flyer is not connected to the issues that were central to the whole concept.

What applies to the private sector should apply to us, and frequent flyer did not match that test. It is an important issue. It is an issue that I think will be dealt with either by the House Oversight Committee, or actually by a law of Congress, and I believe the gentleman will be dealt with because of his tenacity and his conviction that it is important.

This day and age, in this Congress, as we go through this process, the gentleman will find, notwithstanding the opening day, there will be open rule. He will be able to offer this amendment countless times on germaneness, and I believe that it will be passed by this Chamber, if it is not dealt with sooner by one of the committees of Congress.

Frequent flyer should not be used to go on vacations. I totally agree with the gentleman. I have signed onto the gentleman's resolution and told him I agree with him. I understand his point on this legislation, because there appears to be certainly a contrast. The Senate has it in theirs and we do not have it in ours.

Mr. HOYER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to talk about some headlines we have not read dealing with security of Members of Congress and the Senate and the White House, able services provided by our Capitol Police.

Mr. Speaker, I want to stand in support of this bill, because for the first time we have an opportunity to treat our Capitol Police like every other Federal law enforcement agency, giving them the right to have a collective bargaining opportunity.

The morale in the department is a joke. There has been age discrimination, race discrimination, sex discrimination, and quite frankly, I brought it to the attention, time after time, of the former Democrat leadership, and they did nothing with it.

However, let me say this about this bill, it allows for a 2-year period before the Capitol Police is allowed to in fact bargain in good faith like this under the collective bargaining agreement. I plan to write to the Speaker, and I ask Members to join with me, that that be waived and the Capitol Police be treated like every other Federal law enforcement agency in our country.

This is an indictment on the Congress of the United States of America. I want to say again, think of the headlines we could have read that we have not read. Good men and women, not patronage positions anymore, but well-trained, who put their lives on the line every day and deal with some real security problems, have been treated as second-class citizens.

I am going to support this bill. I am going to write to the Speaker. I am gong to ask Members to join forces with me and sign on to that letter, that that 2-year period holding back that opportunity that is granted in this bill be waived, and there be an immediate implementation of that opportunity for the Capitol Police when this is enacted.

All this talk about the Senate, quite frankly, in the first Constitution the Senate was appointed by State legislators, and actually I thought it was better for the country. We would have had somebody looking out for the States' rights, and we would not have had a 50-percent fast track vote on GATT and NAFTA.

For all those concerned about the Senate, I agree with the gentleman from Connecticut [Mr. SHAYS], that I think we can take care of those inequities. I am sure that is not the intention of the gentleman from Connecticut and others.

I ask that Members support me in helping the Capitol Police. They have earned it. They have deserved it. I ask the gentleman from California [Mr. THOMAS] to give me a hand with that.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am pleased that we are moving forward with this bill, and I appreciate the generosity of the gentleman from Connecticut [Mr. SHAYS], who has been the major force behind it. I was glad to be able to work with him.

I was pleased that he also graciously mentioned, as I have said before, the former Speaker of this body, who did move it after he was persuaded that it was the right thing to do.

However, I am troubled by some aspects of it. This bill that we passed last year was totally bipartisan. The gentleman from Ohio [Mr. TRAFICANT] who preceded me talked about a problem in the bill.

I do not see any reason why the law enforcement people ought to have to wait 2 years. The problem is that we were not able to address it, because at no point has this bill been subject to amendment on the floor of the House. There is no reason for that.

□ 1210

We are told that we should compare the way the House is going to be run now with the way it was run.

This bill came to the floor in August of last year. As the gentleman from California pointed out, the bill passed the committee in July, it very soon thereafter came to the floor, and 14 amendments were made in order. Indeed, I know of no one who had an amendment who was turned away. Eight of those amendments allowed either exclusively or jointly Republican authors.

We had a bill that allowed 14 amendments and I know of no one who was turned down. This year it has twice come to the floor in a nonamendable fashion and it has flaws. One of those flaws is the frequent-flier mileage.

The gentleman from Connecticut says that it does not fit because this only applies to the private sector. But the private sector is not covered by the Freedom of Information Act. There is language in here that studies how to apply the Freedom of Information Act to Congress. I think we are going to find that it does not work. I am told by the gentleman from Maryland that was dropped. But it was in the bill when it came out of the House.

The fact is that the longer we delay on frequent-flier miles, the more Members of Congress will use frequent-flier miles in a way they should not do them and the taxpayer will be cheated of those frequent-flier miles.

The House voted on this last year. Because we did bring it forward in an open amendatory process, the gentlewoman's offering amendment was adopted.

There is no reason to allow this to continue, the frequent-flier abuse, other than an apparent quirk on the part of the Speaker.

Mr. HOYER. Mr. Speaker, I yield 1½ minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of this legislation. I introduced a bill a number of years ago called "what's good for the goose is good for the gander" which had exactly this same attitude toward it.

Let us talk, though, about the principle by which it comes which is of some concern. We are all delighted it is here, we are all going to vote for it.

There has been talk about muscle. I just wish there had been a little less muscle applied to this bill and a little more deliberation—it would have gotten to the same point probably almost as quickly—and a little more muscle last year when this bill passed the House, at least once, I believe twice, went over to the Senate where it died on Republican filibusters. So we could have, I think accommodated those needs.

I also regret, though, that when this bill came up on the House floor just a week ago, it was not made in order to allow an amendment to it or add the accompanying bill which has passed this House at least once, and I believe twice, which is lobby reform, to apply to Members of Congress the lobbying reform that is so important, as applying the rules concerning the private sector with employees.

Why could we have not also passed since it had already passed using the same principle that has been enunciated that if you took it up last year, you ought to be able to take it up without a hearing, ram it through this year, why could we have not taken up the lobbying reform bill in the same capacity? All those questions hang out there.

At any rate, I rise in strong support for this legislation.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, when the average American learns that Congress does not have to live under all of the laws and regulations that all of our citizens live under, they are appalled. They understand how difficult it is for a Congress to effectively legislate when they live isolated from the effects of the laws and the regulations that those laws produce.

At the first day of the last Congress, I submitted legislation that would apply to Congress all the laws and the regulations that they have applied to all of the rest of us and exempted themselves from. Several others submitted similar legislation. They were all combined in the Shays-Swett bill which passed the last Congress. Unfortunately, that died because of lack of action by the Senate.

So I was very pleased when at about 2 in the morning on the first long legislative day of this Congress that we passed that bill. We are now met today to discuss a bill from the Senate that embodies all of the essential features of the bill that we passed in the last Congress and again on that first long day of this Congress.

I am very pleased to rise in strong support of this bill. This is a great victory for the American people, because what it means is that from henceforth they are going to have a Congress that lives under the laws and the regulations that they passed, that all of the rest of the country has to live under, and the Congress is going to be much more effective in passing laws and in producing regulations through those laws when they have to live under all of the laws and regulations that they produce.

This bill does not do all that we need to do in reforming the Congress and producing congressional reliability but it certainly takes the first long, long step in the right direction.

I am very pleased today to rise in strong support of this legislation.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, one thing that a new Member is clear to do and that is to do her homework. I guess in doing my homework, even though just starting in the 104th Congress, I realize it was the Democratic Congress that raised this issue of congressional accountability for a number of terms, particularly in the last Congress, and I think it is very important to indicate how important this measure is but to indicate as well that the Democrats led out on this issue.

It is important to realize that we too must follow the laws of the land of the United States of America.

Calling the roll, the Fair Labor Standards Act, Title VII, the Americans With Disabilities Act, Age Discrimination, Family and Medical Leave, Occupational Safety and Health Act, Federal Labor Management Relations Act, Employee Polygraph Protection Act, Worker Adjustment and Retraining Notification.

As a local elected official there was no doubt that we had to comply with all those laws. Then why not the U.S. Congress? I am certainly rising in support of this, but I ask clearly as we move toward making a determination by way of a vote that we too should be able to comply with the laws on frequent-flier miles.

I ask that we really raise that issue, that we realize that we must be truthful in what we do here in the U.S. Congress, and that we go all the way when we talk about congressional accountability.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I have a special interest in this bill as a former member of the Joint Committee on the Organization of Congress. I want to commend the gentleman from Connecticut [Mr. SHAYS] for his tenacity on this bipartisan matter and to give the House credit for what it did last term in passing this bill and the Senate, finally, credit for catching up with the House.

Mr. Speaker, this bill, to be sure, affects Members. When I chaired the Equal Employment Opportunity Commission, what really bothered me was that thousands of employees here were also exempted, and that is really what the gravemente of this bill is. It should affect Members, but where the complaints are going to be filed most often are against staff who supervise others.

There is an important difference in this bill from legislation affecting the private sector. The Senate has removed the demographic section. I want Members to know that every private and public employer has to submit demographics on its employees. The House should remove this notion that it is exempt from our knowing whether or not we are in fact hiring fairly in committees.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I intend to vote for this bill, but the American people should note that there is nobody who has gotten on the floor today who has not expressed some reservation about the content of this bill. The reason for that is the process by which this bill is here. In that sense, it is business as usual and the American people ought to know that it is business as usual.

We come here without the ability to amend this bill even though as soon as this bill is debated, we will be off for the rest of the day. Last week we were in committee debating a balanced budget amendment and marking it up. At the end of the day, at 6, despite the fact that it was Wednesday afternoon and we were going home, we adjourned for the day. Still we cannot take the time to debate these issues that are important to the American people.

□ 1220

Mr. HOYER. Mr. Speaker, I yield myself my remaining 30 seconds.

Mr. Speaker, clearly we have a concern about the procedure, but more importantly than the procedure is the substance. The gentlewoman from the District of Columbia mentioned we are now extending to all our employees protections that we believe are appropriate for the employees of the American employers.

We believe this legislation is important. That is why under Democratic leadership we passed it last year, with the Shays-Swett bill, and that is why on this bill the overwhelming majority, if not unanimously, we will support this bill this year.

Mr. GOODLING. Mr. Speaker, I yield my remaining time to the gentleman from California [Mr. THOMAS].

The SPEAKER pro tempore (Mr. DREIER). The gentleman from California [Mr. THOMAS] is recognized for 2 minutes.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we began this process on January 4 and we moved the legislation to the Senate. We are considering today, on January 17, Senate bill 2, the Senate version of this legislation.

There will be no conference committee. This legislation will move directly to the President. The President has said that he will sign it into law. This process has taken 2 weeks.

For people to fully understand the impact or maybe I should say the weight of today's decision, this is simply the text of the laws, without any annotation or explanation, that are now going to be applied to the Congress that are already applied to the private sector.

I would tell my colleagues that S. 2 passed in the Senate 89 to 1. I believe the House should do the Senate one better. I would ask that the House pass S. 2.

Mr. GOSS. Mr. Speaker, it has long been known that Congress has a bad habit of passing laws without understanding the full impact they have on the American public—then it exempts itself from those same laws. In the 102d and 103d Congresses, I introduced a resolution to eliminate the special treatment that this institution has granted itself. Last Congress, I voted in favor of the Congressional Accountability Act which the House passed—but the Senate failed to approve.

During the final hours before adjournment of the 103d Congress, the House passed a watered-down version of the compliance bill as an amendment to the rules of the House. Although I am a strong advocate of congressional compliance, I felt compelled to vote against that weak-kneed resolution—which, to me, was nothing more than status quo dressed up to look like reform. Today we have an opportunity to move forward with real reform. I support S. 2, the Congressional Accountability Act, and I intend to vote for it. Congress is not, and should not be, above the law. It is time to move this institution into the real world of the laws that we expect the private sector to abide by.

Mr. FAZIO. Mr. Speaker, I am a strong supporter of S. 2, the Congressional Accountability Act. Unfortunately, I will not be present today to vote for this important measure—I am attending to the urgent needs of communities in my district that have been devastated by the recent flooding in northern California. If I were here, I would be proud to vote for the Congressional Accountability Act for the third time. In my absence, I submit this statement of support for the bill for the RECORD.

S. 2 fulfills our responsibility to grant the same protections and workplace standards that all other working Americans enjoy to our own employees in Congress. The Congressional Accountability Act continues the recent trend of Congress living by the rules we ask the rest of America to live by.

In recent years, we have enacted several major employee protection laws—the Americans With Disabilities Act, the Civil Rights Act of 1991, and the Family and Medical Leave Act. In each case, we applied the requirements of these laws to Congress just like they applied to the private sector. In addition, House rules provide House employees with protections afforded under the Fair Labor Standards Act and specify that House personnel actions shall be made "free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), disability, or age."

S. 2 continues our efforts to bring Congress into compliance with other significant employee protection statutes. The Congressional Accountability Act will also require Congress to comply with the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Occupational Safety and Health Act, the Federal Labor Management Relations Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Act, and the Rehabilitation Act of 1973.

This legislation establishes an independent, nonpartisan Office of Compliance within the legislative branch to develop the regulations applying laws to Congress, and to resolve complaints. The Office, which would replace the existing House and Senate Offices of Fair Employment Practices, would be composed of a five-member Board of Directors, an Executive Director, a General Counsel, two Deputy Directors, and additional staff as may be required.

This act represents a positive change in how Congress treats its own employees. I strongly support this legislation and urge my colleagues to vote for this landmark congressional reform bill.

Mr. STUMP. Mr. Speaker, I rise in support of S. 2, the Congressional Accountability Act. It is high time that laws applied to the private sector workplace are made applicable to Congress as well. As chairman of the House Veterans' Affairs Committee, I am particularly pleased that S. 2 would provide for the enforcement of recently enacted veterans' employment and reemployment rights under Public Law 103–353 (October 13, 1994).

The Uniformed Services Employment and Reemployment Rights Act [USERRA] only allows aggrieved legislative branch employees the remedy of applying to the Office of Personnel Management [OPM] for a position in the executive branch, with an ensured offer of employment. Executive branch employees under USERRA have extensive enforcement rights including legal representation, Merit Systems Protection Board [MSPB] adjudication, and judicial review.

Now, under title II, section 206 of S. 2, eligible congressional employees could avail themselves of the extensive enforcement and dispute resolution procedures established in the new Office of Compliance, as well as judicial review.

Mr. Speaker, I am also pleased to see that the bill would require a study and recommendations by the Administrative Conference of the application of the workplace laws included in S. 2 to the General Accounting Office [GAO], Government Printing Office [GPO], and the Library of Congress. The study and recommendations would be due to the Speaker of the House no later than December 31, 1996.

I commend Speaker GINGRICH and Majority Leader ARMEY for keeping their commitment to the American people in making the Accountability Act the first order of business of the House with H.R. 1. The Senate has added provisions in its version, S. 2. I especially wish to state my appreciation to Mr. SHAYS, who has led the House's effort on accountability, as well as to his staff for their openness and accessibility in crafting this legislation. Mr. Speaker, I urge my colleagues to favorably consider S. 2.

Mr. FAWELL. Mr. Speaker, I rise to commend the majority leadership for bringing this bill, S. 2, the Senate version of the Congressional Accountability Act, which the House passed on January 4, to the floor today. Consideration of this legislation can be directly traced to you and the new leadership in Congress who were committed to place this long overdue type of legislation on the front burner.

This bill, however, is far from perfect. And the full specifics as to the exact manner in which the eleven "place of employment" labor laws shall be applied to congressional employers do not, in many cases, correspond to the manner in which these laws apply to the private sector. In certain instances this is understandable, as in cases where the constitutional requirement of separation of powers proscribes executive agency enforcement of rules against the legislative branch. But, all in all, the fox—Congress—is still very much in charge of the chicken coop—employer and employee place of employment laws—and clearly Members of Congress are being treated in many instances with kid gloves when one looks at the matter from the perspective of the private sector.

For example, our private sector constituents would jump at the opportunity to live under the requirements contained in the section of the bill applying OSHA to Congress. There are no fines which are levied with a citation, as is the case in the private sector. The general counsel issues a citation and if the counsel determines that a violation has not been corrected, he may file a complaint with the Office of Compliance against the employing office. This, again, is a far cry from the realities with which our businessmen and women must contend. No civil penalties. No criminal penalties. If only Congress could be so understanding of private employers.

With regard to the OSHA section of S. 2, specifically section 215, it is my understanding from the House authors of the legislation, Mr. SHAYS and Mr. GOODLING, that the report required under this section concerning the general counsel's inspection of facilities for OSHA violations will be made available to the public. I strongly agree with this perspective, especially in light of the fact that there is no requirement in the bill that the general counsel file a complaint with the Office of Compliance against an employing office.

Mr. Speaker, there are positive aspects to the legislation. It does move clearly toward the concept that congressional employees should have the right, in instances of violations of place of employment labor laws by Members of Congress, to the same basic employee protections as possessed by employees in the private sector. And, significantly, this includes the right of congressional employees to seek a full de novo jury trial in Federal court, complete with general damages, court costs, and recovery of attorneys fees. It should be noted, however, that apparently no Member of Congress may be personally sued, that is, such a suit would be against an employee's employing office, a term of new art which avoids naming any Member of Congress as the specific responding party to such a law suit.

The bill does not allow, however, for such employees to obtain punitive damages against their congressional employers. In addition, there apparently is no personal liability of Members of Congress as to any damages, legal fees, or court costs awarded to any employee filing a claim against an employing office. This is not too analogous to what is facing the private sector employers who can generally be held personally liable for those types of damages under civil rights law, the Age Discrimination in Employment Act and the Americans With Disabilities Act.

Mr. Speaker, I do recognize, however, that this bill is the result of a compromise with the other body. In the final analysis, although the version of the bill before us today is geared to treat Congress more favorably than the private sector, it is still much better than what we have now, where Congress almost totally escapes the effects of place of employment labor laws which have been nonuniformly and haphazardly applied by Congress upon the private place of employment and quite often with provisions for disproportionate damages. So, it is indeed a step in the right direction, a first step, but a very meaningful step nonetheless.

I will support the legislation today, but more must be done to either: First, have these laws really apply to Congress in the same fashion in which they now apply to the private sector, or second, alleviate the often harsh, haphazard, rigid, and unreasonable fashion in which place of employment laws apply to the private sector. In fact, we might not be dealing with this issue today, if we had, in the first place, simply written our place of employment labor laws for the private sector with as much compassion as we have with this legislation. I stand ready to work with the leadership on both sides of the aisle to achieve either result, which should bring about a more uniform, flexible, understandable, and more understanding employment policy for America in the 21st century.

There is no doubt that as we have to do unto ourselves we learn better how to do unto others.

Ms. DUNN of Washington. Mr. Speaker, for too long, Congress has lived by a double-standard, passing dozens of laws, imposing hundreds of regulations on the private sector while at the same time exempting itself from those same laws and regulations.

How long has Congress enjoyed the double standard? Fifty-seven years later, Congress will finally be held accountable to the Fair Labor Standards Act of 1938, requiring a minimum wage and overtime pay for congressional staff; 31 years later, Congress will at last adhere to title 7 of the 1964 Civil Rights Act, prohibiting employment discrimination based on race, color, religion, sex, or national origin; and 25 years later, Congress will comply with the Occupational Health and Safety Act of 1970, making our U.S. Capitol and the House and Senate Office Buildings safer places to work and visit.

There is a whole host of other laws with which Congress must now comply: the Americans With Disabilities Act, the Age Discrimination in Employment Act, and the Family and Medical Leave Act to name few more.

Mr. Speaker, this is a sensible bill that accomplishes more than just apply all laws to Congress. While Congress still has a long, challenging journey ahead if we are to restore the public's confidence and faith in this institution, passing this congressional compliance legislation is a major step in that direction. Today, as we send this bill to be signed into law by President Clinton, we legislators will prove to the citizens of this Nation that we are committed to turning this place upside down, shaking it by its ankles, and accomplishing this long overdue reform.

Mrs. LINCOLN. Mr. Speaker, today I rise in strong support for S. 2, the Congressional Accountability Act. This piece of legislation will finally submit to Congress to the same laws it imposes on others. How can we expect to understand the implications of legislation we write if we aren't required to follow its rules? That, Mr. Speaker, is a glaring example of Congress being out of touch with middle America.

This initiative represents years of hard work in a bipartisan manner. Not only do I fully endorse this bill this Congress, I was also a cosponsor of similar legislation, H.R. 349, last year and fully supported H.R. 4822 when it passed the House overwhelmingly in August 1994. Unfortunately, efforts to pass legislation in the Senate died at the end of the 103d Congress.

For far too long, Congress has been writing and passing legislation that affects everyone but itself. It is evident that Congress must set the example and live under the rules it imposes on others. No longer will congressional employees be subject to discrimination, bad working environments, or other working related ills that other employees are protected from under our national laws. Our employees will have the avenues to address grievances in the workplace like any other American employee. They will have employee rights that have been denied to them for far too long.

I believe that this is a responsible, bipartisan bill and urge its immediate adoption.

Mr. RADANOVICH. Mr. Speaker, the lesson that what is sauce for the goose also should be for the gander is learned from early childhood. Yet, it seems to have been no more than a fantasy for Congress.

Today, I hope this House by its vote will make a simple declaration, saying that if we think it worthy that American business is required to operate under these several sets of workplace rules, then we on Capitol Hill are willing to be regulated by them as well.

There are two benefits to be derived from securing final passage of S. 2, the Congressional Accountability Act that embodies the spirit and most of the substance of H.R. 1, which we passed on the day we began this 104th Congress.

The first value of this reform in the way we do business is that those men and women we employ here and in our district offices should not be prejudiced with respect to redress of employment wrongs simply because they are on our payrolls.

The second significance of the Shays Act was well related by the Wall Street Journal editorial of January 4 that called H.R. 1 a "very potent reform" and went on to observe that "forcing Members to live under the laws they pass may also have a useful, modifying effect on what Congress decides to pass."

Mr. Speaker, all of us, I'm sure, have received—and welcome—thousands of constituent communications imploring us to keep faith with provisions of the Contract With America. Even before this Congress began, one of my constituents, Mel Cellini of Madera, CA, shared with me a copy of his letter to Speaker GINGRICH. Noting Mr. Cellini's statement that there must be a change in the fact that "Congress has exempted itself from mandates imposed on the rest of society." I take pleasure in making the text of his letter a part of my statement of support for our passage of the Congressional Accountability Act.

The letter follows:

DECEMBER 4, 1994.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR SIR: My wife and I are approaching 50 years of age. We have been increasingly disillusioned with the operation of the federal government. The future our two children face is of great concern to the two of us. As long as I can remember the federal government has continued to intrude into our lives via control and taxation. The programs have not only been intrusive, but also quite expensive.

Now one child is in college and the other will soon be going to college. Our dismay with the evaporation of the American dream has been discussed in our family. It is hard to relate to the dream since all we hear from the media are the issues of why we need to contribute and do more for those that refuse to help themselves.

Congress has exempted itself from mandates imposed on the rest of society. This must change.

I backed our local Republican candidate with the fervor that this was our last chance. Yes, George Radanovich won. I truly believe this is a new dawn. The opportunity for a refocused government is here. Just Make Sure the Government Is Out of Our Lives and Our Pocketbook.

Please, do not back down on the ten point contract that the Republicans agreed to fulfill in the First 100 days.

Finally, ignore the personal attacks the media is doing to you. We are behind you 'all the way.' I can hardly wait for the 1995 congress to begin.

Again, Congratulations, and thank you.

Sincerely,

MEL CELLINI.

Ms. ESHOO. Mr. Speaker, I was proud to vote for S. 2, the Congressional Accountability Act.

Although I wholeheartedly support this long overdue legislation, I am disappointed that it did not include language that would prohibit Members of the House from using frequent flier miles accrued on official business for their personal use.

When I first came to the House, I initiated a policy in my office on February 23, 1993, which said that all frequent flyer miles accrued on official business must be used in connection with official travel and not for personal use.

Mr. Speaker, my office, and therefore the taxpayers, have realized significant savings from my travel on accrued frequent flier miles. We should pass legislation in the future that extends this reform to the House of Representatives. Until then, my office will keep this practice in effect.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the Senate bill, S. 2.

The question was taken.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the subject of the Senate bill, S. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

MONETARY CRISIS IN MEXICO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized for 30 minutes as the minority whip.

Mr. BONIOR. Mr. Speaker, the crisis in Mexico today is very serious and has a direct effect on the United States. But if the American people are going to be asked to guarantee billions, up to $40 billion in loans in Mexico, we have a right to demand that Mexico meet certain conditions in return.

The primary question we have got to answer is simply this: How can we address the problem in Mexico in such a way that ensures that working families on both sides of the border are helped and not hurt by this deal? The Mexican system is riddled with deep structural, political, and economic problems. If allowed to continue to go unchecked, these problems will not only continue to hurt Mexican workers, they will also continue to have a direct impact on the jobs and the wages and the living standards of American workers.

The last time Mexico experienced a similar crisis in the early 1980's, they responded by cutting wages in half for Mexican workers. That was their response, even though Mexican manufacturing profits went through the roof.

In effect it created a situation where Mexico had a boom in billionaires. Members heard me right, billionaires, not millionaires. Yet American workers were forced to compete with Mexican workers who were earning 58 cents an hour. We lost over a half million jobs as a result of that policy, 500,000 American jobs. And all indications today are that Mexico is reading from that exact same playbook, even though Mexican wages are already too low. The devaluation of the peso has driven down their purchasing power by another 40 percent. Yet rather than pledging to raise the standard of living, President Zedillo's economic plan calls for a freeze on wages.

At this rate Mexico is never going to be able to afford to buy the products that we make, and of course that has been the great success of America, that we built a middle class with the purchasing power to purchase.

We have got to find a way to export products to Mexico, not just our jobs and our capital. We had a chance to address this problem when we negotiated the NAFTA agreement. We had a chance to tie wages to productivity and give the Mexican workers more power to bargain for better wages, but NAFTA was a missed opportunity to make real reform. I do not think we can afford to miss that opportunity again.

I would suggest that before we ask American taxpayers to send a dime to Mexico, we should insist that Mexico meet five specific conditions. Let me enumerate them for my colleagues this afternoon.

First, we should insist that Mexico agree to tie wages to productivity. Now what do I mean by that?

□ 1230

In the past decade, Mexican workers have not, and I repeat they have not, reaped the rewards of their hard work, and they do work hard. They are very productive workers. Their productivity increased by 64 percent since 1980.

What happened to their wages? Their wages actually dropped by 31 percent. Prior to the devaluation of the peso over the last several weeks, the wage of a Mexican worker was 69 percent—69 percent—of what it was back in 1980. It was not even worth the value of what it was in 1980.

Former President Salinas recognized this problem when he pledged to tie wages to productivity 2 years ago during the negotiations within his own country, and the debate over NAFTA. But that link has not materialized, and we, I think, should insist that it does.

Now, second, we should insist that the Mexican Government extend fundamental rights to the workers that they do not have now: the right to organize independently—and I emphasize the word "independently"—the right to bargain collectively, and the right to strike. These basic worker rights help propel a middle class in this country and elsewhere in the western world, and again, the reason we negotiated a labor side agreement on NAFTA was that there was a recognition that structural problems existed, but the side agreement left out the most fundamental reforms, so nothing will go further toward developing a Mexican middle class that can afford to buy our products that we will make, and we should insist on these reforms.

Now, third, we should insist that Mexico make more of an effort to buy American. Since NAFTA went into effect, Mexico has increasingly looked to Japan and Europe first. While Mexican exports to the United States have gone up, their imports from Europe and Japan have exploded. At the same time our trade surplus with Mexico has decreased by 60 percent in the past 2 years, 60 percent reduction in the surplus that we had with Mexico.

If American taxpayers are going to be asked to guarantee billions in a bailout of Mexico, I think we need to demand that Mexico make more of an effort to buy American products.

Now, fourth, we should insist that Mexico not only continue democratic reform but that it renew its pledge to resolve the uprising in Chiapas in a just and in a peaceful way. The situation in Chiapas today is a proving ground for the Government of Mexico and how they go about resolving the crisis in Chiapas will go a along way toward determining the depth of their commitment to democratic reforms in human rights.

Recently there have been reports that President Zeddillo was under immense pressure to take decisive military actions in Chiapas. I would suggest that cracking heads and sending in tanks is no way to demonstrate a commitment to human rights. The American people do not want their tax dollars backing up a military operation against Mexico's own people. The only way to resolve the situation in Chiapas is to address the underlying structural and economic problems which caused the crisis in the first place, and that is why we must insist upon economic reforms, not military ones.

Fifth, before we pass an aid package to Mexico, we should pass an American workers' aid package to help American families who lose their jobs as the result of the crisis in Mexico. Now, with the devaluation of the peso, the price of American products in Mexico has soared up to 40 percent. In the weeks to come, as exports increase, many Americans will lose their jobs.

We cannot afford to turn our backs on our own working families who are affected by the problems in Mexico. I would suggest there are two things we can do immediately to help.

First, we can pass the lifetime job training program that was proposed by the President in his middle-class bill of rights. This bill will make available up to $3,000 for each person who loses their job and can be used to help them get training, the training that they need to find a new job, so they will have an account, their own account with their own name on it, that they can draw from to pay for training to upgrade their skills so that they can reenter the labor market.

Second, we should immediately pass the $10,000 tax deduction for tuition and other educational expenses. Many of the people who lose their jobs have kids trying to further their education, and there is no reason why children should be denied that chance because of the crisis in Mexico today.

Now, again, if the American people are going to be asked to send billions to Mexico or potentially underwrite billions to Mexico, we have a right to ask certain conditions be met in return. Before we send a dime, we should insist that these five conditions be met.

We missed a very historic, real opportunity last year to address the serious underlying economic and political problems in Mexico today, and we cannot afford to miss that opportunity again. We are not merely sending money to Mexico to prop up a nation with the fastest growing number of billionaires in the world, we are sending money with the hopes that by helping the working people of Mexico we will help build a Mexican middle class that can afford to buy the products that our workers make and that can stop competing against each other.

In the end, I think that is going to help both of us, and after all, I think that is what free trade is supposed to be all about anyway.

I yield to my friend who was here first, the gentleman from West Virginia [Mr. WISE], and then the gentleman from California [Mr. MILLER], and then my friend, the gentleman from Ohio [Mr. BROWN].

Mr. WISE. Mr. Speaker, I will be brief.

Thank you for taking this special order.

It is my understanding that very shortly, perhaps by the end of this week, there will be a package on the floor authorizing and approving perhaps as much as a $40 billion loan guarantee program, yes, I stress the word "guarantee," but it means the taxpayers can be on the hook potentially for that amount.

To my recollection that may be the largest amount taxpayers have been asked to be even potentially liable for since the S&L situation in setting up the Resolution Trust Corporation.

There are several questions that need to be answered on this that I have not been able to get answers to that I have been asking.

How much are we talking about? We started at $9 billion, then we went to 18, the Treasury a couple days ago was saying 25, and today it is $40 to $45 billion.

Second, it is my understanding there is already an existing line of credit. Has any of this been drawn down yet? It is my understanding probably some has already.

Mr. BONIOR. It is my understanding there was $9 billion that has been drawn.

Mr. WISE. There is a guarantee of that. In sum, they have already gone out, because of meeting the default provisions or whatever. These are questions that need to be answered.

We have been expressing concerns over bills that basically we all agree with on the floor, not coming to the floor with a hearing, for instance, unfunded mandates will be on the floor, the Congressional Accountability Act just passed. This is something extremely serious. All taxpayers are going to be living with it for a long time.

Third, I have got trouble, I say to the whip, explaining at home why it is that in a couple of weeks on the floor of the House there will probably be a rescission package. The appropriation bills will try, for instance, to take out the Economic Development Administration which basically does nothing but help create jobs. There will be language to take out highway projects, road projects, bridges, airports, water, and sewer.

I was in a town just Saturday, where they are $300,000 short on a $1.4 million project to build a sewer which is mandated in which they can actually create jobs if that sewer line is built. Nobody will give them a loan guarantee.

I wonder if we are going to have to put this legislation out, whether or not it would be possible to join with the loan guarantee program for perhaps American citizens, American workers, as the gentleman suggests, with a lifetime job training act, something that says to the American taxpayer, "We understand, and we hear you as well."

I think that there needs to be great questions raised about this before this House willy-nilly embarks on such a large package. Otherwise, I think this is something that is going to be coming home to roost for many, many years.

Mr. BONIOR. I thank my colleague for his comments.

While I recognize his concern with regard to time, I am perplexed by the speed at which we hear that the Republicans want to move on this package. They are talking about bringing this to the floor on Friday, if you can imagine that, without any hearings, without any discussion.

We understand the tenderness and the sensitivity this issue will have with respect to markets and other Latin and so-called second tier nations as well as some developed nations, but it seems to me that if we are going to be asked in a responsible way to come cast our votes on this issue that we really need to know what is in it, the effects it will have, the probability of success or the possibility of failure, and what is in it for the American worker. I mean, is the American worker going to be affected by all of this if the peso has fallen 40 percent and Mexican imports of American products drop off in large numbers, which I expect will happen? I mean we have already lost 60 percent of our trade surplus with Mexico just over the last 2 years. We can expect more of a drop, it seems to me, as a result of this.

What is going to happen to those workers who are producing those products for Mexico? Why are we not addressing that piece of it as well?

I yield to my friend, the gentleman from California.

□ 1240

I yield to my friend from California.

Mr. MILLER of California. I thank my friend for yielding and taking this time to discuss this issue.

On the point that the gentleman raised on what is going to happen to United States workers with the Mexican economic crisis is a very important question. Just a few short months ago, the administration and others came to the well of the House and to the Senate and told us that the NAFTA Agreement was a win-win situation for American workers and that not only would the jobs that are lost to Mexico be recreated in new industries in this country, but the broad power to open up the country of Mexico to United States exports would create additional jobs in this country so that we would be a net winner. And when those of us raised concerns about the disparity between the wages in Mexico and the United States, we were told that was not a factor, that in fact the peso was strong, that things were going well, and they presented Mexico as a First World country in terms of economics. That has turned out not to be true. Not only has it turned not to be true now, but it turned out to not true quite a while ago. But between the Governments of the United States and Mexico, they kept up the facade that Mexico was strong, Mexico was ready to participate in First World economics, and that was done to get past the Mexican presidential elections and also to get past the vote on NAFTA on the floor of the House of Representatives and in the Senate.

What was then presented as a win-win situation, we are now confronting our constituents, the American workers, with a lose-lose situation. Not only will their wages be now less competitive with manufacturing and other occupations in Mexico, but we see the fact that those wages are going to be discounted by perhaps 30 percent. At the same time, the same Federal Reserve Board that is coming in here and asking us to support the economy of Mexico, to make these concessions and to put taxpayer dollars at risk, is talking about jacking up interest rates for the seventh time, interest rates that have the potential of closing off the economic recovery, of taking the newly hired people and putting them on layoffs, of dampening the appetite of American manufacturing to engage in expansion of new plants and facilities and job creations.

So the American worker is put at a disadvantage because of the Mexican economic crisis and then he is put at a second disadvantage because his or her job is threatened or the potential for a job is threatened because the same Federal Reserve Board is going to hike interest rates in the American economy.

We have already seen the National Association of Manufacturers and others state, "Don't do this, because it precludes the kind of growth that is necessary in durable goods, in automobiles, home construction," those things that drive the fundamental job makeup in this country.

So we have Mexican goods coming in cheaper than ever before, Mexican labor being cheaper than ever before, and the comparative advantage of Mexican workers at a much greater level than ever before.

Then you put on top of that the willingness of the Mexican Government to thwart any attempts by Mexican workers to organize so they can better their standard of living, so that they can participate in a decent standard of living, and a decent workplace so that all of a sudden we do start to get some comparables. Then we have the use of troops to keep unionization from happening, keep workers from organizing, and what you really have now is the same old group of people in Mexico, the very wealthy families, the new billionaires sitting on top of the shoulders of the Mexican workers and telling them if they want a job they are going to have to be unorganized and they are going to have to work at historically low wages so that they can send their cheap goods into the United States and displace American workers.

The gentleman from Michigan [Mr. BONIOR] is asking exactly the right question, and that is what the Republican leadership and others have got to respond to: What does this do for American workers?

You promised us one thing a few months ago and did not deliver on that promise, and the situation is far worse than you ever represented to the American workers it would be, and now you are telling us to trust you again, trust you and the Federal Reserve. They seem to have a real problem with Americans going to work. Every time we get unemployment down to 6 percent, they want to close off the recovery and say, "That is all the jobs, folks. Everybody will have to wait until the next time around, everybody else will not be able to provide for their family." I think this bailout of the Mexican economy to put money into this system—you know, if you were in Las Vegas, they would tell you not to do this because this is called putting good money after bad. As was pointed out already, we already have billions and billions of dollars' worth of pesos sitting in Fort Knox. We have no more gold in Fort Knox, there is only the Mexican peso. We have to think of what the ramifications of that are for the American workers.

I thank the gentleman for raising this issue.

Mr. BONIOR. I thank my friend for his comments on this issue as well and for recapping for us some of the history of this.

You know, we have been told time and time again how this was going to work for the American workers, how it was going to work for this country, how it was going to work for certain industries in this country. I am speaking about the NAFTA deal today. Also, how this was going to be a win-win for both countries.

Well, the fact of the matter is that it is a win-win for nobody. What we have got, if you look at what happened in the tomato industry in Florida, those people are just about busted and out of work while the American automobile industry is doing very well today because of the pent-up demand and the real effort on their part to get their act together, which they have done very, very well.

The fact of the matter is that while we have shipped close to 25,000 cars to Mexico during the first year of NAFTA, they have shipped to the United States over a quarter of a million cars, about 260,000 cars.

So I mean we have got some real problems ahead of us in the future, and we have to be cognizant of the fact that American workers in the future have a real stake at what we do with respect to this loan guarantee.

I yield to my friend from Ohio, who has been such a champion on the issue of worker rights.

Mr. BROWN of Ohio. I thank the gentleman from yielding.

The Republican leadership says this is not a bailout, this $40 billion; they say it is a line of credit. But if history is any indication, that line of credit will fairly quickly turn into a loan and that loan will fairly quickly evolve into a forgiven loan, and that forgiven loan will evolve very quickly, if history is any indication, into a $40 billion aid package.

I have sent a letter to Speaker GINGRICH this morning calling for hearings, that we need to slow down, that if we are going to consider this $40 billion aid package, that we as a Congress need the input of the American people, that we as a Congress need to understand better some of the issues involved in this $40 billion foreign aid package.

I have outlined to Speaker GINGRICH about a dozen questions that I would like to briefly mention, information that I think the American people need and this Congress needs before we can make a decision on this $40 billion foreign aid bailout for Mexico and Mexican wealthy investors.

First, what is the precise amount of the loan guarantee? I do not think we know that yet. What is the precise amount of the loan guarantee?

What is the risk that Mexico will actually default on the loans? What is the historical record of repayment, as the gentleman from Michigan alluded to earlier, to United States taxpayers on other loan agreements, whether it was Mexico a dozen years ago or other loan agreements over the years that this country has generously offered to other nations that are facing fiscal and economic problems?

What is the collateral for the loans? For instance, will Mexico pledge oil receipts, proceeds from the auction of container terminals or other assets? This is clearly a sensitive issue in Mexico, with Mexican public opinion not so wild about turning over some of their Mexican oil company receipts—a government oil company—to the Americans as collateral.

Next, what conditions should we attach to the loan guarantees? Should one of those conditions, as the gentleman implied or suggested earlier, involve immigration control, immigration controls, rights of Mexican workers, or other social issues?

Sixth or seventh, given the many commentators, including Federal Reserve officials and even members of the Zedillo administration in Mexico, have raised question concerning the handling of the currency crisis, should we demand as a condition of the loans an investigation into the performances, as the gentleman from California mentioned, the performance of the Mexican Government, including the role of the Salinas government, in order to prevent a repeat of the situation?

Also, why are other nations, particularly those in our hemisphere, not contributing, not rushing to come forward in this bailout in the same manner and magnitude as is the United States?

Also, is the Mexican economic crisis relevant to a discussion of the balanced budget amendment in the United States which proposes to cut drastically appropriations for the International Monetary Fund? That begs the question of where are the deficit hawks on this $40 billion, from both sides of the aisle? Those are the people who talked about the balanced budget amendment—I support the balanced budget amendment—how are we going to do that if we are going to provide a $40 billion aid bailout package to the Mexicans?

Also, what provisions are there to insure that the large numbers of billionaires in Mexico do not unduly profit from the bailout? Mexico is fourth in the number of billionaires; the United States first; Japan second; Saudi Arabia third; Mexico fourth. And they are there at the expense of the middle class in Mexico, some very, very wealthy families as talked about a couple of summers ago discussing NAFTA, and lots and lots of very, very poor Mexicans, and a small middle class.

Mr. BONIOR. As the gentleman will recall, what happened in the early 1980's when they hit the same type of situation, the wealthy went in and gobbled everything up and they became extremely wealthy. And, of course, they had the Government help them divvy up the spoils at a further point in the process.

The question is where are they now? What sacrifices are they making? There are rumors to the effect that they have all liquidated their national currency and got their assets in dollars now and really have not had to face this crisis.

That ought to be looked at to see if in fact that is a factor or if it is not.

Mr. BROWN of Ohio. And coupled with that, what about American corporations that have benefited from NAFTA, have built plants in Mexico, have seen economic problems as a result of the peso devaluation? Are we rushing forward, in part, to bail out those investors? Are they going to be part of a plan in this economic liberalization, will they participate financially in the bailout in the same sense that Congressman GEPHARDT suggested they help finance NAFTA, with across-the-border transaction fees? That is something that we need to address.

Last, thinking the unthinkable, what happens, what steps should we be prepared to take in the event the bailout package fails to stop the hemorrhaging of confidence in the Mexican Government and in the Mexican economy?

The issues here, Mr. Speaker, is to slow down, to have extensive hearings, not to delay for 3 to 4 months. We do not need to do that, but there is no reason to rush into this. Investors around the world, the international finance community do not expect the U.S. Congress to address this this week. We need to slow down, we need to have extensive hearings, we need to discuss these questions, explore these answers, and find out what in fact is the situation all around this $40 billion bailout.

I again say I hope, Mr. Speaker, that Speaker GINGRICH makes the decision to slow down, particularly for all the new Members of the new Congress, some 85 new Members that are not really familiar with this issue. We cannot be spending American taxpayer dollars the way we have so profligately in the past, we have to slow down and look at this so that all of us can understand it better.

□ 1250

Mr. BONIOR. Mr. Speaker, I was a new Member of this institution, and I was being asked in the first 30 days of my service to the country as a Member of Congress. I, sure as heck, would want to know the ins and outs of this, especially given the disastrous effect of this country with respect to the savings and loan situation. I would want to know just exactly what we were buying with regards to this package, and second, I would demand to know what effect it will have on the fellow who is working at the car company in my town, or the fellow or woman who might be working in a facility in my district whose job is tied to products that are sent down to Mexico for export purposes. You know, what is going to happen to those folks? I have got people working the automobile industry that will be affected by this, and no doubt in my mind; I mean the automobile industry likes to say that, you know, we are proud that we are shipping more cars down to Mexico now. What they do not say is that we may have shipped 30,000 automobiles to Mexico in the first year of NAFTA. The Mexicans, as I said just a second ago, ship back here about 260,000 cars. So, there is a big difference, but nonetheless they are proud of the increase that they have had in the number of cars that they have shipped to Mexico. That undoubtedly is going to be affected drastically by the peso devaluation.

I say, if you're a middle-income family or working family in Mexico, you can just picture yourself, the value of your dollar being 30 percent less that what it was about a month ago, and that's what they are facing down there. So, everything is 30 percent more to them.

Mr. BROWN of Ohio. I drive a Thunderbird, a car that is made in my district.

Mr. BONIOR. Congratulations. Glad to hear it.

Mr. BROWN of Ohio. Good car, and, if they talk about selling Thunderbirds in Mexico, if it cost $14,000 today in Mexico, 3 weeks ago in Mexico, today it will cost about $4,000 more than that, and people—think about it yourself. I say to my colleague, you are not going to buy a car where the price has gone up $4,000, and the relatively few cars we are selling in Mexico that are made in America, that number is going to shrink. Going the other way it is going to increase with the way prices have shifted because of peso devaluation, and I think, as the gentleman from California says, it's a lose, lose, lose situation where not only are we losing American jobs, not only are we losing jobs before the peso devaluation, it is getting worse with devaluation, and they are asking for taxpayers dollars to bail them out.

We have got to examine this question much more carefully.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Ohio [Mr. BROWN] for joining me this afternoon.

LINE-ITEM-VETO AUTHORITY

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I took out this special order today after sitting in my office and listening to one of the speakers on the House floor during 1-minute speeches, my good friend and colleague, the gentleman from Maryland [Mr. HOYER], discuss with you and our colleagues in this body today the reasons why he felt that spending increased so dramatically during the Reagan and Bush years, and he emphasized the point that Ronald Reagan and George Bush could have used their veto pen to stop the excessive spending during that time period.

Mr. Speaker, we have to look at the facts, and the facts are quite different than the way my friend and colleague presented them to the American people.

First of all, as all of us in this body—my good friend and colleague is here. Thank goodness. We can have a little dialog here. As my good friend and colleague knows and as all of us in this body know, the President does not spend one dime of money unless it has been first of all appropriated by the Congress, and the House and the Senate meet in their 13 various appropriation bill processes to decide how much money we are going to spend in each of 13 different categories of the Federal budget, and our good friend is a member of that Committee on Appropriations. The process is set up in such a way that the President is given 13 opportunities to veto the amount of spending set by the Congress.

But guess what happened, Mr. Speaker, during the 12 years of Mr. Bush and Mr. Reagan? This body did not pass the 13 appropriation bills, except in one instance, and that happened to be in 1988. In fact, the other side of the aisle, which controlled the Congress, perfected the art of the continuing resolution; in other words, backing the President into a situation where not giving him the chance to veto the spending bills, allowing all spending authority to expire in the fall, and then having us pass a continuing resolution.

My first year in this body, Mr. Speaker, it was 2:30 in the morning, 2 days before Christmas, that we were given a massive document that none of us had seen, and we were told this was going to be the spending blueprint for the country the following year. The document was brought to the House floor. We were given one chance to pass it, which we did, and then the President was given 1 chance, not 13 chances, 1 chance, to veto the spending levels set by this Congress. So, he was backed into a corner, and what did he do?

Like the previous 7 years, or 6 years, Mr. Speaker, he signed that continuing resolution setting the spending authorities and appropriation levels that this body in fact agreed to.

More important than that, not only was the President not given the ability to veto individual spending bills, but the President was not given the line-item-veto authority.

Now, Mr. Speaker, the current President of the United States, Bill Clinton, campaigned on the need to have a legislative line-item veto. In fact, he said during the campaign that, like the other 43 Governors in America who have line-item-veto authority, he wanted to have that as the President. But guess what, Mr. Speaker? The leadership of his party in the Congress would not give him line-item-veto authority legislatively so he could go through the individual spending bills and redline the pork and the garbage.

We are going to give Bill Clinton legislative line-item-veto authority to do what we would like to have had Ronald Reagan and George Bush do during the 12 years that they were in office.

Mr. Speaker, it is unfair to say that the President of the United States controlled how much money we spend. In fact, we say, well, that is a budget, and the budget is what we agree to. During my first 6 years in office almost every spending bill that we passed, the first provision waived the Budget Act, so it did not matter how much was in the budget. We waived the Budget Act and passed whatever amount of spending that we in this body decided was important for that particular issue.

So, the tools are here, and to say that this was all the fault of the President, be it Ronald Reagan or George Bush when we handicapped him with a continuing resolution, when we handicapped him with no line-item veto, when we handicapped them by backing them into a corner at the 11th hour, I think is wrong, and I am glad my good friend and colleague has shown up, and I would yield to him, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I was in the Cloakroom when I heard him reference my previous 1 minute, which, of course, was in response to a line of new Members on the gentleman's side of the aisle getting up and pounding their chest about the balanced-budget amendment and how irresponsible the previous 40 years of Democratic leadership in the Congress had been. I think it is appropriate, as the gentleman says, that the American people have the facts and have the truth.

First, let me say to my friend—and I mean that sincerely; Mr. WELDON and I are close friends; we work closely together on a number of issues—that I think my portrayal was accurate.

First, I would ask my friend if he knows that the President—forget about continuing resolutions, forget about the actions of the House, forget about the actions of the Senate—if my friend is aware of the fact that in the budgets that Presidents Reagan and Bush transmitted to Congress their administrations wrote, untouched by Democrats, and asked for more spending than the Congress appropriated. Is my friend aware of that?

Mr. WELDON of Pennsylvania. Mr. Speaker, taking back my time—and I will be happy to yield further to my friend—I am well aware of that, and I am also well aware of the fact, as is my friend, that in this body budgets submitted in the past by this body have been ignored year after year after year. So I am aware of that fact.

Will my friend admit on the record that this body has passed numerous spending bills during the Reagan and Bush years that waived the Budget Act that this body passed, largely on the Democrat side? Is my friend aware of that?

Mr. HOYER. Mr. Speaker, I am aware of it. It is a totally esoteric question that I think has no relevance to our colloquy.

Mr. Speaker, may I ask, did my friend ask for 5 minutes?

Mr. WELDON of Pennsylvania. Yes.

Mr. HOYER. That is lamentable.

Mr. WELDON of Pennsylvania. We will continue this at a future date.

Mr. HOYER. Mr. Speaker, I would love to do that.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Pennsylvania [Mr. WELDON] has expired.

THE FEDERAL MANDATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from California [Mr. MILLER] for 60 minutes.

Mr. MILLER of California. Mr. Speaker, I would say to the Members of the House that at the end of this week and the beginning of next week the House will consider a proposal dealing with the issue of unfunded mandates. More importantly, what we will be dealing with is a most serious attack led by the Republicans in the Congress on the basic laws in this country that hold this Nation together as a society and deal with our common interests and our common concerns for the purposes of achieving social progress in this country.

This is the body of laws that has moved us from a dangerous and polluted workplace and from a dangerous and polluted society to one where we now take into account those measures to protect our environment and to protect our workplace. These are the laws that protect our workplace. These are the laws that protect the waters of our lakes and our rivers and make those waters safe to drink, along with the ground waters and the basins that run from State to State. These are the laws that protect the air that we breathe, the laws that guarantee that a handicapped child can go to school, and that mandate background checks for child-care workers so that we know that when parents drop their children off in the morning, they will not be victimized by child molesters or others who would seek to take advantage of them.

It is these laws that require those background checks and the fingerprinting that are now in place. It is these laws that protect our children against the exploitation of child labor and at the same time make sure that when their mothers and fathers go off to work in the morning, they will work in a safe workplace and they will be paid at least a minimum wage. These are the laws that form the basis of a partnership between the basic levels of government, Federal, State, and local, that have provided unparalleled social progress for this country for the experience that we have all had over the last 50 years.

It has not always been a willing partnership because very often local governments are not interested in cleaning up the sewage that they freely pump into the rivers of this Nation. The State governments that surround and have an impact on the Chesapeake Bay or San Francisco Bay or Houston Bay or Santa Monica or the Florida Bay are not always interested in cleaning up their water-treatment facilities or stopping the runoff from their farmlands and the pesticides that flow into those bays that now threaten the very environment and the existence of the Florida Keys, or the Florida Bay, that generate millions and millions of dollars in the tourist economy as Americans and visitors from around the world come to experience the beauty, the assets, and the recreation of the Florida Keys and Florida Bay. And yet if the State of Alabama under this law chose not to meet the clean-water mandates, it would make no difference what the cities and the counties and the State of Florida do in terms of cleaning up Florida Bay.

If the States along the Ohio and the Mississippi Rivers and the municipalities decide that they are not going to clean up their sewage, that they simply are going to do as they have done in the past because it has always been cheaper in the short term to pump the sewage, to let it flow into those rivers, it will make no difference what the States of Louisiana and Mississippi do to protect their fisheries, to protect the economy that relies on the river and on that great delta, because the pollution knows no State boundaries, no municipal boundaries. It does not know a conservative mayor from a liberal mayor. It makes no difference whether a city council votes for the money or does not, the pollution moves out throughout our society.

That is why we have national laws—the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act—in this country, because we know we must have a unified effort, we know we must overcome the local politics where people decide in cahoots with industry or with a certain group in their neighborhoods that they do not want to spend the money to clean that up.

It also happens in the education field, where before the Education to the Handicapped Children Act, children with cerebral palsy, children with Down's syndrome, children with retardation, and children in wheelchairs or on crutches or with the aid of walkers or breathing machines were told that they could not come to school, that they could not participate in our classrooms, but because we have a Federal law that says, "If you want education money, you're going to have to educate these handicapped children," millions of children that were not given an opportunity now not only have gotten an education but they have had an opportunity to get a job and to live independently and to provide for themselves and in many instances for their families. And I have to tell the Members that there is not a Member of Congress that has not had a parent of a handicapped child come to us and say, "But for that Federal law, my child would have never gotten an education," because the school board thought it was too expensive, the school board wanted them to go to a special school, or the school board thought it would be better if they stayed home.

That is not the hallmark of this Nation. The hallmark of this Nation is bringing us together for common purposes and to protect the rights of those who are disadvantaged, whether it is economically, whether it is socially, or whether it is because of handicaps or where they happen to live.

□ 1310

You should know that when you go to any city in America, that you can get safe drinking water. But that is not necessarily true and certainly would not be true if the Federal mandates are removed.

Now, we have a lot of governors beating their breasts and talking about how we tell them to do things that they can't afford to do or they don't want to do and they ought to make the decisions. That is how we got into the situation with the rivers of Ohio that actually caught on fire in the early 1970's. Because they decided they didn't want to do it, they couldn't buck the political pressure of the steel mills and chemical companies and eventually the Cuyahoga River caught on fire. And I think you have to ask yourself if that is what we want to go back to.

Certainly it is expensive to clean up our waters and clean up the air. I can remember as a young man when I could smell San Francisco Bay before we could ever see it as we drove down the road, because the pollution of the cities was being dumped into that bay and the fisheries disappeared. But now because we have the Clean Water Act, the fisheries are back. As I went to the airport yesterday, you could see the trawlers in the south end of the bay, fishing for a commercial crop, employing people, lending to the tourism, lending to the economy of the bay area.

You know what? A lot of cities in San Francisco Bay cleaned up their sewage. But the city of San Francisco didn't want to. The city of San Francisco said we can't afford to. We are not going to do it. We had to go to court to make them do it. Because all of the other cities on the bay that wanted to enjoy the bay and the citizens that want to enjoy it, said no matter what we do, it will make no difference if the largest single polluter doesn't clean up their sewage, their storm water, their pollutants.

Yet those are the laws that this Congress this Friday will be asked to basically overturn by allowing this assault by the governors who simply don't want to comply, by governors who will not take the political heat at the local level or mayors that won't take the heat. They somehow think this is going to make their job easier. Private industry thinks this is going to make their job easier. But when the mayor of Philadelphia finds out that it will make no difference about the air quality in Philadelphia if the other mayors in the States and the region don't cooperate, he will find that his task is far more expensive.

In the early seventies, we had smog warnings more days than not in the Los Angeles Air Basin. Today we don't have that. It was true in Denver, CO. But what did we do? We passed a Clean Air Act and forced industries, we forced automobile manufacturers to manufacture automobiles with less pollutants. We now have reformulated gasoline on the market to try and help with the air pollution problem. Automobile engines are getting more sophisticated because of the Clean Air Act, because the States now have the ability to enforce the Clean Air Act.

Somehow, somehow in a rush to judgment, with no hearings this year, the Republicans in Congress want to tell us that this should all be overturned.

We should understand that these are the laws that brought America into the forefront of social progress. These are the laws that after too many American families experienced the loss of their spouse, or their father, or their uncle, or their brother, in the steel mills, in the coal mines, in the automobile plants, in the chemical plants of this Nation, these are the laws that said workers have a right to a safe workplace.

But under the unfunded mandates legislation being brought to this floor, that is all called into question with the reauthorization of OSHA. That is all called into question if somehow the Federal Government does not pay 100 percent of the bill.

I want to know why the Federal Government should have to pay 100 percent of the bill of cleaning up San Francisco Bay. The benefit doesn't run to the taxpayer in Indiana or in New Jersey or in Alabama. Clearly there is a national benefit because as the economy of the San Francisco region does better and we attract foreign tourists and business people and conventions, we all share that as part of our national economic product. But doesn't San Francisco, don't the cities on that bay, don't the cities in Florida benefit by putting up their money? That is the partnership that was created. In some cases the Federal Government has put up 75 percent of the money, in some cases we have put up 50 percent of the money, in some cases we have put up 25 percent of the money. But that was all negotiated at the passage of the legislation. But now we are down to the hard part, the implementation. And what we see is this kind of comprehensive assault led upon this body of laws to wipe out environmental laws, workplace safety laws, toxic laws.

Imagine the audacity of the Federal Government saying to local employers and to the private sector that a worker, a worker has a right to know whether he or she is working around toxic substances that can end their life or disable them, and we all know that has happened, whether it was asbestos, whether it was benzene, whether it was all of the chemicals that are in the workplace. That is what the attack is about, is about taking away that right to know.

What about the right of communities? What about communities that say we want to know what you are releasing into the air in our neighborhoods? We want to know what you are putting into the groundwater, to protect our drinking water.

We have whole communities in the United States where water now has to be brought in overland because the groundwaters are contaminated, they are no longer secure, they are no longer there for the benefit of those communities, because somebody thought that was their garbage dump. Somebody thought that is where they could dump their sewage, put their toxics. And it just isn't about the old industries. It is not just about the steel mills in the forties, fifties, and sixties. In silicone valley, entire aquifers are now off limits to the cities and taxpayers and to the property owners in the south of San Francisco because the newest industries in this country polluted the groundwater in violation of law or because the local economy was so hungry for the jobs they didn't want to tell them that they couldn't spoil the environment.

A lot of people criticize the environmental movement. But as we do an audit now on those countries where there wasn't an environmental movement, we are talking about hundreds of thousands of square miles of the Soviet Union where nobody can live, where life has ceased to exist, because of pollution. We all witnessed the horror of Chernobyl, where thousands of people have died, where you can no longer grow agriculture, and people have been moved to entirely new regions of the country; where milk has to be checked all of the time because the pollution spreads across the French countryside, across the German countryside.

We chose a different route in this country. We decided that in fact we would invest in a clean environment, that it would be good economics, it would be good public health, it would be good for our citizens, it would maintain property values in our communities.

But now, with the new Republican majority in this Congress, they have decided one of the first items on their Contract on America is to take away the protections of these laws. That somehow if the Federal Government does not fund 100 percent, then the people in one State or another should be free to choose their own way. It doesn't matter if when they choose their way in Nebraska, they pollute the aquifer that goes all the way to Texas. It doesn't matter if they choose their way in New Jersey, the people in New York have to breathe the air. It doesn't matter if they don't clean up the steel mills or power plants in the Ohio Valley, it kills the trees in Maine.

That is what this clean air law is about. That is what the clean water law is about. That is what OSHA is about. That is what community right to know is about.

Somehow these Republicans have such a terrible trouble. They are all for democracy and openness, but they don't want to tell people in the community what is going on in their communities. They don't want to tell workers the substances they are working around. People should have to experience birth defects, miscarriages, before we get to them? I don't think so. Why should we visit that on a family because they are forced to take a job out of economic necessity, and then we put them in a dangerous situation and they suffer that kind of tragedy in their family. That is the price of a job? It is when you vote for the unfunded mandates bill, because we no longer get to have the common concern and the common interest of this country, about improving the social progress of our children, of our families, of our workers, because that is what this body of law is about.

These are the successes. These are the successes that set America apart from other countries. These are the successes in terms of our economic growth, in terms of our economic activity, and an environment that is unparalleled elsewhere in the world. And if we don't lead the way, let us not believe that China will follow suit. That they will think if we decide that clean air is not important here, how do we tell China that clean air is important there? And yet they have the potential, if they stay on track with their economic growth and the building of their coal-fired power plants, to erase everything we have done in clean air in this country.

□ 1320

That is the volume of pollutions that they will put into the air. But we are now going to take away our ability to have tough laws in this country and yet we are going to lean on China or India or Indonesia to come into the first world in terms of environmental protection, not a chance, not a chance. Where we have not done this, we have lost whole industries. Where we did not do this in the Northwest, we lost a good portion of the logging industry, and we have lost a good portion of the commercial fishing industry and the sports fishing industry.

The coasts of our States now, great areas, great fishing banks off of New England, you cannot make a living because the local people did not have the courage to impose the moratoriums or the limits so we simply strip mined the oceans. We are about to set in motion strip mining of the bays and seas off of Alaska. That is why you have a Federal Government. Because a lot of these Governors and a lot of these mayors cannot take the heat. They do not want to buck the industries. They do not want to tell them the truth. They do not want to tell them "no". Well, when it got to such a point that we could not breathe our air, our rivers were catching on fire, you could not swim in the bays and the fisheries were disappearing, we changed the law. We changed it for the good of the Nation.

I would hope that some of these people would stop whining about the kind of social progress that we have made. I would hope that these same Governors who do not like us saying that if you take the public's money, you have to do the public good, what they are really saying is all they want is the public's money. You cannot have it both ways. If you are going to spend the public's money, you have to spend it in the public interest. That is an important component of this.

Surely, there was debate. It took us, I think it took us almost 6 years to reauthorize the Clean Air Act, because we had this debated, because we made the compromises, because we apportioned out, we apportioned out the participation. But if anybody thinks that the question of whether or not Santa Monica Bay is going to get cleaned up depends upon 100 percent Federal funding, then I guess Santa Monica Bay is not going to get cleaned up, if they do not have the local willpower or the local finances to do that. That is true all up and down our region.

This is a union of States, but those States are not entirely contained within their boundaries. Their activities spill over onto others. This is about being a good neighbor.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for taking this special order. It is timely because this week Congress will be voting on this unfunded mandate legislation.

If you read the description of this legislation on its face it seems so simple, so clear, so easy. It is legislation to discourage lawmakers from telling State and local governments what to do without providing them the money to do it. That is so basic who could argue with it? But life is a little more complicated.

As the gentleman from California has just told us, when you start applying it in specific instances, it raises a lot of questions. Some of the more conservative Members of the House and Senate that I have spoken to over the last several days, in positing questions to them, how would it affect environmental laws and the like, they said, well, I never thought of that; there must be an exception in the bill for that.

The fact is there is not. It is a good concept, but the Republicans in the House have taken the concept of unfunded mandates, they have gone too far, they have gone too fast, and they have gone to extremes.

Just consider when the committee sat and met on this bill, just last week, a few days ago, the chairman, the Republican chairman of the committee decided after they, the panel had defeated three Democratic proposals for committee rules changes on party line votes, they ended up saying that they would not have a hearing on this bill. They were just going to mark up the bill. No witnesses came in from the outside to testify. This bill was pushed through as part of the "100 day breakneck speed, let us get it all done and get out of here" approach. It is headed to the floor this week.

In their haste to pass unfunded mandates, the Republicans have ignored very real health and safety problems. They would create with this legislation concerns that every American family has to sit up and take notice of. Let me give you an example.

In many ways unfunded mandates legislation proposed by the Republicans puts the health and safety of our families at risk. The gentleman from California has talked about the clean air provisions, the clean water provisions. My district is on the Illinois

River and the Mississippi River. And frankly, what is dumped in that river upstream is what we have to live with downstream. This is not a State-by-State concern. This is a national concern. It is one where we want to have consistent standards. If the Republican unfunded mandate approach prevails, future regulations of municipal discharges into that river will frankly be unenforceable. So they can set their own standards. And if some town upstream decides it, just by their own hook or crook, they are going to put in that river what they want to, we live with it downstream. That becomes our water supply. That becomes our channel for commerce in the Middle West. We have to live with what they dump because we are not going to go so far as to say, it is a Federal mandate.

The same thing is true when it comes to radioactive waste disposal. There are States which own nuclear powerplants. We have provisions in Federal law which apply to the privately owned plants as well as the government-owned plants in terms of their operation, safety and disposal of nuclear waste. If the Republican approach passes, future reauthorization of those bills establishing those standards will exempt, exempt the government-owned nuclear powerplants. Does that make any sense at all? Should we not have one consistent standard in America when it comes to safety?

Let me tell you another one. Where I live in central Illinois, because we have a lot of land out there, we have become dumping grounds for landfills taking the waste from all over the eastern seaboard. I have a lot of affection for my colleagues from New York City and particularly Brooklyn, NY, but I go to Taylorville, IL, and look at the landfill and see these boxcars coming in full of waste from Brooklyn, NY, being dumped in my backyard in Taylorville, IL, bad enough. But consider the fact that across the United States, there are 7,000 landfills owned by State and local governments which will now be exempt from future standards and changes in regulations by this Republican unfunded mandate bill. It means that Waste Management and other giants in the industry will be governed by Federal standards; those owned by State and local governments, those landfills will not. Do the families living in those communities around there think that is a better deal? I doubt it.

When they are concerned about the quality of water, the aquifer, the runoff, when they are concerned about the health of their children, serious concerns about cancer and disease, they want a consistent national standard. Who can blame them. That is what I want for my family.

Workplace safety, the gentleman from California spoke to. Let me mention one other: disaster standards. Think of the money this Federal Government spends every year on disasters. And we come in and say, we are going to establish standards so that in Illinois and California, Florida and wherever, if you want to qualify for Federal disaster relief, then for goodness sakes, help us out. Do not let people build on the flood plain. Do things to lessen damage, do not come to us and ignore these standards and hand us the bill.

But guess what? Republican unfunded mandate legislation, when it is all said and done, will say to your Governor, Pete Wilson, Mr. ROHRABACHER, do what you want. Set your own standards. But then come rattling the cup afterward, when you have a mud slide or earthquake. That is not fair. That is not fair to the Federal taxpayers. But because the Republicans put this bill together so quickly and in such haste to put it on the floor, they never stopped to consider the impact this is going to have.

This bill, the Republican unfunded mandate bill, unless it is changed on this floor, is a deadbeat's dream. Deadbeat fathers who do not pay child support, deadbeat companies that are polluting, deadbeat government units that will not accept their responsibilities, they are going to be doing what they want and we are going to end up holding the bag at the Federal level.

Let me say, I think the concept behind unfunded mandates is correct. I think the review of Government decisions that have an economic impact on local units of government is the right thing to do. But because we tried to do this overnight, in a hurry, slap it together, put it on the books and get moving, we are not stopping to think of the consequences.

I tell you this, we will be living with them. We will be living with the consequences. Because down the line, when it does not work, when thing have fallen apart, guess whose door is going to get knocked on? The same door that your Governor, Pete Wilson, knocks on every time he is in trouble, Uncle Sam's door. Please bail us out.

I do not think that is fair.

□ 1330

That may be your view of new federalism. It is not mine.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield for a question?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, If the Federal Government is mandating the actions and priorities of the States, no wonder the people of California and the State government of California are unable to put themselves into a position of preparing for a crisis and have to come to the Federal Government, when their own moneys are being mandated and how they will spend their own moneys is being mandated by the Federal Government. Shouldn't we leave that decisionmaking, shouldn't we let people in the States be able to make decisions that are most applicable to the States, so if there is an emergency they can then afford to take care of those problems?

Mr. MILLER of California. Reclaiming my time, that is exactly the point. If you leave it in that fashion, and if you take the Mississippi River as the example, if all of the States and all of the cities do not contribute to cleaning up the river, then it makes no sense for anybody to contribute to cleaning up the river. If we look at the Great Lakes, if the cities on the Great Lakes don't clean up their discharge, then it makes no sense for any of them to do it.

Who goes first? When do you do it? That is why you have the unifying effect of Federal laws, because our actions in California—we think most of the pollution in the Grand Canyon is coming out of southern California, so here we have taken one of the great assets of this Nation, and we have destroyed it in terms of its beauty and the ability to enjoy it for visitors all over the world and our own citizens.

However, it is not about what happened in Arizona or New Mexico, it is about what happened in southern California. That is why you cannot let this simply be a local determination. We had that before and we lived among the worst pollution in the history of this country.

I yield to the gentleman from California.

Mr. ROHRABACHER. Your argument is that what the Republicans are suggesting is a far swing of the pendulum in the wrong direction, but I would hope that you would admit that this is in reaction—I would not admit it is going too far, however, but I hope that you would admit that it is in reaction to a pendulum that has swung so far in the other direction that today, local governments find themselves mandating, whether it is for environmental reasons, which you have gone through earlier on in your talk, or for any number of other areas, they find their budgets are being totally mandated or to a great degree mandated by the Federal Government. Thus, local government and the prerogatives of the local voters are being taken away and coopted by the Federal Government.

Mr. MILLER of California. Reclaiming my time, that is not necessarily so. Very often local governments don't do things, not because the local voters don't want them to do things, but because the local power structure doesn't want them to do something, whether it is the local industry or the largest taxpayer in that city which decides "If you do that, I'm going to have to spend x millions of dollars."

But they also, those same people, the power structure, the local industry, others may very well have a social obligation to clean up the river and to clean up the air. It is not that that can always be overcome. Let's not pretend that every time the local voters get their way with the local city council or the local mayor or the governor or the county board of supervisors. That simply is not so. That simply is not so.

To suggest that somehow all righteous answers are at the local level is simply not the case. That is why very often we come to the Federal Government to try to pass a law that will unify us in terms of progress in this country, and in terms of the concerns of the people of this country.

The benefits, however, are not 100 percent on behalf of Washington, DC. If Santa Monica Bay is cleaned up, the benefit is also local, so we say we will share that. There are none of these mandates where the Federal Government has not put up hundreds of billions of dollars to help these local communities meet these mandates.

The other issue, have some mandates gone too far, clearly they have. Has the imposition, the regulation, the enforcement of some of these laws gone too far? Clearly it has.

However, this is not about the pendulum swinging, this is about cutting the cord on the pendulum and letting it fly out of control at one of its apexes, and that should not be allowed. Should we review these? Should we have cost assessments? Should we go into it opening our eyes? Yes, we should, and yes, we did.

Let us not pretend, like we debated the clean air law or the clean water law without people—with every economic study on the impacts, the automobile industry, the chemical industry, the refining industry, local governments, transit districts, toll bridges, the whole gamut, that was debated for months, for years on this floor, and we arrived at a series of laws that we think will continue to clean up the air of this Nation. That is what is put at jeopardy here.

Mr. DURBIN. Will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would like to say that this debate is a much bigger debate, obviously. When you are talking about government mandates, they don't stop at Federal Government and State and local government, they go on to the local units.

I remember as a youngster growing up, one of the most notable tragedies in our area in my lifetime was a fire in Chicago at Our Lady of Angels School which unfortunately claimed the lives of scores of children. As a result of that fire, our State of Illinois established a health safety code and said that every school building in our State has to meet certain basic requirements in terms of fire exits and the like, and every school district or unit that is running a school has to comply with that health safety code.

We didn't pay for all of it by a long shot, but we basically said to the families living in my State, as I'm sure in your State, "If you should move from one school district to the next, you have got to ask a lot of obvious questions about teachers and courses and all the rest, but you can be certain that every school is going to pass the basic test that your child is physically safe from fire in that building."

That is a mandate, a government mandate from a higher government to a lower government, but for the peace of mind of the families and kids involved in it, we said, "That is the appropriate thing to do for the common good."

Mr. ROHRABACHER. Would you do that at the Federal level, as well?

Mr. DURBIN. No. I think in some areas you have to draw lines where you can go too far. I don't argue that you can.

Let me say to the gentleman, I think many times what the Republican Party misses is that aspect of our Federal Government which talks about the common good. The common good in many instances requires us all to basically give up some of our power and authority so as a nation we are doing the right thing.

I am sure the gentleman would agree that that is something that is very important to our country, and yet it seems the Republicans are so troubled by that that they would push through this unfunded mandate bill so quickly and so extreme that when you sit down and apply it to specific instances, it just doesn't make sense.

Mr. MILLER of California. If the gentleman will yield, I think the gentleman makes an important point. Many of these Governors who are sort of leading the band on this one are engaged in exactly the same process.

Pete Wilson handed the local counties of California a whole series of mandates last year on mental health, on medical care for people in the counties, a whole range of issues. They weren't funded. They weren't funded.

Somehow they want to pretend like they come here with clean hands, that they are opposed to this. We have laws in California called S.P. 90, no unfunded mandates. What the legislature does is every year it says "In accordance with S.P. 90, this is not an unfunded mandate." Tell that to the counties who are having to live with that.

That doesn't make that process right, but let us not pretend that these are somehow unfunded mandate virgins who are coming to the Congress, that they have never done this. It is like Pete Wilson saying "You balance your budget. I have had to balance mine." He didn't balance his budget last year, he went to the banks and borrowed money to make ends meet.

Somehow they think they speak with greater moral authority: "Do as I say, not as I do." that is sort of the lesson of these Governors.

The fact is, they know that for the good of their States, every now and then, whether it is a fire code, whether it is flood protection, or workers' compensation, they must mandate that certain laws be abided by, and they don't say "Every city make up your mind, every county make up your mind, and get back to me with what you did." That is not the nature of our system of government in this country.

Mr. ROHRABACHER. If the gentleman will yield, the gentleman noted or gave as an example the cleanup of the Santa Monica Bay, which is something I know about, coming from Southern California.

Mr. MILLER of California. I assume you spent a lot of time in the Bay.

Mr. ROHRABACHER. As a young man I body-surfed there and spent a lot of time in that water. That is probably the best example of why the decisions, environmental decisions like the cleanup of Santa Monica Bay, should be left to local people.

The question is, at the local level, how pure should we make the Santa Monica Bay, because the people of the local area know that you can have it 90-percent pure and not lose any jobs, but if you push to an environmental extremist position of trying to make it 99-percent pure, hundreds of thousands of people will be thrown out of work.

One of the complaints that we have had about Federal Government regulations is just that.

Mr. MILLER of California. Let me reclaim my time, because that is like orphanages. The laws now require that people that endanger their children should have their children taken away, and provides a mechanism for doing that, so we don't have to talk about orphanages.

We don't have to talk about whether or not we go too far. That is not what this legislation is about. This legislation is about gutting the basic laws. You won't even be able to engage in that debate in Santa Monica over fecal matter in the bay and whether or not the beaches will be closed or not.

Mr. ROHRABACHER. The local people will be doing that.

Mr. MILLER of California. It is also Federal money that is enabling that bay to be cleaned up, in part. That is true of the whole California coast. So that is the partnership that has been arranged.

Mr. ROHRABACHER. To the degree that Federal money is involved, the Republicans have no problem with us setting regulations for the use of that Federal money. It is just that in this whole mandate debate, it is about when we mandate things and do not provide the money.

□ 1340

Mr. MILLER of California. That is not what the legislation says.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield so I can ask the other gentleman from California a question?

Mr. MILLER of California. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I ask the gentleman from California [Mr. ROHRABACHER], of the estuaries that feed Santa Monica Bay, how many other States are involved in that?

Mr. ROHRABACHER. That is a very good example, because unlike the Mississippi where many States are involved, the Santa Monica Bay is totally within the State of California and thus having the Federal Government mandate the solution would be questionable.

Mr. MILLER of California. Unless you live up or down the coastline from the bay.

Mr. TAYLOR of Mississippi. If the gentleman will continue to yield, I wanted to contrast that with my home State.

Over one-third of the Continental United States drains past my home State. The actions of 80 million Americans, whether clean actions or actions that are not so clean, affect my home State: The tourism in Natchez and Vicksburg, recreational opportunities along the Mississippi River. The most productive fishing grounds in the whole country are at the mouth of the Mississippi River, for shrimping, for oystering, and that directly affects my district during the springtime when the river floods.

Do you think it is fair for the people of Chicago to deprive the oystermen of Pass Christian, MS, the opportunity to make a living? Do you think it is fair, because they want to cut back a little bit on their sewage treatment. For Vicksburg and Natchez to lose their tourism industry because the river is so filthy no one wants to go down to the gaming boats?

I am in total agreement. I was a city councilman and a State senator. We have to get a handle on mandates. But to throw them out the window makes no sense at all. It is just not fair for the people upstream from the Mississippi to ruin our State so they can save a couple of bucks. Because just as it is unfair for the Federal Government to push its problems off on the locals, it is equally unfair for local communities to push their problems off on the Federal Government.

That is precisely what happens in the nature of wastewater. It is just not fair for New York to poison the beaches of New Jersey. It is just not fair for this city, Washington, DC, to poison the water that the people of Alexandria, VA, are going to drink tomorrow, because the water for Alexandria, VA, is within one tidal cycle of what they call the Blue Plains sewage treatment plant here in Washington, DC. So if Mayor Marion Barry decides he is going to save a few bucks, or spend it on things other than wastewater, is it really fair to him to poison the people of Alexandria?

Mr. ROHRABACHER. If I could be given the opportunity to answer.

Mr. TAYLOR of Mississippi. Sure. I am asking the question.

Mr. MILLER of California. I yield to the gentleman from California.

Mr. ROHRABACHER. I think what the gentleman is showing are the complexities, but that does not negate the solution. That is, just as in the Santa Monica Bay, it might be better for the people of California and people of southern California in particular to determine what type of regulation they want for the cleanup of the Santa Monica Bay. In the same way with the Mississippi River, it would not be a good thing to tax everyone in the country in order to basically implement a policy along the Mississippi River when a solution might be made among the States that are on the Mississippi River to facilitate that solution.

Mr. TAYLOR of Mississippi. But, I say to the gentleman from California [Mr. ROHRABACHER], I was a city councilman when they cut back on Federal revenue sharing. I was a city councilman when the biggest issue we had was to upgrade the sewage treatment plant. Had it not been for the Federal mandate, the wastewater from my hometown would still be flowing into St. Louis Bay, still be poisoning the oyster reefs off Pass Christian and Long Beach and Biloxi. That is not right. That is why we are lawmakers. We came here to be lawmakers for the Nation.

The folks on your side of the aisle have made an excellent point. We need to be extremely judicious in the laws we make. We need to be extremely fair in the laws that we make. But we should also remember that we came here to be lawmakers and that we should have some laws that are common throughout the country, and some of those laws have to be that each community does not become a burden on the community downstream from them as far as wastewater, as far as toxic metals, as far as clean air. You will agree with that.

I think what many of us are asking for on this particular bill, since there was not a hearing on the unfunded mandate bill, that there be clear and concise language in that bill that says we are not undoing anything from the past. We are just going to start talking more about what it is going to cost for locals when we pass something. We are going to give it greater thought than we did before, but there has to be, and there is not in the bill as yet, clear and concise language that says we are not undoing present laws. Some of the present laws make a heck of a lot of sense.

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. DURBIN. At the outset, I want to thank the gentleman from California [Mr. ROHRABACHER] for joining us. I hope we can encourage more of this type of dialog during the special orders instead of the monologs to an empty Chamber which has characterized them in the past. I thank you for joining us and hope we can do this in the future.

But let me add this, if I might. There has been a larger hearing on unfunded mandates in Capitol Hill in the last 45 minutes than at any time when this legislation has been making its way to the floor. We have heard testimony from the gentleman from Santa Monica, testimony from the gentleman from Mississippi, and testimony from the gentleman from Illinois about the impact of the Republican bill. We have heard more testimony right here in the last 45 minutes than we heard in the committee that reported this bill to the floor of the House of Representatives for a vote this week.

The bottom line is, unless and until we consider the complexity of this bill, the ramifications it has on the States of Mississippi and Illinois and California and Florida and others, we are doing a great disservice to the voters of this country.

The Republican leadership wants to slam-dunk every provision of this contract without a hearing, without deliberation, and frankly without the kind of concern which I think they should have for the impact and ramifications.

We cannot hope that the Senate will save us on this bill. I hope they will. Maybe the President will have to. But somewhere along the line, someone has to step back and say the responsible thing to do is to sort out these mandates where the Federal Government has overstepped and where, in fact, the Federal mandate makes sense for a Federal policy that affects the whole country.

One last point I will make. One of the provisions in the Republican Contract With America goes after lawyers. Too much litigation. You want to see a lot of litigation? Pass this unfunded mandate bill and watch what happens. You will have every locality, every township, every community, every city, every village, every county, every State with lawyers backed up to the courthouse door saying, "We are challenging this Federal law because it violates your Federal mandate provision. It imposes a duty and does not pay for it, and we dispute the Federal conclusion that you did pay for it," and on and on and on. This is a lawyer's dream. I think frankly the Republican Party which is trying to spare us too much litigation is really stepping in it when they pass this kind of legislation.

Mr. MILLER of California. I thank the gentleman.

Let me just conclude that the notion that somehow the Governors of the cities along the Mississippi River will all arrive at a common decision to keep the Mississippi clean so that the people in the Gulf States are not punished economically or in their quality of life simply defies political logic in the history of this country.

But for these unfunded mandates, I said that many parents have come to me and other Members of Congress and said, "But for that law of education to handicapped children, my child would have never gotten an education." But let me also say, but for these laws, the plan to rescue the Everglades in Florida would have never come about, because the political structure in Florida was unable to deal with the growers, to deal with the landowners, to deal with the water districts and all that that meant in that political equation, try as they might, and this Governor and Lieutenant Governor have pushed the envelope on reaching consensus, but for the Clean Water Act and the Endangered Species Act, the agreement that is now in place to provide to start on the restoration of the Everglades, one of the wonders of the world, one of the major generators of economic activity in Florida, would never have happened.

In my own State of California, we just reached an agreement between local government, the environmental community, the agricultural community and the State for the protection of the Sacramento-San Joaquin Delta for the commercial fisheries, for the landowners, for the industries, for the cities, for the sports fishing, for recreation. That agreement would have never come about but for Clean Water and Endangered Species, because Governor Wilson, like every other Governor in the State of California, because of where they take their political contributions, could have never stepped up to the table, because the growers would never let them. Not Democratic Governors, not Republican Governors.

But all of a sudden they had to step up to the table because the Federal Government made them do it, because we took the political heat in Washington.

This administration took the political heat and turned back the 11th-hour pleas not to do it. What is the result? That the Delta will now have a recovery plan so we can sustain the recreation and the quality of life and the environment. The cities in southern California will get more water. The growers will have to start paying for their water and conserving it and using it in a modern age as opposed to how they used it with high Federal subsidies in the 1950's.

□ 1350

This is the 1990's. But no Governor would have made that deal without the threat of Federal action and going to court.

In the Northwest, no Governor, nobody had the guts to tell those loggers to stop decimating those forests, to stop cutting them faster than they could be regrown, so that they could be sustainable. And for years it happened, and whole mountainsides now are denuded of vegetation. Forget getting trees to grow again.

What brought it about? The Endangered Species Act and the Federal Government saying we had to reach agreement between the environmental community and industry and the local communities and the salmon fishing industry, the commercial industries and recreation, and the people of Oregon and Washington about their quality of life, why people invested in homes.

The local power structure did not want to tell Weyerhaeuser that, they did not want to tell the mill down the street that, they did not want to tell these people with all of their lawyers and all their lobbyists that they had to quit destroying America's forests, that they had to stay out of the ancient forests, that they could not decimate the salmon fisheries. They did not have it. They did not have it.

But it happened because of these laws that those same Governors, those same mayors now seek to decimate, acting like they would all of a sudden have the courage to bring into concert those very parties that they rely on for campaign contributions, that they kowtow to all of the time and that they cannot look in the eye and tell them to start doing the people's business in the public interest. That is why these Federal laws are here.

These Federal laws are not here because of some overwhelming desire of Washington to regulate the world. They came here because people were dying on the job, and they would not clean up the workplaces. People were getting killed in coal mine explosions, in grain elevators that were blowing up around the Midwest and the Mississippi River and killing people. They were working around benzene and finding out they had cancer. They were working around other toxic substances and they found out they had a child with birth defects, because that is what they were told to do that is why these laws are here.

The automobile makers did not want to put air bags in automobiles. They resisted us for 15 years. Now most families would not buy an automobile without an air bag. They did no want seat belts. Now we would not think of an automobile without seat belts. They did not want to put child restraints in. When I was young and had my children, we held them on our lap and we drove around. And we were killing the children in wrecks. Now they are in a seat restraint system and the children are living.

I appreciate that people do not want to do business other then the way they want to do business. But that is what brought about, that is what brought about these Federal laws. It was the irresponsibility of many, many individuals and entities in this country that thought that they could use your rivers as their sewage plant and thought they could put their dirty air high enough into the sky that it would blow into some other State and somebody else would have to breathe it.

That is what is at risk here with this Republican legislation. That is what is at risk here in terms of the unity of this Nation, the social progress of this Nation, and that cannot be given away in short debate without a hearing and in a rush to somehow get it done in 100 days.

We have spent 30 years cleaning up the environment of this Nation, making it a model for the rest of the world to provide a standard of living and security in our food supply, security in our air travel, security in our highway travel, security in our job place, security in our own homes, because other people just chose to make a buck. But the Federal Government thought we ought to make laws in the public interest.

Now what we see is in one piece of legislation with no hearings, where you cut off debate in the committee last week, we now see an effort to overturn those 30 years of social progress, turning back the forces who seek to exploit the environment, to exploit the worker, to exploit the family, to make a fast buck, to make a big profit and let the chips fall where they may. That is Bhopal, India, that is Chernobyl, that is the Ukraine, that is the Soviet Union where the lands have been destroyed and families broken and people are living in toxic waste. That is not the United States of America, that is not this country, and it is not this country because of these laws.

To simply allow this assault to go on unfettered, to do it all in one piece of legislation, to not pull it apart and say what is the impact on nuclear safety, what is the impact on low-level waste being put in your communities, what happens to radioactive wastes from hospitals that is being stored around our cities, being stored in our own communities, how do we provide for the safe disposal, what happens to the reactor rods we take out of nuclear reactors, are they going to be in your community or my community, what are the conditions under which they will be disposed of when they are stored, what are the protections to the citizens in those areas; that is the kind of debate we should have, and that is the discussion they should have had in the committee. The Republicans were just not up to it.

On the first day they said their contract required open meetings and the

Speaker stood before this House and said let the great debate begin. Apparently it was not as great as we thought. They decided to close the meetings, they decided to rule amendments out of order because they simply did not want any more time, not that the amendments were not germane or did not have an impact or were not worthy of consideration. They decided it was 6 o'clock, time had come to leave.

These were people who said they were going to work every day around the clock, Monday to Friday, 100 days. They could not find time to have hearings on a bill that decimates the laws of this country. I hope we will have better debate on the floor and the Republicans will reconsider their assault, and I hope the American people will turn them back from this assault.

I will urge the President to veto this bill, because in one swoop of his pen he undoes 30 years of social progress in the environment and in the workplace and in the security of American families.

Mr. Speaker, I yield back the balance of my time.

THE CONGRESSIONAL ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I wanted to talk a little bit today about my own support, which is strong support, of the Congressional Accountability Act. It was introduced by my colleague and my good friend, the gentleman from Connecticut, CHRIS SHAYS, and I congratulate him for his tenacity and for his determination to see this piece of legislation through.

The Congressional Accountability Act is a commonsense piece of legislation. It simply requires Congress to abide by all of the laws that it passes, so that Congress and Members of Congress are accountable for the laws that they pass, and they apply to Members. It makes perfect sense.

By bringing Congress under labor and workplace laws that have long regulated private industry, we then begin to move government closer to people.

The reforms of this Congressional Accountability Act are long overdue, and once again I reiterate my strong support for it and in fact worked very, very hard for it in the last session of this Congress.

However, in the midst of this wave of reform, in this package one perk was left untouched, and that is the ability of Members of this House to convert frequent-flier miles accrued from taxpayer-funded travel to their own personal use. Ending the frequent-flier perk is essential. It is essential to our ability to restore that bond of trust with the American people which we so need to remake with the American public. Members of this body should not be taking golf junkets or tropical vacations at the taxpayers' expense.

Last August under Democratic leadership, the House overwhelmingly approved the Congressional Accountability Act, and when we did that last August it included a ban on personal use of frequent-flier miles by Members of the House of Representatives. In October, the gentleman from Georgia [Mr. GINGRICH] objected to inclusion of the frequent-flier ban, so it was removed. We cannot reform this institution while the Republican leadership works behind closed doors to protect perks. It is wrong. It is not open government and it is not reform in the way that the American public demanded reform on November 8.

□ 1400

A ban on conversion of frequent-flier miles for personal use should, indeed, have been included in the Congressional Accountability Act today as it was last year.

Quite honestly, what makes the omission more disgraceful is that our colleagues in the Senate have included a frequent-flier ban in this version of the bill, and that means that we will pass a Congressional Accountability Act that will hold the United States Senate to a higher standard than the House of Representatives. That is wrong, and it is shameful.

By requiring that Members of Congress use these tickets only for official use we save the taxpayers money. That is what the debate is about.

Speaker GINGRICH says that hardly any money would be saved by ending this perk and, therefore, this is a Mickey Mouse reform. And while it is true that most Members of Congress only qualify for a few frequent-flier tickets per year, the dollars in fact do add up. Ask working Americans if they would not like a pair of free airline tickets dropped in their laps every few months to use at their own discretion to take a trip and get some rest and relaxation.

It may not be a lot of money to the Speaker, but it is to most Americans. But by simply attaching a dollar figure to figure the value of reform we miss the point. It is the message, the message that protection of this perk sends to the public that is most destructive.

Today, just today, Mr. GINGRICH reiterated his support for keeping the frequent-flier perk for Members of the House and admits that he used these freebies to fly members of his own family. Mr. GINGRICH says that he is interested in a more family friendly Congress and worries about Members of Congress of modest means who use the free tickets to fly family members to and from Washington.

Modest means? Members of Congress make $126,000 a year. I doubt that most Americans consider this to be modest means.

The American people, indeed, are fed up with public officials who live by a different set of rules. The Congressional Accountability Act begins to address these inequities, and the American public is right, Congress should not live by a different set of rules. But today we had a chance to go a step further and to close that loophole that allows Members of Congress to vacation at the taxpayers' expense.

RECESS

The SPEAKER pro tempore. Pursuant to clause XII, rule 1, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 2 o'clock and 3 minutes p.m.) the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. DREIER] at 5 o'clock p.m.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is one the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the Senate bill, S. 2, on which the yeas and nays are ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Consistent with the Chair's announced policy of January 4, 1995, as shown on pages H112 and H118 to H119 of the CONGRESSIONAL RECORD, the Chair will keep to a maximum of 17 minutes the time for a recorded vote on this matter. Members should depart for the Chamber immediately upon the start of the vote by the electronic device.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 44, as follows:

[Roll No. 16]

YEAS—390

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)

Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McHale
McHugh
McIntosh
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—44

Barcia
Becerra
Berman
Bryant (TX)
Deutsch
Dixon
Doolittle
Dornan
Evans
Farr
Fazio
Gallegly
Gephardt
Hall (OH)
Hefley
Hinchey
Jefferson
Johnson (SD)
Johnston
Kennedy (RI)
Lantos
Latham
Lincoln
McCollum
McCrery
McDermott
McInnis
McKeon
McNulty
Mfume
Owens
Pelosi
Quillen
Reynolds
Richardson
Rose
Shuster
Slaughter
Thompson
Torres
Waters
Wilson
Woolsey
Yates

□ 1717

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LINCOLN. Mr. Speaker, due to medical reasons, I was unavoidably absent during rollcall vote No. 16 on agreeing to S. 2, the Congressional Accountability Act.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, due to a scheduling conflict in association with the celebration of the birthday of Dr. Martin Luther King, Jr., I was forced to miss the vote that was taken today, Tuesday, January 17, 1995.

Had I been here, I would have voted "aye" to suspend the rules and pass the bill S. 2, the Congressional Accountability Act 1995.

As my record will show, I have been a strong supporter in both 1994 and 1995 of legislation to require that the Congress comply with the legislation it passes. I am pleased that this year this legislation was approved of by the other body, and like many of my colleagues I look forward to seeing it signed into law in the very near future.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, during rollcall vote No. 16 on S. 2, I was unavoidably detained. Had I been present I would have voted "yes".

PERSONAL EXPLANATION

Mr. FARR of California. Mr. Speaker, I was unavoidably detained in California because of the floods, just arrived here on the airplane, and inadvertently missed the last vote on rollcall No. 16.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business on Tuesday, January 17, 1995, for rollcall vote No. 16. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 16: "Yea" on the motion to suspend the rules and pass S. 2., the Congressional Accountability Act, to make certain laws applicable to the legislative branch of the Federal Government.

PERSONAL EXPLANATION

Mr. McINNIS. Mr. Speaker, due to travel delays, I was not present to vote for S. 2. As a cosponsor of the Congressional Accountability Act in this session, as well as the 103d, I would have clearly voted in support of this legislation, as I did with H.R. 1, on January 5, 1995.

PERSONAL EXPLANATION

Mr. JOHNSON of South Dakota. Mr. Speaker. I rise to inform the House that I was inadvertently detained on Tuesday, January 17, 1995, from voting on final passage of S. 2, the Congressional Accountability Act, due to bad weather and flights which were postponed as I attempted to return to Washington from South Dakota. Had I not been detained, I would have voted in favor of final passage of the Congressional Accountability Act, just as I did on January 5, 1995 when the House passed H.R. 1 by a vote of 429-0.

EXPLANATORY STATEMENT

Ms. WOOLSEY. Mr. Speaker, due to pressing business of responding to the floods in my district, I was unable to arrive in time to vote on S. 2, the Congressional Accountability Act. Had I been present, I would have voted "aye," as I did during House consideration of this bill.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I rise to voice my support for S. 2, the Congressional compliance bill, and the conference report which passed the House on January 17, 1995. As the RECORD shows, I voted in support of this measure twice: Once on August 10, 1994 at the close of the 103d Congress (H.R. 4822); and again on January 4, 1995, when the House of Representatives passed this measure in the 104th Congress. Accordingly, had I not been unavoidably detained in travel, I would have voted "yea" on the vote for S. 2.

PERSONAL EXPLANATION

Mr. LATHAM. Mr. Speaker, I was unavoidably detained in my return to Washington from my congressional district on Tuesday, January 17 due to weather conditions.

I request to state for the RECORD that had I been present, I would have voted "aye" on the resolution before the House, the Congressional Accountability Act.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, on Tuesday, January 17, 1995, I was unable to cast my floor vote on S. 2, the Congressional Accountability Act of 1995.

As an enthusiastic supporter of this important legislative proposal which I have voted for in the past, I would like to announce for the RECORD that, had I been able to, I would have voted "aye" on S. 2 on January 17, 1995.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, I rise to voice my continued support for S. 2, the Congressional Accountability Act of 1995, which was overwhelmingly passed by the House of Representatives on January 17, 1995. As the RECORD indicates, I have supported this legislation twice before. I supported passage of the Congressional Accountability Act when it was considered by the House in the 103d Congress, on August 10, 1994, and then again when the House approved the measure on January 5, 1995. Accordingly, had I not been detained in my district on January 17, 1995, I would have voted "yea" during the vote on S. 2.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 16. Had I been present, I would have voted "yea" on rollcall vote 16.

□ 1720

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WELDON of Pennsylvania). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

ON UNFUNDED MANDATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. GILLMOR] is recognized for 5 minutes.

Mr. GILLMOR. Mr. Speaker, this country needs an end to unfunded mandates by the Federal Government on State and local governments. I am delighted to see that this concept is finally receiving broad support from both the public and from this Congress.

I introduced a constitutional amendment a year and a half ago to end those unfunded mandates by constitutional amendment, and what a difference a year and a half makes.

When I first proposed it, most people thought there was almost no chance of ever seeing a constitutional amendment voted on or adopted in this body. But after the November election and after increasing concern shown by Governors and State legislators, we have an excellent chance of getting this issue before both Houses and to a vote.

There is legislation pending to curtail unfunded mandates by statute. I support that. I cosponsored it last year, and I am cosponsoring it again this year. But the weakness of a statute is that it can be changed by a simple majority vote. And the only real long-term protection is by a constitutional amendment.

During my 22 years in the Ohio Senate, including several terms as Senate President, I witnessed a tremendous increase in the cost and the number of mandates being forced on the States. When the States originally ceded power to the Federal Government, they could not have envisioned a situation where State law would be so lightly overthrown and where State funds would be subject to Federal raids.

Unfunded mandates permit the Federal Government to avoid responsibility for its actions. They give the Federal Government the power to reorder and to distort State and local budget priorities. States have had to curtail services they feel are priorities because of those mandates. States have had to cut schools. They have had to cut police protection, programs for senior citizens. They have had to cut police protection.

And examples of unfunded mandates are both large and small. For example, the mayor of Columbus, OH, our capital city, has estimated the cost of unfunded mandates for his city as $800 per year for every single individual in the city. In 1993, shortly after I introduced the original amendment, I heard from the fire chief of Van Wert, OH, a small city in my district, complaining about Federal regulations that required him to replace the breathing tanks his men use when they enter smoke-filled areas. Not a single one of the tanks were defective or needed to be replaced, but it cost him $9,500 to replace them.

At the same time he was forced to cut his budget for volunteer firemen. For that $9,500, the chief could have had 20 volunteer firemen instead of having his force cut down to 5.

There is an EPA requirement that sets atrazine limits at three parts per billion in drinking water. That sounds good until you consider that it would cost one city $80 million to comply and will not increase public health or safety at all.

How much water does a person have to drink, based on that standard, to have even a remote chance of having any adverse effect on their health? An individual would have to drink 38 bathtubs full of water every day for the rest of his or her life; and for the same amount of money, that city could have hired 3,700 schoolteachers. What has happened is that Congress has been irresponsibly freeloading on the backs of State and local government.

Congress passes a requirement. It takes the credit. But it refuses to pay the burden for the mandates that are created. State and local governments pay the cost. They get the political blame.

Contrary to what some opponents say, this does not prevent Congress from passing anything on health and safety. It just says, pay for your actions like anybody else. There are some in the Federal Government who have been freeloading and have been irresponsible for so long that they think that freeloading and irresponsibility are virtues.

Now is the time to restore a proper balance in Federal relations. This amendment does not in any way endanger public health or safety. It enhances it by helping assure that public resources are effectively spent and not wasted.

THE NATIONAL DISASTER PROTECTION PARTNERSHIP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MINETA] is recognized for 5 minutes.

Mr. MINETA. Mr. Speaker, this morning, as billions of people around the world know, the cities of Kobe and Osaka in southern Japan were struck with a devastating 7.2 magnitude earthquake.

As of noon today, Washington time, nearly 1,600 people were known dead, more than 1,000 were missing, and more than 6,000 were injured.

No words are necessary beyond reading that toll to know that the family lives disrupted by this epic tragedy will never heal completely.

And no words are necessary beyond reading this next tally to know that the tremendous physical damage will not soon be repaired:

More than 4,000 buildings were destroyed this morning. Expressway and rail service has either been severed or disrupted in much of western Japan. Power and telecommunications systems have been cut.

These people are now in crisis, and I know that Americans everywhere share in the sadness caused by this tragedy.

We do so because of the suffering involved. And we do so out of a feeling of a deja vu that hits still closer to home.

The sad irony of this earthquake in Japan is that this day also marks the 1-year anniversary of the Northridge earthquake—a 6.7-magnitude quake which killed 61 people and caused 20 billion dollars' worth of damage in the Los Angeles area.

The lesson we should be learning is that the forces of nature continue to strike at will.

The lesson we should be learning is that in our increasingly developed world, the costs of responding to natural disasters and repairing the damage keeps going up—and that we do not have a bottomless checkbook.

Unless and until we act as a nation to mitigate the potential for damage, unless we make it possible to recover from natural disasters with lives and communities more intact than is possible under present law, we will pay a higher and higher cost in lives lost, in the cost to rebuild, and in the dislocation to our economy and society while we rebuild.

As chair of the House Public Works and Transportation Committee in the last Congress, I can tell you that the 1994 Northridge earthquake and the 1993 Midwest flooding became cases in point—as did hurricanes Andrew and Iniki, and the Loma Prieta earthquake in earlier years.

Today, California also suffers from statewide flooding in addition to the Northridge memories of a year ago.

Since last Wednesday, I have spent several days examining the destruction caused by the floods in my State. I have looked at which systems worked, which did not, and how Government agencies and nonprofit voluntary agencies worked to save lives and help communities recover.

These floods reminded me again that we as a nation are not helpless, but that clearly we are not doing all that we can in advance to stave off the human and financial costs of natural disasters.

In the last Congress, the Public Works and Transportation Committee approved legislation—the first of its kind—to get ahead of this particular curve.

This legislation—the Natural Disaster Protection Partnership Act—would create the first public-private partnership to reduce the cost of natural disasters and to keep disaster insurance available and affordable to homeowners so that less of the cleanup and repair cost would be at taxpayer expense.

We would accomplish these two goals in four ways. First, through better preparedness. Second, through spreading out the financial risks, which would lower the costs to homeowners and ensure that coverage would be available.

Third, through better State and local government enforcement of building standards. And fourth, through Federal coordination and required financial backstops to existing insurance pools.

Just about every group affected—from homeowners associations, to consumer advocates, to insurance companies, to emergency service officials—has agreed that the Natural Disaster Protection Partnership Act has the right combination of ideas to end the fear and create greater security, and to do so by putting greater reliance on the private sector.

This is why I was delighted when a bipartisan House task force endorsed the provisions of my bill last month.

If there is any single piece of legislation that cries out for enactment early in this new Congress, it is this one.

Today's earthquake in Japan was another reminder, and warning.

□ 1730

RECOMMENDING A FAVORABLE REPORT ON HOUSE RESOLUTION 15

The SPEAKER pro tempore (Mr. WELDON). Under a previous order of the House, the gentlewoman from Missouri [Ms. MCCARTHY] is recognized for 5 minutes.

Ms. MCCARTHY. Mr. Speaker, while I voted for the final version of the Congressional Accountability Act that was just before us, I want to register my extreme disappointment that it did not include a provision barring House Members from using frequent flyer awards for personal trips. Under this measure, Senators are prohibited from doing so.

For this reason, I joined today as a cosponsor of House Resolution 15, introduced by my colleague, the gentleman from Wisconsin [Mr. BARRETT], which would require that travel awards that accrue due to official travel by Members of the House be used only for official travel. This resolution has been referred to the new Committee on House Oversight. The Speaker has been quoted in this afternoon's Congress Daily as saying he recommends that the Committee on House Oversight review this matter.

I hope the Committee on House Oversight will do more than just review this matter. The legislation of the gentleman from Wisconsin [Mr. BARRETT] is very important. I hope they will favorably report it to the full House, so we can hold ourselves to the same high standard of ethics as the other governing boards, the other House, and all of the U.S. Government.

Mr. Speaker, I feel very strongly that if we do not do this, we demonstrate an hypocrisy that is not appropriate to the governing of this House.

THE ROLE OF UNITED STATES IN SOLVING MEXICO'S MONETARY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR] for 60 minutes.

Ms. KAPTUR. Mr. Speaker, while America was celebrating Martin Luther King Day yesterday and the long weekend, officials over at the White House and here in the Nation's Capitol buildings were running around frantically trying to figure out how to bail out Mexico with your taxpayer dollars, without calling it a bailout. They say "It won't cost us a penny because Mexico will pay it all back."

However, Mexico has never paid back its debts. That is why it is in the fix it is today. The powers that be here in Washington, therefore, have devised a multibillion dollar taxpayer bailout plan to prop up Mexico after the recent peso meltdown.

Listen to this. It will conveniently be placed off budget, through some fancy manipulations of lawyer's words that will make it sound like our taxpayer's don't end up holding the bag. First, there was an $18 billion loan package with a $9 billion line of credit from the U.S. Treasury and our Federal Reserve.

You know what the Federal Reserve is. When you put money in your local bank, it then goes up in the chain and the local banks end up owning the district banks which then own the Federal Reserve, so it is your money to begin with.

But that was not enough of our taxpayer's money last week, so now we are being asked to put up an additional, are you ready, $40 billion, that is with a B, dollars in loan guarantees in Mexico. But of course we are being told it is just a safety net and we will probably never really have to pay it, because surely Mexico will not have any problems paying off these new loans.

This is really getting interesting. How ironic that during the very month when Congress is about to consider a balanced budget amendment to put our taxpayers in a vise, we are being asked to close our eyes to this unprecedented back door version of foreign aid that holds the potential to bust any budget that we pass here. Off budget? Off budget means the bill will be on your budget, that taxpayers' budget. Don't you just love it?

Mr. ABERCROMBIE. Will the gentlewoman yield?

Ms. KAPTUR. I yield to my distinguished colleague, the gentleman from Hawaii.

Mr. ABERCROMBIE. Would the gentlewoman characterize the reaction perhaps in her district as I find in my district, that people are under the impression that we may be giving this money to the Mexican Government? And would it be a fair characterization to say we may in fact be doing exactly that, because if they default, won't we in fact be giving it to them by taking it from our own people?

Ms. KAPTUR. We absolutely will. In effect, our people become Mexico's insurance company.

Mr. ABERCROMBIE. Would the gentlewoman kindly explain what that means, if we become their insurance company? What obligation does the taxpayer in America have if there is a default by the Mexican oligarchy?

Ms. KAPTUR. If there is a default—and as I say, Mexico has never paid back its debts. It owes $89 billion it is not paying off right now. It means that we pledge the full faith and credit of the people of the United States to pay the debts of Mexico.

Mr. ABERCROMBIE. Is it a correct assumption that if they have not paid any of the debt that you have mentioned so far and are unable to pay anything on that which we are going to advance them, that they will be combined and the taxpayers in America will have to take up all of that obligation?

Ms. KAPTUR. That is the way it looks to me, my friend.

Mr. ABERCROMBIE. I thank the gentlewoman.

Ms. KAPTUR. I thank the gentleman.

Now the new "leadership," I put leadership in quotes, of this institution is turning cartwheels over one another trying to push this through real fast, real fast. I just love it.

Where is the new Committee on the Budget? Where are the new Members who said that they were going to finally balance the budget of our country? What a joke. Instead of a Contract

With America, this Congress is falling over itself to pass a new contract with Mexico. Who is kidding who?

Members like myself understand the power of Wall Street, and megabanks, and multinational corporations. We understand the power of the media to keep this crisis under wraps at their bidding and hope the taxpayers miss this one.

Last week in Washington over a dozen Members of Congress held a major press conference here in the Press Gallery. There had to be over 100 press people. The rooms were overflowing. I asked my friends around the country, "How much did you read about that in your newspapers?" Who was it that made the telephone calls from the other end of Pennsylvania Avenue, that suppressed the press releases and the messages that we tried to get out to the people of the United States? I have a hunch who it was.

We understand the power of the White House. We understand the power of the leadership here in this Congress. We do not like it, but we understand it. We know they want to slip this baby through with as little public scrutiny as possible. There is a lot of money at stake for their friends.

After all, it would be embarrassing to them, all those high-flying speculators that gambled with mutual funds in this country, the ones who are always complaining about how they want Uncle Sam off their back, until they need to put their hands into our taxpayers' pockets to get them out of another one of their expensive binds.

To them I say, look out, because once the American people figure out the magnitude of what you are trying to do, they are going to be outraged.

Mr. Speaker, I ask, please do not tell us this will be good to the people of Mexico. That autocratic state will not be one whit more democratic when this is all over. Its citizenry will not have any greater standing in that legal system, nor will our businesses, who do business down there.

All that will happen is that the vise around the necks of Mexico's people will continue to grow tighter. Mexican wages will decrease even more. Life that is already tough for the majority of Mexico's citizens will become even more unbearable. Inflation will be even tougher to manage than it is now.

But get this, Mexico's super-rich families took their money out of that country before the peso meltdown. How convenient.

□ 1740

Why are they not being held accountable? Why should United States taxpayers put their money on the line when Mexico's 3 dozen ruling families have their billions safely tucked away offshore?

If we remember back to 1984 and Mexico owed commercial banks in those days, Mexican funds by these families in United States banks exceeded the amount that Mexico owed to our banks by somewhere between $40 billion and $60 billion. Very interesting. Not small potatoes.

They got themselves into this mess. Let them bail out their homeland by repatriating and bringing home their own money and let the big business interests in our country in cahoots with them eat their own losses.

That is free enterprise. That is what free enterprise is supposed to be all about, taking a risk and then being willing to meet the piper.

Just last week when most of America was not looking, the House Banking Committee here on this side of Congress renamed itself and passed new rules under its so-called new leadership mandated by what I call the "Contract on America" that will permit this bill to subvert normal committee procedures. No hearings will be held in the subcommittee of jurisdiction. Don't have to under the new rules they passed.

This will be a real railroad job. Only the full committee will have some sort of lightning speed session, because if you ask too many questions and the public begins to understand what is going on here, somebody in America might actually object. I bet you a dime to a doughnut when that bill gets to this floor, it will be the fastest ball you ever saw come down the pike.

So, what is so new about this Congress? The idea is to hide the truth from the American people once again. Hold as few hearings as possible, limit floor debate, don't let the public know any of the grimy details. So let me ask again, what is so new about this so-called new Congress, anyway?

And let me say to the real gamblers in all of this—you know who you are: The megabanks, the multinational corporations, and the speculators who pushed through NAFTA, there are a few of us who understand. You put our taxpayers now at the helm for your mistakes and for your greed. We are angry. We resent what you have done.

My own feeling is that when you gamble, you should eat your own losses and not come whining to the American people to foot the bill. You are all big boys. You love this kind of free enterprise gamble. So practice some of it. Don't come running home to Mama in the Government.

Let me just say even gamblers have rules. If you go to Las Vegas and consistently lose money, the casinos won't let you play at their tables anymore. It is a good rule. Mexico has consistently lost money and never paid back the principal on its loans from us. Why should we let them play again?

Remember the Brady bonds? They keep flipping around like fish on a deck. If you go to Las Vegas, there are also table limits. In other words, there is a certain ceiling on how much you can lose. Even gamblers have a code. But with this Mexico deal, there is no limit.

A week ago, the administration first said it needed $6 billion. Then it raised it to $9 billion, then to $18 billion, then to $25 billion. Then by the end of the week, it became $40 billion, and that is on top of the $18 billion line of credit already in place. How's that for 1 week's work?

I have an idea and I thought about this all weekend. Since American taxpayers are being asked to bail the gamblers out on the faulty assumption that Mexico will pay back theses new loans, which would be an historical first, let me humbly suggest to the Secretary of Treasury and Chairman of the Federal Reserve, that what is fair is fair. If the American people have to pay, give them something in return. Let them earn the money off your gambling with their money. How about creating a new short-term bond for American taxpayers backed up by Mexican oil? Call it the oil bond. Its benefits will flow to each family in America bankrolling you, not just to a dozen well-connected bond houses and investment banks on Wall Street. Ask Mexico to pay us back in goods, not promises. Then let those oil barrels start rolling north. Call it cash on the barrelhead, using the current price at delivery.

Since this bailout is putting citizens at a $49 billion risk to start off with, I figure with over 100 million households in America, for each family in our country we are talking about a minimum of one $600 oil bond per family, not counting the interest due them over the life of the debt instrument. at the U.S. Treasury and Federal Reserve who have gotten us into this mess—you know who I am talking about—the ones who as a result of GATT just stopped guaranteeing average Americans a decent return on their U.S. savings bonds. We used to have a 6-percent floor which said you cannot earn less than 6 percent. Then they lowered it to 4 percent for our people. Now they have even taken out the 4-percent floor. I am asking those same folks over at Treasury to go back to the drawing board. If U.S. taxpayers are going to bankroll you and your speculative buddies, let our people share in the wealth.

Imagine, the oil bonds could be sold through every Federal Reserve regional bank. The Federal Reserve could establish an 800 toll-free number that citizens could call, 1-800-O-I-L-B-O-N-D. How simple and straightforward it would be. Each American would immediately be an owner of 40 barrels of Mexican oil. For the first time in our history, it would democratize the gambling done by our Treasury Department and Federal Reserve at the expense of our taxpayers.

The more I think about it, the more I really like it. Citizens with credit cards could call right in. The IRS could mail special envelopes back to each taxpaying family after April 15 of this year containing the family's oil bond. All taxpayers would benefit directly, again with goods, not promises. Is this not one of those ideas, the more you mull it over, the more it really grows on you?

In conclusion, I would just like to say, let's stop this clever taxpaying bailout of Mexico. Let's stop this new budget-buster that will completely abrogate any work we do on a balanced-budget amendment here this month. Let's get rid of the biggest unfunded mandate in the history of our country. Let's put our taxpayers back in the driver's seat and let them earn the money for a change.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. KLINK. I thank the gentlewoman from Ohio again for taking the lead on this issue, and I will tell you when we were on the floor last week, the discussion was about an $18 billion line of credit which somehow has more than doubled.

I am very troubled given the history of what has occurred in my own district and I know the gentlewoman's district of Toledo, OH is very similar.

We are being told that all this is going to be done off-budget, that there is some magical way of being able to leverage this money and to get it down there so that they can draw down on it, and that, in fact, $40 billion is more than they will ever need.

□ 1750

What about Ohio and Pennsylvania and Oregon and New York? Can we not do the same thing for those States where our industries have fallen apart? Can we not do the same thing for our own Federal debt that we are very much discouraged over and we have got all kinds of plans about trying to do something about? We are being told that if something does occur, if we do not do this, that there is going to be all sorts of bad ramifications, and I understand what some of those risks are. But one of the things we are being told is that we will discourage investment in Third World countries like Mexico, Chile, Brazil, and Argentina. My question is: Does that encourage investments in firms that are employing people here in our country, because I firmly believe that all of those dollars that have moved offshore, many of them going across the Rio Grande to Mexico, that those are dollars that are not being invested to put Americans to work.

I have seen factory after factory, manufacturer after manufacturer that have moved from my district and districts around me and Volkswagen is one of them. They used to have 5,000 employees in New Stanton, PA. They are now making those same cars just outside of Mexico City.

But as I listened today to some of the explanations from the Fed and from the Treasury Department, a few of their ideas really bother me. No. 1 was the fact they said the Mexican worker can never truly be competitive.

As I listened to that, I go back to our discussion on NAFTA and I remember discussions with people from Volkswagen and General Motors and Ford and Sony and Zenith. They obviously do not agree with that because they have made hundreds of millions of dollars in investments and they are getting their dollars back because the Mexican workers truly are creative, they are very capable, and they can manufacture. And in fact, I have heard Members of our own Congress talk about companies and firms saying they are getting the same productivity from the workers in Mexico as they are getting from the American workers. So that is a wives tale and it just does not wash.

If ideas like this that we know are false are going into this plan to give a $40 billion line of credit to Mexico, what else is faulty that we do not know about? I think that there probably is a lot of it. If this is such a good deal, if there is not a lot of risk, I think the gentlewoman's idea is correct. Why do we not privatize this debt? Why do we not let those same people who went to Mexico wanting to invest money and making millions of dollars, let us let them invest in that $40 billion debt rather than the American taxpayers who quite frankly have already invested in the debt that we have run up in this country. They have invested in their own consumer debt because their salaries and their wages have not kept up with the cost of living in this Nation. So why should we ask them to make that kind of a bailout? Let us let the big money interests go ahead and make those investments.

Ms. KAPTUR. If the gentleman will yield on that point, I just want to point out that when any person goes into a financial institution in our country, whether it is a credit union, whether it is a savings and loan, whether it is a commercial bank, there is a little sticker in the window and it says insured by the full faith and credit of the Government of the United States. You do not see that when you go into a securities office or an investment bank on Wall Street. There is not any kind of taxpayer backup of the gambling, professional gambling in a sense, that is done through those investment banks.

What I find really reprehensible about this proposal is that those individuals who chose to gamble, they knew what they were doing. Now whether they explained it to the people who used those institutions to place their money in private instruments, that is another question. But we have no obligation by the taxpayers of this country to prop up the investment banks of this country or the world.

Mr. KLINK. If the gentlewoman will yield on that point, I think she makes a very valid point and I would say this to Members of this U.S. Congress, many of whom I hope are watching on TVs from their offices. If we go down this path with this loan, with this line of credit to Mexico, we can never say no again. We are breaking new ground. We are saying that the taxpayers of the United States will stand behind this type of loss and this type of loan and this type of a run on a nation. And once we make this exception, once we start down this road, how do we turn our back the next time and say well, we could do it for Mexico, but we will not do it for Argentina, we will not do it for Brazil or Thailand or for India or France, you name the country, and fill in the blanks. This is precedent setting.

This is not Chrysler Corp. which this United States of America and a lot of our workers have a great amount of investment in. This is not New York City, which is a vital city and an important part of our Nation. This is an investment by the American taxpayers in foreign debt where the big moneygrabbers went in and when the heat got turned up too tough, they turned around and grabbed their money and ran off shore, including those who are big money people in Mexico.

Mr. DEFAZIO. If the gentlewoman will yield, I think the interesting thing for our colleagues to realize for those listening is that what Alan Greenspan, head of the Federal Reserve Board, and Robert Rubin, an ex-managing partner of Goldman, Sachs, now Secretary of the Treasury said to us, representing the people in Congress: "What are you concerned about? This is only a loan guarantee. There is no risk to the United States. In effect we are only a cosigner."

Well, wait a minute. When I go to the bank to buy a car, they do not ask me to get a cosigner. When somebody with bad credit goes to the bank asking to buy a car, they want a cosigner. We are cosigners because we know Mexico does not have good credit. There is nothing underlying these massive loan guarantees except the full faith and credit of the U.S. Treasury, which is part and parcel the taxpayers of the United States of America, $40 billion at risk for the taxpayers of America. For what? So we can continue to encourage United States corporations to move manufacturing jobs to Mexico, so we can run a trade deficit with Mexico.

If we assume that Mexico can meet these obligations, we have to assume there will be a massive turnaround in their current accounts deficit. They had a $28 billion current account deficit this year. They say next year they will cut it in half. There is only one place they can get that. They are assuming by saying that they will be running a trade surplus with the United States of America of tens of billions of dollars in coming years, and we all know when you run a trade surplus with someone, you are profiting and your people are working. When you are running a deficit, you are exporting jobs.

We are about to enter into the same category, in fact we did in October, with Mexico as we have with every other one of our trading partners. That is, we are going into deficit, and we cannot keep on piling deficit upon deficit in our balance of international trade any more than we can the Federal Treasury.

It looks like with the balanced-budget amendment we are finally waking up to fiscal reality here in Washington, DC, with the domestic economy. But what about the foreign economy? How can we run a trade deficit and expect to have jobs and accumulate wealth and an increased standard of living? How can we run a trade deficit with Mexico and export our manufacturing jobs and expect to increase wages and better working conditions and have jobs for people here, and we are going to pay $40 billion for this privilege? It is outrageous.

Ms. KAPTUR. If the gentleman will yield, I am reminded of a sad irony in all of this. When you think with the very companies, big companies, we are not talking about little fish now on Main Street, we are talking about big fish that can move their production anywhere in the world to take advantage of cheap labor, those very corporations as well as the big banks, the investment banks, the speculators who supported them got in trouble, and now the very ones who divested investment from the United States and went elsewhere and got their tail caught in the wringer are coming back to the U.S. taxpayers to bail them out. I think it is one of the saddest ironies, and I really feel I almost want to say, you know, if you are going to be a man, be a man, stand up for your investment, at least eat the loss and do not come back to the very people you turned your back on in the first place.

Mr. DEFAZIO. If the gentlewoman will yield, I was in the elevator, kind of in the back, there was a big crowd a little while ago. A number of conservative Members, Republicans, got on the front, and they were talking with some concern saying, you know, what this is about is, you know, we are putting the U.S. taxpayers on the line and really we are going to stick it to the peasants in Mexico because their standard of living is going to go down under their amendment. It is all to bail out the big banks. But the good thing is it is being identified as a Democrat program because it is the President and the Secretary of the Treasury who are so visible on this.

I piped up from the back and said, "You can't pass it with Democratic votes in the House." So it is not something for our Republican colleagues to be listening and saying they are going to be able to pass blame to the White House and to the Secretary of the Treasury because they are out to lunch on this issue. It can only pass in the House and the Senate if the Republicans support it, because they are in the majority and they run this institution.

□ 1800

So if there is a bailout of Mexico, it is the Republican congressional bailout of Mexico, hand in complicit with the Secretary of the Treasury and the President of the United States who happen to be Democrats on some days.

Mr. KLINK. If this passes, there is enough blame to go along for both parties. I agree with the gentleman.

We are being told there are three things ultimately that led Mexico to be in this position. No. 1 is the fact they have had the civil unrest in Chiapas. We have no guarantee that situation is going to change, in fact, the Mexican Government will not continue the military operation against the rebels in Chiapas and the rebels will not continue their action against the Government.

Also, the assassination of then Presidential candidate Colosio; we have no information, again, the political situation in Mexico has been remedied. Indeed, the same party is in power now as has been in power for some 80 years.

The whole question then is that we are also being told, well, there is an uncertainty having to do with NAFTA. At the risk of saying, "We told you so," we told you so. And the fact of the matter is if you just took a look at the first 6 months under NAFTA, imports from Mexico to our country increased by an unprecedented 21 percent. In the same time period, we had a 32-percent decrease in the same period of time in our overall trade surplus with Mexico.

Now, all of a sudden the peso is devalued. What does that do? American goods in Mexico become more expensive. The Mexicans cannot afford them. Their salary, because they are being paid in pesos, is now 40 percent less than it was. Their goods and services become cheaper to sell here. We are already paying the price.

Yet we have no guarantee the situations which led Mexico to this financial crisis are going to be remedied. We have absolutely no guarantee at all.

Ms. KAPTUR. I am glad the gentleman brought up that point. We just came out of a meeting with the Secretary of the Treasury of our Nation along with the chairman of the Federal Reserve.

One of the questions I asked them, as a democrat with a small "d," I really do believe in democracy, I really believe in every single person being able to develop to their full human potential whether they live in the United States, whether they live in Mexico, whether they live in China, whether they live in Cuba, wherever they live, I believe in people first. That used to be somebody else's motto. I have not heard it talked about a lot.

We ask the question, "Look, if the United States is going to be giving this big bailout of guarantees to Mexico, what conditions are being put on this money to expand democracy in Mexico?" I asked the question really in this way: I said, "Which political parties down there are sitting around a table talking about the stabilization plan?" And basically we were told the ruling party may be talking to some of the other parties, "But, of course, we haven't been in any of those meetings," so it is business as usual.

That nation will not only suffer those huge wage decreases because of the peso devaluation, but whose productivity has been increasing because they work under very, very difficult conditions, they have been working very hard, and their wages have consistently been cut and cut and cut in 1993 and 1994, and now this cuts it by another 40 percent. Who is the voice for those people?

I believe in democracy so much; I believe the President of our country and the leadership of this Chamber should be a voice for democracy not just in the United States but in all of these other nations that want to talk about trade, because after all, America and this continent should be more than just deals, deal after deal by private companies. It should be about using whatever power we have to build democracy and to treat people fairly, to treat them right, to treat them with respect.

So I am glad that the gentleman brought up that particular point.

Mr. DEFAZIO. On that point, if the gentlewoman, I know she remembers, during our discussions leading up to NAFTA, we were told one reason so many U.S. corporations were avid for the NAFTA agreement was because there were no labor limitations on it. In fact, they were assured by the ruling party they would not allow free labor unions. They would not allow collective bargaining for wages. In fact, they guaranteed that they would cap wages or depress wages, as they have done over the last decade. Now, this is the biggest drop in wages they have managed so far, a 40-percent drop in wages.

Yet somehow, as I recall, I believe his last name is Salin, the largest billionaire in Mexico, somehow he knew the day before the devaluation to change his pesos to dollars. A few of the other billionaires in Mexico somehow, they had really good advice. Of course, they were not getting it under the table from the authorization party which they financed with $500 million in contributions last year. No, of course not. This was the free market at work.

Ms. KAPTUR. What is really very interesting that our people should know about, when we say the smart money left Mexico before the peso devaluation, we are talking basically about the 30 or so ruling families and their friends. So they take the money out of Mexico which helps to contribute to the problem of that banking system in that nation, and if you look back in 1991, there were two billionaires, and that is with a "b" in Mexico. Today there are 24 billionaires in Mexico as best as we can calculate after NAFTA locked in, which means some people have been getting very, very, very rich, and the majority have actually had a downward pressure on their wages and their life style has been made much more difficult.

And I think what is interesting, if you look, and the gentleman may want to go into this, if you look at what Mexico has been importing from the United States over the last year, what really surprised me, when you went over those figures, the other day that the third highest import from us was art.

Now, I am a member of the Toledo Museum of Art. I think I can draw pretty well myself. I love artists. I love music. I am not speaking against artists here. It surprised me in a nation where the average family earns under $1,500 a year that art would be the No. 1, in the top three.

Mr. DEFAZIO. The big winner was tobacco. Our tobacco exports went up dramatically. They had the largest percentage increase. Art, collectibles, antiques, and precious jewelry and so forth were No. 3. Now, that may put a few people, you know, who have got expensive boutiques and stores in Manhattan and a few places to work and make them happy, but I do not think it is putting very many Americans to work. I do not think it is helping very many average artists or craftsmen.

Could I just get parochial for a moment? Last year the Pacific Northwest's entire delegation, Republicans and Democrats alike, had a lengthy series of discussions with this administration about refinancing the debt of our regional power authority, the Bonneville Power Administration, because we have had and seen political calls by the Reagan administration, the Bush administration, and now this year the Clinton administration to do a punitive refinancing of our debt.

So we said, "OK, fine, we will go to the private sector and finance, refinance, this debt," and we got the entire delegation, Democrats and Republicans, to agree.

The Office of Management and Budget would not let us do it. They said they could not count it as a plus under the budget rules, so we could not do this.

But somehow Mexico wants $40 billion of loan guarantees, and that is OK; we are not worried about the budget rules here anymore, because this is national security, folks. Those little people up in the Northwest, well, gee, sorry, we could not help you out with your refinancing of EPA, but Mexico, $40 billion, no problem.

Ms. KAPTUR. Reclaiming my time, I come from one of the highest-cost energy areas in the United States of America, and the reason is because in our region we never had federally subsidized power, and we built nuclear power plants. They were built with private money, private-sector investments. They are investor-owned utilities. We have been trying to figure out a way to help reduce energy costs to our people, and it has been a heck of a problem for us to get our hands around, and we always get the door shut in our face. Well, maybe not shut in our face; people treat us very nicely when we talk to the Department of Energy and even the Vice President's office, but when it comes down to really getting help so we can maintain our manufacturing base and reduce these energy costs as a percent of doing business, we get absolutely no Federal help.

And I am so glad you brought up that point, because I would say that is the chief reason that we are losing jobs from our part of the country, because of power costs, and yet our own Government would not respond to us.

But within 1 week in this Capitol when Mexico needed help, the Chair of the Federal Reserve, who never comes out of the building, has been all over the Congress, has been up at the White House, up at the Treasury, the Secretary of the Treasury running all around here. It has been very interesting to see what it takes to get the attention of the top officials of this Government.

Kind of sad.

Mr. KLINK. If the gentlewoman will yield, it reminds me, and we can go back further; I remember back in the early 1980's, and I mentioned it on this floor many times, of the 150,000-plus manufacturing jobs that were lost in southwestern Pennsylvania in the steel industry and many other industries. But as factories were closing and there were other countries that wanted to come in because of the work force, because of the infrastructure, because of the transportation system, they wanted to keep some of those factories open.

Now, granted, you may have a steel mill that was employing 2,500 people. We may be able only to save 1,000 jobs.

□ 1810

So we are going to have a net loss of 1,500 versus a net loss of 2,500 if that plant shuts down. At that time we were told, "Well, it really doesn't behoove the company that owns it to sell it because they are better off under our tax laws to just close that plant, scrap it, and take the writeoff."

Now, we could not react to that. We could not change something to save thousands of jobs, and I know in Midland, PA, that actually did happen. There Colt wanted to come in and buy up a steel mill that was being shut down. Nothing could happen. Yet Federal dollars came in a year later for job training, and the community fell apart—in fact, today those students in Midland, PA, have to go to school in Ohio because their school district shut down because of the dwindling tax base. We could not do anything for our people. Again there is not a problem here with going down to Mexico and getting $40 billion that we found, off-budget. We could do it. This is a question the people of my district and, I hope, across this entire country have about this $40 billion bailout. How can you change the rules? Why all of a sudden are we protecting those who rushed down there to make investment?

I think that is what is really going on. Those of us who oppose NAFTA—and I do not want to speak for all of us—it was not because we were against the idea of a North American Free-Trade Agreement. We were not the isolationists that everybody wants to portray us as. This is just a bad agreement. I think history, in a relatively short period of time, has shown us that it was a bad agreement. But the fact of the matter is that we were told, at that time, we cannot have protections for the workers in Mexico, we cannot have environmental protections, we cannot push for political reforms. It is the wrong thing to do. We could have these side agreements that really do not hold water, that really do not amount to anything, that really were not actually voted on on this floor, in this Chamber. Now we are being told that even though they are coming to us with this $40 billion, "Well, we can't attach too many protections. We can't really go off-line with this. We want to keep this strictly financial because there are so many different opinions politically throughout the House and the Senate and across this country."

Why not? If Mexico is in such dire need, if they really need this line of credit, if it is to their national interest as well as our national interest, why not, when you are in a position to bargain, bargain?

We are being told that we cannot muddy the agreement, this has to be a clean deal, it has to be $40 billion, there is no risk. It is not on budget, but the Government has to do it because the private investors will not do it. Why will they not do it? Because it is not such a good deal.

Ms. KAPTUR. Reclaiming my time for just a second, I want say to both gentlemen I think the point that the gentleman from Oregon [Mr. DEFAZIO] raised is an important one, as well. Remember now the Congress is in control of the Republican Party, and if this deal passes, it is on their doorstep.

I often ask myself why is it so difficult for our message to get out? We are using this time on C-SPAN because we know we can reach some of the American people. When we try to get on the evening news or try to get on those Sunday morning talk shows, they do not invite us on. Even when you call in and you want to speak on this, you are not invited.

Why do we not have a right to have our opinion heard in this country? Only those who have one position are being heard.

So I challenge the American public, try this sometime when you are watching the evening news or you are watching those talk shows on Sunday morning, when you are trying to learn about your country and the decisions facing your elected officials, see who the advertisers are.

Do you know that to buy one of those national ads—I know in my district, to buy 30 seconds costs $3,000. When you buy one of those national ads, it must be megabucks.

I was listening over the weekend to the people who say we should do this, people in our Government who were on the news saying this is something America should do. All I did was I sat there during the commercial breaks, and I said, "OK, which big corporations, multinationals, are sponsoring this show?" Then I know what opinion would be heard. I never used to be that cynical, but I have become that cynical about what information leaks out of Washington, simply because it has proven to be true. You get only one side of the story which gets told.

I yield to the gentleman.

Mr. KLINK. If the gentlewoman would yield for just one moment, I have spent 24 years in broadcasting. I was the newscaster on the other side of the camera, and I saw something which was very disturbing in my later years in broadcasting, when, all of a sudden—and I began broadcasting back in the 1960's—then there was always a line of demarcation between the sales office at the radio or television station and the newsroom. That line evaporated completely sometime during the early 1980's.

All of a sudden there was communication as to the ramifications of, "Well, we are all in this together; if the moneys don't roll in, you understand, Ron, we will not be able to pay your contract for the next couple of"—those kinds of things were being said gently. Believe me, I think it has an impact.

I would imagine that in some instances it is not quite that subtle. But the fact of the matter is our story has not gotten out. We have not had access, not only to the broadcast media but to the major newspapers as well. We had a press conference last week, and the gentlewoman was there, one of the key people, along with the gentleman from Oregon [Mr. DEFAZIO]. I challenged the people, "Now, your tax dollars are going to begin to pay this." At that time it was only $18 billion. Now it has more than doubled. Yet their tax dollars are going for it, and yet they still are not getting out, even in counterbalancing the story.

Now, you still want both sides. If we are wrong, at least report our side of the story and say that we were wrong. But we get absolutely no coverage at all.

I think the gentlewoman put her finger on it because I believe the advertising executives and reporters are talking a little—if not the reporters themselves, their editors are talking and having lunch with those advertising executives.

Mr. DEFAZIO. I think it is extraordinary; we did have a lot of press in the room when we made the announcement. Certainly, I guess, they did not have much else to do because they killed about 40 minutes filming us and photographing us. But it did not run in any of the national media when we were talking about the problems with the bailout, the problems with the NAFTA agreement that came to pass. But what did run, the lead—and I happened to watch some of the networks—was President Clinton handing the Prime Minister of Japan a basket of apples to say everything is now going to be OK in trade because the Japanese finally are buying United States apples.

I am happy for my fiends in Washington State that their apples are going to Japan. That is great. But at 50 cents an apple, with a $60 billion trade deficit with Japan, all we have to do is sell the Japanese 120 billion apples this year and we will be in trade balance. That is a great deal. Now, that is going to be a lot of apple eating for the Japanese.

Mr. KLINK. If the gentleman will yield, only if those apples are computers can we make up the difference.

Ms. KAPTUR. I would just say—and this will probably get me in trouble—but one of the big advertisers on this past Sunday morning, I ask the American people to check me out if this is not true, there is a company in Illinois called Archer-Daniels-Midland Co.

The SPEAKER pro tempore (Mr. WELDON of Pennsylvania). Will the gentlewoman suspend? The Chair will remind all Members' remarks should be addressed to the Chair. It is not in order to direct remarks during the proceedings to persons viewing the proceedings in the galleries or on television or even other Members who are not being present in the Chamber who might be viewing the proceedings on television.

The gentlewoman may proceed.

Ms. KAPTUR. I thank the gentleman.

This particular show was one of the major news shows, and I sat there and I listened, and I thought, "No wonder we cannot get our story out on why NAFTA had flaws, and who is going to actually end up holding the bag on this peso bailout of Mexico."

Archer-Daniels-Midland was one of the biggest promoters of NAFTA, without the side agreements that we wanted in there. They are a sponsor of the show. Why would a sponsor want anyone to say anything that did not agree with their own private interests? This is all a matter of news record.

☐ 1820

Right after NAFTA was passed, the Prime Minister of Canada, who was one of the biggest proponents of NAFTA, Mr. Mulroney, was appointed to the board of ADM. This is amazing. It would be like the President of our country being appointed to a major corporate board that was supporting this kind of an agreement, and to get a seat on that board you are paid between $37,000 and $100,000 a year. I was really—I thought, in terms of the ethics that I agree with, there should be a cooling-off period. The chair was still warm. The ink on the agreement was not even dry, and I just used that as an example because that happens to be a very powerful corporation in our country with very definite interests, including that you hear the news in a certain way. I really—I never realized how significant it was, but it absolutely does color public opinion.

Last week we sent a—I wanted to mention to the gentleman also in talking about the power interests in the Northwest, "When I watched our Government get all worked up over the past couple of weeks and, with lightning speed, come up with this loan guarantee to Mexico, I thought about all of the problems in my district." The gentleman said he wanted to become parochial.

I cannot get a loan guarantee to clean up the Ottawa River in Toledo, OH. It is a multibillion-dollar cleanup problem that we have with all the toxic sites along that river, and we are told by our Government, "Sorry, Congresswoman, we can't take care of your district because frankly we don't have the money." They will not give me a loan guarantee so that our mayor, and our local officials and our county officials can clean up that toxic river that flows into Lake Erie.

We are trying to get a radio control tower built out at our airport. We have had some pretty close calls, and we are told we are not high enough up on the priority list, so our pilots and our passengers, our private pilots and so forth, have to keep coming into that airport. I cannot get them a loan guarantee to guarantee the construction of that tower.

We have a railroad station we have been trying to fix up with dribs and drabs of Federal money plus a lot of local support from our port authority back home. We want to build a parking garage, a secure parking garage, next to this railroad station so that people can park their cars there if they go on a 3-day weekend to Chicago, or Toronto, or wherever they go, and feel secure. I cannot get a loan guarantee from Washington to help my people back home.

So, part of the reason I ran for office is I want to help people. I want to help my people, the people who sent me here, and decisions like this do not go down very well when you cannot do as much for your people back home as certain very powerful interests can do in this city for people who do not even live here, for interests in Mexico, for people who have absolutely no interests in my district, and if I were to give Mexico one gift, first it would be the gift of democracy, to use the relationship with this country, be it political, be it business, be it cultural, to help the people there finally gain a voice, because I believe you can only have free trade when you have freedom first, and that politics does matter, and that it has to be a precondition for any kind of economic assistance or trade. We could never get that in the NAFTA accord as it was originally signed.

So, as we stand here tonight, a lot of the people call my office and say, "Why are you standing down there on the floor talking when legislative business is largely complete for the day?"

I guess the answer is "Because it's the only way we can really reach the public."

Mr. KLINK. If the gentlewoman would yield, again I thank her for her leadership on this matter. I say, you have helped us—again I speak as a relatively new Member—you have helped to guide me through this process, and, it's also very nice, I say this also to the gentleman from Oregon, to know that you're not the only one who thinks this way.

We have lost the initial battle on NAFTA; we have lost the battle on GATT in a lame-duck session of Congress. The gentlewoman pointed out those Americans out there that have invested in U.S. savings bonds have no idea what the GATT agreement meant to them, and so I would simply say that we have got to persist, we have got to make sure that those parochial projects, like all you have talked about that affect the lives of taxpaying American citizens, that impact the creation of jobs in the United States of America, the wealth, the security, the lifestyle of American citizens, is in fact the day-to-day business of this House, and we also need to understand, and I do not want to repeat something I said earlier, but once we go down this pathway, the pathway that has been laid out for us to guarantee these loans to Mexico, when could we ever say no again? It is historical, it is setting a precedent, and I hope that the taxpayers will react, and I hope, as Members of Congress, we react.

Mr. Speaker, I just hope that this House will not lend its OK to this inane idea.

Ms. KAPTUR. I wanted to just reclaim my time for a second.

I found it almost laughable today as I sat there and I listened to the Federal Reserve talk about taking our taxpayers' dollars to prop up Mexico in this little mechanism that they have set up when the very same Federal Reserve testified up here in Congress last week and said to every senior citizen across this country, "One way we can save money here in America and balance the budget is give you $10 less in your Social Security this next year."

Now I find it amazing that the same words could come out of the same institution's mouth in the same week; in other words say to our people, and believe me I have a lot of seniors in my district. They like to be close to their family. They did not move away. They depend on that Social Security check. Sure, there may be some at the top that earn a lot of money, but the average Social Security recipient in my district receives $400 to $600 a month. It is not a whole lot of money.

So, we have a lot of need among our seniors, and yet the Federal Reserve can so—it just shows me how far away they are from the public that they could actually come up here and say to our seniors, "We want to take $150 billion from you, but then out of this pocket we're going to put up $40 billion of your dollars for Mexico." It was appalling to me.

Mr. KLINK. If the gentlewoman would yield, it was my understanding today from the people from the Fed and Treasury that this has been going on for at least a year in Mexico, the bad monetary policy. Is that the gentlewoman's understanding?

Ms. KAPTUR. That is correct.

Mr. KLINK. Yet in 1 year Mexico did not make any attempt to go through a devaluation of the peso. I think the gentlewoman in past discussions has made some wonderful points about the timing of this devaluation.

Ms. KAPTUR. Well, you know it is very interesting, and I think those in the know in Mexico were very aware of what was going to happen, and that is why they took their money out of the country, because the elections in August—the elections in Mexico were in August. So they did not want any problems in the market before August, so they propped up the peso through August. Then we were considering GATT, the General Agreement on Tariffs and Trade, here, and they did not want any trouble in America. So we delayed that vote until we got back after elections in December, so they kept delaying it, and delaying it, and delaying it.

Then Mr. Salinas left office. The new President was sworn in. GATT was finished, and that is when they devalued the peso. But by then their friends knew, the 30 ruling families down there; they had already taken their money out of the country. They bought art to insulate themselves against any currency fluctuations, and Members of this House, and I will put on the record the gentleman from Buffalo, NY [Mr. LAFALCE] because he worked so hard to get currency provisions in the original NAFTA. Nobody tried harder than he did. He educated all of us. He tried to help to make that agreement a stronger agreement to avoid this kind of catastrophe and was unable to finally get provisions in the final agreement. In my estimation he has some aspects of heroism in what he tried to do there, but there were plenty of people that cashed in, and now our people are left holding the bag.

Mr. DEFAZIO. And they are saying we could not have possibly anticipated this.

Well, it is strange. It is strange that we stood on this floor 14 months ago, backed by credible economists who said, "Today, as you vote on the NAFTA agreement the Mexican peso is overvalued by 20 to 25 percent to make them look more attractive as a partner for the United States, to make them look as though their currency is stable. But it's inevitable after the passage of NAFTA they will have to devalue the peso by 20 to 25 percent."

And now we are told by the Secretary of the Treasury, a former partner in one of the major investment firms in this country, that no one could have anticipated this. Well, the economists we talked to, who gave us a very critical analysis of NAFTA, could certainly anticipate it, did, and we are right on the money. In fact, they were a little bit overly optimistic about Mexico because we are talking the free market says the Mexican peso should actually go down 40 to 50 percent, and whatever happened to free-market forces? Where is the free market when we need it? If the market says the Mexican peso should be worth half as much, should the United States Government intervene to artificially prop it up?

Ms. KAPTUR. Will the gentleman yield on that point because last week I sent the Secretary of the Treasury a letter signed by several of our colleagues, including yourselves, and one of the questions we asked him is: "Because you are artificially propping up the peso because Mexico owes money, to whom does Mexico owe money specifically?" In other words, it can't make $26 billion worth of debt payments, $10 billion in this first quarter. Those sound like big numbers. We want to know which banks, which corporations, if it is part of the Eurodollar market, to whom is this money owed? If it is investment banks, speculators in the market, which ones are they? This is not just owed in general. This is owed in specific, and there are huge banking profits this year and last year.

They have been doing real, real well. Why do they not have the capacity to eat their own losses? What about these big investment banking houses? The speculators? And I appreciate risk-takers. But that is what risk is. Risk is taking the loss if it does not go your way, and you take the gain if it does go your way.

□ 1830

So which investment houses? I want to know specifically, before we vote here on this floor, who is this $26 billion owed to? And there is another $89 billion that Mexico owes payments on for their full public debt. To whom is that owed? You are talking about $40 billion, Congressman KLINK. There is the first $18 billion from the currency swap and the line of credit last week. Then there is this $40 billion. Then there is the $89 billion that they still owe. Now, to whom is that owed? And why should our taxpayers be propping up those corporations, those megabanks, those multinationals that moved jobs out of this country. I mean, what is the sense of it? If they are making profits and if they have cash, why don't they pay it off themselves? That is what you do, you write off losses.

Mr. KLINK. If the gentlewoman would yield, we are being told this not propping up the peso but that we are restructuring short-term loans, 30, 60, 90 days, to 5 and 10 years. Why can't that be negotiated with those same people or institutions the gentlewoman is talking about? Why do the American taxpayers have to become a party to this? If we are just taking short-term debt and transferring it over to 5 to 10 years to make it long-term debt, why can't Mexico just renegotiate that with the people to whom it is owed, because certainly renegotiating on longer terms is better than absorbing the loss.

Ms. KAPTUR. I think the gentleman raises a good point. I cannot tell you, with interest rates going up in this country, I have had builders and title people in this country complaining, gosh, there aren't any real inflationary pressures. Why are interest rates going up? I would posit maybe one of the reasons interest rates are going up is because your money is being taken to prop up the bank of another nation.

We thank the Speaker for this time this evening, and I thank Congressman DEFAZIO and Congressman KLINK, Congressman ABERCROMBIE and all those who have joined us this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, on account of airline cancellation.

Mrs. LINCOLN (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

(The following Members (at the request of Mr. THOMAS) to revise and extend their remarks and include extraneous material:)

Mr. MARTINI, for 5 minutes today, and January 18, 19, and 20.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. MINETA, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mrs. LINCOLN, for 5 minutes, today.

Ms. MCCARTHY, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

(The following Member (at the request of Mr. LEWIS of Kentucky) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day on January 18 and 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. HOKE, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,048.50.)

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Mr. BERMAN.

Mr. PALLONE in two instances.

Mr. HALL of Ohio.

Mr. SCHUMER.

Mr. GUTIERREZ.

Mr. OWENS.

Mr. ROEMER.

(The following Members (at the request of Mr. THOMAS) and to include extraneous matter:)

Mr. HOKE.

Mr. FAWELL.

Mr. BEREUTER.

Mr. SHUSTER.

(The following Members (at the request of Mr. WATT) and to include extraneous matter:)

Mr. MCDERMOTT.

Mr. COLEMAN.

Mr. DIXON.

Mr. LEVIN.

Mr. CARDIN.

Mr. MFUME.

Mr. UNDERWOOD.

(The following Members (at the request of Mr. DEFAZIO) and to include extraneous matter:)

Mr. MCKEON.

Mr. GOODLING.

Mr. BAKER of California.

Mr. CUNNINGHAM.

Mr. COMBEST.

Mr. RAHALL.

Mrs. SCHROEDER.

Ms. FURSE.

Mr. CAMP.

Mr. STUMP.

Mrs. SEASTRAND.

ADJOURNMENT

Mr. DEFAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly at 6 o'clock and 32 minutes p.m.), the House adjourned until Wednesday, January 18, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

168. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of January 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–19) to the Committee on Appropriations and ordered to be printed.

169. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

170. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

171. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

172. A letter from the Comptroller General, General Accounting Office, transmitting GAO's compliance report, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–588); to the Committee on the Budget.

173. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C.

112b(a); to the Committee on International Relations.

174. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a corrected certification pursuant to the Cooperative Threat Reduction Act of 1993; to the Committee on International Relations.

175. A letter from the Secretary, Department of Energy, transmitting the annual update of the comprehensive program management plan and the comprehensive technology application and market development plan for the ocean thermal energy conversion technology, pursuant to 42 U.S.C. 9002(d); to the Committee on Science.

176. A letter from the Comptroller General, General Accounting Office, transmitting a report, entitled "U.S.-Canadian Food Safety: Opportunities for Sharing Information and Coordinating Inspections"; jointly, to the Committees on Agriculture and Government Reform and Oversight.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER of California (for himself, Mr. HOKE, Mr. ROHRABACHER, MR. FRANK of Massachusetts, and Mr. PARKER):

H.R. 525. A bill to repeal the must-carry provisions of the title VI of the Communications Act of 1934, relating to cable television; to the Committee on Commerce.

By Mr. BEREUTER (for himself and Mr. LAUGHLIN):

H.R. 526. A bill to amend title 49, United States Code, to relieve farmers and retail farm suppliers from limitations on maximum driving and on-duty time in the transportation of agricultural commodities or farm supplies if such transportation occurs within a 100-air mile radius of the source of the commodities or the distribution point for the farm supplies; to the Committee on Transportation and Infrastructure.

By Mr. BERMAN:

H.R. 527. A bill to amend the Tariff Act of 1930 to permit an extension for filing drawback claims in cases where the President has declared a major disaster; to the Committee on Ways and Means.

By Mr. CARDIN (for himself and Mr. SHAW):

H.R. 528. A bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. CRAPO:

H.R. 529. A bill to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; to the Committee on Resources.

By Mr. GOODLING (for himself, Mr. MCKEON, Mr. GUNDERSON, Mr. HOEKSTRA, Mr. BARRETT of Nebraska, Mr. GORDON, Mr. POMEROY, Mr. PETERSON of Florida, and Mr. STENHOLM):

H.R. 530. A bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself, Mr. ORTON, and Mrs. WALDHOLTZ):

H.R. 531. A bill to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 532. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment for the amount of the maximum benefit under the special estate tax valuation rules for certain farm, and so forth, real property; to the Committee on Ways and Means.

By Mr. KNOLLENBERG:

H.R. 533. A bill to amend section 117 of title 17, United States Code, to permit the lawful possessor of a copy of a computer program to authorize another copy to be made under certain circumstances; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. TORRES, Mr. BLUTE, Mr. TAYLOR of Mississippi, and Mrs. LOWEY):

H.R. 534. A bill to provide for the minting and circulation of $1 coins, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. LINCOLN:

H.R. 535. A bill to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; to the Committee on Resources.

By Mr. MCDADE:

H.R. 536. A bill to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. MORAN:

H.R. 537. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain assets acquired on or after January 1, 1995, for purposes of determining gain, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 538. A bill to amend the Internal Revenue Code of 1986 to reduce the lowest rate of income tax imposed on taxpayers other than corporations from 15 percent to 12.5 percent, to provide for a carryover basis of property acquired from a decedent, and for other purposes; to the Committee on Ways and Means.

By Mr. PARKER:

H.R. 539. A bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 540. A bill to amend the Internal Revenue Code of 1986 to make the exclusion for amounts received under group legal services plans permanent; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 541. A bill to reauthorize the Atlantic Tunas Convention Act of 1975, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (by request):

H.R. 542. A bill to approve a governing international fishery agreement between the United States and the People's Republic of China; to the Committee on Resources.

H.R. 543. A bill to approve a governing international fishery agreement between the United States and the Republic of Estonia; to the Committee on Resources.

By Mr. SCHUMER:

H.R. 544. A bill to protect financial institutions from liability for damages caused by failure to remove asbestos from a residential or commercial building in which the financial institution holds a security interest if an accredited asbestos management planner has recommended in-place management of the asbestos, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 545. A bill to amend the Federal Trade Commission Act to provide for regulation by the Federal Trade Commission of advertisements by air carriers, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 546. A bill to amend the Petroleum Marketing Practices Act to provide consumers with additional information concerning octane ratings and requirements, and for other purposes; to the Committee on Commerce.

H.R. 547. A bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty produced or published by the Secretary of Commerce for subnational areas be corrected for differences in the cost of living in those areas; to the Committee on Government Reform and Oversight.

By Mr. STEARNS:

H.R. 548 A bill to amend the Public Health Service Act to provide for a program of research and education regarding menopause and related conditions; to the Committee on Commerce.

H.R. 549. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

By Mr. ZIMMER (for himself, Mr. PORTER, Mr. LANTOS, and Mr. PAYNE of New Jersey):

H.R. 550. A bill to prohibit economic assistance, military assistance, or arms transfers to the Government of Mauritania until appropriate action is taken to eliminate chattel slavery in Mauritania; to the Committee on International Relations.

By Mr. STEARNS:

H. Con. Res. 14. Concurrent resolution expressing the sense of the Congress that the Congress should pass any health care reform initiative that has overwhelming bipartisan support; to the Committee on Commerce.

By Mr. THOMAS:

H. Res. 35. Resolution providing for payment of a lump sum for accrued annual leave to eligible former employees of the House of Representatives; to the Committee on House Oversight.

By Mr. STEARNS:

H. Res. 36. Resolution congratulating the people of India on the occasion of the 48th anniversary of their nation's independence; to the Committee on International Relations.

H. Res. 37. Resolution expressing the sense of the House of Representatives that aviators who meet the qualification standards of the Air Force's Escape and Evasion Society should be granted recognition for meritorious service by the Department of Defense; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RAMSTAD introduced a bill (H.R. 551) for the relief of Oscar Salas-Velazquez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. HARMAN, Mr. LARGENT, Mr. TAUZIN, Mr. PARKER, Mr. BARRETT of Nebraska, Mr. BONO, Mr. BURR, Mr. CASTLE, Mr. GALLEGLY, Mr. LAZIO of New York, Mr. LOBIONDO, Mr. MCKEON, Mrs. MYRICK, Mr. ROGERS, Mrs. WALDHOLTZ, Mr. CHAMBLISS, Mr. COBURN, Mr. FOLEY, Mr. WELDON of Pennsylvania, Mr. COX, Mr. CRAPO, Mr. DREIER, Mr. EVERETT, Mr. GOSS, Mr. RAMSTAD, Mr. HAYWORTH, Mr. NORWOOD, Mr. LONGLEY, Mr. FUNDERBURK, and Mr. SENSENBRENNER.

H.R. 8: Mr. COLLINS of Georgia, Mr. SAM JOHNSON, Mr. WALKER, Mr. MOORHEAD, Mrs. SEASTRAND, and Mr. MCKEON.

H.R. 10: Mr. SCHIFF, Mr. MOORHEAD, Mr. CREMEANS, Mr. NORWOOD, Mr. BONILLA, Mr. HUNTER, Mrs. VUCANOVICH, Mr. WALKER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. SEASTRAND, and Mr. COLLINS of Georgia.

H.R. 24: Mr. MCHUGH.

H.R. 26: Mr. FOX, Mrs. LINCOLN, Mr. WICKER, Mr. SOLOMON, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. KLINK, and Mr. KNOLLENBERG.

H.R. 27: Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. TATE, and Mr. HAYES.

H.R. 28: Mr. ZIMMER, Mr. DORNAN, Mr. ROHRABACKER, Mr. SKEEN, Mr. TALENT, Mr. SENSENBRENNER, and Mr. PETE GEREN of Texas.

H.R. 40: Mr. MCHUGH, Mr. LIGHTFOOT, Mr. DAVIS, Mr. BLUTE, Mr. BLILEY, Mr. BUNNING of Kentucky, Mr. HERGER, Mr. HANSEN, Ms. DANNER, Mr. NEY, Mr. COBURN, Mr. SKEEN, Mr. NORWOOD, Ms. MOLINARI, Mr. WELDON of Pennsylvania, Mr. ENGLISH of Pennsylvania, Mr. WICKER, Mrs. MYRICK, and Mr. SENSENBRENNER.

H.R. 65: Mr. MICA, Mr. UNDERWOOD, Mr. BLUTE, Mr. HALL of Texas, Mr. ACKERMAN, and Mrs. THURMAN.

H.R. 77: Mr. HERGER, Mrs. MYRICK, Mr. LEVIN, and Mr. HANSEN.

H.R. 78: Mr. NEY and Mr. FORBES.

H.R. 86: Mr. CREMEANS.

H.R. 94: Mr. WOLF, Mr. DORNAN, Mr. MCHUGH, Mr. ROHRABACHER, Mr. CREMEANS, Mr. FOX, Mr. WALSH, Mr. FORBES, Mr. BARTLETT of Maryland, Ms. MOLINARI, and Mr. CANADY.

H.R. 104: Mrs. MYRICK and Mr. FORBES.

H.R. 107: Mr. PASTOR and Mr. GONZALEZ.

H.R. 109: Mr. BOUCHER, Mr. MICA, Mr. HOLDEN, Mr. FOX, Mrs. MEEK of Florida, Mr. UNDERWOOD, Mr. BUNN of Oregon, Mr. NEY, Mr. WYNN, Mr. FORBES, Mr. BLUTE, Mr. TORRES, Mr. PALLONE, Mr. WILSON, Mr. SOLOMON, Mr. COBURN, Mr. ACKERMAN, and Mr. FLANAGAN.

H.R. 125: Mr. BARCIA of Michigan, Mr. BEVILL, Mr. BUNN of Oregon, Mr. BUNNING of Kentucky, Mr. COBURN, Mr. FIELDS of Texas, Mr. HAYWORTH, Mr. KOLBE, Mr. NEY, Mr. ROHRABACHER, Mrs. VUCANOVICH, Mr. WICKER, and Mr. Wilson.

H.R. 142: Mr. FORBES, Mr. COLLINS of Georgia, Mr. BAKER of Louisiana, Mr. CUNNINGHAM, and Mr. DORNAN.

H.R. 218: Mr. FIELDS of Texas.

H.R. 219: Mr. BILBRAY.

H.R. 230: Mr. MCHUGH and Mr. KNOLLENBERG.

H.R. 244: Mr. MENENDEZ, Mr. PALLONE, Mr. DEFAZIO, Mr. SCHUMER, Ms. SLAUGHTER, and Mr. ROHRABACHER.

H.R. 303: Mr. UNDERWOOD, Mr. BLUTE, Mr. HALL of Texas, Mr. ACKERMAN, and Mrs. THURMAN.

H.R. 342: Mr. GEJDENSON.

H.R. 357: Mr. KLUG, Mr. MURTHA, Mr. ZIMMER, and Mr. OLVER.

H.R. 359: Mrs. MEYERS of Kansas, Mr. WATTS of Oklahoma, Mr. LIPINSKI, and Mr. BALLENGER.

H.R. 370: Mr. CUNNINGHAM, Mr. CALVERT, Mr. SENSENBRENNER, Mr. PORTER, Mr. WOLF, Mr. ROHRABACHER, Mr. DORNAN, Mr. NORWOOD, Mr. BASS, Mr. ROYCE, Mr. COBURN, Mr. DREIER, Mr. LINDER, Mr. WICKER, Mr. BARTLETT of Maryland, Mr. BONO, Mr. GOSS, Mr. SCARBOROUGH, and Mr. SCHAEFER.

H.R. 372. Mr. CALVERT, Mr. HUNTER, Mr. JACOBS, Mr. SAXTON, Mr. COBURN, Mr. SHUSTER, and Mr. HALL of Texas.

H.R. 373: Mr. CALVERT, Mr. JACOBS, Mr. SAXTON, Mr. SHUSTER, Mr. HALL of Texas, Mr. TRAFICANT, Mr. HANSEN, Mr. BREWSTER, Mr. BARTON of Texas, and Mr. EMERSON.

H.R. 375: Mr. CALVERT, Mr. HUNTER, Mr. JACOBS, Mr. SAXTON, Mr. COBURN, Mr. SHUSTER, Mr. HALL of Texas, and Mr. ROYCE.

H.R. 386: Mr. UNDERWOOD.

H.R. 431: Mr. HILLIARD.

H.R. 436: Mr. BOEHNER, Mr. HOLDEN, Mr. ROHRABACHER, Mr. WALSH, Mrs. MEYERS of Kansas, Mr. ZIMMER, Mr. COMBEST, Mr. EMERSON, Mr. MANTON, and Mr. LIPINSKI.

H.R. 450: Mr. CLINGER, Mr. DORNAN, Mr. LAHOOD, Mr. BUNNING of Kentucky, Mr. WICKER, and Mr. DREIER.

H.R. 464: Mr. BUNNING of Kentucky, Mr. KOLBE, Mr. ROHRABACHER, Mr. CANADY, Mr. SAM JOHNSON, Mr. SOLOMON, and Mr. SENSENBRENNER.

H.R. 491: Mr. METCALF, Ms. PRYCE, Mr. BUNN of Oregon, Mr. JONES, Mr. FOX, Mr. FORBES, Mr. BARTLETT of Maryland, Mr. NEY, Mr. COBURN, Mr. TRAFICANT, Mr. REGULA, and Mr. KNOLLENBERG.

H.R. 493: Mr. UNDERWOOD.

H.R. 494: Mr. TUCKER.

H.R. 521: Mr. GEJDENSON.

H.J. Res. 1: Mr. ANDREWS, Mr. BAKER of Louisiana, Mr. BLILEY, Mr. BUNN of Oregon, Mr. CALLAHAN, Mr. CHABOT, Mr. DOOLITTLE, Mr. FIELDS of Texas, Mr. FUNDERBURK, Mr. GRAHAM, Mr. HANSEN, Mr. HAYES, Mr. HEFLEY, Mr. HOEKSTRA, Mr. LIVINGSTON, Mr. LAUGHLIN, Mr. LEWIS of California, Mr. LONGLEY, Mr. MANZULLO, Mr. MCKEON, Mr. METCALF, Mr. NEY, Mr. NORWOOD, Mr. PALLONE, Mr. POSHARD, Mr. RAMSTAD, Mr. ROBERTS, Mr. ROHRABACHER, Mr. SALMON, Mr. SCARBOROUGH, Mrs. SEASTRAND, Mrs. SMITH of Washington, Mr. SOUDER, Mrs. VUCANOVICH, Mr. WALKER, and Mr. WELDON of Florida.

H.J. Res. 4: Mr. METCALF and Mr. MCCRERY.

H. Res. 15: Mrs. SCHROEDER, Mr. NEUMANN, Mr. ANDREWS, Ms. RIVERS, Mr. SHAYS, Mr. COBURN, Mr. OBEY, and Ms. MCCARTHY.

H. Res. 28: Mr. BARTLETT of Maryland, Mr. BUNN of Oregon, Mr. DORNAN, Mr. HANCOCK, Mr. STUMP, Mr. FOX of Pennsylvania, Mr. TALENT, and Mr. COBURN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 1: In the proposed section 425(a)(2) of the Congressional Budget Act of 1974, strike the period at the end of subparagraph (C) and insert "; or", and add after subparagraph (C) the following:

"(D) the Federal intergovernmental mandate—

"(i) is also a Federal private sector mandate; and

"(ii) imposes a duty described in section 421(5)(A) on an activity that is not a traditional governmental activity, or would reduce or eliminate an amount of authorization of appropriations of assistance as described in section 421(5)(B) for an activity that is not a traditional governmental activity".

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 2: Insert at the end of section 201 the following:

(d) LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.—An agency may not issue a rule that contains a Federal mandate if the rulemaking record for the rule indicates that there are 2 or more methods that could be used to accomplish the objective of the rule, unless—

(1) the Federal mandate is the least costly method, or has the least burdensome effect, for—

(A) States, local governments, and tribal governments, in the case of a rule containing a Federal intergovernmental mandate, and

(B) the private sector, in the case of a rule containing a Federal private sector mandate; or

(2) the agency publishes with the final rule an explanation of why the more costly or burdensome method of the Federal mandate was adopted.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 3: At the end of title II insert the following:

SEC. 206. JUDICIAL REVIEW.

(A) REVIEW OF AGENCY ACTIONS SUBJECT TO REVIEW UNDER OTHER FEDERAL LAW.—If an agency action that is subject to section 201 or 202 is subject to judicial review under any other Federal law (other than chapter 7 of title 5, United States Code)—

(1) any the court of the United States having jurisdiction to review the action under the other law shall have jurisdiction to review the action under sections 201 and 202; and

(2) in any proceeding under paragraph (1), any issue relating exhaustion of remedies, the time and manner for seeking review, venue, or the availability of a stay or preliminary injunctive relief pending review shall be determined under the other law.

(b) LIMITATION ON PRELIMINARY INJUNCTIVE RELIEF.—The second sentence of section 705 of title 5, United States Code (relating to preliminary relief pending review), shall not apply with respect to review under subsection (a)(1) of an agency action, unless process authorized by that sentence is not authorized by the other law under which the action is reviewed.

H.R. 5

OFFERED BY: MR. OWENS

AMENDMENT NO. 4: In section 301(2), in the matter proposed to be added as a new section

422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and inset "; or", and at the end add the following new paragraph:

"(8) provides for protection of the health of individuals with disabilities.

H.R. 5

OFFERED BY: MR. OWENS

AMENDMENT NO. 5: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following:

(8) provides for protection of the health of individuals with disabilities.

H.J. RES. 1

OFFERED BY: MR. COLEMAN

AMENDMENT NO. 2: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE

"SECTION 1. Total outlays of the operating funds of the United States for any fiscal year shall not exceed total receipts to those funds for that fiscal year plus any operating fund balances carried over from previous fiscal years.

"SECTION 2. Not later than the first Monday in February in each calendar year, the President shall transmit to the Congress a proposed budget for the United States Government for the fiscal year beginning in that calendar year in which total outlays of the operating funds of the United States for that fiscal year shall not exceed total receipts to those funds for that fiscal year.

"SECTION 3. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplemental Medical Insurance Trust Fund shall not be counted as receipts or outlays for purposes of this article.

"SECTION 4. This article shall be implemented and enforced only in accordance with appropriate legislation enacted by Congress, which may rely on estimates of outlays and receipts.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House of the Congress, that becomes law. If real economic growth has been or will be negative for two consecutive quarters, Congress may by law waive the article for the current and the next fiscal year.

"SECTION 6. This article shall take effect beginning with fiscal year 2002 or the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. JACOBS

AMENDMENT NO. 3: Strike all after the resolving clause and insert the following:

That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within two years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Beginning in fiscal year 1999, the United States Government shall not borrow money or any other thing of value except for the purpose of rolling over its existing debt balance, and shall not issue additional currency except as it reflects additional United States productivity.

"SECTION 2. Beginning in fiscal year 2000, and for the next 39 succeeding fiscal years thereafter, the national debt shall be retired by an amount equal to 2½ percentum of the national debt at the beginning of fiscal year 2000.

"SECTION 3. The Congress shall have the power to enforce this article by appropriate legislation.".

H.J. RES. 1

OFFERED BY: MR. OWENS

AMENDMENT NO. 4: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. The provisions of this Article may be waived for any fiscal year for which the President notifies the Congress that the national unemployment rate is projected to exceed 4 percentum and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 5. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 6. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 8. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

SENATE—*Tuesday, January 17, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be led by our guest chaplain, Dr. Mark Dever, pastor of the Capitol Hill Baptist Church.

PRAYER

The guest chaplain, the Reverend Mark E. Dever, offered the following prayer:

Let us pray:

Great, all powerful God, we come to You this morning first in acknowledgment of Your greatness. We know that you have no need of us, that you are in no way dependent on our actions, that Your existence awaits no vote of this Chamber, nor our own personal assent.

We praise You that, being the One whom You are, out of Your love You have made us in Your image, as creatures who, like Yourself, want to know and be known.

Thank You for the way we see that in our personal lives and in our society. Thank You for those who have gone before who have taught us something of what it means to live together as one nation. We pray that You would today help this body in its deliberations. You know, Lord, the pressures of time and public expectation, the good motives, on both sides of the aisle, to help the people of this land.

We ask that in this Chamber of debate, You would help each one who speaks remember the account that she or he will give not only to their colleagues here and the voters, but to their own consciences and most of all, to You, Lord.

We know that the secrets of our hearts are entirely discovered to You, and we praise You that You do not allow us to hide ourselves completely from You.

We ask that You would give a measure of Your wisdom to these gathered here today. Help them to pass laws that ennoble rather than enervate the people. Give them wisdom to speak today with the liberty of knowing that they are about purposes, that are not only great, but that are also good.

For those who are discouraged, finding only emptiness amid all the success which the world tells them they have, show them Yourself.

For those who are swollen with pride, in Your love, break them that You might bind them up; wound them, that You might heal them again.

Thank You for the freedom of speech which we enjoy in this land. Help these Senators today to use that freedom realizing the privilege that it is, for our good and for Your glory.

In Christ's name we ask it. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

REGISTRATION OF MASS MAILINGS

The filing date for 1994 fourth quarter mass mailings is January 25, 1995. If a Senator's office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

1994 YEAR END REPORT

The mailing and filing date of the 1994 year end report required by the Federal Election Campaign Act, as amended, is Tuesday, January 31, 1995. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 7 p.m. on the filing date to accept these filings. In general, reports will be available the day after receipt. For further information, please contact the Public Records Office on (202) 224–0322.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. GREGG. Mr. President, I will note that at 9:30, after morning business, which the Chair has just noted, we will resume consideration of S. 1, the unfunded mandates bill.

Also, I note that the Senate will recess from the hours of 12:30 p.m. to 2:15 p.m., in order for the weekly party luncheons to occur.

For the information of all Senators, the majority leader has indicated that rollcall votes may occur prior to the 12:30 p.m. recess today.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

USDA REPORT ON THE PERSONAL RESPONSIBILITY ACT

Mr. LEAHY. Mr. President, today the USDA issued a report analyzing the effects of the House Republican Personal Responsibility Act (H.R. 4), which is part of the Contract With America. All States including Vermont are big losers. I suggest that all Senators read this report which I am inserting into the RECORD.

My home State of Vermont alone will lose $10 million in Federal nutrition aid in 1996 according to the USDA report.

H.R. 4 will increase malnutrition among children and the elderly. This Contract With America bill is antichild, antifamily, and it is false advertising. It promises block grants, but delivers not even a penny.

The report also concludes that this bill could reduce retail food sales by as much as $10 billion, reduce gross farm income by as much as $4 billion, and cost the economy as many as 138,000 jobs.

It could reduce the income of the average dairy farmer in Vermont by as much as $2,000 per year and could also double the cost of the dairy program nationwide.

This is a double whammy—it will force dairy farmers to apply for food assistance just when that assistance is slashed.

Nutrition funding nationwide will be cut by almost $31 billion over the next 5 years.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It eliminates the Meals on Wheels Program which provides food to the homebound elderly.

Seventy-five percent of the school children in Vermont will be thrown off the School Lunch Program. Nutrition standards for healthy school lunches are eliminated. And the cuts in child nutrition in Vermont exceed the total size of our School Breakfast Program and the Summer Food Service Program.

As bad as this is, I am worried that the USDA report issued today greatly understates the harm that will be caused by the Contract With America. The report in many respects assumes that the block grants will be fully funded. I believe that in a couple years, they will be only funded at a fraction of the full amount authorized.

America's Governors will be stunned when they read the fine print and realize they have to come to Washington each year and plead for money.

States will be forced to reduce the number of people served, cut benefits or somehow make up for the loss with State funds.

The effect would be even worse during a recession. Under current law, programs such as school lunch, food stamps, and the Child Care Food Program, automatically give States more money to respond to increased needs during periods of higher unemployment.

This Contract With America bill changes all that and says to the States, "tough luck, next time don't have a recession."

According to the USDA report, if that bill had been in effect over the last 5 years, the block grant in 1994 would have been over $12 billion less than the food assistance actually provided—a reduction of about one-third.

They are proposing a massive Federal experiment on America's children. If it works, I admit that Federal costs will be reduced.

If it doesn't, and funding is not provided, millions of children, the elderly, and pregnant women will go hungry. Medical costs will skyrocket as more and more children are born disabled, and more and more children become handicapped in their efforts to learn.

Before we have a wholesale dismantling of every major nutrition program under the guise of welfare reform, we ought to take a look at how this will affect hungry children.

This is not welfare reform. Do not be fooled by this bill. It implies that States will get block grants to fund food assistance programs. But as I said earlier, not one penny is provided to states or communities by the bill—separate legislation would have to pass each year to provide funding.

Let us not forget what happened in early 1981—hasty cuts were made in child nutrition programs. Those programs were cut by 28 percent. The cuts resulted in 3 million fewer children receiving school lunches.

I stand ready to work with responsible Members of both parties to encourage work, to cut costs, to punish abuse, but I will not sacrifice the nutrition of America's children for legislation by bumper sticker.

I ask unanamous consent that the USDA report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the U.S. Department of Agriculture, Jan. 17, 1995]

THE NUTRITION, HEALTH, AND ECONOMIC CONSEQUENCES OF BLOCK GRANTS FOR FEDERAL FOOD ASSISTANCE PROGRAMS—EXECUTIVE SUMMARY

The proposed Personal Responsibility Act, a key component of the Contract with America, would make sweeping changes that alter the very character of the existing food assistance programs. Specifically, the Personal Responsibility Act, if enacted, would:

Combine all USDA food and nutrition assistance programs into a single discretionary block grant to States;

Authorize an appropriation of $35.6 billion in fiscal year 1996 for food and nutrition assistance;

Eliminate all uniform national standards;

Give States broad discretion to design food and nutrition assistance programs, provided only that no more than 5 percent of the grant support administration, at least 12 percent support food assistance and nutrition education for women, infants, and young children, and at least 20 percent support school-based and child-care meal programs; and

Eliminate USDA's authority to donate commodities; USDA could only sell bonus commodities to States.

The consequences of these changes on the safety net of food assistance programs, the nutrition and health of low-income Americans, the food and agriculture economies, and the level and distribution of Federal support to States for food assistance are significant.

The Personal Responsibility Act would significantly reduce federal support for food and nutrition assistance.

Federal funding for food and nutrition assistance would fall by more than $5 billion in fiscal year 1996 and nearly $31 billion over 5 years (Table 1).

All food and nutrition assistance would be forced to compete for limited discretionary funds. States' ability to deliver nutrition benefits would be subject to changing annual appropriation priorities.

Programs would be unable to respond to changing economic circumstances. During economic downturns, funding would not keep up with rising poverty and unemployment. The demand for assistance to help the poor would be greatest at precisely the time when state economies are in recession and tax bases are shrinking.

For example, if the Personal Responsibility Act had been in place over the last five years—a period marked by both economic recession and recovery—the block grant in 1994 would have been over $12 billion less than the food assistance actually provided, a reduction of about one-third (Table 2).

States would be forced to reduce the number of people served, the benefits provided, or some combination of both. The bill could lead to the termination of benefits for 6 million food stamp recipients in fiscal year 1996.

The reduced investment in food and nutrition assistance programs and elimination of the authority to establish nutrition standards will adversely affect the nutrition and health of low-income families and individuals.

The scientific link between diet and health is clear. About 300,000 deaths each year are linked to diet and activity patterns.

Low-income households are at greater risk of nutrition-related disorders and chronic disease than the general U.S. population. Since the nationwide expansion of the Food Stamp Program and the introduction of WIC, the gap between the diets of low-income and other families has narrowed.

The incidence of stunting among preschool children has decreased by nearly 65 percent; the incidence of low birthweight has fallen from 8.3 percent to 7.0 percent.

The prevalence of anemia among low-income pre-school children has dropped by 5 percent or more for most age and racial/ethnic groups.

The Personal Responsibility Act would eliminate all federal nutrition standards, including those in place to ensure that America's children have access to healthy meals at school. Even small improvements in average dietary intakes can have great value. The modest reductions in fat, saturated fat, and cholesterol intake due to the recent food labeling changes were valued by the Food and Drug Administration at $4.4 billion to $26.5 billion over 20 years among the U.S. adult population.

The Act would also threaten the key components of WIC—a tightly prescribed combination of a targeted food package, nutrition counseling, and direct links to health care. Rigorous studies have shown that WIC reduces infant deaths, low birthweight, premature births, and other problems. Every dollar spent on WIC results in between $1.77 and $3.13 in Medicaid savings for newborns and their mothers.

By reducing federal support for food assistance and converting all remaining food assistance to a block grant, the Personal Responsibility Act would lower retail food sales, reduce farm income, and increase unemployment.

Under the proposed block grant, States could immediately cash-out any and all food assistance programs in spite of evidence that an in-kind benefit is more effective in stimulating food purchases than a similar benefit provided in cash.

In the short run, the bill could reduce retail food sales by as much as $10 billion, reduce gross farm income by as much as $4 billion, increase farm program costs, and cost the economy as many as 138,000 jobs.

In the long run, the bill could reduce employment in farm production by more than 15,000 jobs and output by more than $1 billion. The food processing and distribution sectors could lose as many as 83,000 jobs and $9 billion in output.

The economic effects would be felt most heavily in rural America. In both the short and long run, rural areas would suffer disproportionate job losses.

Every $1 billion in added food assistance generates about 25,000 jobs, providing an automatic stabilizer in hard times.

The proposed basis for distributing grant funds would result in substantial losses for most States.

If Congress appropriates the full amount authorized, all but 8 States would lose federal funding in fiscal year 1996. California could gain about $650 million; Texas could lose more than $1 billion (Table 3).

Although some States initially gain funding, all States would eventually fare worse than under current law. Over time, the initial gains will erode because the block grant eliminates the automatic funding adjustments built into the existing Food Stamp and Child Nutrition programs.

TABLE 1.—EFFECT OF THE PERSONAL RESPONSIBILITY ACT ON USDA FOOD ASSISTANCE PROGRAM COSTS

[In millions of dollars]

	Fiscal year—					Total
	1996	1997	1998	1999	2000	
Current law:						
Food stamps/NAP	$27,777	$29,179	30,463	$31,758	$33,112	$152,290
Child nutrition	8,681	9,269	9,903	10,556	11,283	49,692
WIC	3,924	4,231	4,245	4,379	4,513	21,291
All other	382	351	351	351	351	1,784
Total	40,764	43,029	44,962	47,042	49,260	225,057
Proposed law	35,600	37,138	38,756	40,457	42,214	194,166
Difference	−5,164	−5,891	−6,206	−6,585	−7,046	−30,892
Percent difference	−12.7	−13.8	−13.8	−14.0	−14.3	−13.7

Notes.—Based on current service program level for USDA food assistance programs in Department estimates of September 1994 (excluding projected costs of Food Program Administration but including anticipated mandatory spending for WIC, consistent with the Presidential policy). This table does not include the budgetary effects of food programs operated by the Administration on Aging in the Department of Health and Human Services.

The Food Stamp total includes the cost of the Nutrition Assistance Program in Puerto Rico.

The Child Nutrition total includes all administrative and program costs for the National School Lunch, School Breakfast, Special Milk, Summer Food Service, Nutrition Education and Training, and Child and Adult Care Food Programs, the value of commodities provided to schools, and support for the Food Service Management Institute.

The All Other total includes all administrative and program costs for the Commodity Supplemental Food Program, the Emergency Food Assistance Program, the Food Distribution Program on Indian Reservations, the Nutrition Program for the Elderly, and Food Distribution to Charitable Institutions and Soup Kitchens and Food Banks.

Proposed levels for the block grant in fiscal years 1997 through 2000 are increased from the 1996 amount using the projected increase in total population and the cost of the Thrifty Food Plan for the preceding year. Totals may not equal the sum of columns due to rounding.

This table assumes that Congress appropriates the full amount authorized in each year.

TABLE 2.—HISTORICAL ILLUSTRATION OF FOOD ASSISTANCE BLOCK GRANT

[In millions of dollars]

Year	Actual food assistance	With initial reduction [1]			Without initial reduction		
		Adjusted block grant	Difference		Adjusted block grant	Difference	
			Total	Percent		Total	Percent
1989	$21,697	$18,941	−$2,756	−12.7	$21,697	N/A	N/A
1990	24,778	20,666	−4,112	−16.6	23,672	−$1,106	−4.5
1991	28,849	21,971	−6,878	−23.8	25,167	−3,682	−12.8
1992	33,519	23,232	−10,287	−30.7	26,612	−6,907	−20.6
1993	35,397	23,369	−12,028	−34.0	26,769	−8,628	−24.4
1994	36,928	24,374	−12,554	−34.0	27,920	−9,008	−24.4

[1] The initial 12.7 percent reduction in the first year is equivalent to the estimated percentage reduction in food assistance funding in the first year of the Personal Responsibility Act as shown in Table 1.

Notes.—Actual food assistance includes total federal cost of all USDA food assistance programs, excluding Food Program Administration. The cost of food programs operated by the Administration on Aging in the Department of Health and Human Services are not included.

These figures assume that Congress would have appropriated the full amount authorized in each year. The block grant authorization is adjusted by the change in total U.S. population and the Consumer Price Index for Food at Home in the preceding year (ending on July 1 for population and in May for the CPI).

TABLE 3.—EFFECT OF THE PERSONAL RESPONSIBILITY ACT ON USDA FOOD ASSISTANCE PROGRAMS BY STATE IN FISCAL YEAR 1996

[In millions of dollars]

State	Level of food assistance		Difference	
	Current	Proposed	Total	Percent
Alabama	$818	$713	−$105	−13
Alaska	97	84	−13	−13
Arizona	663	554	−109	−16
Arkansas	422	403	−19	−4
California	4,170	4,820	650	16
Colorado	412	417	5	1
Connecticut	297	248	−49	−17
Delaware	92	58	−34	−37
District of Columbia	137	85	−52	−38
Florida	2,194	1,804	−389	−18
Georgia	1,209	934	−275	−23
Hawaii	215	198	−17	−8
Idaho	127	176	49	38
Illinois	1,741	1,483	−258	−15
Indiana	713	691	−22	−3
Iowa	297	266	−31	−11
Kansas	307	270	−37	−12
Kentucky	740	582	−157	−21
Louisiana	1,141	765	−375	−33
Maine	188	167	−21	−11
Maryland	576	404	−172	−30
Massachusetts	608	577	−32	−5
Michigan	1,390	1,109	−281	−20
Minnesota	508	490	−18	−4
Mississippi	730	603	−127	−17
Missouri	810	754	−56	−7
Montana	111	140	29	26
Nebraska	187	175	−12	−6
New Hampshire	89	94	5	5
New Jersey	836	704	−132	−16
New Mexico	361	321	−40	−11
Nevada	145	150	5	3
New York	3,101	2,661	−440	−14
North Carolina	930	849	−81	−9
North Dakota	86	76	−9	−11
Ohio	1,768	1,287	−481	−27
Oklahoma	528	475	−53	−10
Oregon	410	346	−64	−16
Pennsylvania	1,617	1,465	−152	−9
Rhode Island	128	101	−27	−21
South Carolina	602	546	−56	−9
South Dakota	99	95	−4	−4
Tennessee	983	743	−241	−24
Texas	3,819	2,665	−1,154	−30
Utah	234	277	−43	18
Vermont	76	66	−10	−13
Virginia	783	597	−185	−24
Washington	660	444	−216	−33
West Virginia	405	309	−96	−24
Wisconsin	467	442	−25	−5
Wyoming	57	57	(1)	1
Total	40,764	35,600	−5,164	−13

[1] Equals less than $1 million.

Notes.—Individual cells may not sum to totals because of rounding.

Total includes the Commonwealth of Puerto Rico, other territories and outlying areas, and Indian Tribal Organizations.

This table assumes that Congress appropriates the full amount authorized for fiscal year 1996.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise today to continue my weekly practice of reporting to the Senate on the death toll by gunshot in New York City. Last week, 6 people lost their lives to bullet wounds in New York City, bringing this year's total to 27.

THE APPOINTMENT OF MARGARET FLEMING TO THE WHITE HOUSE CONFERENCE ON AGING

Mr. BAUCUS. Mr. President, today I rise to inform the Senate that I have chosen Margaret Fleming from Butte, MT, to represent our State at the White House Conference on Aging in May. While Margaret is proud to be a senior citizen, anybody who knows her also knows that she adds meaning to the saying that you will never grow old if you are young at heart. Her energy, her hard work and sense of public service are an inspiration to me and so many other Montanans.

From May 2d through the 5th, several of our Nation's top senior citizens will meet in Washington, DC, to discuss issues that are important to the aging community. This year's theme, "America Now and Into the 21st Century: Generations Aging Together With Independence, Opportunity, and Dignity," focuses not only on the current aging population, but future generations as well. The issues to be discussed impact all Americans. They include comprehensive health care, including long-term care, economic security, housing, and quality of life.

Throughout her career, Margaret Fleming has earned the greatest respect and admiration. But her activities in retired life are just as commendable. She has been president of the Montana chapter of the National Association of Retired Federal Employees, and before was president of Butte's local chapter. Currently, Margaret is president of the Legacy Legislature, a congress of seniors that meets annually in Helena. And as if that isn't enough, she is president of the Lady of the Rockies, a group responsible for youth group tours and the construction of a chapter near the Lady on the Hill in Butte. Last year, the Montana Soroptimist Club honored her with the Women of Distinction Award. Of course, Margaret's toughest job of all is baby-sitting her grandchildren on the weekends.

In a recent letter to me, Margaret remarked:

> The needs of our Nation are so great. I'm sure you know that I believe a health care plan like your Health Montana is so important. However, the problems with poverty, educational opportunities and a myriad of other issues are equally important. I only hope the participants unite, and think of America's future, as well as our immediate needs.

The honor of representing Montana could not go to a more dedicated, deserving, and accomplished person. I congratulate Margaret Fleming and wish her well at the White House Conference on Aging.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through January 13, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated January 4, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 17, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through January 13, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated January 4, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JANUARY 13, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 218) [1]	Current level [2]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,238.7	1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–99 [3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,718.8	−246.3
OFF-BUDGET			
Social Security outlays:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	[4]0
Social Security revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

AA[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

[4] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995, AS OF CLOSE OF BUSINESS JANUARY 13, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			978,466
Permanents and other spending legislation	750,307	706,236	
Appropriation legislation	738,096	757,783	
Offsetting receipts	(250,027)	(250,027)	
Total previously enacted	1,238,376	1,213,992	978,466
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	
Total current level [1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	
Over budget resolution			766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,212 million in budget authority and $6,360 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $1,027 million in budget authority and $1,041 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID "YES"

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but up to now hardly anybody has undertaken the responsibility of doing anything about it. The Congress now had better get cracking—time's a-wasting and the debt is mushrooming.

In the past, a lot of politicians talked a good game—when they were back home—about bringing Federal deficits and the Federal debt under control. But many of these same politicians regularly voted in support of bloated spending bills that rolled through the Senate. The American people took note of that on November 8.

As of Friday, January 13, at the close of business, the Federal debt stood—down to the penny—at exactly $4,808,661,268,393.04. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until the spending had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit and run with George Bush.

These buckpassing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of

Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,808 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 808 billion, 661 million, 268 thousand, 393 dollars and 04 cents. It will be even greater at closing time today.

TRIBUTE TO AVIATION PIONEER BEN R. RICH

Mr. DOLE. Mr. President, I would like to take a moment to note with deep sadness, the passing of a legend in the aviation industry. I was just recently informed that Ben R. Rich, former president of the Lockheed Skunk Works passed away after a long illness. Best known as the Father of the F-117 Stealth fighter aircraft, his passing is a sad moment for several Senators and the many staffers that Ben has had contact with in the Senate over the years.

Perhaps his finest hour came during Operation Desert Storm, with the deployment of the F-117 to the gulf. As many will recall, the F-117 destroyed 40 percent of all strategic targets, yet represented only 2 percent of the allied forces tactical aircraft, and it was the only aircraft to attack the heavily defended Baghdad area. This aircraft uniquely reduced the cost of war by enabling strike missions to be accomplished with fewer attack and supporting aircraft, thereby putting fewer combat pilots at risk. Utilizing this aircraft further minimized collateral damage and civilian casualties. Indeed, Ben's vision and genius throughout the design and development of the F-117 have revolutionized air warfare as we know it.

Ben Rich's many achievements have been recognized throughout the aerospace industry. Just last May, Secretary of Defense William J. Perry honored Ben by presenting him with the Distinguished Public Service Award. At the time, some in the media had proclaimed Perry to be the Father of Stealth. However, at the presentation ceremony, Secretary Perry said it was Rich who provided the intellectual and spiritual leadership and that the title of "Father of Stealth really belongs to Ben Rich."

Mr. President, this was only one in a long line of accomplishments in Ben's 40 years of distinguished service in the aviation industry. He played a leadership role in the design and development of the F-104, U-2, A-12, and the famous SR-71 Blackbird—the latter still holds the world's flight records for speed and altitude. In addition, he also led the development and production of the YF-22A advanced tactical fighter program until his retirement in January 1991.

For his accomplishments, Ben was a Corecipient of the Collier Trophy presented by the National Aeronautic Association; selected as a Wright Brothers lecturer by the American Institute for the Advancement of Engineering; an elected member of the National Academy of Engineering and a nominee for the 1994 Wright Brothers Memorial Trophy.

To the many who knew him, he will be remembered as a colorful character—for his sparkling wit and enthusiasm. To some, he was a gifted teacher who could explain in the clearest terms some of the more complicated technical aspects of aviation. To others, he was a forceful advocate for innovative ideas and futuristic solutions to problems in aviation design. To all, he was a patriot.

To Ben's wife, Hilda, to his family and his many friends and coworkers, we send our deepest condolences. And from this Nation, a heartfelt debt of gratitude to Ben Rich.

WALTER SHERIDAN

Mr. HATCH. Mr. President, I rise to say a few words about Walter Sheridan, a long-time Senate investigator and friend who passed away last Friday morning.

Walter—he hated for anyone to call him "Mr." Sheridan—first made his mark on the national scene in the mid-1950's. when he went to work on the Senate Permanent Investigations Subcommittee as an investigator for Chief Counsel Robert Kennedy in the subcommittee's probe of organized crime and labor racketeering. As Attorney General, Robert Kennedy took Walter with him to the Justice Department, where Walter headed the unit that successfully prosecuted Teamsters Union President James Hoffa. During those days, Walter attained a well-deserved reputation as a resourceful and tenacious investigator.

I came to know and admire Walter Sheridan later in his career, when he came back to the Hill in the 1970's to work as chief investigator for my friend Senator EDWARD KENNEDY, first on the Judiciary Committee and later on the Labor and Human Resources Committee. In these roles, Walter was the chief staffer on hearings that led to significant improvements in the operation of the Food and Drug Administration, the Mine Health and Safety Agency, and other Federal offices.

When we were on opposite sides of issues, as our philosophies and politics often dictated, I found Walter to be a tough but honorable adversary. When our interests coincided, as they did on a number of oversight issues, I found him to be a strong and dependable ally. He was a man of integrity, foresight, and, always, good humor.

My warmest sympathies go out to Mrs. Sheridan and the family. Walter Sheridan was a man, operating mostly behind the scenes, who made a difference in the performance of Government. His work will be carried on by a whole generation of investigators, on both sides of the aisle, who benefited from their association with Walter Sheridan. His professionalism set a high standard for public service for all of us to follow.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the hour of 9:30 having arrived, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment number 9, beginning on page 15, line 6, to modify language relating to reports on Federal mandates.

Mr. KEMPTHORNE. Mr. President, today the Senate will resume debate on Senate bill No. 1, the Unfunded Mandate Reform Act of 1995. We began debate on this issue last week. I believe we had thoughtful discussion about this bill. We also made progress on the consideration of several committee amendments and two amendments to those committee amendments.

We have stated continually, and I will do so again, that we will take what time is necessary for us to complete the thoughtful and thorough discussion of Senate bill No. 1 and any amendments that may be offered by any Members of this body. My hope is that we will complete work on this bill this week.

There have been a number of encouraging developments, also, Mr. President, that have occurred since the bill came on the Senate floor. I would like to reference a few letters that I have received. This one I received from the American Farm Bureau Federation, which represents 4.4 million families.

They say:

> We believe that Federal mandates to State and local governments must provide complete and continuous funding. It is our hope

that information on the costs to the private and public sectors of proposed regulations and legislation will lead Congress to stop imposing burdens it is unwilling to fund.

S. 1, the Unfunded Mandate Reform Act of 1995, will require the Congressional Budget Office to estimate and report the public and private sector cost, and any Federal effort to ameliorate that cost of proposed legislation.

That is from Dean Kleckner, the president of the American Farm Bureau Federation.

He says:

The provision requiring this information is important if lawmakers and the voters they represent are to make judgments regarding the cost and benefits of proposed legislation.

Farm Bureau supports the Unfunded Mandate Reform Act of 1995 and will work to ensure its passage.

I received a letter from the Public Securities Association.

They state:

PSA supports legislation to provide relief from unfunded Federal mandates imposed on State and local governments. PSA is the association of banks and brokerage firms that underwrite, trade and sell municipal securities, U.S. Government and Federal agency securities, mortgage-backed securities and money market instruments. PSA's members account for over 95 percent of municipal securities market activity.

We support S. 1, the Unfunded Mandate Reform Act of 1995, and congratulate the swift action taken by the jurisdictional committees.

That is from John Vogt, vice president, external affairs.

Then I received a letter from the city of El Monte.

The letter states:

On behalf of the El Monte City Council, we wholeheartedly support your aggressive efforts in sponsoring legislation to stop unfunded Federal mandates. This noble effort is especially appreciated by cities in California, who are facing the negative impacts of the recession along with the State's revenue raids on local government.

The City of El Monte has raised new revenues and has cut back on spending for the past 3 years to be reliant on other levels of government. However, with the continuation of Federal mandates on cities, it has become very difficult to fund even the most essential services to our residents and businesses.

That is from Patricia A. Wallach, the mayor of El Monte.

Then there is a letter from the Petroleum Marketers Association of America.

On behalf of the Petroleum Marketers Association of America (PMAA), I would like to express our strong support for the passage of S. 1, legislation which would curtail the passage of legislation implementing unfunded mandates. The PMAA represents over 10,000 marketers of petroleum products nationwide. Collectively, these marketers sell nearly half the gasoline, over 60 percent of the diesel fuel and approximately 85 percent of the home hearing oil consumed in the U.S. annually.

PMAA favors passage of the "unfunded mandates" legislation as a necessary step to help stem the increasing cost of federal regulations to state and local government, as well as to provide industry.* * *

The financial burden of federal regulations in reaching critical levels with estimates nearing $581 billion annually.* * *

Please vote in favor of S. 1 and oppose any efforts to weaken the legislation by removing the private sector language. Thank you for your consideration.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FARM
BUREAU FEDERATION,
Washington, DC, January 5, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the 4.4 million families represented by the American Farm Bureau Federation, I want to thank you for your leadership in addressing the serious problem of unfunded federal mandates. We believe that federal mandates to state and local governments must provide complete and continuous funding. It is our hope that information on the costs to the private and public sectors of proposed regulations and legislation will lead Congress to stop imposing burdens it is unwilling to fund.

S. 1, The Unfunded Mandate Reform Act of 1995, will require the Congressional Budget Office to estimate and report the public and private and private sector cost, and any federal effort to ameliorate that cost of proposed legislation. It will further require the Congress to vote for a waiver of its rules before passing any legislation that has not been subject to this analysis, or if the cost of implementation of any proposed unfunded obligations exceeds $50 million.

In addition, federal departments will be required to analyze the impact of proposed regulations on the economy, and to report those findings through the normal rulemaking process by publication in the Federal Register.

The provision requiring this information is important if lawmakers and the voters they represent are to make judgments regarding the cost and benefits of proposed legislation. We at the Farm Bureau look forward to building on this legislation to help reform the rulemaking and legislative processes.

Farm Bureau supports the Unfunded Mandate Reform Act of 1995 and will work to ensure its passage.

Sincerely yours,

DEAN R. KLECKNER,
President.

PUBLIC SECURITIES ASSOCIATION,
Washington, DC, January 12, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We applaud your leadership on the issue of unfunded federal mandates. PSA supports legislation to provide relief from unfunded federal mandates imposed on state and local governments. PSA is the association of banks and brokerage firms that underwrite, trade and sell municipal securities, U.S. government and federal agency securities, mortgage-backed securities and money market instruments. PSA's members account for over 95 percent of municipal securities market activity.

We support S. 1, The Unfunded Mandate Reform Act of 1995, and congratulate the swift action taken by the jurisdictional committees. However, S. 1 is applicable only to prospective laws and regulations. PSA believe that municipal bonds could play a significant role in the battle against existing unfunded mandates by providing leveraged financing for currently mandated requirements and developing creative ways to deal with unfunded mandates in a responsible manner. The federal government provides substantial assistance to state and local governments to support their borrowing in the form of the federal tax-exemption on municipal bond interest. Because interest earned by investors on municipal bonds is exempt from federal taxation, states and localities pay much lower costs of capital than they would otherwise face.

PSA proposes creation of Mandatory Infrastructure Facility (MIF) Bonds to assist state and local governments in financing current federally mandated infrastructure improvements. MIF bonds would be used for the construction, acquisition, rehabilitation or renovation of infrastructure facilities that are mandated by the federal government or required in order to comply with a federal mandate. The MIF bonds would be categorized as public purpose rather than private activity bonds, regardless of the level of private participation in the financed project and would be exempt from some other restrictions on municipal securities. While it would be inappropriate to attempt to add MIFs to S. 1, we hope to pursue this issue in the context of future legislation such as budget reconciliation.

We have enclosed for you review the report of the PSA Economic Advisory Committee and draw to your attention the concerns expressed in the report where it notes that "economic gains from reducing the federal deficit could prove illusory if federal programs are cut, but replaced by unfunded mandates upon state and local governments."

We welcome the opportunity to work with you on issues concerning unfunded mandates. Please do not hesitate to call if there is any further information we can provide.

Sincerely,

JOHN R. VOGT,
Vice President, External Affairs.

CITY OF EL MONTE,
El Monte, CA, January 4, 1995.

Re unfunded Federal mandates.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the El Monte City Council, we wholeheartedly support your aggressive efforts in sponsoring legislation to stop unfunded federal mandates. This noble effort is especially appreciated by cities in California, who are facing the negative impacts of the recession along with the State's revenue raids on local government. Also, your leadership in providing legislation to stop unfunded mandates will have an impact at the State level, whereby State mandates have also created economic problems for cities.

The City of El Monte has raised new revenues and has cut back on spending for the past three years to be less reliant on other levels of government. However, with the continuation of federal mandates on cities, it has become very difficult to fund even the most essential services to our residents and businesses.

We are fortunate to have your support in sponsoring this legislation and our appreciation and gratitude for your fine efforts in understanding the needs of cities.

Sincerely yours,

EL MONTE CITY

COUNCIL,
PATRICIA A. WALLACH,
Mayor.

PETROLEUM MARKETERS
ASSOCIATION OF AMERICA,
Arlington, VA, January 11, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the Petroleum Marketers Association of America (PMAA), I would like to express our strong support for the passage of S. 1, legislation which would curtail the passage of legislation implementing unfunded mandates. The PMAA represents over 10,000 marketers of petroleum products nationwide. Collectively, these marketers sell nearly half the gasoline, over 60 percent of the diesel fuel and approximately 85% of the home heating oil consumed in the U.S. annually.

PMAA favors passage of the "unfunded mandates" legislation as a necessary step to help stem the increasing cost of federal regulations to state and local government, as well as to private industry.

As you know, S. 1 would require the Congressional Budget Office to conduct a cost impact analysis (or be ruled out of order) whenever Congress wants to impose an unfunded mandate of more than $200 million on the private sector. Federal agencies would have to analyze and report the effects that proposed regulations would have on the nation's economy, productivity and international competitiveness.

Petroleum marketers have been especially hard hit by the financial burdens placed upon them by federal and state regulations. The financial burden of federal regulations is reaching critical levels with estimates nearing $581 billion annually. Providing relief from federal unfunded mandates is crucial to the future livelihood of the business community and the economy in general.

Please vote in favor of S. 1 and oppose any efforts to weaken the legislation by removing the private sector coverage language. Thank you for your consideration.

Sincerely,

PHILLIP R. CHISHOLM,
Executive Vice President.

Mr. KEMPTHORNE. Mr. President, I believe this demonstrates again, whether we are talking to farm families about the act, whether we are talking to local governments such as El Monte City Council, or whether we are talking to the private sector as represented by the Petroleum Marketers Association of America, all of them strongly support this legislation. And this week, again, we hope to be able to move forward on this legislation so that we can enact what our partners in both the public and private sectors have been asking for.

Mr. President, with that being said, and in the spirit of trying to move forward now on the progress of dealing with the issues before us, I ask unanimous consent that the remaining committee amendments be considered en bloc, agreed to en bloc, and the motion to reconsider be laid upon the table, with the following exceptions: The amendment on page 25, the amendment on page 27, and the amendment on page 33; I further ask unanimous consent that all adopted committee amendments be considered as original text for the purpose of further amendments.

The PRESIDING OFFICER (Mr. THOMAS). Is there objection?

Mr. GLENN. Mr. President, reserving the right to object, and I will object, not for myself, but I believe we do have another Senator who wants to come to the floor and speak on this. So I would object until he can be here and express his views on this. I think he wanted to object to the unanimous-consent agreement, so, on his behalf, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KEMPTHORNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that it be in order, while we are waiting for the Senator to come to the floor to express his views on this, that I be given permission to speak with regard to the bill until he arrives on the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the Washington Post this morning has an editorial titled "More on the Mandates Issue." The Washington Post has editorialized on this before, and they very properly, in this lead editorial this morning, point out the difference between the House bill and the Senate bill.

I want to make sure that some of our colleagues who are trying to make up their minds on support for this legislation, that they not get confused between the two bills. This is not a long editorial, but I would like to read it so that everyone will understand exactly what the issue is. The title is "More on the Mandates Issue."

House Republicans partly disarmed critics of their unfunded mandates bill by keeping a promise and quietly fixing one defect last week in committee. They should fix another when the bill comes to the floor, perhaps this week.

The mandates bill could well be the first major building block of the Republican congressional agenda to pass. The Senate's version is on the floor as well, and the president has said while avoiding details that he too favors such a measure.

Mr. President, I would add that I entered the President's letter to us into the RECORD last week.

The Republicans look upon it in part as the key to achieving other goals such as a balanced budget amendment to the Constitution and perhaps welfare reform. Governors and other state and local officials are fearful of being stranded by the spending cuts implicit in both of these and conceivably could block them. The promise that at the same time they will get relief from federal mandates is meant to assuage them.

In fact, the legislation doesn't ban unfunded mandates as so much of surrounding rhetoric on both sides would suggest. It would merely create a parliamentary presumption against them and require explicit majority votes in both houses to impose them. That's the right approach.

Mr. President, I see our distinguished colleague, Senator BYRD, is on the floor. I know he has some comments to make on this.

I ask unanimous consent that the editorial out of the Washington Post be printed in the RECORD in its entirety, and I yield the floor.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 17, 1995]

MORE ON THE MANDATES ISSUE

House Republicans partly disarmed the critics of their unfunded mandates bill by keeping a promise and quietly fixing one defect last week in committee. They should fix another when the bill comes to the floor, perhaps this week.

The mandates bill could well be the first major building block of the Republican congressional agenda to pass. The Senate's version is on the floor as well, and the president has said while avoiding details that he too favors such a measure. The Republicans look upon it in part as the key to achieving other goals such as a balanced budget amendment to the Constitution and perhaps welfare reform. Governors and other state and local officials are fearful of being stranded by the spending cuts implicit in both of these and conceivably could block them. The promise that at the same time they will get relief from federal mandates is meant to assuage them.

In fact, the legislation doesn't ban unfunded mandates as so much of surrounding rhetoric on both sides would suggest. It would merely create a parliamentary presumption against them and require explicit majority votes in both houses to impose them. That's the right approach. Though there is a genuine problem that needs fixing here, not all unfunded mandates are unjustified, nor are state and local governments, which receive a quarter trillion dollars a year in federal aid, always the victims they portray themselves to be in the federal relationship. What would happen is simply that future bills imposing mandates without the funds to carry them out would be subject to a point of order. A member could raise the point of order, another would move to waive it and there would be a vote. That works in the Senate. The problem in the House was that the rules would not have allowed a waiver motion. A single member, raising a point of order that the chair would have been obliged to sustain, would have been enough to kill a bill. The Rules Committee found a way around that rock last week. The bill now provides expressly for the majority votes that the sponsors say are its main point.

The other problem involves judicial review. The Senate bill would rightly bar appeals to the courts by state and local officials or others on grounds the terms of the bill had been ignored, the theory being that is mainly an internal matter—Congress agreeing to change its own future behavior—and a political accommodation of the sort that courts should have no role in. The House bill contains no similar ban, in part because a section would require the executive branch to do certain studies before issuing regulations and the sponsors, or some of them, want that to be judicially enforceable. But Congress has power enough to enforce these requirements itself; it needn't turn to the courts. The Republicans rightly say in other contexts that there is already too much resort to the courts in this country. They ought to stick to that position. In fact, because the House bill is silent on the matter, it isn't clear whether it would permit resort to the courts or not. The House should say not.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I have an inquiry, and that is, am I correct that the amendment that is currently before us is a committee amendment that is found on page 15, lines 6, 7, 8, and 9?

The PRESIDING OFFICER. The Senator is correct.

Mr. KEMPTHORNE. Mr. President, in light of the objection to the prior unanimous-consent agreement, I would like to ask the Senator from West Virginia if he wishes to debate the committee amendment found on page 15, beginning on line 6. I would like to make that inquiry without losing the floor. And I ask this with all due respect to the Senator from West Virginia, who has been forthright with me in communicating his concerns. So I just wanted to try to establish a process so that we can proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the able Senator, who is manager of the bill, for his courtesies extended to me. I want to assure him that it is not my desire to frustrate him. He is trying diligently to move this bill forward, and the bill, of course, will move forward.

I am not in a position at this point to accede to the unanimous-consent request. I do not have any particular amendment in mind, may I say in response to the able Senator's question.

I do not want to accede to the request. For one thing, I do not want to agree to the adoption of committee amendments en bloc and that they be considered as original text for further amendment. Committee amendments that are in place as they are now, as long as they are in place can be amended by second-degree amendments. They are open to an amendment in the second degree. And it may be that some Senators would want to offer second-degree amendments and not have their amendments topped with an amendment.

Once the committee amendments are adopted en bloc, then, of course, they are open to amendments in two degrees. I have no particular amendment in mind at this point. I just feel that there are some areas of the bill that we need to understand. I probably will, in the final analysis, vote for this bill if there are certain amendments adopted thereto. I do not say at the moment that I will do that exactly for sure, but I may very well vote for the bill. But for now, I do not choose to agree to the request. I may agree to it at a later point. I do not have any particular question with respect to a specific amendment. That will be for others on the committee who understand the bill better than I do to more clearly explain.

Mr. KEMPTHORNE. Mr. President, would the Senator yield?

Mr. BYRD. Mr. President, I yield.

Mr. KEMPTHORNE. Mr. President, I appreciate that.

To the Senator from West Virginia I would point out that the amendment that is before the Senate was unanimously agreed to by the Budget Committee, and with this amendment properly being before the Senate now as our item of business, if the Senator from West Virginia does not feel compelled to debate the particular specifics of that amendment then I would seek or ask the Chair to put the question on the committee amendment before the body.

Again, I want to assert, because of my respect for the Senator from West Virginia, if the Senator has a desire to debate that issue; if not, I would like to put that question before the Chair so that we can proceed.

Mr. BYRD. Mr. President, the Senator is certainly within his rights to hope the Chair will put the question, and I can understand that. I fully appreciate his desire to do that. The Chair is not only entitled to put the question but the Chair is required to put the question if no Senator seeks recognition.

Mr. KEMPTHORNE. Based on that, Mr. President, I ask the Chair to put the question on committee amendment No. 9.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, the question is on agreeing to the amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, as I have indicated to my friend, the distinguished Senator from Idaho, I have no particular thoughts with respect to this specific amendment, but I do want to say a few things in regard to the bill and other matters.

Mr. President, first on another matter. There is an adage among computer users that says "garbage in, garbage out." What that means, of course, is that if unreliable or incomplete information is put into a computer, then unreliable or incomplete information will come out of that computer. Although "garbage in, garbage out" comes from the world of computers, the basic theory applies to other disciplines as well.

For example, consider the question: "Do you support or oppose a constitutional amendment to require a balanced Federal budget?" As of January 4, 1995, 80 percent, we are told, 80 percent of the American people say that they support such an amendment. My source is an article in the Friday, January 6, edition of the Washington Post.

According to a poll taken for the Washington Post and ABC news, that overwhelming percentage buys on to the concept of a balanced budget amendment. Amazing, one would think that on the face of it, this extremely popular idea would have nearly no opponents. On the surface, if one went solely by that overwhelming percentage, one could say that this surely is an idea whose time has come.

What is wrong with this Congress that it has not already passed this fabulous balanced budget amendment? How can anyone question its wisdom? That is the problem with simplistic questions. They usually provoke equally simplistic answers. But there is nothing simple about the constitutional amendment to balance the Federal budget. If one looks a little closer at the same poll, the problem with any balanced budget amendment becomes glaringly apparent. There exists no consensus as to how actually to get to a balance of the budget.

Of those who support a balanced budget amendment in the poll, the further question was asked: "Would you still support a constitutional amendment to require a balanced Federal budget if it meant cuts in Federal spending on welfare, or public assistance, for the poor?" Fifty-nine percent said yes, they would. Now, this is not 59 percent of the 100 percent. It is not 59 percent of the total number of persons who are included in the poll. It is 59 percent of those who support a balanced budget amendment.

In other words, it is 59 percent of the 80 percent of those who say they support a balanced budget amendment.

Then the same supporters were asked if they would support the amendment if it meant cutting national defense or the military budget. Fifty-six percent said yes, they would. Again, that is not 56 percent of the total. That is 56 percent of the 80 percent who support a balanced budget amendment.

Then the same supporters were asked if they still would support the amendment if we had to cut Federal funds for education. Only 37 percent said yes, they would. Now, that is not 37 percent of the 100 percent. That is not 37 percent of all those who were polled. That is 37 percent of the 80 percent who support a constitutional amendment. That makes a difference.

Then the same supporters were asked if they were still on board if we had to cut Social Security; only 34 percent said they would. We will say there are 100 apples on the table here and that the 100 apples represent the total number of persons who were polled on the various questions. Eighty percent support, that would mean 80 of the 100 apples taken off the table. They all support the balanced budget amendment.

But if Social Security is increased, of those who support a balanced budget amendment, only 34 percent then would support the amendment. So if Social Security is included, only 34 percent of the 80 apples, or approximately 27 percent of the whole number favor the amendment.

So that would mean less than 34 percent of the 100 percent; in other words, only approximately 27 or 28 percent of the whole number would then support the balanced budget amendment.

I ask the rhetorical question, are we beginning to see a pattern emerge here? There is vast agreement on a goal; in other words, balancing the Federal budget, but virtually no agreement on how to achieve that goal among the general public.

Let us understand one thing, if Congress passed the amendment today and we had to start moving toward that goal, virtually all talk of tax cuts would have to be abandoned. If Congress passed the amendment today and we had to start moving toward that goal, virtually all talk of tax cuts would have to be abandoned.

There is a lot of talk about tax cuts in the air. Both Republicans and Democrats seem—according to what I have read—to be racing toward the finish line to see who can get there first with a tax cut. And there may be a bidding war on that subject in due time.

But this Senator from West Virginia thinks it is absolute folly—folly—to talk about a tax cut at a time when we are talking about passing a constitutional amendment to balance the Federal budget.

We seem to be going in two different directions all at once, and we are going to meet ourselves head on. If we have a tax cut and then if the constitutional amendment on the balanced budget is adopted, we may have to increase taxes to balance that budget. It cannot be ruled out.

So what is going on here? We cut taxes one day and raise them the next. It is going to be much more difficult to raise taxes than it will be to cut them.

I think we ought to stay on the course we are on; that being to attempt to balance the budget. And we have had two good efforts in 1990 and 1993, in both of which years Congress passed legislation that reduced the rates by which the deficits were growing and actually made reductions over a period in the deficits. That is the course we ought to stay on, and that is not an easy course.

But now to forsake that course and say, "Well, let's have a tax cut," that is flying in the face of the strong efforts that have been made in 1990 and 1993 to bring about a reduction in the deficits and to move on a glide path toward a balanced budget. It does not make sense. We ought to be thinking of our children and grandchildren. No, we want to cut taxes now for political purposes, cut taxes now, do something for ourselves, forget about the kids, forget about the children down the road; let us shift this burden over on them, shift it over to them; let us have the tax cut now, though; let our children, and grandchildren and their children worry about it.

That seems to me to be very shortsighted, very shortsighted.

I would rather see the President and the Democratic Party stay on the course we were on of balancing the budget, of reducing the deficits. I think it is not only poor judgment but it is wrong to talk about a tax cut now. It is easy to cut taxes. Nobody likes to vote to increase taxes. I do not like to vote to increase taxes, but I am not going to join in the rush to cut taxes at a time when we have budget deficits in the $200 billion range and a national debt that is $4.5 trillion. Talk about declaration of rights, petition of rights, bills of rights, and all these things, I think we might better focus on a petition of rights, declaration of rights or bill of rights for our children's children and their children. I would not think that a tax cut for those of us in our generation would be wise. It certainly would not be a part of my declaration of rights for posterity.

We should not have a tax cut at this time, in my view, and we certainly should forgo that idea if Congress adopts a balanced budget amendment. Now, if we did that, if we abandoned all thoughts of a tax cut, we would still need to cut spending or raise taxes from projected levels by more than $1 trillion over 7 years, according to the Congressional Budget Office, in order to balance the budget.

We could go ahead and cut welfare. That seems to be popular, but it would not be nearly enough. We could go ahead and slash defense spending. That also seems to have a fair amount of support among balanced budget enthusiasts, but that would not get us to balance without massive tax increases either. How popular does anyone within the sound of my voice think massive tax increases are?

My point is that no one area of cuts would get us anywhere near a balance by the year 2002. The cuts would have to hit most all of the extremely popular Federal programs and those cuts would have to be severe.

It is obvious on its face from the results of the ABC poll that the American people have no real understanding of what passing this amendment means in reality. The conventional wisdom around here is that the balanced budget amendment is a forgone conclusion; that its adoption is foreordained. Mr. President, it may be that a constitutional amendment to balance the budget will be adopted. It may be, but I am not going to concede that yet.

We heard that same thing last year being said. It was said last year that the balanced budget amendment would be adopted, but it was not. The constitutional amendment to balance the budget may or may not be adopted. That is something that will be decided as we go down the road.

I am not going to join in the stampede to adopt a constitutional amendment to balance the budget. I am in favor of balancing the budget from time to time when we can, but I do not think that can be done every year in the normal course of things, for fiscal reasons, cyclical and countercyclical fiscal reasons.

I am not in favor of a constitutional amendment on the balanced budget. That is not news to anyone. But let me just say again that I do not concede at this point that such an amendment is going to be riveted into the Constitution. Perhaps it will be. We shall see.

We in the Congress have not adequately educated our people about what the amendment really means. It means enormous changes in the lifestyles and in the opportunities available to every man, woman, and child in this Nation. Furthermore, if the economy goes into a recession, which simultaneously increases spending on programs such as unemployment compensation and decreases revenues coming into the Treasury because of poorer performance in the private sector, spending cuts will have to be steeper and the tax increases will have to be larger than anticipated. Any first-year economic student knows that raising taxes or cutting spending during a recession is a recipe for plunging the economy into a depression.

It is the height of irresponsibility to avoid speaking very plainly to the American people about what is at stake here. We have to form a consensus about how to continue to reduce the Federal deficit rather than pass a constitutional amendment that would place our Nation's economic policy in a straitjacket. There has to be a national debate about the available options and their consequences. Honesty and integrity demand it.

I have heard it said that we were sent a message with this most recent congressional election. I believe that is a true statement. The message was: Involve the American people. Involve the American people in decisions that affect their lives and their livelihoods. The message was: Do not dictate to us, the people, from on high anymore. That Washington crowd must stop trying to tell us, the American people, what is best for us to do, what is always best. That is one of the reasons why we have this bill on the floor. The American people are tired of being bossed around from Washington, told what to do, when to do it, how much to do.

When I was in the State legislature 49 years ago, my feeling as to my associates in the legislature was—and I think it was a consensus among the West Virginia legislators in the House at that time and also in the West Virginia Senate where I later served—those fellows up in Washington, we do not need them to tell us what to do. We do not even want our Senators, who were Democrats like most of us were in the legislature, we do not want them telling us legislators at the State level what to do. They have enough to do. We will take care of our work here.

Well, that just applied to the members of the legislature. But the American people generally are tired of the heavy hand of Washington. They do not want to be dictated to anymore. They are tired of it. They are fed up to the earlobes with being told from Washington how to plant, when to plant, and how much to plant. And here we are caught in a headlong rush to pass, to adopt, a balanced budget amendment, rivet it into the Constitution.

Now we have a bill before the Senate that deals with unfunded mandates, and it is going to pass the Senate. As I say, my vote may be one of the votes that helps it to pass. But the balanced budget amendment will be the largest unfunded Federal mandate of all time—the largest Federal unfunded mandate of all time. A constitutional amendment to balance the budget would dump huge new responsibilities on the States because of massive and precipitous cuts in Federal dollars. At virtually the same moment in time when we are poised to pass legislation curtailing the Federal Government's ability to enact unfunded Federal mandates on the States, here we are hot and bothered about passing a constitutional amendment to balance the Federal budget without a hint as to how we will actually bring the budget into balance.

"Oh," they say, "well, let's get the amendment into the Constitution and then we will talk about that." Well, then it is too late. Once that amendment is in the Constitution, it will take some years—it will not be a matter of days or weeks or months to remove that constitutional amendment, but it will take some years to remove that amendment from the Constitution if it develops, as I think it very well may develop, that the amendment proves to be unpopular with the American people in the long run.

It is arrogant, Mr. President, it is the acme of arrogance for us as Members of the Senate and the House of Representatives to put forward a constitutional amendment to balance the budget without laying on the table, so that the American people can see what it is, the plan by which we expect to achieve that balanced budget by the year 2002.

It has been said, "Oh, well, we must not do that. If the American people know the details, we will never get that amendment adopted around here." Well, that is the height of arrogance—arrogance. If we let the American people know what is good, what is bad about balancing the budget under a constitutional amendment to balance the budget, we let them know, we will not pass it. We will not have the votes to adopt the amendment. In other words, do not let the American people know. Keep them in the dark as to where the pain will be, keep them in the dark as to where the cuts will have to be made, keep the American people in the dark as to what tax increases will have to be made, because if the American people are told that, the 80 percent of those who answered the polls to which I earlier alluded will dwindle away. We will not have the votes even here in the Senate to adopt that amendment, because the American people will rise up. They will be disturbed. They will become excited. And they will contact their Senators and House Members and tell them to slow down, slow down. So, "We do not want to tell them that. They are just like children." That argument assumes the attitude that the American people are children; they should not be told the truth, if the truth hurts. It takes the attitude that the American people do not have a right to know what the problems will be, what their burdens will be, where the cuts will be applied, where the taxes will be increased if a constitutional amendment to balance the budget passes.

That is superarrogance, on the part of those of us who are not willing to lay out the course which the American people will have to follow in order to balance that budget. That is being superarrogant.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. I would like to just note and acknowledge what the Senator from West Virginia stated, in the fact that he has been a State legislator. I think as State legislators across the United States realize that he has sat in their very circumstances, he has an empathy for what they are trying to do in establishing their priorities, I think they take courage in knowing that we have another champion who has been in their shoes, whom we hope will help champion this unfunded mandate legislation.

I would like to make an inquiry then. Because we are having this discussion—and I point out that there are points the Senator has made which I agree with and I appreciate the Senator has stated them—since we are having this discussion as this amendment is pending, would the Senator be willing to enter into a time agreement so we could have some sense as to how long we would have discussion before we would put this amendment to a vote?

Mr. BYRD. Mr. President, that is a legitimate question. I would not be willing to do so at this point.

May I make it clear to my friend and to all who are listening and viewing what is going on here, I am not out to kill this bill. I may vote for it. And I am in no position to know—I am in no position to say how soon we will pass this bill. It may be today, it may be tomorrow, it may be Friday. I do not know.

Others who are on the committees that were involved, the Governmental Affairs Committee and the Budget Committee, are very much closer to the facts and to the problems that are being addressed than I am. I am not a member of either of those committees.

But, first of all—and I hate to say this again, but sometimes repetition bears being repeated—I was a bit astonished and taken aback when both committees, the Governmental Affairs Committee and the Budget Committee in the Senate, by rollcall votes declined to submit committee reports. I was, in a manner, offended as a Senator, as a Senator who has been here many years, who is accustomed to having committee reports on major bills, as a Senator who has always stood for the rights of the minority. I have always stood for the rights of the minority in this body. I felt that the rights of the minority were being trampled underfoot by the rejection in both committees of minority requests that there be committee reports, and the minorities in both committees were refused. That was not in accordance with my views as to what the minority has a right to expect here. I understand that the votes were party-line votes.

Mr. GLENN. Yes, that is correct.

Mr. BYRD. By denying the minority, the American people were likewise denied. Again, this is arrogance, arrogance, to deny the minority the right to present its individual and minority views in a committee report.

I thought that was what the American people, in part, were sending us a message about. They are tired of this arrogance: "They know it all, in Washington. They know it all." No, there was such a hurry, such a big rush. "We have a Contract With America. It has to be accepted within 100 days." That seems to be the big rush. Up to this point I have been remonstrating and protesting that kind of procedure in the committees. I hope it will not be done again.

I am not saying that the same thing may not have happened in times gone by. I would never be one to defend the trampling of a minority's rights in this respect on a major bill, a bill which may be controversial. I think that my colleagues on this side of the aisle deserve to have some time to study the committee report. We finally received the committee reports and over the weekend I have had an opportunity to read them.

I am not a major player on this bill at all. But I just think we ought to slow down and take a little while to study what this is all about and know what is in the bill. I can best understand the pros and cons by reading the committee reports. That is why we have committee reports—one reason why we have committee reports. I cannot just read the bill and understand it fully. I need to read the committee reports. I need to see what the minority thinks. I always—always look to see what the minority is saying in a committee report because if there are problems with the bill, with a given bill, the minority is likely to raise those problems, give them visibility. So that, by way of explanation, again, is why I have become involved here. I want to hear what my colleagues on this side of the aisle have to say about this bill. I will probably hear a little of that, or some explanation in the conference that is coming up.

But I do not propose to be rushed. I may be run over by the steamroller, but I do not propose to get out of its way or just jump upon it and ride along with it, necessarily, at least. There may be some parts of the Contract With America that I will support. Mr. President, I do not put it on the level however, with the Federal Constitution. I do not put it on a level with the Declaration of Independence. I do not put that document—I have not read it, as I say. I have never read a Democratic platform. Why should I read this Contract With America? I did not have anything to do with it. I am not a part of it. I do not put it on a level with the Federalist Papers. So it does not have all of that aura of holiness about it or reference that I would accord to some other documents.

I say to my friend from Idaho that he is doing what he thinks is right. I assume that he believes in all particulars of the bill. Or he may not. He may not believe in every particular. And the Senate will have its opportunity to work its will on that bill. I fully recognize the need to do something about unfunded mandates. I recognize that need. We have gone down that path too far in many instances.

I just have a little more to say on this particular subject, and then I will talk a little about the matter before the Senate.

But here we all are hot and bothered about passing a constitutional amendment to balance the Federal budget without a hint as to how we will actually bring the budget into balance. Furthermore, there are those in this body who are completely unwilling, as I have said, to share the details of any plan to balance the budget with the people before we pass the amendment. Now I ask Senators. How does that comport with the so-called "message" that we just got in the November election? How is this bringing Government back to the people? How is this putting vital decisions back into the hands of the voters of America?

A member of the other body's leadership was quoted in the newspaper last week as admitting that, if the details of getting to a balanced budget by the year 2002 were public, there would be virtually no possibility—no possibility—of passing the amendment. Is it all that bad? In other words, for Heaven's sake, do not tell the people what we are about to do to them. Do not tell them. Keep them in the dark. They want the amendment. Eighty percent said so in that poll. Keep them in the dark. Let us give it to them. They do not need to know what getting to balance entails. They do not need to know that. They do not need to be bothered with that.

If we exempt further tax increases or cuts in Social Security and defense, then what are we left with? In fiscal year 1995, the current fiscal year, Federal expenditures will total slightly more than $1.53 trillion. Excepting Social Security at $334 billion, defense at $270 billion, and of course, interest on the national debt of $235 billion, any cuts required to balance the budget would have to come out of the remaining $692 billion. It has been estimated, with a fiscal year 1995 budget deficit of $175 billion, those cuts would have to total 25.4 percent across the board on that $692 billion. And in fiscal year 2002, using the same assumptions, those cuts would have to equal 28 percent in order to eliminate a projected deficit of $322 billion.

Not discussing the options with the American people is like a suitor telling his prospective bride, "Marry me and I will make you happy." But when she asks what he has in mind, he simply answers, "Trust me, baby. You don't need to know the details. Trust me baby, you don't need to know the details." Talk about a pig in a poke; that is a hog in a rucksack.

This is big, arrogant Government going completely hog wild. This is us big guys, we big guys in Washington, saying to the American public, "We refuse to give you any idea of how we are going to enact over $1 trillion of spending cuts and tax increases over the next 7 years." Note carefully that the 7-year period puts many of us in this body safely through the next election, by the way. It puts us safely through the next election. If this constitutional amendment is going to be sent out to the people, why do we not amend it; instead of having 7 years, make it 5. Make it 5 years. That is not customary. But there is no reason why it cannot be done. Make it 5 years so that the chickens will come to hatch during the terms of those of us who are here now who were elected in the past election, and they will certainly come to hatch during the terms of those who will be running next year, those who will be reelected or those who will be elected. It does not have to be a 7-year period. Make it a 5-year period. The 7 years puts us all safely through the next election.

Any plan to do that kind of violence to the Federal budget and to the national economy simply must be shared with the American people before we take an action that mandates that the violence be done. Let us not be a party to trying to pull the wool over the eyes of the people who sent us here. We do not allow it in other matters. We do not expect anyone to buy a used car without knowing whether or not that car has defects. We do not expect anyone to buy a house without knowing if the roof leaks. We could not allow anyone to take out a mortgage on that house without requiring the lending agency to fully disclose the terms of the loan. Mr. President, we have truth-in-advertising statutes in this country. We have truth-in-lending requirements. Why, then, should the American people be expected to accept the constitutional balanced budget amendment that would lock this Government into a rigid and unforgiving economic straitjacket without knowing precisely what that means?

Mr. President, in August 1993, the Congress passed a reconciliation bill that accomplished well in excess of $450 billion of deficit reduction, certainly well in excess of $400 billion. Every single dollar of spending cuts and every single dollar of revenue increases were laid out in plain language for Members and the American public to see. Obviously, those cuts were difficult to vote for. The revenue increases were difficult to vote for. But that package is something that needed to be enacted then, and it is something that needs to be enacted now.

Most importantly, Mr. President, that deficit reduction was passed without a balanced budget amendment in the Constitution.

Mr. President, if those who have signed on to the Contract With America are so sure that they have the necessary 67 votes to pass the balanced budget constitutional amendment, then they should lay down a plan that will actually balance the budget. If they have 67 votes to pass the constitutional amendment on a balanced budget in both Houses, they should not have any concern that their budget plan would not pass. After all, a budget resolution requires only 51 votes, only a simple majority—16 votes less than would be required for a constitutional amendment, if all Members were present and voting.

So why not accomplish through a statute a plan which can begin to take effect immediately, instead of waiting for the year 2002? If they can produce 67 votes for a constitutional amendment, they can produce 51 votes to pass the tough legislation required to achieve that balanced budget. Why do they not do it?

Let us not undermine the Constitution of the United States and the people's faith in that Constitution by putting off the bitter medicine that will surely come if a constitutional amendment to balance the budget passes in the House and Senate and is ratified at the State level. There will have to be some tough, tough decisions. Well, why not make those tough decisions now? We do not need a constitutional amendment, if there are 67 votes in this body now. And if two-thirds of the 435 Members of the other body can produce the votes for a constitutional amendment now, or next week, or the week after, or next month, why go through all these motions and why go to all that extent to fool the American people and to perpetrate on the American people a hoax? If they have the 67 votes, let them bring forward their budget plan now; let us adopt it. Sixty-seven votes can pass any budget plan in this Senate.

If we are going to go down this road, we need to begin to take the first steps now. Waiting will only make the tough decisions tougher for the proponents. I say let them showdown now if they are really serious and they have the votes.

So let us involve the American people. Let us hear their voices. Let us have them weigh in on this most critical of decisions. Let us heed their wisdom, once they fully understand the ramifications of such a massive endeavor. Let us not literally thumb our noses at the very public who just put us into office and who also put us on notice they were tired of our arrogance, with this most arrogant and disingenuous of acts—a constitutional amendment on a balanced budget.

I favor a balanced budget as much as anybody favors it. There are those who say, "Well, the American families out there have to balance their budgets, why should we not?" That is a bit disingenuous, also. Not many families, relatively speaking, really balance their budgets. I have been married 57 years, going on 58 years, and it was only yesterday that I came across an old contract that I kept—not the Contract With America but the contract with Kopper Stores. I was a meat cutter. I worked at Kopper Stores. I married on May 29, 1937. And on May 25, 1937, I entered into a contract with the store at which I worked for some bedroom furniture, a bedroom suite—four or five pieces, I believe it was. I will bring up the contract one day and speak of it again briefly. But in that contract I was to pay $5 down on a new bedroom suite, and I was to pay $7.50 every 2 weeks, either in cash or in script; $5 down, $7.50 every 2 weeks. That was to continue until I had paid the entire amount of $189.50 for that bedroom suite.

Now, did I balance my budget? I had to go into debt. I was in debt. I had to go into debt to buy a bedroom suite. Most people in this country have to go into debt to buy a car, to buy a bedroom suite, to buy a living room suite, to buy a house. So, if the American families who are watching via that electronic eye there will stop and think, they will agree with me. We do not really balance our budgets, do we? "Now, those politicians up there are saying that the American people balance their budgets. Why don't we balance the Federal budget?"

Well, I will go into that more at a later time.

But I have had a hard time at times in my life making ends meet, even with borrowing money.

So we are in debt. The American people have to go into debt. They do not all balance their budgets and end up at the end of the year, scot-free, slate-clean, not owing a penny.

The public trust is low, but it will surely sink lower if we go down to this unworthy path of insisting on a constitutional amendment on a balanced budget without laying out the roadmap, without laying out the plan.

If we have the 67 votes to pass a constitutional amendment, then we have the votes to pass the bitter pills of cutting programs or raising taxes. And we can begin to do that now.

Now, Mr. President, I want to give my attention to the committee report on the budget.

Mr. GLENN. Would the Senator yield for a comment?

OBJECTION TO THE JUDICIARY COMMITTEE MEETING

Mr. BYRD. Mr. President I object to any further committee meetings today. It is 13 minutes after 11 o'clock.

Mr. President, I amend my objection to make it apply only to the Senate Judiciary Committee.

The PRESIDING OFFICER. The RECORD will so note.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, the distinguished Senator from Ohio [Mr. GLENN] has asked me to yield for a question. I would be glad to.

Mr. GLENN. Mr. President, I just want to comment briefly.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield for that purpose and retain my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I thank my distinguished colleague and I thank the Chair.

I just wanted to comment briefly on his comments on the balanced budget amendment before he moves on to his comments on the consideration of S. 1.

I share his concerns in this area about whatever we do with regard to voting on the balanced budget amendment when this comes before us here in the Senate. We have to know what we are voting on and what we are doing, or the forcing action that we are taking and the impact that it is going to have on many, many programs that I think people have not yet really come to grips with.

We talk about this Contract With America as though it is something sacrosanct here. I think each one us here—I have a contract with the people of Ohio and I, in turn, as a U.S. Senator, have a contract with the people of this country myself, a contract with the people of the United States I take very, very seriously.

And I think that we have to know what impact that is going to have on the people out there in our respective States and across the country. We do not know that now.

To just vote, as my distinguished colleague said, on a pig in a poke here without knowing what is going to happen—I would say, as far as the Contract With America, we have been down that track of voting on something without knowing what was going to happen before, and we are $3 trillion additional in debt now to prove that it did not work before. And if we did not know how to make it work before, how are we going to make it work again?

We trusted the Reagan administration. Many of us here voted for that, voted for the tax decrease of 25 percent over a 3-year period, with the idea that if it did not work, if all the new, higher level of economic activity did not occur as was predicted at that time, then we would be able to come back to the Senate floor and we would be able to address that and say, "OK, so it didn't work the way it was advertised. We are going to correct it."

The problem is, we have never been able to get the votes to correct it. So here we are some additional $3 trillion in debt right now, not knowing which way to turn.

Let me say this on a little bigger worldwide scale. Prime Minister Thatcher had the same problem. She wanted to reduce the size of their Government at the same time President Reagan wanted to reduce the size here. What happened is, she went about reducing the programs first and then said we will have the tax reduction. It is just the opposite here.

The proposal of President Reagan was, we will reduce the taxes and that will force us into other action which never occurred. So now we are being asked once again to take this on faith and we will be able to work this thing out.

I would say to my constituents in Ohio and indeed all across the country, I think we do have to have the definition of this, as my distinguished colleague from West Virginia says.

Can anybody say that Social Security, Medicare, Medicaid, those big items in the budget—that takes up over half of the Federal budget right there. Then when you add the interest on the national debt and defense, we are up to almost two-thirds or 60 percent. So where are the cuts going to occur?

If we say those things that everybody is concerned about across the country are off limits, then where do the limits apply? What do we take in to consideration then?

Well, is it educational funds to the States? Is it higher education funds that we administer mainly out of the Federal Government but through the States? Are we going to cut the FAA, their consideration of flying safety in this country? Are we going to consider highways for cuts? That is 90 percent of the Federal funding that goes to highways and only a 10 percent match. Do the people of this country want us to cut health funds for the Centers for Disease Control that is working so hard to try to get a solution to the AIDS problem? Are we going to cut the Food and Drug Administration that is looking at things that might create another thalidomide crisis in this country? All of these things are going to have to be cut if we pass a balanced budget amendment.

I have not positively said that I am going to vote against it here. I am still considering that. So I would say we are just buying a pig in a poke when Social Security is off base, when Medicaid is off base, when Medicare is off base, and when interest on the national debt is off base.

So it just does not work. I would say to the people in Ohio in particular that are on Social Security: Watch out. I think they are going to have to get into that, if we vote a balanced budget amendment, on Medicare. They are going to have to get into limiting Medicare in one way or another, and Medicaid. We cannot say do not pay the interest on the national debt.

And I would say the reason this ties into our debate here on the floor today on unfunded mandates is I think the estimate is we put out about $230 billion per year to the States for various programs. I believe the figure is that about $70 billion of that is in discretionary funding, the remainder in entitlements, mainly in the Medicaid Program.

Now, it seems to me, if we pass a balanced budget amendment without knowing in advance what the plans are for where the cuts are going do come from with this unfunded mandates legislation, of which I am a cosponsor, coauthor of here, I do not see how we avoid getting into those payments to the States right now if we vote ourselves a guillotine balanced budget amendment. And that is that. Then we will have to look to cutting down these entitlements and the $230 billion per year that goes to the States right now. Can we afford to continue that kind of funding if we have a balanced budget amendment and cannot cut Social Security, Medicare, Medicaid, and interest on the national debt and defense? I would submit that it will be very, very difficult to do that.

So I think in fairness, to make sure that some of the other programs are not cut, I think we have to look at the balanced budget amendment very, very carefully.

I think people will start asking their own questions, once they look at these things, as to how it will affect them. If we are going to have to balance the Federal budget at least in part by cutting out what we send to the States right now, then it undercuts what we are trying to do with this unfunded mandates bill. I do not want to do that.

I am trying to treat the States fairly, as is my distinguished colleague from Idaho, who pushed this bill for the last couple of years, brought it out of committee last fall, and could not get it through on the floor. I am a supporter, absolutely and unequivocally, of the unfunded mandates bill. I know there are some questions. We have some amendments to correct some of those. Senator LEVIN wants to address this sometime today. And there are others concerned. The Senator from Nebraska has some concerns. I see him here. I have some concerns.

I have a couple of amendments that I think will take out some of the doubts about how this would be administered. I am very concerned, along with my colleague from West Virginia, about the balanced budget amendment. I think it does tie over into unfunded mandates, because I think once we enact a balanced budget amendment, the States will have to look very carefully at what goes to the States right now. They are being too hard pressed now. I think there is a tie in that direction.

I wanted to make those comments, and I appreciate the Senator from West Virginia yielding to me for that purpose, to raise some of the same questions he has raised. I hope we can get on with S. 1 sometime this afternoon or sometime today so we can deal with the number of amendments we have. I hope we can get done with it this week. That means we will have to move expeditiously or we will not be able to bring up all the amendments this week.

Some of the amendments that are proposed are real busters, I guess I would call them. Some of them are not germane, necessarily, to this bill and deal with other matters that are of very major import. Some on the other side of the aisle and some on our side of the aisle will require considerable debate. Some over there, for instance, go back and say that we have to take up all past mandates, not make it prospective but go back. That would cost trillions of dollars. I do not know whether these amendments are talking amendments, talk a little bit and are not serious, but when you have things like that, it will require some time on this bill.

It all comes back, though, to whether we are dealing fairly with the States. I think this bill, even in its present form without amending, goes a long, long way toward addressing some of the sins of the Federal Government, if we want to put it that way, of the past 50 or 60 years.

There were good reasons why a lot of these provisions or a lot of the social services—a lot of reasons why some of those things moved to the Federal levels. Because the States back in those days, back in the days of the Great Depression, either could not or would not move to address some of the concerns when many of our people were bordering on starvation. Roosevelt came in with a package, the New Deal, that moved a lot of these responsibilities out of the community and away from the States, because communities and localities and States were not able to address those programs at that time. So these things moved to the Federal level.

Well, have some of them grown too far? I am the first to say they certainly have. Are the States now willing to pick up all these responsibilities that 50 or 60 years ago they were not able or could not pick up? We have to be careful with that and monitor what is going on to make certain that, as we move this unfunded mandates legislation through, we do not see a lot of people fall in the cracks, that we are depending on the Federal programs, excessive though they may have been. We just want to make sure that we monitor this very, very carefully.

I am all for the unfunded mandates bill. I hope we can work out all these details that people have concerns about.

Tying that back to the balanced budget amendment, once again, if we pass the balanced budget, it seems to me, there will be big pressure on the Federal Government to reduce what we send to the States now, which is about $230 billion a year.

Mr. President, I appreciate my colleague yielding for those remarks. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Ohio, [Mr. GLENN].

Today's Washington Post has an editorial titled, "More On the Mandates Issue." It reads in part:

> The mandates bill could well be the first major building block of the Republican congressional agenda to pass. . . . The Republicans look upon it in part as the key to

achieving other goals such as a balanced budget amendment to the Constitution and perhaps welfare reform. Governors and other state and local officials are fearful of being stranded by the spending cuts implicit in both of these and conceivably could block them. The promise that at the same time they will get relief from Federal mandates is meant to assuage them.

In fact, the legislation doesn't ban unfunded mandates as so much of surrounding rhetoric on both sides would suggest. . . . Not all unfunded mandates are unjustified, nor are state and local governments, which receive a quarter trillion dollars a year in Federal aid, always the victims they portray themselves to be in the Federal relationship.

Mr. President, I ask unanimous consent that the entire editorial from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MORE ON THE MANDATES ISSUE

House Republicans partly disarmed the critics of their unfunded mandates bill by keeping a promise and quietly fixing one defect last week in committee. They should fix another when the bill comes to the floor, perhaps this week.

The mandates bill could well be the first major building block of the Republican congressional agenda to pass. The Senate's version is on the floor as well, and the president has said while avoiding details that he too favors such a measure. The Republicans look upon it in part as the key to achieving other goals such as a balanced budget amendment to the Constitution and perhaps welfare reform. Governors and other state and local officials are fearful of being stranded by the spending cuts implicit in both of these and conceivably could block them. The promise that at the same time they will get relief from federal mandates is meant to assuage them.

In fact, the legislation doesn't ban unfunded mandates as so much of surrounding rhetoric on both sides would suggest. It would merely create a parliamentary presumption against them and require explicit majority votes in both houses to impose them. That's the right approach. Though there is a genuine problem that needs fixing here, not all unfunded mandates are unjustified, nor are state and local governments, which receive a quarter trillion dollars a year in federal aid, always the victims they portray themselves to be in the federal relationship. What would happen is simply that future bills imposing mandates without the funds to carry them out would be subject to a point of order. A member could raise the point of order, another would move to waive it and there would be a vote. That works in the Senate. The problem in the House was that the rules would not have allowed a waiver motion. A single member, raising a point of order that the chair would have been obliged to sustain, would have been enough to kill a bill. The Rules Committee found a way around that rock last week. The bill now provides expressly for the majority votes that the sponsors say are its main point.

The other problem involves judicial review. The Senate bill would rightly bar appeals to the courts by state and local officials or others on grounds the terms of the bill had been ignored, the theory being that is mainly an internal matter—Congress agreeing to change its own future behavior—and a political accommodation of the sort that courts should have no role in. The House bill contains no similar ban, in part because a section would require the executive branch to do certain studies before issuing regulations and the sponsors, or some of them, want that to be judicially enforceable. But Congress has power enough to enforce these requirements itself; it needn't turn to the courts. The Republicans rightly say in other contexts that there is already too much resort to the courts in this country. They ought to stick to that position. In fact, because the House bill is silent on the matter, it isn't clear whether it would permit resort to the courts or not. The House should say not.

Mr. BYRD. Mr. President, the fact is that States receive massive amounts of Federal funds. In fact, we provide so much money to the States that it takes a separate 373-page report—right here it is, a separate 373-page report—from the Office of Management and Budget to list all the grants, talking about grants which we provide to States.

On page 1 of this report entitled "Budget Information for States Fiscal Year 1995," there is a table that provides a State-by-State listing of the total Federal dollars going out in fiscal year 1995. The total for all States is $208,910,820.

Does anyone really believe that if we try to balance the budget without cutting defense or social security and without raising taxes that these State grants will not be cut? West Virginia, estimated for fiscal year 1995 is shown on the list as receiving 0.85 percent of the total for the United States, $1,765,000. The fiscal year 1993 total to the States was $177,984,295.

So all the States are listed with indications of the States' shares as a percentage of the total. If one excludes interest on the debt, that would be over $200 billion, and if we exclude defense, which is over $270 billion, and if we exclude Social Security, which is $334 billion, where can we find the cuts? We will have to cut State grants dramatically, and this unfunded mandates bill will not stop these massive cuts that will come as we proceed to balance the budget over the next 7 years.

So you Governors out there beyond the beltway, you State legislators out there beyond the beltway, hear this: Friends, Romans, countrymen, if we pass a balanced budget amendment and even if the Congress passes the bill that is now pending before the Senate, which it will pass, do not think you are getting off scot-free out there in the States. You are still going to have to give a pound of flesh. It is still going to come out of your hide. We will have to cut State grants that are not mandates dramatically—dramatically—and this bill will not stop these massive cuts as we proceed to balance the budget over the next 7 years.

Unfunded mandates are not a new thing. Indeed, one might easily argue that unfunded mandates are as old as law itself. When the Lord told Israel that on the seventh day thou shalt not do any work, he was imposing an unfunded mandate on the 12 tribes. The tribes may have perceived a short-run loss in productivity, and that may have been only partly made up for by God's provision of manna and quails, but surely the benefits of keeping the Sabbath far outweigh the mere economic costs of doing so.

That can also be said about a number of other mandates. We can learn a lot by going back to that old book that our fathers and mothers read. We think that our constitutional forebears came up with something new when they and the Members of the first Congress set up the Federal court system. That legislation was initiated in the United States Senate in the very first Congress.

But those Senators and House Members were not coming up with something that was entirely new. One needs only to read the 18th chapter of Exodus to understand that there was a court system established by Moses hundreds and hundreds and hundreds of years ago that was, in many ways, somewhat like our own Federal court system.

Moses was hearing all of the people's cases himself. It is a little like Lucius Tarquinius Superbus, who was the seventh and last king of Rome, who heard capital cases himself. He did not take the advice of the Senate at that time.

But Moses was hearing all of these cases himself, and the people stood in long lines waiting to adjudicate their grievances. Jethro, the father-in-law of Moses, came to see Moses and saw all of what was happening and saw that the people were waiting and Moses was being required to take an inordinate amount of time to deal with these cases.

Jethro suggested to Moses that he should break down this work, divide it, have a division of the work and that he should appoint rulers or judges over tens, rulers over fifties, rulers over hundreds, and rulers over thousands, and let those rulers over the various categories judge the people and that Moses confine himself only to the hard causes—not the minor matters—or to those cases that were appealed up to him.

And Moses took Jethro's advice, and instead of deciding every small matter himself and keeping the people waiting, there would be a division and speeding up of the work. Justice delayed is justice denied. Moses established this plan that Jethro, his father-in-law, had suggested. Moses appointed judges to deal with tens of people, those who would deal with fifties, those who would deal with hundreds, those who would deal with thousands, and he himself, Moses, would take the major matters or those that were appealed.

And so we have somewhat the same system. We have the Federal district courts, and we have the Federal appeals courts. We have the Supreme Court. We also have municipal judges, county judges, district judges, State supreme court judges.

There are Federal district judges in West Virginia. We used to have one in the north and one in the south and we had what they called a roving judge or rotating judge. So you have district judges and then we have the appeals court level and then we have the United States Supreme Court.

We can learn a lot by going back into history and seeing how the Israelites did things.

The Federal Government's wage and hour restrictions on State and local governmental units can trace their lineage to the Lord's admonition to observe a weekly day of rest. But the Federal Government does not compensate Federal, State, and local governments for imposing those rules. We can probably all agree that some unfunded mandates yield more in benefits to society than their simple economic costs would reflect.

Mr. President, over the weekend I looked at the committee reports, studied them carefully. This is what the committee report from the Committee on the Budget has to say with respect to the additional views of Senator JIM EXON. Here is what Senator EXON says. In the first paragraph he speaks of his support for S. 1, which is before the Senate. But then he says:

> Although I am an ardent supporter of this legislation I feel compelled to criticize the procedure under which it was taken up.
>
> The Senate Budget Committee met on January 9th to mark up this legislation. We adopted 8 amendments in the committee. At the end of the markup, I asked Chairman Domenici whether we would be filing a report on this important measure. Senator Domenici answered that the Republican leader had asked that the committee not file a report, so as to expedite the Senate's consideration of the bill by Wednesday morning, January 11th. Several members on our side of the table objected to this procedure.
>
> Senator Domenici then made a motion that the committee report the bill without a report. The committee adopted that motion on a straight party-line vote of 12–9. The following evening, January 10th, the majority asked us whether they could file a report on the following night, on the condition that there be no objection to shortening the normal 3 day period for the submission of minority views. Two Senators objected to that request. They wanted the full 3 days to do their minority views and review the report. The majority then filed a statement in the record in lieu of the report.

"This morning"—this was the morning of January 12, which would have been Thursday of last week.

> This morning, January 12th, the majority extended us the opportunity to review the proposed report and add minority views until January the 17th. [That is today.] Yet, this afternoon [meaning the afternoon of January 12th] on the Senate floor they announced that they intended to file the report immediately. While the majority may have been prepared to file its report, the members of the committee in the minority did not have a straight story on when their views were due.

This is Senator EXON.

> The members of the committee in the minority did not have a straight story on when their views were due.
>
> For this reason, I objected to the unanimous consent agreement requested on the Senate floor because I was not sure that all the minority members had the opportunity to submit their views and I was concerned that members might still be working on their minority views. I believe that it is extremely important that anything purporting to be a report on this bill include such minority views.
>
> Unfortunately despite my objects, I have been informed that the report will be filed at 6 PM tonight, January 12th.

This is the ranking minority member of that committee who is speaking and who is writing, Senator EXON of Nebraska.

"I was concerned," Senator EXON stated, "that members might still be working on their minority views. I believe that it is extremely important that anything purporting to be a report on this bill include such minority views." Unfortunately, he said he had been informed that the report would be filed at 6 p.m. on the evening—p.m. on January 12. Continuing:

> And so we have discovered a means to evade both the Committee's requirement of 3 days for the preparation of minority views and the Senate Rules requirement for a report to be available for 48 hours before proceeding to a bill. You simply say that you are not going to file a report. Then you proceed to the bill, as early as the next day. Then you file a report. This procedure evades both the Committee and Senate rules—.

Why all this hurry? Why all the rush? It is the 17th day of January. We have 11 months and 14 days to go yet in this year. Why all this rush?

Senator EXON says, again:

> This procedure evades both the Committee and Senate rules, but apparently cannot be enforced in either forum.

Have they gained anything? Has any time been gained by this thumbing of the nose at the committee rules and at the Senate rules? Has anything been gained? Senator EXON continues, "I find this practice very troubling and am extremely concerned about the precedent that it sets."

He continues. This time he speaks of the sunset provision.

> Last year's version of the Unfunded Mandates Bill, S. 993 contained a sunset date. It was my understanding, and also that of many of the negotiators who hammered out this bi-partisan compromise, that we would have a sunset date. It is unclear why the provision was not included in the bill introduced to the Senate. Despite former assurances that a sunset provision would be included in the legislation or added during markup, a sunset provision was voted down 3 times during the Budget Committee markup in a straight 12–9 party line vote.
>
> I believe a sunset provision is crucial to the success of this bill. A sunset provision will help—not hurt—this important piece of legislation. Sunset provisions are a common sight on the legislative landscape. For example, the revenues used to fund to the superfund program sunset this year. We have sunset provisions in everything from the crime bill to school to work to the 1990 farm bill.
>
> We are dealing with an entirely new concept. It is untried and untested. This bill needs a trial period so that any problems and bugs can be worked out. The Congressional budget office has expressed concern over the analyses that are required in the bill. In testimony before the Senate Committee on Governmental Affairs, Director Reischauer gave a candid assessment of the difficulty in completing these analyses on a timely basis, not to mention, culling reliable information for them.
>
> A sunset provision in 1998 would allow Congress to pause and examine the job that CBO has performed to date. We could then fine tune and if necessary retool the process to make this bill even more effective.
>
> A sunset provision is not going to kill the unfunded mandates program. The bill's time has come and there is no reason to believe that the bill would be scrapped four years from now. Currently the legislation has 57 co-sponsors. If the legislation lives up to its expectations, there should be no problem marshalling the same support in 1998.
>
> Lastly, the unfunded mandates bill does not operate in a vacuum. It must be viewed in the context of the budget act. The caps and other major provisions in the Budget Act—including the supermajority points of order—expire in 1998. Since we will have to revisit the entire Budget Act in 1998, it makes sense to be consistent and provide for a 1998 sunset provision in this piece of legislation as well.

Mr. President, may I without losing my right to the floor inquire of the managers as to whether or not they anticipate an amendment to be offered that will provide a sunset provision and, if so, if they feel that there is a reasonable chance of its being accepted.

Mr. GLENN. Mr. President, I would be glad to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I believe Senator LEVIN brought that up in committee and has talked about putting an amendment in to that effect. And I think that is what we addressed.

I favor a sunset because I think this is really landmark legislation. I think it is the first real piece of legislation that readdresses the relationship between the State, local, and Federal governments. As such I think the impact of this is going to be enormous. I do not disagree with making certain that we take another look at this because, if it is working well, we can reauthorize it at that time. If it is not working well, we can either make appropriate changes, or we can do away with it, if it is just fouling things up and having unintended effects. I do not think that is going to be the case.

I have supported Senator LEVIN. I do not want to speak for him. It is my impression that at the appropriate time he will present a 3-year sunset provision.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Does the Senator from Idaho wish me to yield under the same understanding?

Mr. KEMPTHORNE. Yes. I appreciate that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. With regard to the sunset provision, yes. I think we fully anticipate that there will be an amendment offered. I do not know how many years will be offered. I know that in the Budget Committee an amendment was offered for 3 years, and I believe also for 5 years and also for 7 years. All of those were rejected by majority vote.

I will tell the Senator from West Virginia that I resist a sunset provision. To me this is going back to the fundamentals of what the Founding Fathers intended; that is, that we have this sort of partnership in the federalism program between the States, localities, and the Federal Government.

If there is a problem with Senate bill 1, once it is implemented and it is clearly identified that there is a problem, I would not contend to wait 3 years. There is nothing to preclude us from going in and, if there is need for modification, make any modification as necessary.

But I am reluctant to say that after we have worked so hard, and the Senator from West Virginia has referenced the rush and the 100 days measured that has been put on this. I would just say that this bill in getting to this point has taken 600 days in the making because much of the core of Senate bill 1 comes from Senate bill 993 of the last session.

So again, I resist the idea that we are just going to get it implemented and in 3 years it will sunset. If there are problems with it, I would like to see us modify them. There is nothing to preclude that from happening.

Mr. BYRD. Were there not sunset provisions in the legislation last year?

Mr. KEMPTHORNE. The Senator from West Virginia is correct. I can tell him that is something that—and I will defer to the Senator from Ohio who was chairman of the Governmental Affairs Committee at that time when that provision was included. Again, I was not a strong proponent of it being placed in that. But that was not my decision at the time.

Mr. BYRD. Mr. President, I thank both Senators.

I personally favor a sunset provision in this legislation. We are reading and hearing a great deal about welfare reform. I think that if we had had a sunset provision in the laws regulating and governing welfare in this country we would have had sunset provisions. A great many of the perceived flaws in the legislation would have been corrected.

Mr. CONRAD. Mr. President, will the Senator yield on that point for a question?

Mr. BYRD. Yes, without losing my right to the floor. I do not intend to hold the floor much longer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I wanted to inquire of the Senator if he had perhaps seen the testimony of the Governor of Michigan in the House of Representatives last week. I saw it replayed this weekend.

As we start out the discussion of the proper relationship between the Federal Government and the States, his testimony in the House is very important. He told the House of Representatives that the role that he saw for the Federal Government was just to send the money. He said, you in the Federal Government, you just send the money back and we will decide how it is spent at the State level. I must say I was very troubled when I saw this notion of what the Federal-State relationship is supposed to be. I was very troubled by the Governor of Michigan, who was on the committee determining the welfare reform policy for the party on the other side of the aisle, suggesting that the role ought to be that the Federal Government levies the taxes, raises the money, and has nothing to say about how the money is spent. Now, if that is not a perverse notion of Federal-State relations, I do not know what is. I told my staff this morning, "in his dreams," as far as this Senator is concerned.

My own notion is that there should never be a separation between the responsibility for raising the money and the responsibility for spending the money. That ought to be a fundamental principle that we adhere to in this Chamber. And I believe that because, if we raise the money and the States decide how to spend it, it is free money for the States. They did not have to go through the political risk of levying the taxes to raise the money. They just eat the dessert. They just spend money. Oh, no. That is not going to be the relationship, at least if this Senator has anything to say about it. I must say that I thought it was arrogant in the extreme for a Governor to say all we ought to do is write the checks. We raise the money, levy the taxes, and then send them the money and they will decide how to spend it.

I was going to ask the distinguished Senator from West Virginia his reaction to this notion that we raise the money, and then have no say in how it is spent. We just send it back to the States and they will decide how to divvy it up. I am very interested in the Senator from West Virginia's reaction to that notion.

Mr. BYRD. I reacted the same way that the distinguished Senator from North Dakota reacted. It is arrogance. It is a new "Caesarism." It is the same arrogance that is displayed by those who beat the drums for a constitutional amendment on the balanced budget without at the same time being willing to lay out the plan to let the American people know what is in the offing, what is the price to be paid for this approach. How would the taxes be cut? What taxes will be cut? How much will they be cut? What cuts will there be in programs? What programs will be exempted? What programs will not be exempted? And it is an arrogance that is being manifested within this institution, the Congress of the United States, when it says you folks up there just pass a constitutional amendment to balance the budget, and do not tell us what it entails; do not tell the people in the legislatures what action we are going to have to take to continue programs from which we are presently receiving grants in our States, and so on. Do not tell us that. We do not want to know that.

So the big folks up there in Washington—us big folk—we know it all. That Governor is saying: You fellows just send the money down to the States with no strings attached. That is the same thing on both subjects. Just pass a constitutional amendment and let the American people find out, in due time, where the pain is.

(Mr. SMITH assumed the chair.)

Mr. CONRAD. Will the Senator yield on that point?

Mr. BYRD. With the same understanding, Mr. President.

Mr. CONRAD. I am asking a question. First of all, with respect to what the Governor from Michigan was saying, I would say to him, look, if the Federal Government raises the money, the Federal Government is going to have something to say about how the money is spent. If the Governors want to make all the decisions on how the money is to be spent, then they raise the money. That is an appropriate State-Federal relationship. It is ridiculous and extreme to say that the Federal Government should levy the taxes and raise the money but the States will decide how it is spent.

I will follow up with a question on the matter of a plan to balance the budget. Last week, I came down to the floor and gave a speech on something I have detected that I call the Republican credibility gap. It is more than a gap now. It is a chasm. In fact, it is approaching Grand Canyon size. This chart shows what would need to be done to balance the budget over the next 7 years. According to the Congressional Budget Office, we would need over $1 trillion in cuts over the next 7 years. That is if we did nothing to make the problem worse before we started.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the Senator briefly—I only want to hold the floor for a few more minutes—without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I am interested in the Senator's reaction to the credibility gap I have detected. This chart shows we need $1 trillion over the next 7 years if we do not do anything to make the situation worse before we start to solve the problem. But look what happens with our Republican friends' plan. The first thing they do is propose $364 billion of tax cuts, not spending cuts, but $364 billion of tax cuts. This is according to the Treasury Department. So now the $1 trillion problem over the next 7 years is nearly $1.4 trillion.

The next thing they do is say, well, we want to cut spending someplace. We do not want to be too clear on exactly where we are going to cut spending, but before we start cutting spending, we want to increase spending. We want to increase spending on defense by $82 billion. So now the problem that started out as a $1 trillion problem has turned out to be a $1.48 trillion problem. That is the amount that would have to be cut in order to balance the budget over the next 7 years. We start with $1 trillion, and we add their $364 billion in proposed tax cuts, according to the Treasury Department, then we add the $82 billion of increased defense spending, and the problem now is $1.481 trillion. That is a big number. That is not a million; that is not a billion; that is a trillion.

The interesting thing is to look at what they have come up with by way of specific proposals to cut spending. This is where we get to what I call the credibility gap. The credibility gap really is a chasm, because we need to find $1.481 trillion of cuts. But so far the Republican side has identified $277 billion in specific spending cut proposals. It is a paltry amount in comparison to what is needed to get the job done.

So I say to the Senator from West Virginia, it looks to me like they have a $1.2 trillion credibility gap—the difference between what is necessary to balance the budget over 7 years and what they have outlined to balance the budget over 7 years. I say to my colleague from West Virginia, $1.2 trillion—that is one thousand two hundred billion—is a lot of money. Even in Washington talk that is a lot of money.

I think our friends on the other side owe it to us, and they owe it to the American people, to come forward with a plan to tell us specifically, precisely, how are they going to cut an additional $1.2 trillion. Are they going to take it out of Social Security? They say not. Are they going to take it out of Medicare? They say not. They say they are not going to take it out of defense. They cannot take it out of interest on the debt. That means well over half of all Federal spending is off the table.

I ask the Senator from West Virginia for his reaction to what I see as this enormous credibility gap by our friends from the other side.

Mr. BYRD. I thank the distinguished Senator. The $1.2 trillion, it seems to me, represents $1,200 per minute since Jesus Christ was born. To count $1 trillion—so that we might have a little better sense of the numbers that the Senator is talking about—at the rate of $1 per second would require about 32,000 years. It would take 32,000 years to count $1 trillion at the rate of $1 per second.

So the Senator is talking in terms of big money. There is a gap.

But there is another gap I am thinking about, also. If those from behind this steamroller—this constitutional amendment on a balanced budget—if they can mount 67 votes—and the conventional wisdom around of late is that that amendment is a sure thing and it is going to be adopted. In the discussion, they are already talking about how it will fare at the State level. If the 67 votes are found in this Senate, and two-thirds of the 435 Members of the House are going to vote for that constitutional amendment, why can those who support the amendment not lay out the road plan now? Why do they not bring in their plan now if they have 67 votes in the Senate and two-thirds of the 435 votes in the House that will vote for a constitutional amendment on a balanced budget? Why do they not simply bring in the plan now and start voting on it? It would only take 51 votes in the Senate. It only takes a majority to pass legislation. Why do they not do that? They have all the votes. They have all the votes that are necessary to raise taxes now. Instead they are going in the opposite direction and everybody is talking about cutting taxes—not everybody.

The administration is for cutting taxes, the Republican Party is for cutting taxes. But also the Republican Party wants—the Republican Party on the Hill—a constitutional amendment on a balanced budget. Why not start on it today? Why not start to deal with balancing the budget today, next week, next month? All they need is a majority of the votes to do that. They do not need two-thirds to do that, as they will need for a constitutional amendment. So that is a big gap. I cannot understand why it is easier to get 67 votes than it is to get 51.

Mr. CONRAD. Will the Senator yield further?

Mr. BYRD. I am going to give up the floor shortly. I will yield, if I may, without losing my right to the floor. I just wanted to ask another question.

The PRESIDING OFFICER. Is there objection to the request? Hearing none, the Senator is recognized.

Mr. CONRAD. Mr. President, I just want to go further on this point. It just strikes me there are those of us who very much want a balanced budget. I am in that camp. The Senator from West Virginia knows that I feel strongly that we ought to balance this budget; we ought to do it the right way.

Mr. BYRD. That is why I voted for the 1990 package that was developed at the summit among the Republicans and the Democrats, when Mr. Bush was President. That is why I voted for the 1993 package. Not a Member, not one of our friends on the other side of the aisle, voted for the 1993 package, as I recall. I voted for it. It was tough to do it.

Mr. CONRAD. I think we should say that that 1993 package has, in fact, reduced the deficit. We had a Federal budget deficit in 1992 of $290 billion. In 1993, that was reduced to $255 billion. Last year, it was further reduced to just over $200 billion. This year, the estimate is it will be further reduced to some $176 billion.

The fact is, on that plan that the Senator from West Virginia and I both voted for, we did not get a single vote from the other side of the aisle; not a single vote. And voting for that plan took political courage, because it did cut spending. It cut over 100 programs by over $100 million. It also raised taxes on the wealthiest 1 percent.

People, of course, do not want to pay more taxes. I do not want to pay more taxes. I levied more taxes on myself in that vote; I wound up paying more in taxes. But I did it because I recognized we have a national crisis. We have to get our fiscal house in order. And if we are to do that, it requires a plan.

The point I wanted to make is that our friends on the other side of the aisle say they are for a balanced budget, but they have not come forward with a plan to do it. Talk is cheap. Talk is cheap. It is easy to say, "I am for it." The difficult thing is to put down a plan that actually starts to do it.

I think it is terribly important that the American people know that there is this extraordinary gap between what our friends on the other side have said they are going to do and what they have identified to get the job done—a $1.2 trillion gap.

I said last week that gives a whole new meaning to the phrase, "don't ask, don't tell," because that is what they are asking here. "Don't ask, don't tell" the American people. They are saying to the people, "We are going to pass this balanced budget amendment, but we are not going to tell you how we are going to do it. We are not going to tell you where we are going to make $1.2 trillion in cuts over the next 7 years."

I think the American people deserve better; I think our colleagues deserve better. I know the Senator from West Virginia believes that they have an obligation to come forward and be specific. I think that ought to be central to any debate we have.

I again thank the Senator from West Virginia for his courtesy and just ask him once again: Does not the other side have an obligation to come forward with a plan? Do not the American people deserve to know where they intend to cut $1.2 trillion over the next 7 years? Do not the people have a right to that plan?

Mr. BYRD. I thank the distinguished Senator, Mr. President.

Of course they are entitled to know what is in the plan. And we have a responsibility, in my judgment, before we rivet this piece of garbage into the Constitution, we have a responsibility to tell them what our plans are, how we expect to achieve this goal.

Mr. President, I thank the distinguished Senator. I hope he will expound further at some point on the subject matter concerning the constitutional amendment on the balanced budget. I hope he will use those charts. I hope he will elaborate on the matter further.

I do not intend to discuss that matter further right now. There will be a time, when we will be talking about the constitutional amendment on the balanced budget, that like Shallow, in "The Merry Wives of Windsor", "I will make a star chamber matter of it."

Right now I just want to ask one more question of the distinguished managers. In looking over Mrs. BOXER's views, minority views, I have noted—and I will not read her entire views as expressed in the report, but she says, in part:

> I am also disappointed that the bill fails to directly address one of the biggest unfunded Federal mandates faced by California: the costs imposed by illegal immigration. I therefore plan to offer an amendment on the floor to ensure that the costs to States and local governments of illegal immigration be addressed in the bill.

Mr. President, I share her viewpoint on this. I share the view that she has expressed with regard to the costs imposed by illegal immigration. As a matter of fact, the full Appropriations Committee, under my chairmanship last year, conducted some hearings on this matter. The members were very concerned about illegal immigration, about the costs of illegal immigration that are being imposed on States like California, and the various Governors appeared at that time.

Do the managers feel that it is likely that we will have an opportunity to debate this amendment? Mrs. BOXER says she is going to offer an amendment "to ensure that the costs to States and local governments from illegal immigration be addressed in the bill."

What is the likelihood of such an amendment being adopted?

She also expresses concern that the amendments to sunset the bill were rejected by a party-line vote. What can we expect? Can we expect any relief for those States that have such humongous problems at this time with respect to illegal immigration? Can we expect them to get any relief?

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. Mr. President, I believe the Senator from California raises a very important issue when she raises this question of immigration. The Senator from Florida, the Senator from Texas, the Senator from Arizona, and many others have raised this issue.

But in listening to the distinguished Senator from West Virginia as he talks about the process and the fact that he believes there is a process where the committee should be involved, this issue of immigration is a monumental issue. I do not know that, by bringing that to the floor, this is the forum for us to finally resolve that.

I have also spoken to the distinguished Senator from Wyoming [Mr. SIMPSON] who has also been providing leadership on this issue. My concern is that I do not believe this is the bill to attach it to.

But, am I empathetic to what those Senators are saying? Absolutely. This Nation needs to deal with that issue of immigration, but I do not believe this is the vehicle to accomplish that.

Mr. BYRD. I do not mean for the Senator to address that particular aspect of it. That was not my point. I do not expect this bill to address that aspect of it.

But Mrs. BOXER and others are obviously very concerned with respect to the unfunded mandate or mandates that are being placed upon the States to deal with this problem. My question goes to that aspect, not to dealing with a solution to the overall problem.

Mr. KEMPTHORNE. Will the Senator yield further?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. I would just read to the Senator about 10 lines from the bill. This is on page 3, under the purpose of the bill. It states:

> (A) providing for the development of information about the nature and size of mandates in proposed legislation; and
>
> (B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;
>
> (4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance.

I believe, I say to the Senator, that if S. 1 were in place right now, this would be the process that would help, for example, the Senator from California in dealing with what may be further Federal mandates where there are costs imposed on the States under that title of immigration.

This is a process before we cast our vote. Because, the Senator is well aware of how many times, when we have a 15-minute rollcall vote, we will go down there and we may confer with one another during those 15 minutes and we will ask, "Is there a mandate in here?" That is the extent of the knowledge we have today.

This is going to give us a process so that we will know that there is a mandate or there is not. We will know the cost of it. We will know the impact on both the public and private sector. And we will know that information up front before we cast our vote. So that is why I am so desirous to get on with the implementation of S. 1, because then we can take some of these very important issues that the Senator has raised.

Now we have a process to allow Members to deal with it so that it is informed as opposed to the current process.

Mr. GLENN. Will the Senator yield for an additional reply to his question?

This bill is prospective. It does not try to go back and undo what may have happened or what may have built up in the past.

I see our distinguished colleague from Iowa on the floor, and I am sure he may want to address this because I understand he had a proposed amendment that we go by. But this bill is strictly prospective. It tries to address what has been the major problem with regard to the Federal-State relationship, and that is that we have specifically passed a lot of laws that impose mandates on the States.

Now, we do not propose in this legislation to try to correct the situation where the Federal Government has had a responsibility—for example, immigration control—and that responsibility has been inadequately met to the point where it is developing into a major problem, at a major cost to States. We do not try to address some of those things.

Now, that has to be addressed. I do not think it necessarily needs to be addressed in this legislation, because if it is, then, we are into a real quagmire of considering every situation where States or particular Senators from States have a feeling that because the Federal Government did not meet the States' responsibilities—say, in flood control or in whatever area it might have been—that we then have to come back and assume responsibilities for that later in this legislation.

Now, I think it is very fair and proper that we address the immigration problem, but we made no attempt in this bill, nor do I really feel that we should in this bill, to address something like immigration, which is where the Federal Government, obviously, has not met its responsibility to control immigration for the United States of America. We have not been doing it, particularly in California, Texas, the border States along our southern border, and to some extent in other States, also.

That is where the major problems have occurred, because the Federal Government did not meet its responsibilities. Then I think there should be separate legislation that deals with this. But this bill is not set up to address something that is of that nature and that is already behind us.

I would say this: The major problem for most States—although that is a major problem for California, for instance—but the major problem for most States has not been of that nature where the Federal Government did not meet its responsibilities. The major problem we are trying to address here is where the Federal Government has in many respects gone too far, maybe, in meeting this responsibly and tossing this requirement downhill to the States and local communities and saying, "You pick it up"—the States—"we are not going to do it." That was not done intentionally from the Federal Government with regard to immigration, although we have to address that.

So, what we are trying to do, and the major cost to most States has come from the unfunded mandates where we have passed laws that require clean air, clean water, clean whatever it was, and said, "OK, States, but you pick up the bill on this." We have not tried to address something that has happened where a Federal responsibility is not met and tried to address that in helping States like California, or Texas, or New Mexico—Arizona in particular, pick up the costs that they have, I feel, unfairly, been saddled with. I yield the floor.

Mr. BYRD. Mr. President, I agree with the Senator. I thank both Senators for their responses to my questions.

I have over the weekend, as I say, read the reports. I found some positive things in the reports which have an attraction with respect to this legislation.

At some point I would like to ask some further questions, but I yield the floor at this time. I thank both Senators for their courtesy.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, again, many of the points raised by the Senator from West Virginia I may happen to agree with. In fact, I do agree with many of the points that were made this morning.

The discussion about the balanced budget amendment, now while that is an important issue, this is not the legislation dealing with the balanced budget amendment. That will come sometime in the future. This is about Senate bill 1. This is about a process so that we can finally start casting votes around here based upon information before the act instead of after the act.

Therefore, Mr. President, with all due respect, I now move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN. Mr. President, under the previous order, I believe it was agreed that we would go out for our recess for the respective party conferences at 12:30. The hour of 12:30 having arrived, is it the Chair's opinion we should recess?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair will recess.

Mr. GLENN. The hour of 12:30 having arrived, are we in recess now then, or does the Chair propose to put us in recess?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate is prepared to stand in recess, but the Senator from Iowa is seeking recognition.

Mr. GLENN. Is it, Mr. President, under the previous order or is it the desire of the Senator from Iowa to speak?

The PRESIDING OFFICER. The Chair, as a courtesy, will recognize the Senator from Iowa first. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that, irrespective of the previous order, I be granted 7 minutes to speak as in morning business on a subject unrelated to unfunded mandates.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, on the condition that upon the completion of the Senator's statement, the Senate then stand in recess under the order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Iowa is recognized for 7 minutes.

AMERICORPS

Mr. GRASSLEY. Mr. President, we have recently heard in the news quite a bit about AmeriCorps, and that is President Clinton's new program on voluntarism.

As many of my colleagues know, I spent several months investigating this whole matter, and I continue to review and will continue to review for a long time into the future the merits of AmeriCorps. There has been bipartisan criticism of this program and this concept of so-called voluntarism.

This administration seems to have learned nothing from its recent efforts to force a top-down solution to programs, for instance, like health care. The American people rejected at the ballot box last November a bureaucratic solution that the administration had for health care reform.

Now the administration believes the answer to voluntarism is to have it driven from the top down. They want to bureaucratize voluntarism. In health care reform, they wanted to make the choice for each citizen's health care. In this program, they want to make the moral choice for each volunteer, and they want to pay him for that.

That subverts the concept of voluntarism, in my view. It turns the notion of voluntarism on its head. Nevertheless, the administration wants to go forward despite the fact that 1.9 million Americans are already volunteering on their own and doing it without pay and they are doing it all over the United States because they are doing it by making their own moral choices within their own communities as they see the needs of those communities.

Mr. President, it is discouraging that the President has completely disregarded the findings of Vice President GORE's National Performance Review when it comes to the question of AmeriCorps or the expansion of the program. A founding principle of reinventing Government is that, according to Vice President GORE, you should not increase funding a program until it is a proven success. This administration has sought dramatic increases for AmeriCorps with little to no support the proposition whether or not it is succeeding.

The problem with AmeriCorps is the same problem that I see in the boondoggles of the Defense Department. As you remember, a decade ago, $500 hammers got a lot of attention, the $500 hammers that the Defense Department was buying.

In AmeriCorps, we recently uncovered that President Clinton's AmeriCorps is paying over $70,000 for one—yes, Mr. President, that is one—volunteer for AmeriCorps. That $70,000 could instead be used to provide dozens of young people Pell grants so that they could attend college. This point was made on this very floor 2 years ago by the then chairman of the Appropriations Committee, the distinguished Senator from West Virginia, and that was when we were considering authorizing AmeriCorps at that particular time.

Instead, we are spending this money on creating one job with the Philadelphia Bar Association. That $70,000 job in Philadelphia is, unfortunately, not an anomaly. AmeriCorps has already provided me with many, many grants where the costs will be over $40,000 per year per job.

I am very pleased to announce to my colleagues today that the General Accounting Office has agreed to my request made in behalf of myself and

Senator MIKULSKI to initiate an investigation into the actual costs of AmeriCorps. I am confident that the GAO investigation into AmeriCorps will help us all be better informed about the tremendous costs of this program.

As I read reports on the President's remarks, he intends to draw a line in the sand on this program. He intends to use this program to delineate the two political parties. I welcome this challenge because I believe the American people just repudiated the approach exemplified by the AmeriCorps Program. Just as they did not want to have a top-down bureaucratic solution on health care reform, they cannot fathom the same approach to voluntarism.

The American people do not want Government to make their moral choices for them. They do not want Government telling them for whom they should and should not volunteer, and they certainly can see through the rather thinly veiled attempt to subvert voluntarism by paying for it rather than using moral suasion.

Mr. President, I have received much data already from AmeriCorps pertaining to their grants. That data only further fuels my skepticism. I have also asked the General Accounting Office to independently analyze and evaluate the program. I will await their report this spring until I render a final judgment about the program.

But I must say, the celestial bodies seem to be aligned against the program, and the American people are against the approach embodied here. The administration would do better to more accurately apply the principles of reinventing Government to this concept. Rather than bureaucratizing and rather than drawing a line in the sand, we can be working together to make voluntarism work the way it has—and quite effectively and quite amazingly—since the earliest days of the Republic.

I yield the floor and yield back the remainder of my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m. today.

Thereupon, at 12:37 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. SNOWE].

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

VOTE

The PRESIDING OFFICER. The pending question is now the motion to lay on the table the committee amendment beginning on page 15, line 6.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—6

Bradley
Gramm
Hutchison
Kennedy
Kerrey
Pryor

So the motion to lay on the table the committee amendment on page 15, line 6, was agreed to.

Mr. KEMPTHORNE. Madam President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank the Chair.

Madam President, I am wondering if I could engage the managers in some colloquy and dialog as to how this bill will function in the real world. There are some real problems in terms of the process.

This bill is different from last year's bill. First, I want to make sure that our colleagues are aware of the fact that this is not Senate bill No. 993. There is a new point of order which is incorporated in this bill which is going to have some very serious ramifications in the way we function around here.

I am somebody who voted for last year's bill. I would like to vote for this year's bill. I came out of local office. I was in local government for 8 years. I understand the impact of unfunded mandates. I believe we have to do more than what we have done and that last year's bill was about the right balance to accomplish a greater awareness on our part to create a point of order in order to ensure that we would have an estimate before us. But this year's bill goes significantly beyond that. And that point of order in this year's bill is frequently an impossibility.

We are building into the structure here something which, at times, cannot be accomplished. The Congressional Budget Office has told us that. They have written to us that it is impossible, or nearly impossible, to make estimates as to the cost of mandates 5 or 10 years down the road on State and local government. They just simply cannot do it.

This bill says that on every bill and amendment—not just every bill, but every amendment—that comes to the floor, it will not be in order even to offer the amendment, or to offer the bill, unless there is an estimate in that amendment and in that bill which we know, going in, cannot be made at times. We know it. The Congressional Budget Office has told us.

We can all close our eyes around here and pretend that these estimates can be made all the time. We know they can be made some of the time. By the way, it is current law that the Congressional Budget Office make these estimates whenever they can, whenever feasible. They have been making estimates for the last 10 years. They have made hundreds of estimates at the cost of these mandates on local and State government. I do not know how many times folks around here have looked at those estimates. But they have made hundreds of them. It is not new, attempting to make the estimate.

What is new in this bill is that there is so much that hangs on that estimate for the first time. A point of order will be available. It will be out of order to offer an amendment on this floor that does not contain an estimate. What happens if you cannot get the estimate? What happens if you just cannot get the estimate, or the Congressional Budget Office cannot make an estimate? Can they tell us they cannot make an estimate? Oh, no; they cannot tell us they cannot make an estimate.

If it were in the private sector, they can tell us. If this were a mandate that applied to the private sector, the bill says, yes, then they can tell us that they cannot do the estimate. But when it comes to the intergovernmental sector, to the State and local government, if the Congressional Budget Office cannot make the estimate, they are not allowed to tell us.

But the point of order still lies. You cannot offer an amendment unless it contains an estimate, and we know going in—I think each one of us knows—that there will be times when an estimate cannot be made of the cost of something 5 or 10 years down the road on 87,000 local jurisdictions.

We have to spend some time on this mechanism. This is too serious a change. This was not in last year's bill.

This year's bill, in Governmental Affairs, at least, was offered on a Wednesday night. This was filed on a Wednesday night. The hearing was on a Thursday, and the markup was scheduled for Friday. Well, we resisted, some of us, and said, "There just isn't enough time. Can you at least give us a few more days on the markup?" We fought for that and got a markup on a Monday.

We asked for a committee report. No, that was denied on a party line vote. We could not get a committee report in Governmental Affairs on the Monday markup. So we did not have a committee report. And then we had to delay consideration here using whatever means were available to us until we could at least get a committee report.

The same process in the Budget Committee. A request for a committee report. No effort to try to defeat this bill. Most of us are cosponsors of this bill. I think this bill has something like 60 or 70 cosponsors. Most of us, maybe 80 of us, would like to vote for this bill. This is not an effort to kill a bill. This is an effort to produce a bill that is workable, that has a decent balance in it that we can live with on the floor.

As I said, I cosponsored the bill last year. But this is a different bill this year, and it has a mechanism in it which is potentially going to create havoc for us, which we are either going to have to ignore, which no one should want to put in place. We do not want a point of order that is constantly ignored around here or it is going to have so much bite it is going to strangle this process. "I send an amendment to the desk." Someone jumps up, "Point of order. It does not contain the language that says that local and State governments will not have to comply with the mandate." "There is no mandate in this amendment." "Yes, there is." "No, there isn't."

Is the Parliamentarian going to decide whether there is a mandate? And then who is going to decide how much that mandate costs 5 or 10 years down the road? Is that just going to be decided here at 8 o'clock at night after an amendment is sent to the desk, how much it will cost 87,000 jurisdictions 5 years from now? Are we seriously legislating when we put into place a point of order like that?

No provision for saying that they cannot make an estimate when we know full well they cannot. What about a range? Can we get a range? Well, some say yes, some say no. Some say this bill will allow for a range; some say it will not. What happens if it does? What happens if the CBO throws up its hands and says, "You are asking us to figure what this will cost 87,000 local jurisdictions 5 years down the line. We say it will cost somewhere between $1 and $500 million. That is the best we can do."

Well, now you have to have an estimate in a specific amount and you have to pay for it or you have to waive it as to local government, State government. Or you have to say, in order to avoid the point of order, if the Appropriations Committee 5 or 10 years down the line does not appropriate what you estimate today or what CBO estimates today, then it will be ineffective at that time.

We are building in a nightmare for ourselves. We have to try to solve the problem for State and local governments, and we can, I believe. We can force a greater awareness upon ourselves as to what they go through when we adopt a mandate. But we just cannot simply here, without spending some time on how a point of order would work such as has been constructed in this bill, unlike last year's bill, we cannot simply put ourselves into a potential grinder here where we have to ignore a point of order, routinely ignore it.

Since this is 50-vote point of order, some people say, "Well, you can just vote down the point of order." Well, we do not want to put ourselves, on amendment after amendment after amendment, where a point of order lies because the amendment does not contain those words which are required, either ignoring it routinely or having this thing that has so much force that we are in a straitjacket. We have to be able to legislate.

Should we force ourselves in some way to consider what the costs are? Yes, I would like to do that. I used to have to live with these mandates. For 8 years in local government in Detroit, I had to live with these mandates.

One of the reasons I came to this town was because I was so upset with Federal mandates and the way Federal programs were operating. That was one of the reasons I ran for the Senate. I understand local officials and Governors who have to deal with what we do.

So we have tried in the last few years to put estimates into law and into the committee reports. We have required CBO to come up with estimates. And CBO has tried, with bills, at least, reported out of committee, to come up with estimates. Sometimes they cannot do it. They are unable to tell us. They just cannot do it. But we will not let them do it here on the intergovernmental mandates. We will not let them be honest. We are adding to the bills as they come to the floor a requirement that that same estimate in a specific amount be made by the CBO on every amendment that comes to the floor.

So, Madam President, what I would like to do, and before I go further, let me just commend the managers and the sponsors of this bill. While I have problems with certain aspects of the new bill, I must say they have been steadfast in their determination that we do a lot better to force ourselves to consider the costs of these mandates on State and local and tribal governments.

And while I have some disagreements with the new bill, I must say that they deserve a tremendous amount of credit and thanks of this Senate and of this country for keeping the issue before us. It is an important issue. And no one that I know of is trying to sink this bill. A number of people are trying to make this bill look more like last year's bill in terms of the balance that was struck, and that is going to take some time and I think legitimately should take some time of the Senate.

This bill simply goes too far. Unlike last year's bill, which had a point of order if there was no estimate and if the estimated amount was not authorized. This year's bill, in effect, requires that you either fund it or put language in your authorization bill which will direct the agency to ignore it for State and local governments unless the appropriators downstream put in the amount of money which the estimates indicate will be required for State or local governments.

Now, there is a very basic philosophical issue. What about cases where you have businesses competing with local government? My friend from Kentucky just mentioned the word "business," which raises a very important point that I want to address. And I am not sure it is exactly the same point that crossed his mind, but there is a very significant issue here.

You have two incinerators that are competing for the same business. You have a government-run incinerator and you have a privately run incinerator. Do we want to imply or suggest that there will be a mandate that is either not applied to the government-run incinerator—on clean air for instance, a new clean air requirement—but it will be applied to the private incinerator? Do we want to create a presumption that when you have business competition between a private and public facility such as that, be it an incinerator or a hospital, that we are going to apply a new mandate to the private sector but not to the public sector? Is that the assumption we want to make? Is that the presumption we want to create?

That, I believe, creates a real problem. This is real, folks. We have private and public hospitals all the time. Are we saying that there will be a presumption that a new increase in the minimum wage will apply to the private hospital but not to the public hospital? Is that the message we want to send? Should we consider the impact on the public? Of course. Should we consider the impact on both public and private? I believe we should.

I hope that this bill will succeed in another one of its purposes, which is to get Members to look at the impact on the private sector, as well as on the public sector. That is one of the purposes of this bill.

This bill goes beyond that when it comes to the public sector. On the public sector, it creates this point of order that I just described, a point of order which does not exist relative to the private sector. I think there is a serious problem, philosophically, which is raised when we do that in areas where we have competition, where the greater impact of a mandate is on the private rather than on the public.

It seems to me that we have a serious issue philosophically as to whether we want to create the expectation that this mandate is going to be waived or paid for when it comes to that public incinerator or to the public hospital, but not going to be waived or paid for when it comes to that private incinerator or that private hospital.

What I would like to do, if I could, with my friends from Idaho and Ohio, is to take a hypothetical case and walk through the steps. What I have done is just set forth a hypothetical Senate bill. I believe I have given a copy of this description to each Senator so they can have it in front of them. This hypothetical bill mandates controls on dangerous levels of mercury from incinerator emission after October 1, 2005. That is the bill. It also designates the EPA to determine what constitutes a mercury level dangerous to human health.

I would like to focus on that hypothetical and ask a number of questions of the managers. First of all, what is the effective date of that mandate? Now, the reason that that becomes critical is that that triggers the estimate, the estimate upon which so much hangs—including a point of order—the estimated cost to State and local governments in the first fiscal year after a mandate is effective, and in each of the 4 fiscal years thereafter.

So the first question I would like to ask the Senators from Idaho and Ohio is, what is the effective date of that mandate?

Mr. DOMENICI. Madam President, will the Senator repeat the last part of the precise question?

Mr. LEVIN. Madam President, I am sorry, I did not give a copy of this to my friend from New Mexico. Let me get this to the Senator.

The PRESIDING OFFICER. If there is no objection, Members may engage in a colloquy.

Mr. DOMENICI. Madam President, I yield the floor.

Mr. LEVIN. Madam President, I ask unanimous consent, then, that I be allowed to engage in a colloquy with the managers relative to the way in which this bill would be implemented, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, in response, first a few points.

I appreciate the fact that both the chairman of the Budget Committee and the chairman of the Governmental Affairs Committee are here. I think what is most important, as the Senator from Michigan poses these questions, is that either myself, the ranking member on Governmental Affairs, the Senator from Ohio, or the two chairmen respond to that so we can lay this issue out there.

Also, a couple of other points I will make, because the Senator from Michigan gave a bit of an overview. One of the points that was stated is what if CBO simply cannot estimate this? What if we cannot come to terms with it?

The alternative, then, is that we will continue the process we now have, which is we do not require this information and we do not really make the effort. So we want to have as much information as possible before the vote, instead of after the vote, so that if at some future point we know the impact to local or State government after the fact, then we do the calculation.

Mr. LEVIN. Madam President, I wonder if my friend will yield on that point.

We do require such a calculation now. We have had something like 850 of those calculations, I think, in the last 12 years. There is a law, the Congressional Budget Act, which requires the Director of the Congressional Budget Office, to the extent practicable—very important words, to the extent practicable—to prepare for each bill or resolution an estimate of the cost, which would be everything incurred by State or local governments.

We do currently require these estimates. Now, sometimes, those estimates cannot be made. We have gotten a report from the Congressional Budget Office that they cannot make the estimate at times. They just simply cannot estimate. They say it. When they cannot estimate it, they say they cannot estimate it.

What this bill does, is say, "You have to estimate."

Mr. KEMPTHORNE. Madam President, if I may, to continue our discussion; yes, we do ask CBO to make an estimation. The Senator is correct. Since about 1981, CBO has been required to do some estimating. They have begun to build some years of information that will help them, I think, in making future estimates.

Now, in the event that CBO undertakes to accomplish what is required in this bill, to estimate the cost of the mandate, we asked them to make that effort. If they come back and their report says, "We are unable to do so for these reasons," then they have fulfilled their responsibility.

Mr. LEVIN. With an intergovernmental mandate.

Mr. KEMPTHORNE. With an intergovernmental mandate. If they simply cannot—but they must make the effort. That is the point.

Mr. LEVIN. If the Senator will yield, that is not the way I read this bill, because this bill explicitly permits in the private sector that statement. But there is no such explicit permission to make that statement with the intergovernmental sector.

As a matter of fact, I believe the committee report explicitly notes the difference. I think the Budget Committee report explicitly takes note of the fact that in the private sector, we do permit the Director of the CBO to say that he cannot make the estimate.

On page 20, line 24, of the bill, it says:

> If the Director determines that it is not feasible to make a reasonable estimate that would be required, the Director shall not make the estimate but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for the determination in the statement.

That is referring to "private sector mandates," subsection B. That provision is explicitly part of the private mandates section. When it comes to the intergovernmental mandates, there is no such language which allows the Director to be honest. We have an honesty provision when it comes to the private sector. We say, "If you cannot do it, you can tell us," but when it comes to the intergovernmental sector, there is no such language.

Mr. KEMPTHORNE. Again, Senator, that is correct. We require, on an intergovernmental, that there not be an estimate. But in going through that process, it may be that the conclusion of that estimate is that they just cannot provide the data that we are after.

So, Senator, because of the process, there is a waiver. That may be the rationale, the justification, to come to the floor and to seek a waiver of that point of order.

Mr. LEVIN. Why, then, do we not have the same language on the intergovernmental as we do on the private?

Mr. KEMPTHORNE. If there is no estimate for CBO, the Chair will have no alternative but to rule that the point of order will not lie, because there would be nothing upon which to base a decision.

Mr. LEVIN. But the question is, if we allow for the fact that a director in the private sector is unable to make the estimate, why do we not have the same language relative to the intergovernmental mandates? Why not the same honesty? Why not the same honesty allowance relative to the intergovernmental mandate as we have in the private sector? Why that distinction in the bill?

Mr. DOMENICI. Will the Senator yield for an observation?

Mr. KEMPTHORNE. Sure.

Mr. DOMENICI. Madam President, first of all, I want to say to my good friend, who is managing the bill, I would very much like to be here for the whole dialog. I am not sure I can. I have to leave for a little while, but I will just address this one this way.

Mr. LEVIN. If I could interrupt, I will be happy to try to schedule this to accommodate my friend, the chairman of the Budget Committee, if that would be helpful. Please just let us know and we can try to schedule this.

Mr. DOMENICI. I am one who has been preaching reform measures around here that the Senate floor ought to come first, and here I am telling the Senate that I have something else that, obviously, is more important. But I already had these appointments, and I cannot get out of them.

Let me just answer the precise question and then try to come back here.

I say to both Senators and the managers, if there is something further that I might accomplish later on, I will come down again and I will go back through the RECORD and answer them as I see them.

First of all, let me suggest, on your last question about why in one section and not in the other, with reference to the impossibility of doing it, we have 11 years, my staff tells me, of experience in estimating the cost of public mandates. We do not have any experience in estimating the cost of private sector mandates, to speak of. That means that clearly the Congressional Budget Office, which has to gear up for this entire episode, both public and private—we know it is going to take some additional money, but we also know it is going to take brand-new staff, and we are fully aware, while we are cutting everything, that has to go up a little. We need to give some latitude on the private end because we have not done it, and we follow up and say since we have been doing it on the public we ought to be able to.

Let me proceed and take your specific statute and just give a few observations. Frankly, while I understand we have passed environmental laws in the past that are even harder to estimate than this, because we leave to the EPA or some other department almost full latitude, I am advised that probably the way the Congressional Budget Office would handle this—this is from people who have been there and are experienced. I went and called when the Senator from Michigan started asking questions—they would get in touch with each other and maybe even visit and talk about this mandate. The Environmental Protection Agency would hopefully give every bit of information they have as to the parameters of this mercury level. It is apt to be here or at least give them something to work with. Then they would probably take that, in terms of that level and they would give us the best estimate they could with reference to maybe either of two levels, but we would get something.

If they said it is absolutely impossible, then it appears to me that we cannot ask for anything more, and one of two things will happen: Either what the distinguished manager has said, that the Chair would rule that a point of order cannot be made against it, or the point of order could be made and waived on the basis that we do not know.

But let me suggest that there might be a third thing that could happen. It may very well be that the looseness with which we delegate might be tightened up somewhat. I am not suggesting that a bill with that in it is wrong, but I am suggesting that if this bill is saying to the American people, "We want to honestly tell you the cost before we pass it to the maximum extent," then we may be finding that we have to get more clarity in the legislation that passes so it can be evaluated more properly.

I thank the Senator, and I yield the floor.

Mr. LEVIN. I certainly agree with the third point that the Senator from New Mexico made. Let me go back to the first point, the fact we have had experience with these estimates. This is not new, making estimates on intergovernmental mandates. We have had hundreds of them. We are required by current law. What we have never done is hung a point of order on it the way this bill does when it is impossible, in some cases—and we know it will be—to make the estimate.

This is the experience of the Congressional Budget Office. Based on their experience in intergovernmental mandates, they have told us it is impossible sometimes to make these estimates. That is on a bill where they are being given a bill in advance of consideration of the floor. Multiply that by 100 times when it comes to amendments, because this current bill, S. 1, does not just cover bills that come to the floor, it covers amendments.

I believe if we are going to be straight with ourselves, we have to acknowledge two things: That with this experience that the Congressional Budget Office has in making estimates, they are telling us there are times when they cannot make estimates on intergovernmental mandates. That is based on their experience.

Second, I think if we are being straight with ourselves and with this process, we are going to have to acknowledge that there is no way that when you include all amendments under this point of order process that we are going to be able, with any intellectual accuracy, to get an estimate of the cost of every amendment and its mandate which is offered here so it can be properly considered.

Every amendment is subject to a point of order. The language of the bill is it will not be in order to offer a bill or an amendment unless certain language exists in that amendment, unless there is an estimate of the cost of an intergovernmental mandate in that estimate.

There are a number of questions: Can I even get an estimate as an individual Member of the Senate so I can offer my amendment? There is no provision for an individual Senator to get an estimate. The way I read this, the only estimates that are required by the Congressional Budget Office are estimates after a bill is marked up in committee and is sent to the floor. The chairman and ranking members of committees can also seek estimates, as I read the bill. But there is no provision in this bill which gives me any assurance as an individual Member, or it gives 100 of us an assurance that we can even get the estimate, and if we do not get the estimate, a point of order lies.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I will be happy to yield. I will just conclude this point.

What this bill requires us to do, unlike last year's bill, is to get an estimate which at times we know is impossible to make from the experience of CBO, even on a bill, and we know it is even more impossible on more amendments to get. There is no provision in the bill that we even have standing as individual Members of the Senate to obtain the estimate, in any event, since the only ones that seem in the bill to be guaranteed that estimate from the CBO would be bills that come to the floor that have been approved by committees and, to the extent practicable, Chairs and ranking members of committees.

I will be happy to yield. I do want to go back, however, to my first question, which is, what is the effective date of the mandate in this hypothetical that I have given? And again, so that we are all working from the same hypothetical, it mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005, and the EPA is designated to determine what constitutes a mercury level dangerous to human health.

My specific question is, What is the effective date of that mandate since that is what triggers the estimate? It is critical that we know the effective date because that is when the 5 fiscal year estimates begin.

Mr. KEMPTHORNE. If the Senator will yield?

Mr. LEVIN. I will be happy to.

Mr. KEMPTHORNE. We are calculating that so we can respond to that specifically.

I also, though, want to respond to the point that we are creating something unusual, we are creating—I do not know what terms were used—but suddenly we are going to make this very difficult for legislation to proceed or for amendments.

If I may, I think this is important. Yes, S. 1 establishes a new point of order under the Budget Act against incineration mandate legislation in the Senate unless the mandate is paid for. I believe strongly in that. So do local and State governments and tribal governments. The point of order—this applies to all legislation including bills, joint resolutions, amendments, motions or conference reports and can be waived by majority vote. It is a process.

This point of order and the Budget Committee's role in its enforcement are modeled after similar provisions in the 1974 Budget Act. The language in S. 1, and I think this is very important, applying the mandate point of order to amendments, is identical—identical to language in the Budget Act. Madam President, 21 separate provisions of the Budget Act provide a point of order in the Senate against consideration of amendments; five of these provisions establish points of order that only apply to amendments.

This is not new ground. This is not something unprecedented. Madam President, 21 separate provisions have a point of order. The Senate, the Senate Parliamentarian's office, the budget committees, have 20 years of experience with these Budget Act points of order and their application to amendments.

In practice, the Senate Budget Committee staff monitors legislation, works with the Parliamentarian's office to determine violations, and works with CBO to provide the Parliamentarian's office with estimates to determine whether legislation would violate the Budget Act. In instances where the press of Senate business does not allow CBO sufficient time to prepare such estimates, the Senate Budget Committee is called on to provide them. Regardless of what estimate is used, the Senate is the final arbiter of its rules, that is the rules of the Senate. Should a Senator disagree with the estimate, he or she could appeal the ruling of the Chair. But as these amendments are brought forward, the burden of proof that they exceed—in case of intergovernmental, a $50 million threshold—that burden of proof lies with the Senator who would make the point of order.

You can bring your amendment to the floor of the Senate without having had it scored by CBO. But, in all reality, it just seems to me and it seems to a lot of other folks that if you have an amendment that is somehow close to this threshold, it makes sense that you would call and get CBO to give you an estimate of the cost, or that you would work with the Budget Committee because soon we would be voting on that amendment.

Are we saying that because we may want to take a few minutes to call and get that estimate that we should not do that because the hour is late? And it is a multimillion-dollar decision that we are going to cast votes on, and the implications that it would have?

Mr. LEVIN. I am saying quite the opposite, if the Senator would yield. Quite the opposite.

It is worth getting an estimate. It is worth getting an honest estimate. And there is no way that in a few minutes, or in a few hours—indeed in a few days, if you listen to the Congressional Budget Office—that you can get an estimate of the cost of a mandate on 87,000 jurisdictions. Of course we have points of order in the Budget Act. They have to do with levels of Federal spending of the Federal Government. What is new here is that a new point of order is going to be created, unless you have an estimate in a specific dollar amount of the cost. It could be years away—on 87,000 State and local units of government. That is very new.

Is it worth getting? Of course it is worth getting, if you can. But you say you can bring an amendment to the floor even without an estimate. The way I read the bill: "It shall not be in order in the Senate to consider"—and then the words are "any bill, joint resolution, amendment, motion, or conference report."

It is not in order for the Senate to consider those.

Several Senators addressed the Chair.

Mr. KEMPTHORNE. I am sorry. If I could just complete that thought. It is not self-executing.

Mr. LEVIN. Someone could raise a point of order.

Mr. KEMPTHORNE. Someone could raise a point of order but you could allow amendments in a given event without anybody making that point of order.

Mr. LEVIN. Is that the intent of the Senator, that a point of order not be raised when an estimate is not present?

Mr. KEMPTHORNE. I think I have made it clear. I think it is a responsible thing. But if you are going to offer a multibillion-dollar amendment, certainly that did not just come to mind that night. Certainly you have talked with either the Budget Committee or CBO.

But, again, it is not self-executing. That would be the basis that a ruling could be made that the point of order lies. Then you could seek the waiver.

Mr. LEVIN. I think we are in a way on the same wavelength because I think it is important that we get honest estimates, too. My question is, If the CBO cannot estimate it—cannot estimate it, it is still out of order.

Let me put it a different way. If the CBO cannot estimate it—it is tough. They have to. Because you do not have the language on the intergovernmental side that you do on the private side that allows them to say they cannot make the estimate. You could still keep your point of order, because there is no estimate that meets your test. But what you do not do in this bill, for the intergovernmental sector, is to allow the CBO to be honest the way you do in the private sector.

We tried this amendment in conference, to simply say if the CBO cannot make the estimate in the—excuse me. We offered an amendment in markup, where we said if the CBO cannot make the estimate—which has been true in many cases before—that they should be allowed to say so on the intergovernmental side, the same as they are allowed to do on the private side, so we can know that.

Mr. GLENN. Will the Senator yield?

Mr. LEVIN. I will be happy to yield. This may be something where we have asked weeks in advance, by the way, not just minutes in advance, weeks or months in advance, assuming we can get answers as individual Senators from the CBO, which we have no right to do in this bill.

But assuming we could get an answer from the CBO, they may tell us they cannot make this estimate. We have been diligent. We have tried for weeks and weeks and weeks and months to get an estimate and cannot get it because they say there is no way they can make this estimate for various reasons. It may be that the EPA is going to determine a level after a public hearing, notice and comment, as to what an unsafe level of mercury is. And they are not willing to say in advance of a public hearing and comment what that unsafe level of mercury is. And the CBO comes back to us and says we cannot make this estimate.

Why not allow them to say that in the intergovernmental side the way we allow them on the private side? The Senator from New Mexico says they have more experience on the intergovernmental side. That works exactly the opposite way because their experience tells them they cannot do it in some cases. Why not let them say it? We offered an amendment in committee to allow them to say it, allow them to be honest on the intergovernmental side the way we do on the private mandate. But that was defeated.

So, I think it is a matter of just honesty, frankly, in legislating, to allow the CBO to say what we all know is true. That there are times that, even with a lot of notice, they cannot estimate the cost of intergovernmental mandate the way they cannot do a private mandate. I will be happy to yield.

Mr. GLENN. Madam President, If the Senator will yield, I think, backing up the Senator from Michigan, I would have to say, in law—whether being misconstrued or not—but to leave any doubt that CBO can say there are things we cannot score, there are things we do not know the answers to, there are things we cannot make estimates on, and they say that—and to say, "but you have to whether you can or not," or something is not going to apply on the floor here, I think is the height of folly. I do not see the point of this, in trying to say if you cannot make an estimate that you have to anyway.

What is the worst thing that happens if we say OK, we recognize the fact that you cannot make an estimate and if the CBO, with all their expertise cannot, I am not going to say that the Budget Committee is going to be any more able to do some of these things? There will be occasions where the Budget Committee also will say CBO could not and we cannot either.

Does that say that a bill cannot come to the floor? No. I will tell you what it says. It says we will not have the waiver and the point of order and the waiver vote on it. But the worst that happens is a bill comes to the floor like it does now. We say, Here is what we think, and debate it, and we pass it or we do not pass it. But to say that a bill that CBO has considered and the Budget Committee has considered and say there is no estimate we can possibly make on this just by the nature of it—we already have a letter from CBO saying that would be the case sometimes—but to say you have to have one no matter what or you cannot bring a bill to the floor sort of seems to me a little bit ludicrous.

Mr. DOMENICI. Will the Senator yield?

Mr. GLENN. Yes.

Mr. DOMENICI. I have just been called by the leader, so I am leaving. But I wanted to make an observation, and then I will come back. If you want to come, you and I, sometime to further clarify, I will be here.

First of all, everybody should know that since the Budget Act has been in existence—how many years?—20 years, this same puzzle has been there. Some things cannot be estimated—very difficult to do it, I should say. Amendments are hard to examine. I give you the best example of just forcing it to work. That is health care. The Senator spoke of how many thousands of jurisdictions? About 87,000 would be affected. We had millions in health care. We never took up an amendment without an estimate. In our debate some things had to wait awhile. Some amendments had to be set aside. CBO had to beef up. They had to ask for lots of help.

I think those of us who are looking at the effect of mandates on the Federal Government versus the States in terms of governance and a lot of other things are saying times must change, we have to find a system. This system is not perfect, but let me suggest that if the Senate desires in the future to offer a bill or an amendment that is so tough to estimate that as hard as we try somebody comes down here and says, "Senators, that is it," what it will permit is for the U.S. Senate to work its will, not this bill. The Senate will then have before it what is probably an onerous mandate. If it is not very onerous on its face, nobody would ever be worried about it. So you probably will have an onerous mandate. It is going to cost a lot of money. And the Senate will be put to the test. Do you want to pass it anyway? That is by a simple majority. Or do you want to say something different for a change, and you probably, in living up to the spirit of this, will do something different for a change. You will probably say we are not going to pass this. I would think that is one alternative. We have to get some better way to define what we are trying to do. Or you might find another way. You might pass it and put an amendment in that 3 years from now we will come back to the floor because by then we ought to have mandates and it still will not be in effect. Then we will pass on that.

In other words, we will make the kind of senatorial, in the Senate, on-the-floor changes to accommodate. But it will be an accommodation to a very, very different set of precepts—which I believe my friend agrees with—precepts of getting it done if you can, not hanging them out there without anything about them, if you can do other business. I think he agrees with that. I think that is what this process is going to yield. It has been tried a long time.

Sometimes it is very befuddling when we try to use a point of order. But I also say that those who want to amend the 51-vote point of order to 60, there is another example why whoever crafted it crafted it well because a point of order is a majority vote, not a 60-vote point of order. That clearly makes the U.S. Senate work its will on the kind of cases you are describing which are brought up by this amendment.

Mr. LEVIN. If the Senator will yield on that point, it is fine for the Senate to work its will, but it ought to have an estimate in front of it, if it is feasible, which is reasonably accurate when it works its will because a point of order is hanging on this unlike any point of order in the Budget Act. This point of order does not relate to Federal spending and the level thereof. It relates to what it would cost 87,000 jurisdictions. This is a different kind of an animal from anything that we have ever had in the Budget Act, No. 1.

No. 2, I think here my friend would agree with me. If the Senate is expected to work its will on waiving the point of order—and both the Senator from Idaho and the Senator from Ohio are absolutely correct; this is not a no money/no mandate. This says under some circumstances, if there is no money, there will be no mandate.

But what is unique about this is that you are not allowing in this bill the Congressional Budget Office to say that you cannot make the estimate. We do it in the bill for the private sector. We do it in the bill for the private sector, but it does not allow the CBO to be honest. Why not allow the CBO to be honest when it comes to the intergovernmental mandate?

It is true, we still have a 50-vote point of order. If they say they cannot make the mandate, that point of order still lies. But now you have something that you can be aware of. The CBO says it is impossible to estimate the cost of that mandate and why. That may cause some people to vote "no". I think my friend from New Mexico is right. A lot of people will vote "no" if the CBO says it is impossible to estimate the cost. It may on the other hand cause other people to vote to waive the point of order because there had been an honest effort made to get the estimate and it is simply impossible; it is too far out. It depends upon agency determination to have closed rulemaking.

My question is why not allow honesty on the part of the CBO and, if they cannot make an estimate, to say so in the intergovernmental mandate the way we do in the private mandate? We being the bill. If the bill says, CBO, be honest, if you cannot estimate the cost in the private sector, tell us for whatever impact that has on the Senate floor, that may cause some of us to vote "no" on the whole bill. That may cause others to vote "yes." We do not know the impact of that information. But we do know that, when it comes to the private sector, we allow the CBO to tell us if they cannot make the estimate, but when it comes to the intergovernmental side, there is no such authority to CBO; you must make an estimate. And I want the Senate to work its will. But I want it to work its will on the basis of information which is solid. If we are going to force the CBO to make an estimate when they cannot make an estimate, we are going to be getting bum information from the CBO. They are going to take wild, out-of-the-blue guesses as to what this thing costs. In order to comply with the law, they must make an estimate.

Is that legislating in the light? Is that legislating knowing the cost of estimates? No; what that is saying is we are going to go through a formalistic process forcing the CBO to do something which they have told us at times they cannot do, and somehow or other we are going to feel better if we therefore now know the estimated cost of a mandate on State and local government. Do we really feel then that we now have information which is usable to us, that we can make a decision based on information because we have forced the CBO to do something that they have told us at times they cannot do? So what happens if they come up with a range? They just throw up their hands. This will cost from $1 million to $500 million. That is their estimate.

By the way, it is unclear that they can even give us a range. But to the extent that they are allowed to give us a range—again it is very unclear in the bill. We get two different answers on that question. But assuming they are allowed to give us a range, is that helpful to us? This will be from $1 million to $500 million. Now, are we really legislating knowing the impact on local government? That does not tell us anything. What level does the appropriations have to reach in order to avoid the requirements of this bill? Is it the $1 million or the $500 million? Is it a range?

So, again, I agree with what this bill is trying to do. I think last year's bill did it. Last year's bill had the support of all the Governors, by the way. This year's bill has even stronger support of the Governors, I am sure. But the Governors Association and local governments supported last year's bill where we did not have this point of order that we have in this year's bill. We had the estimates. We had a requirement that they get an estimate. But we did not say that a point of order would lie, unless there is an estimate in a specific amount with certain ramifications.

I know my friend from Delaware is the chairman of the committee, and he has been attempting to get the floor. I certainly do not want to, in any way, control the floor. I am in the middle of a colloquy, with the unanimous consent of the body, with the manager of the bill. I will be happy to either yield further, or whatever it requires, to allow the Senator from Delaware to get a question in here.

Mr. ROTH. Madam President, I say to my distinguished friend and colleague, if he will yield without his losing the floor, it does seem in a very real way to me that you are comparing apples and oranges. The reason I say that is that in the case of a mandate being imposed on the public sector, then it is the rule or the general requirement of this legislation that funds be provided to finance it.

On the other hand, in the case of the private sector, while they are asking that an estimate be made, if there is no estimate, there is no requirement that funds be provided. So there is a very real difference between the public sector and the private sector.

I do not think there is anything being said that says the Congressional——

Mr. LEVIN. If my friend will yield——

Mr. ROTH. If I may finish. What we are saying is that in the case of a mandate on the public sector, it is the general rule that either funds be made available to finance it, or a waiver be obtained. So there is a very real difference in the policy between the two situations.

But I do not think anything is being said that the Congressional Budget Office cannot come back and say: We cannot make an estimate. But if they come back and say they cannot make an estimate, and it is a mandate on the public sector, then I, as author of that legislation or that amendment, either have to clarify the amendment so an estimate can be made, or I have to make sure that funds are provided. Or the third option is, of course, to get a waiver.

So it seems to me we are hanging up on whether or not the CBO, in the one case, can say it cannot make an estimate. If it cannot make an estimate, then we have those three options. Otherwise, we cannot move ahead. In the case of the private sector, we can still move ahead because the legislation does not require funding.

Mr. LEVIN. Madam President, the point the chairman makes, it seems to me, cuts exactly the opposite way. Since an appropriation is hanging on the estimate when it comes to the intergovernmental money, it seems to me that is more of a reason that estimate should be accurate.

We should not force the CBO to make wild guesstimates in order to comply with the requirement. They have told us over and over again that there are times when they cannot make estimates. But this bill says, "Tough." That is what you are basically telling the CBO when it comes to the intergovernmental estimate: Make it anyway.

Mr. ROTH. If the Senator will yield.

Mr. LEVIN. Yes, I yield to the Senator.

Mr. ROTH. What I am saying is, if the Congressional Budget Office—in either situation, whether it involves the private or public sector—can make the statement that it cannot make an accurate estimate——

Mr. LEVIN. I beg to differ with the chairman, because the bill explicitly says——

Mr. ROTH. Where does it forbid CBO, in the case of the public sector, from coming back and advising the author or authorizing committee that it cannot make an estimate? What this legislation——

Mr. LEVIN. Here is where it does it, if I may tell you.

Mr. ROTH. I will make one further statement, and then yield back to the Senator who has the floor.

What we are saying in that situation is that, as a general rule, whoever is authorizing the legislation should clarify it so that an estimate can be made. What we are really trying to provide and really require is a reasonable estimate so that when Congress acts, it knows what it is acting on. That is the whole intent, as I understand this legislation.

Mr. LEVIN. Madam President, it is a very good intent. We have a current law which says exactly the same thing. The Budget Act now requires the Congressional Budget Office to make the estimate, where practicable. The chairman, my friend from Delaware, asks, "Where does this bill say that they have to make an estimate in the intergovernmental sector?"

The answer is what it does is it has the explicit language relative to the private sector that:

> If the Director determines it is not feasible to make a reasonable estimate that would be required, the Director shall not make the estimate but shall report in the statement that the reasonable estimate cannot be made, and shall include the reasons therefore.

Mr. ROTH. Will the Senator yield for a question?

Mr. LEVIN. If I may read from the committee report of the Governmental Affairs Committee on this point.

It says:

> If the Director determines that it is not feasible for him to make a reasonable estimate that would be required with respect to Federal private-sector mandates, the Director shall not make the estimate but shall report in the statement that the reasonable estimate cannot be reasonably made.

And then the committee report goes on to say this:

> No corresponding section applies for Federal intergovernmental mandates.

That is very clear. We allow them to be honest when it comes to the private sector, yet do not permit them to be honest when it comes to the intergovernmental sector. It says they shall estimate. It does not have the possibility that they cannot make an estimate in the intergovernmental sector the way it does to the private sector.

Mr. ROTH. If the Senator will yield, the point I was trying to make is that nowhere, as far as I am aware, does the legislation forbid expressly the CBO from saying that it cannot make an estimate.

Mr. LEVIN. Why not allow it to do so, to say that?

Mr. ROTH. The important fact is what flows from that determination. The present language permits, in my judgment, CBO to say exactly that.

Mr. LEVIN. May I then ask the chairman why do we not explicitly say that?

Mr. ROTH. One reason is that it is difficult. You cannot fund a mandate for which there is no estimate. So what we are trying to——

Mr. LEVIN. The point of order would lie.

Mr. ROTH. So we are trying to require the authors of the legislation to go back and spell out the legislation in such a manner that an estimate indeed can be made.

Mr. LEVIN. Which is a good goal. But if the author of the legislation attempts to obtain that estimate, and it is impossible for the CBO to make it, even if there is a diligent request, why not allow the Director to be honest? Why force the Director to make an estimate which is absolutely a wild, out-of-the-blue estimate, just so he can comply with the law? Is that helpful to us in terms of our legislative process?

Do we really know more about the cost of intergovernmental mandates when a Director of the CBO, faced with this kind of a requirement that he estimate the specific amount of a mandate, throws up his or her hands and says, "I cannot do it, and if I have to do it—and that is what the law says when it comes to intergovernmental mandates—I am going to say it is from $1 million to $1 billion; that is the best I can do"; is that really helpful to us in terms of understanding the impact of mandates?

I do not think it is helpful. I think we ought to be honest and acknowledge that there will be occasions when the Director of the CBO cannot estimate. The point of order would still lie if we want to keep the point of order in this area, because there is no estimate. But at least you would have had the statement as to why there is no estimate.

Mr. KEMPTHORNE. If the Senator will yield, I think that may be the crux of this. When it is a public-sector mandate, we are saying that we should pay for that.

Mr. LEVIN. Unless it is waived.

Mr. KEMPTHORNE. Unless it is waived. On the private sector, we say we will not be paying for that, but we ought to know the cost and impact up front.

With the private sector, if the Congressional Budget Office comes back and says, "We just cannot make an estimate," then no point of order can lie. The Chair will not rule. They have no alternative. It does not lie, because the CBO has said there is no estimate, and so there can be no point of order.

That is the difference with the public sector. The CBO may come back and, in their report of estimate, state, "We have tried this method and we have tried that, and we have consulted with the public entities, our partners, and this is the conclusion: Our estimate is that we cannot come to some conclusive information."

But then we have a report. We have a report. We have not allowed a loophole that we are not going to deal with the issue of whether or not we should still fund it.

It may cause us to rethink this because if in fact you have the Congressional Budget Office—and I underscore the term "Budget" in Congressional Budget Office—and they say, "We don't know what this will cost; it may well be beyond $50 million," if we allow them the same language as in the private sector, then we are not going to deal with it.

Mr. LEVIN. Why?

Mr. KEMPTHORNE. We are just going to vote. There is no point of order because the Chair cannot rule that a point of order lies.

Mr. LEVIN. May I ask my friend from Idaho why not? Why cannot the Chair rule that there is no estimate?

Mr. KEMPTHORNE. Because there will be nothing upon which to base the decision. There would be nothing to base the decision upon.

Mr. LEVIN. There is a failure of the amendment to have an estimate.

Mr. KEMPTHORNE. But I say to the Senator, with the process as prescribed, you will have that report from CBO. You then, as the Chair of that committee, can use that and come down to this floor, and you can get a majority to vote to waive that. Because you now have a report from CBO saying, "We do not know what it is going to cost. We do not know how to estimate this."

Mr. LEVIN. What is the amount going to be, then?

Mr. KEMPTHORNE. That is what we are going to decide. The will of the Senate is going to determine that.

Mr. LEVIN. The Senate has no basis. The CBO told us that they cannot make the estimate. You say they can be honest. You ought to say that in the bill, they can be honest. But you do not want to say that in the bill because then the point of order might be in effect.

But then my question is, you say they can be honest and tell us they cannot make the estimate, but you do not want to put that in the bill the way we have for the private sector; then what is the amount of the estimate upon which the point of order will be based? What are we going to vote on?

Mr. KEMPTHORNE. I say to the Senator, it might cause us to then rethink the mandate.

But the Senator keeps going back, saying, let us be honest; let us be honest. S. 1 gives us this process to be honest. it is going to give us the best information possible.

Mr. LEVIN. With one exception.

Mr. KEMPTHORNE. By allowing the private sector process which is prescribed here, if you were to apply that to the public sector, then we will not come back for that sort of discussion because there is no basis from which to make that decision. The Chair cannot rule that a point of order exists. But, again, I say this with all sincerity, if the Congressional——

Mr. LEVIN. Why would the Chair rule there is no estimate?

Mr. KEMPTHORNE. If the Congressional Budget Office comes back and says, "We have run the calculations on the estimate and our conclusion is we cannot give you a good number," what is wrong with that, to come back here with that information?

Mr. LEVIN. I think that is exactly what they should say, but you do not allow for it. I am the one who says the bill should allow for it.

Let me make sure there is no confusion as to who is saying what. I am the one who says that we ought to allow them to do precisely what the Senator from Idaho said they should be allowed to do.

Mr. KEMPTHORNE. The difference, I say to the Senator, is he is saying the same language used in the private sector. If you do so, then there is no way the point of order can lie.

Mr. LEVIN. Does the Senator from Idaho believe if they cannot make the estimate, that they should be allowed to tell us that?

Mr. KEMPTHORNE. Of course they should.

Mr. LEVIN. Should we so state in the bill?

Mr. KEMPTHORNE. We do not want to provide it so that the CBO can make the determination that we do not come back here and deal with the point of order. That is what I am saying. I mean, there may be some way we can craft this.

Mr. GLENN. Will the Senator yield?

Mr. KEMPTHORNE. I am happy to yield.

Mr. GLENN. It would seem to be going the route my colleague from Idaho wants to go on this, where you cannot say there is no cost, which seems to me preeminently sensible that you are going away from the $50 million threshold, because on every single thing that comes before the Senate, the $50 million threshold would mean nothing. It means there is some expense, even if it is on a postage stamp. If they say they cannot estimate this, but you are going to bring it to the floor on a point of order, the $50 million threshold means nothing.

We are now saying, in effect, that on every single bill, every single thing that comes before the Senate, even though we cannot make an estimate on it, that it is going to have a point of order and it is going to have the same treatment as everything else, and the $50 million threshold, it seems to me, just went down the drain.

I do not see what is wrong with doing exactly, by amendment, what the Senator from Michigan is doing. All he is saying is that where the authority is charged with making these estimates, they can say they cannot make it. And we have a letter here from them that says on occasion it is going to be extremely difficult, if not impossible, to make that kind of a judgment.

If it is impossible, who are we to say you have to do it anyway? "You do what you say you don't have the staff, don't have the people, don't have the estimates to do on some of these 87,000 communities around the country."

Why would we tell them to do something that they say they cannot do, or the Budget Committee itself say, "Well, if CBO cannot do it, we will," just to get a figure out there, when it would be an absolutely fictitious, false figure on which nobody could base any vote on the floor.

It seems to me the way to go, which I thought you were about to agree to a moment ago, is with language that would say if the CBO cannot make an estimate, then they just say that. They say we cannot make an estimate and the bill would come to the floor and everybody would know that they cannot make an estimate. They would make their own judgment on the bills, just as we do now when they come to the floor without an estimate.

But the point is, probably 95 or 98 percent of the bills that would come before us would in fact have an estimate hooked up with them, and we would have taken much better cognizance of the cost in advance, which is the purpose of this bill.

I think we are all bogged down here on sort of a technicality. The purpose of this bill was really to say, we are going to force the Senate, where possible—and I underline that; where possible—to take account up front of what the cost of the bills are going to be and what the Federal mandates to the States are going to be, which we have never done before. And that will cover probably 95 or 98 percent of the bills that come before us.

It would seem to me just sensible that when the Budget Committee says it cannot make an estimate, with the people and the expertise and experience they have had for the last 20 years, and they say, "We can't do that," and we are, in effect, telling them, "You have to do it; we are forcing you to do it, even though you cannot do it," what are they going to do?

Well, they come up with some fictitious figure just to comply with what we have told them to do, and that figure will not mean anything because it will not be based on their best judgment. It will be based on what they somehow had to do when they told us they could not.

I think it would be common sense to me to do exactly what the Senator from Michigan is saying: Permit them in law—no fudging around; no alternate message here or no unclear message to them—to say that if you cannot make a judgment, you cannot make a judgment. You tell us that, and then the Senate proceeds to work its will, as we do now when we have bills where we do not have an estimate.

So it seems to me very fair to do that. I do not yet see the logic, with all due respect, of saying we are going to force them to say something that they tell us they cannot say. It just does not make any sense to me.

Mr. KEMPTHORNE. If the Senator will yield, I really believe that—and the good Senator from Michigan keeps referencing the 87,000 jurisdictions—they would be arguing what I am trying to say. Maybe I am not very eloquent in saying it.

It is not in any stretch of the imagination to say that CBO is to come up with some number, no matter how fictitious it is. I am saying there is a process that says they are to do their best effort in coming up with that estimate. That is the report they will receive. But it does not stop there.

Mr. GLENN. What If their estimate is zero?

Mr. KEMPTHORNE. That is the report, I say to the Senator.

Mr. GLENN. But they just say: We cannot say whether it is zero or $50 billion. Then what do we do?

Mr. KEMPTHORNE. Then I think we ought to rethink the mandate itself.

Mr. LEVIN. That is a good argument on the floor.

Mr. KEMPTHORNE. Exactly.

Mr. LEVIN. The question is, should they be able to tell us they cannot make an estimate. The Senator from Idaho keeps saying sure, they ought to. A minute ago, he said a good-faith effort. The words "good-faith effort" are not in the bill. The words "good faith effort" are not in the bill. It says they shall make an estimate in a specific amount, acknowledging in the private sector it may be impossible. They have told us in the public sector it may be impossible. They told us that over and over again for the last 12 years.

Most of the time they can do it, by the way, and should do it. And 95 or 98 percent of the time they can do it.

The Senator from Idaho keeps saying if they cannot do it, they should tell Members they cannot do it. All I am saying is, great, let Members put that in the bill. If they cannot do it, they should tell Members they cannot do it. And it is up to Members whether we waive a point of order.

Mr. KEMPTHORNE. Madam President, I agree with that but it is up to Members not CBO to certify by note that they cannot do it. So there is no point of order, there is no basis for the Chair.

I think we may be caught in a bit of a technicality or semantics issue. I would be happy to sit down with the Senator and see if we cannot craft something here. Again, I am simply saying I do not want to see the Senate go with the same procedure as prescribed on the private sector because it will then allow the Senate to no longer deal with whether or not, as the Senator just said, we ought to come to the floor and seek a waiver. We would not be required to do that. I think we should when we are using the taxpayers' money in the million- and billion-dollar categories.

Mr. LEVIN. Madam President, the Senator from Michigan simply said we should allow the CBO to state that they cannot make an estimate in the intergovernmental site, in the same way they are allowing Members to say that on the private sector.

I did not say we should use the same procedure, but I say we allow them to be honest when it comes to the inability to estimate the cost of a private mandate. We should allow them to be honest when it comes to the cost of an intergovernmental mandate. That is all I am saying. It is an honesty amendment.

By the way, it will allow the Senate to legislate a lot better. We will not be gaining useful information if we force someone to make an estimate which is impossible to make. We are not doing ourselves a favor legislatively. Believe me, we are not legislating in a knowledgeable way, which is one of the purposes of this bill, and I have to say I totally agree with, that we know, where feasible, the cost of these estimates to State and local governments. By the way, where it is not feasible to know it, that it is a pretty good argument for not imposing.

There may be circumstances, by the way, where you still want to impose it. It may be the reasoning it is not feasible is it is dependent upon EPA estimates and there is no way, prior to a public hearing, prior to notice, prior to an administrative procedure, that EPA is going to whisper into the ear of the Budget Committee what their level of mercury will be 3 years in advance of their decision. So, there may be good reasons to just simply vote "no" on the mandate because we cannot get an estimate.

On the other hand, the majority may say, no, that would be unreasonable in this case to require and we do want to impose that mandate on local and State governments. We want all levels to reduce their level of mercury in incinerators, not just the local.

Mr. FORD. Madam President, as I understand, the Senator from Michigan retains his right to the floor regardless of the colloquy here.

The PRESIDING OFFICER. That is correct, the Senator from Michigan has unanimous consent.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I am not trying to control the floor here at all. I am trying to have a colloquy which will help to illuminate, hopefully, and I would be happy to ask unanimous consent that I be allowed to yield the floor to the Senator from Kentucky, or if there is objection to this process from any one of the colloquies, I am happy to yield the floor, period.

Mr. GLENN. Madam President, reserving the right to object, the Senator wanted a couple of minutes, and I wanted to make another point on this before we leave this.

Mr. FORD. Madam President, I will be happy to yield to the Senator.

Mr. GLENN. Madam President, go ahead and we will come back.

Mr. FORD. Madam President, the thing that disturbs me here, and I think it is a legitimate disturbance, that those in the Senate that would like to help business, those that would like to see that business gets a fair shake, I think applying the laws to the Senate, that we apply to our constituents, was something that was very significant.

Now in this language we are saying that we can stick it to business out there as hard as we want to because we cannot get an estimate. But to reverse that and say to the intergovernmental agencies, the communities, the counties, and the States that they are going to be exempt. So we are coming down as a business-oriented climate, I hope, and we are saying that we are going to stick it to business, but we will let Government, intergovernmental agencies, cities, counties, States, and so fourth, I just think that this is wrong.

If it is fair for Members to say that business—the regulations, and so fourth, will be imposed on business, but not imposed upon public operations, then we have a real problem. It is my judgment, if I was business, I would be up here trying to defeat this bill because then I would not be allowed to compete because the regulations and fees, or whatever, to be imposed upon business, would be excluded from the public sector.

Therefore, we are in competition with incinerators, and Lord, do we have problems out there trying to find disposal sites. It would just be horrendous in my opinion.

Hospitals. I see hospitals now trying to make it work where they have a private hospital and a public hospital trying to come together on some sort of HMO and it makes it difficult. So, in that category we would apply rules to the private hospital that we would not apply to the public hospital and, therefore, they would not be able to come together in an ability to cover communities with health care.

Schools. What are we going to do to asbestos and all its removal in private schools? And the cost is over $50 million, so therefore we exclude public schools.

I think it is time that we all sit down and rethink this. When people say we are trying to filibuster this, we are not. I am not. I am for the bill. I am for the bill that says we should not put in unfunded mandates. I introduced a bill 8 years ago, 6 years ago. The Senator from Ohio and I have been on there for a long time. Got two cosponsors first time I introduced this legislation. And $50 million was a threshold then. Still is the threshold.

So I am not against this legislation. But we have just gone so far, so far and attempted to jam it down our throat here, that some have just said, "No, let's wait a minute."

I think the public has benefited, particularly business has benefited, by the debate that has developed here. Now this, in my opinion, is what the Senate is all about: The right to debate. Now that we have had the right to debate, even though we are trying to be painted into a different position here, different image, I think this debate has been very successful and very useful, particularly as it applies to the business community.

So I want people who are saying this is a filibuster, it is not. Want to file cloture? Members can file cloture. Thirty-six amendments are floating out there in various and sundry types, on both sides of the aisle.

So we have, I think, played the role that our forefathers expected of the Senate when we are now questioning the aspects of this particular piece of legislation. So, it is not a filibuster. Not a filibuster in any stretch of the imagination. But it sure is, in my opinion, developing into something we better take a second look at because it has become so broad.

So I thank the Chair. I thank my friend from Michigan. I hope there will be a way to accommodate each side here so that the public and private sectors of our economy, both will be treated the same. Right now they are not.

If we are going to help business, we better sit down and try to help it out so business will not be placed at a disadvantage rather than the public being placed at an advantage. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Madam President, if I could just briefly, to my friend from Ohio, thank the Senator from Kentucky, my good friend, for focusing on a very important fundamental issue, which is whether or not we want to send a message, create a presumption, however we want to phrase it, that we are going to put the private sector at a competitive disadvantage in those areas where there is a lot of competition. And there are a lot of those areas. In the environmental area, we have gotten letters, by the way, from the environmental disposal community—I think three or four associations—strongly opposing what we are doing here because it could put them at a competitive disadvantage.

So there is some real concern in the private sector, or at least parts of the private sector that compete with the public sector, about either the assumption or the presumption that we will be funding their competitors while we are not funding them.

And so Senator LIEBERMAN and I, and some others, will be offering some amendments later on in this debate to try to address that very significant point that the Senator from Kentucky has made.

Madam President, I am going to yield the floor in just 1 minute. I would just like to, before I yield the floor—and I have many more questions that I would like to pursue with the managers of the bill as to the way in which this process works, but I understand that they wish to make a unanimous-consent request, and I do not want to totally just dominate here. I want to try to clarify this process because it is very important what we are about to undertake.

My question of the manager of the bill, the Senator from Idaho, is this: The first question I asked had to do with when was that mandate effective. What is the effective date of that mandate in my hypothetical? I am wondering whether or not we can have that answer yet.

Mr. GLENN. Might I respond to that first? I did not get in that discussion before. If I might give my view on that, it seems to me you do this a couple of ways. The committee should have some idea of how long it is going to take for a State or local community to get ready for whatever the mandate is. In other words, if it is a water system, a sewer system or whatever it is that we are dealing with, they would have an idea of how long it is going to take in advance of the requirement date, such as the Senator puts down here, the year 2005.

If there was not a time put in, it would be my opinion that you would make an estimate of how many years it would take them to comply, and our sharing of the cost of that would start at whatever that time is. In other words, if the time limit that the Senator used in his example of the year 2005, if it was going to take 3 years in advance of that, the Federal funding portion of this, or whatever we worked out on that, would take the 3 years or 4 years or whatever the estimate was that would help them comply with that, or it would be worked out with the States. You could not wait until the mandate is to go into effect, in the year 2005 in his example, you could not wait until the year 2004½ and then say, "OK, we are now going to help a little bit because their expenditures, if they are going to comply with that mandate, have to be made many times years in advance to allow them to comply."

Mr. LEVIN. That is the reason, if my friend will yield, the reason I requested this information is exactly that. If the law or the bill states that after October 1, 2005, emissions of mercury at an unsafe level will be permitted and delegates the EPA to make the determination of what level is unsafe to human health, my question is: Now you are CBO. Is there any way of knowing what is the first year that any local government will modify its incinerator? Some local governments may start in the year 1998, 2000, 2001. Does it just take a wild stab in the dark as to how many incinerators that are publicly owned will be modified in each of the 5 years up to 2005? How can it possibly make that estimate?

And if—if—the managers of this bill are saying, in that case, the effective date of that mandate is before October 1, 2005, there better be a definition in this bill—there is not now—as to how you arrive at an effective date. It just simply says "the effective date of the mandate." I think anybody reading that mandate that requires reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005, would say the effective date of that is October 1, 2005.

The Senator from Ohio very correctly points out that a lot of the expenditures would have to be made in the years up to then. Absolutely. But we are triggering a point of order. We are triggering a required appropriation in order to avoid a very serious result from occurring.

The Appropriations Committees in each year, up to 2005—if my friend from Ohio is correct, which I think he is—would have to appropriate money to local governments. They have to be told how much to appropriate and they have to be told that 10 years in advance. This estimate of costs to State and local governments must be made in the authorization bill now. Someone has to figure out what is the effective date. This is not just some casual report. This triggers a point of order and a mandatory appropriation downstream in specific amounts, some of which are, again, impossible to estimate. But that is the earlier debate we had, the earlier discussion.

The question here is: If we are going to say the effective date is earlier than October 1, 2005, which is the first date that they must comply with a new mandate, if the effective date is going to be earlier than that, we better define "effective date" in this bill, because there is a lot that hangs on this. There is a point of order and there are appropriations downstream in specific amounts which must meet those estimates if certain things are going to follow.

So, again, we are not just talking about reports here. We are talking about points of order and specific appropriations that are going to be dependent on when this mandate is effective.

I thank the managers of the bill and, again, they have requested that I yield so that they can make a unanimous-consent request, and I am happy to yield the floor, but I do hope that at some point after their request, I will be able to again seek or obtain recognition so we can pick up our colloquy at that point.

I thank the Chair, and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the Senator from Michigan. It is very apparent that his background in local government has helped him to understand. I think we were trying to communicate together. I think there may be a way that we can resolve this, and it may be something other than what he is recommending and may be something other than what I was recommending. I think we may be able to resolve this.

Mr. President, I am going to put in a quorum call just for the purpose of notifying a Senator who may have an interest in what will be a unanimous-consent request that I will make. I ask unanimous-consent that during the quorum call, I will have the right to retain the floor so that when we lift the quorum call, I will again have the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, reserving the right to object.

Ms. MIKULSKI. I am sorry, I cannot see the Senator.

Mr. KEMPTHORNE. I certainly have no reason to not allow the Senator from Maryland to proceed.

But, again based on my earlier unanimous consent, I would again ask that upon completion of her remarks that I would have the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland?

Ms. MIKULSKI. Mr. President, knowing there is important legislative work to be done on the issue of unfunded mandates, I will not take unduly the time of the U.S. Senate. However, I do wish to speak on two items, one, an unsung hero from Maryland who has just passed away and the other on the issue of national service.

SISTER MARY ADELAIDE SCHMIDT

Ms. MIKULSKI. Mr. President, when we think of the word "hero," we usually think of brave men who have gone to war, who have served their country, and indeed as in the wonderful men who fought at the Battle of the Bulge and saved western civilization. But I wish to speak about another hero, a hero by the name of Sister Mary Adelaide Schmidt, school Sister of Notre Dame who taught me in Catholic elementary school. Sister passed away in the last few days at age of 97. She was born in 1898, when we did not even have the right to vote, but she certainly knew how to empower women, empower us with the message of the gospel, empower us with the skills that we needed to make it in the world, and to know how to claim our womanly virtue and at the same time make a difference.

Sister Adelaide played a special role in my life. This booming voice that you hear on the Senate floor today was a voice that was shy about speaking up when I was in the sixth grade. The same kind of voice, low pitched, husky, that can be heard throughout the Senate Chamber, could be heard throughout the sixth grade at Sacred Heart of Jesus Elementary School. As a result, I was shy about speaking up because my voice was lower than the other girls' in the classroom, when boys voices were changing.

Sister Adelaide asked me to stay after school, brought this out in her kindly way, to have me share that with her. And then for the next couple of weeks she said, let us make sure you know how you sound and how good it is going to make you feel. She had me read poetry, she had me read passages of the Psalms, she had me read out loud from both the Bible and contemporary works of literature. By the time I finished that stretch of time I knew how to speak up; I was comfortable in doing it. Two years later I ran for class president in the eighth grade and, as Paul Harvey says, "You know the rest of the story."

So today I would like to pay tribute to Sister Mary Adelaide and the enormous sacrifice that she made with her life that made a difference in so many others', like my own. And for all of the wonderful men and women who are teachers, and teach in religious day schools: Know that you have made a difference. I believe that they are unsung heroes.

So, Mr. President, I wanted to salute Sister Mary Adelaide.

NATIONAL SERVICE

Ms. MIKULSKI. Mr. President, I wanted to speak on the issue of national service. The new issue of Newsweek quotes the new Speaker of the House as unequivocally opposing national service because it is, in his words, "coerced voluntarism."

I believe the new Speaker does not understand national service or the grounding that went on behind it.

As one of the founding godmothers of this initiative, I rise this afternoon to express my dismay at yet another attempt by Republican leaders to distort a bold approach to solving our country's problems.

It appears from these recent comments and others made earlier on the floor today, that some in this Congress will try to lump national service in with every other program headed for the chopping block as part of our institution's budget cutting fever.

Well, I am here today to say that national service is not a Government-run social program. And that is the point that the Speaker and some of national service's critics misunderstand.

It is not a program but a new social invention created to provide access to the American dream of higher education and to help create the ethic of service and civic obligation in today's young people.

Under national service, young Americans receive a reduction in their student debt, or a voucher for higher education, in exchange for full- or part-time community service. Service projects are driven by the choices of local nonprofits organized around one of four broad themes—public health, the environment, public safety, or education.

National service began as a concept with the Democratic Leadership Council and other Democrats like myself in the 1980's. But its purpose was not born of political gamesmanship or partisan advantage. It was designed to address two of the most pressing needs that our country faces. One, how can students pay off their student debt; and how can we create a sense of voluntarism.

The first is the issue of student indebtedness and access to higher education. Most college graduates today face their first mortgage the day they leave college—it is called their student loans. That debt often forces them to make career choices oriented strictly to getting them financially fit for duty.

Worse yet, for many the high cost of higher education simply denies them access to college at all.

By providing a post service benefit, national service members can ease their student debt, or accrue savings that will help them go to school. It is not an entitlement, and it is not a hand out.

Educational benefits are linked to work service. Participants are eligible only when they have finished their work service commitment.

The second problem national service is designed to address is more idealistic. It is how to instill in young Americans what de Tocqueville called the habits of the heart. To address the sharp drop over the last two decades in the number of Americans who volunteer in their own communities, a fact representative of Americans disinvesting in those social institutions which helped build our country.

Bob Putnam, a professor at Harvard, has written an article entitled "Bowling Alone." He says more people bowl today than a decade ago but few belong to bowling leagues. So, Senator MIKULSKI, what does that have to do with national service?

The point is bowling alone is a metaphor for the way Americans have come to view civic involvement and citizenship. There has a been an absolute decline in developing community involvement. People have less time available because many households have two wage earners instead of one. They are more mobile. We have a society that is more influenced by TV. And they are also less committed. There is a serious lack of a sense of civic obligation.

Fewer people attend PTA, groups like Red Cross and the Boy Scouts have fewer volunteers.

My point in saying this is that national service is an idea that promotes exactly the values that the Republican leader wishes to instill. The fact that we should not rely on Government, that there should be a role for nonprofit organizations, that there should be for every opportunity, an obligation; for every right, a responsibility. And that is what national service is about. It is not coercive. Nobody is forced to get into the national service program. But I will tell you what they do. Their lives are significantly changed by it and their communities are significantly changed by it.

Young American men no longer have the shared experience of military service that served for the men of my generation as a rite of passage into adulthood. Where they learned that there was more to being a good citizen than just staying out of trouble. That instead, civic responsibility meant uniting with people of all different walks of life for a common purpose to help people help themselves; to be part of an American effort bigger than themselves.

National service is the latest in a long series of social inventions we have created to help provide access to higher education. We created night schools to teach immigrants English. We created the GI bill for returning veterans, and we invented community colleges to bring higher education close to home at a modest cost.

The argument that national service is coerced voluntarism is a knee-jerk statement that belies the facts. I chaired the Appropriations Subcommittee which has funded national service in the past. In the first 2 years of the Clinton administration, no one coerced anyone to participate. Instead, people were knocking down the doors to join.

Two facts make this point. First of all, there are more people who want to participate than there are opportunities.

In national service's first 2 years, about 1,500 organizations applied for funds. Only 300 were selected because of lack of funds. That is a selection rate of just 20 percent—a lower selection rate than peer-reviewed research grants at either the National Science Foundation or the National Institutes of Health.

Second, in the current fiscal year, we provided enough funds to get about 23,000 people participating in full- or part-time national service. Yet since the President launched his call for a season of service, the Corporation for National Service has received calls from nearly 200,000 different persons wanting to participate in the program. So just 1 in 10 who have wanted to voluntarily participate have been able to do so.

Now some discount the kind of work undertaken through national service. They say it is trivial, or unnecessary, or even irrelevant. But I can tell you that in my own State of Maryland, national service is making a difference—not with fancy bumper sticker programs or activities that simply touch the surface of what is needed.

For example, 30 national service volunteers in Montgomery County are working with cops as victim assistance advocates for 1,000 senior citizens. They help teach crime prevention techniques and organize neighborhood watch activities. They work every day to make Montgomery County, MD, a safer place to live.

National service is helping senior citizens avoid crime by teaching crime prevention and organizing neighborhood watchdogs. In suburban areas they have service corps related to conservation. They are rehabilitating houses for low-income families. When we were hit by tornadoes, the National Service Corps moved in and helped families help themselves to be able to pull themselves out of the tragedy that affected them. There are many criticisms of national service, and Senator GRASSLEY raised a few related to bureaucracy. I do think we need to make sure that bureaucracy is kept at a minimum.

Mr. President, regardless how one feels about it as an organization, let us not lose sight of the mission. We need new social inventions in this country to take us into the 21st century just like we need new technological inventions. We have continued creating social inventions that have provided access to the American dream around owning a home and acquiring higher education. In terms of acquiring education, we in the United States of America invented night school so immigrants could be able to learn English, citizenship, and move ahead. No other country in the world had it until we invented it. There is the GI bill that said "thank you" to Americans who made sacrifices in World War II, and part of that was to be able to have a VA mortgage and a VA opportunity to seek higher education. We even invented the community college system to make sure that you did not have to go away to be able to learn.

National service is an opportunity. It is an organization right now that is providing volunteer slots of 20,000 people a year to actually work hands on in their own community, primarily working through nonprofits and enabling themselves to pay off their student debt, helping the community. Mr. President, I believe their lives will be changed. I believe that when the voucher part of this program is over they will go on volunteering the rest of their lives.

I think it is an important program. I hope that before we go around attacking some of these programs that we take a look at their mission. If we have to fine tune the administrative aspects of it, so be it. But I believe national service is an important part of our national agenda and should have bipartisan support.

In rural, urban, and suburban places around Maryland, the Maryland service corps—like the Maryland Conservation Corps, Civic Works in Baltimore, and Community Year in Montgomery County—are teaming up to rehabilitate houses for low-income families.

These are but two examples of hundreds of ones that are taking place across America in 49 of the 50 States. They are fighting to make a difference in people's lives, 1 day at a time, one person at a time. Because in today's culture of mass marketing, mass production, and mass advertising, we need to teach every young American that he or she can make a difference. Whether they are from a middle-class suburb, a tough inner-city neighborhood, or a rural county that's economy is driven by the labor of the land.

Earlier today, one of my colleagues alluded to a General Accounting Office study that I initiated when I chaired the VA-HUD Appropriations Subcommittee. It is a routine review of the administrative costs of national service activities designed to help us improve it where possible, and guarantee as much money goes into service activities instead of overhead.

The fact that we began it in the last Congress demonstrates the long-standing desire of those who support the program to make it bipartisan, and focused on results, not rhetoric. It doesn't indicate any evidence that this initiative is off-track or funds wasteful service efforts.

To suggest otherwise is simply to let one's rhetoric get ahead of the facts.

So, I for one, look forward to the GAO's findings and intend to use them to improve national service, not undermine it.

As the new Republican majority takes shape in both Houses of Congress, I hope that they keep an open mind on national service. Rather than criticizing it, national service seems to be the kind of program they should like.

Service choices are selected on the basis of merit, not political muscle. And those choices are made at the State and local level, not by bureaucrats in Washington.

It rewards the kind of values like sweat, equity, and hard work that are the heart of American family life. It does not identify with victims, but instead calls people to self-responsibility—by helping not just yourself, but others too.

What better way to help a young woman on welfare but to help her understand that she cannot only receive help, but provide it to others as well.

Benefits are earned through work, not a Government handout. There is no entitlement.

And national service promotes the kind of social cohesion—rich and poor, black and white—best achieved by people working together, a theme the new Speaker outlines so eloquently in his maiden speech as Speaker.

I worked for many years as a social worker and community organizer in Baltimore. I learned from that experience more than I have ever learned from memos and briefings in Washington. I am a better Senator because of what I learned from the people and the communities I worked with every day. The people who work in national service are also learning and being changed by their experience too.

It was 35 years ago that President Kennedy challenged Americans to ask not what their country could do for them, but what they could do for their country. In that spirit, I will join the President and my colleagues on both sides of the aisle in fighting to preserve national service in the days and months ahead.

I yield the floor under the unanimous-consent agreement that we had agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, thank you very much.

Mr. President, it was going to be my intent to seek unanimous consent that we proceed to a vote of the pending amendment before us, which, as I understand it, is the amendment on page 15, lines 23, 24, 25, and on page 16, line 1. But it is my understanding that there would be objection to that. Therefore, Mr. President, in order to continue to proceed forward, I move to table this amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to lay on the table the committee amendment on page 115, lines 23, 24, and 25, and on page 16, line 1. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—6

Bradley
Faircloth
Gramm
Hutchison
Kennedy
Pryor

So, the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, the motion to table is agreed to.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 25, LINE 11

Mr. KEMPTHORNE. Mr. President, we now have before us the committee amendment which begins on page 25, line 11. It would be our hope that we could now have a meaningful discussion of this amendment which is properly before us, and that at approximately 1 hour from now we could seek a vote on this amendment. In all likelihood, that would be the last vote.

Mr. FORD. Mr. President I make a point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEMPTHORNE. Mr. President, as I believe my colleagues in the Senate know, S. 1 was considered and passed by two Senate committees, the Budget Committee and the Governmental Affairs Committee, but there is one issue of disagreement between the two committees. That issue is which committee, if any, should resolve future disputes about whether legislation contains mandates that may be subject to a point of order.

During its markup, the Senate Governmental Affairs Committee added two amendments. The first made the Budget Committee responsible for determining mandate costs and the second amendment gave the Governmental Affairs Committee a role in deciding issues related to the point of order.

As I understand the Senate Governmental Affairs Committee's view, the committee expects that during those instances when the Parliamentarian must rule on a point of order under this section, there may be occasions when there is a need for consultation regarding the applicability of this law.

These two amendments provide that on all such questions that are not within the purview of the House and Senate Budget Committees, it is the Senate Governmental Affairs Committee or the House Government Reform and Oversight Committee that shall make the final determinations.

For example, on the question of whether a particular mandate is properly excluded from coverage of the act or is a bill which enforces constitutional rights of individuals, the Governmental Affairs Committee would be the appropriate committee to consult. On a question regarding the particular cost of such mandate, the Budget Committee would be the appropriate committee to consult.

Now, the Senate Budget Committee took a different view. The Senate Budget Committee struck these two amendments. The Senate Budget Committee's view is that the reference to the Budget Committee's role is unnecessary, for it is similar to language already in the Budget Act. In other words, the Budget Committee already has the responsibility to do the work that the Governmental Affairs Committee gave it.

About the issue of having the Senate Governmental Affairs Committee consulted about points of order, the view of the Senate Budget Committee is that it is not needed. For the past 20 years the Senate Parliamentarian and the Senate Budget Committee have 20 years of experience with these Budget Act points of order. S. 1 follows the exact same process now used in Budget Act estimates.

The Budget Committee does not believe there is a precedent for two committees to resolve Budget Act points of order. That is the issue as simply as I can explain it.

Since the markups, Senators DOMENICI and ROTH, the Budget and Governmental Affairs Committee chairmen, have discussed this issue and both have agreed to support the Budget Committee amendments. I believe that Senators GLENN and EXON, the ranking members of these two committees, have yet to reach agreement.

With that as an overview, Mr. President, I believe that we have the chairmen of the committees, the ranking members and other Senators that would like to address this issue. I yield the floor.

Mr. DOMENICI. Mr. President, could I ask the Senator to correct something? I heard the Senator say Senator EXON has not decided. He supported the amendment that I put forth in the committee, so I believe he is here to speak in favor of the amendment.

Mr. EXON. Mr. President, the Senator from New Mexico is certainly correct.

Mr. KEMPTHORNE. Mr. President, I accept that correction.

Really, my intent there was to point out that Senator EXON and Senator GLENN, as ranking members, have not yet come to an agreement. I think that is fair to say.

Mr. President, I yield the floor.

Mr. GLENN. Mr. President, I rise to oppose the Budget Committee's amendment.

Mr. President, I was elected to the Senate the same year that the Governmental Affairs Committee, then called Government Operations, enacted the Budget Act and the Budget Committee. The Senate rules provide that changes to the Budget Act are the joint responsibility of the Governmental Affairs Committee and the Budget Committee.

We gave the Budget Committee the responsibility to provide estimates on direct spending and created the Congressional Budget Office to help determine the costs of legislation to the Federal Government, and we now require that committee reports contain CBO estimates of such costs.

We have seen for many years that there have been some controversy that has resulted over different opinions as the costs of a particular bill, joint resolution, or regulation. We went through months of stormy debate last year over the costs of health care legislation, as my distinguished colleague, the chairman of the Budget Committee, mentioned earlier on the floor today.

Why did we do that? Because cost estimates in most cases are highly sensitive to underlying assumptions as to how a piece of legislation or regulation will be implemented and enforced. A so-called expert in making cost estimates who uses an underlying assumption that is wrong or highly speculative will provide a cost estimate that is no better than a wild guess by an amateur.

Nonetheless, for the purpose of having an orderly budget process, we have agreed to use CBO figures and in their absence, Budget Committee estimates in dealing with Budget Act estimation requirements. So we created the Budget Committee, gave them the jurisdiction and responsibility to oversee and provide technical cost estimates. And now here we are some 20 years later, and the claim is made that their experience enables them to do estimation of the costs of Federal mandates on some 87,000 States, localities, tribal governments, as well as the private sector.

We in the minority of the Governmental Affairs Committee did not challenge the decision made without our input to have last year's unfunded mandates' bill rewritten as an amendment to the Budget Act. It was not written as an amendment to the Budget Act last year. Last year the Budget Committee did not seek or claim any jurisdiction over S. 993, a bill that in substance forms the basis for S. 1. I repeat, we did not object when that was proposed that it be rewritten as an amendment to the Budget Act.

Despite this decision, our staff worked with the staffs of Senator KEMPTHORNE and the Budget Committee to produce another bill that we could support. When the minority staff on our committee were confronted with the fait accompli that the bill was now to be an amendment to the Budget Act and the demand that last year's bill had to be strengthened to make it more difficult to avoid a point of order on a bill, the minority staff worked with their Democratic and Republican colleagues on both the Governmental Affairs and Budget Committees to try to produce a bipartisan result that we could all support.

In that spirit, the Governmental Affairs Committee produced a bill that recognized the varied interests of those supporting the principle that we should legislate unfunded mandates only with full realization of the burdens being imposed by such mandates. As we worked through the bill it became clear that the procedures in the bill had the potential for providing significant delays that could be exploited for purposes not of clarifying the effects of legislation, but for purposes of, in effect not lobbying but filibustering for purposes of perhaps stopping the legislation. Accordingly, we in Governmental Affairs felt wherever possible, the bill's procedures should be very clearly spelled out along with who has responsibility for what.

We recognize that making estimates of the cost of mandates is complicated and has the built-in conflict of interest produced by dependence on the States and local governments for most of the cost data. Because of the profound changes in the Senate procedures that the bill would allow in the case of legislation containing mandates, there is a quite legitimate question as to whether the Budget Committee alone, since budget process jurisdiction is shared with the Governmental Affairs Committee, should determine if a threshold has been breached by an amendment of a bill.

Nonetheless, since someone should be responsible for cost data and for overseeing the CBO State and local cost estimating process we agreed in S. 1 to give the Budget Committee explicit responsibility for this, which in my view I think they should have but they do not uniquely have, under the Budget Act.

This responsibility is actually shared with the Governmental Affairs Committee. We felt we had an agreement with Senator ROTH and myself, the chair and ranking member of the Governmental Affairs Committee, and Senators DOMENICI and EXON, chair and ranking member on the Budget Committee, on language in S. 1 that details the responsibilities of each committee in overseeing implementation of S. 1. All four of us cosponsor the bill.

Then, the Budget Committee took this explicit language out of the bill and I thought broke the agreement that we had. They thereby created a situation in which the chair, advised by the Parliamentarian, would be the entity that would determine whether the cost of a mandate exceeds the threshold. In other words, is it a Federal mandate or not?

Now, I have no doubt that the Parliamentarian would probably tend to look to the Budget Committee for guidance on this despite the fact that it is the Budget Committee's experience estimating the cost of Federal intergovernmental mandates is not significantly different than that of the Governmental Affairs Committee which under rule XXVI has had the jurisdiction over intergovernmental relations and federalism for many years going beyond the length of time we have had a Budget Committee in existence. In other words, our committee on Governmental Affairs has the mandate as part of our mandate, written into law and rules of the Senate here, that we deal with intergovernmental matters—Federal, State, and local matters—and that is written into our reason for being.

Should we depend on the uncertainty of the Parliamentairan's approach and our belief as to how he might act based on precedence dealing with things other than the cost of the mandates? I believe the Parliamentarian should be given explicit instructions in the bill to look to a specific committee for guidance on estimates. Since they want to do it, I support the Budget Committee having the responsibility to do the estimates. That is why both committees explicitly agreed to write that responsibility into the bill, not only for the Senate Budget Committee but also for the House Budget Committee in the case of legislation containing Federal mandates that come before the House.

Now, unfortunately, what has happened in this legislation is the Senate Budget Committee has taken out the reference we put in giving them and the House Budget Committee the responsibility for doing estimates but then in a later section they put language back there giving the House Budget Committee explicit responsibility to do the estimates, suggesting that the Budget Act does not need something in it clarifying committee responsibilities in this area.

That raises the question of why the House Budget Committee is treated differently than the Senate Budget Committee in this Senate amendment. I do not believe they should be treated differently. But, frankly, the question before us is not only who should do the estimates that we may agree on, but who determines whether a bill contains a mandate.

This is not a trivial matter, and the Governmental Affairs Committee worked hard, in cooperation with Senator KEMPTHORNE and State and local government organizations, to produce a definition that we think makes sense.

The Governmental Affairs Committee has been in existence since 1920 and, under rule XXVI, has jurisdiction over intergovernmental relations. It has worked on this legislation for the better part of a year and is in the best position to make judgments about whether a bill contains a Federal intergovernmental mandate, meeting the definition in S. 1.

So in S. 1, we gave Governmental Affairs the explicit responsibility to make this determination for the Senate, and we gave our counterpart committee in the House, the Committee on Government Reform and Oversight, the same authority with respect to House bills.

The Senate Budget Committee, in marking up S. 1, now has removed the Senate Governmental Affairs Committee from determining for the Senate whether a mandate exists but has not removed the authority of the House Committee on Government Reform and Oversight from the bill. The result is that the House will have a process whereby the determination of whether a mandate exists will be made by a House Committee on Government Reform and Oversight. But in the Senate, the Parliamentarian, backed up by the entire body, will have to make the decision every time a challenge arises.

How will the Parliamentarian rule and to whom should he turn for consultation before making his ruling? There is no precedent, and there is no process. I think it is illogical and I think it is inefficient. I think it will result in further procedural delays in passing legislation through the Senate and more misunderstanding about what this process is that we are putting into place.

If the House Committee on Government Reform and Oversight is considered the appropriate body to make a final determination for the House on whether a mandate exists in a bill, it makes sense for the Senate to turn to its sister committee, the Governmental Affairs Committee, for that purpose. That is a responsibility, I would add, that we are given under the rules of the Senate as to what that committee is responsible for.

Mr. President, this is more than just a jurisdictional issue, although jurisdiction has been injected into the issue by rewriting last year's bill as an amendment to the Budget Act which, in my view, was unnecessary. The issue here is what is logical and what is efficient.

Many people have concerns that the procedures of this bill may be used to delay or kill legislation opposed on ideological grounds. I have those concerns myself, even though I am a supporter of the thrust of S. 1. Accordingly, I believe it is a disservice to good process to eliminate from this bill the specific responsibility of a Senate committee, the Senate committee assigned to intergovernmental relations, to make determinations of applicability of this legislation and turn that responsibility over to the Parliamentarian with no guidance and no precedent.

So, Mr. President, I urge the defeat of the Budget Committee amendment.

What this boils down to is, is the Senate assignment of responsibilities to the Governmental Affairs Committee, in this regard, one that the Senate wishes to carry out, or do we permit, because the bill was written as a change to the Budget Act, is it now to go to the Parliamentarian, which I think is unjustified?

So I urge the defeat of the Budget Committee amendment for those reasons, as well as the fact that we are treating the House and the Senate differently. The responsibilities do lie over in the House, split between the Budget Committee and the Government Reform and Oversight Committee over there, as it should be here.

I think to make the processes conform and to prevent any further misunderstanding about this bill, I urge defeat of the Budget Committee amendment.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in support of the Domenici amendment, which was reported from the Budget Committee. The amendment has the effect of deleting any reference in the legislation to the Senate Committee on Governmental Affairs and the Senate Committee on the Budget in deciding whether a point of order may lie under the proposed section 408 of the Budget Act.

The Domenici amendment, reported from the Budget Committee, is identical with an amendment I filed but did not offer during Governmental Affairs' consideration of S. 1. I did not offer it because of opposition from the minority side of that committee and I wished to expedite reporting the legislation to the floor.

Under the precedents of the Senate, the Chair rules on all points of order except a few that it submits to the body itself and except where a statute may otherwise require. The only example of the latter is the Budget Act, which gives the Budget Committee a special role on certain points of order. S. 1 as introduced would create a new exception for Governmental Affairs while making clear that the Budget Committee's role on budget issues also carried over to "the levels of Federal mandates" for any fiscal year under proposed section 408.

At first look, one might assume that both committees should have distinct and equal roles in deciding points of order—that Governmental Affairs opine on whether a provision is a mandate covered by proposed section 408 and that Budget opine on whether provision contains sufficient funding. But the roles are not parallel at all. For the Budget Committee allows its chairman to act on its behalf because all that the chairman does is present the CBO figures to the presiding officer. The Governmental Affairs Committee would have no similar role in conveying its determination on whether section 408 applies or not to the provision against which a point of order is lodged.

All types of questions might arise as to whether or not a bill or amendment falls under this legislation. S. 1 contains a list of exemptions on matters affecting constitutional or civil rights, emergency relief, other emergencies, national security, and so on. These questions involve a lot more discretion than matching up a CBO estimate of costs with a provision's level of funding.

When an amendment is offered and a point of order is made under S. 1, how is it possible for an entire committee to meet and decide in time for the Chair to rule? It is not possible at all.

Suppose the point of order is made against an amendment that requires States to buy computers and software to create a data base that facilitates registering to vote. Does such a provision fall within the exclusion in section 4 of S. 1 for those that "enforce constitutional rights?" Does the provision enforce a right to vote or only make it easier to enjoy? Is the exclusion limited to constitutionally required rights or does it cover any extra measures that simply involve constitutional rights?

Equally nettlesome questions may arise in determining whether a provision increases the "stringency of conditions of assistance" to States with respect to certain entitlement programs. Every change in such conditions will raise the stringency issue. Suppose some changes increase stringency and some relax stringency. These are not always quantifiable issues and may be difficult to assess.

Since answering such questions is a far cry from delivering a CBO estimate to the presiding officer, I support the Domenici amendment deleting language which I believe is both unworkable and inappropriate.

The crux of the distinction is that S. 1, as introduced, would allow the subjective decision of one committee, or even one Senator, on a qualitative matter to be the final authority. In contrast, the language of S. 1 does not give the Budget Committee's determination on the levels of Federal mandates the status of finality even though its determination is a quantifiable one informed by input from CBO, whose evaluations are thought to be politically unbiased. In view of such considerations, the language in question should be deleted. It is, as I said, unworkable and inappropriate.

For that reason, I support the Domenici amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not going to speak long. Senator EXON is here and he wants to speak also. I want to thank Senator ROTH, as chairman of the Governmental Affairs Committee, for supporting the committee amendment that is pending now, which amendment, essentially, would take out all reference to either the Budget Committee or the Governmental Affairs Committee having any new powers to pass judgment on a bill's relevance, on this bill fitting the definition, and on this bill exceeding the amount of money that are the limits in this bill.

It essentially is saying that we do not need to create new authority in a new committee, and certainly not of the type found on page 25, which I really do not believe that the Senate, under any circumstance, would have approved. Because it says that the Government Reform and Oversight Committee in the House and Governmental Affairs Committee in the Senate would make final determinations.

Essentially what we want on points of order is whether a bill or an amendment or resolution fits the definition of a mandate, and then what we need is to find out if it breaks the $50 million mark in terms of cost to local government—we need that decision made by the U.S. Senate, not by a committee.

Essentially what our amendment will do, and Senator ROTH encapsulated it perfectly, is it will put the decision on what is a mandate to be made by the Chair upon advice of the Parliamentarian. And we have, over and over, tried to write language as to what a mandate is in this legislation. We have written language in this legislation as to what exceptions there are. So what Senator ROTH quite properly is saying is that decision as to whether a piece of legislation fits that or not should be made by the Chair upon advice of the Parliamentarian. That is what happens in many instances here. A question of germaneness under the budget. There is language, there is germaneness language, and the question is put to the Chair.

The Parliamentarian advises the Chair and the Chair rules. And if the Senate wants to get involved it then proceeds thereafter to say we do not like the decision, we will overrule it.

The Parliamentarian determines whether a question is divisible. The Parliamentarian also determines questions about extraneous provisions under the Byrd rule. We do not send that to the Budget Committee to make that determination. We do not send it to the Government Ops Committee. We send it to the desk and the Parliamentarian informs the Chair based upon precedent, based upon language. The Chair says that matter is extraneous.

And then who makes the final decision? The final decision is made by the Senate of the United States.

What we are doing by adopting the so-called Domenici amendment is saying: This bill creates no new authority in any committee to determine the relevancy of an amendment or a bill or resolution—that is, is it a mandate or not. It creates no new authority. We rely on the definitions and the exceptions and approach the Chair. If somebody brings something down here and we are wondering whether it is really a mandate, we will just have to say I raise a point of order. I will read it and then read the language that is in here, in the bill itself, and say this seems not to be a mandate.

The Parliamentarian will do what he does on many such occasions and advise the Chair. And then we will proceed as I have described before.

Let me get to the cost issue. Frankly, I think the role of the Budget Committee and the Budget Committee's chairman or chairperson—the role is not quite understood. The reason the chairman of the Budget Committee has a role is because he has the Congressional Budget Office standing behind him. It is not his role, but the role of the Congressional Budget Office, CBO, to furnish the information under the Budget Act that is to do the numerical evaluation. The chairman then delivers that to the Parliamentarian and says here is what CBO says.

The Parliamentarian then says to the Presiding Officer: CBO says this. We are obliged to accept CBO's information, unless the Senate changes it, this is the ruling. And the Chair so rules.

What is the chairman of the Budget Committee going to do when we have stricken the language? He is going to do the same thing with reference to what? With reference to having the CBO standing behind him or her, because they are charged with doing the economic evaluation and coming up with what? With dollar numbers. They are going to say this mandate only will cost local government $42 million. They are going to say that.

The chairman is going to take it up to the Chair. What is the chairman going to tell the Parliamentarian? "Mr. Parliamentarian, they say 42. The statute says unless it exceeds 50 it is not subject to the point of order."

And the Parliamentarian will not take my word or the chairman's word. The Parliamentarian will read it and he will turn around and say to the Chair, "The Congressional Budget Office, whom we are bound to accept numbers from on this, has spoken. And they say 42." He will say to the Chair, "This does not come within the purview." Let us not have any more mandates unless we pay for them.

What is the other role? The other role has to do with when the CBO says it is going to cost $250 million. Therefore it is within the purview of the mandate legislation.

What is the chairman of the Budget Committee going to do when the Domenici amendment is adopted that does not give this authority to anyone new—no new committee, no new chairman? The very same thing. He will be backed up by the CBO, who will tell him $250 million. He will carry it to the Chair in the same manner I have described.

The second part of this legislation has to do with regulations on business. Therein, there are no points of order but, again, we have to know what we are doing before we pass the legislation. And to know what we are doing requires that we actually understand the economic impacts.

Where are we to get them? We are not going to get them from a committee. No committee has final determination of that. The Government Ops, Foreign Affairs, Budget—we get them from the Congressional Budget Office. Because that is what this bill says. The chairman will bring that, through the Parliamentarian, to the Chair; and thus from the Chair the Senate will be advised.

So frankly I do not believe we need to change the practices. I believe we have the Congressional Budget Office and the Parliamentarian interpreting the intent of legislation vis-a-vis definitions in this bill or exclusions in this bill and we communicate those in one way or another. And we are suggesting that we have had 20 years of experience in communicating it through the CBO—from the CBO, through the chairman of the Budget Committee, to the Parliamentarian, to the Senate through the Chair, through the Presiding Officer.

So I would think that the issue here has both support of the chairman of Government Operations, the ranking member of the Budget Committee, Senator EXON, whom I will yield to momentarily, the chairman of the Budget Committee—and I hope we will dispose of this amendment without taking a lot of time tonight. But clearly that is not for me to decide. I do not intend to try to use any more time than I absolutely feel is necessary for me. With that I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I yield myself such time is needed in support of the amendment offered by myself and Senator DOMENICI.

Mr. President, I rise in support of the distinguished chairman of the Budget Committee and the amendment unanimously recommended by the Budget Committee regarding the role of the Budget and Governmental Affairs Committee in the application of this legislation.

My friend and colleague, the Senator from New Mexico, makes a lot of sense. When we write legislation such as the broad fresh brush of this legislation, we must be vigilant not to set dangerous precedents. Unfortunately in one very troubling area, we have let down our guard. Granting the Government Affairs Committee sole jurisdiction to determine whether or not a piece of legislation is an unfunded mandate is a very dangerous precedent. However, if we strike the Budget Committee amendment we would be vesting in one committee, the Government Affairs Committee, the authority to make final determinations on the applications of a point of order.

I am very uncomfortable with such a radical change. I have always relied on the good wisdom of the Parliamentarian on such matters and that is the time-tested course of action we should take with us on S. 1. Currently, for all other points of order under the Budget Act, the Chair turns to the Parliamentarian for any such determination of law. The Senate Parliamentarian's office is staffed with skilled and able lawyers, learned in the precedents of the Senate. They do an admirable job, often on very short notice. When the Parliamentarian determines that the budget estimates are required, the Parliamentarian turns to the Budget Committee as required by the Budget Act.

I am not a lawyer. But for my colleagues who are lawyers, I am advised that the Parliamentarian decides questions of law much as does a judge in a trial. The role of the Budget Committee is limited by law and precedent to questions of fact, not questions of law. The Budget Committee merely provides the budgetary numbers to the Parliamentarian, who then takes these numbers into account in advising the Chair. This system has worked well for 20 years. Over the years, the Chairs of the Budget Committee have fulfilled this advisory role with objectivity and without regard to partisan advantage. By and large, the Chair of the committee merely passes along a Congressional Budget Office estimate and only rarely does an analyst for the committee have to extrapolate from such estimates.

I have full confidence that Senator DOMENICI will continue to fulfill this role with objectivity and evenhandedness now that he has regained the chair of the committee. He did that previously. I think he will do so again. But let me say parenthetically that I shall be sure to point out most vocally any instance in which he does not.

Let me also say that it is altogether fitting that a single Senator be charged with this estimating responsibility. The Presiding Officer must be able to turn to someone in the Chamber who can provide these estimates, sometimes long after the Congressional Budget Office has gone home for the night. Giving two committees this authority would almost certainly lead to confused advice to the Parliamentarian. The Chair must know who to turn to, as they have in the past, on such matters.

The amendment proposed by the chairman of the Budget Committee and unanimously approved by that committee would merely continue that practice, indeed. If the language slipped into the draft of S. 1 that this amendment corrects were merely dropped and there were no references to the committees at all, the Parliamentarian would continue his practice of turning to the Budget Committee for budgetary estimates. What is more reasonable than that?

I believe stripping the Domenici amendment from the bill would needlessly complicate the enforcement procedures in S. 1. With the Domenici amendment, we have the right mechanism to enforce violations of S. 1. Why clutter it up with a very cumbersome, clumsy, and untested process? The Budget Committee has for 20 years done this. They have the experience in dealing with language such as that contained in S. 1. We have served as the liaison with the Congressional Budget Office to provide the Parliamentarian with CBO cost estimates for all of that period.

Mr. President, there is no compelling reason to set such a dangerous precedent as that suggested by the underlying governmental affairs language. There is no compelling reason to grant one Senate committee such unprecedented power over matters better left to the Parliamentarian. There is no compelling reason to change what is not broken.

I urge my colleagues to accept the Budget Committee's amendment as unanimously accepted by the Budget Committee and clearly endorsed by Senator ROTH, the chairman of the Governmental Affairs Committee.

S.1 AND BUDGET COMMITTEE'S ROLE

Mr. ROTH. The Budget Committee's amendment strikes the roles of both the Budget Committee and the Governmental Affairs Committee in making determinations regarding the point of order in this bill. The bill would, with the amendment, become silent on how these determinations should be made. I wonder if the distinguished chairman of the Budget Committee would respond as to how the determinations of levels of mandates would be made under this legislation?

Mr. DOMENICI. I would be happy to respond to the distinguished chairman's question. First of all, the Budget Act generally provides that the determinations of budget levels for the purposes of Budget Act points of order are based on estimates made by the Budget Committee. In practice, the Budget Committee works with CBO to provide these estimates to the Presiding Officer for the purposes of determining whether a point of order lies against legislation. In those instances where a CBO estimate is not available, the Presiding Officer turns to the Budget Committee for an estimate.

While this legislation does not explicitly give the Budget Committee this authority. I do not think this authority is necessary. The Budget Act generally assigns this responsibility to the Budget Committee. The committee's intent in this amendment is that the Presiding Officer continue to seek the advice of the Budget Committee for a determination of the budgetary levels in order to determine whether legislation violates this point of order.

Mr. ROTH. I understand that the Budget Committee would retain authority for making estimates for the purposes of determining the levels of mandates, but some may still have a question about the impact of striking the Governmental Affairs Committee's role. By striking the Governmental Affairs Committee's role in the bill, are we now giving the Budget Committee the authority to determine what constitutes a mandate?

Mr. DOMENICI. The determination on what constitutes a mandate would reside with the Presiding Officer. The Budget Committee's role would be limited to providing estimates on mandate levels.

Mr. ROTH. I wonder if the distinguished ranking minority member of the committee, the senior Senator from Nebraska, could respond to these questions?

Mr. EXON. I concur with the remarks made by the Senator from New Mexico. Let me reiterate several points. In this legislation, the authority given to the Budget Committee for the purpose of determining estimates coincides with the authority already granted by the Budget Act. The Budget Committee would continue to work with the Congressional Budget Office to produce the estimates of mandate levels. This bill grants the committee no new authority.

The Presiding Officer would have the final determination as to the applicability of this legislation. The Budget Committee would not be involved in this process. The committee's role would be confined to providing estimates.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would like to respond to my friend from Nebraska briefly because I think there is some misunderstanding about what the provisions in this bill are, as well as to how the provisions were put into the bill. Nothing was slipped into, as he said, S. 1. Nothing was slipped into S. 1. It was in the bill submitted to the committee. We did not put it in. It was not an amendment in committee. It was placed into the legislation in the original language of the bill.

A little while ago, the statement was made that this particular portion of the language was introduced in the Governmental Affairs Committee. That is just not true. The language was put in as a part of the original legislation that was submitted, the part on page 25.

So any indication that something was slipped into S. 1, as though we were trying to get somebody else's jurisdiction, is just flat not true. There was basically an agreement made by all parties that were working on this bill that the division of responsibilities on this would be that the costs would be gone through and would be monitored by the Budget Committee. I had no objection to that. The mandates part of this, though, was part of the responsibilities the Senate, in our written instructions to the committee, the intergovernmental relations part, should be a responsibility of the Governmental Affairs Committee. There was no taking of somebody else's jurisdiction; quite the opposite.

What is in the bill now is that the amendment would provide for taking responsibility away from the Governmental Affairs Committee, where it logically resides and where Senate instructions would normally be interpreted, where it should reside, and give it to the Parliamentarian to make a judgment on what is a mandate or what is not a mandate.

I did not object to making this an amendment to the Budget Act. I did not expect at that point that making it a part of the Budget Act would mean that the Budget Committee then would insist that the mandates part of this or a judgment on the mandates part would be taken away from the responsibilities of the Governmental Affairs Committee.

If this makes sense, then let me make one other reference to change that was made and is included in the language on page 27 of the bill. It is in heavy print. This was not in the original bill. It specifically gives the responsibility for making cost judgments over in the House to the Budget Committee. And also in the House, on any judgment regarding mandates, it gives that responsibility to the House Committee on Governmental Reform and Oversight.

That was not in the original bill. That is, the Budget Committee here that we are mandating to the House that the Budget Committee over there will take up costs, and that the Committee on Governmental Reform and Oversight will deal with mandates. That was not even in the original bill.

So we are saying: House of Representatives, here is how you have to take up this legislation, and here is the division of responsibilities on making judgments on it.

At the same time, we come to the Senate, and instead of having the comparable committees in the Senate responsible for similar judgments over here, we say what is OK on the Budget Committee over here, we take it away from Governmental Affairs and give it to the Parliamentarian. Over in the House, you specifically made changes to provide specifically where the responsibilities would go and made them different than here in the Senate. I think that is wrong.

I do not see why we specify that over there. If it is so wrong here, why is it so right in the House of Representatives? I just do not see the logic of this at all. So what the Budget Committee did in its markup was to vitiate an agreement that we had made prior to the introduction of the bill. There was no language introduced in the Governmental Affairs Committee at all. This all came out of the changes that the Budget Committee insisted upon. I am sorry that our committee chairman, Senator ROTH, has left the floor because all this language we are talking about here was in the bill over there. Yet, he did not disagree with it in committee. He voted for the bill coming out of committee, supported the bill, moved it to the floor and wanted a vote on it. I was for that. I did not disagree.

We had lost on several amendments we proposed that we thought would have made it stronger over there. Now we come to the floor and suddenly what is good for the House of Representatives, in the wisdom of the Budget Committee in giving it to the oversight committee over there, jurisdiction over mandates and jurisdiction over costs over there, when they come out of CBO; yet when we come to the Senate, we say the Budget Committee would consider costs over here. I do not quarrel with that one bit. I think that is a logical place to be.

Suddenly, for reasons beyond my understanding, the Budget Committee tells the Senate Governmental Affairs Committee, without any action on the Senate floor, your jurisdiction is down the tubes, and it goes to the Parliamentarian. It does not make any sense to me. That is the reason I think we were dealt with very unfairly over here.

I will not ask the Parliamentarian, but I do not know whether the Parliamentarian prefers to have this particular responsibility, as a matter of fact. This puts an enormous responsibility on the Parliamentarian that is supposed to rule on Senate order and rules and not get off into the legislative function of making judgments that no Parliamentarian in the Senate has ever made except on points of order provided under the Budget Act. We are giving House committees specific responsibilities, but we are saying the Senate cannot have those same responsibilities in our comparable committees. So that is the reason I get exercised on this when I think it is a little bit ridiculous. I repeat that this was not something slipped into S. 1, as my colleague referred to. This was in the bill as submitted to the committee.

I yield the floor.

Mr. EXON. Mr. President, it may be a misunderstanding and we may be talking by each other on some of these matters. I simply point out what I think the ranking member of the Governmental Affairs Committee just alluded to, and that is the fact that what we are trying to do is leave the process the way it was. There can be no argument but what if you would follow the position taken by the ranking member of the Governmental Affairs Committee, we would not be making a change. The normal order is for the Parliamentarian to rule. The Governmental Affairs Committee bill would differ with that and change it. We objected to this Governmental Affairs proposal during negotiations. We did not control the process. They said they would take out the language, as we understood it, between meetings of the staff.

Mr. GLENN. Will the Senator yield?

Mr. EXON. I will say this, and then I will be glad to yield. I also simply say that with regard to the House of Representatives, we merely included what we understood our colleagues in the House wanted to do. We do not choose to impose any solution on the House of Representatives. We think we are doing here what our colleagues in the House want to do. Also whether it is unanimously agreed to over there or not, I know not. I simply say that I am not confusing the ranking member of the Governmental Affairs Committee in bad faith. It might be that we are talking past each other.

I simply point out that S. 993 did not include the Governmental Affairs' language that is in S. 1 that we are asked to vote on. So a change, therefore, has been made. Maybe there is some misunderstanding on the part of the Governmental Affairs Committee on this. I simply point out, Mr. President, that not only the total Budget Committee—Members on both sides of the aisle, including myself as the ranking Democratic Member, and Chairman DOMENICI, and our position is supported by Senator ROTH, the chairman of the Governmental Affairs Committee support the amendment. I would like at this time, Mr. President—and then I will yield and be glad to respond to any questions from my friend from Ohio that I might—to refer to part of a colloquy that will be included in the RECORD, which indicates a question Senator ROTH asked me as part of the colloquy, and my response was—I hope this might help clear up the matter—"I concur with the remarks made by the Senator from New Mexico. Let me reiterate several points. In this legislation, the authority given to the Budget Committee for the purpose of determining estimates coincides with the authority already granted in the Budget Act. The Budget Committee would continue to work with the Congressional Budget Office to produce the estimates of mandated levels. The bill grants the committee no new authority. The Presiding Officer would have the final determination as to the applicability of the legislation. The Budget Committee would not be involved in that process. The committee's role would be confined to providing estimates, which is a role the committee has always played, and we hope the Senate, by supporting the amendment offered by the chairman of the Budget Committee, will continue in that traditional role."

Mr. GLENN. The Senator from Nebraska answered the question I was going to ask. But I do not understand yet why it is right for the Senate to dictate to the House, when it is in the legislation what the jurisdictions of different committees will be.

My friend from Nebraska says, "We understand they wanted it that way." Well, I do not automatically accede to the House having legislation over there that says, well, we think somebody in the Senate wants it, so that is the way we will do it. Yet, we dictate in this thing very specifically. The language is even almost identical from one part to the other in the language that provides for the assignment of responsibilities here in the Senate. It was in the legislation. And that is over in the House. Yet, we very specifically said, by action of the Budget Committee, OK, that is alright over in the House, we agree with that in the House. This is a logical definition of where things should go in the House. In the Senate we have to take the responsibility away from the Governmental Affairs Committee that, by the rules of the Senate, deals with matters of intergovernmental relations up and down the line, and we are going to take that responsibility away, without saying anything about it, and put it in this legislation and give that authority to the Parliamentarian. I just think that is illogical. I cannot accept the explanation by my friend from Nebraska as to exactly why we are doing this when it seems to me so logically in the other direction. If it is logical for assigning this to the House the way we did, then it is logical to assign it to the Senate the way we did.

I yield the floor.

Mr. EXON. Mr. President, as we may be beginning to make progress on this, maybe we can agree to this amendment. I advise my friend from Ohio that this Senator did not negotiate with the House of Representatives on this matter. I understand that the majority side has been negotiating with them. I have been told by the majority side that the House of Representatives endorses and wants us to leave this matter. We are checking on that right now. I hope that I can reach Senator DOMENICI so he can come back on the floor, since I believe it was he or one of the Republican members of the Budget Committee who did the actual negotiations with the House on this and not this Senator, or as far as I know any Democrat or minority member of the Budget Committee.

Let me emphasize once again that the Budget Committee has always followed the procedure, as has the Senate for 20 years, that when matters with regard to points of order have been raised on the figures supplied to the Budget Committee—which most people would agree is the authority on this, has the staff to follow it, and has the responsibility to work with CBO to get exact numbers—that those matters have traditionally been decided by the Parliamentarian, advising the Chair.

We simply want to leave that the way it has always been and not change it.

I hope that we will have a more definitive answer to the legitimate question raised by the Senator from Ohio with regard to what is the pleasure of the House of Representatives on this matter. It was not our intention to be doing anything except to try to parallel the processes that will be necessary to work out, I suggest, some parliamentary questions that are going to be raised and to which points of order might lie. In that instance, the Parliamentarian would be advising the Presiding Officer as to what the situation was.

I emphasize again, as has Senator DOMENICI and as has Senator ROTH, the chairman of the Governmental Affairs Committee, that all we are doing is trying to leave this the way it was.

Now, I happen to think that the Budget Committee should legitimately play a role when budgetary matters are considered, and it is simply the position of the Budget Committee that we should leave well enough alone and not try to fix something that is not broken.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I agree completely with what the Senator from Nebraska just said. I do not propose to change the point of order at all. We do not change that. There is nothing about a point of order in this particular section of this thing. It has worked well for 20 years. I agree with that, with the Budget Committee, with the cost estimate and whether points of order lie, and the Parliamentarian makes that judgment.

What we are talking about is what happens when it is not clear as to what is a mandate and what is not. Now, I think this problem would occur only very infrequently. I think most of the legislation put in will appear to be very clear when there is a mandate or when there is not a mandate.

But what happens when there is a question about what is a mandate or what is not a mandate? That is the question.

We do not propose to change the point of order that has worked well for 20 years. I agree with that. The language we are talking about here has nothing to do with points of order. It has to do with who makes the determination on what is a mandate and what is not.

Over in the House, by the wisdom of the Budget Committee here, we give that authority to the Budget Reform and Oversight Committee in the House to make that determination in the few times it may come up. We see no reason why over here that should not be in the committee that has the assigned jurisdiction over intergovernmental matters—Federal, State, and local—assigned by the rules of the Senate, and the committee does its best to carry those out.

So I submit it does not have anything to do with points of order. I support the points of order, the procedure we have had in the Senate for 20 years. I see nothing wrong with that. This is a whole different matter from that.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, with regard to the question of whether the Parliamentarian can do what this bill would ask him to do, let me say that we have given the Parliamentarian even more difficult tasks in the past than this one.

For example, the Byrd rule that we are familiar with, on extraneous matters on reconciliation bills, which are very important, and it is a very complicated statute that requires many decisions of law.

Furthermore, the War Powers Resolution, to cite another example, requires the Parliamentarian to make hard choices.

In the Senate, the Parliamentarian can consult with whatever committee he wishes.

The point that we are making here as members of the Budget Committee, supported by the chairman of the Governmental Affairs Committee, is that the process in place has worked well.

Why do we find ourselves in this debate that has taken the last hour's time of the Senate? Because we are passing an important new piece of legislation called S. 1, which has to do with mandates on governmental agencies. What we are simply saying, Mr. President, is that we are not trying to interfere at all with the responsibility that we in the Budget Committee recognize fully is in the prerogative and responsibilities of the Governmental Affairs Committee with regard to the affairs of different levels of Government.

What we are simply saying, Mr. President, is that we, as a Budget Committee, feel that we should leave well enough alone with regard to points of order that would affect the budget. We think that it has worked very well to leave that authority completely in the hands of the Presiding Officer with the advice and counsel of the Parliamentarian. It has worked well in the past and we want to continue it that way.

I suggest, absolutely, that we think there is a matter of jurisdiction here, but more important than the matter of jurisdiction is keeping a system in place that works well. We still feel that the attempts by the Senator from Ohio, the ranking member of the Governmental Affairs Committee, would complicate a process that we think has worked very well under the jurisdiction of the Budget Committee.

Now, I would certainly emphasize once again that if we have a point of order—and we hope that the Presiding Officer, under the advice of the Parliamentarian, would go back to the Budget Committee for the exact figures and numbers—there is nothing to say that if it is the opinion of the Chair or the Parliamentarian that other committees should also be consulted about this, then that would be something that could be done.

I will simply say that what we are objecting to is the specific inclusion of the provision the Governmental Affairs Committee is trying to get approved in this legislation. That is why we have offered the amendment authored by the Senator from New Mexico, the chairman of the Budget Committee, and supported by Senator ROTH, the chairman of the Governmental Affairs Committee.

I hope with that background, Mr. President, that we could come to a vote quite soon on this. I hope and I urge the Senate to support the recommendations made unanimously by the Budget Committee, by the chairman of the committee, Senator DOMENICI, by myself, the ranking member, and strongly supported also by the chairman of the Governmental Affairs Committee, the distinguished Senator from Delaware.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first of all, I want to comment on some of the remarks of my friend from Nebraska by making a parliamentary inquiry.

I make the inquiry of the Chair as to whether the Parliamentarian has previously ruled as to whether or not language in a bill or an amendment has constituted a mandate on State and local governments.

The PRESIDING OFFICER. The Parliamentarian has not so ruled.

Mr. LEVIN. Now, when we say, "Just keep doing it the way we have done it before," let us understand what we are talking about.

We have a Budget Act—and I will get to that in a minute, because the Budget Act makes specific references to the Budget Committee.

I will come to that one in a minute. What we have heard on this issue is just leave it the way it has been done. Let the Parliamentarian rule the way he has ruled for 20 years on these points of order.

The Parliamentarian has never ruled on whether or not there is an intergovernmental mandate. The Parliamentarian has never ruled, and I will make this a parliamentary inquiry of the Chair, Has the Parliamentarian ever ruled whether or not a provision in a bill requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the U.S. Government?

Have we ever had a ruling like that from the Parliamentarian?

The PRESIDING OFFICER. No.

Mr. LEVIN. Mr. President, I can go on and on through these exemptions. I think the point is clear. We are skating out on a new pond.

The Parliamentarian has never ruled on these issues, whether or not language constitutes a mandate; whether or not, because it is an exception to the requirement provision if a bill enforces the constitutional rights of individuals, establishes or enforces a statutory right that prohibits discrimination based on rights. I can go through all of these with the Parliamentarian but I know the answer.

This is a new process that is being undertaken. The Parliamentarian has not ruled on this type of thing before. And we are asking the Parliamentarian to undertake on every bill, resolution, amendment, et cetera, every one, subject to a point of order. This is not just a Byrd rule on reconciliation. This is not just a War Powers Act.

I agree the Parliamentarian has some difficult decisions to make. I fully agree with my good friend from Nebraska on that issue. This is on every bill that comes to this floor, every amendment that comes to this floor, the Parliamentarian will have to rule as to whether or not there is a mandate on that. Because if there is, it is out of order.

When I say he will have to rule, he may have to rule on every bill. He may have to rule, and will have to, if somebody raises a point of order. But if the language which exempts local government from paying for a mandate is not in a bill or resolution, and if it does not have that other language relative to the appropriations, and if it does not have an estimate, it is subject to a point of order. Anybody can raise a point of order on every amendment, every bill, that comes to this floor.

The Parliamentarian, for the first time in history, is going to have to rule as to whether or not language in a bill constitutes an intergovernmental mandate. The Parliamentarian has never ruled on anything like that before. We have just heard from the Parliamentarian through the Chair. I could go on and on and on, by the way, as to other elements of the bill which constitute exceptions to the mandate requirement where the Parliamentarian has never ruled. The argument that, look, this thing has worked for 20 years, why change a good thing, does not work when it comes to the question of what constitutes a mandate or an exception to the mandate requirement. The argument simply is not applicable to that.

Now, should the Parliamentarian on that issue consult with Governmental Affairs? I use the term "consult" with Governmental Affairs? I think the answer is "yes." I think we ought to provide language which, in effect, says that. That is the intent of the language which is in the bill which would be struck by the Budget Committee amendment.

While my dear friend from Nebraska is on his feet I am wondering whether or not I might have unanimous consent to ask the Senator from Nebraska a question and not lose my right to the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I listened very carefully to the Chairman of the Budget Committee and to the ranking member, Senator EXON.

Is it my understanding that the way the Senator from Nebraska reads this bill, that the Budget Committee is bound to accept the estimate of the Congressional Budget Office relative to the cost of an intergovernmental mandate, and is simply the transmission belt or the liaison to transmit the data from the Congressional Budget Office?

Mr. EXON. Mr. President, the answer to my very dear friend is that, no, the Budget Committee does not have to accept in toto the dollars and cents on anything submitted by the Congressional Budget Office to the Budget Committee.

But for all practical purposes, we do it that way.

Mr. LEVIN. Mr. President, I thank my friend from Nebraska.

Now, the next question would be, is the Parliamentarian bound under the Budget Act to accept the figures given to it by the Budget Committee?

Mr. EXON. Mr. President, my answer would be that obviously I would think that since the Parliamentarian does not have an estimating organization under his control, I would think the precedent, as the Senator from Michigan fully well knows, that the Parliamentarian would go along with whatever information he had at hand from the reliable source which we think in this instance is the Budget Committee.

Mr. LEVIN. Mr. President, is it the Senator's understanding of the Budget Act that in determining a figure under the Budget Act in ruling on scoring, for instance, that the Parliamentarian must accept the figure given to it by the Budget Committee?

Mr. EXON. Mr. President, I am not an authority on that as the Senator from Michigan knows. I am not a lawyer so I cannot give him a legalistic answer to the question.

I would simply amplify what I said before: in practice, that is the way it has always worked. It has worked very, very well. We do not think it should change.

Mr. LEVIN. Mr. President, let me make a parliamentary question, whether or not under the Budget Act the Parliamentarian is required to accept the scoring figure from the Senate Budget Committee?

The PRESIDING OFFICER. The Budget Act does authorize the Parliamentarian to accept the figures given by that Budget Committee.

Mr. LEVIN. My parliamentary inquiry is, is the Parliamentarian bound to accept the figure from the Senate Budget Committee?

The PRESIDING OFFICER. Where the law authorizes the Budget Committee to make those estimates, the Parliamentarian is then obliged to accept those estimates.

Mr. LEVIN. Mr. President, I thank the Chair.

Now, that becomes a very critical point because the law in many places does not just simply throw the budget number at the Parliamentarian and say, "here, you figure it up." It assigns that responsibility to the Budget Committee.

I was interested in the Senator from New Mexico's comment about leaving this to the Parliamentarian, as though the law assigns certain responsibilities to the Budget Committee. The way I read the law, the four references out of the five in the Budget Committee's report, it is the Budget Committee—not the Parliamentarian, but the Budget Committee—which makes the determination at the budget level when there is a point of order.

Suddenly, it becomes unnecessary to be specific about assigning this function to the Budget Committee. Why are we shy here about assigning the same function to the Budget Committee, which is to try to figure out what a mandate costs, when we have made that same assignment to the Budget Committee—not the Parliamentarian—to the Budget Committee over and over and over and over again, in the Budget Act? I said four "overs" because I got four sections of the Budget Act.

For instance, section 311(C) for purposes of this section, and this is a point of order section, "the levels of new budget authority, budget outlays, new entitlement authority and revenue for fiscal year shall be determined on the basis of estimates made by the committee on the budget of the House of Representatives or of the Senate," as the case may be. Why are we shy about doing it in this bill?

Why are we shy about being explicit in this bill the way we have been explicit over and over again in the Budget Act, assigning a responsibility to the Budget Committee, so it is clear?

Do we want to leave ambiguity—there is enough ambiguity in this bill already, I must say. We have a new point of order which is incredibly complex which, in many instances, is going to be made against a bill for not containing an estimate which cannot be made. A point of order is going to lie against a bill for not containing an estimate when we know now some estimates cannot be made. We have been told by the Budget Office. And yet a point of order is going to lie.

We are creating a point of order for the absence of something which cannot be supplied. That is pretty complicated for being straight with ourselves and with all those local officials and State Governors. It is pretty complicated. We know it cannot be supplied at times, and yet we are telling them that a point of order is going to be made for the failure to supply an estimate which is impossible to be made. You watch those points of order being waived like mad down the road. But that is neither here nor there. The point is we have a complicated bill.

We have a complicated bill with a new point of order which was not in last year's bill. And, by the way, the reason for the language which the Senator from Nebraska objects to in the bill and seeks to strike through the Budget Committee amendment is, there is a new point of order and there was an effort made to clarify who would make a determination.

Do we want to just leave it to the Parliamentarian and kid ourselves? The Parliamentarian is not in a position to determine how much it would cost 87,000 local governments to put in a new scrubber on an incinerator to get rid of mercury. Come on. That is not the job of a Parliamentarian. The Parliamentarian is going to be handed a number by the Budget Committee and they will have been given a number, maybe, if we are lucky, by the CBO. That is the way it is going to happen, just the way the Senator from Nebraska has indicated. The CBO will try to make an estimate. If it cannot, precedent is the Budget Committee is just going to be the liaison, the transmission belt. Even though legally, I think the Senator from Nebraska is correct, it is not obligated to do so, it will as a matter of precedent.

But this is a very, very complicated bill, and we should not leave ambiguity on purpose. We should not leave it on purpose. If it is going to be the Senate Budget Committee which is going to make a determination and hand it to the Parliamentarian, let us say it is the Budget Committee. Let us just say it. We do it in other places in the Budget Act. I read one of them, and I will not read the other. There are many places in the Budget Act. We say that the Budget Committee shall make the estimate.

We know where the Budget Committee gets it. That is where they should get it: the Congressional Budget Office. That is exactly the right place to look. But why be ambiguous.

I was intrigued by the committee report of the Budget Committee, where it says that:

> The committee does not believe that the authority needs to be explicitly stated . . .

Why?

> In the absence of a CBO estimate—

Here they talk about an absence of an estimate, which is news to me because we did not think it was possible. Now there is acknowledgement there may not be one.

> the committee intends that the determinations of levels of mandates be based on estimates provided by the Senate Budget Committee.

The argument here is you do not have to make it explicit because it is implicit that the Senate Budget Committee is going to give to the Parliamentarian the figures, if it has any, from the Congressional Budget Office.

What everybody knows would happen. That is what my friend from Nebraska referred to when he said it has worked for 20 years. Estimates come in from the Congressional Budget Office to the Budget Committee, the Budget Committee hands them over to the Parliamentarian, and the Parliamentarian rules. But we have been explicit about that. We have said that the estimates would be made by the Budget Committee.

One of the sections which is being stricken by the amendment before us makes it clear that it is the Senate Budget Committee which will make the estimate. I do not know why there is any reluctance to do that. It has been done over and over again.

But I think what the Senator from Nebraska is saying is that there is some reluctance to have the Governmental Affairs Committee be involved on the question of whether or not there is a mandate. This is no longer a question of the number of or the cost of something. This is now a question of whether or not there is a mandate at all. The cost issues under the language of the bill are left for the two committees. How much is for Budget; whether it was left to the Governmental Affairs.

I believe that it is proper for Governmental Affairs to be at least consulted—at least consulted—on the question of whether or not an intergovernmental mandate exists when the Parliamentarian has had no experience in doing that, and I think properly should not be put in a position where they are going to have to make decisions of this nature.

So I hope that the committee amendment from the Budget Committee will be defeated and that we can work out some language which would at least require consultation with the Governmental Affairs Committee on the question of whether there is a mandate or whether or not there is an exclusion from the mandate, leaving it to the Budget Committee to, again, determine the amount of the cost, which is the traditional thing that the Budget Committee has determined.

So I thank my friend from Nebraska for responding to my questions, and I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Nebraska.

Mr. EXON. Mr. President, I have listened with keen interest to my friend from Michigan and the points he has made.

I will simply reply that in the first interest, several sections vest the Budget Committee with decisions on matters of fact, not matters of law. Under the situations we are talking about, the Parliamentarian is the chief legal advisor to the Presiding Officer. He is the official in whom we should vest this power. I believe from the beginning that is what we intended to do. It is inappropriate to vest that power in another committee.

I will simply say that the Senator from Michigan could have conducted a similar set of inquiries with regard to any new point of order. Of course, the Parliamentarian has not ruled on a point of order that has not yet been adopted or enacted into law. I do not know that there would be a different ruling from a Parliamentarian in the future, but I hope that that Parliamentarian will continue to rule on the precedents of the past.

But neither does the Governmental Affairs Committee have any expertise at all in this matter. And certainly I would simply say to the U.S. Senate that regardless of the twists and turns of this matter, and regardless of this debate, which has carried not so much on the specifics of the amendment offered by the chairman of the Budget Committee, Senator DOMENICI from New Mexico, but has carried over into some concerns that I know the Senator from Michigan has on the whole matter of mandates and how they are going to be enforced.

I simply say that those kinds of considerations and arguments that are going to be made in very articulate fashion, I suggest, by my friend from Michigan, probably refer to—and may be appropriate on—passage of the whole mandate bill. I have talked with the Senator from Michigan. He has done a lot of research on this. I was very much interested and impressed with the information that has been brought to his attention in the form of a letter, after inquiry by the Senator from Michigan, from the Congressional Budget Office that raises a whole set of new questions about whether or not CBO can make these estimates, and they have said in some instances they have no way of making these estimates.

I believe part of the argument that is being made against the amendment offered by the Senator from New Mexico are arguments that will be made along the same lines, but possibly in a little different fashion, by the Senator from Michigan. The Senator from Michigan talks about allowing consultation with the Government Affairs Committee. I have no objection to that. But the language of the bill provides no such compromise. The bill says that the Government Affairs Committee, “shall have the authority to make the final determination.'' That is what we are trying to strike in the pending committee amendment.

It is open to a compromise, I suggest, regarding consultation. But to get to the compromise first we have to adopt the Budget Committee amendment to page 25 that strikes the exclusive power—and I emphasize, Mr. President, exclusive power—of the Governmental Affairs Committee that they want to maintain as they wrote S. 1, and is a part that the Budget Committee and chairman of the Governmental Affairs Committee is trying to correct for the reasons that we have outlined.

The basic reason is why change a system that has worked well? Leave well enough alone. That is the heart of the argument. And that is why we hope the Senate will adopt the amendment offered by the Senator from New Mexico.

Mr. President, I had hoped and had agreed earlier, a couple of hours ago, on a time agreement—an hour equally divided. I think the RECORD will clearly show the Senator from Nebraska felt, when we started this debate, we were on controlled time. I find out later that has not been the case.

May I suggest in the interests of moving the Senate along in expeditious fashion, since we have been on this a long time and I suspect not a great deal new is going to be said pro and con on the amendment by the Senator from New Mexico, that we agree to, I suggest, a 20-minute extension of time equally divided from this time forward and then have a vote? Is there any objection to that?

Mr. GLENN. Mr. President, 5 minutes; 3 minutes?

Mr. EXON. How about right now?

Mr. LEVIN. I need about 3 minutes.

Mr. EXON. OK. I still have the floor. Before I lose the floor, let me make one more try.

I ask unanimous consent that there be 10 more minutes of debate, 5 minutes controlled by the Senator from Ohio or his assignee and 5 minutes controlled by the Senator from Nebraska?

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, I agree to a time limit but I want to make a couple of phone calls first before I agree to a specific time limit. I think the Senator from Michigan had a couple of comments to make and I will make the phone calls while he is doing that.

Mr. EXON. Let the RECORD show I tried.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I just have one additional question of the Senator from Nebraska. That has to do with the House of Representatives. We are in a position here where he, as ranking member of the Budget Committee, has said it is inappropriate to vest power in the Governmental Affairs Committee. Yet that is exactly the power that is being vested in the House Committee on Government Operations in this bill. And this amendment does not touch that.

If it is inappropriate to vest that power in a committee of the Senate, it seems to me it is equally wrong to vest it in a committee of the House.

But in terms of vesting power in committees, the Budget Act vests power in the Budget Committee. I want to just make reference to four sections of the Budget Act where, on points of order, the power is vested in the Budget Committee.

I think I have made reference before to section 311(c), for purposes of this section the levels of new budget authority—et cetera:

> Shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be.

There is power vested right in the Budget Committee.

In section 313(e), and these are points of order sections: For purposes of this section the levels of new budget authority, budget outlays, et cetera, ''shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.''

Power is vested in the Budget Committee directly, right in the Budget Act. Yet one of the two sections which is being stricken here is exactly that. It puts the power to make the estimate of the cost of any mandate in the Budget Committee, exactly as we have done over and over again. There is nothing unusual about that at all. The Budget Committee has explicit power vested in it over and over again in the Budget Act to make these kinds of determinations of outlay. Yet in the bill as introduced, it wants to put that precise power of the Budget Act here—suddenly we find there is a committee amendment by the Budget Committee striking that clear grant of power.

I think it is useful, just in terms of avoiding ambiguity itself. This thing is going to be complicated enough. We might as well not build in an ambiguity. Make it clear. The Budget Committee has the power. Relative to Governmental Affairs, there is this power granted in the House which is left in place. The Budget Committee apparently does not want this power to be granted to the Governmental Affairs Committee here. It seems to me what is sauce—fair for the goose is fair for the gander. If it is right for the House, it is right for the Senate. My understanding was the Senator from Ohio had worked out an agreement relative to this kind of reference and if that, in fact, was correct, then it seems to me this would be a move away from what was in the original bill agreed to by the Senator from Ohio.

Finally, I would say, Mr. President, I hope that this amendment would either be defeated or be tabled, because unless you have clarity as to where the responsibility lies to both determine whether there is a mandate or an exception, and to determine the amount of the mandate—unless you have clarity on that, we are making into law ambiguities which are going to bedevil us just about every day we operate around here.

We ought to clarify where the responsibility lies. We have done it before. It was in the original bill. We should leave it the way it was in the original bill and defeat the Budget Committee amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that following my suggestion of the absence of a quorum, that when we come back after the order for the quorum call is rescinded that I retain the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I yield the floor, and I will look to the Senate from Ohio to make a request.

Mr. GLENN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The 11th reported committee amendment is the pending question.

Mr. GLENN. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''nay.''

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Massachusetts [Mr. KENNEDY] are necessary absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 66, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—27

Akaka
Baucus
Biden
Breaux
Bryan
Bumpers
Byrd
Daschle
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Hollings
Inouye
Johnston
Kerry
Kohl
Leahy
Levin
Lieberman
Nunn
Pell
Reid
Robb
Wellstone

NAYS—66

Abraham
Ashcroft
Bennett
Bingaman
Bond
Boxer
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Exon
Frist
Gorton
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pressler
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—7

Bradley
Faircloth
Gramm
Hatfield
Hutchison
Kennedy
Pryor

So the motion to lay on the table the committee amendment on page 25, lines 11 through 25, was rejected.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, will the distinguished Senator from Idaho give me just a moment of his time so I might ask him a question or be involved in a colloquy?

Mr. KEMPTHORNE. Mr. President, I will be happy to.

Mr. FORD. Mr. President two things have happened that bother this Senator considerably.

Last week, I made an effort to stop the House from using frequent flier miles that were paid for by taxpayers for personal use. I was admonished by my friends on the majority side for trying to tell the House what they should do or should not do. The amendment was amended. I lost.

It said to the Senate that under those circumstances, the Senate ought to take care of itself and we ought not to tell the House what to do. Now, as we are, in this amendment and in this bill, setting out a lot of proposals that the House must comply with—change their rules, assign to committees, things of that nature—I keep hearing that this is what the House is asking the Senate to do.

Now, Mr. President, I would like for the distinguished Senator from Idaho to respond to who in the House is telling the Senate what to do, or what the leadership over there is saying, whether they want this in the bill so that it will apply to the House. Can you give the Senate this information tonight? If not, in the morning. I would like to have an answer.

Mr. KEMPTHORNE. Sure, Mr. President. The Members of the House with whom we have been working closely, and I will name them, are the Chairman, BILL CLINGER; Congressman ROBERT PORTMAN, and Congressman GARY CONDIT. Those are the individuals with whom we worked most closely on this companion legislation in the House.

Mr. FORD. So they are saying to put it in the Senate bill to make the House comply with the rules of the bill we passed?

Mr. KEMPTHORNE. Mr. President, to further answer that, that is correct. They have said in the inquiry, Could you put this in the bill?

However, I tell you there has been further clarification that if the Senate were to determine that it just did not feel appropriate for the Senate to put that House language in there, they can deal with it in a different setting.

Mr. FORD. Mr. President, I appreciate the Senator's being candid with me because I think we are making a mistake. One week, we will not apply the rules to the House and the next week we apply the rules to the House. Something has to be consistent. One was not a very important amendment. This one is.

So I hope that in the discussion with the Senators, between now and maybe working out something on this amendment in the morning, I understand, I hope Senators will look at the whole aspect of saying to the House "You must comply with the rules that we pass." I am not sure that that is right.

I might say to the Senator, with all respect, that I think we are going to have to start being consistent, regardless of what bills we are on, and we will have to say that these rules passed on the Senate do not apply to the House unless the House wants to do that.

So, at some point, if there is not an agreement to the imposition of our rules on the House, we will offer an amendment that will take the application of this legislation to the House.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. FORD. I will be glad to. I have no problem.

Mr. KEMPTHORNE. Mr. President, just in response to that—and I appreciate the idea of consistency—in this particular legislation, it was really many, many hours of working together with the House.

I was not privy to what sort of arrangements the Senator had worked out with the House on his amendment last week.

One of the things that I think may help us to be consistent is when we see that it deals with the House of Representatives, probably part of our information that we exchange with one another is to state to what extent this really is coming from the House. This was a strong request.

Mr. FORD. The Senator says he is working with the chairman. That is fine. The House leadership, at some point, is going to have to put it all together. I would not want to take a chairman here and say that his advice to me is above the majority leader's. I would go to the leader and to the Senator's elected leadership, and I would get my direction from them rather than a committee chairman, unless they have acquiesced their authority to them.

I am glad the Senator and I wanted to know that. We keep saying, "As the House has advised us, as the House has advised us." I just wanted to know who was advising the Senator, and I am still concerned about applying our rule to the House or passing legislation saying the House must comply. Oh, it has been done, but I think if we are going to stay out one way, we ought to stay consistent. I will be observing it very closely.

I yield the floor, Mr. President.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, at the heart of the unfunded mandates legislation we continue to debate today is the 10th amendment to the U.S. Constitution.

This is an amendment that many here in Washington seem to have forgotten over the years, as more and more power has been taken away from the States and placed in the hands of Federal bureaucrats.

As I said in my remarks on the first day of this session, if I have one goal for the 104th Congress, it is that we will dust off the 10th amendment and restore it to its rightful place in our Constitution.

As a reminder of that goal, I also promised to insert the 10th amendment into the CONGRESSIONAL RECORD every week that we are in session, and I would like to do so now.

Mr. President, the 10th amendment to the U.S. Constitution reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Let us always keep those simple yet powerful words in mind, as we continue our work of returning government back to the American people.

CLOTURE MOTION

Mr. DOLE. Mr. President, having said that, I send a cloture motion to the desk.

Let me say before I send it to the desk, it is obvious to me what is happening here is nothing is happening. We had amendment after amendment on congressional coverage, on which we wasted all of last week, and part of last week on unfunded mandates.

We are told there are 40, 50, 60 amendments. I am not certain how many are germane. This is an issue supported by the Governors, supported by the mayors, supported by the county commissioners, supported by people all across America—Republicans and Democrats—and supported by the President of the United States.

It is pretty obvious we are not going to be able to move it quickly in the Senate because people are using the rules to frustrate efforts. That is the way it works. I do not fault that. I think we may have done that in the past a time or two.

This is something where there is broad bipartisan support. We would like to complete it this week. If we can get cloture, we may be able to complete it this week.

So I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Don Nickles, Connie Mack, Trent Lott, Thad Cochran, Alfonse D'Amato, Al Simpson, Strom Thurmond, Pete Domenici, Ted Stevens, Bill Cohen, Christopher S. Bond, Frank Murkowski, Jesse Helms, Spencer Abraham, Bob Smith, Larry E. Craig, Mike DeWine, and Bill Frist.

Mr. BYRD. Mr. President, will the leader yield?

Mr. DOLE. I will be happy to yield.

Mr. BYRD. May I say to my friend, I was not aware until just now, in listening to the distinguished leader's comments, that there was any necessity for a cloture motion to be entered. I did not realize that there was a filibuster occurring.

Mr. DOLE. I began to realize it, if I may say to my friend. I can just see maybe the beginning of one.

Mr. BYRD. I thought progress was being made on the bill. It seems to me that the Senate was working its will.

Mr. DOLE. If the Senator will yield, I might say to my good friend from West Virginia, I have indicated to the Democratic leader that if we can reach some agreement—I do not disagree with the Senator from West Virginia totally. I will withdraw the motion if we can agree on limited amendments so we at least have some finite number of amendments, hopefully germane amendments. But not having that, and looking at the fact that my colleagues on the other side would like to have a retreat on Friday of this week, I would like to be accommodating, but I do not know how we can accommodate that request unless we make some progress on what is a bill that enjoys strong bipartisan support.

Mr. BYRD. Is there a list of amendments? I have not seen any list. I heard there might be a list of amendments, so I suggested that I have three. I may not call up any of them. So I thought we were making progress.

Mr. DOLE. It may be progress, depending on how it is defined. I have not checked Webster's lately. But it would be slow progress if it is progress. But it is my hope we can put a list together, with staff working on each side, and submit a copy of that to the Democratic leader and also the Senator from West Virginia, and others who have an interest, and see if we can reach some agreement on a list of amendments. If it is going to be 40, 50, or 60, probably half are nongermane. I hope in the interest of expediency, we will have support for the vote of cloture, which would eliminate all the nongermane amendments.

Mr. BYRD. Mr. President, this kind of underlines everything I was saying earlier today and last Friday and Thursday. What is all this big hurry? Here we are, this is the 17th of January, and why can we not be legislators and take time to understand what is in a bill? I was seeking to have the committees provide committee reports, and it was mainly for that reason that I took the floor and complained that the minority in both committees had been denied that opportunity to have reports in which they could file views, individual views and minority views. Now that has been accomplished.

I say, therefore, that the distinguished leader has done, what he has every right to do—he is the leader and he has introduced a cloture motion. But it seems to me that the Senate is now beginning to work its will, now that it has had access to the committee reports, and I do not know what all the rush is. What is there that is coming behind this measure?

Mr. DOLE. I think the Senator from West Virginia may have some inkling. There may be—I would not suggest that, but I know, knowing the Senator from West Virginia is a master of the game, and I say that in a complimentary way—he knows that a balanced budget amendment may be somewhere on the horizon. And I assume that the further away the better for the Senator from West Virginia. And one way to keep it at a distance is not to rush through anything else that may be on the Senate floor.

I am not suggesting that might motivate the Senator from West Virginia, but it is something that has occurred to me a few times, and I had the same problem on this side of the aisle.

Mr. BYRD. But it is my understanding that the balanced budget amendment has not yet been reported out of the Judiciary Committee.

Mr. DOLE. But we hope it may be by the time we complete action on this bill. We will be coming in later tomorrow morning to accommodate the Judiciary Committee. And we may adjourn in the afternoon to accommodate the Judiciary Committee.

Mr. BYRD. Well, as I said earlier, I may vote for this unfunded mandates bill. I probably will. I do not know yet. I still want to study it some, and may offer an amendment or so. But I am a little bit surprised that the leader is implying that a filibuster has been going on.

Mr. DOLE. I say to my friend, I do not think there is a filibuster in the real sense. We have not had a real filibuster, as the Senator said the other day, around here for years. I think I would know a real one if one occurred.

It seemed to me, with the broad support we have for this unfunded mandates bill, it is not only filed because of what the leader may consider delay, but also to avoid a lot of nongermane amendments. We went through that turkey shoot last week and the week before.

So it seems to me that one way to talk about unfunded mandates and germane amendments to unfunded mandates is to get cloture and 30 or 40 of those amendments will disappear. We can have the debate the Senator from West Virginia wants. If necessary, I would be willing to see—we can extend the 30 hours by consent. I am not trying to shut anything off, but I would like to eliminate some of these nongermane amendments.

Mr. BYRD. Mr. President, if the majority leader will yield, of course the majority leader knows as well as I do that there is no rule on germaneness in the Senate except with respect, in a small way, to appropriations bills. But this cloture motion just underlines what I said earlier, that there is an effort to ram this bill through, an effort to steamroll it through.

It seems to me that a good legislator would seek to know what is in a bill. I am just trying to play the part of what I think a good legislator ought to do. A good legislator ought to try to understand what is in a bill. And we have been deprived, to a degree, of knowing earlier what was in this bill; having the benefit of a committee report as an explanation of what is in the bill. We were deprived of that, not through my fault, not through anybody's fault on this side of the aisle, but actually against the wishes of certain Senators on this side of the aisle who are on those committees.

A good legislator, it seems to me, would want to know what is in a bill. He would want access to a committee report. I have been in legislative bodies now going on my 49th year and I have found it beneficial to have committee reports. I think the American people want their legislators to know what is in a bill. We owe that to the American people.

So the distinguished majority leader has the right to offer a cloture motion. He is the leader. If he thinks that there is a slowdown here and if he thinks that necessity requires that we have a cloture vote on this bill and then limit it to nongermane amendments, that is his right. Senators from time to time offer cloture motions when there is no filibuster. Their sole objective is to create a situation in which there will not be nongermane amendments.

Our friend Russell Long used to do that from time to time when he was managing a Finance Committee bill on the floor. He would offer a cloture motion, not for the purpose of shutting off debate so much but more so for the purpose of ruling out nongermane amendments. So the distinguished Republican leader has a point there and that may be his goal.

But let me just say, lest the RECORD be left to appear that there is a filibuster going on here, we have been making progress. We will continue to make progress. But it just underscores my concerns that the idea here is to ram things through. Do not take the time to study the bill. Do not take the time to understand what is in the bill. Just get the bill passed.

> How poor are they that have not patience!
> What wound did ever heal but by degrees?

Mr. President, I will yield the floor. I hope we will have an opportunity before the cloture vote to offer other amendments and I hope the leader will not put us on any other measure until we finish this one, so we will really have 2 days in which to discuss the bill and offer amendments.

I thank the leader for yielding. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THOUGHTS AND PRAYERS ARE WITH THE PEOPLE OF JAPAN

Mr. DOLE. Mr. President, the thoughts and prayers of all Americans are with the people of Japan today, as they begin the recovery process from this morning's earthquake.

Ironically, this tragedy hit Japan exactly 1 year after the Northridge earthquake that devastated the Los Angeles area.

And as the people of Japan who were affected by this morning's earthquake begin to rebuild their cities and their lives, they can take great inspiration in the courage and cooperation exhibited over the past year in southern California.

Mayor Richard Riordan wrote in today's Los Angeles Times that "It has been said that much can be determined about the character of an individual tested by difficult times. The same is true for our city and the emergency response provided by every level of government."

In the days, weeks, and months following the Northridge quake the people of southern California, humanitarian organizations like the American Red Cross, and local, State, and Federal governments—under the superb leadership of Pete Wilson—passed every test with flying colors.

Again, Mr. President, I know all Members of the Senate join with me in mourning the loss of life in Japan, and in admiring the courage and resourcefulness exhibited over the past year by the people of southern California.

THE 1-YEAR ANNIVERSARY OF THE NORTHRIDGE EARTHQUAKE

Mr. DOLE. Mr. President, a year ago yesterday, an earthquake measuring 6.8 on the Richter scale wreaked havoc on the southern California counties of Los Angeles, Orange, and Ventura. The Northridge temblor brought about the collapse of apartment buildings, hospitals, and schools, and destroyed major portions of that area's transportation infrastructure.

Within hours of the earthquake, our former Senate colleague Gov. Pete Wilson proclaimed a state of emergency in those counties, and set in motion the implementation of what is now widely viewed as an extraordinary recovery from the earthquake's crippling impact on the movement of people and goods in one of the most populous areas of the country.

In addition to executing the necessary recovery measures to protect public safety and ensure for the food and housing of earthquake victims, Governor Wilson signed a series of innovative Executive orders that cut through the redtape of State bureaucracy and either streamlined or eliminated statutes and regulations governing everything from highway contracts to mobile schools.

As a result, California's recovery from the Northridge earthquake has proceeded at a record pace. Among the most impressive of the recovery efforts was the opening of the world's busiest freeway, the Santa Monica Freeway, in less than 3 months, and 74 days ahead of schedule, after it was destroyed by the quake. Governor Wilson heralded this accomplishment by proclaiming it the most stirring symbol yet of California's endurance. I would add that it is also a symbol of what can happen when government gets out of the way and is willing to break old molds and explore new and innovative approaches to challenges.

There is no doubt as to the resiliency of spirit of the people of California. Over the course of the past 4 years, they have endured more than their fair share as a result of natural disasters, but they continue to emerge victorious time and time again from the ashes of destruction wrought by earthquakes, fires, droughts, and floods. I might add that Governor Wilson is already taking similar steps in the face of the current California floods, using emergency authorities to speed rebuilding in flood areas. Moreover, he has asked the President to suspend operation of the Endangered Species Act for the purposes of repairing and replacing flood damaged facilities.

It is with respect for this indomitable California spirit, and with admiration for a State and its Governor who together forged a better, smarter avenue to disaster recovery, that I mark the first year anniversary of the Northridge earthquake. I ask unanimous consent that the materials detailing the Northridge disaster and recovery efforts, which have been prepared by Governor Wilson's staff, be reprinted in the RECORD immediately after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WILSON ADMINISTRATION'S RESPONSE TO THE NORTHRIDGE EARTHQUAKE

On January 17, 1994, at 4:31 a.m. (PST) southern California experienced a major earthquake (6.8 Richter) in the Northridge area of Los Angeles.

Within hours of the earthquake, Governor Pete Wilson issued a Proclamation directing all agencies of state government to utilize available resources in responding to the emergency.

Jim van Loben Sels, Director of the California Department of Transportation (Caltrans), delegated authority and accountability to the Director of Caltrans, District Seven for all restoration and repair work estimated to cost less than $4 million.

Seven Caltrans Director's Orders were approved and subsequent force account contracts were let to remove damaged structures, construct detours and install shoring to insure the safety of existing, standing structures.

Within minutes of the tremblor, Caltrans staff began inspecting the freeway system throughout Los Angeles and Ventura counties. More than 1,000 structures were checked—that day alone.

Tuesday, January 18, Director van Loben Sels called together representatives of the Los Angeles County Metropolitan Transportation Authority (LACMTA), Los Angeles Department of Transportation (LADOT), the Federal Highway Administration (FHWA), and Caltrans to discuss emergency response strategies and to identify earthquake-related damage to local transportation facilities.

January 19, Governor Wilson appointed Dean R. Dunphy, Secretary of the Business, Transportation and Housing Agency, as Chairman of the Emergency Transportation Task Force. This group included the California Highway Patrol, Caltrans, Los Angeles County Metropolitan Transportation Authority (LACMTA), Metrolink, Los Angeles Department of Transportation (LADOT), the Federal Highway Administration (FHWA), and eventually numerous other local transportation agencies. The group originally met daily and became a control point of information about damage, detours, cost estimates, and other emergency transportation control measures.

On January 23, Governor Wilson issued a further Proclamation which suspended the operation of all statutes, rules and regulations which apply to Caltrans contracts that would hinder or delay the restoration of facilities and services as a result of the Northridge earthquake.

The Governor's emergency proclamation modified contracting procedures and enabled Caltrans to respond more effectively and efficiently to the emergency. Innovative emergency contract procedures allowed the Department to put contractors to work immediately. The informal and streamlined bid process initiated by the Governor's emergency proclamation cut the time for advertising, awarding and approving contracts from a standard time frame of four to five months to as little as three days.

On January 24, Governor Wilson issued an emergency proclamation suspending certain limitations on hours that commercial vehicle operators could drive and work. This allowed greater flexibility for commercial truck traffic that was critical for maintaining the economic stability of the region and delivering rebuilding materials.

On January 24, at the behest of Director van Loben Sels, a draft Memo of Understanding (MOU) was finalized between Caltrans and the Federal Highway Administration (FHWA). This MOU outlined the contractual process and established criteria for issuing emergency contracts.

Pursuant to the Governor's executive order and following FHWA approval on critical projects, Caltrans limited the number of contractors bidding on the five major reconstruction projects to firms that were experienced bridge builders with a record of working in Los Angeles and the ability to meet the ambitious minority and disadvantaged business participation goals. At least three bidders were asked to complete for each project. Companies were restricted to receiving the contract for only one of the emergency jobs. Emergency contracting procedures for repair and construction also included a commitment to obtain a 20%-40% goal of participation by Disadvantaged Business Enterprises (DBEs). Governor Wilson challenged Caltrans to meet the 40% participation goal.

Caltrans suggested and obtained FHWA support to utilize the A+B bid process on selected projects. This process combines the contractor's proposal for construction costs (A) with the cost per day of loss in use multiplied by the number of days bid (B). This process empowers the innovative contractor to use a combination of construction costs and construction days to achieve the lowest possible bid. The benefit to the State is a reduction in total cost and the potential of reopening the facility to the public's use in the shortest amount of time.

For the first time in the history of the Department, Caltrans contractual timelines required contractors to work 24 hours a day, seven days a week, without allowances for bad weather or holidays.

Caltrans also initiated incentives and disincentives on selected projects, with FHWA concurrence, to provide bonuses to contractors who completed construction early and to penalize contractors who could not meet their anticipated deadline. These assigned incentives and disincentives ranged from $8,500 to $200,000 per day and represent the highest ever used nationwide. Providing bonuses and penalties further encourages contractors to complete their projects early and return the facility to the traveling public in the shortest time possible.

Within days of the earthquake, Caltrans engineers hand-delivered bid packages and contract plans to selected contractors at the nearest airport to their home office.

In the initial week following the earthquake, Caltrans worked with the FHWA to develop an accelerated funding procedure that provided the Department with an initial funding allocation of $15 million on January 19, 1994. Two additional requests were approved on January 21, and January 27, for $30 million and $55 million respectively. Within ten days of the earthquake, Caltrans received $100 million in Emergency Relief funds. Once Congress approved the additional funding and the funds were allocated to FHWA, Caltrans requested that FHWA make an additional $250 million available for obligation. This $250 million was based upon Caltrans' estimate for additional funding needed through the end of its current fiscal year.

On January 27, pursuant to Governor Wilson's Emergency Proclamation, Caltrans Director van Loben Sels issued guidelines to suspend usual contracting procedures. These guidelines included provisions to protect the public welfare, for example—ensuring ample competition, compliance with OSHA regulation, licensing, and participation by DBE firms.

Saturday, January 29, the first A+B contract was opened, awarded, executed and approved for Interstate 5. This process was completed in one day instead of the standard five to seven weeks. On January 29, Caltrans also opened a newly paved, four-lane detour for the traffic on Interstate 5. This reopened a vital bypass both to and from Los Angeles.

Sunday, January 30, less than two weeks after the earthquake, construction began on the bridge replacement at Interstate 5.

As of February 17, 1994, 30 days after the earthquake, Caltrans had successfully acted upon the emergency contracting powers that were granted by Governor Wilson's executive orders. With the concurrence of PHWA, Caltrans awarded: 35 Emergency Contracts worth $9.6 million, (these are Force Account contracts for small demolition and debris clean-up); 5 Informal Bid contracts, worth $47.3 million, (for major construction and some demolition); and 2 Architectural and Engineering contracts worth $18.5 million, (for private consultants to assist in design of structural repairs and to manage traffic around the damaged parts of the transportation system).

As of April 7, 1994 Caltrans had approved a total of twenty-two informal Bid contracts worth $113 million, for the restoration and repair of transportation facilities damaged in the Northridge Earthquake.

Construction was completed on the busiest freeway in the Nation, the I-10 Santa Monica Freeway, on Tuesday, April 12. The I-10 is the busiest roadway in the Nation. This vital artery was reconstructed in 66 days, a total of 74 days prior to the anticipated completion date, resulting in a bonus payment of 13.8 million for the contractor, C.C. Meyers of Rancho Cordova. By opening the I-10 Freeway earlier than anticipated, Caltrans saved the Los Angeles economy approximately $1 million a day.

Construction was completed on the I-5 Golden State Freeway at Gavin Canyon on May 17, 1994, 33 days ahead of schedule. By opening the I-5 earlier than anticipated Gavin Canyon, Caltrans saved the Los Angeles economy approximately $400,000 a day.

Construction was completed on the first phase of the I-5/Route 14 Interchange on July 8, 1994, 20 days ahead of schedule. By opening the Interchange earlier than anticipated, Caltrans saved the Los Angeles economy approximately $1.6 million each day.

The Simi Valley Freeway (State Route 118) in Granada Hills was partially restored to original traffic patterns on September 3, 1994. By September 7, total access to the entire 10-lane facility was complete.

Construction was completed on the second phase of the I-5/Route 14 Interchange (the southbound to northbound connector ramps) on November 4, 1994. This opening of this arterial was the last major project in the Northridge Earthquake response effort. The entire response was amazingly completed in less than 10 months.

CONCLUSION

Governor Wilson's proactive leadership to empower Caltrans with the tools necessary to get Los Angeles moving again has brought great success. Los Angeles recovered in record time. While the initial goal for completing the earthquake recovery was the end of 1994, many of the vital structures damaged or destroyed by the quake were returned to service in less than six months.

The Wilson Administration's emergency response to the Northridge Earthquake not only streamlined, but reinvented the contracting process at Caltrans. This enabled the Department to respond to the restoration and reconstruction efforts of Los Angeles in an unprecedented, accelerated fashion.

By cutting red tape, Governor Wilson moved bureaucracy out of the way and empowered Caltrans, in coordination with the private sector, to respond effectively to the Northridge Earthquake. Now it is our challenge to ensure that the lessons learned from this tragic disaster are implemented into every day business at Caltrans.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

A NEW ADMINISTRATION IN PENNSYLVANIA

Mr. SPECTER. Mr. President, earlier today the Commonwealth of Pennsylvania established a new administration with a new Governor, Tom Ridge, and a new Lieutenant Governor, Mark Schweiker, in very ornate and interesting ceremonies at the State capital in Harrisburg, PA. That event is worth a comment for our colleagues for permanency in the CONGRESSIONAL RECORD.

Tom Ridge is a man well known to those of us in the Congress because Congressman Ridge served for 6 terms, 12 years in the House of Representatives, and takes an extraordinarily fine record to the Governor's chair in the Commonwealth of Pennsylvania.

Governor Ridge had served in Vietnam, he had served as a prosecuting attorney in Erie County, PA, and he had served as a distinguished trial lawyer. Today he became the Governor of Pennsylvania.

Pennsylvania is a State which is now in its 314th year, some 100 years-plus more than the United States of America. And Governor Ridge made a very, very profound speech in outlining his aspirations and goals for the Commonwealth of Pennsylvania. He talked about the problems of an expanding economy, talked about the issue of crime, discussed the future of education, talked about environmental control with an appropriate balance for an expanding economy and for job opportunities in what was a profound and distinguished speech.

He said that tomorrow he will call a special session of the legislature of Pennsylvania to deal with the issue of crime. He was eloquent in his determination to hold accountable, as he put it, "those who prey on the weak," and expressed his determination as the new Governor of the Commonwealth that they would be called to account, and firm action would be taken. In his definition he talked about addressing the social and economic causes of crime as well on a very broad approach to the problem. He called for a redefinition of the relationship between State government and the local communities, articulating on the State level the kind of legislation which is now being considered here in the U.S. Senate on trying to redefine the federalism and the relationship between the U.S. Government and the States.

What Governor Ridge was talking about was leaving more authority in local communities to try to bring government down to the grassroots so that people in the townships and in the "burbs" or in the cities who know best what their problems are and can best address them in trying to reach as much revenue as possible, cutting taxes at the Federal level, cutting taxes at the State level, to leave the resources as close to the people as possible so that the problems are addressed by the people who know the most about them.

He said in eloquent terms that, "Government has gone too far in treating people as the servants rather than as the served," an objective which really ought to be the standard for all governments. He said again in eloquent terms, "What government can do for people is limited. What people can do for themselves is limitless."

I think in that articulation he is talking about more accountability for the individual, more opportunity for the individual, and really more responsibility for the individual.

Sworn in alongside Governor Ridge today was a distinguished Pennsylvanian, Mark S. Schweiker, who came to that position having served as a commissioner in Bucks County. Mark Schweiker made a very distinguished speech as well in his induction ceremony in the ornate Pennsylvania Senate an hour-and-a-half before Governor Ridge took the oath of office. One of Lieutenant Governor Schweiker's statements, which was very profound, was, "A government big enough to give you everything you want is a government big enough to take everything you have."

I think in Pennsylvania today with the legislature, both houses, the State house of representatives and the State senate, under Republican control, and the newly elected Governor being a Republican, mirrors very much what happened in the elections nationwide last November.

If I may say, not in a partisan sense, but in a recognition of what the voters did, returning to what would be called core Republican values as expressed by the people in the historic election of the Republican U.S. House of Representatives and in a change in leadership in the U.S. Senate now controlled by the Republicans and an effort to return to core values of limited Government, less spending, lower taxes, strong crime control, that is the pledge which was made by two very distinguished Pennsylvanians today, Gov. Tom Ridge and Lt. Gov. Mark Schweiker.

Mr. President, if anyone else seeks recognition at this point, I would be glad to yield. If not, I would like to proceed to a discussion of another subject.

I ask unanimous consent that I may proceed again in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 60 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

THE 50TH ANNIVERSARY OF THE ARREST OF RAOUL WALLENBERG

Mr. MOYNIHAN. Mr. President, there are still many puzzles left unsolved from the cold war. Perhaps one of the most frustrating is the disappearance of Raoul Wallenberg. To this day, a full account of why Raoul Wallenberg was arrested and what has become of him is still not forthcoming from the Russian government. I rise today to commemorate this brave hero of the Holocaust who worked tirelessly and with great courage to save thousands of Jews from Nazi concentration camps in Hungary.

It is 50 years ago today since Mr. Wallenberg was arrested by agents of the Soviet Union at the time of the invasion of Budapest by the Red Army. He disappeared while in Soviet custody and despite the collapse of the Soviet Union, many questions concerning his fate are unresolved.

This is matter which has long held my attention. In the summer of 1979, I met with Nina Lagergren, Raoul Wallenberg's sister. Shortly thereafter, Senators PELL, Church, Boschwitz and I founded the Free Wallenberg Committee. This working group, with the active involvement of my wife Liz, Lena Biorck Kaplan and others, strongly encouraged the administration to pursue the facts of the Wallenberg case with the Soviet Union. Support from then Secretary of State Vance was strong, but the Soviets were not cooperative. In August 1980 I introduced Senate Concurrent Resolution 117, calling upon the President to raise the Wallenberg case at the Madrid Review Conference of the Helsinki accords which took place that year. Ambassador Max Kampelman and the other U.S. officials made several overtures to the Soviets at the Madrid Conference but found them to be as unyielding as ever.

We too are unyielding. I later joined Senator PELL and other members of the Free Wallenberg Committee in sponsoring Senate Joint Resolution 65 to grant Raoul Wallenberg U.S. citizenship. When President Reagan signed that legislation into law, Raoul Wallenberg became only the fourth person ever to be granted honorary U.S. citizenship.

A truly remarkable man, Raoul Wallenberg was undaunted in his efforts to undo or prevent some of the evil done by Nazis. He was a hero of the best and boldest kind, and demonstrated what free men, even when acting alone, can accomplish against those who would crush the freedom of others.

We await answers. Until there is satisfaction that we have the most thorough accounting of his life and whereabouts since being taken into Soviet custody 50 years ago, we will not let this rest. This is not a problem of the Russian Government's making, but of their Soviet predecessor. They should take it upon themselves to undo the nefarious deeds of the Soviet Union. The world deserves to know the fate of this brave Swedish soul.

MESSAGES FROM THE HOUSE

At 5:47 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2. An act to make certain laws applicable to the legislative branch of the Federal Government.

The message also announced that pursuant to the provisions of section

161(a) of the Trade Act of 1974 (19 United States Code 2211), and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker appoints the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements on the part of the House during the first session of the 104th Congress: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. GIBBONS, and Mr. RANGEL.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–92. A communication from the Secretary of the Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC–93. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC–94. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC–95. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC–96. A communication from the Comptroller General of the United States, transmitting, pursuant to law, notice of reports and testimony for October 1994; to the Committee on Governmental Affairs.

EC–97. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the audit of the Congressional Award Foundation's financial statements for the periods ended December 31, 1992 and September 30, 1993; to the Committee on Governmental Affairs.

EC–98. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of health promotion and disease prevention activities; to the Committee on Governmental Affairs.

EC–99. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of surplus real property for fiscal year 1994; to the Committee on Governmental Affairs.

EC–100. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the Office of the Inspector General for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC–101. A communication from the President of the United States, transmitting, pursuant to law, the report on the implementation of locality-based comparability payments for General Schedule employees for calendar year 1995; to the Committee on Governmental Affairs.

EC–102. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report of the notice and order concerning proposed express mail rulemaking; to the Committee on Governmental Affairs.

EC–103. A communication from the Manager (Benefits Communications), Ninth Farm Credit District Trust Committee, the annual report for the plan year ended December 31, 1993; to the Committee on Governmental Affairs.

EC–104. A communication from the Director of Federal Management Issues, General Accounting Office, transmitting, pursuant to law, the report entitled "Managing for Results: State Experiences Provide Insights for Federal Management Reform"; to the Committee on Governmental Affairs.

EC–105. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to locality-based comparability payments; to the Committee on Governmental Affairs.

EC–106. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of the privately-owned vehicle operating cost investigations; to the Committee on Governmental Affairs.

EC–107. A communication from the Human Resources Manager of the National Bank for Cooperatives Trust Fund, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Governmental Affairs.

EC–108. A communication from the Comptroller General of the United States, transmitting, pursuant to law, notice of reports and testimony for November 1994; to the Committee on Governmental Affairs.

EC–109. A communication from the Special Assistant to the President and Director of the Office of Administration, transmitting, pursuant to law, the aggregate report on personnel employed in the White House Office; to the Committee on Governmental Affairs.

EC–110. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Governmental Affairs.

EC–111. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the report of the opinion and recommended decision in the 1994 omnibus rate case; to the Committee on Governmental Affairs.

EC–112. A communication from the Chief Judge of the U.S. Tax Court, transmitting, pursuant to law, the actuarial reports for calendar year 1991; to the Committee on Governmental Affairs.

EC–113. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the Foreign Service Retirement and Disability Fund for fiscal year 1993; to the Committee on Governmental Affairs.

EC–114. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–115. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–116. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–117. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–118. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–119. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–120. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–121. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–122. A communication from the Director of Selective Services, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–123. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–124. A communication from the Administrator of the Agency For International Development, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–125. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–126. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–127. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–128. A communication from the Executive Director of the Martin Luther King, Jr. Federal Holiday Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-129. A communication from the Director of the Trade and Development Agency, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-130. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Judiciary Committee.

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KYL (for himself and Mr. McCAIN):

S. 231. A bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself, Mr. SARBANES, and Mr. BOND):

S. 232. A bill to provide for the extension of the Farmers Home Administration program under section 515 of the Housing Act of 1949 and other programs relating to housing and community development; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mrs. KASSEBAUM, Mr. CAMPBELL, and Mr. EXON):

S.J. Res. 18. A joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office; to the Committee on the Judiciary.

By Mr. BROWN:

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH:

S. Res. 54. An original resolution authorizing expenditures by the Judiciary Committee; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. COHEN (for himself and Mr. PRYOR):

S. Res. 55. A resolution authorizing expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. PRESSLER:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. LOTT (for Mr. DOLE):

S. Res. 57. A resolution making majority party appointments to the Small Business and Aging Committees for the 104th Congress; considered and agreed to.

By Mr. LOTT (for Mr. STEVENS):

S. Res. 58. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

S. Res. 59. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

By Mr. SPECTER:

S. Res. 60. A resolution expressing the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality; to the Committee on the Judiciary.

S. Res. 61. A resolution expressing the sense of the Senate that the President currently has authority under the Constitution to veto individual items of appropriation and that the President should exercise that authority without awaiting the enactment of additional authorization; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. McCAIN):

S. 231. A bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

THE WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 1995

Mr. KYL. Mr. President, I introduce today with my colleague from Arizona, Senator JOHN McCAIN, the Walnut Canyon National Monument Boundary Modification Act of 1995. Identical legislation is being introduced in the House of Representatives by Representative J.D. HAYWORTH.

This legislation is based upon consensus reached last year among interested parties, including local officials in Arizona, as well as residents of the Walnut Canyon area, the National Park Service and U.S. Forest Service, with respect to modification of the monument boundaries for the purpose of better protecting important archeological resources.

Walnut Canyon National Monument was originally established by Presidential proclamation in 1915 to preserve and protect numerous Sinaguan cliff dwelling and associated sites. The canyon includes five areas where archeological sites are concentrated around natural promontories extending into the canyon, areas which early archeologists referred to as forts. Three of the five forts are within the current boundaries of the monument, but the two others are located on adjacent lands administered by the U.S. Forest Service. The legislation I am introducing today would redraw the monument boundaries to include those areas and provided the protection that those resources need and deserve.

About 1,239 acres of forest land would be transferred to Park Service administration. No State or private land would be affected.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Walnut Canyon National Monument Boundary Modification Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Walnut Canyon National Monument was established for the preservation and interpretation of certain settlements and land use patterns associated with the prehistoric Sinaguan culture of northern Arizona.

(2) Major cultural resources associated with the purposes of Walnut Canyon National Monument are near the boundary and are currently managed under multiple-use objectives of the adjacent national forest. These concentrations of cultural resources, often referred to as "forts", would be more effectively managed as part of the National Park System.

(b) PURPOSE.—The purpose of this Act is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this Act referred to as the "national monument") to improve management of the national monument and associated resources.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled "Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona", numbered 360/80,011, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4. ACQUISITION AND TRANSFER OF PROPERTY.

The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this Act) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under section 3 is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as part of the Coconino National Forest.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this Act and the provisions of law generally applicable to units of the National Park Service, including "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. D'AMATO (for himself, Mr. SARBANES, and Mr. BOND):

S. 232. A bill to provide for the extension of the Farmers Home Administration program under section 515 of the Housing Act of 1949 and other programs relating to housing and community development; to the Committee on Agriculture, Nutrition, and Forestry.

THE FARMERS HOME ADMINISTRATION SECTION 515 RURAL MULTIFAMILY HOUSING PROGRAM EXTENSION ACT OF 1995

• Mr. D'AMATO. Mr. President, I am today introducing, along with my colleagues Senators SARBANES and BOND, the Farmers Home Administration Section 515 Rural Multifamily Housing Program Extension Act of 1995. The Section 515 Program, now administered by the Rural Housing and Community Development Service [RHCDS] at the Department of Agriculture, is an important rural affordable housing program. It provides long-term, low interest rate direct government loans for nonprofit and for-profit developers to develop multifamily rental housing for low-income families in rural America. Moreover, this program is one of the few sources for low-income rental housing in rural America, with over 440,000 rental units in rural America to its credit.

This simple legislation permanently reauthorizes the Section 515 Program and allows RHCDS to administer $220 million in funding appropriated as part of the HUD/VA fiscal year 1995 appropriations bill. While providing funding for projects in the section 515 pipeline, it also will help with pressing rehabilitation needs. In addition, this bill enjoys strong bipartisan support and deserves quick action to help ensure the availability of low-income affordable housing in rural America.

This program is of particular importance to my State, New York. Many people may not realize that New York is a very rural State, with a large number of persons below the poverty line living in rural areas. Of the hundreds of thousands of New Yorkers below the poverty line, one-third live in rural communities. This program has been of great assistance to working families and the elderly who live in rural areas. There are currently 473 section 515 developments with 12,281 units in New York. Nearly 7,000 of these units are reserved for elderly citizens and 4,500 units are used by families. There is approximately a 4-year pipeline of projects in New York that are awaiting funding. Reauthorization of this program will help address this backlog in New York, as well as nationwide.

The Section 515 Program has received widespread support. In addition to helping working families and the elderly obtain rental housing in rural areas, the program has provided construction and management employment opportunities. These jobs are desperately needed in States, such as New York, with rural areas that have been hit hard economically.

I know there have been some concerns in recent years about possible program abuses in the Section 515 Program. In response to these concerns, the Housing and Community Development Act of 1992 made a number of reforms to ensure that developers would not be receiving unreasonable or windfall profits. The Department of Agriculture, through Farmers Home and RHCDS, has also been implementing a series of regulatory reforms to combat fraud and abuse in the Section 515 Program. Moreover, I expect that all rural housing programs, including the Section 515 Program, will be included in this Congress' overall reform of Federal housing policy.

Finally, this legislation provides the Department of Housing and Urban Development with authority to renew, for up to 18 months, certain section 8 project-based contracts on terms identical to the current contract. This is a temporary provision. Section 8 contract renewals will be a major part of any housing reform considered by Congress this year.

Mr. President, I ask for unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Section 515 Rural Multifamily Housing Program Extension Act of 1995".

SEC. 2. RURAL HOUSING.

(a) UNDERSERVED AREAS SET-ASIDE.—Section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended—

(1) in the first sentence, by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1995"; and

(2) in the second sentence, by striking "each".

(b) RURAL MULTIFAMILY RENTAL HOUSING.—Section 515(b) of the Housing Act of 1949 (42 U.S.C. 1485(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) RURAL RENTAL HOUSING FUNDS FOR NON-PROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1995".

SEC. 3. TEMPORARY EXTENSION OF EXPIRING SECTION 8 CONTRACTS.

(a) REQUIREMENT.—Subject only to the availability of budget authority to carry out this section, not later than October 1, 1995, the Secretary of Housing and Urban Development shall make an offer to the owner of each housing project assisted under an expiring contract to extend the term of the expiring contract for not more than 18 months beyond the date of the expiration of the contract.

(b) TERMS OF EXTENSION.—Except for terms or conditions relating to duration, the terms and conditions under an extension provided pursuant to this section of any expiring contract shall be identical to the terms and conditions under the expiring contract.

(c) DEFINITION OF EXPIRING CONTRACT.—For purposes of this section, the term "expiring contract" means a contract for assistance pursuant to section 8(b)(2) of the United States Housing Act of 1937 (as such section existed before October 1, 1983), including a contract for assistance referred to in section 209(b) of the Housing and Urban-Rural Recovery Act of 1983, having a term that expires before October 1, 1996.

(d) DISPLACEMENT ASSISTANCE.—The Secretary of Housing and Urban Development may make available to tenants residing in units covered by an expiring contract that is not extended pursuant to this section, either—

(1) tenant-based assistance under section 8 of the United States Housing Act of 1937; or

(2) a unit with respect to which project-based assistance is provided under section 8 of the United States Housing Act of 1937.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.•

• Mr. SARBANES. Mr. President, I am pleased to join with my colleagues from the Banking Committee as an original cosponsor of this legislation.

The bill we are introducing today would extend the rural rental housing program authorized under section 515 of the Housing Act of 1949. This program, now administered by the Rural Housing and Community Development Service [RHCDS] at the Department of Agriculture, is a valuable and critical source of funding for the development of affordable housing for low-income families who live in rural areas. The legislation is needed because the authorization for the Section 515 Program expired at the beginning of this fiscal year. The appropriations act provided $220 million for this program. With this authorization, the RHCDS will be able to address pressing needs for the rehabilitation and preservation of existing housing, as well as provide funding for a large pipeline of worthwhile projects. I am particularly pleased that this bill also extends two important features of the Section 515 Program—a set-aside for nonprofit developers and a set-aside for underserved areas.

The bill we are introducing today will also provide the Secretary of the

Department of Housing and Urban Development [HUD] with the authority to extend the section 8 contracts on low-income housing projects whose subsidy contracts will expire before October 1, 1996. Under the current section 8 contracts, owners must provide their tenants with a 12-month notice before the expiration of the subsidy contract. The contracts on a relatively small number of projects nationwide will expire in the next 12 months or the owners of the projects will be required to provide notice in the next 12 months. It is important to note, Mr. President, that this provision is temporary and the extension of the contracts cannot exceed 18 months. The provision's inclusion in this legislation will give the Administration and the Congress time to review the Section 8 Program and examine long-term strategies for dealing with contract expirations, without causing uncertainty for residents or the inadvertent displacement of low-income households who reside in section 8 developments.•

• Mr. BOND. Mr. President, I support the Farmers Home Administration Section 515 Rural Multifamily Housing Program Extension Act of 1995. The Section 515 Program, now administered by the Rural Housing and Community Development Service [RHCDS] at the Department of Agriculture, is an important program that makes multifamily rental housing available for low-income families in rural America. I emphasize the importance of this program. Since the program's inception in 1963, section 515 has financed some 440,000 affordable, low-income rental units in rural America.

This legislation permanently reauthorizes the Section 515 Program and allows RHCDS to administer $220 million in funding appropriated as part of the HUD/VA fiscal year 1995 appropriations bill. I believe the fiscal year 1995 $220 million appropriation provides adequate authority for RHCDS to administer the Section 515 Program. Nevertheless, RHCDS refused to administer this program without a new reauthorization. Therefore, I ask my colleagues for their support of this legislation. I emphasize that this bill enjoys strong bipartisan support and industry support. I ask for quick consideration of this bill to help ensure the continued availability of low-income affordable housing in rural America.

Moreover, I want to rest the concerns of my colleagues about reported problems with the Section 515 Program. In response to past concerns, the Housing and Community Development Act of 1992 made a number of important reforms to the program, including reforms to safeguard the program from unscrupulous developers. The Department of Agriculture, through Farmers Home and RHCDS, has also recently put in place a number of additional needed regulatory reforms. Finally, I expect all rural housing programs, including the Section 515 Program, to be part of a major housing policy overhaul during this Congress.

This bill also allows the Department of Housing and Urban Development to extend, for up to 18 months, certain expiring section 8 project-based contracts. These contracts can only be renewed on terms identical to the current contracts. This is a stop-gap measure designed to provide some certainty to the section 8 project-based programs as Congress considers major reforms to address the cost and designs of these programs. I urge my colleagues to support this legislation.•

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mrs. KASSEBAUM, Mr. CAMPBELL, and Mr. EXON):

S. J. Res. 18. A joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office; to the Committee on the Judiciary.

CAMPAIGN REFORM CONSTITUTIONAL AMENDMENT

Mr. HOLLINGS. Mr. President, I rise today to address a problem with which we are all too familiar—the ever-increasing cost of campaign spending. The need for limits on campaign expenditures is more urgent than ever, with the total cost of congressional campaigns skyrocketing from $446 million in 1990 to well over $590 million in 1994. For nearly a quarter of a century, Congress has tried to tackle runaway campaign spending; again and again, Congress has failed.

Let us resolve not to repeat the mistakes of past campaign finance reform efforts, which have bogged down in partisanship as Democrats and Republicans each tried to gore the other's sacred cows. During the 103d Congress there was a sign that we could move beyond this partisan bickering, when the Senate in a bipartisan fashion expressed its support for a limit on campaign expenditures. In May 1993, a nonbinding sense-of-the-Senate resolution was agreed to which advocated the adoption of a constitutional amendment empowering Congress and the States to limit campaign expenditures. During the 104th Congress, let us take the next step and adopt such a constitutional amendment—a simple, straightforward, nonpartisan solution.

As Prof. Gerald G. Ashdown has written in the New England Law Review, amending the Constitution to allow Congress to regulate campaign expenditures is "the most theoretically attractive of the approaches to reform since, from a broad free speech perspective, the decision in Buckley is misguided and has worsened the campaign finance atmosphere." Adds Professor Ashdown: "If Congress could constitutionally limit the campaign expenditures of individuals, candidates, and committees, along with contributions, most of the troubles * * * would be eliminated."

Right to the point, in its landmark 1976 ruling in Buckley versus Valeo, the Supreme Court mistakenly equated a candidate's right to spend unlimited sums of money with his right to free speech. In the face of spirited dissents, the Court drew a bizarre distinction between campaign contributions on the grounds that " * * * the governmental interest in preventing corruption and the appearance of corruption outweighs considerations of free speech."

I have never been able to fathom why that same test—the governmental interest in preventing corruption and the appearance of corruption—does not overwhelmingly justify limits on campaign spending. However, it seems to me that the Court committed a far graver error by striking down spending limits as a threat to free speech. The fact is, spending limits in Federal campaigns would act to restore the free speech that has been eroded by the Buckley decision.

After all, as a practical reality, what Buckley says is: Yes, if you have personal wealth, then you have access to television, you have freedom of speech. But if you do not have personal wealth, then you are denied access to television. Instead of freedom of speech, you have only the freedom to shut up.

So let us be done with this phony charge that spending limits are somehow an attack on freedom of speech. As Justice Byron White points out, clear as a bell, in his dissent, both contribution limits and spending limits are neutral as to the content of speech and are not motivated by fear of the consequences of the political speech in general.

Mr. President, every Senator realizes that television advertising is the name of the game in modern American politics. In warfare, if you control the air, you control the battlefield. In politics, if you control the airwaves, you control the tenor and focus of a campaign.

Probably 80 percent of campaign communications take place through the medium of television. And most of that TV airtime comes at a dear price. In South Carolina, you are talking between $1000 and $2,000 for 30 seconds of primetime advertising. In New York City, it is anywhere from $30,000 to $40,000 for the same 30 seconds.

The hard fact of life for a candidate is that if you are not on TV, you are not truly in the race. Wealthy challengers as well as incumbents flushed with money go directly to the TV studio. Those without personal wealth are sidetracked to the time-consuming pursuit of cash.

The Buckley decision created a double bind. It upheld restrictions on campaign contributions, but struck down restrictions on how much candidates with deep pockets can spend. The Court ignored the practical reality that if my opponent has only $50,000 to spend in a race and I have $1 million, then I can effectively deprive him of his speech. By failing to respond to my advertising, my cash-poor opponent will appear unwilling to speak up in his own defense.

Justice Thurgood Marshall zeroed in on this disparity in his dissent to Buckley. By striking down the limit on what a candidate can spend, Justice Marshall said, "It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start."

Indeed, Justice Marshall went further: He argued that by upholding the limitations on contributions but striking down limits on overall spending, the Court put on additional premium on a candidate's personal wealth.

Justice Marshall was dead right. Our urgent task is to right the injustice of Buckley versus Valeo by empowering Congress to place caps on Federal campaign spending. We are all painfully aware of the uncontrolled escalation of campaign spending. The average cost of a winning Senate race was $1.2 million in 1980, rising to $2.1 million in 1984, and skyrocketing to $3.1 million in 1986, $3.7 million in 1988, and up to $4.1 million this past year. To raise that kind of money, the average Senator must raise over $13,200 a week, every week of his or her 6-year term. Overall spending in congressional races increased from $403 million in 1990 to more than $590 million in 1994—almost a 50-percent increase in 4 short years.

This obsession with money distracts us from the people's business. At worst, it corrupts and degrades the entire political process. Fundraisers used to be arranged so they didn't conflict with the Senate schedule; nowadays, the Senate schedule is regularly shifted to accommodate fundraisers.

I have run for statewide office 16 times in South Carolina. You establish a certain campaign routine, say, shaking hands at a mill shift in Greer, visiting a bid country store outside of Belton, and so on. Over the years, they look for you and expect you to come around. But in recent years, those mill visits and dropping by the country store have become a casualty of the system. There is very little time for them. We are out chasing dollars.

During my 1986 reelection campaign, I found myself raising money to get on TV to raise money to get on TV to raise money to get on TV. It is a vicious cycle.

After the election, I held a series of town meetings across the State. Friends asked, "Why are you doing these town meetings: You just got elected. You've got 6 years." To which I answered, "I'm doing it because it's my first chance to really get out and meet with the people who elected me. I didn't get much of a chance during the campaign. I was too busy chasing bucks." I had a similar experience in 1992.

I remember Senator Richard Russell saying: "They give you a 6-year term in this U.S. Senate 2 years to be a statesman, the next 2 years to be a politician, and the last 2 years to be a demagogue." Regrettably, we are no longer afforded even 2 years as statesmen. We proceed straight to politics and demagoguery right after the election because of the imperatives of raising money.

My proposed constitutional amendment would change all this. It would empower Congress to impose reasonable spending limits on Federal campaigns. For instance, we could impose a limit of, say, $800,000 per Senate candidate in a small State like South Carolina—a far cry from the millions spent by my opponent and me in 1992. And bear in mind that direct expenditures account for only a portion of total spending. For instance, my 1992 opponent's direct expenditures were supplemented by hundreds of thousands of dollars in expenditures by independent organizations and by the State and local Republican Party. When you total up spending from all sources, my challenger and I spent roughly the same amount in 1992.

And incidentally, Mr. President, let's be done with the canard that spending limits would be a boon to incumbents, who supposedly already have name recognition and standing with the public and therefore begin with a built-in advantage over challengers. Nonsense. I hardly need to remind my Senate colleagues of the high rate of mortality in upper Chamber elections. And as to the alleged invulnerability of incumbents in the House, I would simply note that more than 50 percent of the House membership has been replaced since the 1990 elections.

I can tell you from experience that any advantages of incumbency are more than counterbalanced by the obvious disadvantages of incumbency, specifically the disadvantage of defending hundreds of controversial votes in Congress.

I also agree with University of Virginia political scientist Larry Sabato, who has suggested a doctrine of sufficiency with regard to campaign spending. Professor Sabato puts it this way: "While challengers tend to be underfunded, they can compete effectively if they are capable and have sufficient money to present themselves and their messages."

Moreover, Mr. President, I submit that once we have overall spending limits, it will matter little whether a candidate gets money from industry groups, or from PAC's, or from individuals. It is still a reasonable—"sufficient," to use Professor Sabato's term—amount any way you cut it. Spending will be under control, and we will be able to account for every dollar going out.

On the issue of PAC's, Mr. President, let me say that I have never believed that PAC's per se are an evil in the current system. On the contrary, PAC's are a very healthy instrumentality of politics. PAC's have brought people into the political process: nurses, educators, small businesspeople, senior citizens, unionists, you name it. They permit people of modest means and limited individual influence to band together with others of mutual interest so their message is heard and known.

For years we have encouraged these people to get involved, to participate. Yet now that they are participating, we turn around and say, "Oh, no, your influence is corrupting, your money is tainted." This is wrong. The evil to be corrected is not the abundance of participation but the superabundance of money. The culprit is runaway campaign spending.

To a distressing degree, elections are determined not in the political marketplace but in the financial marketplace. Our elections are supposed to be contests of ideas, but too often they degenerate into megadollar derbies, paper chases through the board rooms of corporations and special interests.

Mr. President, I repeat, campaign spending must be brought under control. The constitutional amendment I have proposed would permit Congress to impose fair, responsible, workable limits on Federal campaign expenditures.

Such a reform would have four important impacts. First, it would end the mindless pursuits of ever-fatter campaign war chests. Second, it would free candidates from their current obsession with fundraising and allow them to focus more on issues and ideas; once elected to office, we would not have to spend 20 percent of our time raising money to keep our seats. Third, it would curb the influence of special interests. And fourth, it would create a more level playing field for our Federal campaigns—a competitive environment where personal wealth does not give candidates an insurmountable advantage.

Finally, Mr. President, a word about the advantages of the amend-the-Constitution approach that I propose. Recent history amply demonstrates the practicality and viability of this constitutional route. Certainly, it is not coincidence that all five of the most recent amendments to the Constitution have dealt with Federal election issues. In elections, the process drives and shapes the end result. Election laws can skew election results, whether you are talking about a poll tax depriving minorities of their right to vote, or the absence of campaign spending limits giving an unfair advantage to wealthy candidates. These are profound issues which go to the heart of our democracy, and it is entirely appropriate that they be addressed through constitutional amendment.

And let us not be distracted by the argument that the amend-the-Constitution approach will take too long. Take too long? We have been dithering on this campaign finance issue since the early 1970's, and we haven't advanced the ball a single yard. It has been a quarter of a century, and no legislative solution has done the job.

The last five constitutional amendments took an average of 17 months to be adopted. There is no reason why we cannot pass this joint resolution, submit it to the States for a vote, and ratify the amendment in time for it to govern the 1996 election. Indeed, the amend-the-Constitution approach could prove more expeditious than the alternative legislative approach. Bear in mind that the various public financing bills that have been proposed would all be vulnerable to a Presidential veto. In contrast, this joint resolution, once passed by the Congress, goes directly to the States for ratification. Once ratified, it becomes the law of the land, and it is not subject to veto or Supreme Court challenge.

And, by the way, I reject the argument that if we were to pass and ratify this amendment, Democrats and Republicans would be unable to hammer out a mutually acceptable formula of campaign expenditure limits. A Democratic Congress and Republican President did exactly that in 1974, and we can certainly do it again.

Mr. President, this joint resolution will address the campaign finance mess directly, decisively, and with finality. The Supreme Court has chosen to ignore the overwhelming importance of media advertising in today's campaigns. In the Buckley decision, it prescribed a bogus if-you-have-the-money-you-can-talk version of free speech. In its place, I urge passage of this joint resolution, the freedom of speech in political campaigns amendment. Let us ensure equal freedom of expression for all who seek Federal office.

By Mr. BROWN:

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms; to the Committee on the Judiciary.

TERM LIMITS CONSTITUTIONAL AMENDMENT

• Mr. BROWN. Mr. President, today I rise to offer a joint resolution calling for the adoption of a constitutional amendment limiting congressional terms.

Congress is considering several measures that will change the way Congress does business. Congressional accountability will apply the laws to Congress. Unfunded mandate reform will reduce burdens on the States. The balanced budget amendment will fundamentally alter our budget process, and the line-item veto will end an era of midnight pork-barrel spending.

My amendment offers change of a different sort. Instead of changing our procedures, term limitations will change the way we think.

Following ratification of term limits, politicians would no longer view Congress as a lifetime career. The era of constant campaigning and the short-sighted policy making that comes with it would come to an end. Incumbent advantages would be limited. Elections would become more competitive. Voters would have a wider electoral choice as more and more people run for office. Instead of making political choices to preserve their seats, Members would be more likely to make the tough choices necessary to preserve our Nation.

When our Founding Fathers wrote the Constitution, they limited Government by disbursing power between the branches of Government. Checks and balances were created to provide oversight amongst the branches, and to ensure that Government remained loyal to the people, all other powers were specifically reserved for the people.

Over 80 percent of Americans favor limiting congressional terms; 22 of 23 initiative States have passed term limits for their Federal delegations and the 23d State should pass term limits this year.

Despite this overwhelming support, this body has voted on term limits only three times this century. Even worse, term limits has never made it to the floor of the House of Representatives. I was responsible for initiating two of the three votes in the Senate. The first time we received 30 votes, the second time 39 voted with us.

It is now time for the whole of Congress to answer the call of the people. The success of grass roots groups is impressive but incomplete. Congress must act to bring term limits to the millions of Americans whose wishes for a citizen legislature have been ignored at the State level.

My amendment would impose term limits on all Members of Congress. Senators would be limited to serving no more than two consecutive 6-year terms and Representatives would be limited to six consecutive 2-year terms.

Only elections following the amendment's ratification would be counted, and appointments and special elections would be excluded from the limits.

Mr. President, it is time we return to the fundamental belief of our Founders—that holding public office is a public service, not a lifetime career.

Term limits will restore the competition, responsiveness, and diversity intended by the Framers of the Constitution and demanded by our constituents.•

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 15, a bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws.

S. 38

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 38, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 194, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

SENATE RESOLUTION 31

At the request of Mrs. BOXER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 31, a resolution to express the sense of the Senate that the Attorney General should act immediately to protect reproductive health care clinics.

SENATE RESOLUTION 54—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. HATCH, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $4,343,438.00 of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $4,444,627.00 of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 55—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. COHEN (for himself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 55

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion—

(1) to make expenditures from the contingent fund of the Senate,

(2) to employ personnel, and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,046,685.

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,070,031.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate,

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate,

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate,

(4) for payments to the Postmaster, United States Senate,

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or

(6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations.".

• Mr. COHEN. Mr. President, today on behalf of myself and Senator PRYOR I am submitting a resolution to authorize funding for the Senate Special Committee on Aging for the period of March 1, 1995, through February 28, 1997.

This resolution makes a technical change in the amounts requested for committee operations from the funding resolution we introduced last week. The amounts contained in this resolution fully comply with the guidance issued by the rules Committee that directed each Senate committee to reduce its committee expenditures by 15 percent below the committee's budget authorization for 1994, plus approved cost of living adjustments.•

SENATE RESOLUTION 56—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 56

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1995, through February 29, 1996, and from March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period from March 1, 1995, through February 29, 1996, under this resolution shall not exceed $3,369,312, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $3,445,845, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600 may be expended for the training of the professional staff of such committee under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and from March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 57—MAKING MAJORITY PARTY APPOINTMENTS

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 57

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Small Business: Mr. Bond (Chairman), Mr. Pressler, Mr. Burns, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mrs. Hutchison, Mr. Warner, Mr. Frist, and Ms. Snowe.

Aging: Mr. Cohen (Chairman), Mr. Pressler, Mr. Grassley, Mr. Simpson, Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, and Mr. Thompson.

SENATE RESOLUTION 58—RELATIVE TO JOINT COMMITTEES

Mr. LOTT (for Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 58

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Ted Stevens, Mark O. Hatfield, Thad Cochran, Wendell H. Ford, and Daniel K. Inouye.

Joint Committee on the Library of Congress: Mark O. Hatfield, Ted Stevens, Thad Cochran, Claiborne Pell, and Daniel P. Moynihan.

SENATE RESOLUTION 59—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. LOTT (for Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 59

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 60—RELATIVE TO THE LINE-ITEM VETO

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 60

Whereas Federal spending and the Federal budget deficit have reached unreasonable and insupportable levels;

Whereas a line-item veto would enable the President to eliminate wasteful pork-barrel spending from the Federal budget and curb the deficit before considering cuts in important programs;

Whereas evidence may suggest that the Framers of the Constitution intended that the President have the authority to exercise the line-item veto;

Whereas scholars who have studied the matter are not unanimous on the question of whether the President currently has the authority to exercise the line-item veto;

Whereas there has never been a definitive judicial ruling that the President does not have the authority to exercise the line-item veto;

Whereas some scholars who have studied the question agree that a definitive judicial determination on the issue of whether the President currently has the authority to exercise the line-item veto may be warranted: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality.

Mr. SPECTER. Mr. President, earlier today the Constitutional Law Subcommittee of the Judiciary Committee had hearings scheduled on the line-item veto, and regrettably those hearings were not held because an objection was lodged under the rule which prohibits committee hearings from going forward or subcommittee hearings from going forward if they are in process more than 2 hours after the U.S. Senate commences its business.

I thought it was unfortunate that the hearings were canceled on that ground because a great many witnesses had come, and some from far distances, such as the distinguished Governor of Wisconsin, Gov. Tommy Thompson, to testify about this very important measure.

Mr. President, as the CONGRESSIONAL RECORD will show, this Senator has long supported the line-item veto. That is a provision which would give the President of the United States the authority to strike a given line of expenditure without vetoing the entire bill.

There was a very dramatic presentation made by President Reagan a few years ago when the Congress submitted to the President a continuing resolution which was all 13 of the appropriations bills. And it was an enormous pile, about 20 or 24 inches in size. President Reagan at his State of the Union speech was expressing his concern that, instead of sending 13 individual appropriations bills which the President might approve or veto one at a time, this continuing resolution had been sent, so that it was not even the line-item veto but it was a circumstance where the President had this massive legislation.

He had the bill precariously positioned on the edge of the podium, and I became somewhat concerned that it was going to fall. Then after 1 minute or 2, I realized that it was President Reagan's method—perhaps you might call it a theatrical method—to underscore the volume and size of the bill. And I think the people watching around the country on national television were concerned that the bill might fall as well.

That was a very dramatic way of depicting the problem the President faces with a continuing resolution with some 13 appropriations bills. But the same principle applies to a single bill. I believe that it is very much in the national interest so that the President would have the authority to strike an individual item one by one without vetoing the entire bill.

It is my view, Mr. President, that the President of the United States possesses constitutional authority under existing law to exercise the line-item veto. That proposition has been supported by very intensive local research which my staff and I have undertaken, and also by very extensive research which has been undertaken by distinguished leading scholars, including Professor McDonald, who has written extensively on this subject.

The constitutional approach that the Constitution currently gives the President the line-item veto arises from the fact that clause 3 of article I, section 7, of the U.S. Constitution is an exact copy of the Massachusetts Constitution. The Massachusetts Constitution was enacted substantially before the U.S. Constitution. It goes back to the Massachusetts fundamental charter of 1733, and was implemented specifically to give the royal governor a check on the unbridled spending of the colonial legislature.

Professor McDonald points out that at the time of the Constitution's ratification process anti-Federalist pamphleteers opposed the U.S. constitutional provision because it "made too strong a line-item veto in the hands of the President." Federalists, on the other hand, saw this clause, clause 3, and the power to veto individual items of appropriations, as an important executive privilege.

James Bowdoin, the Federal Governor of Massachusetts, argued that the veto power conferred upon the President in the Federal Constitution was to be read in light of the Massachusetts experience which did give the U.S. President the line-item veto. In the Federalist Paper No. 69, Alexander Hamilton, a member of the Constitutional Convention, who was soon to become the first Secretary of the Treasury, wrote that the constitutional veto gave power which "tallies exactly with the revisionary authority of the council of revision" in New York, which according to Professor McDonald had the power to revise appropriation bills and in effect exercise the line-item veto.

Without going into great detail—and I will put in the RECORD a statement which will amplify this—in the early days of the Republic the President did in effect exercise the line-item veto. President Washington and Treasury Secretary Hamilton acted upon the authority to shift appropriated funds from one account to another.

And Thomas Jefferson as President also embraced that practice and on at least two occasions refused to spend money that the Congress had appropriated. President Andrew Jackson declined to enforce provisions of a constitutional enactment, in effect exercising the line-item veto, and similarly in 1842, President John Tyler signed a bill which he refused to execute in full—there again, really exercising the line-item veto. It was not until after the Civil War that the President assumed that he did not have the individual line-item veto when President Grant urged Congress to grant him such authority.

Mr. President, that is an abbreviated statement of the reasoning that there is constitutional authority presently for the President of the United States to exercise the line-item veto. I had occasion to discuss this matter with President Bush when he was in office on a long plane ride, and the President said that his lawyer told him he did not have the power to line-item veto. I suggested, perhaps somewhat cavalierly, that perhaps he should change lawyers. I quickly suggested that President Bush not tell the bar association because I might want to practice law again some day.

In 1993, I had occasion to travel with President Clinton to western Pennsylvania and discussed with him the issue of the line-item veto, and upon my saying to President Clinton that he had the authority to exercise the line-item veto, he asked me to send him a memorandum on the subject, which I did.

I think it useful at the conclusion of my presentation to include that memorandum together with the letters I sent to President Clinton and his reply to me on the subject.

I am introducing, Mr. President, two resolutions, so that the Judiciary Committee will have these resolutions before them when they next have deliberation on the line-item veto. We had a Judiciary Committee hearing last year on a resolution which I had introduced, which would propose:

> The Constitution grants to the President the authority to veto individual items of appropriation and the President to exercise that constitutional authority to veto individual items of appropriation without awaiting the enactment of additional authorization.

When that matter was pending before the Constitutional Law Subcommittee, there was considerable sentiment among other Members that that might have gone a little farther than they wanted to go. But they were prepared to vote out a resolution which would say that there was at least sufficient authority so that the President should exercise the line-item veto. I am introducing the first resolution again which was before the 103d Congress, and then the second resolution which would provide that it is the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality.

In my opinion, Mr. President, the line-item veto is very, very important and ought to be exercised now. I think anyone who is President ought to move forward because of the legal authority that the President currently has that authority. But at a very minimum, there is sufficient legal authority for the law to be submitted for a judicial test.

Mr. President, I have long supported a line-item veto for the President, I have proposed constitutional amendments to grant the President such authority, and I have supported statutory enhanced rescission authority.

As these measures have failed, after extensive legal research and analysis, I now urge the President to exercise the line-item veto without further legislative action. I do so because I believe, after a careful review of the historical record, that the President already has the authority under the Constitution to veto individual items of appropriation in an appropriations bill and that neither an amendment to the Constitution nor legislation granting enhanced rescission authority is necessary.

The line-item veto would be effective in helping to reduce the huge deficit that now burdens our country. While alone it is no panacea, its use would enable the President to veto specific items of appropriation in large spending bills, thereby restraining some of the pork-barrel or purely local projects that creep into every appropriations bill. With the broad national interest rather than purely local concerns at work, the President's use of the line-item veto would cut significant amounts of this type of spending.

The line-item veto would also have a salutary effect on Members of Congress. Knowing that their attempts to insert items into appropriations bills will be subjected to presidential scrutiny, Members are likely to become more reluctant to seek special favors for the home district at the expense of the Nation at large. While such discretionary programs and earmarks do not account for a large part of Federal spending, getting control over them will improve the authorization and appropriations process. The President could use the veto to eliminate funding for unauthorized programs. Such a message would motivate Congress to reauthorize programs with regularity, improving our oversight and the effectiveness of the Government.

The line-item veto is not a partisan issue. It is a good Government issue. Many Democrats support the line-item veto; some Republicans oppose it. As a candidate in 1992, Bill Clinton firmly embraced the line-item veto. As President, he has the opportunity to make effective use of it to help control in some small measure the deficits we accumulate. By exercising this option, the President can provide a check on unfettered spending and carve away many of the pork-barrel projects contained in both versions of the budget that serve primarily private, not national interests.

Beyond the specific savings, the presence and use of the line-item veto by the President could give the public assurances that tax dollars were not being wasted. Each year the media report many instances of congressional expenditures which border, if in fact they do not pass, the frivolous. Those expenditures are made because of the impracticality of having the President veto an entire appropriations bill or sometimes a continuing resolution. That creates a general impression that public funds are routinely wasted by the Congress.

The line-item veto could eliminate such waste and help to dispel that notion. The resentment to taxes is obviously much less when the public does not feel the moneys are being wasted. Notwithstanding the so-called taxpayers' revolts in some States, there is still a willingness by the citizenry to approve taxes for specific items where the taxpayers believe the funds are being spent for a useful purpose. The line-item veto could be a significant factor in improving such public confidence in governmental spending even beyond the specific savings.

I now turn to the basis for my position that the President already has authority under the Constitution to exercise the line-item veto, without a need for additional constitutional or statutory legislation.

The constitutional basis for the President's exercise of a line-item veto is found in article I, section 7, clause 3 of the Constitution. Clause 2 of article I, section 7 provides the executive the authority to veto bills in their entirety. The question of conferring on the President the power to veto specific items within a bill appears not to have been discussed at the Constitutional Convention. During the drafting of the Constitution, however, James Madison expressed his concern that Congress might try to get around the President's veto power by labeling bills by some other term. In response to Madison's concern, Edmund Randolph proposed and the Convention adopted the third clause of article I, section 7, whose language was taken directly from a provision of the Massachusetts Constitution of 1780.

Clause 3 of article I, section 7 provides that in addition to bills—the veto of which is set forth in clause 2:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the case of a Bill.

While the clause does not explicitly set out the executive authority to veto individual items of appropriation, the context and practice are evidence that that was its purpose. According to noted historian Prof. Forrest McDonald of the University of Alabama, the clause was taken directly from a provision of the Massachusetts Constitution of 1780. In his article entitled "The Framers' Conception of the Veto Power," published in the monograph, "Pork Barrels and Principles: The Politics of the Presidential Veto" 1–7 (1988), Professor McDonald explains that this provision dates back to the State's fundamental charter of 1733 and was implemented specifically to give the royal Governor a check on the unbridled spending of the colonial legislature, which had put the colony in serious debt by avoiding the Governor's veto power by appropriating money through "votes" rather than through legislation.

Professor McDonald also points out that at the time of the Constitution's ratification process, anti-Federalist pamphleteers opposed the proposed Constitution and in particular clause 3 of article I, section 7, precisely because it "made too strong a line-item veto in the hands of the President."

Federalists, on the other hand, saw clause 3 and the power to veto individual items of appropriation as an important executive privilege—one that was essential in assuring fiscal responsibility while also comporting with the delicate balance of power they were seeking to achieve. For example, during his State's ratifying convention, James Bowdoin, the Federalist Governor of Massachusetts, argued that the veto power conferred to the President in the Federal Constitution was to be read in light of the Massachusetts experience under which, as I have already noted, the Governor had enjoyed the right to veto or reduce by line-item since 1733.

In the Federalist No. 69, Alexander Hamilton, a member of the Constitutional Convention who was soon to become the first Secretary of the Treasury, wrote that the constitutional veto power "tallies exactly with the revisionary authority of the council of revision" in New York, which, according to Professor McDonald, had the power to revise appropriations bills, not merely accept or reject legislative enactments in their entirety. This power was not unique to New York, as the Governors of Massachusetts, Georgia, and Vermont—soon to be the first new State admitted to the new union—also enjoyed revisionary authority over legislative appropriations.

As many of my colleagues know, our distinguished colleague from West Virginia, the chairman of the Appropriations Committee, has made a series of speeches on the Senate floor drawing on his vast knowledge about the historical underpinnings of our republican form of government and on the Framers' rationale for the checks and balances they created. His review of Roman history is apt, because, as he knows, the Framers were acutely aware of Roman history. This awareness helped them develop their government of limited powers and of checks and balances. The Framers knew that the vice of faction, the desire to pursue one's private interest at the expense of the public interest, had helped bring on the downfall of the Roman Republic. Madison and others were convinced that by diffusing power and balancing it off in different branches of government, we might avoid to the fullest extent possible, the defects of faction.

In another sense, however, the distinguished chairman of the Appropriations Committee, overlooks the fundamental differences between Rome's ancient government and ours. In ours, the people have a direct say. In Rome's the male citizens had a limited, indirect say, but mostly the ruling class was hereditary or was based on wealth. We have a democracy; Rome did not.

This fundamental difference between our Nation and ancient Rome means that there are more factions with which our Government must contend. With so many different factions, or "interest groups" as we call them today, it is much easier for one of them to capture a single Member of Congress to advance its cause and to fund it. Each Representative has a much narrower focus than a Senator, each of whom has a much narrower focus than the President. Thus, Congress is more susceptible to pressure from factions, as one Member who wants a favor for a particular faction trades his or her support for another Member's preferred faction. We all know that this appropriations log-rolling occurs. Ultimately, the President is presented with one large spending bill, much of which reflects the political horse-trading that occurs.

The line-item veto sheds light on the power of private interests that seek to use the appropriations process for their own private benefit. By excising line items and making Congress vote on them individually in an effort to override the veto, the President can shed light directly on these private interests and force Members to be more accountable to their constituents by voting on the projects identified by the President as unnecessary and wasteful.

Some, like the distinguished chairman of the Appropriations Committee, contend that the line-item veto would result in an intolerable shift of power from Congress to the Executive. To this argument, I have two responses. The first is that, as I believe I show, the Framers of the Constitution intended that the President have the authority to veto individual items of appropriations. Thus, in their concept, the line-item veto does not offend the balance of powers.

The second response is related to the entire structure of the Government. The Constitution places the power of the purse in the hands of Congress. It is a peculiarly legislative function to decide how much money to spend and how to allocate these expenditures. In this regard, however, spending is no different than any other legislative function. Thus, there is no reason to consider the line-item veto any more of an infringement of the separation of powers than the President's ability to veto bills at all. Hamilton recognized the structural importance of the veto in the Federalist 73, when he wrote that the veto provides "an additional security against the enaction of improper laws * * * to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of [the legislative] body" from time to time. The Framers were acutely aware that it is the legislative branch that is most susceptible to factional influence. Thus, they understood that the veto served a critical role.

But, opponents of the line-item veto argue, Hamilton's point went to bills as a whole, and not simply pieces of them. The legislative process necessarily relies on horse-trading to get things done, and nowhere is such trading more important than in the appropriations process. This response, while acknowledging the reality, is an answer that directly contradicts the Framers' intent and leads to bad government, for it accepts the premise that factions and the prominent Members of Congress who support their causes must be bought off with goodies in appropriations bills. But that is precisely the evil that the Framers sought to insulate against with the veto.

Given the role of factions in the appropriation process, the use of the line-item veto is completely consistent with the Framers' conception of the veto power. Indeed, that is not surprising, as the Framers believed they had granted the President a line-item veto. Despite the arguments of the distinguished chairman of the Appropriations Committee to the contrary, the line-item veto was not only intended by the Framers but is an appropriate limitation on congressional authority to combat the force of faction.

This process would not surprise the Framers of the Constitution. Madison and the others who met in Philadelphia in 1787 were not just knowledgeable about history. They were practical men of affairs and politics who understood human nature. They knew the dangers of faction and the likelihood that faction would influence Congress more so than the President, who is responsible to the entire Nation, not a single district or State.

Thus, it is only to be expected that the Framers provided Congress with the power to appropriate funds, tempered with executive authority to line-item veto as a means of expunging special interest spending was their resolution, and history bears this out. The line-item veto is entirely consistent with the Framers' conception of government and the dangers of faction.

Shortly after the new Federal Constitution was ratified, several States, including Georgia, Vermont, Kentucky, and my home State of Pennsylvania, rewrote their constitutions to conform with the Federal one and specifically incorporated language to give to their executives the authority to exercise a line-item veto. These States were in addition to the States like Massachusetts and New York, where the Governor's power to revise items of appropriation was well-established. For example, article II, section 10 of the Georgia Constitution of 1789 gave the Governor the power of "revision of all bills" subject to a two-thirds vote of the general assembly. Section 16 of chapter II of the Vermont Constitution of 1793 vested in the Governor and council the right to revise legislation or to propose amendments to the legislature, which would have to adopt the proposed amendments if the bill were to be enacted. Article I of the Kentucky Constitution of 1792 and section 23 of article I of the Pennsylvania Constitution of 1790 tracked the language of article I, section 7, clause 3 of the new U.S. Constitution.

The chief executives of both the State and new Federal governments immediately employed the line-item veto. On the national level, the early practice was one in which the President viewed appropriations as permissive rather than mandatory. President Washington and his Treasury Secretary Hamilton assumed the authority to shift appropriated funds from one account to another. Although his party had at one time opposed such transfers, once he became President, Republican Thomas Jefferson also embraced the practice, and at least on two occasions, he refused to spend money that the Congress had appropriated.

The practice continued. As late as 1830, President Andrew Jackson declined to enforce provisions of a congressional enactment. Likewise in 1842, President John Tyler signed a bill that he refused to excute in full. It was not until after the Civil War that a President assumed he did not already have the authority to veto individual items of appropriation, when President Grant urged the Congress to grant him such authority.

But President Grant's view was anomalous. The Framers' understanding and their original intent was that the Constitution did provide the authority to veto or impound specific items of appropriation. The States understood that to be the case, and many in fact embraced the Federal model as a means of providing their own executives this same authority.

I believe that the evidence strongly supports the position that under the Constitution the President has the authority to employ the line-item veto. At the very least, the President's use of the line-item veto will almost certainly engender a court challenge if the veto is not overridden. The courts will then decide whether the Constitution authorizes the line-item veto. If they find it does, then the matter will be settled. If they find it does not, then Congress may revisit the issue and decide whether to amend the Constitution or grant statutory enhanced rescission authority to the President.

In conclusion, I urge the President to employ the line-item veto if he is seriously committed to deficit reduction. As I have argued here today, the authority to exercise this power is not dependent on the adoption of a constitutional amendment or any additional legislation; it already exists. The Framers' intent and the historical practice of the first Presidents serve as ample evidence that the Constitution confers to the Executive the authority to line-item veto. Given President Clinton's use of the line-item veto as Governor and his support of it as a candidate, I urge him to act on that authority consistent with his rightful power to do so.

Mr. President, with these documents in the RECORD, there will be a reasonably full explanation of the legal basis for the line-item veto and the two resolutions which I am submitting for consideration of the Senate and which will be on the record when the Judiciary Committee next holds its hearing on this subject.

I thank my colleagues for the time I have taken.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Re Presidential authority to exercise a line-item veto

The President currently enjoys the authority under the Constitution to exercise a line-item veto without any additional constitutional or statutory authority. The consistutional basis for the President's exercise of a line-item veto is to be found in article I, section 7, clause 3 of the Constitution.

The first article of the Constitution vests legislative authority in the two Houses of Congress established thereunder. Clause 2 of section 7 of the first article provides the presidential authority and procedure to veto "bills." This is the basis for the President's clearly established authority to veto legislation. The provision also established the procedure under which Congress may override the President's veto.

The question of conferring authority on the President to veto specific items within a bill was not discussed at the Constitutional Convention. During the drafting of the Constitution in 1787, however, James Madison noted in his subsequently published diary that he had expressed his concern that Congress might try to get around the President's veto power by labeling "bills" by some other term. In response to Madison's concern and in order to guard the President's veto authority from encroachment or being undermined and preserve the careful balance of power it sought to establish, Edmund Randolph of Virigina proposed and the Convention adopted language from the Massachusetts Constitution which became article I, section 7, clause 3.

This clause requires that in addition to bills:

"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill [these being set forth in article I, section 7, clause 2]."

In combination with the preceding clause 2 of section 7, this third clause gives the President the authority to veto any legislative adoption of Congress, subject to congressional override.

The historical context of its adoption supports the position that clauses 3 vests the President with authority to veto individual items of appropriation.

According to the noted historian Professor Forrest McDonald in his paper "The Framers' Conception of the Veto Power," published in "Pork Barrels and Principles: The Politics of the Presidential Veto" 1–7 (1988), clause 3 was taken directly from a provision of the Massachusetts Constitution of 1780. This provision set in the State's fundamental charter Massachusetts law dating to 1733 first implemented to give the Royal Governor a check on unbridled spending by the colonial legislature, which had put the colony in serious debt by avoiding the governor's veto power by appropriating money through "votes" rather than legislation. Professor McDonald has also noted in an op-ed article published in the Wall Street Journal, that the agents of the King of England could disapprove or alter colonial legislative enactments "in any part thereof."

Discussion and debate at the Constitutional Convention over the meaning of clause 3 was scant. In his notes of the proceedings of the Convention, our main source for the intent of the Framers of our fundamental Charter, Madison noted only that Roger Sherman of Connecticut "thought [article I, section 7, clause 3] unnecessary, except as to votes taking money out of the Treasury." No other member of the Convention appears to have discussed the clause. Sherman's comment was important, as it demonstrates the context in which the Framers saw the newly added provision: it was needed only insofar as it pertained to votes appropriating money from the Treasury. Perhaps discussion was so scant because the meaning of the clause was clear to the Framers.

In his 1988 article, Professor McDonald notes that two Anti-Federalist pamphleteers opposed the proposed Constitution in part because article I, section 7, clause 3 "made too strong a line-item veto in the hands of the President." The Federalist Governor of Massachusetts, James Bowdoin, argued during the Massachusetts ratifying convention that the veto power was to be read in light of the Massachusetts experience in which, as noted, the line-item veto was exercised by the governor. In "The Federalist" No. 69, Alexander Hamilton wrote that the constitutional veto power "tallies exactly with the revisionary authority of the council of revision" in New York, which, according to Professor McDonald, had the power to revise appropriations bills, not merely turn down the entire legislative enactment. Massachusetts, Georgia, and Vermont also gave their executives revisionary authority over legislative appropriations.

Roger Sherman's comment was prescient, as he focused on the issue confronting us over 200 hundred years later. The language of clause 3 has proven to be redundant, as Congress has not attempted to avoid the strictures of the second clause. But clause 3 is not superfluous as regards, in Sherman's language, "votes taking money out of the

Treasury." In order to give effect to this provision, the President must have the authority to separate out different items from a single appropriation bill and veto one or more of those individual items.

This reading is consistent with the early national practice, under which Presidents viewed appropriations as permissive rather than mandatory. President Washington and his Treasury Secretary, Alexander Hamilton, assumed that the President had the authority to shift appropriated funds from one account to another. The former Anti-Federalists, having become the Republican party, objected to these transfers. Once a Republican, Thomas Jefferson, became President, however, he too considered appropriations bills to be permissive and refused on at least two occasions to spend money that had been appropriated by Congress.

Professor McDonald points out in his 1988 article that shortly after the new Federal Constitution was ratified, several of the States rewrote their constitutions to conform their basic charters to the new Federal one. The contemporaneous experience of these States is highly relevant to the Framers' understanding of the text they had devised. Several States adopted new constitutions in 1789 or the early 1790's. Of these, Georgia and Pennsylvania, and the new States of Vermont and Kentucky all adopted constitutions that included the phrasing of article I, section 7 to enable their governors to exercise the line-item veto.

According to a 1984 report of the Committee on the Budget of the House of Representatives, "The Line-Item Veto: An Appraisal," the practice at the national level of the President's exercise of a line-item veto continued. President Andrew Jackson declined, over congressional objection, to enforce provisions of a congressional enactment in 1830. In 1842, President John Tyler signed a bill that he refused to execute in full. Instead, he advised Congress that he had deposited with the Secretary of State "an exposition of my reasons for giving [the bill] my sanction." Congress issued a report challenging the legality of the President's action.

Professor McDonald noted that between 1844 and 1859, three northern States, responding to fiscal problems, adopted constitutions explicitly providing their governors with power to veto individual items of appropriation. Building on this history, the provisional Constitution of the Confederate States of America also made explicit that the President of the Confederacy had line-item veto authority.

It was only after the Civil War that President Grant suggested that he did not already enjoy the authority to veto individual items of appropriation and other specific riders to legislation and urged that he be granted such authority. President Grant's position that he did not enjoy a line-item veto under the Constitution was directly contradictory to the original understanding of the Constitution, a position endorsed by Presidents Washington, Jefferson, Jackson, and Tyler through usage. It ignored the original understanding of the Framers of the Constitution and the historical context in which that document was drafted. Proposals for a Federal line-item veto have been made intermittently since the Grant Administration.

An alternative argument based on the language of article I, section 7, clause 2, but consistent with the original understanding of the veto power, has also been made to support the President's exercise of a line-item veto. In discussing why the issue of a line-item veto was not raised during the Constitutional Convention, Professor Russell Ross of the University of Iowa and former United States Representative Fred Schwengel wrote in an article "An Item Veto for the President?" 12 Presidential Studies Quarterly 66 (1982), "[i]t is at least possible that this subject was not raised because those attending the Convention gave the term 'bill' a much narrower construction than has since been applied to the term. It may have been envisioned that a bill would be concerned with only one specific subject and that subject would be clearly stated in the title."

Professor Ross and Mr. Schwengel quote at length the former Chairman of the House Judiciary Committee, Hatton W. Sumners, who defended this view in a 1937 letter to the Speaker of the House that was reprinted in the Congressional Record on February 27, 1942. Chairman Sumners was of the view that the term "bill" as used in clause 2 of section 7 of the first article was intended to be applied narrowly to refer to "items which might have been the subject matter of separate bills." This reading he thought most consistent with the purpose and plan of the Constitution. Thus, Chairman Sumners believed that clause 2, as originally intended, could also be relied upon to vest line-item veto authority in the President.

Chairman Sumners' reading is also consistent with the practice in some of the colonies. Professor McDonald cites to the Maryland constitution of 1776, which expressly provided that any enacted bill could have only one subject. Several other States followed Maryland during the succeeding decades and limited legislative enactments to a single subject.

A review of the contemporary understanding of the veto provisions of the Constitution when drafted supports the view that the President currently enjoys line-item veto authority, which several Presidents have exercised.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 9, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Following up on our conversation on Air Force One enroute to Pittsburgh last week, I am enclosing for you a copy of a statement which I presented on the Senate floor today together with a memorandum of law on your power to exercise the line-item veto without a constitutional amendment or statutory authority.

The essence of the position is that Article I, Section 7, Clause 3 of the U.S. Constitution adopted language from the Massachusetts Constitution which authorized the line-item veto. Pennsylvania, Georgia, Vermont and Kentucky included that phrasing to enable their governors to exercise the line-item veto. Presidents Jefferson, Jackson and Tyler refused to execute portions of congressional appropriations enactments constituting a line-item veto.

Again my thanks for including me in last week's trip to Pennsylvania.

My best.

Sincerely,

ARLEN SPECTER.

THE WHITE HOUSE,
Washington, DC, December 18, 1993.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter discussing the President's power to exercise line-item veto authority. Your remarks on the Senate floor, as well as the memorandum of law enclosed, are thoughtful statements on the issue, deserving of considered attention. I appreciate your sharing them with me.

As you know I have supported granting the President line-item veto authority legislatively. I believe that H.R. 1578 as passed by the House, which provides for a modified line-item veto, represents a good compromise that would go a long way toward achieving the purposes of a line-item veto. I hope that I will continue to have your support in the effort to control spending and eliminate undesirable items of spending.

With best wishes,

Sincerely,

BILL CLINTON.

SENATE RESOLUTION 61—RELATIVE TO THE PRESIDENTIAL VETO

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 61

Whereas article I, section 7, clause 2 of the Constitution authorizes the President to veto bills passed by both Houses of Congress;

Whereas article I, section 7, clause 3 of the Constitution authorizes the President to veto every "Order, Resolution, or Vote" passed by both Houses of Congress;

Whereas during the Constitutional Convention, Roger Sherman of Connecticut opined that article I, section 7, clause 3 was "unnecessary, except as to votes taking money out of the Treasury";

Whereas the language of article I, section 7, clause 3 was taken directly from the Constitution of the Commonwealth of Massachusetts of 1780;

Whereas the provision of the Massachusetts Constitution of 1780 that was included as article I, section 7, clause 3 of the United States Constitution vested in the Governor of Massachusetts the authority to veto individual items of appropriation contained in omnibus appropriations bills passed by the Massachusetts Legislature;

Whereas the Governor of Massachusetts had enjoyed the authority to veto individual items of appropriation passed by the legislature since 1733;

Whereas in explaining the purpose of the constitutional veto power, Alexander Hamilton wrote in The Federalist No. 69 that it "tallies exactly with the revisionary authority of the council of revision" in the State of New York, which had the authority to revise or strike out individual items of appropriation contained in spending bills;

Whereas shortly after the new Federal Constitution was adopted, the States of Georgia, Pennsylvania, Vermont, and Kentucky adopted new Constitutions which included the language of article I, section 7 of the Federal Constitution, and allowed their Governors to veto individual items of appropriation on the basis of these provisions;

Whereas the contemporary practice in the States is probative as to the understanding of the framers of the Constitution as to the meaning of article I, section 7, clause 3;

Whereas President Washington, on a matter of presidential authority, exercised the prerogative to shift appropriated funds from one account to another, effectuating a line-item veto;

Whereas President Jefferson considered appropriations bills to be permissive and refused on at least two occasions to spend funds appropriated by the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Constitution grants to the President the authority to veto individual items of appropriation and

(2) the President should exercise that constitutional authority to veto individual items of appropriation without awaiting the enactment of additional authorization.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, January 17, 1995, at 10 a.m. in open and closed sessions to discuss the worldwide threat to the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS TO COMMITTEES ON SMALL BUSINESS AND AGING

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 57) making majority party appointments to the Small Business and Aging Committees for the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

So the resolution (S. Res. 57) was agreed to, as follows:

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Small Business: Mr. Bond (Chairman), Mr. Pressler, Mr. Burns, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mrs. Hutchison, Mr. Warner, Mr. Frist, and Ms. Snowe.

Aging: Mr. Cohen (Chairman), Mr. Pressler, Mr. Grassley, Mr. Simpson, Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, and Mr. Thompson.

PROVIDING FOR MEMBERS OF JOINT COMMITTEES ON PRINTING AND THE LIBRARY

AUTHORIZING PRINTING OF SENATE RULES

Mr. LOTT. Mr. President, I send to the desk two resolutions regarding Rules Committee routine matters and ask unanimous consent for their immediate consideration, en bloc, that they be agreed to, en bloc, and the motion to reconsider be laid on the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolutions (S. Res. 58 and S. Res. 59) were agreed to, as follows:

S. RES. 58

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Ted Stevens, Mark O. Hatfield, Thad Cochran, Wendell H. Ford, and Daniel K. Inouye.

Joint Committee on the Library of Congress: Mark O. Hatfield, Ted Stevens, Thad Cochran, Claiborne Pell, and Daniel P. Moynihan.

S. RES. 59

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11:30 a.m. on Wednesday, January 18, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of routine morning business not to go beyond the hour of 12 noon, with Senators permitted to speak for not more than 5 minutes each with the following Senators permitted to speak for the designated times: Senator INHOFE, 10 minutes; Senator THOMAS, 10 minutes, and Senator CAMPBELL for 5 minutes.

I further ask unanimous consent that at the hour of 12:00 p.m. the Senate resume consideration of S. 1, the unfunded mandates bill, and pending at that time will be the committee amendment No. 11 dealing with jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I advise the Members that votes are expected throughout the day on Wednesday and late into the night, in order to make progress on the bill. Senators should be on notice that a cloture motion was filed on the bill this evening. Therefore, a cloture vote will occur on Thursday.

Also, Senators should be aware that first-degree amendments should be filed at the desk no later than 1 p.m. tomorrow to be in order to the bill under a postcloture situation.

RECESS UNTIL WEDNESDAY, JANUARY 18, 1995, AT 11:30 A.M.

Mr. LOTT. If there is no further business to come before the Senate, and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, under the previous order.

There being no objection, the Senate, at 7:37 p.m., recessed until Wednesday, January 18, 1995, at 11:30 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE CITIZENS' TAX RELIEF ACT OF 1995

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. OWENS. Mr. Speaker, most Americans seem to agree that a tax cut is desirable, since they have become anxious while watching the Nation's economy plunge deeper into global interdependence. But Congress must be responsible enough to rein in the deficit simultaneously so that Americans do not end up paying higher taxes in the future. My proposal, the Citizens' Tax Relief Act of 1995, would successfully accomplish this delicate balancing act.

The 1990 Budget Enforcement Act—1990 act—requires that any cuts in taxes must be paid for with equal cuts in mandatory spending—entitlement programs such as Medicare and Social Security—or with increases in other taxes, not with cuts in discretionary spending. This pay-as-you-go rule has been invaluable in beginning to get a handle on the Nation's deficit.

Unfortunately, Democrats and Republicans alike appear ready to cast aside this proven tool of fiscal responsibility. Members on both sides of the aisle are toying with the idea of lowering the 5-year budget caps on discretionary spending, thereby forcing the appropriations committees to spend less. But according to the Congressional Budget Office [CBO], lowering the caps in a budget-reconciliation bill to pay for a tax cut is purely speculative. It is no different than what Republicans have been accusing Democrats of for years—spending first while promising to pay later.

Another option being considered is amending the 1990 act to break down the walls between mandatory and discretionary spending. Since this move would buy Members of Congress time in making difficult choices about cuts in entitlement programs, the result would likely be a deficit which continues to balloon.

For the reasons I have outlined, Congress must not take the easy way out. Instead, we must at least match proposed tax cuts with entitlement cuts or increases in other, more targeted taxes. The Citizens' Tax Relief Act of 1995 would do just that.

This bill would lower the first income tax bracket from 15 to 12.5 percent, giving every American a tax cut. To pay for it, a huge tax loophole would be eliminated—the favorable tax treatment of inherited property. To be equitable, the bill also would exempt from taxes the first $250,000 of capital gains on the sale of inherited homes—which is currently available only to individuals over the age of 55 and only for the first $125,000—and provide lower capital gains tax rates on the inherited property of heirs who pay the tax in the first 4 years after enactment of the bill.

Currently, when a person dies and leaves property to a family member, the amount by which that property increased in value during the person's lifetime is never taxed. Such a policy is fundamentally unfair considering that if the same person sells the property before dying, the individual is taxed on the gain. My bill would reverse that policy.

A study conducted by two Cornell University professors showed that more than 10 trillion dollars' worth of property will be inherited over the next 45 years. That means that there will be several trillion dollars of capital gains that should be taxed. If Congress takes advantage of this opportunity, we would have more than enough money to pay for my proposed tax cut, so that the bill actually would increase the revenues of the Federal Government. With the money left over, we could invest in job creation programs.

Mr. Speaker, I urge all of my colleagues to support this bill in order to achieve the three goals of increasing Americans' disposable income, creating jobs for everyone who is willing and able to work, and getting the Nation's fiscal house in order.

TRIBUTE TO FLOYD R. SCOTT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. PALLONE. Mr. Speaker, on Friday, January 6, 1995, Mr. Floyd R. Scott, Jr., of Tinton Falls, NJ, died at the age of 67. I rise today to join with the many friends, colleagues and fellow-community activists who knew Mr. Scott to pay tribute to this fine man.

A registered architect in the States of New Jersey and New York, Mr. Scott was past president of the New Jersey State Board of Architects and a past State chairman of the Committee on Preservation of Historic Buildings in New Jersey. To date, he is the first and only African-American appointee to the New Jersey State Board of Architects.

Mr. Speaker, the list of Floyd Scott's accomplishments is a long and impressive one. Born in Asbury Park, NJ, he attended local schools while growing up in Monmouth County. Mr. Scott was an Air Force World War II veteran, serving as a member of the Tuskegee Airmen, the famous 332nd fighter group, the first all-black pilot group. He earned his bachelor's degree in architecture at Howard University. He is listed in both the Who's Who in the East and the American Encyclopedia. Mr. Scott was a former president of the Neptune Township Board of Education, a member of the Rider College Board of Trustees, and a member of the Brookdale Community College Trustee Selection Committee. He was a past president of the Monmouth Boys Club, the Monmouth Council of Boy Scouts, the Monmouth County Men's Club and the Second Baptist Church of Asbury Park. He is a recipient of the NAACP's Distinguished Service Award.

Mr. Scott is survived by his wife, Ruby Scott, a son, Rudolph, his brother, Ed Royal Scott, and three grandchildren.

Mr. Speaker, Mr. Scott has served his community, his State and his country in an exemplary manner. In extending my deepest sympathy to his beloved wife, the rest of his family and his many friends, I hope we can all gain strength and inspiration from the fine example he set for hard work and distinguished achievement in his profession, love and devotion to his family, and dedication to making his community a better place.

INTRODUCTION OF THE STUDENT LOAN EVALUATION AND STABILIZATION ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. McKEON. Mr. Speaker, I join today with Representative BILL GOODLING, chairman of the Economic and Educational Opportunities Committee, and other members of the committee and with our Democratic colleagues in the introduction of the Student Loan Evaluation and Stabilization Act. This legislation is urgently needed in order to ensure the stability of the Federal student loan program that provide access to higher education opportunities for our Nation's students.

In 1992, when Congress reauthorized the Higher Education Act, extensive consideration was given to the concept of a Government direct lending program. After long and thoughtful deliberation, the House-Senate Conference Committee which was dominated by Democratic Members from both bodies of Congress, agreed to try a direct lending program over a period of several years on a pilot basis consisting of approximately 4 percent of new student loan volume.

One year later, during the budget reconciliation process, the complete phase-out of the Federal Family Education Loan Program was initiated by the administration in favor of a direct Government lending program. The pilot agreed upon during the 1992 reauthorization which allowed for a thorough evaluation of the program was no longer important. A swift move to a direct Government lending program was adopted in order to achieve budget savings. The administration continues to promote its direct lending program on the basis of the $4.3 billion in savings even though the Congressional Budget Office has estimated that approximately one-half of those savings disappear when long term administrative costs are included in the cost determination.

The administration also continues to promote the concept of public/private partnerships

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

while moving forward with plans to eliminate a public/private partnership that has been successful ever since passage of the Higher Education Act in 1965. Over the years, Congress has taken steps to strengthen this partnership by requiring improved service to students while reducing both student and program costs. Before Members of Congress are able to determine which loan program meets the needs of students, institutions, and taxpayers, we need a thorough evaluation of both programs and the bill we are introducing today allows for such an evaluation.

The bill allows for a much larger pilot than was contemplated under the 1992 amendments to the Higher Education Act, but we believe that a pilot consisting of 40 percent of new loan volume will permit Congress to carefully oversee and evaluate its implementation. At the same time, we will be maintaining a stable Federal Family Education Loan Program for those institutions not wishing to participate in a Government direct lending program. When both programs are fully operational, Congress will be able to fairly evaluate the programs for efficiency and cost effectiveness prior to making decisions to totally replace one program with the other.

Specifically, this bill provides for the continued implementation of the direct loan program at those institutions selected for participation in order to achieve 40 percent of new loan volume. It calls for increased congressional oversight with respect to the expenditure of funds on the part of the Department of Education and a revision to budget scoring rules that will correct the existing bias in favor of direct lending programs described by Rudolph Penner, former Director of the Congressional Budget Office, in his testimony before the Budget Committees of the U.S. House of Representatives and U.S. Senate on January 10, 1995. We have attempted to ease the application process for all students participating in the student aid programs to ensure that all students are treated in the same manner. Most importantly, we have provided stability to the student loan programs which are vital to the continued access to higher education for the students of this country.

In my new role as chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, I look forward to working with Chairman GOODLING and all the members of the subcommittee and full committee as we work to reform and improve the education and workplace policy programs under our jurisdiction.

CLINTON WRONG ON EIGHTIES

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. BAKER of California. Mr. Speaker, it has become fashionable in some quarters, including the White House, to dismiss the 1980's as a time of greed and venality, in which the rich exploited the poor and the Federal Government's deficits went wild due to the economic policies of the Reagan administration.

In today's edition of my hometown paper, the Contra Costa Times we read a lucid, compelling refutation of the President's misguided perspective. As the editorial in the Times notes, the eighties were a time of unprecedented economic growth. New jobs, rising wages and lower inflation followed the Reagan program. Yes, deficits grew—because a Congress without fiscal discipline spent without restraint.

I am including this outstanding editorial in the CONGRESSIONAL RECORD because it is a needed corrective to the relentless stream of misinformation we hear all too often about the Reagan era. I hope that many of my colleagues will take the time to read it.

CLINTON WRONG ON 1980'S—PRESIDENT SHOULD FOCUS ON PROBLEMS OF 1990'S

President Bill Clinton made a major mistake when he claimed that Republicans had disavowed Reaganomics and that Congress made a mistake in 1981 "to adopt a bidding war in the tax cuts that gave us what became known as "trickle-down economics' and quadrupled the national debt."

Republican leaders were quick to point out that they never attacked Reagan's policies and that Clinton was dead wrong about the cause of the deficit.

The president's remarks are hardly a way to begin a bipartisan effort to control federal spending and bring about needed reforms in government programs.

Equally disturbing is the view Clinton and many others in positions of power have of the 1980s.

Reagan's tax policies, which received wide bipartisan support at the time, can hardly be blamed for mounting deficits. Even though tax rates were reduced, government revenues grew dramatically, nearly doubling in the 1980s.

As a percentage of gross domestic product, tax revenues remained nearly constant. What grew during the 1980s was government spending.

Clinton also was wrong in saying that under Reagan the poor got poorer while the rich got richer. That's only half true. Wealthy people indeed gained economically in the 1980s, but so did the poor and middle classes.

According to the Department of Commerce, even the poorest one-fifth of Americans gained income in inflation-adjusted dollars in the 1980s, as did every other major income grouping.

More than 19 million jobs were created in the 1980s, unemployment dropped by one-fourth, inflation dropped by two-thirds, and the country enjoyed a prolonged economic expansion. That's a record Republicans are not about to back away from.

It's time for Clinton to stop campaigning against the 1980s and work together with the GOP to correct the problems of the 1990s.

END CHILDHOOD HUNGER—NOT NUTRITION PROGRAMS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. HALL of Ohio. Mr. Speaker, we all agree that welfare needs to be reformed—but we should not throw the baby out with the bath water. The Personal Responsibility Act contains a proposal to block grant current Federal nutrition programs such as WIC, Food Stamps, and the School Breakfast and Lunch Programs. It would remove their entitlement status. It would reduce their funding levels. This would be a terrible mistake.

Block granting these programs would in all likelihood increase hunger amongst our Nation's children. States will now have to bear the burden of administering the programs with less funding. States will be forced to make extremely difficult choices like reducing funding for WIC or eliminating the School Breakfast Programs because they are short of funds.

I believe it is part of the Federal Government's job to set priorities for our Nation and for me, our children are the priority. We can't, in good conscience, be unmoved when children go to bed hungry at night. We can't just send the issue of childhood hunger to the States and hope the problem goes away.

These food assistance programs serve as an important safety net for children. The Food Stamp Program alone serves 10 percent of the population in America—half of which are children. We know that for every dollar spent on WIC, we save $5 in health care costs later on down the road. We know that every child who participates in the School Breakfast Program is better able to learn in school and thus is more prepared to meet the challenges of the 21st century.

It is time to end childhood hunger, not successful nutrition programs that feed hungry children.

INTRODUCTION OF THE STUDENT LOAN EVALUATION AND STABILIZATION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. GOODLING. Mr. Speaker, today I am joining with several of my distinguished colleagues in the introduction of the Student Loan Evaluation and Stabilization Act—legislation that will allow a systematic review and evaluation of the current student loan programs. Specifically, this legislation will allow for the careful evaluation and comparison of the Federal Family Education Loan Program and the Federal Direct Student Loan Program to a true pilot status and allowing both programs to operate with continued stability for several years. Once this is accomplished, an independent evaluation can be made about whether the direct loan program serves students and institutions effectively, and whether the Federal Government can manage—and pay for—the multibillion-dollar student loan program which is so important to assuring access to higher education for millions of Americans.

Through the reconciliation process, the 103d Congress made policy considerations and decisions affecting the student loan programs without the benefit of a true evaluation of the long-term cost and effect. The impetus for the move to establish a direct Government lending program was projected budgetary savings of

$4.3 billion over 5 years. When pressed, however, the Congressional Budget Office revealed that when the administrative costs associated with a direct determination, almost one-half of the savings disappear. Rudolph Penner, former Director of the Congressional Budget Office in testimony before the Budget Committees of the U.S. House of Representatives and U.S. Senate on January 10, 1995, identified this particular aspect of scoring a direct Government lending program as one of the arbitrary measures currently found in the Credit Reform Act which creates a strong bias in favor of using direct loans instead of guarantees.

While the Clinton administration was talking about promoting new public/private sector partnerships, they moved forward with their proposal to dismantle one of the most successful of such partnerships. Participation of the private sector in the student loan program was summarily dismissed as being unnecessary and too costly. Notwithstanding the poor administrative record of the Government in the direct lending business, the belief that direct Government lending would lead to major improvements and lower costs in the student loan program was the overriding theme.

However, with the advent of the new Congress, we have determined that a careful comparison of programs for efficiency and cost effectiveness needs to be undertaken before decisions to totally replace one program with another can be made with any degree of confidence. We believe this to be particularly true when dealing with a loan program projected to be in the magnitude of $30 billion by 1998.

The legislation we are introducing today is designed to stabilize the current student loan programs, limit the loan volume in the Direct Loan Program to those institutions which have elected to participate in the first 2 years, continue the improvements which have already been initiated, and increase and enhance the congressional oversight of these particular programs. We pledge that the Congress will thoroughly evaluate the quality, effectiveness, efficiency and costs associated with these programs so that Members of this body are able to make informed decisions about what works for students, institutions and American taxpayers.

Specifically, this bill will allow for: First, the continued implementation of the Federal Direct Student Loan Program; second, the continued stability of the Federal Family Education Loan Program; third, reduced expenditures on the part of the Department of Education; fourth, improved congressional oversight of expenditures; fifth, ease in the application process for all students; and sixth, a revision to the Congressional Budget Act which will provide truth in budget scoring when determining costs associated with a guaranteed loan program and a direct Government lending program. I believe these are all important steps that this Congress needs to take in order to compare and evaluate programs while continuing to support our country's students in the pursuit of their education goals.

I want to express my pleasure at having the opportunity to work with BUCK MCKEON, the new chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, as he and the other subcommittee members tackle the important issues facing the 104th Congress in the areas of education and workplace policy.

I also want to express my gratitude to BART GORDON and my other Democratic colleagues who have helped to create this bipartisan effort and who share my concerns about integrity and accountability in the student aid programs. This bipartisan group has steadfastly voiced concerns with respect to this untested, expansive direct Government lending program and its long-term implications.

PRAISE FOR BILL STOUFFER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. SHUSTER. Mr. Speaker, few of us in this body would achieve much success if not for the help of the local officials in the towns and cities of our districts which we represent. These local officials are often the catalysts behind legislation which reaches both the State and Federal levels. Unfortunately, the selfless work of these men and women who serve the public at the local level all too often goes unrecognized. Today, Mr. Speaker, I rise to pay tribute to such a local official from my congressional district, who has dedicated his life to serving the community in which he lives. The man I am speaking of is Mr. Bill Stouffer of Altoona, PA.

Bill Stouffer has devoted the majority of his life toward serving and helping the people around him. He graduated from Altoona High School in 1940 and immediately answered the call of his country as a U.S. Marine Corps combat soldier. He has been noted as one of the first Americans to enter Nagasaki after the bomb was dropped. After the war, Bill worked for the city of Altoona as an electrical foreman for 18 years, earning a reputation amongst his peers as a man of integrity and character. This reputation enabled him to seek and win election to the Altoona City Council. He served as a city councilman from 1964–71 and in doing so distinguished himself as a community leader with a vision for a better tomorrow.

In 1972, Bill Stouffer was elected mayor of the city of Altoona. During his tenure as the city's mayor the area reaped the benefits of his leadership. Examples of this benefit can be seen in projects such as the construction of the 10th Avenue Expressway, the 11th Street tower, the water treatment plant, and the expansion of the Penn State Altoona campus. these projects and others like them helped to both create jobs and improve the quality of life for the people of Altoona.

In 1980, Bill Stouffer moved on to serve as a Blair County commissioner. As commissioner I asked him to chair a local committee to help bring the FAA Flight Service Center to the Altoona-Blair County Airport. It came as no surprise to me when Bill went after this task without hesitation, organizing and mobilizing a group of individuals to help make our case to the FAA. Although the Altoona area faced fierce competition from other cities including Pittsburgh, we were able to obtain the flight service center. This accomplishment would not have been possible if not for Bill's tireless work and undying commitment to the project.

Mr. Speaker, recently my good friend and colleague, Bill Stouffer, announced that he would not seek reelection to another term as county commissioner. While I am sad to see him go, I know that Bill's work within the community is far from finished. Bill will move on to become more deeply involved in his already extensive work with his church and other civic activities such as the Salvation Army, the Altoona Kiwanis, and a women's prison ministry which he himself established. In closing, Mr. Speaker, I would like to take this opportunity to salute Bill Stouffer for his more than 30 years of service to the community which he loves, and wish him the best of luck in his future endeavors.

NEBRASKA CORNHUSKERS ARE FOOTBALL'S NATIONAL CHAMPIONS IN EVERY WAY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. BEREUTER. Mr. Speaker, the Nebraska Cornhuskers' thrilling victory in the Orange Bowl on New Year's Day was an exhilarating success for the entire State. This Member joins all Nebraskans in extending hearty congratulations to Coach Tom Osborne and the Nebraska Cornhuskers on being named college football's national champions.

As important as this victory was for Nebraska, this Member believes it also sends an important message to all Americans. Everyone would do well to study the lessons offered by Coach Tom Osborne and the Huskers throughout the 1994 season. The Huskers' perfect season, the exciting Orange Bowl win, and the resulting national championship tell a compelling story about the importance of perseverance, hard work, and commitment to a goal.

The entire Cornhusker team was intensely motivated from the beginning of the year to complete its unfinished business. This incentive enabled the Big Red to rise above numerous obstacles along the way. Many so-called football experts counted the Huskers out when their star quarterback was unable to play and his backup suffered an injury as well. What wasn't taken into consideration was the absolute dedication of the entire team to turn it up a notch to get the job done. This same determination shone brightly when the team was trailing the University of Miami on their home field, in the Orange Bowl, during the fourth quarter. The Huskers pulled together as a team and found a way to completely stymie the Miami team and win.

The Huskers are clearly a reflection of their outstanding coach, Dr. Tom Osborne. During his 22 years as head coach, Osborne has earned national respect and praise for his coaching expertise, integrity, high academic motivation, and genuine concern for his players. He has set exemplary standards for excellence and character both on and off the field. Nebraska and NCAA football are certainly fortunate to have such an exceptional coach and role model.

Nebraskans have always considered Coach Osborne and the Huskers to be champions. It is certainly gratifying to see that the overwhelming majority of the country agrees. In conclusion, this Member commends to his colleagues the following article from the January 3, 1995, edition of the Lincoln Journal congratulating the Nebraska Cornhuskers on their outstanding success. Go Big Red.

[From the Lincoln Journal, Jan. 3, 1995]

HUSKERS: N CREDIBLE!

In the world of sports, as in the rest of the world, the good guys don't always win. In the 22 years since they won their last national title, a succession of very good Nebraska Cornhusker football teams has learned that, no matter how much they train and try, the other guys are sometimes better.

But not this time. The pollsters have spoken—thunderously. The good guys are the best there is.

This city and this state spent Monday basking in the glow of an undefeated season and an Orange Bowl victory. Tuesday, although a day back at work, is a day to bask in the glow of a national title.

Wednesday Nebraskans can remind themselves that football and all sports are only small parts of what the billboards at the borders advertise as The Good Life. They can get on seriously with 1995.

But not before one more warm embrace with some brand new and sparkling memories—of a coach who demonstrates, even in winning it all, his faithfulness to priorities that go beyond winning, of a team that leaves taunting to opponents foolish enough to waste their energy on it, and of a Big Red army that kept the faith.

In all those bars and bowling alleys and coffee shops across Nebraska, on all those charts where a dozen victories were joyfully recorded, victory No. 13 is now writ large: Nebraska 24, Miami 17.

The 1994 football season ended as it began. It was N credible!

TRIBUTE TO STEPHEN J. CAPESTRO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. PALLONE. Mr. Speaker, last year, the people of Middlesex County, NJ, lost one of their greatest and most popular public servants with the passing of Mr. Stephen J. Capestro. The death of Mr. Capestro has, for me, meant the loss not only of a top political leader, but of a good friend.

In December 1992. Mr. Capestro retired from elected public office after having served 24 years as a Middlesex County Freeholder. For 13 of these years, he served as the board's director. During those years of distinguished service, Steve Capestro's was a name and a face synonymous with dedication and good government. Shortly after his retirement, on May 27, 1993, Steve was honored with a testimonial dinner in Edison, NJ, which was attended by a wide array of State, county, and local political leaders from both parties, as well as many other community leaders. It was a most fitting tribute to a man who had made such a profound impact on his community, but it is sad that this proved to be one of the last occasions for many of Steve's friends and well-wishers to see him.

A native of Brooklyn, NY, Steve's family relocated to New Jersey where "Cap," as he was known to his classmates, graduated from Toms River High School. Steve was a four-sport athlete, and was active in many other organizations. He attended Franklin and Marshall University in Pennsylvania on a football scholarship, was active in student organizations and maintained honor roll grades. He went on to New Jersey's Rutgers University, where he was on the varsity football team for 3 years and earned the nickname the "Golden Toe" for his extra point kicking. He also held down various jobs throughout his college years. In fact, it was while working at the Raritan Arsenal that he met Miss Vivian Testa, whom he would go on to marry. But first, after graduating from Rutgers, Steve went into the Army and served as a paratrooper with the Office of Strategic Services during World War II. He received a medical discharge in 1945.

An active member of his church and community, Steve, along with other parishioners of Holy Rosary Church started one of the first Little Leagues in New Jersey. After years as a self-employed businessman, he was appointed director of health and welfare, parks and recreation of Edison Township. He became a Middlesex County Freeholder in 1968, serving as director of the board from 1979 until his retirement in 1992. From 1978 through 1984, Steve worked for the New Jersey Highway Authority, and was heavily involved in the senior citizen programs, ethnic festivals and other activities at the Garden State Arts Center.

Steve's commitment to his church and his community was well-known. The list of his civic memberships, accomplishments, and awards is a long one, so it's no coincidence that the list of people who volunteered to help organize his testimonial dinner was also quite long. Perhaps the best indicator of the type of official and the type of man that Steve was comes through in his own assessment of his life and career: "Life has been a lot of fun for Steve Capestro. Working with people is the greatest thrill of all. Working with the public is and always has been a pleasure and an honor."

For those who knew him personally, and for those who only knew of him through his work, this statement was pure Steve Capestro. Indeed, the public and private sides of Steve were the same person—straight-forward, down to earth, someone who genuinely enjoyed working with people. For his friends, colleagues and the many others who benefited from his years of exemplary pubic service, Steve Capestro will truly be missed. I extend my deepest sympathies to Vivian and hope that the many tributes to Steve will be at least some comfort to her.

Mr. Speaker, to my colleagues, in this House, I would say that the life and the public career of Steve Capestro represents everything that we should strive to be.

IN TRIBUTE TO ED MADIGAN

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. FAWELL. Mr. Speaker, I rise to pay tribute to my former colleague in the House, my dear colleague from the State of Illinois and, moreover, my good friend, Ed Madigan.

I had the honor of serving with Ed Madigan in Congress from 1985 to 1991. Ed was one of the Members of the Illinois delegation, and of the entire Congress, that I most respected and from whom I frequently sought counsel and advice.

For those of my colleagues who did not have the honor of serving with Ed in Congress, he served 10 terms in the House from Illinois' 15th Congressional District. For 8 years he was the ranking member of the House Agriculture Committee, and served on that committee for a total of 18 years. There was no greater authority in Congress on farm issues than Ed Madigan, and I often sought Ed's views on farm issues when they came before the House.

But Ed was not only a leader on agriculture issues. While in the House, he served as chairman of the Republican Research Committee, and was a senior member of the House Committee on Energy and Commerce.

Of course, in 1991, President Bush named Ed the Nation's 24th Secretary of Agriculture. As Secretary, Ed was designated by President Bush to serve as the lead negotiator on the agriculture portion of the trade negotiations under the GATT.

However, Ed Madigan is best remembered by me as simply a very good friend. Although when I first came to Congress, Ed was an eminently successful Member. He was never too busy to give me a listening ear. His success in politics never went to his head. With Ed, what you saw was what you got. There were no pretensions. He was a friend who could put one at ease precisely because he was interested in other people's concerns. I do not believe I ever heard anyone in Congress, or, for that matter, anyone in my presence ever say anything derogatory about Ed Madigan. I know I shall miss him. He leaves a rich legacy for all of us who were privileged to have known him.

BAN ON SATURDAY NIGHT SPECIALS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. GUTIERREZ. Mr. Speaker, the opening day of the 104th Congress, I reintroduced my bill, H.R. 250, to ban the manufacture and sale of Saturday Night Specials. I did so because I know these guns are used to commit crimes, from armed robbery to murder, every day. As crime in this country has grown so has the prevalence of Saturday Night Specials. I believe that taking these dangerous weapons off of our streets is a key to reducing violent crime and saving the lives of our Nation's citizens.

We have all heard the cliche "Guns don't kill people; people kill people." However, on the streets of our cities and in the schools of our neighborhoods guns kill people, some types of guns kill more often than others. Although we have successfully banned semi-automatic assault type weapons, we have failed to ban Saturday Night Specials, a type of handgun that dominates ATF's list of guns used most often in crime. One model, the Raven P–25, has topped that list since 1991.

Saturday Night Specials are cheap, easily concealed handguns. Many sell for between $70 and $115 while the average handgun costs approximately $400. Often they are made with deficient materials and do not possess any safety features. The guns my legislation addresses have already been banned from import by ATF because of their inherently dangerous characteristics. Five of the ten guns traced most often to crime by ATF in 1994 would be banned under the import criteria. Additionally, of all crimes committed with guns appearing on ATF's top ten list, the percentage committed with Saturday Night Specials increased from 58 percent in 1991 to 73 percent in 1994. "Made in America" usually means quality and pride, but not in the production of Saturday Night Specials.

Just recently, Intratec, famous for the TEC–9 semi-automatic, introduced the CAT–9 semi-automatic pistol. This new weapon weighs just 18 ounces and measures 5.74 inches overall, perfect for any criminal. Not only is it relatively cheap and very small, it has the capability to shoot seven rounds of 9 mm ammunition in a short amount of time. Guns and Ammo found that it is "designed for relative ease of concealment and close range shooting." I know of no sporting or defensive purposes that demand such features. This gun, too, would be banned under the import criteria but instead is in full production today.

Crime with guns is increasing. Saturday Night Specials, because of their design, are clearly the favorite weapon of criminals. H.R. 250 uses the same criteria ATF established for imports and does not apply to all handguns. Therefore, it is both easily implemented and easily enforced.

The basic fact is that passage of such legislation is critical to the survival of too many people for us to ignore.

HONORING THE WARSAW HIGH SCHOOL MARCHING PERCUSSION ENSEMBLE

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. ROEMER. Mr. Speaker, today I honor a dedicated and committed group of young people from my home district. This talented group of 24 young men and women make up the Warsaw, Indiana High School Marching Percussion Ensemble. Marching with the Tiger Pride Marching Band, the ensemble has earned distinction repeatedly over the years, and continues to strive for, and achieve, the highest standard of quality.

Having garnered numerous honors and titles in their young careers, the ensemble recently capped their success by winning the 1994 Grand National Indoor Percussion Championship at the Bands of America Competition in Indianapolis. Making their achievement all the more impressive is that this is the third consecutive year that the Warsaw ensemble has won the national championship. This is something in which they can and should take tremendous pride. This is also something in which our community can take great pride.

In addition to spending numerous hours in rehearsal, these 24 young people carry full class loads, study hard, belong to clubs, attend church with their families, and enjoy time with their friends. They have worked hard and deserve our recognition, support, and commendation.

Mr. Speaker, I also want to take this opportunity to applaud Band Director Marty Becker and Percussion Director Mickey Ratliff who have given so much of their time, energy, insight and enthusiasm to the young people of the Warsaw community. Clearly, they have used their position as teachers to the great benefit of their students, and I and the community they serve are grateful.

NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. SCHUMER. Mr. Speaker, on February 1, 1995, America will celebrate National Appreciation Day for Catholic Schools. It is certainly appropriate that we acknowledge the institutions that are preparing our young people for fulfilling lives of service, dedication, and achievement.

Over the years, this Nation's Catholic schools have educated thousands of students. They have given each child a high academic, value-added education that inspired him or her to grow and become a person of integrity and service. All students, regardless of race, creed, color, or gender are given the opportunity to learn, succeed and become contributors to the community.

This year's theme is Catholic Schools: Schools You Can Believe In. I am especially proud that a Catholic school in my district, Saint Athanasius in Bensonhurst truly embodies this idea. I would like to take this opportunity to commend them for the exceptional job they have done educating the young people in our community. Saint Athanasius School serves as an example in our community of how to prepare students to believe in themselves.

I know my colleagues in the U.S. House of Representatives will join with me in wishing Saint Athanasius and this Nation's Catholic schools many more years of success. It is clear that the men and women educators of these schools understand the value in investing in this country's most precious resource, our children.

THE "MUST-CARRY" REPEAL

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. BAKER of California. Mr. Speaker, I rise today to introduce legislation to repeal the must-carry provision of the Cable Act of 1992 in order to restore consumer choice.

The must-carry provision is a so-called consumer provision of cable regulation. However, it is the consumers who are hurt most by it. Cable television consumers are denied the ability to view many stations simply because the hands of the cable operators are tied by the must-carry rule.

Must-carry states that one-third of each cable operator's channel capacity must be reserved for local commercial broadcast stations. Local is defined as the area of dominant influence, or the closet metropolitan area. In many suburban areas, there is more than one major city nearby. In such cases, all stations from the closest city, regardless of appeal, must be carried, often at the expense of more popular stations from another city.

This legislation is a straightforward repeal of the must-carry rule. It will allow cable operators to listen to the wishes of consumers. The American people are sick and tired of Government telling them what to do. Repealing the must-carry rule is a step in the right direction.

DUTY DRAWBACK DISASTER RELIEF ACT OF 1995

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. BERMAN. Mr. Speaker, as we mark the 1-year anniversary of the devastating Northridge earthquake, some businesses in the Los Angeles area are still struggling to pick up the pieces and get back on their feet.

Despite the commendable efforts of FEMA Director James Lee Witt, former SBA Administrator Erskine Bowles, and HUD Secretary Henry Cisneros, a number of earthquake-damaged companies are at serious risk of falling through the cracks. Some of these face unique and unanticipated circumstances, and have thus been unable to qualify for the standard Federal disaster assistance programs.

To help one small subset of these needy businesses, I am once again introducing legislation that would provide an 18-month extension of the duty drawback filing period for businesses that sustain damage in a Presidentially declared disaster. Under current law, the Commissioner of Customs has no discretion to provide such an extension even if, through no fault of their own, businesses lose their records in a fire, flood, hurricane, tornado, earthquake, or other disaster.

This legislation would have an almost negligible budgetary impact, yet would be of crucial importance to the small number of businesses unable to file drawbacks when disaster strikes. The Customs Service, the Treasury Department, and the Office of the U.S. Trade

Representative have all signaled their support for this legislation, and I hope it will be enacted by the Congress in a timely fashion.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RULE FOR EXTENDING TIME FOR FILING DRAWBACK CLAIMS.

Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)), is amended by adding at the end the following:

"(3)(A) Notwithstanding the limitation set forth in paragraph (1), the Customs Service may extend the time for filing a drawback claim for a period not to exceed 18 months, if—

"(i) the claimant establishes to the satisfaction of the Customs Service that the claimant was unable to file the drawback claim because of an event declared by the President to be a major disaster on or after January 1, 1994, and

"(ii) the claimant files a request for such extension with the Customs Service within 1 year from the last day of the 3-year period referred to in paragraph (1).

"(B) If an extension is granted with respect to a request filed under this paragraph, the periods of time for retaining records set forth in subsection (t) of this section and section 508(c)(3) shall be extended for an additional 18 months.

"(C) For purposes of this paragraph the term 'major disaster' has the meaning given such term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).".

COMMENDING R. JAMES WOOLSEY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. COMBEST. Mr. Speaker, I would like to call to the Members' attention the following resolution which was recently passed in the House Permanent Select Committee on Intelligence.

TO COMMEND R. JAMES WOOLSEY FOR EXCEPTIONALLY DISTINGUISHED SERVICE TO THE UNITED STATES OF AMERICA

Whereas, R. James Woolsey has served the people of the United States of America in government and as a private citizen for over twenty-five years.

Whereas, R. James Woolsey began his public service with the United States Army in 1968 where he served as an advisor to the U.S. delegation to the Strategic Arms Limitation Talks, in the Office of the Secretary of Defense, and on the National Security Council Staff.

Whereas, R. James Woolsey went on to serve with distinction as a General Counsel to the U.S. Senate Committee on Armed Services, as Under Secretary of the Navy, as Delegate at Large to the U.S.-Soviet Strategic Arms Reduction Talks, and as Ambassador and U.S. Representative to the Negotiation on Convention Armed Forces in Europe, and as a member of several Presidential commissions.

Whereas, R. James Woolsey has served with distinction since February 5, 1993 as the Director of Central Intelligence.

Whereas, R. James Woolsey has worked diligently to lead the intelligence community to meet the demanding requirements of U.S. national security in an uncertain and unpredictable world.

Whereas, under the direction of R. James Woolsey, the intelligence community has provided excellent support to this nation in providing critical insights into the world hot spots—in Iraq, Somalia, Haiti, the former Soviet Union, and elsewhere; and followed and, when possible foiled, the proliferation of weapons of mass destruction, terrorist acts, and other activities inimical to U.S. national interests.

Whereas, R. James Woolsey has continued and further promoted the consideration and redirection of intelligence roles and missions while simultaneously coping with a dramatic reduction in fiscal resources and of personnel at over twice the rate directed by the President for the government at large.

Whereas, R. James Woolsey led the Central Intelligence Agency in the critically sensitive final stages of identifying and apprehending a traitor who had, in previous years, compromised some of its most valuable capabilities.

Whereas, R. James Woolsey judiciously and carefully began a complete revamping of personnel security practices and counterintelligence roles in the intelligence community to limit the possibility of a recurrence of such traitorous activity.

Whereas, R. James Woolsey used his tenure as Director of Central Intelligence to lay the groundwork for intelligence policies designed to support national security needs for the coming century.

Whereas, R. James Woolsey brought to his duties a commitment to improve effective congressional oversight and to demystify and explain the mission of intelligence to the people of the United States.

Now, therefore, be it resolved by the House Permanent Select Committee on Intelligence that, on the occasion of his departure as Director of Central Intelligence, the Committee expresses its deep appreciation to R. James Woolsey for his distinguished service to the people to R. James Woolsey for this distinguished service to the people of the United States and, particularly, for his leadership of the intelligence community and the Central Intelligence Agency.

TRIBUTE TO SAN DIEGO CHARGERS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the new champions of the American Football Conference, the San Diego Chargers. It is no secret that America's finest city now has America's finest football team and we are eagerly anticipating a Chargers' victory over the San Francisco 49ers in the Super Bowl.

To quote from the Associated Press, "What happens when the cork pops on 35 years of football frustration? Come to San Diego to find out. The San Diego Chargers are in the Super Bowl, and that has never happened before." On Sunday, when the triumphant Chargers returned from Pittsburgh, there were 70,000 screaming fans on hand to welcome them home.

For far too long, people have written off the Chargers. The Steelers made that mistake on Sunday. Before the AFC Championship, Pittsburgh was busy rehearsing for a Super Bowl video and their fans were booking trips to Florida. After the Chargers beat the Steelers 17–13, they aren't writing off the Chargers anymore in Pittsburgh.

Mr. Speaker, I want to salute Chargers president Alex Spanos, who has defied the skeptics and produced a world-class team through perseverance, hard work, a little luck and a little stealth.

I want to salute Chargers general manager Bobby Beathard, who has brought to San Diego his proven record of creating winners with his keen eye for talent, and a true commitment to teamwork.

To coach Bobby Ross and his team of coaches who are proven motivators. Their leadership has given this team the focus to never give up and the skills to overcome the obstacles in their way, against even the longest odds.

And finally to the players of the San Diego team, a team who national "experts" picked to finish last. They have proven that commitment, focus, teamwork and heart can win and that America's finest city has America's finest team, the San Diego Chargers.

RETIREMENT OF BRIG. GEN. EDWARD RAMIREZ DUENAS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend a journalist, a military commander, and a fellow legislator. Brig. Gen. Edward R. Duenas is a native son who has unselfishly contributed over three decades of valuable service to his home, the island of Guam.

General Duenas is the son of the late Jesus Camacho Duenas and Juliana Torres Ramirez Duenas. He is the brother of former Senator Jose (Ping) Duenas, retired Army Master Sergeant Jesus R. Duenas and Dr. Vincent A. Duenas. Born on May 11, 1936, in the city of Agana on Guam, he completed his high school studies at Father Duenas Memorial High School in Mangilao, Guam back in 1955. He later acquired a bachelor of science degree in journalism from Marquette University in Milwaukee, WI.

Immediately after graduation, he worked in various capacities from the island's news media. He also took some time out to serve in the Army in 1961 thru 1963. A total of 6 years was dedicated by him in direct service to the people of Guam through his work as a journalist. Between the years 1951 and 1965, he worked for publications and newscasts such as KUAM radio and TV, the Guam Daily News, and the Pacific Journal. He served as sports editor, local news writer, wire editor, and newscaster both in TV and on radio.

His government service began back in 1965. He served initially as public relations officer and later as a staff director for the 8th Guam Legislature. He took care of public relations, prepared news releases, public announcements and was later made responsible for the operations and management of the entire legislative staff.

General Duenas moved to the Governor's office in 1969 after occupying supervisory positions in a couple of government of Guam agencies. As Governor Camacho's press secretary, he handled media relations, prepared speeches, arranged meetings, and compiled information for the Governor's annual report to the Department of the Interior. On three occasions, General Duenas had the chance to bring holiday cheer to Guamanian fighting men in the war zone by accompanying the Governor on Christmas visits to Vietnam in 1969, 1970, and 1971.

A distinguished legislator, General Duenas was elected as a senator in the Guam Legislature back in 1974 and served for nine consecutive terms. As a Guam senator, he introduced over 50 bills and amendments which became law. Among these were laws that created the island's Department of Youth Affairs, Department of Military affairs, Division of Senior Citizens, and the original Commission on Self-Determination. We can also credit his bills for the establishment of a dual-track curriculum for Guam's public high schools, the original Summer Youth Internship Program and, among others, job protection and equivalent pay for Guam National Guard members activated for territorial duty. He also played a pivotal role in the creation of the island's Veterans Affairs Office, the establishment of its clinic, the construction of a veterans memorial building and the completion of the Guam Veterans Memorial Cemetery.

Senator Duenas also chaired a movement that led to the establishment of the Association of Pacific Islands Legislatures [APIL]. He presided over the association in its initial 3 years and he convened the first summit meeting between the APIL and chief executives of its various member nations.

His military background which dates back to 1961 was given a further boost by a direct appointment in March 1982 to the Guam Army National Guard. He received a commission to the rank of major and resumed working on press and public affairs until 1989 when he was picked to be assistant adjutant general for the headquarters of the territorial area command of the Guam National Guard. He later attained the highest possible position in the Guam Guard when he was appointed by former Governor Joseph Ada to office of the adjutant general of the Guam National Guard.

For over 30 years, General Duenas has distinguished himself as one of Guam's premier public servants. The body of work that he has done as a journalist, legislator, and military commander has contributed greatly to the positive direction that the island is currently taking. Therefore, I commend Brig. Gen. Edward Ramirez Duenas for having been the consummate public servant and congratulate him on his well earned retirement.

I also suspect that General Duenas will continue to serve the people of Guam through active participation in civic and political matters. Si Yu'os Ma'ase' Ed.

TRIBUTE TO THE GLADWIN LIONS CLUB

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure I rise today to recognize an outstanding organization in the State of Michigan. The Gladwin Lions Club in Gladwin, MI, and its many members have demonstrated their commitment and dedication to helping others for the past 25 years. By sponsoring philanthropic events throughout the year, they have illustrated their desire to improve Gladwin, MI, and positively impact their community and its residents.

It is the spirit of giving that makes the Gladwin Lions Club such a special organization. The Lions Club calls on its members to pool their resources in order to facilitate programs that benefit local citizens. It is this selfless donation of time and energy that makes Gladwin a kind and caring city and sets an outstanding example for other communities to follow.

The Gladwin Lions Club and its members have worked tirelessly to improve their city and the surrounding areas and enrich the lives of residents. They established collection centers at local optical stores to allow those purchasing new glasses to donate their old frames to those less fortunate. All have benefited from their service, from the families who need assistance, to residents who enjoy the improved quality of life in the area.

The United States was founded on the good nature of its citizens and excelled under their willingness to assist neighbors and friends. It is this sense of community that motivates the Gladwin Lions Club to accomplish all they can and to promote this caring nature in others. Mr. Speaker, I know you will join my colleagues and I in honoring the Gladwin Lions Club, the rewarding philanthropic events they sponsor and the sense of community their actions foster. I wish them continued success and look forward to another 25 years of giving.

TRAGIC LOSS OF FOUR SEATTLE FIREFIGHTERS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. McDERMOTT. Mr. Speaker, I would like to enter into the RECORD a few words in memory of the four firefighters who tragically lost their lives while serving the people of Seattle, WA on January 5, 1995.

Although I did not know firefighter James T. Brown, Lt. Walter D. Kilgore, Lt. Gregory Shoemaker, or firefighter Randall R. Terlicker personally, I appreciate their work in service with the Seattle Fire Department. The dangers they daily encountered to protect the residents of the Seventh Congressional District did not deter them, and I share the community's expressions of admiration, gratitude, and sorrow at this time.

All four firefighters exemplified the courageous tradition of their profession. Their implacable bravery and devotion to their work must not go unnoticed in the U.S. House of Representatives.

Mr. Speaker, I hope you join me in extending my condolences to their families, friends, and colleagues in the Seattle Fire Department.

SCHOOL CHOICE

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. HOKE. Mr. Speaker, we all know that a quality education is the greatest investment we can make in our children as well as in our Nation's future. It is often remarked that a Nation's most valuable asset is its youth, and as the father of three young children, I know full well the truth of that observation.

School choice is an innovative and overdue idea. At present, the public schools have a monopoly in education because their consumers, students, and their parents, are forbidden to choose which school to attend unless they can afford private or parochial schools. Not surprisingly, this Government monopoly has failed to provide a quality service to its captive consumers.

School choice would allow parents to take the money they already spend on taxes for education and invest that money in the school they believe will best educate their child. Essentially, the funds go where the child goes. The child would be able to go to a public or private school, including a religious one. By putting power in the hands of parents, schools would be forced to compete for students. Competition, in turn, will force school administrators to make much needed reforms in order to attract even more customers.

Father Anthony Pilla of the Catholic Diocese of Cleveland has undertaken an insightful study of the issue and has written a report which I believe will be of great interest to you, which I will submit to the RECORD.

IT'S GOOD PUBLIC POLICY

(By Bishop Anthony M. Pilla, Catholic Diocese of Cleveland)

In recent years at the local and national level discussion and debate about educational vouchers have become more and more prevalent in many and varied circles of society. As discussions occur and subsequently are covered by the media, misconceptions about nonpublic schools are frequently presented as factual (especially by those opposed to vouchers). Clearly the promulgation of misinformation is a disservice as committed citizens, parents, educators, and civic, church and business leaders seek to consider issues and reach valid, just and informed decisions to benefit all children of the United States.

Through this paper I would like to address the imperative that policy makers understand who would benefit most from public policies which would create and finance a system of education vouchers. This statement speaks to the possible ways in which education reform could truly enhance the lives and future of the children whose parents would like to send them to nonpublic schools. I invite citizens, parents, legislators, and leaders who desire to consider with integrity the issue of vouchers to read and refer to the information provided as future discussions take place.

WHO WILL BENEFIT?

There can be no mistaking the fact that it is truly the poor who will gain from such legislation. To assume that education vouchers will benefit only the wealthy is unfounded, based on little fact and much speculation. The people for whom an education voucher will really mean something are the people for whom these dollars will enable them to make choices about the education of their children. This, of course, is the basic economic principle of marginal economic utility. Therefore, to measure the true value of education vouchers, legislators must not only consider the dollar amount, but the value of those dollars in terms of what they can accomplish and for which people.

The assessment of who will benefit in the case of education vouchers is clear and substantiated by hard evidence. In a report titled "Public and Private Schools," issued a decade ago, James Coleman and others, specifically addressed the issue of the impact of public policy changes which would facilitate nonpublic school enrollment. The researchers developed the hypothetical situation of increasing family income and analyzed the effect of such an increase. The report clearly indicates that few students would shift from the public to the private sector, but of those that would a significant number would be minorities and/or from families with incomes at or below the national average. To be more specific such a policy change would mean the following:

1. Only a small proportion of public school students would shift to nonpublic schools;
2. The greatest shift would be among minorities, particularly Hispanics; and
3. The racial and ethnic composition of the groups that would shift to nonpublic schools includes more minorities that are currently in these schools.

To quote the Coleman study itself, "Because a tuition tax credit or a school voucher would even more greatly facilitate private school enrollment for students from lower income families relative to students from higher income families, we can expect that either of those policies would increase the proportion of blacks or students from low-income backgrounds in the private sector."

Nowhere has such a detailed and comprehensive analysis been done to see specifically who would benefit most from public policies such as education vouchers or tuition tax credits. Although exact outcomes are impossible to predict, the analysis contained in the Coleman study should allay the fears that such policies would destroy the public schools by encouraging the wealthiest students to move to the private sector. In effect, both the private and public sector should benefit through the equalization of the numbers of poor and minority students in both sectors.

The results of the Coleman study were confirmed in a survey done in 1982 by the Office of Educational Research and Improvement (OERI) at the U.S. Department of Education. This study, "Private Elementary and Secondary Education: Congressionally Mandated Study of School Finance," estimated that over 50% of public school parents would not even consider leaving the public school system even if all tuition costs were covered. The study also reported that Black and Hispanic families were much more likely than White families to switch their children to a nonpublic school if they were given some financial assistance. For instance, under a $500 tuition tax credit 53.0% of Hispanic and 47.2% of Black parents with children in the public schools said that they were "likely or somewhat likely" to switch their children to nonpublic schools, while only 26.8% of White parents with children in public school said they were "likely or somewhat likely" to switch their children to nonpublic schools.

More recently, there has been a great deal of research on the impact of public policy changes on nonpublic school enrollment which has even more strongly supported the validity of Coleman's claims. According to the Carnegie Foundation for the Advancement of Teaching only 19% of public school parents would consider sending their children to a nonpublic school. The Carnegie Foundation study also shows that most parents—87 percent—are satisfied with their children's public school. Furthermore, in those places where local governments have experimented with education vouchers, their has not been a mass exodus from the public schools. The full-scale voucher program recently implemented in Puerto Rico demonstrates that such a fear is unwarranted. During the two years of the operation of the Puerto Rican education voucher program, more school children in Puerto Rico chose to leave nonpublic schools to go to public schools than chose to leave public schools for nonpublic schools.

ARE NONPUBLIC SCHOOLS ELITIST?

So the evidence, both theoretical and empirical, is clear: an education voucher system will not leave the public schools empty; and, of those students whose families will use vouchers to choose nonpublic schools a disproportionate number will be minorities or from poor families. But what about these people who would use education vouchers to go to a nonpublic school? Will education vouchers really benefit participating students educationally? There are several misconceptions about the parents who choose to send their children to nonpublic schools and about the quality of nonpublic education. These misconceptions have been used by opponents of education vouchers to argue that nonpublic schools do not serve children from families who need financial assistance in order to continue to afford their school's tuition, and to argue that it is not good public policy to help parents have a choice about what kind of school their children are going to attend.

First, some people picture nonpublic schools as being white, wealthy and highly selective. These generalizations about nonpublic schools are highly inaccurate. Several recent studies published by the U.S. Department of Education demonstrate that nonpublic schools are not predominately attended by the wealthy. The National Center for Education Statistics recently issued a report which estimated that in 1985, 47% of students in church-related schools and 32% of students in nonsectarian schools were from families with incomes of between $15,000 and $35,000, while 42% of the students in public schools were from families within that income range.

According to research produced by the National Catholic Educational Association (NCEA), there are not significant differences between the income levels of public and Catholic school families. NCEA estimates that in 1992, 6% of Catholic high school families had an income level of under $15,000; 17% had an income level of between $15,000 and $25,000; 26% had an income level of between $25,001 and $35,000; 28% had an income level of between $35,001 and $50,000; and 23% had an income level of over $50,000. Using 1990 Census Data, the percentages nationwide for families of four were not significantly different: 17% of families had an income level of under $15,000; 16% had an income level of between $15,000 and $25,000; 18% had an income level of between $25,001 and $35,000; 20% had an income level between $35,001 and $50,000; and 30% had an income level of over $50,000.

To quote NCEA, "These data provide additional evidence to refute persistent and pernicious stereotypes of Catholic schools as a refuge for the wealthy. Clearly, many families who choose Catholic high schools for their children must strain to find money for tuition within limited budgets.

Research on elementary schools is even more telling in this regard. For the 1992–93 school year, NCEA estimates that 11.6% of Catholic elementary school families had an income of less than $15,000; 21.5% had an income of between $15,001 and $25,000; 25.1% had an income of between $25,001 and $35,000; 23.4% had an income of between $35,001 and $50,000; and, 18.3% had an income of more than $50,000. What may be more significant than this, is the fact that over 92% of all Catholic elementary school families had dual incomes in 1992–93. These statistics demonstrate that many Catholic school parents make significant sacrifices to send their children to a nonpublic school. In light of this evidence it is difficult to understand how anyone could claim that nonpublic school parents are wealthy, and therefore, not deserving of a share of the tax funds to which they contribute in order to assist them in the educational choice they are making for their children.

Inner-city nonpublic schools, in particular, demonstrate a remarkable willingness and ability to serve the needs of urban students from disadvantaged families. Research indicates that these schools draw from the same populations as the local public schools. According to data from the 1990 Census, there are over one million families living in our country's inner-cities—13.4% of all inner-city families with school age children—who send their children to nonpublic schools. These figures indicate that there are many parents in our cities and urban areas who are in desperate need of a public policy which says to them, "You may educate your children in the schools of your choice as guaranteed by the Constitution. And furthermore, you will be able to do so even though you may be poor or disadvantaged—whether or not you live in the cities or the suburbs or the rural areas of this country."

Consistent with the results of the Coleman study, the U.S. Department of Education's 1985–86 study on Private Schools demonstrates that the nonpublic school community has indeed been able to achieve a higher degree of integration relative to the racial backgrounds of their students than the public sector. It is also important to note that the percentage of minorities enrolled in all nonpublic schools has significantly increased over the last decade. Catholic schools, in particular, have performed particularly well in this regard. According to the National Catholic Educational Association, the percentage of minorities in Catholic schools has more than doubled since 1970–71. In 1993–94, the percentage of Black, Hispanic and Asian students made up 22.5% of students in Catholic schools. In light of these figures and of the trends indicated in the Coleman report, can anyone reasonably suggest that nonpublic schools do not serve children from a wide range of economic, racial and ethnic backgrounds?

All of this raises a simple point. Any public policy precluding or denying freedom of choice in education on the assumption that nonpublic schools are racist or elitist is public policy based on misconception. If anything, the facts indicate that a statement of public policy in the form of education vouchers would serve to further improve the racial and economic mix in both nonpublic and public schools.

The second general misconception about nonpublic schools concerns the quality of nonpublic schools and, in particular, as it relates to selectivity. Opponents of education vouchers often argue that nonpublic schools do a better job of educating children because they can be more selective in whom they accept and are free to expel the children they don't want. This viewpoint is quite simply not based on the facts.

Once again, let us consider this misconception in the case of the performance and policies of Catholic schools which, of course, educate over 50 percent of all nonpublic school children in the United States. The Catholic League for Religious and Civil Rights conducted a study on inner-city nonpublic schools based on an analysis of randomly selected schools in eight major cities around the country. The data from this study indicates that after giving preference for admission to parishioners, approximately 90 percent of these schools exercise open admission policies and rarely expel students. This data is further supported by research done by Dr. Vitullo-Martin. He states, "No researcher has found any extensive use of expulsion sufficient to explain the statistical differences in achievement rates between public and Catholic schools." This is not to say that nonpublic schools never expel nor dismiss students for various reasons, but that such action is not taken lightly, nor is done very often, as some opponents on nonpublic education would have us believe.

WHAT ABOUT QUALITY?

The misconceptions about the selectivity of nonpublic schools should not prevent the provision of education choice to parents and neither should misconceptions about the quality of nonpublic schools. In fact, the quality of nonpublic schools is at least as good as that found in the public sector and in many instances better. Once again, the Coleman data provides conclusive evidence:

1. Given the same kinds of students, nonpublic schools create more contact for students with academic activities. For example, attendance is higher, students do more homework and they take on average more vigorous subjects;

2. There is greater scholastic achievement in nonpublic schools than in public schools, brought about by a more ordered environment;

3. The growth rates in achievement between the public and nonpublic schools differ, with strong evidence that average achievement among nonpublic school students is "considerably" greater than in the public sector; and

4. In discussing Catholic schools, in particular, the Coleman report concludes that Catholic schools most closely resemble the ideal of the "common school." That is, they educate children from different backgrounds and obtain greater homogeneity of student achievement.

These conclusions have been supported by more recent examinations of the relative achievement levels in nonpublic and public schools. In his above mentioned book on Catholic schools, Anthony Bryk reported that in 1988, 64% of Catholic school students in grade 10 compared with 45% of public schools students in grade 10 stated that they had plans to attend college. More importantly, Bryk's research showed conclusively that the distribution of academic achievement is more equalized across class, race and ethnic lines in Catholic schools than in the public schools. In other words, the average level of achievement in mathematics, for example, is not only higher in Catholic high schools, it is less strongly related to social class and racial and ethnic background.

The impact of an education in Catholic school clearly has long term benefits as well. For example, the U.S. Department of Education reported that by the spring of 1986, 36% of White Catholic high school graduates, 25% of Black graduates and 25% of Hispanic graduates went on to receive a BA, BS or MA, while only 19% of White Public Schools graduates, 9% of Black graduates and 9% of Hispanic graduates had received one of those degrees.

I do not point out these things to accentuate the differences between public and nonpublic education. More than two-thirds of Catholic school-age children in this country attend public schools, and I remain committed to and supportive of the public schools in this nation.

For too long the nonpublic schools in this country have been accused of being racist, elitist and of inferior quality. Past attempts to establish a public policy which would truly give parents educational freedom of choice have been defeated using these misconceptions as reasons against granting equity to parents, especially the poor parents of our nation. Hard evidence is now available and it reveals these misconceptions for what they are. The evidence tells us that poor parents will benefit most from a system of education vouchers and that the schools to which they would send their child can no longer be considered a priori to be racist or elitist. The evidence also tells us that the quality of nonpublic school education is certainly not inferior. None of the misconceptions which have been attributed to nonpublic schools in the past should stand in the way of the establishment of an education voucher system as a matter of public policy. There should be no doubt that justice and equity demand such public policy, for to be poor without educational choices is in itself a greater poverty. Policy makers have an opportunity to provide that justice and equity, by providing educational choices to minorities and poor of this country. The time to act on education vouchers is certainly at hand. I urge you to support a system of education vouchers—a policy which will bring educational justice and freedom to the people of this country.

TRIBUTE TO DICK AUSTIN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. LEVIN. Mr. Speaker, Dick Austin's decades of public service deserve more than the typical testimonial accolades.

His career has indeed been unique. In his own quiet but determined fashion, Dick has truly been a pioneer, breaking through a number of barriers in the State of Michigan.

He has represented an important embodiment of the dream of Dr. Martin Luther King, Jr.—that we be judged by the content of our character rather than the color of our skin. He has been an ambassador of good will among us as citizens of Michigan, in every corner, indeed virtually every nook and cranny of our State.

He has done so by bringing high competence and full integrity to a major office affecting the lives of us all. From our physical security on our highways to honesty in the voting booth, Dick Austin has stood up for Michigan's interests.

Twenty-five years ago, I had the privilege of campaigning statewide with Dick Austin. Our earlier friendship deepened with that experience and has increased with each year's passing. May Dick continue in good health, so that we will continue to be blessed with his good cheer, warm friendship, and unusual talents.

TRIBUTE TO JOHN FRIERSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Mr. John Frierson, who is retiring this month after a dedicated career of 26 years to the citizens of Los Angeles. On Friday, January 20, 1995, in Los Angeles, John's many friends and colleagues will gather at a retirement dinner in his honor at the Continental Plaza Hotel. In recognition of his service to the community, I am pleased to highlight just a few of his career and community service accomplishments for my colleagues.

Born in Harlem in New York City, John graduated from George Washington High School, and studied history at the City College of New York. He moved to Los Angeles in 1957, and has completed courses in law enforcement and history at the University of California, Los Angeles.

During his career in the U.S. Navy, John served aboard the U.S.S. *Little Rock*. In 1948, he was assigned as a personal 1st Class Steward to Adm. Richard Glassford, commander of the 3d Atlantic Fleet. A highlight of his assignment was a trip to Odessa, Russia—location of the 1947 summit meeting of President Harry S. Truman, Prime Minister Winston Churchill, and Premier Joseph Stalin.

Following his honorable discharge from the Navy, John embarked on a career in public service that would span nearly three decades. His career in law enforcement includes service as a deputy sheriff for the County of Los Angeles, and as the sergeant in charge of West Los Angeles traffic for the Los Angeles Police Department and the Department of Transportation.

For the past several years, John has served as the senior deputy to 10th district city councilman Nate Holden.

In addition to his public service, John has been actively involved in community affairs. He is a member of the Urban League, NAACP, Service Employees International Union, Local 347, and the Committee to Support Dial 911. He serves on the board of the Oscar Joel Bryant Police Association, and is a charter member of the Harlem Negro Theater. He also served as a member of Los Angeles city attorney James Hahn's Small Business Advisory Committee.

John's commitment to public service and his community is exceeded only by his commitment and enthusiasm for political activism. He is a past president of the New Frontier Democratic Club; former regional director, region 11 of the California State Democratic Party; member of the Democratic County Central Committee; and an executive board member of the California Democratic State Party and the Wilshire Community Police Council.

John is the recipient of numerous awards for his many contributions to the citizens of Los Angeles, including community service awards presented by Assemblywoman Gwen Moore, and Councilman Holden, respectively; the Outstanding Community Service Award, presented by the National Black Police Association, region 5; Member of the Year Award from the New Frontier Democratic Club; and Member of the Year in the 49th and 53d Assembly Districts Awards, presented by the Los Angeles County Democratic Committee.

Mr. Speaker, it has been my sincere pleasure to count John and his lovely wife, Susie, as my friends for many years. And it is especially fitting that a dinner is being held in John's honor to commend him on a fine record of service to the community. I am especially pleased to join in that tribute and to have this opportunity to pay tribute to John on this happy occasion. Please join me in extending to John and Susie best wishes for a retirement that is rich with happiness and full of prosperity.

TRIBUTE TO BRIG. GEN. SEBASTIAN F. COGLITORE, USAF

HON. ANDREA H. SEASTRAND

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 17, 1995

Mrs. SEASTRAND. Mr. Speaker, a friend of the Congress and a long-time leader in this Nation's space programs is retiring from the U.S. Air Force on February 1 of this year, Brig. Gen. Sebastian Coglitore. His most recent position has been as the director of space programs, Office of the Assistant Secretary of the Air Force for Acquisition, Washington, DC. In this position he has provided leadership and program management direction for development and procurement of all Air Force satellites and launch systems and the related ground infrastructure including communications, navigation, surveillance, weather, radar, and command and control systems.

General Coglitore has had a distinguished career of nearly 30 years of military service. After being commissioned through the New Jersey Institute of Technology Reserve Officer Training Corps Program in August 1965, he started his military career as a deputy missile combat crew commander for the Minuteman Intercontinental Ballistic Missile System at Grand Forks Air Force Base, ND. His last two decades of service have contributed directly to the success of the Department of Defense's space programs in both development and operations. General Coglitore was program manager of the first Department of Defense spacecraft to fly on the space shuttle and later, as the program manager for the United States largest space booster, the Titan IV, he led the Department's efforts to return to space after the *Challenger* disaster. His many tours of duty at the Pentagon included being deputy to the Deputy Assistant Secretary of the Air Force for Space Plans and Policy and being military assistant for space to the Secretary of the Air Force. He also held the position of command director at the NORAD Command Center, Cheyenne Mountain Air Force Base, CO. Before returning to the Pentagon in August 1993 he was the Commander of Space Command's 30th Space Wing and Director of the Western Range, Vandenberg Air Force Base, CA, where he was responsible for all west coast launch operations.

General Coglitore has received numerous awards and decorations, including the Defense Superior Service Medal, the Legion of Merit with two oak leaf clusters, the Meritorious Service Medal with oak leaf cluster, the Air Force Commendation Medal with oak leaf cluster, and most recently the Distinguished Service Medal, the citation of which is reprinted below.

General Coglitore plans to continue his work in space programs in a civilian capacity, but has not yet picked a specific location. On behalf of my colleagues and the congressional staff who have known and worked with General Coglitore we wish him and his wife Reggi the very best in their future endeavors.

DISTINGUISHED SERVICE MEDAL TO SEBASTIAN F. COGLITORE

The President of the United States of America, authorized by Act of Congress July 9, 1918, awards the Distinguished Service Medal to Brigadier General Sebastian F. Coglitore for exceptionally meritorious service in a duty of great responsibility. General Coglitore distinguished himself as Director of Space Programs, Assistant Secretary of the Air Force for Acquisition, the Pentagon, Washington, District of Columbia, from 20 July 1993 to 31 January 1995. In this important assignment, the forceful leadership and dedicated efforts of General Coglitore were significantly displayed in the research, development, and acquisition of space systems that are critical elements of the future operational effectiveness of the United States Air Force. The singularly distinctive accomplishments of General Coglitore culminate a distinguished career in the service of his country and reflect the highest credit upon himself and the United States Air Force.

PUBLIC OPINION ON NUCLEAR WEAPONS ISSUES

HON. ELIZABETH FURSE

OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 17, 1995

Ms. FURSE. Mr. Speaker, 1995 is a very important year for the issue of nuclear testing. The U.N. Conference on Disarmament will resume negotiations January 30 on a comprehensive test ban treaty [CTB].

Failure to make significant progress toward a CTB before the Non-Proliferation Treaty [NPT] Extension Conference in April could jeopardize the future of the NPT, which is a vital check on the spread of nuclear weapons throughout the world. The new Congress must provide the strong bipartisan political support necessary to expand efforts to halt nuclear proliferation and achieve a CTB.

A new poll shows that almost 80 percent of the American people believe that reducing the danger of nuclear weapons now should be an important priority for the U.S. Government. The overwhelming majority favor more aggressive arms control measures. These results were true for Republican, Independent and Democratic voters alike.

The national poll of 1,011 Americans revealed that: 90 percent favor further cuts in the world's total of nuclear weapons; 82 percent favor a global ban on all nuclear tests; and 82 percent favor eliminating all or most nuclear weapons.

Some 80 percent of Republican voters favor a test ban, as do 85 percent of Democratic voters and 81 percent of Independents. Similarly, 90 percent of all three voter groups favor further cuts in nuclear weapons, with 81 percent of Republicans opting for eliminating all, almost all or a lot of the weapons, compared to 84 percent of the Democrats and 83 percent of the Independents.

Mr. Speaker, I ask permission to insert the poll's findings in the RECORD. We need to listen to our constituents and get on with ridding the world of the scourge of nuclear weapons.

PUBLIC OPINION ON NUCLEAR WEAPONS ISSUES—DECEMBER 30, 1994–JANUARY 3, 1995

WASHINGTON, D.C—A new poll shows that almost 80 percent of the American people believe that reducing the danger of nuclear weapons now should be an important priority for the US government (with 56% saying it was a very important priority). The overwhelming majority favor aggressive arms control measures over the current policies, with lesser majorities supporting building a missile defense system or increasing defense spending. These results were true for republican, independent and democratic voters alike.

The national poll of 1,011 Americans asked about specific policy options:

90 percent favor further cuts in the world's total of nuclear weapons (72% strongly in favor).

82 percent favor a global ban on all nuclear tests (with 56% strongly in favor).

82 percent favor eliminating all or most nuclear weapons.

68 percent favor trying to build a theater anti-missile system for troops (43% strongly favor).

64 percent favor trying to building a global anti-missile system for the US (38% strongly favor).

54 percent favor increasing the US military budget (32% strongly favor).

80% of republican voters favor a test ban, as do 85% of democratic voters and 81 percent of independents. Similarly, 90% of all three voter groups favor further cuts in nuclear weapons, with 81% of republicans opting for eliminating all, almost all or a lot of the weapons, compared to 84% of the democrats and 83% of the independents.

Given a choice, 58 percent favor eliminating all nuclear arms in the world rather than for a few countries, including the United States, having nuclear weapons so no other nation would dare attack or while trying to keep the rest of the world from getting them. Only 40 percent supported the current policy of a few countries in the world having nuclear weapons.

Sixty-three percent say they had read or heard little or nothing about President Clinton's policies on nuclear weapons. Fewer than half (45%) said they were satisfied with the President's actions to reduce the danger of nuclear weapons, with 42 percent saying they were dissatisfied.

The poll was conducted of 1011 Americans over age 18 December 30 through January 3, 1995, by ICR Survey Research Group, which does polling for the Associated Press, The Washington Post, and others. The margin of error is +/− 3.1 percent (at the 95% level of confidence, according to standard polling practice.)

MASTER QUESTIONNAIRE

[Field dates: Dec. 30, 1994–Jan. 3, 1995]

Note: The following precautions were taken to minimize the effect of bias by averaging out small, deliberate biases introduced in question pre-ambles and response choices. This method also serves to prove that small biases do produce comfortingly small changes in the response statistics, so that the resulting averages not only probably produce less bias than the older method of survey design where preambles and response menu choices introduced by the survey designers are not tested at all. The new method also brackets the effect of bias, and often shows how little dependent on wording-bias responses are, and when they do occur what the exceptions to that rule are and how they arise: Questions were read in the order presented to both half samples. Q1 is identical to Q2 except Q1 has a more "comforting" introduction and Q2 has a more "alarming" introduction. Questions were read to half sample A as presented here. Half sample B had the "comforting" and "alarming" introductions [the words in brackets, like these] interchanged in Q1 and Q2. Half sample B in Q3 and Q8 were read the response choices in reverse order, and half samples A and B in Q12 tested the support for two strong but different reasons for not aiming toward the elimination of all nuclear weapons.

First a little background—

1. (half sample A). [The nuclear arms race has substantially diminished and many nuclear weapons have been eliminated in the last five years.] Should reducing the danger of nuclear weapons now be an important priority for the U.S. government or NOT an important priority? Is that very or somewhat important/unimportant?

Very important, 46%; Somewhat important, 30%; Somewhat unimportant, 17%; Very unimportant, 4%; and DK/NA, 3%.

Important 76%; Unimportant 21%.

1. (half sample B). Very important, 60%; Somewhat important, 21%; Somewhat unimportant, 10%; Very unimportant, 6%; and DK/NA, 3%.

Important 81%; Unimportant 18%.

2. (half sample A). It is also true that [the U.S. Russia still have many thousands of nuclear weapons. Terrorists could buy or steal nuclear weapons from a nuclear state. And other nations such as Iraq and North Korea may be building nuclear bombs.] Knowing that, I'd like to ask you again: Should reducing the danger of nuclear weapons now be an important priority for the U.S. government or NOT an important priority? Is that very or somewhat important/unimportant?

Very important, 61%; Somewhat important, 18%; Somewhat unimportant; 14%; Very unimportant, 5%; and DK/NA, 2%.

Important 79%; Unimportant 19%.

2. (half sample B). Very important, 58%; Somewhat important, 24%; Somewhat unimportant; 11%; Very unimportant, 5%; and DK/NA, 1%.

Important 82%; Unimportant 16%.

Average of four: Q1 and Q2 responses, A and B samples:

Should reducing the danger of nuclear weapons now be an important priority for the U.S. government or NOT an important priority? Is that very or somewhat important/unimportant?

Very important, 56%; Somewhat important; 23%; Somewhat unimportant, 13%; Very unimportant, 5%; and DK/NA, 2%.

Important 79%; Unimportant 18%.

3. How concerned are you that renegade countries or terrorist groups could get nuclear weapons?

Extremely, 21%; Very, 40%; Somewhat, 28%; Not very, 8%; Not at all, 2%; and DK/NA, 0%.

4. How much have you read or heard about President Clinton's policies on nuclear weapons?

A lot, 7%; Some, 30%; Just a little, 37%; Nothing, 26%; and DK/NA, 0%.

5. Are you satisfied with what President Clinton has done to reduce the danger of nuclear weapons?

Extremely, 3%; Very, 9%; and Somewhat, 33%.

Total satisfied, 45%.

Extremely, 6%; Very, 13%; Somewhat, 23%; and DK/NA, 13%.

Total dissatisfied, 42%.

Now some suggestions for dealing with nuclear weapons—

6. Do you favor or oppose the U.S. negotiating an international agreement to end all nuclear test explosion?

Strongly, 56%; and Somewhat, 26%.

Total favor, 82%.

Strongly, 7%; Somewhat, 8%; and, DK/NA, 3%.

Total oppose, 15%.

7. Do you favor or oppose negotiating an agreement where all nations with nuclear weapons agree to further reduce the world's total stockpile of nuclear weapons?

Strongly, 72%; and Somewhat, 19%.

Total favor, 90%.

Strongly, 4%; Somewhat, 3%; and DK/NA, 3%.

Total oppose, 7%.

8. [Asked of 90.4% who favor in Q7] Reduce the world's nuclear weapons stockpile how much? Of those asked:—

A little, 7%; A lot, 26%; Almost complete, 27%; Completely, 39%; and DK/NA, 2%.

Of total sample:—

Eliminate completely, 35%; Eliminate almost completely, 24%; Reduce a lot, 24%; Reduce a little, 6%; Oppose reduction (from Q7), 7%; and DK/NA (Total of Q7 and Q8), 4%.

Total reduce a lot, complete or almost, 82%.

9. Do you favor or oppose increasing the U.S. military budget?

Strongly, 32%, Somewhat, 21%.

Total favor, 54%.

Strongly, 22%, Somewhat, 21% and, DK/NA, 3%.

Total oppose, 43%.

10. Do you favor or oppose building an anti-missile system to protect the overseas troops of the U.S. and its allies from nuclear missile attack?

Strongly, 43%; and Somewhat, 25%.

Total favor, 68%.

Strongly, 12%, Somewhat, 15%; and, DK/NA, 4%.

Total oppose, 27%.

11. In addition, some say we need a new anti-missile system to protect the U.S. from accidental launches, unauthorized launches and threats of attack from third world nations. Others say that such systems will be expensive, will work poorly—in some circumstances not at all—and would sooner or later violate our ABM treaty obligations. Do you approve or disapprove of trying to build an anti-missile system that will try to shoot down missiles launched at the U.S.?

Strongly approve, 38%; and Somewhat approve, 26%.

Total approve, 64%.

Strongly disapprove, 19%; Somewhat disapprove, 13%; and DK/NA, 4%.

Total disapprove, 32%.

12. (A half sample) As a general goal, which of these two things do you think is more desirable—

1. The elimination of all nuclear arms in the world, 55%; or

2. For a few countries, including the U.S. to have enough nuclear arms so no country would dare attack them, 44%; and

3. DK/NA, 1%.

12. (B half sample). As a general goal, which of these two things do you think is more desirable—

1. The elimination of all nuclear arms in the world, 60%; or

2. For a few countries, including the U.S. to have nuclear arms, while trying to keep the rest of the world from getting them, 36%; and

3. DK/NA, 0%.

A DUAL IN THE DEFICIT WAR

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mrs. SCHROEDER. Mr. Speaker, I would like to share with my colleagues the January 15 Rocky Mountain News editorial, "A Dud in the Deficit War."

The dud in question is the much-ballyhooed balanced budget amendment. The Rocky counsels that the "Republicans would better spend their time devising real cuts in real programs and leave the hocus pocus to Barnum and Bailey."

I'm afraid, however, that the Rocky's call for real cuts in real programs is falling on unreceptive ears. One of our distinguished Republican budget-cutters recently launched an assault on the deficit by proposing the elimination of the Board of Tea Tasters.

A DUD IN THE DEFICIT WAR

The issue: The balanced budget amendment.

Our view: Sounds good, but probably wouldn't work.

The centerpiece of the Republican Party's Contract With America promises a line-item veto and a balanced budget amendment. The veto is a good idea, nearly everyone agrees, but the same cannot be said for the budget amendment, even if the principle behind it attracts the supports of 80% of Americans.

Few would deny that the idea of making the federal government spend no more than it takes in is pleasing to the ear. That, after all, is the economic philosophy private citizens ignore at their peril, at least in the long run. There was a time, in fact, when the idea of running a deficit in peacetime was thought to reflect a sort of moral shortcoming.

Yet there are several problems with the GOP's amendment. While the amendment promises to lock the government into a balanced budget and, in fact, outlaw deficits, a quick look at the not-so-fine type finds king-sized loopholes. By the mere act of securing a three-fifths vote, Congress can bust the budget with joyful abandon. We're not talking about wartime emergencies, which would suspend the amendment in order to allow for rapid increases in defense spending. No, the three-fifths vote looms like a bottle in a "reformed" drunk's basement—a strong temptation to backsliding.

Another ploy to get around the amendment's demands would be to use unrealistic budget assumptions and balance the budget merely on paper, a trick any politician who has been in Washington 15 minutes knows how to perform. There is also an element of deception in the fact that the amendment applies only to the formal budget document, not the actual operating budget.

A larger concern comes from state governments, which fear, for no little reason, that Washington's strapped politicians will pass on the cost of programs to them. Clearly enough, it is a great deal easier for Washington to force states to take up the slack than to order service cuts, job losses and new taxes. Washington pols could easily be tempted to make promises to valued constituencies and send the bill to states and municipalities. The federal budget might not suffer, but the jolt to local taxpayers could be immense.

Just now, the GOP hopes to assure governors and state legislators that another plank in its Contract, which calls for a crackdown on unfunded mandates, will eliminate this option. No doubt many Americans, and perhaps their state legislators, are so fed up and frightened by federal deficits that they are willing to take this leap into the unknown. Assurances that unfunded mandates will no longer be allowed may provide the security necessary to make that leap.

Even opponents of the amendment such as ourselves hardly believe it would be the end of the world. But to truly balance the budget, especially without tax increases, will mean eliminating services, slowing the growth of entitlement benefits and ending tax breaks. This is true even under optimistic scenarios for economic growth, given the ballooning deficits projected for the next century when the baby boomers retire.

Republicans would better spend their time devising real cuts in real programs and leave the hocus procus to Barnum and Bailey.

CHURCH RETIREMENT BENEFITS SIMPLIFICATION ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. CARDIN. Mr. Speaker, today I am introducing the Church Retirement Benefits Simplification Act of 1995. I am pleased to have Representative SHAW of Florida join me as an original cosponsor of this legislation.

The Church Retirement Benefits Simplification Act, which has in past Congresses had nearly 100 cosponsors, will simplify the rules in the Internal Revenue Code which apply to retirement plans sponsored by our country's religious denominations.

The centerpiece of the legislation is a proposed new section 401A of the Tax Code which would bring together in one place and clarify tax rules governing church retirement plans. By providing a separate code section which sets forth these rules as they apply to religious denominations, the bill will remove a great source of confusion and complexity. The relief provided by the bill applies to churches and to church ministry organizations, but not to church-related hospitals and universities.

The bill will extend relief already provided to churches which maintain 403(b) plans to churches and church ministry organizations which offer plans under section 401A. In the Tax Reform Act of 1986, Congress exempted churches with 403(b) plans from coverage and related rules. It is time to provide the same treatment to churches with 401(a) plans and remove the disparity we created then.

The need for this legislation stems from the fundamental differences between churches and the secular business organizations to which the coverage and related rules are primarily designed to apply. Churches and church ministry organizations are tax exempt. They therefore lack the incentive private sector employers have to maximize tax deductible employee benefit payments.

A related point is that the coverage and related rules are designed to limit the amount of income highly compensated employees can be paid on a tax-deferred basis. According to the 1994 Church Pensions Conference, however, ministers' salaries averaged just over $33,000. These modest salary levels leave little cause for concern about the dangers nondiscrimination testing is designed to prevent.

While some provisions of the Tax Code have no meaningful application for church plans, other requirements of the Tax Code are directly at odds with the theology and polity of particular denominations. While some denominations are hierarchical, others include many small, independent churches which have neither the personnel nor the resources to deal with complex compliance requirements.

By exempting churches and church ministry organizations from coverage and related rules, this legislation will permit them to devote their resources to fulfilling their spiritual and community-oriented missions.

A JUST AND LASTING PEACE IN THE MIDDLE EAST: WHAT CONGRESS CAN DO

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 1995

Mr. RAHALL. Mr. Speaker, the leadership of the Churches for Middle East Peace have cowritten a letter to all Members of Congress concerning steps Congress can take to help build confidence between Palestinians and Israelis in order to continue making progress toward lasting peace.

The letter articulates two issues with profound implications for negotiations in the months ahead and which are also of urgent concern to the churches: The future of Jerusalem and the protection of human rights.

Mr. Speaker, the group, Churches for Middle East Peace, are made up of a broad range of religions and religious beliefs and practices, and they include: The American Baptist Churches, USA, American Friends Service Committee, Church of the Brethren, Episcopal Church, Evangelical Lutheran Church in America, Maryknoll Fathers and Brothers, Mennonite Central Committee, Presbyterian Church [USA], Roman Catholic Conference of Major Superiors of Men, Unitarian Universalist Association of Congregations, United Church of Christ, and the United Methodist Church.

They encourage us, as Members of Congress, to actively support the Israeli-Palestinian peace process which lies at the core of the broader Arab-Israeli conflict, because they believe the process is presently at risk of breaking down. In support of their belief that the process is, or may become, at risk, they particularly cite the following:

Jerusalem: It is critical that the 104th Congress not hinder these negotiations by urging President Clinton to implement a policy that favors Israel's claims to the portion of the city annexed in 1967. Members of Congress can make an important contribution by encouraging the President to keep the question of Jerusalem open for the parties to negotiate and to respect the rights and aspirations of both parties. The letter goes on to say ". . . it is crucial that the U.S. Government vigorously oppose Israeli building of settlements or the expansion of existing settlements in the territory occupied by Israeli forces in 1967."

Human rights: We are concerned that human rights abuses, perpetrated both by the Israeli authorities and the Palestinian National Authority continue and that the U.S. Government in its role as a cosponsor of the peace process is doing little to promote respect for human rights.

Mr. Speaker, I commend to my colleagues this joint letter, and urge their reading of it in its entirety. The letter is reprinted here with the blessings and hope of the Churches for Middle East Peace for our thorough understanding of the issues, and for all necessary action to further a just and lasting peace in the Middle East.

CHURCHES FOR
MIDDLE EAST PEACE,
Washington, DC, January 3, 1995.

Hon. NICK J. RAHALL,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN RAHALL, The members of Churches for Middle East Peace (CMEP), a coalition of the Washington offices of Protestant, Roman Catholic, Episcopal, and historic peace churches, encourage your active support for the Israeli-Palestinian peace process which lies at the core of the broader Arab-Israeli conflict. We are writing to you now because we believe that process is at risk and there are steps the U.S. Congress can take to help build confidence between Palestinians and Israelis in order to continue making progress toward lasting peace.

There are a number of problems that may undermine the peace process. We would like to draw your attention at this time to two issues with profound implications for negotiations in the months ahead and which are also of urgent concern to the churches: the future of Jerusalem and the protection of human rights.

Jerusalem: The Declaration of Principles, signed by Israel and the PLO on September 13, 1993, stipulate that the final status of Jerusalem is to be determined by the Government of Israel and the representatives of the

Palestinian people in the context of the "permanent status negotiations", now scheduled to begin no later than May, 1996. It is critical that the 104th Congress not hinder these negotiations by urging President Clinton to implement a policy that favors Israel's claims to the portion of the city annexed in 1967. Members of Congress can make an important contribution by encouraging the President to keep the question of Jerusalem open for the parties to negotiate and to respect the rights and aspirations of both parties.

Israelis and Palestinians must be encouraged to avoid unilateral actions that would prejudice the permanent status negotiations on Jerusalem. Most importantly, it is crucial that the U.S. Government vigorously oppose Israeli building of new settlements or the expansion of existing settlements in territory occupied by Israeli forces in 1967. Many observers fear that the settlement activity is an attempt by Israel to preempt the negotiations on Jerusalem by creating overwhelming facts on the ground.

The permanent status of Jerusalem, and the process by which it is determined, holds the potential for either promoting reconciliation between Jews, Christians, and Muslims or fostering conflict between them. We urge the U.S. Government to advance a vision of Jerusalem, "city of peace," as a symbol of reconciliation for the three faiths and for Palestinians and Israelis.

Human rights: The protection of human rights is an essential ingredient in the process of peacemaking. We are concerned that human rights abuses, perpetrated both by the Israeli authorities and the Palestinian National Authority (PNA), continue and that the U.S. Government in its role as a co-sponsor of the peace process is doing little to promote respect for human rights.

In mid-September two of our members, Pastor Mark Brown of the Lutheran Office for Governmental Affairs and human rights attorney Terence Miller of the Maryknoll Justice and Peace Office, met with leaders of Israeli and Palestinian human rights organizations and representatives of international bodies such as the United Nations Secretariat and the International Committee of the Red Cross to assess the human rights situation throughout the occupied territories. The enclosed briefing paper, prepared by Pastor Brown, Mr. Miller and staff of a number of other U.S. religious and human rights organizations, asks that particular attention be focussed on the following four areas:

1. Ensuring the creation of democratically accountable forms of government in the Palestinian partial self-rule areas;
2. Providing for the deployment of international human rights monitors throughout the territories to bolster protection for human rights and the rule of law for all;
3. Preventing the institutionalization of a dual and discriminatory justice system as a consequence of continuing military occupation; and
4. Calling for an end to illegal Israeli settlement activity.

We want you to know that we share the concerns raised in this briefing paper and ask that you will carefully consider the suggestions for U.S. Government action offered in each of the four areas.

We commend Israel and the Palestinian National Authority for their determination to press ahead despite horrendous acts of violence which make the way to peace all the more painful and arduous. We ask that you honor their commitment to the achievement of peace by promoting a U.S. policy which fosters a negotiated solution for Jerusalem and the protection of human rights.

Sincerely,

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association; Dale L. Bishop, Middle East Liaison, National Council of Churches of Christ in the USA; Fr. Robert J. Brooks, The Presiding Bishop's Director of Government Relations, The Episcopal Church; Mark B. Brown, Assistant Director, Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America; J. Daryl Byler, Director, Washington Office, Mennonite Central Committee; Peggy Hutchison, Area Secretary for the Middle East and North Africa, World Division, General Board of Global Ministries, The United Methodist Church; Elenora Giddings Ivory, Director, Washington Office, Presbyterian Church (USA); The Rev. Ted Keating, Director for Peace and Justice, Roman Catholic Conference of Major Superiors of Men's Institutions.

Jay Lintner, Director, Office for Church in Society, United Church of Christ; James Matlack, Director, American Friends Service Committee, Washington Office; Timothy A. McElwee, Director, Church of the Brethren, Washington Office; Terence W. Miller, Director, MaryKnoll Justice & Peace Office; Nancy Nye, Legislative Secretary, Friends Committee on National Legislation; Anna Rhee, Executive Secretary for Public Policy, Women's Division, General Board of Global Ministries, The United Methodist Church; Robin Ringler, Peace with Justice Program Director, General Board of Church and Society, The United Methodist Church; Robert W. Tiller, Director, Office of Governmental Relations, American Baptist Churches USA.

HUMAN RIGHTS AND THE ISRAELI-PALESTINIAN PEACE PROCESS

(A briefing paper prepared by staff of the Human Rights Program of the Carter Center, the Robert F. Kennedy Memorial Center for Human Rights, the Lawyers Committee for Human Rights, the American Friends Service Committee, the Lutheran Office for Governmental Affairs, and the Maryknoll Justice and Peace Office, Oct. 28, 1994)

The implementation of effective human rights safeguards for all people of the Middle East is essential to the success of efforts to create a just and lasting peace in the region. Respect for human rights in Israel and the occupied territories is an objective of the peace process and can contribute much in this interim phase to building the climate of mutual trust necessary for the achievement of peace.

U.S. policy makers have recognized the crucial importance to the peace process of promoting improvements in the quality of life of Israelis and Palestinians. There are broad public expectations among both communities that if peace is to have any meaning it will bring with it a marked decrease in political violence and human rights abuse. These expectations, which go beyond those that are simply economic, have yet to be addressed, and initial hopes for improved human rights protection are giving way to skepticism and disappointment.

Unfortunately, our government is doing little to ensure that consideration for human rights is at the forefront of the peace negotiations. Administration officials assert that human rights issues are "something to be discussed between the parties." This is an abandonment of the U.S. government's duties as a co-sponsor of the peace process. The administration must take a lead in ensuring that human rights are not the unintended casualty of the single-minded pursuit of a political settlement.

Threats to the fundamental human rights of Palestinian residents of the territories come both from the Israeli occupation authorities, and from the newly created Palestinian National Authority. The U.S. government has a role to play in ensuring that both these powers carry out their responsibilities in accordance with relevant standards of international human rights and humanitarian law. Failure to uphold the rule of law will only fuel mistrust, foster extremism, and interfere with the process of peacemaking.

Particular attention should be focused on the following four areas.

(1) Ensuring the creation of democratically accountable forms of government in the Palestinian partial self-rule areas.

The Declaration of Principles, signed on the White House Lawn just over one year ago, provided for the holding of "direct, free and general" elections among Palestinians in the West Bank and Gaza Strip to be held within nine months of the signing of the agreement. These elections have not yet been held, and preparations for them are not well advanced. Meanwhile, Chairman Arafat and the appointed Palestinian National Authority (PNA) wield broad discretionary powers over the everyday lives of Palestinians in Gaza and Jericho, including selection of judges and local government leaders. The PNA has already threatened basic rights such as freedom of expression and assembly by banning newspapers, putting constraints on peaceful political gatherings, and other measures that have a chilling effect on democratic discourse.

There is a close correlation between the protection of fundamental human rights and the existence of a representative governing authority. If the habits of democratic governance are to take root in the territories, further delay in the holding of free and fair elections should be minimized.

The United States can help meet the expectations widely expressed by the Palestinian public for democratic and accountable government by actively encouraging both Israel and the PNA to move forward with negotiations preparatory to the holding of elections, and by supporting practical measures conducive to the holding of elections that are free, fair and open to a broad spectrum of political movements. Such measures include protection of fundamental civil and political rights, voter education, support for the independent role of Palestinian human rights groups, and the withdrawal of Israeli troops from Palestinian population centers throughout the occupied territories during the election campaign and voting.

The United States should also promote the creation of an accountable form of government in the Palestinian areas after elections. In this regard, the election of an executive council alone, not counterbalanced by an elected legislature nor by an independent judiciary, does not constitute the basis for a functioning democratic form of government.

(2) Providing for the deployment of international human rights monitors throughout the territories to bolster protection for human rights and the rule of law for all.

The human rights situation in the territories remains highly volatile. There are armed extremist groups on both sides each committed to inflicting violence in the hope of derailing the peace process. The temptation is ever present for the Israeli government, PNA and opposition groups to exploit violent incidents for their own political purposes. The possibility of a cycle of violence taking hold in these circumstances, both inter-communally and intra-communally, should not be discounted.

An unarmed international human rights monitoring presence, under appropriate multilateral auspices, could play a valuable role in defusing disputes, and acting as an impartial witness to events. The ability of such a presence to report publicly on its findings should be established at the outset because it would be likely to deter potential human rights violators.

The groundwork for the deployment of such a presence has already been laid in negotiations between the parties and at the United Nations. The Cairo Agreement provided for the deployment of a Temporary International Presence (TIP) in Gaza and Jericho, although the scope of its duties was left to be defined by Israelis and Palestinians at a later date. Security Council Resolution 904, which followed the Hebron massacre of February 1994, also provided for a "temporary international or foreign presence . . . to guarantee the safety and protection of Palestinian civilians throughout the occupied territory."

The U.S. government should intercede with both parties to permit the deployment of an independent multilateral human rights monitoring presence throughout the territories occupied by Israel in 1967. For the human rights protection function of such a presence to be successfully accomplished, clear terms of reference need to be drawn up in advance, and agreed to by all parties, firmly rooting its activities in applicable standards of international law.

(3) Preventing the institutionalization of a dual and discriminatory justice system as a consequence of continuing Israeli military occupation.

The development of democratic norms of governance within Palestinian areas is also impaired by stark inequalities between Israelis and Palestinians in many areas, including the standard of justice available to members of each community. The Cairo Agreement of May 4, 1994, establishing partial Palestinian self-rule within the Gaza Strip and Jericho, provides for the continuation, in many circumstances, of the Israeli military justice system for offenses against Israelis or Israeli security, committed by Palestinians. Palestinian courts have been given no similar jurisdiction over Israelis who may commit offenses against Palestinians. Israelis who commit offenses in the territories are tried in Israeli civilian courts with a high level of regard for due process protection. In contrast, Palestinians are subject to the summary proceedings of the Israeli military courts.

This inequality before the law is deleterious to the cooperation between the Palestinian Authority and the Israeli government in law and order and security matters specifically called for in the agreements. Events such as the abduction of Israeli soldier Nachshon Waxman, and the bomb attack in central Tel Aviv, underline the absolute need for such cooperation. However, cooperation cannot flourish on a basis of institutionalized discrimination.

The U.S. government should urge the Israeli government and the PNA to eradicate disparities between the rights of Palestinian and Israeli criminal suspects from the territories. Members of Congress could contribute positively to this end by supporting Administration efforts to encourage the parties to ensure that administration of justice for all people in the territories guarantees equal protection, due process and other basic legal safeguards.

(4) Calling for an end to illegal Israeli settlement activity.

The building of Israeli settlements in the occupied territories is a violation of international law, and greatly exacerbates Palestinians' fears that they will be left with little land over which to exercise political autonomy. Previous U.S. presidents have stated that the settlements are illegal and constitute an obstacle to peace. Nevertheless, even as the negotiations between the Palestinian Authority and the Israeli government continue, Israeli settlement activity has not abated. For example, the Israeli government is currently considering adding another 700 housing units to the Alfei Menashe settlement near the West Bank city of Qalqilya.

Expansion of settlements undermines Palestinian confidence in Israeli intentions. It also violates the spirit of interim agreements and creates facts on the ground that may prejudice final status negotiations.

The Congress and the U.S. Administration can avoid inadvertently signaling support for these actions by reiterating the importance of halting further Israeli settlement activity and continuing to require that U.S. aid to Israel not be used for settlements as stipulated by U.S. Public Law 102–391, Title VI. By ensuring that no U.S. foreign assistance is used by Israel to support settlement activities, they will contribute to building Palestinian confidence in the agreements.